

HAILEY ORDINANCE NO. 1002

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING HAILEY'S SUBDIVISION ORDINANCE, ORDINANCE NO. 821, BY AMENDING SECTION 1, TO REVISE THE DEFINITIONS OF LOT LINE ADJUSTMENT, STREET, STREET: PRIVATE, AND STREET: PUBLIC AND TO DELETE THE DEFINITION OF RIGHT-OF-WAY; BY AMENDING SECTION 4.1.5 TO DELETE THE WORD RIGHT-OF-WAY, BY AMENDING SECTIONS 4.1.10.2 AND 4.1.10.3 TO CLARIFY ACCESS ON PRIVATE STREETS; BY AMENDING SECTION 4.1.10.5 TO CLARIFY SNOW STORAGE REQUIREMENTS; BY AMENDING SECTION 4.2.4 TO REDUCE THE SIDEWALK IN-LIEU FEE; BY AMENDING SECTION 5.1.3 TO CLARIFY GUARANTEE OF IMPROVEMENTS, BY ADDING A NEW SECTION 6.3 TO PROVIDE AN EXCEPTION FOR THE CREATION OF TWO OR MORE LOTS WITHIN THE TOWNSITE OVERLAY; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE.

WHEREAS, the proposed amendments are generally in accordance with the Comprehensive Plan;

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

WHEREAS, the proposed amendments will be in accordance with the 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 1, Definitions, of the Hailey Subdivision Ordinance No. 821, is hereby amended by the deletion of the stricken language and the addition of the underlined language to the definitions of "Lot Line Adjustment", "Right-of-Way", "Street", "Street: Private", "Street: Public", as follows:

Lot Line Adjustment. A modification of easement lines, the creation or modification of a building envelope, or modification of boundary lines between existing lots, parcels of land, or properties, which does not reduce the area, frontage, width, depth, or building set-back lines of each lot, parcel of land, or property below the minimum zoning requirements and which does not create additional lots or new streets. ~~A Lot Line Adjustment is not available when the development standards under Section 4 of this ordinance are not met. The modification of original Hailey Townsite lot lines that results in more than one platted lot shall not be considered a Lot Line Adjustment.~~

~~Right-of-way. A strip of land used by the City of Hailey over which a public road or other access passes.~~

~~Street. A strip of land which provides way for vehicular traffic which affords the principal means of 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).

Street: Public. Land, property or interest therein, usually in a strip, acquired for or devoted to public vehicular and public pedestrian access.

Section 2. Section 4.1.5 of Hailey Subdivision Ordinance No. 821, is hereby amended by the deletion of the stricken language and the addition of the underlined language as follows:

4.1.5 Street ~~Right-of-way~~ width is to be measured from property line to property line. The minimum ~~right-of-way~~ street width, unless specifically approved otherwise by the Council, shall be as specified in City Standards for the type of street.

Section 3. Section 4.1.10.2 of Hailey Subdivision Ordinance No. 821, is hereby amended by the addition of the underlined language as follows:

4.1.10.2 Private streets, wherever possible, shall provide interconnection with other public streets and private streets.

Section 4. Section 4.1.10.3 of Hailey Subdivision Ordinance No. 821, is hereby amended by the addition of the underlined language as follows:

4.1.10.3 The area designated for private streets shall be platted as a separate parcel according to subsection 4.5.3 below. The plat shall clearly indicate that the parcel is unbuildable except for public vehicular and public pedestrian access and ingress/egress, utilities or as otherwise specified on the plat.

Section 5. Section 4.1.10.5 of Hailey Subdivision Ordinance No. 821, is hereby amended by the addition of the underlined language as follows:

4.1.10.5 Private streets shall have adequate and unencumbered 10-foot wide snow storage easements on both sides of the street, or an accessible dedicated snow storage easement representing not less than twenty-five (25%) of the improved area of the private street. Private street snow storage easements shall not be combined with, or encumber, required on-site snow storage areas.

Section 6. Section 4.2 of Hailey Subdivision Ordinance No. 821, is hereby amended by the deletion of the stricken language and the addition of the underlined language as follows:

4.2.4 After receiving a recommendation by the Hearing Examiner or Commission, the Council may in its discretion approve and accept voluntary cash contributions in-lieu of the improvements described in this Section 4.2, which contributions must be segregated by the City and not used for any purpose other than the provision of these improvements. The contribution amount shall be ~~150%~~ 110% of the estimated costs of concrete sidewalk and drainage improvements provided by a qualified contractor, plus associated

engineering costs, as approved by the City Engineer. Any approved in-lieu contribution shall be paid before the City signs the final plat. In-lieu contributions for sidewalks shall not be accepted in Business, Limited Business, Neighborhood Business Technological Industry and Service Commercial Industrial districts.

Section 7. Section 5.1.3 of Hailey Subdivision Ordinance No. 821, is hereby amended by the deletion of the stricken language and the addition of the underlined language as follows:

5.1.3 The Developer shall guarantee all improvements pursuant to this Section for no less than one year from the date ~~final acceptance~~ of approval of all improvements as complete and satisfactory by the City Engineer, except that parks shall be guaranteed and maintained by the Developer for a period of two years.

Section 8. Section 6, Lot Line Adjustments, of the Hailey Subdivision Ordinance No. 821, is hereby amended by the addition of a new section 6.3 as follows:

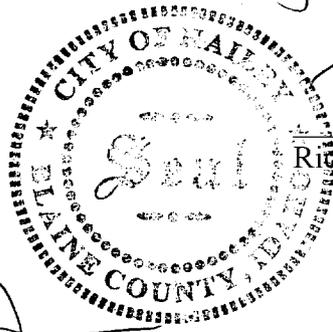
6.3 The modification of original Hailey Townsite lot lines that results in more than one platted lot shall not be reviewed as a Lot Line Adjustment.

Section 9. 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 10. All City of Hailey ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

Section 11. 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 25 DAY OF February, 2008.



Rick Davis
Rick Davis, Mayor, City of Hailey

Attest:

Heather Dawson
Heather Dawson, City Clerk