

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 alley~~foot 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.

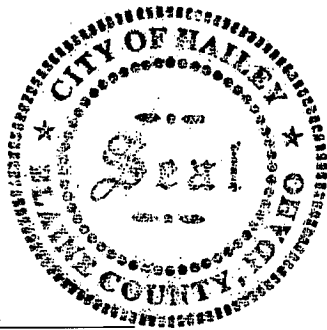
e. ~~Accessory Structures with a floor area of 120 square feet or less shall comply with all applicable Building Code requirements.~~

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 9<sup>th</sup> DAY OF February 2010.



Richard L. Davis  
Richard L. Davis, Mayor, City of Hailey

Attest:

Mary Cone  
Mary Cone, City Clerk

Published in Idaho Mountain Express February 10, 2010