

ORDINANCE NO. 1189

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 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, the 2014 Comprehensive Plan enumerates a vision to “Discourage commercial strip development and keep key commercial needs concentrated in the downtown”; and

WHEREAS, the 2014 Comprehensive Plan enumerates a vision to “Encourage new development to be designed to fit in with Ketchum’s character as a small mountain town” that is further defined with Goal CD-1: “Our community will preserve its small-town character and the distinct image of neighborhoods and districts”; and

WHEREAS, the 2014 Comprehensive Plan designates a Future Land Use for Community Core Subdistrict D that conflicts with the uses currently permitted in Subdistrict D; and

WHEREAS, the 2014 Comprehensive Plan documents citizens’ concerns to “support a balance to ensure the right blend of building types to maintain Ketchum’s small-town character”; and

WHEREAS, the Ketchum City Council, having reviewed the proposed text amendments, held public hearings on August 6th, August 20th, and September 4th, 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: AMENDMENTS TO SECTION 17.12.020 DISTRICT USE MATRIX. That Title 17 of the Ketchum Municipal Code be amended with a revised Section 17.12.020 as attached and incorporated as Exhibit A to this Ordinance.

Section 2: AMENDMENTS TO SECTION 17.08.020 TERMS DEFINED. That Section 17.08.020, Terms Defined, is amended as follows:

RETAIL TRADE: An establishment which provides the final step in the retailing process for the distribution of goods and commodities to customers. Retailers are organized to sell or rent merchandise in small quantities to the general public and operate a fixed point of sale location designed to attract a high volume of walk-in customers. Typical uses include, but are not limited to, grocery stores, establishments selling office supplies and equipment, building materials, plumbing supply, antiques or consignment items, home improvement and garden supplies, books and educational material, clothing, sporting goods, pharmaceuticals, medical devices, health and fitness supplies, art and associated material and household pet supplies. Motor vehicle sales are not included in this definition.

Retail trade is classified as grouped retail trade (a combination of two (2) or more individual retail trades) or individual retail trade (a business or businesses that involve, in whole or part, retail sales that share check stands or storage areas, or share management, or are owned, leased, possessed, or otherwise controlled by, directly or indirectly, the same individual (s) or entity(ies) or by different individual(s) or entity(ies) where a) such individual(s) or entity(ies) have a controlling ownership or contractual right with the other individual or entity(ies) or b) the same individual(s) or entity(ies) act in a manner as an employee, owner, partner, agent, stockholder, director, member, officer, or trustee of he entity(ies) and are located within one or more separate buildings or structures within 800' of one another, regardless whether they are attached or detached.

Section 3. REPEALER CLAUSE. All City of Ketchum Ordinances or parts thereof which are in conflict herewith are hereby repealed.

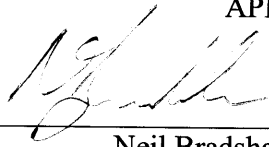
Section 4. SAVINGS AND SEVERABILITY CLAUSE. It is hereby declared to be the legislative intent that the provisions and parts of this Ordinance shall be severable. If any paragraph, part, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid for any reason by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 5: PUBLICATION. This Ordinance, or a summary thereof in compliance with Section 50-901A, Idaho Code, substantially in the form annexed hereto as Exhibit B 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.

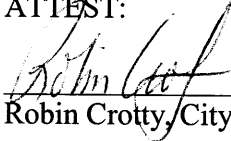
PASSED by the CITY COUNCIL and APPROVED by the MAYOR of Ketchum, Idaho on September 4, 2018.

APPROVED:



Neil Bradshaw, Mayor

ATTEST:



Robin Crotty, 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	L	L	L	R	A		
		R	1	2	R	H	T	O	O	O	3000	4000	SD	SD	1	2	3	U	F	
RES.	Dwelling, Multi-family				P ¹	P			P	P	P	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	P	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 ⁴	P ²⁶	P					
	Short-term Rental	P ³³	P ³³	P ³³	P ³³	P ³³	P ³³	P ³³	P ³³	P ³³	P ³³	P ³³	P	P	P	P	P	P ³³	P ³³	
COMMERCIAL	Agriculture, Commercial																	P		
	Adult Only Business																			
	Business Support Service												P	P	P	P				
	Commercial Off-site Snow Storage									P/C ³²			P/C ³²	P/C ³²	P/C ³²	P/C ³²	P/C ³²			
	Convenience Store								P				P	P	P ¹²	P ¹⁶				
	Daycare Center				C ⁴	C ⁴				P ⁴	P ⁴	P ⁴	P	P	C ¹⁷		C ¹⁷			
	Daycare Facility				C ⁴	P ⁴			C ⁴	P ⁴	P ⁴	P ⁴	P	P	C ¹⁷		C ¹⁷	P ⁴		
	Drive-Through Facility													P ⁹	P ⁹					
	Equestrian Facility																	C	C	
	Food Service									P	P ⁶	P ⁶	P	P	P ¹⁵	P ¹⁵		C ²⁹		
	Golf Course	P	P	P	P	P	P	P	P	P	P	P							C	
	Grocery Store												P	P						
	Health and Fitness Facility									P										
	Hotel									P ²⁵	P ²⁵	P ²⁵	P ²⁵	P ²⁵						
	Hybrid Production Facility												P	P	P	P				
	Instructional Service												P	P	P	P				
	Kennel, Boarding																P	P		
	Laundry, Industrial																P	P		
	Lodging Establishment									P	P	P	P	P						
	Maintenance Service Facility																		C	
	Manufacturing																			
	Mortuary													C	C					
	Motor Vehicle Fueling Station															C ³⁰	C ³⁰			
	Motor Vehicle Sales															C	C			
	Motor Vehicle Service															P	P			
	Neighborhood Off-site Snow Storage	P/C ³²	P/C ³²	P/C ³²	P/C ³²	P/C ³²	P/C ³²	P/C ³²	P/C ³²		P/C ³²	P/C ³²								
	Office, Business									C				P ¹⁰	P			P		
	Outdoor Entertainment									P	P	P	P	P						
	Personal Service									P	P ⁶	P ⁶	P	P		P ¹³				
	Professional Service															P	P			
	Recreation Facility, Commercial									C	C	C	P ²⁰	P ²⁰					C	
	Repair Shop									P	P ⁶	P ⁶	P	P	P	P				
	Retail Trade									P ⁵			P ³⁴	P ³⁴	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			
	Tourist House									P	P	P	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				

DISTRICT USES		L	L	L	G	G	S	S	S	T	T	T	C	C	L	L	L	R	A	
		R	R	R	R	R	T	T	T	3000	4000	SD	SD	I	I	I	U	F		
	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	
PUBLIC & INSTITUTIONAL	Assembly, Place of				C ³	C ³							C	C						
	Cemetery																	C	C	
	Cultural Facility												P	P				C		
	Geothermal Utility											C ⁷								
	Hospital												C	C						
	Medical Care Facility					C				P			P	P						
	Nature Preserve	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					
	Parking, Shared									C ⁸	C ⁸	C ⁸	P ⁸	P ⁸						
	Performing Arts Production												P	P					C	
	Public Use	C	C	C	C	C	C	C	C	C	C	C	P	P	C	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
	Recreation Facility, Public	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	Recycling Center																P			
	School residential campus																	P ³⁰		
Semi-Public Use					C				C	C	C	P	P					C	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	
	Avalanche Protective, Deflective, or Preventative Structure/Earthwork	C	C	C	C	C	C	C	C	C	C								C	C
	Daycare Home	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
	Electric Vehicle Charging Station	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
	Energy System, Wind	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									
	Home Occupation	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			
	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.

DISTRICT USES	L	L	L	G	G	S	S	S			C	C	L	L	L	R	A
	R	1	2	L	R	O	O	O	T	T	SD	SD	1	1	1	U	F
						0.4	1	H	T	3000	4000	1	2	1	2	3	

18. See section 17.124.070 of this title for accessory dwelling unit development standards.
19. 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.
20. Indoor only.
21. Only allowed in conjunction with an equestrian facility.
22. See section 17.124.080 of this title for urban agriculture development standards.
23. See chapter 17.140 for wireless communications facility provisions.
24. Allowed on the ground floor only.
25. See section 17.124.050 of this title for hotel development standards.
26. Ground floor street frontage uses are limited to retail and/or office uses. In subdistrict A office uses require a conditional use permit.
27. Ground floor only.
28. 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.
29. Use is allowed as an accessory use through the provision of a conditional use permit.
30. Development agreement required.
31. Vehicular access from Highway 75 to motor vehicle fueling stations is prohibited.
32. All commercial and neighborhood off-site snow storage uses are subject to the standards set forth in section 17.124.160 of this title. Conditional Use Permits are required of all off-site snow storage operations when the project: (a) affects greater than one-half acre; or, (b) has, at the discretion of the Administrator, the potential to negatively impact neighboring uses within 300' of the proposed neighborhood or commercial off-site snow storage operation.
33. Short Term Rental in the Avalanche Overlay zone is permitted subject to the regulations found in Chapter 17.92, Avalanche Overlay District.
- 34. Gross floor area for individual retail trade is limited to 36,000 gross square feet and net leasable floor area for grouped retail trade is limited to 55,000 net leasable square feet.**

Exhibit B

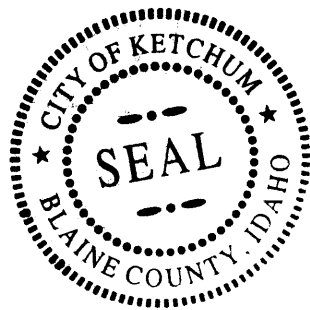
PUBLICATION OF SUMMARY OF ORDINANCE NO. 1189

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 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. 1189 of the City of Ketchum, Blaine County, Idaho, adopted on September 4, 2018, is as follows:

- SECTION 1.** Amends Section 17.12.020, District Use Matrix, to add footnote #34 establishing 36,000 gross square feet as the maximum size of individual retail trade establishments and 55,000 net leasable square feet as the maximum size of grouped retail trade in the Community Core.
- SECTION 2.** Amends Section 17.08.020, Terms Defined, to amend the definition of retail trade to distinguish between individual and grouped tenant retail establishments and to specify that grocery store is a type of retail trade.
- SECTION 3.** Provides for a repealer clause.
- SECTION 4.** Provides a savings and severability 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:

Neil Bradshaw, Mayor

ATTEST:

Robin Crotty, City Clerk