

ORDINANCE NUMBER 1060

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, AMENDING TITLE 17, CHAPTER 17.64.010, COMMUNITY CORE (CC) DISTRICT, BY ADDING NEW LANGUAGE; CLARIFYING THE PURPOSE, APPLICABILITY AND EXCEPTIONS; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING A CODIFICATION CLAUSE; PROVIDING FOR PUBLICATION BY SUMMARY; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has initiated this text amendment due to the inadequate setback requirements for properties located adjacent to 60 foot or narrower public right of ways in the Community Core (CC) Zoning District; and,

WHEREAS, the current Code language allows for an average setback of 5' for all building types in the CC District. This average setback is not sufficient to support the required 10 foot wide sidewalk or certain firefighting access and operations. The streets in the CC District having a right of way width of 60 feet are: Washington Avenue, Leadville Avenue, Spruce Avenue, River Street, 1st Street, 2nd Street, 3rd Street (Sun Valley Rd.), 4th Street, 5th Street, 6th Street, 7th Street, and 8th Street; and,

WHEREAS, the Planning and Zoning Commission considered the application for a text amendment and made a recommendation to the City Council on September 28, 2009; and,

WHEREAS, the City Council held a public hearing on this matter on November 2, 2009; and,

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

SECTION 1. Amends Section 17.64.010(L)(4)(b), Community Core District (CC) pertaining to Building Type 1, Setback line, by adding thereto the underlined language hereinbelow, to wit:

B. Setback line: The building façade shall be set back an average of 5 feet from the front property line and from the side property line of a corner lot, except in subdistrict A where no setback is required. Buildings fronting a 60 foot or narrower right of way shall be set back a minimum of 5 feet from the property line. Decks and overhangs thirteen (13) feet six (6) inches or greater in height above the sidewalk may extend to the property line.

SECTION 2. Amends Section 17.64.010(L)5(b) Building Type 2, Setback line, by adding thereto the underlined language hereinbelow, to wit:

B. Setback line: The building façade shall be set back an average of 5 feet from the front property line and from the side property line of a corner lot, except in subdistrict A, where no setback is required and as provided in subsection D of this

legend. Buildings fronting a 60 foot or narrower right of way shall be set back a minimum of 5 feet from the property line. Decks and overhangs thirteen (13) feet six (6) inches or greater in height above the sidewalk may extend to the property line.

SECTION 3. Amends Section 17.64.010(L)(6)(b), Community Core District (CC) pertaining to Building Type 3, Setback line, by adding thereto the underlined language hereinbelow, to wit:

B. Setback line: The building façade shall be set back an average of 5 feet from the front property line and from the side property line of a corner lot. Buildings fronting a 60 foot or narrower right of way shall be set back a minimum of 5 feet from the property line. Decks and overhangs thirteen (13) feet six (6) inches or greater in height above the sidewalk may extend to the property line.

SECTION 4. Amends Section 17.64.010(L)(7)(b), Community Core District (CC) pertaining to Building Type 4, Setback line, by adding thereto the underlined language hereinbelow, to wit:

B. Setback line: The building façade shall be set back an average of 5 feet from the front property line. Buildings fronting a 60 foot or narrower right of way shall be set back a minimum of 5 feet from the property line. Decks and overhangs thirteen (13) feet six (6) inches or greater in height above the sidewalk may extend to the property line.

SECTION 5. Amends Section 17.64.010(L)(8)(b), Community Core District (CC) pertaining to Building Type 5, Setback line, by adding thereto the underlined language hereinbelow, to wit:

B. Setback line: The building façade shall be set back an average of 5 feet from the front property line and from the side property line. Buildings fronting a 60 foot or narrower right of way shall be set back a minimum of 5 feet from the property line. Decks and overhangs thirteen (13) feet six (6) inches or greater in height above the sidewalk may extend to the property line.

SECTION 6. Amends Section 17.64.010(L)(9)(b), Community Core District (CC) pertaining to Building Type 6, Setback line, by adding thereto the underlined language hereinbelow, to wit:

B. Setback line: Minimum average setback of 5 feet from the front property line, except in subdistrict A, where no setback is required. Buildings fronting a 60 foot or narrower right of way shall be set back a minimum of 5 feet from the property line. Decks and overhangs thirteen (13) feet six (6) inches or greater in height above the sidewalk may extend to the property line.

SECTION 7. Amends Section 17.64.010(J)(12) removing the map only within Figure 1: Map and Legal Descriptions of TDR Sending Sites and adding a new map, which is labeled as Exhibit "B" to this ordinance

SECTION 8. Amends Section 17.64.010(K)(3) removing the entirety of Figure 3: Subdistricts and adding a new map, which is labeled as Exhibit "C" to this ordinance.

SECTION 9. 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 10. 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 11. 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 12. REPEALER CLAUSE. All City of Ketchum code sections, ordinances or resolutions or parts thereof, which are in conflict herewith are hereby repealed.

SECTION 13. 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 7th day of December, 2009.



Randy Hall, Mayor

ATTEST:


Sandra E. Cady, CMC
City Treasurer/Clerk

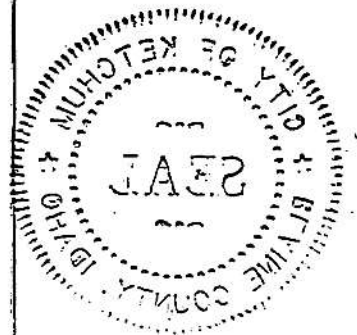


EXHIBIT A

**PUBLICATION OF SUMMARY OF ORDINANCE NO. 1060
CITY OF KETCHUM, IDAHO**

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, AMENDING TITLE 17, CHAPTER 17.64.010, COMMUNITY CORE (CC) DISTRICT, BY ADDING NEW LANGUAGE; CLARIFYING THE PURPOSE, APPLICABILITY AND EXCEPTIONS; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING A CODIFICATION CLAUSE; PROVIDING FOR PUBLICATION BY SUMMARY; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

A summary of the principal provisions of Ordinance No. 1060 of the City of Ketchum, Blaine County, Idaho, adopted on December 7, 2009, is as follows:

Section 1. Amends Section 17.64.010(L)(4)(b), Community Core District (CC) pertaining to Building Type 1, Setback line, by adding thereto the underlined language hereinbelow, to wit:

B. Setback line: The building façade shall be set back an average of 5 feet from the front property line and from the side property line of a corner lot, except in subdistrict A where no setback is required. Buildings fronting a 60 foot or narrower right of way shall be set back a minimum of 5 feet from the property line. Decks and overhangs thirteen (13) feet six (6) inches or greater in height above the sidewalk may extend to the property line.

Section 2. Amends Section 17.64.010(L)5(b) Building Type 2, Setback line, by adding thereto the underlined language hereinbelow, to wit:

B. Setback line: The building façade shall be set back an average of 5 feet from the front property line and from the side property line of a corner lot, except in subdistrict A, where no setback is required and as provided in subSection D of this legend. Buildings fronting a 60 foot or narrower right of way shall be set back a minimum of 5 feet from the property line. Decks and overhangs thirteen (13) feet six (6) inches or greater in height above the sidewalk may extend to the property line.

Section 3. Amends Section 17.64.010(L)(6)(b), Community Core District (CC) pertaining to Building Type 3, Setback line, by adding thereto the underlined language hereinbelow, to wit:

B. Setback line: The building façade shall be set back an average of 5 feet from the front property line and from the side property line of a corner lot. Buildings fronting a 60 foot or narrower right of way shall be set back a minimum of 5 feet from the property line. Decks and overhangs thirteen (13) feet six (6) inches or greater in height above the sidewalk may extend to the property line.

Section 4. Amends Section 17.64.010(L)(7)(b), Community Core District (CC) pertaining to Building Type 4, Setback line, by adding thereto the underlined language hereinbelow, to wit:

B. Setback line: The building façade shall be set back an average of 5 feet from the front property line. Buildings fronting a 60 foot or narrower right of way shall be set back a minimum of 5 feet from the property line. Decks and overhangs thirteen (13) feet six (6) inches or greater in height above the sidewalk may extend to the property line.

Section 5. Amends Section 17.64.010(L)(8)(b), Community Core District (CC) pertaining to Building Type 5, Setback line, by adding thereto the underlined language hereinbelow, to wit:

B. Setback line: The building façade shall be set back an average of 5 feet from the front property line and from the side property line. Buildings fronting a 60 foot or narrower right of way shall be set back a minimum of 5 feet from the property line. Decks and overhangs thirteen (13) feet six (6) inches or greater in height above the sidewalk may extend to the property line.

Section 6. Amends Section 17.64.010(L)(9)(b), Community Core District (CC) pertaining to Building Type 6, Setback line, by adding thereto the underlined language hereinbelow, to wit:

B. Setback line: Minimum average setback of 5 feet from the front property line, except in subdistrict A, where no setback is required. Buildings fronting a 60 foot or narrower right of way shall be set back a minimum of 5 feet from the property line. Decks and overhangs thirteen (13) feet six (6) inches or greater in height above the sidewalk may extend to the property line.

Section 7. Amends Section 17.64.010(J)(12) removing the map only within Figure 1: Map and Legal Descriptions of TDR Sending Sites and adding a new map, which is labeled as Exhibit "B" to this ordinance

Section 8. Amends Section 17.64.010(K)(3) removing the entirety of Figure 3: Subdistricts and adding a new map, which is labeled as Exhibit "C" to this ordinance.

Section 9: Provides a savings and severability clause.

Section 10: Provides a codification clause.


Section 11: Provides for publication of a summary of the Ordinance.

Section 12: Provides a repealer clause.

Section 13: Establishes the effective date of January 14, 2009.

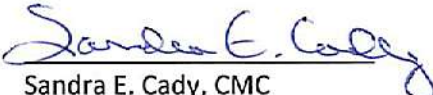
The full text of this Ordinance is available at the City Clerk's Office, Ketchum City Hall, 480 East Avenue North, Ketchum, Idaho 83340 and will be provided to any citizen upon personal request during normal office hours.

CITY OF KETCHUM, IDAHO



Randy Hall, Mayor

ATTEST:


Sandra E. Cady, CMC
City Treasurer/Clerk

Publish: Idaho Mountain Express,

Date: December 16, 2009

Figure 1: Map and Legal Descriptions of TDR Sending Sites

EXHIBIT "B"

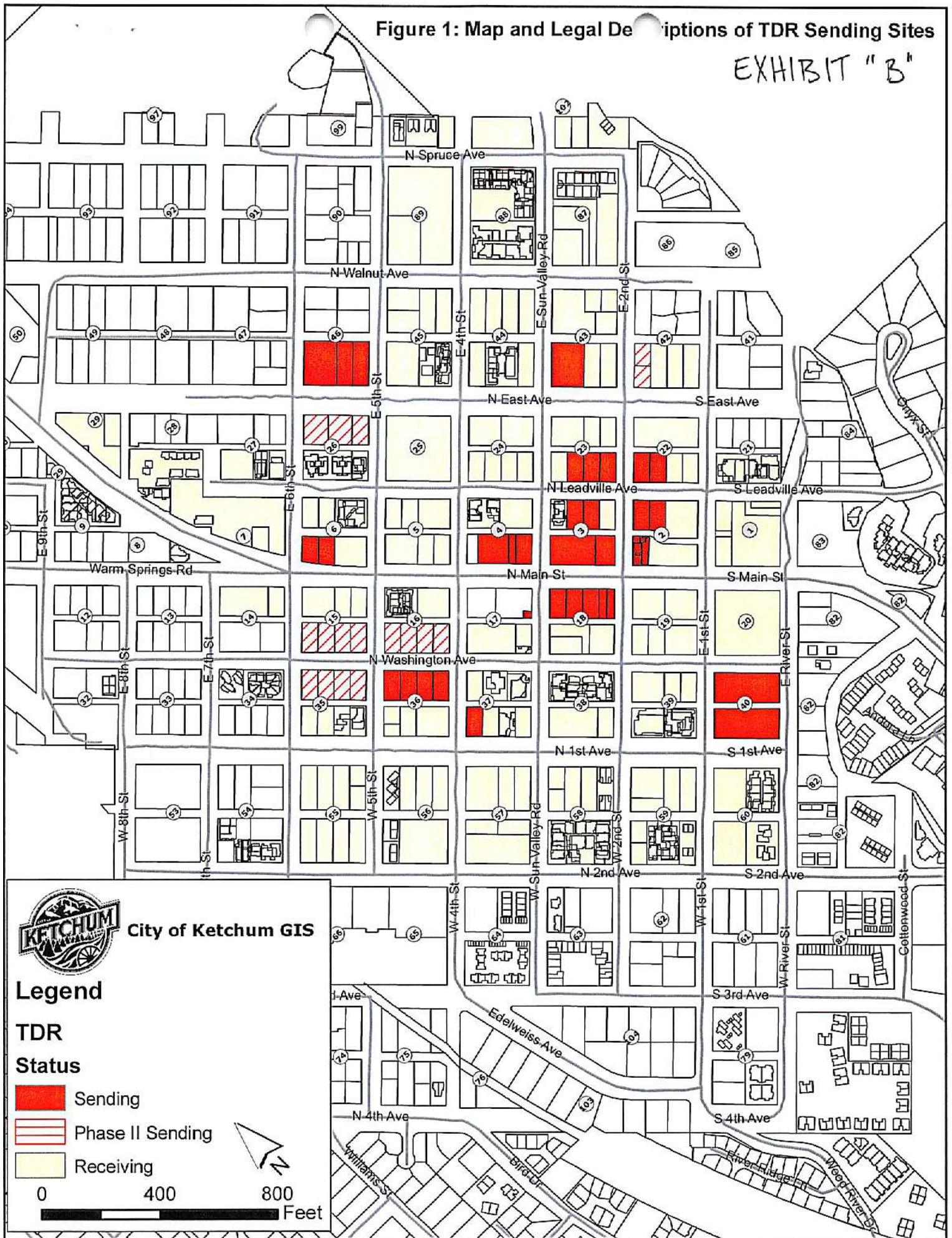


Figure 3: Sub-Districts

EXHIBIT "C"



**Sub-District A:
Retail Core**

Building Types Allowed:

- Traditional Mixed-Use (Building Type 1)
- Mixed-Use with Cellar (Building Type 2)
- Hotel (Building Type 6)



**Sub-District B:
Arts District**

Building Types Allowed:

- Mixed-Use with Cellar (Building Type 2)
- Neighborhood Mixed-Use (Building Type 3)
- Traditional Mixed-Use (Building Type 1)
- Hotel (Building Type 6)



**Sub-District C:
Urban Residential**

Building Types Allowed:

- Mixed-Use with Cellar (Building Type 2)
- Neighborhood Mixed-Use (Building Type 3)
- Multifamily Home (Building Type 4)
- Urban Residential (Building Type 5)



**Sub-District D:
Traditional Neighborhood**

Building Types Allowed:

- Multifamily Home (Building Type 4)

