

ORDINANCE NO. 1162

AN ORDINANCE OF THE CITY OF KETCHUM, BLAINE COUNTY, IDAHO, REPEALING AND REPLACING TITLE 17, CHAPTER 17.127, SIGNAGE TO REMOVE AND REPLACE ALL CONTENT BASED REGULATIONS; AND AMENDING CHAPTER 17.12, ESTABLISHMENT OF DISTRICTS AND ZONING MATRICES, SECTION 17.12.040 DIMENSIONAL STANDARDS, COMMUNITY CORE DISTRICT MATRIX TO ADD PROVISIONS FOR ROOF TOP EQUIPMENT AND STRUCTURES, ADD MINIMUM LOT SIZE AND TO CLARIFY DIMENSIONAL STANDARDS FOR BUILDING HEIGHT, SETBACKS AND CANTILEVERED DECKS; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION BY SUMMARY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Ketchum is authorized to amend the city zoning ordinance pursuant to Idaho Code § 67-6511; and

WHEREAS, on June 18, 2015, the Supreme Court of the United States ruled on the case, Reed v. Town of Gilbert, in favor of Reed thereby determining that certain content-based sign regulations violate constitutional rights to freedom of speech as identified in the First Amendment to the United States Constitution; and

WHEREAS, in an effort to simplify zoning regulations and to establish clear, objective standards for roof top equipment, dimensional standards, and structures in the Community Core District (CC); and

WHEREAS, the Planning and Zoning Commission after fully considering this request held public hearings on July 11, 2016 and July 25, 2016 and recommended approval to the City Council finding that the request, on the whole, was in compliance with the 2014 Comprehensive Plan; and

WHEREAS, the Ketchum City Council, having reviewed the proposed text amendment, held public hearings on September 6, 2016 and October 3, 2016; and

WHEREAS, the Ketchum City Council having considered the recommendation of the Planning and Zoning Commission and submitted comments and testimony from the public, having determined that it is in the best interests of the public and adopt the proposed text amendments to Title 17, Zoning Ordinance;

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

Section 1: AMENDMENTS TO CHAPTER 17.127 SIGNAGE. That Title 17 of the Ketchum Municipal Code be amended to delete Chapter 17.127 in its entirety and replaced with a revised Chapter 17.127 as attached and incorporated as Exhibit A to this Ordinance.

Section 2: AMENDMENTS TO SECTION 17.12.040 DIMENSIONAL STANDARDS, COMMUNITY CORE DISTRICT MATRIX. That Title 17 of the Ketchum Municipal Code be amended to delete Section 17.12.040 in its entirety and replaced with a revised Section 17.12.040 as attached and incorporated as Exhibit B to this Ordinance.

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

Section 4. 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 5: PUBLICATION. This Ordinance, or a summary thereof in compliance with Section 50-901A, Idaho Code, substantially in the form annexed hereto as Exhibit C 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 after its passage, approval and publication according to law.

PASSED by the CITY COUNCIL and APPROVED by the MAYOR of Ketchum, Idaho on this 7th day of November, 2016.

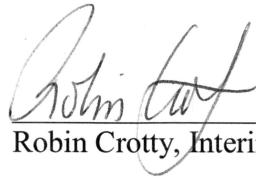
APPROVED:



Nina Jonas, Mayor

ATTEST:



A handwritten signature in cursive script, appearing to read "Robin Crotty".

Robin Crotty, Interim City Clerk

EXHIBIT A

Chapter 17.127
SIGNAGE

SECTION:

- 17.127.010: PURPOSE AND INTENT
- 17.127.020: APPLICABILITY
- 17.127.030: APPLICATION AND PROCEDURE
- 17.127.040: GENERAL
- 17.127.050: SIGN SPECIFICATIONS MATRIX
- 17.127.060: EXISTING CONFORMING, NONCONFORMING, ILLEGAL AND ALLOWABLE SIGNS
- 17.127.070: VIOLATIONS AND ENFORCEMENT
- 17.127.080: APPEALS

17.127.010: PURPOSE AND INTENT:

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.

17.127.020: 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 in subsection C of this section. Such application for sign permit shall be subject to standards, procedures, and other requirements of this section.
- C. Permit Exemptions: The following signs are exempt from permit requirements of this subsection but shall conform to specifications and definitions of chapter 17.08 of this title 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 said 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 chapter 17.132, "Dark Skies", of this title. LED lighting may be utilized;
7. Incidental signs;
8. One gas filled light tube (neon or facsimile) per business, provided it does not exceed four (4) square feet and it is displayed from the inside of the building;
9. Interior signs, visible from the exterior of the building, not to exceed four (4) square feet per sign.
10. One freestanding (1) sign per lot, not to exceed four (4) 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 title.
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 title.
5. Signs with a translucent plastic or other translucent material background which 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.

17.127.030: APPLICATION AND PROCEDURE:

The following shall apply to all signs proposed in all zoning districts:

A. General Sign Permit:

1. Application: A completed sign permit application on a form furnished by the city and applicable fee(s) set by resolution of the Ketchum city council together with technical information published and updated from time to time by the city shall be filed by the applicant with the city.
2. Procedure: The city may request modifications to or additional information for any sign application for purposes of achieving compliance with the sign code regulations. The city shall approve, approve with conditions, or deny the sign permit application within thirty (30) days of receipt of all requested information and notify the applicant in writing.

B. Master Signage Plan For New Construction:

1. Application: A complete master signage plan that may include a building identification sign shall be submitted at the time of design review application for any new construction for all hotels, commercial, industrial, multi-family residential and mixed use projects. A master

signage plan shall include, but not be limited to, directional, tenant, advisory, and technical information published and updated from time to time by the city and shall show how the plan is integrated with the architecture of the building. Materials required for design review are more specifically listed in chapter 17.96 of this title.

2. Procedure: The procedure for master signage plans shall be in compliance with chapter 17.96.
 3. 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 application and procedure contained in subsection A, "General Sign Permit", of this section.
- C. Existing Multi-Unit/Tenant And Private Institutional And Other Commercial Buildings:
1. Application: Existing multi-tenant buildings (2 or more businesses or residences) and institutional and other commercial buildings shall submit a master signage plan when any tenant applies for new signage, except when new signage remains consistent with existing signage for the building.
 2. Procedure: Master signage plans for existing buildings shall be considered and decided administratively by the city.
 3. New Businesses In Existing Buildings: 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.
- D. Historic Sign Replicas and Preservation Of Landmark Signs:
1. Application: Applications shall be made according to subsection A of this section.
 2. Procedure: Applications shall be considered and decided by the Ketchum city council utilizing the presumption that "historic" is considered to be fifty (50) years or older. However, applications for historic sign replicas and landmark signs shall be found to meet the definition contained in chapter 17.08 of this title.
 3. Sign Area: Sign area for historic sign replicas and landmark signs shall not count toward total signage limitations.

17.127.040: GENERAL:

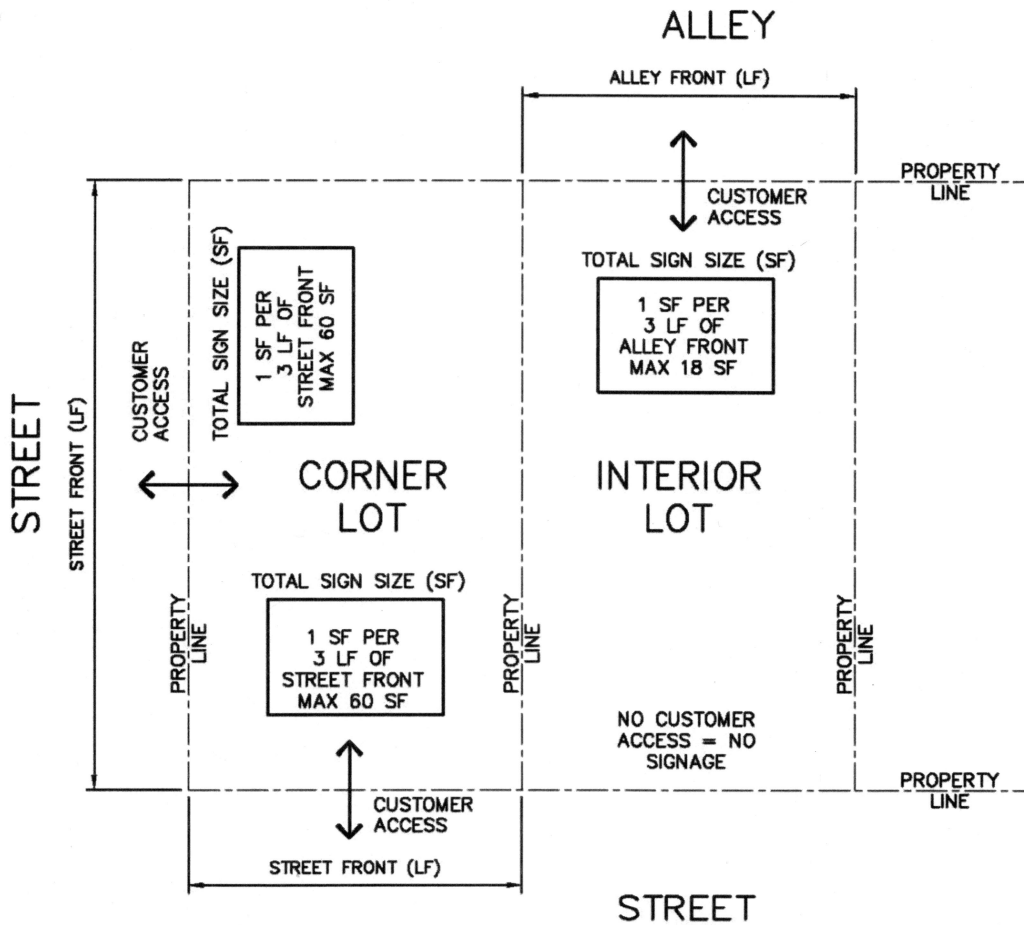
The following shall apply to all signs proposed in all zoning districts:

- A. Safety:
1. All signs shall be structurally sound and maintained in accordance with 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: Each street frontage with direct customer access is considered separately.

1. 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 (3') of linear alley frontage, not to exceed eighteen (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 frontage with direct access.



D. Sign Lighting Regulations: The following shall apply to all signs proposed in all zoning districts:

1. External illumination of signs shall conform to chapter 17.132, "Dark Skies", of this title 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 or backlighting shall conform to chapter 17.132, "Dark Skies", of this title.
3. Gas filled light tube (neon or facsimile) signs with tubes exposed to view of any size may be utilized inside the premises. One gas filled light tube (neon or facsimile) per business, provided it does not exceed four (4) square feet and it is displayed from the inside of the building.
4. LED lighting may be utilized 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, release of city liability, maintenance, safety, removal upon demand of the city, and other conditions at the time of permit issuance and prior to installation. The sign permit shall constitute an agreement between the applicant and the city concerning the public right of way.

17.127.050: SIGN SPECIFICATIONS MATRIX:

The following categories of signs shall comply with the applicable specifications and shall be counted toward the total permissible signage specified in subsection C of this section.

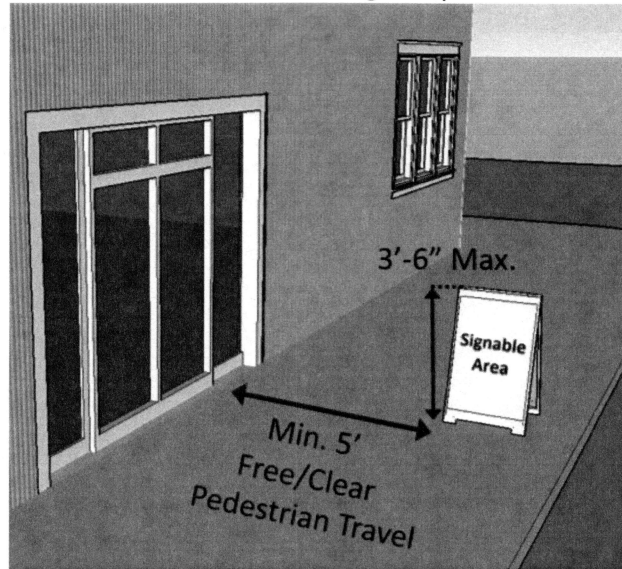
<<Insert Signage Matrix Here>>

sf = square feet

Districts	Sign Types	Maximum Area/Size	Maximum Height	Setback/Location	Maximum Number	Special Provisions
CC, T, T-3000, T-4000, LI-1, LI-2, & LI-3 Districts	<u>Awning</u>	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.	1 foot or 80% of the height of the face or valance, whichever is less. A min. of 8' 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.
	<u>Free Standing</u>	For every 1 linear foot of principle building 1/2 sf of free standing signage is allowed, not to exceed 20 sf per side.	12' from highest point to adjacent grade.	25' clear zone shall be maintained per any street corner, intersection, curb cut or driveway, measured from the nearest edge of the driving surface.	One per building street frontage.	No more than two faces per freestanding sign allowed. Shall be calculated as part of total signage allowed per lot.
	<u>Marquee</u>	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.		Shall be calculated as part of total signage allowed per business.
	<u>Projecting</u>	Determined by height, clearance and projection parameters.	A min. of 8' of clearance to grade required for the lowest portion of the projecting sign. The top of sign shall be located below the windows on the second floor of the building.	N/A	One per store front entrance.	Shall not extend more than 4' from the building. The max. profile or thickness shall not exceed 6".
	<u>Sandwich Board</u> <i>(See graphic below)</i>	6 sf of signage area	3'-6" from grade	Shall be located within the frontage of the subject property and proximate to the building entrance. A min. of 5' must be maintained for pedestrian travel.	One per business	No more than two sides per sandwich board sign. Shall not be counted toward the total size of permissible signage.
	<u>Temporary</u> ²	30 sf	Shall not extend above the second story of the building the sign is displayed on and shall maintain at least 8' from grade to bottom of sign.	Shall be located on private property and not encroach into the public ROW.	No more than two allowed per business at any one time.	Shall not be counted toward the total size of permissible signage. Displayed on private property for a max. of 45 days in a calendar year, max. of 14 consecutive days at one time, and no more than 4 times in a calendar year.
	<u>Wall</u> ^{1&3}	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 façade shall not have a wall sign more than 40% of the unbroken façade area.
	<u>Window</u>	Shall not occupy more than 25% of the total area of a single window surface.		N/A		Any sign located inside of a building within 3' 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	<u>Free Standing</u>	18 sf	5' from highest point to adjacent grade.	25' 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 two faces per freestanding sign allowed. Shall be calculated as part of total signage allowed per lot.
	<u>Wall</u>	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 façade shall not have a wall sign more than 40% of the unbroken façade area.

1. 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.
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 sf, is located on private property, and is displayed only during the season of operation.
3. Where buildings have no street frontage and direct customer access is from an alley, the building is permitted 1 sf of signage for every 3 feet of linear alley frontage, not to exceed 18 sf. 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.

Sandwich Board Sign Graphic



17.127.060: EXISTING CONFORMING, NONCONFORMING, ILLEGAL AND ALLOWABLE SIGNS:

- A. Existing Conforming Signs: Existing conforming signs with a valid sign permit on file with the city of Ketchum 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 which 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 (Insert codification date here).
- D. Allowable Sign Types: Sign types not specifically allowable as set forth within this section are prohibited.

17.127.070: VIOLATIONS AND ENFORCEMENT:

- A. Violations: A violation of this section shall be an infraction punishable by a fine of not more than three hundred dollars (\$300.00), or by imprisonment not to exceed six (6) 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 which has been determined to be unsafe by the building official and/or the planning and zoning department or which has been constructed, erected or maintained in violation of this section, must be repaired, made safe, made in conformance with this section, or removed within ten (10) 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.
- D. Interpretation: The City Council has the authority and duty to interpret the provisions of this section at the request of the Administrator or when a written appeal from a decision of the Administrator is filed.

17.127.080: APPEALS:

Appeals of a decision by the Administrator or Commission shall be filed in compliance with chapter 17.144 of this title.

EXHIBIT B

17.12.040: DIMENSIONAL STANDARDS, CC DISTRICT MATRIX:

- A. Development in the community core district shall comply with the standards set forth in the dimensional standards, CC district matrix. Dimensional standards for all other districts, unless otherwise specified, shall be found in section 17.12.030 of this chapter.
- B. In addition to the requirements of the dimensional standards, CC district matrix, the regulations of chapter 17.128, "Supplementary Location And Bulk Regulations", of this title apply.

DIMENSIONAL STANDARDS, CC DISTRICT MATRIX

<<Insert Dimensional Standards, CC District Matrix Here>>

Community Core Dimensional Standards

Dimensional Standards		Sub-District A: Retail Core	Sub-District B: Arts District	Sub-District C: Urban Residential	Sub-District D: Traditional Neighborhood
Lot/FA R Misc.	Minimum lot size	5500 SF			
	Minimum lot width	Average of 55'			
	FAR requirements	See FAR requirements in section 17.124.130 of this title.			
Minimum Building Setbacks	Front & street side	0'	5' Average		
	Adjacent to alleyway	3'			
	Rear side not adjacent to an alleyway	0'			
	Interior side				
	Cantilevered decks and overhangs				
	Setback for 5th floors	20' from street sides and frontage and 10' on all other sides.			
	Setback for 4th floors	10'			
	Nonhabitable structures and greenhouses	3'			
	Mechanical equipment, elevator shafts, roof access stairwells	10'			
	Solar panels	0'			
Maximum Building Heights	Cantilevered decks and overhangs	8' above grade and/or walking surface			
	Building height	42', unless otherwise allowed in this title.			
	Height of buildings devoted 100% towards community housing	50 ¹			
	Hotel building height (For hotel development standards see section 17.124.050.B.6 of this title.)	68 ¹	N/A		
	Perimeter walls enclosing roof top deck and structures	4' above roof surface height. Perimeter roof top walls are required to be at least 75% transparent.			
	Nonhabitable structures, greenhouses, elevator shafts, roof access stairwells, mechanical equipment and solar panels located on building roof tops	10'			

1. All buildings greater than 48 feet in height or that contain a 5th floor shall require final approval from the city council. For Hotel height standards, see section 17.124.050.B.6 of this title.

EXHIBIT C

**PUBLICATION OF SUMMARY OF ORDINANCE NO. 1162
CITY OF KETCHUM, IDAHO**


AN ORDINANCE OF THE CITY OF KETCHUM, BLAINE COUNTY, IDAHO, REPEALING AND REPLACING TITLE 17, CHAPTER 17.127, SIGNAGE TO REMOVE AND REPLACE ALL CONTENT BASED REGULATIONS WITH FORM BASED REGULATIONS; AND AMENDING CHAPTER 17.12, ESTABLISHMENT OF DISTRICTS AND ZONING MATRICES, SECTION 17.12.040 DIMENSIONAL STANDARDS, COMMUNITY CORE DISTRICT MATRIX TO ADD PROVISIONS FOR ROOF TOP EQUIPMENT AND STRUCTURES, ADD MINIMUM LOT SIZE AND TO CLARIFY DIMENSIONAL STANDARDS FOR BUILDING HEIGHT, SETBACKS AND CANTILEVERED DECKS; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION BY SUMMARY; AND PROVIDING AN EFFECTIVE DATE.

A summary of the principal provisions of Ordinance No. 1162 of the City of Ketchum, Blaine County, Idaho, adopted on November 7, 2016, is as follows:

- SECTION 1.** Repeals and replaces Chapter 17.127, Signage, in its entirety.
- SECTION 2.** Repeals and replaces Section 17.12.040, Dimensional Standards, CC District Matrix, in its entirety.
- SECTION 3.** Provides for a Repealer Clause.
- SECTION 4.** Provides a Savings and Severability Clause.
- SECTION 5.** Provides for publication of this Ordinance by Summary.
- SECTION 6.** Establishes an effective date.

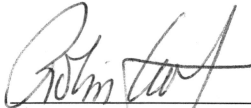
The full text of this Ordinance is available at the City Clerk's Office, Ketchum City Hall, 480 East Avenue North, Ketchum, Idaho 83340 and will be provided to any citizen upon personal request during normal office hours.

APPROVED:



Nina Jonas, Mayor

ATTEST:



Robin Crotty, Interim City Clerk