

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;

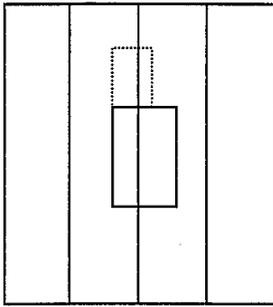
WHEREAS, the proposed uses are compatible with the surrounding area; and

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

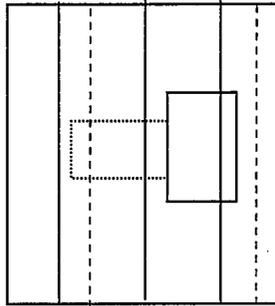
NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HAILEY, IDAHO, AS FOLLOWS:

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:

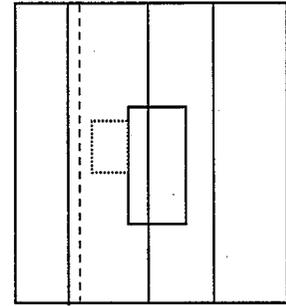
If a parcel in single ownership consists of two (2) or more Original Townsite lots, or a combination of lot(s) and portions of lot(s), ~~the each internal Original Townsite lot line(s) underneath or located within a required setback of proposed and existing buildings shall be vacated prior to the issuance 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.



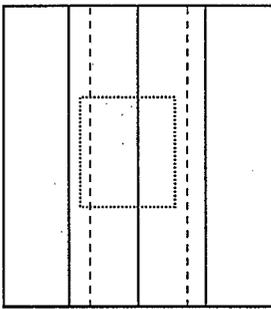
No lot line vacation is required.



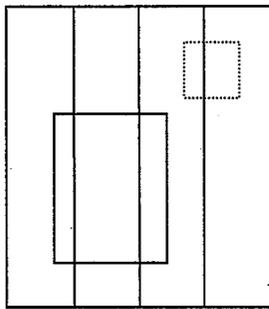
Both lot lines underlying the existing and new buildings and the lot line nearest to the new structure must be vacated when a new structure is within the required side yard setback or is built over a lot line, which was not previously built over.



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 14th DAY OF September 2009.


 Richard L. Davis, Mayor, City of Hailey

Attest:


 Mary Cone, City Clerk

