

ORDINANCE 1249

**AN ORDINANCE OF THE CITY OF KETCHUM, BLAINE COUNTY, IDAHO, TO AMEND KETCHUM MUNICIPAL CODE TITLE 15 – BUILDINGS AND CONSTRUCTION REGARDING THE DEMOLITION OF STRUCTURES; TITLE 16 – SUBDIVISIONS REGARDING LOT CONSOLIDATIONS, PROCESSING PROCEDURES, AND FINAL PLAT REQUIREMENTS; AND TITLE 17 – ZONING REGULATIONS REGARDING GENERAL APPLICATION PROCESSING PROCEDURES, DEFINITIONS, DISTRICT USE MATRIX AND DIMENSIONAL STANDARDS, DESIGN REVIEW APPLICATIONS AND PROCEDURES, BELOW GRADE ENCROACHMENTS, ACCESSORY STRUCTURES, SETBACKS AND BUILDING ENVELOPES, FENCES, HEDGES, WALLS, AND RETAINING STRUCTURES, MINIMUM RESIDENTIAL DENSITIES, MINIMUM COMMERCIAL REQUIREMENTS, DRIVEWAY DIMENSIONS, AND PARKING EXEMPTIONS; PROVIDING FOR PUBLICATION BY SUMMARY; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Idaho Code Section 67-6524 authorizes local jurisdictions to enact interim ordinances, effective up to one (1) year, during the pendency of preparation and adoption of a permanent ordinance; and

**WHEREAS**, the 2014 Ketchum Comprehensive Plan identifies ten core values vital to the City’s ability to achieve its vision including 1) A Strong and Diverse Economy, 2) Vibrant Downtown, and 4) A Variety of Housing Options; and

**WHEREAS**, the City of Ketchum (the “City”) is experiencing a significant population increase and a severe shortage of housing for the local workforce at all income levels which is threatening the livelihood and straining the resources of the City, its citizens, and its businesses; and

**WHEREAS**, businesses in Ketchum have been forced to reduce operating hours in the past two years due to lack of workforce; and

**WHEREAS**, from 1990 to 2009, approximately 290 units were constructed for an average of 15 units per year. From 2010 to 2020, only 92 units were constructed for an average of 9 units per year, a significant decrease from previous years; and

**WHEREAS**, the City is experiencing an increase in the redevelopment of property as more than half of the City’s housing stock was built before 1980 and there are a limited number of vacant properties within city limits; and

**WHEREAS**, development permitted under the current zoning regulations result in low-density residential development in areas where the 2014 Ketchum Comprehensive Plan envisions medium to high density residential and vibrant mixed-use development; and

**WHEREAS**, Interim Ordinance 1234 went into effect on October 19, 2022 for a period of one year, and

**WHEREAS**, the City conducted additional analysis of the requirements of the interim ordinance over the past year including a commercial demand analysis, financial feasibility analysis, analysis of past and future development proposals to determine if the requirements of the ordinance are successful in helping the city achieve its vision, and

**WHEREAS**, the City identified changes to the interim ordinance that are not contributing to the city’s ability to achieve its vision and have made revisions accordingly, and

**WHEREAS**, the City identified other changes to Title 15, Title 16, and Title 17 that would be beneficial to the community including process improvements, code clarifications, and the removal of barriers to the construction of accessory dwelling units, and

**WHEREAS**, the City hosted two community open houses on July 12, 2023 and an online survey to obtain feedback from the community on proposed changes to the city’s municipal code, and

**WHEREAS**, the Planning and Zoning Commission held a public hearings on August 8 and August 22, 2023 to review this ordinance, as prepared by staff, reflecting feedback from the community; and

**WHEREAS**, the Planning and Zoning Commission recommended approval of this ordinance at a regular meeting on August 22, 2023; and

**WHEREAS**, the City Council held a public hearing on \_\_\_\_\_ to review the interim ordinance, information from staff, and recommendations from the Planning and Zoning Commission; and

**WHEREAS**, The City Council held three readings of the interim ordinance on \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_, resulting in approval of this ordinance; and

**WHEREAS**, the Planning and Zoning Commission hearings and City Council hearings were duly noticed per the requirements of Idaho Code Section 67-6509; and

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

**SECTION 1. AMENDMENTS TO SECTION 15.16.030: PERMIT PROCESS FOR DEMOLITION OF A NONHISTORIC BUILDING.**

**A. General provisions.**

- 1. No demolition permit shall be issued for any building until a building permit application for a replacement project on the property and the required fees have been accepted by the City and deemed complete.**
- 2. Demolition and subsequent redevelopment of property, in any zone district, may not result in the net loss of dwelling units.**
- 1-3. Total number of dwelling units shall be calculated including all listed or defined dwelling unit uses and terms per section 17.08.020 such as, but not limited to, “dwelling, one family”, “dwelling, multi-family”, “dwelling unit, accessory”, and “work/live unit”.**

All subsequent subsections to be re-numbered accordingly.

**SECTION 2. AMENDMENTS TO SECTION 15.16.040: PERMIT PROCESS FOR DEMOLITION OF A HISTORIC BUILDING.**

A. General provisions.

1. No demolition permit shall be issued for any historic building listed on the Historic Building/Site List without approval by the Historic Preservation Commission through the process described in Chapter 17.20 Historic Preservation.
2. No demolition permit shall be issued for any building until a building permit application for a replacement project on the property and the required fees have been accepted by the City and deemed complete.
3. Demolition and subsequent redevelopment of property, in any zone district, may not result in the net loss of dwelling units.
4. Total number of dwelling units shall be calculated including all listed or defined dwelling unit uses and terms per section 17.08.020 such as, but not limited to, “dwelling, one family”, “dwelling, multi-family”, “dwelling unit, accessory”, and “work/live unit”.

All subsequent subsections to be re-numbered accordingly.

**SECTION 3. AMENDMENTS TO SECTION 15.16.050, CONDEMNATION AND DEMOLITION BY NEGLECT.**

A. In the event of imminent and substantial danger to the health or safety of the public due to neglect or condemnation of the building as determined by the building official or his/her designee, the following provisions shall apply:

1. Ana historic building may be exempt from the provisions of section 15.16.040 of this chapter and a demolition permit can be accepted and process per the provisions of section 15.16.030, but not from section 15.16.030 of this chapter. Prior to demolition of the structure, a security agreement shall be entered into between the owner of the property and the City of Ketchum.
2. Prior to demolition of the building(s), a development agreement shall be entered into between the owner of the property and the City of Ketchum stipulating the total number of units required at the time of future development of the property will be at least in an amount sufficient to result in no net loss of dwelling units. Said development agreement shall be recorded against the property with the office of the Blaine County, Idaho, Clerk and Recorder.

**SECTION 4. AMENDMENTS TO SECTION 16.04.020: DEFINITIONS.**

Consolidation: The action or process of combining more than one lot or unit into a single lot or unit.

Readjustment of lot lines: A change or modification of the boundary lines between existing lots or parcels of land or between dwelling units which does not reduce the area, frontage, width, depth or building setback lines of each lot below the minimum zoning requirements and which does not create additional lots or dwelling units. "Readjustment of lot lines" includes other minor changes to a subdivision, condominium, or townhouse plat such as, but not limited to, notation changes and; boundary shifts, and removal of lot line(s); each of which do not reduce the area, frontage, width, depth or building setback lines of each lot below the minimum zoning requirements nor consolidate or create additional lots or dwelling units.

**SECTION 5. AMENDMENTS TO SECTION 16.04.030.C: PRELIMINARY PLAT PROCEDURE.**

C. Preliminary plat procedure.

1. Application. The subdivider shall file with the Administrator copies of the completed subdivision application form and preliminary plat data as required by this chapter.
  - a. Consolidation of lots within the City may be permitted in certain zone districts as follows:

<u>Zone District</u>	<u>Consolidation of Lots</u>
<u>CC - Subdistricts 1 and 2</u>	<u>Permitted subject to additional standards noted in section 16.04.030.C.4</u>
<u>T</u>	
<u>T-3000</u>	
<u>T-4000</u>	
<u>GR-H</u>	
<u>LI, LI-2, and LI-3</u>	
<u>RU and AF</u>	
<u>GR-L</u>	<u>Permitted subject to waiver as noted in section 16.04.130</u>
<u>LR, LR-1, and LR-2</u>	
<u>STO-1, STO-4, and STO-H</u>	

4. Review by Administrator. The Administrator shall review the preliminary plat application and data as well as the recommendations received from the various departments and agencies to ensure that such application and plat are in conformance with all applicable rules and regulations. All preliminary plat applications for consolidation of lots must also demonstrate conformance with all applicable building permit and land use development approvals, all applicable rules and regulations in Title 17 – Zoning Regulations, and general conformance with the adopted comprehensive plan. The Administrator shall report and make recommendations to the commission.

**SECTION 6. AMENDMENTS TO SECTION 16.04.030.G: FINAL PLAT PROCEDURES.**

G. Final plat procedures. After approval of the preliminary plat, the subdivider shall cause the subdivision to be surveyed and a final plat to be prepared in conformance with the preliminary plat as approved, and Idaho Code title 50, chapter 13. Upon completion of such final plat, the subdivider shall file same and all other documents required with the Administrator. In the event the final plat does not substantially conform to the approved preliminary plat, the Administrator shall consider such plat a preliminary plat and the public notice and hearing procedures set forth herein in section 16.04.030.D shall apply.

The subdivider shall submit two sets of the final plat and plan specifications of all required improvements, together with a current title report showing proof of ownership in the land to be subdivided. When submitted to the Administrator, the final plat shall bear all required certificates, acknowledgments and signatures.

Upon receipt of a final plat in compliance with all requirements, the Administrator shall approve the final plat and affix the date of acceptance and his or her signature on such final plat. Thereafter, the Administrator shall place the final plat upon the council's next regular meeting agenda and the council may conduct a public hearing to hear testimony of the subdivider and any witnesses on his or her behalf and any witnesses including interested citizens. If the final plat conforms to all requirements of this chapter, all conditions placed upon preliminary plat by the council, and all requirements of Idaho law, the council shall approve such final plat. A final plat for consolidation of lots shall not be signed by the City Clerk and recorded until a building permit is issued for the development unless otherwise agreed to by the City Council.

#### **SECTION 7. AMENDMENTS TO SECTION 16.04.030.J: APPLICATION AND PRELIMINARY PLAT CONTENTS.**

J. *Application and preliminary plat contents.* A preliminary plat application shall include the following: ~~t~~The preliminary plat, together with all application forms, title insurance report, deeds, maps, and other documents reasonably required, shall constitute a complete subdivision application. The preliminary plat shall be drawn to a scale of not less than one inch equals 100 feet and shall show the following:

To be shown on plat:

1. The scale, north point and date.
2. The name of the proposed subdivision.
3. The name and address of the owner of record, the subdivider, and the engineer, surveyor, or other person preparing the plat.
4. Legal description of the area platted.
5. The names and the intersecting boundary lines of adjoining subdivisions and parcels of property.
6. A contour map of the subdivision with contour lines and a maximum interval of two feet to show the configuration of the land based upon the United States Geodetic Survey data, or other data approved by the City Engineer.
7. The scaled location of existing buildings, water bodies and courses and location of the adjoining or immediately adjacent dedicated streets, roadways and easements, public and private.
8. Boundary description and the area of the tract.
9. Existing zoning of the tract.
10. The proposed location of street rights-of-way, lots, and lot lines, easements, including all approximate dimensions, and including all proposed lot and block numbering and proposed street names.
11. The location, approximate size and proposed use of all land intended to be dedicated for public use or for common use of all future property owners within the proposed subdivision.
12. The location, size and type of sanitary and storm sewers, water mains, culverts and other surface or subsurface structures existing within or immediately adjacent to the proposed sanitary or storm sewers, water mains, and storage facilities, street improvements, street lighting, curbs, and gutters and all proposed utilities.
13. The direction of drainage, flow and approximate grade of all streets.
14. The location of all drainage canals and structures, the proposed method of disposing of runoff water, and the location and size of all drainage easements, whether they are located within or outside of the proposed plat.
15. Vicinity map drawn to approximate scale showing the location of the proposed subdivision in reference to existing and/or proposed arterials and collector streets.
16. The boundaries of the floodplain, floodway and avalanche overlay district shall also be clearly delineated and marked on the preliminary plat or a note provided if the entire project is in the floodplain, floodway or avalanche overlay district.
17. Building envelopes shall be shown on each lot, all or part of which is within a floodway, floodplain, or avalanche zone; or any lot that is adjacent to the Big Wood River, Trail Creek, or Warm Springs Creek; or any lot, a portion of which has a slope of 25 percent or greater; or upon any lot which will be created adjacent to the intersection of two or more streets.
18. Lot area of each lot.
19. Existing mature trees and established shrub masses.

To be provided to Administrator:

20. All subdivision applications for consolidation of lots must be submitted concurrently with a building permit application or land use development application as applicable.
- ~~21~~0. Subdivision names shall not be the same or confused with the name of any other subdivision in Blaine County, Idaho and shall be approved by the Blaine County assessor.
- ~~22~~1. All percolation tests and/or exploratory pit excavations required by State health authorities.
- ~~23~~2. A copy of the provisions of the articles of incorporation and bylaws of homeowners' association and/or condominium declarations to be filed with the final plat of the subdivision.
- ~~24~~3. A current title report shall be provided at the time that the preliminary plat is filed with the Administrator, together with a copy of the owner's recorded deed to such property.
- ~~25~~4. A digital copy of the preliminary plat shall be filed with the Administrator.

#### **SECTION 8. AMENDMENTS TO SECTION 16.04.030.K: CONTENTS OF FINAL PLAT.**

K. *Contents of final plat.* The final plat shall be drawn at such a scale and contain such lettering as to enable same to be placed upon sheets of 18-inch by 24-inch Mylar paper with no part of the drawing nearer to the edge than one-half inch, and shall be in conformance with the provisions of Idaho Code title 50, chapter 13. The reverse side of such sheet shall not be used for any portion of the drawing, but may contain written matter as to dedications, certificates, signatures, and other information. The contents of the final plat shall include all items required under Idaho Code title 50, chapter 13, and also shall include the following:

1. Point of beginning of subdivision description tied to at least two governmental survey corners, or in lieu of government survey corners, to monuments recognized by the City Engineer.
2. Location and description of monuments.
3. Tract boundary lines, property lines, lot lines, street right-of-way lines and centerlines, other rights-of-way and easement lines, building envelopes as required on the preliminary plat, lot area of each lot, boundaries of floodplain and floodway and



avalanche district, all with bearings, accurate dimensions in feet and decimals, in degrees and minutes and radii, arcs, central angles, tangents and chord lengths of all curves to the above accuracy.

4. Names and locations of all adjoining subdivisions.
5. Name and right-of-way width of each street and other public rights-of-way.
6. Location, dimension and purpose of all easements, public or private.
7. The blocks numbered consecutively throughout each block.
8. The outline of any property, other than a street, alley or easement, which is offered for dedication to public use, fully dimensioned by distances and bearings with the area marked "Dedicated to the City of Ketchum for Public Use", together with any other descriptive language with regard to the precise nature of the use of the land so dedicated.
9. The title, which shall include the name of the subdivision, the name of the City, if appropriate, county and state, and the location and description of the subdivision referenced to section, township, range.
10. Scale, north arrow and date.
11. Location, width, and names of all existing or dedicated streets and other public ways within or adjacent to the proposed subdivision.
12. A plat note provision referencing the County Recorder's instrument number where the condominium declaration(s) and/or articles of incorporation of homeowners' association governing the subdivision are recorded.
13. Certificate by a registered ~~engineer or professional land~~ surveyor ~~preparing making the map plat~~ certifying ~~to the accuracy~~ correctness of ~~surveying the~~ plat.
14. A current title report of all property contained within the plat shall be provided to the City and used, in part, as the basis for the dedication of easements and encumbrances on the property.
15. Certification of owner(s) of record and all holders of security interest(s) of record with regard to such property.
- ~~16. Certification and signature of engineer (surveyor) verifying that the subdivision and design standards meet all City requirements.~~
- ~~17.16.~~ Certification and signature of the City Engineer verifying that the subdivision and design standards meet all City requirements.
- ~~18.17.~~ Certification and signature of the City Clerk of the City of Ketchum verifying that the subdivision has been approved by the council.
- ~~19.18.~~ Notation of any additional restrictions imposed by the council on the development of such subdivision to provide for the public health, safety and welfare.

#### **SECTION 9. AMENDMENTS TO SECTION 16.04.070.C: CONDOMINIUMS.**

##### *C. Final plat procedure.*

1. The final plat procedure contained in subsection 16.04.030.F of this chapter shall be followed. However, the final plat shall not be filed, received, and processed until a framing inspection has been passed for the project, signed by the City Clerk and recorded until the condominium has received:
  - ~~a. A certificate of occupancy issued by the City of Ketchum; and~~
  - ~~b. Completion of all design review elements as approved by the Planning and Zoning Administrator.~~
- ~~2. The council may accept a security agreement for any design review elements not completed on a case by case basis pursuant to title 17, chapter 17.96 of this Code. Prior to final plat approval, the subdivider shall submit to the City a copy of the final bylaws and condominium declarations which shall be approved by the council and filed with the Blaine County Recorder, including the instrument number(s) under which each document was recorded.~~

#### **SECTION 10. AMENDMENTS TO SECTION 16.04.080.D: TOWNHOUSES.**

##### *D. Final plat procedure.*

1. The final plat procedure contained in subsection 16.04.030.G of this chapter shall be followed. However, the final plat shall not be filed, received, and processed until one of the following:
  - a) Detached Townhouses – a building permit is issued for the first unit.
  - b) Attached Townhouses – a foundation inspection has been passed for the building.~~a) signed by the City Clerk and recorded until the townhouse has received either:~~
  - ~~a. A certificate of occupancy issued by the City of Ketchum for all structures in the townhouse development and completion of all design review elements as approved by the Planning and Zoning Administrator; or~~
  - ~~b. Signed council approval of a phased development project consistent with section 16.04.110 herein.~~
- ~~2. The council may accept a security agreement for any design review elements not completed on a case by case basis pursuant to title 17, chapter 17.96 of this Code.~~

#### **SECTION 11. AMENDMENTS TO SECTION 16.04.110.B: PHASED DEVELOPMENT PROJECTS.**

- B. *Development plan.* In addition to the preliminary plat, subdivision application and data, the subdivider shall submit to the Administrator a development plan with a schedule for the entire project, containing all of the information required in subsection 16.04.030 of this chapter. The development plan, if approved, shall be the master plan for the entire project subject to modification by the subdivider through the same procedures as required for approval of the preliminary plat. Phased development projects or portions of phased development projects that have not received final plat approval are subject to additional regulations of subsequently adopted or amended ordinances and statutes. The approval of the development plan shall occur concurrently with preliminary plat approval. Final plat approval for each phase of a built project, ~~as evidenced by the receipt of a valid building permit and issuance of a certificate of occupancy,~~ shall follow the procedures set forth in section 16.04.110.D herein. The time limitations set forth in subsection 16.04.030.I of this chapter shall apply to phased developments.

#### **SECTION 12. AMENDMENT TO SECTION 17.04.030, APPLICATION OF REGULATIONS:**

##### 17.04.030 Application of regulations.

- A. 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.
- B. -Applications: resubmittal of a previously denied application. After a final decision that results in the denial of a development application by the decision-making body, an applicant wishing to resubmit the same plan for approval:
  1. May not submit the same development application or one substantially the same, as determined by the Administrator, for a period of one year from the date of the most recent ruling of denial; or

2. May submit a revised application that adequately addresses all of the stated reasons for denial. The Administrator shall determine whether:

- a) a new submittal adequately addresses all of the stated reasons for denial and can proceed with a submittal; or,
- b) a new submittal is sufficiently altered from the project denied that it qualifies as a new application for a different project.

In either scenario, such application shall be treated as a new application for purposes of review and scheduling.

C. Applications: dormant applications.

1. If, at any point in a development application review process, the Administrator has notified the applicant that additional or corrected materials are required, and the applicant has not submitted those materials within three months after the date of such notification, the application will be considered withdrawn. The Administrator may extend the three-month period if requested by the applicant prior to its expiration and upon the applicant's demonstrating good cause for the additional delay. The Administrator may grant no more than two extensions.
2. Any re-submittal of the application after the three-month deadline will be treated as a new application for purposes of payment of application fees, review, scheduling, public notice, and hearings.

D. Applications: no net loss of units.

1. Development of property, in any zone district, may not result in the net loss of dwelling units. Total number of dwelling units shall be calculated including all listed or defined dwelling unit uses and terms in the KMC such as, but not limited to, "dwelling, one family", "dwelling, multi-family", "dwelling unit, accessory", and "work/live unit".

**SECTION 13. AMENDMENTS AND ADDITIONS TO SECTION 17.08.020: TERMS DEFINED:**

**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 above grade appendages to said structurebuilding, such as decks, roof overhangs ~~and~~ porte-cocheres, and the like, are part of said building for purposes of determining building coverage, setbacks or other regulations unless otherwise specified.

Building envelope: The site for location of a building, as defined in this section, delineated on a preliminary plat and final plat.

Consolidation: The action or process of combining more than one lot or unit into a single lot or unit.

Energy system, solar: Any solar collector panel(s), film(s), shingle(s), or other solar energy device(s), or solar structural component(s), mounted on a building or on the ground and including other appurtenant structures and facilities, whose primary purpose is to provide for the on site collection, storage, and distribution of solar, or radiant, energy received from the sun and used for heating or cooling, for water heating, and/or for generation of electricity. A solar energy system may be ground mounted (i.e., placed on top of the ground surface) or roof mounted (i.e., placed on or as an integral part of a building). ~~Roof mounted systems may extend an additional two feet beyond the maximum height allowance of the zoning district in which they are located.~~ Ground mounted systems shall meet all required dimensional standards for accessory structures.

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 40 feet of the front property line elevation or within 35 feet of the rear property line 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).

Net livable space (square footage): The floor area within a dwelling unit measured to the inside face of the perimeter walls of the dwelling unit.

~~Outdoor Open space (open site area): 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. Open space area is all area of a lot not including buildings, structures, parking areas, driveways, cul-de-sacs or streets.~~

~~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.~~

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 underground building or structure; below grade structures underground buildings or portions of buildings may encroach into required setbacks subject to subsection 17.128.020.K of this title.

Structure: ~~Anything permanently constructed in or on the ground, or over the water, including gas or liquid storage tank that is principally above ground and manufactured homes; excluding fences less than six feet in height, decks less than 30 inches above grade, paved areas, and structural or nonstructural fill. Anything constructed, installed or erected which requires location on the ground, or over the water, or is attached/supported by something on the ground, including but not limited to buildings, fences/hedges/walls/retaining structures, sport courts, swimming pools and the like, but excluding poles, lines, cables or similar devices used in the transmission or distribution of public utilities.~~

Residential Density: The number of dwelling units per square feet of lot area.

Retaining Structures: Retaining walls, rockeries, modular block walls, rock walls, or any other structures which retain soil, retain earth surcharge, protect an exposed soil face, or serve as a gravity retaining wall.

#### **SECTION 14. AMENDMENTS TO SECTION 17.12.020: DISTRICT USE MATRIX**

##### **A. District use matrix.**

1. *Use matrix.* The district use matrix lists all use types and all zoning districts where the use type is permitted (P), permitted with approval of a conditional use permit (C) or permitted as an accessory use (A) to a principal use.
2. *Prohibited uses.* All uses not specifically listed in the district use matrix are prohibited, except where state or federal law otherwise preempts local land use regulation.
3. *Overlay districts.* Regardless of whether the district use matrix lists a use type as permitted, permitted with approval of a conditional use permit or permitted as an accessory use to a principal use, the use type shall be further regulated and prohibited if listed as a prohibited use in any applicable overlay district.
4. *Additional requirements.* In addition to requirements listed in applicable overlay districts, additional requirements for specific uses are listed in chapter 17.124, "Development standards", of this title.
5. *Floor area ratios (FAR) and community housing.* Refer to sections 17.124.040, 17.124.050, "Hotels", 17.100.030 and 17.101.030 of this title for FAR and community/inclusionary housing requirements.
6. *Accessory use.* An accessory use, unless otherwise permitted for in this title, shall not commence and no accessory structure shall be constructed without a principal use first being lawfully established on the subject site, unless otherwise specified in chapter 17.116, "Conditional uses", of this title.

P = Permitted						C = Conditional						A = Accessory							
District Uses	LR	LR-1	LR-2	GR-L	GR-H	STO-4	STO-1	STO-H	T	T-3000	T-4000	CC SD 1	CC SD 2	LI-1	LI-2	LI-3	RU	AF	
Residential:																			
Dwelling, multi-family				P <sup>1</sup>	P <sup>38</sup>			P	P <sup>38,43</sup>	P <sup>38</sup>	P <sup>38</sup>	P <sup>26, 38,43</sup>	P <sup>38, 39, 43</sup>	C <sup>14</sup>	C <sup>14</sup>	C <sup>14</sup>	C <sup>19</sup>		
Dwelling, one-family	P	P	P	P <sup>2</sup>	P	P	P	P	P/See Note 41 & 28	P	P	See note 28	See note 28				C <sup>19</sup>	P	
Residential care facility	P <sup>4</sup>	P <sup>4</sup>	P <sup>4</sup>	P <sup>4</sup>	P <sup>4</sup>	P <sup>4</sup>	P <sup>4</sup>	P <sup>4</sup>	P <sup>4</sup>	P <sup>4</sup>	P <sup>4</sup>	P <sup>26</sup>	P						
Short-term rental	P <sup>33</sup>	P <sup>33</sup>	P <sup>33</sup>	P <sup>33</sup>	P <sup>33</sup>	P <sup>33</sup>	P <sup>33</sup>	P <sup>33</sup>	P <sup>33</sup>	P <sup>33</sup>	P <sup>33</sup>	P	P				P <sup>33</sup>	P <sup>33</sup>	
Work/live unit														C <sup>14</sup>	C <sup>14</sup>	C <sup>14</sup>			
Commercial:																			
Adult only business																			C
Agriculture, commercial																			P
Business support service									P <sup>40</sup>			P	P	P	P				
Commercial off-site snow storage									P/C <sup>32</sup>			P/C <sup>32</sup>	P/C <sup>32</sup>	P/C <sup>32</sup>	P/C <sup>32</sup>	P/C <sup>32</sup>			
Construction material laydown yard														P	P	P			
Convenience store									P			P	P	P <sup>12</sup>	P <sup>16</sup>				
Craft/cottage industry														P	P	P			
Daycare center				C <sup>4</sup>	C <sup>4</sup>				P <sup>4</sup>	P <sup>4</sup>	P <sup>4</sup>	P	P	C <sup>17</sup>		C <sup>17</sup>			
Daycare facility				C <sup>4</sup>	P <sup>4</sup>			C <sup>4</sup>	P <sup>4</sup>	P <sup>4</sup>	P <sup>4</sup>	P	P	C <sup>17</sup>		C <sup>17</sup>	P <sup>4</sup>		
Drive-through facility									P <sup>9,40</sup>			P <sup>9</sup>	P <sup>9</sup>						
Equestrian facility																		C	C
Food service									P	P <sup>6</sup>	P <sup>6</sup>	P	P	P/C <sup>15</sup>	P/C <sup>15</sup>			C <sup>29</sup>	
Golf course	P	P	P	P	P	P	P	P	P <sup>41</sup>	P	P							C	
Grocery store									P <sup>40</sup>			P	P						
Health and fitness facility - wellness focus									P			P	P	P <sup>37</sup>	P <sup>37</sup>	P <sup>37</sup>			
Hotel									P <sup>25</sup>	P <sup>25</sup>	P <sup>25</sup>	P <sup>25</sup>	P <sup>25</sup>						
Hybrid production facility									P <sup>40</sup>			P	P	P	P				
Industrial design														P	P	P			
Instructional service									P <sup>40</sup>			P	P	C <sup>37</sup>	C <sup>37</sup>				
Kennel, boarding														P	P				
Laundry, industrial														P	P				
Lodging establishment									P	P	P	P	P						
Maintenance service facility														P	P			C	
Manufacturing														P	P				
Mortuary									C <sup>40</sup>			C	C						

Motor vehicle fueling station														C <sup>31</sup>	C <sup>31</sup>			
Motor vehicle sales														C	C			
Motor vehicle service														P	P			
Neighborhood off-site snow storage	P/C <sup>32</sup>	P/C <sup>32</sup>	P/C <sup>32</sup>	P/C <sup>32</sup>	P/C <sup>32</sup>	P/C <sup>32</sup>	P/C <sup>32</sup>	P/C <sup>32</sup>		P/C <sup>32</sup>	P/C <sup>32</sup>							
Office, business									C/P <sup>40</sup>				P <sup>10</sup>	P			P	
Office, contractor-related business									C/P <sup>40</sup>				P <sup>10</sup>	P	P	P	P	
Outdoor entertainment									P	P	P	P	P					
Personal service									P	P <sup>6</sup>	P <sup>6</sup>	P	P		P <sup>13</sup>			
Professional research service															P	P	P	
Recreation facility, commercial									C/P <sup>20,40</sup>	C	C		p <sup>20</sup>	p <sup>20</sup>				C
Recreation facility, high intensity															P	P		
Repair shop									P	P <sup>6</sup>	P <sup>6</sup>	P	P	P	P			
Retail trade									P <sup>5</sup> /P <sup>34,40</sup>				p <sup>34</sup>	p <sup>34</sup>	p <sup>12</sup>	p <sup>16</sup>		C <sup>29</sup>
Self-service storage facility															P	P		
Ski facility									C/See Note 41	C	C							C C
Storage yard															P	P	P	
Studio, commercial									P <sup>40</sup>				P	P	p <sup>35</sup>	p <sup>35</sup>	p <sup>35</sup>	
TV and radio broadcasting station															P	P	P	
Tourist house									P/ p <sup>11,40</sup>	P	P		p <sup>11</sup>	p <sup>11</sup>				
Tourist housing accommodation						P	P	P	P/See Note 41	P	P							
Truck terminal															P	P		
Veterinary service establishment															P	P		C <sup>21</sup>
Warehouse															P	P	P	
Wholesale															P	P		
Wireless communication facility	C <sup>23</sup>	C <sup>23</sup>	C <sup>23</sup>	C <sup>23</sup>	C <sup>23</sup>	C <sup>23</sup>	C <sup>23</sup>	C <sup>23</sup>	C <sup>23</sup>	C <sup>23</sup>	C <sup>23</sup>	C <sup>23</sup>	C <sup>23</sup>	C <sup>23</sup>	C <sup>23</sup>	C <sup>23</sup>	C <sup>23</sup>	C <sup>23</sup>
Public and institutional:																		
Assembly, place of				C <sup>3</sup>	C <sup>3</sup>				C <sup>42</sup>				C	C				
Cemetery																	C	C
Cultural facility									P <sup>40</sup>				P	P			C	
Geothermal utility											C <sup>7</sup>							
Hospital									C <sup>42</sup>				C	C				
Medical care facility					C				P				P	P				



Nature preserve	P	P	P	P	P	P	P	P	P	P	P	P	P				P	P
Parking facility, off-site									C	C	C	C	C	P	P	P		
Parking, shared									C <sup>8</sup> /P <sup>8,40</sup>	C <sup>8</sup>	C <sup>8</sup>	P <sup>8</sup>	P <sup>8</sup>	C <sup>8</sup>	C <sup>8</sup>	C <sup>8</sup>		
Performing arts production									P <sup>40</sup>			P	P				C	
Public use	C	C	C	C	C	C	C	C	P	C	C	P	P	P	P	P	P	C
Public utility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Recreation facility, public	P	P	P	P	P	P	P	P	P	P	P	P	P				P	P
Recycling center																C		
School residential campus																	P <sup>30</sup>	
Semi-public use					C				C/-P <sup>40</sup>	C	C	P	P				C	C
Accessory:																		
Agriculture, urban	A <sup>22</sup>	A <sup>22</sup>	A <sup>22</sup>	A <sup>22</sup>	A <sup>22</sup>	A <sup>22</sup>	A <sup>22</sup>	A <sup>22</sup>	A <sup>22</sup>	A <sup>22</sup>	A <sup>22</sup>	A <sup>22</sup>	A <sup>22</sup>	A <sup>22</sup>	A <sup>22</sup>	A <sup>22</sup>	A <sup>22</sup>	A <sup>22</sup>
Avalanche protective, deflective, or preventive structure/earthwork	C	C	C	C	C	C	C	C	C	C	C							C
Daycare home	A <sup>4</sup>	A <sup>4</sup>	A <sup>4</sup>	A <sup>4</sup>	A <sup>4</sup>	A <sup>4</sup>	A <sup>4</sup>	A <sup>4</sup>	A <sup>4</sup>	A <sup>4</sup>	A <sup>4</sup>			C <sup>4</sup>				A <sup>4</sup>
Daycare, onsite employees														A	A	A		
Dwelling unit, accessory	A <sup>18</sup>	A <sup>18</sup>	A <sup>18</sup>	A <sup>18</sup>	A <sup>18</sup>	A <sup>18</sup>	A <sup>18</sup>	A <sup>18</sup>	A <sup>18</sup>	A <sup>18</sup>	A <sup>18</sup>	A <sup>18</sup>	A <sup>18</sup>					A <sup>18</sup>
Electric vehicle charging station	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Energy system, solar	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Energy system, wind	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Equestrian facility, residential	A	A	A	A	A	A	A	A	A/See Note 41	A	A							A
Fallout shelter	A	A	A	A	A	A	A	A	A/See Note 41	A	A							A
Guesthouse	A	A	A	A	A	A	A	A	A/See Note 41	A	A							
Home occupation	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Recreation facility, residential	A	A	A	A	A	A	A	A	A	A	A	A	A	A <sup>36</sup>	A <sup>36</sup>	A <sup>36</sup>		
Sawmill, temporary																		C

1. A multi-family development containing up to two dwelling units is permitted.
2. Two one-family dwellings are permitted.
3. Religious institutions are allowed through the provision of a conditional use permit. No other assembly uses as defined in chapter 17.08 of this title are permitted.
4. Use is not permitted in the avalanche zone. Reference Zoning Map.
5. Retail trade is permitted but must not exceed 2,500 square feet.
6. Uses must be subordinate to and operated within tourist housing and not to exceed ten percent of the gross floor area of the tourist housing facility.
7. Utility for offsite use.
8. See section 17.125.080 of this title for shared parking standards.
9. Drive-throughs are not allowed in association with food service establishments.
10. This is a permitted use, however offices and professional services on the ground floor with street frontage require a conditional use permit.
11. Tourist houses shall only be located in existing one-family dwellings. Additions to the home shall not exceed 20 percent of the existing square footage.
12. The following forms of retail trade are permitted: a) equipment rental, including sporting equipment and entertainment equipment, b) building, construction and landscaping materials; small engines with associated sales, c) retail in conjunction with manufacturing, warehousing or wholesaling not to exceed 30 percent gross floor area or 800 square feet, whichever is less; no advertising is displayed from windows or building facades; and no access onto a major arterial is allowed if an alternative access is available.
13. Personal service is not allowed except for laundromats and dry cleaning establishments.
14. See section 17.124.090 of this title for Industrial Districts residential development standards.
15. Catering and food preparation is permitted. Restaurants require a conditional use permit and shall not exceed 1,000 square feet and serve no later than 9:00 p.m. unless expressly permitted through approval of the conditional use permit.
16. The following forms of retail trade are permitted: a) equipment rental, including sporting equipment and entertainment equipment; b) building, construction and landscaping materials; small engines with associated sales; c) furniture and appliances in conjunction with warehousing not to exceed 18 percent gross floor area or 900 square feet, whichever is less; d) other retail in conjunction with manufacturing, warehousing or wholesaling; it is limited to ten percent gross floor area or 500 square feet, whichever is less. Retail uses c) and d) of this note shall have no advertising displayed from windows or building facades; and no access will be permitted onto a major arterial if an alternative access is available.
17. See subsection 17.124.120.C of this title for Industrial Districts daycare development standards.
18. See section 17.124.070 of this title for accessory dwelling unit development standards.
19. A maximum of five dwelling units are allowed through a conditional use permit and shall be a minimum of 400 square feet and not exceed 1,200 square feet in size.
20. Indoor only.
21. Only allowed in conjunction with an equestrian facility.
22. See section 17.124.080 of this title for urban agriculture development standards.
23. See chapter 17.140 of this title for wireless communications facility provisions.
24. Allowed on the ground floor only.
25. See section 17.124.050 of this title for hotel development standards.
26. Ground floor street frontage uses are limited to retail and/or office uses. In Subdistrict 1 office uses require a conditional use permit.
27. Ground floor only.
28. Through the provision of a conditional use permit, the Planning and Zoning Commission may approve a 20 percent increase to the total existing square footage of an existing nonconforming one-family dwelling.
29. Use is allowed as an accessory use through the provision of a conditional use permit.
30. Development agreement and compliance with subsection 17.124.090.C of this title required.
31. Vehicular access from Highway 75 to motor vehicle fueling stations is prohibited.
32. All commercial and neighborhood off-site snow storage uses are subject to the standards set forth in section 17.124.160 of this title. Conditional use permits are required of all off-site snow storage operations when the project: a) affects greater than ½ acre; or, b) has, at the discretion of the Administrator, the potential to negatively impact neighboring uses within 300 feet of the proposed neighborhood or commercial off-site snow storage operation.
33. Short term rental in the Avalanche Overlay Zone is permitted subject to the regulations found in chapter 17.92, "Avalanche Zone District (A)", of this title.
34. Gross floor area for individual retail trade is limited to 36,000 gross square feet and net leasable floor area for grouped retail trade is limited to 55,000 net leasable square feet.
35. Commercial studios in the Light Industrial Districts are subject to the standards of section 17.124.150 of this title.
36. Residential recreation facilities in the Light Industrial Districts are not allowed except for residents and guests of a particular residential development.
37. Permitted on the second floor and above only. For single-story buildings in existence on July 1, 2019 the use is permitted on the ground floor.

38. See section 17.124.180 for minimum residential density requirements for projects or expansions of existing buildings that exceed a total floor area ratio (FAR) of 1.0 within Subdistrict 1 and Subdistrict 2 of the CC Zone and 0.5 FAR in the T, T-3000, T-4000, and GR-H Zone districts.
39. Ground floor residential with street frontage is not permitted for the properties located from the alley west of Main Street to N 2<sup>nd</sup> Avenue between 2<sup>nd</sup> and 5<sup>th</sup> Streets within Subdistrict 2 of the CC Zone. See Map A on file with the Administrator.
40. Permitted for properties with frontage along River Street from S Leadville Ave to S 2<sup>nd</sup> Ave. See Map B on file with the Administrator.
41. Prohibited for properties with frontage along River Street from S Leadville Ave to S 2<sup>nd</sup> Ave. See Map B on file with the Administrator.
42. Permitted through conditional use permit for properties with frontage along River Street from S Leadville Ave to S 2<sup>nd</sup> Ave. See Map B on file with the Administrator.
43. Community housing units are not permitted within basements.

**SECTION 15. AMENDMENTS TO SECTION 17.12.030: DIMENSIONAL STANDARDS, DISTRICTS MATRIX.**

17.12.030 – Dimensional standards, districts matrix.

- A. Unless otherwise specified, development in the City shall comply with the standards set forth in the dimensional standards, districts matrix. All Community Core District dimensional standards are listed in section 17.12.040 of this chapter.
- B. The minimum lot size listed in the dimensional standards, districts matrix applies unless the health district determines that additional area is required to meet minimum health standards.
- C. In addition to the requirements of the dimensional standards, districts matrix, the regulations of chapter 17.128, "Supplementary location and bulk regulations", of this title apply.

Districts	Minimum Lot Area	Minimum Lot Area With PUD*	Minimum Lot Area, Townhouse Sublot	Lot Width	Building Height	Maximum Building Coverage <sup>8</sup> / FAR	Minimum Open Space	Front Setback <sup>8</sup>	Side Setback <sup>8</sup>	Rear Setback <sup>8</sup>	Lot Lines Created By Townhouse Sublots	Setbacks From Hwy 75	Any Set back Along Warm Springs Road	Setbacks Along 200' Former Railroad ROW
LR	9,000 sf	n/a	n/a	80' average	35' <sup>9</sup>	35%	n/a	15'	The greater of 1' for every 2' in building height, or 10'	20'	n/a	25'/32' <sup>7</sup>	30'	3'
LR-1	1 acre	n/a	n/a	100' average	35' <sup>9</sup>	25%	n/a	15'	The greater of 1' for every 2' in building height, or 10'	20'	n/a	80'	30'	n/a
LR-2	2 acres	n/a	n/a	100' average	35' <sup>9</sup>	25%	n/a	15'	The greater of 1' for every 2' in building height, or 10'	20'	n/a	400' <sup>6</sup>	30'	n/a
GR-L	8,000 sf	8,000 sf plus 4,000 for every unit over 2	Equal to that of the perimeter of the townhouse unit	80' average	35' <sup>9</sup>	35%	n/a	15'	The greater of 1' for every 3' in building height, or 5' <sup>1</sup>	<del>The greater of 1' for every 3' in building height, or 15'<sup>1</sup></del>	0'	25'/32' <sup>7</sup>	30'	n/a
GR-H	8,000 sf	n/a	Equal to that of the perimeter of the townhouse unit	80' average	35' <sup>29</sup>	See FAR requirements in section 17.124.040 of this title	35% <sup>5</sup>	15'	The greater of 1' for every 3' in building height, or 5'. One-family dwellings must maintain at least 10' <sup>1</sup>	The greater of 1' for every 3' in building height, or 15' <sup>1</sup>	0'	25'/32' <sup>7</sup>	30'	5', however 3' required for one-/two-family dwelling units
STO-.4	0.4 acres	n/a	n/a	80' average	35' <sup>9</sup>	25%	n/a	15'	The greater of 1' for every 2' in building height, or 10'	<del>The greater of 1' for every 2' in building height, or 20'</del>	n/a	400'	30'	n/a
STO-1	1 acre	n/a	n/a	100' average	35' <sup>9</sup>	25%	n/a	15'	The greater of 1' for every 2' in building height, or 10'	<del>The greater of 1' for every 2' in building height, or 20'</del>	n/a	400'	30'	n/a
STO-H	9,000 sf (minimum of 3,000 sf per unit)	n/a	Equal to that of the perimeter of	100' average	35' <sup>9</sup>	35% building coverage, and 75% covered by buildings, parking	n/a	15'	The greater of 1' for every 3' in building height, or 5' <sup>1</sup>	<del>The greater of 1' for every 3' in building height,</del>	0'	400'	30'	n/a



			the townhouse unit			areas and accessory buildings				15' <sup>1</sup>				
T	8,000 sf	n/a	Equal to that of the perimeter of the townhouse unit	80' average	35' <sup>2,9</sup>	See FAR requirements in section 17.124.040 of this title	35% <sup>5</sup>	15'	The greater of 1' for every 3' in building height, or 5'. At least 10' for one-family dwellings <sup>1</sup>	The greater of 1' for every 3' in building height, or 10'. At least 15' for one-family dwellings <sup>1,2</sup>	0'	25'/32' <sup>7</sup>	30'	5', however 3' required for one-/two-family dwelling units
T-3000	8,000 sf	n/a	Equal to that of the perimeter of the townhouse unit	80' average	35' <sup>2,9</sup>	See FAR requirements in section 17.124.040 of this title	35% <sup>5</sup>	15'	The greater of 1' for every 3' in building height, or 5'. At least 10' for one-family dwellings <sup>1</sup>	The greater of 1' for every 3' in building height, or 10'. At least 15' for one-family dwellings <sup>1,2</sup>	0'	n/a	30'	n/a
T-4000	8,000 sf	n/a	Equal to that of the perimeter of the townhouse unit	80' average	35' <sup>2,9</sup>	See FAR requirements in section 17.124.040 of this title	35% <sup>5</sup>	15'	The greater of 1' for every 3' in building height, or 5'. At least 10' for one-family dwellings <sup>1</sup>	The greater of 1' for every 3' in building height, or 10'. At least 15' for one-family dwellings <sup>1,2</sup>	0'	n/a	30'	n/a
RU	9,000 sf	n/a	Equal to that of the perimeter of the townhouse unit	n/a	35' <sup>9</sup>	25%	n/a	30' <sup>4</sup>	15' <sup>4</sup>	15' <sup>4</sup>	0'	n/a	n/a	n/a
AF	10 acres	n/a	n/a	n/a	35' <sup>9</sup>	10% (includes pools)	n/a	25'	25'	25'	n/a	n/a	n/a	n/a

Notes:

1. If the lot adjoins a more restrictive district on the side or rear, the more restrictive setbacks of that district shall apply.
2. For building with a roof pitch greater than 5:12 the maximum height to the mean point of the ridge or ridges measured from eaves line to the ridge top shall be 35 feet. Roof ridges above the mean point may extend up to a height of 44 feet.
3. Reserved.
4. The placement of all structures for conditional uses shall be subject to approval of the Planning and Zoning Commission.
5. A maximum of five percent open site area may be used for private decks or patios and walkways subject to design review approval.
6. 100-foot setback from Highway 75 is required for lots platted prior to 1979.
7. Minimum setbacks along Highway 75: Where the street width is 80 feet, all buildings shall be set back a minimum of 25 feet, and where the street width is 66 feet, all buildings shall be set back a minimum of 32 feet.
8. See section 17.124.020 of this title for accessory building dimensional standards.
9. Roof mounted solar systems may extend an additional two feet (2') beyond the maximum height allowance of the zoning district in which they are located.

**SECTION 16. AMENDMENTS TO SECTION 17.12.040: DIMENSIONAL STANDARDS, CC DISTRICT MATRIX.**

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 for all projects except for projects where 100% of the residential units are community or workforce housing	10'
Non-habitable structures, <u>permanently affixed deck amenities</u> , solar <u>panels visible above roof ridge or parapet</u> , and mechanical equipment <u>and screening</u> affixed to a roof from all building facades for all projects except for projects where 100% of the residential units are community or workforce housing	
<u>Perimeter walls enclosing roof decks</u>	<u>0' provided the perimeter wall is 75% transparent and does not exceed 4 feet in height</u>
Setback for 4th 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	An average 10 feet setback from the ground floor building facade.
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 17.124.050.B.6. of this title)	68 <sup>2</sup>

Non-habitable structures located on building roof tops	10' <u>above roof ridge or parapet</u>
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 percent community housing above the first floor and complies with the ground floor street frontage uses of the subdistrict, shall be considered a 100 percent community housing project.
2. All buildings greater than 48 feet in height or that contain a fourth or fifth floor shall require final approval from the City Council. For hotel height standards, see subsection 17.124.050.B.6 of this title.

**SECTION 17. AMENDMENTS TO CHAPTER 17.96: DESIGN REVIEW**

17.96.010 Applicability.

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

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

B. *Administrative Design Review.* The Administrator is authorized to approve the following, provided they do not conflict with the provisions and requirements of this chapter:

1. Additions under 1,200 square feet

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

3. Minor modifications to projects that have received design review approval by the Commission for the duration of a valid design review approval.

4. Master signage plans pursuant to Section 17.127.030.B.



5. Minor modifications located in an Overlay District as indicated upon the City of Ketchum zoning district map and this title.

6. Any encroachment of an underground building or portions of buildings in a required setback.

B.C. Exemptions. The following items are exempt from design review:

1. One-family dwellings, accessory structures, and accessory dwelling units not located within the Mountain Overlay District.
2. Projects-Buildings or structures not requiring a building permit.
3. Temporary structures.
4. Public art.
5. ~~Non-substantial or minor modifications that comply with all applicable design review standards, zoning district standards, and other Code requirements without requiring a variance or other exception. Minor modifications include, but are not limited to:~~
  - ~~6.a.~~Demolition associated with an approved demolition permit;
  - ~~7.b.~~Driveway, walkway, and/or landscaping alterations that do not significantly change existing topography or drainage, including the removal of dead or diseased vegetation as certified by an arborist, provided such work is not located in the special flood hazard area or riparian zone;
  - ~~8.e.~~The installation of fences, hedges, or walls compliant with section 17.124.130 of this title;
  - ~~9.d.~~Changes to exterior finishes including, but not limited to: 1) siding, paint, and materials; 2) Mmaintenance and repair of exterior facades; ~~3) the addition of windows or doors;~~ 4)
  - ~~10.~~ ~~r~~Reroofs; ~~or 5) the addition or expansion of decks and patios that are less than 30 inches above grade or if greater than 30 inches above grade comply with applicable lot coverage requirements for the zoning district;~~
  - ~~11e.~~ The installation of exterior lighting compliant with chapter 17.132 of this title; and
  - ~~12f.~~ The ground level installation and screening of utilities not greater than five feet in height.
- ~~6.~~ ~~Minor modification exemptions, pursuant to subsection B.5. of this section, must be issued in writing by the administrator prior to issuance of a building permit.~~

C.D. Preapplication design review.

1. Preapplication review is required for all new non-residential and multi-family residential developments with four or more stories and all new developments on a lot or lots totaling 11,000 square feet or more. Applicants of projects exempt from preapplication design review may request a preapplication design review at their discretion.

2. The purpose of preapplication review is to allow the Commission to exchange ideas and give direction to the applicant on the "design concept", keeping in mind the purpose of this chapter and the application of the evaluation standards.
3. Preapplication review materials shall ~~be submitted according to the application requirements of section 17.96.040 of this chapter.~~ include the following:
  - a) Project Narrative: A project narrative describing the approach and concept of the project and how the project meets the applicable design review criteria.
  - b) Conceptual Site Plan: A conceptual site plan showing proposed on and off-site improvements. Site plan shall include conceptual landscaping and public amenities. Detailed plant list not required.
  - c) Conceptual Elevations and Floor Plans: Elevations and floor plans for all facades and all levels shall be provided. Elevations shall depict materiality, however, colored renderings not required.
  - d) Conceptual Materials and Color Palette: Materials and colors sample board shall be provided for all facades. Photos of materials, representative imagery, and other digital representation of concept is acceptable. Specifications of materials and colors are not required.
  - a)e) 3D Perspectives: A minimum of two perspectives, one from a street view and one from bird's eye view, showing the massing of the proposed project within the context of the surrounding neighborhood. Adjacent properties and structures must be included. Full color renderings or photo-realistic perspectives are not required.
- ~~4. The Commission may require a model of the project or computer simulation renderings showing the proposal from one or more key vantage points for presentation at regular design review meetings in order to assist in the understanding of the project. Models and computer renderings must include surrounding properties in sufficient detail for the proposal to be viewed in context.~~
45. The Administrator may waive the requirement for preapplication review if the project is found to have no significant impact.
5. Projects that have conducted a preapplication design review meeting with the Commission, as required or voluntary, must file a complete Design Review Permit application and pay all required fees within 180 calendar days of the last review meeting on the preapplication with the Commission, otherwise the preapplication review will become null and void.

#### 17.96.030 Authority of the Administrator and the Commission.

##### A. *Authority of the administrator.*

- ~~1. The Administrator is authorized to approve the following exterior modifications and projects, provided they do not conflict with the provisions and requirements of this chapter:~~

- ~~a. — Minor modifications to projects that have received design review approval by the Commission for the duration of a valid design review approval.~~
  - ~~b. — Additions under 1,200 square feet.~~
  - ~~c. — Master signage plans.~~
  - ~~d. — Any project located on property that includes mapped floodplain areas or includes areas within the riparian setback.~~
  - ~~e. — Minor modifications located in an Overlay District as indicated upon the City of Ketchum zoning district map and this title. The administrator may exempt a minor modification from design review if the proposal complies with all Overlay District standards.~~
  - ~~2. — The administrator is authorized to review all floodplain development permits and waterways design review permits consistent with chapter 17.88 et seq., of this title. Except for multi-family dwellings and commercial structures, floodplain development permits and waterways design review permits are not subject to the design review provisions of this chapter.~~
  - 13. The administrator shall review all design review requests and determine whether a project can be exempt, approved by the administrator or by the Commission.
  - 2. The administrator is authorized to approve items outlined in section 17.96.010.B, provided they do not conflict with the provisions and requirements of this chapter.
  - 34. The administrator shall determine what application materials and fees, as adopted by resolution, are required to approve exterior modifications as described in section 17.96.040 of this chapter.
- B. *Authority of the Commission.*
- 1. Except for applications that are approved by the administrator in subsection A of this section, the Commission shall review all other application proposals as described in section 17.96.010 of this chapter.
- C. *Approval.* The City Council shall approve all permanent encroachments within the City-owned right-of-way associated with a development project.

#### 17.96.050 Criteria, Conditions and security

- A. *Criteria.* The Commission shall determine the following before approval is given for design review:
- 1. The project does not jeopardize the health, safety or welfare of the public.
  - 2. The project generally conforms with the goals, policies, and objectives of the adopted comprehensive plan.

3. 2. —The project conforms to all applicable standards and criteria as set forth in this chapter, this title, and any other standards as adopted or amended by the City of Ketchum from time to time.

#### 17.96.060 Improvements and standards

##### K. *Underground encroachments.*

1. Encroachments of ~~below grade structures~~ underground buildings or portions of buildings into required setbacks are subject to subsection 17.128.020.K of this title and shall not conflict with any applicable easements, existing underground structures, sensitive ecological areas, soil stability, drainage, other sections of this Code or other regulating codes such as adopted International Code Council Codes, or other site features concerning health, safety, and welfare.
2. No below grade structure shall be permitted to encroach into the riparian setback.

### **SECTION 18. AMENDMENTS TO SECTION 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 chapter 17.96 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 chapter 17.96 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 title 12, chapter 12.04 of this Code shall be met;
  4. All development shall have access for fire and other emergency vehicles to within 150 feet 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 30 feet 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 25 percent 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. Limits of disturbance shall be established on the plans and protected by fencing on the site for the duration of construction;
14. Excavations, fills and vegetation disturbance on hillsides not associated with the building construction shall be minimized; and
15. 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.
16. Encroachments of ~~below grade structures~~underground buildings or portions of buildings into required setbacks are subject to subsection 17.128.020.K of this title and shall not conflict with any applicable easements, existing underground structures, sensitive ecological areas, soil stability, drainage, other sections of this Code or other regulating codes such as adopted International Code Council Codes, or other site features concerning health, safety, and welfare.

## **SECTION 19. AMENDMENTS TO CHAPTER 17.116: CONDITIONAL USES APPLICATION, RESUBMITTAL, TERMS OF PERMITS**

### ~~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.~~

### 17.116.07~~80~~ Term of permits.

Activities permitted by the granting of a conditional use permit (CUP) shall commence within 12 months from the date the Planning and Zoning Commission Chair signature of signs the approved findings of fact for such conditional use permit.

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17.116.0890 Extensions.

- A. A conditional use permit, not acted upon, shall expire 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 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 Commission shall issue this decision in writing; otherwise the head of the planning department and the chair of the 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.

## SECTION 20. AMENDMENTS TO CHAPTER 17.124: DEVELOPMENT STANDARDS

### 17.124.020. Accessory buildings and uses.

#### A. General.

1. The accessory use or structure shall be incidental to and customarily associated with the principal use or structure served.

2. The accessory use or structure shall be subordinate in area, extent and purpose to the principal use or structure served.

3. No accessory use or structure shall be constructed or established on any lot prior to the time of construction of the principal structure to which it is accessory. This section shall not be construed to govern the sequencing of a construction project in which both the principal and accessory structures are to be built simultaneously.

A.B. "Accessory buildings and uses" are permitted in specific districts as listed in the district use matrix, section 17.12.020 of this title, and may include, but are not limited to, the following:

Animal containment structures.

Cultivation, storage and sale of crops, vegetables, plants and flowers produced on the premises.

Daycare home.

Daycare, on site employees.

Energy system, solar and wind.

Equestrian facility, residential.

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.

Sawmill, temporary.

Sheds.

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 years from the effective date hereof, unless otherwise requested of, and approved by, the City Council.

Storage of merchandise in business and industrial districts.

C. Total building coverage of all accessory buildings shall not exceed the building coverage of the principal building. An exception to this standard may be granted by the Administrator.

D. Location and Setbacks:

1. Accessory buildings -and structures which do not require a building permit are not subject to setbacks.
2. All accessory structures, except for fences/hedges/walls/retaining structures, may not be located nearer than 3 feet (3') to any lot line.
3. Detached accessory buildings shall have their setbacks based upon their own building height, not the principal building on the subject property.
- 4.4. In-ground pools that are one foot or less in height, as measured from existing grade, may occupy setbacks, provided a minimum three-foot setback is maintained from the pool apron or splashguard.

17.124.070 Accessory dwelling units.

- A. *Accessory use.* Accessory dwelling units are only permitted as an accessory use to a one-family dwelling.
- B. *Unit size restrictions.* Accessory dwelling units must contain a minimum of 300 square feet of net livable space, but cannot exceed 1,200 square feet of net livable space.
- C. *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 specified in section 17.12.030, "Dimensional standards, districts matrix", of this title. ~~If the maximum building coverage requirement causes significant restrictions to the construction of an accessory dwelling unit a~~ An increase in maximum building coverage of no greater than five (5) percent ~~may shall~~ be granted for the construction of a new accessory dwelling unit. For example, a coverage requirement in the LR Zone cannot be changed from 35 percent to greater than 40 percent. This coverage increase shall not apply to the CC Community Core District.
- D. ~~*Application.* Procedures for obtaining design review approval of accessory dwelling units shall be regulated per chapter 17.96 of this title. Required materials and information shall be~~

~~regulated per chapter 17.96 of this title. Parking. Accessory dwelling units do not require off street parking.~~

- E. ~~Storage. A minimum of 50 square feet of d~~Designated storage, ~~exclusive of typical interior closets, including but not limited to entryway, bedroom, or linen closets,~~ shall be provided for all accessory dwelling units.

#### 17.124.130 – Fences, hedges and walls

Fences, hedges, ~~and~~ walls, ~~and retaining structures~~ 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 in height when located less than 30 feet 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 in height when located more than 30 feet from the front lot line;~~

~~A~~C. In all ~~other zoning~~ districts, except the Light Industrial District, fences, hedges and walls shall not exceed four feet in height when located less than 30 feet from the front lot line and shall not exceed six feet in height when located more than 30 feet from the front lot line;

~~B~~D. In the LI-1, LI-2, LI-3 Districts fences shall not exceed seven feet (7') in height;

~~C~~E. In all districts, fences, hedges and walls, or any other obstruction to clear vision, shall not be located within 75 feet of the centerline intersection of two streets unless determined otherwise by the City Engineer; and

~~D~~F. No barbed wire or other sharp pointed metal fence and no electrically charged fence shall be permitted in any district.

E. Retaining Structures shall be consistent with the following:

1. Height Measurement. The height of a retaining structure shall be measured from the point at which the ground elevation of the city-approved finish grade intersects with the retaining structure to the highest point of the retaining structure.

2. Retaining Structure Location, Maximum Heights and Minimum Separation within Setbacks.

a. All retaining structures, including footings or foundations, shall be set back at least one foot from any property or right-of-way line, unless the applicant provides a written authorization from the adjacent property owner or owners to allow either all or a portion of the retaining structure to be on or closer to an adjacent property.

b. In the LR, LR-2, GR-L and GR-H Districts, retaining structures:

i. Less than 30 feet from the front lot line shall not be higher than four feet. Two or more up to four-foot high retaining structures may be permitted, provided the retaining structures are separated by a distance that is equal to two times the height of the structure.

ii. The maximum slope gradient allowed between retaining structures shall be a four-foot horizontal to a one-foot vertical (4H:1V) slope.



- i.iii. Retaining structures located more than 30 feet from the front lot line shall not be higher than 6 feet.
  - ii.iv. Handrails or guardrails placed on top of retaining walls that extend above the maximum allowable height as defined in this section shall not be included in said height measurement so long as the rail feature is at least 75% transparent. -
  - b.c. In the LI-1, LI-2, and LI-3, retaining structures shall not be higher than seven feet.
- 2.3. The Administrator, in consultation with the public works director, may waive or reduce the wall separation distance, may increase the maximum allowed slope gradient between retaining structures, and may increase the allowed maximum height of a retaining structure if the applicant demonstrates the reduced separation distance and/or increased gradient and/or wall height is necessary to:
- a) Retain a greater number or diameter inches of significant trees; or
  - b) Permit the installation of transportation improvements; or
  - c) The alternative separation, slope gradient, or height is not detrimental to the public interest.
4. All retaining structures, four or more feet in height, that are visible from adjacent public rights-of-way or residential properties shall be constructed of or faced with brick, stone, split-face or fluted concrete block, textured poured-in-place concrete, or other materials with texture or screened with landscaping to reduce the apparent mass of the retaining structure.

**SECTION 21. ADDITIONS TO CHAPTER 17.124, DEVELOPMENT STANDARDS**

**17.124.180 – Minimum Residential Densities and Commercial Requirements**

A. *General Requirements.* New development projects or expansions of existing buildings that exceed a total floor area ratio (FAR) of 1.0 within Subdistrict 1 and Subdistrict 2 of the CC zone district and 0.5 FAR in the T, T-3000, T-4000, and GR-H zone districts must provide a minimum number of residential units as follows:

<u>Zone District</u>	<u>Minimum Residential Density Required</u>			
<u>CC</u> <u>Subdistricts 1 and 2</u>	<u>100% Residential Development</u> <u>5 units per Ketchum Townsite lot as originally platted</u>			
	<u>Mixed Use Development</u>			
	<u>≤ 30%</u> <u>Commercial</u>  <u>4 units per</u> <u>Ketchum</u> <u>Townsite lot</u> <u>as originally</u> <u>platted</u>	<u>31-60%</u> <u>Commercial</u>  <u>3 units per</u> <u>Ketchum</u> <u>Townsite lot as</u> <u>originally</u> <u>platted</u>	<u>61-80%</u> <u>Commercial</u>  <u>2 units per</u> <u>Ketchum</u> <u>Townsite lot as</u> <u>originally</u> <u>platted</u>	<u>≥ 80%</u> <u>Commercial</u>  <u>No Minimum</u> <u>except when</u> <u>residential units</u> <u>are provided,</u> <u>there shall be a</u> <u>minimum of 2</u> <u>units</u>
<u>T</u>	<u>100% Residential Development</u> <u>7 / 10,000 SF of lot area</u>			
	<u>≤ 30%</u> <u>Commercial</u>  <u>4 / 10,000 SF</u> <u>of lot area</u>	<u>31-60%</u> <u>Commercial</u>  <u>3 / 10,000 SF</u> <u>of lot area</u>	<u>61-80%</u> <u>Commercial</u>  <u>2 / 10,000 SF</u> <u>of lot area</u>	<u>≥ 80%</u> <u>Commercial</u>  <u>No Minimum</u> <u>except when</u> <u>residential units</u> <u>are provided,</u> <u>there shall be a</u> <u>minimum of 2</u> <u>units</u>
	<u>T-3000</u> <u>4 / 10,000 SF of lot area</u>			
<u>T-4000</u> <u>6 / 10,000 SF of lot area</u>				
<u>GR-H</u> <u>6 / 10,000 SF of lot area</u>				

B. Commercial calculation. For purposes of calculating commercial area for minimum residential densities, commercial square footage shall include all permitted and conditionally permitted uses identified in KMC Section 17.12.020 – *District Use Matrix* under the categories of “Commercial” or “Public and Institutional”.

1. Commercial area shall be calculated by dividing the net floor area of commercial square footage by the total net floor area for the project.

C. Minimum commercial. Mixed-use developments in the CC-1 Zone and for properties located from the alley west of Main Street to N 2<sup>nd</sup> Avenue between 2<sup>nd</sup> and 5<sup>th</sup> Streets within the CC-2 Zone shall have a minimum of 35% of the gross floor area, as defined in KMC 17.08.020, of the ground floor be commercial use(s).

B-D. Restaurant incentive. The minimum residential density requirements shall be reduced by one dwelling unit for new developments proposing restaurants that include necessary utility infrastructure for commercial kitchens, such as but not limited to commercial hood and grease traps.

**SECTION 22. AMENDMENTS TO CHAPTER 17.125: OFF STREET PARKING AND LOADING**

17.125.030 Off street vehicle parking space.

A. *Minimum parking space.* The minimum parking space and aisle dimensional requirements 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	-

ADA spaces shall meet the dimensional requirements as outlined in the current ADA standards for accessible design.

B. *Compact vehicle spaces.*

1. Commercial uses and lodging establishments with a minimum of ten or more spaces on the property may have up to ten percent of the required spaces marked for compact vehicles.
2. Compact vehicle spaces must be a minimum of eight feet wide and 16 feet long with aisle widths in accordance with the table above.
3. These spaces shall be designed, designated, marked and enforced as compact spaces.

C. *Tandem parking.* Tandem parking shall be limited to a maximum number of two cars in depth. Tandem parking configurations are permitted for multi-family residential uses provided that both tandem parking stalls are assigned to the same dwelling unit. Tandem parking configurations are permitted for commercial uses provided that both tandem parking stalls are assigned to the same commercial condominium unit or business.

~~C.D.~~ *Area unobstructed.* All area counted as off street parking space shall be unobstructed and kept clear of snow and free of other uses.

~~D.E.~~ *Access to streets.* Unobstructed access to and from a street shall be provided for all off street parking spaces.

~~E.F.~~ *Location.* In all zoning districts surface parking lots shall be located in the rear of a building or lot.

~~F.G.~~ *Surfacing material.* Surface parking spaces shall be constructed with asphalt or cement concrete. Compacted gravel or other dustless material may be used for surfacing only upon approval by the administrator.

~~G.H.~~ *Lighting and screening.*

1. Lighting used to illuminate off street parking areas shall be directed away from residential properties and shall comply with all requirements of chapter 17.132, "Dark skies", of this title.
2. Parking facilities and all off street and on-site parking spaces shall be effectively screened on any side adjoining a residential zoning district or residential use by a wall, fence or

hedge to a height of six feet, except for the front yard setback area of the adjoining residential property, in which case, the maximum height shall be three feet.

3. 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 and to limit light and glare from vehicle headlights to nearby properties. For safety purposes, views of the parking and service areas from the sidewalk and street shall not be obscured.

~~H.I.~~ Street frontage Driveway Width. Measurements for driveway street frontage shall be measured at the property line. ~~A maximum of 35 percent of the linear footage of any street frontage may be devoted to access off street parking.~~

1. Minimum: The unobstructed, all weather surface of a private driveway shall not be less than 12 feet.
2. Maximum: The unobstructed, all weather surface of a private driveway shall not be greater than 35 percent of the linear footage of any street frontage or 30 feet, whichever is less, unless otherwise approved by the City Engineer.
3. Corner lots that front two or more streets may select either or both streets as access and shall meet the provisions above.
4. When calculating the maximum allowed driveway width for flag lots, the flag portion of the lot fronting the street, along with the front property line as defined in this title shall be the linear footage.

~~H.J.~~ Alley Access

1. Off street parking spaces may be located directly off the alley if the width of the alley can adequately accommodate ingress and egress to the parking spaces.
2. No parking space shall project into an alley, sidewalk, or street.
3. 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 administrator.

~~H.K.~~ Condition of parking lots. The owner or manager of the property shall maintain parking facilities and all off street and on-site parking spaces so that they are in good, safe and usable condition and free of public nuisances such as trash and weeds.

~~H.L.~~ On site drainage facilities. All parking lots shall be designed with adequate on site drainage facilities to prevent the drainage of stormwater onto adjacent properties or walkways or into the public right-of-way.

~~H.M.~~ Snow. 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 150 square feet for every 55 feet of linear lot width of the surface parking lot.

17.125.040 Off street parking and loading calculations.

A. *Computation rules.* The following rules apply when computing off street parking and loading requirements:

1. *Multiple uses.* Lots containing more than one use shall provide parking and loading in an amount equal to the total of the requirements for all uses, unless a use is exempted by this chapter or a reduction is approved through a shared parking plan or parking demand analysis in compliance with this chapter.
2. *Fractions.* When measurements of the number of required spaces result in fractions, any fraction of 0.49 or less shall be disregarded and any fraction of 0.50 or more shall be rounded upward to the next highest whole number.
3. *Area measurements.*
  - a. *Residential.* Unless otherwise specifically noted, residential parking requirements for all square footage based parking and loading standards shall be computed on the interior square footage of each residential unit, as measured between the interior walls of the unit.
  - b. *Nonresidential.* Unless otherwise specifically noted, non-residential parking requirements for all square footage based parking and loading standards are to be computed on the basis of gross floor area (GFA) as defined by this title.
4. *Employee based standards.* For the purpose of computing parking requirements based on employees the calculation shall be based on the largest number of persons working on any single shift.
5. *Nonconforming due to lack of parking and loading.* No lawfully existing building shall be deemed to be a nonconforming building solely because of lack of parking and loading spaces; provided, that space being used for off street parking or loading in connection with any such building at the effective date of this chapter shall not be further reduced in area or capacity.
6. *Off street parking requirements.* Off street parking requirements apply to uses in all districts, unless otherwise specified.

B. *Off street parking matrix.*

Use Category	Parking Spaces Required
Nonresidential, in zoning districts other than LI-1, LI-2, and LI-3	1 parking space per 1,000 gross square feet <sup>1</sup>
Residential multiple-family dwelling in all districts except CC, T, T-3000, T-4000, and LI-1, LI-2, and LI-3:	
Units 0 to 2,000 square feet	1 parking space
Units 2,001 square feet and above	2 parking spaces



Residential multiple-family dwelling within the Community Core (CC) District and the Tourist (T), Tourist 3000 (T-3000), and Tourist 4000 (T-4000):	
Units 750 square feet or less	0 parking spaces
Units 751 square feet to 2,000 square feet	1 space
Units 2,001 square feet and above	2 parking spaces
Residential (one family dwelling), in all applicable zoning districts	2.0 parking spaces per <u>one-family dwelling unit</u>
LI-1, LI-2, and LI-3 Zoning Districts:	
Motor vehicle fueling station, motor vehicle service	Where applicable: 1 space per 500 gross square feet and 2 short term holding spaces per fuel pump and 3 spaces per service bay
Office, professional service, business support service, retail trade, convenience store, food service, commercial studio, laundromats and dry cleaners, instructional service, health and fitness facility, daycare	1 space per 250 gross square feet
Residential (including multiple-family dwelling)	1 parking space per bedroom
Wholesale, manufacturing, industrial laundry, hybrid production facility, and all other permitted uses	1 space per 1,000 gross square feet

**Note:**

1. Refer to definition of floor area, gross and with the additional exclusion of common area meeting the definition found in section 17.08.020 of this title. and public areas.

C. *Exemptions.*

1. In the Community Core (CC) and Tourist (T) Zoning Districts the following uses meeting the definitions found in section 17.08.020 of this title are exempt from providing off street parking:
  - a. Community housing.
  - b. Food service.
  - c. ~~The first 5,500 gross square feet of retail trade. The first 5,500 gross square feet of a space occupied by a tenant is exempt, additional square footage is subject to the ratio of one parking space per 1,000 gross square feet.~~ Individual retail spaces of 5,500 square feet or less.
  - d. ~~Assembly existing on or before April 17, 2017. Place of assembly. Places of assembly uses in existence on April 17, 2017 and any expansion of existing place of assemble uses in existence on April 17, 2017 that occur on the same lot or parcel. This exemption shall also apply to any expansion of a place of assembly that includes adjacent lots or parcels but shall be limited to not more than 5,500 square feet above the existing square footage of the assembly use in existence on April 17, 2017.~~
  - e. The first 5,500 gross square feet for new assembly uses. The first 5,500 gross square feet of an assembly use established or constructed after November 20, 2017.~~the date~~

~~this chapter is passed is exempt, additional square footage is subject to the ratio of one parking space per 1,000 gross square feet.~~

~~f. The first 5,500 square feet of office and personal service uses.~~

2. Other uses may be exempted by the administrator upon completion of a parking demand analysis demonstrating the actual demands of the project are less than the minimum requirements of this Code. A parking demand analysis shall be prepared by a registered professional engineer licensed in the State of Idaho.

D. *Off street vehicle loading areas.* In the LI-1, LI-2, and LI-3 Districts, off street loading areas shall be required as an accessory use for new construction or additions involving an increase in gross floor area as follows:

1. *Number of spaces.*

- a. One off street loading space is required for gross floor area in excess of 2,000 square feet.
- b. No loading space shall occupy any part of a public street, alley, driveway, or sidewalk. Where practicable to do so, an alley may be used in lieu of the requirement for off street loading space(s) if permission is granted by the administrator.

2. *Dimensions.* An off street loading space shall be a minimum of 180 square feet with no length of the space being less than ten feet.

~~E.—Exemptions.~~

~~1. Notwithstanding section 17.125.020(2) and (3), in the Community Core (CC), the following use meeting the definition found in section 17.08.020 is exempt from providing off street parking:~~

~~a. Place of assembly. Places of assembly uses in existence on April 17, 2017 and any expansion of existing place of assembly uses in existence on April 17, 2017 that occur on the same lot or parcel. This exemption shall also apply to any expansion of a place of assembly that includes adjacent lots or parcels but shall be limited to not more than 5,500 square feet above the existing square footage of the assembly use in existence on April 17, 2017.~~

## **SECTION 23. AMENDMENTS TO SECTION 17.128.020.K: ENCROACHMENTS OF BELOW GRADE STRUCTURES INTO REQUIRED SETBACKS**

K. Encroachments of ~~below grade structures underground buildings or portions of buildings~~ into required setbacks are permitted provided all of the following standards are met:

~~1. Proposed encroachments shall receive design review approval from the Planning and Zoning Commission; and~~

~~2.1.~~ Below grade encroachments into the riparian setback are not permitted; and

~~3.2.~~ Construction activity shall not occur on adjacent properties; and

~~4.3.~~ Encroachment of ~~below grade structures underground buildings or portions of buildings~~ into required setbacks shall not conflict with any applicable easements, existing

underground structures, sensitive ecological areas, soil stability, drainage, other sections of this Code or other regulating codes such as adopted International Code Council Codes, or other site features concerning health, safety, and welfare; and

~~5.—Egress openings required by adopted International Code Council Codes shall not encroach in required setbacks; and~~

~~6.4. Below grade-Underground~~ encroachments into required setbacks shall be located entirely below natural, existing, or finished grade, whichever is lowest; and

~~7.5~~ The ground above ~~below grade-underground~~ encroachments within required setbacks that is not otherwise covered by permitted decks, fences, hedges and walls shall be suitably landscaped in keeping with the general character of the surrounding neighborhood or as otherwise required by this Code.

~~a.—~~Required landscape plans shall address the compatibility of proposed landscaping with the below grade structure, including any necessary irrigation; and

~~8.6.~~ Below grade encroachments into required setbacks shall not interfere with drainage.

~~a.—~~Required drainage plans shall address the ability of drainage to be managed on the subject property with respect to underground encroachments into required setbacks.

L. For lots with platted building envelopes, all buildings must be placed according to the location of the platted building envelope or the setbacks, whichever is more restrictive. All other structures may be placed outside of the building envelope or within setbacks provided all other applicable requirements are met. For lots with platted building envelopes, all provisions above shall apply to the platted building envelope or the setback, whichever is more restrictive.

## **SECTION 24. AMENDMENTS TO CHAPTER 17.148: VARIANCES APPLICATION, RESUBMITTAL, TERMS OF PERMITS**

### **~~17.148.040 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.~~

17.148.04~~5~~0 Term of permits. All variances shall be issued and construction shall commence within six months from the date that such variance is granted unless otherwise determined by the Commission; otherwise, the variance shall no longer be considered valid.

**SECTION 25. 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 26. REPEALER CLAUSE:** All City of Ketchum Ordinances or resolutions or parts thereof which are in conflict herewith are hereby repealed.

**SECTION 27. PUBLICATION:** This Ordinance, or a summary thereof in compliance with Section 50-901A, Idaho Code, substantially in the form annexed hereto as Exhibit "A" shall be published once in the official newspaper of the City, and shall take effect immediately upon its passage, approval, and publication.

**SECTION 28. EFFECTIVE DATE:** This Ordinance shall be in full force and effect from and 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 \_\_\_ 2023.

APPROVED:

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

ATTEST:

\_\_\_\_\_  
Trent Donat, City Clerk