

TITLE 16

SUBDIVISION REGULATIONS

Chapter 16.04 Subdivisions

- 16.04.010 General provisions.
- 16.04.020 Definitions.
- 16.04.030 Procedure for subdivision approval.
- 16.04.040 Development and design.
- 16.04.050 Vacations and dedications.
- 16.04.060 Readjustment of lot lines procedures.
- 16.04.070 Condominiums.
- 16.04.080 Townhouses.
- 16.04.090 Mobile home subdivisions.
- 16.04.100 Planned unit development (PUD).
- 16.04.110 Phased development projects.
- 16.04.120 Impact statement.
- 16.04.130 Waiver and appeals.
- 16.04.140 Fees and costs and time periods for approval.
- 16.04.150 Enforcement, violations and penalties.

Chapter 16.08 Planned Unit Developments

- 16.08.010 Title.
- 16.08.020 Authority and purpose.
- 16.08.030 Definitions.
- 16.08.040 Applicable regulations.
- 16.08.050 Planned unit development conditional use permit required.
- 16.08.060 Conditional use within zoning districts.
- 16.08.070 Application and information.
- 16.08.080 Standards.
- 16.08.090 Preapplication conference.
- 16.08.100 Administrative review.
- 16.08.110 Planning and zoning commission action.
- 16.08.120 Council action.
- 16.08.130 Conditions of approval.
- 16.08.140 Changes in development plan.
- 16.08.150 Appeals.
- 16.08.160 Preliminary and final plat approvals.
- 16.08.170 Time limitations.
- 16.08.180 Bonding requirements.
- 16.08.190 Criminal violation and penalty and civil enforcement.

Chapter 16.12 Area of City Impact

- 16.12.010 Findings and purpose.
- 16.12.020 Ketchum area of City impact boundary.
- 16.12.030 Geographic description of four areas in area of City impact.
- 16.12.040 Annexation, area of impact.

KETCHUM CITY CODE

- 16.12.050 Applicable plan policies and ordinances.
- 16.12.060 Processing of land use applications in Ketchum's area of City impact.
- 16.12.070 Amendment of plan policies and ordinances.
- 16.12.080 Renegotiation.

SUBDIVISION REGULATIONS

CHAPTER 16.04 SUBDIVISIONS

16.04.010 General provisions.

A. *Title.* This chapter shall be known and may be cited as the subdivision ordinance.

B. *Purposes.* The general purpose of this chapter is to protect and promote the public health, safety, convenience and welfare by establishing regulations and a process of review for all proposed subdivisions of land, townhouses, condominiums, and readjustment of lot lines. This chapter establishes standards for land subdivision in order to accomplish the following:

1. To promote orderly, harmonious and integrated development of land;
2. To provide safe, adequate and efficient pedestrian and vehicular traffic systems and circulations;
3. To provide adequate all-weather ingress and egress to subdivisions and lots;
4. To prevent unplanned development and congestion on streets and highways;
5. To provide for adequate air, light, solar access, privacy, and open space;
6. To provide for adequate fire protection;
7. To prevent inadequate or inappropriate provision of water, sewer, streets, pedestrian easements and public expenditures to provide and maintain such improvements;
8. To protect and conserve wildlife, streams, natural topography, and other desirable natural features by providing for maximum retention of natural topographic features and qualities such as, but not limited to, skyline and ridge tops, knoll ridges, established trees and shrub masses, topsoil, streambeds and banks, drainage swales, and preventing damage to the natural environment or scenic beauty;
9. To safeguard and enhance the character, appearance, and economic stability of the community;
10. To provide adequate and uniform monumenting of land subdivisions and promote accurate legal descriptions;
11. To protect the economic base of the community, including property values;
12. To provide access to public lands and waters;
13. To ensure the provision and construction of adequate improvements including, but not limited to, water, sewer, and other utilities, streets, bridges, drainage, street lighting and easements;
14. To encourage and promote energy conservation and alternative energy sources as well as other advanced building technology;
15. To ensure conformance of proposed subdivisions with the above stated purposes and to ensure design and construction of improvements in conformance with the standards and purposes of this chapter and all other municipal ordinances relating to this chapter, including subsequent amendments.

KETCHUM CITY CODE

C. *Jurisdiction.* The regulations and procedures as set forth in this chapter shall apply to each and every subdivision of land, townhouse and condominium development, and readjustment of lot lines within the corporate limits of the City of Ketchum, Idaho, and all jurisdictional areas of the City presently existing or hereafter adopted.

D. *Scope.* The regulations and procedures contained in this chapter shall be complied with prior to any of the following:

1. Division of a parcel of land into two or more tracts, lots or parcels for transfer of ownership, building development, leasing or encumbering with mortgage or deed of trust.
2. The establishment of a "condominium," "townhouse," or "planned unit development," as defined in section 16.04.020 of this chapter.
3. Addition to, or creation of a cemetery.
4. The change or modification of boundary lines whether or not any additional lot(s) is created.
5. Any alteration, modification, change, addition to or deletion from any plat of record, and including boundary shifts and/or removal of lot lines between existing platted or unplatted lots or parcels of land.

E. *Exceptions.* These regulations shall not apply to the following:

1. The subdivision of land into parcels of ten acres or more solely for agricultural use which does not create a new street nor widen an existing street and upon which no residential building shall be constructed.
2. The unwilling sale of land by legal condemnation.
3. The enlargement of municipal streets, facilities and easements.
4. The acquisition of collector or arterial street rights-of-way by any public agency in conformance with the comprehensive plan.

F. *Interpretation.* All proposed subdivisions of land shall comply with the regulations of this chapter. The regulations contained in this chapter shall be considered minimum standards. The regulations of this chapter are in addition to all other regulations, and where at variance with other laws, regulations, ordinances or resolutions of the City, or any other governmental body having jurisdiction, the more restrictive requirements shall apply.

G. *Administration.* The Mayor shall appoint, with the approval of the council, an Administrator to receive and process all subdivision applications and make recommendations to the commission and the council. The Administrator shall serve at the will of the council. If no Administrator exists, then the commission shall act as the Administrator.

H. *Minimum standards.* Where appropriate for the protection of the public health, safety, convenience or welfare, more stringent standards may be imposed by the commission or council. (Ord. 316 § 1, 1979; Ord. 460 § 3, 1987; Ord. 1198 § 1, 2019)

SUBDIVISION REGULATIONS

16.04.020 Definitions.

For interpretation of this chapter, certain terms and words are defined in this section. When not inconsistent with the context, words used in the present tense shall include the future; the singular shall include the plural, and the plural shall include the singular; the word "shall" is always mandatory, and the word "may" indicates the use of discretion in making the decision.

Administrator: The Planning and Zoning Administrator of the City of Ketchum, Idaho.

Agriculture use: The growing of timber or crops, including grazing, horticulture, floriculture, nurseries, and fruit trees, together with necessary accessory and secondary uses for processing, packing, treating or storage, and shall not include feedlots, slaughterhouses, rendering plants or sawmills.

Alley: A minor public right-of-way, between 20 and 30 feet wide, that provides vehicle access to the rear or side of a parcel that has front and/or side access to another street and is not intended for general traffic circulation.

As built drawings: Plans and specifications, certified by the subdivider's engineer, depicting the location, type and details of improvements installed by the subdivider. "As constructed drawings" and "as built drawings" are synonymous.

Block: A group of lots within a defined or fixed boundary, generally surrounded by public streets, not including alleys, or a boundary line of a subdivision that has been legally surveyed.

Board: The Blaine County Board of County Commissioners.

Building: Any permanent structure built for the shelter or enclosure of persons, animals, chattels or property of any kind, which is permanently affixed to the land and has one or more floors and a roof.

Building envelope: The site for location of a structure delineated on a preliminary plat and final plat within which the entire building must be constructed. A building envelope shall conform to all minimum zoning ordinance requirements and requirements of this chapter.

Clerk: The City Clerk of the City of Ketchum, Idaho.

Commission: The Ketchum Planning And Zoning Commission.

Common area: As defined in the Condominium Property Act, means the entire project excepting all units.

Comprehensive plan: The officially adopted comprehensive plan of the City of Ketchum, Idaho.

Condominium: An estate consisting of an undivided interest in common in real property, in an interest or interests in real property, or any combination, together with a separate estate in real property in an interest or interests in real property, or any combination thereof.

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

Council: The City Council of the City of Ketchum, Idaho.

County Recorder: The office of the Blaine County Recorder, Hailey, Idaho.

KETCHUM CITY CODE

Covenant, private: A written promise, covenant, restriction or rule imposed upon land by the property owners or land developers which are private in nature and enforced accordingly. Such covenants do not replace or impair the validity of the restrictions or regulations imposed by this chapter or any other applicable ordinance of the City of Ketchum or governmental entity having jurisdiction.

Dedication: The setting apart of land, or interest in land, for use by the public. Land becomes dedicated when accepted by the council as a public dedication by ordinance, resolution, or by approval and acceptance on a final plat.

Development plan: A master plan for development of a planned unit development (PUD) or a phased project establishing location of required improvements and all existing and proposed structures, together with a schedule for development.

Double frontage lot: A double frontage lot is a through lot or "reverse frontage" lot, other than a corner lot, where vehicular access is restricted to the abutting thoroughfare, and where lots have vehicular access provided by an interior public or private street.

Driveway: A nondedicated vehicular access constructed on private property which provides vehicular and/or pedestrian access to not more than four dwelling units (excluding accessory dwelling units) and is constructed in conformance with the applicable International Fire Code.

Dwelling unit: One or more rooms including at least one bathroom and kitchen, designed for or occupied as a unit by one person or family for living purposes and located in a one-family or multiple-family dwelling.

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

Engineer: An officially licensed and registered engineer by the State of Idaho.

Engineer, City: A representative of the City Building Department authorized to check plats and provide on site inspections to ensure compliance with the provisions of this chapter.

Flag lot: A flag lot is an irregularly shaped building lot or parcel that has a very limited amount of street or road frontage.

Floodplain: The relatively flat area or low land adjoining the channel of a stream of a river, stream, lake or other body of water which is subject to the hazards and inundation on a 100-year frequency, as identified and defined in the flood insurance study and flood boundary and floodway map prepared by the federal insurance administration of the U.S. Department of Housing and Urban Development in conjunction with the U.S. Army Corps of Engineers.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot, as identified and defined in the flood insurance study and flood

SUBDIVISION REGULATIONS

boundary and floodway map prepared by the federal insurance administration of the U.S. Department of Housing and Urban Development in conjunction with the U.S. Army Corps of Engineers. No building construction shall be permitted in the floodway.

Governing body: The board or council composed of elected officials of the county or City having jurisdiction.

Highway: A street designed or designated as a highway by the state or federal agency responsible.

Improvements: Any alteration to the land or construction associated with the construction or installation of streets, easements, drainage facilities, curbs, gutters, sidewalks, water system, sewage system, storm sewers, gas, electric or telephone lines, lot pin monuments and other such items associated with the subdivision and/or development of land, including grading or fill of land.

Improvements, required: Those subdivision improvements required to be constructed after preliminary plat approval and prior to final plat approval by the council.

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

Life safety inspection: The Ketchum Building Official has inspected and approved the following items within the building as completed, including, but not limited to: handrails, guardrails, tempered glass, address, smoke detectors and fire separation requirements.

Limited common area: As defined in the Condominium Property Act, means those common areas and facilities designated in the declaration for use of a certain condominium owner or owners to the exclusion, limitation or restriction of others.

Lot: The parcel, plot, tract, or other area of real property intended for sale, transfer, lease, or encumbrance.

Lot area: The area within the boundaries of a lot, exclusive of any of the area contained within a public or private street, alley, fire lane or private driveway easement. Also, exclusive of any narrow strip of land connecting a lot set back from any public street for the purpose of providing driveway access with that street.

Lot, buildable: A lot that contains land outside of the floodway which conforms to all ordinance requirements and where the slope is less than 25 percent.

Mobile home or trailer: Any vehicle or structure constructed in such a manner that it is or may be mounted on wheels and used as a conveyance on highways and streets, propelled or drawn by its own or other motor power, and which may be moved in substantially one section into the City.

Owner: The individual, firm, association, syndicate, partnership or corporation holding fee simple title evidenced by a deed recorded in the office of the Blaine County Recorder.

Performance bond: Either the amount of money, or other negotiable security deposited by the subdivider with the City Clerk, or a bond executed by a qualified surety company registered to do business in the State of Idaho, which guarantees that the subdivider will perform all actions and

KETCHUM CITY CODE

install all required improvements or his or her surety will pay the costs and damages up to a limit of the amount of bond or security deposited. No personal checks shall be allowed as performance bonds.

Phased development: Development of a parcel of land in stages either as a series of subdivisions or as a single parcel with construction of buildings and/or improvements over a series of years.

Planned unit development: Development of a tract of land primarily for residential use in which the normal land use regulations set forth in this chapter may be waived in order to promote beneficial development of the entire tract in conformance with an approved development plan for the entire parcel accentuating usable open space, recreational uses and public easements.

Planning and zoning commission: The planning and zoning commission of the City of Ketchum, Idaho.

Planting strip: A strip of land within a subdivision not less than ten feet in width across which there is no driveway, street, or other access, and which is devoted exclusively to landscaping, primarily trees of not less than five feet in height. The primary purpose of planting strips is screening of streets, highways, adjacent incompatible land uses, and off street parking areas.

Plat, final: A map of a subdivision, planned unit development (PUD) or dedication, and in conformance with the approved preliminary plat, and prepared in accordance with this chapter, and Idaho Code title 50, chapter 13, as amended or subsequently codified.

Plat, preliminary: A preliminary plan prepared in conformance with this chapter, submitted together with such other documentation as required by this chapter.

Plat, recorded: A final plat which has been accepted by the council and filed with the Blaine County Recorder.

Public hearing notice: Notice of a public hearing before the council or planning and zoning commission, published at least 15 days prior to such meeting in the official newspaper of the City of Ketchum, Idaho. Furthermore, all property owners within 300 feet of the subject property shall be notified by first class mail. Such written notification shall be deemed sufficient if deposited in the mail to all property owners according to the records of the Ketchum City Clerk at least 15 days prior to such meeting and public hearing. Clerical omission of the names of property owners shall not affect the sufficiency of notice as set forth in this chapter. The notice shall contain a description of the size and location of the subject property and shall inform the reader of the time and place of the meeting at which the public hearing will be held.

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, 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.

SUBDIVISION REGULATIONS

Solar access: Unobstructed access to direct sunlight upon land or a building.

Standard specifications: Specifications for design and construction of improvements as specified in this chapter or other ordinances or resolutions of the City of Ketchum, or by any other governmental entity having jurisdiction, including subsequent amendment or codification.

State: State of Idaho.

Street: A public right-of-way which provides vehicular and pedestrian access to adjacent properties, the dedication of which has been officially accepted. "Street" also includes the terms highway, thoroughfare, parkway, road, avenue, boulevard, lane, place, and all such terms, except "driveway" as defined in this section.

Street, arterial: A street designated for the purpose of carrying fast and/or heavy traffic, connecting major districts of the City.

Street, collector: A street designated for the purpose of carrying traffic from residential streets to other collector streets and/or arterial streets.

Street, cul-de-sac: A dead end street provided with turnaround space at its terminus.

Street, dead end: A street connected to another street at one end only and not having provision for vehicular turnaround at its terminus.

Street, frontage: A minor street, parallel to and adjacent to an arterial street, which has the primary purpose of providing access to abutting properties.

Street, loop: A residential street with both terminal points on the same street of origin.

Street, partial: A dedicated right-of-way providing only a portion of the required street width, usually along the edge of a subdivision or tract of land where remaining right-of-way widths can be obtained from adjacent properties where such properties are subdivided.

Street, private: A street constructed on private property, which provides vehicular and pedestrian access to multiple-family dwelling units or more than four dwelling units (excluding accessory dwelling units), and constructed to standard street specifications and the International Fire Code, however, not accepted for dedication or maintenance by the City.

Street, residential: A minor street which has the primary purpose of providing access to abutting residential dwelling units or properties and carries no heavy, through or collector traffic.

Subdivider: The individual, firm, corporation, partnership, association, syndicate, trust, or any other legal entity that files application and initiates proceedings for subdivision of land in accordance with provisions of this chapter. If the subdivider is not the owner of the property, he or she shall be the agent of the owner as is evidenced by a recorded power of attorney for such purpose.

Townhouse development: A planned project of two or more townhouse units that may be constructed as single building(s) containing two or more townhouse units erected generally in a row, each unit being separated from the adjoining unit or units by a one hour fire resistant party wall or walls extending from the basement floor to the roof along the dividing townhouse subplot line, each unit having its own access to the outside, and no unit located over another unit in part or in whole;

KETCHUM CITY CODE

and/or may be constructed as single buildings containing single townhouse units, provided the separation between units and/or buildings complies with applicable codes. All townhouse developments shall be platted under the procedures contained in the subdivision ordinance in effect and shall be required to obtain design review approval prior to building permit issuance.

Townhouse sublots: The lots resulting from platting a townhouse development. "Townhouse sublots" shall have a minimum area equal to that of the perimeter of each individual townhouse unit measured at the foundation, whether located independently or within a building containing two or more townhouse units in a townhouse development. Such sublots shall not be buildable for structures other than a "townhouse unit" as defined in this section. Platting of sublots shall follow the procedures set forth in the subdivision ordinance and other applicable codes in effect. Detached garages may be allowed in a townhouse development and may be platted on separate sublots; provided, that the ownership of such detached garages is tied to specific townhouse units on the townhouse plat and in any owner's documents and that the detached garage(s) may not be sold and/or owned separate from any dwelling unit(s) within the townhouse development.

Townhouse unit: Townhouse units are a type of housing where independent houses often, but not always, share walls. Units are characterized by one or more rooms, including at least one bathroom and kitchen, designed for or occupied as a unit by one family for living and cooking purposes, located in a townhouse development on a platted townhouse subplot.

Twenty-five percent grade: One foot change in elevation for every four feet of land measured horizontally.

Utilities: Installations for providing services to and used by the public, e.g., water, sewer, electricity, gas, television, cable, and similar facilities.

Vicinity map: A small map showing the location of a tract of land in relation to the City, including existing major streets and highways and surrounding subdivision(s) or large parcels of land.

Waiver: Modification of a relevant provision and regulation of this chapter not contrary to public interest or public health, safety or welfare, and due to physical characteristics of the particular parcel of land and not the result of actions of the subdivision where literal enforcement of this chapter would result in undue hardship. The granting of waiver(s) shall be upon written application, and granting rests with the sound discretion of the commission and council, on a case by case basis.

Watercourse: A natural depression or channel which carries or gives direction to a current of water any time of the year.

(Ord. 316 § 2, 1979; Ord. 460 §§ 1, 4, 1987; Ord. 749 § 1, 1999; Ord. 879 § 1, 2001; Ord. 884 § 1, 2001; Ord. 893 § 1, 2002; Ord. 1198 § 2, 2019; Ord. No. 1249, § 4, 10-2-2023)

16.04.030 Procedure for subdivision approval.

A. *Administration.* The Administrator shall have the duty of administering the regulations contained in this chapter and shall prepare and require the use of such forms as are necessary for the reasonable administration of these regulations.

SUBDIVISION REGULATIONS

B. *Plat approval required.* Any person desiring to subdivide or resubdivide land shall submit an application to the Administrator. No final plat shall be filed with the County Recorder until the same has been acted upon by the commission and approved by the council consistent with the respective procedures set forth herein for the subdivision of land, townhouses, condominiums, and readjustment of lot lines. No lots or parcels of land described by metes and bounds or otherwise shall be sold or offered for sale until a final plat has been recorded in the office of the Blaine County Recorder.

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:

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

2. *Certification by Administrator.* Upon receipt of the preliminary plat application and data, the Administrator shall certify the application as complete and affix the date of acceptance on the application. Thereafter, the Administrator shall place such preliminary plat on the commission agenda for consideration at a regular meeting of the commission.
3. *Review by departments and agencies.* After certification of a preliminary plat application, the Administrator shall transmit one copy of the application and preliminary plat to other City departments and to such other agencies as have jurisdiction over, or interest in, the proposed subdivision for recommendation and review. If no written recommendation or request for extension of time is received from any such department or agency within 30 days from date of transmittal, the approval of the preliminary plat by such department or agency will be considered granted. The department and agencies to which preliminary plats may be referred include all pertinent City departments, District Health Department, Idaho Public Utilities Commission, commissions of other governing bodies having joint jurisdiction, appropriate utility companies, soil conservation district, and such other departments or agencies as the Administrator deems necessary in order to carry out the full intent of this chapter.
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

KETCHUM CITY CODE

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.

5. *Public notice and hearing procedures.* Consistent with the local land use planning subdivision ordinance requirements of Idaho Code section 67-6513, the notice and hearing procedures set forth under Idaho Code section 67-6509 shall be followed by the City for the processing of all subdivision applications, including:
 - a. The commission shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. At least 15 days prior to the hearing, notice of the time and place and a summary of the proposed action shall be published in the official newspaper or paper of general circulation within the jurisdiction.
 - b. The council, prior to adoption, amendment, or denial of the subdivision, may conduct at least one public hearing, in addition to the public hearing(s) conducted by the commission, using the same notice and hearing procedures as the commission. Council action upon the proposed subdivision shall not take place until recommendations have been received from the commission. Following consideration by the council, if the council makes a material change in the recommendation or alternative options contained in the recommendation by the commission concerning adoption, amendment or denial of the subdivision, further notice and hearing shall be provided before the council adopts, amends or denies the subdivision.
 - c. The public notice and hearing procedure for readjustment of lot lines shall follow the final plat procedure as set forth in section 16.04.060.
 - d. The public notice and hearing procedure for a phased development project shall follow the preliminary plat procedure set forth in section 16.04.030.C.5.a and b (above) for the preliminary plat. After preliminary plat is granted for the entirety of a project, the final plat procedure for each phase of a phased development project shall follow section 16.04.030.G.

D. *Commission action on preliminary plat.* Consideration by the commission of a subdivision application and data shall take place at a regularly scheduled commission meeting, unless a special meeting of the commission is requested by the subdivider and granted by the commission. At that meeting, the commission shall do the following:

1. The commission shall hold a public hearing on all subdivision applications with public hearing notice.
2. After the public hearing, the commission shall review the preliminary plat and supporting data, recommendations of Administrator, and testimony of the subdivider and the public. The commission shall approve, approve with specific conditions, or disapprove the prelim-

SUBDIVISION REGULATIONS

inary plat. If the preliminary plat is disapproved, the reasons for such action shall be stated in writing, and a copy signed by the Administrator attached to one copy of the preliminary plat shall be returned to the applicant.

3. Upon approval of a preliminary plat, the Administrator shall transmit to the council the subdivision application, preliminary plat and other data and a copy of the commission findings and report.

E. *Council action on preliminary plat.* Submission of a preliminary plat upon approval by the commission to the council shall be mandatory. The council shall consider the preliminary plat, subdivision application and data, and the report and recommendations of the commission, and may conduct a public hearing to hear testimony of the subdivider and any witnesses in his or her behalf, and testimony of representatives of the commission, and any witnesses including interested citizens.

F. *Preparation and commencement of required improvements.* Upon conclusion of its consideration of the preliminary plat, the council shall approve, conditionally approve or disapprove the plat and make findings consistent with law and this chapter. Upon approval of the preliminary plat by the council, the subdivider shall prepare required improvement design plans in accordance with this chapter and additional condition(s) imposed by the council. Upon approval of the improvement designs by the City Engineer, the subdivider shall commence construction on the required improvements.

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.

KETCHUM CITY CODE

H. *Acceptance of dedications.* Approval of the final plat by the council shall constitute acceptance of all dedications for public streets, rights-of-way, easements, and other lands dedicated for public purpose or use as shown on such final plat. As a condition precedent to the acceptance of any streets or required improvements, the council shall require that the subdivider install such improvements in accordance with the construction standards, and that condition shall be noted on the final plat.

I. *Time limitations.* With the exception of phased development projects approved by council, the failure to obtain final plat approval by the council of an approved preliminary plat within two years after approval by the council shall cause all approvals of such preliminary plat to be null and void. The final plat shall be filed with the Blaine County Recorder within one year after final plat approval by the council. Failure to file such final plat within that time shall cause all approvals of such final plat to be null and void.

J. *Application and preliminary plat contents.* A preliminary plat application shall include the following: 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.

SUBDIVISION REGULATIONS

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. 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. All percolation tests and/or exploratory pit excavations required by state health authorities.
23. 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. 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. A digital copy of the preliminary plat shall be filed with the Administrator.

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

KETCHUM CITY CODE

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 professional land surveyor making the plat certifying the correctness of 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.

SUBDIVISION REGULATIONS

16. Certification and signature of the City Engineer verifying that the subdivision and design standards meet all City requirements.
17. Certification and signature of the City Clerk of the City of Ketchum verifying that the subdivision has been approved by the council.
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.

L. *Final plat copies.* Both a hard copy and a digital copy of the final plat shall be filed with the Administrator prior to being placed upon the council's agenda. A digital copy of the final plat as approved by the council and signed by the City Clerk shall be filed with the Administrator and retained by the City. The applicant shall also provide the City with a digital copy of the recorded document with its assigned legal instrument number.

(Ord. 316 § 3, 1979; Ord. 460 § 5, 1987; Ord. 488 § 1, 1988; Ord. 504 § 1, 1989; Ord. 871 § 1, 2001; Ord. 1198 § 3, 2019; Ord. No. 1249, §§ 5—8, 10-2-2023)

16.04.040 Development and design.

A. *Required improvements.* The improvements set forth in this section shall be shown on the preliminary plat and installed prior to approval of the final plat. Construction design plans shall be submitted and approved by the City Engineer. All such improvements shall be in accordance with the comprehensive plan and constructed in compliance with construction standard specifications adopted by the City.

B. *Improvement plans.* Prior to approval of final plat by the council, the subdivider shall file two copies with the City Engineer, and the City Engineer shall approve construction plans for all improvements required in the proposed subdivision. Such plans shall be prepared by a civil engineer licensed in the state.

[This page intentionally left blank.]

SUBDIVISION REGULATIONS

C. *Performance bond.* Prior to final plat approval, the subdivider shall have previously constructed all required improvements and secured a certificate of completion from the City Engineer. However, in cases where the required improvements cannot be constructed due to weather, factors beyond the control of the subdivider, or other conditions as determined acceptable at the sole discretion of the City, the City Council may accept, in lieu of any or all of the required improvements, a performance bond filed with the City Clerk to ensure actual construction of the required improvements as submitted and approved. Such performance bond shall be issued in an amount not less than 150 percent of the estimated costs of improvements as determined by the City Engineer. In the event the improvements are not constructed within the time allowed by the City Council (which shall be two years or less, depending upon the individual circumstances), the council may order the improvements installed at the expense of the subdivider and the surety. In the event the cost of installing the required improvements exceeds the amount of the bond, the subdivider shall be liable to the City for additional costs. The amount that the cost of installing the required improvements exceeds the amount of the performance bond shall automatically become a lien upon any and all property within the subdivision owned by the owner and/or subdivider.

D. *As built drawing.* Prior to acceptance by the City Council of any improvements installed by the subdivider, two sets of as built plans and specifications, certified by the subdivider's engineer, shall be filed with the City Engineer. Within ten days after completion of improvements and submission of as built drawings, the City Engineer shall certify the completion of the improvements and the acceptance of the improvements, and shall submit a copy of such certification to the Administrator and the subdivider. If a performance bond has been filed, the Administrator shall forward a copy of the certification to the City Clerk. Thereafter, the City Clerk shall release the performance bond upon application by the subdivider.

E. *Monumentation.* Following completion of construction of the required improvements and prior to certification of completion by the City Engineer, certain land survey monuments shall be reset or verified by the subdivider's engineer or surveyor to still be in place. These monuments shall have the size, shape, and type of material as shown on the subdivision plat. The monuments shall be located as follows:

1. All angle points in the exterior boundary of the plat.
2. All street intersections, points within and adjacent to the final plat.
3. All street corner lines ending at boundary line of final plat.
4. All angle points and points of curves on all streets.
5. The point of beginning of the subdivision plat description.

F. *Lot requirements.*

1. Lot size, width, depth, shape and orientation and minimum building setback lines shall be in compliance with the zoning district in which the property is located and compatible with the location of the subdivision and the type of development, and preserve solar access to adjacent properties and buildings.

KETCHUM CITY CODE

2. Whenever a proposed subdivision contains lot(s), in whole or in part, within the floodplain, or which contains land with a slope in excess of 25 percent, based upon natural contours, or creates corner lots at the intersection of two or more streets, building envelopes shall be shown for the lot(s) so affected on the preliminary and final plats. The building envelopes shall be located in a manner designed to promote harmonious development of structures, minimize congestion of structures, and provide open space and solar access for each lot and structure. Also, building envelopes shall be located to promote access to the lots and maintenance of public utilities, to minimize cut and fill for roads and building foundations, and minimize adverse impact upon environment, watercourses and topographical features. Structures may only be built on buildable lots. Lots shall only be created that meet the definition of "lot, buildable" in section 16.04.020 of this chapter. Building envelopes shall be established outside of hillsides of 25 percent and greater and outside of the floodway. A waiver to this standard may only be considered for the following:
 - a. For lot line shifts of parcels that are entirely within slopes of 25 percent or greater to create a reasonable building envelope, and mountain overlay design review standards and all other City requirements are met.
 - b. For small, isolated pockets of 25 percent or greater that are found to be in compliance with the purposes and standards of the mountain overlay district and this section.
3. Corner lots outside of the original Ketchum Townsite shall have a property line curve or corner of a minimum radius of 25 feet unless a longer radius is required to serve an existing or future use.
4. Side lot lines shall be within 20 degrees to a right angle or radial line to the street line.
5. Double frontage lots shall not be created. A planting strip shall be provided along the boundary line of lots adjacent to arterial streets or incompatible zoning districts.
6. Every lot in a subdivision shall have a minimum of 20 feet of frontage on a dedicated public street or legal access via an easement of 20 feet or greater in width. Easement shall be recorded in the office of the Blaine County Recorder prior to or in conjunction with recordation of the final plat.

G. *Block requirements.* The length, width and shape of blocks within a proposed subdivision shall conform to the following requirements:

1. No block shall be longer than 1,200 feet, nor less than 400 feet between the street intersections, and shall have sufficient depth to provide for two tiers of lots.
2. Blocks shall be laid out in such a manner as to comply with the lot requirements.
3. The layout of blocks shall take into consideration the natural topography of the land to promote access within the subdivision and minimize cuts and fills for roads and minimize adverse impact on environment, watercourses and topographical features.
4. Except in the original Ketchum Townsite, corner lots shall contain a building envelope outside of a 75-foot radius from the intersection of the streets.

SUBDIVISION REGULATIONS

H. *Street improvement requirements.*

1. The arrangement, character, extent, width, grade and location of all streets put in the proposed subdivision shall conform to the comprehensive plan and shall be considered in their relation to existing and planned streets, topography, public convenience and safety, and the proposed uses of the land;
2. All streets shall be constructed to meet or exceed the criteria and standards set forth in chapter 12.04 of this Code, and all other applicable ordinances, resolutions or regulations of the City or any other governmental entity having jurisdiction, now existing or adopted, amended or codified;
3. Where a subdivision abuts or contains an existing or proposed arterial street, railroad or limited access highway right-of-way, the council may require a frontage street, planting strip, or similar design features;
4. Streets may be required to provide access to adjoining lands and provide proper traffic circulation through existing or future neighborhoods;
5. Street grades shall not be less than three-tenths percent and not more than seven percent so as to provide safe movement of traffic and emergency vehicles in all weather and to provide for adequate drainage and snow plowing;
6. In general, partial dedications shall not be permitted, however, the council may accept a partial street dedication when such a street forms a boundary of the proposed subdivision and is deemed necessary for the orderly development of the neighborhood, and provided the council finds it practical to require the dedication of the remainder of the right-of-way when the adjoining property is subdivided. When a partial street exists adjoining the proposed subdivision, the remainder of the right-of-way shall be dedicated;
7. Dead end streets may be permitted only when such street terminates at the boundary of a subdivision and is necessary for the development of the subdivision or the future development of the adjacent property. When such a dead end street serves more than two lots, a temporary turnaround easement shall be provided, which easement shall revert to the adjacent lots when the street is extended;
8. A cul-de-sac, court or similar type street shall be permitted only when necessary to the development of the subdivision, and provided, that no such street shall have a maximum length greater than 400 feet from entrance to center of turnaround, and all cul-de-sacs shall have a minimum turnaround radius of 60 feet at the property line and not less than 45 feet at the curb line;
9. Streets shall be planned to intersect as nearly as possible at right angles, but in no event at less than 70 degrees;
10. Where any street deflects an angle of ten degrees or more, a connecting curve shall be required having a minimum centerline radius of 300 feet for arterial and collector streets, and 125 feet for minor streets;
11. Streets with centerline offsets of less than 125 feet shall be prohibited;

KETCHUM CITY CODE

12. A tangent of at least 100 feet long shall be introduced between reverse curves on arterial and collector streets;
13. Proposed streets which are a continuation of an existing street shall be given the same names as the existing street. All new street names shall not duplicate or be confused with the names of existing streets within Blaine County, Idaho. The subdivider shall obtain approval of all street names within the proposed subdivision from the County Assessor's Office before submitting same to council for preliminary plat approval;
14. Street alignment design shall follow natural terrain contours to result in safe streets, usable lots, and minimum cuts and fills;
15. Street patterns of residential areas shall be designed to create areas free of through traffic, but readily accessible to adjacent collector and arterial streets;
16. Reserve planting strips controlling access to public streets shall be permitted under conditions specified and shown on the final plat, and all landscaping and irrigation systems shall be installed as required improvements by the subdivider;
17. In general, the centerline of a street shall coincide with the centerline of the street right-of-way, and all crosswalk markings shall be installed by the subdivider as a required improvement;
18. Street lighting may be required consistent with adopted City standards and where designated shall be installed by the subdivider as a requirement improvement;
19. Private streets may be allowed upon recommendation by the commission and approval by the council. Private streets shall be constructed to meet the design standards specified in subsection H.2. of this section and chapter 12.04 of this Code;
20. Street signs shall be installed by the subdivider as a required improvement of a type and design approved by the Administrator and shall be consistent with the type and design of existing street signs elsewhere in the City;
21. Whenever a proposed subdivision requires construction of a new bridge, or will create substantial additional traffic which will require construction of a new bridge or improvement of an existing bridge, such construction or improvement shall be a required improvement by the subdivider. Such construction or improvement shall be in accordance with adopted standard specifications;
22. Sidewalks, curbs and gutters shall be required consistent with adopted City standards and where designated and shall be required improvement installed by the subdivider;
23. Gates are prohibited on private roads and parking access/entranceways, private driveways accessing more than one single-family dwelling unit and one accessory dwelling unit, and public rights-of-way unless approved by the City Council; and
24. No new public or private streets or flag lots associated with a proposed subdivision (land, planned unit development, townhouse, condominium) are permitted to be developed on parcels within the Avalanche Zone.

SUBDIVISION REGULATIONS

I. *Alley improvement requirements.* Alleys shall be provided in commercial and light industrial zoning districts. The width of an alley shall be not less than 20 feet. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be provided to permit safe vehicular movement. Dead end alleys shall be permitted only within the original Ketchum Townsite and only after due consideration of the interests of the owners of property adjacent to the dead end alley including, but not limited to, the provision of fire protection, snow removal and trash collection services to such properties. Improvement of alleys shall be done by the subdivider as required improvement and in conformance with design standards specified in subsection H.2. of this section.

J. *Required easements.* Easements, as set forth in this subsection, shall be required for location of utilities and other public services, to provide adequate pedestrian circulation and access to public waterways and lands.

1. A public utility easement at least ten feet in width shall be required within the street right-of-way boundaries of all private streets. A public utility easement at least five feet in width shall be required within property boundaries adjacent to Warm Springs Road and within any other property boundary as determined by the City Engineer to be necessary for the provision of adequate public utilities.
2. Where a subdivision contains or borders on a watercourse, drainageway, channel or stream, an easement shall be required of sufficient width to contain such watercourse and provide access for private maintenance and/or reconstruction of such watercourse.
3. All subdivisions which border the Big Wood River, Trail Creek and Warm Springs Creek shall dedicate a ten-foot fish and nature study easement along the riverbank. Furthermore, the council shall require, in appropriate areas, an easement providing access through the subdivision to the bank as a sportsman's access. These easement requirements are minimum standards, and in appropriate cases where a subdivision abuts a portion of the river adjacent to an existing pedestrian easement, the council may require an extension of that easement along the portion of the riverbank which runs through the proposed subdivision.
4. All subdivisions which border on the Big Wood River, Trail Creek and Warm Springs Creek shall dedicate a 25-foot scenic easement upon which no permanent structure shall be built in order to protect the natural vegetation and wildlife along the riverbank and to protect structures from damage or loss due to riverbank erosion.
5. No ditch, pipe or structure for irrigation water or irrigation wastewater shall be constructed, rerouted or changed in the course of planning for or constructing required improvements within a proposed subdivision unless same has first been approved in writing by the ditch company or property owner holding the water rights. A written copy of such approval shall be filed as part of required improvement construction plans.
6. Nonvehicular transportation system easements including pedestrian walkways, bike paths, equestrian paths, and similar easements shall be dedicated by the subdivider to provide an adequate nonvehicular transportation system throughout the City.

KETCHUM CITY CODE

K. *Sanitary sewage disposal improvements.* Central sanitary sewer systems shall be installed in all subdivisions and connected to the Ketchum Sewage Treatment System as a required improvement by the subdivider. Construction plans and specifications for central sanitary sewer extension shall be prepared by the subdivider and approved by the City Engineer, council and Idaho Health Department prior to final plat approval. In the event that the sanitary sewage system of a subdivision cannot connect to the existing public sewage system, alternative provisions for sewage disposal in accordance with the requirements of the Idaho Department of Health and the council may be constructed on a temporary basis until such time as connection to the public sewage system is possible. In considering such alternative provisions, the council may require an increase in the minimum lot size and may impose any other reasonable requirements which it deems necessary to protect public health, safety and welfare.

L. *Water system improvements.* A central domestic water distribution system shall be installed in all subdivisions by the subdivider as a required improvement. The subdivider shall also be required to locate and install an adequate number of fire hydrants within the proposed subdivision according to specifications and requirements of the City under the supervision of the Ketchum Fire Department and other regulatory agencies having jurisdiction. Furthermore, the central water system shall have sufficient flow for domestic use and adequate fire flow. All such water systems installed shall be looped extensions, and no dead end systems shall be permitted. All water systems shall be connected to the municipal water system and shall meet the standards of the following agencies: Idaho Department of Public Health, Idaho Survey and Rating Bureau, District Sanitarian, Idaho State Public Utilities Commission, Idaho Department of Reclamation, and all requirements of the City.

M. *Planting strip improvements.* Planting strips shall be required improvements. When a predominantly residential subdivision is proposed for land adjoining incompatible uses or features such as highways, railroads, commercial or light industrial districts or off street parking areas, the subdivider shall provide planting strips to screen the view of such incompatible features. The subdivider shall submit a landscaping plan for such planting strip with the preliminary plat application, and the landscaping shall be a required improvement.

N. *Cuts, fills, and grading improvements.* Proposed subdivisions shall be carefully planned to be compatible with natural topography, soil conditions, geology and hydrology of the site, as well as to minimize cuts, fills, alterations of topography, streams, drainage channels, and disruption of soils and vegetation. The design criteria shall include the following:

1. A preliminary soil report prepared by a qualified engineer may be required by the commission and/or council as part of the preliminary plat application.
2. Preliminary grading plan prepared by a civil engineer shall be submitted as part of all preliminary plat applications. Such plan shall contain the following information:
 - a. Proposed contours at a maximum of five-foot contour intervals.
 - b. Cut and fill banks in pad elevations.
 - c. Drainage patterns.
 - d. Areas where trees and/or natural vegetation will be preserved.

SUBDIVISION REGULATIONS

- e. Location of all street and utility improvements including driveways to building envelopes.
 - f. Any other information which may reasonably be required by the Administrator, commission or council to adequately review the affect of the proposed improvements.
3. Grading shall be designed to blend with natural landforms and to minimize the necessity of padding or terracing of building sites, excavation for foundations, and minimize the necessity of cuts and fills for streets and driveways.
 4. Areas within a subdivision which are not well suited for development because of existing soil conditions, steepness of slope, geology or hydrology shall be allocated for open space for the benefit of future property owners within the subdivision.
 5. Where existing soils and vegetation are disrupted by subdivision development, provision shall be made by the subdivider for revegetation of disturbed areas with perennial vegetation sufficient to stabilize the soil upon completion of the construction. Until such times as such revegetation has been installed and established, the subdivider shall maintain and protect all disturbed surfaces from erosion.
 6. Where cuts, fills, or other excavations are necessary, the following development standards shall apply:
 - a. Fill areas shall be prepared by removing all organic material detrimental to proper compaction for soil stability.
 - b. Fills shall be compacted to at least 95 percent of maximum density as determined by AASHO T-99 (American Association of State Highway Officials) and ASTM D698 (American Standard Testing Methods).
 - c. Cut slopes shall be no steeper than two horizontal to one vertical (2:1). Subsurface drainage shall be provided as necessary for stability.
 - d. Fill slopes shall be no steeper than three horizontal to one vertical (3:1). Neither cut nor fill slopes shall be located on natural slopes of three to one (3:1) or steeper, or where fill slope toes out within 12 feet horizontally of the top and existing or planned cut slope.
 - e. Toes of cut and fill slopes shall be set back from property boundaries a distance of three feet, plus one-fifth of the height of the cut or the fill, but may not exceed a horizontal distance of ten feet; tops and toes of cut and fill slopes shall be set back from structures at a distance of at least six feet, plus one-fifth of the height of the cut or the fill. Additional setback distances shall be provided as necessary to accommodate drainage features and drainage structures.

O. *Drainage improvements.* The subdivider shall submit with the preliminary plat application such maps, profiles, and other data prepared by an engineer to indicate the proper drainage of the surface water to natural drainage courses or storm drains, existing or proposed. The location and width of the natural drainage courses shall be shown as an easement common to all owners within the subdivision and the City on the preliminary and final plat. All natural drainage courses shall be left undisturbed or be improved in a manner that will increase the operating efficiency of the channel

KETCHUM CITY CODE

without overloading its capacity. An adequate storm and surface drainage system shall be a required improvement in all subdivisions and shall be installed by the subdivider. Culverts shall be required where all water or drainage courses intersect with streets, driveways or improved public easements and shall extend across and under the entire improved width including shoulders.

P. *Utilities.* In addition to the terms mentioned in this section, all utilities including, but not limited to, electricity, natural gas, telephone and cable services shall be installed underground as a required improvement by the subdivider. Adequate provision for expansion of such services within the subdivision or to adjacent lands including installation of conduit pipe across and underneath streets shall be installed by the subdivider prior to construction of street improvements.

Q. *Off site improvements.* Where the off site impact of a proposed subdivision is found by the commission or council to create substantial additional traffic, improvements to alleviate that impact may be required of the subdivider prior to final plat approval, including, but not limited to, bridges, intersections, roads, traffic control devices, water mains and facilities, and sewer mains and facilities.

R. *Avalanche and mountain overlay.* All improvements and plats (land, planned unit development, townhouse, condominium) created pursuant to this chapter shall comply with City of Ketchum Avalanche Zone District and Mountain Overlay Zoning District requirements as set forth in title 17 of this Code.

S. Existing natural features which enhance the attractiveness of the subdivision and community, such as mature trees, watercourses, rock outcroppings, established shrub masses and historic areas, shall be preserved through design of the subdivision.
(Ord. 316 § 4, 1979; Ord. 803 § 1, 1999; Ord. 884 § 2, 2001; Ord. 943 § 1, 2004; Ord. 1061 § 1, 2009; Ord. 1181, 2018; Ord. 1198 § 4, 2019)

16.04.050 Vacations and dedications.

A. *Application.* Any property owner desiring to vacate an existing public street, alley or easement right-of-way, or desiring to dedicate a street or alley right-of-way shall file an application with the Administrator. Upon receipt of the completed application and other information reasonably required by the Administrator, the date of acceptance of the application shall be affixed on the application. Thereafter, such application shall be placed upon the commission agenda for consideration at a regular meeting of the commission, and the procedures followed for such vacations shall comply with Idaho Code sections 50-1321, 50-1325 and 50-1306(A), including subsequent amendment or codification.

B. *Commission action.* The commission shall consider the application and testimony of the applicant and such other information as may come before it with regard to the proposed vacation or dedication. The commission shall consider the interests of the adjacent property owners, public utilities, conformance of the proposal with the comprehensive plan and the future development of the neighborhood, and shall make its recommendations for accepting or rejecting such application. The commission shall only recommend that the council approve the vacation of all or any portion of an existing street, alley or easement right-of-way if it finds and concludes, based on the record of the

SUBDIVISION REGULATIONS

public hearing, that such vacation is in the public interest. If dedication of a street is accepted, recommendations for improvements to be made prior to the acceptance shall be made by the commission.

C. *Council action.* In considering an application for vacation of an existing street, alley or easement right-of-way, the council shall establish a date for public hearing and give such notice as required by law. The council shall hear and consider the public testimony, applicant testimony, recommendations of the commission, and any other information as may be brought before the council. The council shall only approve the vacation of all or any portion of an existing street, alley or easement right-of-way if it finds and concludes, based on the record of the public hearing, that such vacation is in the public interest. Whenever the council vacates an existing public street, the City shall provide adjacent property owners with a quitclaim deed for the vacated street as prescribed by law. Such vacation shall become effective upon delivery of such deed(s). When considering an application for dedication to the public of a street, alley or easement right-of-way, the council may require certain improvements be constructed or performance bond furnished prior to acceptance of the dedication. To complete the acceptance of any dedication, the council shall accept same by resolution or by approval of a final subdivision plat.

D. *Exemptions.* The provisions of this section shall not apply to the widening of any street which is shown in the comprehensive plan or the dedication of nonvehicular easements to the City. (Ord. 316 § 5, 1979; Ord. 1198 § 5, 2019)

16.04.060 Readjustment of lot lines procedures.

Readjustment of lot line applications shall be reviewed and approved pursuant to the final plat regulations and procedures established in section 16.04.030 as modified below.

- A. *Application.* An owner or subdivider wishing to readjust lot lines, as defined in section 16.04.020 of this chapter, shall be required to file with the Administrator for administrative review an application and both a digital and hard copy of the proposed final plat in accordance with section 16.04.030. Additional information reasonably required for thorough review of the application and plat may be required by the Administrator to be provided by the applicant.
- B. *Certification by the Administrator and review by departments.* Upon receipt of the readjustment of lot line final plat application and data, the Administrator shall certify the application as complete and transmit the application and plat to other City departments and to such other agencies as have jurisdiction over, or interest in, the proposed subdivision for recommendation and review.
- C. *Review by Administrator.* The Administrator shall review the 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, including development and design improvements to be constructed by the applicant in conformance with section 16.04.040.

KETCHUM CITY CODE

- D. *Waivers.* Any applicable waivers shall be requested according to section 16.04.130 of this chapter.
- E. *Notice.* The Administrator shall provide written notice of such application to owners of property immediately adjacent to the subject property. Such notice shall inform adjacent property owners they may comment on the application during a period of not less than ten days after mailing of the notice and prior to final action on such application.
- F. *Findings.*
1. Following expiration of the comment period, and upon a finding by the Administrator that the plat conforms to the "readjustment of lot line" definition, the Administrator will:
 - a. Review the submittal;
 - b. Department comments;
 - c. Conformance of the submittal with required development and design standards as set forth in section 16.04.040;
 - d. Recommend conditions necessary to find the final plat in compliance with the provisions of this chapter, including the installation of required improvements prior to recordation of the final plat; and
 - e. Notice the matter for final plat review before the council.
 2. Upon a finding by the Administrator that the application does not conform to such definition or is not in compliance with this chapter, the Administrator shall deny such application and shall state the reasons in writing, and a copy signed by the Administrator attached to one copy of the plat shall be returned to the applicant.
 3. Any questions with regard to the interpretation and/or applicability of this subsection or other sections shall be referred to the council by the Administrator for determination following the notice provisions set forth in section 16.04.060.G.
- G. *Council notice.* The council shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. At least 15 days prior to the hearing, notice of the time and place and a summary of the proposed action shall be published in the official newspaper or paper of general circulation within the jurisdiction.

Upon council approval of an application and upon satisfaction by the applicant of any conditions attached to the application, the Administrator shall inform the City Clerk, and the City Clerk shall sign the plat.

(Ord. 1198 § 6, 2019)

16.04.070 Condominiums.

A. *Purpose.* The purpose of this section is to set forth special provisions for property created or converted pursuant to the Condominium Property Act, Idaho Code title 55, chapter 15, as amended, revised or compiled. The provisions of this section are found necessary in order to provide for the public health, safety, and welfare of purchasers and residents of such condominiums.

SUBDIVISION REGULATIONS

B. *Preliminary plat procedure.* The subdivider of the condominium project shall submit with the preliminary plat application a copy of the proposed bylaws and condominium declarations of the proposed condominium development. Said documents shall adequately provide for the control and maintenance of all common areas, recreational facilities and open space. The commission and council shall act on the preliminary plat pursuant to subsections 16.04.030.D and E. of this chapter.

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.
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.

D. *Garage.* All garages shall be designated on the preliminary and final plats and on all deeds as part of the particular condominium units. No garage may be condominiumized or sold separate from a condominium unit.

E. *Storage areas.* Adequate interior storage space for personal property of the resident of each condominium unit.

F. *Maintenance building.* A maintenance building or room shall be provided of adequate size and location for the type and size of the condominium project for storage of maintenance equipment and supplies for common areas.

G. *Open space.* The subdivider shall dedicate to the common use of the homeowners adequate open space of such shape and area usable and convenient to the residents of the condominium subdivision. Location of building sites and common area shall maximize privacy and solar access.

H. *General applicability.* All other provisions of this chapter and all applicable ordinances, rules and regulations of the City and all other governmental entities having jurisdiction shall be complied with by condominium subdivisions.

(Ord. 316 § 6, 1979; Ord. 879 §§ 2, 3, 2001; Ord. 902 § 1, 2002; Ord. 1061 § 2, 2009; Ord. 1198 § 7, 2019; Ord. No. 1249, § 9, 10-2-2023)

16.04.080 Townhouses.

A. *Purpose.* The purpose of this section is to set forth provisions for real property subdivided into townhouse sublots, such provisions found necessary in order to provide for the public health, safety and welfare of purchasers and residents of such townhouse developments.

B. *Townhouse owners' documents.* The subdivider of the townhouse project shall submit with the preliminary plat application a copy of the proposed party wall agreement and any proposed document(s) creating an association of owners of the proposed townhouse sublots, which shall adequately provide for the control and maintenance of all commonly held facilities, garages, parking

KETCHUM CITY CODE

and/or open spaces. Prior to final plat approval, the subdivider shall submit to the City a final copy of such documents and shall file such documents prior to recordation of the plat, which shall reflect the recording instrument numbers.

C. *Preliminary plat procedure.* Townhouse developments shall be administered consistent with the procedures and design and development regulations established in section 16.04.030 and section 16.04.040 and the standards of this subsection.

1. All townhouse developments shall be platted under the procedures contained in the subdivision ordinance in effect and shall be required to obtain design review approval prior to building permit issuance.
2. The subdivider may apply for preliminary plat approval from the commission pursuant to subsection 16.04.030.D of this chapter at the time application is made for design review approval pursuant to title 17, chapter 17.96 of this Code. The commission may approve, deny or conditionally approve such preliminary plat upon consideration of the action taken on the application for design review of the project.
3. The preliminary plat, other data, and the commission's findings may be transmitted to the council prior to commencement of construction of the project under a valid building permit issued by the City. The council shall act on the preliminary plat pursuant to subsection 16.04.030.E and F. of this chapter.
4. In the event a phased townhouse development project is proposed, after preliminary plat is granted for the entirety of a project, the final plat procedure for each phase of a phased development project shall follow section 16.04.030.G and comply with the additional provisions of section 16.04.110 of this Code.

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.
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.

E. *Required findings.* In addition to all townhouse developments complying with the applicable provisions of title 17 and this chapter 16.04, the Administrator shall find that:

1. All townhouse developments, including each individual subplot, shall not exceed the maximum building coverage requirements of the zoning district.
2. *Garage.* All garages shall be designated on the preliminary and final plats and on all deeds as part of the particular townhouse units. Detached garages may be platted on separate sublots; provided, that the ownership of detached garages is tied to specific townhouse units

SUBDIVISION REGULATIONS

on the townhouse plat and in any owner's documents, and that the detached garage(s) may not be sold and/or owned separate from any dwelling unit(s) within the townhouse development.

3. *General applicability.* All other provisions of this chapter and all applicable ordinances, rules and regulations of the City and all other governmental entities having jurisdiction shall be complied with by townhouse subdivisions.

(Ord. 460 § 2, 1987; Ord. 879 § 4, 2001; Ord. 1061 § 3, 2009; Ord. 1198 § 8, 2019; Ord. No. 1249, § 10, 10-2-2023)

16.04.090 Mobile home subdivisions.

A. *General.* Mobile home subdivisions shall be treated the same as any residential subdivision subject to the requirements set forth in the zoning ordinance, building code, and any other statute, ordinance, or regulations of any governmental entity having jurisdiction.

B. *Requirements.* Mobile home subdivisions shall also be subject to the following requirements:

1. Such subdivisions may be submitted and reviewed as a planned unit development as set forth in this chapter.
2. Such subdivisions shall be screened from adjacent areas other than subdivisions of the same type by an aesthetically acceptable fence and/or planting strip.
3. Adequate provision shall be made for the maintenance of the subdivision.
4. Side lot lines shall be within 30 degrees of right angle or radial line to the street line.

(Ord. 316 § 7, 1979; Ord. 1198 § 9, 2019)

16.04.100 Planned unit development (PUD).

In addition to the requirements set forth in this chapter, a proposed planned unit development shall comply with the Ketchum Planned Unit Development Ordinance.

(Ord. 383 § 1, 1983; Ord. 1198 § 10, 2019)

16.04.110 Phased development projects.

A. *Compliance with provisions.* Any subdivider wishing to develop a subdivision (condominium, townhouses, land subdivision) or planned unit development over a series of years shall comply with the additional requirements and regulations set forth in this section. Each phase of such development shall contain all the necessary elements and improvements to exist independently from proposed future phases in a stable manner, including the extension of services and implementation of an interim landscaping plan for all future phases, and shall comply with all applicable zoning regulations.

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

KETCHUM CITY CODE

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 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.

C. *Planning and zoning commission action.* Upon receipt of the preliminary plat, subdivision application, and application for a phased development project, the Administrator shall place the same on the agenda of the next available regular meeting of the planning and zoning commission and give notice of a public hearing. The planning and zoning commission shall review the preliminary plat, subdivision application, phased development project and make such recommendations on the proposed project as required by the applicable design review ordinance(s) and all other applicable ordinances or portions. At the commission meeting where the public hearing is held, the commission shall take public comment, testimony from the subdivider and all interested parties, and review all information and data available to it. After review of the project, the commission shall make findings and recommendations.

D. *Council action.* The Administrator, upon receiving the findings and recommendation of the commission, shall place the preliminary plat, subdivision application, development plan and schedule on the agenda of the next regular City Council meeting. The council shall act on the preliminary plat, subdivision application, development plan and schedule pursuant to subsection 16.04.030.E of this chapter by reviewing the recommendations of the planning and zoning commission and all information and data contained in the file and shall approve, amend, or deny the application and development plan.

E. *Preliminary plats.* Concurrent with the approval of the development plan and schedule, the subdivider shall prepare a preliminary plat. The preliminary plat shall show each stage of the development in conformance with the approved development plan, including designation of future phases, sublots, and/or common areas. Upon approval of the preliminary plat, the subdivider may commence construction of the required improvements as provided in this chapter.

F. *Required improvements.* The City Council may require that the subdivider install all or a portion of the required improvements for the entire project as set forth in the development plan. Such required improvements shall be constructed prior to approval of the final plat for any phase of the development.

G. *Final plat(s).* The final plat procedure for each phase of a phased development project shall follow section 16.04.030.G.

(Ord. 316 § 9, 1979; Ord. 1198 § 11, 2019; Ord. No. 1249, § 11, 10-2-2023)

16.04.120 Impact statement.

A. *Impact statement required.* The subdivider proposing a subdivision of more than ten lots or condominium units, or townhouses, or a planned unit development may be required by the commission or council to prepare an impact statement prior to approval of a preliminary plat. The statement shall discuss the potential effects of the proposed development upon the City in terms of impact upon economics, public facilities or environment as set forth in this chapter.

SUBDIVISION REGULATIONS

B. *Requirements.* The impact statement shall include a study of the potential impact upon:

1. Sewer facilities.
2. Domestic water facilities.
3. Fire protection, including fire protection water supply.
4. Police protection.
5. Utilities.
6. Schools.
7. Roads and traffic.
8. Other public facilities.
9. Noise, water and air pollution.
10. Environmental impact, including impact upon vegetation, wildlife, and wildlife habitat, ground and surface water, and soil erosion.
11. Public transportation.
12. Public easements, created or threatened, and recreational availability.
13. Avalanche hazard and flood hazard.
14. Drainage.
15. Grading of slopes.
16. Adjacent properties and the neighborhoods.
17. Snow removal areas and services.
18. Designating and defining impact upon areas of historical significance.
19. Effects upon agriculture.

C. *Additional requirements.* The commission or council may reasonably require the impact statement to be extended to include other factors and criteria not listed above due to unusual characteristics of the land or character of the proposed development or improvements. Furthermore, the subdivider may be required to provide additional information and studies with regard to any of the factors or criteria required in the impact statement.

D. *Contiguous or adjacent property.* When an owner or subdivider owns or controls contiguous or adjacent land to that which he or she proposes to subdivide under the terms of this chapter, the commission or council may require that the contiguous or adjacent property be included in the subdivision or that a development plan for the entire tract be presented. Furthermore, the commission or council may require that the entire parcel or parcels of land be platted.
(Ord. 316 § 10, 1979; Ord. 1198 § 12, 2019)

KETCHUM CITY CODE

16.04.130 Waiver and appeals.

A. *General requirements.* Waiver of any of the requirements of this chapter may be granted by the council on a case by case basis upon the recommendation of the commission. Application for such waiver(s) must be in writing and must show that there are special physical characteristics or conditions affecting the property in question where literal enforcement of this chapter would result in undue hardship not the result of actions by the subdivider, and that the waiver would not be detrimental to the public welfare, health and safety, nor injurious to property owners in the immediate area.

B. *Application for waiver.* Applications shall be made to the Administrator in writing at the time of subdivision application. Such waiver, together with such related data and maps as are necessary to fully illustrate the relief sought, shall be filed at that time. Such application shall be processed and considered with the preliminary plat application.

C. *Appeals.* Any interested party may appeal in writing the decision of the planning and zoning commission, planning Administrator or building inspector relative to any matter(s) with regard to this chapter. Such appeals shall be filed in writing with the Ketchum City Clerk within ten days from the date of such decision. Such appeal shall state the exact decision or recommendation appealed and the reasons for appeal. If no appeal is filed within ten days as provided in this subsection, the decision shall be final.

(Ord. 316 § 11, 1979; Ord. 1198 § 13, 2019)

16.04.140 Fees and costs and time periods for approval.

A. *Fees and costs.* The subdivider shall pay to the City by depositing with the City Administrator certain fees and costs. There shall be a preliminary plat application fee and a final plat application fee. Such fees shall be set by resolution of the City Council.

B. *Time periods for approval.*

1. The planning and zoning commission shall have 60 days to examine and consider all applications made pursuant to this chapter and to make its recommendations. Such 60-day

SUBDIVISION REGULATIONS

period shall commence upon the first meeting at which the commission considers such an application. If no recommendation is made within such period, the application shall be placed upon the appropriate agenda without recommendation.

2. The council shall have 90 days to examine and consider all applications made pursuant to this chapter and make its finding(s) and/or decision(s).
3. The time periods set forth in this subsection may be extended for a reasonable period of time by the planning and zoning commission or council upon a finding that, due to the complexity of an application or changes made in an application during the review process, additional time to examine or consider same is reasonably required.

(Ord. 316 § 12, 1979; Ord. 1198 § 14, 2019)

16.04.150 Enforcement, violations and penalties.

A. *Investigations.* It shall be the duty of the Administrator and building inspector to investigate compliance with these regulations and to bring to the attention of the City Council and the City attorney any violations of this chapter.

B. *Sale of portions of unsubdivided property.* No owner, or agent of the owner, shall transfer, sell, encumber by mortgage or deed of trust or offer to sell any portion of an unsubdivided parcel of real property before a final plat has been approved by the council and filed with the office of the Blaine County Recorder as required by law.

C. *Sale of property by metes and bounds.* The subdivision of any lot or of any parcel of land by the use of a metes and bounds description for the purpose of sale, transfer, encumbrance by mortgage or deed of trust, or lease shall not be permitted without the filing of a final plat as required in this chapter. All such divisions of land shall not be recognized by the City nor shall building permits be issued for any improvements until such subdivisions have received final plat approval and met all requirements of this chapter.

D. *Penalties.* Any person, firm, association or corporation that fails to comply with or violates any of these regulations shall be subject to a fine not more than \$300.00 or imprisonment for a period not exceeding six months, or both. Each day that such violation continues shall be considered a separate offense.

E. *Civil enforcement.* Appropriate actions and proceedings at law or in equity may be instituted by the City attorney to prevent or rectify illegal subdivisions, to recover damages, to restrain, correct or abate any violation, or to prevent illegal occupancy of a building, structure or premises. These remedies shall be cumulative and in addition to the penalties described in this section.

F. *Conditions.* Regulation of the subdivision of land and the attachment of reasonable conditions to such subdivisions is a proper exercise of valid police power granted to the City by Article XII, Section 2 of the Idaho Constitution. The subdivider has the duty of compliance with reasonable conditions laid down by the council and commission for design, dedication, improvement and restrictive use of land so as to conform with the physical and economic development of the City and the safety and general welfare of future plot owners in such subdivision and the public at large.

(Ord. 316 §§ 13, 14, 1979; Ord. 1198 § 15, 2019)

KETCHUM CITY CODE

CHAPTER 16.08 PLANNED UNIT DEVELOPMENTS

16.08.010 Title.

This chapter, together with amendments, shall be known and may be cited as the Ketchum Planned Unit Development (PUD) Ordinance.
(Ord. 382 § 1, 1983)

16.08.020 Authority and purpose.

A. This chapter is adopted pursuant to authority granted by Idaho Code section 67-6501 et seq., and Article 12, Section 2 of the Idaho Constitution. It is enacted for the purpose of protecting and promoting the public health, safety and welfare; to secure the most appropriate use of lands, to encourage flexibility and creativity in the development of land in order to improve the design, character and quality of new development, and to provide usable open space; to preserve the scenic and aesthetic qualities of lands; to protect property rights and enhance property values; to ensure that adequate public facilities and services are provided; to ensure that the local economy is protected and enhanced; to encourage and promote the development of affordable housing; to ensure that the important environmental features are protected and enhanced; to avoid undue concentration of population and overcrowding of land; to ensure that the development on land is commensurate with the physical characteristics of the land; to protect life and property in areas subject to natural hazards; to protect fish, wildlife and recreation resources; to avoid undue water and air pollution; and to protect the quality of life offered by the City and surrounding resources enjoyed by residents and visitors alike.

B. The provisions for planned unit developments contained in this chapter are intended to encourage the total planning of developments. In order to provide the flexibility necessary to achieve the purposes of this chapter, specified uses may be permitted subject to the granting of a conditional use permit. Because of their unusual or special characteristics, PUD conditional uses require review and evaluation so that they may be located properly with respect to the purposes of this chapter, the comprehensive plan, and all other applicable ordinances, and with respect to their effects on surrounding properties and the community at large. In the event of conflict between this PUD chapter and any other ordinance of the City, this PUD chapter shall control. The review process prescribed in this chapter is intended to assure compatibility and harmonious development between conditional uses and surrounding properties and the City at large.

(Ord. 382 § 2, 1983; Ord. 723 § 2, 1998)

16.08.030 Definitions.

For the interpretation and administration of this chapter, certain terms and words are defined in this section. When not inconsistent with the context, words used in the present tense shall include the future; the singular shall include the plural; the masculine shall include the feminine; the word "shall" is mandatory, and the word "may" indicates the use of discretion in making a decision.

SUBDIVISION REGULATIONS

All of the definitions set forth in chapters 16.04 of this title, including subsequent amendments, and title 17 of this Code, including subsequent amendments, are each adopted by reference as if fully set forth in this section, except for the following definitions:

Adjacent: Properties which are separated only by intervening rights-of-way, easements or waterways.

Adjoining and contiguous: Properties which share a common boundary.

Administrator: The Planning and Zoning Administrator of the City of Ketchum, Idaho.

Blaine County area median income (AMI): The income categories provided on an annual basis by the U.S. Department of Housing and Urban Development. The AMI is the category that represents households making 100 percent of the AMI. These figures are compiled and distributed by the Idaho Housing and Finance Association (IHFA).

Community housing: That portion of housing within a planned unit development that meets the following minimum requirements:

A. **Affordability requirements for ownership and rental units:**

1. "Ownership community or employee housing unit" means that a unit's selling price shall not exceed the maximum sales prices set forth in part IV, section 2 of the 1997 Ketchum Affordable Housing Guidelines (housing guidelines) or any subsequent amendments. The costs of an ownership unit include mortgage, principal and interest payments, insurance costs and property taxes. Income categories 1 through 4, included in the housing guidelines, shall be considered appropriate categories for the provision of community or employee housing.
2. "Rental community or employee housing unit" means no more than 30 percent of a household's gross monthly income shall go toward housing costs. For a rental dwelling unit, housing costs include a utility allowance (telephone excluded) and monthly rental payments. To be considered affordable, rental units should be made available and priced for households making 60 percent or less of the Blaine County AMI.

B. **Community housing units must be deed restricted to ensure appropriate income levels served, corresponding sales prices and long term affordability.**

Parking area: The entire parking and vehicular circulation area(s) associated with a given project, including parking spaces, access drives and aisles.

Planned unit development: Development of land in which the standard land use regulations may be modified or waived in order to promote beneficial development of an entire tract of land in conformance with an approved planned unit development conditional use permit accentuating usable open space, recreational uses, public amenities, community housing, and harmonious development with surrounding properties and the City at large. Planned unit development is referred to as a "PUD".

Usable open space: Shall not include the area encompassed by streets, parking areas, slopes over 25 percent, or areas included within the required 25-foot riparian zone setback.

KETCHUM CITY CODE

Uses: Those land use classifications as set forth in the Ketchum Comprehensive Plan. The land use classifications include: short term occupancy and support, long term residential occupancy, recreation and open space, business and shopping, and light industry.

(Ord. 382 § 3, 1983; Ord. 558 § 2, 1991; Ord. 723 § 3, 1998; Ord. 733 § 1, 1999)

16.08.040 Applicable regulations.

Any person wishing to develop a planned unit development shall comply with the requirements of this chapter in addition to the zoning, subdivision and other applicable laws, ordinances, regulations and rules, subject to any modification or waiver granted as part of the planned unit development (PUD) conditional use permit. In their interpretation and application, the provisions of this chapter shall be considered minimum requirements.

(Ord. 382 § 4, 1983)

16.08.050 Planned unit development conditional use permit required.

Any person wishing to develop a PUD shall obtain a PUD conditional use permit, as provided in this chapter, prior to any construction, subdivision or sale or offering for sale of any units, structures or land within the proposed project.

(Ord. 382 § 5, 1983)

16.08.060 Conditional use within zoning districts.

A planned unit development shall be a conditional use within all zoning districts within the City permitted only upon issuance of a PUD conditional use permit in accordance with this chapter.

(Ord. 382 § 6, 1983; Ord. 723 § 4, 1998)

16.08.070 Application and information.

A. *General application requirements.* An application for approval of a proposed PUD shall be made to the Administrator upon forms furnished by the City, and as part of such application shall include six copies of the development plan and large block plat. An application shall not be deemed filed until complete and all required review fees paid. The Administrator shall certify the date when an application is deemed complete for the purpose of beginning the review process and the time limitations set forth in this chapter.

B. *Required information and exhibits.* The application form shall contain the following information and exhibits:

1. The name, address, mailing address and telephone number of each owner of record of the property, the developer, and the engineer, surveyor, and/or other person preparing the development plan and/or accompanying information or documents. A parcel of property shall be under single ownership, or the application shall be consented to in writing, acknowledged by all property owners within the development.
2. Legal description of the area.

SUBDIVISION REGULATIONS

3. A copy of the proposed articles of incorporation, bylaws of homeowners' association, condominium declarations, and all other agreements, covenants and other provisions which will govern the use and maintenance and assure continued protection of the development.
 4. A current title report, together with a copy of the owner's recorded deed to such property. A copy of the applicant's option to purchase, or unrecorded contract of sale for such property, together with the written notarized consent of the owner(s) of record to such PUD, shall be sufficient evidence of ownership to allow processing of such application. Withdrawal of consent of an owner of record shall be deemed withdrawal of the application.
 5. Development schedule for construction and/or phasing.
 6. All percolation tests and/or exploratory pit excavations required by state health authorities.
 7. A list of the owners of the properties within 300 feet of the exterior boundaries of the proposed project. The owners' list shall include the names of all owners, their addresses, and a general description of the property owned by each. The Administrator may waive or modify this requirement for a community housing PUD.
 8. Additional information as reasonably required at the discretion of the Administrator.
- C. *Development plan.* The development plan and large block plat shall contain the following:
1. The scale, north point and date.
 2. The name of the proposed development, which shall not be the same or confusing with the name of any subdivision or planned unit development in the City of Ketchum, or the City of Sun Valley or Blaine County, Idaho.
 3. The name, address, mailing address and telephone number of each engineer, surveyor, or other person preparing the development plan and/or accompanying information or documents.
 4. The scaled location of existing buildings, water bodies and courses, and adjacent streets, alleys, and easements, public and private.
 5. Location of zoning district lines within the proposed project and within the immediate vicinity.
 6. The location of existing and proposed street rights-of-way, including dimensions and proposed street names, lots and lot lines, and easements (public and private).
 7. The location, 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 development.
 8. The location, size and type of sanitary and storm sewers, water mains and facilities, culverts, utilities, street improvements, street lighting, curbs, gutters, sidewalks and all other existing and proposed utilities and other surface or subsurface structures within, immediately adjacent to, or proposed to serve the development.
 9. The boundaries of the floodplain, floodway and avalanche hazard areas affecting the development.

KETCHUM CITY CODE

10. Building envelopes of proposed structures shall be drawn to scale. If the applicant elects to seek design review approval for the project or a portion under subsection D of this section, the applicant shall comply with the additional requirements of that subsection.
11. Lot area of each lot.
12. A surveyed contour map of the existing topography of the property and a contour map of the proposed development with contour lines at maximum intervals of five feet to show the existing and proposed configuration of the land, together with the documentation upon which such contour maps were prepared.
13. A survey plat of the property.
14. A drainage plan showing the location, size and direction of all watercourses and drainage flows, 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 development.
15. A landscaping plan showing the location and size of existing mature trees, and established shrub masses, and showing the location, size and type of proposed landscaping of the project with particularity.
16. Exterior boundary lines of the property, together with dimensions.
17. Location of on site parking spaces and access, including the dimensions of the spaces and the width and length of access.
18. Tabulation of the percentage of the lot coverage by proposed building, percentage of lot coverage by proposed parking areas and floor area broken down by uses, together with the total square footage of the parcel of property.
19. Location of existing structures on adjacent properties.
20. Studies may be reasonably required prior to or during the review process by the Administrator, commission or council of the social, economic, fiscal and/or environmental effects of the proposed development.
21. Large block plat shall conform to the requirements of subsection E of this section.
22. Additional information as reasonably required at the discretion of the Administrator, commission or council prior to or during the review process.

D. *Design review application.* An applicant may elect to request design review approval for the structures within the project or the first phase, and in such instances, the applicant shall submit the application, information and fees and receive approval required by the appropriate design review regulations and criteria. Any design review approval issued by the commission pursuant to this section shall be subject to issuance of a PUD conditional use permit by the City Council. Any PUD conditional use permit granted without design review approval shall apply for and receive design review approval pursuant to the applicable ordinances.

SUBDIVISION REGULATIONS

E. *Large block plat.* A large block plat shall be prepared in the manner required for subdivision preliminary plats under the applicable ordinance(s). Such large block plat shall include, but not be limited to, maximum allowable densities, types and uses of structures, location of building envelopes, location and dedication of streets, alleys, easements, parks and other public lands. Prior to or as a condition of PUD approval, the applicant shall prepare a final large block plat in the manner required for final subdivision plats under the applicable ordinance(s). Such final large lot plat shall be filed with the office of the Blaine County Recorder, Hailey, Idaho.

F. *Waiver or deferral of requirements.* Waiver or deferral of any of the requirements of this section and section 16.08.080 of this chapter may be granted by the council on a case by case basis. Application for such waiver or deferral must be in writing and submitted as part of the application for a PUD conditional use permit. Such application for waiver or deferral must state with particularity the matters on which the applicant seeks waiver or deferral and that the waiver or deferral would not be detrimental to the public welfare, health and safety nor injurious to property owners in the immediate area. The planning and zoning commission shall consider the project and make their recommendations to the council based upon and subject to the waivers they deem appropriate to recommend the City Council grant a waiver or deferral. If the council grants a waiver or deferral, the PUD conditional use permit shall state when, if ever, the requirement that was waived or deferred must be met and what entity or agency has the power to review the requirements. Such PUD conditional use permit shall state any such conditions deemed appropriate or necessary by the council to promote, further or enforce the applicant's method of guaranteeing the use, rental cost, resale cost for the employee or low cost housing.

G. *Fees.* The applicant shall pay to Ketchum a PUD conditional use application fee to reimburse the City for the reasonable costs of administering and expenses incidental to the review of the application. Such fees shall be set by resolution of the City Council. The fees for community or employee housing units shall be \$50.00 for units serving income categories 1 through 4 and \$100.00 for units serving income category 5. The fees shall be paid at the time of and as part of the application and shall not be refundable.

(Ord. 382 § 7, 1983; Ord. 558 § 3, 1991; Ord. 723 § 5, 1998; Ord. 733 § 2, 1999; Ord. 738 § 1, 1999)

16.08.080 Standards.

The standards set forth in this section shall apply to review of all PUD conditional use permit applications. The standards shall be used to review and evaluate the proposal in comparison to the manner of development and effects of permitted uses and standard development allowed on the property in question. Modification or waiver from certain standard zoning and subdivision requirements may be permitted subject to such conditions, limitations and/or additional development standards, pursuant to section 16.08.130 of this chapter, as the City Council may prescribe to mitigate adverse impact at the proposed planned unit development, or to further the land use policies of the City, or to ensure that the benefits derived from the development justify a departure from such regulations. Where the City Council determines that conditions cannot be devised to achieve the objectives, and/or the standards contained in this chapter are not met, applications for conditional use permits shall be denied. The City Council shall make findings that each of the following evaluation standards have been met. The evaluation standards are as follows:

- A. Minimum lot size of three acres. All land within the development shall be contiguous except for intervening waterways. Parcels that are not contiguous due to intervening streets are

KETCHUM CITY CODE

discouraged. However, the commission and the council may consider lands that include intervening streets on a case by case basis. The commission may recommend waiver or deferral of the minimum lot size, and the council may grant such waiver or deferral only for projects which:

1. Include a minimum of 30 percent of community or employee housing, as defined in section 16.08.030 of this chapter;
 2. Guarantee the use, rental prices or maximum resale prices based upon a method proposed by the applicant and approved by the Blaine County Housing Authority and/or the Ketchum City Council; and
 3. Are on parcels that are no less than one and one-half acres (65,340 square feet). Application for waiver or deferral of this criteria shall include a description of the proposed community or employee housing and the proposed guarantee for the use, rental cost or resale cost.
 4. For a hotel which meets the definition of "hotel" in section 17.08.020, "Terms defined", of this Code, and conforms to all other requirements of section 17.18.130, "Community Core District (CC)", or section 17.18.100, "Tourist District (T)", of this Code. Waivers from the provisions of section 17.18.130 of this Code may be granted for hotel uses only as outlined in section 17.124.040 of this Code. Waivers from the provisions of section 17.18.100 of this Code may be granted for hotel uses only as outlined in section 17.124.040 of this Code.
- B. The proposed project will not be detrimental to the present and permitted uses of surrounding areas.
- C. The proposed project will have a beneficial effect not normally achieved by standard subdivision development.
- D. The development shall be in harmony with the surrounding area.
- E. 1. Densities and uses may be transferred between zoning districts within a PUD as permitted under this chapter, provided, the aggregate overall allowable density of units and uses shall be no greater than that allowed in the zoning district or districts in which the development is located. Notwithstanding the above, the commission may recommend waiver or deferral of the maximum density and the council may grant additional density above the aggregate overall allowable density only for projects which construct community or employee housing and which:
- a. Include a minimum of 30 percent of community or employee housing, as defined in section 16.08.030 of this chapter; and
 - b. Guarantee the use, rental prices or maximum resale prices thereof based upon a method proposed by the applicant and approved by the Blaine County Housing Authority and/or the Ketchum City Council.

SUBDIVISION REGULATIONS

2. Application for waiver or deferral of this criteria shall include a description of the proposed community or employee housing and the proposed guarantee for the use, rental cost or resale cost.
- F. The proposed vehicular and nonmotorized transportation system:
 1. Is adequate to carry anticipated traffic consistent with existing and future development of surrounding properties.
 2. Will not generate vehicular traffic to cause undue congestion of the public street network within or outside the PUD.
 3. Is designed to provide automotive and pedestrian safety and convenience.
 4. Is designed to provide adequate removal, storage and deposition of snow.
 5. Is designed so that traffic ingress and egress will have the least impact possible on adjacent residential uses. This includes design of roadways and access to connect to arterial streets wherever possible, and design of ingress, egress and parking areas to have the least impact on surrounding uses.
 6. Includes the use of buffers or other physical separations to buffer vehicular movement from adjacent uses.
 7. Is designed so that roads are placed so that disturbance of natural features and existing vegetation is minimized.
 8. Includes trails and sidewalks that create an internal circulation system and connect to surrounding trails and walkways.
- G. The plan is in conformance with and promotes the purposes and goals of the comprehensive plan, zoning ordinance, and other applicable ordinances of the City, and not in conflict with the public interest:
 1. Pursuant to subsection 16.08.070.D of this chapter, all of the design review standards in chapter 17.96 of this Code shall be carefully analyzed and considered. This includes detailed analysis of building bulk, undulation and other design elements. The site plan should be sensitive to the architecture and scale of the surrounding neighborhood.
 2. The influence of the site design on the surrounding neighborhood, including relationship of the site plan with existing structures, streets, traffic flow and adjacent open spaces, shall be considered.
 3. The site design should cluster units on the most developable and least visually sensitive portion of the site.
- H. The development plan incorporates the site's significant natural features.
- I. Substantial buffer planting strips or other barriers are provided where no natural buffers exist.
- J. Each phase of such development shall contain all the necessary elements and improvements to exist independently from proposed future phases in a stable manner.

KETCHUM CITY CODE

- K. Adequate and usable open space shall be provided. The applicant shall dedicate to the common use of the homeowners or to the public adequate open space in a configuration usable and convenient to the residents of the project. The amount of usable open space provided shall be greater than that which would be provided under the applicable aggregate lot coverage requirements for the zoning district or districts within the proposed project. Provision shall be made for adequate and continuing management of all open spaces and common facilities to ensure proper maintenance.
 - L. Location of buildings, parking areas and common areas shall maximize privacy within the project and in relationship to adjacent properties and protect solar access to adjacent properties.
 - M. Adequate recreational facilities and/or daycare shall be provided. Provision of adequate on site recreational facilities may not be required if it is found that the project is of insufficient size or density to warrant same and the occupant's needs for recreational facilities will be adequately provided by payment of a recreation fee in lieu of such facilities to the City for development of additional active park facilities. On site daycare may be considered to satisfy the adequate recreational facility requirement or may be required in addition to the recreational facilities requirement.
 - N. There shall be special development objectives and special characteristics of the site or physical conditions that justify the granting of the PUD conditional use permit.
 - O. The development will be completed within a reasonable time.
 - P. Public services, facilities and utilities are adequate to serve the proposed project and anticipated development within the appropriate service areas.
 - Q. The project complies with all applicable ordinances, rules and regulations of the City of Ketchum, Idaho, except as modified or waived pursuant to this section.
- (Ord. 382 § 8, 1983; Ord. 723 § 6, 1998; Ord. 733 §§ 3, 4, 5, 6, 7, 1999; Ord. 738 §§ 2, 3, 1999; Ord. 892 § 1, 2002; Ord. 1011 § 1, 2007)

16.08.090 Preapplication conference.

- A. Prior to filing an application, the applicant shall confer with the Administrator to allow the applicant and the staff to informally review the proposal.
- B. The topics of discussion may include, but not be limited to:
 - 1. Characteristics of the site and surrounding area; significant natural and manmade features; natural hazards, resources, or other special considerations of the site; services and accessibility of the site; surrounding development and land use; and existing zoning.
 - 2. The nature of the development proposed, including proposed land use, coverages and densities; the placement of proposed buildings and other improvements; the location, type and method of maintenance of common open space or treatment of public use areas; the preservation of natural features; proposed parking areas and internal circulation system, including easements; types of water and sewage treatment systems proposed.

SUBDIVISION REGULATIONS

3. Community policy considerations including the review process and likely conformity of the proposed development with the policies and regulations of applicable ordinances.
 4. Applicable regulations, review procedures and submission requirements.
- (Ord. 382 § 9, 1983)

16.08.100 Administrative review.

The Administrator, upon receiving a planned unit development application and fees, shall have 30 days to certify same as complete or submit in writing to the applicant all deficiencies that exist with regard to such application not being so certified as complete. The applicant shall have 30 days to cure such deficiencies. If such deficiencies are not cured within such time period, the application shall be deemed denied on the basis of an incomplete application subject to appeal of that administrative decision as provided by the laws of the state.

(Ord. 382 § 10, 1983)

16.08.110 Planning and Zoning Commission action.

Upon certification of a PUD conditional use permit application, the Administrator shall refer the application and information to the appropriate City departments and other governmental agencies for their review and comment. Such departments and agencies shall have 30 days to review and respond with written comments. Thereafter, the Administrator shall have 30 days to review such application and prepare for the first public hearing, including publishing of notice of such public hearing. The Administrator shall place such application on the agenda of the planning and zoning commission for consideration and at least one public hearing with lawfully required hearing notice. The application shall be reviewed and recommendations made by the commission to the City Council with regard to such application within 60 days from date of the first public hearing unless the commission makes a finding that due to the complexity of the project, or changes in the proposed project, or the need for additional information, or due to weather conditions, adequate review of the project is not possible and additional review time is necessary; the length of the extension shall be determined by the commission based upon relevant factors and evidence before the commission. The commission shall make findings, together with recommendations, including, but not limited to, approval with appropriate conditions or denial of the application. Thereafter, the conditional use permit application, together with the record and recommendations of the commission, shall be forwarded to the City Council for final action.

(Ord. 382 § 11, 1983; Ord. 723 § 7, 1998)

16.08.120 Council action.

A. Upon receiving the recommendations of the commission, the PUD conditional use permit application shall be placed upon the agenda of a regular City Council meeting. The City Council shall review the entire record before the commission, together with their findings and recommendations. The City Council may require additional information, including, but not limited to, matters not addressed by the commission. The City Council may approve the application and development plan with appropriate conditions, or deny such application within 60 days from the date of the City Council meeting at which the commission's recommendations are received, unless the City Council makes

KETCHUM CITY CODE

a finding that, due to the complexity of the project, or changes in the proposed project, or the need for additional information, or due to weather conditions, adequate review of the project is not possible, additional review time is necessary. The length of the extension shall be determined by the City Council based upon relevant factors and evidence before the council.

B. If the council finds a substantial error in the information presented to the commissions or new information is presented which may make a material difference in the recommendation made by the commissions, the council may remand the application to the commissions for further review and recommendations.

C. Prior to final approval of a PUD conditional use permit, the City Council may require, but not limited to, the following:

1. Such written agreements executed by the developer to secure performance of any requirement or condition to be imposed as part of the approval, including, but not limited to, development, services and/or annexation agreements.
2. Submission of a revised development plan to incorporate changes made during the review process.
3. Dedication of lands, personal property or improvements to the City.
4. Require recordation of documents with the Blaine County Recorder including, but not limited to, declarations of covenants and restrictions, easements, restrictive covenants, management agreements and similar documents establishing and guaranteeing the creation, operation and maintenance of the project, including, but not limited to, provisions that such documents may not be amended without the prior written consent of the City Council.

(Ord. 382 § 12, 1983; Ord. 723 § 8, 1998)

16.08.130 Conditions of approval.

A. As part of the PUD conditional use permit, the council may impose conditions, including, but not limited to, the following:

1. Minimizing adverse impact on surrounding properties, developments and/or public services, facilities or utilities.
2. Controlling the sequence and timing of development.
3. Controlling the duration of development.
4. Assuring that development is maintained properly.
5. Designating the exact location and nature of development.
6. Requiring the provision for on site or off site public improvements, facilities or services when the proposed development is found to create impact on off site public streets, facilities, utilities and/or services, including, but not limited to, bridges, intersections, roads, traffic control devices, water mains, sewer mains, fire equipment, transit system, recreational facilities and similar items.

SUBDIVISION REGULATIONS

7. Requiring more restrictive development standards than those generally required in applicable ordinances.
8. Require methods or manner of construction to minimize impact on adjacent properties or to prevent erosion or runoff and similar environmental impacts.
9. Any of the items set forth in subsection 16.08.120.C of this chapter.
10. Restrictions on the future use of the proposed development. This includes appropriate mechanisms to guarantee the affordability of community housing units (for example, deed restrictions).
11. Require dedications of land or cash in lieu of dedications of land for street, park, transit and/or similar uses.
12. Require additional plans or engineering revisions to any aspect of the development plan.
13. Require provision of adequate employee housing. This condition shall not pertain to community housing PUDs.
14. Such other reasonable conditions as the City Council may deem appropriate with regard to the proposed PUD.

B. A PUD conditional use permit shall be issued in writing. The issuance shall not be considered a binding precedent for the issuance of other conditional use permits. A conditional use permit is not transferable from one parcel of land to another.

C. Failure to comply with any condition or term of such permit may cause such permit to be void. A PUD conditional use permit may be revoked at any time for violation of the permit or any condition by motion of the City Council after a due process hearing upon a minimum of 10 days' written notice describing the violation to the holder of the PUD conditional use permit. At the hearing the holder may be represented by counsel, present testimony and cross examine witnesses.

D. All projects receiving a PUD conditional use permit, as a condition of such permit, shall be required to submit and receive design review approval for each structure to be constructed within the project prior to making application for a building permit irrespective of the zoning district or districts within which the project is located.

(Ord. 382 § 13, 1983; Ord. 723 § 9, 1998; Ord. 1053 § 1, 2009)

16.08.140 Changes in development plan.

Minor changes in the location, siting or character of buildings and structures may be authorized by the Administrator, if required by engineering or other circumstances not foreseen at the time the PUD conditional use permit was approved. All such requests shall be in writing supported by such documentation as reasonably required by the Administrator. No change shall be authorized by the Administrator except in writing and shall not increase the size of any building or structure, or building envelope concept, nor change the location of any building or structure outside of an approved building envelope; provided, notwithstanding the foregoing, if the Administrator determines any

KETCHUM CITY CODE

proposed change may have a significant impact on the approved project, the Administrator may decline to administratively approve such change and shall forward same to the City Council for consideration.

(Ord. 382 § 14, 1983)

16.08.150 Appeals.

A. *Appeals from Planning and Zoning Administrator.* An appeal from any order, requirement, decision or determination of the Planning and Zoning Administrator made in the administration or enforcement of this chapter may be taken by any affected person as that term is defined by Idaho Code section 67-6521, as may be amended from time to time, or any officer or department of the City, to the planning and zoning commission by filing a notice of appeal in writing with the office of the Planning and Zoning Administrator of the City in the manner prescribed in this subsection.

1. *Action required by the Planning and Zoning Administrator.* The Planning and Zoning Administrator shall certify that all procedural requirements have been satisfied and fees paid and transmit to the commission the original of all papers constituting the record in the case, together with the order, requirement, decision or determination of the Planning and Zoning Administrator.
2. *Hearing and notice.* The commission shall, following receipt of the Planning and Zoning Administrator's certificate and the record of the case, set the matter for hearing and give notice of the date, time, place and purpose of the hearing and of the right to request a copy of the decision to the appellant, the Planning and Zoning Administrator, and to any other affected person, as defined in Idaho Code section 67-6521, as that section may be amended from time to time, all in accordance with Idaho Code section 67-6501 et seq., as may be amended from time to time.
3. *Authority of commission.* Upon hearing the appeal, the commission shall consider the record, the order, requirement, decision or determination of the Planning and Zoning Administrator and the notice of appeal, together with oral presentation by the appellant and the Planning and Zoning Administrator. The commission may affirm, reverse or modify, in whole or in part, the order, requirement, decision or determination of the Planning and Zoning Administrator.
4. *Decision by commission.* The commission shall enter a decision within 30 days after the hearing on appeal, which shall include its written findings of fact and conclusions of law separately stated. The commission shall transmit a copy of the decision to the appellant and any affected person who has requested a copy in writing, as defined in Idaho Code section 67-6521, as that section may be amended from time to time.

B. *Appeals from planning and zoning commission.* An appeal from any order, requirement, decision or determination of the commission made in the administration or enforcement of this chapter may be taken by any affected person, as that term is defined by Idaho Code section

SUBDIVISION REGULATIONS

67-6521, as it may be amended from time to time, or any officer or department of the City, to the City Council by filing a notice of appeal in writing with the office of the Planning and Zoning Administrator of the City in the manner prescribed in this subsection.

1. *Action required by the Planning and Zoning Administrator.* The Planning and Zoning Administrator shall certify that all procedural requirements have been satisfied and fees paid and transmit to the council the original of all papers constituting the record in the case, together with the order, requirement, decision or determination of the commission. Upon written request of the appellant or any affected person, as defined in Idaho Code section 67-6521, as that section may be amended from time to time, and the advance payment of the cost, a verbatim transcript of the commission proceedings shall be prepared and transmitted to the council.
2. *Hearing and notice.* The council shall, following receipt of the Planning and Zoning Administrator's certificate and the record of the case, set the matter for hearing and give notice of the date, time, place and purpose of the hearing and of the right to request a copy of the decision, to the appellant, the commission, and to any other affected person, as defined in Idaho Code section 67-6521, as that section may be amended from time to time, all in accordance with Idaho Code section 67-6501 et seq., as may be amended from time to time.
3. *Authority of council.* Upon hearing the appeal, the council shall consider only matters which were previously considered by the commission as evidenced by the record, the order, requirement, decision, or determination of the commission and the notice of appeal, together with oral presentation by the appellant and the commission. The council may affirm, reverse, or modify, in whole or in part, the order, requirement, decision or determination of the commission. Furthermore, the council may remand the application to the commission for further consideration with regard to specific criteria stated by the council.
4. *Decision by council.* The council shall enter a decision within 30 days after the hearing on appeal, which shall include its written findings of fact and conclusions of law separately stated. The council shall transmit a copy of the decision to the appellant and any affected person who has requested a copy in writing, as defined in Idaho Code section 67-6521, as that section may be amended from time to time.

C. *Time for filing appeals.* All appeals permitted or authorized by this chapter shall be taken and made in the manner and within the time limits as follows: The written notice of appeal shall be filed before 5:00 p.m. of the fifteenth calendar day after the order, requirement, decision or determination of the Planning and Zoning Administrator has been made or after findings of fact have been approved by the commission, whichever is applicable. The failure to physically file a notice of appeal with the Planning and Zoning Administrator of the City within the time limits prescribed by this subsection shall be jurisdictional and shall cause automatic dismissal of such appeal.

D. *Fee for appeals.* A fee equal to the expense of giving notice as required by subsection A.2. or B.2. of this section, as applicable, shall be paid within two days after receipt from the Planning and Zoning Administrator of the amount of fee. In the event the fee is not paid as required, the appeal shall not be considered filed.

KETCHUM CITY CODE

E. *Notice of appeal; form and contents.* The notice of appeal shall be in writing and in such form as shall be available from the office of the Planning and Zoning Administrator, which shall require to be set forth with specificity all bases for appeal, including the particulars regarding any claimed error or abuse of discretion.

(Ord. 607 § 1, 1993)

16.08.160 Preliminary and final plat approvals.

After issuance of a PUD conditional use permit, the applicant shall file a preliminary plat and final plat for each stage of the development in conformance with the approved PUD conditional use permit and development plan pursuant to the subdivision and other applicable ordinances.

(Ord. 382 § 16, 1983)

16.08.170 Time limitations.

A. Upon receiving a PUD conditional use permit, an applicant shall have one year from the date of issuance to submit an application for design review of the entire project or the first phase of the project, whichever is in accordance with the construction schedule, or in the case of a lot subdivision PUD, to file a preliminary plat application. Failure to file the appropriate application within such one year period shall cause the PUD conditional use permit to be null and void ab initio.

B. For good cause shown by the applicant in writing, filed with the Administrator prior to the expiration of such one year period, the City Council, without a public hearing, may grant an extension of the time limitations set forth in subsection A. of this section or may grant an extension of the time limits imposed by the development schedule.

(Ord. 382 § 17, 1983)

16.08.180 Bonding requirements.

The City Council may require the applicant, as a condition of the PUD conditional use permit approval, to construct certain improvements, private and/or public utilities, services, facilities, recreation or other amenities, and landscaping to be installed in the project, or in lieu to post a performance bond in the amount of 150 percent of the bona fide estimate of cost of construction.

(Ord. 382 § 18, 1983)

16.08.190 Criminal violation and penalty and civil enforcement.

A. Any person, firm, association or corporation that fails to comply with or violates any of these regulations shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not more than \$300.00 or imprisonment for a period not to exceed six months, or both. Each day that such violation continues shall be considered a separate offense.

B. Appropriate actions and proceedings at law or in equity may be instituted by the City attorney to restrain or abate violations of this chapter, or compel compliance with the PUD conditional use permit, or to prevent illegal occupancy of any buildings, structures or premises in violation of this chapter, together with appropriate damages. These remedies shall be accumulative and in addition to all other legal remedies and penalties herein set forth in this section and/or provided by law.

(Ord. 382 § 19, 1983)

SUBDIVISION REGULATIONS

CHAPTER 16.12 AREA OF CITY IMPACT

16.12.010 Findings and purpose.

It is found and declared that:

- A. Idaho Code section 67-6526 provides a negotiation process by which jurisdictions shall adopt, by ordinance, a map identifying an area of City impact within the unincorporated area of the county and a separate ordinance providing for application of plans and ordinances for the area of City impact.
- B. The cities of Ketchum and Sun Valley share a common boundary and, therefore, have potentially overlapping areas of City impact within the unincorporated area of Blaine County. The cities have mutually agreed upon a line of demarcation between the areas of impact of the cities as evidenced by the memorandum of agreement between the cities of Ketchum and Sun Valley, dated May 27, 1994, and as amended on November 1, 1994. Copies of the memorandum of agreement and subsequent amendments are located in the Ketchum Planning Department.

(Ord. 651 § 1, 1994; Ord. 653 § 1, 1994; Ord. 750 § 1, 1999)

16.12.020 Ketchum area of City impact boundary.

A. The Ketchum area of City impact is the area designated on the Ketchum area of City impact boundary map, fully incorporated in this section by reference, copies of which are available for inspection at the Ketchum Planning Department. The boundary map was adopted on August 15, 1994, by ordinance 653.

B. In case property under single ownership is divided by the boundary line of Ketchum's area of City impact, if such line divides such property so that one or both parts has a depth of 300 feet or less, such part shall be included in the jurisdiction within which the remainder and larger portion of the property is located.

(Ord. 651 § 2, 1994; 2000 Code)

16.12.030 Geographic description of four areas in area of City impact.

A. Area I.

Within Section 36, T5N, R17E, B.M.

N1/2, NW1/4

SW1/4, NW1/4

W1/2, SW3/4

Within Section 1, T4N, R17E, B.M.

NW1/4, NW1/4

S1/2, NW1/4

SW1/4

KETCHUM CITY CODE

Portion of SE1/4 west of Ketchum City Limits

Within Section 12, T4N, R17E, B.M.

NW1/4

Portion of NE1/4 west of Ketchum City Limits

B. Area II.

Within Sections 10 and 15, T4N, R17E, B.M.

All property within three hundred feet (300') of Warm Springs Road

C. Area III.

Within Section 11, T4N, R17E, B.M.

Patent portion of SE1/4 south of Ketchum City Limits

Within Section 12, T4N, R17E, B.M.

Portion of SW1/4, SW 1/4 southwest of Ketchum City Limits

Within Section 13, T4N, R17E, B.M.

Portion of NE1/4, NW1/4 southwest of Ketchum City Limits

D. Area IV.

Within Section 19, T4N, R18E, B.M.

W1/2, SW1/4

SE1/4, SW1/4

Portion of SW1/4, SE1/4 west of State Highway 75 and south of Ketchum City Limits

Within Section 25, T4N, R18E, B.M.

E1/2, SE1/4

Within Section 30, T4N, R18E, B.M.

Portion of Section 30 west of State Highway 75 and Sun Valley City limits

And also, Sun Valley Company River Run property described as follows:

Within Section 18, T4N, R18E, B.M.

Portion of SW1/4, SW1/4 outside of Ketchum City Limits

Within Section 24, T4N, R18E, B.M.

NE1/4, NE1/4

Within Section 19, T4N, R18E, B.M.

W1/2, NW1/4

(Ord. 651 § 3, 1994; Ord. 653 § 3, 1994)

SUBDIVISION REGULATIONS

16.12.040 Annexation, area of impact.

A. Annexation by the City shall be limited to those lands lying within its area of City impact. If the City wishes to annex lands outside of its area of City impact, it shall renegotiate its area of City impact boundary with Blaine County (and the City of Sun Valley if applicable).

B. Upon annexation of any portion of the area of City impact into the City of Ketchum, the provisions of this chapter shall no longer apply to such annexed portion.

(Ord. 651 § 4, 1994)

16.12.050 Applicable plan policies and ordinances.

A. Comprehensive plan.

1. The Ketchum Comprehensive Plan, ordinance 372, as amended, shall apply within the Ketchum area of City impact, area III, and the Sun Valley Company River Run property in area IV.
2. The Blaine County Comprehensive Plan shall apply within Ketchum's area of City impact, areas I, II and IV, excluding the Sun Valley Company River Run property.

B. Subdivision plats.

1. All subdivision plat applications including planned unit developments situated within Ketchum's area of City impact shall be submitted and receive approval from both the City and Blaine County as provided in Idaho Code section 50-1306, excluding area III and the Sun Valley Company River Run property in area IV.
 - a. The City of Ketchum's subdivision rules and regulations shall prevail, with the exception, that the more restrictive Blaine County environmental regulations, floodplain and hillside, contained in the Blaine County zoning ordinance shall prevail except in area III and the Sun Valley Company River Run property in area IV.
 - b. Readjustment of lot lines and minor modifications to plats, as defined herein, are exempt from the provisions of this subsection. "Readjustment of lot lines" means 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 such 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, boundary shifts and removal of lot line(s), each of which does not reduce the area, frontage, width, depth or building setback lines of each lot below the minimum zoning requirements nor create additional lots or dwelling units.
2. Replats and amendments to plats defined in subsection B.1.b. of this section shall be required to submit an application and receive approval from Blaine County only.

C. Zoning.

1. The Blaine County zoning ordinance and zoning designations shall apply to area I, area II, and area IV, excluding the Sun Valley Company River Run property.

KETCHUM CITY CODE

2. The City of Ketchum zoning ordinance shall apply to area III and the Sun Valley Company River Run property in area IV.
 - a. Area III shall be designated general residential-low density (GR-L) zoning.
 - b. Area IV, the Sun Valley Company River Run property only, shall be designated tourist (T) zoning.
 - c. Any parcels or portions thereof within area III and area IV, the Sun Valley Company River Run property only, which are designated floodplain by an adopted FEMA map, shall be subject to floodplain management overlay (FP) zoning district rules and regulations contained in Ketchum zoning ordinance 208. A copy of all floodplain applications, supporting documents and required documentation including, but not limited to, elevation certificates shall be sent to Blaine County planning department.
- (Ord. 651 § 5, 1994)

16.12.060 Processing of land use applications in Ketchum's area of City impact.

A. Within areas I, II, and IV, excepting the Sun Valley Company River Run property, the Blaine County planning department shall send to Ketchum planning department copies of all county applications for rezones no later than 15 days prior to any county public hearing on such application. The City of Ketchum shall make any recommendations to Blaine County in writing and shall cite the Ketchum Comprehensive Plan policies, goals, objectives, provisions or other documentation supporting such recommendation. Such recommendation shall be received by Blaine County prior to or at such public hearing. Input from the City of Ketchum shall not be binding or controlling on the county but shall be treated as documentary evidence. All applications, permits and fees shall be submitted and processed by Blaine County only.

B. Within area III and the Sun Valley Company River Run property in area IV, the Ketchum Planning Department shall send to the Blaine County planning department copies of all City application(s) no later than 15 days prior to any City public hearing on such application(s). Blaine County shall make any recommendations to the City of Ketchum in writing and shall cite the comprehensive plan policies, goals, objectives, provisions or other documentation supporting such recommendation. Such input from Blaine County shall not be binding or controlling on the City but shall be treated as documentary evidence.

1. Existing Blaine County applications and permits shall remain in and be the sole responsibility of Blaine County.
2. Any and all proposed changes/alterations to existing Blaine County permits shall be submitted to and processed by the City of Ketchum. Once any change to an existing permit is requested by the applicant, all City of Ketchum processes, rules and regulations and fees shall apply. At such time, the original files and such request shall be transferred from Blaine County to City of Ketchum, and such permits shall become the sole responsibility of the City of Ketchum.
3. All new permits, applications and applicable fees shall be submitted to and processed by the City of Ketchum. Such permits shall be the sole responsibility of the City of Ketchum.

SUBDIVISION REGULATIONS

4. The City of Ketchum shall provide written notice to Blaine County regarding all applications being processed by providing copies of such applications to the county planning department.

(Ord. 651 § 6, 1994)

16.12.070 Amendment of plan policies and ordinances.

All applications for county and City amendments to their respective comprehensive plans and implementing ordinances which apply within Ketchum's area of City impact shall be sent by the entity considering such amendment to the other entity according to the following referral process:

A. Amendment of City comprehensive plan and ordinances.

1. Notice of all proposed amendments to the City of Ketchum Comprehensive Plan, subdivision ordinance and zoning ordinance shall be forwarded to the Blaine County planning department by the Ketchum planning department at least 15 days prior to any public hearing on such proposed amendment(s), when such amendment(s) is before the Ketchum Planning and Zoning Commission and City Council. The Blaine County planning department shall determine whether or not such amendment is in conflict with either the Blaine County Comprehensive Plan or Blaine County Zoning Ordinance. The Blaine County Planning Department shall notify the City of Ketchum of such determination in writing prior to or at such public hearing. Input from the county shall not be binding or controlling on the City of Ketchum but shall be treated as documentary evidence.
2. The Ketchum Planning Department shall notify Blaine County Planning Department, in writing, of the City's action on such amendment(s) within 15 days following a final decision, along with notice as to when the amendment will take effect in the City. Within 30 days after the receipt of the amendment, the board of county commissioners or their designee shall determine if the amendment(s) has any effect on the area of City impact ordinance. If the determination is that the amendment(s) has no effect, then the Blaine County planning department shall, within 15 days, forward a written copy of the determination to the Ketchum Planning Department. If the determination is that the amendment(s) does effect the area of City impact ordinance, then the board of county commissioners shall either protest the amendment(s) and request renegotiation of the area of City impact ordinance, or if necessary, shall direct the Blaine County Planning and Zoning Commission to schedule the amendment(s) for public hearing as an amendment to the area of City impact ordinance.

B. Amendment of county comprehensive plan, subdivision ordinance or zoning ordinance.

1. Notice of all proposed amendments to the county comprehensive plan, subdivision ordinance or zoning ordinance shall be forwarded to the Ketchum Planning and Zoning Administrator at least 15 days prior to any public hearing on such proposed amendment(s). The Ketchum Planning Department shall determine whether or not such amendment(s) is in conflict with one or more of the goals, objectives, policies or provisions of the Ketchum Comprehensive Plan, subdivision ordinance or zoning

KETCHUM CITY CODE

ordinance. The Ketchum Planning Department shall notify the Blaine County Planning Department of such determination in writing prior to or at such public hearing. Such input from the City shall not be binding or controlling on the county but shall be treated as documentary evidence.

2. The Blaine County Planning Department shall notify the Ketchum Planning Department, in writing, of the county's action on such amendment(s) within 15 days following a final decision along with notice as to when the amendment(s) shall take effect in the county. Within 30 days after receipt of the amendment(s), the City Council or their designee shall determine if the amendment(s) has any effect on the area of City impact ordinance. If the determination is that the amendment(s) has no affect, then the Ketchum planning department shall, within 15 days, forward a written copy of the determination to the Blaine County Planning Department. If the determination is that the amendment(s) does affect the area of City impact ordinance, then the City Council shall either protest the amendment(s) and request renegotiation of the area of City impact ordinance, or if necessary, shall direct the Ketchum Planning and Zoning Commission to schedule the amendment(s) for public hearing as an amendment to the area of City impact ordinance.

(Ord. 651 § 7, 1994)

16.12.080 Renegotiation.

A. In accordance with Idaho Code section 67-6526(d), the Ketchum City Council or the Board of Blaine County Commissioners may request, in writing, to renegotiate any provision of this chapter at any time. Within 30 days of receipt of such written requests by each party, a meeting between the two jurisdictions shall occur.

B. While renegotiation is occurring, the provisions of this chapter shall remain in effect until it is amended or a substitute ordinance is adopted by the City of Ketchum and Blaine County in accordance with the notice and hearing procedures provided in Idaho Code or until a declaratory judgment from the district court is final; provided, however, that this chapter or stipulated portions shall be of no further force and effect if both jurisdictions so agree by mutually adopted resolution.

(Ord. 651 § 8, 1994)

TITLE 17

ZONING REGULATIONS

Chapter 17.04 Introductory Provisions

- 17.04.010 Introduction.
- 17.04.020 Purpose.
- 17.04.030 Application of regulations.
- 17.04.040 Interpretation.
- 17.04.050 Severability.

Chapter 17.08 Definitions

- 17.08.010 Rules of construction of language.
- 17.08.020 Terms defined.

Chapter 17.12 Establishment of Districts and Zoning Matrices

- 17.12.010 Zoning map districts.
- 17.12.020 District use matrix.
- 17.12.030 Dimensional standards, districts matrix.
- 17.12.040 Dimensional standards, CC District matrix.
- 17.12.050 Dimensional standards, Light Industrial Districts matrix.

Chapter 17.18 Zoning Districts

- 17.18.010 General.
- 17.18.020 Limited Residential District (LR).
- 17.18.030 Limited Residential-One Acre District (LR-1).
- 17.18.040 Limited Residential-Two Acre District (LR-2).
- 17.18.050 General Residential-Low Density District (GR-L).
- 17.18.060 General Residential-High Density District (GR-H).
- 17.18.070 Short Term Occupancy-.4 Acre District (STO-.4).
- 17.18.080 Short Term Occupancy-One Acre District (STO-1).
- 17.18.090 Short Term Occupancy-High Density District (STO-H).
- 17.18.100 Tourist District (T).
- 17.18.110 Tourist-3000 District (T-3000).
- 17.18.120 Tourist-4000 District (T-4000).
- 17.18.130 Community Core District (CC).
- 17.18.140 Light Industrial District Number 1 (LI-1).
- 17.18.150 Light Industrial District Number 2 (LI-2).
- 17.18.160 Light Industrial District Number 3 (LI-3).
- 17.18.170 Recreation Use District (RU).
- 17.18.180 Agricultural and Forestry District (AF).

Chapter 17.20. Historic Preservation

- 17.20.010 General provisions.
- 17.20.020 Historic building/site list.

KETCHUM CITY CODE

- 17.20.030 Demolition or alteration request process.
- 17.20.040 Remediying of dangerous building conditions.
- 17.20.050 Enforcement and maintenance.
- 17.20.060 Relief from regulations.

Chapter 17.88 Floodplain Management Overlay Zoning District (FP)

Article I. Flood Damage Prevention

- 17.88.010 Statutory authorization and findings of fact.
- 17.88.020 Statement of purpose.
- 17.88.030 Methods of reducing flood losses.
- 17.88.040 General provisions.
- 17.88.050 Administration.
- 17.88.060 Provisions for flood hazard reduction.
- 17.88.070 Standards for floodplains without established base flood elevations—Zone A.
- 17.88.080 Standards for riverine floodplains with base flood elevations but without established floodways.
- 17.88.090 Standards for floodways.
- 17.88.100 Standards for areas of shallow flooding (Zone AO, AH, AR/AO, or AR/AH).
- 17.88.110 Floodplain development permit exemptions and irrigation activities and development.
- 17.88.120 Enforcement and penalties for violation.

Article II. Emergency Stream Bank Stabilization

- 17.88.130 Title.
- 17.88.140 Guidelines.
- 17.88.150 Procedure.
- 17.88.160 Application for emergency stream bank stabilization.
- 17.88.170 Action upon submittal of stream bank stabilization application.
- 17.88.180 Site inspection.
- 17.88.190 Basis for denial of an emergency stream bank stabilization permit.
- 17.88.200 Conditions of emergency stream bank stabilization approval.
- 17.88.210 Enforcement.

Article III. Emergency Riparian Alteration

- 17.88.220 Title.
- 17.88.230 Guidelines.
- 17.88.240 Procedure.
- 17.88.250 Application for emergency riparian alteration.
- 17.88.260 Action upon submittal of emergency riparian alteration application.
- 17.88.270 Site inspection.
- 17.88.280 Basis for denial of an emergency riparian alteration permit.
- 17.88.290 Conditions of emergency riparian alteration approval.
- 17.88.300 Enforcement.

Article IV. Emergency City Initiated Actions

- 17.88.310 Title.

ZONING REGULATIONS

- 17.88.320 Guidelines.
- 17.88.330 Procedure.
- 17.88.340 Application.
- 17.88.350 Action upon submittal of emergency application.
- 17.88.360 Conditions of emergency application approval.

Article V. Temporary Flood Control Barriers

- 17.88.370 Uses permitted.
- 17.88.380 Use restrictions.
- 17.88.390 Application for temporary flood control barriers.
- 17.88.400 Enforcement.

Chapter 17.92 Avalanche Zone District (A)

- 17.92.010 A Avalanche Zone District.

Chapter 17.96 Design Review

- 17.96.010 Applicability.
- 17.96.020 Purpose.
- 17.96.030 Authority of the Administrator and the Commission.
- 17.96.040 Application.
- 17.96.050 Criteria, conditions and security.
- 17.96.060 Improvements and standards.
- 17.96.070 Community Core (CC) projects.
- 17.96.080 Notice.
- 17.96.090 Terms of approval.
- 17.96.100 Fees and costs.

Chapter 17.100 Warm Springs Base Area Overlay District (WSBA)

- 17.100.010 Purpose.
- 17.100.020 General application.
- 17.100.030 Desired uses and floor area ratio (FAR) table.
- 17.100.040 Building massing standards and building height.
- 17.100.050 Lot coverage.
- 17.100.060 Setback regulations.
- 17.100.070 Transportation and parking regulations.

Chapter 17.101 Warm Springs Base Area Overlay District-1 (WSBA-1)

- 17.101.010 Purpose.
- 17.101.020 General application.
- 17.101.030. Desired uses and floor area ratio (FAR) table.
- 17.101.040 Building massing standards and building height.
- 17.101.050 Lot coverage.
- 17.101.060 Setback regulations.
- 17.101.070 Transportation and parking regulations.

KETCHUM CITY CODE

Chapter 17.104 Mountain Overlay Zoning District (MO)

- 17.104.010 MO Mountain Overlay zoning district established.
- 17.104.020 Purposes.
- 17.104.030 Mountain Overlay zoning district boundaries.
- 17.104.040 Uses permitted.
- 17.104.050 Use restrictions.
- 17.104.060 Mountain Overlay design review preapplication review.
- 17.104.070 Mountain Overlay design review.

Chapter 17.116 Conditional Uses Application, Resubmittal, Terms of Permits

- 17.116.010 Conditional use permit.
- 17.116.020 Other conditional uses.
- 17.116.030 Conditional use permit criteria.
- 17.116.040 Procedure.
- 17.116.050 Conditions of approval.
- 17.116.060 Studies; nontransferable.
- 17.116.070 Term of permits.
- 17.116.080 Extensions.

Chapter 17.124 Development Standards

- 17.124.010 Purpose.
- 17.124.020 Accessory buildings and uses.
- 17.124.030 Home occupations.
- 17.124.040 Floor area ratios and community housing.
- 17.124.050 Hotels.
- 17.124.060 Outdoor illumination.
- 17.124.070 Accessory dwelling units.
- 17.124.080 Urban agriculture.
- 17.124.090 Residential, light industrial districts.
- 17.124.100 Landscaped yards, light industrial districts.
- 17.124.110 Residential equestrian facilities and household pets.
- 17.124.120 Daycare businesses.
- 17.124.130 Fences, hedges and walls.
- 17.124.140 Sidewalks, curbs and gutters.
- 17.124.150 Commercial studio events.
- 17.124.160 Commercial and neighborhood off-site snow storage.
- 17.124.170 Minimum standards for one-family dwellings.
- 17.124.180 Minimum residential densities and commercial requirements.

Chapter 17.125 Off Street Parking and Loading

- 17.125.010 Purpose and intent.
- 17.125.020 General.
- 17.125.030 Off street vehicle parking space.
- 17.125.040 Off street parking and loading calculations.
- 17.125.050 Community Core District off street parking and loading calculations.
- 17.125.060 Bicycle parking.
- 17.125.070 Parking demand analysis.

ZONING REGULATIONS

- 17.125.080 Shared parking reduction.
- 17.125.090 Parking reduction through transportation demand management.
- 17.125.100 Meeting parking requirements via optional payment in lieu.

Chapter 17.127 Signage

- 17.127.010 Purpose and intent.
- 17.127.020 Applicability.
- 17.127.030 Application and procedure.
- 17.127.040 General.
- 17.127.050 Sign specifications matrix.
- 17.127.060 Existing conforming, nonconforming, illegal and allowable signs.
- 17.127.070 Violations and enforcement.
- 17.127.080 Appeals.

Chapter 17.128 Supplementary Location and Bulk Regulations

- 17.128.010 Supplementary lot area and lot width regulations.
- 17.128.020 Supplementary yard regulations.
- 17.128.030 Supplementary building height regulations.

Chapter 17.132 Dark Skies

- 17.132.010 General provisions.
- 17.132.020 Applicability.
- 17.132.030 Lighting standards.
- 17.132.040 Prohibited lighting.
- 17.132.050 Notification.
- 17.132.060 The City's role.

Chapter 17.136 Nonconforming Uses and Nonconforming Buildings

- 17.136.010 Continuation of use.
- 17.136.020 Change of use.
- 17.136.030 Abandonment of use.
- 17.136.040 Restoration.
- 17.136.050 Enlargement of a nonconforming building or a nonconforming use.
- 17.136.060 Alteration of a nonconforming building.
- 17.136.070 Structural changes.

Chapter 17.140 Wireless Communication Facilities

- 17.140.010 Intent and purpose.
- 17.140.020 District regulations.
- 17.140.030 Application procedures.
- 17.140.040 Standards.
- 17.140.050 Safety.
- 17.140.060 Maintenance.
- 17.140.070 Modification.
- 17.140.080 Abandonment or discontinuation of use.

KETCHUM CITY CODE

- 17.140.090 Exempt communication facilities.
- 17.140.100 Recovery of City costs.
- 17.140.110 Revocation or termination of permit.
- 17.140.120 Notice and duty to cure.

Chapter 17.144 Appeals

- 17.144.010 Appeals of Planning and Zoning Administrator decisions.
- 17.144.020 Appeals of Planning and Zoning Commission decisions.
- 17.144.030 Time for filing appeals.
- 17.144.040 Fee for appeals.
- 17.144.050 Notice of appeal; form and contents.

Chapter 17.148. Variances Application, Resubmittal, Terms of Permits

- 17.148.010 Variance criteria.
- 17.148.020 Procedure.
- 17.148.030 Nontransferable.
- 17.148.040 Term of permits.

Chapter 17.152 Amendment and Reclassification

- 17.152.010 General procedure.
- 17.152.020 Special procedure.
- 17.152.030 Applications.
- 17.152.040 Reapplications.
- 17.152.050 Investigation.

Chapter 17.154 Development Agreement Zoning

- 17.154.010 Intent and purpose.
- 17.154.020 Applicability.
- 17.154.030 Application procedures.
- 17.154.040 Standards.
- 17.154.050 Enforcement.
- 17.154.060 Modification and termination.

Chapter 17.156 Enforcement

- 17.156.010 General provisions.
- 17.156.020 Inspection.
- 17.156.030 Criminal liability.
- 17.156.040 Injunction.
- 17.156.050 Liability for damages.

ZONING REGULATIONS

CHAPTER 17.04 INTRODUCTORY PROVISIONS

17.04.010 Introduction.

A. A zoning ordinance must balance many factors. The Commission and the City Council of the City of Ketchum, Idaho, in setting forth the present zoning ordinance have balanced many community requirements as noted:

1. Existing development is protected;
2. Sufficient flexibility is allowed for desirable community expansion;
3. The terms of the zoning ordinance codified in this title and the zoning map reflect sound zoning principles;
4. The zoning ordinance codified in this title can be readily understood by all residents;
5. Requirements of the zoning ordinance codified in this title are reasonable in terms of legal enforcement;
6. The unique features of Ketchum and the ideas and attitudes of the residents are reflected and incorporated within the limited statutory requirements and the Supreme Court of Idaho decisions; and
7. The zoning ordinance is found to be in conformance with the comprehensive plan.

B. The preceding factors lead to different and various conclusions. The new zoning ordinance codified in this title was not considered lightly either by Commission or the City Council; a thorough study of the basic planning and zoning principles was instituted, and the opinions of as many residents as possible were secured; a professional planner was consulted; statutory requirements as to public hearings were strictly enforced by the Commission and the City Council; and extremely careful consideration of all special local requirements was given, and said requirements were analyzed and studied and this title made to conform;

C. This title on zoning represents a positive approach to community development in attempting to minimize the number of zoning restrictions in order to encourage imagination and diversity of development;

D. Whenever possible, only minimum requirements are incorporated in the title rather than attempting to set average standards which can prove discriminatory and unworkable in many situations;

E. Minimum lot area and minimum yard requirements are related to the size of the buildings in order to permit a wide range of development while still maintaining overall density standards;

F. Special consideration has been given to each individual area;

G. All of the health factors resulting from an urban density such as exists in Ketchum and such can, as accurately as possible at this time, be foreseen, have been carefully considered; and

KETCHUM CITY CODE

H. Statutory requirements of the state, together with careful study and analysis of the decisions of the Idaho Supreme Court concerning the zoning statutes, have been strictly adhered to. (Ord. 1135, 2015)

17.04.020 Purpose.

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

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

(Ord. 1135, 2015)

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

ZONING REGULATIONS

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.* 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 this Code such as, but not limited to, "dwelling, one-family", "dwelling, multi-family", "dwelling unit, accessory", and "work/live unit".

(Ord. 1135, 2015; Ord. No. 1249, § 12, 10-2-2023)

17.04.040 Interpretation.

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

- A. *Provisions are minimum requirements.* In their interpretation and application, the provisions of this title shall be regarded as the minimum requirements for the protection of the public health, safety, comfort, morals, convenience, prosperity and welfare. All provisions shall be liberally construed to further its underlying purposes.
- B. *Application of overlapping regulations.* Whenever the provisions of this title, or a provision in this title and any provision in any other ordinance, resolution, rule or regulation of any kind, contain any restrictions covering the same subject matter, the more restrictive or higher standards or requirements shall govern. All uses and all locations and bulk permitted under the terms of this title shall be in conformity with all other provisions of law.
- C. *Existing permits and private agreements.* This title is not intended to abrogate or annul:
 1. Any permits issued before the effective date hereof; or

KETCHUM CITY CODE

2. Any easement, covenant or any other private agreement.
(Ord. 1135, 2015)

17.04.050 Severability.

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

- A. *If any provision is declared invalid.* If any provision of this title is declared to be invalid by a decision of any court of competent jurisdiction, it is declared to be the legislative intent that:
 1. The effect of such decision shall be limited to that provision or provisions which are expressly stated in the decision to be invalid; and
 2. Such decision shall not affect, impair or nullify this title as a whole or any other part, but the rest of this title shall continue in full force and effect.
- B. *If the application of any provision is declared invalid.* If the application of any provision of this title to any lot, building, other structure, or tract of land is declared to be invalid by a decision of any court of competent jurisdiction, it is declared to be the legislative intent that:
 1. The effect upon such decision shall be limited to that lot, building, other structure or tract of land immediately involved in the controversy, action or proceedings in which the judgment or decree of invalidity was rendered; and
 2. Such decision shall not affect, impair or nullify this title as a whole or the application of any provision to any lot, building, other structure or tract of land.

(Ord. 1135, 2015)

CHAPTER 17.08 DEFINITIONS

17.08.010 Rules of construction of language.

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

ZONING REGULATIONS

G. The phrase "used for" includes "arranged for", "designed for", "maintained for", and "occupied for".

(Ord. 1135, 2015)

17.08.020 Terms defined.

0.2 percent annual chance flood: The flood having a 0.2 percent chance of being equaled or exceeded in any given year. Also referred to as the 500-year flood.

Accessory building and use: A subordinate use of a building, other structure or tract of land, or subordinate building or other structure:

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

Acoustical engineer: A professional engineer with demonstrated education, accreditation and experience to perform and certify noise measurements.

Administrator: A person who may be appointed by the Mayor and council, or his/her designee to interpret and administer the provisions of this title.

Adult only business: A premises where minors are excluded by virtue of their age as a prevailing business practice or as required by law and which stock in trade and offers for sale, trade or rent of products are characterized by an emphasis upon the depiction or description of sexual activities or exposed anatomical areas or for use in connection with sexual activities or exposed anatomical areas; or which displays any images emphasizing the depiction or description of sexual activities; or which features live performances which are characterized by sexual activities or the exposure of anatomical areas; or which features films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by sexual activities or exposure of anatomical areas; or where employees engage in sexual activities or the display or exposure of anatomical areas.

Adverse impact: An adverse impact with respect to floodplain development includes impacts that cause damage to property, threaten public safety and health, or cause loss of natural floodplain functions. These can be caused by increases in flood stages or elevations, increases in flood velocity, increases in flow rates, decreases in conveyance areas, decreases in flood storage, increased potential for erosion and sedimentation, or degradation of water quality. Development within the regulatory floodway and all other waterways, whether within the SFHA or not, shall be required to certify by a registered professional engineer that the development does not adversely affect flood risks for other properties as measured by increased flood stages, increased flood velocity, increased flows, increased potential for erosion and sedimentation, or any other impact deemed important or as specified by the City of Ketchum, unless the impact is mitigated. This

KETCHUM CITY CODE

certification shall employ industry standards for hydraulic and hydrological analysis to determine no adverse impact and all data shall be provided in hard copy and digitally for review and corroboration by the City's Engineer or any governmental review agency acceptable to the City of Ketchum.

Agriculture, commercial: The growing of cultivated crops or raising of livestock, including grazing, pasturage, horticulture, floriculture, viticulture, nurseries, fruit trees, and berry bushes, and the necessary accessory uses for packing, treating or storing the produce, but not including wholesale packing establishments or slaughterhouses.

Agriculture, urban: The production of vegetables, fruits, honey, and eggs by residents for personal consumption and may include production by members of a neighborhood or by a nonprofit organization on one or more vacant lots for personal consumption or for the off site sale of small quantities.

Alley: A minor public right-of-way, between 20 feet and 30 feet wide, that provides vehicle access to the rear or side of a parcel that has front and/or side access to another street and is not intended for general traffic circulation.

Antenna: Any exterior apparatus designed for telephonic, radio or television communications through the sending and/or receiving of electromagnetic waves including equipment attached to a tower or building for the purpose of providing personal wireless services. Antennas include the following types:

- A. Omnidirectional (or "whip") antenna: Receives and transmits signals in a 360-degree pattern, and which is up to 15 feet in height and up to four inches in diameter.
- B. Directional (or "panel") antenna: Receives and transmits signals in a directional pattern typically encompassing an arc of 120 degrees.
- C. Parabolic (or "dish") antenna: A bowl shaped device that receives and transmits signals in a specific directional pattern.
- D. Ancillary antenna: An antenna that is less than 12 inches in its largest dimension and that is not directly used to provide personal wireless communication services. An example would be a global positioning satellite antenna (GPS).
- E. Other: All other transmitting or receiving equipment not specifically described in this chapter which most closely resembles such equipment.

Apartment: A multiple-family dwelling containing three or more dwelling units in which all units, exclusive of a unit which may be occupied by the owner or caretaker, are rented or leased.

Apiary: Any place where one or more colonies of honeybees are located and the honeybees are kept within hive(s).

Area light: Light that produces over 1,800 lumens (see addendum 1, on file in the Ketchum Planning Department, for light output of various lamps). Area lights include, but are not limited to, streetlights, parking lot lights and yard lights.

Area of lot: The area within the boundaries of a lot, exclusive of any area contained within a public or private street, alley, fire lane or private driveway easement; also, exclusive of any narrow strip of

ZONING REGULATIONS

land connecting a lot set back from any public street for the purpose of providing driveway access with that street and exclusive of any portion of the property that lies between the mean high water marks of the Big Wood River, Trail Creek and Warm Springs Creek. All exclusions shall not be used for the purpose of calculating density and building coverage. Lot area shall include the area of any dedicated public bike path, equestrian path or other public pathway within the boundaries of a lot.

Area of shallow flooding: A designated AO, AH, AR/AO, or AR/AH zone on a community's flood insurance rate map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard: See special flood hazard area (SFHA).

Artist studio: See definition of studio, commercial.

Assembly, place of: The use of land for a meeting place where persons gather together for purposes of attending civic, social, religious functions, recreational events or entertainment performances on a regular or recurring basis including, but not limited to, religious institutions, banquet facilities, funeral homes, theaters, conference centers, stadiums, or indoor or outdoor recreational facilities, but excludes a "cultural facility" as defined by this chapter. A gathering of less than 25 persons shall not be considered a place of assembly provided the gathering is accessory and incidental to the principal use.

Assisted living facility: See definition of residential care facility.

Average foot-candle: The level of light measured at an average point of illumination between the brightest and darkest areas. The measurement can be made at the ground surface or at four to five feet above the ground.

Awning: A covered architectural projection that extends from the exterior wall of a building for the purpose of providing shade, shelter or aesthetic value to the building facade.

Balcony: An outdoor living space located on an upper floor of a building that is partially enclosed by a railing or other safety barrier.

Ballast: A device used with a discharge lamp to obtain the necessary voltage, current, and/or wave form for starting and operating the lamp.

Base flood: The flood having one percent chance of being equaled or exceeded in any given year. Also referred to as the 100-year flood, the regulatory flood or the intermediate regional flood (IRF).

Base flood elevation (BFE): A determination by the Federal Insurance Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year. When the BFE has not been provided in a special flood hazard area, it may be obtained from engineering studies available from a federal, state, or other source using FEMA-approved engineering methodologies. This elevation, when combined with the freeboard, establishes the flood protection elevation.

KETCHUM CITY CODE

Basement: That portion of the lowest floor(s) of a building below the invisible plane. The basement invisible plane is created by measuring the finished grade elevation at four corners of a lot and connecting each corner with a line around the perimeter of the lot. The City shall establish finished grade within the right-of-way of the alley and at the back of the sidewalk (see illustration A on file in the office of the City Clerk).

Basement, floodplain: For purposes of floodplain review, any area of a building having its floor subgrade (below ground level) on all sides. A crawl space that is not built to the specifications of subsection 17.88.060.B.2.c of this title is considered a basement.

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

Beacon: Any light with one or more beams directed at the sky or at points not on the same lot as the source and also any light with one or more beams that move.

Bed and breakfast: See definition of tourist house.

Block: A group of lots within a defined or fixed boundary, generally surrounded by public streets, not including alleys, or a boundary line of a subdivision that has been legally surveyed.

Boarding and rooming house: A building in which the proprietor resides and which has no more than six rooms available for lease or rent for residential occupancy.

Brewpub: An eating and drinking establishment which produces a maximum of 2,000 barrels of beer annually.

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

Building:

- A. Any permanent structure built for the shelter or enclosure of persons, animals, chattels or property of any kind, which:
 - 1. Is permanently affixed to the land; and
 - 2. Has one or more floors and a roof.
- B. Any above grade appendages to said building, such as decks, roof overhangs porte-cocheres, and the like, are part of said building for purposes of determining building coverage, setbacks or other regulations unless otherwise specified.

Building coverage: The total square footage of the building foundation and all horizontal projections which constitute a "building" as defined in this section, but not including roof overhangs that are three feet or less or uncovered decks less than 30 inches above grade. Garages and guest homes shall be included in building coverage. The lot area used to determine building coverage shall be that area landward side of the mean high water mark on the Big Wood River, Trail Creek and Warm Springs Creek.

Building depth: The distance between the front facade of the building and the rear facade of the building.

ZONING REGULATIONS

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

Building footprint: The area of the lot or parcel which is within the perimeter created by a vertical extension to the ground of the exterior walls of all enclosed portions of a building.

Building frontage: The side of the building that faces the front property line of the parcel.

Building identification: A sign that identifies the name of the building only. If the name of any occupant of the building is the same as the building name, the size is included in the total for that business. Building identification signs are limited to one sign per building.

Building official: The City of Ketchum Building Official.

Building permit: An official document or certificate issued by the Building Official authorizing performance of a specified activity.

Building width: The distance from one side of the building's frontage to the other side of the building frontage.

Building zone: The portion of the lot that is available for occupation by a building.

Bulb: The source of electric light, to be distinguished from the whole assembly (see definition of luminaire).

Bulb out: An extension of the sidewalk into the parking lane at intersection and midblock crosswalks. Bulb outs reduce the length of pedestrian crossings and help to slow vehicle traffic.

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

- A. The size of buildings and other structures;
- B. The shape of buildings and other structures;
- C. The location of exterior walls of buildings and other structures in relation to area of a lot, to the centerline of streets, to other walls of the same building, and to other buildings or structures; and
- D. All open spaces relating to a building or a structure.

Business support service: The use of land for the sale, rental, or repair of office equipment, supplies, and materials, or the provision of services used by office and service establishments. Uses include: office equipment and supply firms, small business machine repair shops, convenience printing and copying establishments, or information technology support services.

Candela (cd): Unit of luminous intensity.

Carrier: A company that provides wireless services.

Cemetery: The use of land for the interment of human or animal remains. The sprinkling of ashes or their burial in a biodegradable container on church grounds or their placement in a columbarium on church property shall not constitute the creation of a cemetery.

KETCHUM CITY CODE

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

Child: Any person under 12 years of age.

Civic building: Buildings of, relating to, or belonging to a City or citizenship; municipal or civil including, but not limited to, City hall, post office, public library, public schools and public recreation centers.

Cleaning (irrigation): mowing, cutting, or burning of weeds, trees and other nuisance growth, including algae growth, application of pesticides as permitted, removal of beaver dams, and removal of trash or other debris whether floating, lodged or otherwise obstructing the conveyance of water flow through channels and works.

Colonnade: A covered, open air walkway that is attached to a building and has an overhead structure (roof, balcony, or enclosed habitable space) that is supported by columns or arches.

Commercial off-site snow storage: The storage of snow that has been removed from one or more privately owned lots and relocated off-site to a different lot in the Community Core (CC), Tourist (T), and/or Light Industrial (LI-1, LI-2, LI-3) Zoning Districts. This definition does not distinguish whether or not the sending and receiving lots are held under the same ownership and does not include the storage of snow removed from the right-of-way or property owned by public agencies.

Commission: The City of Ketchum Planning and Zoning Commission.

Common area: The area of a building used by tenants and their guests for circulation, gathering, seating and other subordinate uses which are incidental and accessory to the primary uses and functions of the building.

Community housing or workforce housing: Dwelling units, for sale or rent, restricted typically via deed restriction by size and type for individuals meeting asset, income and minimum occupancy guidelines approved by the governing housing authority and the City of Ketchum.

Conditional use: A use or structure permitted only upon the issuance of a conditional use permit pursuant to the provisions of chapter 17.116 of this title.

Construction material laydown yard: A site identified and approved as part of a construction activity plan or other City-issued permit for a specific construction project. Construction material laydown yards are intended to be used on an intermittent basis in association with a singular, permitted development project.

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

Convenience store: A retail store with a floor area of less than 1,500 square feet that sells groceries and small convenience items. Convenience stores provide no motor vehicle service of any kind.

Copy: Any graphic, letter, numeral, symbol, insignia, text, sample, model, device, or combination thereof which is intended to advertise, identify, or notify.

ZONING REGULATIONS

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

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

Courtyard, sunken: A courtyard below the grade of the ground floor.

Craft/cottage industry: A facility devoted solely to the arts and crafts that produces or makes items that by their nature are designed or made by an artist or craftsman by using hand skills.

Crawl space: The unfinished area of a structure, enclosed by foundation walls, between the ground below and the floor system above. A crawl space is generally under four feet in height and unfinished. A crawl space built to the specifications of subsection 17.88.060.B.2.c of this title is not considered a basement. (See section 17.88.060, figure 1, "Preferred Crawl Space Construction", of this title.)

Crawl space, below grade: A crawl space where the ground level in the enclosed space is below the lowest adjacent grade next to the building. (See section 17.88.060, figure 2, "Below Grade Crawl Space Construction", of this title.)

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

Cultural facility: An institution or the use of land for the display, preservation, or exhibition of art, scientific, cultural, or historical materials including, but not limited to, museums, libraries or art galleries.

Daycare business: The care and supervision, provided for compensation, during part of a day, for a child or children not related by blood or marriage to the owner of the daycare business, in a place other than the child's own home. This term includes preschools, nursery schools, play schools, kindercare and any like or similar operation. Daycare businesses are categorized as "centers", "facilities" or "homes", as defined in this section, according to Idaho Health and Welfare Regulations.

Daycare center: A daycare business providing care for 13 or more children on the premises at any one time. A daycare center is required to be licensed by the Idaho Department of Health and Welfare.

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

Daycare home: A daycare business providing care for six or fewer children on the premises at any one time, having not more than one employee in addition to the operator, and operating between the hours of 7:00 a.m. and 6:00 p.m. A daycare home is required by the City to have a basic fire inspection.

Daycare, onsite employee: Child care programs that occur in facilities where parents are on the premises.

KETCHUM CITY CODE

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

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

Design guideline: A design recommendation that is intended to further define the desired image and character of development.

Design regulation: A minimum or baseline design standard for the design of development.

Development: Any man-made change to improved or unimproved land, including subdivision, construction activity, alteration of the landscape (except for routine pruning and maintenance of riparian vegetation to benefit the health of the vegetation), its terrain contour or vegetation, including any construction of structures, establishment of a land use, alteration of an existing structure or land use, mining, dredging, filling, grading, paving, excavation or drilling operations, streambank stabilization, placement of manufactured or mobile homes, construction of fences, hedges, berms, walls, or storage of equipment or materials on a temporary or permanent basis.

Development activity: For the purpose of floodplain management, development activity is development as defined in this title that will require a floodplain development permit.

Development specifications: Regulations and standards that apply to specific types of developments or buildings within a zoning district. Development specifications address issues of site design, building mass and height, facade design, and use of buildings and outdoor space.

Development standards: Criteria or specifications detailing the design, layout, architectural style, scale, or other measurement/description of development.

Dormer: A framed window unit projecting through the sloping plane of a roof thereby forming an alcove in the adjoining interior space. A dormer has its own roof, which is usually a gable or hip.

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

Drive-through facility: A facility which by design, physical facilities, service or packaging procedures, encourages or permits customers to transact business or receive services or goods while remaining in their motor vehicles.

Drive-through window: Any portion of a structure from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle.

Dwelling: A building or separate portion containing a single kitchen and not less than one bathroom, to be occupied as a unit by a person or family exclusively for residential occupancy and not for short term occupancy or timeshare occupancy.

Dwelling, multiple-family: A building, under single or multiple ownership, containing two or more dwelling units used for residential occupancy.

Dwelling, one-family: A detached building containing a single dwelling unit used by one family for residential occupancy, having not less than one bathroom.

ZONING REGULATIONS

Dwelling, townhouse: A multiple-family dwelling with one or more rooms, including at least one bathroom and kitchen, designed for or occupied as a unit by one family for living and cooking purposes, located in a townhouse development on a platted townhouse subplot.

Dwelling unit: One or more rooms, including a bathroom, and a kitchen, designed for or occupied as a unit by one person or family, for living and cooking purposes, located in a one-family or multiple-family dwelling.

Dwelling unit, accessory: An attached or detached dwelling which is secondary in nature to a primary residential unit and cannot be sold separately from the primary residence. An accessory dwelling unit provides complete, independent living facilities with a separate dwelling entrance for one or more persons, including permanent facilities for living, sleeping, eating, cooking and sanitation, on the same lot as the primary residence. Accessory dwelling units are provided in conjunction with one-family dwelling units and are not to be constructed as an addition to a multiple-family unit.

EIA: The Electronic Industries Association.

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

Eaves: The horizontal, lower edge of a sloped roof.

Economic development: The process of improving the quality of human life through increasing per capita income, reducing poverty, and enhancing individual economic opportunities and includes better education, improved health and nutrition, conservation of natural resources, a cleaner environment, and a richer community and cultural life.

Effective date of applicable regulations: The effective date of the first pertinent ordinance ever adopted by the City. "Pertinent ordinance" means, for example, with respect to a nonconforming use, the first ordinance which ever prohibited that use on that land, which ordinance (and its successors) have continued in effect to the time as of which the legality of the use needs to be determined.

Eighty-five degree full cutoff type fixtures: Fixtures that do not allow light to escape above an 85-degree angle measured from a vertical line from the center of the lamp extended to the ground.

Electric vehicle charging station: A public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.

Employees: The average number of persons to be employed in a building.

Enclosed: An area surrounded on at least three sides by walls and on top by a roof or similar covering.

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

KETCHUM CITY CODE

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). Ground mounted systems shall meet all required dimensional standards for accessory structures.

Energy system, wind: Any electric generation facility, whose main purpose is to convert and store wind energy into usable forms of energy and that includes the wind turbine(s), structural supports, electrical infrastructure, and other appurtenant structures and facilities. Wind energy systems may be freestanding (i.e., placed on top of the ground surface) or roof mounted and shall meet all dimensional requirements of principal buildings for the zoning district in which they are located.

Equestrian facility, commercial: An establishment operated for purposes of commercial boarding, training, teaching, breeding and rental of horses including facilities for shows and competitive events.

Equestrian facility, residential: A facility used for or associated with housing horses which are owned by the residents residing on the property.

Equipment enclosure: A small enclosed structure, shelter, cabinet, box or vault at the base of the support system within which are housed batteries and electrical equipment.

Event: A planned, public, social gathering or activity.

Existing lighting: Any and all lighting installed prior to the effective date hereof.

Exterior lighting: Temporary or permanent lighting that is installed, located or used in such a manner to cause light rays to shine outside. Fixtures that are installed indoors that are intended to light something outside are considered exterior lighting for the intent of this chapter.

FAA: The Federal Aviation Administration.

FCC: The Federal Communications Commission.

Facade: The exposed exterior wall of a building, including measurement to the highest point of a gable end, as shown in illustration B on file in the office of the City Clerk.

Facade attached antenna: Any antenna directly attached or affixed to the elevation of a building, tank, tower, or other structure.

Fallout shelter: An accessory building and use specifically designed for the protection of life from radioactive fallout.

Family: A group of individuals not necessarily related by blood, marriage, adoption or guardianship living together in a dwelling unit as a single housekeeping unit.

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

Fence: A hedge, structure or partition, erected for the purpose of enclosing a piece of land, or to divide a piece of land into distinct portions, or to separate two contiguous properties.

ZONING REGULATIONS

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

Fiber cement siding: Siding that is designed to resemble stucco, wood clapboards, or cedar shingles, depending on how the panels are textured. Fiber cement is more durable than wood or stucco, and is also fire resistant.

Finished floor elevation: The elevation of the first habitable floor of a structure.

Fixture: The assembly that holds the lamp in a lighting system. It includes the elements designed to give light output control, such as a reflector (mirror) or refractor (lens), the ballast, housing, and the attachment parts.

Flood or flooding:

- A. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - 1. The overflow of inland or tidal waters.
 - 2. The unusual and rapid accumulation or runoff of surface waters from any source.
 - 3. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph a.2. of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- B. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph a.1. of this definition.

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

Flood insurance rate map (FIRM): The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazard and risk premium zones applicable to the community. A FIRM that has been made available digitally is called a digital flood insurance rate map (DFIRM).

Flood insurance study (FIS): An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations; or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

KETCHUM CITY CODE

Flood of 100-year frequency: A flood magnitude which has a one percent chance of being equaled or exceeded in any given year.

Flood protection elevation (FPE): The base flood elevation plus the freeboard.

- A. In "special flood hazard areas" where base flood elevations (BFEs) have been determined, this elevation shall be the BFE plus two feet of freeboard; and
- B. In "special flood hazard areas" where no BFE has been established, this elevation shall be at least two feet above the highest adjacent grade.

Flood protection system: Those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes dams, reservoirs, levees, or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Floodlight: Light that produces up to 1,800 lumens (see addendum 1, attached to ordinance 743, for light output of various lamps) and is designed to flood a well defined area with light. Generally, floodlights produce from 1,000 to 1,800 lumens.

Floodplain or flood-prone area: Any land area susceptible to being inundated by water from any source (see definition of "flooding").

Floodplain Administrator: The individual appointed to administer and enforce the floodplain management regulations.

Floodplain development permit: Any type of permit that is required in conformance with the provisions of this title, prior to the commencement of any development activity.

Floodplain management: The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

Floodplain management regulations: Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance), and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodplain, regulatory: A relatively flat area or low land adjoining the channel of a river, stream or watercourse or lake or other body of standing water, which has been or may be covered by water of a flood of 100-year frequency. The floodplain includes the channel floodway and floodway fringe.

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

ZONING REGULATIONS

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. This term is also referred to as the "regulatory floodway".

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

Floodway encroachment lines: The lines limiting a designated floodway.

Floodway fringe: That part of the floodplain which is beyond the floodway encroachment lines limiting a designated floodway. Such areas will include those portions of the floodplain which will be inundated by a flood of 100-year frequency but which may be developed for use under land use regulations without material effect upon the floodwater carrying capacity of the floodway and the floodwater levels. Such areas are characterized by shallow flood depths and low velocities of water flow.

Floor area, gross: The sum of the horizontal area of the building measured along the outside walls of each floor of a building or portion of a building, including stair towers and elevators on the ground floor only, and 50 percent of atriums over 18 feet plate height, but not including basements, underground parking areas or open unenclosed decks. Parking areas covered by a roof or portion of the building and enclosed on three or more sides by building walls are included. Four parking stalls for developments on single Ketchum Town Site lots of 5,600 square feet in size or less are not included in the gross floor area calculation.

Floor area increase: The gross and net floor area of a building allowed in addition to the permitted floor area in exchange for the provision of community housing units within the project, all of which are considered to be a public benefit.

Floor area, net: The sum of the horizontal areas of all floors in a building including basements but not including open unenclosed decks, interior or exterior circulation, mechanical equipment rooms, parking areas, common areas, public bathrooms or storage areas in basements.

Floor area ratio or far: The product of the floor area divided by the lot area (example $2,750$ square feet floor area/ $5,500$ square feet lot area = 0.5 FAR):

$$\frac{\text{(Gross) floor area or (net) floor area}}{\text{Lot area}} = \text{FAR}$$

Flux (radiant flux): Unit is erg/sec or watts.

Food service: An establishment where food and drink are prepared, served and consumed on site with associated outdoor dining, or distributed to customers through take out, delivery or catering. Typical uses include, but are not limited to restaurants, cafes, delis, catering services and brewpubs that do not distribute beer produced for off site consumption.

Foot-candle: Illuminance produced on a surface one foot from a uniform point source of one candela, measured by a light meter.

Free and clear zone: A portion of a sidewalk that is unobstructed and allows for the free flow of pedestrian traffic.

KETCHUM CITY CODE

Freeboard: A factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effects of urbanization in a watershed. The base flood elevation (BFE) plus the freeboard establishes the flood protection elevation (FPE). Freeboard shall be two feet.

Freestanding sign: A sign affixed to a supporting structure that is independent from any building or other structure and may be visible on a maximum of two sides. Freestanding signs are oriented toward pedestrians and vehicles.

Freestanding tower: A tower not physically attached to a building or structure. The tower is attached to the ground by a foundation.

Full cutoff fixtures: Fixtures, as installed, that are designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted (see section 17.132.030, figure 2 of this title).

Fully automated WCF: No on site personnel required for the daily operation of the WCF.

Functionally dependent use: A facility that cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

General irrigation floodplain development permit (GIFD permit): The intent of the GIFD permit is to collectively authorize low-to-no impact irrigation and drainage development activities or uses in the floodplain which inherently do not increase the BFE. GIFD permits apply to all qualifying activities within the spatial extents of an irrigation delivery or drainage system and within the regulatory floodway or SFHA, over a predetermined period of time, not to exceed five years. Issuance of a GIFD permit requires coordination between the irrigation entity and the floodplain administrator.

Glare: Intense light that results in discomfort and/or a reduction of visual performance and visibility.

Golf course: A tract of land for playing golf, improved with tees, greens, fairways, hazards, and which may include clubhouses and shelters.

Governing housing authority: The entity having jurisdiction over the development of guidelines and the management of community housing units within the City of Ketchum as authorized by the Ketchum City Council.

Grade (adjacent ground elevation): The lowest point of elevation of the finished surface of ground, paving or sidewalk within the area between the building and the property line, or when the property line is more than five feet from the building, between the building and a line five feet from the building.

Grade, existing: The elevation of the ground surface at the time of a proposed development.

ZONING REGULATIONS

Grade, finished: The final elevation of the ground surface after development. For purposes of measuring building height, finished grade shall be the lowest exposed point of the building.

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

Green building: Increasing the efficiency with which buildings and their sites use energy, water, and materials, and reducing building impacts on human health and environment through better site planning, design, construction, operation, maintenance, and removal of the complete building life cycle.

Greenhouse: A building or structure constructed chiefly of glass, glasslike or translucent material, cloth, or lath, which is devoted to the protection or cultivation of flowers or other tender plants.

Grocery store: A facility, over 1,500 square feet in size, that is primarily used for the retail sale of household foodstuffs for off site consumption, including any combination of fresh produce, meats, poultry, fish, deli products, dairy products, canned foods, dry foods, baked foods, prepared foods, and beverages. A grocery store may include the sale of other household supplies and products, but only if secondary to the primary purpose of food sales.

Ground floor: The floor of a building that is at or nearest to the level of the ground around the building; also referred to as first floor or ground level.

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

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

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

Guywire: Diagonal cables utilized to tie towers to the ground or other surfaces.

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

Health and fitness facility—Wellness focus: A business or membership organization providing exercise facilities and/or nonmedical personal services to patrons, with a focus on wellness and characterized by low-impact movements and/or lack of mechanized equipment, including, but not limited to, yoga and Pilates studios, dance studios, gymnasiums, personal training studios, private clubs (athletic, health, or recreational), tanning salons, and weight control establishments.

HEC-RAS (hydrologic engineering center-river analysis system): A computer program for modeling water flowing through systems of open channels and computing water surface profiles.

Height of building: The greatest vertical distance measured at any point from the roof to natural, existing, or finished grade, whichever is lowest. The maximum vertical distance from the lowest exposed finished floor to the highest point of the roof (regardless of vertical alignment) shall be no more than five feet greater than the maximum height permitted in the zoning district (see illustration

KETCHUM CITY CODE

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

Height of building/CC District: The greatest vertical distance of a building in the community core district measured by determining the average elevation of the front property line and rear property line. Draw a line from the average front or rear elevation up to the maximum building height allowed, and then draw a line at that height parallel to the front or rear property line. The resulting line establishes the highest elevation of the front or rear facade. The front or rear facade shall not extend above this line. Side facades may be stepped up or down to transition from the highest elevation of the front facade height to the highest elevation of the rear facade. One or multiple steps along the side facades are allowed, except no step shall occur within 40 feet of the front property line or within 35 feet of the rear property line. 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).

Height of building/light industrial districts: The greatest vertical distance measured at any point from natural, existing, or finished grade, whichever is lowest, to the highest point of the roof, except where expressly exempted by section 17.12.050 of this title. No facade shall be greater than the maximum height permitted in the zoning district. Building heights in light industrial districts are subject to the qualifying ground floor heights and residential standards contained in section 17.124.090 of this title.

Highest adjacent grade (HAG): The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. Refer to the FEMA Elevation Certificate for HAG related to building elevation information.

Hive: A frame hive, including a Langstroth hive, which has removable frames.

Holiday lighting: Festoon type lights, limited to small individual bulbs on a string, where the spacing of bulbs is not closer than three inches and where the output per bulb is no greater than 15 lumens.

Home occupation: A business related activity conducted entirely within a dwelling which is incidental and secondary to the use of a dwelling as a residence and does not negatively impact the surrounding neighborhood.

Honeybee: The common honeybee. *Apis mellifera* L., at any stage of maturity, but excluding the African honeybee, *Apis mellifera scutellata*. Honeybees include queens, workers and drones.

Horizontal expression line: A horizontal row, usually of brick or stone, flush with or projecting beyond the face of a building, often molded to mark a division in the wall; also referred to as a belt course or string course.

ZONING REGULATIONS

Hospital: An institution providing health services primarily for human inpatient, medical and/or surgical care for the sick or injured, and including the related facilities such as laboratories, outpatient departments, training facilities, central service facilities, and staff offices which are an integral part of the facilities.

Hotel: A building designed and used for overnight occupancy by the general public on a short term basis for a fee. Hotels shall include adequate on site food and beverage service with kitchen facilities, common reservation and cleaning services, meeting room space, combined utilities, on site management and reception services, access to all sleeping rooms through an inside lobby supervised by a person in charge no less than 18 hours per day, and adequate on site recreational facilities. Unless otherwise approved by the City Council, occupancy periods of a hotel, or unit thereof, by any one person or entity with an ownership interest in the hotel, or unit thereof, shall not exceed 30 consecutive days or exceed 90 days within any calendar year, regardless of the form of ownership. A hotel room which includes cooking facilities shall not be considered a dwelling for the purposes of density, area and bulk regulations of this title and other land use regulations. For the purposes of granting height and density bonuses, a hotel building may contain other residential uses not used in connection with the hotel operation, so long as the total gross square footage of the hotel rooms, associated common areas, and other hotel uses outlined above comprises 75 percent or more of the entire project's gross square footage. Parking which meets the definition of "gross floor area" shall not be counted toward the 75 percent calculation.

Household pets: Domestic household animals including, but not limited to, dogs and cats that are kept on or within any portion of the property.

Hybrid production facility: A commercial operation or use, on one or more premises within the same zoning district, where finished consumer goods are manufactured or produced and those same goods are offered for sale to the general public. Hybrid production facilities must be similar in size, scale and scope of operation with adjacent or nearby uses.

Illuminance: Density of luminous flux incident on a surface. Unit is foot-candle or lux.

Illuminating Engineering Society of North America (IES or IESNA): The professional society of lighting engineers, including those from manufacturing companies, and others professionally involved in lighting.

Industrial design: The professional service of creating and developing concepts and specifications that optimize the function, value and aesthetics of products and systems for the mutual benefit of both user and manufacturer, often employing design thinking strategies. Typically, industrial design is intended to result in tangible goods that can be mass produced. Industrial design businesses may include on-site prototyping, fabrication, and manufacturing.

Instructional service: The use of land for the provision of instructional services for personal improvement other than physical improvement. Uses include music, painting, ceramics, photography, fiber arts, educational tutoring facilities, handicraft or hobby instruction.

Interior film: A material placed on the inside of windows to diffuse light and/or filter UV radiation.

KETCHUM CITY CODE

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

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

kennel, boarding: A facility providing for the commercial boarding, grooming or training of household pets not owned by the owner or occupant of the premises.

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

Lamp: The source of electric light; the bulb and its housing. To be distinguished from the whole assembly (see definition of luminaire).

Lattice tower: A support structure that consists of a network of crossed metal braces, forming a tower that is usually triangular or square in cross section.

Laundry, industrial: An industrial facility where fabrics are cleaned on a commercial or wholesale basis.

Letter of map change (LOMC): A general term used to refer to the several types of revisions and amendments to FIRMs that can be accomplished by letter. They include letter of map amendment (LOMA), letter of map revision (LOMR), and letter of map revision based on fill (LOMR-F)

1. *Letter of map amendment (LOMA)*. An official amendment, by letter, to an effective National Flood Insurance Program (NFIP) map. A LOMA establishes a property's or structure's location in relation to the special flood hazard area (SFHA). LOMAs are usually issued because a property or structure has been inadvertently mapped as being in the floodplain but is actually on natural high ground above the base flood elevation.
2. *Letter of map revision (LOMR)*. FEMA's modification to an effective flood insurance rate map (FIRM) or a flood boundary and floodway map (FBFM) or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations (BFEs), or the special flood hazard area (SFHA). The LOMR officially revises the flood insurance rate map (FIRM) or flood boundary and floodway map (FBFM), and sometimes the flood insurance study (FIS) report, and when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM, FBFM, or FIS report.
3. *Letter of map revision based on fill (LOMR-F)*. FEMA's modification of the special flood hazard area (SFHA) shown on the flood insurance rate map (FIRM) based on the placement of fill outside the existing regulatory floodway. The LOMR-F does not change the FIRM, FBFM, or FIS report.

ZONING REGULATIONS

4. *Conditional letter of map revision (CLOMR)*. A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective flood insurance rate map (FIRM) or flood insurance study (FIS). Upon submission and approval of certified as-built documentation, a letter of map revision (LOMR) may be issued by FEMA to revise the effective FIRM. Building permits and/or flood development Permits cannot be issued based on a CLOMR, because a CLOMR does not change the NFIP map.

Licensed carrier: A company authorized by the FCC.

Light: The form of radiant energy acting on the retina of the eye to make sight possible; brightness, illumination, a "lamp", as defined in this section.

Light pollution: Any adverse effect of manmade light including, but not limited to, light trespass, uplighting, the uncomfortable distraction to the eye, or any manmade light that diminishes the ability to view the night sky; often used to denote urban sky glow.

Light trespass: Light falling where it is not wanted or needed, generally caused by a light on a property that shines onto the property of others.

Lighting: Any or all parts of a luminaire that function to produce light.

Lodging establishment: A building or group of buildings designed or used for short term occupancy which contains more than six guestrooms offered for rent on a nightly basis with an on site office with a person in charge 24 hours per day. Typical uses include, but are not limited to, motels, hotels and inns. A motel room which includes cooking facilities shall not be considered a dwelling unit for the purpose of density, area, bulk or parking regulations of this title.

Lot: A parcel of land fronting on a street and occupied or designed to be occupied by one or more buildings, structures or uses, together with such open areas as may be required by this title.

Lot, reverse corner: A corner having its side street line substantially a continuation of the front lot line of the first lot to its rear.

Lot area: The area within the boundaries of a lot, exclusive of any of the area contained within a public or private street, alley, fire lane or private driveway easement. Also, exclusive of any narrow strip of land connecting a lot set back from any public street for the purpose of providing driveway access with that street.

Lot line, front: The property line dividing a lot from a street. On a corner lot, only one street line shall be considered as a front line, and the shorter street frontage shall be considered the front line, unless otherwise determined by the administrator based on the orientation and layout of the lot and surrounding neighborhood.

Lot line, rear: The line opposite the front line.

Lot line, side: Any lot line other than front lot line or rear lot line.

KETCHUM CITY CODE

Lowest adjacent grade (LAG): The lowest point of the ground level immediately next to a building. Refer to the FEMA Elevation Certificate for LAG related to building elevation information.

Lowest floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement contained in 44 CFR § 60.3 and subsection 17.88.060.B.2.c of this title.

Lumen: Unit of luminous flux; the flux emitted within a unit solid angle by a point source with a uniform luminous intensity of one candela. One foot-candle is one lumen per square foot. One lux is one lumen per square meter.

Luminaire: The complete lighting unit, including the lamp, the fixture, and other parts.

Luminance: At a point and in a given direction, the luminous intensity in the given direction produced by an element of the surface surrounding the point divided by the area of the projection of the element on a plane perpendicular to the given direction; units: candelas per unit area. The "luminance" is the perceived brightness that we see, the visual effect of the illuminance, reflected, emitted or transmitted from a surface.

Maintenance (irrigation): The act of ongoing upkeep of existing structures required to keep channels in a condition adequate to support the conveyance of irrigation and drainage water (this does not include the complete replacement or substantial replacement of an existing structure). Maintenance is further defined as the care or upkeep of channels, works, appurtenances, easements, utility corridors and property; to keep in an existing state, specified state of repair, and efficiency; return to a former condition, elevation, place, and position; to preserve from failure or decline; or repair or renovate so as to return it to its original condition. Maintenance does not include dredging as defined herein.

Maintenance service facility: A facility containing the necessary supplies and equipment to provide janitorial services and routine maintenance of buildings and property.

Major addition: The extension of an existing building where the cost of the addition, not including repairs and reconstruction of the existing building, is in excess of the assessed valuation of the existing building as assessed by the Blaine County assessor during the year preceding the year in which such major addition takes place.

Manufactured home: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

Manufactured home park or subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Manufacturing: The use of land for the production, processing, compounding, assembly, testing, treatment, or fabrication of materials and products from processed or previously manufactured materials. Uses may include, but are not limited to, a machine shop, the manufacturing of apparel, ceramic products, cosmetics and toiletries, electrical appliances, electronics or information technol-

ZONING REGULATIONS

ogy equipment, medical equipment or devices, paper products, pharmaceuticals, plastic products (but not the processing of raw materials), welding services, or tools and hardware. Uses with significant external effects that cannot be eliminated or contained during the manufacturing process are not allowed. Such external effects include, but are not limited to, smoke, noise, particulates, dirt, vibration, or odor.

Market value: The building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (actual cash value); or adjusted tax assessed values.

Marquee: A rooflike structure of permanent nature that projects from the wall of a building to provide shade and shelter and possibly signage.

Master signage plan: A comprehensive signage plan for multi-tenant commercial and industrial, multi-unit residential, and mixed use developments that may include, but is not limited to, directional, wayfinding within the development, building identification, and business or tenant identification signage.

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

Medical care facility: A facility, other than a hospital, for the provision of public health services, including related facilities such as laboratories, clinics, and administrative offices operated in connection with said facility. Inpatient hospitalization is not provided.

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

Minor modifications: Changes and alterations to an existing building, development project, approved unbuilt design review project, or undeveloped parcel that do not increase density, intensity, nonconformity, or the size of a feature of a site or building appendage regulated by the dimensional standards established in chapter 17.12 and section 17.136.050 of this title.

Mixed use: Properties on which various uses, such as office, commercial, institutional, and residential, are combined in a single building or on a single site in an integrated development project with significant functional interrelationships and a coherent physical design.

Mortuary: A facility in which dead bodies are prepared for burial or cremation. Crematories and funeral homes (see definition of assembly, place of) are allowed in conjunction with a mortuary.

Motor vehicle fueling station: A facility providing the retail sale and direct delivery to motor vehicles of fuel, including electric charging stations associated with a motor vehicle fueling station, lubricants and minor accessories, and retail sales for the convenience of the motoring public.

KETCHUM CITY CODE

Motor vehicle sales: A facility providing for the sale, lease, or rental of new or used noncommercial vehicles, including automobiles, noncommercial vehicles or trucks, motorcycles, recreational vehicles, or boats. The cleaning and routine maintenance of motor vehicles is allowed as an accessory use.

Motor vehicle service: A facility providing service for all types of repairs and maintenance of automobiles, commercial vehicles or trucks, trailers, construction equipment, agricultural implements, or similar industrial equipment, but does not include "junkyard" as defined by this chapter. Typical uses include, but are not limited to, automobile and truck repair garages, tire sales and installation, electronics installation and repair, oil and lubrication, windshield glass replacement services, vehicle cleaning and detailing, transmission shops, radiator shops, body and fender shops, painting, equipment service centers, machine shops, or other similar uses where repair activities are conducted.

Natural features: Significant view corridors, steep embankments, knolls, canyons, streams, watercourses or any other prominent physical features that are located on the property.

Nature preserve: An area designated or set aside for the purpose of preserving natural areas or features, contains a minimum of six acres, is held under lease or title by a nonprofit tax exempt organization under section 501c(3) of the Internal Revenue Service Code of 1954, or corresponding provisions of any amendments or any future United States Revenue Code for said purposes.

Neighborhood off-site snow storage: The use of residentially zoned property in the City for the storage of snow from no more than three neighboring lots within 300 feet of the snow storage parcel. This definition does not require the sending and receiving lots to be under the same ownership and does not include the storage of snow removed from the right-of-way or property owned by public agencies.

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.

New construction: For floodplain management purposes, a structure for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures. Any construction started after February 17th, 1976 and before the effective start date of this floodplain management ordinance is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.

Nonautomated: A WCF with on site personnel.

Nonconforming building: Means and includes any legally existing building which does not conform to the location and bulk regulations of this title for the district in which such nonconforming building is located, either at the effective date hereof or as a result of subsequent amendments which may be incorporated into this title.

ZONING REGULATIONS

Nonconforming use: Means and includes any legally existing use, whether within a building or other structure or on a tract of land, which does not conform to the use regulations of this title for the district in which such nonconforming use is located either at the effective date hereof or as a result of subsequent amendments which may be incorporated into this title.

Nonessential lighting: Lighting that is not necessary for an intended purpose after the purpose has been served; does not include any lighting used for safety and/or public circulation purposes. Example: For purposes of this chapter, lighting for a business sign is considered essential during business hours; however, is considered nonessential once the business is closed.

Nonresidential structure: A building or structure not constructed for residential purposes or as an accessory structure for residential purposes, not including nonconforming uses.

Office: A room or group of rooms used for conducting the affairs of a business, profession, service, industry or government.

Office, business: An establishment wherein the primary use is the conduct of a business or profession including, but not limited to, accounting, design services, computer software, information systems, engineering, insurance, legal services, management and administration, organization and association offices, psychology, real estate, travel and medical offices. Medical care facilities and hospitals are not included in this definition.

Office, contractor-related business: An establishment wherein the primary use is the conduct of a business or profession specifically related to building contracting including, design services, engineering, construction, landscaping, maintenance and property management.

One percent annual chance flood: See definition of base flood.

Opacity: The measure of the amount of light that can pass through a material or the quality of not being penetrable by light (the quality of being opaque).

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

Operation (irrigation): The regular and reoccurring performance of typical work by an irrigation or drainage entity including, but not limited to: the delivery or drainage of water, measurement of water, and adjustment of irrigation and drainage works and all related appurtenances.

Organic fertilizer: A nonsynthetic fertilizer.

Outdoor display: The displaying of goods, merchandise or products outdoors such that the items are readily available for sale at retail on the same lot.

Outdoor entertainment: Musical, theatrical, dance, cabaret, or comedy act performed outside of a building, on private property, by one or more persons for the patrons and/or guests of the permitted retail trade use associated with the building.

Outdoor open space: An area of a building located and oriented to encourage communal gathering and activity, to provide views of cultural resources and natural resources, and/or to

KETCHUM CITY CODE

preserve and protect mature and healthy trees and landscaping on the site. These spaces are open for use by all occupants and users of a building. Outdoor open spaces located on the ground floor are typically also open to the public.

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

Outdoor storage: An area designated on a property for the safekeeping of items owned by the occupants of the property.

Overlay district: An area of special or extraordinary building and use restrictions, applied in addition to other districts, as indicated upon the City of Ketchum zoning district map and this title.

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

Parking, on site: The area off of any public or private street, access easement or alley used for the transient storage of private passenger vehicles, and of appropriate dimension according to this title for parking stall, access drives and aisles.

Parking, shared: The provision that two or more uses which are within close proximity may share parking facilities to fulfill their individual parking requirements because their prime operational hours do not overlap.

Parking access/entrance: A way or means of vehicular and pedestrian approach for all uses, except less than four dwelling units (excluding accessory dwelling units), to provide access to off street parking spaces from a public or private street into private property, excluding underground parking ramps. The unobstructed, all weather surface of a parking access shall not be less than 20 feet nor wider than 30 feet unless otherwise approved by the City of Ketchum and is constructed in conformance with the adopted street standards and International Fire Code (see illustration C on file in the office of the City Clerk).

Parking facility, off site: A facility, structured or surface lot, which is used for parking or storing of motor vehicles, open to public use without charge or for a fee, serves a clientele which provides patronage to on site and off site establishments. Off site parking facilities may be designated in part or in whole toward residential parking.

Parking space, off street: An area of at least 300 square feet of appropriate dimensions for the parking of an automobile, including access drives and aisles.

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

Partially shielded: The bulb of the fixture is shielded by a translucent siding, and the bulb is not visible at all. Light may be emitted at the horizontal level of the bulb (see section 17.132.030, figure 2 of this title).

ZONING REGULATIONS

Performing arts production: A facility housing the elements needed to support a performing arts organization. Such facility should include space for the design and construction of stage components; costume and prop design and construction, administrative support, rehearsal space, storage space, and other functions associated either with an on site or off site live performance theater.

Personal service: The use of land for the provision of frequently or recurrently needed services of a personal nature. Such services include, but are not limited to, beauty and barber shops, grooming of household pets, seamstresses, tailors, shoe repair, laundromats or dry cleaning pick up/drop off where the processing of garments or fabrics is located in a separate facility.

Pesticide: Includes the following:

- A. Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, plant, fungus or virus;
- B. Any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant;
- C. Any nitrogen stabilizer; and
- D. Pesticide shall not include any article that is a "new animal drug" within the meaning of section 321(w) of title 21 of the United States Code, that has been determined by the Secretary of Health and Human Services not to be a new animal drug by a regulation establishing conditions of use for the article, or that is an animal feed within the meaning of section 321(x) of title 21 of the United States Code bearing or containing a new animal drug.

Photo simulation: Computer generated photographs, renderings combining existing subject adjacent property conditions and improvements with proposed improvements.

Planned unit development: A project located on no less than three contiguous acres of land controlled by one owner, partnership or corporation, including usable open space for the mutual benefit of the entire tract, and planned and designed as a unit to provide variety and diversity of land use through and including the variance of normal zoning requirements and restrictions so that the maximum long range benefit can be gained and the unique features of the site preserved and enhanced.

Porch: An exterior appendage to a building with a roof forming a covered approach to an entrance on the ground level of the building.

Porte-cochere: A roof projecting over a driveway at the entrance to a building that shelters those getting in or out of vehicles.

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

Post-firm: Construction or other development for which the "start of construction" occurred on or after the effective date of the initial flood insurance rate map (FIRM).

Pre-firm: Construction or other development for which the "start of construction" occurred before November 20, 1978, the effective date of the initial flood insurance rate map (FIRM).

Product design: See definition of industrial design.

KETCHUM CITY CODE

Professional research services: An establishment that specializes in professional, scientific, and technical research and is inclusive of light manufacturing as an accessory use. Uses are limited to: physical distribution and logistics, engineering and specialized design services, electronic and computer services, research, development and scientific services. This definition does not include uses which create vibration outside the exterior building walls or uses that would diminish the quality of air and water in the City.

Property owner: All of the following: property owner(s), coproperty owner(s), developer(s), agent(s) of property owner(s) or developer(s), assignee(s) of property owner(s) or developer(s) and all subsequent property owners or developers of the real property in the zoning development agreement.

Public use: A structure or use intended or used for a public purpose by a City, a school district, the county, the state, or by any other public agency, or by a public utility.

Public utility: An organization that maintains the infrastructure for a public service, which often also provides a service using that infrastructure.

Qualifying ground floor: A ground floor of a building, where the start of the second story is 18 feet or more above the level of the finished floor. In the LI Zoning Districts, buildings where not less than 70 percent of the structure has a qualifying ground floor are permitted a higher overall height subject to section 17.12.050 of this title.

Recessed: When a light is built into a structure or portion of a structure such that the light is fully cut off and no part of the light extends or protrudes beyond the underside of a structure or portion of a structure.

Recreation facility, commercial: A recreation facility operated as a business and open to the general public for a fee. Typically uses include, but are not limited to, arcades, sport facilities, swimming pools, laser tag and paintball courses, billiards, skating rinks, driving ranges, miniature golf, water courses and motorized car tracks.

Recreation facility, high intensity: A recreation facility that, due to the nature of the use, requires floor area or mass and volume, or generates higher decibel levels, that are more appropriately accommodated in the light industrial area or are buffered from residential or pedestrian-oriented commercial activity on a large recreational use zoned parcel district than in the community core or a tourist zone. Uses include indoor shooting range, dryland hockey training facility, gymnastics/tumbling gym, and instructional or personal training facilities wherein the instruction involves throwing, dragging, or launching heavy equipment.

Recreation facility, public: A publicly owned and operated recreation facility.

Recreation facility, residential: A recreation facility for use solely by the residents and guests of a particular residential development, planned unit development, or residential neighborhood, including outdoor and indoor facilities. These facilities are usually proposed or planned in association with development and located within or adjacent to such development.

ZONING REGULATIONS

Recreational vehicle: a vehicle that is:

- a. Built on a single chassis, and
- b. Four hundred square feet or less when measured at the largest horizontal projection, and
- c. Designed to be self-propelled or permanently towed by a light duty truck, and
- d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Recycling center: A facility designed to be a collection point where only recyclable materials are sorted and/or temporarily stored prior to delivery to a permanent disposal site, or shipment to others for reuse, and/or processing into new products. This shall not include junkyards or wrecking yards.

Regulatory floodway: See floodway.

Repair (irrigation): The restoration to good or sound conditions of any part of an existing structure, channel, channel bank, or service road for the purpose of maintenance (this does not include the complete replacement or substantial replacement of an existing structure). Repair does not include dredging as defined herein.

Repair shop: An establishment primarily engaged in repair services of sporting equipment and household appliances; not including motor vehicle service.

Residential care facility: A facility or residence operated on either a profit or nonprofit basis for the purpose of providing necessary supervision, personal assistance, meals, and lodging to three or more adults not related to the owner.

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

Residential development: A building utilized exclusively for short or long term residential purposes.

Residential occupancy: The more or less permanent place of abode for an individual, and shall not include short term occupancy nor timeshare occupancy. A structure, dwelling or room restricted by the terms of this title to residential occupancy shall not be used for short term occupancy for more than 30 days during any one calendar year and shall not be used for timeshare occupancy.

Restricted use chemical: Any pesticide, pesticide use, soil sterilant, or fertilizer classified for restricted use by the United States Environmental Protection Agency (EPA). Restricted use pesticides typically may not be applied by anyone not licensed to apply restricted use pesticides.

Restrictive covenants: A restrictive covenant runs with the land and, thereby, binds present and future owners of the property. Restrictive covenants are used to implement the conditions of a land use approval or ensure implementation of project mitigations and components.

Retail trade: An establishment which provides the final step in the retailing process for the distribution of goods and commodities to customers. Retailers are organized to sell or rent merchandise in small quantities to the general public and operate a fixed point of sale location designed to attract a high volume of walk-in customers. Typical uses include, but are not limited to, grocery stores, establishments selling office supplies and equipment, building materials, plumbing

KETCHUM CITY CODE

supply, antiques or consignment items, home improvement and garden supplies, books and educational material, clothing, sporting goods, pharmaceuticals, medical devices, health and fitness supplies, art and associated material and household pet supplies. Motor vehicle sales are not included in this definition.

Retail trade is classified as grouped retail trade (a combination of two or more individual retail trades) or individual retail trade (a business or businesses that involve, in whole or part, retail sales that share check stands or storage areas, or share management, or are owned, leased, possessed, or otherwise controlled by, directly or indirectly, the same individual(s) or entity(ies) or by different individual(s) or entity(ies) where: a) such individual(s) or entity(ies) have a controlling ownership or contractual right with the other individual(s) or entity(ies) or b) the same individual(s) or entity(ies) act in a manner as an employee, owner, partner, agent, stockholder, director, member, officer, or trustee of the entity(ies) and are located within one or more separate buildings or structures within 800 feet of one another, regardless whether they are attached or detached).

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.

Right-of-way: Means and includes all public streets and utility easements, now and hereafter owned by the City of Ketchum or other public entity, but only to the extent of the City or public entity's right, title, interest or authority to grant a license to occupy and use such streets and easements for wireless communication facilities.

Riparian setback: A 25-foot setback measured from the mean high water mark along the banks of waterways.

Riparian zone: That area along the banks of any waterway 25 feet in width measured horizontally from the mean high-water mark; this area is the regulated riparian zone in Ketchum City Limits. All parcels that contain riparian zone are included in the Waterways Review District.

Roadways: All streets, roads, alleys or other circulation facilities designed for motor vehicles, privately or publicly owned.

Roof, flat: A roof which is not pitched and the surface of which is parallel to level ground.

Roof, gabled: A roof consisting of two sloping planes that meet at the ridge or peak. The planes are supported at their ends by triangular, upward extensions of walls known as gables.

Roof, hipped: A type of roof that slopes from the ridge to the eaves on all sides of the roof. Hipped roofs do not contain gables.

Roof, mansard: A roof that has two slopes on each side of the roof. The lower roof slope is steeper than the upper roof slope. The upper roof slope is sometimes flat.

Roof, shed: A roof containing only one sloping plane. Shed roofs have no hips, ridges, valleys or gables.

Roof overhang: A portion of the roof structure that extends beyond the exterior walls of a building.

ZONING REGULATIONS

Roof pitch: The degree of roof incline expressed as the ratio of the rise, in feet, to the span, in feet.

Roof ridge: The uppermost, horizontal external angle formed by the intersection of two sloping roof planes.

Roof slope: See definition of roof pitch.

Sawmill, temporary: A portable sawmill located on private property for the processing of timber cut only from that property.

Scenic vista, landscape and road: As defined within the comprehensive plan and/or other City ordinances.

School residential campus: Multiple use building(s) and outdoor facilities/areas directly affiliated with an established public or semipublic educational institution for learning that include, but are not limited to, spaces devoted to dormitory, central kitchen and dining, office, classroom, study, school employee dwelling unit, study hall, gym/fitness, meeting, and parking.

Self-service storage facility: A building or group of buildings of a controlled access and fenced compound that contains varying sizes of individual, compartmentalized and controlled access stalls or lockers for the storage of customers' goods or wares.

Semipublic use: A structure or use partially, but not entirely, open to the use of the public, such as a private school, church, lodge, club, library, hospital or a nonprofit organization.

Service area: Contained areas within which a wireless communication facility is able to transmit clear signals, generally circular in form.

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

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

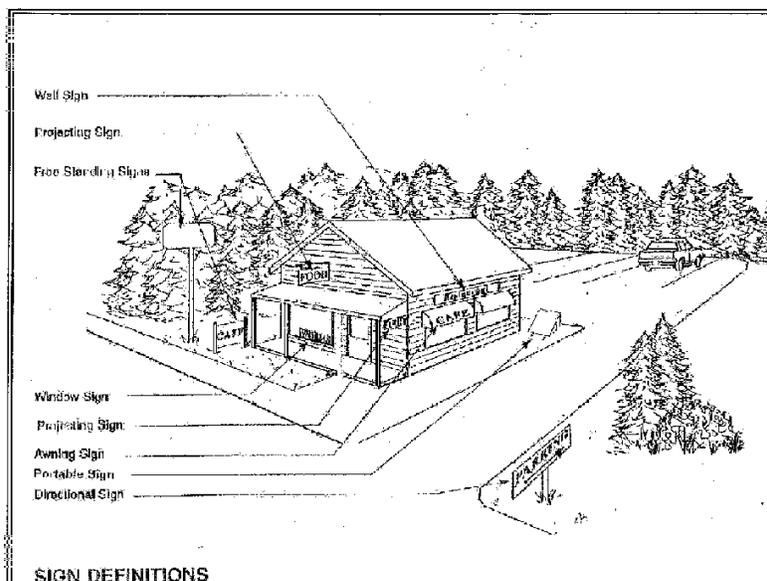
Setback zone: The area of a lot that must remain open and cannot be built over with a structure.

Shielded: When the light emitted from the fixture is projected below a horizontal plane running through the lowest point of the fixture where light is emitted. The bulb is not visible with a shielded light fixture, and no light is emitted from the sides of the fixture; also considered a full cutoff fixture (see section 17.132.030, figure 2 of this title).

Short term rental: The rental or lease of any unit or structure or portion for a period of not more than 30 days. See definition of tourist housing accommodation.

Sign: Any object, device, display or structure, or part, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or project images.

KETCHUM CITY CODE



Sign, animated or moving: Any sign or part of a sign that changes physical position in any way, or which gives the visual impression of movement or rotation.

Sign, area of/sign area: Writing, representation, emblem or other graphic display, mounted or painted on a distinct background, but not including the supporting structure.

Sign, awning or sign, marquee: A horizontally oriented sign that is printed on an awning or mounted on a marquee.

Sign, banner: A flexible sign of lightweight fabric affixed with wires or ropes to or between buildings or walkways on private property and contain copy advertising a business or business activity.

Sign, campaign: A temporary political sign announcing a political candidate seeking public office, political parties, or political and public issues including, but not limited to, public bond and levy elections.

Sign, changeable copy: A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged manually or automatically, without altering the face or the surface of the sign. A sign which changes more than eight times per day shall be considered an animated sign and not a changeable copy sign.

Sign, construction site: A sign identifying individuals or companies involved in designing, construction, financing or developing a site. Construction signs may include, but not be limited to, owners, developers, architects, construction managers, contractors and subcontractors.

Sign, directional: A sign giving directions, instructions or facility information and which may contain the name or logo of an establishment, but no advertising copy, e.g., parking, no parking, or exit and entrance signs. Directional signage shall not be counted toward total signage limitations as indicated in chapter 17.127 of this title.

ZONING REGULATIONS

Sign, directory: A relatively small sign that is attached flat against the facade at eye level and is oriented toward pedestrians. Directory signs include text limited to the names and/or addresses of the tenants in buildings with multiple tenants that do not each have a storefront and are accessed through a shared entrance or lobby. Directory signs may be located on the main level of buildings where the primary access to upper floors is by exterior stairways or elevators. Directory signs may also be referred to as registry signs.

Sign, face of: The area or display surface of a sign on which copy and/or graphics and background is placed.

Sign, flashing: Any directly or indirectly illuminated sign that exhibits changing light or color effects by any means whatsoever.

Sign, gable: A projecting or wall sign mounted to the gable wall of a building.

Sign, government or public agency: A sign erected and maintained by the City, county, state or federal government, or required by law, ordinance or other governmental regulation.

Sign, historic and/or sign, landmark: Any sign that currently exists or previously existed within the City of Ketchum that the Ketchum City Council has identified as being of significance to the history, culture, or appearance of Ketchum.

Sign, holiday decoration: A temporary sign, in the nature of decorations, clearly incidental to and customarily and commonly associated with any holiday.

Sign, incidental: A sign generally informational, that has a purpose secondary to the use of the lot on which it is located, such as "No Parking", "Entrance", "Loading Only", "Telephone" and other similar directives. No sign with a commercial message legible from a position off of a lot on which the sign is located shall be considered incidental.

Sign, internally lit/backlit: A sign wholly or partially lighted by a source that is inside of or behind a sign face made of translucent material.

Sign, monument: A freestanding sign of eight feet or less in height on an ornamental base identifying a subdivision or development which has multiple suites, offices, tenants, lots or units. Monument signs are oriented toward pedestrians and vehicles.

Sign, nonconforming: Any sign in existence on the effective date hereof for which there is a legal permit, but that does not conform to the requirements of chapter 17.127 of this title.

Sign, permanent: A sign that is permanently mounted or affixed to the ground or a building and intended to be displayed for an unlimited amount of time.

Sign, projecting: A maximum double sided sign that projects more than six inches perpendicular to a building facade or wall and hangs from a mounted wall brace or is suspended from, and located entirely under a covered porch, covered walkway, awning, balcony, arcade or colonnade. A projecting sign may also be referred to as a blade sign. Projecting signs are primarily oriented toward pedestrians. Projecting signs that hang from a post located in front of and detached from a building are considered freestanding signs.

KETCHUM CITY CODE

Sign, real estate: Any sign advertising:

- A. Property, buildings, or portions of buildings for sale, lease, or rent;
- B. "Open houses" or other special events presenting properties for sale, lease, or rent on site intermittently and not on consecutive days. "Open houses" at which sales personnel are on site for 30 continuous days or more shall be considered real estate offices and conform to the applicable zoning district requirements; and
- C. Development opportunity for which design review, building and/or other requisite permit(s) have not been obtained.

Sign, roof: A sign affixed on, above or over the roof of a building so that it projects above the roofline. The lowest portion of a flat roof, the top of a parapet wall, the vertical portion of a mansard roof, the eaves line or fascia of a gable, gambrel, or hipped roof shall be considered the roofline. Where a parapet wall is combined with a mansard roof, the roofline shall be the top of the parapet.

Sign, sandwich board and portable board: Signs that are designed to be transported and are not permanently affixed to a building, structure, or the ground.

Sign, temporary: A sign that is not permanently mounted or affixed to the ground or a building and intended to be displayed for a limited amount of time and does not include sandwich board or portable board signs. Sign copy changes on a "projecting sign" shall not be considered temporary provided they comply with chapter 17.127 of this title.

Sign, wall: A sign mounted parallel to, but within six inches of, a wall, or painted on the surface of a wall of a building or structure. A sign on a mansard roof shall be considered a wall sign. Wall signs are oriented toward both pedestrians and vehicles.

Sign, wayfinding: A sign that is part of an overall plan for public convenience and information including, but not limited to, directions to recognized neighborhoods, recreation and other facilities, public buildings, entertainment venues.

Sign, window: A sign that is applied or attached to the exterior or interior of a window or otherwise displayed for the purpose of being visible through a window from the exterior of a building. All lettering or graphics that cover more than ten percent of the total transparent window and are more than four inches in height or width are considered a window sign. Window signs are primarily oriented toward pedestrians.

Sign, yard sale: A sign advertising a single private sale generally at a residence or sponsored by a community organization.

Single-family dwelling: See definition of dwelling, one-family.

Ski facility: An establishment or area containing the necessary elements to facilitate the use of ski runs and trails. Typical uses include, but are not limited to, powered conveyors for transporting skiers or sightseers, training facilities and associated administrative offices, retail trade, food service and parking.

Sleeping rooms: Rooms in a hotel designed and used for overnight occupancy by the general public on a short term basis for a fee. Unless otherwise approved by the City Council, occupancy

ZONING REGULATIONS

periods of a hotel, or unit thereof, by any one person or entity with an ownership interest in the hotel, or unit thereof, shall not exceed 30 consecutive days or exceed 90 days within any calendar year, regardless of the form of ownership. Occupancy periods for persons or entities with no ownership interest (i.e., vacationers) shall be limited only by the 90-day per calendar year requirement.

Soil sterilant: A chemical that temporarily or permanently prevents the growth of all plants and animals.

Solar bronze: A clear film placed on windows which has a metallic bronze look when in direct light and filters out a portion of the solar heat penetrating a window.

Special flood hazard area (SFHA): The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. For purposes of these regulations, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard", 100-year floodplain, and one percent annual chance floodplain.

Start of construction: Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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

Storage yard: Storage of large equipment, operable vehicles and construction/property maintenance materials on an ongoing or permanent basis. This shall not include junkyards or wrecking yards.

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

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

Street frontage: The portion of the building that is immediately adjacent to the street.

Street pole: A telephone, electric or cable television pole located in a developed street right-of-way.

KETCHUM CITY CODE

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

Structure: 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.

Studio, commercial: Work space within an enclosed structure for artists and artisans, including individuals practicing, teaching, or demonstrating in one of the fine arts or performing arts, or skilled in an applied art or craft. Also includes recording studios. Incidental retail sales of items produced on the premises is allowed. A commercial studio may hold occasional events solely and exclusively in connection with the permitted uses conducted by the commercial studio. The events shall be subordinate in nature to the commercial studio and subject to the standards of section 17.124.150 of this title.

Substantial damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. See definition of "substantial improvement".

Substantial improvement: Includes the following:

- A. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement over a three-year time frame. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed.
- B. The term does not, however, include either:
 1. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
 2. Any alteration of a structure listed on the National Register of Historic Places or the Idaho Historic Sites Inventory provided that the alteration will not preclude the structure's continued designation as a "historic structure" and the alteration is approved by variance issued pursuant to this title.

Support structure: The structure to which an antenna and other necessary associated hardware is attached. Support structures include, but are not limited to, the following:

- A. Nonresidential structure.
- B. Monopole: A single pole sunk into the ground and/or attached to a foundation.
- C. Street pole: A telephone, electric or cable television pole located in a developed street right-of-way.

ZONING REGULATIONS

Swimming pool: A structure, whether above or below grade level, designed to hold water more than 30 inches deep to be used for recreational purposes.

TV and radio broadcasting: An installation consisting of one or more transmitters or receivers used for radio, television or cable communications or broadcasting.

Temporary lighting: Lighting that is intended to be used for a special event for seven days or less.

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

Terrace, sunken: A terrace below the grade of the ground floor.

Timeshare occupancy: A facility comprised of two or more units in which the exclusive right of use, possession, or occupancy of dwelling units circulates among the various owners or lessees thereof in accordance with a fixed time schedule on a periodically recurring basis. See also definition of tourist housing accommodation.

Tourist house: A building in which the proprietor resides and does not contain more than eight guestrooms available for short term rental, and may provide daily meals to guests.

Tourist housing accommodation: The lease, rental or use of a dwelling unit for short term or timeshare rental.

Tower: A mast, pole, monopole, or other structure designed and primarily used to support antennas.

Townhouse development: A planned project of two or more townhouse units that may be constructed as single building(s) containing two or more townhouse units erected generally in a row, each unit being separated from the adjoining unit or units by a one hour fire resistant party wall or walls extending from the basement floor to the roof along the dividing townhouse subplot line, each unit having its own access to the outside, and no unit located over another unit in part or in whole; and/or may be constructed as single buildings containing single townhouse units, provided the separation between units and/or buildings complies with applicable codes. All townhouse developments shall be platted under the procedures contained in the subdivision ordinance in effect and shall be required to obtain design review approval prior to building permit issuance.

Townhouse sublots: The lots resulting from platting a townhouse development. Townhouse sublots shall include, at a minimum, the townhouse unit in its entirety including any and all extensions of the structure that are for the sole use of that townhouse unit and the land beneath said unit whether located independently or within a building containing two or more townhouse units in a townhouse development. Such sublots shall not be buildable for structures other than a "townhouse unit" as defined in this section. Platting of sublots shall follow the procedures set forth in the subdivision ordinance and other applicable codes in effect. Detached garages may be allowed in a townhouse development and may be platted on separate sublots; provided, that the ownership of such detached garages is tied to specific townhouse units on the townhouse plat and in any owner's documents, and that the detached garage(s) may not be sold and/or owned separate from any dwelling unit(s) within the townhouse development.

KETCHUM CITY CODE

Townhouse unit: See definition of dwelling, townhouse.

Truck terminal: A facility for the receipt, transfer, short term storage, and dispatching of goods transported by truck. Included in the use type would be express and other mail and package distribution facilities.

Unbroken facade: A continuous portion of a wall of a building, located above or beside a window or door and unbroken by doors, windows, or other architectural features, and measured either vertically or horizontally, whichever is less.

Underground parking: An enclosed off street parking area within the lowest floor of a building; provided, that a minimum of 75 percent of the ceiling surface area of such floor is not more than four feet above the basement invisible plane (see illustration A on file in the office of the City Clerk).

Uplighting: Lighting that is directed in such a manner as to shine light rays above the horizontal plane.

Variance, floodplain: A grant of relief from the requirements of chapter 17.88, article I of this title which permits construction in a manner that would otherwise be prohibited by said article.

Vegetation: Trees, shrubs and other plant species.

Vent: Any outlet for air that protrudes through the roof deck such as a pipe or stack. Any device installed on the roof, gable or soffit for the purpose of ventilating the underside of the roof deck or other venting purposes of the structure.

Veterinary service establishment: A facility rendering surgical and medical treatment to large animals and household pets, providing boarding kennels, and/or outdoor runs. Crematoriums are not included as an accessory use.

Violation (floodplain ordinance): The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the finished construction elevation certificate, other certifications, or other evidence of compliance required in 44 CFR § 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

Warehouse: A facility for the use of dry/cold storage, wholesale, and distribution of manufactured products, supplies, and equipment, excluding storage of materials that are inflammable or explosive or that present hazards or conditions commonly recognized as offensive.

Waterway: A channel, natural or manmade, which water runs through.

Wholesale: The sale of commodities in quantity for resale.

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

Width of lot: The average distance parallel to the front lot line, measured between side lot lines.

Wireless communication facility (WCF): A facility that transmits and/or receives electromagnetic signals, including antennas, microwave dishes, parabolic antennas, directional antennas and other

ZONING REGULATIONS

types of equipment for the transmission or reception of such signals, towers or similar structures supporting the equipment, equipment buildings, shelters, cabinets, parking area, and other accessory development.

Wireless communication facility (WCF), collocation: The use of a single support system on the ground by more than one carrier (vertical collocation) and/or several support systems on an existing building or structure by more than one carrier.

Work/live units: Work/live units incorporate residential living space in a nonresidential building. Work/live units are held jointly in common ownership and the work and live spaces cannot be sold or platted as separate condominiums, as documented with a City-approved restrictive covenant recorded against the property.

Yard: That portion of the open area on a lot extending open and unobstructed from the ground upward from a lot line for a depth or width specified by the regulations for the district in which the lot is located.

Yard, front: A yard extending across the full width of the lot between the front lot line and the nearest line or point of the building.

Yard, rear: A yard extending across the full width of the lot between the rear lot line and the nearest line or point of the building.

Yard, side: A yard extending from the front yard to the rear yard between the side lot line and the nearest line or point of building.

(Ord. 1135, 2015; Ord. 1150, 2016; Ord. 1151, 2016; Ord. 1174, 2017; Ord. 1181, 2018; Ord. 1184, 2018; Ord. 1186, 2018; Ord. 1189, 2018; Ord. 1190, 2018; Ord. 1192, 2019; Ord. No. 1214, § 1(Exh. A), 1-19-2021; Ord. No. 1249, § 13, 10-2-2023)

CHAPTER 17.12 ESTABLISHMENT OF DISTRICTS AND ZONING MATRICES

17.12.010 Zoning map districts.

A. *Establishment of districts.* In order to carry out the provisions of this title, the City of Ketchum, Idaho is divided into the following zoning districts and overlay districts:

LR	Limited Residential District
LR-1	Limited Residential - One Acre District
LR-2	Limited Residential - Two Acre District
GR-L	General Residential - Low Density District
GR-H	General Residential - High Density District
STO-.4	Short Term Occupancy - .4 Acre District
STO-1	Short Term Occupancy - One Acre District
STO-H	Short Term Occupancy - High Density District
T	Tourist District
T-3000	Tourist - 3000 District
T-4000	Tourist - 4000 District

KETCHUM CITY CODE

CC	Community Core District
CC-1	Community Core Subdistrict 1 - Retail Core
CC-2	Community Core Subdistrict 2 - Mixed Use
LI-1	Light Industrial District Number 1
LI-2	Light Industrial District Number 2
LI-3	Light Industrial District Number 3
RU	Recreation Use District
AF	Agricultural and Forestry District
FP	Floodplain Management Overlay District
A	Avalanche Overlay District
WSBA	Warm Springs Base Area Overlay District
WSBA-1	Warm Springs Base Area Overlay District-1
MO	Mountain Overlay District
48'	Light Industrial 48' Height Overlay District
58'	Light Industrial 58' Height Overlay District

B. *Boundaries.*

1. The boundaries of these zoning districts are established as shown on the official zoning district map adopted by the Ketchum City Council, as amended, which map is made a part of this title.
 2. Unless otherwise designated on the zoning district map, district boundary lines are lot lines; the centerlines of streets, alleys, railroad rights-of-way, or such lines as extended section lines; Municipal corporate lines; centerlines of streambeds; or other lines drawn to scale on the zoning district map.
 3. Where a lot is divided at the effective date hereof, or by subsequent amendments, by a zoning district boundary line, the less restrictive zoning requirements may be extended not more than 25 feet into the more restrictive zoning district adjacent or the zoning district boundary line.
 4. Questions of the exact location of a zone district boundary shall be resolved by the Commission, by reference to the zoning district map of the City.
- (Ord. 1192, 2019; Ord. 1135, 2015)

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.

ZONING REGULATIONS

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.

KETCHUM CITY CODE

DISTRICT USE MATRIX

District Uses	P = Permitted						C = Conditional						A = Accessory						
	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 ¹	P ³⁸			P	P ^{38,43}	P ³⁸	P ³⁸	P ³⁸	P ^{26,38,43}	P ^{38,39,43}	C ¹⁴	C ¹⁴	C ¹⁴	C ¹⁹	
Dwelling, one-family	P	P	P	P ²	P	P	P	P	P/See Notes 41 & 28	P	P	P	See Note 28	See Note 28				C ¹⁹	P
Residential care facility	P ⁴	P ⁴	P ⁴	P ⁴	P ²⁶	P													
Short-term rental	P ³³	P ³³	P ³³	P ³³	P	P				P ³³	P ³³								
Work/live unit															C ¹⁴	C ¹⁴	C ¹⁴		
Commercial:																			
Adult only business																C			
Agriculture, commercial									P ⁴⁰				P	P	P	P			P
Business support service									P/C ³²				P/C ³²	P/C ³²	P/C ³²	P/C ³²	P/C ³²		
Commercial off-site snow storage																			
Construction material laydown yard															P	P	P		
Convenience store									P				P	P	P ¹²	P ¹⁶			
Craft/cottage industry															P	P	P		
Daycare center				C ⁴	C ⁴				P ⁴	P ⁴	P ⁴	P ⁴	P	P	C ¹⁷		C ¹⁷		
Daycare facility				C ⁴	P ⁴			C ⁴	P ⁴	P ⁴	P ⁴	P ⁴	P	P	C ¹⁷		C ¹⁷	P ⁴	
Drive-through facility									P ^{9,40}				P ⁹	P ⁹					
Equestrian facility																		C	C
Food service									P	P ⁶	P ⁶	P ⁶	P	P	P/C ¹⁵	P/C ¹⁵		C ²⁹	
Golf course	P	P	P	P	P	P	P	P	P ⁴¹	P	P	P						C	
Grocery store									P ⁴⁰				P	P					
Health and fitness facility - wellness focus									P				P	P	P ³⁷	P ³⁷	P ³⁷		
Hotel									P ²⁵	P ²⁵	P ²⁵	P ²⁵	P ²⁵	P ²⁵					
Hybrid production facility									P ⁴⁰				P	P	P	P	P		
Industrial design													P	P	P	P	P	P	P
Instructional service									P ⁴⁰				P	P	C ³⁷	C ³⁷	C ³⁷		
Kennel, boarding															P	P	P		

ZONING REGULATIONS

District Uses	P = Permitted						C = Conditional						A = Accessory						
	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
Laundry, industrial															P	P			
Lodging establishment									P	P									
Maintenance service facility															P	P		C	
Manufacturing															P	P			
Mortuary									C ⁴⁰				C	C					
Motor vehicle fueling station															C ³¹	C ³¹			
Motor vehicle sales															C	C			
Motor vehicle service															P	P			
Neighborhood off-site snow storage	P/C ³²		P/C ³²	P/C ³²		P/C ³²	P/C ³²												
Office, business									C/P ⁴⁰				P ¹⁰	P					P
Office, contractor-related business									C/P ⁴⁰				P ¹⁰	P	P	P			P
Outdoor entertainment									P	P	P	P	P	P					
Personal service									P	P ⁶	P ⁶	P	P	P	P ¹³				
Professional research service															P	P	P		
Recreation facility, commercial									C/P ^{20,40}	C	C	P ²⁰	P ²⁰					C	
Recreation facility, high intensity															P	P			
Repair shop									P	P ⁶	P ⁶	P	P	P	P	P			
Retail trade									P ^{5/} P ^{34,40}			P ³⁴	P ³⁴	P ³⁴	P ¹²	P ¹⁶			C ²⁹
Self-service storage facility															P	P			
Ski facility									C/See Note 41	C	C							C	C
Storage yard															P	P	P		
Studio, commercial									P ⁴⁰						P ³⁵	P ³⁵	P ³⁵		
TV and radio broadcasting station															P	P	P		
Tourist house									P/P ^{11,40}	P	P	P ¹¹	P ¹¹						
Tourist housing accommodation							P	P	P/See Note 41	P	P								
Truck terminal															P	P			

KETCHUM CITY CODE

District Uses	P = Permitted					C = Conditional					A = Accessory							
	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
Veterinary service establishment														P	P		C ²¹	
Warehouse														P	P	P		
Wholesale														P	P			
Wireless communication facility	C ²³	C ²³	C ²³	C ²³	C ²³	C ²³	C ²³	C ²³	C ²³	C ²³								
Public and institutional:																		
Assembly, place of				C ³	C ³				C ⁴²			C	C					C
Cemetery																	C	C
Cultural facility								P ⁴⁰				P	P				C	
Geothermal utility									C ⁷									
Hospital												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	C	P	P	P		
Parking, shared									C ⁸	C ⁸	C ⁸	P ⁸	P ⁸	C ⁸	C ⁸	C ⁸		
Performing arts production												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 ³⁰		
Semi-public use					C				C/P ⁴⁰	C	C	P	P				C	C
Accessory:																		
Agriculture, urban	A ²²	A ²²	A ²²	A ²²	A ²²	A ²²	A ²²	A ²²	A ²²	A ²²								
Avalanche protective, deflective, or preventative structure/earthwork	C	C	C	C	C	C	C	C	C	C	C						C	C
Daycare home	A ⁴	A ⁴	A ⁴			C ⁴				A ⁴								
Daycare, onsite employees														A	A	A		
Dwelling unit, accessory	A ¹⁸	A ¹⁸	A ¹⁸	A ¹⁸	A ¹⁸					A ¹⁸								
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

ZONING REGULATIONS

District Uses	P = Permitted					C = Conditional					A = Accessory							
	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
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
Failout 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 ³⁶	A ³⁶	A ¹⁶		
Sawmill, temporary																		C

Notes:

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

KETCHUM CITY CODE

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 offsite snow storage operations when the project: a) affects greater than one-half 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 2nd Avenue between 2nd and 5th 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 2nd Ave. See Map B on file with the Administrator.

ZONING REGULATIONS

41. Prohibited for properties with frontage along River Street from S Leadville Ave to S 2nd 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 2nd Ave. See Map B on file with the Administrator.
 43. Community housing units are not permitted within basements.
- (Ord. 1135, 2015; Ord. 1150, 2016; Ord. 1174, 2017; Ord. 1181, 2018; Ord. 1187, 2018; Ord. 1189, 2018; Ord. 1192, 2019; Ord. No. 1249, § 14, 10-2-2023)

KETCHUM CITY CODE

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.

ZONING REGULATIONS

Districts	Minimum Lot Area	Minimum Lot Area With PUD*	Minimum Lot Area, Townhouse Sublot	Lot Width	Building Height	Maximum Building Coverage ^{6/} FAR	Minimum Open Space	Front Setback ⁸	Side Setback ⁸	Rear Setback ⁸	Lot Lines Created By Townhouse Sublots	Setbacks From Hwy 75	Any Setback Along Warm Springs Road	Setbacks Along 200' Former Railroad ROW
LR	9,000 sf	n/a	n/a	80' average	35 ⁹	35%	n/a	15'	The greater of 1' for every 2' in building height, or 10'	20'	n/a	25'/32' ⁷	30'	3'
LR-1	1 acre	n/a	n/a	100' average	35 ⁹	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 ⁹	25%	n/a	15'	The greater of 1' for every 2' in building height, or 10'	20'	n/a	400' ⁶	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 ⁹	35%	n/a	15'	The greater of 1' for every 3' in building height, or 5'	15' ¹¹	0'	25'/32' ⁷	30'	n/a
GR-H	8,000 sf	n/a	Equal to that of the perimeter of the townhouse unit	80' average	35 ^{2,9}	See FAR requirements in section 17.124.040 of this title	35% ⁵	15'	The greater of 1' for every 3' in building height, or 5'. One-family dwellings must maintain at least 10' ¹¹	The greater of 1' for every 3' in building height, or 15' ¹¹	0'	25'/32' ⁷	30'	5' however 3' required for one-/two-family dwelling units
STO-4	0.4 acres	n/a	n/a	80' average	35 ⁹	25%	n/a	15'	The greater of 1' for every 2' in building height, or 10'	20'	n/a	400'	30'	n/a
STO-1	1 acre	n/a	n/a	100' average	35 ⁹	25%	n/a	15'	The greater of 1' for every 2' in building height, or 10'	20'	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 the townhouse unit	100' average	35 ⁹	35% building coverage, and 75% covered by buildings, parking areas and accessory buildings	n/a	15'	The greater of 1' for every 3' in building height, or 5'	15' ¹¹	0'	400'	30'	n/a

KETCHUM CITY CODE

Districts	Minimum Lot Area	Minimum Lot Area With PUD*	Minimum Lot Area, Townhouse Sublot	Lot Width	Building Height	Maximum Building Coverage ⁶ / FAR	Minimum Open Space	Front Setback ⁸	Side Setback ⁸	Rear Setback ⁸	Lot Lines Created By Townhouse Sublots	Setbacks From Hwy 75	Any Setback Along Warm Springs Road	Setbacks Along 200' Former Railroad ROW
T	8,000 sf	n/a	Equal to that of the perimeter of the townhouse unit	80' average	35 ^{2,9}	See FAR requirements in section 17.124.040 of this title	35% ⁵	15'	The greater of 1' for every 3' in building height, or 5'. At least 10' for one-family dwellings ¹	The greater of 1' for every 3' in building height, or 10'. At least 15' for one-family dwellings ^{1,2}	0'	25'/32' ⁷	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 ^{2,9}	See FAR requirements in section 17.124.040 of this title	35% ⁵	15'	The greater of 1' for every 3' in building height, or 5'. At least 10' for one-family dwellings ¹	The greater of 1' for every 3' in building height, or 10'. At least 15' for one-family dwellings ^{1,2}	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 ^{2,9}	See FAR requirements in section 17.124.040 of this title	35% ⁵	15'	The greater of 1' for every 3' in building height, or 5'. At least 10' for one-family dwellings ¹	The greater of 1' for every 3' in building height, or 10'. At least 15' for one-family dwellings ^{1,2}	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 ⁹	25%	n/a	30' ⁴	15' ⁴	15' ⁴	0'	n/a	n/a	n/a
AF	10 acres	n/a	n/a	n/a	35 ⁹	10% (includes pools)	n/a	25'	25'	25'	n/a	n/a	n/a	n/a

* See title 16 of this Code.

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.

ZONING REGULATIONS

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 beyond the maximum height allowance of the zoning district in which they are located.
(Ord. 1135, 2015; Ord. 1192, 2019; Ord. No. 1249, § 15, 10-2-2023)

KETCHUM CITY CODE

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.

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, permanently affixed deck amenities, solar panels visible above roof ridge or parapet, and mechanical equipment and screening 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		
Perimeter walls enclosing roof decks	0' provided the perimeter wall is 75% transparent and does not exceed 4 feet in height	

ZONING REGULATIONS

Dimensional Standards	Subdistrict 1: Retail Core	Subdistrict 2: Mixed Use
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 ¹	52 ²	
Hotel building height (for hotel development standards see subsection 17.124.050.B.6. of this title)	68 ²	
Non-habitable structures located on building roof tops	10' above roof ridge or parapet	
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.

(Ord. 1162, 2016; Ord. 1187, 2018; Ord. 1202, § 1, 2019; Ord. No. 1226, § 1, 11-1-2021; Ord. No. 1249, § 16, 10-2-2023)

17.12.050 Dimensional standards, Light Industrial Districts matrix.

A. Development in the Light Industrial Zoning Districts shall comply with the standards set forth in the dimensional standards, Light Industrial Districts matrix. Dimensional standards for all other districts, unless otherwise specified, shall be found in section 17.12.030 of this chapter.

KETCHUM CITY CODE

B. In addition to the requirements of the dimensional standards, Light Industrial Districts matrix, the regulations of chapter 17.128, "Supplementary location and bulk regulations", of this title apply.

C. To reduce the perceived bulk and lessen view blockage of four-story and five-story buildings, the administrator may require alternative building concept options to be presented for review by the Commission as part of design review process set forth in chapter 17.96 of this title.

**LIGHT INDUSTRIAL ZONING
DISTRICTS DIMENSIONAL STANDARDS MATRIX**

Dimensional Standards	LI-1	LI-2	LI-3
Lot area, width and building coverage:			
Minimum lot area	8,000 sq. ft.		
Minimum lot width	80'		
Maximum building coverage	75%		
Minimum building setbacks:			
Front	20'		
Side	0' ¹ for internal side yards and, except for non-enclosed public use structures, a minimum of 10' for street side yards		
Side setbacks for 4th and/or 5th story in 48' or 58' Overlay District	n/a	10'	
Rear	0' ¹		
Cantilevered decks and overhangs	0'		
Warm Springs Road/10th Street/Lewis Street - setback for fourth or fifth floors, if permitted, from property line(s) adjacent to Warm Springs Road, 10th Street, and Lewis Street	60'		
State Highway 75 - setback from property line adjacent to State Highway 75 right-of-way for properties within the 48' or 58' Overlay District:			
Below an elevation of 5,850' or the grade of State Highway 75 pavement adjacent to the property, whichever is greater	n/a	0'	
Portion of building above highway grade up to 40' in height	n/a	35'	
Fourth and fifth stories	n/a	60'	
Setback from all facades for non-habitable structures, fixed amenities, solar and mechanical equipment affixed to a roof	10'		
Maximum building height:			
Building height	35'		35' ²
Building height with qualifying ground floor ⁶ :			
2 story	35'		35' ²

ZONING REGULATIONS

Dimensional Standards	LI-1	LI-2	LI-3
3 story	40'		
4 story ³	Not permitted	48' ^{3,4}	48' ^{3,4}
5 story ³	Not permitted	58' ^{3,5}	58' ^{3,5}
Non-habitable structures located on building rooftops	6' above roof surface height		
Parapets and rooftop walls screening/enclosing mechanical equipment	4' above roof surface height		
Perimeter walls enclosing rooftop deck	4' above roof surface height. Perimeter rooftop walls enclosing rooftop decks are required to be at least 75% transparent		
Rooftop solar and mechanical equipment above roof surface	5' above roof surface height		

Notes:

1. If the lot adjoins a more restrictive Residential District on the side or rear, the more restrictive setbacks of that district shall apply.
2. Buildings with a minimum roof pitch of 4:12 may be 40 feet in height.
3. Four and five-story buildings are permitted only within the Light Industrial 48 feet height and 58 feet height Overlay District.
4. Portions of buildings with roofs that have a minimum roof pitch of 4:12 may be 53 feet in height subject to design review approval by the Planning and Zoning Commission.
5. Portions of buildings with roofs that have a minimum roof pitch of 4:12 may be 63 feet in height subject to design review approval by the Planning and Zoning Commission.
6. In the LI Zoning Districts, buildings where not less than 70 percent of the structure has a qualifying ground floor (where the start of the second story is 18 feet or more above the level of the finished floor) are permitted a higher overall height subject to this section.

(Ord. 1192, 2019)

CHAPTER 17.18 ZONING DISTRICTS

17.18.010 General.

A. *Zoning district use matrix.* All permitted, conditional and accessory uses for each zoning district is listed in the zoning district use matrix in section 17.12.020 of this title.

B. *Zoning district dimensional standards.* All building dimensional standards including height, setbacks, building coverage, open space, lot/PUD size requirements, among other categories, are found in section 17.12.030, "Dimensional standards, districts matrix", and section 17.12.040, "Dimensional standards, CC District matrix", of this title.

(Ord. 1135, 2015)

KETCHUM CITY CODE

17.18.020 Limited Residential District (LR).

A. *Purpose.* The purpose of the LR Limited Residential District is to identify and preserve residential properties, to prevent overcrowding of land in order to preserve natural features and openness and to encourage the development of low density areas suited for single-family residential purposes.

(Ord. 1135, 2015)

17.18.030 Limited Residential-One Acre District (LR-1).

A. *Purpose.* The purpose of the LR-1 Limited Residential - One Acre District is to identify and preserve residential properties, to prevent overcrowding of land in order to preserve natural features and openness and to encourage the development of low density areas suited for single-family residential purposes.

B. *Maximum density of single development.* One dwelling unit per one acre of gross land area of less than 25 percent slope.

(Ord. 1135, 2015)

17.18.040 Limited Residential-Two Acre District (LR-2).

A. *Purpose.* The purpose of the LR-2 Limited Residential - Two-Acre District is to identify and preserve residential neighborhoods, to prevent overcrowding of land, to preserve natural features and to encourage the development of low density areas suited for single-family residential purposes.

(Ord. 1135, 2015)

17.18.050 General Residential-Low Density District (GR-L).

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

(Ord. 1135, 2015)

17.18.060 General Residential-High Density District (GR-H).

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

(Ord. 1135, 2015)

ZONING REGULATIONS

17.18.070 Short Term Occupancy-.4 Acre District (STO-.4).

A. *Purpose.* The purpose of the STO-.4 Short Term Occupancy -.4 Acre District is to identify and preserve recreation oriented neighborhoods, to prevent overcrowding of land and to encourage the development of moderately low density areas suited for single-family structures with the alternative of limited short term occupancy use.

(Ord. 1135, 2015)

17.18.080 Short Term Occupancy-One Acre District (STO-1).

A. *Purpose.* The purpose of the STO-1 Short Term Occupancy - One Acre District is to identify and preserve recreation oriented neighborhoods, to prevent overcrowding of land and to encourage the development of low density areas suited for single-family structures with the alternative for limited short term occupancy use.

(Ord. 1135, 2015)

17.18.090 Short Term Occupancy-High Density District (STO-H).

A. *Purpose.* The purpose of the STO-H Short Term Occupancy - High Density District is to accommodate the need for higher density limited short term occupancy land use adjacent to recreation facilities while still preserving neighborhood amenities and favorable aesthetic surroundings.

(Ord. 1135, 2015)

17.18.100 Tourist District (T).

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

(Ord. 1135, 2015)

17.18.110 Tourist-3000 District (T-3000).

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

(Ord. 1135, 2015)

KETCHUM CITY CODE

17.18.120 Tourist-4000 District (T-4000).

A. *Purpose.* The purpose of the T-4000 District is to provide the opportunity for short term tourist accommodations with limited tourist support services subordinate to and in conjunction with tourist housing. Dimensional requirements in this zone are designed to complement and enhance the neighborhoods in this zone and to encourage articulation and quality design in new buildings. (Ord. 1135, 2015)

17.18.130 Community Core District (CC).

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

B. *Applicability.* The regulations contained within chapter 17.96 of this title apply to all development within the Community Core, unless otherwise specified.

C. *Lot configuration.* All side lot lines shall run perpendicular to the alley and/or avenue. See also section 17.12.040, "Dimensional Standards, CC District Matrix", of this title.

D. *Subdistricts.* Subdistricts specify areas of special characteristic within the Community Core which are designated on the City of Ketchum zoning map. (Ord. 1148, 2016)

17.18.140 Light Industrial District Number 1 (LI-1).

A. *Purpose.* The LI-1 Light Industrial District Number 1 is established as a transition area between the Community Core and the LI-2 District. The LI-1 District provides suitable locations and environs for: 1) limited business and personal services; 2) small light manufacturing; 3) research and development; 4) offices related to building, maintenance and construction; 5) limited retail; and 6) multiple-family dwellings, constructed to be secondary and subordinate to the primary light industrial purpose of the LI-1. Traffic to the LI-1 District is intended to be generated primarily by uses related to the industrial trades and secondarily by other permitted uses that, due to the natures of the uses, are not reliant on pedestrian traffic or high visibility, and/or are not permitted in other zoning districts, and/or are characterized by sale, rental, or service of large, bulky equipment or materials, necessitating location of such use in a Light Industrial Zone. (Ord. 1192, 2019)

17.18.150 Light Industrial District Number 2 (LI-2).

A. *Purpose.* The LI-2 Light Industrial District Number 2 is the City's primary light industrial area and is established with the foremost purpose of providing suitable land and environs for uses that are not appropriate in other Commercial Zones due to their light industrial nature, but which provide an

ZONING REGULATIONS

essential or unique service to support the local economy and permanent year-round employment base. Uses include: 1) light manufacturing; 2) wholesale trade and distribution; 3) research and development; 4) service industries; 5) limited bulk retail and; 6) offices related to building, maintenance and construction. A secondary purpose of the LI-2 is to provide multiple-family dwellings, constructed to be secondary and subordinate to the primary light industrial purpose of the LI-2. Uses in the LI-2 are intended to generate traffic primarily from the industrial trades and secondarily by other permitted uses that, due to the natures of the uses, are not reliant on pedestrian traffic or high visibility, and/or are not permitted in other zoning districts, and/or are characterized by sale, rental, or service of large, bulky equipment or materials, necessitating location of such use in a Light Industrial Zone.

(Ord. 1192, 2019)

17.18.160 Light Industrial District Number 3 (LI-3).

A. *Purpose.* The LI-3 Light Industrial District Number 3 is established as a transition area between the LI-2 Zoning District and the Residential LR and GR-L Districts. The LI-3 District provides suitable locations and environs for a permanent year-round employment base comprised of: 1) research and development; 2) wholesale trade and distribution; 3) technology industries; and 4) offices related to building, maintenance and construction uses; and 5) deed restricted and market rate multi-family dwellings located within mixed-use buildings. Uses in the LI-3 are intended to generate traffic primarily from the employers and employees of permitted uses and secondarily from deed restricted and market rate housing units.

(Ord. 1192, 2019)

17.18.170 Recreation Use District (RU).

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

(Ord. 1135, 2015)

17.18.180 Agricultural and Forestry District (AF).

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

(Ord. 1135, 2015)

CHAPTER 17.20. HISTORIC PRESERVATION

17.20.010 General provisions.

A. The purpose of this chapter is to promote the educational, cultural, economic and general welfare of the public of the City of Ketchum through the identification, evaluation, designation and protection of buildings, sites, areas, structures and objects which reflect significant elements of the City's, the state's, and the nation's historic, architectural, archaeological and cultural heritage.

KETCHUM CITY CODE

B. *Applicability.* The regulations and procedures set forth in this chapter shall apply to each and every structure listed on the adopted Historic Building/Site List. All other buildings over 50 years of age shall follow the process for demolition of buildings per section 15.16.040, except that no demolition permit shall be issued for any structure over 50 years old until a complete building permit application for a replacement project on the property and required fees have been accepted by the City.

1. Except as provided in section 17.20.040, remedying of dangerous building conditions, no person shall make, or otherwise cause to be made, any demolition or alterations to structures on the historic building/site list without approval by the Historic Preservation Commission (HPC) through the Demolition or Alteration application process described in section 17.20.030. The following types of modifications require HPC review:
 - a. Partial or total demolition of any portion of the structure; or
 - b. Exterior alterations, including windows or siding replacement, or
 - c. Additions to any structure.

C. *Exceptions.* This chapter shall not apply to dangerous building conditions that would imperil the health or safety of the public as determined by the Building Official and the Director of Planning and Building.

(Ord. No. 1231, § 2, 1-3-2022)

17.20.020 Historic building/site list.

- A. The historic building/site list shall be established and maintained by the HPC.
- B. The HPC shall have the authority to add or remove structures from the historic building/site list using the criteria below to determine if a structure should be added or removed from the historic building/site list.
- C. Buildings or sites shall meet Criteria 1 and 2 and shall meet one or more of the Criteria listed in 3.
 1. Historic buildings must be at least 50 years old. A historic building may be exempt from the age standard if it is found to be exceptionally important in other significant criteria.
 2. All buildings and sites must retain their physical integrity as determined by the following criteria. However, a site need not meet all of the following criteria:
 - a. Shows character, interest, or value as part of the development, heritage or cultural characteristics of Ketchum, the region, state, or nation;
 - b. Retains a significant amount of the original design features, materials, character or feeling of the past;
 - c. Is in the original location or same historic context after having been moved;
 - d. Has been accurately reconstructed or restored based on documentation.

ZONING REGULATIONS

3. Historic buildings or sites shall meet one or more of the following criteria:
 - a. *Architectural criteria.*
 - (1) Exemplifies specific elements of a recognized architectural style or period or a style particularly associated with Ketchum neighborhoods;
 - (2) Example of the work of an architect or builder who is recognized for expertise nationally, state-wide, regionally, or locally;
 - (3) Demonstrates superior craftsmanship or high artistic value;
 - (4) Represents an innovation in construction, materials or design;
 - (5) Pattern or grouping of elements that enhance the identity of the community;
 - (6) Significant historic remodel contributing to Ketchum's identity.
 - b. *Social/historic criteria.*
 - (1) Site of historic event;
 - (2) Exemplifies cultural, political, ethnic, economic, or social heritage of the community through the built environment or with people associated with an era of history;
 - (3) Associated with a notable person or the work of a notable person;
 - (4) Is valued by the Ketchum community as an established or familiar visual or cultural feature due to its architectural history, siting, massing, scale, cultural characteristics, or heritage such that its removal would be irreparable loss to the setting.
 - c. *Geographic/natural features.*
 - (1) Enhances sense of identity of the community;
 - (2) Is an established and familiar natural setting or visual feature of the community.

D. All structures on the historic building/site list shall be maintained to meet the requirements of the International Property Maintenance Code and/or the International Existing Building Code, as adopted and amended by the City. The owner of such structure(s) shall also keep in good repair all structural elements thereof which, if not so maintained, may cause, or tend to cause the exterior portions of such structure to deteriorate, decay or become damaged or otherwise to fall into a state of disrepair which would have an adverse effect upon such designated structures.

(Ord. No. 1231, § 2, 1-3-2022)

17.20.030 Demolition or alteration request process.

A. An applicant seeking to demolish or make any alterations to structures on the historic building/site list shall file a request for demolition or alteration application with the Planning and Building Department. The application shall be processed as set forth in chapter 17.96, design review. This process may run concurrent with applications for design review.

KETCHUM CITY CODE

B. Upon receipt of a complete request for demolition or alteration application and fee, as determined by the Zoning Administrator, the application shall be scheduled for a public hearing before the HPC within 60 days of the application being deemed complete. Notice shall be provided in accordance with section 17.116.040.C, D, and E.

C. Following the public hearing, the HPC may approve, deny, or approve with conditions the request for demolition or alteration, The HPC will review the application using the criteria below to determine if the proposed demolition or alteration of the structure may proceed.

1. Is the structure of historic or architectural value or significance and does it contribute to the historic significance of the property within the community core.
2. Would the loss, alteration of, or addition to, the structure adversely affect the historic integrity of the structure, impact the significance of the structure within the community core, impact the architectural or aesthetic relationship to adjacent properties, or conflict with the Comprehensive Plan.
3. Does the structure retain the requisite integrity to convey its historic and/or architectural significance.
4. Does the proposed demolition or alteration adversely affect the historic significance or architectural distinction of the structure or the community core.

D. Appropriate alterations might include but are not limited to:

1. Changes to the building's interior that are not visible from a public street, alley, park, or other public place;
2. Changes to internal building systems that will not adversely affect the external appearance of the building;
3. The erection or removal of temporary improvements.
4. Adaptive reuse consistent with the Secretary of the Interior's Standards for Rehabilitation and Idaho Code title 67-4618.

E. The HPC shall consider the unique circumstances of each proposed demolition or alteration. Approval of each individual demolition or alteration application is unique to that property and does not constitute a precedent for other properties.

F. The decision of the HPC on a demolition or alteration application may be appealed to the City Council by the applicant or affected party pursuant to the appeal provisions contained in chapter 17.144, appeals of the Planning and Zoning Commission decisions.
(Ord. No. 1231, § 2, 1-3-2022)

17.20.040 Remediating of dangerous building conditions.

A. If the Building Official finds a historic structure constitutes dangerous building conditions that would imperil the health or safety of the public, it shall first be determined by the Building Official if the structure is capable of being made safe by repairs in which said repairs shall be made by the owner of the structure.

ZONING REGULATIONS

B. If the Building Official finds the structure is not capable of being made safe by repairs, then the Building Official may order the structure to be demolished.

C. Nothing contained herein shall be construed as making it unlawful for any person to comply with the Building Official's authority as stated in this section.

(Ord. No. 1231, § 2, 1-3-2022)

17.20.050 Enforcement and maintenance.

A. If any alteration is made without approval of a demolition or alteration application, the City may issue a stop work order for all construction activity, withhold inspections and final approvals, withhold approval of additional City permits, and take any other available action, or any combination of the aforementioned, until the applicant has applied for and received approval for the alteration. If the alteration is not approved, the property owner shall restore the structure to its original condition prior to any alteration occurring.

B. Except as provided in section 17.20.040, remedying of dangerous building conditions, no permit shall be issued authorizing any alteration to a structure listed on the historic building/site list until the HPC approves the request for demolition or alteration application. If the approval or denial of the application is administratively appealed, no further development permits shall be approved for the property until the City Council has made a final decision on the administrative appeal.

Normal repair and maintenance of structures on the historic building/site list is permitted. Nothing in this section shall be construed to prohibit the alteration of any structure necessary as a part of normal repair and maintenance when such alteration will not change the exterior appearance or materials or the interior support structure of the building, including the character or appearance of the land itself.

(Ord. No. 1231, § 2, 1-3-2022)

17.20.060 Relief from regulations.

A. The relief from regulations within the City of Ketchum Code of Ordinances is applicable to properties on the historic building/site list to ease the burden of preserving buildings.

B. Relief from Building Code requirements of title 15 of the City of Ketchum Code of Ordinances.

1. The Building Official has the authority to consider alternative options for historic buildings to comply with building code so long as they do not compromise health and safety.

C. Relief from off street parking and loading requirements of chapter 17.125 of the City of Ketchum Code of Ordinances.

1. Where additions or alterations to an historic building are proposed, the square footage of the existing historic building shall not be counted toward the minimum parking requirement for the proposed project regardless of use.

2. No additional parking relief is provided for projects that include full demolition of historic buildings.

KETCHUM CITY CODE

3. When projects include partial demolition of historic buildings, the square footage of the historic building that remains shall not be counted toward the minimum parking requirement for the proposed project regardless of use.
- D. Relief from nonconforming building requirements of chapter 17.136 of the City of Ketchum Code of Ordinances.
1. Properties are allowed to increase existing nonconformities on expansions by matching existing setbacks, height, and other dimensional standards.
 2. Properties are exempted from the limitation on and expanding nonconforming buildings. (Ord. No. 1231, § 2, 1-3-2022)

CHAPTER 17.88 FLOODPLAIN MANAGEMENT OVERLAY ZONING DISTRICT (FP)

ARTICLE I. FLOOD DAMAGE PREVENTION*

17.88.010 Statutory authorization and findings of fact.

A. *Statutory authority.* The Legislature of the State of Idaho, pursuant to Idaho Code sections 46-1020, 46-1023, and 46-1024, authorizes local governments to adopt floodplain management ordinances that identify floodplains and minimum floodplain development standards to minimize flood hazards and protect human life, health, and property.

Therefore, the Council of the City of Ketchum Idaho does hereby ordain as follows:

1. The flood hazard areas of Ketchum, Idaho, are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
2. These flood losses are caused by the cumulative effects of obstruction in areas of special flood hazard which increase flood heights and velocities and by development that is inadequately floodproofed, elevated, anchored, or otherwise protected from flood damage.
3. The Big Wood River, its tributaries, and their associated floodplains in Ketchum are important to the well-being of our citizens as they provide recreation, fish and wildlife habitat, aesthetic beauty, a source of irrigation water, as well as other economic and lifestyle values.

***Editor's note**—Ord. No. 1214, §§ 2, 3(Exh. B), adopted Jan. 19, 2021, repealed the former Art. I, §§ 17.88.010—17.88.070, enacted a new Art. I, §§ 17.88.010—17.88.120, and renumbered the former §§ 17.88.080—17.88.350 as §§ 17.88.130—17.88.400, as set out herein. The historical notations have been retained with the amended provisions for historical purposes. The former Art. I pertained to similar subject matter and derived from Ord. No. 1135, adopted 2015; Ord. No. 1170, adopted 2017; Ord. No. 1190, adopted in 2018.

ZONING REGULATIONS

B. The studies listed below are hereby adopted as the primary sources of flood hazard analysis:

1. "Flood insurance study (FIS) for Blaine County, Idaho and Incorporated Areas", Flood Insurance Study 16013CV001A and 16013CV002A, dated November 26, 2010, and any amendments thereto;
2. Digital flood insurance rate maps (DFIRMs) for Blaine County, Idaho, and incorporated areas: Map Number 16013CIND0A; Map Number 16013C0433E, Community Panel Number 0433E; Map Number 16013C0434E, Community Panel Number 0434E; Map Number 16013C0441E, Community Panel Number 0441E; Map Number 16013C0442E, Community Panel Number 0442E; Map Number 16013C0453E, Community Panel Number 0453E; Map Number 16013C0461E, Community Panel Number 0461E, and any amendments thereto; and
3. Other flood hazard studies, as may be adopted by the City, will be utilized in determining flood hazard.
4. Additionally, other flood hazard analysis sources as determined by the City Engineer, Floodplain Manager, or other expert hired by the City may be utilized.

C. Regulations pertaining to development on property affected by the one percent annual chance flood (100-year flood), as defined herein, are necessary in addition to those of the underlying zoning district in order to promote the health, safety, and welfare of the citizens of and visitors to the City of Ketchum, Idaho.

D. Local government units have the primary responsibility for planning, adopting, and enforcing land use regulations to accomplish proper floodplain management.
(Ord. No. 1214, § 3(Exh. B), 1-19-2021)

17.88.020 Statement of purpose.

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

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

[This page intentionally left blank.]

ZONING REGULATIONS

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

(Ord. No. 1214, § 3(Exh. B), 1-19-2021)

17.88.030 Methods of reducing flood losses.

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

- A. Restricting or prohibiting development which is dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;
- B. Requiring that uses necessary for general health, safety and welfare of citizens, including facilities which serve such uses, be protected against flood damage at the time of initial construction, at time of substantial improvement, and throughout their intended life span;
- C. Preserving and restoring natural floodplains, stream channels, and natural protective barriers that carry and store flood waters;
- D. Controlling, filling, grading, dredging, and other development which may increase flood damage or erosion; and
- E. Preventing or regulating the construction of flood barriers which may unnaturally divert floodwaters, or which may increase flood hazards to any other properties.

(Ord. No. 1214, § 3(Exh. B), 1-19-2021)

17.88.040 General provisions.

A. *Establishment of the Floodplain Management Overlay Zoning District.* The Floodplain Management Overlay Zoning District is hereby established. In addition to the regulations contained in the underlying zoning district, the regulations of this district apply to all lands within the jurisdiction of the

KETCHUM CITY CODE

City that lie within the special flood hazard area (SFHA) boundaries as determined by the graphic representation shown on the flood insurance rate map (FIRM) and by the elevations of the base flood contained in the flood insurance study (FIS).

1. *Establishment of the floodway subdistrict and the floodplain subdistrict.* The floodplain areas are divided into two subdistricts: the floodway subdistrict and the floodplain subdistrict.
2. *Rules for interpretation of the Floodplain Management Overlay Zoning District boundaries and the floodway subdistrict and the floodplain subdistrict boundaries.* The Floodplain Management Overlay Zoning District boundaries are represented on the official zoning map of the City.
 - a. All land within the external boundary of the special flood hazard area (SFHA) and all parcels with any portion thereof affected by said SFHA shall be considered to be within the Floodplain Management Overlay Zoning district.
 - b. All land areas within the external boundary of the SFHA shall be considered to be within the floodplain subdistrict of the Floodplain Management Overlay Zoning District. The City may make necessary interpretations of the boundary based upon the recommendation of the City Engineer or other expert.
 - c. All land areas within the external boundary of the regulatory floodway shall be considered to be within the floodway subdistrict of the Floodplain Management Overlay Zoning District. The City may make necessary interpretations of the boundary based upon the recommendation of the City Engineer or other expert.
3. *Basis for establishing the areas of special flood hazard and floodway.* The areas of special flood hazard identified by the Federal Insurance Administrator in a scientific and engineering report entitled "The Flood Insurance Study (FIS) For Blaine County, Idaho And Incorporated Areas" with accompanying digital flood insurance rate maps (DFIRMs) bearing an effective date of November 26, 2010, to establish the areas of special flood hazard for land which has been or will be annexed into the City limits of the City of Ketchum, Idaho, since the adoption of said study for the incorporated area of the City are hereby adopted by reference and declared to be a part of this article. The FIS and FIRM are on file at the office of the City Clerk, City Hall, 480 East Avenue North, Ketchum, Idaho.

B. *Establishment of Waterways Review District.* The City hereby makes the following findings of fact with regard to establishing a Waterways Review District:

1. Flooding is aggravated by the collection of debris upstream of channel obstructions located in floodplain areas. Such obstructions include, but are not limited to, bridges, fences, houses, and trees. The accumulation of debris can result in significantly higher water surface elevations and flooding beyond limits of the SFHA shown on the FIRMs upstream from the obstructions.
2. Structures located in proximity to waterways, even if the structure's location is outside the boundaries of the SFHA, may be subject to inundation and damages during flood events

ZONING REGULATIONS

due to the potential of the channel to change direction abruptly during high flows. In particular, this risk affects lands adjacent to the Big Wood River, which is wide and flat with a relatively shallow channel in many areas.

3. The levees built by the U.S. Army Corps of Engineers are not considered by the Corps or FEMA to be adequately designed to be classified as permanent structures capable of withstanding a one percent annual chance flood.
4. Encroachments (i.e., houses, fill, etc.) on floodplains reduce the flood carrying capacity of the river and its floodplain and increase flood heights, thus increasing flood hazards on land beyond the encroachment. With every new development since the FEMA one percent annual chance boundary was determined, the ability of the floodplain to function as originally assumed changes.
5. Historically, development adjacent to waterways has had a direct effect on methods chosen by owners to protect their property, often to the detriment of the natural stream. Methods often destroy or greatly alter fish and wildlife habitat, unnaturally armor the banks of the waterways to prevent erosion or cause future damages to manmade structures.
6. Rules for interpretation of the Waterways Review District. The Waterways Review District is not indicated on the zoning map due to the nature of how the boundaries are established. The Waterways Review District includes all parcels containing lands that are within 25 feet of the mean high-water mark as measured horizontally from the mean high-water mark of any waterway. Waterways include the Big Wood River, Trail Creek, and Warm Springs Creek, and any and all channels having year-round or intermittent flow. These lands within 25 feet of the mean high-water mark area also known as the riparian zone that is regulated by the City of Ketchum.
 - a. Some parcels of land may be located within the Waterways Review District and contain riparian zone but may not contain SFHA, 0.2 percent annual chance floodplain, floodway, or the channel due to the proximity of the parcel to a waterway. Nevertheless, if a parcel contains land that is within 25 feet of the mean high-water mark of a waterway, said parcel is within the Waterways Review District and the riparian zone is subject to riparian regulations.
 - b. Some parcels of land may be located within the SFHA and/or 0.2 percent annual chance floodplain and/or floodway and may also contain riparian zone. These parcels are located within the Waterways Review District and riparian regulations apply to the riparian zone.
7. Special purposes for the establishment of the Waterways Review District. Some parcels of land may be located in proximity to a waterway but may not contain SFHA, 0.2 percent annual chance floodplain, floodway, or the waterway's channel and therefore local, state and federal regulations to preserve these ecologically important areas are largely inapplicable. The Waterways Review District is a local designation created to build upon local, state and federal regulations when lands contain SFHA, 0.2 percent annual chance

KETCHUM CITY CODE

floodplain, floodway, and waterway channel, when applicable, but also to preserve and enhance the riparian zone when the aforementioned designations are not applicable. The purposes for which the Waterways Review District is established are as follows:

- a. To guide development adjacent to waterways toward the most appropriate building envelope for its particular site;
 - b. To minimize the impact of development adjacent to waterways on adjacent properties upstream, downstream and across waterways;
 - c. To review development plans for property adjacent to waterways to minimize the obstruction of the conveyance of floodwaters;
 - d. To provide for the stewardship, maintenance and/or enhancement of the riparian zone and riparian environment, including wildlife habitat along waterways;
 - e. To carry out the provisions of the comprehensive plan as well as health, safety, and welfare with regard to properties adjacent to waterways;
 - f. To warn that City review and approval is not going to prevent flooding and that flooding may occur;
 - g. To advise of flood hazards and studies and options available;
 - h. To review obstructions to flood carrying capacity and to advise on methods that may be used to moderate impact of the development;
 - i. To review landscaping and access for flood carrying capacity and preservation or enhancement of riparian vegetation; and
 - j. To provide regulations for the riparian zone.
8. "Development", as defined in section 17.08.020 of this title, and construction or placement of buildings or structures, including additions to any such structures or buildings permitted after November 20th, 1989, and landscaping changes within the riparian zone for parcels under development with new structures and parcels developed with structures after November 20th, 1989, upon real property within the Waterways Review District shall require said approval under section 17.88.050 of this article, prior to issuance of a building permit, excavation/grading permit or commencement of any work associated with any such activity.

C. Uses permitted and prohibited in the Floodplain Management Overlay Zoning District and the Waterways Review District. Due to the potential hazard to individuals as well as public health, safety and welfare, uses allowed in the Floodplain Management Overlay Zoning District and the Waterways Review District are those which are permitted, conditional, and accessory as contained in the underlying zoning district. Due to the sensitive ecology of the river system and riparian area and the detrimental impacts that uncontrolled use of pesticides and herbicides can create to both the river system and human health and, due to the extremely hazardous nature of the floodway due to velocity of floodwaters carrying debris, potential projectiles and erosion potential, the following provisions apply, in addition to all others:

1. Encroachments in the floodway. Encroachments in the floodway are subject to the standards of section 17.88.090.

ZONING REGULATIONS

2. No use of restricted use chemicals or soil sterilants will be allowed within 100 feet of the mean high-water mark on any property within the City limits at any time.
3. No use of pesticides, herbicides, or fertilizers will be allowed within 25 feet of the mean high-water mark on any property within the City limits unless approved by the City arborist.
4. All applications of herbicides and/or pesticides within 100 feet of the mean high water mark, but not within 25 feet of the mean high water mark, must be done by a licensed applicator and applied at the minimum application rates.
5. Application times for herbicides and/or pesticides will be limited to two times a year; once in the spring and once in the fall, unless otherwise approved by the City arborist.
6. The application of dormant oil sprays and insecticidal soap within the riparian zone may be used throughout the growing season as needed.
7. It shall be unlawful to dump, deposit or otherwise cause any trash, landscape debris or other material to be placed in any stream, channel, ditch, pond, or basin that regularly or periodically carries or stores water.

D. *General notice and disclosure requirements.* In order to provide reasonable notice to the public of the flood hazard potential within all areas of the Floodplain Management Overlay Zoning District and the Waterways Review District, the following notice regulations and requirements are hereby adopted for all real property and structures located within said districts:

1. *Floodplain acknowledgement authorization required.* Prior to issuance of any floodplain development permit, the property owner or his or her authorized agent shall acknowledge by executed written affidavit that said property is located within the one percent annual chance floodplain (SFHA) as defined herein and that a violation of the terms of this article shall cause the City to seek legal remedies.
2. *Real estate sales and leasing disclosures.* Each and every real estate agent, sales person and broker, and each and every private party who offers for sale or lease a parcel of real property and/or structure that contains SFHA, floodway, frontage on a waterway and associated riparian zone, shall provide the prospective purchaser or leaseholder with written notice that said real property and/or structure is located within the floodplain, floodway, and/or Waterways Review District and that structures and land are subject to the regulations of this title.
3. *Special requirements for subdivision plats.*
 - a. United States Geological Survey (USGS) datum shall be used and identified on the plat and a permanent benchmark shall be identified and shown on the plat.
 - b. All subdivision plats shall contain a plat note including a certification by a registered surveyor that the boundaries were established consistent with the FIRM for the City or Blaine County, whichever applies. The note shall include the FEMA FIRM panel number(s), FIRM effective date(s), and a note stating that "Flood Zones are subject to change by FEMA and all lands within the Special Flood Hazard Area are regulated by City of Ketchum Municipal Code.

KETCHUM CITY CODE

- c. All subdivision plats shall identify and designate the Special Flood Hazard Area, the 0.2 percent annual chance (500-year) floodplain boundary, the floodway boundary, the mean high-water mark, and the riparian zone. All flood zone(s), and base flood elevation(s) shall be shown on the plat.
 - d. All subdivision plats shall contain a note or notes that warn prospective buyers of property that sheet flooding can and will occur and that flooding may extend beyond the floodway and floodplain boundary lines identified.
 - e. All subdivision plats shall contain a note that refers to the required 25-foot setback from all waterways, called the riparian zone, in which no development is permitted, and require that riparian vegetation shall remain in its natural state for the protection and stabilization of the riverbank unless alterations are approved in accordance with Ketchum Municipal Code.
 - f. All subdivisions which border the Big Wood River, Trail Creek and Warm Springs Creek shall dedicate a ten-foot fish and nature study easement adjacent to the waterway, measured horizontally from the mean high-water mark. In addition, there shall be a plat note stating that the fish and nature study easement shifts in accordance with the location of the channel and its mean high-water mark.
 - g. The council may require, in appropriate areas, an easement providing access through the subdivision to the bank as a sportsman's access easement. These easement requirements are minimum standards, and in appropriate cases where a subdivision abuts a portion of the river adjacent to an existing pedestrian easement, the council may require an extension of that easement along the portion of the riverbank which runs through the proposed subdivision.
4. *Special requirements for building permits.*
- a. Prior to issuance of a building permit for a structure located on a parcel that contains SFHA, whether or not the structure is partially or wholly located in the SFHA, a floodplain development permit is required if development will occur in the SFHA.
 - b. *Non-conversion agreement required.* For any building in the floodplain with an area below the lowest floor that is below the base flood elevation and has a ceiling height of five feet or greater, the building owner shall sign a non-conversion agreement, that shall run with the property, promising not to improve, finish or otherwise convert the area below the lowest floor to living area and granting the City the right to inspect the enclosed area at its discretion. Such agreement shall be recorded at Blaine County's Recorder's Office.
 - c. *Preconstruction elevation certificate required.* Prior to issuance of any building permit for a structure located partially or wholly within the one percent annual chance floodplain, a preconstruction elevation certificate shall be completed by a registered professional engineer, architect or surveyor and submitted to the City of Ketchum building inspector.

ZONING REGULATIONS

- d. Building under construction elevation certificate in accordance with section 17.88.050.H.1.a.
- e. Finished construction elevation certificate required in accordance with section 17.88.050.H.1.b.

E. *Compliance.* No structure or land shall hereinafter be constructed, located, extended, converted, or altered without full compliance with the terms of this article and other applicable regulations. Should the regulations specified in any other ordinance of Ketchum be less restrictive, the regulations of this section shall apply.

F. *Abrogation and greater restrictions.* This section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this section and another ordinance or section herein, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent or greater restrictions shall prevail.

G. *Interpretation.* In the interpretation and application of this section, all provisions shall be:

- 1. Considered as minimum requirements;
- 2. Liberally construed in favor of the governing body; and
- 3. Deemed neither to limit nor repeal any other powers granted under state statutes.

H. *Warning and disclaimer of liability.* The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This section does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. This section shall not be deemed or construed to create liability on the part of the City, any officer or employee thereof, or the Federal Insurance Administration for any flood damages that result from reliance on this section or any administrative decision lawfully made hereunder.

(Ord. No. 1214, § 3(Exh. B), 1-19-2021)

17.88.050 Administration.

A. *Establishment of floodplain development permit.* For lands in the floodplain and floodway subdistricts of the Floodplain Management Overlay Zoning District a floodplain development permit shall be obtained through an application provided by the City prior to any and all development, as defined in section 17.08.020 of this whether or not the development requires issuance of a building, excavation/grading permit, or other land use permit.

- 1. *Exemptions.* Activities exempt from floodplain development permit requirements and irrigation activity permitting is subject to the standards of Section 17.88.110 of this title.
 - a. *Minor riparian alterations.* When development proposed within the riparian zone, that also contains SFHA or floodway, consists only of removing four or fewer hazard trees and/or minor alteration of riparian vegetation a full floodplain development permit is not required; a riparian alteration permit is required.

KETCHUM CITY CODE

2. *Floodplain development and riparian alteration permits combined.* When development is proposed in a riparian zone that is located or overlaps with the Floodplain Management Overlay Zoning District a floodplain development permit shall be issued and all riparian zone regulations shall be evaluated and are applicable.

B. *Establishment of riparian alteration permit for Waterways Review District.* When development is proposed in a riparian zone that is not within the floodplain or floodway subdistricts of the Floodplain Management Overlay Zoning District, a riparian alteration permit shall be obtained through an application provided by the City prior to any and all development, as defined in section 17.08.020 of this title.

C. *Applications, submittals and concurrent applications.* Applications shall be made on forms furnished by the City and may be made simultaneous with land use applications (such as conditional use permits, lot line shifts, and preliminary plats) where applicable, and prior to application for a building permit. In order for an application to be determined to be complete, the application shall contain all information required by the application form furnished by the City and any additional information which may be reasonably required by the administrator or Commission during the course of application review.

D. *Duties and responsibilities.* The planning and building director, or his or her designee, is the administrator of Ketchum Municipal Code Title 17, Zoning Regulations, and is responsible for administering and implementing this section in accordance with its provisions.

1. *Administrative review.* The Administrator shall have the authority to consider and approve, approve with conditions, or deny applications for floodplain development permits and riparian alteration permits as required herein.
 - a. *Noticing.* The Administrator shall provide written notice of said application to owners of property within 300 feet of the external boundaries of the land being considered. Said notice shall inform adjacent property owners they may comment on the application during a period of not less than ten days after mailing of the notice and prior to final action on said application.
 - b. (1) When notice is required to 200 or more property owners or purchasers of record, alternate forms of procedures which would provide adequate notice may be used in lieu of mailed notice. Said alternate forms of notice shall be per Idaho Code 67-6512 in effect at the time of notice.
2. *Commission review.* If the Administrator, in his or her sole discretion, determines that a project cannot be approved administratively, the Ketchum Planning and Zoning Commission shall consider and approve, approve with conditions, or deny applications for floodplain development permits.
 - a. Criteria for sending applications to the Planning and Zoning Commission includes, but is not limited to:
 - (1) Encroachments proposed within the floodway;
 - (2) Stream alteration projects containing riprap;

ZONING REGULATIONS

- (3) Stream alteration projects including gravel extraction; and
 - (4) Stream alteration projects involving multiple separate parcels of land.
 - b. For applications reviewed by the Planning And Zoning Commission the application shall be noticed for a public hearing in accordance with Idaho Code 67-6509.
3. Specific duties and responsibilities of the administrator shall include, but are not limited to:
 - a. *Permit review.*
 - (1) Review of all applications for proposed construction within the City to determine whether such construction is proposed, in whole or in part, within the Floodplain Management Overlay District and/or the Waterways Review District.
 - (2) Review all floodplain development permit applications to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334; Idaho Fish and Game, Idaho Department of Water Resources, Soil Conservation Service, Environmental Protection Agency, and U.S. Army Corps of Engineers. Such documentation shall be maintained on file with the floodplain development permit.
 - (3) Review all floodplain development permit applications to determine that the proposed development meets the requirements of this title, and is reasonably safe from flooding.
 - (4) For projects within the floodway, review applications to ensure the proposal does not cause adverse impacts, or that any adverse impacts are mitigated, as demonstrated by a no adverse impact statement provided by the applicant.
 - (5) Prevent encroachments into floodways unless the no rise certification, no adverse impact, and flood hazard reduction provisions contained in this title are met.
 - (6) Review plans to verify public utilities are constructed in accordance with the provisions of this title.
 - (7) When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a special flood hazard area (SFHA) is above the base flood elevation (BFE), advise the property owner of the option to apply for a letter of map amendment (LOMA) from FEMA. Maintain a copy of the LOMA issued by FEMA in the floodplain development permit file.
 - b. *Inspections.*
 - (1) *Make on-site inspections of work in progress.* As the work pursuant to a floodplain development permit progresses, the Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the Administrator has a right, upon presentation

KETCHUM CITY CODE

of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.

- (2) *Make periodic inspections throughout the special flood hazard areas within the jurisdiction of the community.* The Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

c. *Stop-work for violations in progress and permit revocation.*

- (1) Work with the Building Official to issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this title, the Building Official may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.
- (2) Issue stop-work orders for unpermitted development in the floodplain that does not require a building permit. Examples include grading, filling, riparian zone alterations and stream bank stabilization and alteration.
- (3) *Revoke floodplain development permits as required.* The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of state or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable state or local law may also be revoked.

d. *Coordination and communication with federal agencies.*

- (1) Coordinate revisions to FIS reports and FIRMs, including letters of map revision based on fill (LOMR-Fs) and letters of map revision (LOMRs).
- (2) Notify, in riverine situations, adjacent communities and state and federal agencies in accordance with section 17.88.050.D.3.g.
- (3) A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, a community shall notify the Federal Insurance Administrator (FIA) of the changes by submitting technical or scientific data in accordance with this part. Such a

ZONING REGULATIONS

submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.

- (4) Upon occurrence, notify the Federal Insurance Administrator (FIA) in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that all FIRMs accurately represent the community's boundaries, include within such notification a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority.
 - (5) The City of Ketchum will notify the State NFIP Coordinator of the Idaho Department of Water Resources of hearings scheduled to consider a variance within the SFHA 15 calendar days prior to the date of the hearing
- e. *Use of other base flood data.*
- (1) When base flood elevation data has not been provided in accordance with subsection 17.88.040.A.3, "Basis for establishing the areas of special flood hazard", of this chapter, the administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source in order to administer subsections 17.88.060.B.2, "Residential construction", 17.88.060.B.3, "Nonresidential construction", and 17.88.090, "Standards for floodways", of this chapter.
 - (2) When base flood elevation (BFE) data is provided but no floodway data has been provided in accordance with the provisions of this title, require that no new construction, substantial improvements, or other development (including fill) shall be permitted unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
- f. *Records and information to be obtained and maintained.*
- (1) Permanently maintain all records that pertain to the administration of this title and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.
 - (2) Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and other official flood maps, and studies adopted in accordance with the provisions of article III, section B of this chapter, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify the NFIP State Coordinator and FEMA of Ketchum's mapping needs.
 - (3) Obtain and maintain actual elevation (in relation to mean sea level) of the lowest floor (including basement) and all attendant utilities of all new and substantially improved structures.

KETCHUM CITY CODE

- (4) Where base flood elevation data is provided through the flood insurance study or required as in subsection 17.88.050.D.3.e of this section, obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- (5) For all new or substantially improved floodproofed structures:
 - (A) Verify and record the actual elevation (in relation to mean sea level); and
 - (B) Maintain the floodproofing certifications as required by this article.
- (6) Maintain in perpetuity records on all permits and appeals and report all variances to Federal Insurance Administration.

g. *Stream alterations.*

- (1) Notify adjacent communities and all state agencies with jurisdiction over the special flood hazard areas identified in subsection 17.88.040A of this chapter and/or with jurisdiction over the corresponding watercourse, river, stream or tributaries prior to any alteration or riprapping, or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
- (2) Notify adjacent communities and the Idaho Department of Water Resources State Coordinator for the National Flood Insurance Program (NFIP) prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Insurance Administrator (FIA).
- (3) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

h. *Interpretation of FIRM boundaries.* Make interpretations where needed as to the exact location of the boundaries of the areas of special hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in.

E. *Criteria for evaluation of applications.* The criteria of floodplain development permit applications and riparian alteration permits shall be as follows:

1. The proposal preserves or restores the inherent natural characteristics of the river, floodplain, and riparian zone, including riparian vegetation and wildlife habitat. Development does not alter river channel unless all stream alteration criteria for evaluation are also met.
2. No temporary construction activities, encroachment or other disturbance into the 25-foot riparian zone, including encroachment of below grade structures, shall be permitted, with the exception of approved stream stabilization work and restoration work associated with a riparian zone that is degraded.

ZONING REGULATIONS

3. No permanent development shall occur within the 25-foot riparian zone, with the exception of approved stream stabilization work and restoration work associated with permit issued under this title, or exceptions as described below:
 - a. Access to a property where no other primary access is available;
 - b. Emergency access required by the fire department;
 - c. A single defined pathways or staircases for the purpose of providing access to the river channel and in order to mitigate multiple undefined social paths;
 - d. Development by the City of Ketchum.
4. New or replacement planting and vegetation in the riparian zone shall include plantings that are low growing and have dense root systems for the purpose of stabilizing stream banks and repairing damage previously done to riparian vegetation. Examples of such plantings most commonly include: red osier dogwood, common chokecherry, serviceberry, elderberry, river birch, skunk bush sumac, Beb's willow, Drummond's willow, little wild rose, gooseberry, and honeysuckle. However, in rare instances the distance from the top-of-bank to the mean high water mark is significant and the native vegetation appropriate for the riparian zone are low growing, drought resistant grasses and shrubs. Replacement planting and vegetation shall be appropriate for the specific site conditions. Proposal does not include vegetation within the 25-foot riparian zone that is degraded, not natural, or which does not promote bank stability.
5. Landscaping and driveway plans to accommodate the function of the floodplain allow for sheet flooding. Surface drainage is controlled and shall not adversely impact adjacent properties including driveways drained away from paved roadways. Culvert(s) under driveways may be required. Landscaping berms shall be designed to not dam or otherwise obstruct floodwaters or divert same onto roads or other public pathways.
6. Floodwater carrying capacity is not diminished by the proposal.
7. Impacts of the development on aquatic life, recreation, or water quality upstream, downstream or across the stream are not negative.
8. Building setback in excess of the minimum required along waterways is encouraged. An additional ten-foot building setback beyond the required 25-foot riparian zone is encouraged to provide for yards, decks and patios outside the 25-foot riparian zone.
9. The top of the lowest floor of a building located in, or partially within, the SFHA shall be at or above the flood protection elevation (FPE). A building is considered to be partially within the SFHA if any portion of the building or appendage of the building, such as footings, attached decks, posts for upper story decks, are located within the SFHA. See section 17.88.060, figures 1 and 2 of this chapter to reference construction details. See chapter 17.08 of this title for definition of "lowest floor."
 - a. In the SFHA where base flood elevations (BFEs) have been determined, the FPE shall be 24 inches above the BFE for the subject property; 24 inches or two feet is the required freeboard in Ketchum City Limits.

KETCHUM CITY CODE

- b. In the SFHA where no BFE has been established, the FPE shall be at least two feet above the highest adjacent grade.
10. The backfill used around the foundation in the SFHA floodplain shall provide a reasonable transition to existing grade but shall not be used to fill the parcel to any greater extent.
 - a. Compensatory storage shall be required for any fill placed within the floodplain.
 - b. A CLOMR-F shall be obtained prior to placement of any additional fill in the floodplain.
11. All new buildings located partially or wholly within the SFHA shall be constructed on foundations that are designed by a licensed professional engineer.
12. Driveways shall comply with City of Ketchum street standards; access for emergency vehicles has been adequately provided for by limiting flood depths in all roadways to one foot or less during the one percent annual chance event.
13. Landscaping or revegetation shall conceal cuts and fills required for driveways and other elements of the development.
14. (Stream alteration.) The proposal is shown to be a permanent solution and creates a stable situation.
15. (Stream alteration.) No increase to the one percent annual chance flood elevation at any location in the community, based on hydrologic and hydraulic analysis performed in accordance with standard engineering practice and has been certified and submitted with supporting calculations and a No Rise Certificate, by a registered Idaho engineer.
16. (Stream alteration.) The project has demonstrated no adverse impact or has demonstrated all impacts will be mitigated.
17. (Stream alteration.) The recreational use of the stream including access along any and all public pedestrian/fisher's easements and the aesthetic beauty shall not be obstructed or interfered with by the proposed work.
18. (Stream alteration.) Fish habitat shall be maintained or improved as a result of the work proposed.
19. (Stream alteration.) The proposed work shall not be in conflict with the local public interest, including, but not limited to, property values, fish and wildlife habitat, aquatic life, recreation and access to public lands and waters, aesthetic beauty of the stream and water quality.
20. (Stream alteration.) The work proposed is for the protection of the public health, safety and/or welfare such as public schools, sewage treatment plant, water and sewer distribution lines and bridges providing particularly limited or sole access to areas of habitation.
21. (Wetlands) Where development is proposed that impacts any wetland the first priority shall be to move development from the wetland area. Mitigation strategies shall be proposed at time of application that replace the impacted wetland area with an equal amount and quality of new wetland area or riparian habitat improvement.

ZONING REGULATIONS

F. *Conditions.* Conditions of approval may include, but not be limited to:

1. Riparian vegetation and other landscaping is maintained in perpetuity as shown on approved plans.
2. An as-built certification, with supporting documentation such as an as built survey of the project area and channel cross sections produced by a surveyor or engineer licensed in Idaho demonstrating that the project was constructed in accordance with the approved plans, shall be required to be submitted prior to occupancy of structure or upon completion of the proposed work.
3. Restoration of damaged riparian vegetation within riparian zone shall be required prior to completion of the proposed project. A bond to assure such restoration may be required prior to commencement of such work.
4. Maintenance and monitoring plan for projects including stream alteration and riparian zone alterations.
5. Bond or surety guarantee for work occurring on City-owned parcels.

G. *Terms of approval.* The term of a floodplain development permit shall be 12 months from the date that findings of fact, conclusions of law and decision are signed by the administrator or Commission, or upon appeal, the date the findings of fact, conclusions of law, and decision are signed by the appellate body. Application must be made for a building permit (if required) with the Ketchum Building Department during the 12-month term. Once a building permit (if required) has been issued, the approval shall be valid for the duration of the building permit. Unless an extension is granted as set forth below, failure to file a complete building permit application (if required) for a project in accordance with these provisions shall cause said approval to be null and void. The provisions of this section shall apply to those approvals obtained on or after September 24, 2014.

1. *Permit extension.* The City may, upon written request by the holder, grant a maximum of two 12-month extensions to an unexpired approval. The first 12-month extension shall be reviewed by the administrator. The second 12-month extension shall be reviewed by the Planning and Zoning Commission. Whether or not an extension is warranted shall be based on the following considerations:
 - a. Whether there have been significant amendments to the City's comprehensive plan, special studies, draft or interim floodplain maps, or ordinances which will apply to the subject approval;
 - b. Whether significant land use changes have occurred in the project vicinity which would adversely impact the project or be adversely impacted by the project; a revised no adverse impact statement may be required prior to granting a permit extension;
 - c. Whether hazardous situations have developed or have been discovered in the project area; or
 - d. Whether community facilities and services required for the project are now inadequate.

KETCHUM CITY CODE

2. *Basis for denial of permit extension.*

- a. If any of the foregoing considerations are found to exist with regard to the project for which an extension is sought, an extension may be granted with conditions of approval to remedy any unmet requirements, or the City may choose not to grant an extension. Otherwise the City shall approve such an extension.
- b. Said decision shall be issued in writing.
- c. No extensions shall be granted for an expired floodplain development permit.

H. *Inspection procedures.*

1. For structures located wholly or partially in the regulatory floodplain:

- a. A building under construction elevation certificate (FEMA Form 86-0-33) is required after the lowest floor is established.
 - (1) Within seven calendar days of establishment of the lowest floor elevation, it shall be the duty of the permit holder to submit to the floodplain administrator a certification of the elevation of the lowest floor, in relation to mean sea level. Any work done within the seven day calendar period and prior to submission of the certification shall be at the permit holder's risk. The floodplain administrator shall review the certificate data submitted.
 - (2) Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project.
- b. A final as-built finished construction elevation certificate (FEMA Form 86-0-33) is required after construction is completed and prior to certificate of compliance/occupancy issuance.
 - (1) It shall be the duty of the permit holder to submit to the floodplain administrator a certification of final as-built construction of the elevation of the lowest floor and all attendant utilities. The floodplain administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to certificate of compliance/occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a certificate of compliance/occupancy.
 - (2) The finished construction elevation certificate certifier shall provide at least two photographs showing the front and rear of the building taken within 90 days from the date of certification. The photographs must be taken with views confirming the building description and diagram number provided in Section A. To the extent possible, these photographs should show the entire building including foundation. If the building has split-level or multi-level areas, provide at least two additional photographs showing side views of the building. In addition, when

ZONING REGULATIONS

applicable, provide a photograph of the foundation showing a representative example of the flood openings or vents. All photographs must be in color and measure at least three inches by three inches. Digital photographs are acceptable.

2. For waterways review projects:
 - a. *Development associated with a building permit.* Prior to final building permit inspection and issuance of a certificate of occupancy, planning staff shall conduct a site inspection to verify that the project was constructed per the approved plans and that all conditions of approval have been satisfied.
 - b. *Development not associated with a building permit.* Planning staff shall conduct a site inspection to verify that the project was constructed in general conformance with the approved plans and that all conditions of approval have been satisfied. The site visit shall be documented with a written memo to the application file.

I. *Floodplain development variance procedure.*

1. *General.*
 - a. The Planning and Zoning Commission as established by the City of Ketchum, hereinafter referred to as the "Commission", shall hear and decide requests for variances from the requirements of this title using the public hearing procedures established in chapter 17.148, Variances.
 - b. The special considerations and conditions for variances contained in this section shall apply in addition to the criteria contained in chapter 17.148, Variances.
 - c. Generally, variances may be issued for:
 - (1) The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure;
 - (2) Functionally dependent facilities, if determined to meet the definition as stated in section 17.08.020 of this title, provided provisions of 17.88.050.I.1.b, c, and d, have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety; or
 - (3) Any other type of development, provided it meets the requirements of this section.
 - d. Upon consideration of the factors of subsection 17.88.050.I.2 of this section and the purposes of this article, the Commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

KETCHUM CITY CODE

2. *Considerations.* In passing upon such applications, the Commission shall consider all technical evaluations, and all relevant factors and standards specified in other sections herein and:
 - a. The danger that materials may be swept onto other lands to the injury of others;
 - b. The danger to life and property due to flooding or erosion damage;
 - c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - d. The importance of the services provided by the proposed facility to the community;
 - e. The necessity to the facility of a waterfront location as a functionally dependent facility, where applicable;
 - f. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - g. The compatibility of the proposed use with existing and anticipated development;
 - h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - i. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - j. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
 - k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities such as sewer, gas, electrical, and water systems, and streets and bridges;
 - l. Variances shall only be issued in accordance with the guidelines found at section 60.6, code of federal regulations (title 44 CFR), as set forth therein on the effective date hereof; and
 - m. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.
3. *Conditions for variance.*
 - a. Variances shall not be issued when the variance will make the structure in violation of other federal, state, or local laws, regulations, or ordinances.
 - b. Variances shall only be issued prior to development permit approval.
 - c. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

ZONING REGULATIONS

- d. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - e. In addition to the requirements of chapter 17.12, Variances, a variance for floodplain development regulations contained in this chapter shall only be issued upon:
 - (1) A showing of good and sufficient cause;
 - (2) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expenses, create nuisances, cause fraud on or victimization of the public as identified in subsection 17.88.050.I.2 of this section, or conflict with existing local laws or ordinances.
 - f. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest flood elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- 4. The City of Ketchum will notify the State NFIP Coordinator of the Idaho Department of Water Resources of its intention to grant a variance at least 30 calendar days prior to granting the variance.
 - 5. *Appeals.* Any person aggrieved by the decision of the Commission may appeal such decision as described in chapter 17.144, Appeals.
- (Ord. No. 1214, § 3(Exh. B), 1-19-2021)

17.88.060 Provisions for flood hazard reduction.

- A. *General standards.* In all special flood hazard areas the following standards are required:
 - 1. *Anchoring.*
 - a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - b. All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over the top or frame ties to ground anchors (reference the Federal Emergency Management Agency's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).
 - 2. *Construction materials and methods.*
 - a. All new construction, substantial improvements, and development shall be constructed with materials and utility equipment resistant to flood damage in accordance with the Technical Bulletin 2, Flood Damage-Resistant Materials Requirements, and available from the Federal Emergency Management Agency.

KETCHUM CITY CODE

- b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
 - c. All new and replacement electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding to the flood protection elevation. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, hot water heaters, and electric outlets/switches.
3. *Utilities.*
- a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
 - b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters; and
 - c. On site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
4. *Subdivision proposals.*
- a. All subdivision proposals shall be consistent with the need to minimize flood damage;
 - b. All proposed lots in the subdivision shall have a building site that is located above the base flood elevation. It is preferred that building sites are located on natural high ground and special flood hazards areas are reserved for open space, trails, parks, and other low-impact, nonresidential uses. If fill is proposed to elevate building sites, compensatory storage must be provided in accordance with section chapter.
 - c. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
 - d. All subdivision proposals shall include streets that are at or above the base flood elevation to allow dryland access for emergency vehicles during a flood event;
 - e. All subdivision proposals shall have adequate drainage facilities provided to ensure that the post-development stormwater (of a 25-year storm) discharge volume and flow rate will not exceed the pre-development conditions. Low impact development and green infrastructure techniques for stormwater management are encouraged. Drainage plans and pre- and post-development hydrology calculations shall be prepared by a civil engineer licensed in the State of Idaho;
 - f. All subdivision proposals and other development proposals greater than 50 lots or five acres, whichever is the lesser, shall include within such proposals base flood elevation data. Base flood elevation shall be developed per FEMA hydrologic and hydraulic analysis methods and prepared by a qualified engineer licensed in the State of Idaho. United States Geological Survey (USGS) datum shall be used and identified on the plat and a permanent benchmark shall be identified and shown on the plat. Per

ZONING REGULATIONS

subsection 17.88.050.D.3.d.(3) of this chapter, base flood elevation data and boundaries of the base flood shall be submitted to FEMA through the conditional letter of map revision (CLOMR) if fill is proposed or letter of map revision (LOMR) process;

- g. All requirements of the Code of Federal Regulations, 44 CFR 60.3 shall be met;
 - h. All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334.
5. *Review of building permits.* Where elevation data is not available either through the flood insurance study or from another authoritative source (subsection 17.88.050.D.3.e. of this chapter), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.
 6. Solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards and chemical storage facilities. New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in this title, in the special flood hazard area. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a special flood hazard area only if the structure or tank is either elevated or floodproofed to at least the flood protection elevation and certified in accordance with the provisions of this title.

B. *Specific standards.* In all areas of special flood hazard where base flood elevation data has been provided as set forth in subsection 17.88.040.A.3, "Basis for establishing the areas of special flood hazard", or 17.88.050.D.3.e, "Use of other base flood data", of this chapter, the following provisions are required:

1. *AO zones.* All construction in AO zones shall be designed and constructed with drainage paths around structures to guide water away from structures.
2. *Residential construction.*
 - a. New construction and substantial improvement of any residential structure in any A1-30, AE and AH zone shall have the top of the lowest floor, including basement, elevated no lower than the flood protection elevation.
 - b. New construction and substantial improvement of any residential structure in any AO zone shall have the lowest floor, including basement, elevated to or above the highest adjacent grade at least as high as the FIRM's depth number plus 24 inches.
 - c. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited or shall be constructed entirely of flood resistant materials at least to the flood protection elevation and designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this

KETCHUM CITY CODE

requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria (see figures 1, "Preferred Crawl Space Construction", and 2, "Below Grade Crawl Space Construction", of this section and FEMA Technical Bulletin 11 for further information:

- (1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. Openings shall be placed on at least two walls to permit entry and exit of floodwaters. If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit.
- (2) The bottom of each flood vent opening shall be no higher than either one foot above the interior grade or shall be no higher than one foot above the exterior adjacent grade.
- (3) Engineered flood vents are required.
- (4) Portions of the building, utilities, and machinery located below the base flood elevation shall be constructed with material resistant to flood damage.
- (5) The interior grade of a below grade crawl space (see figure 2, "Below Grade Crawl Space Construction", of this section) shall not be more than two feet below the exterior lowest adjacent grade (LAG).
- (6) The height of a below grade crawl space, measured from the interior grade of the crawl space to the top of the crawl space foundation wall, shall not exceed four feet at any point.
- (7) A below grade crawl space shall have an adequate drainage system that removes floodwaters from the interior area of the crawl space within a reasonable time after a flood event.
- (8) The velocity of floodwaters at the site should not exceed five feet per second for any crawlspace.

ZONING REGULATIONS

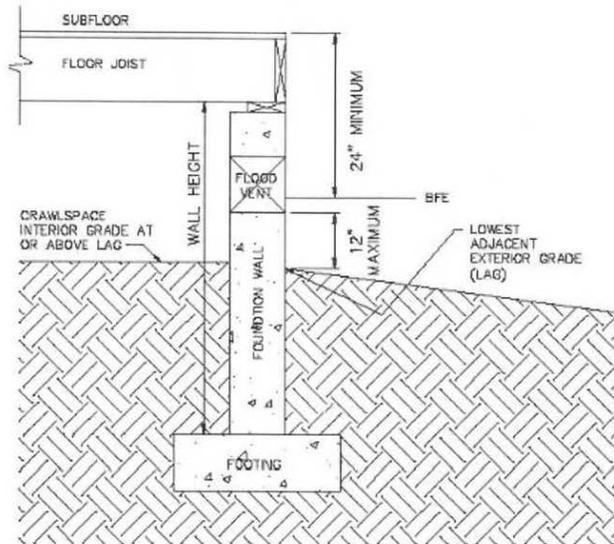


FIGURE 1 PREFERRED CRAWL SPACE CONSTRUCTION

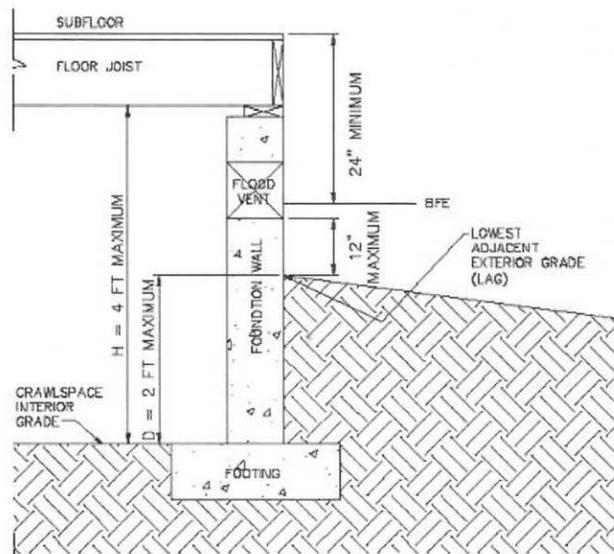


FIGURE 2 BELOW GRADE CRAWL SPACE CONSTRUCTION

Note: A below grade crawl space shall be subject to higher flood insurance rates through the NFIP.

KETCHUM CITY CODE

3. *Nonresidential construction.*
 - a. New construction and substantial improvement of any commercial, industrial, nonresidential portion of a mixed use or other nonresidential structure in any A1-30, AE and AH zone shall either have the top of the floor structure of the lowest floor, including basement, elevated no lower than the flood protection elevation or floodproofed to the flood protection elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, are:
 - (1) Watertight with walls substantially impermeable to the passage of water;
 - (2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
 - (3) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this article based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the floodplain administrator as set forth in subsection 17.88.050.D.3.f.(5) of this chapter, along with the operational plan and inspection and maintenance plan;
 - (4) Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subsection B.2.c of this section; and
 - (5) Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building constructed to the base flood level will be rated as one foot below that level).
 - b. All new construction and substantial improvement of nonresidential structures within AO zones shall:
 - (1) Have the lowest floor (including basement) elevated above the highest adjacent grade at least 24 inches higher than the depth number specified in feet on the FIRM; or
 - (2) Together with the attendant utility and sanitary facilities be completely floodproofed to that level to meet the floodproofing standard specified in subsection 17.88.060.B.3.a of this section.
4. *Manufactured homes.* All manufactured homes to be placed or substantially improved within zones A1-30, AH, and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is 24 inches above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of subsection 17.88.060.A.1.b of this section.
5. *Recreational vehicles.* All recreational vehicles to be placed on a site within zones A1-30, AH, and AE shall meet the requirements of subsection 17.88.060.B.4 of this section, or be placed on the site for less than 180 consecutive days and be fully licensed and highway

ZONING REGULATIONS

ready. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions.

6. *Critical facilities.*
 - a. Construction of new critical facilities shall be, to the extent possible, located outside the limits of the special flood hazard area (SFHA) (100-year floodplain).
 - b. Construction of new critical facilities shall be permissible within the SFHA only if no feasible alternative site is available.
 - c. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet above BFE or to the height of the 500-year flood, whichever is higher.
 - d. Access to and from the critical facility should also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters.
 - e. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.
7. *Temporary nonresidential structures.* Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the floodplain administrator a plan for the removal of such structure(s) in the event of a flash flood or other type of flood warning notification. The following information shall be submitted in writing to the floodplain administrator for review and written approval:
 - a. A specified time period for which the temporary use will be permitted. Time specified may not exceed six months, renewable up to one year;
 - b. The name, address, and phone number of the individual responsible for the removal of the temporary structure;
 - c. The time frame prior to the event at which a structure will be removed (i.e., immediately upon flood warning notification);
 - d. A copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and
 - e. Designation, accompanied by documentation, of a location outside the special flood hazard area, to which the temporary structure will be moved.
 - f. Temporary structures in the floodway must provide a hydraulic and hydrology analysis along with a no-rise certification.
8. *Accessory and agricultural structures (appurtenant structures).* When accessory structures (sheds, detached garages, etc.) used solely for parking, and storage are to be placed within a special flood hazard area, elevation or floodproofing certifications are required for all accessory structures in accordance with this title, and the following criteria shall be met:
 - a. Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking, or restroom areas);

KETCHUM CITY CODE

- b. Accessory structures shall not be temperature-controlled;
 - c. Accessory structures shall be designed to have low flood damage potential;
 - d. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
 - e. Accessory structures shall be firmly anchored in accordance with the provisions of section 17.88.060.A.1;
 - f. All utility equipment and machinery, such as electrical, shall be installed in accordance with the provisions of section 17.88.060.A.3; and
 - g. Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below flood protection elevation in conformance with the provisions of this title.
 - h. Accessory structures not used solely for parking, access, and storage must be elevated per this title.
 - i. An accessory structure with a footprint less than 200 square feet and is a minimal investment of \$7,500.00 and satisfies the criteria outlined in subsections a.—g. above is not required to provide the elevation certificate per this title.
9. *Tanks.* When gas and liquid storage tanks are to be placed within a special flood hazard area, the following criteria shall be met:
- a. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the base flood, including the effects of buoyancy (assuming the tank is empty);
 - b. Elevated above-ground tanks, in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse, or lateral movement during conditions of the base flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area;
 - c. Not elevated above-ground tanks may be permitted in flood hazard areas provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris;
 - d. Tank inlets, fill openings, outlets and vents shall be:
 - i. At or above the flood protection elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the base flood; and
 - ii. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood.

ZONING REGULATIONS

10. *Compensatory storage.* New development shall not reduce the effective flood storage volume of the regulatory floodway and SFHA. A development proposal shall provide compensatory storage if grading or other activity eliminates any effective flood storage volume. Compensatory storage shall:
 - a. Provide equivalent volume at equivalent elevations to that being displaced. For this purpose, "equivalent elevation" means having similar relationship to ordinary high water and the best available 100-year water surface profiles;
 - b. Be hydraulically connected to the source of flooding; and
 - c. Provide compensatory storage in the same construction season as when the displacement of flood storage volume occurs and before the flood season begins.
 - d. The newly created storage area shall be graded and vegetated to allow fish access during flood events without creating fish stranding sites.
- (Ord. No. 1214, § 3(Exh. B), 1-19-2021)

17.88.070 Standards for floodplains without established base flood elevations—Zone A.

Within the special flood hazard areas designated as Zone A (also known as Unnumbered A Zones) where no base flood elevation (BFE) data has been provided by FEMA, the following provisions, in addition to the provisions of section 17.88.060.A shall apply:

- A. The BFE used in determining the flood protection elevation (FPE) shall be determined based on the following criteria:
 1. When base flood elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this title and shall be elevated or floodproofed in accordance with standards in sections 17.88.060.A and B.
 2. When floodway data is available from a federal, state, or other source, all new construction and substantial improvements within floodway areas shall also comply with the requirements of sections 17.88.060.B. and 17.88.090.
 3. Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or five acres, whichever is the lesser, include within such proposals base flood elevation data. Such base flood elevation (BFE) data shall be adopted by reference in accordance with section 17.88.040.A.3 and utilized in implementing this title. The applicant/developer shall submit an application for a conditional letter of map revision (CLOMR) prior to preliminary plat approval and have obtained a letter of map revision (LOMR) prior to any building permits for structures being issued.
 4. When base flood elevation (BFE) data is not available from a federal, state, or other source as outlined above, the lowest floor shall be elevated or floodproofed (nonres-

KETCHUM CITY CODE

idental) to two feet above the highest adjacent grade (HAG) at the building site or to the flood protection elevation (FPE) whichever is higher. All other applicable provisions of section 17.88.060.B shall also apply.

(Ord. No. 1214, § 3(Exh. B), 1-19-2021)

17.88.080 Standards for riverine floodplains with base flood elevations but without established floodways.

A. Along rivers and streams where base flood elevation (BFE) data is provided by FEMA or is available from another source but floodways are not identified for a special flood hazard area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

1. Standards of sections 17.88.060.A and B; and
2. Until a regulatory floodway is designated, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(Ord. No. 1214, § 3(Exh. B), 1-19-2021)

17.88.090 Standards for floodways.

Areas designated as floodways located within the special flood hazard areas established in section 17.88.040.A.3. The floodways are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in sections 17.88.060.A and B, shall apply to all development within such areas:

- A. New residential structures and residential substantial improvements are prohibited in the floodway.
- B. All encroachment, including fill, new construction, substantial improvements, residential structures, and other developments shall be prohibited, except for the following:
 1. Roads and bridges necessary to connect areas outside of the special flood hazard area;
 2. Utilities;
 3. Recreational pathways and open space;
 4. Flood control and stormwater management facilities;
 5. Boat ramps or river access;
 6. Wildlife habitat improvements;
 7. Stream restoration and bank stabilization constructed in accordance with a floodplain development permit;

ZONING REGULATIONS

8. Fences that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, in regulated floodways shall meet the limitations of 17.88.090 of this article.
 9. Retaining walls, bulkheads, sidewalks, and driveways that involve the placement of fill in regulated floodways shall meet the limitations of section 17.88.090 of this title.
 10. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings, and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, which encroach into regulated floodways, shall meet the limitations of section 17.88.090 of this title. The applicant/developer shall submit an application for a letter of map revision (LOMR) upon completion of construction for the purpose of providing FEMA better available data.
 11. Drilling water, oil, and/or gas wells including fuel storage tanks, apparatus, and any equipment at the site that encroach into regulated floodways shall meet the limitations of section 17.88.090 of this title.
 12. Docks, piers, boat ramps, marinas, moorings, decks, docking facilities, port facilities, shipbuilding, and ship repair facilities that encroach into regulated floodways shall meet the limitations of section 17.88.090 of this title.
- C. Encroachments in the floodway are only allowed if:
1. All development shall comply with all applicable flood hazard reduction provisions of this title and meet the approval of the Federal Emergency Management (FEMA) and National Flood Insurance Program (NFIP) and does not jeopardize the City's participation in the NFIP; and
 2. Requirements of a no adverse impact statement and a no-rise certification, with accompanying analysis, are met; or
 3. A conditional letter of map revision (CLOMR) has been approved by FEMA. A letter of map revision (LOMR) must also be obtained within six months of completion of the proposed encroachment.
- (Ord. No. 1214, § 3(Exh. B), 1-19-2021)

17.88.100 Standards for areas of shallow flooding (Zone AO, AH, AR/AO, or AR/AH).

A. Areas designated as shallow flooding areas have special flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to all other applicable sections of this title, all new construction and substantial improvements shall meet the following requirements:

1. The lowest floor shall be elevated at least as high as the depth number specified on the flood insurance rate map (FIRM), in feet, plus a freeboard of two feet, above the highest adjacent grade; or at least two feet above the highest adjacent grade if no depth number is specified.
2. Nonresidential structures may, in lieu of elevation, be floodproofed to the same level as required in chapter so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of

KETCHUM CITY CODE

water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Floodproofing certification is required in accordance with this chapter.

3. Accessory structure (appurtenant structure) (sheds, detached garages, etc.).
 - a. Used solely for parking, and storage:
 - (1) Shall have the lowest floor elevated at least as high as the depth number specified on the flood insurance rate map (FIRM), in feet, plus a freeboard of two feet, above the highest adjacent grade; or at least two feet above the highest adjacent grade if no depth number is specified; or
 - (2) Shall have flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below flood protection elevation in conformance with the provisions of 17.88.060.B.2.c.
 - b. Not used solely for parking, and storage:
 - (1) Shall be elevated per 17.88.060.B.2 and 17.88.060.B.3.
4. Adequate drainage paths shall be provided around structures on slopes to guide floodwaters around and away from proposed structures.
5. Hazardous velocities. Where hazardous velocities are noted on the FIRM, proper construction techniques and methods shall be used to mitigate the effects of the velocities.

(Ord. No. 1214, § 3(Exh. B), 1-19-2021)

17.88.110 Floodplain development permit exemptions and irrigation activities and development.

A. Activities that do not require a floodplain development permit. Consistent with Idaho Code sections 46-1021 and 46-1022, operation, cleaning, maintenance or repair of any ditch, canal, lateral, drain, diversion structure or other irrigation or drainage works, as defined within this guidance document, do not constitute development under Idaho law and therefore do not require either a GIFD permit or an individual permit. The below list of activities delineates some activities that do not require a permit. The list is not exhaustive. The floodplain administrator must exercise their professional judgement when reviewing activities to determine if an activity requires a permit. When in doubt, the floodplain administrator should seek consultation from the IDWR floodplain coordinator to determine permit necessity.

1. General farming, pasture, horticultural activities, and forestry that do not involve earthwork that permanently alters the topography or any clearing/grubbing of an area.
2. Grading of existing roads or easements along or near channels and within the SFHA, provided that the grading does not add fill within the regulatory floodway or SFHA.
3. Maintenance of underground utilities (work must not permanently alter topography).
4. In-kind replacement of existing piers or posts supporting a conforming deck.
5. Activities associated with land-surface construction stormwater best management practices ("BMP"), provided the measures are temporary in nature (i.e. not in place for longer than 180

ZONING REGULATIONS

days) or do not increase the BFE. Examples of stormwater BMP activities that do not require a permit include the following: dust control; materials and equipment covers; mulching; geotextile fabrics; matting; bio-filter bags; fiber rolls; silt fences; vegetative buffer strips; temporary swales; and temporary berms.

6. New installation or maintenance of non-solid fences constructed parallel to the flow of water during a flood event. Non-parallel or solid fences that block the flow will need to go through the individual permitting process.
7. Activities that fall under the scope of a Riparian Alteration Permit as described in 17.88.050.

B. *General irrigation floodplain development permit.*

1. Upon review of the proposed activities and projects, the Floodplain Administrator will assess whether or not they fall, in whole or in part, under the GIFD permit, and whether any components require an individual permit and notify the applicant in writing accordingly.

The floodplain administrator shall advise the applicant or project sponsor of their assessment via written notice (email is preferable). The floodplain administrator shall maintain a copy of all proposed project notifications and responses.

2. GIFD permit does NOT include the following types of development activities and projects:
 - a. Fill, except as outlined in the examples below;
 - b. New construction, or replacements that do not meet the in-kind definition;
 - c. Activities or projects that trigger any requirement found in the local floodplain management or NFIP regulations; and
 - d. Activities or projects that increase flood damage and/or increase exposure to flood hazards.
3. *GIFD permit activities and projects.*
 - a. Dredging and grading of irrigation and drainage channels, provided that fill from dredging or grading is not deposited on the banks of channels or anywhere within the regulatory floodway or SFHA for longer than ten days.
 - b. Seasonal grading within natural stream channels to check or direct water into irrigation facilities (i.e. earthen "push-up dams" and "wing dams").
 - c. Deposition of fill within the SFHA for less than ten days. After ten days, deposited fill must be removed from the SFHA, or graded and compacted to existing grade within ± 0.2 feet. Deposition of fill includes deposition of material resulting from grading or excavating irrigation or drainage channels. Deposition of fill within the mapped floodway requires an individual permit.
 - d. Construction of new underground utilities that do not permanently alter the topography. Excess soil from new pipes larger than two feet in diameter must be disposed of outside the regulatory floodway and SFHA.

KETCHUM CITY CODE

- e. In-kind replacement of irrigation and drainage works or components including but not limited to control gates or head gates, measuring devices and their housing structures/ stilling wells, culverts, pumps, pipes, flumes, siphons and similar works. GIFD permits cannot authorize the In-kind replacement of dams or bridge structures.
 - f. New driveways, trails, sidewalks, roads and streets constructed completely at-or-below existing grade.
 - g. New underground utilities that do not permanently alter the existing grade elevations by ± 0.5 feet.
 - h. Armoring, stabilizing, securing, or in-kind replacement of existing infrastructure within the channel banks (such as bridge piers, sewer/utility supports and storm water/sewer drainage outfalls/headwalls) provided the dimensions (bank slopes, channel location, channel elevation) of the channel are not altered. This should not involve replacement with larger or additional above ground infrastructure.
4. *Floodplain development permits.* An individual permit is required for all other permitted activities and projects within the regulatory floodway and SFHA that do not meet the requirements of a GIFD permit.
(Ord. No. 1214, § 3(Exh. B), 1-19-2021)

17.88.120 Enforcement and penalties for violation.

A. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations.

B. Violation of the provisions of this title or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this title or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$300.00 or imprisoned for not more than six months. Each day the violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Ketchum from taking such other lawful actions as is necessary to prevent or remedy any violation.

C. The provisions of this article shall be enforced by one or more of the following methods:

1. Requirements of floodplain development permit;
2. Requirements of building permit;
3. Inspection and ordering removal of violations;
4. Criminal liability;
5. Injustion; and
6. Civil Enforcement.

D. Enforcement shall further be administered according to chapter 17.156 of this title.
(Ord. No. 1214, § 3(Exh. B), 1-19-2021)

ZONING REGULATIONS

ARTICLE II. EMERGENCY STREAM BANK STABILIZATION*

17.88.130 Title.

This article shall be known and may be cited as the City emergency stream bank stabilization ordinance.

(Ord. 1135, 2015; Ord. No. 1214, § 3(Exh. B), 1-19-2021)

17.88.140 Guidelines.

Guidelines for determining if an emergency for purposes of this article is imminent are as follows:

- A. The water equivalent measurements at Galena, Galena Summit, Dollar Hide and Lost Wood Divide as recorded by the national resource conservation service (NRCS) SNOTEL sites;
- B. The forecast temperatures available from the national weather service;
- C. The flow of the Big Wood River as measured at the Hailey Gauging Station and recorded by the United States Geological Survey (USGS) in Boise, Idaho; and
- D. Failure to submit an application under section 17.88.110 of this chapter far enough in advance of the desired start date for bank stabilization work shall not be considered an emergency.

(Ord. 1135, 2015; Ord. No. 1214, § 3(Exh. B), 1-19-2021)

17.88.150 Procedure.

To obtain an emergency bank stabilization permit, an applicant must submit an application as described in section 17.88.110 of this chapter and receive written approval to perform the bank stabilization work from the administrator. The administrator may consult a qualified engineer or professional regarding the proposed emergency bank stabilization work. A site inspection must be performed by the administrator before approval can be granted. Under no circumstances shall bank stabilization work commence without the approvals required herein.

(Ord. 1170, 2017; Ord. No. 1214, § 3(Exh. B), 1-19-2021)

17.88.160 Application for emergency stream bank stabilization.

The applicant shall first complete and submit an emergency bank stabilization application provided by the City which shall include, but not be limited to, the following information:

- A. Description of the emergency impact to public health, safety or welfare;
- B. Name of proposed contractor or executor of work;
- C. Description of proposed work;
- D. Nonrefundable application fee in the amount as set by the City Council; and

***Editor's note**—See editor's note to Ch. 17.88, Art. I.

KETCHUM CITY CODE

- E. A waiver from the Idaho Department of Water Resources as specified under Idaho Code section 42-3808, and the stream channel alteration rules of the Idaho Water Resource Board.

(Ord. 1135, 2015; Ord. No. 1214, § 3(Exh. B), 1-19-2021)

17.88.170 Action upon submittal of stream bank stabilization application.

Upon submittal of the application, the applicant shall contact the Planning and Zoning Administrator to arrange for a site inspection.

(Ord. 1135, 2015; Ord. No. 1214, § 3(Exh. B), 1-19-2021)

17.88.180 Site inspection.

Upon receipt and review of a completed application, a site inspection shall be performed by the administrator. Written findings of fact and conclusions of law granting or denying the application will be prepared for City records and the applicant upon the conclusion of the site inspection and within five working days from the date of the decision.

(Ord. 1170, 2017; Ord. No. 1214, § 3(Exh. B), 1-19-2021)

17.88.190 Basis for denial of an emergency stream bank stabilization permit.

No permit shall be granted if the administrator determines that the proposed emergency stream bank stabilization work is contrary to the public health, safety or welfare or that it is contrary to adopted City policies regarding riparian areas and river systems.

(Ord. 1170, 2017; Ord. No. 1214, § 3(Exh. B), 1-19-2021)

17.88.200 Conditions of emergency stream bank stabilization approval.

Conditions which may be required for the granting of a permit include, but are not limited to, the following:

- A. The administrator may require the applicant to post financial security, and enter into an agreement with the City, to mitigate possible impacts of the proposed bank stabilization work.
- B. The proposed work for the emergency stream bank stabilization work shall be conducted so as to minimize the impact on riparian vegetation and soil stability.
- C. If an emergency stream bank stabilization permit is granted, the applicant shall apply for a waterways design review/stream alteration permit under article I of this chapter within six months from the date of the issuance of the emergency stream bank stabilization permit.
- D. If a waterways design review/stream alteration permit under article I of this chapter and all other applicable state and federal agency permits are granted, the applicant shall then complete restoration of the affected property to City and state standards by either March 31 of the year following the issuance of the emergency stream bank stabilization permit or by another date specified by the administrator or other governmental agency.

ZONING REGULATIONS

- E. Copies of the approved emergency stream bank stabilization permit shall be posted on site throughout the duration of the stabilization work.

(Ord. 1135, 2015; Ord. 1170, 2017; Ord. No. 1214, § 3(Exh. B), 1-19-2021)

17.88.210 Enforcement.

- A. It is unlawful for any person, firm or corporation to:

1. Fail to obtain a permit before commencing stream bank stabilization work.
2. Perform stream bank stabilization work beyond that expressly allowed by the permit.
3. Provide false documentation in connection with the work performed during stream bank stabilization.

B. Any person, firm, or corporation violating any provision of this article shall, for each offense, be subject to the enforcement procedures established in chapter 17.156 of this title.

(Ord. 1135, 2015; Ord. No. 1214, § 3(Exh. B), 1-19-2021)

ARTICLE III. EMERGENCY RIPARIAN ALTERATION*

17.88.220 Title.

This article shall be known and may be cited as the emergency riparian alteration ordinance.

(Ord. 1177, 2017; Ord. No. 1214, § 3(Exh. B), 1-19-2021)

17.88.230 Guidelines.

Guidelines for determining if an emergency for purposes of this article is imminent are as follows:

- A. The water equivalent measurements at Galena, Galena Summit, Dollar Hide and Lost Wood Divide as recorded by the National Resource Conservation Service (NRCS) SNOTEL sites;
- B. The forecast temperatures available from the National Weather Service;
- C. The flow of the Big Wood River as measured at the Ketchum Gauging Station or Hailey Gauging Station and recorded by the United States Geological Survey (USGS) in Boise, Idaho;
- D. Local site conditions, such as downed trees, debris build up, or trees in imminent danger of falling as determined by the administrator and advised by the City arborist; and
- E. Failure to submit an application under section 17.88.200 of this article far enough in advance of the desired start date for riparian alteration work shall not be considered an emergency.

(Ord. 1177, 2017; Ord. No. 1214, § 3(Exh. B), 1-19-2021)

17.88.240 Procedure.

To obtain an emergency permit, an applicant must submit an application as described in section 17.88.200 of this article and receive written approval to perform the emergency work from the

***Editor's note**—See the editor's note to Ch. 17.88, Art. I.

KETCHUM CITY CODE

administrator. The administrator may consult a qualified engineer or professional regarding the proposed emergency work. A site inspection must be performed by the administrator before approval can be granted. Under no circumstances shall work commence without the approvals required herein.

(Ord. 1177, 2017; Ord. No. 1214, § 3(Exh. B), 1-19-2021)

17.88.250 Application for emergency riparian alteration.

The applicant shall first complete and submit an emergency application provided by the City which shall include, but not be limited to, the following information:

- A. Description of the emergency impact to public health, safety or welfare;
- B. Name of proposed contractor or executor of work;
- C. Description of proposed work;
- D. Nonrefundable application fee in the amount as set by the City Council; and
- E. Where applicable, a waiver from the Idaho Department of Water Resources as specified under Idaho Code section 42-3808, and the stream channel alteration rules of the Idaho Water Resource Board.

(Ord. 1177, 2017; Ord. No. 1214, § 3(Exh. B), 1-19-2021)

17.88.260 Action upon submittal of emergency riparian alteration application.

Upon submittal of the application, the applicant shall contact the administrator to arrange for a site inspection.

(Ord. 1177, 2017; Ord. No. 1214, § 3(Exh. B), 1-19-2021)

17.88.270 Site inspection.

Upon receipt and review of a completed application, a site inspection shall be performed by the administrator. Written findings of fact and conclusions of law granting or denying the application will be prepared for City records and the applicant upon the conclusion of the site inspection and within five working days from the date of the decision.

(Ord. 1177, 2017; Ord. No. 1214, § 3(Exh. B), 1-19-2021)

17.88.280 Basis for denial of an emergency riparian alteration permit.

No permit shall be granted if the administrator determines that the proposed emergency work is contrary to the public health, safety or welfare or that it is contrary to adopted City policies regarding riparian areas and river systems.

(Ord. 1177, 2017; Ord. No. 1214, § 3(Exh. B), 1-19-2021)

ZONING REGULATIONS

17.88.290 Conditions of emergency riparian alteration approval.

Conditions which may be required for the granting of a permit include, but are not limited to, the following:

- A. The administrator may require the applicant to post financial security, and enter into an agreement with the City, to mitigate possible impacts of the proposed work.
- B. The proposed action shall be conducted so as to minimize the impact on riparian vegetation and soil stability.
- C. If an emergency permit is granted, the applicant shall apply for a waterways design review/stream alteration permit under article I of this chapter within six months from the date of the issuance of the emergency permit.
- D. If a waterways design review/stream alteration permit under article I of this chapter and all other applicable state and federal agency permits are granted, the applicant shall then complete restoration of the affected property to City and state standards by either March 31 of the year following the issuance of the emergency permit or by another date specified by approval authority.
- E. Copies of the approved emergency permit shall be posted on site throughout the duration of the work.

(Ord. 1177, 2017; Ord. No. 1214, § 3(Exh. B), 1-19-2021)

17.88.300 Enforcement.

- A. It is unlawful for any person, firm or corporation to:
 - 1. Fail to obtain a permit before commencing emergency work.
 - 2. Perform emergency work beyond that expressly allowed by the permit.
 - 3. Provide false documentation in connection with the emergency work performed.

B. Any person, firm, or corporation violating any provision of this article shall, for each offense, be subject to the enforcement procedures established in chapter 17.156 of this title.

(Ord. 1177, 2017; Ord. No. 1214, § 3(Exh. B), 1-19-2021)

ARTICLE IV. EMERGENCY CITY INITIATED ACTIONS*

17.88.310 Title.

This article shall be known and may be cited as the emergency City initiated actions ordinance.
(Ord. 1177, 2017; Ord. No. 1214, § 3(Exh. B), 1-19-2021)

***Editor's note**—See the editor's note to Ch. 17.88, Art. I.

KETCHUM CITY CODE

17.88.320 Guidelines.

Guidelines for determining if an emergency for purposes of this article is imminent are as follows:

- A. The water equivalent measurements at Galena, Galena Summit, Dollar Hide and Lost Wood Divide as recorded by the National Resource Conservation Service (NRCS) SNOTEL sites;
 - B. The forecast temperatures available from the National Weather Service;
 - C. The flow of the Big Wood River as measured at the Ketchum Gauging Station or Hailey Gauging Station and recorded by the United States Geological Survey (USGS) in Boise, Idaho; and
 - D. Local site conditions determined by the City administrator or his or her designee to pose an imminent threat to the health, safety, and welfare of the public.
- (Ord. 1177, 2017; Ord. No. 1214, § 3(Exh. B), 1-19-2021)

17.88.330 Procedure.

Upon determination of an emergency, the City shall initiate actions necessary to protect public health, safety, and welfare and/or prevent or mitigate damage to public or private property or infrastructure. There is no application fee for a City-initiated application.

(Ord. 1177, 2017; Ord. No. 1214, § 3(Exh. B), 1-19-2021)

17.88.340 Application.

The City shall complete and submit emergency stream bank alteration and/or riparian alteration applications in order to document the work proposed to be undertaken. Applications shall include, but not be limited to, the following information:

- A. Description of the existing site conditions, including description of the emergency impact to public health, safety or welfare;
- B. Name of proposed contractor or executor of work;
- C. Description of proposed work;
- D. A waiver from the Idaho Department of Water Resources as specified under Idaho Code section 42-3808, and the stream channel alteration rules of the Idaho Water Resource Board.

(Ord. 1177, 2017; Ord. No. 1214, § 3(Exh. B), 1-19-2021)

17.88.350 Action upon submittal of emergency application.

The administrator shall approve the application. Written findings of fact and conclusions of law will be prepared for City records within five working days from the date of the decision.

(Ord. 1177, 2017; Ord. No. 1214, § 3(Exh. B), 1-19-2021)

ZONING REGULATIONS

17.88.360 Conditions of emergency application approval.

Conditions which may be required for the granting of a permit include, but are not limited to, the following:

- A. The proposed emergency work shall be conducted so as to minimize the impact on riparian vegetation and soil stability.
 - B. Within six months of the application being granted the City shall apply for a waterways design review/stream alteration permit under article I of this chapter.
 - C. If a waterways design review/stream alteration permit under article I of this chapter and all other applicable state and federal agency permits are granted, the City shall then complete restoration of the affected property to City and state standards by either March 31 of the year following the issuance of the emergency stream bank stabilization permit or by another date specified by the administrator or other governmental agency.
 - D. Copies of approved permits shall be posted on site throughout the duration of the work.
- (Ord. 1177, 2017; Ord. No. 1214, § 3(Exh. B), 1-19-2021)

ARTICLE V. TEMPORARY FLOOD CONTROL BARRIERS*

17.88.370 Uses permitted.

A. *Private use.* Temporary flood control barriers, such as sandbags, bladder dams, and other similar non-permanent barriers placed on private property and located in such a manner to protect floodwaters from inundating a structure may be installed prior to imminent flooding or during a flood event.

B. *Public Use.* Temporary flood control barriers, such as sandbags, bladder dams, and other similar non-permanent barriers placed on public or private property and located in such a manner to protect floodwaters from inundating a structure or public infrastructure may be installed prior to imminent flooding or during a flood event.

(Ord. 1195, 2019; Ord. No. 1214, § 3(Exh. B), 1-19-2021)

17.88.380 Use restrictions.

The following restrictions are imposed upon use of temporary flood control barriers:

- A. Temporary flood control barriers shall be designed and located to protect structures or public infrastructure from inundation by flood waters but shall not be designed or located solely to divert or displace flood waters into the public right-of-way or adjacent private properties;
- B. Temporary flood control barriers shall be offset no further than six feet from the structure the barrier is protecting except in the case of barriers installed to protect public infrastructure;

***Editor's note**—See the editor's note to Ch. 17.88, Art. I.

KETCHUM CITY CODE

- C. Temporary flood control barriers shall be removed within 90 days of installation unless inundation by floodwaters is prolonged and approval for an extension has been issued via a floodplain development permit.
1. Sand or other fill used within sandbags or similar devices shall not be emptied into the floodplain or river, creek, or stream.
 2. Water used to fill a bladder dam shall not be emptied into a river, creek, or stream.
(Ord. 1195, 2019; Ord. No. 1214, § 3(Exh. B), 1-19-2021)

17.88.390 Application for temporary flood control barriers.

No application is necessary for the installation of temporary flood control barriers installed in accordance with the regulations of this article.
(Ord. 1195, 2019; Ord. No. 1214, § 3(Exh. B), 1-19-2021)

17.88.400 Enforcement.

Any person, firm, or corporation violating any provision of this article shall, for each offense, be subject to the enforcement procedures established in chapter 17.156 of this title.
(Ord. 1195, 2019; Ord. No. 1214, § 3(Exh. B), 1-19-2021)

CHAPTER 17.92 AVALANCHE ZONE DISTRICT (A)

17.92.010 A Avalanche Zone District.

The A Avalanche Zone District is established to identify those areas where, after due investigation and study, the City Council finds that avalanche potential exists. Avalanches are caused by steepness of slope, exposure, snowpack composition, wind, temperature, rate of snowfall and other little understood interacting factors. Due to the potential avalanche hazard, special regulations should be imposed within such district.

- A. *Purposes.* An Avalanche Zone District is established as a zoning overlay district for the following purposes:
1. To identify those areas within the City where, after due investigation and study, avalanche potential is found to exist.
 2. To give notice to the public of those areas within the City where such avalanche potential has been found to exist.
 3. To give notice to and provide the public with the opportunity to review pertinent avalanche studies and reports together with any future studies made. Copies of said studies are available for public inspection at the office of the Ketchum City Clerk. It is recommended that said studies be examined prior to purchase, development, construction or use of land located within the Avalanche Zone.
 4. To minimize health and safety hazards, disruption of commerce and extraordinary public expenditures.

ZONING REGULATIONS

5. To promote the general public health, safety and welfare.
 6. To allow for construction of residences and other uses consistent with the City's zone district use matrix by persons informed of potential avalanche danger with regard to a specific parcel of real property, while providing regulations to protect lessees, renters and subtenants of property within such zone.
- B. *Avalanche Zone District boundaries.*
1. The Avalanche Zone District boundaries shall be an overlay district and designate those areas within the City found subject to potential avalanche danger.
 2. The Avalanche Zone shall include all of those areas within the City so designated by the amendment to the Ketchum zoning map adopted in this chapter. Designation as high avalanche zone or moderate avalanche zone is described in the Wilson (1977) and Mears (1978) avalanche studies on file with the City of Ketchum or may be determined by a site-specific study.
- C. *Uses permitted.* The Avalanche Zoning District shall be an overlay district and shall apply the additional requirements of the Avalanche Zoning District to the uses otherwise permitted in the district. All uses allowed in the district with which the Avalanche Zone District combines shall be subject to the additional restrictions of the Avalanche Zoning District. If any of the regulations specified in this section differ from corresponding regulations specified for a district with which the Avalanche Zone District is combined, the regulations contained in this section shall apply and govern.
- D. *Use restrictions.* The following restrictions are imposed upon construction, development and use of all real property located within the Avalanche Zone:
1. All utilities installed after the effective date hereof for development of a subdivision or providing utility services to a building or replacing existing utility services to a building or subdivision shall be installed underground in order to minimize possible avalanche damage to such utilities and injury to persons and property. For all new construction and for projects that constitute a substantial improvement, all utility service meters and shut-off valves shall be installed on the leeward-side of buildings in a protected location, to the satisfaction of the fire department.
 2. Avalanche protective, deflective and preventative structures, devices or earthwork which threaten to deflect avalanches toward property of others or otherwise threaten to increase the danger to persons or property are prohibited. The construction of such structures, devices or earthwork shall be permitted only as a conditional use. Prior to granting of a conditional use permit, the applicant shall submit to the City plans signed by an engineer licensed in the state, certifying that the proposed construction will withstand the avalanche forces set forth in the avalanche studies on file with the City and that the proposed construction will not deflect avalanches toward the property of others. Other information and engineering studies may be requested in consideration of an application for a conditional use permit. As a further condition of any conditional

KETCHUM CITY CODE

use permit, appropriate landscaping may be required where such structures, devices or earthwork alter the natural slope or beauty of the land. This shall not apply to reforestation. Alteration or removal of any existing natural barriers is prohibited.

3. Prior to issuance of a building permit for any structure within the Avalanche Zone, except for remodels to existing, non-engineered single-family homes and for additions under 1,200 gross square feet to existing, non-engineered single family-homes, the applicant shall submit to the Ketchum Building Inspector plans, signed by an engineer licensed in the State of Idaho, certifying that the proposed construction as designed will withstand the avalanche forces as set forth in the avalanche studies on file with the City, or the avalanche forces set forth in a study of the property in question prepared at the owner's expense and submitted to the City by a recognized expert in the field of avalanche occurrence, force and behavior. Warning: The avalanche forces set forth in such studies are to be considered minimum standards only, and the City does not represent, guarantee or warrant the ultimate safety of any construction, use or occupancy of structures constructed to those standards. Avalanches may occur with forces greater than those set forth in such studies, and areas of the City not designated as Avalanche Zone may be subject to potential avalanche danger.
 4. Any residence that has not been engineered to withstand avalanche forces consistent with this chapter shall not be leased, rented, or sublet from November 15 through April 15 of each year and any residence that has not been engineered to withstand avalanche forces that is being leased or rented or sublet after April 19, 1974 shall be deemed a zoning violation and shall be governed by chapter 17.156 of this title.
 5. The subdivision of real property (including land subdivisions, planned unit developments, townhouse sublots and developments, and condominium developments) within the Avalanche Zone District is permitted, provided:
 - a. No new public or private streets or flag lots associated with a proposed subdivision (land, planned unit development, townhouse, condominium) are permitted to be developed on parcels within the Avalanche Zone; and
 - b. The subdivision complies with the underlying zoning district; and
 - c. The project complies with all applicable design review requirements and zone standards, including chapters 17.96, "Design review", and 17.104, "Mountain Overlay Zoning District (MO)", of this title; and
 - d. The subdivision complies with title 16, "Subdivision regulations", of this Code.
- E. *General notice requirements.* In order to provide reasonable notice to the public of the avalanche potential within all areas designated Avalanche Zone, the following notice regulations and requirements are adopted for all real property and structures located within such zone:
1. All subdivision plats shall identify and designate each lot and block, or portions thereof, located within the Avalanche Zone, together with applicable subzone designation, by a stamp or writing in a manner providing reasonable notice to interested parties.

ZONING REGULATIONS

2. All plans submitted with a building permit application for property within said Avalanche Zone shall be stamped "avalanche zone", together with the applicable subzone designation.
 3. Prior to the issuance of any building permit for construction or improvements within the Avalanche Zone, the applicant shall submit to the building inspector a written acknowledgment on a form provided by the City, signed by the applicant under seal of a notary public, of the applicant's actual knowledge that the proposed building or improvement will be located within the Avalanche Zone. The applicant will also acknowledge that he or she has actual knowledge of the studies conducted to date regarding the Avalanche Zone that are on file with the planning department.
 4. The City shall file with the Office of the Blaine County Recorder such document(s) as necessary to provide record notice of each existing lot and/or parcel of real property within the Avalanche Zone; and such document(s) as necessary to provide record notice that each owner who rents or leases any structure located in whole or part within the Avalanche Zone shall provide the tenant, lessee or subtenant with written notice that said property is located within the Avalanche Zone prior to any occupancy.
 5. The City shall post signs in the public right-of-way to reasonably identify the boundaries of the Avalanche Zone.
 6. All persons who rent, lease or sublet any structure or premises within the Avalanche Zone shall provide the tenant, lessee or subtenant with written notice that said property is located within such Avalanche Zone prior to occupancy.
 7. Each and every real estate agent, sales person and broker, and each and every private party who offers for sale or shows a parcel of real property and/or structure for sale, lease or rent within said Avalanche Zone shall, upon first inquiry, provide the prospective purchaser, lessee or tenant, prior to viewing said real property, with written notice that said real property and/or structure is located within said Avalanche Zone. Furthermore, such written notice shall state that the studies referred to in subsection H of this section are available for public inspection at the Office of the Ketchum City Clerk and that said studies should be reviewed prior to any party entering any agreement, contract or lease.
 8. All brochures and other printed materials advertising and/or soliciting reservations for sale, rental or lease of living units within the Avalanche Zone shall contain a provision designating that said unit or units are located within the Avalanche Zone.
- F. *Suspension of City services.* During periods of avalanche danger, City services may be suspended or otherwise not be provided to property within the Avalanche Zone; nor shall the City accept responsibility for or guarantee that such services, rescue efforts or emergency services will be provided during periods of avalanche danger.
- G. *Warning and disclaimer of safety and liability.*
1. Avalanches occur naturally, suddenly and unpredictably based upon steepness of slope and runout area, exposure, snowpack composition, wind, temperature, rate of

KETCHUM CITY CODE

snowfall and other little understood interacting factors. The Avalanche Zone designated in this title is considered reasonable for regulatory purposes and is based upon and limited by the engineering and scientific methods of study. This title does not represent or imply that areas outside the Avalanche Zone District are free from avalanches or avalanche danger.

2. The fact that the City has not prohibited development, construction or use of real property within the Avalanche Zone District does not constitute a representation, guarantee or warranty of any kind as to the safety of any construction, use or occupancy. The granting of any permit or approval for any structure or use, or the declaration or failure to declare the existence of an avalanche hazard shall not constitute a representation, guarantee or warranty of any kind or nature by the City, or any official or employee, of the practicality or safety of any construction, use or occupancy, and shall create no liability upon or cause of action against such public body, or its officials or employees, for any injury, loss or damage that may result.
3. Avalanches occur naturally, suddenly and unpredictably, and persons who develop or occupy real property within said Avalanche Zone do so at their own risk.

H. *Notice of avalanche studies.*

1. The City has received avalanche studies of areas within the City and copies of said studies are available for public inspection at the office of the Ketchum City Clerk, City Hall. Persons interested in building, using or occupying real property within the Avalanche Zone are encouraged and should examine the studies. However, the City does not represent or warrant the completeness or accuracy of those studies.

I. *Amendment to zoning map.* The official zoning map of the City is amended to include the Avalanche Zone. The boundaries of said Avalanche Zone are adopted as set forth on said amended official zoning map made a part of this title. The boundaries of said Avalanche Zone are comprised of the avalanche hazard areas identified in the following studies that are on file with the City of Ketchum:

1. "Avalanche Hazard Study, the City of Ketchum, Idaho" (Wilson, 1977).
2. "Snow Avalanche Hazard Analysis and Zoning Recommendations, Warm Springs Area, Ketchum, Idaho" (Mears, 1978).
3. Memo, Skyline Subdivision (Mears, 1982).
4. "Avalanche Hazard and Mapping Analysis, Warm Springs Ranch" (Mears, 2001).
5. "Snow Avalanche Hazard and Mapping, River Run Lots, Sun Valley, Idaho" (Mears, 2009).

(Ord. 1135, 2015; Ord. 1181, 2018)

ZONING REGULATIONS

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 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.

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. Buildings or structures not requiring a building permit;
3. Temporary structures;
4. Public art;
5. Demolition associated with an approved demolition permit;

KETCHUM CITY CODE

6. 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;
7. The installation of fences, hedges, or walls compliant with section 17.124.130 of this title;
8. Maintenance and repair of exterior facades;
9. Reroofs;
10. The installation of exterior lighting compliant with chapter 17.132 of this title; and
11. The ground level installation and screening of utilities not greater than five feet in height.

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 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.
 - 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 Administrator may waive the requirement for preapplication review if the project is found to have no significant impact.

ZONING REGULATIONS

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.
(Ord. 1148, 2016; Ord. 1186, 2018; Ord. 1190, 2018; Ord. No. 1231, § 3, 1-3-2022; Ord. No. 1249, § 17, 10-2-2023)

17.96.020 Purpose.

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

17.96.030 Authority of the Administrator and the Commission.

A. Authority of the administrator.

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

B. Authority of the Commission.

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

C. Approval. The City Council shall approve all permanent encroachments within the City-owned right-of-way associated with a development project.
(Ord. 1190, 2018; Ord. No. 1249, § 17, 10-2-2023)

17.96.040 Application.

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

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

KETCHUM CITY CODE

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

1. Design review application form including project name, location, applicant, owner, project representatives, and contact information.
2. One PDF electronic set of the complete application containing all requirements as listed below, plans appropriately scaled, shall be submitted. Electronic record of the materials and color sample board may be satisfied with photos. One hard copy set of scalable plans showing at a minimum the following:
 - a. Vicinity map, to scale, showing the project location in relationship to neighboring buildings and the surrounding area.
Note: A vicinity map must show location of adjacent buildings and structures.
 - b. Drainage plan (grading, catch basins, piping, and dry wells).
 - c. Utilities plan (location and size of water and sewer mains and services, gas, electric, TV and phone).
 - d. Site plan, to scale, showing proposed parking (including parking stall dimensions), loading, general circulation, and snow storage. List square footage of subject property including lot dimensions.
 - e. Landscape plan (existing landscaping on the site shown and adjacent right-of-way as retained, relocated or removed; proposed landscaping including species type, size and quantity).
 - f. Floor plan. List gross and net square footage for each floor. List occupancy classification and type of construction.
 - g. Detailed elevations of all sides of the proposed building and other exterior elements (colors, materials).
 - h. Exterior lighting plan, pursuant to chapter 17.132 of this title, showing location, height, type, and lumen output; spec sheets for fixtures; illuminance levels/photometrics for area lighting.
 - i. One 11-inch by 17-inch materials and colors sample board showing all exterior materials used on the facade of the structure.
 - j. Building corners for all proposed buildings and additions shall be staked on the site and all trees proposed to be removed shall be flagged at least one week prior to the Commission meeting. The applicant shall install story poles, or other approved method, at the maximum roof peaks of the proposed buildings as required by the administrator.
 - k. For projects requiring preapplication design review, a model or computer simulation renderings, as described in subsection 17.96.010.C of this chapter shall be required.
3. For new multi-tenant buildings, a master signage plan shall be submitted.

ZONING REGULATIONS

4. The Administrator may waive some submittal requirements if it is determined the information is not relevant to the design review.
5. Other information as required by the administrator or the Commission.
6. Design review fee shall be submitted as described in section 17.96.100 of this chapter.
(Ord. 1148, 2016; Ord. 1190, 2018)

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

B. *Conditions.* The Commission may impose any condition deemed necessary to ensure the health, safety, or welfare of the public is not jeopardized. The Commission may also condition approval of a project with subsequent review and/or approval by the administrator or planning staff. All conditions of approval must cite the appropriate standard for imposing such condition. Conditions which may be attached include, but are not limited to, those which will:

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

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

1. If any extension of the one year period is granted by the City, each additional year, or portion of each additional year, shall require an additional 20 percent to be added to the amount of the original security initially provided.
2. In the event the improvements are not completely installed within one year, or upon the expiration of any approved extension, the City may, but is not obligated to, apply the security

KETCHUM CITY CODE

to the completion of the improvements and complete construction of the improvements. Following completion of required improvements the City shall return excess funds to the applicant.

(Ord. 1148, 2016; Ord. No. 1249, § 17, 10-2-2023)

17.96.060 Improvements and standards.

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

A. Streets.

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

B. Sidewalks.

1. All projects under subsection 17.96.010.A of this chapter that qualify as a "substantial improvement" shall install sidewalks as required by the Public Works Department.
2. Sidewalk width shall conform to the City's right-of-way standards, however the City Engineer may reduce or increase the sidewalk width and design standard requirements at their discretion.
3. Sidewalks may be waived if one of the following criteria is met:
 - a. The project comprises an addition of less than 250 square feet of conditioned space.
 - b. The City Engineer finds that sidewalks are not necessary because of existing geographic limitations, pedestrian traffic on the street does not warrant a sidewalk, or if a sidewalk would not be beneficial to the general welfare and safety of the public.
4. The length of sidewalk improvements constructed shall be equal to the length of the subject property line(s) adjacent to any public street or private street.
5. New sidewalks shall be planned to provide pedestrian connections to any existing or future sidewalks adjacent to the site. In addition, sidewalks shall be constructed to provide safe pedestrian access to and around a building.
6. The City may approve and accept voluntary cash contributions in lieu of the above described improvements, which contributions must be segregated by the City and not used for any purpose other than the provision of these improvements. The contribution amount shall be 110 percent of the estimated costs of concrete sidewalk and drainage improvements provided by a qualified contractor, plus associated engineering costs, as approved by the City Engineer. Any approved in lieu contribution shall be paid before the City issues a certificate of occupancy.

C. Drainage.

1. All stormwater shall be retained on site.

ZONING REGULATIONS

2. Drainage improvements constructed shall be equal to the length of the subject property lines adjacent to any public street or private street.
3. The City Engineer may require additional drainage improvements as necessary, depending on the unique characteristics of a site.
4. Drainage facilities shall be constructed per City standards.

D. *Utilities.*

1. All utilities necessary for the development shall be improved and installed at the sole expense of the applicant.
2. Utilities shall be located underground and utility, power, and communication lines within the development site shall be concealed from public view.
3. When extension of utilities is necessary all developers will be required to pay for and install two-inch SDR11 fiber optical conduit. The placement and construction of the fiber optical conduit shall be done in accordance with City of Ketchum standards and at the discretion of the City Engineer.

E. *Compatibility of design.*

1. The project's materials, colors and signing shall be complementary with the townscape, surrounding neighborhoods and adjoining structures.
2. Preservation of significant landmarks shall be encouraged and protected, where applicable. A significant landmark is one which gives historical and/or cultural importance to the neighborhood and/or community.
3. Additions to existing buildings, built prior to 1940, shall be complementary in design and use similar material and finishes of the building being added to.

F. *Architectural.*

1. Building(s) shall provide unobstructed pedestrian access to the nearest sidewalk and the entryway shall be clearly defined.
2. The building character shall be clearly defined by use of architectural features.
3. There shall be continuity of materials, colors and signing within the project.
4. Accessory structures, fences, walls and landscape features within the project shall match or complement the principal building.
5. Building walls shall provide undulation/relief, thus reducing the appearance of bulk and flatness.
6. Building(s) shall orient toward their primary street frontage.
7. Garbage storage areas and satellite receivers shall be screened from public view and located off alleys.
8. Building design shall include weather protection which prevents water to drip or snow to slide on areas where pedestrians gather and circulate or onto adjacent properties.

KETCHUM CITY CODE

G. *Circulation design.*

1. Pedestrian, equestrian and bicycle access shall be located to connect with existing and anticipated easements and pathways.
2. Awnings extending over public sidewalks shall extend five feet or more across the public sidewalk but shall not extend within two feet of parking or travel lanes within the right-of-way.
3. Traffic shall flow safely within the project and onto adjacent streets. Traffic includes vehicle, bicycle, pedestrian and equestrian use. Consideration shall be given to adequate sight distances and proper signage.
4. Curb cuts and driveway entrances shall be no closer than 20 feet to the nearest intersection of two or more streets, as measured along the property line adjacent to the right-of-way. Due to site conditions or current/projected traffic levels or speed, the City Engineer may increase the minimum distance requirements.
5. Unobstructed access shall be provided for emergency vehicles, snowplows, garbage trucks and similar service vehicles to all necessary locations within the proposed project.

H. *Snow storage.*

1. Snow storage areas shall not be less than 30 percent of the improved parking and pedestrian circulation areas.
2. Snow storage areas shall be provided on site.
3. A designated snow storage area shall not have any dimension less than five feet and shall be a minimum of 25 square feet.
4. In lieu of providing snow storage areas, snowmelt and hauling of snow may be allowed.

I. *Landscaping.*

1. Landscaping is required for all projects.
2. Landscape materials and vegetation types specified shall be readily adaptable to a site's microclimate, soil conditions, orientation and aspect, and shall serve to enhance and complement the neighborhood and townscape.
3. All trees, shrubs, grasses and perennials shall be drought tolerant. Native species are recommended but not required.
4. Landscaping shall provide a substantial buffer between land uses, including, but not limited to, structures, streets and parking lots. The development of landscaped public courtyards, including trees and shrubs where appropriate, shall be encouraged.

J. *Public amenities.*

1. Where sidewalks are required, pedestrian amenities shall be installed. Amenities may include, but are not limited to, benches and other seating, kiosks, bus shelters, trash

ZONING REGULATIONS

receptacles, restrooms, fountains, art, etc. All public amenities shall receive approval from the Public Works Department prior to design review approval from the Commission.

K. *Underground encroachments.*

1. Encroachments of underground building(s) or portions of building(s) 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.
(Ord. 1148, 2016; Ord. 1186, 2018; Ord. No. 1249, § 17, 10-2-2023)

[This page intentionally left blank.]

ZONING REGULATIONS

17.96.070 Community Core (CC) projects.

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

A. *Streets.*

1. Street trees, streetlights, street furnishings, and all other street improvements shall be installed or constructed as determined by the Public Works Department.
2. Street trees with a minimum caliper size of three inches, shall be placed in tree grates.
3. Due to site constraints, the requirements of this subsection A may be modified by the Public Works Department.

B. *Architectural.*

1. Facades facing a street or alley or located more than five feet from an interior side property line shall be designed with both solid surfaces and window openings to avoid the creation of blank walls and employ similar architectural elements, materials, and colors as the front facade.
2. For nonresidential portions of buildings, front building facades and facades fronting a pedestrian walkway shall be designed with ground floor storefront windows and doors with clear transparent glass. Landscaping planters shall be incorporated into facades fronting pedestrian walkways.
3. For nonresidential portions of buildings, front facades shall be designed to not obscure views into windows.
4. Roofing forms and materials shall be compatible with the overall style and character of the structure. Reflective materials are prohibited.
5. All pitched roofs shall be designed to sufficiently hold all snow with snow clips, gutters, and downspouts.
6. Roof overhangs shall not extend more than three feet over a public sidewalk. Roof overhangs that extend over the public sidewalk shall be approved by the Public Works Department.
7. Front porches and stoops shall not be enclosed on the ground floor by permanent or temporary walls, windows, window screens, or plastic or fabric materials.

C. *Service areas and mechanical/electrical equipment.*

1. Trash disposal areas and shipping and receiving areas shall be located within parking garages or to the rear of buildings. Trash disposal areas shall not be located within the public right-of-way and shall be screened from public views.
2. Roof and ground mounted mechanical and electrical equipment shall be fully screened from public view. Screening shall be compatible with the overall building design.

KETCHUM CITY CODE

D. *Landscaping.*

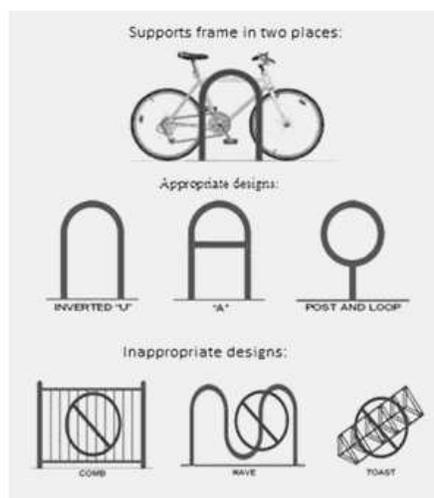
1. When a healthy and mature tree is removed from a site, it shall be replaced with a new tree. Replacement trees may occur on or off site.
2. Trees that are placed within a courtyard, plaza, or pedestrian walkway shall be placed within tree wells that are covered by tree grates.
3. The City arborist shall approve all parking lot and replacement trees.

E. *Surface parking lots.*

1. Surface parking lots shall be accessed from off the alley and shall be fully screened from the street.
2. Surface parking lots shall incorporate at least one tree and one additional tree per ten on site parking spaces. Trees shall be planted in landscaped planters, tree wells and/or diamond shaped planter boxes located between parking rows. Planter boxes shall be designed so as not to impair vision or site distance of the traveling public.
3. Ground cover, low lying shrubs, and trees shall be planted within the planters and planter boxes. Tree grates or landscaping may be used in tree wells located within pedestrian walkways.

F. *Bicycle parking.*

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



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

ZONING REGULATIONS

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

17.96.080 Notice.

All property owners adjacent to properties under application for design review shall be notified by mail ten days prior to the meeting of the date at which said design review is to be considered by the Commission.

(Ord. 1148, 2016)

17.96.090 Terms of approval.

A. Design review approval.

1. The term of design review approval shall be 12 months from the date that findings of fact, conclusions of law and decision are adopted by the Commission or upon appeal, the date the approval is granted by the Council subject to changes in zoning regulations.
2. Application must be made for a building permit with the Ketchum Planning and Building Department during the 12-month term. Once a building permit has been issued, the design review approval shall be valid for the duration of the building permit.
3. Unless an extension is granted as set forth below, failure to file a complete building permit application for a project in accordance with these provisions shall cause said approval to be null and void.

B. Extensions of design review approval.

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

KETCHUM CITY CODE

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

17.96.100 Fees and costs.

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

(Ord. 1148, 2016)

CHAPTER 17.100 WARM SPRINGS BASE AREA OVERLAY DISTRICT (WSBA)

17.100.010 Purpose.

The Warm Springs base area, as one of only two access points to skiing on Bald Mountain, is a key hub for tourist and recreational activities in the City. Due to the unique nature of skier base areas, and their importance to the tourism economy in Ketchum, an overlay zoning district is found to be an appropriate tool to encourage desired uses in the base area. The intent of this zoning district and each of its regulations is to:

- A. Provide a unique experience based on the specific geography and community characteristics of the Warm Springs base area.
- B. Build on the existing village character.
- C. Expand the variety of uses and users.
- D. Stimulate year round activity.
- E. Enhance connectivity between uses.
- F. Maintain key public views.
- G. Promote open space and connections to nature.

(Ord. 1135, 2015)

17.100.020 General application.

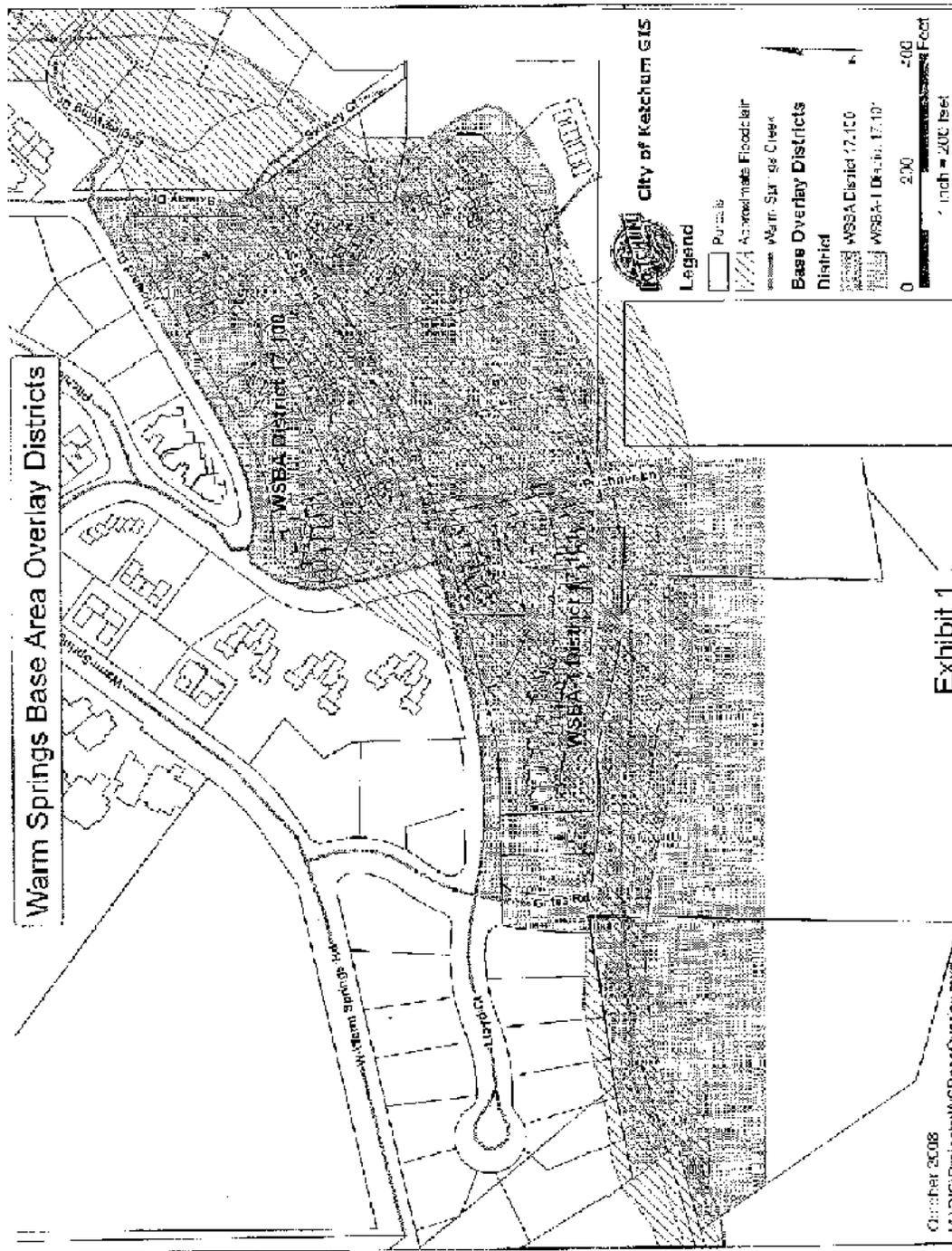
A. *Projects under a 0.5 floor area ratio (FAR).* Projects under a 0.5 FAR are not subject to the additional requirements of this chapter, and are governed by the underlying zoning district.

ZONING REGULATIONS

B. *Projects over a 0.5 FAR.* The Warm Springs Base Area Overlay Zoning District (WSBA) shall be an "overlay district" and the additional requirements of said overlay district shall apply to the uses and structures otherwise permitted in the underlying zoning district, if the project is at a FAR of greater than 0.5. All uses and structures allowed in the district with which the WSBA overlay zoning district combines shall be subject to the additional restrictions of the WSBA overlay zoning district. If any of the regulations specified in this chapter differ from corresponding regulations specified for a district with which the WSBA overlay zoning district is combined, the regulations contained in this chapter shall apply and govern. If additional height and bulk are allowed for certain uses in this chapter, the regulations of this chapter shall govern for those uses, so long as all conditions outlined herein have been met. All other regulations of the zoning district with which the WSBA overlay zoning district is combined shall remain in full force and effect.

C. *Boundaries of WSBA Overlay District.* The requirements of the WSBA overlay district shall apply to improvements to any property within the portion of Warm Springs as defined on the boundary marked on the WSBA overlay district map, exhibit 1 of this section.

KETCHUM CITY CODE



(Ord. 1135, 2015)

ZONING REGULATIONS

17.100.030 Desired uses and floor area ratio (FAR) table.

A. *Approach.* The purpose of this section is to encourage certain uses by allowing additional floor area for these uses. The following standards apply when preferred uses are included, as indicated in the floor area ratio table that is provided below. Projects up to and including a FAR of 0.5 are not subject to the regulations of this section. Note that, other than the different standards presented in this section, any other standards that presently exist for the tourist zone district would continue to apply. (For example, landscape requirements would continue as currently established.)

Figure 1: FAR Table

FAR System For Warm Springs Base Area					
Existing FAR Allowances				Maximum FAR Per Category	Maximum FAR
Base FAR				0.5	0.5
Inclusionary housing				1.1	1.6
Proposed Additional FAR Allowances					
	Measure ¹	Amount ²	FAR Incre- ment ³	Maximum FAR Per Category	Absolute Max- imum FAR ⁴
Inclusionary housing	1 on site DU	1	0.2	No cap	2.25
	1 off site DU	1	0.15		
Hotel/lodging	Bedroom	1	0.015	1.0	
Meeting/ conference	Square feet	100	0.005	0.3	
Office	Square feet	100	0.005	0.5	
Restaurant/re- tail	Square feet	100	0.025	1.1	
Ski industry related non- profit	Square feet	100	0.005	0.5	
Ski storage ⁵	Square feet	100	0.015	0.2	

Notes:

1. The "measure" is the type of measurement for the designated use.
2. The "amount" is the unit of measurement for which a designated amount of additional FAR is allowed.
3. The "FAR increment" is the amount of additional FAR earned per amount of a designated use provided.
4. The absolute maximum FAR may not be exceeded. It is the total potential to be earned with a combination of the FAR incentives.
5. Ski storage that is incorporated with retail space shall be subject to the retail FAR increment. Ski storage that is not incorporated with retail shall be subject to the ski storage FAR increment.

B. *Maximum floor area ratio (FAR).*

1. *By right maximum FAR.* The maximum "by right" FAR is 0.5.

KETCHUM CITY CODE

2. *Preferred uses maximum FAR.* The maximum may be increased up to 2.25, when certain preferred uses and amenities are included, based on the table in figure 1 of this section. The additional FAR must also be found to be compatible with the context, using the Warm Springs village design guidelines, on file with the City Clerk.

C. *Change in use.*

1. All developments that achieve a FAR greater than 0.5 shall be required to enter into an agreement with the City addressing any future changes to preferred uses (uses that resulted in a greater overall FAR).
2. Said agreement shall include stipulations for changes in preferred uses and shall outline specific requirements for changes to preferred uses. For example, the agreement could require that 25 percent of the uses remain as community housing or retail.
3. The Commission shall review the agreement during design review and make recommendations to the City Council. The agreement shall be approved by the City Council prior to building permit approval.
4. Any increase in FAR above 1.0 also shall trigger the requirement for a traffic and parking impact study and parking demand management plan as outlined in section 17.100.070 of this chapter. The City must determine that these impacts are adequately addressed in order to award the additional FAR above 0.5.

(Ord. 1135, 2015)

17.100.040 Building massing standards and building height.

A. *Approach.* The following massing and height regulations are intended to permit taller building portions, but limit taller building portions to sites that have been determined to be able to accommodate the increased height without compromising other goals and objectives for the Warm Springs base area. Taller building portions are more compatible when a substantial portion of the development is at a lower scale. Having two story elements at the street edge is particularly important. The following regulations encourage stepped building forms, create an active street edge, and promote views and open space. These standards would influence the perceived mass of a building by setting certain limits on massing, which would result in "sculpting" the building form.

B. *Building height.*

1. *Maximum building height.* Heights in the WSBA overlay district are governed by this section.
 - a. WSBA overlay district shall have a maximum height of three to five stories, including the limitations of subsections B.2. and B.3. of this section.
2. *Maximum building height for uses.* Maximum building height for uses in section 17.100.030, figure 1 of this chapter are as follows:

Figure 2: Building Height

Stories	Maximum Height ¹
For portions of buildings within 30 feet of Howard Drive: 3-4	50 feet (subject to plate heights at minimum setback - subsection D of this section, and to all fourth floor elements being contained within the roof)

ZONING REGULATIONS

Stories	Maximum Height ¹
5	65 feet

Note:

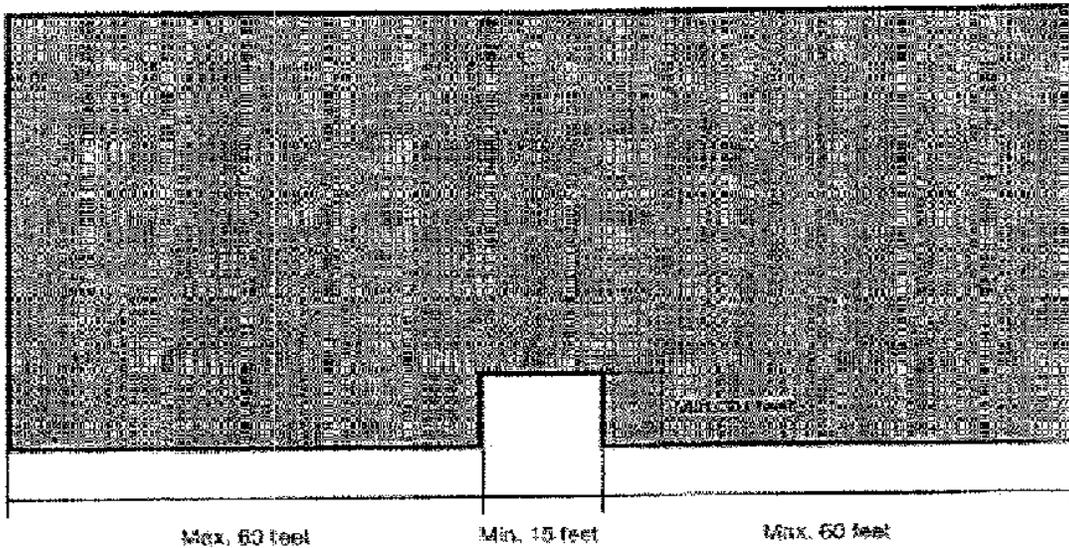
¹ The maximum height is for roof pitches of 5:12 and greater only, and as measured from existing, natural or finished grade to the top of the ridge or highest point, including architectural features.

3. *Upper floor footprints.*

- a. Maximum fifth floor footprint: 35 percent of the first floor building footprint.

C. *Wall plane length.*

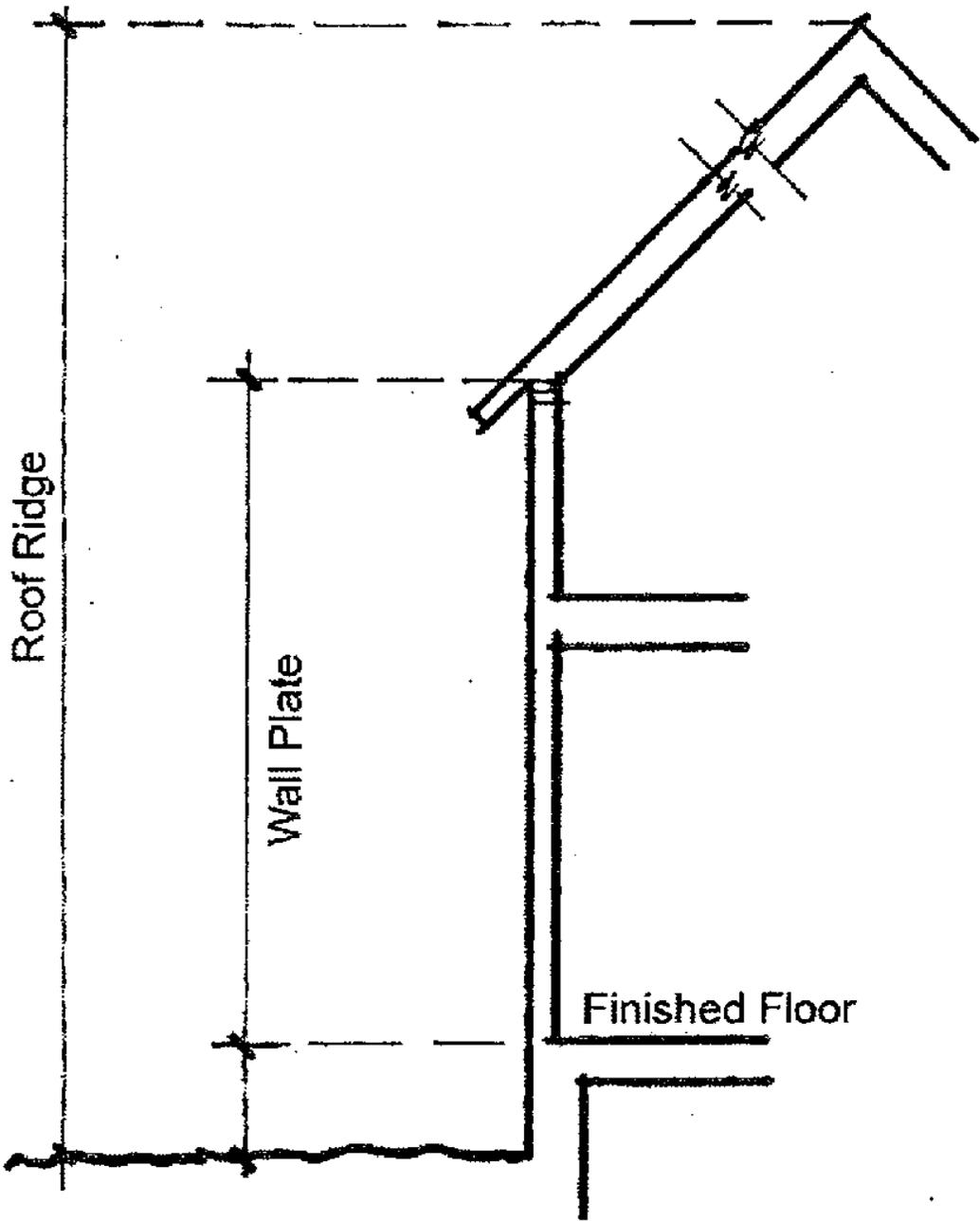
1. Maximum wall plane length: 60 feet.
2. Minimum offset: Ten feet by 15 feet (see figure 3 of this section).*



D. *Plate height at minimum setback.*

1. Maximum plate height within ten feet of the minimum setback line shall be 35 feet (see figure 4 of this section).

*This may be varied in design review, if compatible massing is demonstrated.



(Ord. 1135, 2015)

17.100.050 Lot coverage.

A. *Approach.* Lot coverage shall be regulated by calculating the minimum usable open space on the site as determined by the definition found in chapter 17.08 of this title.

ZONING REGULATIONS

B. The minimum open site area requirement may be reduced based on one or more of the following site criteria:

1. Size, layout, and/or shape of lot prohibits project from meeting open site requirements.
2. The project demonstrates water table issues that prohibit underground parking.
3. Project demonstrates clear benefits from reducing minimum open site requirements.

(Ord. 1135, 2015)

17.100.060 Setback regulations.

A. *Front yard setbacks.*

1. When a property extends through to two streets, both streets shall be subject to front yard setback regulations.

Note: Front yard setback requirement for one street frontage may be modified based on the nature of the surrounding streets and location of the lot.

2. Front yard setbacks shall be as follows:

Street face	5 foot setback	Maximum setback
All streets	50 percent minimum ¹	30 feet ²

Notes:

1. The minimum percentage of the linear dimension of the building front that must be placed at the five-foot setback line.
2. The maximum that any portion of the front of the building may be set back from the front property line. This area must be public open space that allows for pedestrian circulation. Parking in this area is not permitted, except for loading and unloading areas for accommodations facilities.

(Possible exception for property west of Day Lodge and for flexibility through design review.)

B. *Side yard setbacks.* Five feet.

C. *Rear yard setbacks.* Fifteen feet.

(Ord. 1135, 2015)

17.100.070 Transportation and parking regulations.

Due to the limitations of Warm Springs Road, alternative travel modes and transit are necessary components of larger projects. To decrease single occupancy vehicle use, this section establishes maximum provisions for on site parking, coupled with transit demand management requirements.

- A. *Projects up to and including a FAR of 0.5.* Parking requirements shall be regulated per section 17.125.040 of this title.
- B. *Projects with a FAR greater than 0.5.* Parking shall be regulated by the following chart. For all other parking requirements not outlined in this section, refer to section 17.125.040 of this title.

KETCHUM CITY CODE

Parking Requirements/Parking Demand	
Residential	1.0 space per 1,500 net square feet plus 1 guest space for every 4 residential units
Accommodation	0.75 space per rental/hotel room
Retail trade and retail service	2.0 spaces per 1,000 gross square feet
Professional service/office space	2.0 spaces per 1,000 gross square feet
Government	1.0 space per 1,000 gross square feet

Note: For all other uses not itemized in this chart and all other off street parking regulations, refer to the off street parking requirements of section 17.125.040 of this title.

- C. Four on street parking spaces per 5,500 square feet of lot area may be counted toward the required parking requirement.
- D. Up to one-eighth of the overall parking requirement may be met via an in lieu payment. Said in lieu fee shall be based on the parking in lieu fee requirements of section 17.125.100 of this title.
 - 1. All in lieu funds received under this subsection shall be placed into a special and separate Transportation Improvement and Acquisition Fund to be used primarily for transit improvements and parking management programs, such as paid parking, that address the demand for physical parking on site in the WSBA and WSBA-1 Overlay Districts; and secondarily for the purchase, construction and improvement of public parking facilities.
- E. For projects with a FAR greater than 0.5, a transit demand management (TDM) plan shall be provided which demonstrates that alternative strategies will offset the demand for the parking reduction. TDM plans should consider providing the following strategies:
 - 1. Bicycle amenities such as standard racks, bicycle lockers, and/or shower facilities.
 - 2. Provision of a public transit stop, or demonstration of proximate access to an existing transit stop.
 - 3. Reserved preferential parking spaces for high occupancy vehicles.
 - 4. Shared parking within mixed use developments.
 - 5. Publicly accessible permanent display area for information on TDM strategies and options for alternative transit modes.
 - 6. Shuttle service.
 - 7. Contribution to public transit or alternative modes fund.
 - 8. Employee programs such as:
 - a. Car/van pool coordination and incentive program;
 - b. Shuttle program;
 - c. Guaranteed emergency ride home program; or
 - d. Public transit passes.

(Ord. 1135, 2015)

ZONING REGULATIONS

CHAPTER 17.101 WARM SPRINGS BASE AREA OVERLAY DISTRICT-1 (WSBA-1)

17.101.010 Purpose.

The Warm Springs base area, as one of only two access points to skiing on Bald Mountain, is a key hub for tourist and recreational activities in the City. Due to the unique nature of skier base areas, and their importance to the tourism economy in Ketchum, an overlay zoning district is found to be an appropriate tool to encourage desired uses in the base area. The intent of this zoning district and each of its regulations is to:

- A. Provide a unique experience based on the specific geography and community characteristics of the Warm Springs base area.
 - B. Build on the existing village character.
 - C. Expand the variety of uses and users.
 - D. Stimulate year round activity.
 - E. Enhance connectivity between uses.
 - F. Maintain key public views.
 - G. Promote open space and connections to nature.
- (Ord. 1135, 2015)

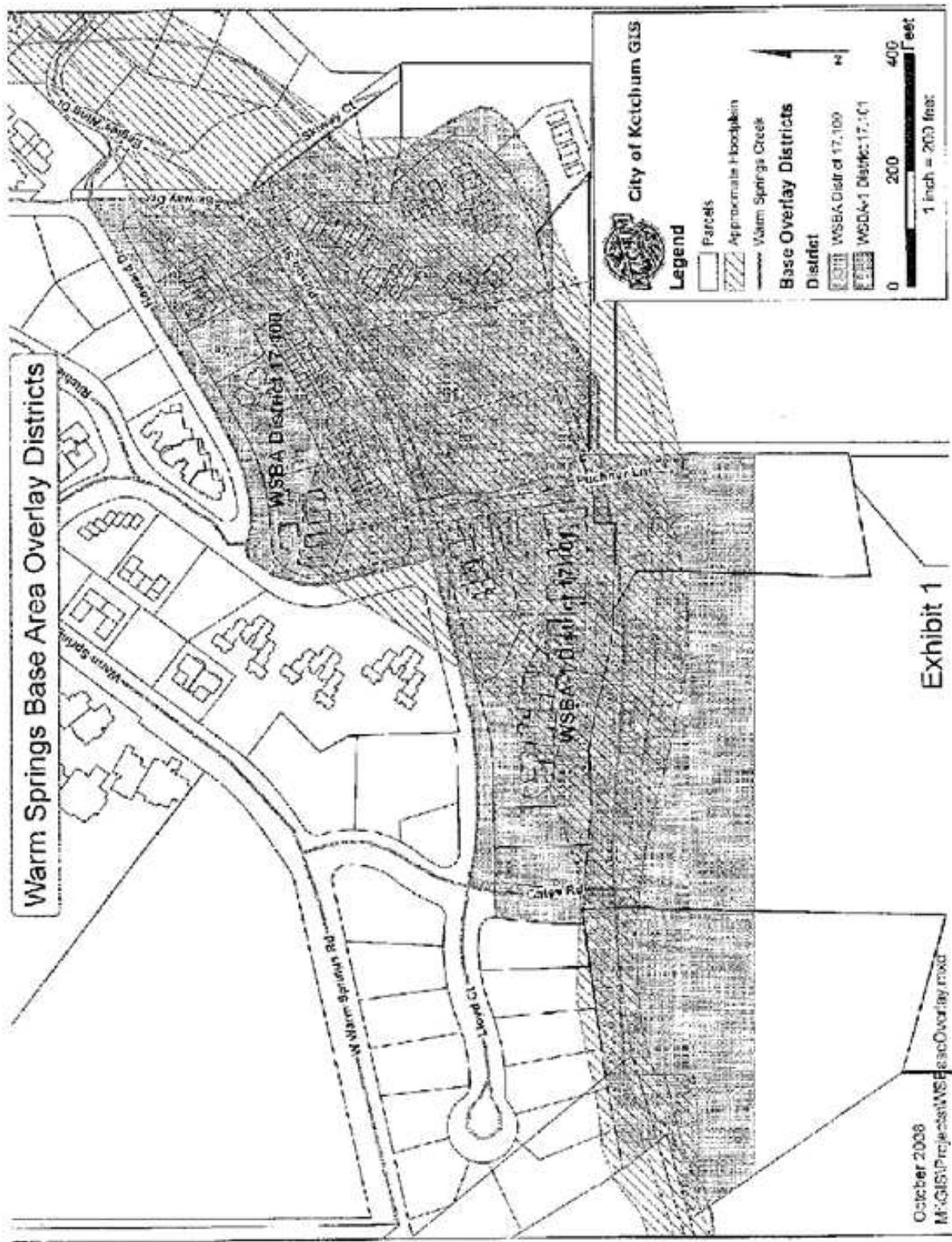
17.101.020 General application.

A. *Projects up to and including a 0.5 floor area ratio (FAR).* Projects under a 0.5 FAR are not subject to the additional requirements of this chapter, and are governed by the underlying zoning district.

B. *Projects over a 0.5 FAR.* The Warm Springs Base Area Overlay Zoning District-1 (WSBA-1) shall be an "overlay district" and the additional requirements of said overlay district shall apply to the uses and structures otherwise permitted in the underlying zoning district, if the project is at a FAR of greater than 0.5. All uses and structures allowed in the district with which the WSBA-1 overlay zoning district combines shall be subject to the additional restrictions of the WSBA-1 overlay zoning district. If any of the regulations specified in this chapter differ from corresponding regulations specified for a district with which the WSBA-1 overlay zoning district is combined, the regulations contained in this chapter shall apply and govern. If additional height and bulk are allowed for certain uses in this chapter, the regulations of this chapter shall govern for those uses, so long as all conditions outlined herein have been met. All other regulations of the zoning district with which the WSBA-1 overlay zoning district is combined shall remain in full force and effect.

C. *Boundaries of WSBA-1 overlay district.* The requirements of the WSBA-1 overlay district shall apply to improvements to any property within the portion of Warm Springs as defined on the boundary marked on the WSBA overlay district map, exhibit 1 of this section.

KETCHUM CITY CODE



ZONING REGULATIONS

(Ord. 1135, 2015)

17.101.030. Desired uses and floor area ratio (FAR) table.

A. *Approach.* The purpose of this section is to encourage certain uses by allowing additional floor area for these uses. The following standards apply when preferred uses are included, as indicated in the floor area ratio table that is provided below. Projects up to and including a FAR of 0.5 are not subject to the regulations of this section. Note that, other than the different standards presented in this section, any other standards that presently exist for the tourist zone district would continue to apply. (For example, landscape requirements would continue as currently established.)

Figure 1: FAR Table

FAR System For Warm Springs Base Area					
Existing FAR Allowances					
				Maximum FAR Per Category	Maximum FAR
Base FAR				0.5	0.5
Inclusionary housing				1.1	1.6
Proposed Additional FAR Allowances					
	Measure ¹	Amount ²	FAR Increment ³	Maximum FAR Per Category	Absolute Maximum FAR ⁴
Inclusionary housing	1 on site DU	1	0.2	No cap	2.25
	1 off site DU	1	0.15		
Hotel/lodging	Bedroom	1	0.015	1.0	
Meeting/ Conference	Square feet	100	0.005	0.3	
Office	Square feet	100	0.005	0.5	
Restaurant/ Retail	Square feet	100	0.025	1.1	
Ski industry re- lated nonprofit	Square feet	100	0.005	0.5	
Ski storage ⁵	Square feet	100	0.015	0.2	

Notes:

- ¹ The "measure" is the type of measurement for the designated use.
- ² The "amount" is the unit of measurement for which a designated amount of additional FAR is allowed.
- ³ The "FAR increment" is the amount of additional FAR earned per amount of a designated use provided.
- ⁴ The absolute maximum FAR may not be exceeded. It is the total potential to be earned with a combination of the FAR incentives.

KETCHUM CITY CODE

⁵ Ski storage that is incorporated with retail space shall be subject to the retail FAR increment. Ski storage that is not incorporated with retail shall be subject to the ski storage FAR increment.

B. *Maximum floor area ratio (FAR).*

1. *By right maximum FAR.* The maximum "by right" FAR is 0.5.
2. *Preferred uses maximum FAR.* The maximum may be increased up to 2.25, when certain preferred uses and amenities are included, based on the table in figure 1 of this section. The additional FAR must also be found to be compatible with the context, using the Warm Springs village design guidelines on file with the City Clerk.

C. *Change in use.*

1. All developments that achieve a FAR greater than 0.5 shall be required to enter into an agreement with the City addressing any future changes to preferred uses (uses that resulted in a greater overall FAR).
2. Said agreement shall include stipulations for changes in preferred uses and shall outline specific requirements for changes to preferred uses. For example, the agreement could require that 25 percent of the uses remain as community housing or retail.
3. The Commission shall review the agreement during design review and make recommendations to the City Council. The agreement shall be approved by the City Council prior to building permit approval.
4. Any increase in FAR above 1.0 also shall trigger the requirement for a traffic and parking impact study and parking demand management plan as outlined in section 17.101.070 of this chapter. The City must determine that these impacts are adequately addressed in order to award the additional FAR above 0.5.

(Ord. 1135, 2015)

17.101.040 Building massing standards and building height.

A. *Approach.* The following massing and height regulations are intended to permit taller building portions, but limit taller building portions to sites that have been determined to be able to accommodate the increased height without compromising other goals and objectives for the Warm Springs base area. Taller building portions are more compatible when a substantial portion of the development is at a lower scale. Having two story elements at the street edge is particularly important. The following regulations encourage stepped building forms, create an active street edge, and promote views and open space. These standards would influence the perceived mass of a building by setting certain limits on massing, which would result in "sculpting" the building form.

B. *Building height.*

1. *Maximum building height.* Heights in the WSBA overlay district-1 are governed by this section.
2. *Maximum building height for uses.* Maximum building height for uses in section 17.101.030, figure 1 of this chapter are as follows:

ZONING REGULATIONS

Figure 2: Building Height

Stories	Maximum Height ¹
3, 4	50 feet (subject to plate heights at minimum setback - subsection D of this section, and to all fourth floor elements being contained within the roof)
5	65 feet
6	77 feet

Note:

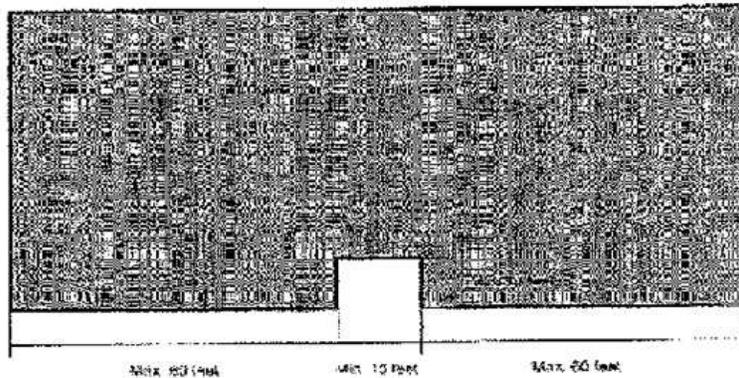
¹ The maximum height is for roof pitches of 5:12 and greater only, and as measured from existing, natural or finished grade to the top of the ridge or highest point, including architectural features.

3. *Upper floor footprints.*

- a. *Maximum fifth floor footprint.* Thirty-five percent of the first floor building footprint.
- b. *Maximum sixth floor footprint (if permitted through design review).* Twenty-five percent of the first floor building footprint.

C. *Wall plane length.*

- 1. *Maximum wall plane length.* Sixty feet.
- 2. *Minimum offset.* Ten feet by 15 feet (see figure 3 of this section)*.

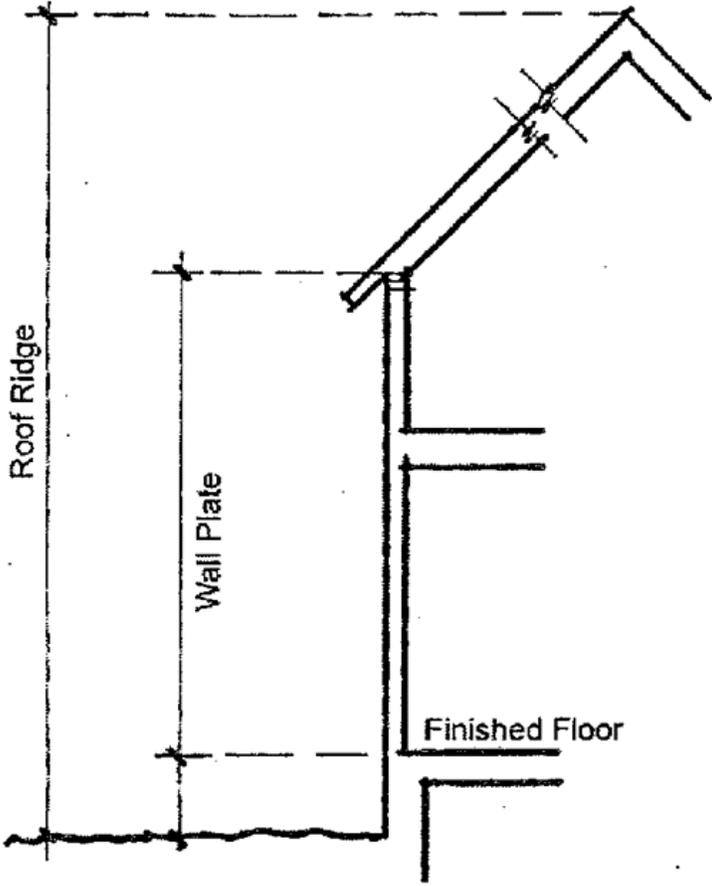


D. *Plate Height At Minimum Setback.*

- 1. Maximum plate height within ten feet of the minimum setback line shall be 35 feet (see figure 4 of this section).

***Note**—This may be varied in design review, if compatible massing is demonstrated.

KETCHUM CITY CODE



(Ord. 1135, 2015)

17.101.050 Lot coverage.

A. *Approach.* Lot coverage shall be regulated by calculating the minimum usable open space on the site as determined by the definition found in chapter 17.08 of this title.

B. The minimum open site area requirement may be reduced based on one or more of the following site criteria:

- 1. Size, layout, and/or shape of lot prohibits project from meeting open site requirements.
- 2. The project demonstrates water table issues that prohibit underground parking.
- 3. Project demonstrates clear benefits from reducing minimum open site requirements.

(Ord. 1135, 2015)

ZONING REGULATIONS

17.101.060 Setback regulations.

A. Front yard setbacks.

- 1. When a property extends through to two streets, both streets shall be subject to front yard setback regulations.

Note: Front yard setback requirement for one street frontage may be modified based on the nature of the surrounding streets and location of the lot.

- 2. Front yard setbacks shall be as follows:

Street face	5 foot setback	Maximum setback
All streets	50 percent minimum ¹	30 feet ²

Notes:

- ¹ The minimum percentage of the linear dimension of the building front that must be placed at the five-foot setback line.
- ² The maximum that any portion of the front of the building may be set back from the front property line. This area must be public open space. Parking in this area is not permitted, except for loading and unloading areas for accommodations facilities. (Possible exception for property west of day lodge and for flexibility through design review.)

B. Side yard setbacks. Five feet.

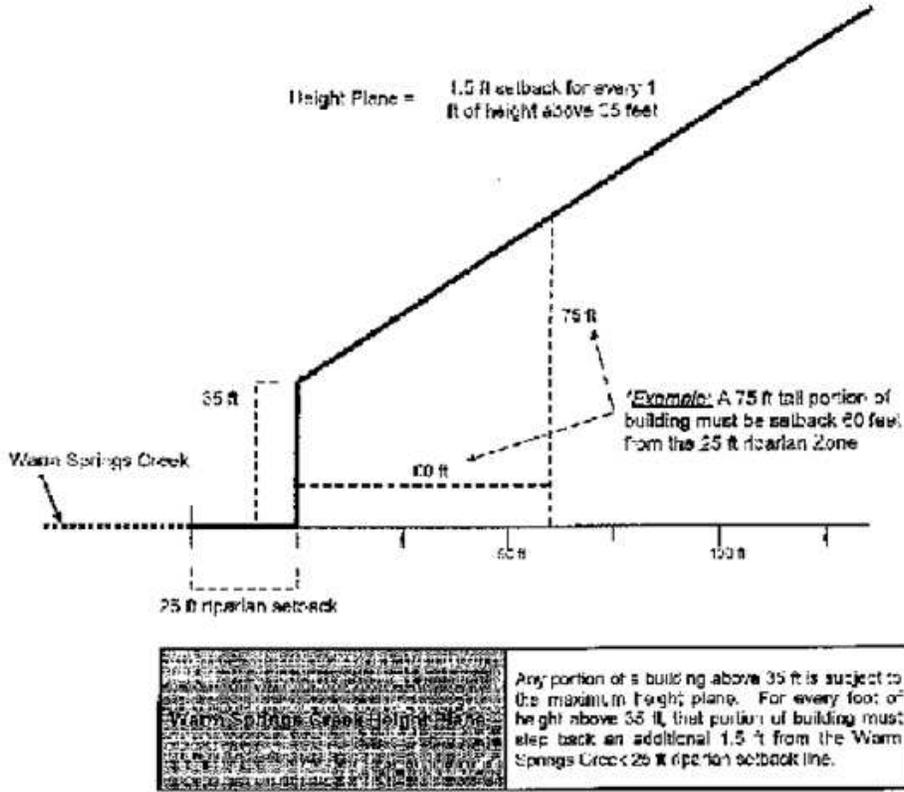
C. Rear yard setbacks. Fifteen feet.

D. Warm Springs Creek Setback. In addition to the mandatory 25-foot riparian zone setback, all development along Warm Springs Creek shall be subject to the following setback requirements:

- 1. *Height plane.* A height plane is established to protect view corridors and sunlight along Warm Springs Creek. This is regulated by figure 5 of this section. No building shall exceed this height plane.

KETCHUM CITY CODE

Figure 5: Warm Springs Creek Maximum Height Plane



*Example: A 75 ft. tall portion of a building is subject to the following setback:	
Step 1:	75 ft. - 35 ft. = 40 ft. (height above 35 ft.)
Step 2:	40 ft. x 1.5 = 60 ft. (additional Warm Springs Creek setback measured from the mandatory 25 ft. riparian setback)
**Refer to definition of "riparian zone" found in chapter 17.08 of this title.	

2. *Setback zone along Warm Springs Creek.* For developments that require an additional setback along Warm Springs Creek, said setback zone shall incorporate amenities such as public open space and pedestrian thoroughfares. Design of such amenities and open space shall be subject to criteria outlined in the "Warm Springs Base Area Design Guidelines", on file with the City Clerk.

(Ord. 1135, 2015)

17.101.070 Transportation and parking regulations.

Due to the limitations of Warm Springs Road, alternative travel modes and transit are necessary components of larger projects. To decrease single occupancy vehicle use, this section establishes maximum provisions for on site parking, coupled with transit demand management requirements.

- A. *Projects up to and including a FAR of 0.5.* Parking requirements shall be regulated per section 17.125.040 of this title.

ZONING REGULATIONS

- B. *Projects with a FAR greater than 0.5.* Parking shall be regulated by the following chart. For all other parking requirements not outlined in this section, refer to section 17.125.040 of this title.

Parking Requirements/Parking Demand	
Residential	1.0 space per 1,500 net square feet plus 1 guest space for every 4 residential units
Accommodation	0.75 space per rental/hotel room
Retail trade and retail service	2.0 spaces per 1,000 gross square feet
Professional service/office space	2.0 spaces per 1,000 gross square feet
Government	1.0 space per 1,000 gross square feet

Note: For all other uses not itemized in this chart and all other off street parking regulations, refer to the off street parking requirements of section 17.125.040 of this title.

- C. Four on street parking spaces per 5,500 square feet of lot area may be counted toward the required parking requirement.
- D. Up to one-eighth of the overall parking requirement may be met via an in lieu payment. Said in lieu fee shall be based on the parking in lieu fee requirements of section 17.125.100 of this title.
1. All in lieu funds received under this subsection shall be placed into a special and separate transportation improvement and acquisition fund to be used primarily for transit improvements and parking management programs, such as paid parking, that address the demand for physical parking on site in the WSBA and WSBA-1 Overlay Districts; and secondarily for the purchase, construction and improvement of public parking facilities.
- E. For projects with a FAR greater than 0.5, a transit demand management (TDM) plan shall be provided which demonstrates that alternative strategies will offset the demand for the parking reduction. TDM plans should consider providing the following strategies:
1. Bicycle amenities such as standard racks, bicycle lockers, and/or shower facilities.
 2. Provision of a public transit stop, or demonstration of proximate access to an existing transit stop.
 3. Reserved preferential parking spaces for high occupancy vehicles.
 4. Shared parking within mixed use developments.
 5. Publicly accessible permanent display area for information on TDM strategies and options for alternative transit modes.
 6. Shuttle service.
 7. Contribution to public transit or alternative modes fund.
 8. Employee programs such as:
 - a. Car/van pool coordination and incentive program;
 - b. Shuttle program;

KETCHUM CITY CODE

- c. Guaranteed emergency ride home program; or
- d. Public transit passes.

(Ord. 1135, 2015)

CHAPTER 17.104 MOUNTAIN OVERLAY ZONING DISTRICT (MO)

17.104.010 MO Mountain Overlay Zoning District established.

The MO Mountain Overlay Zoning District is established to identify those areas where, after due investigation, study and deliberation, the Ketchum City Council finds that orderly development of hillside areas is vital to the public interest; that the City should regulate access to, erosion of, damage from and construction on hillsides; that it is obligated to protect the public health, safety and welfare; and that special regulations regarding hillside development should be imposed within such district. (Ord. 1135, 2015)

17.104.020 Purposes.

The MO mountain overlay zoning district is established for the following purposes:

- A. To protect the public health, safety and welfare of inhabitants of hillside areas;
- B. To encourage land uses harmonious with existing natural resources;
- C. To prohibit detrimental alteration of existing topography and terrain, leaving hillsides generally open and unobstructed, to prohibit scarring by roadways;
- D. To protect natural land features and wildlife habitat;
- E. To minimize or prohibit alteration of hilltops, rock outcrops, knolls and ridges;
- F. To facilitate adequate provision of public services and facilities (i.e., water and sewer, and police, fire and ambulance protection) through standards appropriate to local conditions;
- G. To minimize or prohibit detrimental effects on the natural topography, geology, soils, drainage, wildlife and vegetation;
- H. To carry out provisions contained in Ketchum's comprehensive plan;
- I. To minimize the visual impact of building sites and access drives that are significantly higher than the vast majority of building sites in Ketchum;
- J. To protect hillsides in Ketchum which are physically and topographically unique due to their present lack of access roads and thus their lack of development;
- K. To ensure preservation of hills, ridges, ridgelines and their natural features which are visible from the valley floor from obstruction by development;
- L. To direct building away from the higher elevations; and
- M. To assure the property owner is not deprived of economically viable use of his/her property.

(Ord. 1135, 2015)

ZONING REGULATIONS

17.104.030 Mountain Overlay Zoning District boundaries.

The mountain overlay zoning district boundaries shall be an overlay district and shall designate those areas within the City found to be hillside and mountain areas that, due to their steepness of slope, high visibility from other areas within and outside of the City by the general public, unique physical characteristics including knolls, ridges and rock outcroppings, and/or skyline juxtaposition among other mountain slopes, require regulation in order to carry out the purposes of this district. The mountain overlay zoning district shall include those areas so designated illustratively on the "zoning map of the City of Ketchum, Idaho", dated 1974, and more specifically defined as follows:

- A. Within the Warm Springs area, the mountain overlay boundary shall be defined as all of that area north of Warm Springs Road having a slope of 25 percent or greater; except, that the boundary beginning in the vicinity of the intersection of West Canyon Run Boulevard with North Canyon Run Boulevard shall be where said 25 percent slope line intersects with the 5,900 foot elevation and shall follow the 5,900 elevation until it intersects with the 25 percent slope line which then runs generally north and parallel to the Big Wood River to the City limits. All that property generally north of the described boundary to the City limits shall be included.
- B. Within the Knob Hill area, the Mountain Overlay boundary shall be defined as all that area north of Sixth Street, east of Walnut Avenue, south of Tenth Street and the southern limit of the Bigwood PUD as platted, and the parcels of land containing slopes of 25 percent or greater to the northeast of Ketchum Town Site blocks 99 and 100 and west of the City limits line common to that of the City of Sun Valley, Idaho. All that property contained within the boundary shall be included. The area within these boundaries, northeast of the alley bisecting Walnut Avenue and Spruce Avenue consisting of lots 5, 6, 7 and 8, block 94, lots 5, 6, 7 and 8, block 93, lots 5, 6, 7 and 8, block 92, lots 5A, 6A, 7 and 8, block 91, lots 3 and 4, block 97, Ketchum Town Site, and all properties within the Kinderhorn Subdivision, along with the rock outcropping within block 29, Ketchum Town Site, is hereby designated as a significant landmark within the City of Ketchum as denoted in the map, a true and correct copy of which is attached to ordinance 996 as exhibit B and which is incorporated herein by this reference.
- C. Within Southeast Ketchum, the Mountain Overlay boundary shall be defined as the irrigation ditch, commonly referred to as the Reinheimer ditch, running generally north-south beginning and ending at City limit lines and shall be the westernmost fork of the ditch at the southern end in the vicinity of Topaz and Garnet Streets. All that property east of the boundary to the City limits shall be included.

(Ord. 1135, 2015)

17.104.040 Uses permitted.

The Mountain Overlay Zoning District shall be an Overlay District and shall apply the additional requirements of the Mountain Overlay Zoning District to the uses and requirements contained in the underlying zoning district. The uses allowed within the underlying zoning district shall be subject to the additional regulations contained in the Mountain Overlay Zoning District.

(Ord. 1135, 2015)

KETCHUM CITY CODE

17.104.050 Use restrictions.

The following restrictions are imposed upon construction, development and use of all real property within the Mountain Overlay Zoning District. With the exception of non-substantial or minor modification exemptions approved administratively in writing, pursuant to section 17.96.030 of this title and the criteria set forth in subsection 17.104.070.A of this chapter, each of the following activities shall be subject to design review and shall require approval under the regulations contained in chapter 17.96 of this title prior to issuance of a building permit, excavation/grading permit or commencement of any work associated with any such activity:

- A. Construction or placement of buildings or structures, including additions to any such structures or buildings existing at the effective date hereof, upon real property within the Mountain Overlay Zoning District;
- B. Other excavation of materials, grading and filling for any purpose not associated with construction of buildings and structures described in subsection A of this section; and/or
- C. Any activity regulated by Ketchum street standards title 12, chapter 12.04 of this Code. Included therein are standards for private driveways.

(Ord. 1190, 2018)

17.104.060 Mountain Overlay design review preapplication review.

Design review applications shall be made and processed according to the regulations contained in chapter 17.96 of this title except as follows:

- A. The applicant may request a preapplication review by the Commission. The purpose of the preapplication review shall be for the Commission to consider conceptually the location of the proposed activity, access and any other element of the proposal in concept as requested by the applicant.
- B. The preapplication review fee, as set by resolution of the council, shall be paid at the time preapplication review is requested, and shall be nonrefundable.
- C. The City shall notify owners of property adjacent to the subject property of the date, time and place the preapplication meeting with the Commission will take place.
- D. Review of a preapplication does not guarantee approval of the proposed development through the design review approval process contained in chapter 17.96 of this title.
- E. Information to be submitted with the application shall include, but not be limited to, topography of sufficient detail to represent slope of land, significant rock outcrops, cuts and fills required and similar features; elevations of proposed building pads and public streets providing access, private access drives; preliminary utility extension plans, drainage plans and driveway plans; and description of proposed drilling or blasting, if any. On site information may be required prior to any on site visit to the subject property by the Commission. Such information may include stakes marking boundaries of buildings, centerlines

ZONING REGULATIONS

of access drives or other elements of the proposal, and/or poles illustrating proposed heights of structures and also may include recent photographs evidencing impact(s) of the proposed development from various vantage points.

- F. On site review by the members of the Commission is required prior to taking action on said preapplication review. Extreme weather conditions or inordinate depth of snow may cause the Commission to delay said on site review not more than 180 days.

(Ord. 1135, 2015)

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

KETCHUM CITY CODE

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 underground building(s) or portions of building(s) 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.
- B. *Application information.* Information to be submitted with the application shall include, but not be limited to, topography of sufficient detail to represent slope of land, significant rock outcrops, cuts and fills required and similar features; elevations of proposed building pads and public streets providing access, private access drives; preliminary utility extension plans, drainage plans and driveway plans; and description of proposed drilling or blasting, if any. On site information may be required prior to any on site visit to the subject property by the Commission. Such information may include stakes marking boundaries of buildings, centerlines of access drives or other elements of the proposal, and/or poles illustrating proposed heights of structures, and also may include recent photographs evidencing impact(s) of the proposed development from various vantage points.
- C. *On site review.* On site review by the members of the Commission is required prior to taking action on said design review application. Extreme weather conditions or inordinate depth of snow may cause the Commission to delay said on site review not more than 180 days.
- (Ord. 1135, 2015; Ord. 1186, 2018; Ord. No. 1249, § 18, 10-2-2023)

ZONING REGULATIONS

CHAPTER 17.116 CONDITIONAL USES APPLICATION, RESUBMITTAL, TERMS OF PERMITS*

17.116.010 Conditional use permit.

Conditional uses by definition possess characteristics such as to require review and appraisal by the Commission to determine whether or not the use would cause any public health, safety or welfare concerns. Accordingly, conditional uses, as have been designated throughout this title, shall be allowed only upon the approval of the Commission, subject to such conditions as the Commission may attach. Such approval shall be in the form of a written permit.

(Ord. 1135, 2015)

17.116.020 Other conditional uses.

Swimming pools, tennis courts and other similar nonprofit semipublic recreational centers, as a principal use in the GR-L, GR-H and T districts, shall be deemed conditional uses.

(Ord. 1135, 2015)

17.116.030 Conditional use permit criteria.

A conditional use permit shall be granted by the Commission only if the applicant demonstrates that:

- A. The characteristics of the conditional use will not be unreasonably incompatible with the types of uses permitted in the applicable zoning district;
- B. The conditional use will not materially endanger the health, safety and welfare of the community;
- C. The conditional use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood;
- D. The conditional use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area, or conditions can be established to mitigate adverse impacts; and
- E. The conditional use is not in conflict with the policies of the comprehensive plan or the basic purposes of this chapter.

(Ord. 1135, 2015)

17.116.040 Procedure.

A. *Application and fee.* Every person seeking a conditional use permit shall submit an application to the planning department on a prescribed form, accompanied by the appropriate filing fee as approved by the council. Application forms shall be accompanied by supporting information as defined by the application form.

***Editor's note**—Ord. No. 1249, § 19, adopted Oct. 2, 2023, changed the title of Ch. 17.116 from "Conditional Uses" to read as herein set out.

KETCHUM CITY CODE

B. *Public hearing.* Prior to granting a conditional use permit, at least one public hearing in which interested persons shall have an opportunity to be heard shall be held before the Commission.

C. *Publication.* At least 15 days prior to the public hearing, notice of the time and place and a summary of the proposal shall be published in the official newspaper or paper of general circulation within the City. Notice may also be made available to other newspapers, radio and television stations serving the City for use as a public service announcement.

D. *Posting.* Notice shall be posted on the premises not less than one week prior to the public hearing.

E. *Mailing.* Notice shall also be mailed to property owners or purchasers of record within 300 feet of the external boundaries of the land being considered. When notice is required to 200 or more property owners or purchasers of record, alternate forms of procedures which would provide adequate notice may be used in lieu of mailed notice. Said alternate forms of notice shall be per Idaho Code 67-6512 in effect at the time of notice.

F. *Commission action.* Following the public hearing, within 60 days from such hearing, the Commission shall approve, deny or approve with conditions the application for a conditional use permit.

(Ord. 1135, 2015)

17.116.050 Conditions of approval.

Upon the granting of a conditional use permit, the Commission may attach conditions to said permit pertaining to the proposed use, including, but not limited to, those:

- A. Minimizing adverse impact on other development.
- B. Controlling the sequence and timing of development.
- C. Controlling the duration of development.
- D. Assuring that development is maintained properly.
- E. Designating the exact location and nature of development.
- F. Requiring the provision for on site or off site public facilities or services.
- G. Requiring more restrictive standards than those generally required in an ordinance.
- H. Requiring mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the City.

(Ord. 1135, 2015)

17.116.060 Studies; nontransferable.

Prior to granting a conditional use permit, studies may be required of the social, economic, fiscal and environmental effects of the proposed conditional use. A conditional use permit shall not be considered as establishing a binding precedent to grant other conditional use permits. A conditional use permit is not transferable from one parcel of land to another.

(Ord. 1135, 2015)

ZONING REGULATIONS

17.116.070 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 signs the approved findings of fact for such conditional use permit.

(Ord. 1135, 2015; Ord. No. 1249, § 19, 10-2-2023)

Editor's note—Ord. No. 1249, § 19, adopted Oct. 2, 2023, repealed § 17.116.070, and renumbered §§ 17.116.080 and 17.116.090 as §§ 17.116.070 and 17.116.080 as set out herein. The former § 17.116.070 pertained to application; resubmittal and derived from Ord. 1135, 2015.

17.116.080 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.

(Ord. 1135, 2015; Ord. No. 1249, § 19, 10-2-2023)

Editor's note—See editor's note to § 17.116.070.

CHAPTER 17.124 DEVELOPMENT STANDARDS

17.124.010 Purpose.

The purpose of this chapter is to provide specific standards for accessory and principal uses allowed in City zoning districts. These standards are intended to strengthen the City's unique character and lessen the impact that certain uses have on adjoining properties and neighborhoods.

(Ord. 1135, 2015)

KETCHUM CITY CODE

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.

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

ZONING REGULATIONS

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 three feet 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. 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.

(Ord. 1135, 2015; Ord. No. 1249, § 20, 10-2-2023)

17.124.030 Home occupations.

A home occupation shall be allowed as a permitted accessory use in all zoning districts, provided all of the following conditions are met:

- A. Such use shall be carried on only by the inhabitants living on the lot;
- B. Such use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and shall not change the character of the dwelling;
- C. The total area used for such purposes shall not exceed 25 percent of the floor area of the user's dwelling unit;
- D. There shall be no exterior advertising other than identification of the home occupation;
- E. There shall be only incidental sale of stocks, supplies or products conducted on the premises;
- F. There shall be no exterior storage on the premises of material or equipment used as part of the home occupation;
- G. There shall be no offensive noise, vibration, smoke, dust, odors, heat or glare noticeable at or beyond the property line;
- H. A home occupation shall provide additional off street parking area adequate to accommodate all needs created by the home occupation;

KETCHUM CITY CODE

- I. In particular, a home occupation may include, but is not limited to, the following, provided all requirements contained in this chapter are met: art studio, dressmaking or millinery work, professional office, office for insurance or real estate sales, teaching, the renting of rooms to not more than two persons per dwelling, beauty parlors; and
 - J. A home occupation shall not be interpreted to include the following: animal hospital, nursing home, restaurant or tourist home.
- (Ord. 1135, 2015)

17.124.040 Floor area ratios and community housing.

A. *General requirements.* All new buildings and alterations to existing buildings in the GR-H, T, T-3000, T-4000 and CC zoning districts, unless otherwise specified in this title, shall be subject to the maximum floor area ratio (FAR) described below. Hotels that meet the definition of "hotel" found in chapter 17.08 of this title may exceed the floor area listed in the table below subject to section 17.124.050 of this chapter.

Districts	Permitted Gross FAR	Inclusionary Housing Incentive
GR-H	0.5	1.4
T	0.5	1.6
T-3000	0.5	1.6
T-4000	0.5	1.6
CC	1.0	2.25

B. Inclusionary housing incentive.

- 1. The purpose of this section is to encourage new development to include a reasonable supply of affordable and resident occupied workforce housing for sale or rent, to help meet the demand and needs for housing of the community's employees. Land within the zoning districts specified in the table above may be built to the listed permitted FAR. As an incentive to build community housing units, floor area may be increased up to the maximum FAR listed in said table with inclusionary housing incentive.
- 2. An increased FAR may be permitted subject to design review approval, and provided, that all of the following conditions are met:
 - a. A minimum of 20 percent of the total increase in gross floor area above the greater of the permitted FAR is deed restricted in perpetuity as community housing unit(s). Of this gross square footage, a 15 percent reduction will be allowed as a standard discount from gross square footage to net livable square footage for community housing units.
 - b. After calculating net livable square footage, an allowance can be made for projects with demonstrated groundwater issues as documented by a registered engineer. Upon determination by the City that groundwater on the subject property precludes underground parking, a credit of 350 square feet per required parking space shall be subtracted from the net livable square footage prior to the

ZONING REGULATIONS

calculation for the 20 percent deed restricted community housing. Parking space credit shall be rounded to the nearest whole number, and shall not be calculated as fractions.

- c. Community housing requirements may be paid via a fee in lieu of housing. The community housing units times the fee equals the amount due to the City. The fee in lieu shall be recommended by the governing housing authority on an annual basis and adopted by the City Council. For fractions of units, the developer has the option of providing a full housing unit rather than paying the fee in lieu or working with the City or other nonprofit entity to construct the balance of the community housing unit with additional funds.
- d. All community housing units, either for sale or rent, shall be administered by the governing housing authority, unless otherwise determined by the City Council. The governing housing authority shall recommend the types and locations of all proposed community housing units for approval by the City.
- e. The community housing units shall be targeted for Blaine County housing authority income category 4 (100 percent or less of area median income). The applicant may seek the recommendation of the governing housing authority in the determination of an alternative category with corresponding adjustment in the amount of community housing required. Said recommendation, if mutually agreed upon by the applicant and the Commission, may be used in place of category 4. This allowance shall be based on need for the category type. The definition of who may qualify to purchase affordable housing shall be maintained in the guidelines of the governing housing authority as adopted by the City Council.
- f. The City's primary goal is to see the development of and encourage the construction of community housing units, but realizes that other options will also move the City closer to its goal of housing the workforce. With this in mind, the following options for fulfillment of the community housing incentive are available to the applicant outright. These include, but are not limited to:
 - (1) Housing constructed by the applicant on or off site, within the City of Ketchum;
 - (2) Payment of an in lieu fee; or
 - (3) Acquisition of existing housing stock that meets with the governing housing authority's requirements and approval.
- g. In addition to those outright options noted in this section, the City Council may consider alternative proposals by the applicant to fulfill the community housing incentive. The City Council has full discretionary power to determine said request. Options for fulfillment of the community housing incentive include, but are not limited to:
 - (1) Land conveyance to the City;
 - (2) Existing housing unit buy down or mortgage buy down; or

KETCHUM CITY CODE

(3) Other proposals and options as approved by the City Council.

3. In the CC district, the maximum floor area incentive applies to buildings up to three stories in height. Buildings above three stories may exceed the 2.25 FAR maximum only in accordance with the pertinent code provisions allowing for a fourth floor (for example, hotels, PUDs and 100 percent community housing project, etc.). For hotel uses, community housing calculations apply to all those portions of the hotel development except the hotel units, which are addressed pursuant to employee housing of this chapter.

(Ord. 1135, 2015)

17.124.050 Hotels.

A. Hotels may exceed the maximum floor area, height or minimum open site area requirements of this title subject to the following review process:

1. *Planned unit development.* A planned unit development shall be prepared for the proposal and approved by the City which specifically outlines the waivers to bulk regulations requested.
2. *Subarea analysis.* A subarea analysis shall be prepared which addresses the comprehensive plan designation for the subarea; impacts of the proposed hotel on the character and scale of the surrounding neighborhood; impacts on proposed height and mass relative to the City's design review standards and the PUD standards; and the appropriateness of the subarea for a hotel which exceeds the dimensional standards requirements of sections 17.12.030 and 17.12.040 of this title.

B. In addition to all other hotel requirements of this title, the following standards apply to hotels in the T and CC districts:

1. *Hotel developments.* For hotel developments, community housing calculations apply to all residential units. However, 100 percent of the community housing requirement will be waived only for the residential portion of hotel projects that meet the hotel definition adopted by the Ketchum City Council.
2. *Employee housing.* Hotel developments are required to mitigate employee housing impacts at a ratio of 25 percent of the total number of employees calculated by the following formula: one employee per hotel room or bedroom.
3. *Employee housing plan.* The applicant shall provide an employee housing plan which outlines the number of employees, income categories and other pertinent data. The employee housing plan shall be the basis of the applicant's proposal for a mix of employee housing which addresses the range of employees needed to serve the hotel.
4. *Alternate means for housing.* The City Council may consider a request by the hotel developer to satisfy any required employee or community housing square footage by alternate means. Off site mitigation, payment of in lieu fees, land in lieu of units, voluntary

ZONING REGULATIONS

real estate transfer fees or other considerations may be proposed by the hotel developer. Larger sites are encouraged to include workforce housing on site. The City Council has full discretionary power to deny said request.

5. *Zoning development agreement.* Hotels shall enter into a zoning development agreement with the City as part of the approval process. Said zoning development agreement may address the following subjects: community housing, hotel room uses and restrictions, public access on the property, alternatives and remedies if the hotel use ceases, and any other issues the Commission or City Council deems appropriate. Said zoning development agreement shall follow the public hearing process as outlined in title 16, chapter 16.08, "Planned unit developments", of this code. Said zoning development agreement shall be subject to sections 17.154.050, "Enforcement", and 17.154.060, "Modification and termination", of this title.
6. *Number of floors.* Hotels may build a fourth floor. If a site meets the criteria for five-story hotel site designation, a fifth floor may be built. Five-story hotels may only be approved via a planned unit development (PUD) as outlined in title 16, chapter 16.08 of this code.
 - a. *Five-story hotel site designation criteria.* A property shall meet all of the following criteria to be designated as a five-story hotel site:
 - (1) Is located in subdistrict A, retail core of the community core district.
 - (2) Has a minimum lot area of 33,000 square feet.

(Ord. 1135, 2015)

17.124.060 Outdoor illumination.

Any parking, yard or building illumination in all zoning districts shall be so directed as to protect adjacent properties from glare and direct lighting and shall comply with the outdoor lighting requirements of chapter 17.132 of this title.

(Ord. 1135, 2015)

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. An increase in maximum building coverage of no greater than five percent shall be granted for the construction of a new accessory dwelling unit. This coverage increase shall not apply to the CC Community Core District.

D. *Parking.* Accessory dwelling units do not require off street parking.

KETCHUM CITY CODE

E. *Storage*. A minimum of 50 square feet of 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.

(Ord. 1135, 2015; Ord. 1184, 2018; Ord. No. 1249, § 20, 10-2-2023)

17.124.080 Urban agriculture.

The cultivation of vegetables, fruits, flowers, honey and eggs are subject to the following provisions:

A. *Chickens*.

1. The production of eggs and keeping of chickens shall only be allowed as an accessory use to one-family detached dwellings.
2. A maximum of eight chickens are permitted on any one lot. Roosters are prohibited except as allowed in the Agriculture and Forestry District.
3. Chicken coops shall be located in a fully enclosed rear yard and shall be set back at least five feet from side and rear property lines.
4. Chicken coops shall not be attached to residential buildings.

B. *Keeping of beehives*. All apiaries kept within the City shall conform to the following standards and conditions:

1. An apiary is prohibited on a lot or contiguous lots owned by one owner smaller than 8,000 square feet in area.
2. An apiary shall consist of no more than two hives on lot(s) that are 8,000 to 11,999 square feet in area, three hives on lot(s) that are 12,000 to 21,779 square feet in area, and five hives on lot(s) that are one-half acre or more in area.
3. Any apiary shall be maintained only in a side yard or rear yard of a lot or may be maintained on rooftops.
4. Honeybees shall be kept in hives with removable frames and shall be kept in sound and usable condition.
5. Hives shall be placed no less than seven feet from any property owned by a person or entity other than the owner of the real property with the apiary.
6. The beehive ingress/egress shall be oriented inward toward the property on which it is located and not oriented toward a neighboring property.
7. Hives shall not be placed within 30 feet of any dwelling unless the owner of such dwelling has given written consent for hive placement. In the event a dwelling on an adjacent property is constructed after the establishment of an apiary and the apiary is within 30 feet of the new constructed dwelling, the beekeeper shall obtain the written consent for the hive placement. If written consent cannot be obtained, the hive(s) shall not be located within 30 feet of the dwelling or shall be immediately removed.

ZONING REGULATIONS

8. If any hive is located within 30 feet of a property owned by a person or entity other than the owner of the real property with the apiary, a fence, closed hedge, building or other impervious barrier no less than six feet high and 20 feet in length shall be located between the hive and the adjacent property line. The hive shall be located in the approximate midpoint of the 20-foot long barrier.
9. Hives kept on rooftops are exempt from the requirements of subsections B.7. and B.8. of this section but shall not be visible from view from a public street, excluding alleys.
10. A fresh water supply shall be maintained at all times, except during winter months when the bees are hibernating, within 25 feet of the apiary on the real property with the apiary in order to prevent the bees from congregating at neighboring water sources.
11. No species or subspecies of bee shall be kept in the apiary other than *Apis mellifera*.
12. Queens shall be selected from stock bred for gentleness and nonswarming characteristics.
13. If a colony within the apiary exhibits aggressive behavior or when the colony includes Africanized bees, such as *Apis mellifera scutella*, the beekeeper or owner of the real property with the apiary shall promptly remove or requeen the colony.
14. All hives shall have a legible identification label securely fastened thereupon bearing the name and telephone number of the beekeeper who owns the hive.
15. All apiaries shall comply with the Idaho State Bee Inspection Law and other applicable state laws.
16. All apiaries are subject to inspection at any time by the administrator to ensure compliance with the standards of this subsection. The owner of real property with an apiary is deemed to have given consent to an inspection by the administrator for the purpose of ensuring compliance with this subsection.

C. *Gardens, vegetables, fruits and flowers.*

1. The cultivation and storage of vegetables, plants and flowers is allowed as an accessory use to any principal use and is permitted on vacant lots in all zoning districts for personal consumption and may include production by members of a neighborhood or by a nonprofit organization.
2. Produced products may be sold off site in small quantities.

(Ord. 1135, 2015)

17.124.090 Residential, light industrial districts.

A. Residential units in the Light Industrial Districts shall comply with the following minimum criteria:

1. *Ground floor.* Except deed restricted community housing units approved by Council in the LI-3, dwelling units shall not occupy the ground floor.
2. *Design review.* Design review under chapter 17.96 of this title shall be required, whether new building, addition to existing building, or remodel of existing building.

KETCHUM CITY CODE

3. *Dwelling units.* Unless otherwise specified in this section, up to 50 percent of any light industrial building may be devoted to dwelling units and up to 50 percent of a work/live unit's gross floor area may be devoted to the residential portion of a work/live unit.
4. *Individual units.* Except as set forth in the following instances noted herein below, dwelling units shall not be separated in any manner for sale as individual units and may only be leased or rented. The instances where dwelling units may be sold are limited to:
 - a. City approved work/live units, as defined in chapter 17.08 of this title and subsection A.5. of this section;
 - b. Three-story projects in the LI-3 where not less than one-third of the total square footage of housing units includes deed restricted community housing that are for sale consistent with subsection B of this section;
 - c. Four-story and five-story projects in LI-2 and LI-3 where not less than two-thirds of the total square footage of housing units includes deed restricted community housing units that are for sale consistent with subsection A.7. of this section;
 - d. Existing nonconforming single-family dwellings existing in the LI-1 prior to adoption of Ketchum City Ordinance No. 85, as enacted on May 27, 1965;
 - e. Existing condominiums and work/live units with less than 1,000 square feet of residential gross floor area that have a valid residential conditional use permit prior to the adoption of this section as published.
5. *Work/live units.* In the approval of work/live units, the City shall also find that:
 - a. The work portion of the unit meets the definition of work/live unit set forth in section 17.08.020 of this title, including that the project is subject to council approval of a restrictive covenant;
 - b. The work unit is:
 - (1) Suitable for on-site employees, foot traffic/customers, and meets applicable building and fire codes;
 - (2) Signed and posted with regular hours of operation;
 - (3) Served by the prominent means of access for the work/live unit; and
 - (4) Associated with a business license for a use allowed (either conditionally or permitted) in the district.
 - c. The residential portion of the living space is secondary to the primary use as a place of work. A finding that the residential space is secondary to the work space shall be based on measurable findings, including but not limited to:
 - (1) The size of the live portion of the work/live unit is both smaller than the work portion of the unit and, further, the live portion of the work/live unit does not exceed 1,000 gross square feet;
 - (2) Means of access to the residential portion of the unit is not prominent and, preferably, is located to the side or rear of the property; and

ZONING REGULATIONS

- (3) Suitable residential parking that does not interfere with snow removal or the operation of proximate LI uses and, further, is in accordance with the parking and loading requirements set forth in chapter 17.125 of this title.
6. *Size.* Dwelling units in the Light Industrial District shall be a minimum of 400 square feet. In the LI-1 and LI-2 no individual dwelling unit shall exceed a maximum of 2,000 square feet, contain more than two bedrooms, and all units shall not exceed a mean average of 1,000 square feet.
7. *Fourth or fifth floor.* Buildings proposing a fourth or fifth floor with a qualifying ground floor consistent with section 17.12.050 of this title shall comply with the following minimum criteria:
 - a. If dwelling units are to be sold, a minimum of two-thirds of the total square footage of housing units shall be for deed restricted community housing units that are for sale and the deed restricted community housing units shall be designed and administered in accordance with the Blaine-Ketchum Housing Authority Guidelines;
 - b. The area designated as light industrial shall be as follows:
 - (1) The area designated as light industrial shall be a minimum of 25 percent of the gross floor area in four-story buildings.
 - (2) The area designated as light industrial shall be a minimum of 20 percent of the gross floor area in five-story buildings.
 - (3) Subject light industrial use shall not be for personal storage by dwelling occupants;
 - c. Up to 75 percent of the gross square footage of any four-story building and up to 80 percent of the gross square footage of a five-story building may be devoted to dwelling units; and
 - d. Unless otherwise deemed appropriate by the administrator, common area allocation shall be assessed at a LI to residential ratio of 1:1 for four-story buildings and 2:3 for five-story buildings.
8. *Anti-nuisance and notice provisions.*
 - a. The applicant is aware the mixed use of the property can result in conflict, that the light industrial use may on occasion or in certain respects be incompatible with the quiet enjoyment of the dwelling units, that due to the subordinate and junior nature of the residential use to the light industrial use, the City will not condition, limit, restrict or otherwise interfere with any lawful light industrial use solely because it interferes with a residential use.
 - b. All persons who rent or sublet any residential living unit within the Light Industrial Zones shall provide the tenant, lessee or subtenant with written notice that such unit is located within the Light Industrial Zone and, as such, is junior and, therefore, subordinate in nature to all legal light industrial activities.

KETCHUM CITY CODE

- c. Each and every real estate agent, sales person and broker and each and every private party who offers for rent or shows a parcel of real property and/or structure for lease or rent within such Light Industrial Zones shall, upon first inquiry, provide the prospective lessee or tenant, prior to viewing such real property, with written notice that such real property and/or structure is located within such Light Industrial Zone.
 - d. All brochures and other printed materials advertising rental or lease of a living unit within the Light Industrial Zones shall contain a provision designating that such unit or units are located within the Light Industrial Zone and are within a mixed use area. Lessees and tenants shall be notified that the residential uses within the Light Industrial Zone are subordinate and, therefore, junior in nature to the legal light industrial activities within the zone.
9. *Compliance.* Compliance with all applicable code sections, including among others, the City's parking and loading standards as set forth in chapter 17.125 of this title, except that if a parking reduction is requested through a Transportation Demand Management Plan per section 17.125.090 of this title, the reduction request shall be submitted to the Zoning Administrator and the Ketchum City Council will determine if such request shall be approved.
10. *Conditions.* Conditions including, but not limited to, the following may be attached to the conditional use permit approval:
- a. Access to the residential units relative to design and relationship to light industrial uses, including suitable access consistent with adopted City standards;
 - b. Separation of residential and light industrial parking on the site to minimize conflicts;
 - c. Restrictions on exterior storage of personal property of tenants;
 - d. Certificate of occupancy required prior to occupancy of units;
 - e. Ketchum Fire Department and Ketchum Building Department requirements shall be met prior to occupancy;
 - f. Snow removal required to ensure utility of residential spaces and non-interference with continuous LI operations;
 - g. Any portion or all waived fees become due and payable upon conversion of resident housing unit(s) to light industrial uses;
 - h. Construction techniques that aid sound proofing and limit externalities of LI noise and use impacts on residences is encouraged;
 - i. Provision for and reasonable extension of sidewalks to assure safe pedestrian access; and/or
 - j. Any other condition deemed to enhance the purposes under this use, or to establish or promote the criteria referenced in subsections A.1. through A.10. of this section.

ZONING REGULATIONS

B. Residential units in the Light Industrial Number 3 District (LI-3), in addition to compliance with the criteria of subsection A of this section, shall comply with the following minimum criteria:

1. A minimum of one-third of the total square footage of housing units shall be deed restricted community housing units;
2. Deed restricted community housing units shall be designed and administered in accordance with the Blaine-Ketchum housing authority guidelines;
3. The area designated as commercial LI-3 use shall be a minimum of 34 percent of the total floor area. Said commercial light industrial use shall not be for personal storage by dwelling occupants; and
4. Up to 66 percent of any building may be devoted to dwelling units.
5. Dwelling units shall be a minimum of 400 square feet and shall not exceed 1,400 square feet total and shall contain not more than three bedrooms.

C. School residential campus in the Light Industrial 3 District (LI-3), shall comply with the following minimum criteria in lieu of the requirements of subsections A. and B. of this section:

1. Square footage of the building dedicated for residential use, including dormitory and employee housing units and common bathrooms and showers but excluding the common kitchen and circulation areas, shall be less than 50 percent of the total square footage of the building including any basement area.
2. Dwelling units to be occupied by employees of the institution may be located on the ground floor, subject to the terms of the development agreement. Dormitory units shall not be located on the ground floor.
3. Dormitory units may be developed, sized and changed over time as deemed appropriate for occupancy by two or more persons each.
4. Dormitory bathrooms are to be clustered for use by occupants of dormitories.
5. Dormitory kitchen and dining spaces are to be designed to be used in common by occupants.
6. Design review under chapter 17.96 of this title shall be required for a new building, addition to existing building or remodel of the exterior of an existing building.
7. Employee housing units shall not be separated in any manner for sale as individual units.
8. All residential units can be used for occasional use by other nonprofit organizations.
9. Employee housing units shall be a minimum of 400 square feet and shall not exceed 1,400 square feet total and shall contain not more than three bedrooms.
10. The applicant is aware the mixed use of the property can result in conflict, that the light industrial use may on occasion or in certain respects be incompatible with the quiet enjoyment of the dwelling units, that due to the subordinate and junior nature of the residential use to the light industrial use, the City will not condition, limit, restrict or otherwise interfere with any lawful light industrial use solely because it interferes with a residential use.

KETCHUM CITY CODE

11. The institution that provides living space within the mixed use building in the Light Industrial 3 District (LI-3) shall provide the tenant, lessee or subtenant with written notice that such unit is located within the Light Industrial Zone and, as such, is junior and, therefore, subordinate in nature to all legal light industrial activities.
12. Conditions including, but not limited to, the following may be attached to the development agreement:
 - a. Restrictions on exterior storage of personal property of occupants;
 - b. Certificate of occupancy required prior to occupancy of dormitory rooms and living units;
 - c. Ketchum Fire Department and Ketchum Building Department requirements shall be met prior to occupancy;
 - d. Snow removal required to ensure utility of parking spaces;
 - e. Any other condition deemed to enhance the purposes under this use, or to establish or promote the criteria referenced in subsections C.1. through C12 of this section, or to promote the public health, safety and welfare.

(Ord. 1184, 2018; Ord. 1192, 2019)

17.124.100 Landscaped yards, light industrial districts.

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

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

(Ord. 1135, 2015)

17.124.110 Residential equestrian facilities and household pets.

A. Riding horses for use of occupants of a lot and their guests may be kept as permitted accessory uses, provided at least one-half acre on the lot or adjacent lots is exclusively available for the first horse, and one-fourth acre is exclusively available for each additional horse. Any corral shall be at least 50 feet from any property line.

ZONING REGULATIONS

B. A maximum of four household pets shall be permitted per dwelling unit, unless the applicant obtains a kennel permit through the Ketchum Police Department. Household pets kept in aquariums, terrariums and cages shall not be limited in number, shall be clearly incidental and accessory to the residential use and shall not be permitted for commercial purposes.

(Ord. 1135, 2015)

17.124.120 Daycare businesses.

A. Daycare homes, facilities and centers are allowed in specific zoning districts as listed in the district use matrix, section 17.12.020 of this title and are defined in chapter 17.08 of this title. All daycare uses are prohibited in the Avalanche Zone District.

B. Daycare businesses must comply with the following criteria:

1. Daycare homes are only permitted as an accessory use to residential and must be located within an existing residential structure;
2. Adequate recreational facilities, as determined by the administrator or Commission, shall be provided;
3. Sightproof fencing, landscaping and/or additional setback shall be provided between any outdoor play area and adjacent residential uses as deemed necessary by the administrator or the Commission;
4. Outdoor play areas and structures shall not be located in the designated front yard;
5. Outdoor play hours shall be limited to 9:00 a.m. to 5:00 p.m., Monday through Friday;
6. Hours of operation shall be limited to 7:30 a.m. to 6:00 p.m., Monday through Friday, unless otherwise approved by the Commission through a conditional use permit;
7. Townhouse and condominium project, daycare businesses shall require written approval from the homeowners' association;
8. Must not access from State Highway 75 or Saddle Road;
9. On site drop off/pick up parking spaces shall be designed to prevent vehicles from backing onto roadways as deemed necessary by the Administrator or the Commission; and

C. Daycare uses in the Light Industrial Districts LI-1 and LI-3, in addition to compliance with the criteria of subsection B. of this section, shall comply with the following criteria:

1. On site employee daycare is only permitted as an accessory use to commercial in the Light Industrial Districts;
2. Drop off/pick up parking spaces and play areas shall be fenced or screened from adjacent light industrial uses as deemed necessary by the Administrator or Commission;
3. The applicant is aware that the use of the property for a daycare business in a Light Industrial District can result in conflict with adjacent light industrial uses, that certain aspects of a daycare business may not be compatible with certain light industrial uses, that the light industrial uses may, on occasion or in certain respects, be incompatible with a daycare

KETCHUM CITY CODE

business, that due to the subordinate and junior nature of the daycare business to the light industrial use, the City will not condition, limit, restrict or otherwise interfere with any lawful light industrial use solely because it interferes with a daycare business, but the City may impose restrictions on certain aspects of the daycare business as it affects neighboring light industrial uses;

4. Daycare providers shall provide all current and prospective customers with a letter or brochure which states that the business is located within the Light Industrial Zone and, as such, is junior and, therefore, subordinate in nature to all legal light industrial activities. A copy of such letter or brochure is to be provided to the City prior to conditional use permit approval;
5. Any and all advertisements for a daycare business shall state that the business is located within the Light Industrial Zone and, as such, is junior and, therefore, subordinate in nature to all legal light industrial activities;
6. Each and every real estate agent, sales person and broker and each and every private party who offers for lease, rent or sale, or shows a parcel of real property and/or structure for lease, rent or sale within such Light Industrial Zone, shall, upon first inquiry, provide the prospective lessee, tenant or buyer of such real property with written notice that such real property and/or structure is located within such Light Industrial Zone.

(Ord. 1135, 2015)

17.124.130 Fences, hedges and walls.

Fences, hedges, walls, and retaining structures may be permitted in the various districts as accessory uses in accordance with the following limitations:

- A. In all 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. In the LI-1, LI-2, LI-3 Districts fences shall not exceed seven feet in height;
- C. 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. 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.

ZONING REGULATIONS

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:
 - (1) 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.
 - (2) The maximum slope gradient allowed between retaining structures shall be a four-foot horizontal to a one-foot vertical (4H:1V) slope.
 - (3) Retaining structures located more than 30 feet from the front lot line shall not be higher than six feet.
 - (4) 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 percent transparent.
 - c. In the LI-1, LI-2, and LI-3, retaining structures shall not be higher than seven feet.
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.

(Ord. 1192, 2019; Ord. No. 1249, § 20, 10-2-2023)

17.124.140 Sidewalks, curbs and gutters.

In the CC, T, T-3000, T-4000, LI-1, LI-2 and LI-3 Zoning Districts, sidewalks, curbs and gutters shall be designed and constructed by the applicant when there is new construction or when an

KETCHUM CITY CODE

existing building is altered or changed and such modifications require a building permit and the cumulative improvement within a three-year time frame constitutes a "substantial improvement", in accordance with standards as established by the City as to type, location and grade.

A. *Administration.*

1. Any person required to install sidewalk, curb and gutter may submit to the Administrator, as part of the design review or building permit process, a request for consideration of in lieu payment. Such requests shall include:
 - a. A description of the property addressing the above listed criteria.
 - b. A design plan for construction of sidewalk, curb and gutter, together with the estimated cost of construction.
 - c. A written request to consider in lieu payment.
2. Such requests shall be considered by the Commission for proposals requiring design review, and by the administrator for proposals not requiring design review. A recommendation shall be made by the Commission or the administrator after consulting with the City Engineer and the City street department.
3. These recommendations will be forwarded to the council for final approval.
4. Upon approval of said design plan and estimated construction cost by the Council, the estimated cost of the construction thereof shall be paid.
5. Each in lieu payment shall be credited by the City against any subsequent assessment(s) against said property, and only the amount of said assessment remaining after deduction of said credit shall be due and payable by the owner of said property pursuant to law.
6. In lieu payments collected shall be maintained in a separate account by the City Clerk and used solely for construction of sidewalks, curbs and gutters at locations deemed appropriate by the City.
7. Each person providing in lieu payment for sidewalk, curb and gutter shall also sign an agreement with the City setting forth the terms of this title, together with such other terms and conditions as may be reasonably required in order to meet the spirit and intent of this title or otherwise required by law.

B. *Payment in lieu.* A payment shall be made to the City in lieu of providing required sidewalks, curbs and gutters; provided, that one or more of the following criteria are met:

1. The Commission determines that the physical characteristics of the site, due to existing features such as steepness of slope, proximity to waterways, wetlands or other characteristics would cause the installation of sidewalk, curb and gutter to be detrimental to the natural environment and/or impractical;
2. The Commission determines that presence of mature trees or other natural features on the site would cause the installation of sidewalk, curb and gutter to be impractical or undesirable;

ZONING REGULATIONS

3. The Commission determines that sidewalk, curb and gutter are not compatible with the City's long term pedestrian/circulation plan for the street or the area;
4. The Commission determines that the current and planned future condition of adjacent City rights-of-way indicate that sidewalk, curb and gutter are incompatible; or
5. The Commission determines that another public amenity, such as a bicycle lane, is preferred over sidewalk, curb and gutter.

(Ord. 1135, 2015)

17.124.150 Commercial studio events.

Commercial studio events in the light industrial districts shall comply with the following standards:

- A. Events shall be limited to no more than 90 days per calendar year.
- B. Maximum occupancy at any given event shall be limited to less than 100 persons.
- C. Restrooms for patrons shall be available on site and comply with all building and fire code requirements.
- D. Food and beverage may be served only during the operational hours of an actual event, and all necessary permits shall be obtained prior to the event.
- E. Events shall only occur according to the following times:
 1. Monday through Friday: 5:30 p.m. to 12:00 midnight.
 2. Saturday and Sunday: 12:00 noon to 12:00 midnight.
- F. All building and fire code requirements shall be met prior to holding any event.
- G. All events shall be produced by the owner or primary tenant of the property.
- H. The owner or primary tenant of the property shall be present on site for the duration of each event.
- I. The owner or tenant of the property is aware light industrial uses may conflict with commercial studio events. Due to the subordinate and accessory nature of commercial studio events, the City will not condition, limit, restrict or otherwise interfere with any lawful light industrial use solely because it interferes with a commercial studio event.

(Ord. 1151, 2016)

17.124.160 Commercial and neighborhood off-site snow storage.

Commercial off-site snow storage is allowed as a permitted use in the Community Core (CC), Tourist (T), and Light Industrial (LI-1, LI-2, LI-3) Zoning Districts. Neighborhood off-site snow storage

KETCHUM CITY CODE

is allowed as a permitted use in residential and short-term occupancy zoning districts. Commercial and neighborhood off-site snow storage are permitted uses as specifically depicted in the City's district use matrix (subsection 17.12.020.A of this title), provided the following conditions are met:

- A. Commercial and neighborhood off-site snow storage may be allowed on lots containing Floodplain, Avalanche, and Mountain Overlay Zones; provided no portion of the off-site snow storage use is located in Floodplain, Avalanche, or Mountain Overlay area on the parcel;
- B. A drainage plan shall be submitted to the administrator demonstrating how snow melt will be drained entirely on the lot, not into sensitive areas such as floodplains, and not off-site onto public ROWs or neighboring property;
- C. Adequate drainage must be provided so that snow melt is drained entirely on the lot;
- D. Snow storage piles are subject to a ten-foot minimum setback from property lines and shall not exceed ten feet in height;
- E. Snow storage shall not encroach upon any easement designated for a purpose other than snow storage;
- F. Snow storage shall not conflict with emergency service access, including access to fire hydrants, required to deliver public services to the subject lot or any other lot;
- G. Off-site snow storage is limited to the storage of snow only; storage of equipment related to snow removal is subject to all other applicable regulations in this Code;
- H. The use of bulldozers and other on-site equipment to push piles of snow higher or around on-site must be equipped with broadband self-adjusting alarms or other OSHA compliant broadband noise reversing alarm beepers;
- I. Hours of operation shall comply with the City's noise ordinance and the times of day when snow and ice may be deposited are limited to 7:30 a.m. to 7:00 p.m. on weekdays, and between the hours of 9:00 a.m. and 6:00 p.m. on Saturday. Upon written authorization, the administrator may waive this requirement for a period of not greater than 24 hours after or during a storm event resulting in or expected to result in greater than six inches of snow accumulation occurring;
- J. Conditional uses are required of all neighborhood and/or commercial off-site snow storage operations when the off-site snow storage project: 1) affects greater than one-half acre; or, 2) 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. In such instances, the conditional use permit submittal and approval requirements set forth in chapter 17.116 of this title shall be followed; and
- K. The storage of snow removed from the right-of-way or property owned by public agencies are specifically exempt from the commercial off-site snow storage requirements set forth herein.

(Ord. 1181, 2018)

ZONING REGULATIONS

17.124.170 Minimum standards for one-family dwellings.

The following minimum standards apply to one-family dwellings in all zoning districts:

A. *Drainage.*

1. All stormwater shall be retained on site.
2. Drainage improvements constructed shall be equal to the length of the subject property lines adjacent to any public street or private street.
3. The City Engineer may require additional drainage improvements as necessary, depending on the unique characteristics of a site.
4. Drainage facilities shall be constructed per City standards.

B. *Utilities.*

1. All utilities necessary for the development shall be improved and installed at the sole expense of the applicant.
2. Utilities shall be located underground and utility, power, and communication lines within the development site shall be concealed from public view.

C. *Snow storage.*

1. Snow storage areas shall not be less than 30 percent of the improved parking and pedestrian circulation areas.
2. Snow storage areas shall be provided on site.
3. A designated snow storage area shall not have any dimension less than five feet and shall be a minimum of 25 square feet.
4. In lieu of providing snow storage areas, snowmelt and hauling of snow may be allowed.

D. *Landscaping.*

1. Landscaping is required for all projects.
2. Landscape materials and vegetation types specified shall be readily adaptable to a site's microclimate, soil conditions, orientation and aspect, and shall serve to enhance and complement the neighborhood and townscape.
3. All trees, shrubs, grasses and perennials shall be drought tolerant. Native species are recommended but not required.

(Ord. 1190, 2018)

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:

KETCHUM CITY CODE

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

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 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 2nd Avenue between 2nd and 5th Streets within the CC-2 Zone shall have a minimum of 35 percent of the gross floor area, as defined in section 17.08.020, of the ground floor be commercial use(s).

ZONING REGULATIONS

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.

(Ord. No. 1249, § 21, 10-2-2023)

CHAPTER 17.125 OFF STREET PARKING AND LOADING

17.125.010 Purpose and intent.

Standards for off street parking and loading spaces are necessary to facilitate access to specific land uses and to ensure the efficient use of land. The standards are intended to support the goals of the comprehensive plan and in recognition of Ketchum as a geographically compact and historic mountain resort community sustained by both the full time resident population and the influx of seasonal residents, visitors, and workforce who travel within the community. The regulations of this chapter have been established to:

- A. Ensure the public health, safety, and welfare;
- B. Facilitate development and redevelopment by providing clearly defined minimum standards;
- C. Encourage a range of transportation alternatives designed for residents, visitors, and the workforce to travel safely and easily to their destinations;
- D. Promote travel demand management techniques to improve the efficiency of the transportation system;
- E. Maximize the efficient use of existing surface parking lots by permitting shared parking;
- F. Provide safe, secure, and conveniently located bicycle parking facilities;
- G. Enhance pedestrian connectivity and comfort by limiting surface parking;
- H. Incentivize development and redevelopment, which will create vibrant and activated commercial environments;
- I. Facilitate community design supported by multi-modal transportation in order to lessen dependence on vehicular transportation alone.

(Ord. 1158, 2017)

17.125.020 General.

A. *Applicability.* Except as otherwise stated in this chapter, off-street vehicle and bicycle parking requirements of this chapter apply to:

1. Any new development and to any new established uses.
2. Any existing structure or use that is expanded or enlarged. Additional off street parking spaces shall be required only to serve the enlarged or expanded area, not the entire building or use.

KETCHUM CITY CODE

- 3. Any change of use or change of operation that would result in a requirement for more parking than the existing use. Additional parking shall be required only in proportion to the extent of the change, not for the entire building or use.

B. *Delivery and loading.* Areas for deliveries and loading shall be required to ensure that loading and deliveries do not constrain fire access, street safety, or use public streets for deliveries. (Ord. 1158, 2017)

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.

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

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

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

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.

ZONING REGULATIONS

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.

I. *Driveway width.* Measurements for driveway street frontage shall be measured at the property line.

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.

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.

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.

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.

KETCHUM CITY CODE

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.

(Ord. 1158, 2017; Ord. No. 1249, § 22, 10-2-2023)

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*.

ZONING REGULATIONS

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 ¹
<i>Residential multiple-family dwelling in all districts except CC, T, T-3000, T-4000, and LI-1, LI-2, and LI-3:</i>	
Units 0 to 2,000 square feet	1 parking space
Units 2,001 square feet and above	2 parking spaces
<i>Residential multiple-family dwelling within the Community Core (CC) District and the Tourist (T), Tourist 3000 (T-3000), and Tourist 4000 (T-4000):</i>	
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 one-family dwelling
<i>LI-1, LI-2, and LI-3 Zoning Districts:</i>	
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.

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.

KETCHUM CITY CODE

- b. Food service.
 - c. Individual retail spaces of 5,500 square feet or less.
 - d. *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.
 - 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.

(Ord. 1158, 2017; Ord. 1173, § 1, 2017; Ord. No. 1249, § 22, 10-2-2023)

17.125.050 Community Core District off street parking and loading calculations.

A. *Purpose.* The parking requirements listed in this section are specific to the Community Core District and are in addition to requirements listed in this chapter and the off street parking matrix, subsection 17.125.040.B of this chapter.

B. *Minimum requirements.* The minimum number of parking spaces provided on site shall be four spaces per 5,500 square feet of lot area, unless fewer spaces are required by the off street parking matrix, subsection 17.125.040.B of this chapter.

C. All accessible parking space requirements of the current building code as adopted by the City shall be met.

ZONING REGULATIONS

D. *On street parking credit.*

1. In a circumstance where the off street parking matrix results in a requirement of more than four parking spaces, four on street parking spaces per 5,500 square feet of lot area may be credited toward the required parking demand after the required four space minimum on site is satisfied.
2. Only existing and available parking spaces located directly adjacent to the property lines of the subject property shall be counted towards the on street parking credit.
3. The credit spaces shall only be credited for the nonresidential parking demand of the project.

E. *Shared parking plan.* A reduction in off street parking may be obtained through the provision of an approved shared parking plan in compliance with section 17.125.080 of this chapter.

F. *Structured parking facility.* Subject to a parking demand analysis, nonresidential uses within 1,000 feet of a structured parking facility, may allocate off-street parking requirements to the structured parking facility, provided the following standards are met:

1. The distance from the nonresidential use to the structured parking facility shall be no more than 1,000 feet, calculated by measuring the sidewalk from the primary entrance of the use(s) to the location of the structured parking facility.
2. Adequate capacity shall be shown within the structured parking facility to accommodate the nonresidential parking requirements.
3. Parking spaces within the structured parking facility shall be permanently dedicated by recorded easement for the nonresidential use of the project making the request.

(Ord. 1158, 2017; Ord. 1173, § 2, 2017)

17.125.060 Bicycle parking.

A. *Purpose.* To further the intent of this chapter, including the purposes of encouraging a range of transportation alternatives, facilitating community design supported by multi-modal transportation, promoting travel demand management techniques and providing safe, secure and conveniently located bicycle parking facilities, the following bicycle parking requirements have been established.

B. *Spaces required.* All uses, other than one family dwellings, are required to provide one bicycle rack, able to accommodate at least two bicycles, for every four parking spaces required by the proposed use. At a minimum, one bicycle parking rack shall be required per development.

C. *Fractions.* When measurements of the number of required spaces result in fractions, any fraction equal to or greater than one-half shall be rounded up to the next highest whole number.

D. *Location.* Bicycle parking space(s) shall be clearly visible from the building entrance they serve and located no more than 50 feet from the entrance or as close as the nearest non-ADA parking space, whichever is closest. Bicycle racks shall be located to achieve unobstructed access

[This page intentionally left blank.]

ZONING REGULATIONS

from the public right-of-way and not in areas requiring access via stairways or other major obstacles. In cases where bicycle parking spaces are not visible from the primary street, signage shall be used to direct cyclists safely to bicycle parking areas.

E. *ADA*. Bicycle parking space facilities shall not interfere with pedestrian circulation, accessible paths of travel or accessible parking as required by the Americans With Disabilities Act of 1990.

F. *Design*. Bicycle parking spaces must contain a stationary device or devices, secured to the ground, to which bicycles can be locked. Each bicycle parking space must be accessible without moving another bicycle.

G. *Surfaces*. Bicycle racks must be located on paved or pervious, dust free surface. Surfaces cannot be gravel, landscape stone or wood chips.
(Ord. 1158, 2017)

17.125.070 Parking demand analysis.

A. *Purpose*. A parking demand analysis is a study indicating that the requirements of this chapter regarding the number of off-street vehicle parking spaces required are not applicable to the proposed project because the project contains a unique mix of uses, the operational method is atypical, the use is not listed, or location or contextual factors affect the amount of off-street parking spaces required.

B. *Eligibility*. A parking demand analysis may be submitted by an applicant for any project in any zoning district.

C. *Analysis required*. A parking demand analysis is required for any project requesting a reduction in parking through a shared parking plan or a transportation demand management plan. A Parking Demand Analysis may otherwise be required by the administrator.

D. *Contents*. A parking demand analysis shall be prepared in the following manner to demonstrate that the requirements of subsection 17.125.040.B, "Off street parking matrix", of this chapter, are not applicable:

1. *Preparation*. The parking demand analysis shall be prepared by a registered professional engineer licensed in the State of Idaho.
2. *Project description*. A project description shall be included. The project description shall include, but is not limited to:
 - a. Project location context map;
 - b. Gross and net square footage of existing and proposed uses that will be part of the new development under review; and
 - c. Table containing off-street parking and loading requirements for each use as required by this chapter.

KETCHUM CITY CODE

3. *Project analysis.* A narrative analysis considering the following minimum factors shall be submitted:
 - a. Discussion of the project's mix of uses, operational method, unique nature of uses, and location, contextual, or other factors affecting the amount of off-street parking and loading spaces required;
 - b. Existing site plan;
 - c. Proposed site plan;
 - d. Discussion of site specific parking needs.
4. *Remedy.* A narrative describing proposed measures to be taken to reconcile the project's parking demand with off-street parking and loading required for the project.
 - a. A shared parking plan and/or a transportation demand management plan may serve as the remedy in part or in full.
5. *Additional considerations.* The City may require additional information as part of the parking demand analysis.

E. *Method of approval.* The administrator shall review the parking demand analysis and accompanying remedies and upon finding that the analysis uses the appropriate methodology and includes an acceptable and reasonable remedy which can be implemented the analysis shall be approved or approved with conditions. Remedies contained in the analysis are binding and may only be modified through a written finding made by the administrator.

F. *Potential parking reduction.* Up to 50 percent of the total required parking spaces may be waived if the administrator finds the remedies proposed, which may include a shared parking plan and a transportation demand management plan, are sufficient to reduce the parking demand generated by the project.

(Ord. 1158, 2017)

17.125.080 Shared parking reduction.

A. *Purpose.* Dedicated parking areas for individual uses, especially when provided in new developments, can result in less efficient land usage, lower floor area ratios, and more significant impacts and implications for multi-modal transportation and the quality of the pedestrian environment. Shared parking is a strategy that can reduce the amount of land devoted to parking while providing a sufficient number of spaces and encouraging development that is compact, walkable, bikeable, and conducive to transit. A reduction of up to 25 percent of on-site vehicle parking requirements may be approved by the administrator. A parking demand analysis must be submitted as part of a shared parking plan.

B. *Shared parking reduction.* A shared parking reduction may be allowed by conditional use permit in all zoning districts as follows:

1. A shared parking plan shall be submitted for review and is subject to approval by the administrator.

ZONING REGULATIONS

2. The plan shall, at minimum, identify or contain:
 - a. A parking demand analysis in accordance with section 17.125.070 of this chapter;
 - b. The hours of peak parking demand for each use;
 - c. All locations of parking spaces on private property utilized through shared parking and identified on a location context map;
 - d. All public parking that can be accessed within a 1,000-foot walk as measured along sidewalk connecting to the site of the subject uses.
 - e. The plan shall include an agreement between property owners for sharing common parking on private property. However, in no case will the City manage shared parking agreements.
3. Shared parking spaces may be provided in areas designed to serve jointly two or more buildings or users.
4. All shared parking shall be located no less than 300 feet from the uses utilizing the shared parking, as determined by measuring along existing sidewalk or sidewalk that shall be constructed as a condition of approving the shared parking reduction from the primary entrance of the use(s) to the location of shared parking spaces.
5. The total number of off-street parking spaces shall not be less than that required by this chapter for the total combined number of buildings or uses, unless a reduction is approved through a shared parking plan, or otherwise specified.
6. A reduction to parking requirements for individual uses may be made after considering the following standards and criteria:
 - a. The hour(s) of peak parking demand for each use, with peak demand being different or staggered;
 - b. The operating hours of each use, with operating hours being staggered; and
 - c. There is existing on-street parking available for public use within a 1,000-foot walk as measured along the sidewalk connecting to the site of the subject use.

(Ord. 1158, 2017)

17.125.090 Parking reduction through transportation demand management.

A. *Purpose.* For projects with a FAR greater than 0.5 a transportation demand management (TDM) plan may be provided in order to demonstrate that alternative strategies will be utilized to offset the demand for parking. A reduction of up to 25 percent of on-site vehicle parking requirements may be approved by the administrator. A parking demand analysis must be submitted as part of the TDM plan.

B. *Strategies.* Transportation demand management plans shall consider at least three of the following strategies:

1. A shared parking plan subject to the standards found in section 17.125.080 of this chapter;

KETCHUM CITY CODE

2. Covered bicycle parking;
 - a. Covered bicycle parking can be provided inside buildings, under roof overhangs or awnings, in bicycle lockers, or within or under other structures. When not located within a building or a locker the cover must be permanent, designed to protect the bicycle from rainfall, and at least seven feet above the floor or ground.
 - b. Secure bicycle parking. Secure bicycle parking can be in a locked room or area enclosed by a locked gate or fence, in an area that is monitored by a security camera, or in an area that is visible from employee work areas.
3. On-site locker room and shower facilities.
4. Provision of a public transit stop or demonstration of proximate access to an existing transit stop.
5. Demonstration of proximate access, within 1,000 feet, to the Wood River Trail.
6. Construction of a "spur" connecting the subject property to the Wood River Trail.
7. Reserved preferential parking spaces for high occupancy vehicles.
8. Reserved preferential parking spaces for hybrid, electric, or alternative fuel vehicles.
9. Installation of on-site electric vehicle charging stations.
10. Publicly accessible permanent display area for information on TDM strategies and options for alternative transportation modes.
11. Shuttle service.
12. Contribution to public transit or alternative modes of transportation fund(s).
13. Employer programs such as:
 - a. Car/van pool coordination and incentive programs;
 - b. Shuttle program;
 - c. Guaranteed emergency ride home program; and
 - d. Public transit passes.
14. Alternative strategies approved by the administrator.
(Ord. 1158, 2017)

17.125.100 Meeting parking requirements via optional payment in lieu.

A. The City may adopt or have adopted parking and/or transportation demand plans that include planning for and construction of parking and/or transportation mitigation projects. When such a plan or plans are in existence, a proposer may voluntarily opt to request and the City may consider requests to meet or mitigate parking requirements, in whole or in part, via an optional payment in lieu as an alternative where such City project, as determined by the City, is likely to meet or mitigate the transportation demand created by the development.

ZONING REGULATIONS

B. Such parking in lieu fees will be determined by the City Council and set by resolution based upon planning, acquisition, and construction estimates and costs related to the parking and/or transportation mitigation plans and projects.

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

D. All such in lieu funds received pursuant to the voluntary contribution agreements under this section will be placed into a parking and transportation fund dedicated to the projects under the City's parking and/or transportation mitigation plans.

(Ord. 1158, 2017)

CHAPTER 17.127 SIGNAGE

17.127.010 Purpose and intent.

Regulations addressing the number, location, size and placement of signs, symbols, markings, and other advertising devices are necessary and intended to maintain the attractiveness and orderliness of Ketchum, to protect the City's appearance, and to protect the public safety. As a historic mountain resort community with a significant tourist economy, the visual quality and character inherent in and around the City is enhanced by the application of sign regulations that produce a deliberate, clean appearance while providing flexibility and creativity of design.

(Ord. 1162, 2016)

17.127.020 Applicability.

A. *General.* Signs shall be allowed within the City according to the regulations contained in this section. It shall be unlawful to erect or otherwise display a sign, including, but not limited to, symbols, markings and other advertising devices, without complying with the applicable terms and provisions of this section.

B. *Sign permit required.* Prior to erecting, constructing, placement, relocation, alteration, and/or modification of any permanent or temporary sign or banner, a sign permit shall be obtained from the City except as exempted in subsection C of this section. Such application for sign permit shall be subject to standards, procedures, and other requirements of this section.

C. *Permit exemptions.* The following signs are exempt from permit requirements of this subsection but shall conform to specifications and definitions of chapter 17.08 of this title as noted:

1. Signs erected by a government or public agency in the public right-of-way, including, but not limited to, posting or display of an official notice by a public agency, advertising on public transit vehicles, and public utility signs for directional, warning or information purposes;
2. Signs and notices required by a public agency to be posted on private property according to local and state code;
3. Any sign inside a building not visible from the exterior of the building;
4. Signs affixed to the body or window of licensed, registered vehicles that are used for normal day to day operations of businesses except signs placed in or affixed to vehicles and/or

KETCHUM CITY CODE

trailers that are parked so as to be visible from a public right-of-way where the apparent purpose is to sell said vehicle, advertise a product, service or activity or direct people to a business or activity;

5. Merchandise displayed in windows;
6. Holiday decorations that are temporarily displayed on traditionally accepted, civic, patriotic and/or religious holidays, provided such decorations are maintained in safe conditions, do not constitute a fire hazard, and that the decorations comply with chapter 17.132, "Dark skies", of this title. LED lighting may be utilized;
7. Incidental signs;
8. One gas filled light tube (neon or facsimile) per business, provided it does not exceed four square feet and it is displayed from the inside of the building;
9. Interior signs, visible from the exterior of the building, not to exceed four square feet per sign;
10. One freestanding sign per lot, not to exceed four square feet, provided there are no other signs on the lot or structure.

D. *Prohibited signs.* The following signs shall be prohibited in all zoning districts:

1. Signs located within any public street, right-of-way, or other public property, except as allowed in this title.
2. Signs with intermittent or flashing illumination, animated or moving signs and video/television/computer displays visible from any public street, right-of-way or other public property.
3. Any sign located so as to conflict with the clear visibility of public devices controlling public traffic or to impair the safety of a moving vehicle by distracting the vision of the driver.
4. Roof signs, except historic signs or replicas of historic signs as allowed in this title.
5. Signs with a translucent plastic or other translucent material background which are internally lit or backlit.
6. Signs emitting sound.
7. Any inflatable object used for promotional or sign purposes.
8. LED lighting in conjunction with signage when the source is visible, except when used with holiday decorations.
9. Beacons.

(Ord. 1162, 2016)

17.127.030 Application and procedure.

The following shall apply to all signs proposed in all zoning districts:

A. *General sign permit.*

1. *Application.* A completed sign permit application on a form furnished by the City and applicable fee(s) set by resolution of the Ketchum City Council together with technical information published and updated from time to time by the City shall be filed by the applicant with the City.

ZONING REGULATIONS

2. *Procedure.* The City may request modifications to or additional information for any sign application for purposes of achieving compliance with this chapter. The City shall approve, approve with conditions, or deny the sign permit application within 30 days of receipt of all requested information and notify the applicant in writing.
- B. *Master signage plan for new construction.*
1. *Application.* A complete master signage plan that may include a building identification sign shall be submitted at the time of design review application for any new construction for all hotels, commercial, industrial, multi-family residential and mixed use projects. A master signage plan shall include, but not be limited to, directional, tenant, advisory, and technical information published and updated from time to time by the City and shall show how the plan is integrated with the architecture of the building. Materials required for design review are more specifically listed in chapter 17.96 of this title.
 2. *Procedure.* The procedure for master signage plans shall be in compliance with chapter 17.96 of this title.
 3. *Individual tenant sign permits required.* Following approval of a master signage plan, separate sign permits shall be required for all new signs prior to installation following the application and procedure contained in subsection A, "General Sign Permit", of this section.
- C. *Existing multi-unit/tenant and private institutional and other commercial buildings.*
1. *Application.* Existing multi-tenant buildings (two or more businesses or residences) and institutional and other commercial buildings shall submit a master signage plan when any tenant applies for new signage, except when new signage remains consistent with existing signage for the building.
 2. *Procedure.* Master signage plans for existing buildings shall be considered and decided administratively by the City.
 3. *New businesses in existing buildings.* A new business in a multi-tenant building must comply with a previously approved sign plan, unless a new sign plan for all tenants is submitted and approved.
- D. *Historic sign replicas and preservation of landmark signs.*
1. *Application.* Applications shall be made according to subsection A of this section.
 2. *Procedure.* Applications shall be considered and decided by the Ketchum City Council utilizing the presumption that "historic" is considered to be 50 years or older. However, applications for historic sign replicas and landmark signs shall be found to meet the definition contained in chapter 17.08 of this title.
 3. *Sign area.* Sign area for historic sign replicas and landmark signs shall not count toward total signage limitations.

(Ord. 1162, 2016)

KETCHUM CITY CODE

17.127.040 General.

The following shall apply to all signs proposed in all zoning districts:

A. *Safety.*

1. All signs shall be structurally sound and maintained in accordance with all applicable provisions of the international building code edition currently adopted by the City.
2. Signs shall not be located in a manner that interferes with pedestrian or vehicular travel or poses a hazard to pedestrians or vehicles.

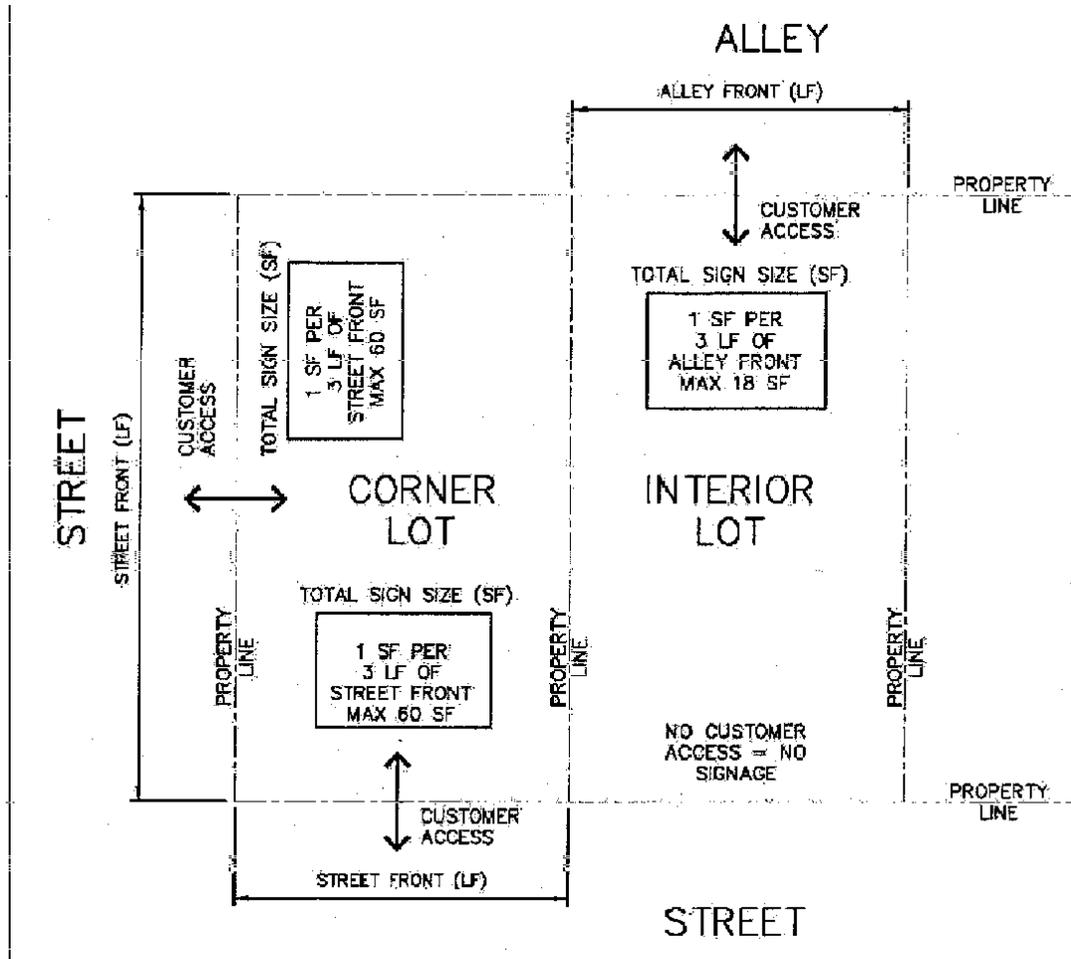
B. *Computations.*

1. *Sign area.* Sign area shall be measured as the area contained within the smallest polygonal shape that will enclose both the copy and the background. Sign copy mounted as individual letters or graphics against any part of a building or structure that does not have a distinct background, shall be measured as the sum of the smallest rectangle or square that will enclose each word and graphic. Where a sign consists of more than one face, section or module, all areas shall be totaled.
2. *Sign height for freestanding and sandwich board/portable board signs.* The height of a sign shall include the frame, if any, and be computed as the distance from the base including feet of the sign, except as provided herein, at normal grade to the top of the highest attached component of the sign. Normal grade shall be the lower of either existing grade or the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating. When the normal grade cannot be reasonably determined, the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the lot, whichever is lower, shall be used as normal grade.

C. *Street frontage.* Each street frontage with direct customer access is considered separately.

1. Where building(s) have no street frontage and direct customer access is from an alley, the building is permitted one square foot of signage for every three feet of linear alley frontage, not to exceed 18 square feet; and each individual permitted commercial and mixed use is allowed one sign parallel to the alley frontage with direct access and one sign that is perpendicular to the alley with direct access.

ZONING REGULATIONS



D. *Sign lighting regulations.* The following shall apply to all signs proposed in all zoning districts:

1. External illumination of signs shall conform to chapter 17.132, "Dark skies", of this title and be designed, located, shielded and directed in such a manner that the light source is fixed and is not directly visible from any adjacent public right-of-way, surrounding property, or motorist's vision.
2. Internal lighting or backlighting shall conform to chapter 17.132, "Dark skies", of this title.
3. Gas filled light tube (neon or facsimile) signs with tubes exposed to view of any size may be utilized inside the premises. One gas filled light tube (neon or facsimile) per business, provided it does not exceed four square feet and it is displayed from the inside of the building.
4. LED lighting may be utilized provided the light source is recessed and not directly visible from any adjacent public right-of-way, surrounding property, or motorist's vision.

KETCHUM CITY CODE

- E. *Signs overhanging public rights-of-way.* All signs, awnings, and marquees allowed to overhang a public right-of-way shall be subject to building code compliance, release of City liability, maintenance, safety, removal upon demand of the City, and other conditions at the time of permit issuance and prior to installation. The sign permit shall constitute an agreement between the applicant and the City concerning the public right-of-way.

(Ord. 1162, 2016)

ZONING REGULATIONS

17.127.050 Sign specifications matrix.

The following categories of signs shall comply with the applicable specifications and shall be counted toward the total permissible signage.

Sign Types	Maximum Area/Size	Maximum Height	Setback/Location	Maximum Number	Special Provisions
CC, T, T-3000, T-4000, LI-1, LI-2, and LI-3 districts: Awning	1 sq. ft. of signage for every 3 linear feet of street frontage, not to exceed 60 sq. ft. Each street frontage with direct customer access is considered separately	1' or 80% of the height of the face or valance, whichever is less. A minimum of 8' of clearance to grade required for the lowest portion of the awning or marquee	Street fronting face of the awning	n/a	Shall be calculated as part of total signage allowed per business

KETCHUM CITY CODE

Sign Types	Maximum Area/Size	Maximum Height	Setback/Location	Maximum Number	Special Provisions
Freestanding	For every 1 linear foot of principal building 1/2 sq. ft. of freestanding signage is allowed, not to exceed 20 sq. ft. per side	12' from highest point to adjacent grade	25' clear zone shall be maintained per any street corner, intersection, curb cut or driveway, measured from the nearest edge of the driving surface	1 per building street frontage	No more than 2 faces per freestanding sign allowed. Shall be calculated as part of total signage allowed per lot
Marquee	1 sq. ft. of signage for every 3 linear feet of street frontage, not to exceed 60 sq. ft. Each street frontage with direct customer access is considered separately	Shall not extend above the lowest portion of a flat roof, the top of a parapet wall, above the eaves line/fascia of any roof type or above the highest portion of the marquee	Street fronting face of the marquee		Shall be calculated as part of total signage allowed per business
Projecting	Determined by height, clearance and projection parameters	A minimum of 8' of clearance to grade required for the lowest portion of the projecting sign. The top of sign shall be located below the windows on the second floor of the building	n/a	1 per storefront entrance	Shall not extend more than 4' from the building. The maximum profile or thickness shall not exceed 6"

ZONING REGULATIONS

Sign Types	Maximum Area/Size	Maximum Height	Setback/Location	Maximum Number	Special Provisions
Sandwich board (see graphic below)	6 sq. ft. of signage area	3'6" from grade	Shall be located within the frontage of the subject property and proximate to the building entrance. A minimum of 5' must be maintained for pedestrian travel	1 per business	No more than 2 sides per sandwich board sign. Shall not be counted toward the total size of permissible signage
Temporary ²	30 sq. ft.	Shall not extend above the second story of the building the sign is displayed on and shall maintain at least 8' from grade to bottom of sign	Shall be located on private property and not encroach into the public ROW	No more than 2 allowed per business at any 1 time	Shall not be counted toward the total size of permissible signage. Displayed on private property for a maximum of 45 days in a calendar year, maximum of 14 consecutive days at 1 time, and no more than 4 times in a calendar year
Wall ^{1,3}	1 sq. ft. of signage for every 3 linear feet of street frontage, not to exceed 60 sq. ft. Each street frontage with direct customer access is considered separately	Shall not extend above the lowest portion of a flat roof, the top of a parapet wall, or above the eaves line/fascia of any roof type	n/a	Each individual permitted commercial use is limited to 2 signs that are parallel to the street frontage with direct customer access	Any building facade shall not have a wall sign more than 40% of the unbroken facade area

KETCHUM CITY CODE

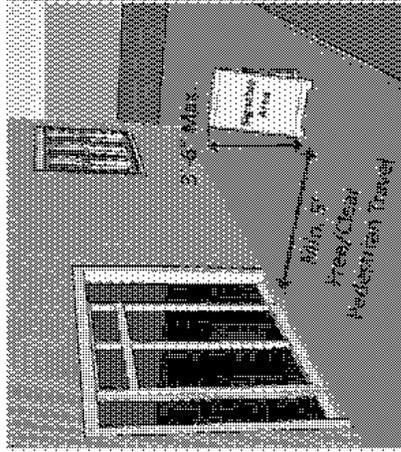
Sign Types	Maximum Area/Size	Maximum Height	Setback/Location	Maximum Number	Special Provisions
Window	Shall not occupy more than 25% of the total area of a single window surface		n/a		Any sign located inside of a building within 3' of an exterior window shall be counted as a window sign. All video displays visible from an exterior window are prohibited. Window signs are not included in the total allowed signage
AF, RU and residential districts:					
Freestanding	18 sq. ft.	5' from highest point to adjacent grade	25' clear zone shall be maintained per any street corner, intersection, curb cut or driveway, measured from the nearest edge of the driving surface	1 per pedestrian or vehicular entrance, not to exceed 6 sq. ft. of total signable area for the entire development	No more than 2 faces per freestanding sign allowed. Shall be calculated as part of total signage allowed per lot
Wall	6 sq. ft.	Shall not extend above the lowest portion of a flat roof, the top of a parapet wall, or above the eaves line/fascia of any roof type	n/a	1 per pedestrian or vehicular entrance, not to exceed 6 sq. ft. of total signable area	Any building facade shall not have a wall sign more than 40% of the unbroken facade area

ZONING REGULATIONS

Notes:

1. Wall signs may be mounted or painted on the gable wall as long as the top of the sign does not extend above the eaves line.
2. For single season businesses, one temporary sign or banner sign shall be allowed in addition to signage allowed for the building in which it is located, provided it does not exceed 18 square feet, is located on private property, and is displayed only during the season of operation.
3. Where buildings have no street frontage and direct customer access is from an alley, the building is permitted one square foot of signage for every three feet of linear alley frontage, not to exceed 18 square feet. Each individual permitted commercial use is allowed one sign parallel to the alley frontage with direct customer access and one sign that is perpendicular to the alley with direct customer access.

SANDWICH BOARD SIGN GRAPHIC



(Ord. 1162, 2016)

KETCHUM CITY CODE

17.127.060 Existing conforming, nonconforming, illegal and allowable signs.

A. *Existing conforming signs.* Existing conforming signs with a valid sign permit on file with the City of Ketchum may be replaced in its exact form (same graphics, symbols or copy, color, material, size, etc.) or relocated, as is, by amending the existing sign permit, without paying an additional application fee and shall not be subject to the provisions of this section.

B. *Legally nonconforming signs.* Any sign conforming to the prior sign regulations which is not in conformance with this section:

1. May not be replaced, except with an approved permit for new conforming sign;
2. May not be changed in text or logo (except changeable copy signs);
3. May not be expanded, moved or relocated; and
4. Shall be removed if there is a change in occupancy on the premises.

C. *Illegal signs.* Any sign that did not comply with sign regulations in existence at the time the sign was erected is an illegal sign and shall be removed on or before November 16, 2016.

D. *Allowable sign types.* Sign types not specifically allowable as set forth within this section are prohibited.

(Ord. 1162, 2016)

17.127.070 Violations and enforcement.

A. *Violations.* A violation of this section shall be an infraction punishable by a fine of not more than \$300.00, or by imprisonment not to exceed six months, or by both such fine and imprisonment. Each day the violation is not satisfied shall be considered a separate offense.

B. *Responsibility for good repair.* It shall be the responsibility of the business and/or property owner to keep signs in a good state of repair at all times. Nonconforming signs may be repaired and maintained provided the repairs are for the sole purpose of maintaining the sign to its original condition and does not increase the degree of nonconformity.

C. *Unsafe signs.* Any sign which has been determined to be unsafe by the Building Official and/or the planning and zoning department or which has been constructed, erected or maintained in violation of this section, must be repaired, made safe, made in conformance with this section, or removed within ten working days after receipt of certified notice from the City. Failure to respond to remedy the violation is unlawful and the business and/or property owner will be guilty of a misdemeanor. The City reserves the right to remove and seize any sign should it not be in conformance with this section after the final certified notice date.

D. *Interpretation.* The City Council has the authority and duty to interpret the provisions of this section at the request of the administrator or when a written appeal from a decision of the administrator is filed.

(Ord. 1162, 2016)

ZONING REGULATIONS

17.127.080 Appeals.

Appeals of a decision by the administrator or Commission shall be filed in compliance with chapter 17.144 of this title.
(Ord. 1162, 2016)

CHAPTER 17.128 SUPPLEMENTARY LOCATION AND BULK REGULATIONS

17.128.010 Supplementary lot area and lot width regulations.

A. Where an individual lot was held in separate ownership from adjoining properties or was platted in a recorded subdivision approved by the City Council prior to April 21, 1966, or was in such a condition at the time the lot was subsequently annexed to the City, or was of legal area and dimensions when held in separate ownership from adjoining properties or when platted in a recorded subdivision, such a lot may be occupied according to the permitted uses provided for the district in which the lot is located, provided the proposed uses, building construction and all other regulations in regard to setbacks, supplemental yard regulations and parking areas are strictly adhered to and complied with.

B. No part of an area or width required for a lot for the purpose of complying with the provisions of this title shall be included as an area or width required for another lot.
(Ord. 1135, 2015)

17.128.020 Supplementary yard regulations.

A. Cornices, canopies, eaves, chimney chases or similar architectural features may extend into a required yard not more than three feet.

B. Fire escapes may extend into a required rear or side yard not more than six feet. Fire escapes in setbacks shall be the minimum size and configuration required by the adopted international building code.

C. The side yard along the street side of a corner lot shall be not less than two-thirds the front yard requirement for the district in which the lot is located.

D. In measuring the rear yard of a principal building where the rear lot line abuts an alley, measurement may be made to the centerline of the alley, provided no building is located within the right-of-way of the alley.

E. No part of a yard required for a building for the purpose of complying with the provisions of this title shall be included as a yard for another building.

F. Any and all structure(s) located adjacent to the Big Wood River, Trail Creek or Warm Springs Creek shall be set back a minimum of 25 feet from the mean high water mark of the stream.

G. The regulations of this section do not apply to the CC community core district. The supplementary location and bulk requirements which apply to such zoning district are found in section 17.18.130 of this title.

KETCHUM CITY CODE

H. Decks less than 30 inches in height from existing grade may be constructed to the property line. All decks and fences located adjacent to the Big Wood River, Trail Creek and Warm Springs Creek shall be set back a minimum of 25 feet from the mean high water mark of the stream.

I. Decks more than 30 inches in height from existing grade at any point shall be subject to setbacks, except in the GR-H, T, T-3000 and T-4000 zoning districts. In the GR-H, T, T-3000 and T-4000 districts, decks more than 30 inches in height from existing grade may be allowed to encroach into the required yard setback up to a maximum one-half the distance of the required yard setback, or four feet, whichever is less, with design review approval. In addition to requirements set forth in chapter 17.96 of this title, the following criteria shall apply:

1. A minimum of five feet is maintained between any point of the deck and the property line;
2. The application has been approved by the subject property's homeowners' association (if any);
3. Written approval from a majority of owners of property contiguous to the subject property has been obtained;
4. Upper story decks/balconies are cantilevered from the building (no supporting posts are permitted within the required yard setback);
5. No portion of a deck which encroaches into the required yard setback may be enclosed or covered by a roof; and
6. Restrictions on exterior storage of personal property may be required through the design review process.

J. Gates are prohibited on private roads and parking access/entranceways, private driveways accessing more than one single-family dwelling unit and one accessory dwelling unit, and public rights-of-way unless approved by the City Council.

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

1. Below grade encroachments into the riparian setback are not permitted; and
2. Construction activity shall not occur on adjacent properties; and
3. Encroachment of 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
4. Underground encroachments into required setbacks shall be located entirely below natural, existing, or finished grade, whichever is lowest; and
5. The ground above underground encroachments within required setbacks that is not otherwise covered by permitted decks, fences, hedges and walls shall be suitably landscaped in

ZONING REGULATIONS

keeping with the general character of the surrounding neighborhood or as otherwise required by this Code. Required landscape plans shall address the compatibility of proposed landscaping with the below grade structure, including any necessary irrigation; and

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

(Ord. 1135, 2015; Ord. 1186, 2018; Ord. No. 1249, § 23, 10-2-2023)

17.128.030 Supplementary building height regulations.

All dwellings shall be constructed with at least 75 percent of the roof surface higher than seven feet from the grade.

(Ord. 1135, 2015)

CHAPTER 17.132 DARK SKIES

17.132.010 General provisions.

A. *Title.* This chapter, together with the amendments codified in this chapter, shall be known and may be cited as the Ketchum Dark Sky Ordinance.

B. *Purposes.* The general purpose of this chapter is to protect and promote the public health, safety and welfare, the quality of life, and the ability to view the night sky by establishing regulations and a process of review for exterior lighting. This chapter establishes standards for exterior lighting in order to accomplish the following:

1. To protect against direct glare and excessive lighting;
2. To provide safe roadways for motorists, cyclists and pedestrians;
3. To protect and reclaim the ability to view the night sky, and help preserve the quality of life and the tourist experience;
4. To prevent light trespass in all areas of the City;
5. To promote efficient and cost effective lighting;
6. To ensure that sufficient lighting can be provided where needed to promote safety and security;
7. To allow for flexibility in the style of lighting fixtures;
8. To provide lighting guidelines;

KETCHUM CITY CODE

9. To provide assistance to property owners and occupants in bringing nonconforming lighting into conformance with this chapter; and
10. To work with other jurisdictions within Blaine County to meet the purposes of this chapter.

C. *Scope.* All exterior lighting installed after the effective date hereof in any and all zoning districts in the City shall be in conformance with the requirements established by this chapter and any other applicable ordinances. All existing lighting installed prior to the effective date hereof in any and all zoning districts in the City shall be addressed as follows:

1. All existing lighting located on a subject property that is part of an application for a City planning department design review, conditional use, subdivision permit, or building permit is required to be brought into conformance with this chapter. Conformity shall occur prior to issuance of a certificate of occupancy, final inspection or final plat recordation, when applicable. For other permits, the applicant shall have a maximum of 30 days from date of permit issuance to bring the lighting into conformance.
2. All existing exterior commercial lighting that is not in conformance with this chapter shall be brought into conformance with this chapter by June 30, 2018.
3. All existing lighting that does not meet the requirement of section 17.124.060 of this title, which states that "any parking, yard or building illumination in (any) zoning (district) shall be so directed as to protect adjacent properties from glare and direct lighting", is required to be brought into conformance with this chapter.
4. All existing exterior residential lighting, not affected by subsections C.1. and C.3. of this section, that does not comply with this chapter is required to be brought into conformance with this chapter by June 30, 2019.
5. In the event of a discrepancy in applicable ordinances, the most restrictive shall apply.
(Ord. 1171, 2017)

17.132.020 Applicability.

A. *Authority.* The Commission, the Building Official and/or the administrator shall have the authority to require new lighting and existing lighting pursuant to subsection 17.132.010.C.1. of this chapter to meet the requirements of this chapter.

B. *Lighting plans required.* All applications for design review, conditional use, subdivision and/or building permits shall include lighting plans showing location, type, height, color temperature, lumen output and amount of all proposed and existing fixtures. The applicant shall provide enough information to verify that lighting conforms to the provisions of this chapter. The administrator, Commission and/or Building Official shall have the authority to request additional information in order to achieve the purposes of this chapter.

(Ord. 1171, 2017)

17.132.030 Lighting standards.

A. *Color temperature.* All exterior lighting shall utilize light sources not to exceed 2,700 Kelvin.

ZONING REGULATIONS

B. *Light trespass and overlighting.* All existing and/or new exterior lighting shall not cause light trespass and shall protect adjacent properties from glare and excessive lighting. All vehicle lighting originating from a commercial property shall be shielded from other adjacent properties. Incidental light trespass (lighting emanating from turning motor vehicles or motion sensor lighting) is permitted.

1. All lighting emitting from any zoning lot shall not cause the light level along any property line, as measured at a height of 60 inches above grade in a plane at any angle of inclination, to exceed the limitations listed in figure 1, "Light Trespass And Overlighting Matrix", of this subsection.

**FIGURE 1
LIGHT TRESPASS AND OVERLIGHTING MATRIX**

Zone Of Light Source	Impacted Zone	Maximum Foot-Candle Limits
Noncommercial (LR, LR-1, LR-2, GR-L, GR-H, STO-.4, STO-1, STO-H, RU, AF)	Noncommercial (LR, LR-1, LR-2, GR-L, GR-H, STO-.4, STO-1, STO-H, RU, AF)	0.1 foot-candle
Noncommercial (LR, LR-1, LR-2, GR-L, GR-H, STO-.4, STO-1, STO-H, RU, AF)	Commercial zones (CC, T, T-3000, T-4000, LI-1, LI-2, LI-3)	0.5 foot-candle
Commercial zones (CC, T, T-3000, T-4000, LI-1, LI-2, LI-3)	Noncommercial (LR, LR-1, LR-2, GR-L, GR-H, STO-.4, STO-1, STO-H, RU, AF)	0.1 foot-candle
Commercial zones (CC, T, T-3000, T-4000, LI-1, LI-2, LI-3)	Commercial zones (T, T-3000, T-4000, LI-1, LI-2, LI-3)	0.5 foot-candle
Community Core (CC)	Community Core (CC)	No limit

C. *IESNA guidelines.* The Commission or administrator may require that any new lighting or existing lighting that comes before them meet the standards for maximum illuminance output as established by IESNA.

D. *Nonessential exterior commercial and residential lighting.* All nonessential exterior commercial and residential lighting shall be turned off after business hours and/or when not in use. Lights on a timer shall be used. Sensor activated lights shall be used to replace existing lighting that is desired for security purposes.

E. *Area lights.*

1. All area lights, including streetlights and parking area lighting, shall be level mounted and 85 degrees full cutoff type fixtures.
2. Residential streetlights shall be limited to 1,125 lumens, unless otherwise recommended by the Public Works Department.
3. Nonresidential streetlights shall be limited to 1,500 lumens, unless otherwise recommended by the Public Works Department.

KETCHUM CITY CODE

4. Lights on major intersections on state highways shall be limited to 3,000 lumens, unless otherwise recommended by the Public Works Department.
5. Parking area lights are encouraged to be greater in number, lower in height and lower in light level, as opposed to fewer in number, higher in height and higher in light level. Parking lot lighting shall not exceed IESNA recommended illuminance (foot-candle) level and are encouraged to utilize the lowest range available.
6. All freestanding area lights within a residential zone, except streetlights, shall be mounted at a height equal to or less than the value $3 + (D/3)$, where D is the distance in feet to the nearest property boundary.
7. Freestanding luminaires shall be no higher than 25 feet above the stand/pole base; except, that luminaires used for playing fields shall be exempt from the height restriction, provided all other provisions of this chapter are met and the light is used only while the field is in use; and except, that streetlights used on major roads may exceed this standard if necessary as determined by the City Council, as advised by a lighting engineer. Building mounted luminaires shall be attached only to walls, and the top of the fixture shall not exceed the height of the parapet or roof, whichever is greater.
8. Area lights on a timer, sensor activated, or turned off at 10:30 p.m. are exempt from subsection B of this section, provided all other standards of this section are met.

F. *Uplighting*. Uplighting is prohibited in all zoning districts, except as where permitted in this chapter.

G. *Public outdoor lighting*. Public outdoor lighting, including holiday lighting, shall be permitted to ensure the safety and enjoyment of the intended public use. All public lighting shall comply with the standards established herein and shall be turned off after hours of operation or when not in use. When practically possible, motion sensors may be used. Public outdoor lighting is exempt from lighting curfews and exempt from subsection B of this section.

H. *Lighting fixtures*.

1. All exterior lighting shall comply with the acceptable lighting fixtures located in figure 2 of this subsection H. All exterior lighting fixtures shall be full cutoff fixtures with the light source fully shielded, except as exempted in this chapter.
2. The following figure and information sheets shall be incorporated into this chapter as guidelines for the public and the City for use in meeting the intent of this chapter. The figure and information sheets only serve as examples. The City does not endorse or discriminate against any manufacturer or company that may be shown, portrayed or mentioned by the examples. Additional information is provided at the Ketchum Planning Department.

ZONING REGULATIONS

FIGURE 2 LIGHTING FIXTURE GUIDELINES



KETCHUM CITY CODE

1. *Lighting fixture exceptions and additional requirements.*

Type Of Light- ing	Full Cutoff Light Fixture	Light Tres- pass Stan- dards	Additional Requirements
Canopy lighting	Required	Not exempt	All canopy lighting shall be recessed sufficiently so as to ensure that no light source is visible from or causes glare on public rights-of-way or adjacent property.
Flagpole light- ing	Not required	Exempt	Upward flagpole lighting is permitted for govern- mental flags only. The maximum lumen output shall be 1,300 lumens. Flags are encouraged to be taken down at sunset to avoid the need for lighting.
Floodlights	Not required	Not exempt	Floodlights with external shielding shall be angled provided that no light escapes above a 25-degree angle measured from the vertical line from the center of the light extended to the ground. Flood- lights shall not cause glare or light to shine di- rectly on adjacent property or public rights-of- way. Shall be encouraged to be motion sensor activated.
Highway 75 lighting	Required	Exempt	Correlated color temperature 2,700 Kelvin.
Holiday lights	Not required	Exempt	Shall only be displayed from November 20th to March 20th. Exempt from color temperature re- quirements set forth in this chapter. All new holi- day lighting shall be LED lighting, or bulb that has been demonstrated to be the most energy effi- cient technology available. Flashing holiday light- ing is permitted. All private holiday lighting shall be turned off at the close of business hours in the Community Core Zoning District, and after 10:30 p.m. in all other zoning districts. Outdoor public lighting shall not be subject to holiday lighting curfew.
Neon lights	Not required	Not exempt	Neon lights are only permitted pursuant to chap- ter 17.127 of this title.

ZONING REGULATIONS

Type Of Light- ing	Full Cutoff Light Fixture	Light Tres- pass Stan- dards	Additional Requirements
Sensor acti- vated lighting	Required	Exempt	Shall be located so as to prevent lighting into ad- jacent properties or into a public right-of-way. Lighting shall activate only when motion on the property is detected and shall deactivate within no more than 5 minutes. Lighting shall not be trig- gered by any activity off the property or in the public right-of-way. The maximum lumen output shall be 600 lumens.
Temporary emergency lighting	Not Required	Exempt	Utilized by public safety services. Exempt from provisions of this chapter.
Temporary lighting	Required	Exempt	Lumens output shall be approved by the Adminis- trator.

J. *Additional development restrictions.*

Development	Full Cutoff Light Fixture	Light Tres- pass Stan- dards	Additional Requirements
Motor vehicle fueling stations and motor vehicle service sta- tions	Required	Not exempt	The average foot-candle lighting level at the pump for new and existing service sta- tions is required to be no greater than 30 foot-candle average, as set by the IESNA for urban service stations.
Towers for radio com- munication and navi- gation	Not required	Not exempt	All radio, communication and navigation towers that require lights shall have dual lighting capabilities. For daytime, the white strobe light may be used, and for nighttime, only red lights shall be used. Lighting that is required by legal jurisdictions are exempt from this provision.

(Ord. 1171, 2017)

17.132.040 Prohibited lighting.

- A. Any light source that does not meet the requirements of this chapter.
- B. Searchlights, beacons, laser source, and other high-intensity light fixtures.
- C. Except as otherwise allowed by this title, any lighting that is flashing, blinking, rotating, chasing, or rapidly changing in color or intensity is prohibited.

(Ord. 1171, 2017)

KETCHUM CITY CODE

17.132.050 Notification.

A. The City building and planning department permits shall include a statement asking whether the subject property of the proposed work includes any exterior lighting.

(Ord. 1171, 2017)

17.132.060 The City's role.

A. The City will commit to changing all lighting within the City rights-of-way and on City owned property to meet the requirements of this chapter when luminaires expire.

(Ord. 1171, 2017)

CHAPTER 17.136 NONCONFORMING USES AND NONCONFORMING BUILDINGS

17.136.010 Continuation of use.

A nonconforming use may be continued and a nonconforming building may continue to be occupied except as both are otherwise provided for in this chapter.

(Ord. 1135, 2015)

17.136.020 Change of use.

A nonconforming use may be changed only to a conforming use.

(Ord. 1135, 2015)

17.136.030 Abandonment of use.

A. An owner shall not be deprived of the right to use improvements on private property for their designed purpose based solely on the nonuse of the improvements for their designed purpose for a period of ten years or less. Where an owner or his authorized agent permits or allows an approved or unlawful intervening use of the owner's property, the provisions of this subsection are not applicable.

B. For purposes of this section "designed purpose" means the use for which the improvements were originally intended, designed and approved pursuant to any applicable planning and zoning ordinances.

C. For all uses where the provisions of subsection A of this section are not applicable: If active and continuous operations are not carried on in a nonconforming use during a continuous period of six months, the building, other structure or tract of land where such nonconforming use previously existed shall be occupied and used only for a conforming use. Intent to resume active operations shall not affect the foregoing.

(Ord. 1135, 2015)

17.136.040 Restoration.

A nonconforming building which has been damaged or destroyed by fire or any other calamity, may be restored to its preexisting nonconforming condition if a building permit for the work of

ZONING REGULATIONS

restoration is obtained within two years of the date of the fire or other calamity and the work of the restoration complies with the international building and fire codes in effect at the time of the issuance of the building permit.

Nonmaterial changes to the preexisting nonconforming condition may be approved at the City's discretion. If additional square footage is added, that additional square footage may be subject to the current requirements of the underlying zone district at the discretion of the planning and zoning department head.

(Ord. 1135, 2015)

17.136.050 Enlargement of a nonconforming building or a nonconforming use.

A nonconforming use shall not be enlarged or extended and a nonconforming building shall not be enlarged or extended so as to increase the degree of nonconformity, except in the community core district where one-family dwellings may increase their original square footage by 20 percent. Additions and/or enlargements to existing buildings are not considered to be nonconforming or to increase the degree of nonconformity, so long as the additions and/or enlargements comply with the following:

- A. Any additional square footage may be subject to the current requirements of the underlying zone district at the discretion of the planning and zoning department head.
- B. Fifty percent of the building footprint and exterior walls of a nonconforming structure must remain unaltered.

(Ord. 1135, 2015)

17.136.060 Alteration of a nonconforming building.

A nonconforming building may be structurally altered or repaired in any way permitted by these regulations.

(Ord. 1135, 2015)

17.136.070 Structural changes.

Any building or other structure containing a nonconforming use or any nonconforming building or portion declared unsafe by the City building inspector may be strengthened or restored to a safe condition.

(Ord. 1135, 2015)

CHAPTER 17.140 WIRELESS COMMUNICATION FACILITIES

17.140.010 Intent and purpose.

A. The unique and diverse landscapes and scenic vistas of the City are among its most valuable assets. Protecting these assets will require sensitive placement and design of wireless communication facilities (WCFs) to remain in scale and harmony with the character of the community.

KETCHUM CITY CODE

B. This chapter is intended to provide reasonable standards and procedures for the development of WCFs that will serve citizens, the traveling public and others within the City in order to:

1. Preserve the character and aesthetics of areas which are in close proximity to WCFs by minimizing the visual, aesthetic and safety impacts through careful design, placement and screening;
2. Protect the health, safety and welfare of persons living or working in the area surrounding such WCFs from possible adverse environmental effects (within the confines of the Federal Telecommunications Act of 1996) related to the placement, construction or modification of such facilities;
3. Provide development that is compatible in appearance with allowed uses of the underlying zone;
4. Facilitate the City's permitting process to encourage fair and meaningful competition and, to the greatest extent possible, extend to all people in all areas of the City high quality wireless communication services at reasonable costs to promote the public welfare; and
5. Encourage the joint use and clustering of antenna sites and structures, when practical, to help reduce the number of such facilities which may be required in the future to service the needs of customers and, thus, avert unnecessary proliferation of facilities on private and public property.

(Ord. 1135, 2015)

17.140.020 District regulations.

A. *Use.* The placement, use or modification of any wireless communication facilities at any location within the City is subject to the provisions of this chapter. WCFs are permitted in designated zoning districts listed in the district use matrix of subsection 17.12.020.A of this title.

1. *Residential zones.* Freestanding WCFs, including lattice towers, are prohibited. WCFs attached to street poles or facades attached to nonresidential buildings are permitted subject to the provisions of this chapter.
2. *Nonresidential zones.* Lattice tower WCFs are prohibited. Other WCFs are permitted subject to the provisions of this chapter.

B. *Siting and facility type priorities.*

1. *Site selection criteria.* A master development plan is to be created, prior to any WCF permit request, based upon engineering constraints and desired areas of service. WCFs shall be located on the master development plan in the following priority order:
 - a. Collocation on an existing tower, structure or building. The applicant shall have the burden of proving that there are no feasible existing structures upon which to locate, as described in subsection C of this section.
 - b. In areas where the existing topography, vegetation, buildings and other structures provide the greatest amount of screening.

ZONING REGULATIONS

- c. Use of City owned property.
 - d. Other nonresidential buildings or vacant nonresidentially zoned land.
2. *Facility type preferred.* Based on potential aesthetic impact, the order of preference for facility type is as follows: roof attached, facade attached, street pole attached and freestanding tower.

C. *Collocation requirement.* Collocation is considered to be a visually unobtrusive installation method because the equipment is attached to an existing structure. Collocation shall require only an administrative review under the terms of the application procedures in section 17.140.030 of this chapter. No new tower shall be permitted unless the applicant demonstrates a good faith effort to collocate on an existing facility including good faith efforts to negotiate lease rights. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antennas may consist of any of the following:

1. No existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements;
2. Existing towers or structures are not sufficiently designed to meet the applicant's engineering requirements as indicated in their master development plan;
3. Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment;
4. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna; and/or
5. The fees, costs or contractual provisions required by the owner in order to share an existing tower or structure, or to adapt an existing tower or structure for share, are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

D. *Prohibitions.* The following are prohibited or restricted within the City:

1. Lattice towers, prohibited.
2. Interference with City and public safety communication systems and/or area television or radio broadcast, prohibited.
3. Freestanding towers within residentially zoned districts, prohibited.
4. Guywires, restricted. No guywire or other support wires shall be used in connection with such antenna, antenna array or its support structure except when used to anchor the antenna, antenna array or support structure to an existing building to which such antenna, antenna array or support structure is attached.

(Ord. 1135, 2015)

KETCHUM CITY CODE

17.140.030 Application procedures.

A. *Permit granting authority.* The administrator shall be the granting authority for WCFs collocating on an existing structure or street poles. The City Council must approve an encroachment permit for the street pole mounted WCFs. The Commission shall be the granting authority for all other WCFs and all master development plans in compliance with the public hearing process identified in subsection G of this section.

B. *Master development plan.*

1. An approved master development plan is required prior to the processing of any WCF permit application. The administrator may waive the processing of a master development plan if it can be demonstrated that a network of WCFs will not be required of the owner/operator of the proposed WCF.
2. The master development plan illustrates a carrier's expected network of WCFs within and adjacent to the City. It shall forecast five years in advance the approximate locations of future facilities and the area of service, but is not required to detail the specific type of facility (e.g., pole, roof, building attached). A master development plan shall be submitted prior to the submittal of any WCF permit application by each company desiring placement of a WCF(s) within the City. The master development plan shall be submitted and approved by the Commission prior to the processing of any WCF permit. Future amendments to each company's master development plan shall be submitted and reviewed by the Commission prior to approval of additional facility locations.

C. *Master development plan filing requirements.* The City, prior to processing a master development plan application, must determine a master development plan application to be complete. The City shall determine an application complete when the application contains the information described below. The following shall be included with an application for master development plan approval:

1. *Application.* The application form shall include at a minimum:
 - a. Name, address and telephone number of the applicant, any coapplicants as well as any agents for the applicant and coapplicants. The applicant or coapplicant shall be a licensed carrier.
 - b. Name, address and telephone number of the licensed carrier.
 - c. Original signatures for the applicant and all coapplicants applying for master development plan approval. If the applicant or coapplicant will be represented by an agent, the original signature authorizing the agent to represent the applicant and/or coapplicant.
 - d. Application fee.
2. *Map.* A map encompassing the City and surrounding area within one mile drawn to scale of no less than one inch equals 500 feet, specifying the following:
 - a. Location of proposed WCFs;
 - b. Service area of each WCF;

ZONING REGULATIONS

- c. Street names of major streets and streets adjacent to identified WCF locations;
- d. All existing WCFs operated by the applicant and other carriers;
- e. Separation distance between proposed and existing WCFs measured in feet;
- f. Information demonstrating compliance with the standards of this chapter;
- g. Existing watercourses and natural features that restrict the placement of WCFs or the associated service areas; and
- h. North arrow, scale and legend.

D. *Preapplication*. Prior to submission of a WCF permit application under this chapter requiring Commission approval, the applicant will meet with the Commission at a public meeting to discuss the proposed WCF in general terms, its compliance with the carrier's master development plan and to clarify the filing requirements. The Commission shall meet with an applicant under this chapter within 21 days following a written request submitted to the planning and zoning department. If the Commission fails to meet with an applicant who has requested such a meeting within 21 days of such request and such meeting has not been postponed due to mutual agreement, the applicant may proceed with a WCF permit application under this regulation without need for a preapplication conference.

E. *Preapplication filing requirements*. The purpose of the conference is to inform the Commission as to the preliminary nature of the proposed WCF and its relation to the master development plan. As such, only the evidence of the inability to collocate is required. However, the applicant is encouraged to also submit sufficient preliminary architectural and/or engineering drawings to inform the Commission of the location of the proposed facility, as well as its scale and overall design.

F. *Application filing requirements*. A WCF permit is required prior to the installation or modification of any new or existing WCF. An application for a WCF permit must be determined to be complete by the City prior to processing. The City shall determine an application complete when the application contains the information described below, in addition to the standard application information required under the design review chapter, chapter 17.96 of this title. The following shall be included with an application for a WCF permit:

1. The application form shall include at a minimum:
 - a. Name, address and telephone number of the applicant, any coapplicants, as well as any agents for the applicant and coapplicants. The applicant or coapplicant shall be a licensed carrier.
 - b. Name, address and telephone number of the property owner(s).
 - c. Original signatures for the applicant and all coapplicants applying for a WCF permit. If the applicant or coapplicant will be represented by an agent the original signature authorizing the agent to represent the applicant and/or coapplicant.
 - d. A complete legal description of the subject property.
 - e. Application fee.

KETCHUM CITY CODE

2. A site plan drawn to scale of no less than one inch equals 20 feet, specifying the following:
 - a. Location, type and height of the proposed WCF with setbacks;
 - b. On site structures, land uses and zoning;
 - c. Circulation. Adjacent roadways, ingress and egress from such roadways, parking and pedestrian circulation and access;
 - d. Fences, signs, exterior lighting and storm drainage;
 - e. Property lines with dimensions, adjacent land uses, structures and zoning;
 - f. Information demonstrating compliance with the standards of this chapter;
 - g. Existing watercourses, utility lines, easements, deed restrictions and other built or natural features restricting the use of the subject property;
 - h. North arrow, scale and legend; and
 - i. The City, at its discretion, may waive any of the above site plan requirements for WCFs attached to existing structures.
3. A written description of how the proposed WCF fits within the master development plan.
4. A landscape plan drawn to scale of no less than one inch equals 20 feet, specifying the following:
 - a. Existing and proposed landscaping indicating size, location and species of vegetation;
 - b. Indication of existing vegetation to be removed or retained;
 - c. Information demonstrating compliance with the screening standards of this chapter; and
 - d. The landscape plan may be waived when the WCF is to be attached to a building and the equipment is located within the building.
5. Elevation drawings or before and after photographs/drawings simulating and specifying the location and height of the antennas, support structures, equipment enclosure(s) and other accessory uses, fences and signs.
6. Elevations of proposed aboveground equipment enclosures in compliance with the requirements of the design review chapter, chapter 17.96 of this title.
7. A map indicating the service area of the facility.
8. A map indicating locations and service areas of other WCF sites operated by the applicant and sites of other providers' facilities in the City and within one mile of the City's corporate limits.
9. Four copies of all plans and one 11-inch by 17-inch paper reduction of each plan.
10. Photo simulations of the proposed WCF from affected residential properties and public rights-of-way at varying distances.
11. Evidence as specified in subsection 17.140.020.C, "Collocation requirement", of this chapter.

ZONING REGULATIONS

12. Written documentation demonstrating a good faith effort in locating facilities in accordance with subsection 17.140.020.B, "Siting and facility type priorities", of this chapter.
13. A description of the support structure or building upon which the WCF is proposed to be located, and the technical reasons for the design and configuration of the WCF.
14. Signed and notarized statement by the applicant indicating:
 - a. The proposed tower shall accommodate collocation of additional antennas, and the applicant shall enter into leases with other providers on such tower;
 - b. Certification that the antenna usage shall not interfere with other adjacent or neighboring transmission or reception functions;
 - c. The applicant agrees to remove the WCF and equipment within 90 days after the site's use is discontinued; and
 - d. The tower shall comply with all EIA standards and applicable federal and state laws and regulations and the City ordinances including FAA regulations.
15. A lease agreement with the landholder that:
 - a. Allows the landholder to enter into leases with other providers; and
 - b. Specifies that if the provider fails to remove the WCF and equipment within 90 days of its discontinued use, the responsibility for removal belongs to the landholder.
16. The applicant shall demonstrate that it is licensed with the FCC.
17. A completed right-of-way encroachment permit application if the WCF is to be located within a public right-of-way.

G. *Public hearing.* Prior to approving a master development plan or a WCF permit as specified in subsection A of this section, the Commission shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. The public hearing shall be noticed in the following manner:

1. *Publication.* At least 15 days prior to the public hearing, notice of the time and place and a summary of the proposal shall be published in the official newspaper or paper of general circulation within the City. Notice may also be made available to other newspapers and radio and television stations serving the City for use as public service announcements.
2. *Posting.* Notice shall be posted on the premises not less than one week prior to the public hearing.
3. *Mailing.* Notice shall be mailed to property owners or purchasers of record within 300 feet of the external boundaries of the land being considered.
4. *Commission action.* Following the public hearing, within 60 days from said hearing, the Commission shall approve, deny or approve with conditions the application for a WCF permit.

(Ord. 1135, 2015)

KETCHUM CITY CODE

17.140.040 Standards.

A. *Applicability.* The standards identified in this section shall apply to all WCFs constructed or located in the City, unless otherwise specified.

B. *Height.* WCFs shall not exceed 35 feet in height above the existing or natural grade or the maximum permissible height of the given zoning district, whichever is more restrictive, with the exception of facade and roof attached WCFs as described below:

1. Roof attached WCFs shall not exceed five feet above the highest portion of the roof membrane. The antenna and support system for whip antennas shall not exceed ten feet above the highest portion of that roof, including parapet walls.
2. Facade attached WCFs shall not exceed five feet above the facade to which it is attached.
3. If the height of the structure is in excess of the maximum height allowed within the zone and was legally established, then the combined height of the building and antenna shall not exceed the maximum height allowed by such approval unless determined by the Commission to be suitably camouflaged.
4. Street pole attached WCFs may only extend six feet above the existing street pole as provided in subsection I.2.a of this section. A maximum extension of 15 feet, from the top of the street pole, may be permitted pursuant to standards provided in subsection I.2.b of this section, if a utility disturbance can be clearly demonstrated.

C. *Setbacks.* All WCFs shall comply with the building setback provisions of the zoning district in which the WCF is located. In addition, the following setbacks shall be observed:

1. *Street pole attached.* No setback when constructed within the public right-of-way and under the provisions of subsection I of this section.
2. *Facade attached.* The maximum projection shall be 18 inches. The location of a WCF on the wall of a legal nonconforming structure is permitted. However, the WCF shall not be located on an exterior wall in a manner that will increase the degree of nonconformity. Additional standards for antennas attached to the facade of structures are listed in subsection I of this section.
3. *Roof attached.* Roof attached WCFs shall be set back from the edge of the building the height of the antenna and support system as measured from the roof membrane.
4. *Freestanding tower.* Setbacks shall be measured from the base of the tower to the property line of the parcel on which it is located. Towers shall be set back from all property lines 125 percent of the tower height as measured from ground level.
5. *Equipment enclosure.* Underground vaults or aboveground structures shall comply with the setback requirements of the underlying zoning district.
6. *Freestanding WCFs or equipment enclosures.* No freestanding WCFs or equipment enclosures shall be located between the face of a structure and a public street, bikeway, park or residential development, except for approved facade attached WCFs located on existing or new permitted structures in accordance with this chapter.

ZONING REGULATIONS

D. *Evaluation standards.* The following design criteria shall be addressed by each applicant seeking WCF permit approval:

1. *Architectural compatibility.*
 - a. All facilities shall be designed to minimize the visual impact to the greatest extent feasible, considering technological requirements, by means of placement, screening and camouflage, to be compatible with existing architectural elements and building materials and other site characteristics. The applicant shall use the smallest and least visible antennas possible to accomplish the owner/operator's coverage objectives.
 - b. Colors and materials for facilities shall be chosen to minimize visibility. Facilities shall be painted or textured using colors to match or blend with the primary background.
 - c. WCFs located on buildings, walls or roofs shall blend with the existing building's architecture by painting or shielding with material which is consistent with the design features and materials of the building.
 - d. Equipment enclosures of WCFs shall be designed consistent with one of the following design standards. The facility types are listed in order of preferred design.
 - (1) Equipment enclosures shall be placed in underground vaults; or
 - (2) Equipment enclosures shall be designed consistent with the design review requirements, chapter 17.96 of this title, and this chapter.
2. *Screening.* Landscaping, as described in this chapter, shall be required to screen as much of the support structure and the equipment enclosure as possible. The following standards shall apply to all WCFs. However, if the antenna is mounted flush with the building or on the roof, and other equipment is located inside the existing building, landscaping shall not be required.
 - a. Support structures and equipment enclosures shall be installed so as to maintain and blend with existing landscaping on site, including trees, foliage and shrubs, whether or not utilized for screening.
 - b. Additional landscaping and screening shall be installed to visually screen the support structures and aboveground equipment enclosures. Landscaping and screening shall consist of a combination of trees, foliage and shrubs of dense spacing in one of the following designs:
 - (1) A screening wall or fence and a five-foot wide landscape planter located in front of the wall or fence;
 - (2) A ten-foot wide landscape planter; or
 - (3) Any combination of existing vegetation, topography, decorative walls/fences or other features instead of landscaping, if they achieve the same degree of screening as the required landscaping described in subsections D.2.b(1) and D.2.b(2) of this section.

KETCHUM CITY CODE

- c. Upon completion, the owner(s)/operator(s) of the facility shall be responsible for the continued maintenance and replacement of all required landscaping and screening materials.

3. *Color.*

- a. WCFs located on buildings, walls or roofs, or structures shall be painted or constructed of materials to match the color of the structure directly behind them to reduce the visibility of the WCF.
- b. To the extent any WCFs extend above the height of the vegetation immediately surrounding it, they shall be painted in a nonreflective light gray, light blue or other hue, which blends with the skyline and horizon.

E. *Facility lighting and signage.*

1. Facility lighting shall be designed so as to meet but not exceed minimum requirements for security, safety or FAA regulations. Lighting of antennas or support structures shall be prohibited unless required by the FAA. In all instances, the lighting shall be designed so as to avoid glare and minimize illumination on adjacent properties. Lighting shall also comply with all of the City's lighting regulations.
2. Signs shall be limited to those needed to identify the telephone number(s) to contact in an emergency, public safety warnings, certifications or other required seals. These signs shall also comply with the requirements of the City's sign regulations.

F. *Access.* In addition to ingress and egress requirements of the international building code, access to and from WCFs and equipment shall be regulated as follows:

1. No WCF or equipment shall be located in a required parking, maneuvering or vehicle/pedestrian circulation area such that it interferes with, or in any way impairs, the intent or functionality of the original design.
2. The WCF shall be secured from access by the general public, but access for emergency services must be ensured. Access roads shall comply with fire department standards for emergency vehicular access.

G. *Scenic landscapes and vistas.*

1. Freestanding WCFs shall not be located within open areas that are visible from public roads, recreational areas or residential development. As specified in subsection D.2.a of this section, WCFs shall be installed to blend with existing landscaping and structures.
2. Any WCF that is located within 300 feet of a scenic vista, scenic landscape or scenic road as designated by the City, in addition to regulations specified in subsection B, "Height", of this section, shall not exceed the height of vegetation at the proposed location. If the facility is located further than 300 feet from the scenic vista, scenic landscape or scenic road, subsection B, "Height", of this section, shall apply exclusively.

ZONING REGULATIONS

H. *Environmental standards.*

1. WCFs shall not be located in wetlands. WCFs shall also be avoided whenever possible in wetland buffer areas, and disturbance to wetland buffer areas shall be minimized.
2. WCFs shall not be located in riparian setbacks along watercourses.
3. WCFs shall avoid locating in the avalanche overlay zone, as defined by this title. Evidence shall be submitted to demonstrate that no location outside the avalanche overlay zone can accommodate the applicant's proposed antenna as specified in subsection 17.140.020.C, "Collocation Requirement", of this chapter. WCFs located within the avalanche overlay zone shall comply with the additional placement standards identified within this title and provide proof of FCC acceptance of the proposed location.
4. No hazardous waste shall be discharged on the site of any WCF. If any hazardous materials are to be used on site, there shall be provisions for full containment of such materials. An enclosed containment area shall be provided with a sealed floor designed to contain at least 110 percent of the volume of the hazardous materials stored or used on site.
5. Stormwater runoff shall be contained on site.
6. WCFs locating within the floodplain overlay zone shall comply with the additional placement standards as identified within this title and provide proof of FCC acceptance of the proposed location.
7. Aboveground equipment for WCFs, exclusive of roof and facade attached WCFs, shall not generate noise in excess of 50 decibels at the property line.
8. Roof or facade attached equipment for WCFs shall not generate noise in excess of 50 decibels at ground level at the base of the structure closest to the antenna.
9. The noise standards of this chapter require measurements by a qualified acoustical engineer.

I. *WCF specific standards.* Street pole and facade attached WCFs shall meet the following conditions and criteria in addition to the other standards identified in this section:

1. *Facade attached WCFs.* Equipment enclosures shall be located within the structure in which the WCF is placed or located underground if site conditions permit. Otherwise, equipment enclosures shall comply with the design standards listed in subsection D of this section.
2. *Street pole attached WCFs.*
 - a. *Attachment.* Only one WCF shall be permitted on any one street pole. The antenna shall be equal to or less than six feet in height, including the support system, if any. Surface area of an antenna shall not exceed 580 square inches. The antenna shall be either fully concealed within the street pole or camouflaged to appear to be an integrated part of the street pole. An antenna not flush mounted on the side of the street pole shall be centered on the top of the street pole to which it is attached and camouflaged or disguised.

KETCHUM CITY CODE

- b. *Utility separation.* In the event that a utility located upon the street pole requires vertical separation between its utility facilities and the antenna so attached, the antenna may be raised by a support system to accommodate the separation requirement to an elevation not exceeding an additional 15 feet or the required separation, whichever is less. Any such support shall not be greater in diameter than the existing street pole and shall be designed to blend into the colors and textures of the existing street pole.
- c. *Pole replacement.* Existing street poles may be replaced with a new street pole of the same height, dimensions and appearance as the existing street pole. An antenna located upon the new street pole shall meet the standards for attaching an antenna to an existing street pole, as set forth above.
- d. *Equipment enclosures.*
 - (1) *Belowground.* Belowground equipment enclosures shall not be greater than six cubic feet in volume. An underground equipment enclosure may be connected to an aboveground equipment enclosure for a combined total volume of no greater than 12 cubic feet.
 - (2) *Aboveground.* Aboveground equipment enclosures shall not be greater than six cubic feet in volume. No single dimension shall exceed three feet. The equipment enclosure shall be constructed so as to minimize its visual impact. Evergreen landscape planting shall be installed and maintained to completely obscure the visibility of the equipment enclosure from the developed street and adjacent properties. Sight distance clearance shall be maintained for the equipment enclosure and associated landscape per the requirements of this title and this code.
- e. *Horizontal separation.* For WCFs located within developed streets, there shall be a minimum horizontal separation of 300 feet between the WCFs of a single licensed carrier and a minimum horizontal separation of 100 feet between the WCFs of any other licensed carrier.
- f. *Approval of encroachment permit.* An encroachment permit shall be approved by the City Council after staff review of the WCF permit application.
- g. *Relocation underground.* In the event the utilities located on a street pole are relocated underground, the WCF shall be relocated to another location pursuant to the requirements of this chapter.

(Ord. 1135, 2015)

17.140.050 Safety.

A. *Federal requirements.* All WCFs shall meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the WCFs governed by this chapter shall bring such WCFs into compliance with the revised standards and regulations within three months of the effective date of the revised standards and regulations, unless

ZONING REGULATIONS

a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring WCFs into compliance with such revised standards and regulations shall constitute grounds for the removal of the WCF at the owners' expense.

B. *Antenna support structure safety.* The applicant shall demonstrate that the proposed antenna and support structure is safe and the surrounding areas shall not be negatively affected by support structure failure, falling ice or other debris or interference. All support structures shall be fitted with anticlimbing devices, as approved by the manufacturers.

(Ord. 1135, 2015)

17.140.060 Maintenance.

A. Each permittee shall maintain its WCF in a good and safe condition, preserving the original appearance and concealment, disguise or screening elements incorporated into the design at the time of approval and in a manner which complies with all applicable federal, state and local requirements. Such maintenance shall include, but not be limited to, such items as painting, repair of equipment and maintenance of landscaping. If the permittee fails to maintain the facility, the City may undertake the maintenance at the expense of the permittee or terminate the permit, at its sole option.

B. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable City building codes and the applicable standards for towers that are published by the EIA, as amended from time to time. If, upon inspection, the City concludes that the tower fails to comply with such codes or standards and constitutes a danger to persons or property, then, upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said 30 days constitutes grounds for the removal of the WCF at the owner's expense.

(Ord. 1135, 2015)

17.140.070 Modification.

A. *New permit.* Any proposed change or addition to any WCF shall require the issuance of a new WCF permit, pursuant to the requirements of this chapter. This provision shall not apply to routine maintenance of a WCF or to the replacement of any portion of the WCF with identical equipment on a WCF in conformance with this chapter.

B. *Facility upgrade.* At the time of modification or upgrade of facilities, existing equipment shall be replaced with equipment of equal or greater technical capacity and reduced in size so as to reduce visual impact.

C. *Existing uses.*

1. All WCFs existing on the effective date hereof shall be allowed to continue their operation as they presently exist, subject to section 17.140.080 of this chapter. Routine maintenance

KETCHUM CITY CODE

shall be permitted. However, construction involving the replacement of support structure apparatus, antennas or any exterior alteration shall comply with all the requirements of this chapter.

2. Emergency service WCFs may obtain a waiver from the City Council in order to preserve the public health and safety. In order to receive a waiver, the City Council must determine that the modifications cannot comply with this chapter without an extreme burden to the citizens of Ketchum. The waiver shall be noticed pursuant to the public hearing requirements identified in subsection 17.140.030.G of this chapter.

(Ord. 1135, 2015)

17.140.080 Abandonment or discontinuation of use.

A. Construction or activation of a WCF shall commence within 90 days of approval of the WCF permit or the permit shall be null and void. An additional 90-day extension may be granted by the approving body due to weather conditions or other extenuating circumstances beyond the control of the applicant as accepted by said approval body. Requests and approvals of extensions shall be made in writing.

B. At such time that a licensed carrier plans to abandon or discontinue operation of a WCF, such carrier shall notify the City by certified U.S. Mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than 30 days prior to abandonment or discontinuation of operations. In the event that a licensed carrier fails to give such notice, the WCF shall be considered abandoned upon such discontinuation of operations.

C. Upon abandonment or discontinuation of use, the carrier shall physically remove the WCF within 90 days from the date of abandonment or discontinuation of use. "Physically remove" shall include, but not be limited to:

1. Removal of antennas, support structures, equipment enclosures and security barriers from the subject property;
2. Proper disposal of the waste materials from the site in accordance with local and state solid waste disposal regulations;
3. Restoring the location of the WCF to its natural condition; except, that any landscaping and grading shall remain in the after condition. Minor modification for integration with other landscaping or site design will be permitted and approved by staff.

D. If a carrier fails to remove a WCF in accordance with this section, the City may cause the facility to be removed, and all expenses of removal shall be paid by the owner of the land where the facility is located.

E. In the event that more than one provider is using the WCF, the WCF shall not be considered abandoned until all such users cease using the structure as provided in this chapter.

(Ord. 1135, 2015)

ZONING REGULATIONS

17.140.090 Exempt communication facilities.

A. The requirements imposed by this title shall not apply to antennas designed to receive video programming signals from direct broadcast satellite (DBS) services, multichannel multipoint distribution providers (MMDS), or television broadcast stations (TVBS); provided, that all of the following conditions are met:

1. The antenna measures 39 inches (one meter) or less in diameter.
2. The antenna, if attached to a building, shall comply with subsections 17.140.040.B.1 and B.2. of this chapter.
3. The antenna is attached to a freestanding tower measuring less than 12 feet in height.

B. The requirements of this title shall not apply to wi-fi facilities serving an individual building or development or a wireless communications facility that measures less than four cubic feet in size.

C. Antennas and any wireless communication facility used for public safety located on a public use building shall be exempt from the requirements of chapter 17.140 provided such facility does not exceed ten feet in height above the building roof. Facilities over ten feet in height shall require design review approval pursuant to chapter 17.96, design review.

(Ord. 1135, 2015; Ord. No. 1224, § 1, 9-20-2021)

17.140.100 Recovery of City costs.

The wireless communication providers use various methodologies and analysis tools, including geological based computer software, to determine the specific technical parameters of personal wireless services and low power mobile radio facilities, such as expected coverage area, antenna configuration, topographic constraints that affect signal paths, etc. In certain instances, there may be need for expert review by a third party of the technical data submitted by the applicant. The City Council or the Commission shall require such technical review to be paid for by the applicant. The selection of the third party expert shall be at the City's discretion. Based on the results of the third party review, the City may require changes to the application for the WCF that comply with the recommendations of the expert. The expert review of the technical submission shall address the following:

- A. The accuracy and completeness of submissions;
- B. The applicability of analysis techniques and methodologies;
- C. The validity of conclusions reached; and
- D. Any specific technical issues designated by the City.

(Ord. 1135, 2015)

17.140.110 Revocation or termination of permit.

A permit issued pursuant to this chapter may be revoked for the following reasons:

- A. Construction and/or maintenance operation of a WCF at an unauthorized location;

KETCHUM CITY CODE

- B. Construction or operation of a WCF in violation of any of the terms and conditions of this chapter or the conditions attached to the permit;
 - C. Misrepresentation or lack of candor by or on behalf of an applicant, permittee or wireless communication provider in any application or written or oral statement upon which the City substantially relies in making the decision to grant, review or amend any permit pursuant to this chapter;
 - D. Abandonment of the WCF as set forth in this chapter; or
 - E. Failure to promptly cure a violation of the terms or conditions of the permit.
- (Ord. 1135, 2015)

17.140.120 Notice and duty to cure.

A. *Notice.* In the event the City believes that grounds exist for revocation of a permit, the permittee shall be given written notice, by certified mail, of the apparent violation or noncompliance, providing a short and concise statement of the nature and general facts of the violation or noncompliance, and providing the permittee a reasonable period of time, not exceeding 30 calendar days, to furnish evidence:

1. That corrective action has remedied the violation or noncompliance;
2. That rebuts the alleged violation or noncompliance; and/or
3. That it would be in the public interest to impose some penalty or sanction less than revocation.

B. *Hearing.* In the event that a permittee fails to provide evidence reasonably satisfactory to the City as provided in subsection A of this section, the City shall refer the apparent violation or noncompliance to the Commission.

1. The Commission shall provide the permittee notice and reasonable opportunity to be heard concerning the matter, and a public hearing shall be conducted.
2. Within ten calendar days of the completion of the hearing, the Commission shall issue a written decision revoking the WCF permit or imposing such lesser sanctions as may be deemed appropriate under the circumstances.
3. In making its decision, the Commission shall apply the following factors:
 - a. Whether the misconduct was egregious;
 - b. Whether substantial harm resulted;
 - c. Whether the violation was intentional;
 - d. Whether there is a history of prior violations of the same or other requirements;
 - e. Whether there is a history of overall compliance; and
 - f. Whether the violation was voluntarily disclosed, admitted or cured.

(Ord. 1135, 2015)

ZONING REGULATIONS

CHAPTER 17.144 APPEALS

17.144.010 Appeals of Planning and Zoning Administrator decisions.

An appeal of any order, requirement, decision or determination of the administrator made in the administration or enforcement of this title may be taken by any affected person, as that term is defined by Idaho Code section 67-6521, as it may be amended from time to time, or any officer or department of the City, to the Commission by filing a notice of appeal in writing with the office of the administrator of the City in the manner prescribed in this chapter.

- A. *Action required by the administrator.* The administrator shall certify that all procedural requirements have been satisfied and fees paid and transmit to the Commission the original of all papers constituting the record in the case, together with the order, requirement, decision or determination of the administrator.
- B. *Hearing and notice.* The Commission shall, following receipt of the administrator's certificate and the record of the case, set the matter for hearing and give notice of the date, time, place and purpose thereof and of the right to request a copy of the decision thereon, to the appellant, the administrator, and to any other affected person, as defined in Idaho Code section 67-6521, as that section may be amended from time to time, all in accordance with Idaho Code section 67-6501 et seq., as may be amended from time to time.
- C. *Authority of Commission.* Upon hearing the appeal, the Commission shall consider the record, the order, requirement, decision or determination of the administrator and the notice of appeal, together with oral presentation and written legal arguments by the appellant and the administrator. The Commission shall not consider any new facts or evidence at this point. The Commission may affirm, reverse or modify, in whole or in part, the order, requirement, decision or determination of the administrator.
- D. *Decision by Commission.* The Commission shall enter a decision within 30 days after the hearing on appeal, which shall include its written findings of fact and conclusions of law separately stated. The Commission shall transmit a copy of the decision to the appellant and any affected person who has requested a copy in writing, as defined in Idaho Code section 67-6521, as that section may be amended from time to time.

(Ord. 1135, 2015)

17.144.020 Appeals of Planning and Zoning Commission decisions.

An appeal of any order, requirement, decision or determination of the Commission made in the administration or enforcement of this title may be taken by any affected person, as that term is defined by Idaho Code section 67-6521, as it may be amended from time to time, or any officer or department of the City, to the City Council by filing a notice of appeal in writing with the office of the administrator of the City in the manner prescribed in this chapter.

- A. *Action required by the administrator.* The administrator shall certify that all procedural requirements have been satisfied and fees paid and transmit to the council the original of all

KETCHUM CITY CODE

papers constituting the record in the case, together with the order, requirement, decision or determination of the Commission. A verbatim transcript of the Commission proceedings shall be prepared and transmitted to the council at the appellant's expense.

- B. *Hearing and notice.* The council shall, following receipt of the administrator's certificate and the record of the case, set the matter for hearing and give notice of the date, time, place and purpose thereof and of the right to request a copy of the decision thereon, to the appellant, the Commission, and to any other affected person, as defined in Idaho Code section 67-6521, as that section may be amended from time to time, all in accordance with Idaho Code section 67-6501 et seq., as may be amended from time to time.
 - C. *Authority of council.* Upon hearing the appeal, the council shall consider only matters which were previously considered by the Commission as evidenced by the record, the order, requirement, decision or determination of the Commission and the notice of appeal, together with oral presentation and written legal arguments by the appellant, the applicant, if different than the appellant, and the Commission and/or staff representing the Commission. The council shall not consider any new facts or evidence at this point. The council may affirm, reverse or modify, in whole or in part, the order, requirement, decision or determination of the Commission. Furthermore, the council may remand the application to the Commission for further consideration with regard to specific criteria stated by the council.
 - D. *Decision by council.* The council shall enter a decision within 30 days after the hearing on appeal, which shall include its written decision separately stated. The council shall transmit a copy of the decision to the appellant and any affected person who has requested a copy in writing, as defined in Idaho Code section 67-6521, as that section may be amended from time to time.
 - E. *Appeal of council.* In the event of an appeal of a decision of the council to district court, applications approved by the City will be processed by the City during the pendency of the appeal.
- (Ord. 1135, 2015)

17.144.030 Time for filing appeals.

All appeals permitted or authorized by this title shall be taken and made in the manner and within the time limits as follows: The written notice of appeal shall be filed before 5:00 p.m. of the fifteenth calendar day after the order, requirement, decision or determination of the administrator has been made or after findings of fact have been approved by the Commission, whichever is applicable. The failure to physically file a notice of appeal with the administrator of the City within the time limits prescribed by this section shall be jurisdictional and shall cause automatic dismissal of such appeal.

(Ord. 1135, 2015)

17.144.040 Fee for appeals.

An administrative fee and a fee equal to the expense of giving notice and providing the transcript shall be paid within two days after receipt from the administrator of the amount of the fee. In the event the fee is not paid as required, the appeal shall not be considered filed.

(Ord. 1135, 2015)

ZONING REGULATIONS

17.144.050 Notice of appeal; form and contents.

The notice of appeal shall be in writing and in such form as shall be available from the office of the administrator, which shall require to be set forth with specificity all bases for appeal, including the particulars regarding any claimed error or abuse of discretion.

(Ord. 1135, 2015)

CHAPTER 17.148. VARIANCES APPLICATION, RESUBMITTAL, TERMS OF PERMITS*

17.148.010 Variance criteria.

A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon a showing of undue hardship because of unique characteristics of the site, and that the variance is not in conflict with the public interest. Accordingly, a variance shall be granted by the Commission, only if the applicant demonstrates all of the following:

- A. The strict enforcement of the provisions of this title creates an undue hardship to the property owner; however, economic feasibility shall not be considered an undue hardship;
- B. The variance is necessary because of the unique size, shape, topography or location of the subject property;
- C. The subject property is deprived, by provision of this title, of rights and privileges enjoyed legally by other properties in the vicinity and under an identical zone;
- D. The need for the variance is not the result of actions of the applicant or property owner;
- E. The variance does not create health and safety hazards;
- F. The variance does not relieve an applicant from any of the procedural provisions of this title;
- G. The variance does not relieve an applicant from any standard or provision that specifically states that no variance from such standard or provision is permitted;
- H. The variance does not relieve an applicant from conditions established during prior permit review;
- I. The variance does not allow establishment of a use that is not otherwise permitted in the zone in which the subject property is located; and
- J. The variance is the minimum necessary to grant relief to the applicant.

(Ord. 1135, 2015)

17.148.020 Procedure.

A. *Application and fee.* Every person seeking a variance shall submit an application to the planning department on a prescribed form, accompanied by the appropriate filing fee as approved by the council. Application forms shall be accompanied by supporting information as defined by the application form.

***Editor's note**—Ord. No. 1249, § 24, adopted Oct. 2, 2023, changed the title of Ch. 17.148 from "Variances" to read as herein set out.

KETCHUM CITY CODE

B. *Hearing.* Prior to granting a variance, at least one hearing in which interested persons shall have an opportunity to be heard shall be held before the Commission.

C. *Mailing.* Notice shall also be mailed to property owners adjoining the parcel under consideration. Said notice shall be mailed at least 15 days prior to said hearing and shall contain notice of the time and place and a summary of the proposal. Failure to mail such notice to every property owner due to clerical omissions shall not affect the validity of any hearing or determination of the Commission.

D. *Commission action.* Following the hearing, the Commission shall approve, deny or approve with conditions the application for a variance within 60 days from said hearing.

(Ord. 1135, 2015)

17.148.030 Nontransferable.

A variance is not transferable from one parcel of land to another.

(Ord. 1135, 2015)

17.148.040 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.

(Ord. 1135, 2015; Ord. No. 1249, § 24, 10-2-2023)

Editor's note—Ord. No. 1249, § 24, adopted Oct. 2, 2023, repealed § 17.148.040, and renumbered § 17.148.050 as § 17.148.040 as set out herein. The former § 17.148.040 pertained to application; resubmittal and derived from Ord. 1135, 2015.

CHAPTER 17.152 AMENDMENT AND RECLASSIFICATION

17.152.010 General procedure.

The following provisions shall apply to a request for amendment of this title or reclassification of property within the City limits. Amendments to this title which shall be in accordance with the laws of the state and all other applicable City ordinances shall require the following actions:

- A. Study and recommendation concerning the proposed amendment by the Commission; and
- B. Completion of a public hearing before the City Council after at least 15 days' notice of the time and place of such hearing shall have been given by at least one publication in a newspaper of general circulation within the City.

(Ord. 1135, 2015)

ZONING REGULATIONS

17.152.020 Special procedure.

Before submitting a report and recommendation on any proposed amendment to this title, the Commission shall hold a public hearing on the proposed amendment with the following special conditions required:

- A. For proposed amendments to the zoning district map and amendments to this title, where public notice thereof is required to be mailed to 750 or more property owners or purchasers of record, alternative methods of providing said public notice may be used pursuant to Idaho Code section 67-6511. Said alternative forms of notice shall be provided at least 15 days prior to said public hearing and shall contain notice of time and place of the hearing and a summary of the amendment to be discussed. Said forms of alternative notice shall be:
 - 1. Posting of said notice of hearing in three conspicuous locations within the City;
 - 2. Publishing said notice of hearing in the official newspaper of said City;
 - 3. Making said notice of hearing available to other local newspapers; and
 - 4. Making said notice of hearing available to the local radio stations for a public service announcement.
- B. For proposed amendments to the zoning district map, the applicant shall be charged a fee to cover the cost of advertising and processing.

(Ord. 1135, 2015)

17.152.030 Applications.

Applications from a property owner shall be filed with the Commission, accompanied by such data and information necessary to assure the fullest presentation of facts.

(Ord. 1135, 2015)

17.152.040 Reapplications.

No application from an owner of property for the same general purpose concerning the same property which has been denied by the council shall be received or processed within 12 months after such denial.

(Ord. 1135, 2015)

17.152.050 Investigation.

The Commission may cause to be made, or by any member of the City staff, such investigation of facts bearing upon the application or matter set for hearing, as in the opinion of the Commission will serve to provide the necessary information to enable the Commission to act.

(Ord. 1135, 2015)

KETCHUM CITY CODE

CHAPTER 17.154 DEVELOPMENT AGREEMENT ZONING

17.154.010 Intent and purpose.

A. Traditional zoning regulates the use of land and structures by assigning each use to one or more districts. However, the functions and characteristics of an increasing number of new kinds of land uses, combined with conclusive experience regarding some of the older, familiar kinds of uses, call for a more flexible and equitable procedure for properly accommodating these uses within the community, while protecting the health, safety and general welfare of the City of Ketchum's residents. Rather than assigning all uses to special individual and limited zoning districts, the City's goals can be met by providing controllable and reasonable flexibility in requirements for certain kinds of uses. This allows practicable latitude for the owner and maintains adequate provisions for the security of the health, safety and general welfare of the community's inhabitants.

B. In order to accomplish such a dual objective, specified activities or uses must be evaluated for suitability as it relates to proposed conditions of location, design, size, operation, intensity of use, generation of traffic and traffic movement, concentration of population, processes and equipment employed, amount and kind of public facilities and services required, together with other possible impacts. Land and structure uses possessing these particularly unique characteristics are designated as conditionally permissible uses and are permitted through the issuance of a zoning development agreement, with such conditions and safeguards attached as may be deemed necessary for the protection of the public welfare.

C. Where, in the opinion of the City Council (council), the Commission, or the administrator, approval of a requested zone or rezone by itself cannot satisfy the requirements set forth in this title and the comprehensive plan, this chapter is intended to provide reasonable standards and procedures in order to:

1. Implement the goals and policies of the Ketchum Comprehensive Plan, specifically, but not inclusively, the provision of affordable housing, passive and active open space, transportation improvements, public infrastructure improvements and sensitive areas (riparian, avalanche, steep slopes and floodplain) protection;
2. Preserve and protect the character of Ketchum;
3. Assure the safety, health, and general welfare of present and future inhabitants of the City of Ketchum;
4. Protect and enhance the natural, cultural, and historic resources of the City from adverse impacts and to integrate new development harmoniously into the City's natural and built environment;
5. Promote the development of an economically sound and stable community;
6. Accommodate other necessary or innovative types of development while balancing and respecting private property rights;
7. Encourage and promote affordable housing;

ZONING REGULATIONS

8. Provide the integration of specific land uses in neighborhoods that are determined compatible, but prohibited by current zoning; and
9. Improve circulation and reduce traffic congestion and hazards on existing and proposed roadways.

(Ord. 1135, 2015)

17.154.020 Applicability.

A. *Use.* Use of zoning development agreements, as specified in subsection 17.154.030.A of this chapter, in the annexation or rezoning process may be utilized in any zoning district, regardless of lot size, subject to the standards provided for in this chapter. The proposed use shall meet all setback, height and building coverage requirements of the proposed zone. Any of the discretionary conditions of this chapter as applied shall be in addition to the zone's minimum requirements.

B. *Subsequent actions.* A zoning development agreement shall not prevent the City, in subsequent actions applicable to the property, from applying new standards, regulations, or policies that do not conflict with commitments applicable to the property as set forth within a duly executed agreement.

C. *Encumbrance.* The property owner(s), coproperty owner(s), developer(s), agent(s) of property owner or developer, assignee(s) of property owner(s) or developer(s) and all subsequent property owners or developers of the real property that is encumbered by the zoning development agreement shall comply with all conditions, terms, obligations, and duties contained in said agreement. Failure to comply shall result in termination of the agreement as specified in section 17.154.060 of this chapter.

(Ord. 1135, 2015)

17.154.030 Application procedures.

A. Request for a zoning development agreement.

1. A request to enter into a zoning development agreement for the subject property may be submitted by the applicant or required by the Commission, the administrator, or the council at any point during the processing of the rezoning request.
2. In the event of a determination by the council that a zoning development agreement should be entered into, the council shall remand the matter back to the Commission for a public hearing as specified in subsection E of this section. The council shall, upon remand, direct the Commission on the specific issues to be addressed by the zoning development agreement.

B. *Filing requirements.* A request for a zoning development agreement must be determined to be complete by the City prior to processing. The City shall determine a zoning development agreement request complete when the information described below is included with a complete zone change application:

1. The application form shall include at a minimum:
 - a. Name, address and telephone number of the property owner, any coapplicants as well as any representatives for the property owner and/or coapplicants.

KETCHUM CITY CODE

- b. Original signatures for the property owner and all coapplicants. If the property owner or coapplicant will be represented by another, the original signature authorizing the representative to represent the property owner and/or coapplicant shall also be submitted.
 - c. A complete legal description of the subject property.
 - d. Title report.
 - e. Application fee.
2. Four copies plus one reduced to at least 11 inches by 17 inches of the architectural plan of the proposed construction in sufficient detail to show the following:
 - a. Floor plan (not less than one-eighth-inch scale).
 - b. All exterior elevations.
 - c. Section through the highest point of the building indicating existing, natural and proposed grade, with dimensions. If the subject property is located in the CC community core zone, an analysis of the height invisible plane shall also be submitted.
 - d. Type and color of exterior materials and roofing.
 - e. Location and type of exterior lighting.
 - f. Existing structures and land uses on and adjacent to the subject property.
 - g. Adjacent roadways, proposed roadways, ingress and egress from said roadways, parking and pedestrian circulation and access.
 - h. Property lines with dimensions, adjacent land uses, structures and zoning.
 - i. Topography at one foot intervals or spot elevations.
 - j. Scale, north arrow, and legend.
 - k. Existing watercourses, utility lines, easements, deed restrictions and other built or natural features restricting the use of the subject property.
 - l. Existing vegetation, labeled as to remain or be removed.
 - m. Conceptual landscape plan that includes plant location, general species type and quantity.
 3. A draft zoning development agreement as specified in subsection D of this section.
 4. A written description of the proposed development, including the uses, and how it integrates and complements adjacent land uses.
 5. A written narrative demonstrating compliance with the goals and policies of the Ketchum comprehensive plan.
 6. A traffic analysis that includes adjacent roadways, proposed roadways, ingress and egress from said roadways, parking, pedestrian circulation and impacts to nonmotorized and transit facilities.

ZONING REGULATIONS

7. Signed and notarized statement by the applicant indicating that failure to comply with all commitments in the approved zoning development agreement shall be deemed consent to revert the zoning of the property to the preexisting zone, or in the case of an initial zone at annexation, a zone deemed appropriate by the council.
8. Phasing plan and proposed phasing schedule.
9. Additional information as reasonably required at the discretion of the administrator, Commission or council prior to or during the review process.
10. The materials required in this subsection may be waived by the administrator after administrative review of the application should no need be found therefor.

C. *Resubmission of application.* No application for a zoning development agreement which has been denied wholly or in part by the council shall be resubmitted until the expiration of one year or more from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions which would be sufficient to justify reconsideration as determined by the council. At the expiration of one year from the date of the original application, each reapplication shall be accompanied by the required fee.

D. *Attorney review.* The draft zoning development agreement shall be reviewed by the City attorney as to form prior to Commission review and shall contain, at a minimum, the following:

1. List of use(s) to be allowed.
2. Permitted square footage and building locations.
3. Identification of development standards that shall be required under the agreement.
4. Identification of locations for permitted uses on approved conceptual plan.
5. Planned implementation of improvements with a construction and completion schedule.
6. A provision that the standards and processes of the design review overlay district shall apply to the development of the property.
7. A provision for the use of a security agreement for project completion if the proposal is developed in phases.
8. A provision that the property owner/developer acknowledges and agrees that failure to comply with the terms of the agreement shall result in a reversion of the zoning of the real property to the zoning existing immediately prior to the agreement, pursuant to the procedure set forth in Idaho Code section 67-6511A.
9. A provision specifying that unless modified or terminated by the governing board, pursuant to section 17.154.060 of this chapter, the commitment and all conditions, terms, duties and obligations included in said commitment are binding on the owner of the property, each subsequent property owner and every person(s) acquiring interest in said property.
10. Other conditions attached to the project through the public hearing process.
11. The administrator may waive subsections D.2., D.4. and D.5. of this section after administrative review of the application should no need be found therefor.

KETCHUM CITY CODE

E. *Public hearing.* The Commission shall review and make recommendation to the council regarding the zoning development agreement as part of the public hearing process for an annexation or rezone request pursuant to Idaho Code section 67-6509. The Commission shall conduct at least one public hearing, in which interested persons shall have an opportunity to be heard. The council shall conduct at least one public hearing in addition to the public hearing conducted by the Commission. The public hearings shall be conducted and noticed as described below, but at a minimum shall comply with Idaho Code section 67-6509. The public hearings shall be noticed in the following manner:

1. *Publication.* At least 15 days prior to the public hearing, notice of the time and place and a summary of the proposal shall be published in the official newspaper or paper of general circulation within the City. Notice shall also be made available to other newspapers and radio and television stations serving the City for use as public service announcements.
2. *Posting.* Notice shall be posted on the premises not less than one week prior to the public hearing.
3. *Mailing.*
 - a. Notice shall be mailed to property owners or purchasers of record within the land being considered, and within 300 feet of the external boundaries of the land being considered, and to all political subdivisions providing services within the City, including school districts.
 - b. When notice is required to 200 or more property owners or purchasers of record, alternative methods of providing said public notice may be used pursuant to Idaho Code section 67-6511. Said alternative forms of notice shall be provided at least 15 days prior to said public hearing and shall contain notice of time and place of the hearing and a summary of the amendment to be discussed. Said forms of alternative notice shall be:
 - (1) Posting of said notice of hearing in three conspicuous locations within said City; and
 - (2) Publishing said notice of hearing in the official newspaper of said City; and
 - (3) Making said notice of hearing available to other local newspapers; and
 - (4) Making said notice of hearing available to the local radio stations for a public service announcement with regard thereto.
 - c. For proposed amendments to the zoning district map, the applicant shall be charged a fee to cover the cost of advertising and processing.

F. *Additional hearing.* If the council makes a material change in the recommendation or alternative options contained in the recommendation by the Commission concerning adoption, amendment or repeal of a plan, further notice and hearing shall be provided before the council adopts, amends or denies the request.

ZONING REGULATIONS

G. *Recordation.* Zoning development agreements shall be recorded in the office of the Blaine County recorder and shall take effect upon adoption of the ordinance establishing the zoning map amendment by the council. A copy of the agreement shall be attached to the ordinance establishing the rezone.

(Ord. 1135, 2015)

17.154.040 Standards.

A. *Applicability.* The standards identified in this section shall apply to all annexations and rezones involving zoning development agreements, unless otherwise waived by the administrator, Commission or council.

B. *Comprehensive plan compliance.* The proposal is in conformance with and promotes the purposes and goals of the comprehensive plan, this title and other applicable ordinances of the City, and not in conflict with the public interest.

1. There will be no significant adverse effect(s) resulting from the proposed zone change and use(s) authorized upon the public health, safety and general welfare of the neighborhood or the community as a whole.
2. Includes community or employee housing, as defined in section 16.08.030 of this code, for rezones requesting a higher density zone. Payment in lieu may be accepted for fractions of units as determined by the council.

C. *Compliance with City codes.*

1. All design review standards in chapter 17.96 of this code shall be carefully analyzed and considered for all proposals. This includes detailed analysis of building bulk, undulation and other design elements. The site plan should be sensitive to the architecture and scale of the surrounding neighborhood.
2. A project encompassing three or more acres or otherwise meeting the requirements under subsection 16.08.080.A of this code is required to submit a planned unit development conditional use permit pursuant to chapter 16.08 of this code.
3. The project shall be in conformance with this title; title 16, "Subdivision regulations", of this code; title 12, "Streets, sidewalks, public utility easements and public places", of this code, and all other applicable City ordinances and regulations.

(Ord. 1135, 2015)

17.154.050 Enforcement.

Zoning development agreements may be enforced by the City through any means deemed to be appropriate, including, but not limited to, specific enforcement, termination of water service, injunctive relief, monetary damages, criminal penalties and/or termination. Such enforcement options shall not be considered exclusive, but may be combined as deemed appropriate by the City.

(Ord. 1135, 2015)

KETCHUM CITY CODE

17.154.060 Modification and termination.

A. *Modification of agreements.* Zoning development agreements may only be modified through the public hearing process identified in subsection 17.154.030.E of this chapter.

B. *Termination of agreements.*

1. Zoning development agreements may be conditioned to expire after a prescribed time limit authorized by the council.
2. Zoning development agreements may be amended or terminated by the council, after a public hearing pursuant to subsection 17.154.030.E of this chapter, for failure to comply with the commitments expressed in the zoning development agreement.
3. Upon termination of a zoning development agreement pursuant to this section, the property shall revert to the prior zone or, in the case of initial zone at annexation, to a zone deemed appropriate by the council. Zoning development agreements may only be modified through the public hearing process identified in subsection 17.154.030.E of this chapter. All uses that are not compatible with the subsequent zoning designation following termination of the zoning development agreement shall cease. The owner of the property shall apply for a conditional use permit for the property if the use(s) is conditionally allowed within the subsequent zoning district.

C. *Notice.* In the event the City believes that grounds exist for revocation of a permit, the property owner shall be given written notice, by certified mail, of the apparent violation or noncompliance, providing a short and concise statement of the nature and general facts of the violation or noncompliance, and providing the property owner a reasonable period of time not exceeding thirty calendar days to furnish evidence:

1. That corrective action has remedied the violation or noncompliance;
2. That rebuts the alleged violation or noncompliance; and/or
3. That a zoning development agreement application to modify the existing zoning development agreement has been submitted and accepted by the City for processing.

D. *Hearing.* In the event that a property owner fails to provide evidence reasonably satisfactory to the City as provided for in subsection C of this section, the City shall refer the apparent violation or noncompliance to the council for a public hearing pursuant to subsection 17.154.030.E of this chapter.

1. The council shall provide the property owner notice and reasonable opportunity to be heard concerning the matter, and a public hearing shall be conducted.
2. Within ten calendar days of the completion of the hearing, the council shall issue a written decision terminating the zoning development agreement or remanding it back to the Commission for the amendment process pursuant to the public hearing process specified within subsection 17.154.030.E of this chapter.

ZONING REGULATIONS

E. *Recordation.* A document recording such termination and zoning reversal shall be recorded in the office of the Blaine County recorder.

(Ord. 1135, 2015)

CHAPTER 17.156 ENFORCEMENT

17.156.010 General provisions.

No owner or agent of the owner shall construct, use or occupy any building, structure or improvement upon real property in violation of this title. The landowner, tenant, subdivider, builder, or any other person who commits, allows, participates in, assists in or maintains such violation shall be found guilty of such a violation. The provisions of this title shall be enforced in the following manner:

- A. A violation of this title shall be a misdemeanor, punishable by a fine not to exceed \$300.00, or imprisonment in the Blaine County Jail for a period not to exceed six months, or both. Each day that such a violation continues shall constitute a separate criminal offense.
- B. Appropriate actions and proceedings may be taken at law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, or to prevent illegal occupancy of a building, structure or premises, and these remedies shall be in addition to the penalties described above.
- C. No building permit or other approval or permit shall be issued for the construction of any building, structure or improvement in violation of this title. The issuance or granting of a permit or approval shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this title or of any other ordinance, rule or regulation of the City. No permit presuming to give authority to violate or cancel the provisions of this title shall be valid.

(Ord. 1135, 2015)

17.156.020 Inspection.

The building inspector and his or her authorized representative are empowered to cause any building, other structure or tract of land to be inspected and examined, and to order in writing the remedying of any condition found to exist therein or threat in violation of any provisions of this title. After any such order has been served, no work shall proceed on any building, other structure or tract of land covered by such order, except to correct or comply with such order.

(Ord. 1135, 2015)

17.156.030 Criminal liability.

A person shall be guilty of a misdemeanor in any case where:

- A. Any violation of any of the provisions of this title exists in any building or any other structure or on a tract of land;

KETCHUM CITY CODE

- B. An order to remove any such violation has been served upon the owner, general agent, lessee or tenant of the building, other structure or tract of land (or any part thereof), or upon the architect, builder, contractor or any other person who commits or assists in any such violation; and
 - C. Such person shall fail to comply with such order within ten days after service.
- (Ord. 1135, 2015)

17.156.040 Injunction.

In addition to any of the foregoing remedies, the City attorney, acting on behalf of the City Council, may maintain an action for an injunction to restrain any violation of this title.

(Ord. 1135, 2015)

17.156.050 Liability for damages.

This title shall not be construed to hold the City responsible for any damage to persons or property by reason of the inspection or reinspection authorized herein or failure to inspect or reinspect or by reason of issuing a building permit as herein provided.

(Ord. 1135, 2015)