ORDINANCE NUMBER 999

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, AMENDING THE KETCHUM MUNICIPAL CODE, TITLE 17, CHAPTER 17.08, DEFINITIONS, SECTION 17.08.020, BY ADDING AND AMENDING CERTAIN DEFINITIONS RELEVANT TO THE CITY OF KETCHUM ZONING CODE; BY PROVIDING A SEVERABILITY CLAUSE; BY PROVIDING A CODIFYING CLAUSE; BY PROVIDING A REPEALER CLAUSE; BY PROVIDING FOR PUBLICATION BY SUMMARY; AND BY PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Ketchum is in the process of making substantial changes to Title 17 of the Ketchum Municipal Code including an entirely new Chapter 17.114 which creates affordable workforce housing linkage requirements, an entire replacement of Chapter 17.64 which creates a form-based code for the regulation of the downtown, affordable workforce housing inclusionary zoning requirements, and miscellaneous other significant amendments to the floodplain design review criteria, mountain overlay design review criteria and T and GR-H District criteria; and

WHEREAS, as a result of such substantial changes, certain definitions must be added to Title 17, Section 17.08.020 of the Ketchum Municipal Code and other definitions must be amended.

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

SECTION 1. That Chapter 17.08, **Definitions**, Section 17.08.020, **Definitions,** of the Ketchum Municipal Code, is hereby amended, altered, and changed by adding thereto the underlined language herein below and by deleting there from the language stricken through, to wit:

As used in this Title, the following words shall be interpreted and defined in accordance with the provisions set forth in this Section:

"Accessory building and use" means a subordinate use of a building, other structure or tract of land, or subordinate building or other structure:

1. Which is clearly incidental to the use of principal building, other structure or use of land;
2. Which is customary in connection with the principal building, other structure or use of land; and
3. Which is ordinarily located on the same lot with the principal building, other structure or use of land.

"Administrator" means a person who may be appointed by the Mayor and Council to interpret and administer the provisions of this Title.

"Adult-only business" means a premise where minors are excluded by virtue of their age as a prevailing business practice or as required by law and which stock-in-trade and offers for sale, trade or rent of products are characterized by an emphasis upon the depiction, description of

sexual activities or exposed anatomical areas or for use in connection with sexual activities or exposed anatomical areas; or which display any images emphasizing the depiction or description of sexual activities or graphically exposed anatomical areas; or which features live performances which are characterized by sexual activities or the exposure of anatomical areas; or which features films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by sexual activities or exposure of anatomical areas; or where employees engage in sexual activities or the display or exposure of anatomical areas.

"Agricultural use" means the growing of cultivated crops or raising of livestock, including grazing, pasturage, horticulture, floriculture, viticulture, nurseries, fruit trees, and berry bushes, and the necessary accessory uses for packing, treating or storing the produce, but not including wholesale packing establishments or slaughter houses.

"Alley" means a minor public right-of-way, between 20 to 30 feet wide, that provides vehicle access to the rear or side of a parcel that has front and/or side access to another street and is not intended for general traffic circulation.

"Apartment" means a multiple family dwelling containing three or more dwelling units in which all units, exclusive of a unit which may be occupied by the owner or caretaker, are rented or leased.

"Area of lot" means the area within the boundaries of a lot, exclusive of any area contained within a public or private street, alley, fire lane or private driveway easement; also, exclusive of any narrow strip of land connecting a lot set back from any public street for the purpose of providing driveway access with that street and exclusive of any portion of the property that lies between the mean high water marks of the Big Wood River, Trail Creek and Warm Springs Creek. All exclusions shall not be used for the purpose of calculating density and building coverage. Lot area shall include the area of any dedicated public bike path, equestrian path or other public pathway within the boundaries of a lot.

"Artist Studios" means a large, usually unpartitioned space that is used for residential living and/or home businesses for painters, sculptors, architects, interior designers, and other creative professionals.

"Assisted Living Facility" A living facility that provides care for the elderly, physically disabled, and/or mentally disabled.

"Awning" means a covered architectural projection that extends from the exterior wall of a building for the purpose of providing shade, shelter or aesthetic value to the building facade.

"Balcony" means an outdoor living space located on an upper floor of a building that is partially enclosed by a railing or other safety barrier.

"Basement" means that portion of the lowest floor(s) of a building below the invisible plane. The basement invisible plane is created by measuring the finished grade elevation at four corners of a lot and connecting each corner with a line around the perimeter of the lot. The City shall establish finished grade within the right-of- way of the alley and at the back of the sidewalk (see Illustration A).

"Bay window" means a window and related structure that extends outward from an exterior building wall and thereby forms an alcove in the adjoining interior space.

"Boarding and rooming house" means a building in which the proprietor resides and which has no more than six rooms available for lease or rent for residential occupancy.

"Block" means a group of lots within a defined or fixed boundary, generally surrounded by public streets, not including alleys, or a boundary line of a subdivision that has been legally surveyed.

"Brewpub" means an eating and drinking establishment which produces a maximum of two thousand (2,000) barrels of beer annually.

"Building" means any permanent structure built for the shelter or enclosure of persons, animals, chattels or property of any kind, which:

1. Is permanently affixed to the land; and
2. Has one or more floors and a roof.

Any appendages to said structure, such as decks, roof overhangs and porte cocheres are part of said building for purposes of determining building coverage, setbacks or other regulations unless otherwise specified.

"Building coverage" means the total square footage of the building foundation and all horizontal projections which constitute a building as defined in this Section, but not including roof overhangs that are three feet or less or uncovered decks less than 30 inches above grade. Garages and guest homes shall be included in building coverage. The lot area used to determine building coverage shall be that area landward side of the mean high water mark on the Big Wood River, Trail Creek and Warm Springs Creek.

"Building depth" means the distance between the front facade of the building and the rear facade of the building.

"Building footprint" means the area of the lot or parcel which is within the perimeter created by a vertical extension to the ground of the exterior walls of all enclosed portions of a building.

"Building frontage" means the side of the building that faces the front property line of the parcel.

"Building permit" means an official document or certificate issued by the Building Official authorizing performance of a specified activity.

"Building width" means the distance from one side of the building's frontage to the other side of the building frontage.

"Building zone" means the portion of the lot that is required to be occupied by a building.

"Build-to-line (BTL)" means the line that is parallel to the property line, along which the façade of the building shall be built.

"Bulb-out" means an extension of the sidewalk into the parking lane at intersection and mid-block crosswalks. Bulb-outs reduce the length of pedestrian crossings and help to slow vehicle traffic.

"Bulk" means the size and mutual relationships of buildings and other structures, and therefore includes:

1. The size of buildings and other structures;
2. The shape of buildings and other structures;
3. The location of exterior walls of buildings and other structures, in relation to area of a lot, to the centerline of streets, to other walls of the same building, and to other buildings or structures; and
4. All open spaces relating to a building or a structure.

"Child" means any person under twelve (12) years of age.

"Civic Building" means buildings of, relating to, or belonging to a city or citizenship; municipal or civil including, but not limited to City Hall, post office, public library, public schools and public recreation centers.

"Colonnade" means a covered, open-air walkway that is attached to a building and has an overhead structure (roof, balcony, or enclosed habitable space) that is supported by columns or arches.

"Commission" means the City of Ketchum Planning and Zoning Commission.

"Common area" means the area of a building used by tenants and their guests for circulation, gathering, seating and other subordinate uses which are incidental and accessory to the primary uses and functions of the building.

"Community housing" or **"Workforce housing"** means ~~a residential housing unit approved pursuant to Chapter 17.60 which is no smaller than 300 square feet net and is no larger than 950 square feet net or 1,100 square feet net for two bedroom units and is restricted to long term rent for a Ketchum employee who is a Blaine County resident, or is deed restricted for sale according to the Ketchum Housing Guidelines. Sale of said units are restricted to long term rental for a Ketchum employee, or to owner occupancy pursuant to the Ketchum Housing Guidelines~~ dwelling units, for sale or rent, restricted, typically via deed restriction, by size and type for individuals meeting asset, income and minimum occupancy guidelines approved by the Governing Housing Authority and the City of Ketchum.

"Conditional use" means a use or structure permitted only upon the issuance of a conditional use permit pursuant to the provisions of Chapter 17.116.

"Cornice" means a horizontal molded projection that crowns or completes a building façade. The cornice is the uppermost section of moldings along the top of a wall or just below a roof.

"Courtyard" means an outdoor room created by at least three sides of a building or several buildings, generally at the building scale, that is open to the sky.

"Courtyard, sunken" means a courtyard below the grade of the ground floor.

"Day care business" means the care and supervision, provided for compensation, during part of a day, for a child or children not related by blood or marriage to the owner of the day care business, in a place other than the child's own home. This term includes pre-schools, nursery schools, play schools, kinder-care and any like or similar operation. Day care businesses are categorized as "centers," "facilities" or "homes," as defined below, according to Idaho Health and Welfare regulations.

"Day care center" means a day care business providing care for thirteen (13) or more children on the premises at any one time. A day care center is required to be licensed by the Idaho Department of Health and Welfare.

"Day care facility" means a day care business providing care for no more than twelve (12) children on the premises at any one time and having not more than four employees. A day care facility is required by state law to have a fire inspection.

"Day care home" means a day care business providing care for six or fewer children on the premises at any one time, having not more than one employee in addition to the operator, and operating between the hours of seven a.m. and six p.m. A day care home is required by the City to have a basic fire inspection.

"Density" means a unit of measurement; the number of units or square footage of dwelling units per land area.

"Design regulation" means a minimum or baseline design standard for the design of development.

"Design guideline" means a design recommendation that is intended to further define the desired image and character of development.

"Development" means any subdivision, construction activity, or alteration of the landscape, its terrain contour or vegetation, including any construction of structures, establishment of a land use, or alteration of an existing structure or land use.

"Development specifications" means regulations and standards that apply to specific types of developments or buildings within a zoning district. Development specifications address issues of site design, building mass and height, facade design, and use of buildings and outdoor space.

"Dormer" means a framed window unit projecting through the sloping plane of a roof thereby forming an alcove in the adjoining interior space. A dormer has its own roof, which is usually a gable or hip.

"Downspouts" means a pipe for draining water from roofs and roof gutters.

"Dwelling" means a building or separate portion containing a single kitchen and not less than one bathroom, to be occupied as a unit by a person or family exclusively for residential occupancy and not for short term occupancy nor time share occupancy.

Dwelling, Apartment. "Apartment dwelling" means a building or buildings, under single ownership, each of which contains three or more dwelling units used for long-term residential occupancy only.

Dwelling, Multiple Family. "Multiple family dwelling" means a building, under single or multiple ownership, containing three or more dwelling units used for residential occupancy.

Dwelling, One Family. "One family dwelling" means a detached building containing a single dwelling unit used by one family for residential occupancy, having not more than one kitchen and not less than one bathroom.

Dwelling, Two Family. "Two family dwelling" means a building containing two independent dwelling units totally separated by a one hour fire separation as defined in the Uniform Building Code, not more than one kitchen per dwelling unit, and used for residential occupancy.

"Dwelling unit" means one or more rooms, including a bathroom, and a single kitchen, designed for or occupied as a unit by one person or family, for living and cooking purposes, located in a one-family, two-family or multiple-family dwelling.

"Eaves" means the horizontal, lower edge of a sloped roof.

"Easement" means a property interest (less than fee simple estate) which one person has in land owned by another, entitling the owner of their interest to limited use or enjoyment of the other's land, such as for a driveway, utility lines or similar.

"Economic Development" means the process of improving the quality of human life through increasing per capita income, reducing poverty, and enhancing individual economic opportunities and includes better education, improved health and nutrition, conservation of natural resources, a cleaner environment, and a richer community and cultural life.

"Effective Date of Applicable Regulations" means the effective date of the first pertinent ordinance ever adopted by the City. "pertinent Ordinance" means, for example with respects to a nonconforming use, the first ordinance which ever prohibited that use on that land, which ordinance (and its successors) have continued in effect to the time as of which the legality of the use needs to be determined.

"Employees" means the average number of persons to be employed in a building.

"Enclosed" means an area surrounded on at least three sides by walls and on top by a roof or similar covering.

"Facade" means the exposed exterior wall of a building, including measurement to the highest point of a gable end as shown in Illustration B.

"Family" means a group of individuals not necessarily related by blood, marriage, adoption or guardianship living together in a dwelling unit as a single housekeeping unit.

"Fascia" means a flat vertical board used to conceal the ends of roof rafters or to enclose the overhang under the eave.

"Fence" means a hedge, structure or partition, erected for the purpose of enclosing a piece of land, or to divide a piece of land into distinct portions, or to separate two contiguous properties.

"Fiber cement siding" means siding that is designed to resemble stucco, wood clapboards, or cedar shingles, depending on how the panels are textured. Fiber cement is more durable than wood or stucco, and is also fire resistant.

"Finished floor elevation" means the elevation of the first habitable floor of a structure.

"Floodplain" means a relatively flat area or low land adjoining the channel of a river, stream or watercourse or lake or other body of standing water, which has been or may be covered by water of a flood of one hundred (100) year frequency. The floodplain includes the channel floodway and floodway fringe.

1. **"Flood of one hundred (100) year frequency"** means a flood magnitude which has a one percent chance of being equaled or exceeded in any given year.
2. **"Flood"** means the temporary inundation of land adjacent to and inundated by overflow from a river or stream or lake or other body of standing water.
3. **"Channel"** means a natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water.
4. **"Floodway"** means the channel of a watercourse and those portions of floodplain adjoining the channel which are reasonably required to carry and discharge the floodwater of any watercourse.
5. **"Designated floodway"** means a floodway whose limits have been designated and established.
6. **"Floodway encroachment lines"** means the lines limiting a designated floodway.
7. **"Floodway fringe"** means that part of the floodplain which is beyond the floodway encroachment lines limiting a designated floodway. Such areas will include those portions of the floodplain which will be inundated by a flood of one hundred (100) year frequency but which may be developed for use under land use regulations without material effect upon the floodwater carrying capacity of the floodway and the floodwater levels. Such areas are characterized by shallow flood depths and low velocities of water flow.

"Floor area increase" means the gross and net floor area of a building allowed in addition to the permitted floor area in exchange for the provision of community housing units within the project, all of which are considered to be a public benefit.

"Floor area ratio" or "FAR" means the product of the floor area divided by the lot area (example 2750 sq.ft. floor area/5500 sq.ft. lot area = 0.5 FAR):

$$\frac{\text{(Gross) Floor Area or (Net) Floor Area}}{\text{Lot Area}} = \text{FAR}$$

"Governing Housing Authority" means the entity having jurisdiction over the development of guidelines and the management of community housing units within the City of Ketchum as authorized by the Ketchum City Council.

"Grade (adjacent ground elevation)" means the lowest point of elevation of the finished surface of ground, paving or sidewalk within the area between the building and the property line, or when the property line is more than five feet from the building, between the building and a line five feet from the building.

"Grade, existing" means the elevation of the ground surface at the time of a proposed development.

"Grade, finished" means the final elevation of the ground surface after development. For purposes of measuring building height, finished grade shall be the lowest exposed point of the building.

"Grade, natural" means the elevation of the ground surface in its natural state, prior to any site excavation, grading or filling.

"Green Building" means increasing the efficiency with which buildings and their sites use energy, water, and materials, and reducing building impacts on human health and environment, through better site planning, design, construction, operation, maintenance, removal- the complete building life cycle.

"Gross floor area" means the sum of the horizontal area of the building measured along the outside walls of each floor of a building or portion of a building, including stair towers and elevators on the ground floor only, and 50% of atriums over 18 foot plate height but not including basements, underground parking areas or open unenclosed decks. Parking areas covered by a roof or portion of the building and enclosed on three or more sides by building walls are included. Four (4) parking stalls for developments on single Ketchum Townsite lots of 5,600 square feet in size or less are not included in the gross floor area calculation.

"Ground floor" means the floor of a building that is at or nearest to the level of the ground around the building; also referred to as first floor or ground level.

"Guest house" means a living unit consisting of a minimum of four hundred (400) square feet and not exceeding six hundred (600) square feet and containing no kitchen facilities that is located on a lot in conjunction with a single-family dwelling.

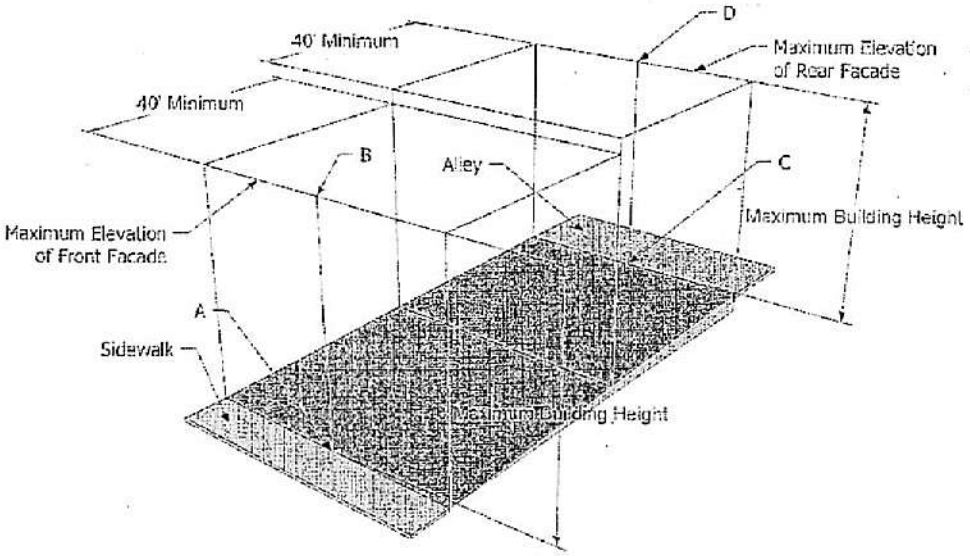
"Guest room" means a room designed or used for short term occupancy which does not contain a kitchen.

"Gutter" means a channel along the eaves or on the roof; collects and carries away rainwater.

"Height of building" means the greatest vertical distance measured at any point from the roof to natural, existing, or finished grade, whichever is lowest. The maximum vertical distance from the lowest exposed finished floor to the highest point of the roof (regardless of vertical alignment) shall be no more than five (5) feet greater than the maximum height permitted in the zoning district (see Illustration B). No facade shall be greater than the maximum height permitted in the zoning district. (See definition of facade and Illustration B). Facades which step up or down hillsides shall be set back from the lower facade a minimum of fifty (50) percent of the height of the lower facade, except that roof overhangs may extend up to three feet into this area (see Illustration B). This building height provision shall apply to parapets, boston roofs and

any other portion of a building roof but shall not apply to flag poles, lightning rods, weather vanes, antennas or chimneys.

"Height of building/CC district" means the greatest vertical distance of a building in the Community Core district measured by determining the average elevation of the front property line and rear property line. Draw a line from the average front or rear elevation up to the maximum building height allowed, and then draw a line at that height parallel to the front or rear property line. The resulting line establishes the highest elevation of the front or rear façade. The front or rear façade shall not extend above this line. Side facades may be stepped up or down to transition from the highest elevation of the front façade height to the highest elevation of the rear façade. One or multiple steps along the side facades are allowed, except no step shall occur within forty (40) feet of the front elevation or within thirty-five (35) feet of the rear façade. The City shall establish the elevation points used to calculate the average elevation of the front and rear property lines ~~height invisible plane. The height invisible plane is created by measuring the finished grade elevation at the four corners of a lot and extending a vertical line from each corner to the maximum permissible height and connecting each of the four corner points. The City shall establish finished grade within the alley right-of-way and at the back of the sidewalk. Parapets less than three feet shall not be considered part of the building height~~.(see Illustration A).



"Hotel" means a building principally comprise of sleeping rooms designed and used for overnight occupancy by the general public on a short term basis for a fee. Hotels shall ~~provide a minimum of one hotel room per 800 square feet of land area,~~ includ~~ing~~e adequate on-site food and beverage service with kitchen facilities, common reservation and cleaning services, meeting room space combined utilities, on-site management and reception services, access to all sleeping rooms through an inside lobby supervised by a person in charge no less than eighteen (18) hours per day, and where appropriate, adequate on-site recreational facilities. ~~A hotel room may not be divided into interval or time share ownership.~~ A hotel room which includes cooking facilities shall not be considered a dwelling for the purposes of density, area and bulk regulations of this Title and other land use regulations. A hotel building may contain residential uses other than sleeping rooms, so long as the total net square footage of those uses do not exceed twenty (20)

percent of the net floor area of the sleeping rooms and/or sleeping units and those residential use combined, unless otherwise approved by the City Council.

"Horizontal expression line" means a horizontal row, usually of brick or stone, flush with or projecting beyond the face of a building, often molded to mark a division in the wall, also referred to as a belt course or string course.

"Household pets" means domestic household animals such as dogs and cats that are kept on or within any portion of the property.

"Interior film" means a material placed on the inside of windows to diffuse light and/or filter UV radiation.

"Interval Ownership" means the ownership of land, condominium or hotel unit with an ownership interest less than fee simple ownership.

"Junk yard" means use involving the collection, storage or sale of waste paper, rags, scrap metal or discarded material; or the dismantling, storage, salvage or demolition of vehicles, machinery or other materials.

"Kitchen" means a room or area for storage, preparation and cooking of food.

"Lot" means a parcel of land fronting on a street and occupied or designed to be occupied by one or more buildings, structures or uses, together with such open areas as may be required by this Title.

"Lot Area" means the area within the boundaries of a lot, exclusive of any of the area contained within a public or private street, alley, fire lane, or private driveway easement. Also, exclusive of any narrow strip of land connecting a lot set back from any public street for the purpose of providing driveway access with that street.

Lot Line, Front. "Front lot line" means the property line dividing a lot from a street. On a corner lot, only one street line shall be considered as a front line and the shorter street frontage shall be considered the front line, unless otherwise determined by the Administrator based on the orientation and layout of the lot and surrounding neighborhood.

Lot Line, Rear. "Rear lot line" means the line opposite the front line.

Lot Line, Side. "Side lot line" means any lot line other than front lot line or rear lot line.

Lot, Reverse Corner. "Reverse corner lot" means a corner having its side street line substantially a continuation of the front lot line of the first lot to its rear.

"Lumber yard" means a yard or facility where a large stock of lumber is stored and where predominantly lumber is sold or wholesaled.

"Major addition" means the extension of an existing building where the cost of the addition, not including repairs and reconstruction of the existing building is in excess of the assessed valuation of the existing building as assessed by the Blaine County Assessor during the year preceding the year in which such major addition takes place.

"Marquee" means a roof-like structure of permanent nature that projects from the wall of a building to provide shade and shelter and possibly signage.

"Mercantile" means the activity of engaging in the sale or resale of goods to the public.

"Mixed-Use" means properties on which various uses, such as office, commercial, institutional, and residential, are combined in a single building or on a single site in an integrated development project with significant functional interrelationships and a coherent physical design.

"Mixed-Use Building with Cellar" means a type of development that provides for a mix of uses and that has a sub-grade open space that provides access to a cellar.

"Mobile home (trailer)" means any vehicle or structure constructed in such a manner as to permit occupancy thereof as living quarters, or the conduct of any business, trade or occupation, or use as a selling or advertising device, or use for storage or conveyance for tools, equipment or machinery, and so designed that it is or may be mounted on wheels and used as a conveyance on highways and streets, propelled or drawn by its own or other motor power, and which may be moved in substantially one section into the City.

"Motel" means a building or group of buildings designed or used for short term occupancy which contains more than six guest rooms offered for rent on a nightly basis with an on-site office with a person in charge twenty-four (24) hours per day. A motel room which includes cooking facilities shall not be considered a dwelling unit for the purpose of density, area, bulk or parking regulations of this Title.

"Multifamily Home Building" means a multi-family residential building that is designed to resemble the look of a large single-family home or a row house in which units have the appearance of a ground floor entrance from the street front.

"Neighborhood Mixed-Use Building" means a type of development that provides for a mix of uses and that is compatible with the urban residential neighborhoods of the Community Core District.

"Net floor area" means the sum of the horizontal areas of all floors in a building including basements but not including open unenclosed decks, interior or exterior circulation, mechanical equipment rooms, parking areas, common areas, public bathrooms or storage areas in basements.

"Off-street parking space" means an area of at least three hundred (300) square feet of appropriate dimensions for the parking of an automobile, including access drives and aisles.

"Office" means a room or group of rooms used for conducting the affairs of a business, profession, service, industry or government.

"On-site parking" means the area off of any public or private street, access easement or alley used for the transient storage of private passenger vehicles, and of appropriate dimension according to this Title for parking stall, access drives and aisles.

"Opacity" means the measure of the amount of light that can pass through a material or the quality of not being penetrable by light (the quality of being opaque).

"Outdoor entertainment" means musical, theatrical, dance, cabaret, or comedy act performed outside of a building, on private property, by one or more persons for the patrons and/or guests of the permitted retail trade use associated with the building.

"Outdoor open space" means an area of a building located and oriented to encourage communal gathering and activity, to provide views of cultural resources and natural resources, and/or to preserve and protect mature and healthy trees and landscaping on the site. These spaces are open for use by all occupants and users of a building. Outdoor open spaces located on the ground floor are typically also open to the public.

"Outdoor residential open space" means an area of a building, as defined in outdoor open space, which is open to all residents of the building, but may not necessarily be open to the public.

"Outdoor storage" means an area designated on a property for the safe keeping of items owned by the occupants of the property.

"Overlay district" means an area of special or extraordinary building and use restrictions, applied in addition to other districts, as indicated upon the City of Ketchum zoning district map and ordinance.

"Parapet" A low wall that extends above the roofline, often decorated with architectural details such as cornices.

"Parking access/entrance" means a way or means of vehicular and pedestrian approach for all uses, except less than four (4) dwelling units (excluding accessory dwelling units) to provide access to off-street parking spaces from a public or private street into private property, excluding underground parking ramps. The unobstructed, all-weather surface of a parking access shall not be less than twenty (20) feet nor wider than thirty (30) feet unless otherwise approved by the City of Ketchum and is constructed in conformance with the adopted street standards and Uniform Fire Code (see Illustration C).

"Parkway" A grass or landscaped strip located between the curb and gutter and the sidewalk, usually planted with street trees.

"Personal service" means an establishment which offers services to the general public such as, but not limited to, shoe repair, watch repair, barber shops, beauty parlors and similar activities.

"Planned unit development" means a project located on no less than three contiguous acres of land controlled by one owner, partnership or corporation, including usable open space for the mutual benefit of the entire tract, and planned and designed as a unit to provide variety and diversity of land use through and including the variance of normal zoning requirements and restrictions so that the maximum long range benefit can be gained and the unique features of the site preserved and enhanced.

"Porch" means an exterior appendage to a building with a roof forming a covered approach to an entrance on the ground level of the building.

"Porte-cochere" means a roof projecting over a driveway at the entrance to a building that shelters those getting in or out of vehicles.

"Porticos" means a porch having a roof supported by columns often leading to the entrance of a building.

"Public use" means a structure or use intended or used for a public purpose by a city, other than the City of Ketchum, a school district, the county, the state, or by any other public agency, or by a public utility. ~~For City-owned property, "public use" also includes a structure or use intended for recreational or cultural purposes by a nonprofit organization.~~

"Research and development" means a specialized commercial enterprise where emphasis is on investigation, experimentation, testing, engineering, inventing and conceptually designing prototypes and new technologies and/or associated light manufacturing. These technologies may include electronics, computer and data systems, medical and precision instruments, machine components, communication systems and equipment, and other technological instruments, equipment and systems. This definition does not include uses which create vibration outside the exterior building walls, or uses that would diminish the quality of air and water in the City.

"Residential occupancy" means the more or less permanent place of abode for an individual, and shall not include short term occupancy nor time share occupancy. A structure, dwelling or room restricted by the terms of this Title to residential occupancy shall not be used for short term occupancy for more than thirty (30) days during any one calendar year and shall not be used for time share occupancy.

"Restaurant" means an establishment where food and drink are prepared, served and consumed, including those brewpubs that do not distribute beer produced for off-site consumption.

"Retail" means the sale of commodities or goods in small quantities to ultimate customers.

"Retailing" means the activities involved in the selling of goods to ultimate consumers for personal or household consumption.

"Roof, flat" means a roof which is not pitched and the surface of which is parallel to level ground.

"Roof, gabled" means a roof ~~ridge forming a gable at both ends of the building, or freestanding portion of the building See illustration, Exhibit A)~~ consisting of two sloping planes that meet at the ridge or peak. The planes are supported at their ends by triangular, upward extensions of walls known as gables.

"Roof, hipped" means a type of roof that slopes from the ridge to the eaves on all sides of the roof. Hipped roofs do not contain gables.

"Roof, mansard" means a roof that has two slopes on each side of the roof. The lower roof slope is steeper than the upper-roof slope. The upper roof-slope is sometimes flat.

"Roof overhang" means a portion of the roof structure that extends beyond the exterior walls of a building.

"Roof pitch" means the degree of roof incline expressed as the ratio of the rise, in feet, to the span, in feet.

"Roof ridge" means the uppermost, horizontal external angle formed by the intersection of two sloping roof planes.

"Roof, shed" means a roof containing only one sloping plane. Shed roofs have no hips, ridges, valleys or gables.

"Roof slope" see definition of roof pitch.

"Semi-public use" means a structure or use ~~intended or used for a semi-public purpose by~~ partially, but not entirely, open to the use of the public, such as a private school, church, lodge, club, library, hospital or a nonprofit organization.

"Service delivery area" means a space located on-site for pickups, deliveries and refuse collection in size and area adequate and accessible for such use and service vehicles expected to be used.

"Service station" means an establishment involving the dispensing of gasoline and/or automobile repair and maintenance.

"Setback zone" means the area of a lot that must remain open and cannot be built over with a structure.

"Short term occupancy" means the rental or lease of any unit or structure or portion for a period of not more than thirty (30) days.

"Sign" means any object, device, display or structure, or part situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or project images. Other specific types of signs are defined in Section 17.124.040.

"Single-Family Dwelling" means a residential unit that is individually owned and that is located within a stand alone-structure on a lot.

"Sleeping rooms" means rooms in a hotel designed and used for overnight occupancy by the general public on a short term basis for a fee. Unless otherwise approved by the City council, occupancy periods of a Hotel, or unit thereof, by any one person or entity with an ownership interest in the Hotel, or unit thereof, shall not exceed 30 consecutive days or exceed 90 days within any calendar year, regardless of the form of ownership. Occupancy periods for persons or entities with no ownership interest (e.g. vacationers) shall be limited only by the 90-days per calendar year requirement.

"Solar bronze" means a clear film placed on windows which has a metallic bronze look when in direct light and filters out a portion of the solar heat penetrating a window.

"Street" means a public thoroughfare which affords the principal means of access to abutting property.

"Street Frontage" means the portion of the building that is immediately adjacent to the street.

"Street tree" means a tree or trees located within the sidewalk and along the street frontage of a building, structure or project.

"Structure" means anything permanently constructed in or on the ground, or over the water; excluding fences less than six feet in height, decks less than thirty (30) inches above grade, paved areas, and structural or nonstructural fill.

"Terrace" means an open paved area connected to a building and serving as an outdoor living area.

"Terrace, sunken" means a terrace below the grade of the ground floor.

~~**"Time shared property" or "time share occupancy"** means any real property in which the use and occupancy rights are divided or proposed to be divided into more than thirteen (13) units, interests or parcels in accordance with a fixed or variable time schedule on a periodic basis that allocates the use or occupancy among persons holding similar interests. In order for a structure or portion of such structure to be used for time share occupancy, such structure shall meet the criteria of "Hotel" as defined and regulated in this Title.~~

"Tourist house" means a building in which the proprietor resides and which has not more than six guest rooms available for short term occupancy.

"Tourist housing accommodations" means the lease, rental or use of a dwelling unit for temporary occupancy in the zoning districts where tourist housing accommodation use is expressly permitted under the terms of this Title.

"Townhouse development" means a planned project of two or more townhouse units that may be constructed as single building(s) containing two or more townhouse units erected generally in a row, each unit being separated from the adjoining unit or units by a one-hour fire resistant party wall or walls extending from the basement floor to the roof along the dividing townhouse sublot line, each unit having its own access to the outside, and no unit located over another unit in part or in whole; and/or may be constructed as single buildings containing single townhouse units provided the separation between units and/or buildings complies with applicable codes. All townhouse developments shall be platted under the procedures contained in the subdivision ordinance in effect and shall be required to obtain design review approval prior to building permit issuance.

"Townhouse sublots" means the lots resulting from platting a townhouse development. Townhouse sublots shall include, at a minimum, the townhouse unit in its entirety including any and all extensions of the structure that are for the sole use of that townhouse unit and the land beneath said unit whether located independently or within a building containing two or more

townhouse units in a townhouse development. Such sublots shall not be buildable for structures other than a townhouse unit as defined in this Section. Platting of sublots shall follow the procedures set forth in the subdivision ordinance and other applicable codes in effect. Detached garages may be allowed in a townhouse development and may be platted on separate sublots; provided that, the ownership of such detached garages is tied to specific townhouse units on the townhouse plat and in any owner's documents and that the detached garage(s) may not be sold and/or owned separate from any dwelling unit(s) within the townhouse development.

"Townhouse unit" means one or more rooms, including a bathroom, and a single kitchen, designed for or occupied as a unit by one family for living and cooking purposes, located in a townhouse development on a platted townhouse sublot.

"Traditional Mixed-Use Building" means a building with façade elements of traditional "Main Street" storefronts including recessed entry door(s), display windows, kickplate or bulkhead, transom windows, cornice, pediment and upper floor window openings that have a vertical orientation and proportion.

"Underground parking" means an enclosed off-street parking area within the lowest floor of a building, providing that a minimum of seventy-five (75) percent of the ceiling surface area of such floor is not more than four feet above the basement invisible plane (see Illustration A).

~~**"Urban Housing"** means a residential dwelling unit located in the CC District which is no larger than none hundred fifty (950) square feet net and is deed restricted for long term residential use, and sale or rent to a Blaine County resident.~~

"Urban Residential Building" means a multi-family residential building in which units do not necessarily have the appearance of a ground floor entrance from the street front.

"Vent" means any outlet for air that protrudes through the roof deck such as a pipe or stack. Any device installed on the roof, gable or soffit for the purpose of ventilating the underside of the roof deck or other venting purposes of the structure.

"Wholesale" means the sale of commodities in quantity for resale.

"Wholesaler" means a merchant middleman who sells chiefly to retailers, other merchants, or industrial, institutions and commercial users mainly for resale or business use.

"Width of lot" means the average distance parallel to the front lot line, measured between side lot lines.

"Yard" means that portion of the open area on a lot extending open and unobstructed from the ground upward from a lot line for a depth or width specified by the regulations for the district in which the lot is located.

Yard, Front. "Front yard" means a yard extending across the full width of the lot between the front lot line and the nearest line or point of the building.

Yard, Rear. "Rear yard" means a yard extending across the full width of the lot between the rear lot line and the nearest line or point of the building.

Yard, Side. "Side yard" means a yard extending from the front yard to the rear yard between the side lot line and the nearest line or point of building. (Ord. 912 § 17.08.020, 2003; Ord. 899 § 17.08.020, 2002; Ord. 893 § 17.08.020, 2002; Ord. 878 § 17.08.020, 2001; Ord. 861 § 17.08.020, 2001; Ord. 854 § 17.08.020, 2000; Ord. 853 § 17.08.020, 2000; Ord. 850 § 17.08.020, 2000; Amended during 1999 codification; Ord. 764 § 1, 1999; Ord. 762 § 1, 1999; Ord. 761 § 1, 1999; Ord. 760 § 1, 1999; Ord. 759 § 1, 1999; Ord. 758 § 1, 1999; Ord. 757 § 1, 1999; Ord. 756 § 1, 1999; Ord. 755 § 1, 1999; Ord. 754 § 1, 1999; Ord. 746 § 1, 1999; Ord. 208 § 3, 1974)

SECTION 2. **SAVINGS AND SEVERABILITY.** If any section, subsection, paragraph, subparagraph, item, provision, regulation, sentence, clause or phrase is declared by a court to be invalid, such actions shall not affect the validity of this Ordinance as a whole or any part thereof other than the part declared invalid.

SECTION 3. **CODIFICATION.** The City Clerk is instructed pursuant to Section 1-1-3 of the City of Ketchum Municipal Code to immediately forward this ordinance to the codifier of the official municipal code for proper revision of the code.

SECTION 4. **REPEALER CLAUSE.** All City of Ketchum Ordinances or parts thereof which are in conflict herewith are hereby repealed.

SECTION 5. **PUBLICATION BY SUMMARY.** This Ordinance, or a summary thereof in compliance with Section 50-901A, Idaho Code, substantially in the form annexed 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 6: **EFFECTIVE DATE.** This Ordinance shall be in full force and effect upon the date of its publication as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF KETHUM, IDAHO, and approved by the Mayor on this 30th day of October, 2006.

APPROVED:

Randy Hall, Mayor

ATTEST:

Sandra E. Cady, CMC
City Treasurer/Clerk

APPROVED AS TO FORM AND CONTENT:

By: _____
Benjamin W. Worst,
City Attorney

EXHIBIT A

PUBLICATION OF SUMMARY OF ORDINANCE NO. 999
CITY OF KETCHUM, IDAHO

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, AMENDING THE KETCHUM MUNICIPAL CODE, TITLE 17, CHAPTER 17.08, DEFINITIONS, SECTION 17.08.020, BY ADDING AND AMENDING CERTAIN DEFINITIONS RELEVANT TO THE CITY OF KETCHUM ZONING CODE; BY PROVIDING A SEVERABILITY CLAUSE; BY PROVIDING A CODIFYING CLAUSE; BY PROVIDING A REPEALER CLAUSE; BY PROVIDING FOR PUBLICATION BY SUMMARY; AND BY PROVIDING FOR AN EFFECTIVE DATE.

A summary of the principal provisions of Ordinance No. 999 of the City of Ketchum, Blaine County, Idaho, adopted on October 30, 2006, is as follows:

Section 1: Adds or changes certain definitions of the following words: Adult-only business, Alley, Artist Studios, Assisted Living Facility, Awning, Balcony, Bay window, Block, Building depth, Building frontage, Building width, Building zone, Build-to-line (BTL), Bulb-out, Civic Building, Colonnade, Community housing unit, Cornice, Courtyard, Courtyard, sunken, Density, Design regulation, Design guideline, Development, Development specifications, Dormer, Downspouts, Eaves, Easement, Economic Development, Effective Date of Applicable Regulations, Fascia, Fence, Fiber cement siding, Finished floor elevation, Floor area ratio or FAR, Governing Housing Authority, Green Building, Ground floor, Gutter, Height of building/CC district, Hotel, Horizontal expression line, Interior film, Interval Ownership, Lot Area, Marquee, Mixed-Use, Mixed-Use Building with Cellar, Multifamily Home Building, Neighborhood Mixed-Use Building, Opacity, Outdoor entertainment, Outdoor open space, Outdoor residential open space, Outdoor storage, Parapet, Parkway, Porch, Porte-cochere, Porticos, Public use, Receiving Site, Roof, gabled, Roof, hipped, Roof, mansard, Roof overhang, Roof pitch, Roof ridge, Roof, shed, Roof slope, Semi-public use, Sending Site, Setback zone, Single-Family Dwelling, Sleeping room, Solar bronze, Street Frontage, Terrace, Terrace, sunken, Traditional Mixed-Use Building, Urban Residential Building and Vent. Deletes the definition of Time shared property or time share occupancy and Urban housing in their entirety.

Section 2: Provides a savings and severability clause.

Section 3: Provides a codification clause.

Section 4: Provides a repealer clause.

Section 5: Provides for publication of a summary of the Ordinance.

Section 6: Establishes the 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.

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. 999 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 1st day of March, 2006.

Benjamin W. Worst,
Ketchum City Attorney

Publish: Idaho Mountain Express
Date: _____