

AGENDA

Hailey Planning and Zoning Commission

Monday, April 17, 2023

5:30 p.m. (Begins after DIF Advisory Committee Hearing)

Hailey Planning and Zoning Meetings are open to the public, in person, and by electronic means when available. The city strives to make the meeting available virtually but cannot guarantee access due to platform failure, internet interruptions or other potential technological malfunctions. Participants may join our meeting virtually by the following means:

From your computer, tablet, or smartphone: <https://meet.goto.com/CityofHaileyPZ>

Via One-touch dial in by phone: <tel:+15713173122,,506287589#>

Dial in by phone: United States: +1 (571) 317-3122 Access Code: 506-287-589

Call to Order

- Public Comment for items not on the Agenda.

Consent Agenda

- [CA 1](#) Adoption of Meeting Minutes dated April 3, 2023. **ACTION ITEM.**
- [CA 2](#) Adoption of Design Review Application, submitted by Blaine County School District c/o ARCH Community Housing Trust, Inc. for one (1), two-story multi-family unit consisting of four (4) attached residential units and a one (1), one-story detached studio unit, to be located at 128 W. Bullion (Lot 10A, Parkview Estates) within the General Residential (GR) and Townsite Overlay (TO) Zoning Districts. **ACTION ITEM.**
- [CA 3](#) Adoption of City-Initiated Text Amendment to the Hailey Municipal Code, Title 17: Zoning Regulations, Chapter 17.05: Official Zoning Map and District Use Matrix, Section 17.05.040: District Use Matrix, to include amendments and additions to modernize the matrix requirements. **ACTION ITEM.**

Public Hearing

- [PH 1](#) Consideration of Amendment to the Hailey Municipal Code, Title 15: Buildings and Construction, Chapter 15.16: Development Impact Fees, Section 15.16.130: Development Impact Fee Schedule, to provide for annual adjustments tied to year-over-year inflationary increases in the cost of providing services. **ACTION ITEM.**
- [PH 2](#) Consideration of a Text Amendment Application submitted by F & G Idaho, LLC, to amend Title 17: Zoning Regulations, Chapter 17.04: Establishment, Purposes and Uses within Zoning Districts, Article M: Townsite Overlay, Section 17.04M.060(C): Maximum Building Height to remove the General Residential (GR) Zoning District from the maximum building

height of thirty feet (30') outlined within the Townsite Overlay (TO) Zoning District. This amendment would revise items C. 2. and C. 3. to read as follows:

- C. 2. Limited Business, General Residential Districts: Thirty-five feet (35')
- C. 3. Transitional, ~~General Residential~~, Limited Residential-1 Districts: Thirty feet (30') **ACTION ITEM.**

- **PH 3** Consideration of a City-Initiated Text Amendment to amend Title 16: Subdivision Regulations, Chapter 16.03: Procedure, Section 16.03.020: Council Preliminary Plat Approval, Item D., to allow for City Staff and the City Engineer to approve and grant an extension of the preliminary plat. This amendment would revise item D. to read as follows:

- Records Maintained; Time Limit of Approval: one copy of the approved preliminary plat will be kept on file for public examination ~~at the office of the city engineer and one copy at the office of the administrator~~ in the Community Development Department. The approval of the preliminary plat shall be valid for a period of two (2) calendar years unless an extension of time is applied for and granted administratively by the council the Administrator and City Engineer, or unless otherwise allowed for within a phasing agreement. **ACTION ITEM.**

Staff Reports and Discussion

- **SR 1** Discussion of current building activity, upcoming projects, and zoning code changes.
- **SR 2** Discussion of the next Planning and Zoning Meeting: **May 1, 2023**
 - **DR:** Copper Ranch
 - **Rezone:** WRLT
 - **DR:** Maple Street Apartments

Return to Agenda

AGENDA
Hailey Planning and Zoning Commission
Monday, April 3, 2023
5:30 p.m.

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530 Call to Order

- Public Comment for items not on the Agenda. No Comment.

531 Consent Agenda

- [CA 1](#) Adoption of Meeting Minutes dated March 20, 2023. **ACTION ITEM.**

[5:31:47 PM](#) Sauerbrey motioned to approve CA 1. Stone seconded. All in Favor.

Public Hearing

- [532 PH 1](#) Continuation of a Design Review Application, submitted by Blaine County School District c/o ARCH Community Housing Trust, Inc. for one (1), two-story multi-family unit consisting of four (4) attached residential units and a one (1), one-story detached studio unit, to be located at 128 W. Bullion (Lot 10A, Parkview Estates) within the General Residential (GR) and Townsite Overlay (TO) Zoning Districts. **ACTION ITEM.**

532 Rodrigue summarized previous hearing and items requested from commission and public comment received. Rodrigue turned floor to applicant team.

534 Michelle Griffith, ARCH Community Housing, introduced herself and applicant team. Griffith summarized changes made – parking, relocated ADU location, moved entrances of North and South units to the side, reduced turf and replaced with suggested shrubbery and lowered roof pile, and reduced height of building. Chair Fugate asked what the contingency is if project not funded. Griffith stated have more than enough funding to do this. 536 Sauerbrey asked if can change language to say all units shall built. Staff confirmed can make change.

537 Sauerbrey asked how the discussion went with the adjacent property owner, any feedback. Sauerbrey noted no change to help break up the roof. Sauerbrey asked if talked to Idaho Power about prewiring for solar. Griffith stated has not yet, but once approved will go to Idaho Power to determine if have enough power from the existing transmitter. Staff stated no comments received from property

owner on the revised plans. Sauerbrey asked about trash pickup. Griffith explained plan is to have individual trash cans per unit. Sauerbrey asked about lease agreement restrictions, what those restrictions are, if still restricted to BCSD employees and what happens down the line. Griffith explained proposed restrictions. Staff confirmed PUD Agreement is recoded and goes with land.

542 Smith noted transmitter size does not impact solar, possibly EV charging. Smith noticed almost a third of the snow storage is on the northwest corner of the property. Smith questioned how they intend to properly utilize it. Griffith believes the landscape company will have to bring it around and put it there. Smith suggested relocating bump out. Griffith stated would be happy to remove it. Smith suggested tree location there could be difficult there as well. Griffith confirmed she is good with removing the bump out and relocating the tree. Smith would like staff to take a look at min. lot size in Townsite overlay.

548 Stone asked for clarification on condition J and M. Davis confirmed condition J and explained condition M is asking for design review approval that is valid for 18 months not 12 months and why. Stone noted would have been nice to see an elevation with the ADU. Stone asked if anything is changing for parking in front of district office. asked Griffith stated its flip flopping. Foudy noted street parking remains the same and moving parking. Davis confirmed street right of way parking will remain. Davis explained location of existing parking. Griffith explained her experience.

553 Smith thanked applicant team for responding to their requests. Sauerbrey clarified rent restriction is not 30% of AMI but that teacher's salary. Griffith confirmed and explained reasoning behind. Griffith noted it's the debit service that drives affordability.

555 Stone asked about trees up front being Maples and did not see that in the conditions. Commission and staff discussed project being heard by the tree committee.

556 Chair Fugate thanked the applicant team. Chair Fugate suggested addition of color to help make it pop. Commission in agreement of addition of accent color.

559 Chair Fugate opened public comment.

Barb Crayton, 200 W Bullion, thanked committee for taking into account their comments. Crayton asked if remember the cycle in August 1st 2021, the sewer manhole and overflowed and became a small fountain, Crayton suggested might want to move drywell little closer to edge of property. Do appreciate comments earlier; this is a huge project for small property but continues to be disappointed with waivers. It's not just them that are disappointed with the waivers and density of the project, there's a number of school board employees that live on this street that probably don't want to say anything. It is a huge project, do look forward to having more workforce housing still have concerns for waivers of density and whole project is not in character of existing neighborhood. Thank you for your consideration and listening to our comments.

601 Chair Fugate closed public comment.

602 Chair Fugate confirmed no problems with conditions of approval and recommended changes proposed tonight. Commission discussed relocation of drywell, suggesting applicant work with city on final design.

603 Stone noted he doesn't particularly like waivers either, and explained when they are appropriate. Stone explained why he believes the waivers are justified. Stone feels great about the project.

605 Sauerbrey agreed with Stone's comments, and explained why he believes location is good. Sauerbrey really likes the incorporation of what's been determined an acceptable rental rate and hopes something like these pops up more. Sauerbrey appreciates the way after the last meeting produced a much better project. Sauerbrey hopes some of the accommodations made help make it easier for the neighbors.

607 Smith is encouraged to see this kind of partnership. Smith applauds idea put together and thanked applicant team.

608 Chair Fugate agrees with all the comments. Chair Fugate explained how have to weigh benefits and need when reviewing waivers. Chair Fugate stated thinks its brilliant with the additional parking proposed. Chair Fugate believes will have good neighbors, a good group of responsible people there. Chair Fugate thanked applicant team.

6:10:46 PM Stone to approve the Design Review Application by Blaine County School District ("BCSD") c/o ARCH Community Housing Trust, Inc ("ARCH") for one (1) two-story multifamily building consisting of four (4) residential units and one (1) detached one-story studio unit for a total of 5 residential units on approximately 0.31 acres, finding that the project does not jeopardize the health, safety or welfare of the public and the project conforms to the applicable specifications outlined in the Design Review Guidelines, applicable requirements of the Zoning Ordinance, Title 18, and City Standards, provided conditions (a) through (m) are met. Smith seconded. All in favor.

- **PH 2 614** Continuation of City-Initiated Text Amendment to the Hailey Municipal Code, Title 17: Zoning Regulations, Chapter 17.05: Official Zoning Map and District Use Matrix, Section 17.05.040: District Use Matrix, to include amendments and additions to modernize the matrix requirements. **ACTION ITEM.**

615 Osborn suggested starting with the redline version. Davis confirmed starting with changes made since last hearing.

616 Smith asked if staff thinks premature with this amendment since just starting comp plan amendments. Davis explained her reasoning why does not believe overall amendment to matrix is acceptable to proceed and that does expect some changes to occur after the comp plan amendment which staff will bring back for minor amendments then.

617 Osborn went through changes since last meeting and reasoning for each change. Commission made recommendations on proposed changes. Staff made note changes as recommended by commissioners.

640 Osborn and Davis picked up where last meeting left off at, at office. Davis explained conversations had about offices, and that at this time does not feel like should regulate offices. Davis does hope that at future time after comprehensive plan and downtown master plan are complete and can see where those take us. Commission and staff continued discussion of regulating offices. All in agreement to not regulate at this time and possibly review in future.

649 Osborn moved on to proposed changes of matrix picking up at recreation facility, indoor. Commission and staff continued to review proposed changes to matrix. Staff made notes of edits as recommended by commission.

717 Stone asked if City has considered adding shelters for immigrants to the code. Davis explained that it has been an ongoing discussion with Council. Commission and staff discussed idea of shelter and how situation is currently being handled.

722 Commission and staff continued on with proposed changes of matrix, picking up with the footnotes. No questions or changes to proposed footnotes.

724 Commission and staff moved on to discuss proposed changes to definitions. Commission made recommendations and staff made note of suggested changes made by commission.

756 Chair Fugate opened public comment.

757 Chair Fugate closed public comment.

7:57:22 PM Sauerbrey motioned to recommend approval by the Hailey City Council an Ordinance amending the Hailey Municipal Code, Title 17: Zoning Regulations, Chapter 17.02 Definitions, Section 17.02.020: Meaning of Terms or Words and amending, consolidating, and reorganizing Title 17: Zoning Regulations, Chapter 17.05 Official Zoning Map and District Use Matrix, Section 17.05.040: District Use Matrix, to modernize the Matrix language and related definitions. Smith seconded. All in Favor.

Staff Reports and Discussion

- **SR 1** Discussion of current building activity, upcoming projects, and zoning code changes.
- **SR 2** Discussion of the next Planning and Zoning Meeting: **April 17, 2023**
 - DIF (Starting at 4:30 PM)
 - Text Amendment: Height in TO/GR
 - Text Amendment: Preliminary Plat Extension Process

759 Davis updated upcoming projects.

8:01:57 PM Smith motioned to Adjourn. Stone seconded. All in Favor.

Return to Agenda

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

On April 3, 2023, the Hailey Planning and Zoning Commission considered and approved a Design Review Application submitted by Blaine County School District (BCSD) c/o ARCH Community Housing Trust, Inc (ARCH), for the construction of one (1) two-story multifamily building consisting of four (4) residential units, and one (1) detached one-story studio unit, for a total of five (5) residential units on approximately 0.31 acres. The proposed project consists of two, 1,412.2 square foot, three-bedroom units (end unit), two, 1,369.6 square foot, three-bedroom units (interior unit), and one, 653 square foot standalone studio unit.

This project is known as 128 W. Bullion, and is located at 128 W. Bullion Street (Lot 10A, Parkview Estates Subdivision) within the General Residential (GR) and Townsite Overlay (TO) Zoning District.

FINDINGS OF FACT

Notice: Notice for the public hearing was published in the Idaho Mountain Express on February 15, 2023, and mailed to property owners within 300 feet on February 15, 2023. Onsite Notice was posted on the property on February 27, 2023.

Background and Project Overview: On March 6, 2023, the Commission concurrently reviewed the Applicant's Design Review and Planned Unit Development (PUD) proposals to construct a maximum of five (5) residential units at 128 W. Bullion St. (Lot 10A, Parkview Estates Subdivision). The Planned Unit Development (PUD) Application included additional amenities provided by the Applicant and a request for waivers to standards within Hailey's Municipal Code. The Applicant requested the following waivers:

- i. Waiver to the Minimum Lot Size for Planned Unit Development: Reduce the minimum lot size from one (1) acre to 0.31 acres.
- ii. Waiver to the Maximum Density: Increase allowed density from three (3) residential units to five (5) units.
- iii. Waiver to Maximum Lot Coverage: Increase the maximum lot coverage requirements by approximately eight percent (8%).

The concurrent reading for 128 W. Bullion was accompanied by a robust, thoughtful public commenting session. Adjacent property owners and residents of the neighborhood shared concerns of building scale, front (street-facing) façade design, and unit density. The discussion centered around how certain characteristics appeared to be in conflict with the existing neighborhood character and surrounding residential design patterns, as well as how the proposed project impacts privacy, both for the property owners directly to the west of the project lot and the future tenants of the proposed project.

While the Commission voted unanimously in favor of the Applicant's PUD proposal during the March 6, 2023 meeting, the Commission neither approved nor denied the Design Review Application but continued the item to April 3, 2023 for further discussion. At the March 6, 2023 meeting, the Commission suggested that the Applicant consider the following:

- **Position the proposed structures to be more compatible with the surrounding neighborhood.** The Applicant Team submitted a revised site plan which placed the studio unit at the north end of the parcel and along the property frontage of Bullion Street. Placing this smaller structure to the north of the 4-plex structure, as opposed to

the south, created more of a visual buffer between pedestrians/neighbors and the 4-plex structure. The 4-plex structure was of concern to numerous neighbors, based on its size, large and monotone street-facing building surface, and overall proportion to other buildings in the area. Studio placement directly adjacent to Bullion Street addressed these concerns.

The Applicant has also reduced the overall building length of the 4-plex by two and half (2.5) feet, and the height by one foot, ten and seven-sixteenths of an inch (1'10 7/16"). This reduction in building envelope addressed the concerns that were shared regarding overall building size and scale of the 4-plex and its compatibility with the surrounding neighborhood structures.

- **Including wrap-around entrances and covered porches for the two end units of the 4-plex.** Wrap-around entrances for each of the two (2) end units creates less pedestrian traffic on the western edge of parcel, which directly adjoins another residential lot and structures. This alleviates some of the privacy concerns raised at the first hearing. Both the wrap-around entrances and the covered porches also enhance the human scale, front (street-facing) façade design, and unit density.

Pedestrians and neighbors viewing the 4-plex from Bullion Street will now be greeted with one (1) of the residential entrances and a more interesting and dynamic building face, as opposed to the original building design. Neighbors sharing the western boundary of the parcel will have increased privacy for their property with two (2) of the original four (4) 4-plex entrances being shifted to a north and south aspects, respectively. Additional landscape screening for the western parcel boundary has also been provided by the Applicant. Residents of the 4-plex themselves will also now have an enhanced sense of privacy and independence amongst the block of four (4) units, with updated building design evoking a greater sense of separated residences versus apartment-style living.

- **Reduce Turf Space.** This project is within viewing distance of Hop Porter Park, and in short walking distance of the Draper Preserve, Lions Park, and hiking trails. In the interest of designing environmentally favorable projects, the Commission suggested that the Applicant reduce as much turf space within the project as possible, replacing turf with more drought tolerant or low water use plantings. This will reduce the site's water and energy consumption associated with irrigation and sprinkling, as well as with mowing and turf maintenance. The Applicant has provided updated designs that replace all turf space with decorative rock and additional plantings.
- **Provide a parking agreement.** With onsite parking for residents being shared with guests/staff of the Blaine County School District administrative offices, the Commission suggested that the Applicant draft a clear and explicit shared access and parking agreement for the two (2) parties, outlining permitted uses and expectations and a means to resolve any ongoing conflicts. This will be especially important for instances when there are BCSD Board Meetings, residents have guests visiting with their personal

vehicles, and even in the summer months when there are events at Hop Porter Park, and folks may try and park at the site.

- **Consider the establishment of a parking easement for access in case of vacancy of BCSD parallel lot line.** Again, the Commission stressed the importance of planning for any future parking issues and/or scenarios that could negatively impact residents. A parking easement for access to the parking lot – and thus, the garages of the 4-plex residences – will ensure that if ownership of the BCSD parcel were to change, residents of the units will be guaranteed access to their units.

At the April 3, 2023 Planning and Zoning Commission meeting, the Applicant Team provided a brief presentation and discussion of project amendments that responded to the Commission's suggestions as stated above. At this meeting, the Applicant Team also provided a significant project update: full funding for the project has been secured, removing the funding contingency from the construction of the studio unit. As of April 3, 2023, the project is intended to be completed to its full scope of five (5) residential units.

At this same meeting, the Commission offered the following final suggestions to the Applicant for enhancing the project:

- **Install wiring for future solar photovoltaic systems, for all units.** In the initial Design Review process, the Applicant Team stated that while they would make every effort to include solar/EV charging capacities for project units, the inclusion of such features would ultimately be decided by the project site's transformer capacity and approval by Idaho Power. Commissioners brought attention to the fact that solar photovoltaic systems (of the scale proposed for this project) are not limited by transformer capacity. EV charging does require transformers with greater power and capacity, though. At the time of the April 3, 2023 meeting, the Applicant Team could not define the capacity of the project site's transformer, but they appeared amenable to including wiring for solar PV panel installation in the future.
- **Relocate proposed street parking partition and site tree to ensure ease of access to snow storage area (northwest corner of parcel).** **Need to talk to Robyn and Public Works, telephone riser box and power pole located in partition – this feature could have been purposefully designed to protect these utilities. Site tree can easily be relocated along the western sidewalk, and even if partition stays, the site should still be accessible for snow storage (although not as ideally).
- **Relocate drywell in northern striped parking area to be closer to **** (public comment from neighbor said property line, but clarification was not obtained).**** During the April 3, 2023 meeting, a resident of the 128 W Bullion neighborhood raised concerns about the aforementioned dry well, seen in the submitted civil and landscaping plans for the project. This drywell, allegedly, has overflowed and caused street flooding in the past during exceptional precipitation events.
- **Incorporate an accent color for exterior building design.** Multiple Commissioners expressed great interest and support for including a less muted color feature in exterior building design. Suggestions for where this color could be featured included unit doors and/or trim. Color palette suggestions included sage green, yellow, or maroon. It was

not insisted that, nor decided for, the accent color to be uniform across the project site. Overall, the main motivation for this suggestion was to provide a more inviting and energized exterior design that complements the grey/beige/white color palette originally proposed.

In conjunction with this Design Review Application, the Applicant is also requesting a Planned Unit Development under Chapter 17.10 of the Hailey’s Municipal Code in order to offer substantial benefits for the City of Hailey. Under a PUD Application, flexibility in type, design, and siting of structures, and more efficient use of land is encouraged so long as a compatible relationship remains between the uses within the proposed PUD and to the community in general. Pursuant Section 17.10.030, the Applicant is required to provide amenities as part of the proposed PUD, and if applicable, waivers may be requested to the zoning and subdivision requirements.

The provisioning of rent-restricted units available to employees of BCSD satisfies the Amenities requirement outlined within Chapter 17.10: PUD. Pursuant Section 17.10.010: Developer Benefits, a request for waivers of the zoning and subdivision requirements is acceptable. The following items are modifications and/or waivers requested as part of this application (which have been approved by the Commission and will be heard by the Council in April 2023):

1. Per City of Hailey Code §17.10.030, the minimum size for a Planned Unit Development within the General Residential zoning district is one acre. The subject property is 0.31 acres. The Applicant is requesting a waiver to this standard.
2. Per City of Hailey Code §17.05.040, the maximum multi-family residential density is ten (10) units per acre. The subject property is 0.31 acres, which would allow for a maximum of three (3) multi-family residential units. The Applicant is requesting the allowance of at least four (4) multi-family units and up to five (5) multi-family residential units, including one (1) four-plex and one (1) detached studio contingent upon funding. The additional two residential units equate to a 67% density bonus which, per Code §17.10.040.01 B, requires approval by unanimous vote of the City Council following a recommendation by the Commission.
3. Per City of Hailey Code §17.04M.060, the maximum lot coverage in the General Residential Zoning District for buildings with two (2) or more stories above grade, with a garage is 30%. The proposed building area is +/-5,024 square feet, which equates to approximately 38% building coverage on a 13,490 square foot lot.

Procedural History: The Application was submitted on December 22, 2022 and certified complete on December 27, 2022. A public hearing before the Planning and Zoning Commission for approval or denial of the project was held on March 6, 2023, in the Hailey City Council Chambers and virtually via GoTo Meeting. A continuation of the Design Review was held April 3, 2023, in the Hailey City Council Chambers and virtually via GoTo Meeting.

| General Requirements for all Design Review Applications | | | | |
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| Compliant | | | Standards and Staff Comments | |
| Yes | No | N/A | City Code | City Standards and Staff Comments |
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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.06.050 | <p>Complete Application <i>Finding: Compliance. This standard has been met.</i></p> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Department Comments | <p>Streets, Engineering: <i>City of Hailey Public Works Department recommends the Applicant complete the following measures:</i></p> <ul style="list-style-type: none"> • <i>The Applicant has submitted revised plans which depict that the public right-of-way will be asphalt paved, striped, and curb and gutter will be installed. All infrastructure will require detailed final construction drawings to be submitted to the city and approved by the city prior to construction. All construction must conform to City of Hailey standard drawings, specifications, and procedures. This has been made a Condition of Approval.</i> <p>Life/Safety: <i>Access to the site and buildings have been provided according to the standards within Chapter 16.04. While emergency access is adequate as proposed, the Hailey Fire Department shared the following concerns:</i></p> <ul style="list-style-type: none"> - <i>Dead-end fire apparatus access roads in excess of 150’ shall provide width and turnaround provisions in accordance with Table D103.4 of the IFC.</i> <i>It appears that that the dead-end fire apparatus road is not in excess of 150’ but is measured from the edge of asphalt along the public street, Bullion Street, as 148.46’. If this distance exceeds 150’, the Applicant shall meet provisions in accordance with Table D103.4 of the IFC.</i> <i>Multifamily structures that are larger than duplex units are required to be sprinklered or firewall separation between each unit shall be met.</i> <i>It appears that the Applicant intends to meet the appropriate firewall separation between each unit.</i> <i>-Per the Applicant, all buildings can be access within 150’ of the fire apparatus; however, if this standard cannot be met, the Applicant shall comply with alternative provisions of the IFC (i.e., sprinkling the buildings).</i> <p>Water & Wastewater: <i>The Wastewater Division recommends that the following be added or resolved prior to final design:</i></p> <ul style="list-style-type: none"> - <i>The Applicant has submitted revised plans which shift the cleanout connection for the studio unit so that the service splits on private property, as opposed to splitting in the right of way. Engineering approved the original request for this action and has no further comment on revised plans.</i> - <i>Existing sewer service should be utilized unless the existing service has been installed too shallow to make the connection to the southern unit. If this is the case, engineering/wastewater team will need to connect to the existing service at the main and run new service pipe at a 2% grade. Engineering is aware of this circumstance.</i> <p><i>All infrastructure will require detailed final construction drawings to be submitted to the city and approved by the city prior to construction. All construction must conform to City of Hailey standard drawings, specifications, and procedures. These recommendations have been made Conditions of Approval.</i></p> <p>Building: <i>No comments</i></p> <p>Green Space: <i>City staff and Commission recommended that the Applicant Team incorporate more drought and salt tolerant plantings, and reduce turf space as much as possible, in order to promote water conservation. The numerous public parks and green spaces in very close proximity to the site make this suggestion appropriate. The Applicant has provided revised designs that adhere to this suggestion.</i> <i>Finding: Compliance. These standards have been met.</i></p> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 17.08A Signs | <p>17.08A Signs: <i>The applicant is hereby advised that a sign permit is required for any signage exceeding four square feet in sign area. Approval of signage areas or signage plan in Design Review does not constitute approval of a sign permit.</i></p> |

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| | | | Staff Comments | <i>N/A. No signs are proposed at the site.</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.09.040 On-site Parking Req. | See Section 17.09.040 for applicable code. |
| | | | Staff Comments | <p><i>Per the Hailey Municipal Code, Multifamily Dwellings are required to provide at least 1.5 onsite parking spaces if the residential units are larger than 1,000 square feet. If the residential units are less than 1,000 square feet in size, only one (1) parking space is required per unit.</i></p> <p><i>The Applicant is proposing a total of five (5) residential units. One (1) of the units is less than 1,000 square feet; therefore, one (1) additional parking space is required. Four (4) units are proposed to be greater than 1,000 square feet, requiring 1.5 spaces per unit for a total of six (6) parking spaces. The total number of required parking spaces is seven (7) onsite parking spaces. The site plan shows a total of twenty (20) parking spaces, eleven (11) standard spaces, one (1) accessible space, and eight (8) garage spaces. As it relates to multifamily dwellings, the proposal contains thirteen (13) parking spaces in excess of City requirements.</i></p> <p><i>That said, the proposed surface parking will be a shared parking area between the 4-plex structure, the studio, and the BCSD administrative offices located on the east side of the parking area. While each unit in the 4-plex will have its own 2-car garage, the vehicles of guests/visitors of these residences could impact parking availability for BCSD Office employees and members of the public visiting the office.</i></p> <p><i>Staff originally suggested that BCSD and ARCH collaborate to consider and/or develop systems/tools (parking passes, temporary parking location alternatives, etc.) to help alleviate any parking availability conflicts in the future.</i></p> <p><i>Staff also sought clarification from the Applicant regarding the possibility of a designated property manager to help facilitate appropriate parking and resolve any possible conflicts.</i></p> <p><i>Per the Commission’s suggestions, the Applicant shall draft a shared parking and access agreement, pertinent to both parcels sharing the lot and their designees, prior to issuance of a Certificate of Occupancy.</i></p> <p><i>This has been made a Condition of Approval.</i></p> <p><i>Finding: Compliance. The parking requirements for the proposed project are met.</i></p> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.09.040.06: Excess of Permitted Parking | A. Approval Required: No use shall provide on-site parking for more than two hundred percent (200%) of the number of spaces required by this chapter unless permitted by specific action of the commission. Applications for parking in excess of that normally permitted will be heard by the commission as part of other applications, or, where no other application is pertinent, under the notice and hearing procedures set forth for design review. |
| | | | Staff Comments | <p><i>Parking proposed is in excess of 200% of the number of spaces required by the Hailey Municipal Code. However, because the striped parking area (11 spaces) is shared with BCSD Offices as a condition of developing the parcel, Staff supports the parking configuration as proposed.</i></p> <p><i>Finding: Compliance. This standard has been met.</i></p> |

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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <p>17.08C.040 Outdoor Lighting Standards</p> | <p>17.08C.040 General Standards</p> <p>a. All exterior lighting shall be designed, located and lamped in order to prevent:</p> <ol style="list-style-type: none"> 1. Overlighting; 2. Energy waste; 3. Glare; 4. Light Trespass; 5. Skyglow. <p>b. All non-essential exterior commercial and residential lighting is encouraged to be turned off after business hours and/or when not in use. Lights on a timer are encouraged. Sensor activated lights are encouraged to replace existing lighting that is desired for security purposes.</p> <p>c. Canopy lights, such as service station lighting shall be fully recessed or fully shielded so as to ensure that no light source is visible from or causes glare on public rights of way or adjacent properties.</p> <p>d. Area lights. All area lights are encouraged to be eighty-five (85) degree full cut-off type luminaires.</p> <p>e. Idaho Power shall not install any luminaires after the effective date of this Article that lights the public right of way without first receiving approval for any such application by the Lighting Administrator.</p> |
| | | | <p><i>Staff Comments</i></p> | <p><i>The Applicant will install Dark Sky compliant, downcast, and low wattage fixtures. Finding: Compliance. This standard has been met.</i></p> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <p>Bulk Requirements</p> | <p>Townsite Overlay (TO)) Zoning District:</p> |
| | | | <p><i>Staff Comments</i></p> | <ul style="list-style-type: none"> - Building Height: <ul style="list-style-type: none"> o Permitted Building Height: 30' o Original Proposed Building Heights: <ul style="list-style-type: none"> ▪ 29' 4 1/16" for 4-plex; 16' 1 1/2" for studio unit o UPDATED Proposed Building Heights: 27' 5 5/8" for 4-plex; 16' 1 1/2" for studio unit <ul style="list-style-type: none"> ▪ 4-Plex Required Setbacks: Front Yard (Bullion Street): 12' ▪ Side Yard (West): 10' ▪ Side Yard (east/parking lot): 10' ▪ Rear Yard (south): 10' o Original 4-Plex Proposed Setbacks: <ul style="list-style-type: none"> ▪ Front Yard: 18.3' ▪ Side Yard: 21.59 ▪ Side Yard (east): 17.94 ▪ Rear Yard (south): 6.73 o UPDATED 4-Plex Proposed Setbacks: <ul style="list-style-type: none"> ▪ Front Yard: 50.1' ▪ Side Yard: 23.42' ▪ Side Yard (east): 16.12' ▪ Rear Yard (south): 11.49' o Studio Required Setbacks: <ul style="list-style-type: none"> ▪ Front Yard (Bullion Street): 12' ▪ Side Yard (West): 10' ▪ Side Yard (east/parking lot): 10' ▪ Rear Yard (south): 10' o Original Studio Proposed Setbacks: <ul style="list-style-type: none"> ▪ Front Yard (between 4-plex): 6.73' ▪ Side Yard (west): 39.02' ▪ Side Yard (east): 23.97' |

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| | | | | <ul style="list-style-type: none"> ▪ Rear Yard (south): 10.17' ○ UPDATED Studio Proposed Setbacks: <ul style="list-style-type: none"> ▪ Front Yard: 12.54' ▪ Side Yard (west): 49' ▪ Side Yard (east): 15.5' - Rear Yard (south): 113.5' Maximum lot coverage permitted in the General Residential and Townsite Overlay Zoning Districts is 30%. Under the current proposal of five (5) residential units, the proposed lot coverage is approximately 38%. This waiver has been approved by the Commission and will be reviewed by the City Council in April 2023. <p><i>Finding: Compliance. This standard has been met.</i></p> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.06.070(A)1 Street Improvements Required | <p>Sidewalks and drainage improvements are required in all zoning districts, except as otherwise provided herein.</p> <p><i>Staff Comments</i> A new 6' wide sidewalk will be installed along the north edge of the parcel (Bullion Street) in front of the proposed multifamily building. Sidewalk does not currently exist in this area of the site. The length of this new construction is approximately 95', and it will also provide street connection to the proposed pathway along the west-facing entryways to each of the two (2) units.</p> <p>With the reconfiguration of the BCSD Office parking area, the newly constructed sidewalk will be graded and constructed to allow for transition into the entry/exit of the parking lot. Approximately 23' of sidewalk will be re-constructed directly to the east of the parking lot entry/exit, connecting to existing sidewalk associated with the BCSD Office building.</p> <p>One (1) Drywell and two (2) landscape drywells will be constructed on site for this project, in addition to the three (3) drywells already present in the project area. Drywell location and site grading will be designed to promote efficient drainage.</p> <p><i>Finding: Compliance. At the April 3, 2023 meeting, a public comment was presented concerning the drywell within the striped parking at the northern extent of the project. This drywell has allegedly overflowed and caused a degree of runoff/flooding during past storm events. Public concerns and input suggested that the drywell be relocated to an area where runoff would not affect neighboring properties, should overflow occur again. Staff will work internally with the Applicant to best address and remedy these issues prior to issuance of a Building Permit. This standard has been met.</i></p> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.06.070(B) Required Water System Improvements | <p>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.</p> <p><i>Staff Comments</i> <i>Finding: Compliance. The standard will be met.</i></p> |

Design Review Requirements for Non-Residential, Multifamily, and/or Mixed-Use Buildings within the City of Hailey

| 1. Site Planning: 17.06.080(A)1, items (a) thru (n) | | | | |
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| Compliant | | | Standards and Staff Comments | |
| Yes | No | N/A | City Code | City Standards and Staff Comments |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.06.080(A) 1a | <p>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 residents and allow for safe access to buildings</p> |
| | | | <i>Staff Comments</i> | <p><i>Lot size and unit density restrict optimal configuration of the buildings in respect to sun exposure in exterior spaces, but the Applicant has provided a design that does promote safe access to buildings.</i></p> <p><i>Covered porches have been added to the entrances of each of the units, including the studio unit. This design feature will protect residence entrances from precipitation accumulation, especially during the winter season when freeze/melt cycles can cause ice build-up and unsafe conditions. Multiple mature trees and newly proposed landscaping will add variety in sun exposure and aesthetic that will promote safe and enjoyable use and access of the residences across site.</i></p> <p><i>Finding: Compliance. This standard has been met.</i></p> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.06.080(A) 1b | <p>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.</p> |
| | | | <i>Staff Comments</i> | <p><i>The Landscape Plan denotes tree removals and replacements. Heavy snow cover at the site prevented detailed inspection of trees, but staff concur that an Arborist Review is preferred before the removal of multiple 6-inch+ caliper trees associated with site development.</i></p> <p><i>Replacement trees, as proposed by the landscape plan, are all found in the Tree Guide. Developer will ensure they are of at least minimum caliper.</i></p> <p><i>Finding: Compliance. This standard will be met.</i></p> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.06.080(A) 1c | <p>c. Site circulation shall be designed so pedestrians have safe access to and through the site and to building.</p> |
| | | | <i>Staff Comments</i> | <p><i>Site circulation has been designed to keep vehicular access and parking in a centralized location, and there are no vehicular through-ways associated with the project. This design promotes predictability in vehicle flow and safety for pedestrians. Residents of both the studio and the 4-plex units have the option of entering their unit via garage or entryway sidewalk. These design features promote pedestrian site circulation and building access away from the shared surface parking area adjacent to BCSD offices.</i></p> <p><i>Finding: Compliance. This standard has been met.</i></p> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.06.080(A) 1d | <p>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.</p> |
| | | | <i>Staff Comments</i> | <p><i>- It is the Applicant's intention to provide roll out trash cans associated with each unit.</i></p> |

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| | | | | <ul style="list-style-type: none"> - All utility boxes shall be located at the rear of the buildings and/or screened from view of the public street. - Ground and roof-mounted equipment shall be shown on the building permit plans and are subject to Staff review and approval. - Equipment shall be screened from view and shall not interfere with any walkways or sidewalks. - <p><i>These measures were made conditions of approval.</i></p> <p><i>Finding: Compliance. This standard will be met.</i></p> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 17.06.080(A) 1e | <p>e. Where alleys exist, or are planned, they shall be utilized for building services.</p> <p><i>Staff Comments</i> N/A, as no alleys exist and/or are proposed.</p> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 17.06.080(A) 1f | <p>f. Vending machines located on the exterior of a building shall not be visible from any street.</p> <p><i>Staff Comments</i> N/A.</p> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.06.080(A) 1g | <p>g. On-site parking areas shall be located at the rear of the building and screened from the street. Parking and access shall not be obstructed by snow accumulation. (NOTE: If project is located in Airport West Subdivision, certain standards may apply that are not listed here. See code for details.)</p> <ul style="list-style-type: none"> 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. <p><i>Staff Comments</i> On-site parking will be contained within the striped parking area shared with BCSD, directly adjacent to the proposed units. Both established and proposed tree plantings aid in screening parking from street view.</p> <p><i>Finding: Compliance. This standard has been met.</i></p> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.06.080(A) 1h | <p>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.</p> <p><i>Staff Comments</i> On-site parking will be accessed from a single approach.</p> <p><i>Finding: Compliance. This standard has been met.</i></p> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.06.080(A) 1i | <p>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.</p> <p><i>Staff Comments</i> Site plan proposes 9,472SF of parking, driveways, and sidewalks on residential and BCSD Office property. Twenty-five (25%) of this area – the required amount of area for snow storage – is 2,368SF. The Applicant is proposing 2,940SF (31%) of snow storage area.</p> <p><i>Finding: Compliance. At the April 3, 2023 Design Review continuation, the Commission shared concerns with access to the snow storage area in the northwest corner of the project parcel. As the project is currently proposed, there is a parking partition within the striped parking area on Bullion Street that impedes ease of access to the snow storage area. Additionally, there is a proposed tree planting on the northern edge of the snow storage area that could further exacerbate issues with snow storage access. The Commission suggested to the Applicant to reconsider the placements of both the parking partition and the tree planting to</i></p> |

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| | | | | ensure the snow storage area is easily and safely accessible with snow removal equipment. <i>This standard has been met.</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.06.080(A) 1j | j. Snow storage areas shall not be less than 25% of the improved parking and vehicle and pedestrian circulation areas. |
| | | | <i>Staff Comments</i> | <i>See Standard (i) above.</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.06.080(A) 1k | k. A designated snow storage area shall not have any dimension less than 10 feet. |
| | | | <i>Staff Comments</i> | <i>Snow storage areas comply with this standard. Finding: Compliance. This standard has been met.</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.06.080(A) 1l | l. Hauling of snow from downtown areas is permissible where other options are not practical. |
| | | | <i>Staff Comments</i> | <i>At this time, the site and proposed snow storage areas appear to be adequate for the storing of snow. Finding: Compliance. This standard has been met.</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.06.080(A) 1m | 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. |
| | | | <i>Staff Comments</i> | <i>Snow storage areas do not appear to impede any of the stated items. Finding: Compliance. This standard has been met.</i> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 17.06.080(A) 1n | n. Snow storage areas shall be landscaped with vegetation that is salt-tolerant and resilient to heavy snow. |
| | | | <i>Staff Comments</i> | <i>Snow storage areas are shown in landscaped areas; however, the northernmost snow storage area in front of the 4-plex adjacent to Bullion Street will have two (2) "Autumn Blaze Maple" trees planted in it. This tree species is listed as "salt-sensitive" on online arborist resource pages. Considering that this development will require the removal of 15 trees – many of them mature – Staff recommends that the Applicant select a hardier, more robust tree species for the northern grass/snow storage area, in order to maximize potential for successful vegetative growth at the site. If a new species is selected, Hailey's Tree Species Guidelines shall be referenced. Norway Maple, or a Linden species, are approved trees for planting in the City of Hailey and offer improved hardiness and salt tolerance while still retaining much of size/aesthetic qualities found with Autumn Blaze Maples. Finding: Compliance. This standard will be met.</i> |

2. Building Design: 17.06.080(A)2, items (a) thru (m)

| Compliant | | | Standards and Staff Comments | |
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| Yes | No | N/A | City Code | City Standards and Staff Comments |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.06.080(A) 2a | a. The proportion, size, shape and rooflines of new buildings shall be compatible with surrounding buildings. |
| | | | <i>Staff Comments</i> | <i>The new 4-plex building will appear to be larger in height and overall mass than the BCSD office building. Considering the 4-plex is a two-story structure with residential design elements, this is to be expected. In terms of overall building footprint, both the 4-plex and the office building appear to be similar in size, although layout is dissimilar (rectangular 4-plex, L-shaped office). The proposed studio unit will be smaller in all senses compared to surrounding buildings.</i> |

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| | | | | <p><i>At the first public hearing for the project, Commissioners and public commenters shared concerns with the impact of the proportion, shape, and rooflines on the surrounding buildings. However, the Applicant revised their design plan to ensure that the 4-plex building is as compatible as possible with the surrounding properties and neighborhood layout. Design revisions addressing this include placement of the studio unit in front of the 4-plex, closest to Bullion Street and surrounding buildings/neighbors, in order to provide a buffer from the larger 4-plex and soften the building's scale. Covered porches for each unit entrance are now proposed and create a human scale and architectural element that is more compatible with surrounding buildings. These covered porches also create new rooflines that break up building mass and provide the project with a more residential aesthetic.</i></p> <p><i>Finding: Compliance. This standard has been met.</i></p> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 17.06.080(A) 2b | <p>b. Standardized corporate building designs are prohibited.</p> <p><i>Staff Comments</i> N/A, as the project is not a corporate design</p> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.06.080(A) 2c | <p>c. At ground level, building design shall emphasize human scale, be pedestrian oriented and encourage human activity and interaction.</p> <p><i>Staff Comments</i> The inclusion of a sidewalk along the parcel emphasizes human scale and pedestrian use, especially considering that this feature did not previously exist in this location. The shared pathway to covered entrances of each unit also encourages human activity and interaction.</p> <p><i>Finding: Compliance. This standard has been met.</i></p> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.06.080(A) 2d | <p>d. The front façade of buildings shall face the street and may include design features such as windows, pedestrian entrances, building off-sets, projections, architectural detailing, courtyards and change in materials or similar features to create human scale and break up large building surfaces and volumes.</p> <p><i>Staff Comments</i> Lot size, density requests, and building orientation have created unique design constraints for the Applicant. Staff encouraged the Applicant to reconsider the design of the street-facing side of the 4-plex and incorporate more creative design features, such as larger/more windows, additional projections, exterior material changes, wainscot, or even a covered patio space. Staff found this aspect of the building to be a large surface and somewhat one-dimensional.</p> <p>The Applicant provided a revised site and building design that addresses these standards. Please refer to section 17.06.080(A)2a for further detail on how Applicant has taken steps to address front façade and overall building and site design.</p> <p><i>Finding: Compliance. This standard has been met.</i></p> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 17.06.080(A) 2e | <p>e. Any addition onto or renovation of an existing building shall be designed to create a cohesive whole.</p> <p><i>Staff Comments</i> No future additions or renovations are planned at this time.</p> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.06.080(A) 2f | <p>f. All exterior walls of a building shall incorporate the use of varying materials, textures and colors.</p> <p><i>Staff Comments</i> Staff requested that the Applicant incorporate more variety and creativity in colors, materials, and textures for the exterior walls of the north-south elevations, especially north elevations facing Bullion Street.</p> |

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| | | | | <p><i>Staff also requested that the Applicant submit a more comprehensive set of renderings for the review team to consider. A Materials Sample Board was brought to the initial hearing.</i></p> <p><i>The Applicant addressed these requests in their updated design submission. The Applicant presented a new design that includes both vertical and horizontal siding patterns with light gray and beige primary siding and white accent siding, the inclusion of larger, white, stand-alone vertical siding pieces, which help to break up large building masses and demarcate each of the units (4-plex), and the addition of multiple covered porches with asphalt shingles. These porches create new rooflines and add visual texture and variety in color to viewers of the units.</i></p> <p><i>At the April 3, 2023 meeting, the Commission expressed interest and support in the Applicant including an accent color throughout the exterior design elements of the proposed project. The Applicant appeared amenable to this request. Please see the Background and Overview section of this Findings of Fact Staff Report for further detail.</i></p> <p><i>Finding: Compliance. This standard will be met.</i></p> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.06.080(A) 2g | <p>g. Exterior buildings colors and materials shall be integrated appropriately into the architecture of the building and be harmonious within the project and with surrounding buildings.</p> <p><i>As originally proposed, the exterior color and materials of both the 4-plex and the studio unit were harmonious between each other and with surrounding buildings, but the scale of the 4-plex and its north façade, paired with monochromatic lap siding, created concern amongst Staff.</i></p> <p><i>Staff suggested that the Applicant review alternative exterior building materials, to be incorporated into sections of the façade/overall building, including those of varying colors. Staff emphasized the unique viewshed the 128 W. Bullion project, with direct lines of sight to Hop Porter Park and adjacency to BCSD Offices. This building will receive substantial viewership from the broader public.</i></p> <p><i>Both the 4-plex and studio unit buildings have received exterior design modifications from the Applicant. Current design now includes variety in siding configurations, color, and placement of covered porches/entrances. These design updates create harmony within the project and surrounding buildings.</i></p> <p><i>Finding: Compliance. This standard has been met.</i></p> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 17.06.080(A) 2h | <p>h. Flat-roofed buildings over two stories in height shall incorporate roof elements such as parapets, upper decks, balconies or other design elements.</p> <p><i>N/A, as no flat-roofed buildings are proposed.</i></p> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.06.080(A) 2i | <p>i. All buildings shall minimize energy consumption by utilizing alternative energy sources and/or passive solar techniques. At least three (3) of the following techniques, or an approved alternative, shall be used to improve energy cost savings and provide a more comfortable and healthy living space:</p> <p>i) Solar Orientation. If there is a longer wall plane, it shall be placed on an east-west axis. A building’s wall plane shall be oriented within 30 degrees of true south.</p> <p>ii) South facing windows with eave coverage. At least 40% of the building’s total glazing surface shall be oriented to the south, with roof overhang or awning coverage at the south.</p> |

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| | | | | <p>iii) Double glazed windows. iv) Windows with Low Emissivity glazing. v) Earth berming against exterior walls vi) Alternative energy. Solar energy for electricity or water heating, wind energy or another approved alternative shall be installed on-site. vii) Exterior light shelves. All windows on the southernmost facing side of the building shall have external light shelves installed.</p> |
| | | | <i>Staff Comments</i> | <p>The Applicant has stated that they plan to minimize energy consumption by incorporating/utilizing the following:</p> <ul style="list-style-type: none"> - Double Glazed Windows - Low Emissivity Glazing - LED lighting will be utilized throughout the project <p>Additionally, the Applicant plans to incorporate additional energy conserving methods into the overall site plan and/or building design:</p> <ul style="list-style-type: none"> - Drought tolerant and low water use landscaping is proposed - Energy efficient appliances will be utilized within each unit <p>The Applicant is supportive of wiring each unit for rooftop solar and EV charging; however, internal discussions with Idaho Power will need to take place with regard the capabilities of the existing transformer. EV charging requires specific transformer capacities, while rooftop solar does not (at the scale proposed for this project). The Commission suggested that the Applicant include wiring for solar panels regardless of what Idaho Power determines the capacity of the transformer to be. The Applicant stated that they will make every effort to provide these additional energy-conserving amenities but cannot commit to supplying this infrastructure at this time.</p> <p><i>Finding: Compliance. This standard has been met.</i></p> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.06.080(A) 2j | <p>j. Gabled coverings, appropriate roof pitch, or snow clips and/or gutters and downspouts shall be provided over all walkways and entries to prevent snow from falling directly onto adjacent sidewalks.</p> |
| | | | <i>Staff Comments</i> | <p>Applicant's revised designs include typical gutters and downspouts on all roofed sections.</p> <p><i>Finding: Compliance. This standard has been met.</i></p> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.06.080(A) 2k | <p>k. Downspouts and drains shall be located within landscape areas or other appropriate locations where freezing will not create pedestrian hazards.</p> |
| | | | <i>Staff Comments</i> | <p>Same as above.</p> <p><i>Finding: Compliance. This standard has been met.</i></p> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 17.06.080(A) 2l | <p>l. Vehicle canopies associated with gas stations, convenience stores or drive-through facilities shall have a minimum roof pitch of 3/12 and be consistent with the colors, material and architectural design used on the principal building(s).</p> |
| | | | <i>Staff Comments</i> | N/A. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 17.06.080(A) 2m | <p>m. A master plan for signage is required to ensure the design and location of signs is compatible with the building design and compliance with Section 17.08A.020 of this title.</p> |
| | | | <i>Staff Comments</i> | N/A, as no signage is proposed is proposed at this time. |
| <p>3. Accessory Structures, Fences and Equipment/Utilities: 17.06.080(A)3, items (a) thru (i)</p> | | | | |
| Compliant | | | Standards and Staff Comments | |
| Yes | No | N/A | City Code | City Standards and <i>Staff Comments</i> |

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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.06.080(A) 3a | a. Accessory structures shall be designed to be compatible with the principal building(s). |
| | | | <i>Staff Comments</i> | <i>The detached studio unit has been designed to be compatible with the principal building. Exterior siding patterns and colors, as well as architectural detailing in gables, roof pitch, and covered porches, align with and create compatibility with the 4-plex building.</i> <i>Finding: Compliance. This standard has been met.</i> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 17.06.080(A) 3b | b. Accessory structures shall be located at the rear of the property. |
| | | | <i>Staff Comments</i> | <i>Applicant originally proposed studio unit to be placed at the rear of the property, but concerns shared by neighboring residents and the Commission regarding the scale and visual compatibility of the 4-plex, with respect to surrounding buildings, warranted a suggested design revision that placed the studio unit at the front of the property along Bullion Street. This placement is intended to soften the scale of the 4-plex and present a public-facing structure that is more compatible with surrounding residences and buildings.</i> <i>In the instance of this design review and considerations of comments from the public, this standard shall not apply.</i> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 17.06.080(A) 3c | c. Walls and fences shall be constructed of materials compatible with other materials used on the site. |
| | | | <i>Staff Comments</i> | <i>N/A, as newly constructed walls and fencing are not proposed.</i> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 17.06.080(A) 3d | 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. |
| | | | <i>Staff Comments</i> | <i>N/A, as walls and fencing are not proposed.</i> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 17.06.080(A) 3e | e. 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. |
| | | | <i>Staff Comments</i> | <i>N/A, as no roof projections are proposed at this time.</i> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 17.06.080(A) 3f | 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. |
| | | | <i>Staff Comments</i> | <i>N/A.</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.06.080(A) 3g | 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. |
| | | | <i>Staff Comments</i> | <i>It does not appear that any ground or roof-mounted mechanical equipment is proposed; if so, any and all ground and roof mounted mechanical equipment shall be screened from view. This was made a condition of approval.</i> <i>Finding: Compliance. This standard has been met.</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.06.080(A) 3h | i. All service lines into the subject property shall be installed underground. |
| | | | <i>Staff Comments</i> | <i>All services lines will be underground.</i> <i>Finding: Compliance. This standard will be met.</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.06.080(A) 3i | j. Additional appurtenances shall not be located on existing utility poles. |

| | | | | |
|--|--------------------------|--------------------------|-------------------------------------|---|
| | | | <i>Staff Comments</i> | <i>No appurtenances will be permitted on poles. Finding: Compliance. This standard has been met.</i> |
| 4. Landscaping: 17.06.080(A)4, items (a) thru (n) | | | | |
| Compliant | | | Standards and Staff Comments | |
| Yes | No | N/A | City Code | City Standards and Staff Comments |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.06.080(A) 4a | <p>a. Only drought tolerant plant species and/or xeriscape specific plant materials shall be used, as specified by the Hailey Landscaping Manual or an approved alternative.</p> <p><i>Staff Comments</i> <i>The landscaping proposed is drought-tolerant and low-water features (Automatic underground drip irrigation with rain sensor) are proposed to be installed. Please refer to the Landscape Plan, Sheet L1 for further details. Finding: Compliance. This standard has been met.</i></p> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.06.080(A) 4b | <p>b. All plant species shall be hardy to the Zone 4 environment.</p> <p><i>Staff Comments</i> <i>It appears that plant materials will be appropriate for the environment. Finding: Compliance. This standard has been met.</i></p> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.06.080(A) 4c | <p>c. At a minimum, a temporary irrigation system that fully operates for at least two complete growing seasons is required in order to establish drought tolerant plant species and/or xeriscape specific plant materials. Features that minimize water use, such as moisture sensors, are encouraged.</p> <p><i>Staff Comments</i> <i>Irrigation Notes have been provided and appear to comply with this standard. Features that minimize water, such as automated outdoor rated controllers, or moisture sensors, are proposed to be installed. Finding: Compliance. This standard has been met.</i></p> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.06.080(A) 4d | <p>d. Landscaped areas shall be planned as an integral part of the site with consideration of the urban environment. A combination of trees shrubs, vines, ground covers and ornamental grasses shall be used. New landscaped areas having more than 10 trees, a minimum of 10% of the trees shall be at least 4-inch caliper, 20% shall be at least 3-inch caliper, and 20% shall be at least 2½ inch caliper and a maximum of 20% of any single tree species may be used in any landscape plan (excluding street trees). New planting areas shall be designed to accommodate typical trees at maturity. Buildings within the LI and SCI-I zoning district are excluded from this standard.</p> <p><i>Staff Comments</i> <i>Landscaping Plans have been provided. This plan shows new trees and plants to be planted, as well as Plant Material Lists for the proposed landscaping. The proposed Plant Material List includes:</i></p> <ul style="list-style-type: none"> ○ 2 Autumn Blaze Maple (3" Cal.) ○ 3 Crabapple (2.5" Cal.) ○ 3 Washington Hawthorn (2.5" Cal.) ○ 7 Rocky Mountain Juniper (1 ½" Cal.) ○ 7 White Weeping Spruce (1 ½" Cal.) ○ 7 Bristle cone Pine (1 ½" Cal.) ○ 6 Wichita Blue Juniper (6' height) ○ 7 Spartan Juniper (6' height) <p><i>Proposed shrubs include:</i></p> <ul style="list-style-type: none"> ○ Peking Cotoneaster ○ Diablo Ninebark ○ Snowmound Spirea |

| | | | | |
|-------------------------------------|--------------------------|-------------------------------------|-----------------------|--|
| | | | | <ul style="list-style-type: none"> ○ <i>Tor Birchleaf Spirea</i> ○ <i>Common Snowberry</i> <p><i>(All 5 Gal., 19 units total)</i></p> <ul style="list-style-type: none"> ○ <i>Reed Grass</i> ○ <i>Flame Grass</i> ○ <i>Blue Oat Grass</i> ○ <i>Black Eye Susan</i> ○ <i>Lavender</i> ○ <i>Salvia</i> <p><i>(All 1 Gal., 61 units total)</i></p> <p><i>For the overall project, the Applicant is proposing a total of forty-two (42) trees. (“Evergreen Screening Shrubs” are being considered as trees in this instance, as both proposed species in this category are Juniper tree species). 20% single species maximum is eight (8) plantings per species. The Applicant proposes no more than 7 individual plantings per species. This requirement has been met.</i></p> <p><i>Twenty-one (21) of the trees are proposed to be of 1 ½” caliper. Based on the standard above, the Applicant shall ensure that all planted trees meet the (2 ½”) caliper planting requirement. This was made a Condition of Approval.</i></p> <p><i>Finding: Compliance. This standard will be met.</i></p> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 17.06.080(A) 4e | <p>e. Seasonal plantings in planter boxes, pots, and/or hanging baskets shall be provided to add color and interest to the outside of buildings in the LI and SCI-I zoning districts.</p> |
| | | | <i>Staff Comments</i> | <i>N/A, as the proposed project is located within the Limited Business (LB) Zone District.</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.06.080(A) 4f | <p>f. Plantings for pedestrian areas within the B, LB, TN and SCI-O zoning districts shall be designed with attention to the details of color, texture and form. A variety of trees, shrubs, perennials, ground covers and seasonal plantings, with different shapes and distinctive foliage, bark and flowers shall be used in beds, planter boxes, pots, and/or hanging baskets.</p> |
| | | | <i>Staff Comments</i> | <i>N/A, as the proposed project is located within the General Residential and Townsite Overlay (GR, TO) Zoning Districts.</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.06.080(A) 4g | <p>g. Storm water runoff should be retained on the site wherever possible and used to irrigate plant materials.</p> |
| | | | <i>Staff Comments</i> | <i>A site geometry and grading plan has been submitted and storm water will be retained onsite. Runoff is within the landscaped/parking areas and is directed to drywells, as noted on the site geometry and grading plan.</i> <i>Finding: Compliance. This standard has been met.</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.06.080(A) 4h | <p>h. A plan for maintenance of the landscaping areas is required to ensure that the project appears in a well-maintained condition (i.e., all weeds and trash removed, dead plant materials removed and replaced).</p> |
| | | | <i>Staff Comments</i> | <i>A plan for maintenance of landscaping has not been provided. It is assumed that landscaping/maintenance will be the responsibility of BCSD and their associates. This was made a condition of approval.</i> <i>Finding: Compliance. This standard has been met.</i> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 17.06.080(A) 4i | <p>i. Retaining walls shall be designed to minimize their impact on the site and the appearance of the site.</p> |
| | | | <i>Staff Comments</i> | <i>N/A, as no retaining walls are existing or proposed at this time.</i> |

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| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 17.06.080(A) 4j | j. Retaining walls shall be constructed of materials that are utilized elsewhere on the site, or of natural or decorative materials. |
| | | | <i>Staff Comments</i> | <i>N/A, as no retaining walls are existing or proposed at this time.</i> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 17.06.080(A) 4k | k. Retaining walls, where visible to the public and/or to residents or employees of the project, shall be no higher than four feet or terraced with a three-foot horizontal separation of walls. |
| | | | <i>Staff Comments</i> | <i>N/A, as no retaining walls are existing or proposed at this time.</i> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 17.06.080(A) 4l | l. Landscaping should be provided within or in front of extensive retaining walls. |
| | | | <i>Staff Comments</i> | <i>N/A, as no retaining walls are existing or proposed at this time.</i> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 17.06.080(A) 4m | m. Retaining walls over 24" high may require railings or planting buffers for safety. |
| | | | <i>Staff Comments</i> | <i>N/A, as no retaining walls are existing or proposed at this time.</i> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 17.06.080(A) 4n | n. Low retaining walls may be used for seating if capped with a surface of at least 12 to 16 inches wide. |
| | | | <i>Staff Comments</i> | <i>N/A, as no retaining walls are existing or proposed at this time.</i> |

Additional Design Review Requirements for Multifamily within the City of Hailey

1. Site Planning: 17.06.080(D)1, items (a) thru (c)

| Compliant | | | Standards and Staff Comments | |
|-------------------------------------|--------------------------|--------------------------|------------------------------|--|
| Yes | No | N/A | City Code | City Standards and <i>Staff Comments</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.06.080(D) 1a | a. The location of the buildings shall respond to the specific site conditions, such as topography, street corners, open space and existing and planned adjacent uses. |
| | | | <i>Staff Comments</i> | <i>The location and orientation of this project's buildings are mindful of preventing unnecessary character impact to the surrounding neighborhood, while also providing critical housing stock for BCSD employees that is in close proximity to green space, public transit, downtown retail and restaurants, and other services. Finding: Compliance. This standard has been met.</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.06.080(D) 1b | b. Site plans shall include a convenient, attractive and interconnected pedestrian system of sidewalks and shared pathways to reinforce pedestrian circulation within a site. |
| | | | <i>Staff Comments</i> | <i>The site plan includes convenient and interconnected pedestrian sidewalks and pathways that reinforce pedestrian circulation within the site. Site circulation has been designed to keep vehicular access and parking to a centralized, contained location while capitalizing on pre-existing parking resources. Pedestrian movement is encouraged towards the perimeters of the site through sidewalks, while garage placement allows for inner site movement and access. Offering both pedestrian circulation options is congruent with the unique shared use of the parking area with BCSD staff and public visitors, who will only be utilizing the parking area during normal business operation hours. Finding: Compliance. This standard has been met.</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.06.080(D) 1c | c. Buildings shall be organized to maximize efficient pedestrian circulation and create gathering places. |
| | | | <i>Staff Comments</i> | <i>Sidewalk placement and shared green spaces encourage efficient pedestrian circulation, as well as create gathering places. Sidewalk placement also encourages</i> |

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| | | | | <i>residents to explore and gather beyond the site, either to the east towards River Street and downtown Hailey, or to the west towards Hop Porter Park, Draper Preserve, and/or Carbonate Mountain.</i> <i>Finding: Compliance. This standard has been met.</i> |
| 2. Building Design: 17.06.080(D)2, items (a) thru (b) | | | | |
| Compliant | | | Standards and Staff Comments | |
| Yes | No | N/A | City Code | City Standards and Staff Comments |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.06.080(D) 2a | a. Buildings shall incorporate massing, group lines and character that responds to single-family homes. Buildings may also include the use of varying materials, textures and colors to break up the bulk and mass of large multi-family buildings. Windows should be residential in scale and thoughtfully placed to provide for privacy and solar gain. |
| | | | <i>Staff Comments</i> | <i>Please refer to Section 17.06.080(A)2, items (a) thru (m) for further details.</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.06.080(D) 2b | b. At ground level, buildings shall present a setting that is visually pleasing to the pedestrian and that encourages human activity and interaction. |
| | | | <i>Staff Comments</i> | <i>Please refer to Section 17.06.080(A)2, items (a) thru (m) for further details.</i> |

17.06.060 Criteria.

- A. The Commission or Hearing Examiner shall determine the following before approval is given:**
 - 1. The project does not jeopardize the health, safety or welfare of the public.**
 - 2. The project conforms to the applicable specifications outlined in the Design Review Guidelines, as set forth herein, applicable requirements of the Zoning Title, and City Standards.**
- B. Conditions. The Commission or Hearing Examiner may impose any condition deemed necessary. The Commission or Hearing Examiner may also condition approval of a project with subsequent review and/or approval by the Administrator or Planning Staff. Conditions which may be attached include, but are not limited to those which will:**
 - 1. Ensure compliance with applicable standards and guidelines.**
 - 2. Require conformity to approved plans and specifications.**
 - 3. Require security for compliance with the terms of the approval.**
 - 4. Minimize adverse impact on other development.**
 - 5. Control the sequence, timing and duration of development.**
 - 6. Assure that development and landscaping are maintained properly.**
 - 7. Require more restrictive standards than those generally found in the Zoning Title.**
- C. Security. The applicant may, in lieu of actual construction of any required or approved improvement, provide to the City such security as may be acceptable to the City, in a form and in an amount equal to the cost of the engineering or design, materials and installation of the improvements not previously installed by the applicant, plus fifty percent (50%), which security shall fully secure and guarantee completion of the required improvements within a period of one (1) year from the date the security is provided.**

1. **If any extension of the one-year period is granted by the City, each additional year, or portion of each additional year, shall require an additional twenty percent (20%) to be added to the amount of the original security initially provided.**
2. **In the event the improvements are not completely installed within one (1) year, or upon the expiration of any approved extension, the City may, but is not obligated, to apply the security to the completion of the improvements and complete construction of the improvements.**

CONCLUSIONS OF LAW

Based upon the above Findings of Fact, the Commission makes the following Conclusions of Law:

1. Adequate notice, pursuant to Title 17, Section 17.06.040(D), was given.
2. The project is in general conformance with the Hailey Comprehensive Plan.
3. The project does not jeopardize the health, safety, or welfare of the public.
4. Upon compliance with the conditions set forth, the project conforms to the applicable standards of Chapter 17.06, Design Review, other Chapters of the Hailey Municipal Code and City Standards.

DECISION

The Design Review Application submitted by Blaine County School District (BCSD) c/o ARCH Community Housing Trust, Inc (ARCH), for the construction of one (1) two-story multifamily building consisting of four (4) residential units, and one (1) detached one-story studio unit, for a total of five (5) residential units on approximately 0.31 acres. The proposed project consists of two, 1,412.2 square foot, three-bedroom units (end unit), two, 1,369.6 square foot, three-bedroom units (interior unit), and one, 653 square foot standalone studio unit., has been approved, finding that the project does not jeopardize the health, safety or welfare of the public and the project conforms to the applicable specifications outlined in Hailey Municipal Code Section 17.06, Design Review, additional applicable requirements of Title 17, Title 18, and City Standards, provided conditions (a) through (n) are met:

- a) All conditions of the Planned Unit Development approval shall be met.
- b) All applicable Fire Department and Building Department requirements shall be met.
- c) Any change in use or occupancy type from that approved at time of issuance of Building Permit may require additional improvements and/or approvals. Additional parking may also be required upon subsequent change in use, in conformance with Hailey's Municipal Code at the time of the new use.
- d) All City infrastructure requirements shall be met. Detailed plans for all infrastructure to be installed or improved at or adjacent to the site shall be submitted for Department Head approval and shall meet City Standards where required. Infrastructure to be completed at the Applicant's sole expense include, but will not be limited to, the following requirements and improvements:

- i. Existing sewer service shall be utilized unless the existing service has been installed too shallow to make the connection to the southern unit. If this is the case, the Applicant shall connect to the existing service at the main and run new service pipe at a two percent (2%) grade.
- e) Maintenance and snow removal of sidewalks, interior to the site and along site perimeter, shall be maintained by the Applicant.
- f) Applicant shall submit a shared parking and access agreement, pertinent to both parcels sharing the lot and their designees, prior to issuance of a Certificate of Occupancy.
- g) All ground and roof-mounted equipment shall be shown on the building permit plans and are subject to Staff review and approval. Equipment shall be screened from view and shall not interfere with any walkways or sidewalks.
- h) All utility boxes will be located at the rear of the buildings and/or screened from view of the public street.
- i) All new and existing exterior lighting shall comply with the Outdoor Lighting Ordinance.
- j) The Applicant shall ensure that all planted trees meet the (2 ½”) caliper planting requirement.
- k) Except as otherwise provided, all the required improvements shall be constructed and completed, or sufficient security provided as approved by the City Attorney, before a Certificate of Occupancy can be issued.
- l) This Design Review approval is for the date the Findings of Fact are signed. The Planning & Zoning Administrator has the authority to approve minor modifications to this project prior to and for the duration of a valid Building Permit.
- m) The Design Review approval shall be valid for eighteen (18) months. This extension shall be effective from the day the Findings of Fact are approved.
- n) The Design Review Application approval is subject to Planned Unit Development approval by the Hailey City Council, or shall be modified accordingly based on that approval.

Signed this ____ day of _____, 2023.

Janet Fugate, Planning & Zoning Commission Chair

Attest:

Jessie Parker, Community Development Assistant

Return to Agenda

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

On April 3, 2023 the Hailey Planning and Zoning Commission City-Initiated Text Amendment amending the Hailey Municipal Code, Title 17: Zoning Regulations, Chapter 17.02 Definitions, Section 17.02.020: Meaning of Terms or Words and amending, consolidating, and reorganizing Title 17: Zoning Regulations, Chapter 17.05 Official Zoning Map and District Use Matrix, Section 17.05.040: District Use Matrix, to modernize the Matrix language and related definitions.

Notice: Notice for the public hearing was mailed to public agencies on January 31, 2023 and published in the Idaho Mountain Express on February 1, 2023. The item was continued on record.

Background: The Community Development Staff identified the modernization of Hailey's Municipal Code as a priority for 2022 and moving forward. The current language of the District Use Matrix lists overlapping land uses. In some cases, the Matrix's lack of clear land use definition and inconsistencies across zoning neglect the priorities of the Comprehensive Plan, as well as the stated purposes of the Zoning Districts. By amending Title 17, Zoning Regulations, Chapter 17.05 Official Zoning Map and District Use Matrix, Section 17.05.040, Staff seeks to clarify the language, organization, and requirements of the District Use Matrix—and to better align them with the stated purpose of each Zoning District.

Scope:

The amendments presented herein remain within the current scope of the land uses listed in the Matrix. Furthermore, the proposed amendments are limited to the Residential, Public or Semipublic, Commercial, and Accessory Uses categories of the Matrix. The proposed Matrix eliminates Telecommunications and Agricultural Uses as overarching categories, considering that they may be more appropriately subsumed under the Public or Semipublic and Accessory Uses categories. The Bulk Requirements within the Matrix will be addressed during a subsequent hearing.

Process:

Throughout this 'modernization' effort, Staff aims to maintain and uphold the distinct characteristics and features of each Zoning District. Row by row, Staff:

- combined repetitive land uses;
- refined the descriptive language to provide greater clarity, accommodate development trends, and better align with the Comprehensive Plan;
- added land uses that exist but are unaccounted; and
- minimally adjusted how uses are permitted or not as to better align with the distinct purposes of each Zoning District.

Staff presented this effort to the Planning & Zoning Commission on December 5, 2022 and February 21, 2022. The Commission provided the following feedback, about how to proceed:

- 1) The Commission recommended that Staff create subcategories or change the descriptors of land uses so that similar land uses would be grouped and presented together. See food, health, lodging establishment, and pet related uses for examples.
- 2) When Staff inquired about whether they should increase the function of footnotes to further reduce and simplify the number of rows and descriptions of each land use, the Commission discouraged an increased reliance on footnotes. Specifically, the Commission stated that

footnotes are cumbersome and often overlooked by members of the public. As such, Staff minimized the use of footnotes in the Matrix. Staff removed unused footnotes and combined related footnotes, where appropriate. While several new footnotes were added, the overall number of footnotes decreased.

- 3) The Commission requested that Staff annotate and color code the working draft of the Matrix to explain the reasoning behind each edit. Each proposed edit for the March 20, 2023 meeting was highlighted, where language was **added** or **stricken**. The reasoning behind each edit was described and color-coded by the following set of annotations:

- Accommodate unaccounted for uses
- Align with Zoning District (ZD) purposes
- Clarify and simplify language
- Combine like uses
- Consistent language
- Distinguish between similar uses
- Modernize language
- Reflect desired and contemporary development trends
- Reflect concurrent Text Amendment
- Remove redundant language

In addition to the redlined and annotated version of the proposed District Use Matrix, the Commission requested a clean version of the proposed Matrix. Following the March 20, 2023 meeting, the Commission did not feel a need to update and maintain the annotated working draft of the Matrix. Rather, the edits recommended at the March 20, 2023 meeting are reflected in a redlined version of the clean Matrix.

- 4) Lastly, the draft Ordinance includes amendments to Chapter 17.02 definitions related to the District Use Matrix land uses.

Zoning Changes:

In tandem with amendments to the land use language organization and language, City Staff have also proposed edits to better align permitted uses with the stated purposes of the Zoning Districts. At the April 4, 2023 Public Hearing, Staff plans to discuss the Commission's recommendations from the March 20, 2023 meeting, as well as the zoning for offices in downtown Hailey. New edits that Staff have proposed include the expansion of zoning for recreational facilities, health and fitness facilities, and community centers.

Standards of Review:

Criteria for Review. Section 17.14.060(A) of the Hailey Municipal Code provides “[w]hen evaluating any proposed amendment under this chapter, the hearing examiner or commission and council shall make findings of fact on the following criteria:

1. The proposed amendment is in accordance with the comprehensive plan;
2. Essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services;
3. The proposed uses are compatible with the surrounding area; and

4. The proposed amendment will promote the public health, safety and general welfare.

1. The proposed amendment is in accordance with the Comprehensive Plan;

Land use decisions for the City of Hailey are paramount to implementing the goals of the Comprehensive Plan. As stated in Section 5: Land Use, Population and Growth Management:

“Land use is the one element of a Comprehensive Plan that ties the others together. Every other component of the Plan, from natural resources to housing to transportation, is influenced by land use.” (pg. 19)

Given the importance of land use decisions, Staff proposes that the language, organization, and requirements presented in the District Use Matrix be clear and effective— to support the community’s understanding of permitted land uses and to facilitate the internal processes of Community Development. Staff amended the Matrix in accordance with the following Comprehensive Plan goals:

Section 3: Special Areas or Sites and Features

Goal 3.1: Assure the protection and preservation of Special Sites, Areas and Features to maintain a strong community identity for future generations

Goal 3.3: Protect the traditional character of the historic downtown and Main Street corridor

Section 5: Land Use, Population and Growth Management

Goal 5.1: Retain a compact City comprised of a central downtown with surrounding diverse neighborhoods, areas, and characteristics as depicted in the Land Use Map (see page 29 for subpoints a-j for more information)

Section 11: Community Design

Goal 11.1 Establish a built environment that maintains a human scale, retains interest, aesthetics, encourages various levels of interaction among all members of the community, and enhances the character of different neighborhoods

The Plan speaks to the “intrinsic suitability of lands” for a variety of uses, including housing, commerce, industry, recreation, and public facilities (page 19). When evaluating and editing the Matrix, Staff utilized the stated purpose of each Zoning District to ensure the suitability and appropriateness of each land use. Staff followed the intentions and goals of the Plan to preserve the City’s green space, respect residential buffers, improve the organization of commercial uses, and streamline accessory uses.

2. Essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services;

The proposed Amendments seek to modernize the language, organization, and requirements of the District Use Matrix. Purposely, Staff aims to better align the permitted land uses with the stated purposes of each Zoning District. In doing so, the proposed Text Amendments encourage greater adherence to Hailey’s Official Zoning Map and the Land Use section of the Comprehensive Plan, both of which are designed for optimal and efficient use of public facilities and services. This proposed Text Amendment will encourage better use of public facilities and services, as they have been planned. It will not create excessive costs nor requirements.

3. The proposed uses are compatible with the surrounding area; and

The proposed Amendments uphold the features and characteristics of each Zoning District. Staff relied on the stated purposes of the Zoning Districts as a lens to ensure the suitability and compatibility of each land use edit. Altogether, the proposed Amendments encourage the community design that is described in Hailey’s Comprehensive Plan and depicted in the Official Zoning and Land Use Maps.

4. The proposed amendment will promote the public health, safety, and general welfare.

By enhancing the clarity of the Matrix and organization of the land uses listed across Zoning Districts, the proposed Amendments stand to increase the efficiency of City operations and better align with the goals of Hailey’s Comprehensive Plan. By increasing the effectiveness of the Municipal Code and the efficiency of City operations, this Text Amendment prioritizes the public health, safety, and general welfare of the community.

Finding: Compliance. The Commission found that this standard has been met.

Signed this _____ day of _____, 2023.

Janet Fugate, Chair

Attest:

Jessica Parker, Community Development Assistant

Attachments:

- i. Draft Ordinance – updated April 4, 2023

HAILEY ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING, CONSOLIDATING, AND REORGANIZING THE HAILEY MUNICIPAL CODE, TITLE 17: ZONING REGULATIONS, CHAPTER 17.05 OFFICIAL ZONING MAP AND DISTRICT USE MATRIX, SECTION 17.05.040, DISTRICT USE MATRIX; AND AMENDING RELATED DEFINITIONS IN TITLE 17: ZONING REGULATIONS, CHAPTER 17.02, SECTION 17.02.020 MEANING OF TERMS OR WORDS; 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 amendments to the Hailey Municipal Code, Title 17, conforms to the Hailey Comprehensive Plan; and

WHEREAS, the proposed additions will reduce confusion and contradictions in the Hailey Municipal Code; and

WHEREAS, the Hailey City Council has determined that the proposed amendments are appropriate and timely; and

WHEREAS, the text addition set forth in this Ordinance 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. Title 17 Zoning Regulations, Chapter 17.02 Definitions, Section 17.02.020 Meaning of Terms or Words is hereby modified by the removal of the stricken language and the addition of the underlined language, as follows and is highlighted for convenience:

ANSI: The American National Standards Institute, and as may be subsequently amended.

ATV: Any self-propelled vehicle with two (2) or more tires with a seat or saddle for use of the rider (e.g., dirt bikes and 4 wheelers) or any self-propelled vehicle designed primarily for travel on snow or ice, which may be steered by tracks, skis or runners (e.g., snowmobiles and snow cats).

ABOVEGROUND FLAMMABLE LIQUID TANK(S): A type of fuel tank. Any vessel containing more than sixty (60) gallons (227 l) of class I-A liquids, class I-B liquids or class I-C liquids, or as more particularly described in the IFC ("flammable liquid") (e.g., gasoline). Aboveground flammable liquids do not include LPG (propane). ~~The use of any aboveground flammable liquid tank is prohibited except where listed as a conditional and/or accessory use.~~

ABOVEGROUND COMBUSTIBLE LIQUID TANK(S): A type of fuel tank. Any vessel containing more than sixty (60) gallons (227 l) of class II liquids, class III-A liquids or class III-B liquids, or as more particularly described in the IFC ("combustible liquid") (e.g., diesel). Aboveground combustible liquids do not include LPG (propane). ~~The use of any aboveground combustible liquid tank is prohibited except where listed as a conditional and/or accessory use.~~

ACCESSORY DWELLING UNIT: A structure subordinate to the principal use on the same lot or premises having kitchen facilities and at least one bathroom, to be occupied as a residence, which is incidental to the use of the principal building.

ACCESSORY STRUCTURE: A structure containing the accessory use upon a lot.

ACCESSORY STRUCTURE, ATTACHED: Any accessory structure located within three feet (3') of or attached to the principal building.

ACCESSORY STRUCTURE, DETACHED: Any accessory structure located more than three feet (3') from the principal building.

ACCESSORY USE: A use subordinate to the principal use on the same lot or premises, and serving a purpose customarily incidental to the use of the principal use and is a use that is commonly, habitually and by long practice, established or associated in the city with such principal use.

ADMINISTRATOR: The person designated by the mayor or city administrator to oversee the administration of this title.

AIRPORT: Any runway, landing area or other facility designed or used for all landing and taking off of aircraft, including all associated taxiways, aircraft storage, maintenance and tie down areas, fueling facilities, hangars, passenger terminals and other buildings, either for regularly scheduled commercial aircraft or for general aviation only when there is also regularly scheduled commercial aircraft service. For the purposes of this definition, regularly scheduled commercial aircraft shall mean an air carrier (certified under CFR title 14, part 121) other than a charter air carrier (certified under CFR title 14, part 135), while general aviation shall mean all other aircraft use.

ALLEY: A minor way which is used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.

ALTERATION: Any change in size, shape, character, occupancy or use of a building or structure.

APARTMENT: A multiple-family dwelling containing three (3) or more dwelling units in which all units, exclusive of a unit which may be occupied by the owner, are rented or leased.

APIARY: Any place where one or more colonies of honeybees are located and the honeybees are kept within hive(s).

AREA DEVELOPMENT PLAN: A plan encompassing all contiguous parcels controlled by the same owner, which includes: legal description of contiguous parcels; name(s) of owner(s) of contiguous parcels; streets within and adjacent to the contiguous parcels, whether public or private; water main lines and sewer main lines; other utilities, including power, telephone, cable, gas; parks, if required under this title; grading and drainage; easements; hazardous or natural resource areas.

AREA MEDIAN INCOME (AMI): The combined gross income for all persons living in a dwelling unit as calculated by the United States department of housing and urban development annually for Blaine County.

AUTOMOTIVE REPAIR AND MAINTENANCE: Services for motor vehicles, including repair, ~~car~~ washes, and detailing services.

BAR: Any commercial establishment serving alcoholic beverages and providing entertainment for patrons including nightclubs, lounges, and cabarets, but not including food services, and as provided by Idaho Code.

BASE FLOOD: The flood having a one percent (1%) chance of being equaled or exceeded in any given year. This is a regulatory standard also referred to as the "100-year flood". The base flood is used by the NFIP as the basis for mapping, insurance rating and regulating new construction.

BASE FLOOD ELEVATION (BFE): The water surface elevation resulting from the base flood that is tied to a specified datum. The base flood elevation (BFE) is depicted on the FIRM to the nearest foot and in the FIS to the nearest 0.1 foot.

BASEMENT: The portion of a structure, including crawl space, with its floor subgrade (below ground level) on all sides.

BED AND BREAKFAST INN: A building which has no more than eight (8) sleeping rooms available for rent for short term (less than 15 days) residential occupancy, served through a main entrance.

BEEKEEPER: A person who owns or has charge of one or more colonies of honeybees.

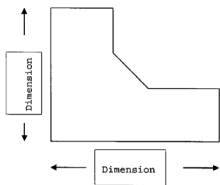
BEEKEEPING: The occupation of owning and breeding honeybees for their honey.

BOARDING AND ROOMING HOUSE: A building in which the proprietor resides and which has not more than six (6) rooms available for rent or lease for residential occupancy and in which no cooking or dining facilities are provided in the individual rooms.

BUFFER: Something which provides protection from and lessens the negative impacts one land use may have on another. A buffer may include, but is not limited to, a landscape strip, solid fence or solid wall. A zoning district may also serve as a buffer by inclusion or exclusion of certain uses and/or bulk or other requirements that serve to lessen the negative impacts of a more intensive zoning district.

BUILDING: Any structure used or intended for supporting or sheltering any use or occupancy.

BUILDING DIMENSION: The total length or width of a building footprint. See diagram.



BUILDING ENVELOPE: A platted boundary within which all buildings upon a lot must be located.

BUILDING FOOTPRINT (FOOTPRINT): The area of the lot or parcel which is within the perimeter created by a vertical extension to the ground of the exterior walls of all enclosed portions of a building, also including attached garages, carports and porte-cocheres, enclosed decks, enclosed porches, solariums and similar enclosed extensions, attachments and accessory annexes. Not included in the footprint are unenclosed portions or extensions of buildings, including, but not limited to, unenclosed decks, porches, eaves and roof overhangs.

BUILDING OFFICIAL: The Hailey building official.

BULK REQUIREMENTS: The combination of controls which establishes minimum and maximum lot sizes and dimensions and minimum and maximum size of buildings and their location on a lot, including:

- A. The size of buildings and other structures.
- B. The shape of buildings and other structures.
- C. The location of exterior walls of buildings and other structures, in relation to property lines, streets and other buildings or structures.
- D. Lot coverage.

E. Lot area per dwelling unit.

~~CATERING SERVICES: A type of food service business that facility for the prepares ation and stores age of food and food utensils for off-premises consumption, and service.~~

CENTRAL BUSINESS DISTRICT: That area containing all properties lying within the business and limited business districts on or adjacent to Main Street, River Street and 1st Avenue, and between the intersection of 3rd Avenue and Main Street, and the intersection of McKercher Boulevard and Main Street.

CHANNEL: A natural or artificial watercourse with definite bed and banks to confine and conduct continuously or periodically flowing water, and which, in the absence of evidence to the contrary, shall be presumed to consist of the area between the boundaries of vegetation on either side of the watercourse.

CHICKEN COOP: A building or enclosed structure which houses hens.

CITY: The City of Hailey, Idaho.

CITY ENGINEER: The Hailey City Engineer.

CITY STANDARDS: Those standards for street, drainage, water, sewer, wastewater, and other infrastructure improvements adopted by ordinance in accordance with the notice and hearing procedures provided in Idaho Code section 67-6509.

CO-LIVING DWELLING FACILITY: A building, or portion thereof, containing ten (10) or more private living spaces, at least one (1) shared kitchen, and at least one (1) shared living space. Each private living space shall include a bedroom and private bathroom. Private living spaces within a co-living dwelling facility shall be leased for residential occupancy only, and each unit shall meet the occupancy requirements of the International Building and International Fire Codes. A fulltime or onsite Property Manager is required.

~~INDIVIDUAL-COMBINED RETAIL/WHOLESALE TRADE: Any business or businesses that involve, in whole or in part, individual retail and/or A type of retail trade that incorporates wholesale trade sales, allowed in the applicable zoning district that:~~ Combined retail/wholesale trade businesses:

- A. Share check stands or storage areas;
- B. Share management; or
- C. Are owned, leased, possessed or otherwise controlled, in any manner, directly or indirectly:
 - 1. By the same individual(s) or entity(ies), including, but not limited to, corporation(s), partnership(s), limited liability company(ies) or trust(s); or
 - 2. By different individuals or entities, including, but not limited to, corporations, partnerships, limited liability companies or trusts where: a) such individual(s) or entity(ies) have a controlling ownership or contractual right with the other individual(s) or entity(ies); or b) the same individual(s) or entity(ies) act in any manner as an employee, owner, partner, agent, stockholder, director, member, officer or trustee of the entity(ies), and are located within one or more separate buildings or structures within eight hundred feet (800') of one another, regardless whether they are attached or detached.

COMMERCIAL PROJECT: A structure or development that, after completion, would be devoted to commercial or business use.

COMMERCIAL USE: An occupancy of a building, structure, or other property which involves any retail sale, wholesale distribution, office, entertainment service, recreational area, restaurant, room for rent, manufacturing, hybrid production facility or other nonresidential use. However, this definition shall not include churches, public schools, hospitals, public civic centers or public recreational facilities, or other facilities owned by, or operated strictly for the benefit of, the public.

COMMISSION: The governing body ~~Planning and Zoning Commission~~ of the City of Hailey, Idaho.

COMMUNAL AREA: The term communal area may include one or more common lounges, recreation rooms, dining rooms, living rooms, useable entry areas, foyers and lobbies that are accessible to all residents of the building, with sufficient accommodations for socializing and meeting. Not included in communal area are hallways and corridors, supply, janitorial or laundry areas, operations and maintenance areas, staff areas and offices and required bicycle parking areas or tenant storage areas.

COMMUNITY ~~EVENT~~ CENTER: A facility, which may be located on public or private property that functions primarily to provide a community-centered meeting hall for members of the public to carry out local community-oriented activities and public and civic functions. Examples of such facilities include grange halls, community sponsored meeting halls, and veterans halls, typically consisting of one or more meeting or multipurpose room and a kitchen and/or outdoor barbecue facilities, that are available for use by various groups for such activities as public assemblies, meetings, private meetings, parties, weddings, receptions, and dances.

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.

COMMUNITY HOUSING UNIT: Through a deed restriction, a dwelling unit that is restricted by size, type and cost, and/or 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.

COMPATIBILITY: The characteristics of different designs which, despite their differences, allow them to be located near each other in harmony, such as scale, height, materials, fencing, landscaping and location of service areas.

COMPREHENSIVE PLAN: The Comprehensive Plan of the City of Hailey, as adopted by resolution or ordinance by the City pursuant to Idaho Code section 67-6501 et seq., and as may be subsequently amended.

CONDITIONAL USE: A use or occupancy of land permitted only upon the issuance of conditional use permit, and subject to the limitations and restrictions specified in such permit in addition to all other applicable regulations and provisions of this title.

CONDOMINIUM: An estate consisting of an undivided interest in common in real property, in an interest or interests in real property, or any combination thereof, together with a separate interest in real property, in an interest or interests in real property, or any combination thereof.

CONTIGUOUS PARCELS: Two (2) or more parcels of real property that share at least one common boundary of any length, or any portion of a boundary, with a separate parcel of real property, or are separated only by intervening streets or other City owned parcels not more than one hundred feet (100') in width, controlled by the same owner.

CONVENIENCE STORE: A retail business with a primary emphasis placed on providing the public with a convenient location to quickly purchase from a wide array of consumable products (predominantly food or food and gasoline) and services. Convenience stores have the following characteristics:

- E. Building size may vary significantly, typically less than five thousand (5,000) square feet;
- B. Off street parking and/or convenient pedestrian access;
- C. Extended hours of operation with many open twenty four (24) hours a day, seven (7) days a week;
- D. Stock of at least five hundred (500) SKUs (stock keeping units);
- E. Product mix includes grocery type items and also includes items from the following groups: beverages, snacks (including confectionery) and tobacco.

COUNCIL: The City Council of the City of Hailey.

CURB CUT: An interruption in a curb or street edge to allow vehicular access from a property to the street typically associated with a driveway or parking lot entrance or exit.

CUT: Excavation and/or removal of earthen material.

DATUM: A common vertical elevation reference point, usually in relation to sea level.

DAYCARE BUSINESS: The care and supervision, provided for compensation, during part of a twenty four (24) 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 preschools, nursery schools, play schools, kindercare, childcare and any like or similar operation.

DAYCARE CENTER: A daycare business providing care for thirteen (13) or more children.

DAYCARE FACILITY: A daycare business providing care for seven (7) to twelve (12) children.

DAYCARE HOME: A daycare business providing care for six (6) or fewer children at any one time, having not more than three (3) employees, and operating between the hours of seven o'clock (7:00) A.M. and six o'clock (6:00) P.M.

DECK: An exterior floor system supported on at least two (2) opposing sides by an adjacent structure and/or posts, piers or other independent supports. A "deck" less than thirty inches (30") above adjacent grade is not subject to the setback requirements of this title.

DEED RESTRICTION: A method by which occupancy and resale of real property is controlled in a deed to create community housing units.

DEVELOPMENT: Any disturbance, cut, fill, new construction, exterior remodeling, landscaping, fencing, grubbing or site preparation.

DISTURB: To alter the position or arrangement of the ground and its features.

DRIVE-THROUGH FACILITY: A structure where service associated with a principal use is provided to the customer from a service window or service area designed to accommodate motorized vehicle access.

DRIVEWAY: A vehicular access constructed on private property providing access to not more than two (2) residential dwelling units.

DUPLEX: A multiple-family dwelling containing two (2) dwelling units.

DWELLING UNIT: A building or separate portion thereof having a single kitchen and providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation, designed to be occupied as a residence. Every dwelling unit shall have a total gross floor area of not less than two hundred (200) gross square feet, and shall include other requirements as specified in the IBC or IRC.

ELEVATION: A drawing showing the entire height and width of an exterior wall of a building.

EMPLOYEE: Any person working for compensation in any business.

ENCLOSURE (SENSE OF): An experience in which a pedestrian feels sheltered in a semiprivate realm. Buildings, trees, landscaping and street widths are all factors in creating a sense of enclosure.

ENERGY STAR: A joint program of the U.S. Environmental Protection Agency and the U.S. Department of Energy helping participants save money and protect the environment through energy efficient products and practices. Standards are set forth jointly by the U.S. Environmental Protection Agency and the U.S. Department of Energy.

ERECT: To build, construct, reconstruct, move upon or perform any other physical operations on the premises required for building. Associated excavation or fill shall be considered a part of erection.

FAÇADE: The exterior wall of a building exposed to public view or that can be viewed by persons not within the building.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA): The Federal Agency with the overall responsibility for administering the National Flood Insurance Program (NFIP).

FENCE: A barrier constructed to be an enclosure or an enclosure or to delineate a boundary and located within twenty feet (20') of a property line.

FENESTRATION: The arrangement of windows in a building.

FILL: Deposit of earthen material or other materials typically associated with new construction (e.g., landscaping, pavers, pavement and culverts).

FINANCE AND INSURANCE FIRMS: Establishments primarily engaged in financial transactions (transactions involving the creation, liquidation or change in ownership of financial assets) and/or in facilitating financial transactions, including, but not limited to, banks, insurance companies and investment companies.

FLOOD: General and temporary condition of partial or complete inundation of two (2) or more properties from: a) the overflow of inland waters; b) the unusual and rapid accumulation of runoff or surface waters from any source; c) mudflow; or d) collapse or subsidence of land along the shore of a lake or similar body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels that result in a flood, as defined herein.

FLOOD FRINGE: The portion of the floodplain outside of the floodway covered by floodwaters during the base flood.

FLOOD HAZARD DEVELOPMENT PERMIT BOARD: The Floodplain Administrator, the City Engineer and the Building Official.

FLOOD INSURANCE RATE MAP (FIRM): An official map of a community, issued by the FEMA, delineating the areas of special flood hazard and/or risk premium zones applicable to the community that is specifically defined as the “special flood hazard areas inundated by 100-year flood” on the current edition of the flood insurance rate map (FIRM), community map panel numbers 160022-0662, 160022-0664, 160022-0668, 160022-0856 and 160022-0857, or as modified by FEMA.

FLOOD INSURANCE STUDY (FIS): The report published by FEMA for a community along with the community’s FIRM. The FIS contains such background data such as the base flood discharges and water surface elevations that were used to prepare the FIRM.

FLOOD PROTECTION ELEVATION (FPE): As defined in Idaho Code section 46-1021(7), an elevation that shall correspond to the elevation of the one percent (1%) chance annual flood (base flood elevation or BFE), plus any increased flood elevation due to floodway encroachment, plus any required freeboard. The flood protection elevation for the city of Hailey is equal to BFE plus one foot (1’) of freeboard; the freeboard accounts for any flood elevation increases due to floodway encroachment as shown in the community’s flood insurance study.

FLOODPLAIN: The land that has been or may be covered by floodwaters, or is surrounded by floodwater and inaccessible, during the occurrence of the base flood that is specifically defined as the “special flood hazard areas inundated by 100-year flood” on the current edition of the flood insurance rate map (FIRM), or as modified by FEMA by an interpretation of on site elevations. The riverine floodplain includes the floodway and the flood fringe.

FLOODPLAIN ADMINISTRATOR: That individual designated by the administrator to administer [chapter 17.04](#), article J of this title.

FLOODWAY (REGULATORY FLOODWAY): The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height shown as the “floodway areas in zone AE” on the flood insurance rate map (FIRM).

FOOD SERVICE: ~~An establishment where food and drink are~~ business that prepares, or serves and consumed food and drink on or off site. With associated outdoor dining, or Food may also be distributed to customers through take out, delivery, or catering. Typical uses food services include, but are not limited to, restaurants, cafes, and delis, catering services and brewpubs that do not distribute beer produced for off site consumption. A food service business establishment may also serve alcoholic beverages.

FOOTPRINT: See definition of Building Footprint (Footprint).

FREEBOARD: A factor of safety usually expressed in feet above a flood level, the BFE, for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effects of urbanization in a watershed. The freeboard for the city of Hailey is equal to base flood elevation (BFE) plus one vertical foot.

FRONTAGE: The distance along the front lot line.

GABLE: Any triangular shaped, upper part of a building wall, usually under a pitched roof.

GALLERY: A space used for the display or sale of works of art. Galleries typically welcome the public.

GARAGE: A building or portion thereof in which a motor vehicle is or is intended to be stored, ~~repaired or kept.~~ Garages contain parking spaces.

GASOLINE STATION: Retail establishment selling gasoline, diesel, and similar fuel products.

GOVERNMENT AND PUBLIC ADMINISTRATION: Offices for federal, state, and local government agencies that administer, oversee and manage public programs and have executive, legislative or judicial authority over other institutions within a given area.

GREEN SPACE: Land dedicated or restricted as parks, pathways, connective greenways, recreational assets and/or open space.

GRID-CONNECTED SYSTEM: A photovoltaic solar energy system that is connected to an electric circuit served by an electric utility company.

GROSS FLOOR AREA: The gross area included within the surrounding exterior walls of a building or portion thereof, including all floor levels, exclusive of vent shafts, outdoor courts, attics or garages, or other enclosed automobile parking areas subject to the following restrictions:

- A. The basement of a single- or multiple-family dwelling is not included as floor area; and
- B. The basement of any other building is included as floor area.

GROUPED RETAIL TRADE: A combination of two (2) or more individual retail trades and/or wholesale trades (e.g., a shopping center).

HEALTH AND FITNESS FACILITY: A business or membership organization providing exercise facilities and/or nonmedical personal services to patrons, including, but not limited to, gymnasiums, private clubs (athletic, health, or recreational), tanning salons, and weight control establishments.

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 feet (10') above the highest point of the roof surface, steeples, and spires.

HEIGHT OF FENCE OR SCREEN: The vertical distance measured from record grade to the top of the fence.

HILLSIDE: The land located within the hillside overlay district as shown on Hailey's official zoning map.

HISTORIC STRUCTURE: Any building or structure that was originally constructed, in whole or in part, prior to 1941, regardless whether the building or structure was constructed or relocated within the townsite overlay district, unless the Hailey historic preservation commission has recommended that the building or structure does not maintain the historic architectural qualities, historic associations or archaeological values of other historic structures within the townsite overlay district.

HIVE: A frame hive, including a Langstroth hive, which has removable frames.

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 daycare 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:

- A. The home occupation shall not change the residential character of the dwelling or neighborhood.
- B. There shall be no exterior advertising.
- C. There shall be no sale or rental of stocks, supplies or products conducted on the premises.
- D. There shall be no exterior storage on the premises of material or equipment associated with the home occupation.
- E. 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.
- F. The home occupation shall not create the need for additional parking.
- G. The home occupation shall employ no unrelated person who is not a permanent resident of the dwelling.
- H. There shall be no significant increase in traffic in the vicinity of the dwelling as a result of the home occupation.
- I. Storage of explosive, combustible or hazardous materials shall conform to the regulations and restrictions of the IFC and IBC.

HONEYBEE: The common honeybee, *Apis mellifera* L., at any stage of maturity, but excluding the African honeybee, *Apis mellifera scutellata*. Honeybees include queens, workers and drones.

HOTEL: A building which is used for short term occupancy, offering sleeping accommodations to the public on a nightly basis and access to all sleeping rooms through an interior entrance, and which may provide food, entertainment, meeting facilities or various personal services.

HUMAN SCALE: Architectural and site design elements clearly oriented to human proportions, activity and perception.

HYBRID PRODUCTION FACILITY: A commercial operation or use, on one or more premises ~~within the same zoning district~~, where finished consumer goods are manufactured or produced and those same goods are offered for sale to the general public. Hybrid production facilities must be similar in size, scale and scope of operation with adjacent or nearby uses.

IBC: The international building code as adopted by state law and/or the city, and as may be subsequently amended.

IFC: The international fire code as adopted by state law and/or the city, and as may be subsequently amended.

IRC: The international residential code as adopted by state law and/or the city, and as may be subsequently amended.

INCOME CATEGORY: A grouping of household incomes based on a percentage of AMI.

| Category | Percentage Of AMI |
|----------|-------------------|
| 2 | 51 - 60 |
| 3 | 61 - 80 |
| 4 | 81 - 100 |
| 5 | 101 - 120 |
| 6 | 121 - 140 |

~~INDIVIDUAL RETAIL/WHOLESALE TRADE: Any business or businesses that involve, in whole or in part, individual retail and/or sales, allowed in the applicable zoning district that:~~

- ~~A. Share check stands or storage areas;~~
- ~~B. Share management; or~~
- ~~C. Are owned, leased, possessed or otherwise controlled, in any manner, directly or indirectly:

 - ~~1. By the same individual(s) or entity(ies), including, but not limited to, corporation(s), partnership(s), limited liability company(ies) or trust(s); or~~
 - ~~2. By different individuals or entities, including, but not limited to, corporations, partnerships, limited liability companies or trusts where: a) such individual(s) or entity(ies) have a controlling ownership or contractual right with the other individual(s) or entity(ies); or b) the same individual(s) or entity(ies) act in any manner as an employee, owner, partner, agent, stockholder, director, member, officer or trustee of the entity(ies), and are located within one or more separate buildings or structures within eight hundred feet (800') of one another, regardless whether they are attached or detached.~~~~

INFILL: The placement of new buildings into established urban areas, which usually results in an increase in the existing building stock.

INVESTIGATION AND SECURITY SERVICES: Establishments engaged in providing services, including, but not limited to, locksmiths, alarm system companies and armored car services. Investigation and security services are considered a type of personal service.

KITCHEN: A room or area for storage, preparation and cooking of food.

LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN (LEED) GREEN BUILDING RATING SYSTEM: The rating system adopted by the U.S. green building council as established in the applicable current edition of LEED for new construction, LEED for multiple buildings, LEED for existing buildings, LEED for commercial interiors, LEED for core and shell, LEED for schools, LEED for retail, LEED for healthcare, LEED for homes, and LEED for neighborhood development.

LETTER OF MAP CHANGE (LOMC): An official FEMA determination, by letter, to amend or revise effective flood insurance rate maps, flood boundary and floodway maps, and flood insurance studies. LOMCs are issued in the following categories:

Letter Of Map Amendment (LOMA): An official amendment, by letter, to an effective national flood insurance program (NFIP) map. An LOMA establishes a property's location in relation to the special flood hazard area (SFHA). LOMAs are usually issued because a property has been inadvertently mapped as being in the floodplain, but is actually on natural high ground above the base flood elevation.

Letter Of Map Revision (LOMR): FEMA's modification to an effective flood insurance rate map (FIRM), or flood boundary and floodway map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations (BFEs), or the special flood hazard area (SFHA). The LOMR officially revises the flood insurance rate map (FIRM) or flood boundary and floodway map (FBFM), and sometimes the flood insurance study (FIS) report, and when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM, FBFM or FIS report.

Letter Of Map Revision Based On Fill (LOMR-F): FEMA's modification of the special flood hazard area (SFHA) shown on the flood insurance rate map (FIRM) based on the placement of fill outside the existing regulatory floodway. The LOMR-F does not change the FIRM or FIS report.

LIGHT MANUFACTURING: Enterprises engaged in the processing, manufacturing, compounding, assembly, packaging, treatment or fabrication of materials and products, from processed or previously manufactured materials. Light manufacturing is capable of operating in such a manner as to control the external effects of the manufacturing process, such as smoke, noise, dirt, vibration, odor, etc., by containing operations within building(s), and with exterior storage areas comprising less than twenty percent (20%) of the floor area of the building(s).

LOADING SPACE, OFF STREET: Space logically and conveniently located for pick ups and deliveries and accessible to such vehicles when required parking spaces are filled.

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 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.

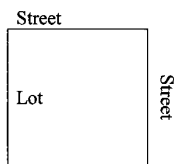
LODGING ESTABLISHMENTS: Hotels, motels, bed and breakfast inns, and boarding and rooming houses.

LOT: Plot, parcel or tract of land with fixed boundaries of sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot may consist of:

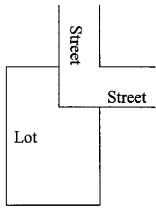
- A. A single lot of record;
- B. A combination of complete lots of record or portions of lots of record.

LOT, CORNER: A lot located at the intersection of two (2) or more streets.

- A. Lot, normal corner: See diagram.



- B. Lot, reverse corner: See diagram.



LOT COVERAGE: The percent of the total lot area included within the footprint of all buildings.

LOT LINE, FRONT: The property line dividing a lot from a street. On a corner lot, only one street line shall be considered the front lot line and the main or front entrance to the principal building on the lot shall face such lot line. For buildings located on a corner with more than one business within the building, the front lot line is the side where the businesses' street address is listed.

LOT LINE, REAR: The lot line opposite or most directly opposite the front lot line.

LOT LINE, SIDE: Any lot line other than the front or rear lot lines.

LOT OF RECORD: A lot which is part of a subdivision or within the Hailey townsite recorded in the office of the county recorder or a lot described by metes and bounds, the description of which has been so recorded before the adoption of the subdivision ordinance.

LOT SIZE: The area of land within the fixed boundaries of a "lot", as defined in this section, excluding any portion of the lot lying between mean high water marks.

LOT WIDTH: The distance parallel to the front lot line, measured between side lot lines through that part of the building envelope or buildable area of the lot where the lot is narrowest.

LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement) used for living purposes, which includes working, storage, cooking and eating, or recreation, or any combination thereof. This includes any floor that could be converted to such a use including a basement or crawl space. An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access or storage, in an area other than a basement, is not considered a structure's lowest floor. The lowest floor is a determinate for the flood insurance premium for a building, home or business.

MANUFACTURED HOME: A structure, constructed according to HUD/FHA home construction and safety standards, transportable in one or more sections, which is built on a permanent chassis and is designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities. Manufactured homes, where permitted, shall meet the following minimum requirements:

A. The manufactured home shall be multisectional and shall enclose a space, exclusive of garage or accessory space, of not less than eight hundred sixty four (864) square feet.

B. The manufactured home shall be placed on a foundation that meets all city requirements under the IBC and IRC. The foundation shall be backfilled so that the manufactured home is no more than twelve inches (12") above finished grade. The individual installing the manufactured home shall remove the wheels and trailer tongue from the home immediately upon installation.

C. The manufactured home shall have a minimum roof pitch of three to twelve (3:12).

D. The manufactured home shall have exterior roofing and siding which is similar in material, texture and color to material commonly used throughout the neighborhood or subdivision in which the manufactured home is to be located.

MARKET RATE UNIT: A dwelling unit in a residential or mixed use development that is not a community housing unit.

MASS: The combination of the three (3) dimensions of length, height and depth which give a building its overall shape.

MASTER PLAN: A strategic plan~~The Hailey parks, lands and trails master plan~~, adopted by a City resolution or ordinance, and as may be subsequently amended.

MAYOR: The duly elected or appointed mayor of the city of Hailey.

MEAN HIGH WATER MARK: The mark on all watercourses, where the presence and action of waters is so common and continued in all ordinary years as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation and destroy its value for agricultural purposes. In areas where riprap bank stabilization has occurred, the measurement shall begin on the landward side of such stabilization work.

MEDICAL SERVICE: A service provided by a healthcare professional or organization, to treat and prevent any illness or condition associated with the human body; such as psychotherapy, chiropractic therapy, acupuncture, in-patient or out-patient surgery, dentistry, nutrition counseling, dermatology, obstetrics, gynecology, and midwifery.

MIXED USE BUILDING: A building that has more than one use, usually residential units in combination with retail, office, institutional or industrial use within the same structure.

MOTEL: A building or group of buildings which are used for short term occupancy, offering sleeping accommodations to the public on a nightly basis, which may provide food and entertainment totally within the principal building of the motel.

MULTIPLE-FAMILY DWELLING: A building containing two (2) or more dwelling units.

MUNICIPAL CODE: The Hailey municipal code, as may be amended.

MUNICIPAL USES: Use for a public purpose by the city only.

MURAL: A painting created directly on a wall or painted directly on a panel(s), or other material and permanently or temporarily applied to a wall.

NAICS: The most recent edition of the North American industrial classification system published by the United States department of commerce.

NONCONFORMING BUILDING OR STRUCTURE: A building or structure not conforming to the provisions of this title, but which was lawfully existing or for which a valid building permit existed at the time of adoption of this title.

NONCONFORMING LOT: A lot or parcel of land not conforming to the provisions of this title, but which was lawfully existing at the time of adoption of this title.

NONCONFORMING USE: A use not conforming to the provisions of this title, but which was lawfully existing at the time of adoption of this title.

OFFICE: A room or part of a building in which people conducting business and service operations, generally at desks with computers and phones. Offices, as a secondary use may be paired with medical services, personal services, skilled construction and industrial trades, and more.

OUTPATIENT ANIMAL SERVICES: An outpatient facility dedicated to the veterinary examination, care, and treatment, or the and grooming, of domestic animals or pets, excluding livestock, within an outpatient facility. Outpatient animal services shall, as a minimum, meet the following requirements:

- A. Outpatient animal services shall not have or make any provision for boarding any animal.
- B. Any animal brought to the service location shall stay under the direct control and supervision of the animal's owner or owner's representative.
- C. Any and all animals brought to the service location shall be leashed or caged at all times, except when under the direct control of the person or persons giving service.
- D. Each veterinary service shall create and exclusively use an entrance, to the service apart from any other entrances to any other associated adjacent uses.

OWNER: Any individual, firm, association, syndicate, corporation, trust, partnership, limited liability company or any other legal entity having an ownership or contractual interest in the land subject to the proceedings under this title.

PARCEL DELIVERY TERMINAL: Terminal or transfer point for the delivery of shipping container parcels or other consumer goods, which may include processing nodes for freight, supply chain and freight operations. Such facilities may include limited retail services.

PARK: A parcel of land dedicated to the city or privately owned and clearly accessible to the public free of charge for nonexclusive recreation and/or cultural use. A park is maintained for the primary purposes of diverse recreational and social opportunities. A park may include one of the following:

Minipark: A parcel of land, between one-fourth ($1/4$) acre and one acre in size, that is privately owned and maintained, unless otherwise allowed by the council, but that is used for nonexclusive public recreation and/or cultural purposes.

Neighborhood Park: A parcel of land generally one or more acres in size dedicated to the city for nonexclusive public recreation and/or cultural use.

Park/Cultural Space: A parcel of land less than one-fourth ($1/4$) acre in size and located in the business (B), limited business (LB) and transitional (TN) zoning districts, that is privately owned and maintained but that is used for nonexclusive public recreation and/or cultural purposes. A park/cultural space may include courtyards, plazas, gardens, expanded sidewalks and covered areas, provided access to the park/cultural space is available from a public street or property and is normally open to the exterior (e.g., not enclosed in a building).

PARKING SPACE: Space used for the temporary, transient storage of vehicles used for personal transportation. Parking shall not include storage for any other purpose other than specified above.

PEDESTRIAN ORIENTED: An environment designed to make movement by pedestrians convenient, attractive and comfortable for various ages and abilities; considerations include separation of pedestrian and auto circulation, street furniture, clear directional and informational signage, safety, visibility, shade, lighting, surface materials, trees, sidewalk width, intersection treatment, curb cuts, ramps and landscaping.

PERFORMING ARTS CENTER: A facility housing the elements needed to support a performing arts organization. Such facility may have functions associated either with an on-site or off-site live performance theater, but not including performing arts space within schools.

PERGOLA: A structure consisting of parallel columns supporting an open roof of girders and cross rafters.

PERI-URBAN AGRICULTURE: Local (i.e., designed for consumption primarily within the local and/or regional community) food systems, production, and management, including, but not limited to, the following:

Greenhouses.

Growing: agricultural including orchards and facilities for small livestock that weigh less than 150 lbs. grow facilities.

Local food system support organizations.

Processing: limited to plant products (allowed with CUP only).

PERI-URBAN RETREAT CENTER: A type of community center; a facility with a maximum of twenty-five (25) sleeping rooms which are not intended for use by the general traveling public and which are operated for the purpose of providing a rural setting in which temporary lodging, food service, conference, meeting and/or event facilities are included, with or without compensation.

PERSONAL SERVICE: Any enterprise conducted for pecuniary gain which primarily offers services to the general public, such as, but not limited to, shoe repair, watch repair, barbershops, beauty parlors, self-service laundromats, and similar activities.

PERSONAL WIRELESS SERVICE FACILITY (PWSF): Facility for the provision of personal wireless services, as defined by section 704 of the Telecommunications Act of 1996, as may be subsequently amended. A PWSF is any unstaffed facility for the transmission and/or reception of personal wireless services, usually consisting of an antenna array, transmission cables, equipment shelter and a mount.

PET BOARDING: A facility where personal pets are cared for overnight or longer, away from home. Pets are considered to be domestic small animals. Pet boarding facilities are separate from outpatient animal services.

PLANNED UNIT DEVELOPMENT: A project controlled by one owner, person, partnership or corporation, and characterized by a unified site design, involving varying the normal zoning requirements and restrictions so that the maximum long-range benefit can be gained and the unique features of the site preserved and enhanced.

PLANNING STAFF: The individuals employed or hired by the City to conduct the planning functions of the City.

PRINCIPAL BUILDING: A building containing the principal use upon a lot.

PRINCIPAL USE: The primary use to which the premises is devoted, and the primary purpose for which the premises exists.

~~PROFESSIONAL OFFICE: An office for the conduct of the following types of uses: accountant, architect, attorney, chiropractor, optometrist, engineer, surveyor, drafting service, designer, dentist, physician, surgeon and other similar services.~~

PUBLIC OR SEMIPUBLIC PROJECT: A structure or development that, after completion, would be devoted to public or semipublic uses, including churches and schools.

PUBLIC SERVICE FACILITY: A public facility established for the protection and welfare of the surrounding neighborhood, including, but not limited to, a police station, fire station or ambulance center.

~~Use for a~~ PUBLIC USE: An activity intended for the benefit of the general public purpose and managed by a public entity, such as the City, school district, County, State, or any other public agency or a public utility.

PUBLIC UTILITY FACILITY: A structure or facility, including towers used by a public utility. Such towers may not exceed forty eight feet (48') in height. Public utilities include, but are not limited to, gas, electric or telephone companies. Facilities for wireless communications are not included, and are specifically regulated by [chapter 17.08](#), article B of this title.

RV: A motor home, travel trailer, truck camper or camping trailer, with or without motive power, designed for human habitation for recreational or emergency occupancy. It does not include pickup hoods, shells or canopies designed, created or modified for occupational usage. Converted school buses or van type vehicles are defined as RVs.

RECORD GRADE: The natural grade existing prior to any site preparation, grading or filling, unless a new record grade is approved at the time of subdivision approval and noted on the filed preliminary or final plat.

RECREATION FACILITY, COMMERCIAL: A recreation facility operated as a business and open to the general public for a fee. Typically uses include, but are not limited to, arcades, sport facilities, swimming pools, laser tag and paintball courses, billiards, skating rinks, driving ranges, miniature golf, water courses and motorized car tracks.

RECREATION FACILITY, INDOOR: An enclosed space that provides space and equipment for people to engage in activities for leisure. Recreational activities may boost people's health, fitness, or enjoyment. A health and fitness facility is a type of recreation facility.

RECREATION FACILITY, PUBLIC: A publicly owned and operated recreation facility.

RECREATION FACILITY, OUTDOOR: An open space with features that cater to specific outdoor activities, including but not limited to Nordic skiing, frisbee disc golf, soccer, walking, or children's play. Parks and open spaces may include outdoor recreation facilities.

RECREATION FACILITY, RESIDENTIAL: A recreation facility for use solely by the residents and guests of a particular residential development, planned unit development, or residential neighborhood, including outdoor and indoor facilities. These facilities are usually proposed or planned in association with development and located within or adjacent to such development.

RESEARCH AND DEVELOPMENT: Specialized nonpolluting activities with emphasis on investigation, experimentation, testing, engineering, inventing and conceptually designing prototypes and new technologies or associated light manufacturing. These technologies may include electronics, computer and data systems, medical and precision instruments, machine components, communication systems and equipment, and other technological instruments, equipment, and systems.

RESIDENTIAL CARE FACILITY: A dwelling designed for the habitation of elderly or ~~invalid~~ disabled individuals, or individuals with intellectual and developmental disabilities, who may or may not require some level of living assistance. This may include, but is not limited to, a nursing home, assisted living center/home, retirement home, convalescent care, geriatrics care, memory care, hospice, rest home or a group home.

RETAIL TRADE: The sale of goods to individual consumers, ~~usually~~ in small quantities and not to be placed in inventory for resale. Examples include grocery stores, clothing boutiques, and hardware stores.

RIPARIAN SETBACK: The distance measured at right angles from the mean high-water mark of a waterway, between the mean high water mark and an imaginary line parallel to the mean high water mark, defining an area between such lines within which no building or other applicable structure may be placed, and whereby any existing vegetation shall remain undisturbed.

RIVER RESTORATION PROJECT: A project that is primarily designed to improve or restore fish and wildlife habitat within the floodplain, including associated stream bank restoration and stabilization.

SCHOOLS: An institution providing academic instruction, such as: ~~and shall include~~

A. Primary schools, including kindergarten, elementary, junior high, and middle schools;

B. Secondary schools, including high schools; and

C. Post-secondary or tertiary schools, including. ~~For the purpose of this definition, schools do not include postsecondary schools, such as universities, colleges and vocational or trade schools.~~

SEMI-PUBLIC USE: The use of land by a private or nonprofit organization to provide a public service, such as P-private colleges, hospitals, safe houses, and learning centers, and other facilities of an educational, charitable or philanthropic nonprofit nature.

SETBACK: The distance, measured at right angles to a given lot line, between the lot line and an imaginary line parallel to the lot line, defining an area between such lines within which no building or other applicable structure may be placed. Applicable structures are all structures requiring a building permit, except fences and decks less than thirty inches (30") from adjacent grade.

SHORT TERM OCCUPANCY: The rental of any unit or structure, or portion thereof, for a period of not more than thirty (30) days.

SIDEWALK: A pathway for nonmotorized vehicles, normally designated for pedestrians and which is usually separated from streets by curb and/or landscaping.

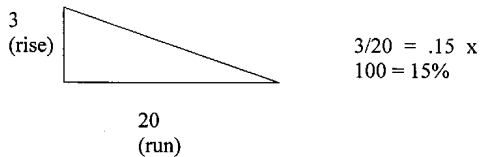
SINGLE-FAMILY DWELLING: A detached building, which may include attached or detached carports and garages, containing living facilities, including provisions for sleeping, eating, cooking and sanitation for not more than one family.

SKYLINE/SKYLINING: An outline of a structure against the background of the sky.

SKILLED CONSTRUCTION TRADE: A professional service pertaining to the installation, maintenance, and/or repair of materials and equipment for buildings. Examples include electrical work, plumbing, masonry, carpentry, and heating and air conditioning technology.

SKILLED INDUSTRIAL TRADE: A professional service pertaining to the fabrication, installation, maintenance, and/or repair of hard goods. Examples of skilled trades include welding and machinists.

SLOPE: An inclined ground surface, the inclination of which is expressed as a ratio of vertical distance to horizontal distance. Percent slope is calculated by multiplying this ratio (rise/run) by one hundred (100). See diagram.



SMALL-RESIDENTIAL UNIT: A self-contained living space with one or more rooms designed to accommodate a sitting space, bathroom and kitchenette.

SMALL SCALE WIND ENERGY SYSTEM (WES): An electric generator(s) having rated capacities of two kilowatts (2 kW) and less, that utilize wind energy to produce clean, emissions free power.

SOCIAL SERVICE: A service that promotes wellness and assists people to cope with or overcome challenges in everyday lives, such as job training and food assistance. Social services are distinct from medical services and personal services.

SOLAR ACCESS: An unobstructed exposure to sunlight and solar radiation upon land or a building.

SOLAR ENERGY SYSTEM: Any device or structural design feature used for the collection, storage, and/or distribution of solar energy for space heating, space cooling, lighting, electric generation, or water heating.

SOLAR ENERGY SYSTEM, GROUND-MOUNTED: A solar energy system that is structurally mounted to the ground and is not roof-mounted.

SOLAR ENERGY SYSTEM, LARGE-SCALE: A solar energy system that occupies more than forty thousand (40,000) square feet of surface area.

SOLAR ENERGY SYSTEM, MEDIUM-SCALE: A solar energy system that occupies more than one thousand seven hundred fifty (1,750) but less than forty thousand (40,000) square feet of surface area.

SOLAR ENERGY SYSTEM, ROOF-MOUNTED: A solar energy system that is structurally mounted to the roof of a building or structure.

SOLAR ENERGY SYSTEM, SMALL-SCALE: A solar energy system that occupies one thousand seven hundred fifty (1,750) square feet of surface area or less.

SOLAR PANELS: A component of a solar energy system; a group of connected solar cells, used to convert light from the sun into usable energy. ~~that can be used.~~

SOLAR PHOTOVOLTAIC SYSTEM: A solar energy system that converts solar energy directly into electricity, the primary components of which are solar panels, mounting devices, inverters, and wiring.

STORY: That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

STORY ABOVE GRADE: Any story having its finished floor surface entirely above record grade, or as more particularly described in the IBC and IRC.

STREAM ALTERATION: To obstruct, diminish, destroy, alter, modify, relocate or change the existing shape of the natural channel within or below the mean high water mark, including the removal of material or structures in the stream channel.

STREET: A strip of land which provides access to abutting property.

STREET, PRIVATE: A street which provides public and emergency vehicular and public pedestrian access, but is not accepted for a dedication or maintenance by the City and will be owned and maintained by a private entity, owners' association or person(s).

STREET, PUBLIC: Land, property or interest therein, usually in a strip, acquired for or devoted to public vehicular and public pedestrian access.

STRUCTURE: Anything constructed or erected, the use of which requires location on the ground or attachment to something having a fixed location on the ground.

STUDIO, ARTIST: Workspace within an enclosed structure for artists and artisans, including individuals practicing one of the fine arts or performing arts, or skilled in an applied art or craft. Also includes recording studios. Incidental retail sales of items produced on the premises is allowed.

SUBDIVISION ORDINANCE: Title 16 of this Code, and as may be subsequently amended.

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT: Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either: a) any project for improvement of a structure to correct existing violations of State or local Health, Sanitary or Safety Code specifications which have been identified by the local Code enforcement official and which are the minimum necessary to assure safe living conditions; or b) any alteration of a "historic structure"; provided, that the alteration will not preclude the structure's continued designation as a "historic structure".

TINY HOME ON WHEELS (THOW): an accessory structure with a footprint between 100 and 400 square feet in size that provides seasonal or year-round independent living facilities, including provisions for living, sleeping, eating, cooking, and sanitation, and has been certified to meet the required building standards.

TEMPORARY STRUCTURE: Any building, modular unit or other structure that is intended for any use for a period of not more than one year, excluding construction trailers or other structures erected solely in conjunction with a construction project.

TOWNHOUSE DEVELOPMENT: A multi-family residential project of two (2) or more townhouse dwelling units, where permitted under this title, which may be constructed as either or both of the following:

A. Building(s) containing two (2) or more townhouse units erected generally in a row, with each unit being separated from the adjoining unit or units by a party wall or walls, subject to Building and Fire Code requirements and all other

applicable codes and ordinances, and with party walls extending from the basement floor to the roof along the dividing townhouse subplot line. Each unit has its own access to the outside, and no unit is located over another unit in part or in whole.

B. Cottages, which are buildings containing single townhouse dwelling units on individual townhouse sublots, provided the separation between units and/or buildings complies with applicable Building and Fire Code requirements and all other applicable codes and ordinances.

TOWNHOUSE SUBLOT: The lot resulting from platting a residential townhouse development. Townhouse sublots shall have a minimum area equal to that of the perimeter of each individual townhouse unit, and an additional area three feet (3') in width adjacent to any opening, measured at the foundation. Said sublots shall not be buildable for structures other than a "townhouse unit", as defined in this section. Platting of sublots shall follow the procedures set forth in the subdivision ordinance and other applicable codes in effect. All other detached and/or accessory buildings shall be contained within the perimeter of the townhouse subplot, except as otherwise permitted herein.

TOWNHOUSE UNIT: A dwelling including a minimum of one bathroom and a single kitchen, designed for or occupied as a unit by one family for living and cooking purposes, located in a townhouse development on a platted townhouse subplot.

TREE GUIDE: The City of Hailey Tree Selection and Planting Guide, as adopted by the City, and as may be subsequently amended.

TRELLIS: A light construction of latticework no more than eight feet (8') in height. The latticework shall be of open design.

URBAN AGRICULTURE: The production of vegetables, fruits, honey and eggs by residents for personal consumption and may include production by members of a neighborhood or by a nonprofit organization on one or more vacant lots for personal consumption.

USE: The purpose for which land or a building thereon is designed, arranged, intended or for which it is or may be occupied or maintained.

WHOLESALE: The sale of goods to retailers or jobbers, rather than the sale of goods to individual consumers, usually in large quantities to be placed in inventory for resale to the individual consumer.

WIRELESS COMMUNICATION FACILITY (WCF): The structures, equipment, apparatus, or technology necessary for providing personal wireless services and information services. ~~Those facilities that are nonpersonal wireless service facilities (PWSFs), by definition of the Telecommunications Act of 1996, as amended, but that are also WCFs are~~ subject to [chapter 17.08](#), article B of this title ~~due to their height above ground level~~. Any antenna, including mount and/or equipment support structure over thirty five feet (35') AGL that is not a PWSF shall be considered a WCF and regulated by [chapter 17.08](#), article B of this title.

YARD: That portion of the open area on a lot from a given lot line for a depth or width specified by the setback regulations for the district in which the lot is located. (Ord. 1306, 2022; Ord. 1245, 2019; Ord. 1231, 2018; Ord. 1221, 2017; Ord. 1220, 2017; Ord. 1208, 2016; Ord. 1207, 2016; Ord. 1191, 2015; Ord. _____, 2023)

Section 2. Title 17 Zoning Regulations, Chapter 17.05 Official Zoning Map and District Use Matrix, Section 17.05.040 District Use Matrix is hereby modified by the removal of the stricken language and the addition of the underlined language, as follows:

17.05.040: DISTRICT USE MATRIX:

The residential, public and semi-public, commercial, and accessory ~~permitted, conditional and accessory~~ uses, ~~and as well as~~ the bulk requirements for the zoning districts established in chapter 17.04 of this title are designated in the district use matrix set forth herein. A "P" indicates that a use is permitted in the respective zoning district. Permitted uses must conform to the applicable requirements of this title. A "C" indicates that a use is allowed as a conditional use in the respective zoning district. Conditional uses are subject to review and approval under the provisions of chapter 17.11 of this title. ~~An "A" indicates an accessory use is allowed. An accessory use shall not commence and no accessory structure shall be constructed without a primary use first being lawfully established on the subject site.~~ An "N" indicates that a use is not allowed in the respective zoning district, except where state or federal law otherwise preempts local land use regulation.

| Category | Description (Excerpt) | Zones And Subdistricts | | | | | | | | | | | | |
|------------------------------|---|------------------------|------|------|----|----|----|----|-----------------|----|----|---|------------|-------|
| | | RGB | LR-1 | LR-2 | GR | NB | LB | TN | B | LI | TI | A | SCI- SO | SCI-I |
| Residential: | | | | | | | | | | | | | | |
| | Dwelling units within mixed use buildings | N | N | N | N | P | P | N | P ¹⁸ | N | N | N | P | P |
| | Manufactured home | N | P | P | P | N | P | P | N | N | N | N | N | N |
| | Multi-family dwellings | N | N | N | P | N | P | C | P ¹⁸ | N | N | N | N | N |
| | Single family dwellings | N | P | P | P | N | P | P | N | N | N | N | N | N |
| Public or semipublic: | | | | | | | | | | | | | | |
| | Churches | N | P | P | P | C | P | P | C | N | N | N | N | N |
| | Colleges, vocational and technical trade schools | N | N | N | N | N | N | N | P | N | P | N | P | N |
| | Government offices and public administration, except correctional institutions | N | N | N | N | N | P | N | P | N | N | N | N | N |
| | Healthcare and social assistance | N | N | N | N | N | P | N | P | N | N | N | N | N |
| | Municipal uses limited to water storage and well facilities | C | N | N | N | N | N | N | N | N | N | N | N | N |
| | Nonmotorized recreational pathways | P | P | P | P | P | P | P | P | P | P | P | P | P |
| | Parks | P | P | P | P | P | P | P | P | P | P | P | P | P |
| | Public recreational or cultural areas | C | N | N | N | N | N | N | N | N | N | N | N | N |
| | Public service, public use and public utility facilities | N | C | C | C | N | C | C | C | P | P | N | C | C |
| | Schools (refer to section 17.11.040.03 of this title for specific criteria when reviewing schools) | N | N | N | C | N | C | N | C | N | N | N | C | N |
| | Semipublic uses | N | N | N | C | C | P | C | P | N | N | N | N | N |
| Telecommunications: | | | | | | | | | | | | | | |
| | PWSFs and WCFs, mounted on any proposed freestanding tower, upon the issuance of wireless permit in accordance with the provision of chapter 17.08, article B of this title (lattice towers are | | | | | | | | | | | | | |

| Category | Description (Excerpt) | Zones And Subdistricts | | | | | | | | | | | | |
|--------------------|---|------------------------|------|------|-----------------|-----------------|----|----|---|----|----|-----------------|-----------------|-----------------|
| | | RGB | LR-1 | LR-2 | GR | NB | LB | TN | B | LI | TI | A | SCI-SO | SCI-H |
| | prohibited) | N | N | N | N | N | C | N | C | C | C | C | C | C |
| | PWSFs or WCFs, attached to street poles or mounted on existing buildings or structures, upon the issuance of a wireless permit in accordance with the provisions of chapter 17.08, article B of this title (freestanding and lattice towers are prohibited) | C | C | C | C | C | P | C | P | P | P | P, A | P, A | P, A |
| Commercial: | | | | | | | | | | | | | | |
| | Administrative and support services | N | N | N | N | N | N | N | P | N | N | N | N | N |
| | Airport | N | N | N | N | N | N | N | N | N | N | P | N | N |
| | Artist studios, which have no associated gallery | N | N | N | N | N | N | N | N | N | N | N | P | P |
| | Auto dealerships | N | N | N | N | N | N | N | C | P | N | N | N | N |
| | Automobile rental companies | N | N | N | N | N | N | N | N | N | N | P | N | N |
| | Automobile towing | N | N | N | N | N | N | N | N | N | N | N | N | P |
| | Bars | N | N | N | N | N | C | N | P | N | N | P ¹⁴ | C ¹³ | C ¹⁵ |
| | Bed and breakfast inn | N | N | N | C | N | P | C | P | N | N | N | N | N |
| | Boarding and rooming houses | N | N | N | C | N | P | N | P | N | N | N | N | N |
| | Broadcasting firms, media offices, and related uses | N | N | N | N | N | N | N | P | N | N | N | N | N |
| | Business parks | N | N | N | N | N | N | N | N | N | N | C | N | N |
| | Cable television firms | N | N | N | N | N | N | N | N | N | P | N | N | N |
| | Car rental companies | N | N | N | N | N | N | N | N | P | N | N | N | N |
| | Catering services | N | N | N | N | C | P | N | P | P | P | N | N | N |
| | Commercial brewery, bakery, or food catering where no retail sales are conducted | N | N | N | N | N | N | N | N | N | N | N | P | P |
| | Community event center | N | N | N | C ¹⁷ | C ¹⁷ | N | N | N | N | N | N | N | N |
| | Computer software development, manufacture and service firms | N | N | N | N | N | N | N | N | N | N | N | P | N |

| Category | Description (Excerpt) | Zones And Subdistricts | | | | | | | | | | | | |
|----------|---|------------------------|------|------|----|-----------------|----|----|---|----|----|---|--------|-------|
| | | RGB | LR-1 | LR-2 | GR | NB | LB | TN | B | LI | TI | A | SCI-SO | SCI-H |
| | Construction and building material sales (except hardware stores) | N | N | N | N | N | N | N | P | N | N | N | N | |
| | Construction contractors | N | N | N | N | N | N | N | P | N | N | N | N | |
| | Construction equipment and materials rental, storage, sales and service, excluding hardware stores | N | N | N | N | N | N | N | N | N | N | N | P | |
| | Construction equipment rental, storage, sales and service | N | N | N | N | N | N | N | N | N | N | P | N | |
| | Construction trade contractors, excluding excavation and landscaping companies | N | N | N | N | N | N | N | N | N | N | P | P | |
| | Construction trade contractors, including excavation companies | N | N | N | N | N | N | N | N | N | N | N | P | |
| | Construction trade contractors' offices with no exterior storage | N | N | N | N | N | C | N | N | P | N | P | P | |
| | Control tower (air traffic) | N | N | N | N | N | N | N | N | N | P | N | N | |
| | Convenience stores | N | N | N | N | C ¹⁷ | C | N | N | N | N | N | N | |
| | Convenience stores, in conjunction with gasoline stations that have no more than 1,800 square feet of gross floor area. Drive-through service windows are not allowed | N | N | N | N | N | N | N | N | N | N | N | C | |
| | Daycare centers (13+ children) | N | N | N | C | P | P | C | P | N | N | N | C | |
| | Daycare centers provided no more than 18 children will be cared for at any one time | N | N | N | C | P | P | C | P | N | N | N | C | |
| | Daycare facilities (up to 12 children) | N | C | C | P | P | P | P | P | N | N | N | C | |
| | Daycare homes (6 or less children) | N | P | P | P | P | P | P | P | N | N | N | C | |
| | Employee housing for golf courses or recreational facilities | C | N | N | N | N | N | N | N | N | N | N | N | |
| | Fabrication and repair of building materials and components, including log homes | N | N | N | N | N | N | N | N | N | N | N | P | |
| | Farm supply and equestrian tack and feed stores | N | N | N | N | N | N | N | N | N | N | N | P | |

| Category | Description (Excerpt) | Zones And Subdistricts | | | | | | | | | | | | |
|----------|---|------------------------|------|------|----|-----------------|----|----|---|----|----|-----------------|-----------------|--------------------|
| | | RGB | LR-1 | LR-2 | GR | NB | LB | TN | B | LI | TI | A | SCI- SO | SCI-I |
| | Fencing supplies and installation | N | N | N | N | N | N | N | N | N | N | N | N | P |
| | Finance and insurance firms | N | N | N | N | N | C | N | P | N | N | N | N | N |
| | Firewood production and storage | N | N | N | N | N | N | N | N | N | N | N | N | P |
| | Flight schools, provided regularly scheduled commercial passenger aircraft services are operated at the airport | N | N | N | N | N | N | N | N | N | N | P | N | N |
| | Floor covering stores | N | N | N | N | N | N | N | N | P | N | N | N | N |
| | Food service | N | N | N | N | C ¹⁷ | C | N | P | N | N | P ¹⁴ | C ¹³ | C ^{13,15} |
| | Gasoline stations | N | N | N | N | N | N | N | P | P | N | N | N | N |
| | Gasoline stations and automotive repair and maintenance | N | N | N | N | N | C | N | N | N | N | N | N | C |
| | Gasoline stations, including card lock stations | N | N | N | N | N | N | N | N | N | N | N | N | C |
| | Gift shops within terminal | N | N | N | N | N | N | N | N | N | N | P | N | N |
| | Golf course, public | P | N | N | N | N | N | N | N | N | N | N | N | N |
| | Guides and outfitters with no more than 20% of the floor area dedicated to retail sales | N | N | N | N | N | N | N | N | N | N | P | N | N |
| | Health and fitness facility | N | N | N | N | N | P | C | P | P | C | N | C | C |
| | Helicopter areas, provided regularly scheduled commercial passenger aircraft services are operated at the airport | N | N | N | N | N | N | N | N | N | N | P | N | N |
| | Home occupations | N | P | P | P | P | P | P | P | N | N | N | N | N |
| | Hotels or motels | N | N | N | N | N | P | N | P | N | N | C | C | N |
| | Hybrid production facilities | N | N | N | N | N | N | N | C | N | N | N | P | N |
| | Industrial laundry/dry cleaning service and distribution establishments | N | N | N | N | N | N | N | N | P | N | N | N | P |
| | Interior decorating and design that have no more than 20% of the gross floor area dedicated to on site retail sales | N | N | N | N | N | N | N | N | N | N | N | P | N |
| | Investigation and security services | N | N | N | N | N | N | N | N | N | P | N | P | N |
| | Landscape design and installation firms, | | | | | | | | | | | | | |

| Category | Description (Excerpt) | Zones And Subdistricts | | | | | | | | | | | | |
|----------|--|------------------------|------|------|-----------------|-----------------|----|----|---|----|----|---|--------|-------|
| | | RGB | LR-1 | LR-2 | GR | NB | LB | TN | B | LI | TI | A | SCI-SO | SCI-I |
| | and landscape nurseries | N | N | N | N | N | N | N | N | P | N | N | N | P |
| | Landscape design, installation and maintenance firms | N | N | N | N | N | N | N | N | P | N | N | N | N |
| | Laundromat, dry cleaning, and laundry | N | N | N | N | C | N | N | P | N | N | N | C | P |
| | Light manufacturing | N | N | N | N | N | N | N | N | P | P | N | N | P |
| | Medical and personal care stores | N | N | N | N | N | C | N | N | N | N | N | N | N |
| | Mercantile (wholesale and retail) | N | N | N | N | C ¹⁷ | N | N | P | N | N | N | N | N |
| | Mixed use buildings | N | N | N | N | N | P | P | P | N | N | N | P | P |
| | Motor vehicles and parts dealers, service, rental and leasing | N | N | N | N | N | N | N | N | P | N | N | N | P |
| | Nurseries, greenhouse and floriculture production and sales | N | N | N | N | N | N | N | N | P | N | N | N | N |
| | Outpatient animal services | N | N | N | N | N | N | N | C | N | N | N | N | N |
| | Parcel delivery terminal | N | N | N | N | N | N | N | C | C | C | N | N | P |
| | Parking facilities and structures | N | N | N | N | N | N | N | C | N | N | P | N | P |
| | Performing arts center | N | N | N | N | N | P | N | P | P | N | N | N | N |
| | Peri-urban retreat center | N | N | N | C ¹⁷ | C ¹⁷ | N | N | N | N | N | N | N | N |
| | Personal services where retail sales are clearly incidental to the principal use and no outside storage yard or facility is required | N | N | N | N | C ¹⁷ | P | C | P | N | N | N | C | N |
| | Photography studios and photo processing | N | N | N | N | N | N | N | N | P | P | N | P | N |
| | Printing and publishing firms | N | N | N | N | N | N | N | N | P | P | N | P | P |
| | Processing and sales of firewood | N | N | N | N | N | N | N | N | P | N | N | N | N |
| | Professional and general offices | N | N | N | N | C ¹⁷ | P | P | P | P | P | N | P | N |
| | Radio and television recording studios and stations | N | N | N | N | N | N | N | N | N | P | N | P | N |
| | Real estate and property management companies | N | N | N | N | N | P | N | P | N | N | N | N | N |
| | Recording studios (audio or video) and broadcasting studios | N | N | N | N | N | N | N | N | P | N | N | N | N |
| | Recreation facility, commercial, indoor | N | N | N | N | N | P | N | P | N | N | N | N | N |

| Category | Description (Excerpt) | Zones And Subdistricts | | | | | | | | | | | | |
|----------|---|------------------------|------|------|----|----|----|----|---|----|----|---|--------|-------|
| | | RGB | LR-1 | LR-2 | GR | NB | LB | TN | B | LI | TI | A | SCI-SO | SCI-H |
| | Recreation facility, commercial, outdoor | N | N | N | N | N | C | N | C | N | N | N | N | N |
| | Recreation facility, public | P | P | P | P | P | P | P | P | P | P | P | P | P |
| | Recreation facility, residential | P | P | P | P | P | P | P | P | N | N | N | P | P |
| | Research and development facilities | N | N | N | N | N | N | N | N | P | P | N | P | N |
| | Residential care facility | N | P | P | P | P | P | P | P | N | N | N | N | N |
| | Retail trade limited to the following: floor covering and window treatment, household appliances, woodstoves/fireplaces, spa/hot tub, building material and garden equipment and supplies (excluding hardware stores), farm and equestrian, and nonstore retail (mail order and vending machines) | N | N | N | N | N | N | N | N | N | N | N | P | N |
| | Sales, rental, and servicing of trailers, mobile homes, farm implements and heavy equipment | N | N | N | N | N | N | N | N | P | N | N | N | N |
| | Services to buildings (janitorial/maintenance) and property management companies | N | N | N | N | N | N | N | N | N | P | N | P | P |
| | Sign studios and manufacturers | N | N | N | N | N | N | N | N | N | N | N | N | P |
| | Snow removal contractors | N | N | N | N | N | N | N | N | N | N | N | N | P |
| | Structures and/or buildings integral to a golf course such as clubhouses, maintenance, buildings, and restrooms | C | N | N | N | N | N | N | N | N | N | N | N | N |
| | Studio, artist | N | N | N | N | N | P | N | N | P | N | N | C | C |
| | Truck transportation, bus, taxi and limousine services, and couriers | N | N | N | N | N | N | N | N | P | N | N | N | P |
| | Veterinarians, pet grooming, and training with no outdoor kenneling | N | N | N | N | N | N | N | C | C | P | N | C | P |
| | Warehouse and storage facilities | N | N | N | N | N | N | N | N | P | N | N | N | N |
| | Warehouse and storage facilities, including self storage facilities and exterior storage facilities | N | N | N | N | N | N | N | N | N | N | N | N | P |

| Category | Description (Excerpt) | Zones And Subdistricts | | | | | | | | | | | | |
|---|---|------------------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|----|----|---|-----------------|-----------------|
| | | RGB | LR-1 | LR-2 | GR | NB | LB | TN | B | LI | TI | A | SCI-SO | SCI-H |
| | Wholesale distributors | N | N | N | N | N | C | N | N | N | P | N | N | N |
| | Wholesale distributors or wholesale distributors with incidental and subordinate retail sales | N | N | N | N | N | C | N | N | N | N | N | N | N |
| | Wholesale trade | N | N | N | N | N | N | N | N | P | N | P | P | P |
| Agricultural uses: | | | | | | | | | | | | | | |
| | Horses, a maximum of 2 horses per acre on lots of 1 acre minimum size | N | C | C | C | N | N | N | N | N | N | N | N | N |
| | Urban agriculture (chickens only) | N | P | P | P | N | A | N | A | N | N | A | A | N |
| | Urban agriculture (other than chickens) | P | P | P | P | P | P | P | P | P | P | N | P | P |
| Accessory uses: | | | | | | | | | | | | | | |
| Aboveground fuel tanks | Aboveground flammable and combustible liquid tanks utilized by a public use | N | C | C | C | N | C | C | A | A | C | A | A | A |
| | Aboveground fuel tank for private or commercial use | N | N | N | N | N | P | N | P | P | N | P | P | P |
| Accessory dwelling unit (ADU) and Tiny Homes on Wheels (THOW) | 1 accessory dwelling unit or 1 tiny home on wheels, accessory to a single family dwelling unit or to a nonresidential principal building. Primary vehicular access to any ADU or THOW shall be from a City Street or alley. All accessory dwelling units and tiny homes on wheels shall have adequate water and sewer services installed to meet City standards | N | A ²³ | A ²³ | A ²³ | A ²³ | A ²³ | A ²³ | A ²³ | N | N | N | A ²³ | A ²³ |
| | Freestanding solar panels, subject to the maximum building height for the applicable district | N | C | C | C | C | C | C | C | C | C | C | C | C |

| Category | Description (Excerpt) | Zones And Subdistricts | | | | | | | | | | | | | |
|----------------------------|--|------------------------|------|------|----|----|----|----|---|----|----|---|--------|-------|---|
| | | RGB | LR-1 | LR-2 | GR | NB | LB | TN | B | LI | TI | A | SCI-SO | SCI-H | |
| Alternative energy systems | Roof mounted and freestanding small scale wind energy system | N | N | N | N | N | N | N | N | C | C | N | C | C | C |
| | Roof mounted solar panels, subject to the maximum building height for the applicable district | N | A | A | A | A | A | A | A | A | A | A | A | A | A |
| Garages | | N | A | A | A | A | A | A | A | A | A | A | A | A | A |
| Greenhouse/private | A greenhouse for private use | N | A | A | A | N | A | A | N | N | N | N | N | N | N |
| Storage | Shipping containers utilized for storage, must be shielded from view with fencing and/or landscaping and shall require a building permit | N | N | N | N | N | N | N | N | N | A | N | N | N | C |
| | Storage buildings with a gross floor area of greater than 120 square feet | C | A | A | A | A | A | A | A | A | A | A | A | A | A |
| | Storage buildings with a gross floor area less than 120 square feet | A | A | A | A | A | A | A | A | A | A | A | A | A | A |
| Swimming pool | | N | A | A | A | N | N | N | N | N | N | N | N | N | N |
| Temporary structures | Temporary structures for use of no more than 12 months ¹⁶ | C | C | C | C | C | C | C | C | C | C | C | C | C | C |

Notes:

- 1. Must be accessory to the primary use and contained within the walls of the primary structure.
- 2. Indicates use may be allowed where State or Federal law preempts local zoning.
- 3. The setback from the adjacent property shall be 1 foot for every 2 feet of building height for all portions of the building exceeding 20 feet in height, provided, however, no side or rear yard shall be less than 10 feet. See the figure located at section [17.04B.050](#) of this title for more explanation.
- 4. Riparian setback. Unless otherwise provided for herein, all permanent buildings and structures shall have a 100 foot wide riparian setback from the mean high water mark of the Big Wood River. Removal of live vegetation or excavation within the riparian setback is prohibited, except for any tree that has been recommended for removal by a certified arborist, in writing, because the tree has been found to potentially endanger the resident(s) of the property on which it is located or any member of the public, or has become hazardous to any street, alley or other public right-of-way or public utility, or because the removal of a tree would substantially improve the health of other trees on the property. Pruning of trees and planting of riparian trees, shrubs and ground cover within the riparian setback are allowed, provided however, that all plantings conform to the criteria for evaluation in subsection [17.04J.040B4e](#) of this title. Where the

application of the 100 foot riparian setback and other applicable setbacks will result in a building site of 1,000 square feet or less, the riparian setback may be reduced to such an extent that the building site is 1,000 square feet; provided however, the riparian setback shall not be less than 50 feet.

~~—5. In GR and TN Zones, townhouse sublots shall have an aggregate density of no more than 10 lots per acre.~~

~~—6. Townhouse sublots shall conform to the standards established in the IFC.~~

~~—7. Townhouse unit shall be allowed 0 setbacks from the lot lines created by a townhouse subplot and the separation of the building containing townhouse units in a townhouse development parcel shall be not less than 6 feet as measured between any wall or any projection of a building, including, but not limited to, eaves, cornices, canopies, or other similar roof overhang features, pergolas, chimney chases, bay windows, decks, steps, wainscot, and utility meters; or the minimum distance required by the IBC and IFC, whichever is greater.~~

~~—8. In NB Zone, townhouse sublots shall have an aggregate density of no more than 15 lots per acre.~~

~~—9. In LB and B Zones, townhouse sublots shall have an aggregate density of no more than 20 lots per acre.~~

~~—10. In TN Zone, 40 percent lot coverage will be allowed where at least 75 percent of required parking spaces are enclosed within a structure.~~

~~—11. In LI and TI Zones, the side and rear yard setbacks shall be 25 feet where the subject property is located adjacent to the following Zones: RGB, GR, or TN.~~

~~—12. Subject to FAA regulations and 14 CFR, chapter 1, subchapter E, part 77, objects affecting navigable airspace, as amended.~~

~~—13. Drive through restaurants not permitted.~~

~~—14. Only within terminals.~~

~~—15. Attached to hotel/motel.~~

~~—16. Temporary structures which have an approved conditional use permit may operate seasonally for multiple years, but for no more than 12 months in any year, so long as the size and location of the temporary structure conforms with the approved conditional use permit or conditions thereof.~~

~~—17. Subject to the conditional use standards set forth in section [17.11.040.04](#) of this title.~~

~~—18. Multifamily and dwelling units within mixed use buildings incorporating small residential units require a conditional use permit in [chapter 17.11](#) of this title and shall comply with [chapter 17.04](#), article Q of this title.~~

~~—19. See also subsections [17.07.010F](#) and [17.07.010G](#) of this title.~~

~~—20. See also subsections [17.07.010F](#) and [17.07.010G](#) of this title.~~

~~—21. For a building with any portion of the building footprint within the special flood hazard area, building height shall be measured 2 feet above the base flood elevation (BFE).~~

~~—22. For buildings in the Limited Residential (LR) Zone Districts, buildings shall in no instance exceed a building height of 32 feet from record grade. For buildings in the General Residential (GR) Zone Districts, buildings shall in no case exceed a building height of 35 feet from record grade.~~

~~—23. Accessory Dwelling Units (ADUs) are subject to Administrative Design Review or Design Review, depending on the zoning district and/or applicable overlay zones, and Supplementary Regulations. See chapters [17.06](#), Design Review and [17.08](#), Article D, for regulations.~~

~~—24. Any wall, as measured from the highest point including any gable or peak in a direct vertical line to record grade, shall have a setback of one foot (1') for every two and one half feet (2 1/2') of wall height (see section [17.04M.090](#), Diagram 1, of the Hailey Municipal Code), but not less than the base setback for the GR Zone District. This shall apply to walls on the side yards of properties, but shall not apply to sublots within a development.~~

~~Diagram 1~~

(Ord. 1275, 2021; Ord. 1250, 2019; Ord. 1243, 2019; Ord. 1242, 2018; Ord. 1232, 2018; Ord. 1221, 2017; Ord. 1220, 2017; Ord. 1211, 2017; Ord. 1208, 2016; Ord. 1207, 2016; Ord. 1191, 2015; Ord. 1291, 2021)

| <u>Category</u> | <u>Description (Excerpt)</u> | <u>Zoning Districts and Subdistricts</u> | | | | | | | | | | | | |
|------------------------------|--|--|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------|-----------|----------|-----------------------|-----------------------|
| | | <u>RGB</u> | <u>LR-1</u> | <u>LR-2</u> | <u>GR</u> | <u>NB</u> | <u>LB</u> | <u>TN</u> | <u>B</u> | <u>LI</u> | <u>TI</u> | <u>A</u> | <u>SCI-SO</u> | <u>SCI-I</u> |
| <u>Residential:</u> | | | | | | | | | | | | | | |
| | <u>Accessory dwelling unit (ADU)</u> | <u>N</u> | <u>P²¹</u> | <u>P²¹</u> | <u>P²¹</u> | <u>P²¹</u> | <u>P²¹</u> | <u>P²¹</u> | <u>P²¹</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>P²¹</u> | <u>P²¹</u> |
| | <u>Co-Living Dwelling Facility</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>P</u> | <u>N</u> | <u>P</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> |
| | <u>Manufactured home</u> | <u>N</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>N</u> | <u>P</u> | <u>P</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> |
| | <u>Mixed-use buildings</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P¹⁷</u> | <u>P</u> | <u>P</u> | <u>N</u> | <u>P</u> | <u>P</u> |
| | <u>Multi-family dwellings</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>P</u> | <u>N</u> | <u>P</u> | <u>C</u> | <u>P¹⁷</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> |
| | <u>Single-family dwellings</u> | <u>N</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>N</u> | <u>P</u> | <u>P</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> |
| | <u>Tiny Home on Wheels (THOW)</u> | <u>N</u> | <u>P²¹</u> | <u>P²¹</u> | <u>P²¹</u> | <u>P²¹</u> | <u>P²¹</u> | <u>P²¹</u> | <u>P²¹</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>P²¹</u> | <u>P²¹</u> |
| <u>Public or semipublic:</u> | | | | | | | | | | | | | | |
| | <u>Community centers, including peri-urban retreat centers</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>C</u> | <u>P</u> | <u>C</u> | <u>P</u> | <u>C</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> |
| | <u>Government and public administration; excluding correctional institutions</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>P</u> | <u>N</u> | <u>P</u> | <u>C</u> | <u>N</u> | <u>C</u> | <u>N</u> | <u>C</u> |
| | <u>Parks and pathways</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> |
| | <u>Performing arts centers</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>P</u> | <u>N</u> | <u>P</u> | <u>P</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> |
| | <u>Public utility facilities</u> | <u>N</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>N</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>P</u> | <u>P</u> | <u>N</u> | <u>C</u> | <u>C</u> |
| | <u>Religious institutions and places of worship</u> | <u>N</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>C</u> | <u>P</u> | <u>P</u> | <u>C</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> |
| | <u>Schools: primary and secondary schools for children and adolescents</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>P</u> | <u>P</u> | <u>C</u> | <u>P</u> | <u>C</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> |

| <u>Category</u> | <u>Description (Excerpt)</u> | <u>Zoning Districts and Subdistricts</u> | | | | | | | | | | | | |
|--------------------|---|--|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| | | <u>RGB</u> | <u>LR-1</u> | <u>LR-2</u> | <u>GR</u> | <u>NB</u> | <u>LB</u> | <u>TN</u> | <u>B</u> | <u>LI</u> | <u>TI</u> | <u>A</u> | <u>SCI-SO</u> | <u>SCI-I</u> |
| | ages four through eighteen (4-18 years old) | | | | | | | | | | | | | |
| | <u>Schools: tertiary schools, including colleges, vocational, and technical trade schools</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>C</u> | <u>P</u> | <u>C</u> | <u>P</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> |
| | <u>Social services</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>C</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>C</u> | <u>C</u> |
| | <u>Semipublic uses</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>C</u> | <u>C</u> | <u>P</u> | <u>C</u> | <u>P</u> | <u>N</u> | <u>N</u> | <u>C</u> | <u>N</u> | <u>C</u> |
| | <u>Water storage and well facilities</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> |
| | <u>Wireless communication facilities (WCF) attached to freestanding towers</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>C^{10,12}</u> | <u>N</u> | <u>C^{10,12}</u> | <u>C^{10,12}</u> | <u>C^{10,12}</u> | <u>C^{10,12}</u> | <u>C^{10,12}</u> | <u>C^{10,12}</u> |
| | <u>Wireless communication facilities (WCF) attached to street poles or mounted on existing structures</u> | <u>C^{10,12}</u> | <u>C^{10,12}</u> | <u>C^{10,12}</u> | <u>C^{10,12}</u> | <u>C^{10,12}</u> | <u>P^{10,12}</u> | <u>C^{10,12}</u> | <u>P^{10,12}</u> | <u>P^{10,12}</u> | <u>P^{10,12}</u> | <u>P^{10,12}</u> | <u>P^{10,12}</u> | <u>P^{10,12}</u> |
| <u>Commercial:</u> | | | | | | | | | | | | | | |
| | <u>Airport and related uses</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>P</u> | <u>N</u> | <u>N</u> |
| | <u>Artist studios with associated galleries</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>P</u> | <u>N</u> | <u>P</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>P</u> | <u>P</u> |
| | <u>Artist studios without associated galleries</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>P</u> | <u>N</u> | <u>N</u> | <u>C</u> | <u>C</u> | <u>N</u> | <u>P</u> | <u>P</u> |
| | <u>Auto dealerships</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>C</u> | <u>P</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> |
| | <u>Automobile towing</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>C</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>P</u> |
| | <u>Automotive rental companies</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>P</u> | <u>N</u> | <u>P</u> | <u>N</u> | <u>N</u> |
| | <u>Automotive repair and maintenance</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>C</u> | <u>P</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>P</u> |

| <u>Category</u> | <u>Description (Excerpt)</u> | <u>Zoning Districts and Subdistricts</u> | | | | | | | | | | | | |
|-----------------|--|--|-------------|-------------|-----------|-----------------------|----------------------|-----------|----------------------|----------------------|----------------------|-----------------------|-----------------------|-----------------------|
| | | <u>RGB</u> | <u>LR-1</u> | <u>LR-2</u> | <u>GR</u> | <u>NB</u> | <u>LB</u> | <u>TN</u> | <u>B</u> | <u>LI</u> | <u>TI</u> | <u>A</u> | <u>SCI-SO</u> | <u>SCI-I</u> |
| | <u>Bars</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>C</u> | <u>N</u> | <u>P</u> | <u>N</u> | <u>N</u> | <u>P¹⁴</u> | <u>C¹⁵</u> | <u>N</u> |
| | <u>Broadcasting firms, media offices, and related uses</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>P</u> | <u>N</u> | <u>P</u> | <u>N</u> | <u>P</u> | <u>N</u> |
| | <u>Convenience stores less than 1,000 square feet</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>C</u> | <u>P</u> | <u>N</u> | <u>P</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> |
| | <u>Daycare centers (13 to 18 children)</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>C</u> | <u>P</u> | <u>P</u> | <u>C</u> | <u>P</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>C</u> | <u>N</u> |
| | <u>Daycare facilities (up to 12 children)</u> | <u>N</u> | <u>C</u> | <u>C</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>C</u> | <u>N</u> |
| | <u>Daycare homes (6 or less children)</u> | <u>N</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>C</u> | <u>N</u> |
| | <u>Food preparation for off-site catering, dining, and retail trade; excluding the production of alcoholic beverages</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>C</u> | <u>P</u> | <u>C</u> | <u>C</u> | <u>P</u> | <u>P</u> | <u>N</u> | <u>P</u> | <u>P</u> |
| | <u>Food service</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>C¹³</u> | <u>C</u> | <u>N</u> | <u>P</u> | <u>N</u> | <u>N</u> | <u>P¹⁴</u> | <u>C¹³</u> | <u>C¹³</u> |
| | <u>Gasoline stations</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>P</u> | <u>P</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>C²³</u> |
| | <u>Guiding and outfitter services with no more than 20% of the floor area dedicated to retail sales</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>P²</u> | <u>C²</u> | <u>N</u> | <u>P²</u> | <u>P²</u> |
| | <u>Hardware stores</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>C²</u> | <u>N</u> | <u>P²</u> | <u>P²</u> | <u>N</u> | <u>N</u> | <u>P²</u> | <u>P²</u> |
| | <u>Health and fitness facilities</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>C</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>C</u> | <u>C</u> | <u>N</u> | <u>C</u> | <u>N</u> |
| | <u>Healthcare and medical services</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>C</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>C</u> | <u>N</u> |
| | <u>Home occupations</u> | <u>N</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> |

| <u>Category</u> | <u>Description (Excerpt)</u> | <u>Zoning Districts and Subdistricts</u> | | | | | | | | | | | | |
|-----------------|---|--|-------------|-------------|-----------|-----------|----------------------|-----------|----------|----------------------|-----------|----------|---------------|----------------------|
| | | <u>RGB</u> | <u>LR-1</u> | <u>LR-2</u> | <u>GR</u> | <u>NB</u> | <u>LB</u> | <u>TN</u> | <u>B</u> | <u>LI</u> | <u>TI</u> | <u>A</u> | <u>SCI-SO</u> | <u>SCI-I</u> |
| | <u>Hybrid production facilities for edible goods; including breweries, cideries, distilleries, and wineries</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>C</u> | <u>N</u> | <u>C</u> | <u>P</u> | <u>N</u> | <u>N</u> | <u>P</u> | <u>P</u> |
| | <u>Landscaping services</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>P²</u> | <u>N</u> | <u>N</u> | <u>P²</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>P²</u> |
| | <u>Laundry services limited to dry cleaning, mid-scale commercial, and large-scale industrial laundry services; excluding personal services such as self-serve laundromats and small-scale wash-and-fold services</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>P</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>P</u> |
| | <u>Light manufacturing, including the fabrication of building materials and technology</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>P</u> | <u>P</u> | <u>N</u> | <u>N</u> | <u>P</u> |
| | <u>Lodging establishments limited to bed and breakfast inns and boarding and rooming houses</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>C</u> | <u>N</u> | <u>P</u> | <u>C</u> | <u>P</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> |
| | <u>Lodging establishments limited to hotels and motels</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>P</u> | <u>N</u> | <u>P</u> | <u>N</u> | <u>N</u> | <u>C</u> | <u>C</u> | <u>N</u> |
| | <u>Parcel delivery terminals</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>P</u> | <u>N</u> | <u>P</u> |
| | <u>Parking lots and structures</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>C</u> | <u>N</u> | <u>N</u> | <u>P</u> | <u>N</u> | <u>P</u> |
| | <u>Peri-urban agriculture</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>N</u> | <u>C</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> |
| | <u>Personal services</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>C</u> | <u>N</u> |
| | <u>Pet boarding</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>C</u> | <u>N</u> | <u>C</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> |

| <u>Category</u> | <u>Description (Excerpt)</u> | <u>Zoning Districts and Subdistricts</u> | | | | | | | | | | | | |
|-----------------------------------|---|--|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| | | <u>RGB</u> | <u>LR-1</u> | <u>LR-2</u> | <u>GR</u> | <u>NB</u> | <u>LB</u> | <u>TN</u> | <u>B</u> | <u>LI</u> | <u>TI</u> | <u>A</u> | <u>SCI-SO</u> | <u>SCI-I</u> |
| | <u>Pet outpatient and veterinarian services</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>P</u> | <u>N</u> | <u>P</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> |
| | <u>Printing and related services</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>N</u> | <u>P</u> | <u>P</u> |
| | <u>Offices</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>C</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P²⁴</u> | <u>P</u> | <u>P²⁴</u> | <u>P</u> | <u>P²⁴</u> |
| | <u>Recreation facilities, indoor</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> |
| | <u>Recreation facilities, outdoor</u> | <u>P</u> | <u>N</u> | <u>N</u> | <u>P</u> | <u>P</u> | <u>N</u> | <u>P</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> |
| | <u>Residential care facilities</u> | <u>N</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> |
| | <u>Retail trade</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>C²</u> | <u>P²</u> | <u>P²</u> | <u>P²</u> | <u>P²</u> | <u>P²</u> | <u>P²⁴</u> | <u>P²</u> | <u>P²</u> |
| | <u>Skilled construction and industrial trades</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>P²</u> | <u>P²</u> | <u>N</u> | <u>C²</u> | <u>P²</u> |
| | <u>Technological development</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>C</u> | <u>P</u> | <u>N</u> | <u>P</u> | <u>P</u> |
| | <u>Transportation services</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>P</u> | <u>N</u> | <u>P</u> | <u>N</u> | <u>P</u> |
| | <u>Warehouse and storage facilities</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>P</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>P</u> |
| | <u>Wholesale trade and distributors</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>C²</u> | <u>N</u> | <u>N</u> | <u>P²</u> | <u>C²</u> | <u>N</u> | <u>P²</u> | <u>P²</u> |
| <u>Accessory uses:</u> | | | | | | | | | | | | | | |
| <u>Alternative energy systems</u> | <u>Solar energy systems, freestanding and subject to a maximum height of ten feet (10') from record grade</u> | <u>N</u> | <u>P¹²</u> | <u>P¹²</u> | <u>P¹²</u> | <u>P¹²</u> | <u>P¹²</u> | <u>P¹²</u> | <u>P¹²</u> | <u>P¹²</u> | <u>P¹²</u> | <u>P¹²</u> | <u>P¹²</u> | <u>P¹²</u> |
| | <u>Solar energy systems, roof-mounted and subject to five feet (5') above the maximum building height for the applicable district</u> | <u>N</u> | <u>P¹²</u> | <u>P¹²</u> | <u>P¹²</u> | <u>P¹²</u> | <u>P¹²</u> | <u>P¹²</u> | <u>P¹²</u> | <u>P¹²</u> | <u>P¹²</u> | <u>P¹²</u> | <u>P¹²</u> | <u>P¹²</u> |

| <u>Category</u> | <u>Description (Excerpt)</u> | <u>Zoning Districts and Subdistricts</u> | | | | | | | | | | | | |
|--|---|--|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| | | <u>RGB</u> | <u>LR-1</u> | <u>LR-2</u> | <u>GR</u> | <u>NB</u> | <u>LB</u> | <u>TN</u> | <u>B</u> | <u>LI</u> | <u>TI</u> | <u>A</u> | <u>SCI-SO</u> | <u>SCI-I</u> |
| | <u>Wind energy systems that are small scale, roof-mounted, or free standing</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>C</u> | <u>C</u> | <u>N</u> | <u>C</u> | <u>C</u> | <u>C</u> |
| <u>Fuel tanks</u> | | <u>N</u> | <u>C²⁰</u> | <u>C²⁰</u> | <u>C²⁵</u> | <u>C²⁰</u> | <u>P²⁰</u> | <u>C²⁰</u> | <u>P²⁰</u> | <u>P²⁰</u> | <u>P²⁰</u> | <u>P²⁰</u> | <u>P²⁰</u> | <u>C²⁰</u> |
| <u>Garages</u> | | <u>N</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> |
| <u>Agriculture</u> | <u>Apiaries</u> | <u>C</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>N</u> | <u>P</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> |
| | <u>Greenhouses</u> | <u>P²⁵</u> | <u>P²⁵</u> | <u>P²⁵</u> | <u>P²⁵</u> | <u>P²⁵</u> | <u>P²⁵</u> | <u>P²⁵</u> | <u>P²⁵</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> |
| | <u>Horses, a maximum of 2 horses per acre on lots with a minimum size of 1-acre</u> | <u>N</u> | <u>C</u> | <u>C</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> |
| | <u>Chickens</u> | <u>N</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>N</u> | <u>P</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> |
| <u>Residential</u> | <u>Accessory dwelling units (ADU)</u> | <u>N</u> | <u>P^{22,25}</u> | <u>P^{22,25}</u> | <u>P^{22,25}</u> | <u>P^{22,25}</u> | <u>P^{22,25}</u> | <u>P^{22,25}</u> | <u>P^{22,25}</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>P^{22,25}</u> | <u>P^{22,25}</u> |
| | <u>Tiny Home on Wheels (THOW)</u> | <u>N</u> | <u>P^{22,25}</u> | <u>P^{22,25}</u> | <u>P^{22,25}</u> | <u>P^{22,25}</u> | <u>P^{22,25}</u> | <u>P^{22,25}</u> | <u>P^{22,25}</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>P^{22,25}</u> | <u>P^{22,25}</u> |
| <u>Storage structures, excluding shipping containers</u> | | <u>C^{2,25}</u> | <u>P^{2,25}</u> | <u>P^{2,25}</u> | <u>P^{2,25}</u> | <u>P^{2,25}</u> | <u>P^{2,25}</u> | <u>P^{2,25}</u> | <u>P^{2,25}</u> | <u>P^{2,25}</u> | <u>P^{2,25}</u> | <u>P^{2,25}</u> | <u>P^{2,25}</u> | <u>P^{2,25}</u> |
| <u>Swimming pools</u> | | <u>N</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>C</u> | <u>P</u> | <u>C</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> |
| <u>Temporary structures</u> | | <u>C^{16,25}</u> | <u>C^{16,25}</u> | <u>C^{16,25}</u> | <u>C^{16,25}</u> | <u>C^{16,25}</u> | <u>C^{16,25}</u> | <u>C^{16,25}</u> | <u>C^{16,25}</u> | <u>C^{16,25}</u> | <u>C^{16,25}</u> | <u>C^{16,25}</u> | <u>C^{16,25}</u> | <u>C^{16,25}</u> |

BULK REQUIREMENTS

| <u>Category</u> | <u>Description (Excerpt)</u> | <u>RGB</u> | <u>LR-1</u> | <u>LR-2</u> | <u>GR</u> | <u>NB</u> | <u>LB</u> | <u>TN</u> | <u>B</u> | <u>LI</u> | <u>TI</u> | <u>A</u> | <u>SCI-SO</u> | <u>SCI-I</u> |
|-----------------|---------------------------------------|-------------|--------------------------|---------------|----------------------------|--------------------------|----------------------------|----------------------------|------------------------|--------------|-----------|--------------------|---------------|---------------|
| | <u>Minimum lot size (square feet)</u> | <u>None</u> | <u>8,000¹</u> | <u>12,000</u> | <u>6,000^{1,5}</u> | <u>6,000⁸</u> | <u>6,000^{1,9}</u> | <u>6,000^{1,5}</u> | <u>0^{1,9}</u> | <u>6,000</u> | <u>-</u> | <u>See note 12</u> | <u>10,890</u> | <u>10,890</u> |

| <u>Category</u> | <u>Description (Excerpt)</u> | <u>RGB</u> | <u>LR-1</u> | <u>LR-2</u> | <u>GR</u> | <u>NB</u> | <u>LB</u> | <u>TN</u> | <u>B</u> | <u>LI</u> | <u>TI</u> | <u>A</u> | <u>SCI-SO</u> | <u>SCI-I</u> |
|---|---|------------------|----------------------|---------------------|-------------------------|----------------------|-----------------------|-----------------------|---------------------|---------------------|---------------------|-------------|------------------|------------------|
| <u>Lot dimensions</u> | <u>Minimum lot width (feet)</u> | None | 75 ¹ | 75 | 50 ^{1,6} | 50 ⁶ | 50 ^{1,6} | 50 ^{1,6} | 0 ⁶ | 60 | - | See note 12 | - | - |
| <u>Building height</u> | <u>Maximum building height (feet)</u> | 35 ¹⁹ | 30 ^{1,19} | 30 ¹⁹ | 35 ^{1,19} | 30 | 35 ¹ | 35 ¹ | 35 ¹ | 35 | 35 | See note 12 | 35 | 35 ¹⁹ |
| <u>Setbacks</u> | <u>Minimum front yard setback (feet)</u> | 20 | 25 ¹ | 25 | 20 ¹ | 10 | 20 ¹ | 20 ¹ | 0 ^{1,7} | 10 | 20 | See note 12 | 10 | 10 |
| | <u>Minimum side yard setback (feet)</u> | 10 | 10 ^{1,3,18} | 10 ^{3,18} | 8 ^{1,7, 18 22} | 10 ^{1,7,18} | 10 ^{1,7,18} | 10 ^{1,7,18} | 0 ^{1,7,18} | 10 ^{11,18} | 10 ^{11,18} | See note 12 | 10 | 10 |
| | <u>Minimum rear yard setback (feet)</u> | 10 | 10 ^{1,3,18} | 10 ^{3, 18} | 10 ^{1,7,18} | 10 ^{7, 18} | 10 ^{1,7, 18} | 10 ^{1,7, 18} | 0 ^{1,7,18} | 10 ^{11,18} | 10 ^{11,18} | See note 12 | 10 | 10 |
| | <u>Riparian (feet)</u> | 100 ⁴ | 100 ⁴ | 100 ⁴ | 100 ⁴ | 100 ⁴ | 100 ⁴ | 100 ⁴ | 100 ⁴ | 100 ⁴ | 100 ⁴ | See note 12 | 100 ⁴ | 100 ⁴ |
| <u>Multi-family and mixed-use density</u> | <u>Mixed-use residential density: maximum units per acre</u> | = | = | = | = | 15 | 20 | 10 | 20 ¹⁷ | = | = | See note 12 | 20 | = |
| | <u>Multi-family residential density: maximum units per acre</u> | = | = | = | 10 | = | 20 | 10 | 20 | = | = | | 20 | = |
| <u>Total lot coverage</u> | <u>Total maximum coverage by all structures (percentage)</u> | = | 40 ¹ | 40 | 40 ¹ | = | = ¹ | 30 ¹ | = | 75 | 75 | See note 12 | 70 | 70 |
| <u>Maximum floor area</u> | <u>Aggregate gross floor area for individual retail/wholesale trade (square feet)</u> | = | = | = | = | = | 36,000 | = | 36,000 | 25,000 | 25,000 | See note 12 | 25,000 | 25,000 |
| | <u>Aggregate gross floor area for grouped retail/wholesale (square feet)</u> | = | = | = | = | = | 36,000 | = | 50,000 | 25,000 | 25,000 | See note 12 | 25,000 | 25,000 |

Notes:

1. May be subject to additional provisions per the Townsite Overlay (TO) Zoning District. See subsection 17.04M of this title.
2. Unenclosed exterior storage that is greater than fifty square feet (50 sq. ft.) and associated with retail trade, skilled construction and industrial trades, or wholesale trade is permitted in the industrial Zoning Districts only. Such unenclosed exterior storage may include but is not limited to the storage or display of bulky goods, materials, supplies, merchandise, and equipment.

3. The setback from the adjacent property shall be one (1) foot for every two (2) feet of building height for all portions of the building exceeding twenty (20) feet in height, provided, however, no side or rear yard shall be less than ten (10) feet. See the figure in subsection 17.04B.050 of this title.
4. Riparian setback. Unless otherwise provided for herein, all permanent buildings and structures shall have a 100-foot-wide riparian setback from the mean high-water mark of the Big Wood River. Removal of live vegetation or excavation within the riparian setback is prohibited, except for any tree that has been recommended for removal by a certified arborist, in writing, because the tree has been found to potentially endanger the resident(s) of the property on which it is located or any member of the public, or has become hazardous to any street, alley or other public right-of-way or public utility, or because the removal of a tree would substantially improve the health of other trees on the property. Pruning of trees and planting of riparian trees, shrubs and ground cover within the riparian setback are allowed, provided however, that all plantings conform to the criteria for evaluation in subsection 17.04J.040B4e of this title. Where the application of the 100-foot riparian setback and other applicable setbacks will result in a building site of 1,000 square feet or less, the riparian setback may be reduced to such an extent that the building site is 1,000 square feet; provided however, the riparian setback shall not be less than fifty (50) feet.
5. In GR and TN Zoning Districts, townhouse sublots shall have an aggregate density of no more than ten (10) lots per acre.
6. Townhouse sublots shall conform to the standards established in the IFC.
7. In the TO Zoning District, townhouse units shall be allowed zero (0) setbacks, with an exception for the setbacks on the property line between two (2) townhouse units. The separation between two (2) townhouse units on separate sublots shall be no less than 6 feet or the minimum distance required by the IBC and IFC, whichever is greater. The distance between the buildings shall be measured between any wall or any projection of a building-- including, but not limited to, eaves, cornices, canopies, or other similar roof overhang features, pergolas, chimney chases, bay windows, decks, steps, wainscot, and utility meters.
8. In NB Zoning District, townhouse sublots shall have an aggregate density of no more than fifteen (15) lots per acre.
9. In LB and B Zoning Districts, townhouse sublots shall have an aggregate density of no more than twenty (20) lots per acre.
10. The installation of wireless communication facilities requires a Wireless Permit in accordance with the provisions of subsection 17.08B of this title.
11. In LI and TI Zoning Districts, the side and rear yard setbacks shall be twenty-five (25) feet where the subject property is located adjacent to the following Zoning Districts: RGB, GR, or TN.
12. Objects affecting navigable airspace, including solar energy systems and wireless communications facilities located within the Airport Influence Area, are subject to review of the Friedman Memorial Airport Director for compliance with FAA regulations and 14 CFR, chapter 1, subchapter E, part 77.
13. Drive-through food service not permitted.
14. Only within terminals.
15. Only attached to hotel/motel.
16. Temporary structures which have an approved conditional use permit may operate seasonally for multiple years, so long as the size and location of the temporary structure conforms with the approved conditional use permit or conditions thereof.
17. Multi-family and mixed-use buildings incorporating small residential units require a conditional use permit and shall comply with subsection 17.04Q of this title.
18. Normal corner and reverse-corner lots are subject to subsections 17.07.010F and G of this title.
19. For a building with any portion of the building footprint within the Special Flood Hazard Area, building height shall be measured two (2) feet above the base flood elevation (BFE). For buildings located within the Special Flood Hazard Area and the LR Zoning Districts, buildings shall in no instance exceed a building

height of thirty-two feet (32') from record grade. For buildings located within the Special Flood Hazard Area, and within the GR Zoning District, buildings shall in no case exceed a building height of thirty-five feet (35') from record grade.

20. The use of fuel tanks containing flammable or combustible liquids, as defined by the International Fire Code (IFC), requires a Flammable & Combustible Storage Tank Permit through the Hailey Fire Department.

21. Accessory Dwelling Units (ADUs) and Tiny Homes on Wheels (THOW) are subject to administrative design review and supplementary regulations. See section 17.06 and subsection 17.08 D of this title.

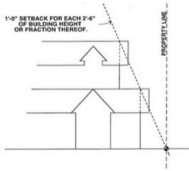
22. Any wall, as measured from the highest point including any gable or peak in a direct vertical line to record grade, shall have a setback of one foot (1') for every two and one-half feet (2 1/2') of wall height (see subsection 17.04M.090, Diagram 1 of this title), but not less than the base setback for the GR Zoning District. This shall apply to walls on the side yards of properties but shall not apply to sublots within a development.

23. May be approved through a conditional use permit if the use is in conjunction with a use that is permitted by-right.

24. Must be accessory to the primary use and contained within the walls of the primary structure.

25. Structures equal to or greater than 120 square feet (120 sq. ft.) in size require a building permit, per subsection 17.07.010H of this title.

Diagram 1



(Ord. 1275, 2021; Ord. 1250, 2019; Ord. 1243, 2019; Ord. 1242, 2018; Ord. 1232, 2018; Ord. 1221, 2017; Ord. 1220, 2017; Ord. 1211, 2017; Ord. 1208, 2016; Ord. 1207, 2016; Ord. 1191, 2015; Ord. 1291, 2021; Ord. , 2023)

Section 3. 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 4. Repealer Clause: All City of Hailey ordinances or parts thereof, which are in conflict herewith, are hereby repealed.

Section 5. Effective Date: This ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE MAYOR THIS ___ DAY OF _____, 2023.

Attest:

Martha Burke, Mayor, City of Hailey

Mary Cone, City Clerk

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Staff Report Hailey Planning and Zoning Commission Regular Meeting of April 17, 2023

To: Hailey Planning & Zoning Commission

From: Lisa Horowitz, City Administrator

Overview: Consideration of a City-Initiated Amendment to the Hailey Municipal Code, Title 15: Buildings and Construction, Chapter 15.16: Development Impact Fees, Section 15.16.130: Development Impact Fee Schedule, to provide for annual adjustments tied to year-over-year inflationary increases in the cost of providing services.

Hearing: April 17, 2023

Notice: Notice for the April 3, 2023 public hearing was published in the Idaho Mountain Express on March 15, 2023 and mailed to public agencies on March 14, 2023, project was continued on record to April 17, 2023 during April 3, 2023 hearing.

Request: The intent of this request is to amend Hailey's Municipal Code, Title 15: Buildings and Construction, Chapter 15.16: Development Impact Fees, Section 15.16.130: Development Impact Fee Schedule, to allow for annual inflationary increases to the Development Impact Fee Schedule.

Procedural History: Idaho Code §67-8201 *et seq.* allows Idaho municipal corporations to enact ordinances allowing cities to collect development impact fees. In 2007, Hailey adopted its first development impact fee (DIF) ordinance which is codified as Chapter 15.16 of the Hailey Municipal Code. As a basis for Hailey's development impact fee ordinance, the city engaged a consultant to develop a Development Impact Fee Study, which was updated in 2012, 2016, and 2021. The Hailey Development Impact Fee Advisory Committee meets annually to review the Capital Improvement Plan, and projects eligible for DIF funding.

Hailey, like many other cities, has found that inflationary costs have affected Hailey's cost to provide parks, fire, recreation, and street facilities. Many cities (such as the City of Twin falls) follow the municipal cost index as a measurable way to track rising inflationary costs related to providing municipal services. From October 2021 to October 2022, the municipal cost index showed a year-over-year increase of 8.01% and a 6.6% year-over-year increase January 2022 to January 2023 (<https://www.americancityandcounty.com/municipal-cost-index/>) --

The **Municipal Cost Index (MCI)**, developed exclusively by *American City & County*, is designed to show the effects of inflation on the cost of providing municipal services. State and local government officials rely on *American City & County's* Municipal Cost Index to stay on top of price trends, monitor price increases for commodities, make informed government contract decisions and plan budgets intelligently. Since 1978, readers have loyally referred to the Municipal Cost Index to determine the cost of inflation and, hence, the rising cost of doing business as a local government.

On this page, Municipal Cost Index data for the current year and the year-to-year percentage change in the index compared to that month last year are displayed. Additionally, related data for the three indices that comprise the Municipal Cost Index are also shown. Scroll down to find historical data for the Municipal Cost Index and its component indices dating back to 1978.

| Month (2023) | Municipal Cost Index (MCI) | MCI Yr-Yr % Change | Construction Cost Index (CCI) | CCI Yr-Yr % Change | Consumer Price Index (CPI) | CPI Yr-Yr % Change | Producer Price Index (PPI) | PPI Yr-Yr % Change |
|--------------|----------------------------|--------------------|-------------------------------|--------------------|----------------------------|--------------------|----------------------------|--------------------|
| Jan | 308.41 | 6.27% | 348.66 | 5.98% | 300.54 | 6.60% | 259.90 | 6.41% |
| Feb | 308.49 | 4.64% | 348.86 | 4.86% | 301.65 | 6.15% | 258.65 | 2.30% |
| Mar | | | | | | | | |
| Apr | | | | | | | | |
| May | | | | | | | | |
| Jun | | | | | | | | |
| Jul | | | | | | | | |
| Aug | | | | | | | | |
| Sept | | | | | | | | |
| Oct | | | | | | | | |
| Nov | | | | | | | | |
| Dec | | | | | | | | |

(Note: the consumer and producer price indexes are published monthly by the U.S. Department of Labor's Bureau of Labor Statistics. The PPI figure used is the number for all commodities. The municipal cost index incorporates the construction cost index, the consumer price index and the production price index.)

Staff is recommending an amendment to the Hailey Development Impact Fee Ordinance, which would update the Development Impact Fee Schedule to automatically adjust for inflationary costs based on the municipal cost index as published by the American Cities and County Magazine. The attached draft Ordinance would allow Hailey to waive the inflationary cost increase for any given fiscal year. The proposed ordinance language could read:

On the effective date of this Ordinance, and in January of each year thereafter in which an impact fee is in effect, the amount of the impact fee shall be automatically adjusted to account for year-over-year inflation increases in the cost of providing fire, parks and

recreation, and street public facilities, as well as CIP costs, to service new developments utilizing the latest available municipal cost index as published by “American Cities And County Magazine”. Nothing herein shall prevent Hailey from electing to maintain a then-existing fire, parks and recreation, street impact fee, and CIP costs, or from electing to waive inflation increases for any given fiscal year, or years. Any such action to determine inflation or adjustments shall be by City Council resolution. If a police development impact fee is adopted in the future, it shall be subject to the same herein.

Standards of Review:

Criteria for Review. Section 17.14.060(A) of the Hailey Municipal Code provides “[w]hen evaluating any proposed amendment under this chapter, the hearing examiner or commission and council shall make findings of fact on the following criteria:

- 1. The proposed amendment is in accordance with the comprehensive plan.**
- 2. Essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services.**
- 3. The proposed uses are compatible with the surrounding area; and**
- 4. The proposed amendment will promote public health, safety, and general welfare.**

1. The proposed amendment is in accordance with the comprehensive plan.

Development Impact Fees (DIF), including any associated amendments, are fees collected from development projects for the purpose of providing new or expanded public capital facilities required to serve that development. Such facilities include park updates, street repairs and maintenance, water and wastewater infrastructure, expansion of emergency services, capital improvement project costs, and more. DIFs have been contemplated within Hailey’s Comprehensive Plan and have been used in conjunction with a sound capital improvement plan for several years. While not an exhaustive list, some of the following goals from Hailey’s Comprehensive Plan are relevant to this text amendment and support DIFs, as follows:

Section 4: Recreation, Parks, and Lands

Goal 4.1: Create and maintain an interconnected system of parks, recreational facilities, trails, green spaces, and natural lands in order to provide diverse recreation opportunities for Hailey residents.

Section 9: Public Facilities, Utilities, and Services

Goal 9.1: Plan for the long-term utilities, service and facility needs of the city while minimizing impacts to the greatest extent possible.

Section 10: Transportation

Goal 10.1: Create and maintain a pedestrian and bicycle-friendly community that provides a safe, convenient, and efficient multi-modal transportation system for all Hailey residents.

Development Impact Fees are currently collected for Parks and Paths, Fire and EMS, Streets, and CIP Costs. These monies assist in the creation of, maintenance costs, and general operations of services and amenities, such as parks, streets, water, and wastewater infrastructure, and more, to new and existing developments within the City of Hailey. To continue to provide desirable

public facilities, City Staff are supportive of the proposed amendment which allows for annual inflationary increases to the Development Impact Fee Schedule.

2. Essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services. The proposed amendments will not result in a change in allowed uses nor will they create excessive additional requirements at the public cost for services. The amendments are intended to allow for annual inflationary increases to the Development Impact Fee Schedule.

3. The proposed uses are compatible with the surrounding area. The proposed text amendments will not impact compatibility.

4. The proposed amendment will promote public health, safety, and general welfare. The proposed amendments are consistent with the Hailey Comprehensive Plan, and no changes to allowed uses are anticipated.

Motion Language:

Approval: Motion to recommend approval by the Hailey City Council Ordinance No. _____, an Ordinance amending the Hailey Municipal Code, Title 15: Buildings and Construction, Chapter 15.16: Development Impact Fees, Section 15.16.130: Development Impact Fee Schedule, to provide for annual adjustments tied to year-over-year inflationary increases in the cost of providing services, finding that essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services, that the proposed uses are compatible with the surrounding area, and that the proposed amendment will promote public health, safety and general welfare

Continuation:

Motion to continue the public hearing on the City-Initiated Text Amendment to the Hailey Municipal Code, Title 15: Buildings and Construction, Chapter 15.16: Development Impact Fees, Section 15.16.130: Development Impact Fee Schedule to _____ [Commission should specify a date].

Table: Motion to table the public hearing on the City-Initiated Text Amendment to Hailey Municipal Code, Chapter 15, Section 15.16.130, Development Impact Fee Schedule to provide for annual adjustments tied to year over year inflationary increases in the cost of providing services.

HAILEY ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING TITLE 15: BUILDINGS AND CONSTRUCTION, CHAPTER 15.16: DEVELOPMENT IMPACT FEES, SECTION 15.16.130: DEVELOPMENT IMPACT FEE SCHEDULE OF THE HAILEY MUNICIPAL CODE TO PROVIDE FOR ANNUAL AUTOMATIC ADJUSTMENTS TIED TO YEAR-OVER-YEAR INFLATION INCREASES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, Idaho Code § 67-8201 *et seq.* allows Idaho municipal corporations to enact ordinances allowing cities to collect development impact fees;

WHEREAS, in 2007, Hailey adopted a development impact fee ordinance which is codified as Chapter 15.16 of the Hailey Municipal Code;

WHEREAS, as a basis for Hailey’s development impact fee ordinance, the City engaged a consultant to develop a Development Impact Fee Study;

WHEREAS, Hailey retained professional consultants to update Hailey’s development impact fees in 2012, 2016, and 2021;

WHEREAS, D.P. Guthrie, LLC, submitted a report for Development Impact Fees dated August 4, 2021 (“Updated Study”);

WHEREAS, the Hailey Development Impact Fee Advisory Committee has reviewed the Updated Study and submitted written comments to the Hailey City Council, WHICH ADOPTED THE Report on _____;

WHEREAS, inflationary costs have affected Hailey’s cost to provide for and/or maintain parks, fire, recreation, and street facilities;

WHEREAS, Hailey now desires to amend the Hailey Development Impact Fee Ordinance to update the Development Impact Fee Schedule to automatically adjust for inflationary costs based on the municipal cost index as published by the American Cities and County Magazine;

WHEREAS, these amendments allow Hailey to waive the inflationary cost increase for any given fiscal year;

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

Section 1. Section 15.16.130 of the Hailey Municipal Code is amended by the addition of the underlined language, as follows:

On the effective date of this Ordinance, and in January of each year thereafter in which an impact fee is in effect, the amount of the impact fee shall be automatically adjusted to account for year-over-year inflation increases in the cost of providing fire, parks and recreation, and street public facilities, as well as CIP costs, to service new developments utilizing the latest available municipal cost index as published by “American Cities And County Magazine”. Nothing herein shall prevent Hailey from electing to maintain a then-existing fire, parks and recreation, street impact fee, and CIP costs, or from electing to waive inflation increases for any given fiscal year, or years. Any such action to determine inflation or adjustments shall be by City Council resolution. If a police development impact fee is adopted in the future, it shall be subject to the same herein.

Section 2. SEVERABILITY CLAUSE. If any section, paragraph, sentence, or provision hereof or the application thereof to any particular circumstances shall ever be held invalid or unenforceable, such holding shall not affect the remainder hereof, which shall continue in full force and effect and applicable to all circumstances to which it may validly apply.

Section 3. REPEALER CLAUSE. All Ordinances or parts thereof in conflict herewith are hereby repealed and rescinded.

Section 4. EFFECTIVE DATE. This Ordinance shall be in full force and effect 30 days after its passage, approval, and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL and approved by the Mayor this ___ day of ____, 2023.

Martha Burke, Mayor

ATTEST:

Mary Cone, City Clerk

Published Summary:

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STAFF REPORT
Hailey Planning and Zoning Commission
Regular Meeting of April 17, 2023

To: Hailey Planning and Zoning Commission

From: Emily Rodrigue, Resilience Planner/City Planner

Overview: Consideration of a Text Amendment Application submitted by F & G Idaho, LLC, to amend Title 17: Zoning Regulations, Chapter 17.04: Establishment, Purposes and Uses within Zoning Districts, Article M: Townsite Overlay, Section 17.04M.060(C): Maximum Building Height to remove the General Residential (GR) Zoning District from the maximum building height of thirty feet (30') outlined within the Townsite Overlay (TO) Zoning District. This amendment would revise items C. 2. and C. 3. to read as follows:

- C. 2. Limited Business, General Residential Districts: Thirty-five feet (35')
- C. 3. Transitional, ~~General Residential~~, Limited Residential-1 Districts: Thirty feet (30')

Hearing: April 17, 2023

Applicant: F&G Idaho, LLC

Location: General Residential (GR) Zoning District within the Townsite Overlay (TO) Zoning District

Notice: Notice for the public hearing was published in the Idaho Mountain Express on March 29, 2023 and mailed to public agencies on March 27, 2023.

Background: F&G Idaho, LLC, own a parcel within the City of Hailey's Townsite Overlay (TO) District and General Residential (GR) Zoning District. The parcel is approximately 20,393 square feet in size and is located at 50 W Maple Street. The Applicant has completed a Pre-Application Design Review with the Hailey Planning and Zoning Commission for the proposed development of eighteen (18) apartment-style units on the parcel. The Applicant has also submitted a formal Design Review Application for the proposed development.

F&G Idaho, LLC, are requesting to amend the Hailey Municipal Code, Title 17: Zoning Regulations, Chapter 17.04: Establishment, Purposes and Uses within Zoning Districts, Article M: Townsite Overlay, Section 17.04M.060(C): Maximum Building Height to remove the General Residential (GR) Zoning District from the maximum building height of thirty feet (30') outlined within the Townsite Overlay (TO) Zoning District. If the amendment is adopted, the maximum building height for development within all sectors of the GR Zoning District, including those within the TO, would then become a uniform thirty-five (35) feet. This Text Amendment would apply to and affect the Applicant's parcel and associated development.

The specific objective of the proposed amendment is to allow developers and builders the opportunity to maximize the number of living units they can provide in multifamily buildings within the General Residential (GR) zones that also lie within the TO Zoning District.

The Applicant provided thorough discussion on the suitability of the proposed text amendment as it relates to Section 17.04M.010, “Purpose” [Townsite Overlay District]. They noted the current built environment of the Business (B) District of the Townsite Overlay, already permits buildings up to 35’ in height, and 40’ if a residential unit is provided. Additionally, they highlighted those buildings zoned as GR (but not located within the TO) already carry a maximum permitted building height of 35’.

Regarding the proposed maximum building height for GR in the TO, other points raised by the Applicant include the opportunities to:

- **“Encourage infill while retaining neighborhood character:** Maximizing the height of buildings, where possible, allows for more usable square footage at a lower cost”.
- **“To create sufficient flexibility to allow for desirable development:** Development is a constant in any thriving community, and Hailey is no exception. Variation in height between different components in one building, or in contrast to a neighboring building, can create a more interesting view”.
- **“To conserve building resources:** Building taller eliminates the need for more excavation and more foundation, allowing more room for landscaping and leaving natural vegetation. Building taller maximizes the expense of roof structure that covers the floor(s) below – the cost of one roof can protect a single story or several”.
- **“To enhance neighborhoods with increased pedestrian orientation:** Allowing people to live close to where they work, and shop is a great tool in increasing energy conservation and lowering the cumulative carbon footprint”.

City Staff concurs with the preceding points raised by the Applicant; however, City Staff recommends that the text amendment apply instead to all GR zoned parcels in the Downtown Residential Overlay District (DRO), instead of all parcels zoned GR and within the TO. This amendment would include the parcel owned by F&G Idaho, LLC, and the intended apartment unit development, and further, support and retain the character of Old Town Hailey. Additional reasons for this recommendation are as follows:

Scope of Impact: Within the Townsite Overlay, there are approximately one hundred and eighty (180) parcels zoned as GR. Of those one hundred and eighty (180) GR parcels, approximately forty-one (41) parcels are located directly adjacent to a parcel zoned as Limited Residential (LR-1), a zoning district which does not allow for building height to exceed thirty feet (30’) in any overlay or subsidiary district.

Conversely, there are approximately thirty-nine (39) parcels zoned as GR within the Downtown Overlay District, and only three (3) of those GR parcels are directly adjacent to an LR-1 parcel. City Staff wish to highlight that should the maximum building height be amended to thirty-five feet (35’) within the GR Zoning District and the DRO, there stands to be a much smaller scope of impact to residents and community members than if the building height amendment be applied to the entire TO. This is especially true regarding parcels zoned as LR-1, which are generally part of larger, cohesive zoning blocks and have limited exposure to buildings greater than thirty-five feet (35’) in height. The potential for impact to the residents of these LR-1 parcels, and all other parcel types surrounding GR parcels, is significantly less within the GR and DRO Zoning Districts than the GR and TO Zoning Districts.

City Staff also wish to highlight the Applicant’s stated objective of the proposed amendment, which is to allow developers and builders the opportunity to maximize the number of living units they can provide in multifamily buildings within the General Residential Zones that also lie within the TO Zoning District. Whether in the TO or the DRO, multifamily buildings – and any associated increases in maximum building height – will have a greater impact on surrounding residents and parcels than an increased

maximum building height associated with a single-family home. Given this stated objective and the potential impacts of multifamily building development, Staff wish to limit these impacts to a smaller geographic area with closer proximity to transportation services, public open space, and the downtown core.

Shared Purposes with TO and DRO: The Applicant presented multiple benefits and/or congruences that align the proposed text amendment with the stated purpose of the TO (Section 17.04M.010, Hailey Municipal Code). These include opportunities to: **“Encourage infill while retaining neighborhood character”**, **“To create sufficient flexibility to allow for desirable development”**, **“To conserve building resources”**, and **“To enhance neighborhoods with increased pedestrian orientation”**.

The stated purpose of the Downtown Residential Overlay District (Section 17.04R.010, Hailey Municipal Code) also includes each of the aforementioned purposes for the TO. Opportunities for the TO that can be achieved through increasing the maximum allowed building height may be retained for the DRO, in accordance with the points raised by the Applicant.

Overall, City Staff prefers to see the proposed text amendment apply to and limit its applicability to the GR and DRO Zones, instead of the GR and TO Zones. If approved within the GR and DRO Zoning Districts, Staff can monitor development and uptake of the new maximum building height on a smaller scope and scale (DRO, instead of TO), provide adjustments as necessary, and mitigate widespread impact of any unforeseen consequences of such amendments. Additionally, F&G Idaho, LLC, will still be able to capitalize on the maximum building height amendment, as their parcel and intended development is located within the DRO.

If the Applicant’s Text Amendment Application is recommended for approval by the Hailey City Council, the ~~strike-through~~ text below would be removed and the **bold and underlined text** would be added within Title 17: Zoning Regulations, Chapter 17.04: Establishment, Purposes and Uses within Zoning Districts, Section 17.04M.040: Townsite Overlay Bulk Requirements:

Section 17.04M.060: Bulk Requirements:

C. Maximum Building Height:

3. Transitional, ~~General Residential~~, Limited Residential-1 Districts: Thirty feet (30’)

Section 17.04M.060: Bulk Requirements:

C. Maximum Building Height:

2. Limited Business District, **General Residential District**: Thirty-five feet (35’)

If the recommendation by Staff is considered, the **bold and underlined text** would be added within Title 17: Zoning Regulations, Chapter 17.04: Establishment, Purposes and Uses within Zoning Districts, Article R: Downtown Residential Overlay (DRO), Section 17.04R.040: Use and Bulk Requirements:

B. Maximum Building Height Requirement: The maximum building height requirement for those parcels located within the Downtown Residential Overlay (DRO) and the General Residential (GR) Zoning Districts shall have a maximum building height of thirty-five (35) feet from record grade.

Standards of Review:

Criteria for Review. Section 17.14.060(A) of the Hailey Municipal Code provides “[w]hen evaluating any proposed amendment under this chapter, the hearing examiner or commission and council shall make findings of fact on the following criteria:

- 1. The proposed amendment is in accordance with the comprehensive plan;**
- 2. Essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services;**
- 3. The proposed uses are compatible with the surrounding area; and**
- 4. The proposed amendment will promote public health, safety, and general welfare.**

1. The proposed amendment is in accordance with the comprehensive plan;

The Comprehensive Plan articulates the merits of diverse housing and population growth management through a balanced combination of infill and redevelopment. With such growth, the Comprehensive Plan also aims to retain the small-town character of Hailey:

“Land Use Implications of Population Growth Scenarios: Impacts resulting from growth pressure, such as environmental degradation, inadequate social and infrastructure services, and loss of small-town character are concerns associated with unrestricted growth of the community; therefore, it is the responsibility of the city to plan for potential future population growth”.

By increasing the maximum building height to thirty-five feet (35’) for GR parcels located in the TO District, smart growth, infill development, and/or redevelopment are encouraged on vacant land or already developed parcels. That said, City Staff recommends that the text amendment apply to the GR District within the DRO District, instead of all GR parcels within the TO District. The character and small-town charm of Hailey can be retained through careful design and meeting the bulk requirements of the zoning district, and an increase, such as this, would provide greater opportunities to diversify housing types and price points (aid in affordability), and utilize existing infrastructure more sustainably (developed neighborhoods are already served by municipal services, such as water and wastewater; supports incremental infill development, increases in residential units achieved through building height rather than footprint and impact on the landscape). City Staff prefer to see these Land Use implications within the DRO District, and not the TO District.

2. Essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services;

The proposed amendment will not create excessive additional requirements at the public cost for services. The amendment is intended to allow developers and builders the opportunity to maximize the number of living units they can provide in multifamily buildings within the GR and DRO Districts.

3. The proposed uses are compatible with the surrounding area; and

The proposed uses will support and be compatible with the surrounding area and other areas throughout Hailey. Impact to adjacent properties will be minimal, if approved within the GR and DRO Zoning Districts, and may be variable within the GR and TO Zoning Districts, as there are a significant number of parcels zoned as GR within the TO. That said, the bulk requirements for building setbacks with respect to building height still apply to any development, be it within the GR, DRO, and TO Districts,

which can support compatibility with the surrounding areas. The design review process will also promote compatibility.

4. The proposed amendment will promote public health, safety, and general welfare.

The amendments recommended are consistent with the Hailey Comprehensive Plan and will encourage infill in locations with access to transportation and public services, open spaces and parks, and the original Hailey Townsite. Living spaces may also increase in size for multifamily and single-family units while maintaining the same building footprint. The associated design features for buildings with a larger maximum building height can promote the general welfare of the residential, in-unit setting.

Motion Language:

Motion #1:

GR/TO Approval: Motion to recommend approval by the Hailey City Council Ordinance No. _____, an Ordinance amending the Hailey Municipal Code, Title 17: Zoning Regulations, Chapter 17.04: Establishment, Purposes and Uses within Zoning Districts, Section 17.04M.060: Townsite Overlay Bulk Requirements, to allow for a maximum building height of thirty five feet (35') within the General Residential (GR) and Downtown Residential Overlay (DRO) Zoning Districts, finding that essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services, that the proposed uses are compatible with the surrounding area, and that the proposed amendment will promote the public health, safety and general welfare.

Denial: Motion to deny an ordinance, Ordinance No. _____, amending the Hailey Municipal Code, Title 17: Zoning Regulations, Chapter 17.04: Establishment, Purposes and Uses within Zoning Districts, Section 17.04M.060: Townsite Overlay Bulk Requirements, finding that _____ [the Commission should cite which standards are not met and provide the reason why each identified standard is not met].

Or,

Motion #2:

GR/DRO Approval: Motion to recommend approval by the Hailey City Council Ordinance No. _____, an Ordinance amending the Hailey Municipal Code, Title 17: Zoning Regulations, Chapter 17.04: Establishment, Purposes and Uses within Zoning Districts, Article R: Downtown Residential Overlay (DRO), Section 17.04R.040: Use and Bulk Requirements, to allow for a maximum building height of thirty five feet (35') within the General Residential (GR) and Downtown Residential Overlay (DRO) Zoning Districts, finding that essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services, that the proposed uses are compatible with the surrounding area, and that the proposed amendment will promote the public health, safety and general welfare.

Denial: Motion to deny an ordinance, Ordinance No. _____, amending the Hailey Municipal Code, Title 17: Zoning Regulations, Chapter 17.04: Establishment, Purposes and Uses within Zoning Districts, Article R: Downtown Residential Overlay (DRO), Section 17.04R.040: Use and Bulk Requirements, finding that _____ [the Commission should cite which standards are not met and provide the reason why each identified standard is not met].

Continuation: Motion to continue the public hearing to _____ [the Commission should specify a date].

HAILEY ORDINANCE NO. __

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING TITLE 17: ZONING REGULATIONS, CHAPTER 17.04: ESTABLISHMENT, PURPOSES AND USES WITHIN ZONING DISTRICTS, ARTICLE M: TOWNSITE OVERLAY (TO), SECTION 17.04M.060: BULK REQUIREMENTS, OF THE HAILEY MUNICIPAL CODE, TO AMEND TOWNSITE OVERLAY (TO) TO ALLOW A PERMITTED MAXIMUM BUILDING HEIGHT OF THIRTY-FIVE (35) FEET WITHIN THE GENERAL RESIDENTIAL (GR) ZONING DISTRICT; 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.

Or,

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING TITLE 17: ZONING REGULATIONS, CHAPTER 17.04: ESTABLISHMENT, PURPOSES AND USES WITHIN ZONING DISTRICTS, ARTICLE R: DOWNTOWN RESIDENTIAL OVERLAY DISTRICT (DRO), SECTION 17.04R.060: DOWNTOWN RESIDENTIAL OVERLAY BULK REQUIREMENTS, TO ADD ITEM B., WHICH ALLOWS FOR A MAXIMUM BUILDING HEIGHT OF THIRTY-FIVE (35) FEET WITHIN GENERAL RESIDENTIAL (GR) AND DOWNTOWN RESIDENTIAL OVERLAY (DRO) ZONING DISTRICTS; 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 Municipal Code, Title 17, conforms to the Hailey Comprehensive Plan; and

WHEREAS, the Hailey City Council has found that the proposed amendment allows for property owners to maximize the number of living units they can provide in multifamily buildings within these districts;

WHEREAS, the Hailey City Council has determined that the above-mentioned requirements are appropriate requirements, and should be referenced; and

WHEREAS, the text amendment set forth in this ordinance 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. Title 17, Section 17.04 of the Hailey Municipal Code, is hereby amended by the addition of the underlined language, as follows:

Section 17.04M.060: Bulk Requirements:

C. Maximum Building Height:

1. Business District: The maximum building height in the business district shall be thirty-five feet (35'), except a building containing at least one residential dwelling unit shall have a maximum height of forty feet (40'). Any building exceeding thirty feet (30') shall comply with relevant sections and appendices of the IFC, including, but not limited to, fire access lanes, provisions for exterior roof access, and provision of sprinkler systems. No building may exceed three (3) stories from the reference street frontage.
2. Limited Business District, General Residential District: Thirty-five feet (35').
3. Transitional, ~~General Residential~~, Limited Residential-1 Districts: Thirty feet (30').

Or,

Section 17.04R.040: USE AND BULK REQUIREMENTS:

Use and bulk requirements shall be those of the underlying zoning district, except where specifically amended herein. (Supplementary location and bulk requirements of [chapter 17.07](#) of this title shall also apply in the DRO.)

- A. Residential Percentage: There shall be no maximum residential percentage on the ground level. (Ord. 1238, 2018)
- B. Maximum Building Height Requirement: The maximum building height requirement for those parcels located within the Downtown Residential Overlay (DRO) and the General Residential (GR) Zoning Districts shall have a maximum building height of thirty-five (35) feet from record grade.

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

Section 4. Effective Date. This ordinance shall be in full force and effect from and after passage, approval, and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE MAYOR THIS __ DAY OF _____, 2023.

Martha Burke, Mayor, City of Hailey

Attest:

Mary Cone, City Clerk

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STAFF REPORT
Hailey Planning and Zoning Commission
Regular Meeting of April 17, 2023

To: Hailey Planning and Zoning Commission

From: Cece Osborn, Community Development City Planner

Overview: Consideration of a City-initiated Text Amendment to the Hailey Municipal Code to Title 16: Subdivision Regulations, Chapter 16.03: Procedure, Section 16.03.020: Council Preliminary Plat Approval, Item D., to allow for City Staff and the City Engineer to approve and grant an extension of the Preliminary Plat approval.

Hearing: April 17, 2023

Applicant: City of Hailey

Notice: Notice for the public hearing was published in the Idaho Mountain Express on March 29, 2023 and mailed to public agencies on March 27, 2023.

Background: Staff proposes that the Administrator, via the Planning and Zoning Commission, as well as the City Engineer be able to administratively approve and grant an extension of a Preliminary Plat, rather than by seeking approval via the City Council.

Preliminary Plat Timeline

During the Preliminary Plat timeline, following the approval of a subdivision's Preliminary Plat and prior to the entitlement of a Final Plat, Developers are required to install municipal infrastructure. Developers commonly request extensions of the Preliminary Plat timeline to accommodate delays caused by the market, concurrent entitlement processes, and other reasons. In 2021, the City approved a Staff-initiated Ordinance increasing the Preliminary Plat timeline from one (1) to two (2) years. Still, developers of large projects request an extension to the two-year timeline and/or choose to bond or provide security for incomplete infrastructure improvements, so that they may progress through the Final Plat entitlement process. Both Blaine County and the City of Ketchum have a two-year Preliminary Plat Timeline.

Increasing Efficiency & Decreasing Burdens on Staff Workload

To increase efficiency within the Community Development Department and alleviate overloaded meeting schedules, City Staff proposes that the Administrator and the City Engineer be able to administratively approve and grant an extension of a Preliminary Plat. Staff considers approval for a Preliminary Plat Extension Application by the City Council to be excessive.

Extensions do not entail renegotiations nor amendments to the approved Preliminary Plat. The nature of the application request and the task of consideration is administrative and falls within the scope of Staff's current workload. Notably, the outcomes of Preliminary Plat Extension Applications are currently drafted by Staff prior to City Council meetings, then put on their Consent Agenda for approval unless singularly pulled. Public Hearings are not held for Preliminary Plat Extension Applications.

Throughout the Preliminary Plat timeline, Public Works, and Community Development Staff interface with development teams regarding the construction and installation of infrastructure and services. Through inspection and approval of infrastructure and services, Staff maintains a pulse on the pace, status, and hurdles that each subdivision faces in the build-up to the submittal and recordation of its Final Plat. It is in the best interest of the City and Staff to support development teams to complete their required improvements and progress through the platting process in a timely manner.

For applications that may be approved administratively—like Design Review for Accessory Dwelling Units, historically outside of Townsite Overlay and recently throughout City limits—Applicants do not need to wait on meeting schedules. Administrative approval generally takes 1-2 weeks, while Council approval can take 4 weeks. In contrast to the Council approval process, the administrative approval process requires less written documentation and remains within the management of the Community Development Department. Council approval of projects requires Staff to coordinate across City Departments, multiple times. In summary, coordinating schedules and documents between departments slows the progression of the projects and increases Staff workloads. The proposed Text Amendment would alleviate Staff burdens in processing Preliminary Plat Extension Applications.

Specifically, the attached draft Ordinance proposes to amend Title 16: Subdivision Regulations, Chapter 16.03: Procedure, Section 16.03.020: Council Preliminary Plat Approval, Item D. to read as follows:

Records Maintained; Time Limit of Approval: one copy of the approved preliminary plat will be kept on file for public examination ~~at the office of the city engineer and one copy at the office of the administrator in the Community Development Department.~~ The approval of the preliminary plat shall be valid for a period of two (2) calendar years unless an extension of time is applied for and granted administratively by ~~the council~~ the Administrator and City Engineer, or unless otherwise allowed for within a phasing agreement.

Standards of Review:

Criteria for Review. Section 17.14.060(A) of the Hailey Municipal Code provides “[w]hen evaluating any proposed amendment under this chapter, the hearing examiner or commission and council shall make findings of fact on the following criteria:

1. **The proposed amendment is in accordance with the comprehensive plan;**
2. **Essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services;**
3. **The proposed uses are compatible with the surrounding area; and**
4. **The proposed amendment will promote the public health, safety and general welfare.**

1. The proposed amendment is in accordance with the comprehensive plan;

The current version Comprehensive Plan offers high-level guidance on City goals—primarily surrounding land-use—however, it offers little guidance on the efficiency and administration of development applications and other City operations. However, the 1997-2005 version of the Plan, specifically directed Staff to “Adopt reasonable time limits for approval procedures, while still providing for public review and input” with a subgoal directing Staff to “Streamline the review/approval process for applications as much as possible” (see [page 101, Appendix C of the current Comprehensive Plan](#)).

From the 2020 version of Comprehensive Plan, the following goal is of closest relevance to the proposed Text Amendment:

9.1 Plan for long-term utilities, service and facility needs of the city while minimizing impacts to the greatest extent possible.

In an effort to achieve this goal, the City routinely requires Developers to improve utility, service, and facility infrastructure for subdivisions. These requirements take time to build and install. When the City extended the Preliminary Plat timeline in 2021, from one (1) to two (2) calendar years, the City provided additional, needed time for Developers to complete necessary improvements. The proposed text Amendment herein is in the same vein, the City additionally seeks to support development Applicants and the City's utility, service, and facility needs by speeding up the administrative tasks associated with the platting process.

2. Essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services; The proposed amendment will not result in a change in allowed land uses, nor will it create additional requirements at public cost for services. Alternatively, the proposed Text Amendment will decrease Staff workload and increase the efficiency of Hailey's City administration.

3. The proposed uses are compatible with the surrounding area; and The proposed Text Amendment does not impact land use compatibility.

4. The proposed amendment will promote the public health, safety, and general welfare. The proposed Text Amendment seeks to support the efficiency and effectiveness of the City's administration, which is key to the public health, safety, and general welfare of the community.

Motion Language:

Approval: Motion to recommend approval by the Hailey City Council the proposed ordinance, Ordinance No. _____, a City-initiated Text Amendment amending Title 16: Subdivision Regulations, Chapter 16.03: Procedure, Section 16.03.020: Council Preliminary Plat Approval, Item D. of the Hailey Municipal Code, to allow for the Administrator and the City Engineer to administratively approve and grant an extension of the preliminary plat, finding that essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services, that the proposed uses are compatible with the surrounding area, and that the proposed amendment will promote the public health, safety and general welfare.

Denial: Motion to deny the proposed ordinance, a City-initiated Text Amendment amending Title 16: Subdivision Regulations, Chapter 16.03: Procedure, Section 16.03.020: Council Preliminary Plat Approval, Item D. of the Hailey Municipal Code, to allow for City Staff and the City Engineer to approve and grant an extension of the preliminary plat, finding that _____ [the Council should cite which standards are not met and provide the reason why each identified standard is not met].

Continuation: Motion to continue the public hearing to _____ [the Commission should specify a date].

HAILEY ORDINANCE NO. __

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING TITLE 16: SUBDIVISION REGULATIONS, CHAPTER 16.03, PROCEDURE, SECTION 16.03.020(D): COUNCIL PRELIMINARY PLAT APPROVAL, TO ALLOW FOR THE ADMINISTRATOR AND THE CITY ENGINEER TO ADMINISTRATIVELY APPROVE AND GRANT AN EXTENSION OF THE PRELIMINARY PLAT; 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 Municipal Code, Title 16, conforms to the Hailey Comprehensive Plan; and

WHEREAS, the proposed amendments would allow for the Administrator and the City Engineer to approve and grant an extension of the Preliminary Plat approval, and

WHEREAS, the Hailey City Council has determined that the above-mentioned amendments are appropriate amendments; and

WHEREAS, the text amendment set forth in this Ordinance 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. Title 16, Section 16.03: Procedure, Section 16.03.020(D): Council Preliminary Plat Approval, is hereby amended by the addition of the underlined language, as follows:

Section 16.03.020: Council Preliminary Plat Approval,

Records Maintained; Time Limit of Approval: one copy of the approved preliminary plat will be kept on file for public examination ~~at the office of the city engineer and one copy at the office of the administrator~~ in the Community Development Department. The approval of the preliminary plat shall be valid for a period of two (2) calendar years unless an extension of time is applied for and granted administratively by the council the Administrator and City Engineer, or unless otherwise allowed for within a phasing agreement.

Section 2. 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 3. Repealer Clause. All City of Hailey Ordinances or parts thereof, which are in conflict herewith, are hereby repealed.

Section 4. Effective Date. This Ordinance shall be in full force and effect from and after passage, approval, and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE
MAYOR THIS __ DAY OF _____, 2023.

Martha Burke, Mayor, City of Hailey

Attest:

Mary Cone, City Clerk

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