

ORDINANCE NO. 1184

AN ORDINANCE OF THE CITY OF KETCHUM, BLAINE COUNTY, IDAHO, AMENDING TITLE 17, THE ZONING ORDINANCE, OF THE KETCHUM MUNICIPAL CODE BY AMENDING CHAPTER 17.08, DEFINITIONS; CHAPTER 17.124 DEVELOPMENT STANDARDS, PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS AND SEVERABILITY 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, Title 17, Zoning, of the Ketchum Municipal Code contains regulations related to short-term rentals; and

WHEREAS, on April 4, 2017 Idaho Governor Butch Otter signed the Short-term Rental and Vacation Rental Act into law with an effective date of January 1, 2018 and the law conflicts with, but supersedes, local zoning regulations; and

WHEREAS, the City finds it necessary to amend the local zoning code to bring the City of Ketchum's regulations into alignment with the Short-term Rental and Vacation Rental Act; and

WHEREAS, the Planning and Zoning Commission held public hearings on the proposed zoning code text amendments on March 12th and March 27th, 2018, recommending approval of the amendments on March 27th, 2018; and

WHEREAS, the Ketchum City Council, having reviewed the proposed text amendments, held public hearings on June 4th and June 18th, 2018 found that the proposed amendments comply 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: SECTION 17.08.020 TERMS DEFINED IS HEREBY AMENDED AS FOLLOWS:

TOURIST HOUSE: A building in which the proprietor resides and does not contain more than eight (8) guestrooms available for short term rental, and may provide daily meals to guests.

TOURIST HOUSING ACCOMMODATION: The lease, rental or use of a dwelling unit for short term or timeshare rental.

SHORT TERM RENTAL: The rental or lease of any unit or structure or portion for a period of not more than thirty (30) days. See definition of Tourist Housing Accommodation.

Section 2: SECTION 17.124.070 ACCESSORY DWELLING UNITS IS HEREBY AMENDED AS FOLLOWS:

17.124.070 E. Storage: Designated storage shall be provided for all accessory dwelling units.

17.124.070 F. [REPEALED]

Section 3: SECTION 17.124.090 RESIDENTIAL, LIGHT INDUSTRIAL DISTRICTS IS HEREBY AMENDED AS FOLLOWS:

A. Residential units in the light industrial districts shall comply with the following minimum criteria:

1. Dwelling units shall not occupy the ground floor.
2. Design review under chapter 17.96 of this title shall be required whether new building, addition to existing building or remodel of existing building.
3. Up to fifty percent (50%) of any light industrial building may be devoted to dwelling units, unless otherwise specified in the section.
4. Dwelling units shall not be separated in any manner for sale as individual units.
5. Dwelling units shall be a minimum of four hundred (400) square feet and shall not exceed one thousand (1,000) square feet total and shall contain not more than two (2) bedrooms, unless otherwise specified in this section.
6. The applicant is aware the mixed use of the property can result in conflict, that the light industrial use may on occasion or in certain respects be incompatible with the quiet enjoyment of the dwelling units, that due to the subordinate and junior nature of the residential use to the light industrial use, the city will not condition, limit, restrict or otherwise interfere with any lawful light industrial use solely because it interferes with a residential use.
7. All persons who rent or sublet any residential living unit within the light industrial zones shall provide the tenant, lessee or subtenant with written notice that such unit is located within the light industrial zone and, as such, is junior and, therefore, subordinate in nature to all legal light industrial activities.
8. Each and every real estate agent, sales person and broker and each and every private party who offers for rent or shows a parcel of real property and/or structure for lease or rent within such light industrial zones shall, upon first inquiry, provide the prospective lessee or tenant, prior to viewing such real property, with written notice that such real property and/or structure is located within such light industrial zone.
9. All brochures and other printed materials advertising rental or lease of a living unit within the light industrial zones shall contain a provision designating that such unit or units are located within the light industrial zone and are within a mixed use area. Lessees and tenants shall be notified that the residential uses within the light industrial zone are subordinate and, therefore, junior in nature to the legal light industrial activities within the zone.

10. Conditions including, but not limited to, the following may be attached to the conditional use permit approval:

- a. Access to the apartments relative to design and relationship to light industrial uses;
- b. Location of residential and light industrial parking on the site;
- c. Restrictions on exterior storage of personal property of tenants;
- d. Certificate of occupancy required prior to occupancy of units;
- e. Ketchum fire department and Ketchum building department requirements shall be met prior to occupancy;
- f. Snow removal required to ensure utility of residential spaces;
- g. Any portion or all waived fees become due and payable upon conversion of resident housing unit(s) to light industrial uses; and/or
- h. Any other condition deemed to enhance the purposes under this use, or to establish or promote the criteria referenced in subsections A1 through A9 of this section.

11. The city council, after receiving a recommendation from the commission, may waive fees otherwise required in connection with development of such rental housing. The following findings shall be made to waive any such fees:

- a. There is a need for rental housing stock in Ketchum;
- b. The proposal meets the criteria contained in this subsection;
- c. The housing proposed is an integral part of the project; and/or
- d. Ketchum is in an acceptable financial position to waive such fees.

B. Residential units in the light industrial number 3 district (LI-3), in addition to compliance with the criteria of subsection A of this section, shall comply with the following minimum criteria:

1. A minimum of one-third (1/3) of the total square footage of housing units shall be deed restricted community housing units;
2. Deed restricted community housing units shall be designed and administered in accordance with the Blaine-Ketchum housing authority guidelines;
3. The area designated as commercial LI-3 use shall be a minimum of thirty four percent (34%) of the total floor area. Said commercial light industrial use shall not be for personal storage by dwelling occupants; and
4. Up to sixty six percent (66%) of any building may be devoted to dwelling units.
5. Dwelling units shall be a minimum of four hundred (400) square feet and shall not exceed one thousand four hundred (1,400) square feet total and shall contain not more than three (3) bedrooms.

C. School residential campus in the light industrial 3 district (LI-3), shall comply with the following minimum criteria in lieu of the requirements of subsections A and B of this section:

1. Square footage of the building dedicated for residential use, including dormitory and employee housing units and common bathrooms and showers but excluding the common kitchen and circulation areas, shall be less than fifty percent (50%) of the total square footage of the building including any basement area.
2. Dwelling units to be occupied by employees of the institution may be located on the ground floor, subject to the terms of the development agreement. Dormitory units shall not be located on the ground floor.
3. Dormitory units may be developed, sized and changed over time as deemed appropriate for occupancy by two (2) or more persons each.
4. Dormitory bathrooms are to be clustered for use by occupants of dormitories.

5. Dormitory kitchen and dining spaces are to be designed to be used in common by occupants.
6. Design review under chapter 17.96 of this title shall be required for a new building, addition to existing building or remodel of the exterior of an existing building.
7. Employee housing units shall not be separated in any manner for sale as individual units.
8. All residential units can be used for occasional use by other nonprofit organizations.
9. Employee housing units shall be a minimum of four hundred (400) square feet and shall not exceed one thousand four hundred (1,400) square feet total and shall contain not more than three (3) bedrooms.
10. The applicant is aware the mixed use of the property can result in conflict, that the light industrial use may on occasion or in certain respects be incompatible with the quiet enjoyment of the dwelling units, that due to the subordinate and junior nature of the residential use to the light industrial use, the city will not condition, limit, restrict or otherwise interfere with any lawful light industrial use solely because it interferes with a residential use.
11. The institution that provides living space within the mixed use building in the light industrial 3 district (LI-3) shall provide the tenant, lessee or subtenant with written notice that such unit is located within the light industrial zone and, as such, is junior and, therefore, subordinate in nature to all legal light industrial activities.
12. Conditions including, but not limited to, the following may be attached to the development agreement:
 - a. Restrictions on exterior storage of personal property of occupants;
 - b. Certificate of occupancy required prior to occupancy of dormitory rooms and living units;
 - c. Ketchum fire department and Ketchum building department requirements shall be met prior to occupancy;
 - d. Snow removal required to ensure utility of parking spaces;
 - e. Any other condition deemed to enhance the purposes under this use, or to establish or promote the criteria referenced in subsections C1 through C12 of this section, or to promote the public health, safety and welfare. (Ord. 1150, 2016: Ord. 1135, 2015)

Section 4. REPEALER CLAUSE. All City of Ketchum Ordinances or parts thereof which are in conflict herewith are hereby repealed.

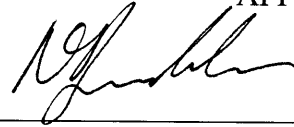
Section 5. SAVINGS AND SEVERABILITY CLAUSE. It is hereby declared to be the legislative intent that the provisions and parts of this Ordinance shall be severable. If any paragraph, part, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid for any reason by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 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 after its passage, approval and publication according to law.

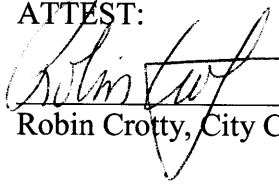
PASSED by the CITY COUNCIL and APPROVED by the MAYOR of Ketchum, Idaho on June 18, 2018.

APPROVED:

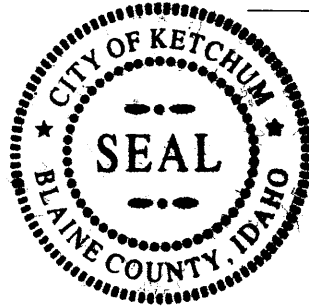


Neil Bradshaw, Mayor

ATTEST:



Robin Crotty, City Clerk



PUBLICATION SUMMARY OF ORDINANCE NO. 1184

AN ORDINANCE OF THE CITY OF KETCHUM, BLAINE COUNTY, IDAHO, AMENDING TITLE 17, THE ZONING ORDINANCE, OF THE KETCHUM MUNICIPAL CODE BY AMENDING CHAPTER 17.08, DEFINITIONS; CHAPTER 17.124 DEVELOPMENT STANDARDS, PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION BY SUMMARY; AND PROVIDING AN EFFECTIVE DATE.

A summary of the principal provisions of Ordinance No. 1184 of the City of Ketchum, Blaine County, Idaho, adopted on June 18, 2018, is as follows:

- SECTION 1.** Amends Section 17.08.020, Terms Defined, to change references to ‘short-term occupancy’ to ‘short-term rental’.
- SECTION 2.** Amends Section 17.124.070, Accessory Dwelling Units, to repeal the regulation that Accessory Dwelling Units be rented on a long-term basis.
- SECTION 3.** Amends Section 17.124.090, Residential, Light Industrial Districts, to repeal all regulations requiring long-term rental of dwelling units.
- SECTION 4.** Provides for a repealer clause.
- SECTION 5.** Provides a savings and severability clause.
- SECTION 6** Provides for publication of this Ordinance by Summary.
- SECTION 7.** 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:



Neil Bradshaw, Mayor

ATTEST:



Robin Crotty, City Clerk

