


STAFF REPORT

TO: Hailey Planning and Zoning Commission
FROM: Beth Robrahn, Planning Director 
RE: Zoning Ordinance Amendment – Section 4.6
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 4.6 of the Zoning Ordinance proposed by the City. These amendments would amend Section 4.6.1 to clarify the purpose of the transitional district, amend Section 4.6.2 to include multi-family residential as a permitted use, and amend Section 4.6.3 to delete multi-family residential as a conditional use.

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. In addition the changes would make the Transitional zone the same as the General Residential zone. Therefore staff recommends a concurrent 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 clarify the purpose of the Transitional District.

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

The proposed amendment will 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 4.6, 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 4.6.1 TO CLARIFY THE PURPOSE OF THE TRANSITIONAL DISTRICT, BY AMENDING SECTION 4.6.2 TO INCLUDE MULTI-FAMILY RESIDENTIAL AS A PERMITTED USE, BY AMENDING SECTION 4.6.3 TO DELETE MULTI-FAMILY RESIDENTIAL AS A CONDITIONAL USE; 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 4.6.1, of the Zoning Subdivision Ordinance No. 532, is hereby amended by the deletion of the stricken language and the addition of the underlined language as follows:

4.6.1 Purpose. The purpose of the TN District is to provide a buffer zone between residential and business areas within the Townsite Overlay District. The zone provides for restricted business activities within residential areas which are directly adjacent to or across a street or alley from established business zones. Uses shall be limited to those that generate relatively little traffic. The residential ~~integrity~~ character of the area shall be maintained by preserving the existing buildings and requiring new building designs in keeping with the residential nature of the area, and requiring adequate on-site parking. The term “Transitional” does not imply that the properties within the district will be transitioning from residential to business zoning.

Section 2. Section 4.6.2, of the Zoning Subdivision Ordinance No. 532, is hereby amended by the deletion of the stricken language and the addition of the underlined language

4.6.2 Permitted Uses. Permitted uses for the TN District are limited to the following:

- a. Single Family Dwellings.
- b. Multi-Family Dwellings
- ~~b c.~~ ~~Dwelling Units within~~ Mixed Use Buildings.
- e d. Home Occupations.
- ~~d e.~~ Professional Offices
- e f. Day Care Homes.

- f g. Day Care Facilities.
- g h. Manufactured Homes.
- h i. Churches.
- i j. Parks.

Section 3. Section 4.6.3, of the Zoning Subdivision Ordinance No. 532, is hereby amended by the deletion of the stricken language as follows:

4.6.3 Conditional Uses. Conditional uses in the TN District are limited to the following:

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

Section 4. 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 5. All City of Hailey ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

Section 6. 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