

ORDINANCE NUMBER 1026

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, AMENDING TITLE 17, CHAPTER 17.32, GENERAL RESIDENTIAL – HIGH DENSITY (GR-H) DISTRICT, SECTIONS 17.32.010.F., G., H., I., J., K., BY CLARIFYING SETBACK REQUIREMENTS FOR BUILDINGS WITH ROOF PITCHES EQUAL TO OR GREATER THAN 5:12; LOWERING THE FLOOR AREA RATIO INCENTIVE FOR COMMUNITY HOUSING FROM 1.6 TO 1.4; PROVIDING A SQUARE FOOTAGE CREDIT FOR ABOVE GROUND PARKING FOR AREAS WITH DEMONSTRATED HIGH GROUND WATER; CLARIFYING A COMMUNITY HOUSING IN-LIEU FEE LANGUAGE; CLARIFYING THE LANGUAGE FOR THE ROOF PITCH HEIGHT ALLOWANCE; PROVIDING FOR A SAVINGS AND SEVERABILITY CLAUSE, PROVIDING A CODIFICATION CLAUSE; PROVIDING FOR PUBLICATION AND SUMMARY; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission for the City of Ketchum has recommended the amendments to Title 17, Chapter 17.32, General Residential – High Density (GR-H) District based upon its review of projects submitted under the new regulations and its public hearings; and

WHEREAS, the City Council has reviewed the Planning and Zoning Commission recommendation and made modifications based on their own analysis, and public input at public hearings.

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

SECTION 1. Chapter 17.32, General Residential – High Density (GR-H) District, Sections 17.32.010.F., G., and H.; is amended by deleting therefrom the stricken language and adding thereto the underlined language hereinbelow, to wit:

FG. Minimum Front, Side and Rear Yard Setbacks.

Setback	Minimum in Feet
Side	1 foot for every 3' or fraction of a foot of building height, <u>or mean building height for roof pitches equal or greater than 5:12, but no less than 5'</u>

GH. Minimum Front, Side and Rear Yards for a Townhouse Development. Shall be as required in Subsections F-~~GH~~ of this Section except that townhouse units shall be allowed zero setbacks from the lot lines created by a townhouse development;

SECTION 2. Chapter 17.32, General Residential – High Density (GR-H) District, Sections 17.32.010.I.1. is amended by deleting therefrom the stricken language and adding thereto the underlined language hereinbelow, to wit:

II. Maximum Floor Area Ratios.

1. All new buildings and alterations to existing buildings shall be subject to the maximum floor area ratio described below.

Permitted Gross FAR: 0.5 <u>Areas of demonstrated high ground water: Gross FAR: 0.5</u> Gross FAR for areas with groundwater issues* that preclude underground parking: 1.2 *groundwater issues that preclude underground parking must be documented by a certified engineer to the satisfaction of the City.	Inclusionary Housing Incentive Gross FAR 1.6 1.4 Gross FAR: 1.7 1.4, <u>with a square footage credit for above ground parking, as outlined in item ii below.</u>
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SECTION 3. Chapter 17.32, General Residential – High Density (GR-H) District, Sections 17.32.010.I.2. is amended by deleting therefrom the stricken language and adding thereto the underlined language hereinbelow, to wit:

2. Inclusionary Housing Incentive
 - a. The purpose of this section is to encourage new development in this zoning district 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 with incomes between 50% and 200% of the Area Median Income. Land within the GR-H Zone may be built to a FAR of 0.5. As an incentive to build community housing units, floor area may be increased up to a FAR of 1.64 if a percentage of the increased floor area is dedicated community housing.
 - b. An increased F.A.R. may be permitted up to a maximum of 1.64 subject to design review approval, and provided that all of the following conditions are met:
 - i. A minimum of twenty percent (20%) of the total increase in gross floor area above 0.5 FAR is deed restricted in perpetuity as Community Housing Unit(s). Of this gross square footage, a fifteen percent (15%) reduction will be allowed as a standard discount from gross square footage to net liveable square footage for Community Housing units.
 - ii. After calculating net livable square footage, an allowance can be made for projects with demonstrated ground water issues as documented by a registered engineer. Upon determination by the City that ground water on the subject property precludes

underground parking, a credit of 350 square feet per required parking space shall be subtracted from the net livable square footage prior to the calculation for the 20% deed restricted community housing. Parking space credit shall be rounded to the nearest whole number, and shall not be calculated as fractions.

Example Calculation:

Site Area: 8,000 square feet

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

Subtract gross square footage under .5 FAR: (.5 x 8,000=4,000. 10,400-4,000=6,800 gross square feet

.15 reduction from gross to net (6,800 x .15 = 1,020. 6,800-1,020=5,780 net square feet)

Required Parking: 6 spaces

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

Deed Restricted Housing Calculation (Net Livable Square Footage minus Parking Allowance, times .20): 5,780-2,100 = 3,680 x .20 = 736 net square feet required deed-restricted housing

- ii.iii. ~~Any fraction of~~ Community Housing requirements may be paid via a fee-in-lieu of housing. The ~~fraction of~~ Community Housing Units times the fee equals the amount due to the City. The fee-in-lieu shall be recommended by the governing Housing Authority on an annual basis and adopted by the City Council. 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 non-profit entity to construct the balance of the Community Housing unit with additional funds.
- iii.iv., All Community Housing Units, either for sale or rent, shall be administered by the governing Housing Authority, unless otherwise determined by the City Council. The governing Housing Authority shall recommend the types, locations and categories of all proposed Community Housing Units for approval by the City.
- iv.v. All Community Housing Units shall be within the governing Housing Authority Income Categories. The definition of Community Housing Units shall be pursuant to the governing Housing Authority Guidelines within the Section titled Definitions The definition of who may qualify to purchase or rent affordable housing shall be maintained in the governing Housing Authority Guidelines and adopted by the City Council. Each of these definitions is subject to change from time to time at the discretion of the governing Housing Authority Board of Directors.
- v.vi. The City's goal is to encourage the construction of whole units, and not to create a program for fee in-lieu for whole units. However,

the City Council may consider a request by the property owner to pay a fee in-lieu or other such considerations of constructing a complete community housing unit. The City Council has full discretionary power to deny said request. Said in-lieu payment is not bound by any adopted fee schedule and is subject to negotiation on a case by case basis.

SECTION 4. Chapter 17.32, General Residential – High Density (GR-H) District, Sections 17.32.010.J. is amended by deleting therefrom the stricken language and adding thereto the underlined language hereinbelow, to wit:

IJ. **Maximum Height of Buildings**

2. For buildings with a roof pitch equal or greater than 5:12 the maximum height to the mean point of the ridge or ridges measured from eave line to the ridge top shall be 35'. Roof ridges above the mean point may extend up to a height of 44'.

SECTION 5. Chapter 17.32, General Residential – High Density (GR-H) District, Sections 17.32.010.K. is amended by deleting therefrom the stricken language and adding thereto the underlined language hereinbelow, to wit:

JK. **Minimum Open Site Area**

SECTION 6. SAVINGS AND SEVERABILITY CLAUSE. It is hereby declared to be the legislative intent that the provisions and parts of this Ordinance shall be severable. If any paragraph, part, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid for any reason by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 7. CODIFICATION CLAUSE. The City Clerk is instructed to immediately forward this ordinance to the codifier of the official municipal code for proper revision of the code.

SECTION 8. PUBLICATION. This Ordinance, or a summary thereof in compliance with Section 50-901A, Idaho Code, substantially in the form attached hereto as Exhibit "A," shall be published once in the official newspaper of the City, and shall take effect immediately upon its passage, approval, and publication.

SECTION 9. REPEALER CLAUSE. All City of Ketchum code sections, ordinances or resolutions or parts thereof, which are in conflict herewith are hereby repealed.


SECTION 10. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval and publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF KETCHUM, IDAHO, and approved by the Mayor this 31st day of August, 2007.



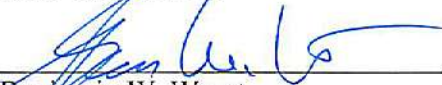
Randy Hall, Mayor

ATTEST:



Sandra E. Cady, CMC
City Treasurer/Clerk

APPROVED AS TO FORM
AND CONTENT:



Benjamin W. Worst,
City Attorney



WV



EXHIBIT A

PUBLICATION OF SUMMARY OF ORDINANCE NO. 1026
CITY OF KETCHUM, IDAHO

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, AMENDING TITLE 17, CHAPTER 17.32, GENERAL RESIDENTIAL – HIGH DENSITY (GR-H) DISTRICT, SECTIONS 17.32.010.F., G., H., I., J., K., BY CLARIFYING SETBACK REQUIREMENTS FOR BUILDINGS WITH ROOF PITCHES EQUAL TO OR GREATER THAN 5:12; LOWERING THE FLOOR AREA RATIO INCENTIVE FOR COMMUNITY HOUSING FROM 1.6 TO 1.4; PROVIDING A SQUARE FOOTAGE CREDIT FOR ABOVE GROUND PARKING FOR AREAS WITH DEMONSTRATED HIGH GROUND WATER; CLARIFYING A COMMUNITY HOUSING IN-LIEU FEE LANGUAGE; CLARIFYING THE LANGUAGE FOR THE ROOF PITCH HEIGHT ALLOWANCE; PROVIDING FOR A SAVINGS AND SEVERABILITY CLAUSE, PROVIDING A CODIFICATION CLAUSE; PROVIDING FOR PUBLICATION AND SUMMARY; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

A summary of the principal provisions of Ordinance No. 1026 of the City of Ketchum, Blaine County, Idaho, adopted on August 31, 2007, is as follows:

Section 1. Amends Chapter 17.32, General Residential – High Density (GR-H) District, Sections 17.32.010.F., G., and H. by clarifying setback requirements for buildings with roof pitches equal to or greater than 5:12.

Section 2. Amends Chapter 17.32, General Residential – High Density (GR-H) District, Section 17.32.010.I.1. by lowering the floor area ratio incentive for community housing from 1.6 to 1.4, providing a square footage credit for above ground parking for areas with demonstrated high ground water as follows, “

Section 3. Amends Chapter 17.32, General Residential – High Density (GR-H) District, Section 17.32.010.I.2.b.ii. to read, “After calculating net livable square footage, an allowance can be made for projects with demonstrated ground water issues as documented by a registered engineer. Upon determination by the City that ground water on the subject property precludes underground parking, a credit of 350 square feet per required parking space shall be subtracted from the net livable square footage prior to the calculation for the 20% deed restricted community housing. Parking space credit shall be rounded to the nearest whole number, and shall not be calculated as fractions.” Section 17.32.010.I.2.b.iii. is clarifies language regarding fee-in-lieu payment for community housing requirements and for fractions of units.

Section 4. Amends Chapter 17.32, General Residential – High Density (GR-H) District, Section 17.32.010.J. by clarifying the mean roof height calculation applies to buildings with roof pitches equal to or greater than 5:12..

Section 5. Amends Chapter 17.32, General Residential – High Density (GR-H) District, Section 17.32.010.K. by changing the section lettering to J.

Section 6. Provides a savings and severability clause.

Section 7: Provides a codification clause.

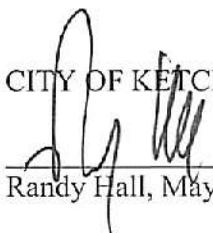
Section 8: Provides for publication of a summary of the Ordinance.

Section 9: Provides a repealer clause.

Section 10: Establishes the effective date of September 12, 2007.


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

CITY OF KETCHUM, IDAHO



Randy Hall, Mayor

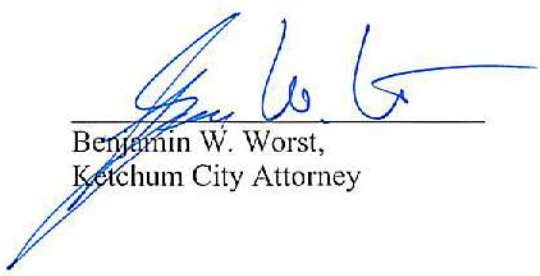
ATTEST:


Sandra E. Cady, CMC
City Treasurer/Clerk

STATEMENT OF LEGAL ADVISOR

I, the undersigned attorney at law, duly licensed in the State of Idaho and serving as City Attorney to the City of Ketchum, Idaho, hereby certify that I have read the attached Summary of Ordinance No. 1026 of the City of Ketchum and that the same is true and complete and provides adequate notice to the public of the contents of said Ordinance.

Dated this 31st day of August, 2007.



Benjamin W. Worst,
Ketchum City Attorney

Publish: Idaho Mountain Express
Date: September 12, 2007