ORDINANCE NUMBER 893

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, AMENDING SUBDIVISIONS, TITLE 16, SECTION 16.04.020, DEFINITIONS; AMENDING STREET STANDARDS, TITLE 12, SECTION 12.04.030.A, RIGHT-OF-WAY; ADDING A NEW SUBSECTION PROVIDING FOR PRIVATE STREET WIDTHS; AMENDING LAND USE CODE, TITLE 17, SECTION 17.08.020, DEFINITIONS; PROVIDING A SAVINGS AND SEVERABLILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The current provisions pertaining to Private Driveways in the City's Subdivision Chapter and Street Standards Chapter are inconsistent;

WHEREAS, The current definitions does not provide for a difference between parking access and private streets;

WHEREAS, The current mandatory width for private streets requires the majority of persons to seek a waiver;

WHEREAS, the Planning and Zoning Commission has held the required public hearings and has recommended the following amendments and additions to address the above concerns;

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

SECTION 1. That Subdivision Code, Section 16.04.020, Definitions, be amended, altered and changed by deleting the words lined out and adding thereto the words underlined hereinbelow, as follows:

Section 16.04.020 Definitions.

"Driveway" means a nondedicated vehicular access constructed on private property which provides vehicular and/or pedestrian access to not more than four (4) dwelling units (excluding accessory dwelling units) and is constructed in conformance with the applicable adopted street standards~~, except the minimum width may be not less than twenty (20) feet~~ and Uniform Fire Code.

"Street, private" means a street constructed on private property, which provides vehicular and pedestrian access to multiple family dwelling units or more than four (4) dwelling units (excluding accessory dwelling units) and constructed to standard street specifications and Uniform Fire Code, however, not accepted for ~~a~~ dedication or maintenance ~~street specifications~~ by the City.

SECTION 2. That Street Standards, Subsection 12.04.030.A, Design Criteria, Right-of-Way, be amended, altered and changed by deleting the words lined out and adding thereto the words underlined hereinbelow, as follows:

A. Right-of-Way. All public street rights-of-way shall be at least sixty (60) feet unless otherwise approved by the City Council. Additional widths may be specified by the City. Greater widths will be required for cul-de-sacs. All right-of-ways intended for public street maintenance shall be dedicated to the public as provided for in the Idaho Code. All alleys ~~and/or private driveways~~ shall have a minimum right-of-way width of twenty (20) feet. All private streets shall have a minimum right-of-way equal to the width of the street improvements, including but not limited to, sidewalk, curb and gutter, utilities and snow storage, or as otherwise approved by the City Council.

SECTION 3. That Section 12.04.030, Design Criteria, Subsection B, Street Widths, be amended by adding the following subsection:

5. The unobstructed, all-weather surface of a private street shall not be less than twenty (20) feet nor wider than thirty (30) feet unless otherwise approved by the City Council.

SECTION 4. That Zoning Code Title 17, Section 17.08.020 be amended by adding the following definition alphabetically:

Section 17.08.020 Definitions.

. . .

"Parking access/entrance" means a way or means of vehicular and pedestrian approach for all uses, except less than four (4) dwelling units (excluding accessory dwelling units) to provide access to off-street parking spaces from a public or private street into private property, excluding underground parking ramps. The unobstructed, all-weather surface of a parking access shall not be less than twenty (20) feet nor wider than thirty (30) feet unless otherwise approved by the City of Ketchum and is constructed in conformance with the adopted street standards and Uniform Fire Code (see Illustration C).

SECTION 5. 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 6. REPEALER CLAUSE. All City of Ketchum Ordinances or Resolutions or parts thereof which are in conflict herewith are hereby repealed.

SECTION 7. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

PASSED by the Ketchum City Council and APPROVED by the Mayor of Ketchum on this 20th day of May, 2002.

Edward Simon, Mayor

ATTEST:

Sandra E. Cady, City Clerk

Publish: Idaho Mountain Express
May 28, 2002