

ORDINANCE NO. 1117

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, AMENDING TITLE 17, CHAPTER 17.64.010, COMMUNITY CORE DISTRICT, (C) EXCEPTIONS, AMENDING LANGUAGE TO ALLOW FOR EXCEPTIONS TO BE ALLOWED BY THE PLANNING AND ZONING COMMISSION IN THE DESIGN REGULATIONS, AND (H) FLOOR AREA RATIO AMENDING LANGUAGE PERTAINING TO ALLOWABLE FLOOR AREA RATIOS AS IT RELATES TO THE COMMUNITY HOUSING INCENTIVE AND; 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 clarify language in the Ketchum Zoning Code and to allow for development in the Commercial Core District that will implement the goals of the Ketchum Comprehensive Plan; and,

WHEREAS, the Planning and Zoning Commission considered these text amendments in a work session on March 24, 2014; and,

WHEREAS, the Planning and Zoning Commission held a public hearing on this matter on May 28, 2014 and unanimously recommended approval to the City Council; and,

WHEREAS, the City Council conducted a first reading and public hearing on May 19, 2014, a second reading June 2, 2014, and a third reading on June 16, 2014, on this matter in accordance with the provisions of the Ketchum Municipal Code and Idaho Statutes.

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

SECTION 1. Commercial Core District, Section 17.64.010.C Exceptions, be amended by deleting therefrom the stricken language and adding the underlined language herein below, to wit:

C. Exceptions: The purpose of an exception is to allow for a degree of design flexibility within the community core district. Exceptions may be allowed only to only the design regulation provisions included in Sections 17. 64.010.L and 17.64.020 of this chapter may be requested by an applicant at the time of during evaluation of the design review application. An exception may be granted by the Planning and Zoning Commission upon finding that # all of the following criteria are met:

1. The granting of an exception will not be for detrimental to the public good.
2. The granting of an exception will not be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.

3. The granting of the exception will not be detrimental or injurious to property or to the general welfare of the city.

4. The exception is to architectural design elements and is not an exception to other development standards such as building height, setbacks, floor area ratio; to any use requirements or restrictions; or to any life safety requirement.

SECTION 2. Commercial Core District, Section 17.64.010.H Maximum Floor Area Ratio, be amended by deleting therefrom the stricken language and adding underlined language herein below, to wit:

H. Maximum Floor Area Ratio:

1. Generally: All new buildings and alterations or additions to existing buildings shall be subject to the maximum floor area ratio described as follows:

	<u>Permitted</u>	<u>Community Housing Incentive</u>
Gross FAR	1.0	2.25

2. Floor Area Ratio (FAR) Community Housing Incentive: An increased FAR above 1.0 ~~for providing community housing units~~ may be permitted up to a maximum of 2.25, subject to design review approval and other applicable development processes or standards within this code, ~~and provided that all of the following conditions are met:~~ and in accordance with the following provisions.

a. Twenty percent (20%) of the total gross floor area of the building, ~~minus any ground floor retail trade, ground floor retail service, ground floor professional service, and ground floor public/semipublic uses, in excess of 1.0 FAR~~, is deed restricted in perpetuity as community housing unit(s), pursuant to the definition in Section 17.08.020 of this title. Of the gross square footage of community housing required, a fifteen percent (15%) reduction will be allowed as a standard discount from the gross square footage required to determine net livable square footage of the community housing units.

b. The maximum floor area incentive applies to buildings up to three stories ~~buildings 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% community housing project, etc.). The fourth floor of buildings may exceed the 2.25 FAR maximum.~~ For hotel uses, community housing calculations apply to those all portions of the hotel development except the hotel units, which are addressed pursuant to Employee Housing, 17.64.010.I, Hotel Uses.

- c. ~~Half of the~~ The required community housing units shall be generally targeted for income categories 4 and 6, with an average of category 5, and half of the required community housing units shall be within income categories 7 and above, with an average of category 8. The applicant and city may seek the recommendation of the governing housing authority in the determination of an alternative category when the category is proposed as something other than category 4 and the planning and zoning commission may allow such alternative category. 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 Guidelines" as adopted by the city council.
- d. ~~Of the gross square footage of community housing required, a fifteen percent (15%) reduction will be allowed as a standard discount from the gross square footage required to net livable square footage of the community housing units.~~
- e. ~~For hotel developments, community housing calculations apply to all residential units. However, one hundred percent (100%) 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, provided the project obtains a complete building permit prior to June 1, 2012, and so long as the property is maintained appropriately as directed by staff and/or city council.~~
- f. ~~The developer has the option of providing a full housing unit rather than or paying the a fee in lieu for the required community housing square footage. The fee due to the city is calculated based on the total square footage or fraction thereof required multiplied by the adopted in lieu fee. (The in lieu fee is adopted yearly by the City of Ketchum.) If any fraction of community housing requirements may be paid via a fee in lieu of housing, 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. or working with the city or other nonprofit entity to purchase the balance of the community housing unit with additional funds.~~
- g. ~~f~~ All community housing units, either for sale or rental, shall be administered by the governing housing authority. All housing that is provided shall meet with the adopted guidelines of the governing housing authority. The governing housing authority shall recommend the types, locations and categories of all proposed community housing units for approval by the city. The city council may approve alternatives to the administration of units at their discretion.
- h. ~~g~~ The city's primary goal is to see the development of and encourage the construction of whole community housing units, but realizes that other options will also move the city closer to its goal of housing the workforce. 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 of constructing a complete community housing unit or provide other considerations as the city council deems appropriate. The city council has full discretionary power to determine said request.~~ 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.

h. In addition to those outright options noted above in (g), 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
3. Other proposals and options as approved by the city council.

SECTION 3. 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 4. 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 5. REPEALER CLAUSE. All City of Ketchum code sections, ordinances or resolutions or parts thereof, which are in conflict herewith are hereby repealed.

SECTION 6. 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 7. EFFECTIVE DATE. This Ordinance shall be in full force and effect upon the date of its publication as provided by law which is June 25, 2014.

PASSED BY THE CITY COUNCIL OF THE CITY OF KETCHUM, IDAHO, and approved by the Mayor this 16th day of June, 2014.



Nina Jonas, Mayor

ATTEST:


Sandra E. Cady, CMC
City Treasurer/Clerk



