


STAFF REPORT

TO: Hailey Planning and Zoning Commission
FROM: Beth Robrahn, Planning Director 
RE: Zoning Ordinance Amendment – Article 7
HEARING: November 16, 2009

Note

Staff comments are 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 October 28, 2009.

Proposal

Attached are amendments proposed by the City to Article 7, Supplementary Location and Bulk Requirements of the Zoning Ordinance. The amendments would clarify that Accessory Structures with a floor area of 120 square feet or less are required to be setback a minimum of 3 feet from either the side and/or rear property line, or the primary structure.

Standards of Evaluation

The Commission shall, at a minimum, consider the following three criteria in making its recommendation to the Council:

1. The relationship of the proposed amendments to the Hailey 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 amendments will not create excessive additional requirements at public cost for public facilities and services.

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

NA

4. Will be in accordance with the welfare of the general public.

The proposed amendments will clarify inconsistencies in the current standards and will enable more efficient, consistent and predictable application of sidewalk and landscape requirements.

Summary

The Commission shall hold a public hearing and determine whether the proposed amendments are in accordance with the applicable standards of evaluation.

The Commission shall move, with findings on the three standards of evaluation noted above, to recommend to the Council that the proposed amendments be granted or denied, or that modified amendments be granted.

Recommended Motion Language

Approval:

Motion to recommend the City Council approve the proposed amendments to Article 7, Supplementary Location and Bulk Requirements of the Zoning Ordinance [**as written or as modified**], 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.

Denial:

Motion to recommend the City Council deny the proposed amendments to Article 7, Supplementary Location and Bulk Requirements of the Zoning Ordinance, finding that _____ [the Commission should cite which standards are not met and provided the reason why each identified standard is not met].

Continuation:

Motion to continue the public hearing upon the proposed amendment to Article 7 to _____ [the Commission should specify a date].

HAILEY ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING HAILEY'S ZONING ORDINANCE, ORDINANCE NO. 532, BY AMENDING ARTICLE 7, SUPPLEMENTARY LOCATION AND BULK REQUIREMENTS, TO CLARIFY SETBACK REQUIREMENT FOR ACCESSORY STRUCTURES WITH A FLOOR AREA OF 120 SQUARE FEET OR LESS; 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 Zoning Ordinance will generally conform with the Hailey Comprehensive Plan;

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

WHEREAS, the proposed uses are compatible with the surrounding area; and

WHEREAS, the amendment will be in accordance with the safety and 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 7.1.8 of Hailey Zoning Ordinance No. 532, is hereby amended by the deletion of the stricken language and the addition of the underlined language as follows:

- a. Except as otherwise provided herein, Accessory Structures with a floor area of 120 square feet or less are ~~allowed to be setback a minimum of three (3) feet from the side and/or rear property line~~ required to be setback a minimum of 3 feet from either: 1) the side and/or rear property line, or 2) the Principle Building.
 1. On Normal Corner Lots, Accessory Structures with a floor area of 120 square feet or less shall have a minimum side yard setback of two thirds (2/3) the front yard setback requirement for the zoning district in which the lot is located.
 2. ~~Except~~ Within the Business District, in the case where an alley is located along the side or rear lot line of the property, Accessory Structures with a floor area of 120 square feet or less are required to be setback a minimum of a six (6) feet from the alley~~foot setback is required for Accessory Structures with a floor area of 120 square feet or less.~~
 3. ~~Within the Business District, Accessory Structures may be built to the property line.~~
- b. Accessory Structures with a floor area of 120 square feet or less and are located a minimum of three (3) feet from the side and/or rear property line shall have a

maximum bearing wall height of eight feet and a maximum building height of 12 feet.

- c. Accessory Structures with a floor area of 120 square feet or less shall comply with all applicable Building Code requirements.

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 _____, 2009.

Richard L. Davis, Mayor, City of Hailey

Attest:

Mary Cone, City Clerk