

HAILEY ORDINANCE NO. 1097

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING HAILEY'S ZONING ORDINANCE, ORDINANCE NO. 532, BY AMENDING SECTION 6A.1, TO CLARIFY APPLICABILITY; AMENDING SECTION 6A.4 TO CLARIFY THAT ADMINISTRATIVE DECISIONS UNDER SECTION 6A.2 DO NOT REQUIRE A PUBLIC HEARING; AMENDING SECTION 6A.5 TO SPECIFY PLAN SIZE; AMENDING SECTION 6A.7 TO CLARIFY WHEN PEDESTRIAN AMENITIES ARE REQUIRED; AMENDING SECTIONS 6A.8(A) AND 6A.8(B) TO CLARIFY BUILDING AND PARKING AREA LOCATION AND BUFFERING; AMENDING SECTION 6A.9 TO CLARIFY APPLICABILITY OF TOWN SITE GUIDELINES; DELETING SECTION 6A.9(III)(C)(10); RENUMBERING SECTION 6A.9(III)(C)(11) AS SECTION 6A.9(III)(C)(10); 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 adopted Ordinance 1062, which reorganized the design review standards and after a year of working with the new standards clarification is necessary to avoid unintended consequences;

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. Section 6A.1, Applicability, 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:

A. No person shall build, develop, or substantially remodel or alter the exterior of the following Buildings without receiving design review approval pursuant to this Article:

1. A building for a non-residential Principal or Conditional ~~Use~~ within any zoning district.
2. A building for a Public or Semi-Public Use within any zoning district.
3. A Multi-Family Dwelling of three or more units within any zoning district.
4. A Single Family Dwelling, Duplex or Accessory Structure within the Townsite

Overlay (TO) District.

5. A Historic Structure.

B. Exemptions.

1. Murals and public art

2. Applications for non-emergency temporary structures are not subject to Design Review, but are subject to the Conditional Use Permit process as set forth in Article XI of the Zoning Ordinance.
3. Projects which qualify under Section 6A.2(A)(3) of this Article.

Section 2. Section 6A.4, Design Review Process, 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:

- A. A pre-application conference with the Planning Staff is recommended. At this meeting, the Planning Staff will familiarize the potential applicant with the review process that will apply to the project and with related City regulations and review criteria that may affect the project. The applicant shall bring site-specific information including conceptual drawings in order to familiarize the Planning Staff with the specifics of the proposal.
- B. Detailed design drawings shall be submitted for final planning review. Construction plans or working drawings are not required prior to review. At this stage the applicant must provide architectural drawings showing building materials, details of all exterior features, and other information as set forth in Section 6A.6 of this Ordinance. A minimum scale 1/8" to 1/4" is recommended for the architectural plans.
- C. City department heads review all projects ensuring conformance with the underlying zone requirements, City Standards and Design Review Guidelines.
- D. Except as otherwise provided herein, applications for design review require a public hearing. Public notice must be provided in a publication of general circulation a minimum of 15 days prior to the public hearing, and for all owners of property within 300 feet, in those cases where a hearing before the Commission is to be held. When notice is required to two hundred (200) or more property owners or purchasers of record, alternate forms of notice may be provided in lieu of mailed notice. Sufficient notice shall be deemed to have been provided if the City provides notice through a display advertisement at least four (4) inches by two (2) columns in size in the official newspaper of the City at least fifteen (15) days prior to the hearing date, in addition to site posting on all external boundaries of the site.
 1. Applications determined to meet one of the criteria in 6A.2 do not require a public hearing. Notice to property owners within 300 feet of the subject property is required for applications that are determined to have no significant impact; such notice shall inform adjacent property owners comment on the application may be given during a period of ten (10) days beginning the date the notice is post marked.
- E. ~~The project is reviewed by the reviewing body as set forth in Section 6A.3 above.~~ The reviewing body will approve, deny or conditionally approve the applicant's request based on criteria outlined in Section 6A.6 of this Article.
- F. In order for a building permit to be issued after final Design Review approval, final construction drawings must be reviewed and approved by the Building Department. Application for a building permit must occur within one year of Design Review approval, or as otherwise provided by agreement authorized by law. The expiration date may be extended once, for an additional six (6) months, upon written request. Such request must be received prior to the expiration date. In the event any Design Review approval is for community housing units, an extension period of up to eighteen (18) months may be granted. The Commission shall review and approve or deny the request for extension.

Section 3. Section 6A.5, Application, 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:

A. An application for design review approval shall follow the procedures and be subject to the requirements established by Article 3, Section 3.8 of the Zoning Ordinance, and shall be made by at least one (1) holder of any interest in the real property for which the design review approval is proposed.

B. The following information is required with an application for Design Review:

1. The Design Review application form including project name and location, and applicant and representative names and contact information.

2. One (1) full-size 24" x 36" set of prints plans and survey and ~~six (6) one (1) sets of 11" x 17" set copies~~ ~~(two if heard by the Hearing Examiner)~~ showing at a minimum the following:

a. Vicinity map, to scale, showing the project location in relationship to neighboring buildings and the surrounding area. Note: a vicinity map must show location of adjacent buildings and structures.

b. Drainage plan (grading, catch basins, piping, and dry-wells).

c. Utilities plan (location and size of water and sewer mains and services, gas, electric, TV and phone).

d. Site plan, to scale, showing proposed parking (including parking stall dimensions), loading, general circulation, and snow storage. List square footage of subject property including lot dimensions.

e. Landscape plan (existing landscaping on the site shown as retained, relocated or removed; proposed landscaping including species type, size and quantity).

f. Floor plan. List gross square footage for each floor. List occupancy classification and type of construction.

g. Detailed elevations of all sides of the proposed building and other exterior elements (colors, materials).

h. Exterior Lighting plan, pursuant to Article VIII B, of the Zoning Ordinance (location, height, type, and lumen output; spec sheets for fixtures; illuminance levels/photometrics for area lighting).

i. Sign plan (location, dimensions and lighting).

3. Plans and drawings for all buildings, except Single Family Dwellings and Accessory Structures, shall be prepared and stamped by an Idaho licensed architect.

4. A materials and colors sample board. Each sample should be approximately 12"x12" in size.

5. One (1) colored rendering of at least one side of the proposed building.

6. Staging and contractor parking plan. Statement of where staging will occur, and parking plan for contractors. If any staging or parking shall occur off-site, a staging/parking plan must be submitted including materials storage, excavation (backfill) stockpile areas, job trailers, blue rooms, dumpsters, contractor parking, etc.

7. A list of the names and addresses of all property owners and residents within three hundred (300) feet of the exterior boundaries of the subject property, in a format acceptable to the City.

8. Other information as required by the Administrator, Hearing Examiner or the Commission.

9. Payment of applicable fees.

Section 4. Section 6A.7, Improvements Required, 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:

A. Streets.

1. Sidewalks and drainage improvements are required in all zoning districts, except as otherwise provided herein.

a. The requirement for Sidewalk and drainage improvements may be waived if the proposed project construction is less than five hundred (500) square feet.

b. The requirement for Sidewalk and drainage improvements may be waived for any remodel or addition to Single Family Dwelling and Duplex projects within the Townsite Overlay District; Sidewalk and drainage improvements shall be required for new Principle Building in the Townsite Overlay District.

c. 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 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.

2. Sidewalk and drainage improvements shall be located and constructed according to applicable City Standards, except as otherwise provided herein.

a. In the B and LB zoning districts the following are required:

i) A minimum sidewalk width of 10 feet

ii) Street trees with tree grates or a landscape buffer between the sidewalk and curb determined to be adequate.

b. The Developer or City may propose alternatives to either the standard Sidewalk location or configuration required.

i). The Council, Commission or Hearing Examiner shall ensure that the alternative configuration or location shall not reduce the level of service or convenience to either residents of the development or the public at large.

ii). If an alternative location is approved, the cost of construction of the required square footage of sidewalk and lineal feet of drainage improvements and the associated engineering costs, as approved by the City Engineer, shall be paid by the applicant to the City before the City issues a certificate of occupancy, unless otherwise allowed for in an agreement between the City and applicant. The City shall ensure construction of sidewalk and drainage improvements occurs within two years of the date the funds are received from the applicant.

3. The length of Sidewalk and drainage improvements constructed shall be equal to the length of the subject property line(s) adjacent to any Public Street or Private Street.

34. New Sidewalks shall be planned to provide pedestrian connections to any existing or future sidewalks adjacent to the site. In addition, sidewalks shall be constructed to provide safe pedestrian access to and around a building.

45. Sites located adjacent to Public Streets or Private Streets that are not currently thru-streets, regardless of whether the street may provide a vehicular connection to future streets, shall provide sidewalks to facilitate future pedestrian connections.

5. ~~The Developer or City may propose alternatives to either the standard Sidewalk location or configuration required.~~

a. ~~The Hearing Examiner or Commission and Council shall ensure that the alternative configuration or location shall not reduce the level of service or convenience to either residents of the development or the public at large.~~

b. ~~If an alternative location is approved, the cost of construction of the required square footage of sidewalk and lineal feet of drainage improvements shall be paid by the applicant to the City. The City shall ensure construction of sidewalk and drainage improvements occurs within two years of the date the Design Review findings of fact, conclusions of law and decision is signed.~~

6. ~~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 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.~~

B. Water Line Improvements.

1. In the Townsite Overlay District, any proposal for new construction or addition of a garage accessing from the alley, where water main lines within the alley are less than six (6) feet deep, the developer shall install insulating material (blue board insulation or similar material) for each and every individual water service line and main line between and including the subject property and the nearest public street, as recommended by the City Engineer.

Section 5. Section 6A.8(A)(1), Design Standards, Non-Residential, Multifamily or Mixed Use Buildings, Site Planning, 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:

A. Non-Residential, Multifamily or Mixed Use Building. The following design standards apply to any non-residential, multifamily or mixed use building located within the City of Hailey.

1. Site Planning

a. The location, orientation and surface of buildings shall maximize, to the greatest extent possible sun exposure in exterior spaces to create spaces around buildings that are usable by the occupants ~~residents~~ and allow for safe access to buildings.

b. All existing plant material shall be inventoried and delineated, to scale, and noted whether it is to be preserved, relocated or removed. Removal of trees larger than 6 inch caliper proposed to be removed require an arborist review. Any tree destroyed or mortally injured after previously being identified to be preserved, or removed without authorization, shall be replaced with a species of tree found in the Tree Guide and shall be a minimum of 4 inch caliper.

c. Site circulation shall be designed so pedestrians have safe access to and through the site and to building.

d. Building services including loading areas, trash storage/pickup areas and utility boxes shall be located at the rear of a building; the side of the building adjacent to an internal lot line may be considered as an alternate location. These areas shall be designed in a manner to minimize conflict among uses and shall not interfere with other uses, such as snow storage. These areas shall be screened with landscaping, enclosures, fencing or by the principal building.

e. Where alleys exist, or are planned, they shall be utilized for building services.

f. Vending machines located on the exterior of a building shall not be visible from any street.

g. Except as otherwise provided herein, ~~On-site~~ parking areas shall be located at the rear of the building and ~~screened-buffered~~ from the sidewalk adjacent to the street. Parking and access shall not be obstructed by snow accumulation.

i) Parking areas located within the SCI zoning district may be located at the side or rear of the building.

ii) Parking areas may be considered at the side of buildings within the B, LB, TI and LI zoning districts provided a useable prominent entrance is located on the front of the building and the parking area is buffered from the sidewalk adjacent to the street.

h. Access to on-site parking shall be from the alley or, if the site is not serviced by an alley, from a single approach to the street to confine vehicular/pedestrian conflict to limited locations, allow more buffering of the parking area and preserve the street frontage for pedestrian traffic.

i. Snow storage areas shall be provided on-site where practical and sited in a manner that is accessible to all types of snow removal vehicles of a size that can accommodate moderate areas of snow.

j. Snow storage areas shall not be less than 25% of the improved parking and vehicle and pedestrian circulation areas.

k. A designated snow storage area shall not have any dimension less than 10 feet.

l. Hauling of snow from downtown areas is permissible where other options are not practical.

m. Snow storage areas shall not impede parking spaces, vehicular and pedestrian circulation or line of sight, loading areas, trash storage/pickup areas, service areas or utilities.

n. Snow storage areas shall be landscaped with vegetation that is salt-tolerant and resilient to heavy snow.

Section 6. Section 6A.8(A)(3), Design Standards, Non-Residential, Multifamily or Mixed Use Buildings, Accessory Structures, Fences and Equipment/Utilities, 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:

3. Accessory Structures, Fences and Equipment/Utilities

a. Accessory structures shall be designed to be compatible with the principal building(s).

b. Except as otherwise provided herein, ~~A~~-accessory structures shall be located at the rear of the property.

i) Accessory structures may be considered in a location other than the rear on sites determined to have characteristics that prevent location at the rear of the site.

c. Walls and fences shall be constructed of materials compatible with other materials used on the site.

d. Walls and fencing shall not dominate the buildings or the landscape. Planting should be integrated with fencing in order to soften the visual impact.

e. Except as otherwise provided herein, ~~A~~-all roof projections including, roof-mounted mechanical equipment, such as heating and air conditioning units, ~~but excluding solar~~

~~panels and Wind Energy Systems that have received a Conditional Use Permit, shall be shielded and screened from view from the ground level of on-site parking areas, adjacent public streets and adjacent properties. Wind Energy Systems that have received a Conditional Use Permit and solar panels are exempt from this requirement.~~

- f. The hardware associated with alternative energy sources shall be incorporated into the building's design and not detract from the building and its surroundings.
- g. All ground-mounted mechanical equipment, including heating and air conditioning units, and trash receptacle areas shall be adequately screened from surrounding properties and streets by the use of a wall, fence, or landscaping, or shall be enclosed within a building.
- h. All service lines into the subject property shall be installed underground.
- i. Additional appurtenances shall not be located on existing utility poles.

Section 7. Section 6A.8(B), Design Standards, Non-Residential, Multifamily or Mixed Use Buildings, Accessory Structures, Fences and Equipment/Utilities, 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. Non-Residential and Mixed Use Buildings Located within B, LB, or TN. In addition to the standards applicable to any non-residential, multifamily or mixed use building located within the City of Hailey described in Section 6A.8.A, the following design standards also apply to any non-residential and Mixed Use Buildings located within the B, or LB, or TN zoning districts.

1. Site Planning

- a. The site shall support pedestrian circulation and provide pedestrian amenities. Sidewalks shall be provided along building fronts.
- b. Wider sidewalks are encouraged to provide additional amenities such as seating areas and bicycle racks.

2. Building Design

a. The main facade shall be oriented to the street. The main entrance(s) to the building shall be located on the street side of the building. If the building is located on a corner, entrances shall be provided on both street frontages. If the design includes a courtyard, the main entrance may be located through the courtyard. Buildings with more than one retail space on the ground floor are encouraged to have separate entrances for each unit.

b. Multi-unit structures shall emphasize the individuality of units or provide visual interest by variations in roof lines or walls or other human scale elements. Breaking the facades and roofs of buildings softens the institutional image which may often accompany large buildings.

~~e. Buildings located within the Business District shall be located directly at the back of the sidewalk. In other zoning districts buildings may be separated from the sidewalk by landscaping or plazas with benches, bicycle racks, trash containers, and other pedestrian amenities.~~

~~d.c.~~ Building designs shall maximize the human scale of buildings and enhance the small town "sense of place". This can be achieved by utilizing voids and masses, as well as details, textures, and colors on building facades. Human scale can also be achieved by incorporating structural elements such as colonnades and covered walkways, overhangs, canopies, entries, and landscaping. Particular attention should be paid to creating interest at the street level.

~~e.d.~~ Buildings that exceed 30 feet in height, the entire roof surface shall not project to the highest point of the roof. The Commission shall review building height relative to the other dimensions of width and depth combined with detailing of parapets, cornices, roof, and other architectural elements.

f e. Livable outdoor spaces in multi-story buildings that create pleasing elements and reduce the mass of taller buildings are encouraged.

g f. Fire department staging areas shall be incorporated into the design elements of the building.

h g. New buildings adjacent to residential areas shall be designed to ensure that building massing and scale provide a transition to adjoining residential neighborhoods. Possible mitigation techniques include, but are not limited to the following:

i) Locating open space and preserving existing vegetation on the edge of the site to further separate the building from less intensive uses;

ii) Stepping down the massing of the building along the site's edge;
and

iii) Limiting the length of or articulating building facades to reflect adjacent residential patterns

3. Landscaping

i a. When abutting the LR, GR or TN zoning districts, a landscape buffer between the project and the residential property shall be provided. The buffer shall be at least eight foot wide to create a year-round visual screen of at least 6 feet in height. The buffer shall be designed to avoid the appearance of a straight line or wall of uniform plant material and shall be wide enough to accommodate the planted species when mature.

Section 8. Section 6A.9, Design Review Guidelines for Residential and Non-Residential Buildings in the Townsite Overlay District (TO), 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:

6A.9 Design Review Guidelines for Residential and ~~Non-Residential~~ Buildings in the Townsite Overlay District (TO).

I. PurposeIntroduction: What is this document?

The Hailey Townsite Design Review Guidelines have been developed to provide standards for development in Old Hailey. The term "Old Hailey" means all land within the Townsite Overlay District. ~~The attached map (see Appendix A) shows the area where these Design Guidelines apply.~~ These Design Guidelines address the basic elements of design related to building location, orientation, function and scale, as well as how the building and improvements relate to the neighborhood. Section III.A of this document outlines the Guiding Principles that provide a framework for the detailed guidelines. These Design Guidelines allow for a wide variety of building styles, while ensuring that each new building respects the neighborhood character of Old Hailey. The Design Guidelines contain some flexibility to allow for individual solutions to site specific issues.

II. Applicability: How to use this document.

Proposals for new Single Family Dwellings, Accessory Dwelling Units, Accessory Structures and Duplexes and additions thereto that add floor area equal to or greater than 50% of the original structure will be reviewed for compliance with these Design Guidelines ~~by an Architectural Hearing Examiner, a Hearing Examiner contracted by the City with specific expertise in site design and architectural issues.~~ Also subject to review are additions that add floor area equal to or greater than 50% of the original structure. A remodel or alteration of the exterior of a Historic Structure that does not add floor area is subject only to 6A.9(III)(C)(10).

~~Decisions of the Hearing Examiner may be appealed by affected parties. Appeals will be heard by the Planning and Zoning Commission. The process for Hearing Examiners and for appeals is outlined in Article III of the Hailey Zoning Ordinance. Nonresidential uses and residential uses of three (3) units or greater will be reviewed by the Hailey Planning and Zoning Commission. The Commission will use the applicable Design Guidelines for these projects.~~

~~Guidelines that contain the word "shall" are mandatory. Guidelines that contain the word "should" are discretionary. This document is organized to include Guidelines and explanatory text that illustrates the intent of the Guidelines. Guidelines are in bold type. Some guidelines contain bulleted sections, also in bold type, which are considered part of the Guideline. Explanatory text is not in bold type. This explanatory text and is not meant to specifically regulate development proposals, but to elaborate on the intent of the Guideline. An example of the formatting of this document these guidelines is provided below.~~

This is the Guideline and:

- **Bold bullets are considered part of the Guideline.**
~ **this further indented bullet is considered part of the Guideline also.**

This is the Guideline.

- This is explanatory text.

~~Guidelines that contain the word "shall" are mandatory. Guidelines that contain the word "should" are discretionary.~~

Section 9. Section 6A.9(III)(C)(10), Non-residential and Multi-family Uses, of the Hailey Zoning Ordinance No. 532, is hereby deleted in its entirety.

Section 10. Section 6A.9(III)(C)(11), Historic Structures, of the Hailey Zoning Ordinance No. 532, is hereby renumbered 6A.9(III)(C)(10).

Section 11. 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.

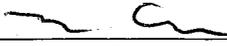
Section 12. All City of Hailey ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

Section 13. 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 7th DAY OF March, 2012.


Fritz X. Haemmerle, Mayor

Attest:


Mary Cone, City Clerk

Publish: Idaho Mountain Express March 14, 2012
A
Summary

