



## City of Ketchum

October 18, 2021

Mayor Bradshaw and City Councilors  
City of Ketchum  
Ketchum, Idaho

Mayor Bradshaw and City Councilors:

**Recommendation To Conduct Public Hearing and Approve for Second Reading Ordinance 1226 Amending KMC Section 17.12.040. Dimensional Standards, CC District Matrix to Modify the Fourth-floor Setback for Projects Where 100% of the Residential Units are Community or Workforce Housing,**

Recommendation and Summary

Staff is recommending the Council conduct a public hearing and approve second reading of Ordinance 1226 and adopt the following motion:

**I move to approve the second reading of Ordinance 1226 and  
read by title only by the City Clerk**

The reasons for the recommendation are as follows:

- On August 10, 2021, the Planning and Zoning Commission recommended approval of the proposed text amendment.
- The proposed amendment provides greater design flexibility for configuring the fourth floor of community housing projects. By averaging the 10-foot setback, some portions of the building will be setback greater than 10 feet and some portions may be closer than 10 feet.

PROPOSED AMENDMENT

Amend KMC Section 17.12.040, Fourth Floor Setback for Community Housing Projects

Section 17.12.040, Dimensional Standards, CC District Matrix, establishes the development standards for projects within the Community Core District (CC). Currently, projects with a fourth floor are required to set the fourth floor back 10 feet on all sides. Uninhabitable structures and equipment are required to be setback 10 feet from the building façade.

Staff is recommending the Council conduct a second reading of Ordinance 1226 to amend the fourth-floor setback requirement in the Community Core District for projects where 100% of the residential units are community or workforce housing (Attachment A). The reason for this change:

- The proposed change provides for greater design flexibility. By averaging the 10-foot setback, some portions of the building will be setback greater than 10 feet and some portions may be closer than 10 feet.
- Community housing projects typically provide more outdoor space for residents than market rate development. By averaging the setback, a project can aggregate open space to benefit the residents.
- Averaging allows greater flexibility in the placement of stairwells and elevator shafts.

As proposed, the fourth-floor setback for community housing projects would be an average 10-foot setback instead of a uniform 10-foot setback. This approach provides greater design flexibility in the placement of features such as elevator shafts and stairwells, facilitates a reduction in the perceived building mass, and provides for larger open space areas.

The Planning and Zoning Commission and City Council retain the authority to review and determine if the fourth-floor design and placement is appropriate. In addition to Planning and Zoning Commission design review, projects with fourth floors are subject to City Council review and approval. While the proposed amendment allows design flexibility for the fourth floor, the project design is still subject to review and approval by both the Planning and Zoning Commission and City Council.

#### Planning and Zoning Commission Action

On August 10, 2021, the Planning and Zoning Commission conducted a public hearing on the proposed amendment. The Planning and Zoning Commission unanimously recommended approval of the proposed amendment to the City Council.

#### PROCESS

Consistent with KMC 17.152, the Commission conducted a public hearing on the proposed amendment to the Zoning Ordinance and recommended approval to the City Council. Notice of the City Council public hearing was published in the Mountain Express on September 15, 2021, and notice was sent in accordance with KMC Chapter 17.152. The Council can approve, amend or reject the proposed amendment.

#### PUBLIC INPUT

No written public comment was received between the date the hearing notice was published and publication of this staff report for the October 4, 2021, hearing. Any written public comment received prior to the public hearing will be distributed to the Council and included in the public record.

#### FINANCIAL IMPACT

There is no financial impact as a result of the proposed recommendation.

#### Attachments:

- A. Proposed Ordinance 1226
- B. Proposed Publication Summary of Ordinance 1226

## **ORDINANCE NO 1226**

**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 USE MATRIX TO MODIFY THE FOURTH-FLOOR SETBACK FOR PROJECTS WHERE 100% OF THE RESIDENTIAL UNITS ARE COMMUNITY OR WORKFORCE HOUSING, 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 and the District Zoning Map pursuant to Idaho Code § 67-6511; and

WHEREAS, Title 17, the Zoning Code, establishes development standards for projects in the Community Core (CC) Zoning District; and

WHEREAS, the proposed code amendment will provide design flexibility for projects that provide 100% of the units are workforce or community housing units; and

WHEREAS, the Planning and Zoning Commission conducted a public hearing on the proposed text amendment on August 10, 2021 and recommended approval to the City Council; and

WHEREAS, the City Council, having considered the recommendation of the Planning and Zoning Commission and any comments from the public at a public hearing on October 4, 2021, having determined that it is in the best interests of the public to adopt the proposed amendment to Title 17:

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

**Section 1: AMENDMENT 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

Dimensional Standards	Subdistrict 1: Retail Core	Subdistrict 2: Mixed Use
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 <b>for all projects except for projects where 100% of the residential units are community or workforce housing</b>	10'	
Non-habitable structures, fixed amenities, solar and mechanical equipment affixed to a roof from all building facades <b>for all projects except for projects where 100% of the residential units are community or workforce housing</b>		
<b>Setback for 4<sup>th</sup> floor habitable and uninhabitable portions of the building, fixed amenities, solar and mechanical equipment for projects where 100% of the residential units are community or workforce housing</b>		
	<b>An average 10' setback from the ground floor building facade.</b>	
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>	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.
2. All buildings greater than 48 feet in height or that contain a 4th 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 \_\_\_\_\_ 2021.

APPROVED:

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

ATTEST:

\_\_\_\_\_  
Tara Fenwick, City Clerk

## ORDINANCE NO. 1226

**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 USE MATRIX TO MODIFY THE FOURTH-FLOOR SETBACK FOR PROJECTS WHERE 100% OF THE RESIDENTIAL UNITS ARE COMMUNITY OR WORKFORCE HOUSING, 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. 1226 of the City of Ketchum, Blaine County, Idaho, adopted on \_\_\_\_\_ 2021, is as follows:

- SECTION 1.** Amends Section 17.12.040 DIMENSIONAL STANDARDS, CC DISTRICT MATRIX to modify the fourth-floor setback for projects where 100% of the residential units are community or workforce housing. The following amendment is proposed:
- 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.** Establishes 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.

ATTEST:

APPROVED:

\_\_\_\_\_  
Tara Fenwick, City Clerk

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