

STAFF REPORT

TO: Hailey Planning and Zoning Commission

FROM: Mariel Platt, Planner

RE: Zoning Ordinance Amendment – Article 2, Definitions and Article 4.13, Townsite Overlay

HEARING: April 20, 2009

Note: Staff analysis is in lighter type

Notice

Notice for the public hearing was published in the Idaho Mountain Express and mailed to public agencies and area media on April 1, 2009.

Proposal

Attached are amendments to Section 2.2 and 4.13.8 of the Zoning Ordinance proposed by the City. These amendments would create a definition for the term “New Building” and capitalize the newly defined term to indicate that the term has a definition provided for it in Section 2.2.

Procedural History

The Townsite Overlay District requires the following:

4.13.8 Lot Line Vacations.

If a parcel in single ownership consists of two (2) or more Original Townsite lots, or a combination of lot(s) and portions of lot(s), the internal Original Townsite lot lines underneath or located within a required setback of proposed and existing buildings shall be vacated prior to the issuance of a Building Permit for any new building.

Over the years, the term “new building” has been applied inconsistently to construction projects within the Townsite Overlay. In the past this section has been interpreted to mean any new construction, which adds to the building footprint, such as an addition, as well as to 100% new construction of a building, which no part was existing at the time construction. It has also been interpreted to mean only 100% new construction, such as a new detached garage or a new home, which is not existing at the time of construction, exclusive of additions and exterior remodels. Therefore, by creating an incorporated definition for the term “new building,” the City can more uniformly interpret and apply Section 4.13.8.

The new definition would specify that lot lines only have to be vacated when new construction of a Building occurs or when construction adds floor area greater than or equal to 50% of the original structure. By defining New Building in such a way, it would exclude minor exterior remodels and additions to existing structures from being required to vacate lot lines. By using this definition, instead of requiring lot lines to be removed for all additions and increases in floor area, the City would encourage homeowners to add onto existing structures or demolish and rebuild only minor portions of a building as long as the addition or new construction wasn't significant. The intent is that this would deter residents

from demolishing an entire or significant portion of a home and rebuilding, in hopes that the City can retain more of Old Hailey's character, by retaining more Old Hailey buildings as well as continue to clean up the lot lines in Old Hailey.

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.

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

Not applicable.

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 hold a public hearing and determine whether the proposed amendments are in accordance with the four applicable standards of evaluation, listed above.

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 Section 2.2, 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.