

**Title 17**  
**ZONING REGULATIONS**  
**Chapter 17.04**  
**INTRODUCTORY PROVISIONS**

**17.04.010: INTRODUCTION:**

- A. A zoning ordinance must balance many factors. The planning and zoning commission and the city council of the city of Ketchum, Idaho, in setting forth the present zoning ordinance have balanced many community requirements as noted:
1. Existing development is protected;
  2. Sufficient flexibility is allowed for desirable community expansion;
  3. The terms of the zoning ordinance codified in this title and the zoning map reflect sound zoning principles;
  4. The zoning ordinance codified in this title can be readily understood by all residents;
  5. Requirements of the zoning ordinance codified in this title are reasonable in terms of legal enforcement; and
  6. The unique features of Ketchum and the ideas and attitudes of the residents are reflected and incorporated within the limited statutory requirements and the supreme court of Idaho decisions.
- B. The preceding factors lead to different and various conclusions. The new zoning ordinance codified in this title was not considered lightly either by the planning and zoning commission or the city council; a thorough study of the basic planning and zoning principles was instituted, and the opinions of as many residents as possible were secured; a professional planner was consulted; statutory requirements as to public hearings were strictly enforced by the planning and zoning commission and the city council; and extremely careful consideration of all special local requirements was given, and said requirements were analyzed and studied and this title made to conform;
- C. This title on zoning represents a positive approach to community development in attempting to minimize the number of zoning restrictions in order to encourage imagination and diversity of development;
- D. Whenever possible, only minimum requirements are incorporated in the title rather than attempting to set average standards which can prove discriminatory and unworkable in many situations;
- E. Minimum lot area and minimum yard requirements are related to the size of the buildings in order to permit a wide range of development while still maintaining overall density standards;
- F. Special consideration has been given to each individual area: limited residential, limited residential - one acre, limited residential - two acre, general residential - low density, general residential - high density, mobile home, short term occupancy - .4 acre, short term occupancy - one acre, short term occupancy - high density, tourist, tourist - 3,000, tourist - 4,000, community core, light industrial number 1, light industrial number 2, light industrial number 3, recreation use, agricultural and forestry, floodplain management overlay, avalanche, design review, pedestrian access overlay, mountain overlay and apartment housing overlay;
- G. All of the health factors resulting from an urban density such as exists in Ketchum and such can, as accurately as possible at this time, be foreseen, have been carefully considered; and
- H. Statutory requirements of the state, together with careful study and analysis of the decisions of the Idaho supreme court concerning the zoning statutes, have been strictly adhered to. (Ord. 208, 1974)

**17.04.020: PURPOSE:**

These regulations are designed and enacted in accordance with chapter 65, title 67 and all future revisions of the Idaho Code, as amended, for the purpose of promoting the health, safety and general welfare of the present and future inhabitants of Ketchum, Idaho, by accomplishing, among others, the following specific purposes:

- A. Residential areas should be protected against fire, explosion, noxious fumes, floods, avalanches, and other hazards; offensive noise, vibration, smoke, dust, odors, heat, glare and other objectionable influences; the invasion of abnormal vehicular traffic; and excessive congestion of buildings.
- B. Residential and tourist areas should have space off public streets for parking; access for light and air to windows; privacy by means of controls over the location of buildings; usable open space on the same lot; land to meet the needs of probable expansion, appropriate sites for those public services which are needed; and tracts for quasi-public uses which provide essential health and welfare services.
- C. Business and industrial developments should be protected against the establishment of uses which would create serious hazards or exceptional noise, vibration, smoke, dust, odors, heat or glare.
- D. Business and industrial developments should have area in appropriate locations for the transaction of all types of activities; space off public streets for parking and unloading; and opportunities to concentrate for the mutual advantage of merchants, customers and employees. (Ord. 753 § 1, 1999; Ord. 208 § 1, 1974)

#### **17.04.030: APPLICATION OF REGULATIONS:**

Except as provided in this title, no building, structure or land shall be used and no building or structure or part shall be erected, constructed, reconstructed, repaired, moved or structurally altered except in conformance with the regulations specified in this title for the district in which it is located; nor shall any yard, lot or open space be reduced in dimensions or area to an amount less than the minimum requirements set forth in this title. Uses permitted in each district shall apply to each lot in such district. (Ord. 208 § 2, 1974)

#### **17.04.040: INTERPRETATION:**

In the interpretation and application of the provisions of this title, the following regulations shall govern:

- A. Provisions Are Minimum Requirements: In their interpretation and application, the provisions of this title shall be regarded as the minimum requirements for the protection of the public health, safety, comfort, morals, convenience, prosperity and welfare. All provisions shall be liberally construed to further its underlying purposes.
- B. Application Of Overlapping Regulations: Whenever the provisions of this title, or a provision in this title and any provision in any other ordinance, resolution, rule or regulation of any kind, contain any restrictions covering the same subject matter, the more restrictive or higher standards or requirements shall govern. All uses and all locations and bulk permitted under the terms of this title shall be in conformity with all other provisions of law.
- C. Existing Permits And Private Agreements: This title is not intended to abrogate or annul:
  - 1. Any permits issued before the effective date hereof; or
  - 2. Any easement, covenant or any other private agreement. (Ord. 208 § 30, 1974)

#### **17.04.050: SEVERABILITY:**

It is declared to be the legislative intent that the several provisions of this title shall be severable, in accordance with the provisions set forth below:

- A. If Any Provision Is Declared Invalid: If any provision of this title is declared to be invalid by a decision of any court of competent jurisdiction, it is declared to be the legislative intent that:
  - 1. The effect of such decision shall be limited to that provision or provisions which are expressly stated in the decision to be invalid; and

2. Such decision shall not affect, impair or nullify this title as a whole or any other part, but the rest of this title shall continue in full force and effect.

- B. If The Application Of Any Provision Is Declared Invalid: If the application of any provision of this title to any lot, building, other structure, or tract of land is declared to be invalid by a decision of any court of competent jurisdiction, it is declared to be the legislative intent that:
1. The effect upon such decision shall be limited to that lot, building, other structure or tract of land immediately involved in the controversy, action or proceedings in which the judgment or decree of invalidity was rendered; and
  2. Such decision shall not affect, impair or nullify this title as a whole or the application of any provision to any lot, building, other structure or tract of land. (Ord. 208 § 31, 1974)

## Chapter 17.08 DEFINITIONS

### 17.08.010: RULES OF CONSTRUCTION OF LANGUAGE:

- A. The particular controls the general.
- B. In case of any difference of meaning or implication between the text of this title and the captions for each section, the text shall control.
- C. The word "shall" is always mandatory and not directory. The word "may" is permissive.
- D. Words used in the present tense include the future, unless the context clearly indicates to the contrary.
- E. Words used in the singular number include the plural, and words used in the plural number include the singular, unless the context clearly indicates to the contrary.
- F. A "building" or "structure" includes any part. A "building or other structure" includes all other structures of every kind, regardless of similarity to buildings.
- G. The phrase "used for" includes "arranged for", "designed for", "maintained for", and "occupied for". (Ord. 208 § 3, 1974)

### 17.08.020: DEFINITIONS:

**ACCESSORY BUILDING AND USE:** A subordinate use of a building, other structure or tract of land, or subordinate building or other structure:

- A. Which is clearly incidental to the use of principal building, other structure or use of land;
- B. Which is customary in connection with the principal building, other structure or use of land; and
- C. Which is ordinarily located on the same lot with the principal building, other structure or use of land.

**ADMINISTRATOR:** A person who may be appointed by the mayor and council to interpret and administer the provisions of this title.

**ADULT ONLY BUSINESS:** A premises 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 or description of sexual activities or exposed anatomical areas or for use in connection with sexual activities or exposed anatomical areas; or which displays 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, videocassettes, 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:** 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 slaughterhouses.

**ALLEY:** A minor public right of way, between twenty (20) and thirty feet (30') 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:** A multiple-family dwelling containing three (3) 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:** 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 setback 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:** 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:** 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:** An outdoor living space located on an upper floor of a building that is partially enclosed by a railing or other safety barrier.

**BASEMENT:** 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 (4) 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 on file in the office of the city clerk).

**BAY WINDOW:** A window and related structure that extends outward from an exterior building wall and thereby forms an alcove in the adjoining interior space.

**BED AND BREAKFAST:** A residential building in which the proprietor resides, which has no more than six (6) guestrooms available for short term occupancy, and provides no less than one meal daily for guests.

**BLOCK:** 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.

**BOARDING AND ROOMING HOUSE:** A building in which the proprietor resides and which has no more than six (6) rooms available for lease or rent for residential occupancy.

**BREW PUB:** An eating and drinking establishment which produces a maximum of two thousand (2,000) barrels of beer annually.

**BUILD-TO LINE (BTL):** The line that is parallel to the property line, along which the facade of the building shall be built.

**BUILDING:** A. 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.

B. 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:** 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 (3') or less or uncovered decks less than thirty inches (30") 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:** The distance between the front facade of the building and the rear facade of the building.

**BUILDING FOOTPRINT:** 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:** The side of the building that faces the front property line of the parcel.

**BUILDING PERMIT:** An official document or certificate issued by the building official authorizing performance of a specified activity.

**BUILDING WIDTH:** The distance from one side of the building's frontage to the other side of the building frontage.

**BUILDING ZONE:** The portion of the lot that is required to be occupied by a building.

**BULB OUT:** An extension of the sidewalk into the parking lane at intersection and midblock crosswalks. Bulb outs reduce the length of pedestrian crossings and

help to slow vehicle traffic.

**BULK:** The size and mutual relationships of buildings and other structures and, therefore, includes:

- A. The size of buildings and other structures;
- B. The shape of buildings and other structures;
- C. 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
- D. All open spaces relating to a building or a structure.

**CHILD:** Any person under twelve (12) years of age.

**CIVIC BUILDING:** 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:** 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:** The city of Ketchum planning and zoning commission.

**COMMON AREA:** 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 WORK FORCE HOUSING:** 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:** A use or structure permitted only upon the issuance of a conditional use permit pursuant to the provisions of [chapter 17.116](#) of this title.

**CORNICE:** A horizontal molded projection that crowns or completes a building facade. The cornice is the uppermost section of moldings along the top of a wall or just below a roof.

**COURTYARD:** An outdoor room created by at least three (3) sides of a building or several buildings, generally at the building scale, that is open to the sky.

**COURTYARD, SUNKEN:** A courtyard below the grade of the ground floor.

**DAYCARE BUSINESS:** 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 daycare business, in a place other than the child's own home. This term includes preschools, nursery schools, play schools, kindercare and any like or similar operation. Daycare businesses are categorized as "centers", "facilities" or "homes", as defined in this section, according to Idaho health and welfare regulations.

**DAYCARE CENTER:** A daycare business providing care for thirteen (13) or more children on the premises at any one time. A daycare center is required to be licensed by the Idaho department of health and welfare.

**DAYCARE FACILITY:** A daycare business providing care for no more than twelve (12) children on the premises at any one time and having not more than four (4) employees. A daycare facility is required by state law to have a fire inspection.

**DAYCARE HOME:** A daycare business providing care for six (6) 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 o'clock (7:00) A.M. and six o'clock (6:00) P.M. A daycare home is required by the city to have a basic fire inspection.

**DECK:** A roofless exterior floor structure attached to or supported by an adjacent structure and/or posts, piers or other independent supports.

**DENSITY:** A unit of measurement; the number of units or square footage of dwelling units per land area.

**DESIGN GUIDELINE:** A design recommendation that is intended to further define the desired image and character of development.

**DESIGN REGULATION:** A minimum or baseline design standard for the design of development.

**DEVELOPMENT:** 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:** 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:** 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:** A pipe for draining water from roofs and roof gutters.

**DUPLEX:** A two-family dwelling unit.

**DWELLING:** 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 timeshare occupancy.

**DWELLING, APARTMENT:** A building or buildings, under single ownership, each of which contains three (3) or more dwelling units used for long term residential occupancy only.

**DWELLING, MULTIPLE-FAMILY:** A building, under single or multiple ownership, containing three (3) or more dwelling units used for residential occupancy.

**DWELLING, ONE-FAMILY:** 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:** A building containing two (2) independent dwelling units totally separated by a one hour fire separation as defined in the international building code, not more than one kitchen per dwelling unit, and used for residential occupancy.

**DWELLING UNIT:** 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.

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

**EAVES:** The horizontal, lower edge of a sloped roof.

**ECONOMIC DEVELOPMENT:** 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:** The effective date of the first pertinent ordinance ever adopted by the city. "Pertinent ordinance" means, for example, with respect 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:** The average number of persons to be employed in a building.

**ENCLOSED:** An area surrounded on at least three (3) sides by walls and on top by a roof or similar covering.

**FACADE:** The exposed exterior wall of a building, including measurement to the highest point of a gable end, as shown in illustration B on file in the office of the city clerk.

**FAMILY:** 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:** A flat vertical board used to conceal the ends of roof rafters or to enclose the overhang under the eaves.

**FENCE:** 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 (2) contiguous properties.

**FIBER CEMENT SIDING:** 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:** The elevation of the first habitable floor of a structure.

**FLOODPLAIN:** 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.

**Channel:** A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water.

**Designated Floodway:** A floodway whose limits have been designated and established.

**Flood:** The temporary inundation of land adjacent to and inundated by overflow from a river or stream or lake or other body of standing water.

**Flood Of One Hundred Year Frequency:** A flood magnitude which has a one percent (1%) chance of being equaled or exceeded in any given year.

**Floodway:** The channel of a watercourse and those portions of the floodplain adjoining the channel which are reasonably required to carry and discharge the floodwater of any watercourse.

**Floodway Encroachment Lines:** The lines limiting a designated floodway.

**Floodway Fringe:** 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:** 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:** The product of the floor area divided by the lot area (example 2,750 square feet floor area/5,500 square feet lot area = 0.5 FAR):

(Gross) floor area or (Net) floor area	=	FAR
Lot area		

**GOVERNING HOUSING AUTHORITY:** 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):** 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 (5') from the building, between the building and a line five feet (5') from the building.

**GRADE, EXISTING:** The elevation of the ground surface at the time of a proposed development.

**GRADE, FINISHED:** 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:** The elevation of the ground surface in its natural state prior to any site excavation, grading or filling.

**GREEN BUILDING:** 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, and removal the complete building life cycle.

**GROSS FLOOR AREA:** 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 fifty percent (50%) of atriums over eighteen feet (18') 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 (3) or more sides by building walls are included. Four (4) parking stalls for developments on single Ketchum town site lots of five thousand six hundred (5,600) square feet in size or less are not included in the gross floor area calculation.

**GROUND FLOOR:** 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.

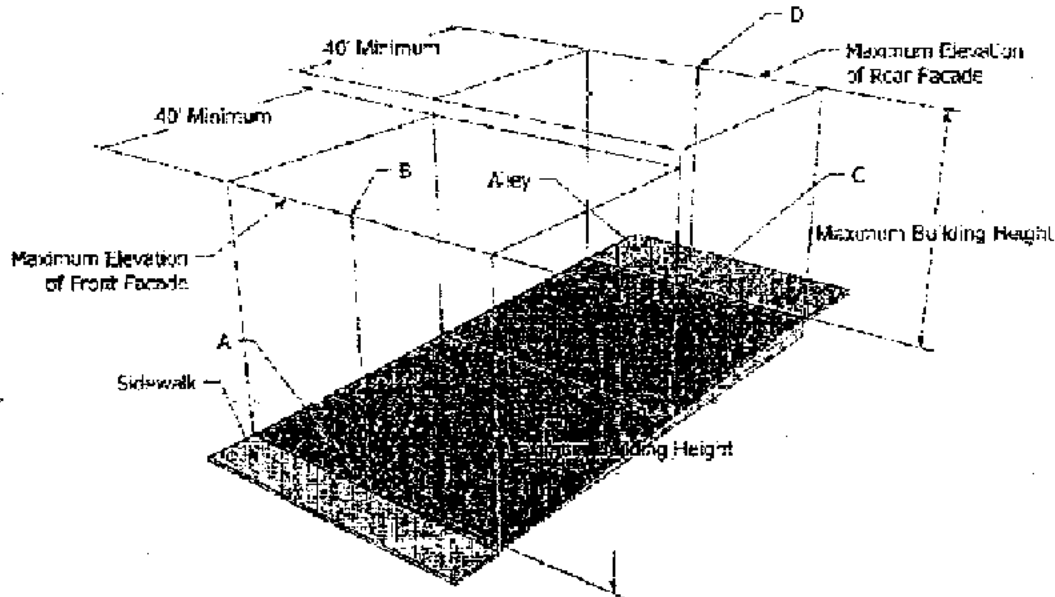
**GUESTHOUSE:** A living unit consisting of a minimum of four hundred (400) square feet and not exceeding six hundred (600) square feet and containing no kitchen facilities that is located on a lot in conjunction with a single-family dwelling.

**GUESTROOM:** A room designed or used for short term occupancy which does not contain a kitchen.

**GUTTER:** A channel along the eaves or on the roof; collects and carries away rainwater.

**HEIGHT OF BUILDING:** 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 feet (5') greater than the maximum height permitted in the zoning district (see illustration B on file in the office of the city clerk). No facade shall be greater than the maximum height permitted in the zoning district. (See definition of "facade" in this section and illustration B on file in the office of the city clerk). Facades which step up or down hillsides shall be set back from the lower facade a minimum of fifty percent (50%) of the height of the lower facade; except, that roof overhangs may extend up to three feet (3') into this area (see illustration B on file in the office of the city clerk). This building height provision shall apply to parapets, boston roofs and any other portion of a building roof, but shall not apply to flagpoles, lightning rods, weather vanes, antennas or chimneys.

**HEIGHT OF BUILDING/CC DISTRICT:** 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 facade. The front or rear facade shall not extend above this line. Side facades may be stepped up or down to transition from the highest elevation of the front facade height to the highest elevation of the rear facade. One or multiple steps along the side facades are allowed, except no step shall occur within forty feet (40') of the front elevation or within thirty five feet (35') of the rear facade. The city shall establish the elevation points used to calculate the average elevation of the front and rear property lines (see illustration A on file in the office of the city clerk).



**HORIZONTAL EXPRESSION LINE:** 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.

**HOTEL:** A building designed and used for overnight occupancy by the general public on a short term basis for a fee. Hotels shall include 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 adequate on site recreational facilities. 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 thirty (30) consecutive days or exceed ninety (90) days within any calendar year, regardless of the form of 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. For the purposes of granting height and density bonuses, a hotel building may contain other residential uses not used in connection with the hotel operation, so long as the total gross square footage of the hotel rooms, associated common areas, and other hotel uses outlined above comprises seventy five percent (75%) or more of the entire project's gross square footage. Parking which meets the definition of "gross floor area" shall not be counted toward the seventy five percent (75%) calculation.

**HOUSEHOLD PETS:** Domestic household animals such as dogs and cats that are kept on or within any portion of the property.

**INTERIOR FILM:** A material placed on the inside of windows to diffuse light and/or filter UV radiation.

**INTERVAL OWNERSHIP:** The ownership of land, condominium or hotel unit with an ownership interest less than fee simple ownership.

**JUNKYARD:** Use involving the collection, storage or sale of wastepaper, rags, scrap metal or discarded material; or the dismantling, storage, salvage or demolition of vehicles, machinery or other materials.

**KITCHEN:** A room or other portion of a structure intended for cooking of food, which, at a minimum, contains a sink, refrigerator and cooking facilities to include a range or built-in cooktop.

**LOT:** 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:** 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:** 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:** The line opposite the front line.

**LOT LINE, SIDE:** Any lot line other than front lot line or rear lot line.

**LOT, REVERSE CORNER:** A corner having its side street line substantially a continuation of the front lot line of the first lot to its rear.

**LUMBERYARD:** A yard or facility where a large stock of lumber is stored and where predominantly lumber is sold or wholesaled.

**MAJOR ADDITION:** 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:** A roof like structure of permanent nature that projects from the wall of a building to provide shade and shelter and possibly signage.

**MERCANTILE:** The activity of engaging in the sale or resale of goods to the public.

**MIXED USE:** 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:** A type of development that provides for a mix of uses and that has a subgrade open space that provides access to a cellar.

**MOBILE HOME (TRAILER):** 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:** A building or group of buildings designed or used for short term occupancy which contains more than six (6) guestrooms 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.

**MULTI-FAMILY HOME BUILDING:** 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:** 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:** 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:** 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:** A room or group of rooms used for conducting the affairs of a business, profession, service, industry or government.

**ON SITE PARKING:** 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:** 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:** 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:** 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:** An area of a building, as defined in "outdoor open space" of this section, which is open to all residents of the building, but may not necessarily be open to the public.

**OUTDOOR STORAGE:** An area designated on a property for the safekeeping of items owned by the occupants of the property.

**OVERLAY DISTRICT:** 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 this title.

**PARAPET:** A low wall that extends above the roofline, often decorated with architectural details such as cornices.

**PARKING ACCESS/ENTRANCE:** 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 feet (20') nor wider than thirty feet (30') unless otherwise approved by the city of Ketchum and is constructed in conformance with the adopted street standards and international fire code (see illustration C on file in the office of the city clerk).

**PARKWAY:** A grass or landscaped strip located between the curb and gutter and the sidewalk, usually planted with street trees.

**PERSONAL SERVICE:** An establishment which offers services to the general public such as, but not limited to, shoe repair, watch repair, barbershops, beauty parlors and similar activities.

**PLANNED UNIT DEVELOPMENT:** A project located on no less than three (3) 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:** 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:** A roof projecting over a driveway at the entrance to a building that shelters those getting in or out of vehicles.

**PORTICOS:** A porch having a roof supported by columns often leading to the entrance of a building.

**PUBLIC USE:** 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.

**RESEARCH AND DEVELOPMENT:** 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:** The more or less permanent place of abode for an individual, and shall not include short term occupancy nor timeshare 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 timeshare occupancy.

**RESTAURANT:** 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:** The sale of commodities or goods in small quantities to ultimate customers.

**RETAILING:** The activities involved in the selling of goods to ultimate consumers for personal or household consumption.

**ROOF, FLAT:** A roof which is not pitched and the surface of which is parallel to level ground.

**ROOF, GABLED:** A roof consisting of two (2) 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:** 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:** A roof that has two (2) 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:** A portion of the roof structure that extends beyond the exterior walls of a building.

**ROOF PITCH:** The degree of roof incline expressed as the ratio of the rise, in feet, to the span, in feet.

**ROOF RIDGE:** The uppermost, horizontal external angle formed by the intersection of two (2) sloping roof planes.

**ROOF, SHED:** A roof containing only one sloping plane. Shed roofs have no hips, ridges, valleys or gables.

**ROOF SLOPE:** See definition of Roof Pitch.

**SEMIPUBLIC USE:** A structure or use 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:** A space located on site for pick ups, deliveries and refuse collection in size and area adequate and accessible for such use and service vehicles expected to be used.

**SERVICE STATION:** An establishment involving the dispensing of gasoline and/or automobile repair and maintenance.

**SETBACK:** The minimum horizontal distance between a specified lot line (front, side, rear), measured along a straight line and at a right angle to such lot line, and the nearest point of an above grade or below grade building or structure.

**SETBACK ZONE:** The area of a lot that must remain open and cannot be built over with a structure.

**SHORT TERM OCCUPANCY:** The rental or lease of any unit or structure or portion for a period of not more than thirty (30) days.

**SIGN:** 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](#) of this title.

**SINGLE-FAMILY DWELLING:** A residential unit that is individually owned and that is located within a stand alone structure on a lot.

**SLEEPING ROOMS:** 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 thirty (30) consecutive days or exceed ninety (90) days within any calendar year, regardless of the form of ownership. Occupancy periods for persons or entities with no ownership interest (i.e., vacationers) shall be limited only by the ninety (90) day per calendar year requirement.

**SOLAR BRONZE:** 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.

**STOOP:** A small stairway and landing platform leading to any entrance to a building.

**STREET:** A public thoroughfare which affords the principal means of access to abutting property.

**STREET FRONTAGE:** The portion of the building that is immediately adjacent to the street.

**STREET TREE:** A tree or trees located within the sidewalk and along the street frontage of a building, structure or project.

**STRUCTURE:** Anything permanently constructed in or on the ground, or over the water; excluding fences less than six feet (6') in height, decks less than thirty inches (30") above grade, paved areas, and structural or nonstructural fill.

**TERRACE/PATIO:** An at grade, open, roofless area, usually finished with paving or stone, adjacent to a building and serving as an outdoor living area.

**TERRACE, SUNKEN:** A terrace below the grade of the ground floor.

**TOURIST HOUSE:** A building in which the proprietor resides and which has not more than six (6) guestrooms available for short term occupancy.

**TOURIST HOUSING ACCOMMODATIONS:** 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:** A planned project of two (2) or more townhouse units that may be constructed as single building(s) containing two (2) 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 subplot 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:** 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 (2) 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:** 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 subplot.

**TRADITIONAL MIXED USE BUILDING:** A building with facade 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:** An enclosed off street parking area within the lowest floor of a building; provided, that a minimum of seventy five percent (75%) of the ceiling surface area of such floor is not more than four feet (4') above the basement invisible plane (see illustration A on file in the office of the city clerk).

**URBAN RESIDENTIAL BUILDING:** A multi-family residential building in which units do not necessarily have the appearance of a ground floor entrance from the street front.

**VENT:** 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:** The sale of commodities in quantity for resale.

**WHOLESALE:** A merchant middleman who sells chiefly to retailers, other merchants, or industrial, institutional and commercial users mainly for resale or business use.

**WIDTH OF LOT:** The average distance parallel to the front lot line, measured between side lot lines.

**YARD:** 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:** 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:** 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:** 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. 1110, 2013: Ord. 1040 § 1, 2008: Ord. 999 § 1, 2006: Ord. 912 § 1, 2003: Ord. 899 § 1, 2002: Ord. 893 § 4, 2002: Ord. 883 § 1, 2001: Ord. 878 § 1, 2001: Ord. 861 § 4, 2001: Ord. 854 § 1, 2000: Ord. 853 exhibit C, 2000: Ord. 850 § 1, 2000: 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. 490 § 2, 1988: Ord. 208 § 3, 1974)

## **Chapter 17.12 ESTABLISHMENT OF DISTRICTS**

### **17.12.010: ZONING MAP DISTRICTS:**

A. Establishment Of Districts: In order to carry out the provisions of this title, the city of Ketchum, Idaho, is divided into the following zoning districts:

LR	Limited residential district
LR-1	Limited residential - one acre zoning district
LR-2	Limited residential - two acre zoning district
GR-L	General residential - low density district
GR-H	General residential - high density district
MH	Mobile home district
STO-.4	Short term occupancy - .4 acre zoning district
STO-1	Short term occupancy - one acre zoning district
STO-H	Short term occupancy - high density zoning district
T	Tourist district
T-3000	Tourist - 3000 zoning district
T-4000	Tourist - 4000 zoning district
CC	Community core district
LI-1	Light industrial district number 1
LI-2	Light industrial district number 2
LI-3	Light industrial district number 3
RU	Recreation use district
AF	Agricultural and forestry district
FP	Floodplain management overlay zoning district
A	Avalanche zone district
D	Design review district
WSBA	Warm Springs base area overlay district
WSBA-1	Warm Springs base area overlay district-1
MO	Mountain overlay zoning district
ADU	Accessory dwelling unit overlay district
AHO	Apartment housing overlay zoning district

B. Boundaries:

1. The boundaries of these zoning districts are established as shown on a map entitled "zoning map of the city of Ketchum, Idaho", dated 1974, which map is made a part of this title.
2. Unless otherwise designated on the zoning district map, district boundary lines are lot lines; the centerlines of streets, alleys, railroad rights of way, or such lines as extended section lines; municipal corporate lines; centerlines of streambeds; or other lines drawn to scale on the zoning district map.
3. Where a lot is divided at the effective date hereof, or by subsequent amendments, by a zoning district boundary line, the less restrictive zoning requirements may be extended not more than twenty five feet (25') into the more restrictive zoning district adjacent or the zoning district boundary line.
4. Questions of the exact location of a zone district boundary shall be resolved by the planning and zoning commission, by reference to the zoning district map of the city. (Ord. 1044 § 1, 2008: Ord. 1039 § 1, 2008: Ord. 208 § 4, 1974)

## Chapter 17.16

## LIMITED RESIDENTIAL DISTRICT (LR)

### 17.16.010: LIMITED RESIDENTIAL DISTRICT:

#### A. Uses Permitted:

Daycare home, provided it is incidental to the primary residential use and not located within the avalanche zone.

Essential public utility and public service installations and facilities for the protection and welfare of the surrounding area; provided, business offices and repair and storage facilities are not included.

One one-family dwelling.

Only the following accessory buildings and uses:

1. Riding horses and household pets;
2. Signs;
3. Off street parking space and garages;
4. Fences, hedges and walls;
5. Private greenhouses;
6. Private swimming pools and tennis courts;
7. Fallout shelters;
8. Cultivation and storage of vegetables, plants and flowers produced on the premises; and
9. Guesthouses.

Parks, playgrounds and golf courses.

#### B. Conditional Uses Permitted:

Nature preserve which shall not be less than six (6) acres in size, must be under lease or title held by a nonprofit tax exempt organization under section 501c(3) of the internal revenue service code of 1954 or corresponding provisions of any amendments or any future United States revenue code, the purpose of which is to protect and preserve natural areas. Accessory use shall be limited to administrative offices.

Planned unit developments.

C. Minimum Area Of Lot: The minimum lot area for single-family dwelling shall be nine thousand (9,000) square feet unless the health district determines that additional area is required to meet minimum health standards.

D. Average Width Of Lot: Eighty feet (80').

E. Minimum Front Yard (Minimum Distance Of Any Building From The Front Lot Line): Fifteen feet (15') except as required in subsections F and G of this section.

F. Minimum Setbacks Along Warm Springs Road: All buildings shall be set back a minimum of thirty feet (30') from Warm Springs Road.

G. Minimum Setbacks Along Highway 75: Where the street width is eighty feet (80'), all buildings shall be set back a minimum of twenty five feet (25'), and where the street width is sixty six feet (66'), all buildings shall be set back a minimum of thirty two feet (32').

H. Minimum Setbacks Along The Two Hundred Foot Section Of The Former Railroad Right Of Way: The minimum distance of any building from any lot line abutting the two hundred foot (200') section of the former railroad right of way shall be three feet (3').

- I. Minimum Rear Yards: The minimum distance of any building from each rear lot line shall be the greater of one foot (1') for every two feet (2') or fraction of a foot of building height, or twenty feet (20'), except as required in subsections F, G and H of this section.
- J. Minimum Side Yard: The minimum distance of any building from each side lot line shall be the greater of one foot (1') for every two feet (2') or fraction of a foot of building height, or ten feet (10'), except as required in subsections F, G and H of this section.
- K. Maximum Height Of Buildings: Any building or structure shall not exceed thirty five feet (35') in height.
- L. Maximum Building Coverage: Not more than thirty five percent (35%) of the lot area shall be covered by the principal building including garages, guesthouses and all other accessory buildings. (Ord. 886 § 1, 2001: Ord. 837 § 1, 2000: Ord. 766 § 1, 1999: Ord. 765 § 1, 1999: Ord. 747 § 1, 1999: Ord. 208 § 6A, 1974)

## Chapter 17.20

### LIMITED RESIDENTIAL DISTRICT - ONE ACRE ZONING DISTRICT (LR-1)

#### 17.20.010: LR-1 LIMITED RESIDENTIAL - ONE ACRE ZONING DISTRICT:

The purpose of the LR-1 limited residential - one acre zoning district is to identify and preserve residential properties, to prevent overcrowding of land in order to preserve natural features and openness and to encourage the development of low density areas suited for single-family residential purposes.

##### A. Uses Permitted:

Daycare home, provided it is incidental to the primary residential use.

One one-family dwelling of not less than one thousand (1,000) square feet of floor area.

Only the following accessory buildings and uses:

1. Riding horses and household pets;
2. Off street parking spaces and garages;
3. Fences, hedges and walls;
4. Private greenhouses, swimming pools, tennis courts and fallout shelters; and
5. Cultivation and storage of vegetables, plants and flowers produced on the premises.

Parks, playgrounds and golf courses.

Public utility and service installations and facilities.

##### B. Conditional Uses:

Nature preserve which shall not be less than six (6) acres in size, must be under lease or title held by a nonprofit tax exempt organization under section 501c(3) of the internal revenue service code of 1954 or corresponding provisions of any amendments or any future United States revenue code, the purpose of which is to protect and preserve natural areas. Accessory use shall be limited to administrative offices.

Planned unit development.

Public uses.

##### C. Minimum Area Of Lot: The minimum lot area for a single-family dwelling shall be one acre unless the health district determines that additional area is required to meet minimum health standards.

##### D. Maximum Density Of Single Development: One dwelling unit per one acre of gross land area of less than twenty five percent (25%) slope.

E. Average Width Of Lot: One hundred feet (100').

F. Minimum Front Yard (Minimum Distance Of Any Building From The Front Lot Line): Fifteen feet (15') except as required in subsections G and H of this section.

G. Minimum Setbacks Along Warm Springs Road: All buildings shall be set back a minimum of thirty feet (30') from Warm Springs Road.

H. Minimum Setbacks Along Highway 75: All buildings shall be set back a minimum of eighty feet (80') from Highway 75.

I. Minimum Side And Rear Yards (Minimum Distance Of Any Building From Each Side And Rear Lot Line): Side and rear yards shall have a minimum of one foot (1') for every two feet (2') or fraction thereof of building height; except, that no side yard shall be less than ten feet (10') and no rear yard less than twenty feet (20'), and except as required in subsections G and H of this section.

J. Maximum Height Of Building: Any building or structure shall not exceed thirty five feet (35') in height.

K. Maximum Building Coverage: Not more than twenty five percent (25%) of the lot area shall be covered by buildings, including accessory buildings. (Ord. 836 § 1, 2000: Ord. 765 § 2, 1999: Ord. 208 § 6B, 1974)

## **Chapter 17.24**

### **LIMITED RESIDENTIAL DISTRICT - TWO ACRE ZONING DISTRICT (LR-2)**

#### **17.24.010: LR-2 LIMITED RESIDENTIAL - TWO ACRE ZONING DISTRICT:**

The purpose of the LR-2 limited residential - two acre zoning district is to identify and preserve residential neighborhoods, to prevent overcrowding of land, to preserve natural features and to encourage the development of low density areas suited for single-family residential purposes.

##### **A. Uses Permitted:**

Daycare home, provided it is incidental to the primary residential use.

One one-family dwelling of not less than one thousand (1,000) square feet of floor area.

Only the following accessory buildings and uses:

1. Riding horses and household pets;
2. Off street parking space and garages;
3. Fences, hedges and walls;
4. Private greenhouses, swimming pools, tennis courts and fallout shelters; and
5. Cultivation and storage of vegetables, plants and flowers produced on the premises.

Parks, playgrounds and golf courses.

Public utility and service installations and facilities.

B. Minimum Area Of Lot: The minimum lot area for single-family dwelling shall be two (2) acres unless the health district determines that additional area is required to meet minimum health standards.

C. Average Width Of Lot: One hundred feet (100').

- D. Minimum Front Yard (Minimum Distance Of Any Building From The Front Lot Line): Fifteen feet (15'); except, that on State Highway 75, the minimum front yard shall be four hundred feet (400'); except, that buildings proposed to be located within building envelopes platted prior to the effective date hereof shall have a minimum one hundred foot (100') front yard setback.
- E. Minimum Setbacks Along Warm Springs Road: All buildings shall be set back a minimum of thirty feet (30') from Warm Springs Road.
- F. Minimum Side And Rear Yards (Minimum Distance Of Any Building From Each Side And Rear Lot Line): Side and rear yards shall have a minimum of one foot (1') for every two feet (2') or fraction thereof of building height; except, that no side yard shall be less than ten feet (10') and no rear yard less than twenty feet (20'); except, on State Highway 75, the minimum side and rear yards shall be four hundred feet (400'); except, that buildings proposed to be located within building envelopes platted prior to the effective date hereof shall have a minimum one hundred foot (100') side and rear yard setback.
- G. Maximum Height Of Buildings: Any building or structure shall not exceed thirty five feet (35') in height.
- H. Maximum Building Coverage: Not more than twenty five percent (25%) of the lot area shall be covered by buildings, including accessory buildings. (Ord. 765 § 3, 1999; Ord. 208 § 6C, 1974)

## Chapter 17.28 GENERAL RESIDENTIAL - LOW DENSITY DISTRICT (GR-L)

### 17.28.010: GR-L GENERAL RESIDENTIAL - LOW DENSITY DISTRICT:

The purpose of the GR-L general residential - low density district is to provide areas where low and medium density uses can be properly developed in proximity to each other while still maintaining neighborhood amenities and favorable aesthetic surroundings. The intent of the general residential - low density district is to permit a reasonable amount of flexibility in both land use and development in residential development areas.

#### A. Uses Permitted:

Any use permitted in LR (limited residential district), subject to the restriction that construction of one 1-family (single-family) dwelling requires a duly executed, notarized acknowledgment of design review requirements form.

Accessory buildings and uses as permitted by section [17.124.010](#) of this title.

Daycare home, provided it is incidental to the primary residential use and not located within the avalanche zone.

One two-family dwelling or two (2) one-family dwellings.

Townhouse development containing two (2) townhouse units.

#### B. Conditional Uses Permitted: The following uses are permitted upon the issuance of a conditional use permit by the planning and zoning commission:

Churches.

Daycare facility or daycare center; provided, the following minimum criteria are met:

1. Must be located within a church or other public assembly building (provided it is not located within the avalanche zone), or within one of two (2) areas which are in the vicinity of Hemingway Elementary School:

- a. The area bounded by the former railroad right of way, Eighth Street, the alley between Third Avenue and Fourth Avenue, and Fifth Street; or
- b. The area bounded by the former railroad right of way, Tenth Street and First Avenue;

2. Centers located in area described in subsection B1a of this section may not access via a dead end street;

3. Hours of operation shall be limited to seven thirty o'clock (7:30) A.M. to six o'clock (6:00) P.M., Monday through Friday;

4. Outdoor play hours shall be limited to nine o'clock (9:00) A.M. to five o'clock (5:00) P.M., Monday through Friday;

5. Sightproof fencing, landscaping and/or additional setback shall be provided between any outdoor play area and adjacent residential uses as deemed necessary by the commission;



6. Outdoor play structures and equipment shall not be located in the front yard;
  7. In townhouse and condominium projects, facilities shall require written approval from the homeowners' association;
  8. On site drop off/pick up parking spaces may be required to be designed to prevent vehicles from backing onto the roadway, as deemed necessary by the commission; and
  9. 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 daycare business have occurred.
    - Planned unit development (residential).
    - Public use.
- C. Minimum Area Of Lot: The minimum lot area shall be as follows unless the health district determines that additional area is required to meet the minimum health standards:
1. For a one-family dwelling, two (2) one-family dwellings or a two-family dwelling, eight thousand (8,000) square feet,
  2. For a planned unit development (residential), eight thousand (8,000) square feet, plus four thousand (4,000) square feet for each dwelling unit over two (2).
- D. Minimum Area Of Townhouse Sublot: Shall be equal to that of the perimeter of an individual townhouse unit measured at the foundation and along the common party wall.
- E. Minimum Width Of Lot: Eighty feet (80').
- F. Minimum Front Yard (Minimum Distance Of Any Building From The Front Lot Line): Fifteen feet (15'); except, that on State Highway 75 where the street width is eighty feet (80'), minimum front yard shall be twenty five feet (25'), and where the street width is sixty six feet (66'), the minimum front yard shall be thirty two feet (32').
- G. Minimum Setbacks Along Warm Springs Road: All buildings shall be set back a minimum of thirty feet (30') from Warm Springs Road.
- H. Minimum Side And Rear Yards: Side and rear yards shall have a minimum of one foot (1') for every three feet (3') or fraction thereof of building height; except, that no side yard shall be less than five feet (5') and no rear yard less than fifteen feet (15'). If the lot adjoins a more restrictive district on the side or rear, the more restrictive setbacks of that district shall apply.
- I. Minimum Front, Side And Rear Yards For A Townhouse Development: Shall be as required in subsections F, G and H of this section; except, that townhouse units shall be allowed zero setbacks from the lot lines created by a townhouse sublot.
- J. Maximum Height Of Buildings And Structures: Thirty five feet (35').
- K. Maximum Building Coverage: Not more than thirty five percent (35%) of the lot area shall be covered by the principal building(s) including garages and all other accessory buildings. (Ord. 857 § 1, 2001: Ord. 767 § 1, 1999: Ord. 765 § 4, 1999: Ord. 208 § 7A, 1974)

## **Chapter 17.32**

### **GENERAL RESIDENTIAL - HIGH DENSITY DISTRICT (GR-H)**

#### **17.32.010: GR-H GENERAL RESIDENTIAL - HIGH DENSITY DISTRICT:**

The purpose of the GR-H general residential - high density district is to accommodate the need for higher density residential land use alternatives within a district generally limited to residential uses while still preserving neighborhood amenities and favorable aesthetic surroundings. Dimensional requirements in this zone are designed to complement and enhance the neighborhoods in this zone, and to encourage articulation and quality design in new buildings.

A. Uses Permitted:

- Any use permitted in GR-L general residential - low density district.
- Accessory buildings and uses as permitted in section [17.124.010](#) of this title.
- Daycare home or daycare facility.
- Multiple-family dwelling.
- Townhouse development.

B. Conditional Uses Permitted: The following uses are permitted upon issuance of a conditional use permit by the commission:

Daycare center, provided the following minimum criteria are met:

1. Hours of operation shall be limited to seven thirty o'clock (7:30) A.M. to six o'clock (6:00) P.M., Monday through Friday;
2. Outdoor play hours shall be limited to nine o'clock (9:00) A.M. to five o'clock (5:00) P.M., Monday through Friday;
3. Sightproof fencing, landscaping and/or additional setback shall be provided between any outdoor play area and adjacent residential uses as deemed necessary by the commission;
4. Outdoor play structures and equipment shall not be located in the front yard;
5. In townhouse and condominium projects, facilities shall require written approval from the homeowners' association;
6. On site drop off/pick up parking spaces may be required to be designed to prevent vehicles from backing onto the roadway, as deemed necessary by the commission; and
7. 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 daycare business have occurred.

Medical and dental clinic.

Off street private parking areas for multiple-family dwellings within two hundred fifty feet (250') of parking area.

Planned unit development (residential).

Public use.

Semipublic use.

C. Minimum Area Of Lot: The total lot area shall be not less than eight thousand (8,000) square feet, unless the health district determines that additional area is required to meet minimum health standards.

D. Minimum Area Of Townhouse Sublot: Shall be equal to that of the perimeter of an individual townhouse unit measured at the foundation and along any common party wall.

E. Minimum Width Of Lot: Eighty feet (80').

F. Minimum Front, Side And Rear Yard Setbacks: The following table establishes setbacks within the general residential - high density zone. If the lot adjoins a more restrictive district on the side or rear, the more restrictive side and rear yard setbacks of that district shall apply.

Setback	Minimum
All sides on Warm Springs Road	30 feet for all buildings
All sides Highway 75 where the ROW is 80 feet	25 feet
All sides Highway 75 where the ROW is 66 feet	32 feet
Side and rear abutting a more restrictive zone district	Setbacks from the abutting district shall apply
Side and rear abutting the 200 foot section of the former railroad right of way	5 feet

Side and rear abutting the 200 foot section of the former railroad right of way, single-family and duplexes	3 feet
Front	15 feet
Side	1 foot for every 3 feet or fraction of a foot of building height, or mean building height for roof pitches equal or greater than 5:12, but no less than 5
Side, single-family	1 foot for every 3 feet or fraction of a foot of building height, but no less than 10 feet
Rear	1 foot for every 3 feet or fraction of a foot of building height, but no less than 15 feet
Rear, single-family	15 feet

G. Minimum Front, Side And Rear Yards For A Townhouse Development: Shall be as required in this subsection and subsection F of this section; except, that townhouse units shall be allowed zero setbacks from the lot lines created by a townhouse development.

H. Maximum Floor Area Ratios:

1. General Requirements: All new building and alterations to existing building shall be subject to the maximum floor area ratio described below:

Permitted	Inclusionary Housing Incentive
Gross FAR: 0.5	Gross FAR: 1.4
Areas of demonstrated high ground water: Gross FAR: 0.5	Gross FAR: 1.4, with a square footage credit for aboveground parking, as outlined in subsection H2b(2) of this section

2. Inclusionary Housing Incentive:

- a. The purpose of this subsection H2 is to encourage new development in this zoning district to include a reasonable supply of affordable and resident occupied work force housing for sale or rent, to help meet the demand and needs for housing of the community's employees with incomes between eighty percent (80%) and two hundred percent (200%) of the area median income. Land within the GR-H zone may be built to a FAR of 0.5. As an incentive to build community housing units, floor area may be increased up to a FAR of 1.64 if a percentage of the increased floor area is dedicated community housing.
- b. An increased FAR may be permitted up to a maximum of 1.64 subject to design review approval, and provided, that all of the following conditions are met:
  - (1) A minimum of twenty percent (20%) of the total increase in gross floor area above the greater of 0.5 FAR is deed restricted in perpetuity as community housing unit(s). Of this gross square footage, a fifteen percent (15%) reduction will be allowed as a standard discount from gross square footage to net livable square footage for community housing units.
  - (2) After calculating net livable square footage, an allowance can be made for projects with demonstrated ground water issues as documented by a registered engineer. Upon determination by the city that ground water on the subject property precludes underground parking, a credit of three hundred fifty (350) square feet per required parking space shall be subtracted from the net livable square footage prior to the calculation for the twenty percent (20%) deed restricted community housing. Parking space credit shall be rounded to the nearest whole number, and shall not be calculated as fractions.
 

Example calculation:

Site area: 8,000 square feet

Proposed FAR: 1.3 (1.3 x 8,000 = 10,400 gross square feet)

Subtract gross square footage under .5 FAR: (.5 x 8,000 = 4,000. 10,400 - 4,000 = 6,400 gross square feet)

.15 reduction from gross to net (6,400 x .15 = 960. 6,400 - 960 = 5,440 net square feet)

Required parking: 6 spaces

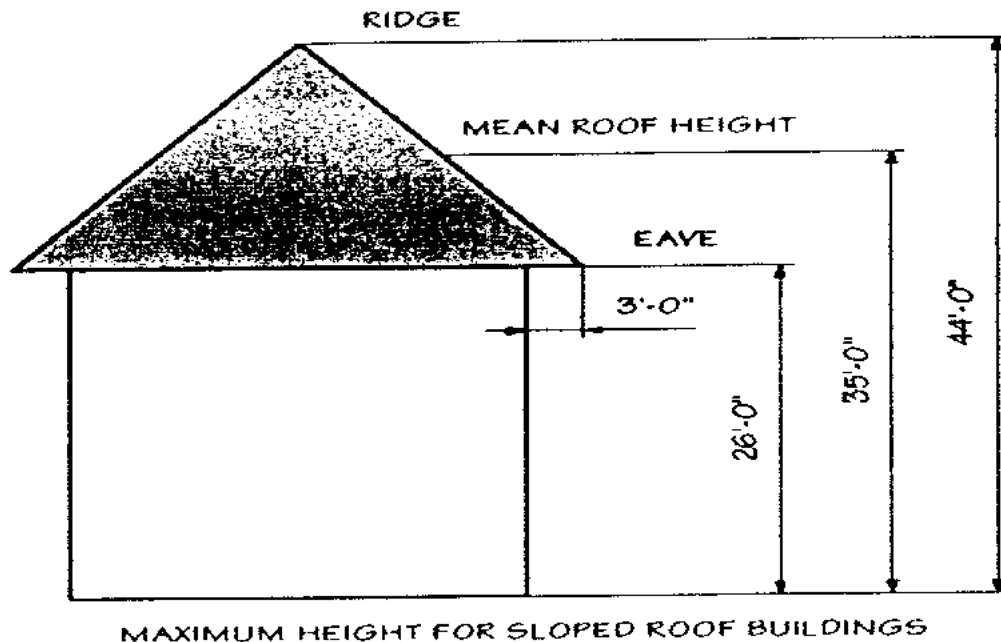
Parking allowance for demonstrated ground water issues (350 square feet per required parking space): 6 x 350 = 2,100 square feet

Deed restricted housing calculation (net livable square footage minus parking allowance, times .20): 5,780 - 2,100 = 3,680 x .20 = 736 net square feet required deed restricted housing
  - (3) Community housing requirements may be paid via a fee in lieu of housing. The community housing units times the fee equals the amount due to the city. The fee in lieu shall be recommended by the governing housing authority on an annual basis and adopted by the city council. For fractions of units, the developer has the option of providing a full housing unit rather than paying the fee in lieu or working with the city or other nonprofit entity to construct the balance of the community housing unit with additional funds.
  - (4) All community housing units, either for sale or rent, shall be administered by the governing housing authority, unless otherwise determined by the city council. The governing housing authority shall recommend the types, locations and categories of all proposed community housing units for approval by the city.

- (5) All community housing units shall be within the governing housing authority income categories. The definition of "community housing units" shall be pursuant to the governing housing authority guidelines within the section titled "Definitions". The definition of "who may qualify to purchase or rent affordable housing" shall be maintained in the governing housing authority guidelines and adopted by the city council. Each of these definitions is subject to change from time to time at the discretion of the governing housing authority board of directors.
- (6) The city's goal is to encourage the construction of whole units, and not to create a program for fee in lieu for whole units. However, the city council may consider a request by the property owner to pay a fee in lieu for the construction of a complete community housing unit or other such considerations as the city council deems appropriate. The city council has full discretionary power to determine said request. Said in lieu payment is not bound by any adopted fee schedule and is subject to negotiation on a case by case basis.
- c. Land within the GR-H district with ground water issues that preclude the construction of underground parking may be built to a gross FAR of 1.2 and a net FAR of 1.0. As an incentive to build community housing units, floor area may be increased up to a FAR of 1.7 if a percentage of the increased net livable floor area is dedicated to community housing at a ratio of one to one (1:1) net livable community housing floor area to market rate housing.

#### I. Maximum Height Of Buildings:

1. For buildings with a roof pitch under five to twelve (5:12) or for mansard roof buildings, the maximum building height shall be thirty five feet (35').
2. For buildings with a roof pitch equal or greater than five to twelve (5:12), the maximum height to the mean point of the ridge or ridges measured from eaves line to the ridge top shall be thirty five feet (35'). Roof ridges above the mean point may extend up to a height of forty four feet (44').



J. Minimum Open Site Area: To maintain a sense of open space in all new building sites, a minimum amount of open site area of thirty five percent (35%) is required of all projects.

1. This minimum open site area shall be a percentage of the total development parcel.
2. The required open site area shall be exclusive of buildings, structures, parking areas, driveways, cul-de-sacs or streets. A maximum of five percent (5%) of the open site area may be used for private decks or patios and walkways, subject to design review approval. (Ord. 1026 §§ 1, 2, 3, 4, 5, 2007: Ord. 998 § 1, 2006)

## Chapter 17.36 MOBILE HOME DISTRICT (MH)

### 17.36.010: MH MOBILE HOME DISTRICT:

The purpose of the MH mobile home district is to provide medium density residential development for mobile homes which are properly located in community patterns. Such uses are to be within mobile home parks which are compatible for mobile home uses and which are in harmony with community facilities.

**A. Uses Permitted:**

Mobile home parks, including accessory buildings and uses for service and recreation, provided each mobile home park is constructed according to plans approved by the city council, including, but not limited to, the following provisions:

1. Adequate water and sewage systems, as approved by the city council.
2. Paved and lighted driveways and walkways, twenty four (24) and four feet (4') wide, respectively, constructed according to plans approved by the council.
3. Central park and recreation area containing at least one hundred (100) square feet of area per mobile home space.
4. Sanitary service building facilities and a refuse disposal method as approved by a physician appointed by the council.
5. Sites for each mobile home shall be at least forty feet (40') wide and contain at least three thousand (3,000) square feet of area.
6. The setbacks for each mobile home shall be a minimum of:
  - a. Ten feet (10') for front yard; and
  - b. Eight feet (8') for side and rear yards.
7. Any use permitted in LR, limited residential district. Setback and building height limitations shall be the same as those in an LR, limited residential district.

**B. Minimum Area Of Lot:** Three (3) acres for a mobile home park.

**C. Minimum Width Of Lot:** Two hundred feet (200') for a mobile home park.

**D. Minimum Front Yard (Minimum Distance Of Any Building Or Mobile Home From The Front Lot Line Of The Mobile Home Park):** Twenty five feet (25'); except, that on Warm Springs Road, the minimum front yard shall be forty feet (40'); and on State Highway 75 where the street width is eighty feet (80'), the minimum front yard shall be thirty five feet (35'), and where the street width is sixty six feet (66'), the minimum front yard shall be forty two feet (42').

**E. Minimum Side And Rear Yards (Minimum Distance Of Any Building Or Mobile Home From Each Side And Rear Lot Line Of The Mobile Home Park):** Twenty five feet (25').

**F. Maximum Height Of Buildings:** Twenty five feet (25').

**G. Maximum Building Coverage:** Not more than thirty five percent (35%) of the total lot area shall be covered by mobile homes and buildings. (Ord. 208 § 8, 1974)

## **Chapter 17.40 SHORT TERM OCCUPANCY - .4 ACRE ZONING DISTRICT (STO-.4)**

### **17.40.010: STO-.4 SHORT TERM OCCUPANCY - .4 ACRE ZONING DISTRICT:**

The purpose of the STO-.4 short term occupancy - .4 acre zoning district is to identify and preserve recreation oriented neighborhoods, to prevent overcrowding of land and to encourage the development of moderately low density areas suited for single-family structures with the alternative of limited short term occupancy use.

**A. Uses Permitted:**

Accessory buildings and uses as permitted by section [17.124.010](#) of this title.

Daycare home, provided it is incidental and subordinate to the primary residential use.

One one-family dwelling of not less than one thousand (1,000) square feet of floor area.

Parks, playgrounds and golf courses.

Public utility and service installations and facilities.

Short term occupancy excepting hotels, motels, tourist homes and timeshare occupancy.

B. Minimum Area Of Lot: The minimum lot area for a single-family dwelling shall be four-tenths (0.4) acre unless the health district determines that additional area is required to meet minimum health standards.

C. Average Width Of Lot: Eighty feet (80').

D. Minimum Front Yard (Minimum Distance Of Any Building From The Front Lot Line): Fifteen feet (15'); except, that on Warm Springs Road, the minimum front yard shall be thirty feet (30'); and on State Highway 75, the minimum front yard shall be four hundred feet (400').

E. Minimum Side And Rear Yards (Minimum Distance Of Any Building From Each Side And Rear Lot Line): Side and rear yards shall have a minimum of one foot (1') for every two feet (2') or fraction thereof of building height; except, that no side yard shall be less than ten feet (10') and no rear yard less than twenty feet (20'), except on State Highway 75, the minimum front yard shall be four hundred feet (400').

F. Maximum Height Of Buildings: Any building or structure shall not exceed thirty five feet (35') in height.

G. Maximum Building Coverage: Not more than twenty five percent (25%) of the lot area shall be covered by buildings, including accessory buildings. (Ord. 975 § 1, 2006: Ord. 208 § 9A, 1974)

## **Chapter 17.44**

### **SHORT TERM OCCUPANCY - ONE ACRE ZONING DISTRICT (STO-1)**

#### **17.44.010: STO-1 SHORT TERM OCCUPANCY - ONE ACRE ZONING DISTRICT:**

The purpose of the STO-1 short term occupancy - one acre zoning district is to identify and preserve recreation oriented neighborhoods, to prevent overcrowding of land and to encourage the development of low density areas suited for single-family structures with the alternative for limited short term occupancy use.

##### **A. Uses Permitted:**

Daycare home, provided it is incidental and subordinate to the primary residential use.

Essential public utility and service installations and facilities.

One one-family dwelling of not less than one thousand (1,000) square feet of floor area.

Only the following accessory buildings and uses:

1. Household pets;
2. Off street parking space and garages;
3. Fences, hedges and walls;
4. Private greenhouses, swimming pools, tennis courts and fallout shelters; and
5. Cultivation and storage of vegetables, plants and flowers produced on the premises.

Parks, playgrounds and golf courses.

Short term occupancy excepting hotels, motels, tourist homes and timeshare occupancy.

- B. Minimum Area Of Lot: The minimum lot area for single-family dwelling shall be one acre unless the health district determines that additional area is required to meet minimum health standards.
- C. Average Width Of Lot: One hundred feet (100').
- D. Minimum Front Yard (Minimum Distance Of Any Building From The Front Lot Line): Fifteen feet (15'); except, that on Warm Springs Road, the minimum front yard shall be thirty feet (30'); and on State Highway 75, the minimum front yard shall be four hundred feet (400').
- E. Minimum Side And Rear Yards (Minimum Distance Of Any Building From Each Side And Rear Lot Line): Side and rear yards shall have a minimum of one foot (1') for every two feet (2') or fraction thereof of building height; except, that no side yard shall be less than ten feet (10') and no rear yard less than twenty feet (20'), except on State Highway 75, the minimum front yard shall be four hundred feet (400').
- F. Maximum Height Of Buildings: Any building or structure shall not exceed thirty five feet (35') in height.
- G. Maximum Building Coverage: Not more than twenty five percent (25%) of the lot area shall be covered by buildings, including accessory buildings. (Ord. 208 § 9B, 1974)

## Chapter 17.48 SHORT TERM OCCUPANCY - HIGH DENSITY ZONING DISTRICT (STO-H)

### 17.48.010: STO-H SHORT TERM OCCUPANCY - HIGH DENSITY ZONING DISTRICT:

The purpose of the STO-H short term occupancy - high density zoning district is to accommodate the need for higher density limited short term occupancy land use adjacent to recreation facilities while still preserving neighborhood amenities and favorable aesthetic surroundings.

#### A. Uses Permitted:

Any use permitted in GR-L general residential - low density zoning district and GR-H general residential - high density zoning district, except guesthouse and daycare facility.

Accessory buildings and uses as permitted in section [17.124.010](#) of this title.

Daycare home, provided it is incidental and subordinate to the primary residential use.

Multiple-family dwelling.

Public utility and service installations and facilities.

Short term occupancy excepting hotels, motels, tourist homes and timeshare occupancy.

#### B. Conditional Uses Permitted: The following uses are permitted upon the issuance of a conditional use permit by the planning and zoning commission:

Day nursery.

Nursing home or sanitarium.

Planned unit development.

#### C. Minimum Area Of Lot: The total lot area shall be not less than nine thousand (9,000) square feet, and shall be not less than three thousand (3,000) square feet for each dwelling unit unless the health district determines that additional area is required to meet minimum health standards.

- D. Minimum Area Of Townhouse Sublot: Shall be equal to that of the perimeter of an individual townhouse unit measured at the foundation and along any common party wall.
- E. Minimum Width Of Lot: One hundred feet (100').
- F. Minimum Front Yard: Fifteen feet (15'); except, that on Warm Springs Road, the minimum front yard shall be thirty feet (30'), and on State Highway 75, the minimum front yard shall be four hundred feet (400').
- G. Minimum Side And Rear Yards: Side and rear yards shall have a minimum of one foot (1') for every three feet (3') or fraction thereof of building height; except, that no side yard shall be less than five feet (5') and no rear yard less than fifteen feet (15'). If the lot adjoins a more restrictive district on the side or rear, the more restrictive setbacks of that district shall apply, except on State Highway 75, the minimum front yard shall be four hundred feet (400').
- H. Minimum Front, Side And Rear Yards For A Townhouse Development: Shall be as required in subsections F and G of this section; except, that townhouse units shall be allowed zero setbacks from the lot lines created by a townhouse sublot.
- I. Maximum Height Of Buildings And Structures: Thirty five feet (35').
- J. Maximum Building Coverage: Not more than thirty five percent (35%) of the lot area shall be covered by buildings, and not more than seventy five percent (75%) of the lot area shall be covered by buildings, parking areas and other accessory buildings and uses.
- K. Parking Requirements: Shall be in accordance with subsection [17.124.060A](#) of this title. (Ord. 208 § 9C, 1974)

## Chapter 17.52 TOURIST DISTRICT (T)

### 17.52.010: T TOURIST DISTRICT:

The purpose of the T tourist district is to provide the opportunity for high density residential and tourist use, land ownership and development including certain restricted business and personal service establishments in conjunction with such use, which can be justified on the basis of the primary use within the district. Tourist district classifications are intended to be carefully placed in the neighborhood structure to assure the closest possible compatibility with the surrounding uses and development. Dimensional requirements in this zone are designed to complement and enhance the neighborhoods in this zone, and to encourage articulation and quality design in new buildings. The tourist zone contains several distinct areas, including the Entrance Corridor, Second Avenue, River Run, Warm Springs Base Area and Saddle Road. The Ketchum comprehensive plan provides policy and land use guidance for each of these specific areas.

#### A. Uses Permitted:

- Any use permitted in the GR-H general residential - high density district.
- Accessory buildings and uses as permitted by section [17.124.010](#) of this title.
- Athletic facilities, exercise and dance studios.
- Boarding and rooming houses.
- Daycare home, daycare facility or daycare center, provided it is not located within the avalanche zone.
- Hotels, motels and lodges.
- Medical and dental clinics.
- Membership clubs.
- Nursing homes and sanitariums.



Personal service establishments limited to the following: beauty salons and related services, florist sales, magazine outlets.

Repair shop limited to skis, ski equipment, golf, bicycle, tennis, fishing and small personal nonmotorized sports equipment.

Restaurants, including bar and outside seating.

Retail store, provided the total floor area is less than two thousand five hundred (2,500) square feet.

Timeshare occupancy.

Tourist homes.

Tourist housing accommodations.

B. Conditional Uses: The following uses may be permitted upon the issuance of a conditional use permit by the planning and zoning commission:

Banks, savings and loan, and financial institutions.

Off street parking areas as outlined in section [17.124.060](#) of this title.

Offices.

Planned unit development, including hotels that exceed the bulk and other requirements herein, subject to subsection H3 of this section.

Public use.

Recreation uses.

Semipublic uses.

C. Minimum Area Of Lot: The minimum lot area shall not be less than eight thousand (8,000) square feet unless the health district determines that additional area is required to meet minimum health standards.

D. Minimum Area Of Townhouse Sublot: Shall be equal to that of the perimeter of an individual townhouse unit measured at the foundation and along any common party wall.

E. Minimum Width Of Lot: Eighty feet (80').

F. Minimum Setbacks: The following table establishes setbacks within the tourist zone. If a lot adjoins a more restrictive district on the side or rear, the more restrictive side and rear yard setbacks of that district shall apply.

Setback	Minimum
All sides on Warm Springs Road	30 feet for all buildings
All sides Highway 75 where the ROW is 80 feet	25 feet
All sides Highway 75 where the ROW is 66 feet	32 feet
Side and rear abutting a more restrictive zone district	Setbacks from the abutting district shall apply
Side and rear abutting the 200 foot section of the former railroad right of way	5 feet
Side and rear abutting the 200 foot section of the former railroad right of way, single-family and duplexes	3 feet
Front	15 feet
Side	1 foot for every 3 feet or fraction of a foot of building height, but no less than 5 feet
Side, single-family	1 foot for every 3 feet or fraction of a foot of building height, but no less than 10 feet
Rear	1 foot for every 3 feet or fraction of a foot of building height, but no less than 10 feet
Rear, single-family	15 feet

G. Minimum Front, Side And Rear Yards For A Townhouse Development: Shall be as required in this subsection and subsections F, H and I of this section; except, that townhouse units shall be allowed zero setbacks from the lot lines created by a townhouse sublot.

#### H. Maximum Floor Area Ratios:

1. General Requirements: All new buildings and alterations to existing buildings shall be subject to the maximum floor area ratio (FAR) described below. Hotels that meet the definition of "hotel" found in [chapter 17.08](#) of this title may exceed the floor area listed below subject to subsection H3 of this section.

Permitted	Inclusionary Housing Incentive
Gross FAR: 0.5	Gross FAR: 1.6

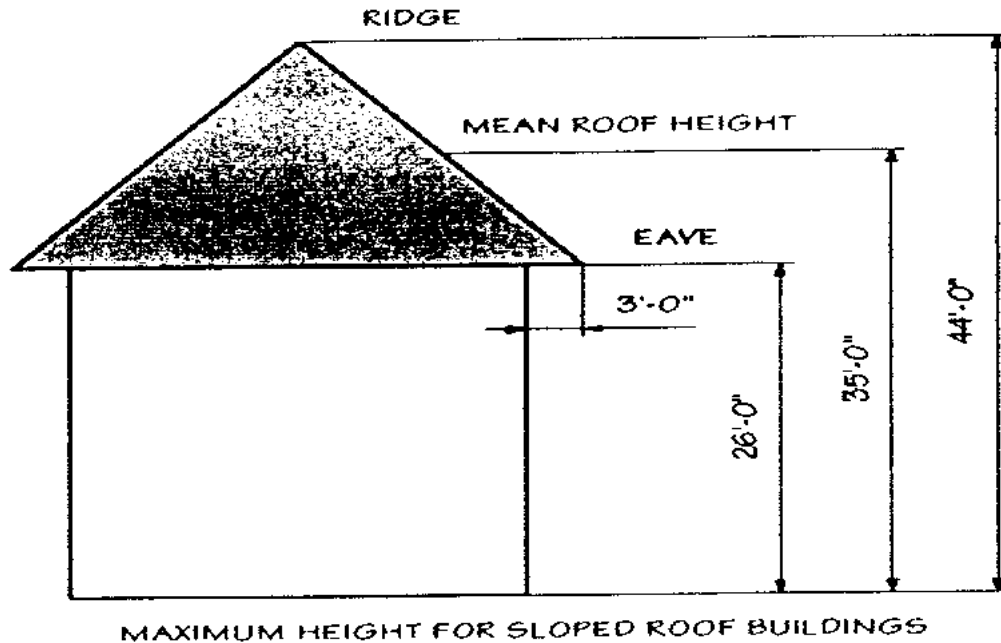
#### 2. Inclusionary Housing Incentive:

- a. The purpose of this subsection H2 is to encourage new development in this zoning district to include a reasonable supply of affordable and resident occupied work force housing for sale or rent, to help meet the demand and needs for housing of the community's employees with incomes between eighty percent (80%) and two hundred percent (200%) of the area median income. Land within the tourist zone may be built to a FAR of 0.5 or five thousand (5,000) gross square feet, whichever is greater. As an incentive to build community housing units, floor area may be increased up to a FAR of 1.6 if a percentage of the increased building square footage above the greater of 0.5 FAR or five thousand (5,000) gross square feet is dedicated community housing.
- b. An increased FAR may be permitted up to a maximum of 1.6, subject to design review approval, and provided, that all of the following conditions are met:
- (1) A minimum of twenty percent (20%) of the greater of 0.5 FAR or five thousand (5,000) gross square feet is deed restricted in perpetuity as community housing units. Of this gross square footage, a fifteen percent (15%) reduction will be allowed as a standard discount from gross floor area to net livable square footage of the community housing units.
  - (2) Any fraction of community housing requirements may be paid via a fee in lieu of housing. The fraction of community housing units times the fee equals the amount due to the city. The fee in lieu shall be recommended by the governing housing authority on an annual basis and adopted by the city council. The developer has the option of providing a full housing unit rather than paying the fee in lieu or working with the city or other nonprofit entity to construct the balance of the community housing unit with additional funds.
  - (3) All community housing units, either for sale or rent, shall be administered by the governing housing authority, unless otherwise determined by the city council. The governing housing authority shall recommend the types, locations and categories of all proposed community housing units for approval by the city.
  - (4) All community housing units shall be within the governing housing authority income categories. The definition of "community housing units" shall be pursuant to the governing housing authority guidelines within the section titled "Definitions". The definition of "who may qualify to purchase or rent affordable housing" shall be maintained in the governing housing authority guidelines and adopted by the city council. Each of these definitions is subject to change from time to time at the discretion of the governing housing authority board of directors.
  - (5) The city's goal is to encourage the construction of whole units, and not to create a program for fee in lieu for whole units. However, the city council may consider a request by the property owner to pay a fee in lieu of constructing a complete community housing unit, or other such considerations as the city council deems appropriate. The city council has full discretionary power to determine said request. Said in lieu payment is not bound by any adopted fee schedule and is subject to negotiation on a case by case basis.
3. Hotels: Hotels which meet the definition of "hotel" in [chapter 17.08](#) of this title may exceed the maximum floor area and height or minimum open site area requirements of this chapter subject to the following review process:
- a. Planned Unit Development: A planned unit development shall be prepared for the proposal and approved by the city which specifically outlines the waivers to bulk regulations requested.
  - b. Subarea Analysis: A subarea analysis shall be prepared which addresses the comprehensive plan designation for the subarea; impacts of the proposed hotel on the character and scale of the surrounding neighborhood; impacts on proposed height and mass relative to the city's design review standards and the PUD standards; and the appropriateness of the subarea for a hotel which exceeds the bulk requirements of this section.
  - c. Hotel Developments: For hotel developments, community housing calculations apply to all residential units. However, one hundred percent (100%) of the community housing requirement will be waived only for the residential portion of hotel projects that meet the hotel definition adopted by the Ketchum city council provided the project obtains a complete building permit prior to June 1, 2010.
  - d. Employee Housing: Hotel developments are required to mitigate employee housing impacts at a ratio of twenty five percent (25%) of the total number of employees calculated by the following formula: One employee per hotel room or bedroom.
  - e. Employee Housing Plan: The applicant shall provide an employee housing plan which outlines the number of employees, income categories and other pertinent data. The employee housing plan shall be the basis of the applicant's proposal for a mix of employee housing which addresses the range of employees needed to serve the hotel.
  - f. Alternate Means For Housing: The city council may consider a request by the hotel developer to satisfy any required employee or community housing square footage by alternate means. Off site mitigation, payment of in lieu fees, land in lieu of units, voluntary real estate transfer fees or other considerations may be proposed by the hotel developer. Larger sites are encouraged to include workforce housing on site. The city council has full discretionary power to deny said request.
  - g. Development Agreement: Hotels shall enter into a development agreement with the city as part of the approval process. Said development agreement may address the following subjects: community housing, hotel room uses and restrictions, public access on the property, alternatives and remedies if the hotel use ceases, and any other issue the planning and zoning commission or city council deems appropriate. Said development agreement shall follow the public hearing process as outlined in [chapter 16.08](#), "Planned Unit Developments", of this code. Said development agreement shall be subject to

sections [17.154.060](#), "Enforcement", and [17.154.070](#), "Modification And Termination", of this title.

I. Maximum Height Of Buildings:

1. For buildings with a roof pitch under five to twelve (5:12) or for mansard roof buildings, the maximum building height shall be thirty five feet (35').
2. For buildings with a roof pitch greater than five to twelve (5:12), the maximum height to the mean point of the ridge or ridges measured from eaves line to the ridge top shall be thirty five feet (35'). Roof ridges above the mean point may extend up to a height of forty four feet (44').



J. Minimum Open Site Area: To maintain a sense of open space in all new building sites, a minimum amount of open site area of thirty five percent (35%) is required of all projects.

1. This minimum open site area shall be a percentage of the total development parcel.
2. The required open site area shall be exclusive of buildings, structures, private decks or patios, parking areas, driveways, cul-de-sacs or streets. A maximum of five percent (5%) open site area may be used for private decks or patios and walkways subject to design review approval. (Ord. 1033 § 3, 2008: Ord. 998 § 2, 2006)

## Chapter 17.56 TOURIST - 3000 ZONING DISTRICT (T-3000)

### 17.56.010: TOURIST - 3000 ZONING DISTRICT:

The purpose of the T-3000 zoning district is to provide the opportunity for short term tourist accommodations with limited tourist support services subordinate to and in conjunction with tourist housing. Dimensional requirements in this zone are designed to complement and enhance the neighborhoods in this zone and to encourage articulation and quality design in new buildings.

A. Uses Permitted:

Any uses permitted in GR-L, GR-H, LR-2, STO-1, STO-4, STO-H and LR districts.

Daycare home, daycare facility, or daycare center, provided it is not located within the avalanche zone.

Planned unit development.

Restaurants and bars, personal service establishments, repair shops all subordinate to and operated within tourist housing, the total of the above uses not to exceed ten percent (10%) of the gross floor area of the tourist housing facility.

Timeshare occupancy.

Tourist housing accommodations including hotels, motels, lodges, boarding and rooming houses, and bed and breakfast establishments.

#### B. Conditional Uses:

Off street parking areas, as outlined in section [17.124.060](#) of this title.

Off street parking accessory to a primary residential or tourist lodging use which is greater than one space per sleeping room; and/or:

Off street parking accessory to all other primary uses which is in excess of the requirements set forth in section [17.124.060](#), "Off Street Parking Space", of this title, by more than twenty five percent (25%) or fifteen (15) parking spaces, whichever is greater;

Together with standards for evaluation of applications for conditional use permits for such accessory off street parking, described in this subsection, as follows:

1. Off street parking accessory to a principal use does not serve the general public using off site facilities and services.
2. Vehicular traffic generated from the parking area minimizes conflict with pedestrians.
3. Vehicular traffic flows safely and uninhibited within the parking area and onto adjacent streets and primary arterial roadways.
4. Parking areas have functional aisle dimensions, backup space and turning radii.
5. Parking areas are located so not to adversely impact adjacent properties with regard to noise, lights and visual consideration.
6. Curb cuts are located away from major intersections and off high volume roadways.
7. Adequate snow storage areas are provided.

Public use.

Recreation uses.

Semipublic use.

C. Minimum Area Of Lot: The minimum lot area shall not be less than eight thousand (8,000) square feet, unless the health district determines that additional area is required to meet minimum health standards.

D. Minimum Area Of Townhouse Sublot: Shall be equal to that of the perimeter of an individual townhouse unit measured at the foundation and along any common party wall.

E. Minimum Width Of Lot: Eighty feet (80').

F. Minimum Front Yard: Fifteen feet (15').

G. Minimum Setbacks Along Warm Springs Road: All buildings shall be set back a minimum of thirty feet (30') from Warm Springs Road.

H. Minimum Side And Rear Yards (Minimum Distance Of Any Building From Each Side And Rear Lot Line): One foot (1') for every three feet (3') or fraction thereof of building height; except, that no side or rear yard shall be less than five feet (5'), except thirty feet (30') on Warm Springs Road, and that single-family dwellings shall have one foot (1') for every three feet (3') or fraction thereof of building height, and no side yard of a single-family dwelling shall be less than ten feet (10'), and no rear yard shall be less than fifteen feet (15'). If the lot adjoins a more restrictive lot on the side or rear, the more restrictive side and rear yards of that district shall apply.

I. Minimum Front, Side And Rear Yards For A Townhouse Development: Shall be as required in subsections F, G and H of this section; except, that townhouse

units shall be allowed zero setbacks from the lot lines created by a townhouse subplot.

#### J. Maximum Floor Area Ratios:

1. General Requirements: All new buildings and alterations to existing buildings shall be subject to the maximum floor area ratio (FAR) described below. Hotels that meet the definition of "hotel" found in [chapter 17.08](#) of this title may exceed the floor area ratio listed below subject to subsection J3 of this section.

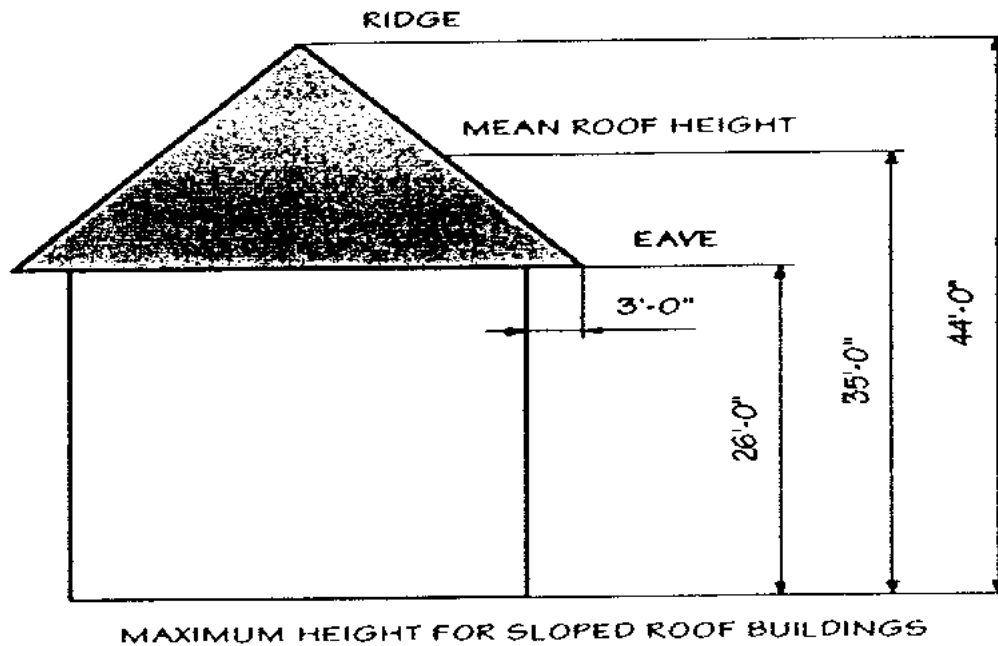
Permitted	Inclusionary Housing Incentive
Gross FAR: 0.5	Gross FAR: 1.6

#### 2. Inclusionary Housing Incentive:

- a. The purpose of this subsection J2 is to encourage new development in this zoning district to include a reasonable supply of affordable and resident occupied work force housing for sale or rent to help meet the demand and needs for housing of the community's employees with incomes between eighty percent (80%) and two hundred percent (200%) of the area median income. Land within the tourist 3000 zone may be built to a FAR of 0.5 or five thousand (5,000) gross square feet, whichever is greater. As an incentive to build community housing units, floor area may be increased up to a FAR of 1.6, if a percentage of the increased building square footage above the greater of 0.5 FAR or five thousand (5,000) gross square feet is dedicated community housing.
- b. An increased FAR may be permitted up to a maximum of 1.6, subject to design review approval, and provided, that all of the following conditions are met:
- (1) A minimum of twenty percent (20%) of the increased gross floor area is deed restricted in perpetuity as community housing unit(s). Of this gross square footage, a fifteen percent (15%) reduction will be allowed as a standard discount from gross square footage to net livable square footage for community housing units.
  - (2) Any fraction of community housing requirements may be paid via a fee in lieu of housing. The fraction of community housing units times the fee equals the amount due to the city. The fee in lieu shall be recommended by the governing housing authority on an annual basis and adopted by the city council. The developer has the option of providing a full housing unit rather than paying the fee in lieu or working with the city or other nonprofit entity to construct the balance of the community housing unit with additional funds.
  - (3) All community housing units, either for sale or rent, shall be administered by the governing housing authority unless otherwise determined by the city council. The governing housing authority shall recommend the types, locations and categories of all proposed community housing units for approval by the city.
  - (4) All community housing units shall be within the governing housing authority income categories. The definition of "community housing units" shall be pursuant to the governing housing authority guidelines within the section titled "Definitions". The definition of "who may qualify to purchase or rent affordable housing" shall be maintained in the governing housing authority guidelines and adopted by the city council. Each of these definitions is subject to change from time to time at the discretion of the governing housing authority board of directors.
  - (5) The city's goal is to encourage the construction of whole units, and not to create a program for fee in lieu for whole units. However, the city council may consider a request by the property owner to pay a fee in lieu of constructing a complete community housing unit, or other such considerations as the city council deems appropriate. The city council has full discretionary power to determine said request. Said in lieu payment is not bound by any adopted fee schedule and is subject to negotiation on a case by case basis.
3. Hotels: Hotels which meet the definition of "hotel" in [chapter 17.08](#) of this title may exceed the maximum floor area and height or minimum open site area requirements of this chapter subject to the following review process:
- a. A planned unit development shall be prepared for the proposal and approved by the city which specifically outlines the waivers to bulk regulations requested.
  - b. A subarea analysis shall be prepared which addresses the comprehensive plan designation for the subarea, impacts of the proposed hotel on the character and scale of the surrounding neighborhood, impacts on proposed height and mass relative to the city's design review standards and the PUD standards, and the appropriateness of the subarea for a hotel which exceeds the bulk requirements of this section.

#### K. Maximum Height Of Buildings:

1. For buildings with a roof pitch under five to twelve (5:12) or for mansard roof buildings, the maximum building height shall be thirty five feet (35').
2. For buildings with a roof pitch greater than five to twelve (5:12), the maximum height to the mean point of the ridge or ridges measured from eaves line to the ridge top shall be thirty five feet (35'). Roof ridges above the mean point may extend up to a height of forty four feet (44').



L. Minimum Open Site Area: To maintain a sense of open space in all new building sites, a minimum amount of open site area of thirty five percent (35%) is required of all projects.

1. This minimum open site area shall be a percentage of the total development parcel.
2. The required open site area shall be exclusive of buildings, structures, private decks or patios, parking areas, driveways, cul-de-sacs or streets. A maximum of five percent (5%) open site area may be used for private decks or patios and walkways subject to design review approval. (Ord. 998 § 3, 2006)

## Chapter 17.60 TOURIST - 4000 ZONING DISTRICT (T-4000)

### 17.60.010: TOURIST - 4000 ZONING DISTRICT:

The purpose of the T-4000 zoning district is to provide the opportunity for short term tourist accommodations with limited tourist support services subordinate to and in conjunction with tourist housing. Dimensional requirements in this zone are designed to complement and enhance the neighborhoods in this zone and to encourage articulation and quality design in new buildings.

#### A. Uses Permitted:

Any uses permitted in GR-L, GR-H, LR-2, STO-1, STO-4, STO-H and LR districts.

Daycare home, daycare facility or daycare center.

Planned unit development.

Restaurants and bars, personal service establishments, repair shops all subordinate to and operated within tourist housing, the total of the above uses not to exceed ten percent (10%) of the gross floor area of the tourist housing facility.

Timeshare occupancy.

Tourist housing accommodations including hotels, motels, lodges, boarding and rooming houses, and bed and breakfast establishments.

#### B. Conditional Uses:

Geothermal utility for off site use.

Off street parking areas, as outlined in section [17.124.060](#) of this title.

Off street parking accessory to a primary residential or tourist lodging use which is greater than one space per sleeping room; and/or:

Off street parking accessory to all other primary uses which is in excess of the requirements set forth in section [17.124.060](#), "Off Street Parking Space", of this title, by more than twenty five percent (25%) or fifteen (15) parking spaces, whichever is greater;

Together with standards for evaluation of applications for conditional use permits for such accessory off street parking, described in this subsection, as follows:

1. Off street parking accessory to a principal use does not serve the general public using off site facilities and services.
2. Vehicular traffic generated from the parking area minimizes conflict with pedestrians.
3. Vehicular traffic flows safely and uninhibited within the parking area and onto adjacent streets and primary arterial roadways.
4. Parking areas have functional aisle dimensions, backup space and turning radii.
5. Parking areas are located so not to adversely impact adjacent properties with regard to noise, lights and visual consideration.
6. Curb cuts are located away from major intersections and off high volume roadways.
7. Adequate snow storage areas are provided.

Public use.

Recreation uses.

Semipublic use.

C. Minimum Area Of Lot: The minimum lot area shall not be less than eight thousand (8,000) square feet, unless the health district determines that additional area is required to meet minimum health standards.

D. Minimum Area Of Townhouse Sublot: Shall be equal to that of the perimeter of an individual townhouse unit measured at the foundation and along any common party wall.

E. Minimum Width Of Lot: Eighty feet (80').

F. Minimum Front Yard: Fifteen feet (15').

G. Minimum Setbacks Along Warm Springs Road: All buildings shall be set back a minimum of thirty feet (30') from Warm Springs Road.

H. Minimum Side And Rear Yards (Minimum Distance Of Any Building From Each Side And Rear Lot Line): One foot (1') for every three feet (3') or fraction thereof of building height; except, that no side or rear yard shall be less than five feet (5'), except thirty feet (30') on Warm Springs Road, and that single-family dwellings shall have one foot (1') for every three feet (3') or fraction thereof of building height, and no side yard of a single-family dwelling shall be less than ten feet (10'), and no rear yard shall be less than fifteen feet (15'). If the lot adjoins a more restrictive lot on the side or rear, the more restrictive side and rear yards of that district shall apply.

I. Minimum Front, Side And Rear Yards For A Townhouse Development: Shall be as required in subsections F, G and H of this section; except, that townhouse units shall be allowed zero setbacks from the lot lines created by a townhouse sublot.

J. Maximum Floor Area Ratios:

1. Established: All new buildings and alterations to existing buildings shall be subject to the maximum floor area ratio (FAR) described below. Hotels that meet the definition of "hotel" found in [chapter 17.08](#) of this title may exceed the floor area ratio listed below subject to subsection J3 of this section.

Permitted	Inclusionary Housing Incentive
Gross FAR: 0.5	Gross FAR: 1.6

## 2. Inclusionary Housing Incentive:

- a. The purpose of this subsection J2 is to encourage new development in this zoning district to include a reasonable supply of affordable and resident occupied work force housing for sale or rent, to help meet the demand and needs for housing of the community's employees with incomes between eighty percent (80%) and two hundred percent (200%) of the area median income. Land within the tourist 4000 zone may be built to a FAR of 0.5, or five thousand (5,000) gross square feet whichever is greater. As an incentive to build community housing units, floor area may be increased up to a FAR of 1.6, if a percentage of the increased building square footage above the greater of 0.5 FAR or five thousand (5,000) gross square feet is dedicated community housing.
- b. An increased FAR may be permitted up to a maximum of 1.6, subject to design review approval, and provided, that all of the following conditions are met:
  - (1) A minimum of twenty percent (20%) of the total increased gross floor area is deed restricted in perpetuity as community housing unit(s). Of this gross square footage, a fifteen percent (15%) reduction will be allowed as a standard discount from gross square footage to net livable square footage for community housing units.
  - (2) Any fraction of community housing requirements may be paid via a fee in lieu of housing. The fraction of community housing units times the fee equals the amount due to the city. The fee in lieu shall be recommended by the governing housing authority on an annual basis and adopted by the city council. The developer has the option of providing a full housing unit rather than paying the fee in lieu or working with the city or other nonprofit entity to construct the balance of the community housing unit with additional funds.
  - (3) All community housing units, either for sale or rent, shall be administered by the governing housing authority, unless otherwise determined by the city council. The governing housing authority shall recommend the types, locations and categories of all proposed community housing units for approval by the city.
  - (4) All community housing units shall be within the governing housing authority income categories. The definition of "community housing units" shall be pursuant to the governing housing authority guidelines within the section titled "Definitions". The definition of "who may qualify to purchase or rent affordable housing" shall be maintained in the governing housing authority guidelines and adopted by the city council. Each of these definitions is subject to change from time to time at the discretion of the governing housing authority board of directors.
  - (5) The city's goal is to encourage the construction of whole units, and not to create a program for fee in lieu for whole units. However, the city council may consider a request by the property owner to pay a fee in lieu of constructing a complete community housing unit or other such considerations as the city council deems appropriate. The city council has full discretionary power to determine said request. Said in lieu payment is not bound by any adopted fee schedule and is subject to negotiation on a case by case basis.

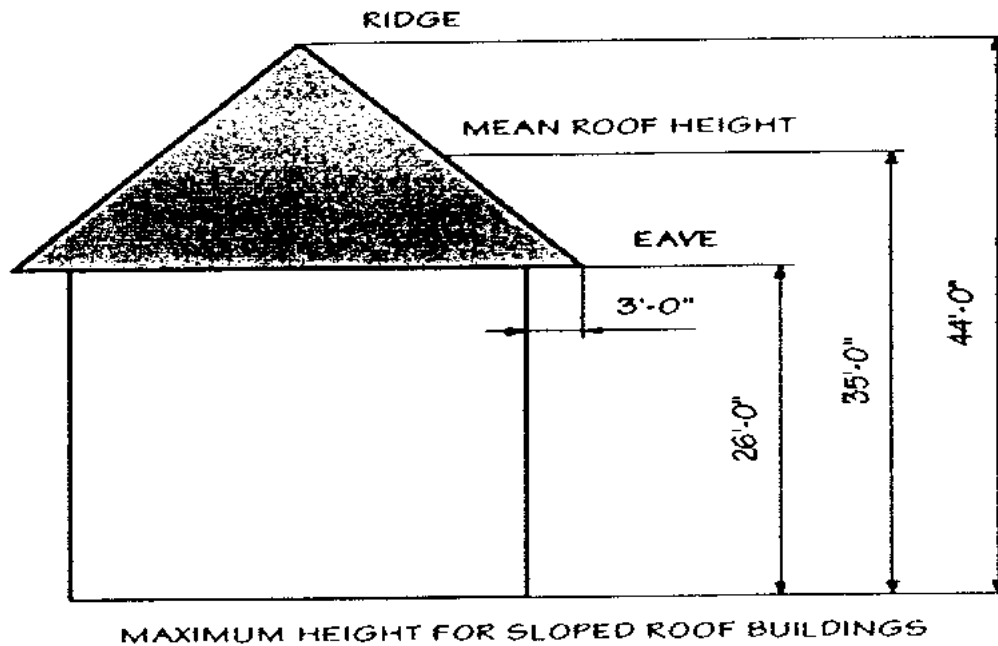
## 3. Hotels: Hotels which meet the definition of "hotel" in [chapter 17.08](#) of this title may exceed the maximum floor area and height or minimum open site area requirements of this chapter, subject to the following review process:

- a. A planned unit development shall be prepared for the proposal and approved by the city which specifically outlines the waivers to bulk regulations requested.
- b. A subarea analysis shall be prepared which addresses the comprehensive plan designation for the subarea, impacts of the proposed hotel on the character and scale of the surrounding neighborhood, impacts on proposed height and mass relative to the city's design review standards and the PUD standards, and the appropriateness of the subarea for a hotel which exceeds the bulk requirements of this section.

## K. Maximum Height Of Buildings:

1. For buildings with a roof pitch under five to twelve (5:12) or for mansard roof buildings, the maximum building height shall be thirty five feet (35').
2. For buildings with a roof pitch greater than five to twelve (5:12), the maximum height to the mean point of the ridge or ridges measured from eaves line to the ridge top shall be thirty five feet (35'). Roof ridges above the mean point may extend up to a height of forty four feet (44').





L. Minimum Open Site Area: To maintain a sense of open space in all new building sites, a minimum amount of open site area of thirty five percent (35%) is required of all projects.

1. This minimum open site area shall be a percentage of the total development parcel.
2. The required open site area shall be exclusive of buildings, structures, private decks or patios, parking areas, driveways, cul-de-sacs or streets. A maximum of five percent (5%) open site area may be used for private decks or patios and walkways, subject to design review approval. (Ord. 998 § 4, 2006)

## Chapter 17.64 COMMUNITY CORE DISTRICT (CC)

### 17.64.010: CC COMMUNITY CORE DISTRICT:

A. Purpose: The purpose of the CC community core district is to promote a compact and cohesive center of commerce and culture, to promote an attractive and safe pedestrian environment which includes sidewalks, gathering spaces, streetscape amenities and landscaping, to retain the unique small town scale and character and to encourage buildings which respect Ketchum's historical and geographic context while providing diversity. The regulations of this chapter are intended to facilitate the implementation of the city's comprehensive plan and the Ketchum downtown master plan. Compatible mixed uses including retail, office, residential and cultural uses are encouraged. Commercial uses are concentrated in the CC district which is consistent with the city's comprehensive plan and the downtown master plan.

B. Applicability: The regulations and guidelines contained within this section and section [17.64.020](#) of this chapter apply to all development within the community core, unless otherwise specified herein.

C. Exceptions: The purpose of an exception is to allow for a degree of design flexibility within the community core district. Exceptions may be allowed to only the provisions included in subsection L of this section and section [17.64.020](#) of this chapter during evaluation of the design review application. An exception may be granted by the planning and zoning commission upon finding that all of the following criteria are met:

1. The granting of an exception will not be detrimental to the public good.
2. The granting of an exception will not be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.
3. The granting of the exception will not be detrimental or injurious to property or to the general welfare of the city.

4. The exception is to architectural design elements and is not an exception to other development standards such as building height, setbacks, floor area ratio; to any use requirements or restrictions; or to any life safety requirements.

D. Uses Permitted:

1. Table 1 of this section identifies uses that are permitted by right within the community core, uses that are permitted subject to the approval of a conditional use permit and prohibited uses.
2. For a permitted use to be established, it must also be compatible with the use specifications of the specific building on the property. Use specifications for each allowed building type within the community core district are provided in subsection L, "Development Specifications For Site Design And Building Form", of this section.
3. The U.S. census bureau provides comparability in statistics about business activity across North America. NAICS codes are used by the city of Ketchum in the issuance of business licenses allowing the types of businesses in operation within the city to be tracked for economic development and planning purposes. Not all of the industries listed under NAICS are allowed in downtown.
4. All uses not listed in table 1 of this section shall be prohibited unless otherwise determined by the planning and zoning commission to be similar in nature to a use listed.

TABLE 1: PERMITTED LAND USES  
WITHIN THE COMMUNITY CORE DISTRICT

Use	Permitted Use	Permitted With CUP	Prohibited Use
Retail trade and retail service uses:			
Art galleries	X		
Bakeries and delis	X		
Daycare center	X		
Grocery stores	X		
Indoor entertainment, recreation, and cultural uses	X		
Lobby/access to upper/lower floors	X		
Making of goods in conjunction with retail; provided, that it does not create noise, odor, dust, fumes, or require outside storage	X		
Mercantile	X		
Mortuary		X	
Personal service establishments	X		
Restaurants, bars, cafes	X		
Restaurants, bars, cafes with drive-throughs			X
Service stations (auto repair, gas station, etc.)			X
Professional service uses:			
Administration and support services	X		
Finance and insurance	X		
Healthcare (medical and dental)	X		
Management of companies and enterprises	X		
Office within a multi-family home building or urban residential building (either connected or not connected to a residential unit)		X	
Professional, scientific and technical services	X		
Real estate and property management	X		
Residential uses:			
Addition to existing nonconforming single-family dwelling (20 percent of existing square footage)		X	
Assisted living facility		X	
Home occupations and artist studios within a residential unit	X		

Multi-family dwellings and duplexes	X		
Single-family dwelling			X
Accommodation:			
Hotel/motel	X		
Public/semipublic uses:			
Civic center/government offices	X		
Hospital, religious institution, or school		X	
Parks, recreation, plazas, cultural uses	X		
Post office	X		
Outdoor uses on private property:			
Outdoor dining	X		
Outdoor entertainment		X	
Outside displays of merchandise	X		
Other uses:			
Accessory use to a permitted use identified above	X		
Adult only businesses			X
Curb cuts/driveway access from streets where no alley exists		X	
Other uses that are similar to those permitted (or permitted with a use permit) above, as determined by the planning director	X	X	

E. On Site Parking Requirements:

1. Development shall be required to meet the parking demand generated for each use within a building. When the calculation of the number of parking spaces demanded results in a fractional number, fractions equal to or greater than one-half ( $1/2$ ) shall be adjusted up to the next whole number.

PARKING DEMAND GENERATED BY USE

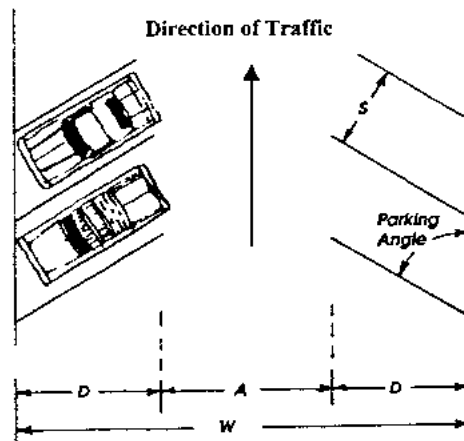
Accommodation	0.75 space per rental room
Community housing units	No parking is required
Government	1.0 space per 1,000 gross square feet
Professional service	2.0 spaces per 1,000 gross square feet
Residential	1.0 space per 1,500 net square feet
Retail trade and retail service	2.0 spaces per 1,000 gross square feet

2. The minimum number of parking spaces provided on site shall be four (4) spaces per five thousand five hundred (5,500) square feet of lot area, unless fewer are required by the "Parking Demand Generated By Use" table above. Parking requirements generated by the table shall be located on site prior to utilization of any on street parking credit. The planning and zoning commission shall have the authority to reduce the number of required on site spaces, where unique site circumstances warrant a reduction, on a case by case basis. Such circumstances may include lot width, location of existing structures, development on adjacent lots, and utility locations, among others.
3. In a circumstance where the "Parking Demand Generated By Use" table of this section results in a requirement of more than four (4) parking spaces, four (4) on street parking spaces per five thousand five hundred (5,500) square feet of lot area may be credited toward the required parking demand after the required four (4) space minimum on site is satisfied.
4. The number of on site parking spaces required for medical/dentist office uses; indoor entertainment, recreation and cultural uses; and public/semipublic uses (as listed in table 1, subsection D of this section) shall be determined based on either the requirements in section [17.124.060](#), "Off Street Parking Space", of this title or based on a project specific parking solution that is approved by the planning and zoning commission. The applicant shall submit a parking analysis and plan that demonstrates how parking demand is addressed.
5. For all commercial and mixed use projects, and for any residential projects with more than four (4) units, at least one accessible parking space shall be provided on site. In addition, all accessible parking space requirements of the current building code as adopted by the city shall be met.

6. On site parking stalls may be located directly off the alley if the width of the alley can adequately accommodate the parking. No parking stall shall project into an alley, sidewalk, or street.
7. All parking lots shall be surfaced with asphalt, concrete, pavers, or similar hard surface. Hard surface parking spaces shall be striped. Temporary parking areas may be gravel surfaced. Temporary parking areas may be allowed for up to two (2) years and are subject to planning and zoning commission approval. Such parking areas are intended to provide units in locations that are temporarily undeveloped. Except for surfacing, temporary parking areas are subject to the same city design and regulatory requirements set for other surface parking lots in the community core district.
8. The owner or manager of the property shall maintain parking lots so that they are in good, safe and usable condition and free of public nuisances such as trash and weeds.
9. All parking lots shall be designed with adequate on site drainage facilities to prevent the drainage of water onto adjacent properties or walkways or into the public right of way.
10. All parking and service areas that are adjacent to a street shall be buffered from public views by a combination of landscaping and fences/walls. Such improvements will be for the purpose of beautification. For safety purposes, views of the parking and services areas from the sidewalk and street should not be obscured.
11. All surface parking lots shall be designed with either an underground heating system to facilitate the removal of snow or a storage area for plowed snow. The storage area shall be one hundred fifty (150) square feet for every fifty five feet (55') of linear lot width.
12. The dimensions of on site parking spaces shall be based on the following standards. Back-in angle parking configurations are encouraged.

**ON SITE PARKING DIMENSIONS**

Parking Angle	Stall Width (S)	Stall Depth (D)	Aisle Width (A)
90	8	18	22
30	8	20	10
45	8	20	11
60	8	20	18
Parallel	8	20	
ADA	13.5	Same as above	Same as above



*Back-in angle parking (shown for an on site parking lot with 1 aisle).*

13. An applicant may propose a project specific parking solution to address parking demand unmet by on site parking spaces for approval by the city. The applicant shall submit a parking analysis and plan that demonstrates how parking demand is addressed.
14. Except as provided in subsection E13 of this section, one hundred percent (100%) of the parking demand unmet by on site parking spaces may be met with a payment in lieu.
  - a. The in lieu fee amount shall be determined annually by the city council based on the cost of land, the construction cost of structured parking above, on or below ground, the amount of land needed for each parking space and access, landscape areas and other amenities, the cost of physical improvements to the property including grading, compaction, drainage, asphalt, concrete, landscaping, lighting, striping and other amenities as may be

considered appropriate.

b. Payment of in lieu fees must be made to the city at the time of issuance of a building permit.

15. All in lieu funds received under this subsection shall be placed into a special and separate transportation improvement and acquisition fund to be used primarily for transit improvements and parking management programs, such as paid parking, that address the demand for physical parking on site in the CC district and secondarily for the purchase, construction and improvement of public parking facilities.

F. Sidewalk, Curb And Gutter: Sidewalks, curbs and gutters shall be required as an accessory use in accordance with standards as established by the city as to the location and grade. Sidewalks, curbs and gutters shall be required within the public right of way when there is new construction or when an existing building classified as a commercial use is altered or changed and such modifications require a building permit and the cost of such construction exceeds twenty thousand dollars (\$20,000.00). Sidewalk widths shall comply with the widths as determined by the city in street sections developed for each street.

G. Lot Dimensions:

1. Minimum lot area: Five thousand five hundred (5,500) square feet. Townhouse subplot area shall be, at minimum, equal to the perimeter of an individual townhouse unit measured at the foundation and along any common party wall, and shall be in compliance with the international building code.
2. Minimum lot width: Fifty five feet (55').
3. Lot configuration: All side lot lines shall run perpendicular to the alley and/or avenue.

H. Maximum Floor Area Ratio:

1. Generally: All new buildings and alterations or additions to existing buildings shall be subject to the maximum floor area ratio described as follows:

	Permitted	Community Housing Incentive
Gross FAR	1.0	2.25

2. Floor Area Ratio (FAR) Community Housing Incentive: An increased FAR above 1.0 may be permitted up to a maximum of 2.25, subject to design review approval and other applicable development processes or standards within this code, and in accordance with the following provisions:

- a. Twenty percent (20%) of the total gross floor area of the building, in excess of 1.0 FAR, is deed restricted in perpetuity as community housing unit(s), pursuant to the definition in section [17.08.020](#) of this title. Of the gross square footage of community housing required, a fifteen percent (15%) reduction will be allowed as a standard discount from the gross square footage required to determine net livable square footage of the community housing units.
- b. The maximum floor area incentive applies to buildings up to three (3) stories in height. Buildings above three (3) stories may exceed the 2.25 FAR maximum only in accordance with the pertinent code provisions allowing for a fourth floor (for example, hotels, PUDs and 100 percent community housing project, etc.). For hotel uses, community housing calculations apply to all those portions of the hotel development except the hotel units, which are addressed pursuant to employee housing, subsection I, "Hotel Uses", of this section.
- c. The community housing units shall be targeted for income category 4. The applicant and city may seek the recommendation of the governing housing authority in the determination of an alternative category when the category is proposed as something other than category 4 and the planning and zoning commission may allow such alternative category. This allowance shall be based on need for the category type. The definition of who may qualify to purchase affordable housing shall be maintained in the guidelines of the governing housing authority as adopted by the city council.
- d. The developer has the option of providing a full housing unit or paying a fee in lieu for the required community housing square footage. The fee due to the city is calculated based on the total square footage or fraction thereof required multiplied by the adopted in lieu fee. (The in lieu fee is adopted yearly by the city of Ketchum.)
- e. All community housing units, either for sale or rental, shall be administered by the governing housing authority. All housing that is provided shall meet with the adopted guidelines of the governing housing authority. The city council may approve alternatives to the administration of units at their discretion.
- f. The city's primary goal is to see the development of and encourage the construction of community housing units, but realizes that other options will also move the city closer to its goal of housing the workforce. With this in mind, the following options for fulfillment of the community housing incentive are available to the applicant outright. These include, but are not limited to:
  - (1) Housing constructed by the applicant on or off site, within the city of Ketchum;
  - (2) Payment of an in lieu fee; or
  - (3) Acquisition of existing housing stock that meets with the governing housing authority's requirements and approval.
- g. In addition to those outright options noted in subsection H2f of this section, the city council may consider alternative proposals by the applicant to fulfill the community housing incentive. The city council has full discretionary power to determine said request. Options for fulfillment of the community housing incentive include, but are not limited to:
  - (1) Land conveyance to the city;

- (2) Existing housing unit buy down or mortgage buy down; or
- (3) Other proposals and options as approved by the city council.

#### I. Hotel Uses:

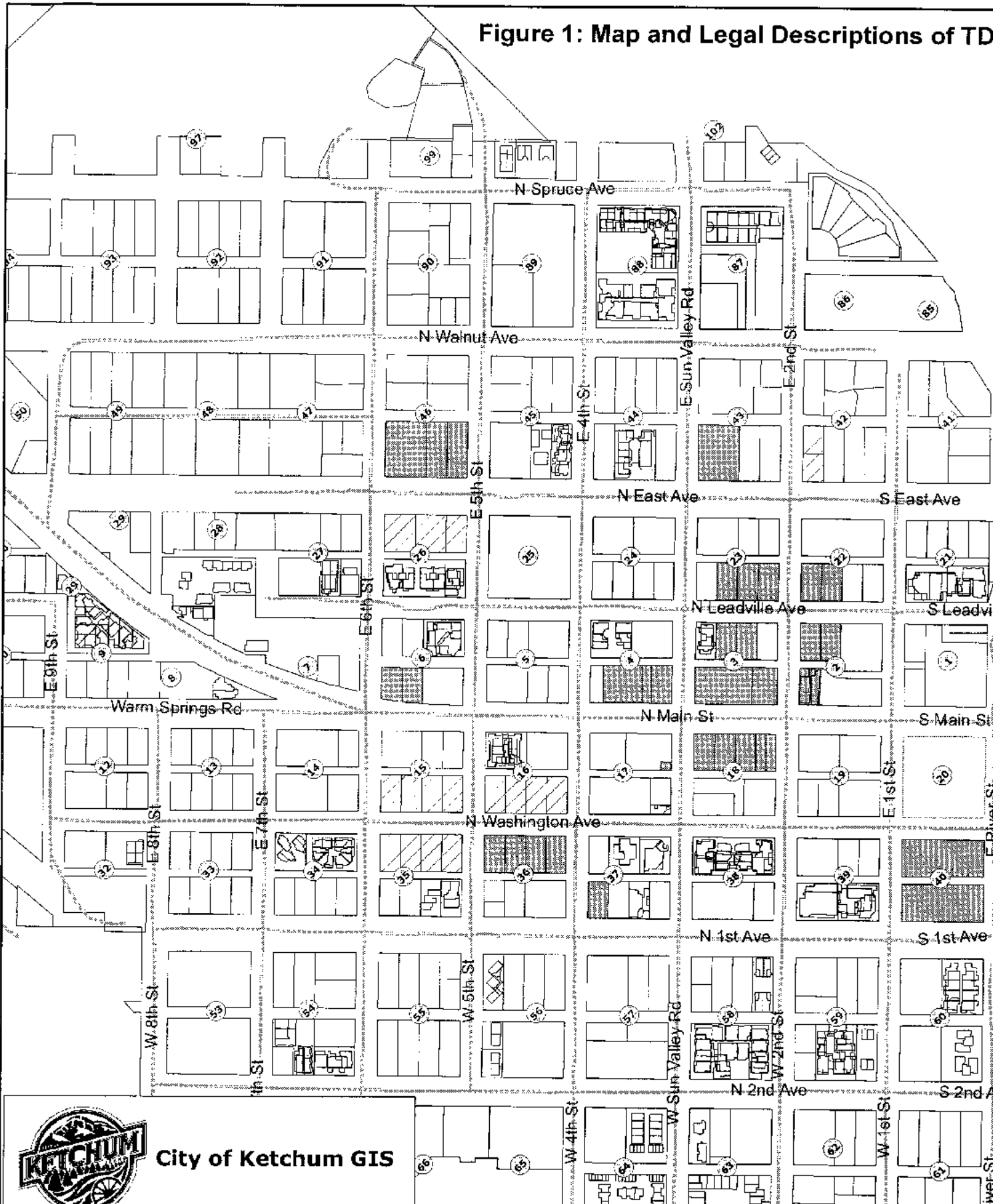
1. Number Of Floors: Hotels may build a fourth floor. If a site meets the criteria for five-story hotel site designation, a fifth floor may be built. Five-story hotels may only be approved via a planned unit development (PUD) as outlined in [title 16, chapter 16.08](#) of this code. However, with the exception of limited architectural elements, hotel projects may not request waivers to the mass and height specifications of subsection L9c of this section, building type 6 hotel.
  - a. Five-Story Hotel Site Designation Criteria: A property shall meet all of the following criteria to be designated as a five-story hotel site:
    - (1) Is located in subdistrict A, retail core.
    - (2) Is highly visible to visitors.
    - (3) Is convenient to walk to retail center.
    - (4) Is near the center town plaza, Main Street and Sun Valley Road.
    - (5) Contributes to the retail vibrancy.
    - (6) Is not located on Main Street between First Street and Sixth Street.
    - (7) Has a minimum lot area of thirty three thousand (33,000) square feet.
    - (8) Respects the general parameters of any massing studies which may be applicable in the area.
2. Employee Housing: Hotel developments are required to mitigate employee housing impacts at a ratio of twenty five percent (25%) of the total number of employees calculated by the following formula: One employee per hotel room or bedroom. A development agreement or other similar tool shall be utilized to outline employee housing commitments.
3. Employee Housing Plan: The applicant shall provide an employee housing plan which outlines the number of employees, income categories and other pertinent data. The employee housing plan shall be the basis of the applicant's proposal for the mix of employee housing which addresses the range of employees needed to serve the hotel.
4. Alternate Means To Satisfy Square Footage: The city council may consider a request by the hotel developer to satisfy any required employee or community housing square footage by alternate means. Off site mitigation, payment of in-lieu fees, land in lieu of units, or other considerations may be proposed by the hotel developer. Larger sites are encouraged to include employee and/or community housing on site. The city council has full discretionary power to deny said request.
5. Development Agreement: Hotels shall enter into a development agreement with the city as part of the PUD approval process. Said development agreement may address the following subjects: community housing, hotel room uses and restrictions, public access on the property, alternatives and remedies if the hotel use ceases, and any other issue the planning and zoning commission or city council deems appropriate. Said development agreement shall follow the public hearing process as outlined in [title 16, chapter 16.08](#) of this code. Said development agreement shall be subject to sections [17.154.060](#), "Enforcement", and [17.154.070](#), "Modification And Termination", of this title.

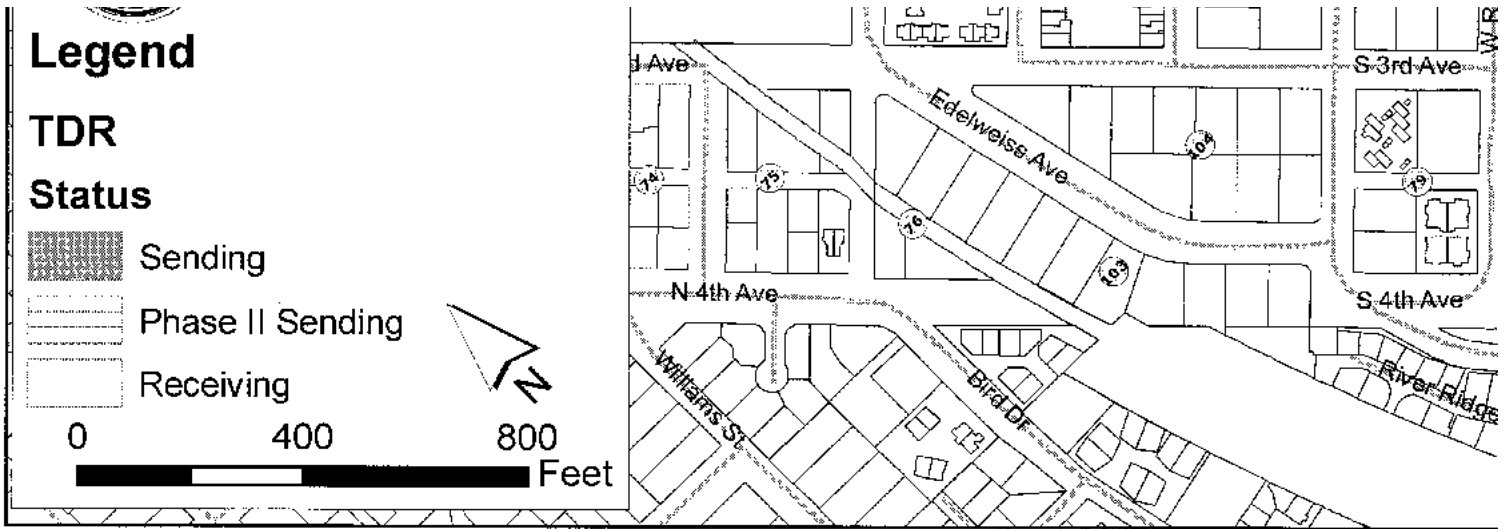
#### J. Transfer Of Development Rights (TDR): Repealed.

#### K. Subdistricts:

1. Subdistricts designate areas within the community core district for six (6) types of buildings (figure 3 of this subsection).
2. The subdistricts define which building type or types are allowed within each subdistrict of the community core district. There are a total of six (6) permitted building types:
  - a. Traditional mixed use.
  - b. Mixed use with cellar.
  - c. Neighborhood mixed use.
  - d. Multi-family home.
  - e. Urban residential.
  - f. Hotel.
3. Standards are applied to each building type provided in subsection L of this section and section [17.64.020](#) of this chapter.

Figure 1: Map and Legal Descriptions of TD



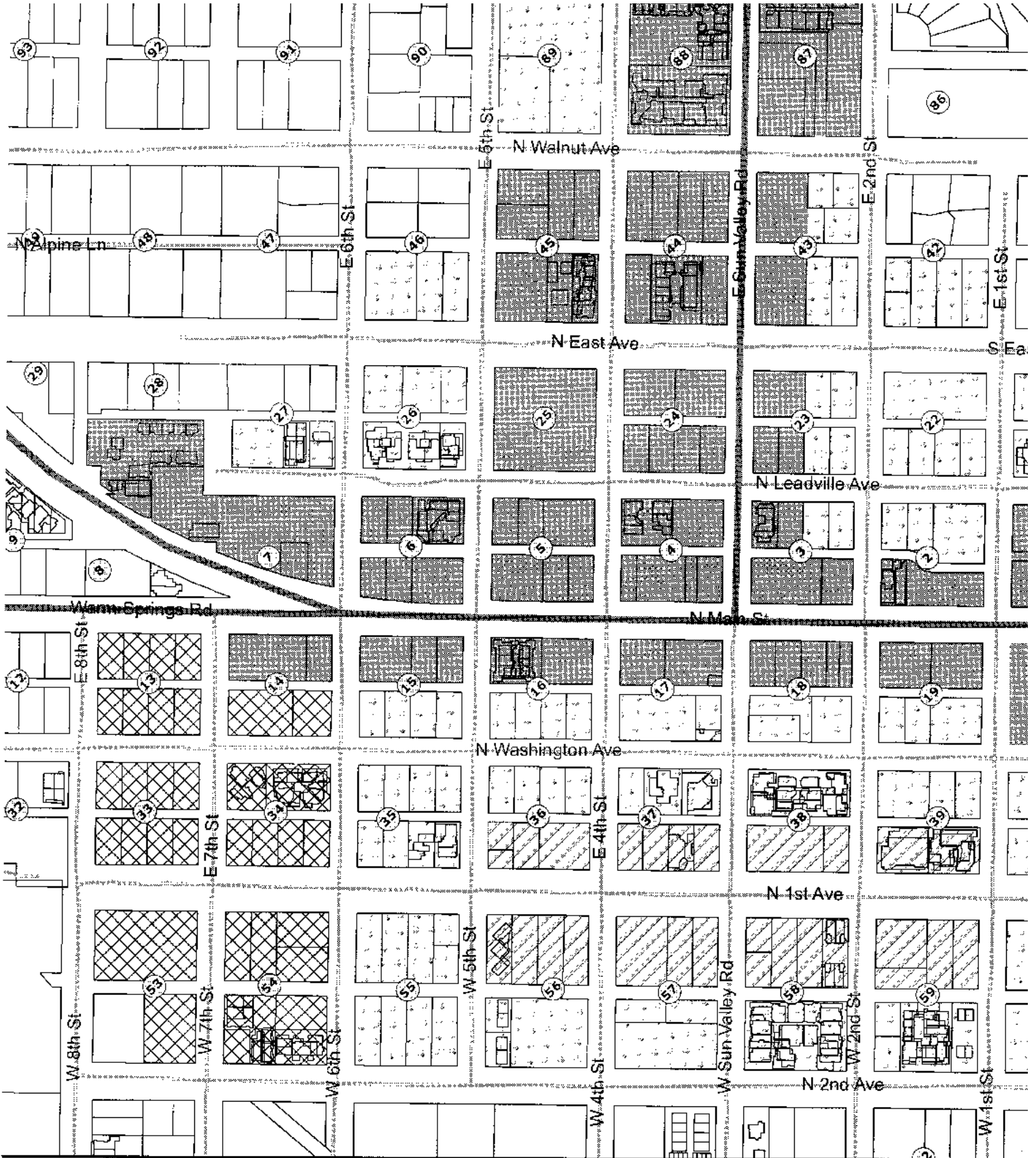


#### L. Development Specifications For Site Design And Building Form:

1. **Building Types Designated:** Development specifications are provided for each building type permitted within the community core district. The development specifications are the regulations for site design, building setback, height, mass, roof forms, facade elements, open space, and the location of uses within a building.
  - a. Building type 1 traditional mixed use.
  - b. Building type 2 mixed use with cellar.
  - c. Building type 3 neighborhood mixed use.
  - d. Building type 4 multi-family home.
  - e. Building type 5 urban residential.
  - f. Building type 6 hotel.
2. **Civic Buildings:** Civic buildings are of special public importance to the community core district. Civic buildings are allowed in all of the subdistricts of the community core district. In order to provide maximum flexibility for the design of civic buildings, this subsection does not prescribe specific development specifications for civic buildings. The city council has the discretion to determine that a building intended solely for public use and/or semipublic use may be considered a civic building for the purposes of design review. Civic buildings shall be designed to meet the following site design and building form criteria:
  - a. Be compatible in form and character to other buildings that are allowed within the applicable subdistrict.
  - b. Be of exceptional and innovative design.
  - c. Comply with applicable design review regulations and design guidelines as set forth in section [17.64.020](#) of this chapter.
3. **Nonconforming Buildings:** Changes or additions to existing nonconforming buildings in addition to not increasing the degree of nonconformity shall meet the following setbacks and height regulations:
  - a. Front yard setback: Minimum of five feet (5').
  - b. Rear yard setback: Minimum of three feet (3').
  - c. Height: Maximum of thirty five feet (35').
4. **Building Type 1: Traditional mixed use:**
  - a. Applicable Subdistricts: A, B.
  - b. Building Type 1 Site Specifications:







**Sub-District A:**

**Sub-District B:**

**Sub-District C:**

**Retail Core**

*Building Types Allowed:*

- Traditional Mixed-Use (Building Type 1)
- Mixed-Use with Cellar (Building Type 2)
- Hotel (Building Type 6)

**Arts District**

*Building Types Allowed:*

- Mixed-Use with Cellar (Building Type 2)
- Neighborhood Mixed-Use (Building Type 3)
- Traditional Mixed-Use (Building Type 1)
- Hotel (Building Type 6)

**Urban Residential**

*Building Types Allowed:*

- Mixed-Use with Cellar (Building Type 2)
- Neighborhood Mixed-Use (Building Type 3)
- Multifamily Home (Building Type 4)
- Urban Residential (Building Type 5)

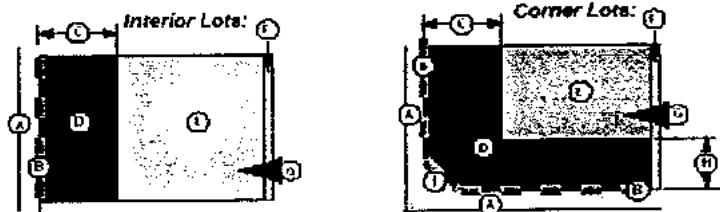


**City of Ketchum GIS**

**Legend:**

- A.Sidewalk.
- B.Setback line: The building facade shall be set back an average of 5 feet from the front property line and from the side property line of a corner lot, except in subdistrict A where no setback is required. Buildings fronting a 60 foot or narrower right of way shall be set back a minimum of 5 feet from the property line. Cantilevered decks and overhangs 8 feet or greater in height above the finish grade below, measured to the underside of the lowest structural element of the deck or eave, may extend to the property line.
- C.Minimum building depth of 20 feet as measured from the front setback line.
- D.Building zone: 100 percent of this area shall be occupied by 1 (or more) building(s), except up to 50 percent of the building may be set back to create a courtyard or plaza. If an entire block is developed with this building type, the building zone shall extend along all 4 streets, excluding access points. Storefronts, building entrances, and upper floor balconies may be recessed into the facade.
- E.Multifunctional zone: This area may be occupied by building, rear yard, courtyard, plaza, parking lot, and/or loading and unloading zones.
- F.Alley setback: The first floor and second floor of a building facade shall be set back a minimum of 3 feet from an alley to provide space for utility equipment and service areas and not impede the alley width for vehicular access. Vertical and horizontal articulation of the floors above the second floor shall be provided from the property line on the alley elevation to reduce the appearance of bulk and flatness.
- G.Access to parking and loading and unloading facilities shall be provided off the alley.
- H.Minimum building depth of 12 feet as measured from the side setback line on a corner lot. This dimension may be reduced by the commission if access to underground parking is restricted by the topography of the site, provided the minimum depth still provides for a functional use consistent with the ground floor uses permitted within the building use specifications.
- I.Building corner: The building corner on a corner lot may be angled, curved, or recessed, but only if a building entrance or display window, outdoor seating or art display is created at the corner.

**c. Building Type 1 Mass And Height Specifications:**



**Legend:**

- A.First floor ceiling height: 12 feet to 15 feet.
  - B.Upper floor ceiling heights: 8 feet minimum and up to 80 percent of the height of first floor ceiling.
  - C.Minimum number of floors: 1.
  - D.Maximum number of floors: 3.
- 1.A fourth floor is permitted if all uses above the ground floor are exclusively affordable residential units.
  - 2.On streets and avenues the fourth floor shall be set back from the property line a minimum of 10 feet with an average of 15 feet. The average setback shall be calculated based on the built portion of the fourth floor facade and shall be calculated for each street or avenue elevation; the calculation of the average setback is not cumulative. In addition to the minimum and average setback requirement from the property line, the fourth floor shall be set back a minimum of 5 feet from the facade of the third floor.

E. Maximum building height:

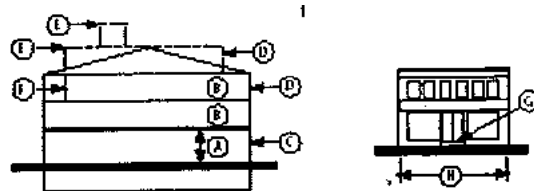
1. Two- and three-story buildings: 40 feet.
2. Four-story buildings: 48 feet.
3. An additional 2 feet may be permitted if the additional height will contribute meaningfully to the building character or function.
4. A stairway/elevator shaft providing access to a roof garden may exceed the maximum height by up to 10 feet, provided it is stepped back at least 20 feet from the front and rear property line.

F. The third floor may be stepped back.

G. At building entrances, the elevation of the ground floor shall be within 0 to 12 inches above the adjacent sidewalk grade.

H. Building width: 16 feet minimum.

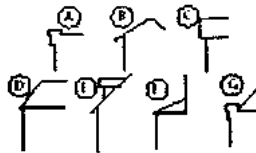
d. Building Type 1 Roof Forms:



Legend:

- A. Flat roof with parapet or cornice.
- B. Hip roof.
- C. Gabled roof.
- D. Full mansard roof.
- E. Dormers.
- F. Shed roof. Only allowed where building step backs occur.
- G. Appropriate combinations of the above roof forms.

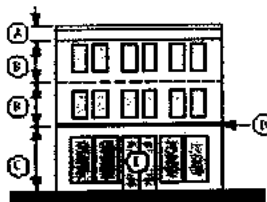
e. Building Type 1 Facade Specifications:



Legend:

- A. Building cap: The top of the building shall be defined by a cap, such as a cornice or eaves.
- B. Upper floor facade window fenestration: 30 to 70 percent of each upper floor facade shall be occupied by windows or doors, except where sloped roof forms are used.
- C. Ground floor facade window fenestration: 60 to 90 percent of each ground floor facade shall be occupied by transparent windows and doors.
- D. A horizontal design element is required to differentiate between the ground floor and upper floors. Examples include a cornice line, awning, balcony, or change in the building material.
- E. Entry door: At least 1 entry door is required for each business with ground floor street frontage.

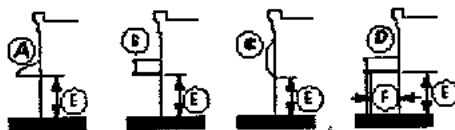
f. Building Type 1 Facade Elements:



Legend:

- A.Awnings/marquees may project 3 feet to 6 feet from the facade.
- B.Balconies/decks may project up to 6 feet from the facade.
- C.Bay windows may project up to 3 feet from the facade.
- D.Colonnades (supporting either a shed roof or balcony) may project up to 6 feet from the facade. Supporting posts shall have a diameter or square width between 6 inches to 12 inches.
- E.Vertical clearance: 8 feet minimum.
- F.Clearance from inside of post/column to facade: 5 feet minimum.
- G.Prohibited facade elements include external chimneys, external staircases, garage doors, window security bars, and security roll up doors are prohibited on facades that front a street, park, and/or plaza.

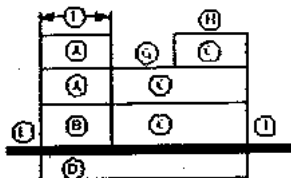
g. Building Type 1 Use Specifications:



Legend:

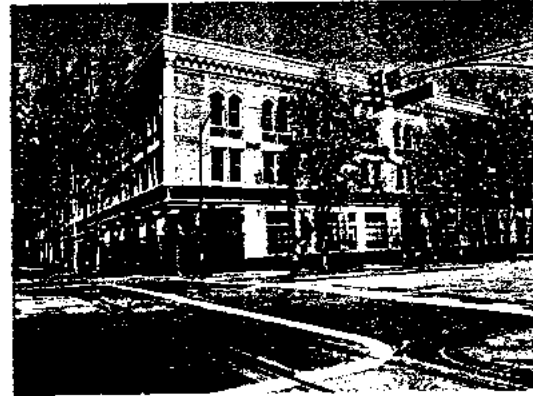
- A.Upper floor with street frontage: All uses as permitted by subsection D, table 1 of this section are allowed. Parking is prohibited.
- B.Ground floor with street frontage: All retail trade and retail service uses as permitted by subsection D, table 1 of this section and professional service uses with a CUP as permitted by subsection D, table 1 of this section. Parking is prohibited.
- C.Floors without street frontage: All uses as permitted by subsection D, table 1 of this section are allowed. Structured parking is allowed.
- D.Basement: Parking, storage, and accessory uses associated with ground floor and upper floor principal building uses are permitted. Additional space for a permitted ground floor use is also permitted. A minimum of 50 square feet of storage space is required for each community housing unit within a building.
- E.Street frontage.
- F.Minimum depth of street frontage uses: 20 feet as measured from the front facade. On a corner building, the depth shall be 12 feet from the side facade adjacent to the street.
- G.Private outdoor space: All residential uses shall have a private outdoor space (such as a deck, balcony, or private porch). The area of each private outdoor space shall be at least 50 square feet, with no dimension less than 6 feet.
- H.Roof gardens (private and public) are allowed.
- I.Utility meters, garbage disposal areas, surface parking lots, and loading and unloading facilities shall be located to the rear of the building. Utility meters are allowed in the setback zone if they are enclosed within a utility box.

h. Building Type 1 Example Photographs:



5. Building Type 2: Mixed use with cellar:

- a. Applicable Subdistricts: A, B, C.
- b. Building Type 2 Site Specifications:



Legend:

A.Sidewalk.

B.Setback line: The building facade shall be set back an average of 5 feet from the front property line and from the side property line of a corner lot, except in subdistrict A, where no setback is required and as provided in subsection D of this legend. Buildings fronting a 60 foot or narrower right of way shall be set back a minimum of 5 feet from the property line. Cantilevered decks and overhangs 8 feet or greater in height above the finish grade below, measured to the underside of the lowest structural element of the deck or eave, may extend to the property line.

C.The portion of the facade that is within 10 feet of the subgrade open space shall be a minimum of 12 feet from the front property line or from the side property line of a corner lot.

D.Subgrade open space: Minimum length 20 feet, minimum depth 12 feet.

E.Minimum building depth of 20 feet as measured from the front setback line.

F.Building zone: 100 percent of this area shall be occupied by 1 (or more) building(s).

G.Multifunctional zone: This area may be occupied by building, rear yard, courtyard, plaza, parking lot, and/or loading and unloading zones.

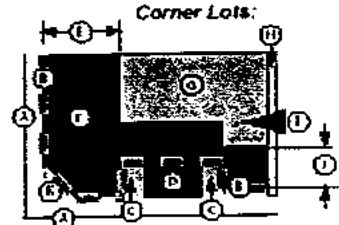
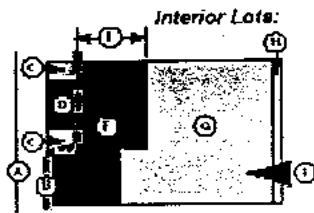
H.Alley setback: The first floor and second floor of a building facade shall be set back a minimum of 3 feet from an alley to provide space for utility equipment and service areas and not impede the alley width for vehicular access. Vertical and horizontal articulation of the floors above the second floor shall be provided from the property line on the alley elevation to reduce the appearance of bulk and flatness.

I.Access to parking and loading and unloading facilities shall be provided off the alley.

J.Minimum building depth of 12 feet as measured from the side setback line of a corner lot. This dimension may be reduced by the commission if access to underground parking is restricted by the topography of the site, provided the minimum depth still provides for a functional use consistent with the ground floor uses permitted within the building use specifications.

K.Building corner: The building corner on a corner lot may be angled, curved, or recessed, but only if a building entrance, display window, outdoor seating or art display is created at the corner.

c. Building Type 2 Mass And Height Specifications:



Legend:

A.First floor ceiling height: 12 feet to 15 feet.

B.Upper floor and cellar ceiling heights: 8 feet minimum and up to 80 percent of the height of first floor ceiling.

C.Minimum number of floors: 1.

D.Maximum number of floors: 3.

1.A fourth floor is permitted if all uses above the ground floor are exclusively affordable residential units.

2.On streets and avenues the fourth floor shall be set back from the property line a minimum of 10 feet with an average of 15 feet. The average setback shall be calculated based on the built portion of the fourth floor facade and shall be calculated for each street or avenue elevation; the calculation of the average setback is not cumulative. In addition to the minimum and average setback requirement from the property line, the fourth floor shall be set back a minimum of 5 feet from the facade of the third floor.

E.Maximum building height:

1.Two- and three-story buildings, 40 feet.

2.Four-story buildings, 48 feet.

3.An additional 2 feet may be permitted if the additional height will contribute meaningfully to the building character or function.

4. A stairway/elevator shaft providing access to a roof garden may exceed the maximum height by up to 10 feet, provided it is stepped back at least 20 feet from the front and rear property line.

F. The third floor may be stepped back.

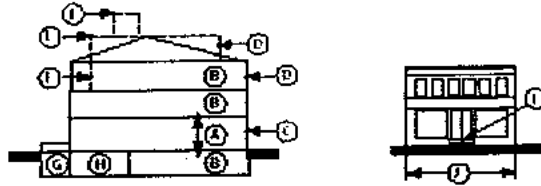
G. Subgrade open space.

H. Cellar.

I. At building entrances, the elevation of the ground floor shall be within 0 to 12 inches above the adjacent sidewalk grade.

J. Building width: 40 feet minimum.

d. Building Type 2 Roof Forms:



Legend:

A. Flat roof with parapet or cornice.

B. Hip roof.

C. Gabled roof.

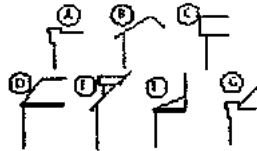
D. Full mansard roof.

E. Dormers.

F. Shed roof: Only allowed where building step backs occur.

G. Appropriate combinations of the above roof forms.

e. Building Type 2 Facade Specifications:



Legend:

A. Building cap: The top of the building shall be defined by a cap, such as a cornice or eaves.

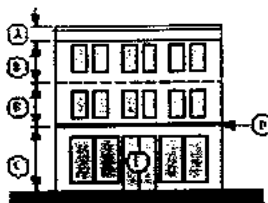
B. Upper floor facade window fenestration: 30 to 70 percent of each upper floor facade shall be occupied by windows or doors, except where sloped roof forms are used.

C. Ground floor facade window fenestration: 60 to 90 percent of each ground floor facade shall be occupied by transparent windows and doors.

D. A horizontal design element is required to differentiate between the ground floor and upper floors. Examples include a cornice line, awning, balcony, or change in the building material.

E. Entry door: At least 1 entry door is required for each business with ground floor street frontage.

f. Building Type 2 Facade Elements:



Legend:

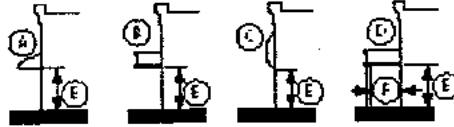
A. Awnings/marquees may project 3 feet to 6 feet from the facade.

B. Balconies/decks may project up to 6 feet from the facade.

C. Bay windows may project up to 3 feet from the facade.

- D.Colonnades (supporting either a shed roof or balcony) may project up to 6 feet from the facade. Supporting posts shall have a diameter or square width between 6 inches to 12 inches.
- E.Vertical clearance: 8 feet minimum.
- F.Clearance from inside of post/column to facade: 5 feet minimum.
- G.Prohibited facade elements include external chimneys, external staircases, garage doors, window security bars, and security roll up doors are prohibited on facades that front a street, park, and/or plaza.

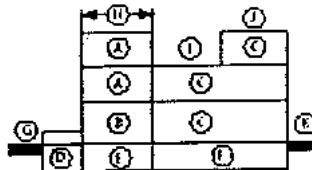
g. Building Type 2 Use Specifications:



Legend:

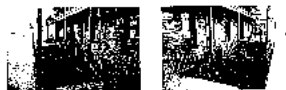
- A.Upper floor with street frontage: All uses as permitted by table 1 in subsection D of this section are allowed. Parking is prohibited.
- B.Ground floor with street frontage: All retail trade and retail service and professional service uses as permitted by table 1 in subsection D of this section are allowed. Parking is prohibited.
- C.Floors without street frontage: All uses as permitted by table 1 in subsection D of this section are allowed. Structured parking is allowed.
- D.Subgrade open space (for uses in the adjacent cellar).
- E.Cellar: All uses as permitted by table 1 in subsection D of this section are allowed. Parking is prohibited.
- F.Basement: Parking, storage, and accessory uses associated with ground floor and upper floor principal building uses are permitted. A minimum of 50 square feet of storage space is required for each community housing unit within a building.
- G.Street frontage.
- H.Minimum depth of street frontage/cellar uses: 20 feet as measured from the front facade. On a corner building, the depth shall be 12 feet from the side facade adjacent to the street.
- I.Private outdoor space: All residential uses shall have a private outdoor space (such as a deck, balcony, or private porch). The area of each private outdoor space shall be at least 50 square feet, with no dimension less than 6 feet.
- J.Roof gardens (private and public) are allowed.
- K.Utility meters, garbage disposal areas, surface parking lots and loading and unloading facilities shall be located to the rear of the building. Utility meters are allowed in the setback zone if they are enclosed within a utility box.

h. Building Type 2 Example Photographs:



6. Building Type 3: Neighborhood mixed use:

- a. Applicable Subdistricts: B, C.
- b. Building Type 3 Site Specifications:

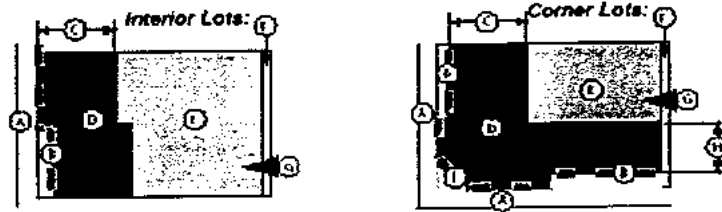


Legend:

- A.Sidewalk.
- B.Setback line: The building facade shall be set back an average of 5 feet from the front property line and from the side property line of a corner lot. Buildings fronting a 60 foot or narrower right of way shall be set back a minimum of 5 feet from the property line. Cantilevered decks and overhangs 8 feet or greater in height above the finish grade below, measured to the underside of the lowest structural element of the deck or eave, may extend to the property line.
- C.Minimum building depth of 20 feet as measured from the setback line.
- D.Building zone: 100 percent of this area shall be occupied by 1 (or more) building(s), except up to 50 percent of the building may be set back to create a courtyard or plaza. Storefronts, building entrances, and upper floor balconies may be recessed into the facade.

- E. Multifunctional zone: Zone may be occupied by building, rear yard, courtyard, plaza, parking lot, and/or loading and unloading zones.
- F. Alley setback: The first floor and second floor of a building facade shall be set back a minimum of 3 feet from an alley to provide space for utility equipment and service areas and not impede the alley width for vehicular access. Vertical and horizontal articulation of the floors above the second floor shall be provided from the property line on the alley elevation to reduce the appearance of bulk and flatness.
- G. Access to parking and loading and unloading facilities shall be provided by the alley.
- H. Minimum building depth of 12 feet as measured from the side setback line on a corner lot.
- I. Building corner: The building corner on a corner lot may be angled, curved, or recessed, but only if a building entrance, display window, outdoor seating or art display is created at the corner.

c. Building Type 3 Mass And Height Specifications:



Legend:

- A. First floor ceiling height: 10 feet to 15 feet.
- B. Upper floor ceiling heights: 8 feet minimum and up to 80 percent of the height of first floor ceiling.
- C. Minimum number of floors: 1.
- D. Maximum number of floors: 3.

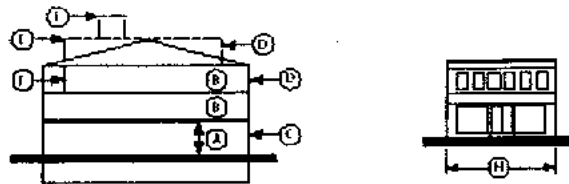
- 1. A fourth floor is permitted if all uses above the ground floor are exclusively affordable residential units.
- 2. On streets and avenues the fourth floor shall be set back from the property line a minimum of 10 feet with an average of 15 feet. The average setback shall be calculated based on the built portion of the fourth floor facade and shall be calculated for each street or avenue elevation; the calculation of the average setback is not cumulative. In addition to the minimum and average setback requirement from the property line, the fourth floor shall be set back a minimum of 5 feet from the facade of the third floor.

E. Maximum building height:

- 1. Two- and three-story buildings: 40 feet.
- 2. Four-story buildings: 48 feet.
- 3. An additional 2 feet may be permitted if the additional height will contribute meaningfully to the building character or function.
- 4. A stairway/elevator shaft providing access to a roof garden may exceed the maximum height by up to 10 feet, provided it is stepped back at least 20 feet from the front and rear property line.

- F. Upper floors may be stepped back.
- G. Building width: 16 feet minimum.

d. Building Type 3 Roof Forms:

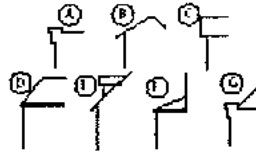


Legend:

- A. Flat roof with parapet or cornice.
- B. Hip roof.
- C. Gabled roof.
- D. Full mansard roof.
- E. Dormers.
- F. Shed roof: Only allowed where building step backs occur.
- G. Appropriate combinations of the above roof forms.

e. Building Type 3 Facade Specifications:

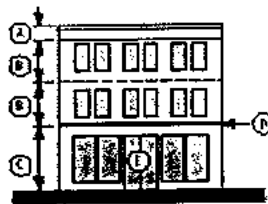




## Legend:

- A. Building cap: The top of the building shall be defined by a cap, such as a cornice or eaves.
- B. Upper floor facade window fenestration: 30 to 70 percent of each upper floor facade shall be occupied by windows or doors, except where sloped roof forms are used.
- C. Ground floor facade window fenestration: 60 to 90 percent of each ground floor facade shall be occupied by transparent windows and doors.
- D. A horizontal design element is required to differentiate between the ground floor and upper floors. Examples include a cornice line, awning, balcony, or change in the building material.
- E. Entry door: At least 1 entry door is required for each business with ground floor street frontage.

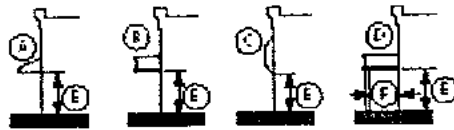
## f. Building Type 3 Facade Elements:



## Legend:

- A. Awnings/marquees may project 3 feet to 6 feet from the facade.
- B. Balconies/decks may project up to 6 feet from the facade.
- C. Bay windows may project up to 3 feet from the facade.
- D. Colonnades (supporting either a shed roof or balcony) may project up to 6 feet from the facade. Supporting posts shall have a diameter or square width between 6 inches to 12 inches.
- E. Vertical clearance: 8 feet minimum.
- F. Clearance from inside of post/column to facade: 5 feet minimum.
- G. Prohibited facade elements include external chimneys, external staircases, garage doors, window security bars, and security roll up doors are prohibited on facades that front a street, park, and/or plaza.

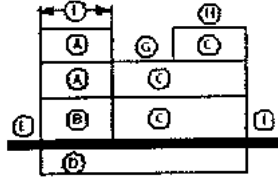
## g. Building Type 3 Use Specifications:



## Legend:

- A. Upper floor with street frontage: All uses as permitted by subsection D, table 1 of this section are allowed. Parking is prohibited.
- B. Ground floor with street frontage: All retail trade and retail service and professional service uses as permitted by subsection D, table 1 of this section are allowed. Parking is prohibited.
- C. Floors without street frontage: All uses as permitted by subsection D, table 1 of this section are allowed. Structured parking is allowed.
- D. Basement: Parking, storage, and accessory uses associated with ground floor and upper floor principal building uses are permitted. Additional space for a permitted ground floor use is also permitted. A minimum of 50 square feet of storage space is required for each community housing unit within a building.
- E. Street frontage.
- F. Minimum depth of street frontage uses: 20 feet as measured from the front facade. On a corner building, the depth shall be 12 feet from the side facade adjacent to the street.
- G. Private outdoor space: All residential uses shall have a private outdoor space (such as a deck, balcony, or private porch). The area of each private outdoor space shall be at least 50 square feet, with no dimension less than 6 feet.
- H. Roof gardens (private and public) are allowed.
- I. Utility meters, garbage disposal areas, surface parking lots and loading and unloading facilities shall be located to the rear of the building. Utility meters are allowed in the setback zone if they are enclosed within a utility box.

h. Building Type 3 Example Photographs:



7. Building Type 4: Multi-family home:

a. Applicable Subdistricts: C, D.

b. Building Type 4 Site Specifications:



Legend:

A.Sidewalk.

B.Setback line: The building facade shall be set back an average of 5 feet from the front property line. Buildings fronting a 60 foot or narrower right of way shall be set back a minimum of 5 feet from the property line. Cantilevered decks and overhangs 8 feet or greater in height above the finish grade below, measured to the underside of the lowest structural element of the deck or eave, may extend to the property line.

C.Setback zone: The portion of the lot between the building and the front and side property lines shall be landscaped.

D.Building zone: 75 to 100 percent of this area shall be occupied by 1 or more buildings. Portions of this area not occupied by a building shall be occupied by landscaping, a courtyard, pedestrian walkway, or other space.

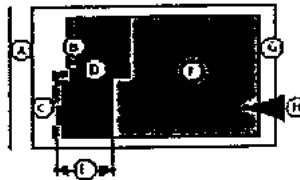
E.Minimum building depth of 20 feet as measured from the front setback line.

F.Multifunctional zone: This area may be occupied by building, rear yard, courtyard, parking lot, and/or parking garage.

G.Alley setback: The first floor and second floor of a building facade shall be set back a minimum of 3 feet from an alley to provide space for utility equipment and service areas and not impede the alley width for vehicular access. Vertical and horizontal articulation of the floors above the second floor shall be provided from the property line on the alley elevation to reduce the appearance of bulk and flatness. If there is no alley, then a minimum 5 foot rear setback is required.

H.Access to parking and loading and unloading facilities shall be provided by the alley.

c. Building Type 4 Mass And Height Specifications:



Legend:

A.Ceiling height: 8 feet to 12 feet.

B.Minimum number of floors: 1.

C.Maximum number of floors: 3.

D.Maximum building height:

1. Two- and three-story buildings: 40 feet.

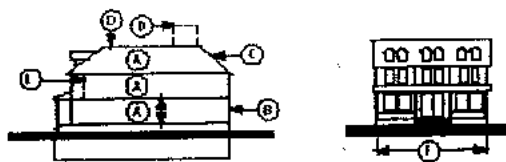
2. An additional 2 feet may be permitted if the additional height will contribute meaningfully to the building character or function.

3. A stairway/elevator shaft providing access to a roof garden may exceed the maximum height by up to 10 feet, provided it is stepped back at least 30 feet from the front and rear property line.

E. Upper floors may be stepped back.

F. Building width: 32 feet minimum.

d. Building Type 4 Roof Forms:



Legend:

A.Hip roof.

B.Gabled roof.

C.Full mansard roof.

D.Dormers.

E.Shed roof: Only allowed where building step backs occur.

F.Appropriate combinations of the above roof forms.

e. Building Type 4 Facade Specifications:



Legend:

- A.Roof: The top floor shall consist of a sloped roof form with dormer or gable end windows.
- B.Ground floor and second floor window fenestration: 15 to 50 percent of each floor facade shall be occupied by windows, except where gable end or dormer windows are used.
- C.Entry door: At least 1 entry door is required on the front facade of the building. Multiple entry doors are allowed on all facades.

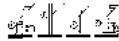
f. Building Type 4 Facade Elements:



Legend:

- A.A front porch is required for all building entrances fronting a street, avenue, park, or public plaza.
- B.External chimneys may extend up to 2 feet into the side and rear yard setback zone. External chimneys are prohibited on all facades fronting a street, avenue, park, or public plaza.
- C.Bay windows may project up to 3 feet from the facade. Bay windows may extend into the front setback zone. Windows shall be required on each side of the bay window.
- D.Balconies, decks and porches shall not extend into the public right of way.
- E.Vertical clearance: 8 feet minimum.
- F.Prohibited facade elements include external chimneys, external staircases to upper floors, window security bars, roll up security doors, and "scissor style" security grilles are prohibited on facades that front a street, avenue, park, and/or plaza. Garage doors that front a street, plaza, or park are prohibited unless the lot is not served by an alley.

g. Building Type 4 Use Specifications:



Legend:

- A.Upper floors: All residential uses as permitted by subsection D, table 1 of this section are allowed. Parking is prohibited.
- B.Ground floor: All residential and professional service uses as permitted by subsection D, table 1 of this section are allowed. Parking is prohibited.
- C.Basement: Parking, storage, and accessory uses associated with ground floor and upper floor principal building uses are permitted. A minimum of 50 square feet of storage space is required for each community housing unit within a building.
- D.Private outdoor space: All residential uses shall have a private outdoor space (such as a deck, balcony, or private porch). The area of each private outdoor space shall be at least 50 square feet, with no dimension less than 6 feet.
- E.Roof gardens (private and public) are allowed.
- F.Utility meters, garbage disposal areas, surface parking lots, attached or detached garages, and loading and unloading facilities shall be located to the rear of the building. Utility meters are also allowed in the rear setback zone if they are enclosed within a utility box.

h. Building Type 4 Example Photographs:



8. Building Type 5: Urban residential:

a. Applicable Subdistricts: C.

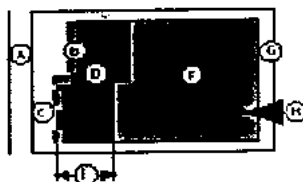
b. Building Type 5 Site Specifications:



Legend:

- A.Sidewalk.
- B.Setback line: The building facade shall be set back an average of 5 feet from the front property line and from the side property line. Buildings fronting a 60 foot or narrower right of way shall be set back a minimum of 5 feet from the property line. Cantilevered decks and overhangs 8 feet or greater in height above the finish grade below, measured to the underside of the lowest structural element of the deck or eave, may extend to the property line.
- C.Setback zone: The portion of the lot between the building and the front and side property lines shall be landscaped.
- D.Building zone: 75 to 100 percent of this area shall be occupied by 1 or more buildings. Portions of this area not occupied by a building shall be occupied by landscaping, a courtyard, pedestrian walkway, or other space.
- E.Minimum building depth of 20 feet as measured from the front setback line.
- F.Multifunctional zone: This area may be occupied by a building, rear yard, courtyard, parking lot, and/or parking garage.
- G.Alley setback: The first floor and second floor of a building facade shall be set back a minimum of 3 feet from an alley to provide space for utility equipment and service areas and not impede the alley width for vehicular access. Vertical and horizontal articulation of the floors above the second floor shall be provided from the property line on the alley elevation to reduce the appearance of bulk and flatness. If there is no alley, then a minimum 5 foot rear setback is required.
- H.Access to parking and loading and unloading facilities shall be provided by the alley.

c. Building Type 5 Mass And Height Specifications:

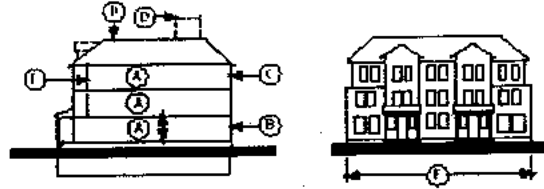


Legend:

- A.Ceiling height: 8 feet to 12 feet.
  - B.Minimum number of floors: 1.
  - C.Maximum number of floors: 3.
- 1.A fourth floor is permitted if all uses above the ground floor are exclusively affordable residential units.
  - 2.On streets and avenues the fourth floor shall be set back from the property line a minimum of 10 feet with an average of 15 feet. The average setback shall be calculated based on the built portion of the fourth floor facade and shall be calculated for each street or avenue elevation; the calculation of the average setback is not cumulative. In addition to the minimum and average setback requirement from the property line, the fourth floor shall be set back a minimum of 5 feet from the facade of the third floor.
- D.Maximum building height:
- 1.Two- and three-story buildings, 40 feet.

- 2. Four-story buildings, 48 feet.
- 3. An additional 2 feet may be considered if the additional height will contribute meaningfully to the building character or function.
- 4. A stairway/elevator shaft providing access to a roof garden may exceed the maximum height by up to 10 feet, provided it is stepped back at least 30 feet from the front and rear property line.
- E. Upper floors may be stepped back.
- F. Building width: 32 feet minimum.

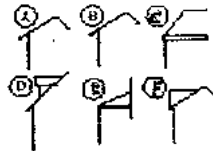
d. Building Type 5 Roof Forms:



Legend:

- A. Hip roof.
- B. Gabled roof.
- C. Full mansard roof.
- D. Dormers.
- E. Shed roof: Only allowed where building step backs occur.
- F. Appropriate combinations of the above roof forms.

e. Building Type 5 Facade Specifications:



Legend:

- A. Roof: The top floor shall consist of a sloped roof form with dormer or gable end windows.
- B. Ground floor and upper floor window fenestration: 15 to 50 percent of each ground floor and upper floor facade that fronts a street, park, and/or plaza shall be occupied by windows, except where gable end or dormer windows are used.
- C. Entry door: At least 1 entry door is required on the front facade of the building. Multiple entry doors are allowed on all facades.

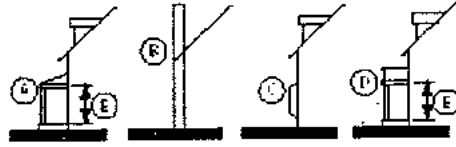
f. Building Type 5 Facade Elements:



Legend:

- A. A front porch or stoop is required for all building entrances fronting a street, park, or public plaza.
- B. External chimneys may extend up to 2 feet into the side and rear yard setback zone. External chimneys are prohibited on all facades fronting a street, park, or public plaza.
- C. Bay windows may project up to 3 feet from the facade. Bay windows may extend into the front setback zone. Windows shall be required on each side of the bay window.
- D. Balconies, decks and porches shall not extend into the public right of way.
- E. Vertical clearance: 8 feet minimum.
- F. Prohibited facade elements include external chimneys, external staircases, window security bars, and security roll up doors are prohibited on facades that front a street, park, and/or plaza. Garage doors that front a street, avenue, plaza, or park are prohibited, except where no alley exists.

## g. Building Type 5 Use Specifications:



## Legend:

A.Upper floors: All residential uses as permitted by table 1 in subsection D of this section are allowed. Parking is prohibited.

B.Ground floor: All residential and professional service uses as permitted by table 1 in subsection D of this section are allowed. Parking is prohibited.

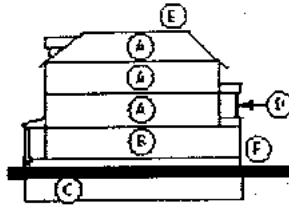
C.Basement: Parking, storage, and accessory uses associated with ground floor and upper floor principal building uses are permitted. A minimum of 50 square feet of storage space is required for each community housing unit within a building.

D.Private outdoor space: All residential uses shall have a private outdoor space (such as a deck, balcony, or private porch). The area of each private outdoor space shall be at least 50 square feet, with no dimension less than 6 feet.

E.Roof gardens (private and public) are allowed.

F.Utility meters, garbage disposal areas, surface parking lots, attached or detached garages, and loading and unloading facilities shall be located to the rear of the building. Utility meters are allowed in the rear setback zone if they are enclosed within a utility box.

## h. Building Type 5 Example Photographs:



## 9. Building Type 6: Hotel:

a. Applicable Subdistricts: A, B.

b. Building Type 6 Site Specifications:





Legend:

A.Main Street or an avenue.

B.Sidewalk.

C.Setback line: Minimum average setback of 5 feet from the front property line, except in subdistrict A, where no setback is required. Buildings fronting a 60 foot or narrower right of way shall be set back a minimum of 5 feet from the property line. Cantilevered decks and overhangs 8 feet or greater in height above the finish grade below, measured to the underside of the lowest structural element of the deck or eave, may extend to the property line.

D.Building zone: 60 to 100 percent of this area shall be occupied by 1 or more buildings.

1. The minimum building depth shall be 50 feet as measured from the front and rear property line, except a portion of the building may be built anywhere within 30 feet of the front property line.

2. Portions of this area not occupied by a building shall be occupied by courtyards, landscaping, hotel entryways, a porte-cochere, or other open space.

3. Storefronts, building entrances, and upper floor balconies may be recessed into the facade.

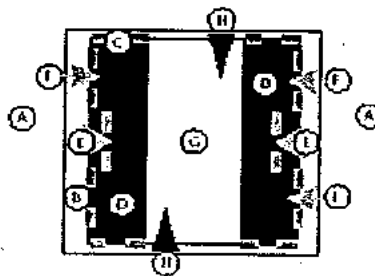
E.Pedestrian entrance: The main pedestrian entrance(s) shall be from Main Street or an avenue.

F.All ground floor uses that are intended to serve both hotel guests and the general public (such as a restaurant or retail store) shall have a pedestrian entrance directly from the street.

G.Multifunctional zone: This area may be occupied by buildings, usable open space, porte-cochere, loading and unloading zone, valet parking service area, and access to parking facilities. Garbage disposal facilities shall be located in the multifunctional zone.

H.Vehicle access points: Access to parking and loading and unloading facilities shall be provided by the alley, except where the development is on a whole city block, then vehicle access, including driveways to a porte-cochere, parking facilities, and loading and unloading zones may be from the side property lines.

c. Building Type 6 Mass And Height Specifications:



Legend:

A.First floor ceiling height: 12 feet to 20 feet.

B.Upper floor ceiling heights: 8 feet minimum and up to 80 percent of the height of first floor ceiling.

- C. Minimum number of floors: 3.  
D. Maximum number of floors: 4.

1.5 floors may be allowed in locations as designated by city council.

2. On streets and avenues the fourth floor and fifth floor shall be set back from the property line a minimum of 10 feet with an average of 15 feet. The average setback shall be calculated based on the built portion of the fourth and fifth floor facades and shall be calculated for each street or avenue elevation; the calculation of the average setback is not cumulative. In addition to the minimum and average setback requirement from the property line, the fourth and fifth floors shall be set back a minimum of 5 feet from the wall of the third floor.

E. Maximum building height:

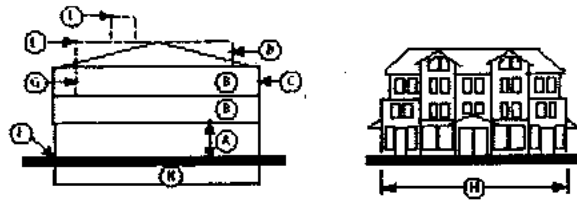
1. Three-story hotel: 48 feet.
2. Four-story hotel: 58 feet.
3. Five-story hotel: 68 feet.
4. All buildings greater than 48 feet shall require final approval from the city council.
5. A stairway/elevator shaft providing access to a roof garden may exceed the maximum height by up to 10 feet, provided it is stepped back at least 20 feet from the front and rear property line.

F. If the building is not set back from the sidewalk, then the entrance shall be at the grade of the sidewalk. If the building is set back from the sidewalk, then the entrance may be elevated above the sidewalk grade by up to 4 feet.

G. Third floors may be stepped back.

H. Building width: 55 feet minimum.

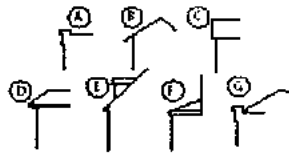
d. Building Type 6 Roof Forms:



Legend:

- A. Flat roof with parapet or cornice.  
B. Hip roof.  
C. Gabled roof.  
D. Full mansard roof.  
E. Dormers.  
F. Shed roof: Only allowed where building step backs occur.  
G. Appropriate combinations of the above roof forms.

e. Building Type 6 Facade Specifications:



Legend:

- A. Building cap: The top of the building shall be defined by a cap, such as a cornice or eaves. The top floor of a four- or five-story hotel shall consist of a sloped roof form with dormer or gable end windows.  
B. Upper floor facade window fenestration: 30 to 70 percent of each upper floor facade shall be occupied by windows or doors.  
C. Ground floor facade window fenestration: 60 to 90 percent of each ground floor facade shall be occupied by transparent windows and doors. This specification does not apply to ground floor facades within the multifunctional zone.  
D. Entry door: At least 1 entry door is required for each business with ground floor street frontage.

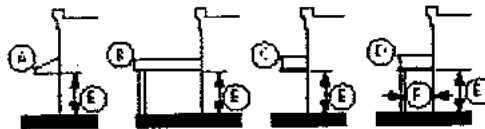
f. Building Type 6 Facade Elements:



Legend:

- A. Awnings/marquees may project 3 feet to 6 feet from the facade. At major pedestrian entrances to the hotel, marquees may extend between 6 feet and up to  $\frac{2}{3}$  the distance between the front facade and the curb line of the sidewalk. Supporting posts are permitted at these entrances.
- B. Porte cocheres may project up to 32 feet from the facade. They are not allowed to project over the public sidewalk.
- C. Balconies/decks may project 3 feet to 6 feet from the facade.
- D. Colonnades (supporting either a shed roof or balcony/deck) may project from 5 feet to 6 feet from the facade. Supporting posts shall have a square width or diameter of 6 inches to 12 inches.
- E. Vertical clearance: 8 feet minimum.
- F. Clearance from inside of post/column to facade: 5 feet minimum.
- G. Prohibited facade elements include external chimneys, external staircases, window security bars, and security roll up doors are prohibited on facades that front a street, avenue, park, and/or plaza.

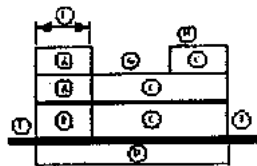
g. Building Type 6 Use Specifications:



Legend:

- A. Upper floor with street frontage: Accommodation, retail trade and retail service uses as permitted by subsection D, table 1 of this section. Parking is prohibited.
- B. Ground floor with street frontage: Active uses shall occur on the street frontage of ground floors within the building zone (refer to site specifications). Active uses include, but are not limited to, lobby space, guest registration, restaurants, bars, business center, workout facilities, conference facilities, office space and retail stores. This specification does not apply to ground floor uses within multifunctional zone (refer to site specifications, subsection L9b of this section).
- C. Floors without street frontage: Accommodation, retail trade and retail service, and residential uses as permitted by subsection D, table 1 of this section. Structured parking is permitted.
- D. Basement: Parking, storage, and accessory uses associated with ground floor and upper floor principal building uses are permitted. A minimum of 50 square feet of storage space is required for each community housing unit within a building.
- E. Street frontage.
- F. Depth for street frontage uses: Minimum 20 feet.
- G. Private outdoor space: All residential uses shall have a private outdoor space (such as a deck, balcony, or private porch). The area of each private outdoor space shall be at least 50 square feet, with no dimension less than 6 feet.
- H. Roof gardens (private and public) are allowed.
- I. Utility meters, garbage disposal areas, surface parking lots, and loading and unloading facilities shall be located to the rear of the building. Utility meters are allowed in the setback zone if they are enclosed within a utility box.

h. Building Type 6 Example Photographs:



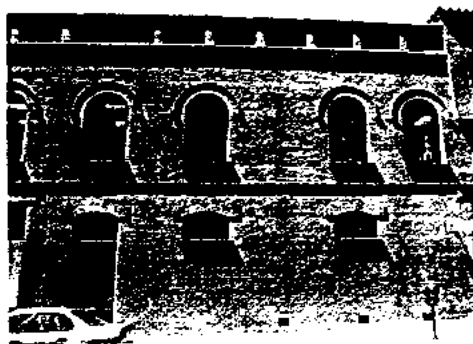
(Ord. 1120, 2014: Ord. 1117, 2014: Ord. 1110, 2013: Ord. 1093, 2012: Ord. 1073, 2010: Ord. 1068 § 1, 2010: Ord. 1060 §§ 1, 2, 3, 4, 5, 6, 7, 8, 2009: Ord. 1052 § 1, 2009: Ord. 1034 §§ 2, 3, 4, 5, 2008: Ord. 1033 §§ 1, 2, 2008: Ord. 1022 §§ 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 2007: Ord. 1005 § 1, 2007: Ord. 994, 2006)

**17.64.020: DESIGN REVIEW REGULATIONS AND GUIDELINES:**

- A. Contents Of Section: This section contains design review regulations and guidelines for all new development projects, changes to the exterior of existing buildings and changes of use in existing buildings within the community core district.
- B. Minimum Design Regulations: Design regulations are minimum or baseline standards for the design of development projects within the community core district. Development shall comply with all applicable design regulations.
- C. Recommended Design Guidelines: Design guidelines are recommendations that are intended to further define the desired image and character of development within the community core district. Design guidelines provide additional guidance to architects, landscape architects, engineers, and other designers. Compliance with design guidelines is not required, but is strongly encouraged.
- D. Categories Of Design Regulations And Guidelines: The design regulations and guidelines in this section are organized in the following categories:
1. All building facades.
  2. Mixed use/hotel building facades.
  3. Multi-family home and urban residential building facades.
  4. Historic buildings.
  5. Roofs.
  6. Awnings and marquees.
  7. Balconies.
  8. Colonnades.
  9. Bay windows.
  10. Front porches/stoops.
  11. Public open space.
  12. Service areas.
  13. Mechanical and electrical equipment.
  14. Landscaping.
  15. Fences, walls and gates.
  16. Site lighting.
  17. Plazas, pedestrian walkways and courtyards.
  18. Parks.
  19. Bicycle parking.
  20. Streets and streetscapes.
  21. Signage plans.
- E. All Building Facades:
1. Design Regulations:
    - a. Facades shall be designed with both solid surfaces and window openings to avoid the creation of blank walls and glass curtain walls. Blank walls on all facades that front a park, street, avenue, alley, plaza, or other public spaces are prohibited.
    - b. On all facades, a clear visual distinction between each floor shall be provided.
    - c. Stairways shall have a design that is compatible with overall structure. Stairs shall not have a tacked on appearance or look like their design was an addition or afterthought.
    - d. All sides of the facade shall be designed with similar architectural elements, materials, and colors as the front facade. However, the design of side and rear facades may be simpler, more casual, and more utilitarian in nature.

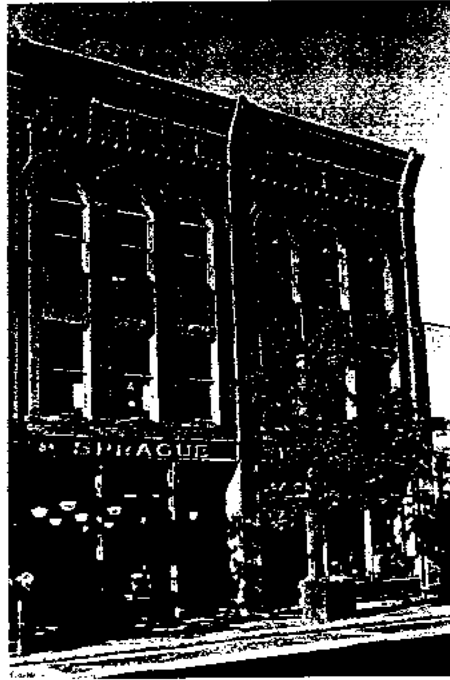


Appropriate relationship between front facade (above) and rear facade (below): The rear facade has similar materials and treatments, but the design is more utilitarian and less formal.



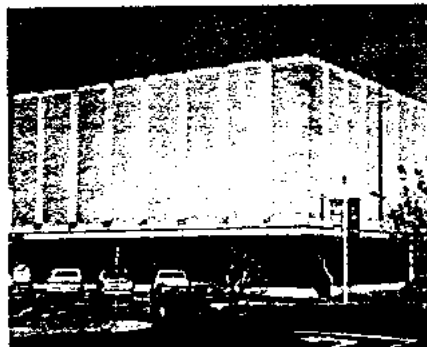
A clear visual distinction between each floor is provided.

Window openings and solid surfaces are balanced on the facade, which avoids the creation of blank walls and glass curtain walls.



Blank walls and facades that do not clearly delineate each floor of the building are prohibited.

- e. If a portion of an existing building is modified, it shall use the same building materials, details, and color applications as the rest of the building. For example, if a portion of a brick facade with wood framed windows and doors is modified, the modified portion of the facade shall use bricks, details, and wood frame windows and doors that are compatible with the other parts of the building.
- f. Additions to existing buildings shall be designed with a style, materials, colors, and details that are compatible with the existing structure.



*Original Structure**Prohibited Addition To Structure**Allowed Addition To Structure*

## 2. Design Guidelines:

- a. Limit the number of building materials used on the facade. As a general rule, use no more than three (3) different types of materials on a single facade.
- b. Materials that are consistent with local vernacular architecture, as well as those that are indigenous to the region, are desired, such as:
  - (1) Brick (in an unglazed finish and earth tone).
  - (2) Painted or stained lap horizontal siding and vertical board and batten wood siding.
  - (3) Painted, stained, or natural finish shingles.
  - (4) Stained or natural finish wood logs.
  - (5) Wrought iron.
  - (6) Fiber cement siding.
  - (7) Finished and painted wood trim.
  - (8) Wood, aluminum, copper, steel, and vinyl clad wood frames for windows and doors.
  - (9) Wood, metal, and glass doors.
- c. Secondary materials should generally be limited to no more than thirty percent (30%) of a facade. Secondary materials may include:
  - (1) Heavy timber.
  - (2) Plaster or stucco.
  - (3) Rustic masonry block.
  - (4) Corrugated metal that is nonreflective.
  - (5) Natural stone or river rock (should be avoided in large vertical rows).
- d. Building materials that are discouraged on facades include:
  - (1) Plywood.
  - (2) Hardboard.
  - (3) Unfinished lumber.
  - (4) Corrugated fiberglass.
  - (5) Vinyl or lap aluminum siding.
  - (6) Sheet metal or tin siding.
  - (7) Textured T-111 siding.

(8) Reflective materials.

(9) Manmade building materials (other than fiber cement siding) that are intended to simulate natural products/materials unless made from one hundred percent (100%) recycled content.

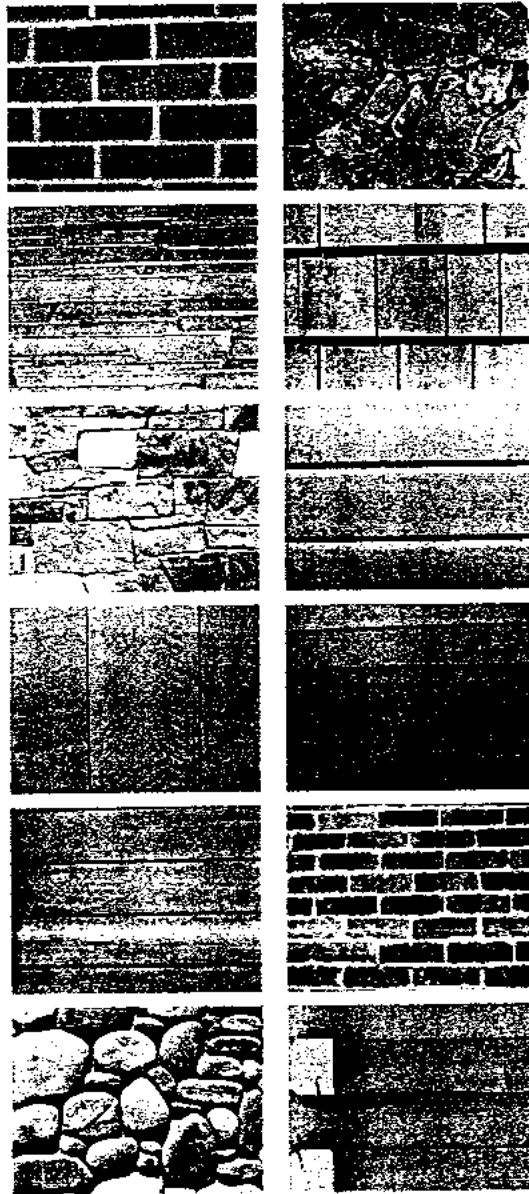


*Examples of appropriate building materials on facades.*

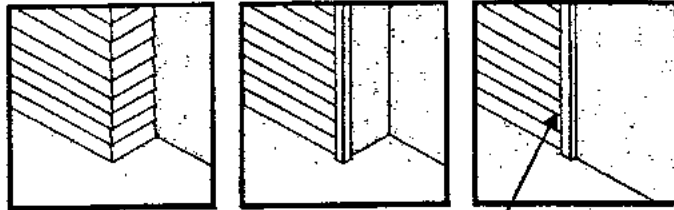
e. Changes in material should generally occur when there is a change in the plane of the facade. If possible, the change in materials and color should occur on inside corners of the building. If a change is proposed along the line of a single plane, a pronounced expansion joint should be used to define a clear separation.

Preferred:	Discouraged:	Allowed if there is a pronounced expansion joint
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- f. Facades should have finishes and colors that are similar to those found on traditional buildings in Ketchum. Painted building surfaces should have a matte finish. Trim work may have a glossy finish. Consideration should be given to how certain colors and finishes withstand weather.
- g. The natural colors of brick and stone material should be maintained. These materials should not be painted or glazed.
- h. Muted and soft colors are encouraged. Extensively bold, bright, fluorescent, and neon colors should be avoided. If used, extensively bold, bright, fluorescent, and neon colors should only be used as accent colors on window frames and doorframes, building trim, and details.
- i. Color applications on a facade should generally be limited to one or two (2) main colors and two (2) to three (3) accent colors that complement the main color(s) of the structure.



Expansion Joint

*Examples of appropriate use of color on buildings.*

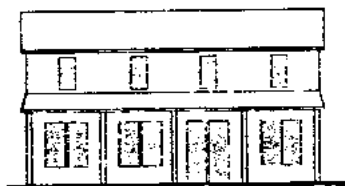


*Examples of inappropriate use of color on buildings.*

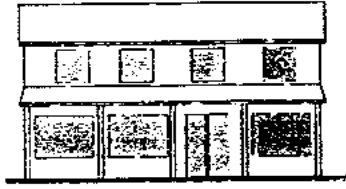
- j. Window openings should have a vertical orientation and proportion.
- k. Basic and simple window shapes are encouraged.
- l. Shutter width to window and door width should look in proportion.



*Windows with vertical orientation and proportion (encouraged).*



*Windows with horizontal orientation and proportion (discouraged).*



*Basic and simple windows.*

#### F. Mixed Use/Hotel Building Facades:

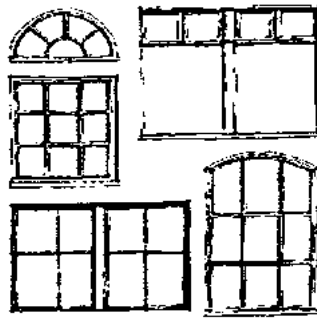
##### 1. Design Regulations:

a. Front building facades, as well as all facades that front a plaza or pedestrian walkway, shall be designed with:

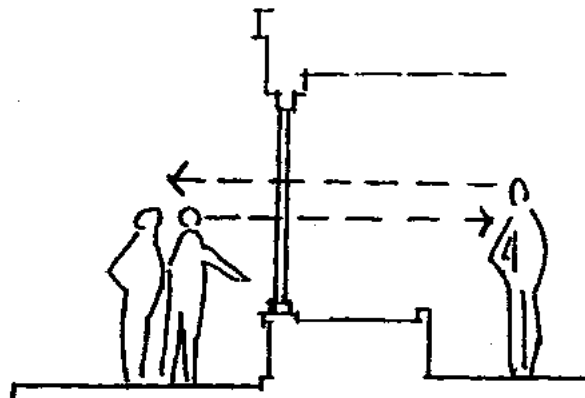
(1) Ground floor storefront windows and doors that utilize clear transparent glass in order to provide clear views of storefront displays from the street and/or to allow natural surveillance of the street and adjacent outdoor spaces. Mirror and tinted glass, including solar bronze and interior film, is prohibited.

(2) Upper floor window openings that have a vertical orientation and proportion. Mirror and tinted glass is prohibited on upper floor facades.

b. Elements of traditional "main street" storefronts shall be used in the facades of traditional mixed use buildings. These elements include recessed entry door(s), display windows, the kickplate or bulkhead, transom windows, cornice and pediment.

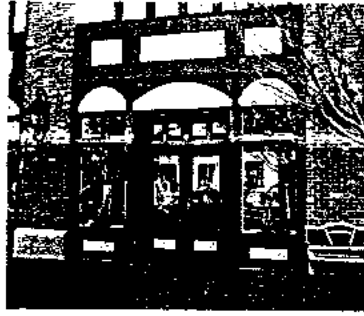


Transparent windows and doors provide clear views of storefront displays and natural surveillance of the street and adjacent public spaces.



*Example of appropriate storefront windows.*

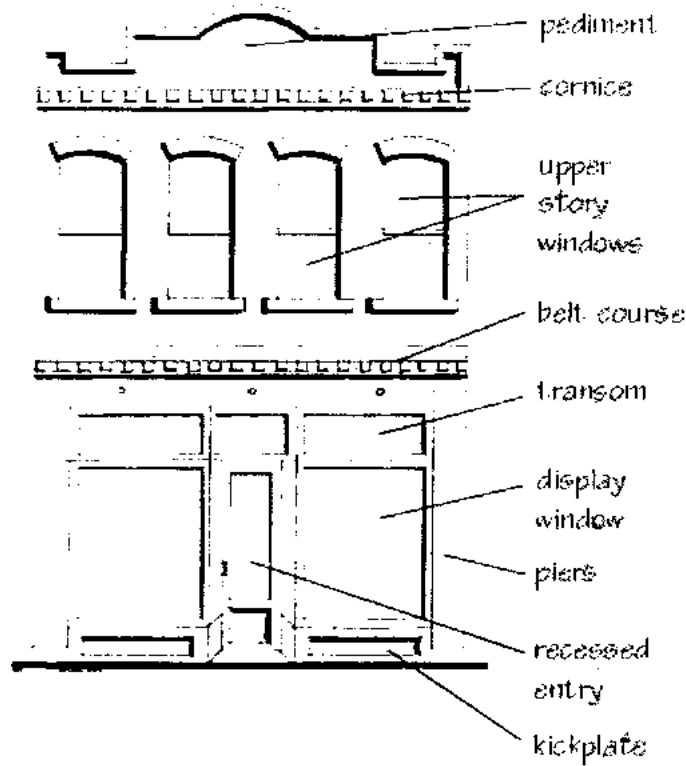
Mirror and tinted glass is prohibited on facades.



*Traditional Main Street storefronts.*

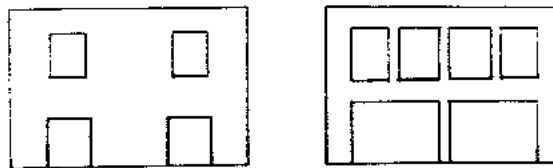
2. Design Guidelines:

- a. Street facing building facades, as well as all facades that front a plaza or pedestrian walkway, should be articulated to improve the quality of the design. Appropriate methods of articulation include, but are not limited to, the following:
  - (1) Increasing the number and/or size of window openings.
  - (2) Creating a defined building cap or roofline.
  - (3) Providing stylized windows and doors.
  - (4) Creating a defined base for the building.
  - (5) Providing three-dimensional expression lines (vertical and horizontal) between the floors of the structure and around storefronts and window openings.
  - (6) Adding depth and detail to the cornice or roof parapet.
  - (7) Recessing storefronts and windows into the facade to create depth and cast shadow patterns.



*Building facades shall be appropriately articulated.*

Unarticulated facade	Facade articulation is improved by increasing the number and size of window openings
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Facade articulation is improved by adding a defined building cap or roofline with depth and detail, and by adding stylized windows and doors.	Facade articulation is improved by providing a building base and three-dimensional horizontal and vertical expression lines.
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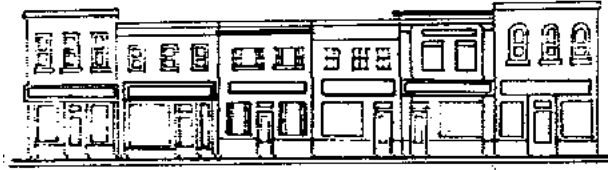
b. A single building on a lot wider than fifty five feet (55') is permitted if it is designed to look like multiple buildings; each segment of the building shall have a maximum width of fifty five feet (55').

c. The ground floor facade should have more area dedicated to transparent window and door openings than the upper floors.

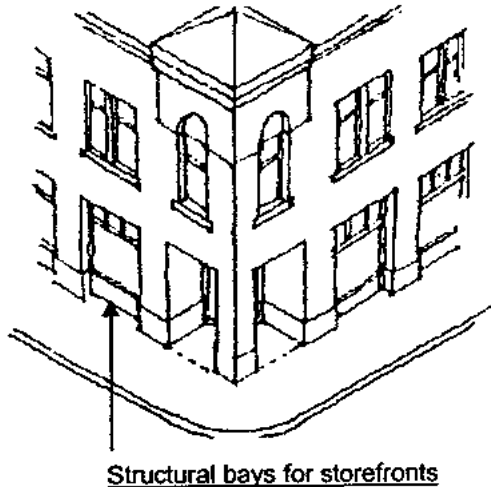


Appropriate relationship between window openings on ground floor and upper floors.

- d. Three-dimensional wall projections, horizontal expression lines, building columns, details and cornice treatments are encouraged on facades.
- e. The ground floor of building facades should be divided into structural bays for storefront openings. The width of the structural bay or the storefront should not exceed its height.



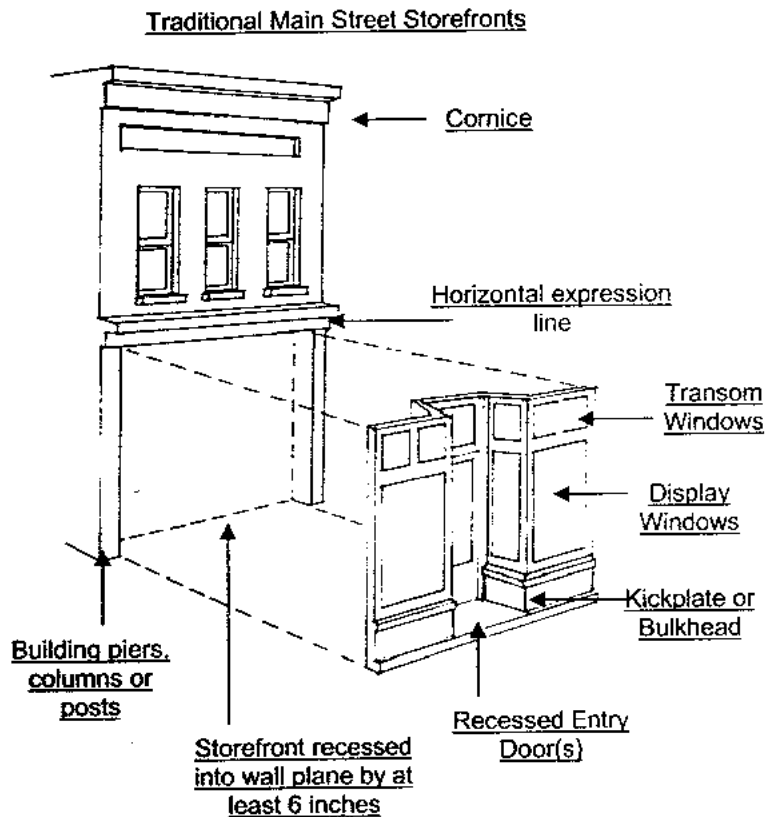
- f. Finish materials that give a feeling of permanence and quality and that have relatively low maintenance costs should be used on facades.
- g. Secondary entrances and windows are strongly encouraged on rear facades that are adjacent to parking facilities.
- h. Storefronts should be recessed into the wall plane by at least six inches (6") and should be framed by building piers or columns and a cornice or horizontal expression line.
- i. A horizontal expression line (also referred to as a belt course) should be between one-half ( $1/2$ ) and one-fourth ( $1/4$ ) the height of the building cornice.



G. Multi-Family Home And Urban Residential Building Facades:

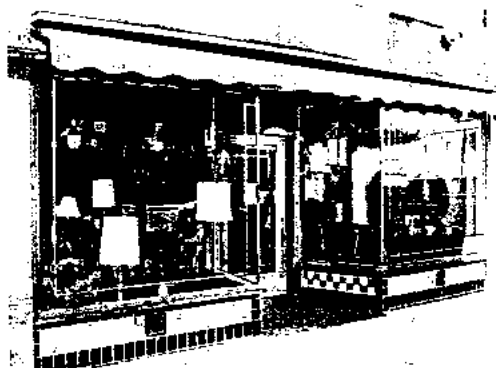
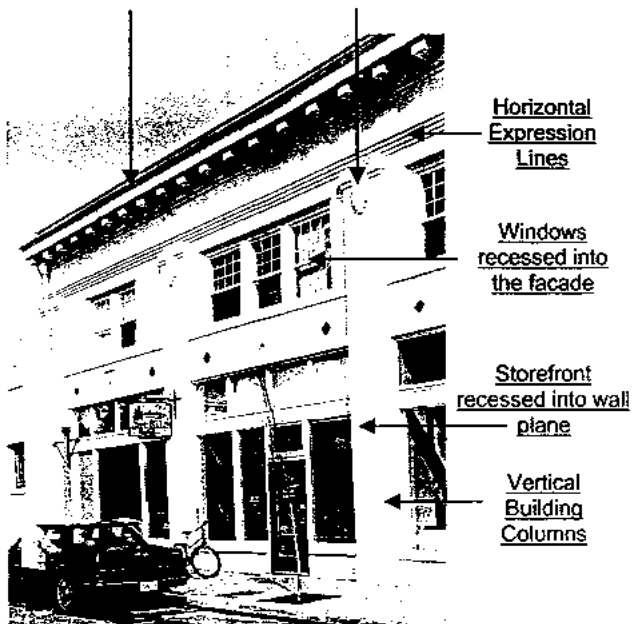
- 1. Design Regulations: None.

Traditional Main Street Storefronts



Cornice Treatment

Details



Examples of multi-family home building class.



*Examples of urban residential building class.*

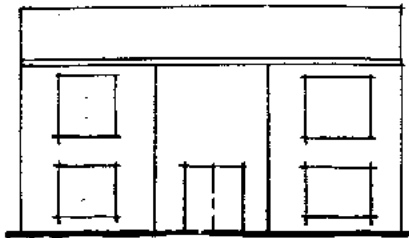
2. Design Guidelines:

- a. Building facades that face streets and avenues, as well as all facades that face a plaza, park, or public space, shall be articulated to improve the quality of the design. Appropriate methods of articulation include, but are not limited to, the following:
- (1) Offsetting or changing the direction of the wall plane by adding a building wing.
  - (2) Increasing the number of window openings on the facade.
  - (3) Balancing window openings on the facade to avoid blank areas on the wall surface.
  - (4) Using more than one material, texture, or color to break up the mass of the facade.
  - (5) Stepping back upper stories.
  - (6) Using traditional building forms, such as bay windows and dormers.
  - (7) Utilizing compatible architectural details to reduce the scale and mass of buildings.
  - (8) Providing overhanging roof eaves that create depth and cast shadow.





*Residential facade with poor articulation (discouraged).*



*Residential facade with appropriate level of articulation.*

- b. Overhanging roofs or three-dimensional cornices are required to delineate the top of the facade and to cast shadow patterns on residential buildings.
- c. Building styles, forms, materials, and colors that reflect the region's vernacular residential architecture are encouraged on residential buildings, particularly for the multi-family home building type. Appropriate building forms include balconies, hipped and gabled roofs, porches, and dormers. Traditional building materials include brick, timber and horizontal and vertical wood siding and wood framed windows and doors. The intent of this guideline is not to recreate exact replicas of historic or traditional buildings, but rather to create new buildings that reflect and honor the character and image of the region.



*Examples of the region's vernacular residential architecture for multi-family home building type.*

- d. The facades of detached garages and other accessory buildings should be designed with similar materials, colors, and details as the main residential building.

#### H. Historic Buildings:

1. Design Regulations: None.

2. Design Guidelines:

- a. When renovating or modifying historic buildings listed on the national register of historic places or designated a local heritage site, landmark, or block and those properties listed in the Ketchum archaeological and historic survey report (refer to the Ketchum historic preservation commission list), the secretary of interior's standards for the treatment of historic properties with guidelines for preserving rehabilitating, restoring, and reconstructing historic buildings should be used.
- b. The secretary of the interior is responsible for establishing standards for advising federal agencies on the preservation of historic properties listed in or eligible for listing in the National Register of Historic Places. The standards for rehabilitation are used as the national standard to determine if a rehabilitation qualifies as a certified rehabilitation for federal tax purposes. In addition, the standards are used by federal agencies in carrying out their historic preservation responsibilities for properties in federal ownership or control and state and local officials in reviewing both federal and nonfederal rehabilitation proposals. The standards are also adopted by local historic districts and planning commissions.
- c. The standards (department of interior regulations 36 CFR 67) pertain to historic buildings of all materials, construction types, sizes, and occupancy and encompass the exterior and the interior, related landscape features and the building's site and environment as well as attached, adjacent, or related new construction. The standards are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility.
- (1) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
  - (2) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
  - (3) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
  - (4) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
  - (5) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
  - (6) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
  - (7) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
  - (8) Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
  - (9) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
  - (10) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired. In addition to these standards, there are illustrated guidelines that describe in more detail how the standards can be implemented for specific types of projects. These guidelines can be obtained from the national park service.

#### I. Roofs:

## 1. Design Regulations:

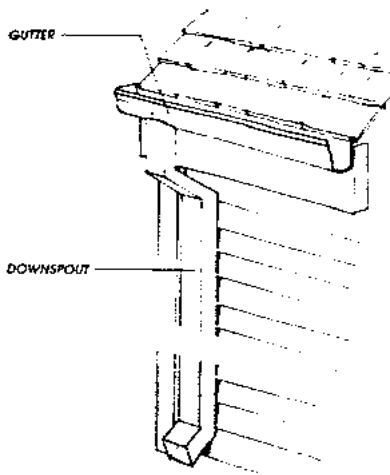
- a. Roofing forms and materials shall be compatible with the overall style and character of the structure. Reflective materials are prohibited.
- b. A relatively consistent roof design (including overhangs, pitch, fascia, materials and eaves) shall be provided on all sides of the building.
- c. All roofs shall be designed with snow clips, gutters, and downspouts to prevent water damage and stains on building facades, and to protect pedestrians and adjoining properties from dripping water and sliding snow.
- d. Mechanical equipment on roofs shall be screened from public view from all sidewalks, plazas, parks, public spaces, and pedestrian walkways.
- e. Roof overhangs, such as cornices, and eaves, may extend out from the facade of the building. However, roof overhangs shall not extend over a neighboring parcel or more than three feet (3') over a public sidewalk.

## 2. Design Guidelines:

- a. Appropriate types of roof materials that are encouraged on buildings include:

- (1) Galvanized metal.
- (2) Copper.
- (3) Nonreflective aluminum and zinc alum.
- (4) Asphalt shingles.
- (5) Metal "dimensional" type shingles.
- (6) Slate shingles.
- (7) Cedar shake shingles.
- (8) EPDM for flat roofs.
- (9) Other materials of similar quality, durability, and character to those listed above and approved by the planning and zoning commission.

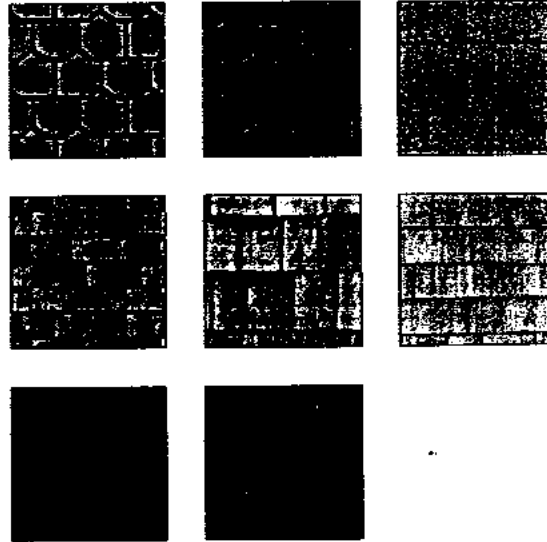
- b. Snow clips should be painted steel.
- c. Gutters and downspouts may be constructed with copper, aluminum, painted galvanized steel, or PVC. The planning and zoning commission may also approve other materials of similar quality and character.
- d. Gutters and downspouts shall match either the trim or body color of the structure.
- e. Vent pipes that are visible from streets, sidewalks, parks, plazas and pedestrian walkways shall be painted to match the color of the roof to make them less conspicuous.
- f. Whenever possible, downspouts should be located in the least conspicuous location, such as the rear or side facades of the building.



*Examples of appropriate roofing materials.*

J. Awnings And Marquees:

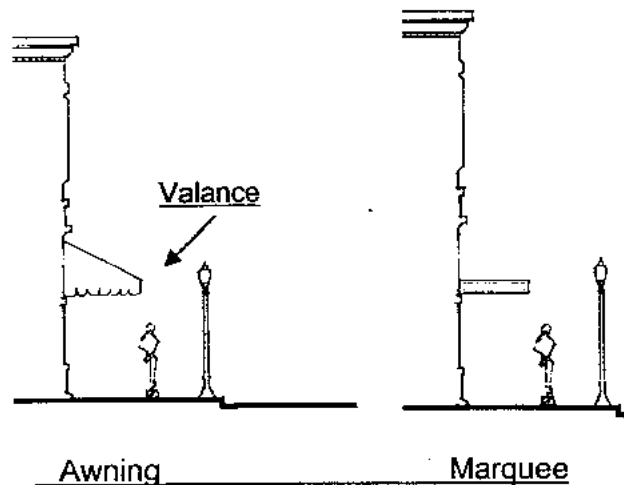
1. Design Regulations: The following standards apply to projecting awnings and marquees:



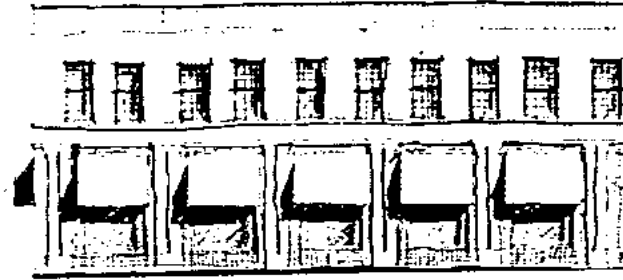
- a. The valance, or front face, of an awning shall not exceed eighteen inches (18") in height.
- b. Awnings and marquees shall not obscure views into storefront display windows or cover architectural expression lines or details.
- c. Awnings may have signs (refer to sign ordinance).
- d. High gloss or plastic materials are prohibited.

## 2. Design Guidelines:

- a. The awning covering should be made of canvas or fabric.
- b. Marquees should be constructed of finished and painted wood, wrought iron, or other materials of similar durability, quality, and character that are approved by the planning director.
- c. Multiple awnings located above storefronts are encouraged rather than a single awning that covers all storefront openings on the building. All awnings on a building should have a consistent design, color, and placement pattern.

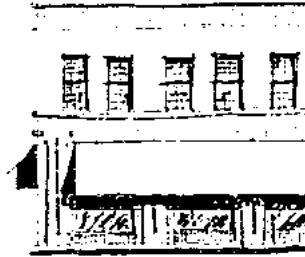


*Multiple awnings are located within the structural bays of storefronts (encouraged).*



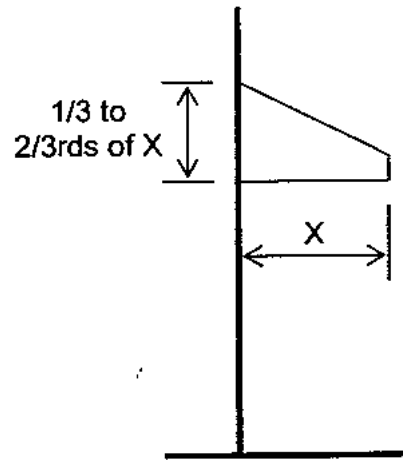
*Single awning overlapping the structural bays of storefronts (discouraged).*

- d. Awnings should have basic and simple color patterns, such as one solid color or a vertical striping pattern with two (2) colors.
- e. The height of the awning should be approximately one-third ( $1/3$ ) to two-thirds ( $2/3$ ) the depth of the awning.

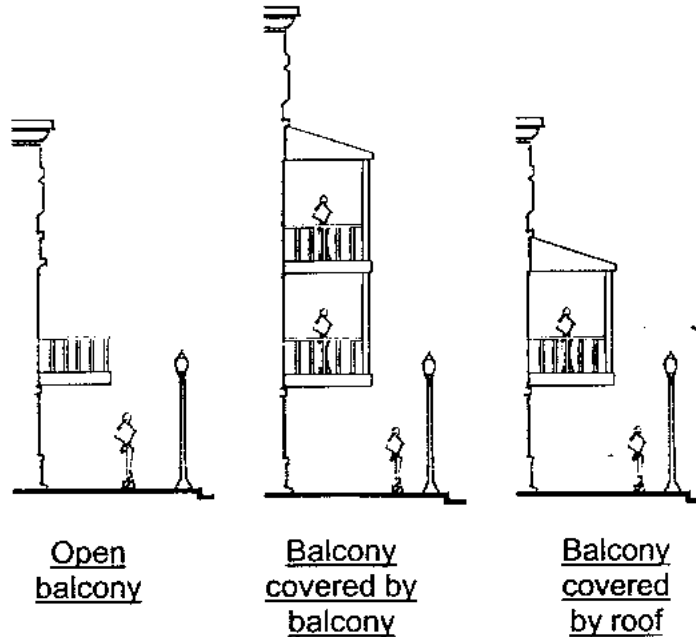


#### K. Balconies:

1. Design Regulations: The following standards apply to projecting balconies:
  - a. Balconies may be open or covered with a roof or upper story balcony.
  - b. The distance between roof supporting columns, piers, or posts on balconies shall not exceed their height.
2. Design Guidelines:
  - a. Balconies should be constructed of one of the following materials:
    - (1) Wrought iron.
    - (2) Wood trim.
    - (3) Finished and painted wood and wood trim.
    - (4) Other materials of similar quality, durability, and character to those listed above and approved by the planning and zoning commission.



- b. The sides of balconies should be designed with posts, railings, and balustrades rather than a solid wall plane.
- c. The design of balconies, including railings, balustrades, posts, columns, details, and roof covering, should be compatible with the overall style and form of the building. The balcony should not have a tacked on appearance or look like it was an addition or afterthought.



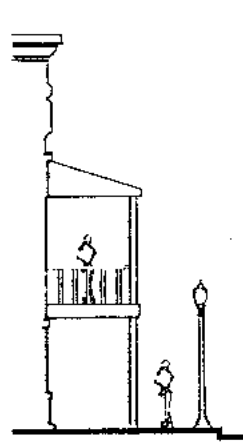
#### L. Colonnades:

1. Design Regulations: The following standards apply to projecting colonnades:

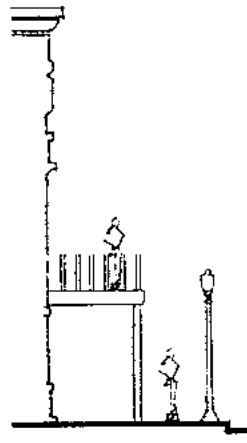
- a. Colonnades may be covered with a roof or a balcony. An enclosed habitable space may occur above the colonnade, as long as it does not occur over the public sidewalk.
- b. Supporting columns and posts shall be spaced and sized so that they do not block views of storefront windows from the street.



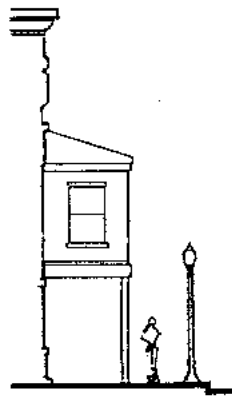




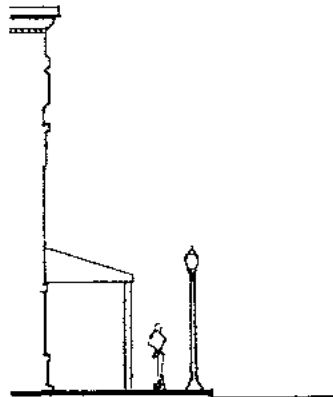
Colonnade covered  
by balcony



Colonnade covered  
by open balcony



Colonnade covered  
by habitable space  
(not allowed over the  
sidewalk)



Colonnade covered  
by roof

Colonnades offer pedestrians protection from the elements, shadows created by the colonnade that may block views into storefronts should be avoided (as demonstrated in the two pictures below).



## 2. Design Guidelines:

a. Colonnades should be constructed of one of the following materials:

- (1) Brick.
- (2) Natural stone.
- (3) Concrete masonry.
- (4) Wrought iron.
- (5) Finished and painted wood and wood trim.
- (6) Other materials of similar quality, durability, and character to those listed above and approved by the planning and zoning commission.

b. If used, colonnades should extend along the entire width of the building facade.

c. For corner buildings, the colonnade may turn the corner and extend along the side facade.

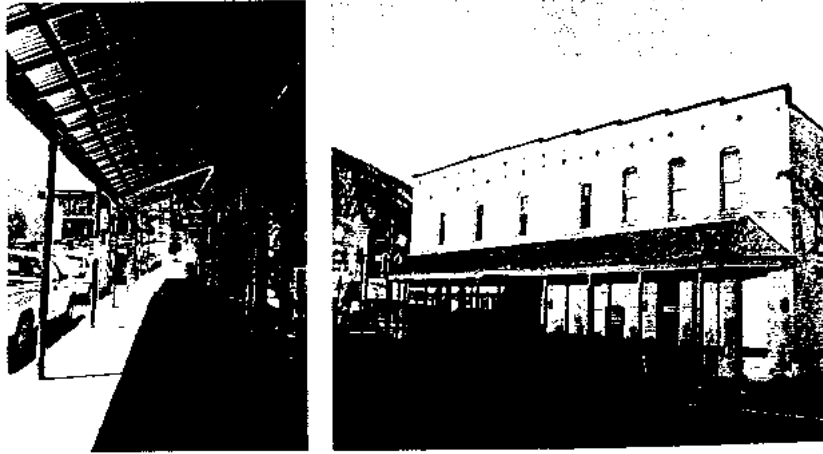
d. The design of the colonnade, including railings, balustrades, posts, columns, details, and roof covering, should be compatible with the overall style and form of the building. The colonnade should not have a tacked on appearance or look like it was an addition or afterthought.

e. The sides of balconies above colonnade should be designed with posts, railings, and balustrades rather than a solid wall plane.

f. The diameter of a round column or post should be in proportion to the height of the column and building.

g. The size of a square column or post should be in proportion to the height of the column and building.

h. The sides of square columns or posts should be equal.

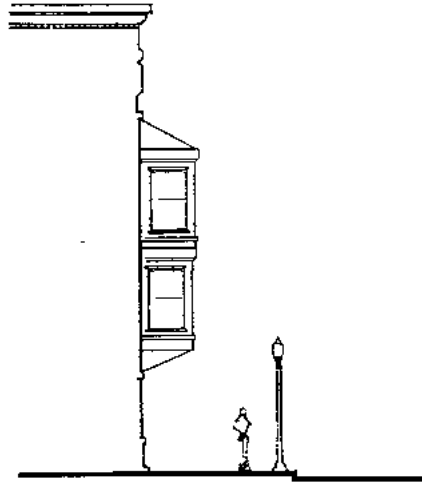


*Unequal sides of columns are discouraged.*

M. Bay Windows:

1. Design Regulations: None.
2. Design Guidelines:
  - a. Bay windows should be constructed of one of the following materials:
    - (1) Brick.
    - (2) Concrete masonry.
    - (3) Wrought iron.
    - (4) Finished and painted wood and wood trim.
    - (5) Wood, aluminum, copper, steel, and vinyl clad wood frames for windows.
    - (6) Other materials of similar quality, durability, and character to those listed above and approved by the planning and zoning commission.

- b. All sides of the bay window should have windowpanes.
- c. Windowpanes should have a vertical orientation and be in proportion.
- d. The size and spacing of bay windows should be in proportion to the building.



*Example of bay windows on mixed use buildings.*

#### N. Front Porches/Stoops:

1. Design Regulations: The following standards apply to front porches and stoops:
  - a. Front porches and stoops may be covered with a roof, a balcony, or an enclosed habitable space. However, an enclosed habitable space may not occur within the setback zone.
  - b. 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. The raised platform of a front porch (not including stairways) shall be at least fifty (50) square feet in size with no one dimension less than six feet (6') in length.
  - d. The raised platform of a stoop (not including stairways) shall be at least twenty five (25) square feet in size with no dimension less than five feet (5') in length.



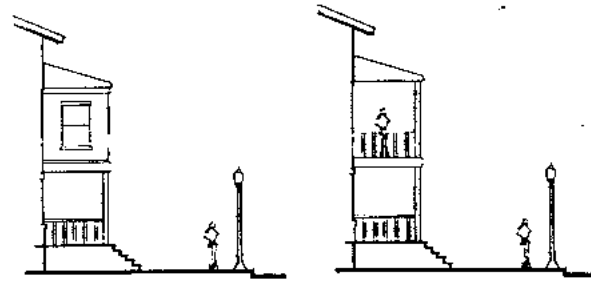
## 2. Design Guidelines:

a. Porches and stoops are encouraged to be constructed of one of the following materials:

- (1) Granite rock or stone.
- (2) Granite slab or tile.
- (3) Brick.
- (4) Concrete masonry with plaster or stucco.
- (5) Wrought iron.
- (6) Finished and painted wood and wood trim.
- (7) Other materials of similar quality, durability, and character to those listed above and approved by the planning director.

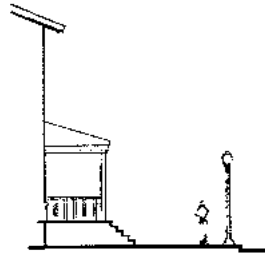
b. The design of the front porch and stoop, including railings, balustrades, posts, columns, stairs, details, and roof covering, should be compatible with the overall style and form of the building. The front porch and railings should not have a tacked on appearance or look like it was an addition or afterthought.

c. The spacing of supporting columns, piers, or posts on front porches and stoops should not exceed their height.



Enclosed habitable  
space over front porch

Balcony over front  
porch



Shed roof over porch

*Example of building with front porch.*



*Example of building with stoops.*

#### O. Public Open Space:

##### 1. Design Regulations:

a. Public open spaces shall be designed to enhance the site and/or building as a place for pedestrians and shall include the following:

- (1) Trash receptacles.
- (2) A combination of landscaping and paved surfaces.
- (3) Pedestrian scaled lighting.
- (4) Amenities or features that encourage people to gather. Such features include (but are not limited to) outdoor seating, spas/hot tubs, pools, barbecue facilities, outdoor fireplaces, public art, fountains, kiosks, planters, and outdoor dining areas.

b. Public open spaces shall be usable throughout the year. These spaces shall either be heated for snow removal or maintained to remove snow during the winter months.



*Outdoor open spaces should be located to take advantage of scenic views and vista.*

## 2. Design Guidelines:

- a. If provided or required in the specifications of a building type, outdoor open spaces should be located on the site or building to take advantage of scenic views and vistas. Roof gardens are encouraged to provide views of the surrounding mountains.



*Roof gardens are encouraged.*

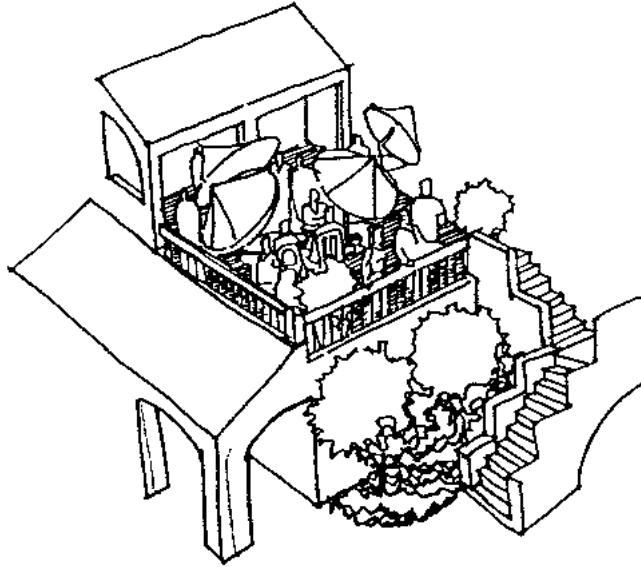
- b. Public open spaces should be designed with a sense of enclosure. Enclosure can be provided by locating the space between buildings or by defining the space with landscaping and wall features. Outdoor structures, such as pergolas and gazebos, can also create a sense of enclosure within the space.
- c. Public open spaces on adjacent parcels should be connected and shared to create a large, more attractive space.
- d. Public open spaces should be located and oriented to encourage pedestrian 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.

## P. Service Areas:

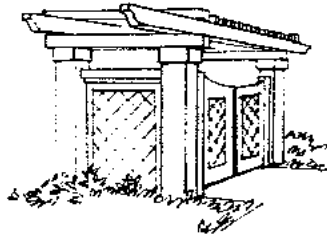
### 1. Design Regulations:

- a. 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 from streets, avenues, alleys, pedestrian walkways, sidewalks, plazas, and public spaces. Trash disposal areas with appropriately designed enclosures or screens may be allowed within rear parking lots, but in no case shall the disposal area be allowed along the street frontage.
- b. Trash disposal areas shall be screened from public views from all sidewalks, streets, plazas, and public spaces. Trash enclosures shall be used to store outdoor garbage containers or dumpsters.
- c. Garbage containers or dumpsters shall be kept in enclosures at all times, except when being emptied.
- d. Trash enclosures shall be maintained and the surrounding area kept free of debris.
- e. The location of trash enclosures shall not interfere with vehicular and pedestrian access and movement.

- f. The number of trash receptacles per unit shall be provided based on formulas provided by trash disposal companies.
2. Design Guidelines: The design of trash enclosures should be architecturally compatible with the other buildings on the site, and their design should use similar forms, materials, and colors.



**Trash disposal area shall be located to the rear of buildings and screened from public view by enclosures or landscaping**

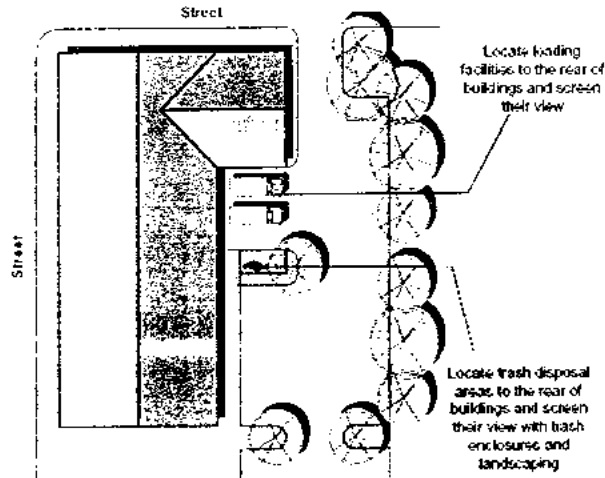


**Q. Mechanical And Electrical Equipment Design Regulations:**

1. The following shall not be located within the public right of way and shall be screened from public views from streets, pedestrian walkways, sidewalks, plazas, and public spaces:
- Electric and water utility meters.
  - Power transformers and sectors.
  - Heating/ventilation/cooling equipment.
  - Irrigation and pool pumps.
  - Satellite dishes greater than eighteen inches (18") in diameter.



- f. Antennas.
  - g. Rooftop mechanical equipment.
  - h. Other mechanical equipment.
2. Appropriate methods of screening include fencing, landscaping, roof parapets, and equipment enclosures. The design of screening devices shall be compatible with the main structure and conform to other sections of this code. Noise levels of mechanical equipment shall be minimized. All utility and communication lines serving the site shall be underground.



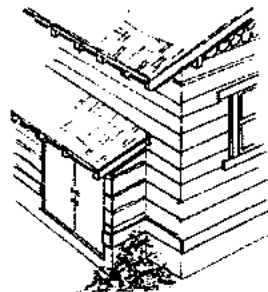
R. Landscaping: The regulations and guidelines in this subsection apply to private property, including parking lots. Regulations and guidelines for the landscaping of streets are provided in subsection X, "Streets And Streetscapes", of this section.

1. Design Regulations:

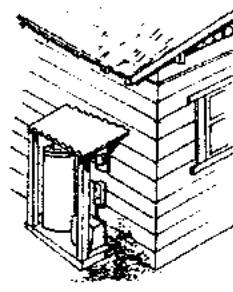
- a. The following areas shall be landscaped and regularly maintained to be free of weeds, overgrown vegetation, and litter:
  - (1) Unpaved portions of the site visible from public streets, sidewalks, plazas, parks, and other public spaces.
  - (2) Common outdoor areas within any development.
  - (3) Private and public surface parking lots.
- b. Landscaping treatments shall include a combination of trees, grasses, shrubs, flowering plants, and flowers.
- c. All landscaped areas shall be irrigated with automatic drip irrigation systems that do not produce overspray on surfaces outside the planting area.
- d. All new trees planted in the community core district shall be species that are recommended and approved by the city arborist. All new trees shall have a caliper size of three inches (3") measured twelve inches (12") from the ground. If the species is not available in this size, a caliper of two and one-half inches (2<sup>1</sup>/<sub>2</sub>"), measured twelve inches (12") from the ground, will be acceptable. Evergreen trees shall be at least eight feet (8') tall when planted. All trees shall have a minimum height of fourteen feet (14') when fully grown.
- e. In order to provide adequate pedestrian clearance, trees shall be pruned regularly so that there is at least seven feet (7') of vertical clearance between the lowest branches of the tree and the grade of the adjacent sidewalk or pedestrian walkway. They shall also be pruned to maintain the health, vigor, and natural shape of the tree, and to maintain vehicular clearance and sight lines.
- f. All trees shall have an adequately sized planting area. The size of the planting area shall be based on the amount of room needed for tree roots. Root barriers shall be used when trees are planted near pedestrian walkways and sidewalks.
- g. Shrubs shall have a minimum five (5) gallon container size.
- h. An exception to a development specification or design regulation (such as the built to line specification) is allowed if the exception will protect and preserve an established, healthy, and mature tree on the site. In cases where such a tree is protected and preserved, the exception to the development specification or design regulations shall be granted with verification of the city arborist and shall not require approval by the planning and zoning commission or city council. When proposed underground parking prohibits the preservation of mature and healthy trees, an assessment of alternatives shall be made by the planning department, city engineer, city arborist and the applicant. Such an assessment will include consideration of a parking

demand plan.

- i. 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.
- j. All landscaping shall be maintained in a healthy and attractive state and shall be watered, weeded, generally maintained, and replaced (if necessary) by the property owner/property manager.
- k. Trees that are placed within a courtyard, plaza, or pedestrian walkway shall be placed within tree wells that are covered by tree grates.
- l. The city arborist shall approve all parking lot trees. Trees that do not drop heavy cones, sap, fruit, and seedlings shall be selected to minimize potential damage to cars in the parking lot.
- m. All surface parking lots shall be designed with the following landscaping features:
  - (1) The use of porous or pervious surfaces in the parking lot design. These surfaces reduce the volume and rate of storm water runoff and can add to the visual character of the parking lot.
  - (2) Landscaped planters shall be located between public sidewalks and parking lots. Landscaped planters shall be at least five feet (5') wide and shall be planted with a combination of shrubs, trees, and flowering plants. Planter walls shall be limited to a height of twenty four inches (24").
  - (3) Trees may be planted in landscaped planters, tree wells in pedestrian walkways, and/or diamond shaped planter boxes located between parking rows. Diamond shaped planter boxes and tree wells shall be at least five feet (5') square. Tree gates and root guards shall be required for trees planted within pedestrian walkways.
  - (4) 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.



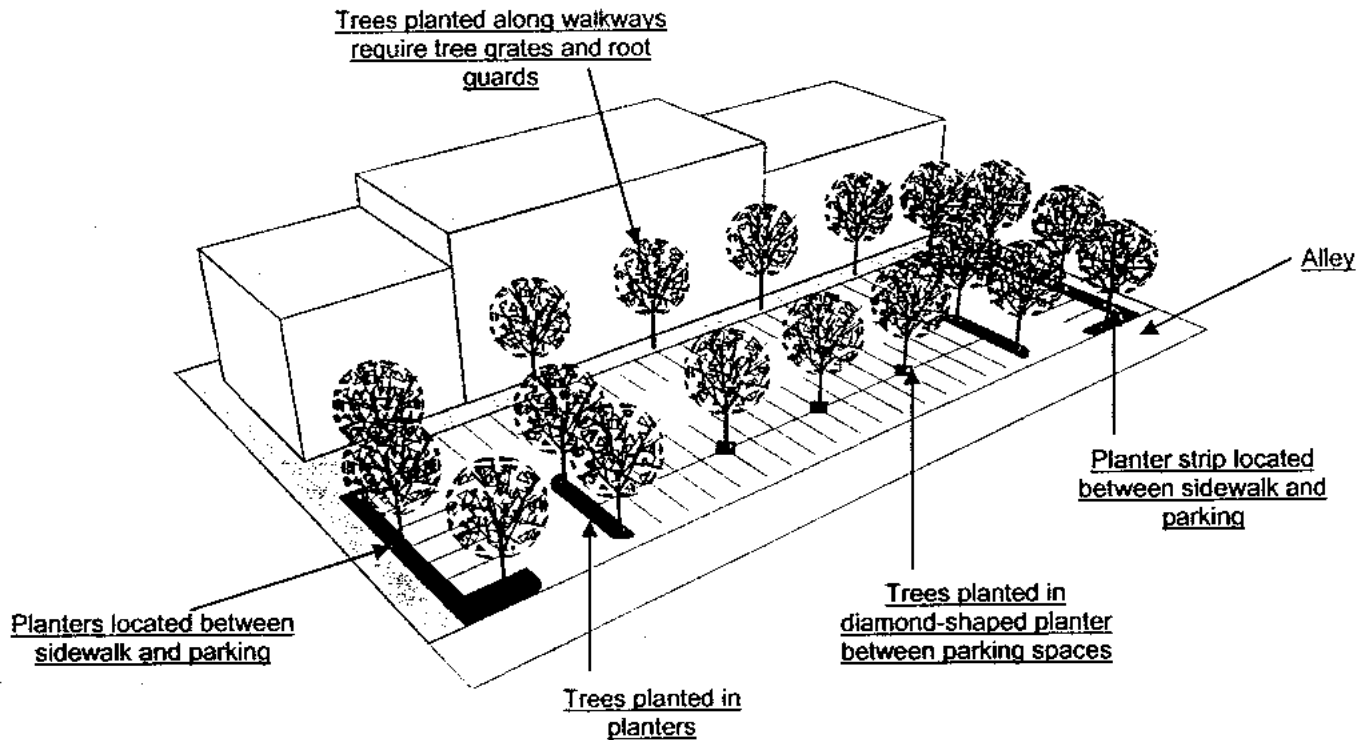
APPROPRIATE



INAPPROPRIATE

## 2. Design Guidelines:

- a. Public art and interpretative heritage plaques should be incorporated into landscaped areas to highlight Ketchum's unique history and heritage.



*Example of an interpretive heritage plaque.*

- b. Flowerpots and planter boxes are encouraged to add color and variety to the landscape. Flowerpots and planters are encouraged on porches, second story balconies, and below windows. Flowerpots may also hang from porch overhangs and columns of posts. All flowerpots and planter boxes should be compatible with the architecture style of the building.



*Example of landscaped planter located between sidewalk and parking lot.*

- c. Properties should be landscaped with indigenous or drought tolerant plants and trees that can grow in the microclimate of downtown Ketchum. Plants and trees should be adaptable to the site's microclimate, soil and orientation/aspect.
- d. Mature and healthy trees, landscaping, and natural site features should be preserved and incorporated into the design of the site and building.
- e. Special design features should be incorporated into the design of parking lots. Features could include:
- (1) Decorative paving at parking lot entrances and pedestrian walkways.
  - (2) The use of porous or pervious surfaces in the parking lot design. These surfaces reduce the volume and rate of storm water runoff and can add to the visual character of the parking lot.
  - (3) Flowering plants and shrubs.
  - (4) Public art.

## S. Fences, Walls And Gates:

### 1. Design Regulations:

- a. The design of fences and walls shall be compatible with the architecture of the building.
- b. Entrance arbors are allowed on fences/walls.



- c. Fences and walls shall have an articulated design. Articulation can be created by having regularly spaced posts, changing the height of the fence/wall, and by using different building materials at the base, posts, or the cap of the fence/wall. Flat walls, chainlink fences, and barbed wire fences are prohibited.
- d. The maximum fence and wall height is four feet (4') within thirty feet (30') of the front property line and six feet (6') beyond thirty feet (30') of the front property line.

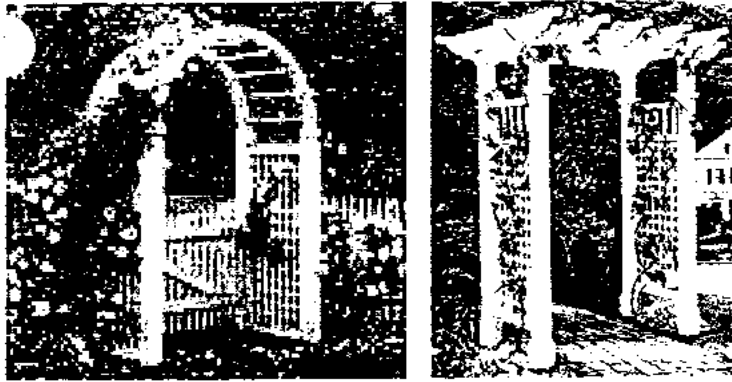
### 2. Design Guidelines:

- a. Fences and walls may be constructed of the following materials:

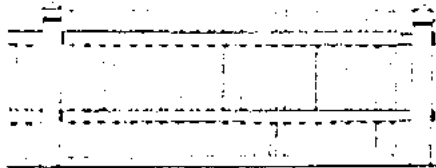
- (1) Wood.
- (2) Natural stone.
- (3) Wrought iron.
- (4) Concrete masonry.
- (5) Brick.
- (6) Other materials of similar quality, durability, and character to those listed above and approved by the planning director.

- b. Fences and walls should match or complement the color of the building. Walls constructed with brick and stone should not be painted in order to display the natural color of the materials.
- c. Front yard fences and gates should have opacity of at least fifty percent (50%). Walls (not including retaining walls for terraces) should be avoided in front yards.
- d. The top two feet (2') of a side or rear yard fence should have opacity of at least fifty percent (50%).

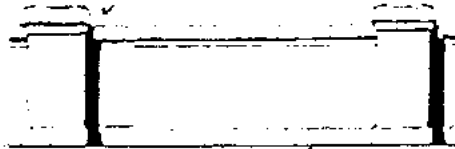
Examples of entrance arbors



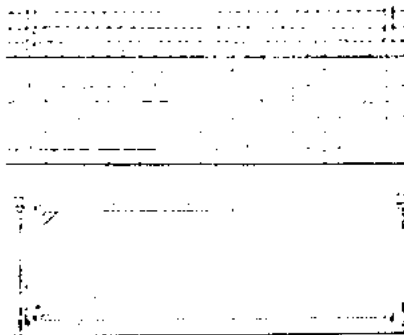
Example of a fence with opacity (you can see through it)



Example of a fence without opacity (it is solid and you cannot see through it)



Example of inappropriate fence/wall design:



T. Site Lighting:

1. Design Regulations:

a. The following areas shall be illuminated at night to ensure the safety of users and to minimize opportunities for crime. Illumination shall conform to the city of Ketchum dark sky ordinance.

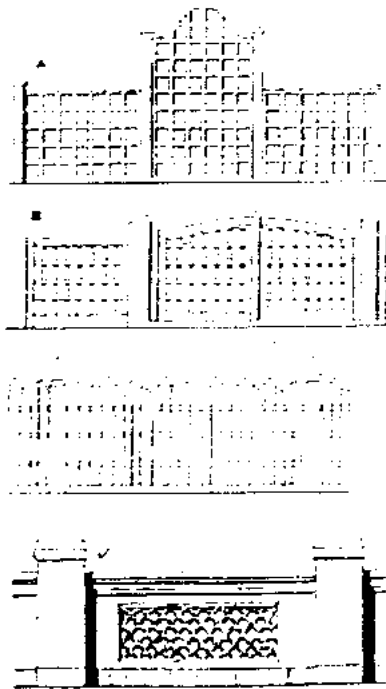
- (1) Intersection of streets.

- (2) Intersection of alleys and streets.
  - (3) Surface parking lots.
  - (4) Parking structures, including access points, elevators and stairwells.
  - (5) Pedestrian walkways and paths.
  - (6) Plazas.
  - (7) Sidewalks.
  - (8) Automated teller machines (ATMs).
  - (9) All entrances to buildings, including rear and service entrances.
  - (10) Garbage disposal areas.
  - (11) Alleys.
  - (12) Other areas that are routinely used by pedestrians.
- b. Site, building, and sign lighting shall be located and directed to light the intended area of illumination and to prevent off site glare impacts on adjacent buildings or properties.

## 2. Design Guidelines:

- a. Lighting should be provided at regular intervals to prevent the creation of light and dark pockets. Dark pockets can create uncomfortable areas for pedestrians and provide opportunities for criminals to hide in dark shadows. Light pockets can create a "fish bowl" effect within the light pocket (or the "fish bowl"). Pedestrians may be observed, but their ability to see outside of the light pocket is limited, which creates discomfort and insecurity.
- b. Overlighting of buildings and sites should be avoided. Overlighting can create an environment that feels like a prison yard and can ruin desired nighttime ambience.
- c. All lighting poles and fixtures should have a decorative/ornamental design that complements the structures on the site.
- d. Lighting within storefront windows is encouraged to illuminate the sidewalk and create a desirable nighttime ambience.

### Example of appropriate fence/wall design:



*Examples of safe and desirable nighttime lighting.*



*Examples of poor and undesirable nighttime lighting that creates dark and light pockets.*

#### U. Plazas, Pedestrian Walkways And Courtyards:

##### 1. Design Regulations:

a. All plazas, pedestrian walkways, and courtyards shall be designed with an ornamental surface that is differentiated from the sidewalk and asphalt streets and parking lots. Appropriate types of ornamental paving include:

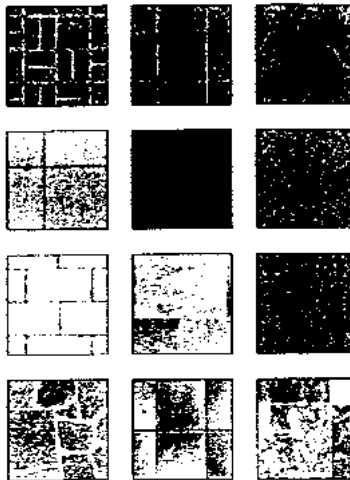
- (1) Natural stone.
- (2) Turf block.
- (3) Brick.
- (4) Concrete unit pavers.
- (5) Concrete with special textures, colors, and patterns.



*Examples of appropriate paving surfaces and patterns for public plazas.*

- b. At least two (2) sides of a plaza or courtyard shall be defined by building facades with active ground floor uses (such as restaurants, retail stores, cafes, bars, etc.). Edges that are not defined by building facades shall be defined with landscaping features, such as trees, low planters, seating, a pergola with vines, or sculptures.
- c. All plazas and courtyards shall be designed with pedestrian amenities, such as seating, outdoor dining tables with umbrellas, winter ice rinks, planters, trees, vine covered pergolas, pedestrian scaled lighting, public artwork, outdoor fireplaces, and fountains.

Examples of a public plaza and pedestrian walkway that is improved with pedestrian amenities.



- d. Plazas shall be illuminated from dusk to dawn. A combination of overhead lighting and lighted bollards shall be used.
- e. Plazas, pedestrian walkways, and courtyards that are paved shall be kept clear of snow and ice to ensure that the space is usable throughout the year.

2. Design Guidelines:

- a. Fountains, geothermal springs, ice skating rinks, and/or other water features should be incorporated into the design of larger public plazas.





*Water features are encouraged in courtyards and plazas.*

- b. A combination of hard and soft surfaces shall be incorporated into the design of plazas and courtyards to add visual interest and variety.
- c. Public art and interpretive heritage plaques should be incorporated into the design of plazas to highlight Ketchum's unique history and heritage.



*Example of an outdoor open space with public art as an amenity.*



*Public art is encouraged in public spaces.*

- d. Energy efficient sources and technologies to melt snow are preferred and encouraged.

#### V. Parks:

##### 1. Design Regulations:

- a. Park improvements shall be designed to preserve mature trees, natural topographic features, rock outcroppings, and riparian and floodplain features.
- b. All parks shall be designed with pedestrian amenities, such as shaded trails and paths, seating areas, picnic tables, barbecue areas, planters, trees, vine covered pergolas, gazebos, drinking fountains, pedestrian scaled lighting, public artwork, and fountains.
- c. Parks shall be visible from streets, sidewalks, and adjacent uses to facilitate informal surveillance of the park and to increase safety and security. Edge treatments such as landscaping and fencing shall not block public views into the park. Parks shall not be isolated or walled off from the surrounding community.
- d. Lighting shall be provided for pedestrian paths, parking lots, restrooms, picnic areas, gazebos, and other structures within parks. Lighting shall be located and directed to control off site glare.
- e. Parks shall be designed with a combination of shaded areas to create cool areas during warm summer months and open space for solar access during the colder months. Canopy trees, trellises, gazebos, and/or other structures shall be provided to shade pedestrian paths, picnic areas, outdoor seating areas, and playgrounds.





## 2. Design Guidelines:

- a. Parks should be designed with an attractive path and trail system that provides convenient access to and from the internal features of the park (picnic areas, playgrounds, sitting areas, grass areas, etc.). Public access to waterways, specifically Trail Creek, should be enhanced.
- b. Downtown parks should be designed for informal or passive recreation. Grass areas that can accommodate a range of informal recreational activities should be provided.
- c. Playground equipment and interactive play features should have a theme that represents an element of Ketchum's history.
- d. When possible, paths should be aligned with important viewpoints, such as mature trees, fountains, or a statue, to create a vista within the park.
- e. Grass, landscaping, and permeable surfaces should be used within parks to the maximum extent feasible. The use of impervious surfaces, such as concrete and asphalt, should be limited to paths, parking lots, and sports courts (if provided).
- f. Public restrooms should be provided in each park, where feasible. Restrooms should be conveniently located near heavily used areas and should be visible from public streets, sidewalks, pedestrian paths, and adjacent land uses to provide informal surveillance of the facility.
- g. Public art and interpretive heritage plaques should be incorporated into the design of parks to highlight Ketchum's unique history and heritage.



W. Bicycle Parking:

1. Design Regulations:

a. (1) All developments within downtown are required to have bicycle parking. The minimum number of bicycle racks shall be determined by whichever of the following is greater:

(A) Two (2) bicycle racks per use or business.

(B) A number of bicycle racks that equals twenty percent (20%) of the required auto parking.

(C) Two (2) bicycle racks per lot.

(2) Schools are required to provide a minimum of one bicycle rack per ten (10) students or ten percent (10%) of required auto parking, whichever is greater. Recreation uses are required to provide a minimum of five (5) bicycle racks or ten percent (10%) of required auto parking, whichever is greater.

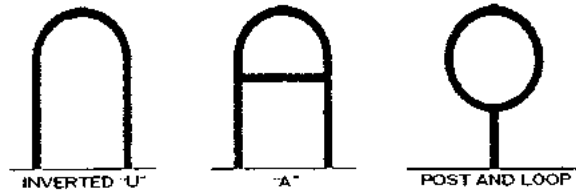
b. A single bicycle rack shall meet the following criteria:

- (1) Support the bicycle upright by its frame in two (2) places.
  - (2) Prevent the wheel of the bicycle from tipping over.
  - (3) A U-lock should be able to lock the front wheel and the down tube of an upright bicycle or lock the rear wheel and seat tube of the bicycle.
- c. Two (2) or more single racks may be mounted in a row on a common base or attached in a row to a frame.
- d. Inverted "U" racks mounted in a row should be placed thirty inches (30") apart (on center) allowing enough room for two (2) bicycles to be secured to each rack and providing easy access to each bicycle.
- e. The rack should be anchored so that it cannot be stolen with the bikes attached. Racks that are large and heavy enough such that the rack cannot be easily moved or lifted with the bicycles attached do not have to be anchored.
- f. Bicycle racks may be placed on private property and public sidewalks. In both cases, the racks shall not be placed so that they block the entrance or inhibit pedestrian flow in or out of the building. If placed on a sidewalk or pedestrian walkway, they should be placed so that at least five feet (5') of sidewalk width is maintained.
- g. Where multiple racks are installed in rows with aisles separating the rows, the following dimensions apply:
- (1) Minimum aisle width should be forty eight inches (48"). The aisle is measured from tip to tip of bike tires across the space between racks.
  - (2) Minimum depth should be seventy two inches (72") for each row of parked bicycles.
  - (3) Areas with a high turnover rate should have a minimum aisle width of seventy two inches (72") and should have more than one entrance.
- h. Racks shall be mounted within fifty feet (50') of the entrance it serves, or as close as the nearest car parking space, whichever is closer.
- i. Racks shall be clearly visible from the entrance it serves.
2. Design Guidelines:
- a. Creative, three-dimensional bicycle parking racks are allowed, provided the criteria of the rack design are met. Creative designs should carefully balance form with function. For example, the "croquet set" rack shown has a smaller effective capacity because one or more rack is not accessible.
  - b. When possible, bicycle parking areas should be protected from the elements (rain, snow, etc.).
  - c. Bicycle racks should resist being cut or detached using common hand tools, such as bolt cutters, pipe cutters, wrenches, and pry bars.

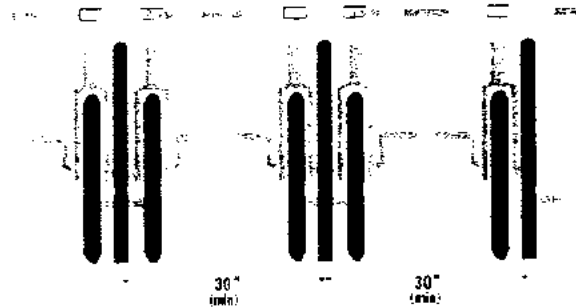
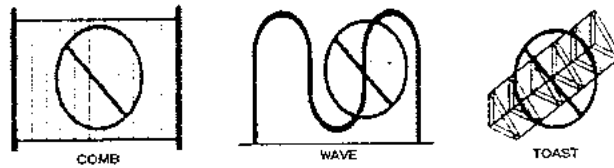




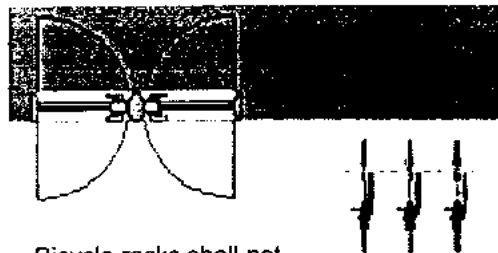
Appropriate designs for bicycle racks:



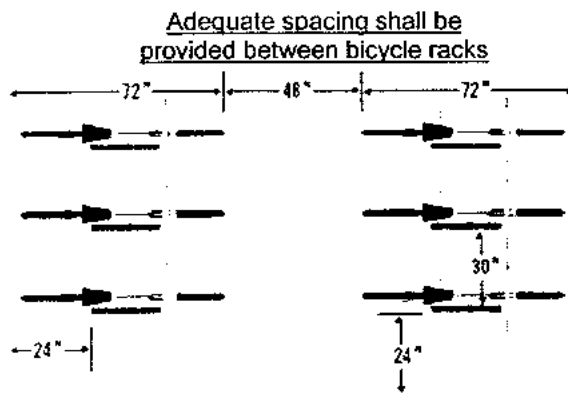
Inappropriate designs for bicycle racks:



Adequate spacing shall be provided between bicycle racks



Bicycle racks shall not block building entrances



X. Streets And Streetscapes:

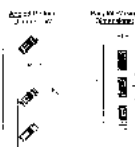
1. Design Regulations:

- a. Streetscape improvements shall be designed in compliance with the city approved cross sections for downtown streets.
- b. On street parallel parking spaces shall have a dimension of eight feet by twenty feet (8' x 20') (for non-ADA accessible spaces). On street angled parking spaces shall be provided at a forty five (45) to sixty degree (60°) angle. Angled parking spaces shall have a depth of eighteen feet (18') (as measured perpendicular from the curb face), and a width of nine feet (9') (as measured perpendicular to the stripes of the parking stall). A minimum distance of twenty feet (20') is required from the crosswalk or stop sign line to the first parking space.



Example of creative bicycle rack

- c. The sidewalk radius at street intersections shall be minimized to shorten the length of pedestrian crossings and to prevent vehicles from making turns at high speeds. The city of Ketchum streets department and fire department shall determine the minimum sidewalk radius when designing streetscape improvement plans.



- d. All streetlight fixtures, traffic signals, traffic and directional signs, pedestrian wayfinding signs, parking signs, bicycle racks, parking meters, and fire hydrants shall be located within one to three feet (3') of the curb face.

- e. All streets shall be designed with streetlights. Streetlights shall be provided along all sidewalks at spacing intervals not to exceed sixty feet (60').
- f. Streetscape furniture and amenities shall be located to maintain a clear pedestrian path of at least five feet (5') in width.
- g. If permitted, tables, chairs, and other obstructions used for sidewalk dining shall be located to maintain at least five feet (5') of unobstructed sidewalk width.
- h. All streetlights, streetscape furniture, and amenities shall be consistent with a city approved list of approved furniture.
- i. Streetlights shall be scaled to pedestrians and shall be no taller than fourteen feet (14').
- j. Streetlights shall be equipped with hardware to allow flowerpots and banners to hang from the streetlight. At least seven feet (7') of vertical clearance shall be provided from the sidewalk to the bottom of the flowerpot or banner.
- k. Community organizations are allowed to hang banners from public streetlights with the approval of a sidewalk use permit. The planning director shall approve all banners that are hung from public streetlights. The Ketchum streets department shall be responsible for hanging all streetlight banners. The city reserves the right to charge a fee for the banners.



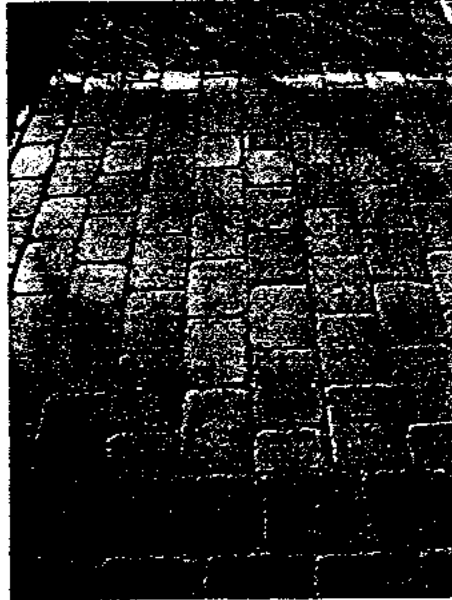
- l. All new public sidewalks shall be heated to facilitate the removal of snow.
- m. All sidewalks shall be constructed of concrete pavers. Special paving features may be allowed on the sidewalks of unique streets within the downtown, such as Fourth Street and First Avenue.



*Concrete pavers to be used on downtown sidewalks.*



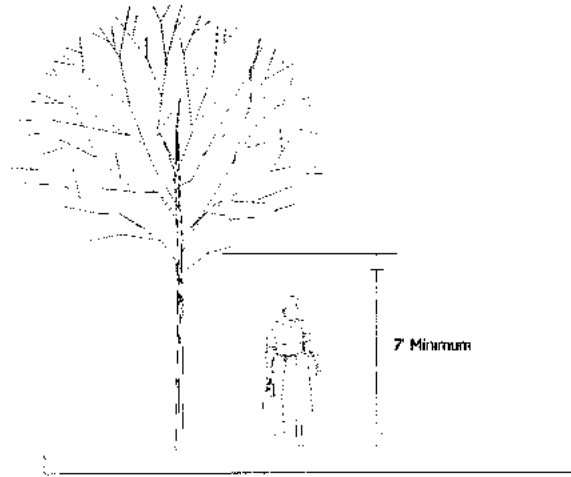
- n. The project applicant shall be required to pay for new sidewalk, curbs, and gutters within the public right of way adjacent to the project site when the value of construction exceeds twenty thousand dollars (\$20,000.00).
- o. Root guards shall be installed for each street tree to minimize damage to the sidewalk.
- p. All street trees shall be irrigated with automatic drip irrigation systems that do not produce overspray on the sidewalk.
- q. All new trees shall have a caliper size of three inches (3") measured twelve inches (12") from the ground. If the species is not available in this size, a caliper of two and one-half inches (2<sup>1</sup>/<sub>2</sub>"), measured twelve inches (12") from the ground, will be acceptable. Evergreen trees shall be at least eight feet (8') tall when planted. All trees shall have a minimum height of fourteen feet (14') when fully grown.
- r. In order to provide adequate pedestrian clearance, trees shall be pruned regularly so that there is at least seven feet (7') of vertical clearance between the lowest branches of the tree and the grade of the adjacent sidewalk or pedestrian walkway. They shall also be pruned to maintain the health, vigor, and natural shape of the tree, and to maintain vehicular clearance and sight lines.



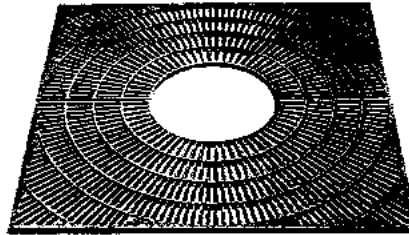
- s. All trees shall have an adequately sized planting area. The size of the planting area shall be based on the amount of room needed for tree roots. Root barriers shall be used when trees are planted near pedestrian walkways and sidewalks.
- t. All street trees planted in the community core district shall be species that are recommended and approved by the city arborist.

## 2. Design Guidelines:

- a. Trees that are planted in front of mixed use and hotel buildings should be planted in tree wells that have metal tree grates. Trees that are planted in front of residential buildings should be planted in a parkway (a grass strip located between the sidewalk and the curb). The parkway should be at least five feet (5') wide.



*Tree grates should be used in front of mixed use and hotel buildings.*



*Grass parkways should be used in front of urban residential and multi-family home buildings.*

- b. Bulb-outs (or extensions of the sidewalk into the street at pedestrian crosswalks) are encouraged at street intersections. Trees, shrubs, and flowering plants may be planted in bulb-out planters.
- c. Benches and trash receptacles should be provided on every block face at intervals no greater than two hundred feet (200'). Drinking fountains, planter boxes, and other streetscape amenities are allowed and encouraged.
- d. Pedestrian crossings should be provided at all street and alley intersections. Pedestrian crosswalks should be designed with a special pavement that has a differentiated texture and color than the sidewalk and the street.
- e. Alleys are encouraged on blocks within downtown Ketchum. Existing alleys should be maintained and improved to provide access to parking and service areas behind buildings and to minimize the need for curb cuts along street frontages. Multifunctional alleys that serve as pedestrian walkways or corridors lined with storefronts are also encouraged. Alleys may also be used for alternate bike routes.
- f. Alleys should be improved to have two (2) travel lanes (1 in each direction) and a width of twenty (20) to thirty feet (30').
- g. Existing and new utilities should be placed underground in the rights of way of public or private streets and/or alleys.
- h. All streets should be designed to balance pedestrian safety, aesthetics and the supply of on street parking. All streets in downtown are designed to keep traffic traveling at safe speeds and to be pedestrian and bicycle friendly.
- i. Back-in angled parking spaces are encouraged. Back-in parking gives more protection to pedestrians and shoppers because it allows them to load bags and merchandise into the trunk of their car without walking into the street.

#### Y. Signage Plans:

##### 1. Design Guidelines:

- a. Exposed support structures for signs, including, but not limited to, posts, poles and sign sides or edges, must be faced or covered with wood, stone or metal which is corrosion resistant, painted or anodized, or such other material as may be approved by the city as a reasonable, natural textured substitute.
- b. All freestanding signs shall have landscaping around the base of the support structure in order to provide a transition from the ground to the sign.
- c. All materials should prevent reflective glare.
- d. Simple and easy to read typefaces should be used on signs. Hard to read and overly intricate typefaces should be avoided.

- e. Signs that have symbols, characters, or graphics are encouraged. The symbol, character, or graphic should relate to the products sold in the business or to the name of the business.
- f. Signs that show depth and cast shadows are encouraged. Depth and shadows can be created by mounting individually cut letters and symbols on the sign base or carving letters and symbols into the base of the sign.
- g. Projecting signs are preferred over portable or sandwich board signs. Projecting signs generally are more effective for increasing visibility to both pedestrians and motorists.
- h. Sign materials and colors should complement the building facade. Basic and simple color applications are encouraged and vibrant colors should be avoided.
- i. The color of letters and symbols should contrast the base or background color of the sign to maximize readability.
- j. Signs shall not cover or obscure windows, doors, storefronts, building entrances, eaves, cornices, columns, horizontal expression lines, or other architectural elements or details.
- k. Signage on buildings with multiple tenants shall be limited to prevent sign clutter. Individual signs for tenants with ground floor storefront entrances are permitted. A directory sign with the names and suite numbers of all tenants without a ground floor storefront entrance may be provided at the lobby entrance for those tenants.
- l. An address marker shall be provided at the main entrance to all buildings. (Ord. 1120, 2014: Ord. 1110, 2013: Ord. 1087, 2011: Ord. 994, 2006)

## Chapter 17.68 LIGHT INDUSTRIAL DISTRICT NUMBER 1 (LI-1)

### 17.68.010: LI-1 LIGHT INDUSTRIAL DISTRICT NUMBER 1:

The LI-1 light industrial district number 1 is established as a transition area providing limited commercial service industries, limited retail, small light manufacturing, research and development, and offices related to building, maintenance and construction and which generate little traffic from tourists and the general public.

#### A. Uses Permitted:

Accessory buildings and uses as permitted and required in [chapter 17.124](#) of this title.

Blacksmith, plumbing and cabinet establishments which manufacture, assemble, repair and install.

Blueprint services/establishments.

Bulk industrial laundry facilities or laundry facilities with plants on site.

Catering and food preparation, excluding restaurants.

Commercial sewing establishments.

Equipment rental, including sporting equipment and entertainment equipment.

Exercise and dance studios.

Janitorial/property maintenance.

Laboratories \_ research or testing, such as electronics, medical and dental.

Laundromats and dry cleaners.

Manufacture and repair of office machines; electrical equipment and high tech components; signs and displays; furniture, appliances, flooring and fixtures; and upholstered items.

Manufacture, compounding, assembly or treatment of articles or merchandise, including, but not limited to, the following previously prepared materials: aluminum, bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semiprecious metals or stones, shell, rubber, tin, tobacco, wood (excluding saw mills), tars, and paint not involving a boiling process.

Manufacturing of toys, pharmaceuticals, precision instruments, textiles, sporting goods, candy, cosmetics, drugs, perfumes, food products, except the rendering or refining of fats and oils, pottery and figurines or other similar ceramic products, using only previously pulverized clay, and kilns fired only by electricity or gas.

Office limited to research and development; engineers; surveyors; architects; 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 percent (25%) 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.

On site daycare provided for children of on site employees.

Phone solicitations including catalog transactions with no on site sales or display.

Printing establishments and graphic arts production.

Publishing and newspaper production.

Recording studios.

Retail limited only to the following:

Lumber; glass; sheet metal, flashing and piping; heavy and construction related equipment and small engines \_ sales and service; commercial landscape supplies \_ trees, shrubs, and ground cover.

Other retail, provided it is in conjunction with manufacturing, warehousing or wholesaling; it is limited to thirty percent (30%) gross floor area or eight hundred (800) square feet, whichever is less; it does not display and/or advertise from windows and/or from building facades; it does not access directly onto a major arterial if alternative access is available; and parking requirements are met (retail floor area includes all floor area which is used for the display of merchandise to the consumer).

Self-storage.

Sheet glass establishments which manufacture, assemble, repair and/or install.

TV and radio broadcasting stations.

Vehicle repair and maintenance garages.

Veterinary hospitals, boarding facilities and pet grooming establishments, provided the premises are so constructed as to properly control any sound or odor connected with the keeping of horses and pets on such premises.

Warehouse.

Welding establishments.

Wholesale, including, but not limited to, furniture; appliances; flooring, fixtures; janitor supply; and all goods manufactured in the light industrial district number 1 or number 2.

Work studio for visual arts, excluding galleries.

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 title and other applicable ordinances.

Additional square footage over and above the maximum allowed for offices in subsection A of this section, office on site serving as administrative support to a permitted use.

Athletic facilities, provided parking requirements are met, and there are no conflicts with existing surrounding land uses.

Automobile dealership.

Car wash.

Cooperative use of parking facilities between two (2) uses may be approved by the council upon recommendation by the planning and zoning commission if it is found that the time during which the two (2) 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.

Daycare homes, daycare facilities, daycare centers and special schools, provided the following minimum criteria are met:

1. Must be located within an existing residential structure;
2. Must not access from State Highway 75;
3. On site drop off/pick up parking spaces must be designed to prevent vehicles from backing onto Warm Springs Road;
4. Drop off/pick up parking spaces shall be fenced or screened from adjacent light industrial uses as deemed necessary by the commission;
5. Play areas shall be fenced or screened from adjacent light industrial uses as deemed necessary by the commission;
6. The applicant is aware that the use of the property for a daycare business can result in conflict with adjacent light industrial uses, that certain aspects of a daycare 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 daycare business, that due to the subordinate and junior nature of the daycare 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 daycare business, but the city may impose restrictions on certain aspects of the daycare business as it affects neighboring light industrial uses;

7. Daycare 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;

8. Any and all advertisements for a daycare 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;

9. 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

10. 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 daycare business have occurred.

Property management, provided it is in conjunction with janitorial/property maintenance.

Public parking facilities.

Public use.

Resident 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:

1. Dwelling units shall not occupy the ground floor.
2. Ketchum fire and building department requirements including, but not limited to, occupancy separations and smoke detection (life safety) measures shall be met.
3. Design review under [chapter 17.96](#) of this title shall be required whether new building, addition to existing building or remodel of existing building.
4. Up to fifty percent (50%) of any light industrial building may be devoted to dwelling units.
5. One on site parking space per bedroom shall be provided in addition to parking spaces required for other uses in the development.
6. 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.
7. Dwelling units shall be a minimum of four hundred (400) square feet and shall not exceed one thousand (1,000) square feet total and shall contain not more than two (2) bedrooms.
8. Approved conditional use permits shall be recorded in the records of Blaine County, Idaho.
9. 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.
10. 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.
11. 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.
12. 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.
13. Conditions including, but not limited to, the following may be attached to the conditional use permit:
  - a. Access to the apartments relative to design and relationship to light industrial uses;
  - b. Location of residential and light industrial parking on the site;
  - c. Restrictions on exterior storage of personal property of tenants;
  - d. Certificate of occupancy required prior to occupancy of units;
  - e. Ketchum fire department and Ketchum building department requirements shall be met prior to occupancy;
  - f. Permit shall be reviewed when light industrial occupancies within the building change;
  - g. Snow removal required to ensure utility of residential spaces;

- h. Such proof of long term occupancy as deemed appropriate;
- i. Any portion or all waived fees becomes due and payable upon conversion of resident housing unit(s) to light industrial uses; and/or
- j. Any other condition deemed to enhance the purposes under this use, or to establish or promote the criteria referenced in subsections 1 through 12 of this use.

14. The city council, after receiving a recommendation from the commission, may waive fees otherwise required in connection with development of such rental housing. The following findings shall be made to waive any such fees:

- a. There is a need for rental housing stock in Ketchum;
- b. The proposal meets the criteria contained in this subsection;
- c. The housing proposed is an integral part of the project; and/or
- d. Ketchum is in an acceptable financial position to waive such fees.

Restaurants and small food establishments, provided they are not more than one thousand (1,000) square feet gross floor area, they serve as a support service to the light industrial district, they shall serve no later than nine o'clock (9:00) P.M., and off street parking requirements are met.

Vehicle rental; provided, that not more than one sign, including business identification, is located on the premises; such sign shall not exceed six (6) square feet on all faces and shall not be placed higher than eight feet (8') above existing grade; and such sign shall not be designed so as to generate/attract customers or tourists from State Highway 75 or other major arterials.

Vehicle service station; provided, that not more than one sign, including business identification, is located on the premises; such sign shall not exceed six (6) square feet total on all faces and shall not be placed higher than eight feet (8') above existing grade; and such sign shall not be designed so as to generate/attract customers or tourists from State Highway 75 or other major arterials; and provided, that adequate landscape is provided to screen the paved area from adjacent properties and adjoining streets.

C. Compliance With Criteria: Provided, that all uses permitted and conditional uses permitted upon approval of the city shall comply with every criteria listed below:

1. An occupancy/use permit shall be applied for and issued by the city prior to occupancy of building or property.
2. No use creates an unusual or significant traffic hazard, parking overflow, noise, cinders, dust, fumes, odors, smoke, vapor, vibration, glare or industrial waste disposal problem.
3. All materials, with the exception of trees and plant materials, stored on the premises shall be stored within a building or within a solid wall or fence of sufficient height so that the stored material cannot be seen from adjoining roads or premises at the same elevation. Earth berms and landscaping with sufficient height and density may be substituted for a wall or fence.
4. No building, structure, complex or parking area shall have vehicular access directly onto State Highway 75, Saddle Road and Warm Springs Road. The council, upon recommendation of the commission, may approve such access to sites which do not have alternative access.
5. No goods, merchandise or commodities shall be sold or displayed outdoors.
6. Parking requirements as specified by use in subsection E of this section shall be met.

D. Uses Not Permitted: Uses not specifically permitted above shall be prohibited, including, but not limited to:

Any use which might be especially obnoxious, offensive, hazardous or detrimental to the public health or welfare of the residents of the city.

Automobile wrecking yards.

Concrete or asphalt batch plants.

Dumping or reduction operations.

Junkyards.

Offices, not including those permitted in subsection A of this section.

Paper and pulp mills.

Rendering plants.

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



Angle	Width (Feet)	Length (Feet)	Aisle Width (Feet)
90 degrees	9.0	19	24
60 degrees	9.0	21	18
45 degrees	9.0	19.8	15
Parallel	8.0	23	—

Other requirements for off street parking contained in subsections [17.124.060B](#) through O of this title shall be met.

1. One space per two hundred fifty (250) square feet of gross floor area (gfa) for the following structures and uses: office, not including administrative office; retail; restaurants; athletic facilities; retail nursery; equipment rental and repair; research and development and high technology industries; daycare, preschool and special schools; blueprint services; publishing and printing establishments; veterinarian and pet grooming establishments; and laundromats and dry cleaners.
2. One space per five hundred (500) square feet gfa, plus adequate loading area for trucks, for the following structures and uses: manufacture establishments, wholesale establishments, public utility facilities, recording studios, catering and food preparation, TV and radio broadcast stations and bulk industrial laundry facilities.
3. One space per eight hundred (800) square feet gfa, plus adequate loading area for trucks, for the following structures and uses: building maintenance and janitorial services.
4. One space per seventy five (75) square feet usable dance floor area for exercise/dance studios.
5. One space per two hundred fifty (250) square feet gfa minus service bays, plus five (5) storage spaces per service bay for vehicle repair/maintenance garages.
6. At least one parking space is required per use.
7. The lot area to be considered for parking shall be outside the building, not including designated covered or underground parking areas.
8. 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 various uses computed separately.
9. Drive-through or self-service car wash: Two (2) short term holding spaces per service bay, plus one per employee.
10. Self-storage: One space per employee.
11. Auto service station: Two (2) short term holding spaces per fuel pump, plus three (3) spaces per service bay.
12. For a daycare home, facility or center: One parking space for each full time nonresident staff member, plus drop off/pick up spaces as follows:
  - a. For daycare homes: One drop off/pick up space;
  - b. For daycare facilities: Two (2) drop off/pick up spaces; and
  - c. For daycare centers: One drop off/pick up space per every eight (8) children, or fraction thereof.

F. Minimum Area Of Lot: The total lot area shall not be less than the following: Eight thousand (8,000) square feet, unless the health district determines that additional area is required.

G. Minimum Width Of Lot: Eighty feet (80').

H. Minimum Front Yard: Twenty feet (20').

I. Minimum Side And Rear Yards: None; except, that when having a common boundary with a zone of more restrictive side and rear yard requirements, the more restrictive side and rear yard requirements shall apply; and except, that no building shall be less than ten feet (10') from any street.

J. Maximum Height Of Buildings: Thirty five feet (35').

K. Maximum Building Coverage: Not more than seventy five percent (75%) of the lot area shall be covered by buildings.

L. Landscaped Yards: Required yards abutting or across the street from residential districts shall be suitably landscaped to protect the residential areas from undue intrusion of noise, light, odors and other influences. Such landscaping shall consist of at least the following:

1. A solid wall, hedge or fence not less than five (5) nor more than six feet (6') in height along any side or rear yards;
2. One row of deciduous or evergreen trees or a mixture of each placed no further apart than fifteen feet (15');
3. Lawn, low growing evergreen shrub, evergreen or ground cover on the balance of the required landscaped yard; and
4. Landscaping shall be continuously maintained in a neat and tidy manner. (Ord. 801 § 1, 1999: Ord. 208 § 12A, 1974)

## Chapter 17.72 LIGHT INDUSTRIAL DISTRICT NUMBER 2 (LI-2)

### 17.72.010: LI-2 LIGHT INDUSTRIAL DISTRICT NUMBER 2:

The LI-2 light industrial district number 2 is established to provide for a permanent year round employment base and the location of light manufacturing, wholesale trade and distribution, research and development, service industries, limited related, bulk retail and offices related to building, maintenance and construction and which generate little traffic from tourists and the general public.

#### A. Uses Permitted:

Accessory buildings and uses as permitted and required in [chapter 17.124](#) of this title.

Blacksmith, plumbing and cabinet establishments which manufacture, assemble, repair and install.

Blueprint services/establishments.

Bulk industrial laundry facilities or laundry facilities with plants on site.

Catering and food preparation, excluding restaurants.

Commercial sewing establishments.

Equipment rental, excluding sporting equipment and entertainment equipment.

Exercise and dance studios.

Firewood operation - cutting, splitting and delivering.

Janitorial/property maintenance.

Laboratories - research or testing, such as electronics, medical and dental.

Laundromats.

Lumber storage and warehousing yards, planing mills, excluding paper and pulp mills and saw mills.

Manufacture and repair of office machines; electrical equipment and high tech components; signs and displays; furniture, appliances, flooring and fixtures; and upholstered items.

Manufacture, compounding, assembly or treatment of articles or merchandise, including, but not limited to, the following previously prepared materials: aluminum, bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semiprecious metals or stones, shell, rubber, tin, tobacco, wood (excluding saw mills), tars and paint not involving a boiling process.

Manufacturing of toys, pharmaceuticals, precision instruments, textiles, sporting goods, candy, cosmetics, drugs, perfumes, food products, except the rendering or refining of fats and oils, pottery and figurines or other similar ceramic products, using only previously pulverized clay, and kilns fired only by electricity or gas.

Office limited to research and development; engineers; surveyors; architects; land developers; building and construction contractors, including, but not limited to: general, electrician, painting, plumbing, paving, concrete, flooring, landscape and maintenance contractors; an office on site serving as administrative support to a permitted use is limited to twenty five percent (25%) gross floor area or five hundred (500) square feet, whichever is less; provided, that it does not generate/attract clients, tourists or the general public, and parking requirements are met.

On site daycare provided for children of on site employees.

Phone solicitations.

Printing establishments and graphic arts production.

Recording studios.



Recycling centers.

Retail limited only to the following:

1. Lumber; glass; sheet metal - flashing and piping; heavy and construction related equipment and small engines - sales and service; commercial landscape supplies, trees, shrubs and ground cover.
2. Paint, building components and tools, plumbing and electrical supplies, flooring, carpets and other fixtures, provided it is in conjunction with warehousing; it is limited to thirty percent (30%) gross floor area or one thousand five hundred (1,500) square feet, whichever is less; it does not display and/or advertise from windows and/or from building facades; it does not access directly onto a major arterial if alternative access is available; and parking requirements are met.
3. Furniture and appliances, provided it is in conjunction with warehousing; it is limited to eighteen percent (18%) gross floor area or nine hundred (900) square feet, whichever is less; it does not display and/or advertise from windows and/or from building facades; it does not access directly onto a major arterial if alternative access is available; and parking requirements are met.
4. Other retail, provided it is in conjunction with manufacturing, warehousing or wholesaling; it is limited to ten percent (10%) gross floor area or five hundred (500) square feet, whichever is less; it does not display and/or advertise from windows and/or from building facades; it does not access directly onto a major arterial if alternative access is available; and parking requirements are met (retail floor area includes all floor area which is used for the display of merchandise to the consumer).

Self-storage.

Sheet glass establishments which manufacture, assemble and repair and/or install.

TV and radio broadcasting stations.

Truck terminal.

Vehicle repair and maintenance garages.

Veterinary hospitals, boarding facilities and pet grooming establishments, provided the premises are so constructed as to properly control any sound or odor connected with the keeping of horses and pets on such premises.

Warehouse and distribution, cold storage and storage buildings.

Welding establishments.

Wholesale including, but not limited to: furniture, appliances, flooring, fixtures, janitor supply, and all goods manufactured in the light industrial district number 1 or this district.

Work studio for visual arts, excluding galleries.

- 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 title and other applicable ordinances.

Additional square footage over and above the maximum allowed for offices in subsection A of this section, an office on site serving as administrative support to a permitted use.

Athletic facilities, provided parking requirements are met and there are no conflicts with existing surrounding land uses.

Automobile dealership.

Bulk fuel sales.

Car wash.

Cooperative use of parking facilities between two (2) uses may be approved by the council upon recommendation by the commission if it is found that the time during which the two (2) cooperating uses operate does not conflict. An agreement between the cooperating property owners and lessees shall be approved and filed with the city, and filed with the Blaine County recorder.

Property management, provided it is in conjunction with janitorial/property maintenance.

Public parking facilities.

Public use.

Resident 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:

1. Dwelling units shall not occupy the ground floor.

2. Ketchum fire and building department requirements including, but not limited to, occupancy separations and smoke detection (life safety) measures shall be met.
3. Design review under [chapter 17.96](#) of this title shall be required whether new building, addition to existing building or remodel of existing building.
4. Up to fifty percent (50%) of any light industrial building may be devoted to dwelling units.
5. One on site parking space per bedroom shall be provided in addition to parking spaces required for other uses in the development.
6. 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.
7. Dwelling units shall be a minimum of four hundred (400) square feet and shall not exceed one thousand (1,000) square feet total and shall contain not more than two (2) bedrooms.
8. Approved conditional use permits shall be recorded in the records of Blaine County, Idaho.
9. 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.
10. 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.
11. 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.
12. 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.
13. Conditions including, but not limited to, the following may be attached to the conditional use permit:
  - a. Access to the apartments relative to design and relationship to light industrial uses;
  - b. Location of residential and light industrial parking on the site;
  - c. Restrictions on exterior storage of personal property of tenants;
  - d. Certificate of occupancy required prior to occupancy of units;
  - e. Ketchum fire department and Ketchum building department requirements shall be met prior to occupancy;
  - f. Permit shall be reviewed when light industrial occupancies within the building change;
  - g. Snow removal required to ensure utility of residential spaces;
  - h. Such proof of long term occupancy as deemed appropriate;
  - i. Any portion or all waived fees become due and payable upon conversion of resident housing unit(s) to light industrial uses; and/or
  - j. Any other condition deemed to enhance the purposes under this use, or to establish or promote the criteria referenced in subsections 1 through 12 of this use.
14. The city council, after receiving a recommendation from the commission, may waive fees otherwise required in connection with development of such rental housing. The following findings shall be made to waive any such fees:
  - a. There is a need for rental housing stock in Ketchum;
  - b. The proposal meets the criteria contained in this section;
  - c. The housing proposed is an integral part of the project; and/or
  - d. Ketchum is in an acceptable financial position to waive such fees.

Restaurants and small food establishments, provided they are not more than one thousand (1,000) square feet of gross floor area, they serve as a support service to the light industrial district, they serve no later than nine o'clock (9:00) P.M. unless expressly approved through a conditional use approval, and off street parking requirements are met.

Vehicle rental; provided, that not more than one sign, including business identification, is located on the premises; such sign shall not exceed six (6) square feet total on all faces and shall not be placed higher than eight feet (8') above existing grade; and such sign shall not be designed so as to generate/attract customers or tourists from State Highway 75 or other major arterials.

Vehicle service station; provided, that not more than one sign, including business identification, is located on the premises; such sign shall not exceed six (6) square feet total on all faces and shall not be placed higher than eight feet (8') above existing grade; and such sign shall not be designed so as to

generate/attract customers or tourists from State Highway 75 or other major arterials; and provided, that adequate landscape is provided to screen the paved area from adjacent properties and adjoining streets.

C. Compliance With Criteria: Provided, that all uses permitted and conditional uses permitted upon approval of the city shall comply with every criteria listed below:

1. An occupancy/use permit shall be applied for and issued by the city prior to occupancy of building or property.
2. No use creates an unusual or significant traffic hazard, parking overflow, noise, cinders, dust, fumes, odors, smoke, vapor, vibration, glare or industrial waste disposal problem.
3. All materials, with the exception of trees and plant materials, stored on the premises shall be stored within a building or within a solid wall or fence of sufficient height so that the stored material cannot be seen from adjoining roads or premises at the same elevation. Earth berms and landscaping with sufficient height and density may be substituted for a wall or fence.
4. No building, structure, complex or parking area shall have vehicular access directly onto State Highway 75, Saddle Road and Warm Springs Road. The council, upon recommendation of the commission, may approve such access to sites which do not have alternative access.
5. No goods, merchandise or commodities shall be sold or displayed outdoors.
6. Parking requirements, as specified by use in subsection E of this section, shall be met.

D. Uses Not Permitted: Uses not specifically permitted above shall be prohibited, including, but not limited to:

Any use which might be especially obnoxious, offensive, hazardous or detrimental to the public health or welfare of the residents of the city.

Automobile wrecking yards.

Concrete or asphalt batch plants.

Dumping or reduction operations.

Junkyards.

Offices, not including those permitted in subsection A of this section.

Paper and pulp mills.

Rendering plants.

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 (Feet)	Length (Feet)	Aisle Width (Feet)
90 degrees	9.0	19	24
60 degrees	9.0	21	18
45 degrees	9.0	19 .8	15
Parallel	8.0	23	-

Other requirements for off street parking contained in subsections [17.124.060B](#) through O of this title shall be met.

1. One space per two hundred fifty (250) square feet of gross floor area (gfa) for the following structures and uses: office, not including administrative office; retail; restaurants; athletic facilities; retail nursery; equipment rental and repair, research and development and high technology industries; blueprint services; printing establishments; veterinarian and pet grooming establishments.
2. One space per five hundred (500) square feet gfa, plus adequate loading area for trucks, for the following structures and uses: manufacture establishments, wholesale establishments, public utility facilities, recording studios, recycling centers, catering and food preparation, TV and radio broadcast stations and bulk industrial laundry facilities.
3. One space per eight hundred (800) square feet gfa, plus adequate loading area for trucks, for the following structures and uses: warehouse/storage, building maintenance and janitorial services and firewood operation.
4. One space per seventy five (75) square feet usable dance floor area for exercise/dance studios.
5. One space per two hundred fifty (250) square feet gfa minus service bays, plus five (5) storage spaces per service bay for vehicle repair/maintenance

garages.

6. At least one parking space is required per use.
7. The lot area to be considered for parking shall be outside the building, not including designated covered or underground parking areas.
8. 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.
9. Drive-through or self-serve car wash: Two (2) short term holding spaces per service bay, plus one per employee.
10. Self-storage: One space per employee.
11. Auto service station: Two (2) short term holding spaces per fuel pump, plus three (3) spaces per service bay.

F. Minimum Area Of Lot: The total lot area shall not be less than the following: Eight thousand (8,000) square feet, unless the health district determines that additional area is required.

G. Minimum Width Of Lot: Eighty feet (80').

H. Minimum Front Yard: Twenty feet (20').

I. Minimum Side And Rear Yards: None; except, that when having a common boundary with a zone of more restrictive side and rear yard requirements, the more restrictive side and rear yard requirements shall apply; and except, that no building shall be less than ten feet (10') from any street.

J. Maximum Height Of Buildings: Thirty five feet (35').

K. Maximum Building Coverage: Not more than seventy five percent (75%) of the lot area shall be covered by buildings.

L. Landscaped Yards: Required yards abutting or across the street from residential districts shall be suitably landscaped to protect the residential areas from undue intrusion of noise, light, odors and other influences. Such landscaping shall consist of at least the following:

1. A solid wall, hedge or fence not less than five (5) nor more than six feet (6') high in height along any side or rear yards;
2. One row of deciduous or evergreen trees or a mixture of each placed no further apart than fifteen feet (15');
3. Lawn, low growing evergreen shrubs, evergreens or ground cover on the balance of the required landscaped yard; and
4. Landscaping shall be continuously maintained in a neat and tidy manner. (Ord. 1118, 2014: Ord. 1021 § 1, 2007: Ord. 801 § 1, 1999: Ord. 208 § 12B, 1974)

## **Chapter 17.76 LIGHT INDUSTRIAL DISTRICT NUMBER 3 (LI-3)**

### **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 high 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:

Accessory buildings and uses as permitted and required in [chapter 17.124](#) of this title.

Blueprint services/establishments.

Laboratories \_ research or testing.

Office, limited to research and development and wholesale trade and distribution; engineers; surveyors; architects, not on the ground floor; building and construction contractors, including, but not limited to: general, electrician, painting, plumbing, paving, concrete, flooring, landscape and maintenance contractors.

On site daycare provided for children of on site employees.

Printing establishments and graphic arts production.

Publishing and newspaper production.

Recording studios.

TV and radio broadcasting stations.

Warehouse.

Work studio for visual arts, excluding galleries.

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 the public interest and those of surrounding properties, and to carry out the standards, criteria, purposes and intent of this title and other applicable ordinances.

Cooperative use of parking facilities between two (2) uses may be approved by the council upon recommendation by the commission if it is found that the time during which two (2) 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.

Daycare homes, daycare facilities, daycare centers and special schools, provided the following minimum criteria are met:

1. Must not access from Saddle Road;
2. 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;
3. Play areas shall be fenced or screened from adjacent light industrial uses as deemed necessary by the commission;
4. The applicant is aware that the use of the property for a daycare business can result in conflict with adjacent light industrial uses, that certain aspects of a daycare 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 daycare business, that due to the subordinate and junior nature of the daycare 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 daycare business, but the city may impose restrictions on certain aspects of the daycare business as it affects neighboring light industrial uses;
5. Daycare 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;
6. Any and all advertisements for a daycare 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;
7. 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
8. 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 daycare business have occurred.

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:

1. Dwelling units shall not occupy the ground floor;
2. A minimum of one-third ( $\frac{1}{3}$ ) of the total square footage of housing units shall be deed restricted community housing units;
3. Deed restricted community housing units shall be designed and administered in accordance with the Blaine-Ketchum housing authority guidelines;
4. The area designated as commercial LI-3 use shall be a minimum of thirty four percent (34%) of the total floor area. Said commercial light industrial use shall not be for personal storage by dwelling occupants; and
5. Criteria under subsections 2, 3, and 8 through 13 of the use "resident deed restricted, dwelling units" shall be met.

Property management, provided it is in conjunction with janitorial/property maintenance.

Public use.

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:

1. Dwelling units shall not occupy the ground floor.
2. Ketchum fire and building department requirements including, but not limited to, occupancy separations and smoke detection (life safety) measures shall be met.
3. Design review under [chapter 17.96](#) of this title shall be required whether new building, addition to existing building or remodel of existing building.
4. Up to sixty six percent (66%) of any light industrial building may be devoted to dwelling units.
5. One on site parking space per community housing unit up to two (2) bedrooms and two (2) parking stalls for three (3) bedroom units shall be provided in addition to parking spaces required for other uses in the development.
6. Dwelling units shall be owner occupied or used for "long term occupancy", defined as a minimum of ninety (90) consecutive days.
7. Dwelling units shall be a minimum of four hundred (400) square feet and shall not exceed one thousand four hundred (1,400) square feet total and shall contain not more than three (3) bedrooms.
8. Approved conditional use permits shall be recorded in the records of Blaine County, Idaho.
9. 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.
10. 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.
11. 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.
12. 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.
13. Conditions including, but not limited to, the following may be attached to the conditional use permit:
  - a. Access to the apartments relative to design and relationship to light industrial uses;
  - b. Location of residential and light industrial parking on the site;
  - c. Restrictions on exterior storage of personal property of tenants;
  - d. Certificate of occupancy required prior to occupancy of units;
  - e. Ketchum fire department and Ketchum building department requirements shall be met prior to occupancy;
  - f. Permit shall be reviewed when light industrial occupancies within the building change;
  - g. Snow removal required to ensure utility of residential spaces;
  - h. Such proof of long term occupancy as deemed appropriate;
  - i. Any portion or all waived fees become due and payable upon conversion of resident housing unit(s) to light industrial uses; and/or
  - j. Any other condition deemed to enhance the purposes under this use, or to establish or promote the criteria referenced in subsections 1 through 12 of this use.
14. The city council, after receiving a recommendation from the commission, may waive fees otherwise required in connection with development of such community housing. The following findings shall be made to waive any such fees:
  - a. There is a need for community housing stock in Ketchum;
  - b. The proposal meets the criteria contained in this section;
  - c. The housing proposed is an integral part of the project; and/or
  - d. Ketchum is in an acceptable financial position to waive such fees.

Self-storage, not including any storage associated with on site residential units.

C. Compliance With Criteria: Provided, that all uses permitted and conditional uses permitted upon approval of the city shall comply with every criteria listed below:

1. An occupancy/use permit shall be applied for and issued by the city prior to occupancy of building or property.
2. No use creates an unusual or significant traffic hazard, parking overflow, noise, cinders, dust, fumes, odors, smoke, vapor, vibration, glare or industrial waste disposal problem.
3. All materials, with the exception of trees and plant materials, stored on the premises shall be stored within a building or within a solid wall or fence of sufficient height so that the stored material cannot be seen from adjoining roads or premises at the same elevation. Earth berms and landscaping with sufficient height and density may be substituted for a wall or fence.
4. No building, structure, complex or parking area shall have vehicular access directly onto State Highway 75, Saddle Road and Warm Springs Road. The council, upon recommendation of the commission, may approve such access to sites which do not have alternative access.
5. No goods, merchandise or commodities shall be sold or displayed outdoors.
6. Parking requirements, as specified by use in subsection E of this section, shall be met.

D. Uses Not Permitted: Uses not specifically permitted above shall be prohibited, including, but not limited to:

Any use which might be especially obnoxious, offensive, hazardous or detrimental to the public health and welfare of the residents of the city.

Automobile wrecking yards.

Concrete or asphalt batch plants.

Dumping or reduction operations.

Junkyards.

Offices, not including those permitted in subsection A of this section.

Paper and pulp mills.

Rendering plants.

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 (Feet)	Length (Feet)	Aisle Width (Feet)
90 degrees	8 .0	18	22
60 degrees	8 .0	20	18
45 degrees	8 .0	20	11
Parallel	8 .0	20	
Handicap	13 .0	Same as above	Same as above

Other requirements for off street parking contained in subsections [17.124.060B](#) through O of this title 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 high technology industries; blueprint 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. 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.
5. Self-storage and warehouse - one space per employee.

F. Minimum Area Of Lot: The total lot area shall not be less than the following: Eight thousand (8,000) square feet, unless the health district determines that additional area is required.

G. Minimum Width Of Lot: Eighty feet (80').

H. Minimum Front Yard: Twenty feet (20').

I. Minimum Rear And Side Yards: None; except, that when having a common boundary with a zone of more restrictive side and rear yard requirements, the more restrictive side and rear yard requirements shall apply; and except, that no building shall be less than ten feet (10') from any street.

J. Maximum Height Of Buildings: Thirty five feet (35'); except, that sloped roofs with a minimum pitch of four to twelve (4:12) may go to forty feet (40').

K. Maximum Building Coverage: Not more than seventy five percent (75%) of the lot area shall be covered by buildings.

L. Landscaped Yards: Required yards abutting or across the street from residential districts shall be suitably landscaped to protect the residential areas from undue intrusion of noise, light, odors and other influences. Such landscaping shall consist of at least the following:

1. A solid wall, hedge or fence not less than five (5) nor more than six feet (6') in height along any side or rear yards;
2. One row of deciduous or evergreen trees or a mixture of each placed no further apart than fifteen feet (15');
3. Lawn, low growing evergreen shrubs, evergreens or ground cover on the balance of the required landscaped yard; and
4. Landscaping shall be continuously maintained in a neat and tidy manner. (Ord. 954 § 1, 2005: Ord. 801 § 1, 1999: Ord. 208 § 12C, 1974)

## **Chapter 17.80 RECREATION USE DISTRICT (RU)**

### **17.80.010: RU RECREATION USE DISTRICT:**

The purpose of the RU recreation use district is to protect and enhance vital natural resources; to provide a buffer between incompatible land uses; to ensure that land intended for recreation use is developed in such a manner to serve its intended use while not exerting disruptive influences on adjacent land uses; to guide recreational development; to ensure adequate standards for development and preservation of such uses; and to promote the general health, safety and welfare of the inhabitants of the city.

#### **A. Uses Permitted:**

- Golf courses.
- Passive parks.

#### **B. Conditional Uses Permitted:**

Cemeteries.

Daycare home, daycare facility or daycare center, provided the following minimum criteria are met:

1. May only be located on existing public school or public park property.
2. Sightproof fencing, landscaping and/or additional setback shall be provided between any outdoor play area and adjacent residential uses as deemed necessary by the commission.
3. 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 daycare business have occurred.

Food and beverage service and/or retail uses when such uses are conducted as an accessory use and are an integral part of such use.

Indoor, enclosed recreational uses, including, but not limited to:

- Athletic clubs.
- Handball courts.
- Racquetball courts.



Other uses similar to those listed above which clearly reflect the purpose and intent of the recreation use district.

Off street parking.

Open, outdoor recreation uses not housed or enclosed within a building or structure, including, but not limited to:

Equestrian facilities.

Picnic areas.

Play fields.

Playgrounds.

Recreational open space.

Swimming pools.

Tennis courts.

Performing arts center.

Public and semipublic uses.

Structures and other improvements and accessory uses specifically and directly related and clearly incidental to the permitted and conditional uses, including, but not limited to:

1. Maintenance facility;

2. Recreational building; and

3. A maximum of five (5) residential dwelling units, provided the following minimum criteria are met:

a. Ketchum fire and building department requirements including, but not limited to, occupancy separations and smoke detection (life safety) measures shall be met.

b. Design review under [chapter 17.96](#) of this title shall be required for all new buildings, addition to existing buildings or remodel of existing buildings.

c. Dwelling units shall be occupied by residents who are employed on site, are caretakers of the site or are employed within the city of Ketchum and 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.

d. Dwelling units shall be a minimum of four hundred (400) square feet and shall not exceed one thousand two hundred (1,200) square feet total and shall contain not more than three (3) bedrooms.

e. Approved conditional use permits shall be recorded in the records of Blaine County, Idaho.

Veterinarian in conjunction with equestrian facilities.

C. Minimum Area Of Lot: The minimum area of the lot shall be nine thousand (9,000) square feet.

D. Minimum Front Yard: The minimum distance of any building from the front lot line shall be thirty feet (30'); except, that the placement of all structures for conditional uses shall be subject to approval of the planning and zoning commission.

E. Minimum Side And Rear Yards: The minimum distance of any building from the side and rear lot lines shall be fifteen feet (15'); except, that the placement of all structures for conditional uses shall be subject to approval of the commission.

F. Maximum Height Of Buildings: The maximum height of buildings shall be thirty five feet (35').

G. Maximum Lot Coverage: Not more than twenty five percent (25%) of the lot area shall be covered by buildings, including principal and accessory buildings. (Ord. 1004 § 1, 2007)

## **Chapter 17.84 AGRICULTURAL AND FORESTRY DISTRICT (AF)**

### **17.84.010: AF AGRICULTURAL AND FORESTRY DISTRICT:**

The purpose of the AF agricultural and forestry district, is to permit zoning of substantially undeveloped areas of agriculture, ranching and forestry uses where low density activities and development are encouraged and lands are protected for the pursuit of such activities against inconsistent uses.

#### **A. Uses Permitted:**

Accessory uses when in conjunction with and related to the uses permitted.

Agriculture, including the grazing of livestock and the cultivation, storage and sale of crops, vegetables, eggs, poultry, plants and fruits produced on the premises.

Daycare home, provided it is incidental to the primary residential use not located within the avalanche zone.

One-family dwellings.

#### **B. Conditional Uses Permitted: The following uses are permitted upon the issuance of a conditional use permit by the commission:**

Accessory uses when in conjunction with and related to the conditional uses permitted.

Cemeteries.

Fairgrounds.

Planned unit developments.

Portable sawmills.

Public use.

Riding stables, livestock pens and kennels, provided all such uses are located at least six hundred feet (600') from dwellings on adjacent lots and at least fifty feet (50') from any dwelling on the same lot.

Semipublic use.

Ski facilities, including off street parking areas, lifts and shelter buildings and structures.

#### **C. Minimum Area Of Lot: The minimum area of lot shall be ten (10) acres.**

#### **D. Minimum Front Yard: Minimum distance of any building from the front lot line shall be twenty five feet (25').**

#### **E. Minimum Side And Rear Yards: Minimum side and rear yards shall be twenty five feet (25').**

#### **F. Maximum Height Of Buildings: Maximum height of buildings shall be thirty five feet (35').**

#### **G. Maximum Lot Coverage: Not more than ten percent (10%) of the lot area shall be covered by buildings, including garages, swimming pools and accessory buildings. (Ord. 771 § 1, 1999; Ord. 208 § 14, 1974)**

## **Chapter 17.88 FLOODPLAIN MANAGEMENT OVERLAY ZONING DISTRICT (FP)**

### **Article I. Flood Damage Prevention**

**17.88.010: FINDINGS OF FACT:**

- A. The flood hazard areas of Ketchum, Idaho, are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- B. These flood losses are caused by the cumulative effects of obstruction in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.
- C. The Big Wood River and its tributaries and floodplains in Ketchum are important to the well being of its citizens as a source of recreation, fish and wildlife habitat, aesthetic beauty, a source of irrigation water as well as other economic and lifestyle values.
- D. The studies listed below are hereby adopted as the primary sources of flood hazard analysis:
1. "Flood Insurance Study (FIS) For Blaine County, Idaho And Incorporated Areas", flood insurance study numbers 16013CV001A and 16013CV002A, dated November 26, 2010, and any amendments thereto;
  2. Digital flood insurance rate maps (DFIRMs) for Blaine County, Idaho, and incorporated areas: map number 16013CIND0A; map number 16013C0433E, community panel number 0433E; map number 16013C0434E, community panel number 0434E; map number 16013C0441E, community panel number 0441E; map number 16013C0442E, community panel number 0442E; map number 16013C0453E, community panel number 0453E; map number 16013C0461E, community panel number 0461E, and any amendments thereto; and
  3. Other flood hazard studies, as may be adopted by the city, will be utilized in determining flood hazard.
- E. Regulations pertaining to development on property affected by the one percent (1%) annual chance flood (100-year flood), as defined herein, are necessary in addition to those of the underlying zoning district in order to promote the health, safety and welfare of the citizens of and visitors to the city of Ketchum, Idaho. (Ord. 1120, 2014)

**17.88.020: STATEMENT OF PURPOSE:**

It is the purpose of this section to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- A. To protect human life, health, safety and welfare;
- B. To minimize expenditure of public money for costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;
- E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- F. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. To ensure that potential buyers are notified that property is in an area of special flood hazard;

- H. To ensure that those who occupy the areas of special flood hazard assume the responsibility for their actions;
- I. To allow the river and creeks and their adjacent lands to convey floodwaters to minimize property damage;
- J. To regulate uses in the floodplain for the purpose of preserving, protecting, and enhancing the abundance and diversity of fish, wildlife and riparian resources;
- K. To protect, preserve and enhance the waterways and floodplains as a recreation resource;
- L. To provide a formal procedure for stream alteration permit applications;
- M. To restrict or prohibit uses which are injurious to health, safety or property in times of flood, which result in environmental damage, or that cause increased flood heights or velocities; and
- N. To guide development and city review of development in the floodplain and adjacent to waterways in order to establish the most appropriate building envelopes for lots existing and in new subdivisions. (Ord. 1120, 2014)

#### **17.88.030: METHODS OF REDUCING FLOOD LOSSES:**

In order to accomplish its purposes, this section includes methods and provisions for:

- A. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;
- B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction, at time of substantial damage or substantial improvement and throughout their intended life span;
- C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;
- D. Controlling, filling, grading, dredging, and other development which may increase flood damage; and
- E. Preventing or regulating the construction of flood barriers which may unnaturally divert floodwaters or which may increase flood hazards in other areas. (Ord. 1120, 2014)

#### **17.88.040: DEFINITIONS:**

Unless specifically defined below, words or phrases used in this article shall be interpreted so as to give them the meanings they have in common usage and to give this article its most reasonable application.

**AREA OF SHALLOW FLOODING:** A designated AO or VO zone on the flood insurance rate map (FIRM). The base flood depths range from one foot to three feet (1' - 3'); a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. AO is characterized as sheet flow, and AH indicates ponding.

**AREA OF SPECIAL FLOOD HAZARD:** The land in the floodplain subject to a one percent (1%) or greater chance of flooding in any given year. Designation on maps always includes the letters "A" or "V". The term "special flood hazard area", for the purposes of these regulations, is synonymous with the phrase "area of special flood hazard".

**BASE FLOOD:** The flood having one percent (1%) chance of being equaled or exceeded in any given year. Also referred to as the 100-year flood, the regulatory flood or the intermediate regional flood (IRF). Designation on maps always includes the letters "A" or "V".

**BASE FLOOD ELEVATION (BFE):** The water surface elevation of the one percent (1%) annual chance flood.

**BASEMENT:** Any area of a building having its floor subgrade (below ground level) on all sides. A crawl space that is not built to the specifications of subsection [17.88.070B2c](#) of this chapter is considered a basement.

**CRAWL SPACE:** The unfinished area of a structure, enclosed by foundation walls, between the ground below and the floor system above. A crawl space is generally under four feet (4') in height and unfinished. A crawl space built to the specifications of subsection [17.88.070B2c](#) of this chapter is not considered a basement. (See section [17.88.070](#), figure 1, "Preferred Crawl Space Construction", of this chapter.)

**CRAWL SPACE, BELOW GRADE:** A crawl space where the ground level in the enclosed space is below the lowest adjacent grade next to the building. (See section [17.88.070](#), figure 2, "Below Grade Crawl Space Construction", of this chapter.)

**CRITICAL FACILITY:** A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire and emergency response installations, or installations which produce, use or store hazardous materials or hazardous waste.

**DEVELOPMENT:** Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or permanent (root ball) removal of trees and large shrubs.

**FERTILIZER:** Any substance containing one (or more) recognized plant nutrient which is used for its plant nutrient content and which is designed for use or claimed to have value in promoting plant growth, and includes limes and gypsum. It does not include unmanipulated animal manure and vegetable organic waste derived material, or biosolids regulated under 40 CFR part 503.

**FLOOD DAMAGE RESISTANT MATERIAL:** Any building material capable of withstanding direct and prolonged contact with floodwaters (minimum 72 hours) without sustaining significant damage (i.e., damage requiring more than cleaning, sanitizing or resurfacing). Refer to federal emergency management agency (FEMA) technical bulletin 2 - 2008, "Flood Damage Resistant Materials" for more information.

**FLOOD INSURANCE RATE MAP (FIRM):** The official map on which the federal insurance administration has delineated both the areas of special flood hazard and risk premium zones applicable to the community.

**FLOOD INSURANCE STUDY (FIS):** The official report provided by the federal insurance administration that includes flood profiles, the flood boundary-floodway map and the water surface elevation of the base flood.

**FLOOD OR FLOODING:** A general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. The overflow of inland or tidal water; and/or
- B. The unusual and rapid accumulation or runoff of surface waters from any source.

**FLOOD PROTECTION ELEVATION (FPE):** An elevation that shall correspond to the elevation of the one percent (1%) chance flood (100-year flood) plus any increased flood elevation due to floodway encroachment, plus any required freeboard. This is required by Idaho state statute 46-1021. This code has more stringent requirements.

**FLOODPLAIN:** Any land area susceptible to being inundated by water from any source.

**FLOODPROOFING:** Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**FLOODWAY:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot (1'). This term is also referred to as the "regulatory floodway".

**HABITABLE FLOOR:** Any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for garage, storage or access purposes is not a "habitable floor".

**HIGHEST ADJACENT GRADE:** The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**INTERMEDIATE REGIONAL FLOOD (IRF):** See definition of Base Flood.

**LOWEST ADJACENT GRADE:** The lowest point of the ground level immediately next to a building.

**LOWEST FLOOR:** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements contained in subsection [17.88.070B2c](#) of this chapter.

**MANUFACTURED HOME:** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

**MANUFACTURED HOME PARK OR SUBDIVISION:** A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

**MEAN HIGH WATER MARK:** A water level corresponding to the natural or ordinary high water mark and is the line which the water impresses on the soil by covering it for sufficient periods of time to deprive the soil of its terrestrial vegetation and destroy its value for commonly accepted agricultural purposes.

**NEW CONSTRUCTION:** Structures for which the "start of construction" commenced on or after the effective date hereof.

**ONE PERCENT ANNUAL CHANCE FLOOD:** See definition of Base Flood.

**ORGANIC FERTILIZER:** A nonsynthetic fertilizer.

**PESTICIDE:** A. Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, plant, fungus or virus;

B. Any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant; and

C. Any nitrogen stabilizer.

Pesticide shall not include any article that is a "new animal drug" within the meaning of section 321(w) of title 21 of the United States Code, that has been determined by the secretary of health and human services not to be a new animal drug by a regulation establishing conditions of use for the article, or that is an animal feed within the meaning of section 321(x) of title 21 of the United States Code bearing or containing a new animal drug.

**RECREATIONAL VEHICLE:** A vehicle that is:

A. Built on a single chassis;

B. Four hundred (400) square feet or less in size when measured at the largest horizontal projection;

C. Designed to be self-propelled or permanently towable by a light duty truck; and

D. Design primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

**RESTRICTED USE CHEMICAL:** Any pesticide, pesticide use, soil sterilant, or fertilizer classified for restricted use by the United States environmental protection agency (EPA). Restricted use pesticides typically may not be applied by anyone not licensed to apply restricted use pesticides.

**RIPARIAN ZONE:** That area along the banks of any waterway twenty five feet (25') in width measured horizontally from the mean high water mark.

**SOIL STERILANT:** A chemical that temporarily or permanently prevents the growth of all plants and animals.

**SPECIAL FLOOD HAZARD AREA:** See definition of Area Of Special Flood Hazard.

**START OF CONSTRUCTION:** Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

**STREAM ALTERATION:** To obstruct, diminish, destroy, alter, modify, relocate, or change the natural existing shape of the stream channel or to change the direction of flow of water of any stream channel within or below the mean high water mark. It includes removal of material from the stream channel and emplacement of material or structures in the stream channel.

**STRUCTURE:** A walled and roofed building including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

**SUBSTANTIAL DAMAGE:** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT:** A. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either:

1. Before the improvement or repair is started; or

2. If the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

B. The term does not, however, include either:

1. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary

to assure safe living conditions; or

2. Any alteration of a structure listed on the national register of historic places or the Idaho historic sites inventory.

VARIANCE: A grant of relief from the requirements of this article which permits construction in a manner that would otherwise be prohibited by this article.

0.2 PERCENT ANNUAL CHANCE FLOOD: The flood having a 0.2 percent chance of being equaled or exceeded in any given year. Also referred to as the 500-year flood. (Ord. 1120, 2014)

### 17.88.050: GENERAL PROVISIONS:

- A. Establishment Of The Floodplain Management Overlay Zoning District: The floodplain management overlay zoning district is hereby established. The regulations of this district apply to all lands within the jurisdiction of the city that lie within the one percent (1%) annual chance floodplain boundaries as determined by the graphic representation shown on the flood insurance rate map (FIRM) and by the elevations of the base flood contained in the flood insurance study referred to hereinbelow in addition to the regulations contained in the underlying zoning district.
1. Establishment Of The Floodway Subdistrict And The Floodplain Subdistrict: The floodplain areas are divided into two (2) subdistricts: the floodway subdistrict and the floodplain subdistrict.
  2. Rules For Interpretation Of The Floodplain Management Overlay Zoning District Boundaries And The Floodway Subdistrict And The Floodplain Subdistrict Boundaries: The floodplain management overlay zoning district boundaries are represented on the official zoning map of the city. However, the precise intermediate regional flood (IRF) location shall be determined by a site survey and elevations as interpreted from the adopted flood insurance rate map and the flood insurance study. All land within the external boundary of the one percent (1%) annual chance floodplain and all parcels with any portion thereof affected by said one percent (1%) annual chance floodplain shall be considered to be within the floodplain management overlay zoning district governed thereby in addition to the underlying zoning district. The city may make necessary interpretations of the boundary based upon the recommendation of the city engineer or other expert.
  3. Basis For Establishing The Areas Of Special Flood Hazard: The areas of special flood hazard identified by the federal insurance administration in a scientific and engineering report entitled "The Flood Insurance Study (FIS) For Blaine County, Idaho And Incorporated Areas" with accompanying digital flood insurance rate maps (DFIRMs) bearing an effective date of November 26, 2010, to establish the areas of special flood hazard for land which has been or will be annexed into the city limits of the city of Ketchum, Idaho, since the adoption of said study for the incorporated area of the city are hereby adopted by reference and declared to be a part of this article. The flood insurance studies are on file at the office of the city clerk, City Hall, 480 East Avenue North, Ketchum, Idaho.
- B. Establishment Of Waterways Design Review Subdistrict: The city hereby makes the following findings of fact with regard to establishing a waterways design review subdistrict:
1. Flooding is aggravated by the collection of debris upstream of the many channel obstructions located in the floodplain areas. Such obstructions include bridges, fences, houses, trees, etc. The accumulation of debris has resulted in significantly higher water surface elevations upstream from the obstructions than would otherwise be expected. Obstructions can and tend to cause flooding to extend beyond anticipated FEMA one percent (1%) annual chance flood boundaries at points of debris accumulation which cannot be predicted.
  2. All structures located roughly within the limits of the 0.2 percent annual chance floodplain are subject to inundation, if not direct impact by the channel itself, during floods of return frequencies of ten (10) to twenty (20) years. This is due to the tendency of the channel to change abruptly, often cutting a totally new channel in a few hours, during high water periods because the Big Wood River is wide, flat and has relatively shallow channel in many areas.
  3. The levees built by the U.S. army corps of engineers are not considered by the corps to be adequately designed to be classified as permanent structures capable of withstanding a one percent (1%) annual chance flood.
  4. Encroachments (i.e., houses, fill, etc.) on floodplains reduce the flood carrying capacity and increase flood heights, thus increasing flood hazards beyond the encroachment. With every new structure or other development since the FEMA one percent (1%) annual chance boundary was determined, the ability of the floodplain to function as originally assumed changes.
  5. Historically, development adjacent to waterways has had a direct effect on methods chosen by owners to protect their property and often to the detriment of the natural stream by destroying or greatly altering fish and wildlife habitat and by unnaturally armoring the banks of the waterways to prevent erosion and, thus, future damage to manmade structures.
    - a. The purposes for which said subdistrict is established are as follows:
      - (1) To guide development adjacent to waterways toward the most appropriate building envelope for its particular site;
      - (2) To minimize the impact of development adjacent to waterways on adjacent properties upstream, downstream and across waterways;
      - (3) To review development plans for property adjacent to waterways to minimize the obstruction of the conveyance of floodwaters;
      - (4) To provide for the maintenance and/or enhancement of the riparian environment including wildlife habitat along waterways;
      - (5) To carry out the provisions of the comprehensive plan as well as health, safety and welfare with regard to properties adjacent to waterways;

- (6) To warn that city review and approval is not going to prevent flooding and that flooding may occur;
  - (7) To advise of flood hazards and studies and options available;
  - (8) To review drainage/obstructions to flood carrying capacity and to advise on methods that may be used to moderate impact of the development; and
  - (9) To review landscaping and access for flood carrying capacity and preservation or enhancement of riparian vegetation.
- b. The waterways design review subdistrict is hereby established and shall be defined as including all those parcels of property within the city limits lying adjacent to or within twenty five feet (25') of the mean high water mark of the Big Wood River, Trail Creek and Warm Springs Creek and any and all channels, having year round or intermittent flow, thereof.
- c. "Development", as defined in section [17.88.040](#) of this chapter, and construction or placement of buildings or structures, including additions to any such structures or buildings existing at the effective date hereof, and landscaping changes within the riparian zone, upon real property within the waterways design review subdistrict shall be subject to design review and shall require said approval under section [17.88.060](#) of this chapter, prior to issuance of a building permit, excavation/grading permit or commencement of any work associated with any such activity.
- d. Applications for design review shall be made and processed according to the regulations contained in [chapter 17.96](#) of this title and according to section [17.88.060](#) of this chapter.
- C. Uses Permitted: Due to the potential hazard to individuals as well as public health, safety and welfare, uses allowed in the floodplain management overlay zoning district are those which are permitted, conditional, and accessory as contained in the underlying zoning district; due to the sensitive ecology of the river system and riparian area and the detrimental impacts that uncontrolled use of pesticides and herbicides can create to both the river system and human health; and, due to the extremely hazardous nature of the floodway due to velocity of floodwaters carrying debris, potential projectiles and erosion potential, the following provisions apply, in addition to all others:
1. Encroachments in the floodway including fill, new construction, substantial improvements and other development are prohibited unless certification, with supporting calculations, by a registered professional hydraulic engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge; and uses within the floodway shall be restricted to those which are required by public necessity (for example, bridges, water pumps), recreational use (for example, paths), wildlife habitat improvements (for example, vegetation, nesting structures, pool/riffle improvements), and gravel extraction; provided, that the use/encroachment meets the approval of the federal emergency management agency and national flood insurance program and does not jeopardize the city's participation in the national flood insurance program. New residential structures and residential substantial improvements are prohibited in the floodway.
  2. If subsection D1 of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of section [17.88.070](#), "Provisions For Flood Hazard Reduction", of this chapter.
  3. No use of restricted use chemicals or soil sterilants will be allowed within one hundred feet (100') of the mean high water mark on any property within the city limits at any time.
  4. No use of pesticides, herbicides, or fertilizers will be allowed within twenty five feet (25') of the mean high water mark on any property within the city limits unless approved by the city arborist.
  5. All applications of herbicides and/or pesticides within one hundred feet (100') of the mean high water mark, but not within twenty five feet (25') of the mean high water mark, must be done by a licensed applicator and applied at the minimum application rates.
  6. Application times for herbicides and/or pesticides will be limited to two (2) times a year; once in the spring and once in the fall unless otherwise approved by the city arborist.
  7. The application of dormant oil sprays and insecticidal soap within the riparian zone may be used throughout the growing season as needed.
  8. It shall be unlawful to dump, deposit or otherwise cause any trash, landscape debris or other material to be placed in any stream, channel, ditch, pond or basin that regularly or periodically carries or stores water.
- D. General Notice Requirements: In order to provide reasonable notice to the public of the flood hazard potential within all areas of the floodplain management overlay zoning district, the following notice regulations and requirements are hereby adopted for all real property and structures located within said district:
1. All subdivision plats shall identify and designate the one percent (1%) annual chance floodplain boundary and the floodway boundary including a certification by a registered surveyor that the boundaries were established consistent with the FIRM map for the city or Blaine County, whichever applies. All subdivision plats shall contain a note or notes that warn prospective buyers of property that sheet flooding can and will occur and that flooding may extend beyond the floodway and floodplain boundary lines identified.
  2. All subdivision plats shall contain note(s) that refer to the required twenty five foot (25') setback from all waterways called the riparian zone in which no development is permitted, and require that riparian vegetation shall be maintained in its natural state for the protection and stabilization of the riverbank, and that removal of trees or other vegetation will be considered as part of the function of design review as set forth in section [17.88.060](#) of this article and [chapter 17.96](#) of this title.
  3. Prior to issuance of any building permit for a structure located partially or wholly within the one percent (1%) annual chance floodplain, a preconstruction elevation certificate shall be completed by a registered professional engineer, architect or surveyor and submitted to the city of Ketchum building inspector. The elevation certificate form shall be made available from the city. The certificate shall again be completed by the owner and/or his/her agents and submitted to the city upon completion of the foundation and construction of the lowest floor, and again prior to issuance of a certificate of occupancy or a final inspection by the building inspector to evidence the as built elevation of the lowest floor including basement.
  4. Each and every real estate agent, sales person and broker, and each and every private party who offers for sale a parcel of real property and/or structure



within said district shall provide the prospective purchaser with notice that said real property and/or structure is located within said district.

5. Prior to issuance of any floodplain development permit, the property owner or his or her authorized agent shall acknowledge by executed written affidavit that said property is located within the one percent (1%) annual chance floodplain as defined herein and that a violation of the terms of this article shall cause the city to seek legal remedies.
- E. Compliance: No structure or land shall hereinafter be constructed, located, extended, converted, or altered without full compliance with the terms of this article and other applicable regulations. Should the regulations specified in any other ordinance of Ketchum be less restrictive, the regulations of this section shall apply.
- F. Abrogation And Greater Restrictions: This section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this section and another ordinance or section herein, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- G. Interpretation: In the interpretation and application of this section, all provisions shall be:
1. Considered as minimum requirements;
  2. Liberally construed in favor of the governing body; and
  3. Deemed neither to limit nor repeal any other powers granted under state statutes.
- H. Warning And Disclaimer Of Liability: The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This section does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. This section shall not be deemed or construed to create liability on the part of the city, any officer or employee thereof, or the federal insurance administration for any flood damages that result from reliance on this section or any administrative decision lawfully made hereunder. (Ord. 1120, 2014)

#### **17.88.060: ADMINISTRATION:**

- A. Establishment Of Floodplain Development Permit: A floodplain development permit shall be obtained prior to issuance of a building or excavation/grading permit for any and all "development" as defined in section [17.88.040](#) of this chapter, and construction, including "stream alteration", as defined herein, within the floodplain management overlay district established in subsection [17.88.050A](#) of this chapter.
- B. Establishment Of Waterways Design Review: Approval of waterways design review shall be obtained prior to issuance of a building or excavation/grading permit and prior to commencement of construction for any and all "development" defined in section [17.88.040](#) of this chapter within the waterways design review subdistrict as defined in subsection [17.88.050B](#) of this chapter.
- C. Applications: Applications shall be made on forms furnished by the city and may be made simultaneous with application for design review, where applicable, and prior to application for a building permit. The application shall contain the following information and any additional information which may be reasonably required by the administrator or commission:
1. Engineer, owner of property, applicant if different than owner, address, phone, e-mail address, etc.
  2. Fees as set by resolution of council.
  3. Vicinity map.
  4. Site plan(s), drawn to scale, showing:
    - a. Nature, location, dimensions and elevations of lot, including one foot (1') contours.
    - b. Location of existing and proposed structures, fill, storage of materials, drainage facilities and infrastructure.
    - c. Location of existing channels and ditches and other significant natural features, boundaries of floodway and regulatory floodplain, including intermediate regional flood (IRF), elevation, and other site specific information from the studies referred to in subsection [17.88.050A3](#) of this chapter.
    - d. Location and elevations of adjacent streets, water supply and sewer lines, including private wells and/or septic systems.
    - e. Elevation of the lowest floor (including basement) of all structures existing and proposed partially or wholly located in the one percent (1%) annual chance floodplain, including elevation to which any structure has been or will be floodproofed.

- f. Existing vegetation and proposed landscape plan, including identification of sizes and types of trees and other plants to be saved, removed, and/or planted.
- g. Identification of the riparian zone and the "mean high water mark", as defined in section [17.88.040](#) of this chapter.
- h. Location of previous stream alterations upstream, downstream and along both banks from subject lot.
- i. Location of drainageways intermittent and year round including potential overflow channels or channel movement.
- j. Proposed excavation or land fill including resulting slope grades for the building pad(s), driveways, and any other element of the proposed development where excavation or fill will take place.
- k. Drainage plan including off site improvements such as borrow ditches and culverts and including a plan for on and off site improvements to provide for unobstructed conveyance of floodwaters.
- l. For any building in the floodplain with an area below the lowest floor that is below the base flood elevation and has a ceiling height of five feet (5') or greater, the building owner shall sign a nonconversion agreement, that shall run with the property, promising not to improve, finish or otherwise convert the area below the lowest floor to living area and granting the city the right to inspect the enclosed area at its discretion. Such agreement shall be recorded at Blaine County's recorder's office.

5. Description of proposed development.

6. Specifications for building construction and materials, floodproofing, filling, grading, dredging, channel improvement/changes and utilities.

7. Elevation certificate, prepared by a licensed surveyor or engineer and/or floodproofing certification prepared by a professional engineer for any existing and proposed residential and nonresidential structures located partially or wholly within the one percent (1%) annual chance floodplain. Said floodproofing methods shall meet the criteria in subsection [17.88.070B](#) of this chapter.

8. Copy of letter of map amendment based on fill (LOMA-F) application for any proposed fill in the floodplain. LOMA-F approval shall be obtained from FEMA prior to issuance of a floodplain development permit.

9. Copies of applications sent to the U.S. army corps of engineers (USACE) and Idaho department of water resources (IDWR) (stream alteration only). USACE and IDWR approvals shall be obtained prior to issuance of a stream alteration permit.

10. Cross section of proposed work (stream alteration only).

11. Length of stream to be worked, type of work to be done, type of equipment to be used and starting and completion dates of work (stream alteration only).

12. A valley cross section showing stream channel, floodway limits, elevations of adjacent land areas, intermediate regional flood (IRF), proposed development, and high water information and a profile showing the slope of the bottom of the channel or flow line of the stream may be required upon review of all other material submitted (stream alteration only).

13. A no net rise certificate, including supporting calculations, prepared by registered professional hydraulic engineer for any work proposed in the floodway.

D. Duties And Responsibilities: The planning and zoning administrator is hereby appointed to administer and implement this article in accordance with its provisions.

1. The planning and zoning administrator shall have the authority to consider and approve, approve with conditions, or deny applications for floodplain development permits and for waterways design review, as required herein, for minor projects that do not constitute substantial improvement/damage, including, but not limited to, small additions or structures located entirely outside the floodplain, interior remodels, small second story additions, replacement roofing, minor exterior changes or repair or minor landscaping and/or riparian enhancement changes that do not conflict with the requirements of this article nor impact any adjacent properties. Said approval shall be issued in writing by the planning and zoning administrator prior to issuance of a building permit, or commencement of any development. Should the planning and zoning administrator determine that the proposal cannot be considered a minor project, said proposal shall receive floodplain development permit/waterways design review approval before the planning and zoning commission prior to issuance of a building permit.

2. The Ketchum planning and zoning commission shall consider and approve, approve with conditions, or deny applications for all other floodplain development permits as required herein, for all other waterways design review as required herein and for stream alterations at a duly noticed meeting. The administrator shall provide written notice of said application to owners of property immediately adjacent to the subject property. Said notice shall inform adjacent property owners they may comment on the application during a period of not less than ten (10) days after mailing of the notice and prior to final action on said application.

3. Specific duties and responsibilities shall include, but are not limited to:

a. Permit Review:

- (1) Review of all applications for proposed construction within the city to determine whether such construction is proposed, in whole or in part, within the floodplain management overlay district and/or the waterways design review district herein.
- (2) Review all building permit, floodplain development permit and design review applications to determine that the permit requirements of this section have been satisfied.
- (3) Review all floodplain development permit applications to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
- (4) Review all floodplain development permit applications to determine that the proposed project shall be reasonably safe from flooding and if the proposed development adversely affects the velocity of flow and the flood carrying capacity of the area of special flood hazard. For the purposes of

this section, "adversely affects" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will increase the water surface elevation of the base flood more than one foot (1') at any point.

(5) Review proposed development to assure that all necessary permits have been obtained from those governmental agencies from which approval is required by federal or state law, including section 404 of the federal water pollution control act, as amended, or by wide area agencies, prior to issuing a development permit. Other agencies may include Idaho fish and game, Idaho department of water resources, soil conservation service, environmental protection agency and U.S. army corps of engineers. Such documentation shall be maintained on file with the floodplain development permit.

(6) Notify, in riverine situations, adjacent communities and the state coordinating office prior to any alteration or relocation of a watercourse, submit copies of such notifications to FEMA and assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

b. Use Of Other Base Flood Data: When base flood elevation data has not been provided in accordance with subsection [17.88.050A3](#), "Basis For Establishing The Areas Of Special Flood Hazard", of this chapter, the administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source in order to administer subsections [17.88.070B2](#), "Residential Construction", B3, "Nonresidential Construction", and C, "Floodways", of this chapter.

c. Information To Be Obtained And Maintained:

(1) Where base flood elevation data is provided through the flood insurance study or required as in subsection D3b of this section, obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

(2) For all new or substantially improved floodproofed structures:

(A) Verify and record the actual elevation (in relation to mean sea level); and

(B) Maintain the floodproofing certifications required in subsection C7 of this section.

(3) Maintain in perpetuity for public inspection all records pertaining to the provisions of this section.

(4) Maintain in perpetuity records on all permits and appeals and report all variances to federal insurance administration.

d. Alteration Of Watercourses:

(1) Notify adjacent communities and all state agencies with jurisdiction over the special flood hazard areas identified in subsection [17.88.050A](#) of this chapter and/or with jurisdiction over the corresponding watercourse, river, stream or tributaries prior to any alteration or riprapping, or relocation of a watercourse, and submit evidence of such notification to the federal insurance administration.

(2) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

e. Interpretation Of FIRM Boundaries: Make interpretations where needed as to the exact location of the boundaries of the areas of special hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in subsection I of this section.

E. Criteria For Evaluation Of Applications: The criteria of floodplain development permit applications, waterways design review applications, and stream alteration permit applications shall be as follows:

1. Preservation or restoration of the inherent natural characteristics of the river and creeks and floodplain areas. Development does not alter river channel.
2. Preservation or enhancement of riparian vegetation and wildlife habitat, if any, along the stream bank and within the required minimum twenty five foot (25') setback or riparian zone. No construction activities, encroachment or other disturbance into the twenty five foot (25') riparian zone shall be allowed at any time without written city approval per the terms of this chapter.
3. No development, other than development by the city of Ketchum or development required for emergency access, shall occur within the twenty five foot (25') riparian zone with the exception of approved stream stabilization work. The planning and zoning commission may approve access to property where no other primary access is available. Private pathways and staircases shall not lead into or through the riparian zone unless deemed necessary by the planning and zoning commission.
4. A landscape plan and time frame shall be provided to restore any vegetation within the twenty five foot (25') riparian zone that is degraded, not natural or which does not promote bank stability.
5. New or replacement planting and vegetation shall include plantings that are low growing and have dense root systems for the purpose of stabilizing stream banks and repairing damage previously done to riparian vegetation. Examples of such plantings include: red osier dogwood, common chokecherry, serviceberry, elderberry, river birch, skunk bush sumac, Beb's willow, Drummond's willow, little wild rose, gooseberry, and honeysuckle.
6. Landscaping and driveway plans to accommodate the function of the floodplain to allow for sheet flooding. Floodwater carrying capacity is not diminished by the proposal. Surface drainage is controlled and shall not adversely impact adjacent properties including driveways drained away from paved roadways. Culvert(s) under driveways may be required. Landscaping berms shall be designed to not dam or otherwise obstruct floodwaters or divert same onto roads or other public pathways.
7. Impacts of the development on aquatic life, recreation, or water quality upstream, downstream or across the stream are not adverse.
8. Building setback in excess of the minimum required along waterways is encouraged. An additional ten foot (10') building setback is encouraged to provide for yards, decks and patios outside the twenty five foot (25') riparian zone.

9. The top of the lowest floor of a building located in the one percent (1%) annual chance floodplain shall be a minimum of twenty four inches (24") above the base flood elevation of the subject property. (See section [17.88.070](#), figures 1 and 2 of this chapter.)
10. The backfill used around the foundation in the floodplain shall provide a reasonable transition to existing grade but shall not be used to fill the parcel to any greater extent. Compensatory storage shall be required for any fill placed within the floodplain. An LOMA-F shall be obtained prior to placement of any additional fill in the floodplain.
11. All new buildings shall be constructed on foundations that are approved by a licensed professional engineer.
12. Driveways shall comply with effective street standards; access for emergency vehicles has been adequately provided for.
13. Landscaping or revegetation shall conceal cuts and fills required for driveways and other elements of the development.
14. (Stream alteration.) The proposal is shown to be a permanent solution and creates a stable situation.
15. (Stream alteration.) No increase to the one percent (1%) annual chance floodplain upstream or downstream has been certified, with supporting calculations, by a registered Idaho hydraulic engineer.
16. (Stream alteration.) The recreational use of the stream including access along any and all public pedestrian/fisher's easements and the aesthetic beauty shall not be obstructed or interfered with by the proposed work.
17. Where development is proposed that impacts any wetland, first priority shall be to move development from the wetland area. Mitigation strategies shall be proposed at time of application that replace the impacted wetland area with a comparable amount and/or quality of new wetland area or riparian habitat improvement.
18. (Stream alteration.) Fish habitat shall be maintained or improved as a result of the work proposed.
19. (Stream alteration.) The proposed work shall not be in conflict with the local public interest, including, but not limited to, property values, fish and wildlife habitat, aquatic life, recreation and access to public lands and waters, aesthetic beauty of the stream and water quality.
20. (Stream alteration.) The work proposed is for the protection of the public health, safety and/or welfare such as public schools, sewage treatment plant, water and sewer distribution lines and bridges providing particularly limited or sole access to areas of habitation.

F. Conditions: Conditions of approval may include, but not be limited to:

1. Riparian vegetation and other landscaping is maintained in perpetuity as shown on approved plans.
2. As built certification shall be required to be submitted prior to occupancy of structure or upon completion of the proposed work (stream alteration).
3. Other permits (i.e., Idaho department of water resources and U.S. army corps of engineers) shall be obtained by the applicant prior to commencement of construction.
4. Restoration of damaged riparian vegetation within riparian zone shall be required prior to completion of the proposed project. A bond to assure such restoration may be required prior to commencement of such work.

G. Terms Of Approval: The term of floodplain development permit, waterways design review or stream bank alteration 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. Application must be made for a building permit (if required) with the Ketchum building department during the twelve (12) month term. Once a building permit (if required) has been issued, the approval shall be valid for the duration of the building permit. Unless an extension is granted as set forth below, failure to file a complete building permit application (if required) for a project in accordance with these provisions shall cause said approval to be null and void. The provisions of this section shall apply to those approvals obtained on or after September 24, 2014.

The city may, upon written request by the holder, grant a maximum of two (2) 12-month extensions to an unexpired approval. The first twelve (12) month extension shall be reviewed by the planning and zoning administrator and the chair of the planning and zoning commission. The second twelve (12) month extension shall be reviewed by the planning and zoning commission. Whether or not an extension is warranted shall be based on the following considerations:

1. Whether there have been significant amendments to the city's comprehensive plan, downtown master plan or ordinances which will apply to the subject approval;
2. Whether significant land use changes have occurred in the project vicinity which would adversely impact the project or be adversely impacted by the project;
3. Whether hazardous situations have developed or have been discovered in the project area; or
4. Whether community facilities and services required for the project are now inadequate.

If any of the foregoing considerations are found to exist with regard to the project for which an extension is sought, an extension may be granted with conditions of approval to remedy any unmet requirements, or the city may choose not to grant an extension. Otherwise the city shall approve such an extension. Said decision shall be issued in writing. No extensions shall be granted for an expired floodplain development permit or waterways design review approval.

H. Inspection Procedures:

1. For structures located wholly or partially in the regulatory floodplain:

- a. Upon completion of the foundation and placement of the lowest floor, but prior to construction of exterior walls, or floodproofing by whatever construction means, it shall be the duty of the permit holder to submit to the floodplain administrator a certification of the elevation of the lowest floor or floodproofed elevation, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer who is authorized to certify such information in the state, and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. A city planner and the building inspector shall perform a site inspection to verify the conditions noted on the elevation and/or floodproofing certificates.
- b. The floodplain administrator shall review the lowest floor elevation and/or floodproofing certificates. Should these documents be found not in conformance with the requirements of this chapter, the permit holder shall immediately cease further work and shall correct any deficiencies. Failure of the permit holder to submit the surveyed elevation and/or floodproofing certificate, and failure to correct said deficiencies required hereby, shall be the cause to issue a stop work order for the project.
- c. Prior to final building permit inspection and issuance of a certificate of occupancy, it shall be the duty of the permit holder to submit to the floodplain administrator a final construction, as built, complete FEMA elevation certification and/or as built floodproofed elevation certification per the procedures outlined in subsections H1a and H1b of this section. A planner and the building inspector shall perform a site inspection to verify the conditions noted on the elevation and/or floodproofing certificates.

2. For waterways design review projects: Prior to final building permit inspection and issuance of a certificate of occupancy, planning staff shall conduct a site inspection to verify that the project was constructed per the approved waterways design review plans and that all conditions of approval have been satisfied.

I. Variance Procedure:

1. General:

- a. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half ( $1/2$ ) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided subsection I2 of this section has been fully considered. As the lot size increases beyond the one-half ( $1/2$ ) acre, the technical justification required for issuing the variance increases.
- b. Upon consideration of the factors of subsection I2 of this section and the purposes of this article, the commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this article.

2. Considerations: In passing upon such applications, the commission shall consider the planning and zoning administrator's recommendations, all technical evaluations, and all relevant factors and standards specified in other sections herein and:

- a. The danger that materials may be swept onto other lands to the injury of others;
  - b. Whether the structure is designed, constructed and placed upon the lot to minimize flood damage exposure and minimize the effect upon the danger to life and property due to flooding or erosion damage;
  - c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - d. The importance of the services provided by the proposed facility to the community;
  - e. The necessity to the facility of a waterfront location, where applicable;
  - f. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
  - g. The compatibility of the proposed use with existing and anticipated development;
  - h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
  - i. The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - j. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
  - k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities such as sewer, gas, electrical, and water systems, and streets and bridges; and
- I. Variances shall only be issued in accordance with the guidelines found at section 60.6, code of federal regulations (title 44 CFR), as set forth therein on the effective date hereof.

3. Conditions For Variance:

- a. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the national register of historic places or the Idaho historic sites inventory, without regard to the procedures set forth in the remainder of this article.
- b. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- c. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- d. A variance shall only be issued upon:

- (1) A showing of good and sufficient cause;
  - (2) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
  - (3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expenses, create nuisances, cause fraud on or victimization of the public as identified in subsection I2 of this section, or conflict with existing local laws or ordinances.
- e. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest flood elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- f. Variances as interpreted in the national flood insurance program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.
- g. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria, except subsection I3a of this section, and otherwise complies with subsections [17.88.070A1](#) and [A2](#) of this chapter.

#### 4. Appeals:

- a. Appeals From Planning And Zoning Administrator: An appeal from any order, requirement, decision or determination of the planning and zoning administrator made in the administration or enforcement of this article may be taken by any affected person as that term is defined by Idaho Code section 67-6521, as it may be amended from time to time, or any officer or department of the city, to the planning and zoning commission by filing a notice of appeal in writing with the office of the planning and zoning administrator of the city in the manner prescribed herein:
- (1) Action Required By The Planning And Zoning Administrator: The planning and zoning administrator shall certify that all procedural requirements have been satisfied and fees paid and transmit to the commission the original of all papers constituting the record in the case, together with the order, requirement, decision or determination of the planning and zoning administrator. The planning and zoning administrator shall maintain in perpetuity the records of all appeals and report any variances to the federal insurance administration upon request.
  - (2) Hearing And Notice: The commission shall, following receipt of the planning and zoning administrator's certificate and the record of the case, set the matter for hearing and give notice of the date, time, place and purpose thereof and of the right to request a copy of the decision thereon, to the appellant, the planning and zoning administrator, and to any other affected person, as defined in Idaho Code section 67-6521, as that section may be amended from time to time, all in accordance with Idaho Code section 67-6501 et seq., as may be amended from time to time.
  - (3) Authority Of Commission: Upon hearing the appeal, the commission shall consider the record, the order, requirement, decision or determination of the planning and zoning administrator and the notice of appeal, together with oral presentation by the appellant and the planning and zoning administrator. The commission may affirm, reverse, or modify, in whole or in part, the order, requirement, decision or determination of the planning and zoning administrator.
  - (4) Decision By Commission: The commission shall enter a decision within thirty (30) days after the hearing on appeal, which shall include its written findings of fact and conclusions of law separately stated. The commission shall transmit a copy of the decision to the appellant and any affected person who has requested a copy in writing, as defined in Idaho Code section 67-6521, as that section may be amended from time to time.
- b. Appeals From Planning And Zoning Commission: An appeal from any order, requirement, decision or determination of the commission made in the administration or enforcement of this article may be taken by any affected person, as that term is defined by Idaho Code section 67-6521, as it may be amended from time to time, or any officer or department of the city, to the city council by filing a notice of appeal in writing with the office of the planning and zoning administrator of the city in the manner prescribed herein:
- (1) Action Required By The Planning And Zoning Administrator: The planning and zoning administrator shall certify that all procedural requirements have been satisfied and fees paid and transmit to the council the original of all papers constituting the record in the case, together with the order, requirement, decision or determination of the commission. Upon written request of the appellant or any affected person, as defined in Idaho Code section 67-6521, as that section may be amended from time to time, and the advance payment of the cost thereof, a verbatim transcript of the commission proceedings shall be prepared and transmitted to the council. The planning and zoning administrator shall maintain the records of all appeals and report any variances to the federal insurance administration upon request.
  - (2) Hearing And Notice: The council shall, following receipt of the planning and zoning administrator's certificate and the record of the case, set the matter for hearing and give notice of the date, time, place and purpose thereof and of the right to request a copy of the decision thereon, to the appellant, the commission, and to any other affected person, as defined in Idaho Code section 67-6521, as that section may be amended from time to time, all in accordance with Idaho Code section 67-6501 et seq., as may be amended from time to time.
  - (3) Authority Of Council: Upon hearing the appeal, the council shall consider only matters which were previously considered by the commission as evidenced by the record, the order, requirement, decision, or determination of the commission and the notice of appeal, together with oral presentation by the appellant and the commission. The council may affirm, reverse, or modify, in whole or in part, the order, requirement, decision or determination of the commission. Furthermore, the council may remand the application to the commission for further consideration with regard to specific criteria stated by the council.
  - (4) Decision By Council: The council shall enter a decision within thirty (30) days after the hearing on appeal, which shall include its written findings of fact and conclusions of law separately stated. The council shall transmit a copy of the decision to the appellant and any affected person who has requested a copy in writing, as defined in Idaho Code section 67-6521, as that section may be amended from time to time.
- c. Time For Filing Appeals: All appeals permitted or authorized by this article shall be taken and made in the manner and within the time limits as follows: The written notice of appeal shall be filed before five o'clock (5:00) P.M. of the fifteenth calendar day after the order, requirement, decision or determination of the planning and zoning administrator has been made or after findings of fact have been approved by the commission, whichever is applicable. The failure to physically file a notice of appeal with the planning and zoning administrator of the city within the time limits prescribed by this subsection I4c shall be jurisdictional and shall cause automatic dismissal of such appeal.

- d. Fee For Appeals: A fee equal to the expense of giving notice as required by subsection 14a(2) or 14b(2) of this section, as applicable, shall be paid within two (2) days after receipt from the planning and zoning administrator of the amount thereof. In the event the fee is not paid as required, the appeal shall not be considered filed.
- e. Notice Of Appeal; Form And Contents: The notice of appeal shall be in writing and in such form as shall be available from the office of the planning and zoning administrator, which shall require to be set with specificity all bases for appeal, including the particulars regarding any claimed error or abuse of discretion. (Ord. 1120, 2014)

## 17.88.070: PROVISIONS FOR FLOOD HAZARD REDUCTION:

### A. General Standards: In all areas of special flood hazard, the following standards are required:

#### 1. Anchoring:

- a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- b. All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over the top or frame ties to ground anchors (reference the federal emergency management agency's "Manufactured Home Installation In Flood Hazard Areas" guidebook for additional techniques).

#### 2. Construction Materials And Methods:

- a. All structural and nonstructural building materials utilized at or below the base flood elevation must be flood resistant. Flood damage resistant materials must be used for all building elements subject to exposure to floodwaters, including floor joists, insulation, and ductwork. If flood damage resistant materials are not used for building elements, those elements must be elevated above the base flood elevation. This requirement applies regardless of the expected or historical flood duration.
- b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- c. Electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

#### 3. Utilities:

- a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
- b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters; and
- c. On site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

#### 4. Subdivision Proposals:

- a. All subdivision proposals shall be consistent with the need to minimize flood damage;
- b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- c. All subdivision proposals shall have adequate drainage provided to ensure that the postdevelopment stormwater (of a 25-year storm) discharge will not exceed the amount of runoff under predevelopment conditions. Drainage plans and pre- and post-development hydrology calculations shall be prepared by a civil engineer licensed in the state of Idaho;
- d. Require that base flood elevation data be provided or generated for all subdivision and PUD proposals. Base flood elevation shall be developed per FEMA hydrologic and hydraulic analysis methods and prepared by a qualified engineer licensed in the state of Idaho. United States geological survey (USGS) datum shall be used and identified on the plat and a permanent bench mark shall be identified and shown on the plat; and
- e. All requirements of the code of federal regulations, 44 CFR 60.3 shall be met.

- 5. Review Of Building Permits: Where elevation data is not available either through the flood insurance study or from another authoritative source (subsection [17.88.060D3b](#) of this chapter), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet (2') above grade in these zones may result in higher insurance rates.

### B. Specific Standards: In all areas of special flood hazard where base flood elevation data has been provided as set forth in subsection [17.88.050A3](#), "Basis For Establishing The Areas Of Special Flood Hazard", or [17.88.060D3b](#), "Use Of Other Base Flood Data", of this chapter, the following provisions are required:

- 1. AO Zones: All construction in AO zones shall be designed and constructed with drainage paths around structures to guide water away from structures.

#### 2. Residential Construction:

- a. New construction and substantial improvement of any residential structure in any A1-30, AE and AH zone shall have the top of the lowest floor, including

basement, elevated a minimum of twenty four inches (24") above the base flood elevation.

- b. New construction and substantial improvement of any residential structure in any AO zone shall have the lowest floor, including basement, elevated to or above the highest adjacent grade at least as high as the FIRM's depth number plus twenty four inches (24").
- c. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria (see figures 1, "Preferred Crawl Space Construction" and 2, "Below Grade Crawl Space Construction", of this section):
- (1) A minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. Openings shall be placed on at least two (2) walls to permit entry and exit of floodwaters.
  - (2) The bottom of each flood vent opening shall be no higher than one foot (1') above the lowest adjacent exterior grade.
  - (3) Openings may be equipped with screens, louvers, or other coverings or devices; provided, that they permit the automatic entry and exit of floodwaters.
  - (4) Portions of the building below the base flood elevation shall be constructed with material resistant to flood damage.
  - (5) The interior grade of a below grade crawl space (see figure 2, "Below Grade Crawl Space Construction", of this section) below the base flood elevation shall not be more than two feet (2') below the lowest adjacent exterior grade.
  - (6) The height of a below grade crawl space, measured from the interior grade of the crawl space to the top of the crawl space foundation wall, shall not exceed four feet (4') at any point.
  - (7) A below grade crawl space shall have an adequate drainage system that removes floodwaters from the interior area of the crawl space within a reasonable time after a flood event.

FIGURE 1  
PREFERRED CRAWL SPACE CONSTRUCTION

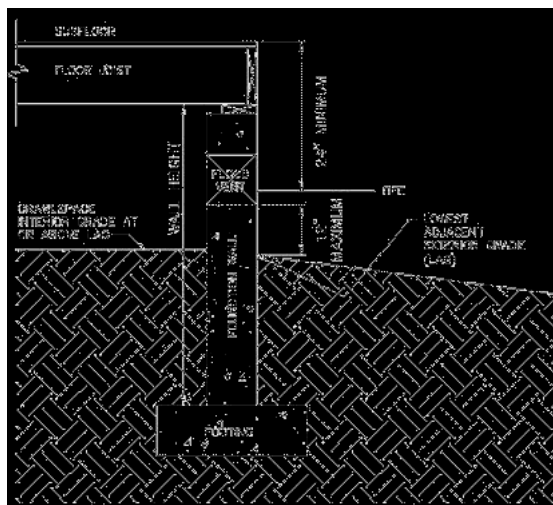
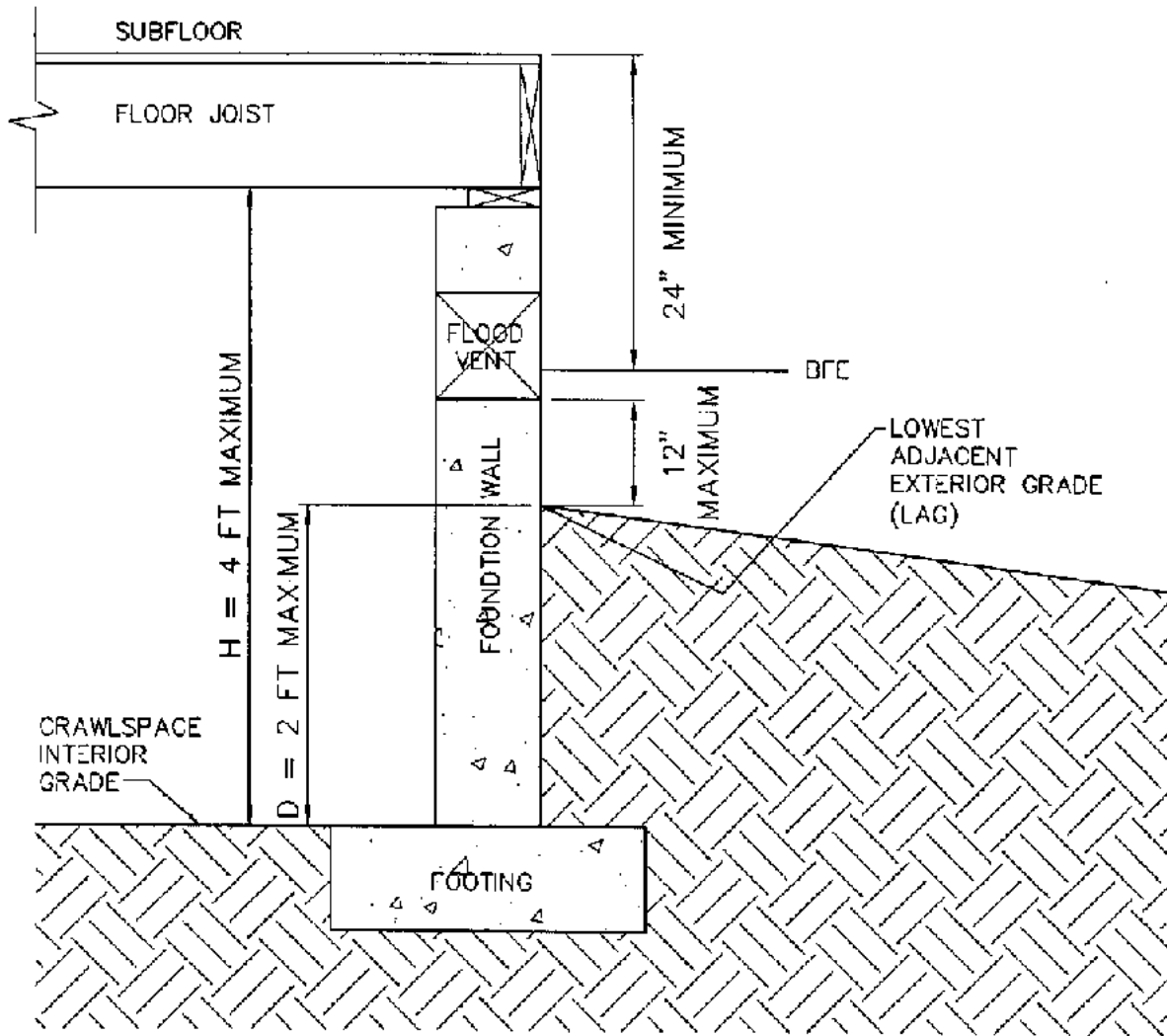


FIGURE 2  
BELOW GRADE CRAWL SPACE CONSTRUCTION





(Note: A below grade crawl space shall be subject to higher flood insurance rates through the NFIP.)

### 3. Nonresidential Construction:

- a. New construction and substantial improvement of any commercial, industrial, nonresidential portion of a mixed use or other nonresidential structure in any A1-30, AE and AH zone shall either have the top of the floor structure of the lowest floor, including basement, elevated to twenty four inches (24") above the base flood elevation or, together with attendant utility and sanitary facilities, shall:
  - (1) Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
  - (2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
  - (3) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this article based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in subsection [17.88.060D3c\(2\)](#) of this chapter;
  - (4) Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subsection B2c of this section; and
  - (5) Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot (1') below the floodproofed level (e.g., a building constructed to the base flood level will be rated as 1 foot below that level).
- b. All new construction and substantial improvement of nonresidential structures within AO zones shall:
  - (1) Have the lowest floor (including basement) elevated above the highest adjacent grade at least twenty four inches (24") higher than the depth number specified in feet on the FIRM; or
  - (2) Together with the attendant utility and sanitary facilities be completely floodproofed to that level to meet the floodproofing standard specified in subsection B3a of this section.

4. **Manufactured Homes:** All manufactured homes to be placed or substantially improved within zones A1-30, AH, and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is twenty four inches (24") above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of subsection A1b of this section.
  5. **Recreational Vehicles:** All recreational vehicles to be placed on a site within zones A1-30, AH, and AE shall meet the requirements of subsection B4 of this section, or be placed on the site for less than one hundred eighty (180) consecutive days and be fully licensed and highway ready.
  6. **Critical Facilities:** Critical facilities shall be constructed on properly compacted soil and shall have the lowest floor (including basement) elevated at least twenty four inches (24") above the elevation of the 0.2 percent annual chance flood. A critical facility shall have at least one access road connected to land outside the 0.2 percent annual chance floodplain that meets fire code access requirements. The top of the road must be no lower than six inches (6") below the elevation of the 0.2 percent annual chance flood.
- C. **Floodways:** Located within areas of special flood hazard established in subsection [17.88.050A](#) of this chapter are areas designated as floodways. Since the floodway is an hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:
1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification, with supporting calculations, by a registered professional hydraulic engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge. Uses within the floodway shall be restricted to those which are required by public necessity (for example, bridges, water pumps), recreational use (for example, paths), wildlife habitat improvements (for example, vegetation, nesting structures, pool/riffle improvements), and gravel extraction; provided, that the use/encroachment meets the approval of the federal emergency management agency and national flood insurance program and does not jeopardize the city's participation in the national flood insurance program. New residential structures and residential substantial improvements are prohibited in the floodway.
  2. If subsection C1 of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this section.
  3. Be certified by a registered professional engineer, except in an existing mobile home park or existing mobile home subdivision. (Ord. 1120, 2014)

#### **17.88.080: ENFORCEMENT AND PENALTIES:**

- A. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this article and other applicable regulations. The provisions of this article shall be enforced by one or more of the following methods:
1. Requirements of floodplain development permit, waterways design review and/or stream alteration permit;
  2. Requirements of building permit;
  3. Inspection and ordering removal of violations;
  4. Criminal liability;
  5. Injunction; and
  6. Civil enforcement.
- B. Enforcement shall further be administered according to [chapter 17.156](#) of this title. (Ord. 1120, 2014)

## **Article II. Emergency Stream Bank Stabilization**

#### **17.88.090: TITLE:**

This article shall be known and may be cited as the *CITY EMERGENCY STREAM BANK STABILIZATION ORDINANCE*. (Ord. 1120, 2014)

#### **17.88.100: GUIDELINES:**

Guidelines for determining if an emergency for purposes of this article is imminent are as follows:

- A. The water equivalent measurements at Galena, Galena Summit, Dollar Hide and Lost Wood Divide as recorded by the national resource conservation service

(NRCS) SNOTEL sites;

B. The forecast temperatures available from the national weather service;

C. The flow of the Big Wood River as measured at the Hailey gauging station and recorded by the United States geological survey (USGS) in Boise, Idaho; and

D. Failure to submit an application under section [17.88.120](#) of this chapter far enough in advance of the desired start date for bank stabilization work shall not be considered an emergency. (Ord. 1120, 2014)

#### **17.88.110: PROCEDURE:**

To obtain an emergency bank stabilization permit, an applicant must submit an application as described in section [17.88.120](#) of this chapter and receive written approval to perform the bank stabilization work from at least two (2) Ketchum planning and zoning commissioners and the planning and zoning administrator. The planning and zoning commissioners and/or the administrator may consult a qualified engineer or professional regarding the proposed emergency bank stabilization work. A site inspection must be performed by the planning and zoning administrator and at least two (2) planning and zoning commissioners before approval can be granted. Under no circumstances shall bank stabilization work commence without the approvals required herein. (Ord. 1120, 2014)

#### **17.88.120: APPLICATION FOR EMERGENCY STREAM BANK STABILIZATION:**

The applicant shall first complete and submit an emergency bank stabilization application provided by the city which shall include, but not be limited to, the following information:

A. Description of the emergency impact to public health, safety or welfare;

B. Name of proposed contractor or executor of work;

C. Description of proposed work;

D. Nonrefundable application fee in the amount as set by the city council; and

E. A waiver from the Idaho department of water resources as specified under Idaho Code section 42-3808, and the stream channel alteration rules of the Idaho water resource board. (Ord. 1120, 2014)

#### **17.88.130: ACTION UPON SUBMITTAL OF STREAM BANK STABILIZATION APPLICATION:**

Upon submittal of the application, the applicant shall contact the planning and zoning administrator to arrange for a site inspection. (Ord. 1120, 2014)

#### **17.88.140: SITE INSPECTION:**

Upon receipt and review of a completed application, a site inspection shall be performed by the planning and zoning administrator and at least two (2) planning and zoning commissioners. Written findings of fact and conclusions of law granting or denying the application will be prepared for city records and the applicant upon the conclusion of the site inspection and within five (5) working days from the date of the decision. (Ord. 1120, 2014)

#### **17.88.150: BASIS FOR DENIAL OF AN EMERGENCY STREAM BANK STABILIZATION PERMIT:**

No permit shall be granted if the planning and zoning commission members determine that the proposed emergency stream bank stabilization work is contrary to the public health, safety or welfare or that it is contrary to adopted city policies regarding riparian areas and river systems. (Ord. 1120, 2014)

#### **17.88.160: CONDITIONS OF EMERGENCY STREAM BANK STABILIZATION APPROVAL:**

Conditions which may be required for the granting of a permit include, but are not limited to, the following:

- A. The planning and zoning commissioners may require the applicant to post financial security, and enter into an agreement with the city, to mitigate possible impacts of the proposed bank stabilization work.
- B. The proposed work for the emergency stream bank stabilization work shall be conducted so as to minimize the impact on riparian vegetation and soil stability.
- C. If an emergency stream bank stabilization permit is granted, the applicant shall apply for a waterways design review/stream alteration permit under [article I of this chapter](#) within six (6) months from the date of the issuance of the emergency stream bank stabilization permit.
- D. If a waterways design review/stream alteration permit under [article I of this chapter](#) and all other applicable state and federal agency permits are granted, the applicant shall then complete restoration of the affected property to city and state standards by either March 31 of the year following the issuance of the emergency stream bank stabilization permit or by another date specified by the planning and zoning commissioners or other governmental agency.
- E. Copies of the approved emergency stream bank stabilization permit shall be posted on site throughout the duration of the stabilization work. (Ord. 1120, 2014)

#### **17.88.170: ENFORCEMENT:**

- A. It is unlawful for any person, firm or corporation to:
  - 1. Fail to obtain a permit before commencing stream bank stabilization work.
  - 2. Perform stream bank stabilization work beyond that expressly allowed by the permit.
  - 3. Provide false documentation in connection with the work performed during stream bank stabilization.
- B. Any person, firm, or corporation violating any provision of this article shall, for each offense, be subject to the enforcement procedures established in [chapter 17.156](#) of this title. (Ord. 1120, 2014)

## **Chapter 17.92 AVALANCHE ZONE DISTRICT (A)**

#### **17.92.010: A AVALANCHE ZONE DISTRICT:**

The A avalanche zone district is established to identify those areas where, after due investigation and study, the city council finds that avalanche potential exists. Avalanches are caused by steepness of slope, exposure, snowpack composition, wind, temperature, rate of snowfall and other little understood interacting factors. Due to the potential avalanche hazard, special regulations should be imposed within such district.

- A. Purposes: An avalanche zone district is established as a zoning overlay district for the following purposes:

1. To identify those areas within the city where, after due investigation and study, avalanche potential is found to exist.
2. To give notice to the public of those areas within the city where such avalanche potential has been found to exist.
3. To give notice to and provide the public with the opportunity to review pertinent avalanche studies and reports including the avalanche study report made by Mr. Norm Wilson, dated September 1977, and the avalanche study report made by Mr. Art Mears, dated July 1978, and avalanche study report made by Mr. Art Mears, dated January 1979, together with any future studies made. Copies of said studies are available for public inspection at the office of the Ketchum city clerk. It is recommended that said studies be examined prior to purchase, development, construction or use of land located within the avalanche zone.
4. To minimize health and safety hazards, disruption of commerce and extraordinary public expenditures.
5. To promote the general public health, safety and welfare.
6. To allow for construction of single-family residences by persons informed of potential avalanche danger with regard to a specific parcel of real property, while providing regulations to protect lessees, renters and subtenants of property within such zone.

**B. Avalanche Zone District Boundaries:**

1. The avalanche zone district boundaries shall be an overlay district and designate those areas within the city found subject to potential avalanche danger. The avalanche zone shall consist of two (2) subzone designation areas as follows:
  - a. High avalanche zone.
  - b. Moderate avalanche zone.
2. The avalanche zone shall include all of those areas within the city so designated by the amendment to the Ketchum zoning map adopted in this chapter. Designation as avalanche zone, high avalanche or moderate avalanche zone shall replace any existing avalanche zoning designation.

**C. Uses Permitted:** The avalanche zoning district shall be an overlay district and shall apply the additional requirements of the avalanche zoning district to the uses otherwise permitted in the district. All uses allowed in the district with which the avalanche zone district combines shall be subject to the additional restrictions of the avalanche zoning district. If any of the regulations specified in this section differ from corresponding regulations specified for a district with which the avalanche zone district is combined, the regulations contained in this section shall apply and govern.

**D. Use Restrictions:** The following restrictions are imposed upon construction, development and use of all real property located within the avalanche zone:

1. All utilities installed after the effective date hereof for development of a subdivision or providing utility services to a building or replacing existing utility services to a building or subdivision shall be installed underground in order to minimize possible avalanche damage to such utilities and injury to persons and property.
2. Avalanche protective, deflective and preventative structures, devices or earthwork which threaten to deflect avalanches toward property of others or otherwise threaten to increase the danger to persons or property are prohibited. The construction of such structures, devices or earthwork shall be permitted only as a conditional use. Prior to granting of a conditional use permit, the applicant shall submit to the city plans signed by an engineer licensed in the state, certifying that the proposed construction will withstand the avalanche forces set forth in the avalanche studies on file with the city and that the proposed construction will not deflect avalanches toward the property of others. Other information and engineering studies may be requested in consideration of an application for a conditional use permit. As a further condition of any conditional use permit, appropriate landscaping may be required where such structures, devices or earthwork alter the natural slope or beauty of the land. This shall not apply to reforestation. Alteration or removal of any existing natural barriers is prohibited.
3. Prior to issuance of a building permit for any structure within the avalanche zone, except a single-family residence, the applicant shall submit to the Ketchum building inspector plans, signed by an engineer licensed in the state of Idaho, certifying that the proposed construction as designed will withstand the avalanche forces as set forth in the avalanche studies on file with the city, or the avalanche forces set forth in a study of the property in question prepared at the owner's expense and submitted to the city by a recognized expert in the field of avalanche occurrence, force and behavior. Warning: The avalanche forces set forth in such studies are to be considered minimum standards only, and the city does not represent, guarantee or warrant the ultimate safety of any construction, use or occupancy of structures constructed to those standards. Avalanches may occur with forces greater than those set forth in such studies, and areas of the city not designated as avalanche zone may be subject to potential avalanche danger.
4. Any structure which has been constructed within the avalanche zone and without engineering study shall not be leased, rented or sublet from November 15 through April 15 of each year. Any residence being leased or rented on the effective date hereof shall be deemed a zoning violation and shall be governed by [chapter 17.156](#) of this title.
5. There shall be no further subdivision of any real property, including lot splits, which would result in the creation of a lot or building site, in whole or part, within the avalanche zone. A variance to this provision may be granted if a lot can be created in which the building site conforms to all other provisions of this title and is located entirely outside of the avalanche zone.

**E. General Notice Requirements:** In order to provide reasonable notice to the public of the avalanche potential within all areas designated avalanche zone, the following notice regulations and requirements are adopted for all real property and structures located within such zone:

1. All subdivision plats shall identify and designate each lot and block, or portions thereof, located within the avalanche zone, together with applicable subzone designation, by a stamp or writing in a manner providing reasonable notice to interested parties.

2. All plans submitted with a building permit application for property within said avalanche zone shall be stamped "avalanche zone", together with the applicable subzone designation.
3. Prior to the issuance of any building permit for construction or improvements within the avalanche zone, the applicant shall submit to the building inspector a written acknowledgment, signed by the applicant under seal of a notary public, of the applicant's actual knowledge that the proposed building or improvement will be located within the avalanche zone. The applicant will also acknowledge that he or she has actual knowledge of the studies conducted to date regarding the avalanche zone that are on file with the planning department. The acknowledgment shall state the following:

*I, (applicant's name), the applicant named in Building Permit Number (# ) intend to construct (type of building, outbuildings and/or improvements) on (property description, including legal description and (street address)). I acknowledge that this development and the parcel of land on which the development will be situated are within the Avalanche Zoning District. I have thoroughly read and fully understand Ketchum Zoning Code [Title 17, Chapter 17.92 "Avalanche Zone District"](#) and the reports by Art Mears and Norman Wilson on file with the City of Ketchum Planning Department. I fully understand that building within the Avalanche Zone may pose a substantial hazard to life, health, and property for residents, guests, visitors, both invited and uninvited, children, city employees, utility workers, public servants, and animals. I also fully understand that City services, including fire protection, police, and medical and ambulance service may be suspended during times of high hazard.*

*I, on behalf of myself, my personal representatives and my heirs, hereby voluntarily agree to release, waive, discharge, hold harmless, defend and indemnify the City of Ketchum and its officers, employees, agents, and contractors from any and all claims, actions, or losses for bodily injury, death, wrongful death, property damages, and loss of services which may arise out of the construction of the buildings, outbuildings, and/or improvements that are the subject of my Building Permit Number ( ).*

*I also promise and agree to file an executed copy of this Acknowledgment, confirmed or stamped as received by the Ketchum Planning Department as an addendum to my deed to the real property described herein with the County Recorder.*

4. The city shall file with the office of the Blaine County recorder such document(s) as necessary to provide record notice of each existing lot and/or parcel of real property within the avalanche zone; and such document(s) as necessary to provide record notice that each owner who rents or leases any structure located in whole or part within the avalanche zone shall provide the tenant, lessee or subtenant with written notice that said property is located within the avalanche zone prior to any occupancy.
5. The city shall post signs in the public right of way to reasonably identify the boundaries of the avalanche zone.
6. All persons who rent, lease or sublet any structure or premises within the avalanche zone shall provide the tenant, lessee or subtenant with written notice that said property is located within such avalanche zone prior to occupancy.
7. Each and every real estate agent, sales person and broker, and each and every private party who offers for sale or shows a parcel of real property and/or structure for sale, lease or rent within said avalanche zone shall, upon first inquiry, provide the prospective purchaser, lessee or tenant, prior to viewing said real property, with written notice that said real property and/or structure is located within said avalanche zone. Furthermore, such written notice shall state that the studies referred to in subsection H of this section are available for public inspection at the office of the Ketchum city clerk and that said studies should be reviewed prior to any party entering any agreement, contract or lease.
8. All brochures and other printed materials advertising and/or soliciting reservations for sale, rental or lease of living units within the avalanche zone shall contain a provision designating that said unit or units are located within the avalanche zone.

F. Suspension Of City Services: During periods of avalanche danger, city services may be suspended or otherwise not be provided to property within the avalanche zone; nor shall the city accept responsibility for or guarantee that such services, rescue efforts or emergency services will be provided during periods of avalanche danger.

G. Warning And Disclaimer Of Safety And Liability:

1. Avalanches occur naturally, suddenly and unpredictably based upon steepness of slope and runout area, exposure, snowpack composition, wind, temperature, rate of snowfall and other little understood interacting factors. The avalanche zone designated in this title is considered reasonable for regulatory purposes and is based upon and limited by the engineering and scientific methods of study. This title does not represent or imply that areas outside the avalanche zone district are free from avalanches or avalanche danger.
2. The fact that the city has not prohibited development, construction or use of real property within the avalanche zone district does not constitute a representation, guarantee or warranty of any kind as to the safety of any construction, use or occupancy. The granting of any permit or approval for any structure or use, or the declaration or failure to declare the existence of an avalanche hazard shall not constitute a representation, guarantee or warranty of any kind or nature by the city, or any official or employee, of the practicality or safety of any construction, use or occupancy, and shall create no liability upon or cause of action against such public body, or its officials or employees, for any injury, loss or damage that may result.
3. Avalanches occur naturally, suddenly and unpredictably, and persons who develop or occupy real property within said avalanche zone do so at their own risk.

H. Notice Of Avalanche Studies:

1. The city has received the following avalanche studies of areas within the city:
  - a. Avalanche study report by Norm Wilson, dated September 1977;
  - b. Avalanche study report by Art Mears, dated July 1978;
  - c. Avalanche study report by Art Mears, dated January 1979.

2. Copies of said studies are available for public inspection at the office of the Ketchum city clerk, city hall. Persons interested in building, using or occupying real property within the avalanche zone are encouraged and should examine the studies. However, the city does not represent or warrant the completeness or accuracy of those studies.

I. Amendment To Zoning Map: The official zoning map of the city is amended to include the avalanche zone with subcategory designation of high avalanche zone and moderate avalanche zone as part of the avalanche zone district. The boundaries of said avalanche zone are adopted as set forth on said amended official zoning map made a part of this title. (Ord. 862 § 1, 2001: Ord. 852 § 1, 2000: Ord. 772 § 4, 1999: Ord. 208 § 16, 1974)

## Chapter 17.96 D DESIGN REVIEW DISTRICT

### 17.96.010: AUTHORITY:

For the purpose of enhancing the appearance of the community, particularly in areas of existing or potential scenic or historical value, in areas of architectural merit, or of interest to tourists and for the purpose of assisting property owners to maintain the appearance or architectural tone of their neighborhoods, the governing body may, from time to time, create design review zones as overlay zones. Land classified in the D zone shall also be classified in one or more of the regular zones. The zoning of such land shall be designated by a combination of symbols, i.e., GR-H-D, etc. (Ord. 831 § 1, 1999)

### 17.96.020: ESTABLISHMENT OF A DESIGN REVIEW:

D zoning district, design districts, shall be established in accordance with the provisions of this chapter. (Ord. 831 § 1, 1999)

### 17.96.030: REGULATIONS:

In a design review zone, all the regulations of the regular zone shall apply, but in addition, no building permit or other permit for construction or alteration of any building or structure or the use of any land shall be issued until proposed plans, including, but not limited to, elevations, plot plans, signs and landscaping have been reviewed and approved by the planning and zoning commission (hereinafter referred to as "the commission") or the planning and zoning administrator (hereinafter referred to as "administrator"). Design review districts may establish more detailed or restrictive regulatory criteria than those established by the underlying zone where such regulatory criteria are needed to meet the findings and purpose of said district. (Ord. 831 § 1, 1999)

### 17.96.040: FINDINGS AND PURPOSES:

The mayor and city council of Ketchum, Idaho, hereby find as follows:

- A. That the economic base of the city of Ketchum is tourism and related services, and that maintaining and enhancing the appearance, character, beauty and function of said city is necessary to protect and promote said economic base and the general welfare of the community.
- B. That it is necessary in order to protect the general health, welfare and safety of the community, future inhabitants of proposed projects, and adjacent property owners to establish a D design review overlay zoning district and to adopt regulations with regard thereto in order to achieve the following purposes:
1. To ensure that the general appearance of building design and construction shall be orderly and harmonious with the appearance and character of this neighborhood and the city;
  2. To ensure appropriate and adequate landscaping;
  3. To protect the beauty of the community;
  4. To protect the historic and cultural character of the community;
  5. To minimize the impact of the vehicular traffic on adjacent streets and to prevent traffic congestion;
  6. To provide for proper ingress and egress with safe, adequate and efficient pedestrian and vehicular traffic systems;
  7. To coordinate on site vehicular and nonvehicular traffic circulation patterns with adjacent transportation systems;

8. To ensure efficient arrangement of on site parking with regard to building location, adequate access points, utilities and public services, and uses of adjacent lands;
9. To provide for and protect existing light, air, solar access and orientation, privacy, views and vistas by proper and efficient location of building sites and design layout;
10. To protect and preserve wildlife, streams, natural topography and other desirable natural features and qualities such as, but not limited to, skyline ridge tops, knoll ridges, established tree and shrub masses, mature trees, topsoil, stream beds and banks and drainage swales;
11. To prevent unnecessary excavation or fill for building foundations, access roads, driveways and similar improvements;
12. To provide adequate usable open space in a manner which is appropriate for the development and uses of adjacent lands;
13. To protect and conserve the economic base of the community including property values;
14. To encourage and promote the energy conservation and alternative energy sources as well as other advanced building technology; and
15. To prevent soil erosion and flood damage. (Ord. 831 § 1, 1999)

#### **17.96.050: ESTABLISHMENT OF D DESIGN REVIEW DISTRICT FOR CERTAIN ZONING DISTRICTS:**

A D design review overlay zoning district is hereby established for all of the areas within the city zoned general residential \_ high density (GR-H); general residential \_ low density (GR-L); tourist zoning district; community core zoning district; and light industrial \_ 1, light industrial \_ 2, and light industrial \_ 3 zoning districts; and agriculture and forestry zoning districts; recreation use zoning district; short term occupancy \_ .4 acre zoning district; short term occupancy \_ 1 acre zoning district; short term occupancy \_ high density zoning district; tourist \_ 3000 zoning district; tourist \_ 4000 zoning district; limited residential (LR) zoning district; limited residential \_ one acre (LR-1) zoning district; and limited residential \_ two acre (LR-2) zoning district. (Ord. 855 § 1, 2000: Ord. 831 § 1, 1999)

#### **17.96.060: CONSTRUCTION REQUIRING DESIGN REVIEW APPROVAL:**

The commission and administrator are hereby empowered and shall review proposals for construction, alteration or placement of buildings or structures upon real property within said D design review district as outlined in subsection [17.96.100A](#) of this chapter and master signage plans as required by subsections [17.124.040C2](#) and C3 of this title. No application for the building permit for such construction shall be accepted by the Ketchum building department unless said project has made application for and received design review approval or administrative exemption in accordance with this title. Single-family residential construction shall be exempt from the provisions of this title, except for the construction of more than one single-family (one-family) dwelling on a lot, and shall not be subject to the review process set forth herein except as otherwise provided for in the waterways and mountain overlay design review districts. The mayor and council hereby find this exception is appropriate for the following reasons: first, single-family residential construction is found to have a lesser impact upon adjacent streets and adjacent land uses compared to construction of higher density units; second, single-family residential use is generally found to provide sufficient design quality, including landscaping, parking and open space, to comply with the purposes of this title. Provided, however, that an application for a building permit for single-family residential construction on a lot zoned GR-L must include a separate written, notarized acknowledgment of design review requirements form to be duly recorded with the Blaine County recorder's office so that it appears in the title of the property. Said form shall state the applicant's actual knowledge and acceptance that a subsequent single-family dwelling unit or a conversion of the existing unit into a two-family unit will require design review approval and may require alterations to the existing one-family unit. Said form will be available at the Ketchum planning department. (Ord. 1087, 2011: Ord. 857 § 2, 2001: Ord. 831 § 1, 1999)

#### **17.96.070: PROCEDURES FOR OBTAINING DESIGN REVIEW APPROVAL:**

The commission and administrator are hereby empowered to review all proposals for construction within the D design review district established by this chapter as outlined in subsection [17.96.100A](#) of this chapter. The commission and administrator shall review each proposed project and approve or deny the same according to the procedures, standards and criteria set forth in this chapter. A person desiring to obtain design review approval shall file, at least twenty (20) days prior to a regularly scheduled meeting of the commission, with the Ketchum planning department a completed application form, together with all of the information and materials required by section [17.96.080](#) of this chapter. Complete applications will be scheduled for the next available commission meeting based on the order received. At the commission meeting, each application shall be presented to the commission, together with the required materials and information. The applicant and all other interested persons shall have the opportunity to comment on the proposed project. (Ord. 831 § 1, 1999)

#### **17.96.080: MATERIALS AND INFORMATION:**

A completed design review application form and appropriate fees, along with the required technical information and plans for the building(s) and including master signage plans, as published by the planning director, shall constitute a complete application for design review and shall be filed by the applicant with the Ketchum planning department. All design review plans and drawings for public commercial projects, residential buildings containing more than four (4) dwelling units and development projects containing more than four (4) dwelling units shall be prepared by an Idaho licensed architect or an Idaho licensed engineer.



- A. 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 planning director.
- B. Any other additional materials shall be submitted as may be reasonably requested by the commission or planning director.
- C. For projects requiring preapplication design review, a model or computer simulation renderings, as described in subsection [17.96.090A4](#) of this chapter, shall be submitted at least one week prior to the design review meeting.
- D. The planning director may waive some submittal requirements if he/she determines the information is not relevant to the design review.
- E. Design review fee shall be submitted as described in section [17.96.150](#) of this chapter. (Ord. 1087, 2011: Ord. 936 § 1, 2004: Ord. 831 § 1, 1999)

### **17.96.090: CRITERIA AND STANDARDS:**

The following list of design review criteria must be considered and addressed by each applicant seeking design review approval of construction. The commission and/or administrator will use this list of design criteria as a basis to determine whether a project is to be approved or denied. A majority vote of the commission shall be necessary for approval or denial. The commission and/or administrator may suggest changes and/or place conditions of approval based upon these design criteria. Building bulk which is allowed by right in this title may be reduced by requirement of the commission, only if found necessary to maintain the public safety and/or welfare. If a development project is to be built in phases, each phase shall be subject to the design standards and criteria described in this section.

#### **A. Preapplication Design Review:**

1. Preapplication review is required for all new commercial construction, major additions and new residential construction of four (4) 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 intent of this chapter and the application of the evaluation standards.
3. Preapplication review materials to be submitted shall include, but not be limited to, site plan, elevations, site sections, topography and photographs. The site plan shall indicate structures located on surrounding properties. The commission may choose to conduct a second preapplication design review meeting if the materials submitted are inadequate or if the direction given to the applicant would result in significant changes to the proposal.
4. The commission will require a model of the project or computer simulation renderings showing the proposal from one or more key vantage points, as determined at the preapplication design review meeting, 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 planning and zoning administrator may waive the requirement for preapplication review if the project is found to have no significant impact.

#### **B. Evaluation Standards:**

1. Site Design: The site's significant natural features such as hillsides, mature trees and landscaping shall be preserved. Cuts and fills shall be minimized and shall be concealed with landscaping, revegetation and/or natural stone material.
2. Compatibility:
  - a. The structure shall be compatible with the townscape and surrounding neighborhoods with respect to height, bulk, setbacks and relationship to the street;
  - b. The project's materials, colors and signing shall be compatible with the townscape, surrounding neighborhoods and adjoining structures;
  - c. Consideration shall be given to significant view corridors from surrounding properties; and
  - d. 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. Architectural Quality:
  - a. Consideration shall be given to natural light reaching public streets, sidewalks and open spaces;
  - b. The building character shall be clearly defined by use of sloped roofs, parapets, cornices or other architectural features;
  - c. There shall be continuity of materials, colors and signing within the project;

- d. There shall be continuity among accessory structures, fences, walls and landscape features within the project;
- e. Building walls which are exposed to the street shall be in scale with the pedestrian;
- f. Building walls shall provide undulation/relief, thus reducing the appearance of bulk and flatness;
- g. Exterior lighting shall not have an adverse impact upon other properties and/or public streets;
- h. Garbage storage areas and satellite receivers shall be screened from public view;
- i. Utility, power and communication lines within the development site are concealed from public view where feasible;
- j. Door swings shall not obstruct or conflict with pedestrian traffic;
- k. Building design should include weather protection which prevents water to drip or snow to slide on areas where pedestrians gather and circulate or onto adjacent properties; and
- l. Exterior siding materials shall be of natural wood or masonry origin or similar quality. Metal siding is discouraged in all zoning districts.

#### 4. Circulation Design:

- a. Pedestrian, equestrian and bicycle access which is adequate to satisfy demands relative to development size shall be provided. These accesses shall be located to connect with existing and anticipated easements and pathways;
- b. The building(s) is primarily accessed from the public sidewalk for the majority of the individual uses proposed. It is the intent to promote exterior circulation with numerous connections to the public sidewalk and exposure to the street. This includes utilizing arcades, courtyards and through block connections (commercial buildings only);
- c. The required five foot (5') street side setback is primarily used as an extension and part of the public sidewalk in areas with high pedestrian volume (setback as per zoning). This setback is encouraged to be covered by awnings, arcades or other canopies for weather protection and may extend out over the public sidewalk (CC zone only);
- d. 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;
- e. Parking areas have functional aisle dimensions, backup space and turning radius;
- f. Location of parking areas is designed for minimum adverse impact upon living areas within the proposed development and minimizes adverse impact upon adjacent properties with regard to noise, lights and visual impact;
- g. Curb cuts are located away from major intersections and off high volume roadways where possible;
- h. Adequate unobstructed access shall be provided for emergency vehicles, snowplows, garbage trucks and similar service vehicles to all necessary locations within the proposed project; and
- i. The project is designed so as to provide adequate snow storage areas or removal for snow cleared from the parking areas and roadways within the project (50 percent except in CC zone).

#### 5. Landscape Quality:

- a. Substantial landscaping is to be provided, which is in scale with the development and which provides relief from and screening of hard surfaces. Total building surface area and street frontage will be considered when determining whether substantial landscape is being provided ("landscaping" shall be defined as trees, shrubs, planters, hanging plants, ground cover and other living vegetation);
- b. 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. Consideration should be given to the use of native, drought resistant plant materials;
- c. The preservation of existing significant trees, shrubs and important landscape features (mapped in accordance with subsection B1, "Site Design", of this section) shall be encouraged; and
- d. 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.

6. Energy Design: Consideration shall be given to proper solar orientation within the project. Recognition shall be given to the solar benefits of adjoining properties. (A sun chart as a means of understanding the solar possibilities and limitations shall be encouraged.)

7. Public Amenities: Pedestrian amenities are encouraged for all projects and shall be required for commercial uses. Amenities may include, but are not limited to, benches and other seating, kiosks, telephone booths, bus shelters, trash receptacles, restrooms, fountains, art, etc. The use of "Ketchum Streetscape Standards" shall be encouraged on all projects and may be required by the commission on individual projects to meet the purposes of the design review district.

8. Green Building: Consideration shall be given to green building features within the project. Recognition shall be given to projects that achieve the United States green building council's LEED certification or earn the environmental protection agency's Energy Star label. Projects are encouraged to consider energy conservation, indoor air quality, water use, location, waste reduction, recycling, and use of sustainable construction materials.

#### 9. Master Signage Plans Design Guidelines:

- a. Exposed support structures for signs, including, but not limited to, posts, poles and sign sides or edges, must be faced or covered with wood, stone or

- metal which is corrosion resistant, painted or anodized, or such other material as may be approved by the city as a reasonable, natural textured substitute.
- b. All freestanding signs shall have landscaping around the base of the support structure in order to provide a transition from the ground to the sign.
  - c. All materials should prevent reflective glare.
  - d. Simple and easy to read typefaces should be used on signs. Hard to read and overly intricate typefaces should be avoided.
  - e. Signs that have symbols, characters, or graphics are encouraged. The symbol, character, or graphic should relate to the products sold in the business or to the name of the business.
  - f. Signs that show depth and cast shadows are encouraged. Depth and shadows can be created by mounting individually cut letters and symbols on the sign base or carving letters and symbols into the base of the sign.
  - g. Projecting signs are preferred over portable or sandwich board signs. Projecting signs generally are more effective for increasing visibility to both pedestrians and motorists.
  - h. Sign materials and colors should complement the building facade. Basic and simple color applications are encouraged and vibrant colors should be avoided.
  - i. The color of letters and symbols should contrast the base or background color of the sign to maximize readability.
  - j. Signs shall not cover or obscure windows, doors, storefronts, building entrances, eaves, cornices, columns, horizontal expression lines, or other architectural elements or details.
  - k. Signage on buildings with multiple tenants shall be limited to prevent sign clutter. Individual signs for tenants with ground floor storefront entrances are permitted. A directory sign with the names and suite numbers of all tenants without a ground floor storefront entrance may be provided at the lobby entrance for those tenants.
  - l. An address marker shall be provided at the main entrance to all buildings. (Ord. 1087, 2011; Ord. 995 § 1, 2006; Ord. 831 § 1, 1999)

### **17.96.100: REVIEW OF PROPOSALS:**

Design review proposals shall be reviewed by the commission or administrator as outlined herein.

#### **A. Authority Of The Administrator:**

1. The administrator is hereby empowered to approve minor modifications to projects that have received design review approval by the commission for the duration of a valid building permit. Minor modifications under the authority of the administrator may include, but are not limited to, the following: changes to approved colors and/or siding materials, landscape plans, window changes that do not significantly affect project design, appearance or function, changes to dumpster enclosures or changes to lighting. The administrator shall make the determination as to what constitutes minor modifications. All approved modifications must be documented on the approved set of plans on file with the planning department.
2. The administrator is empowered to exempt from the design review process projects determined to be so minor as to not conflict with the design review standards of this section, nor to impact any adjacent properties. Examples include, but are not limited to: minor deck additions, additions of a window or door, and minor landscape changes. Said exemption must be issued in writing by the administrator prior to issuance of a building permit and shall be approved by the chair of the planning and zoning commission, or his/her designee. Should the administrator or the planning and zoning commission chair determine that the proposal cannot be exempted, said proposal shall receive design review approval prior to issuance of a building permit.

**B. Authority Of The Commission:** The commission is hereby empowered to approve all other application proposals defined in section [17.96.060](#) of this chapter. The commission may elect to approve applications for design review by consent agenda. Consent agenda shall be that portion of the commission's agenda where agenda items are not discussed individually and commission members vote on the package of applications in its entirety. All application and notice requirements, criteria and standards established in the design review district or this chapter shall apply to consent agenda applications. The planning and zoning administrator shall determine, in consultation with the commission chair, which applications are to be placed on the consent agenda. The commission, at their discretion, may delegate their authority for detailed review of design review criteria and standards, and other relevant city ordinances, regulations and policies to the commission chair and the administrator by placing applications on the consent agenda. A commissioner, city department head, mayor, council member, or affected party may request any application on the consent agenda to be moved to the regular agenda in order to have a full discussion of potential impacts of the application. Applications placed on the consent agenda may include, but are not limited to: deck renovations or extensions, deck enclosures or additions under two hundred (200) square feet, hot tubs, addition of doors and/or windows, dormers or other roof popouts, material or color changes to building facades and awnings which do not encroach on public rights of way. (Ord. 831 § 1, 1999)

### **17.96.110: 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. 831 § 1, 1999)

**17.96.120: COMPLETION OF IMPROVEMENTS:**

- A. Upon application for a building permit, including a single-family residence, an applicant shall follow the procedures set forth in this section to ensure substantial completion of the proposed project and improvements according to the plans and specifications as approved by the city:
1. The applicant shall execute an agreement with the city committing the applicant to complete the construction of the improvements according to the approved plans and specifications.
  2. The applicant shall execute a lien as security for the applicant's performance of the agreement on a form provided by the city.
  3. The city shall be entitled to record said lien at the time it issues the building permit to the applicant, which lien shall encumber the property until released as provided hereunder.
  4. The improvements shall be completed in compliance with the approved plans and specifications within eighteen (18) months from the date of the issuance of the building permit. The planning director may extend the date of completion an additional six (6) months with the concurrence of the building official. The city shall have the authority to enforce the agreement and lien according to its terms. Upon good cause shown, the planning director may extend the period of time within which completion of the improvements is to be accomplished.
  5. All landscape improvements as approved by the planning and zoning commission or planning department shall be completed within sixty (60) days of occupancy. In the event of partial installation due to seasonable hardship, the completion date may be adjusted into the following planting season, but shall not exceed more than twelve (12) months after occupancy without prior written approval from the planning director.
  6. The applicant shall have the right, after final inspection and issuance of a certificate of occupancy, to request in writing that the lien be released by the city upon posting with the city an irrevocable letter of credit, or other such security as is acceptable to the city at its sole discretion, for one hundred fifty percent (150%) of the bona fide estimated cost to complete the required improvements from that time forward.
- B. The planning director may waive the consensual lien and completion agreement upon a determination that the site improvements required by the applicant's building permit are not substantial enough in nature to warrant a consensual lien and completion agreement. (Ord. 947 § 1, 2005)

**17.96.130: TERMS OF APPROVAL:**

- A. 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. Application must be made for a building permit with the Ketchum 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. 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. The provisions of this section shall apply to those approvals obtained on or after January 1, 2008. If a project approved on or after January 1, 2008, has previously sought and obtained an extension pursuant to subsection B of this section on or before the enactment of this section, the project may seek an additional extension in accordance with the provisions of subsection B of this section.
- B. For design review approvals pertaining to "civic" buildings, the head of the planning department and the chair of the planning and zoning commission may, upon written request by the holder, grant a maximum of two (2) 12-month extensions to an unexpired design review approval. 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 head of the planning department and the chair of the planning and zoning commission. The second twelve (12) month extension shall be reviewed by the planning and zoning commission. Whether or not an extension is warranted shall be based on the following considerations:
1. Whether there have been significant amendments to the city's comprehensive plan, downtown master plan or ordinances which will apply to the subject design review approval; or
  2. Whether significant land use changes have occurred in the project vicinity which would adversely impact the project or be adversely impacted by the project; or
  3. Whether hazardous situations have developed or have been discovered in the project area; or
  4. Whether community facilities and services required for the project are now inadequate.
- 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.
- C. This section shall be deemed effective as of December 23, 2009, and shall apply to all design review approvals granted by the city since January 1, 2008. (Ord. 1062 § 1, 2009)

**17.96.140: TIME LIMITATIONS FOR ACTION UPON APPLICATION:**

The commission shall have sixty (60) days to consider and approve or deny an application for design review approval pursuant to this chapter. The time for action upon an application may be extended by either the commission or the council at the request of the applicant or in cases where the complexity of the project or changes made by the applicant during the review process require additional time to properly review and consider the application. (Ord. 831 § 1, 1999)

**17.96.150: FEES AND COSTS:**

Each applicant for design review approval shall pay to the city, by depositing with the administrator, 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 unless the proposal is withdrawn at least ten (10) days prior to its initial review by the commission. (Ord. 831 § 1, 1999)

## **Chapter 17.100 WARM SPRINGS BASE AREA OVERLAY DISTRICT (WSBA)**

**17.100.010: PURPOSE:**

The Warm Springs base area, as one of only two (2) access points to skiing on Bald Mountain, is a key hub for tourist and recreational activities in the city. Due to the unique nature of skier base areas, and their importance to the tourism economy in Ketchum, an overlay zoning district is found to be an appropriate tool to encourage desired uses in the base area. The intent of this zoning district and each of its regulations is to:

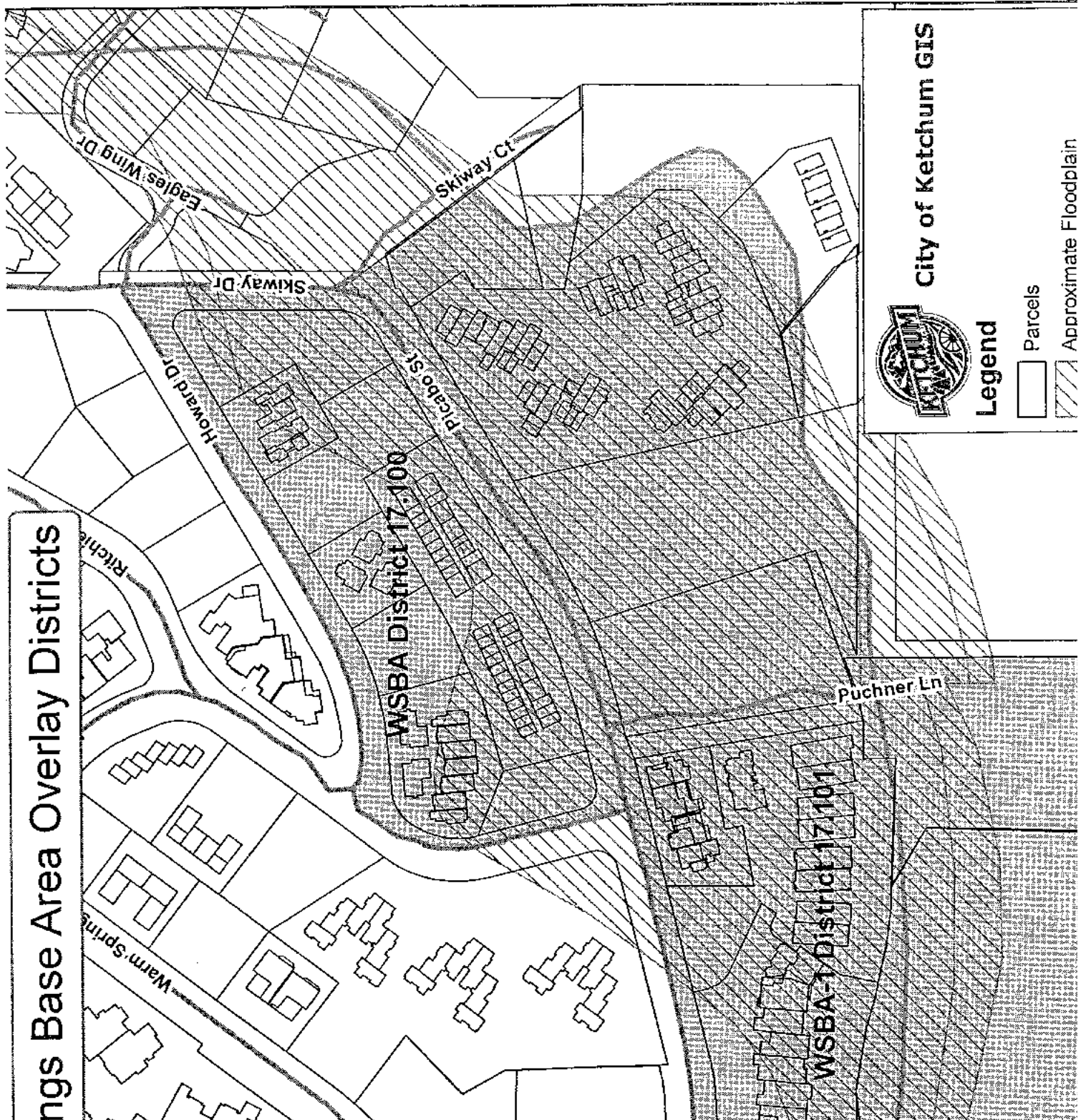
- A. Provide a unique experience based on the specific geography and community characteristics of the Warm Springs base area.
- B. Build on the existing village character.
- C. Expand the variety of uses and users.
- D. Stimulate year round activity.
- E. Enhance connectivity between uses.
- F. Maintain key public views.
- G. Promote open space and connections to nature. (Ord. 1039 § 1, 2008)

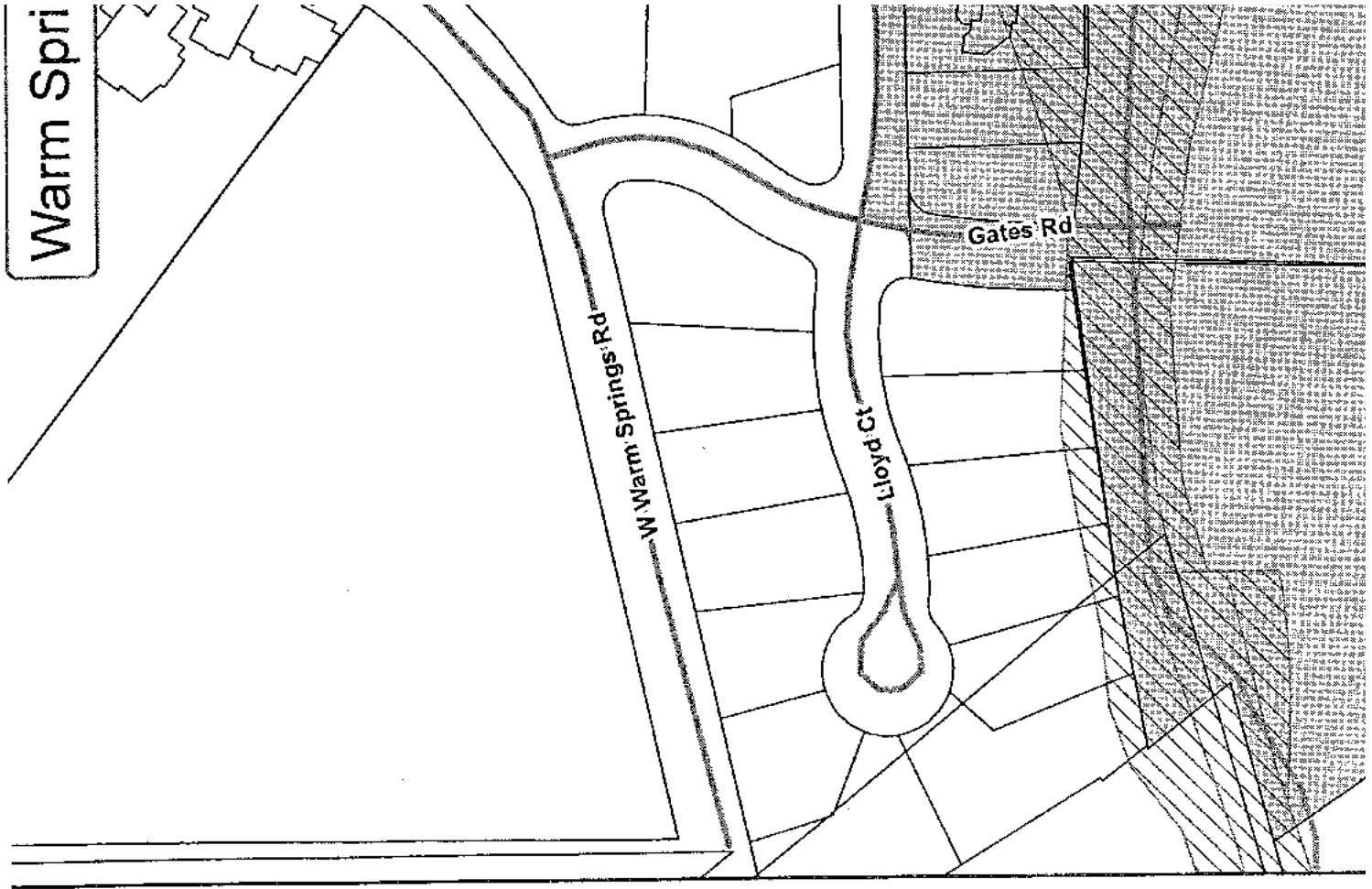
**17.100.020: GENERAL APPLICATION:**

- A. Projects Under A 0.5 Floor Area Ratio (FAR): Projects under a 0.5 FAR are not subject to the additional requirements of this chapter, and are governed by the underlying zoning district.
- B. Projects Over A 0.5 FAR: The Warm Springs base area overlay zoning district (WSBA) shall be an "overlay district" and the additional requirements of said overlay district shall apply to the uses and structures otherwise permitted in the underlying zoning district, if the project is at a FAR of greater than 0.5. All uses and structures allowed in the district with which the WSBA overlay zoning district combines shall be subject to the additional restrictions of the WSBA overlay zoning district. If any of the regulations specified in this chapter differ from corresponding regulations specified for a district with which the WSBA overlay zoning district is combined, the regulations contained in this chapter shall apply and govern. If additional height and bulk are allowed for certain uses in this chapter, the regulations of this chapter shall govern for those uses, so long as all conditions outlined herein have been met. All other regulations of the

zoning district with which the WSBA overlay zoning district is combined shall remain in full force and effect.

C. Boundaries Of WSBA Overlay District: The requirements of the WSBA overlay district shall apply to improvements to any property within the portion of Warm Springs as defined on the boundary marked on the WSBA overlay district map, exhibit 1 of this section.





(Ord. 1039 § 1, 2008)

**17.100.030: DESIRED USES AND FLOOR AREA RATIO (FAR) TABLE:**

A. Approach: The purpose of this section is to encourage certain uses by allowing additional floor area for these uses. The following standards apply when preferred uses are included, as indicated in the floor area ratio table that is provided below. Projects up to and including a FAR of 0.5 are not subject to the regulations of this section. Note that, other than the different standards presented in this section, any other standards that presently exist for the tourist zone district would continue to apply. (For example, landscape requirements would continue as currently established.)

Figure 1: FAR Table

FAR System For Warm Springs Base Area					
Existing FAR Allowances					
			Maximum FAR Per Category	Maximum FAR	
Base FAR			0.5	0.5	
Inclusionary housing			1.1	1.6	
Proposed Additional FAR Allowances					
			FAR		Absolute Maximum

	Measure <sup>1</sup>	Amount <sup>2</sup>	Increment <sup>3</sup>	Maximum FAR Per Category	FAR <sup>4</sup>
Inclusionary housing	1 on site DU	1	0.2	No cap	2.25
	1 off site DU	1	0.15		
Hotel/lodging	Bedroom	1	0.015	1.0	
Meeting/ conference	Square feet	100	0.005	0.3	
Office	Square feet	100	0.005	0.5	
Restaurant/retail	Square feet	100	0.025	1.1	
Ski industry related nonprofit	Square feet	100	0.005	0.5	
Ski storage <sup>5</sup>	Square feet	100	0.015	0.2	

## Notes:

- 1.The "measure" is the type of measurement for the designated use.
- 2.The "amount" is the unit of measurement for which a designated amount of additional FAR is allowed.
- 3.The "FAR increment" is the amount of additional FAR earned per amount of a designated use provided.
- 4.The absolute maximum FAR may not be exceeded. It is the total potential to be earned with a combination of the FAR incentives.
- 5.Ski storage that is incorporated with retail space shall be subject to the retail FAR increment. Ski storage that is not incorporated with retail shall be subject to the ski storage FAR increment.

## B. Maximum Floor Area Ratio (FAR):

1. By Right Maximum FAR: The maximum "by right" FAR is 0.5.
2. Preferred Uses Maximum FAR: The maximum may be increased up to 2.25, when certain preferred uses and amenities are included, based on the table in figure 1 of this section. The additional FAR must also be found to be compatible with the context, using the Warm Springs village design guidelines, on file with the city clerk.

## C. Change In Use:

1. All developments that achieve a FAR greater than 0.5 shall be required to enter into an agreement with the city addressing any future changes to preferred uses (uses that resulted in a greater overall FAR).
2. Said agreement shall include stipulations for changes in preferred uses and shall outline specific requirements for changes to preferred uses. For example, the agreement could require that twenty five percent (25%) of the uses remain as community housing or retail.
3. The planning and zoning commission shall review the agreement during design review and make recommendations to the city council. The agreement shall be approved by the city council prior to building permit approval.

Any increase in FAR above 1.0 also shall trigger the requirement for a traffic and parking impact study and parking demand management plan as outlined in section [17.100.070](#) of this chapter. The city must determine that these impacts are adequately addressed in order to award the additional FAR above 0.5. (Ord. 1039 § 1, 2008)

**17.100.040: BUILDING MASSING STANDARDS AND BUILDING HEIGHT:**

A. Approach: The following massing and height regulations are intended to permit taller building portions, but limit taller building portions to sites that have been determined to be able to accommodate the increased height without compromising other goals and objectives for the Warm Springs base area. Taller building portions are more compatible when a substantial portion of the development is at a lower scale. Having two (2) story elements at the street edge is particularly important. The following regulations encourage stepped building forms, create an active street edge, and promote views and open space. These standards would influence the perceived mass of a building by setting certain limits on massing, which would result in "sculpting" the building form.

## B. Building Height:

1. Maximum Building Height: Heights in the WSBA overlay district are governed by this section.
  - a. WSBA overlay district shall have a maximum height of three (3) to five (5) stories, including the limitations of subsections B2 and B3 of this section.



2. Maximum Building Height For Uses: Maximum building height for uses in figure 1 of this chapter are as follows:

Figure 2: Building Height

Stories	Maximum Height <sup>1</sup>
For portions of buildings within 30 feet of Howard Drive: 3-4	50 feet (subject to plate heights at minimum setback - subsection D of this section, and to all fourth floor elements being contained within the roof)
5	65 feet

Note:

1. The maximum height is for roof pitches of 5:12 and greater only, and as measured from existing, natural or finished grade to the top of the ridge or highest point, including architectural features.

3. Upper Floor Footprints:

a. Maximum fifth floor footprint: Thirty five percent (35%) of the first floor building footprint.

C. Wall Plane Length:

1. Maximum wall plane length: Sixty feet (60').
2. Minimum offset: Ten feet by fifteen feet (10' x 15') (see figure 3 of this section)<sup>1</sup>.

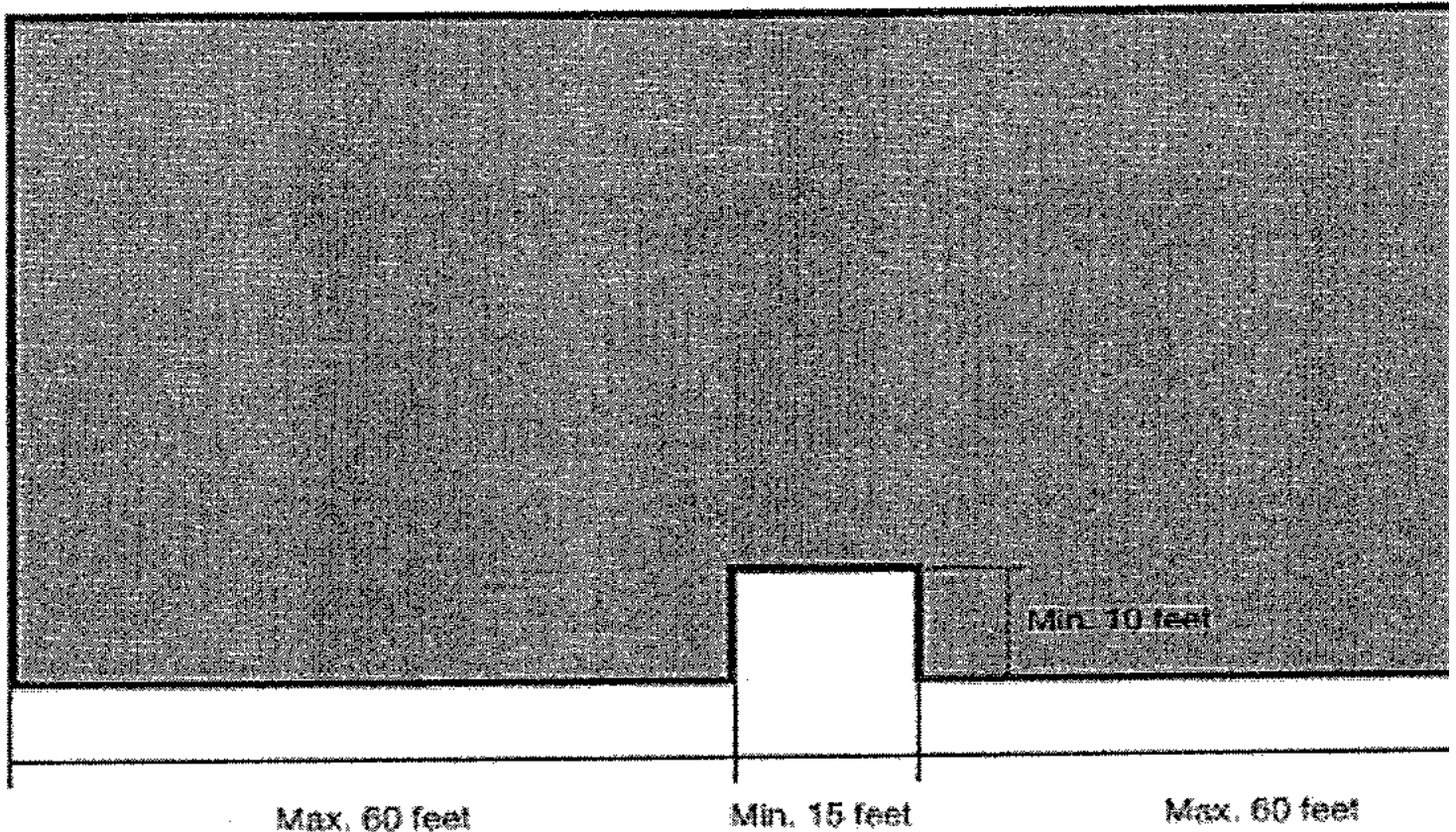


Figure 3: Maximum Wall Plane And Minimum Offset

## D. Plate Height At Minimum Setback:

1. Maximum plate height within ten feet (10') of the minimum setback line shall be thirty five feet (35') (see figure 4 of this section).

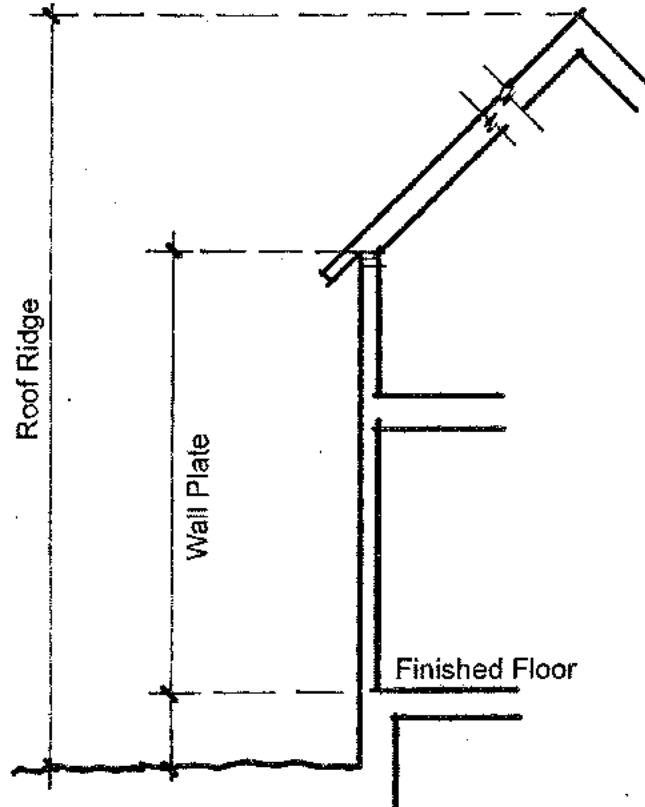


Figure 4: Plate Height

(Ord. 1039 § 1, 2008)

### 17.100.050: LOT COVERAGE:

A. Approach: Lot coverage shall be regulated by calculating the minimum usable open space on the site as determined by the definition found in subsection [17.52.010J](#) of this title and section [17.100.080](#), "Design Guidelines", of this chapter.

B. The minimum open site area requirement may be reduced based on one or more of the following site criteria:

1. Size, layout, and/or shape of lot prohibits project from meeting open site requirements.
2. The project demonstrates water table issues that prohibit underground parking.
3. Project demonstrates clear benefits from reducing minimum open site requirements. (Ord. 1039 § 1, 2008)

### 17.100.060: SETBACK REGULATIONS:

A. Front Yard Setbacks:

1. When a property extends through to two (2) streets, both streets shall be subject to front yard setback regulations.

Note: Front yard setback requirement for one street frontage may be modified based on the nature of the surrounding streets and location of the lot.

2. Front yard setbacks shall be as follows:

Street face	5 foot setback	Maximum setback
All streets	50 percent minimum <sup>1</sup>	30 feet <sup>2</sup>

Notes:

1. The minimum percentage of the linear dimension of the building front that must be placed at the 5 foot setback line.
2. The maximum that any portion of the front of the building may be set back from the front property line. This area must be public open space that allows for pedestrian circulation. Parking in this area is not permitted, except for loading and unloading areas for accommodations facilities.

(Possible exception for property west of day lodge and for flexibility through design review.)

B. Side Yard Setbacks: Five feet (5').

C. Rear Yard Setbacks: Fifteen feet (15'). (Ord. 1039 § 1, 2008)

**17.100.070: TRANSPORTATION AND PARKING REGULATIONS:**

Due to the limitations of Warm Springs Road, alternative travel modes and transit are necessary components of larger projects. To decrease single occupancy vehicle use, this section establishes maximum provisions for on site parking, coupled with transit demand management requirements.

- A. Projects up to and including a FAR of 0.5: Parking requirements shall be regulated per section [17.124.060](#) of this title.

- B. Projects with a FAR greater than 0.5: Parking shall be regulated by the following chart. For all other parking requirements not outlined in this section, refer to section [17.124.060](#) of this title.

Parking Requirements/Parking Demand	
Residential	1.0 space per 1,500 net square feet plus 1 guest space for every 4 residential units
Accommodation	0.75 space per rental/hotel room
Retail trade and retail service	2.0 spaces per 1,000 gross square feet
Professional service/office space	2.0 spaces per 1,000 gross square feet
Government	1.0 space per 1,000 gross square feet

Note: For all other uses not itemized in this chart and all other off street parking regulations, refer to the off street parking requirements of section [17.124.060](#) of this title.

- C. Four (4) on street parking spaces per five thousand five hundred (5,500) square feet of lot area may be counted toward the required parking requirement.

- D. Up to one-eighth (<sup>1</sup>/<sub>8</sub>) of the overall parking requirement may be met via an in-lieu payment. Said in-lieu fee shall be based on the parking in-lieu fee requirements of subsections [17.64.010](#)E14a and E14b, community core district, of this title.

1. All in-lieu funds received under this subsection shall be placed into a special and separate transportation improvement and acquisition fund to be used primarily for transit improvements and parking management programs, such as paid parking, that address the demand for physical parking on site in the WSBA and WSBA-1 overlay districts; and secondarily for the purchase, construction and improvement of public parking facilities.
- E. For projects with a FAR greater than 0.5, a transit demand management (TDM) plan shall be provided which demonstrates that alternative strategies will offset the demand for the parking reduction. TDM plans should consider providing the following strategies:
1. Bicycle amenities such as standard racks, bicycle lockers, and/or shower facilities.
  2. Provision of a public transit stop, or demonstration of proximate access to an existing transit stop.
  3. Reserved preferential parking spaces for high occupancy vehicles.
  4. Shared parking within mixed use developments.
  5. Publicly accessible permanent display area for information on TDM strategies and options for alternative transit modes.
  6. Shuttle service.
  7. Contribution to public transit or alternative modes fund.
  8. Employee programs such as:
    - a. Car/vanpool coordination and incentive program;
    - b. Shuttle program;
    - c. Guaranteed emergency ride home program; or
    - d. Public transit passes. (Ord. 1039 § 1, 2008)

#### **17.100.080: DESIGN GUIDELINES:**

- A. Projects up to and including a FAR of 0.5: Regulations of [chapter 17.96](#) of this title shall apply.
- B. Projects with a FAR greater than 0.5: The design guidelines outlined in "Warm Springs Base Area Village Design Guidelines" on file with the city clerk shall apply. Sections 17.96.060 through [17.96.080](#) and [17.96.100](#) through [17.96.150](#) of this title shall still apply. (Ord. 1039 § 1, 2008)

[Footnote 1](#): This may be varied in design review, if compatible massing is demonstrated.

## **Chapter 17.101 WARM SPRINGS BASE AREA OVERLAY DISTRICT-1 (WSBA-1)**

#### **17.101.010: PURPOSE:**

The Warm Springs base area, as one of only two (2) access points to skiing on Bald Mountain, is a key hub for tourist and recreational activities in the city. Due to the unique nature of skier base areas, and their importance to the tourism economy in Ketchum, an overlay zoning district is found to be an appropriate tool to encourage desired uses in the base area. The intent of this zoning district and each of its regulations is to:

- A. Provide a unique experience based on the specific geography and community characteristics of the Warm Springs base area.
- B. Build on the existing village character.
- C. Expand the variety of uses and users.

D. Stimulate year round activity.

E. Enhance connectivity between uses.

F. Maintain key public views.

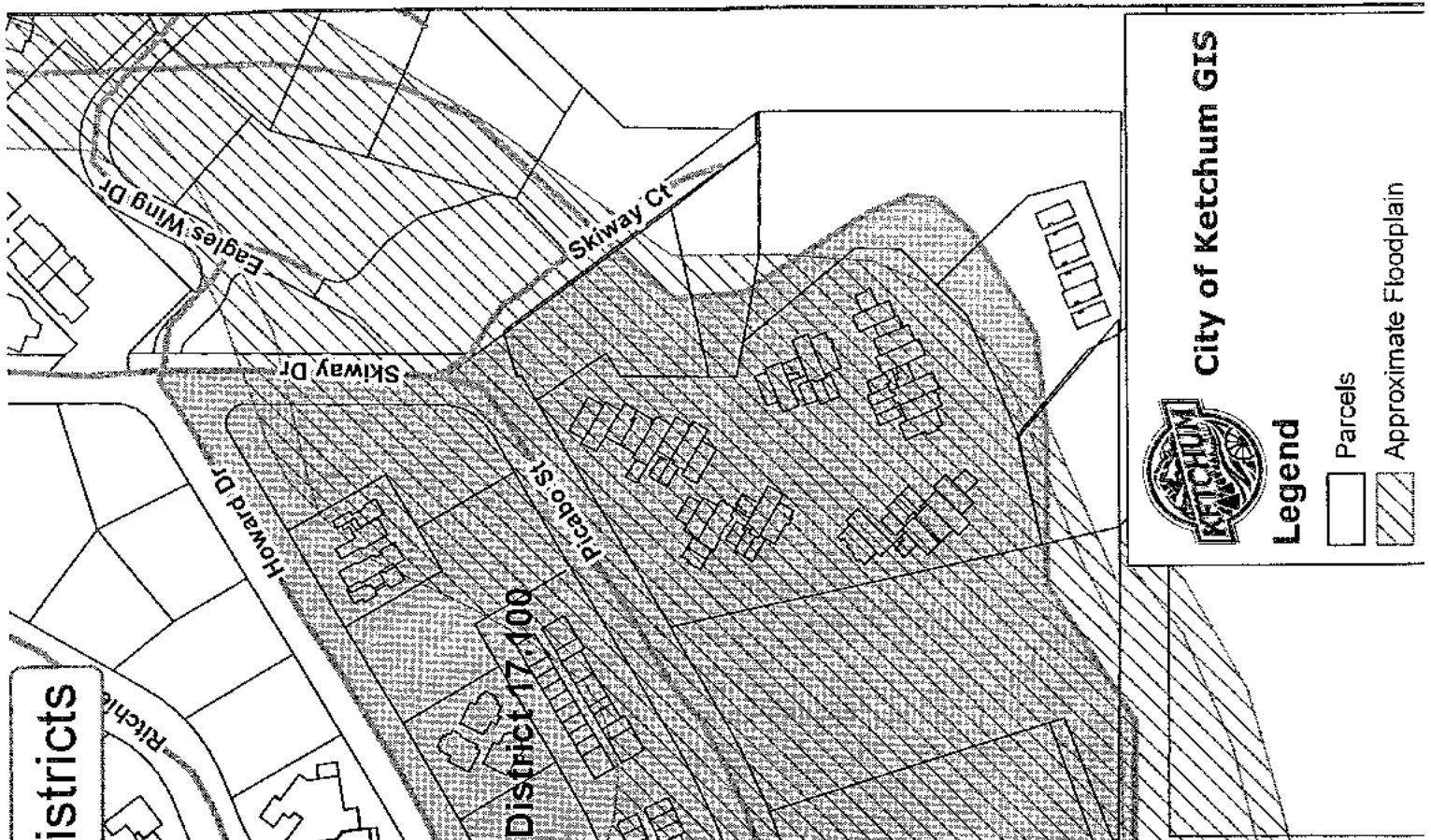
G. Promote open space and connections to nature. (Ord. 1044 § 1, 2008)

**17.101.020: GENERAL APPLICATION:**

A. Projects Up To And Including A 0.5 Floor Area Ratio (FAR): Projects under a 0.5 FAR are not subject to the additional requirements of this chapter, and are governed by the underlying zoning district.

B. Projects Over A 0.5 FAR: The Warm Springs base area overlay zoning district-1 (WSBA-1) shall be an "overlay district" and the additional requirements of said overlay district shall apply to the uses and structures otherwise permitted in the underlying zoning district, if the project is at a FAR of greater than 0.5. All uses and structures allowed in the district with which the WSBA-1 overlay zoning district combines shall be subject to the additional restrictions of the WSBA-1 overlay zoning district. If any of the regulations specified in this chapter differ from corresponding regulations specified for a district with which the WSBA-1 overlay zoning district is combined, the regulations contained in this chapter shall apply and govern. If additional height and bulk are allowed for certain uses in this chapter, the regulations of this chapter shall govern for those uses, so long as all conditions outlined herein have been met. All other regulations of the zoning district with which the WSBA-1 overlay zoning district is combined shall remain in full force and effect.

C. Boundaries Of WSBA-1 Overlay District: The requirements of the WSBA-1 overlay district shall apply to improvements to any property within the portion of Warm Springs as defined on the boundary marked on the WSBA overlay district map, exhibit 1 of this section.





Warm Springs Base Area Overlay D

(Ord. 1044 § 1, 2008)

**17.101.030: DESIRED USES AND FLOOR AREA RATIO (FAR) TABLE:**

A. Approach: The purpose of this section is to encourage certain uses by allowing additional floor area for these uses. The following standards apply when preferred uses are included, as indicated in the floor area ratio table that is provided below. Projects up to and including a FAR of 0.5 are not subject to the regulations of this section. Note that, other than the different standards presented in this section, any other standards that presently exist for the tourist zone district would continue to apply. (For example, landscape requirements would continue as currently established.)

Figure 1: FAR Table

FAR System For Warm Springs Base Area					
Existing FAR Allowances					
				Maximum FAR Per Category	Maximum FAR
Base FAR				0.5	0.5
Inclusionary housing				1.1	1.6
Proposed Additional FAR Allowances					
	Measure <sup>1</sup>	Amount <sup>2</sup>	FAR Increment <sup>3</sup>	Maximum FAR Per Category	Absolute Maximum FAR <sup>4</sup>
Inclusionary housing	1 on site DU	1	0.2	No cap	2.25
	1 off site DU	1	0.15		
Hotel/lodging	Bedroom	1	0.015	1.0	
Meeting/conference	Square feet	100	0.005	0.3	
Office	Square feet	100	0.005	0.5	
Restaurant/retail	Square feet	100	0.025	1.1	
Ski industry related nonprofit	Square feet	100	0.005	0.5	
Ski storage <sup>5</sup>	Square feet	100	0.015	0.2	

## Notes:

1. The "measure" is the type of measurement for the designated use.
2. The "amount" is the unit of measurement for which a designated amount of additional FAR is allowed.
3. The "FAR increment" is the amount of additional FAR earned per amount of a designated use provided.
4. The absolute maximum FAR may not be exceeded. It is the total potential to be earned with a combination of the FAR incentives.
5. Ski storage that is incorporated with retail space shall be subject to the retail FAR increment. Ski storage that is not incorporated with retail shall be subject to the ski storage FAR increment.

## B. Maximum Floor Area Ratio (FAR):

1. By Right Maximum FAR: The maximum "by right" FAR is 0.5.
2. Preferred Uses Maximum FAR: The maximum may be increased up to 2.25, when certain preferred uses and amenities are included, based on the table in figure 1 of this section. The additional FAR must also be found to be compatible with the context, using the Warm Springs village design guidelines on file with the city clerk.

## C. Change In Use:

1. All developments that achieve a FAR greater than 0.5 shall be required to enter into an agreement with the city addressing any future changes to preferred uses (uses that resulted in a greater overall FAR).

2. Said agreement shall include stipulations for changes in preferred uses and shall outline specific requirements for changes to preferred uses. For example, the agreement could require that twenty five percent (25%) of the uses remain as community housing or retail.
3. The planning and zoning commission shall review the agreement during design review and make recommendations to the city council. The agreement shall be approved by the city council prior to building permit approval.

Any increase in FAR above 1.0 also shall trigger the requirement for a traffic and parking impact study and parking demand management plan as outlined in section [17.101.070](#) of this chapter. The city must determine that these impacts are adequately addressed in order to award the additional FAR above 0.5. (Ord. 1044 § 1, 2008)

**17.101.040: BUILDING MASSING STANDARDS AND BUILDING HEIGHT:**

A. Approach: The following massing and height regulations are intended to permit taller building portions, but limit taller building portions to sites that have been determined to be able to accommodate the increased height without compromising other goals and objectives for the Warm Springs base area. Taller building portions are more compatible when a substantial portion of the development is at a lower scale. Having two (2) story elements at the street edge is particularly important. The following regulations encourage stepped building forms, create an active street edge, and promote views and open space. These standards would influence the perceived mass of a building by setting certain limits on massing, which would result in "sculpting" the building form.

B. Building Height:

1. Maximum Building Height: Heights in the WSBA overlay district-1 are governed by this section.
2. Maximum Building Height For Uses: Maximum building height for uses in figure 1 of this chapter are as follows:

Figure 2: Building Height

Stories	Maximum Height <sup>1</sup>
3-4	50 feet (subject to plate heights at minimum setback - subsection D of this section, and to all fourth floor elements being contained within the roof)
5	65 feet
6	77 feet

Note:

1. The maximum height is for roof pitches of 5:12 and greater only, and as measured from existing, natural or finished grade to the top of the ridge or highest point, including architectural features.

3. Upper Floor Footprints:

- a. Maximum fifth floor footprint: Thirty five percent (35%) of the first floor building footprint.
- b. Maximum sixth floor footprint (if permitted through design review): Twenty five percent (25%) of the first floor building footprint.

C. Wall Plane Length:

1. Maximum wall plane length: Sixty feet (60').
2. Minimum offset: Ten feet by fifteen feet (10' x 15') (see figure 3 of this section)<sup>1</sup>.



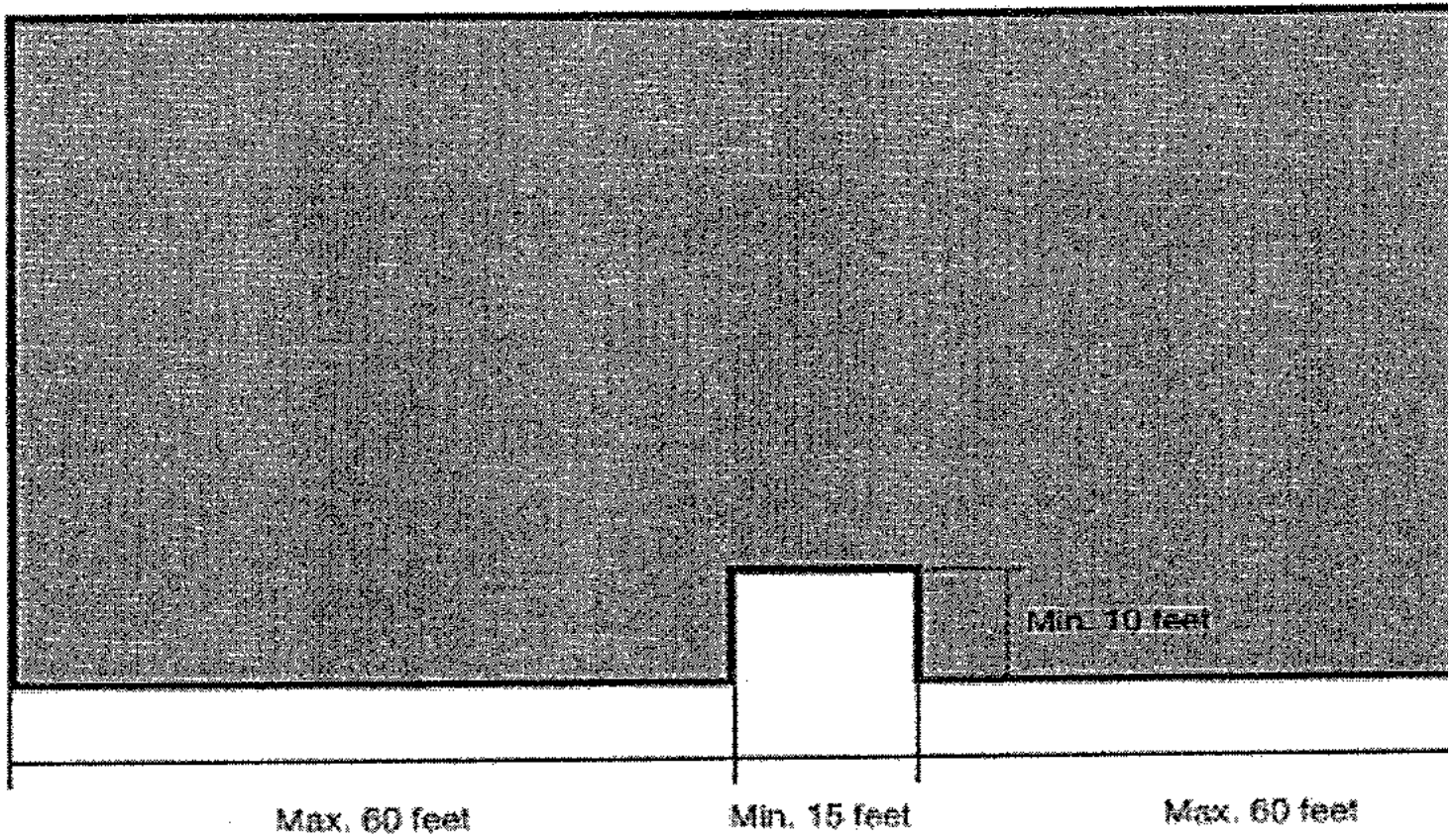


Figure 3: Maximum Wall Plane And Minimum Offset

D. Plate Height At Minimum Setback:

1. Maximum plate height within ten feet (10') of the minimum setback line shall be thirty five feet (35') (see figure 4 of this section).

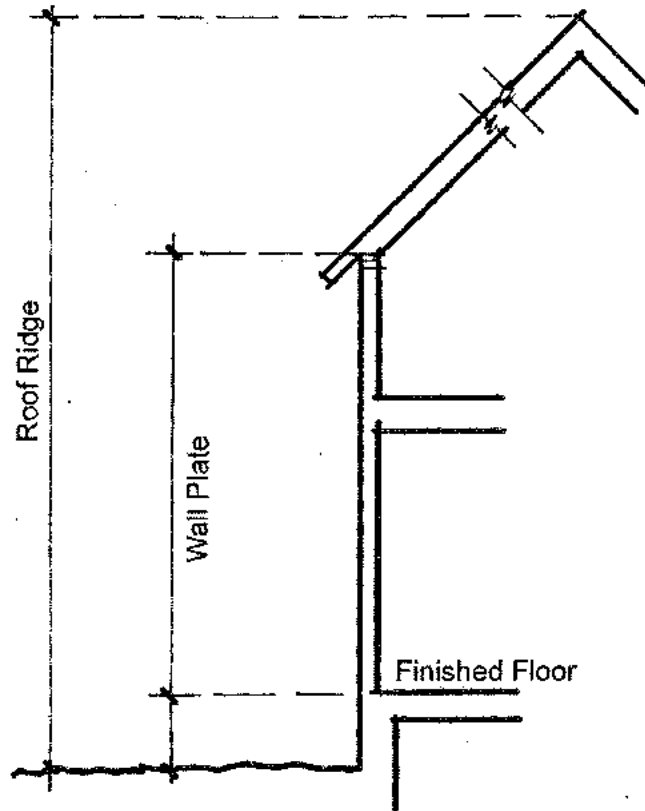


Figure 4: Plate Height

(Ord. 1044 § 1, 2008)

#### 17.101.050: LOT COVERAGE:

A. Approach: Lot coverage shall be regulated by calculating the minimum usable open space on the site as determined by the definition found in subsection [17.52.010J](#) of this title and section [17.101.080](#), "Design Guidelines", of this chapter.

B. The minimum open site area requirement may be reduced based on one or more of the following site criteria:

1. Size, layout, and/or shape of lot prohibits project from meeting open site requirements.
2. The project demonstrates water table issues that prohibit underground parking.
3. Project demonstrates clear benefits from reducing minimum open site requirements. (Ord. 1044 § 1, 2008)

#### 17.101.060: SETBACK REGULATIONS:

A. Front Yard Setbacks:

1. When a property extends through to two (2) streets, both streets shall be subject to front yard setback regulations.

Note: Front yard setback requirement for one street frontage may be modified based on the nature of the surrounding streets and location of the lot.

## 2. Front yard setbacks shall be as follows:

Street face	5 foot setback	Maximum setback
All streets	50 percent minimum <sup>1</sup>	30 feet <sup>2</sup>

## Notes:

1. The minimum percentage of the linear dimension of the building front that must be placed at the 5 foot setback line.

2. The maximum that any portion of the front of the building may be set back from the front property line. This area must be public open space. Parking in this area is not permitted, except for loading and unloading areas for accommodations facilities.

(Possible exception for property west of day lodge and for flexibility through design review.)

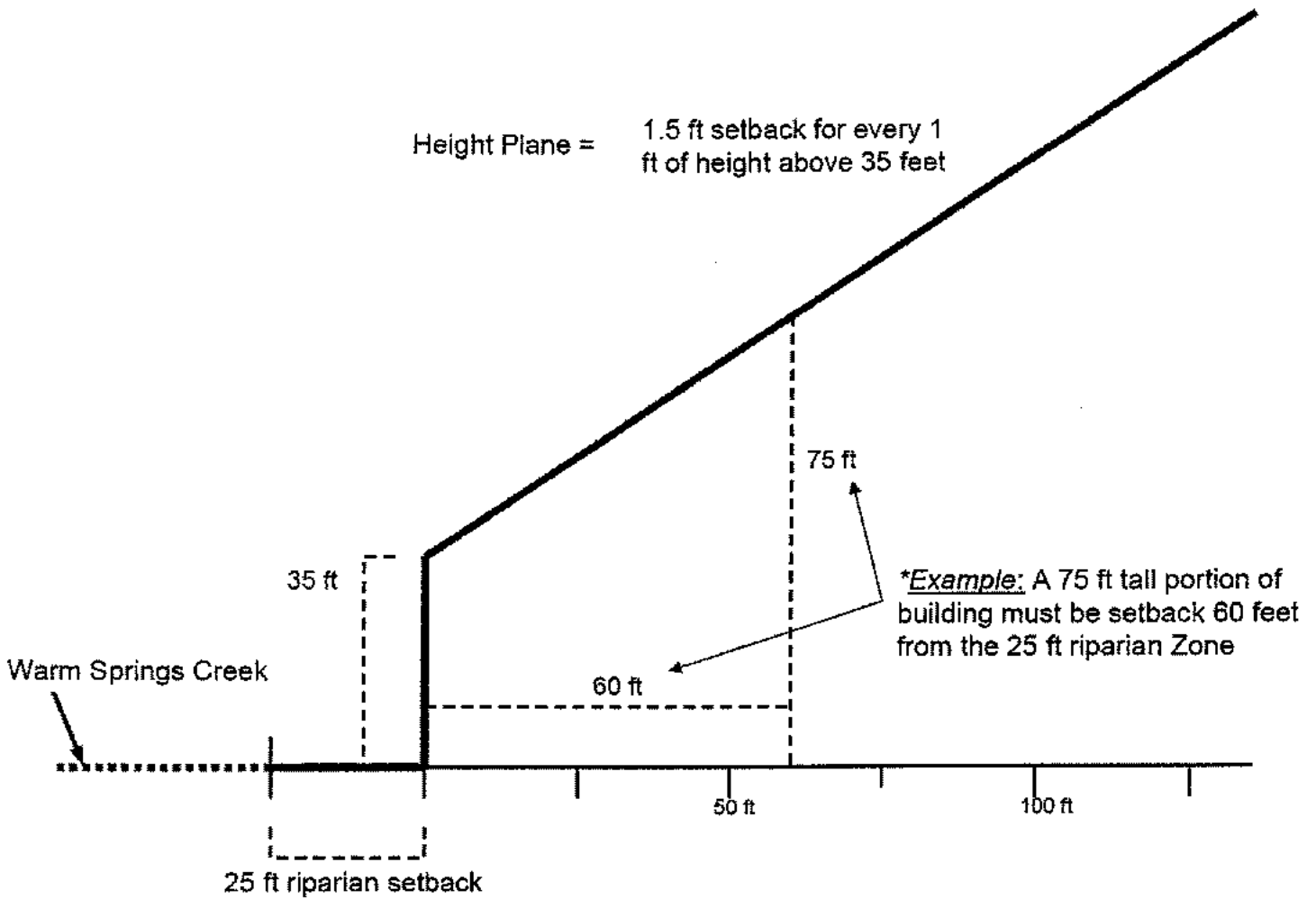
B. Side Yard Setbacks: Five feet (5').

C. Rear Yard Setbacks: Fifteen feet (15').

D. Warm Springs Creek Setback: In addition to the mandatory twenty five foot (25') riparian zone setback, all development along Warm Springs Creek shall be subject to the following setback requirements:

1. Height Plane: A height plane is established to protect view corridors and sunlight along Warm Springs Creek. This is regulated by figure 5 of this section. No building shall exceed this height plane.

Figure 5: Warm Springs Creek Maximum Height Plane



**Warm Springs Creek Height Plane**

Any portion of a building above 35 ft is subject to the maximum height plane. For every foot of height above 35 ft, that portion of building must step back an additional 1.5 ft from the Warm Springs Creek 25 ft riparian setback line.

*Example: A 75 ft. tall portion of a building is subject to the following setback:	
Step 1:	75 ft. - 35 ft. = 40 ft. (height above 35 ft.)
Step 2:	40 ft. x 1.5 = 60 ft. (additional Warm Springs Creek setback measured from the mandatory 25 ft. riparian setback)
**Refer to definition of "riparian zone" found in <a href="#">chapter 17.88</a> of this title.	

2. Setback Zone Along Warm Springs Creek: For developments that require an additional setback along Warm Springs Creek, said setback zone shall incorporate amenities such as public open space and pedestrian thoroughfares. Design of such amenities and open space shall be subject to criteria outlined in the "Warm Springs Base Area Design Guidelines", on file with the city clerk. (Ord. 1044 § 1, 2008)

**17.101.070: TRANSPORTATION AND PARKING REGULATIONS:**

Due to the limitations of Warm Springs Road, alternative travel modes and transit are necessary components of larger projects. To decrease single occupancy vehicle use, this section establishes maximum provisions for on site parking, coupled with transit demand management requirements.

A. Projects up to and including a FAR of 0.5: Parking requirements shall be regulated per section [17.124.060](#) of this title.

B. Projects with a FAR greater than 0.5: Parking shall be regulated by the following chart. For all other parking requirements not outlined in this section, refer to section [17.124.060](#) of this title.

Parking Requirements/Parking Demand	
Residential	1.0 space per 1,500 net square feet plus 1 guest space for every 4 residential units
Accommodation	0.75 space per rental/hotel room
Retail trade and retail service	2.0 spaces per 1,000 gross square feet
Professional service/office space	2.0 spaces per 1,000 gross square feet
Government	1.0 space per 1,000 gross square feet

Note: For all other uses not itemized in this chart and all other off street parking regulations, refer to the off street parking requirements of section [17.124.060](#) of this title.

C. Four (4) on street parking spaces per five thousand five hundred (5,500) square feet of lot area may be counted toward the required parking requirement.

D. Up to one-eighth ( $\frac{1}{8}$ ) of the overall parking requirement may be met via an in-lieu payment. Said in-lieu fee shall be based on the parking in-lieu fee requirements of subsections [17.64.010](#)E14a and E14b, community core district, of this title.

1. All in-lieu funds received under this subsection shall be placed into a special and separate transportation improvement and acquisition fund to be used primarily for transit improvements and parking management programs, such as paid parking, that address the demand for physical parking on site in the WSBA and WSBA-1 overlay districts; and secondarily for the purchase, construction and improvement of public parking facilities.

E. For projects with a FAR greater than 0.5, a transit demand management (TDM) plan shall be provided which demonstrates that alternative strategies will offset the demand for the parking reduction. TDM plans should consider providing the following strategies:

1. Bicycle amenities such as standard racks, bicycle lockers, and/or shower facilities.
2. Provision of a public transit stop, or demonstration of proximate access to an existing transit stop.
3. Reserved preferential parking spaces for high occupancy vehicles.
4. Shared parking within mixed use developments.
5. Publicly accessible permanent display area for information on TDM strategies and options for alternative transit modes.
6. Shuttle service.
7. Contribution to public transit or alternative modes fund.
8. Employee programs such as:
  - a. Car/vanpool coordination and incentive program;
  - b. Shuttle program;
  - c. Guaranteed emergency ride home program; or
  - d. Public transit passes. (Ord. 1044 § 1, 2008)

#### **17.101.080: DESIGN GUIDELINES:**

- A. Projects up to and including a FAR of 0.5: Regulations of [chapter 17.96](#) of this title shall apply.
- B. Projects with a FAR greater than 0.5: The design guidelines outlined in "Warm Springs Base Area Village Design Guidelines" on file with the city clerk shall apply. Sections 17.96.060 through [17.96.080](#) and [17.96.100](#) through [17.96.150](#) of this title shall still apply. (Ord. 1044 § 1, 2008)

[Footnote 1](#): This may be varied in design review, if compatible massing is demonstrated.

## **Chapter 17.104 MOUNTAIN OVERLAY ZONING DISTRICT (MO)**

### **17.104.010: MO MOUNTAIN OVERLAY ZONING DISTRICT ESTABLISHED:**

The MO mountain overlay zoning district is established to identify those areas where, after due investigation, study and deliberation, the Ketchum city council finds that orderly development of hillside areas is vital to the public interest; that the city should regulate access to, erosion of, damage from and construction on hillsides; that it is obligated to protect the public health, safety and welfare; and that special regulations regarding hillside development should be imposed within such district. (Ord. 208 § 19, 1974)

### **17.104.020: PURPOSES:**

The MO mountain overlay zoning district is established for the following purposes:

- A. To protect the public health, safety and welfare of inhabitants of hillside areas;
- B. To encourage land uses harmonious with existing natural resources;
- C. To prohibit detrimental alteration of existing topography and terrain, leaving hillsides generally open and unobstructed, to prohibit scarring by roadways;
- D. To protect natural land features and wildlife habitat;
- E. To minimize or prohibit alteration of hilltops, rock outcrops, knolls and ridges;
- F. To facilitate adequate provision of public services and facilities (i.e., water and sewer, and police, fire and ambulance protection) through standards appropriate to local conditions;
- G. To minimize or prohibit detrimental effects on the natural topography, geology, soils, drainage, wildlife and vegetation;
- H. To carry out provisions contained in Ketchum's comprehensive plan;
- I. To minimize the visual impact of building sites and access drives that are significantly higher than the vast majority of building sites in Ketchum;
- J. To protect hillsides in Ketchum which are physically and topographically unique due to their present lack of access roads and thus their lack of development;
- K. To ensure preservation of hills, ridges, ridgelines and their natural features which are visible from the valley floor from obstruction by development;

L. To direct building away from the higher elevations; and

M. To assure the property owner is not deprived of economically viable use of his/her property. (Ord. 208 § 19.1, 1974)

#### **17.104.030: MOUNTAIN OVERLAY ZONING DISTRICT BOUNDARIES:**

The mountain overlay zoning district boundaries shall be an overlay district and shall designate those areas within the city found to be hillside and mountain areas that, due to their steepness of slope, high visibility from other areas within and outside of the city by the general public, unique physical characteristics including knolls, ridges and rock outcroppings, and/or skyline juxtaposition among other mountain slopes, require regulation in order to carry out the purposes of this district. The mountain overlay zoning district shall include those areas so designated illustratively on the "zoning map of the city of Ketchum, Idaho", dated 1974, and more specifically defined as follows:

- A. Within the Warm Springs area, the mountain overlay boundary shall be defined as all of that area north of Warm Springs Road having a slope of twenty five percent (25%) or greater; except, that the boundary beginning in the vicinity of the intersection of West Canyon Run Boulevard with North Canyon Run Boulevard shall be where said twenty five percent (25%) slope line intersects with the five thousand nine hundred foot (5,900') elevation and shall follow the five thousand nine hundred foot (5,900') elevation until it intersects with the twenty five percent (25%) slope line which then runs generally north and parallel to the Big Wood River to the city limits. All that property generally north of the described boundary to the city limits shall be included.
- B. Within the Knob Hill area, the mountain overlay boundary shall be defined as all that area north of Sixth Street, east of Walnut Avenue, south of Tenth Street and the southern limit of the Bigwood PUD as platted, and the parcels of land containing slopes of twenty five percent (25%) or greater to the northeast of Ketchum town site blocks 99 and 100 and west of the city limits line common to that of the city of Sun Valley, Idaho. All that property contained within the boundary shall be included. The area within these boundaries, northeast of the alley bisecting Walnut Avenue and Spruce Avenue consisting of lots 5, 6, 7 and 8, block 94, lots 5, 6, 7 and 8, block 93, lots 5, 6, 7 and 8, block 92, lots 5A, 6A, 7 and 8, block 91, lots 3 and 4, block 97, Ketchum town site, and all properties within the Kinderhorn subdivision, along with the rock outcropping within block 29, Ketchum town site, is hereby designated as a significant landmark within the city of Ketchum as denoted in the map, a true and correct copy of which is attached to ordinance 996 as exhibit B and which is incorporated herein by this reference.
- C. Within southeast Ketchum, the mountain overlay boundary shall be defined as the irrigation ditch, commonly referred to as the Reinheimer ditch, running generally north-south beginning and ending at city limit lines and shall be the westernmost fork of the ditch at the southern end in the vicinity of Topaz and Garnet Streets. All that property east of the boundary to the city limits shall be included. (Ord. 996 § 1, 2006: Ord. 866 § 2, 2001: Ord. 208 § 19.2, 1974)

#### **17.104.040: USES PERMITTED:**

The mountain overlay zoning district shall be an overlay district and shall apply the additional requirements of the mountain overlay zoning district to the uses and requirements contained in the underlying zoning district. The uses allowed within the underlying zoning district shall be subject to the additional regulations contained in the mountain overlay zoning district. (Ord. 208 § 19.3, 1974)

#### **17.104.050: USE RESTRICTIONS:**

The following restrictions are imposed upon construction, development and use of all real property within the mountain overlay zoning district. Each of the following activities shall be subject to design review and shall require approval under the regulations contained in [chapter 17.96](#) of this title prior to issuance of a building permit, excavation/grading permit or commencement of any work associated with any such activity:

- A. Construction or placement of buildings or structures, including additions to any such structures or buildings existing at the effective date hereof, upon real property within the mountain overlay zoning district;
- B. Other excavation of materials, grading and filling for any purpose not associated with construction of buildings and structures described in subsection A of this section; and/or
- C. Any activity regulated by Ketchum street standards [chapter 12.04](#) of this code. Included therein are standards for private driveways. (Ord. 208 § 19.4, 1974)

**17.104.060: MOUNTAIN OVERLAY DESIGN REVIEW PREAPPLICATION REVIEW:**

Design review applications shall be made and processed according to the regulations contained in [chapter 17.96](#) of this title except as follows:

- A. The applicant may request a preapplication review by the Ketchum planning and zoning commission. The purpose of the preapplication review shall be for the commission to consider conceptually the location of the proposed activity, access and any other element of the proposal in concept as requested by the applicant. The commission may approve, approve with conditions or deny the conceptual plans using the criteria contained in this chapter as well as the criteria and standards contained in section [17.96.090](#) of this title as they are applicable.
- B. The preapplication review fee, as set by resolution of the council, shall be paid at the time preapplication review is requested, and shall be nonrefundable.
- C. The city shall notify owners of property adjacent to the subject property of the date, time and place the preapplication meeting with the commission will take place.
- D. Approval of a preapplication review does not guarantee approval of the proposed development through the design review approval process contained in [chapter 17.96](#) of this title.
- E. Information to be submitted with the application shall include, but not be limited to, topography of sufficient detail to represent slope of land, significant rock outcrops, cuts and fills required and similar features; elevations of proposed building pads and public streets providing access, private access drives; preliminary utility extension plans, drainage plans and driveway plans; and description of proposed drilling or blasting, if any. On site information may be required prior to any on site visit to the subject property by the commission. Such information may include stakes marking boundaries of buildings, centerlines of access drives or other elements of the proposal, and/or poles illustrating proposed heights of structures and also may include recent photographs evidencing impact(s) of the proposed development from various vantage points.
- F. On site review by the members of the commission is required prior to taking action on said preapplication review. Extreme weather conditions or inordinate depth of snow may cause the commission to delay said on site review not more than one hundred eighty (180) days. (Ord. 996 § 2, 2006: Ord. 208 § 19.5, 1974)

**17.104.070: MOUNTAIN OVERLAY DESIGN REVIEW:**

Design review applications shall be made and processed according to the regulations contained in [chapter 17.96](#) of this title and as follows:

- A. Criteria And Standards: The following list of criteria and those contained in section [17.96.090](#) of this title must be considered and addressed by each applicant seeking design review approval. The commission will use this list of design review criteria along with that contained in section [17.96.090](#) of this title as a basis to determine whether a project is to be approved, approved with conditions or denied:
  - 1. There shall be no building on ridges or knolls which would have a material visual impact on a significant skyline visible from a public vantage point entering the city or within the city. "Material", as the term is used herein, shall be construed in light of the magnitude of the negative impact on the objectives of this section;
  - 2. Building, excavating, filling and vegetation disturbance on hillsides which would have a material visual impact visible from a public vantage point entering the city or within the city shall be minimized. "Material", as the term is used herein, shall be construed in light of the magnitude of the negative impact on the objectives of this section;
  - 3. Driveway standards as well as other applicable standards contained in [chapter 12.04](#) of this code shall be met;
  - 4. All development shall have access for fire and other emergency vehicles to within one hundred fifty feet (150') of the furthest exterior wall of any building;
  - 5. Significant rock outcroppings shall not be disturbed;
  - 6. International building code (IBC) and international fire code (IFC) and Ketchum fire department requirements shall be met;
  - 7. Public water and sewer service shall comply with the requirements of the city;
  - 8. Drainage shall be controlled and maintained to not adversely affect other properties;
  - 9. Cuts and fills allowed for roadways shall be minimized; lengths of driveways allowed shall be minimized; all cuts and fills shall be concealed with landscaping, revegetation and/or natural stone materials. Revegetation on hillsides with a clear zone of thirty feet (30') around all structures is recommended. Said clear zone shall include low combustible irrigated vegetation with appropriate species, on file with the Ketchum planning department. Revegetation outside of this clear zone should be harmonious with the surrounding hillsides;



10. Are there other sites on the parcel more suitable for the proposed development in order to carry out the purposes of this section;
  11. Access traversing twenty five percent (25%) or greater slopes does not have significant impact on drainage, snow and earthslide potential and erosion as it relates to the subject property and to adjacent properties;
  12. Utilities shall be underground;
  13. The development is consistent with the Ketchum comprehensive plan;
  14. Limits of disturbance shall be established on the plans and protected by fencing on the site for the duration of construction;
  15. Excavations, fills and vegetation disturbance on hillsides not associated with the building construction shall be minimized; and
  16. 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.
- B. Application Information: Information to be submitted with the application shall include, but not be limited to, topography of sufficient detail to represent slope of land, significant rock outcrops, cuts and fills required and similar features; elevations of proposed building pads and public streets providing access, private access drives; preliminary utility extension plans, drainage plans and driveway plans; and description of proposed drilling or blasting, if any. On site information may be required prior to any on site visit to the subject property by the commission. Such information may include stakes marking boundaries of buildings, centerlines of access drives or other elements of the proposal, and/or poles illustrating proposed heights of structures, and also may include recent photographs evidencing impact(s) of the proposed development from various vantage points.
- C. On Site Review: On site review by the members of the commission is required prior to taking action on said design review application. Extreme weather conditions or inordinate depth of snow may cause the commission to delay said on site review not more than one hundred eighty (180) days. (Ord. 996 § 3, 2006: Ord. 872 § 1, 2001: Ord. 208 § 19.6, 1974)

## Chapter 17.108 ACCESSORY DWELLING UNIT OVERLAY DISTRICT (ADU)

### 17.108.010: ADU ACCESSORY DWELLING UNIT OVERLAY DISTRICT:

The ADU accessory dwelling unit overlay district is established to encourage the development of more rental housing units within the city, and to encourage such rentals to be leased on a long term basis.

- A. Establishment Of ADU Overlay District: The ADU accessory dwelling unit overlay district is established for all areas within the city zoned LR limited residential; LR-1 limited residential - one acre; LR-2 limited residential - two acre; GR-L general residential - low density; GR-H general residential - high density; STO-.4 short term occupancy - .4 acre; STO-1 short term occupancy - one acre; STO-H short term occupancy - high density; CC community core; T tourist; T-3000 tourist-3000; T-4000 tourist-4000; and AF agricultural and forestry.
- B. Application Of ADU Overlay District: The accessory dwelling unit overlay district shall be an overlay zoning district, and the additional uses and requirements of the accessory dwelling unit overlay shall apply in addition to the underlying zoning district.
- C. Findings And Purposes: The mayor and city council of Ketchum, Idaho, find as follows:
1. That according to the 1997 Ketchum/Blaine housing needs assessment, the city and Blaine County are experiencing a shortage of affordable dwelling units for the community's workers.
  2. That the city must initiate policies to encourage the production of additional housing units for its work force.
  3. That the ADU overlay district will enable most private homeowners to add an accessory unit to a single-family residence.
  4. That the ADU overlay district will increase the housing stock within the city without direct, financial investment by the city or other public entity.
  5. That in order to protect the overall character of the city, the ADU overlay district limits the size of accessory units relative to the size of the lot upon which an accessory unit is constructed.
  6. That the construction of accessory units may eliminatedowntown congestion by reducing the number of employees driving into the city from out of town homes.

- D. Definition: "Accessory dwelling unit" means an attached or detached dwelling which is secondary in nature to a primary residential unit and cannot be sold separately from the primary residence. An "accessory dwelling unit" provides complete, independent living facilities for one or more persons, including permanent facilities for living, sleeping, eating, cooking and sanitation, on the same lot as the primary residence. Accessory dwelling units are provided in conjunction with one-family dwelling units and are not to be constructed as an addition to a duplex or multi-family unit.
- E. Uses Permitted: One "accessory dwelling unit", as defined in this section, in addition to one one-family dwelling unit. All other uses in the underlying zones are regulated by the underlying zoning district.
- F. Lot Size Restrictions: The minimum lot size is eight thousand (8,000) square feet. An exception to the minimum lot size can be made for Ketchum town site lots which are five thousand five hundred (5,500) square feet, or greater, and which directly abut an improved public street, subject to all other requirements outlined herein.
- G. Unit Size Restrictions: Accessory dwelling units must contain a minimum of three hundred (300) square feet of net livable space, but cannot exceed the figures listed below:

Lot Size (Gross Square Feet)	Accessory Dwelling Unit Size (Gross Square Feet)
If a parcel is:	An accessory dwelling unit shall be no greater than:
5,500 _ 7,999	500
8,000 _ 9,999	650
10,000 _ 19,999	850
20,000 _ 1 acre (gross)	1,000
Over 1 acre (gross)	1,200

- H. Minimum Front, Side And Rear Yard Setbacks: The minimum required setbacks for an accessory dwelling unit shall be the minimum required by the underlying zoning district.
- I. Maximum Building Height: The maximum building height of an accessory dwelling unit shall be the maximum permitted by the underlying zoning district.
- J. Maximum Building Coverage: The maximum building coverage of an accessory dwelling unit, together with the primary dwelling unit, shall be the coverage requirements of the underlying zoning district. If the maximum building coverage requirement causes significant restrictions to the construction of an accessory dwelling unit, an increase of no greater than five percent (5%) may be granted. For example, a coverage requirement in the LR zone cannot be changed from thirty five percent (35%) to greater than forty percent (40%). This coverage increase shall not apply to the CC community core district.
- K. Application: Procedures for obtaining design review approval of accessory dwelling units shall be regulated per section [17.96.070](#) of this title. Required materials and information shall be regulated per section [17.96.080](#) of this title.
- L. Notice: The planning and zoning commission shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. At least fifteen (15) days prior to the hearing, notice of the time and place, and a summary of the proposal shall be published in the official newspaper of Ketchum. Notice shall be made available to other newspapers and radio stations serving Ketchum. Notice shall be posted on the subject property one week prior to the hearing date. Notice shall also be provided to property owners within three hundred feet (300') of the external boundaries of the land on which the accessory dwelling unit is to be located.
- M. Design Review Criteria And Standards: The following list of design review criteria must be considered and addressed by each applicant seeking design review approval of an accessory dwelling unit. The commission will use this list of design criteria as a basis to determine whether a project is to be approved or denied. A majority vote of the commission shall be necessary for approval or denial. The commission may suggest changes and/or place conditions of approval based upon the following design criteria:
  1. Site Design: Preservation of the site's significant natural features such as hillsides, mature trees and landscaping shall be encouraged. Cuts and fills shall be minimized and shall be concealed with landscaping, revegetation and/or natural material.
  2. Compatibility:
    - a. The project shall be compatible with the townscape, the primary dwelling and surrounding neighborhoods with respect to height, bulk, setbacks and

relationship to the street; and

b. The project's materials and colors shall be compatible with the townscape, the primary dwelling and surrounding neighborhoods.

3. Architectural Quality:

a. There shall be continuity among accessory structures, fences, walls and landscape features within the project;

b. Exterior lighting shall not have an adverse impact upon other properties and/or public streets; and

c. Building design should include weather protection which prevents water from dripping or snow from sliding on areas where pedestrians gather and circulate or onto adjacent properties.

4. Circulation Design:

a. 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;

b. Parking areas have functional aisle dimensions, backup space and turning radius; and

c. Location of parking areas is designed for minimum adverse impact upon adjacent properties with regard to noise, lights and visual impact.

5. Landscape Quality: Landscaping shall provide a substantial buffer between land uses, including, but not limited to, structures, streets and parking areas.

N. Additional Requirements And Exceptions: Additional requirements and exceptions for accessory dwelling units shall include the following:

1. Construction Regulations: Accessory dwelling units shall be constructed in accordance with the approved design review as outlined in section [17.96.100](#) of this title. Terms of approval, time limitations, enforcement, fees and costs shall be regulated per sections [17.96.110](#) through [17.96.150](#) of this title.

2. Overlay Zones: The requirements of any additional overlay zones established in this title, including the FP floodplain management; MO mountain overlay; A avalanche; AHO apartment housing overlay; and PA pedestrian access shall be met.

3. Accessory Dwelling Units In The CC Zone: The building setbacks, building height and maximum floor area ratio (FAR) for accessory dwelling units proposed in the CC zone shall be regulated per [chapter 17.64](#), "Community Core District (CC)", of this title.

O. Standard Conditions: The following conditions shall be applied to all accessory dwelling unit conditions of approval, in addition to any other conditions the commission deems necessary to carry out the provisions of this title:

1. The accessory dwelling unit shall be secondary in nature to the primary residence;

2. The accessory dwelling unit shall not be sold separately from the primary residence;

3. The accessory unit shall be limited to long term rental (60 day minimum);

4. One parking space per studio and one bedroom units; two (2) parking spaces for two (2) and three (3) bedroom units; and

5. Designated storage shall be provided for all accessory dwelling units. (Ord. 208 § 20, 1974)

## Chapter 17.112 APARTMENT HOUSING OVERLAY ZONING DISTRICT (AHO)

### 17.112.010: AHO APARTMENT HOUSING OVERLAY ZONING DISTRICT:

The AHO apartment housing overlay zoning district is established for the purpose of providing additional long term rental housing units within the city.

A. Establishment Of AHO: Apartment housing overlay zoning district for GR-H, T, T-3000, T-4000 and CC zoning districts is established for all areas within the city zoned general residential - high density, tourist, tourist-3000, tourist-4000 and community core districts.

B. Definition: "Apartment housing" means a building or buildings under single ownership, each of which contains three (3) or more dwelling units used for long term residential occupancy only.

C. Uses Permitted: The apartment housing overlay zoning district shall be an overlay zoning district and shall apply the additional requirements of the apartment housing overlay zoning district uses and requirements contained in the underlying zoning district.

**D. Apartment Housing Overlay Zoning District Requirements:**

1. Maximum Density: One bedroom per five hundred (500) square feet of land.
2. On Site Parking:
  - a. One parking space per studio unit;
  - b. One parking space for each one bedroom unit; and
  - c. One and one-half (1<sup>1/2</sup>) parking spaces for each unit containing two (2) or more bedrooms.
3. Additional Requirements:
  - a. Long term rental (minimum 90 days) to Blaine County residents;
  - b. No townhouse and/or condominium subdivision of units allowed; and
  - c. Agreement between city and apartment owner specifying terms of the apartment overlay zone to be recorded in Blaine County and run with the land in order to notify future owners of the terms of the overlay zone. (Ord. 208 § 21, 1974)

## **Chapter 17.116 CONDITIONAL USES**

**17.116.010: CONDITIONAL USE PERMIT:**

Conditional uses by definition possess characteristics such as to require review and appraisal by the commission to determine whether or not the use would cause any public health, safety or welfare concerns. Accordingly, conditional uses, as have been designated throughout this title, shall be allowed only upon the approval of the commission, subject to such conditions as the commission may attach. Such approval shall be in the form of a written permit. (Ord. 208 § 22.1, 1974)

**17.116.020: OTHER CONDITIONAL USES:**

Swimming pools, tennis courts and other similar nonprofit semipublic recreational centers, as a principal use in the GR-L, GR-H and T districts, shall be deemed conditional uses. (Ord. 208 § 22.2, 1974)

**17.116.030: CONDITIONAL USE PERMIT CRITERIA:**

A conditional use permit shall be granted by the commission only if the applicant demonstrates that:

- A. The characteristics of the conditional use will not be unreasonably incompatible with the types of uses permitted in the applicable zoning district;
- B. The conditional use will not materially endanger the health, safety and welfare of the community;
- C. The conditional use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood;
- D. The conditional use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area, or conditions can be established to mitigate adverse impacts; and
- E. The conditional use is not in conflict with the policies of the comprehensive plan or the basic purposes of this chapter. (Ord. 208 § 22.3, 1974)

**17.116.040: PROCEDURE:**

- A. Application And Fee: Every person seeking a conditional use permit shall submit an application to the planning department on a prescribed form, accompanied by the appropriate filing fee as approved by the council. Application forms shall be accompanied by supporting information as defined by the application form.
- B. Public Hearing: Prior to granting a conditional use permit, at least one public hearing in which interested persons shall have an opportunity to be heard shall be held before the commission.
- C. Publication: At least fifteen (15) days prior to the public hearing, notice of the time and place and a summary of the proposal shall be published in the official newspaper or paper of general circulation within the city. Notice may also be made available to other newspapers, radio and television stations serving the city for use as a public service announcement.
- D. Posting: Notice shall be posted on the premises not less than one week prior to the public hearing.
- E. Mailing: Notice shall also be mailed to property owners or purchasers of record within three hundred feet (300') of the external boundaries of the land being considered. When notice is required to two hundred (200) or more property owners or purchasers of record, alternate forms of procedures which would provide adequate notice may be used in lieu of mailed notice. Said alternate forms of notice shall be per Idaho Code 67-6512 in effect at the time of notice.
- F. Commission Action: Following the public hearing, within sixty (60) days from such hearing, the commission shall approve, deny or approve with conditions the application for a conditional use permit. (Ord. 1093, 2012: Ord. 208 § 22.4, 1974)

**17.116.050: CONDITIONS OF APPROVAL:**

Upon the granting of a conditional use permit, the commission may attach conditions to said permit pertaining to the proposed use, including, but not limited to, those:

- A. Minimizing adverse impact on other development.
- B. Controlling the sequence and timing of development.
- C. Controlling the duration of development.
- D. Assuring that development is maintained properly.
- E. Designating the exact location and nature of development.
- F. Requiring the provision for on site or off site public facilities or services.
- G. Requiring more restrictive standards than those generally required in an ordinance.
- H. Requiring mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the city. (Ord. 208 § 22.5, 1974)

**17.116.060: STUDIES; NONTRANSFERABLE:**

Prior to granting a conditional use permit, studies may be required of the social, economic, fiscal and environmental effects of the proposed conditional use. A conditional use permit shall not be considered as establishing a binding precedent to grant other conditional use permits. A conditional use permit is not transferable from one parcel of land to another. (Ord. 208 § 22.6, 1974)

**17.116.070: APPLICATION; RESUBMITTAL:**

No application for a conditional use permit which has been denied by the commission or the council shall be resubmitted in either the same or substantially the same form in less than one year from the date of final action. (Ord. 208 § 22.7, 1974)

**17.116.080: TERM OF PERMITS:**

Activities permitted by the granting of a conditional use permit (CUP) shall commence within twelve (12) months from the signature of the approved findings of fact for such conditional use permit. (Ord. 1093, 2012)

**17.116.090: EXTENSIONS:**

A. A conditional use permit, not acted upon, shall expire twelve (12) months after the signing of the approved findings of fact. Upon written request by the CUP holder, the commission may, in a public hearing, grant one maximum twelve (12) month extension, based on the following considerations:

1. Whether there have been significant amendments to the city's ordinances which will apply to the subject conditional use permit; or
2. Whether significant land use changes have occurred in the project vicinity which would adversely impact the project or be adversely impacted by the project; or
3. Whether hazardous situations have developed or have been discovered in the project area; or
4. Whether community facilities and services required for the project are now inadequate.
5. Whether conditions on the site, including, but not limited to, noxious weeds, unsightly trash or storage conditions, or other items in violation of this code, have occurred during the time that the CUP was not activated.

B. 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 head of the planning department and the chair of the planning and zoning commission shall issue this decision in writing; otherwise the head of the planning department and the chair of the planning and zoning commission shall administratively approve such extension. No extensions shall be granted for an expired conditional use permit.

C. This section shall be deemed effective as of July 1, 2007, and shall apply to all conditional use permits granted by the city since this effective date. (Ord. 1093, 2012; Ord. 1035 § 3, 2008)

## **Chapter 17.120 USES NOT ITEMIZED**

**17.120.010: USES NOT ITEMIZED:**

Upon application or by its own initiative and after public hearing and the recommendation of the planning and zoning commission, the city council may, by ordinance, add to the uses listed for a zoning district other similar uses which conform to the conditions set forth in the following special findings:

- A. Such use is more appropriate in the use group to which it is added than in any other use group;

- B. Such use conforms to the basic characteristics of the use group to which it is added; and
- C. Such use does not create any more offensive noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influences or more traffic hazards than the minimum amount normally resulting from other uses listed in the group to which it is added. When any use has been added to any use group in accordance with this section, such use shall be deemed to be permanently listed in the use group of the appropriate section and shall be added in the published text of this title at the first legal opportunity. (Ord. 208 § 23, 1974)

## Chapter 17.124 ACCESSORY BUILDINGS AND USES

### 17.124.010: DEFINITION OF ACCESSORY BUILDINGS AND USES:

A. An "accessory building and use" is a subordinate use of a building, other structure or tract of land, or a subordinate building or other structure:

1. Which is clearly incidental to the use of the 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.

B. "Accessory buildings and uses" may include, but are not limited to, the following:

Cultivation, storage and sale of crops, vegetables, plants and flowers produced on the premises.

Fallout shelters.

Fences, hedges and walls.

Garage.

Home occupations.

Horses and household pets.

Off street loading areas.

Off street parking space.

Outdoor illumination.

Private greenhouses.

Private swimming pool and/or tennis court.

Signs.

Storage containers, not permanently affixed to the ground, used only during the first year of construction. All other temporarily or permanently placed storage containers and trailers used for storage or other commercial purpose which are mobile in nature are prohibited in all zoning districts. Such storage containers are not permitted as a primary use in any zoning district. All such containers existing at the effective date hereof shall be removed within two (2) years from the effective date hereof, unless otherwise requested of, and approved by, the city council.

Storage of merchandise in business and industrial districts. (Ord. 208 § 24.1, 1974)

### 17.124.020: HOME OCCUPATIONS:

A home occupation shall be allowed as a permitted accessory use in all zoning districts except LR limited residential, and LR-2 limited residential - two acre district, provided all of the following conditions are met:

- A. Such use shall be carried on only by the inhabitants living on the lot;

- B. Such use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and shall not change the character of the dwelling;
- C. The total area used for such purposes shall not exceed twenty five percent (25%) of the floor area of the user's dwelling unit;
- D. There shall be no exterior advertising other than identification of the home occupation;
- E. There shall be only incidental sale of stocks, supplies or products conducted on the premises;
- F. There shall be no exterior storage on the premises of material or equipment used as part of the home occupation;
- G. There shall be no offensive noise, vibration, smoke, dust, odors, heat or glare noticeable at or beyond the property line;
- H. A home occupation shall provide additional off street parking area adequate to accommodate all needs created by the home occupation;
- I. In particular, a home occupation may include, but is not limited to, the following, provided all requirements contained in this chapter are met: art studio, dressmaking or millinery work, professional office, office for insurance or real estate sales, teaching, the renting of rooms to not more than two (2) persons per dwelling, beauty parlors; and
- J. A home occupation shall not be interpreted to include the following: animal hospital, nursing home, restaurant or tourist home. (Ord. 208 § 24.2, 1974)

#### **17.124.030: HORSES AND HOUSEHOLD PETS:**

- A. Riding horses for use of occupants of a lot and their guests may be kept as permitted accessory uses, provided at least one-half ( $1/2$ ) acre on the lot or adjacent lots is exclusively available for the first horse, and one-fourth ( $1/4$ ) acre is exclusively available for each additional horse. Any corral shall be at least fifty feet (50') from any property line.
- B. A maximum of four (4) household pets shall be permitted per dwelling unit, unless the applicant obtains a kennel permit through the Ketchum police department. Household pets kept in aquariums, terrariums and cages shall not be limited in number. (Ord. 773 § 1, 1999; Ord. 208 § 24.3, 1974)

#### **17.124.040: SIGNS:**

- A. Purpose And Intent: Regulations addressing the number, location, size and placement of signs, symbols, markings, and other advertising devices are necessary and intended to maintain the attractiveness and orderliness of Ketchum, to protect the city's appearance, and to protect the public safety. As a historic mountain resort community with a significant tourist economy, the visual quality and character inherent in and around the city is enhanced by the application of sign regulations that produce a deliberate, clean appearance while providing flexibility and creativity of design.

The sign regulations have been developed to:

1. Enhance the attractiveness and economic well being of the city as a place to live, vacation and conduct business,
2. Enable the clear identification of places of business and residences,
3. Allow for flexibility and creativity in the communication of information necessary for the conduct of commerce,
4. Encourage signs that are designed with consideration of their surroundings, including building materials, architectural style and scale of development,
5. Protect the public health, safety and welfare of persons in the community,
6. Reduce hazardous situations, confusion and visual clutter caused by proliferation, improper placement or illumination, and/or bulk of signs which compete for the attention of pedestrian and vehicular traffic, and



7. Facilitate pedestrian orientation of commercial core zoning district, retail subdistrict by maintaining the function of public sidewalks by reducing obstructions.

B. Applicability:

1. General: Signs shall be allowed within the city according to the regulations contained in this section. It shall be unlawful to erect or otherwise display a sign, including, but not limited to, symbols, markings and other advertising devices, without complying with the applicable terms and provisions of this section.
2. Sign Permit Required: Prior to erecting, constructing, placement, relocation, alteration, and/or modification of any permanent or temporary sign or banner, a sign permit shall be obtained from the city except as exempted in subsection B4 of this section. Such application for sign permit shall be subject to standards, procedures, and other requirements of this section.
3. Interest On The Premises: Regardless of any provisions of this section, signs in any district shall identify or advertise only interest conducted on the premises.
4. Permit Exemptions: The following signs are exempt from permit requirements of this subsection but shall conform to specifications and definitions as noted:
  - a. Signs erected by a government or public agency approved through resolution in the public right of way, including, but not limited to, posting or display of an official notice by a public agency, advertising on public transit vehicles, and public utility signs for directional, warning or information purposes;
  - b. Signs and notices required by a public agency to be posted on private property according to local and state code;
  - c. Any sign inside a building not visible from the exterior of the building;
  - d. Signs, business names or logos affixed to the body or window of licensed, registered vehicles that are used for normal day to day operations of businesses, regardless of whether the businesses are located within Ketchum, except as prohibited under subsection B5f of this section;
  - e. Merchandise displayed in windows that does not involve copy;
  - f. Signs not to exceed six (6) square feet, maximum of two (2) sides for residential zoning and uses;
  - g. Campaign signs located on private property pertaining to a specific election displayed not earlier than forty five (45) days prior to the election and removed within five (5) days after the election;
  - h. Holiday decorations that are noncommercial signs or other materials temporarily displayed on traditionally accepted, civic, patriotic and/or religious holidays, provided such decorations are maintained in safe conditions, do not constitute a fire hazard, and that the decorations comply with [chapter 17.132](#), "Dark Skies", of this title. LED lighting may be utilized;
  - i. Incidental signs;
  - j. Real estate signs in conformance with specifications contained in subsections F5a and F5b of this section;
  - k. Yard sale signs, community organization sponsored and private residential, limited to posting twenty four (24) hours in advance and removed the following day;
  - l. One gas filled light tube (neon or facsimile) per business, provided it does not exceed four (4) square feet and it is displayed from the inside of the building;
  - m. Other interior signs, visible from the exterior of the building, not to exceed four (4) square feet.
5. Prohibited Signs: The following signs shall be prohibited in all zoning districts:
  - a. Signs located within any public street, right of way, or other public property, except as allowed in this title.
  - b. Signs with intermittent or flashing illumination, animated or moving signs and video/television/computer displays visible from any public street, right of way or other public property.
  - c. Any sign located so as to conflict with the clear visibility of public devices controlling public traffic or to impair the safety of a moving vehicle by distracting the vision of the driver.
  - d. Roof signs, except historic signs or replicas of historic signs as allowed in this title.
  - e. Signs with a translucent plastic or other translucent material background which are internally lit or backlit.
  - f. Signs placed in or affixed to vehicles and/or trailers that are parked so as to be visible from a public right of way where the apparent purpose is to sell said vehicle, advertise a product, service or activity or direct people to a business or activity.
  - g. Signs emitting sound.
  - h. Any inflatable object used for promotional or sign purposes.
  - i. LED lighting in conjunction with signage when the source is visible, except when used with holiday decorations.
  - j. Beacons.

C. Application And Procedure For Sign Permit: The following shall apply to all signs proposed in all zoning districts:

1. General Sign Permit:

- a. Application: A completed sign permit application on a form furnished by the city and applicable fee(s) set by resolution of the Ketchum city council together with technical information published and updated from time to time by the city shall be filed by the applicant with the city.
- b. Procedure: The city may request modifications to or additional information for any sign application for purposes of achieving compliance with the sign code regulations. The city shall approve, approve with conditions, or deny the sign permit application within thirty (30) days of receipt of all requested information and notify the applicant in writing.

2. Master Signage Plan For New Construction:

- a. Application: A complete master signage plan that may include a building identification sign shall be submitted at the time of design review application for any new construction for all hotels, commercial, industrial, multi-family residential and mixed use projects. A master signage plan shall include, but not be limited to, directional, tenant, advisory, and technical information published and updated from time to time by the city and shall show how the plan is integrated with the architecture of the building. Materials required for design review are more specifically listed in [chapter 17.64](#) and section [17.96.080](#) of this title.
- b. Procedure: The planning and zoning commission shall consider and decide on the master signage plan together with the application for design review of the building.
- c. Individual Tenant Sign Permits Required: Following approval of a master signage plan, separate sign permits shall be required for all new signs prior to installation following the application and procedure contained in subsection C1, "General Sign Permit", of this section.

3. Existing Multi-Unit/Tenant And Private Institutional And Other Commercial Buildings:

- a. Application: Existing multi-tenant buildings (2 or more businesses or residences) and institutional and other commercial buildings shall submit a master signage plan when any tenant applies for new signage, except when new signage remains consistent with existing signage for the building.
- b. Procedure: Master signage plans for existing buildings shall be considered and decided administratively by the city.
- c. New Businesses In Existing Buildings: A new business in a multi-tenant building must comply with a previously approved sign plan, unless a new sign plan for all tenants is submitted and approved.

4. Historic Sign Replicas And Preservation Of Landmark Signs:

- a. Application: Applications shall be made according to subsection C1a of this section.
- b. Procedure: Applications shall be considered and decided by the Ketchum city council utilizing the presumption that "historic" is considered to be fifty (50) years or older. However, applications for historic sign replicas and landmark signs shall be found to meet the definition contained in subsection G of this section.
- c. Sign Area: Sign area for historic sign replicas and landmark signs shall not count toward total signage limitations.

D. General Provisions: The following shall apply to all signs proposed in all zoning districts:

1. Safety:

- a. All signs shall be structurally sound and maintained in accordance with all applicable provisions of the international building code edition currently adopted by the city.
- b. Signs shall not be located in a manner that interferes with pedestrian or vehicular travel or poses a hazard to pedestrians or vehicles.

2. Computations:

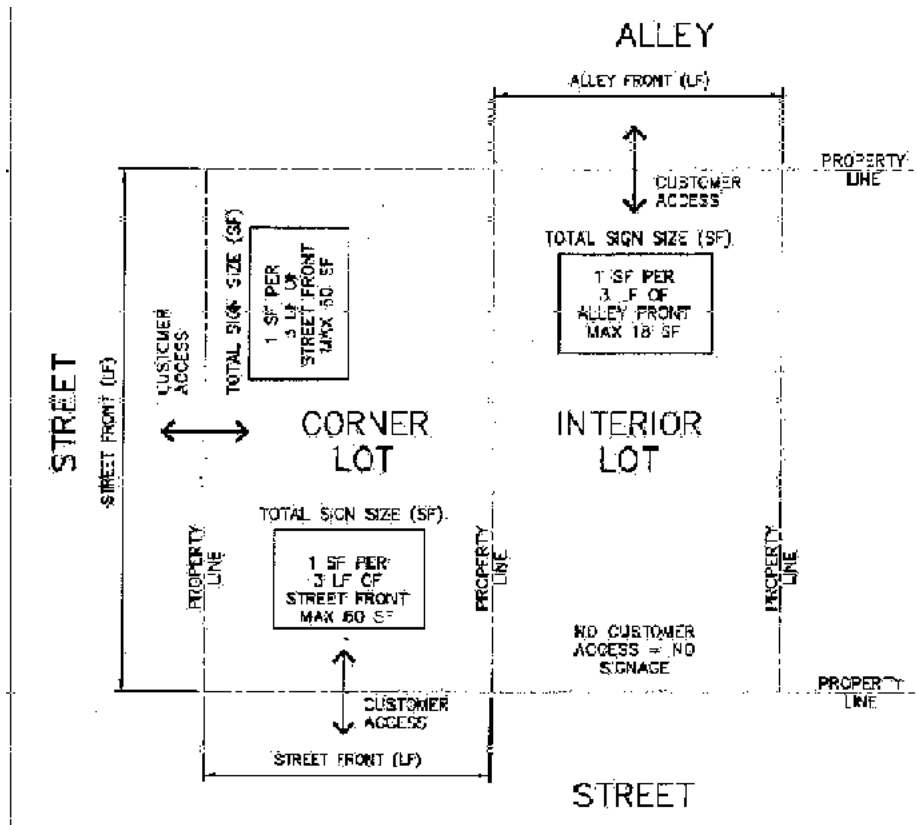
- a. Sign Area: Sign area shall be measured as the area contained within the smallest polygonal shape that will enclose both the copy and the background. Sign copy mounted as individual letters or graphics against any part of a building or structure that does not have a distinct background, shall be measured as the sum of the smallest rectangle or square that will enclose each word and graphic. Where a sign consists of more than one face, section or module, all areas shall be totaled.
- b. Sign Height For Freestanding And Sandwich Board/Portable Board Signs: The height of a sign shall include the frame, if any, and be computed as the distance from the base including feet of the sign, except as provided herein, at normal grade to the top of the highest attached component of the sign. Normal grade shall be the lower of either existing grade or the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating. When the normal grade cannot be reasonably determined, the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the lot, whichever is lower, shall be used as normal grade.

3. Size Permitted By Use: All uses are entitled to display signs on each street or alley frontage to which the business or residence has direct access, provided the following maximum total sign area is not exceeded:

- a. For single-family residences the total area of all signs shall not exceed six (6) square feet.
- b. For multi-family subdivisions (including residential condominium and townhouse subdivisions), the total area of all signs shall not exceed eighteen (18) square feet.

- c. For all other permitted commercial and mixed uses the total combined area of all signs on each building street frontage shall be based on the building's linear street frontage. Each building street frontage with direct customer access is permitted one square foot of signage for every three feet (3') of linear street frontage, not to exceed a total of sixty (60) square feet. Each street frontage with direct customer access is considered separately.
- (1) Each individual permitted commercial and mixed use is limited to two (2) signs that are parallel to the street frontage with direct customer access and one sign that is perpendicular to the street frontage with direct access.
  - (2) Where building(s) have no street frontage and direct customer access is from an alley, the building is permitted one square foot of signage for every three feet (3') of linear alley frontage, not to exceed eighteen (18) square feet; and each individual permitted commercial and mixed use is allowed one sign parallel to the alley frontage with direct access and one sign that is perpendicular to the alley with direct access.

#### COMMERCIAL AND MIXED USE SIGN SIZE



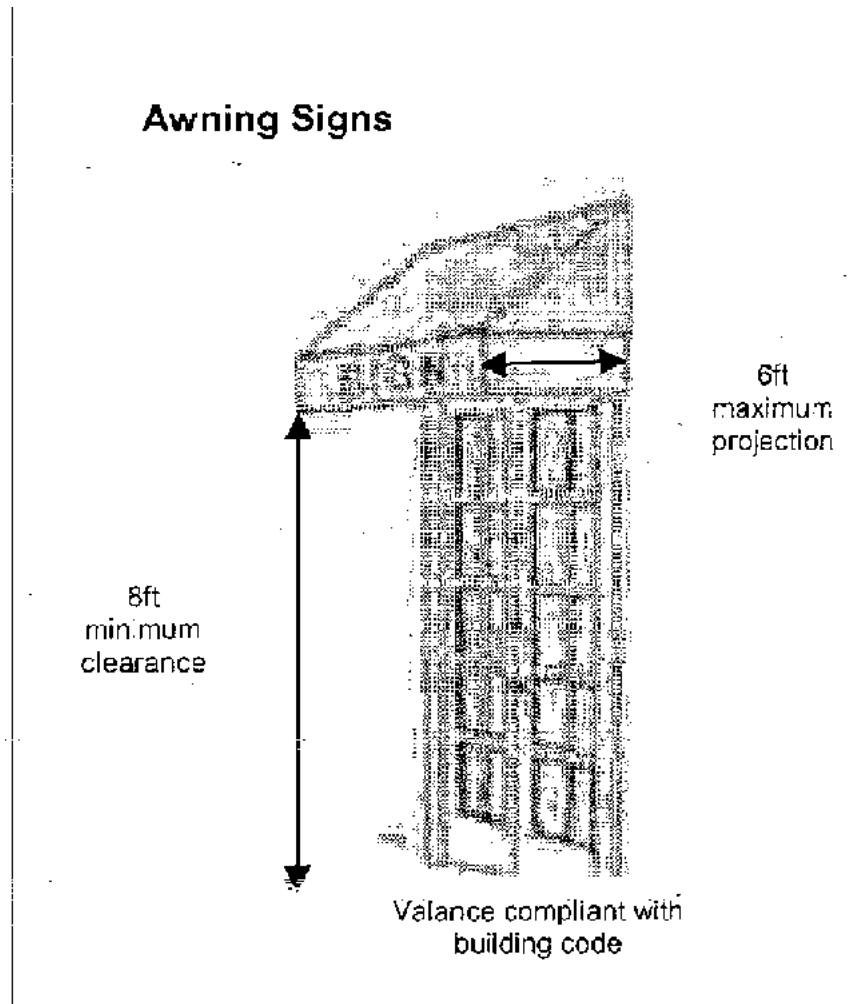
#### 4. Sign Lighting Regulations: The following shall apply to all signs proposed in all zoning districts:

- a. External illumination of signs shall conform to [chapter 17.132](#), "Dark Skies", of this title and be designed, located, shielded and directed in such a manner that the light source is fixed and is not directly visible from any adjacent public right of way, surrounding property, or motorist's vision.
- b. Internal lighting or backlighting shall be limited to letters or logos provided the sign background and other sign elements are not so lit. The amount of light generated from the lighting on letters or logos are encouraged to conform to [chapter 17.132](#), "Dark Skies", of this title.
- c. Gas filled light tube (neon or facsimile) signs with tubes exposed to view of any size may be utilized inside the premises provided they are not visible from any public right of way, street, surrounding property or motorist's vision except as allowed by subsection B41 of this section, permit exemptions. One gas filled light tube (neon or facsimile) per business, provided it does not exceed four (4) square feet and it is displayed from the inside of the building.
- d. LED lighting may be utilized provided the light source is recessed and not directly visible from any adjacent public right of way, surrounding property, or motorist's vision.

#### 5. Signs Overhanging Public Rights Of Way: All signs, awnings, and marquees allowed to overhang a public right of way shall be subject to building code compliance, release of city liability, maintenance, safety, removal upon demand of the city, and other conditions at the time of permit issuance and prior to installation. The sign permit shall constitute an agreement between the applicant and the city concerning the public right of way.

#### E. Permanent Sign Specifications By Type: The following categories of permanent signs shall comply with the applicable specifications and shall be counted toward the total permissible signage specified in subsection D3 of this section.

##### 1. Awning Or Marquee Sign (Requires Sign Permit):



- a. Signs are encouraged to be on the valance or front face of the awning.
- b. All awning signage shall be calculated into the total signage allowed per business or service.
- c. Lettering for awning and marquee signs shall not exceed a height of eight inches (8").
- d. The height and width of the awning or marquee copy shall be limited to eighty percent (80%) of the area of that face of the awning or marquee.
- e. Awnings on any level of a building may only contain signage regarding the business or service located on that level.
- f. The following techniques may be used to illuminate awning and marquee signs:
  - (1) External lighting for awning signs.
  - (2) External lighting or backlighting behind individually mounted letters for marquee signs. Internally illuminated box signs are prohibited on marquees.

**AWNING AND MARQUEE SIGN SUMMARY**

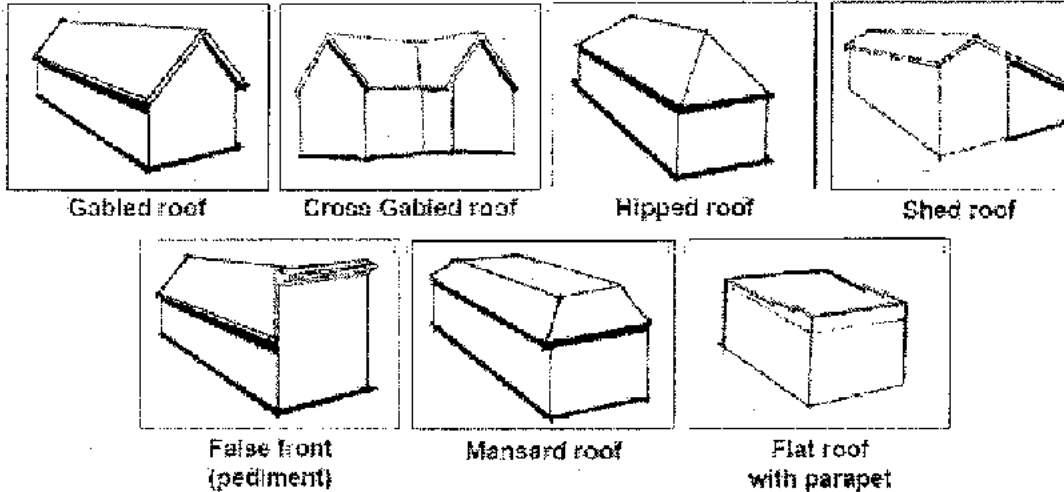
Maximum Area Of Copy	Maximum Letter Height	Clearance To Grade
80 percent of area of face	8 inches or 80 percent of height of valance, whichever is less	8 feet minimum

**2. Wall Signs (Requires Sign Permit):**

- a. Any building facade shall not have a wall sign more than forty percent (40%) of the unbroken facade area.

- b. No part of the sign may extend higher than the lowest portion of a flat roof, the top of a parapet wall, the vertical portion of a mansard roof, the eaves line or fascia and rake fascia of a gable, gambrel, or hipped roof.

### *Typical Roof Types*



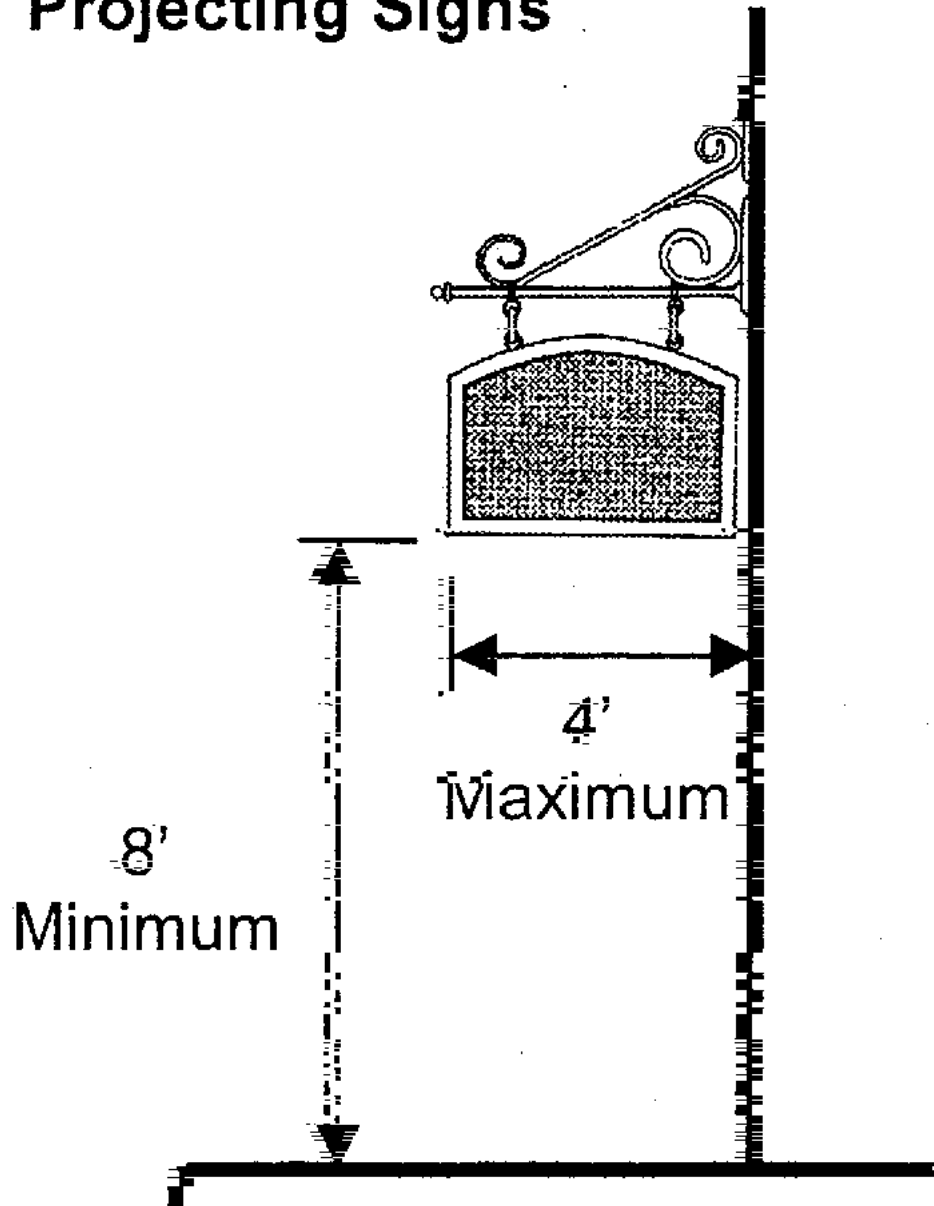
- c. Wall signs may be mounted or painted on the gable wall as long as the top of the sign does not extend above any part of the fascia or above the second floor of the building. In the case a gable element is combined with a flat roof, the wall sign mounted on the gable wall may not extend above the lowest portion of the flat roof or top of the parapet wall.

#### 3. Window Signs (Requires Sign Permit):

- Window signs shall not occupy more than twenty five percent (25%) of the total area of a single window surface on a window or door. A "single window surface" is defined as an area of glass that is separated by mullions or frames.
- Window signs on the second story may only contain signage regarding the business or service located on that story.
- Any sign located inside a building within three feet (3') of an exterior window shall be counted as a window sign. All video displays visible from an exterior window are prohibited per subsection B5b of this section.

#### 4. Projecting Signs (Requires Sign Permit):

# Projecting Signs



- a. Projecting signs shall not extend more than four feet (4') from the building.
- b. Projecting signs that hang from the bottom of or underneath a balcony, colonnade or arcade shall not exceed a width of four feet (4') and shall be centered within the balcony, colonnade or arcade.
- c. The lowest point of a projecting sign that hangs over a sidewalk, plaza, or pedestrian walkway shall be at least eight feet (8') above the grade of the sidewalk, plaza, or pedestrian walkway for all new buildings. Existing buildings where eight feet (8') above the grade of the sidewalk is not possible, seven feet (7') may be approved by the city.
- d. On multi-story buildings, the top of a projecting sign shall be located below the windows on the second floor of the building.
- e. Only one projecting sign shall be allowed per storefront entrance.
- f. The maximum profile, or thickness, of a projecting sign shall be six inches (6").
- g. No part of the sign may extend higher than the lowest portion of a flat roof, the top of a parapet wall, the vertical portion of a mansard roof, the eaves line

or fascia and rake fascia of a gable, gambrel, or hipped roof.

- h. Sign copy may change without additional permitting provided the dimensions remain the same as originally applied for and permitted; and shall not be considered a temporary sign or a "changeable copy sign".

#### PROJECTING SIGN SUMMARY

Maximum Area	Maximum Height	Clearance Minimum	Projection Maximum
Determined by height, clearance and projection parameters Maximum projecting length - 4 feet Maximum profile, or thickness - 6 inches	The top of projecting signs shall be located below the windows on the second floor of the building	8 feet	4 feet

#### 5. Directory Sign (Requires Sign Permit):

- a. The total sign area for each directory sign shall not exceed ten (10) square feet, unless approved as part of design review permit for the building.
- b. One directory sign per shared or lobby entrance is permitted.
- c. One directory sign per exterior access to upper floors is permitted when there is no lobby or interior shared entrance.

#### 6. Freestanding Signs (Requires Sign Permit):

- a. Freestanding signs of the dimensions allowed in this subsection may be located within the front or side yard of a property. A twenty five foot (25') clear zone shall be maintained between any portion of the sign and any street corner, street intersection, curb cut or driveway. The twenty five foot (25') clear zone shall be measured to the nearest edge of the driving surface of the street corner, street intersection, curb cut or driveway.
- b. Freestanding signs that meet the dimensions allowed in subsection E4, "Projecting Signs", of this section, may project over the public right of way provided the maximum encroachment is twelve (12) square feet on each of two (2) sides.
- c. The maximum total sign area for all freestanding and monument signs on any one lot shall not exceed one-half ( $1/2$ ) square foot of sign area for each linear front footage of the principal building, existing or under construction with an approved and valid building permit, but not to exceed twenty (20) square feet on each side and shall be included in total sign area allowed.
- d. Maximum height shall be twelve feet (12') measured from normal grade to highest attached component of the sign; except for single-family residential uses, maximum height shall be five feet (5').
- e. Maximum width shall be six feet (6').
- f. Either one freestanding or one monument sign is permitted per building street frontage.
- g. If the freestanding sign serves multiple tenants, then the name of the building or the development and the major tenants within the building or development may be provided on the sign.
- h. The area surrounding a freestanding or monument sign shall be landscaped.

#### FREESTANDING SIGN SUMMARY

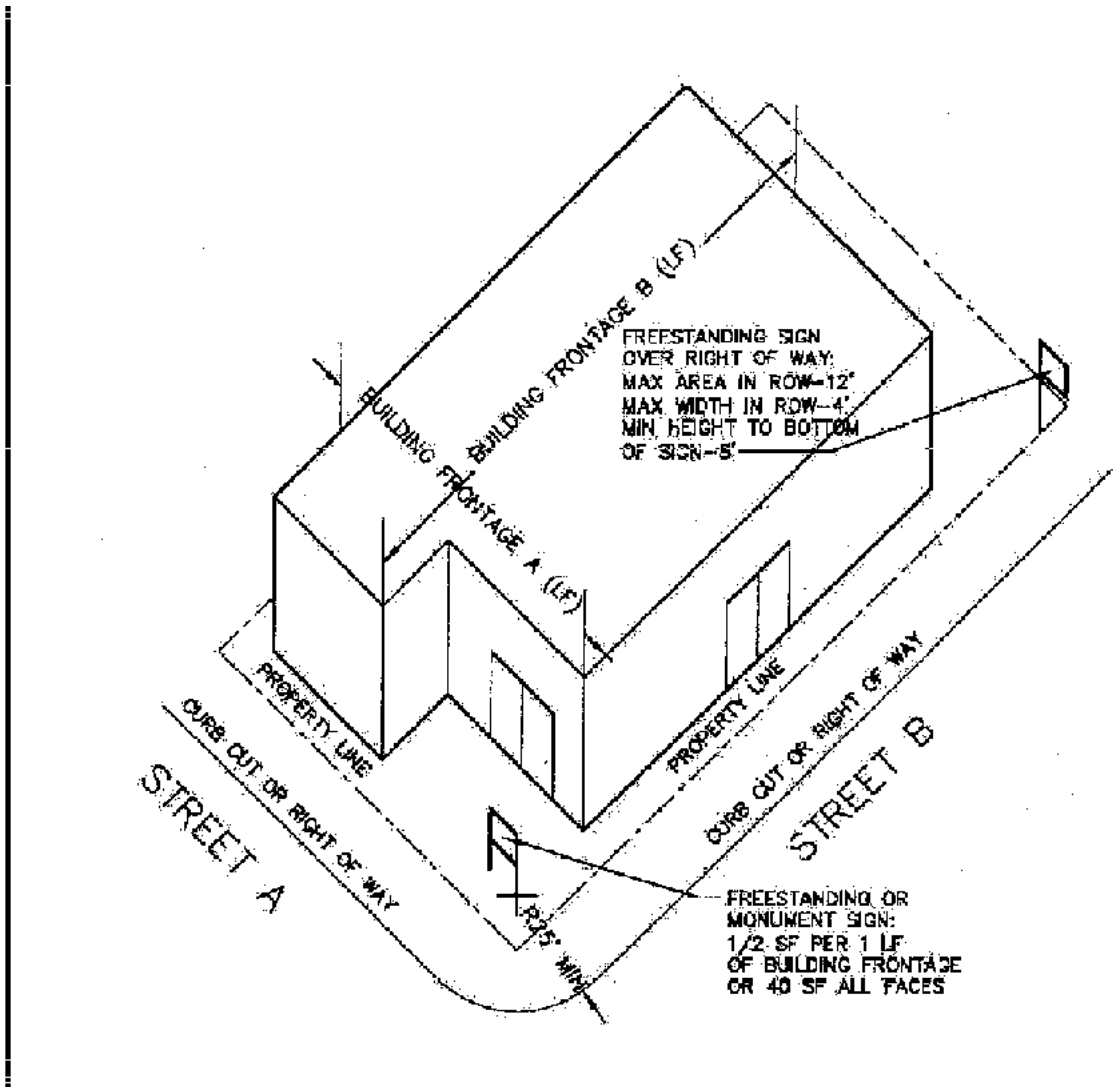
Maximum Area	Maximum Height	Setback	Location
$1/2$ square foot sign area per 1 foot linear front footage of principal building maximum of 40 square feet all faces (freestanding and monument total)	12 feet - commercial uses 5 feet - single residential uses	None required	Clear zone of 25 feet within both sides of a street corner

#### 7. Monument Signs (Requires Sign Permit):

- a. Monument signs may be located within the front or side yard of a property near driveway and pedestrian entrances. A twenty five foot (25') clear zone shall be maintained between any portion of the sign and any street corner, street intersection, curb cut or driveway. The twenty five foot (25') clear zone shall be measured to the nearest edge of the driving surface of the street corner, street intersection, curb cut or driveway.
- b. The maximum total sign area for all freestanding and monument signs on any one lot shall not exceed one-half ( $1/2$ ) square foot of sign area for each linear front footage of the principal building, existing or under construction with an approved and valid building permit, but not to twenty (20) square feet on each side and shall be included in total sign area allowed.
- c. Maximum height shall be eight feet (8') including the base measured from finished grade to the highest portion of the monument; except for single-family residential uses, maximum height shall be five feet (5').

- d. Maximum width shall be six feet (6').
- e. Either one freestanding or one monument sign is permitted per building street frontage.

FREESTANDING AND MONUMENT SIGNS



- f. If the monument sign serves multiple tenants, then the name of the building or the development and the major tenants within the building or development may be provided on the sign.
- g. Monument signs shall have a character and style that is consistent with the building.
- h. The area surrounding a monument sign shall be landscaped.

MONUMENT SIGN SUMMARY

Maximum Area	Maximum Height	Setback	Location
1/2 square foot sign area per 1 foot linear front footage of principal building maximum of 40 square feet all faces (freestanding and monument total)	8 feet - commercial uses	None required	Clear zone of 25 feet within both sides of a street corner
	5 feet - single residential uses		



F. Temporary Sign Specifications By Type: The following categories of temporary signs shall comply with the applicable specifications and shall not be counted toward the total permissible signage specified in subsection D3 of this section, except as required below:

1. Sandwich Board And Portable Board Signs (Requires Sign Permit):

- a. One sign per business with maximum six (6) square feet signable area per side, and limited to two (2) sides.
- b. Maximum sign area of two feet (2') in width by three feet (3') in height, excluding feet. Feet shall not exceed twelve inches (12") in height.
- c. Area shall not be included in total signage allowed per use.
- d. May be located within the public right of way, outside of paved roadways.
- e. Placement allows for a minimum five foot (5') free and clear zone where setback area is required for pedestrian travel.
- f. May be made of wood or metal. No vinyl signs with wire frames allowed.
- g. Must be maintained to the standards of a permanent sign.
- h. Signs must be removed outside of business hours.
- i. Must be located within the frontage of the subject property and proximate to the entrance to the business or the building, if businesses are accessed from within the building.
- j. The department of community and economic development will develop a methodology for indicating which signs have permit approval.

**SANDWICH BOARD AND PORTABLE BOARD SIGN SUMMARY**

Maximum Area	Maximum Height	Setback	Location
6 square feet per side, 2 sides maximum	3 feet, excluding feet	None	On private property or ROW, outside paved roads 5 feet free/clear where needed for pedestrian travel Within frontage of subject property and proximate to entrance

2. Temporary Signs And Banner Signs (Requires Sign Permit): Temporary signs and banner signs:

- a. Shall not be counted toward the total size of permissible signage specified in subsection D3 of this section.
- b. Maximum thirty (30) square feet. No more than two (2) temporary signs or banners shall be allowed per business at any one time.
- c. Maximum height shall be the second story of the building the sign is displayed on.
- d. Minimum clearance of eight feet (8') to the bottom of the sign from finished grade.
- e. Displayed on private property for a maximum of forty five (45) days in a calendar year, maximum of fourteen (14) consecutive days at one time, and no more than four (4) times in a calendar year.
- f. Located on private property and shall not encroach into any public right of way.

**TEMPORARY SIGNS AND BANNERS SUMMARY**

Maximum Area	Maximum Height	Minimum Clearance	Duration	Location
30 square feet	Second story	8 feet	Maximum 30 days total, maximum 2 consecutive weeks, maximum 4 times per year	Private property

- g. For single season businesses, one temporary sign or banner sign shall be allowed in addition to signage allowed for the building in which it is located, provided it does not exceed eighteen (18) square feet, is located on private property, and is displayed only during the season of operation.

3. Temporary Signs And Banner Signs Within Or Across Public Rights Of Way (Requires Sign Permit): Signs and banners within or across public rights of way not permanently mounted and intended to be displayed for a limited amount of time to advertise an event, shall comply with the following specifications and application permit requirements and technical information published by the office of the city clerk:

- a. Advertising a special civic event recognized as important to the city in general.
- b. First come, first served, however city has discretion to decide in best interests of city which banner(s) are to be given priority when multiple applications are made for same time period.

- c. Additional fee to cover installation and removal by city personnel.
- d. Size and other specifications shall conform to specifications issued and as may be modified from time to time by the city.
- e. Approval by city clerk's office.

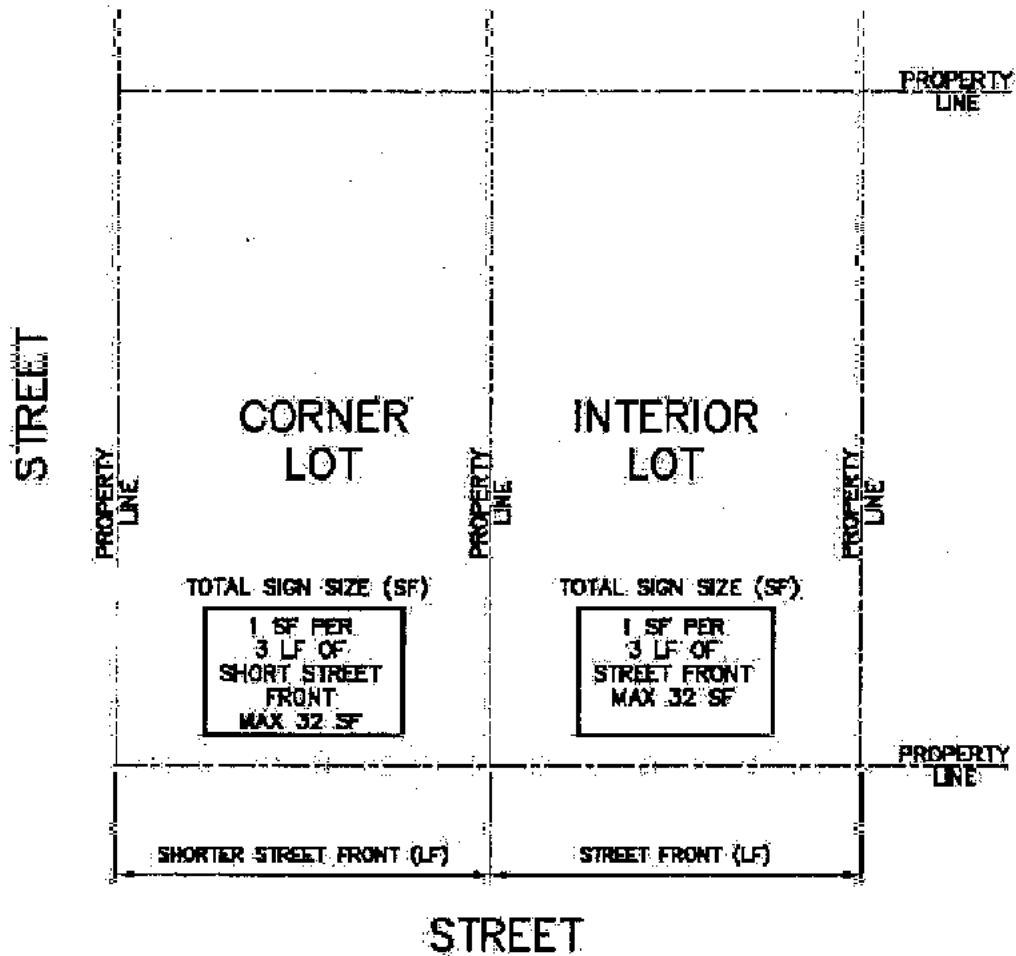
4. Construction Site Sign (Requires Sign Permit):

- a. Limited to one freestanding or wall sign along one street frontage located on private property.
- b. Maximum total sign area shall not exceed one-third ( $\frac{1}{3}$ ) square foot of sign area for each linear foot of the street frontage of the lot(s) or the shorter street frontage on corner lots or a maximum of thirty two (32) square feet, whichever is less.
- c. May be illuminated per requirements of subsection D4, "Sign Lighting Regulations", of this section, provided all wiring and conduit is installed in a permanent, nonvisible fashion.
- d. Graphic design may be painted on construction barricade (in addition to construction sign area) provided it does not identify or advertise a person, product, service or business.
- e. Display no sooner than receipt of a valid building permit for the project, unless it is the same sign as the development opportunity sign. (See subsection F5c of this section, real estate development opportunity sign.)
- f. Removed either upon issuance of certificate of occupancy, or on such date the building permit is no longer valid, except if it continues to serve as a real estate for sale sign. In this case, it would take the place of the real estate for sale sign below and would be subject to subsections F4a through F4e of this section.
- g. Resale units will be allowed to have a standard real estate sales sign (subsection F5 of this section) in or on their unit.

5. Real Estate Signs:

- a. Real estate for sale, rent, lease or sold signs (exempt from sign permit):
  - (1) Limited to one unlit sign per unit; building; and parcel of land for sale, rent or lease.
  - (2) Does not exceed twelve (12) square feet total, allowing a maximum of two (2) sides, with each side not to exceed six (6) square feet of signage, in any residential or recreational zoning district (limited residential (LR), limited residential - one acre (LR-1), limited residential - two acre (LR-2), general residential - low density (GR-L), general residential - high density (GR-H), mobile home (MH), short term occupancy - .4 acre (STO-.4), short term occupancy - one acre (STO-1), short term occupancy - two acre (STO-2), recreation use (RU) and agricultural and forestry (AF)).
  - (3) Does not exceed twenty (20) square feet total, allowing ten (10) square feet on each of two (2) sides maximum, in any commercial, industrial or mixed use district (tourist (T), tourist - 3000 (T-3000), tourist - 4000 (T-4000), community core (CC), light industrial-1 (LI-1), light industrial-2 (LI-2), and light industrial-3 (LI-3)) or land subdivision for sale. For multi-unit projects, resale of individual units must follow the regulations of subsection F5a(2) of this section.
  - (4) Removed within ten (10) days of sale, rent or lease.
- b. Real estate open house sign (exempt from sign permit):
  - (1) Limited to one unlit sign per site per event per street frontage on site.
  - (2) May be sandwich or portable board type in compliance with specifications in subsections F1a through F1e of this section or temporary banner type in compliance with specifications in subsections F2a, F2b, F2c, and F2e of this section.
  - (3) Display limited to the day that the open house is staffed. Open house events must be of limited duration and shall not operate continuously.
  - (4) Three (3) vehicular directional, off premises, way finding signs per open house in the form of sandwich or portable board pursuant to subsections F1a through F1e of this section are permitted in all zoning districts. All such signs must be located within one-fourth ( $\frac{1}{4}$ ) mile of the open house event and may be located within public rights of way, provided they are not located on pavement or within any improved pedestrian or bicycle way.
- c. Real estate development opportunity sign (requires sign permit):
  - (1) Limited to one freestanding or wall sign along one street frontage located on private property.
  - (2) Maximum total sign area shall not exceed one-third ( $\frac{1}{3}$ ) square foot of sign area for each linear foot of the street frontage of the lot(s) or the shorter street frontage on corner lots or a maximum of thirty two (32) square feet, whichever is less.
  - (3) May be illuminated per requirements of subsection D4, "Sign Lighting Regulations", of this section, provided all wiring and conduit is installed in a permanent, nonvisible fashion.
  - (4) Displayed not more than two (2) consecutive years, or as otherwise specified in approved permit and may be renewed upon application to the city.
  - (5) Removed upon issuance of a valid building permit, except if it continues to serve as a construction site sign. In this case, it would take the place of the construction site sign above and would be subject to subsections F4a through F4e of this section, construction signs.

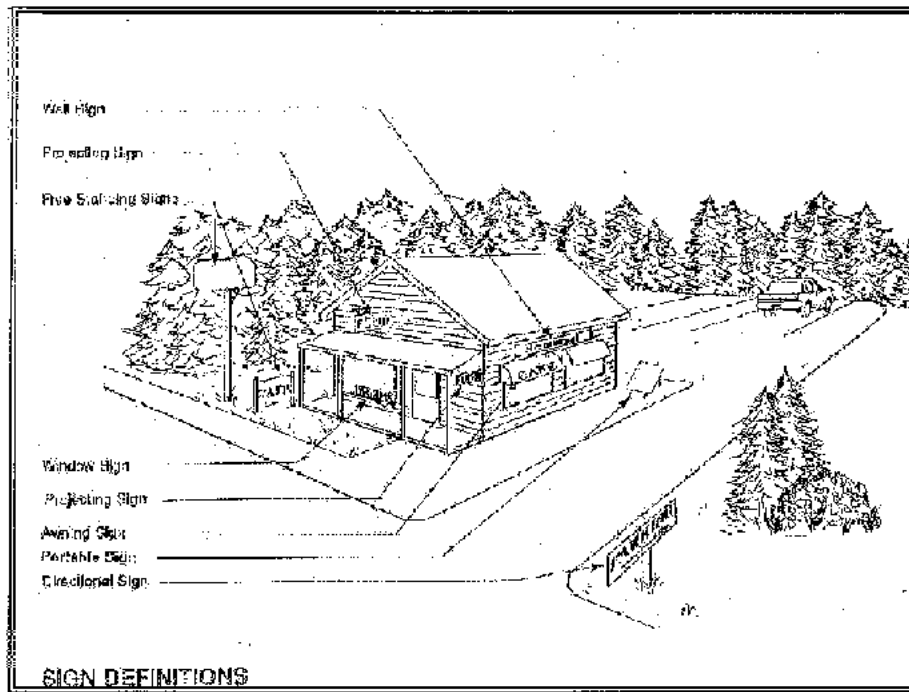
CONSTRUCTION AND REAL ESTATE  
DEVELOPMENT OPPORTUNITY SIGNS



d. On site sales office (requires sign permit):

- (1) Regulations: For single building or development where an on site sales office exists, signage is allowed provided the size complies with regulations contained herein, including, but not limited to, area of permanent signage permitted for the total building or development, and any size limitations of temporary signs.
- (2) Event Signage: For large scale open house or auction events, "announcement" signage is subject to the regulations of subsection F2 of this section, temporary signs and banners.

G. Definitions: As used in this section, the following words shall be interpreted and defined in accordance with the definitions contained in [chapter 17.08](#) of this title, and in accordance with the following:



**ANIMATED OR MOVING SIGN:** Any sign or part of a sign that changes physical position in any way, or which gives the visual impression of movement or rotation.

**AREA OF SIGN/SIGN AREA:** Writing, representation, emblem or other graphic display, mounted or painted on a distinct background, but not including the supporting structure.

**AWNING:** A rooflike structure constructed of canvas, vinyl or similar material placed over a frame so as to extend outward from a building providing a protective covering for doors, windows and other openings.

**AWNING OR MARQUEE SIGN:** A horizontally oriented sign that is printed on an awning or mounted on a marquee.

**BANNER SIGN:** A flexible sign of lightweight fabric affixed with wires or ropes to or between buildings or walkways on private property and contain copy advertising a business or business activity.

**BEACON:** Any light with one or more beams directed at the sky or at points not on the same lot as the source and also any light with one or more beams that move.

**BUILDING IDENTIFICATION:** A sign that identifies the name of the building only. If the name of any occupant of the building is the same as the building name, the size is included in the total for that business. Building identification signs are limited to one sign per building.

**CAMPAIGN SIGN:** A temporary political sign announcing a political candidate seeking public office, political parties, or political and public issues including, but not limited to, public bond and levy elections.

**CHANGEABLE COPY SIGN:** A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged manually or automatically, without altering the face or the surface of the sign. A sign which changes more than eight (8) times per day shall be considered an animated sign and not a changeable copy sign for the purposes of this section. Not addressed as a separate category from general signs code except under subsection E4h of this section (projecting signs) where copy can change but is not considered "changeable copy" signs; and subsection H, "Existing Conforming, Nonconforming, Illegal And Allowable Signs", of this section.

**CONSTRUCTION SITE SIGN:** A sign identifying individuals or companies involved in designing, construction, financing or developing a site. Construction signs may include, but not be limited to, owners, developers, architects, construction managers, contractors and subcontractors.

**COPY:** Any graphic, letter, numeral, symbol, insignia, text, sample, model, device, or combination thereof which is intended to advertise, identify, or notify.

**DIRECTIONAL SIGN:** A sign giving directions, instructions or facility information and which may contain the name or logo of an establishment, but no advertising copy, e.g., parking, no parking, or exit and entrance signs. Directional signage shall not be counted toward total signage limitations in subsection D3 of this section. Subsection C3 of this section is intended to allow directional signage for private developments. Directional signage is addressed for "public agencies" in exemptions subsection B4a of this section. Schools, hospitals, emergency care facilities, etc., are not always public and hotels/hotel complexes/condo complexes, etc., will also require directional signage. Term is used in the definition of Master Signage Plan.

**DIRECTORY SIGN:** A relatively small sign that is attached flat against the facade at eye level and is oriented toward pedestrians. Directory signs include

text limited to the names and/or addresses of the tenants in buildings with multiple tenants that do not each have a storefront and are accessed through a shared entrance or lobby. Directory signs may be located on the main level of buildings where the primary access to upper floors is by exterior stairways or elevators. Directory signs may also be referred to as registry signs.

**FACE OF SIGN:** The area or display surface of a sign on which copy and/or graphics and background is placed.

**FASCIA AND RAKE FASCIA:** The horizontal member or surface at the edge of a projecting or sloping roof.

**FLASHING SIGN:** Any directly or indirectly illuminated sign that exhibits changing light or color effects by any means whatsoever.

**FREE AND CLEAR ZONE:** A portion of a sidewalk that is unobstructed and allows for the free flow of pedestrian traffic.

**FREESTANDING SIGN:** A sign affixed to a supporting structure that is independent from any building or other structure and may be visible on a maximum of two (2) sides. Freestanding signs are oriented toward pedestrians and vehicles.

**GABLE SIGN:** A projecting or wall sign mounted to the gable wall of a building.

**GOVERNMENT OR PUBLIC AGENCY SIGN:** A sign erected and maintained by the city, county, state or federal government, or required by law, ordinance or other governmental regulation.

**HISTORIC SIGN AND/OR LANDMARK SIGN:** Any sign that currently exists or previously existed within the city of Ketchum that the Ketchum city council has identified as being of significance to the history, culture, or appearance of Ketchum.

**HOLIDAY DECORATION SIGN:** A temporary sign, in the nature of decorations, clearly incidental to and customarily and commonly associated with any holiday.

**INCIDENTAL SIGN:** A sign generally informational, that has a purpose secondary to the use of the lot on which it is located, such as "No Parking", "Entrance", "Loading Only", "Telephone" and other similar directives. No sign with a commercial message legible from a position off of a lot on which the sign is located shall be considered incidental.

**INTERNALLY LIT/BACKLIT SIGN:** A sign wholly or partially lighted by a source that is inside of or behind a sign face made of translucent material.

**MASTER SIGNAGE PLAN:** A comprehensive signage plan for multi-tenant commercial and industrial, multi-unit residential, and mixed use developments that may include, but is not limited to, directional, way finding within the development, building identification, and business or tenant identification signage.

**MONUMENT SIGN:** A freestanding sign of eight feet (8') or less in height on an ornamental base identifying a subdivision or development which has multiple suites, offices, tenants, lots or units. Monument signs are oriented toward pedestrians and vehicles.

**NONCONFORMING SIGN:** Any sign in existence on the effective date hereof for which there is a legal permit, but that does not conform to the requirements of this section.

**PARAPET:** An extension of a vertical building wall above the line of the structural roof.

**PERMANENT SIGN:** A sign that is permanently mounted or affixed to the ground or a building and intended to be displayed for an unlimited amount of time.

**PROJECTING SIGN:** A maximum double sided sign that projects more than six inches (6") perpendicular to a building facade or wall and hangs from a mounted wall brace or is suspended from, and located entirely under a covered porch, covered walkway, awning, balcony, arcade or colonnade. A projecting sign may also be referred to as a blade sign. Projecting signs are primarily oriented toward pedestrians. Projecting signs that hang from a post located in front of and detached from a building are considered freestanding signs.

**REAL ESTATE SIGN:** Any sign advertising:

1. Property, buildings, or portions of buildings for sale, lease, or rent;
2. "Open houses" or other special events presenting properties for sale, lease, or rent on site intermittently and not on consecutive days. "Open houses" at which sales personnel are on site for thirty (30) continuous days or more shall be considered real estate offices and conform to the applicable zoning district requirements; and
3. Development opportunity for which design review, building and/or other requisite permit(s) have not been obtained. Subsections 1 and 2 of this definition are exempt from sign permit under subsection B4j of this section.

**ROOF SIGN:** A sign affixed on, above or over the roof of a building so that it projects above the roofline. The lowest portion of a flat roof, the top of a parapet wall, the vertical portion of a mansard roof, the eaves line or fascia of a gable, gambrel, or hipped roof shall be considered the roofline. Where a parapet wall is combined with a mansard roof, the roofline shall be the top of the parapet.

**SANDWICH BOARD AND PORTABLE BOARD SIGN:** Signs that are designed to be transported and are not permanently affixed to a building, structure, or the ground.

**SIGN:** Any object, device, display or structure, or part thereof using graphics, symbols and/or written copy which is used to advertise, identify or attract attention to an object, person, institution, organization, business, product, service, event or location. The definition of sign shall also include the sign structures, support, lighting system, and any attachments, ornaments or other features used to draw the attention of others.

**TEMPORARY SIGN:** A sign that is not permanently mounted or affixed to the ground or a building and intended to be displayed for a limited amount of time and does not include sandwich board or portable board signs. Sign copy changes on a "projecting sign" shall not be considered temporary provided they comply with subsection F4 of this section.

**UNBROKEN FACADE:** A continuous portion of a wall of a building, located above or beside a window or door and unbroken by doors, windows, or other architectural features, and measured either vertically or horizontally, whichever is less.

**WALL SIGN:** A sign mounted parallel to, but within six inches (6") of, a wall, or painted on the surface of a wall of a building or structure. A sign on a mansard roof shall be considered a wall sign. Wall signs are oriented toward both pedestrians and vehicles.

**WAY FINDING SIGN:** A sign that is part of an overall plan for public convenience and information including, but not limited to, directions to recognized neighborhoods, recreation and other facilities, public buildings, entertainment venues.

**WINDOW SIGN:** A sign that is applied or attached to the exterior or interior of a window or otherwise displayed for the purpose of being visible through a window from the exterior of a building. All lettering or graphics that cover more than ten percent (10%) of the total transparent window and are more than four inches (4") in height or width are considered a window sign. Window signs are primarily oriented toward pedestrians.

**YARD SALE SIGN:** A sign advertising a single private sale generally at a residence or sponsored by a community organization.

#### H. Existing Conforming, Nonconforming, Illegal And Allowable Signs:

1. Existing Conforming Signs: Existing conforming signs with a valid sign permit on file with the city of Ketchum may be replaced in its exact form (same graphics, symbols or copy, color, material, size, etc.) or relocated, as is, by amending the existing sign permit, without paying an additional application fee and shall not be subject to the provisions of this section.
2. Legally Nonconforming Signs: Any sign conforming to the prior sign regulations which is not in conformance with this section:
  - a. May not be replaced, except with an approved permit for new conforming sign;
  - b. May not be changed in text or logo (except changeable copy signs);
  - c. May not be expanded, moved or relocated; and
  - d. Shall be removed if there is a change in occupancy on the premises.
3. Illegal Signs: Any sign that did not comply with sign regulations in existence at the time the sign was erected is an illegal sign and shall be removed on or before January 1, 2013.
4. Allowable Sign Types: Sign types not specifically allowable as set forth within this section are prohibited.

#### I. Violations And Enforcement:

1. Violations: A violation of this section shall be a misdemeanor punishable by a fine of not more than three hundred dollars (\$300.00), or by imprisonment not to exceed six (6) months, or by both such fine and imprisonment. Each day the violation is not satisfied shall be considered a separate offense.  
 Temporary signs may be confiscated by the city, if they are not in compliance with this section. The owner of the sign may retrieve the sign from the planning and zoning division with payment of a fine of thirty dollars (\$30.00) for the first offense and sixty dollars (\$60.00) for each subsequent offense.
2. Responsibility For Good Repair: It shall be the responsibility of the business and/or property owner to keep signs in a good state of repair at all times. Nonconforming signs may be repaired and maintained provided the repairs are for the sole purpose of maintaining the sign to its original condition and does not increase the degree of nonconformity.
3. Unsafe Signs: Any sign which has been determined to be unsafe by the building official and/or the planning and zoning department or which has been constructed, erected or maintained in violation of this section, must be repaired, made safe, made in conformance with this section, or removed within ten (10) working days after receipt of certified notice from the city. Failure to respond to remedy the violation is unlawful and the business and/or property owner will be guilty of a misdemeanor. The city reserves the right to remove and seize any sign should it not be in conformance with this section after the final certified notice date.
4. Interpretation: The planning and zoning commission has the authority and duty to interpret the provisions of this section at the request of the planning director or when a written appeal from a decision of the planning director is filed.

J. Appeals: Applicants may appeal the department's decision within fifteen (15) days of the date of said decision. The appeal shall be directed to the next regular meeting of the planning and zoning commission at which agenda time is available and notice requirements can be met (see also appeals process in [chapter 17.144](#), "Appeals", of this title). (Ord. 1087, 2011)

#### 17.124.050: OUTDOOR ILLUMINATION:

Any parking, yard or building illumination in all zoning districts shall be so directed as to protect adjacent properties from glare and direct lighting. (Ord. 208 § 24.5, 1974)

### 17.124.060: OFF STREET PARKING SPACE:

A. Off street parking spaces shall be required in all districts as an accessory use for new construction or any addition involving an increase in floor area. Every use shall provide at least the minimum number of parking spaces required for that use based on the formulas listed in this section. Further, the minimum parking stall and aisle dimensions are as follows:

Angle	Width (Feet)	Length (Feet)	Aisle Width (Feet)
90 degrees	9.0	18	24
60 degrees	9.0	21	18
45 degrees	9.0	19.8	15
Parallel	8.0	23	-

Commercial uses, hotels and lodges with a minimum of ten (10) or more spaces on the property may have up to ten percent (10%) of the required spaces marked for compact vehicles. Compact vehicle spaces must be a minimum of eight feet (8') wide and sixteen feet (16') long with aisle widths in accordance with the table above. These spaces shall be designed, designated, marked and enforced as compact spaces.

1. For one-family dwellings and for each dwelling unit in a duplex, one and one-half (1<sup>1/2</sup>) parking spaces. For a townhouse and multiple-family dwelling, one parking space per every one thousand five hundred (1,500) net square feet of residential space, except as may otherwise be required in the CC district. For residential projects of four (4) units or more, one guest space for every four (4) units shall be provided in addition to the above requirement. Required parking spaces for all residential development, except as may otherwise be required in the CC district, shall be on the same premises as the dwelling/unit(s).
2. For tourist homes, hotels, motels, lodges, rooming houses and similar places offering sleeping accommodations: 0.75 spaces per room.
3. For churches, schools, membership clubs and similar places having auditoriums or facilities for public assembly: At least one off street parking space for every six (6) seats in an auditorium or place for public assembly or one off street parking space for every sixty (60) square feet of floor area in an auditorium or place for public assembly, whichever is greater.
4. For offices, clinics and all retail business uses (except as specified in this section): At least one off street parking space for each three hundred (300) square feet of floor area.
5. For grocery stores: At least one off street parking space for each two hundred (200) square feet of floor area.
6. For restaurants and bars and other eating and drinking establishments: At least one off street parking space for each one hundred (100) square feet of assembly area.
7. For drive-in restaurants: At least one parking space for each sixty (60) square feet of floor area.
8. For each four (4) beds in a convalescent, nursing or rest home, sanitarium or home for the care of children or of the aged: One parking space, plus one parking space for each doctor assigned full time to the staff, plus two (2) parking spaces for each three (3) other employees.
9. For a hospital: One parking space for each one thousand (1,000) square feet of floor area, plus one parking space for each four (4) regular employees.
10. For a bowling alley: Three (3) parking spaces for each lane.
11. For manufacturing or assembly establishments: One parking space for each employee, based on the greatest number of employees at any one time.
12. a. For a daycare home, facility or center: One parking space for each full time nonresident staff member, plus drop off/pick up spaces as follows:
  - (1) For daycare homes: One drop off/pick up space;
  - (2) For daycare facilities: Two (2) drop off/pick up spaces; and
  - (3) For daycare centers: One drop off/pick up space for every eight (8) children, or fraction thereof, which may be legally cared for within the center.
- b. For daycare businesses which require more than one drop off/pick up space, the additional spaces over one may be on the street; provided, that for each drop off/pick up space required, there are three (3) legal spaces located within fifty feet (50') of the property which can be reached without crossing a street.
13. For all other permitted uses: At least one off street parking space for every two (2) employees.
14. The off street parking requirement for the CC community core district shall be in accordance with subsection [17.64.010D](#) of this title.
15. Shared parking reduction by conditional use permit in all tourist zoning districts may be allowed as follows:

- a. A reduction to parking requirements for individual accessory uses within a mixed use development in which lodging is the primary use may be made upon the granting of a conditional use permit according to the following schedule:
    - (1) Restaurant and bar: Minimum one space per two hundred (200) square feet of seating area.
    - (2) Conference facilities: Minimum one space per two hundred (200) square feet of seating area.
    - (3) Retail and repair shops: Minimum one space per six hundred (600) square feet of net floor area.
  - b. The commission may grant the reduction or a partial reduction after considering the following standards and criteria:
    - (1) The accessory use(s) commonly provides a service to patrons of the primary use.
    - (2) The capacity of the accessory use(s) is not in excess of the capacity of the primary use.
    - (3) The operating of the accessory use(s) is staggered.
    - (4) The hour(s) of peak parking demand for each use is different.
    - (5) Existing on street parking is available for public use.
  - c. A reduction to parking requirements for lodge units within a mixed use development may be made upon the granting of a conditional use permit according to the following schedule: Hotels and lodges, a minimum 0.66 space per room.
  - d. The commission may grant the reduction or a partial reduction after considering the following standards and criteria:
    - (1) Public, recreation facilities and adjoining complementary uses are within walking distance.
    - (2) Existing tourist housing accommodations are within walking distance.
    - (3) Public transit is available and within walking distance.
    - (4) Pedestrian facilities and amenities are existing within the neighborhood.
  - e. Employee parking is required at the rate of ten percent (10%) of total required spaces after reductions are provided.
  - f. The total parking required shall not be less than one space per room.
- B. All area counted as off street parking space shall be unobstructed and kept clear of snow and free of other uses.
- C. Unobstructed access to and from a street shall be provided for all off street parking space.
- D. All open off street parking spaces shall be surfaced with asphalt or cement concrete. Compacted gravel or other dustless material may be used for surfacing only upon approval by the commission.
- E. Off street parking spaces may be provided in areas designed to serve jointly two (2) or more buildings or users; provided, that the total number of off street parking spaces shall not be less than that required by this title for the total combined number of buildings or uses.
- F. No part of an off street parking space required for any building or use for the purpose of complying with the provisions of this title shall be included as a part of an off street parking space similarly required for another building or use.
- G. No required off street parking space may be converted for any other use unless an equivalent amount of additional parking space is provided.
- H. When the intensity of use of any building, structure or premises is increased through the addition of dwelling units, gross floor area, seating capacity or other units of measurement specified as requiring parking or loading facilities, parking and loading facilities as required in this section shall be provided for the existing building, structure or premises and such increase in intensity of use.
- I. Whenever the existing use of a building or structure shall be changed to a new use, parking or loading facilities shall be provided as required for such new use.
- J. No lawfully existing building shall be deemed to be a nonconforming building solely because of lack of parking spaces; provided, that space being used for off street parking or loading in connection with any such building at the effective date hereof shall not be further reduced in area or capacity.



- K. When the calculation of the required number of spaces called for in this section results in a fractional number, fractions equal to or greater than one-half ( $\frac{1}{2}$ ) shall be adjusted to the next higher whole number of spaces.
- L. Lighting used to illuminate off street parking areas shall be directed away from residential properties, and such parking areas shall be effectively screened on any side adjoining a residential zone by a wall, fence or hedge to a height of six feet (6'), except for the front yard setback area of the adjoining residential property, in which case, the maximum height shall be three feet (3').
- M. A maximum of thirty five percent (35%) of the linear footage of any street frontage can be devoted to access to off street parking. Corner lots that front two (2) or more streets may select either or both streets as access but may still not devote more than thirty five percent (35%) of the total linear footage of street frontage to access to off street parking.
- N. All alleys used as access to loading areas and/or to an off street parking space or spaces shall be surfaced with asphalt or cement concrete. Compacted gravel or other dustless material may be used for surfacing only upon approval by the commission.
- O. In zoning districts where off street parking areas are permitted as a conditional use, the following regulations shall apply:
1. The following information is to be submitted as part of the application for the conditional use permit for an off street parking area:
    - a. A site plan, drawn to an appropriate scale, showing the proposed number of parking spaces, size of the lot and general circulation within the lot (including skier access to Bald Mountain if the parking area is near base facilities), ingress and egress from the city right of way, and existing landscaping.
    - b. Proposed fencing of the lot and gate(s).
    - c. A plan showing location of required snow storage areas (snow storage area shown in square feet).
    - d. A plan showing scale drawings of proposed signs.
    - e. Hours and days of operation.
  2. The commission shall determine whether the following requirements have been or will be met:
    - a. Dustless material shall be placed at the entry and exit of each lot to control the transfer of foreign material onto the city right of way.
    - b. Trash shall be removed daily from the parking area.
    - c. The approval of the parking area will not detrimentally increase traffic along Warm Springs Road and within the pedestrian access (PA) overlay zone, as determined by the commission.
    - d. Traffic shall flow safely within the project and onto adjacent streets and in such a manner as will minimize transfer of debris and other material from the project to the city street. Traffic includes vehicle, bicycle, pedestrian and equestrian use. Consideration shall be given to points of ingress and egress, adequate sight distances and proper signage.
    - e. The maximum number of parking spaces permitted on a lot shall be calculated from the formula below:
      - (1) Forty five percent (45%) of the square footage of the lot may be used for parking circulation (this number was arrived at based on the number of parking spaces that would be required for maximum build-out of the site). Additional land area outside the forty five percent (45%) may be used for the applicant's employee parking up to a maximum of seventy (70) spaces.
      - (2) All parking space dimensions and aisle widths shall be appropriate for design and circulation as required in this section.
      - (3) The formula is meant as a guideline. The site considerations of the proposed parking area may present limitations upon the maximum number of parking spaces permitted.
    - f. The parking area is consistent with the tourist zoning designation within which the lot is located.
    - g. Permanent landscaping is used to help assure that the character of the neighborhood as allowed under the applicable zoning ordinances is not significantly altered. The commission shall determine on a case by case basis if permanent landscaping is appropriate, including analysis of riparian areas.
    - h. Curb cuts shall be located away from major intersections and off high volume roadways.
  3. The following are minimum conditions for seasonal parking lots:
    - a. Approved applications shall be valid until May 2000, at which time they shall be reviewed, amended, if necessary, and approved. Thereafter, applications shall be valid for three (3) years from the approval date, unless a complaint is received in writing documenting that the terms of the approval have been violated. Upon receipt of such a complaint, the administrator shall verify the complaint and schedule the application for a public hearing before the commission. Completed applications shall be submitted to the planning department by October 1 of each year. The planning and zoning administrator shall have the authority to waive such requirement only upon a showing of good cause.

- b. Season parking passes only may be sold unless the lot contains more than one hundred (100) spaces. Lots over one hundred (100) spaces may sell daily parking passes. Lots which include daily parking must designate at least fifty percent (50%) of the approved spaces as daily parking, excluding the spaces designated for employees. The sale of daily passes is subject to the applicant staffing the entrance to the parking area and subject to the development of a system, acceptable to the city, of alerting skiers at the park and ride lot when the Warm Springs daily parking lots are full.
- c. Conditional use permits shall not be transferred.
- d. Hours of operation shall be from seven o'clock (7:00) A.M. to seven o'clock (7:00) P.M. Appropriate signs indicating hours of operation shall be posted at each entry.
- e. A dustless material shall be placed from the city right of way onto the lot extending a minimum of thirty feet (30') from the edge of the pavement.
- f. Trash shall be picked up daily.

4. All other requirements of the applicable zone shall be satisfied.

5. Off street parking accessory to a primary residential or tourist lodging use which is greater than one space per sleeping room; and/or

Off street parking accessory to all other primary uses which is in excess of the requirements set forth in this section by more than twenty five percent (25%) or fifteen (15) parking spaces, whichever is greater,

Together with standards for evaluation of applications for conditional use permits for such accessory off street parking, described in this section, as follows:

- a. Off street parking accessory to a principal use does not serve the general public using off site facilities and services.
- b. Vehicular traffic generated from the parking area minimizes conflict with pedestrians.
- c. Vehicular traffic flows safely and uninhibited within the parking area and onto adjacent streets and primary arterial roadways.
- d. Parking areas have functional aisle dimensions, backup space and turning radii.
- e. Parking areas are located so not to adversely impact adjacent properties with regard to noise, lights and visual consideration.
- f. Curb cuts are located away from major intersections and off high volume roadways.
- g. Adequate snow storage areas are provided. (Ord. 998 § 5, 2006: Ord. 902 § 2, 2002: Ord. 894 § 1, 2002: Ord. 208 § 24.6, 1974)

#### **17.124.070: OFF STREET LOADING AREAS:**

In the LI-1, LI-2 and LI-3 districts, off street loading areas (containing 180 square feet with no one dimension less than 10 feet) shall be required as an accessory use for new construction or major additions involving an increase in floor area, as follows: One off street loading space for floor area in excess of two thousand (2,000) square feet, provided no loading space occupies any part of a public street, alley, driveway or sidewalk; except, that where practicable to do so, an alley may be used in lieu of the requirement of this section if prior permission is granted by the commission. (Ord. 208 § 24.7, 1974)

#### **17.124.080: FENCES, HEDGES AND WALLS:**

Fences, hedges and walls may be permitted in the various districts as accessory uses in accordance with the following limitations:

- A. In the LR, LR-2, GR-L and GR-H districts, fences, hedges and walls shall not exceed four feet (4') in height when located less than thirty feet (30') from the front lot line;
- B. In the LR, LR-2, GR-L and GR-H districts, fences, hedges and walls shall not exceed six feet (6') in height when located more than thirty feet (30') from the front lot line;
- C. In all other districts, fences, hedges and walls shall not exceed four feet (4') in height when located less than thirty feet (30') from the front lot line and shall not exceed six feet (6') in height when located more than thirty feet (30') from the front lot line; however, these regulations may be modified through the design review process as determined by the commission;
- D. In all districts, fences, hedges and walls, or any other obstruction to clear vision, shall not be located within seventy five feet (75') of the centerline intersection of two (2) streets unless determined otherwise by the city engineer; and

- E. No barbed wire or other sharp pointed metal fence and no electrically charged fence shall be permitted in any district. (Ord. 774 § 1, 1999: Ord. 208 § 24.8, 1974)

#### **17.124.090: SIDEWALKS, CURBS AND GUTTERS:**

In the CC, T, T-3000, T-4000, LI-1, LI-2 and LI-3 zoning districts, sidewalks, curbs and gutters shall be required as an accessory use when there is new construction or when an existing building is altered or changed and such modifications require a building permit and the cost of construction exceeds twenty thousand dollars (\$20,000.00), in accordance with standards as established by the city as to type, location and grade.

- A. Payment In Lieu: A payment shall be made to the city in lieu of providing required sidewalks, curbs and gutters; provided, that one or more of the following criteria are met:

1. The commission determines that the physical characteristics of the site, due to existing features such as steepness of slope, proximity to waterways, wetlands or other characteristics would cause the installation of sidewalk, curb and gutter to be detrimental to the natural environment and/or impractical;
2. The commission determines that presence of mature trees or other natural features on the site would cause the installation of sidewalk, curb and gutter to be impractical or undesirable;
3. The commission determines that sidewalk, curb and gutter are not compatible with the city's long term pedestrian/circulation plan for the street or the area;
4. The commission determines that the current and planned future condition of adjacent city rights of way indicate that sidewalk, curb and gutter are incompatible; or
5. The commission determines that another public amenity, such as a bicycle lane, is preferred over sidewalk, curb and gutter.

- B. Administration:

1. Any person required to install sidewalk, curb and gutter may submit to the planning and zoning administrator, as part of the design review or building permit process, a request for consideration of in lieu payment. Such requests shall include:
  - a. A description of the property addressing the above listed criteria.
  - b. A design plan for construction of sidewalk, curb and gutter, together with the estimated cost of construction.
  - c. A written request to consider in lieu payment.
2. Such requests shall be considered by the commission for proposals requiring design review, and by the planning and zoning administrator for proposals not requiring design review. A recommendation shall be made by the commission or the administrator after consulting with the city engineer and the city street department.
3. These recommendations will be forwarded to the council for final approval.
4. Upon approval of said design plan and estimated construction cost by the council, the estimated cost of the construction thereof shall be paid.
5. Each in lieu payment shall be credited by the city against any subsequent assessment(s) against said property, and only the amount of said assessment remaining after deduction of said credit shall be due and payable by the owner of said property pursuant to law.
6. In lieu payments collected shall be maintained in a separate account by the city clerk and used solely for construction of sidewalks, curbs and gutters at locations deemed appropriate by the city.
7. Each person providing in lieu payment for sidewalk, curb and gutter shall also sign an agreement with the city setting forth the terms of this title, together with such other terms and conditions as may be reasonably required in order to meet the spirit and intent of this title or otherwise required by law. (Ord. 208 § 24.9, 1974)

## **Chapter 17.128 SUPPLEMENTARY LOCATION AND BULK REGULATIONS**

#### **17.128.010: SUPPLEMENTARY LOT AREA AND LOT WIDTH REGULATIONS:**

- A. Where an individual lot was held in separate ownership from adjoining properties or was platted in a recorded subdivision approved by the city council prior to April 21, 1966, or was in such a condition at the time the lot was subsequently annexed to the city, or was of legal area and dimensions when held in separate ownership from adjoining properties or when platted in a recorded subdivision, such a lot may be occupied according to the permitted uses provided for the district in which the lot is located, provided the proposed uses, building construction and all other regulations in regard to setbacks, supplemental yard regulations and parking areas are strictly adhered to and complied with.

- B. No part of an area or width required for a lot for the purpose of complying with the provisions of this title shall be included as an area or width required for another lot. (Ord. 208 § 25.1, 1974)

#### **17.128.020: SUPPLEMENTARY YARD REGULATIONS:**

- A. Cornices, canopies, eaves, chimney chases or similar architectural features may extend into a required yard not more than three feet (3').
- B. Fire escapes may extend into a required rear or side yard not more than six feet (6'). Fire escapes in setbacks shall be the minimum size and configuration required by the adopted international building code.
- C. The side yard along the street side of a corner lot shall be not less than two-thirds ( $\frac{2}{3}$ ) the front yard requirement for the district in which the lot is located.
- D. In measuring the rear yard of a principal building where the rear lot line abuts an alley, measurement may be made to the centerline of the alley, provided no building is located within the right of way of the alley.
- E. No part of a yard required for a building for the purpose of complying with the provisions of this title shall be included as a yard for another building.
- F. Any and all structure(s) located adjacent to the Big Wood River, Trail Creek or Warm Springs Creek shall be set back a minimum of twenty five feet (25') from the mean high water mark of the stream.
- G. The regulations of this section do not apply to the CC community core district. The supplementary location and bulk requirements which apply to such zoning district are found in [chapter 17.64](#) of this title.
- H. Decks less than thirty inches (30") in height from existing grade may be constructed to the property line. All decks and fences located adjacent to the Big Wood River, Trail Creek and Warm Springs Creek shall be set back a minimum of twenty five feet (25') from the mean high water mark of the stream.
- I. Decks more than thirty inches (30") in height from existing grade at any point shall be subject to setbacks, except in the GR-H, T, T-3000 and T-4000 zoning districts. In the GR-H, T, T-3000 and T-4000 districts, decks more than thirty inches (30") in height from existing grade may be allowed to encroach into the required yard setback up to a maximum one-half ( $\frac{1}{2}$ ) the distance of the required yard setback, or four feet (4'), whichever is less, with design review approval. In addition to requirements set forth in [chapter 17.116](#) of this title, the following criteria shall apply:
1. A minimum of five feet (5') is maintained between any point of the deck and the property line;
  2. The application has been approved by the subject property's homeowners' association (if any);
  3. Written approval from a majority of owners of property contiguous to the subject property has been obtained;
  4. Upper story decks/balconies are cantilevered from the building (no supporting posts are permitted within the required yard setback);
  5. No portion of a deck which encroaches into the required yard setback may be enclosed or covered by a roof; and
  6. Restrictions on exterior storage of personal property may be required through the design review process.
- J. Gates are prohibited on private roads and parking access/entranceways, private driveways accessing more than one single-family dwelling unit and one accessory dwelling unit, and public rights of way unless approved by the city council. (Ord. 1093, 2012: Ord. 943 § 1, 2004: Ord. 775 § 1, 1999: Ord. 208 § 25.2, 1974)

#### **17.128.030: SUPPLEMENTARY BUILDING HEIGHT REGULATIONS:**

- All dwellings shall be constructed with at least seventy five percent (75%) of the roof surface higher than seven feet (7') from the grade. (Ord. 208 § 25.3, 1974)

## Chapter 17.132 DARK SKIES

### 17.132.010: GENERAL PROVISIONS:

- A. Title: This chapter, together with the amendments codified in this chapter, shall be known and may be cited as the *KETCHUM DARK SKY ORDINANCE*.
- B. Purposes: The general purpose of this chapter is to protect and promote the public health, safety and welfare, the quality of life, and the ability to view the night sky by establishing regulations and a process of review for exterior lighting. This chapter establishes standards for exterior lighting in order to accomplish the following:
1. To protect against direct glare and excessive lighting;
  2. To provide safe roadways for motorists, cyclists and pedestrians;
  3. To protect and reclaim the ability to view the night sky, and help preserve the quality of life and the tourist experience;
  4. To prevent light trespass in all areas of the city;
  5. To promote efficient and cost effective lighting;
  6. To ensure that sufficient lighting can be provided where needed to promote safety and security;
  7. To allow for flexibility in the style of lighting fixtures;
  8. To provide lighting guidelines;
  9. To provide assistance to property owners and occupants in bringing nonconforming lighting into conformance with this chapter; and
  10. To work with other jurisdictions within Blaine County to meet the purposes of this chapter.
- C. Scope: All exterior lighting installed after the effective date hereof in any and all zoning districts in the city shall be in conformance with the requirements established by this chapter and any other applicable ordinances. All existing lighting installed prior to the effective date hereof in any and all zoning districts in the city shall be addressed as follows:
1. All existing lighting located on a subject property that is part of an application for a city planning department design review, conditional use, subdivision permit, or building permit is required to be brought into conformance with this chapter. Conformity shall occur prior to issuance of a certificate of occupancy, final inspection or final plat recordation, when applicable. For other permits, the applicant shall have a maximum of thirty (30) days from date of permit issuance to bring the lighting into conformance.
  2. All existing exterior commercial lighting that is not in conformance with this chapter shall be brought into conformance with this chapter by June 30, 2000.
  3. All existing lighting that does not meet the requirement of section [17.124.050](#) of this title, which states that "any parking, yard or building illumination in (any) zoning (district) shall be so directed as to protect adjacent properties from glare and direct lighting", is required to be brought into conformance with section [17.124.050](#) of this title.
  4. All existing exterior residential lighting, not affected by subsections C1 and C3 of this section, that does not comply with this chapter is required to be brought into conformance with this chapter by June 30, 2001.
  5. In the event of a discrepancy in applicable ordinances, the most restrictive shall apply. (Ord. 743 § 1, 1999)

### 17.132.020: DEFINITIONS:

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meanings they have in common usage and to give this section its most reasonable application.

**AREA LIGHT:** Light that produces over one thousand eight hundred (1,800) lumens (see addendum 1, on file in the Ketchum planning department, for light output of various lamps). Area lights include, but are not limited to, streetlights, parking lot lights and yard lights.

**AVERAGE FOOT-CANDLE:** The level of light measured at an average point of illumination between the brightest and darkest areas. The measurement can be made at the ground surface or at four (4) to five feet (5') above the ground.

**BALLAST:** A device used with a discharge lamp to obtain the necessary voltage, current, and/or wave form for starting and operating the lamp.

**BUILDING OFFICIAL:** The city of Ketchum building official.

**BULB:** The source of electric light, to be distinguished from the whole assembly (see definition of Luminaire).

**CANDELA (cd):** Unit of luminous intensity.

**COMMISSION:** The city of Ketchum planning and zoning commission.

**EIGHTY FIVE DEGREE FULL CUTOFF TYPE FIXTURES:** Fixtures that do not allow light to escape above an eighty five degree (85°) angle measured from a vertical line from the center of the lamp extended to the ground (see subsection P, figure 2, of this section).

**EXISTING LIGHTING:** Any and all lighting installed prior to the effective date hereof.

**EXTERIOR LIGHTING:** Temporary or permanent lighting that is installed, located or used in such a manner to cause light rays to shine outside. Fixtures that are installed indoors that are intended to light something outside are considered exterior lighting for the intent of this chapter.

**FIXTURE:** The assembly that holds the lamp in a lighting system. It includes the elements designed to give light output control, such as a reflector (mirror) or refractor (lens), the ballast, housing, and the attachment parts.

**FLOODLIGHT:** Light that produces up to one thousand eight hundred (1,800) lumens (see addendum 1, attached to ordinance 743, for light output of various lamps) and is designed to flood a well defined area with light. Generally, floodlights produce from one thousand (1,000) to one thousand eight hundred (1,800) lumens.

**FLUX (RADIANT FLUX):** Unit is erg/sec or watts.

**FOOT-CANDLE:** Illuminance produced on a surface one foot (1') from a uniform point source of one candela, measured by a light meter.

**FULL CUTOFF FIXTURES:** Fixtures, as installed, that are designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted (see subsection P, figure 1, of this section).

**GLARE:** Intense light that results in discomfort and/or a reduction of visual performance and visibility.

**HOLIDAY LIGHTING:** Festoon type lights, limited to small individual bulbs on a string, where the spacing of bulbs is not closer than three inches (3") and where the output per bulb is no greater than fifteen (15) lumens.

**ILLUMINANCE:** Density of luminous flux incident on a surface. Unit is foot-candle or lux.

**ILLUMINATING ENGINEERING SOCIETY OF NORTH AMERICA (IES OR IESNA):** The professional society of lighting engineers, including those from manufacturing companies, and others professionally involved in lighting.

**LAMP:** The source of electric light; the bulb and its housing. To be distinguished from the whole assembly (see definition of Luminaire).

**LIGHT:** The form of radiant energy acting on the retina of the eye to make sight possible; brightness, illumination, a "lamp", as defined in this section.

**LIGHT POLLUTION:** Any adverse effect of manmade light including, but not limited to, light trespass, uplighting, the uncomfortable distraction to the eye, or any manmade light that diminishes the ability to view the night sky; often used to denote urban sky glow.

**LIGHT TRESPASS:** Light falling where it is not wanted or needed, generally caused by a light on a property that shines onto the property of others.

**LIGHTING:** Any or all parts of a luminaire that function to produce light.

**LUMEN:** Unit of luminous flux; the flux emitted within a unit solid angle by a point source with a uniform luminous intensity of one candela. One foot-candle is one lumen per square foot. One lux is one lumen per square meter.

**LUMINAIRE:** The complete lighting unit, including the lamp, the fixture, and other parts.

**LUMINANCE:** At a point and in a given direction, the luminous intensity in the given direction produced by an element of the surface surrounding the point divided by the area of the projection of the element on a plane perpendicular to the given direction; units: candelas per unit area. The "luminance" is the perceived brightness that we see, the visual effect of the illuminance, reflected, emitted or transmitted from a surface.

**NONESSENTIAL:** Lighting that is not necessary for an intended purpose after the purpose has been served; does not include any lighting used for safety and/or public circulation purposes. Example: For purposes of this chapter, lighting for a business sign is considered essential during business hours; however, is considered nonessential once the business is closed.

**PARTIALLY SHIELDED:** The bulb of the fixture is shielded by a translucent siding, and the bulb is not visible at all. Light may be emitted at the horizontal level of the bulb (see subsection P, figure 3, of this section).

**PLANNING AND ZONING ADMINISTRATOR:** The city of Ketchum planning and zoning administrator or a member of the city of Ketchum planning department staff.

**RECESSED:** When a light is built into a structure or portion of a structure such that the light is fully cut off and no part of the light extends or protrudes beyond the underside of a structure or portion of a structure.

**SHIELDED:** When the light emitted from the fixture is projected below a horizontal plane running through the lowest point of the fixture where light is emitted.

The bulb is not visible with a shielded light fixture, and no light is emitted from the sides of the fixture; also considered a full cutoff fixture (see subsection P, figure 4, of this section).

**TEMPORARY LIGHTING:** Lighting that is intended to be used for a special event for seven (7) days or less.

**UPLIGHTING:** Lighting that is directed in such a manner as to shine light rays above the horizontal plane. (Ord. 743 § 2, 1999)

### **17.132.030: CRITERIA:**

The commission, the building official and/or the planning and zoning administrator shall have the authority to require new lighting and existing lighting pursuant to subsection [17.132.010C1](#) of this chapter to meet the recommendations and guidelines, in addition to the requirements, of this chapter.

- A. **Lighting Plans Required:** All applications for design review, conditional use, subdivision and/or building permits shall include lighting plans showing location, type, height and lumen output of all proposed and existing fixtures. The applicant shall provide enough information to verify that lighting conforms to the provisions of this chapter. The planning and zoning administrator, commission and/or building official shall have the authority to request additional information in order to achieve the purposes of this chapter.
- B. **Full Cutoff Fixtures:** All exterior lighting shall be full cutoff fixtures with the light source fully shielded, with the following exceptions:
1. Luminaires that have a maximum output of two hundred sixty (260) lumens per fixture, regardless of number of bulbs (equal to one 20-watt incandescent light), may be left unshielded, provided the fixture has an opaque top to keep light from shining directly up (see subsection P, figure 5, of this section).
  2. Luminaires that have a maximum output of one thousand (1,000) lumens per fixture, regardless of number of bulbs (equal to one 60-watt incandescent light) may be partially shielded, provided the bulb is not visible, and the fixture has an opaque top to keep light from shining directly up (see subsection P, figure 3, of this section).
  3. Floodlights with external shielding may be angled; provided, that no light escapes above a twenty five degree (25°) angle measured from the vertical line from the center of the light extended to the ground, and only if the light does not cause glare or light to shine on adjacent property or public rights of way (see subsection P, figure 6, of this section). Floodlights with directional shielding are encouraged (see subsection P, figure 7, of this section). Photocells with timers that allow a floodlight to go on at dusk and off by eleven o'clock (11:00) P.M. are encouraged.
  4. "Holiday lights", as defined in section [17.132.020](#) of this chapter, are exempt from the requirements of this chapter for the six and one-half (6<sup>1</sup>/<sub>2</sub>) month period from November 1 to April 15; except, that flashing holiday lights are prohibited on commercial properties. Flashing holiday lights on residential properties are discouraged. Holiday lights are encouraged to be turned off after bedtime and after close of businesses.
  5. Sensor activated lighting may be unshielded, provided it is located in such a manner as to prevent direct glare and lighting into properties of others or into a public right of way, and provided the light is set to only go on when activated and to go off within five (5) minutes after activation has ceased, and the light shall not be triggered by activity off the property.
  6. Vehicle lights and all temporary emergency lighting needed by the fire and police departments or other emergency services shall be exempt from the requirements of this chapter.
- C. **Light Trespass:** It is the intent of this chapter to eliminate and prevent light trespass through the proper installation of lighting fixtures. All existing and/or new exterior lighting shall not cause light trespass and shall be such as to protect adjacent properties from glare and excessive lighting.
- D. **IESNA Guidelines:** The commission may require that any new lighting or existing lighting that comes before them meet the standards for foot-candle output as established by IESNA.
- E. **Nonessential Exterior Commercial And Residential Lighting:** All nonessential exterior commercial and residential lighting is encouraged to be turned off after business hours and/or when not in use. Lights on a timer are encouraged. Sensor activated lights are encouraged to replace existing lighting that is desired for security purposes.
- F. **Area Lights:**
1. All area lights, including streetlights and parking area lighting, shall be full cutoff fixtures and are encouraged to be eighty five degree (85°) full cutoff type fixtures. Streetlights shall be in accordance with the Idaho Power franchise agreement and/or the light conformance schedule adopted by resolution by the city council. Streetlights shall be high pressure sodium, low pressure sodium or metal halide, unless otherwise determined by the council that another type is more efficient. Streetlights along residential streets shall be limited to a seventy (70) watt high pressure sodium (hps) light. Streetlights along nonresidential streets or at intersections shall be limited to one hundred (100) watts hps; except, that lights at major intersections on state highways shall be limited to two hundred (200) watts hps. If the council permits a light type other than high pressure sodium, then the equivalent output shall be the limit for the other light type (see addendum 1, on file in the Ketchum planning department); for example: a one hundred (100) watt high pressure sodium lamp has a roughly equivalent output as a fifty five (55) watt low pressure sodium lamp or a one hundred (100) watt metal halide lamp.

- 2. Parking area lights are encouraged to be greater in number, lower in height and lower in light level, as opposed to fewer in number, higher in height and higher in light level. Parking lot lighting shall not exceed IESNA recommended foot-candle levels.
- 3. All freestanding area lights within a residential zone, except streetlights, shall be mounted at a height equal to or less than the value  $3 + (D/3)$ , where D is the distance in feet to the nearest property boundary.

G. Luminaire Mounting Height: Freestanding luminaires shall be no higher than twenty five feet (25') above the stand/pole base; except, that luminaires used for playing fields shall be exempt from the height restriction, provided all other provisions of this chapter are met and the light is used only while the field is in use; and except, that streetlights used on major roads may exceed this standard if necessary as determined by the city council, as advised by a lighting engineer. Building mounted luminaires shall be attached only to walls, and the top of the fixture shall not exceed the height of the parapet or roof, whichever is greater.

H. Uplighting: Uplighting is prohibited in all zoning districts, except in cases where the fixture is shielded by a roof overhang or similar structural shield from the sky, and an Idaho licensed architect or engineer has stamped a prepared lighting plan that ensures that the light fixture(s) will not cause light to extend beyond the structural shield, and except as specifically permitted in this chapter.

I. Flagpoles: Upward flagpole lighting is permitted for governmental flags only; and provided, that the maximum lumen output is one thousand three hundred (1,300) lumens. Flags are encouraged to be taken down at sunset to avoid the need for lighting.

J. Service Stations: The average foot-candle lighting level for new and existing service stations is required to be no greater than thirty (30) foot-candles, as set by the IESNA for urban service stations.

K. Canopy Lights: All lighting shall be recessed sufficiently so as to ensure that no light source is visible from or causes glare on public rights of way or adjacent property.

L. Landscape Lighting: Lighting of vegetation is discouraged and shall be in conformance with this chapter. Uplighting is prohibited.

M. Towers: All radio, communication and navigation towers that require lights shall have dual lighting capabilities. For daytime, the white strobe light may be used, and for nighttime, only red lights shall be used.

N. Temporary Lighting: Temporary lighting that conforms to the requirements of this chapter shall be allowed. Nonconforming temporary exterior lighting may be permitted by the planning and zoning administrator only after considering: 1) the public and/or private benefits which will result from the temporary lighting; 2) any annoyance or safety problems that may result from the use of the temporary lighting; and 3) the duration of the temporary nonconforming lighting. The applicant shall submit a detailed description of the proposed temporary nonconforming lighting to the planning and zoning administrator. The administrator shall provide written notice of said request to owners of property immediately adjacent to the subject property. Said notice shall inform adjacent property owners they may comment on the request during a period of not less than ten (10) days after mailing of the notice and prior to final action on said request.

O. Neon Lights: Neon lights are only permitted pursuant to the sign ordinance, section [17.124.040](#) of this title.

P. Figures: The following figures and information sheets shall be incorporated into this chapter as guidelines for the public and the city for use in meeting the intent of this chapter. The figures and information sheets only serve as examples. The city does not endorse or discriminate against any manufacturer or company that may be shown, portrayed or mentioned by the examples. Additional information is provided at the Ketchum planning department.

Figure 1

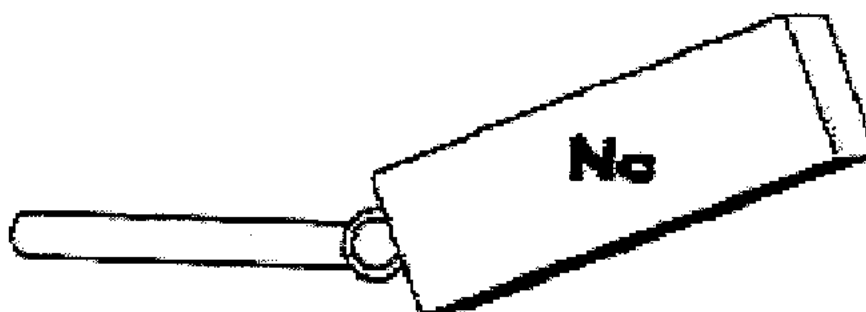
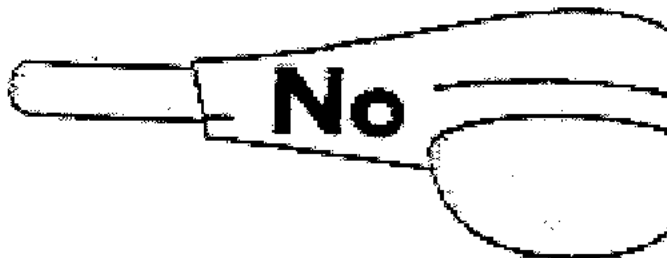
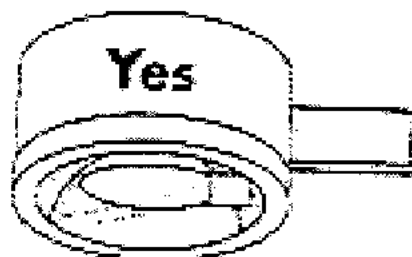
What is a true "full cutoff" outdoor lighting fixture?



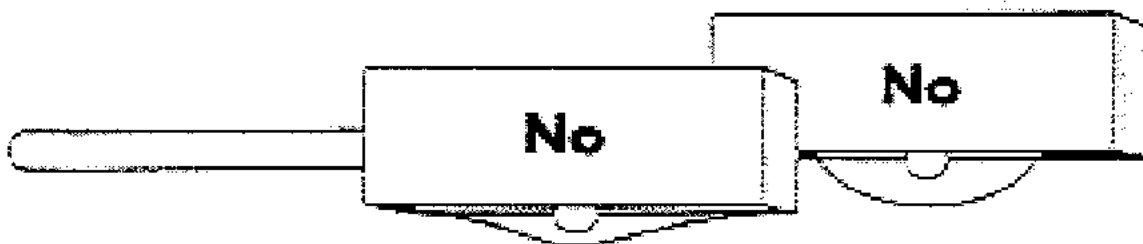




Flat glass lens, eliminates or minimizes direct glare, no upward throw of light. fixtures is available in may styles.



Same fixture as above mounted incorrectly - defeating the horizontal mounti now produces direct glare, and can also produce uplift at steeper mounting



Known as just "cutoff". Center "drop" or "sag" lens with or without exposed glare.



Forward throw style. Exposed bulb in the forward direction produces s

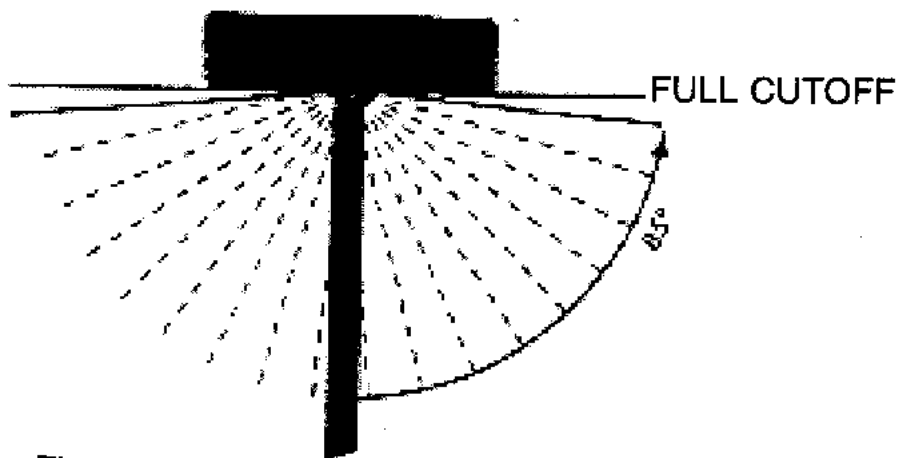


Figure 2

85° Full cutoff fixture

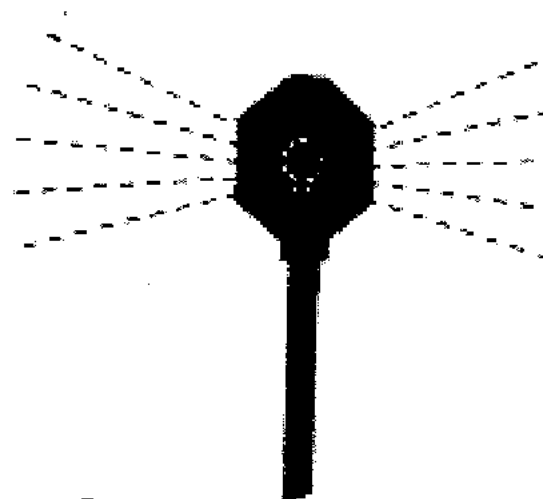


Figure 3

Partially shielded  
(Translucent siding - bulb not visi

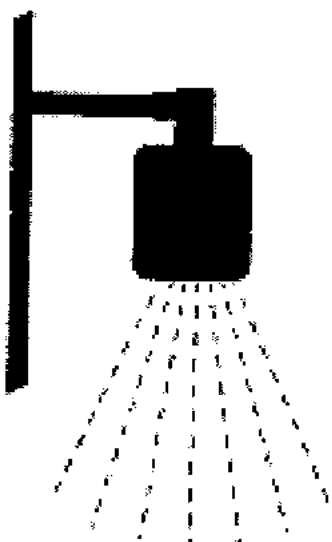


Figure 4

Shielded

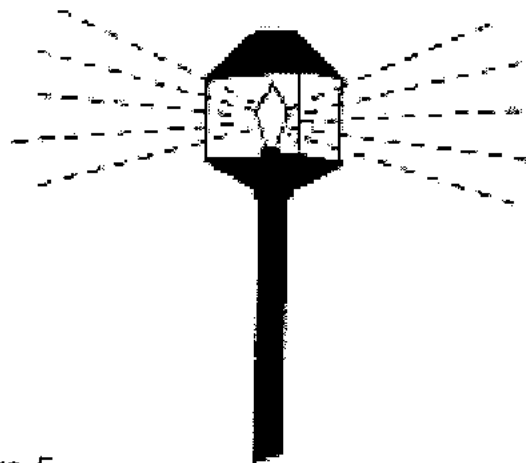


Figure 5

Unshielded with opaque top  
(Less than 260 lumens)



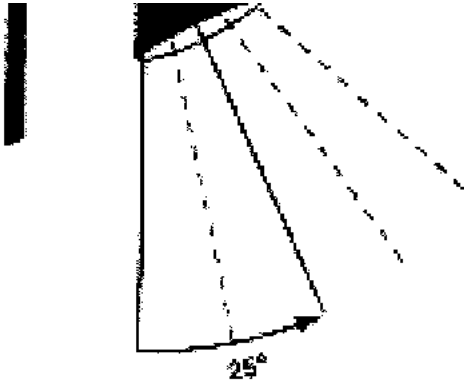


Figure 6

Angle of floodlight  
with external shielding

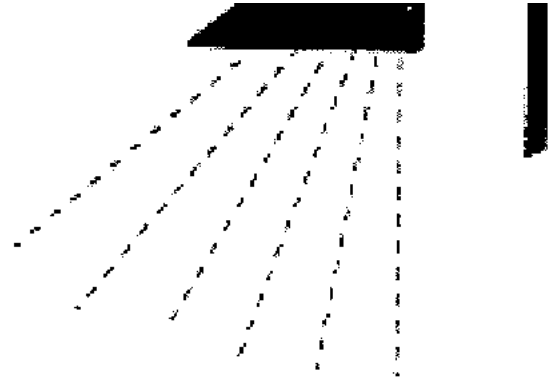
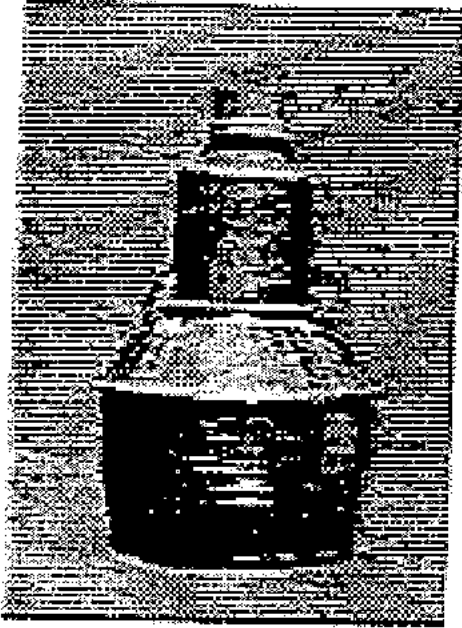


Figure 7

Directional floodlight

## Figure 8 NEMA Head Fixtures



Without Shield



With Shield

(Ord. 743 § 3, 1999)

**17.132.040: NOTIFICATION:**

- A. The city building and planning department permits shall include a statement asking whether the subject property of the proposed work includes any exterior lighting.
- B. Within thirty (30) days of the effective date hereof, the planning and zoning administrator shall send a copy of the dark sky ordinance with a cover letter to all local electricians and local electric suppliers listed in the local 1999 telephone books, as well as to the Ketchum/Sun Valley chamber of commerce. Within ninety (90) days (coincide with next available mailing), the planning and zoning administrator shall send notice to all property owners on the Ketchum water/sewer mailing list. (Ord. 743 § 4, 1999)

#### **17.132.050: THE CITY'S ROLE:**

- A. The city will commit to changing all lighting within the city rights of way and on city owned property to meet the requirements of this chapter through the franchise agreement with the power company and/or through the light conformance schedule adopted by resolution by the council.
- B. The city will assist property owners and/or occupants to correct any nonconforming lighting through consulting with the owner/occupant and assisting in the provision of shields. (Ord. 743 § 5, 1999)

#### **17.132.060: VIOLATIONS, LEGAL ACTIONS AND PENALTIES:**

- A. Violations And Legal Actions: If, after investigation, the planning and zoning administrator finds that any provision of this chapter is being violated, the administrator shall give notice by hand delivery or by certified mail, return receipt requested, of such violation to the owner and/or to the occupant of such premises, demanding that the violation be abated within thirty (30) days of the date of hand delivery or of the date of mailing of the notice. The planning department staff shall be available to assist in working with the violator to correct such violation. If the violation is not abated within the thirty (30) day period, the administrator may institute actions and proceedings, either legal or equitable, to enjoin, restrain or abate any violations of this chapter and to collect the penalties for such violations.
- B. Penalty: A violation of this chapter, or any provision thereof, shall be punishable by a civil penalty of one hundred dollars (\$100.00), and each day of violation after the expiration of the thirty (30) day period provided in subsection A of this section shall constitute a separate offense for the purpose of calculating the civil penalty. (Ord. 743 § 6, 1999)

## **Chapter 17.136 NONCONFORMING USES AND NONCONFORMING BUILDINGS**

#### **17.136.010: DEFINITIONS:**

**NONCONFORMING BUILDING:** Means and includes any legally existing building which does not conform to the location and bulk regulations of this title for the district in which such "nonconforming building" is located, either at the effective date hereof or as a result of subsequent amendments which may be incorporated into this title.

**NONCONFORMING USE:** Means and includes any legally existing use, whether within a building or other structure or on a tract of land, which does not conform to the use regulations of this title for the district in which such "nonconforming use" is located either at the effective date hereof or as a result of subsequent amendments which may be incorporated into this title. (Ord. 208 § 26.1, 1974)

#### **17.136.020: CONTINUATION OF USE:**

A nonconforming use may be continued and a nonconforming building may continue to be occupied except as both are otherwise provided for in this chapter. (Ord. 208 § 26.2, 1974)

#### **17.136.030: CHANGE OF USE:**

A nonconforming use may be changed only to a conforming use. (Ord. 208 § 26.3, 1974)

#### **17.136.040: ABANDONMENT OF USE:**

- A. An owner shall not be deprived of the right to use improvements on private property for their designed purpose based solely on the nonuse of the improvements for their designed purpose for a period of ten (10) years or less. Where an owner or his authorized agent permits or allows an approved or unlawful intervening use of the owner's property, the provisions of this subsection are not applicable.
- B. For purposes of this section "designed purpose" means the use for which the improvements were originally intended, designed and approved pursuant to any applicable planning and zoning ordinances.
- C. For all uses where the provisions of subsection A of this section are not applicable: If active and continuous operations are not carried on in a nonconforming use during a continuous period of six (6) months, the building, other structure or tract of land where such nonconforming use previously existed shall be occupied and used only for a conforming use. Intent to resume active operations shall not affect the foregoing. (Ord. 1110, 2013)

#### **17.136.050: RESTORATION:**

A nonconforming building which has been damaged or destroyed by fire or any other calamity, may be restored to its preexisting nonconforming condition if a building permit for the work of restoration is obtained within two (2) years of the date of the fire or other calamity and the work of the restoration complies with the international building and fire codes in effect at the time of the issuance of the building permit.

Nonmaterial changes to the preexisting nonconforming condition may be approved at the city's discretion. If additional square footage is added, that additional square footage may be subject to the current requirements of the underlying zone district at the discretion of the planning and zoning department head. (Ord. 1054 § 1, 2009)

#### **17.136.060: ENLARGEMENT OF A NONCONFORMING BUILDING OR A NONCONFORMING USE:**

A nonconforming use shall not be enlarged or extended and a nonconforming building shall not be enlarged or extended so as to increase the degree of nonconformity. Additions and/or enlargements to existing buildings are not considered to be nonconforming or to increase the degree of nonconformity, so long as the additions and/or enlargements comply with the following:

- A. Any additional square footage may be subject to the current requirements of the underlying zone district at the discretion of the planning and zoning department head.
- B. Fifty percent (50%) of the building footprint and exterior walls of a nonconforming structure must remain unaltered. (Ord. 1054 § 2, 2009)

#### **17.136.070: ALTERATION OF A NONCONFORMING BUILDING:**

A nonconforming building may be structurally altered or repaired in any way permitted by these regulations. (Ord. 208 § 26.7, 1974)

#### **17.136.080: STRUCTURAL CHANGES:**

Any building or other structure containing a nonconforming use or any nonconforming building or portion declared unsafe by the city building inspector may be strengthened or restored to a safe condition. (Ord. 208 § 26.8, 1974)

## Chapter 17.140 WIRELESS COMMUNICATION FACILITIES

### 17.140.010: INTENT AND PURPOSE:

- A. The unique and diverse landscapes and scenic vistas of the city are among its most valuable assets. Protecting these assets will require sensitive placement and design of wireless communication facilities (WCFs) to remain in scale and harmony with the character of the community.
- B. This chapter is intended to provide reasonable standards and procedures for the development of WCFs that will serve citizens, the traveling public and others within the city in order to:
1. Preserve the character and aesthetics of areas which are in close proximity to WCFs by minimizing the visual, aesthetic and safety impacts through careful design, placement and screening;
  2. Protect the health, safety and welfare of persons living or working in the area surrounding such WCFs from possible adverse environmental effects (within the confines of the federal telecommunications act of 1996) related to the placement, construction or modification of such facilities;
  3. Provide development that is compatible in appearance with allowed uses of the underlying zone;
  4. Facilitate the city's permitting process to encourage fair and meaningful competition and, to the greatest extent possible, extend to all people in all areas of the city high quality wireless communication services at reasonable costs to promote the public welfare; and
  5. Encourage the joint use and clustering of antenna sites and structures, when practical, to help reduce the number of such facilities which may be required in the future to service the needs of customers and, thus, avert unnecessary proliferation of facilities on private and public property. (Ord. 744 § 1, 1999)

### 17.140.020: DEFINITIONS:

For the purposes of this chapter, the following terms shall have the meanings ascribed to them below:

**ACOUSTICAL ENGINEER:** A professional engineer with demonstrated education, accreditation and experience to perform and certify noise measurements.

**ANTENNA:** Any exterior apparatus designed for telephonic, radio or television communications through the sending and/or receiving of electromagnetic waves including equipment attached to a tower or building for the purpose of providing personal wireless services. Antennas include the following types:

- A. Omnidirectional (or "whip") antenna: Receives and transmits signals in a three hundred sixty degree (360°) pattern, and which is up to fifteen feet (15') in height and up to four inches (4") in diameter.
- B. Directional (or "panel") antenna: Receives and transmits signals in a directional pattern typically encompassing an arc of one hundred twenty degrees (120°).
- C. Parabolic (or "dish") antenna: A bowl shaped device that receives and transmits signals in a specific directional pattern.
- D. Ancillary antenna: An antenna that is less than twelve inches (12") in its largest dimension and that is not directly used to provide personal wireless communication services. An example would be a global positioning satellite antenna (GPS).
- E. Other: All other transmitting or receiving equipment not specifically described in this chapter which most closely resembles such equipment.

**BUILDING:** Any permanent structure built for the shelter or enclosure of persons, animals, chattels or property of any kind, which:

- A. Is permanently affixed to the land; and
- B. Has one or more floors and a roof.

**CARRIER:** A company that provides wireless services.

**COLLOCATION:** The use of a single support system on the ground by more than one carrier (vertical collocation) and/or several support systems on an existing building or structure by more than one carrier.

**EIA:** The electronic industries association.

**EQUIPMENT ENCLOSURE:** A small enclosed structure, shelter, cabinet, box or vault at the base of the support system within which are housed batteries and electrical equipment.

**FAA:** The federal aviation administration.

**FCC:** The federal communications commission.

**FACADE ATTACHED ANTENNA:** Any antenna directly attached or affixed to the elevation of a building, tank, tower, or other structure.

**FREESTANDING TOWER:** A tower not physically attached to a building or structure. The tower is attached to the ground by a foundation.

**FULLY AUTOMATED WCF:** No on site personnel required for the daily operation of the WCF.

**GUYWIRE:** Diagonal cables utilized to tie towers to the ground or other surfaces.

**LATTICE TOWER:** A support structure that consists of a network of crossed metal braces, forming a tower that is usually triangular or square in cross section.

**LICENSED CARRIER:** A company authorized by the FCC.

**NONAUTOMATED:** A WCF with on site personnel.

**NONRESIDENTIAL STRUCTURE:** A building or structure not constructed for residential purposes or as an accessory structure for residential purposes, not including nonconforming uses.

**PHOTO SIMULATION:** Computer generated photographs, renderings combining existing subject adjacent property conditions and improvements with proposed improvements.

**RESIDENTIAL DEVELOPMENT:** A building utilized exclusively for short or long term residential purposes.

**RIGHT OF WAY:** Means and includes all public streets and utility easements, now and hereafter owned by the city of Ketchum or other public entity, but only to the extent of the city or public entity's right, title, interest or authority to grant a license to occupy and use such streets and easements for wireless communication facilities.

**RIPARIAN SETBACK:** A twenty five foot (25') setback measured from the mean high water mark along the banks of waterways.

**SCENIC VISTA, LANDSCAPE AND ROAD:** As defined within the comprehensive plan and/or other city ordinances.

**SERVICE AREA:** Contained areas within which a wireless communication facility is able to transmit clear signals, generally circular in form.

**STREET POLE:** A telephone, electric or cable television pole located in a developed street right of way.

**STRUCTURE:** Anything constructed which requires permanent or indefinite location or attachment on the ground, not including fences.

**SUPPORT STRUCTURE:** The structure to which an antenna and other necessary associated hardware is attached. Support structures include, but are not limited to, the following:

A. Nonresidential structure.

B. Monopole: A single pole sunk into the ground and/or attached to a foundation.

C. Street pole: A telephone, electric or cable television pole located in a developed street right of way.

**TOWER:** A mast, pole, monopole, or other structure designed and primarily used to support antennas.

**WATERWAY:** A channel, natural or manmade, which water runs through.

**WHIP ANTENNA:** See subsection A of the definition of Antenna.

**WIRELESS COMMUNICATION FACILITY (WCF):** A facility that transmits and/or receives electromagnetic signals, including antennas, microwave dishes, parabolic antennas, directional antennas and other types of equipment for the transmission or reception of such signals, towers or similar structures supporting the equipment, equipment buildings, shelters, cabinets, parking area, and other accessory development. (Ord. 744 § 2, 1999)



**17.140.030: DISTRICT REGULATIONS:**

- A. Use: The placement, use or modification of any wireless communication facilities at any location within the city is subject to the provisions of this chapter. WCFs shall be permitted only as an accessory use in any zone.
1. Residential zones: Freestanding WCFs, including lattice towers, are prohibited. WCFs attached to street poles or facades attached to nonresidential buildings are permitted subject to the provisions of this chapter.
  2. Nonresidential zones: Lattice tower WCFs are prohibited. Other WCFs are permitted subject to the provisions of this chapter.
- B. Siting And Facility Type Priorities:
1. Site Selection Criteria: A master development plan is to be created, prior to any WCF permit request, based upon engineering constraints and desired areas of service. WCFs shall be located on the master development plan in the following priority order:
    - a. Collocation on an existing tower, structure or building. The applicant shall have the burden of proving that there are no feasible existing structures upon which to locate, as described in subsection C of this section.
    - b. In areas where the existing topography, vegetation, buildings and other structures provide the greatest amount of screening.
    - c. Use of city owned property.
    - d. Other nonresidential buildings or vacant nonresidentially zoned land.
  2. Facility Type Preferred: Based on potential aesthetic impact, the order of preference for facility type is as follows: roof attached, facade attached, street pole attached and freestanding tower.
- C. Collocation Requirement: Collocation is considered to be a visually unobtrusive installation method because the equipment is attached to an existing structure. Collocation shall require only an administrative review under the terms of the application procedures in section [17.140.040](#) of this chapter. No new tower shall be permitted unless the applicant demonstrates a good faith effort to collocate on an existing facility including good faith efforts to negotiate lease rights. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antennas may consist of any of the following:
1. No existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements;
  2. Existing towers or structures are not sufficiently designed to meet the applicant's engineering requirements as indicated in their master development plan;
  3. Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment;
  4. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna; and/or
  5. The fees, costs or contractual provisions required by the owner in order to share an existing tower or structure, or to adapt an existing tower or structure for share, are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
- D. Prohibitions: The following are prohibited or restricted within the city:
1. Lattice towers, prohibited.
  2. Interference with city and public safety communication systems and/or area television or radio broadcast, prohibited.
  3. Freestanding towers within residentially zoned districts, prohibited.
  4. Guywires, restricted. No guywire or other support wires shall be used in connection with such antenna, antenna array or its support structure except when used to anchor the antenna, antenna array or support structure to an existing building to which such antenna, antenna array or support structure is attached. (Ord. 744 § 3, 1999)

**17.140.040: APPLICATION PROCEDURES:**

- A. Permit Granting Authority: The planning and zoning administrator shall be the granting authority for WCFs collocating on an existing structure or street poles. The city council must approve an encroachment permit for the street pole mounted WCFs. The planning and zoning commission (commission) shall be the granting authority for all other WCFs and all master development plans in compliance with the public hearing process identified in subsection G of this section.

**B. Master Development Plan:**

1. An approved master development plan is required prior to the processing of any WCF permit application. The planning and zoning administrator may waive the processing of a master development plan if it can be demonstrated that a network of WCFs will not be required of the owner/operator of the proposed WCF.
2. The master development plan illustrates a carrier's expected network of WCFs within and adjacent to the city. It shall forecast five (5) years in advance the approximate locations of future facilities and the area of service, but is not required to detail the specific type of facility (e.g., pole, roof, building attached). A master development plan shall be submitted prior to the submittal of any WCF permit application by each company desiring placement of a WCF(s) within the city. The master development plan shall be submitted and approved by the commission prior to the processing of any WCF permit. Future amendments to each company's master development plan shall be submitted and reviewed by the commission prior to approval of additional facility locations.

**C. Master Development Plan Filing Requirements:** The city, prior to processing a master development plan application, must determine a master development plan application to be complete. The city shall determine an application complete when the application contains the information described below. The following shall be included with an application for master development plan approval:

1. Application: The application form shall include at a minimum:
  - a. Name, address and telephone number of the applicant, any coapplicants as well as any agents for the applicant and coapplicants. The applicant or coapplicant shall be a licensed carrier.
  - b. Name, address and telephone number of the licensed carrier.
  - c. Original signatures for the applicant and all coapplicants applying for master development plan approval. If the applicant or coapplicant will be represented by an agent, the original signature authorizing the agent to represent the applicant and/or coapplicant.
  - d. Application fee.
2. Map: A map encompassing the city and surrounding area within one mile drawn to scale of no less than one inch equals five hundred feet (1" = 500'), specifying the following:
  - a. Location of proposed WCFs;
  - b. Service area of each WCF;
  - c. Street names of major streets and streets adjacent to identified WCF locations;
  - d. All existing WCFs operated by the applicant and other carriers;
  - e. Separation distance between proposed and existing WCFs measured in feet;
  - f. Information demonstrating compliance with the standards of this chapter;
  - g. Existing watercourses and natural features that restrict the placement of WCFs or the associated service areas; and
  - h. North arrow, scale and legend.

**D. Preapplication:** Prior to submission of a WCF permit application under this chapter requiring commission approval, the applicant will meet with the commission at a public meeting to discuss the proposed WCF in general terms, its compliance with the carrier's master development plan and to clarify the filing requirements. The commission shall meet with an applicant under this chapter within twenty one (21) days following a written request submitted to the planning and zoning department. If the commission fails to meet with an applicant who has requested such a meeting within twenty one (21) days of such request and such meeting has not been postponed due to mutual agreement, the applicant may proceed with a WCF permit application under this regulation without need for a preapplication conference.**E. Preapplication Filing Requirements:** The purpose of the conference is to inform the commission as to the preliminary nature of the proposed WCF and its relation to the master development plan. As such, only the evidence of the inability to collocate is required. However, the applicant is encouraged to also submit sufficient preliminary architectural and/or engineering drawings to inform the commission of the location of the proposed facility, as well as its scale and overall design.**F. Application Filing Requirements:** A WCF permit is required prior to the installation or modification of any new or existing WCF. An application for a WCF permit must be determined to be complete by the city prior to processing. The city shall determine an application complete when the application contains the information described below, in addition to the standard application information required under the design review chapter, [chapter 17.96](#) of this title. The following shall be included with an application for a WCF permit:

1. The application form shall include at a minimum:
  - a. Name, address and telephone number of the applicant, any coapplicants, as well as any agents for the applicant and coapplicants. The applicant or coapplicant shall be a licensed carrier.
  - b. Name, address and telephone number of the property owner(s).

- c. Original signatures for the applicant and all coapplicants applying for a WCF permit. If the applicant or coapplicant will be represented by an agent the original signature authorizing the agent to represent the applicant and/or coapplicant.
  - d. A complete legal description of the subject property.
  - e. Application fee.
2. A site plan drawn to scale of no less than one inch equals twenty feet (1" = 20'), specifying the following:
- a. Location, type and height of the proposed WCF with setbacks;
  - b. On site structures, land uses and zoning;
  - c. Circulation. Adjacent roadways, ingress and egress from such roadways, parking and pedestrian circulation and access;
  - d. Fences, signs, exterior lighting and storm drainage;
  - e. Property lines with dimensions, adjacent land uses, structures and zoning;
  - f. Information demonstrating compliance with the standards of this chapter;
  - g. Existing watercourses, utility lines, easements, deed restrictions and other built or natural features restricting the use of the subject property;
  - h. North arrow, scale and legend; and
  - i. The city, at its discretion, may waive any of the above site plan requirements for WCFs attached to existing structures.
3. A written description of how the proposed WCF fits within the master development plan.
4. A landscape plan drawn to scale of no less than one inch equals twenty feet (1" = 20'), specifying the following:
- a. Existing and proposed landscaping indicating size, location and species of vegetation;
  - b. Indication of existing vegetation to be removed or retained;
  - c. Information demonstrating compliance with the screening standards of this chapter; and
  - d. The landscape plan may be waived when the WCF is to be attached to a building and the equipment is located within the building.
5. Elevation drawings or before and after photographs/drawings simulating and specifying the location and height of the antennas, support structures, equipment enclosure(s) and other accessory uses, fences and signs.
6. Elevations of proposed aboveground equipment enclosures in compliance with the requirements of the design review chapter, [chapter 17.96](#) of this title.
7. A map indicating the service area of the facility.
8. A map indicating locations and service areas of other WCF sites operated by the applicant and sites of other providers' facilities in the city and within one mile of the city's corporate limits.
9. Four (4) copies of all plans and one eleven inch by seventeen inch (11" x 17") paper reduction of each plan.
10. Photo simulations of the proposed WCF from affected residential properties and public rights of way at varying distances.
11. Evidence as specified in subsection [17.140.030C](#), "Collocation Requirement", of this chapter.
12. Written documentation demonstrating a good faith effort in locating facilities in accordance with subsection [17.140.030B](#), "Siting And Facility Type Priorities", of this chapter.
13. A description of the support structure or building upon which the WCF is proposed to be located, and the technical reasons for the design and configuration of the WCF.
14. Signed and notarized statement by the applicant indicating:
- a. The proposed tower shall accommodate collocation of additional antennas, and the applicant shall enter into leases with other providers on such tower;
  - b. Certification that the antenna usage shall not interfere with other adjacent or neighboring transmission or reception functions;
  - c. The applicant agrees to remove the WCF and equipment within ninety (90) days after the site's use is discontinued; and
  - d. The tower shall comply with all EIA standards and applicable federal and state laws and regulations and the city ordinances including FAA regulations.
15. A lease agreement with the landholder that:
- a. Allows the landholder to enter into leases with other providers; and
  - b. Specifies that if the provider fails to remove the WCF and equipment within ninety (90) days of its discontinued use, the responsibility for removal belongs to the landholder.
16. The applicant shall demonstrate that it is licensed with the FCC.

17. A completed right of way encroachment permit application if the WCF is to be located within a public right of way.
- G. Public Hearing: Prior to approving a master development plan or a WCF permit as specified in subsection A of this section, the commission shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. The public hearing shall be noticed in the following manner:
1. Publication: At least fifteen (15) days prior to the public hearing, notice of the time and place and a summary of the proposal shall be published in the official newspaper or paper of general circulation within the city. Notice may also be made available to other newspapers and radio and television stations serving the city for use as public service announcements.
  2. Posting: Notice shall be posted on the premises not less than one week prior to the public hearing.
  3. Mailing: Notice shall be mailed to property owners or purchasers of record within three hundred feet (300') of the external boundaries of the land being considered.
  4. Commission Action: Following the public hearing, within sixty (60) days from said hearing, the commission shall approve, deny or approve with conditions the application for a WCF permit. (Ord. 744 § 4, 1999)

#### **17.140.050: STANDARDS:**

- A. Applicability: The standards identified in this section shall apply to all WCFs constructed or located in the city, unless otherwise specified.
- B. Height: WCFs shall not exceed thirty five feet (35') in height above the existing or natural grade or the maximum permissible height of the given zoning district, whichever is more restrictive, with the exception of facade and roof attached WCFs as described below:
1. Roof attached WCFs shall not exceed five feet (5') above the highest portion of the roof membrane. The antenna and support system for whip antennas shall not exceed ten feet (10') above the highest portion of that roof, including parapet walls.
  2. Facade attached WCFs shall not exceed five feet (5') above the facade to which it is attached.
  3. If the height of the structure is in excess of the maximum height allowed within the zone and was legally established, then the combined height of the building and antenna shall not exceed the maximum height allowed by such approval unless determined by the commission to be suitably camouflaged.
  4. Street pole attached WCFs may only extend six feet (6') above the existing street pole as provided in subsection J2a of this section. A maximum extension of fifteen feet (15'), from the top of the street pole, may be permitted pursuant to standards provided in subsection J2b of this section, if a utility disturbance can be clearly demonstrated.
- C. Setbacks: All WCFs shall comply with the building setback provisions of the zoning district in which the WCF is located. In addition, the following setbacks shall be observed:
1. Street Pole Attached: No setback when constructed within the public right of way and under the provisions of subsection J of this section.
  2. Facade Attached: The maximum projection shall be eighteen inches (18"). The location of a WCF on the wall of a legal nonconforming structure is permitted. However, the WCF shall not be located on an exterior wall in a manner that will increase the degree of nonconformity. Additional standards for antennas attached to the facade of structures are listed in subsection J of this section.
  3. Roof Attached: Roof attached WCFs shall be set back from the edge of the building the height of the antenna and support system as measured from the roof membrane.
  4. Freestanding Tower: Setbacks shall be measured from the base of the tower to the property line of the parcel on which it is located. Towers shall be set back from all property lines one hundred twenty five percent (125%) of the tower height as measured from ground level.
  5. Equipment Enclosure: Underground vaults or aboveground structures shall comply with the setback requirements of the underlying zoning district.
  6. Freestanding WCFs Or Equipment Enclosures: No freestanding WCFs or equipment enclosures shall be located between the face of a structure and a public street, bikeway, park or residential development, except for approved facade attached WCFs located on existing or new permitted structures in accordance with this chapter.
- D. Evaluation Standards: The following design criteria shall be addressed by each applicant seeking WCF permit approval:
1. Architectural Compatibility:
    - a. All facilities shall be designed to minimize the visual impact to the greatest extent feasible, considering technological requirements, by means of placement, screening and camouflage, to be compatible with existing architectural elements and building materials and other site characteristics. The applicant shall use the smallest and least visible antennas possible to accomplish the owner/operator's coverage objectives.
    - b. Colors and materials for facilities shall be chosen to minimize visibility. Facilities shall be painted or textured using colors to match or blend with the

primary background.

- c. WCFs located on buildings, walls or roofs shall blend with the existing building's architecture by painting or shielding with material which is consistent with the design features and materials of the building.
- d. Equipment enclosures of WCFs shall be designed consistent with one of the following design standards. The facility types are listed in order of preferred design.

(1) Equipment enclosures shall be placed in underground vaults; or

(2) Equipment enclosures shall be designed consistent with the design review district, subsections [17.96.090B2](#), B3 and B7 of this title, and this chapter.

- 2. Screening: Landscaping, as described in this chapter, shall be required to screen as much of the support structure and the equipment enclosure as possible. The following standards shall apply to all WCFs. However, if the antenna is mounted flush with the building or on the roof, and other equipment is located inside the existing building, landscaping shall not be required.

- a. Support structures and equipment enclosures shall be installed so as to maintain and blend with existing landscaping on site, including trees, foliage and shrubs, whether or not utilized for screening.

- b. Additional landscaping and screening shall be installed to visually screen the support structures and aboveground equipment enclosures. Landscaping and screening shall consist of a combination of trees, foliage and shrubs of dense spacing in one of the following designs:

(1) A screening wall or fence and a five foot (5') wide landscape planter located in front of the wall or fence;

(2) A ten foot (10') wide landscape planter; or

(3) Any combination of existing vegetation, topography, decorative walls/fences or other features instead of landscaping, if they achieve the same degree of screening as the required landscaping described in subsections D2b(1) and D2b(2) of this section.

- c. Upon completion, the owner(s)/operator(s) of the facility shall be responsible for the continued maintenance and replacement of all required landscaping and screening materials.

### 3. Color:

- a. WCFs located on buildings, walls or roofs, or structures shall be painted or constructed of materials to match the color of the structure directly behind them to reduce the visibility of the WCF.

- b. To the extent any WCFs extend above the height of the vegetation immediately surrounding it, they shall be painted in a nonreflective light gray, light blue or other hue, which blends with the skyline and horizon.

### E. Facility Lighting And Signage:

- 1. Facility lighting shall be designed so as to meet but not exceed minimum requirements for security, safety or FAA regulations. Lighting of antennas or support structures shall be prohibited unless required by the FAA. In all instances, the lighting shall be designed so as to avoid glare and minimize illumination on adjacent properties. Lighting shall also comply with all of the city's lighting regulations.
- 2. Signs shall be limited to those needed to identify the telephone number(s) to contact in an emergency, public safety warnings, certifications or other required seals. These signs shall also comply with the requirements of the city's sign regulations.

### F. Parking:

- 1. If the WCF is fully automated, one off street parking space shall be provided for maintenance workers.
- 2. Nonautomated WCFs shall provide documentation regarding the provision of adequate off street parking. Parking will be sufficient to accommodate the maximum number of employees at any one time, plus one.

### G. Access: In addition to ingress and egress requirements of the international building code, access to and from WCFs and equipment shall be regulated as follows:

- 1. No WCF or equipment shall be located in a required parking, maneuvering or vehicle/pedestrian circulation area such that it interferes with, or in any way impairs, the intent or functionality of the original design.
- 2. The WCF shall be secured from access by the general public, but access for emergency services must be ensured. Access roads shall comply with fire department standards for emergency vehicular access.

### H. Scenic Landscapes And Vistas:

- 1. Freestanding WCFs shall not be located within open areas that are visible from public roads, recreational areas or residential development. As specified in subsection D2a of this section, WCFs shall be installed to blend with existing landscaping and structures.
- 2. Any WCF that is located within three hundred feet (300') of a scenic vista, scenic landscape or scenic road as designated by the city, in addition to

regulations specified in subsection B, "Height", of this section, shall not exceed the height of vegetation at the proposed location. If the facility is located further than three hundred feet (300') from the scenic vista, scenic landscape or scenic road, subsection B, "Height", of this section, shall apply exclusively.

#### I. Environmental Standards:

1. WCFs shall not be located in wetlands. WCFs shall also be avoided whenever possible in wetland buffer areas, and disturbance to wetland buffer areas shall be minimized.
2. WCFs shall not be located in riparian setbacks along watercourses.
3. WCFs shall avoid locating in the avalanche overlay zone, as defined by this title. Evidence shall be submitted to demonstrate that no location outside the avalanche overlay zone can accommodate the applicant's proposed antenna as specified in subsection [17.140.030C](#), "Collocation Requirement", of this chapter. WCFs located within the avalanche overlay zone shall comply with the additional placement standards identified within this title and provide proof of FCC acceptance of the proposed location.
4. No hazardous waste shall be discharged on the site of any WCF. If any hazardous materials are to be used on site, there shall be provisions for full containment of such materials. An enclosed containment area shall be provided with a sealed floor designed to contain at least one hundred ten percent (110%) of the volume of the hazardous materials stored or used on site.
5. Storm water runoff shall be contained on site.
6. WCFs locating within the floodplain overlay zone shall comply with the additional placement standards as identified within this title and provide proof of FCC acceptance of the proposed location.
7. Aboveground equipment for WCFs, exclusive of roof and facade attached WCFs, shall not generate noise in excess of fifty (50) decibels at the property line.
8. Roof or facade attached equipment for WCFs shall not generate noise in excess of fifty (50) decibels at ground level at the base of the structure closest to the antenna.
9. The noise standards of this chapter require measurements by a qualified acoustical engineer.

#### J. WCF Specific Standards: Street pole and facade attached WCFs shall meet the following conditions and criteria in addition to the other standards identified in this section:

1. Facade Attached WCFs: Equipment enclosures shall be located within the structure in which the WCF is placed or located underground if site conditions permit. Otherwise, equipment enclosures shall comply with the design standards listed in subsection D of this section.
2. Street Pole Attached WCFs:
  - a. Attachment: Only one WCF shall be permitted on any one street pole. The antenna shall be equal to or less than six feet (6') in height, including the support system, if any. Surface area of an antenna shall not exceed five hundred eighty (580) square inches. The antenna shall be either fully concealed within the street pole or camouflaged to appear to be an integrated part of the street pole. An antenna not flush mounted on the side of the street pole shall be centered on the top of the street pole to which it is attached and camouflaged or disguised.
  - b. Utility Separation: In the event that a utility located upon the street pole requires vertical separation between its utility facilities and the antenna so attached, the antenna may be raised by a support system to accommodate the separation requirement to an elevation not exceeding an additional fifteen feet (15') or the required separation, whichever is less. Any such support shall not be greater in diameter than the existing street pole and shall be designed to blend into the colors and textures of the existing street pole.
  - c. Pole Replacement: Existing street poles may be replaced with a new street pole of the same height, dimensions and appearance as the existing street pole. An antenna located upon the new street pole shall meet the standards for attaching an antenna to an existing street pole, as set forth above.
  - d. Equipment Enclosures:
    - (1) Belowground: Belowground equipment enclosures shall not be greater than six (6) cubic feet in volume. An underground equipment enclosure may be connected to an aboveground equipment enclosure for a combined total volume of no greater than twelve (12) cubic feet.
    - (2) Aboveground: Aboveground equipment enclosures shall not be greater than six (6) cubic feet in volume. No single dimension shall exceed three feet (3'). The equipment enclosure shall be constructed so as to minimize its visual impact. Evergreen landscape planting shall be installed and maintained to completely obscure the visibility of the equipment enclosure from the developed street and adjacent properties. Sight distance clearance shall be maintained for the equipment enclosure and associated landscape per the requirements of this title and this code.
  - e. Horizontal Separation: For WCFs located within developed streets, there shall be a minimum horizontal separation of three hundred feet (300') between the WCFs of a single licensed carrier and a minimum horizontal separation of one hundred feet (100') between the WCFs of any other licensed carrier.
  - f. Approval Of Encroachment Permit: An encroachment permit shall be approved by the city council after staff review of the WCF permit application.
  - g. Relocation Underground: In the event the utilities located on a street pole are relocated underground, the WCF shall be relocated to another location pursuant to the requirements of this chapter. (Ord. 744 § 5, 1999)

### 17.140.060: SAFETY:

- A. Federal Requirements: All WCFs shall meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the WCFs governed by this chapter shall bring such WCFs into compliance with the revised standards and regulations within three (3) months of the effective date of the revised standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring WCFs into compliance with such revised standards and regulations shall constitute grounds for the removal of the WCF at the owners' expense.
- B. Antenna Support Structure Safety: The applicant shall demonstrate that the proposed antenna and support structure is safe and the surrounding areas shall not be negatively affected by support structure failure, falling ice or other debris or interference. All support structures shall be fitted with anticleimbing devices, as approved by the manufacturers. (Ord. 744 § 6, 1999)

#### **17.140.070: MAINTENANCE:**

- A. Each permittee shall maintain its WCF in a good and safe condition, preserving the original appearance and concealment, disguise or screening elements incorporated into the design at the time of approval and in a manner which complies with all applicable federal, state and local requirements. Such maintenance shall include, but not be limited to, such items as painting, repair of equipment and maintenance of landscaping. If the permittee fails to maintain the facility, the city may undertake the maintenance at the expense of the permittee or terminate the permit, at its sole option.
- B. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable city building codes and the applicable standards for towers that are published by the EIA, as amended from time to time. If, upon inspection, the city concludes that the tower fails to comply with such codes or standards and constitutes a danger to persons or property, then, upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days constitutes grounds for the removal of the WCF at the owner's expense. (Ord. 744 § 7, 1999)

#### **17.140.080: MODIFICATION:**

- A. New Permit: Any proposed change or addition to any WCF shall require the issuance of a new WCF permit, pursuant to the requirements of this chapter. This provision shall not apply to routine maintenance of a WCF or to the replacement of any portion of the WCF with identical equipment on a WCF in conformance with this chapter.
- B. Facility Upgrade: At the time of modification or upgrade of facilities, existing equipment shall be replaced with equipment of equal or greater technical capacity and reduced in size so as to reduce visual impact.
- C. Existing Uses:
1. All WCFs existing on the effective date hereof shall be allowed to continue their operation as they presently exist, subject to section [17.140.090](#) of this chapter. Routine maintenance shall be permitted. However, construction involving the replacement of support structure apparatus, antennas or any exterior alteration shall comply with all the requirements of this chapter.
  2. Emergency service WCFs may obtain a waiver from the city council in order to preserve the public health and safety. In order to receive a waiver, the city council must determine that the modifications cannot comply with this chapter without an extreme burden to the citizens of Ketchum. The waiver shall be noticed pursuant to the public hearing requirements identified in subsection [17.140.040G](#) of this chapter. (Ord. 744 § 8, 1999)

#### **17.140.090: ABANDONMENT OR DISCONTINUATION OF USE:**

- A. Construction or activation of a WCF shall commence within ninety (90) days of approval of the WCF permit or the permit shall be null and void. An additional ninety (90) day extension may be granted by the approving body due to weather conditions or other extenuating circumstances beyond the control of the applicant as accepted by said approval body. Requests and approvals of extensions shall be made in writing.
- B. At such time that a licensed carrier plans to abandon or discontinue operation of a WCF, such carrier shall notify the city by certified U.S. mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than thirty (30) days prior to abandonment or discontinuation of operations. In the event that a licensed carrier fails to give such notice, the WCF shall be considered abandoned upon such discontinuation of operations.

- C. Upon abandonment or discontinuation of use, the carrier shall physically remove the WCF within ninety (90) days from the date of abandonment or discontinuation of use. "Physically remove" shall include, but not be limited to:
1. Removal of antennas, support structures, equipment enclosures and security barriers from the subject property;
  2. Proper disposal of the waste materials from the site in accordance with local and state solid waste disposal regulations;
  3. Restoring the location of the WCF to its natural condition; except, that any landscaping and grading shall remain in the after condition. Minor modification for integration with other landscaping or site design will be permitted and approved by staff.
- D. If a carrier fails to remove a WCF in accordance with this section, the city may cause the facility to be removed, and all expenses of removal shall be paid by the owner of the land where the facility is located.
- E. In the event that more than one provider is using the WCF, the WCF shall not be considered abandoned until all such users cease using the structure as provided in this chapter. (Ord. 744 § 9, 1999)

#### **17.140.100: EXEMPT COMMUNICATION FACILITIES:**

The requirements imposed by this title shall not apply to antennas designed to receive video programming signals from direct broadcast satellite (DBS) services, multichannel multipoint distribution providers (MMDS), or television broadcast stations (TVBS); provided, that all of the following conditions are met:

- A. The antenna measures thirty nine inches (39") (1 meter) or less in diameter.
- B. The antenna, if attached to a building, shall comply with subsections [17.140.050B1](#) and B2 of this chapter.
- C. The antenna is attached to a freestanding tower measuring less than twelve feet (12') in height. (Ord. 744 § 10, 1999)

#### **17.140.110: RECOVERY OF CITY COSTS:**

The wireless communication providers use various methodologies and analysis tools, including geological based computer software, to determine the specific technical parameters of personal wireless services and low power mobile radio facilities, such as expected coverage area, antenna configuration, topographic constraints that affect signal paths, etc. In certain instances, there may be need for expert review by a third party of the technical data submitted by the applicant. The city council or the commission shall require such technical review to be paid for by the applicant. The selection of the third party expert shall be at the city's discretion. Based on the results of the third party review, the city may require changes to the application for the WCF that comply with the recommendations of the expert. The expert review of the technical submission shall address the following:

- A. The accuracy and completeness of submissions;
- B. The applicability of analysis techniques and methodologies;
- C. The validity of conclusions reached; and
- D. Any specific technical issues designated by the city. (Ord. 744 § 11, 1999)

#### **17.140.120: REVOCATION OR TERMINATION OF PERMIT:**

A permit issued pursuant to this chapter may be revoked for the following reasons:



- A. Construction and/or maintenance operation of a WCF at an unauthorized location;
- B. Construction or operation of a WCF in violation of any of the terms and conditions of this chapter or the conditions attached to the permit;
- C. Misrepresentation or lack of candor by or on behalf of an applicant, permittee or wireless communication provider in any application or written or oral statement upon which the city substantially relies in making the decision to grant, review or amend any permit pursuant to this chapter;
- D. Abandonment of the WCF as set forth in this chapter; or
- E. Failure to promptly cure a violation of the terms or conditions of the permit. (Ord. 744 § 12, 1999)

#### **17.140.130: NOTICE AND DUTY TO CURE:**

- A. Notice: In the event the city believes that grounds exist for revocation of a permit, the permittee shall be given written notice, by certified mail, of the apparent violation or noncompliance, providing a short and concise statement of the nature and general facts of the violation or noncompliance, and providing the permittee a reasonable period of time, not exceeding thirty (30) calendar days, to furnish evidence:
  - 1. That corrective action has remedied the violation or noncompliance;
  - 2. That rebuts the alleged violation or noncompliance; and/or
  - 3. That it would be in the public interest to impose some penalty or sanction less than revocation.
- B. Hearing: In the event that a permittee fails to provide evidence reasonably satisfactory to the city as provided in subsection A of this section, the city shall refer the apparent violation or noncompliance to the commission.
  - 1. The commission shall provide the permittee notice and reasonable opportunity to be heard concerning the matter, and a public hearing shall be conducted.
  - 2. Within ten (10) calendar days of the completion of the hearing, the commission shall issue a written decision revoking the WCF permit or imposing such lesser sanctions as may be deemed appropriate under the circumstances.
  - 3. In making its decision, the commission shall apply the following factors:
    - a. Whether the misconduct was egregious;
    - b. Whether substantial harm resulted;
    - c. Whether the violation was intentional;
    - d. Whether there is a history of prior violations of the same or other requirements;
    - e. Whether there is a history of overall compliance; and
    - f. Whether the violation was voluntarily disclosed, admitted or cured. (Ord. 744 § 13, 1999)

## **Chapter 17.142 TRANSFER OF DEVELOPMENT RIGHTS**

#### **17.142.010: TRANSFER OF DEVELOPMENT RIGHTS:**

##### **A. Definitions:**

**DEVELOPMENT RIGHTS:** The floor area ratio (FAR) permitted "by right", or by transferable bonus only where specified, to a lot of land in the applicable zoning district of the city of Ketchum. Said FAR is to be translated into square footage, based on the size of the lot of land.

**RECEIVING AREA:** One or more lots or parcels of land to which development rights generated from one or more sending areas may be transferred and in which increased square footage (up to the maximum established by the zoning district in which the receiving area is located) is permitted to occur by reason of such transfer.

**SENDING AREA:** One or more lots or parcels of land from which development rights may be transferred for use in one or more receiving areas.

**TRANSFER OF DEVELOPMENT RIGHTS:** The process by which development rights are transferred from one lot or parcel of land in any sending area to another lot or parcel of land in one or more receiving areas.

B. Transferable Development Rights: Development rights may be transferred only as permitted in the applicable zoning district.

C. Requirements For Transfer Of Development Rights:

1. No transfer of development rights may occur without the written consent of all lienholders and other parties with an interest of record in the property from which development rights are proposed to be transferred. Transfers of development rights without such consent shall be void.
2. Every owner of a sending area shall execute an easement transferring development rights to the city of Ketchum in substantially the same form as set out in exhibit A, attached to the ordinance codified herein and incorporated herein by reference.
3. Once a transfer of development rights has been exercised, it shall constitute a restriction on the development of the property in perpetuity, unless the city elects to extinguish such restriction pursuant to the provisions of this chapter.
4. The exercise of development rights shall be in accordance with Idaho Code section 67-6515A, as the same may be amended from time to time. (Ord. 861 § 5, 2001)

## Chapter 17.144 APPEALS

### 17.144.010: APPEALS OF PLANNING AND ZONING ADMINISTRATOR DECISIONS:

An appeal of any order, requirement, decision or determination of the planning and zoning administrator made in the administration or enforcement of this title may be taken by any affected person, as that term is defined by Idaho Code section 67-6521, as it may be amended from time to time, or any officer or department of the city, to the commission by filing a notice of appeal in writing with the office of the planning and zoning administrator of the city in the manner prescribed in this chapter.

- A. Action Required By The Planning And Zoning Administrator: The planning and zoning administrator shall certify that all procedural requirements have been satisfied and fees paid and transmit to the commission the original of all papers constituting the record in the case, together with the order, requirement, decision or determination of the planning and zoning administrator.
- B. Hearing And Notice: The commission shall, following receipt of the planning and zoning administrator's certificate and the record of the case, set the matter for hearing and give notice of the date, time, place and purpose thereof and of the right to request a copy of the decision thereon, to the appellant, the planning and zoning administrator, and to any other affected person, as defined in Idaho Code section 67-6521, as that section may be amended from time to time, all in accordance with Idaho Code section 67-6501 et seq., as may be amended from time to time.
- C. Authority Of Commission: Upon hearing the appeal, the commission shall consider the record, the order, requirement, decision or determination of the planning and zoning administrator and the notice of appeal, together with oral presentation and written legal arguments by the appellant and the planning and zoning administrator. The commission shall not consider any new facts or evidence at this point. The commission may affirm, reverse or modify, in whole or in part, the order, requirement, decision or determination of the planning and zoning administrator.
- D. Decision By Commission: The commission shall enter a decision within thirty (30) days after the hearing on appeal, which shall include its written findings of fact and conclusions of law separately stated. The commission shall transmit a copy of the decision to the appellant and any affected person who has requested a copy in writing, as defined in Idaho Code section 67-6521, as that section may be amended from time to time. (Ord. 1002 § 1, 2007; Ord. 776 § 1, 1999; Ord. 208 § 27.1, 1974)

### 17.144.020: APPEALS OF PLANNING AND ZONING COMMISSION DECISIONS:

An appeal of any order, requirement, decision or determination of the commission made in the administration or enforcement of this title may be taken by any affected person, as that term is defined by Idaho Code section 67-6521, as it may be amended from time to time, or any officer or department of the city, to the city council by filing a notice of appeal in writing with the office of the planning and zoning administrator of the city in the manner prescribed in this chapter.

- A. **Action Required By The Planning And Zoning Administrator:** The planning and zoning administrator shall certify that all procedural requirements have been satisfied and fees paid and transmit to the council the original of all papers constituting the record in the case, together with the order, requirement, decision or determination of the commission. A verbatim transcript of the commission proceedings shall be prepared and transmitted to the council at the appellant's expense.
- B. **Hearing And Notice:** The council shall, following receipt of the planning and zoning administrator's certificate and the record of the case, set the matter for hearing and give notice of the date, time, place and purpose thereof and of the right to request a copy of the decision thereon, to the appellant, the commission, and to any other affected person, as defined in Idaho Code section 67-6521, as that section may be amended from time to time, all in accordance with Idaho Code section 67-6501 et seq., as may be amended from time to time.
- C. **Authority Of Council:** Upon hearing the appeal, the council shall consider only matters which were previously considered by the commission as evidenced by the record, the order, requirement, decision or determination of the commission and the notice of appeal, together with oral presentation and written legal arguments by the appellant, the applicant, if different than the appellant, and the commission and/or staff representing the commission. The council shall not consider any new facts or evidence at this point. The council may affirm, reverse or modify, in whole or in part, the order, requirement, decision or determination of the commission. Furthermore, the council may remand the application to the commission for further consideration with regard to specific criteria stated by the council.
- D. **Decision By Council:** The council shall enter a decision within thirty (30) days after the hearing on appeal, which shall include its written decision separately stated. The council shall transmit a copy of the decision to the appellant and any affected person who has requested a copy in writing, as defined in Idaho code section 67-6521, as that section may be amended from time to time.
- E. **Appeal Of Council:** In the event of an appeal of a decision of the council to district court, applications approved by the city will be processed by the city during the pendency of the appeal. (Ord. 1002 § 1, 2007: Ord. 929 § 1, 2004: Ord. 776 § 1, 1999: Ord. 208 § 27.2, 1974)

#### **17.144.030: TIME FOR FILING APPEALS:**

All appeals permitted or authorized by this title shall be taken and made in the manner and within the time limits as follows: The written notice of appeal shall be filed before five o'clock (5:00) P.M. of the fifteenth calendar day after the order, requirement, decision or determination of the planning and zoning administrator has been made or after findings of fact have been approved by the commission, whichever is applicable. The failure to physically file a notice of appeal with the planning and zoning administrator of the city within the time limits prescribed by this section shall be jurisdictional and shall cause automatic dismissal of such appeal. (Ord. 208 § 27.3, 1974)

#### **17.144.040: FEE FOR APPEALS:**

An administrative fee and a fee equal to the expense of giving notice and providing the transcript shall be paid within two (2) days after receipt from the planning and zoning administrator of the amount of the fee. In the event the fee is not paid as required, the appeal shall not be considered filed. (Ord. 776 § 1, 1999: Ord. 208 § 27.4, 1974)

#### **17.144.050: NOTICE OF APPEAL; FORM AND CONTENTS:**

The notice of appeal shall be in writing and in such form as shall be available from the office of the planning and zoning administrator, which shall require to be set forth with specificity all bases for appeal, including the particulars regarding any claimed error or abuse of discretion. (Ord. 208 § 27.5, 1974)

## **Chapter 17.148 VARIANCES**

#### **17.148.010: DEFINITION:**

A "variance" is a modification of the requirements of this title as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, parking areas, height of buildings, or other title provisions affecting the size or shape of a structure or the placement of the structure upon lots, or the size of lots. (Ord. 208 § 27A.1, 1974)

#### **17.148.020: VARIANCE CRITERIA:**

A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon a showing of undue hardship because of unique characteristics of the site, and that the variance is not in conflict with the public interest. Accordingly, a variance shall be granted by the commission, only if the applicant demonstrates all of the following:

- A. The strict enforcement of the provisions of this title creates an undue hardship to the property owner; however, economic feasibility shall not be considered an undue hardship;
- B. The variance is necessary because of the unique size, shape, topography or location of the subject property;
- C. The subject property is deprived, by provision of this title, of rights and privileges enjoyed legally by other properties in the vicinity and under an identical zone;
- D. The need for the variance is not the result of actions of the applicant or property owner;
- E. The variance does not create health and safety hazards;
- F. The variance does not relieve an applicant from any of the procedural provisions of this title;
- G. The variance does not relieve an applicant from any standard or provision that specifically states that no variance from such standard or provision is permitted;
- H. The variance does not relieve an applicant from conditions established during prior permit review;
- I. The variance does not allow establishment of a use that is not otherwise permitted in the zone in which the subject property is located; and
- J. The variance is the minimum necessary to grant relief to the applicant. (Ord. 208 § 27A.2, 1974)

#### **17.148.030: PROCEDURE:**

- A. Application And Fee: Every person seeking a variance shall submit an application to the planning department on a prescribed form, accompanied by the appropriate filing fee as approved by the council. Application forms shall be accompanied by supporting information as defined by the application form.
- B. Hearing: Prior to granting a variance, at least one hearing in which interested persons shall have an opportunity to be heard shall be held before the commission.
- C. Mailing: Notice shall also be mailed to property owners adjoining the parcel under consideration. Said notice shall be mailed at least fifteen (15) days prior to said hearing and shall contain notice of the time and place and a summary of the proposal. Failure to mail such notice to every property owner due to clerical omissions shall not affect the validity of any hearing or determination of the commission.

D. Commission Action: Following the hearing, the commission shall approve, deny or approve with conditions the application for a variance within sixty (60) days from said hearing. (Ord. 208 § 27A.3, 1974)

**17.148.040: NONTRANSFERABLE:**

A variance is not transferable from one parcel of land to another. (Ord. 208 § 27A.4, 1974)

**17.148.050: APPLICATION; RESUBMITTAL:**

No application for a variance which has been denied by the commission or the council shall be resubmitted in either the same or substantially the same form in less than one year from the date of final action. (Ord. 208 § 27A.5, 1974)

**17.148.060: TERM OF PERMITS:**

All variances shall be issued and construction shall commence within six (6) months from the date that such variance is granted; otherwise, the variance shall no longer be considered valid. (Ord. 208 § 27A.6, 1974)

## **Chapter 17.152 AMENDMENT AND RECLASSIFICATION**

**17.152.010: GENERAL PROCEDURE:**

The following provisions shall apply to a request for amendment of this title or reclassification of property within the city limits. Amendments to this title which shall be in accordance with the laws of the state and all other applicable city ordinances shall require the following actions:

- A. Study and recommendation concerning the proposed amendment by the planning and zoning commission; and
  
- B. Completion of a public hearing before the city council after at least fifteen (15) days' notice of the time and place of such hearing shall have been given by at least one publication in a newspaper of general circulation within the city. (Ord. 208 § 28.1, 1974)

**17.152.020: SPECIAL PROCEDURE:**

Before submitting a report and recommendation on any proposed amendment to this title, the commission shall hold a public hearing on the proposed amendment with the following special conditions required:

- A. For proposed amendments to the zoning district map and amendments to this title, where public notice thereof is required to be mailed to seven hundred fifty (750) or more property owners or purchasers of record, alternative methods of providing said public notice may be used pursuant to Idaho Code section 67-6511. Said alternative forms of notice shall be provided at least fifteen (15) days prior to said public hearing and shall contain notice of time and place of the hearing and a summary of the amendment to be discussed. Said forms of alternative notice shall be:
  1. Posting of said notice of hearing in three (3) conspicuous locations within the city;
  2. Publishing said notice of hearing in the official newspaper of said city;
  3. Making said notice of hearing available to other local newspapers; and
  4. Making said notice of hearing available to the local radio stations for a public service announcement.

- B. For proposed amendments to the zoning district map, the applicant shall be charged a fee to cover the cost of advertising and processing. (Ord. 208 § 28.2, 1974)

#### **17.152.030: PROTEST:**

If twenty percent (20%) or more of the owners of the lots within the area proposed for change or those adjacent to or directly opposite thereto for a distance of three hundred feet (300') therefrom protest against the change, such amendment shall not become effective unless a favorable vote of three-fourths ( $\frac{3}{4}$ ) of the council is given. (Ord. 208 § 28.3, 1974)

#### **17.152.040: APPLICATIONS:**

Applications from a property owner shall be filed with the commission, accompanied by such data and information necessary to assure the fullest presentation of facts. (Ord. 208 § 28.4, 1974)

#### **17.152.050: REAPPLICATIONS:**

No application from an owner of property for the same general purpose concerning the same property which has been denied by the council shall be received or processed within twelve (12) months after such denial except by unanimous action of the commission. (Ord. 208 § 28.5, 1974)

#### **17.152.060: INVESTIGATION:**

The commission may cause to be made, by any of its own members or by any member of the city staff, such investigation of facts bearing upon the application or matter set for hearing, as in the opinion of the commission will serve to provide the necessary information to enable the commission to act. (Ord. 208 § 28.6, 1974)

## **Chapter 17.154 DEVELOPMENT AGREEMENT ZONING**

#### **17.154.010: INTENT AND PURPOSE:**

- A. Traditional zoning regulates the use of land and structures by assigning each use to one or more districts. However, the functions and characteristics of an increasing number of new kinds of land uses, combined with conclusive experience regarding some of the older, familiar kinds of uses, call for a more flexible and equitable procedure for properly accommodating these uses within the community, while protecting the health, safety and general welfare of the city of Ketchum's residents. Rather than assigning all uses to special individual and limited zoning districts, the city's goals can be met by providing controllable and reasonable flexibility in requirements for certain kinds of uses. This allows practicable latitude for the owner and maintains adequate provisions for the security of the health, safety and general welfare of the community's inhabitants.
- B. In order to accomplish such a dual objective, specified activities or uses must be evaluated for suitability as it relates to proposed conditions of location, design, size, operation, intensity of use, generation of traffic and traffic movement, concentration of population, processes and equipment employed, amount and kind of public facilities and services required, together with other possible impacts. Land and structure uses possessing these particularly unique characteristics are designated as conditionally permissible uses and are permitted through the issuance of a zoning development agreement, with such conditions and safeguards attached as may be deemed necessary for the protection of the public welfare.
- C. Where, in the opinion of the city council (council), the planning and zoning commission (commission), or the planning and zoning administrator (administrator), approval of a requested zone or rezone by itself cannot satisfy the requirements set forth in this title and the comprehensive plan, this chapter is intended to provide reasonable standards and procedures in order to:
1. Implement the goals and policies of the Ketchum comprehensive plan, specifically, but not inclusively, the provision of affordable housing, passive and active open space, transportation improvements, public infrastructure improvements and sensitive areas (riparian, avalanche, steep slopes and floodplain) protection;

2. Preserve and protect the character of Ketchum;
3. Assure the safety, health, and general welfare of present and future inhabitants of the city of Ketchum;
4. Protect and enhance the natural, cultural, and historic resources of the city from adverse impacts and to integrate new development harmoniously into the city's natural and built environment;
5. Promote the development of an economically sound and stable community;
6. Accommodate other necessary or innovative types of development while balancing and respecting private property rights;
7. Encourage and promote affordable housing;
8. Provide the integration of specific land uses in neighborhoods that are determined compatible, but prohibited by current zoning; and
9. Improve circulation and reduce traffic congestion and hazards on existing and proposed roadways. (Ord. 865 § 1, 2001)

#### **17.154.020: DEFINITIONS:**

**BUILDING FOOTPRINT:** As defined in [chapter 17.08](#) of this title.

**DESIGN REVIEW OVERLAY DISTRICT:** As defined in [chapter 17.96](#) of this title.

**DEVELOPMENT STANDARDS:** Criteria or specifications detailing the design, layout, architectural style, scale, or other measurement/description of development.

**NATURAL FEATURES:** Significant view corridors, steep embankments, knolls, canyons, streams, watercourses or any other prominent physical features that are located on the property.

**PROPERTY OWNER:** All of the following: property owner(s), coproperty owner(s), developer(s), agent(s) of property owner or developer, assignee(s) of property owner(s) or developer(s) and all subsequent property owners or developers of the real property in the development agreement.

**ROADWAYS:** All streets, roads, alleys or other circulation facilities designed for motor vehicles, privately or publicly owned.

**STRUCTURES:** As defined in [chapter 17.08](#) of this title.

**VEGETATION:** Trees, shrubs and other plant species. (Ord. 865 § 1, 2001)

#### **17.154.030: APPLICABILITY:**

- A. Use: Use of development agreements, as specified in subsection [17.154.040A](#) of this chapter, in the annexation or rezoning process may be utilized in any zoning district, regardless of lot size, subject to the standards provided for in this chapter. The proposed use shall meet all setback, height and building coverage requirements of the proposed zone. Any of the discretionary conditions of this chapter as applied shall be in addition to the zone's minimum requirements.
- B. Subsequent Actions: A development agreement shall not prevent the city, in subsequent actions applicable to the property, from applying new standards, regulations, or policies that do not conflict with commitments applicable to the property as set forth within a duly executed agreement.
- C. Encumbrance: The property owner(s), co-property owner(s), developer(s), agent(s) of property owner or developer, assignee(s) of property owner(s) or developer(s) and all subsequent property owners or developers of the real property that is encumbered by the development agreement shall comply with all conditions, terms, obligations, and duties contained in said agreement. Failure to comply shall result in termination of the agreement as specified in section [17.154.070](#) of this chapter. (Ord. 865 § 1, 2001)

#### **17.154.040: APPLICATION PROCEDURES:**

##### **A. Request For A Development Agreement:**

1. A request to enter into a development agreement for the subject property may be submitted by the applicant or required by the commission, the administrator, or the council at any point during the processing of the rezoning request.

2. In the event of a determination by the council that a development agreement should be entered into, the council shall remand the matter back to the commission for a public hearing as specified in subsection E of this section. The council shall, upon remand, direct the commission on the specific issues to be addressed by the development agreement.

B. Filing Requirements: A request for a development agreement must be determined to be complete by the city prior to processing. The city shall determine a development agreement request complete when the information described below is included with a complete zone change application:

1. The application form shall include at a minimum:
  - a. Name, address and telephone number of the property owner, any coapplicants as well as any representatives for the property owner and/or coapplicants.
  - b. Original signatures for the property owner and all coapplicants. If the property owner or coapplicant will be represented by another, the original signature authorizing the representative to represent the property owner and/or coapplicant shall also be submitted.
  - c. A complete legal description of the subject property.
  - d. Title report.
  - e. Application fee.
2. Four (4) copies plus one reduced to at least eleven inches by seventeen inches (11" x 17") of the architectural plan of the proposed construction in sufficient detail to show the following:
  - a. Floor plan (not less than  $\frac{1}{8}$  inch scale).
  - b. All exterior elevations.
  - c. Section through the highest point of the building indicating existing, natural and proposed grade, with dimensions. If the subject property is located in the CC community core zone, an analysis of the height invisible plane shall also be submitted.
  - d. Type and color of exterior materials and roofing.
  - e. Location and type of exterior lighting.
  - f. Existing structures and land uses on and adjacent to the subject property.
  - g. Adjacent roadways, proposed roadways, ingress and egress from said roadways, parking and pedestrian circulation and access.
  - h. Property lines with dimensions, adjacent land uses, structures and zoning.
  - i. Topography at one foot (1') intervals or spot elevations.
  - j. Scale, north arrow, and legend.
  - k. Existing watercourses, utility lines, easements, deed restrictions and other built or natural features restricting the use of the subject property.
  - l. Existing vegetation, labeled as to remain or be removed.
  - m. Conceptual landscape plan that includes plant location, general species type and quantity.
3. A draft development agreement as specified in subsection D of this section.
4. A written description of the proposed development, including the uses, and how it integrates and complements adjacent land uses.
5. A written narrative demonstrating compliance with the goals and policies of the Ketchum comprehensive plan.
6. A traffic analysis that includes adjacent roadways, proposed roadways, ingress and egress from said roadways, parking, pedestrian circulation and impacts to nonmotorized and transit facilities.
7. Signed and notarized statement by the applicant indicating that failure to comply with all commitments in the approved development agreement shall be deemed consent to revert the zoning of the property to the preexisting zone, or in the case of an initial zone at annexation, a zone deemed appropriate by the council.
8. Phasing plan and proposed phasing schedule.
9. Additional information as reasonably required at the discretion of the administrator, commission or council prior to or during the review process.
10. The materials required in this subsection may be waived by the administrator after administrative review of the application should no need be found therefor.

C. Resubmission Of Application: No application for a development agreement which has been denied wholly or in part by the council shall be resubmitted until the expiration of one year or more from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions which would be sufficient to justify reconsideration as determined by the council. At the expiration of one year from the date of the original application, each reapplication shall be accompanied by the required fee.



- D. Attorney Review: The draft development agreement shall be reviewed by the city attorney as to form prior to commission review and shall contain, at a minimum, the following:
1. List of use(s) to be allowed.
  2. Permitted square footage and building locations.
  3. Identification of development standards that shall be required under the agreement.
  4. Identification of locations for permitted uses on approved conceptual plan.
  5. Planned implementation of improvements with a construction and completion schedule.
  6. A provision that the standards and processes of the design review overlay district shall apply to the development of the property.
  7. A provision for the use of a security agreement for project completion if the proposal is developed in phases.
  8. A provision that the property owner/developer acknowledges and agrees that failure to comply with the terms of the agreement shall result in a reversion of the zoning of the real property to the zoning existing immediately prior to the agreement, pursuant to the procedure set forth in Idaho Code section 67-6511A.
  9. A provision specifying that unless modified or terminated by the governing board, pursuant to section [17.154.070](#) of this chapter, the commitment and all conditions, terms, duties and obligations included in said commitment are binding on the owner of the property, each subsequent property owner and every person(s) acquiring interest in said property.
  10. Other conditions attached to the project through the public hearing process.
  11. The administrator may waive subsections D2, D4 and D5 of this section after administrative review of the application should no need be found therefor.
- E. Public Hearing: The commission shall review and make recommendation to the council regarding the development agreement as part of the public hearing process for an annexation or rezone request pursuant to Idaho Code section 67-6509. The commission shall conduct at least one public hearing, in which interested persons shall have an opportunity to be heard. The council shall conduct at least one public hearing in addition to the public hearing conducted by the commission. The public hearings shall be conducted and noticed as described below, but at a minimum shall comply with section 67-6509, Idaho Code. The public hearings shall be noticed in the following manner:
1. Publication: At least fifteen (15) days prior to the public hearing, notice of the time and place and a summary of the proposal shall be published in the official newspaper or paper of general circulation within the city. Notice shall also be made available to other newspapers and radio and television stations serving the city for use as public service announcements.
  2. Posting: Notice shall be posted on the premises not less than one week prior to the public hearing.
  3. Mailing:
    - a. Notice shall be mailed to property owners or purchasers of record within the land being considered, and within three hundredfeet (300') of the external boundaries of the land being considered, and to all political subdivisions providing services within the city, including school districts.
    - b. When notice is required to two hundred (200) or more property owners or purchasers of record, alternative methods of providing said public notice may be used pursuant to Idaho Code section 67-6511. Said alternative forms of notice shall be provided at least fifteen (15) days prior to said public hearing and shall contain notice of time and place of the hearing and a summary of the amendment to be discussed. Said forms of alternative notice shall be:
      - (1) Posting of said notice of hearing in three (3) conspicuous locations within said city; and
      - (2) Publishing said notice of hearing in the official newspaper of said city; and
      - (3) Making said notice of hearing available to other local newspapers; and
      - (4) Making said notice of hearing available to the local radio stations for a public service announcement with regard thereto.
    - c. For proposed amendments to the zoning district map, the applicant shall be charged a fee to cover the cost of advertising and processing.
- F. Additional Hearing: If the council makes a material change in the recommendation or alternative options contained in the recommendation by the commission concerning adoption, amendment or repeal of a plan, further notice and hearing shall be provided before the council adopts, amends or denies the request.
- G. Recordation: Development agreements shall be recorded in the office of the Blaine County recorder and shall take effect upon adoption of the ordinance establishing the zoning map amendment by the council. A copy of the agreement shall be attached to the ordinance establishing the rezone. (Ord. 865 § 1, 2001)

#### **17.154.050: STANDARDS:**

- A. Applicability: The standards identified in this section shall apply to all annexations and rezones involving development agreements, unless otherwise waived by the administrator, commission or council.
- B. Comprehensive Plan Compliance: The proposal is in conformance with and promotes the purposes and goals of the comprehensive plan, this title and other applicable ordinances of the city, and not in conflict with the public interest.
1. There will be no significant adverse effect(s) resulting from the proposed zone change and uses(s) authorized upon the publichealth, safety and general welfare of the neighborhood or the community as a whole.
  2. Includes community or employee housing, as defined in section [16.08.030](#) of this code, for rezones requesting a higher density zone. Payment in lieu may be accepted for fractions of units as determined by the council.
- C. Compliance With City Codes:
1. Pursuant to section [17.96.030](#) of this title, all of the design review standards in [chapter 17.96](#) of this code shall be carefully analyzed and considered for all proposals. This includes detailed analysis of building bulk, undulation and other design elements. The site plan should be sensitive to the architecture and scale of the surrounding neighborhood.
  2. A project encompassing three (3) or more acres or otherwise meeting the requirements under subsection [16.08.080A](#) of this code is required to submit a planned unit development conditional use permit pursuant to [chapter 16.08](#) of this code.
  3. The project shall be in conformance with this title; [title 16](#), "Subdivision Regulations", of this code; [title 12](#), "Streets, Sidewalks, Public Utility Easements And Public Places", of this code, and all other applicable city ordinances and regulations. (Ord. 865 § 1, 2001)

#### **17.154.060: ENFORCEMENT:**

Development agreements may be enforced by the city through any means deemed to be appropriate, including, but not limited to, specific enforcement, termination of water service, injunctive relief, monetary damages, criminal penalties and/or termination. Such enforcement options shall not be considered exclusive, but may be combined as deemed appropriate by the city. (Ord. 865 § 1, 2001)

#### **17.154.070: MODIFICATION AND TERMINATION:**

- A. Modification Of Agreements: Development agreements may only be modified through the public hearing process identified in subsection [17.154.040E](#) of this chapter.
- B. Termination Of Agreements:
1. Development agreements may be conditioned to expire after a prescribed time limit authorized by the council.
  2. Development agreements may be amended or terminated by the council, after a public hearing pursuant to subsection [17.154.040E](#) of this chapter, for failure to comply with the commitments expressed in the development agreement.
  3. Upon termination of a development agreement pursuant to this section, the property shall revert to the prior zone or, in the case of initial zone at annexation, to a zone deemed appropriate by the council. Development agreements may only be modified through the public hearing process identified in subsection [17.154.040E](#) of this chapter. All uses that are not compatible with the subsequent zoning designation following termination of the development agreement shall cease. The owner of the property shall apply for a conditional use permit for the property if the use(s) is conditionally allowed within the subsequent zoning district.
- C. Notice: In the event the city believes that grounds exist for revocation of a permit, the property owner shall be given written notice, by certified mail, of the apparent violation or noncompliance, providing a short and concise statement of the nature and general facts of the violation or noncompliance, and providing the property owner a reasonable period of time not exceeding thirty (30) calendar days to furnish evidence:
1. That corrective action has remedied the violation or noncompliance;
  2. That rebuts the alleged violation or noncompliance; and/or
  3. That a development agreement application to modify the existing development agreement has been submitted and accepted by the city for processing.

- D. Hearing: In the event that a property owner fails to provide evidence reasonably satisfactory to the city as provided for in subsection C of this section, the city shall refer the apparent violation or noncompliance to the council for a public hearing pursuant to subsection [17.154.040E](#) of this chapter.
1. The council shall provide the property owner notice and reasonable opportunity to be heard concerning the matter, and a public hearing shall be conducted.
  2. Within ten (10) calendar days of the completion of the hearing, the council shall issue a written decision terminating the development agreement or remanding it back to the commission for the amendment process pursuant to the public hearing process specified within subsection [17.154.040E](#) of this chapter.
- E. Recordation: A document recording such termination and zoning reversal shall be recorded in the office of the Blaine County recorder. (Ord. 865 § 1, 2001)

## Chapter 17.156 ENFORCEMENT

### 17.156.010: GENERAL PROVISIONS:

No owner or agent of the owner shall construct, use or occupy any building, structure or improvement upon real property in violation of this title. The landowner, tenant, subdivider, builder, or any other person who commits, allows, participates in, assists in or maintains such violation shall be found guilty of such a violation. The provisions of this title shall be enforced in the following manner:

- A. A violation of this title shall be a misdemeanor, punishable by a fine not to exceed three hundred dollars (\$300.00), or imprisonment in the Blaine County jail for a period not to exceed six (6) months, or both. Each day that such a violation continues shall constitute a separate criminal offense.
- B. Appropriate actions and proceedings may be taken at law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, or to prevent illegal occupancy of a building, structure or premises, and these remedies shall be in addition to the penalties described above.
- C. No building permit or other approval or permit shall be issued for the construction of any building, structure or improvement in violation of this title. The issuance or granting of a permit or approval shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this title or of any other ordinance, rule or regulation of the city. No permit presuming to give authority to violate or cancel the provisions of this title shall be valid. (Ord. 1064 § 1, 2010)

### 17.156.020: INSPECTION:

The building inspector and his or her authorized representative are empowered to cause any building, other structure or tract of land to be inspected and examined, and to order in writing the remedying of any condition found to exist therein or threat in violation of any provisions of this title. After any such order has been served, no work shall proceed on any building, other structure or tract of land covered by such order, except to correct or comply with such order. (Ord. 208 § 29.3, 1974)

### 17.156.030: CRIMINAL LIABILITY:

A person shall be guilty of a misdemeanor in any case where:

- A. Any violation of any of the provisions of this title exists in any building or any other structure or on a tract of land;
- B. An order to remove any such violation has been served upon the owner, general agent, lessee or tenant of the building, other structure or tract of land (or any part thereof), or upon the architect, builder, contractor or any other person who commits or assists in any such violation; and
- C. Such person shall fail to comply with such order within ten (10) days after service. (Ord. 208 § 29.4, 1974)

**17.156.040: INJUNCTION:**

In addition to any of the foregoing remedies, the city attorney, acting on behalf of the city council, may maintain an action for an injunction to restrain any violation of this title. (Ord. 208 § 29.5, 1974)

**17.156.050: LIABILITY FOR DAMAGES:**

This title shall not be construed to hold the city responsible for any damage to persons or property by reason of the inspection or reinspection authorized herein or failure to inspect or reinspect or by reason of issuing a building permit as herein provided. (Ord. 208 § 29.7, 1974)