

HAILEY ORDINANCE NO. 1042

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING ARTICLE 2 AND ARTICLE 4 OF HAILEY'S ZONING ORDINANCE, ORDINANCE NO. 532, BY AMENDING SECTION 2.2, TO ADD THE DEFINITION OF SMALL SCALE WIND ENERGY SYSTEMS AND SOLAR PANELS; AMENDING SECTIONS 4.2.3, 4.3.3, 4.4.3, 4.5.3, 4.6.3, 4.7.3, 4.8.3, 4.9.3, 4.11.3, 4.12.2.2, AND 4.12.3.2, TO ALLOW FOR FREESTANDING SOLAR PANELS AS CONDITIONAL USES; AMENDING SECTIONS 4.2.4, 4.3.4, 4.4.4, 4.5.4, 4.6.4, 4.7.4, 4.8.4, 4.9.4, 4.11.4, 4.12.2.3, AND 4.12.3.3, TO ALLOW FOR ROOF-MOUNTED SOLAR PANELS AS AN ACCESSORY USE; AMENDING SECTIONS 4.7.3, 4.12.2.2, 4.12.3.2, 4.8.3, AND 4.11.3, TO ALLOW FREESTANDING WIND ENERGY SYSTEMS AND ROOF-MOUNTED WIND ENERGY SYSTEMS AS A CONDITIONAL USE; 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 2.2, Definitions, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

Small Scale Wind Energy System (WES). An electric generator(s) having rated capacities of 2 kilowatts and less, that utilize wind energy to produce clean, emissions-free power.

Solar Panels. A group of connected solar cells, used to convert light from the sun into energy that can be used.

Section 2. Section 4.3.3, General Residential District, of the Hailey Zoning Ordinance No. 532, is hereby amended by addition of the underlined language as follows:

4.3.3 Conditional Uses.

Conditional uses for the GR District are limited to the following:

- a. Bed and Breakfast Inns.
- b. Boarding and Rooming Houses.

- c. Day Care Centers provided no more than eighteen (18) children will be cared for at any one time.
- d. Public Service, Public Use and Public Utility Facilities.
- e. Semi-Public Uses.
- f. PWSF's or WCF's, attached to street poles or mounted on existing buildings or structures, upon the issuance of a Wireless Permit in accordance with the provisions of Article VIIIA of this Ordinance. (Freestanding and lattice towers are prohibited.)
- g. Above ground flammable and combustible liquid tanks utilized by a public use.
- h. Temporary Structures.
- i. Horses. A maximum of two (2) horses per acre on lots of one (1) acre minimum size.
- j. Freestanding Solar Panels, subject to the maximum building height for the applicable district.

Section 3. Section 4.3.4, General Residential District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.3.4 Accessory Uses.

Accessory uses for the GR District are limited to the following:

- a. Greenhouse/private.
- b. Garages.
- c. Storage buildings.
- d. Swimming pools.
- e. One Accessory Dwelling Unit on lots of 7,000 square feet or larger, accessory to a single family dwelling unit or to a non-residential Principal Building. Primary vehicular access to any accessory dwelling unit shall be from a City street or alley. All Accessory Dwelling Units shall have adequate water and sewer services installed to meet City Standards.
- f. Roof-mounted Solar Panels, subject to the maximum building height for the applicable district.

Section 4. Section 4.5.3, Limited Business District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.5.3 Conditional Uses.

Conditional uses in the LB District are limited to the following:

- a. Gasoline Stations and Automotive Repair and Maintenance.
- b. Restaurants.
- c. Wholesale distributors.
- d. Convenience Stores.
- e. Public Service, Public Use and Public Utility Facilities.
- f. Medical and personal care stores.
- g. Finance and insurance firms.
- h. Construction contractors' offices with no exterior storage.
- i. PWSF's and WCF's, mounted on any proposed freestanding tower, upon the

issuance of a Wireless Permit in accordance with the provisions of Article VIIIA of this Ordinance. (Lattice towers are prohibited.)

- j. Above ground flammable liquid tanks utilized by a public use.
- k. Temporary Structures.
- l. Freestanding Solar Panels, subject to the maximum building height for the applicable district.

Section 5. Section 4.5.4, Limited Business District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.5.4 Accessory Uses.

Accessory uses in the LB District are limited to the following:

- a. Greenhouses/private.
- b. Garages.
- c. Storage buildings.
- d. One Accessory Dwelling Unit, on lots of 7,000 square feet or larger, accessory to a single family dwelling unit or to a non-residential Principal Building. Primary vehicular access to any accessory dwelling unit shall be from a City street or alley. All Accessory Dwelling Units shall have adequate water and sewer services installed to meet City Standards.
- e. All PWSF's or WCF's, mounted on existing buildings or structures, upon the issuance of a Wireless Permit in accordance with the provisions of Article VIIIA of this Ordinance.
- f. Above ground combustible liquid tanks.
- g. Roof-mounted Solar Panels, subject to the maximum building height for the applicable district.

Section 6. Section 4.6.3, Transitional District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.6.3 Conditional Uses.

Conditional uses in the TN District are limited to the following:

- a. Multi-Family Dwellings.
- b. Non-profit recreation center.
- c. Bed and Breakfast Inn.
- d. Day Care Centers.
- e. Personal Services.
- f. Public Service, Public Use and Public Utility Facilities.
- g. Semi-Public Uses.
- h. PWSF's or WCF's, attached to street poles and mounted on existing buildings or structures, upon the issuance of a Wireless Permit in accordance with the provisions of Article VIIIA of this Ordinance. (Freestanding towers are prohibited.)
- i. Above ground flammable and combustible liquid tanks utilized by a public

- use.
- j. Temporary Structures.
- k. Freestanding Solar Panels, subject to the maximum building height for the applicable district.

Section 7. Section 4.6.4, Transitional District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.6.4 Accessory uses.

Accessory uses in the TN District are limited to the following:

- a. Greenhouse/private.
- b. Storage buildings.
- c. One Dwelling Unit on lots of 7,000 square feet or larger, accessory to a Single Family Dwelling Unit or to a non-residential Principal Building. Primary vehicular access to any Accessory Dwelling Unit shall be from a City street or alley. All Dwelling Units shall have adequate water and sewer services installed to meet City Standards.
- d. Roof-mounted Solar Panels, subject to the maximum building height for the applicable district.

Section 8. Section 4.2.3, Limited Residential District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.2.3 Conditional Uses.

Conditional uses for the LR District are limited to the following:

- a. Public Service, Public Use and Public Utility Facilities.
- b. Day Care Facilities.
- c. PWSF's or WCF's, attached to street poles or mounted on existing buildings or structures, upon the issuance of a Wireless Permit in accordance with the provisions of Article VIIIA of this Ordinance. (Freestanding and lattice towers are prohibited.)
- d. Above ground flammable and combustible liquid tanks utilized by a public use.
- e. Temporary Structures.
- f. Horses. A maximum of two (2) horses per acre on lots of one (1) acre minimum size.
- g. Freestanding Solar Panels, subject to the maximum building height for the applicable district.

Section 9. Section 4.2.4, Limited Residential District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.2.4 Accessory Uses.

Accessory uses for the LR District are limited to the following:

- a. Greenhouse/private.
- b. Garages.
- c. Storage buildings.
- d. Swimming pools.

- e. Roof-mounted Solar Panels, subject to the maximum building height for the applicable district.

Section 10. Section 4.7.3, Business District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.7.3 Conditional Uses.

Conditional uses for the B District are limited to the following:

- a. Public Service, Public Use and Public Utility Facilities.
- b. Parking lots and parking garages not associated with a permitted use.
- c. Auto dealerships.
- d. Automotive Repair and Maintenance.
- e. Hybrid Production Facilities.
- f. Outpatient Animal Services.
- g. Churches.
- h. PWSF's and WCF's, mounted on any proposed freestanding tower upon the issuance of a Wireless Permit in accordance with the provisions of Article VIIIA of this Ordinance. (Lattice towers are prohibited.)
- i. Above ground flammable liquid tanks utilized by a public use.
- j. Temporary Structures.
- k. Roof-mounted and Freestanding Small Scale Wind Energy Systems (WES).
- l. Freestanding Solar Panels, subject to the maximum building height for the applicable district.

Section 11. Section 4.7.4, Business District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.7.4 Accessory Uses.

- a. Storage buildings.
- b. Garages.
- c. All PWSF's or WCF's, mounted on existing buildings or structures, upon the issuance of a Wireless Permit in accordance with the provisions of Article VIIIA of this Ordinance.
- d. Above ground combustible liquid tanks.
- h. One Accessory Dwelling Unit on lots of 7,000 square feet or larger, accessory to a non-residential Principal Building.
- i. Roof-mounted Solar Panels, subject to the maximum building height for the applicable district.

Section 12. Section 4.12.2.2, Service Commercial Industrial District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.12.2.2 Conditionally Permitted uses for the **SCI - SO** sub-district include the following:

- a. Dance and martial art studios, fitness facilities.

- b. Day care businesses.
- c. Hotels or motels with or without attached restaurants.
- d. Laundromat, dry cleaning and laundry.
- e. Pet grooming, training and veterinarians, with no outdoor kenneling
- f. Public service facilities, public utility facilities and public uses.
- g. Restaurants. Drive-through service windows are not allowed.
- h. Restaurants attached to or adjacent to hotels or motels. Drive-through service windows are not permitted.
- i. PWSF's and WCF's, mounted on any proposed freestanding tower, upon the issuance of a Wireless Permit in accordance with the provisions of Article VIIIA of this Ordinance. (Lattice towers are prohibited.)
- j. Temporary Structures.
- k. Roof-mounted and Freestanding Small Scale Wind Energy Systems (WES).
- l. Freestanding Solar Panels, subject to the maximum building height for the applicable district.

Section 13. Section 4.12.2.3, Service Commercial Industrial District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.12.2.3 Accessory Uses within the **SCI - SO** sub-district are limited to the following:

- a. One accessory dwelling unit, accessory to a non-residential Principal Building.
- b. Storage buildings.
- c. All PWSF's or WCF's, mounted on existing buildings or structures, upon the issuance of a Wireless Permit in accordance with the provisions of Article VIIIA of this Ordinance.
- d. Sales incidental to a non-retail Principal Use.
- e. Offices accessory to a non-office Principal Use.
- f. Roof-mounted Solar Panels, subject to the maximum building height for the applicable district.

Section 14. Section 4.12.3.2, Service Commercial Industrial District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.12.3.2 Conditionally Permitted uses for the **SCI - I** sub-district include the following:

- a. Convenience stores, in conjunction with Gasoline Stations that have no more than 1800 square feet of gross floor area. Drive-through service windows are not allowed.
- b. Gasoline Stations, including card-lock stations.
- c. Public utility facilities, public service facilities and public uses.
- d. Restaurants. Drive-through service windows are not allowed.
- e. PWSF's and WCF's, mounted on any proposed freestanding tower, upon the issuance of a Wireless Permit in accordance with the provisions of Article VIIIA of this Ordinance. (Lattice towers are prohibited)
- f. Temporary Structures.
- g. Roof-mounted and Freestanding Small Scale Wind Energy Systems (WES).

- h. Freestanding Solar Panels, subject to the maximum building height for the applicable district.

Section 15. Section 4.12.3.3, Service Commercial Industrial District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.12.3.3 Accessory Uses within the **SCI-I** sub-district are limited to the following:

- a. All PWSF's or WCF's, mounted on existing buildings or structures, upon the issuance of a Wireless Permit in accordance with the provisions of Article VIIIA of this Ordinance.
- b. Shipping containers utilized for storage. These containers must be shielded from view by fencing or landscaping, and shall require a building permit.
- c. Storage buildings.
- d. Sales incidental to a non-retail Principal Use.
- e. Offices accessory to a non-office Principal Use.
- f. Roof-mounted Solar Panels, subject to the maximum building height for the applicable district.

Section 16. Section 4.8.3, Light Industrial District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.8.3 Conditional Uses.

Conditional uses for the LI District are limited to the following:

- a. Veterinary clinics and animal hospitals.
- b. Indoor recreational facilities primarily for instruction.
- c. PWSF's and WCF's, mounted on any proposed freestanding tower, upon the issuance of a Wireless Permit in accordance with the provisions of Article VIIIA of this Ordinance. (Lattice towers are prohibited.).
- d. Temporary Structures.
- e. Roof-mounted and Freestanding Small Scale Wind Energy Systems (WES).
- f. Freestanding Solar Panels, subject to the maximum building height for the applicable district.

Section 17. Section 4.8.4, Light Industrial District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

#### 4.8.4 Accessory Uses.

Accessory uses in the LI District are limited to the following:

- a. Storage buildings.
- b. All PWSF's or WCF's, mounted on existing buildings or structures, upon the issuance of a Wireless Permit in accordance with the provisions of Article VIIIA of this Ordinance.
- c. Above Ground Combustible Liquid Tanks.
- d. Above Ground Flammable Liquid Tanks.
- e. Offices.
- f. Shipping containers utilized for storage. These containers must be shielded from view by fencing or landscaping, and shall require a building permit.
- g. Roof-mounted Solar Panels, subject to the maximum building height for the applicable district.

Section 18. Section 4.11.3, Airport District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

#### 4.11.3 Conditional Uses.

Conditional Uses for the A District are limited to the following:

- a. Temporary Structures
- b. Hotels
- c. Business parks
- d. PWSFs and WCFs, mounted on any proposed freestanding tower, upon the issuance of a Wireless Permit in accordance with the provisions of Article VIIIA of this Ordinance. (Lattice towers are prohibited.)
- e. Roof-mounted and Freestanding Small Scale Wind Energy Systems (WES).
- f. Freestanding Solar Panels, subject to the maximum building height for the applicable district.

Section 19. Section 4.11.4, Airport District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

#### 4.11.4 Accessory Uses.

Accessory Uses for the A District are limited to the following:

- a. Automobile parking areas
- b. Storage buildings
- c. Control tower
- d. Fire protection and emergency preparedness areas
- e. Lighting and aircraft approach aids.
- f. Above Ground Combustible Liquid Tanks.
- g. Above Ground Flammable Liquid Tanks.
- h. All PWSFs or WCFs, mounted on existing buildings or structures, upon the issuance of a Wireless Permit in accordance with the provisions of Article VIIIA of this Ordinance.
- i. Roof-mounted Solar Panels, subject to the maximum building height for the applicable

district.

Section 20. Section 4.9.3, Technological Industry District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.9.3 Conditional Uses:

Conditional uses of the TI District are limited to the following:

- a. PWSF's and WCF's, mounted on any proposed freestanding tower, upon the issuance of a Wireless Permit in accordance with the provisions of Article VIIIA of this Ordinance. (Lattice towers are prohibited.)
- b. Above ground flammable liquid tanks utilized by a public use.
- c. Temporary Structures.
- d. Physical fitness facilities.
- e. Freestanding Solar Panels, subject to the maximum building height for the applicable district.

Section 21. Section 4.9.4, Technological Industry District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.9.4 Accessory Uses.

Accessory uses in the TI District are limited to the following:

- a. Storage buildings.
- b. All PWSF's or WCF's mounted on existing buildings or structures upon the issuance of a Wireless Permit in accordance with the provisions of Article VIIIA of this Ordinance.
- c. Roof-mounted Solar Panels, subject to the maximum building height for the applicable district.

Section 22. Section 4.4.3, Neighborhood Business District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.4.3 Conditional Uses.

Conditional uses for the NB District are limited to the following:

- a. Mercantile (wholesale and retail).
- b. Churches.
- c. Professional Offices, excluding veterinarians.
- d. Semi-Public uses.
- e. Restaurants which may or may not include the sale of alcoholic beverages.
- f. Catering Services.
- g. Laundromats and dry cleaners.
- h. Temporary Structures
- i. PWSFs or WCF's, attached to street poles or mounted on existing buildings or structures, upon the issuance of a Wireless Permit in accordance with the provisions of Article VIIIA of this Ordinance. (Freestanding and lattice towers are prohibited.)
- j. Freestanding Solar Panels, subject to the maximum building height for the applicable

district.

Section 23. Section 4.4.4, Neighborhood Business District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.4.4 Accessory Uses.

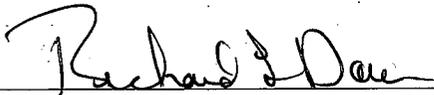
- a. Garages and Storage buildings.
- b. One Accessory Dwelling Unit on lots of 7,000 square feet or larger, accessory to a non-residential Principal Building.
- c. Roof-mounted Solar Panels, subject to the maximum building height for the applicable district.

Section 24. Severability Clause. 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 25. Repealer Clause. All City of Hailey ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

Section 26. Effective Date. 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 14<sup>th</sup> DAY OF December 2009.



Richard L. Davis, Mayor, City of Hailey

Attest:



Mary Cone, City Clerk

