

ORDINANCE NUMBER 849, AS AMENDED

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, AMENDING CHAPTER 17.64, COMMUNITY CORE DISTRICT, SECTION 17.64.010, SUBSECTION B, ON-SITE PARKING AND SERVICE AREA REQUIREMENTS, SUBSECTION C, SIDEWALK, CURB AND GUTTER, SUBSECTION D, LOT DIMENSIONS, SUBSECTION E, BUILDING SETBACKS, SUBSECTION F, BUILDING HEIGHT AND WIDTH, AND ROOF LINE LENGTHS, SUBSECTION G, USABLE OPEN SPACE, AND SUBSECTION H, MAXIMUM FLOOR AREA RATIO; PROVIDING EXHIBITS; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; AND, PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Ketchum Comprehensive Plan is currently being revised, and said revision has been underway since April 1997;

WHEREAS, in 1998, a statistically accurate Random Sample Survey was conducted by the City Council to assess community sentiment on key issues being considered in the Comprehensive Plan update;

WHEREAS, thirty-nine (39) percent of citizens surveyed in the 1998 Ketchum Random Sample Survey identified "the small town feel" as Ketchum's best asset ";

WHEREAS, citizens have commented on this issue over the last several months, as evidenced in the written comments compiled on the January 2000 Revised Draft Comprehensive Plan;

WHEREAS, the height and large bulk of buildings currently allowed has been identified as a key issue threatening the community character and "the small town feel";

WHEREAS, downtown Ketchum is experiencing an unprecedented building boom, with 325,180 gross square feet approved since the April 1997, initiation of the revision of the Ketchum Comprehensive Plan, and 81,406 square feet in the pipeline;

WHEREAS, in 1997, the downtown contained 922,200 square feet, resulting in an approximately thirty-five (35) percent increase over the last two years;

WHEREAS, the shift in building bulk illustrated in Exhibits A and B shows a marked increase in large taller buildings over the last two (2) years as compared to the last ten (10) years;

WHEREAS, the City Council found that Comprehensive Plan options were being precluded by the measurable increase in large, bulky buildings in the Community Core, and that citizen concerns identified since April 1997 through the Comprehensive Plan process were being precluded by the ongoing approval of tall, bulky buildings in the Community Core;

WHEREAS, the City Council enacted Emergency Ordinance Number 838 as provided for under Idaho Code Section 67-6523 on February 7, 2000;

WHEREAS, the City Council subsequently adopted an Interim Ordinance, Ordinance Number 843, in order to complete the Comprehensive Planning process and related regulations for the Community Core, during which time planning options would not be precluded;

WHEREAS, the Planning and Zoning Commission has made a recommendation for the Community Core Chapter of the 2000 Revised Comprehensive Plan, which included revising the Community Core Design Review Standards, including bulk regulations;

WHEREAS, the City Council concurred that revisions were merited;

WHEREAS, the City hired a Consultant, Winter & Associates, on June 13, 2000 to assist in preparations of a revised Community Core Chapter, which includes bulk regulations and Design Review Standards;

WHEREAS, the Planning and Zoning Commission, in conjunction with Winter & Associates, conducted four public workshops on issues such as community character, building bulk and mass, design standards options, and Floor Area Ratio (FAR) bonuses;

WHEREAS, Winter & Associates prepared numerous drafts of the Community Core Chapter, and prepared a variety of graphic modeling scenarios depicting how different regulatory choices would affect the bulk of buildings, design of buildings and character of downtown Ketchum;

WHEREAS, the Planning and Zoning Commission conducted five work sessions and two public hearings in addition to the workshops with Winter & Associates on every aspect of the proposed Community Core Chapter;

WHEREAS, the public workshops conducted in July 2000 focused on individual and group responses to different building masses;

WHEREAS, Winter & Associates, in an August 2, 2000 Memorandum to the Ketchum Planning Department summarized these workshops with the following observations:

"The most frequently-raised issue is that of the mass and scale of new buildings. This is influenced by a combination of factors, including the basic height, width and depth of a structure, as well as the manner in which it is articulated into subordinate masses and refined with details and variations in materials. These factors were graphically illustrated in a series of massing studies that were evaluated in the last workshop. Individual participants recorded their reactions on

a response form. In reviewing the individual response sheets for the massing scenarios, these themes emerged:

- In general, workshop respondents preferred development scenarios of two stories or less.
- They also preferred projects with a gross floor area ratio of 1.4 or less.
- They found "acceptable" buildings of 1.75 or less.
- While structures that were three stories in height were generally found "unacceptable", some respondents noted that they could be "acceptable" only if the added mass was for affordable housing. This reflects a willingness to consider trade-offs of mass and scale impacts when other community objectives are clearly met."

WHEREAS, a range of public input and differing viewpoints was taken by the Commission both orally at the workshops, work sessions and hearings, as well as written comment, documented by a file of letters in the Ketchum Planning Department;

WHEREAS, the Council has conducted three (3) public hearings on the Planning and Zoning Commission's recommendation, and has completed their review of the portions of Section 17.64.010 attached hereto as Exhibit C;

WHEREAS, the Council will continue to work diligently on the remaining portions of Section 17.64.010, as well as Section 17.64.020, Design Review Standards.

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

SECTION 1. Pursuant to Section 67-6524, Idaho Code, the City Council hereby amends Chapter 17.64, Community Core District, attached hereto as Exhibit C and incorporated herein by reference.

SECTION 2. 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 3. REPEALER CLAUSE. All City of Ketchum ordinances or resolutions or parts thereof which are in conflict herewith are hereby repealed.


SECTION 4. EFFECTIVE DATE. This Ordinance shall in full force and effect from and after its passage, approval and publication.

PASSED by the Ketchum City Council and APPROVED by the Mayor of Ketchum on this 17th day of October, 2000.



Guy P. Coles, Mayor

ATTEST:

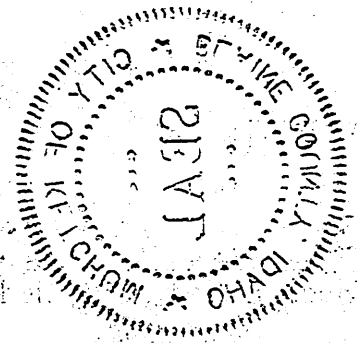



Sandra E. Cady, City Clerk

Publish: October 25, 2000
Idaho Mountain Express

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the County of Blaine, Idaho, this 1st day of March, 1914.

[Faint signature]



Attest my hand and the seal of the County of Blaine, Idaho, this 1st day of March, 1914.

NEW BUILDINGS WITH FAR GREATER THAN 1.4 SINCE APRIL 1997

(in pipeline)		Gross/Net FAR	Height
2000	The Peaks (Louie's)	2.0/1.49	40'
2000	Cimarron	1.6/1.3	40'
1999	Christiania	1.3/	34'-40'
1999	Ketchum Hotel (Clarion)	1.42/1.37	40'
(approved)			
1999	131 Main Street Building (First Bank of Idaho)	1.76/1.21	40'
1998/1999	Second Avenue Commercial Building	1.82/1.4	40'
1998	Davis-Reid Gallery	1.85/1.0	40'
1998	Severn Gallery	1.75/1.33	40'
1998	Private Residences Resort	1.94/1.49	40'
1998	Higdon Building	1.84/1.45	39'

NEW BUILDINGS WITH FAR LESS THAN 1.4 SINCE APRIL 1997

1999	Kresser Building	1.34/.97	35'
1999	Olbum Building	1.18/.91	33'8"
1998	Mercantile	1.4/.99	31'6"
1998	Courtyard	1.06/.94	31'
1998	Moss Gardens	.36/.3	32'6"
(pitched roof)			
1997	Colonnade	1.26/.97	35'
1997	Evergreen Office	.37/.3	21'6"
1997	Dunbar Interiors - Office/Residential	.72/.56	31'

EXHIBIT A of Ordinance Number 849

NEW BUILDINGS WITH FAR GREATER THAN 1.4
PRIOR TO APRIL 1997-APRIL 1987

		Gross/Net FAR	Height
1996	Friesen Building	1.77/1.15	35'
1993/1992	Jones Building	1.64/1.32	40'
1990	511 Building	1.48/1.2	40'
1990	West One Bank	1.6	40'

NEW BUILDINGS WITH FAR LESS THAN 1.4 PRIOR TO APRIL 1997

1996	Praggastis Building	1.37/.99	34'6"
1996	Community Library Childrens Addition	.49/.4	29'
1995	Angel Wings	1.34/1.0	35'
1993	Davies Reid Gallery	1.28/.99	27'6"
1993	Kentwood Lodge	1.25/.94	35'
1992	Silver Creek Outfitters	.93/.9	28'
1991	Magic Lantern Theatre	1.39/.9	35'
1991/1989	Idaho Mountain Express	.52/.46	23'9"
1990	Galena Office Building	1.09/.98	24'
1990	Washington Avenue Building (El Naso)	1.35/.98	25'6"
1989	Atrium	1.32/1.0	35'
1989	Erickson Building	.75	28'
1988	Ketchum Visitors Center	.1	27'
(pitched roof)			
1988	Mountain States Building (Bank of America)	.97/.87	35'
1988	Galleria	1.23/1.0	35'
1987	McCotter Building (Crazy Horse Building)	1.37/1.0	21'

EXHIBIT B of Ordinance Number 849

EXHIBIT C

Chapter 17.64

COMMUNITY CORE DISTRICT (CC)

Sections:

17.64.010 CC - Community Core District.

17.64.020 Design review.

17.64.010 CC - Community Core District.

The purpose of the following 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. 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.

- A. **Uses Permitted.** All uses not listed below shall be prohibited unless otherwise determined by the Planning and Zoning Commission to be similar in nature to a use listed below:

Use	Permitted Use*	CUP* *	T/CUP* **
Mercantile	X		
Grocery store	X		X
Offices	X		
Restaurants, bars not including drive-up	X		X
Hotels, motels, and other lodging establishments including time share	X		
Personal service establishments	X		
Entertainment, recreation and cultural uses enclosed Within building	X		X
Entertainment, recreation and cultural uses unenclosed, outdoors		X	
Single-family dwelling not to exceed 4,000 square feet of gross floor area	X		
Apartments, duplex and multifamily residential dwellings including townhouses	X		
Day care home, day care facility or day care center	X		X
Medical facilities	X		
Bakeries	X		X
Manufacturing of small goods only in conjunction with retail, provided it does not create noise, odor, dust, fumes or require outside storage of material	X		X
Off-street parking facilities	X		X
Accessory buildings and uses including home occupations	X		
Outside display of merchandise associated with the business conducted on the premises	X		X
Schools		X	
Service stations		X	
Mortuary		X	
Public uses and semi-public uses	X		
Satellite receivers and antennas		X	
Outside storage of merchandise		X	
Dumpster, rubbish container (subject to issuance of a Dumpster permit)	X		

* Permitted - A use which is permitted as of right without special permit consideration.

** CUP - A conditional use which requires a conditional use permit to locate and operate in the CC district.

*** T/CUP - Transition conditional use permit, a permitted use listed below which, when directly abutting a residential district (LR or GR-L), requires a conditional use permit and shall comply with the following additional regulations:

Regulations for T/CUP's:

1. No use or building shall provide ingress or egress to off-street parking from a public street adjacent to a residential zone.
2. All exterior lighting shall be contained within the property and directed downward with no visible light source.
3. Sufficient landscape shall be provided to adequately buffer business uses from residential properties.
4. Any use which requires a conditional use permit shall follow the application and hearing procedures set forth under Chapter 17.116.

B. On-Site Parking and Service Area Requirements.

1. All new structures, alterations and additions to existing structures, and all uses within the CC district shall comply with the on-site parking and service area requirements as set forth below.
2. No part of an on-site parking space required for any building or use for the purpose of complying with the provisions of this title will be converted for any other use unless an equivalent amount of additional on-site parking is provided.

Use	Parking Stalls Required
General commercial/mercantile, office, Restaurant	1 stall per 13.75 lineal feet
Hotels, motels, lodges	.75 stall per each unit, plus 1 stall per employee housing unit
Multifamily residents/apartments	1 stall per unit or one stall per 1,375 square feet, whichever is greater
Single-family residential	2 stalls per residence
Mixed use residential, lodging/commercial Projects	1 stall per 13.75 lineal feet of lot width, or other parking requirement according to this section for each individual use(s), whichever is greater
Projects seeking a floor area increase, for underground parking	Total required parking shall be 1 underground stall for every 1,100 square feet of net floor area
Projects seeking a floor area increase, for additional on-site parking	Total required parking shall be 1 on-site parking stall for every 1,100 square feet of net floor area; provided, not less than 6 parking stalls are required

4.3. Handicap Parking Stall. One handicap parking stall may ~~shall~~ be required ~~designated~~ for each building or building complex, if

adequate on-street handicap parking does not exist, or if the American Disabilities Act requirements cannot be met by on-street handicap parking and such handicap parking stall shall be applied to the required parking.

5.4. Service Delivery and Refuse Disposal Area Requirements.

- a. Single-family residence, apartment and multiple family dwellings shall provide a refuse disposal area incorporated within the building structure.
- b. All other uses shall provide a refuse disposal area on-site, and adequate in size to ~~provide a fully enclosed perimeter~~ to screen all refuse containers. Adequacy of the proposed screening shall be determined by the Commission. The shared use of refuse storage areas and containers is encouraged in lieu of on-site refuse storage provided a written agreement is made with the City to assure long term shared use. Such area shall include a service access aisle to the building.

6.5. Parking Dimensional Requirements.

Minimum parking stall dimensions
(Feet)

<u>Angle</u>	<u>Width</u>	<u>Length</u>	<u>Aisle Width</u>
90 degrees	8.0	18.0	22.0
30 degrees	8.0	20.0	10.0
45 degrees	8.0	20.0	11.0
60 degrees	8.0	20.0	18.0
Parallel	8.0	20.0	—
Handicap	13.0	20.0 <u>Same as above</u>	Same as above

7.6. Parking Standards.

- a. No parking stall required by this title shall project into any street, alley, required alley setback, or other public right-of-way.
- b. All parking stalls and service areas shall access through the alley excepting the following conditions:
 - i. If the grade of the alley and/or slope of the parking area and/or access exceeds acceptable, usable limits according to street standards Ordinance 276, codified in Chapter 12.04 or;
 - ii. Where alternate and/or additional vehicular access points off streets can be shown to:
 - (A) Enhance the overall vehicular and pedestrian circulation and parking plan on the site, and
 - (B) Minimize the negative impact of the vehicular traffic on adjacent streets and to prevent traffic congestion.

Approval of said alternate access points is subject to project compliance with Design Standards, Section 17.64.020.

- c. If the grade of the alley and/or slope of the parking area and/or access exceeds acceptable, usable limits according to street standards Ordinance 276, codified in Chapter 12.04, the parking requirement may be met by paying in lieu for the required on-site parking according to subsections B.8.c.ii, iii and iv.
- d. Not more than thirty-five (35) percent of the total lot frontage along each street shall be taken up by a curb cut. The maximum width of a curb cut shall be twenty-four (24) feet.
- e. Maintenance. The owner of property used for parking and/or service shall maintain such area in good condition free of dust, trash, debris and snow.
- f. Surfacing. All required parking and service areas, together with access aisles or circulation areas including alleys, shall be surfaced with asphalt, concrete, pavers or similar hard surface.
- g. Drainage. All parking and loading areas shall provide for on-site drainage of surface water to prevent the drainage of such water onto adjacent properties, walkways, or into the public right-of-way.
- h. Lighting. Any parking area which is intended to be used during non-daylight hours shall be properly illuminated to avoid accidents. All lights shall ~~be so arranged as to direct the light source down and shall have the light source concealed from adjoining property~~ comply with the Dark Sky regulations of Chapter 17.132.
- i. Screening and Landscaping. All parking and service areas which adjoin or face a public street shall be effectively screened from the street; a dense landscaped area or screening wall or combination of area and wall shall be provided. Approval of landscape screening is also subject to Section 17.64.020, Design Standards.
- j. Any lot or lots exclusively devoted to surface parking shall have landscaped areas distributed along not less than ninety (90) percent of the street frontage of the lot not required for driveways or walkways. ~~Such landscaping shall be installed to a minimum height of five feet.~~ Such landscaping shall be installed within a planting area which is a minimum five feet in depth. Sizes of plant material shall comply with Section 17.64.020, Design Standards. Interior landscape islands shall be provided to break up large open areas of parking.
- k. On-site parking spaces may be provided in areas designed to serve jointly two or more buildings or users provided that the total number of on-site parking spaces shall not be less than required by this title for the total combined number of spaces

for each building or use, and provided the parking is provided in perpetuity with permission by the City Council.

1. When the calculation of the required number of on-site parking spaces results in a fractional number, fractions equal to or greater than one-half shall be adjusted to the next greater whole number of spaces.

8.7- Parking Exemption and In lieu Payment for Additions to Existing Structures.

- a. An exemption may be made to the improvement of a required parking stall(s) if an existing healthy mature tree(s) which can be preserved, as determined by the Commission, is in conflict with the improvement of a required parking stall(s). In lieu payment for this exemption is not required.
- b. An exemption shall be made from the required parking or in lieu payment as provided for in subsection B.8.c below, as follows: for existing structures which propose an addition of not more than ten (10) percent of the existing net floor area or one thousand (1,000) square feet, whichever is less, and which cannot physically provide the required on-site parking due to pre-existing building encroachments. This provision applies one time for the first addition upon the effective date of this title.
- c. A payment shall be made to the City in lieu of providing required on-site parking, as follows:
 - i. For existing structures which propose additions or changes in use and which cannot physically provide the required on-site parking due to pre-existing building encroachments;
 - ii. In Lieu Amount. The in lieu payment shall be in the sum of twenty thousand dollars (\$20,000.00) for each required parking stall;
 - iii. In Lieu Payment Period. Payment of in lieu fees must be made to the planning department at the time of issuance of a building permit;
 - iv. In Lieu Fund. All in lieu funds received under this section shall be placed into a special and separate parking improvement and acquisition fund to be used solely for the purchase and improvement of public parking facilities or pedestrian facilities in the CC district.

- C. Sidewalk, Curb and Gutter.** Sidewalks, curbs and gutters shall be required as an accessory use in accordance with standards as established by the City as to type, location and grade. Sidewalks, curbs and gutters shall be required within the public right-of-way when there is new construction or when an existing building classified as a commercial use is altered or

changed and such modifications require a building permit and the cost of such construction exceeds twenty thousand dollars (\$20,000.00).

Sidewalk widths shall match existing adjacent sidewalk widths as determined by the City or comply with the widths as follows:

1. Main Street and Sun Valley Road/Third Street - eight feet (public right-of-way) plus five feet (private property);
2. All other streets - five feet (public right-of-way) plus five feet (private property).

D. Lot Dimensions.

1. Minimum Lot Area - five thousand five hundred (5,500) square feet. Townhouse subplot area shall be at minimum equal to the perimeter of an individual townhouse unit measured at the foundation and along any common party wall, and shall be in compliance with the Uniform Building Code;
2. Minimum Lot Width - fifty-five (55) feet;
3. Lot Configuration - all side lot lines shall run perpendicular to the alley.

E. Building Setbacks.

1. ~~Minimum Setback — five feet along all property lines abutting any street, to be used as extended sidewalk space. This setback may be covered with canopies, awnings, or similar architectural features, and second floor decks which are not enclosed. A building shall have a minimum setback of five feet from a streetside property line. This, combined with five (or eight) feet reserved in the public right-of-way, shall yield a ten (or thirteen) foot wide sidewalk. Encroachments into the building setback for posts, or for public amenities may be permitted on a case by case basis only as determined by the Commission, and subject to the Design Standards in Section 17.64.020. Encroachments in the public right-of-way such as outdoor seating may be permitted by the Council on a case by case basis, subject to a Right of Way Agreement.~~
2. A setback of 3 feet shall be provided on all alleys. This shall be paved as a part of the alley and shall remain clear of obstacles to permit movement of service vehicles. At grade utilities only may be permitted in the alley setback on a case by case basis as determined by the Commission.
- 2 3. Townhouse units shall be allowed zero setbacks from the lot lines created by a townhouse subplot provided all provisions of this section are met, and shall be in compliance with the Uniform Building Code.
4. Third Floor Setbacks.
 - a. Any third floor space shall be set back a minimum of 17 feet from the streetside property line.
 - b. Any third floor space shall be set back a minimum of 13 feet from the alley side property line.

- c. Setbacks outlined in (a) and (b) may be modified for an exit stair or elevator tower when the Commission determines that the resulting project is compatible, based on application of design standards in Section 17.64.020.

F. Building Height and Width, and Roof Line Lengths.

1. Height. The maximum building height shall be as follows ~~thirty-five (35) feet.~~ See definition of building height for measuring height.
 - a. 38 feet 6 inches maximum height for flat roofs, including parapets.
 - b. Forty (40) foot maximum roof ridge height for gabled roofs or roof sections. Said gable roofs must provide a minimum slope of 4:12.
2. Width.
 - a. All buildings shall contain a horizontal break at least every 55 feet. Such breaks shall be a minimum of 4 feet deep by 12 feet wide.
3. Roof Line Length.
 - a. The maximum length of a parapet or roof ridge (including overhang) line shall be 60 feet.
 - b. A change in ridge line shall be established by one or both of the following:
 1. A shift in plan of a minimum of 5 feet between the two ridges
 2. A shift in height of a minimum of 5 feet between the two ridges
- ~~2. A five foot height increase shall be allowed for buildings which provide urban housing units and/or underground parking according to subsection G of this section. The maximum building height increase is five feet.~~
- ~~3. Buildings which provide a roof pitch with opposing angles which meet to form a ridge or peak at a minimum slope of 4:12 the maximum building height shall be forty (40) feet including parapets, but not including any flag pole, lightning rod, weather vane or chimney not exceeding the minimum height required by the Uniform Building Code.~~
4. Solar panels, clerestory windows and Elevators may exceed height limits as follows:
 - a. Four foot height increase = minimum ten (10) foot setback from streetside roof edge;
 - b. Six foot height increase = minimum fifteen (15) foot setback from streetside roof edge.
5. Wireless facilities as regulated in Chapter 17.140.

G. Open Space.

Each property shall provide a minimum of 25% open space, based on a percentage of the gross land area of the site. In addition, the following provisions shall apply:

1. The required five foot streetside setback shall count toward meeting the 25% overall open space requirement.
2. A minimum of 50% of the required open space shall be located on the ground (grade) level.
3. Once the minimum standards are provided at grade, the remaining open space requirement may be allowed to be located on the second floor as balconies and decks, if the Commission determines that the result is consistent with the intent of the design review standards in Section 17.64.020. Said second floor open space shall not be counted if it overhangs ground floor open space, or if it is enclosed on more than 2 sides.
4. In no case shall any outdoor area that is provided on the third floor of a project or below grade be counted towards meeting the minimum open space standards.
5. Land in the required alley setback shall not count as a part of the open space.
6. A balcony that overhangs a public sidewalk also may not count as open space.
7. For buildings which contain 3 story elements, a minimum of 200 square feet of useable open space shall be provided on the ground floor in addition to the five foot streetside setback.

G H. Maximum Floor Area Ratio.

1. All new buildings and alterations to existing buildings shall be subject to the maximum floor area ratios described below.

	<u>Permitted</u>	<u>Increase (1)</u>	<u>Increase (2)</u>
Net FAR	1.0	1.5	1.5
Gross FAR	1.4	2.0	1.85