

ORDINANCE NUMBER 954

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, AMENDING ZONING CODE TITLE 17, CHAPTER 17.76, LIGHT INDUSTRIAL DISTRICT NUMBER 3 (LI-3), SUBSECTION 17.76.010.A, USES PERMITTED; SUBSECTION 17.76.010.B, CONDITIONAL USES PERMITTED; SUBSECTION 17.76.010.E, OFF-STREET PARKING REQUIRED; SUBSECTION 17.76.010.J, MAXIMUM HEIGHT OF BUILDINGS; PROVIDING FOR A REPEALER CLAUSE AND A SEVERANCE CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the amendments will promote expanded permitted and conditional uses within the Light Industrial District Number 3 (LI-3) Zone consistent with the Light Industrial Zone;

WHEREAS, the amendments will promote expanded community and market rate housing opportunities within the Light Industrial District Number 3 (LI-3) zone which is a transition zone to adjacent residential zones;

WHEREAS, the amendments will allow a five (5) foot height increase for sloped roofs within the zone which provides for more aesthetically pleasing buildings; and,

WHEREAS, after proper notice pursuant to the State Local Planning Act, a recommendation by the Planning and Zoning Commission and due consideration, the Council has determined that the following change to Title 17, Zoning Code, Chapter 17.76, Light Industrial District Number 3 (LI-3) is in the public interest.

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

SECTION 1. ENACTMENT. That Zoning Code Title 17, Chapter 17.76, Subsection 17.76.010 is amended as follows:

17.76.010 LI-3 – Light Industrial District Number 3.

The LI-3, Light Industrial District Number 3, is established as a transition area providing for a permanent year-round employment base and the location of research and development, wholesale trade and distribution and ~~or~~ hi-technology industries along with offices related to building, maintenance and construction and which generate little traffic from tourists and the general public and providing a mix of deed restricted and market rate housing.

**A. Uses Permitted.**

1. Office, limited to research and development and wholesale trade and distribution; engineers; surveyors; architects, not on the ground floor; ~~land developers~~; building and construction contractors, including, but not

limited to: general, electrician, painting, plumbing, paving, concrete, flooring, landscape and maintenance contractors; ~~and office on-site serving as administrative support to a permitted use is limited to twenty-five (25) percent gross floor area or five hundred (500) square feet, whichever is less, provided it does not generate/attract clients, tourists or the general public, and parking requirements are met,~~

2. Blue print services/establishments,
3. TV and radio broadcasting stations,
4. Recording studios,
5. Work studio for visual arts, excluding galleries,
6. Laboratories - research or testing, ~~such as electronics, medical and dental,~~
7. Publishing, and newspaper production,
8. Printing establishments and graphic arts production,
9. ~~Phone solicitations including catalog transactions with no on-site sales or display~~ Warehouse,
10. Accessory buildings and uses as permitted and required in Chapter 17.124, and
11. On-site day care provided for children of on-site employees;

**B. Conditional Uses Permitted.** Shall be allowed only upon approval of the Planning and Zoning Commission. Conditions may be attached to any permit and are not limited to those stated under each use listed. The Commission shall impose such conditions and safeguards as it finds necessary to protect public interest and those of surrounding properties, and to carry out the standards, criteria, purposes and intent of this and other applicable ordinances.

1. Resident, deed restricted, dwelling units to provide additional long-term housing within the City needed to accommodate increases in year-round employment; provided, the following minimum criteria are met:
  - a. Dwelling units shall not occupy the ground floor.
  - b. Ketchum Fire and Building Department requirements including, but not limited to, occupancy separations and smoke detection (life safety) measures shall be met.
  - c. Design review under Chapter 17.96 shall be required whether new building, addition to existing building or remodel of existing building.
  - d. Up to ~~forty (40)~~ sixty-six (66) percent of any light industrial building may be devoted to dwelling units.
  - e. One (1) on-site parking space per bedroom Community Housing Unit up to two bedrooms and two (2) parking stalls for three bedroom units shall be provided in addition to parking spaces required for other uses in the development.
  - f. Dwelling units shall be owner occupied or used for long-term occupancy, defined as a minimum of ninety (90) consecutive days; ~~and shall not be separated in any manner for sale as individual units.~~
  - g. Dwelling units shall be a minimum of four hundred (400) square feet and shall not exceed ~~one thousand (1,000)~~ one thousand four

hundred (1,400) square feet total and shall contain not more than ~~two~~ three bedrooms.

- h. Approved conditional use permits shall be recorded in the records of Blaine County, Idaho.
- i. The applicant is aware the mixed use of the property can result in conflict, that the light industrial use may on occasion or in certain respects be incompatible with the quiet enjoyment of the dwelling units, that due to the subordinate and junior nature of the residential use to the light industrial use, the City will not condition, limit, restrict or otherwise interfere with any lawful light industrial use solely because it interferes with a residential use.
- j. All persons who rent or sublet any residential living unit within the light industrial zones shall provide the tenant, lessee or subtenant with written notice that such unit is located within the light industrial zone and as such is junior and, therefore, subordinate in nature to all legal light industrial activities.
- k. Each and every real estate agent, sales person and broker and each and every private party who offers for rent or shows a parcel of real property and/or structure for lease or rent within such light industrial zones shall upon first inquiry provide the prospective lessee or tenant prior to viewing such real property with written notice that such real property and/or structure is located within such light industrial zone.
- l. All brochures and other printed materials advertising rental or lease of a living unit within the light industrial zones shall contain a provision designating that such unit or units are located within the light industrial zone and are within a mixed use area. Lessees and tenants shall be notified that the residential uses within the light industrial zone are subordinate and, therefore, junior in nature to the legal light industrial activities within the zone.
- m. Conditions including, but not limited to, the following may be attached to the conditional use permit:
  - i. Access to the apartments relative to design and relationship to light industrial uses,
  - ii. Location of residential and light industrial parking on the site,
  - iii. Restrictions on exterior storage of personal property of tenants,
  - iv. Certificate of occupancy required prior to occupancy of units,
  - v. Ketchum Fire Department and Ketchum Building Department requirements shall be met prior to occupancy,
  - vi. Permit shall be reviewed when light industrial occupancies within the building change,
  - vii. Snow removal required to ensure utility of residential spaces,

- viii. Such proof of long-term occupancy as deemed appropriate,
  - ix. Any portion or all waived fees become due and payable upon conversion of resident housing unit(s) to light industrial uses, and/or
  - x. Any other condition deemed to enhance the purposes under Subsection B.1, or to establish or promote the criteria referenced in Subsection B.1.a-l above.
- n. The City Council, after receiving a recommendation from the Commission, may waive fees otherwise required in connection with development of such ~~rental~~ community housing. The following findings shall be made to waive any such fees:
- i. There is a need for ~~rental~~ community housing stock in Ketchum,
  - ii. The proposal meets the criteria contained in this Section,
  - iii. The housing proposed is an integral part of the project, and/or
  - iv. Ketchum is in an acceptable financial position to waive such fees,
2. Owner-occupied residential dwelling units to provide long-term housing within the City needed to accommodate increases in year-round employment by allowing larger market rate units with the provision of deed restricted housing, provided the following minimum criteria are met:
- a. Dwelling units shall not occupy the ground floor,
  - b. A minimum of one-third (1/3) of the total square footage of housing units shall be deed restricted community housing units,
  - c. Deed restricted community housing units shall be designed and administered in accordance with the Blaine Ketchum Housing Authority Guidelines,
  - d. The area designated as commercial LI-3 use shall be a minimum of thirty-four (34) percent of the total floor area. Said commercial light industrial use shall not be for personal storage by dwelling occupants, and
  - e. Criteria under 17.76.010.B.1.b and c and h-m shall be met.
23. Cooperative use of parking facilities between two uses may be approved by the Council upon recommendation by the Commission if it is found that the time during which two cooperating uses operate does not conflict. An agreement between the cooperating property owners and lessees shall be approved by and filed with the City, and filed with the Blaine County Recorder,
34. Public use,
4. ~~Additional square footage over and above the maximum allowed in Subsection A.1 of this Section, office on site serving as administrative support to a permitted use,~~
5. Property management provided it is in conjunction with janitorial/property maintenance,

6. Self storage, not including any storage associated with on-site residential units, and
7. Day care homes, day care facilities, day care centers and special schools, provided the following minimum criteria are met:
  - a. Must not access from Saddle Road,
  - b. On-site drop-off/pick-up parking spaces are provided and shall be fenced or screened from adjacent light industrial uses as deemed necessary by the Commission,
  - c. Play areas shall be fenced or screened from adjacent light industrial uses as deemed necessary by the Commission,
  - d. The applicant is aware that the use of the property for a day care business can result in conflict with adjacent light industrial uses, that certain aspects of a day care business may not be compatible with certain light industrial uses, that the light industrial uses may on occasion or in certain respects be incompatible with a day care business, that due to the subordinate and junior nature of the day care business to the light industrial use, the City will not condition, limit, restrict or otherwise interfere with any lawful light industrial use solely because it interferes with a day care business, but the City may impose restrictions on certain aspects of the day care business as it affects neighboring light industrial uses,
  - e. Day care providers shall provide all current and prospective customers with a letter or brochure which states that the business is located within the light industrial zone and as such is junior, and, therefore, subordinate in nature to all legal light industrial activities. A copy of such letter or brochure is to be provided to the City prior to CUP approval.
  - h. Any and all advertisements for a day care business shall state that the business is located within the light industrial zone and as such is junior, and therefore, subordinate in nature to all legal light industrial activities.
  - i. Each and every real estate agent, sales person and broker and each and every private party who offers for lease, rent or sale, or shows a parcel of real property and/or structure for lease, rent or sale within such light industrial zone, shall upon first inquiry provide the prospective lessee, tenant or buyer of such real property with written notice that such real property and/or structure is located within such light industrial zone, and
  - j. The conditional use permit shall be valid indefinitely and shall only be reviewed upon written complaint. No conditional use permit shall be revoked solely due to complaints; the Commission must determine that the conditions of the permit have not been met or that excessive problems related to the day care business have occurred.

- E. Off-Street Parking Required.** Every use shall provide at least the minimum number of parking spaces required for that use based on the formulas listed below. Further, the minimum parking dimensions are as follows:

ANGLE	WIDTH	LENGTH	AISLE WIDTH
90 degrees	9-0 <u>8.0'</u>	19 <u>18'</u>	24 <u>22'</u>
60 degrees	9-0 <u>8.0'</u>	21 <u>20'</u>	18'
45 degrees	9-0 <u>8.0'</u>	19-8 <u>20'</u>	15 <u>11'</u>
Parallel	8.0'	23 <u>20'</u>	—
Handicap	13.0	Same as above	Same as above

Other requirements for off-street parking contained in Section 17.124.060.B through N, shall be met.

1. One space per two hundred fifty (250) square feet gross floor area (gfa) for the following structures and uses: office, not including administrative office; research and development and hi-technology industries; blue print services; and publishing and printing establishments,
2. One space per five hundred (500) square feet gfa plus adequate loading area for trucks for the following structures and uses: public utility facilities, recording studios, wholesale trade and distribution and TV and radio broadcast stations,
3. At least one parking space is required per use,
4. ~~The lot area to be considered for parking shall be outside the building, not including designated covered or underground parking areas;~~
54. In the case of multiple uses on a single lot the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately,
65. Self storage and Warehouse - one space per employee;

**J. Maximum Height of Buildings** - thirty-five (35) feet; except that sloped roofs with a minimum pitch of 4:12 may go to forty (40) feet;

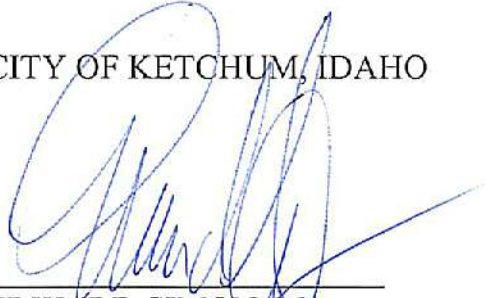
**SECTION 2. SEVERANCE.** The sections, subsections, sentences, clauses, phrases and provisions of this ordinance are severable. If any section, subsection, sentence, clause, phrase or provision of this Ordinance, or the application thereof to any particular circumstance, shall be held invalid or unenforceable by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof, which remaining portions shall continue in full force and effect and be applicable to all circumstances to which this Ordinance may validly apply.

**SECTION 3. REPEALER CLAUSE.** All Ordinances and parts of Ordinances of the City in conflict with this Ordinance or with any part hereof shall be and the same are hereby repealed.

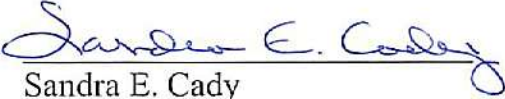
**SECTION 4. EFFECTIVE DATE.** This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF KETCHUM, IDAHO, AND APPROVED BY THE MAYOR this 11 day of July, 2005.

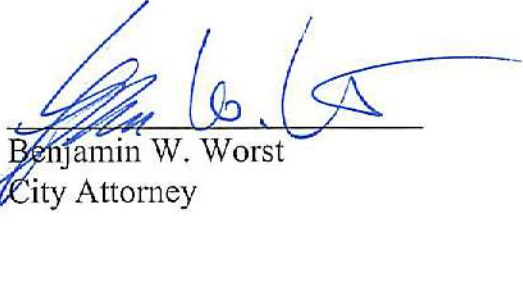
CITY OF KETCHUM, IDAHO

  
EDWARD SIMON, Mayor

ATTEST:

  
Sandra E. Cady  
City Treasurer/Clerk

APPROVED AS TO FORM  
AND CONTENT:

  
Benjamin W. Worst  
City Attorney

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