

HAILEY ORDINANCE NO. 1043

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING ARTICLE 6A OF HAILEY'S ZONING ORDINANCE, ORDINANCE NO. 532, BY AMENDING SECTIONS 6A.7.2.1(C)(2), 6A.7.2.2(C)(3), 6A.7.2.3(C)(3), AND 6A.7.2.4.III(C)(10), TO EXCLUDE SMALL SCALE WIND ENERGY SYSTEMS FROM ROOFTOP SCREENING REQUIREMENTS; 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 is in accordance with 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 amendments will promote the public health, safety, and general welfare.

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

Section 1. Section 6A 7.2.1(C) (2), Design Review Guidelines for Non-Residential Buildings, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

C. Fences and Equipment/Utilities.

- 2. All roof projections including, but not limited to air conditioning units, all mechanical equipment and solar panels, excluding Small Scale Wind Energy Systems that have received a Conditional Use Permit, should be shielded and architecturally screened from view from on-site parking areas, adjacent public streets and adjacent properties.**

The use of alternative energy sources is encouraged, however, the hardware associated with these features should be incorporated as an integral part of the building's design rather than as an add-on which detracts from the building and its surroundings. Special consideration should be taken for communications facilities to insure that the number and design of them not conflict with each other.

Section 2. Section 6A 7.2.2(C) (3), Design Review Guidelines for Non-Residential Buildings in Light Industrial (LI), Service Commercial Industrial (SCI), Technological Industrial (TI), and Airport (A), of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

C. Accessory Structures, Fences and Equipment/Utilities.

3. **All roof projections including, but not limited to air conditioning units, all mechanical equipment and solar panels, excluding Small Scale Wind Energy Systems that have received a Conditional Use Permit, shall be shielded and architecturally screened from view from on-site parking areas, adjacent public streets and adjacent properties.**

The use of alternative energy sources is encouraged, however, the hardware associated with these features should be incorporated as an integral part of the building's design rather than as an add-on which detracts from the building and its surroundings. Special consideration should be given to communications facilities to insure that the number and design of them not conflict with each other

Section 3. Section 6A 7.2.3 (C) (3), Design Review Guidelines for Multi-Family Residential Buildings In General Residential (GR), Transitional (TN), Limited Business (LB), Business (B), Neighborhood Business (NB), and Service Commercial Industrial (SCI), of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

C. Fences and Equipment/Utilities.

2. **All roof projections including, but not limited to air conditioning units, all mechanical equipment and solar panels, excluding Small Scale Wind Energy Systems that have received a Conditional Use Permit, should be shielded and architecturally screened from view from on-site parking areas, adjacent public streets and adjacent properties.**

The use of alternative energy sources is encouraged, however, the hardware associated with these features should be incorporated as an integral part of the building's design rather than as an add-on which detracts from the building and its surroundings. Special consideration should be taken for communications facilities to insure that the number and design of them not conflict with each other.

Section 4. Section 6A 7.2.4.III (C) (10), 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 addition of the underlined language as follows:

10. Non-residential and Multi-family Uses

Non-residential 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 Guidelines below and all of the other Guidelines in this document as applicable for these projects, in conjunction with other applicable Design Review Guidelines as set forth in Article 6A of the Hailey Zoning Ordinance.

Guideline: Non-residential uses in Old Hailey should be designed with a residential, human scale in mind.

Guideline: Parking for non-residential uses shall be carefully planned to avoid pedestrian conflicts, and to be subordinate to other design elements on the site.

- See also Section 4 for other applicable parking guidelines.

Guideline: Utilities for non-residential and multifamily structures shall be integrated into the site design. Utilities should, in most cases, be fully screened from view.

- Exhaust hoods, rooftop vents and air conditioner units should be screened from view, either with a parapet wall or by integrating these items into interior roof elements. Small Scale Wind Energy Systems that have received a Conditional Use Permit are excluded from these screening requirements.

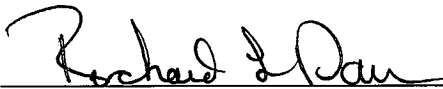
- Transformers, gas meters and other site infrastructure should be located in a manner to avoid being seen from entrances, public streets and pedestrian areas. If they cannot be hidden, they should be screened with landscaping, fencing or building walls.

Section 5. 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 6. Repealer Clause All City of Hailey ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

Section 7. 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 14th DAY OF December 2009.



Richard L. Davis, Mayor, City of Hailey

Attest:



Mary Cone, City Clerk, City of Hailey

