

17.124.090 - Residential, light industrial districts.

- A. Residential units in the Light Industrial Districts shall comply with the following minimum criteria:
1. *Ground floor.* Except deed restricted community housing units approved by Council in the LI-3, dwelling units shall not occupy the ground floor.
 2. *Design review.* 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. *Dwelling units.* Unless otherwise specified in this section, up to 50 percent of any light industrial building may be devoted to dwelling units and up to 50 percent of a work/live unit's gross floor area may be devoted to the residential portion of a work/live unit.
 4. *Individual units.* Except as set forth in the following instances noted herein below, dwelling units shall not be separated in any manner for sale as individual units and may only be leased or rented. The instances where dwelling units may be sold are limited to:
 - a. City approved work/live units, as defined in chapter 17.08 of this title and subsection A.5. of this section;
 - b. Three-story projects in the LI-3 where not less than one-third of the total square footage of housing units includes deed restricted community housing that are for sale consistent with subsection B of this section;
 - c. Four-story and five-story projects in LI-2 and LI-3 where not less than two-thirds of the total square footage of housing units includes deed restricted community housing units that are for sale consistent with subsection A.7. of this section;
 - d. Existing nonconforming single-family dwellings existing in the LI-1 prior to adoption of Ketchum City Ordinance No. 85, as enacted on May 27, 1965;
 - e. Existing condominiums and work/live units with less than 1,000 square feet of residential gross floor area that have a valid residential conditional use permit prior to the adoption of this section as published.
 5. *Work/live units.* In the approval of work/live units, the City shall also find that:
 - a. The work portion of the unit meets the definition of work/live unit set forth in section 17.08.020 of this title, including that the project is subject to council approval of a restrictive covenant;
 - b. The work unit is:
 - (1) Suitable for on-site employees, foot traffic/customers, and meets applicable building and fire codes;
 - (2) Signed and posted with regular hours of operation;
 - (3) Served by the prominent means of access for the work/live unit; and
 - (4) Associated with a business license for a use allowed (either conditionally or permitted) in the district.

c. The residential portion of the living space is secondary to the primary use as a place of work. A finding that the residential space is secondary to the work space shall be based on measurable findings, including but not limited to:

- (1) The size of the live portion of the work/live unit is both smaller than the work portion of the unit and, further, the live portion of the work/live unit does not exceed 1,000 gross square feet;
- (2) Means of access to the residential portion of the unit is not prominent and, preferably, is located to the side or rear of the property; and
- (3) Suitable residential parking that does not interfere with snow removal or the operation of proximate LI uses and, further, is in accordance with the parking and loading requirements set forth in chapter 17.125 of this title.

6. **Size.** Dwelling units in the Light Industrial District shall be a minimum of 400 square feet. In the LI-1 and LI-2 no individual dwelling unit shall exceed a maximum of 2,000 square feet, contain more than two bedrooms, and all units shall not exceed a mean average of 1,000 square feet.

7. **Fourth or fifth floor.** Buildings proposing a fourth or fifth floor with a qualifying ground floor consistent with section 17.12.050 of this title shall comply with the following minimum criteria:

- a. If dwelling units are to be sold, a minimum of two-thirds of the total square footage of housing units shall be for deed restricted community housing units that are for sale and the deed restricted community housing units shall be designed and administered in accordance with the Blaine-Ketchum Housing Authority Guidelines;
- b. The area designated as light industrial shall be as follows:
 - (1) The area designated as light industrial shall be a minimum of 25 percent of the gross floor area in four-story buildings.
 - (2) The area designated as light industrial shall be a minimum of 20 percent of the gross floor area in five-story buildings.
 - (3) Subject light industrial use shall not be for personal storage by dwelling occupants;
- c. Up to 75 percent of the gross square footage of any four-story building and up to 80 percent of the gross square footage of a five-story building may be devoted to dwelling units; and
- d. Unless otherwise deemed appropriate by the administrator, common area allocation shall be assessed at a LI to residential ratio of 1:1 for four-story buildings and 2:3 for five-story buildings.

8. **Anti-nuisance and notice provisions.**

- a.

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.

- b. 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.
 - c. 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.
 - d. 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.
9. *Compliance.* Compliance with all applicable code sections, including among others, the City's parking and loading standards as set forth in chapter 17.125 of this title, except that if a parking reduction is requested through a Transportation Demand Management Plan per section 17.125.090 of this title, the reduction request shall be submitted to the Zoning Administrator and the Ketchum City Council will determine if such request shall be approved.
10. *Conditions.* Conditions including, but not limited to, the following may be attached to the conditional use permit approval:
- a. Access to the residential units relative to design and relationship to light industrial uses, including suitable access consistent with adopted City standards;
 - b. Separation of residential and light industrial parking on the site to minimize conflicts;
 - 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 and non-interference with continuous LI operations;
 - g. Any portion or all waived fees become due and payable upon conversion of resident housing unit(s) to light industrial uses;

- h. Construction techniques that aid sound proofing and limit externalities of LI noise and use impacts on residences is encouraged;
 - i. Provision for and reasonable extension of sidewalks to assure safe pedestrian access; and/or
 - j. Any other condition deemed to enhance the purposes under this use, or to establish or promote the criteria referenced in subsections A.1. through A.10. of this section.
- 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 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 34 percent of the total floor area. Said commercial light industrial use shall not be for personal storage by dwelling occupants; and
 - 4. Up to 66 percent of any building may be devoted to dwelling units.
 - 5. Dwelling units shall be a minimum of 400 square feet and shall not exceed 1,400 square feet total and shall contain not more than three 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 50 percent 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 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 400 square feet and shall not exceed 1,400 square feet total and shall contain not more than three 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 C.1. through C12 of this section, or to promote the public health, safety and welfare.

(Ord. 1184, 2018; Ord. 1192, 2019)

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2. *Design review.* 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. *Dwelling units.* Unless otherwise specified in this section, up to 50 percent of any light industrial building may be devoted to dwelling units and up to 50 percent of a work/live unit's gross floor area may be devoted to the residential portion of a work/live unit.
4. *Individual units.* Except as set forth in the following instances noted herein below, dwelling units shall not be separated in any manner for sale as individual units and may only be leased or rented. The instances where dwelling units may be sold are limited to:
 - a. City approved work/live units, as defined in chapter 17.08 of this title and subsection A.5. of this section;
 - b. Three-story projects in the LI-3 where not less than one-third of the total square footage of housing units includes deed restricted community housing that are for sale consistent with subsection B of this section;
 - c. Four-story and five-story projects in LI-2 and LI-3 where not less than two-thirds of the total square footage of housing units includes deed restricted community housing units that are for sale consistent with subsection A.7. of this section;
 - d. Existing nonconforming single-family dwellings existing in the LI-1 prior to adoption of Ketchum City Ordinance No. 85, as enacted on May 27, 1965;
 - e. Existing condominiums and work/live units with less than 1,000 square feet of residential gross floor area that have a valid residential conditional use permit prior to the adoption of this section as published.
5. *Work/live units.* In the approval of work/live units, the City shall also find that:
 - a. The work portion of the unit meets the definition of work/live unit set forth in section 17.08.020 of this title, including that the project is subject to council approval of a restrictive covenant;
 - b. The work unit is:
 - (1) Suitable for on-site employees, foot traffic/customers, and meets applicable building and fire codes;
 - (2) Signed and posted with regular hours of operation;
 - (3) Served by the prominent means of access for the work/live unit; and
 - (4) Associated with a business license for a use allowed (either conditionally or permitted) in the district.
 - c. The residential portion of the living space is secondary to the primary use as a place of work. A finding that the residential space is secondary to the work space shall be based on measurable findings, including but not limited to:
 - (1) The size of the live portion of the work/live unit is both smaller than the work portion of the unit and, further, the live portion of the work/live unit does not exceed 1,000 gross square feet;

- (2) Means of access to the residential portion of the unit is not prominent and, preferably, is located to the side or rear of the property; and
 - (3) Suitable residential parking that does not interfere with snow removal or the operation of proximate U uses and, further, is in accordance with the parking and loading requirements set forth in Chapter 17.125 of this title.
6. Size. Dwelling units in the Light Industrial District shall be a minimum of 400 square feet. In the U-1 and U-2 no individual dwelling unit shall exceed a maximum of 2,000 square feet, contain more than two bedrooms, and all units shall not exceed a mean average of 1,000 square feet.
 7. *Fourth or fifth floor.* Buildings proposing a fourth or fifth floor with a qualifying ground floor consistent with section 17.12.050 of this title shall comply with the following minimum criteria:
 - a. If dwelling units are to be sold, a minimum of two-thirds of the total square footage of housing units shall be for deed restricted community housing units that are for sale and the deed restricted community housing units shall be designed and administered in accordance with the Blaine-Ketchum Housing Authority Guidelines;
 - b. The area designated as light industrial shall be as follows:
 - (1) The area designated as light industrial shall be a minimum of 25 percent of the gross floor area in four-story buildings.
 - (2) The area designated as light industrial shall be a minimum of 20 percent of the gross floor area in five-story buildings.
 - (3) Subject light industrial use shall not be for personal storage by dwelling occupants;
 - c. Up to 75 percent of the gross square footage of any four-story building and up to 80 percent of the gross square footage of a five-story building may be devoted to dwelling units; and
 - d. Unless otherwise deemed appropriate by the administrator, common area allocation shall be assessed at a 1:1 to residential ratio of 1:1 for four-story buildings and 2:3 for five-story buildings.
 8. *Anti-notice and notice provisions.*
 - a. 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.
 - b. All persons who rent or sublet any residential living units 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.
 - c. 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.
 - d. 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.

9. *Compliance.* Compliance with all applicable code sections, including among others, the City's parking and loading standards as set forth in Chapter 17.125 of this title, except that if a parking reduction is requested through a Transportation Demand Management Plan per section 17.125.090 of this title, the reduction request shall be submitted to the Zoning Administrator and the Ketchikan City Council will determine if such request shall be approved.
10. *Conditions.* Conditions including, but not limited to, the following may be attached to the conditional use permit approval:
 - a. Access to the residential units relative to design and relationship to light industrial uses, including suitable access consistent with adopted City standards;
 - b. Separation of residential and light industrial parking on the site to minimize conflicts;
 - c. Restrictions on exterior storage of personal property of tenants;
 - d. Certificate of occupancy required prior to occupancy of units;
 - e. Ketchikan Fire Department and Ketchikan Building Department requirements shall be met prior to occupancy;
 - f. Snow removal required to ensure utility of residential spaces and non-interference with continuous U operations;
 - g. Any portion or all waiver fees become due and payable upon conversion of resident housing unit(s) to light industrial uses;
 - h. Construction techniques that aid sound proofing and limit externalities of U noise and use impacts on residences is encouraged;
 - i. Provision for and reasonable extension of sidewalks to assure safe pedestrian access; and/or
 - j. Any other condition deemed to enhance the purposes under this use, or to establish or promote the criteria referenced in subsections A.1. through A.10. of this section.
8. Residential units in the Light Industrial Number 3 District (L-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 of the total square footage of housing units shall be designated as community housing units;
 2. Deed restricted community housing units shall be designed and administered in accordance with the Blaine-Ketchikan housing authority guidelines;
 3. The area designated as commercial U-3 use shall be a minimum of 34 percent of the total floor area. Said commercial light industrial use shall not be for personal storage by dwelling occupants; and
 4. Up to 65 percent of any building may be devoted to dwelling units.
 5. Dwelling units shall be a minimum of 400 square feet and shall not exceed 1,400 square feet total and shall contain not more than three bedrooms.
- c. School residential campus in the Light Industrial 3 District (L-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 50 percent 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 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 17.56 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 400 square feet and shall not exceed 1,400 square feet total and shall contain not more than three 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 (L-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 C.1. through C.12 of this section, or to promote the public health, safety and welfare.

(Ord. 1184, 2018; Ord. 1192, 2019)