


STAFF REPORT

TO: Hailey Planning and Zoning Commission
FROM: Beth Robrahn, Planning Director 
RE: Zoning Ordinance Amendment – Section 14.6
HEARING: October 20, 2008

Staff analysis is in lighter type

Notice

Notice for the public hearing was published in the Wood River Journal and mailed to public agencies and area media on October 1, 2008.

Proposal

Attached are amendments to Section 14.6 of the Zoning Ordinance proposed by the City. These amendments would add criteria for rezones to business, limited business and transitional districts.

Procedural History

The Planning and Zoning Commission discussed changes to the Transitional Zoning District on September 2, 2008. At that time the Commission discussed limiting the permitted uses to primarily residential in order to protect the residential nature of the transitional zone. Upon additional analysis, staff determined this approach may be problematic in terms of creating existing non-conforming uses. Staff recommends an amendment to Section 14.6 to establish criteria for applications to rezone a property to Business, Limited Business or Transitional.

Standards of Evaluation

14.6 Criteria for Review. When evaluating any proposed amendment under this Article, 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;

The Commission should consider how the proposed amendments relate to the various policies and implementation items of the Comprehensive Plan, particularly the following:

5.8 Due Process and Public Input

Goal: To develop clear land use and development procedures that protect the public welfare for all development.

3. Policy: Develop and maintain land use regulatory procedures that are efficient, consistent and predictable, but that provide flexibility to deal with unique situations.

5.4 Land Use Districts

Goal: To provide for a balanced mix of land uses suitably related to each other and their natural setting. Include sufficient space in all types of districts to accommodate future growth. Direct density of development towards the community core, with increasing green space and generally decreasing density toward the edges of the community and within the Area of City Impact.

1. Policy: Encourage integration of compatible land uses in order to retain a compact City comprised of a central downtown with surrounding diverse neighborhoods, thereby reducing sprawl and traffic, increasing efficiency, and creating neighborhood and community character.

Implementation:

e. Review the Transitional District section of the zoning ordinance to ensure that residential uses remain in that district, while allowing limited commercial uses. The district should serve as a buffer between residential and intense business uses. Evaluate actual adjacent uses when considering any rezone from residential to transitional zoning.

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 is not expected to create excessive additional requirements at public cost for public facilities and services.

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

The proposed amendments are intended to further ensure the surrounding area is considered prior to granting a rezone of a property from residential to commercial.

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

The proposed amendment is expected to promote the public health, safety and general welfare.

Summary

The Commission shall recommend, with reasons therefore, to the Council that the proposed amendment be granted or denied, or that a modified amendment be granted.

Motion Language

Motion to recommend the City Council approve the proposed amendments to the Hailey Zoning Ordinance Section 14.6, finding that the amendments are in accordance with the Comprehensive Plan, 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 uses are compatible with the surrounding area; and the proposed amendment will promote the public health, safety and general welfare.

HAILEY ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING HAILEY'S ZONING ORDINANCE, ORDINANCE NO. 532, BY AMENDING SECTION 14.6. TO ADD CRITERIA FOR REZONES TO BUSINESS, LIMITED BUSINESS AND TRANSITIONAL DISTRICTS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE.

WHEREAS, the proposed amendments are generally in accordance with the Comprehensive Plan;

WHEREAS, the proposed amendments will not create excessive additional requirements at public cost for public facilities and services; and

WHEREAS, the proposed amendments will be in accordance with the welfare of the general public.

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

Section 1. Section 14.6, of the Zoning Ordinance No. 532, is hereby amended by the deletion of the stricken language and the addition of the underlined language as follows:

14.6 Criteria for Review. When evaluating any proposed amendment under this Article, the Hearing Examiner or Commission and Council shall make findings of fact on the following criteria:

- a. The proposed amendment is in accordance with the Comprehensive Plan;
- b. 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;
- c. The proposed uses are compatible with the surrounding area; and
- d. The proposed amendment will promote the public health, safety and general welfare.

14.6.1 When evaluating any proposed Zoning Ordinance Map Amendment to rezone property to Business (B) Zoning District, Limited Business (LB) Zoning District or Transitional (T) Zoning District, the Hearing Examiner or Commission and Council shall consider the following:

- a. The level of intensity of use of the existing Business, Limited Business or Transitional Zoning Districts, including but not limited to vacancies and under utilization of land.
- b. The distance of the parcel proposed for rezone from the Central Core Overlay District boundary.

Section 2. Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

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

Section 4. This ordinance shall be in full force and effect from and after the required three (3) readings, approval, and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE MAYOR THIS ____ DAY OF _____, 2008.

Rick Davis, Mayor, City of Hailey

Attest:

Mary Cone, City Clerk