

ARTICLE I
PURPOSE, TITLE AND INTERPRETATION

1.1 PURPOSE.

This Ordinance is enacted for the purpose of promoting public health, safety, and general welfare, to conserve and protect property and property values, to secure the most appropriate use of lands, to control the density of population, to prevent traffic congestion, and to facilitate adequate and economical provisions for public improvements and services, to provide a method of administration and to prescribe means of enforcement of the provisions hereafter described, all in accordance with the Comprehensive Plan for the desirable future physical development of the City of Hailey.

1.2 TITLE.

This Ordinance shall be known as the "Zoning Ordinance of the City of Hailey, Idaho" or the "Zoning Ordinance."

1.3 AUTHORITY.

This Zoning Ordinance is adopted pursuant to authority granted by Title 67, Chapter 65 of the Idaho Code and Article 12, Section 2 of the Idaho Constitution, as amended or subsequently codified.

1.4 MOST RESTRICTIVE STANDARDS SHALL GOVERN.

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, safety and the general welfare. Whenever the requirements of this Ordinance conflict with the requirements of any other lawfully adopted rules, regulations, ordinances or resolutions, the most restrictive or that imposing the higher standards shall govern.

1.5 DISTRICT REGULATIONS.

1.5.1 The regulations for each district set forth by this Ordinance shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided. No building, structure, or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

1.5.2 If a use is not specifically listed as a permitted, conditional or accessory use, then the use is prohibited, except as follows: The Administrator may determine that a proposed use not listed is equivalent to a listed permitted, conditional or accessory use. In making the determination, the Administrator shall consider the following:

- a) The impacts on public services and activities associated with the proposed use are substantially similar to those of one or more of the uses listed in the applicable district as allowed;
- b) The proposed use shall not involve a higher level of activity or density than one or more of the uses listed in the applicable district as allowed;

- c) The proposed use is within the same three (3) digit category of an allowed use listed in the latest edition of the NAICS;
- d) The proposed use is consistent with the purpose of the district in which the use is proposed to be located; and
- e) The proposed use is in substantial conformance with goals and objectives of the comprehensive plan.

1.5.3 No yard setback or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yard setbacks or lots created after the effective date of the Ordinance shall meet at least the minimum requirements set forth herein.

1.6 COMBINING OF PERMITS.

The Commission is hereby required to coordinate with other departments and agencies concerning all permits which may be required in this Ordinance and previously or subsequently adopted Hailey City Ordinances. An one-stop permit application procedure may be developed with the respective departments and agencies for the purpose of reducing errors, misunderstandings, confusion, and unnecessary delay for everyone involved.

1.7 SEVERABILITY CLAUSE.

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.

1.8 EXISTING PERMITS AND PRIVATE AGREEMENTS.

This Ordinance is not intended to abrogate or annul any permits issued before the effective date of this Ordinance or any easement, covenant, or other private agreement.

1.9 REPEAL.

All Ordinances of the City of Hailey or parts of any such Ordinances in conflict with this Zoning Ordinance or inconsistent with the provisions of this Ordinance are specifically repealed to the extent necessary to give this Ordinance full force and effect.