City of Ketchum

CITY COUNCIL MEETING AGENDA MEMO

Meeting Date:	November 3, 2025	Staff Member/Dept:	Morgan Landers, AICP – Director of Planning and Building

Agenda Item:	Recommendation to conduct the second reading of Ordinance 1260 for the consolidation of the city's land development regulations.

Recommended Motion:

I move that Ordinance 1260 be read by number and title only and scheduled for the third reading on November 17, 2025.

Reasons for Recommendation:

- As part of the Cohesive Ketchum project, parallel with the update to the comprehensive plan, city staff and Clarion Associates have been working since January 2024 to consolidate the city's land use regulations. Intended to improve usability, eliminate redundancies and contradictions, and clarify regulations, the draft consolidates and restructures Title 17, Zoning Regulations; Title 16, Subdivision Regulations; and portions of Title 12. The draft also updates the city's development review procedures.
- The draft was informed by Code User Survey conducted in 2024 and the Code Advisory Group (CAG), a small committee of representatives from professions that interact with the city's land use regulations most frequently, including architects, landscape architects, civil engineers, and realtors.
- The consolidated regulations provide a more usable foundation for upcoming changes to the land use regulations directed by the comprehensive plan.
- The Planning and Zoning Commission (the "Commission") reviewed and discussed the proposed draft over four meetings including two public hearings. The Commission recommended approval of the draft to City Council on July 22, 2025, with some revisions as noted below and attached.

Policy Analysis and Background (non-consent items only):

At the public hearing and first reading of Ordinance 1260, the City Council directed staff to make the following revisions:

- Remove 16.09.060.E.2.b.2 "Any new construction following demolition shall generally be of similar size, scale, and orientation of the original structure being demolished."
- For Administration and Procedures, the City Council provided direction to change the decision making authority to reflect the following:
  - Minor Subdivisions – staff review, PZ recommendation, City Council final decision
  - Plat Amendments – staff review, City Council final decision

Staff and the consultant have created a clean version of the consolidated land development code included as Exhibit A of Attachment 1 – Ordinance 1260. This version has implemented the requests from the council outlined above and removed all commentary and footnotes in the document in preparation for codification.

Councilmember Hamilton requested further clarification on changes to the nonconformities section of the code. Attachment 2 includes the current nonconformities section of the code for reference. The revised nonconformities section can be found on page 3 of the final draft. Changes include:

- Simplified language to be more user friendly
- Reorganized sections to group content more intuitively - by type of nonconformity rather than action being taken
- Clarified the terms “enlargements and expansions”, “alterations”, and “nonmaterial changes” to provide clarity of what is included in each
- Removal of the 10-year clause and “designed purpose” clause - these clauses are confusing to applicants, are difficult to implement due to city record keeping and age of buildings/uses, and does not encourage nonconforming uses to become conforming
- Addition of requirements for non-conforming buildings within public rights-of-way – the current regulations don’t address these situations, which do exist in the city
- Clarify restrictions around the removal and reconstruction of non-conforming portions of buildings - this clarification makes it clear to applicants what they can and can’t do
- Removal of the restriction that 50% of a building must remain unaltered – this clause is difficult to enforce and results in restrictive reuse of conforming portions of the building

NEXT STEPS:

If the second reading is approved, staff will schedule the third reading for November 17th. Staff is preparing an education and outreach plan to users of the code and feels it prudent to conduct certain outreach efforts prior to the effective date of the ordinance, therefore, Ordinance 1260 has been amended to indicate an effective date of January 1, 2026.

Sustainability Impact:

Phase 3 of the Cohesive Ketchum updates to the land development code will directly implement sustainability goals outlined in the updated comprehensive plan.

Financial Impact:

None OR Adequate funds exist in account:	None

Attachments:

1. Ordinance 1260 with publication summary
2. KMC 17.136 - Nonconformities

City of Ketchum

ATTACHMENT 1:

Ordinance 1260 with exhibits

ORDINANCE 1260

AN ORDINANCE OF THE CITY OF KETCHUM, BLAINE COUNTY, IDAHO, AMENDING KETCHUM MUNICIPAL CODE TITLE 12 – STREETS, SIDEWALKS, PUBLIC UTILITY EASEMENTS AND PUBLIC PLACES TO REMOVE CERTAIN DESIGN AND CONSTRUCTION REQUIREMENTS AND USE OF RIGHTS-OF-WAY; AND TO REPEAL AND REPLACE TITLE 16 – SUBDIVISIONS AND TITLE 17 – ZONING REGULATIONS WITH NEW TITLE 16 – LAND DEVELOPMENT CODE; PROVIDING FOR PUBLICATION BY SUMMARY; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the city's municipal code of ordinances currently contains requirements for the development of land in Titles 12, 16, and 17; and

WHEREAS, due to the location of information in three separate titles, the city has repeatedly received feedback from the community that the land development requirements are not user friendly, contain confusing language, and contain contradicting requirements all resulting in significant issues for the city and applicants late in the development process; and

WHEREAS, the city initiated a process to consolidate the regulations into one location within the municipal code, remove duplications and contradictions, and clearly outline the development processes; and

WHEREAS, the Planning and Zoning Commission held an informational session on April 22, 2025, and two public hearings on June 10 and July 22, 2025, to review Ordinance 1260, as prepared by staff, reflecting feedback from the community; and

WHEREAS, the Planning and Zoning Commission recommended approval of this ordinance at a regular meeting on July 22, 2025; and

WHEREAS, the City Council held two informational sessions on September 15 and October 6, 2025, and a public hearing on October 20, 2025, to review Ordinance 1260, reviewing information from staff, and recommendations from the Planning and Zoning Commission; and

WHEREAS, the City Council held the first reading of Ordinance 1260 on October 20, 2025; and

WHEREAS, The City Council held the second reading of Ordinance 1260 on _____ and the third reading of Ordinance 1260 on _____ resulting in approval of this ordinance; and

WHEREAS, the Planning and Zoning Commission hearings and City Council hearings were duly noticed per the requirements of Idaho Code Section 67-6509; and

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

SECTION 1. AMENDMENTS TO TITLE 12 - STREETS, SIDEWALKS, PUBLIC UTILITY EASEMENTS AND PUBLIC PLACES. That Title 12 of the Ketchum Municipal Code be amended to delete Chapter 12.04 – Design, Construction and Repair, Chapter 12.08 – Excavations and Improvements of City Rights-of-Way and Easements, Chapter 12.12 – Temporary Use of Rights-of-Way, and Chapter 12.20 – Streetscape Standards and re-number all remaining Chapters accordingly.

SECTION 2. REPEAL AND REPLACE TITLE 16 – SUBDIVISION REGULATIONS AND TITLE 17 – ZONING REGULATIONS. That Title 16 – Subdivision Regulations and Title 17 – Zoning Regulations be repealed and replaced with Title 16 – Land Development Code as attached and incorporated as "Exhibit A" to this Ordinance.

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. PUBLICATION: This Ordinance, or a summary thereof in compliance with Section 50-901A, Idaho Code, substantially in the form annexed hereto as Exhibit "B" shall be published once in the official newspaper of the City.

SECTION 6. EFFECTIVE DATE: This Ordinance shall be in full force and effect on January 1, 2026, after its passage, approval, and publication according to law.

PASSED BY THE CITY COUNCIL and APPROVED by the MAYOR OF KETCHUM IDAHO, on this ___ day of _____ 2025.

APPROVED:

_____
Neil Bradshaw, Mayor

ATTEST:

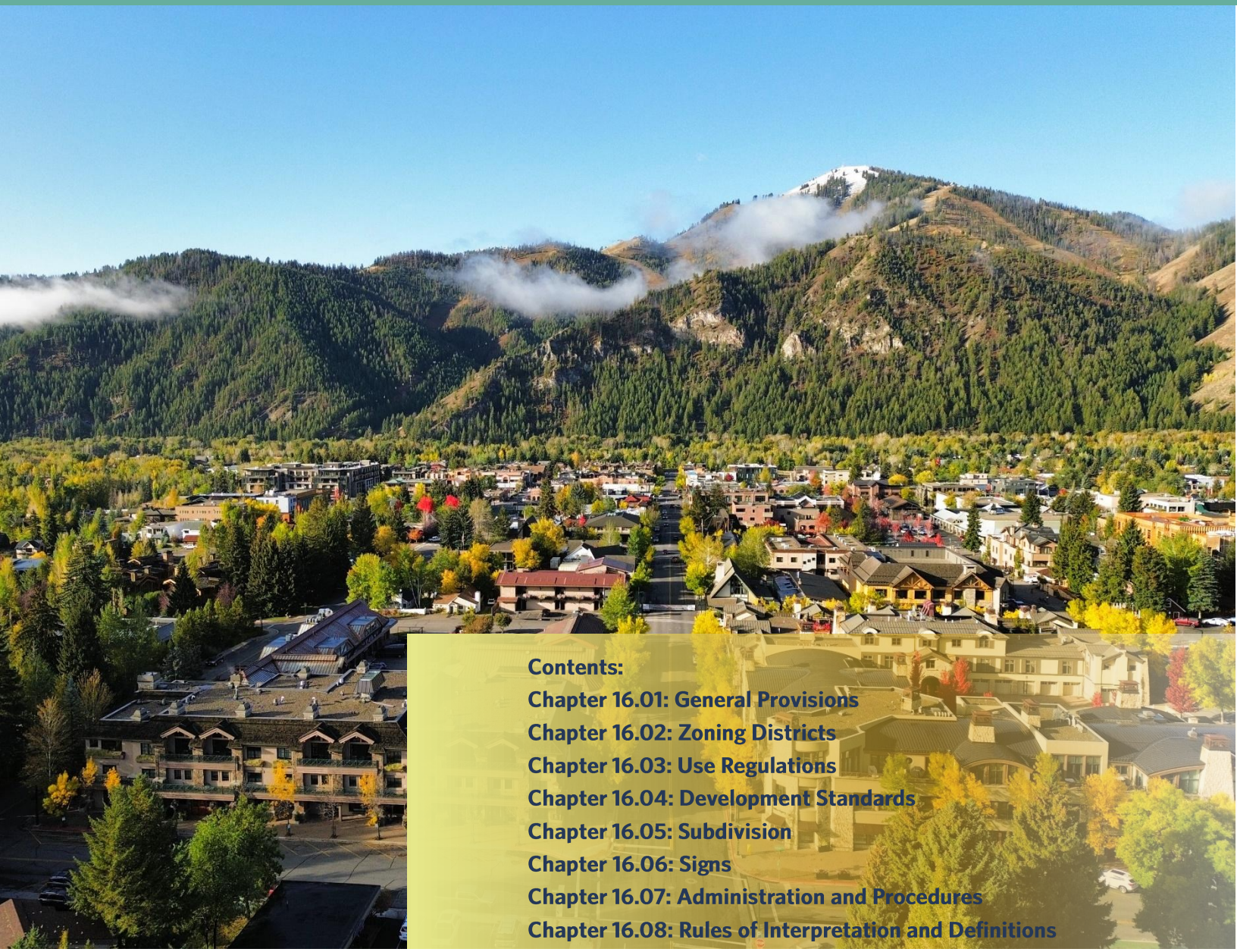
_____
Trent Donat, City Clerk

EXHIBIT A

Ketchum Land Development Code

October 2025

FINAL DRAFT



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Chapter 16.01 General Provisions

16.01.010. Title and Effective Date

A. This document is Title 16 of the Ketchum Municipal Code. It shall be officially known and cited as the "Ketchum Land Development Code," and is referred to internally in this document as "this Code."

B. This Code shall become effective on <>. All references in this Code to the "effective date of this Code" or to the "Effective Date" shall refer to that date unless otherwise stated.

16.01.020. Purpose

These regulations are designed for the purpose of promoting the health, safety, and general welfare of the present and future inhabitants of Ketchum, Idaho, by accomplishing, among others, the following specific purposes:

A. Implement the policies, goals, and strategies adopted by the City of Ketchum ("City");

B. Implement the Comprehensive Plan;

C. Enhance the appearance and quality of development in Ketchum;

D. Provide for a variety of housing and neighborhood types at a range of housing costs;

E. Prevent loss from natural hazards such as flooding, falling rock, landslides, snowslides, debris flow, and unstable soils;

F. Promote sustainable building design and construction practices; and

G. Provide a safe, efficient, and equitable transportation system for pedestrians, bicyclists, transit, and vehicles.

16.01.030. Authority, Applicability, and Jurisdiction

A. Authority

This Code is enacted pursuant to Idaho Code, Title 67, Chapter 65.

B. Applicability

This Code shall apply to all land, buildings, structures, and uses of land located within the City of Ketchum, unless an exemption is granted within this Code.

C. Compliance Required

Except as provided in this Code:

1. No building, structure, or land shall be used, and no building or structure or part shall be erected, constructed, reconstructed, repaired, moved or structurally altered, except in conformance with the regulations specified in this Code for the district in which it is located;
2. No yard, lot or open space be reduced in dimensions or area to an amount less than the minimum requirements set forth in this Code;
3. Uses permitted in each district shall apply to each lot in such district; and
4. No lot shall be created by subdivision or otherwise unless it complies with this Code.

D. Interpretation

In the interpretation and application of this Code, the following regulations shall govern:

1. Provisions are Minimum Requirements.

a. In their interpretation and application, the provisions of this Code shall be regarded as the minimum requirements for the protection of the public health, safety, comfort, morals, convenience, prosperity, and welfare. All provisions shall be liberally construed to further its underlying purposes.

b. Where appropriate for the protection of the public health, safety, convenience, or welfare, more stringent standards may be imposed for discretionary decisions by the Planning and Zoning Commission or City Council.

2. Application of Overlapping Regulations

Whenever the provisions of this Code, or a provision in this Code and any provision in any other ordinance, resolution, rule, or regulation of any kind, contain any restrictions covering the same subject matter, the more restrictive or higher standards or requirements shall govern unless otherwise noted in this Code or the Administrator determines the more restrictive standard prevents development that supports the City's adopted policies, goals, and strategies.

3. Existing Permits and Private Agreements

This Code is not intended to abrogate or annul:

a. Any permits issued before the Effective Date; or

b. Any easement, covenant, or any other private agreement.

4. Authority of City Council

The City Council has the authority and duty to interpret the provisions of this Code at the request of the Administrator or when a written Appeal from a decision of the Administrator is filed.

16.01.040. Transition from Prior Regulations

A. Development Approvals

Any development approved under regulations in effect prior to the effective date of this Code may be carried out under the terms and conditions of the approval and the development standards in effect at the time of approval, provided the approval has not expired and the development complies with any applicable standards of this Code. If the prior approval expires, is revoked, or otherwise becomes invalid, any subsequent development of the site shall be subject to the procedures and standards of this Code.

B. Pending Applications

1. A development application that has been deemed complete pursuant to §16.07.020.C.3 prior to the effective date of this Code may be decided under the regulations in effect when the application was deemed complete, or may be reviewed and decided under this Code at the

request of the applicant. Applications shall not be processed under a combination of prior regulations and this Code.

2. If a Preapplication Design Review is required and has been completed pursuant to the procedure in §16.07.030.C.1, a vested property right shall be created. The voluntary request for a Preapplication Design Review does not create a vested property right.

C. Prior Violations

If a development or activity in violation of the prior development regulations fully complies with this Code, it shall no longer be deemed a violation. Unpaid fees and/or penalties from prior enforcement of violations are still valid and shall remain the responsibility of the violator under the prior regulations

16.01.050. Nonconformities

A. Nonconforming Uses

A nonconforming use may be continued provided it meets the following standards:

1. Change of Use

A nonconforming use may be changed only to a conforming use.

2. Expansion of Use

A nonconforming use shall not be enlarged or expanded. Enlargement and expansions include any increase to floor area of the nonconforming use within an existing or new building. Any building or other structure containing a nonconforming use declared unsafe by the Building Official may be strengthened or restored to a safe condition.

3. Abandonment of Use

A lawful nonconforming use shall be deemed abandoned when the nonconforming use has been replaced by a conforming use or when the nonconforming use has ceased and has not been active for a continuous period of six months. Intent to resume active operations shall not be considered in determining abandonment.

B. Nonconforming Buildings

1. Nonconforming Due to Lack of Parking and Loading

No lawfully existing building shall be deemed to be a nonconforming building solely because of lack of off-street parking and loading spaces, provided that the area being used for off-street parking or loading shall not be further reduced in area or capacity as of the Effective Date.

2. Enlargement or Alteration

a. A nonconforming building shall not be enlarged or extended so as to increase the degree of nonconformity.

b. One-family dwellings in the Community Core District may increase their original square footage by a cumulative 20 percent as of the effective date of the ordinance subject to a Conditional Use Permit per §16.07.030.A.

c. Any additional square footage may be subject to the current requirements of the underlying zoning district at the discretion of the Administrator.

d. Removal and reconstruction of any nonconforming portions of a building is not permitted unless it is declared unsafe by the Building Official in which case it may be structurally strengthened or restored to a safe condition.

e. If a portion of a nonconforming building is located within the public right-of-way, that portion of the building shall not be expanded or altered to increase the existing encroachment. The City Engineer and Streets Department shall determine whether the portion of the nonconforming building that extends into the public right-of-way may remain or if the encroachment must be removed. If the City Engineer and Street Department determine that the portion of nonconforming building that extends into the public right-of-way may remain, the property owner shall enter into a right-of-way encroachment agreement with the City.

3. Restoration

a. A nonconforming building that has been damaged or destroyed by fire or any other calamity, may be restored to its preexisting nonconforming condition if a Building Permit for the work of restoration is obtained within two years of the date of the fire or other calamity and the work of the restoration complies with the international building and fire codes in effect at the time of the issuance of the Building Permit.

b. Nonmaterial changes to the preexisting nonconforming condition may be approved at the City's discretion. Nonmaterial changes include minor repairs and maintenance necessary to correct damage or deterioration to the structural soundness of, or the exterior or interior appearance of a nonconforming building without expanding the height or footprint of the building. If additional square footage is added, that additional square footage may be subject to the current requirements of the underlying zoning district at the discretion of the Administrator.

4. Relief for Structures on the Historic Building/Site List

Any expansion or remodel of a property on the historic building/site list is permitted to match the current setback, height, or other dimensional standard on such property at the time of application.

C. Nonconforming Lots

1. For the purpose of this section, nonconforming lots shall include:
   a. Any lot that did not comply with the minimum lot size requirements at the time the lot was subsequently annexed to the City;
   b. Any lot that was of legal area and dimensions when held in separate ownership from adjoining properties or when platted in a recorded subdivision; and
   c. Any lot that was made nonconforming by virtue of enactment of this Code.
2. A nonconforming lot may be used for construction of a building or establishment of a use allowed in the applicable zoning district, provided that all other zoning district and dimensional standards are met.

16.01.060. Enforcement and Penalties

A. General Provisions

No owner or agent of the owner shall construct, use, or occupy any building, structure, or improvement upon real property or subdivide land in violation of this Code. The landowner, tenant, subdivider, builder, or any other person who commits, allows, participates in, assists in, or maintains such violation shall be found guilty of such a violation. The provisions of this Code shall be enforced in the following manner:

1. A violation of this Code shall be a misdemeanor, punishable by a fine not to exceed $300.00, or imprisonment in the Blaine County Jail for a period not to exceed six months, or both. Each day that such a violation continues shall constitute a separate criminal offense.
2. Appropriate actions and proceedings may be taken at law or in equity to prevent any violation of these regulations, to prevent or rectify illegal subdivisions, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, or to prevent illegal occupancy of a building, structure or premises, and these remedies shall be in addition to the penalties described above.
3. No Building Permit or other land use development approval shall be issued for the construction of any building, structure, or improvement in violation of this Code. The issuance or granting of a permit or approval shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this Code or of any other ordinance, rule, or regulation of the City. No permit presuming to give authority to violate or cancel the provisions of this Code shall be valid.

B. Investigations

It shall be the duty of the Administrator, Building Official, or City Engineer or their respective designee(s) to investigate compliance with these regulations and to bring any violations of this Code to the attention of the City Council and the City Attorney.

C. Inspection

The Administrator, Building Official, or City Engineer is empowered to cause any building, other structure, or tract of land to be inspected and examined, and to order in writing the remedying of any condition found to exist therein or threat in violation of any provisions of this Code. After any such order has been served, no work shall proceed on any building, other structure or tract of land covered by such order, except to correct or comply with such order.

D. Remedies

The City may utilize any enforcement remedies available in compliance with state law in order to gain compliance with the standards of this Code. Remedies include, but are not limited to: stop-work orders; deny, withhold or revoke permits; ordering repair, removal, replacement, or alteration; fees/fines; or ordering discontinuance of any activity or those features or uses found to be out of compliance with this Code. The City Attorney, acting on behalf of the City Council, may maintain an action for damages to collect the amount of money found necessary to restore any violation.

E. Criminal Liability

A person shall be guilty of a misdemeanor in any case where all the following are true:

1. Any violation of any of the provisions of this Code exists in any building or any other structure or on a tract of land;
2. An order to remove any such violation has been served upon the owner, general agent, lessee, or tenant of the building, other structure, or tract of land (or any part of the building, structure, or tract of land), or upon the architect, builder, contractor, or any other person who commits or assists in any such violation; and
3. Such person shall fail to comply with such order within ten days after service.

F. Liability for Damages

This Code shall not be construed to hold the City responsible for any damage to persons or property by reason of the inspection or reinspection authorized in this section or failure to inspect or reinspect or by reason of issuing a Building Permit or other land development permit.

16.01.070. Severability

It is declared to be the legislative intent that the provisions of this Code shall be severable, pursuant to the provisions set forth below:

A. If any provision of this Code is declared invalid by a decision of any court of competent jurisdiction:
   1. The effect of such decision shall be limited to the provision or provisions that are expressly stated in the decision to be invalid; and
   2. Such decision shall not affect, impair, or nullify this Code as a whole or any other part, but the rest of this Code shall continue in full force and effect.

B. If the application of any provision of this Code to any lot, building, other structure, or tract of land is declared invalid by a decision of any court of competent jurisdiction:
   1. The effect upon such decision shall be limited to that lot, building, other structure, or tract of land immediately involved in the controversy, action, or proceedings in which the judgment or decree of invalidity was rendered; and
   2. Such decision shall not affect, impair, or nullify this Code as a whole or the application of any provision to any lot, building, other structure, or tract of land.

Chapter 16.02 Zoning Districts

16.02.010. Established Zoning Districts

The City of Ketchum, Idaho, is divided into the zoning districts and overlay districts shown in the table below. Overlay districts are established by an amendment to the Official Zoning Map (see §§16.07.070.C, *Zoning Map Amendment (Rezoning).* They are superimposed over one or more underlying base zoning districts. If the standards for an overlay district expressly conflict with those for an underlying base zoning district, planned development district, or another overlay district, the more restrictive standards shall apply.

Table 16-1: Established Zoning Districts

Residential Districts		
	LR	Limited Residential District
	LR-1	Limited Residential - One Acre District
	LR-2	Limited Residential - Two Acre District
	GR-L	General Residential - Low-Density District
	GR-H	General Residential – High-Density District
	STO-0.4	Short Term Occupancy - 0.4 Acre District
	STO-1	Short Term Occupancy - One Acre District
	STO-H	Short Term Occupancy – High-Density District
Commercial and Mixed-Use Districts		
	T	Tourist District
	T-3000	Tourist - 3000 District
	T-4000	Tourist - 4000 District
	CC	Community Core District (Retail Core/CC-1 and Mixed Use/CC-2)
	LI-1	Light Industrial District Number 1
	LI-2	Light Industrial District Number 2
	LI-3	Light Industrial District Number 3
Other Districts		
	RU	Recreation Use District
	AF	Agricultural and Forestry District
Overlay Districts		
	FP	Floodplain Management Overlay District
	A	Avalanche Overlay District
	WSBA	Warm Springs Base Area Overlay District
	WSBA-1	Warm Springs Base Area Overlay District-1
	MO	Mountain Overlay District

16.02.020. Residential Districts

A. LR: Limited Residential District

1. Purpose

The purpose of the LR district is to identify and preserve residential neighborhoods, to prevent overcrowding of land, to preserve natural features, and to encourage the development of low-density areas suited for single-family residential purposes.

2. Lot and Building Standards

Lot Standards		
A	Minimum Lot Area	9,000 sf
	Minimum Lot Width	80 ft avg
Setbacks (Minimum)		
B	Front	15 ft
C	Side	The greater of 1 ft for every 2 ft in building height, or a minimum of 10 ft
D	Rear	20 ft
From Highway 75 ROW		25 ft/ 32 ft [2]
From Warm Springs Road ROW		30 ft
From 200 ft Former Railroad ROW		3 ft

Height		
E	Maximum Building Height	35 ft[1]
Lot Coverage		
	Maximum Building Coverage	35%

Other Standards	***Section***
Overlay Districts	16.02.060
Measurements and Exceptions	16.02.070
Table of Permitted Uses	Table 16-7
Accessory Buildings and Uses	16.03.040.A
Off-Street Parking	Table 16-13
Landscaping, Buffering & Screening	16.04.060

Notes:
[1] Roof-mounted solar or wind systems may extend an additional two feet beyond the maximum height.
[2] Where the street width is 80 feet, all buildings shall be set back a minimum of 25 feet. Where the street width is 66 feet, all buildings shall be set back a minimum of 32 feet.

[District graphics will be prepared in later phases of the code update following review and refinement of the districts.]

B. LR-1: Limited Residential - One Acre District

1. Purpose

The purpose of the LR-1 district is to identify and preserve residential neighborhoods, to prevent overcrowding of land, to preserve natural features, and to encourage the development of low-density areas suited for single-family residential purposes.

2. Lot and Building Standards

Lot Standards		
A	Minimum Lot Area	1 acre
	Minimum Lot Width	100 ft avg
Setbacks (Minimum) [2]		
B	Front	15 ft
C	Side	The greater of 1 ft for every 2 ft in building height, or a minimum of 10 ft
D	Rear	20 ft
From Highway 75 ROW		80 ft
From Warm Springs Road ROW		30 ft

Height		
E	Maximum Building Height	35 ft [1]
Lot Coverage		
	Maximum Building Coverage	25%

Other Standards	Section
Overlay Districts	16.02.060
Measurements and Exceptions	16.02.070
Table of Permitted Uses	Table 16-7
Accessory Buildings and Uses	16.03.040.A
Off-Street Parking	Table 16-13
Landscaping, Buffering & Screening	16.04.060

Notes:
[1] Roof-mounted solar systems may extend an additional two feet beyond the maximum height.
[2] See §16.03.040.A for accessory building dimensional standards.

[District graphics will be prepared in later phases of the code update following review and refinement of the districts.]

C. LR-2: Limited Residential - Two Acre District

1. Purpose

The purpose of the LR-2 district is to identify and preserve residential neighborhoods, to prevent overcrowding of land, to preserve natural features, and to encourage the development of low-density areas suited for single-family residential purposes.

2. Lot and Building Standards

Lot Standards		
A	Minimum Lot Area	2 acres
	Minimum Lot Width	100 ft avg
Setbacks (Minimum) [2]		
B	Front	15 ft
C	Side	The greater of 1 ft for every 2 ft in building height, or a minimum of 10 ft
D	Rear	20 ft
From Highway 75 ROW		400 ft [3]
From Warm Springs Road ROW		30 ft

Height		
E	Maximum Building Height	35 ft[1]
Lot Coverage		
	Maximum Building Coverage	25%

Other Standards	Section
Overlay Districts	16.02.060
Measurements and Exceptions	16.02.070
Table of Permitted Uses	Table 16-7
Accessory Buildings and Uses	16.03.040.A
Off-Street Parking	Table 16-13
Landscaping, Buffering & Screening	16.04.060

Notes:
[1] Roof-mounted solar systems may extend an additional two feet beyond the maximum height
[2] See §16.03.040.A for accessory building dimensional standards.
[3] 100-foot setback from Highway 75 is required for lots platted prior to 1979.

[District graphics will be prepared in later phases of the code update following review and refinement of the districts.]

D. GR-L: General Residential – Low-Density District

1. Purpose

The purpose of the GR-L district is to provide areas where low- and medium-density uses can be properly developed in proximity to each other while still maintaining neighborhood amenities and favorable aesthetic surroundings. The intent of the district is to permit a reasonable amount of flexibility in both land use and development in residential areas.

2. Lot and Building Standards

	Lot Standards	
A	Minimum Lot Area	8,000 sf
	Minimum Lot Width	80 ft avg
	Setbacks (Minimum)	
B	Front	15 ft
C	Side	The greater of 1 ft for every 3 ft in building height, or a minimum of 5 ft [3]
D	Rear	15 ft [3]
	Lot Lines Created by Townhouse Sublots	0 ft
	From Highway 75 ROW	25/32 ft [1]
	From Warm Springs Road ROW	30 ft

	Height	
E	Maximum Building Height	35 ft [2]
	Lot Coverage	
	Maximum Building Coverage	25%

Other Standards	Section
Overlay Districts	16.02.060
Measurements and Exceptions	16.02.070
Table of Permitted Uses	Table 16-7
Accessory Buildings and Uses	16.03.040.A
Off-Street Parking	Table 16-13
Landscaping, Buffering, and Screening	16.04.060

Notes:
[1] Minimum setbacks along Highway 75: Where the street width is 80 feet, all buildings shall be set back a minimum of 25 feet, and where the street width is 66 feet, all buildings shall be set back a minimum of 32 feet.
[2] Roof-mounted solar systems may extend an additional two feet beyond the maximum height.
[3] If the lot abuts a district with a larger minimum setback requirement on the side or rear, the larger setback shall apply.[47]

[District graphics will be prepared in later phases of the code update following review and refinement of the districts.]

E. GR-H: General Residential – High-Density District

1. Purpose

The purpose of the GR-H district is to accommodate the need for higher-density residential land use alternatives within a district generally limited to residential uses, while still preserving neighborhood amenities and favorable aesthetic surroundings. Dimensional requirements are designed to complement and enhance neighborhoods and to encourage articulation and quality design in new buildings.

2. Lot and Building Standards

	Lot Standards	
A	Minimum Lot Area	8,000 sf
	Minimum Lot Width	80 ft avg
	Setbacks (Minimum)	
B	Front	15 ft
C	Side	The greater of 1 ft for every 3 ft in building height, or a minimum of 5 ft. One- family dwellings must maintain at least 10 ft[4]
D	Rear	The greater of 1' for every 3' in building height, or 15 ft [4]
	Lot Lines Created by Townhouse Sublots	0 ft
	From Highway 75 ROW	25/32 ft [1]
	From Warm Springs Road ROW	30 ft
	From 200 ft Former Railroad ROW	5 ft, 3 ft required for one-/two- family dwelling units

	Height	
E	Maximum Building Height	35 ft [2] [3]
	Lot Coverage	
	Maximum Building Coverage	25%
	Minimum Open Site Area	35%[5]

Other Standards	Section
Overlay Districts	16.02.060
Measurements and Exceptions	16.02.070
Table of Permitted Uses	Table 16-7
Accessory Buildings and Uses	16.03.040.A
Off-Street Parking	Table 16-13
Landscaping, Buffering, and Screening	16.04.060

Notes:

[1] Where the street width is 80 feet, all buildings shall be set back a minimum of 25 feet, and where the street width is 66 feet, all buildings shall be set back a minimum of 32 feet.

[2] For a building with a roof pitch greater than 5:12, the maximum height to the mean point of the ridge or ridges measured from eaves line to the ridge top shall be 35 feet. Roof ridges above the mean point may extend up to a height of 44 feet.

[3] Roof-mounted solar systems may extend an additional two feet beyond the maximum height allowance.

[4] If the lot abuts a district with a larger minimum setback requirement on the side or rear, the larger setback shall apply.[48]

[6] A maximum of five percent open site area may be used for private decks or patios and walkways subject to Design Review approval.

[District graphics will be prepared in later phases of the code update following review and refinement of the districts.]

F. STO-.4: Short-Term Occupancy - 0.4 Acre District

1. Purpose

The purpose of the STO-0.4 district is to identify and preserve recreation-oriented neighborhoods, to prevent overcrowding of land, and to encourage the development of moderately low-density areas suited for single-family structures, with the alternative of limited short-term occupancy use.

2. Lot and Building Standards

Lot Standards		
A	Minimum Lot Area	0.4 acres
	Minimum Lot Width	80 ft avg
Setbacks (Minimum)		
B	Front	15 ft
C	Side	The greater of 1 ft for every 2 ft in building height, or a minimum of 10 ft
D	Rear	20 ft
From Highway 75 ROW		400 ft
From Warm Springs Road ROW		30 ft

Height		
E	Maximum Building Height	35 ft [1]
Lot Coverage		
	Maximum Building Coverage	25%

Other Standards	Section
Overlay Districts	16.02.060
Measurements and Exceptions	16.02.070
Table of Permitted Uses	Table 16-7
Accessory Buildings and Uses	16.03.040.A
Off-Street Parking	Table 16-13
Landscaping, Buffering & Screening	16.04.060

Notes:
[1] Roof-mounted solar systems may extend an additional two feet beyond the maximum height.

[District graphics will be prepared in later phases of the code update following review and refinement of the districts.]

G. STO-1: Short Term Occupancy - One Acre District

1. Purpose

The purpose of the STO-1 district is to identify and preserve recreation-oriented neighborhoods, to prevent overcrowding of land, and to encourage the development of low density areas suited for single-family structures with the alternative for limited short-term occupancy use.

2. Lot and Building Standards

	Lot Standards	
A	Minimum Lot Area	1 acre
	Minimum Lot Width	100 ft avg
	Setbacks (Minimum)	
B	Front	15 ft
C	Side	The greater of 1 ft for every 2 ft in building height, or a minimum of 10 ft
D	Rear	20 ft
From Highway 75 ROW		400 ft
From Warm Springs Road ROW		30 ft

	Height	
E	Maximum Building Height	35 ft [1]
	Lot Coverage	
	Maximum Building Coverage	25%

Other Standards	Section
Overlay Districts	16.02.060
Measurements and Exceptions	16.02.070
Table of Permitted Uses	Table 16-7
Accessory Buildings and Uses	16.03.040.A
Off-Street Parking	Table 16-13
Landscaping, Buffering & Screening	16.04.060

Notes:
[1] Roof-mounted solar systems may extend an additional two feet beyond the maximum height.

[District graphics will be prepared in later phases of the code update following review and refinement of the districts.]

H. STO-H: Short-Term Occupancy – High-Density District

1. Purpose

The purpose of the STO-H district is to accommodate the need for higher-density limited short-term occupancy land use adjacent to recreation facilities while still preserving neighborhood amenities and favorable aesthetic surroundings.

2. Lot and Building Standards

Lot Standards		
A	Minimum Lot Area	9,000 sf (minimum of 3,000 sf per unit)
	Minimum Lot Width	100 ft avg
Minimum Setback		
B	Front	15 ft
C	Side	The greater of 1 ft for every 3 ft in building height, or a minimum of 5 ft [2]
D	Rear	15 ft []
	Lot Lines Created by Townhouse Sublots	0 ft
	From Highway 75 ROW	400 ft
	From Warm Springs Road ROW	30 ft

Height		
E	Maximum Building Height	35 ft [1]
Lot Coverage		
	Maximum Building Coverage	35% building coverage, and 75% covered by buildings, parking areas and accessory buildings

Other Standards	Section
Overlay Districts	16.02.060
Measurements and Exceptions	16.02.070
Table of Permitted Uses	Table 16-7
Accessory Buildings and Uses	16.03.040.A
Off-Street Parking	Table 16-13
Landscaping, Buffering, and Screening	16.04.060

Notes:
[1] Roof-mounted solar systems may extend an additional two feet beyond the maximum height.
[2] If the lot abuts a district with a larger minimum setback requirement on the side or rear, the larger setback shall apply.[49]

16.02.030. Mixed-Use Districts

A. T: Tourist District

1. Purpose

The purpose of the T district is to provide the opportunity for high-density residential and tourist use, land ownership, and development including certain restricted business and personal service establishments in conjunction with such uses, that can be justified on the basis of the principal use within the district. Tourist district classifications are intended to be carefully placed in the neighborhood structure to assure the closest possible compatibility with the surrounding uses and development. Dimensional requirements are designed to complement and enhance the neighborhoods in this zone, and to encourage articulation and quality design in new buildings. The T district contains several distinct areas, including the Entrance Corridor, Second Avenue, River Run, Warm Springs Base Area, and Saddle Road.

2. Lot and Building Standards

Lot Standards		
A	Minimum Lot Area	8,000 sf
	Minimum Lot Width	80 ft avg
Setbacks (Minimum)		
B	Front	15 ft
C	Side	The greater of 1 ft for every 3 ft in building height, or a minimum of 5 ft. One- family dwellings must maintain at least 10 ft[4]
D	Rear	The greater of 1 ft for every 3 ft in building height, or 10 ft. At least 15 ft for one-family dwellings [4]
	Lot Lines Created by Townhouse Sublots	0 ft
	From Highway 75 ROW	25/32 ft [1]
	From Warm Springs Road ROW	30 ft
	From 200 ft Former Railroad ROW	5 ft, 3 ft required for one-/two- family dwelling units

Height		
E	Maximum Building Height	35 ft [2] [3]
Lot Coverage		
	Maximum FAR	See §16.02.070.A
	Minimum Open Site Area	35%[5]
Other Standards		***Section***
Overlay Districts		16.02.060
Measurements and Exceptions		16.02.070
Table of Permitted Uses		Table 16-7
Accessory Buildings and Uses		16.03.040.A
Off-Street Parking		Table 16-13
Landscaping, Buffering, and Screening		16.04.060

Notes:
[1] Where the street width is 80 feet, all buildings shall be set back a minimum of 25 feet, and where the street width is 66 feet, all buildings shall be set back a minimum of 32 feet.
[2] For a building with a roof pitch greater than 5:12, the maximum height to the mean point of the ridge or ridges measured from eaves line to the ridge top shall be 35 feet. Roof ridges above the mean point may extend up to a height of 44 feet.
[3] Roof-mounted solar systems may extend an additional two feet beyond the maximum height allowance.
[4] If the lot abuts a district with a larger minimum setback requirement on the side or rear, the larger setback shall apply.
[5] A maximum of five percent open site area may be used for private decks or patios and walkways subject to Design Review approval.

[District graphics will be prepared in later phases of the code update following review and refinement of the districts.]

B. T-3000: Tourist-3000 District

1. Purpose

The purpose of the T-3000 district is to provide the opportunity for short-term tourist accommodations with limited tourist support services subordinate to and in conjunction with tourist housing. Dimensional requirements are designed to complement and enhance neighborhoods and to encourage articulation and quality design in new buildings.

2. Lot and Building Standards

Lot Standards		
A	Minimum Lot Area	8,000 sf
	Minimum Lot Width	80 ft avg
Setbacks (Minimum)		
B	Front	15 ft
C	Side	The greater of 1 ft for every 3 ft in building height, or 5 ft. One-family dwellings shall maintain at least 10 ft [4]
D	Rear	The greater of 1 ft for every 3 ft in building height, or 10 ft. At least 15 ft for one-family dwellings[4]
	Lot Lines Created by Townhouse Sublots	0 ft
	From Warm Springs Road ROW	30 ft

Height		
E	Maximum Building Height	35 ft [1] [2]
Lot Coverage		
	Maximum FAR	See §16.02.070.A
	Minimum Open Site Area	35% [3]
Other Standards		***Section***
Overlay Districts		16.02.060
Measurements and Exceptions		16.02.070
Table of Permitted Uses		Table 16-7
Accessory Buildings and Uses		16.03.040.A
Off-Street Parking		Table 16-13
Landscaping, Buffering, and Screening		16.04.060

Notes:

[1] For a building with a roof pitch greater than 5:12 the maximum height to the mean point of the ridge or ridges measured from eaves line to the ridge top shall be 35 feet. Roof ridges above the mean point may extend up to a height of 44 feet.

[2] Roof-mounted solar systems may extend an additional two feet beyond the maximum height.

[3] A maximum of five percent open site area may be used for private decks or patios and walkways subject to Design Review approval.

[4] If the lot abuts a district with a larger minimum setback requirement on the side or rear, the larger setback shall apply.[51]

D. CC: Community Core District

1. Purpose

The purpose of the CC district is to promote a compact and cohesive center of commerce and culture, to promote an attractive and safe pedestrian environment that includes sidewalks, gathering spaces, streetscape amenities and landscaping, to retain the unique small town scale and character, and to encourage buildings that respect Ketchum's historical and geographic context while providing diversity. Compatible mixed uses, including retail, office, residential, and cultural uses are encouraged. Commercial uses are concentrated in the CC district, which is consistent with the Comprehensive Plan and the Downtown Master Plan.

2. Lot and Building Standards – Subdistrict 1 Retail Core

Lot Standards		
A	Minimum Lot Size	5,500 sf
	Minimum Lot Width	55 ft average
Setbacks (Minimum)		
B	Front and street side	0 ft
	Adjacent to alleyways	3 ft
C	Rear side not adjacent to an alleyway	0 ft
D	Interior Side[1]	
	Cantilevered decks and overhangs	
	Setback for 5th floors	20 ft from street sides and frontage and 10 ft on all other sides
	Setback for 4th floors (except for community housing projects[2])	10 ft

	Non-habitable structures, permanently affixed deck amenities, solar panels visible above roof ridge or parapet, and mechanical equipment and screening affixed to a roof from all building facades at the top floor for all projects (except for community housing projects[2])	
	Perimeter walls enclosing roof decks	0 ft provided the perimeter wall is 75% transparent and does not exceed 4 ft in height
	Setback for 4th floor habitable and uninhabitable portions of the building, fixed amenities, solar and mechanical equipment for community housing projects[2]	An average 10 feet setback from the ground floor building facade
Lot Coverage		
	Maximum FAR	See §16.02.070.A
Height (Maximum)		
E	Building Height	42 ft, unless otherwise allowed in this Code
	Cantilevered decks and overhangs	8 ft above grade and/or walking surface
	Height of buildings for community housing projects[2]	52 ft
	Hotels[3]	68 ft
	Non-habitable structures located on building rooftops	10 ft above roof ridge or parapet
	Perimeter walls enclosing roof top deck and structures	4 ft above roof surface height. Perimeter roof top walls are required to be at least 75% transparent.
	Roof top solar and mechanical equipment and associated screening above roof surface	5 ft

Other Standards	**Section**
Overlay Districts	16.02.060
Measurements and Exceptions	16.02.070
Table of Permitted Uses	Table 16-7
Accessory Buildings and Uses	16.03.040.A
Off-Street Parking	Table 16-13
Landscaping, Buffering, and Screening	16.04.060

Notes:
[1] All side lot lines shall run perpendicular to the alley and/or avenue.
[2] A project in the Community Core Subdistrict 1 that provides 100 percent community housing above the first floor and complies with the ground floor street frontage uses of the subdistrict, shall be considered a 100 percent community housing project.
[3] See §16.03.030.C.4.

3. Lot and Building Standards – Subdistrict 2 Mixed Use

Lot Standards		
A	Minimum Lot Size	5,500 sf
	Minimum Lot Width	55 ft average
Setbacks (Minimum)		
B	Front and street side	5 ft average[1]
	Adjacent to alleyways	3 ft
C	Rear side not adjacent to an alleyway	0 ft
D	Interior Side[2]	
	Cantilevered decks and overhangs	
	Setback for 5th floors	20 ft from street sides and frontage and 10 ft on all other sides
	Setback for 4th floors (except for community housing projects[3])	10 ft
	Non-habitable structures, permanently affixed deck amenities, solar panels visible above roof ridge or parapet, and mechanical equipment and screening affixed to a roof from all building facades at the top floor for all projects (except for community housing projects[3])	
	Perimeter walls enclosing roof decks	0 ft provided the perimeter wall is 75% transparent and does not exceed 5 ft in height
	Setback for 4th floor habitable and uninhabitable portions of the building, fixed amenities, solar and mechanical equipment for community housing projects[3]	An average 10 feet setback from the ground floor building facade
Lot Coverage		
	Maximum FAR	See §16.02.070.A
Height (Maximum)		
E	Building Height	42 ft, unless otherwise allowed in this Code
	Cantilevered decks and overhangs	8 ft above grade and/or walking surface
	Height of buildings devoted 100% towards community housing [3]	52 ft
	Hotels[4]	68 ft
	Non-habitable structures located on building rooftops	10 ft above roof ridge or parapet
	Perimeter walls enclosing roof top deck and structures	4 ft above roof surface height. Perimeter roof top walls are required to be at least 75% transparent.
	Roof top solar and mechanical equipment above roof surface	5 ft
Other Standards		**Section**

Overlay Districts	16.02.060
Measurements and Exceptions	16.02.070
Table of Permitted Uses	Table 16-7
Accessory Buildings and Uses	16.03.040.A
Off-Street Parking	Table 16-13
Landscaping, Buffering, and Screening	16.04.060

Notes:
[1] The average shall be calculated individually at all floors and shall be measured from edge of building façade to edge of building façade. For corner lots, areas cannot be counted on both sides.
[2] All side lot lines shall run perpendicular to the alley and/or avenue.
[3]A project in the Community Core Subdistrict 2 that provides 100 percent community housing above the first floor and complies with the ground floor street frontage uses of the subdistrict, shall be considered a 100 percent community housing project.
[4]See §16.03.030.C.4.

[District graphics will be prepared in later phases of the code update following review and refinement of the districts.]

E. LI-1: Light Industrial District Number 1

1. Purpose

The LI-1 district is established as a transition area between the Community Core and the LI-2 district. The LI-1 district provides suitable locations and environs for: 1) limited business and personal services; 2) small light manufacturing; 3) research and development; 4) offices related to building, maintenance, and construction; 5) limited retail; and 6) multiple-family dwellings, constructed to be accessory and subordinate to the principal light industrial purpose of the LI-1. Traffic to the LI-1 district is intended to be generated primarily by uses related to the industrial trades and secondarily by other permitted uses that, due to the natures of the uses, are not reliant on pedestrian traffic or high visibility, and/or are not permitted in other zoning districts, and/or are characterized by sale, rental, or service of large, bulky equipment or materials, necessitating location of such use in an LI district.

2. Lot and Building Standards

Lot Standards		
A	Minimum Lot Size	8,000 sf
	Minimum Lot Width	80 ft
Setbacks (Minimum)		
B	Front	20 ft
C	Side	0 ft [1] for internal side yards, and except for non-enclosed public use structures, a minimum of 10 ft for street side yards
D	Rear	0 ft [1]
	Cantilevered decks and overhangs	0 ft
	Warm Springs Road/10th Street/Lewis Street - setback for fourth or fifth floors, if permitted, from property line(s) adjacent to Warm Springs Road, 10th Street, and Lewis Street	60 ft
	Setback from all facades for non-habitable structures, fixed amenities, solar and mechanical equipment affixed to a roof	10 ft
Lot Coverage		
	Maximum Building Coverage	75%
Height (Maximum)		
E	Building Height	35 ft
	Building height with qualifying ground floor: [2]	
	2 story	35 ft
	3 story	40 ft
	Non-habitable structures located on building rooftops	6 ft above roof surface height
	Parapets and rooftop walls screening/enclosing mechanical equipment	4 ft above roof surface height

	Perimeter walls enclosing rooftop deck	4 ft above roof surface height Perimeter rooftop walls enclosing rooftop decks are required to be at least 75% transparent
	Roof top solar and mechanical equipment above roof surface	5 ft above roof surface height

Other Standards	Section
Overlay Districts	16.02.060
Measurements and Exceptions	16.02.070
Table of Permitted Uses	Table 16-7
Accessory Buildings and Uses	16.03.040.A
Off-Street Parking	Table 16-13
Landscaping, Buffering, and Screening	16.04.060

Notes:
[1] If the lot abuts a district with a larger minimum setback requirement on the side or rear, the larger setback shall apply.
[2] In the LI districts, buildings where not less than 70 percent of the structure has a qualifying ground floor (where the start of the second story is 18 feet or more above the level of the finished floor) are permitted a higher overall height subject to this section.

[District graphics will be prepared in later phases of the code update following review and refinement of the districts.]

F. LI-2: Light Industrial District Number 2

1. Purpose

The LI-2 is the City's primary light industrial area and is established to provide suitable land for uses that are not appropriate in other commercial zones due to their light industrial nature, but that provide an essential or unique service to support the local economy and permanent year-round employment base. Uses include: 1) light manufacturing; 2) wholesale trade and distribution; 3) research and development; 4) service industries; 5) limited bulk retail and; 6) offices related to building, maintenance, and construction. A secondary purpose of the LI-2 is to provide multiple-family dwellings, constructed to be accessory and subordinate to the principal light industrial purpose of the LI-2. Uses in the LI-2 are intended to generate traffic primarily from the industrial trades and secondarily by other permitted uses that, due to the natures of the uses, are not reliant on pedestrian traffic or high visibility, and/or are not permitted in other zoning districts, and/or are characterized by sale, rental, or service of large, bulky equipment or materials, necessitating location of such use in an LI district.

2. Lot and Building Standards

Lot Standards		
A	Minimum Lot Size	8,000 sf
	Minimum Lot Width	80 ft
Setbacks (Minimum)		
B	Front	20 ft
C	Side	0 ft [1] for internal side yards, and except for non-enclosed public use structures, a minimum of 10 ft for street side yards
	Side setbacks for 4th and/or 5th story in 48 ft or 58 ft Overlay	10 ft
D	Rear	0 ft [1]
	Cantilevered decks and overhangs	0 ft
	Warm Springs Road/10th Street/Lewis Street - setback for fourth or fifth floors, if permitted, from property line(s) adjacent to Warm Springs Road, 10th Street, and Lewis Street	60 ft
	State Highway 75 - setback from property line adjacent to State Highway 75 right-of-way for properties within the 48 ft or 58 ft Overlay District:	
	Below an elevation of 5,850 ft or the grade of State Highway 75 pavement adjacent to the property, whichever is greater	0 ft
	Portion of building above highway grade up to 40 ft in height	35 ft
	Fourth and fifth stories	60 ft
	Setback from all facades for non-habitable structures, fixed amenities, solar and mechanical equipment affixed to a roof	10 ft
Lot Coverage		
	Maximum Building Coverage	75%
Height (Maximum)		

E	Building Height	35 ft
	Building height with qualifying ground floor: [2]	
	2 story	35 ft
	3 story	40 ft
	4 story[3]	48 ft [3] [4]
	5 story[3]	58 ft [3] [5]
	Non-habitable structures located on building rooftops	6 ft above roof surface height
	Parapets and rooftop walls screening/enclosing mechanical equipment	4 ft above roof surface height
	Perimeter walls enclosing rooftop deck	4 ft above roof surface height. Perimeter rooftop walls enclosing rooftop decks are required to be at least 75% transparent
	Roof top solar and mechanical equipment above roof surface	5 ft above roof surface height

Other Standards	Section
Overlay Districts	16.02.060
Measurements and Exceptions	16.02.070
Table of Permitted Uses	Table 16-7
Accessory Buildings and Uses	16.03.040.A
Off-Street Parking	Table 16-13
Landscaping, Buffering, and Screening	16.04.060

Notes:
[1] If the lot abuts a district with a larger minimum setback requirement on the side or rear, the larger setback shall apply.
[2] In the LI districts, buildings where not less than 70 percent of the structure has a qualifying ground floor (where the start of the second story is 18 feet or more above the level of the finished floor) are permitted a higher overall height subject to this section.
[3] Four and five-story buildings are permitted only within the Light Industrial 48 feet height and 58 feet height Overlay District.
[4] Portions of buildings with roofs that have a minimum roof pitch of 4:12 may be 53 feet in height subject to Design Review approval by the Planning and Zoning Commission.
[5] Portions of buildings with roofs that have a minimum roof pitch of 4:12 may be 63 feet in height subject to Design Review approval by the Planning and Zoning Commission.

[District graphics will be prepared in later phases of the code update following review and refinement of the districts.]

H. LI-3: Light Industrial District Number 3

1. Purpose

The LI-3 district is established as a transition area between the LI-2 district and the LR and GR-L districts. The LI-3 district provides suitable locations and environs for a permanent year-round employment base comprised of: 1) research and development; 2) wholesale trade and distribution; 3) technology industries; and 4) offices related to building, maintenance and construction uses; and 5) deed restricted and market rate multi-family dwellings located within mixed-use buildings. Uses in the LI-3 are intended to generate traffic primarily from the employers and employees of permitted uses and secondarily from deed restricted and market rate housing units.

2. Lot and Building Standards

Lot Standards		
A	Minimum Lot Size	8,000 sf
	Minimum Lot Width	80 ft
Setbacks (Minimum)		
B	Front	20 ft
C	Side	0 ft [1] for internal side yards, and except for non-enclosed public use structures, a minimum of 10 ft for street side yards
	Side setbacks for 4th and/or 5th story in 48 ft or 58 ft Overlay	10 ft
D	Rear	0 ft [1]
	Cantilevered decks and overhangs	0 ft
	Warm Springs Road/10th Street/Lewis Street - setback for fourth or fifth floors, if permitted, from property line(s) adjacent to Warm Springs Road, 10th Street, and Lewis Street	60 ft
	State Highway 75 - setback from property line adjacent to State Highway 75 right-of-way for properties within the 48 ft or 58 ft Overlay District:	
	Below an elevation of 5,850 ft or the grade of State Highway 75 pavement adjacent to the property, whichever is greater	0 ft
	Portion of building above highway grade up to 40 ft in height	35 ft
	Fourth and fifth stories	60 ft
	Setback from all facades for non-habitable structures, fixed amenities, solar and mechanical equipment affixed to a roof	10 ft
Lot Coverage		
	Maximum Building Coverage	75%
Height (Maximum)		
E	Building Height	35 ft[2]
	Building height with qualifying ground floor: [3]	
	2 story	35 ft[2]
	3 story	40 ft
	4 story[4]	48 ft [4] [5]
	5 story[4]	58 ft [4] [6]
	Non-habitable structures located on building rooftops	6 ft above roof surface height
	Parapets and rooftop walls screening/enclosing mechanical equipment	4 ft above roof

		surface height
	Perimeter walls enclosing rooftop deck	4 ft above roof surface height. Perimeter rooftop walls enclosing rooftop decks are required to be at least 75% transparent
	Roof top solar and mechanical equipment above roof surface	5 ft above roof surface height

Other Standards	Section
Overlay Districts	16.02.060
Measurements and Exceptions	16.02.070
Table of Permitted Uses	Table 16-7
Accessory Buildings and Uses	16.03.040.A
Off-Street Parking	Table 16-13
Landscaping, Buffering, and Screening	16.04.060

Notes:
[1] If the lot abuts a district with a larger minimum setback requirement on the side or rear, the larger setback shall apply.
[2] Buildings with a minimum roof pitch of 4:12 may be 40 feet in height.
[3] In the LI districts, buildings where not less than 70 percent of the structure has a qualifying ground floor (where the start of the second story is 18 feet or more above the level of the finished floor) are permitted a higher overall height subject to this section.
[4] Four and five-story buildings are permitted only within the Light Industrial 48 feet height and 58 feet height Overlay District.
[5] Portions of buildings with roofs that have a minimum roof pitch of 4:12 may be 53 feet in height subject to Design Review approval by the Planning and Zoning Commission.
[6] Portions of buildings with roofs that have a minimum roof pitch of 4:12 may be 63 feet in height subject to Design Review approval by the Planning and Zoning Commission.

[District graphics will be prepared in later phases of the code update following review and refinement of the districts.]

16.02.040. Other Districts

A. RU: Recreation Use District

1. Purpose

The purpose of the RU district is to protect and enhance vital natural resources; to provide a buffer between incompatible land uses; to ensure that land intended for recreation use is developed in such a manner to serve its intended use while not exerting disruptive influences on adjacent land uses; to guide recreational development; to ensure adequate standards for development and preservation of such uses; and to promote the general health, safety, and welfare of the inhabitants of the City.

2. Lot and Building Standards

	Lot Standards	
A	Minimum Lot Area	9,000 sf
	Setbacks (Minimum	
B	Front	30 ft [2]
C	Side	15 ft [2]
D	Rear	15 ft [2]
	Lot Lines Created by Townhouse Sublots	0 ft

	Height	
E	Maximum Building Height	35 ft [1]
	Lot Coverage	
	Minimum Open Space	25%
	Oher Standards	**Section**
	Overlay Districts	16.02.060
	Measurements and Exceptions	16.02.070
	Table of Permitted Uses	Table 16-7
	Accessory Buildings and Uses	16.03.040.A
	Off-Street Parking	Table 16-13
	Landscaping, Buffering, and Screening	16.04.060

Notes:
[1] Roof-mounted solar systems may extend an additional two feet beyond the maximum height.
[2] The placement of all structures for conditional uses shall be subject to approval of the Planning and Zoning Commission.

[District graphics will be prepared in later phases of the code update following review and refinement of the districts.]

C. AF: Agricultural and Forestry District

1. Purpose

The purpose of the AF district is to permit zoning of substantially undeveloped areas of agriculture, ranching and forestry uses where low density activities and development are encouraged and lands are protected for the pursuit of such activities against inconsistent uses.

2. Lot and Building Standards

	Lot Standards	
A	Minimum Lot Area	10 acres
	Setbacks (Minimum) [2]	
B	Front	25 ft
C	Side	25 ft
D	Rear	25 ft
	Height	
E	Maximum Building Height	35 ft [1]

Lot Coverage	
Minimum Open Space	25%
Other Standards	***Section***
Overlay Districts	16.02.060
Measurements and Exceptions	16.02.070
Table of Permitted Uses	Table 16-7
Accessory Buildings and Uses	16.03.040.A
Off-Street Parking	Table 16-13
Landscaping, Buffering, and Screening	16.04.060

Notes:
[1] Roof-mounted solar systems may extend an additional two feet beyond the maximum height.
[2] See §16.03.040.A for accessory building dimensional standards.

16.02.050. Planned Unit Development (PUD)

A. Purpose

The purpose of this section is to encourage the total planning of developments and to:

1. Protect and promote the public health, safety, and welfare;
2. Secure the most appropriate use of lands, to encourage flexibility and creativity in the development of land to improve the design, character, and quality of new development, and to provide open site area;
3. Preserve the scenic and aesthetic qualities of lands;
4. Protect property rights and enhance property values;
5. Ensure that adequate public facilities and services are provided;
6. Ensure that the local economy is protected and enhanced;
7. Encourage and promote the development of affordable housing;
8. Ensure that the important environmental features are protected and enhanced, including fish, wildlife, and recreation resources;
9. Avoid undue concentration of population and overcrowding of land;
10. Ensure that the development on land is commensurate with the physical characteristics of the land;
11. Protect life and property in areas subject to natural hazards;
12. Avoid undue water and air pollution; and
13. Protect the quality of life offered by the City and surrounding resources enjoyed by residents and visitors alike.

In the event of conflict between this section and any other ordinance of the City, §16.02.050 shall control.

B. Applicable Regulations

Any person wishing to develop a PUD shall comply with the requirements of this section in addition to the zoning, subdivision, and other applicable laws, ordinances, regulations, and rules, subject to any modification or exception granted as part of the PUD Conditional Use Permit (CUP). In their interpretation and application, the provisions of this section shall be considered minimum requirements.

C. Planned Unit Development Conditional Use Permit Required

Any person wishing to develop a PUD shall obtain a PUD CUP, as provided in §16.07.030.B, prior to any construction, subdivision, sale, or offering for sale of any units, structures, or land within the proposed development. A PUD shall be a conditional use within all zoning districts within the city permitted only upon issuance of a PUD CUP pursuant to this section and §16.07.030.B.

D. Standards

1. The standards in this section shall apply to review of all PUD CUP applications. The standards shall be used to review and evaluate the proposal in comparison to the manner of development and effects of permitted uses and standard development allowed on the

property in question. Modification or exception from certain standard zoning and subdivision requirements may be permitted subject to such conditions, limitations, and/or additional development standards, pursuant to §16.07.030.B.3.d(3) as the City Council may prescribe to mitigate adverse impact at the proposed PUD, or to further the land use policies of the City, or to ensure that the benefits derived from the development justify a departure from such regulations. Where the City Council determines that conditions cannot be devised to achieve the objectives, and/or the standards contained in this Code are not met, applications for PUD CUPs shall be denied.

2. The minimum lot size for development is three acres. All land within the development shall be contiguous except for intervening waterways. Parcels that are not contiguous due to intervening streets are discouraged. Exception or deferral of the minimum lot size or contiguity requirements may be granted for developments that:
    a. Include a minimum of 30 percent of community or employee housing, as defined in §16.08.020;
    b. Guarantee the use, rental prices or maximum resale prices based upon a method proposed by the applicant and approved by the Governing Housing Authority and/or the City Council; and
    c. Are on parcels that are no less than one and one-half acres (65,340 square feet). Application for exception or deferral of this criteria shall include a description of how the development proposes to achieve the standard, description of the proposed community or employee housing, and the proposed guarantee for the use, rental cost, or resale cost.
    d. For a hotel that meets the definition of "hotel" in §16.08.020, and conforms to all other requirements of the CC district (§16.02.030.D) or the T district (§16.02.030.A.): Exceptions from the provisions of the CC or the T district may be granted for hotel uses only as outlined in §16.02.070.A.
3. Densities and uses may be transferred between zoning districts within a PUD as permitted under this section, provided, the aggregate overall allowable density of units and uses shall be no greater than that allowed in the zoning district or districts in which the development is located. Exception or deferral of the maximum density to allow additional density above the aggregate overall allowable density may be granted for developments that construct community or employee housing and that:
    a. Include a minimum of 30 percent of community or employee housing, as defined in §16.08.020; and
    b. Guarantee the use, rental prices or maximum resale prices of units based upon a method proposed by the applicant and approved by the Governing Housing Authority and/or the City Council.
    c. Application for exception or deferral of this criteria shall include a description of how the development proposes to achieve the standard, a description of the proposed community or employee housing and the proposed guarantee for the use, rental cost or resale cost.
4. Substantial buffer planting strips or other barriers shall be provided where no natural buffers exist.

5. Each phase of such development shall contain all the necessary elements and improvements to exist independently from proposed future phases in a stable manner.
6. Adequate open site area shall be provided. The applicant shall dedicate to the common use of the homeowners or to the public adequate open site area in a configuration usable and convenient to the residents of the development. The amount of open site area provided shall be greater than what would be provided under the applicable aggregate lot coverage requirements for the zoning district or districts within the proposed development. Provision shall be made for adequate and continuing management of all open spaces and common facilities to ensure proper maintenance.
7. Location of buildings, parking areas and common areas shall maximize privacy within the development, relationship to adjacent properties and protect solar access to adjacent properties.
8. Adequate recreational facilities and/or daycare shall be provided. Exception or deferral of the requirement to provide adequate on-site recreational facilities may be granted if it is found that the development is of insufficient size or density to warrant same and the occupant's needs for recreational facilities will be adequately provided by payment of a recreation fee in lieu of such facilities to the City for development of additional active park facilities. Application for exception or deferral of this criteria shall include a description of how the development proposes to achieve the standard. On-site daycare may be considered to satisfy the adequate recreational facility requirement or may be required in addition to the recreational facilities requirement.

16.02.060. Overlay Districts

A. FP: Floodplain Overlay District

1. Flood Damage Prevention

a. Purpose

(1) It is the purpose of this section to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

(A) Protect human life, health, safety, property, and welfare;

(B) Minimize expenditure of public money for costly flood control projects;

(C) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(D) Minimize prolonged business interruptions;

(E) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;

(F) Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood damaged areas;

(G) Ensure that potential buyers and leaseholders are notified that property is in an area of special flood hazard or riparian zone, where the regulations of this section apply;

(H) Ensure that those who occupy the areas of special flood hazard assume the responsibility for their actions.

(I) Ensure potential buyers of property in an area of special flood hazard are notified.

(J) Allow the river and creeks and their adjacent lands to convey floodwaters to minimize property damage;

(K) Regulate uses in the floodplain and riparian zone for the purpose of preserving, protecting, and enhancing the abundance and diversity of fish, wildlife, and riparian resources;

(L) Protect, preserve and enhance the waterways and floodplains as a recreation resource;

(M) Provide a formal procedure for stream alteration permit applications;

(N) Restrict or prohibit uses that are injurious to health, safety, or property in times of flood, that result in environmental damage, or that cause increased flood heights or velocities; and

(O) Guide development and City review of development in the floodplain and adjacent to waterways in order to establish the most appropriate building envelopes for lots existing and in new subdivisions.

(2) In order to accomplish its purposes, this section includes methods and provisions for:

(A) Restricting or prohibiting development that is dangerous to health, safety, and property due to water or erosion hazards, or that result in damaging increases in erosion, flood heights, or velocities;

(B) Requiring that uses necessary for general health, safety, and welfare of citizens, including facilities that serve such uses, be protected against flood damage at the time of initial construction, at time of substantial improvement, and throughout their intended life span;

(C) Preserving and restoring natural floodplains, stream channels, and natural protective barriers that carry and store flood waters;

(D) Controlling, filling, grading, dredging, and other development that may increase flood damage or erosion; and

(E) Preventing or regulating the construction of flood barriers that may unnaturally divert floodwaters, or that may increase flood hazards to any other properties.

b. Statutory Authority

The Legislature of the State of Idaho, pursuant to Idaho Code sections 46-1020, 46-1023, and 46-1024, authorizes local governments to adopt floodplain management ordinances that identify floodplains and minimum floodplain development standards to

minimize flood hazards and protect human life, health, and property. Therefore, the City Council does hereby ordain as follows:

(1) The flood hazard areas of Ketchum, Idaho, are subject to periodic inundation that results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

(2) These flood losses are caused by the cumulative effects of obstruction in areas of special flood hazard that increase flood heights and velocities and by development that is inadequately floodproofed, elevated, anchored, or otherwise protected from flood damage.

(3) The Big Wood River, its tributaries, and their associated floodplains in Ketchum are important to the well-being of our citizens as they provide recreation, fish and wildlife habitat, aesthetic beauty, a source of irrigation water, as well as other economic and lifestyle values.

c. Establishment of the Floodplain Overlay District

(1) The Floodplain Overlay district is hereby established. In addition to the regulations contained in the underlying zoning district, the regulations of this district apply to all lands within the jurisdiction of the City that lie within the special flood hazard area (SFHA) boundaries as determined by the graphic representation shown on the flood insurance rate map (FIRM) and by the elevations of the base flood contained in the flood insurance study (FIS).

(2) The floodplain areas are divided into two subdistricts: the floodway subdistrict and the floodplain subdistrict.

(3) The studies listed below are hereby adopted as the primary sources of flood hazard analysis:

(A) "Flood insurance study (FIS) for Blaine County, Idaho and Incorporated Areas", Flood Insurance Study 16013CV001A and 16013CV002A, dated November 26, 2010, and any subsequent amendments;

(B) Digital flood insurance rate maps (DFIRMs) for Blaine County, Idaho, and incorporated areas: Map Number 16013CIND0A; Map Number 16013C0433E, Community Panel Number 0433E; Map Number 16013C0434E, Community Panel Number 0434E; Map Number 16013C0441E, Community Panel Number 0441E; Map Number 16013C0442E, Community Panel Number 0442E; Map Number 16013C0453E, Community Panel Number 0453E; Map Number 16013C0461E, Community Panel Number 0461E, and any subsequent amendments;

(C) Other flood hazard studies, as may be adopted by the City; and

(D) Other flood hazard analysis sources as determined by the City Engineer, Floodplain Manager, or other expert hired by the City.

d. Rules for Interpretation of District Boundaries

The Floodplain Overlay district boundaries are represented on the Ketchum zoning map of the City.

(1) All land within the external boundary of the special flood hazard area (SFHA) and all parcels affected by the SFHA shall be considered to be within the Floodplain Overlay district.

(2) All land areas within the external boundary of the SFHA shall be considered to be within the floodplain subdistrict of the Floodplain Overlay district. The City may make necessary interpretations of the boundary based upon the recommendation of the City Engineer or other expert.

(3) All land areas within the external boundary of the regulatory floodway shall be considered to be within the floodway subdistrict of the Floodplain Overlay district. The City may make necessary interpretations of the boundary based upon the recommendation of the City Engineer or other expert.

e. Basis for Establishing the Areas of Special Flood Hazard and Floodway

The areas of special flood hazard identified by the Federal Insurance Administrator in a scientific and engineering report entitled "The Flood Insurance Study (FIS) For Blaine County, Idaho And Incorporated Areas" with accompanying digital flood insurance rate maps (DFIRMs) bearing an effective date of November 26, 2010, to establish the areas of special flood hazard for land that has been or will be annexed into the city limits of Ketchum, Idaho, since the adoption of the study for the incorporated area of the city are hereby adopted by reference and declared to be a part of this section. The FIS and FIRM are on file at the office of the City Clerk, City Hall, 480 East Avenue North, Ketchum, Idaho.

f. Uses Permitted and Prohibited in the Floodplain Overlay District and the Riparian Setback Area

Due to the potential hazard to individuals as well as public health, safety, and welfare, uses allowed in the Floodplain Overlay district and the Riparian Setback Area are those that are permitted, conditional, and accessory as contained in the underlying zoning district. Due to the sensitive ecology of the river system and riparian area and the detrimental impacts that uncontrolled use of pesticides and herbicides can create to both the river system and human health and, due to the extremely hazardous nature of the floodway due to velocity of floodwaters carrying debris, potential projectiles and erosion potential, the following provisions apply, in addition to all others:

(1) Encroachments in the floodway are subject to the standards of §16.02.060.A.1.j, *Standards for Floodways*.

(2) No use of restricted use chemicals or soil sterilants will be allowed within 100 feet of the mean high-water mark on any property within the city limits at any time.

(3) No use of pesticides, herbicides, or fertilizers will be allowed within 25 feet of the mean high-water mark on any property within the city limits unless approved by the City arborist.

(4) All applications of herbicides and/or pesticides within 100 feet of the mean high water mark, but not within 25 feet of the mean high water mark, shall be done by a licensed applicator and applied at the minimum application rates.

(5) Application times for herbicides and/or pesticides will be limited to two times a year; once in the spring and once in the fall, unless otherwise approved by the City arborist.

(6) The application of dormant oil sprays and insecticidal soap within the riparian zone may be used throughout the growing season as needed.

(7) It shall be unlawful to dump, deposit or otherwise cause any trash, landscape debris or other material to be placed in any stream, channel, ditch, pond, or basin that regularly or periodically carries or stores water.

g. Standards for Flood Hazard Reduction

(1) Standards in All Areas

In all special flood hazard areas the following standards are required:

(A) Anchoring

i. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

ii. All manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over the top or frame ties to ground anchors (reference the Federal Emergency Management Agency's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).

(B) Construction Materials and Methods

i. All new construction, substantial improvements, and development shall be constructed with materials and utility equipment resistant to flood damage pursuant to the Technical Bulletin 2, Flood Damage-Resistant Materials Requirements, and available from the Federal Emergency Management Agency.

ii. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

iii. All new and replacement electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding to the flood protection elevation. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, hot water heaters, and electric outlets/switches.

(C) Utilities

i. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

ii. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters; and

iii. On site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(D) Review of Building Permits

Where elevation data is not available either through the flood insurance study or from another authoritative source (§16.07.090.D.5), applications for Building Permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

(E) Solid Waste Disposal Facilities and Sites, Hazardous Waste Management Facilities, Salvage Yards, and Chemical Storage Facilities

New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by Variance as specified in this section, in the special flood hazard area. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a special flood hazard area only if the structure or tank is either elevated or floodproofed to at least the flood protection elevation and certified pursuant to the provisions of this section.

(2) Specific Standards

In all areas of special flood hazard where base flood elevation data has been provided as set forth in §16.02.060.A.1.e, *Basis for Establishing the Areas of Special Flood Hazard and Floodway,* or §16.07.090.D.5, *Use of Other Base Flood Data* the following provisions are required:

(A) AO Zones

All construction in AO zones shall be designed and constructed with drainage paths around structures to guide water away from structures.

(B) Residential Construction

i. New construction and substantial improvement of any residential structure in any A1-30, AE and AH zone shall have the top of the lowest floor, including basement, elevated no lower than the flood protection elevation.

ii. New construction and substantial improvement of any residential structure in any AO zone shall have the lowest floor, including basement, elevated to or above the highest adjacent grade at least as high as the FIRM's depth number plus 24 inches.

iii. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited or shall be constructed entirely of flood resistant materials at least to the flood protection elevation and designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement shall either be certified by a registered professional engineer or architect or shall meet or exceed the following minimum criteria (see Figure 02-1: *Preferred Crawl Space Construction*, *Figure 02-2: Below Grade Crawl Space Construction*, and FEMA Technical Bulletin 11 for further information:

iv. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. Openings shall be placed on at least two walls to permit entry and exit of floodwaters. If a building has more than one enclosed area, each enclosed area shall have flood openings to allow floodwaters to automatically enter and exit.

v. The bottom of each flood vent opening shall be no higher than either one foot above the interior grade or shall be no higher than one foot above the exterior adjacent grade.

vi. Engineered flood vents are required.

vii. Portions of the building, utilities, and machinery located below the base flood elevation shall be constructed with material resistant to flood damage.

viii. The interior grade of a below grade crawl space (see Figure 02-2: Below Grade Crawl Space Construction) shall not be more than two feet below the exterior lowest adjacent grade (LAG).

ix. The height of a below grade crawl space, measured from the interior grade of the crawl space to the top of the crawl space foundation wall, shall not exceed four feet at any point.

x. A below grade crawl space shall have an adequate drainage system that removes floodwaters from the interior area of the crawl space within a reasonable time after a flood event.

xi. The velocity of floodwaters at the site should not exceed five feet per second for any crawlspace.

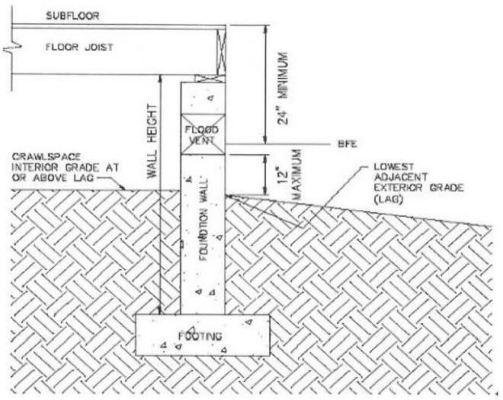


Figure 02-1: Preferred Crawl Space Construction

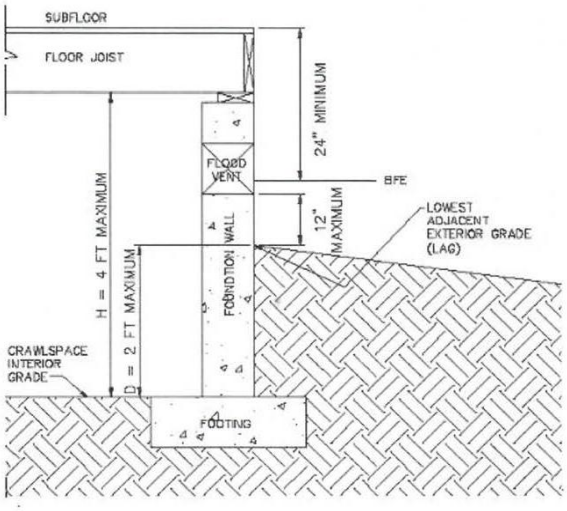


Figure 02-2: Below Grade Crawl Space Construction

Note: A below grade crawl space shall be subject to higher flood insurance rates through the NFIP.

(C) Nonresidential Construction

i. New construction and substantial improvement of any commercial, industrial, nonresidential portion of a mixed use or other nonresidential structure in any A1-30, AE and AH zone shall either have the top of the floor structure of the lowest floor, including basement, elevated no lower than the flood protection elevation or floodproofed to the flood protection elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, are:

(a) Watertight with walls substantially impermeable to the passage of water;

(b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

(c) Be certified by a registered professional engineer or architect that the design and methods of construction are pursuant to accepted standards of practice for meeting provisions of this section based on their development and/or review of the structural design, specifications, and plans. Such certifications shall be provided to the Floodplain Administrator as set forth in §16.07.090.D.6, along with the operational plan and inspection and maintenance plan;

(d) Nonresidential structures that are elevated, not floodproofed, shall meet the same standards for space below the lowest floor as described in §16.02.060.A.1.g(2)(B)iii; and

(e) Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building constructed to the base flood level will be rated as one foot below that level).

ii. All new construction and substantial improvement of nonresidential structures within AO zones shall:

(a) Have the lowest floor (including basement) elevated above the highest adjacent grade at least 24 inches higher than the depth number specified in feet on the FIRM; or

(b) Together with the attendant utility and sanitary facilities be completely floodproofed to that level to meet the floodproofing standard specified §16.02.060.A.1.g(1)(C)i.

(D) Manufactured Homes

All manufactured homes to be placed or substantially improved within zones A1-30, AH, and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is 24 inches above the base flood elevation and be securely anchored to an adequately anchored foundation system pursuant to the provisions of §16.02.060.A.1.g(1)(A)ii.

(E) Recreational Vehicles

All recreational vehicles to be placed on a site within zones A1-30, AH, and AE shall meet the requirements of §16.02.060.A.1.g(2)(D), *Manufactured Homes*, or be placed on the site for less than 180 consecutive days and be fully licensed and highway ready. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions.

(F) Critical Facilities

i. Construction of new critical facilities shall be, to the extent possible, located outside the limits of the special flood hazard area (SFHA) (100-year floodplain).

ii. Construction of new critical facilities shall be permissible within the SFHA only if no feasible alternative site is available.

iii. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet above BFE or to the height of the 500-year flood, whichever is higher.

iv. Access to and from the critical facility should also be protected to the height used above. Floodproofing and sealing measures shall be taken to ensure that toxic substances will not be displaced by or released into floodwaters.

v. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

(G) Temporary Nonresidential Structures

Prior to the issuance of a Floodplain Development Permit for a temporary structure, the applicant shall submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:

i. A specified time period for which the temporary use will be permitted. Time specified may not exceed six months, renewable up to 12 months;

ii. The name, address, and phone number of the individual responsible for the removal of the temporary structure;

iii. The time frame prior to the event at which a structure will be removed (i.e., immediately upon flood warning notification);

iv. A copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and

v. Designation, accompanied by documentation, of a location outside the special flood hazard area, to which the temporary structure will be moved.

vi. Temporary structures in the floodway shall provide a hydraulic and hydrology analysis along with a no-rise certification.

(H) Accessory and Agricultural Structures (Appurtenant Structures)

When accessory structures (sheds, detached garages, etc.) used solely for parking, and storage are to be placed within a special flood hazard area, elevation or floodproofing certifications are required for all accessory structures pursuant to this section, and the following criteria shall be met:

i. Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking, or restroom areas);

ii. Accessory structures shall not be temperature-controlled;

iii. Accessory structures shall be designed to have low flood damage potential;

iv. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;

v. Accessory structures shall be firmly anchored pursuant to the provisions of §16.02.060.A.1.g(1)(A), *Anchoring*;

vi. All utility equipment and machinery, such as electrical, shall be installed pursuant to the provisions of §16.02.060.A.1.g(1)(C), *Utilities*; and

vii. Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below flood protection elevation in conformance with the provisions of this section.

viii. Accessory structures not used solely for parking, access, and storage shall be elevated per this section.

ix. An accessory structure with a footprint less than 200 square feet and is a minimal investment of $7,500.00 and satisfies the criteria outlined in §16.02.060.A.1.g(2)(H)i– vii above is not required to provide the elevation certificate per this section.

(I) Tanks

When gas and liquid storage tanks are to be placed within a special flood hazard area, the following criteria shall be met:

i. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the base flood, including the effects of buoyancy (assuming the tank is empty);

ii. Elevated above-ground tanks, in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse, or lateral movement during conditions of the base flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area;

iii. Not elevated above-ground tanks may be permitted in flood hazard areas provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris;

iv. Tank inlets, fill openings, outlets and vents shall be:

(a) At or above the flood protection elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the base flood; and

(b) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood.

(J) Compensatory Storage

New development shall not reduce the effective flood storage volume of the regulatory floodway and SFHA. A development proposal shall provide compensatory storage if grading or other activity eliminates any effective flood storage volume. Compensatory storage shall:

i. Provide equivalent volume at equivalent elevations to that being displaced. For this purpose, "equivalent elevation" means having similar relationship to ordinary high water and the best available 100-year water surface profiles;

ii. Be hydraulically connected to the source of flooding; and

iii. Provide compensatory storage in the same construction season as when the displacement of flood storage volume occurs and before the flood season begins.

iv. The newly created storage area shall be graded and vegetated to allow fish access during flood events without creating fish stranding sites.

h. Standards for Zone A Areas

Within the special flood hazard areas designated as Zone A (also known as Unnumbered A Zones) where no base flood elevation (BFE) data has been provided by FEMA, the following provisions, in addition to the provisions of §16.02.060.A.1.g(1), *Standards* shall apply:

(1) The BFE used in determining the flood protection elevation (FPE) shall be determined based on the following criteria:

(A) When base flood elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this section and shall be elevated or floodproofed pursuant to standards in §§16.02.060.A.1.g(1), *Standards* and 16.02.060.A.1.g(2), *Specific Standards*.

(B) When floodway data is available from a federal, state, or other source, all new construction and substantial improvements within floodway areas shall also comply with the requirements of §§16.02.060.A.1.g(2), *Specific Standards*, and 16.02.060.A.1.j, *Standards for Floodways*.

(C) Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or five acres, whichever is the lesser, include within such proposals base flood elevation data. Such base flood elevation (BFE) data shall be adopted by reference pursuant to §16.02.060.A.1.e, *Basis for Establishing the Areas of Special Flood Hazard and Floodway* and used in implementing this section. The applicant/developer shall submit an application for a conditional letter of map revision (CLOMR) prior to Preliminary Plat approval and have obtained a letter of map revision (LOMR) prior to any Building Permits for structures being issued.

(D) When base flood elevation (BFE) data is not available from a federal, state, or other source as outlined above, the lowest floor shall be elevated or floodproofed (nonresidential) to two feet above the highest adjacent grade (HAG) at the building site or to the flood protection elevation (FPE) whichever is higher. All other applicable provisions of §16.02.060.A.1.g(2), *Specific Standards* shall also apply.

i. Standards for Riverine Floodplains with Base Flood Elevations but without Established Floodways

Along rivers and streams where base flood elevation (BFE) data is provided by FEMA or is available from another source but floodways are not identified for a special flood hazard area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

(1) Standards of §16.02.060.A.1.g(1), *Standards* and 16.02.060.A.1.g(2), *Specific Standards;* and

(2) Until a regulatory floodway is designated, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

j. Standards for Floodways

Areas designated as floodways located within the special flood hazard areas established in §16.02.060.A.1.e, *Basis for Establishing the Areas of Special Flood Hazard and Floodway*. The floodways are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in sections §§16.02.060.A.1.g(1), *Standards* and 16.02.060.A.1.g(2), *Specific Standards,* shall apply to all development within such areas:

(1) New residential structures and residential substantial improvements are prohibited in the floodway.

(2) All encroachment, including fill, new construction, substantial improvements, residential structures, and other developments shall be prohibited, except for the following:

(A) Roads and bridges necessary to connect areas outside of the special flood hazard area;

(B) Utilities;

(C) Recreational pathways and open space;

(D) Flood control and stormwater management facilities;

(E) Boat ramps or river access;

(F) Wildlife habitat improvements;

(G) Stream restoration and bank stabilization constructed pursuant to a Floodplain Development Permit;

(H) Fences that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, in regulated floodways shall meet the limitations of §16.02.060.A.1.j, *Standards for Floodways.*

(I) Retaining walls, bulkheads, sidewalks, and driveways that involve the placement of fill in regulated floodways shall meet the limitations of §16.02.060.A.1.j, *Standards for Floodways.*

(J) Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings, and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways, shall meet the limitations of §16.02.060.A.1.j, *Standards for Floodways.* The applicant/developer shall submit an application for a letter of map revision (LOMR) upon completion of construction for the purpose of providing FEMA better available data.

(K) Drilling water, oil, and/or gas wells including fuel storage tanks, apparatus, and any equipment at the site that encroach into regulated floodways shall meet the limitations of §16.02.060.A.1.j, *Standards for Floodways.*

(L) Docks, piers, boat ramps, marinas, moorings, decks, docking facilities, port facilities, shipbuilding, and ship repair facilities that encroach into regulated floodways shall meet the limitations of §16.02.060.A.1.j, *Standards for Floodways.*

(3) Encroachments in the floodway are only allowed if:

(A) All development shall comply with all applicable flood hazard reduction provisions of this section and meet the approval of the Federal Emergency Management (FEMA) and National Flood Insurance Program (NFIP) and does not jeopardize the City's participation in the NFIP; and

(B) Requirements of a no adverse impact statement and a no-rise certification, with accompanying analysis, are met; or

(C) A conditional letter of map revision (CLOMR) has been approved by FEMA. A letter of map revision (LOMR) shall also be obtained within six months of completion of the proposed encroachment.

k. Standards for Areas of Shallow Flooding (Zone AO, AH, AR/AO, or AR/AH).

(1) Areas designated as shallow flooding areas have special flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to all other applicable provisions of this section, all new construction and substantial improvements shall meet the following requirements:

(A) The lowest floor shall be elevated at least as high as the depth number specified on the flood insurance rate map (FIRM), in feet, plus a freeboard of two feet, above the highest adjacent grade; or at least two feet above the highest adjacent grade if no depth number is specified.

(B) Nonresidential structures may, in lieu of elevation, be floodproofed to the same level as required in chapter so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Floodproofing certification is required pursuant to this chapter.

(C) Accessory structure (appurtenant structure) (sheds, detached garages, etc.).

i. Used solely for parking, and storage:

(a) Shall have the lowest floor elevated at least as high as the depth number specified on the flood insurance rate map (FIRM), in feet, plus a freeboard of two feet, above the highest adjacent grade; or at least two feet above the highest adjacent grade if no depth number is specified; or

(b) Shall have flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below flood protection elevation in conformance with the provisions of §16.02.060.A.1.g(2)(B)iii.

ii. Not used solely for parking, and storage:

(a) Shall be elevated per §§16.02.060.A.1.g(2)(B), *Residential Construction* and 16.02.060.A.1.g(2)(C), *Nonresidential Construction.*

(D) Adequate drainage paths shall be provided around structures on slopes to guide floodwaters around and away from proposed structures.

(E) Where hazardous velocities are noted on the FIRM, proper construction techniques and methods shall be used to mitigate the effects of the velocities.

I. Standards for Riparian Setback Area

(1) Purpose

Some parcels of land may be located in proximity to a waterway but may not contain SFHA, 0.2 percent annual chance floodplain, floodway, or the waterway's channel and therefore local, state, and federal regulations to preserve these ecologically important areas are largely inapplicable. The Riparian Setback Area is a local designation created to build upon local, state, and federal regulations when lands contain SFHA, 0.2 percent annual chance floodplain, floodway, and waterway channel, when applicable, but also to preserve and enhance the riparian zone when the aforementioned designations are not applicable. The Riparian Setback Area is established to:

(A) Guide development adjacent to waterways toward the most appropriate building envelope for its particular site;

(B) Minimize the impact of development adjacent to waterways on adjacent properties upstream, downstream and across waterways;

(C) Review Development Plans for property adjacent to waterways to minimize the obstruction of the conveyance of floodwaters;

(D) Provide for the stewardship, maintenance and/or enhancement of the riparian zone and riparian environment, including wildlife habitat along waterways;

(E) Carry out the provisions of the Comprehensive Plan as well as health, safety, and welfare with regard to properties adjacent to waterways;

(F) Warn that City review and approval is not going to prevent flooding and that flooding may occur;

(G) Advise of flood hazards and studies and options available;

(H) Review obstructions to flood carrying capacity and to advise on methods that may be used to moderate impact of the development;

(I) Review landscaping and access for flood carrying capacity and preservation or enhancement of riparian vegetation; and

(J) Provide regulations for the riparian zone.

(2) Applicability

"Development", as defined in §16.08.020, and construction or placement of buildings or structures, including additions to any such structures or buildings permitted after November 20th, 1989, and landscaping changes within the riparian zone for parcels under development with new structures and parcels developed with structures after November 20th, 1989, upon real property within the Riparian Setback Area shall require approval under §16.07.050.E, prior to issuance of a Building Permit, excavation/grading permit or commencement of any work associated with any such activity.

(3) Findings of Fact

The City hereby makes the following findings of fact with regard to areas within the riparian setback:

(A) Flooding is aggravated by the collection of debris upstream of channel obstructions located in floodplain areas. Such obstructions include, but are not limited to, bridges, fences, houses, and trees. The accumulation of debris can result in significantly higher water surface elevations and flooding beyond limits of the SFHA shown on the FIRMs upstream from the obstructions.

(B) Structures located in proximity to waterways, even if the structure's location is outside the boundaries of the SFHA, may be subject to inundation and damages during flood events due to the potential of the channel to change direction abruptly during high flows. In particular, this risk affects lands adjacent to the Big Wood River, which is wide and flat with a relatively shallow channel in many areas.

(C) The levees built by the U.S. Army Corps of Engineers are not considered by the Corps or FEMA to be adequately designed to be classified as permanent structures capable of withstanding a one percent annual chance flood.

(D) Encroachments (i.e., houses, fill, etc.) on floodplains reduce the flood carrying capacity of the river and its floodplain and increase flood heights, thus increasing flood hazards on land beyond the encroachment. With every new development since the FEMA one percent annual chance boundary was determined, the ability of the floodplain to function as originally assumed changes.

(E) Historically, development adjacent to waterways has had a direct effect on methods chosen by owners to protect their property, often to the detriment of the natural stream. Methods often destroy or greatly alter fish and wildlife habitat, unnaturally armor the banks of the waterways to prevent erosion or cause future damages to manmade structures.

(4) Rules for Interpretation of Riparian Setback Area Boundaries

(A) The Riparian Setback Area is not indicated on the Ketchum zoning map due to the nature of how the boundaries are established. The Riparian Setback Area includes all parcels containing lands that are within 25 feet of the mean high-water mark as measured horizontally from the mean high-water mark of any waterway. Waterways include the Big Wood River, Trail Creek, and Warm Springs Creek, and any and all channels having year-round or intermittent flow. These lands within 25 feet of the mean high-water mark area are also known as the riparian zone, as defined in §16.08.020.

(B) Some parcels of land may be located within the riparian setback and contain riparian zone but may not contain SFHA, 0.2 percent annual chance floodplain, floodway, or the channel due to the proximity of the parcel to a waterway. Nevertheless, if a parcel contains land that is within 25 feet of the mean high-water mark of a waterway, that parcel is within the Waterways Review District and the riparian zone is subject to riparian regulations.

(C) Some parcels of land may be located within the SFHA and/or 0.2 percent annual chance floodplain and/or floodway and may also contain riparian zone. These parcels are located within the Waterways Review District and riparian regulations apply to the riparian zone.

m. Real Estate Sales and Leasing Disclosures

Every real estate agent, sales person, broker, and private party who offers for sale or lease a parcel of real property and/or structure that contains SFHA, floodway, frontage on a waterway and associated riparian zone, shall provide the prospective purchaser or leaseholder with written notice that the real property and/or structure is located within the floodplain, floodway, and/or Waterways Review District and that structures and land are subject to the regulations of this section.

n. Special Requirements for Building Permits

(1) Non-conversion agreement required. For any building in the floodplain with an area below the lowest floor that is below the base flood elevation and has a ceiling height of five feet or greater, the building owner shall sign a non-conversion agreement, that shall run with the property, promising not to improve, finish or

otherwise convert the area below the lowest floor to living area and granting the City the right to inspect the enclosed area at its discretion. Such agreement shall be recorded at Blaine County's Recorder's Office.

(2) Preconstruction elevation certificate required. Prior to issuance of any Building Permit for a structure located partially or wholly within the one percent annual chance floodplain, a preconstruction elevation certificate shall be completed by a registered professional engineer, architect or surveyor and submitted to the Building Official.

o. Warning and Disclaimer of Liability

The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This section does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. This section shall not be deemed or construed to create liability on the part of the City, any officer or employee of the City, or the Federal Insurance Administration for any flood damages that result from reliance on this section or any administrative decision lawfully made hereunder.

p. Administration

Any and all development located in the Floodplain Overlay district shall comply with the provisions of §16.07.050, *Floodplain*.

2. Emergency Stream Bank Stabilization

a. Applicability

An emergency application shall be required if an emergency is imminent based on the following:

(1) The water equivalent measurements at Galena, Galena Summit, Dollar Hide and Lost Wood Divide as recorded by the national resource conservation service (NRCS) SNOTEL sites;

(2) The forecast temperatures available from the national weather service;

(3) The flow of the Big Wood River as measured at the Hailey Gauging Station and recorded by the United States Geological Survey (USGS) in Boise, Idaho; and

(4) Failure to submit an application under §16.07.050.C far enough in advance of the desired start date for bank stabilization work shall not be considered an emergency.

b. Procedure

To obtain an emergency bank stabilization permit, an applicant shall submit an application as described in §16.07.050.C and receive written approval to perform the bank stabilization work from the Administrator. The Administrator may consult a qualified engineer or professional regarding the proposed emergency bank stabilization work.

3. Emergency Riparian Alteration

a. Applicability

An emergency application shall be required if an emergency is imminent based on the following:

(1) The water equivalent measurements at Galena, Galena Summit, Dollar Hide and Lost Wood Divide as recorded by the National Resource Conservation Service (NRCS) SNOTEL sites;

(2) The forecast temperatures available from the National Weather Service;

(3) The flow of the Big Wood River as measured at the Ketchum Gauging Station or Hailey Gauging Station and recorded by the United States Geological Survey (USGS) in Boise, Idaho;

(4) Local site conditions, such as downed trees, debris build up, or trees in imminent danger of falling as determined by the Administrator and advised by the City arborist; and

(5) Failure to submit an application under §16.07.050.B far enough in advance of the desired start date for riparian alteration work shall not be considered an emergency.

b. Procedure

To obtain an emergency permit, an applicant shall submit an application as described in §16.07.050.B and receive written approval to perform the emergency work from the Administrator. The Administrator may consult a qualified engineer or professional regarding the proposed emergency work.

4. Emergency City-Initiated Actions

a. Applicability

An emergency application shall be required if an emergency is imminent based on the following:

(1) The water equivalent measurements at Galena, Galena Summit, Dollar Hide and Lost Wood Divide as recorded by the National Resource Conservation Service (NRCS) SNOTEL sites;

(2) The forecast temperatures available from the National Weather Service;

(3) The flow of the Big Wood River as measured at the Ketchum Gauging Station or Hailey Gauging Station and recorded by the United States Geological Survey (USGS) in Boise, Idaho; and

(4) Local site conditions determined by the City Administrator or their designee to pose an imminent threat to the health, safety, and welfare of the public.

b. Procedure

Upon determination of an emergency, the City shall initiate actions necessary to protect public health, safety, and welfare and/or prevent or mitigate damage to public or private property or infrastructure. There is no application fee for a City-initiated application.

5. Temporary Flood Control Barriers

a. Uses Permitted

(1) Private Use

Temporary flood control barriers, such as sandbags, bladder dams, and other similar non-permanent barriers placed on private property and located in such a manner to protect floodwaters from inundating a structure may be installed prior to imminent flooding or during a flood event.

(2) Public Use

Temporary flood control barriers, such as sandbags, bladder dams, and other similar non-permanent barriers placed on public or private property and located in such a manner to protect floodwaters from inundating a structure or public infrastructure may be installed prior to imminent flooding or during a flood event.

b. Use Restrictions

The following restrictions are imposed upon use of temporary flood control barriers:

(1) Temporary flood control barriers shall be designed and located to protect structures or public infrastructure from inundation by flood waters but shall not be designed or located solely to divert or displace flood waters into the public right-of-way or adjacent private properties;

(2) Temporary flood control barriers shall be offset no further than six feet from the structure the barrier is protecting except in the case of barriers installed to protect public infrastructure;

(3) Temporary flood control barriers shall be removed within 90 days of installation unless inundation by floodwaters is prolonged and approval for an extension has been issued via a Floodplain Development Permit.

(4) Sand or other fill used within sandbags or similar devices shall not be emptied into the floodplain or river, creek, or stream.

(5) Water used to fill a bladder dam shall not be emptied into a river, creek, or stream.

c. Procedure

To obtain Temporary Flood Control Barrier Permit, an applicant shall submit an application as described in §16.07.050.F and receive written approval to install the temporary flood control barrier from the Administrator.No application is necessary for the installation of temporary flood control barriers installed pursuant to the regulations of this section.

B. A: Avalanche Overlay District

The Avalanche Overlay district is established to identify those areas where, after due investigation and study, the City Council finds that avalanche potential exists. Avalanches are caused by steepness of slope, exposure, snowpack composition, wind, temperature, rate of snowfall and other little understood interacting factors. Due to the potential avalanche hazard, special regulations should be imposed within such district.

1. Purposes

An Avalanche Overlay district is established as a zoning overlay district for the following purposes:

a. To identify those areas within the city where, after due investigation and study, avalanche potential is found to exist.

b. To give notice to the public of those areas within the city where such avalanche potential has been found to exist.

c. To give notice to and provide the public with the opportunity to review pertinent avalanche studies and reports together with any future studies made. Copies of the studies are available for public inspection at the office of the City Clerk. It is recommended that the studies be examined prior to purchase, development, construction, or use of land located within the Avalanche Overlay District.

d. To minimize health and safety hazards, disruption of commerce and extraordinary public expenditures.

e. To promote the general public health, safety and welfare.

f. To allow for construction of residences and other uses consistent with Table 16-7: Table of Permitted Uses, by persons informed of potential avalanche danger with regard to a specific parcel of real property, while providing regulations to protect lessees, renters, and subtenants of property within such zone.

2. Avalanche Overlay District Boundaries

a. The Avalanche Overlay district boundaries shall be an overlay district and designate those areas within the city found subject to potential avalanche danger.

b. The Avalanche Overlay District shall include all of those areas within the city so designated by the Ketchum zoning map.

c. Persons interested in building, using or occupying real property within the Avalanche Overlay District are encouraged and should examine the studies. However, the City does not represent or warrant the completeness or accuracy of those studies.

3. Uses Permitted

All uses permitted in the underlying zoning district shall be subject to the additional restrictions of the Avalanche Overlay district. If any of the regulations specified in this section differ from corresponding regulations specified for a district with which the Avalanche Overlay district is combined, the regulations contained in this section shall govern.

4. Use Restrictions

The following restrictions are imposed upon construction, development and use of all real property located within the Avalanche Overlay District:

a. All utilities installed after the Effective Date for development of a subdivision or providing utility services to a building or replacing existing utility services to a building or subdivision shall be installed underground in order to minimize possible avalanche damage to such utilities and injury to persons and property. For all new construction and for projects that constitute a substantial improvement, all utility service meters and

shut-off valves shall be installed on the leeward-side of buildings in a protected location, to the satisfaction of the Fire Department.

b. Avalanche protective, deflective, and preventative structures, devices, or earthwork that threaten to deflect avalanches toward property of others or otherwise threaten to increase the danger to persons or property are prohibited. The construction of such structures, devices, or earthwork shall be permitted only as a conditional use as described in §16.07.030.

c. Any residence that has not been engineered to withstand avalanche forces consistent with this section shall not be leased, rented, or sublet from November 15 through April 15 of each year and any residence that has not been engineered to withstand avalanche forces that is being leased or rented or sublet after April 19, 1974 shall be deemed a zoning violation and shall be governed by §16.01.060, *Enforcement and Penalties*.

5. Building Permit Requirements

The following standards shall apply to all structures within the Avalanche Overlay, except remodels to existing, non-engineered single-family homes and for additions under 1,200 gross square feet to existing, non-engineered single family-homes shall only be subject to paragraphs b. and c.

a. Prior to issuance of a Building Permit for any structure within the Avalanche Overlay, the applicant shall submit to the Building Official plans, signed by an engineer licensed in the State of Idaho, certifying that the proposed construction as designed will withstand the avalanche forces, or the avalanche forces set forth in a study of the property in question prepared at the owner's expense and submitted to the City by a recognized expert in the field of avalanche occurrence, force and behavior.

b. All plans submitted with a Building Permit application for property within the Avalanche Overlay District shall be stamped "avalanche zone", together with the applicable subzone designation.

c. Prior to the issuance of any Building Permit for construction or improvements within the Avalanche Overlay District, the applicant shall submit to the Building Official a written acknowledgment on a form provided by the City, signed by the property owner under seal of a notary public, of the property owner's actual knowledge that the proposed building or improvement will be located within the Avalanche Overlay District. The property owner will also acknowledge that they have actual knowledge of the studies conducted to date regarding the Avalanche Overlay District.

6. General Notice Requirements

In order to provide reasonable notice to the public of the avalanche potential within all areas designated Avalanche Overlay District, the following notice regulations and requirements are adopted for all real property and structures located within such zone:

a. The City shall file with the Office of the Blaine County Recorder such document(s) as necessary to provide record notice of each existing lot and/or parcel of real property within the Avalanche Overlay District; and such document(s) as necessary to provide record notice that each owner who rents or leases any structure located in whole or part within the Avalanche Overlay District shall provide the tenant, lessee, or subtenant with

written notice that the property is located within the Avalanche Overlay District prior to any occupancy.

b. The City shall post signs in the public right-of-way to reasonably identify the boundaries of the Avalanche Overlay District.

c. All persons who rent, lease, or sublet any structure or premises within the Avalanche Overlay District shall provide the tenant, lessee, or subtenant with written notice that the property is located within such Avalanche Overlay District prior to occupancy.

d. Each real estate agent, sales person, broker, and private party who offers for sale or shows a parcel of real property and/or structure for sale, lease, or rent within the Avalanche Overlay District shall, upon first inquiry, provide the prospective purchaser, lessee, or tenant, prior to viewing the real property, with written notice that the real property and/or structure is located within the Avalanche Overlay District. Furthermore, such written notice shall state that the studies referred to in §16.02.060.B.2 are available for public inspection at the Office of the City Clerk and that the studies should be reviewed prior to any party entering any agreement, contract, or lease.

e. All brochures and other printed materials advertising and/or soliciting reservations for sale, rental or lease of living units within the Avalanche Overlay District shall contain a provision designating that the unit or units are located within the Avalanche Overlay District.

7. Suspension of City Services

During periods of avalanche danger, City services may be suspended or otherwise not be provided to property within the Avalanche Overlay District; nor shall the City accept responsibility for or guarantee that such services, rescue efforts or emergency services will be provided during periods of avalanche danger.

8. Warning and Disclaimer of Safety and Liability

a. Avalanches occur naturally, suddenly, and unpredictably based upon steepness of slope and runout area, exposure, snowpack composition, wind, temperature, rate of snowfall and other little understood interacting factors. The Avalanche Overlay District designated in this Code is considered reasonable for regulatory purposes and is based upon and limited by the engineering and scientific methods of study. This Code does not represent or imply that areas outside the Avalanche Overlay district are free from avalanches or avalanche danger.

b. The fact that the City has not prohibited development, construction, or use of real property within the Avalanche Overlay district does not constitute a representation, guarantee, or warranty of any kind as to the safety of any construction, use or occupancy. The granting of any permit or approval for any structure or use, or the declaration or failure to declare the existence of an avalanche hazard shall not constitute a representation, guarantee or warranty of any kind or nature by the City, or any official or employee, of the practicality or safety of any construction, use or occupancy, and shall create no liability upon or cause of action against such public body, or its officials or employees, for any injury, loss or damage that may result.

c. Avalanches occur naturally, suddenly, and unpredictably, and persons who develop or occupy real property within the Avalanche Overlay District do so at their own risk.

C. WSBA and WSBA-1: Warm Springs Base Area Overlay Districts

1. Purpose

The Warm Springs base area, as one of only two access points to skiing on Bald Mountain, is a key hub for tourist and recreational activities in the city. Due to the unique nature of skier base areas, and their importance to the City's tourism economy, an overlay zoning district is found to be an appropriate tool to encourage desired uses in the base area. The intent of this zoning district and each of its regulations is to:

a. Provide a unique experience based on the specific geography and community characteristics of the Warm Springs base area.

b. Build on the existing village character.

c. Expand the variety of uses and users.

d. Stimulate year-round activity.

e. Enhance connectivity between uses.

f. Maintain key public views.

g. Promote open space and connections to nature.

2. Applicability

a. Projects Up to and Including a 0.5 Floor Area Ratio (FAR)

Projects up to and including a 0.5 FAR are not subject to the additional requirements of this section, and are governed by the underlying zoning district.

b. Projects Over a 0.5 FAR

Projects with a FAR greater than 0.5 shall be subject to the additional requirements of the Warm Springs Base Area Overlay districts (WSBA and WSBA-1).

3. Boundaries of WSBA and WSBA-1 Overlay Districts

The requirements of the WSBA and WSBA-1 overlay districts shall apply to improvements to any property within the portion of Warm Springs as defined on the boundary marked on the Ketchum zoning map.

4. Desired Uses and Floor Area Ratio Table

a. Approach

The purpose of this section is to encourage certain uses by allowing additional floor area for these uses. The following standards apply when preferred uses are included, as indicated in the floor area ratio table that is provided below. Projects up to and including a FAR of 0.5 are not subject to the regulations of this section. Note that, other than the different standards presented in this section, any other standards that presently exist for the T district would continue to apply.

Table 16-2: FAR Allowances
du: Dwelling Unit

Category	Measure [1]	Amount [2]	FAR Increment [3]	Maximum FAR Per Category	Absolute Maximum FAR
Inclusionary housing	1 on site du	1	0.2	No cap	2.25
	1 off site du	1	0.15		
Hotel/lodging	Bedroom	1	0.015	1.0	
Meeting/ Conference	Square feet	100	0.005	0.3	
Office	Square feet	100	0.005	0.5	
Restaurant/ Retail	Square feet	100	0.025	1.1	
Ski industry related nonprofit	Square feet	100	0.005	0.5	
Ski storage [4]	Square feet	100	0.015	0.2	

Notes:
[1] The "measure" is the type of measurement for the designated use.
[2] The "amount" is the unit of measurement for which a designated amount of additional FAR is allowed.
[3] The "FAR increment" is the amount of additional FAR earned per amount of a designated use provided.
[4] Ski storage that is incorporated with retail space shall be subject to the retail FAR increment. Ski storage that is not incorporated with retail shall be subject to the ski storage FAR increment.

b. Maximum FAR

(1) By Right Maximum FAR

The maximum "by right" FAR is 0.5.

(2) Preferred Uses Maximum FAR

The maximum may be increased up to 2.25, when certain preferred uses and amenities are included, based on Table 16-2. The additional FAR shall also be found to be compatible with the context, using the Warm Springs village design guidelines on file with the City Clerk. The absolute maximum FAR may not be exceeded. It is the total potential to be earned with a combination of the FAR incentives.

(3) FAR Increases Above 1.0

Any increase in FAR above 1.0 also shall trigger the requirement for a traffic and parking impact study and parking demand management plan as outlined in §16.02.060.C.8. The City must determine that these impacts are adequately addressed in order to award the additional FAR above 0.5.

c. Change in Use

(1) All developments that achieve a FAR greater than 0.5 shall be required to enter into an agreement with the city addressing any future changes to preferred uses (uses that resulted in a greater overall FAR) pursuant to §16.07.020.E.8.

(2) The agreement shall include stipulations for changes in preferred uses and shall outline specific requirements for changes to preferred uses. For example, the

agreement could require that 25 percent of the uses remain as community housing or retail.

(3) Any increase in FAR above 1.0 also shall trigger the requirement for a traffic and parking impact study and parking demand management plan as outlined in §16.02.060.C.8. The City must determine that these impacts are adequately addressed in order to award the additional FAR above 0.5.

5. Building Massing Standards and Building Height

a. Approach

The following massing and height regulations are intended to permit taller building portions, but limit taller building portions to sites that have been determined to be able to accommodate the increased height without compromising other goals and objectives for the Warm Springs base area. Taller building portions are more compatible when a substantial portion of the development is at a lower scale. Having two story elements at the street edge is particularly important. The following regulations encourage stepped building forms, create an active street edge, and promote views and open space. These standards would influence the perceived mass of a building by setting certain limits on massing, which would result in "sculpting" the building form.

b. Summary of Building Massing Requirements

Table 16-3: WSBA and WSBA-1 Building Massing Requirements

	WSBA	WSBA-1
Maximum Building Height [1]		
3-4 Stories [2]	50 ft (subject to plate heights at minimum setback and to all fourth floor elements being contained within the roof)	
5 Stories	65 feet	
6 Stories	Prohibited	77 ft
Maximum Upper Floor Footprint		
5th Story	35% of first floor building footprint	35% of first floor building footprint
6th Story (if permitted through Design Review)	Prohibited	25% of first floor building footprint
Maximum Wall Plane Length	60 ft	
Minimum Wall Plane Offset (See Figure 02-3)	Ten feet by 15 ft	
Maximum Plate Height Within 10 Feet of Minimum Setback (See Figure 02-4)	35 ft	

Notes:
[1] The maximum height is for roof pitches of 5:12 and greater only, and as measured from existing, natural, or finished grade to the top of the ridge or highest point, including architectural features.
[2] In the WSBA overlay district, portions of buildings within 30 feet of Howard Drive may not exceed 3-4 stories.

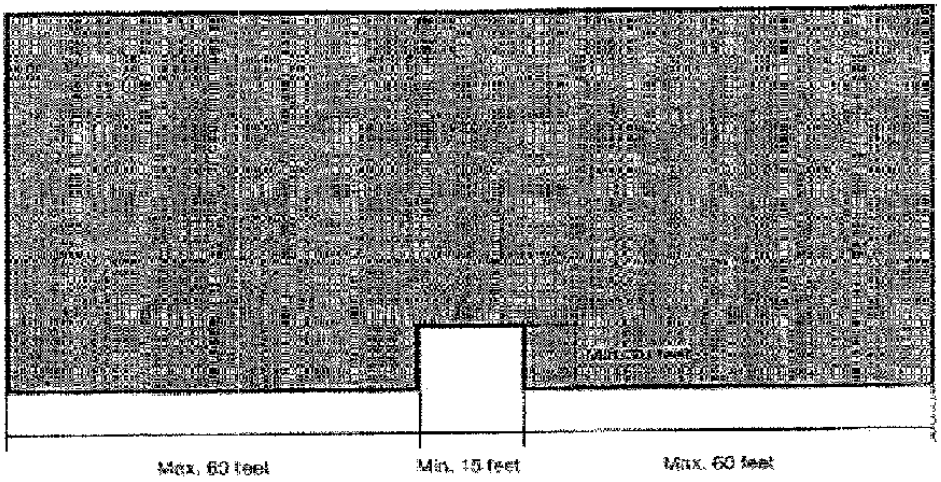


Figure 02-3: Minimum Wall Plane Offset

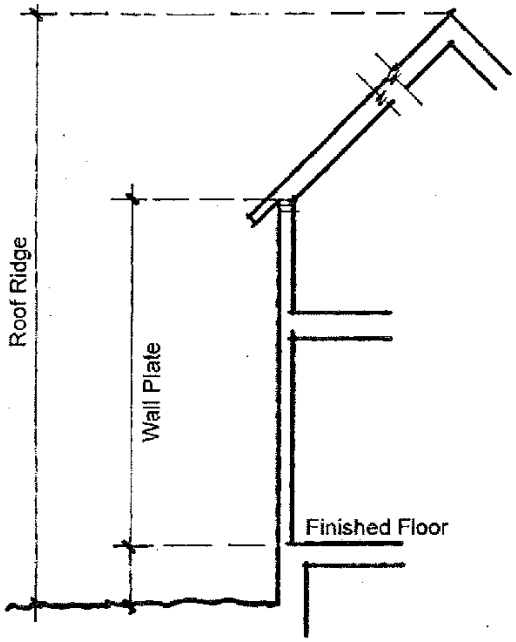


Figure 02-4: Plate Height at Minimum Setback

6. Lot Coverage

a. Approach

Lot coverage shall be regulated by calculating the minimum open site area on the site as determined by the definition found in §16.08.020.

b. Minimum Open Site Area Reduction

The minimum open site area requirement may be reduced based on one or more of the following site criteria:

(1) Size, layout, and/or shape of lot prohibits project from meeting open site requirements.

(2) The project demonstrates water table issues that prohibit underground parking.

(3) Project demonstrates clear benefits from reducing minimum open site requirements.

7. Setback Regulations

Table 16-4: WSBA and WSBA-1 Setbacks

Front Setbacks		
Street face [1] [2]	5 foot setback	Maximum setback
All streets	50% minimum [3]	30 ft [4]

5 ft
15 ft
In the WSBA-1 overlay district, in addition to the mandatory 25-foot riparian zone setback, all development along Warm Springs Creek shall be subject to the following setback requirements: A height plane is established to protect view corridors and sunlight along Warm Springs Creek. This is regulated by Figure 02-5. No building shall exceed this height plane. For example, a 75 foot tall portion of a building is subject to the following setback: Step 1: 75 ft. - 35 ft. = 40 ft. (height above 35 ft.) Step 2: 40 ft. x 1.5 = 60 ft. (additional Warm Springs Creek setback measured from the mandatory 25 ft. riparian setback) For developments that require an additional setback along Warm Springs Creek, the setback zone shall incorporate amenities such as public open space and pedestrian thoroughfares. Design of such amenities and open space shall be subject to criteria outlined in the "Warm Springs Base Area Design Guidelines," on file with the City Clerk.
Notes: [1] When a property extends through to two streets, both streets shall be subject to front yard setback regulations. [2] When a property extends through to two streets, the front yard setback requirement for one street frontage may be modified based on the nature of the surrounding streets and location of the lot. [3] The minimum percentage of the linear dimension of the building front that must be placed at the five-foot setback line. [4] The maximum that any portion of the front of the building may be set back from the front property line. This area shall be public open space that allows for pedestrian circulation. Parking in this area is not permitted, except for loading and unloading areas for accommodations facilities. (Possible exception for property west of Day Lodge and for flexibility through Design Review.)

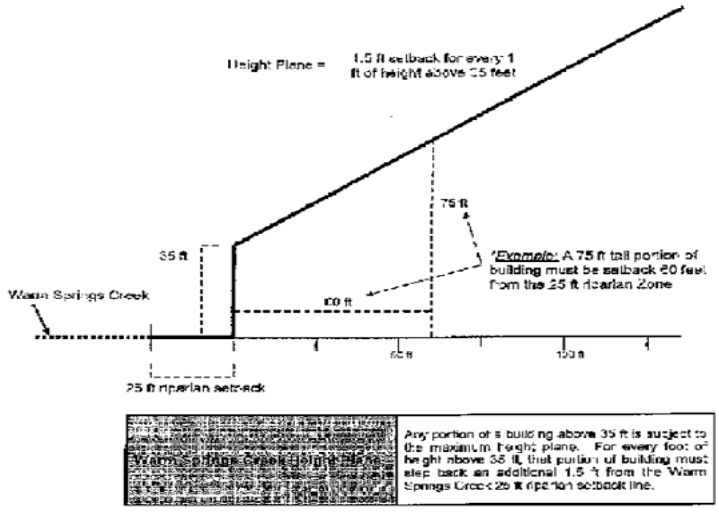


Figure 02-5: Height Plane Calculation

8. Transportation and Parking Regulations

Due to the limitations of Warm Springs Road, alternative travel modes and transit are necessary components of larger projects. To decrease single occupancy vehicle use, this section establishes maximum provisions for on-site parking, coupled with transit demand management requirements.

a. Projects Up to and Including a FAR of 0.5

Parking requirements shall be regulated per §16.04.050.D.

b. Projects With a FAR Greater Than 0.5

Parking shall be regulated by the following chart. For all other parking requirements not outlined in this section, refer to §16.04.050.D.

Table 16-5: Maximum Parking Requirements

Use [1]	Requirement
Residential	1.0 space per 1,500 net sf plus 1 guest space for every 4 residential units
Accommodation	0.75 space per rental/hotel room
Retail trade and retail service	2.0 spaces per 1,000 gross sf
Professional service/office space	2.0 spaces per 1,000 gross sf
Government	1.0 space per 1,000 gross sf

Notes:
[1] For all other uses not itemized in this chart and all other off-street parking regulations, refer to the off-street parking requirements of §16.04.050.

c. Parking Alternatives

(1) Four on street parking spaces per 5,500 square feet of lot area may be counted toward the required parking requirement.

(2) Up to one-eighth of the overall parking requirement may be met via an in lieu payment. The in lieu fee shall be based on the requirements set forth in §16.04.050.J.5.

(3) For projects with a FAR greater than 0.5, a transit demand management (TDM) plan shall be provided that demonstrates that alternative strategies will offset the demand for the parking reduction. TDM plans should consider providing the following strategies:

(A) Bicycle amenities such as standard racks, bicycle lockers, and/or shower facilities.

(B) Provision of a public transit stop, or demonstration of proximate access to an existing transit stop.

(C) Reserved preferential parking spaces for high occupancy vehicles.

(D) Shared parking within mixed use developments.

(E) Publicly accessible permanent display area for information on TDM strategies and options for alternative transit modes.

(F) Shuttle service.

(G) Contribution to public transit or alternative modes fund.

(H) Employee programs such as:

i. Car/van pool coordination and incentive program;

ii. Shuttle program;

iii. Guaranteed emergency ride home program; or

iv. Public transit passes.

D. MO: Mountain Overlay District

1. Purpose

The Mountain Overlay district is established for the following purposes:

a. To identify those areas where, after due investigation, study, and deliberation, the City Council finds that orderly development of hillside areas is vital to the public interest; that the City should regulate access to, erosion of, damage from and construction on hillsides; that it is obligated to protect the public health, safety, and welfare; and that special regulations regarding hillside development should be imposed within such district.

b. To protect the public health, safety, and welfare of inhabitants of hillside areas;

c. To encourage land uses compatible with existing natural resources;

d. To prohibit detrimental alteration of existing topography and terrain, leaving hillsides generally open and unobstructed, to prohibit scarring by roadways;

e. To protect natural land features and wildlife habitat;

f. To minimize or prohibit alteration of hilltops, rock outcrops, knolls, and ridges;

g. To facilitate adequate provision of public services and facilities (i.e., water and sewer, and police, fire, and ambulance protection) through standards appropriate to local conditions;

h. To minimize or prohibit detrimental effects on the natural topography, geology, soils, drainage, wildlife, and vegetation;

i. To carry out provisions contained in the Comprehensive Plan;

j. To minimize the visual impact of building sites and access drives that are significantly higher than the vast majority of building sites in Ketchum;

k. To protect hillsides in Ketchum that are physically and topographically unique due to their present lack of access roads and thus their lack of development;

l. To ensure preservation of hills, ridges, ridgelines, and their natural features that are visible from the valley floor from obstruction by development;

m. To direct building away from the higher elevations; and

n. To assure the property owner is not deprived of economically viable use of their property.

2. Mountain Overlay District Boundaries

a. The Mountain Overlay district boundaries shall be an overlay district and shall designate those areas within the city found to be hillside and mountain areas that, due to their steepness of slope, high visibility from other areas within and outside of the city by the general public, unique physical characteristics including knolls, ridges and rock outcroppings, and/or skyline juxtaposition among other mountain slopes, require regulation in order to carry out the purposes of this district.

b. The Mountain Overlay district shall include all of those areas within the city so designated by the Ketchum zoning map.

3. Uses Permitted

The Mountain Overlay district shall be an overlay district and shall apply the additional requirements of the Mountain Overlay district to the uses and requirements contained in the underlying zoning district. The uses allowed within the underlying zoning district shall be subject to the additional regulations contained in the Mountain Overlay district.

4. Use Restrictions

The following restrictions are imposed upon construction, development, and use of all real property within the Mountain Overlay district. Each of the following activities shall be subject to the Mountain Overlay District standards established in this section and §16.07.030.C, *Design Review* , prior to issuance of a Building Permit, excavation/grading permit or commencement of any work associated with any such activity:

a. Construction or placement of buildings or structures, including additions to any such structures or buildings existing at the Effective Date, upon real property within the Mountain Overlay district;

b. Other excavation of materials, grading and filling for any purpose not associated with construction of buildings and structures described above; and/or

c. Any activity regulated by City street standards in §16.04.020, Access, Connectivity, and Circulation.

5. Mountain Overlay District Standards

a. There shall be no building on ridges or knolls that would have a material visual impact on a significant skyline visible from a public vantage point entering the city or within the city. "Material", as the term is used herein, shall be construed in light of the magnitude of the negative impact on the objectives of this section;

b. Building, excavating, filling, and vegetation disturbance on hillsides that would have a material visual impact visible from a public vantage point entering the city or within the city shall be minimized. "Material", as the term is used herein, shall be construed in light of the magnitude of the negative impact on the objectives of this section;

c. Driveway standards as well as other applicable standards contained in §16.04.020.A, shall be met;

d. All development shall have access for fire and other emergency vehicles to within 150 feet of the furthest exterior wall of any building;

e. Significant rock outcroppings shall not be disturbed;

f. International Building Code (IBC) and International Fire Code (IFC) and Fire Department requirements shall be met;

g. Public water and sewer service shall comply with the requirements of the City;

h. Drainage shall be controlled and maintained to not adversely affect other properties;

i. Cuts and fills allowed for roadways shall be minimized; lengths of driveways allowed shall be minimized; all cuts and fills shall be concealed with landscaping, revegetation, and/or natural stone materials. Revegetation on hillsides with a clear zone of 30 feet around all structures is recommended. The clear zone shall include low combustible irrigated vegetation with appropriate species, on file with the Planning and Building Department. Revegetation outside of this clear zone should be compatible with the surrounding hillsides;

j. There shall not be other sites on the parcel more suitable for the proposed development in order to carry out the purposes of this section;

k. Access traversing 25 percent or greater slopes shall not have significant impact on drainage, snow and earthslide potential and erosion as it relates to the subject property and to adjacent properties;

l. Utilities shall be underground;

m. Limits of disturbance shall be established on the plans and protected by fencing on the site for the duration of construction;

n. Excavations, fills and vegetation disturbance on hillsides not associated with the building construction shall be minimized; and

o. Preservation of significant landmarks shall be encouraged and protected, where applicable. A significant landmark is one that gives historical and/or cultural importance to the neighborhood and/or community.

p. Encroachments of below grade structures into required setbacks are subject to §16.02.070.A.10 and shall not conflict with any applicable easements, existing underground structures, sensitive ecological areas, soil stability, drainage, other sections of this Code or other regulating codes such as adopted International Code Council Codes, or other site features concerning health, safety, and welfare.

16.02.070. Measurements and Exceptions

A. Supplementary Yard Regulations

1. Cornices, canopies, eaves, chimney chases or similar architectural features may extend into a required yard not more than three feet.
2. 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 international building code.
3. 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.
4. 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.
5. No part of a yard required for a building for the purpose of complying with the provisions of this Code shall be included as a yard for another building.
6. 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 25 feet from the mean high water mark of the stream.
7. Decks less than 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 25 feet from the mean high water mark of the stream.
8. Decks more than 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 districts. In the GR-H, T, T-3000 and T-4000 districts, decks more than 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 Design Review approval. In addition to requirements set forth in §16.07.030.C.2, *Design Review,* the following criteria shall apply:
    a. A minimum of five feet is maintained between any point of the deck and the property line;
    b. The application has been approved by the subject property's homeowners' association (if any);
    c. Written approval from a majority of owners of property contiguous to the subject property has been obtained;
    d. Upper story decks/balconies are cantilevered from the building (no supporting posts are permitted within the required yard setback);

e. No portion of a deck that encroaches into the required yard setback may be enclosed or covered by a roof; and

f. Restrictions on exterior storage of personal property may be required through the Design Review process.

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

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

    a. Below grade encroachments into the riparian setback are not permitted; and

    b. Construction activity shall not occur on adjacent properties; and

    c. Encroachment of underground buildings or portions of buildings into required setbacks shall not conflict with any applicable easements, existing underground structures, sensitive ecological areas, soil stability, drainage, other sections of this Code or other regulating codes such as adopted International Code Council Codes, or other site features concerning health, safety, and welfare; and

    d. Underground encroachments into required setbacks shall be located entirely below natural, existing, or finished grade, whichever is lowest; and

    e. The ground above underground 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 this Code. Required landscape plans shall address the compatibility of proposed landscaping with the below grade structure, including any necessary irrigation; and

    f. Below grade encroachments into required setbacks shall not interfere with drainage.

    g. Required drainage plans shall address the ability of drainage to be managed on the subject property with respect to underground encroachments into required setbacks.

11. For lots with platted building envelopes, all buildings shall be placed according to the location of the platted building envelope or the setbacks, whichever is more restrictive. All other structures may be placed outside of the building envelope or within setbacks provided all other applicable requirements are met. For lots with platted building envelopes, all provisions above shall apply to the platted building envelope or the setback, whichever is more restrictive.

B. Community Housing Incentive

1. General Requirements

All new buildings and alterations to existing buildings in the GR-H, T, T-3000, T-4000, and CC districts, unless otherwise specified in this Code, shall be subject to the maximum floor area ratio (FAR) described below. Hotels that meet the definition of "hotel" found in §16.08.020 may exceed the floor area listed in the table below subject to §16.03.030.C.4.

Table 16-6: Maximum Permitted Gross FAR

Districts	Permitted Gross FAR	Inclusionary Housing Incentive
GR-H	0.5	1.4
T	0.5	1.6
T-3000	0.5	1.6
T-4000	0.5	1.6
CC	1.0	2.25

2. Community Housing Incentive

a. The purpose of this section is to encourage new development to include a reasonable supply of affordable and resident occupied workforce housing for sale or rent, to help meet the demand and needs for housing of the community's employees. Land within the zoning districts specified in the table above may be built to the listed permitted FAR. As an incentive to build community housing units, floor area may be increased up to the maximum FAR listed in the table with inclusionary housing incentive.

b. In the CC district, the maximum floor area incentive applies to buildings up to three stories in height. Buildings above three stories may exceed the 2.25 FAR maximum and do not have a maximum FAR limitation only pursuant to the pertinent Code provisions allowing for a fourth floor for uses such as hotels, PUDs, and 100 percent community housing projects. For hotel uses, community housing calculations apply to all those portions of the hotel development except the hotel units, which are addressed pursuant to employee housing of this section.

c. An increased FAR may be permitted subject to Design Review approval, and provided, that all of the following conditions are met:

(1) A minimum of 20 percent of the total increase in gross floor area above the greater of the permitted FAR is deed restricted in perpetuity as community housing unit(s). Of this gross square footage, a 15 percent reduction will be allowed as a standard discount from gross square footage to net livable square footage for community housing units.

(2) After calculating net livable square footage, an allowance can be made for projects with demonstrated groundwater issues as documented by a registered engineer. Upon determination by the City that groundwater on the subject property precludes underground parking, a credit of 350 square feet per required parking space shall be subtracted from the net livable square footage prior to the calculation for the 20 percent deed restricted community housing. Parking space credit shall be rounded to the nearest whole number, and shall not be calculated as fractions.

(3) Community housing requirements may be paid via a fee in lieu of housing. The community housing units times the fee equals the amount due to the City. The fee in lieu shall be recommended by the governing housing authority on an annual basis and adopted by the City Council. For fractions of units, the developer has the option of providing a full housing unit rather than paying the fee in lieu or working with the

City or other nonprofit entity to construct the balance of the community housing unit with additional funds.

(4) All community housing units, either for sale or rent, shall be administered by the governing housing authority, unless otherwise determined by the City Council. The governing housing authority shall recommend the types and locations of all proposed community housing units for approval by the City.

(5) The community housing units shall be targeted for the governing housing authority housing authority income category 4 (100 percent or less of area median income). The applicant may seek the recommendation of the governing housing authority in the determination of an alternative category with corresponding adjustment in the amount of community housing required. The recommendation, if mutually agreed upon by the applicant and the Planning and Zoning Commission, may be used in place of category 4. This allowance shall be based on need for the category type. The definition of who may qualify to purchase affordable housing shall be maintained in the guidelines of the governing housing authority as adopted by the City Council.

(6) The City's primary goal is to see the development of and encourage the construction of community housing units, but realizes that other options will also move the City closer to its goal of housing the workforce. With this in mind, the following options for fulfillment of the community housing incentive are available to the applicant outright. These include, but are not limited to:

   (A) Housing constructed by the applicant on or off site, within the city;

   (B) Payment of an in lieu fee; or

   (C) Acquisition of existing housing stock that meets with the governing housing authority's requirements and approval.

(7) In addition to those outright options noted in this section, the City Council may consider alternative proposals by the applicant to fulfill the community housing incentive. The Council has full discretionary power to determine the request. Options for fulfillment of the community housing incentive include, but are not limited to:

   (A) Land conveyance to the City;

   (B) Existing housing unit buy down or mortgage buy down; or

   (C) Other proposals and options as approved by the City Council.

Chapter 16.03 Use Regulations

16.03.010. Purpose

This chapter provides specific standards for accessory and principal uses allowed in City zoning districts. These standards are intended to strengthen the City's unique character and lessen the impact that certain uses have on adjoining properties and neighborhoods.

16.03.020. Table of Permitted Uses

A. Table of Permitted Uses

Table 16-7 lists all use types and all zoning districts where the use type is permitted (P), permitted with approval of a Conditional Use Permit (C), or permitted as an accessory use (A) to a principal use.

B. Overlay Districts

Regardless of whether the district use matrix lists a use type as permitted, permitted with approval of a Conditional Use Permit, or permitted as an accessory use to a principal use, the use type shall be further regulated and prohibited if listed as a prohibited use in any applicable overlay district.

C. Additional Requirements

In addition to requirements listed in applicable overlay districts, additional requirements for specific uses are listed in Chapter 16.04, *Development Standards*.

D. Accessory Use

An accessory use, unless otherwise permitted for in this Code, shall not commence and no accessory structure shall be constructed without a principal use first being lawfully established on the subject site.

E. Classification of New and Unlisted Uses

If an application is submitted for a use category or use type that is not specifically listed in Table 16-7, the Administrator shall determine the appropriate use category and use type for the proposed use. In such determination, the Administrator shall consider the potential impacts of the proposed use including the nature of the use and whether it includes dwellings, sales, processing, storage, operations, employment characteristics, nuisances, requirements for public utilities, and transportation requirements.

F. Table of Permitted Uses

Table 16-7: Table of Permitted Uses

P = permitted ***C*** = Conditional Use Permit required ***A*** = Accessory P/C = See use-specific standards ***Blank Cell*** = use prohibited

	Residential								***Commercial and Mixed-Use***								***Other***		
	LR	***LR-1***	***LR-2***	***GR-L***	***GR-H***	***STO-.4***	***STO-1***	***STO-H***	***T***	***T-3000***	***T-4000***	***CC - 1***	***CC - 2***	***LI-1***	***LI-2***	***LI-3***	***RU***	***AF***	***Use-Specific Standards***
Residential																			
Community housing units	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	16.02.070.B.2
Dwelling, one-family	P	P	P	P		P	P	P	P	P	P	C	C				C	P	16.03.030.A.1 16.03.030.A.4
Dwelling, multi-family				P	P			P	P	P	P	P	P	C	C	C	C		16.03.030.A.2 16.03.030.A.4
Work/live unit														P	P	P			16.03.030.A.3 16.03.030.A.4
Residential care facility	P	P	P	P	P	P	P	P	P	P	P	P	P				P	P	16.03.030.A.5
Public and Institutional																			
Community and Cultural Facilities																			
Assembly, place of				C	C				C			C	C						16.03.030.B.1
Cemetery																	C	C	
Cultural facility									P			P	P				C		16.03.030.B.2
Daycare center				C	C				P	P	P	P	P	C		C			16.03.030.B.3
Daycare facility				C	P			C	P	P	P	P	P	C		C	P		
Golf course	P	P	P	P	P	P	P	P	P	P	P						C		16.03.030.B.4
Nature preserve	P	P	P	P	P	P	P	P	P	P	P	P	P				P	P	
Public use	C	C	C	C	C	C	C	C	P	C	C	P	P	P	P	P	P	C	
Recreation facility, public	P	P	P	P	P	P	P	P	P	P	P	P	P				P	P	
Recreation facility, semi-public				C	C				C										
Semi-public use					C				P/C	C	C	P	P				C	C	16.03.030.B.5
Educational Facilities																			

School residential campus																P			16.03.030.B.6
Healthcare Facilities																			
Hospital									C			C	C						16.03.030.B.7
Medical care facility					C				P			P	P						
Mortuary												C	C						16.03.030.B.8
Commercial																			
Adult Uses																			
Adult only business															C				
Agriculture and Animal																			
Agriculture, commercial																		P	
Equestrian facility																	C	C	
Kennel, boarding														P	P				
Veterinary service establishment														P	P		C		16.03.030.C.1
Food and Beverage Services																			
Bar/lounge									P	P	P	P	P	C	C				16.03.030.C.2
Food service									P	P	P	P	P	P/C	P/C	P/C	C		16.03.030.C.3
Lodging Facilities																			
Hotel									P	P	P	P	P						16.03.030.C.4
Lodging establishment									P	P	P	P	P						
Short-term rental	P	P	P	P	P	P	P	P	P	P	P	P	P				P	P	16.03.030.C.5
Tourist house									P	P	P	P	P						16.03.030.C.6
Tourist housing accommodation						P	P	P	P	P	P								16.03.030.C.7
Office, Business, and Professional Services																			
Business support service									P			P	P	P	P				16.03.030.C.8
Office, business									P/C			P/C	P			P			16.03.030.C.9
Office, contractor-related business									P/C			P/C	P	P	P	P			16.03.030.C.9

Professional research service														P	P	P			
TV and radio broadcasting station														P	P	P			
General Services																			
Commercial studio									P			P	P	P	P	P			16.03.030.C.10
Instructional service									P			P	P	C	C				16.03.030.C.11
Laundry, industrial														P	P				
Personal service									P	P	P	P	P	P					16.03.030.C.12
Recreation and Entertainment																			
Health and fitness facility - wellness focus									P			P	P	P	P	P			16.03.030.C.13
Outdoor entertainment									P	P	P	P	P						
Performing arts production									P			P	P				C		16.03.030.C.14
Recreation facility, commercial				C	C				P/C	C	C	P	P				C		16.03.030.C.15
Recreation facility, high intensity														P	P				
Ski facility									C	C	C						C	C	16.03.030.C.16
Retail Sales																			
Convenience store									P			P	P	P	P				16.03.030.C.17
Grocery store									P			P	P						16.03.030.C.18
Retail trade									P			P	P	P	P		C		16.03.030.C.19
Transportation																			
Parking facility, off-site									C	C	C	C	C	P	P	P			
Parking, shared									P/C	C	C	P	P	C	C	C			16.03.030.C.20
Truck terminal														P	P				
Vehicles and Equipment																			
Maintenance service facility														P	P		C		

Motor vehicle fueling station														C	C				16.03.030.C.21
Motor vehicle sales														C	C				
Motor vehicle service														P	P				
Repair shop									P	P	P	P	P	P	P				16.03.030.C.22
Industrial																			
Manufacturing and Processing																			
Craft/cottage industry														P	P	P			
Hybrid production facility									P			P	P	P	P				16.03.030.D.1
Industrial design														P	P	P			
Manufacturing														P	P				
Recycling center															C				
Storage and Warehousing																			
Construction material laydown yard														P	P	P			
Off-site snow storage, commercial									P/C			P/C	P/C	P/C	P/C	P/C			16.03.030.D.2
Off-site snow storage, neighborhood	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C		P/C	P/C								16.03.030.D.2
Self-service storage facility														P	P				
Storage yard														P	P	P			
Warehouse														P	P	P			
Wholesale														P	P				
Public and Semi-Public Utility																			
Geothermal utility											C								16.03.030.E.1
Public utility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Wireless communication facility	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	16.03.030.E.2

Accessory																			
Agriculture, urban	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	16.03.040.B.1
Avalanche protective, deflective, or preventive structure/earthwork	C	C	C	C	C	C	C	C	C	C	C						C	C	
Daycare home	A	A	A	A	A	A	A	A	A	A	A			C				A	16.03.040.B.2
Daycare, onsite employees														A	A	A			
Drive-through facility									P			P	P						16.03.040.B.3
Dwelling unit, accessory	A	A	A	A	A	A	A	A	A	A	A	A	A					A	16.03.040.B.4
Electric vehicle charging station	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Energy system, solar	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Energy system, wind	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Equestrian facility, residential	A	A	A	A	A	A	A	A	A	A	A							A	16.03.040.B.5
Fallout shelter	A	A	A	A	A	A	A	A	A	A	A							A	16.03.040.B.6
Guesthouse	A	A	A	A	A	A	A	A	A	A	A								16.03.040.B.7
Home occupation	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	16.03.040.B.8
Household pets	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	16.03.040.B.9
Recreation facility, residential	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A			16.03.040.B.10
TEMPORARY																			
Temporary sawmill																		C	

16.03.030. Use-Specific Standards

A. Residential Uses

1. Dwelling, One-Family

a. All Districts

All dwellings shall be constructed with at least 75 percent of the roof surface higher than seven feet from the grade.

b. District-Specific Standards

(1) In the GR-L district, two one-family dwellings are permitted on one lot.

(2) In the T district, through the provision of a Conditional Use Permit, the Planning and Zoning Commission may approve a 20 percent increase to the total existing square footage of an existing nonconforming one-family dwelling. One-family dwellings are prohibited on properties with frontage along River Street from S. Leadville Ave. to S. 2nd Ave. See Map B on file with the Administrator

(3) In the CC districts, through the provision of a Conditional Use Permit, the Planning and Zoning Commission may approve a 20 percent increase to the total existing square footage of an existing nonconforming one-family dwelling.

(4) In the RU district, the total number of one-family dwellings shall be limited to five dwelling units. Each dwelling unit shall be a minimum of 400 square feet and not exceed 1,200 square feet in size.

2. Dwelling, Multi-family

a. All Districts

(1) All dwellings shall be constructed with at least 75 percent of the roof surface higher than seven feet from the grade.

(2) Adequate interior storage space for personal property of the resident of each unit.

(3) For condominium developments:

(A) A maintenance building or room shall be provided of adequate size and location for storage of maintenance equipment and supplies for common areas.

(B) The subdivider shall dedicate to the common use of the homeowners adequate open space of such shape and area usable and convenient to the residents of the condominium subdivision. Location of building sites and common area shall maximize privacy and solar access.

b. All Other District-Specific Standards

(1) In the GR-L district, multi-family dwellings shall be limited to two dwelling units.

(2) In the GR-H, T, T-3000, T-4000, CC-1, and CC-2 districts, reference §16.04.070 for minimum residential density requirements for new developments or expansions of existing buildings.

(3) In the T, CC-1 and CC-2 districts, community housing units are not permitted within basements.

(4) In the CC-1 district, residential units shall not be located on the ground floor with street frontage.

(5) In the CC-2 district, ground floor residential with street frontage is not permitted for the properties located from the alley west of Main Street to N. 2nd Avenue between 2nd and 5th Streets. See Map A on file with the Administrator.

(6) Multi-family dwellings in the LI districts shall meet the standards in §16.03.030.A.4 below.

(7) In the RU district, multi-family dwellings shall be limited to five dwelling units. Each dwelling unit shall be a minimum of 400 square feet and not exceed 1,200 square feet in size.

3. Work/Live Unit

a. Work/live units in the LI districts shall meet the residential development standards of §16.03.030.A.4 below.

b. All dwellings shall be constructed with at least 75 percent of the roof surface higher than seven feet from the grade.

4. Residential Development in Industrial Districts

a. Ground Floor

Except deed restricted community housing units approved by City Council in the LI-3, dwelling units shall not occupy the ground floor.

b. Dwelling Units

Unless otherwise specified in this section, up to 50 percent of any light industrial building may be devoted to dwelling units and up to 50 percent of a work/live unit's gross floor area may be devoted to the residential portion of a work/live unit.

c. Individual Units

Except as set forth in the following instances noted herein below, dwelling units shall not be separated in any manner for sale as individual units and may only be leased or rented. The instances where dwelling units may be sold are limited to:

(1) City approved work/live units, as defined in §16.08.020;

(2) Three-story projects in the LI-3 where not less than one-third of the total square footage of housing units includes deed restricted community housing that are for sale consistent with §16.03.030.A.4.j, *Residential Units in the LI-3 District*;

(3) Four-story and five-story projects in LI-2 and LI-3 where not less than two-thirds of the total square footage of housing units includes deed restricted community housing units that are for sale consistent with §16.03.030.A.4.f, *Fourth or Fifth Floor*;

(4) Existing nonconforming single-family dwellings in the LI-1 prior to adoption of City Ordinance No. 85, as enacted on May 27, 1965;

(5) Existing condominiums and work/live units with less than 1,000 square feet of residential gross floor area that have a valid residential Conditional Use Permit prior to the adoption of this section as published.

d. Work/Live Units

In the approval of work/live units, the City shall also find that:

(1) The work portion of the unit meets the definition of work/live unit set forth in §16.08.020, including that the project is subject to City Council approval of a restrictive covenant;

(2) The work unit is:

(A) Suitable for on-site employees, foot traffic/customers, and meets applicable building and fire codes;

(B) Signed and posted with regular hours of operation;

(C) Served by the prominent means of access for the work/live unit; and

(D) Associated with a business license for a use allowed (either conditionally or permitted) in the district.

(3) The residential portion of the living space is accessory to the principal use as a place of work. A finding that the residential space is accessory to the work space shall be based on measurable findings, including but not limited to:

(A) The size of the live portion of the work/live unit is both smaller than the work portion of the unit and, further, the live portion of the work/live unit does not exceed 1,000 gross square feet;

(B) Means of access to the residential portion of the unit is not prominent and, preferably, is located to the side or rear of the property; and

(C) Suitable residential parking that does not interfere with snow removal or the operation of proximate LI uses and, further, is pursuant to the parking and loading requirements set forth in §16.04.050.

e. Size

Dwelling units in the LI district shall be a minimum of 400 square feet. In the LI-1 and LI-2 no individual dwelling unit shall exceed a maximum of 2,000 square feet, contain more than two bedrooms, and all units shall not exceed a mean average of 1,000 square feet.

f. Fourth or Fifth Floor

Buildings proposing a fourth or fifth floor with a qualifying ground floor consistent with the underlying zoning district shall comply with the following minimum criteria:

(1) If dwelling units are to be sold, a minimum of two-thirds of the total square footage of housing units shall be for deed restricted community housing units that are for sale and the deed restricted community housing units shall be designed and administered pursuant to the Blaine County Housing Authority guidelines;

(2) The area designated as light industrial shall be as follows:

(A) The area designated as light industrial shall be a minimum of 25 percent of the gross floor area in four-story buildings.

(B) The area designated as light industrial shall be a minimum of 20 percent of the gross floor area in five-story buildings.

(C) Subject light industrial use shall not be for personal storage by dwelling occupants;

(3) Up to 75 percent of the gross square footage of any four-story building and up to 80 percent of the gross square footage of a five-story building may be devoted to dwelling units; and

(4) Unless otherwise deemed appropriate by the Administrator, common area allocation shall be assessed at a LI to residential ratio of 1:1 for four-story buildings and 2:3 for five-story buildings.

g. Anti-Nuisance and Notice Provisions

(1) The applicant is aware the mixed use of the property can result in conflict, that the light industrial use may on occasion or in certain respects be incompatible with the quiet enjoyment of the dwelling units, that due to the subordinate and junior nature of the residential use to the light industrial use, the City will not condition, limit, restrict or otherwise interfere with any lawful light industrial use solely because it interferes with a residential use.

(2) All persons who rent or sublet any residential living unit within the LI district shall provide the tenant, lessee, or subtenant with written notice that such unit is located within the LI district and, as such, is junior and, therefore, subordinate in nature to all legal light industrial activities.

(3) Every real estate agent, sales person, broker, and private party who offers for rent or shows a parcel of real property and/or structure for lease or rent within such LI districts shall, upon first inquiry, provide the prospective lessee or tenant, prior to viewing such real property, with written notice that such real property and/or structure is located within such LI district.

(4) All brochures and other printed materials advertising rental or lease of a living unit within the LI districts shall contain a provision designating that such unit or units are located within the LI district and are within a mixed use area. Lessees and tenants shall be notified that the residential uses within the LI district are subordinate and, therefore, junior in nature to the legal light industrial activities within the district.

h. Compliance

Compliance with all applicable Code sections, including among others, the City's parking and loading standards as set forth in §16.04.050, except that if a parking reduction is requested through a Transportation Demand Management Plan per §16.04.050.J, the reduction request shall be submitted to the Administrator and the City Council will determine if such request shall be approved.

i. Conditions of Approval

Conditions including, but not limited to, the following may be attached to the Conditional Use Permit approval:

(1) Access to the residential units relative to design and relationship to light industrial uses, including suitable access consistent with adopted City standards;

(2) Separation of residential and light industrial parking on the site to minimize conflicts;

(3) Restrictions on exterior storage of personal property of tenants;

(4) Certificate of occupancy required prior to occupancy of units;

(5) Fire Department and Planning and Building Department requirements shall be met prior to occupancy;

(6) Snow removal required to ensure utility of residential spaces and non-interference with continuous LI operations;

(7) Any portion or all waived fees become due and payable upon conversion of resident housing unit(s) to light industrial uses;

(8) Construction techniques that aid sound proofing and limit externalities of LI noise and use impacts on residences is encouraged;

(9) Provision for and reasonable extension of sidewalks to assure safe pedestrian access; and/or

(10) Any other condition deemed to enhance the purposes under this use, or to establish or promote the criteria referenced in §§16.03.030.A.4.a through 16.03.030.A.4.i.

j. Residential Units in the LI-3 District

In addition to compliance with the all of the above criteria in this section, residential units in the LI-3 district shall comply with the following minimum criteria:

(1) A minimum of one-third of the total square footage of housing units shall be deed restricted community housing units;

(2) Deed restricted community housing units shall be designed and administered pursuant to the Blaine County Housing Authority guidelines;

(3) The area designated as commercial LI-3 use shall be a minimum of 34 percent of the total floor area. The commercial light industrial use shall not be for personal storage by dwelling occupants; and

(4) Up to 66 percent of any building may be devoted to dwelling units.

(5) Dwelling units shall be a minimum of 400 square feet and shall not exceed 1,400 square feet total and shall contain no more than three bedrooms.

5. Residential Care Facility

a. Residential care facilities shall be prohibited in the Avalanche Overlay district.

b. In the CC-1 district, residential care facilities shall not be located on ground floor street frontage.

c. All dwellings shall be constructed with at least 75 percent of the roof surface higher than seven feet from the grade.

B. Public and Institutional Uses

1. Assembly

a. In the GR-L and GR-H districts, this use shall be limited to religious institutions. No other assembly uses are permitted.

b. In the T district, this use is permitted only permitted for properties with frontage along River Street from S Leadville Ave to S 2nd Ave. See Map B on file with the Administrator.

2. Cultural Facility

In the T district, this use is only permitted on properties with frontage along River Street from S. Leadville Ave. to S. 2nd Ave. See Map B on file with the Administrator.

3. Daycare Center and Daycare Facility

a. All Zoning Districts

(1) Daycare centers and daycare facilities shall be prohibited in the Avalanche Overlay district.

(2) Adequate recreational facilities, as determined by the Administrator or Planning and Zoning Commission, shall be provided.

(3) Sightproof fencing, landscaping and/or additional setback shall be provided between any outdoor play area and adjacent residential uses as deemed necessary by the Administrator or the Commission.

(4) Outdoor play areas and structures shall not be located in the designated front yard.

(5) Outdoor play hours shall be limited to 9:00 a.m. to 5:00 p.m., Monday through Friday.

(6) Hours of operation shall be limited to 7:30 a.m. to 6:00 p.m., Monday through Friday, unless otherwise approved by the Planning and Zoning Commission through a Conditional Use Permit.

(7) Daycare centers or facilities located within townhouse and condominium developments shall require written approval from the homeowners' association.

(8) The daycare center or facility shall not access from State Highway 75 or Saddle Road.

(9) On site drop off/pick up parking spaces shall be designed to prevent vehicles from backing onto roadways as deemed necessary by the Administrator or the Commission.

b. District-Specific Standards

In addition to the criteria above, daycare centers and daycare facilities in the LI-1 and LI-3 districts shall comply with the following criteria:

(1) On-site employee daycare is only permitted as an accessory use to commercial in the LI districts.

(2) Drop off/pick up parking spaces and play areas shall be fenced or screened from adjacent light industrial uses as deemed necessary by the Administrator or Commission.

(3) The applicant is aware that the use of the property for a daycare center or facility in a LI district can result in conflict with adjacent light industrial uses, that certain aspects of a daycare center of facility may not be compatible with certain light industrial uses, that the light industrial uses may, on occasion or in certain respects, be incompatible with a daycare center or facility, that due to the subordinate and

junior nature of the daycare center or facility to the light industrial use, the City will not condition, limit, restrict or otherwise interfere with any lawful light industrial use solely because it interferes with a daycare center or facility, but the City may impose restrictions on certain aspects of the daycare center or facility as it affects neighboring light industrial uses.

(4) Daycare providers shall provide all current and prospective customers with a letter or brochure that states that the business is located within the LI district and, as such, is junior and, therefore, subordinate in nature to all legal light industrial activities. A copy of such letter or brochure is to be provided to the City prior to Conditional Use Permit approval.

(5) Any and all advertisements for a daycare center or facility shall state that the business is located within the LI district and, as such, is junior and, therefore, subordinate in nature to all legal light industrial activities.

(6) Every real estate agent, sales person, broker, and private party who offers for lease, rent or sale, or shows a parcel of real property and/or structure for lease, rent or sale within such LI district, shall, upon first inquiry, provide the prospective lessee, tenant, or buyer of such real property with written notice that such real property and/or structure is located within such LI district.

4. Golf Course

In the T district, this use is prohibited on properties with frontage along River Street from S. Leadville Ave. to S. 2nd Ave. See Map B on file with the Administrator. This use is permitted on all other properties in the T district.

5. Semi-Public Use

In the T district, this use is permitted without a Conditional Use Permit on properties with frontage along River Street from S. Leadville Ave. to S. 2nd Ave. See Map B on file with the Administrator. For all other properties in the T district, this use shall require a Conditional Use Permit.

6. School Residential Campus

a. A development agreement shall be required pursuant to §16.07.020.E.8.

b. Square footage of the building dedicated for residential use, including dormitory and employee housing units and common bathrooms and showers but excluding the common kitchen and circulation areas, shall be less than 50 percent of the total square footage of the building including any basement area.

c. Dwelling units to be occupied by employees of the institution may be located on the ground floor, subject to the terms of the development agreement. Dormitory units shall not be located on the ground floor.

d. Dormitory units may be developed, sized and changed over time as deemed appropriate for occupancy by two or more persons each.

e. Dormitory bathrooms are to be clustered for use by occupants of dormitories.

f. Dormitory kitchen and dining spaces are to be designed to be used in common by occupants.

g. Design review under §16.07.030.C shall be required for a new building, addition to existing building or remodel of the exterior of an existing building.

h. Employee housing units shall not be separated in any manner for sale as individual units.

i. All residential units can be used for occasional use by other nonprofit organizations.

j. Employee housing units shall be a minimum of 400 square feet and shall not exceed 1,400 square feet total and shall contain no more than three bedrooms.

k. The applicant is aware the mixed use of the property can result in conflict, that the light industrial use may on occasion or in certain respects be incompatible with the quiet enjoyment of the dwelling units, that due to the subordinate and junior nature of the residential use to the light industrial use, the City will not condition, limit, restrict or otherwise interfere with any lawful light industrial use solely because it interferes with a residential use.

l. The institution that provides living space within the mixed use building in the Light Industrial 3 District (LI-3) shall provide the tenant, lessee, or subtenant with written notice that such unit is located within the LI district and, as such, is junior and, therefore, subordinate in nature to all legal light industrial activities.

m. Conditions including, but not limited to, the following may be attached to the development agreement:

(1) Restrictions on exterior storage of personal property of occupants;

(2) Certificate of occupancy required prior to occupancy of dormitory rooms and living units;

(3) Fire Department and Planning and Building Department requirements shall be met prior to occupancy;

(4) Snow removal required to ensure utility of parking spaces;

(5) Any other condition deemed to enhance the purposes under this use, or to establish or promote the criteria referenced in this section, or to promote the public health, safety, and welfare.

7. Hospital

In the T district, this use is only permitted for properties with frontage along River Street from S. Leadville Ave. to S 2nd Ave. See Map B on file with the Administrator.

8. Mortuary

In the T district, this use is only permitted on properties with frontage along River Street from S. Leadville Ave. to S. 2nd Ave. See Map B on file with the Administrator.

C. Commercial Uses

1. Veterinary Service Establishment

In the RU district, this use shall only be allowed in conjunction with an equestrian facility.

2. Bar/Lounge

a. In the T-3000 and T-4000 districts, a bar/lounge shall be subordinate to and operated within tourist housing and not to exceed ten percent of the gross floor area of the tourist housing facility.

b. In the LI-1 and LI-2 districts, bars/lounges shall not exceed 1,000 square feet and serve no later than 9:00 p.m. unless expressly permitted through approval of the Conditional Use Permit.

3. Food Service

a. In the T-3000 and T-4000 districts, food service shall be subordinate to and operated within tourist housing and not to exceed ten percent of the gross floor area of the tourist housing facility.

b. In the LI-1, LI-2, and LI-3 districts, catering and food preparation is permitted, but restaurants require a Conditional Use Permit and shall not exceed 1,000 square feet and serve no later than 9:00 p.m. unless expressly permitted through approval of the Conditional Use Permit.

c. In the RU district, food service is only allowed as an accessory use.

4. Hotel

a. Hotels may exceed the maximum floor area, height, or minimum open site area requirements of this Code subject to the following review process:

(1) A Planned Unit Development, outlining the requested exceptions to bulk regulations, shall be prepared and approved by the City.

(2) A subarea analysis, addressing the Comprehensive Plan designation for the subarea; impacts of the proposed hotel on the character and scale of the surrounding neighborhood; impacts on proposed height and mass relative to the City's Design Review standards and the PUD standards; and the appropriateness of the subarea for a hotel that exceeds the dimensional standards requirements of the underlying zoning district, shall be prepared and approved by the City.

b. In addition to all other hotel requirements of this Code, the following standards apply to hotels in the T and CC districts:

(1) For hotel developments, community housing calculations apply to all residential units. However, 100 percent of the community housing requirement will be waived only for the residential portion of hotel projects that meet the hotel definition adopted by the City Council.

(2) Hotel developments are required to mitigate employee housing impacts at a ratio of 25 percent of the total number of employees calculated by the following formula: one employee per hotel room or bedroom.

(3) The applicant shall provide an employee housing plan that outlines the number of employees, income categories and other pertinent data. The employee housing plan shall be the basis of the applicant's proposal for a mix of employee housing that addresses the range of employees needed to serve the hotel.

(4) The City Council may consider a request by the hotel developer to satisfy any required employee or community housing square footage by alternate means. Off-site mitigation, payment of in lieu fees, land in lieu of units, voluntary real estate transfer fees or other considerations may be proposed by the hotel developer. Larger sites are encouraged to include workforce housing on site. The Council has full discretionary power to deny the request.

(5) Hotels shall enter into a development agreement with the city as part of the approval process. The development agreement may address the following subjects: community housing, hotel room uses and restrictions, public access on the property, alternatives, and remedies if the hotel use ceases, and any other issues the Planning and Zoning Commission or City Council deems appropriate. The development agreement shall follow the public hearing process as outlined in §16.02.050, *Planned Unit Development* (PUD). The development agreement shall be subject to §16.07.020.E.8.

(6) Hotels may build a fourth floor. If a site meets the criteria for five-story hotel site designation, a fifth floor may be built. Five-story hotels may only be approved via a Planned Unit Development (PUD) as outlined in §16.02.050. A property shall meet all of the following criteria to be designated as a five-story hotel site:

(A) Is located in subdistrict A, retail core of the community core district.

(B) Has a minimum lot area of 33,000 square feet.

5. Short-term Rental

Short-term rentals in the Avalanche Overlay district shall comply with the standards in §16.02.060.B.

6. Tourist House

a. In the T district, this use is permitted only on properties with frontage along River Street from S. Leadville Ave. to S. 2nd Ave. See Map B on file with the Administrator.

b. In the CC-1 and CC-2 districts:

(1) Tourist houses shall only be located in existing one-family dwellings.

(2) Additions to the home shall not exceed 20 percent of the existing square footage.

7. Tourist Housing Accommodation

In the T district, this use is prohibited on properties with frontage along River Street from S. Leadville Ave. to S. 2nd Ave. See Map B on file with the Administrator.

8. Business Support Service

This use is only permitted on properties with frontage along River Street from S. Leadville Ave. to S. 2nd Ave. See Map B on file with the Administrator.

9. Office, Business and Contractor-Related Business

a. In the T district, this use is permitted by right without a Conditional Use Permit on properties with frontage along River Street from S. Leadville Ave. to S. 2nd Ave. See Map

B on file with the Administrator. For all other properties in the T district, this use shall require a Conditional Use Permit.

b. In the CC-1 district, a Conditional Use Permit is required if the use is located on the ground floor with street frontage.

10. Commercial Studio

a. In the T district, this use is permitted only on properties with frontage along River Street from S. Leadville Ave. to S. 2nd Ave. See Map B on file with the Administrator.

b. In the LI districts, commercial studio events shall comply with the following standards:

(1) Events shall be limited to no more than 90 days per calendar year.

(2) Maximum occupancy at any given event shall be limited to less than 100 persons.

(3) Restrooms for patrons shall be available on site and comply with all building and fire code requirements.

(4) Food and beverage may be served only during the operational hours of an actual event, and all necessary permits shall be obtained prior to the event.

(5) Events shall only occur according to the following times:

(A) Monday through Friday: 5:30 p.m. to 12:00 midnight.

(B) Saturday and Sunday: 12:00 noon to 12:00 midnight.

(6) All building and fire code requirements shall be met prior to holding any event.

(7) All events shall be produced by the owner or primary tenant of the property.

(8) The owner or primary tenant of the property shall be present on site for the duration of each event.

(9) The owner or tenant of the property is aware light industrial uses may conflict with commercial studio events. Due to the subordinate and accessory nature of commercial studio events, the City will not condition, limit, restrict or otherwise interfere with any lawful light industrial use solely because it interferes with a commercial studio event.

11. Instructional Service

a. In the T district, this use is only permitted on properties with frontage along River Street from S. Leadville Ave. to S. 2nd Ave. See Map B on file with the Administrator.

b. In the LI-1 and LI-2 districts, this use shall be permitted on the second floor and above only. For single-story buildings in existence on July 1, 2019 the use is permitted on the ground floor.

12. Personal Service

a. In the T-3000 and T-4000 districts, this use shall be subordinate to and operated within tourist housing and not to exceed ten percent of the gross floor area of the tourist housing facility.

b. In the LI-1 district, this use shall be limited to laundromats and dry cleaning establishments.

13. Health and Fitness Facility - Wellness Focus

In the LI districts, this use shall be permitted on the second floor and above only. For single-story buildings in existence on July 1, 2019 the use is permitted on the ground floor.

14. Performing Arts Production

In the T district, this use is permitted on properties with frontage along River Street from S Leadville Ave to S 2nd Ave. See Map B on file with the Administrator.

15. Recreation Facility, Commercial

a. In the T district, this use is permitted without a Conditional Use Permit on properties with frontage along River Street from S. Leadville Ave. to S. 2nd Ave. See Map B on file with the Administrator. For all other properties in the T district, this use shall require a Conditional Use Permit.

b. In the CC-1 and CC-2 districts, all facilities shall be indoor operations only.

16. Ski Facility

In the T district, this use is prohibited on properties with frontage along River Street from S. Leadville Ave. to S. 2nd Ave. See Map B on file with the Administrator.

17. Convenience Store

a. In the LI-1 district, the following forms of retail trade are permitted:
   (1) Equipment rental, including sporting equipment and entertainment equipment;
   (2) Building, construction, and landscaping materials; small engines with associated sales;
   (3) Retail in conjunction with manufacturing, warehousing, or wholesaling not to exceed 30 percent gross floor area or 800 square feet, whichever is less; no advertising is displayed from windows or building facades; and no access onto a major arterial is allowed if an alternative access is available.

b. In the LI-2 district, the following forms of retail trade are permitted:
   (1) Equipment rental, including sporting equipment and entertainment equipment;
   (2) Building, construction, and landscaping materials; small engines with associated sales;
   (3) Furniture and appliances in conjunction with warehousing not to exceed 18 percent gross floor area or 900 square feet, whichever is less;
   (4) Other retail in conjunction with manufacturing, warehousing, or wholesaling; it is limited to ten percent gross floor area or 500 square feet, whichever is less.
   (5) Retail uses referenced in (3) and (4), above, shall have no advertising displayed from windows or building facades; and no access will be permitted onto a major arterial if an alternative access is available.

18. Grocery Store

In the T district, this use is only permitted on properties with frontage along River Street from S. Leadville Ave. to S. 2nd Ave. See Map B on file with the Administrator.

19. Retail Trade

a. In the T district:
   (1) This use shall not exceed 2,500 square feet.
   (2) This use is permitted only on properties with frontage along River Street from S. Leadville Ave. to S. 2nd Ave. See Map B on file with the Administrator.

b. In the CC-1 and CC-2 districts, this use shall be limited to 36,000 square feet gross floor area and 55,000 square feet net leasable floor area.

c. In the LI-1 district:
   (1) The following forms of retail trade are permitted:
      (A) Equipment rental, including sporting equipment and entertainment equipment;
      (B) Building, construction, and landscaping materials; small engines with associated sales; and
      (C) Retail in conjunction with manufacturing, warehousing, or wholesaling not to exceed 30 percent gross floor area or 800 square feet, whichever is less.
   (2) No advertising is displayed from windows or building facades.
   (3) No access onto a major arterial is allowed if an alternative access is available.

d. In the LI-2 district, the following forms of retail trade are permitted:
   (1) Equipment rental, including sporting equipment and entertainment equipment;
   (2) Building, construction, and landscaping materials; small engines with associated sales;
   (3) Furniture and appliances in conjunction with warehousing not to exceed 18 percent gross floor area or 900 square feet, whichever is less;
   (4) Other retail in conjunction with manufacturing, warehousing, or wholesaling; it is limited to ten percent gross floor area or 500 square feet, whichever is less.
   (5) Retail uses referenced in (3) and (4), above, shall have no advertising displayed from windows or building facades; and no access will be permitted onto a major arterial if an alternative access is available

e. In the RU district, retail trade is allowed as an accessory use.

20. Parking, Shared

a. Shared parking shall comply with the standards in §16.04.050.I, *Shared Parking Reduction.*

b. In the T district, this use is permitted without a Conditional Use Permit on properties with frontage along River Street from S Leadville Ave to S 2nd Ave. See Map B on file with the Administrator. For all other properties in the T district, this use shall require a Conditional Use Permit.

21. Motor Vehicle Fueling Station

Vehicular access from Highway 75 to motor vehicle fueling stations is prohibited.

22. Repair Shop

In the T-3000 and T-4000 districts, this use shall be subordinate to and operated within tourist housing and not to exceed ten percent of the gross floor area of the tourist housing facility.

D. Industrial

1. Hybrid Production Facility

In the T district, this use is only permitted on properties with frontage along River Street from S. Leadville Ave. to S. 2nd Ave. See Map B on file with the Administrator.

2. Off-Site Snow Storage, Commercial and Neighborhood

a. Conditional Use Permit Required

Conditional use permits are required of all off-site snow storage operations when the project:

(1) Affects greater than ½ acre; or

(2) Has, at the discretion of the Administrator, the potential to negatively impact neighboring uses within 300 feet of the proposed neighborhood or commercial off-site snow storage operation.

b. General Standards

(1) Commercial and neighborhood off-site snow storage may be allowed on lots containing Floodplain, Avalanche, and Mountain Overlay districts; provided no portion of the off-site snow storage use is located in Floodplain, Avalanche, or Mountain Overlay area on the parcel;

(2) A drainage plan shall be submitted to the Administrator demonstrating how snow melt will be drained entirely on the lot, not into sensitive areas such as floodplains, and not off-site onto public ROWs or neighboring property;

(3) Adequate drainage shall be provided so that snow melt is drained entirely on the lot;

(4) Snow storage piles are subject to a ten-foot minimum setback from property lines and shall not exceed ten feet in height;

(5) Snow storage shall not encroach upon any easement designated for a purpose other than snow storage;

(6) Snow storage shall not conflict with emergency service access, including access to fire hydrants, required to deliver public services to the subject lot or any other lot;

(7) Off-site snow storage is limited to the storage of snow only; storage of equipment related to snow removal is subject to all other applicable regulations in this Code;

(8) The use of bulldozers and other on-site equipment to push piles of snow higher or around on-site shall be equipped with broadband self-adjusting alarms or other OSHA compliant broadband noise reversing alarm beepers;

(9) Hours of operation shall comply with the City's noise ordinance and the times of day when snow and ice may be deposited are limited to 7:30 a.m. to 7:00 p.m. on

weekdays, and between the hours of 9:00 a.m. and 6:00 p.m. on Saturday. Upon written authorization, the Administrator may waive this requirement for a period of not greater than 24 hours after or during a storm event resulting in or expected to result in greater than six inches of snow accumulation occurring;

(10) The storage of snow removed from the right-of-way or property owned by public agencies are specifically exempt from the commercial off-site snow storage requirements set forth herein.

E. Public and Semi-Public Utility

1. Geothermal Utility

Geothermal utilities shall be limited to off-site use.

2. Wireless Communication Facility

a. Purpose

(1) The unique and diverse landscapes and scenic vistas of the city are among its most valuable assets. Protecting these assets will require sensitive placement and design of wireless communication facilities (WCFs) to remain in scale with the character of the community.

(2) This chapter is intended to provide reasonable standards and procedures for the development of WCFs that will serve citizens, the traveling public, and others within the city to:

(A) Preserve the character and aesthetics of areas in close proximity to WCFs by minimizing the visual, aesthetic and safety impacts through careful design, placement, and screening;

(B) Protect the health, safety and welfare of persons living or working in the area surrounding such WCFs from possible adverse environmental effects (within the confines of the Federal Telecommunications Act of 1996) related to the placement, construction or modification of such facilities;

(C) Provide development that is compatible in appearance with allowed uses of the underlying zone;

(D) Facilitate the City's permitting process to encourage fair and meaningful competition and, to the greatest extent possible, extend to all people in all areas of the city high quality wireless communication services at reasonable costs to promote the public welfare; and

(E) Encourage the joint use and clustering of antenna sites and structures, when practical, to help reduce the number of facilities that may be required in the future to service the needs of customers and, thus, avert unnecessary proliferation of facilities on private and public property.

b. District Regulations

(1) Use

The placement, use or modification of any wireless communication facilities at any location within the city is subject to the provisions of this section. WCFs are

permitted in designated zoning districts listed in Table 16-7: Table of Permitted Uses.

(A) Residential Districts

Freestanding WCFs, including lattice towers, are prohibited. WCFs attached to street poles or facades attached to nonresidential buildings are permitted subject to the provisions of this section.

(B) Nonresidential Districts

Lattice tower WCFs are prohibited. Other WCFs are permitted subject to the provisions of this section.

(2) Siting and Facility Type Priorities

(A) Site Selection Criteria

A Master Development Plan is to be created, prior to any WCF permit request, based upon engineering constraints and desired areas of service. WCFs shall be located on the Master Development Plan in the following priority order:

i. Collocation on an existing tower, structure, or building. The applicant shall have the burden of proving that there are no feasible existing structures upon which to locate, as described in §16.03.030.E.2.b(3).

ii. In areas where the existing topography, vegetation, buildings, and other structures provide the greatest amount of screening.

iii. Use of City owned property.

iv. Other nonresidential buildings or vacant nonresidentially zoned land.

(B) Facility Type Preferred

Based on potential aesthetic impact, the order of preference for facility type is as follows: roof attached, facade attached, street pole attached and freestanding tower.

(3) Collocation Requirement

Collocation is considered to be a visually unobtrusive installation method because the equipment is attached to an existing structure. Collocation shall require only an administrative review under the terms of the application procedures in §16.03.030.E.2.c. No new tower shall be permitted unless the applicant demonstrates a good faith effort to collocate on an existing facility including good faith efforts to negotiate lease rights. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antennas may consist of any of the following:

(A) No existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements;

(B) Existing towers or structures are not sufficiently designed to meet the applicant's engineering requirements as indicated in their Master Development Plan;

(C) Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment;

(D) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna; and/or

(E) The fees, costs or contractual provisions required by the owner in order to share an existing tower or structure, or to adapt an existing tower or structure for share, are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

(4) Prohibitions

The following are prohibited or restricted within the city:

(A) Lattice towers, prohibited.

(B) Interference with City and public safety communication systems and/or area television or radio broadcast, prohibited.

(C) Freestanding towers within residentially zoned districts, prohibited.

(D) Guywires, restricted. No guywire or other support wires shall be used in connection with such antenna, antenna array or its support structure except when used to anchor the antenna, antenna array or support structure to an existing building to which such antenna, antenna array or support structure is attached.

c. Exempt Communication Facilities

(1) The requirements imposed by this section shall not apply to antennas designed to receive video programming signals from direct broadcast satellite (DBS) services, multichannel multipoint distribution providers (MMDS), or television broadcast stations (TVBS); provided, that all of the following conditions are met:

(A) The antenna measures 39 inches (one meter) or less in diameter.

(B) The antenna, if attached to a building, shall comply with §§16.03.030.E.2.e(2)(A) and 16.03.030.E.2.e(2)(B).

(C) The antenna is attached to a freestanding tower measuring less than 12 feet in height.

(2) The requirements of this Code shall not apply to wi-fi facilities serving an individual building or development or a wireless communications facility that measures less than four cubic feet in size.

(3) Antennas and any wireless communication facility used for public safety located on a public use building shall be exempt from the requirements of §16.03.030.E.2 provided such facility does not exceed ten feet in height above the building roof. Facilities over ten feet in height shall require Design Review approval pursuant to §16.07.030.C.

d. WCF Permit Required

All applications for a WCF permit shall follow the procedure set forth in §16.07.030.G.

e. Standards

(1) Applicability

The standards identified in this section shall apply to all WCFs constructed or located in the city, unless otherwise specified.

(2) Height

WCFs shall not exceed 35 feet in height above the existing or natural grade or the maximum permissible height of the given zoning district, whichever is more restrictive, with the exception of facade and roof attached WCFs as described below:

(A) Roof attached WCFs shall not exceed five feet above the highest portion of the roof membrane. The antenna and support system for whip antennas shall not exceed ten feet above the highest portion of that roof, including parapet walls.

(B) Facade attached WCFs shall not exceed five feet above the facade to which it is attached.

(C) If the height of the structure is in excess of the maximum height allowed within the zone and was legally established, then the combined height of the building and antenna shall not exceed the maximum height allowed by such approval unless determined by the Planning and Zoning Commission to be suitably camouflaged.

(D) Street pole attached WCFs may only extend six feet above the existing street pole as provided in this section. A maximum extension of 15 feet, from the top of the street pole, may be permitted pursuant to standards provided in this section, if a utility disturbance can be clearly demonstrated.

(3) Setbacks

All WCFs shall comply with the building setback provisions of the zoning district in which the WCF is located. In addition, the following setbacks shall be observed:

(A) Street Pole Attached

No setback when constructed within the public right-of-way and under the provisions of §16.03.030.E.2.e(9).

(B) Facade Attached

The maximum projection shall be 18 inches. The location of a WCF on the wall of a legal nonconforming structure is permitted. However, the WCF shall not be located on an exterior wall in a manner that will increase the degree of nonconformity. Additional standards for antennas attached to the facade of structures are listed in §16.03.030.E.2.e(9).

(C) Roof Attached

Roof attached WCFs shall be set back from the edge of the building the height of the antenna and support system as measured from the roof membrane.

(D) Freestanding Tower

Setbacks shall be measured from the base of the tower to the property line of the parcel on which it is located. Towers shall be set back from all property lines 125 percent of the tower height as measured from ground level.

(E) Equipment Enclosure

Underground vaults or aboveground structures shall comply with the setback requirements of the underlying zoning district.

(F) Freestanding WCFs or Equipment Enclosures

No freestanding WCFs or equipment enclosures shall be located between the face of a structure and a public street, bikeway, park, or residential development, except for approved facade attached WCFs located on existing or new permitted structures pursuant to this chapter.

(4) Evaluation Standards

The following design criteria shall be addressed by each applicant seeking WCF permit approval:

(A) Architectural Compatibility

i. All facilities shall be designed to minimize the visual impact to the greatest extent feasible, considering technological requirements, by means of placement, screening, and camouflage, to be compatible with existing architectural elements and building materials and other site characteristics. The applicant shall use the smallest and least visible antennas possible to accomplish the owner/operator's coverage objectives.

ii. Colors and materials for facilities shall be chosen to minimize visibility. Facilities shall be painted or textured using colors to match or blend with the primary background.

iii. WCFs located on buildings, walls, or roofs shall blend with the existing building's architecture by painting or shielding with material that is consistent with the design features and materials of the building.

iv. Equipment enclosures of WCFs shall be designed consistent with one of the following design standards. The facility types are listed in order of preferred design.

   (a) Equipment enclosures shall be placed in underground vaults; or

   (b) Equipment enclosures shall be designed consistent with the Design Review requirements in §16.04.080 and this section.

(B) Screening

Landscaping, as described in this chapter, shall be required to screen as much of the support structure and the equipment enclosure as possible. The following standards shall apply to all WCFs. However, if the antenna is mounted flush with the building or on the roof, and other equipment is located inside the existing building, landscaping shall not be required.

i. Support structures and equipment enclosures shall be installed to maintain and blend with existing landscaping on site, including trees, foliage, and shrubs, whether or not used for screening.

ii. Additional landscaping and screening shall be installed to visually screen the support structures and aboveground equipment enclosures. Landscaping and screening shall consist of a combination of trees, foliage, and shrubs of dense spacing in one of the following designs:

(a) A screening wall or fence and a five-foot wide landscape planter located in front of the wall or fence;

(b) A ten-foot wide landscape planter; or

(c) Any combination of existing vegetation, topography, decorative walls/fences, or other features instead of landscaping, if they achieve the same degree of screening as the required landscaping described in this section.

iii. Upon completion, the owner(s)/operator(s) of the facility shall be responsible for the continued maintenance and replacement of all required landscaping and screening materials.

(C) Color

i. WCFs located on buildings, walls or roofs, or structures shall be painted or constructed of materials to match the color of the structure directly behind them to reduce the visibility of the WCF.

ii. To the extent any WCFs extend above the height of the vegetation immediately surrounding it, they shall be painted in a nonreflective light gray, light blue or other hue, that blends with the skyline and horizon.

(5) Facility Lighting and Signage

(A) Facility lighting shall be designed so as to meet but not exceed minimum requirements for security, safety, or FAA regulations. Lighting of antennas or support structures shall be prohibited unless required by the FAA. In all instances, the lighting shall be designed so as to avoid glare and minimize illumination on adjacent properties. Lighting shall also comply with all of the City's lighting regulations.

(B) Signs shall be limited to those needed to identify the telephone number(s) to contact in an emergency, public safety warnings, certifications, or other required seals. These signs shall also comply with the requirements of the City's sign regulations.

(6) Access

In addition to ingress and egress requirements of the international building code, access to and from WCFs and equipment shall be regulated as follows:

(A) No WCF or equipment shall be located in a required parking, maneuvering or vehicle/pedestrian circulation area such that it interferes with, or in any way impairs, the intent or functionality of the original design.

(B) The WCF shall be secured from access by the general public, but access for emergency services shall be ensured. Access roads shall comply with Fire Department standards for emergency vehicular access.

(7) Scenic Landscapes and Vistas

(A) Freestanding WCFs shall not be located within open areas that are visible from public roads, recreational areas, or residential development. As specified in §16.03.030.E.2.e(4)(B)ii(a), WCFs shall be installed to blend with existing landscaping and structures.

(B) Any WCF that is located within 300 feet of a scenic vista, scenic landscape or scenic road as designated by the City, in addition to regulations specified in §16.03.030.E.2.e(2), *Height*, shall not exceed the height of vegetation at the proposed location. If the facility is located further than 300 feet from the scenic vista, scenic landscape, or scenic road, §16.03.030.E.2.e(2), *Height*, of this section, shall apply exclusively.

(8) Environmental Standards

(A) WCFs shall not be located in wetlands. WCFs shall also be avoided whenever possible in wetland buffer areas, and disturbance to wetland buffer areas shall be minimized.

(B) WCFs shall not be located in riparian setbacks along watercourses.

(C) WCFs shall avoid locating in the Avalanche Overlay district. Evidence shall be submitted to demonstrate that no location outside the Avalanche Overlay district can accommodate the applicant's proposed antenna as specified in §16.03.030.E.2.b(3), *Collocation Requirement*. WCFs located within the Avalanche Overlay district shall comply with the additional placement standards identified within this Code and provide proof of FCC acceptance of the proposed location.

(D) No hazardous waste shall be discharged on the site of any WCF. If any hazardous materials are to be used on site, there shall be provisions for full containment of such materials. An enclosed containment area shall be provided with a sealed floor designed to contain at least 110 percent of the volume of the hazardous materials stored or used on site.

(E) Stormwater runoff shall be contained on site.

(F) WCFs locating within the Floodplain Overlay district shall comply with the additional placement standards as identified within this Code and provide proof of FCC acceptance of the proposed location.

(G) Aboveground equipment for WCFs, exclusive of roof and facade attached WCFs, shall not generate noise in excess of 50 decibels at the property line.

(H) Roof or facade attached equipment for WCFs shall not generate noise in excess of 50 decibels at ground level at the base of the structure closest to the antenna.

(I) The noise standards of this section require measurements by a qualified acoustical engineer.

(9) Facility Upgrade

At the time of modification or upgrade of facilities, existing equipment shall be replaced with equipment of equal or greater technical capacity and reduced in size so as to reduce visual impact.

(10) WCF Specific Standards

Street pole and facade attached WCFs shall meet the following conditions and criteria in addition to the other standards identified in this section:

(A) Facade Attached WCFs

Equipment enclosures shall be located within the structure in which the WCF is placed or located underground if site conditions permit. Otherwise, equipment enclosures shall comply with the design standards listed in §16.03.030.E.2.e(4).

(B) Street Pole Attached WCFs

i. Attachment

Only one WCF shall be permitted on any one street pole. The antenna shall be equal to or less than six feet in height, including the support system, if any. Surface area of an antenna shall not exceed 580 square inches. The antenna shall be either fully concealed within the street pole or camouflaged to appear to be an integrated part of the street pole. An antenna not flush mounted on the side of the street pole shall be centered on the top of the street pole to which it is attached and camouflaged or disguised.

ii. Utility Separation

In the event that a utility located upon the street pole requires vertical separation between its utility facilities and the antenna so attached, the antenna may be raised by a support system to accommodate the separation requirement to an elevation not exceeding an additional 15 feet or the required separation, whichever is less. Any such support shall not be greater in diameter than the existing street pole and shall be designed to blend into the colors and textures of the existing street pole.

iii. Pole Replacement

Existing street poles may be replaced with a new street pole of the same height, dimensions, and appearance as the existing street pole. An antenna located upon the new street pole shall meet the standards for attaching an antenna to an existing street pole, as set forth above.

iv. Equipment Enclosures

(a) Belowground

Belowground equipment enclosures shall not be greater than six cubic feet in volume. An underground equipment enclosure may be connected to an aboveground equipment enclosure for a combined total volume of no greater than 12 cubic feet.

(b) Aboveground

Aboveground equipment enclosures shall not be greater than six cubic feet in volume. No single dimension shall exceed three feet. The equipment enclosure shall be constructed so as to minimize its visual impact. Evergreen landscape planting shall be installed and maintained to completely obscure the visibility of the equipment enclosure from the developed street and adjacent properties. Sight distance clearance shall be maintained for the equipment enclosure and associated landscape per the requirements of this Code.

v. Horizontal Separation

For WCFs located within developed streets, there shall be a minimum horizontal separation of 300 feet between the WCFs of a single licensed carrier and a minimum horizontal separation of 100 feet between the WCFs of any other licensed carrier.

vi. Approval of Encroachment Permit

An encroachment permit shall be approved by the City Council after staff review of the WCF permit application.

vii. Relocation Underground

In the event the utilities located on a street pole are relocated underground, the WCF shall be relocated to another location pursuant to the requirements of this section.

f. Safety

(1) Federal Requirements

All WCFs shall meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the WCFs governed by this chapter shall bring such WCFs into

compliance with the revised standards and regulations within three months of the effective date of the revised standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring WCFs into compliance with such revised standards and regulations shall constitute grounds for the removal of the WCF at the owners' expense.

(2) Antenna Support Structure Safety

The applicant shall demonstrate that the proposed antenna and support structure is safe and the surrounding areas shall not be negatively affected by support structure failure, falling ice or other debris or interference. All support structures shall be fitted with anticlimbing devices, as approved by the manufacturers.

g. Maintenance

(1) Each permittee shall maintain its WCF in a good and safe condition, preserving the original appearance and concealment, disguise or screening elements incorporated into the design at the time of approval and in a manner that complies with all applicable federal, state, and local requirements. Such maintenance shall include, but not be limited to, such items as painting, repair of equipment and maintenance of landscaping. If the permittee fails to maintain the facility, the City may undertake the maintenance at the expense of the permittee or terminate the permit, at its sole option.

(2) To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable City building codes and the applicable standards for towers that are published by the EIA. If, upon inspection, the City concludes that the tower fails to comply with such codes or standards and constitutes a danger to persons or property, then, upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within 30 days constitutes grounds for the removal of the WCF at the owner's expense.

16.03.040. Accessory and Temporary Uses

A. General Standards for Accessory Buildings and Uses

1. The accessory use or structure shall be incidental to and customarily associated with the principal use or structure served.
2. The accessory use or structure shall be subordinate in area, extent and purpose to the principal use or structure served.
3. No accessory use or structure shall be constructed or established on any lot prior to the time of construction of the principal structure to which it is accessory. This section shall not be construed to govern the sequencing of a construction project in which both the principal and accessory structures are to be built simultaneously.
4. Total building coverage of all accessory buildings shall not exceed the building coverage of the principal building. An exception to this standard may be granted by the Administrator.

5. Accessory buildings and structures that do not require a Building Permit are not subject to setbacks, except sheds which shall require a minimum setback of three feet from any property line.
6. All accessory structures, except for fences/hedges/walls/retaining structures, may not be located nearer than three feet to any lot line.
7. Detached accessory buildings shall have their setbacks based upon their own building height, not the principal building on the subject property.
8. In-ground pools that are one foot or less in height, as measured from existing grade, may occupy setbacks, provided a minimum three-foot setback is maintained from the pool apron or splashguard.

B. Additional Standards for Specific Accessory and Temporary Uses

1. Agriculture, Urban

The cultivation of vegetables, fruits, flowers, honey, and eggs are subject to the following provisions:

a. Chickens

(1) The production of eggs and keeping of chickens shall only be allowed as an accessory use to one-family detached dwellings.

(2) A maximum of eight chickens are permitted on any one lot. Roosters are prohibited except as allowed in the Agriculture and Forestry District.

(3) Chicken coops shall be located in a fully enclosed rear yard and shall be set back at least five feet from side and rear property lines.

(4) Chicken coops shall not be attached to residential buildings.

b. Keeping of Beehives

All apiaries kept within the city shall conform to the following standards and conditions:

(1) An apiary is prohibited on a lot or contiguous lots owned by one owner smaller than 8,000 square feet in area.

(2) An apiary shall consist of no more than two hives on lot(s) that are 8,000 to 11,999 square feet in area, three hives on lot(s) that are 12,000 to 21,779 square feet in area, and five hives on lot(s) that are one-half acre or more in area.

(3) Any apiary shall be maintained only in a side yard or rear yard of a lot or may be maintained on rooftops.

(4) Honeybees shall be kept in hives with removable frames and shall be kept in sound and usable condition.

(5) Hives shall be placed no less than seven feet from any property owned by a person or entity other than the owner of the real property with the apiary.

(6) The beehive ingress/egress shall be oriented inward toward the property on which it is located and not oriented toward a neighboring property.

(7) Hives shall not be placed within 30 feet of any dwelling unless the owner of such dwelling has given written consent for hive placement. In the event a dwelling on an adjacent property is constructed after the establishment of an apiary and the apiary

is within 30 feet of the new constructed dwelling, the beekeeper shall obtain the written consent for the hive placement. If written consent cannot be obtained, the hive(s) shall not be located within 30 feet of the dwelling or shall be immediately removed.

(8) If any hive is located within 30 feet of a property owned by a person or entity other than the owner of the real property with the apiary, a fence, closed hedge, building or other impervious barrier no less than six feet high and 20 feet in length shall be located between the hive and the adjacent property line. The hive shall be located in the approximate midpoint of the 20-foot long barrier.

(9) Hives kept on rooftops are exempt from the requirements of paragraphs (7) and (8) above but shall not be visible from view from a public street, excluding alleys.

(10) A fresh water supply shall be maintained at all times, except during winter months when the bees are hibernating, within 25 feet of the apiary on the real property with the apiary in order to prevent the bees from congregating at neighboring water sources.

(11) No species or subspecies of bee shall be kept in the apiary other than Apis mellifera.

(12) Queens shall be selected from stock bred for gentleness and nonswarming characteristics.

(13) If a colony within the apiary exhibits aggressive behavior or when the colony includes Africanized bees, such as Apis mellifera scutella, the beekeeper or owner of the real property with the apiary shall promptly remove or requeen the colony.

(14) All hives shall have a legible identification label securely fastened thereupon bearing the name and telephone number of the beekeeper who owns the hive.

(15) All apiaries shall comply with the Idaho State Bee Inspection Law and other applicable state laws.

(16) All apiaries are subject to inspection at any time by the Administrator to ensure compliance with the standards of this section. The owner of real property with an apiary is deemed to have given consent to an inspection by the Administrator for the purpose of ensuring compliance with this section.

c. Gardens, Vegetables, Fruits, and Flowers

(1) The cultivation and storage of vegetables, plants and flowers is allowed as an accessory use to any principal use and is permitted on vacant lots in all zoning districts for personal consumption and may include production by members of a neighborhood or by a nonprofit organization.

(2) Produced products may be sold off site in small quantities.

2. Daycare Home

Daycare homes shall be prohibited in the Avalanche Overlay District.

3. Drive-Through Facility

a. Drive-throughs are not allowed in association with food service establishments.

b. In the T district, this use is only permitted on properties with frontage along River Street from S. Leadville Ave. to S. 2nd Ave. See Map B on file with the Administrator.

4. Dwelling Unit, Accessory

a. Accessory Use

Accessory dwelling units are only permitted as an accessory use to a one-family dwelling.

b. Unit Size Restrictions

Accessory dwelling units shall contain a minimum of 300 square feet of net livable space, but cannot exceed 1,200 square feet of net livable space.

c. Maximum Building Coverage

The maximum building coverage of an accessory dwelling unit, together with the principal dwelling unit, shall be the coverage requirements of the underlying zoning district. An increase in maximum building coverage of no greater than five percent shall be granted for the construction of a new accessory dwelling unit. This coverage increase shall not apply to the Community Core District.

d. Parking

Accessory dwelling units do not require off-street parking.

e. Storage

A minimum of 50 square feet of designated storage, exclusive of typical interior closets, including but not limited to entryway, bedroom, or linen closets, shall be provided for all accessory dwelling units.

5. Equestrian Facilities, Residential

a. Riding horses for use of occupants of a lot and their guests may be kept as permitted accessory uses, provided at least one-half acre on the lot or adjacent lots is exclusively available for the first horse, and one-fourth acre is exclusively available for each additional horse. Any corral shall be at least 50 feet from any property line.

b. In the T district, this use is prohibited on properties with frontage along River Street from S. Leadville Ave. to S. 2nd Ave. See Map B on file with the Administrator.

6. Fallout Shelter

In the T district, this use is prohibited on properties with frontage along River Street from S. Leadville Ave. to S. 2nd Ave. See Map B on file with the Administrator.

7. Guesthouse

In the T district, this use is prohibited on properties with frontage along River Street from S. Leadville Ave. to S. 2nd Ave. See Map B on file with the Administrator.

8. Home Occupation

A home occupation shall be allowed as a permitted accessory use in all zoning districts, provided all of the following conditions are met:

a. Such use shall be carried on only by the inhabitants living on the lot;
b. Such use shall be clearly incidental and accessory to the use of the dwelling for dwelling purposes and shall not change the character of the dwelling;
c. The total area used for such purposes shall not exceed 25 percent of the floor area of the user's dwelling unit;
d. There shall be no exterior advertising other than identification of the home occupation;
e. There shall be only incidental sale of stocks, supplies or products conducted on the premises;
f. There shall be no exterior storage on the premises of material or equipment used as part of the home occupation;
g. There shall be no offensive noise, vibration, smoke, dust, odors, heat, or glare noticeable at or beyond the property line;
h. A home occupation shall provide additional off-street parking area adequate to accommodate all needs created by the home occupation;
i. In particular, a home occupation may include, but is not limited to, the following, provided all requirements contained in this chapter are met: art studio, dressmaking or millinery work, professional office, office for insurance or real estate sales, teaching, the renting of rooms to not more than two persons per dwelling, beauty parlors; and
j. A home occupation shall not be interpreted to include the following: animal hospital, nursing home, restaurant, or tourist home.

9. Household Pets

A maximum of four household pets shall be permitted per dwelling unit, unless the applicant obtains a kennel permit through the Police Department. Household pets kept in aquariums, terrariums and cages shall not be limited in number, shall be clearly incidental and accessory to the residential use and shall not be permitted for commercial purposes.

10. Recreational Facility, Residential

In the LI districts, this use is prohibited except for residents and guests of a particular residential development.

Chapter 16.04 Development Standards

16.04.010. Purpose

The purpose of this chapter is to provide standards that regulate the physical layout and design of development within Ketchum to ensure the protection of the health, welfare, safety, and quality of life. These standards address the physical relationship between development and adjacent properties, public streets, neighborhoods, and the natural environment, in order to implement the Comprehensive Plan.

16.04.020. Access, Connectivity, and Circulation

A. Standards Adopted

The City adopts as standards for approval and design, construction, cutting, and repair of private driveways or roads and streets, public and private; the design consisting of general conditions, design criteria, standard specifications, and standard drawings. Any person designing, constructing, cutting, or repairing any private driveway, road, or street, public or private, in the city, or establishing streets within subdivisions or other developments within the city, shall conform to this section and the standards as set forth in this section.

B. General Conditions

1. General

a. Design criteria, standard specifications and standard drawings contained in this section are minimum standards for general use within the city. Other designs may be developed for special situations as required by the City, and all such special plans must be approved by the City.

b. The standards shall apply to all new construction and reconstruction of private driveways or public and private streets and roads, and to all streets and roads proposed for dedication to the public, except those streets and roads that are the responsibility of the state, the county, or other jurisdiction.

2. Construction Permit

a. Before beginning any construction within the City street right-of-way, or construction of any new private driveway or street, public or private, the contractor or developer shall file an application with the City and be issued a construction permit, and all such construction shall be in conformance with this section.

b. All construction within the City right-of-way or proposed right-of-way is subject to inspection by the City, and the City reserves the right to reject any construction completed prior to issuance of a construction permit or approval of construction plans or construction not in compliance with City standards.

3. Construction Plans

a. Before beginning construction within the City right-of-way or proposed new street construction, the developer or contractor shall submit to the City a construction permit application, together with construction plans.

b. The application for a construction permit shall contain the following information:

(1) Name and address of the owner of the land upon which the construction work shall be done.

(2) Name and address of the developer.

(3) Name and address of the contractor or contractors.

(4) Bona fide estimated cost of construction.

c. The construction plans shall be prepared by a professional engineer registered in the state and shall include the following information:

(1) Alignment and profile of all streets.

(2) Location of all underground utilities including alignment and depths.

(3) Location, size, and type of all drainage structures.

(4) Connections to existing streets, drainage facilities, and all utilities.

(5) Adequate dimensions and details for accurate construction of all roadway features.

(6) Adequate specifications to assure proper materials and workmanship to attain construction with design criteria, standard specifications, and standard drawings.

d. The City may require additional information and/or construction plans as deemed necessary to properly understand and evaluate the permit application and issue the permit requested.

C. Design Criteria

1. Right-of-way

a. All street rights-of-way shall be at least 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 rights-of-way 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 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, 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 single-family dwelling unit and one accessory dwelling unit, and public rights-of-way unless approved by the City Council.

b. Gates are prohibited on public street rights-of-way, unless approved by City Council.

2. Street Widths

a. Local streets and roads directly serving dwelling units and with no through or collector traffic intended on them shall have a minimum paved width of 26 feet.

b. Minor streets and roads serving to collect traffic within residential and other areas for distribution outside the area shall have a minimum paved width of 26 feet.

c. Collector streets and roads intended to connect major districts within or adjacent to the city shall have a minimum paved width of 41 feet.

d. Arterial streets and roads intended for fast heavy traffic volume shall have a minimum paved width of 44 feet with a minimum right-of-way of 80 feet.

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

3. Street Locations

a. Streets are to be arranged in proper relation to topography so as to result in usable lots, safe streets, and acceptable gradient. Grades shall not exceed seven percent.

b. The arrangement of streets shall provide for the continuation of existing streets from adjoining areas into new subdivisions unless otherwise approved by the City.

c. Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall be such that such streets extend to the boundary lines of the tract to facilitate the future extension of such streets into adjacent areas. A reserve strip may be required and held in public ownership.

d. Minimum sight distance shall be 200 feet for residential streets and 300 feet for collector and arterial streets.

e. Streets shall be located horizontally and vertically so as to assure positive and effective drainage of storm and other surface waters. Subsurface waters shall be accommodated by approved drains and other facilities as determined necessary by the City.

f. Horizontal alignment shall be designed pursuant to AASHO, geometric highway standards for the design speed of the proposed roadway. All curves shall be simple curves, and super elevation shall not exceed six-hundredths foot per foot. Unless otherwise specified by the City, the design speed shall be 35 miles per hour.

4. Intersections

a. Streets shall intersect at 90 degrees or as close as possible to 90 degrees, and in no case shall streets intersect at less than 70 degrees.

b. No more than two streets shall cross at any one intersection.

c. Intersections shall be located on a relatively flat grade with appropriate drainage slope. The flat section shall extend a minimum of 75 feet each way from the center of the intersection. Maximum of two percent intersection grade will be allowed.

d. Minimum clear sight distance at all intersections shall permit vehicles to be mutually visible when each is a minimum of 100 feet from the center of the intersection.

e. Intersections shall be clearly visible a minimum of 200 feet from the center of the intersection from all roadways.

5. Cul-de-sacs

A cul-de-sac, court, or similar type street shall have a maximum length of 400 feet from entrance to center of the turnaround, and all cul-de-sacs shall have a minimum turnaround radius of 60 feet at the property line and not less than 45 feet at the curb line.

6. Street Names

Street names will not duplicate any existing street name within the city, except where a new street is a continuation of an existing street. Street names that may be spelled differently but sound the same as existing street names shall not be used. All street signs shall be approved by the City and placed at the expense of the developer.

7. Easements

a. Unobstructed utility easements shall be provided along front lot lines, rear lot lines, side lot lines or other appropriate locations deemed necessary by the subdivider or the City to accommodate installation of utilities. Easement widths shall not be less than five feet. In addition, unobstructed drainageway easements shall be provided as required by the City.

b. Pedestrian and bike paths may be required where deemed necessary for the City to provide for orderly and safe control of pedestrian or bicycle traffic. Construction shall be pursuant to §16.04.020.D.11, *Bicycle and Pedestrian Paths.*

8. Ballast Thickness Design

a. Minimum pavement thickness shall be as shown below and in drawing one of standard drawings:

Table 16-8: Minimum Pavement Thickness

Subbase Soils and Road Type	*Minimum Compacted Thickness (Inches)*		
	Asphalt Concrete	Base Aggregate	Shale
Granular			
Subbase	3.0	4	6
Driveway	2.0	4	6
Residential	3.0	4	6
Collector	3.0	4	6
Arterial	3.0	4	6
Fine Grained Subbase [1]			
Driveway	2.0	4	6
Residential	3.0	4	1
Collector	3.0	4	8
Arterial	3.0	6	8

Notes:
[1] Fine grained subbase" is defined as silt and clay material.

b. Street types are defined as follows:

(1) Residential: Serving dwelling units with no heavy, through, or collector traffic.

(2) Collector: Those collecting traffic for distribution outside the area.

(3) Arterial: Those connecting major districts.

(4) Driveway: A nondedicated access on public or private property for not more than four dwelling units.

c. The paving thickness design shown above should be regarded as a minimum design. Detailed soils and traffic investigations and thickness designs shall be performed by a registered professional engineer.

d. The full ballast depth shall be placed over a stabilized subbase. Additional shale may be required to stabilize the subbase.

e. A fog seal consisting of a diluted emulsified asphalt may be applied at a rate of twelve-hundredths gallon per square yard to all new or reconstructed streets.

9. Cut and Fill Slopes

Maximum side slopes in cuts and fills shall be as shown on "cut and fill slope table" on drawing one of the standards.

10. Drainage Plans

a. Minimum allowable culvert size shall be 12-inch diameter. For all platted developments or other development affecting natural drainageways, the engineer shall submit plans showing general details of the proposed drainageway culvert locations, size, and other pertinent data.

b. Included shall be a hydraulics study wherein pipe sizes and locations are designed with adequate capacity to accommodate a 25-year storm flow.

11. Erosion Protection

For all platted developments or other new developments affecting natural drainageways, consideration shall be given to providing siltation ponds, check structures, and other devices where appropriate for erosion control. Cut and fill slopes exceeding eight feet in width, measured along the ground perpendicular to the road, shall be seeded and mulched pursuant to the standard specifications or as approved by the City.

12. Private Driveways

a. Application for approval of a proposed private driveway shall be made to the Planning and Building Department on forms provided by the City. Driveways existing as of the Effective Date that do not conform to the standards and criteria contained in this section shall not be required to comply with this section until such time as such existing driveways are proposed to be expanded, extended, widened, or otherwise improved, not including resurfacing only.

b. Information to be provided along with such application shall include, but not be limited to scaled plans of the proposed private driveway showing:

(1) Turning radii;

(2) Final grades;

(3) Turnaround for fire and emergency vehicle apparatus, if required;

(4) Profile illustrating cuts and/or fills required to achieve the proposed final grades;

(5) The subject property and proposed building site/envelope;

(6) Relationship to adjacent property;

(7) Topography; and

(8) Dimensioned widths and lengths.

c. 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:

(1) Hillside impact;

(2) Preservation of rock outcrops;

(3) Historical significance of affected properties;

(4) Extent of cuts and/or fills;

(5) Impact on or through slopes of 25 percent or greater;

(6) Comprehensive Plan;

(7) Aesthetic impacts;

(8) Rock removal;

(9) Visibility;

(10) Exposure to sun;

(11) Curves;

(12) Number of homes served;

(13) Drainage; and/or

(14) Other applicable ordinances.

d. The City staff may act on applications for the following categories of private driveways, unless it is determined necessary to forward such application to the City Council for final determination:

(1) Private driveways up to and including seven percent grade, regardless of length; and

(2) Private driveways up to and including ten percent grade and where the furthest point of the structure is less than 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.

e. 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:

(1) Private driveways with grades from seven percent up to and including ten percent where the distance between the furthest point of the structure is greater than 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;

(2) Private driveways with grades over ten percent, regardless of length; and

(3) Private driveways of any grade and regardless of length that traverse slope(s) of 25 percent or greater and that require extensive cuts and/or fills to construct.

f. The City Council may require that neighboring property owners shall be notified prior to its final determination on any application it considers.

g. The City may conceptually approve a plan for a private driveway, provided all standards contained in this section 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 such standards and with other applicable City ordinances.

h. Construction of a private driveway shall not commence until the City has received an application for a Building Permit for such property to be accessed and after such permit has been properly issued by the City.

i. 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.

(1) Limitation on Access

Private driveways shall access no more than four single-family dwelling units.

(2) Width

(A) The unobstructed, all weather surface of a private driveway shall not be less than 12 feet.

(B) The unobstructed, all weather surface of a private driveway shall not be greater than 35 percent of the linear footage of any street frontage or 30 feet, whichever is less, unless otherwise approved by the City Engineer.

(C) Comer lots that front two or more streets may select either or both streets as access and shall meet the provisions above.

(D) When calculating the maximum allowed driveway width for flag lots, the flag portion of the lot fronting the street, along with the front property line as defined in this Code shall be the linear footage.

(3) 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.

(4) Aprons

All private driveway aprons shall be constructed with a radius of not less than ten feet.

(5) Skew Angle

All private driveways shall be constructed with an approach skew angle between 60 degrees and 120 degrees, preferably 90 degrees.

(6) 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.

(7) Surfacing

Private driveway surfaces shall be constructed of gravel or hard surfacing with sufficient base to support anticipated loads as required by §16.04.020.C.8, *Ballast Thickness Design.* 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.

(8) 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.

(9) Gradient

Private driveway grades shall not exceed two and one-half percent for at least 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.

(10) 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.

j. Gates are prohibited on private roads, private access/entranceways and private driveways accessing more than one single-family dwelling unit and one accessory dwelling unit.

13. Sidewalk, Curb and Gutter

a. General Standards

(1) Public sidewalks, curbs and gutters shall be constructed at the private property line but within the public street right-of-way, unless otherwise approved by the City, or within an easement granted to the City for such public sidewalk and/or other compatible use.

(2) The Planning and Building Department shall inspect grade and compaction of soil prior to placement of the sidewalk material or concrete curb and gutter.

(3) All sidewalks shall be scored at five-foot intervals and shall be provided with expansion joints every ten feet and where sidewalks abut other structures.

(4) A three-foot wide ramp for the handicapped shall be provided at all street corners with a maximum one to 18 slope. Ramps may be required at other locations within a block to provide necessary and adequate handicapped access.

(5) All sidewalks shall have two percent cross slope. Slope from centerline of the road to the gutter shall be two percent. Sidewalks with grades in excess of ten percent shall be stepped or built as approved by the City.

(6) Sidewalks shall be five feet wide, except specifically as follows, in order to accommodate heavy pedestrian circulation: Sun Valley Road and Main Street within CC district, shall be eight feet in width; and Skiway Drive, Lloyd Drive, Gates Road, Jane Lane, Ritchie Drive and Howard Drive shall be seven feet in width, unless otherwise required or approved by the City Council.

(7) Sidewalks may be constructed of concrete, board or concrete pavers of a color and shape specified by the City, except specifically as follows, in order to achieve the aesthetic appearance as well as function desired along strong pedestrian routes: Skiway Drive, Lloyd Drive, Gates Road, Jane Lane, Ritchie Drive and Howard Drive shall be constructed of concrete pavers, unless otherwise required or approved by the City Council.

(8) All curbs and gutters shall be constructed of cement concrete.

(9) A plan of proposed sidewalks, curbs and gutters shall be submitted for approval by the Planning and Building Department. The plan shall be to scale and shall show sufficient detail describing, but not limited to, the following:

(A) Direction of drainage;

(B) Existing and proposed street drains;

(C) Approximate elevations of gutter in inches below crown of road at intervals required by the Planning and Building Department;

(D) Approximate grade of gutter and walk;

(E) Dimensions of sidewalk length and width; and

(F) Materials to be used.

(10) Leveling course and/or aggregate base, as specified by the City, shall be placed between the edge of the roadway asphalt and edge of gutter prior to completion of any and all sidewalk, curb, and/or gutter improvement. The course and base shall be in compliance with §16.04.020.D.8, *Road Cutting and Repair.*

b. Payment in Lieu

In the CC, T, T-3000, T-4000, LI-1, LI-2, and LI-3 districts, sidewalks, curbs, and gutters shall be designed and constructed by the applicant when there is new construction or when an existing building is altered or changed and such modifications require a Building Permit and the cumulative improvement within a three-year time frame constitutes a "substantial improvement", pursuant to standards as established by the City as to type, location, and grade.

(1) Administration

(A) Any person required to install sidewalk, curb and gutter may submit to the Administrator, as part of the Design Review or Building Permit process, a request for consideration of in lieu payment. Such requests shall include:

i. A description of the property addressing the above listed criteria.

ii. A design plan for construction of sidewalk, curb, and gutter, together with the estimated cost of construction.

iii. A written request to consider in lieu payment.

(B) Such requests shall be considered by the Planning and Zoning Commission for proposals requiring Design Review, and by the Administrator for proposals not requiring Design Review. A recommendation shall be made by the Commission or the Administrator after consulting with the City Engineer and the Streets and Facilities Department.

(C) These recommendations will be forwarded to the City Council for final approval.

(D) Upon approval of the design plan and estimated construction cost by the Council, the estimated cost of the construction shall be paid.

(E) Each in lieu payment shall be credited by the City against any subsequent assessment(s) against the property, and only the amount of the assessment remaining after deduction of the credit shall be due and payable by the owner of the property pursuant to law.

(F) In lieu payments collected shall be maintained in a separate account by the City Clerk and used solely for construction of sidewalks, curbs and gutters at locations deemed appropriate by the City.

(G) Each person providing in lieu payment for sidewalk, curb, and gutter shall also sign an agreement with the City setting forth the terms of this Code, together with such other terms and conditions as may be reasonably required in order to meet the spirit and intent of this Code or otherwise required by law.

(2) Criteria for Payment In Lieu

A payment shall be made to the City in lieu of providing required sidewalks, curbs, and gutters; provided, that one or more of the following criteria are met:

(A) The Planning and Zoning Commission determines that the physical characteristics of the site, due to existing features such as steepness of slope, proximity to waterways, wetlands, or other characteristics would cause the installation of sidewalk, curb, and gutter to be detrimental to the natural environment and/or impractical;

(B) The Planning and Zoning Commission determines that presence of mature trees or other natural features on the site would cause the installation of sidewalk, curb, and gutter to be impractical or undesirable;

(C) The Planning and Zoning Commission determines that sidewalk, curb, and gutter are not compatible with the City's long term pedestrian/circulation plan for the street or the area;

(D) The Planning and Zoning Commission determines that the current and planned future condition of adjacent City rights-of-way indicate that sidewalk, curb, and gutter are incompatible; or

(E) The Planning and Zoning Commission determines that another public amenity, such as a bicycle lane, is preferred over sidewalk, curb, and gutter.

14. Excavation

D. Standard Specifications

1. General Construction Responsibilities and Procedures

a. Fire prevention and Protection

The contractor shall perform all work in a fire safe manner, and shall supply and maintain on the site adequate firefighting equipment capable of extinguishing incipient fires. The contractor shall comply with applicable local and state fire prevention regulations and, where the regulations do not cover, with applicable parts of the national fire prevention standard for safeguarding building construction operations (NFPA no. 241).

b. Public Safety and Convenience

(1) The contractors shall comply with all rules and regulations of the City, state, and county authorities regarding the closing of public streets or highways to use of public traffic. No road shall be closed to the public except by express prior written permission of the City. The contractor shall conduct the work so as to assure the least possible obstruction to traffic and normal commercial pursuits and protect all obstructions within traveled roadways by approved signs, barricades, and lights where necessary for the safety of the public. The convenience of the general public and residents adjacent to the project and the protection of persons and property are of prime importance and shall be provided for in a safe and adequate manner.

(2) The contractor shall use every reasonable precaution to safeguard the persons and property of the traveling public. It shall be the sole responsibility of the contractor to furnish, place and maintain those barricades, barriers, lights, flares, danger signals and watchmen as are necessary to protect the persons and property of the traveling public. All barricades and obstructions shall be protected at night by signal lights that shall be suitably distributed and kept burning from sunset to sunrise.

(3) Whenever the contractor's operations create a hazardous condition, they shall furnish flagmen and guards as necessary or as ordered by the City to give adequate warning to the public of any dangerous conditions to be encountered and equip flagmen and guards, while on duty and assigned to give warning to the public, with approved wearing apparel and red or orange flags that shall be kept clean and in good repair.

c. Access For Police, Fire and Postal Service

(1) The contractor shall notify the Fire Department and Police Department before closing any street or portion of street, and no closing shall be made without the prior written approval of the departments. The contractor shall conduct operations so as to cause minimum interference with the fire station access and at no time block or prevent such access.

(2) The contractor shall leave their night emergency telephone number or numbers with the Police Department so that contact may be made easily at all times in case of barricade and flare trouble or other emergencies.

(3) The contractor shall maintain postal service facilities pursuant to the requirements of the U.S. Postal Service. The contractor shall move mailboxes to temporary locations designated by the postal service, and at the completion of the work in each area, replace them in their original location and in a condition satisfactory to the U.S. Postal Service.

d. Responsibility for Utility Property and Services

(1) At points where the contractor's operations could cause damage that might result in considerable expense, loss, and inconvenience when their operations are adjacent to or near telephone, television, power, oil, gas, water, irrigation, or other private or municipal systems, the operations shall be suspended until all arrangements necessary for the protection of such systems have been made by the contractor;

(2) The contractor shall notify all utility offices that are affected by the construction operation at least 48 hours in advance. Under no circumstances shall the contractor expose any utility without first requesting permission and being granted to do so from the affected agency. Once permission has been granted, the contractor shall locate, if necessary, and expose all existing underground utilities in advance of the trenching operation;

(3) In the event of interruption to domestic water, sewer, storm drain, or other utility service as a result of accidental breakage, or as a result of being exposed or unsupported, the contractor shall promptly notify the proper authority and cooperate with such authority in restoration of service as promptly as possible and bear all costs of repair. In no case shall interruption of any water or utility service be allowed to exist outside working hours unless prior approval is received.

e. Land Monuments

(1) The contractor shall preserve or replace all existing federal, state, City, county, and private land monuments.

(2) Additional monuments as deemed necessary by the City shall be established as part of the street construction. All monuments shall be set by a licensed surveyor.

f. Utility Markers

The contractor shall protect all sewer and water service markers. Any destroyed or damaged markers shall be accurately relocated by the contractor at the contractor's expense to the satisfaction of the Utilities Department.

g. Access by Officials

Authorized representatives of the City shall at all times have access to the work wherever it is in preparation or progress, and the contractor shall provide proper facilities for such access and for inspection.

h. Cleanup

(1) The contractor shall at all times during the work keep the premises clean and orderly. They shall promptly remove all waste materials and rubbish.

(2) Upon completion of the work, all materials, equipment, and appurtenances not required as a part of or appurtenant to the completed facility shall be completely removed.

i. Guarantee

(1) The developer and contractor shall jointly and severally guarantee the quality and durability of all work for the time periods specified within the applicable section of the standards specifications.

(2) The City may request the developer or contractor to post a performance bond pursuant to §16.07.020.E.8, *Performance Bonds and Security Agreements*.

j. State Standards

All construction within the City right-of-way and proposed new street construction shall comply with Idaho standards for public works construction, January 1984, as amended.

2. Earthwork

a. Scope

This section consists of earthwork including construction of subbase, compacted backfill for pipes and structures and borrow.

b. Materials

(1) Earth Backfill

Excavated material free from roots, debris, and other deleterious material to be approved by project engineer.

(2) Gravel Backfill

Six-inch minus river run or pit run gravel, free from clay balls, roots and organic material, reasonably uniform gradations from coarse to fine, containing sufficient fines for compaction as specified. Select material from site excavation meeting the above requirements may be used, as approved.

(3) Crushed Gravel for Footings and Slabs

One inch minus crushed gravel or crushed rock, free from dirt, clay balls and organic material, uniformly graded from coarse to fine, containing sufficient fines for proper compaction.

(4) Borrow

Clean granular material, free from roots or organic material. Submit samples for approval prior to delivery of any borrow material.

c. Workmanship

(1) Clearing and Grubbing

Existing trees, brush, stumps, bushes, and waste material shall be removed from the site. Care shall be taken to prevent damage to adjacent trees that are to remain. Burning will not be permitted.

(2) Removal of Topsoil

Prior to beginning excavation or fill, remove the topsoil to a depth of six-inches for future use. Topsoil shall be removed where structures or roads are to be constructed.

(3) Subgrade

(A) Subgrade shall be excavated and shaped to line, grade and cross section shown on the plans. The subgrade shall be compacted to 95 percent of maximum density as determined by AASHO T-99. All soft spots or otherwise unsuitable material shall be removed and replaced with suitable material.

(B) The subgrade shall be watered or aerated as necessary to obtain optimum moisture content as determined by AASHO T-99.

(C) The subgrade shall be finished to within one-tenth foot of the grade and cross section as shown on the plans.

(D) Compaction equipment shall be of the size and type capable of obtaining specified compaction. Compaction equipment shall be approved by the City.

(4) Construction of Embankment

(A) Embankments shall be constructed from selected excavated material or specified and approved "borrow and material". Embankment shall be constructed to lines and cross section specified in the plans. Fill shall be placed in lifts not to exceed nine inches across the full width of the embankments. Each lift shall be compacted to 95 percent of maximum density as determined by AASHO T-99. Watering or aeration as necessary shall be accomplished to obtain optimum moisture content. Completed embankments shall be dressed to elevations and slopes specified in the plans.

(B) If pipelines are to be placed in the embankment, the embankment shall be constructed to an elevation of two feet above the top of the pipe prior to trench excavation for the pipeline.

(5) Trench Excavation and Backfill

(A) Excavation for the installation of pipes, utilities, and other appurtenances shall be accomplished to the elevation specified on the plans. Where required, shoring shall be used in excavation of trenches.

(B) The pipe or utility shall be bedded and backfilled with material as specified by the utility owner.

(C) Above the pipe, all trenches under structures, sidewalks, roads, parking areas, and similar facilities, backfill shall be placed and backfilled in layers not to exceed one foot. Compaction shall be 95 percent of maximum density as determined by AASHO T-99. Before the last layer is placed, the trench shall be filled with water for future settlement. This water settlement may be deleted by the City if expedient completion of work is advantageous to the City and is in the interest of quality construction.

(D) Mechanical settlement may be deleted where adequate compaction, in the opinion of the City, can be obtained by water settling only.

(E) In other areas, backfill material not exceeding one-half cubic foot in size and intermixed with fine material shall be mechanically pushed into the trench. Excess material shall be neatly windrowed over the trench to provide for future settlement. Any excess or deficiency after the settlement period shall be corrected by regrading or additional material.

(F) Excess excavation shall be disposed at sites designated on the plans or disposal sites arranged for by the contractor.

(G) Any settlement in backfill, fill, or in structures built over the backfill or fill, that may occur within a two-year guarantee period, will be considered to be caused by improper compaction method and shall be corrected at no cost to the City. Any structures damaged by settlement shall be restored to their original condition by the contractor at no cost to the City.

(6) Shoring, Sheeting, and Bracing

The contractor shall furnish and install all shoring, sheeting, and bracing required to support adjacent earth banks and structures and for the protection and safety of all personnel working in the excavations. All shoring, sheeting, and bracing shall conform to the requirements of the state or local agencies having jurisdiction over such matters. The contractor shall remove shoring, sheeting, and bracing in a manner that will protect the workers and prevent caving of banks or damage to property as the excavations are backfilled, as approved by the City.

(7) Removal of Water

The contractor shall provide and operate equipment adequate to keep all excavation and trenches free of water and shall remove all water during the period when concrete is being deposited, when pipe is being laid, during the placing of backfill, unless water settling is required, and at such other times as required for efficient and safe execution of the work. The contractor shall avoid settlement or damage to adjacent property, and the contractor shall dispose of water in a manner that will not damage adjacent property, as approved by the City.

(8) Slab and Footing Gravel

A minimum of six inches of crushed base gravel shall be placed under concrete footings, slabs, and other concrete structures. The base gravel shall be compacted to 95 percent of maximum density as determined by AASHO T-99. Gravel shall be placed over properly prepared and compacted subgrade material.

(9) Structure Backfill

(A) Backfill shall be placed around concrete structures after concrete has attained two-thirds of the specified compressive strength. All form material and trash shall be removed from the excavation before placing backfill. Backfill adjacent to concrete walls or other structures shall be compacted with pneumatic tampers or other approved equipment that will not damage the structure.

(B) Structure backfill shall be compacted in 12-inch maximum layers to 95 percent of maximum density as determined by AASHO T-99.

(10) Nonstructural Fills

Fills not under structures, roads, or other facilities shall be placed in layers not exceeding 12 inches and compacted by routing loaded trucks or construction equipment over the fill in such a manner that all areas are uniformly covered. An alternate compaction requirement may be specified by the City to control settlement.

d. Quality Control

(1) The contractor or developer shall notify the City a minimum of 24 hours prior to beginning any work covered by this section.

(2) The compaction of the subgrade shall be tested at intervals not to exceed 1,000 square yards of compacted surface. Each layer of compacted material shall be tested and considered separately. Compaction requirements shall be as specified above. Areas represented by failing tests shall be compacted and retested.

(3) Testing may be by the sand, balloon, or nuclear methods.

(4) In addition to the testing specified in §16.04.020.D.2.d(3), the City may require load testing of the base with a truck loaded to 150 percent of legal axle weights. Any deflection or other visual deformation shall constitute a need for additional compactive effort.

(5) All testing, except the loaded truck test, shall be at the expense of the developer or contractor, and payments for required testing shall be made directly to the testing agency. Sampling and methods shall be approved in advance by the City. Copies of all test reports shall be submitted to the City.

e. Guarantee

(1) The developer and contractor, by applying for a permit, jointly and severally, shall repair, at their expense, all damage that may occur due to settlement of earth or rock fills or structure backfill for a period of two years following completion of the earthwork operations.

(2) All repairs shall be as approved by the City. Completion of repairs as approved by the City will constitute satisfaction of the guarantee requirements. Such satisfaction will not negate the guarantee of work in other areas.

3. Culverts

a. Scope

This section covers the installation of culverts for drainage.

b. Materials

Minimum culvert size shall be 12 inches in diameter.

(1) Culvert Pipe

Pipe shall conform to one of the following and of the proper class, grade, or gauge as determined from the appropriate design manual:

(A) Reinforced concrete pipe, tongue and groove or bell and spigot, ASTM C-76;

(B) Galvanized corrugated metal pipe, AASHO M-36;

(C) Aluminum corrugated metal pipe, AASHO M-196.

(2) Aprons

All pipe culverts shall have aprons or other approved headwalls installed on inlet and outlet ends. All aprons shall be of proper size and type for use with the type of pipe installed.

(3) Selected Backfill Material

Selected backfill material shall be imported or obtained from the excavation and shall contain material no greater than two inches in diameter. Selected backfill shall be free from vegetation or other deleterious materials.

c. Workmanship

(1) Trench excavation

Trenches shall be excavated to the grade shown on the plans and shall fit the drainage patterns as planned. Bottom of trench shall be shaped to fit the pipe. Bell and spigot pipe shall be supported in the barrel section.

(2) Laying Pipe

(A) Batter boards, grade stakes or other control shall be provided to assure proper line and grade.

(B) Begin laying at the lowest end of culvert. Thoroughly clean ends of the pipes. Place each section with the spigot end pointing in the direction of flow and with the bell end upstream. Lay culverts and connect sections in conformance with the manufacturer's printed instructions. Repair all damaged areas of the protective coating with material similar to the original and permit to dry or solidify before backfilling.

(3) Backfilling

Backfill pipe zone with selected material placed in six-inch lifts on each side of the pipe simultaneously and compact each lift with pneumatic or approved vibratory tampers. Be careful to compact the backfill solidly under the pipe. Wet backfill material if necessary for optimum moisture content prior to compaction. Compaction of the backfill shall provide a dry density equal to or greater than the adjacent undisturbed earth. Backfill above the pipe zone with material from the excavation placed in not more than 12-inch lifts and compact to 95 percent of maximum density. Hand tamping will not be permitted.

d. Quality Control

(1) The contractor or developer shall notify the City a minimum of 24 hours prior to beginning any work covered by this section.

(2) The contractor or developer shall submit a certification from the supplier to certify pipe materials, gauge, and type compliance with design manuals.

(3) The City shall be contacted prior to backfill to allow inspection of pipe joints, bedding, etc.

(4) Compaction tests shall be performed at each pipe location. Testing frequency shall be established prior to beginning work, but will normally be required on at least two layers of the backfilled material. A failing test will necessitate excavation, recompaction and retesting. Copies of all tests shall be submitted to the City.

(5) Testing may be accomplished by the sand, balloon, or nuclear methods.

(6) All testing shall be at the expense of the developer or contractor, and payments for required testing shall be made directly to the testing agency. Sampling and testing methods shall be approved in advance by the City. Copies of all test reports shall be submitted to the City.

e. Guarantee

(1) The developer and contractor, by applying for a permit, jointly and severally guarantee to repair or replace any trench settlement, pipe failures or damage occurring during construction or within two years of construction completion.

(2) Pipe repairs or replacement shall be approved by the City. Materials shall be as specified by the City. Completion of the repairs, as approved, will satisfy the requirements of the guarantee.

4. Catch Basins, Inlets, and Curbs

a. Scope

This section covers catch basins, inlets, curbs, and other miscellaneous concrete work.

b. Materials

(1) Concrete

Concrete shall be a five and one-half bag minimum mix obtained from a commercial source. Minimum compressive strength shall be 3,000 psi in 28 days. Maximum

aggregate size shall be one and one-half inches. Slump shall be four inches maximum.

(2) Forms

Forms for exposed surfaces shall be plywood, matched boards, or other approved material. All vertical surfaces shall be formed. Trench walls, large rock or earth will not be approved form material.

(3) Reinforcing Steel

Reinforcing steel shall conform to ASTM A-615, grade 40, deformed bars or as otherwise specifically specified in approved plans.

(4) Precast Units

At the option of the contractor, approved precast units may be substituted for cast in place units. Precast units shall conform to ASTM C-478. Concrete risers for extensions shall be a maximum of six inches high and of the same quality as the sections. Risers shall be approved by the engineer before installation.

(5) Mortar

Standard premixed mortar conforming to ASTM C-387, type S, or proportion: one part Portland cement to two parts clean, well graded, that will pass a one-eighth inch screen. Admixtures may be used not exceeding the following percentages of weight of cement: hydrated lime, ten percent; diatomaceous earth or other inert materials, five percent. Consistency of mortar shall be such that it will readily adhere to the concrete.

(6) Frames and Grates

Frames and grates for catch basins and storm drain inlets shall be fabricated of steel conforming to ASTM A-36 pursuant to the details shown. All connections shall be welded. Welding shall conform to requirements of the current code for welding in building construction of the American Welding Society.

c. Workmanship

(1) Construction

(A) Construct inlets and catch basins at the locations shown and pursuant to the standard drawings. Construct forms to the dimensions and elevations required. Forms shall be tight and well braced; chamfer all corners of forms.

(B) Prior to placing the concrete, remove all water and debris from the forms. Moisten forms just prior to placing the concrete. Handle concrete from the transporting vehicle to the forms in a continuous manner, as rapidly as practical, without segregation or loss of ingredients. Immediately after placing, compact concrete with an approved mechanical vibrator. Limit the duration of vibration to the time necessary to produce satisfactory consolidation without causing segregation. All concrete shall be placed within 90 minutes of initial mixing.

(C) Screed the top surface of exposed slabs and walls, when the initial water has been absorbed, float the surfaces with a wood float and lightly trowel with a steel trowel to a smooth finish free from marks or irregularities. Finish exposed edges with a steel edging tool. Remove forms and patch any defects in the concrete with mortar mixed in the same proportions as the original concrete mix.

(D) Cure concrete by preventing the loss of moisture for a period of seven days. Accomplish with an approved membrane forming curing compound. Apply the curing compound immediately after removal of forms or finishing of the slabs. Protect concrete from damage during the seven-day curing period. All concrete shall be protected from freezing weather for a period of five days.

(E) All concrete exposed to weather shall be sealed with an opaque concrete sealer.

(2) Installation of Precast Units

Prior to placement of precast units, all supporting material shall be compacted to 95 percent of maximum density.

(3) Installation of Frames and Grates

(A) Set frames and grates at elevations indicated or as directed by the engineer and in conformance with the plans.

(B) Frames may be cast in, or shall be set in mortar.

d. Quality Control

(1) The contractor or developer shall notify the City a minimum of 24 hours prior to beginning any work covered by this section.

(2) Concrete compressive cylinders shall be taken at least once during each project and one additional test for each additional 25 yards of concrete required. Each test should consist of three compressive cylinders.

(3) Compaction tests shall be taken where required by the City and should be expected at each installation.

(4) Failing tests shall be sufficient reason for removal and replacement of all represented concrete by the contractor or developer.

(5) All testing shall be at the expense of the developer or contractor, and payments for required testing shall be made directly to the testing agency. Sampling and testing methods shall be approved in advance by the City. Copies of all test reports shall be submitted to the City.

e. Guarantee

(1) The developer and contractor, by applying for a permit, jointly and severally guarantee there will be no failure in concrete structures for a period of two years following construction.

(2) Repairs or replacement shall be approved by the City. Materials shall be as specified by the City. Completion of the repairs, as approved, will satisfy the requirements of the guarantee.

5. Shale Base

a. Scope

This section consists of base construction by use of pit run shale commonly available in the local area.

b. Materials

(1) Shale

The shale shall be from a source approved by the City. The maximum aggregate size shall not exceed the depth of the shale layer to be placed.

c. Workmanship

(1) The shale base shall not be placed in layers to exceed one foot. This depth may be reduced if, in the opinion of the City, sufficient compaction is not being attained. Compaction shall be accomplished by use of a vibratory roller to allow settlement of the angular material.

(2) Shale base, as required in the plan typical section, shall be placed over an approved base to the depths, cross section and profile as shown on the plans.

d. Quality Control

(1) The contractor or developer shall notify the City a minimum of 24 hours prior to beginning any work covered by this section.

(2) Testing of the shale base shall be accomplished by operating a loaded truck, not exceeding 200 percent of legal axle loads, over the compacted material. Any deflection or other visual deformation shall constitute a need for additional compactive effort.

(3) Upon request, the City will perform the load test at no cost to the contractor or developer. The contractor or developer shall make all efforts possible to coordinate these efforts with the City.

e. Guarantee

(1) The developer and contractor, by applying for a permit, jointly and severally shall repair, at their expense, any damage or failure resulting from loss of shale base stability for a period of two years following completion of construction.

(2) Repair or replacement of shale base shall be as approved by the City. The materials and workmanship shall be as specified by the City. Completion of the repairs, as approved, will satisfy the requirements of the guarantee.

6. Aggregate Base and Leveling Course

a. Scope

This section covers the base course and leveling course.

(1) Materials

Three-fourths inch crushed gravel. Crushed gravel for base aggregate shall conform to the following master gradation and specifications:

Table 16-9: Crushed Gravel Gradation

Sieve Size	Percent Passing
1 inch	100
0.75 inch	90—100
No. 4	45—65
No. 8	30—50
No. 200	3—9
Sand equivalent	30 minimum

b. Workmanship

(1) Base Course

(A) The subbase shall be approved by the City prior to placement of any base aggregate.

(B) Any aggregate not conforming to the above master gradation and specifications will not be accepted. Variations in gradation will not be allowed.

(C) The base course shall be placed in two lifts if the lifts exceed four inches, and each lift shall be compacted to 95 percent of maximum density.

(D) The finished line and grade shall be pursuant to the plans. Grade stakes shall be provided to assure proper profile and cross section.

(2) Shoulders

Shoulders shall be constructed from acceptable roadway materials or borrow pursuant to the applicable roadway typical section.

(3) Weather

When, in the opinion of the City, the weather is such that satisfactory results cannot be secured, the contractor shall suspend operations until the weather is favorable. No surfacing materials shall be placed in the snow or on a soft, muddy, or frozen subgrade.

(4) Cleanup

After the work is completed, the entire area shall be neatly finished and trimmed to the lines, grades and cross sections shown. All material shall be removed, and all stockpile areas shall be cleared of all aggregate and left in an acceptable condition.

c. Quality Control

(1) The contractor or developer shall notify the City a minimum of 24 hours prior to beginning any work covered by this section.

(2) Samples shall be taken from the stockpile prior to beginning placement on the roadway.

(3) One sample shall be taken to represent each 500 tons of material to be used.

(4) Samples shall be tested for gradation and sand equivalent. Variations exceeding the allowable tolerances shall be sufficient bases for reselection of material either in stockpile or on the roadway.

(5) Compaction tests of compacted aggregate shall be performed to represent each 1,000 square yards of compacted surface. Each layer of compacted material shall be considered separately. Areas represented by failing tests shall be recompacted and retested. Compaction requirement shall be as specified above.

(6) Testing may be by the sand, balloon, or nuclear methods.

(7) All testing shall be at the expense of the developer or contractor, and payments for required testing shall be made directly to the testing agency. Sampling and testing methods shall be approved in advance by the City. Copies of all test reports shall be submitted to the City.

d. Guarantee

(1) The developer and contractor, by applying for a permit, jointly and severally shall repair, at their expense, any damage or failure resulting from a loss of base stability within a period of two years following completion of construction and acceptance by the City.

(2) Repair or replacement of the base shall be as approved by the City. Materials and workmanship shall be as specified by the City. Completion of the repairs, as approved, will satisfy the requirements of the guarantee.

7. Plantmix Pavement

a. Scope

This item consists of placing asphalt plantmix surfacing, prime coat, seal coat and tack coat.

b. Materials

(1) Prime Coat

Prime coat asphalt shall consist of MC-250 asphalt applied at a rate of two-tenths gallon per square yard. Other application rates may be required by the City for desired results.

(2) Plantmix Surfacing

Plantmix surfacing shall be of the thickness as specified for the road type. Prior to beginning paving, the contractor shall submit to the City a mix design (Marshall method) meeting the following criteria:

Table 16-10: Plantmix Surfacing Design

Compaction, number of blows	50
Air voids, percent	3—6
Stability, pounds	750 minimum
Flow, 0.25 mm	8—18

Asphalt grade	120—150 penn.

(3) Tack Coat

Tack coat shall be diluted SS-1 asphalt applied during warm, dry weather at a rate of five-hundredths gallon per square yard.

(4) Seal Coat

Asphalt for a fog seal shall be SS-1 applied at a rate of fifteen-hundredths gallon per square yard.

c. Workmanship

(1) Preparation; Overlays

(A) Before construction of an asphalt concrete pavement on an existing surface, all fatty asphalt patches, grease drippings, and other objectionable matter shall be entirely removed from the existing pavement. All types of existing pavement or bituminous surfaces shall be thoroughly cleaned by sweeping to remove dust and other foreign matter.

(B) A tack coat of SS-1 asphalt applied at the rate of five-hundredths gallon per square yard of retained asphalt shall be applied uniformly to all surfaces on which any course of asphalt concrete is to be placed, unless its omission is specifically directed by the City.

(C) When asphalt concrete pavement is to be constructed over an existing paved or oiled surface, in addition to the preparation as outlined in this section, all holes and small depressions shall be filled with an appropriate class of asphalt mix. The surface of the patched area shall be leveled and compacted thoroughly, as directed by the City.

(D) Prior to placement of the final overlay course, a leveling course shall be placed in all areas specified by the City to provide a uniform surface for placement of the overlay.

(E) Any defective work or materials that may be discovered by the City before the final acceptance of work, or during the guarantee period, shall be removed and replaced by work and materials that shall conform to the provisions of this section. Failure on the part of the City to condemn or reject bad or inferior work or materials shall not be construed to imply acceptance of such work or materials.

(2) Preparation; New Surfacing

(A) A prime coat may be applied over the full length of the project, and asphalt concrete pavement shall not be placed until the prime coat has cured. Application rate shall be two-tenths gallon per square yard.

(B) Should any holes, breaks or irregularities develop in the roadway surface after the prime coat has been applied, they shall be patched with asphalt concrete immediately in advance of placing the asphalt concrete. The contractor shall

maintain the completed prime coat by blading or brooming as directed by the engineer, until the asphalt concrete is placed.

(C) After the maintenance, patching or repair work has been completed and immediately prior to placing the asphalt concrete pavement, the surface of the prime coat shall be swept clean of all dirt, dust, or other foreign matter.

(3) Plantmix Preparation

(A) The plantmix surfacing shall be placed over the primed or tacked surface. Placement shall be accomplished with a self- propelled paver with an automatic screed operable from a profile "shoe" or "ski" riding on the base surface or adjoining completed surface. The length and type of the shoe or ski shall be acceptable to the City and capable of compensating for minor variations in the base profile.

(B) Plantmix temperatures shall be no less than 260 degrees for placement on grade, no less than 185 degrees for completion of intermediate rolling, and rolling shall be completed above 160 degrees Fahrenheit. All rolling equipment and coverages shall be approved by the City prior to beginning placement. Variation may be required by the City to assure adequate compaction.

(4) Connections with Existing Surfacing

Connection to existing surfacing shall be accomplished by cutting back the existing surface to a vertical face to assure positive full depth paving.

(5) Surface Smoothness

The completed surface shall be uniform and to proper line and profile. The completed surfacing shall not vary more than one-fourth inch from a ten-foot straightedge placed parallel to centerline or perpendicular to centerline. Crown shall be controlled and pursuant to the plan typical section.

(6) Weather

(A) Asphalt for prime coat shall not be applied when the ground temperature is lower than 50 degrees Fahrenheit, without written permission of the City.

(B) Asphalt concrete shall not be placed when the atmospheric temperature is lower than 40 degrees Fahrenheit nor during heavy rainfall nor when the surface upon which it is to be placed is frozen, except upon written order of the City. Permanent pavement shall be placed only during the period from June 15 to September 15, except on the written approval of the City.

(C) Temporary pavement may be installed prior to or after the period designated in §16.04.020.D.6.b(3), but shall be replaced or overlayed with permanent paving during the next paving season.

d. Quality Control

(1) The contractor or developer shall notify the City a minimum of 24 hours prior to beginning any work covered by this section.

(2) Samples shall be taken the first day of production. Testing frequency may be reduced by the City if test results and visual observations indicate consistent mix production.

(3) Samples shall be tested for asphalt content and gradation and compared with the previously submitted mix design; variations exceeding the following tolerances shall be sufficient bases for rejection of the completed work represented by the failing test:

Table 16-11: Failing Test Tolerances

Asphalt Content		Mix design ±	0.5%
Gradation	¾ inch	Mix design ±	10
	½ inch	Mix design ±	10
	⅜ inch	Mix design ±	7
	No. 4	Mix design ±	7
	No. 8	Mix design ±	5
	No. 16	Mix design ±	5
	No. 30	Mix design ±	5
	No. 50	Mix design ±	5
	No. 100	Mix design ±	5
	No. 200	Mix design ±	3

(4) Case samples may be required by the City to verify mix samples or air void content. Cores will not normally be required if asphalt content and gradation test remain within acceptable tolerances.

(5) All testing shall be at the expense of the developer or contractor, and payments for required testing shall be made directly to the testing agency. Sampling and testing methods shall be approved in advance by the City. Copies of all test reports shall be submitted to the City.

e. Guarantee

(1) The developer and contractor, by applying for a permit, jointly and severally shall repair, at their expense, any damage or failure, progressive or total, of the plantmix surfacing for a period of two years following completion of the construction. This shall include any deformation of the roadway cross section or profile.

(2) Replacement or repair of the unsatisfactory areas shall be as approved by the City. The completion of the repairs, as approved, will satisfy the requirements of the guarantee.

8. Road Cutting and Repair

a. Scope

This section covers road and street cuts for installation and repair of utilities. Road cutting will only be permitted where boring or pushing methods have been shown to be unfeasible.

b. Materials

The materials, unless otherwise specified, shall conform to the applicable portion of §§16.04.020.D.2, *Earthwork*, 16.04.020.D.6, *Aggregate Base and Leveling Course*, and 16.04.020.D.7, *Plantmix Pavement.*

c. Workmanship

(1) The contractor shall take all precautionary measures for protection of all utilities owned by the City, Idaho Power Company, Mountain Bell, Intermountain Gas Company, and Sun Valley Cable Vision. This includes coordination of efforts with utility owners prior to, during, and following the actual excavation, boring, or pushing.

(2) One lane of traffic shall be maintained at all times so that traffic can flow, including a minimum of one flagger shall direct traffic if one lane, all or in part, is blocked. Adequate safety measures shall be provided to protect the public.

(3) The City shall be notified at least 24 hours in advance of beginning any work within the City roadway right-of-way.

(4) Backfilling shall be done in not more than one foot layers. A compactor shall be used on each layer. Routing of machinery over the trench is not an acceptable compaction method. Mechanical compaction may be deleted where, in the opinion of the City, adequate compaction can be obtained by water settling only. Compaction of each layer shall be 100 percent of maximum density.

(5) Three inches of compacted plantmix asphalt concrete shall be installed, with crown to be one inch higher than existing surrounding paving to compensate for additional settling that takes place from traffic pounding. Conform to standard drawing S.

(6) Road shoulders shall be blended back in to conform with existing shoulders.

(7) Exposed water or sewer lines shall not be covered up until inspected/approved by a representative of the Utilities Department. Backfill for pipe base and pipe zone shall conform to §16.04.020.D.3, *Culverts*, or the requirements of the owner of the pipe.

d. Quality Control

(1) The contractor or developer shall notify the City a minimum of 24 hours prior to beginning any work covered by this section.

(2) The City shall be notified, prior to backfilling operations, to allow inspection of all utilities, bedding, joints, etc.

(3) Compaction tests shall be performed at location. Testing frequency shall be established prior to beginning work but will normally be required on at least two layers of the backfilled material. A failing test will necessitate excavation, recompaction and retesting. Copies of all tests shall be submitted to the City.

(4) Testing may be accomplished by the sand, balloon, or nuclear methods.

(5) The asphalt surfacing shall be from an acceptable commercial source and shall be placed and compacted above 160 degrees Fahrenheit.

(6) All testing shall be at the expense of the developer or contractor, and payments for required testing shall be made directly to the testing agency. Sampling and testing

methods shall be approved in advance by the City. Copies of all test reports shall be submitted to the City.

e. Guarantee

(1) The developer, utility company and contractor shall repair, at their expense, any damage resulting from the road cut operations, repair, backfill or damage to adjoining areas. This includes settlement or deformation of repairs within a two-year period.

(2) Replacement or repair of the cut and other damaged areas or facilities shall be as approved by the City. The materials and workmanship shall be as specified by the City. Completion of the repairs, as approved, will satisfy the requirements of the guarantee.

9. Seeding

a. Scope

This section covers seeding of cut and fill slopes.

b. Materials

(1) Seed

Brome, Timothy, or other grasses as required by the City.

(2) Mulch

Straw or grass mulch shall be used where required by the City.

c. Workmanship

(1) Seeding shall be accomplished in the fall months. The slopes shall be prepared by tilling to a depth of three inches. This tilling may be omitted if, in the opinion of the City, the tilling will not be necessary for proper penetration of the seed. The seed shall be drilled unless broadcast methods are approved by the City. Hand raking or harrowing to cover the seed will normally be required.

(2) The seeding rate will be 18 pounds per acre unless modified by the City for special seed variation or soil conditions.

(3) Straw or hay mulch may be applied at the option of the City.

d. Quality Control

The contractor or developer shall provide a certification of seed purity, quality, species, and germination prior to seeding for approval by the City.

10. Signing

a. Scope

This section covers warning and regulatory signs as required for control of traffic.

b. Materials

(1) Signs

Sign as required. Materials and installation shall be in conformance with the most recent "Manual For Uniform Traffic Control Devices".

(2) Pavement Markings

Painted or adhesive marking applied to the paved surface for purposes of traffic control.

c. Workmanship

(1) All signs shall be of the size and type as specified in the "Manual For Uniform Traffic Control Devices".

(2) Location of all signs shall be as required by the City and in conformance with the "Manual For Uniform Traffic Control Devices".

d. Quality Control

(1) Normally, a manufacturer's certification of compliance with the "Manual For Uniform Traffic Control Devices" will be sufficient evidence of satisfactory materials.

(2) Additional testing or certification may be required for special signs or conditions.

11. Bicycle and Pedestrian Paths

a. Scope

This section covers the construction of bicycle and pedestrian paths.

b. Materials

The materials, unless otherwise specified, shall conform to the applicable portions of §§16.04.020.D.2, *Earthwork*, 16.04.020.D.6, *Aggregate Base and Leveling Course,* and 16.04.020.D.7, *Plantmix Pavement.*

c. Workmanship

(1) Bike and pedestrian paths will normally have a finished width of eight feet; additional width may be required by the City for areas of heavy usage or for other special consideration.

(2) The profile and alignment shall be designed to follow natural ground contours as closely as possible. However, the horizontal and vertical curves should be arranged as to avoid conflict in areas of insufficient sight distance for safe operation of bicycles.

(3) All soft spots should be removed prior to placement of shale base. Six inches of shale base shall be placed pursuant to §16.04.020.D.5, *Shale Base,* and pursuant to the typical section for bicycle and pedestrian paths.

(4) The shale shall be covered with two inches of compacted gravel base placed and compacted pursuant to §16.04.020.D.6, *Aggregate Base and Leveling Course.*

(5) Prime coat, asphalt surfacing and fog seal shall be placed pursuant to §16.04.020.D.7, *Plantmix Pavement*, and the typical section for bicycle and pedestrian path.

(6) Pavement markers, warning, regulator and information signs as required by the City shall be installed at the locations designated.

d. Quality Control

All quality control shall be pursuant to the applicable portions of §§16.04.020.D.2, *Earthwork,* 16.04.020.D.6, *Aggregate Base and Leveling Course,* and 16.04.020.D.7, *Plantmix Pavement.*

e. Guarantee

(1) The developer and contractor, jointly and severally, are responsible for any damage or failure, progressive or total, of the bicycle and pedestrian paths within two years of completion. This shall include any deformation of the surface profile or cross section.

(2) Replacement or repair of the unsatisfactory areas shall be specified by the City. Completion of repairs, as specified, will satisfy the requirements of this guarantee.

E. Acceptance of Roadways; Maintenance

1. Adherence to these regulations, standards and specifications will not obligate the City in any way to accept a roadway constructed pursuant to the standards and specifications in this section unless, prior to the construction, the City Council has agreed to accept such roadway contingent upon conformance with these standards.
2. Before agreeing to accept any roadway when completed as a public road, the person or entity requesting such acceptance shall submit plans and specifications to the City Council for their review and approval, that plans and specifications shall call for work to be done pursuant to the specifications and standards contained in this section.
3. In its maintenance of public roads, the City is to comply with these regulations, standards, and specifications whenever possible; however, due to budgetary and other limitations, such compliance shall be in the discretion of the City Council, and any noncompliance by the City shall not be construed as a modification or exception of these regulations, standards, and specifications.

16.04.030. Excavations and Improvements of City Rights-of-Way and Easements

A. Permit Required

No person shall dig in, excavate, trench or otherwise disturb the surface or subsurface of any portion of the right-of-way, alley or City utility easement, and no person shall block any portion of a right-of-way for the purpose of doing any work to adjacent buildings or structures, nor shall any person block or barricade any portion of any right-of-way, nor shall any person build any structure, permanent or temporary, on property owned by the City or improve the same within the city without having first obtained a written permit to do so issued by the City upon compliance with the bond requirements and completing the steps enumerated in §16.07.030.D, *Dig Permit*.

B. Excavation Standards

Any excavation work proposed in the City streets, rights-of-way, or alleys shall meet the following standards:

1. Any cut of existing pavement shall be done with a pavement cutter, or the contractor shall forfeit their bond.
2. All backfill shall be compacted to 95 percent density to prevent settlement.
3. The last 30 inches of backfill shall consist of lean concrete. Notwithstanding the foregoing, the City may require full lean concrete backfill whenever weather conditions warrant.
4. If the excavation is part of any construction where a Building Permit has been issued, the cut must be backfilled and compacted prior to a framing inspection. No framing inspection will be done by the Building Official until the backfill and compaction meets City approval.
5. No trench shall remain open more than 24 hours. The contractor is responsible for providing appropriate barricades and other safety measures.
6. Upon notice by the City that settlement of the trench has occurred, the contractor shall correct the settlement within three days or forfeit their bond.
7. Any backhoe or excavator used to excavate a trench shall be equipped with pads on the outriggers or rubber tracks or other suitable protection devices where such backhoe/excavator is used on existing pavement, or the contractor shall forfeit their bond;
8. Prior to any street cut, the contractor shall be responsible for contacting the street division for inspection of the work being performed in the City street.
9. MUTCD compliant traffic control shall be provided and the contractor assumes all responsibility.
10. The contractor shall arrange for paving of the street cut on all paved streets and alleys in a timely manner.
11. The contractor shall be responsible for any settling for a period of two years. The contractor shall be required to repair the settling within five days after notice or forfeit their bond.
12. Pursuant to §16.04.020.D.8, road cutting will only be permitted where boring, pushing, or microtrenching have failed after three attempts or otherwise been shown to be unfeasible.
13. Any contractor doing work in the public right-of-way must be a licensed contractor.

16.04.040. Temporary Use of Public Rights-of-Way

A. No person shall place, store or cause to be placed or stored any temporary or permanent item in the public right-of-way for the purpose of, but not limited to, building equipment, building material, commercial objects, or structures on or in any public right-of-way for any length of time unless a permit shall have been obtained from the Administrator.

B. A Temporary Use of Right-of-Way Permit (TURP) is required for any temporary occupancy or storage that encroaches on the public right-of-way and where there is no permanent fixture to the ground or a building pursuant to §16.07.030.F.

C. A Right-of-Way Encroachment Permit is required for any permanent encroachment of the public right-of-way, where a permanent fixture to the ground or a building will occur. In most cases a right-of-way encroachment agreement between the City and property owner will be required.

D. A revocable encroachment license is required for any permanent or seasonal encroachment on the public right-of-way where the encroachment is not permanently affixed to the ground or a building.

16.04.050. Off-Street Parking and Loading

A. Purpose

Standards for off-street parking and loading spaces are necessary to facilitate access to specific land uses and to ensure the efficient use of land. The standards are intended to support the goals of the Comprehensive Plan and in recognition of Ketchum as a geographically compact and historic mountain resort community sustained by both the full time resident population and the influx of seasonal residents, visitors, and workforce who travel within the community. The regulations of this section have been established to:

1. Ensure the public health, safety, and welfare;
2. Facilitate development and redevelopment by providing clearly defined minimum standards;
3. Encourage a range of transportation alternatives designed for residents, visitors, and the workforce to travel safely and easily to their destinations;
4. Promote travel demand management techniques to improve the efficiency of the transportation system;
5. Maximize the efficient use of existing surface parking lots by permitting shared parking;
6. Provide safe, secure, and conveniently located bicycle parking facilities;
7. Enhance pedestrian connectivity and comfort by limiting surface parking;
8. Incentivize development and redevelopment that will create vibrant and activated commercial environments;
9. Facilitate community design supported by multi-modal transportation in order to lessen dependence on vehicular transportation alone; and
10. Providing safe, secure, and conveniently located bicycle parking facilities.

B. General

1. Applicability

Except as otherwise stated in this section, off-street vehicle and bicycle parking requirements of this section apply to:

a. Any new development and to any new established uses.

b. Any existing structure or use that is expanded or enlarged. Additional off-street parking spaces shall be required only to serve the enlarged or expanded area, not the entire building or use.

c. Any change of use or change of operation that would result in a requirement for more parking than the existing use. Additional parking shall be required only in proportion to the extent of the change, not for the entire building or use.

2. Delivery and Loading

Areas for deliveries and loading shall be required to ensure that loading and deliveries do not constrain fire access, street safety, or use public streets for deliveries.

C. Off-Street Vehicle Parking Design

1. Off-Street Vehicle Spaces

a. Minimum Parking Space

The minimum parking space and aisle dimensional requirements are as follows:

Table 16-12: Minimum Parking Space and Aisle Dimensions

Angle	Width (Feet) [1][2]	Length (Feet) [1][2]	Aisle Width (Feet) [1]
90 degrees	9.0	18	24
60 degrees	9.0	21	18
45 degrees	9.0	19.8	15
Parallel	8.0	23	-

Notes:
[1] ADA spaces shall meet the dimensional requirements as outlined in the current ADA standards for accessible design.
[2] Compact vehicle spaces shall be a minimum of eight feet wide and 16 feet long.

b. Compact Vehicle Spaces

(1) Commercial uses and lodging establishments with a minimum of ten or more spaces on the property may have up to ten percent of the required spaces marked for compact vehicles.

(2) These spaces shall be designed, designated, marked, and enforced as compact spaces.

2. Tandem Parking

Tandem parking shall be limited to a maximum number of two cars in depth. Tandem parking configurations are permitted for multi-family residential uses provided that both tandem parking stalls are assigned to the same dwelling unit. Tandem parking configurations are permitted for commercial uses provided that both tandem parking stalls are assigned to the same commercial condominium unit or business.

3. Area Unobstructed

All area counted as off-street parking space shall be unobstructed and kept clear of snow and free of other uses.

4. Access to Streets

Unobstructed access to and from a street shall be provided for all off-street parking spaces.

5. Location

In all zoning districts surface parking lots shall be located in the rear of a building or lot.

6. Lighting and Screening

a. Lighting used to illuminate off-street parking areas shall be directed away from residential properties and shall comply with all requirements of §16.04.090, *Dark Skies.*

b. Parking facilities and all off-street and on-site parking spaces shall be effectively screened on any side adjoining a Residential district or residential use by a wall, fence, or

hedge to a height of six feet, except for the front yard setback area of the adjoining residential property, in which case, the maximum height shall be three feet.

c. All parking and service areas that are adjacent to a street shall be buffered from public views by a combination of landscaping and fences/walls. Such improvements will be for the purpose of beautification and to limit light and glare from vehicle headlights to nearby properties. For safety purposes, views of the parking and service areas from the sidewalk and street shall not be obscured.

7. Alley Access

a. Off-street parking spaces may be located directly off the alley if the width of the alley can adequately accommodate ingress and egress to the parking spaces.

b. No parking space shall project into an alley, sidewalk, or street.

c. All alleys used as access to loading areas and/or to an off-street parking space or spaces shall be surfaced with asphalt or cement concrete. Compacted gravel or other dustless material may be used for surfacing only upon approval by the City Engineer.

8. Surface Parking Lots

a. Surfacing Material

Surface parking spaces shall be constructed with asphalt or cement concrete. Compacted gravel or other dustless material may be used for surfacing only upon approval by the City Engineer.

b. Condition of Parking Lots

The owner or manager of the property shall maintain parking facilities and all off-street and on-site parking spaces so that they are in good, safe, and usable condition and free of public nuisances such as trash and weeds.

c. On-Site Drainage Facilities

All parking lots shall be designed with adequate on-site drainage facilities to prevent the drainage of stormwater onto adjacent properties or walkways or into the public right-of-way.

D. Off-Street Parking and Loading Calculations

1. Computation Rules

The following rules apply when computing off-street parking and loading requirements:

a. Multiple Uses

Lots containing more than one use shall provide parking and loading in an amount equal to the total of the requirements for all uses, unless a use is exempted by this section or a reduction is approved through a shared parking plan or parking demand analysis in compliance with this section.

b. Fractions

When measurements of the number of required spaces result in fractions, any fraction of 0.49 or less shall be disregarded and any fraction of 0.50 or more shall be rounded upward to the next highest whole number.

c. Area Measurements

(1) Residential

Unless otherwise specifically noted, residential parking requirements for all square footage based parking and loading standards shall be computed on the interior square footage of each residential unit, as measured between the interior walls of the unit.

(2) Nonresidential

Unless otherwise specifically noted, non-residential parking requirements for all square footage-based parking and loading standards are to be computed on the basis of gross floor area (GFA) as defined by this Code.

(3) Employee Based Standards

For the purpose of computing parking requirements based on employees the calculation shall be based on the largest number of persons working on any single shift.

2. Applicability

a. Off-street parking requirements apply to uses in all districts, unless otherwise specified in this section.

b. In the CC and T districts the following uses meeting the definitions found in §16.08.020 are exempt from providing off-street parking:

(1) Community housing.

(2) Food service.

(3) Individual retail spaces of 5,500 square feet or less.

(4) Places of assembly uses in existence on April 17, 2017, and any expansion of existing place of assembly uses in existence on April 17, 2017, that occur on the same lot or parcel. This exemption shall also apply to any expansion of a place of assembly that includes adjacent lots or parcels but shall be limited to not more than 5,500 square feet above the existing square footage of the assembly use in existence on April 17, 2017.

(5) The first 5,500 gross square feet for new assembly uses. The first 5,500 gross square feet of an assembly use established or constructed after November 20, 2017.

(6) The first 5,500 square feet of office and personal service areas.

c. Other uses may be exempted by the Administrator upon completion of a parking demand analysis demonstrating the actual demands of the project are less than the

minimum requirements of this Code. A parking demand analysis shall be prepared by a registered professional engineer licensed in the State of Idaho.

3. Relief from Regulations for Historic Buildings

a. Where additions or alterations to an historic building are proposed, the square footage of the existing historic building shall not be counted toward the minimum parking requirement for the proposed project regardless of use.

b. No additional parking relief is provided for projects that include full demolition of historic buildings.

c. When projects include partial demolition of historic buildings, the square footage of the historic building that remains shall not be counted toward the minimum parking requirement for the proposed project regardless of use.

E. Minimum Off-Street Parking and Loading Requirements

Table 16-13: Minimum Off-Street Parking and Loading Requirements

Zoning Districts	Use Category	Parking Spaces Required	Loading Spaces Required
CC, T, T-3000, T-4000	Residential (one-family dwelling)	2 parking spaces per one-family dwelling	See §16.04.050.B.2
	Residential multiple-family dwelling	1 parking space per 1,000 gross sf [1]	
	Units 750 sf or less	0 parking spaces	
	Units 751 sf to 2,000 sf	1 space	
	Units 2,001 sf and above	2 parking spaces	
	Nonresidential	1 parking space per 1,000 gross sf [1]	
LI-1, LI-2, LI-3	Residential (including multiple-family dwelling)	1 parking space per bedroom	1 loading space for new construction or additions involving an increase in gross floor area in excess of 2,000 sf [1][2]
	Office, professional service, business support service, retail trade, convenience store, food service, commercial studio, laundromats and dry cleaners, instructional service, health and fitness facility, daycare	1 space per 250 gross sf	
	Motor vehicle fueling station, motor vehicle service	Where applicable: 1 space per 500 gross sf and 2 short term holding spaces per fuel pump and 3 spaces per service bay	
	Wholesale, manufacturing, industrial laundry, hybrid production facility, and all other permitted uses	1 space per 1,000 gross sf	
All Other Districts	Residential (one-family dwelling)	2 parking spaces per one-family dwelling	See §16.04.050.B.2
	Residential multiple-family dwelling		
	Units 0 to 2,000 sf	1 parking space	
	Units 2,001 sf and above	2 parking spaces	

Table 16-13: Minimum Off-Street Parking and Loading Requirements			
Zoning Districts	**Use Category**	**Parking Spaces Required**	**Loading Spaces Required**
	Nonresidential	1 parking space per 1,000 gross sf [3]	

Notes:
[1] No loading space shall occupy any part of a public street, alley, driveway, or sidewalk. Where practicable to do so, an alley may be used in lieu of the requirement for off-street loading space(s) if permission is granted by the Administrator.
[2] An off-street loading space shall be a minimum of 180 square feet with no length of the space being less than ten feet
[3] Refer to definition of floor area, gross and with the additional exclusion of common area meeting the definition found in §16.08.020.

F. Community Core District Off-Street Parking and Loading Calculations

1. Minimum Requirements

a. The parking requirements listed in this section are specific to the Community Core District and are in addition to requirements listed in this section and Table 16-13: Minimum Off-Street Parking and Loading Requirements.

b. The minimum number of parking spaces provided on-site shall be four spaces per 5,500 square feet of lot area, unless fewer spaces are required by Table 16-13: Minimum Off-Street Parking and Loading Requirements.

2. Accessible Parking Spaces

All accessible parking space requirements of the current building code as adopted by the City shall be met.

3. On Street Parking Credit

a. In a circumstance where the off-street parking matrix results in a requirement of more than four parking spaces, four on street parking spaces per 5,500 square feet of lot area may be credited toward the required parking demand after the required four space minimum on-site is satisfied.

b. Only existing and available parking spaces located directly adjacent to the property lines of the subject property shall be counted towards the on street parking credit.

c. The credit spaces shall only be credited for the nonresidential parking demand of the project.

4. Shared Parking Plan

A reduction in off-street parking may be obtained through the provision of an approved shared parking plan in compliance with §16.04.050.I.

5. Structured Parking Facility

Subject to a parking demand analysis, nonresidential uses within 1,000 feet of a structured parking facility, may allocate off-street parking requirements to the structured parking facility, provided the following standards are met:

a. The distance from the nonresidential use to the structured parking facility shall be no more than 1,000 feet, calculated by measuring the sidewalk from the primary entrance of the use(s) to the location of the structured parking facility.

b. Adequate capacity shall be shown within the structured parking facility to accommodate the nonresidential parking requirements.

c. Parking spaces within the structured parking facility shall be permanently dedicated by recorded easement for the nonresidential use of the project making the request.

G. Bicycle Parking

1. Spaces Required

All uses, other than one family dwellings and detached townhomes, are required to provide one bicycle rack, able to accommodate at least two bicycles, for every four parking spaces required by the proposed use. At a minimum, one bicycle parking rack shall be required per development.

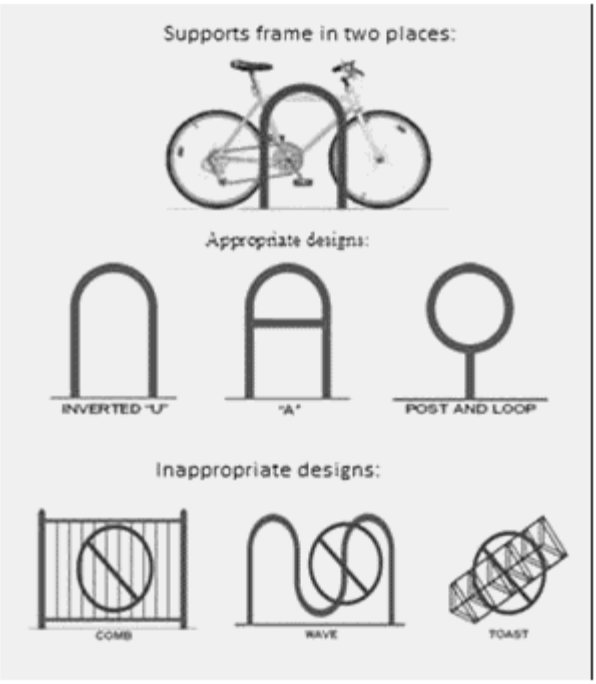


Figure 04-1: Bicycle Rack Designs

2. Location

a. Bicycle parking space(s) shall be clearly visible from the building entrance they serve and located no more than 50 feet from the entrance or as close as the nearest non-ADA parking space, whichever is closest.

b. Bicycle racks shall be located to achieve unobstructed access from the public right-of-way and not in areas requiring access via stairways or other major obstacles. In cases where bicycle parking spaces are not visible from the primary street, signage shall be used to direct cyclists safely to bicycle parking areas.

3. ADA

Bicycle parking space facilities shall not interfere with pedestrian circulation, accessible paths of travel or accessible parking as required by the Americans with Disabilities Act of 1990.

4. Design

Bicycle parking spaces shall contain a stationary device or devices, secured to the ground, to which bicycles can be locked. Each bicycle parking space shall be accessible without moving another bicycle.

5. Surfaces

Bicycle racks shall be located on paved or pervious, dust-free surface. Surfaces cannot be gravel, landscape stone or wood chips.

H. Parking Demand Analysis

1. Purpose

A parking demand analysis is a study indicating that the requirements of this section regarding the number of off-street vehicle parking spaces required are not applicable to the proposed project because the project contains a unique mix of uses, the operational method is atypical, the use is not listed, or location or contextual factors affect the amount of off-street parking spaces required.

2. Eligibility

A parking demand analysis may be submitted by an applicant for any project in any zoning district or as required for shared parking and transportation demand management plans. Parking reductions for Parking Demand Analysis not required for shared parking and transportation demand management plans require approval of a Conditional Use Permit.

3. Potential Parking Reduction

A reduction of up to 50 percent of the total required on-site vehicle parking spaces may be granted.

4. Submittal Requirements

A parking demand analysis shall be prepared in the following manner to demonstrate that the requirements of Table 16-13: *Minimum Off-Street Parking and Loading Requirements* are not applicable:

a. The parking demand analysis shall be prepared by a registered professional engineer licensed in the State of Idaho.

b. A project description shall be included. The project description shall include, but is not limited to:

(1) Project location context map;

(2) Gross and net square footage of existing and proposed uses that will be part of the new development under review; and

(3) Table containing off-street parking and loading requirements for each use as required by this section.

c. A narrative analysis considering the following minimum factors shall be submitted:

(1) Discussion of the project's mix of uses, operational method, unique nature of uses, and location, contextual, or other factors affecting the amount of off-street parking and loading spaces required;

(2) Existing site plan;

(3) Proposed site plan;

(4) Discussion of site specific parking needs.

d. A narrative describing proposed measures to be taken to reconcile the project's parking demand with off-street parking and loading required for the project.

e. A shared parking plan and/or a transportation demand management plan may serve as the remedy in part or in full.

f. The City may require additional information as part of the parking demand analysis.

5. Criteria for Approval

The Commission shall review the parking demand analysis and accompanying remedies and upon finding that the analysis uses the appropriate methodology and includes an acceptable and reasonable remedy that can be implemented the analysis shall be approved or approved with conditions. Remedies contained in the analysis are binding and may only be modified through an amendment to the Conditional Use Permit.

I. Shared Parking Reduction

1. Purpose

Dedicated parking areas for individual uses, especially when provided in new developments, can result in less efficient land usage, lower floor area ratios, and more significant impacts and implications for multi-modal transportation and the quality of the pedestrian environment. Shared parking is a strategy that can reduce the amount of land devoted to parking while providing a sufficient number of spaces and encouraging development that is compact, walkable, bikeable, and conducive to transit..

2. Eligibility

A shared parking reduction may be requested through a Conditional Use Permit submitted by an applicant for any project in any zoning district.

3. Potential Parking Reduction

a. A reduction of up to 25 percent of on-site vehicle parking requirements may be granted.

b. The total required parking spaces may be reduced through the provision of shared parking spaces. Shared parking spaces may be provided in areas designed to serve jointly two or more buildings or users.

c. All shared parking shall be located no less than 300 feet from the uses utilizing the shared parking, as determined by measuring along existing sidewalk or sidewalk that shall be constructed as a condition of approving the shared parking reduction from the primary entrance of the use(s) to the location of shared parking spaces.

4. Submittal Requirements

A shared parking plan shall be submitted for review. The plan shall, at minimum, identify or contain:

a. A parking demand analysis pursuant to §16.04.050.H;

b. The hours of peak parking demand for each use;

c. All locations of parking spaces on private property used through shared parking and identified on a location context map;

d. All public parking that can be accessed within a 1,000-foot walk as measured along sidewalk connecting to the site of the subject uses.

e. The plan shall include an agreement between property owners for sharing common parking on private property. However, in no case will the City manage shared parking agreements.

The Administrator may require additional information as necessary to evaluate the shared parking reduction request.

5. Criteria for Approval

A reduction to parking requirements for individual uses may be made after considering the following standards and criteria:

a. The hour(s) of peak parking demand for each use, with peak demand being different or staggered;

b. The operating hours of each use, with operating hours being staggered; and

c. There is existing on-street parking available for public use within a 1,000-foot walk as measured along the sidewalk connecting to the site of the subject use.

J. Transportation Demand Management (TDM) Plan

1. Purpose

The purpose of a transportation demand management (TDM) plan is to mitigate traffic and other general transportation impacts generated from new development by reducing single-occupancy vehicle trips, increase accessibility to transit, improve mobility of pedestrians and bicyclists, address traffic congestion at peak periods, and minimize parking demand.

2. Eligibility

For projects with a FAR greater than 0.5 a TDM plan may be provided to demonstrate that alternative strategies will be used to offset the demand for parking. Parking reductions resulting from a TDM plan shall be reviewed and approved by the Administrator.

3. Potential Parking Reduction

A reduction of up to 25 percent of on-site vehicle parking requirements may be granted.

4. Submittal Requirements

A TDM plan shall be submitted. The plan shall, at minimum, identify or contain:

a. A parking demand analysis pursuant to §16.04.050.H;

b. A listing of measures to minimize transportation demand and impacts on the City's transportation network. These measures may include, but are not limited to providing public transit accessibility, pedestrian or bicycle amenities, shuttle service, preferential parking designation for carpool and/or vanpool or remote work opportunities;

c. The anticipated peak hour trips without the measures and the anticipated peak hour trip reduction resulting from these measures;

d. The number of employees and/or residents that the project will add;

e. Number of employees and/or residents anticipated to utilize transportation alternatives for commuting;

f. Barriers to employees and/or residents for utilization of transportation alternatives for commuting;

g. Suggested recommendations to address barriers for utilization of transportation alternatives for commuting;

h. Public transit amenities, including bus shelters, benches, wayfinding signage and street furniture; and

i. Location of on-site preferential parking designation for carpool and/or vanpool, if provided.

j. Narrative outlining any request for fee in-lieu payments for parking and justification for such request.

The City may require additional information as part of the parking demand analysis.

5. In Lieu Fee

a. The City may adopt or have adopted parking and/or transportation demand plans that include planning for and construction of parking and/or transportation mitigation projects. When such a plan or plans are in existence, a proposer may voluntarily opt to request and the City may consider requests to meet or mitigate parking requirements, in whole or in part, via an optional payment in lieu as an alternative where such City project, as determined by the City, is likely to meet or mitigate the transportation demand created by the development.

b. Such parking in lieu fees will be determined by the City Council and set by resolution based upon planning, acquisition, and construction estimates and costs related to the parking and/or transportation mitigation plans and projects.

c. Payment of in lieu fees shall be made to the City at the time of issuance of a building permit.

d. All in lieu funds received under this section shall be placed into a special and separate Transportation Improvement and Acquisition Fund to be used primarily for transit improvements and parking management programs, such as paid parking, that address the demand for physical parking on-site; and secondarily for the purchase, construction, and improvement of public parking facilities.

6. Criteria for Approval

The Administrator may approve a TDM plan if the plan considers at least three of the following strategies and the Administrator finds that the TDM plan is reasonable approach that can be implemented based on uses and site specific conditions:

a. A shared parking plan subject to the standards found in §16.04.050.I.

b. Covered bicycle parking provided inside buildings, under roof overhangs or awnings, in bicycle lockers, or within or under other structures. When not located within a building or a locker the cover shall be permanent, designed to protect the bicycle from rainfall, and at least seven feet above the floor or ground.

c. Secure bicycle parking in a locked room or area enclosed by a locked gate or fence, in an area that is monitored by a security camera, or in an area that is visible from employee work areas.

d. On-site locker room and shower facilities.

e. Provision of a public transit stop or demonstration of proximate access to an existing transit stop.

f. Demonstration of proximate access, within 1,000 feet, to the Wood River Trail.

g. Construction of a "spur" connecting the subject property to the Wood River Trail.

h. Reserved preferential parking spaces for high occupancy vehicles.

i. Reserved preferential parking spaces for hybrid, electric, or alternative fuel vehicles.

j. Installation of on-site electric vehicle charging stations.

k. Publicly accessible permanent display area for information on TDM strategies and options for alternative transportation modes.

l. Shuttle service.

m. Contribution to public transit or alternative modes of transportation fund(s).

n. Employer programs such as:

   (1) Car/van pool coordination and incentive programs;

   (2) Shuttle program;

   (3) Guaranteed emergency ride home program; and

   (4) Public transit passes.

o. Alternative strategies approved by the Administrator.

16.04.060. Landscaping, Buffering, and Screening

A. Standards for All Development

The following standards shall apply to all development, unless otherwise noted in this Code.

1. Drainage

a. All stormwater shall be retained on site.

b. Drainage improvements constructed shall be equal to the length of the subject property lines adjacent to any public street or private street.

c. The City Engineer may require additional drainage improvements as necessary, depending on the unique characteristics of a site.

d. Drainage facilities shall be constructed per City standards.

2. Utilities

a. All utilities necessary for the development shall be improved and installed at the sole expense of the applicant.

b. Utilities shall be located underground and utility, power, and communication lines within the development site shall be concealed from public view.

3. Snow Storage

a. Snow storage areas shall not be less than 30 percent of the improved parking and pedestrian circulation areas.

b. Snow storage areas shall be provided on site.

c. A designated snow storage area shall not have any dimension less than five feet and shall be a minimum of 25 square feet.

d. In lieu of providing snow storage areas, snowmelt and hauling of snow may be allowed.

e. All surface parking lots shall be designed with either snowmelt to facilitate the removal of snow or a storage area for plowed snow. The storage area shall be 150 square feet for every 55 feet of linear lot width of the surface parking lot.

4. Landscaping

a. Landscaping is required for all projects.

b. Landscape materials and vegetation types specified shall be readily adaptable to a site's microclimate, soil conditions, orientation, and aspect, and shall serve to enhance and complement the neighborhood and townscape.

c. All trees, shrubs, grasses, and perennials shall be drought tolerant. Native species are recommended but not required.

d. Landscaping in the riparian zone shall meet all requirements for planting in the floodplain as provided in the approval criteria for Floodplain Development Permits in §16.07.050.D.3, *Review Criteria*.

B. Implementation of Municipal Water Usage Conservation Measures

1. Prohibition and Restriction of Municipal Water Usage

a. The sprinkling or watering of outdoor plantings such as grass, lawns, gardens, ground cover, shrubbery, trees or other landscaping shall be prohibited between the hours of 10:00 a.m. and 5:00 p.m. daily, during the annual time period beginning June 15 and ending September 1, except as follows:

b. Upon request made by the municipal water consumer, the Water Superintendent may grant an exception to the prohibition and restriction of municipal water usage if one or more of the following conditions are met:

(1) The municipal water consumer is now using, or will use as condition to the granting of such exception, water conservation irrigation devices such as drip or bubbler style irrigation systems that minimize water evaporation losses.

(2) The municipal water consumer's water usage will be for the purpose of sprinkling or watering new plantings.

2. Exclusion

Sprinkling or watering by commercial nurseries on their own sites are specifically excluded from the prohibitions and restrictions of this section.

C. Landscaped Yards in LI Districts

Required yards abutting or across the street from Residential Districts shall be suitably landscaped to protect the residential areas from undue intrusion of noise, light, odors, and other influences. Such landscaping shall consist of at least the following:

1. A solid wall, hedge, or fence not less than five feet nor more than six feet in height along any side or rear yards;
2. One row of deciduous or evergreen trees or a mixture of each placed no further apart than 15 feet;
3. Lawn, low growing evergreen shrub, evergreen, or ground cover on the balance of the required landscaped yard; and
4. Landscaping shall be continuously maintained in a neat and tidy manner.

D. Fences, Hedges and Walls

1. Fences, hedges, walls, and retaining structures may be permitted in the various districts as accessory uses pursuant to the following limitations:
2. In all zoning districts, except the LI district, fences, hedges, and walls shall not exceed four feet in height when located less than 30 feet from the front lot line and shall not exceed six feet in height when located more than 30 feet from the front lot line;
3. In the LI-1, LI-2, LI-3 Districts fences shall not exceed seven feet in height;
4. In all districts, fences, hedges and walls, or any other obstruction to clear vision, shall not be located within 75 feet of the centerline intersection of two streets unless determined otherwise by the City Engineer; and
5. No barbed wire or other sharp pointed metal fence and no electrically charged fence shall be permitted in any district.
6. Retaining Structures shall be consistent with the following:
    a. Height Measurement. The height of a retaining structure shall be measured from the point at which the ground elevation of the city-approved finish grade intersects with the retaining structure to the highest point of the retaining structure.
    b. Retaining Structure Location, Maximum Heights, and Minimum Separation within Setbacks.
        (1) All retaining structures, including footings or foundations, shall be set back at least one foot from any property or right-of-way line, unless the applicant provides a

written authorization from the adjacent property owner or owners to allow either all or a portion of the retaining structure to be on or closer to an adjacent property.

(2) In the LR, LR-2, GR-Land GR-H Districts, retaining structures:

(A) Less than 30 feet from the front lot line shall not be higher than four feet. Two or more up to four-foot high retaining structures may be permitted, provided the retaining structures are separated by a distance that is equal to two times the height of the structure.

(B) The maximum slope gradient allowed between retaining structures shall be a four-foot horizontal to a one-foot vertical (4H:1V) slope.

(C) Retaining structures located more than 30 feet from the front lot line shall not be higher than 6 feet.

(D) Handrails or guardrails placed on top of retaining walls that extend above the maximum allowable height as defined in this section shall not be included in the height measurement so long as the rail feature is at least 75% transparent.

(3) In the LI-1, LI-2, and LI-3, retaining structures shall not be higher than seven feet.

c. The Administrator, in consultation with the public works director, may waive or reduce the wall separation distance, may increase the maximum allowed slope gradient between retaining structures, and may increase the allowed maximum height of a retaining structure if the applicant demonstrates the reduced separation distance and/or increased gradient and/or wall height is necessary to:

(1) Retain a greater number or diameter inches of significant trees; or

(2) Permit the installation of transportation improvements; or

(3) The alternative separation, slope gradient, or height is not detrimental to the public interest.

d. All retaining structures, four or more feet in height, that are visible from adjacent public rights-of-way or residential properties shall be constructed of or faced with brick, stone, split-face or fluted concrete block, textured poured-in-place concrete, or other materials with texture or screened with landscaping to reduce the apparent mass of the retaining structure.

16.04.070. Minimum Residential Densities and Commercial Requirements

A. No Net Loss of Units

Development of property in any zoning district may not result in the net loss of dwelling units. Total number of dwelling units shall be calculated including all listed or defined dwelling unit uses, which shall include but are not limited to: "dwelling, one family," "dwelling, multi-family," "dwelling unit, accessory." and "work/live unit."

B. General Requirements

New development projects or expansions of existing buildings that exceed a total floor area ratio (FAR) of 1.0 within the CC-1 and CC-2 districts and 0.5 FAR in the T, T-3000, T-4000, and GR-H districts shall provide a minimum number of residential units as follows:

Table 16-14: Minimum Residential Densities

Zoning District	Minimum Residential Density Required			
CC-1 and CC-2	100% Residential Development: 5 units per Ketchum Townsite lot as originally platted			
	Mixed Use Development			
	≤ 30% Commercial: 4 units per Ketchum Townsite lot as originally platted	31-60% Commercial: 3 units per Ketchum Townsite lot as originally platted	61-80% Commercial: 2 units per Ketchum Townsite lot as originally platted	≥ 80% Commercial: No minimum except when residential units are provided, there shall be a minimum of 2 units
T	100% Residential Development: 7 / 10,000 sf of lot area			
	Mixed Use Development			
	≤ 30% Commercial: 4 / 10,000 sf lot area	31-60% Commercial: 3 / 10,000 sf lot area	61-80% Commercial: 2 / 10,000 sf lot area	≥ 80% Commercial: No minimum except when residential units are provided, there shall be a minimum of 2 units
T-3000	4 / 10,000 sf of lot area			
T-4000	6 / 10,000 sf of lot area			
GR-H	6 / 10,000 sf of lot area			

C. Commercial Calculation

1. For purposes of calculating commercial area for minimum residential densities, commercial square footage shall include all permitted and conditionally permitted uses identified in Table 16-7: *Table of Permitted Uses* under the categories of "Commercial" or "Public and Institutional".
2. Commercial area shall be calculated by dividing the net floor area of commercial square footage by the total net floor area for the project.

D. Minimum Commercial

Mixed-use developments in the CC-1, CC-2, and T (Leadville to 2nd Ave fronting River Street only) districts shall have a minimum of 40 percent of the gross floor area, as defined in §16.08.020, of the ground floor be commercial use(s).

16.04.080. Design Review

A. Purpose

The purpose of this section is to maintain and enhance appearance, character, beauty, and function of the city, to ensure that new development is complementary to the design of existing neighborhoods, and to protect and enhance the economic base of the City.

B. Applicability

1. Design Review

a. 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 an underground building(s) or portions of buildings in a required setback.
   (7) Any building greater than 48 feet in height that contains a fourth or fifth floor in the CC districts.

b. Substantial alterations shall include major landscaping alterations that require significant changes to topography, drainage, plant materials and trees, or other landscaped elements on the site.

2. Administrative Design Review

The Administrator is authorized to approve the following, provided they do not conflict with the provisions and requirements of this section:

a. Additions under 1,200 square feet.

b. Changes to exterior finishes including, but not limited to:
   (1) Siding, paint, and materials;
   (2) The addition or removal of windows or doors;
   (3) The addition, removal, or expansion of decks and patios that are less than 30 inches above grade or, if greater than 30 inches above grade, that comply with applicable lot coverage requirements for the zoning district;

c. Minor modifications to projects that have received Design Review approval by the Planning and Zoning Commission for the duration of a valid Design Review approval.

d. Master Signage Plans pursuant to §16.07.040.A.

e. Minor modifications located in an overlay district.

f. Any encroachment of an underground building or portions of buildings in a required setback.

3. Exemptions

The following items are exempt from Design Review;

a. One-family dwellings, accessory structures, and accessory dwelling units not located within the Mountain Overlay District;

b. Buildings or structures not requiring a Building Permit;

c. Temporary structures;

d. Public art;

e. Demolition associated with an approved demolition permit;

f. Driveway, walkway, and/or landscaping alterations that do not significantly change existing topography or drainage, including the removal of dead or diseased vegetation as certified by an arborist, provided such work is not located in the special flood hazard area or riparian zone;

g. The installation of fences, hedges, or walls compliant with §16.04.060.D;

h. Maintenance and repair of exterior facades;

i. Reroofs;

j. The installation of exterior lighting compliant with §16.04.090; and

k. The ground level installation and screening of utilities not greater than five feet in height.

C. Improvements and Standards

1. Streets

a. The applicant shall be responsible for all costs associated with providing a connection from an existing City street to their development.

b. All street designs shall be approved by the City Engineer.

2. Sidewalks

a. All projects under §16.04.080.B that qualify as a "substantial improvement" shall install sidewalks as required by the Streets and Facilities Department.

b. Sidewalk width shall conform to the City's right-of-way standards; however, the City Engineer may reduce or increase the sidewalk width and design standard requirements at their discretion.

c. Sidewalks may be waived if one of the following criteria is met:

(1) The project comprises an addition of less than 250 square feet of conditioned space.

(2) The City Engineer finds that sidewalks are not necessary because of existing geographic limitations, pedestrian traffic on the street does not warrant a sidewalk, or if a sidewalk would not be beneficial to the general welfare and safety of the public.

d. The length of sidewalk improvements constructed shall be equal to the length of the subject property line(s) adjacent to any public street or private street.

e. New sidewalks shall be planned to provide pedestrian connections to any existing or future sidewalks adjacent to the site. In addition, sidewalks shall be constructed to provide safe pedestrian access to and around a building.

f. The City may approve and accept voluntary cash contributions in lieu of the above described improvements, which contributions shall be segregated by the City and not used for any purpose other than the provision of these improvements. The contribution amount shall be 110 percent of the estimated costs of concrete sidewalk and drainage improvements provided by a qualified contractor, plus associated engineering costs, as approved by the City Engineer. Any approved in lieu contribution shall be paid before the City issues a Certificate of Occupancy.

3. Drainage and Landscaping

All applications shall meet the standards set forth in §16.04.060.A, *Standards for All Development.*

4. Compatibility of Design

a. The project's materials, colors, and signing shall be complementary with the townscape, surrounding neighborhoods, and adjoining structures.

b. Preservation of significant landmarks shall be encouraged and protected, where applicable. A significant landmark is one that gives historical and/or cultural importance to the neighborhood and/or community.

c. Additions to existing buildings, built prior to 1940, shall be complementary in design, and use similar material and finishes of the building being added to.

5. Architectural

a. Building(s) shall provide unobstructed pedestrian access to the nearest sidewalk and the entryway shall be clearly defined.

b. The building character shall be clearly defined by use of architectural features.

c. There shall be continuity of materials, colors and signing within the project.

d. Accessory structures, fences, walls, and landscape features within the project shall match or complement the principal building.

e. Building walls shall provide undulation/relief, thus reducing the appearance of bulk and flatness.

f. Building(s) shall orient toward their primary street frontage.

g. Garbage storage areas and satellite receivers shall be screened from public view and located off alleys.

h. Building design shall include weather protection that prevents water to drip or snow to slide on areas where pedestrians gather and circulate or onto adjacent properties.

6. Circulation Design

a. Pedestrian, equestrian and bicycle access shall be located to connect with existing and anticipated easements and pathways.

b. Awnings extending over public sidewalks shall extend five feet or more across the public sidewalk but shall not extend within two feet of parking or travel lanes within the right-of-way.

c. Traffic shall flow safely within the project and onto adjacent streets. Traffic includes vehicle, bicycle, pedestrian, and equestrian use. Consideration shall be given to adequate sight distances and proper signage.

d. Curb cuts and driveway entrances shall be no closer than 20 feet to the nearest intersection of two or more streets, as measured along the property line adjacent to the right-of-way. Due to site conditions or current/projected traffic levels or speed, the City Engineer may increase the minimum distance requirements.

e. Unobstructed access shall be provided for emergency vehicles, snowplows, garbage trucks and similar service vehicles to all necessary locations within the proposed project.

7. Public Amenities

Where sidewalks are required, pedestrian amenities shall be installed. Amenities may include, but are not limited to, benches and other seating, kiosks, bus shelters, trash receptacles, restrooms, fountains, art, etc. All public amenities shall receive approval from the Streets and Facilities Department prior to Design Review approval from the Planning and Zoning Commission.

8. Underground Encroachments

a. Encroachments of underground building(s) or portions of building(s) into required setbacks are subject §16.02.070.A.10 and shall not conflict with any applicable easements, existing underground structures, sensitive ecological areas, soil stability, drainage, other sections of this Code or other regulating codes such as adopted International Code Council Codes, or other site features concerning health, safety, and welfare.

b. No below grade structure shall be permitted to encroach into the riparian setback.

D. Community Core (CC) Projects

In addition to the requirements of §16.04.080.C, unless otherwise specified, the standards of this section apply to projects in the Community Core District. The purpose of this section is to ensure the addition of high quality architecture for new development, while maintaining the unique character of existing building stock found in the Community Core.

1. Streets

a. Street trees, streetlights, street furnishings, and all other street improvements shall be installed or constructed as determined by the Streets and Facilities Department.

b. Street trees with a minimum caliper size of three inches, shall be placed in tree grates.

c. Due to site constraints, the requirements of this §16.04.080.D.1 may be modified by the Streets and Facilities Department.

2. Architectural

a. Facades facing a street or alley or located more than five feet from an interior side property line shall be designed with both solid surfaces and window openings to avoid the creation of blank walls and employ similar architectural elements, materials, and colors as the front facade.

b. For nonresidential portions of buildings, front building facades and facades fronting a pedestrian walkway shall be designed with ground floor storefront windows and doors with clear transparent glass. Landscaping planters shall be incorporated into facades fronting pedestrian walkways.

c. For nonresidential portions of buildings, front facades shall be designed to not obscure views into windows.

d. Roofing forms and materials shall be compatible with the overall style and character of the structure. Reflective materials are prohibited.

e. All pitched roofs shall be designed to sufficiently hold all snow with snow clips, gutters, and downspouts.

f. Roof overhangs shall not extend more than three feet over a public sidewalk. Roof overhangs that extend over the public sidewalk shall be approved by the Streets and Facilities Department.

g. Front porches and stoops shall not be enclosed on the ground floor by permanent or temporary walls, windows, window screens, or plastic or fabric materials.

3. Service Areas and Mechanical/Electrical Equipment

a. Trash disposal areas and shipping and receiving areas shall be located within parking garages or to the rear of buildings. Trash disposal areas shall not be located within the public right-of-way and shall be screened from public views.

b. Roof and ground mounted mechanical and electrical equipment shall be fully screened from public view. Screening shall be compatible with the overall building design.

4. Landscaping

a. When a healthy and mature tree is removed from a site, it shall be replaced with a new tree. Replacement trees may occur on or off site.

b. Trees that are placed within a courtyard, plaza, or pedestrian walkway shall be placed within tree wells that are covered by tree grates.

c. The City arborist shall approve all parking lot and replacement trees.

5. Surface Parking Lots

a. Surface parking lots shall be accessed from off the alley and shall be fully screened from the street.

b. Surface parking lots shall incorporate at least one tree and one additional tree per ten on site parking spaces. Trees shall be planted in landscaped planters, tree wells and/or diamond shaped planter boxes located between parking rows. Planter boxes shall be designed so as not to impair vision or site distance of the traveling public.

c. Ground cover, low lying shrubs, and trees shall be planted within the planters and planter boxes. Tree grates or landscaping may be used in tree wells located within pedestrian walkways.

16.04.090. Dark Skies

A. General Provisions

1. Title

This section, together with the amendments codified in this section, shall be known and may be cited as the "Ketchum Dark Sky Ordinance."

2. Purpose

The general purpose of this section is to protect and promote the public health, safety and welfare, the quality of life, and the ability to view the night sky by establishing regulations and a process of review for exterior lighting. This section establishes standards for exterior lighting in order to accomplish the following:

a. To protect against direct glare and excessive lighting;

b. To provide safe roadways for motorists, cyclists, and pedestrians;

c. To protect and reclaim the ability to view the night sky, and help preserve the quality of life and the tourist experience;

d. To prevent light trespass in all areas of the City;

e. To promote efficient and cost effective lighting;

f. To ensure that sufficient lighting can be provided where needed to promote safety and security;

g. To allow for flexibility in the style of lighting fixtures;

h. To provide lighting guidelines;

i. To provide assistance to property owners and occupants in bringing nonconforming lighting into conformance with this section; and

j. To work with other jurisdictions within Blaine County to meet the purposes of this section.

3. Scope

All exterior lighting installed after the Effective Date in any and all zoning districts in the city shall be in conformance with the requirements established by this section and any other applicable ordinances. All existing lighting installed prior to the Effective Date in any and all zoning districts in the city shall be addressed as follows:

a. All existing lighting located on a subject property that is part of an application for Design Review, Conditional Use Permit, subdivision permit, or Building Permit is required to be brought into conformance with this section. Conformity shall occur prior to issuance of a Certificate of Occupancy, final inspection or Final Plat recordation, when applicable. For other permits, the applicant shall have a maximum of 30 days from date of permit issuance to bring the lighting into conformance.

b. All existing exterior commercial lighting that is not in conformance with this section shall be brought into conformance with this section by June 30, 2018.

c. All existing exterior residential lighting, not affected by §16.04.090.A.3.a, that does not comply with this section is required to be brought into conformance with this section by June 30, 2019.

d. In the event of a discrepancy in applicable ordinances, the most restrictive shall apply.

B. Applicability

1. Authority

The Planning and Zoning Commission, the Building Official, and/or the Administrator shall have the authority to require new lighting and existing lighting pursuant to §16.04.090.A.3.a to meet the requirements of this section.

2. Lighting Plans Required

All applications for Design Review, Conditional Use Permit, subdivision and/or Building Permits shall include lighting plans showing location, type, height, color temperature, lumen output and amount of all proposed and existing fixtures. The applicant shall provide enough information to verify that lighting conforms to the provisions of this section. The Administrator, Planning and Zoning Commission, and Building Official shall have the authority to request additional information in order to achieve the purposes of this section.

C. Prohibited Lighting

1. Any light source that does not meet the requirements of this section.
2. Searchlights, beacons, laser source, and other high-intensity light fixtures.
3. Except as otherwise allowed by this Code, any lighting that is flashing, blinking, rotating, chasing, or rapidly changing in color or intensity is prohibited.

D. Lighting Standards

1. Color Temperature

All exterior lighting shall use light sources not to exceed 2,700 Kelvin.

2. Light Trespass and Overlighting

All existing and/or new exterior lighting shall protect adjacent properties from glare and excessive lighting. All vehicle lighting originating from a commercial property shall be shielded from other adjacent properties. Incidental light trespass (lighting emanating from turning motor vehicles or motion sensor lighting) is permitted.

a. All lighting emitting from any zoning lot shall not cause the light level along any property line, as measured at a height of 60 inches above grade in a plane at any angle of inclination, to exceed the limitations listed in Table 16-15 below.

Table 16-15: Maximum Light Trespass and Overlighting

District of Light Source	Impacted Zoning District	Maximum Footcandle Limits

Noncommercial (LR, LR-1, LR-2, GR-L, GR-H, STO-.4, STO-1, STO-H, RU, AF)	Noncommercial (LR, LR-1, LR-2, GR-L, GR-H, STO-.4, STO-1, STO-H, RU, AF)	0.1 foot-candle
Noncommercial (LR, LR-1, LR-2, GR-L, GR-H, STO-.4, STO-1, STO-H, RU, AF)	Commercial districts (CC, T, T-3000, T-4000, LI-1, LI-2, LI-3)	0.5 foot-candle
Commercial districts (CC, T, T-3000, T-4000, LI-1, LI-2, LI-3)	Noncommercial (LR, LR-1, LR-2, GR-L, GR-H, STO-.4, STO-1, STO-H, RU, AF)	0.1 foot-candle
Commercial districts (CC, T, T-3000, T-4000, LI-1, LI-2, LI-3)	Commercial districts (T, T-3000, T-4000, LI-1, LI-2, LI-3)	0.5 foot-candle
Community Core (CC)	Community Core (CC)	No limit

3. IESNA Guidelines

The Planning and Zoning Commission or Administrator may require any new lighting or existing lighting that comes before them meet the standards for maximum illuminance output as established by IESNA.

4. Nonessential Exterior Commercial and Residential Lighting

All nonessential exterior commercial and residential lighting shall be turned off after business hours and/or when not in use. Lights on a timer shall be used. Sensor activated lights shall be used to replace existing lighting that is desired for security purposes.

5. Area Lights

a. All area lights, including streetlights and parking area lighting, shall be level mounted and 85 degrees full cutoff type fixtures.

b. Residential streetlights shall be limited to 1,125 lumens, unless otherwise recommended by the Streets and Facilities Department.

c. Nonresidential streetlights shall be limited to 1,500 lumens, unless otherwise recommended by the Streets and Facilities Department.

d. Lights on major intersections on state highways shall be limited to 3,000 lumens, unless otherwise recommended by the Streets and Facilities Department.

e. Parking area lights are encouraged to be greater in number, lower in height and lower in light level, as opposed to fewer in number, higher in height and higher in light level. Parking lot lighting shall not exceed IESNA recommended illuminance (foot-candle) level and are encouraged to use the lowest range available.

f. All freestanding area lights within a residential zone, except streetlights, shall be mounted at a height equal to or less than the value 3 + (D/3), where D is the distance in feet to the nearest property boundary.

g. Freestanding luminaires shall be no higher than 25 feet above the stand/pole base; except, that luminaires used for playing fields shall be exempt from the height restriction, provided all other provisions of this section are met and the light is used only while the field is in use; and except, that streetlights used on major roads may exceed this standard if necessary as determined by the City Council, as advised by a lighting engineer. Building mounted luminaires shall be attached only to walls, and the top of the fixture shall not exceed the height of the parapet or roof, whichever is greater.

h. Area lights on a timer, sensor activated, or turned off at 10:30 p.m. are exempt from §16.04.090.D.2,*Light Trespass and Overlighting* provided all other standards of this section are met.

6. Uplighting

Uplighting is prohibited in all zoning districts, except where permitted in this section.

7. Lighting Fixtures

a. All exterior lighting fixtures shall be full cutoff fixtures with the light source fully shielded, except as exempted in this section. Examples of acceptable lighting fixtures are included below.



Figure 04-2: Full Cutoff Light Fixture Examples

b. The following figure and information sheets shall be incorporated into this section as guidelines for the public and the City for use in meeting the intent of this section. The figure and information sheets only serve as examples. The City does not endorse or discriminate against any manufacturer or company that may be shown, portrayed, or mentioned by the examples. Additional information is provided at the Planning and Building Department.

8. Lighting Fixture Exceptions and Additional Requirements

Table 16-16: Requirements by Lighting Type

Type of Lighting	Full Cutoff Light Fixture	Light Trespass Standards	Additional Requirements
Canopy lighting	Required	Not exempt	All canopy lighting shall be recessed sufficiently so as to ensure that no light source is visible from or causes glare on public rights-of-way or adjacent property.
Flagpole lighting	Not required	Exempt	Upward flagpole lighting is permitted for governmental flags only. The maximum lumen output shall be 1,300 lumens. Flags are encouraged to be taken down at sunset to avoid the need for lighting.
Floodlights	Not required	Not exempt	Floodlights with external shielding shall be angled provided that no light escapes above a 25-degree angle measured from the vertical line from the center of the light extended to the ground. Floodlights shall not cause glare or light to shine directly on adjacent property or public rights-of-way. Shall be encouraged to be motion sensor activated.
Highway 75 lighting	Required	Exempt	Correlated color temperature 2,700 Kelvin.
Holiday lights	Not required	Exempt	Shall only be displayed from November 20th to March 20th. Exempt from color temperature requirements set forth in this section. All new holiday lighting shall be LED lighting, or bulb that has been demonstrated to be the most energy efficient technology available. Flashing holiday lighting is permitted. All private holiday lighting shall be turned off at the close of business hours in the CC district, and after 10:30 p.m. in all other zoning districts. Outdoor public lighting shall not be subject to holiday lighting curfew.
Natural gas fixture	Not required	Exempt	N/A
Neon lights	Not required	Not exempt	Neon lights are only permitted pursuant to Chapter 16.05, *Signs*.
Public lighting	Not required	Exempt	Shall be turned off after hours of operation or when not in use. When practically possible, motion sensors may be used.

			Public outdoor lighting is exempt from lighting curfews.
Sensor activated lighting	Required	Exempt	Shall be located so as to prevent lighting into adjacent properties or into a public right-of-way. Lighting shall activate only when motion on the property is detected and shall deactivate within no more than 5 minutes. Lighting shall not be triggered by any activity off the property or in the public right-of-way. The maximum lumen output shall be 600 lumens.
Temporary emergency lighting	Not Required	Exempt	Used by public safety services. Exempt from provisions of this section.
Temporary lighting	Required	Exempt	Lumens output shall be approved by the Administrator.

9. Additional Development Restrictions

Table 16-17: Requirements by Development Type

Development	Full Cutoff Light Fixture	Light Trespass Standards	Additional Requirements
Motor vehicle fueling stations and motor vehicle service stations	Required	Not exempt	The average foot-candle lighting level at the pump for new and existing service stations is required to be no greater than 30 foot-candle average, as set by the IESNA for urban service stations.
Towers for radio communication and navigation	Not required	Not exempt	All radio, communication and navigation towers that require lights shall have dual lighting capabilities. For daytime, the white strobe light may be used, and for nighttime, only red lights shall be used. Lighting that is required by legal jurisdictions are exempt from this provision.

E. Notification

The Planning and Building Department permits shall include a statement asking whether the subject property of the proposed work includes any exterior lighting.

Chapter 16.05 Signs

16.05.010. Purpose

Regulations addressing the number, location, size and placement of signs, symbols, markings, and other advertising devices are necessary and intended to maintain the attractiveness and orderliness of Ketchum, to protect the City's appearance, and to protect the public safety. As a historic mountain resort community with a significant tourist economy, the visual quality and character inherent in and around the city is enhanced by the application of sign regulations that produce a deliberate, clean appearance while providing flexibility and creativity of design.

16.05.020. Applicability

A. General

Signs shall be allowed within the city according to the regulations contained in this section. It shall be unlawful to erect or otherwise display a sign, including, but not limited to, symbols, markings, and other advertising devices, without complying with the applicable terms and provisions of this section.

B. Sign Permit Required

Prior to erecting, constructing, placement, relocation, alteration, and/or modification of any permanent or temporary sign or banner, a Sign Permit shall be obtained from the City except as exempted below. Such application for Sign Permit shall be subject to standards, procedures, and other requirements of this section and §16.07.040, *Signs*.

C. Permit Exemptions

The following signs are exempt from permit requirements of this section but shall conform to specifications and definitions of §16.08.020 as noted:

1. Signs erected by a government or public agency in the public right-of-way, including, but not limited to, posting or display of an official notice by a public agency, advertising on public transit vehicles, and public utility signs for directional, warning or information purposes;
2. Signs and notices required by a public agency to be posted on private property according to local and state code;
3. Any sign inside a building not visible from the exterior of the building;
4. Signs affixed to the body or window of licensed, registered vehicles that are used for normal day to day operations of businesses except signs placed in or affixed to vehicles and/or trailers that are parked so as to be visible from a public right-of-way where the apparent purpose is to sell the vehicle, advertise a product, service or activity or direct people to a business or activity;
5. Merchandise displayed in windows;
6. Holiday decorations that are temporarily displayed on traditionally accepted, civic, patriotic, and/or religious holidays, provided such decorations are maintained in safe conditions, do not constitute a fire hazard, and that the decorations comply with §16.04.090, *Dark Skies*;
7. LED lighting may be used;

8. Incidental signs;
9. One gas filled light tube (neon or facsimile) per business, provided it does not exceed four square feet and it is displayed from the inside of the building;
10. Interior signs, visible from the exterior of the building, not to exceed four square feet per sign;
11. One freestanding sign per lot, not to exceed four square feet, provided there are no other signs on the lot or structure.

D. Prohibited Signs

The following signs shall be prohibited in all zoning districts:

1. Signs located within any public street, right-of-way, or other public property, except as allowed in this Code.
2. Signs with intermittent or flashing illumination, animated or moving signs and video/television/computer displays visible from any public street, right-of-way, or other public property.
3. Any sign located so as to conflict with the clear visibility of public devices controlling public traffic or to impair the safety of a moving vehicle by distracting the vision of the driver.
4. Roof signs, except historic signs or replicas of historic signs as allowed in this Code.
5. Signs with a translucent plastic or other translucent material background that are internally lit or backlit.
6. Signs emitting sound.
7. Any inflatable object used for promotional or sign purposes.
8. LED lighting in conjunction with signage when the source is visible, except when used with holiday decorations.
9. Beacons.

16.05.030. General

The following shall apply to all signs proposed in all zoning districts:

A. Safety

1. All signs shall be structurally sound and maintained pursuant to all applicable provisions of the international building code edition currently adopted by the City.
2. Signs shall not be located in a manner that interferes with pedestrian or vehicular travel or poses a hazard to pedestrians or vehicles.

B. Computations

1. Sign Area

Sign area shall be measured as the area contained within the smallest polygonal shape that will enclose both the copy and the background. Sign copy mounted as individual letters or graphics against any part of a building or structure that does not have a distinct background, shall be measured as the sum of the smallest rectangle or square that will enclose each word and graphic. Where a sign consists of more than one face, section or module, all areas shall be totaled.

2. Sign Height for Freestanding and Sandwich Board/Portable Board Signs

The height of a sign shall include the frame, if any, and be computed as the distance from the base including feet of the sign, except as provided herein, at normal grade to the top of the highest attached component of the sign. Normal grade shall be the lower of either existing grade or the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating. When the normal grade cannot be reasonably determined, the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the lot, whichever is lower, shall be used as normal grade.

C. Street Frontage

1. Each street frontage with direct customer access is considered separately.
2. Where building(s) have no street frontage and direct customer access is from an alley, the building is permitted one square foot of signage for every three feet of linear alley frontage, not to exceed 18 square feet; and each individual permitted commercial and mixed use is allowed one sign parallel to the alley frontage with direct access and one sign that is perpendicular to the alley with direct access.

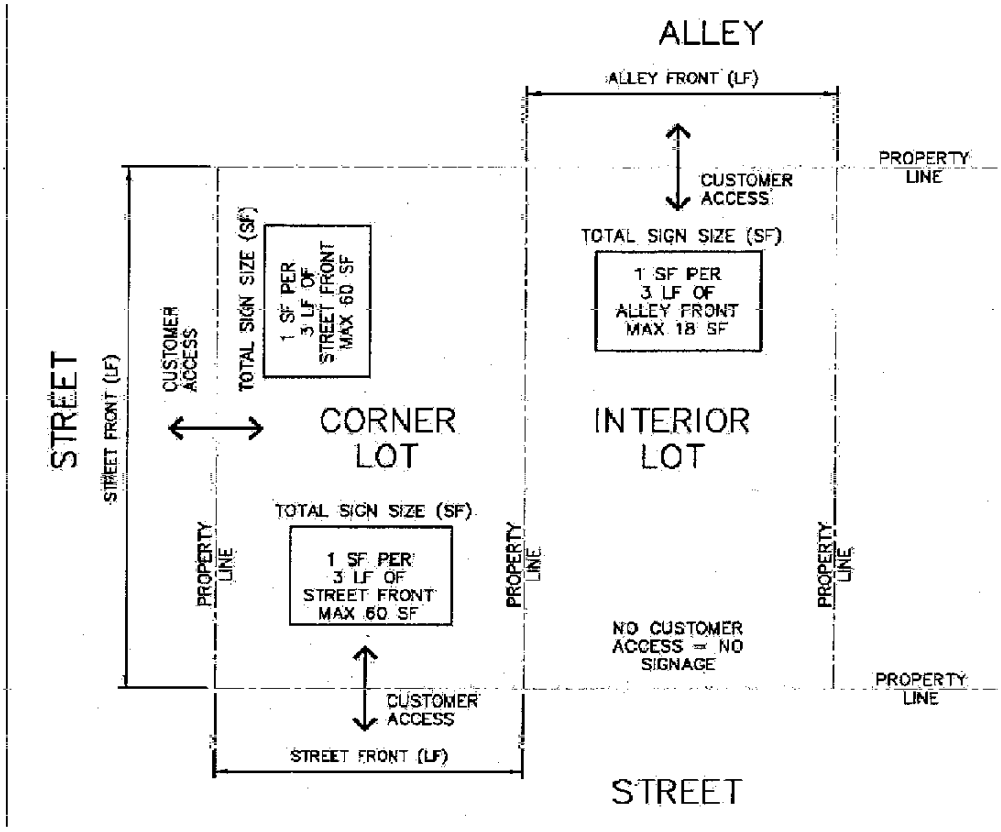


Figure 05-1: Sign Allowance by Street Frontage

D. Sign Lighting Regulations

The following shall apply to all signs proposed in all zoning districts:

1. External illumination of signs shall conform to §16.04.090, *Dark Skies* and be designed, located, shielded, and directed in such a manner that the light source is fixed and is not directly visible from any adjacent public right-of-way, surrounding property, or motorist's vision.
2. Internal lighting shall conform to §16.04.090, *Dark Skies*.
3. Gas filled light tube (neon or facsimile) signs with tubes exposed to view of any size may be used inside the premises. One gas filled light tube (neon or facsimile) per business, provided it does not exceed four square feet and it is displayed from the inside of the building.
4. LED lighting may be used provided the light source is recessed and not directly visible from any adjacent public right-of-way, surrounding property, or motorist's vision.

E. Signs Overhanging Public Rights-Of-Way

All signs, awnings, and marquees allowed to overhang a public right-of-way shall be subject to building code compliance and shall require a Right-of-Way Encroachment Permit pursuant to §16.07.030.E.

16.05.040. Sign Specifications Matrix

The following categories of signs shall comply with the applicable specifications and shall be counted toward the total permissible signage.

Table 16-18: Sign Specifications Matrix

Sign Types	Maximum Area/Size [1]	Maximum Height	Setback/ Location	Maximum Number	Special Provisions
CC, T, T-3000, T-4000, LI-1, LI-2, and LI-3 Districts					
Awning	1 sf of signage for every 3 linear ft of street frontage, not to exceed 60 sf Each street frontage with direct customer access is considered separately	1 ft or 80% of the height of the face or valance, whichever is less. A minimum of 8 ft of clearance to grade required for the lowest portion of the awning or marquee	Street fronting face of the awning	n/a	Shall be calculated as part of total signage allowed per business
Freestanding	For every 1 linear foot of principal building 0.5 sf of freestanding signage is allowed, not to exceed 20 sf per side	12 ft from highest point to adjacent grade	25 ft clear zone shall be maintained per any street corner, intersection, curb cut or driveway, measured from the nearest edge of the driving surface	1 per building street frontage	No more than 2 faces per freestanding sign allowed. Shall be calculated as part of total signage allowed per lot
Historic/Landmark	Reference applicable sign type (e.g., freestanding or wall)	Reference applicable sign type (e.g., freestanding or wall)	Reference applicable sign type (e.g., freestanding or wall)	Reference applicable sign type (e.g., freestanding or wall)	Shall not be calculated as part of total signage allowed per lot
Marquee	1 sf of signage for every 3 linear feet of street frontage, not to exceed 60 sf Each street frontage with direct customer access is considered separately	Shall not extend above the lowest portion of a flat roof, the top of a parapet wall, above the eaves line/fascia of any roof type or above the highest portion of the marquee	Street fronting face of the marquee	1 per building street frontage	Shall be calculated as part of total signage allowed per business
Projecting	Determined by height, clearance, and projection parameters	A minimum of 8 ft of clearance to grade required for the lowest	n/a	1 per storefront entrance	Shall not extend more than 4 ft from the building. The

		portion of the projecting sign. The top of sign shall be located below the windows on the second floor of the building			maximum profile or thickness shall not exceed 6 in
Sandwich board (see graphic in §16.08.020)	6 sf of signage area	3.5 ft from grade	Shall be located within the frontage of the subject property and proximate to the building entrance. A minimum of 5 ft shall be maintained for pedestrian travel	1 per business	No more than 2 sides per sandwich board sign. Shall not be counted toward the total size of permissible signage
Temporary [2]	30 sf	Shall not extend above the second story of the building the sign is displayed on and shall maintain at least 8 ft from grade to bottom of sign	Shall be located on private property and not encroach into the public ROW	No more than 2 allowed per business at any 1 time	Shall not be counted toward the total size of permissible signage. Displayed on private property for a maximum of 45 days in a calendar year, maximum of 14 consecutive days at 1 time, and no more than 4 times in a calendar year
Wall [3] [4]	1 sf of signage for every 3 linear feet of street frontage, not to exceed 60 sf Each street frontage with direct customer access is considered separately	Shall not extend above the lowest portion of a flat roof, the top of a parapet wall, or above the eaves line/fascia of any roof type	n/a	Each individual permitted commercial use is limited to 2 signs that are parallel to the street frontage with direct customer access.	Any building facade shall not have a wall sign more than 40% of the unbroken facade area.
Window	Shall not occupy more than 25% of the total area of a single window surface	n/a	n/a	n/a	Any sign located inside of a building within 3 ft of an exterior window shall be counted as a

					window sign. All video displays visible from an exterior window are prohibited. Window signs are not included in the total allowed signage
AF, RU, and Residential Districts					
Freestanding	18 sf	5 ft from highest point to adjacent grade	25 ft clear zone shall be maintained per any street corner, intersection, curb cut or driveway, measured from the nearest edge of the driving surface	1 per pedestrian or vehicular entrance, not to exceed 6 sf of total signable area for the entire development	No more than 2 faces per freestanding sign allowed. Shall be calculated as part of total signage allowed per lot
Wall	6 sf	Shall not extend above the lowest portion of a flat roof, the top of a parapet wall, or above the eaves line/fascia of any roof type	n/a	1 per pedestrian or vehicular entrance, not to exceed 6 sf of total signable area	Any building facade shall not have a wall sign more than 40% of the unbroken facade area

Notes:
[1] Sign area for historic sign replicas and landmark signs shall not count toward total signage limitations.
[2] For single-season businesses, one temporary sign or banner sign shall be allowed in addition to signage allowed for the building in which it is located, provided it does not exceed 18 square feet, is located on private property, and is displayed only during the season of operation.
[3] Wall signs may be mounted or painted on the gable wall as long as the top of the sign does not extend above the eaves line.
[4] Where buildings have no street frontage and direct customer access is from an alley, the building is permitted one square foot of signage for every three feet of linear alley frontage, not to exceed 18 square feet. Each individual permitted commercial use is allowed one sign parallel to the alley frontage with direct customer access and one sign that is perpendicular to the alley with direct customer access.

16.05.050. Existing Conforming, Nonconforming, Illegal and Allowable Signs

A. Existing Conforming Signs

Existing conforming signs with a valid Sign Permit on file with the City may be replaced in its exact form (same graphics, symbols or copy, color, material, size, etc.) or relocated, as is, by amending the existing Sign Permit, without paying an additional application fee and shall not be subject to the provisions of this section.

B. Legally Nonconforming Signs

Any sign conforming to the prior sign regulations that is not in conformance with this section:

1. May not be replaced, except with an approved permit for new conforming sign;
2. May not be changed in text or logo (except changeable copy signs);
3. May not be expanded, moved, or relocated; and
4. Shall be removed if there is a change in occupancy on the premises.

C. Illegal Signs

Any sign that did not comply with sign regulations in existence at the time the sign was erected is an illegal sign and shall be removed on or before November 16, 2016.

D. Allowable Sign Types

Sign types not specifically allowable as set forth within this section are prohibited.

16.05.060. Violations and Enforcement

A. Violations

A violation of this section shall be an infraction punishable by a fine of not more than $300.00, or by imprisonment not to exceed six months, or by both such fine and imprisonment. Each day the violation is not satisfied shall be considered a separate offense.

B. Responsibility for Good Repair

It shall be the responsibility of the business and/or property owner to keep signs in a good state of repair at all times. Nonconforming signs may be repaired and maintained provided the repairs are for the sole purpose of maintaining the sign to its original condition and does not increase the degree of nonconformity.

C. Unsafe Signs

Any sign that has been determined to be unsafe by the Building Official and/or the Planning and Building Department or that has been constructed, erected, or maintained in violation of this section, shall be repaired, made safe, made in conformance with this section, or removed within ten working days after receipt of certified notice from the City. Failure to respond to remedy the violation is unlawful and the business and/or property owner will be guilty of a misdemeanor. The City reserves the right to remove and seize any sign should it not be in conformance with this section after the final certified notice date.

Chapter 16.06 Subdivision

16.06.010. Purpose

The purpose of this chapter is to protect and promote the public health, safety, convenience, and welfare by establishing regulations and a process of review for all proposed subdivisions of land, townhouses, condominiums, and lot line shifts. This chapter establishes standards for land subdivision in order to accomplish the following:

A. To promote orderly and integrated development of land;

B. To provide safe, adequate, and efficient pedestrian and vehicular traffic systems and circulations;

C. To provide adequate all-weather ingress and egress to subdivisions and lots;

D. To prevent unplanned development and congestion on streets and highways;

E. To provide for adequate air, light, solar access, privacy, and open space;

F. To provide for adequate fire protection;

G. To prevent inadequate or inappropriate provision of water, sewer, streets, pedestrian easements, and public expenditures to provide and maintain such improvements;

H. To protect and conserve wildlife, streams, natural topography, and other desirable natural features by providing for maximum retention of natural topographic features and qualities such as, but not limited to, skyline and ridge tops, knoll ridges, established trees and shrub masses, topsoil, streambeds and banks, drainage swales, and preventing damage to the natural environment or scenic beauty;

I. To safeguard and enhance the character, appearance, and economic stability of the community;

J. To provide adequate and uniform monumenting of land subdivisions and promote accurate legal descriptions;

K. To protect the economic base of the community, including property values;

L. To provide access to public lands and waters;

M. To ensure the provision and construction of adequate improvements including, but not limited to, water, sewer, and other utilities, streets, bridges, drainage, street lighting and easements;

N. To encourage and promote energy conservation and alternative energy sources as well as other advanced building technology; and

O. To ensure conformance of proposed subdivisions with the above stated purposes and to ensure design and construction of improvements in conformance with the standards and purposes of this chapter and all other municipal ordinances relating to this chapter, including subsequent amendments.

16.06.020. Jurisdiction

The regulations and procedures set forth in this chapter shall apply to every subdivision of land, townhouse and condominium development, and lot line shifts within the corporate limits of the City and all jurisdictional areas of the City presently existing or adopted after the Effective Date.

16.06.030. Scope

A. The regulations and procedures contained in this chapter shall be complied with prior to any of the following:
   1. Division of a parcel of land into two or more tracts, lots, or parcels for transfer of ownership, building development, leasing, or encumbering with mortgage or deed of trust.
   2. The establishment of a "condominium," "townhouse," or "Planned Unit Development," as defined in §16.08.020.
   3. Addition to, or creation of a cemetery.
   4. The change or modification of boundary lines whether or not any additional lot(s) is created.
   5. Any alteration, modification, change, addition to or deletion from any plat of record, and including boundary shifts and/or removal of lot lines between existing platted or unplatted lots or parcels of land.

B. No owner, or agent of the owner, shall transfer, sell, encumber by mortgage or deed of trust, or offer to sell any portion of an unsubdivided parcel of real property before a Final Plat has been approved by the City Council and filed with the office of the Blaine County Recorder as required by law.

C. The subdivision of any lot or of any parcel of land by the use of a metes and bounds description for the purpose of sale, transfer, encumbrance by mortgage or deed of trust, or lease shall not be permitted without the filing of a Final Plat as required in this Chapter 16.04. All such divisions of land shall not be recognized by the City nor shall Building Permits be issued for any improvements until such subdivisions have received Final Plat approval and met all requirements of Chapter 16.04.

16.06.040. Exceptions

These regulations shall not apply to the following:

A. The subdivision of land into parcels of ten acres or more solely for agricultural use that does not create a new street nor widen an existing street and upon which no residential building shall be constructed.

B. The unwilling sale of land by legal condemnation.

C. The enlargement of municipal streets, facilities, and easements.

D. The acquisition of collector or arterial street rights-of-way by any public agency in conformance with the comprehensive plan.

16.06.050. Development and Design

The standards of this section shall not apply to development of any new condominium or townhouse project on previously platted land.

A. Lot Requirements

1. Lot size, width, depth, shape and orientation and minimum building setback lines shall be in compliance with the zoning district in which the property is located and compatible with the location of the subdivision and the type of development, and preserve solar access to adjacent properties and buildings.

2. Corner lots outside of the original Ketchum Townsite shall have a property line curve or corner of a minimum radius of 25 feet unless a longer radius is required to serve an existing or future use.
3. Side lot lines shall be within 20 degrees to a right angle or radial line to the street line.
4. Double frontage lots shall not be created.
5. Every lot in a subdivision shall have a minimum of 20 feet of frontage on a dedicated public street or legal access via an easement of 20 feet or greater in width. Easement shall be recorded in the office of the Blaine County Recorder prior to or in conjunction with recordation of the Final Plat.
6. In the LR-1 District, the maximum density of a single development is one dwelling unit per acre of gross land area of less than 25 percent slope.

B. Building Envelopes

1. Building envelopes shall be shown on preliminary and Final Plats when a proposed subdivision includes lot(s):
   a. In whole or in part, within the floodplain;
   b. That contain land with a slope in excess of 25 percent, based upon natural contours; or
   c. Create corner lots at the intersection of two or more streets.
2. The building envelopes shall be located in a manner designed to promote orderly and logical development of structures, minimize congestion of structures, and provide open space and solar access for each lot and structure.
3. 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, watercourses, and topographical features.
4. Structures may only be built on buildable lots as defined in §16.08.020. Building envelopes shall be established outside of hillsides of 25 percent and greater and outside of the floodway. A Subdivision Exception to this standard may only be considered for the following:
   a. For parcels that are entirely within slopes of 25 percent or greater to create a reasonable building envelope, provided the Mountain Overlay District standards and all other City requirements are met.
   b. For small encroachments into or over isolated pockets of land with a slope of 25 percent or greater that are found to be in compliance with the purposes and standards of the Mountain Overlay District and this section.

C. Block Requirements

The length, width, and shape of blocks within a proposed subdivision shall conform to the following requirements:

1. No block shall be longer than 1,200 feet, nor less than 400 feet between the street intersections, and shall have sufficient depth to provide for two tiers of lots.
2. Blocks shall be laid out in such a manner as to comply with the lot requirements.

3. The layout of blocks shall take into consideration the natural topography of the land to promote access within the subdivision and minimize cuts and fills for roads and minimize adverse impact on environment, watercourses, and topographical features.
4. Except in the original Ketchum Townsite, corner lots shall contain a building envelope outside of a 75-foot radius from the intersection of the streets.

D. Street Improvement Requirements

1. The arrangement, character, extent, width, grade, and location of all streets put in the proposed subdivision 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 §16.04.020, *Access, Connectivity, and Circulation*, and all other applicable ordinances, resolutions or regulations of the City or any other governmental entity having jurisdiction, now existing or 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 City 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 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 City 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 turnaround easement shall be provided, and the easement shall revert to the adjacent lots when the street is extended;
8. Where any street deflects an angle of ten degrees or more, a connecting curve shall be required having a minimum centerline radius of 300 feet for arterial and collector streets, and 125 feet for minor streets;
9. Streets with centerline offsets of less than 125 feet shall be prohibited;
10. A tangent of at least 100 feet long shall be introduced between reverse curves on arterial and collector streets;
11. Proposed streets that 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 confused 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 County Assessor's Office before submitting same to City Council for Preliminary Plat approval;

12. Street alignment design shall follow natural terrain contours to result in safe streets, usable lots, and minimum cuts and fills;
13. Street patterns of residential areas shall be designed to create areas free of through traffic, but readily accessible to adjacent collector and arterial streets;
14. In general, the centerline of a street shall coincide with the centerline of the street right-of-way, and all crosswalk markings shall be installed by the subdivider as a required improvement;
15. Street lighting may be required consistent with adopted City standards and where designated shall be installed by the subdivider as a requirement improvement;
16. Private streets may be allowed upon recommendation by the Planning and Zoning Commission and approval by the City Council. Private streets shall be constructed to meet the design standards specified in §16.06.050.D.2, and §16.04.020, *Access, Connectivity, and Circulation*;
17. Street signs shall be installed by the subdivider as a required improvement of a type and design approved by the Streets Department and shall be consistent with the type and design of existing street signs elsewhere in the city;
18. Whenever a proposed subdivision requires construction of a new bridge, or will create substantial additional traffic that will require construction of a new bridge or improvement of an existing bridge, such construction or improvement shall be a required improvement by the subdivider. Such construction or improvement shall be pursuant to adopted standard specifications;
19. Sidewalks, curbs, and gutters shall be a required improvement installed by the subdivider in compliance with adopted City standards; and
20. No new public or private streets or flag lots associated with a proposed subdivision are permitted to be developed on parcels within the Avalanche Overlay District.

E. Alley Improvement Requirements

1. Alleys shall be provided in Mixed-Use districts.
2. The width of an alley shall be not less than 20 feet.
3. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be provided to permit safe vehicular movement.
4. Dead end alleys shall be permitted only within the original Ketchum Townsite and only after due consideration of the interests of the owners of property adjacent to the dead end alley including, but not limited to, the provision of fire protection, snow removal and trash collection services to such properties.
5. Improvement of alleys shall be done by the subdivider as required improvement and in conformance with design standards specified in §16.06.050.D.2.

F. Required Easements

Easements, as set forth in this section, shall be required for location of utilities and other public services, to provide adequate pedestrian circulation and access to public waterways and lands.

1. A public utility easement at least ten feet in width shall be required within the street right-of-way boundaries of all private streets. A public utility easement at least five feet in width shall be required within property boundaries adjacent to Warm Springs Road and within any other property boundary as determined by the City Engineer to be necessary for the provision of adequate public utilities.
2. Where a subdivision contains or borders on a watercourse, drainageway, channel or stream, an easement shall be required of sufficient width to contain such watercourse and provide access for private maintenance and/or reconstruction of such watercourse.
3. All subdivisions that border the Big Wood River, Trail Creek and Warm Springs Creek shall dedicate a ten-foot fish and nature study easement along the riverbank. Furthermore, the City Council shall require, in appropriate areas, an easement providing access through the subdivision to the bank as a sportsman's access. These easement requirements are minimum standards, and in appropriate cases where a subdivision abuts a portion of the river adjacent to an existing pedestrian easement, the Council may require an extension of that easement along the portion of the riverbank that runs through the proposed subdivision.
4. All subdivisions that border on the Big Wood River, Trail Creek and Warm Springs Creek shall dedicate a 25-foot scenic easement upon which no permanent structure shall be built in order to protect the natural vegetation and wildlife along the riverbank and to protect structures from damage or loss due to riverbank erosion.
5. No ditch, pipe or structure for irrigation water or irrigation wastewater shall be constructed, rerouted, or changed in the course of planning for or constructing required improvements within a proposed subdivision unless same has first been approved in writing by the ditch company or property owner holding the water rights. A written copy of such approval shall be filed as part of required improvement construction plans.
6. Nonvehicular transportation system easements including pedestrian walkways, bike paths, equestrian paths, and similar easements shall be dedicated by the subdivider to provide an adequate nonvehicular transportation system throughout the city.

G. Sanitary Sewage Disposal Improvements

1. Central sanitary sewer systems shall be installed in all subdivisions and connected to the Ketchum Sewage Treatment System as a required improvement by the subdivider.
2. Construction plans and specifications for central sanitary sewer extension shall be prepared by the subdivider and approved by the City Engineer, City Council, and the Idaho Department of Health and Welfare prior to Final Plat approval.
3. In the event that the sanitary sewage system of a subdivision cannot connect to the existing public sewage system, alternative provisions for sewage disposal pursuant to the requirements of the Idaho Department of Health and Welfare and the Council may be constructed on a temporary basis until such time as connection to the public sewage system is possible. In considering such alternative provisions, the Council may require an increase in the minimum lot size and may impose any other reasonable requirements that it deems necessary to protect public health, safety, and welfare.

H. Water System Improvements

1. A central domestic water distribution system shall be installed in all subdivisions by the subdivider as a required improvement.
2. The subdivider shall also be required to locate and install an adequate number of fire hydrants within the proposed subdivision according to specifications and requirements of the City under the supervision of the Fire Department and other regulatory agencies having jurisdiction.
3. The central water system shall have sufficient flow for domestic use and adequate fire flow. All such water systems installed shall be looped extensions, and no dead end systems shall be permitted.
4. All water systems shall be connected to the municipal water system and shall meet the standards of the following agencies: Idaho Department of Health and Welfare, Idaho Survey and Rating Bureau, District Sanitarian, Idaho State Public Utilities Commission, Idaho Department of Reclamation, and all requirements of the City.

I. Planting Strip Improvements

1. Planting strips shall be required improvements to screen the view of incompatible features for the following:
   a. When a predominantly residential subdivision is proposed for land adjoining incompatible uses or features such as highways, railroads, commercial or LI districts or off-street parking areas; and
   b. Along the boundary line of lots adjacent to arterial streets or incompatible zoning districts.
2. 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;
3. All planting strips shall be located within an easement granted to the City and recorded in the office of the Blaine County Recorder prior to or in conjunction with recordation of the Final Plat.
4. The subdivider shall submit a landscaping plan for such planting strip with the Preliminary Plat application.

J. Cuts, Fills, and Grading Improvements

1. Grading shall be designed to blend with natural landforms and to minimize the necessity of padding or terracing of building sites, excavation for foundations, and minimize the necessity of cuts and fills for streets and driveways.
2. Areas within a subdivision that are not well suited for development because of existing soil conditions, steepness of slope, geology or hydrology shall be allocated for open space for the benefit of future property owners within the subdivision.
3. Where existing soils and vegetation are disrupted by subdivision development, provision shall be made by the subdivider for revegetation of disturbed areas with perennial vegetation sufficient to stabilize the soil upon completion of the construction. Until such times as such

revegetation has been installed and established, the subdivider shall maintain and protect all disturbed surfaces from erosion.

4. Fill areas shall be prepared by removing all organic material detrimental to proper compaction for soil stability.
5. Fills shall be compacted to at least 95 percent of maximum density as determined by AASHO T-99 (American Association of State Highway Officials) and ASTM D698 (American Standard Testing Methods).
6. Cut slopes shall be no steeper than two horizontal to one vertical (2:1). Subsurface drainage shall be provided as necessary for stability.
7. Fill slopes shall be no steeper than three horizontal to one vertical (3:1). Neither cut nor fill slopes shall be located on natural slopes of three to one (3:1) or steeper, or where fill slope toes out within 12 feet horizontally of the top and existing or planned cut slope.
8. Toes of cut and fill slopes shall be set back from property boundaries a distance of three feet, plus one-fifth of the height of the cut or the fill, but may not exceed a horizontal distance of ten feet; tops and toes of cut and fill slopes shall be set back from structures at a distance of at least six feet, plus one-fifth of the height of the cut or the fill. Additional setback distances shall be provided as necessary to accommodate drainage features and drainage structures.

K. Drainage Improvements

1. The location and width of the natural drainage courses shall be shown as an easement common to all owners within the subdivision and the City on the preliminary and Final Plat.
2. All natural drainage courses shall be left undisturbed or be improved in a manner that will increase the operating efficiency of the channel without overloading its capacity.
3. An adequate storm and surface drainage system shall be a required improvement in all subdivisions and shall be installed by the subdivider.
4. Culverts shall be required where all water or drainage courses intersect with streets, driveways or improved public easements and shall extend across and under the entire improved width including shoulders.

L. Utilities

In addition to the terms mentioned in this section, all utilities including, but not limited to, electricity, natural gas, telephone, and cable services shall be installed underground as a required improvement by the subdivider. Adequate provision for expansion of such services within the subdivision or to adjacent lands including installation of conduit pipe across and underneath streets shall be installed by the subdivider prior to construction of street improvements.

M. Off-site Improvements

Where the off-site impact of a proposed subdivision is found by the Planning and Zoning Commission or City Council to create substantial additional traffic, improvements to alleviate that impact may be required of the subdivider prior to Final Plat approval, including, but not limited to, bridges, intersections, roads, traffic control devices, water mains and facilities, and sewer mains and facilities.

N. Avalanche and Mountain Overlay

All improvements and subdivisions created pursuant to this chapter shall comply with Avalanche Overlay district and Mountain Overlay district requirements as set forth §16.02.060.D.

O. Natural Feature Preservation

1. Existing natural features that enhance the attractiveness of the subdivision and community, such as mature trees, watercourses, rock outcroppings, established shrub masses and historic areas, shall be preserved through design of the subdivision.
2. Preserved natural features shall be located within an easement granted to the City and recorded in the office of the Blaine County Recorder prior to or in conjunction with recordation of the Final Plat.

P. Additional Criteria for Subdivision in Floodplain Overlay District

1. The City Council may require, in appropriate areas, an easement providing access through the subdivision to the bank as a sportsman's access easement. These easement requirements are minimum standards, and in appropriate cases where a subdivision abuts a portion of the river adjacent to an existing pedestrian easement, the Council may require an extension of that easement along the portion of the riverbank that runs through the proposed subdivision.
2. All subdivision proposals shall be consistent with the standards set forth in §16.02.060.A, *FP: Floodplain Overlay District*;
3. All proposed lots in the subdivision shall have a building envelope that is located above the base flood elevation. It is preferred that building sites are located on natural high ground and special flood hazards areas are reserved for open space, trails, parks, and other low-impact, nonresidential uses. If fill is proposed to elevate building sites, compensatory storage must be provided pursuant to section chapter.
4. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
5. All subdivision proposals shall include streets that are at or above the base flood elevation to allow dryland access for emergency vehicles during a flood event;
6. All subdivision proposals shall have adequate drainage facilities provided to ensure that the post-development stormwater (of a 25-year storm) discharge volume and flow rate will not exceed the pre-development conditions. Low impact development and green infrastructure techniques for stormwater management are encouraged. Drainage plans and pre- and post-development hydrology calculations shall be prepared by a civil engineer licensed in the State of Idaho;
7. All requirements of the Code of Federal Regulations, 44 CFR 60.3 shall be met; and
8. All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334.

16.06.060. Condominiums

A. Purpose

The purpose of this section is to set forth special provisions for property created or converted pursuant to the Condominium Property Act, Idaho Code title 55, chapter 15, as amended, revised, or compiled. The provisions of this section are found necessary in order to provide for the public health, safety, and welfare of purchasers and residents of such condominiums.

B. Preliminary Plat and Final Plat Required

Condominium projects shall obtain a Minor Subdivision approval pursuant to §16.07.080.B.

C. Standards

1. Garage

All garages shall be designated on the preliminary and Final Plats and on all deeds as part of the particular condominium units. No garage may be condominiumized or sold separate from a condominium unit.

16.06.070. Townhouses

A. Purpose

The purpose of this section is to set forth provisions for real property subdivided into townhouse sublots, such provisions found necessary in order to provide for the public health, safety and welfare of purchasers and residents of such townhouse developments.

B. Preliminary Plat, Final Plat, and Design Review Required

Townhouse developments shall obtain a Minor Subdivision approval pursuant to §16.07.080.B.

C. Standards

1. All townhouse developments, including each individual sublot, shall not exceed the maximum building coverage requirements of the zoning district. The building coverage limitation shall apply to the collective townhouse development lot, and not each individual sublots.
2. All garages shall be designated on the preliminary and Final Plats and on all deeds as part of the particular townhouse units. Detached garages may be platted on separate sublots; provided that the ownership of detached garages is tied to specific townhouse units on the townhouse plat and in any owner's documents, and that the detached garage(s) may not be sold and/or owned separate from any dwelling unit(s) within the townhouse development.

16.06.080. Mobile Home Subdivisions

A. General

Mobile home subdivisions shall be treated the same as any residential subdivision subject to the requirements set forth in the zoning ordinance, building code, and any other statute, ordinance, or regulations of any governmental entity having jurisdiction.

B. Requirements

Mobile home subdivisions shall be subject to the following requirements:

1. Such subdivisions may be submitted and reviewed as a Planned Unit Development as set forth in §16.02.050.
2. Such subdivisions shall be screened from adjacent areas other than subdivisions of the same type by an aesthetically acceptable fence and/or planting strip.
3. Adequate provision shall be made for the maintenance of the subdivision.
4. Side lot lines shall be within 30 degrees of right angle or radial line to the street line.

16.06.090. Impact Statement

A. Impact Statement Required

The subdivider proposing a subdivision of more than ten lots or condominium units, or townhouses, or a Planned Unit Development may be required by the Administrator to prepare an impact statement prior to approval of a Preliminary Plat. The statement shall discuss the potential effects of the proposed development upon the City in terms of impact upon economics, public facilities, or environment as set forth in this section.

B. Additional Requirements

The impact statement shall contain at minimum those materials listed in the Administrative Manual. In addition, the Administrator may reasonably require the impact statement to be extended to include other factors and criteria not listed in the Manual due to unusual characteristics of the land or character of the proposed development or improvements. Furthermore, the subdivider may be required to provide additional information and studies regarding any of the factors or criteria required in the impact statement.

C. Contiguous or Adjacent Property

When an owner or subdivider owns or controls contiguous or adjacent land to that which they propose to subdivide under the terms of this chapter, the Administrator may require that the contiguous or adjacent property be included in the subdivision or that a Development Plan for the entire tract be presented. Furthermore, the Commission or Council may require that the entire parcel or parcels of land be platted.

16.06.100. Area of City Impact

A. Findings and Purpose

It is found and declared that:

1. Idaho Code section 67-6526 provides a negotiation process by which jurisdictions shall adopt, by ordinance, a map identifying an area of City impact within the unincorporated area of the county and a separate ordinance providing for application of plans and ordinances for the area of City impact.
2. The cities of Ketchum and Sun Valley share a common boundary and, therefore, have potentially overlapping areas of City impact within the unincorporated area of Blaine County. The cities have mutually agreed upon a line of demarcation between the areas of impact of

the cities as evidenced by the memorandum of agreement between the cities of Ketchum and Sun Valley, dated May 27, 1994, and as amended on November 1, 1994. Copies of the memorandum of agreement and subsequent amendments are located in the Planning and Building Department.

B. Ketchum Area of City Impact Boundary

1. The Ketchum area of City impact is the area designated on the Ketchum zoning map.
2. In case property under single ownership is divided by the boundary line of Ketchum's area of City impact, if such line divides such property so that one or both parts has a depth of 300 feet or less, such part shall be included in the jurisdiction within which the remainder and larger portion of the property is located.

C. Geographic Description of Four Areas in Area of City Impact

The Area of City Impact shall include all of those areas within the city so designated by the Ketchum zoning map.

D. Annexation, Area of Impact

1. Annexation by the City shall be limited to those lands lying within its area of City impact. If the City wishes to annex lands outside of its area of City impact, it shall renegotiate its area of City impact boundary with Blaine County (and the City of Sun Valley if applicable).
2. Upon annexation of any portion of the area of City impact into the City of Ketchum, the provisions of this chapter shall no longer apply to such annexed portion.

E. Applicable Plan Policies and Ordinances

1. Comprehensive Plan

a. The Comprehensive Plan, Resolution 14-006, as amended, shall apply within Ketchum's area of City impact, area III, and the Sun Valley Company River Run property in area IV.

b. The Blaine County Comprehensive Plan shall apply within Ketchum's area of City impact, areas I, II and IV, excluding the Sun Valley Company River Run property.

2. Subdivision Plats

a. All subdivision plat applications including Planned Unit Developments situated within Ketchum's area of City impact shall be submitted and receive approval from both the City and Blaine County as provided in Idaho Code section 50-1306, excluding area III and the Sun Valley Company River Run property in area IV.

(1) The City's subdivision rules and regulations shall prevail, with the exception that the more restrictive Blaine County environmental regulations, floodplain, and hillside, contained in the Blaine County zoning ordinance shall prevail except in area III and the Sun Valley Company River Run property in area IV.

(2) Lot line shifts and minor modifications to plats, as defined herein, are exempt from the provisions of this section. "Lot line shifts" means a change or modification of the boundary lines between existing lots or parcels of land or between dwelling units that does not reduce the area, frontage, width, depth or building setback lines of such lot below the minimum zoning requirements and that does not create

additional lots or dwelling units. "Lot line shifts" includes other minor changes to a subdivision, condominium or townhouse plat such as, but not limited to, notation changes, boundary shifts and removal of lot line(s), each of which does not reduce the area, frontage, width, depth or building setback lines of each lot below the minimum zoning requirements nor create additional lots or dwelling units.

b. Replats and amendments to plats defined in §16.06.100.E.2.a(2) shall be required to submit an application and receive approval from Blaine County only.

3. Zoning

a. The Blaine County zoning ordinance and zoning designations shall apply to area I, area II, and area IV, excluding the Sun Valley Company River Run property.

b. This Code shall apply to area III and the Sun Valley Company River Run property in area IV.

(1) Area III shall be designated general residential-low density (GR-L) zoning.

(2) Area IV, the Sun Valley Company River Run property only, shall be designated tourist (T) zoning.

(3) Any parcels or portions of parcels within area III and area IV, the Sun Valley Company River Run property only, that are designated floodplain by an adopted FEMA map, shall be subject to FP overlay district rules and regulations contained in Ketchum zoning ordinance 208. A copy of all floodplain applications, supporting documents and required documentation including, but not limited to, elevation certificates shall be sent to Blaine County Planning Department.

F. Processing of Land Use Applications in Ketchum's Area of City Impact

1. Within areas I, II, and IV, excepting the Sun Valley Company River Run property, the Blaine County Planning Department shall send to Planning and Building Department copies of all county applications for rezones no later than 15 days prior to any county public hearing on such application. The City shall make any recommendations to Blaine County in writing and shall cite the Comprehensive Plan policies, goals, objectives, provisions, or other documentation supporting such recommendation. Such recommendation shall be received by Blaine County prior to or at such public hearing. Input from the City shall not be binding or controlling on the County but shall be treated as documentary evidence. All applications, permits, and fees shall be submitted and processed by Blaine County only.

2. Within area III and the Sun Valley Company River Run property in area IV, the Planning and Building Department shall send to the Blaine County Planning Department copies of all City application(s) no later than 15 days prior to any City public hearing on such application(s). Blaine County shall make any recommendations to the City in writing and shall cite the Comprehensive Plan policies, goals, objectives, provisions, or other documentation supporting such recommendation. Such input from Blaine County shall not be binding or controlling on the City but shall be treated as documentary evidence.

a. Existing Blaine County applications and permits shall remain in and be the sole responsibility of Blaine County.

b. Any and all proposed changes/alterations to existing Blaine County permits shall be submitted to and processed by the City. Once any change to an existing permit is

requested by the applicant, all City processes, rules, regulations, and fees shall apply. At such time, the original files and such request shall be transferred from Blaine County to the City, and such permits shall become the sole responsibility of the City.

c. All new permits, applications, and applicable fees shall be submitted to and processed by the City. Such permits shall be the sole responsibility of the City.

d. The City shall provide written notice to Blaine County regarding all applications being processed by providing copies of such applications to the Blaine County Planning Department.

G. Amendment of Plan Policies and Ordinances

All applications for County and City amendments to their respective comprehensive plans and implementing ordinances that apply within Ketchum's area of City impact shall be sent by the entity considering such amendment to the other entity according to the following referral process:

1. Amendment of City Comprehensive Plan and Ordinances

a. Notice of all proposed amendments to the Comprehensive Plan, subdivision ordinance, and zoning ordinance shall be forwarded to the Blaine County Planning Department by the Planning and Building Department at least 15 days prior to any public hearing on such proposed amendment(s), when such amendment(s) is before the Planning and Zoning Commission and City Council. The Blaine County Planning Department shall determine whether or not such amendment is in conflict with either the Blaine County Comprehensive Plan or Blaine County zoning ordinance. The Blaine County Planning Department shall notify the City of such determination in writing prior to or at such public hearing. Input from the county shall not be binding or controlling on the City but shall be treated as documentary evidence.

b. The Planning and Building Department shall notify Blaine County Planning Department, in writing, of the City's action on such amendment(s) within 15 days following a final decision, along with notice as to when the amendment will take effect in the city. Within 30 days after the receipt of the amendment, the Board of County Commissioners or their designee shall determine if the amendment(s) has any effect on the area of City impact ordinance. If the determination is that the amendment(s) has no effect, then the Blaine County Planning Department shall, within 15 days, forward a written copy of the determination to the Planning and Building Department. If the determination is that the amendment(s) does effect the area of City impact ordinance, then the Board of County Commissioners shall either protest the amendment(s) and request renegotiation of the area of City impact ordinance, or if necessary, shall direct the Blaine County Planning and Zoning Commission to schedule the amendment(s) for public hearing as an amendment to the area of City impact ordinance.

2. Amendment of County Comprehensive Plan, Subdivision Ordinance, or Zoning Ordinance

a. Notice of all proposed amendments to the County comprehensive plan, subdivision ordinance, or zoning ordinance shall be forwarded to the Administrator at least 15 days prior to any public hearing on such proposed amendment(s). The Planning and Building Department shall determine whether or not such amendment(s) is in conflict with one

or more of the goals, objectives, policies, or provisions of the Comprehensive Plan, subdivision ordinance, or this Code. The Planning and Building Department shall notify the Blaine County Planning Department of such determination in writing prior to or at such public hearing. Such input from the City shall not be binding or controlling on the County but shall be treated as documentary evidence.

b. The Blaine County Planning Department shall notify the Planning and Building Department, in writing, of the county's action on such amendment(s) within 15 days following a final decision along with notice as to when the amendment(s) shall take effect in the county. Within 30 days after receipt of the amendment(s), the City Council or their designee shall determine if the amendment(s) has any effect on the area of City impact ordinance. If the determination is that the amendment(s) has no affect, then the Planning and Building Department shall, within 15 days, forward a written copy of the determination to the Blaine County Planning Department. If the determination is that the amendment(s) does affect the area of City impact ordinance, then the Council shall either protest the amendment(s) and request renegotiation of the area of City impact ordinance, or if necessary, shall direct the Planning and Zoning Commission to schedule the amendment(s) for public hearing as an amendment to the area of City impact ordinance.

H. Renegotiation

1. Pursuant to Idaho Code section 67-6526(d), the City Council or the Board of County Commissioners may request, in writing, to renegotiate any provision of this chapter at any time. Within 30 days of receipt of such written requests by each party, a meeting between the two jurisdictions shall occur.
2. While renegotiation is occurring, the provisions of this chapter shall remain in effect until it is amended or a substitute ordinance is adopted by the City and Blaine County pursuant to the notice and hearing procedures provided in Idaho Code or until a declaratory judgment from the district court is final; provided, however, that this chapter or stipulated portions shall be of no further force and effect if both jurisdictions so agree by mutually adopted resolution.

Chapter 16.07 Administration and Procedures

16.07.010. Summary Table of Review Procedures

Table 16-19: Summary Table of Review Procedures
R = Review and Recommendation D = Decision A = Appeal ✓ = Required
HPC = Historic Preservation Commission

		Public Notice			Review & Decision-Making Bodies			
	Section	Mailed	Published	Posted	Staff	HPC	P&Z Commission	City Council
Development Permits								
Conditional Use Permit	16.07.030.A	✓	✓	✓	R		D	A
Conditional Use Permit, Planned Unit Development	16.07.030.B	✓	✓	✓	R		R	D
Design Review								
Preapplication	16.07.030.C.1	✓	✓	✓	R		R	
Administrative	16.07.030.C.2	✓	✓	✓	D		A	
Public Hearing	16.07.030.C.2	✓	✓	✓	R		D	A
Dig Permit	16.07.030.D				D			A
Right-of-Way Encroachment Permit	16.07.030.E				R			D
Temporary Use of Right-of-Way Permit	16.07.030.F				D			A
Variance	16.07.030.G	✓	✓	✓	R		D	A
Wireless Communication Facility Permit								
Administrative	16.07.030.H.3				D			
Public Hearing	16.07.030.H.3	✓	✓	✓	R		D	A
Signs								
Master Signage Plan, Administrative	16.07.040.A				D		A	
Sign Permit								
General	16.07.040.B				D		A	
Historic/Landmark	16.07.040.B				R	D		
Floodplain Permits and Procedures								
Emergency Riparian Alteration	16.07.050.B				D		A	

		Public Notice			Review & Decision-Making Bodies			
	Section	Mailed	Published	Posted	Staff	HPC	P&Z Commission	City Council
Emergency Stream Bank Stabilization	16.07.050.C				D		A	
Floodplain Development Permit								
Administrative	16.07.050.D	✓			D		A	
P&Z	16.07.050.D	✓	✓	✓	R		D	A
Minor Riparian Alteration Permit	16.07.050.E	✓			D		A	
Temporary Flood Barrier	16.07.050.F				D		A	
Floodplain Development Variance	16.07.050.G	✓	✓	✓	R		D	A
Historic Preservation								
Alteration to Historic Structure	16.07.060.D	✓	✓	✓	R	D		
Demolition of Historic Structure	16.07.060.E	✓	✓	✓	R	D		A
Designation of Historic Building/Site	16.07.060.F	✓	✓	✓	R	R		D
Ordinance Amendments								
Annexation	16.06.100	✓	✓	✓	R		R	D
Code Amendment	16.07.070.A	✓	✓	✓	R	R [1]	R	D
Comprehensive Plan Amendment	16.07.070.B	✓	✓	✓	R	R [1]	R	D
Zoning Map Amendment (Rezoning)	16.07.070.C	✓	✓	✓	R		R	D
Subdivision Procedures								
Major Subdivision								
Preliminary Plat	16.07.080.A.1	✓	✓	✓	R		R	D
Final Plat	16.07.080.A.2	✓			D		A	
Minor Subdivision	16.07.080.B	✓	✓	✓	R		R	D
Plat Amendment	16.07.080.C	✓			R			D
Subdivision Exception	16.07.080.D	✓	✓	✓	R		R	D
Vacation or Dedication	16.07.080.E	✓	✓	✓	R		R	D

Notes:
[1] If the proposed amendment is related to historic preservation.

16.07.020. Common Review Procedures

A. Staff Meeting

1. Purpose

The staff meeting provides an opportunity for applicants to meet with staff to review and discuss applicable submittal requirements, review procedures, and to identify any issues associated with the proposed development.

2. Applicability

a. A staff meeting is required prior to application submittal for the following application types:
   (1) Conditional Use Permit;
   (2) Conditional Use Permit for Planned Unit Development;
   (3) Preapplication Design Review;
   (4) Design Review requiring a public hearing;
   (5) Wireless Communications Facility Permit;
   (6) Floodplain Development Permit;
   (7) Floodplain Development Variance;
   (8) Alteration to Historic Structure
   (9) Code Amendment;
   (10) Comprehensive Plan Amendment
   (11) Zoning Map Amendment;
   (12) Preliminary Plat;
   (13) Minor Subdivision; and
   (14) Variance.

b. The Administrator may waive the staff meeting requirement for applications where the projected size, complexity, or anticipated impacts do not warrant the need for a staff meeting.

3. Procedure

a. The applicant shall submit a request for a staff meeting to the Administrator.

b. The Administrator shall schedule staff meetings and notify appropriate staff and the applicant of the time and location of the conference.

c. A minimum of one week prior to the scheduled staff meeting, the applicant shall submit the following materials at a minimum:
   (1) A written description of the proposed project;
   (2) Conceptual drawings showing the location, layout, and primary elements of the proposal;
   (3) Uses that are proposed, and the location of proposed uses, structures, and public improvements;

(4) Whether any Variance or other request for flexibility related to the proposed project is anticipated.

(5) A list of specific questions for City staff or topics of discussion the applicant is seeking feedback on.

d. The topics of discussion may include, but shall not be limited to:

(1) Characteristics of the site and surrounding area (e.g., significant natural and manmade features; natural hazards, resources, or other special considerations of the site; services and accessibility of the site; surrounding development and land use; and existing zoning);

(2) The nature of the development proposed (e.g., proposed land use, coverages, and densities; the placement of proposed buildings and other improvements; the location, type, and method of maintenance of common open space or treatment of public use areas; the preservation of natural features; proposed parking areas and internal circulation system, including easements; types of water and sewage treatment systems proposed); and

(3) Applicable regulations, review procedures, and submission requirements.

e. City staff attending the staff meeting shall identify concerns or factors the applicant should consider related to the scope, features, and potential impacts of the project as they relate to this Code, adopted building code, engineering standards, public safety, or other policies or regulations enforced by the City and/or other public entities. City staff shall also indicate to the extent possible what approval procedures are required for the proposed project, the anticipated procedural timeline, and if applications associated with such procedures may be processed concurrently.

f. Discussions that occur and information that is conveyed at a staff meeting are preliminary and advisory and shall not be binding upon the meeting participants. Discussion of potential conditions to mitigate impacts do not reflect actions by the decision-making body until and unless a decision-making body takes formal action to attach that condition to a development approval.

g. Applicants shall submit the associated development application within 12 months of the staff meeting.

B. Preapplication Neighborhood Meeting

1. Purpose

The purpose of an applicant-facilitated neighborhood meeting is to provide an opportunity to inform the residents and landowners of the surrounding neighborhood(s) of the details of a proposed development and application, how the applicant intends to meet the standards contained in this Code, and to receive public comment and encourage dialogue early in the review process. No decision regarding the application will be made at the neighborhood meeting.

2. Applicability

A neighborhood meeting is required for Conditional Use Permits, Planned Unit Development Conditional Use Permits, Preapplication Design Review applications where the Preapplication

Design Review is required, and Design Review applications that require a public hearing. For developments requiring both a Preapplication Design Review and Design Review, only one neighborhood meeting prior to the Preapplication Design Review public hearing is required. Neighborhood meetings shall be conducted prior to the first public hearing. A neighborhood meeting is recommended for voluntary Preapplication Design Review applications and Alterations to Historic Structures. The Administrator may waive the applicant-facilitated neighborhood meeting requirement for applications where the projected size, complexity, or anticipated impacts do not warrant the need for a neighborhood meeting.

3. Procedure

a. Notice of Neighborhood Meeting

An applicant holding a neighborhood meeting shall provide mailed notice of the meeting in the same manner that would be required for public hearings on the application pursuant to the common development review procedures. Additional notice is encouraged through alternative methods such as email, social media, and published newsletters.

b. Attendance at Neighborhood Meeting

The applicant shall be responsible for scheduling the meeting, coordinating the meeting, and for retaining an independent facilitator if needed. The meeting shall be held at a reasonable date and time prior to submittal of the subject development application. The meeting shall be held within the city limits, preferably within the vicinity of the development proposal. Attendance at the meeting by City staff is not required and will be determined by the Administrator.

c. Summary of Neighborhood Meeting

The applicant shall submit a written affidavit of the neighborhood meeting, on a form provided by the city, with the application submittal. The written summary shall be included in the staff report provided to the decision-making body. The following information shall be included in the meeting summary, at a minimum: date, time, and location of the meeting and a copy of the meeting sign-in sheet..

C. Application Submittal and Processing

1. Authority to Submit Application

a. Unless expressly stated otherwise in this Code, a development application shall be submitted by:

(1) The owner, contract purchaser, or any other person having a recognized property interest in the land on which development is proposed; or

(2) A person authorized to submit the application on behalf of the owner, contract purchaser, or other person having a recognized property interest in the land, as evidenced by a letter or document signed by the owner, contract purchaser, or other person.

b. If there are multiple owners, contract purchasers, or other persons authorized to submit the application, all such persons shall sign the application or a letter or document consenting to the application.

c. When a preapplication staff meeting is required, application submission will not be accepted until the preapplication staff meeting is complete.

2. Application Content

a. The application shall be submitted to the Administrator on a prescribed form established by the City and available on the City's website. The applicant bears the burden of demonstrating compliance with application requirements.

b. Application forms, fee schedules, and other materials related to and necessary for the administration of this Code are located on the City's website.

3. Determination of Application Completeness

The Administrator shall determine whether the application is complete or incomplete and provide written notification of such determination to the applicant. A complete application shall include full payment of all fees required according to the type of application on the City's fee schedule and shall be processed according to the procedures in this chapter. An incomplete application shall not be processed or reviewed. Any deficiencies noted by the Administrator shall be addressed by the applicant prior to resubmitting the application.

4. Abandoned Applications

If an application has not been resubmitted to address staff-noted deficiencies within six months, the application shall be deemed abandoned. Abandoned applications shall require a new preapplication staff meeting, if applicable.

5. Resubmittal of a Previously Denied Application

If a final decision results in the denial of a development application, an applicant wishing to resubmit the same plan for approval:

a. May not submit the same development application, or one substantially the same as determined by the Administrator, for a period of 12 months from the date of the most recent ruling of denial; or

b. May submit a revised application that adequately addresses all the stated reasons for denial. The Administrator shall determine whether:

   (1) A new submittal adequately addresses all the stated reasons for denial and can proceed with a submittal; or,

   (2) A new submittal is sufficiently altered from the project denied that it qualifies as a new application for a different project.

   In either scenario, such application shall be treated as a new application for purposes of review and scheduling.

6. Dormant Applications

a. If, at any point in a development application review process, the Administrator has notified the applicant that additional or corrected materials are required, and the applicant has not submitted those materials within three months after the date of such notification, the application will be considered withdrawn. The Administrator may extend the three-month period if requested by the applicant prior to its expiration and

upon the applicant's demonstrating good cause for the additional delay. The Administrator may grant no more than two extensions.

b. Any re-submittal of the application after the three-month deadline will be treated as a new application for purposes of payment of application fees, review, scheduling, public notice, and hearings.

D. Review and Action: Administrative Approvals

If an application is subject to a final decision by the Administrator, the following procedure shall apply:

1. Referral to Staff and Review Agencies

The Administrator shall distribute the complete application to appropriate staff and review agencies. The departments and agencies to which applications may be referred include all City departments, commissions of other governing bodies having joint jurisdiction, utility companies, soil conservation district, and such other departments or agencies as the Administrator deems necessary.

2. Staff Review and Application Revisions

Staff shall review the application and shall consult with applicable City departments and other participating review agencies. Staff shall submit recommendations and comments to the applicant in a form established by the Administrator. Subsequent reviews of the application will not be completed until the Administrator determines that the applicant has adequately responded to the recommendations and comments, or the applicant requests that the application move forward without responding to the City's recommendations and comments.

3. Third-Party Review

In certain instances, there may be need for expert review by a third party of the technical data submitted by the applicant. The City Council or the Planning and Zoning Commission shall require such technical review to be paid for by the applicant. The selection of the third-party expert shall be at the City's discretion. Based on the results of the third-party review, the City may require changes to the application that comply with the recommendations of the expert. The expert review of the technical submission shall address the following:

a. The accuracy and completeness of submissions;

b. The applicability of analysis techniques and methodologies;

c. The validity of conclusions reached; and

d. Any specific technical issues designated by the City.

4. Decision

The Administrator shall make a decision based on the review standards applicable to the application type. The decision shall be in writing and shall clearly state reasons for a denial, approval, or approval with conditions.

E. Review and Action: Public Hearing Approvals

If an application is subject to one or more public hearings and a final decision by the City Council or the Planning and Zoning Commission, the following procedure shall apply:

1. Referral to Staff and Review Agencies

The Administrator shall distribute the complete application to appropriate staff and review agencies. The departments and agencies to which applications may be referred include all City departments, commissions of other governing bodies having joint jurisdiction, utility companies, soil conservation district, and such other departments or agencies as the Administrator deems necessary.

2. Administrator Review and Application Revisions

The Administrator shall review the application and shall consult with applicable City departments and other participating reviewing agencies. Staff shall submit recommendations and comments to the applicant in a form established by the Administrator. Subsequent reviews of the application will not be completed until the Administrator determines that the applicant has adequately responded to the City's recommendations and comments, or the applicant requests that the application move forward without responding to the City's recommendations and comments.

3. Third-Party Review

In certain instances, there may be need for expert review by a third party of the technical data submitted by the applicant. The City Council or the Planning and Zoning Commission shall require such technical review to be paid for by the applicant. The selection of the third-party expert shall be at the City's discretion. Based on the results of the third-party review, the City may require changes to the application that comply with the recommendations of the expert. The expert review of the technical submission shall address the following:

a. The accuracy and completeness of submissions;

b. The applicability of analysis techniques and methodologies;

c. The validity of conclusions reached; and

d. Any specific technical issues designated by the City.

4. Staff Report

Once a public hearing has been scheduled pursuant to §16.07.020.E.6.a below, the Administrator shall prepare a written staff report that summarizes the proposal, analysis of Code compliance, findings, and recommendations.

5. Distribution and Availability of Application and Staff Report

The Administrator shall submit a copy of the staff report to the review and/or decision-making body and shall make the staff report and related application materials available for public review one week prior to the scheduled hearing.

6. Public Notice and Public Hearings

a. Scheduling

The Administrator shall schedule the public hearing for either a regularly scheduled meeting or special meeting of the appropriate decision-making body.

b. Public Hearing Notice

Applications for development shall comply with the Idaho law and the provisions of this section with regard to public notification. The required notice for each application type is identified in Table 16-19: *Summary Table of Review Procedures*. Application-specific notice requirements are located in the section for the specific application types.

c. Notice Format and Content

(1) Publication

(A) At least 15 days prior to a public hearing, notice shall be published in the official newspaper or paper of general circulation within the city. Notice may also be made available to other newspapers, radio, City website, social media, and television stations serving the City for use as a public service announcement.

(B) The notice shall contain a description of the size and location of the subject property and shall inform the reader of the time and place of the meeting at which the public hearing will be held.

(2) Posting

Notice shall be posted on the premises at least seven days prior to the public hearing.

(3) Mailing

(A) All property owners within 300 feet of the subject property and all political subdivisions providing services within the City, including school districts, shall be notified by first class mail. Written notification shall be deemed sufficient if deposited in the mail to all property owners according to the records of the Blaine County assessor at least 15 days prior to such meeting and public hearing. Misspellings of the names of property owners shall not affect the sufficiency of notice as set forth in this chapter.

(B) When notice is required to 200 or more property owners, alternate forms of procedures that would provide adequate notice may be used in lieu of mailed notice. Acceptable alternate forms of notice shall be per Idaho Code 67-6512 in effect at the time of notice. Forms of alternative notice shall be:

i. Posting the notice of hearing in three conspicuous locations within the city;

ii. Publishing the notice of hearing in the official newspaper of the City;

iii. Making the notice of hearing available to other local newspapers; and

iv. Making the notice of hearing available to the local radio stations for a public service announcement.

(C) When notice is required to be mailed to 750 or more property owners or purchasers of record, the applicant shall be charged a fee to cover the cost of advertising and processing.

(D) The notice shall contain a description of the size and location of the subject property and shall inform the reader of the time and place of the meeting at which the public hearing will be held.

7. Review and Decision

a. The application shall be subject to review, hearings, recommendations, and decisions as indicated in Table 060.1: *Summary of Development Review Procedures*.

b. The applicable decision-making body shall consider the application, relevant support materials, staff report, and any evidence and public comments from the public hearing.

c. The applicable decision-making body shall approve, approve with conditions, or deny the application based on the applicable review criteria listed in the application-specific procedures.

d. The applicable decision-making body shall clearly state the factors considered in making its recommendation or decision, as well as the basis or rationale for the recommendation or decision.

8. Performance Bonds and Security Agreements

a. General

(1) Public and private improvements required by this Code or by a condition attached to an approval under this Code, including Design Review elements, shall be secured by a financial guarantee in the form of a performance bond or security agreement (letter of credit) to secure completion of the dedication or construction of required improvements not yet completed. No personal checks shall be allowed as performance bonds.

(2) Unless otherwise specified in this section, the applicant shall provide security reasonably acceptable to the City, in a form and in an amount not less than 150 percent of the cost of the engineering or design, materials and installation of the improvements as determined by the City Engineer, which security shall fully secure and guarantee completion of the required improvements within a period of two years from the date the security is provided.

(3) In the event the improvements are not constructed within the time allowed by the City Council (which shall be two years or less, depending upon the individual circumstances), the City Council may order the improvements installed at the expense of the subdivider and the surety.

(4) In the event the cost of installing the required improvements exceeds the amount of the bond, the applicant shall be liable to the City for additional costs. The amount that the cost of installing the required improvements exceeds the amount of the

performance bond shall automatically become a lien upon any and all property within the subdivision or development owned by the owner and/or applicant.

(5) If any extension of the 12 month period is granted by the City, each additional year, or portion of each additional year, shall require an additional 20 percent to be added to the amount of the original security initially provided.

(6) In the event the improvements are not completely installed within 12 months, or upon the expiration of any approved extension, the City may, but is not obligated to, apply the security to the completion of the improvements and complete construction of the improvements. Following completion of required improvements, the City shall return excess funds to the applicant.

b. Excavations and Improvements of City Rights-of-Way and Easements

The contractor or permittee must establish a bond, which shall be renewable annually, in the amount of $5,000.00, or an amount otherwise established at the discretion of the City Engineer or Streets Department, to be provided by the contractor and posted with the City. Any costs related to restoration of the street or alley due to settlement shall be paid for by the contractor or the permittee.

9. Development Agreement

a. Purpose

This section is intended to provide reasonable standards and procedures in order to:

(1) Implement the goals and policies of the Comprehensive Plan, specifically, but not inclusively, the provision of affordable housing, passive and active open space, transportation improvements, public infrastructure improvements and sensitive areas (riparian, avalanche, steep slopes, and floodplain) protection;

(2) Preserve and protect the character of Ketchum;

(3) Assure the safety, health, and general welfare of present and future inhabitants of the City;

(4) Protect and enhance the natural, cultural, and historic resources of the city from adverse impacts and to integrate new development into the city's existing natural and built environment;

(5) Promote the development of an economically sound and stable community;

(6) Accommodate other necessary or innovative types of development while balancing and respecting private property rights;

(7) Encourage and promote affordable housing; and

(8) Improve circulation and reduce traffic congestion and hazards on existing and proposed roadways.

b. Applicability

Development agreements may be used:

(1) In the Annexation, Zoning Map Amendment, or Planned Unit Development process in any zoning district;

(2) For phased developments; or

(3) When the Administrator determines an application includes specified activities or uses that require additional conditions to manage or mitigate impacts due to their location, design, size, operation, intensity of use, generation of traffic and traffic movement, or other unique characteristics.

c. Application Requirements

Applicants shall submit the following:

(1) An application form that includes at a minimum:

(A) Name, address and telephone number of the property owner, any coapplicants as well as any representatives for the property owner and/or coapplicants.

(B) Original signatures for the property owner and all coapplicants. If the property owner or coapplicant will be represented by another, the original signature authorizing the representative to represent the property owner and/or coapplicant shall also be submitted.

(C) A complete legal description of the subject property.

(D) Title report.

(E) Application fee.

(2) Four copies plus one reduced to at least 11 inches by 17 inches of the architectural plan of the proposed construction in sufficient detail to show the following:

(A) Floor plan (not less than one-eighth-inch scale).

(B) All exterior elevations.

(C) Section through the highest point of the building indicating existing, natural and proposed grade, with dimensions. If the subject property is located in the CC district, an analysis of the height invisible plane shall also be submitted.

(D) Type and color of exterior materials and roofing.

(E) Location and type of exterior lighting.

(F) Existing structures and land uses on and adjacent to the subject property.

(G) Adjacent roadways, proposed roadways, ingress and egress from said roadways, parking and pedestrian circulation and access.

(H) Property lines with dimensions, adjacent land uses, structures and zoning.

(I) Topography at one foot intervals or spot elevations.

(J) Scale, north arrow, and legend.

(K) Existing watercourses, utility lines, easements, deed restrictions and other built or natural features restricting the use of the subject property.

(L) Existing vegetation, labeled as to remain or be removed.

(M) Conceptual landscape plan that includes plant location, general species type and quantity.

(3) A written description of the proposed development, including the uses, and how it integrates and complements adjacent land uses.

(4) A written narrative demonstrating compliance with the goals and policies of the Comprehensive Plan.

(5) A traffic analysis that includes adjacent roadways, proposed roadways, ingress and egress from said roadways, parking, pedestrian circulation and impacts to nonmotorized and transit facilities.

(6) Signed and notarized statement by the applicant indicating that failure to comply with all commitments in the approved zoning development agreement shall be deemed consent to revert the zoning of the property to the preexisting zoning district, or in the case of an initial zoning district at annexation, a zoning district deemed appropriate by the City Council.

(7) Phasing plan and proposed phasing schedule.

(8) Additional information as reasonably required at the discretion of the Administrator, Planning and Zoning Commission or City Council prior to or during the review process.

(9) The materials required in this section may be waived by the Administrator after administrative review of the application should no need be found for them.

(10) A draft zoning development agreement reviewed by the City Attorney as to form that contains, at a minimum, the following:

(A) List of use(s) to be allowed.

(B) Permitted square footage and building locations.

(C) Identification of development standards that shall be required under the agreement.

(D) Identification of locations for permitted uses on approved conceptual plan.

(E) Planned implementation of improvements with a construction and completion schedule.

(F) A provision that the standards and processes of the design review overlay district shall apply to the development of the property.

(G) A provision for the use of a security agreement for project completion if the proposal is developed in phases.

(H) A provision that the property owner/developer acknowledges and agrees that failure to comply with the terms of the agreement shall result in a reversion of the zoning of the real property to the zoning existing immediately prior to the agreement, pursuant to the procedure set forth in Idaho Code section 67-6511A.

(I) A provision specifying that unless modified or terminated by the governing board, pursuant to §§16.07.020.E.9.f and 16.07.020.E.9.gthe commitment and all conditions, terms, duties and obligations included in said commitment are binding on the owner of the property, each subsequent property owner and every person(s) acquiring interest in said property.

(J) Other conditions attached to the project through the public hearing process.

(K) The administrator may waive §§16.07.020.E.9.c(10)(B), 16.07.020.E.9.c(10)(D), and 16.07.020.E.9.c(10)(E) after administrative review of the application should no need be found for them.

d. Subsequent Actions

A development agreement shall not prevent the City, in subsequent actions applicable to the property, from applying new standards, regulations, or policies that do not conflict with commitments applicable to the property as set forth within a duly executed agreement.

e. Encumbrance

The property owner(s), co-property owner(s), developer(s), agent(s) of property owner or developer, assignee(s) of property owner(s) or developer(s) and all subsequent property owners or developers of the real property that is encumbered by the development agreement shall comply with all conditions, terms, obligations, and duties contained in the agreement. Failure to comply shall result in termination of the agreement per §16.07.020.E.9.g.

f. Modification of Agreements

Development agreements may only be modified through the public hearing process in §16.07.020.E.6.

g. Termination of Agreements

(1) Development agreements may be conditioned to expire after a prescribed time limit authorized by the City Council.

(2) Development agreements may be terminated by the City Council, after a public hearing pursuant to §16.07.020.E.6, for failure to comply with the commitments expressed in the development agreement.

(3) Upon termination of a development agreement pursuant to this section, the property shall revert to the prior zoning district or, in the case of initial zone at annexation, to a zoning district deemed appropriate by the City Council. All uses that are not compatible with the subsequent zoning designation following termination of the development agreement shall cease. The owner of the property shall apply for a Conditional Use Permit for the property if the use(s) is conditionally allowed within the subsequent zoning district.

(4) In the event the City believes that grounds exist for revocation of a permit, the property owner shall be given written notice, by certified mail, of the apparent violation or noncompliance, providing a short and concise statement of the nature and general facts of the violation or noncompliance, and providing the property owner a reasonable period of time not exceeding thirty calendar days to furnish evidence:

i. That corrective action has remedied the violation or noncompliance;

ii. That rebuts the alleged violation or noncompliance; and/or

iii. That a development agreement application to modify the existing development agreement has been submitted and accepted by the City for processing.

(B) In the event that a property owner fails to provide evidence reasonably satisfactory to the City as provided for in (4) above, the City shall refer the

apparent violation or noncompliance to the City Council for a public hearing pursuant to §16.07.020.E.6.

(C) The City Council shall provide the property owner notice and reasonable opportunity to be heard concerning the matter, and a public hearing shall be conducted.

(D) Within ten calendar days of the completion of the hearing, the City Council shall issue a written decision terminating the development agreement or remanding it back to the Planning and Zoning Commission for the amendment process pursuant to the public hearing process specified within §16.07.020.E.6.

(E) A document recording such termination shall be recorded in the office of the Blaine County recorder.

10. Conditions of Approval

a. Where this Code authorizes a decision-making body to approve or deny an application subject to applicable criteria, the decision-making body may approve the application with conditions necessary to bring the proposed development into compliance with this Code or other regulations, or to mitigate the impacts of that development on surrounding properties and streets. The decision-making body may attach conditions to the permit pertaining to the proposed use, including, but not limited to, those:

(1) Minimizing adverse impact on other development.

(2) Controlling the sequence and timing of development.

(3) Controlling the duration of development.

(4) Assuring that development is maintained properly.

(5) Designating the exact location and nature of development.

(6) Requiring the provision for on site or off-site public facilities or services.

(7) Requiring mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the city.

b. Conditions of approval shall be reasonably related to the anticipated impacts of the proposed use or development or shall be based upon standards duly adopted by the City. Such conditions may include those necessary to carry out the purpose and intent of the Comprehensive Plan, other adopted City plans, and this Code. No conditions of approval shall be less restrictive than the requirements of this Code, except where the Code expressly allows deviations.

c. Any condition of approval that requires an applicant to dedicate land or pay money to a public entity in an amount that is not calculated according to a formula applicable to a broad class of applicants shall be roughly proportional both in nature and extent to the anticipated impacts of the proposed development, as shown through an individualized determination of impacts. The City shall bear the burden of determining such impacts.

d. During its consideration, the decision-making body may consider alternative potential conditions, and no discussion of potential conditions shall be deemed an attempt or

intent to impose any condition that would violate the federal or state constitutions, statutes, or regulations. Discussions of potential conditions to mitigate impacts do not reflect actions by the decision-making body unless and until the decision-making body takes formal action to attach that condition to a development approval.

e. City Council may modify conditions recommended by the Planning and Zoning Commission prior to making a decision.

f. Unless otherwise provided in this Code, any representations of the applicant in submittal materials or during public hearings shall be binding as conditions of approval.

F. Notice of Final Decision

The Administrator shall provide written notification of the decision via email to the applicant and shall make a copy of the decision available to the public in a conspicuous and easily accessible location. Such notice may be published on the City's website.

G. Recordation

Any application requiring recordation including, but not limited to Final Plats, Minor Subdivisions, Plat Amendments, Vacations or easements, and development agreements shall file the final copy of the applicable plat or agreement with the Blaine County Recorder.

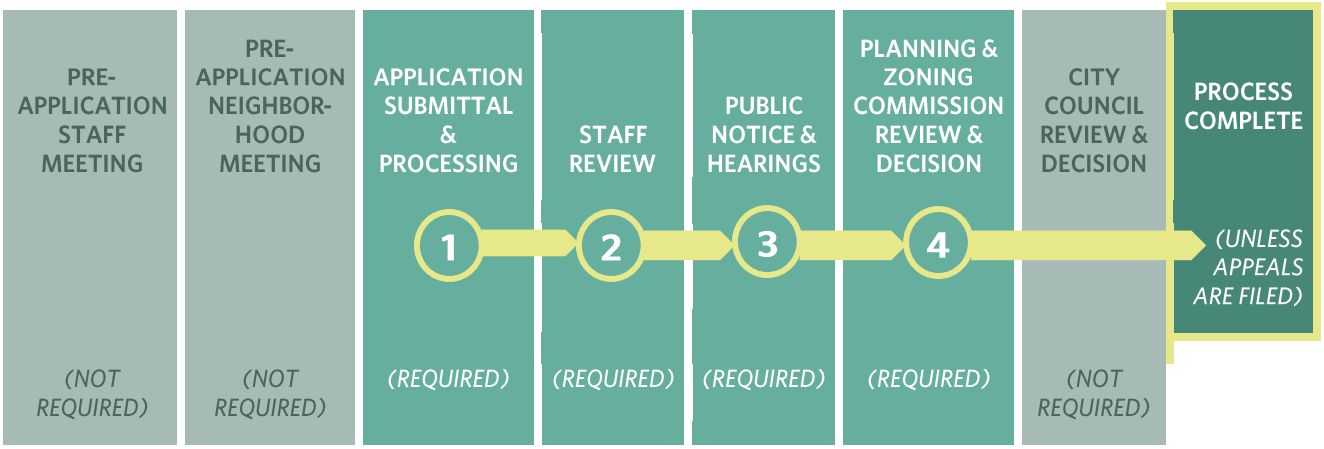
H. Appeal

1. Applicability

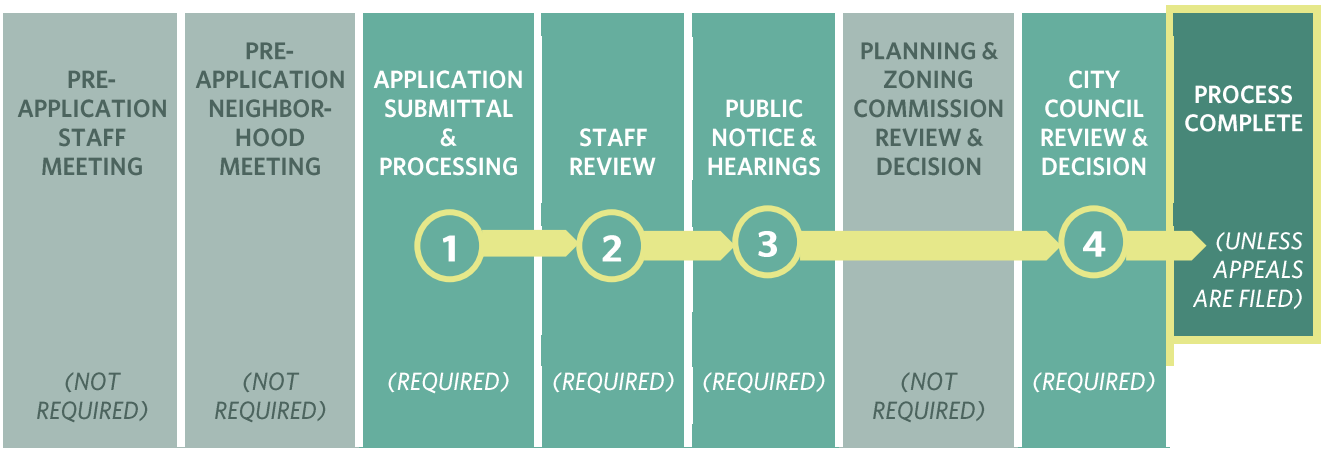
An Appeal of any order, requirement, decision, or determination of the Administrator or Planning and Zoning Commission made in the administration or enforcement of this Code may be taken by any affected person, as that term is defined by Idaho Code section 67-6521, as it may be amended from time to time, or any officer or department of the City, to the Commission, or City Council, respectively.

2. Procedure

a. For appeals of Administrator decisions:



b. For appeals of Planning and Zoning Commission decisions:



c. Application Submittal and Processing

The application shall be submitted and accepted, and may be revised or withdrawn, pursuant to §16.07.020.C. In addition:

(1) Time for Filing Appeals

All Appeals permitted or authorized by this Code shall be taken and made in the manner and within the time limits as follows: The written notice of Appeal shall be filed before 5:00 p.m. of the 15th calendar day after the order, requirement, decision, or determination of the Administrator has been made or after findings of fact have been approved by the Planning and Zoning Commission, whichever is applicable. The failure to physically file a notice of Appeal with the Administrator of the City within the time limits prescribed by this section shall be jurisdictional and shall cause automatic dismissal of such Appeal.

(2) Fee for Appeals

In addition to the application fee, a fee equal to the expense of giving notice and providing the transcript shall be paid within two days after receipt from the Administrator of the amount of the fee. In the event the fee is not paid as required, the Appeal shall not be considered filed.

(3) Application for Appeal

The notice of Appeal shall be in writing and in such form as shall be available from the office of the Administrator, which shall require to be set forth with specificity all bases for Appeal, including the particulars regarding any claimed error or abuse of discretion.

d. Review and Action: Public Hearing Approvals

The application shall be reviewed pursuant to the common review procedures for applications requiring a public hearing in §16.07.020.E. In addition:

(1) Official Record

(A) The Administrator shall certify that all procedural requirements have been satisfied and fees paid and transmit to the Planning and Zoning Commission

the original of all papers constituting the record in the case, together with the order, requirement, decision, or determination of the Administrator or Commission.

(B) For Appeals of Planning and Zoning Commission decisions, a verbatim transcript of the Commission proceedings shall be prepared and transmitted to the City Council at the appellant's expense.

(2) Public Notice and Public Hearing

The application shall be scheduled for at least one public hearing before the Planning and Zoning Commission or City Council, as applicable, and shall be noticed pursuant to Idaho Code section 67-6521, as that section may be amended from time to time, all in accordance with Idaho Code section 67-6501 et seq., as may be amended from time to time.

(3) Decision

(A) The Planning and Zoning Commission or City Council shall affirm, reverse, or modify, in whole or in part, the order, requirement, decision, or determination of the Administrator or Commission, respectively, pursuant to §16.07.020.E.7 and the review criteria below, within 30 days after the hearing on Appeal, which shall include its written findings of fact and conclusions of law separately stated.

(B) For Appeals of Planning and Zoning Commission decisions, the Council may remand the application to the Commission for further consideration with regard to specific criteria stated by the Council.

(C) The Planning and Zoning Commission or Council shall transmit a copy of the decision to the appellant and any affected person who has requested a copy in writing, as defined in Idaho Code section 67-6521, as that section may be amended from time to time.

(4) Appeal

In the event of an Appeal of a decision of the City Council to district court, applications approved by the City will be processed by the City during the pendency of the Appeal.

3. Review Criteria

In reviewing an Appeal, the Planning and Zoning Commission or City Council consider the record, the order, requirement, decision or determination of the Administrator or Commission, respectively, and the notice of Appeal, together with oral presentation and written legal arguments by the appellant, the applicant, if different than the appellant, and the and the Administrator or Commission and/or staff representing the Commission, respectively. The Commission or Council shall not consider any new facts or evidence at this point.

16.07.030. Development Permits

A. Conditional Use Permit

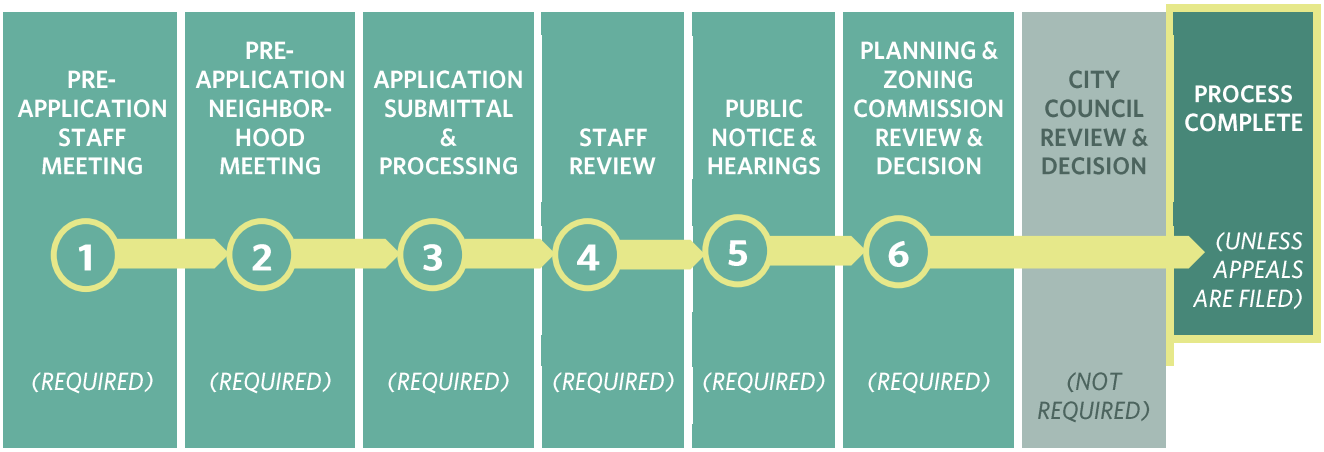
1. Purpose

The Conditional Use Permit (CUP) procedure provides a mechanism for the City to review uses that possess characteristics that require review and evaluation by the Planning and Zoning Commission to determine whether or not the use would cause any public health, safety, or welfare concerns.

2. Applicability

A CUP is required for the land uses identified as conditional uses in Table 16-7: *Table of Permitted Uses*.

3. Procedure



a. Preapplication Staff Meeting

A preapplication staff meeting shall be held pursuant to §16.07.020.A.

b. Preapplication Neighborhood Meeting

A preapplication neighborhood meeting is required pursuant to §16.07.020.B.

c. Application Submittal and Processing

The application shall be submitted and accepted, and may be revised or withdrawn, pursuant to §16.07.020.C. In addition:

(1) Avalanche Overlay District

Prior to granting of a CUP for construction in the Avalanche Overlay District, the applicant shall submit the following to the City:

(A) A site-specific avalanche study from a field expert;

(B) Structural plans for proposed avalanche protective, deflective, and preventative structures, devices, or earthwork;

(C) A letter signed by a structural engineer licensed in the state, certifying that the proposed construction will withstand the avalanche forces set forth in the avalanche studies on file with the City and that the proposed construction will not deflect avalanches toward the property of others; and

(D) Other information and engineering studies may be requested in consideration of an application for a Conditional Use Permit.

(2) Studies

Prior to granting a CUP, studies may be required of the social, economic, fiscal, and environmental effects of the proposed conditional use.

d. Review and Action: Public Hearing Approvals

The application shall be reviewed pursuant to the common review procedures for applications requiring a public hearing in §16.07.020.E. In addition:

(1) Expiration of Approval

Activities permitted by the granting of a CUP shall commence within 12 months from the date the Planning and Zoning Commission Chair signs the approved findings of fact for the CUP, otherwise the approval shall be deemed null and void.

(2) Extension of Approval

(A) Prior to the expiration of the approval, the CUP holder may submit a written request for an extension of the approval. No extensions shall be granted for an expired CUP.

(B) The Planning and Zoning Commission may grant one extension, for a maximum of 12 months, in a public hearing, based on whether:

i. There have been significant amendments to the City's ordinances that will apply to the subject Conditional Use Permit;

ii. Significant land use changes have occurred in the project vicinity that would adversely impact the project or be adversely impacted by the project;

iii. Hazardous situations have developed or have been discovered in the project area;

iv. Community facilities and services required for the project are now inadequate; or

v. Conditions on the site, including, but not limited to, noxious weeds, unsightly trash or storage conditions, or other items in violation of this Code, have occurred during the time that the CUP was not activated.

(C) If any of the above considerations are found to exist with regard to the project for which an extension is sought, an extension will not be granted and the Administrator and the chair of the Planning and Zoning Commission shall issue this decision in writing; otherwise the Administrator and the chair of the Commission shall approve the extension.

(3) Effect of Approval

A CUP shall not be considered as establishing a binding precedent to grant other CUPs. A CUP is not transferable from one parcel of land to another.

4. Review Criteria

a. All Applications

In reviewing an application for a CUP, the Planning and Zoning Commission shall consider whether:

(1) The characteristics of the conditional use will be unreasonably incompatible with the types of uses permitted in the applicable zoning district;

(2) The conditional use will materially endanger the health, safety, and welfare of the community;

(3) The conditional use is such that pedestrian and vehicular traffic associated with the use will be hazardous or conflict with existing and anticipated traffic in the neighborhood;

(4) The conditional use will be supported by adequate public facilities or services and will adversely affect public services to the surrounding area, or conditions can be established to mitigate adverse impacts; and

(5) The conditional use is in conflict with the policies of the Comprehensive Plan or the basic purposes of this section.

b. Additional Standards for Construction in the Avalanche Overlay District

Appropriate landscaping may be required where such structures, devices, or earthwork alter the natural slope or beauty of the land. This shall not apply to reforestation. The conditional use does not result in alteration or removal of any existing natural barriers.

B. Conditional Use Permit (CUP) for Planned Unit Development (PUD)

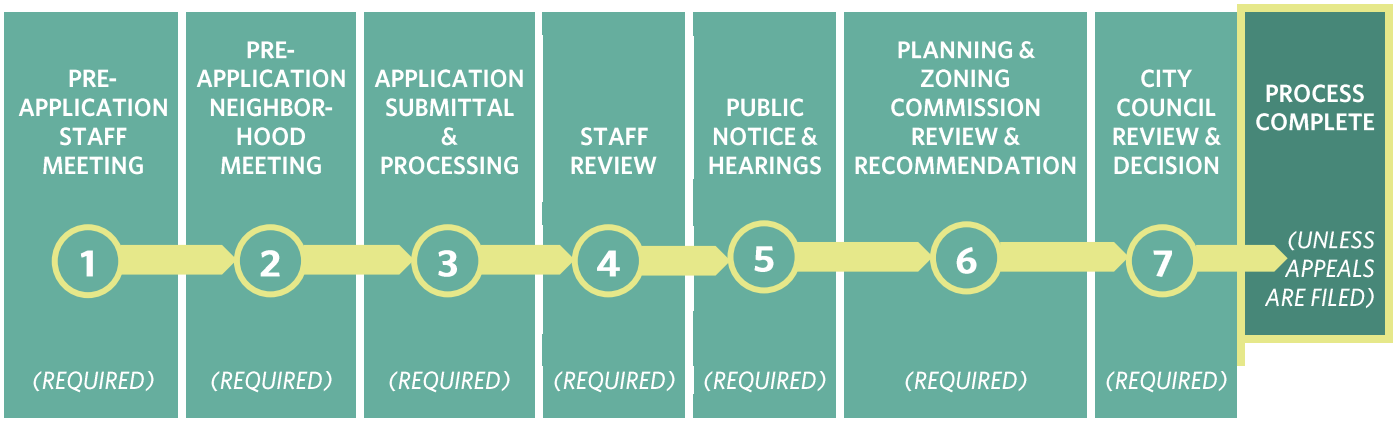
1. Purpose

The purpose of a Conditional Use Permit (CUP) for a Planned Unit Development (PUD) is to provide a mechanism for the City to review requests for Planned Unit Developments pursuant to §16.02.050.

2. Applicability

A PUD CUP is required for any request to develop a PUD pursuant to §16.02.050.

3. Procedure



a. Preapplication Staff Meeting

A preapplication staff meeting shall be held pursuant to §16.07.020.A.

b. Preapplication Neighborhood Meeting

A preapplication neighborhood meeting is required pursuant to §16.07.020.B.

c. Application Submittal and Processing

The application shall be submitted and accepted, and may be revised or withdrawn, pursuant to §16.07.020.C. In addition:

(1) Application Requirements

Applicants shall submit the following:

(A) An application form that contains the following information and exhibits:

i. The name, address, mailing address and telephone number of each owner of record of the property, the developer, and the engineer, surveyor, and/or other person preparing the development plan and/or accompanying information or documents. A parcel of property shall be under single ownership, or the application shall be consented to in writing, acknowledged by all property owners within the development.

ii. Legal description of the area.

iii. A copy of the proposed articles of incorporation, bylaws of homeowners' association, condominium declarations, and all other agreements, covenants and other provisions which will govern the use and maintenance and assure continued protection of the development.

iv. A current title report, together with a copy of the owner's recorded deed to such property. A copy of the applicant's option to purchase, or unrecorded contract of sale for such property, together with the written notarized consent of the owner(s) of record to such PUD, shall be sufficient evidence of ownership to allow processing of such application. Withdrawal of consent of an owner of record shall be deemed withdrawal of the application.

v. Development schedule for construction and/or phasing.

vi. All percolation tests and/or exploratory pit excavations required by state health authorities.

vii. A list of the owners of the properties within 300 feet of the exterior boundaries of the proposed project. The owners' list shall include the names of all owners, their addresses, and a general description of the property owned by each. The Administrator may waive or modify this requirement for a community housing PUD.

viii. Additional information as reasonably required at the discretion of the Administrator.

(B) A development plan that includes:

i. The scale, north point and date.

ii. The name of the proposed development, which shall not be the same or confusing with the name of any subdivision or planned unit development in the City of Ketchum, or the City of Sun Valley or Blaine County, Idaho.

iii. The name, address, mailing address and telephone number of each engineer, surveyor, or other person preparing the development plan and/or accompanying information or documents.

iv. The scaled location of existing buildings, water bodies and courses, and adjacent streets, alleys, and easements, public and private.

v. Location of zoning district lines within the proposed project and within the immediate vicinity.

vi. The location of existing and proposed street rights-of-way, including dimensions and proposed street names, lots and lot lines, and easements (public and private).

vii. The location, size and proposed use of all land intended to be dedicated for public use or for common use of all future property owners within the proposed development.

viii. The location, size and type of sanitary and storm sewers, water mains and facilities, culverts, utilities, street improvements, street lighting, curbs, gutters, sidewalks and all other existing and proposed utilities and other surface or subsurface structures within, immediately adjacent to, or proposed to serve the development.

ix. The boundaries of the floodplain, floodway and avalanche hazard areas affecting the development.

x. Building envelopes of proposed structures shall be drawn to scale. If the applicant elects to seek Design Review approval for the project or a portion under §16.07.030.B.3.c(2), the applicant shall comply with the additional requirements of that section.

xi. Lot area of each lot.

xii. A surveyed contour map of the existing topography of the property and a contour map of the proposed development with contour lines at

maximum intervals of five feet to show the existing and proposed configuration of the land, together with the documentation upon which such contour maps were prepared.

xiii. A survey plat of the property.

xiv. A drainage plan showing the location, size and direction of all watercourses and drainage flows, all drainage canals and structures, the proposed method of disposing of runoff water, and the location and size of all drainage easements, whether they are located within or outside of the proposed development.

xv. A landscaping plan showing the location and size of existing mature trees, and established shrub masses, and showing the location, size and type of proposed landscaping of the project with particularity.

xvi. Exterior boundary lines of the property, together with dimensions.

xvii. Location of on-site parking spaces and access, including the dimensions of the spaces and the width and length of access.

xviii. Tabulation of the percentage of the lot coverage by proposed building, percentage of lot coverage by proposed parking areas and floor area broken down by uses, together with the total square footage of the parcel of property.

xix. Location of existing structures on adjacent properties.

xx. Studies may be reasonably required prior to or during the review process by the Administrator, commission, or council of the social, economic, fiscal and/or environmental effects of the proposed development.

xxi. Additional information as reasonably required at the discretion of the Administrator, Planning and Zoning Commission, or City Council prior to or during the review process.

(2) Concurrent Design Review

An applicant may elect to request Design Review approval for the structures within the project or the first phase, and in such instances, the applicant shall submit the application, information and fees and receive approval required by the appropriate Design Review regulations and criteria. Any Design Review approval issued by the Planning and Zoning Commission pursuant to this section shall be subject to issuance of a PUD CUP by the City Council. Any PUD CUP granted without Design Review approval shall apply for and receive Design Review approval pursuant to the applicable ordinances.

(3) Large Block Plat

As determined by the Administrator, a large block plat shall be prepared in the manner required for subdivision Preliminary Plats under the applicable ordinance(s). Such large block plat shall include, but not be limited to, maximum allowable densities, types and uses of structures, location of building envelopes, location and dedication of streets, alleys, easements, parks and other public lands.

(4) Exception or Deferral of Requirements

Exception or deferral of any of the requirements of this section and §16.02.050.D, *Standards* may be granted by the City Council on a case by case basis. Application for such exception or deferral must be in writing and submitted as part of the application for a PUD CUP. Such application for exception or deferral must state with particularity the matters on which the applicant seeks exception or deferral and that the exception or deferral would not be detrimental to the public welfare, health and safety nor injurious to property owners in the immediate area.

d. Review and Action: Public Hearing Approvals

The application shall be reviewed pursuant to the common review procedures for applications requiring a public hearing in §16.07.020.E. In addition:

(1) Planning and Zoning Commission Recommendation

(A) For applications that include a request to waive or defer requirements, the Planning and Zoning Commission shall consider the project and make their recommendations to the City Council based upon and subject to the exceptions they deem appropriate to recommend the Council grant an exception or deferral.

(B) Upon receiving the recommendations of the Commission, the PUD CUP application shall be placed upon the agenda of a regular City Council meeting.

(2) City Council Decision

The City Council shall review and approve, approve with conditions, or deny the application pursuant to §16.07.020.E.7 and the review criteria below. In addition:

(A) If the City Council grants a requested exception or deferral, the PUD CUP shall state when, if ever, the requirement that was waived or deferred must be met and what entity or agency has the power to review the requirements. Such PUD CUP shall state any such conditions deemed appropriate or necessary by the Council to promote, further or enforce the applicant's method of guaranteeing the use, rental cost, resale cost for the employee or low-cost housing.

(B) If the City Council finds a substantial error in the information presented to the Planning and Zoning Commission or new information is presented that may make a material difference in the recommendation made by the Commission, the Council may remand the application to the Commission for further review and recommendations.

(C) Prior to final approval of a PUD CUP, the City Council may require, but shall not be limited to requiring, the following:

i. Written agreements executed by the developer to secure performance of any requirement or condition to be imposed as part of the approval, including, but not limited to: development, services, and/or annexation agreements.

ii. Submission of a revised Development Plan to incorporate changes made during the review process.

iii. Dedication of lands, personal property, or improvements to the City.

iv. Recordation of documents with the Blaine County Recorder including, but not limited to, declarations of covenants and restrictions, easements, restrictive covenants, management agreements, and similar documents that may include provisions that such documents may not be amended without the prior written consent of the City Council.

(3) Conditions of Approval

(A) All projects receiving a PUD CUP, as a condition of such permit, shall be required to submit and receive Design Review approval for each structure to be constructed within the project prior to making application for a Building Permit irrespective of the zoning district or districts within which the project is located.

(B) The City Council may require the construction of certain improvements, private and/or public utilities, services, facilities, recreation or other amenities, and landscaping to be installed in the project, or in lieu to post a performance bond pursuant to §16.07.020.E.8, *Performance Bonds and Security Agreements*.

(C) Prior to or as a condition of PUD approval, the applicant shall prepare a final large block plat in the manner required for final subdivision plats under the applicable ordinance(s). Such final large lot plat shall be filed with the office of the Blaine County Recorder, Hailey, Idaho.

(4) Preliminary and Final Plat Approvals

After issuance of a PUD CUP, the applicant shall file a Preliminary Plat and Final Plat for each stage of the development in conformance with the approved PUD CUP and Development Plan pursuant to the subdivision and other applicable ordinances.

(5) Effect of Approval

The issuance shall not be considered a binding precedent for the issuance of other PUD CUPs. A PUD CUP is not transferable from one parcel of land to another.

(6) Expiration of Approval

Upon receiving a PUD CUP, an applicant shall have 12 months from the date of issuance to submit an application for Design Review of the entire project or the first phase of the project, whichever is pursuant to the construction schedule, or in the case of a lot subdivision PUD, to file a Preliminary Plat application. Failure to file the appropriate application within such one-year period shall cause the PUD CUP to be null and void ab initio.

(7) Extension of Approval

(A) Prior to the expiration of the approval, the PUD CUP holder may submit a written request for an extension of the approval. No extensions shall be granted for an expired PUD CUP.

(B) The City Council, without a public hearing may grant an extension of the time limitations set forth in 16.07.030.B.3.d(6) above or may grant an extension of the time limits imposed by the development schedule based on whether:

i. There have been significant amendments to the City's ordinances that will apply to the subject Conditional Use Permit;

ii. Significant land use changes have occurred in the project vicinity that would adversely impact the project or be adversely impacted by the project;

iii. Hazardous situations have developed or have been discovered in the project area;

iv. Community facilities and services required for the project are now inadequate; or

v. Conditions on the site, including, but not limited to, noxious weeds, unsightly trash or storage conditions, or other items in violation of this Code, have occurred during the time that the CUP was not activated.

(8) Revocation of Approval

Failure to comply with any condition or term of such permit may cause such permit to be void. A PUD CUP may be revoked at any time for violation of the permit or any condition by motion of the City Council after a due process hearing upon a minimum of ten days' written notice describing the violation to the holder of the PUD CUP. At the hearing the holder may be represented by counsel, present testimony and cross examine witnesses. A due process hearing is not a public hearing.

(9) Changes in Development Plan

(A) Minor changes in the location, siting or character of buildings and structures may be authorized by the Administrator, if required by engineering or other circumstances not foreseen at the time the PUD CUP was approved. All such requests shall be in writing supported by such documentation as reasonably required by the Administrator.

(B) No change shall be authorized by the Administrator except in writing and shall not increase the size of any building or structure, or building envelope concept, nor change the location of any building or structure outside of an approved building envelope; provided, notwithstanding the foregoing, if the Administrator determines any proposed change may have a significant impact on the approved project, the Administrator may decline to administratively approve such change and shall forward same to the City Council for consideration.

4. Review Criteria

The Planning and Zoning Commission shall review and recommend and the City Council shall approve, approve with conditions, or deny the application based on the following criteria:

a. The proposed project will not be detrimental to the present and permitted uses of surrounding areas.

b. The proposed project will have a beneficial effect not normally achieved by standard subdivision development.

c. The development shall be compatible with the surrounding area.

d. The proposed vehicular and nonmotorized transportation system:

   (1) Is adequate to carry anticipated traffic consistent with existing and future development of surrounding properties.

   (2) Will not generate vehicular traffic to cause undue congestion of the public street network within or outside the PUD.

   (3) Is designed to provide automotive and pedestrian safety and convenience.

   (4) Is designed to provide adequate removal, storage, and deposition of snow.

   (5) Is designed so that traffic ingress and egress will have the least impact possible on adjacent residential uses. This includes design of roadways and access to connect to arterial streets wherever possible, and design of ingress, egress, and parking areas to have the least impact on surrounding uses.

   (6) Includes the use of buffers or other physical separations to buffer vehicular movement from adjacent uses.

   (7) Is designed so that roads are placed so that disturbance of natural features and existing vegetation is minimized.

   (8) Includes trails and sidewalks that create an internal circulation system and connect to surrounding trails and walkways.

e. The Development Plan is in conformance with and promotes the purposes and goals of the comprehensive plan, this Code, and other applicable ordinances of the City, and not in conflict with the public interest:

   (1) Pursuant to §16.07.030.B.3.c(1), all of the Design Review standards in §16.07.030.C.2 be carefully analyzed and considered. This includes detailed analysis of building bulk, undulation, and other design elements. The site plan should be sensitive to the architecture and scale of the surrounding neighborhood.

   (2) The influence of the site design on the surrounding neighborhood, including relationship of the site plan with existing structures, streets, traffic flow and adjacent open spaces, shall be considered.

   (3) The site design should cluster units on the most developable and least visually sensitive portion of the site.

f. The Development Plan incorporates the site's significant natural features.

g. There shall be special development objectives and special characteristics of the site or physical conditions that justify the granting of the PUD CUP.

h. The development will be completed within a reasonable time.

i. Public services, facilities and utilities are adequate to serve the proposed project and anticipated development within the appropriate service areas.

j. The project complies with all applicable ordinances, rules, and regulations of the City, except as modified or waived pursuant to this section.

C. Design Review

1. Preapplication Design Review

a. Purpose

The purpose of Preapplication Design Review is to allow the Planning and Zoning Commission to exchange ideas and give preliminary direction to the applicant on a project's design concept, based on the application of this Code's standards.

b. Applicability

(1) Preapplication Design Review is required for:

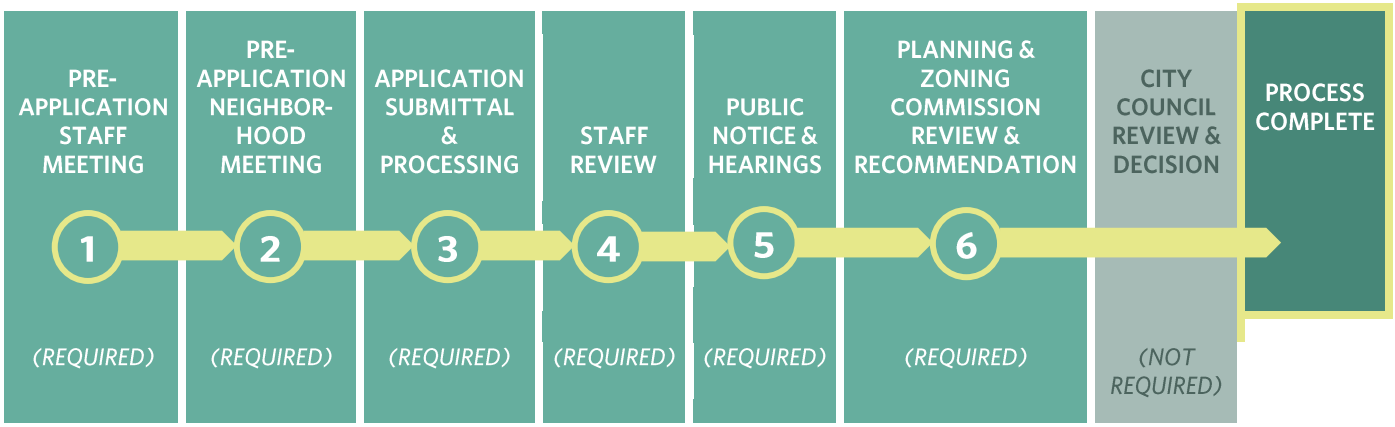
(A) Any new non-residential or multi-family residential development with four or more stories; and

(B) Any new development on a lot or lots totaling 11,000 square feet or more.

(2) Applicants of projects not meeting the above thresholds may request a Preapplication Design Review at their discretion.

(3) The Administrator may waive the requirement for Preapplication Design Review if the project is found to have no significant impact.

c. Procedure



(1) Preapplication Staff Meeting

A preapplication staff meeting shall be held pursuant to §16.07.020.A.

(2) Preapplication Neighborhood Meeting

A preapplication neighborhood meeting is required pursuant to §16.07.020.B.

(3) Application Submittal and Processing

The application shall be submitted and accepted, and may be revised or withdrawn, pursuant to the common review procedures in §16.07.020.C. In addition:

(A) Application Requirements

Applicants shall submit the following:

i. A project narrative describing the approach and concept of the project and how the project meets the applicable Design Review criteria.

ii. A conceptual site plan showing proposed on and off-site improvements. Site plan shall include conceptual landscaping and public amenities. Detailed plant list not required.

iii. Elevations and floor plans for all facades and all levels shall be provided. Elevations shall depict materiality, however, colored renderings not required.

iv. Materials and colors sample board shall be provided for all facades. Photos of materials, representative imagery, and other digital representation of concept is acceptable. Specifications of materials and colors are not required.

v. A minimum of two perspectives, one from a street view and one from bird's eye view, showing the massing of the proposed project within the context of the surrounding neighborhood. Adjacent properties and structures must be included. Full color renderings or photo-realistic perspectives are not required.

(B) Mountain Overlay District

For projects within the Mountain Overlay district:

i. In addition the application requirements listed above, the applicant shall provide topography of sufficient detail to represent slope of land, significant rock outcrops, cuts and fills required and similar features; elevations of proposed building pads and public streets providing access, private access drives; preliminary utility extension plans, drainage plans and driveway plans; and description of proposed drilling or blasting, if any.

ii. On-site information may be required by the Planning and Zoning Commission. On-site information shall be placed a minimum of seven days and shall include stakes marking boundaries of buildings, centerlines of access drives or other elements of the proposal and poles illustrating proposed heights of structures.

(4) Review and Action: Public Hearing Approvals

The application shall be reviewed pursuant to the common review procedures for applications requiring a public hearing in §16.07.020.E. In addition:

(A) Decision

A formal decision will not be rendered by the Planning and Zoning Commission. The Commission shall review and provide feedback based upon the review criteria in §16.07.030.C.1.d.

(B) Vested Property Right

If a Preapplication Design Review is required and has been completed pursuant to this section, a vested property right shall be created. The voluntary request for a Preapplication Design Review does not create a vested property right.

(C) Design Review Application Required

Projects that have conducted a Preapplication Design Review meeting with the Planning and Zoning Commission, as required or voluntary, must file a complete Design Review Permit application and pay all required fees within 180 calendar days of the last review meeting on the preapplication with the Commission; otherwise, the preapplication review will become null and void.

d. Review Criteria

In reviewing and providing feedback on a Preapplication Design Review application, the Planning and Zoning Commission shall consider the review criteria for Design Review in §16.07.030.C.2.d, any issues identified in the staff report, and any other items the Commission deems relevant to the proposed project.

2. Design Review

a. Purpose

The purpose of Design Review is to:

(1) Maintain and enhance appearance, character, beauty, and function of the city;

(2) Ensure that new development is complementary to the design of existing neighborhoods; and

(3) Protect and enhance the City's economic base.

b. Applicability

Design Review is required pursuant to §16.04.080.B.

c. Procedure

(1) Preapplication Staff Meeting

A preapplication staff meeting shall be held pursuant to §16.07.020.A for Design Review applications that require a public hearing.

(2) Preapplication Neighborhood Meeting

A preapplication neighborhood meeting is required pursuant to §16.07.020.B for Design Review applications that require a public hearing.

(3) Application Submittal and Processing

The application shall be submitted and accepted, and may be revised or withdrawn, pursuant to the common review procedures in §16.07.020.C. In addition:

(A) Preapplication Design Review

If required by §16.07.030.C.1.b, *Applicability,* a Preapplication Design Review shall be completed prior to submitting an application for Design Review.

(B) Application Requirements

All Design Review plans and drawings for nonresidential projects, multi-family dwelling units of four units or more, and public and semipublic projects shall be prepared by an Idaho licensed architect or an Idaho licensed engineer. Applicants shall submit the following:

i. An application form including project name, location, applicant, owner, project representatives, and contact information.

ii. One PDF electronic set of the complete application containing all requirements as listed below, plans appropriately scaled, shall be submitted. Electronic record of the materials and color sample board may be satisfied with photos. One hard copy set of scalable plans showing at a minimum the following:

iii. Vicinity map, to scale, showing the project location in relationship to neighboring buildings and the surrounding area. A vicinity map must show location of adjacent buildings and structures.

iv. Drainage plan (grading, catch basins, piping, and dry wells).

v. Utilities plan (location and size of water and sewer mains and services, gas, electric, TV and phone).

vi. Site plan, to scale, showing proposed parking (including parking stall dimensions), loading, general circulation, and snow storage. List square footage of subject property including lot dimensions.

vii. Landscape plan (existing landscaping on the site shown and adjacent right-of-way as retained, relocated or removed; proposed landscaping including species type, size and quantity).

viii. Floor plan. List gross and net square footage for each floor. List occupancy classification and type of construction.

ix. Detailed elevations of all sides of the proposed building and other exterior elements (colors, materials).

x. Exterior lighting plan, pursuant to §16.04.090, *Dark Skies* showing location, height, type, and lumen output; spec sheets for fixtures; illuminance levels/photometrics for area lighting.

xi. One 11-inch by 17-inch materials and colors sample board showing all exterior materials used on the facade of the structure.

xii. For projects requiring Preapplication Design Review, a model or computer simulation renderings, as described in §16.07.030.C.1.c(3)(A)v shall be required.

xiii. For new multi-tenant buildings, a master signage plan shall be submitted.

xiv. Application fee.

xv. The Administrator may waive some submittal requirements if it is determined the information is not relevant to the Design Review.

xvi. Other information as required by the Administrator or the Planning and Zoning Commission.

(C) Mountain Overlay District

For projects within the Mountain Overlay District:

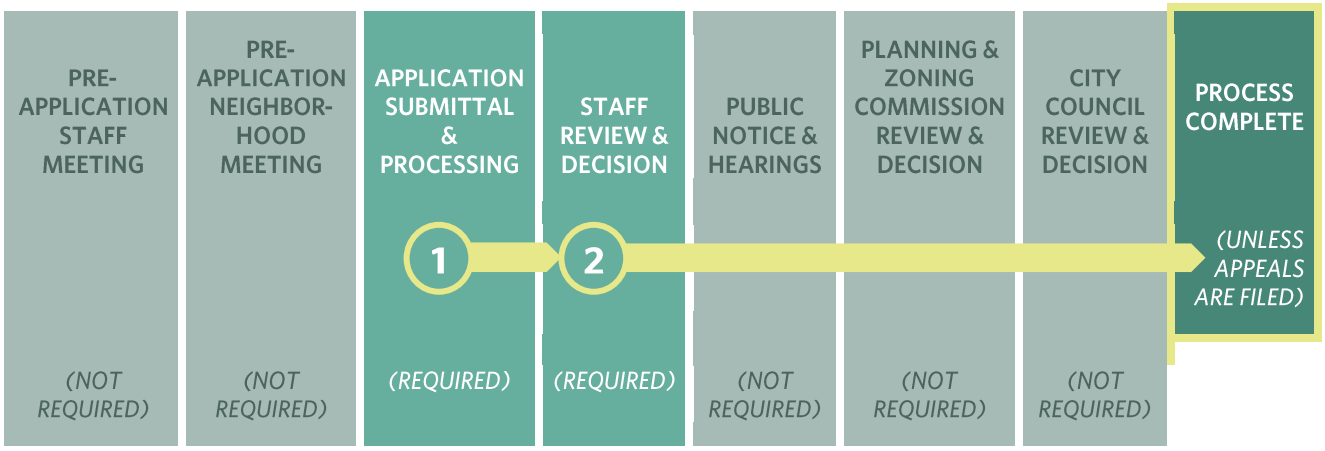
i. In addition to the application requirements listed above, the applicant shall submit topography of sufficient detail to represent slope of land, significant rock outcrops, cuts and fills required and similar features; elevations of proposed building pads and public streets providing access, private access drives; preliminary utility extension plans, drainage plans and driveway plans; and description of proposed drilling or blasting, if any.

ii. On-site information may be required by the Planning and Zoning Commission. On-site information shall be placed a minimum of seven days and shall include stakes marking boundaries of buildings, centerlines of access drives or other elements of the proposal and poles illustrating proposed heights of structures.

(D) Process Determination

Following submittal of all required materials, the Administrator shall review all Design Review requests and determine whether a project is exempt, approved by the Administrator, or by the Planning and Zoning Commission pursuant to §16.04.080.B.

(4) Review and Action: Administrative Approvals

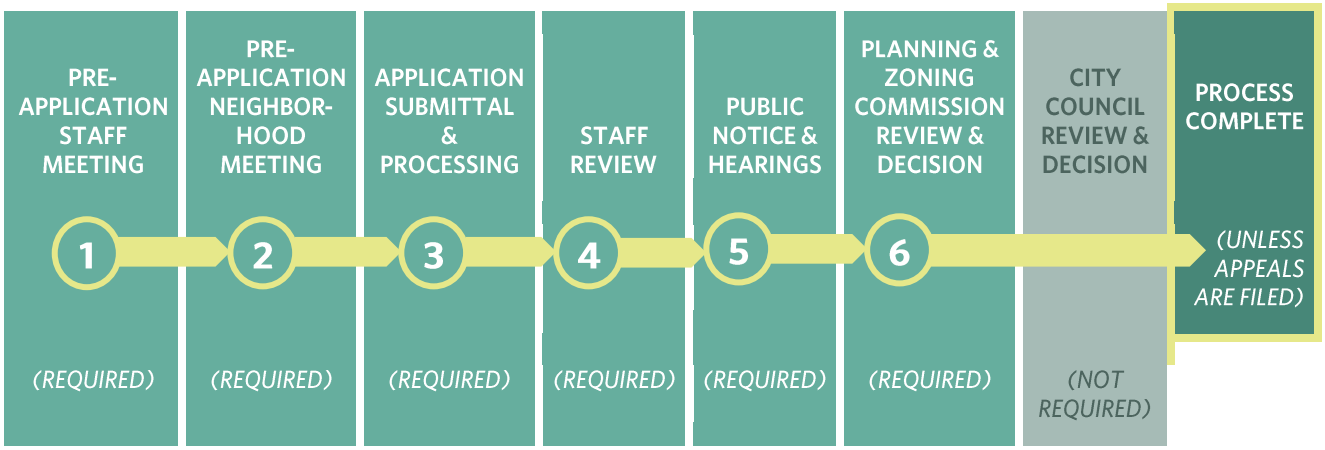


The Administrator is authorized to approve items identified in §16.04.080.B.2, *Administrative Design Review.* The application shall be reviewed pursuant to the common review procedures for applications subject to administrative decision in §16.07.020.D. In addition:

(A) Security

At the discretion of the Administrator, the applicant may, in lieu of actual construction of any required or approved improvement, provide to the City a security agreement pursuant to §16.07.020.E.8, *Performance Bonds and Security Agreements.*

(5) Review and Action: Public Hearing Approvals



The Planning and Zoning Commission shall review all applications as described in §16.04.080.B.1, *Design Review*. The City Council shall approve all permanent encroachments within the City-owned right-of-way associated with a development project and any application that includes a building greater than 48 feet in height or that contains a fourth or fifth floor in the CC districts. The application shall be reviewed pursuant to the common review procedures for applications requiring a public hearing in §16.07.020.E. In addition:

(A) Security

At the discretion of the Administrator, the applicant may, in lieu of actual construction of any required or approved improvement, provide to the City a security agreement pursuant to §16.07.020.E.8, *Performance Bonds and Security Agreements.*

(6) Expiration of Approval

(A) The term of Design Review approval shall be 12 months from the date that findings of fact, conclusions of law, and decision are adopted by the Commission; or, upon Appeal, the date the approval is granted by the City Council.

(B) A complete application with all fees paid shall be made for a Building Permit with the Planning and Building Department during the 12-month term.

(C) Unless an extension is granted as set forth below, failure to file a complete Building Permit application for a project pursuant to these provisions shall cause the approval to be null and void.

(7) Extension of Approval

(A) Prior to the expiration of the approval, the applicant may submit a written request for an extension of the approval. No extensions shall be granted for an expired Design Review approval.

(B) For Design Review approvals pertaining to public use buildings, the Administrator may, upon written request by the applicant, grant a maximum of two 12-month extensions to an unexpired Design Review approval.

(C) For Design Review approvals pertaining to all other buildings, the City may, upon written request by the applicant, grant a maximum of two 12-month extension. The first 12-month extension shall be reviewed by the Administrator. The second 12-month extension shall be reviewed by the Planning and Zoning Commission at a public hearing. Whether or not an extension is warranted shall be based on the following considerations:

i. Whether there have been significant amendments to ordinances that will apply to the subject Design Review approval;

ii. Whether significant land use changes have occurred in the project vicinity that would adversely impact the project or be adversely impacted by the project;

iii. Whether hazardous situations have developed or have been discovered in the project area; or

iv. Whether community facilities and services required for the project are now inadequate.

(D) If any of the foregoing considerations are found to exist with regard to the project for which an extension is sought, an extension will not be granted and the City shall issue this decision in writing; otherwise the City shall approve such an extension.

d. Review Criteria

In reviewing a Design Review application, the Administrator or Planning and Zoning Commission shall determine the following before approval is given:

(1) The project does not jeopardize the health, safety, or welfare of the public.

(2) The project generally conforms with the design-related goals, policies, and objectives of the adopted comprehensive plan.

(3) The project conforms to all applicable standards and criteria as set forth in this section, and any other standards in this Code including §16.04.080, *Design Review*, and where applicable, §16.02.060.D, *MO: Mountain Overlay District*.

D. Dig Permit

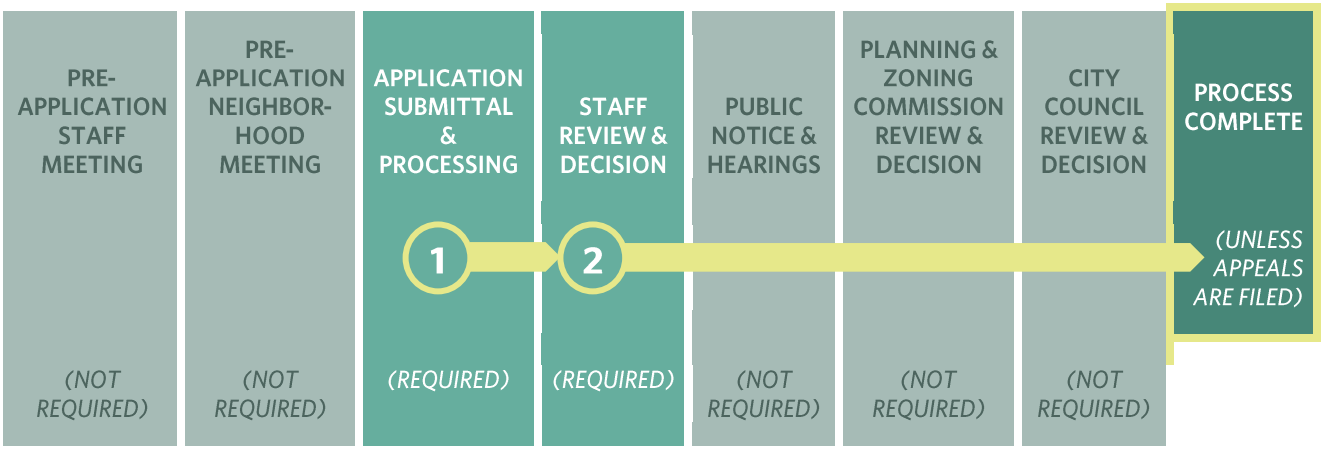
1. Purpose

The purpose of a Dig Permit is to ensure compliance with the excavation and improvement standards established in §16.04.030.

2. Applicability

A Dig Permit is required to dig in, excavate, trench, or otherwise disturb the surface or subsurface of any portion of the right-of-way, alley, or City utility easement.

3. Procedure



a. Application Submittal and Processing

The application shall be submitted and accepted, and may be revised or withdrawn, pursuant to §16.07.020.C. In addition:

(1) Filing Period

An application for a permit shall be filed with the Administrator not less than five working days before the date on which the person intends to do work in, on, or under a City street, alley, sidewalk, or other public right-of-way. The Administrator, where good cause is shown, shall have the authority to approve any application on file within the period established in this section. Larger projects may require public notice and may extend the five-day filing period.

(2) Prohibited Period

(A) No permit shall be issued for work to be performed during the period of September 15 of each year to May 1 of the following year to dig or excavate or trench in the public right-of-way within city limits. The purpose of this prohibition is:

i. To allow for sufficient time for asphalt repairs to be made to streets or alleys that have existing pavement prior to the onset of inclement weather; and

ii. To guarantee that no digging takes place in any City street or alley, paved or unpaved, during times of frozen or potentially frozen ground conditions.

(B) No permit shall be issued for work to be performed within the "red zone" as shown on the Ketchum Zoning Map from July 1 to September 15 of each year. The purpose of this prohibition is to minimize the impacts of construction to the public.

(C) The Administrator may grant an exception in writing to the above prohibitions when project and weather conditions warrant an exception, or if the applicant uses microtrenching or similar method to minimize asphalt repairs, or can demonstrate extraordinary circumstances. Exceptions granted may require full lean concrete backfill from the bedding material to the base material, in addition to other restoration requirements deemed necessary by the Administrator under the circumstances.

b. Review and Action: Administrative Approvals

The application shall be reviewed pursuant to the common review procedures for applications subject to administrative decision in §16.07.020.D. In addition:

(1) Further Recommendation by City Council

In the event that the Administrator seeks further recommendation on a specific right-of-way project, the Administrator, upon their discretion, may take the application to City Council for further discussion prior to making a final decision on approval. Such decision shall be reviewed pursuant to §16.07.020.E.

(2) Conditions of Approval

Prior to any street or right-of-way excavation or improvement, the permittee and contractor are responsible for being aware of the following conditions and are held responsible for ensuring all following conditions shall be met:

(A) Prior to any excavation, the contractor shall be responsible for contacting the Streets and Facilities Department to notify that the work is being performed on the right-of-way or City utility easement. In addition, the contractor must contact all utility companies that have existing utility lines within the project site or use a subcontractor to locate utilities within the project site.

(B) The contractor or permittee must establish a bond pursuant to §16.07.020.E.8, *Performance Bonds and Security Agreements*.

(C) In the event the permittee does not repair the City right-of-way, the City may complete any paving required to complete the restoration work necessitated by the excavation of the permittee. The permittee will be held responsible for the costs of such repairs. The City may pursue recovery of such costs through any legally available means.

(D) The permittee shall comply with any other conditions as the Administrator shall find necessary in the enforcement of this section.

(3) Damage and Restoration

(A) Any person who damages or causes damage to any street or alley within the city shall be required to notify the Administrator of such damage and shall be required to repair such damage at no expense to the City pursuant to the conditions for such repairs as set forth by the Administrator.

(B) Should any person fail to repair such damage pursuant to the provisions above, then the City shall repair the same, and the cost shall be borne by such person.

(C) The amount of such repairs borne by the City shall constitute a debt owed by such person to the City. Should such person fail or refuse to pay for or make arrangements in writing with the City to pay for the repairs within 60 days after completion and submission to such person of an itemized bill for the costs of such repairs including costs of materials, labor and equipment used, the City shall commence appropriate legal action to recover the same.

(4) Expiration of Approval

A Dig Permit shall expire 60 days after the date of issuance, unless otherwise specified in the Dig Permit.

(5) Revocation of Approval

The City may stop the work at any time that it is being done beyond the scope of the description of work as found in the application filed with the City, or at any time that the work is progressing or being done in such a way as to be injurious to, or potentially injurious to, the health, safety, and welfare of the people of the City. The Administrator may revoke a permit when the permittee fails to comply with the standards for issuance, including any conditions established by the Administrator at the time of issuance.

c. Review Criteria

In reviewing a Dig Permit application, the Administrator or City Council shall find that:

(1) The use of the public right-of-way by the applicant is necessary and in the public interest.

(2) Traffic conditions at the proposed location and/or winter road conditions, at the discretion of the Administrator, do not require rejection of a permit application.

(3) The improvement or construction work in the right-of-way follows all other regulations and standards set forth by this Code and complies with the Comprehensive Plan.

(4) There are not negative impacts on law enforcement, Streets and Facilities Department operations, utility service operations, safety services, pedestrians, and other users.

(5) There are not significant reductions in parking spaces due to the right-of-way improvement or construction.

(6) All work done in the right-of-way complies with ADA and MUTCD regulations.

(7) The applicant has not previously had a permit revoked.

(8) If the application had previously been issued a permit, all conditions of the permit have been satisfied.

E. Right-of-Way Encroachment Permit

1. Purpose

The purpose of a Right-of-Way Encroachment Permit is to protect and maintain public space by regulating the placement of building equipment, building material, commercial objects, or structures on or in any public right-of-way.

2. Applicability

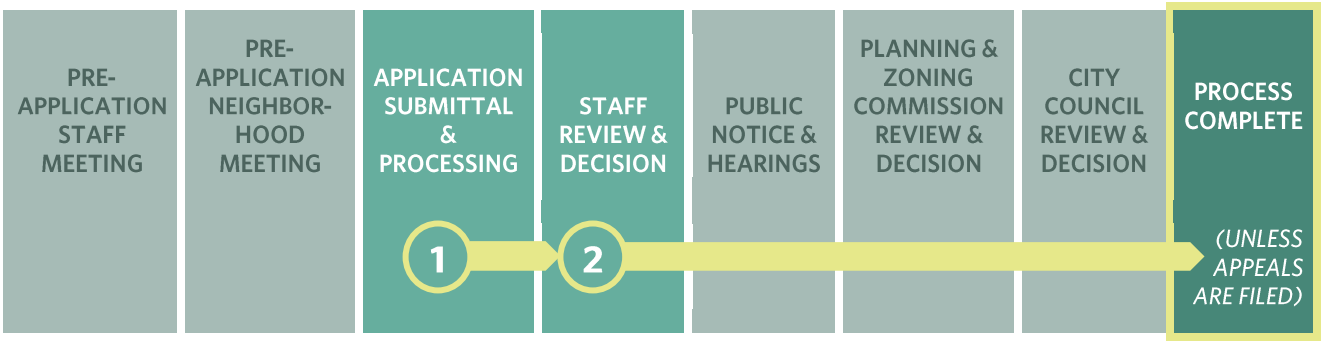
a. A Right-of-Way Encroachment Permit is required for:

(1) Any permanent encroachment of the public right-of-way, where a permanent fixture to the ground or a building will occur; and

(2) Any permanent or seasonal encroachment on the public right-of-way where the encroachment is not permanently affixed to the ground or a building.

b. In most cases a right-of-way encroachment agreement between the City and property owner will be required.

3. Procedure



(NOT REQUIRED)	(NOT REQUIRED)	(REQUIRED)	(REQUIRED)	(NOT REQUIRED)	(NOT REQUIRED)	(NOT REQUIRED)

a. Application Submittal and Processing

The application shall be submitted and accepted, and may be revised or withdrawn, pursuant to §16.07.020.C. In addition, the application shall be filed and approved prior to any commencement of work.

b. Review and Action: Administrative Approvals

The application shall be reviewed pursuant to the common review procedures for applications subject to administrative decision in §16.07.020.D. In addition:

(1) Further Recommendation by City Council

In the event that the Administrator seeks further recommendation on a specific right-of-way project, the Administrator, upon their discretion, may take the application to City Council for further discussion prior to making a final decision on approval. Such decision shall be reviewed pursuant to §16.07.020.E.

(2) Conditions of Approval

(A) Each permit shall be valid for the time period approved by the Administrator.

(B) The permittee shall return all surfaces of the public right-of-way to the same or better condition than existed prior to permittee's use.

(C) The permittee shall be responsible for maintaining and repairing the public right-of-way in any way necessary to keep the right-of-way safe and clean.

(D) If there is change of ownership of the property attached to the encroachment, the permit is terminated. The exception to this is when a right-of-way encroachment agreement has been recorded with the property.

(E) If the permit expires or the City terminates the permit for any reason, the permittee shall remove any encroachments from the right-of-way and restore the property to a satisfactory condition at their own expense.

(F) The permittee shall comply with any other conditions as the Administrator shall find necessary in the enforcement of this section.

(3) Expiration of Approval

If no work has begun, a Right-of-Way Encroachment Permit shall expire 3 months from the date of issuance, unless otherwise specified in the Right-of-Way Encroachment Permit.

(4) Revocation of Approval

(A) The City may stop an encroachment at any time that there is an alteration in use or that it is being done beyond the scope of the description of encroachment as found in the application filed with the City, or at any time that the work is progressing or being done in such a way as to be injurious to,

or potentially injurious to, the health, safety and welfare of the people of the City.

(B) The Administrator may revoke a permit when the permittee fails to comply with the standards for issuance, including any conditions established by the Administrator at the time of issuance.

c. Review Criteria

In reviewing the Right-of-Way Encroachment Permit, the Administrator shall find that:

(1) The use of the public right-of-way by the applicant is necessary and in the public interest.

(2) Traffic and/or pedestrian conditions at a proposed location and/or winter road conditions may, in the discretion of the Administrator, require rejection of a permit application.

(3) The permittee has submitted a completed application for a permit and payment of all required fees.

(4) Encroachment into the right-of-way follows all regulations and standards set forth by this Code and complies with the Comprehensive Plan.

(5) There are not negative impacts on law enforcement, streets division operations, utility service operations, safety services, pedestrians, and other users. Pedestrian clearance zone must meet or exceed four feet clearance width.

(6) There are not significant reductions in parking spaces due to the right-of-way encroachment.

(7) All encroachments in the right-of-way comply with ADA regulations.

(8) The applicant has not previously had a permit revoked.

(9) If the applicant has previously been issued a permit, all conditions of the permit have been satisfied.

F. Temporary Use of Right-of-Way Permit

1. Purpose

The purpose of a Temporary Use of Right-of-Way Permit is to protect and maintain the public right-of-way while allowing for temporary items to encroach into the right-of-way such as building equipment, building material, or commercial objects.

2. Applicability

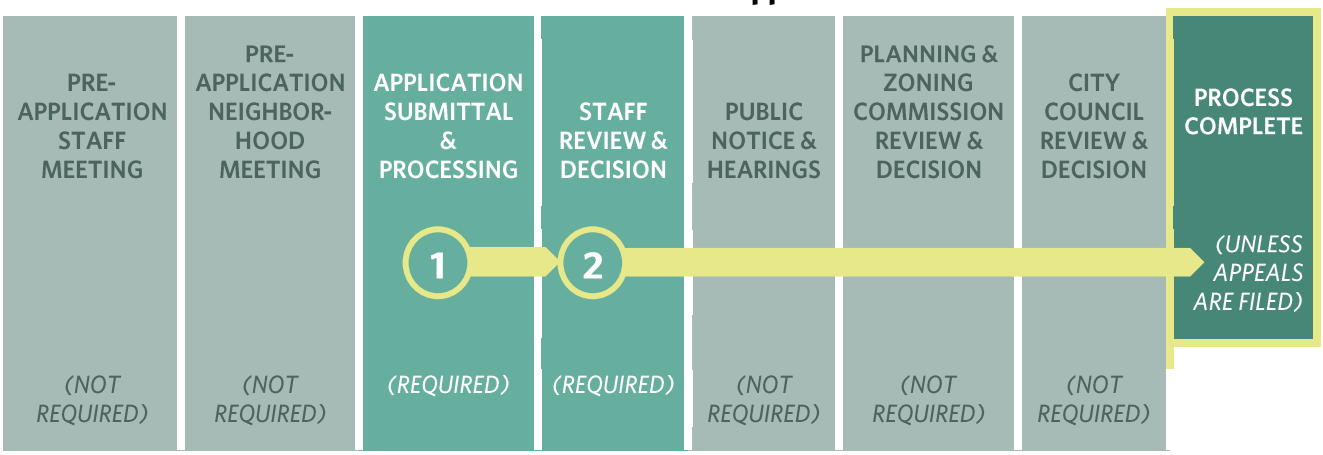
A Temporary Use of Right-of-Way Permit is required for any temporary occupancy or storage that encroaches on the public right-of-way and where there is no permanent fixture to the ground or a building.

3. Procedure

a. Application Submittal and Processing

The application shall be submitted and accepted, and may be revised or withdrawn, pursuant to §16.07.020.C. In addition, the application shall be filed and approved prior to any commencement of work.

b. Review and Action: Administrative Approvals



The application shall be reviewed pursuant to the common review procedures for applications subject to administrative decision in §16.07.020.D. In addition:

(1) Conditions of Approval

(A) Each permit shall be valid for the time period approved by the Administrator.

(B) The permittee shall return all surfaces of the public right-of-way to the same or better condition than existed prior to permittee's use.

(C) The permittee shall be responsible for maintaining and repairing the public right-of-way in any way necessary to keep the right-of-way safe and clean.

(D) If there is change of ownership of the property attached to the encroachment, the permit is terminated. The exception to this is when a right-of-way encroachment agreement has been recorded with the property.

(E) If the permit expires or the City terminates the permit for any reason, the permittee shall remove any encroachments from the right-of-way and restore the property to a satisfactory condition at their own expense.

(F) The permittee shall comply with any other conditions as the Administrator shall find necessary in the enforcement of this section.

(2) Expiration of Approval

A Temporary Use of Right-of-Way Permit shall expire as specified in the approval of the permit.

(3) Revocation of Approval

(A) The City may stop an encroachment at any time that there is an alteration in use or that it is being done beyond the scope of the description of encroachment as found in the application filed with the City, or at any time that the work is progressing or being done in such a way as to be injurious to, or potentially injurious to, the health, safety, and welfare of the people of the City.

(B) The Administrator may revoke a permit when the permittee fails to comply with the standards for issuance, including any conditions established by the Administrator at the time of issuance.

c. Review Criteria

In reviewing the Temporary Use of Right-of-Way Permit, the Administrator shall find that:

(1) The use of the public right-of-way by the applicant is necessary and in the public interest.

(2) Traffic and/or pedestrian conditions at a proposed location and/or winter road conditions may, in the discretion of the Administrator, require rejection of a permit application.

(3) The permittee has submitted a completed application for a permit and payment of all required fees.

(4) Encroachment into the right-of-way follows all regulations and standards set forth by this Code and complies with the Comprehensive Plan.

(5) There are not negative impacts on law enforcement, streets division operations, utility service operations, safety services, pedestrians, and other users. Pedestrian clearance zone must meet or exceed four feet clearance width.

(6) There are not significant reductions in parking spaces due to the right-of-way encroachment.

(7) All encroachments in the right-of-way comply with ADA regulations.

(8) The applicant has not previously had a permit revoked.

(9) If the applicant has previously been issued a permit, all conditions of the permit have been satisfied.

G. Variances

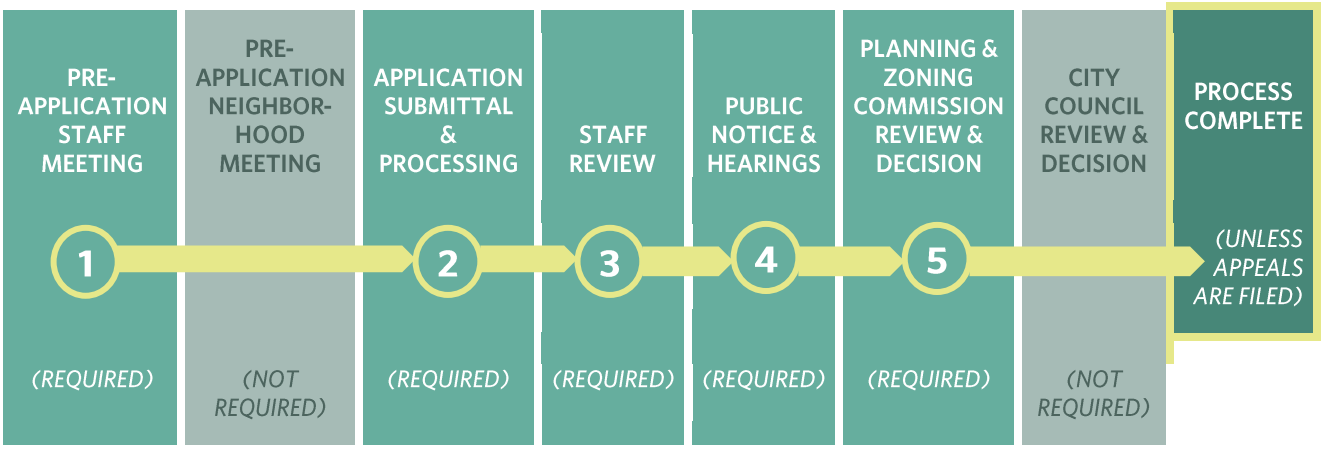
1. Purpose

The purpose of a Variance is to provide limited relief from the requirements of this Code where strict application of the Code would result in undue hardship preventing the use of land as otherwise allowed by the Code. A Variance shall not be considered a right or special privilege and is not intended to allow a use in a zoning district where it is not currently permitted, or to alleviate inconveniences or financial burdens imposed on landowners.

2. Applicability

A Variance is required for any property owner seeking relief from the strict application of requirements in this Code.

3. Procedure



a. Preapplication Staff Meeting

A preapplication staff meeting shall be held pursuant to §16.07.020.A.

b. Application Submittal and Processing

The application shall be submitted and accepted, and may be revised or withdrawn, pursuant to §16.07.020.C. In addition:

(1) An applicant may request a Subdivision Exception concurrently with an associated development application by submitting a request for a Subdivision Exception as part of the overall application package.

c. Review and Action: Public Hearing Approvals

The application shall be reviewed pursuant to the common review procedures for applications requiring a public hearing in §16.07.020.E. In addition:

(1) Review and Decision

The Planning and Zoning Commission shall review and approve, approve with conditions, or deny the application pursuant to §16.07.020.E.7 within 60 days of the public hearing.

(2) Effect of Approval

A Variance is not transferable from one parcel of land to another.

(3) Expiration of Approval

All Variances shall be issued and construction shall commence within six months from the date that such Variance is granted unless otherwise determined by the Commission; otherwise, the Variance shall no longer be considered valid.

4. Review Criteria

In reviewing a Variance, the Planning and Zoning Commission shall determine the application demonstrates all of the following:

a. The strict enforcement of the provisions of this Code creates an undue hardship to the property owner; however, economic feasibility shall not be considered an undue hardship;

b. The Variance is necessary because of the unique size, shape, topography, or location of the subject property;

c. The subject property is deprived, by provision of this Code, of rights and privileges enjoyed legally by other properties in the vicinity and under an identical zone;

d. The need for the Variance is not the result of actions of the applicant or property owner;

e. The Variance does not create health and safety hazards;

f. The Variance does not relieve an applicant from any of the procedural provisions of this Code;

g. The Variance does not relieve an applicant from any standard or provision that specifically states that no Variance from such standard or provision is permitted;

h. The Variance does not relieve an applicant from conditions established during prior permit review;

i. The Variance does not allow establishment of a use that is not otherwise permitted in the zoning district in which the subject property is located; and

j. The Variance is the minimum necessary to grant relief to the applicant.

H. Wireless Communications Facility Permit

1. Purpose

The purpose of a Wireless Communications Facility (WCF) permit is to facilitate the City's permitting process and ensure compliance with the City's WCF regulations in §16.03.030.E.2.

2. Applicability

a. A WCF permit is required prior to the installation of a new or modification of an existing WCF. This provision shall not apply to routine maintenance of a WCF or to the replacement of any portion of the WCF with identical equipment on a WCF in conformance with §16.03.030.E.2, *Wireless Communication Facility.* However,

construction involving the replacement of support structure apparatus, antennas or any exterior alteration shall comply with all the requirements of this section.

b. The Administrator shall be the granting authority for WCFs collocating on an existing structure or street poles. The City Council must approve an encroachment permit for the street pole-mounted WCFs. The Planning and Zoning Commission shall be the granting authority for all other WCFs and all Master Development Plans.

c. Emergency service WCFs may obtain an exception from the City Council in order to preserve the public health and safety. In order to receive an exception, the City Council must determine that the modifications cannot comply with this section without an extreme burden to Ketchum residents. The exception shall be noticed pursuant to the public hearing requirements identified in §16.07.020.E.6.

3. Procedure

a. Preapplication Staff Meeting

A preapplication staff meeting shall be held pursuant to §16.07.020.A. In addition:

(1) For any WCF permit application that requires Planning and Zoning Commission approval, a preapplication staff meeting shall be held with the Commission at a public meeting to discuss the proposed WCF in general terms, its compliance with the carrier's Master Development Plan and to clarify the filing requirements. The Commission shall meet with an applicant within 21 days following a written request submitted to the Administrator. If the Commission fails to meet with an applicant who has requested such a meeting within 21 days of such request and such meeting has not been postponed due to mutual agreement, the applicant may proceed with a WCF permit application without need for a preapplication staff meeting.

(2) The purpose of the meeting is to inform the Planning and Zoning Commission as to the preliminary nature of the proposed WCF and its relation to the Master Development Plan. As such, only the evidence of the inability to collocate is required. However, the applicant is encouraged to also submit sufficient preliminary architectural and/or engineering drawings to inform the Commission of the location of the proposed facility, as well as its scale and overall design.

b. Application Submittal and Processing

The application shall be submitted and accepted, and may be revised or withdrawn, pursuant to §16.07.020.C. In addition:

(1) Master Development Plan

(A) An approved Master Development Plan is required prior to the processing of any WCF permit application. The Administrator may waive the processing of a Master Development Plan if it can be demonstrated that a network of WCFs will not be required of the owner/operator of the proposed WCF.

(B) A Master Development Plan application shall include:

i. An application form that includes at a minimum:

(a) Name, address and telephone number of the applicant, any coapplicants as well as any agents for the applicant and coapplicants. The applicant or coapplicant shall be a licensed carrier.

(b) Name, address and telephone number of the licensed carrier.

(c) Original signatures for the applicant and all coapplicants applying for master development plan approval. If the applicant or coapplicant will be represented by an agent, the original signature authorizing the agent to represent the applicant and/or coapplicant.

(d) Application fee.

ii. A map encompassing the City and surrounding area within one mile drawn to scale of no less than one inch equals 500 feet, specifying the following:

(a) Location of proposed WCFs;

(b) Service area of each WCF;

(c) Street names of major streets and streets adjacent to identified WCF locations;

(d) All existing WCFs operated by the applicant and other carriers;

(e) Separation distance between proposed and existing WCFs measured in feet;

(f) Information demonstrating compliance with the standards of this section;

(g) Existing watercourses and natural features that restrict the placement of WCFs or the associated service areas; and

(h) North arrow, scale and legend.

(C) The Master Development Plan illustrates a carrier's expected network of WCFs within and adjacent to the City. It shall forecast five years in advance the approximate locations of future facilities and the area of service, but is not required to detail the specific type of facility (e.g., pole, roof, building attached). A Master Development Plan shall be submitted prior to the submittal of any WCF permit application by each company desiring placement of a WCF(s) within the city. The Master Development Plan shall be submitted and approved by the Planning and Zoning Commission prior to the processing of any WCF permit. Future amendments to each company's Master Development Plan shall be submitted and reviewed by the Commission prior to approval of additional facility locations.

(2) WCF Permit Application Materials

Applicants shall submit the following

(A) An application form that includes at a minimum:

i. Name, address and telephone number of the applicant, any coapplicants, as well as any agents for the applicant and coapplicants. The applicant or coapplicant shall be a licensed carrier.

ii. Name, address and telephone number of the property owner(s).

iii. Original signatures for the applicant and all coapplicants applying for a WCF permit. If the applicant or coapplicant will be represented by an agent the original signature authorizing the agent to represent the applicant and/or coapplicant.

iv. A complete legal description of the subject property.

v. Application fee.

(B) A site plan drawn to scale of no less than one inch equals 20 feet, specifying the following:

i. Location, type and height of the proposed WCF with setbacks;

ii. On site structures, land uses and zoning;

iii. Circulation. Adjacent roadways, ingress and egress from such roadways, parking and pedestrian circulation and access;

iv. Fences, signs, exterior lighting and storm drainage;

v. Property lines with dimensions, adjacent land uses, structures and zoning;

vi. Information demonstrating compliance with the standards of this section;

vii. Existing watercourses, utility lines, easements, deed restrictions and other built or natural features restricting the use of the subject property;

viii. North arrow, scale and legend; and

ix. The City, at its discretion, may waive any of the above site plan requirements for WCFs attached to existing structures.

(C) A written description of how the proposed WCF fits within the Master Development Plan.

(D) A landscape plan drawn to scale of no less than one inch equals 20 feet, specifying the following:

i. Existing and proposed landscaping indicating size, location and species of vegetation;

ii. Indication of existing vegetation to be removed or retained;

iii. Information demonstrating compliance with the screening standards of this section; and

iv. The landscape plan may be waived when the WCF is to be attached to a building and the equipment is located within the building.

(E) Elevation drawings or before and after photographs/drawings simulating and specifying the location and height of the antennas, support structures, equipment enclosure(s) and other accessory uses, fences and signs.

(F) Elevations of proposed aboveground equipment enclosures in compliance with the requirements of the Design Review procedure set forth in §16.07.030.C.

(G) A map indicating the service area of the facility.

(H) A map indicating locations and service areas of other WCF sites operated by the applicant and sites of other providers' facilities in the City and within one mile of the City's corporate limits.

(I) Four copies of all plans and one 11-inch by 17-inch paper reduction of each plan.

(J) Photo simulations of the proposed WCF from affected residential properties and public rights-of-way at varying distances.

(K) Evidence as specified in §16.03.030.E.2.b(3), *Collocation Requirement*.

(L) Written documentation demonstrating a good faith effort in locating facilities in accordance with §16.03.030.E.2.b(2), *Siting and Facility Type Priorities*.

(M) A description of the support structure or building upon which the WCF is proposed to be located, and the technical reasons for the design and configuration of the WCF.

(N) Signed and notarized statement by the applicant indicating:

i. The proposed tower shall accommodate collocation of additional antennas, and the applicant shall enter into leases with other providers on such tower;

ii. Certification that the antenna usage shall not interfere with other adjacent or neighboring transmission or reception functions;

iii. The applicant agrees to remove the WCF and equipment within 90 days after the site's use is discontinued; and

iv. The tower shall comply with all EIA standards and applicable federal and state laws and regulations and the City ordinances including FAA regulations.

(O) A lease agreement with the landholder that:

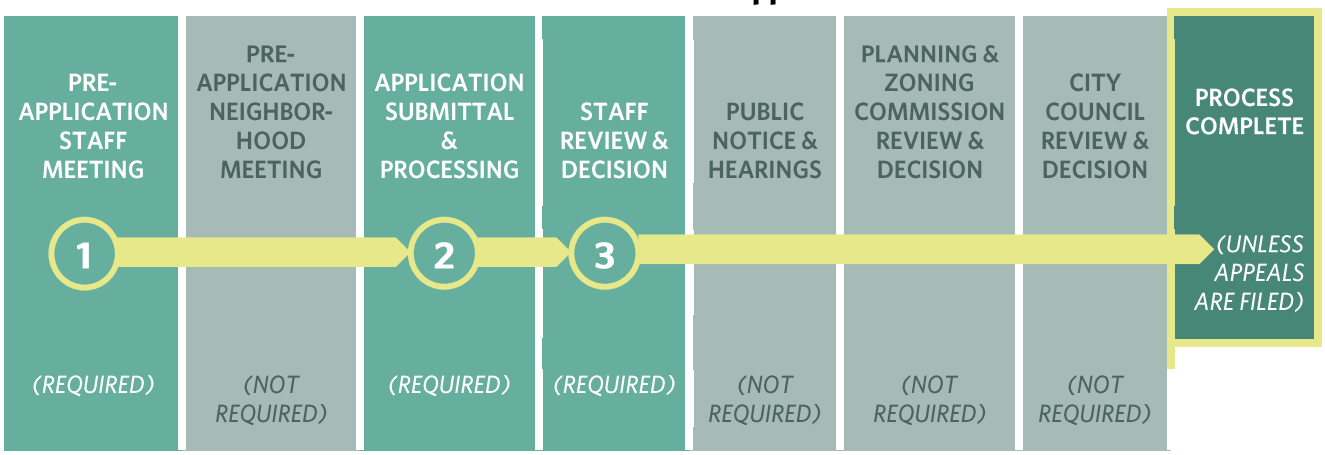
i. Allows the landholder to enter into leases with other providers; and

ii. Specifies that if the provider fails to remove the WCF and equipment within 90 days of its discontinued use, the responsibility for removal belongs to the landholder.

(P) The applicant shall demonstrate that it is licensed with the FCC.

(Q) A completed Right-of-Way Encroachment Permit application if the WCF is to be located within a public right-of-way.

c. Review and Action: Administrative Approvals



The application shall be reviewed pursuant to the common review procedures for applications subject to administrative decision in §16.07.020.D. In addition:

(1) Expiration of Approval

(A) Construction or activation of a WCF shall commence within 90 days of approval of the WCF permit or the permit shall be null and void.

(B) At such time that a licensed carrier plans to abandon or discontinue operation of a WCF, such carrier shall notify the City by certified U.S. Mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than 30 days prior to abandonment or discontinuation of operations. In the event that a licensed carrier fails to give such notice, the WCF shall be considered abandoned upon such discontinuation of operations.

(C) Upon abandonment or discontinuation of use, the carrier shall physically remove the WCF within 90 days from the date of abandonment or discontinuation of use. "Physically remove" shall include, but not be limited to:

i. Removal of antennas, support structures, equipment enclosures and security barriers from the subject property;

ii. Proper disposal of the waste materials from the site pursuant to local and state solid waste disposal regulations;

iii. Restoring the location of the WCF to its natural condition; except, any landscaping and grading shall remain in the after condition. Minor modification for integration with other landscaping or site design will be permitted and approved by staff.

(D) If a carrier fails to remove a WCF pursuant to this section, the City may cause the facility to be removed, and all expenses of removal shall be paid by the owner of the land where the facility is located.

(E) In the event that more than one provider is using the WCF, the WCF shall not be considered abandoned until all such users cease using the structure as provided in this section.

(2) Extension of Approval

A 90-day extension may be granted by the approving body due to weather conditions or other extenuating circumstances beyond the control of the applicant as accepted by the approval body. Requests and approvals of extensions shall be made in writing.

(3) Revocation of Approval

(A) Reasons for Revocation

An approved permit may be revoked for the following reasons:

i. Construction and/or maintenance operation of a WCF at an unauthorized location;

ii. Construction or operation of a WCF in violation of any of the terms and conditions of this section or the conditions attached to the permit;

iii. Misrepresentation or lack of candor by or on behalf of an applicant, permittee or wireless communication provider in any application or written or oral statement upon which the City substantially relies in making the decision to grant, review or amend any permit pursuant to this chapter;

iv. Abandonment of the WCF as set forth in §16.07.030.H.3.c(1) above; or

v. Failure to promptly cure a violation of the terms or conditions of the permit.

(B) Notice

In the event the City believes that grounds exist for revocation of a permit, the permittee shall be given written notice, by certified mail, of the apparent violation or noncompliance, providing a short and concise statement of the nature and general facts of the violation or noncompliance, and providing the permittee a reasonable period of time, not exceeding 30 calendar days, to furnish evidence:

i. That corrective action has remedied the violation or noncompliance;

ii. That rebuts the alleged violation or noncompliance; and/or

iii. That it would be in the public interest to impose some penalty or sanction less than revocation.

(C) Hearing

In the event that a permittee fails to provide evidence reasonably satisfactory to the City as provided in §16.07.030.H.3.c(3)(B) above, the City shall refer the apparent violation or noncompliance to the Planning and Zoning Commission.

i. The Commission shall provide the permittee notice and reasonable opportunity to be heard concerning the matter, and a public hearing shall be conducted.

ii. The Commission shall issue a written decision revoking the WCF permit or imposing such lesser sanctions as may be deemed appropriate under the circumstances.

iii. In making its decision, the Commission shall consider the following:

(a) Whether the misconduct was egregious;

(b) Whether substantial harm resulted;

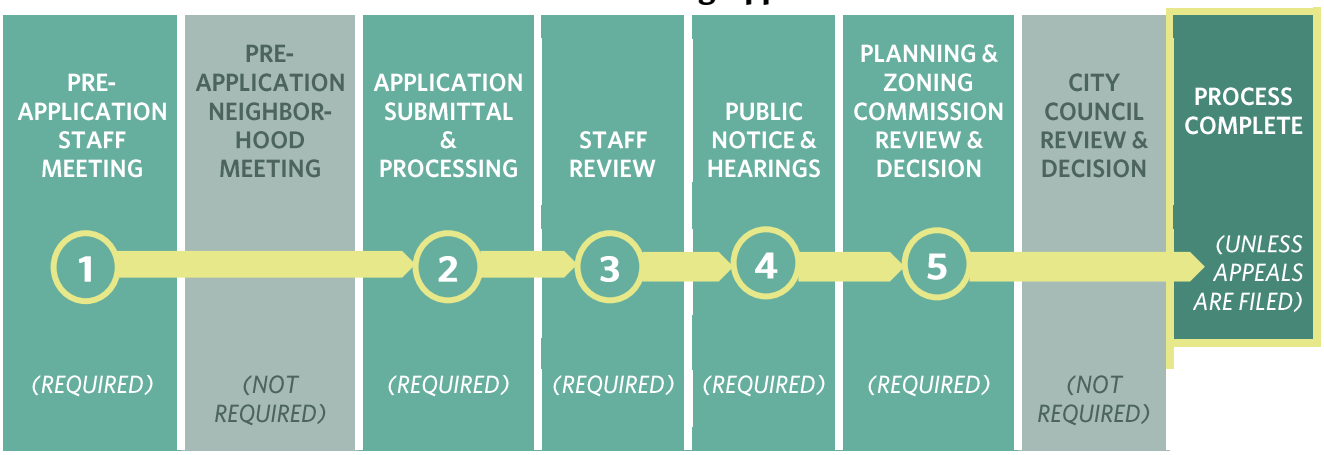
(c) Whether the violation was intentional;

(d) Whether there is a history of prior violations of the same or other requirements;

(e) Whether there is a history of overall compliance; and

(f) Whether the violation was voluntarily disclosed, admitted, or cured.

d. Review and Action: Public Hearing Approvals



(1) All applications shall be reviewed pursuant to the common review procedures for applications requiring a public hearing in §16.07.020.E, with the same modifications listed for administrative approvals above. In addition, for street light mounted WCFs, a Right-of-Way Encroachment Permit shall be submitted with the WCF application to be reviewed by the City Council following WCF approval by the Planning and Zoning Commission.

e. Review Criteria

In reviewing a wireless communication facility permit application, the decision-making body shall determine whether the application complies with the standards in §16.03.030.E.2, *Wireless Communication Facility*.

16.07.040. Signs

A. Master Signage Plan

1. Purpose

The purpose of a Master Signage Plan is to provide a mechanism to verify that the entirety of a development, including individual tenants, is compliant with Chapter 16.05, *Signs*. Additionally, Master Signage Plans provide for enhanced aesthetic quality and unified presentation of signage throughout a development site.

2. Applicability

a. A Master Signage Plan shall be required for:

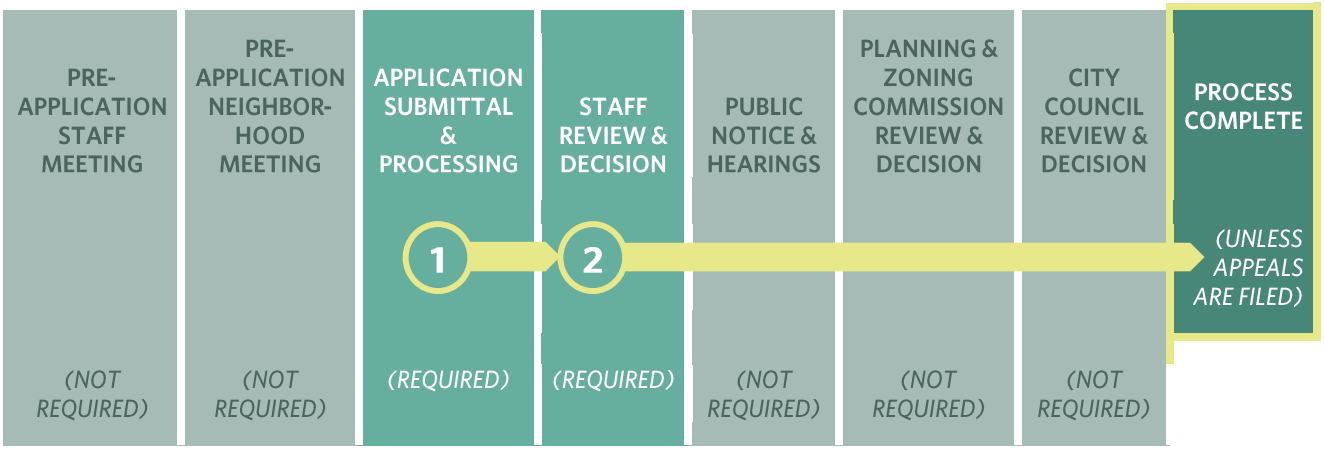
(1) Any new construction for all hotels, commercial, industrial, multi-family residential and mixed use projects; and

(2) Existing multi-tenant buildings (two or more businesses or residences) and institutional and other commercial buildings when any tenant applies for new signage, except when new signage remains consistent with existing signage for the building.

b. A new business in a multi-tenant building must comply with a previously approved sign plan, unless a new sign plan for all tenants is submitted and approved.

c. Master Signage Plans for existing buildings shall be considered and decided by the Administrator pursuant to this section. All other Master Signage Plans shall be reviewed and decided by the Planning and Zoning Commission pursuant to the Design Review procedure in §16.07.030.C.

3. Procedure



a. Application Submittal and Processing

The application shall be submitted and accepted, and may be revised or withdrawn, pursuant to §16.07.020.C. Master Sign Plan applications shall be submitted concurrently with the Design Review application for the subject property.

b. Review and Action

(1) An application for a new or amended Master Signage Plan for an existing building(s) shall be reviewed pursuant to the common review procedures for applications subject to administrative decision in §16.07.020.D.

(2) An application for any other Master Signage Plan shall be reviewed through the Design Review procedure in §16.07.030.C.

c. Individual Tenant Sign Permits Required

Following approval of a Master Signage Plan, separate Sign Permits shall be required for all new signs prior to installation following the procedure in §16.07.030.B.

4. Review Criteria

In reviewing a Master Signage Plan, the Administrator or Planning and Zoning Commission shall determine that all proposed signs in the development comply with Chapter 16.05, *Signs* and the Design Review standards in §.16.04.080.

B. Sign Permit

1. Purpose

The purpose of a Sign Permit is to ensure compliance with Chapter 16.05, *Signs*.

2. Applicability

a. A Sign Permit is required pursuant to Chapter 16.05, *Signs*.

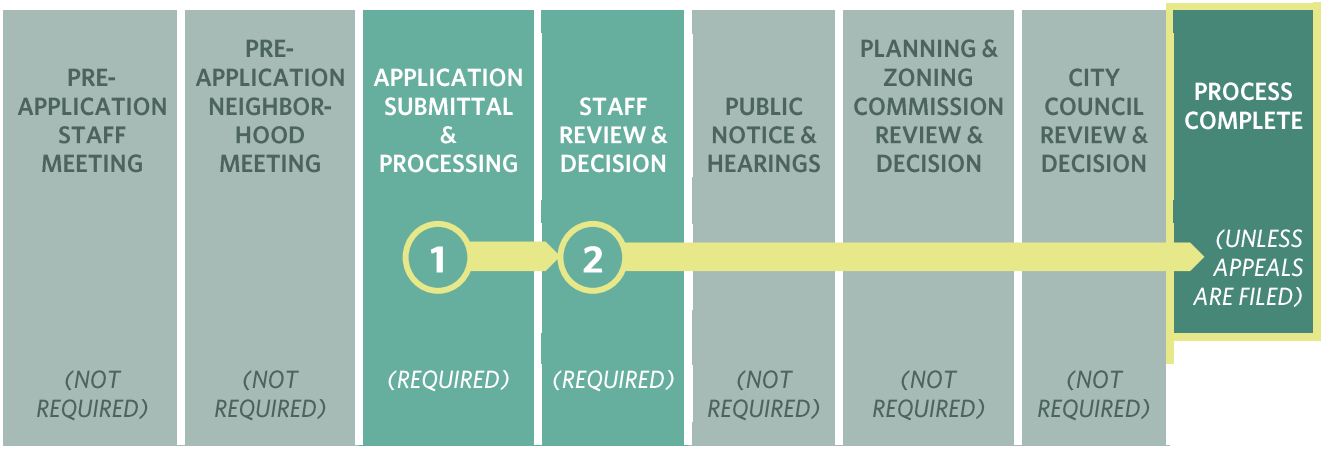
b. If the application includes a historic sign replica or landmark sign as defined in this Code, the Historic Preservation Commission shall be the decision-making body.

3. Procedure

a. Application Submittal and Processing

The application shall be submitted and accepted, and may be revised or withdrawn, pursuant to §16.07.020.C.

b. Review and Action: Administrative Approvals



The application shall be reviewed pursuant to the common review procedures for applications subject to administrative decision in §16.07.020.D. In addition:

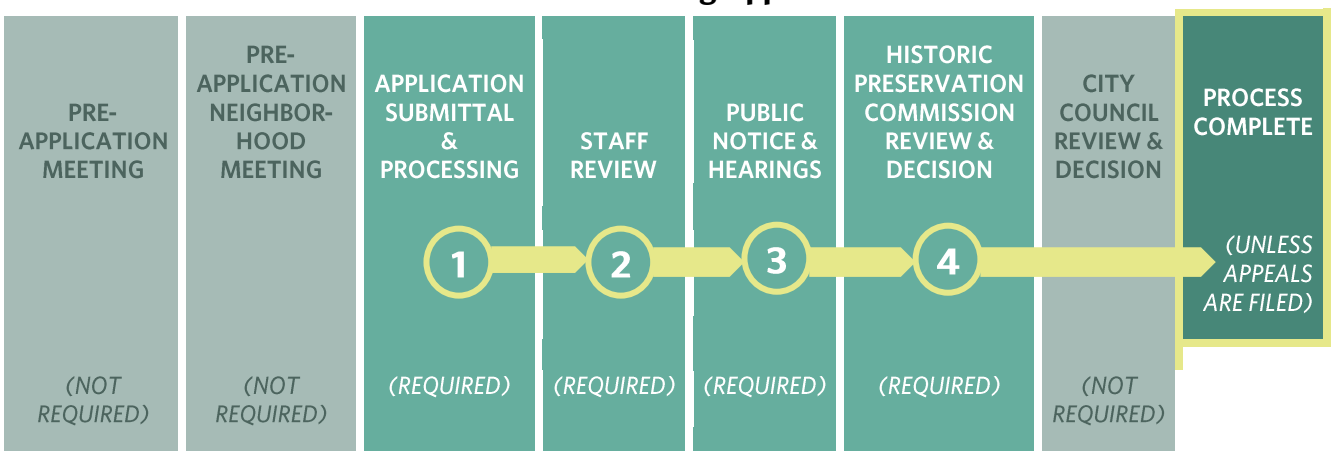
(1) Expiration of Approval

The sign authorized by a Sign Permit shall be completed and erected within six months of the date of issuance.

(2) Extension of Approval

One extension of up to six months may be authorized by the Administrator. The applicant shall submit the request for extension in writing to the Administrator and include justification for the request. The Administrator shall make a written determination regarding their decision to approve or deny the extension. Both the request and the determination shall be made part of the Sign Permit record.

c. Review and Action: Public Hearing Approvals



The application shall be reviewed pursuant to the common review procedures for applications requiring a public hearing in §16.07.020.E, with the same modifications listed for administrative approvals above.

4. Review Criteria

In reviewing a Sign Permit application, the Administrator or Historic Preservation shall determine:

a. Whether the application complies with the standards in Chapter 16.05, *Signs;*

b. Whether the application complies with any applicable Master Sign Plan; and

c. If the application includes a historic sign replica or landmark sign, the sign is significant to the history, culture, or appearance of Ketchum.

16.07.050. Floodplain

A. Purpose of all Floodplain Procedures

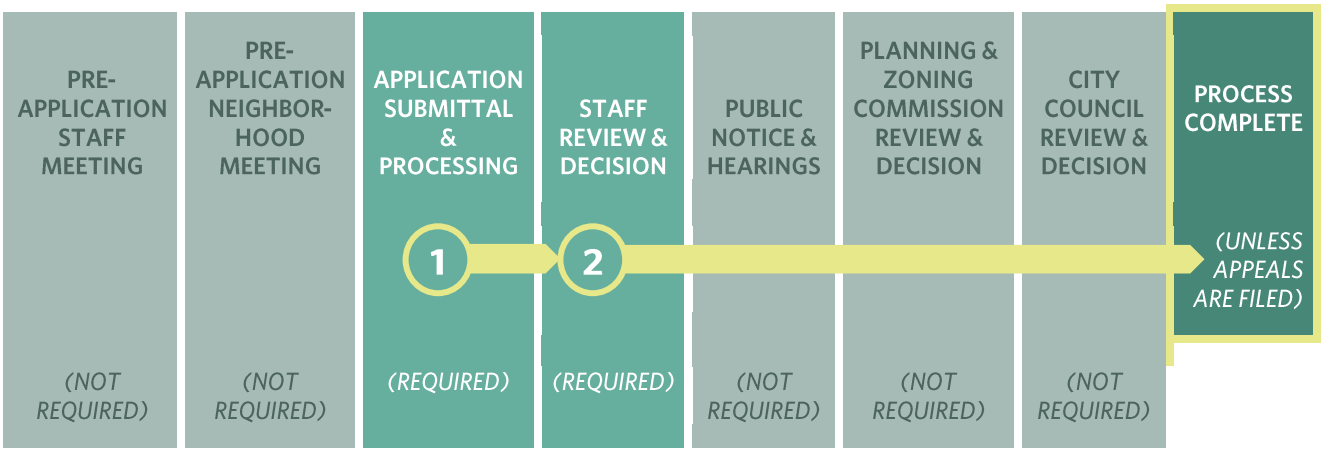
The purpose of the floodplain procedures in this section is to minimize public and private losses due to flood conditions in specific areas and to provide a mechanism to ensure compliance with this Code by providing a thorough permitting and inspection process for all floodplain development activities.

B. Emergency Riparian Alteration

1. Applicability

An emergency Riparian Alteration Permit is required for emergency work within a riparian zone. An emergency shall be defined as set forth in §16.02.060.A.3.a.

2. Procedure



a. Application Submittal and Processing

The application shall be submitted and accepted, and may be revised or withdrawn, pursuant to §16.07.020.C. In addition:

(1) Applicants shall submit the following:

(A) Description of the emergency impact to public health, safety or welfare;

(B) Name of proposed contractor or executor of work;

(C) Description of proposed work;

(D) Nonrefundable application fee in the amount as set by the City Council; and

(E) Where applicable, a waiver from the Idaho Department of Water Resources as specified under Idaho Code section 42-3808, and the stream channel alteration rules of the Idaho Water Resource Board.

(2) Upon submittal of the application, the applicant shall contact the Floodplain Administrator to arrange for a site inspection. The Floodplain Administrator may consult a qualified engineer or professional regarding the proposed emergency work.

b. Review and Action: Administrative Approvals

The application shall be reviewed pursuant to the common review procedures for applications subject to administrative decision in §16.07.020.D. In addition:

(1) Site Inspection

Upon receipt and review of a completed application, a site inspection shall be performed by the Floodplain Administrator. Written findings of fact and conclusions of law granting or denying the application will be prepared for City records and the applicant upon the conclusion of the site inspection and within five working days from the date of the decision.

(2) Conditions of Approval

Conditions that may be required for the granting of a permit include, but are not limited to, the following:

(A) The Administrator may require the applicant to post financial security pursuant to §16.07.020.E.8, *Performance Bonds and Security Agreements*, and enter into an agreement with the City, to mitigate possible impacts of the proposed work.

(B) The proposed action shall be conducted so as to minimize the impact on riparian vegetation and soil stability.

(C) If an emergency permit is granted, the applicant shall apply for a Riparian Alteration Permit under §16.07.050.E within six months from the date of the issuance of the emergency permit.

(D) If a Riparian Alteration Permit under §16.07.050.E and all other applicable state and federal agency permits are granted, the applicant shall then complete restoration of the affected property to City and state standards by either March 31 of the year following the issuance of the emergency permit or by another date specified by approval authority.

(E) Copies of the approved emergency permit shall be posted on site throughout the duration of the work.

c. Review Criteria

In reviewing an emergency Riparian Alteration Permit application, the Floodplain Administrator shall determine the proposed emergency work:

(1) Is not contrary to the public health, safety, or welfare; and

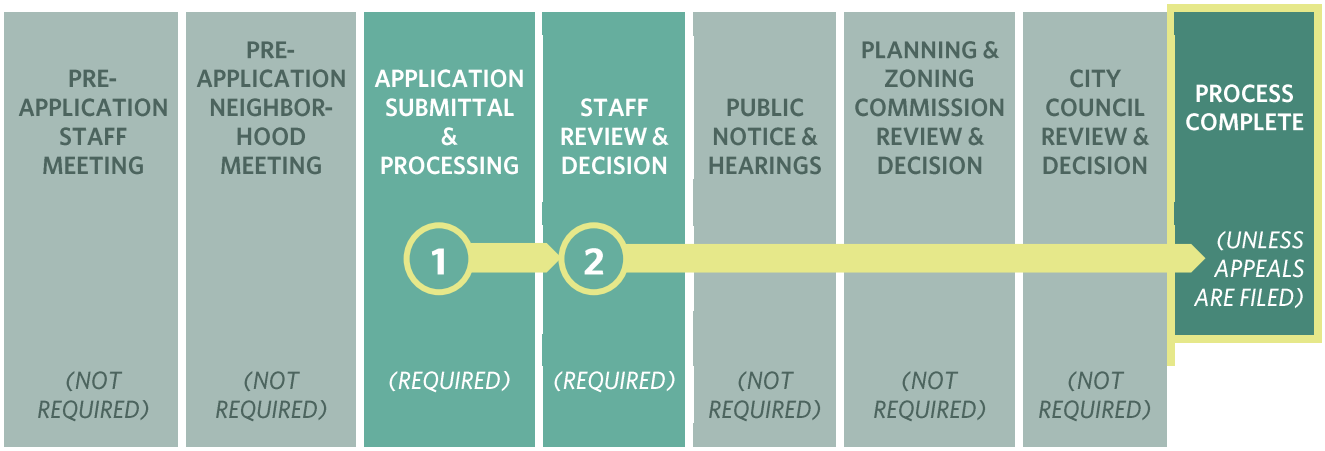
(2) Is consistent with the adopted City policies regarding riparian areas and river systems.

C. Emergency Stream Bank Stabilization

1. Applicability

An Emergency Stream Bank Stabilization Permit is required for emergency work within a stream bank. An "emergency" is defined in §16.02.060.A.3.a.

2. Procedure



a. Application Submittal and Processing

The application shall be submitted and accepted, and may be revised or withdrawn, pursuant to §16.07.020.C. In addition:

(1) Applicants shall submit the following:

(A) Description of the emergency impact to public health, safety or welfare;

(B) Name of proposed contractor or executor of work;

(C) Description of proposed work;

(D) Nonrefundable application fee in the amount as set by the City Council; and

(E) Where applicable, a waiver from the Idaho Department of Water Resources as specified under Idaho Code section 42-3808, and the stream channel alteration rules of the Idaho Water Resource Board.

(2) Upon submittal of the application, the applicant shall contact the Floodplain Administrator to arrange for a site inspection. The Floodplain Administrator may consult a qualified engineer or professional regarding the proposed emergency work.

b. Review and Action: Administrative Approvals

The application shall be reviewed pursuant to the common review procedures for applications subject to administrative decision in §16.07.020.D. In addition:

(1) Site Inspection

Upon receipt and review of a completed application, a site inspection shall be performed by the Floodplain Administrator. Written findings of fact and conclusions of law granting or denying the application will be prepared for City records and the applicant upon the conclusion of the site inspection and within five working days from the date of the decision.

(2) Conditions of Approval

Conditions that may be required for the granting of a permit include, but are not limited to, the following:

(A) The Floodplain Administrator may require the applicant to post financial security pursuant to §16.07.020.E.8, *Performance Bonds and Security Agreements*, and enter into an agreement with the City, to mitigate possible impacts of the proposed bank stabilization work.

(B) The proposed work for the emergency stream bank stabilization work shall be conducted so as to minimize the impact on riparian vegetation and soil stability.

(C) If an Emergency Stream Bank Stabilization Permit is granted, the applicant shall apply for a Floodplain Development Permit under §16.07.050.D within six months from the date of the issuance of the Emergency Stream Bank Stabilization Permit.

(D) If a Floodplain Development Permit under §16.07.050.D and all other applicable state and federal agency permits are granted, the applicant shall then complete restoration of the affected property to City and state standards by either March 31 of the year following the issuance of the Emergency Stream Bank Stabilization Permit or by another date specified by the Floodplain Administrator or other governmental agency.

(E) Copies of the approved Emergency Stream Bank Stabilization Permit shall be posted on site throughout the duration of the stabilization work.

c. Review Criteria

In reviewing an emergency Riparian Alteration Permit application, the Floodplain Administrator shall determine the proposed emergency work:

(1) Is not contrary to the public health, safety, or welfare; and

(2) Is consistent with the adopted City policies regarding riparian areas and river systems.

D. Floodplain Development Permit

1. Applicability

a. A Floodplain Development Permit is required if development will occur in the SFHA.

b. Consistent with Idaho Code sections 46-1021 and 46-1022, operation, cleaning, maintenance or repair of any ditch, canal, lateral, drain, diversion structure or other irrigation or drainage works, as defined within this guidance document, do not constitute development under Idaho law and therefore do not require either a GIFD permit or an individual permit. The below list of activities delineates some activities that do not require a permit. The list is not exhaustive. The Floodplain Administrator must exercise their professional judgement when reviewing activities to determine if an activity requires a permit. When in doubt, the Floodplain Administrator should seek consultation from the IDWR floodplain coordinator to determine permit necessity.

(1) General farming, pasture, horticultural activities, and forestry that do not involve earthwork that permanently alters the topography or any clearing/grubbing of an area.

(2) Grading of existing roads or easements along or near channels and within the SFHA, provided that the grading does not add fill within the regulatory floodway or SFHA.

(3) Maintenance of underground utilities (work must not permanently alter topography).

(4) In-kind replacement of existing piers or posts supporting a conforming deck.

(5) Activities associated with land-surface construction stormwater best management practices ("BMP"), provided the measures are temporary in nature (i.e. not in place for longer than 180 days) or do not increase the BFE. Examples of stormwater BMP activities that do not require a permit include the following: dust control; materials and equipment covers; mulching; geotextile fabrics; matting; bio-filter bags; fiber rolls; silt fences; vegetative buffer strips; temporary swales; and temporary berms.

(6) New installation or maintenance of non-solid fences constructed parallel to the flow of water during a flood event. Non-parallel or solid fences that block the flow will need to go through the individual permitting process.

(7) Activities that fall under the scope of a Riparian Alteration Permit as described in §16.07.050.E.

(8) When development proposed within the riparian zone, that also contains SFHA or floodway, consists only of removing four or fewer hazard trees and/or minor alteration of riparian vegetation, a full Floodplain Development Permit is not required; a Riparian Alteration Permit is required. The removal of four or more trees is considered a major riparian alteration.

(9) When development is proposed in a riparian zone that is located or overlaps with the Floodplain Overlay district a Floodplain Development Permit shall be required and all riparian zone regulations shall be evaluated and are applicable.

(10) If the Floodplain Administrator, in their sole discretion, determines that a project cannot be approved administratively, the Planning and Zoning Commission shall consider and approve, approve with conditions, or deny applications for Floodplain Development Permits. Criteria for sending applications to the Commission includes, but is not limited to:

(A) Encroachments proposed within the floodway;

(B) Stream alteration projects containing riprap;

(C) Stream alteration projects including gravel extraction; and

(D) Stream alteration projects involving multiple separate parcels of land.

2. Procedure

a. Preapplication Staff Meeting

A preapplication staff meeting shall be held pursuant to §16.07.020.A.

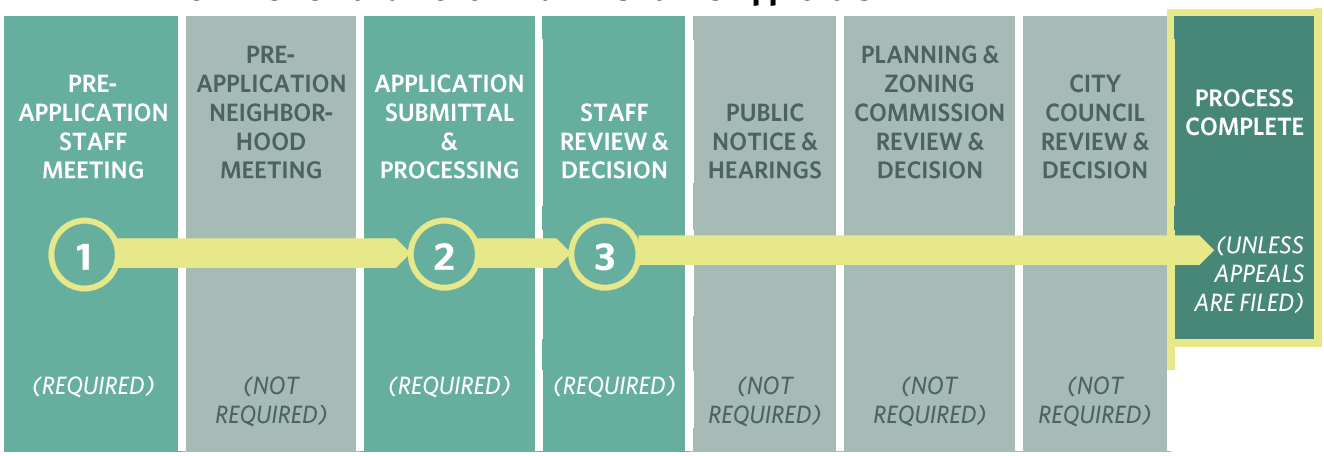
b. Application Submittal and Processing

The application shall be submitted and accepted, and may be revised or withdrawn, pursuant to §16.07.020.C. In addition:

(1) Applications may be made simultaneous with development applications (such as Conditional Use Permits, lot line shifts, and Preliminary Plats) where applicable, and prior to application for a Building Permit.

(2) Grading and drainage plans submitted with an application shall be prepared by a licensed civil engineer.

c. Review and Action: Administrative Approvals



The application shall be reviewed pursuant to the common review procedures for applications subject to administrative decision in §16.07.020.D. In addition:

(1) Affidavit Required

Prior to issuance of any Floodplain Development Permit, the property owner or their authorized agent shall acknowledge by executed written affidavit that the property is located within the one percent annual chance floodplain (SFHA) as defined herein and that a violation of the terms of this section shall cause the City to seek legal remedies.

(2) Public Notice

(A) The Floodplain Administrator shall provide mailed notice of an application pursuant to §16.07.020.E.6.c(3) The alternate forms of notice shall be per Idaho Code 67-6512 in effect at the time of notice.

(3) Conditions of Approval

Conditions of approval may include, but not be limited to:

(A) Riparian vegetation and other landscaping is maintained in perpetuity as shown on approved plans.

(B) An as-built certification, with supporting documentation such as an as built survey of the project area and channel cross sections produced by a surveyor or engineer licensed in Idaho demonstrating that the project was constructed pursuant to the approved plans, shall be required to be submitted prior to occupancy of structure or upon completion of the proposed work.

(C) Restoration of damaged riparian vegetation within riparian zone shall be required prior to completion of the proposed project. A bond to assure such

restoration may be required prior to commencement of such work pursuant to §16.07.020.E.8, *Performance Bonds and Security Agreements*.

(D) Maintenance and monitoring plan for projects including stream alteration and riparian zone alterations.

(E) Bond or surety guarantee for work occurring on City-owned parcels.

(4) Expiration of Approval

The term of a Floodplain Development Permit shall be 12 months from the date that findings of fact, conclusions of law and decision are signed by the Administrator or Planning and Zoning Commission, or upon Appeal, the date the findings of fact, conclusions of law, and decision are signed by the appellate body. Application must be made and all applicable fees paid for a Building Permit or Grading Permit with the Planning and Building Department during the 12-month term. Once a Building Permit or Grading Permit has been issued, the approval shall be valid for the duration of the Building Permit or Grading Permit. Unless an extension is granted as set forth below, failure to file a complete Building Permit application (if required) for a project pursuant to these provisions shall cause the approval to be null and void.

(5) Extension of Approval

(A) The City may, upon written request by the applicant prior to expiration of the Floodplain Development Permit approval, grant a maximum of two 12-month extensions. The first 12-month extension shall be reviewed by the Administrator. The second 12-month extension shall be reviewed by the Planning and Zoning Commission. Whether or not an extension is warranted shall be based on the following considerations:

i. Whether there have been significant amendments to the City's Comprehensive Plan, special studies, draft or interim floodplain maps, or ordinances that will apply to the subject approval;

ii. Whether significant land use changes have occurred in the project vicinity that would adversely impact the project or be adversely impacted by the project; a revised no adverse impact statement may be required prior to granting a permit extension;

iii. Whether hazardous situations have developed or have been discovered in the project area; or

iv. Whether community facilities and services required for the project are now inadequate.

(B) If any of the foregoing considerations are found to exist with regard to the project for which an extension is sought, an extension may be granted with conditions of approval to remedy any unmet requirements, or the City may choose not to grant an extension. Otherwise the City shall approve such an extension.

(C) The decision shall be issued in writing.

(D) No extensions shall be granted for an expired Floodplain Development Permit.

(6) Inspection Procedures

(A) For structures located wholly or partially in the regulatory floodplain:

i. A building under construction elevation certificate (FEMA Form 86-0-33) is required after the lowest floor is established.

(a) Within seven calendar days of establishment of the lowest floor elevation, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the lowest floor, in relation to mean sea level. Any work done within the seven day calendar period and prior to submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the certificate data submitted.

(b) Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project.

ii. A final as-built finished construction elevation certificate (FEMA Form 86-0-33) is required after construction is completed and prior to certificate of compliance/occupancy issuance.

iii. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the lowest floor and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to certificate of compliance/occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a certificate of compliance/occupancy.

iv. The finished construction elevation certificate certifier shall provide at least two photographs showing the front and rear of the building taken within 90 days from the date of certification. The photographs must be taken with views confirming the building description and diagram number provided in Section A. To the extent possible, these photographs should show the entire building including foundation. If the building has split-level or multi-level areas, provide at least two additional photographs showing side views of the building. In addition, when applicable, provide a photograph of the foundation showing a representative example of the flood openings or vents. All photographs must be in color and measure at least three inches by three inches. Digital photographs are acceptable.

(B) For riparian setback areas:

i. Development associated with a Building Permit. Prior to final Building Permit inspection and issuance of a Certificate of Occupancy, planning staff shall conduct a site inspection to verify that the project was

constructed per the approved plans and that all conditions of approval have been satisfied.

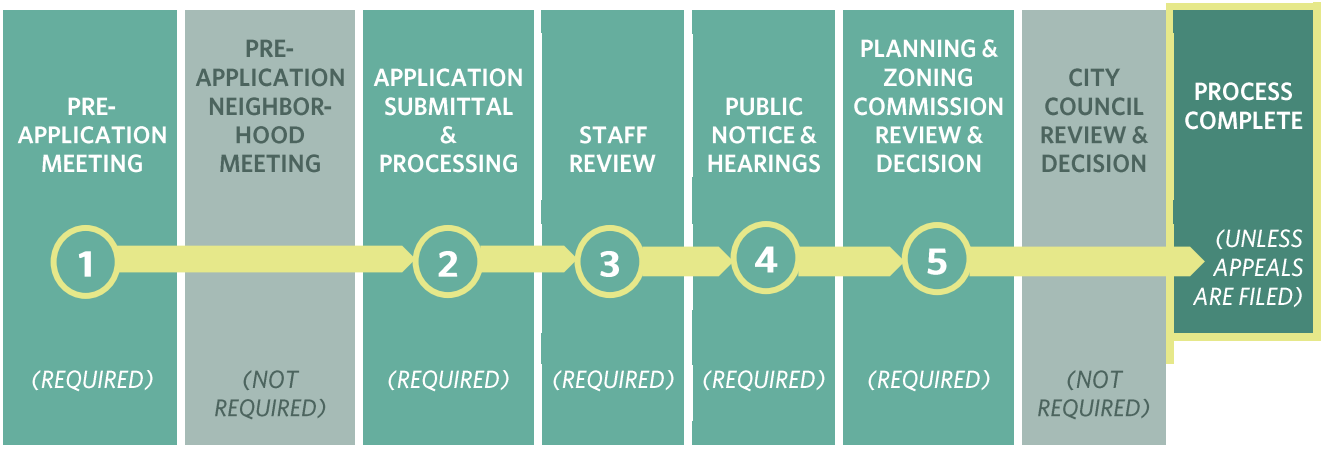
ii. Development not associated with a Building Permit. Planning staff shall conduct a site inspection to verify that the project was constructed in general conformance with the approved plans and that all conditions of approval have been satisfied. The site visit shall be documented with a written memo to the application file

(7) Special Requirements for Building Permits

(A) For any building in the floodplain with an area below the lowest floor that is below the base flood elevation and has a ceiling height of five feet or greater, the building owner shall sign a non-conversion agreement, that shall run with the property, promising not to improve, finish or otherwise convert the area below the lowest floor to living area and granting the City the right to inspect the enclosed area at its discretion. Such agreement shall be recorded at Blaine County's Recorder's Office.

(B) Prior to issuance of any Building Permit for a structure located partially or wholly within the one percent annual chance floodplain, a preconstruction elevation certificate shall be completed by a registered professional engineer, architect or surveyor and submitted to the Building Official.

d. Review and Action: Public Hearing Approvals



The application shall be reviewed pursuant to the common review procedures in §16.07.020.E, with the same modifications listed for administrative approvals above; however, public notice shall follow the standard notice requirements for public hearing approvals in 16.07.020.E.6.

3. Review Criteria

In reviewing a Floodplain Development Permit application, the Floodplain Administrator or Planning and Zoning Commission shall determine whether the application complies with the standards in §16.02.060.A, *FP: Floodplain Overlay District,* and the following:

a. All Applications

(1) The proposal preserves or restores the inherent natural characteristics of the river, floodplain, and riparian zone, including riparian vegetation and wildlife habitat. Development does not alter river channel unless all stream alteration criteria for evaluation are also met.

(2) No temporary construction activities, encroachment, or other disturbance into the 25-foot riparian zone, including encroachment of below grade structures, shall be permitted, with the exception of approved stream stabilization work and restoration work associated with a riparian zone that is degraded.

(3) No permanent development shall occur within the 25-foot riparian zone, with the exception of approved stream stabilization work and restoration work associated with permit issued under this section, or exceptions as described below:

(A) Access to a property where no other primary access is available;

(B) Emergency access required by the Fire Department;

(C) A single defined pathways or staircases for the purpose of providing access to the river channel and in order to mitigate multiple undefined social paths;

(D) Development by the City.

(4) New or replacement planting and vegetation in the riparian zone shall include plantings that are low growing and have dense root systems for the purpose of stabilizing stream banks and repairing damage previously done to riparian vegetation. Examples of such plantings most commonly include: red osier dogwood, common chokecherry, serviceberry, elderberry, river birch, skunk bush sumac, Beb's willow, Drummond's willow, little wild rose, gooseberry, and honeysuckle. However, in rare instances the distance from the top-of-bank to the mean high water mark is significant and the native vegetation appropriate for the riparian zone are low growing, drought resistant grasses and shrubs. Replacement planting and vegetation shall be appropriate for the specific site conditions. Proposal does not include vegetation within the 25-foot riparian zone that is degraded, not natural, or that does not promote bank stability.

(5) Landscaping and driveway plans to accommodate the function of the floodplain allow for sheet flooding. Surface drainage is controlled and shall not adversely impact adjacent properties including driveways drained away from paved roadways. Culvert(s) under driveways may be required. Landscaping berms shall be designed to not dam or otherwise obstruct floodwaters or divert same onto roads or other public pathways.

(6) Floodwater carrying capacity is not diminished by the proposal.

(7) Impacts of the development on aquatic life, recreation, or water quality upstream, downstream or across the stream are not negative.

(8) Building setback in excess of the minimum required along waterways is encouraged. An additional ten-foot building setback beyond the required 25-foot riparian zone is encouraged to provide for yards, decks, and patios outside the 25-foot riparian zone.

(9) The top of the lowest floor of a building located in, or partially within, the SFHA shall be at or above the flood protection elevation (FPE). A building is considered to be partially within the SFHA if any portion of the building or appendage of the building, such as footings, attached decks, posts for upper story decks, are located within the SFHA. See Figure 02-1: *Preferred Crawl Space Construction* and Figure 02-2: *Below Grade Crawl Space Construction* to reference construction details. See §16.08.020 for definition of "lowest floor."

(A) In the SFHA where base flood elevations (BFEs) have been determined, the FPE shall be 24 inches above the BFE for the subject property; 24 inches or two feet is the required freeboard in city limits, unless in the AO zone where the elevation requirements in §16.02.060.A.1.g(2)(B), *Residential Construction* and 16.02.060.A.1.g(2)(C), *Nonresidential Construction* apply.

(B) In the SFHA where no BFE has been established, the FPE shall be at least two feet above the highest adjacent grade.

(10) The backfill used around the foundation in the SFHA floodplain shall provide a reasonable transition to existing grade but shall not be used to fill the parcel to any greater extent.

(A) Compensatory storage shall be required for any fill placed within the floodplain. Compensatory storage does not include any fill used to raise buildings to meet the FPE or for the required grade away from the building.

(B) A CLOMR-F shall be obtained prior to placement of any additional fill in the floodplain.

(11) All new buildings located partially or wholly within the SFHA shall be constructed on foundations that are designed by a licensed professional engineer.

(12) Driveways shall comply with City street standards; access for emergency vehicles has been adequately provided for by limiting flood depths in all roadways to one foot or less during the one percent annual chance event.

(13) Landscaping or revegetation shall conceal cuts and fills required for driveways and other elements of the development.

b. Additional Criteria - Stream Alterations

(1) The proposal is shown to be a permanent solution and creates a stable situation.

(2) No increase to the one percent annual chance flood elevation at any location in the community, based on hydrologic and hydraulic analysis performed pursuant to standard engineering practice and has been certified and submitted with supporting calculations and a No Rise Certificate, by a registered Idaho engineer.

(3) The project has demonstrated no adverse impact or has demonstrated all impacts will be mitigated.

(4) The recreational use of the stream including access along any and all public pedestrian/fisher's easements and the aesthetic beauty shall not be obstructed or interfered with by the proposed work.

(5) Fish habitat shall be maintained or improved as a result of the work proposed.

(6) The proposed work shall not be in conflict with the local public interest, including, but not limited to, property values, fish and wildlife habitat, aquatic life, recreation and access to public lands and waters, aesthetic beauty of the stream and water quality.

(7) The work proposed is for the protection of the public health, safety, and/or welfare such as public schools, sewage treatment plant, water and sewer distribution lines and bridges providing particularly limited or sole access to areas of habitation.

c. Additional Criteria - Wetlands

Where development is proposed on a property with wetlands, the development must avoid impacts to the wetland areas. Mitigation strategies shall be proposed at time of application that replace the impacted wetland area with an equal amount and quality of new wetland area or riparian habitat improvement. Where impact cannot be avoided, the applicant must submit an alternatives analysis to demonstrate that the proposed design:

(1) Cannot avoid impact to wetlands; and

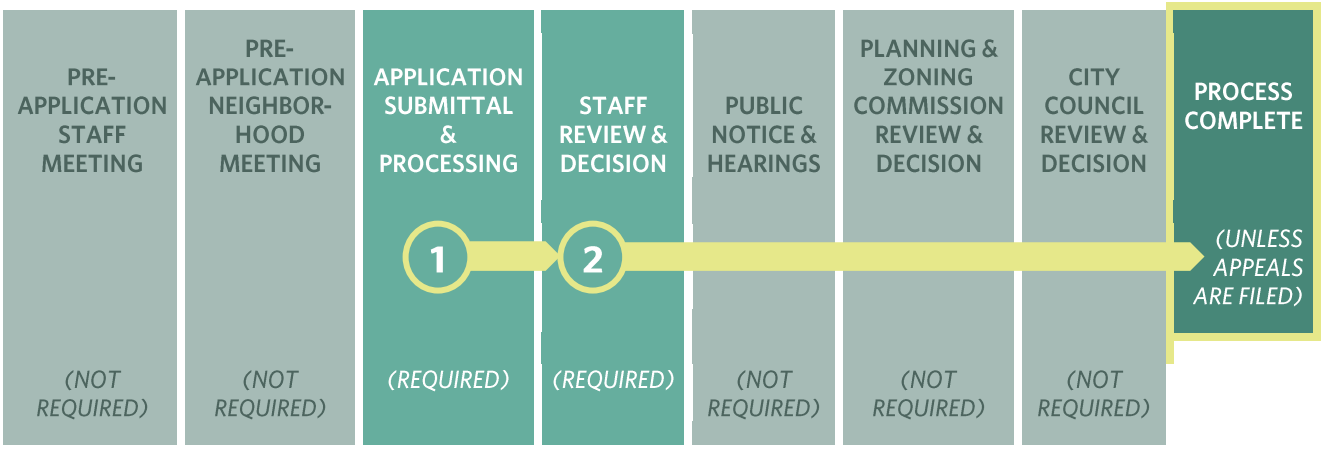
(2) Minimizes impact to wetland to the greatest degree possible.

E. Minor Riparian Alteration Permit

1. Applicability

A Minor Riparian Alteration Permit is required when the removal or planting of vegetation is proposed in a riparian zone prior to any and all development, as defined in §16.08.020.

2. Procedure



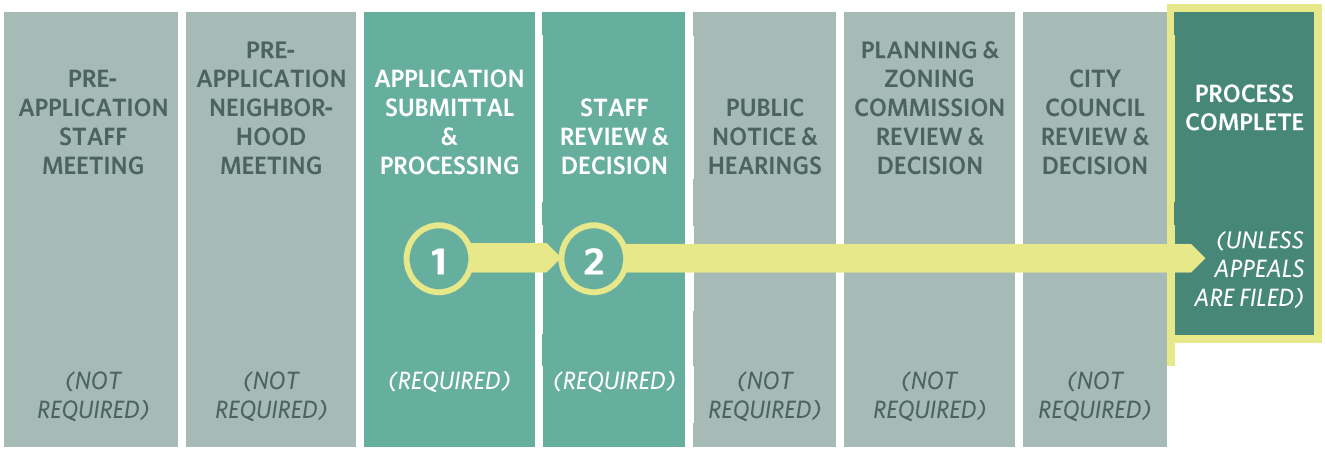
Minor Riparian Alteration Permits shall comply with the procedure for Floodplain Development Permits pursuant to §16.07.050.D.

F. Temporary Flood Control Barrier

1. Applicability

A Temporary Flood Control Barrier Permit is required to install temporary flood control barriers, such as sandbags, bladder dams, and other similar non-permanent barriers.

2. Procedure



a. Application Submittal and Processing

The application shall be submitted and accepted, and may be revised or withdrawn, pursuant to §16.07.020.C.

b. Review and Action: Administrative Approvals

The application shall be reviewed pursuant to the common review procedures for applications subject to administrative decision in §16.07.020.D.

3. Review Criteria

In reviewing a temporary flood control barrier application, the Floodplain Administrator shall determine whether the proposed temporary flood control barrier is contrary to the public health, safety, or welfare and complies with the requirements in §16.02.060.A.5.

G. Floodplain Development Variance

1. Applicability

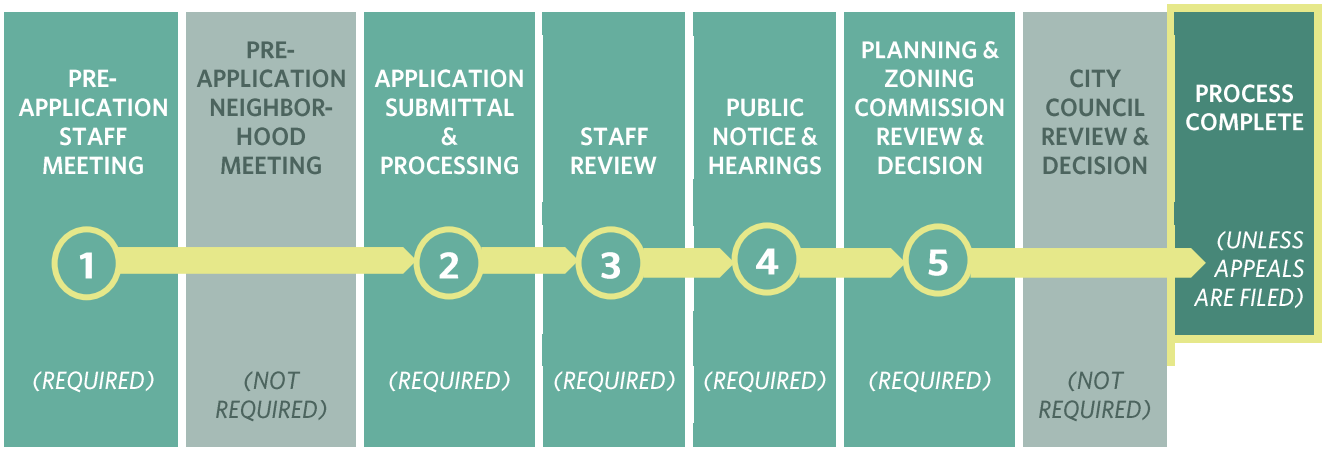
A Floodplain Development Variance is required for any of the following development types that are seeking modifications of the standards in §16.02.060.A, *FP: Floodplain Overlay District*:

a. The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the Variance is the minimum necessary to preserve the historic character and design of the structure;

b. Functionally dependent facilities, if determined to meet the definition as stated in §16.08.020, provided provisions of this section, have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety; or

c. Any other type of development, provided it meets the requirements of this section.

2. Procedure



An application for a Floodplain Development Variance shall be processed under the general Variance procedure in §16.01.010.A. In addition:

a. Conditions of Approval

(1) Variances shall only be issued prior to development permit approval.

(2) Any applicant to whom a Variance is granted shall be given written notice that the structure will be permitted to be built with a lowest flood elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(3) The City will notify the State NFIP Coordinator of the Idaho Department of Water Resources of its intention to grant a Variance at least 30 calendar days prior to granting the Variance.

3. Review Criteria

The Planning and Zoning Commission shall consider all technical evaluations, the review criteria for Variances set forth in §16.01.010.A.1, all relevant factors and standards specified in other sections of this Code, and the following criteria:

a. Variances within any designated floodway shall not result in an increase in flood levels during the base flood discharge.

b. The Variance shall be the minimum necessary, considering the flood hazard, to afford relief.

c. Failure to grant the Variance would result in exceptional hardship to the applicant.

d. Variances shall not be issued when the Variance will make the structure in violation of other federal, state, or local laws, regulations, or ordinances.

e. The Variance shall not result in materials swept onto other lands to the injury of others;

f. The Variance shall not pose danger to life and property due to flooding or erosion damage;

g. The proposed facility and its contents shall not be susceptible to flood damage and the effect of such damage on the individual owner;

h. The proposed facility shall provide services to the community;

i. Where applicable, a waterfront location is necessary as a functionally dependent facility;

j. The Variance shall describe why alternative locations that are not subject to flooding or erosion damage are not feasible for the proposed use;

k. The proposed use shall be compatible with existing and anticipated development;

l. The Variance shall be consistent with the Comprehensive Plan and floodplain management program for that area;

m. The Variance shall ensure the safety of access to the property in times of flood for ordinary and emergency vehicles;

n. The Variance shall identify expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;

o. The Variance shall not result in an increase in costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities such as sewer, gas, electrical, and water systems, and streets and bridges;

p. Variances shall only be issued pursuant to the guidelines found at Section 60.6, Code of Federal Regulations (Title 44 CFR), as set forth on the Effective Date; and

q. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, Variances from the flood elevations should be quite rare.

16.07.060. Historic Preservation

A. Purpose

The purpose of this section is to promote the educational, cultural, economic, and general welfare of the public through the identification, evaluation, designation, and protection of buildings, sites, areas, structures, and objects that reflect significant elements of the City's, the state's, and the nation's historic, architectural, archaeological, and cultural heritage.

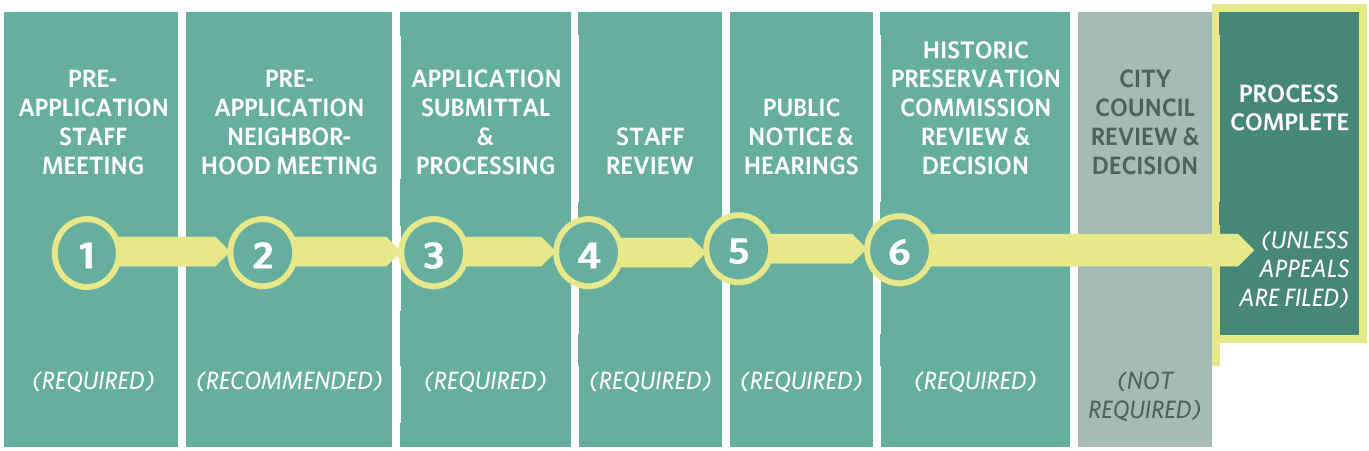
B. Applicability

1. The regulations and procedures set forth in this section shall apply to any structure listed on the adopted historic building/site list. All other buildings over 50 years of age shall follow the process for demolition of buildings per Title 15 of the Ketchum Municipal Code.
2. Except as provided in §16.07.060.D.4.g, no person shall make, or otherwise cause to be made, any demolition or alterations to structures on the historic building/site list without approval by the Historic Preservation Commission (HPC). The following types of modifications require HPC review:
    a. Partial or total demolition of any portion of the structure;
    b. Exterior alterations, including windows or siding replacement, where materials or color changes are proposed;
    c. Additions to any structure; or
    d. On-site moving of any structure.
3. This section shall not apply to dangerous building conditions that would imperil the health or safety of the public as determined by the Building Official and the Administrator.

C. Maintenance

1. Normal repair and maintenance of structures on the historic building/site list is permitted without HPC review. Nothing in this section shall be construed to prohibit the alteration of any structure necessary as a part of normal repair and maintenance when such alteration will not change the exterior appearance or materials or the interior support structure of the building, including the character or appearance of the land itself.
2. All structures on the historic building/site list shall be maintained to meet the requirements of the International Property Maintenance Code and/or the International Existing Building Code, as adopted and amended by the City. The owner of such structure(s) shall also keep in good repair all structural elements that, if not so maintained, may cause, or tend to cause the exterior portions of such structure to deteriorate, decay, or become damaged or otherwise to fall into a state of disrepair that would have an adverse effect upon such designated structures.

D. Procedure – Alterations



1. Preapplication Staff Meeting

A preapplication staff meeting shall be held pursuant to §16.07.020.A. In addition, the applicant may request a preapplication meeting with the HPC to discuss the proposed alteration.

2. Preapplication Neighborhood Meeting

A preapplication neighborhood meeting is recommended pursuant to §16.07.020.B.

3. Application Submittal and Processing

The application shall be submitted and accepted, and may be revised or withdrawn, pursuant to §16.07.020.C.

4. Review and Action: Public Hearing Approvals

The application shall be reviewed pursuant to the common review procedures for applications requiring a public hearing in §16.07.020.E. In addition:

a. Public Notice and Public Hearings

The application shall be scheduled for at least one public hearing before the HPC.

b. Subsequent Development Permits

Except as provided in §16.07.060.D.4.g, no permit shall be issued authorizing any alteration to a structure listed on the historic building/site list until the HPC approves the request for alteration application. If the approval or denial of the application is administratively appealed, no further development permits shall be approved for the property until the City Council has made a final decision on the administrative appeal.

c. Effect of Approval

Approval of each individual alteration application is unique to that property and does not constitute a precedent for other properties.

d. Expiration of Approval

(1) The term of the application shall be 12 months from the date that findings of fact, conclusions of law, and decision are adopted by the HPC.

(2) Application must be made and all applicable fees paid for a Building Permit with the Planning and Building Department during the 12-month term. Once a Building Permit has been issued, the alteration approval shall be valid for the duration of the Building Permit.

(3) Unless an extension is granted as set forth below, failure to file a complete Building Permit application for a project pursuant to these provisions shall cause the approval to be null and void.

e. Extension of Approval

(1) For approvals pertaining to public use buildings, the Administrator may, upon written request by the applicant, grant a maximum of two 12-month extensions to an unexpired alteration approval.

(2) For approvals pertaining to all other buildings, the City may, upon written request by the applicant, grant a maximum of two 12-month extensions to an unexpired alteration approval. The first 12-month extension shall be reviewed by the Administrator. The second 12-month extension shall be reviewed by the HPC. Whether or not an extension is warranted shall be based on the following considerations:

(A) Whether there have been significant amendments to ordinances that will apply to the subject alteration approval;

(B) Whether significant land use changes have occurred in the project vicinity that would adversely impact the project or be adversely impacted by the project;

(C) Whether hazardous situations have developed or have been discovered in the project area; or

(D) Whether community facilities and services required for the project are now inadequate.

(3) If any of the foregoing considerations are found to exist with regard to the project for which an extension is sought, an extension will not be granted and the City shall issue this decision in writing; otherwise the City shall approve such an extension. No extensions shall be granted for an expired Design Review approval.

f. Enforcement and Maintenance

If any alteration is made without approval of an alteration application, the City shall issue a stop work order for all construction activity, withhold inspections and final approvals, withhold approval of additional City permits, and take any other available action, or any combination of the aforementioned, until the applicant has applied for and received approval for the alteration. If the alteration is not approved, the property owner shall restore the structure to its original condition.

g. Remedying of Dangerous Building Conditions

(1) If the Building Official finds a historic structure constitutes dangerous building conditions that would imperil the health or safety of the public, it shall first be determined by the Building Official if the structure is capable of being made safe by repairs at the expense of the owner.

(2) If the Building Official finds the structure is not capable of being made safe by repairs, then the Building Official may order the structure to be demolished.

(3) Nothing contained herein shall be construed as making it unlawful for any person to comply with the Building Official's authority as stated in this section.

5. Review Criteria

In reviewing a request for alteration of a historic structure, the HPC shall determine if the application complies with the following:

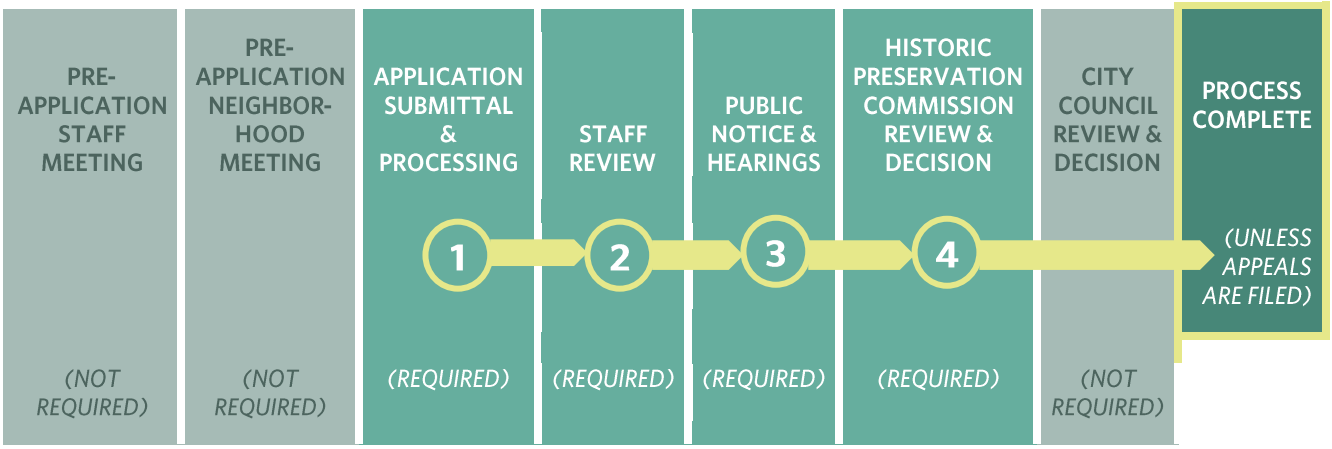
a. The proposed work preserves, enhances or restores and does not damage or destroy the exterior architectural features of the historic structure;

b. The historic property remains recognizable as a physical record of its time and place. The alteration will not create a false sense of historical development by adding conjectural features or elements from other historic properties or time periods;

c. Changes to the property that have acquired historic significance in their own right are retained and preserved to the extent possible; and

d. In the case of partial demolition, the applicant must establish that the partial demolition is required for the renovation, restoration, or rehabilitation of the structure.

E. Procedure – Demolitions



1. Application Submittal and Processing

The application shall be submitted and accepted, and may be revised or withdrawn, pursuant to §16.07.020.C. In addition, the application shall include a proposal for a monument, plaque a monument, plaque, photo exhibit, three-dimensional model, or similar site element with a narrative inscription describing the historical significance of the building, or a public arts project commemorating the same.

2. Review and Action: Public Hearing Approvals

The application shall be reviewed pursuant to the common review procedures for applications requiring a public hearing in §16.07.020.E. In addition:

a. Public Notice and Public Hearings

The application shall be scheduled for at least one public hearing before the HPC and shall be noticed within 60 days of the application being deemed complete.

b. Conditions of Approval

Any proposed monument or commemoration shall be installed at the applicant's expense and shall be installed prior to completion of the replacement project.

c. Effect of Approval

(1) Approval of each individual demolition application is unique to that property and does not constitute a precedent for other properties.

(2) Except as provided in §16.07.060.D.4.g, no permit shall be issued authorizing any demolition to a structure listed on the historic building/site list until the HPC approves the request for alteration application. If the approval or denial of the application is administratively appealed, no further development permits shall be approved for the property until the City Council has made a final decision on the administrative appeal.

d. Expiration of Approval

(1) The term of the application shall be 12 months from the date that findings of fact, conclusions of law, and decision are adopted by the HPC.

(2) Application must be made and all applicable fees paid for a Building Permit with the Planning and Building Department during the 12-month term. Once a Building Permit has been issued, the demolition approval shall be valid for the duration of the Building Permit.

(3) Unless an extension is granted as set forth below, failure to file a complete Building Permit application for a project pursuant to these provisions shall cause the approval to be null and void.

e. Extension of Approval

(1) For approvals pertaining to public use buildings, the Administrator may, upon written request by the applicant, grant a maximum of two 12-month extensions to an unexpired demolition approval.

(2) For approvals pertaining to all other buildings, the City may, upon written request by the applicant, grant a maximum of two 12-month extensions to an unexpired demolition approval. The first 12-month extension shall be reviewed by the Administrator. The second 12-month extension shall be reviewed by the HPC. Whether or not an extension is warranted shall be based on the following considerations:

(A) Whether there have been significant amendments to ordinances that will apply to the subject alteration approval;

(B) Whether significant land use changes have occurred in the project vicinity that would adversely impact the project or be adversely impacted by the project;

(C) Whether hazardous situations have developed or have been discovered in the project area; or

(D) Whether community facilities and services required for the project are now inadequate.

(3) If any of the foregoing considerations are found to exist with regard to the project for which an extension is sought, an extension will not be granted and the City shall issue this decision in writing; otherwise the City shall approve such an extension. No extensions shall be granted for an expired demolition approval.

3. Review Criteria

In reviewing a request for demolition of a historic structure, the HPC shall determine if the application complies with the following:

a. The structure proposed for demolition is not structurally sound despite evidence of the owner's efforts to properly maintain the structure.

b. The structure cannot be rehabilitated or reused on site to provide for any reasonable beneficial use of the property.

c. The application proposes a future monument or commemoration at or near the original location of the historically significant building that appropriately and publicly honors the historical significance of the building or structure. mitigates the following:

(1) Any impacts that occur to the visual character of the neighborhood.

(2) Any impact on the historic importance or architectural integrity of the structure located on the property and adjacent properties.

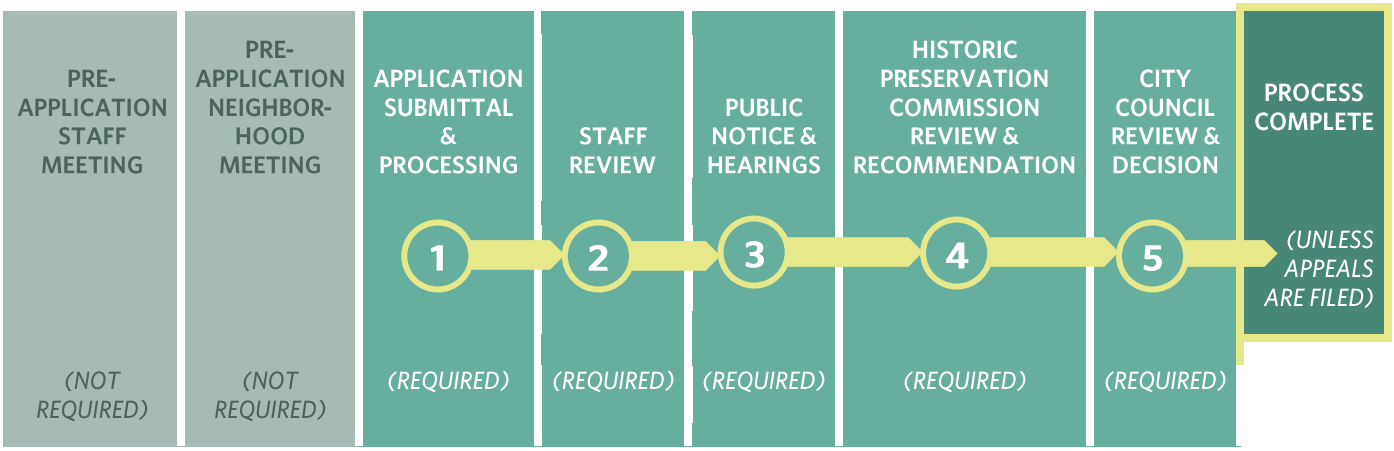
F. Designation of a Historic Building/Site

1. Historic Building/Site List Established

a. The historic building/site list shall be established and maintained by the HPC.

b. The HPC shall have the authority to add or remove structures from the historic building/site list using the criteria below to determine if a structure should be added or removed from the historic building/site list.

2. Procedure



a. Application Submittal and Processing

The application shall be submitted and accepted, and may be revised or withdrawn, pursuant to §16.07.020.C.

b. Review and Action: Public Hearing Approvals

The application shall be reviewed pursuant to the common review procedures for applications requiring a public hearing in §16.07.020.E.

c. Review Criteria

In reviewing a request for designation of a historic building/site, the HPC shall determine if the application complies with the following:

(1) General Criteria

(A) Historic buildings must be at least 50 years old. A historic building may be exempt from the age standard if it is found to be exceptionally important in other significant criteria.

(B) All buildings and sites must retain their physical integrity as determined by the following criteria. However, a site need not meet all of the following criteria:

i. Shows character, interest, or value as part of the development, heritage or cultural characteristics of Ketchum, the region, state, or nation;

ii. Retains a significant amount of the original design features, materials, character or feeling of the past;

iii. Is in the original location or same historic context after having been moved;

iv. Has been accurately reconstructed or restored based on documentation.

(2) Additional Criteria

In addition to a. above, historic buildings or sites shall meet one or more of the following criteria, (A), (B) or (C):

(A) Architectural

i. Exemplifies specific elements of a recognized architectural style or period or a style particularly associated with Ketchum neighborhoods;
ii. Example of the work of an architect or builder who is recognized for expertise nationally, state-wide, regionally, or locally;
iii. Demonstrates superior craftsmanship or high artistic value;
iv. Represents an innovation in construction, materials, or design;
v. Pattern or grouping of elements that enhance the identity of the community;
vi. Significant historic remodel contributing to Ketchum's identity.

(B) Social/Historic

i. Site of historic event;
ii. Exemplifies cultural, political, ethnic, economic, or social heritage of the community through the built environment or with people associated with an era of history;
iii. Associated with a notable person or the work of a notable person;
iv. Is valued by the Ketchum community as an established or familiar visual or cultural feature due to its architectural history, siting, massing, scale, cultural characteristics, or heritage such that its removal would be irreparable loss to the setting.

(C) Geographic/Natural Features

i. Enhances sense of identity of the community;
ii. Is an established and familiar natural setting or visual feature of the community.

16.07.070. Ordinance Amendments

A. Code Amendment

1. Purpose

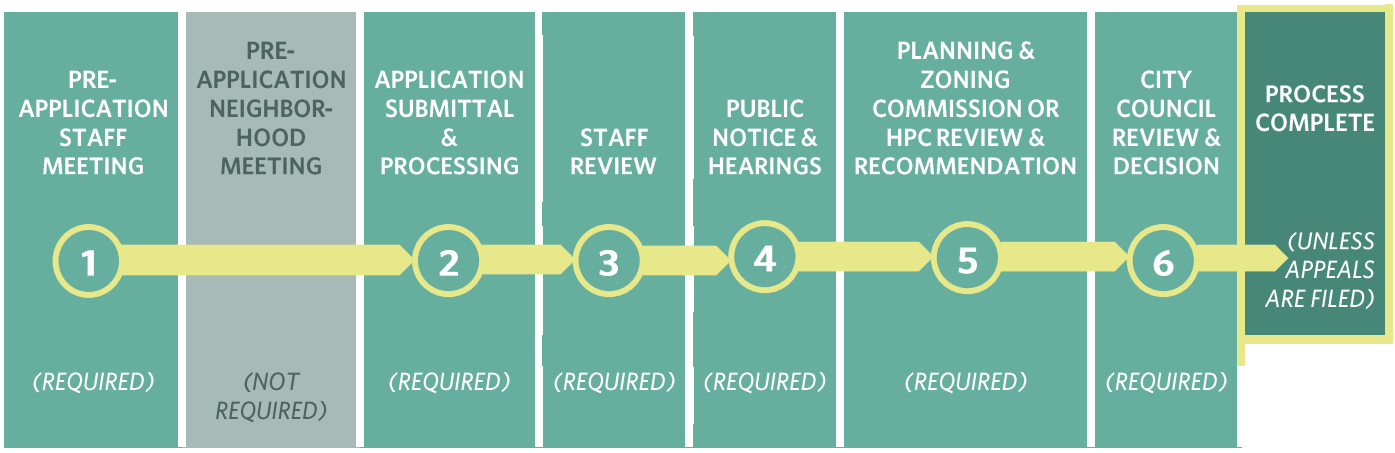
The purpose of a Code Amendment is to make amendments to this Code to reflect changes in public policy, changed conditions, or to advance the health, safety, and welfare of the City.

2. Applicability

a. A Code Amendment is required to incorporate new text in this Code or revise or delete text in this Code.

b. If the proposed Code Amendment is related to historic preservation, the HPC shall make the initial recommendation, not the Planning and Zoning Commission.

3. Procedure



a. Preapplication Staff Meeting

A preapplication staff meeting shall be held pursuant to §16.07.020.A.

b. Application Submittal and Processing

The application shall be submitted and accepted, and may be revised or withdrawn, pursuant to §16.07.020.C.

c. Review and Action: Public Hearing Approvals

The application shall be reviewed pursuant to the common review procedures for applications requiring a public hearing in §16.07.020.E.

4. Review Criteria

In reviewing a Code text amendment, the decision-making body shall consider whether the proposed amendment:

a. Is consistent with the Comprehensive Plan and other City policies;

b. Does not conflict with other provisions of this Code or other provisions in the Ketchum Municipal Code; and

c. Is consistent with the general purpose and intent of this Code.

B. Comprehensive Plan Amendment

1. Purpose

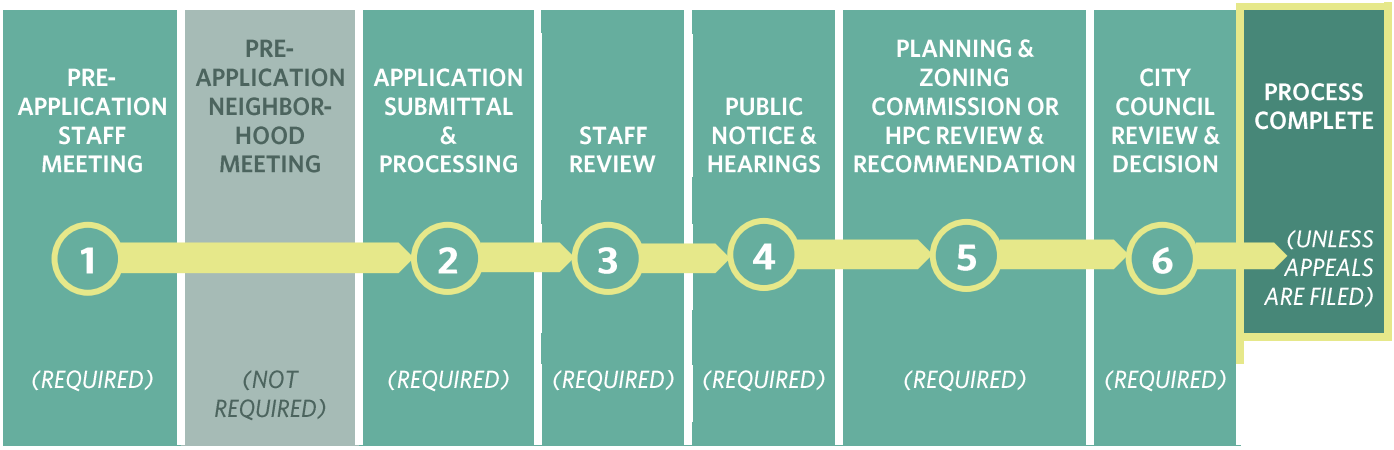
The purpose of a Comprehensive Plan Amendment is to ensure administrative changes and proposed amendments to the Comprehensive Plan are consistent with the City's vision, goals, and policies.

2. Applicability

a. A Comprehensive Plan Amendment is required to make an amendment to the existing Comprehensive Plan, including but not limited to applications to amend the Future Land Use Map component of the Comprehensive Plan for the city.

b. If the proposed Comprehensive Plan Amendment is related to historic preservation, the HPC shall make the initial recommendation, not the Planning and Zoning Commission.

3. Procedure



a. Preapplication Staff Meeting

A preapplication staff meeting shall be held pursuant to §16.07.020.A.

b. Application Submittal and Processing

The application shall be submitted and accepted, and may be revised or withdrawn, pursuant to §16.07.020.C.

c. Review and Action: Public Hearing Approvals

The application shall be reviewed pursuant to the common review procedures for applications requiring a public hearing in §16.07.020.E with the following modifications:

(1) If the Planning and Zoning Commission recommends a material change to the Comprehensive Plan after it has conducted the hearing, it must give notice of the change and conduct another public hearing concerning the matter if the City Council is not going to conduct its own public hearing.

(2) The City Council may act on the Commission's recommendation or has the option to conduct its own public hearing. If the Council holds its own public hearing, the notice must include a description of the Commission's recommendation.

4. Review Criteria

In reviewing a Comprehensive Plan Amendment, the Planning and Zoning Commission and City Council shall consider whether the proposed amendment:

a. Is required for the public convenience or necessity, or for the general welfare of the community;

b. Is necessary to address changes in conditions within the community that have occurred since the Comprehensive Plan was adopted or is necessary to correct one or more goal, objective, or policy that exist in the plan;

c. Is consistent with and will further the goals, objectives, and policies of the Comprehensive Plan, unless it explicitly modifies those goals, objectives, and policies;

d. Will not modify the goals, objectives, and policies of the Comprehensive Plan in a way that creates inconsistencies between different chapters of the Plan, or that impairs the City's ability to balance the goals, policies, and objective within or between different chapters of the Plan; and

e. If the amendment is to the Future Land Use Map, the amendment is consistent with the other elements of the Comprehensive Plan and the amendment seeks changes to create internal consistency.

C. Zoning Map Amendment (Rezoning)

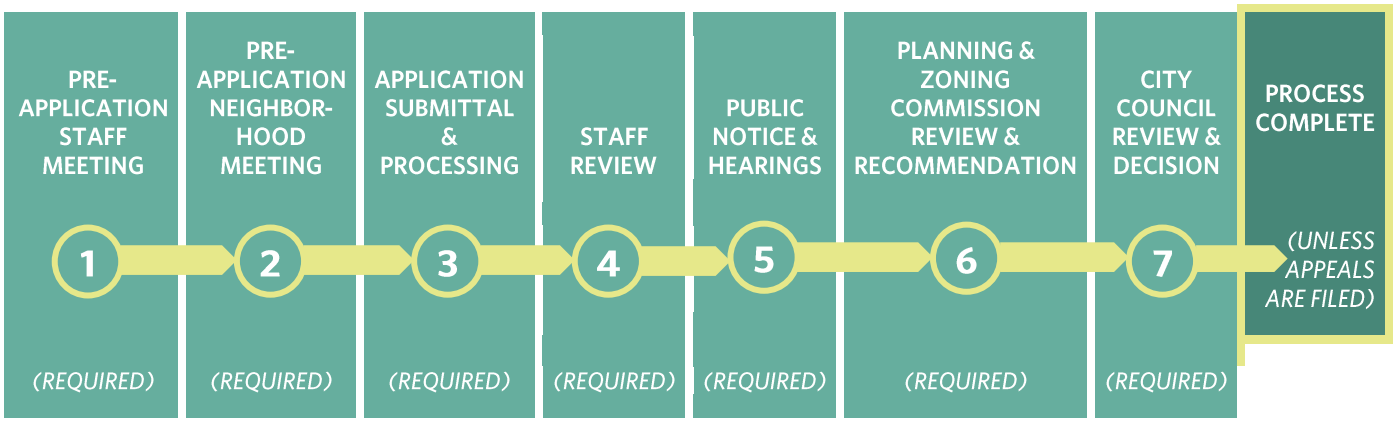
1. Purpose

The purpose of a Zoning Map Amendment is to make amendments the Ketchum zoning map to reflect changes in public policy, changed conditions, or to advance the welfare of the City.

2. Applicability

A Zoning Map Amendment is required to establish or eliminate zoning districts or change the zoning designation of a parcel.

3. Procedure



a. Preapplication Staff Meeting

A preapplication staff meeting shall be held pursuant to §16.07.020.A.

b. Preapplication Neighborhood Meeting

A preapplication neighborhood meeting is required pursuant to §16.07.020.B.

c. Application Submittal and Processing

The application shall be submitted and accepted, and may be revised or withdrawn, pursuant to §16.07.020.C.

d. Review and Action: Public Hearing Approvals

The application shall be reviewed pursuant to the common review procedures for applications requiring a public hearing in §16.07.020.E.

e. Review Criteria

In reviewing a Zoning Map Amendment, the decision-making body shall consider whether the proposed amendment:

(1) Is consistent with the Comprehensive Plan and other City policies;

(2) Does not conflict with other provisions of this Code or other provisions in the Ketchum Municipal Code; and

(3) Is consistent with the general purpose and intent of this Code.

16.07.080. Subdivision Procedures

A. Major Subdivision

1. Preliminary Plat

a. Purpose

The purpose of a Preliminary Plat is to provide a mechanism for the City to review an overall plan for a proposed subdivision to ensure compliance with this Code, the Comprehensive Plan, and the adequate provision of facilities and services in the city.

b. Applicability

A Preliminary Plat is required if the proposed subdivision:

(1) Is on land that has not been platted;

(2) Will produce more than four lots;

(3) Will include two or more phases as part of a phased development project;

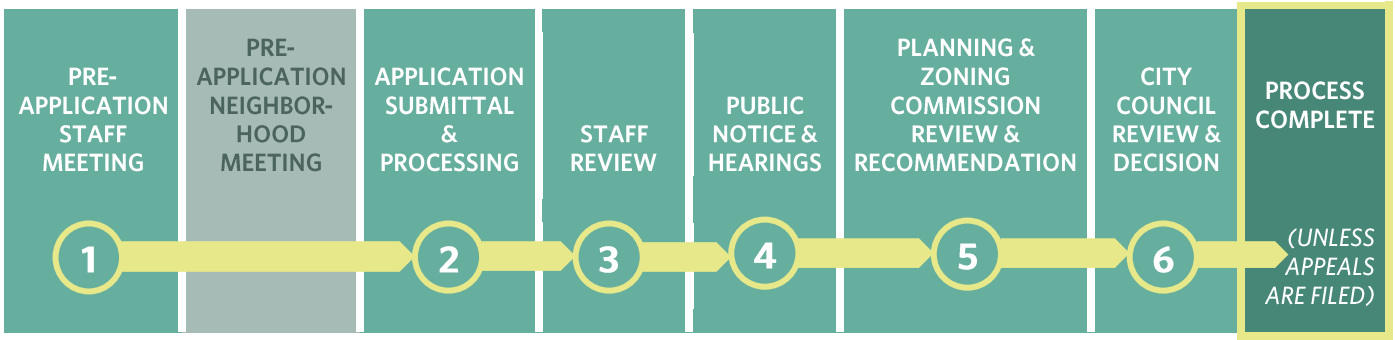
(4) Will include the dedication of public right-of-way, other public tracts, or public improvements not determined to be eligible for Minor Subdivision processing; or

(5) Is for lot consolidation. Lot consolidation within the city may be permitted in certain zoning districts as follows:

Table 16-20: Consolidation of Lots

Zoning District	Consolidation of Lots
CC – Subdistricts 1 and 2	Permitted subject to additional standards in §16.07.080.A.1.c(2)(A)
T	
T-3000	
T-4000	
GR-H	
LI, LI-2, and LI-3	
RU and AF	
GR-L	Permitted subject to Subdivision Exception
LR, LR-1, and LR-2	
STO-1, STO-4, and STO-H	

c. Procedure



(REQUIRED)	(NOT REQUIRED)	(REQUIRED)	(REQUIRED)	(REQUIRED)	(REQUIRED)	(REQUIRED)

(1) Preapplication Staff Meeting

A preapplication staff meeting shall be held pursuant to §16.07.020.A.

(2) Application Submittal and Processing

The application shall be submitted and accepted, and may be revised or withdrawn, pursuant to the common review procedures in §16.07.020.C. In addition:

(A) Application Requirements

Applicants shall submit the following:

i. All percolation tests and/or exploratory pit excavations required by State health authorities.

ii. A copy of the provisions of the articles of incorporation and bylaws of homeowners' association and/or condominium declarations to be filed with the final plat of the subdivision.

iii. A current title report shall be provided at the time that the preliminary plat is filed with the Administrator, together with a copy of the owner's recorded deed to such property.

iv. For condominium projects, a copy of the proposed bylaws and condominium declarations of the proposed condominium development. Said documents shall adequately provide for the control and maintenance of all common areas, recreational facilities and open space.

v. A preliminary soil report prepared by a qualified engineer

vi. Preliminary grading plan prepared by a civil engineer shall be submitted as part of all preliminary plat applications. Such plan shall contain the following information:

(a) Proposed contours at a maximum of five-foot contour intervals.

(b) Cut and fill banks in pad elevations.

(c) Drainage patterns.

(d) Areas where trees and/or natural vegetation will be preserved.

(e) Location of all street and utility improvements including driveways to building envelopes.

(f) Any other information which may reasonably be required by the Administrator, Planning and Zoning Commission or City Council to adequately review the affect of the proposed improvements.

vii. An impact statement if required by §16.06.090, *Impact Statement*.

viii. A digital copy of the Preliminary Plat that includes:

(a) The scale, north point and date.

(b) The name of the proposed subdivision. Subdivision names shall not be the same or confused with the name of any other subdivision in Blaine County, Idaho and shall be approved by the Blaine County Assessor.

(c) The name and address of the owner of record, the subdivider, and the engineer, surveyor, or other person preparing the plat.

(d) Legal description of the area platted.

(e) The names and the intersecting boundary lines of adjoining subdivisions and parcels of property.

(f) A contour map of the subdivision with contour lines and a maximum interval of two feet to show the configuration of the land based upon the United States Geodetic Survey data, or other data approved by the City Engineer.

(g) The scaled location of existing buildings, water bodies and courses and location of the adjoining or immediately adjacent dedicated streets, roadways and easements, public and private.

(h) Boundary description and the area of the tract.

(i) Existing zoning of the tract.

(j) The proposed location of street rights-of-way, lots, and lot lines, easements, including all approximate dimensions, and including all proposed lot and block numbering and proposed street names.

(k) The location, approximate size and proposed use of all land intended to be dedicated for public use or for common use of all future property owners within the proposed subdivision.

(l) The location, size and type of sanitary and storm sewers, water mains, culverts and other surface or subsurface structures existing within or immediately adjacent to the proposed sanitary or storm sewers, water mains, and storage facilities, street improvements, street lighting, curbs, and gutters and all proposed utilities.

(m) The direction of drainage, flow and approximate grade of all streets.

(n) The location of all drainage canals and structures, the proposed method of disposing of runoff water, and the location and size of all drainage easements, whether they are located within or outside of the proposed plat.

(o) Vicinity map drawn to approximate scale showing the location of the proposed subdivision in reference to existing and/or proposed arterials and collector streets.

(p) The boundaries of the floodplain, floodway and avalanche overlay district shall also be clearly delineated and marked on the preliminary plat or a note provided if the entire project is in the floodplain, floodway or avalanche overlay district.

(q) Building envelopes shall be shown on each lot, all or part of which is within a floodway, floodplain, or avalanche zone; or any lot that is adjacent to the Big Wood River, Trail Creek, or Warm Springs Creek; or any lot, a portion of which has a slope of 25 percent or greater; or upon any lot which will be created adjacent to the intersection of two or more streets.

(r) Lot area of each lot.

(s) Existing mature trees and established shrub masses.

ix. For Preliminary Plats in the Floodplain Overlay district:

(a) United States Geological Survey (USGS) datum shall be used and identified on the plat and a permanent benchmark shall be identified and shown on the plat.

(b) All Preliminary Plats shall contain a plat note including a certification by a registered surveyor that the boundaries were established consistent with the FIRM for the City or Blaine County, whichever applies. The note shall include the FEMA FIRM panel number(s), FIRM effective date(s), and a note stating that "Flood Zones are subject to change by FEMA and all lands within the Special Flood Hazard Area are regulated by City of Ketchum Municipal Code.

(c) All Preliminary Plats shall identify and designate the Special Flood Hazard Area, the 0.2 percent annual chance (500-year) floodplain boundary, the floodway boundary, the mean high-water mark, and the riparian zone. All flood zone(s), and base flood elevation(s) shall be shown on the plat.

(d) All Preliminary Plats shall contain a note or notes that warn prospective buyers of property that sheet flooding can and will occur and that flooding may extend beyond the floodway and floodplain boundary lines identified.

(e) All Preliminary Plats shall contain a note that refers to the required 25-foot setback from all waterways, called the riparian zone, in which no development is permitted, and require that riparian vegetation shall remain in in its natural state for the protection and stabilization of the riverbank unless alterations are approved in accordance with Ketchum Municipal Code.

x. For townhouse or condominium subdivisions, the subdivider of the townhouse project shall submit with the Preliminary Plat application a copy of the proposed party wall agreement and any proposed document(s) creating an association of owners of the proposed townhouse sublots, that shall adequately provide for the control and maintenance of all commonly held facilities, garages, parking, and/or open spaces. Prior to Final Plat approval, the subdivider shall submit to the City a final copy of such documents and shall file such documents prior to

recordation of the plat, which shall reflect the recording instrument numbers.

(B) Lot Consolidation

All Preliminary Plat applications for lot consolidation must be submitted concurrently with a Building Permit application or development application as applicable.

(C) Phased Development Projects

i. Compliance with Provisions

Any subdivider wishing to develop a subdivision over a series of years shall comply with the additional requirements and regulations set forth in this section. Each phase of such development shall contain all the necessary elements and improvements to exist independently from proposed future phases in a stable manner, including the extension of services and implementation of an interim landscaping plan for all future phases, and shall comply with all applicable zoning regulations.

ii. Development Plan

The Preliminary Plat shall include a Development Plan that designates all future phases, sublots, and/or common areas, along with all information required in the Administrative Manual. The Development Plan, if approved, shall be the master plan for the entire project subject to modification by the subdivider through the same procedures as required for approval of the Preliminary Plat.

(3) Review and Action: Public Hearing Approvals

The application shall be reviewed pursuant to the common review procedures for applications requiring a public hearing in §16.07.020.E. In addition:

(A) Public Notice and Public Hearing

The application shall be scheduled for at least one public hearing before the Planning and Zoning Commission and one hearing before the City Council and shall be noticed pursuant to Table 16-19: *Summary Table of Review Procedures* and §16.07.020.E.6.

(B) Commission Recommendation

The Planning and Zoning Commission shall review the application pursuant to §16.07.020.E.7 and the review criteria below.

(C) Decision

The City Council shall review and approve, approve with conditions, or deny the application pursuant to §16.07.020.E.7 and the review criteria below.

(D) Conditions of Approval

i. Preparation and Commencement of Required Improvements

(a) Upon approval of the Preliminary Plat by the City Council, the subdivider shall prepare required improvement design plans pursuant to this Code and additional condition(s) imposed by the Council.

(b) For phased development projects, the Council may require that the subdivider install all or a portion of the required improvements for the entire project as set forth in the Development Plan. Such required improvements shall be constructed prior to approval of the Final Plat for any phase of the development

(c) Upon approval of the improvement designs by the City Engineer, the subdivider shall commence construction on the required improvements that shall be installed prior to approval of the Final Plat.

ii. As-Built Drawing

Prior to acceptance by the City Council of any improvements installed by the subdivider, two sets of as built plans and specifications, certified by the subdivider's engineer, shall be filed with the City Engineer. Within ten days after completion of improvements and submission of as built drawings, the City Engineer shall certify the completion of the improvements and the acceptance of the improvements, and shall submit a copy of such certification to the Administrator and the subdivider. If a performance bond has been filed, the Administrator shall forward a copy of the certification to the City Clerk and the City Clerk shall release the performance bond upon application by the subdivider.

iii. Monumentation

Following completion of construction of the required improvements and prior to certification of completion by the City Engineer, certain land survey monuments shall be reset or verified by the subdivider's engineer or surveyor to still be in place. These monuments shall have the size, shape, and type of material as shown on the subdivision plat. The monuments shall be located as follows:

(a) All angle points in the exterior boundary of the plat.

(b) All street intersections, points within and adjacent to the Final Plat.

(c) All street corner lines ending at boundary line of Final Plat.

(d) All angle points and points of curves on all streets.

(e) The point of beginning of the subdivision plat description.

(E) Expiration of Approval

i. With the exception of phased development projects approved by City Council, the failure to obtain Final Plat approval by the Council of an

approved Preliminary Plat within two years after approval by the Council shall cause all approvals of such Preliminary Plat to be null and void.

ii. The Final Plat procedure for each phase of a phased development project shall follow §16.07.080.A.2.

(F) Extension of Approval

Prior to expiration of the Preliminary Plat, the Administrator may, upon written request by the applicant, grant a maximum of one 12-month extension to a Preliminary Plat approval.

d. Review Criteria

The Planning and Zoning Commission shall review and recommend and the City Council shall approve, approve with conditions, or deny the application based on the following criteria:

(1) All Applications

The Preliminary Plat:

(A) Is consistent with the comprehensive plan;

(B) Complies with the standards in Chapter 16.06, *Subdivision*;

(C) Complies with the applicable zoning district standards;

(D) Complies with the use, dimensional, design, and development standards in this Code;

(E) Provides a layout of lots, streets, blocks, driveways, utilities, drainage, and other public facilities and services designed to minimize the amount of disturbance to sensitive areas and/or community assets;

(F) Provides evidence of public water and sewer system connections; and

(G) Identifies and adequately mitigates known natural hazard areas.

(2) Additional Criteria for Lot Consolidation

All Preliminary Plat applications for lot consolidation must also demonstrate conformance with all applicable Building Permit and land use development approvals.

(3) Additional Criteria for Phased Development Projects

For phased development projects, the decision-making body shall review both the Preliminary Plat and Development Plan and make such recommendations on the proposed project as required by the applicable design review ordinance(s) and all other applicable ordinances or portions.

(A)

2. Final Plat

a. Purpose

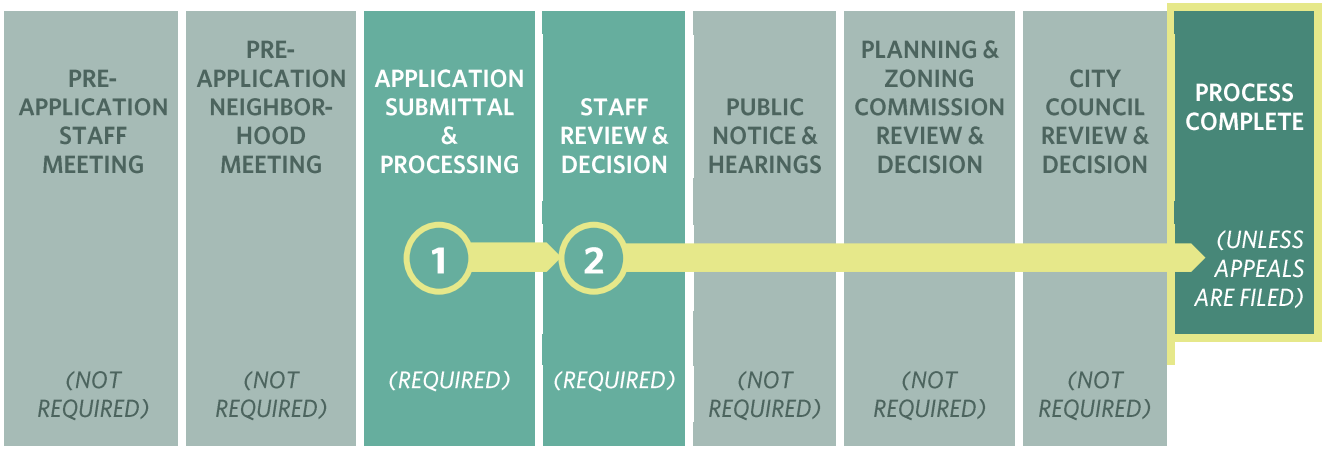
The purpose of a Final Plat is to provide a mechanism for the City to complete the subdivision process and ensure compliance with the approved Preliminary Plat and applicable standards in this Code.

b. Applicability

(1) A Final Plat is required for any proposed subdivision that requires Preliminary Plat review pursuant to §16.07.080.A.1, *Preliminary Plat.*

(2) In the event the Final Plat does not substantially conform to the approved Preliminary Plat, the Administrator shall consider such plat a Preliminary Plat and that procedure shall apply.

c. Procedure



(1) Application Submittal and Processing

The application shall be submitted and accepted, and may be revised or withdrawn, pursuant to §16.07.020.C. In addition:

(A) Application Requirements

Applicants shall submit the following:

i. All items listed in §§16.07.080.A.1.c(2)(A)i through 16.07.080.A.1.c(2)(A)vi.

ii. Two hard copy sets and a digital copy of a Final Plat drawn at such a scale and contain such lettering as to enable same to be placed upon sheets of 18-inch by 24-inch Mylar paper with no part of the drawing nearer to the edge than one-half inch, and shall be in conformance with the provisions of Idaho Code title 50, Chapter 13. The reverse side of such sheet shall not be used for any portion of the drawing, but may contain written matter as to dedications, certificates, signatures, and other information. The Final Plat shall include:

(a) Point of beginning of subdivision description tied to at least two governmental survey comers, or in lieu of government survey comers, to monuments recognized by the City Engineer.

(b) Location and description of monuments.

(c) Tract boundary lines, property lines, lot lines, street right-of-way lines and centerlines, other rights-of-way and easement lines, building envelopes as required on the preliminary plat, lot area of each lot, boundaries of floodplain and floodway and avalanche district, all with bearings, accurate dimensions in feet and decimals, in degrees and minutes and radii, arcs, central angles, tangents and chord lengths of all curves to the above accuracy.

(d) Names and locations of all adjoining subdivisions.

(e) Name and right-of-way width of each street and other public rights-of-way.

(f) Location, dimension and purpose of all easements, public or private.

(g) The blocks numbered consecutively throughout each block.

(h) The outline of any property, other than a street, alley or easement, which is offered for dedication to public use, fully dimensioned by distances and bearings with the area marked "Dedicated to the City of Ketchum for Public Use", together with any other descriptive language with regard to the precise nature of the use of the land so dedicated.

(i) The title, which shall include the name of the subdivision, the name of the City, if appropriate, county and state, and the location and description of the subdivision referenced to section, township, range.

(j) Scale, north arrow and date.

(k) Location, width, and names of all existing or dedicated streets and other public ways within or adjacent to the proposed subdivision.

(l) A plat note provision referencing the County Recorder's instrument number where the condominium declaration(s) and/or articles of incorporation of homeowners' association governing the subdivision are recorded.

(m) A plat note referencing the FAR Exceedance Agreement and community housing deed restriction or covenants for projects with community housing.

(n) Certificate by a registered professional land surveyor making the plat certifying the correctness of the plat.

(o) A current title report of all property contained within the plat shall be provided to the City and used, in part, as the basis for the dedication of easements and encumbrances on the property.

(p) Certification of owner(s) of record and all holders of security interest(s) of record with regard to such property.

(q) Certification and signature of the City Engineer verifying that the subdivision and design standards meet all City requirements.

(r) Certification and signature of the City Clerk of the City of Ketchum verifying that the subdivision has been approved by the Council.

(s) Notation of any additional restrictions imposed by the Council on the development of such subdivision to provide for the public health, safety and welfare.

(B) Condominium Projects

The Final Plat shall not be filed, received, and processed until a framing inspection has been passed for the project.

(C) Townhouse Development

The Final Plat shall not be filed, received, and processed until one of the following:

i. Detached Townhouses – a Building Permit is issued for the first unit.

ii. Attached Townhouses – a foundation inspection has been passed for the building.

(2) Review and Action: Administrative Approvals

The application shall be reviewed pursuant to the common review procedures for applications subject to administrative decision in §16.07.020.D. In addition:

(A) Commission Decision

i. The Administrator may refer Final Plat applications to the Planning and Zoning Commission for a final decision if the Administrator determines the complexity of the project or its potential to create significant impacts requires a public process. In such case, the application shall be scheduled for at least one public hearing before the Commission and shall be noticed pursuant to §16.07.020.E.6.

ii. If referred by the Administrator, the Planning and Zoning Commission shall review and approve, approve with conditions, or deny the application pursuant to §16.07.020.E.7 and the review criteria below.

(B) Acceptance of Dedications

Approval of the Final Plat shall constitute acceptance of all dedications for public streets, rights-of-way, easements, and other lands dedicated for public purpose or use as shown on such Final Plat. As a condition precedent to the acceptance of any streets or required improvements, the Administrator shall require that the subdivider install such improvements pursuant to the construction standards, and that condition shall be noted on the Final Plat.

(C) Performance Bond

Prior to Final Plat approval, the subdivider shall have previously constructed all required improvements and secured a certificate of completion from the City Engineer. However, in cases where the required improvements cannot be constructed due to weather, factors beyond the control of the subdivider, or other conditions as determined acceptable at the sole discretion of the City, the City Council may accept, in lieu of any or all of the required improvements, a performance bond pursuant to §16.07.020.E.8, *Performance Bonds and Security Agreements*.

(D) Improvement Plans

Prior to approval of Final Plat, the subdivider shall file two copies with the City Engineer, and the City Engineer shall approve construction plans for all improvements required in the proposed subdivision. Such plans shall be prepared by a civil engineer licensed in the State.

(E) Security Agreements

i. For condominium project, the City Council may accept a security agreement in accordance with §16.07.020.E.8, *Performance Bonds and Security Agreements*, for any Design Review elements not completed on a case by case basis pursuant to §16.07.030.C.2.c(4)(A). Prior to Final Plat approval, the subdivider shall submit to the City a copy of the final bylaws and condominium declarations that shall be approved by the Council and filed with the Blaine County Recorder, including the instrument number(s) under which each document was recorded.

ii. For townhouse developments, the City Council may accept a security agreement in accordance with §16.07.020.E.8, *Performance Bonds and Security Agreements*, for any Design Review elements not completed on a case by case basis pursuant to §16.07.030.C.2.c(4)(A).

(F) Final Plat Copies

i. After approval by the City Council, the Administrator shall approve the Final Plat and affix the date of acceptance and their signature on such Final Plat mylar.

ii. A digital copy of the Final Plat as approved by the Council and signed by the City Clerk shall be filed with the Administrator and retained by the City. The applicant shall also provide the City with a digital copy of the recorded document with its assigned legal instrument number.

(G) Recordation

No Final Plat shall be filed with the County Recorder until the same has been acted upon by the Planning and Zoning Commission and approved by the City Council consistent with the respective procedures set forth herein for the subdivision of land, townhouses, condominiums, and lot line shifts. No lots or

parcels of land described by metes and bounds or otherwise shall be sold or offered for sale until a Final Plat has been recorded in the office of the Blaine County Recorder.

(H) Phased Development Projects

Phased development projects or portions of phased development projects that have not received Final Plat approval are subject to additional regulations of subsequently adopted or amended ordinances and statutes.

(I) Expiration of Approval

The Final Plat shall be filed with the Blaine County Recorder within 12 months after Final Plat approval by the Council. Failure to file such Final Plat within that time shall cause all approvals of such Final Plat to be null and void.

d. Review Criteria

In reviewing a Final Plat, the Administrator or Commission (if referred by the Administrator) shall determine the application demonstrates all of the following:

(1) The Final Plat conforms to the approved Preliminary Plat, including any conditions of approval;

(2) The development will substantially comply with all requirements of Idaho law and this Code including Chapter 16.06, Subdivision; and

(3) The development will comply with the applicable technical standards and specifications adopted by the City.

B. Minor Subdivision

1. Purpose

The purpose of a Minor Subdivision is to evaluate proposed subdivisions that will create four or fewer lots.

2. Applicability

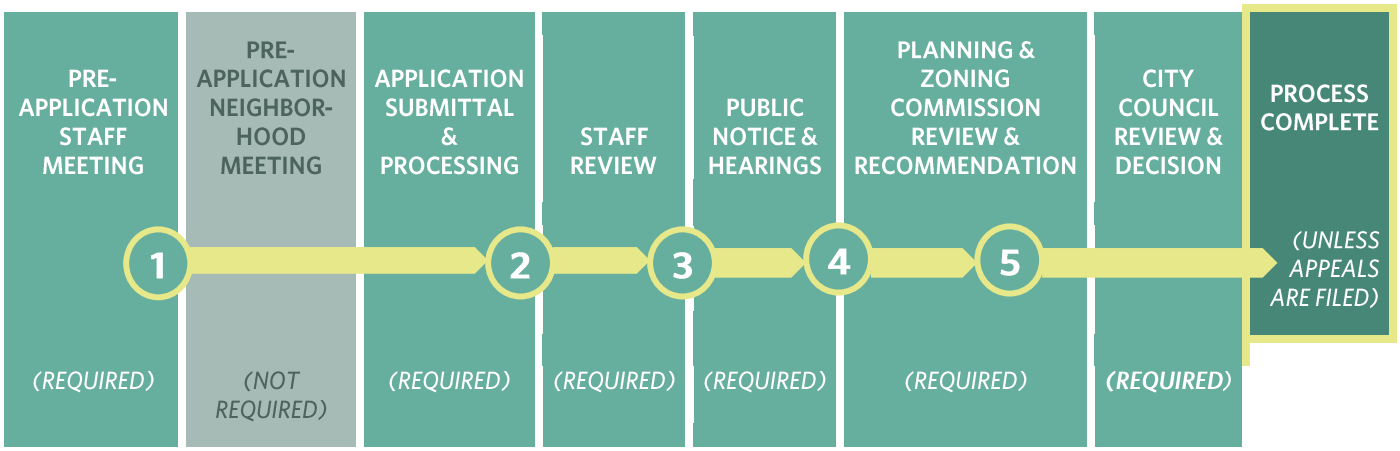
A Minor Subdivision is required for:

a. Subdivisions creating four or fewer lots;

b. Property created or converted pursuant to the Condominium Property Act, Idaho Code title 55, chapter 15, as amended, revised, or compiled; or

c. Real property subdivided into townhouse sublots.

3. Procedure



a. Application Submittal and Processing

The application shall be submitted and accepted, and may be revised or withdrawn, pursuant to §16.07.020.C.

b. Review and Action: Public Hearing Approvals

The application shall be reviewed pursuant to the common review procedures for applications requiring a public hearing in §16.07.020.E. In addition:

(1) Public Notice

(A) The Administrator shall provide written notice of an application to owners of property within 300 feet of the external boundaries of the land being considered. The notice shall inform adjacent property owners they may comment on the application during a period of not less than ten days after mailing of the notice and prior to final action on The application.

(B) When notice is required to 200 or more property owners or purchasers of record, alternate forms of procedures that would provide adequate notice may be used in lieu of mailed notice. Alternate forms of notice shall be per Idaho Code 67-6512 in effect at the time of notice.

(2) Review and Action: Public Hearing Approvals

The application shall be reviewed pursuant to the common review procedures for applications requiring a public hearing in §16.07.020.E. In addition:

(A) Public Notice and Public Hearing

The application shall be scheduled for at least one public hearing before the City Council and shall be noticed pursuant to Table 16-19: *Summary Table of Review Procedures* and §16.07.020.E.6.

(B) Commission Recommendation

The Planning and Zoning Commission shall review the application pursuant to §16.07.020.E.7 and the review criteria below.

(C) Decision

The City Council shall review and approve, approve with conditions, or deny the application pursuant to §16.07.020.E.7 and the review criteria below.

4. Review Criteria

In reviewing a Minor Subdivision, the Planning and Zoning Commission and City Council shall determine whether the application:

a. Is consistent with the intent of the underlying zoning district;

b. Complies with applicable dimensional and development standards in this Code;

c. Will not result in adverse impacts to surrounding property;

d. Will not limit the City's ability to provide adequate and sufficient facilities or services; and

e. Complies with all other ordinances and plans and regulations adopted by the City, including the Comprehensive Plan and other long-range or special area planning documents.

C. Plat Amendment

1. Purpose

The purpose of a Plat Amendment is to provide an administrative review and approval process for amendments to previously recorded Final Plats in which the proposed amendments comply with applicable zoning regulations and do not impact surrounding properties, environmental resources, or public facilities. This procedure shall not be used to convey or create additional parcels or lots than originally existed.

2. Applicability

a. A Plat Amendment is required for the following minor adjustments to approved Final Plats:

(1) To correct an error in any course or distance shown on the plat;

(2) To show any course or distance that was omitted from the plat;

(3) To correct an error in the description of the real property shown on the plat;

(4) To indicate monuments set after the death, disability, or retirement from practice of the surveyor charged with the responsibility for setting monuments; or

(5) To show the proper location or character of any monument that has been changed in location or character, or that was originally shown at the wrong location or incorrectly as to its character;

(6) To correct any other type of map error or omission as approved by the Administrator, which does not affect any property right. Such errors and omissions may include, but are not limited to, parcel numbers, acreage, road names, and identification of adjacent record maps;

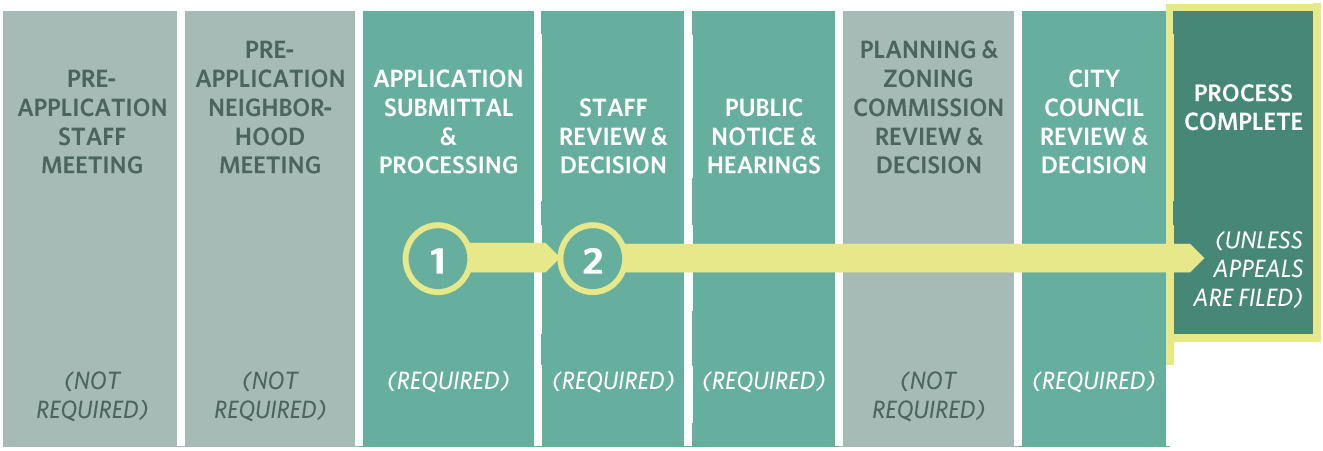
(7) To make modifications when there are changes in circumstances that make any or all of the conditions of the map no longer appropriate or necessary and the modifications do not impose any additional burden on the present fee owner of the

property and do not alter any right, title or interest in the real property reflected on the recorded map.

(8) A change or modification of the boundary lines between existing lots or parcels of land or between dwelling units that does not reduce the area, frontage, width, depth or building setback lines of each lot below the minimum zoning requirements and that does not consolidate lots or create additional lots or dwelling units.

b. Any requested change that exceeds the list of minor amendments above as determined by the Administrator shall be required to follow the same procedure required under this Code for submission of a Preliminary Plat and Final Plat application.

3. Procedure



a. Application Submittal and Processing

The application shall be submitted and accepted, and may be revised or withdrawn, pursuant to §16.07.020.C.

b. Review and Action: Public Hearing Approvals

The application shall be reviewed pursuant to the common review procedures for applications requiring a public hearing in §16.07.020.E. In addition:

(1) Public Notice and Public Hearing

The application shall be scheduled for at least one public hearing before the City Council and shall be noticed pursuant to Table 16-19: *Summary Table of Review Procedures* and §16.07.020.E.6.

(2) Decision

The City Council shall review and approve, approve with conditions, or deny the application pursuant to §16.07.020.E.7 and the review criteria below.

4. Review Criteria

In reviewing a Plat Amendment, the City Council shall determine whether the application complies with the following criteria:

a. The minor Plat Amendment does not increase the number of lots or parcels or create new lots or parcels;

b. The minor Plat Amendment does not affect a recorded easement without approval of the easement holder;

c. Street locations will not be changed;

d. The Plat Amendment will not create any nonconformities or increase the degree of nonconformity of any existing structure, use, or development standards; and

e. The Plat Amendment shall comply with all other provisions of this section and other applicable provisions of the Code.

D. Subdivision Exception

1. Purpose

The purpose of a Subdivision Exception is to allow for modifications to the subdivision standards in Chapter 16.06.

2. Applicability

A Subdivision Exception is required to modify of any of the requirements of Chapter 16.06, *Subdivision.* A Subdivision Exception may be granted by the City Council on a case by case basis upon the recommendation of the commission.

3. Procedure

Subdivision Exceptions shall be filed, processed and considered with a Preliminary Plat application pursuant to §16.07.080.A.1.

4. Review Criteria

In reviewing a Subdivision Exception, the Planning and Zoning Commission and City Council shall consider whether:

a. There are special physical characteristics or conditions affecting the property in question where literal enforcement of Chapter 16.06, *Subdivision,* would result in undue hardship not the result of actions by the subdivider;

b. The exception would be detrimental to the public welfare, health, and safety, or injurious to property owners in the immediate area.

E. Vacations and Dedications

1. Purpose

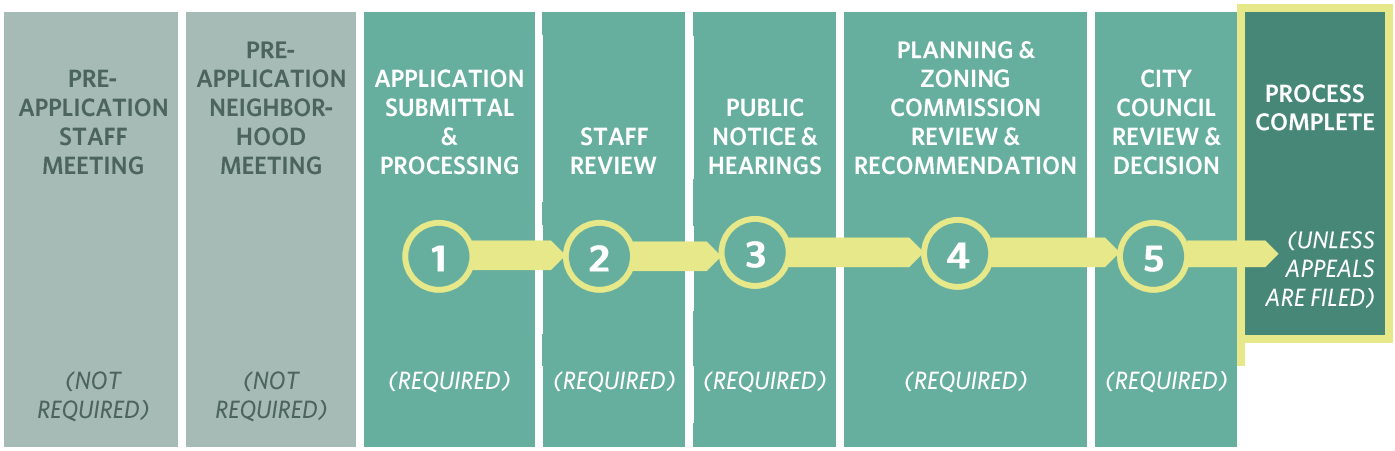
The purpose of Vacations and Dedications is to provide a mechanism for vacating rights, interests, or title of the City in and to any right-of-way located in the city or for the dedication of property, easements, and/or rights to the same.

2. Applicability

a. A Vacation or Dedication application is required for any request to vacate an existing public street, alley or easement right-of-way or dedicate a street or alley right-of-way.

b. The provisions of this section shall not apply to the widening of any street that is shown in the Comprehensive Plan or the dedication of nonvehicular easements to the City.

3. Procedure



a. Application Submittal and Processing

The application shall be submitted and accepted, and may be revised or withdrawn, pursuant to §16.07.020.C.

b. Review and Action: Public Hearing Approvals

The application shall be reviewed pursuant to the common review procedures for applications requiring a public hearing in §16.07.020.E. In addition:

(1) Public Notice and Public Hearing

The application shall be scheduled for at least one public hearing before the Planning and Zoning Commission and one hearing before the City Council and shall be noticed pursuant to Table 16-19: *Summary Table of Review Procedures* and §16.07.020.E.6.

c. Review and Decision

(1) Recommendation

The Planning and Zoning Commission shall review the application pursuant to §16.07.020.E.7 with the following modification:

(A) If dedication of a street is accepted, recommendations for improvements to be made prior to the acceptance shall be made by the Commission.

(2) Decision

The City Council shall review and approve, approve with conditions, or deny the application pursuant to §16.07.020.E.7 with the following modifications:

(A) When considering an application for dedication to the public of a street, alley, or easement right-of-way, the Council may require certain improvements be constructed or performance bond furnished prior to acceptance of the dedication pursuant to §16.07.020.E.8, *Performance Bonds and Security Agreements*. To complete the acceptance of any dedication, the Council shall accept same by resolution or by approval of a final subdivision plat.

(B) Whenever the Council vacates an existing public street, the City shall provide adjacent property owners with a quitclaim deed for the vacated street as prescribed by law. Such Vacation shall become effective upon delivery of such deed(s).

4. Review Criteria

The Planning and Zoning Commission shall review and recommend, and the City Council shall approve, approve with conditions, or deny the application based on the following criteria:

a. The Vacation or Dedication will not result in adverse impacts on public health, safety, or general welfare, or reduce the quality of public facilities or services;

b. The application does not restrict the access of any parcel in a manner that is unreasonable or economically prohibitive; and

c. For a Vacation, the application complies with Idaho Code sections 50-1321, 50-1325 and 50-1306(A), including subsequent amendment or codification.

16.07.090. Review and Decision-Making Bodies

A. City Council

The City Council shall have all powers granted by Title 2 of the Ketchum Municipal Code.

B. Planning and Zoning Commission

The Planning and Zoning Commission shall have all powers granted to it by Chapter 4.12 of the Ketchum Municipal Code.

C. Planning and Zoning Administrator

1. The Administrator shall have the responsibility for administering this Code and shall have the review and decision-making responsibilities listed in Table 16-19: Summary Table of Review Procedures and elsewhere in this Code.
2. The Administrator shall also coordinate other types of review not specifically addressed in this Code, but relevant to land use and governed by other parts of the Ketchum Municipal Code.

D. Floodplain Administrator

The Administrator shall serve as the Floodplain Administrator and shall perform the following duties:

1. Permit Review

a. Review of all applications for proposed construction within the city to determine whether such construction is proposed, in whole or in part, within the Floodplain Management Overlay District and/or the Waterways Review District.

b. Review all Floodplain Development Permit applications to determine that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334; Idaho Fish and Game, Idaho

Department of Water Resources, Soil Conservation Service, Environmental Protection Agency, and U.S. Army Corps of Engineers. Such documentation shall be maintained on file with the Floodplain Development Permit.

c. Review all Floodplain Development Permit applications to determine that the proposed development meets the requirements of this section, and is reasonably safe from flooding.

d. For projects within the floodway, review applications to ensure the proposal does not cause adverse impacts, or that any adverse impacts are mitigated, as demonstrated by a no adverse impact statement provided by the applicant.

e. Prevent encroachments into floodways unless the no rise certification, no adverse impact, and flood hazard reduction provisions contained in this section are met.

f. Review plans to verify public utilities are constructed pursuant to the provisions of this section.

g. When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a special flood hazard area (SFHA) is above the base flood elevation (BFE), advise the property owner of the option to apply for a letter of map amendment (LOMA) from FEMA. Maintain a copy of the LOMA issued by FEMA in the Floodplain Development Permit file.

2. Inspections

a. Make on-site inspections of work in progress. As the work pursuant to a Floodplain Development Permit progresses, the Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the Administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.

b. Make periodic inspections throughout the special flood hazard areas within the jurisdiction of the community. The Administrator and each member of their inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

3. Stop-work for Violations in Progress and Permit Revocation

a. Work with the Building Official to issue stop-work orders as required. Whenever a building or part of a building is being constructed, reconstructed, altered, or repaired in violation of this section, the Building Official may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.

b. Issue stop-work orders for unpermitted development in the floodplain that does not require a Building Permit. Examples include grading, filling, riparian zone alterations and stream bank stabilization and alteration.

c. Revoke Floodplain Development Permits as required. The Floodplain Administrator may revoke and require the return of the Floodplain Development Permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of state or local laws; or for false statements or misrepresentations made in securing the permit. Any Floodplain Development Permit mistakenly issued in violation of an applicable state or local law may also be revoked.

4. Coordination and Communication with Federal Agencies

a. Coordinate revisions to FIS reports and FIRMs, including letters of map revision based on fill (LOMR-Fs) and letters of map revision (LOMRs).

b. Notify, in riverine situations, adjacent communities and state and federal agencies pursuant to §16.07.090.D.7.

c. A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, a community shall notify the Federal Insurance Administrator (FIA) of the changes by submitting technical or scientific data pursuant to this part. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.

d. Upon occurrence, notify the Federal Insurance Administrator (FIA) in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that all FIRMs accurately represent the community's boundaries, include within such notification a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority.

e. The City will notify the State NFIP Coordinator of the Idaho Department of Water Resources of hearings scheduled to consider a Variance within the SFHA 15 calendar days prior to the date of the hearing

5. Use of Other Base Flood Data

a. When base flood elevation data has not been provided pursuant to §16.02.060.A.1.e, *Basis for Establishing the Areas of Special Flood Hazard and Floodway,* the Administrator shall obtain, review, and reasonably use any base flood elevation and floodway data available from a federal, state, or other source in order to administer §§16.02.060.A.1.g(2)(B), *Residential Construction*, 16.02.060.A.1.g(2)(C), *Nonresidential Construction*, and 16.02.060.A.1.j, *Standards for Floodways*.

b. When base flood elevation (BFE) data is provided but no floodway data has been provided pursuant to the provisions of this section, require that no new construction, substantial improvements, or other development (including fill) shall be permitted unless it is demonstrated that the cumulative effect of the proposed development, when

combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

6. Records and Information to be Obtained and Maintained

a. Permanently maintain all records that pertain to the administration of this section and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.

b. Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and other official flood maps, and studies adopted pursuant to the provisions of §16.02.060.A.1.c, *Establishment of the Floodplain Overlay District,* including any subsequent revisions including Letters of Map Change, issued by FEMA. Notify the NFIP State Coordinator and FEMA of Ketchum's mapping needs.

c. Obtain and maintain actual elevation (in relation to mean sea level) of the lowest floor (including basement) and all attendant utilities of all new and substantially improved structures.

d. Where base flood elevation data is provided through the flood insurance study or required as in §16.07.090.D.5, obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

e. For all new or substantially improved floodproofed structures:

(1) Verify and record the actual elevation (in relation to mean sea level); and

(2) Maintain the floodproofing certifications as required by this article.

f. Maintain in perpetuity records on all permits and Appeals and report all Variances to Federal Insurance Administration.

7. Stream Alterations

a. Notify adjacent communities and all state agencies with jurisdiction over the special flood hazard areas identified in §16.07.090.D.5, *Use of Other Base Flood Data* and/or with jurisdiction over the corresponding watercourse, river, stream or tributaries prior to any alteration or riprapping, or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

b. Notify adjacent communities and the Idaho Department of Water Resources State Coordinator for the National Flood Insurance Program (NFIP) prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Insurance Administrator (FIA).

c. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained. Require that maintenance is provided within the altered or relocated portion of the watercourse so that the flood carrying capacity is not diminished.

8. Interpretation of FIRM Boundaries

Make interpretations where needed as to the exact location of the boundaries of the areas of special hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in.

Chapter 16.08 Rules of Interpretation and Definitions

16.08.010. Rules of Interpretation

A. The particular controls the general.

B. In case of any difference of meaning or implication between the text of this Code and the captions for each section, the text shall control.

C. The word "shall" is always mandatory and not directory. The word "may" is permissive and indicates the use of discretion in making the decision.

D. Words used in the present tense include the future, unless the context clearly indicates to the contrary.

E. Words used in the singular number include the plural, and words used in the plural number include the singular, unless the context clearly indicates to the contrary.

F. A "building" or "structure" includes any part. A "building or other structure" includes all other structures of every kind, regardless of similarity to buildings.

G. The phrase "used for" includes "arranged for", "designed for", "maintained for", and "occupied for".

H. When measurements result in fractions, any fraction equal to or greater than one-half shall be rounded up to the next highest whole number.

16.08.020. Terms Defined

A

AASHO
American Association of State Highway Officials.

Abutting
Bordering or touching, such as sharing a common lot line. Lots that are separated by a private street or public right-of-way are not abutting.

Accessory Building and Use
A subordinate use of a building, other structure or tract of land, or subordinate building or other structure:

1. That is clearly incidental to the use of principal building, other structure, or use of land;
2. That is customary in connection with the principal building, other structure, or use of land; and
3. That is ordinarily located on the same lot with the principal building, other structure, or use of land.

Acoustical Engineer
A professional engineer with demonstrated education, accreditation and experience to perform and certify noise measurements

Adjacent
Properties that are separated only by intervening rights-of-way, easements, or waterways.

Adjoining and Contiguous
Properties that share a common boundary.

Administrator
The Planning and Zoning Administrator of the City of Ketchum, Idaho, or their designee.

Adult Only Business
A premises where minors are excluded by virtue of their age as a prevailing business practice or as required by law and that stock in trade and offers for sale, trade or rent of products are characterized by an emphasis upon the depiction or description of sexual activities or exposed anatomical areas or for use in connection with sexual activities or exposed anatomical areas; or that displays any images emphasizing the depiction or description of sexual activities; or that features live performances that are characterized by sexual activities or the exposure of anatomical areas; or that features films, motion pictures, videocassettes, slides or other photographic reproductions that are characterized by sexual activities or exposure of anatomical areas; or where employees engage in sexual activities or the display or exposure of anatomical areas.

Adverse Impact
An adverse impact with respect to floodplain development includes impacts that cause damage to property, threaten public safety and health, or cause loss of natural floodplain functions. These can be caused by increases in flood stages or elevations, increases in flood velocity, increases in flow rates, decreases in conveyance areas, decreases in flood storage, increased potential for erosion and sedimentation, or degradation of water quality. Development within the regulatory floodway and all other waterways, whether within the SFHA or not, shall be required to certify by a registered professional engineer that the development does not adversely affect flood risks for other properties as measured by increased flood stages, increased flood velocity, increased flows, increased potential for erosion and sedimentation, or any other impact deemed important or as specified by the City, unless the impact is mitigated. This certification shall employ industry standards for hydraulic and hydrological analysis to determine no adverse impact and all data shall be provided in hard copy and digitally for review and corroboration by the City's Engineer or any governmental review agency acceptable to the City.

Agriculture, Commercial
The growing of cultivated crops or raising of livestock, including grazing, pasturage, horticulture, floriculture, viticulture, nurseries, fruit trees, and berry bushes, and the necessary accessory uses for packing, treating, or storing the produce, but not including wholesale packing establishments or slaughterhouses.

Agriculture, Urban
The production of vegetables, fruits, honey, and eggs by residents for personal consumption and may include production by members of a neighborhood or by a nonprofit organization on one or more vacant lots for personal consumption or for the off-site sale of small quantities.

Agriculture Use
The growing of timber or crops, including grazing, horticulture, floriculture, nurseries, and fruit trees, together with necessary accessory uses for processing, packing, treating or storage, and shall not include feedlots, slaughterhouses, rendering plants or sawmills.

Alley
A minor public right-of-way, between 20 and 30 feet wide, that provides vehicle access to the rear or side of a parcel that has front and/or side access to another street and is not intended for general traffic circulation.

Antenna
Any exterior apparatus designed for telephonic, radio or television communications through the sending and/or receiving of electromagnetic waves including equipment attached to a tower or building for the purpose of providing personal wireless services. Antennas include the following types:

1. Omnidirectional (or "whip") antenna: Receives and transmits signals in a 360-degree pattern, and that is up to 15 feet in height and up to four inches in diameter.
2. Directional (or "panel") antenna: Receives and transmits signals in a directional pattern typically encompassing an arc of 120 degrees.
3. Parabolic (or "dish") antenna: A bowl shaped device that receives and transmits signals in a specific directional pattern.
4. Ancillary antenna: An antenna that is less than 12 inches in its largest dimension and that is not directly used to provide personal wireless communication services. An example would be a global positioning satellite antenna (GPS).
5. Other: All other transmitting or receiving equipment not specifically described in this chapter that most closely resembles such equipment.

Apartment
A multiple-family dwelling containing three or more dwelling units in which all units, exclusive of a unit that may be occupied by the owner or caretaker, are rented or leased.

Apiary
Any place where one or more colonies of honeybees are located and the honeybees are kept within hive(s).

Area of Shallow Flooding
A designated AO, AH, AR/AO, or AR/AH zone on a community's flood insurance rate map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area Light
Light that produces over 1,800 lumens (see addendum 1, on file in the Planning and Building Department, for light output of various lamps). Area lights include, but are not limited to, streetlights, parking lot lights and yard lights.

As Built Drawings
Plans and specifications, certified by the subdivider's engineer, depicting the location, type and details of improvements installed by the subdivider. "As constructed drawings" and "as built drawings" are synonymous.

Assisted Living Facility
See definition of residential care facility.

ASTM
American standard testing methods.

Average Foot-Candle
The level of light measured at an average point of illumination between the brightest and darkest areas. The measurement can be made at the ground surface or at four to five feet above the ground.

Awning
A covered architectural projection that extends from the exterior wall of a building for the purpose of providing shade, shelter, or aesthetic value to the building facade.

B

Balcony
An outdoor living space located on an upper floor of a building that is partially enclosed by a railing or other safety barrier.

Ballast
A device used with a discharge lamp to obtain the necessary voltage, current, and/or wave form for starting and operating the lamp.

Bar/Lounge
The use of a site primarily for the sale or dispensing of liquor by the drink or glass, but not including restaurants with a wine and beer license where the principal business is serving food. The use includes, but is not limited to, bar, brewery, lounge, saloon, and tavern.

Base Flood
The flood having one percent chance of being equaled or exceeded in any given year. Also referred to as the 100-year flood, the regulatory flood, or the intermediate regional flood (IRF).

Base Flood Elevation (BFE)
A determination by the Federal Insurance Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year. When the BFE has not been provided in a special flood hazard area, it may be obtained from engineering studies available from a federal, state, or other source using FEMA-approved engineering methodologies. This elevation, when combined with the freeboard, establishes the flood protection elevation.

Basement
That portion of a building that is partly or wholly below finished grade, regardless of whether the interior space is finished or unfinished. The City shall establish finished grade within the right-of-way of the alley and at the back of the sidewalk (see illustration A on file in the office of the City Clerk).

For purposes of floodplain review, any area of a building having its floor subgrade (below ground level) on all sides. A crawl space that is not built to the specifications of §16.02.060.A.1.g(1)(B)iii is not considered a basement.

Bay Window
A window and related structure that extends outward from an exterior building wall and thereby forms an alcove in the adjoining interior space.

Beacon
Any light with one or more beams directed at the sky or at points not on the same lot as the source and also any light with one or more beams that move.

Bed and Breakfast
See definition of tourist house.

Blaine County Area Median Income (AMI)
The income categories provided on an annual basis by the U.S. Department of Housing and Urban Development. The AMI is the category that represents households making 100 percent of the AMI. These figures are compiled and distributed by the Idaho Housing and Finance Association (IHFA).

Block
A group of lots within a defined or fixed boundary, generally surrounded by public streets, not including alleys, or a boundary line of a subdivision that has been legally surveyed.

Board
The Blaine County Board of County Commissioners.

Boarding and Rooming House
A building in which the proprietor resides and that has no more than six rooms available for lease or rent for residential occupancy.

Brewpub
An eating and drinking establishment that produces a maximum of 2,000 barrels of beer annually.

Build-to line (BTL)
The line that is parallel to the property line, along which the facade of the building shall be built.

Building
1. Any permanent structure built for the shelter or enclosure of persons, animals, chattels, or property of any kind, that:
    a. Is permanently affixed to the land; and
    b. Has one or more floors and a roof.
2. Any above grade appendages to the building, such as decks, roof overhangs, porte-cocheres, and the like, are part of the building for purposes of determining building coverage, setbacks, or other regulations unless otherwise specified.

Building Coverage
The total square footage of the building foundation and all horizontal projections that constitute a "building" as defined in this section, but not including roof overhangs that are three feet or less or uncovered decks less than 30 inches above grade. Garages and guest homes shall be included in

building coverage. The lot area used to determine building coverage shall be that area landward side of the mean high water mark on the Big Wood River, Trail Creek, and Warm Springs Creek.

Building Depth
The distance between the front facade of the building and the rear facade of the building.

Building Envelope
The site for location of a building, as defined in this section, delineated on a Preliminary Plat and Final Plat.

Building Footprint
The area of the lot or parcel that is within the perimeter created by a vertical extension to the ground of the exterior walls of all enclosed portions of a building.

Building Frontage
The side of the building that faces the front property line of the parcel.

Building Height
1. In the CC District, the overall building height is based on measurements taken at the front and rear property lines. The allowable building height of each property line is calculated by determining the average elevation of the property line and drawing a vertical line up to the maximum building height allowed by the zoning district. The following limitations apply to structures built between the front and rear allowable building height:
    a. The front façade of the building shall not extend above the front allowable building height.
    b. The rear façade of the building shall not extend above the rear allowable building height.
    c. Multiple "steps" (changes in building height) are allowed, except that no step shall occur within 40 feet of the front property line nor within 35 feet of the rear property line.

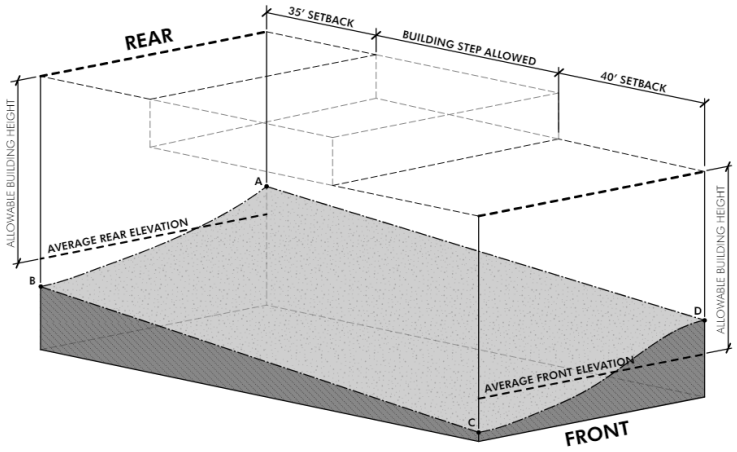


Figure 08-1: CC District Building Height Calculation

2. In the Industrial Districts, building height shall be the greatest vertical distance measured at any point from natural, existing, or finished grade, whichever is lowest, to the highest point of the roof, except where expressly exempted by Chapter 16.02, Zoning Districts. Building heights in LI districts are subject to the qualifying ground floor heights and residential standards contained in Chapter 16.02, Zoning Districts.

3. In all other Districts:
    a. Building height shall be the greatest vertical distance measured at any point from natural, existing, or finished grade, whichever is lowest, to the highest point of the roof. The maximum vertical distance from the lowest exposed finished floor to the highest point of the roof (regardless of vertical alignment) shall be no more than five feet greater than the maximum height permitted in the zoning district. No facade shall be greater than the maximum height permitted in the zoning district.
    b. Facades that step up or down hillsides shall be set back from the lower facade a minimum of 50 percent of the height of the lower facade; except, that roof overhangs may extend up to three feet into this area. This building height provision shall apply to parapets, Boston roofs and any other portion of a building roof, but shall not apply to flagpoles, lightning rods, weather vanes, antennas, or chimneys.

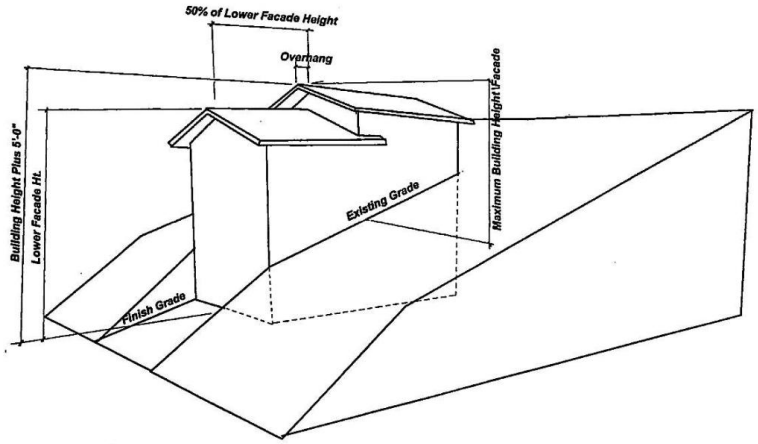


Figure 08-2: Building Height Calculation

Building Identification
A sign that identifies the name of the building only. If the name of any occupant of the building is the same as the building name, the size is included in the total for that business. Building identification signs are limited to one sign per building.

Building Official
The City of Ketchum Building Official, or their designee.

Building Permit
An official document or certificate issued by the Building Official authorizing performance of a specified activity.

Building Width
The distance from one side of the building's frontage to the other side of the building frontage.

Building Zone
The portion of the lot that is available for occupation by a building.

Bulb
The source of electric light, to be distinguished from the whole assembly (see definition of luminaire).

Bulb Out
An extension of the sidewalk into the parking lane at intersection and midblock crosswalks. Bulb outs reduce the length of pedestrian crossings and help to slow vehicle traffic.

Bulk
The size and mutual relationships of buildings and other structures and, therefore, includes:

1. The size of buildings and other structures;
2. The shape of buildings and other structures;
3. The location of exterior walls of buildings and other structures in relation to area of a lot, to the centerline of streets, to other walls of the same building, and to other buildings or structures; and
4. All open spaces relating to a building or a structure.

Business Support Service
The use of land for the sale, rental, or repair of office equipment, supplies, and materials, or the provision of services used by office and service establishments. Uses include: office equipment and supply firms, small business machine repair shops, convenience printing and copying establishments, or information technology support services.

C

Candela (cd)
Unit of luminous intensity.

Carrier
A company that provides wireless services.

Cemetery
The use of land for the interment of human or animal remains. The sprinkling of ashes or their burial in a biodegradable container on church grounds or their placement in a columbarium on church property shall not constitute the creation of a cemetery.

Channel
A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water.

Child
Any person under 12 years of age.

City
The City of Ketchum, Idaho.

City Engineer
Engineer or engineering firm designated by the City of Ketchum to review and approve construction plans and inspect and test completed work.

Cleaning (Irrigation)
Mowing, cutting, or burning of weeds, trees, and other nuisance growth, including algae growth, application of pesticides as permitted, removal of beaver dams, and removal of trash or other debris

whether floating, lodged or otherwise obstructing the conveyance of water flow through channels and works.

Clerk
The City Clerk of the City of Ketchum, Idaho.

Colonnade
A covered, open air walkway that is attached to a building and has an overhead structure (roof, balcony, or enclosed habitable space) that is supported by columns or arches.

Commercial Off-Site Snow Storage
The storage of snow that has been removed from one or more privately owned lots and relocated off-site to a different lot in the Community Core (CC), Tourist (T), and/or Light Industrial (LI-1, LI-2, LI-3) districts. This definition does not distinguish whether or not the sending and receiving lots are held under the same ownership and does not include the storage of snow removed from the right-of-way or property owned by public agencies.

Commercial Studio
Work space within an enclosed structure for artists and artisans, including individuals practicing, teaching, or demonstrating in one of the fine arts or performing arts, or skilled in an applied art or craft. Also includes recording studios. Incidental retail sales of items produced on the premises is allowed. A commercial studio may hold occasional events solely and exclusively in connection with the permitted uses conducted by the commercial studio. The events shall be subordinate in nature to the commercial studio and subject to the standards of §16.03.030.C.10.

Commission
The City of Ketchum Planning and Zoning Commission.

Common Area
The area of a building used by tenants and their guests for circulation, gathering, seating and other subordinate uses that are incidental and accessory to the principal uses and functions of the building.

Community Housing
For the purpose of Planned Unit Developments, that portion of housing that meets the following minimum requirements:

1. Affordability requirements for ownership and rental units:
    a. "Ownership community or employee housing unit" means that a unit's selling price shall not exceed the maximum sales prices set forth in part IV, section 2 of the 1997 Ketchum Affordable Housing Guidelines (housing guidelines) or any subsequent amendments. The costs of an ownership unit include mortgage, principal and interest payments, insurance costs and property taxes. Income categories 1 through 4, included in the housing guidelines, shall be considered appropriate categories for the provision of community or employee housing.
    b. "Rental community or employee housing unit" means no more than 30 percent of a household's gross monthly income shall go toward housing costs. For a rental dwelling unit, housing costs include a utility allowance (telephone excluded) and monthly rental payments. To be considered affordable, rental units should be made available and priced for households making 60 percent or less of the Blaine County AMI.

2. Community housing units must be deed restricted to ensure appropriate income levels served, corresponding sales prices and long term affordability.

Community Housing or Workforce Housing
Dwelling units, for sale or rent, restricted typically via deed restriction by size and type for individuals meeting asset, income and minimum occupancy guidelines approved by the governing housing authority and the City.

Comprehensive Plan
The officially adopted Comprehensive Plan of the City of Ketchum, Idaho.

Conditional Use
A use or structure permitted only upon the issuance of a Conditional Use Permit pursuant to the provisions of §16.07.030.A.

Condominium
An estate consisting of an undivided interest in common in real property, in an interest or interests in real property, or any combination, together with a separate estate in real property in an interest or interests in real property, or any combination of the listed interests.

Consolidation
The action or process of combining more than one lot or unit into a single lot or unit.

Construction Material Laydown Yard
A site identified and approved as part of a construction activity plan or other City-issued permit for a specific construction project. Construction material laydown yards are intended to be used on an intermittent basis in association with a singular, permitted development project.

Contractor
The individual, firm or corporation undertaking execution of construction work including the work of digging, trenching, or excavating in the City streets or alleys.

Convenience Store
A retail store with a floor area of less than 1,500 square feet that sells groceries and small convenience items. Convenience stores provide no motor vehicle service of any kind.

Copy
Any graphic, letter, numeral, symbol, insignia, text, sample, model, device, or combination of those elements that is intended to advertise, identify, or notify.

Cornice
A horizontal molded projection that crowns or completes a building facade. The cornice is the uppermost section of moldings along the top of a wall or just below a roof.

Courtyard
An outdoor room created by at least three sides of a building or several buildings, generally at the building scale, that is open to the sky.

Courtyard, Sunken
A courtyard below the grade of the ground floor.

Council
The City Council of the City of Ketchum, Idaho.

County Recorder
The office of the Blaine County Recorder, Hailey, Idaho.

Covenant, Private
A written promise, covenant, restriction, or rule imposed upon land by the property owners or land developers that are private in nature and enforced accordingly. Such covenants do not replace or impair the validity of the restrictions or regulations imposed by this Code or any other applicable ordinance of the City or governmental entity having jurisdiction.

Craft/Cottage Industry
A facility devoted solely to the arts and crafts that produces or makes items that by their nature are designed or made by an artist or craftsman by using hand skills.

Crawl Space
The unfinished area of a structure, enclosed by foundation walls, between the ground below and the floor system above. A crawl space is generally under four feet in height and unfinished. A crawl space built to the specifications of §16.02.060.A.1.g(1)(B)iii is not considered a basement. (See Figure 02-1: *Preferred Crawl Space Construction*).

Crawl Space, Below Grade
A crawl space where the ground level in the enclosed space is below the lowest adjacent grade next to the building. (See Figure 02-2: *Below Grade Crawl Space Construction*).

Critical Facility
A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire and emergency response installations, or installations that produce, use, or store hazardous materials or hazardous waste.

Cultural Facility
An institution or the use of land for the display, preservation, or exhibition of art, scientific, cultural, or historical materials including, but not limited to, museums, libraries, or art galleries.

D

Daycare Business
The care and supervision, provided for compensation, during part of a day, for a child or children not related by blood or marriage to the owner of the daycare business, in a place other than the child's own home. This term includes preschools, nursery schools, play schools, kindercare and any like or similar operation. Daycare businesses are categorized as "centers", "facilities" or "homes", as defined in this section, according to Idaho Health and Welfare Regulations.

Daycare Center
A daycare business providing care for 13 or more children on the premises at any one time. A daycare center is required to be licensed by the Idaho Department of Health and Welfare.

Daycare Facility
A daycare business providing care for no more than 12 children on the premises at any one time and having not more than four employees. A daycare facility is required by state law to have a fire inspection.

Daycare Home
A daycare business providing care for six or fewer children on the premises at any one time, having not more than one employee in addition to the operator, and operating between the hours of 7:00 a.m. and 6:00 p.m. A daycare home is required by the City to have a basic fire inspection.

Daycare, Onsite Employee
Child care programs that occur in facilities where parents are on the premises.

Deck
A roofless exterior floor structure attached to or supported by an adjacent structure and/or posts, piers, or other independent supports.

Dedication
The setting apart of land, or interest in land, for use by the public. Land becomes dedicated when accepted by the City Council as a public dedication by ordinance, resolution, or by approval and acceptance on a Final Plat.

Density
A unit of measurement; the number of units or square footage of dwelling units per land area.

Design Guideline
A design recommendation that is intended to further define the desired image and character of development.

Design Regulation
A minimum or baseline design standard for the design of development.

Developer
The individual, firm or corporation undertaking development of the land and responsibility for preparation of plat, construction plans and specifications.

Development
Any man-made change to improved or unimproved land, including subdivision, construction activity, alteration of the landscape (except for routine pruning and maintenance of riparian vegetation to benefit the health of the vegetation), its terrain contour or vegetation, including any construction of structures, establishment of a land use, alteration of an existing structure or land use, mining, dredging, filling, grading, paving, excavation or drilling operations, streambank stabilization, placement of manufactured or mobile homes, construction of fences, hedges, berms, walls, or storage of equipment or materials on a temporary or permanent basis.

Development Activity
For the purpose of floodplain management, development activity is development as defined in this Code that will require a Floodplain Development Permit.

Development Plan
A master plan for development of a Planned Unit Development (PUD) or a phased project establishing location of required improvements and all existing and proposed structures, together with a schedule for development.

Development Specifications
Regulations and standards that apply to specific types of developments or buildings within a zoning district. Development specifications address issues of site design, building mass and height, facade design, and use of buildings and outdoor space.

Development Standards
Criteria or specifications detailing the design, layout, architectural style, scale, or other measurement/description of development.

Dormer
A framed window unit projecting through the sloping plane of a roof thereby forming an alcove in the adjoining interior space. A dormer has its own roof, which is usually a gable or hip.

Double Frontage Lot
A double frontage lot is a through lot or "reverse frontage" lot, other than a corner lot, where vehicular access is restricted to the abutting thoroughfare, and where lots have vehicular access provided by an interior public or private street.

Downspouts
A pipe for draining water from roofs and roof gutters.

Drive-Through Facility
A facility that by design, physical facilities, service, or packaging procedures, encourages or permits customers to transact business or receive services or goods while remaining in their motor vehicles.

Drive-Through Window
Any portion of a structure from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle.

Driveway
A nondedicated vehicular access constructed on private property that provides vehicular and/or pedestrian access to not more than four dwelling units (excluding accessory dwelling units) and is constructed in conformance with the applicable International Fire Code.

Dwelling
A building or separate portion containing a single kitchen and not less than one bathroom, to be occupied as a unit by a person or family exclusively for residential occupancy and not for short term occupancy or timeshare occupancy.

Dwelling, Multiple-Family
A building, under single or multiple ownership, containing two or more dwelling units used for residential occupancy.

Dwelling, One-Family
A detached building containing a single dwelling unit used by one family for residential occupancy, having not less than one bathroom.

Dwelling Unit
One or more rooms including at least one bathroom and kitchen, designed for or occupied as a unit by one person or family for living purposes and located in a one-family or multiple- family dwelling.

Dwelling Unit, Accessory
An attached or detached dwelling that is accessory in nature to a principal residential unit and cannot be sold separately from the principal residence. An accessory dwelling unit provides complete, independent living facilities with a separate dwelling entrance for one or more persons, including permanent facilities for living, sleeping, eating, cooking and sanitation, on the same lot as the principal residence. Accessory dwelling units are provided in conjunction with one-family dwelling units and are not to be constructed as an addition to a multiple-family unit.

E

EIA
The Electronic Industries Association.

Easement
A property interest (less than fee simple estate) that one person has in land owned by another, entitling the owner of their interest to limited use or enjoyment of the other's land, such as for a driveway, utility lines or similar.

Eaves
The horizontal, lower edge of a sloped roof.

Effective Date of Applicable Regulations
The effective date of the first pertinent ordinance ever adopted by the City. "Pertinent ordinance" means, for example, with respect to a nonconforming use, the first ordinance that ever prohibited that use on that land, that ordinance (and its successors) have continued in effect to the time as of which the legality of the use needs to be determined.

Eighty-Five Degree Full Cutoff Type Fixtures
Fixtures that do not allow light to escape above an 85-degree angle measured from a vertical line from the center of the lamp extended to the ground.

Electric Vehicle Charging Station
A public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.

Employees
The average number of persons to be employed in a building.

Enclosed
An area surrounded on at least three sides by walls and on top by a roof or similar covering.

Engineer
An officially licensed and registered engineer by the State of Idaho.

Equestrian Facility, Commercial
An establishment operated for purposes of commercial boarding, training, teaching, breeding, and rental of horses including facilities for shows and competitive events.

Equestrian Facility, Residential
A facility used for or associated with housing horses that are owned by the residents residing on the property.

Equipment Enclosure
A small enclosed structure, shelter, cabinet, box, or vault at the base of the support system that houses batteries and electrical equipment.

Event
A planned, public, social gathering or activity.

Excavation/Construction Permit
A permit for excavation within the public right-of-way. Forms are available from the Ketchum building inspector.

Existing Lighting
Any and all lighting installed prior to the Effective Date.

Exterior Lighting
Temporary or permanent lighting that is installed, located, or used in such a manner to cause light rays to shine outside. Fixtures that are installed indoors that are intended to light something outside are considered exterior lighting for the intent of §16.04.090, *Dark Skies.*

F

FAA
The Federal Aviation Administration.

FCC
The Federal Communications Commission.

Façade
The exposed exterior wall of a building, including measurement to the highest point of a roof, as shown in illustration B on file in the office of the City Clerk.

Facade Attached Antenna
Any antenna directly attached or affixed to the elevation of a building, tank, tower, or other structure.

Fallout Shelter
An accessory building and use specifically designed for the protection of life from radioactive fallout.

Family
A group of individuals not necessarily related by blood, marriage, adoption or guardianship living together in a dwelling unit as a single housekeeping unit.

Fascia
A flat vertical board used to conceal the ends of roof rafters or to enclose the overhang under the eaves.

Fence
A hedge, structure, or partition, erected for the purpose of enclosing a piece of land, or to divide a piece of land into distinct portions, or to separate two contiguous properties.

Fertilizer
Any substance containing one (or more) recognized plant nutrient that is used for its plant nutrient content and that is designed for use or claimed to have value in promoting plant growth, and includes limes and gypsum. It does not include unmanipulated animal manure and vegetable organic waste derived material, or biosolids regulated under 40 CFR part 503.

Fiber Cement Siding
Siding that is designed to resemble stucco, wood clapboards, or cedar shingles, depending on how the panels are textured. Fiber cement is more durable than wood or stucco, and is also fire resistant.

Finished Floor Elevation
The elevation of the first habitable floor of a structure.

Fixture
The assembly that holds the lamp in a lighting system. It includes the elements designed to give light output control, such as a reflector (mirror) or refractor (lens), the ballast, housing, and the attachment parts.

Flag Lot
A flag lot is an irregularly shaped building lot or parcel that has a very limited amount of street or road frontage.

Flood or Flooding
1. A general and temporary condition of partial or complete inundation of normally dry land areas from:
    a. The overflow of inland or tidal waters.
    b. The unusual and rapid accumulation or runoff of surface waters from any source.
    c. Mudslides (i.e., mudflows) that are proximately caused by flooding as defined in paragraph a.2. of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event that results in flooding as defined in paragraph a.1. of this definition.

Flood Damage Resistant Material
Any building material capable of withstanding direct and prolonged contact with floodwaters (minimum 72 hours) without sustaining significant damage (i.e., damage requiring more than cleaning, sanitizing or resurfacing). Refer to federal emergency management agency (FEMA) technical bulletin 2-2008, flood damage resistant materials for more information.

Flood Insurance Rate Map (FIRM)
The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazard and risk premium zones applicable to the community. A FIRM that has been made available digitally is called a digital flood insurance rate map (DFIRM).

Flood Insurance Study (FIS)
An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations; or an examination, evaluation, and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Flood of 100-Year Frequency
A flood magnitude that has a one percent chance of being equaled or exceeded in any given year.

Flood Protection Elevation (FPE)
The base flood elevation plus the freeboard.

1. In "special flood hazard areas" where base flood elevations (BFEs) have been determined, this elevation shall be the BFE plus two feet of freeboard; and
2. In "special flood hazard areas" where no BFE has been established, this elevation shall be at least two feet above the highest adjacent grade.

Flood Protection System
Those physical structural works for which funds have been authorized, appropriated, and expended and that have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes dams, reservoirs, levees, or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Floodlight
Light that produces up to 1,800 lumens (see addendum 1, attached to ordinance 743, for light output of various lamps) and is designed to flood a well-defined area with light. Generally, floodlights produce from 1,000 to 1,800 lumens.

Floodplain
The relatively flat area or low land adjoining the channel of a stream of a river, stream, lake, or other body of water that is subject to the hazards and inundation on a 100-year frequency, as identified and defined in the flood insurance study and flood boundary and floodway map prepared by the federal insurance administration of the U.S. Department of Housing and Urban Development in conjunction with the U.S. Army Corps of Engineers.

Floodplain or Flood-Prone Area
Any land area susceptible to being inundated by water from any source (see definition of "flooding").

Floodplain Administrator
The individual appointed to administer and enforce the floodplain management regulations.

Floodplain Management
The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

Floodplain Management Regulations
Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance), and other applications of police power. The term describes such state or local regulations, in any combination, that provide standards for the purpose of flood damage prevention and reduction.

Floodplain, Regulatory
A relatively flat area or low land adjoining the channel of a river, stream or watercourse or lake or other body of standing water, that has been or may be covered by water of a flood of 100-year frequency. The floodplain includes the channel floodway and floodway fringe.

Floodproofing
Any combination of structural and nonstructural additions, changes or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

Floodway
The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot, as identified and defined in the flood insurance study and flood boundary and floodway map prepared by the federal insurance administration of the U.S. Department of Housing and Urban Development in conjunction with the U.S. Army Corps of Engineers. No building construction shall be permitted in the floodway.

Floodway, Designated
A floodway whose limits have been designated and established.

Floodway Encroachment Lines
The lines limiting a designated floodway.

Floor Area, Gross
The sum of the horizontal area of the building measured along the outside walls of each floor of a building or portion of a building, including stair towers and elevators on the ground floor only, and 50 percent of atriums over 18 feet plate height, but not including basements, underground parking areas or open unenclosed decks. Parking areas covered by a roof or portion of the building and enclosed on three or more sides by building walls are included. Four parking stalls for developments on single Ketchum Town Site lots of 5,600 square feet in size or less are not included in the gross floor area calculation.

Floor Area Increase
The gross and net floor area of a building allowed in addition to the permitted floor area in exchange for the provision of community housing units within the project, all of which are considered to be a public benefit.

Floor Area, Net
The sum of the horizontal areas of all floors in a building including basements but not including open unenclosed decks, interior or exterior circulation, mechanical equipment rooms, parking areas, common areas, public bathrooms, or storage areas in basements.

Floor Area Ratio or FAR
The product of the floor area divided by the lot area (example 2,750 square feet floor area/5,500 square feet lot area = 0.5 FAR).

Flux (Radiant Flux)
Unit is erg/sec or watts.

Food Service
An establishment where food and drink are prepared, served, and consumed on site with associated outdoor dining, or distributed to customers through take out, delivery or catering. Typical uses include, but are not limited to restaurants, cafes, delis, catering services, and brewpubs that do not distribute beer produced for off-site consumption.

Foot-candle
Illuminance produced on a surface one foot from a uniform point source of one candela, measured by a light meter.

Free and Clear Zone
A portion of a sidewalk that is unobstructed and allows for the free flow of pedestrian traffic.

Freeboard
A factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effects of urbanization in a watershed. The base flood elevation (BFE) plus the freeboard establishes the flood protection elevation (FPE). Freeboard shall be two feet.

Freestanding Tower
A tower not physically attached to a building or structure. The tower is attached to the ground by a foundation.

Full Cutoff Fixtures
Fixtures, as installed, that are designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted (see Figure 04-2: Full Cutoff Light Fixture Examples).

Fully Automated WCF
No on site personnel required for the daily operation of the WCF.

Functionally Dependent Use
A facility that cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

G

Glare
Intense light that results in discomfort and/or a reduction of visual performance and visibility.

Golf Course
A tract of land for playing golf, improved with tees, greens, fairways, hazards, and that may include clubhouses and shelters.

Governing Body
The board or council composed of elected officials of the county or City having jurisdiction.

Governing Housing Authority
The entity having jurisdiction over the development of guidelines and the management of community housing units within the city as authorized by the City Council.

Grade (Adjacent Ground Elevation)
The lowest point of elevation of the finished surface of ground, paving or sidewalk within the area between the building and the property line, or when the property line is more than five feet from the building, between the building and a line five feet from the building.

Grade, Existing
The elevation of the ground surface at the time of a proposed development.

Grade, Finished
The final elevation of the ground surface after development. For purposes of measuring building height, finished grade shall be the lowest exposed point of the building.

Grade, Natural
The elevation of the ground surface in its natural state prior to any site excavation, grading, or filling.

Greenhouse
A building or structure constructed chiefly of glass, glasslike or translucent material, cloth, or lath, that is devoted to the protection or cultivation of flowers or other tender plants.

Grocery Store
A facility, over 1,500 square feet in size, that is primarily used for the retail sale of household foodstuffs for off-site consumption, including any combination of fresh produce, meats, poultry, fish, deli products, dairy products, canned foods, dry foods, baked foods, prepared foods, and beverages. A grocery store may include the sale of other household supplies and products, but only if accessory to the primary purpose of food sales.

Ground Floor
The floor of a building that is at or nearest to the level of the ground around the building; also referred to as first floor or ground level.

Guesthouse
A living unit consisting of a minimum of 400 square feet and not exceeding 600 square feet and containing no kitchen facilities that is located on a lot in conjunction with a single-family dwelling.

Guestroom
A room designed or used for short term occupancy that does not contain a kitchen.

Gutter
A channel along the eaves or on the roof; collects and carries away rainwater.

Guywire
Diagonal cables used to tie towers to the ground or other surfaces.

H

Habitable Floor
Any floor usable for living purposes, that includes working, sleeping, eating, cooking or recreation, or a combination of those purposes. A floor used only for garage, storage or access purposes is not a "habitable floor".

Health and Fitness Facility—Wellness Focus
A business or membership organization providing exercise facilities and/or nonmedical personal services to patrons, with a focus on wellness and characterized by low-impact movements and/or lack of mechanized equipment, including, but not limited to, yoga and Pilates studios, dance studios, gymnasiums, personal training studios, private clubs (athletic, health, or recreational), tanning salons, and weight control establishments.

HEC-RAS (Hydrologic Engineering Center-River Analysis System)
A computer program for modeling water flowing through systems of open channels and computing water surface profiles.

Highest Adjacent Grade (HAG)
The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. Refer to the FEMA Elevation Certificate for HAG related to building elevation information.

Highway
A street designed or designated as a highway by the state or federal agency responsible.

Hive
A frame hive, including a Langstroth hive, that has removable frames.

Holiday Lighting
Festoon type lights, limited to small individual bulbs on a string, where the spacing of bulbs is not closer than three inches and where the output per bulb is no greater than 15 lumens.

Home Occupation
A business related activity conducted entirely within a dwelling that is incidental and accessory to the use of a dwelling as a residence and does not negatively impact the surrounding neighborhood.

Honeybee
The common honeybee. Apis mellifera L., at any stage of maturity, but excluding the African honeybee, Apis mellifera scutellata. Honeybees include queens, workers, and drones.

Horizontal Expression Line
A horizontal row, usually of brick or stone, flush with or projecting beyond the face of a building, often molded to mark a division in the wall; also referred to as a belt course or string course.

Hospital
An institution providing health services primarily for human inpatient, medical and/or surgical care for the sick or injured, and including the related facilities such as laboratories, outpatient departments, training facilities, central service facilities, and staff offices that are an integral part of the facilities.

Hotel
A building designed and used for overnight occupancy by the general public on a short term basis for a fee. Hotels shall include adequate on site food and beverage service with kitchen facilities, common reservation and cleaning services, meeting room space, combined utilities, on site management and reception services, access to all sleeping rooms through an inside lobby supervised by a person in charge no less than 18 hours per day, and adequate on site recreational facilities. Unless otherwise approved by the City Council, occupancy periods of a hotel by any one person or entity with an ownership interest in the hotel shall not exceed 30 consecutive days or exceed 90 days within any calendar year, regardless of the form of ownership. A hotel room that includes cooking facilities shall not be considered a dwelling for the purposes of density, area and bulk regulations of this Code and other land use regulations. For the purposes of granting height and density bonuses, a hotel building may contain other residential uses not used in connection with the hotel operation, so long as the total gross square footage of the hotel rooms, associated common areas, and other hotel uses outlined above comprises 75 percent or more of the entire project's gross square footage. Parking that meets the definition of "gross floor area" shall not be counted toward the 75 percent calculation.

Household Pets
Domestic household animals including, but not limited to, dogs and cats that are kept on or within any portion of the property.

Hybrid Production Facility
A commercial operation or use, on one or more premises within the same zoning district, where finished consumer goods are manufactured or produced and those same goods are offered for sale to the general public. Hybrid production facilities must be similar in size, scale, and scope of operation with adjacent or nearby uses.

I

Illuminance
Density of luminous flux incident on a surface. Unit is foot-candle or lux.

Illuminating Engineering Society of North America (IES or IESNA)
The professional society of lighting engineers, including those from manufacturing companies, and others professionally involved in lighting.

Improvements
Any alteration to the land or construction associated with the construction or installation of streets, easements, drainage facilities, curbs, gutters, sidewalks, water system, sewage system, storm sewers, gas, electric or telephone lines, lot pin monuments and other such items associated with the subdivision and/or development of land, including grading or fill of land.

Improvements, Required
Those subdivision improvements required to be constructed after Preliminary Plat approval and prior to Final Plat approval by the Council.

Industrial Design
The professional service of creating and developing concepts and specifications that optimize the function, value and aesthetics of products and systems for the mutual benefit of both user and manufacturer, often employing design thinking strategies. Typically, industrial design is intended to result in tangible goods that can be mass produced. Industrial design businesses may include on-site prototyping, fabrication, and manufacturing.

Instructional Service
The use of land for the provision of instructional services for personal improvement other than physical improvement. Uses include music, painting, ceramics, photography, fiber arts, educational tutoring facilities, handicraft, or hobby instruction.

Interior Film
A material placed on the inside of windows to diffuse light and/or filter UV radiation.

Interval Ownership
The ownership of land, condominium, or hotel unit with an ownership interest less than fee simple ownership.

J

Junkyard
Use involving the collection, storage or sale of wastepaper, rags, scrap metal or discarded material; or the dismantling, storage, salvage, or demolition of vehicles, machinery, or other materials.

K

Kennel, Boarding
A facility providing for the commercial boarding, grooming, or training of household pets not owned by the owner or occupant of the premises.

Kitchen
A room or other portion of a structure intended for cooking of food, that, at a minimum, contains a sink, refrigerator, and cooking facilities to include a range or built-in cooktop.

L

Lamp
The source of electric light; the bulb and its housing. To be distinguished from the whole assembly (see definition of luminaire).

Lattice Tower
A support structure that consists of a network of crossed metal braces, forming a tower that is usually triangular or square in cross section.

Laundry, Industrial
An industrial facility where fabrics are cleaned on a commercial or wholesale basis.

Letter of Map Change (LOMC)
A general term used to refer to the several types of revisions and amendments to FIRMs that can be accomplished by letter. They include letter of map amendment (LOMA), letter of map revision (LOMR), and letter of map revision based on fill (LOMR-F)

1. Letter of map amendment (LOMA). An official amendment, by letter, to an effective National Flood Insurance Program (NFIP) map. A LOMA establishes a property's or structure's location in relation to the special flood hazard area (SFHA). LOMAs are usually issued because a property or structure has been inadvertently mapped as being in the floodplain but is actually on natural high ground above the base flood elevation.
2. Letter of map revision (LOMR). FEMA's modification to an effective flood insurance rate map (FIRM) or a flood boundary and floodway map (FBFM) or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations (BFEs), or the special flood hazard area (SFHA). The LOMR officially revises the flood insurance rate map (FIRM) or flood boundary and floodway map (FBFM), and sometimes the flood insurance study (FIS) report, and when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM, FBFM, or FIS report.
3. Letter of map revision based on fill (LOMR-F). FEMA's modification of the special flood hazard area (SFHA) shown on the flood insurance rate map (FIRM) based on the placement of fill outside the existing regulatory floodway. The LOMR-F does not change the FIRM, FBFM, or FIS report.
4. Conditional letter of map revision (CLOMR). A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective flood insurance rate map (FIRM) or flood insurance study (FIS). Upon submission and approval of certified as-built documentation, a letter of map revision (LOMR) may be issued by FEMA to revise the effective FIRM. Building permits and/or flood development Permits cannot be issued based on a CLOMR, because a CLOMR does not change the NFIP map.

Licensed Carrier
A company authorized by the FCC.

Life Safety Inspection
The Building Official has inspected and approved the following items within the building as completed, including, but not limited to: handrails, guardrails, tempered glass, address, smoke detectors and fire separation requirements.

Light
The form of radiant energy acting on the retina of the eye to make sight possible; brightness, illumination, a "lamp", as defined in this section.

Light Pollution
Any adverse effect of manmade light including, but not limited to, light trespass, uplighting, the uncomfortable distraction to the eye, or any manmade light that diminishes the ability to view the night sky; often used to denote urban sky glow.

Light Trespass
Light falling where it is not wanted or needed, generally caused by a light on a property that shines onto the property of others.

Lighting
Any or all parts of a luminaire that function to produce light.

Limited Common Area
As defined in the Condominium Property Act, means those common areas and facilities designated in the declaration for use of a certain condominium owner or owners to the exclusion, limitation, or restriction of others.

Lodging Establishment
A building or group of buildings designed or used for short term occupancy that contains more than six guestrooms offered for rent on a nightly basis with an on-site office with a person in charge 24 hours per day. Typical uses include, but are not limited to, motels, hotels, and inns. A motel room that includes cooking facilities shall not be considered a dwelling unit for the purpose of density, area, bulk, or parking regulations of this Code.

Lot
The parcel, plot, tract, or other area of real property intended for sale, transfer, lease, or encumbrance.

Lot Area
The area within the boundaries of a lot, exclusive of any area contained within a public or private street, alley, fire lane or private driveway easement; also, exclusive of any narrow strip of land connecting a lot set back from any public street for the purpose of providing driveway access with that street and exclusive of any portion of the property that lies between the mean high water marks of the Big Wood River, Trail Creek, and Warm Springs Creek. All exclusions shall not be used for the purpose of calculating density and building coverage. Lot area shall include the area of any dedicated public bike path, equestrian path, or other public pathway within the boundaries of a lot.

Lot, Buildable
A lot that contains land outside of the floodway that conforms to all ordinance requirements and where the slope is less than 25 percent.

Lot, Reverse Corner
A corner having its side street line substantially a continuation of the front lot line of the first lot to its rear.

Lot Line, Front
The property line dividing a lot from a street. On a corner lot, only one street line shall be considered as a front line, and the shorter street frontage shall be considered the front line, unless otherwise determined by the Administrator based on the orientation and layout of the lot and surrounding neighborhood.

Lot Line, Rear
The line opposite the front line.

Lot Line, Side
Any lot line other than front lot line or rear lot line.

Lot Line Shift
A change or modification of the boundary lines between existing lots or parcels of land or between dwelling units that does not reduce the area, frontage, width, depth or building setback lines of each lot below the minimum zoning requirements and that does not create additional lots or dwelling units. "Lot line shifts" includes other minor changes to a subdivision, condominium, or townhouse plat such as, but not limited to, notation changes, boundary shifts and removal of lot line(s), each of which do not reduce the area, frontage, width, depth or building setback lines of each lot below the minimum zoning requirements nor create additional lots or dwelling units.

Lot Width
The horizontal distance between side lot lines measured at the front lot line.

Lot Width, Average
The average of lot width measurements taken at 10-foot increments between the front and rear lot line.

Lowest Adjacent Grade (LAG)
The lowest point of the ground level immediately next to a building. Refer to the FEMA Elevation Certificate for LAG related to building elevation information.

Lowest Floor
The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement contained in 44 CFR § 60.3 and §16.02.060.A.1.g(1)(B)iii considered.

Lumen
Unit of luminous flux; the flux emitted within a unit solid angle by a point source with a uniform luminous intensity of one candela. One foot-candle is one lumen per square foot. One lux is one lumen per square meter.

Luminaire
The complete lighting unit, including the lamp, the fixture, and other parts.

Luminance
At a point and in a given direction, the luminous intensity in the given direction produced by an element of the surface surrounding the point divided by the area of the projection of the element on a

plane perpendicular to the given direction; units: candelas per unit area. The "luminance" is the perceived brightness that we see, the visual effect of the illuminance, reflected, emitted, or transmitted from a surface.

M

Maintenance (Irrigation)

The act of ongoing upkeep of existing structures required to keep channels in a condition adequate to support the conveyance of irrigation and drainage water (this does not include the complete replacement or substantial replacement of an existing structure). Maintenance is further defined as the care or upkeep of channels, works, appurtenances, easements, utility corridors and property; to keep in an existing state, specified state of repair, and efficiency; return to a former condition, elevation, place, and position; to preserve from failure or decline; or repair or renovate so as to return it to its original condition. Maintenance does not include dredging as defined herein.

Maintenance Service Facility

A facility containing the necessary supplies and equipment to provide janitorial services and routine maintenance of buildings and property.

Major Addition

The extension of an existing building where the cost of the addition, not including repairs and reconstruction of the existing building, is in excess of the assessed valuation of the existing building as assessed by the Blaine County assessor during the year preceding the year in which such major addition takes place.

Manufactured Home

A structure, transportable in one or more sections, that is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

Manufactured Home Park or Subdivision

A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Manufacturing

The use of land for the production, processing, compounding, assembly, testing, treatment, or fabrication of materials and products from processed or previously manufactured materials. Uses may include, but are not limited to, a machine shop, the manufacturing of apparel, ceramic products, cosmetics and toiletries, electrical appliances, electronics or information technology equipment, medical equipment or devices, paper products, pharmaceuticals, plastic products (but not the processing of raw materials), welding services, or tools and hardware. Uses with significant external effects that cannot be eliminated or contained during the manufacturing process are not allowed. Such external effects include, but are not limited to, smoke, noise, particulates, dirt, vibration, or odor.

Market Value

The building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (actual cash value); or adjusted tax assessed values.

Marquee
A roof like structure of permanent nature that projects from the wall of a building to provide shade and shelter and possibly signage.

Mean High Water Mark
A water level corresponding to the natural or ordinary high water mark and is the line that the water impresses on the soil by covering it for sufficient periods of time to deprive the soil of its terrestrial vegetation and destroy its value for commonly accepted agricultural purposes.

Medical Care Facility
A facility, other than a hospital, for the provision of public health services, including related facilities such as laboratories, clinics, and administrative offices operated in connection with the facility. Inpatient hospitalization is not provided.

Mercantile
The activity of engaging in the sale or resale of goods to the public.

Minor Modifications
Changes and alterations to an existing building, development project, approved unbuilt Design Review project, or undeveloped parcel that do not increase density, intensity, nonconformity, or the size of a feature of a site or building appendage regulated by the dimensional standards established in Chapter 16.02, *Zoning Districts* and §16.01.050.B.2, *Enlargement or Alteration*.

Mixed Use
Properties on which various uses, such as office, commercial, institutional, and residential, are combined in a single building or on a single site in an integrated development project with significant functional interrelationships and a coherent physical design.

Mobile Home or Trailer
Any vehicle or structure constructed in such a manner that it is or may be mounted on wheels and used as a conveyance on highways and streets, propelled or drawn by its own or other motor power, and that may be moved in substantially one section into the City.

Mortuary
A facility in which dead bodies are prepared for burial or cremation. Crematories and funeral homes (see definition of assembly, place of) are allowed in conjunction with a mortuary.

Motor Vehicle Fueling Station
A facility providing the retail sale and direct delivery to motor vehicles of fuel, including electric charging stations associated with a motor vehicle fueling station, lubricants and minor accessories, and retail sales for the convenience of the motoring public.

Motor Vehicle Sales
A facility providing for the sale, lease, or rental of new or used noncommercial vehicles, including automobiles, noncommercial vehicles or trucks, motorcycles, recreational vehicles, or boats. The cleaning and routine maintenance of motor vehicles is allowed as an accessory use.

Motor Vehicle Service
A facility providing service for all types of repairs and maintenance of automobiles, commercial vehicles or trucks, trailers, construction equipment, agricultural implements, or similar industrial

equipment, but does not include "junkyard" as defined by this chapter. Typical uses include, but are not limited to, automobile and truck repair garages, tire sales and installation, electronics installation and repair, oil and lubrication, windshield glass replacement services, vehicle cleaning and detailing, transmission shops, radiator shops, body and fender shops, painting, equipment service centers, machine shops, or other similar uses where repair activities are conducted.

N

Natural Features
Significant view corridors, steep embankments, knolls, canyons, streams, watercourses, or any other prominent physical features that are located on the property.

Nature Preserve
An area designated or set aside for the purpose of preserving natural areas or features, contains a minimum of six acres, is held under lease or title by a nonprofit tax exempt organization under section 501c(3) of the Internal Revenue Service Code of 1954, or corresponding provisions of any amendments or any future United States Revenue Code for preservation purposes.

Neighborhood Off-Site Snow Storage
The use of residentially zoned property in the city for the storage of snow from no more than three neighboring lots within 300 feet of the snow storage parcel. This definition does not require the sending and receiving lots to be under the same ownership and does not include the storage of snow removed from the right-of-way or property owned by public agencies.

Net Livable Space (Square Footage)
The floor area within a dwelling unit measured to the inside face of the perimeter walls of the dwelling unit.

New Construction
For floodplain management purposes, a structure for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

Any construction started after February 17th, 1976 and before the effective start date of this floodplain management ordinance is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.

NFPA
National Fire Protection Association.

Nonautomated
A WCF with on-site personnel.

Nonconforming Building
Any legally existing building that does not conform to the location and bulk regulations of this Code for the district in which such nonconforming building is located, either at the Effective Date or as a result of subsequent amendments that may be incorporated into this Code.

Nonconforming Use
Any legally existing use, whether within a building or other structure or on a tract of land, that does not conform to the use regulations of this Code for the district in which such nonconforming use is located

either at the Effective Date or as a result of subsequent amendments that may be incorporated into this Code.

Nonresidential Structure
A building or structure not constructed for residential purposes or as an accessory structure for residential purposes, not including nonconforming uses.

O

Office
A room or group of rooms used for conducting the affairs of a business, profession, service, industry, or government.

Office, Business
An establishment wherein the principal use is the conduct of a business or profession including, but not limited to, accounting, design services, computer software, information systems, engineering, insurance, legal services, management and administration, organization and association offices, psychology, real estate, travel, and medical offices. Medical care facilities and hospitals are not included in this definition.

Office, Contractor-Related Business
An establishment wherein the principal use is the conduct of a business or profession specifically related to building contracting including, design services, engineering, construction, landscaping, maintenance, and property management.

One Percent Annual Chance Flood
See definition of base flood.

Opacity
The measure of the amount of light that can pass through a material or the quality of not being penetrable by light (the quality of being opaque).

Open Site Area
Open space area that provides opportunities for active recreation, passive relaxation, or community interaction, not including buildings, structures, parking areas, driveways, cul-de-sacs, or streets. Open site area does not include foundation landscaping, enlarged or enhanced parking strips or sidewalks, or unimproved or vacant areas.

Operation (Irrigation)
The regular and reoccurring performance of typical work by an irrigation or drainage entity including, but not limited to: the delivery or drainage of water, measurement of water, and adjustment of irrigation and drainage works and all related appurtenances.

Organic Fertilizer
A nonsynthetic fertilizer.

Outdoor Display
The displaying of goods, merchandise, or products outdoors such that the items are readily available for sale at retail on the same lot.

Outdoor Entertainment
Musical, theatrical, dance, cabaret, or comedy act performed outside of a building, on private property, by one or more persons for the patrons and/or guests of the permitted retail trade use associated with the building.

Outdoor Storage
An area designated on a property for the safekeeping of items owned by the occupants of the property.

Overlay District
An area of special or extraordinary building and use restrictions, applied in addition to other districts, as indicated upon the Ketchum zoning map and this Code.

Owner
The individual, firm, association, syndicate, partnership, or corporation holding fee simple title evidenced by a deed recorded in the office of the Blaine County Recorder.

P

Parapet
A low wall that extends above the roofline, often decorated with architectural details such as cornices.

Parking Area
The entire parking and vehicular circulation area(s) associated with a given project, including parking spaces, access drives and aisles.

Parking, On Site
The area off of any public or private street, access easement or alley used for the transient storage of private passenger vehicles, and of appropriate dimension according to this Code for parking stall, access drives and aisles.

Parking, Shared
The provision that two or more uses that are within close proximity may share parking facilities to fulfill their individual parking requirements because their prime operational hours do not overlap.

Parking Access/Entrance
A way or means of vehicular and pedestrian approach for all uses, except less than four 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 20 feet nor wider than 30 feet unless otherwise approved by the City and is constructed in conformance with the adopted street standards and International Fire Code (see illustration C on file in the office of the City Clerk).

Parking Facility, Off Site
A facility, structured or surface lot, that is used for parking or storing of motor vehicles, open to public use without charge or for a fee, serves a clientele that provides patronage to on site and off site establishments. Off-site parking facilities may be designated in part or in whole toward residential parking.

Parking Space, Off Street
An area of at least 300 square feet of appropriate dimensions for the parking of an automobile, including access drives and aisles.

Parkway
A grass or landscaped strip located between the curb and gutter and the sidewalk, usually planted with street trees.

Partially Shielded
The bulb of the fixture is shielded by a translucent siding, and the bulb is not visible at all. Light may be emitted at the horizontal level of the bulb (see Figure 04-2: Full Cutoff Light Fixture Examples).

Performance Bond
Either the amount of money, or other negotiable security deposited by an applicant with the City Clerk, or a bond executed by a qualified surety company registered to do business in the State of Idaho, that guarantees that the subdivider will perform all actions and install all required improvements or their surety will pay the costs and damages up to a limit of the amount of bond or security deposited.

Performing Arts Production
A facility housing the elements needed to support a performing arts organization. Such facility should include space for the design and construction of stage components; costume and prop design and construction, administrative support, rehearsal space, storage space, and other functions associated either with an on-site or off site live performance theater.

Person
Any person, business, or organization, individual, group of individuals, corporation, association, and/or their respective agents.

Personal Service
The use of land for the provision of frequently or recurrently needed services of a personal nature. Such services include, but are not limited to, beauty and barber shops, grooming of household pets, seamstresses, tailors, shoe repair, laundromats or dry cleaning pick up/drop off where the processing of garments or fabrics is located in a separate facility.

Pesticide
Includes the following:

1. Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, plant, fungus, or virus;
2. Any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant;
3. Any nitrogen stabilizer; and
4. Pesticide shall not include any article that is a "new animal drug" within the meaning of section 321(w) of title 21 of the United States Code, that has been determined by the Secretary of Health and Human Services not to be a new animal drug by a regulation establishing conditions of use for the article, or that is an animal feed within the meaning of section 321(x) of title 21 of the United States Code bearing or containing a new animal drug.

Phased Development
Development of a parcel of land in stages either as a series of subdivisions or as a single parcel with construction of buildings and/or improvements over a series of years.

Photo Simulation
Computer generated photographs, renderings combining existing subject adjacent property conditions and improvements with proposed improvements.

Place of Assembly
The use of land for a meeting place where persons gather together for purposes of attending civic, social, religious functions, recreational events, or entertainment performances on a regular or recurring basis including, but not limited to, religious institutions, banquet facilities, funeral homes, theaters, conference centers, stadiums, or indoor or outdoor recreational facilities, but excludes a "cultural facility" as defined by this chapter. A gathering of less than 25 persons shall not be considered a place of assembly provided the gathering is accessory and incidental to the principal use.

Planned Unit Development
Development of land in which the standard land use regulations may be modified or waived in order to promote beneficial development of an entire tract of land in conformance with an approved Planned Unit Development Conditional Use Permit accentuating open site area, recreational uses, public amenities, community housing, and compatible development with surrounding properties and the city at large. Planned unit development is referred to as a "PUD".

Planning and Zoning Commission
The Planning and Zoning Commission of the City of Ketchum, Idaho.

Planning and Building Department
The Planning and Building Department of the City of Ketchum, Idaho.

Planting Strip
A strip of land within a subdivision not less than ten feet in width across which there is no driveway, street, or other access, and that is devoted exclusively to landscaping, primarily trees of not less than five feet in height. The primary purpose of planting strips is screening of streets, highways, adjacent incompatible land uses, and off-street parking areas.

Plat
Subdivision or condominium plat as required by laws of the State of Idaho.

Plat, Final
A map of a subdivision, Planned Unit Development (PUD) or dedication, and in conformance with the approved Preliminary Plat, and prepared pursuant to this chapter, and Idaho Code title 50, chapter 13, as amended or subsequently codified.

Plat, Preliminary
A preliminary plan prepared in conformance with this chapter, submitted together with such other documentation as required by this chapter.

Plat, Recorded
A Final Plat that has been accepted by the City Council and filed with the Blaine County Recorder.

Porch
An exterior appendage to a building with a roof forming a covered approach to an entrance on the ground level of the building.

Porte-Cochere
A roof projecting over a driveway at the entrance to a building that shelters those getting in or out of vehicles.

Porticoes
A porch having a roof supported by columns often leading to the entrance of a building.

Post-firm
Construction or other development for which the "start of construction" occurred on or after the effective date of the initial flood insurance rate map (FIRM).

Pre-firm
Construction or other development for which the "start of construction" occurred before November 20, 1978, the effective date of the initial flood insurance rate map (FIRM).

Product Design
See definition of industrial design.

Professional Research Services
An establishment that specializes in professional, scientific, and technical research and is inclusive of light manufacturing as an accessory use. Uses are limited to: physical distribution and logistics, engineering and specialized design services, electronic and computer services, research, development, and scientific services. This definition does not include uses that create vibration outside the exterior building walls or uses that would diminish the quality of air and water in the city.

Property Owner
All of the following: property owner(s), coproperty owner(s), developer(s), agent(s) of property owner(s) or developer(s), assignee(s) of property owner(s) or developer(s) and all subsequent property owners or developers of the real property in the development agreement.

Public Right-Of-Way
All areas legally open to public use such as public streets, sidewalks, roadways, highways, parkways, parking lots, alleys, utilities, or other places owned in fee by the City, or in, on, or over which an easement exists in the name of or held by the City, or that exists for the benefit and use of the public.

Public Use
A structure or use intended or used for a public purpose by a City, a school district, the county, the state, or by any other public agency, or by a public utility.

Public Utility
An organization that maintains the infrastructure for a public service, that often also provides a service using that infrastructure.

Q

Qualifying Ground Floor

A ground floor of a building, where the start of the second story is 18 feet or more above the level of the finished floor. In the LI districts, buildings where not less than 70 percent of the structure has a qualifying ground floor are permitted a higher overall height subject to §§16.02.030.E, *LI-1: Light Industrial District Number 1,* 16.02.030.F, *LI-2: Light Industrial District Number 2,* and 16.02.030.G,

LI-3: Light Industrial District Number 3.

R

Recessed
When a light is built into a structure or portion of a structure such that the light is fully cut off and no part of the light extends or protrudes beyond the underside of a structure or portion of a structure.

Recreation Facility, Commercial
A recreation facility operated as a business and open to the general public for a fee. Typically uses include, but are not limited to, arcades, sport facilities, swimming pools, laser tag and paintball courses, billiards, skating rinks, driving ranges, miniature golf, water courses and motorized car tracks.

Recreation Facility, High Intensity
A recreation facility that, due to the nature of the use, requires floor area or mass and volume, or generates higher decibel levels, that are more appropriately accommodated in the light industrial area or are buffered from residential or pedestrian-oriented commercial activity on a large recreational use zoned parcel district than in the Community Core or a Tourist district. Uses include indoor shooting range, dryland hockey training facility, gymnastics/tumbling gym, and instructional or personal training facilities wherein the instruction involves throwing, dragging, or launching heavy equipment.

Recreation Facility, Public
A publicly owned and operated recreation facility.

Recreation Facility, Residential
A recreation facility for use solely by the residents and guests of a particular residential development, Planned Unit Development, or residential neighborhood, including outdoor and indoor facilities. These facilities are usually proposed or planned in association with development and located within or adjacent to such development.

Recreation Facility, Semi-Public
A recreation facility operated by a nonprofit organization that includes both outdoor and indoor facilities including, but not limited to athletic courts and fields and swimming pools.

Recreational Vehicle
A vehicle that is:

1. Built on a single chassis, and
2. Four hundred square feet or less when measured at the largest horizontal projection, and
3. Designed to be self-propelled or permanently towed by a light duty truck, and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Recycling Center
A facility designed to be a collection point where only recyclable materials are sorted and/or temporarily stored prior to delivery to a permanent disposal site, or shipment to others for reuse, and/or processing into new products. This shall not include junkyards or wrecking yards.

Repair (Irrigation)
The restoration to good or sound conditions of any part of an existing structure, channel, channel bank, or service road for the purpose of maintenance (this does not include the complete replacement or substantial replacement of an existing structure). Repair does not include dredging as defined herein.

Repair Shop
An establishment primarily engaged in repair services of sporting equipment and household appliances; not including motor vehicle service.

Residential Care Facility
A facility or residence operated on either a profit or nonprofit basis for the purpose of providing necessary supervision, personal assistance, meals, and lodging to three or more adults not related to the owner.

Residential Density
The number of dwelling units per square feet of lot area.

Residential Development
A building used exclusively for short or long term residential purposes.

Residential Occupancy
The more or less permanent place of abode for an individual, and shall not include short term occupancy nor timeshare occupancy. A structure, dwelling or room restricted by the terms of this Code to residential occupancy shall not be used for short term occupancy for more than 30 days during any one calendar year and shall not be used for timeshare occupancy.

Restricted Use Chemical
Any pesticide, pesticide use, soil sterilant, or fertilizer classified for restricted use by the United States Environmental Protection Agency (EPA). Restricted use pesticides typically may not be applied by anyone not licensed to apply restricted use pesticides.

Restrictive Covenants
A restrictive covenant runs with the land and, thereby, binds present and future owners of the property. Restrictive covenants are used to implement the conditions of a land use approval or ensure implementation of project mitigations and components.

Retail Trade
An establishment that provides the final step in the retailing process for the distribution of goods and commodities to customers. Retailers are organized to sell or rent merchandise in small quantities to the general public and operate a fixed point of sale location designed to attract a high volume of walk-in customers. Typical uses include, but are not limited to, grocery stores, establishments selling office supplies and equipment, building materials, plumbing supply, antiques or consignment items, home improvement and garden supplies, books and educational material, clothing, sporting goods, pharmaceuticals, medical devices, health and fitness supplies, art and associated material and household pet supplies. Motor vehicle sales are not included in this definition.

Retail trade is classified as grouped retail trade (a combination of two or more individual retail trades) or individual retail trade (a business or businesses that involve, in whole or part, retail sales that share check stands or storage areas, or share management, or are owned, leased, possessed, or otherwise controlled by, directly or indirectly, the same individual(s) or entity(ies) or by different individual(s) or

entity(ies) where: a) such individual(s) or entity(ies) have a controlling ownership or contractual right with the other individual(s) or entity(ies) or b) the same individual(s) or entity(ies) act in a manner as an employee, owner, partner, agent, stockholder, director, member, officer, or trustee of the entity(ies) and are located within one or more separate buildings or structures within 800 feet of one another, regardless whether they are attached or detached).

Retaining Structures
Retaining walls, rockeries, modular block walls, rock walls, or any other structures that retain soil, retain earth surcharge, protect an exposed soil face, or serve as a gravity retaining wall.

Riparian Setback
A 25-foot setback measured from the mean high water mark along the banks of waterways.

Riparian Zone
That area along the banks of any waterway 25 feet in width measured horizontally from the mean high-water mark; this area is the regulated riparian zone in Ketchum. All parcels that contain riparian zone are included in the Waterways Review District.

Roadways
All streets, roads, alleys, or other circulation facilities designed for motor vehicles, privately or publicly owned.

Roof, Flat
A roof that is not pitched and the surface of which is parallel to level ground.

Roof, Gabled
A roof consisting of two sloping planes that meet at the ridge or peak. The planes are supported at their ends by triangular, upward extensions of walls known as gables.

Roof, Hipped
A type of roof that slopes from the ridge to the eaves on all sides of the roof. Hipped roofs do not contain gables.

Roof, Mansard
A roof that has two slopes on each side of the roof. The lower roof slope is steeper than the upper roof slope. The upper roof slope is sometimes flat.

Roof, Shed
A roof containing only one sloping plane. Shed roofs have no hips, ridges, valleys, or gables.

Roof Overhang
A portion of the roof structure that extends beyond the exterior walls of a building.

Roof Pitch
The degree of roof incline expressed as the ratio of the rise, in feet, to the span, in feet.

Roof Ridge
The uppermost, horizontal external angle formed by the intersection of two sloping roof planes.

Roof Slope
See definition of roof pitch.

S

Scenic Vista, Landscape and Road
As defined within the Comprehensive Plan and/or other City ordinances.

School Residential Campus
Multiple use building(s) and outdoor facilities/areas directly affiliated with an established public or semipublic educational institution for learning that include, but are not limited to, spaces devoted to dormitory, central kitchen and dining, office, classroom, study, school employee dwelling unit, study hall, gym/fitness, meeting, and parking.

Self-Service Storage Facility
A building or group of buildings of a controlled access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of customers' goods or wares.

Semipublic Use
A structure or use partially, but not entirely, open to the use of the public, such as a private school, church, lodge, club, library, hospital, or a nonprofit organization.

Service Area
Contained areas within which a wireless communication facility is able to transmit clear signals, generally circular in form.

Service Delivery Area
A space located on site for pick-ups, deliveries and refuse collection in size and area adequate and accessible for such use and service vehicles expected to be used.

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 underground building; underground buildings or portions of buildings may encroach into required setbacks subject to §16.02.070.A.10.

Setback Zone
The area of a lot that must remain open and cannot be built over with a structure.

Shielded
When the light emitted from the fixture is projected below a horizontal plane running through the lowest point of the fixture where light is emitted. The bulb is not visible with a shielded light fixture, and no light is emitted from the sides of the fixture; also considered a full cutoff fixture (see Figure 04-2: *Full Cutoff Light Fixture Examples*).

Short Term Rental
The rental or lease of any unit or structure or portion for a period of not more than 30 days. See definition of tourist housing accommodation

Sign
Any object, device, display, or structure, or part, situated outdoors or indoors, that is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business,

product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or project images.

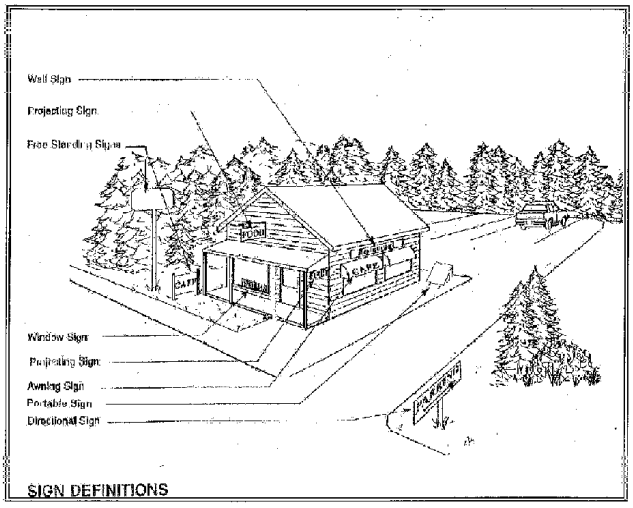


Figure 08-3: Sign Type Examples

Sign, Animated or Moving
Any sign or part of a sign that changes physical position in any way, or that gives the visual impression of movement or rotation.

Sign, Area Of/Sign Area
Writing, representation, emblem, or other graphic display, mounted or painted on a distinct background, but not including the supporting structure.

Sign, Awning or Sign, Marquee
A horizontally oriented sign that is printed on an awning or mounted on a marquee.

Sign, Banner
A flexible sign of lightweight fabric affixed with wires or ropes to or between buildings or walkways on private property and contain copy advertising a business or business activity.

Sign, Campaign
A temporary political sign announcing a political candidate seeking public office, political parties, or political and public issues including, but not limited to, public bond and levy elections.

Sign, Changeable Copy
A sign or portion of a sign with characters, letters, or illustrations that can be changed or rearranged manually or automatically, without altering the face or the surface of the sign. A sign that changes more than eight times per day shall be considered an animated sign and not a changeable copy sign.

Sign, Construction Site
A sign identifying individuals or companies involved in designing, construction, financing or developing a site. Construction signs may include, but not be limited to, owners, developers, architects, construction managers, contractors, and subcontractors.

Sign, Directional
A sign giving directions, instructions, or facility information and that may contain the name or logo of an establishment, but no advertising copy, e.g., parking, no parking, or exit and entrance signs. Directional signage shall not be counted toward total signage limitations as indicated in Chapter 16.05, *Signs*.

Sign, Directory
A relatively small sign that is attached flat against the facade at eye level and is oriented toward pedestrians. Directory signs include text limited to the names and/or addresses of the tenants in buildings with multiple tenants that do not each have a storefront and are accessed through a shared entrance or lobby. Directory signs may be located on the main level of buildings where the primary access to upper floors is by exterior stairways or elevators. Directory signs may also be referred to as registry signs.

Sign, Face of
The area or display surface of a sign on which copy and/or graphics and background is placed.

Sign, Flashing
Any directly or indirectly illuminated sign that exhibits changing light or color effects by any means whatsoever.

Sign, Freestanding
A sign affixed to a supporting structure that is independent from any building or other structure and may be visible on a maximum of two sides. Freestanding signs are oriented toward pedestrians and vehicles.

Sign, Gable
A projecting or wall sign mounted to the gable wall of a building.

Sign, Government or Public Agency
A sign erected and maintained by the City, county, state or federal government, or required by law, ordinance or other governmental regulation.

Sign, Historic and/or Sign, Landmark
Any sign that currently exists or previously existed within the city that the City Council has identified as being of significance to the history, culture, or appearance of Ketchum.

Sign, Holiday Decoration
A temporary sign, in the nature of decorations, clearly incidental to and customarily and commonly associated with any holiday.

Sign, Incidental
A sign generally informational, that has a purpose accessory to the use of the lot on which it is located, such as "No Parking", "Entrance", "Loading Only", "Telephone" and other similar directives. No sign with a commercial message legible from a position off of a lot on which the sign is located shall be considered incidental.

Sign, Internally Lit/Backlit
A sign wholly or partially lighted by a source that is inside of or behind a sign face made of translucent material.

Sign, Monument
A freestanding sign of eight feet or less in height on an ornamental base identifying a subdivision or development that has multiple suites, offices, tenants, lots, or units. Monument signs are oriented toward pedestrians and vehicles.

Sign, Nonconforming
Any sign in existence on the Effective Date for which there is a legal permit, but that does not conform to the requirements of Chapter 16.05, *Signs*.

Sign, Permanent
A sign that is permanently mounted or affixed to the ground or a building and intended to be displayed for an unlimited amount of time.

Sign, Projecting
A maximum double sided sign that projects more than six inches perpendicular to a building facade or wall and hangs from a mounted wall brace or is suspended from, and located entirely under a covered porch, covered walkway, awning, balcony, arcade, or colonnade. A projecting sign may also be referred to as a blade sign. Projecting signs are primarily oriented toward pedestrians. Projecting signs that hang from a post located in front of and detached from a building are considered freestanding signs.

Sign, Real Estate
Any sign advertising:

1. Property, buildings, or portions of buildings for sale, lease, or rent;
2. "Open houses" or other special events presenting properties for sale, lease, or rent on site intermittently and not on consecutive days. "Open houses" at which sales personnel are on site for 30 continuous days or more shall be considered real estate offices and conform to the applicable zoning district requirements; and
3. Development opportunity for which Design Review, building, and/or other requisite permit(s) have not been obtained.

Sign, Roof
A sign affixed on, above or over the roof of a building so that it projects above the roofline. The lowest portion of a flat roof, the top of a parapet wall, the vertical portion of a mansard roof, the eaves line or fascia of a gable, gambrel, or hipped roof shall be considered the roofline. Where a parapet wall is combined with a mansard roof, the roofline shall be the top of the parapet.

Sign, Sandwich Board and Portable Board

Signs that are designed to be transported and are not permanently affixed to a building, structure, or the ground.

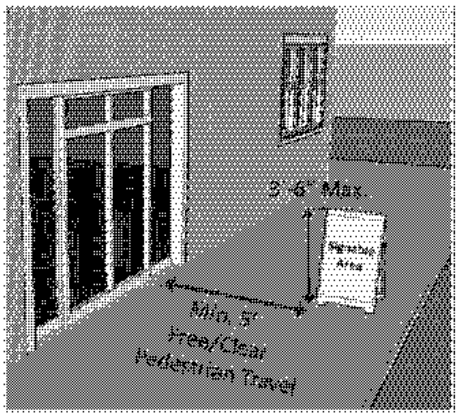


Figure 08-4: Sandwich Board Example

Sign, Temporary

A sign that is not permanently mounted or affixed to the ground or a building and intended to be displayed for a limited amount of time and does not include sandwich board or portable board signs. Sign copy changes on a "projecting sign" shall not be considered temporary provided they comply with Chapter 16.05, *Signs*.

Sign, Wall

A sign mounted parallel to, but within six inches of, a wall, or painted on the surface of a wall of a building or structure. A sign on a mansard roof shall be considered a wall sign. Wall signs are oriented toward both pedestrians and vehicles.

Sign, Wayfinding

A sign that is part of an overall plan for public convenience and information including, but not limited to, directions to recognized neighborhoods, recreation and other facilities, public buildings, entertainment venues.

Sign, Window

A sign that is applied or attached to the exterior or interior of a window or otherwise displayed for the purpose of being visible through a window from the exterior of a building. All lettering or graphics that cover more than ten percent of the total transparent window and are more than four inches in height or width are considered a window sign. Window signs are primarily oriented toward pedestrians.

Sign, Yard Sale

A sign advertising a single private sale generally at a residence or sponsored by a community organization.

Single-Family Dwelling

See definition of dwelling, one-family.

Ski Facility
An establishment or area containing the necessary elements to facilitate the use of ski runs and trails. Typical uses include, but are not limited to, powered conveyors for transporting skiers or sightseers, training facilities and associated administrative offices, retail trade, food service and parking.

Sleeping Rooms
Rooms in a hotel designed and used for overnight occupancy by the general public on a short term basis for a fee. Unless otherwise approved by the City Council, occupancy periods of a hotel by any one person or entity with an ownership interest in the hotel shall not exceed 30 consecutive days or exceed 90 days within any calendar year, regardless of the form of ownership. Occupancy periods for persons or entities with no ownership interest (i.e., vacationers) shall be limited only by the 90-day per calendar year requirement.

Soil Sterilant
A chemical that temporarily or permanently prevents the growth of all plants and animals.

Solar Access
Unobstructed access to direct sunlight upon land or a building.

Solar Bronze
A clear film placed on windows that has a metallic bronze look when in direct light and filters out a portion of the solar heat penetrating a window.

Solar Energy System
Any solar collector panel(s), film(s), shingle(s), or other solar energy device(s), or solar structural component(s), mounted on a building or on the ground and including other appurtenant structures and facilities, whose primary purpose is to provide for the on-site collection, storage, and distribution of solar, or radiant, energy received from the sun and used for heating or cooling, for water heating, and/or for generation of electricity. A solar energy system may be ground mounted (i.e., placed on top of the ground surface) or roof mounted (i.e., placed on or as an integral part of a building). Ground mounted systems shall meet all required dimensional standards for accessory structures.

Special Flood Hazard Area (SFHA)
The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. For purposes of these regulations, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard", 100-year floodplain, and one percent annual chance floodplain.

Standards
The design criteria, standard specifications, and standard drawing contained in this chapter, unless otherwise noted.

Standard Specifications
Specifications for design and construction of improvements as specified in this chapter or other ordinances or resolutions of the City, or by any other governmental entity having jurisdiction, including subsequent amendment or codification.

Start of Construction
Includes substantial improvement, and means the date the Building Permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

State
State of Idaho.

Stoop
A small stairway and landing platform leading to any entrance to a building.

Storage Yard
Storage of large equipment, operable vehicles, and construction/property maintenance materials on an ongoing or permanent basis. This shall not include junkyards or wrecking yards.

Stream Alteration
To obstruct, diminish, destroy, alter, modify, relocate, or change the natural existing shape of the stream channel or to change the direction of flow of water of any stream channel within or below the mean high water mark. It includes removal of material from the stream channel and emplacement of material or structures in the stream channel.

Street
A public right-of-way that provides vehicular and pedestrian access to adjacent properties, the dedication of which has been officially accepted. A street also includes the area lying between the actual traveled portion of the roadway and the adjacent boundary of any private property bordering the roadway. "Street" also includes the terms highway, thoroughfare, parkway, road, avenue, boulevard, lane, place, and all such terms, except "driveway" as defined in this section.

Street Frontage
The portion of the building that is immediately adjacent to the street.

Street Pole
A telephone, electric or cable television pole located in a developed street right-of-way.

Street Tree
A tree or trees located within the sidewalk and along the street frontage of a building, structure, or project.

Street, Arterial
A street designated for the purpose of carrying fast and/or heavy traffic, connecting major districts of the City.

Street, Collector
A street designated for the purpose of carrying traffic from residential streets to other collector streets and/or arterial streets.

Street, Cul-de-sac
A dead end street provided with turnaround space at its terminus.

Street, Dead End
A street connected to another street at one end only and not having provision for vehicular turnaround at its terminus.

Street, Frontage
A minor street, parallel to and adjacent to an arterial street, that has the primary purpose of providing access to abutting properties.

Street, Loop
A residential street with both terminal points on the same street of origin.

Street, Partial
A dedicated right-of-way providing only a portion of the required street width, usually along the edge of a subdivision or tract of land where remaining right-of-way widths can be obtained from adjacent properties where such properties are subdivided.

Street, Private
A street constructed on private property, that provides vehicular and pedestrian access to multiple-family dwelling units or more than four dwelling units (excluding accessory dwelling units), and constructed to standard street specifications and the International Fire Code, however, not accepted for dedication or maintenance by the City.

Street, Residential
A minor street that has the primary purpose of providing access to abutting residential dwelling units or properties and carries no heavy, through or collector traffic.

Structure

Anything constructed, installed, or erected that requires location on the ground, or over the water, or is attached/supported by something on the ground, including but not limited to buildings, fences/hedges/walls/retaining structures, sport courts, swimming pools and the like, but excluding poles, lines, cables, or similar devices used in the transmission or distribution of public utilities.

Subdivider
The individual, firm, corporation, partnership, association, syndicate, trust, or any other legal entity that files application and initiates proceedings for subdivision of land pursuant to provisions Chapter 16.04. If the subdivider is not the owner of the property, they shall be the agent of the owner as is evidenced by a recorded power of attorney for such purpose.

Substantial Damage
Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. See definition of "substantial improvement".

Substantial Improvement
Includes the following:

1. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction' of the improvement over a three-year time frame. This term includes structures that have incurred "substantial damage" regardless of the actual repair work performed.
2. The term does not, however, include either:
    a. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions; or
    b. Any alteration of a structure listed on the National Register of Historic Places or the Idaho Historic Sites Inventory provided that the alteration will not preclude the structure's continued designation as a "historic structure" and the alteration is approved by Variance issued pursuant to this Code.

Support Structure
The structure to which an antenna and other necessary associated hardware is attached. Support structures include, but are not limited to, the following:

1. Nonresidential structure.
2. Monopole: A single pole sunk into the ground and/or attached to a foundation.
3. Street pole: A telephone, electric or cable television pole located in a developed street right-of-way.

Swimming Pool
A structure, whether above or below grade level, designed to hold water more than 30 inches deep to be used for recreational purposes.

T

Temporary Lighting
Lighting that is intended to be used for a special event for seven days or less.

Temporary Sawmill
A portable sawmill located on private property for the processing of timber cut only from that property.

Terrace/Patio
An at grade, open, roofless area, usually finished with paving or stone, adjacent to a building and serving as an outdoor living area.

Terrace, Sunken
A terrace below the grade of the ground floor.

Timeshare Occupancy
A facility comprised of two or more units in which the exclusive right of use, possession, or occupancy of dwelling units circulates among the various owners or lessees of the units pursuant to a fixed time schedule on a periodically recurring basis. See also definition of tourist housing accommodation.

Tourist House
A building in which the proprietor resides and does not contain more than eight guestrooms available for short term rental, and may provide daily meals to guests.

Tourist Housing Accommodation
The lease, rental or use of a dwelling unit for short term or timeshare rental.

Tower
A mast, pole, monopole, or other structure designed and primarily used to support antennas.

Townhouse Development
A planned project of two or more townhouse units that may be constructed as single building(s) containing two or more townhouse units erected generally in a row, each unit being separated from the adjoining unit or units by a one hour fire resistant party wall or walls extending from the basement floor to the roof along the dividing townhouse sublot line, each unit having its own access to the outside, and no unit located over another unit in part or in whole; and/or may be constructed as single buildings containing single townhouse units, provided the separation between units and/or buildings complies with applicable codes. All townhouse developments shall be platted under the procedures contained in the subdivision ordinance in effect and shall be required to obtain Design Review approval prior to Building Permit issuance.

Townhouse Sublots
The lots resulting from platting a townhouse development. "Townhouse sublots" shall have a minimum area equal to that of the perimeter of each individual townhouse unit measured at the foundation, whether located independently or within a building containing two or more townhouse units in a townhouse development. Such sublots shall not be buildable for structures other than a "townhouse unit" as defined in this section. Platting of sublots shall follow the procedures set forth in the subdivision ordinance and other applicable codes in effect. Detached garages may be allowed in a townhouse development and may be platted on separate sublots; provided that the ownership of such detached garages is tied to specific townhouse units on the townhouse plat and in any owner's documents and that the detached garage(s) may not be sold and/or owned separate from any dwelling unit(s) within the townhouse development.

Townhouse Unit
Townhouse units are a type of housing where independent houses often, but not always, share walls. Units are characterized by one or more rooms, including at least one bathroom and kitchen, designed for or occupied as a unit by one family for living and cooking purposes, located in a townhouse development on a platted townhouse subplot.

Truck Terminal
A facility for the receipt, transfer, short term storage, and dispatching of goods transported by truck. Included in the use type would be express and other mail and package distribution facilities.

TV and Radio Broadcasting
An installation consisting of one or more transmitters or receivers used for radio, television or cable communications or broadcasting.

Twenty-Five Percent Grade
One foot change in elevation for every four feet of land measured horizontally.

U

Unbroken Façade
A continuous portion of a wall of a building, located above or beside a window or door and unbroken by doors, windows, or other architectural features, and measured either vertically or horizontally, whichever is less.

Underground Parking
An enclosed off-street parking area within the lowest floor of a building; provided that a minimum of 75 percent of the ceiling surface area of such floor is not more than four feet above the basement invisible plane (see illustration A on file in the office of the City Clerk).

Uplighting
Lighting that is directed in such a manner as to shine light rays above the horizontal plane.

Uses
Those land use classifications as set forth in the Comprehensive Plan. The land use classifications include: short term occupancy and support, long term residential occupancy, recreation and open space, business and shopping, and light industry.

Utilities
Installations for providing services to and used by the public, e.g., water, sewer, electricity, gas, television, cable, and similar facilities.

V

Vegetation
Trees, shrubs, and other plant species.

Vent
Any outlet for air that protrudes through the roof deck such as a pipe or stack. Any device installed on the roof, gable, or soffit for the purpose of ventilating the underside of the roof deck or other venting purposes of the structure.

Veterinary Service Establishment
A facility rending surgical and medical treatment to large animals and household pets, providing boarding kennels, and/or outdoor runs. Crematoriums are not included as an accessory use.

Vicinity Map
A small map showing the location of a tract of land in relation to the City, including existing major streets and highways and surrounding subdivision(s) or large parcels of land.

Violation, Floodplain
The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the finished construction elevation certificate, other certifications, or other evidence of compliance required in 44 CFR § 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

W

Warehouse
A facility for the use of dry/cold storage, wholesale, and distribution of manufactured products, supplies, and equipment, excluding storage of materials that are inflammable or explosive or that present hazards or conditions commonly recognized as offensive.

Watercourse
A natural depression or channel that carries or gives direction to a current of water any time of the year.

Waterway
A channel, natural or manmade, that water runs through.

Wholesale
The sale of commodities in quantity for resale.

Wholesaler
A merchant middleman who sells chiefly to retailers, other merchants, or industrial, institutional, and commercial users mainly for resale or business use.

Width of Lot
The average distance parallel to the front lot line, measured at ten-foot intervals between side lot lines.

Wind Energy System
Any electric generation facility, whose main purpose is to convert and store wind energy into usable forms of energy and that includes the wind turbine(s), structural supports, electrical infrastructure, and other appurtenant structures and facilities. Wind energy systems may be freestanding (i.e., placed on top of the ground surface) or roof mounted and shall meet all dimensional requirements of principal buildings for the zoning district in which they are located.

Wireless Communication Facility (WCF)
A facility that transmits and/or receives electromagnetic signals, including antennas, microwave dishes, parabolic antennas, directional antennas, and other types of equipment for the transmission or reception of such signals, towers or similar structures supporting the equipment, equipment buildings, shelters, cabinets, parking area, and other accessory development.

Wireless Communication Facility (WCF), Collocation
The use of a single support system on the ground by more than one carrier (vertical collocation) and/or several support systems on an existing building or structure by more than one carrier.

Work/Live Units

Work/live units incorporate residential living space in a nonresidential building. Work/live units are held jointly in common ownership and the work and live spaces cannot be sold or platted as separate condominiums, as documented with a City-approved restrictive covenant recorded against the property.

X

Y

Yard

That portion of the open area on a lot extending open and unobstructed from the ground upward from a lot line for a depth or width specified by the regulations for the district in which the lot is located.

Yard, Front

A yard extending across the full width of the lot between the front lot line and the nearest line or point of the building.

Yard, Rear

A yard extending across the full width of the lot between the rear lot line and the nearest line or point of the building.

Yard, Side

A yard extending from the front yard to the rear yard between the side lot line and the nearest line or point of building.

Z

EXHIBIT B

PUBLICATION SUMMARY

ORDINANCE 1260

AN ORDINANCE OF THE CITY OF KETCHUM, BLAINE COUNTY, IDAHO, AMENDING KETCHUM MUNICIPAL CODE TITLE 12 – STREETS, SIDEWALKS, PUBLIC UTILITY EASEMENTS AND PUBLIC PLACES TO REMOVE CERTAIN DESIGN AND CONSTRUCTION REQUIREMENTS AND USE OF RIGHTS-OF-WAY; AND TO REPEAL AND REPLACE TITLE 16 – SUBDIVISIONS AND TITLE 17 – ZONING REGULATIONS WITH NEW TITLE 16 – LAND DEVELOPMENT CODE; PROVIDING FOR PUBLICATION BY SUMMARY; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

A summary of the principal provisions of Ordinance No. 1260 of the City of Ketchum, Blaine County, Idaho, adopted on _____, 2025, is as follows:

SECTION 1. Deletes certain chapters pertaining to design and construction of certain infrastructure and use of rights-of-way.

SECTION 2. Repeals and replaces subdivision and zoning regulations with one consolidated title of all land development regulations including chapters deleted from Title 12.

SECTION 3. Provides a savings and severability clause.

SECTION 4. Provides a repealer clause.

SECTION 5. Provides for publication of this Ordinance by summary.

SECTION 6. Provides that the Ordinance shall take full force and effect on January 1, 2026, following passage, approval, and publication according to law.

The full text of this Ordinance is available at the City Clerk's Office, Ketchum City Hall, 191 5th Street West, Ketchum, Idaho 83340 and will be provided to any citizen upon personal request during normal office hours.

ATTEST: APPROVED:

_____ _____

Trent Donat, City Clerk Neil Bradshaw, Mayor

City of Ketchum

ATTACHMENT 2:

KMC 17.136 - Nonconformities

CHAPTER 17.136 - NONCONFORMING USES AND NONCONFORMING BUILDINGS

17.136.010 - Continuation of use.

A nonconforming use may be continued and a nonconforming building may continue to be occupied except as both are otherwise provided for in this chapter.

(Ord. 1135, 2015)

17.136.020 - Change of use.

A nonconforming use may be changed only to a conforming use.

(Ord. 1135, 2015)

17.136.030 - Abandonment of use.

A. An owner shall not be deprived of the right to use improvements on private property for their designed purpose based solely on the nonuse of the improvements for their designed purpose for a period of ten years or less. Where an owner or his authorized agent permits or allows an approved or unlawful intervening use of the owner's property, the provisions of this subsection are not applicable.

B. For purposes of this section "designed purpose" means the use for which the improvements were originally intended, designed and approved pursuant to any applicable planning and zoning ordinances.

C. For all uses where the provisions of subsection A of this section are not applicable: If active and continuous operations are not carried on in a nonconforming use during a continuous period of six months, the building, other structure or tract of land where such nonconforming use previously existed shall be occupied and used only for a conforming use. Intent to resume active operations shall not affect the foregoing.

(Ord. 1135, 2015)

17.136.040 - Restoration.

A nonconforming building which has been damaged or destroyed by fire or any other calamity, may be restored to its preexisting nonconforming condition if a building permit for the work of restoration is obtained within two years of the date of the fire or other calamity and the work of the restoration complies with the international building and fire codes in effect at the time of the issuance of the building permit.

Nonmaterial changes to the preexisting nonconforming condition may be approved at the City's discretion. If additional square footage is added, that additional square footage may be subject to the current requirements of the underlying zone district at the discretion of the planning and zoning department head.

(Ord. 1135, 2015)

17.136.050 - Enlargement of a nonconforming building or a nonconforming use.

A nonconforming use shall not be enlarged or extended and a nonconforming building shall not be enlarged or extended so as to increase the degree of nonconformity, except in the community core district where one-family dwellings may increase their original square footage by 20 percent. Additions and/or enlargements to existing buildings are not considered to be nonconforming or to increase the degree of nonconformity, so long as the additions and/or enlargements comply with the following:

A. Any additional square footage may be subject to the current requirements of the underlying zone district at the discretion of the planning and zoning department head.
B. Fifty percent of the building footprint and exterior walls of a nonconforming structure must remain unaltered.

(Ord. 1135, 2015)

17.136.060 - Alteration of a nonconforming building.

A nonconforming building may be structurally altered or repaired in any way permitted by these regulations.

(Ord. 1135, 2015)

17.136.070 - Structural changes.

Any building or other structure containing a nonconforming use or any nonconforming building or portion declared unsafe by the City building inspector may be strengthened or restored to a safe condition.

(Ord. 1135, 2015)