

## ORDINANCE NUMBER 884

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, AMENDING KETCHUM MUNICIPAL CODE TITLE 16, CHAPTER 16.04, SUBDIVISIONS; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; AND, PROVIDING AN EFFECTIVE DATE.

WHEREAS, Municipal Code Title 16 states that the purpose of Ketchum's Subdivision Ordinance is to protect and promote the public, health, safety, convenience, and welfare by establishing regulations and a process of review for all proposed subdivision of land, including lot splits and lot line shifts.

WHEREAS, the Subdivision Ordinance establishes regulations and standards that protect and conserve wildlife, streams, natural topography and other desirable natural features by providing for maximum retention of natural topographic features and qualities.

WHEREAS, the Subdivision Ordinance requires that subdivisions designate areas of 25% and greater to be excluded from the buildable area of a lot, through the designation of building envelopes.

WHEREAS, the current ordinance contains language within the Definitions section that is regulatory in nature and should be located in the Design Standards section.

WHEREAS, the current language is not clear with regard to small pockets of 25% slope or steep areas that are not considered to be on a hillside.

WHEREAS, certain situations, including land that has no other building area and small areas that are not contiguous to the overall hillside, may warrant a waiver to the 25% slope building restriction.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Ketchum, Idaho:

SECTION 1. That Chapter 16.04 of Municipal Code Title 16, Subdivisions, of the City of Ketchum, Idaho is hereby amended, altered and changed by adding thereto the words underlined hereinbelow, to-wit:

### Section 16.04.020

**“Lot, buildable”** means a lot that contains land outside of the floodway which conforms to all ordinance requirements and where the slope ~~does not exceed~~ is less than twenty-five (25) percent. ~~Structures may only be built on buildable lots.~~

## Section 16.04.040, Development and Design.

### F. Lot and Block Requirements.

2. Whenever a proposed subdivision contains lot(s), in whole or part, within the floodplain, or which contain land with a slope in excess of twenty-five (25) percent based upon natural contours, or create corner lots at the intersection of two or more streets, building envelopes shall be shown for the lot(s) so affected on the preliminary and final plats. The building envelopes shall be located in a manner designed to promote harmonious development of structure, minimize congestion of structures, provide open space and solar access for each lot and structure. Also building envelopes shall be located to promote access to the lots and maintenance of public utilities, to minimize cut and fill for roads and building foundations, and minimize adverse impact upon environment, water courses and topographical features. Structures may only be built on buildable lots. Lots shall only be created that meet the definition of "buildable lot". Building envelopes shall be established outside of hillsides of 25% and greater and outside of the floodway. A waiver to this standard may only be considered for the following:

1) for lot line shifts of parcels that are entirely within slopes of 25% or greater or that do not have sufficient area outside of slopes of 25% or greater to create a reasonable building envelope, and Mountain Overlay Design Review Standards and all other City requirements are met.

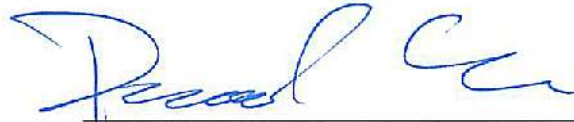
2) for small, isolated pockets of 25% or greater that are found to be in compliance with the purposes and standards of the Mountain Overlay District and this section.

SECTION 3. 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 4. REPEALER CLAUSE. All City of Ketchum ordinances or resolutions or parts thereof which are in conflict herewith are hereby repealed.

SECTION 5. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval and publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF KETCHUM, IDAHO and approved by the Mayor this 15<sup>th</sup> day of October, 2001.



David Hutchinson  
Mayor



SANDRA E. CADY  
City Clerk

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