

HAILEY ORDINANCE NO. 1006

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 INCREASE REQUIRED YARD SETBACK FOR PERGOLAS AND TO CLARIFY REQUIREMENTS FOR DETACHED ACCESSORY STRUCTURES; 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; 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 7.1.5 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:

7.1.5 Pergolas. Supporting columns for Pergolas shall meet required yard setbacks. The roof of a pergola shall not extend into a required yard setback by more than ~~three (3)~~ five (5) feet.

Section 2. 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:

7.1.8 Accessory ~~s~~Structures with a floor area of 120 square feet or less:

- 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.
  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 in the Business District, in the case where an alley is located along the side or rear lot line of the property, a six (6) 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.

- c. Accessory Structures with a floor area of 120 square feet or less shall comply with all applicable Building Code requirements.
- a. ~~Detached accessory structures which do not require a building permit may be located within the side and/or rear yard setback (except on corner lots), provided that a minimum 3-foot clear space is maintained between the accessory building and any other structure on the property, and a 3-foot clear space is maintained between the accessory building and any property line. On normal corner lots, a detached accessory structure shall have a side yard setback not less than two thirds (2/3) the front yard setback requirement for the zoning district in which the lot is located.~~
- b. ~~Detached accessory structures which do not require a building permit and are located within the side and/or rear yard setback shall have a maximum bearing wall height of eight feet and a maximum building height of 12 feet.~~
- e. ~~Attached accessory structures may be located within the side and/or rear set back providing that minimum 3-foot separation is maintained from the property line and that a building permit is obtained.~~
- d. ~~Except in the Business District, in the case where an alley is located along the side or rear lot line of the property, a 6-foot setback is required for any accessory structure.~~

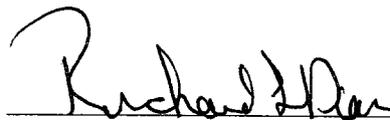
Section 3. Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

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 19<sup>th</sup> DAY OF MAY, 2008.



  
 Richard L. Davis, Mayor, City of Hailey

Attest:

  
 Mary Cone, City Clerk

Publish Wood River Journal: May 28, 2008