

**ORDINANCE NO. 1186**

**AN ORDINANCE OF THE CITY OF KETCHUM, BLAINE COUNTY, IDAHO, AMENDING TITLE 17, THE ZONING ORDINANCE, OF THE KETCHUM MUNICIPAL CODE BY AMENDING SECTION 17.128.020 SUPPLEMENTARY YARD REGULATIONS; 17.96.010 APPLICABILITY; 17.96.030 IMPROVEMENTS AND STANDARDS; 17.88.050.E CRITERIA FOR EVALUATION OF APPLICATIONS; 17.104.070.A CRITERIA AND STANDARDS; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION BY SUMMARY; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City of Ketchum is authorized to amend the city zoning ordinance pursuant to Idaho Code § 67-6511; and

WHEREAS, the encroachment of below grade structures into setbacks required for above grade structures has been found to have no significant impact on visual character and density; and

WHEREAS, measures to ensure below grade structure will not conflict with sensitive soils, riparian areas adjacent to rivers and creeks, drainage patterns, and required easements are included in the proposed text amendments; and

WHEREAS, all proposed encroachments of below grade structures into required setbacks will be subject to Design Review, thereby ensuring a public review process; and

WHEREAS, the Ketchum City Council, having reviewed the proposed text amendments, held public hearings on July 2<sup>nd</sup>, and July 16<sup>th</sup>, 2018 found that the proposed amendments comply with the 2014 Comprehensive Plan; and

WHEREAS, the Ketchum City Council having considered the recommendation of the Planning and Zoning Commission and submitted comments and testimony from the public, having determined that it is in the best interests of the public and adopt the proposed text amendments to Title 17, Zoning Ordinance;

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KETCHUM**

**Section 1: CHAPTER 17.18.020 TERMS DEFINED IS HEREBY AMENDED AS FOLLOWS:**

SETBACK: The minimum horizontal distance between a specified lot line (front, side, rear), measured along a straight line and at a right angle to such lot line, and the nearest point of an above grade or below grade building or structure; below grade structures may encroach into required setbacks subject to Section 17.128.020.K.

**Section 2: SECTION 17.128.020 SUPPLEMENTARY YARD REGULATIONS IS HEREBY AMENDED AS FOLLOWS:**

17.128.020.K. Encroachments of below grade structures into required setbacks are permitted provided all of the following standards are met:

1. Proposed encroachments shall receive Design Review approval from the Planning and Zoning Commission; and
2. Below grade encroachments into the riparian setback are not permitted; and
3. Construction activity shall not occur on adjacent properties; and
3. Encroachment of below grade structures into required setbacks shall not conflict with any applicable easements, existing underground structures, sensitive ecological areas, soil stability, drainage, other sections of the Municipal Code or other regulating codes such as adopted International Code Council codes, or other site features concerning health, safety, and welfare; and
3. Egress openings required by adopted International Code Council codes shall not encroach in required setbacks; and
4. Below grade encroachments into required setbacks shall be located entirely below natural, existing, or finished grade, whichever is lowest; and
5. The ground above below grade encroachments within required setbacks that is not otherwise covered by permitted decks, fences, hedges and walls shall be suitably landscaped in keeping with the general character of the surrounding neighborhood or as otherwise required by the municipal code.
  - a. Required landscape plans shall address the compatibility of proposed landscaping with the below grade structure, including any necessary irrigation; and
6. Below grade encroachments into required setbacks shall not interfere with drainage.
  - a. Required drainage plans shall address the ability of drainage to be managed on the subject property with respect to underground encroachments into required setbacks.

**Section 3: SECTION 17.96.010 APPLICABILITY IS HEREBY AMENDED AS FOLLOWS:**

A. Design Review: Design review is required for building, developing, or substantially altering the exterior of the following buildings or projects in all zoning districts:

1. Nonresidential use.
2. Public or semipublic use.
3. Multi-family dwellings, including attached and detached townhomes.
4. Mixed use.
5. Any structure with an original construction date of 1940 or earlier.
6. Any encroachment of a below grade structure in a required setback.

**Section 4: SECTION 17.96.030 IMPROVEMENTS AND STANDARDS IS HEREBY AMENDED AS FOLLOWS:**

17.96.030.K. Underground Encroachments:

1. Encroachments of below grade structures into required setbacks are subject to Section 17.128.020.K and shall not conflict with any applicable easements, existing underground structures, sensitive ecological areas, soil stability, drainage, other sections of the Municipal Code or other regulating codes such as adopted International Code Council codes, or other site features concerning health, safety, and welfare.
2. No below grade structure shall be permitted to encroach into the riparian setback.

**Section 5: SECTION 17.88.050.E CRITERIA FOR EVALUATION OF APPLICATIONS IS HEREBY AMENDED AS FOLLOWS:**

E. Criteria For Evaluation Of Applications: The criteria of floodplain development permit applications, waterways design review applications, and stream alteration permit applications shall be as follows:

1. Preservation or restoration of the inherent natural characteristics of the river and creeks and floodplain areas. Development does not alter river channel.
2. Preservation or enhancement of riparian vegetation and wildlife habitat, if any, along the stream bank and within the required minimum twenty five foot (25') setback or riparian zone. No construction activities, encroachment or other disturbance into the twenty five foot (25') riparian zone, including encroachment of below grade structures, shall be allowed at any time without written City approval per the terms of this chapter.

**Section 6: SECTION 17.104.070.A CRITERIA AND STANDARDS IS HEREBY AMENDED AS FOLLOWS:**

17.104.070.A.16. Encroachments of below grade structures into required setbacks are subject to Section 17.128.020.K and shall not conflict with any applicable easements, existing underground structures, sensitive ecological areas, soil stability, drainage, other sections of the Municipal Code or other regulating codes such as adopted International Code Council codes, or other site features concerning health, safety, and welfare.

**Section 7. REPEALER CLAUSE.** All City of Ketchum Ordinances or parts thereof which are in conflict herewith are hereby repealed.

**Section 8. SAVINGS AND SEVERABILITY CLAUSE.** It is hereby declared to be the legislative intent that the provisions and parts of this Ordinance shall be severable. If any paragraph, part, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid for any reason by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

**Section 9: PUBLICATION.** This Ordinance, or a summary thereof in compliance with Section 50-901A, Idaho Code, substantially in the form annexed hereto as Exhibit A shall be published once in the official newspaper of the City, and shall take effect immediately upon its passage, approval, and publication.

**Section 10. EFFECTIVE DATE.** This Ordinance shall be in full force and effect after its passage, approval and publication according to law.

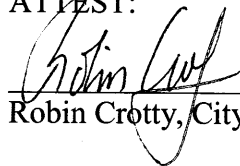
PASSED by the CITY COUNCIL and APPROVED by the MAYOR of Ketchum, Idaho on July 16<sup>th</sup>, 2018.

APPROVED:



Neil Bradshaw, Mayor

ATTEST:

  
Robin Crotty, City Clerk

## PUBLICATION OF SUMMARY OF ORDINANCE NO. 1186

**AN ORDINANCE OF THE CITY OF KETCHUM, BLAINE COUNTY, IDAHO, AMENDING TITLE 17, THE ZONING ORDINANCE, OF THE KETCHUM MUNICIPAL CODE BY AMENDING SECTION 17.128.020 SUPPLEMENTARY YARD REGULATIONS; 17.96.010 APPLICABILITY; 17.96.030 IMPROVEMENTS AND STANDARDS; 17.88.050.E CRITERIA FOR EVALUATION OF APPLICATIONS; 17.104.070.A CRITERIA AND STANDARDS; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION BY SUMMARY; AND PROVIDING AN EFFECTIVE DATE.**

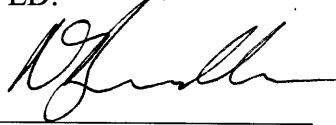
A summary of the principal provisions of Ordinance No. 1186 of the City of Ketchum, Blaine County, Idaho, adopted on July 16<sup>th</sup> 2018, is as follows:

- SECTION 1.** Amends Section 17.18.020, Terms Defined, to allow below grade structures to encroach into required setbacks subject to Section 17.128.020.K of the zoning code.
- SECTION 2.** Amends Section 17.128.020.K, to define standards that all below grade encroachments into setbacks must meet.
- SECTION 3.** Amends Section 17.96.010, Applicability, to require Design Review with the Planning and Zoning Commission for all below grade encroachments into setbacks.
- SECTION 4.** Amends Section 17.96.030, Underground Encroachments, require all underground encroachments into setbacks to be subject to Section 17.128.020.K of the zoning code.
- SECTION 5.** Amends Section 17.88.050.E, Criteria for Evaluation of Applications, to prohibit below grade encroachments of structures into riparian areas.
- SECTION 6.** Amends Section 17.104.070.A, Criteria and Standards, to require all underground encroachments into setbacks to be subject to Section 17.128.020.K of the zoning code.
- SECTION 7.** Provides for a repealer clause.
- SECTION 8.** Provides a savings and severability clause.
- SECTION 09.** Provides for publication of this Ordinance by Summary.
- SECTION 10.** Establishes an effective date.

The full text of this Ordinance is available at the City Clerk's Office, Ketchum City Hall, 480 East Avenue North, Ketchum, Idaho 83340 and will be provided to any citizen upon

personal request during normal office hours.

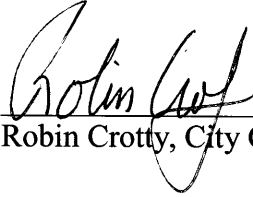
APPROVED:



Neil Bradshaw, Mayor



ATTEST:



Robin Crotty, City Clerk