



## City of Ketchum

November 18, 2019

Mayor Bradshaw and City Councilors  
City of Ketchum  
Ketchum, Idaho

Mayor Bradshaw and City Councilors:

**Recommendation to hold a public hearing, deliberate, waive the 3<sup>rd</sup> reading of Ordinance #1202,  
and adopt on 2<sup>nd</sup> Reading Ordinance #1202 and read by title only**

Recommendation and Summary

Staff is recommending the council hold a public hearing and make the following motions:

I move to waive the third reading of Ordinance 1202

I move to adopt on second reading and read by title only Ordinance 1202 as set forth in **Attachment A**

The primary reasons for the recommendation are to:

- clarify that any project proposed in the CC Subdistrict 1 that provides 100% community housing above the 1<sup>st</sup> floor and complies with the ground floor street frontage uses of the Subdistrict would be recognized as a 100% community housing project; and
- to establish increase the allowable height of buildings devoted 100% towards community housing to 52' (versus 50' as allowed currently by ordinance); and
- help implement a key policy of the Ketchum Comprehensive Plan, which is to encourage a variety of housing options by, in part, "evaluating zoning, density, and infill policies" that remove barriers and create incentives to achieve the city's housing goals (p. 9).

Introduction and History

Ketchum zoning regulations aim to activate spaces on 1<sup>st</sup> floors in the CC Subdistrict 1 retail core area by excluding all residential uses on the 1<sup>st</sup> floor of buildings. This ordinance amendment continues this restriction for this subdistrict but clarifies that this restriction was not intended to disqualify high density 100% community housing projects located on top of permitted retail core 1<sup>st</sup> floor uses in a building. In other words, a 100% community housing building can include non-residential retail core uses on the 1<sup>st</sup> floor in the CC Subdistrict 1. This interpretation is supported by previous Ketchum City Council Request for Proposal determinations on the 6<sup>th</sup> and Leadville site, which is also in the CC Subdistrict 1 retail core.

Proposed Ordinance 1202 clarifies that a 100% community housing project above the 1<sup>st</sup> floor in Subdistrict 1 is allowed extra height consistent with the CC district use matrix dimensional standard set forth in §17.12.040 and as modified herein. An additional modification is to increase the allowable height for 100% community housing buildings from 50' to 52'. See Attachment A for additional detail.

Financial Impact

None

Attachment

A - Ordinance #1202 and Publication Summary

ATTACHMENT A

**ORDINANCE NO. 1202**

**AN ORDINANCE OF THE CITY OF KETCHUM, BLAINE COUNTY, IDAHO, AMENDING TITLE 17 THE ZONING ORDINANCE, OF THE KETCHUM MUNICIPAL CODE BY AMENDING SECTION 17.12.040, DIMENSIONAL STANDARDS – CC DISTRICT PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION BY SUMMARY; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City of Ketchum is authorized to amend the city zoning ordinance pursuant to Idaho Code § 67-6511; and

WHEREAS, the City of Ketchum is strives to both encourage active, vibrant uses on the first floor of buildings in the Community Core – Subdistrict 1 and support the development of community housing; and

WHEREAS, Title 17, the Zoning Code, incentivizes the development of community housing by permitting greater building heights for such developments in the Community Core; and

WHEREAS, code amendments are necessary to clarify that buildings in the Community Core – Subdistrict 1 that contain the requisite active uses on the first floor qualify as buildings devoted 100% to community housing where all housing units within the building are designated community housing; and

WHEREAS, the 50' height limit for buildings devoted to 100% community housing is being amended to allow such buildings to be 52' in height in order to accommodate modern cost effective and efficient structural buildings methodologies; and

WHEREAS, this nominal height increase is warranted and justified in order to facilitate the development of community housing; and

WHEREAS, the City Council, having reviewed the proposed subdivision code amendments, held public hearings on November 4, 2019 and November 18, 2019.

WHEREAS, the City Council, having considered the recommendation of the Planning and Zoning Commission and submitted comments and testimony from the public, having determined that it is in the best interests of the public to adopt the proposed amendments to Title 16, Subdivision:

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

**Section 1: AMENDMENTS TO SECTION 17.12.040: DIMENSIONAL STANDARDS, CC DISTRICT MATRIX:**

A. Development in the Community Core District shall comply with the standards set forth in the dimensional standards, CC District matrix. Dimensional standards for all other districts, unless otherwise specified, shall be found in section 17.12.030 of this chapter.

B. In addition to the requirements of the dimensional standards, CC District matrix, the regulations of chapter 17.128, "Supplementary Location And Bulk Regulations", of this title apply.

**COMMUNITY CORE DIMENSIONAL STANDARDS**

<b>Dimensional Standards</b>		<b>Subdistrict 1: Retail Core</b>	<b>Subdistrict 2: Mixed Use</b>
Lot/FAR miscellaneous:			
Minimum lot size		5,500 sq. ft.	
Minimum lot width		Average of 55'	
FAR requirements		See FAR requirements in section 17.124.040 of this title	
Minimum building setbacks:			
Front and street side		0'	5' average
Adjacent to alleyway		3'	
Rear side not adjacent to an alleyway		0'	
Interior side			
Cantilevered decks and overhangs			
Setback for 5th floors		20' from street sides and frontage and 10' on all other sides	
Setback for 4th floors		10'	
Non-habitable structures, fixed amenities, solar and mechanical equipment affixed to a roof from all building facades			
Maximum building heights:			

Cantilevered decks and overhangs	8' above grade and/or walking surface
Building height	42', unless otherwise allowed in this title
Height of buildings devoted 100% towards community housing <sup>1</sup>	50' <sup>1</sup> 52' <sup>2</sup>
Hotel building height (for hotel development standards see subsection 17.124.050B6 of this title)	68' <sup>2</sup>
Non-habitable structures located on building roof tops	10'
Perimeter walls enclosing roof top deck and structures	4' above roof surface height. Perimeter roof top walls are required to be at least 75% transparent
Roof top solar and mechanical equipment above roof surface	5'

Note:

1. For purposes of this Section, a project in the Community Core Subdistrict 1 that provides 100% community housing above the first floor and complies with the ground floor street frontage uses of the Subdistrict, shall be considered a 100% community housing project.

24. All buildings greater than 48 feet in height or that contain a 4<sup>th</sup> or 5th floor shall require final approval from the City Council. For hotel height standards, see subsection 17.124.050B6 of this title.

**Section 2. REPEALER CLAUSE.** All City of Ketchum Ordinances or parts thereof which are in conflict herewith are hereby repealed.

**Section 3. SAVINGS AND SEVERABILITY CLAUSE.** It is hereby declared to be the legislative intent that the provisions and parts of this Ordinance shall be severable. If any paragraph, part, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid for any reason by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

**Section 4. PUBLICATION.** This Ordinance, or a summary thereof in compliance with Section 50-901A, Idaho Code, substantially in the form attached hereto as Exhibit A, shall be published once in the official newspaper of the City, and shall take effect immediately upon its passage, approval, and publication.

**Section 5. EFFECTIVE DATE.** This Ordinance shall be in full force and effect after its passage, approval and publication according to law.

PASSED by the CITY COUNCIL and APPROVED by the MAYOR of Ketchum, Idaho on this \_\_\_\_\_ day of \_\_\_\_\_ 2019.

APPROVED:

\_\_\_\_\_  
Neil Bradshaw, Mayor

ATTEST:

\_\_\_\_\_  
Robin Crotty, City Clerk

**PUBLICATION SUMMARY OF ORDINANCE NO. 1202**

**AN ORDINANCE OF THE CITY OF KETCHUM, BLAINE COUNTY, IDAHO, AMENDING TITLE 17 THE ZONING ORDINANCE, OF THE KETCHUM MUNICIPAL CODE BY AMENDING SECTION 17.12.040, DIMENSIONAL STANDARDS – CC DISTRICT PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION BY SUMMARY; AND PROVIDING AN EFFECTIVE DATE.**

A summary of the principal provisions of Ordinance No. 1202 of the City of Ketchum, Blaine County, Idaho, adopted on \_\_\_\_\_, is as follows:

- SECTION 1.** Clarifies that developments are considered to be devoted 100% towards community housing in Community Core Subdistrict 1 when the requisite commercial uses are provided on the first floor. Allows for a 52’ height for buildings devoted 100% towards community housing.
- SECTION 2.** Provides a repealer clause.
- SECTION 3.** Provides a savings and severability clause.
- SECTION 4.** Provides for publication of this Ordinance by Summary.
- SECTION 5.** Provides an effective date.

The full text of this Ordinance is available at the City Clerk’s Office, Ketchum City Hall, 480 East Avenue North, Ketchum, Idaho 83340 and will be provided to any citizen upon personal request during normal office hours.

APPROVED:

\_\_\_\_\_  
Neil Bradshaw, Mayor

ATTEST:

\_\_\_\_\_  
Robin Crotty, City Clerk



**ORDINANCE NO. 1202**

**AN ORDINANCE OF THE CITY OF KETCHUM, BLAINE COUNTY, IDAHO, AMENDING TITLE 17 THE ZONING ORDINANCE, OF THE KETCHUM MUNICIPAL CODE BY AMENDING SECTION 17.12.040, DIMENSIONAL STANDARDS – CC DISTRICT PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION BY SUMMARY; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City of Ketchum is authorized to amend the city zoning ordinance pursuant to Idaho Code § 67-6511; and

WHEREAS, the City of Ketchum is strives to both encourage active, vibrant uses on the first floor of buildings in the Community Core – Subdistrict 1 and support the development of community housing; and

WHEREAS, Title 17, the Zoning Code, incentivizes the development of community housing by permitting greater building heights for such developments in the Community Core; and

WHEREAS, code amendments are necessary to clarify that buildings in the Community Core – Subdistrict 1 that contain the requisite active uses on the first floor qualify as buildings devoted 100% to community housing where all housing units within the building are designated community housing; and

WHEREAS, the 50' height limit for buildings devoted to 100% community housing is being amended to allow such buildings to be 52' in height in order to accommodate modern cost effective and efficient structural buildings methodologies; and

WHEREAS, this nominal height increase is warranted and justified in order to facilitate the development of community housing; and

WHEREAS, the City Council, having reviewed the proposed subdivision code amendments, held public hearings on November 4, 2019 and November 18, 2019.

WHEREAS, the City Council, having considered the recommendation of the Planning and Zoning Commission and submitted comments and testimony from the public, having determined that it is in the best interests of the public to adopt the proposed amendments to Title 16, Subdivision:

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

**Section 1: AMENDMENTS TO SECTION 17.12.040: DIMENSIONAL STANDARDS, CC DISTRICT MATRIX:**

A. Development in the Community Core District shall comply with the standards set forth in the dimensional standards, CC District matrix. Dimensional standards for all other districts, unless otherwise specified, shall be found in section 17.12.030 of this chapter.

B. In addition to the requirements of the dimensional standards, CC District matrix, the regulations of chapter 17.128, "Supplementary Location And Bulk Regulations", of this title apply.

**COMMUNITY CORE DIMENSIONAL STANDARDS**

<b>Dimensional Standards</b>		<b>Subdistrict 1: Retail Core</b>	<b>Subdistrict 2: Mixed Use</b>
Lot/FAR miscellaneous:			
Minimum lot size		5,500 sq. ft.	
Minimum lot width		Average of 55'	
FAR requirements		See FAR requirements in section 17.124.040 of this title	
Minimum building setbacks:			
Front and street side		0'	5' average
Adjacent to alleyway		3'	
Rear side not adjacent to an alleyway		0'	
Interior side			
Cantilevered decks and overhangs			
Setback for 5th floors		20' from street sides and frontage and 10' on all other sides	
Setback for 4th floors		10'	
Non-habitable structures, fixed amenities, solar and mechanical equipment affixed to a roof from all building facades			
Maximum building heights:			

Cantilevered decks and overhangs	8' above grade and/or walking surface
Building height	42', unless otherwise allowed in this title
Height of buildings devoted 100% towards community housing <sup>1</sup>	50' <sup>1</sup> 52' <sup>2</sup>
Hotel building height (for hotel development standards see subsection 17.124.050B6 of this title)	68' <sup>2</sup>
Non-habitable structures located on building roof tops	10'
Perimeter walls enclosing roof top deck and structures	4' above roof surface height. Perimeter roof top walls are required to be at least 75% transparent
Roof top solar and mechanical equipment above roof surface	5'

Note:

1. For purposes of this Section, a project in the Community Core Subdistrict 1 that provides 100% community housing above the first floor and complies with the ground floor street frontage uses of the Subdistrict, shall be considered a 100% community housing project.

24. All buildings greater than 48 feet in height or that contain a 4<sup>th</sup> or 5th floor shall require final approval from the City Council. For hotel height standards, see subsection 17.124.050B6 of this title.

**Section 2. REPEALER CLAUSE.** All City of Ketchum Ordinances or parts thereof which are in conflict herewith are hereby repealed.

**Section 3. SAVINGS AND SEVERABILITY CLAUSE.** It is hereby declared to be the legislative intent that the provisions and parts of this Ordinance shall be severable. If any paragraph, part, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid for any reason by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

**Section 4. PUBLICATION.** This Ordinance, or a summary thereof in compliance with Section 50-901A, Idaho Code, substantially in the form attached hereto as Exhibit A, shall be published once in the official newspaper of the City, and shall take effect immediately upon its passage, approval, and publication.

**Section 5. EFFECTIVE DATE.** This Ordinance shall be in full force and effect after its passage, approval and publication according to law.

PASSED by the CITY COUNCIL and APPROVED by the MAYOR of Ketchum, Idaho on this \_\_\_\_\_ day of \_\_\_\_\_ 2019.

APPROVED:

\_\_\_\_\_  
Neil Bradshaw, Mayor

ATTEST:

\_\_\_\_\_  
Robin Crotty, City Clerk

**PUBLICATION SUMMARY OF ORDINANCE NO. 1202**

**AN ORDINANCE OF THE CITY OF KETCHUM, BLAINE COUNTY, IDAHO, AMENDING TITLE 17 THE ZONING ORDINANCE, OF THE KETCHUM MUNICIPAL CODE BY AMENDING SECTION 17.12.040, DIMENSIONAL STANDARDS – CC DISTRICT PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION BY SUMMARY; AND PROVIDING AN EFFECTIVE DATE.**

A summary of the principal provisions of Ordinance No. 1202 of the City of Ketchum, Blaine County, Idaho, adopted on \_\_\_\_\_, is as follows:

- SECTION 1.** Clarifies that developments are considered to be devoted 100% towards community housing in Community Core Subdistrict 1 when the requisite commercial uses are provided on the first floor. Allows for a 52’ height for buildings devoted 100% towards community housing.
- SECTION 2.** Provides a repealer clause.
- SECTION 3.** Provides a savings and severability clause.
- SECTION 4.** Provides for publication of this Ordinance by Summary.
- SECTION 5.** Provides an effective date.

The full text of this Ordinance is available at the City Clerk’s Office, Ketchum City Hall, 480 East Avenue North, Ketchum, Idaho 83340 and will be provided to any citizen upon personal request during normal office hours.

APPROVED:

\_\_\_\_\_  
Neil Bradshaw, Mayor

ATTEST:

\_\_\_\_\_  
Robin Crotty, City Clerk