

**ORDINANCE NUMBER 1022**

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, AMENDING TITLE 17, CHAPTER 17.64, COMMUNITY CORE, BY DELETING CERTAIN LANGUAGE AND ADDING NEW LANGUAGE; CLARIFYING THE PURPOSE, APPLICABILITY AND EXCEPTIONS; ADDING A DEFINITION OF A FRACTION OF COMMUNITY HOUSING REQUIREMENTS; AMENDING LANGUAGE DESCRIBING FIFTH FLOOR DESIGNATED ZONES; AMENDING THE TDR CALCULATION TO ACCOUNT FOR ADDITIONS TO BUILDINGS MADE PRIOR TO ENTERING INTO THE TDR PROGRAM; MOVING FOURTH AND FIFTH FLOOR SETBACK REQUIREMENTS FROM TDR SECTION TO THE BUILDING SPECIFICATIONS SECTION; ALLOWING FOR A REDUCTION TO THE MINIMUM BUILDING DEPTH ON CORNER LOTS BASED ON TOPOGRAPHY; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE, PROVIDING A CODIFICATION CLAUSE; PROVIDING FOR PUBLICATION BY SUMMARY; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, new regulations of the Community Core were adopted October 30, 2006; and

**WHEREAS**, three projects have submitted for pre-application design review under the new regulations; and

**WHEREAS**, the necessity for clarifications and changes to the regulations were identified through city review of these projects; and

**WHEREAS**, it is in the best interests of the City of Ketchum to amend sections of the Community Core as the need is identified to keep the regulations consistent with the direction of the Comprehensive Plan and Downtown Master Plan; and

**WHEREAS**, the Planning and Zoning Commission for the City of Ketchum has recommended the amendments to Title 17, Chapter 17.64, Community Core District based upon its review of projects submitted under the new regulations and its public hearings; 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 public hearings.

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

**SECTION 1.** Section 17.64.010, **CC - Community Core District**, subsections A., B., and C.; be amended by deleting therefrom the stricken language and adding thereto the underlined language hereinbelow, to wit:

- A. **Purpose.** The purpose of the CC - Community Core District is to promote a compact and cohesive center of commerce and culture, to promote an

attractive and safe pedestrian environment which includes sidewalks, gathering spaces, streetscape amenities and landscaping, to retain the unique small town scale and character and to encourage buildings which respect Ketchum's historical and geographic context while providing diversity. The regulations of this chapter are intended to facilitate the implementation of the City's Comprehensive Plan and the Ketchum Downtown Master Plan. 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 City's Comprehensive Plan and Downtown Master Plan.

**B. Applicability.** The regulations and guidelines contained within sections 17.64.010 and 17.64.020 apply to all development within the Community Core, unless otherwise specified herein.

**BC. Exceptions.** ~~The regulations of this chapter are intended to facilitate the implementation of the Ketchum Downtown Master Plan.~~ The purpose of an exception is to allow for a degree of design flexibility within the Community Core. An e-Exceptions only to the design regulations in section 17.64.020, Design Regulations, may be requested by an applicant at the time of design review application. An exception may be granted by the Planning and Zoning Commission and the City Council if all of the following criteria are met:

1. The granting of an exception will be for the public good.
2. The granting of an exception will not be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use
3. The granting of the exception will not be detrimental or injurious to property or to the general welfare of the City.

**CD. Uses Permitted.**

**SECTION 2.** Section 17.64.010, **CC - Community Core District**, subsection G.2.f. is amended by deleting therefrom the stricken language and adding thereto the underlined language hereinbelow, to wit:

f. Any fraction of Community Housing requirements may be paid via a fee-in-lieu of housing. A fraction of Community Housing requirements is defined using the Governing Housing Authority minimum unit requirements for income categories. The fraction of 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. 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 non-profit entity to purchase the balance of the Community Housing unit with additional funds.

**SECTION 3.** Section 17.64.010, **CC - Community Core District**, subsection H.1. is amended by deleting therefrom the stricken language and adding thereto the underlined language hereinbelow, to wit:

1. Hotels may build a fourth floor anywhere in designated receiving areas, as may be adopted by the City Council, without purchase of Transfer of Development Rights. ~~If a hotel developer has the option of building a fifth floor (i.e. in a designated zone) site~~ meets the criteria for five story hotel site designation as provided in section 17.64.010.I.11, the fifth floor may be built without the purchase of Transfer of Development Rights.

**SECTION 4.** Section 17.64.010, **CC - Community Core District**, subsection I.2.d.iii is amended by deleting therefrom the stricken language and adding thereto the underlined language hereinbelow, to wit:

iii. The gross square footage of any addition constructed after February 28, 2007 and or prior to the severing and conveying of development rights shall be subtracted from the amount of square footage of development rights as calculated above.

~~iii-iv.~~

**SECTION 5.** Section 17.64.010, **CC - Community Core District**, subsection I.8.c. is amended by deleting therefrom the stricken language hereinbelow, to wit:

c. Affixing development rights through the process set forth herein allows the construction of a specified amount of floor area square footage on a fourth floor on a designated Receiving Site. ~~Each façade of said fourth floor shall be setback a minimum of fifty five (55) feet measured from the centerline of the adjacent right of way and shall conform to the development specifications and design regulations of Chapter 17.64.010 and 17.64.020.~~ A fourth floor may only be constructed on a designated Receiving Site and only through the transfer of development rights, except as provided for hotels.

**SECTION 6.** Section 17.64.010, **CC - Community Core District**, subsection I.11.b. is amended by deleting therefrom the stricken language hereinbelow, to wit:

~~b. Each façade of a fifth floor shall be setback a minimum of fifty five (55) feet measured from the centerline of the adjacent right of way and shall conform to the development specifications and design regulations of Chapter 17.64.010 and 17.64.020.~~

**SECTION 7.** Section 17.64.010, **CC - Community Core District**, subsection J.3. is amended by adding thereto the underlined language hereinbelow, to wit:

3. ~~Uniform~~ sStandards are applied to each building type as provided in section 17.64.404 ~~010~~.K and section 17.64.020.

**SECTION 8.** Section 17.64.010, **CC - Community Core District**, subsection K.2.c is amended by adding thereto the underlined language hereinbelow, to wit:

c. Comply with applicable design review regulations and design guidelines as set forth in section 17.64.020.

**SECTION 9.** Section 17.64.010, **CC - Community Core District**, subsection K.1.a.ii.G. and H., and K.1.c.ii.G. and H. are amended by deleting therefrom the stricken language and adding thereto the underlined language hereinbelow, to wit:

G. Access to parking and loading and unloading facilities shall be provided ~~by~~ off the alley.

H. Minimum building depth of 12 feet as measured from the side setback line on a corner lot. This dimension may be reduced by the Commission if access to underground parking is restricted by the topography of the site, provided the minimum depth still provides for a functional use consistent with the ground floor uses permitted within the building use specifications.

**SECTION 10.** Section 17.64.010, **CC - Community Core District**, subsection K.1.b.ii.I. and J. are amended by deleting therefrom the stricken language and adding thereto the underlined language hereinbelow, to wit:

I. Access to parking and loading and unloading facilities shall be provided ~~by~~ off the alley.

J. Minimum building depth of 12 feet as measured from the side setback line of a corner lot. This dimension may be reduced by the Commission if access to underground parking is restricted by the topography of the site, provided the minimum depth still provides for a functional use consistent with the ground floor uses permitted within the building use specifications.

**SECTION 11.** Section 17.64.010, **CC - Community Core District**, subsections K.1.a.iii.D.2., K.1.b.iii.D.2., K.1.c.iii.D.2., and K.1.e.iii.C.2. are amended by deleting therefrom the stricken language and adding thereto the underlined language hereinbelow, to wit:

2. The fourth floor shall ~~be step setback from the property line adjacent to any street, avenue or alley a minimum of 5 feet, with an average of 10 feet, on each façade a minimum of fifty-five (55) feet measured from the centerline of the adjacent right-of-way.~~

**SECTION 12.** Section 17.64.010, **CC - Community Core District**, subsection K.1.f.iii.D.2 is amended by deleting therefrom the stricken language and adding thereto the underlined language hereinbelow, to wit:



2. The fourth floor and, if permitted, fifth floor shall ~~be step-setback from the property line adjacent to any street, avenue or alley a minimum of 5 feet, with an average of 10 feet, on each facade and shall contain a dormer roof form a minimum of fifty-five (55) feet measured from the centerline of the adjacent right-of-way.~~

**SECTION 13. 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.

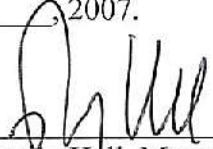
**SECTION 14. CODIFICATION CLAUSE.** The City Clerk is instructed to immediately forward this ordinance to the codifier of the official municipal code for proper revision of the code.

**SECTION 15. PUBLICATION.** This Ordinance, or a summary thereof in compliance with Section 50-901A, Idaho Code, substantially in the form attached 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 16. REPEALER CLAUSE.** All City of Ketchum code sections, ordinances or resolutions or parts thereof, which are in conflict herewith are hereby repealed.



**SECTION 17. EFFECTIVE DATE.** This Ordinance shall be in full force and effect from and after its passage, approval and publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF KETCHUM, IDAHO, and approved by the Mayor this 2nd day of July, 2007.

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

ATTEST:

APPROVED AS TO FORM  
AND CONTENT:  
  
\_\_\_\_\_  
Benjamin W. Worst,  
City Attorney

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


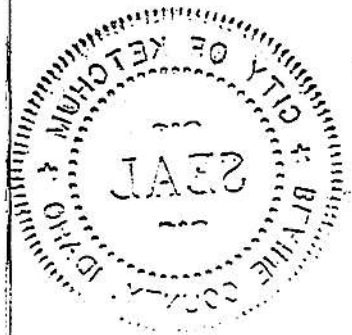


EXHIBIT A

**PUBLICATION OF SUMMARY OF ORDINANCE NO. 1022  
CITY OF KETCHUM, IDAHO**

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, AMENDING TITLE 17, CHAPTER 17.64, COMMUNITY CORE, BY DELETING CERTAIN LANGUAGE AND ADDING NEW LANGUAGE; CLARIFYING THE PURPOSE, APPLICABILITY AND EXCEPTIONS; ADDING A DEFINITION OF A FRACTION OF COMMUNITY HOUSING REQUIREMENTS; AMENDING LANGUAGE DESCRIBING FIFTH FLOOR DESIGNATED ZONES; AMENDING THE TDR CALCULATION TO ACCOUNT FOR ADDITIONS TO BUILDINGS MADE PRIOR TO ENTERING INTO THE TDR PROGRAM; MOVING FOURTH AND FIFTH FLOOR SETBACK REQUIREMENTS FROM TDR SECTION THE TO BUILDING SPECIFICATIONS SECTION; ALLOWING FOR A REDUCTION TO THE MINIMUM BUILDING DEPTH ON CORNER LOTS BASED ON TOPOGRAPHY; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE, PROVIDING A CODIFICATION CLAUSE; PROVIDING FOR PUBLICATION BY SUMMARY; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

A summary of the principal provisions of Ordinance No. 1022 of the City of Ketchum, Blaine County, Idaho, adopted on \_\_\_\_\_, 2007, is as follows:

**Section 1.** Amends Section 17.64.010, **CC - Community Core District**, subsections A., B., and C. by adding language that the regulations of this chapter are intended to facilitate the implementation of the City's Comprehensive Plan and the Ketchum Downtown Master Plan and commercial uses are concentrated in the CC district which is consistent with the City's Comprehensive Plan and Downtown Master Plan; by adding a new subsection B, Applicability, to read "The regulations and guidelines contained within sections 17.64.010 and 17.64.020 apply to all development within the Community Core, unless otherwise specified herein."; by deleting language that states the regulations of this chapter are intended to facilitate the implementation of the Ketchum Downtown Master Plan and adding language that states that Exceptions only to the design regulations in section 17.64.020, may be requested by an application at the time of design review application. An exception may be granted by the Planning and Zoning Commission if all of the criterion are met.

**Section 2.** Amends Section 17.64.010, **CC - Community Core District**, subsection G.2.f. by adding language that a fraction of Community Housing requirements is defined using the Governing Housing Authority minimum unit requirements for income categories.

**Section 3.** Amends Section 17.64.010, **CC - Community Core District**, subsection H.1. to read "If a site meets the criteria for five story hotel site designation as provided in section 17.64.010.I.11, the fifth floor may be built without the purchase of Transfer of Development Rights."

**Section 4.** Amends Section 17.64.010, **CC - Community Core District**, subsection I.2.d.iii by requiring the gross square footage of any addition constructed after February 28, 2007

and or prior to the severing and conveying of development rights to be subtracted from the amount of square footage of development rights as calculated above.

**Section 5.** Amends Section 17.64.010, **CC - Community Core District**, subsection I.8.c. by deleting language that requires each façade of a fifth floor to be setback a minimum of fifty-five (55) feet measured from the centerline of the adjacent right-of-way and shall conform to the development specifications and design regulations of Chapter 17.64.010 and 17.64.020.

**Section 6.** Amends Section 17.64.010, **CC - Community Core District**, subsection I.11.b by deleting language that requires each façade of a fifth floor to be setback a minimum of fifty-five (55) feet measured from the centerline of the adjacent right-of-way and shall conform to the development specifications and design regulations of Chapter 17.64.010 and 17.64.020.

**Section 7.** Amends Section 17.64.010, **CC - Community Core District**, subsection J.3. to require that standards are applied to each building type as provided in section 17.64.010.K and section 17.64.020.

**Section 8.** Amends Section 17.64.010, **CC - Community Core District**, subsection K.2.c by requiring compliance with applicable design review regulations and design guidelines as set forth in section 17.64.020.

**Section 9.** Amends Section 17.64.010, **CC - Community Core District**, subsection K.1.a.ii.G. and H., and K.1.c.ii.G. and H by requiring access to parking and loading and unloading facilities be provided off the alley and allowing the minimum building depth of 12 feet as measured from the side setback line of a corner lot to be reduced by the Commission if access to underground parking is restricted by the topography of the site, provided the minimum depth still provides for a functional use consistent with the ground floor uses permitted within the building use specifications..

**Section 10.** Amends Section 17.64.010, **CC - Community Core District**, subsection K.1.b.ii.I. and J. by requiring access to parking and loading and unloading facilities be provided off the alley and allowing the minimum building depth of 12 feet as measured from the side setback line of a corner lot to be reduced by the Commission if access to underground parking is restricted by the topography of the site, provided the minimum depth still provides for a functional use consistent with the ground floor uses permitted within the building use specifications.

**Section 11.** Amends Section 17.64.010, **CC - Community Core District**, subsections K.1.a.iii.D.2., K.1.b.iii.D.2., K.1.c.iii.D.2., and K.1.e.iii.C.2. by requiring the fourth floor setback to be a minimum of fifty-five (55) feet measured from the centerline of the adjacent right-of-way.

**Section 12.** Amends Section 17.64.010, **CC - Community Core District**, subsection K.1.f.iii.D.2, by requiring the fourth floor and, if permitted, fifth floor setback to a minimum of fifty-five (55) feet measured from the centerline of the adjacent right-of-way.



**Section 13:** Provides a savings and severability clause.

**Section 14:** Provides a codification clause.

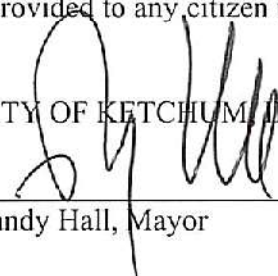
**Section 15:** Provides for publication of a summary of the Ordinance.

**Section 16:** Provides a repealer clause.

**Section 17:** Establishes the effective date of July 11, 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

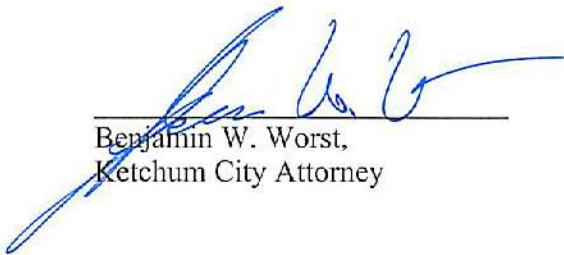
ATTEST:

  
\_\_\_\_\_  
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. 1022 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 20<sup>th</sup> day of June, 2007.



\_\_\_\_\_  
Benjamin W. Worst,  
Ketchum City Attorney

Publish: Idaho Mountain Express  
Date: July 11, 2005