

HAILEY ORDINANCE NO. 1099

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING HAILEY'S ZONING ORDINANCE, ORDINANCE NO. 532, BY AMENDING SECTION 2.2 TO REVISE THE DEFINITIONS OF ADMINISTRATOR, DAY CARE BUSINESS, HEIGHT OF BUILDING AND HOME OCCUPATION; 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. Section 2.2, Definitions, of the Hailey Zoning Ordinance No. 532, is hereby amended by the deletion of the stricken language and the addition of the following underlined language and to be inserted in alphabetical order:

Administrator. The person designated by the Mayor or City Administrator to oversee the administration of the City zoning code ~~Hailey Planning and Zoning Administrator~~.

Day Care Business. The care and supervision, provided for compensation, during part of a twenty-four hour day, for a child or children, under the age of thirteen (13), not related by blood or marriage to the person or persons providing the care, in a place other than the child's own home. This term includes pre-schools, nursery schools, play schools, kinder-care, child care and any like or similar operation. ~~The following definitions apply to Day Care Businesses:~~

~~a.~~ Day Care Center. A ~~dDay eCare operation~~ Business providing care for thirteen or more children.

~~b.~~ Day Care Facility. A ~~dDay eCare operation~~ Business providing care for ~~no more than~~ seven to twelve children.

~~c.~~ Day Care Home. A ~~dDay eCare operation~~ Business providing care for six or fewer children at any one time, having not more than three employees, and operating between the hours of 7:00 a.m. and 6:00 p.m.

~~d.~~ Child. ~~Any person under 12 years of age.~~

~~e.~~ Employee. Any person working for compensation in any business ~~day-care operation~~.

Height of Building. The greatest vertical distance measured from the lowest point of Record Grade or finish grade, whichever is lower, within any portion of the building footprint to the highest point of the roof surface thereof, exclusive of cupolas, chimneys up to ten (10) feet above the highest point of the roof surface, steeples, and spires.

Home Occupation. A business-related activity conducted entirely within a dwelling which is incidental and secondary to the use of a dwelling as a residence and does not negatively impact the surrounding neighborhood. A Day Care Business located within a dwelling is not considered a Home Occupation for the purposes of city business licensing. Home Occupations, where permitted, shall meet the following requirements:

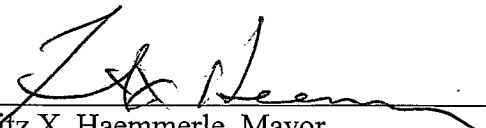
1. The home occupation shall not change the residential character of the dwelling or neighborhood.
2. There shall be no exterior advertising.
3. There shall be no sale or rental of stocks, supplies or products conducted on the premises.
4. There shall be no exterior storage on the premises of material or equipment associated with the home occupation.
5. There shall be no offensive noise, vibration, smoke, dust, odors, heat, or glare noticeable at or beyond the property lines. There shall be no operation of power tools, whether indoors or outdoors.
6. The home occupation shall not create the need for additional parking.
7. The home occupation shall employ no unrelated person who is not a permanent resident of the dwelling.
8. There shall be no significant increase in traffic in the vicinity of the dwelling as a result of the home occupation.
9. Storage of explosive, combustible or hazardous materials shall conform to the regulations and restrictions of the IFC and IBC.

Section 2. 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 3. All City of Hailey ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

Section 4. 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 7 DAY OF March, 2012.


Fritz X. Haemmerle, Mayor

Attest:


Mary Cone, City Clerk

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