

**ORDINANCE NO. 1004**

**AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, AMENDING THE KETCHUM MUNICIPAL CODE, TITLE 17, CHAPTER 17.80 RECREATION USE DISTRICT (RU) AMENDING CONDITIONAL USES PERMITTED TO INCLUDE RESIDENTIAL DWELLING UNITS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A CODIFYING CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, Goal 1 of the City of Ketchum 2001 Comprehensive Plan, Chapter 4.1, General Land Use Policies, states: To strategically plan for present and future land use needs thereby establishing a well thought out pattern of development, including but not limited to the following:

- Encourage land uses in harmony with existing natural resources
- Prohibit detrimental alteration of existing topography and terrain
- Protect natural land features and wildlife habitat
- Prohibit alteration of hilltops, rock outcrops, knolls, ridges, river banks, marshes and river channels through development standards and other regulations
- Ensure new development fits in with Ketchum's small mountain town character
- Establish land use policies that ensure orderly development relative to public services and facilities
- Consider incentives and/or land use regulations that promote energy efficiency and reduce over consumption of resources
- Concentrate densities within the existing community to most efficiently provide services and commercial necessities; and

WHEREAS, Goal 2 of the City of Ketchum 2001 Comprehensive Plan, Part 5, Community Housing, states: Promote the development and maintenance of affordable housing in Ketchum; and

WHEREAS, Policy 5.1 of the City of Ketchum 2001 Comprehensive Plan, Part 5, Community Housing, states: The City will take the lead in the development of affordably priced housing with zoning and density modifications as one of the means listed; and

WHEREAS, Policy 5.5 of the City of Ketchum 2001 Comprehensive Plan, Part 5, Community Housing, states: Ensure the provision of on-site employee housing in resort and tourist oriented projects to house seasonal employees. Consider requiring service units in all future condominium projects to function as management and/or long term housing for employees and include alternatives to the provision of such units on-site.

WHEREAS, the Recreation/Open Space land use designation states these areas are appropriate for open space preservation and/or primarily open recreation and areas over 25% slope which are generally precluded from development; and

WHEREAS, an employee or care taker unit is an appropriate accessory and conditional use for some, if not all, of the permitted and conditional uses currently allowed, such as

Equestrian facilities, Swimming pools, Tennis courts, Indoor, enclosed recreational uses, including, but not limited to, Performing art center, Veterinarian in conjunction with equestrian facilities, Cemeteries, and Day care home, day care facility or day care center, Passive Parks, Golf Courses, Recreation Building, Public and semi public uses and Maintenance facility

WHEREAS, the City of Ketchum has determined that the amendments to Title 17, Chapter 17.80, Recreation Use District are consistent with achieving the previously cited goals; and

WHEREAS, the Planning and Zoning Commission for the City of Ketchum has recommended the Title 17, Chapter 17.80, Recreation Use District based upon its analysis of land uses and public hearing, as well as suggestions from property owners; and

WHEREAS, the City Council has reviewed the Planning and Zoning Commission recommendation and made modifications based on their own analysis, and public input at Council workshop sessions and public hearings; and

WHEREAS, the Mayor and City Council for the City of Ketchum hereby adopts the above findings so as to further the Purpose and Intent of the Zoning District regulations in the City, consistent with the *Comprehensive Plan*.

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

SECTION 1. AMENDMENT OF TEXT IN SECTIONS 17.80.010 OF THE KETCHUM MUNICIPAL CODE. That Chapter 17.80, Section 17.80.010 of the Ketchum Municipal Code is hereby amended, altered, and changed by adding thereto the underlined language herein below and by deleting there from the language stricken through, to wit:

### **Chapter 17.80**

### **RECREATION USE DISTRICT (RU)**

#### **Sections:**

17.80.010 RU - Recreation Use District.

**17.80.010 RU - Recreation Use District.**

The purpose of the RU, Recreation Use 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.

#### **A. Uses Permitted.**

1. Passive parks, and

2. Golf courses;

**B. Conditional Uses Permitted.**

1. Open, outdoor recreation uses not housed or enclosed within a building or structure, including, but not limited to:
  - a. Equestrian facilities,
  - b. Picnic areas,
  - c. Playfields,
  - d. Playgrounds,
  - e. Recreational open space,
  - f. Swimming pools, and
  - g. Tennis courts,
2. Public and semi-public uses,
3. Structures and other improvements and accessory uses specifically and directly related and clearly incidental to the ~~principal~~ permitted and conditional uses, including, but not limited to:
  - a. Maintenance facility, ~~and~~
  - b. Recreational building, and
  - c. A maximum of five (5) residential dwelling units provided the following minimum criteria are met:
    - i. Ketchum Fire and Building Department requirements including, but not limited to, occupancy separations and smoke detection (life safety) measures shall be met.
    - ii. Design review under Chapter 17.96 shall be required for all new buildings, addition to existing buildings or remodel of existing buildings.
    - iii. Dwelling units shall be occupied by residents who are employed on site, are caretakers of the site or are employed within the City of Ketchum and used for long-term occupancy, defined as a minimum of ninety (90) consecutive days, and shall not be separated in any manner for sale as individual units.
    - iv. Dwelling units shall be a minimum of four hundred (400) square feet and shall not exceed one thousand two hundred (1,200) square feet total and shall contain not more than three bedrooms.
    - v. Approved conditional use permits shall be recorded in the records of Blaine County, Idaho.
4. Food and beverage service and/or retail uses when such uses are conducted as an accessory use and are an integral part of such use,
5. Indoor, enclosed recreational uses, including, but not limited to:
  - a. Athletic clubs,
  - b. Handball courts, and
  - c. Racquetball courts,
6. Other uses similar to those listed above which clearly reflect the purpose and intent of the recreation use district,
7. Performing art center,
8. Veterinarian in conjunction with equestrian facilities,
9. Cemeteries,

10. Off-street parking,
  11. Day care home, day care facility or day care center, provided the following minimum criteria are met:
    - a. May only be located on existing public school or public park property,
    - b. Sight proof fencing, landscaping and/or additional setback shall be provided between any outdoor play area and adjacent residential uses as deemed necessary by the Commission,
    - c. The conditional use permit shall be valid indefinitely and shall only be reviewed upon written complaint. No conditional use permit shall be revoked solely due to complaints; the Commission must determine that the conditions of the permit have not been met or that excessive problems related to the day care business have occurred;
- C. Minimum Area of Lot.** The minimum area of lot shall be nine thousand (9,000) square feet;
- D. Minimum Front Yard.** The minimum distance of any building from the front lot line shall be thirty (30) feet, except that the placement of all structures for conditional uses shall be subject to approval of the Planning and Zoning Commission;
- E. Minimum Side and Rear Yards.** The minimum distance of any building from the side and rear lot lines shall be fifteen (15) feet, except that the placement of all structures for conditional uses shall be subject to approval of the Commission;
- F. Maximum Height of Buildings.** The maximum height of buildings shall be thirty-five (35) feet;
- G. Maximum Lot Coverage.** Not more than twenty-five (25) percent of the lot area shall be covered by buildings, including principal and accessory buildings.  
(Ord. 208 § 13, 1974)

**SECTION 2. SAVINGS AND SEVERABILITY CLAUSE.** If any section, subsection, paragraph, subparagraph, item, provision, regulation, sentence, clause or phrase is declared by a court to be invalid, such actions shall not affect the validity of this Ordinance as a whole or any part thereof other than the part declared invalid.

**SECTION 3. CODIFICATION CALUSE.** The City Clerk is instructed pursuant to Section 1-1-3 of the City of Ketchum Municipal Code to immediately forward this ordinance to the codifier of the official municipal code for proper revision of the code.

**SECTION 4. REPEALER CLAUSE.** All City of Ketchum Ordinances or parts thereof which are in conflict herewith are hereby repealed.


**SECTION 5. PUBLICATION BY SUMMARY.** This Ordinance, or a summary thereof in compliance with Section 50-901A, Idaho Code, substantially in the form annexed hereto as

Exhibit "A," shall be published once in the official newspaper of the City, and shall take effect immediately upon its passage, approval, and publication.


SECTION 6. EFFECTIVE DATE. This Ordinance shall be in full force and effect upon the date of its publication as provided by law, which is February 14, 2007.

PASSED BY THE CITY COUNCIL OF THE CITY OF KETCHUM, IDAHO and APPROVED by the Mayor this 5<sup>th</sup> of February 2007.


CITY OF KETCHUM, IDAHO

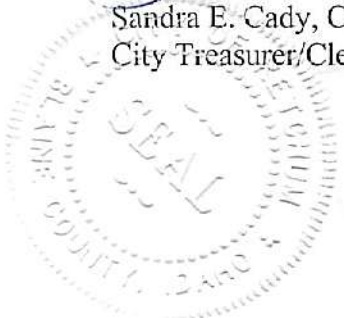
  
\_\_\_\_\_  
Randy Hall,  
Mayor

ATTEST:

  
\_\_\_\_\_  
Sandra E. Cady, CMC  
City Treasurer/Clerk

APPROVED AS TO FORM  
AND CONTENT:

By:   
\_\_\_\_\_  
Benjamin W. Worst,  
City Attorney



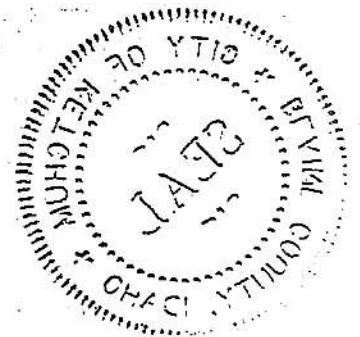




EXHIBIT A

**PUBLICATION OF SUMMARY OF ORDINANCE NO. 1004  
CITY OF KETCHUM, IDAHO**

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, AMENDING THE KETCHUM MUNICIPAL CODE, TITLE 17, CHAPTER 17.80 RECREATION USE DISTRICT (RU) AMENDING CONDITIONAL USES PERMITTED TO INCLUDE RESIDENTIAL DWELLING UNITS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A CODIFYING CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

A summary of the principal provisions of Ordinance No. 1004 of the City of Ketchum, Blaine County, Idaho, adopted on February 5, 2007, is as follows:

**Section 1:** Amends Title 17, Chapter 17.80 "Recreation Use District (RU)", of the Ketchum Municipal Code, to include residential dwelling units as a permitted conditional uses given that the minimum criteria of the Ketchum Municipal Code is met.

**Section 2:** Provides a savings and severability clause.

**Section 3:** Provides a codification clause.

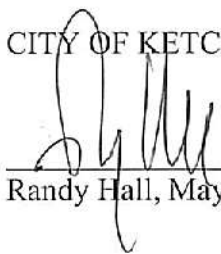
**Section 4:** Provides a repealer clause.

**Section 5:** Provides for publication of a summary of the Ordinance.


**Section 6:** Establishes the effective date of February 14, 2007.

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

CITY OF KETCHUM, IDAHO

  
\_\_\_\_\_  
Randy Hall, Mayor

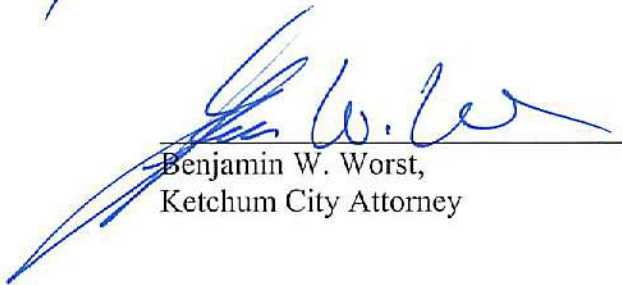
ATTEST:

  
\_\_\_\_\_  
Sandra E. Cady, CMC  
City Treasurer/Clerk

**STATEMENT OF LEGAL ADVISOR**

I, the undersigned attorney at law, duly licensed in the State of Idaho and serving as City Attorney to the City of Ketchum, Idaho, hereby certify that I have read the attached Summary of Ordinance No. 1004 of the City of Ketchum and that the same is true and complete and provides adequate notice to the public of the contents of said Ordinance.

Dated this 6<sup>th</sup> day of February 2007.



Benjamin W. Worst,  
Ketchum City Attorney

Publish: Idaho Mountain Express  
Date: February 14, 2007