

4.13 TOWNSITE OVERLAY DISTRICT (TO)

4.13.1 Purpose

The purpose of the Townsite Overlay District is to promote the health, safety and welfare of current and future residents of the City of Hailey; to modify the bulk requirements of certain zoning districts in order to better respond to the unique conditions and circumstances of the Original Hailey Townsite; to encourage infill while retaining neighborhood character; to increase the compatibility and lessen the degree of non-conformity of existing structures; to create sufficient flexibility to allow for desirable development; to conserve building resources; and to enhance neighborhoods with increased pedestrian orientation, all in accordance with the City of Hailey Comprehensive Plan, for the desirable future development of the City of Hailey.

4.13.2 Establishment of the Townsite Overlay District

The Townsite Overlay District is hereby established for all properties lying within the boundaries shown on the attached map, incorporated by reference herein. The Overlay District applies to these properties regardless of zoning district designation.

4.13.3 General Application

The Townsite Overlay District shall be an overlay district and set forth use and bulk requirements for buildings and structures located within the Townsite Overlay District. Where the regulations specified in this Section differ from corresponding regulations specified for the underlying zoning district, the requirements of this Section shall apply and control.

4.13.4 Use Restrictions

Permitted, Conditional, and Accessory uses shall be the same as those uses in the underlying zoning district, except as follows:

- a. One attached or detached accessory dwelling unit shall be allowed as an accessory use to a single family dwelling, without consideration of underlying zoning district, on lots of 7,000 square feet or larger, provided the bulk requirements set forth in 4.13.6 below are met.

4.13.5 Planned Unit Developments

The minimum gross size for properties that may be developed as a Planned Unit Development shall be 18,000 square feet. All land within the development shall be contiguous, except for intervening alleys.

4.13.6 Bulk Requirements (For other supplementary location and bulk regulations, see Article VII.)

- a. **Minimum Lot Size –**
Business district: see underlying zoning requirements.
Limited Business, Transitional, General Residential districts: 4,500 square feet.
Limited Residential-1 district: 6,000 square feet.
Original Townsite Lots that are slightly less than 3,000 square feet (in blocks where lots are 25 feet wide) or 3,600 square feet (in blocks where lots are 30 feet wide) may be

rounded up to 3,000 square feet or 3,600 square feet, as the case may be, provided that the original Townsite Lot meets the definition of a Lot of Record.

- b. Minimum Lot Width –
Business district: see underlying zoning requirements.
Limited Business, Transitional, General Residential districts: 37.5 feet.
Limited Residential-1 district: 50 feet.
- c. Maximum Building Height –
Business district: The maximum building height in the Business district shall be 35 feet, except a building containing at least one residential dwelling unit shall have a maximum height of 40 feet. Any building exceeding 30 feet shall comply with relevant sections and appendices of the IFC, including but not limited to fire access lanes, provisions for exterior roof access, and provision of sprinkler systems. No building may exceed three stories from the reference street* frontage.
(*Reference streets: River Street, Main Street, First Avenue, Second Avenue. If a lot does not have frontage on any of these streets, then the street fronting the lot becomes the reference street.)
Limited Business district: 35 feet.
Transitional, General Residential, Limited Residential-1 districts: 30 feet
- d. Minimum Setbacks in LR, GR, TN, and LB Districts:
 - 1. Setback from any street right-of-way – twelve (12) feet. The following exceptions apply:
 - a. Unenclosed features of a residence (e.g. front porches, stoops, and decks without walls) shall be no closer than five (5) feet to the lot line. Such features do not include carports.
 - b. No garage door shall be within twenty (20) feet of any street right-of-way, as measured from the garage door to the street providing access to the garage.
 - 2. Setback from any alley right-of-way – six (6) feet. There shall be a six (6) feet horizontal separation between any building and a water meter vault. (Water meter vault and water service line locations may be moved at the property owner’s expense, subject to notification and approval by the City.)
 - 3. Setback from any Idaho Transportation Department/Wood River Trail right-of-way – five (5) feet. The following exception applies:
 - a. No garage door shall be within twenty (20) feet of the right-of-way, as measured from the garage door to the right-of-way, where this right-of-way provides access to the garage.
 - 4. Setback from property lines abutting other private property --
 - a. Base setback – fifteen percent (15%) of lot width, or 10 feet, whichever is less. However, no such setback shall be less than six (6) feet. (See Table 1)
 - b. Any wall, as measured from the highest point including any gable or peak in a direct vertical line to record grade, shall have a setback of one (1) foot for every two and a half (2.5) feet of wall height (see Diagram 1 and Table 2), but not less than the base setback noted in subsection (a) above, regardless of underlying zoning.
 - c. Roof overhangs, fire escapes, standard chimneys, bay windows and other features, which are subject to Section 7.2 of this Ordinance (Supplementary Yard Regulations), shall not have a setback less than five (5) feet from property lines abutting other private property.

- d. Wainscot detail not higher than three (3) feet as measured from record grade may intrude not more than six (6) inches into the required setback.
- e. The Townhouse sub-lot side yard setback along the common wall boundary line shall be zero feet.
- e. Minimum Setbacks in the B District - None, except as follows:
 - 1. Townhouse Units shall be allowed zero setbacks from the lot lines created by a Townhouse Sub-Lot; and
 - 2. The separation of the buildings containing Townhouse Units in a Townhouse Development parcel shall be not less than six (6) feet as measured between any wall or any projection of a building, including but not limited to eaves, cornices, canopies or other similar roof overhang features, pergolas, chimney chases, bay windows, decks, steps, wainscot, and utility meters; or the minimum distance required by the IBC and IFC, whichever is greater.
- f. Accessory dwelling units shall have a minimum gross floor area of 300 square feet and a maximum gross floor area of 900 square feet.
- g. Maximum lot coverage:
 - Business district: no maximum.
 - Limited Business district: 70%.
 - Transitional district: 30% except as follows: 40% lot coverage shall be allowed where at least 75% of required parking spaces are enclosed within a structure.

General Residential, Limited Residential-1 districts:

Building Height	Maximum Lot Coverage
2 or more stories above grade, no garage	25%
2 or more stories above grade, with garage	30%
Less than 2 stories above grade, no garage	35%
Less than 2 stories above grade, with garage	40%

- h. Maximum Multi-family Residential Density – see underlying zoning requirements.
- i. Maximum Lot Size—
 - Business, Limited Business, Limited Residential-1 districts: no maximum.
 - Transitional, General Residential: 18,000 square feet

4.13.7 Non-Conforming Buildings

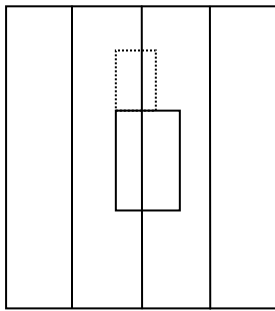
Where an existing building is non-conforming with respect to setbacks, expansion of said building within the plane of the furthest intrusion shall be permitted, provided that the non-conformity with respect to the distance of the setback is not further increased. Such expansion shall not be considered to be increasing the degree of non-conformity pursuant to Section 13.6 of this Ordinance. The following exceptions apply:

- a. In no case may expansion occur that results in a setback of less than six (6) feet from property lines abutting other private property.
- b. Any wall, as measured from the highest point including any gable or peak in a direct vertical line to record grade, shall have a setback of one (1) foot for every two and a half (2.5) feet of wall height (see Diagram 1 and Table 2), but not less than six feet from property lines abutting other private property, regardless of underlying zoning.

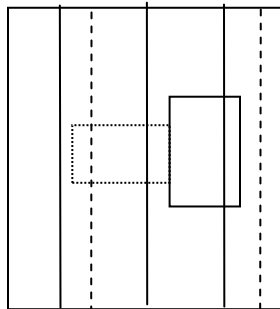
- c. No roof overhangs, fire escapes, chimneys, bay windows or other features, which are subject to Section 7 of this Ordinance (Supplementary Yard Regulations), shall have a setback less than five (5) feet from property lines abutting other private property.

4.13.8 Lot Line Vacations

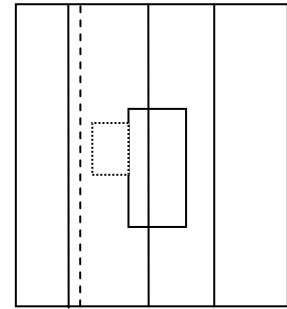
If a parcel in single ownership consists of two (2) or more Original Townsite lots, or a combination of lot(s) and portions of lot(s), each internal Original Townsite lot line(s) shall be vacated prior to the issuance of a certificate of occupancy if either of the following criteria applies: 1) a proposed 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.



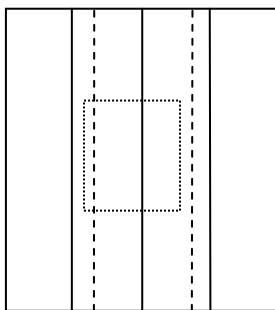
No lot line vacation is required.



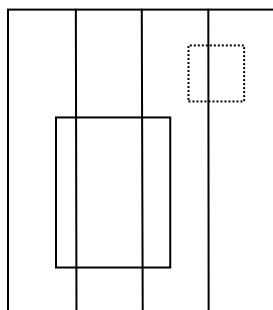
Both lot lines underlying the existing and new buildings and the lot line nearest to the new structure must be vacated when a new structure is within the required side yard setback or is built over a lot line, which was not previously built over.



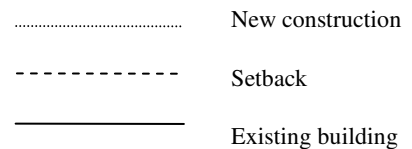
No lot line vacation is required.



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.



(Ord. 1031, §1, 09/30/2009)

DIAGRAM 1

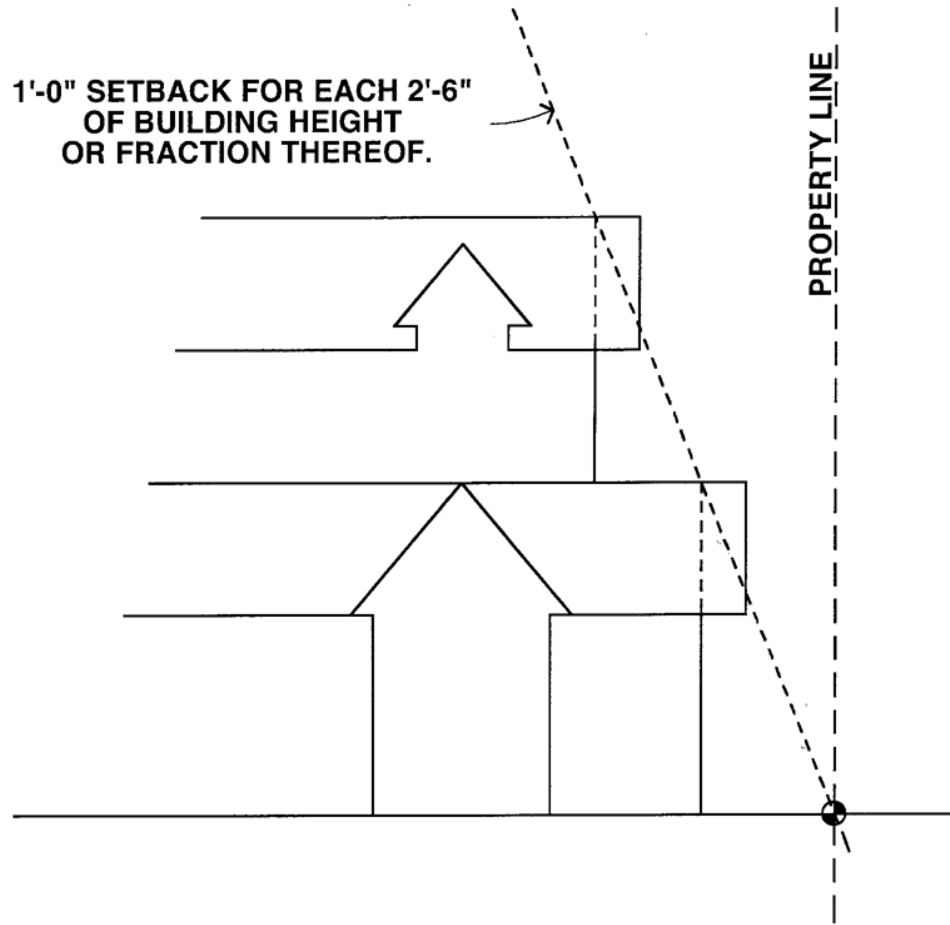


TABLE 1

<u>Lot Width</u> (in feet)	<u>Base Setback</u> (in feet)
40 or less	6
45	6.75
50	7.5
55	8.25
60	9
65	9.75
67 or more	10

TABLE 2

<u>Wall Height</u> (in feet)	<u>Setback</u> (in feet)
15	6
17.5	7
20	8
22.5	9
25	10
27.5	11
30	12
32.5	13
35	14