

HAILEY ORDINANCE NO. 1055

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING ARTICLE 2 OF HAILEY'S ZONING ORDINANCE, ORDINANCE NO. 532, BY AMENDING SECTION 2.2, TO ADD THE DEFINITION OF CHICKEN COOP AND URBAN AGRICULTURE; AMENDING ARTICLE 4 OF HAILEY'S ZONING ORDINANCE, ORDINANCE NO. 532, BY AMENDING SECTIONS 4.2.2, 4.3.2, 4.5.2, AND 4.6.2, TO ALLOW FOR URBAN AGRICULTURE AS A PERMITTED USE; AND AMENDING ARTICLE 7 OF HAILEY'S ZONING ORDINANCE, ORDINANCE NO. 523, BY AMENDING SECTION 7.1, TO ESTABLISH BULK REQUIREMENTS AND STANDARDS FOR CHICKEN COOPS; 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 conform to the Hailey Comprehensive Plan;

WHEREAS, essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services;

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

WHEREAS, the amendment will promote the public health, safety and general welfare.

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

Section 1. Section 2.2, Definitions, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

Chicken Coop. A building or enclosed structure, which houses hens.

Urban Agriculture. The production of vegetables, fruits and eggs by residents for personal consumption and may include production by members of a neighborhood on one or more vacant lots for personal consumption.

Section 2. Section 4.3.2, General Residential District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.3.2 Permitted Uses.

Permitted uses for the GR District are limited to the following:

- a. Parks.
- b. Single Family Dwellings.
- c. Multi-Family Dwellings.
- d. Churches.
- e. Schools.
- f. Home Occupations.
- g. Day Care Homes.
- h. Day Care Facilities.

- i. Manufactured Homes.
- j. Urban Agriculture.

Section 3. Section 4.5.2, Limited Business District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the deletion addition of the underlined language as follows:

4.5.2 Permitted Uses.

Permitted uses in the LB District are limited to the following:

- a. Single Family Dwelling.
- b. Multiple-Family Dwellings.
- c. Dwelling Units within Mixed Use Buildings.
- d. Home Occupations.
- e. Lodging Establishments.
- f. Professional Offices, excluding veterinarians.
- g. Churches.
- h. Schools and other educational services.
- i. Health care and social assistance.
- j. Real estate and property management companies.
- k. Catering Services.
- l. Arts, entertainment and recreation uses (indoor and outdoor).
- m. Personal Services where retail sales are clearly incidental to the principal use and no outside storage yard or facility is required.
- n. All Day Care Businesses.
- o. Manufactured Homes.
- p. Semi-Public Uses.
- q. PWSF's or WCF's, attached to street poles, upon the issuance of a Wireless Permit in accordance with the provisions of Article VIIIA of this Ordinance.
- r. Government offices and public administration, except correctional institutions.
- s. Parks.
- t. Urban Agriculture.

Section 4. Section 4.6.2, Transitional District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.6.2 Permitted Uses.

Permitted uses for the TN District are limited to the following:

- a. Single Family Dwellings.
- b. Mixed Use Buildings.
- c. Home Occupations.
- d. Professional Offices
- e. Day Care Homes.
- f. Day Care Facilities.
- g. Manufactured Homes.
- h. Churches.
- i. Parks.
- j. Urban Agriculture.

Section 5. Section 4.2.2, Limited Residential District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.2.2 Permitted Uses.

Permitted uses for the LR District are limited to the following:

- a. Parks.
- b. Single Family Dwellings.
- c. Churches.
- d. Home Occupations.
- e. Day Care Homes.
- f. Manufactured Homes.
- g. Urban Agriculture

Section 6. Section 7.1, Supplementary Yard Setback Requirements, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

7.1 Supplementary Yard Setback Requirements.

- 7.1.1 Cornices, canopies, eaves or similar roof overhang features and cantilevered balconies may extend into a required yard setback not more than three (3) feet.
- 7.1.2 Fire escapes required by the IBC or IRC may extend into a required yard setback not more than six (6) feet.
- 7.1.3 All portions of a chimney shall not extend into a required yard setback by more than two (2) feet.
- 7.1.4 Bay windows shall not extend into a required yard setback by more than two (2) feet. Such windows shall be a minimum of two (2) feet from the top of the interior floor.
- 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 five (5) feet.
- 7.1.6 Where the required front yard setback exceeds the side yard setback in the zoning district in which a lot is located, the side yard setback along the street of a normal corner lot (not reverse corner lot) shall be not less than two thirds (2/3) the front yard setback requirement.
- 7.1.7 The yard setbacks along the street side(s) of a reverse corner lot shall be not less than the front yard requirement for the zoning district in which the lot is located.
- 7.1.8 Accessory 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.

(Ord. 1006, §2, 05-28-08)

7.1.9 No part of a yard setback required for a building complying with the provisions of this Ordinance shall be included as a yard for another building.

7.1.10 Chicken Coops. Lots with Single Family Dwellings are allowed up to three (3) hens (roosters are prohibited), for Urban Agriculture purposes only, provided the following Chicken Coop requirements are met:

- a. A predator-resistant Chicken Coop is provided which shall include, but is not limited to:
 - i. A roof or cover that fully encloses the coop.
 - ii. Construction made of sturdy and durable materials that prohibit predator access.
 - iii. A door or opening to the coop that can be secured shut.
- b. Any Chicken Coop shall be located in the rear yard only and is subject to the setback requirement for the zoning district in which the lot is located.
- c. The Chicken Coop or the property must be fenced in some manner that the hens are confined to the boundaries of the property.

Section 8. Severability Clause. 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 9. Repealer Clause. All City of Hailey ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

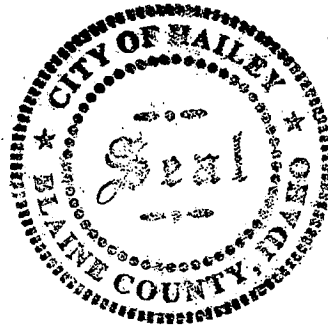
Section 10. Effective Date. This ordinance shall be in full force and effect from and after the required three (3) readings, approval, and publication according to law.

Section 11. Sunset Clause. This ordinance shall expire one (1) year from its date of publication, requiring a separate ordinance to extend or continue the provisions of this ordinance.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE
MAYOR THIS 10th DAY OF May, 2010.

Richard L. Davis

Richard L. Davis, Mayor, City of Hailey



Attest:

Mary Cone

Mary Cone, City Clerk

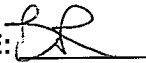
Publish: will publish summary
Idaho Mountain Express *MAC*

AGENDA ITEM SUMMARY

DATE: April 26, 2010

DEPARTMENT: Planning

DEPT. HEAD SIGNATURE: _____



SUBJECT: Second Reading Ordinance 1055 – amendments to Zoning Code related to urban agriculture and chicken coops.

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

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

On April 12, 2010, the Hailey City Council approved and authorized the mayor to conduct the first reading of Ordinance 1055 by title only. In the motion to approve the ordinance was amended to include a sunset clause of one year and specific standards for predator resistant chicken coops (7.1.10). The Ordinance attached includes these changes.

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 checked="" 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:

Review the Ordinance and authorize the mayor to conduct the second reading of Ordinance 1055.

ADMINISTRATIVE COMMENTS/APPROVAL:

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

ACTION OF THE CITY COUNCIL:

Date 4/26 - ~~2010~~ 2nd Reading conducted
5/10 - 3rd Reading & authorization for Mayor to sign

City Clerk _____

FOLLOW-UP:

*Ord./Res./Agmt./Order Originals: Record *Additional/Exceptional Originals to: _____
Copies (all info.): _____ Copies (AIS only) _____
Instrument # _____