

ORDINANCE NUMBER 838

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, DECLARING AN EMERGENCY WITH INTERIM REGULATIONS NOT TO EXCEED ONE HUNDRED TWENTY (120) DAYS; STATING THE FINDINGS AND REASONS FOR INTERIM REGULATIONS; ESTABLISHING INTERIM HEIGHT AND BULK REGULATIONS IN COMMERCIAL ZONES; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

WHEREAS, the current building height limit in all zones is thirty-five (35) feet, with allowances for 40 feet in the Community Core with certain restrictions;

WHEREAS, the Ketchum Comprehensive Plan is currently being revised, and said revision has been underway since April 1997;

WHEREAS, in 1998, a statistically accurate Random Sample Survey was conducted by the City Council to assess community sentiment on key issues being considered in the Comprehensive Plan update;

WHEREAS, thirty-nine (39) percent of citizen's surveyed in the 1998 Ketchum Random Sample Survey identified as Ketchum's best asset "the small town western feel";

WHEREAS, the height and large bulk of buildings currently allowed has been identified as a key issue threatening the community character and "the small town western feel";

WHEREAS, downtown Ketchum is experiencing an unprecedented building boom, with 230,985 gross square feet approved since the April 1997 initiation of the revision of the Ketchum Comprehensive Plan;

WHEREAS, in 1997, the downtown contained 922,200 square feet, resulting in an approximately thirty (30) percent increase over the last two years.

WHEREAS, the shift in building bulk illustrated in Exhibits A and B shows a marked increase in large taller buildings over the last two (2) years as compared to the last ten (10) years;

WHEREAS, Comprehensive Plan options are being precluded by the measurable increase in large, bulky buildings in the Community Core;

WHEREAS, citizen concerns identified since April 1997 through the Comprehensive Plan process are being precluded by the ongoing approval of tall buildings in the Community Core;

WHEREAS, an interim time is needed to complete the Comprehensive Planning process, during which time planning options are not precluded;

WHEREAS, the City Council finds the enactment of this Ordinance constitutes an emergency as provided for under Idaho Code Section 67-6523; and,

WHEREAS, the City Council finds that the interim controls imposed by this Ordinance are necessary to protect the public health, safety and welfare.

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

SECTION 1. Pursuant to Section 67-6523, Idaho Code, the City Council finds that planning options are being precluded and that there is an imminent peril which requires emergency interim regulations for a period of one hundred twenty (120) days, during which time the following regulations shall apply.

SECTION 2. That in the Community Core (CC) Zone, the Maximum Height of Buildings is hereby amended, altered and changed by deleting therefrom the marked out language and adding thereto the underlined language hereinbelow, to-wit:

Building Height -

(1) The maximum building height shall be thirty-five (35) feet. See definition of building height for measuring height.

~~(2) A five (5) foot height increase shall be allowed for buildings which provide urban housing units and/or underground parking according to Subsection 11.7. The maximum building height increase is five (5) feet.~~

~~(3) Buildings which provide a roof pitch with opposing angles which meet to form a ridge or peak at a minimum of 4:12 the maximum building height shall be forty (40) feet including parapets, but not including any flag pole, lightning rod, weather vane or chimney not exceeding the minimum height required by the Uniform Building Code.~~

(4) (2) Solar panels, clerestory windows and elevators may exceed height limits as follows:

4 foot height increase = minimum 10 foot setback from roof edge.

6 foot height increase = minimum 15 foot setback from roof edge.

SECTION 3. That the maximum permitted Floor Area Ratio within the Community Core (CC) Zone is hereby amended, altered and changed by deleting therefrom the marked out language and adding thereto the underlined language hereinbelow, to-wit:

Maximum Floor Area Ratio (FAR) -

	<u>Permitted</u>	<u>Increase (1)</u>	<u>Increase (1)(b)</u>	<u>Increase (2)</u>
Net F.A.R.	1.0 <u>1.0</u>	1.5 <u>1.2</u>	<u>1.35</u>	1.5 <u>1.2</u>
Gross F.A.R.	1.4 <u>1.2</u>	2.0 <u>1.4</u>	<u>1.6</u>	1.85 <u>1.3</u>

(1) The increased Floor Area shall be allowed subject to Design Review approval, up to a maximum ~~1.5~~ 1.2 net and ~~2.0~~ 1.4 gross FAR or 1.35 net and 1.6 gross provided one of the following uses are provided in the building project.

- (a) Underground parking shall be provided at a minimum of 1 space for every 1,100 square feet of total net floor area.
- (b) Urban housing units shall be provided where a minimum seventy-five (75) percent of the total net increase floor area being proposed shall be urban housing. An urban housing unit shall not exceed 950 square feet net, and shall be deed restricted for long term residential use, and resale or rent to a Blaine County resident.

(2) The increase Floor Area shall be allowed subject to Design Review approval, up to a maximum ~~1.5~~ 1.2 net and ~~1.85~~ 1.3 gross FAR if parking is provided on-site at a minimum of one (1) parking space for every 1,100 square feet of total net floor area, and said parking meets the following:

- (a) At least six (6) parking spaces shall be provided on-site.
- (b) Ingress and egress to said parking shall be from the alley.
- (c) Said parking shall be set back a minimum of 25 feet from all street side property lines and shall be screened from all sides other than the alley side, by a solid building facade or similar solid screen.
- (d) Fifty (50) percent of said on-site parking and circulation area shall be counted toward the maximum allowable gross FAR of the building.
- (e) Tandem parking with one vehicle behind the other may be permitted with approval from the Commission.

SECTION 4. The Planning and Zoning Commission shall make recommendations on these and other land use issues in the Revised Draft Comprehensive Plan and shall submit them for consideration to the City Council by April 2000.

SECTION 5. Notice of, and hearing on this Ordinance in the normal course, would undermine effective City planning by allowing complete land use applications for large and bulky buildings submitted between the time notice was published, and the time the Ordinance was adopted, to vest in City regulations which may be inadequate to protect the public health, safety and general welfare, and precluding

planning actions under consideration in the Revised Comprehensive Plan. The interim regulations imposed in this Ordinance shall become effective immediately upon passage of this Ordinance and shall continue for one hundred twenty (120) days unless repealed, extended, or modified by the City.

SECTION 6. Where any word, phrase, clause, sentence, paragraph, section or other part of these regulations or the application thereof is held invalid by a Court of competent jurisdiction, such judgement shall affect only that part so held invalid or the application thereof, and the remaining parts of this Ordinance or their application shall remain in full force and effect.


SECTION 7. The emergency interim regulations declared by this Ordinance shall exist for a period of one hundred twenty (120) days from the date of passage and proclamation of the Ordinance as indicated in the last paragraph hereof.

SECTION 8. Based on the findings set out above, the Council finds that there is an imminent peril to the public health, safety and welfare which constitutes an emergency and which requires interim regulations as provided herein. This Ordinance shall be in full force and effect from and after its proclamation, passage and approval and posting in at least five (5) public places in the City of Ketchum.

PASSED AND APPROVED by the Ketchum City Council and APPROVED by the Mayor of Ketchum on this 7th day of February, 2000.


EFFECTIVE DATE: February 7, 2000

POSTED: Ketchum City Hall
United States Post Office, Ketchum Branch
Ketchum Chamber of Commerce
Giacobbi Square
Williams Market



Guy P. Coles, Mayor

ATTEST:



Sandra E. Cady, City Clerk

Publish: Idaho Mountain Express
February 16, 2000

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NEW BUILDINGS WITH FAR GREATER THAN 1.4 SINCE APRIL 1997

(in pipeline)		Gross/Net FAR	Height
2000	The Peaks (Louie's)	2.0/1.49	40'
2000	Cimarron	1.6/1.3	40'
1999	Christiania	1.3/	34'-40'
1999	Ketchum Hotel (Clarion)	1.42/1.37	40'

(approved)

1999	131 Main Street Building (First Bank of Idaho)	1.76/1.21	40'
1998/1999	Second Avenue Commercial Building	1.82/1.4	40'
1998	Davis-Reid Gallery	1.85/1.0	40'
1998	Severn Gallery	1.75/1.33	40'
1998	Private Residences Resort	1.94/1.49	40'
1998	Higdon Building	1.84/1.45	39'

NEW BUILDINGS WITH FAR LESS THAN 1.4 SINCE APRIL 1997

1999	Kresser Building	1.34/.97	35'
1999	Olbum Building	1.18/.91	33'8"
1998	Mercantile	1.4/.99	31'6"
1998	Courtyard	1.06/.94	31'
1998	Moss Gardens	.36/.3	32'6" (pitched roof)
1997	Colonnade	1.26/.97	35'
1997	Evergreen Office	.37/.3	21'6"
1997	Dunbar Interiors - Office/Residential	.72/.56	31'

EXHIBIT A

NEW BUILDINGS WITH FAR GREATER THAN 1.4
PRIOR TO APRIL 1997-APRIL 1987

		Gross/Net FAR	Height
1996	Friesen Building	1.77/1.15	35'
1993/1992	Jones Building	1.64/1.32	40'
1990	511 Building	1.48/1.2	40'
1990	West One Bank	1.6	40'

NEW BUILDINGS WITH FAR LESS THAN 1.4 PRIOR TO APRIL 1997

1996	Praggastis Building	1.37/.99	34'6"
1996	Community Library Childrens Addition	.49/.4	29'
1995	Angel Wings	1.34/1.0	35'
1993	Davies Reid Gallery	1.28/.99	27'6"
1993	Kentwood Lodge	1.25/.94	35'
1992	Silver Creek Outfitters	.93/.9	28'
1991	Magic Lantern Theatre	1.39/.9	35'
1991/1989	Idaho Mountain Express	.52/.46	23'9"
1990	Galena Office Building	1.09/.98	24'
1990	Washington Avenue Building (El Naso)	1.35/.98	25'6"
1989	Atrium	1.32/1.0	35'
1989	Erickson Building	.75	28'
1988	Ketchum Visitors Center	.1	27' (pitched roof)
1988	Mountain States Building (Bank of America)	.97/.87	35'
1988	Galleria	1.23/1.0	35'
1987	McCotter Building (Crazy Horse Building	1.37/1.0	21'

EXHIBIT B