ORDINANCE NUMBER 1110

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, AMENDING TITLE 17, CHAPTER 17.08, DEFINITIONS, BY ADDING MISSING DEFINITIONS; CHAPTER 17.64, COMMUNITY CORE DISTRICT, BY DELETING LANGUAGE PERTAINING TO TRANSFER OF DEVELOPMENT RIGHTS AND AMENDING LANGUAGE PERTAINING TO ON SITE PARKING REQUIREMENTS, BUILDING TYPE 4 AND SNOWMELT REQUIREMENTS; AND CHAPTER 17.136, NONCONFORMING USES AND NONCONFORMING BUILDINGS, BY AMENDING LANGUAGE SO THAT IT AGREES WITH STATE STATUTE; BY ADDING NEW LANGUAGE; CLARIFYING THE CODE PROVISIONS, PROCESSES, AND DEFINITIONS; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE, PROVIDING A REPEALER CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has initiated these text amendments to eliminate conflicting language, provide more clarity, and better align the Code with State Statute; and,

WHEREAS, the Planning and Zoning Commission considered these text amendments in work sessions on July 30, 2012 and March 25, 2013; and,

WHEREAS, the Planning and Zoning Commission held a public hearing on this matter on June 24, 2013 and recommended approval to the City Council; and,

WHEREAS, the City Council will hold public hearings on this matter with the first reading on August 5, 2013.

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

SECTION 1. CHAPTER 17.08 DEFINITIONS, Section 17.08.020: Definitions, be amended by and adding thereto the underlined language hereinbelow, to wit:

BED AND BREAKFAST: A residential building in which the proprietor resides, which has no more than six (6) guestrooms available for short term occupancy, and provides no less than one meal daily for guests.

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

DUPLEX: A two-family dwelling unit.

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.

SETBACK: The minimum horizontal distance between a specified lot line (front, side, rear), measured along a straight line and at a right angle to such lot line, and the nearest point of an above grade or below grade building or structure.

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

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.

SECTION 2. CHAPTER 17.64 COMMUNITY CORE DISTRICT (CC), Section 17.64.010.E On Site Parking Requirements, to be amended by deleting therefrom the stricken language and adding thereto the underlined language hereinbelow, to wit:

E. On Site Parking Requirements:

1. Development shall be required to meet the parking demand generated for each use within a building. When the calculation of the number of parking spaces demanded results in a fractional number, fractions equal to or greater than one-half ($^1/_2$) shall be adjusted up to the next whole number.

PARKING DEMAND GENERATED BY USE

Residential	***1.0 space per 1,500 net square feet***
Community housing units	*No parking is required*
Accommodation	*0.75 space per rental room*
Retail trade and retail service	*2.0 spaces per 1,000 gross square feet*
Professional service	*2.0 spaces per 1,000 gross square feet*
Government	*1.0 space per 1,000 gross square feet*

2. The minimum number of parking spaces provided on site shall be four (4) spaces per five thousand five hundred (5,500) square feet of lot area, unless fewer are required by the Parking Demand Generated by Use table, above. Parking requirements generated by the table shall be located on site prior to utilization of any on street parking credit. The Planning and Zoning Commission shall have the authority to reduce the number of required on site spaces, where unique site circumstances warrant a reduction, on a case by case basis. Such circumstances may include lot width, location of existing structures, development on adjacent lots, and utility locations, among others.

3. In a circumstance where the Parking Demand Generated by Use table results in a requirement of more than four parking spaces, ~~F~~four (4) on street parking spaces per five thousand five hundred (5,500) square feet of lot area may be ~~counted~~

credited toward the required parking demand after the required four (4) space minimum on site is satisfied.

4. *The number of on site parking spaces required for medical/dentist office uses; indoor entertainment, recreation and cultural uses; and public/semipublic uses (as listed in table 1, subsection D of this section) shall be determined based on either the requirements in section 17.124.060, "Off Street Parking Space", of this title or based on a project specific parking solution that is approved by the planning and zoning commission. The applicant shall submit a parking analysis and plan that demonstrates how parking demand is addressed.*

5. *For all commercial and mixed use projects, and for any residential projects with more than four (4) units, at least one (1) accessible parking space shall be provided on site. In addition, all ~~An adequate number of handicapped~~ accessible parking space~~s shall be provided to meet the~~ requirements of the ~~international~~ current building code as adopted by the City shall be met.*

6. *On site parking stalls may be located directly off the alley if the width of the alley can adequately accommodate the parking. No parking stall shall project into an alley, sidewalk, or street.*

7. *All parking lots shall be surfaced with asphalt, concrete, pavers, or similar hard surface. Hard surface parking spaces shall be striped. Temporary parking areas may be gravel surfaced. Temporary parking areas may be allowed for up to two (2) years and are subject to planning and zoning commission approval. Such parking areas are intended to provide units in locations that are temporarily undeveloped. Except for surfacing, temporary parking areas are subject to the same city design and regulatory requirements set for other surface parking lots in the community core district.*

8. *The owner or manager of the property shall maintain parking lots so that they are in good, safe and usable condition and free of public nuisances such as trash and weeds.*

9. *All parking lots shall be designed with adequate on site drainage facilities to prevent the drainage of water onto adjacent properties or walkways or into the public right of way.*

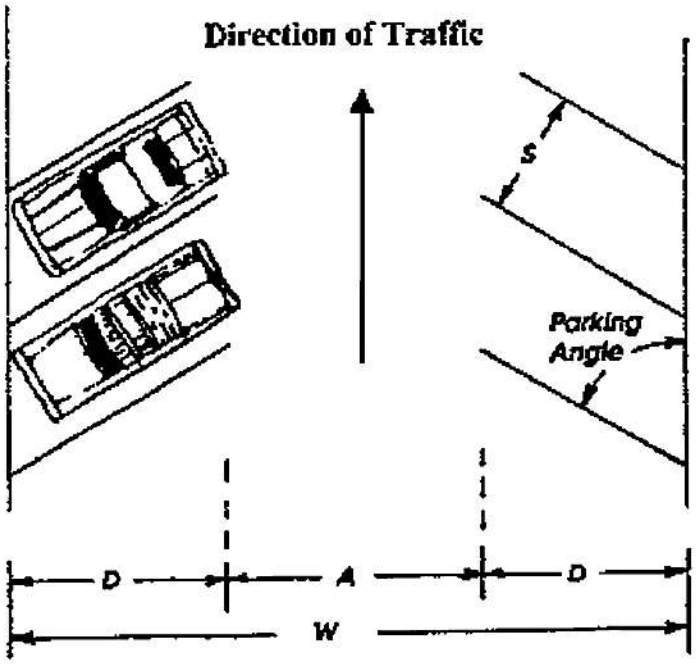
10. *All parking and service areas that are adjacent to a street shall be buffered from public views by a combination of landscaping and fences/walls. Such improvements will be for the purpose of beautification. For safety purposes, views of the parking and services areas from the sidewalk and street should not be obscured.*

11. *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 one hundred fifty (150) square feet for every fifty five feet (55') of linear lot width.*

12. *The dimensions of on site parking spaces shall be based on the following standards. Back-in angle parking configurations are encouraged.*

ON SITE PARKING DIMENSIONS

Parking Angle	***Stall Width (S)***	***Stall Depth (D)***	***Aisle Width (A)***
90	*8*	*18*	*22*
30	*8*	*20*	*10*
45	*8*	*20*	*11*
60	*8*	*20*	*18*
Parallel	*8*	*20*	
ADA	*13.5*	*Same as above*	*Same as above*



Back-in angle parking (shown for an on site parking lot with one aisle).

13. *An applicant may propose a project specific parking solution to address parking demand unmet by on site parking spaces for approval by the city. The applicant shall submit a parking analysis and plan that demonstrates how parking demand is addressed.*

14. *Except as provided in subsection E13 of this section, one hundred percent (100%) of the parking demand unmet by on site parking spaces may be met with a payment in lieu.*
    a. *The in lieu fee amount shall be determined annually by the city council based on the cost of land, the construction cost of structured parking above, on or below ground, the amount of land needed for each parking space and access, landscape areas and other amenities, the cost of physical improvements to the property including grading, compaction, drainage, asphalt, concrete, landscaping, lighting, striping and other amenities as may be considered appropriate.*
    b. *Payment of in lieu fees must be made to the city at the time of issuance of a building permit.*

15. *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 CC district and secondarily for the purchase, construction and improvement of public parking facilities.*

SECTION 3. CHAPTER 17.64 COMMUNITY CORE DISTRICT (CC), Section 17.64.010.J Transfer of Development Rights (TDR) be amended by deleting the section in its entirety, therefrom the stricken language hereinbelow, to wit:

~~*J. Transfer Of Development Rights (TDR)[1]:*~~

~~*1. Purpose: The purpose of this subsection is to encourage the preservation of significant buildings or clusters of significant buildings representing local history, heritage and traditional scale and architecture.*~~

~~*2. Administration: The TDR program is administered through the severance of transferable development rights from eligible properties herein referred to as sending sites. Development rights may then be conveyed and affixed to eligible properties herein referred to as receiving sites. Development rights may only be severed and affixed within the city limits of the city of Ketchum, as hereinafter indicated.*~~

~~3. Function: The TDR program permits the owners of designated sending sites to sever and convey, as a separate development right, undeveloped floor area to be affixed to and developed on a designated receiving site.~~

~~4. Voluntary Program: The program is voluntary and the value of development rights is set by the marketplace.~~

~~5. Sending Site Regulations: This subsection J5 shall apply to properties eligible to sever development rights.~~

~~a. Sending sites, specified in figure 1 in subsection J12 of this section, are intended to include sites on which buildings exist that individually or collectively represent Ketchum history, heritage and traditional scale and/or architecture.~~

~~(1) Phase II sending sites, specified in figure 1 in subsection J12 of this section, may become sending sites twelve (12) months after adoption of this subsection, provided a property owner requests designation and the city council approves requested designation and provided that all applicable legal requirements can be satisfied including, without limitation, a market analysis pursuant to Idaho Code section 67-6515A.~~

~~b. A property shall meet at least one of the following criteria to be designated as a sending site:~~

~~(1) Representative of traditional Ketchum residential and commercial architecture (pre Sun Valley Lodge, late nineteenth century settlement era or post Sun Valley Lodge, mid century vacation home era).~~

~~(2) Representative of traditional Ketchum residential and commercial scale, proportion and/or site orientation.~~

~~(3) Representative of Ketchum's community traditions and/or heritage, including, but not limited to, mining, railroad, ranching, timber, farming, sheepherding or outdoor recreation.~~

~~(4) Associated with significant events and/or people of the past, including, but not limited to, being a residence or business of an early Ketchum family or resident (1880s to 1940s).~~

~~(5) Listed on, or eligible for, the National or State Register of Historic Places.~~

~~c. In exchange for preservation, in perpetuity, of a building or structure designated as a sending site, owners of such properties may convey all, or a portion, of the development rights associated with that property as follows:~~

~~(1) The amount of square footage of development rights that can be severed from all sending sites other than sites designated solely on meeting the criteria of being representative of traditional Ketchum residential and commercial scale proportion and/or site orientation shall be calculated by multiplying the lot area by a floor area ratio of 2.25.~~

~~(2) The maximum lot area per sending site which may be used for such calculation shall be the lesser of the actual square footage of such lot or the original platted town site lot size of five thousand five hundred (5,500) or eight thousand two hundred fifty (8,250) square feet, regardless of the current legal description or current square footage of the lot on which the heritage site is located.~~

~~(3) The gross square footage of any addition constructed after February 28, 2007, and/or prior to the severing and conveying of development rights shall be subtracted from the amount of square footage of development rights as calculated above.~~

~~d. Once development rights have been severed from a sending site, proposed changes or additions to any building or structure located thereon shall meet the design regulations for historic buildings as stated in section 17.64.020 of this chapter generally and specifically including, without limitation, subsection 17.64.020D4 of this chapter as if such structure or building were listed on the National Register of Historic Places or designated as a local heritage site, landmark or block whether it actually is or is not and any additional regulations adopted by the Ketchum historic preservation commission. The Ketchum historic preservation commission shall review all proposed changes to sending site buildings and provide a recommendation to the planning and zoning commission to consider for design review approval. Additions shall be limited to fifty percent (50%) of the existing building square footage. Any addition or alteration to a building designated as, or eligible to be designated as a sending site that conflicts with the design regulations for historic buildings as stated in section 17.64.020 of this chapter may cause the site to lose its designation, or eligibility, as a sending site.~~

~~e. Owners of properties designated as a sending site solely based on meeting the criteria of being representative of traditional Ketchum~~

~~residential and commercial scale, proportion and/or site orientation, may convey all, or a portion of the development rights associated with that property as follows:~~

~~(1) The amount of square footage of development rights that can be severed shall be calculated by multiplying the lot area by 2.00.~~

~~(2) The maximum lot area per sending site which may be used for such calculation shall be the lesser of the actual square footage of such lot or the original platted town site lot size of five thousand five hundred (5,500) or eight thousand two hundred fifty (8,250) square feet, regardless of the current legal description or current square footage of the lot on which the heritage site is located.~~

~~(3) Any existing building or structure on the property may be demolished and a new building may be constructed, provided the following criteria are met:~~

~~(A) The square footage of the new building does not exceed the square footage of the original principal building that was demolished plus fifty percent (50%).~~

~~(B) The front yard setbacks of the original principal building to be demolished are maintained.~~

~~(C) The building height and roofline of the original principal building to be demolished are maintained, except a flat roof may be replaced with a sloped roof form and the height may increase to accommodate the new sloped roof form.~~

~~f. A property not designated as a sending site may apply to the city to be designated as a sending site. The city council may approve the requested designation provided that all applicable legal requirements can be satisfied including, without limitation, a market analysis pursuant to Idaho Code section 67-6515A.~~

~~g. Owners of properties approved as a public park or public open space and designated as a sending site may sever all development rights associated with that property in exchange for preservation of the park or open space in perpetuity.~~

~~(1) The amount of square footage of development rights that can be severed from a designated sending site for the preservation of a~~

~~public park or open space in perpetuity shall be calculated by multiplying the square footage of the lot by 2.25.~~

~~(2) The maximum lot area per public park or open space which may be used for such calculation shall be the lesser of the actual square footage of such lot or the original platted town site lot size of five thousand five hundred (5,500) or eight thousand two hundred fifty (8,250) square feet, regardless of the current legal description or current square footage of the lot on which the heritage site is located.~~

~~h. Properties approved as a public park or open space not designated as a sending site may apply to the city for designation in exchange for preservation of the park or open space in perpetuity, provided that all applicable legal requirements can be satisfied including, without limitation, a market analysis pursuant to Idaho Code section 67-6515A.~~

~~i. Development rights shall not be severed from vacant lots.~~

~~6. Procedure For Severing And Conveying Development Rights:~~

~~a. Contents Of Application: Eligible property owners desiring to sever development rights from their property shall first file an application with the Ketchum planning department on a form acceptable to the Ketchum planning director. In addition to any other information reasonably required by the Ketchum planning department, such application shall include, without limitation, the following:~~

~~(1) A TDR conservation easement in favor of the city of Ketchum in a form approved by resolution of the Ketchum city council preserving in perpetuity any structure on the sending site in a condition as good or better than the condition of such structure on the date of execution of such easement. Without limitation, such easement shall set forth the purpose of the easement identifying the transferable development rights to be severed, denoted by amount of square footage, and establish the city's rights and the owner's obligations, including, without limitation, reasonable rights to inspect the property, to compel specific performance and to enjoin activities inconsistent with the purpose of the easement and reasonable rights to maintain, repair and reconstruct the property in the event of damage or destruction. Such TDR conservation easement shall specifically describe the property, shall be executed by all lien holders and other parties with an~~

~~interest of record in any of the affected property and shall be recorded with the Blaine County recorder.~~

~~(2) A site survey, stamped by a surveyor licensed in the state of Idaho, locating the footprint of all structures and trees on the sending site, photographs of each elevation of such structures, a brief architectural description and history of such structures, and a statement regarding the gross square footage of such structures.~~

~~(3) Proof of ownership of the sending site.~~

~~(4) Once a TDR conservation easement is established, the square footage may no longer be utilized for development on the sending site, except as permitted by subsection J5c(3) of this section.~~

~~(5) The sending site property owner shall have no authority over the manner in which the development right is used by subsequent owners of said development right other than to determine whether such right shall revert to the seller if not exercised within an agreed upon time frame pursuant to Idaho Code section 67-6515A(5).~~

~~b. Application Review And Decision: The planning director shall review the application and make a determination of compliance with the following criteria:~~

~~(1) The subject property is a designated sending site as shown in figure 1 in subsection J12 of this section.~~

~~(2) The sending site has permitted development rights.~~

~~(3) The establishment of a TDR conservation easement shall not create a nonconforming use or structure. In cases of an existing nonconformity, the action shall not increase the degree of the specific nonconformity.~~

~~(4) The proposed deed restriction permanently restricts the development of the sending site property to the total floor area allowed by zoning, minus the amount of square feet of floor area per the TDR conservation easement.~~

~~(5) Any development application to develop floor area beyond that remaining legally connected to the property after severing of~~

~~development rights shall be considered null and void, except as permitted by subsection J5e(3) of this section.~~

~~c. Closing: Upon determination of compliance on the mutually agreed upon closing date:~~

~~(1) The property owner shall execute and deliver to the city of Ketchum, the above referenced TDR conservation easement which shall be promptly recorded.~~

~~(2) Upon receipt of proof of such TDR conservation easement, the mayor of the city of Ketchum, or designee, shall execute and deliver to the property owner an order severing development rights which shall be promptly recorded.~~

~~(3) The city clerk shall keep a record of all severed development rights identifying such rights, the property from which they were severed and the ownership of such rights from the time they are initially severed through all transfers, sales, conveyances and assignment of such rights until such rights are affixed to an approved receiving site through the process set forth herein.~~

~~d. Recording: Upon recording of both the TDR conservation easement and the order severing development rights, such property rights constitute an interest in real property and may be sold, assigned, transferred, or conveyed. Once severed from the sending site, such development rights may only be sold, assigned, transferred or conveyed with a TDR quitclaim deed and a notice of change in TDR ownership pursuant to a form adopted by resolution of the Ketchum city council. Such TDR quitclaim deed shall specifically describe the property, shall be executed by all lien holders and other parties with an interest of record in any of the affected property and shall be recorded with the Blaine County recorder.~~

~~7. Receiving Site Regulations:~~

~~a. Properties Included: Receiving sites shall include properties in the city of Ketchum where additional building height has been determined by the city council to be advantageous to the city for its strategic community development purposes and acceptable in terms of mass, scale and community character.~~

~~b. Receiving Site Designation Criteria: The community core zoning district is a designated receiving area. A property within the community core zoning~~

~~district may be designated as a receiving site, provided all of the following criteria are met:~~

~~(1) Is not a designated sending site or a designated phase II sending site;~~

~~(2) Is not located in subdistrict D, traditional neighborhood; and~~

~~(3) Is not located adjacent to Main Street, between Second Street and Fourth Street.~~

~~c. Fourth Floor Square Footage: Affixing development rights through the process set forth herein allows the construction of a specified amount of floor area square footage on a fourth floor on a designated receiving site. A fourth floor may only be constructed on a designated receiving site and only through the transfer of development rights, except as provided for hotels.~~

~~d. Market For Development Rights: The market for development rights is unrestricted, and the city shall not prescribe nor guarantee the monetary value of a development right.~~

~~8. Procedure For Affixing Development Rights: The owners of eligible receiving sites desiring to affix development rights to their property shall first file an application with the Ketchum planning department on a form acceptable to the Ketchum planning director. In addition to any other information reasonably required by the Ketchum planning department, such application shall include, without limitation, the following:~~

~~a. Designation: The subject property shall be designated as a receiving site by the city council;~~

~~b. Proof Of Ownership: Proof of ownership of both the receiving site and the transferred development rights;~~

~~(1) The legal description of the receiving site;~~

~~(2) The square footage increase from the allowable floor area (not an absolute total floor area), according to the applicable regulations of the receiving site at the time of building permit application;~~

~~c. Floor Area: The receiving site shall remain subject to amendments to the allowable floor area and eligible for certain floor area incentives and/or~~

~~exemptions as may be authorized by this title, as may be amended from time to time; and~~

~~d. Approval: Upon approval of such application by the Ketchum planning director, the mayor of the city of Ketchum, or designee, shall execute and deliver to the property owner an order affixing development rights which shall be promptly recorded. The square footage increase in development rights is permanently affixed to the receiving site and may be reused only on the receiving site in the event such receiving site is redeveloped.~~

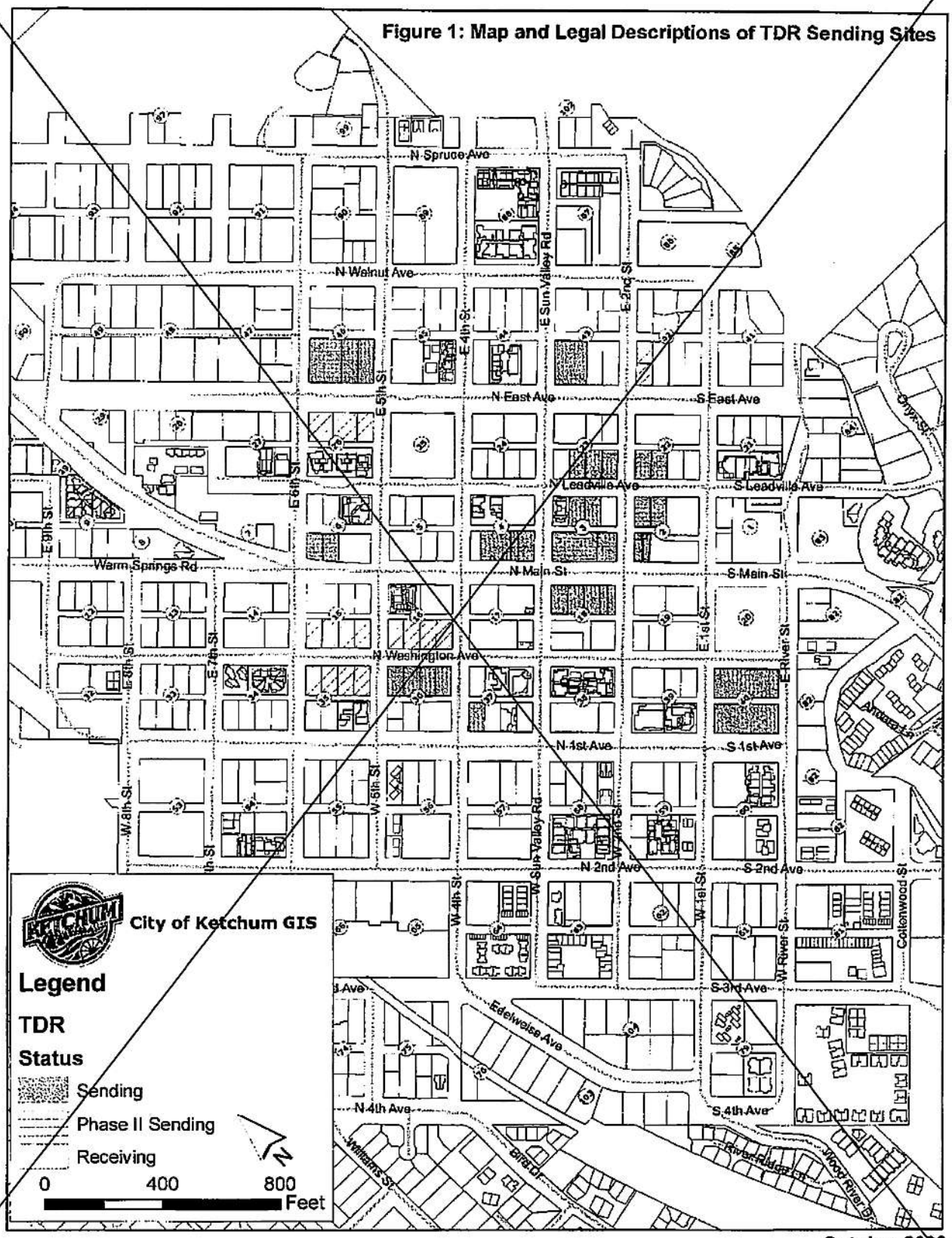
~~9. Combined Parcels With Area Greater Than Original Platted Lot: If two (2) or more original platted town site lots have been combined into a single parcel with an area greater than the original platted town site lot size of five thousand five hundred (5,500) or eight thousand two hundred fifty (8,250) square feet, and a portion(s) of the single parcel contains a designated sending site or receiving site and other portions of the single parcel meet the sending site or receiving site criteria, then these portions of the single parcel shall not be designated separately.~~

~~a. Such a parcel may be subdivided to create separate conforming lots. The resulting lot(s) which meets the receiving site or sending site criteria may be eligible for designation as a receiving site or sending site.~~

~~10. Application Materials: A completed application form for designation, severing, conveying, or affixing of development rights along with the required technical information and plans, as published by the planning director, and appropriate fees shall constitute a complete application for review and decision and shall be filed by the applicant with the Ketchum planning department.~~

~~11. Semiannual Review: A report shall be prepared by staff on a semiannual basis to review and assess the TDR program and make recommended adjustments.~~

~~12. Figure 1, Map And Legal Descriptions Of TDR Sending Sites: (Please note this map has been amended to include the Knob Hill Ride Condominiums – 700 North Leadville south of block 28.)~~



October 2009

~~13. Legal Descriptions Of Sending Sites:~~

~~Address~~	~~Block~~	~~Lot~~	~~Applicable Sending Site Criteria (Subsection Of This Section)~~
~~380 Second St. E., 171 and 171 1/2 Leadville Ave.~~	~~2~~	~~8 and 7~~	~~J5b(1), (2), (4), (5)~~
~~160 N. Main St.~~	~~2~~	~~Lewis Bank Condos~~	~~J5b(1)_(4)~~
~~231 1/2 Leadville Ave. N.~~	~~3~~	~~6~~	~~J5b(1)_(4)~~
~~271 Leadville Ave. N.~~	~~3~~	~~7~~	~~J5b(1)_(4)~~
~~220 N. Main St.~~	~~3~~	~~N 42.5' of lot 2, all of 3 and 4~~	~~J5b(1)_(4)~~
~~280 N. Main St.~~	~~3~~	~~N 42.5' of lot 2, all of 3 and 4~~	~~J5b(1)_(4)~~
~~240 N. Main St.~~	~~3~~	~~N 42.5' of lot 2, all of 3 and 4~~	~~J5b(2)~~
~~260 N. Main St.~~	~~3~~	~~N 42.5' of lot 2, all of 3 and 4~~	~~J5b(2)~~
~~200 N. Main St.~~	~~3~~	~~Lot 1, S 12.5' of lot 2~~	~~J5b(2)~~
~~300 N. Main St.~~	~~4~~	~~1~~	~~J5b(1)_(4)~~
~~320 N. Main St.~~	~~4~~	~~S 25' of lot 2~~	~~J5b(1)_(4)~~
~~340 N. Main St.~~	~~4~~	~~N 30' of lot 2, all of lot 3, S 20' of lot 4~~	~~J5b(2)~~
~~580 N. Main St.~~	~~6~~	~~Lot 6, E 1/2 of lot 4, FR W 1/2 of lot 4~~	~~J5b(3)~~
~~271 Sun Valley Rd.~~	~~17~~	~~SW 23' x 30' of lot 4~~	~~J5b(1)_(4)~~
~~211 N. Main St.~~	~~18~~	~~S 27'4" of lot 4~~	~~J5b(1)_(5)~~
~~231 N. Main St.~~	~~18~~	~~N 27'7.5" of lot 4~~	~~J5b(1)_(4)~~
~~251 N. Main St.~~	~~18~~	~~S 54' of lot 3~~	~~J5b(2)~~
~~271 N. Main St.~~	~~18~~	~~Lot 2 and N 1' of lot 3~~	~~J5b(2)~~
~~291 N. Main St.~~	~~18~~	~~1~~	~~J5b(2)~~
~~180 Leadville Ave.~~	~~22~~	~~4~~	~~J5b(1), (2), (4), (5)~~
~~140 Leadville Ave. N.~~	~~22~~	~~3~~	~~J5b(2)~~
~~200 Leadville Ave.~~	~~23~~	~~1~~	~~J5b(1), (2), (4)~~
~~240 Leadville Ave. N.~~	~~23~~	~~2~~	~~J5b(2)~~

~~260 Leadville Ave.~~	~~23~~	~~3~~	~~J5b(2)~~
~~491 Washington Ave.~~	~~36~~	~~1~~	~~J5b(2)~~
~~471 Washington Ave.~~	~~36~~	~~2~~	~~J5b(2)~~
~~171 4th St. E.~~	~~36~~	~~4~~	~~J5b(2)~~
~~431 Washington Ave.~~	~~36~~	~~3~~	~~J5b(2)~~
~~380 1st Ave.~~	~~37~~	~~5~~	~~J5b(1), (2), (4)~~
~~171 River St. E., 131 River St. E., 180 First St. E., 100 First St. E.~~	~~40~~	~~1, 2, 3, 4, 5, 6, 7, and 8~~ -	~~J5b(1)_(5)~~
~~280 East Ave.~~	~~43~~	~~3 and 4~~	~~J5b(1), (2), (4)~~
~~531 Fifth St. E.~~	~~46~~	~~1~~	~~J5b(1), (2), (3)~~
~~560 East Ave.~~	~~46~~	~~3~~	~~J5b(1), (2), (4)~~
~~520 East Ave.~~	~~46~~	~~2~~	~~J5b(1), (2), (4)~~
~~591 N. East Ave.~~	~~26~~	~~Lot 8 and N $^{1}/_{2}$ of lot 7~~ -	~~J5b(2)~~
~~531 N. East Ave.~~	~~26~~	~~Lot 6 and S $^{1}/_{2}$ of lot 7~~	~~J5b(2)~~
~~511 N. East Ave.~~	~~26~~	~~Lot 5~~	~~J5b(2)~~
~~200 E. 6th St.~~	~~15~~	~~Lot 5~~	~~J5b(2)~~
~~560 N. Washington Ave.~~	~~15~~	~~Lot 6~~	~~J5b(2)~~
~~520 N. Washington Ave.~~	~~15~~	~~Lot 7~~	~~J5b(2)~~
~~500 N. Washington Ave.~~	~~15~~	~~Lot 8~~	~~J5b(2)~~
~~480 N. Washington Ave.~~	~~16~~	~~Lot 5~~	~~J5b(2)~~
~~460 N. Washington Ave.~~	~~16~~	~~Lot 6~~	~~J5b(2)~~
~~440 N. Washington Ave.~~	~~16~~	~~Lot 7~~	~~J5b(2)~~
~~211 E. 4th St.~~	~~16~~	~~Lot 8~~	~~J5b(2)~~
~~591 N. Washington Ave.~~	~~35~~	~~Lot 1~~	~~J5b(2)~~
~~571 N. Washington Ave.~~	~~35~~	~~Lot 2~~	~~J5b(2)~~
~~531 N. Washington Ave.~~	~~35~~	~~Lot 3~~	~~J5b(2)~~
~~191 E. 5th St.~~	~~35~~	~~Lot 4~~	~~J5b(2)~~
~~520 E. 2nd St.~~	~~42~~	~~E 75' x 55' of lot 4~~	~~J5b(2)~~

~~14. Conflicting Provisions: If there are any inconsistencies between the legal descriptions of the TDR sending sites and the map of the TDR sending sites, the legal descriptions control.~~

SECTION 4. CHAPTER 17.64 COMMUNITY CORE DISTRICT (CC), Section 17.64.010.I.1 reference to transfer of development rights to be amended by deleting therefrom the stricken language hereinbelow, to wit:

I. Hotel Uses:

1. ~~Transfer of Development Rights:~~ Hotels may build a fourth floor. ~~anywhere in designated receiving areas, as may be adopted by the city council, without purchase of transfer of development rights.~~ If a site meets the criteria for five-story hotel site designation, ~~the~~ a fifth floor may be built ~~without the purchase of transfer of development rights~~. Five-story hotels may only be approved via a planned unit development (PUD) as outlined in Chapter 16.08 of this code. However, with the exception of limited architectural elements, hotel projects may not request waivers to the ~~height and bulk requirements~~ mass and height specifications of subsection ~~L1f~~ L 1 F of this section, building type 6 hotel.

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.

(2) Is highly visible to visitors.

(3) Is convenient to walk to retail center.

(4) Is near the center town plaza, Main Street and Sun Valley Road.

(5) Contributes to the retail vibrancy.

(6) Is not located on Main Street between First Street and Sixth Street.

(7) Has a minimum lot area of thirty three thousand (33,000) square feet.

(8) Respects the general parameters of any massing studies which may be applicable in the area.

SECTION 5. CHAPTER 17.64 COMMUNITY CORE DISTRICT (CC), Section 17.64.010.L.4.c.D.1, 17.64.010.L.5.c.D.1, 17.64.010.L.6.c.D.1, 17.64.010.L.8.c.D.1, reference to transfer of development rights to be amended by deleting therefrom the stricken language hereinbelow, to wit:

D. Maximum number of floors: 3.

1. *A fourth floor is permitted ~~with transfer of development rights or~~ if all uses above the ground floor are exclusively affordable residential units.*

2. *On streets and avenues the fourth floor shall be set back from the property line a minimum of 10 feet with an average of 15 feet. The average setback shall be calculated based on the built portion of the fourth floor facade and shall be calculated for each street or avenue elevation; the calculation of the average setback is not cumulative. In addition to the minimum and average setback requirement from the property line, the fourth floor shall be set back a minimum of 5 feet from the facade of the third floor.*

SECTION 6. CHAPTER 17.64 COMMUNITY CORE DISTRICT (CC), Section 17.64.010.L.7 Building Type 4: Multi-family home, to be amended by by deleting therefrom the stricken language and adding thereto the underlined language hereinbelow, to wit:

7. *Building Type 4: Multi-family home:*

   a. *Applicable Subdistricts: C & D*

SECTION 7. CHAPTER 17.64 COMMUNITY CORE DISTRICT (CC), Section 17.64.020.U.1.e, to be amended by deleting therefrom the stricken language hereinbelow, to wit:

e. *Plazas, pedestrian walkways, and courtyards that are paved shall be ~~heated to melt snow and~~ kept clear of snow and ice to ensure that the space is usable throughout the year.*

SECTION 8. CHAPTER 17.136 NONCONFORMING USES AND NONCONFORMING BUILDINGS, 17.136.040: Abandonment of Use, be amended by deleting therefrom the stricken language and adding thereto the underlined language hereinbelow, to wit:

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 (10) 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 Section A 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 Section A are not applicable: If active and continuous operations are not carried on in a nonconforming use during a continuous period of six (6) 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.

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

SECTION 12. PUBLICATION. This Ordinance, or a summary thereof in compliance with Section 50-901A, Idaho Code, substantially in the form annexed hereto as Exhibit A, shall be published once in the official newspaper of the City, and shall take effect immediately upon its passage, approval and publication.

SECTION 13. EFFECTIVE DATE. This Ordinance shall be in full force and effect upon the date if its publication as provided by law which is September 11, 2013.

PASSED BY THE CITY COUNCIL OF THE CITY OF KETCHUM, IDAHO, and approved by the Mayor this 3rd day of September, 2013.

Randy Hall, Mayor

ATTEST:

Sandra E. Cady, CMC
City Treasurer/Clerk