ORDINANCE NO. 1011

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, AMENDING TITLE 16, CHAPTER 16.08, KETCHUM MUNICIPAL CODE "PLANNED UNIT DEVELOPMENTS", SECTION 16.08.080 "STANDARDS", BY ADDING NEW LANGUAGE TO ALLOW THE THREE ACRE MINIMUM LOT SIZE FOR A PLANNED UNIT DEVELOPMENT APPLICATION BE WAIVED FOR A HOTEL PROJECT LOCATED IN THE TOURIST DISTRICT; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING A CODIFICATION CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR PUBLICATION BY SUMMARY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Ketchum Municipal Code Section 16.08.080 currently allows hotel developments on parcels less than 3 acres in the Community Core to apply for a PUD as a means of encouraging hotel developments in the Community Core; and

WHEREAS, Chapter 17.52, Tourist Zoning District was amended in October 2006 to make the Tourist District more compatible with the goals and policies of the Ketchum Comprehensive Plan; and

WHEREAS, The Tourist Zone contains several distinct areas, including the Entrance Corridor, Second Avenue, River Run, Warm Springs Base Area and Saddle Road; and

WHEREAS, In Chapter 17.52, Tourist Zoning District, hotels which meet the definition of Hotel in Chapter 17.08 may exceed the maximum floor area and height or minimum open site area requirements of this chapter subject to the following review process:

a. A Planned Unit Development shall be prepared for the proposal and approved by the City which specifically outlines the waivers to bulk regulations requested.

b. A subarea analysis shall be prepared which addresses the Comprehensive Plan designation for the subarea; impacts of the proposed hotel on the character and scale of the surrounding neighborhood; impacts on proposed height and mass relative to the City's Design Review Standards and the PUD Standards, and the appropriateness of the subarea for a hotel which exceeds the bulk requirements of this Section; and

WHEREAS, an amendment to the PUD chapter allowing hotel developments on parcels less than 3 acres in the Tourist Zone to apply for a PUD is necessary to be consistent with the amended Tourist Zoning District Chapter.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and the City Council of the City of Ketchum, Idaho:

SECTION 1: That Section **16.08.080 Standards** of the Ketchum Municipal Code is hereby amended, altered, and changed by adding thereto the underlined language herein below and by deleting therefrom the language stricken through, to wit:

d. For a hotel which meets the definition of hotel in Chapter 17.08, Definitions, and conforms to all other requirements of Chapter 17.64, Community Core District or Chapter 17.52, Tourist District. ~~Modifications or~~ Waivers from the provision of Chapter 17.64 may be granted for hotel uses only as outlined in Chapter 17.64.010(H)~~(c).~~ Waivers from the provision of Chapter 17.52 may be granted for hotel uses only as outlined in Chapter 17.52.010(H).

SECTION 2: 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 3. CODIFICATION CALUSE. The City Clerk is instructed to immediately forward this ordinance to the codifier of the official municipal code for proper revision of the code.

SECTION 4. REPEALER CLAUSE. All City of Ketchum ordinances or resolutions or parts thereof which are in conflict herewith are hereby repealed.

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 "A," 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 upon the date of its publication as provided by law which is March 28, 2007.

PASSED BY THE CITY COUNCIL OF THE CITY OF KETCHUM, IDAHO and APPROVED by the Mayor this 19th of March, 2007.

CITY OF KETCHUM, IDAHO

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. 1011
CITY OF KETCHUM, IDAHO

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, AMENDING TITLE 16, CHAPTER 16.08, KETCHUM MUNICIPAL CODE "PLANNED UNIT DEVELOPMENTS", SECTION 16.08.080 "STANDARDS", BY ADDING NEW LANGUAGE TO ALLOW THE THREE ACRE MINIMUM LOT SIZE FOR A PLANNED UNIT DEVELOPMENT APPLICATION BE WAIVED FOR A HOTEL PROJECT LOCATED IN THE TOURIST DISTRICT; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING A CODIFICATION CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR PUBLICATION BY SUMMARY; AND PROVIDING FOR AN EFFECTIVE DATE.

A summary of the principal provisions of Ordinance No. 1011 of the City of Ketchum, Blaine County, Idaho, adopted on March 19, 2007, is as follows:

Section 1: Amends Section 16.08.080, "Standards" of the Ketchum Municipal Code to allow the three acre minimum lot size for a Planning Unit Development application be waived for a hotel project located in the Tourist District, as outlined in Chapter 17.52.010(H).

Section 2: Provides a savings and severability clause.

Section 3: Provides a codification clause.

Section 4: Provides a repealer clause.

Section 5: Provides for publication of a summary of the Ordinance.

Section 6: Establishes the effective date of March 28, 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. 1011 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 19th day of March, 2007.

Benjamin W. Worst,
Ketchum City Attorney

Publish: Idaho Mountain Express
Date: March 28, 2007