

AGENDA ITEM SUMMARY

DATE: January 25, 2010

DEPARTMENT: Planning

DEPT. HEAD SIGNATURE: MHC

SUBJECT: Second Reading Ordinance 1047

AUTHORITY: ID Code _____ IAR _____ City Ordinance/Code _____
(IF APPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

On January 11, 2010, the Council held a public hearing and conducted the first reading of the Ordinance 1047.

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS: Case # _____
Budget Line Item # _____ YTD Line Item Balance \$ _____
Estimated Hours Spent to Date: _____ Estimated Completion Date: _____
Staff Contact: _____ Phone # _____
Comments: _____

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

- | | | |
|---|--|---|
| <input type="checkbox"/> City Administrator | <input type="checkbox"/> Library | <input type="checkbox"/> Safety Committee |
| <input checked="" type="checkbox"/> City Attorney | <input type="checkbox"/> Mayor | <input type="checkbox"/> Streets |
| <input type="checkbox"/> City Clerk | <input checked="" type="checkbox"/> Planning | <input type="checkbox"/> Treasurer |
| <input type="checkbox"/> Building | <input type="checkbox"/> Police | _____ |
| <input type="checkbox"/> Engineer | <input type="checkbox"/> Public Works, Parks | _____ |
| <input type="checkbox"/> Fire Dept. | <input type="checkbox"/> P & Z Commission | _____ |

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Conduct the second reading of Ordinance 1047

ADMINISTRATIVE COMMENTS/APPROVAL:

City Administrator _____ Dept. Head Attend Meeting (circle one) Yes No

ACTION OF THE CITY COUNCIL:

Date 1/25 - 2nd Reading
1/26 - 3rd Reading

City Clerk Mary Core

FOLLOW-UP:

*Ord./Res./Agmt./Order Originals: Record
Copies (all info.): _____
Instrument # _____

*Additional/Exceptional Originals to: _____
Copies (AIS only)

HAILEY ORDINANCE NO. 1047

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 THE 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 and any other Accessory Structure.
 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 shall be setback a minimum of a six (6) feet from the alleyfoot 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.

e. ~~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 _____, 2010.

Richard L. Davis, Mayor, City of Hailey

Attest:

Mary Cone, City Clerk

MEMORANDUM

TO: Mary Cone
FROM: Ned C. Williamson
DATE: January 12, 2010
RE: Vacation Ordinance No. 1048

I am enclosing a corrected ordinance (Ordinance No. 1048). Please place this on the next agenda for a second reading. If you have any questions, please contact me. Thank you.

1/25/10 - 2nd Reading
2/8/10 - 3rd Reading

HAILEY ORDINANCE NO. 1048

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, VACATING ALL OR PART OF FIRST AVENUE, SECOND AVENUE, CHESTNUT STREET, MAPLE STREET, CEDAR STREET, AND ALLEYS WITHIN BLOCKS 3, 10, 11, 127, 128, 133 AND 134, OF THE ORIGINAL HAILEY TOWNSITE; PROVIDING FOR EXECUTION OF QUITCLAIM DEEDS BY THE MAYOR CONVEYING TITLE TO THE VACATED PROPERTIES; PROVIDING FOR THE AMENDMENT OF HAILEY ORDINANCE NOS. 274 AND 283 BY RESCINDING THE RIGHT OF REVERSION; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

WHEREAS, in Findings of Fact Conclusions of Law, and Decision dated July 8, 2002, the Hailey City Council determined, and found, that the following property within the City of Hailey is no longer needed for as public streets and alleys:

(1) all of the alley within Block 11; (2) that portion of Second Avenue lying between the southerly boundary of Elm Street, and a line directly connecting the southern boundary of Lot 17, Block 135, and the southern boundary of Lot 5, Block 134; (3) all of the alley within Block 10; (4) all of the alley within Block 3; (5) all of the alley within Block 127; (6) all of the alley within Block 134; (7) that portion of First Avenue lying between the southerly boundary of Chestnut Street and the northerly boundary of the Highway 75 right-of-way; (8) all of the alley within Block 128; (9) that portion of the alley within Block 133 lying between the southerly boundary of Cedar Street and the Highway 75 right-of-way; (10) that portion of Chestnut Street lying between the easterly boundary of First Avenue and the westerly boundary of Third Avenue; (11) that portion of Maple Street lying between the easterly boundary of First Avenue and a line directly connecting the southeast corner of Lot 24, Block 2, and the northeast corner of Lot 13, Block 126, and (12) that portion of Cedar Street lying between the easterly boundary of the Highway 75 right-of-way and a line directly connecting the southeast corner of Lot 24, Block 126, and the northeast corner of Lot 13, Block 135 ("Vacated Streets and Alleys");

WHEREAS, the City of Hailey has in the past adopted ordinances vacating most of the Vacated Streets and Alleys, but in some instances not all of the streets and alleys in the Vacated Streets and Alleys were vacated. In addition, in some instances ordinances were not recorded and in some instances deeds authorized by the ordinances were not recorded;

WHEREAS, the Hailey City Council finds that it is appropriate for Hailey to vacate the Vacated Streets and Alleys in a unified manner, even if there are no known title defects in prior proceedings, to express the city's intent about the Vacated Streets and Alleys and to remedy any title issues which may exist;

WHEREAS, the Hailey City Council finds that vacation of the Vacated Streets and Alleys is expedient for the public good;

WHEREAS, the Hailey City Council believes it is appropriate to vacate the Vacated Streets and Alleys; and

WHEREAS, the Hailey City deems it in the best interests of the adjoining properties to convey title to Vacated Streets and Alleys as set forth in Sections 2, 3 and 4 of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HAILEY, IDAHO, AS FOLLOWS:

Section 1. Vacation of Streets and Alleys. The City of Hailey hereby vacates the following property within the City of Hailey:

- (1) all of the alley within Block 11, of the Original Hailey Townsite, as shown on the official Plat of the City of Hailey on file in the office of the Blaine County Recorder;
- (2) that portion of Second Avenue lying between the southerly boundary of Elm Street, and a line directly connecting the southerly boundary of Lot 17, Block 135, and the southerly boundary of Lot 5, Block 134, of the Original Hailey Townsite, as shown on the official Plat of the City of Hailey on file in the office of the Blaine County;
- (3) all of the alley within Block 10, of the Original Hailey Townsite, as shown on the official Plat of the City of Hailey on file in the office of the Blaine County Recorder;
- (4) all of the alley within Block 3, of the Original Hailey Townsite, as shown on the official Plat of the City of Hailey on file in the office of the Blaine County Recorder;
- (5) all of the alley within Block 127, of the Original Hailey Townsite, as shown on the official Plat of the City of Hailey on file in the office of the Blaine County Recorder;
- (6) all of the alley within Block 134, of the Original Hailey Townsite, as shown on the official Plat of the City of Hailey on file in the office of the Blaine County Recorder;
- (7) that portion of First Avenue lying between the southerly boundary of Chestnut Street and the northerly boundary of the Highway 75 right-of-way, of the Original Hailey Townsite, as shown on the official Plat of the City of Hailey on file in the office of the Blaine County Recorder;
- (8) all of the alley within Block 128, of the Original Hailey Townsite, as shown on the official Plat of the City of Hailey on file in the office of the Blaine County Recorder;
- (9) that portion of the alley within Block 133 lying between the southerly boundary of Cedar Street and the Highway 75 right-of-way, of the Original Hailey Townsite, as shown on the official Plat of the City of Hailey on file in the office of the Blaine County Recorder;
- (10) that portion of Chestnut Street lying between the easterly boundary of First Avenue and the westerly boundary of Third Avenue, of the Original Hailey Townsite, as shown on the official Plat of the City of Hailey on file in the office of the Blaine County Recorder;
- (11) that portion of Maple Street lying between the easterly boundary of First Avenue and a line directly connecting the southeast corner of Lot 24, Block 2, and the northeast corner of Lot 13, Block 126, of the Original Hailey Townsite, as shown on the official Plat

of the City of Hailey on file in the office of the Blaine County Recorder; and (12) that portion of Cedar Street lying between the easterly boundary of the Highway 75 right-of-way and a line directly connecting the southeast corner of Lot 24, Block 126, and the northeast corner of Lot 13, Block 135, of the Original Hailey Townsite, as shown on the official Plat of the City of Hailey on file in the office of the Blaine County Recorder.

Section 2. Quitclaim Deed. Except as otherwise provided and for the reasons described in Sections 3 and 4 of this Ordinance, the Mayor of the City of Hailey is hereby authorized pursuant to Idaho Code § 50-311 to execute and deliver quitclaim deeds, on behalf of the City of Hailey, transferring title to one-half (1/2) of each side of the Vacated Streets and Alleys to the adjacent property owners.

Section 3. Quitclaim Deed to Blaine County School District. The Mayor of the City of Hailey is hereby authorized pursuant to Idaho Code § 50-311 to execute and deliver a quitclaim deed, on behalf of the City of Hailey, transferring title to all of (a) that portion of First Avenue lying between the southerly boundary of Chestnut Street and a line directly connecting the southwest corner of Lot 20 of Block 127 and the southeast corner of Lot 8 of Block 128 of the Original Hailey Townsite, as shown on the official Plat of the City of Hailey on file in the office of the Blaine County Recorder, and (b) that portion of Chestnut Street lying between the westerly boundary of Third Avenue and the westerly boundary of the alley between Blocks 2 and 11, of the Original Hailey Townsite, as shown on the official Plat of the City of Hailey on file in the office of the Blaine County Recorder, to the Blaine County School District No. 61, a body corporate and politic. All of the property described in this Section 3 shall be conveyed to the Blaine County School District No. 61 because this property has been previously conveyed to the Blaine County School District No. 61, because the Blaine County School District No. 61 has been using and possessing the property, because the Blaine County School District No. 61 has constructed improvements on the property, and because there was a previous agreement between the City of Hailey and the Blaine County School District No. 61 relating to First Avenue in which the parties agreed to convey all of First Avenue to the Blaine County School District No. 61.

Section 4. Quitclaim Deed to Hailey. The Mayor of the City of Hailey is hereby authorized pursuant to Idaho Code § 50-311 to execute and deliver a quitclaim deed, on behalf of the City of Hailey, transferring title to all of that portion of First Avenue between a line directly connecting the northwest corner of Lot 21 of Block 127 and the northeast corner of Lot 9 of Block 128 of the Original Hailey Townsite, as shown on the official Plat of the City of Hailey on file in the office of the Blaine County Recorder, and the northerly boundary of the Highway 75 right-of-way, of the Original Hailey Townsite, as shown on the official Plat of the City of Hailey on file in the office of the Blaine County Recorder, to the City of Hailey, a body corporate and politic. All of the property described in this Section 4 shall be conveyed to the City of Hailey because much of this property has been used, possessed and improved by the City of Hailey.

Section 5. Rescission of Reversionary Clauses. Hailey Ordinance Nos. 274 and 283 are amended by the rescission of Sections 2 of Hailey Ordinance No. 274 and 283 in their entirety.

Section 6. Repealer Clause. All Ordinances or parts thereof in conflict herewith are hereby repealed and rescinded.

Section 7. Severability Clause. If any section, paragraph, sentence or provision hereof or the application thereof to any particular circumstances shall ever be held invalid or unenforceable, such holding shall not affect the remainder hereof, which shall continue in full force and effect and applicable to all circumstances to which it may validly apply.

Section 8. Effective Date. This Ordinance shall be in full force and effect from and after its passage and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE MAYOR THIS ____ DAY OF FEBRUARY, 2010.

Richard L. Davis, Mayor, City of Hailey

Attest:

Mary Cone, City Clerk

