Chapter 17.96
DESIGN REVIEW

17.96.010: APPLICABILITY:

A. Design Review: Design review is required for building, developing, or substantially altering the exterior of the following buildings or projects in all zoning districts:

1. Nonresidential use.
2. Public or semipublic use.
3. Multi-family dwellings, including attached and detached townhomes.
5. Any structure with an original construction date of 1940 or earlier.
6. Any encroachment of a below grade structure in a required setback.

B. Exemptions:

1. One-family dwellings, accessory structures, and accessory dwelling units.
2. Projects not requiring a building permit.
3. Temporary structures.
4. Public art.
5. Non-substantial or minor modifications that comply with all applicable design review standards, zoning district standards, and other Code requirements without requiring a variance or other exception. Minor modifications include, but are not limited to:
   a. Demolition associated with an approved demolition permit;
b. Driveway, walkway, and/or landscaping alterations that do not significantly change existing topography or drainage, including the removal of dead or diseased vegetation as certified by an arborist, provided such work is not located in the special flood hazard area or Riparian Zone;

c. The installation of fences, hedges, or walls compliant with section 17.124.130 of this title;

d. Changes to exterior finishes including, but not limited to: 1) siding, paint, and materials; 2) maintenance and repair of exterior facades; 3) the addition of windows or doors; 4) reroofs; or 5) the addition or expansion of decks and patios that are less than thirty inches (30") above grade or if greater than thirty inches (30") above grade comply with applicable lot coverage requirements for the zoning district;

e. The installation of exterior lighting compliant with chapter 17.132 of this title; and

f. The ground level installation and screening of utilities not greater than five feet (5') in height.

6. Minor modification exemptions, pursuant to subsection B5 of this section, must be issued in writing by the Administrator prior to issuance of a building permit.

C. Preapplication Design Review:

1. Preapplication review is required for all new nonresidential construction and all multi-family developments of five (5) or more units.

2. The purpose of preapplication review is to allow the commission to exchange ideas and give direction to the applicant on the "design concept", keeping in mind the purpose of this chapter and the application of the evaluation standards.

3. Preapplication review materials shall be submitted according to the application requirements of section 17.96.040 of this chapter.

4. The commission may require a model of the project or computer simulation renderings showing the proposal from one or more key vantage points for presentation at regular design review meetings in order to assist in the understanding of the project. Models and computer renderings must include surrounding properties in sufficient detail for the proposal to be viewed in context.

5. The Administrator may waive the requirement for preapplication review if the project is found to have no significant impact. (Ord. 1190, 2018: Ord. 1186, 2018: Ord. 1148, 2016)

17.96.020: PURPOSE:

The purpose of this chapter is to maintain and enhance appearance, character, beauty and function of the City, to ensure that new development is complementary to the design of existing City neighborhoods and to protect and enhance the economic base of the City of Ketchum. (Ord. 1190, 2018)

17.96.030: AUTHORITY OF THE ADMINISTRATOR AND THE COMMISSION:

A. Authority Of The Administrator:

1. The Administrator is authorized to approve the following exterior modifications and projects, provided they do not conflict with the provisions and requirements of this chapter:
a. Minor modifications to projects that have received design review approval by the commission for the duration of a valid design review approval.

b. Additions under one thousand two hundred (1,200) square feet.

c. Master signage plans.

d. Any project located on property that includes mapped floodplain areas or includes areas within the riparian setback.

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

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

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

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

B. Authority Of The Commission:

1. Except for applications that are approved by the Administrator in subsection A of this section, the commission shall review all other application proposals as described in section 17.96.010 of this chapter.

C. Approval: The City Council shall approve all permanent encroachments within the City-owned right-of-way associated with a development project. (Ord. 1190, 2018)

17.96.040: APPLICATION:

A. A completed design review application with all fees paid and all application materials submitted shall constitute a complete application for design review and is required prior to review of any design review proposal.

B. All design review plans and drawings for nonresidential projects, multi-family dwelling units of four (4) units or more, and public and semipublic projects shall be prepared by an Idaho licensed architect or an Idaho licensed engineer.

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

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

2. One PDF electronic set of the complete application containing all requirements as listed below, plans appropriately scaled, shall be submitted. Electronic record of the materials and color sample board may be satisfied with photos. One hard copy set of scalable plans showing at a minimum the following:
a. Vicinity map, to scale, showing the project location in relationship to neighboring buildings and the surrounding area.

   Note: A vicinity map must show location of adjacent buildings and structures.

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

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

d. Site plan, to scale, showing proposed parking (including parking stall dimensions), loading, general circulation, and snow storage. List square footage of subject property including lot dimensions.

e. Landscape plan (existing landscaping on the site shown and adjacent right-of-way as retained, relocated or removed; proposed landscaping including species type, size and quantity).

f. Floor plan. List gross and net square footage for each floor. List occupancy classification and type of construction.

g. Detailed elevations of all sides of the proposed building and other exterior elements (colors, materials).

h. Exterior lighting plan, pursuant to chapter 17.132 of this title, showing location, height, type, and lumen output; spec sheets for fixtures; illuminance levels/photometrics for area lighting.

i. One (1) eleven inch by seventeen inch (11” x 17”) materials and colors sample board showing all exterior materials used on the facade of the structure.

j. Building corners for all proposed buildings and additions shall be staked on the site and all trees proposed to be removed shall be flagged at least one week prior to the commission meeting. The applicant shall install story poles, or other approved method, at the maximum roof peaks of the proposed buildings as required by the Administrator.

k. For projects requiring preapplication design review, a model or computer simulation renderings, as described in subsection 17.96.010C of this chapter shall be required.

3. For new multi-tenant buildings, a master signage plan shall be submitted.

4. The Administrator may waive some submittal requirements if it is determined the information is not relevant to the design review.

5. Other information as required by the Administrator or the commission.

6. Design review fee shall be submitted as described in section 17.96.100 of this chapter. (Ord. 1190, 2018: Ord. 1148, 2016)

**17.96.050: CRITERIA, CONDITIONS AND SECURITY:**

A. Criteria: The commission shall determine the following before approval is given for design review:

1. The project does not jeopardize the health, safety or welfare of the public.

2. The project conforms to all applicable standards and criteria as set forth in this chapter, this title, and any other standards as adopted or amended by the City of Ketchum from time to time.
B. Conditions: The commission may impose any condition deemed necessary to ensure the health, safety, or welfare of the public is not jeopardized. The commission may also condition approval of a project with subsequent review and/or approval by the Administrator or planning staff. All conditions of approval must cite the appropriate standard for imposing such condition. Conditions which may be attached include, but are not limited to, those which will:

1. Ensure compliance with applicable standards.
2. Require conformity to approved plans and specifications.
3. Require security for compliance with the terms of the approval.
4. Minimize adverse impact on other development.
5. Control the sequence, timing and duration of development and ongoing maintenance.
6. Require more restrictive standards than those generally found in this Code.

C. Security: At the discretion of the Administrator, the applicant may, in lieu of actual construction of any required or approved improvement, provide to the City such security as may be reasonably acceptable to the City, in a form and in an amount equal to the cost of the engineering or design, materials and installation of the improvements not previously installed by the applicant, plus fifty percent (50%), which security shall fully secure and guarantee completion of the required improvements within a period of one year from the date the security is provided.

1. If any extension of the one year period is granted by the City, each additional year, or portion of each additional year, shall require an additional twenty percent (20%) to be added to the amount of the original security initially provided.
2. In the event the improvements are not completely installed within one year, or upon the expiration of any approved extension, the city may, but is not obligated to, apply the security to the completion of the improvements and complete construction of the improvements. Following completion of required improvements the city shall return excess funds to the applicant. (Ord. 1148, 2016)

**17.96.060: IMPROVEMENTS AND STANDARDS:**

Improvements and standards for all projects listed in subsection 17.96.010A of this chapter:

A. Streets:

1. The applicant shall be responsible for all costs associated with providing a connection from an existing city street to their development.
2. All street designs shall be approved by the city engineer.

B. Sidewalks:

1. All projects under subsection 17.96.010A of this chapter that qualify as a "substantial improvement" shall install sidewalks as required by the public works department.
2. Sidewalk width shall conform to the city's right of way standards, however the city engineer may reduce or increase the sidewalk width and design standard requirements at their discretion.
3. Sidewalks may be waived if one of the following criteria is met:

   a. The project comprises an addition of less than two hundred fifty (250) square feet of conditioned space.

   b. The city engineer finds that sidewalks are not necessary because of existing geographic limitations, pedestrian traffic on the street does not warrant a sidewalk, or if a sidewalk would not be beneficial to the general welfare and safety of the public.

4. The length of sidewalk improvements constructed shall be equal to the length of the subject property line(s) adjacent to any public street or private street.

5. New sidewalks shall be planned to provide pedestrian connections to any existing or future sidewalks adjacent to the site. In addition, sidewalks shall be constructed to provide safe pedestrian access to and around a building.

6. The city may approve and accept voluntary cash contributions in lieu of the above described improvements, which contributions must be segregated by the city and not used for any purpose other than the provision of these improvements. The contribution amount shall be one hundred ten percent (110%) of the estimated costs of concrete sidewalk and drainage improvements provided by a qualified contractor, plus associated engineering costs, as approved by the city engineer. Any approved in lieu contribution shall be paid before the city issues a certificate of occupancy.

C. Drainage:

1. All stormwater shall be retained on site.

2. Drainage improvements constructed shall be equal to the length of the subject property lines adjacent to any public street or private street.

3. The city engineer may require additional drainage improvements as necessary, depending on the unique characteristics of a site.

4. Drainage facilities shall be constructed per city standards.

D. Utilities:

1. All utilities necessary for the development shall be improved and installed at the sole expense of the applicant.

2. Utilities shall be located underground and utility, power, and communication lines within the development site shall be concealed from public view.

3. When extension of utilities is necessary all developers will be required to pay for and install two inch (2") SDR11 fiber optical conduit. The placement and construction of the fiber optical conduit shall be done in accordance with city of Ketchum standards and at the discretion of the city engineer.

E. Compatibility Of Design:

1. The project's materials, colors and signing shall be complementary with the townscape, surrounding neighborhoods and adjoining structures.

2. Preservation of significant landmarks shall be encouraged and protected, where applicable. A significant landmark is one which gives historical and/or cultural importance to the neighborhood and/or community.
3. Additions to existing buildings, built prior to 1940, shall be complementary in design and use similar material and finishes of the building being added to.

F. Architectural:

1. Building(s) shall provide unobstructed pedestrian access to the nearest sidewalk and the entryway shall be clearly defined.

2. The building character shall be clearly defined by use of architectural features.

3. There shall be continuity of materials, colors and signing within the project.

4. Accessory structures, fences, walls and landscape features within the project shall match or complement the principal building.

5. Building walls shall provide undulation/relief, thus reducing the appearance of bulk and flatness.

6. Building(s) shall orient toward their primary street frontage.

7. Garbage storage areas and satellite receivers shall be screened from public view and located off alleys.

8. Building design shall include weather protection which prevents water to drip or snow to slide on areas where pedestrians gather and circulate or onto adjacent properties.

G. Circulation Design:

1. Pedestrian, equestrian and bicycle access shall be located to connect with existing and anticipated easements and pathways.

2. Awnings extending over public sidewalks shall extend five feet (5') or more across the public sidewalk but shall not extend within two feet (2') of parking or travel lanes within the right of way.

3. Traffic shall flow safely within the project and onto adjacent streets. Traffic includes vehicle, bicycle, pedestrian and equestrian use. Consideration shall be given to adequate sight distances and proper signage.

4. Curb cuts and driveway entrances shall be no closer than twenty feet (20') to the nearest intersection of two (2) or more streets, as measured along the property line adjacent to the right of way. Due to site conditions or current/projected traffic levels or speed, the city engineer may increase the minimum distance requirements.

5. Unobstructed access shall be provided for emergency vehicles, snowplows, garbage trucks and similar service vehicles to all necessary locations within the proposed project.

H. Snow Storage:

1. Snow storage areas shall not be less than thirty percent (30%) of the improved parking and pedestrian circulation areas.

2. Snow storage areas shall be provided on site.

3. A designated snow storage area shall not have any dimension less than five feet (5') and shall be a minimum of twenty five (25) square feet.
4. In lieu of providing snow storage areas, snowmelt and hauling of snow may be allowed.

I. Landscaping:

1. Landscaping is required for all projects.

2. Landscape materials and vegetation types specified shall be readily adaptable to a site's microclimate, soil conditions, orientation and aspect, and shall serve to enhance and complement the neighborhood and townscape.

3. All trees, shrubs, grasses and perennials shall be drought tolerant. Native species are recommended but not required.

4. Landscaping shall provide a substantial buffer between land uses, including, but not limited to, structures, streets and parking lots. The development of landscaped public courtyards, including trees and shrubs where appropriate, shall be encouraged.

J. Public Amenities:

1. Where sidewalks are required, pedestrian amenities shall be installed. Amenities may include, but are not limited to, benches and other seating, kiosks, bus shelters, trash receptacles, restrooms, fountains, art, etc. All public amenities shall receive approval from the Public Works Department prior to design review approval from the commission.

K. Underground Encroachments:

1. Encroachments of below grade structures into required setbacks are subject to subsection 17.128.020K of this title and shall not conflict with any applicable easements, existing underground structures, sensitive ecological areas, soil stability, drainage, other sections of this Code or other regulating codes such as adopted International Code Council Codes, or other site features concerning health, safety, and welfare.

2. No below grade structure shall be permitted to encroach into the riparian setback. (Ord. 1186, 2018: Ord. 1148, 2016)

17.96.070: COMMUNITY CORE (CC) PROJECTS:

In addition to the requirements of section 17.96.060 of this chapter, unless otherwise specified, the standards of this section apply to projects in the Community Core District. The purpose of this section is to ensure the addition of high quality architecture for new development, while maintaining the unique character of existing building stock found in the Community Core.

A. Streets:

1. Street trees, streetlights, street furnishings, and all other street improvements shall be installed or constructed as determined by the Public Works Department.

2. Street trees with a minimum caliper size of three inches (3"), shall be placed in tree grates.

3. Due to site constraints, the requirements of this subsection A may be modified by the Public Works Department.

B. Architectural:
1. Facades facing a street or alley or located more than five feet (5') from an interior side property line shall be designed with both solid surfaces and window openings to avoid the creation of blank walls and employ similar architectural elements, materials, and colors as the front facade.

2. For nonresidential portions of buildings, front building facades and facades fronting a pedestrian walkway shall be designed with ground floor storefront windows and doors with clear transparent glass. Landscaping planters shall be incorporated into facades fronting pedestrian walkways.

3. For nonresidential portions of buildings, front facades shall be designed to not obscure views into windows.

4. Roofing forms and materials shall be compatible with the overall style and character of the structure. Reflective materials are prohibited.

5. All pitched roofs shall be designed to sufficiently hold all snow with snow clips, gutters, and downspouts.

6. Roof overhangs shall not extend more than three feet (3’) over a public sidewalk. Roof overhangs that extend over the public sidewalk shall be approved by the Public Works Department.

7. Front porches and stoops shall not be enclosed on the ground floor by permanent or temporary walls, windows, window screens, or plastic or fabric materials.

C. Service Areas And Mechanical/Electrical Equipment:

1. Trash disposal areas and shipping and receiving areas shall be located within parking garages or to the rear of buildings. Trash disposal areas shall not be located within the public right-of-way and shall be screened from public views.

2. Roof and ground mounted mechanical and electrical equipment shall be fully screened from public view. Screening shall be compatible with the overall building design.

D. Landscaping:

1. When a healthy and mature tree is removed from a site, it shall be replaced with a new tree. Replacement trees may occur on or off site.

2. Trees that are placed within a courtyard, plaza, or pedestrian walkway shall be placed within tree wells that are covered by tree grates.

3. The City arborist shall approve all parking lot and replacement trees.

E. Surface Parking Lots:

1. Surface parking lots shall be accessed from off the alley and shall be fully screened from the street.

2. Surface parking lots shall incorporate at least one tree and one additional tree per ten (10) on site parking spaces. Trees shall be planted in landscaped planters, tree wells and/or diamond shaped planter boxes located between parking rows. Planter boxes shall be designed so as not to impair vision or site distance of the traveling public.

3. Ground cover, low lying shrubs, and trees shall be planted within the planters and planter boxes. Tree grates or landscaping may be used in tree wells located within pedestrian walkways.
F. Bicycle Parking:

1. One bicycle rack, able to accommodate at least two (2) bicycles, shall be provided for every four (4) parking spaces as required by the proposed use. At a minimum, one bicycle rack shall be required per development.

2. When the calculation of the required number of bicycle racks called for in this section results in a fractional number, a fraction equal to or greater than one-half \((1/2)\) shall be adjusted to the next highest whole number.

3. Bicycle racks shall be clearly visible from the building entrance they serve and not mounted less than fifty feet (50') from said entrance or as close as the nearest non-ADA parking space, whichever is closest. Bicycle racks shall be located to achieve unobstructed access from the public right-of-way and not in areas requiring access via stairways or other major obstacles. (Ord. 1148, 2016)

17.96.080: NOTICE:

All property owners adjacent to properties under application for design review shall be notified by mail ten (10) days prior to the meeting of the date at which said design review is to be considered by the commission. (Ord. 1148, 2016)

17.96.090: TERMS OF APPROVAL:

A. Design Review Approval:

1. The term of design review approval shall be twelve (12) months from the date that findings of fact, conclusions of law and decision are adopted by the commission or upon appeal, the date the approval is granted by the Council subject to changes in zoning regulations.

2. Application must be made for a building permit with the Ketchum Planning and Building Department during the twelve (12) month term. Once a building permit has been issued, the design review approval shall be valid for the duration of the building permit.
3. Unless an extension is granted as set forth below, failure to file a complete building permit application for a project in accordance with these provisions shall cause said approval to be null and void.

B. Extensions Of Design Review Approval:

1. For design review approvals pertaining to "civic" buildings, the Administrator may, upon written request by the holder, grant a maximum of two (2) 12-month extensions to an unexpired design review approval.

2. For design review approvals pertaining to all other buildings, the City may, upon written request by the holder, grant a maximum of two (2) 12-month extensions to an unexpired design review approval. The first twelve (12) month extension shall be reviewed by the Administrator. The second twelve (12) month extension shall be reviewed by the commission. Whether or not an extension is warranted shall be based on the following considerations:
   a. Whether there have been significant amendments to ordinances which will apply to the subject design review approval;
   b. Whether significant land use changes have occurred in the project vicinity which would adversely impact the project or be adversely impacted by the project;
   c. Whether hazardous situations have developed or have been discovered in the project area; or
   d. Whether community facilities and services required for the project are now inadequate.

3. If any of the foregoing considerations are found to exist with regard to the project for which an extension is sought, an extension will not be granted and the City shall issue this decision in writing; otherwise the City shall approve such an extension. No extensions shall be granted for an expired design review approval. (Ord. 1148, 2016)

17.96.100: FEES AND COSTS:

Each applicant for design review approval shall pay to the City certain fees and costs to reimburse the City the reasonable costs of administering and regulating this chapter, including reimbursement for City Engineer fees. Said fees and refunds, if any, shall be set by resolution of the Council and shall be paid prior to scheduling of an application before the commission for design review consideration. Said fees shall be nonrefundable. (Ord. 1148, 2016)