

AGENDA ITEM SUMMARY

DATE: August 24, 2009 DEPARTMENT: Planning

DEPT. HEAD SIGNATURE: BR

SUBJECT: Second Reading Ordinance 1031

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

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

On August 10, 2009 the Council held a public hearing and first reading of the amendment to Section 4.13.8, Lot Line Vacations, to better make the connection to Section 13.6, Expansion of Nonconforming Buildings and to clarify when a lot line vacation is required.

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 type="checkbox"/> City Attorney      | <input type="checkbox"/> Mayor               | <input type="checkbox"/> Streets          |
| <input type="checkbox"/> City Clerk         | <input 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 1031

ADMINISTRATIVE COMMENTS/APPROVAL:

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

ACTION OF THE CITY COUNCIL:

Date 8/24 - conducted 2<sup>nd</sup> Reading

City Clerk \_\_\_\_\_

FOLLOW-UP:

\*Ord./Res./Agmt./Order Originals: Record

\*Additional/Exceptional Originals to: \_\_\_\_\_

Copies (all info.): \_\_\_\_\_

Copies (AIS only)

Instrument # \_\_\_\_\_

HAILEY ORDINANCE NO 1031

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING HAILEY'S ZONING ORDINANCE, ORDINANCE NO: 532, BY AMENDING SECTION 4.13.8, TO CLARIFY WHEN LOT LINE VACATIONS ARE REQUIRED; 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 to the Hailey Comprehensive Plan;

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

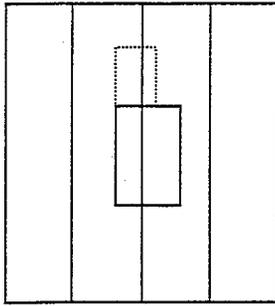
WHEREAS, the proposed uses are compatible with the surrounding area; and

WHEREAS, the amendment will be in accordance with the safety and welfare of the general public.

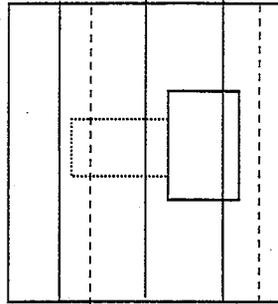
NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HAILEY, IDAHO, AS FOLLOWS:

Section 1. Section 4.13.8. Lot Line Vacations, of the Hailey Zoning Ordinance No. 532, is hereby amended by the deletion of the stricken language and the addition of the underlined language as follows:

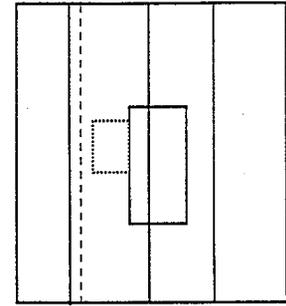
If a parcel in single ownership consists of two (2) or more Original Townsite lots, or a combination of lot(s) and portions of lot(s), ~~the each internal Original Townsite lot line(s) underneath or located within a required setback of proposed and existing buildings shall be vacated prior to the issuance of a Building Permit certificate of occupancy if either of the following criteria applies: -for any new building~~ 1) a proposed new building or addition increases the degree of nonconformity or creates a new nonconformity with regard to setbacks, measured from the nearest adjacent Original Townsite lot line, not from the parcel boundary of multiple Original Townsite lots held in single ownership or 2) lot lines, which a building is not currently built on, are located underneath a proposed new building or addition.



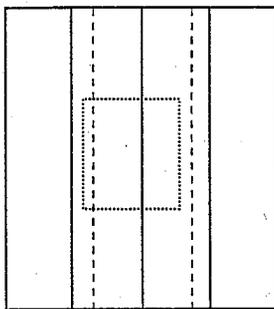
No lot line vacation is required.



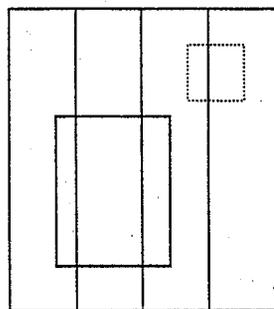
Both lot lines underlying the existing and new buildings and the lot line nearest to the new structure must be vacated when a new structure is within the required side yard setback or is built over a lot line, which was not previously built over.



No lot line vacation is required.



Both the underlying lot line and the lot line nearest to the new building must be vacated when a new structure is within the required side yard setback or built over a lot line.



The underlying lot line must be vacated for the new building.

..... New construction  
 - - - - - Setback  
 \_\_\_\_\_ Existing building

Section 3. 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 4. All City of Hailey ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

Section 5. 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



**AGENDA ITEM SUMMARY**

**DATE:** August 24, 2009 **DEPARTMENT:** Planning

**DEPT. HEAD SIGNATURE:** BR

**SUBJECT:** Second Reading Ordinance 1032

**AUTHORITY:**  ID Code \_\_\_\_\_  IAR \_\_\_\_\_  City Ordinance/Code \_\_\_\_\_  
(IF APPLICABLE)

**BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:**

On August 10, 2009 the Council held a public hearing and first reading of the amendment to the Planning and Zoning fee schedule.

**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)

- |   |  |   |
|---|--|---|
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| <input type="checkbox"/> City Clerk         | <input 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 1032

**ADMINISTRATIVE COMMENTS/APPROVAL:**

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

**ACTION OF THE CITY COUNCIL:**

Date 8/24 - conducted 2nd Reading

City Clerk \_\_\_\_\_

**FOLLOW-UP:**

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

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

## CITY OF HAILEY ORDINANCE NO. 1032

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, ESTABLISHING A REVISED FEE SCHEDULE THAT ADDS NEW FEES FOR APPLICATIONS FOR DESIGN REVIEW OF PROJECTS WITH NO SUBSTANTIAL IMPACT, MODIFICATIONS TO PROJECTS WHICH HAVE RECEIVED DESIGN REVIEW APPROVAL, AND RECOMMENDATIONS FOR DESIGN REVIEW EXEMPTION; THAT REVISES THE FEE FOR DUPLEXES IN THE TOWNSITE OVERLAY DISTRICT AND ACCESSORY STRUCTURES; THAT ELIMINATES THE SEPARATE FEE FOR REZONES WITH DEVELOPMENT AGREEMENTS, AND CONSOLIDATES THE TEXT AMENDMENT FEES; 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 adopted Ordinance No. 961 setting forth requirements for Design Review of single family dwellings, accessory structures, and duplexes in the Townsite Overlay District;

WHEREAS, the Hailey City Council has adopted Ordinance No. 1009 setting forth procedures for projects with no substantial impact, modifications to projects that have received design review approval, and recommendation for design review exemption;

WHEREAS, the City Council has determined that it is necessary for the City to set forth a fee charged in connection with the submission and handling these Design Review applications;

WHEREAS, the Hailey Ordinance No. 962 presently establishes fees for various applications;

WHEREAS, the Hailey City Council finds that the fees adopted by this Ordinance are reasonably related to and do not exceed the actual cost of the service provided by the City; and

WHEREAS, new fees or fee increases above 5% have been duly noticed and discussed in a public hearing pursuant to Idaho Code Section 63-1311A.

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

SECTION 1. The Fee Schedule attached hereto as Exhibit "A" and incorporated herein by this reference as though fully set forth is hereby adopted.

SECTION 2. Any and all portions of Hailey Ordinance No. 962 and any other ordinances, or parts thereof, conflicting with the revised Fee Schedule established by this Ordinance are hereby repealed.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY  
THE MAYOR THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2009.

ATTEST:

\_\_\_\_\_  
Mary Cone, City Clerk

\_\_\_\_\_  
Richard L Davis, Mayor

Publish: Idaho Mountain Express \_\_\_\_\_, 2009

"EXHIBIT A" TO ORDINANCE NO. \_\_\_\_\_ - FEE SCHEDULE\*

Annexation	\$1250 + \$15/developable acre** + additional fees for services rendered (including but not limited to fees for City Attorney, City Engineer, and Staff) to be negotiated before application is certified as complete
Appeal	\$255
Child Care Conditional Use	\$50
Comprehensive Plan Amendment	\$400
Conditional Use Permit	\$400
Design Review	\$450 + \$25/1000 gross square feet
Design Review – Single Family Dwelling or Accessory Structure or Duplex in Townsite Overlay	\$250
Design Review – Duplex Accessory Structure in Townsite Overlay (not associated with a residential Principle Use)	\$300-250
Design Review - Modifications to Projects that have Received Design Review Approval (determined by the Administrator not to be minor)	\$50
Design Review - No Substantial Impact	\$75
Design Review - Recommendation for Exemption	\$30
Fence Permit	\$30
Floodplain Development Permit	\$400
Lot Line Shift	\$240
Miscellaneous	\$55
Preapplication Meeting	\$50/hour/department head for meetings and/or phone calls exceeding 1 hour
PUD (in addition to other app)	\$500 + additional fees for services rendered by City Attorney (development agreement)
Rezone	\$400 + additional fees for services rendered by City Attorney associated with a development agreement)
Rezone w/Development Agreement	\$500 + additional fees for services rendered by City Attorney (development agreement)

Sign Permit	\$30
Sign: Inspection fee for portable sign in ROW	\$50
Sign: Annual application renewal and inspection fee for portable sign in ROW	\$50
Short Plat Subdivision	\$300/lot, subplot, or unit; not to exceed \$1200
Subdivision	\$1,250 + \$55/lot, subplot, or unit + additional fees for services rendered by City Attorney (development agreement)
Subdivision Ordinance <u>and Zoning Ordinance</u> Text Amendment	\$400
Vacation	\$400
Variance	\$350
Wireless Permit	\$350
Wireless Master Development Plan	\$250
Wireless Conditional Use Permit	\$600
Wireless Annual Renewal	\$60
<del>Zoning Code Text Amendment</del>	\$400
In Lieu Parking Contribution	\$9,975 / space
<p>*All Fees: Plus actual cost of noticing (newspaper and/or mail), recording fees, and all other direct costs, not including staff time except where otherwise provided.  ** Developable acre: lying below 25% slope line and not within proposed park/green space</p>	

