

ORDINANCE NO. 1190

AN ORDINANCE OF THE CITY OF KETCHUM, BLAINE COUNTY, IDAHO, AMENDING TITLE 17, THE ZONING ORDINANCE, OF THE KETCHUM MUNICIPAL CODE BY AMENDING SECTION 17.08.020: TERMS DEFINED; CHAPTER 17.88 FLOODPLAIN MANAGEMENT OVERLAY ZONING DISTRICT; CHAPTER 17.96: DESIGN REVIEW; CHAPTER 17.104: MOUNTAIN OVERLAY ZONING DISTRICT; CHAPTER 17.124 DEVELOPMENT STANDARDS; 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, improving clarity in applicable design standards and allowable administrative design review processes forwards Goal H-1, as set forth in the City's 2014 Comprehensive Plan, by improving customer service and addressing and resolving issues and problems; and

WHEREAS, the proposed revisions to the city's administrative land development standards is consistent with the Plan Implementation and Monitoring recommendations of the City's 2014 Comprehensive Plan; and

WHEREAS, the Ketchum City Council, having reviewed the proposed text amendments, held public hearings on November 5th, November 26th, and December 3rd, 2018 found that the proposed amendments comply with the 2014 Comprehensive Plan; 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. SECTION 17.08.020 IS AMENDED BY ADDING A NEW DEFINITION.

17.08.020: TERMS DEFINED:

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 17.12 and 17.136.050 of this title.

Section 2. CHAPTER 17.88 FLOODPLAIN MANAGEMENT OVERLAY ZONING IS AMENDED BY REPEALING AND REPLACING THE EXISTING SECTIONS AS FOLLOWS.

Chapter 17.88 FLOODPLAIN MANAGEMENT OVERLAY ZONING DISTRICT (FP)

17.88.040.B.5.d

d. Applications for floodplain development permits and waterways design review shall be made according to section 17.88 et.seq. of this chapter.

17.88.040.D.2

2. All subdivision plats shall contain note(s) that refer to the required twenty five foot (25') setback from all waterways called the riparian zone in which no development is permitted, and require that riparian vegetation shall be maintained in its natural state for the protection and stabilization of the riverbank, and that removal of trees or other vegetation will be considered as part of the function of design review as set forth in section 17.88.050 of this chapter.

17.88.050.A

A. Establishment Of Floodplain Development Permit: floodplain development permit shall be obtained through an application provided by the City prior to issuance of a building or excavation/grading permit for any and all "development" as defined in section 17.08.020 of this title, and construction, including "stream alteration", as defined herein, within the Floodplain Management Overlay District established in subsection 17.88.040A of this chapter.

17.88.050.B

B. Establishment Of Waterways Design Review: Approval of waterways design review shall be obtained prior to issuance of a building or excavation/grading permit and prior to commencement of construction for any and all "development" defined in section 17.08.020 of this title within the Waterways Design Review Subdistrict as defined in subsection 17.88.040B of this chapter.

17.88.050.D.1

The Administrator shall have the authority to consider and approve, approve with conditions, or deny applications for floodplain development permits and for waterways design review, as required herein.

Section 3. CHAPTER 17.96: DESIGN REVIEW IS AMENDED BY REPEALING AND REPLACING THE EXISTING SECTIONS AS FOLLOWS.

17.96.010: APPLICABILITY:

A. Design Review: 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 a below grade structure in a required setback.

B. Exemptions:

1. One-family dwellings, accessory structures, and accessory dwelling units.
2. Projects not requiring a building permit.
3. Temporary structures.
4. Public art.
5. Non-substantial or minor modifications that comply with all applicable design review standards, zoning district standards, and other code requirements without requiring a variance or other exception. Minor modifications include, but are not limited to,
 - a. demolition associated with an approved demolition permit;
 - b. 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;
 - c. the installation of fences, hedges, or walls compliant with section 17.124.130 of this title;
 - d. changes to exterior finishes including, but not limited to, (i) siding, paint, and materials; (ii) maintenance and repair of exterior facades; (iii) the addition of windows or doors; (iv) reroofs; or (v) the addition or expansion of decks and patios that are less than 30" above grade or if greater than 30" above grade comply with applicable lot coverage requirements for the zoning district;
 - e. the installation of exterior lighting compliant with chapter 17.132 of this title; and
 - f. the ground level installation and screening of utilities not greater than five feet (5') in height.
6. Minor modification exemptions, pursuant to Section 17.96.010.5, must be issued in writing by the Administrator prior to issuance of a building permit.

17.96.020: PURPOSE:

The purpose of this chapter 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 City neighborhoods and to protect and enhance the economic base of the City of Ketchum. (Ord. 1148, 2016)

17.96.030: AUTHORITY OF THE ADMINISTRATOR AND THE COMMISSION:

A. Authority of the Administrator:

1. The Administrator is authorized to approve the following exterior modifications and projects, provided they do not conflict with the provisions and requirements of this chapter:
 - a. Minor modifications to projects that have received design review approval by the commission for the duration of a valid design review approval.
 - b. Additions under one thousand two hundred (1,200) square feet.
 - c. Master signage plans.
 - d. Any project located on property that includes mapped floodplain areas or includes areas within the riparian setback.

e. Minor modifications located in an overlay district as indicated upon the City of Ketchum zoning district map and this title. The Administrator may exempt a minor modification from design review if the proposal complies with all overlay district standards.

2. The Administrator is authorized to review all floodplain development permits and waterways design review permits consistent with section 17.88 *et.seq.* Except for multi-family dwellings and commercial structures, floodplain development permits and waterways design review permits are not subject to the design review provisions of 17.96.

3. The Administrator shall review all design review requests and determine whether a project can be approved by the Administrator or by the Commission.

4. The Administrator shall determine what application materials and fees, as adopted by resolution, are required to approve exterior modifications as described in section 17.96.040 of this chapter.

B. Authority of the Commission:

1. Except for applications that are approved by the Administrator in subsection A of this section, the Commission shall review all other application proposals as described in section 17.96.010 off this chapter. (Ord. 1170, 2017; Ord. 1148, 2016)

C. The City Council shall approve all permanent encroachments within the City-owned right-of-way associated with a development project.

17.96.040: APPLICATION

C. Except for projects described in subsection 17.96.030A of this chapter, the following is required to be submitted for an application for design review:

1. Design review application form including project name, location, applicant, owner, project representatives, and contact information.

2. One (1) 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 (1) hard copy set of scalable plans showing at a minimum the following:

a. Vicinity map, to scale, showing the project location in relationship to neighboring buildings and the surrounding area. Note: A vicinity map must show location of adjacent buildings and structures.

b. Drainage plan (grading, catch basins, piping, and dry wells).

c. Utilities plan (location and size of water and sewer mains and services, gas, electric, TV and phone).

- d. 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.
- e. 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).
- f. Floor plan. List gross and net square footage for each floor. List occupancy classification and type of construction.
- g. Detailed elevations of all sides of the proposed building and other exterior elements (colors, materials).
- h. Exterior lighting plan, pursuant to chapter 17.132 of this title, showing location, height, type, and lumen output; spec sheets for fixtures; illuminance levels/photometrics for area lighting.
- i. One eleven inch by seventeen inch (11" x 17") materials and colors sample board showing all exterior materials used on the facade of the structure.
- j. Building corners for all proposed buildings and additions shall be staked on the site and all trees proposed to be removed shall be flagged at least one week prior to the commission meeting. The applicant shall install story poles, or other approved method, at the maximum roof peaks of the proposed buildings as required by the administrator.
- k. For projects requiring preapplication design review, a model or computer simulation renderings, as described in subsection 17.96.010.C of this chapter shall be required.

Section 4. CHAPTER 17.104: MOUNTAIN OVERLAY ZONING DISTRICT (MO) IS AMENDED BY REPEALING AND REPLACING THE EXISTING SECTIONS AS FOLLOWS.

Chapter 17.104: MOUNTAIN OVERLAY ZONING DISTRICT (MO)

17.104.050: USE RESTRICTIONS:

The following restrictions are imposed upon construction, development and use of all real property within the mountain overlay zoning district. With the exception of non-substantial or minor modification exemptions approved administratively in writing, pursuant to Section 17.96.030 and the criteria set forth in section 17.104.070.A herein, each of the following activities shall be subject to design review and shall require approval under the regulations contained in chapter 17.96 of this title 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 hereof, upon real property within the mountain overlay zoning district;

B. Other excavation of materials, grading and filling for any purpose not associated with construction of buildings and structures described in subsection A of this section; and/or

C. Any activity regulated by Ketchum street standards title 12, chapter 12.04 of this code. Included therein are standards for private driveways. (Ord. 1135, 2015)

Section 5. CHAPTER 17.124 DEVELOPMENT STANDARDS IS AMENDED BY ADDING A NEW SUBSECTION.

Chapter 17.124 Development Standards

17.124.160: MINIMUM STANDARDS FOR ONE-FAMILY DWELLINGS.

The following minimum standards apply to one-family dwellings in all zoning districts:

A. Drainage:

1. All storm water shall be retained on site.
2. Drainage improvements constructed shall be equal to the length of the subject property lines adjacent to any public street or private street.
3. The city engineer may require additional drainage improvements as necessary, depending on the unique characteristics of a site.
4. Drainage facilities shall be constructed per city standards.

B. Utilities:

1. All utilities necessary for the development shall be improved and installed at the sole expense of the applicant.
2. Utilities shall be located underground and utility, power, and communication lines within the development site shall be concealed from public view.

C. Snow Storage:

1. Snow storage areas shall not be less than thirty percent (30%) of the improved parking and pedestrian circulation areas.
2. Snow storage areas shall be provided on site.
3. A designated snow storage area shall not have any dimension less than five feet (5') and shall be a minimum of twenty five (25) square feet.
4. In lieu of providing snow storage areas, snowmelt and hauling of snow may be allowed.

D. Landscaping:

1. Landscaping is required for all projects.
2. 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.
3. All trees, shrubs, grasses and perennials shall be drought tolerant. Native species are recommended but not required.

Section 6. REPEALER CLAUSE. All City of Ketchum Ordinances or parts thereof which are in conflict herewith are hereby repealed.


Section 7. 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 8: 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, and shall take effect immediately upon its passage, approval, and publication.

Section 9. EFFECTIVE DATE. This Ordinance shall be in full force and effect after its passage, approval and publication according to law.

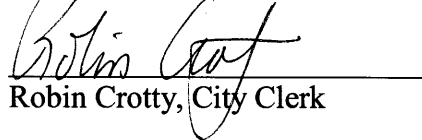
PASSED by the CITY COUNCIL and APPROVED by the MAYOR of Ketchum, Idaho on December 3, 2018.

APPROVED:



Neil Bradshaw, Mayor

ATTEST:



Robin Crotty, City Clerk



PUBLICATION SUMMARY OF ORDINANCE NO. 1190

AN ORDINANCE OF THE CITY OF KETCHUM, BLAINE COUNTY, IDAHO, AMENDING TITLE 17, THE ZONING ORDINANCE, OF THE KETCHUM MUNICIPAL CODE BY AMENDING SECTION 17.08.020: TERMS DEFINED; CHAPTER 17.88 FLOODPLAIN MANAGEMENT OVERLAY ZONING DISTRICT; CHAPTER 17.96: DESIGN REVIEW; CHAPTER 17.104: MOUNTAIN OVERLAY ZONING DISTRICT; CHAPTER 17.124 DEVELOPMENT STANDARDS; 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. 1190 of the City of Ketchum, Blaine County, Idaho, adopted on December 3, 2018, is as follows:

- SECTION 1.** Amends Section 17.08.020, Terms Defined, to add a definition for “minor modification”.
- SECTION 2.** Amends Chapter 17.88, Floodplain Management Overlay Zoning District (FP) to remove references to the Design Review chapter and to connect review of all floodplain development and waterways applications with the Floodplain Management chapter of the zoning code.
- SECTION 3.** Amends Chapter 17.96, Design Review, to exempt non-substantial and minor modifications from Design Review, to require that exemptions are issued in writing, to remove administrative authority to review multi-family residential projects with four (4) or less units, to remove specified exemptions that are covered by the new “minor modification” definition, to clarify that City Council approves right-of-way encroachments, and to remove the requirement that construction management plans are submitted for Design Review approval.
- SECTION 4.** Amends Chapter 17.124, Mountain Overlay, to clarify that unless exempted by the “minor modification” definition, all actions within the Mountain Overlay district are subject to Mountain Overlay design review.
- SECTION 5.** Amends Chapter 17.124, Development Standards, to add a new section 17.124.060, Minimum Standards For One-Family Dwellings, that include standards for snow storage, landscaping, utilities, and drainage.
- SECTION 6** Provides for a repealer clause.
- SECTION 7.** Provides a savings and severability clause.
- SECTION 8.** Provides for publication of this Ordinance by Summary.
- SECTION 9.** Establishes an effective date.

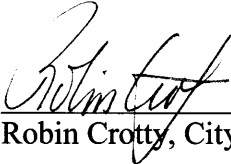
The full text of this Ordinance is available at the City Clerk's Office, Ketchum City Hall, 480 East Avenue North, Ketchum, Idaho 83340 and will be provided to any citizen upon personal request during normal office hours.

APPROVED:



Neil Bradshaw, Mayor

ATTEST:



Robin Crotty, City Clerk

