

## HAILEY ORDINANCE NO. 1320

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING TITLE 17 OF THE HAILEY MUNICIPAL CODE, CHAPTER 17.02: DEFINITIONS, TO DEFINE TINY HOMES ON WHEELS (THOW); AMENDING CHAPTER 17.04: ESTABLISHMENT, PURPOSES AND USES WITHIN ZONING DISTRICTS, SECTION 17.04M.060 ITEM F, TO INCLUDE TINY HOMES ON WHEELS; AMENDING CHAPTER 17.05: OFFICIAL ZONING MAP AND DISTRICT USE MATRIX, SECTION 17.05.040, TO ADDRESS TINY HOMES ON WHEELS WITHIN THE DISTRICT USE MATRIX AND FOOTNOTES; AMENDING CHAPTER 17.06: DESIGN REVIEW, SECTION 17.06.010 ITEM A, TO EXEMPT TINY HOMES ON WHEELS FROM A FULL PLANNING AND ZONING DESIGN REVIEW, AS WELL AS MODIFY ACCESSORY DWELLING UNITS FROM A FULL PLANNING AND ZONING DESIGN REVIEW TO AN ADMINISTRATIVE REVIEW ONLY; AMENDING CHAPTER 17.08: SUPPLEMENTARY REGULATIONS, ARTICLE D, TO INCLUDE TINY HOMES ON WHEELS IN THE TITLE; AND AMENDING THE FOLLOWING SECTIONS TO INCORPORATE PROVISIONS FOR TINY HOMES ON WHEELS –

- SECTION 17.08D.010: PURPOSE AND INTENT, ITEM A, ITEM 2, AND ADD ITEM 4
- SECTION 17.08D.020: APPLICABILITY
- SECTION 17.08D.030: GENERAL PROVISIONS, ITEMS B, C, AND D, AND ADD ITEMS E AND F
- SECTION 17.08D.040: REGISTRATION REQUIRED, ITEM A, AND ADD ITEM B,
- SECTION 17.08D.050: OCCUPANCY RESTRICTIONS – SHORT TERM OCCUPANCY, ITEM A AND ADD ITEM B,
- SECTION 17.08D.060: SUBORDINATE SCALE AND SIZE, ITEM A AND ADD ITEM B,
- SECTION 17.08D.070: LIVABILITY, ITEM A,
- ADD A NEW SECTION 17.08D.080: TINY HOMES ON WHEELS, WHICH INCLUDES THE FOLLOWING NEW ITEMS:
  - A. BUILDING STANDARDS
  - B. INSPECTIONS
  - C. ESTABLISHING THE THOW;

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 Commission and Council have determined that municipal code changes which expand housing opportunities in Hailey are a priority;

WHEREAS, the Council finds that the proposed changes to allow for Tiny Homes on Wheels (THOW) will encourage modest and necessary infill housing development to meet the needs of the community as contemplated in the 2010 Hailey Comprehensive Plan;

WHEREAS, the changes proposed will address supplemental design and quality of life for Tiny Homes on Wheels (THOW) with the intent of reinforcing the following statements and goals contained within the Comprehensive Plan:

1. Land Use, Population, and Growth Management
  - a. The City seeks to accommodate population growth through a balanced combination of two means, with one being “infill” development or redevelopment of existing land within the current City limits in accordance with existing zoning and density allowances without necessitating the use of density bonuses or waivers.
  - b. 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.
  - c. Lessen dependency on the automobile.
2. Demographics, Cultural Vitality, Social Diversity, and Well-Being
  - a. Social Diversity and Social Well-Being: Sustainable communities offer equal opportunity, social harmony, and mutual respect for a diverse population. Diversity means an inclusive community of people with varied human characteristics, ideas, and worldviews and whose interactions both benefit and challenge each other to grow.
  - b. While many factors influence both the existence and perception of discrimination and unequal treatment, income is an important element, as are education, occupational status, and life expectancy.
3. Housing
  - a. Affordable employee housing is a key element in the decisions of business owners to create new enterprises or expand their businesses. If affordable housing for employees to purchase and/or rent cannot be provided, it will limit the growth potential and sustainability of local businesses. To the extent that attractive, affordable housing is available, employees can better be recruited and retained.
  - b. The ongoing local spending and taxes generated because of homes being occupied by the working community are significant.
  - c. Productivity of the workforce improves when commutes are shortened.
  - d. Long commutes are not only costly to the workers, but to the environment as well. Carbon emissions are reduced, and air quality is improved when employees live close to work. In addition, fewer commuters will alleviate the demand for more highway lanes and asphalt.
  - e. Many social benefits are realized when workers live in their own community. Quality of life and safety improve when critical care employees live within close responding distance. Children do better in school when parents are at home in the mornings and evenings. Homeowners are more active in their communities, creating a greater vibrancy and sense of unity.

WHEREAS essential public facilities and services are available to Tiny Homes on Wheels (THOW) without excessive public cost;

WHEREAS the proposed Tiny Homes on Wheels (THOW) use is compatible with surrounding areas and Zoning Districts where Accessory Dwelling Units (ADUs) are permitted; and

WHEREAS, limitation of such THOWs to long-term housing is necessary to safeguard the public health, safety and general welfare in order to protect the integrity of residential neighborhoods, and

WHEREAS the text set forth in this ordinance will promote the public health, safety, and general welfare by addressing ongoing and outstanding housing needs.

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

**Section 1.** Chapter 17.02 of the Hailey Municipal Code is hereby amended by the addition of the underlined language, as follows:

TINY HOMES 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.

**Section 2.** Chapter 17.04 of the Hailey Municipal Code is hereby amended by the addition of the underlined language, as follows:

17.04M.060.F. Accessory Dwelling Units: Accessory Dwelling Units shall have a minimum gross floor area of three hundred (300) square feet and a maximum gross floor area of one thousand (1,000) square feet.; Tiny Homes on Wheels are exempt. Supplemental standards for Accessory Dwelling Units and Tiny Homes on Wheels are contained in Chapter 17.08, Article D. Accessory Dwelling Units and Tiny Homes on Wheels.

**Section 3.** Section 17.05.040 of the Hailey Municipal Code is hereby amended by the addition of the underlined language and/or the deletion of the stricken language, as follows:

Category	Description (Excerpt)	RG B	LR- 1	LR- 2	GR	NB	LB	TN	B	LI	TI	A	SCI- SO	SCI- I
Accessory dwelling unit (ADU) <u>and Tiny Homes on Wheels (THOW)</u>	1 accessory dwelling unit <u>or 1 tiny home on wheels</u> , accessory to a single-family dwelling unit or to a nonresidential principal building. Primary vehicular access to any ADU <u>or THOW</u> shall be from a City Street or alley. All accessory dwelling units <u>and tiny homes on wheels</u> shall have adequate water and sewer services installed to meet City standards	N	PA <sup>23</sup>	PA <sup>23</sup>	PA <sup>23</sup>	PA <sup>23</sup>	PA <sup>23</sup>	PA <sup>23</sup>	PA <sup>23</sup>	N	N	N	PA <sup>23</sup>	PA <sup>23</sup>

## BULK REQUIREMENTS

Category	Description (Excerpt)	RGB	LR-1	LR-2	GR	NB	LB	TN	B	LI	TI	A	SCI-SO	SCI-I
Building Height		35 <sup>21, 22</sup>	30 <sup>21, 22</sup>	30 <sup>21, 22</sup>	35 <sup>21, 22</sup>	30	35 <sup>24</sup>	35 <sup>24</sup>	35 <sup>24</sup>	35	35	See note 12	35	30 <sup>21, 22</sup>
Minimum side yard setback		10	10 <sup>3, 19, 20</sup>	10 <sup>3, 19, 20</sup>	10 <sup>3, 7, 19, 20</sup>	10 <sup>7, 1, 9, 20</sup>	10 <sup>7, 1, 9, 20</sup>	10 <sup>7, 1, 9, 20</sup>	0 <sup>7, 19, 20</sup>	10 <sup>11, 1, 9, 20</sup>	10 <sup>11, 1, 9, 20</sup>	See note 12	10	10
Minimum side yard setback		10	10 <sup>3, 19, 20</sup>	10 <sup>3, 19, 20</sup>	10 <sup>3, 7, 19, 20</sup>	10 <sup>7, 1, 9, 20</sup>	10 <sup>7, 1, 9, 20</sup>	10 <sup>7, 1, 9, 20</sup>	0 <sup>7, 19, 20</sup>	10 <sup>11, 1, 9, 20</sup>	10 <sup>11, 1, 9, 20</sup>	See note 12	10	10
Total lot coverage	Total maximum coverage by all buildings, which includes 1 accessory dwelling unit or 1 <u>tiny home on wheels</u> (percentage)	-	40	40	40	-	-	30 <sup>10</sup>	-	75	75	See note 12	70	70

23. Accessory Dwelling Units (ADUs) and Tiny Homes on Wheels (THOW) 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.

**Section 4.** Chapter 17.06: Design Review, Section 17.06.010.A, Table 1, of the Hailey Municipal Code is hereby amended by the addition of the underlined language and the deletion of the stricken language, as follows:

17.06.010.A. Design Review Approval or Exemption: No person shall build, develop, or substantially remodel or alter the exterior of the following buildings without receiving design review approval or exemption pursuant to this chapter, as outlined in the matrix below:

**TABLE 1  
PROJECT TYPES**

Type of Use	Exempt (PZ Chair And Administrator)	Hearings Examiner	Full PZ Review
New construction:			
All zones: Nonresidential buildings			X
All zones: Residential of 3 or more units			X

	<u>All zones: <del>other than Townsite Overlay District: Accessory Dwelling Units and Tiny Homes on Wheels</del></u>	X		
	Townsite Overlay District: New single-family or duplex			X
	Townsite Overlay District: Accessory structures ( <del>including</del> <u>excluding Accessory Dwelling Units and Tiny Homes on Wheels.</u>			X

**Section 5.** Chapter 17.08, Supplementary Regulations, of the Hailey Municipal Code is hereby amended by the addition of the underlined language and the deletion of the stricken language, as follows:

**Article D. Accessory Dwelling Units and Tiny Homes on Wheels**

17.08D.010: Purpose and Intent

A. Purpose: The City of Hailey recognizes that land use, population growth, and community character are interrelated, and that social well-being and diversity are tied to the availability of an array of housing types and sizes available for sale and for rent at various price points. Accessory Dwelling Units and Tiny Homes on Wheels, when thoughtfully designed, can simultaneously complement the fabric of existing neighborhoods, increase the supply of available housing, and sustainably accommodate population growth.

The purpose of this section is to address supplemental design and quality of life for Accessory Dwelling Units and Tiny Homes on Wheels with the intent of reinforcing the preceding and following statements, which are reflective of statements and goals expressed in the Comprehensive Plan:

1. Hailey is a community that believes livability and quality of life can be maintained and enhanced only with strong, diverse residential neighborhoods. Further, the community recognizes its identity to include being a place primarily comprised of full-time residents and being a community where the workforce can reside.
2. The City of Hailey seeks to accommodate population growth in a balanced manner, with “infill” development and redevelopment of existing lands in City limits being two strategies. Accessory Dwelling Units and Tiny Homes on Wheels provide opportunities for infill development and redevelopment.
3. Many social benefits are realized when workers live in their own community. Quality of life and safety improve when critical care employees live within close responding distance. Children do better in school when parents are at home in the mornings and evenings. Homeowners are more active in their communities, creating a greater vibrancy and sense of unity.
4. Accessory Dwelling Units and Tiny Homes on Wheels add to the diversity of housing unit types, additionally supporting the flexibility and convenience for residents seeking housing within the City.

17.08D.020: Applicability

A. The standards of this section apply to all Accessory Dwelling Units created after February 10, 2021, whether created by new construction, addition, or conversion of an existing building or area within an existing building; ~~(Ord. 1275, 2021); and to all Tiny Homes on Wheels established after <insert date of adoption of code amendments>.~~

17.08D.030: General Provisions

A. Accessory Dwelling Units may be located within, or attached to, a principal building or may be located within a detached accessory building. Detached Accessory Dwelling Units may comprise the entirety of the accessory building or may comprise part of the floor area of an accessory building with another permitted accessory use or uses comprising the remaining floor area.

B. Only one (1) Accessory Dwelling Unit or one (1) Tiny Home on Wheels is permitted on a lot, as an accessory to a single-family dwelling unit.

C. Accessory Dwelling Units and Tiny Homes on Wheels are only permitted in conjunction with single-family residences in residential zones. In the Townsite Overlay, Transitional and SCI zones, Accessory Dwelling Units are permitted in conjunction with commercial buildings. In Business, Limited Business and Neighborhood Business, one or more residential unit(s) are considered mixed-use.

D. Accessory Dwelling Units and Tiny Homes on Wheels in the Special Flood Hazard Area (SFHA) shall have the top of the lowest floor elevated no lower than the flood protection elevation as defined in section 17.04J.020, "Definitions", of the Hailey Municipal Code. For new construction or substantial improvements in the SFHA, all applicable requirements of Article 17.04J. Flood Hazard Overlay District (FH) shall apply.

E. Tiny Homes on Wheels are subject to the same standards as Accessory Dwelling Units, including Design Review standards, except where specifically noted herein.

F. If Tiny Homes on Wheels (THOW) are removed from Hailey's Municipal Code as an allowable use, no THOW structure shall be considered legally non-conforming.

17.08D.040: Registration ~~of Accessory Dwelling Units~~ Required

A. All Accessory Dwelling Units created after ~~<insert date of adoption of code amendments>~~ February 10, 2021 and all Tiny Homes on Wheels established after ~~<insert date of adoption of code amendments>~~ February 10, 2021 shall be issued ~~an Accessory Dwelling Unit~~ a Compliance Certificate ~~as a prerequisite for a Certificate of Occupancy.~~

B. Tiny Homes on Wheels shall be registered or permitted annually with the Idaho Transportation Department Division of Motor Vehicles.

17.08D.050: Occupancy Restrictions – Short Term Occupancy

A. Accessory Dwelling Units

i. Where a lot contains both a primary dwelling unit and an Accessory Dwelling Unit (ADU), only one dwelling unit shall be utilized for Short-Term Occupancy; and

- B. ii. When one dwelling unit is utilized for Short-Term Occupancy, the other dwelling unit shall be owner-occupied or utilized as a long-term rental, with long-term occupancy being a period of thirty-one (31) days or more.

B. Tiny Homes on Wheels (THOW)

- i. THOWs are restricted for long-term use (31 days or longer) only.

17.08D.060: Subordinate Scale and Size

A. Accessory Dwelling Units

- i. Scale: The floor area of an Accessory Dwelling Unit is limited to no more than 66% of the gross square footage of the principal building, or the maximum floor area permitted for an ADU based on the lot size or zone, whichever is less.

- B. ii. Maximum floor area:

Lot Size (square feet)	Minimum Gross Floor Area (square feet) <sup>1</sup>	Maximum Gross Floor Area (square feet) <sup>1</sup>
Up to 7,000	300	900
7,001 – 8,000	300	950
Lots 8,001 and greater	300	1,000
1. Gross square footage calculations for Accessory Dwelling Units does not include exterior, uncovered staircases. Interior staircases and circulation corridors are included.		

- C. iii. Number of bedrooms: Accessory Dwelling Units may have a maximum of two (2) bedrooms.

B. Tiny Homes on Wheels (THOWs)

- i. The footprint of Tiny Homes on Wheels shall be limited between 100 to 400 square feet in size.

17.08D.070: Livability

A. Outdoor Access: All Accessory Dwelling Units and Tiny Homes on Wheels, shall have a designated area to access the outdoors. Examples include a balcony, porch, deck, paver patio, or yard area delineated by fencing, landscaping, or similar treatment to provide for private enjoyment of the outdoors. This area shall be no less than 50 square feet in size. The Outdoor Access area shall be approved through the Administrative Design Review process.

17.08D.080: Tiny Homes on Wheels

A. Building Standards

- i. All Tiny Homes on Wheels shall meet the NOAH+ Standards, in addition to and except where they are superseded by the requirements for Hailey’s climatic conditions, listed herein.
- ii. Additional requirements for Hailey’s climatic conditions:
  - a. Insulation
    - i. Minimum Insulation R-values:

1. Walls: R-19
  2. Floors: R-20
  3. Roof/ceiling: R28
- b. Vapor retarders shall be in accordance with the International Residential Code (IRC).
  - c. Windows and doors shall have a maximum 0.30 U-factor.
  - d. Roof snow loads shall meet the site-specific requirements set forth in Chapter 15.08: Building Code, Section 15.08.020: Amendment of Codes.

B. Inspections:

- i. Inspection of the THOW building requirements or standards— including the NOAH+ Standards<sup>ii</sup> and the requirements for Hailey’s climatic conditions— shall be completed and approved by the National Organization of Alternative Housing (NOAH) or another inspection agency that is approved by the Administrator.
- ii. A Certificate of Approval from the inspector shall be submitted to the Community Development Department for further review, approval, and issuance of the Compliance Certificate.

C. Establishing the THOW

- i. Location/placement:
  - a. The THOW shall meet the setbacks for the Zoning Districts in which it is located.
  - b. The THOW shall adhere to the minimum separation distances for buildings, as articulated in Table R302.1(1) of the International Residential Code<sup>i</sup>.
- ii. Blocking and anchoring:
  - a. The Tiny Homes on Wheels chassis shall be maintained level, supported by blocks at a minimum of eight (8) points— one (1) per corner and two (2) per wheel well—and anchored to the ground.
  - b. Only a tongue jack shall be used on a full-time basis. No other jacks shall be used on a long-term (31 days or more) basis.
- iii. Exterior attachments:
  - a. Exterior attachments such as porches, decks, lean-tos, or sheds are permitted; however, they must be affixed in a manner that is freestanding or removable and allows for towing where appropriate.
  - b. Porches and decks shall be lower than eighteen (18) inches unless located in any flood hazard plain.
  - c. Detached or attached accessory structures (e.g., sheds) shall comply with the regulations outlined in Chapter 17.07 of Hailey’s Municipal Code.
- iv. Skirting:
  - a. Skirting is required and shall be installed to enclose all open space between the THOW and the ground.
  - b. The skirting shall screen the wheels and aesthetically compliment, or continue the THOW siding, as approved through Administrative Design Review.
- v. Municipal service and utility connections
  - a. All municipal and utility connections are subject to City standards, inspections, and policies.
  - b. Water and wastewater
    - i. Tiny Homes on Wheels shall connect to municipal water and wastewater systems through the connection serving the primary

residence, or via an additional, separate connection to the water or wastewater main lines.

- ii. Water connections serving THOW shall remain separate from all secondary connections (e.g., irrigation lines).
- iii. Insulating THOW water and wastewater connections, to prevent freezing, is the sole responsibility of the THOW owner.

**Section 6.**

**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 7.**

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

**Section 8.**

**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.

\_\_\_\_\_  
Martha Burke, Mayor, City of Hailey

Attest:

\_\_\_\_\_  
Mary Cone, City Clerk

i. International Residential Building Code, Table R302.1(1): [https://codes.iccsafe.org/content/IRC2018/chapter-3-building-planning#IRC2018\\_Pt03\\_Ch03\\_SecR302](https://codes.iccsafe.org/content/IRC2018/chapter-3-building-planning#IRC2018_Pt03_Ch03_SecR302)  
ii. NOAH+ Standards: <https://noahcertified.org>; [https://haileycityhall.sharepoint.com/:w/g/cd/EdzB-X4FJnZEI45O9\\_zGzGABt\\_i-VT3QpPvaNr0MQCx1\\_g?email=robyn.davis%40haileycityhall.org&e=xWf5hM](https://haileycityhall.sharepoint.com/:w/g/cd/EdzB-X4FJnZEI45O9_zGzGABt_i-VT3QpPvaNr0MQCx1_g?email=robyn.davis%40haileycityhall.org&e=xWf5hM)  
iii. International Energy Conservation Code (IECC): <https://codes.iccsafe.org/content/iecc2018/chapter-4-re-residential-energy-efficiency>