

ORDINANCE NUMBER 1006

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, PARTIALLY LIFTING THE INTERIM MORATORIUM ESTABLISHED BY ORDINANCE NO. 989 IN THE TOURIST (T) DISTRICT BUT NOT IN THE GENERAL RESIDENTIAL – HIGH DENSITY DISTRICT (GR-H); BY PROVIDING A SEVERABILITY CLAUSE; BY PROVIDING A REPEALER CLAUSE; BY PROVIDING FOR PUBLICATION BY SUMMARY; AND BY PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Ketchum City Council passed Ordinance No. 984 on April 12, 2006 finding that an imminent peril to the public health, safety and welfare existed requiring adoption of an emergency moratorium pursuant to Idaho Code Section 67-6523 upon the acceptance of all applications for design review and upon the issuance of all building permits in the General Residential – High Density District (GR-H) and in the Tourist District (T), and

WHEREAS, the Ketchum City Council passed Ordinance Number 989 on August 21, 2006 adopting an interim moratorium upon the acceptance of all applications for design review and upon the issuance of all building permits in the General Residential – High Density District (GR-H) and in the Tourist District (T), but such moratorium was not applicable to applications for maintenance and repair of existing buildings nor to certain interior remodels; and

WHEREAS, the Ketchum City Council hereby determines that such interim moratorium established by Ordinance No. 989 is no longer needed for certain types of development proposals in the Tourist District (T); however, such moratorium is still needed and shall remain in full force and effect in the General Residential – High Density District (GR-H).

WHEREAS, the Ketchum City Council has determined that certain projects in the Tourist Zone will provide for Inclusionary Workforce Housing; will increase vitality and pedestrian activity through ground floor retail uses, and hotel uses. These types of meet City objectives.

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

SECTION 1. PARTIAL LIFTING OF INTERIM MORATORIUM IN TOURIST DISTRICT (T) ONLY. The interim moratorium established by Ordinance No. 989 shall be lifted and of no further force or effect upon passage and publication of this Ordinance only as such moratorium applies to the following types of development proposals in the Tourist District (T):

- 1) Projects that contain retail uses on the ground floor on the entirety of that floor; or
- 2) Hotel proposals; or
- 3) Projects that contain more than twenty (20) residential units, including fractional units, and as such are providing inclusionary workforce housing.

Such moratorium is still needed and shall remain in full force and effect pursuant to the terms and conditions established in Ordinance No. 989 in the General Residential – High Density

District (GR-H) and in the Tourist District (T) for all projects that do not meet the above-referenced criteria.

SECTION 2. SAVINGS AND SEVERABILITY. If any section, subsection, paragraph, subparagraph, item, provision, regulation, sentence, clause or phrase is declared by a court to be invalid, such actions shall not affect the validity of this Ordinance as a whole or any part thereof other than the part declared invalid.


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

SECTION 4. PUBLICATION BY SUMMARY. 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 5. EFFECTIVE DATE. This Ordinance shall be in full force and effect upon the date of its publication as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF KETHUM, IDAHO, and approved by the Mayor on this 5th day of February, 2007.

APPROVED:

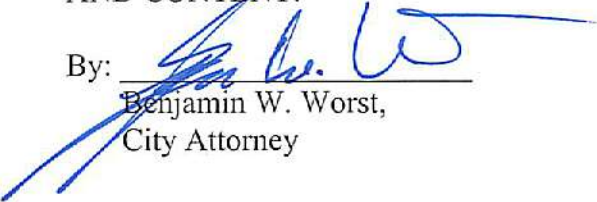


Randy Hall, Mayor

ATTEST:


Sandra E. Cady, CMC
City Treasurer/Clerk

APPROVED AS TO FORM
AND CONTENT:

By: 
Benjamin W. Worst,
City Attorney



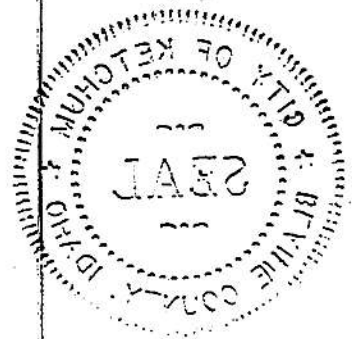


EXHIBIT A

**PUBLICATION OF SUMMARY OF ORDINANCE NO. 1006
CITY OF KETCHUM, IDAHO**

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, LIFTING THE INTERIM MORATORIUM ESTABLISHED BY ORDINANCE NO. 989 IN THE TOURIST (T) DISTRICT BUT NOT IN THE GENERAL RESIDENTIAL – HIGH DENSITY DISTRICT (GR-H); BY PROVIDING A SEVERABILITY CLAUSE; BY PROVIDING A REPEALER CLAUSE; BY PROVIDING FOR PUBLICATION BY SUMMARY; AND BY PROVIDING FOR AN EFFECTIVE DATE.

A summary of the principal provisions of Ordinance No. 1006 of the City of Ketchum, Blaine County, Idaho, adopted on February 5, 2007, is as follows:

Section 1: Lifts in part the interim moratorium established by Ketchum City Ordinance No. 989 as that moratorium applies in the Tourist District (T), but leaving such moratorium in place as it applies in the General Residential – High Density District (GR-H).

Section 2: Provides a savings and severability clause.

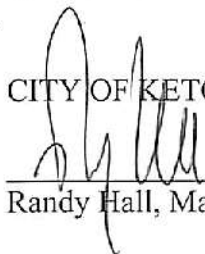
Section 3: Provides a repealer clause.

Section 4: Provides for publication of a summary of the Ordinance.

Section 5: Establishes the effective date as February 14, 2007.


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.

CITY OF KETCHUM, IDAHO



Randy Hall, Mayor

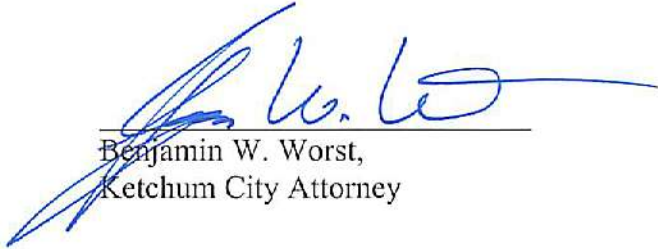
ATTEST:


Sandra E. Cady, CMC
City Treasurer/Clerk

STATEMENT OF LEGAL ADVISOR

I, the undersigned attorney at law, duly licensed in the State of Idaho and serving as City Attorney to the City of Ketchum, Idaho, hereby certify that I have read the attached Summary of Ordinance No. 1006 of the City of Ketchum and that the same is true and complete and provides adequate notice to the public of the contents of said Ordinance.

Dated this 6th day of February, 2007.



Benjamin W. Worst,
Ketchum City Attorney

Publish: Idaho Mountain Express
Date: February 14, 2007