

# City of Hailey Planning Department

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## MEMORANDUM

**TO:** Hailey Planning and Zoning Commission  
**FROM:** Mariel Platt, Planner  
**RE:** Zoning Ordinance Amendment – Article 4.13, Townsite Overlay  
**DATE:** June 1, 2009

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### Procedural History

On May 4, 2009, the Commission requested investigation into 1) whether the removal or vacation of lot lines required a plat, which is required to be surveyed for accuracy or if lot lines could be vacated by a legal description alone and 2) whether an amendment could occur, which would state that contiguous lots held in the same ownership would measure setbacks from the outer boundary of the multiple lots; essentially, treating the lots as one single lot.

### Discussion

The removal or vacation of lot lines does require a plat. All plats that are recorded must be verified by an Idaho Professional Land Surveyor, in accordance with Idaho Code. Therefore, this would not eliminate any financial cost associated with requiring lot lines to be vacated.

After doing further research, staff concluded that Section 4.13.8 attempts to avoid creating new nonconformities and increasing the degree of nonconformity relative to Original Townsite lots. Adding language which would measure the setbacks from the external boundary of multiple Original Townsite lots does not take into account the standards for the expansion of non-conforming buildings (Section 13.6).

Instead of pursuing the creation of a definition for “new building” staff recommends amending Section 4.13.8 to better make the connection to Section 13.6.

#### *4.13.8 Lot Line Vacations.*

*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), and if a proposed new building or addition increases the degree of nonconformity or creates a new nonconformity, any ~~the~~ internal Original Townsite lot line(s), located underneath the existing or proposed new building ~~or~~ and located within a required setback of proposed new and existing buildings, measured from the nearest adjacent Original Townsite lot line, shall be vacated prior to the issuance of a Building Permit for any new building. Vacation of lot line(s) shall occur regardless of whether setbacks are met relative to the boundary of the parcels held*

*in single ownership.*

These changes to 4.13.8 eliminate the need to define new building. The language added to this section is consistent with the language used in Section 13.6, Expansion of Non-conforming Buildings. With the added language, Section 4.13.8 would clarify that a building could be added on to without the removal of internal lot lines, as long as the setbacks measured from the nearest underlying Original Townsite lot line, were met. An applicant proposing to build over any portion of a Original Townsite lot line, which isn't already built over, would have to vacate the underlying lot lines, prior to receiving a building permit and regardless of whether this was an addition or 100% construction of a new building.

**Summary**

The Commission should discuss whether the direction of the proposed change would help strengthen the zoning ordinance. If the Commission determines that an amendment to Section 4.13.8 would be beneficial, instead of the original amendment to Section 2, a new public hearing will be scheduled to amend Section 4.13.8.