

ARTICLE II DEFINITIONS

2.1 INTERPRETATION OF TERMS OR WORDS.

Words and phrases used in this Ordinance shall have the meanings set forth in this Article. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise. For the purpose of this Ordinance, certain terms or words used herein shall be interpreted as follows:

- 2.1.1 The word “person” includes a firm, association, organization, partnership, trust, company, or corporation, or any other entity capable of owning or holding any interest in real property, as well as an individual.
- 2.1.2 The word “shall” is a mandatory requirement, and the word “may” is permissive.
- 2.1.3 The present tense includes the future tense, the singular includes the plural, and the plural number includes the singular, unless the context clearly indicates otherwise.
- 2.1.4 The words “used” or “occupied” include the words “intended, designed, maintained, or arranged”.

2.2 MEANING OF TERMS OR WORDS.

Above Ground Combustible Liquid Tank(s). Any vessel containing more than 60 gallons (227L) of Class II liquids, Class III-A liquids, or Class III-B liquids, or as more particularly described in the IFC ("Combustible Liquid") (*e.g.*, diesel) Above ground Combustible Liquids do not include LPG (propane). The use of any above ground Combustible Liquid tank is prohibited except where listed as a conditional and/or accessory use.

Above Ground Flammable Liquid Tank(s). Any vessel containing more than 60 gallons (227L) of Class I-A liquids, Class I-B liquids, or Class I-C liquids, or as more particularly described in the IFC ("Flammable Liquid") (*e.g.*, gasoline). Above ground Flammable Liquids do not include LPG (propane). The use of any above ground Flammable Liquid tank is prohibited except where listed as a conditional and/or accessory use.

Accessory Dwelling Unit. A structure subordinate to the principal use on the same lot or premises having kitchen facilities and at least one bathroom, to be occupied as a residence, which is incidental to the use of the principal building.

Accessory Structure. A structure containing the Accessory Use upon a lot.

- a. Attached Accessory Structure. Any accessory structure located within 3' 0" of or attached to the Principal Building.
- b. Detached Accessory Structure. Any accessory structure located more than 3'0" from the Principal Building.

Accessory Use. An accessory use is a use subordinate to the principal use on the same lot or premises, and serving a purpose customarily incidental to the use of the principal use and is a use that is commonly, habitually and by long practice, established or associated in the City with such principal use.

Administrator. The Hailey Planning and Zoning Administrator

Airport. Any runway, landing area or other facility designed or used for all landing and taking-off of aircraft, including all associated taxiways, aircraft storage, maintenance and tie-down areas, fueling facilities, hangars, passenger terminals and other buildings, either for regularly scheduled commercial aircraft or for general aviation only when there is also regularly scheduled commercial aircraft service. For the purposes of this definition, regularly scheduled commercial aircraft shall mean an air carrier (certified under CFR Title 14, Part 121) other than a charter air carrier (certified under CFR Title 14, Part 135), while general aviation shall mean all other aircraft use.

Alley. A minor way which is used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.

Alteration. Alteration shall mean any change in size, shape, character, occupancy or use of a building or structure.

ANSI. The American National Standards Institute, and as may be subsequently amended.

Apartment. A Multiple-Family Dwelling containing three (3) or more Dwelling Units in which all units, exclusive of a unit which may be occupied by the owner, are rented or leased.

Area Development Plan. A plan encompassing all Contiguous Parcels controlled by the same owner, which includes:

- Legal description of Contiguous Parcels
- Name(s) of owner(s) of Contiguous Parcels
- Streets within and adjacent to the Contiguous Parcels, whether public or private
- Water main lines and sewer main lines
- Other utilities including power, telephone, cable, gas
- Parks, if required under this Ordinance
- Grading and drainage
- Easements
- Hazardous or natural resource areas

Area Median Income (“AMI”). The combined gross income for all persons living in a dwelling unit as calculated by the United States Department of Housing and Urban Development annually for Blaine County.

ATV. Any self propelled vehicle with two or more tires with a seat or saddle for use of the rider (*e.g.*, dirt bikes and four-wheelers) or any self propelled vehicle designed primarily for travel on snow or ice, which may be steered by tracks, skis or runners (*e.g.*, snowmobiles and snow cats).

Automotive Repair and Maintenance. Services for motor vehicles including repair, car washes and detailing services.

Base Flood Elevation (“BFE”) or One Hundred (100) Year Flood Elevation. The height of the base flood, usually in feet, in relation to the National Geodetic Vertical Datum of 1929, the North American Vertical Datum of 1988, or other datum referenced in the Flood Insurance Study report, or depth of the base flood, usually in feet, above the ground surface.

Basement. That portion of a building that is partly or completely below grade, or as more particularly described in the IBC or IRC.

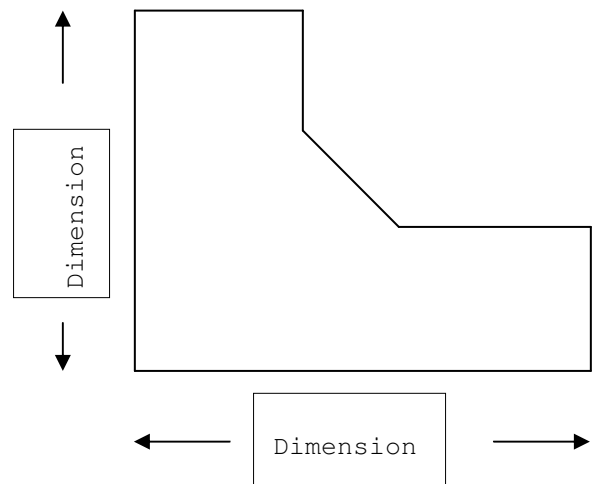
Bed and Breakfast Inn. A building which has no more than eight (8) sleeping rooms available for rent for short term (less than fifteen (15) days) residential occupancy, served through a main entrance.

Boarding and Rooming House. A building in which the proprietor resides and which has not more than six (6) rooms available for rent or lease for residential occupancy and in which no cooking or dining facilities are provided in the individual rooms.

Buffer. Something which provides protection from and lessens the negative impacts one land use may have on another. A buffer may include but is not limited to a landscape strip, solid fence or solid wall. A zoning district may also serve as a buffer by inclusion or exclusion of certain uses and/or bulk or other requirements that serve to lessen the negative impacts of a more intensive zoning district.

Building. Any structure used or intended for supporting or sheltering any use or occupancy.

Building Dimension. The total length or width of a Building Footprint. See diagram.



Building Envelope. A platted boundary within which all buildings upon a lot must be located.

Building Footprint (“Footprint”). The area of the lot or parcel which is within the perimeter created by a vertical extension to the ground of the exterior walls of all enclosed portions of a building, also including attached garages, carports, and porte-cocheres, enclosed decks, enclosed porches, solariums and similar enclosed extensions, attachments and accessory annexes. Not included in the Footprint are unenclosed portions or extensions of buildings, including, but not limited to, unenclosed decks, porches, eaves and roof overhangs.

Building Official. The Hailey Building Official.

Bulk Requirements. The combination of controls which establishes minimum and maximum lot sizes and dimensions and minimum and maximum size of buildings and their location on a lot, including:

- a. The size of buildings and other structures.
- b. The shape of buildings and other structures.
- c. The location of exterior walls of buildings and other structures, in relation to property lines, streets and other buildings or structures.
- d. Lot coverage.
- e. Lot area per dwelling unit.

Catering Services. A facility for the preparation and storage of food and food utensils for off-premise consumption and service.

Channel. A natural or artificial watercourse with definite bed and banks to confine and conduct continuously or periodically flowing water, and which, in the absence of evidence to the contrary, shall be presumed to consist of the area between the boundaries of vegetation on either side of the watercourse.

Chicken Coop. A building or enclosed structure, which houses hens. (Ord. 1055, §1, 2010)

Central Business District. That area containing all properties lying within the Business and Limited Business districts on or adjacent to Main Street, River Street, and First Avenue and between the intersection of Third Avenue and Main Street and the intersection of McKercher Boulevard and Main Street.

City. The City of Hailey, Idaho

City Engineer. The Hailey City Engineer.

City Standards. Those standards for improvements as set forth in the “City of Hailey Improvement Standard Drawings” and “Standard Specifications” adopted in Section 5 of the Subdivision Ordinance.

Commercial Project. A structure or development that, after completion, would be devoted to commercial or business use.

Commercial Use. An occupancy of a building, structure or other property which involves any retail sale, wholesale distribution, office, entertainment service, recreational area, restaurant, room for rent, manufacturing, hybrid production facility or other non-residential use. However, this definition shall not include churches, public schools, hospitals, public civic centers or public recreational facilities, or other facilities owned by, or operated strictly for the benefit of, the public.

Commission. The Planning and Zoning Commission of the City of Hailey, Idaho.

Community Housing Fund. An interest bearing account held in trust by the City for the creation of community housing for the benefit of the City.

Community Housing Plan. The plan that specifically describes the Market Rate Units and the Community Housing Units to be constructed in any development, or alternatives to Community Housing Units, and that is approved by the City in accordance with standards and criteria adopted by the Local Housing Authority or as otherwise allowed by the Council.

Community Housing Unit. Through a Deed Restriction, a dwelling unit that is restricted by size, type and cost, and/or that is for sale or rent exclusively to individual(s) meeting income, occupancy and/or other affordable community housing criteria established in a Community Housing Plan approved by the City of Hailey.

Compatibility. The characteristics of different designs which, despite their differences, allow them to be located near each other in harmony, such as scale, height, materials, fencing, landscaping and location of service areas. (Ord. 1059, §1, 2010)

Comprehensive Plan. The Comprehensive Plan of the City of Hailey, as adopted by resolution or ordinance by the City pursuant to Idaho Code §§67-6501 *et seq.*, and as may be subsequently amended.

Conditional Use. A use or occupancy of land permitted only upon the issuance of conditional use permit, and subject to the limitations and restrictions specified in such permit in addition to all other applicable regulations and provisions of this Ordinance.

Condominium. An estate consisting of an undivided interest in common in real property, in an interest or interests in real property, or any combination thereof, together with a separate interest in real property, in an interest or interests in real property, or any combination thereof.

Contiguous Parcels. Two or more parcels of real property that share at least one common boundary of any length, or any portion of a boundary, with a separate parcel of real property, or are separated only by intervening streets or other City-owned parcels not more than 100 feet in width, controlled by the same owner.

Convenience Store. A retail business with a primary emphasis placed on providing the public with a convenient location to quickly purchase from a wide array of consumable products (predominantly food or food and gasoline) and services. Convenience stores have the following characteristics:

- Building size may vary significantly; typically less than 5,000 square feet
- Off-street parking and/or convenient pedestrian access.
- Extended hours of operation with many open 24 hours a day, seven days a week
- Stock of at least 500 SKUs (stock-keeping units)
- Product mix includes grocery-type items and also includes items from the following groups: beverages, snacks (including confectionery) and tobacco

Council. The City Council of the City of Hailey.

Curb Cut. An interruption in a curb or street edge to allow vehicular access from a property to the street typically associated with a driveway or parking lot entrance or exit. (Ord. 1024, §1, 2009)

Cut. Excavation and/or removal of earthen material.

Day Care Business. The care and supervision, provided for compensation, during part of a twenty-four hour day, for a child or children not related by blood or marriage to the person or persons providing the care, in a place other than the child's own home. This term includes pre-schools, nursery schools, play schools, kinder-care, and any like or similar operation. The following definitions apply to Day Care Businesses:

- a. Day Care Center. A day care operation providing care for thirteen or more children.
- b. Day Care Facility. A day care operation providing care for no more than twelve
- c. Day Care Home. A day care operation providing care for six or fewer children at any one time, having not more than three employees, and operating between the hours of 7:00 a.m. and 6:00 p.m.
- d. Child. Any person under 12 years of age.
- e. Employee. Any person working for compensation in any day care operation.

Deck. An exterior floor system supported on at least two opposing sides by an adjacent structure and/or posts, piers or other independent supports. A “deck” less than 30 inches above adjacent grade is not subject to the setback requirements of this ordinance.

Deed Restriction. A method by which occupancy and resale of real property is controlled in a deed to create Community Housing Units.

Development. Any disturbance, cut, fill, new construction, exterior remodeling, landscaping, fencing, grubbing or site preparation.

Disturb. To alter the position or arrangement of the ground and its features.

Drive-Through Facility. A structure where service associated with a principle use is provided to the customer from a service window or service area designed to accommodate motorized vehicle access. (Ord. 1024, §1, 2009)

Driveway. A vehicular access constructed on private property providing access to not more than two residential dwelling units.

Duplex. A Multiple-Family Dwelling containing two (2) Dwelling Units.

Dwelling Unit. A building or separate portion thereof having a single kitchen and providing complete independent living facilities for one or more person including permanent provisions for living, sleeping, eating, cooking and sanitation, to be occupied exclusively as a residence. Every dwelling unit shall have at least on habitable room that shall have not less than 120 square feet of gross floor area, or other area as specified in the IBC or IRC..

Elevation. A drawing showing the entire height and width of an exterior wall of a building. (Ord. 1059, §1, 2010)

Enclosure (sense of). An experience in which a pedestrian feels sheltered in a semi-private realm. Buildings, trees, landscaping and street widths are all factors in creating a sense of enclosure. (Ord. 1059, §1, 2010)

ENERGY STAR. A joint program of the U.S. Environmental Protection Agency and the U.S. Department of Energy helping participants save money and protect the environment through energy efficient products and practices. Standards are set forth jointly by the U.S. Environmental Protection Agency and the U.S. Department of Energy. (Ord. 1024, §1, 2009)

Erect. To build, construct, reconstruct, move upon, or perform any other physical operations on the premises required for building. Associated excavation or, fill shall be considered a part of erection.

Facade. The exterior wall of a building exposed to public view or that can be viewed by persons not within the building. (Ord. 1059, §1, 2010)

Fence. A barrier constructed to be an enclosure or an enclosure or to delineate a boundary and located within twenty feet of a property line.

Fenestration. The arrangement of windows in a building. (Ord. 1059, §1, 2010)

Fill. Deposit of earthen material or other materials typically associated with new construction (*e.g.*, landscaping, pavers, pavement and culverts).

Finance and Insurance Firms. Establishments primarily engaged in financial transactions (transactions involving the creation, liquidation, or change in ownership of financial assets) and/or in facilitating financial transactions, including but not limited to banks, insurance companies and investment companies.

Flood. General and temporary condition of partial or complete inundation of normally dry lands from 1) the overflow of inland waters and/or 2) the unusual and rapid accumulation of runoff or surface waters from any source.

- a. One Hundred (100) Year Flood. Flood having an indicated average frequency of occurrence once in one hundred (100) years, although the flood may occur in any year.
- b. One Hundred (100) Year Flood Elevation or Base Flood Elevation. The maximum high water elevation of the One Hundred (100) Year Flood at any given point on the floodplain.

Flood Hazard Development Permit Board. The Floodplain Administrator, the City Engineer and the Building Official.

Floodplain. A relatively flat area or low land adjoining a body of water which has been or maybe inundated by water from the One Hundred (100) Year Flood, that is specifically defined as the “Special Flood Hazard Areas Inundated by 100-Year Flood” on the Flood Insurance Rate Map/Flood Hazard Boundary and Floodway Map (Community Panel Numbers 160022-0662, 160022-0664, 160022-0668, 160022-0856 and 160022-0857), dated March 17, 1997, or as modified by FEMA by an interpretation of on-site elevations.

Floodway. That portion of the flood hazard area that includes the channel and the portion of the adjacent area which conveys the major portion of the flow for the one-hundred (100) year flood, that is specifically defined as the “Floodway Areas in Zone AE” on the Flood Insurance Rate Map/Flood Hazard Boundary and Floodway Map (Community Panel Numbers 160022-0662, 160022-0664, 160022-0668, 160022-0856 and 160022-0857), dated March 17, 1997 or as modified by FEMA by an interpretation of on-site elevations.

Footprint. See “Building Footprint”.

Frontage. The distance along the front lot line.

Gable. Any triangular-shaped, upper part of a building wall, usually under a pitched roof. (Ord. 1059, §1, 2010)

Garage. A building or portion thereof in which a motor vehicle is or is intended to be stored, repaired, or kept.

Gasoline Station. Retail establishment selling gasoline, diesel and similar fuel products.

Government and Public Administration. Offices for federal, state, and local government agencies that administer, oversee, and manage public programs and have executive, legislative, or judicial authority over other institutions within a given area.

Green Space. Land dedicated or restricted as Parks, Pathways, connective greenways, recreational assets and/or open space.

Gross Floor Area. The gross area included within the surrounding exterior walls of a building or portion thereof, including all floor levels, exclusive of vent shafts, outdoor courts, attics, or garages or other enclosed automobile parking areas subject to the following restrictions:

- a. The basement of a Single or Multiple Family Dwelling is not included as Floor Area, and
- b. The basement of any other building is included as Floor Area.

Grouped Retail Trade. A combination of two or more Individual Retail Trades and/or Wholesale Trades (*e.g.*, a shopping center).

Height of Building. The greatest vertical distance measured from the lowest point of Record Grade within any portion of the building footprint to the highest point of the roof surface thereof, exclusive of cupolas, chimneys up to ten (10) feet above the highest point of the roof surface, steeples, and spires.

Height of Fence or Screen. The vertical distance measured from Record Grade to the top of the fence.

Hillside. The land located within the Hillside Overlay District as shown on Hailey's Official Zoning Map.

Historic Structure. Any building or structure that was originally constructed, in whole or in part, prior to 1941, regardless whether the building or structure was constructed or relocated within the Townsite Overlay District, unless the Hailey Historic Preservation Commission has recommended that the building or structure does not maintain the historic architectural qualities, historic associations or archeological values of other Historic Structures within the Townsite Overlay District.

Home Occupation. A business-related activity conducted entirely within a dwelling which is incidental and secondary to the use of a dwelling as a residence and does not negatively impact the surrounding neighborhood. Home Occupations, where permitted, shall meet the following requirements:

1. The home occupation shall not change the residential character of the dwelling or neighborhood.
2. There shall be no exterior advertising.
3. There shall be no sale or rental of stocks, supplies or products conducted on the premises.
4. There shall be no exterior storage on the premises of material or equipment associated with the home occupation.
5. There shall be no offensive noise, vibration, smoke, dust, odors, heat, or glare noticeable at or beyond the property lines. There shall be no operation of power tools, whether indoors or outdoors.
6. The home occupation shall not create the need for additional parking.
7. The home occupation shall employ no unrelated person who is not a permanent resident of the dwelling.
8. There shall be no significant increase in traffic in the vicinity of the dwelling as a result of the home occupation.
9. Storage of explosive, combustible or hazardous materials shall conform to the regulations and restrictions of the IFC and IBC. (Ord. 1059, §1, 2010)

Hotel. A building which is used for short term occupancy, offering sleeping accommodations to the public on a nightly basis and access to all sleeping rooms through an interior entrance, and which may provide food, entertainment, meeting facilities or various personal services.

Human Scale. Architectural and site design elements clearly oriented to human proportions, activity and perception. (Ord. 1059, §1, 2010)

Hybrid Production Facility. A commercial operation or use, on one or more premises within the same zoning district, where finished consumer goods are manufactured or produced and those same goods are offered for sale to the general public. Hybrid production facilities must be similar in size, scale and scope of operation with adjacent or nearby uses.

IBC. The International Building Code as adopted by state law and/or the City, and as may be subsequently amended.

IFC. The International Fire Code as adopted by state law and/or the City, and as may be subsequently amended.

IRC. The International Residential Code as adopted by state law and/or the City, and as may be subsequently amended.

Income Category. A grouping of household incomes based on a percentage of AMI.

- Category 2: 51-60% of AMI
- Category 3: 61-80% of AMI
- Category 4 81-100% of AMI
- Category 5 101-120% of AMI
- Category 6 121-140% of AMI

Individual Retail/Wholesale Trade. Any business or businesses that involve, in whole or in part, retail and/or wholesale sales, allowed in the applicable zoning district that:

1. share check stands or storage areas,
2. share management, or
3. are owned, leased, possessed or otherwise controlled, in any manner, directly or indirectly,
 - i. by the same individual(s) or entity(ies), including but not limited to corporation(s), partnership(s), limited liability company(ies) or trust(s), or
 - ii. by different individuals or entities, including but not limited to corporations, partnerships, limited liability companies or trusts where a) such individual(s) or entity(ies) have a controlling ownership or contractual right with the other individual(s) or entity(ies), or b) the same individual(s) or entity(ies) act in any manner as an employee, owner, partner, agent, stockholder, director, member, officer or trustee of the entity(ies), and are located within one or more separate buildings or structures within 800 feet of one another, regardless whether they are attached or detached.

Infill. The placement of new buildings into established urban areas, which usually results in an increase in the existing building stock. (Ord. 1059, §1, 2010)

Investigation and Security Services. Establishments engaged in providing services including but not limited to locksmiths, alarm system companies, and armored car services.

Kitchen. A room or area for storage, preparation and cooking of food.

Leadership in Energy and Environmental Design (LEED) Green Building Rating System. The rating system adopted by the U.S. Green Building Council as established in the applicable current edition of LEED for New Construction, LEED for Multiple Buildings, LEED for Existing Buildings, LEED for Commercial Interiors, LEED for Core and Shell, LEED for Schools, LEED for Retail, LEED for Healthcare, LEED for Homes, and LEED for Neighborhood Development. (Ord. 1024, §1, 2009)

Light Manufacturing. Enterprises engaged in the processing, manufacturing, compounding, assembly, packaging, treatment or fabrication of materials and products, from processed or previously manufactured materials. Light manufacturing is capable of operating in such a manner as to control the external effects of the manufacturing process, such as smoke, noise, dust, dirt, vibration, odor, etc. by containing operations within building(s), and with exterior storage areas comprising less than 20% of the floor area of the building(s).

Loading Space, Off street. Space logically and conveniently located for pickups and deliveries and accessible to such vehicles when required parking spaces are filled.

Local Housing Authority. An independent public body corporate and politic created under the Housing Authorities and Cooperation Law, Idaho Code §§50-1901, *et. seq.*, including the Blaine County Housing Authority or other entity created by the City of Hailey, providing oversight, review and general assistance in the provision of Community Housing Units to the City.

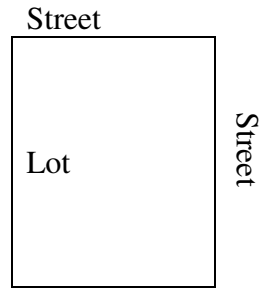
Lodging Establishments. Hotels, Motels, Bed and Breakfast Inns, and Boarding and Rooming Houses.

Lot. Plot, parcel, or tract of land with fixed boundaries of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot may consist of:

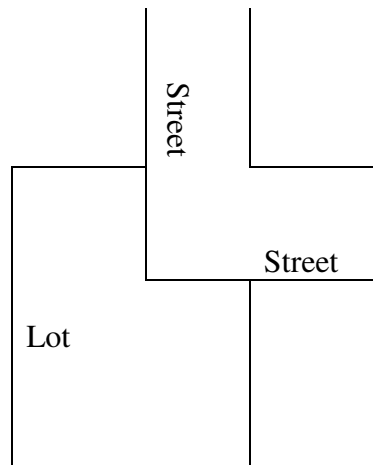
- a. A single Lot of Record;
- b. A combination of complete Lots of Record, or portions of Lots of Record

Lot, Corner. A lot located at the intersection of two (2) or more streets.

a. Lot, Normal Corner. See diagram.



b. Lot, Reverse Corner. See diagram.



Lot Coverage. The percent of the total lot area included within the footprint of all buildings.

Lot Line, Front. The property line dividing a lot from a street. On a Corner Lot, only one (1) street line shall be considered the front lot line and the main or front entrance to the principal building on the lot shall face such lot line. For buildings located on a corner with more than one business within the building, the front lot line is the side where the businesses' street address is listed.

Lot Line, Rear. The lot line opposite or most directly opposite the Front Lot Line.

Lot Line, Side. Any lot line other than the Front or Rear Lot Lines.

Lot of Record. A lot which is part of a subdivision or within the Hailey Townsite recorded in the office of the County Recorder or a lot described by metes and bounds, the description of which has been so recorded before the adoption of the Subdivision Ordinance.

Lot Size. The area of land within the fixed boundaries of a lot as defined herein, excluding any portion of the lot lying between Mean High Water Marks.

Lot Width. The distance parallel to the Front Lot Line, measured between Side Lot Lines through that part of the Building Envelope or buildable area of the Lot where the Lot is narrowest.

Lowest Floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Section 4.10 of this Ordinance, the Flood Hazard Overlay District.

Manufactured Home. A structure, constructed according to HUD/FHA home construction and safety standards, transportable in one (1) or more sections, which is built on a permanent chassis and is designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities. Manufactured Homes, where permitted, shall meet the following minimum requirements:

- The Manufactured Home shall be multi-sectional and shall enclose a space, exclusive of garage or accessory space, of not less than 864 square feet.
- The Manufactured Home shall be placed on a foundation that meets all City requirements under the IBC and IRC. The foundation shall be back-filled so that the Manufactured Home is no more than 12" above finished grade. The individual installing the Manufactured Home shall remove the wheels and trailer tongue from the home immediately upon installation.
- The Manufactured Home shall have a minimum roof pitch of three to twelve.
- The Manufactured Home shall have exterior roofing and siding which is similar in material, texture and color to material commonly used throughout the neighborhood or subdivision in which the Manufactured Home is to be located.
- For the purposes of the Flood Hazard Overlay District (Section 4.10), Manufactured Home also includes RV's placed on a site for greater than one hundred eighty (180) consecutive days.

Market Rate Unit. A Dwelling Unit in a residential or mixed use development that is not a Community Housing Unit.

Mass. The combination of the three dimensions of length, height, and depth which give a building its overall shape. (Ord. 1059, §1, 2010)

Master Plan. The Hailey Parks, Lands and Trails Master Plan, adopted by resolution or

ordinance, and as may be subsequently amended.

Mayor. The duly elected or appointed Mayor of the City of Hailey.

Mean High Water Mark. The mark on all watercourses, where the presence and action of waters is so common and continued in all ordinary years as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation and destroy its value for agricultural purposes. In areas where riprap bank stabilization has occurred the measurement shall begin on the landward side of such stabilization work.

Mixed Use Building. A building that has more than one use, usually residential units in combination with retail, office, institutional or industrial use within the same structure.

Motel. A building or group of buildings which are used for short term occupancy, offering sleeping accommodations to the public on a nightly basis, which may provide food and entertainment totally within the principal building of the motel.

Multiple-Family Dwelling. A building containing two (2) or more Dwelling Units.

Municipal Code. The Hailey Municipal Code, as may be amended.

Municipal Uses. Use for a public purpose by the City only.

Mural. A painting created directly on a wall or painted directly on a panel(s), or other material and permanently or temporarily applied to a wall. (Ord. 1059, §1, 2010)

NAICS. The most recent edition of the North American Industrial Classification System published by the United States Department of Commerce.

Non-conforming.

- a. Non-conforming Building or Structure. A building or structure not conforming to the provisions of this Ordinance but which was lawfully existing or for which a valid building permit existed at the time of adoption of this Ordinance.
- b. Non-conforming Lot. A lot or parcel of land not conforming to the provisions of this Ordinance but which was lawfully existing at the time of adoption of this Ordinance.
- c. Non-conforming Use. A use not conforming to the provisions of this Ordinance but which was lawfully existing at the time of adoption of this Ordinance.

Outpatient Animal Services. The examination, care, treatment and grooming of domestic animals, excluding livestock, within an outpatient facility. Outpatient Animal Services shall, as a minimum, meet the following requirements:

- a. Outpatient Animal Services shall not have or make any provision for boarding any animal.
- b. Any animal brought to the service location shall stay under the direct control and supervision of the animal's owner or owner's representative.
- c. Any and all animals brought to the service location shall be leashed or caged at all times except when under the direct control of the person or persons giving service.
- d. Each veterinary service shall create and exclusively use an entrance to the service apart from any other entrance to any other associated use.

Owner. Any individual, firm, association, syndicate, corporation, trust, partnership, limited liability company, or any other legal entity having an ownership or contractual interest in the land subject to the proceedings under this Ordinance.

Park. A parcel of land dedicated to the City or privately owned and clearly accessible to the public free of charge for non-exclusive recreation and/or cultural use. A Park is maintained for the primary purposes of diverse recreational and social opportunities. A Park may include one of the following:

- a. "Neighborhood Park." A parcel of land generally one or more acres in size dedicated to the City for non-exclusive public recreation and/or cultural use.
- b. "Mini Park." A parcel of land, between one-quarter acre and one acre in size, that is privately owned and maintained, unless otherwise allowed by the Council, but that is used for non-exclusive public recreation and/or cultural purposes.
- c. "Park/Cultural Space." A parcel of land less than one-quarter acre in size and located in the Business (B), Limited Business (LB) and Transitional (TN) zoning districts, that is privately owned and maintained but that is used for non-exclusive public recreation and/or cultural purposes. A Park/Cultural Space may include courtyards, plazas, gardens, expanded sidewalks and covered areas, provided access to the Park/Cultural Space is available from a public street or property and is normally open to the exterior (*e.g.*, not enclosed in a building).

Parking Space. Space used for the temporary, transient storage of vehicles used for personal transportation. Parking shall not include storage for any other purpose other than specified above.

Pedestrian-oriented. An environment designed to make movement by pedestrians convenient, attractive and comfortable for various ages and abilities; considerations include separation of pedestrian and auto circulation, street furniture, clear directional and informational signage, safety, visibility, shade, lighting, surface materials, trees, sidewalk width, intersection treatment, curb cuts, ramps and landscaping. (Ord. 1059, §1, 2010)

Pergola. A structure consisting of parallel columns supporting an open roof of girders and cross-rafters.

Personal Service. Any enterprise conducted for pecuniary gain which primarily offers services to the general public such as but not limited to shoe repair, watch repair, barber shops, beauty parlors, and similar activities.

Personal Wireless Service Facility (“PWSF”). Facility for the provision of personal wireless services, as defined by Section 704 of the Telecommunications Act of 1996, as may be subsequently amended. A PWSF is any unstaffed facility for the transmission and/or reception of personal wireless services, usually consisting of an antenna array, transmission cables, equipment shelter and a mount.

Planned Unit Development. A project controlled by one (1) owner, person, partnership or corporation, and characterized by a unified site design, involving varying the normal zoning requirements and restrictions so that the maximum long range benefit can be gained and the unique features of the site preserved and enhanced.

Planning Staff. The individuals employed or hired by the City to conduct the planning functions of the City.

Principal Building. A building containing the Principal Use upon a lot.

Principal Use. The primary use to which the premises are devoted, and the primary purpose for which the premises exist.

Professional Office. An office for the conduct of the following types of uses: accountant, architect, attorney, chiropractor, optometrist, engineer, surveyor, drafting service, designer, dentist, physician, surgeon, and other similar services.

Public or Semi-Public Project. A structure or development that, after completion, would be devoted to public or semi-public uses, including churches and schools.

Public Service Facility. A public facility established for the protection and welfare of the surrounding neighborhood including but not limited to a police station, fire station, or ambulance center.

Public Use. Use for a public purpose by a city, school district, county, state, or any other public agency or a public utility.

Public Utility Facility. A structure or facility including towers used by a public utility. Such towers may not exceed forty-eight (48) feet in height. Public utilities include, but are not limited to, gas, electric, or telephone companies. Facilities for wireless communications are not included, and are specifically regulated by Article VIII A of this Ordinance.

Record Grade. The natural grade existing prior to any site preparation, grading, or filling, unless a new record grade is approved at the time of subdivision approval and noted on the filed preliminary or final plat.

Research and Development. Specialized non-polluting activities with emphasis on investigation, experimentation, testing, engineering, inventing, and conceptually designing prototypes and new technologies or associated light manufacturing. These technologies may include electronics, computer and data systems, medical and precision instruments, machine components, communication systems and equipment, and other technological instruments, equipment and systems.

Retail. The sale of goods to individual consumers, usually in small quantities and not to be placed in inventory for resale.

Riparian Setback. The distance measured at right angles from the mean high water mark of a waterway, between the mean high water mark and an imaginary line parallel to the mean high water mark, defining an area between such lines within which no building or other applicable structure may be placed, and whereby any existing vegetation shall remain undisturbed.

River Restoration Project. A project that is primarily designed to improve or restore fish and wildlife habitat within the Floodplain, including associated stream bank restoration and stabilization.

RV. A motor home, travel trailer, truck camper or camping trailer, with or without motive power, designed for human habitation for recreational or emergency occupancy. It does not include pick-up hoods, shells or canopies designed, created or modified for occupational usage. Converted school buses or van type vehicles are defined as RV's.

Schools. The term schools shall include kindergarten, elementary, junior-high and high schools.

Semi-Public Use. Private colleges, hospitals, safe houses, learning centers and other facilities of an educational, charitable, philanthropic or non-profit nature.

Setback. The distance, measured at right angles to a given lot line, between the lot line and an imaginary line parallel to the lot line, defining an area between such lines within which no building or other applicable structure may be placed. Applicable structures are all structures requiring a building permit except fences and decks less than 30 inches from adjacent grade.

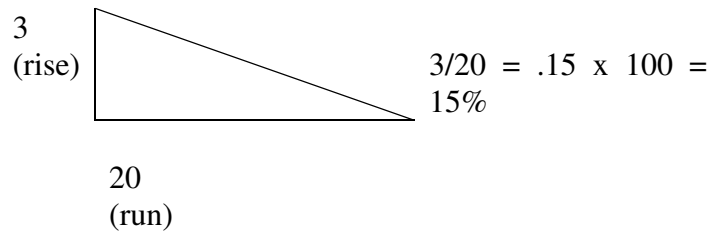
Short Term Occupancy. The rental of any unit or structure of portion thereof for a period of not more than thirty (30) days.

Sidewalk. A pathway for non-motorized vehicles, normally designated for pedestrians and which is usually separated from Streets by curb and/or landscaping. (Ord. 1059, §1, 2010)

Single Family Dwelling. A detached building, which may include attached or detached carports and garages, containing living facilities including provisions for sleeping, eating, cooking and sanitation for not more than one (1) family.

Skyline/Skylining. An outline of a structure against the background of the sky.

Slope. An inclined ground surface, the inclination of which is expressed as a ratio of vertical distance to horizontal distance. Percent slope is calculated by multiplying this ratio (rise/run) by one hundred (100). See Diagram.



Solar Access. An unobstructed exposure to sunlight and solar radiation upon land or a building.

Solar Panels. A group of connected solar cells, used to convert light from the sun into energy that can be used. (Ord. 1042, §1, 2009)

Small Scale Wind Energy System (WES). An electric generator(s) having rated capacities of 2 kilowatts and less, that utilize wind energy to produce clean, emissions-free power. (Ord. 1042, §1, 2009)

Story. That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

Story Above Grade. Any story having its finished floor surface entirely above record grade, or as more particularly described in the IBC and IRC.

Stream Alteration. To obstruct, diminish, destroy, alter, modify, relocate, or change the existing shape of the natural channel within or below the Mean High Water Mark, including the removal of material or structures in the stream channel.

Street. A strip of land which provides access to abutting property.

Street: Private. A street which provides public and emergency vehicular and public pedestrian access, but is not accepted for a dedication or maintenance by the City and will be owned and maintained by a private entity, owners association or person(s). (Ord. 1001, §1, 2008)

Street: Public. Land, property or interest therein, usually in a strip, acquired for or devoted to public vehicular and public pedestrian access. (Ord. 1001, §1, 2008)

Structure. Anything constructed or erected, the use of which requires location on the ground or attachment to something having a fixed location on the ground.

Subdivision Ordinance. Hailey Ordinance No. 821, and as may be subsequently amended.

Temporary Structure. Any building, modular unit or other structure that is intended for any use for a period of not more than one (1) year, excluding construction trailers or other structures erected solely in conjunction with a construction project.

Townhouse Development. A multi family residential project of two or more townhouse units, where permitted under the Hailey Zoning Ordinance, which may be constructed as either or both of the following:

- a. Building(s) containing two (2) or more townhouse units erected generally in a row, with each unit being separated from the adjoining unit or units by a party wall or walls, subject to building and fire code requirements and all other applicable codes and ordinances, and with party walls extending from the basement floor to the roof along the dividing townhouse subplot line. Each unit has its own access to the outside, and no unit is located over another unit in part or in whole.
- b. Cottages, which are buildings containing single townhouse units on individual townhouse sublots, provided the separation between units and/or buildings complies with applicable building and fire code requirements and all other applicable codes and ordinances.

Townhouse Sub-Lot. The lot resulting from platting a residential townhouse development. Townhouse sub-lots shall have a minimum area equal to that of the perimeter of each individual townhouse unit, and an additional area three feet in width adjacent to any opening, measured at the foundation. Said sub-lots shall not be buildable for structures other than a townhouse unit as defined herein. Platting of sub-lots shall follow the procedures set forth in the subdivision ordinance and other applicable codes in effect. All other detached and/or accessory buildings shall be contained within the perimeter of the townhouse sub-lot, except as otherwise permitted herein.

Townhouse Unit. A dwelling including a minimum of one (1) bathroom and a single kitchen, designed for or occupied as a unit by one family for living and cooking purposes, located in a townhouse development on a platted townhouse sub-lot.

Tree Guide. The City of Hailey Tree Selection and Planting Guide, as adopted by the City, and as may be subsequently amended.

Trellis. A light construction of lattice work no more than 8 feet in height. The lattice work shall be of open design.

Urban Agriculture. The production of vegetables, fruits and eggs by residents for personal consumption and may include production by members of a neighborhood on one or more vacant lots for personal consumption. (Ord. 1055, §1, 2010)

Use. The purpose for which land or a building thereon is designed, arranged, intended or for which it is or may be occupied or maintained.

Wholesale. The sale of goods to retailers or jobbers, rather than the sale of goods to individual consumers, usually in large quantities to be placed in inventory for resale to the individual consumer.

Wireless Communication Facility (“WCF”). Those facilities that are non-personal wireless service facilities (PWSF’s), by definition of the Telecommunications Act of 1996, as amended, but that are also subject to Article VIII A of this Ordinance due to their height above ground level. Any antenna, including mount and/or equipment support structure over thirty-five (35) feet AGL that is not a PWSF shall be considered a WCF and regulated by Article VIII A of this Ordinance.

Yard. That portion of the open area on a lot from a given lot line for a depth or width specified by the setback regulations for the District in which the lot is located.
(Ord. 1072 §1-2,4-5, 2010)