

ORDINANCE NO. 1174

AN ORDINANCE OF THE CITY OF KETCHUM, BLAINE COUNTY, IDAHO AMENDING TITLE 17, THE ZONING ORDINANCE, OF THE KETCHUM MUNICIPAL CODE BY AMENDING SECTION 17.12.020, DISTRICT USE MATRIX; SECTION 17.08.020, TERMS DEFINED; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR PUBLICATION BY SUMMARY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Ketchum is authorized to amend the city zoning ordinance pursuant to Idaho Code § 67-6511; and

WHEREAS, motor vehicle fueling stations generate a high volume of vehicle trips; and

WHEREAS, motor vehicle fueling stations with accessory retail sale of items of convenience to the motoring public generate an even higher volume of vehicle trips; and

WHEREAS, where Highway 75/Main Street in Ketchum, Idaho is adjacent to the zoning districts where motor vehicle fueling stations are permitted has only two lanes of vehicular travel, and lacks bicycle lanes and adequate pedestrian facilities; and

WHEREAS, Goal M-3 of the 2014 Comprehensive Plan is to monitor and manage traffic volumes and Policy M-3.2 Roadway Safety states, "The City will strive to maintain an acceptable level of service for roads, which will generally place a priority on pedestrian, bicycle and vehicle safety"; and

WHEREAS, Prohibiting vehicular access from Highway 75/Main Street supports Goal M-3 and Policy M-3.2 of the 2014 Comprehensive Plan; and

WHEREAS, Goal NR-6 of the 2014 Comprehensive Plan is to promote and support energy conservation and reduction of greenhouse gasses and Goal CHW-6 is to reduce generation of air pollutants and noise; and

WHEREAS, defining Electric Vehicle Charging Station as a use in the zoning code and permitting Electric Vehicle Charging Stations as an accessory use in all zoning districts supports Goal NR-6 and Goal CHW-6 of the 2014 Comprehensive Plan; and

WHEREAS, the Ketchum City Council, having reviewed the proposed text amendments, held public hearings on July 3rd, 2017 and found that the request, on the whole, was in compliance with the 2014 Comprehensive Plan; and

WHEREAS, the Ketchum City Council having considered the recommendation of the Planning and Zoning Commission and submitted comments and testimony from the public, having determined that it is in the best interests of the public and adopt the proposed text amendments to Title 17, Zoning Ordinance;

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

Section 1: AMENDMENTS TO SECTION 17.12.020, DISTRICT USE MATRIX. That Title 17 of the Ketchum Municipal Code be amended to add a new footnote and use to Section 17.12.020, District Use Matrix, as attached and incorporated as Exhibit A to this Ordinance.

Section 2: AMENDMENTS TO SECTION 17.08.020, TERMS DEFINED. That Title 17 of the Ketchum Municipal Code be amended to add a new definition, electric vehicle charging station, and to amend the existing definition of motor vehicle fueling station to Section 17.08.020, Terms Defined, as attached and incorporated as Exhibit B to this Ordinance.

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: REPEALER CLAUSE. All City of Ketchum Ordinances or parts thereof which are in conflict herewith are hereby repealed.

Section 5: PUBLICATION. This Ordinance, or a summary thereof in compliance with Section 50-901A, Idaho Code, substantially in the form annexed hereto as Exhibit C, shall be published once in the official newspaper of the City, and shall take effect immediately upon its passage, approval, and publication.

Section 6: EFFECTIVE DATE. This Ordinance shall be in full force and effect after its passage, approval and publication, according to law.

PASSED BY the CITY COUNCIL and APPROVED by the MAYOR of Ketchum, Idaho, on this 3rd day of July, 2017.

APPROVED BY the Mayor of the City of Ketchum, Idaho, this 3rd day of July, 2017.

APPROVED:


Nina Bonas, Mayor

ATTEST:

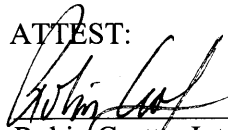

Robin Crotty, Interim City Clerk

EXHIBIT A

17.12.020: DISTRICT USE MATRIX:

"P" = PERMITTED "C" = CONDITIONAL "A" = ACCESSORY

DISTRICT USE MATRIX

DISTRICT USES		L	L	L	G	G	S	S	S	T	T	C	C	C	C	L	L	L	R	A	
		R	R	R	R	R	O	O	O	T	T	SD	SD	SD	SD	I	I	I	U	F	
RES.	Dwelling, Multi-family				P ¹	P			P	P	P	P	P ²⁶	P ²⁶	P	P	C ¹⁴	C ¹⁴	C ¹⁴	C ¹⁹	
	Dwelling, One-Family	P	P	P	P ²	P	P	P	P	P	P	P	See Note 28	See Note 28	See Note 28	See Note 28				C ¹⁹	P
	Residential Care Facility	P ⁴	P ⁴	P ⁴	P ⁴	P ⁴	P ⁴	P ⁴	P ⁴	P ⁴	P ⁴	P ⁴	P ²⁶	P ²⁶	P	P					
COMMERCIAL	Agriculture, Commercial																				P
	Adult Only Business																	P			
	Business Support Service												P	P	P	P ²⁷	P	P			
	Convenience Store									P			P	P	P		P ¹²	P ¹⁶			
	Daycare Center				C ⁴	C ⁴				P ⁴	P ⁴	P ⁴	P	P	P		C ¹⁷		C ¹⁷		
	Daycare Facility				C ⁴	P ⁴			C ⁴	P ⁴	P ⁴	P ⁴					C ¹⁷		C ¹⁷	P ⁴	
	Drive-Through Facility												P ⁹	P ⁹	P ⁹						
	Equestrian Facility									P	P ⁶	P ⁶	P	P	P		PC ¹⁵	PC ¹⁵		C	C
	Food Service																				C ²⁹
	Golf Course	P	P	P	P	P	P	P	P	P	P	P									C
	Grocery Store												P	P	P						
	Health and Fitness Facility									P			P	P	P		C	C			
	Hotel									P ²⁵	P ²⁵	P ²⁵	P ²⁵	P ²⁵							
	Hybrid Production Facility												P	P	P		P	P			
	Instructional Service												P	P	P		P	P			
	Kennel, Boarding																P	P			
	Laundry, Industrial																P	P			
	Lodging Establishment									P	P	P	P	P							
	Maintenance Service Facility																P	P			C
	Manufacturing																P	P			
	Mortuary												C	C	C						
	Motor Vehicle Fueling Station																C ³⁰	C ³⁰			
	Motor Vehicle Sales																C	C			
	Motor Vehicle Service																P	P			
	Office, Business									C			P ¹⁰	P	P	P ²⁴			P		
	Outdoor Entertainment									P	P	P	P	P	P						
	Personal Service									P	P ⁶	P ⁶	P	P	P		P ¹³				
	Professional Service																P	P			
	Recreation Facility, Commercial									C	C	C	P ²⁰	P ²⁰	P ²⁰					C	
	Repair Shop									P	P ⁶	P ⁶	P	P	P		P	P			
	Retail Trade									P ⁵			P	P	P		P ¹²	P ¹⁶		C ²⁹	
	Self-Service Storage Facility																P	P			
	Ski Facility									C	C	C								C	C
	Storage Yard																P	P			
	Studio, Commercial												P	P	P		P	P	P		
	Tourist House									P	P	P	P ¹¹	P ¹¹	P ¹¹	P ¹¹					
Tourist Housing Accommodation						P	P	P	P	P	P										
Truck Terminal																P	P				
TV and Radio Broadcasting Station																P	P	P			
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	C ²³	C ²³	C ²³	C ²³	C ²³	C ²³	C ²³	C ²³	C ²³	C ²³	
INSTITUTIONAL	Assembly, Place of				C ³	C ³							C	C	C						
	Cemetery																			C	C
	Cultural Facility												P	P	P					C	
	Geothermal Utility											C ⁷									
	Hospital												C	C	C						
	Medical Care Facility					C				P			P	P	P						
	Nature Preserve	P	P	P	P	P	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	C						

DISTRICT USES		L	L	L	G	G	S	S	S	T	T	C	C	C	C	L	L	L	R	A	
		R	1	2	L	H	O	O	O	T	T	SD	SD	SD	SD	I	I	I	U	F	
PUBLIC & I	Parking, Shared										C ⁸	C ⁸	C ⁸	P ⁸	P ⁸	P ⁸	P ⁸				
	Performing Arts Production													P	P	P					C
	Public Use	C	C	C	C	C	C	C	C	C	C	C	C	P	P	P	C	C	C	C	C
	Public Utility	P	P	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	P	P	P	P	P
	Recycling Center																		P		
	Semi-Public Use						C				C	C	C	P	P	P					C
ACCESSORY	Agriculture, Urban	A ²²	A ²²	A ²²	A ²²	A ²²	A ²²	A ²²	A ²²	A ²²	A ²²	A ²²	A ²²	A ²²	A ²²	A ²²	A ²²	A ²²	A ²²	A ²²	
	Daycare Home	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	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	A ¹⁸	A ¹⁸	A ¹⁸	A ¹⁸	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	A	A
	Energy System, Solar	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
	Energy System, Wind	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
	Fallout Shelter	A	A	A	A	A	A	A	A	A	A	A									A
	Guesthouse	A	A	A	A	A	A	A	A	A	A	A									
	Home Occupation	A	A	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	A	A	A	A		
	Equestrian Facility, Residential	A	A	A	A	A	A	A	A	A	A	A									A
	Sawmill, Temporary																				C

- A multi-family development containing up to two (2) dwelling units is permitted.
- Two (2) one-family dwellings are permitted.
- Religious institutions are allowed through the provision of a conditional use permit. No other assembly uses as defined in Chapter 17.08 are permitted.
- Use is not permitted in the Avalanche Zone. Reference Zoning Map.
- Retail trade is permitted but must not exceed 2,500 square feet.
- Uses must be subordinate to and operated within tourist housing and not to exceed ten percent (10%) of the gross floor area of the tourist housing facility.
- Utility for offsite use.
- See section 17.125.070 for shared parking standards.
- Drive-throughs are not allowed in association with food service establishments.
- This is a permitted use, however offices and professional services on the ground floor with street frontage require a conditional use permit.
- Tourist houses shall only be located in existing one-family dwellings. Additions to the home shall not exceed 20 percent (20%) of the existing square footage.
- 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% 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.
- Personal service is not allowed except for laundromats and dry cleaning establishments.
- See section 17.124.090 of this title for industrial districts residential development standards.
- 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.
- 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% gross floor area or 900 square feet, whichever is less; (d) Other retail in conjunction with manufacturing, warehousing or wholesaling; it is limited to 10% gross floor area or 500 square feet, whichever is less. ---- Retail uses (c) & (d) 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.
- See section 17.124.120.C of this title for industrial districts daycare development standards.
- See section 17.124.070 of this title for accessory dwelling unit development standards.
- A maximum of five (5) 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.
- Indoor only.
- Only allowed in conjunction with an equestrian facility.
- See section 17.124.080 of this title for urban agriculture development
- See chapter 17.140 for wireless communications facility provisions.
- Allowed on the ground floor only.
- See section 17.124.050 of this title for hotel development standards.
- Ground floor street frontage uses are limited to retail and/or office uses. In subdistrict A office uses require a conditional use permit.
- Ground floor only.
- Through the provision of a conditional use permit, the planning and zoning commission may approve a 20% increase to the total existing square footage of an existing nonconforming one-family dwelling.
- Use is allowed as an accessory use through the provision of a conditional use permit.
30. Vehicular access from Highway 75 to motor vehicle fueling stations is prohibited.

EXHIBIT B

17.08.020 TERMS DEFINED:

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.

ELECTRIC VEHICLE CHARGING STATION: Electric vehicle charging station means 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.

EXHIBIT C

PUBLICATION OF SUMMARY OF ORDINANCE NO. 1174

AN ORDINANCE OF THE CITY OF KETCHUM, BLAINE COUNTY, IDAHO AMENDING TITLE 17, THE ZONING ORDINANCE, OF THE KETCHUM MUNICIPAL CODE BY AMENDING SECTION 17.12.020, DISTRICT USE MATRIX; SECTION 17.08.020, TERMS DEFINED; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR PUBLICATION BY SUMMARY, AND PROVIDING AN EFFECTIVE DATE.

A summary of the principal provisions of Ordinance No. 1174 of the City of Ketchum, Blaine County, Idaho, adopted on July 3, 2017, is as follows:

- SECTION 1.** Amends Section 17.12.020, District Use Matrix, to prohibit vehicular access from Highway 75 to motor vehicle fueling stations and to add Electric Vehicle Charging Stations as a permitted accessory use in all zones.
- SECTION 2.** Amends Section 17.08.020, Terms Defined, to add a new definition for Electric Vehicle Charging Station and to amend the definition of Motor Vehicle Fueling Station to clarify that Electric Vehicle Charging Stations are permitted in association with motor vehicle charging stations.
- SECTION 3.** Provides for a savings and severability clause.
- SECTION 4.** Provides for a repealer clause.
- SECTION 5.** Provides for publication of this Ordinance by Summary.
- SECTION 6.** Establishes an effective date.

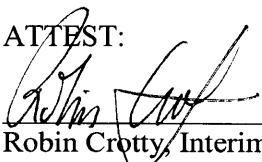
The full text of this Ordinance is available at the City Clerk's Office, Ketchum City Hall, 480 East Avenue North, Ketchum, Idaho 83340 and will be provided to any citizen upon personal request during normal office hours.

APPROVED:



Nina Jonas, Mayor

ATTEST:



Robin Crotty, Interim City Clerk