ORDINANCE NUMBER 943

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, AMENDING STREET CODE TITLE 12, CHAPTER 12.04: DESIGN CONSTRUCTION AND REPAIR; SECTION 12.04.030, DESIGN CRITERIA; SUBDIVISION CODE TITLE 16, CHAPTER 16.04: SUBSECTION 16.04.040(H), DEVELOPMENT AND DESIGN; ZONING CODE TITLE 17, CHAPTER 17.128: SUPPLEMENTARY LOCATION AND BULK REGULATIONS ADDING NEW LANGUAGE REGARDING THE INSTALLATION OF GATES ON PUBLIC AND PRIVATE ROADS; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Department Staff have determined that Policy 4.9.7 of the 2001 Ketchum Comprehensive Plan prohibits the installation of gates on public and private roads;

WHEREAS, no other City documents have language regulating the installation of gates;

WHEREAS, the amendment will formalize the Comprehensive Plan policy by amending the appropriate codes to prohibit gated communities;

WHEREAS, at their October 25, 2004 meeting, the Planning and Zoning Commission gave their recommendation to the City Council to approve the amendment as proposed; and,

WHEREAS, at their December 6, 2004 meeting, the City Council held a public hearing on the proposed amendment.

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

SECTION 1. That Street Code Title 12, Section 12.04.030; Subdivision Code Title 16, Subsection 16.04.040(H); and, Zoning Code Title 17, Section 17.128 of the City of Ketchum, Idaho is hereby amended, altered and changed by adding the words underlined hereinbelow, as follows:

TITLE 12, KETCHUM STREET CODE

STREETS, SIDEWALKS, PUBLIC UTILITY EASEMENTS AND PUBLIC PLACES

12.04.030 Design Criteria.

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 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 no limited to, sidewalk, curb and gutter, utilities and snow storage, or as otherwise approved by the City Council. Gates are prohibited on private roads and parking access/entranceways; private driveways accessing more than one (1) single family dwelling unit and one (1) accessory dwelling unit; and, public rights-of-way unless approved by the City Council.

L. Private Driveways.

1. Procedure for Obtaining Approval. Application for approval of a proposed private driveway shall be made to the Ketchum building department on forms provided by the city. Driveways existing as of the effective date of this chapter that do not conform to the standards and criteria contained herein shall not be required to comply with said chapter until such time as said existing driveways are proposed to be expanded, extended, widened or otherwise improved, not including resurfacing only.
2. Information to be provided along with said application shall include, but not be limited to: scaled plans of the proposed private driveway showing: a) turning radii; b) final grades; c) turnaround for fire and emergency vehicle apparatus, if required; d) profile illustrating cuts and/or fills required to achieve the proposed final grades; e) the subject property and proposed building site/envelope; f) relationship to adjacent property; g) topography; h) dimensioned widths and lengths.
3. All applications for private driveways shall be reviewed and acted upon following consideration by the city of the following criteria as they apply to each proposal:
   a. Hillside impact;
   b. Preservation of rock outcrops;
   c. Historical significance of affected properties;
   d. Extent of cuts and/or fills;
   e. Impact on or through slopes of twenty-five (25) percent or greater;
   f. Ketchum comprehensive plan;
   g. Aesthetic impacts;
   h. Rock removal;
   i. Visibility;
   j. Exposure to sun;
   k. Curves;
   l. Number of homes served;
   m. Drainage; and/or,
   n. Other applicable ordinances.
4. The city staff may act on applications for the following categories of private driveways, unless it is determined necessary to forward said application to the city council for final determination:
   a. Private driveways up to and including seven percent grade, regardless of length; and,
   b. Private driveways up to and including ten (10) percent grade and where the furthest point of the structure is less than one hundred fifty (150) feet

from the street; or, more specifically, the closest point that fire and emergency apparatus can reach with satisfactory turnaround or egress from the site.

5. The city council shall receive and act on the following categories of private driveways, with input from city staff and any other sources deemed necessary:
   a. Private driveways with grades from seven percent up to and including ten (10) percent where the distance between the furthest point of the structure is greater than one hundred fifty (150) feet from the street; or more specifically, from the closest point that fire and emergency apparatus can reach with satisfactory turnaround or egress from the site;
   b. Private driveways with grades over ten (10) percent, regardless of length; and,
   c. Private driveways of any grade and regardless of length that traverse slope(s) of twenty-five (25) percent or greater and that require extensive cuts and/or fills to construct.
6. The council may require that neighboring property owners shall be notified prior to its final determination on any application it considers.
7. The city may conceptually approve a plan for a private driveway, provided all standards contained in this chapter are met, prior to an application for a building permit being submitted. However, final approval by the city for such private driveway will be necessary prior to issuance of a building permit and prior to commencement of construction. Depending on the impact of the design, location, etc. of the proposed structure for which a building permit is being sought, the conceptual approval of a private driveway may be modified by the city to assure compliance with said standards and with other applicable city ordinances.
8. Construction of a private driveway shall not commence until the city has received an application for a building permit for said property to be accessed and after said permit has been properly issued by the city.
9. General and Specific Standards. All private driveways shall be designed to meet the following minimum standards. More stringent criteria may be specified by the city when such is deemed necessary due to special circumstances, including, but not limited to: traffic volumes, sight distance, drainage problems, aesthetics and driveway usage frequency.
   a. Private driveways shall access no more than four single family dwelling units.
   b. Private Driveway Width. Driveway width shall be sufficiently wide to accommodate anticipated traffic type and volume. The unobstructed, all-weather surface of a private driveway shall not be less than twelve (12) feet nor wider than thirty (30) feet unless otherwise approved by the city.
   c. Private Driveway Turnarounds. Turnarounds adequate for fire apparatus and emergency vehicles may be required by the city depending on the length of the driveway, other factors and other applicable ordinances.

d. Private Driveway Aprons. All private driveway aprons shall be constructed with a radius of not less than ten (10) feet.

e. Private Driveway Skew Angle. All private driveways shall be constructed with an approach skew angle between sixty (60) degrees and one hundred twenty (120) degrees, preferably ninety (90) degrees.

f. Private Driveway Location. All private driveways shall be located where they do not create undue interference or hazard to free movement of normal roadway traffic or pedestrian traffic and provide necessary off-street parking. All private driveways accessing onto collector or arterial roadways shall be designed with turnarounds to eliminate the necessity for backing onto the roadway.

g. Private Driveway Surfacing. Private driveway surfaces shall be constructed of gravel or hard surfacing with sufficient base to support anticipated loads as required by Section 12.04.030.H. All gravel gradation shall be such to permit compaction and minimize raveling of aggregate onto the roadway surface. When deemed necessary by the city, the property owner will be required to furnish and place bituminous surfacing within the roadway right-of-way.

h. Drainage. No private driveway shall drain onto the paved portion of any public or private roadways. Private driveways shall be constructed so as to not impair the drainage within the public or private right-of-way, alter roadway subbase stability or damage adjacent roadway features. Unless specifically deleted by the city, culverts shall be installed under all approaches in the ditch line. Culvert type shall conform to the city street standards. All culverts shall include an approved apron at each end.

i. Private Driveway Gradient. Private driveway grades shall not exceed two and one-half percent for at least twenty (20) feet beyond the roadway shoulder line in order to provide a safe stopping area. A uniform transition from this stopping area to the remainder of the approach will be required.

j. Private Driveway Construction Signing. The owner shall provide all necessary signs, barricades and other traffic control devices deemed necessary by the city to permit construction of the approach and protection of vehicles and pedestrians.

10. Gates are prohibited on private roads, private access/entranceways, and private driveways accessing more than one (1) single family dwelling unit and one (1) accessory dwelling unit.

TITLE 16, KETCHUM SUBDIVISION CODE

Chapter 16.04

SUBDIVISIONS

16.04.040 Development and Design.

H. Street Improvement Requirements -

1. The arrangement, character, extent, width, grade, and location of all streets put in the proposed subdivision shall conform to the comprehensive plan and shall be considered in their relation to existing and planned streets, topography, public convenience and safety, and the proposed uses of the land,
2. All streets shall be constructed to meet or exceed the criteria and standards set forth in Ketchum Ordinance 276, codified in Chapter 12.04, and all other applicable ordinances, resolutions, or regulations of the city of Ketchum or any other governmental entity having jurisdiction thereover, now existing or hereafter adopted, amended or codified,
3. Where a subdivision abuts or contains an existing or proposed arterial street, railroad, or limited access highway right-of-way, the council may require a frontage street, planting strip, or similar design features,
4. Streets may be required to provide access to adjoining lands and provide proper traffic circulation through existing or future neighborhoods,
5. Street grades shall not be less than three-tenths percent and not more than seven percent so as to provide a safe movement of traffic and emergency vehicles in all weather and to provide for adequate drainage and snow plowing,
6. In general, partial dedications shall not be permitted, however, the council may accept a partial street dedication when such a street forms a boundary of the proposed subdivision and is deemed necessary for the orderly development of the neighborhood, and provided the council finds it practical to require the dedication of the remainder of the right-of-way when the adjoining property is subdivided. When a partial street exists adjoining the proposed subdivision, the remainder of the right-of-way shall be dedicated,
7. Dead-end streets may be permitted only when such street terminates at the boundary of a subdivision and is necessary for the development of the subdivision or the future development of the adjacent property. When such a dead-end street serves more than two lots, a temporary turn-around easement shall be provided which easement shall revert to the adjacent lots when the street is extended,
8. A cul de sac, court, or similar type street shall be permitted only when necessary to the development of the subdivision and provided that no such street shall have a maximum length greater than four hundred (400) feet from entrance to center of turn-around, and all cul de sacs shall have a minimum turn-around radius of sixty (60) feet at the property line and not less than forty-five (45) feet at the curb line,
9. Streets shall be planned to intersect as nearly as possible at right angles, but in no event at less than seventy (70) degrees,

10. Where any street deflects an angle of ten (10) degrees or more, a connecting curve shall be required having a minimum center line radius of three hundred (300) feet for arterial and collector streets, and one hundred twenty-five (125) feet for minor streets,
11. Streets with center line off-sets of less than one hundred twenty-five (125) feet shall be prohibited,
12. A tangent of at least one hundred (100) feet long shall be introduced between reverse curves on arterial and collector streets,
13. Proposed streets which are a continuation of an existing street shall be given the same names as the existing street. All new street names shall not duplicate or be confusing with the names of existing streets within Blaine County, Idaho. The subdivider shall obtain approval of all street names within the proposed subdivision from the commission before submitting same to council for preliminary plat approval,
14. Street alignment design shall follow natural terrain contours to result in safe streets, useable lots, and minimum cuts and fills,
15. Street patterns of residential areas shall be designed to create areas free of through traffic, but readily accessible to adjacent collector and arterial streets,
16. Reserve planting strips controlling access to public streets shall be permitted under conditions specified and shown on the final plat and all landscaping and irrigation systems shall be installed as required improvements by the subdivider,
17. In general, the center line of street shall coincide with the center line of the street right-of-way and all crosswalk markings shall be installed by the subdivider as a required improvement,
18. Street lighting may be required by the commission or council where appropriate, and shall be installed by the subdivider as a required improvement,
19. Private streets may be allowed upon recommendation by the commission and approval by the council. Private streets shall be constructed to meet the design standards specified in subsection H.2 of this section,
20. Street signs shall be installed by the subdivider as a required improvement of a type and design approved by the administrator and shall be consistent with the type and design of existing street signs elsewhere in the city,
21. Bridges. Whenever a proposed subdivision requires construction of a new bridge, or will create substantial additional traffic which will require construction of a new bridge or improvement of an existing bridge, said construction or improvement shall be a required improvement by the subdivider. Said construction or improvement shall be in accordance with adopted standard specifications therefore,
22. Sidewalks, curbs, and gutters may be a required improvement installed by the subdivider~~.~~ , and
23. Gates are prohibited on private roads and parking access/entranceways; private driveways accessing more than one (1) single family dwelling unit and one (1) accessory dwelling unit; and, public rights-of-way unless approved by the City Council.

TITLE 17, KETCHUM ZONING CODE

Chapter 17.128

SUPPLEMENTARY LOCATION AND BULK REGULATIONS

17.128.020 Supplementary Yard Regulations.

A. Cornices, canopies, eaves, chimney chases or similar architectural features may extend into a required yard not more than three feet.

B. Fire escapes may extend into a required rear or side yard not more than six feet. Fire escapes in setbacks shall be the minimum size and configuration required by the adopted Uniform Building Code.

C. The side yard along the street side of a corner lot shall be not less than two-thirds the front yard requirement for the district in which the lot is located.

D. In measuring the rear yard of a principal building where the rear lot line abuts an alley, measurement may be made to the centerline of the alley, provided no building is located within the right-of-way of the alley.

E. No part of a yard required for a building for the purpose of complying with the provisions of this Title shall be included as a yard for another building.

F. Any and all structure(s) located adjacent to the Big Wood River, Trail Creek or Warm Springs Creek shall be set back a minimum of twenty-five (25) feet from the mean high water mark of the stream.

G. The regulations of this Chapter do not apply to the CC - Community Core District. The supplementary location and bulk requirements which apply to said zoning district are found in Chapter 17.64.

H. Decks less than thirty (30) inches in height from existing grade may be constructed to the property line. All decks and fences located adjacent to the Big Wood River, Trail Creek and Warm Springs Creek shall be set back a minimum of twenty-five (25) feet from the mean high water mark of the stream.

I. Decks more than thirty (30) inches in height from existing grade at any point shall be subject to setbacks, except in the GR-H, T, T-3000 and T-4000 Zoning Districts. In the GR-H, T, T-3000 and T-4000 Districts, decks more than thirty (30) inches in height from existing grade may be allowed to encroach into the required yard setback up to a maximum one-half the distance of the required yard setback, or four feet, whichever is less, with the issuance of a conditional use permit. In addition to requirements set forth in Chapter 17.116, the following criteria shall apply:

1. A minimum of five feet is maintained between any point of the deck and the property line;
2. The application has been approved by the subject property's homeowners association (if any);

3. Written approval from a majority of owners of property contiguous to the subject property has been obtained;
4. Upper story decks/balconies are cantilevered from the building (no supporting posts are permitted within the required yard setback);
5. No single deck which encroaches into the required yard setback may have a width of greater than four feet nor a floor area of greater than forty-five (45) square feet, subject to design review approval;
6. No deck which encroaches into the required yard setback may be enclosed; and
7. Restrictions on exterior storage of personal property may be required through the design review process. (Ord. 775 § 1, 1999; Ord. 208 § 25.2, 1974)

J. Gates are prohibited on private roads and parking access/entranceways; private driveways accessing more than one (1) single family dwelling unit and one (1) accessory dwelling unit; and, public rights-of-way unless approved by the City Council.

SECTION 2. 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 3. REPEALER CLAUSE. All City of Ketchum Ordinances or resolutions or parts thereof which are in conflict herewith are hereby repealed.

SECTION 4. 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 CITY COUNCIL OF THE CITY OF KETCHUM, IDAHO, and approved by the Mayor this 20th day of December, 2004.

CITY OF KETCHUM, IDAHO

EDWARD SIMON, Mayor

ATTEST:

Sandra E. Cady, CMC
City Treasurer/Clerk

APPROVED AS TO FORM
AND CONTENT:

Benjamin W. Worst
City Attorney

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