

ORDINANCE NO. 1012

AN INTERIM ORDINANCE OF THE CITY OF KETCHUM, IDAHO, PURSUANT TO IDAHO CODE SECTION 67-6524 AMENDING TITLE 17, CHAPTER 17.100, KETCHUM MUNICIPAL CODE "PEDESTRIAN ACCESS OVERLAY DISTRICT (PA)", SECTION 17.100.010 "PEDESTRIAN ACCESS OVERLAY ZONING DISTRICT - PURPOSE" AND SECTION 17.100.030 "PARKING REGULATIONS", BY ADDING NEW LANGUAGE REGARDING THE IMPLEMENTATION OF THE WARM SPRINGS BASE AREA CIRCULATION PLAN AND BY ADDING A NEW SECTION, 17.100.050 "USE REGULATIONS" LIMITING GROUND FLOOR USES IN SUCH OVERLAY ZONE TO RETAIL AND HOTEL USES FOR NEW CONSTRUCTION AND REMODELS IN EXCESS OF FIFTY PERCENT; 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 17.100.010 currently does not address creating pedestrian vitality and activity at the Warm Springs Base Area, to ensure ongoing retail and lodging opportunities in close proximity to the ski lifts; or the development of an overall circulation plan; and

WHEREAS, Ketchum Municipal Code Section 17.100.030 does not address that traffic shall circulate according to the Warm Springs Base Area Circulation Plan, as adopted by the City; and

WHEREAS, the Pedestrian Access Overlay District (PA) currently does not have any use regulations; and

WHEREAS, the proposed amendments will aid in the implementation of the Warm Springs Base Area Circulation Plan; and

WHEREAS, the proposed addition of Section 17.100.050 will limit ground floor uses in the PA District to retail and hotel uses for new construction and remodels in excess of fifty percent (50%); and

WHEREAS, Chapter 4.7 and 4.9.A of the Ketchum Comprehensive Plan address regulating motorized traffic and developing and increasing bed space, which refers specifically to high turnover tourist accommodations such as hotels, motels and lodges; and

WHEREAS, the City has contracted with the Hudson Company to complete a Warm Springs Master Plan which is near completion; and

WHEREAS, the City has contracted with Winter & Company to provide a Hotel Massing Study which is anticipated to affect the PA District; and

WHEREAS, the City has contracted with Richard Caplan & Associates to perform a hotel financial feasibility analysis which is also anticipated to affect the PA District; and

WHEREAS, pursuant to Idaho Code § 67-6524, if a governing board finds that a plan, a plan component, or an amendment to a plan is being prepared for its jurisdiction, it may adopt an interim ordinance as required or authorized; and

WHEREAS, the Ketchum City Council hereby makes such finding and desires to implement an interim ordinance.

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

SECTION 1: That the Ketchum City Council hereby finds that Planning Department Staff are preparing substantial amendments to the plan which shall create, without limitation, incentives for pedestrian vitality and activity at the Warm Springs Base Area; to ensure ongoing retail and lodging opportunities in close proximity to the ski lifts T Districts.

SECTION 2: That Section 17.100.010 “**Pedestrian Access Overlay Zoning District – Purpose**” of the Ketchum Municipal Code is hereby amended, altered, and changed by adding thereto the underlined language herein below and by deleting there from the language stricken through, to wit:

Due to the close proximity of certain areas within the City to the base of Bald Mountain and its ski lifts and the resulting pedestrian nature of such areas, an overlay zoning district is found to be appropriate and is created. The intent of this zoning district and each of its regulations is to create pedestrian vitality and activity at the Warm Springs Base Area; to ensure ongoing retail and lodging opportunities in close proximity to the ski lifts; to reduce potential conflicts between pedestrians and automobile traffic by developing an overall circulation plan, including limiting new curb cuts; and excess addressing automobile traffic; and to provide an attractive and safe walking environment; and to provide minimum but adequate off-street parking for employees, service vehicles and residents. This limited off street parking is not intended for destination patrons to commercial uses.

SECTION 3: That Section 17.100.030 “**Parking Regulations**” of the Ketchum Municipal Code is hereby amended, altered, and changed by adding thereto the underlined language herein below and by deleting there from the language stricken through, to wit:

D. Traffic. All vehicles entering the Pedestrian Access Overlay Zoning District shall proceed by the shortest direction to their destination circulate according to the Warm Springs Base Area Circulation Plan as adopted by the City. Upon leaving the destination, all vehicles shall depart from the Pedestrian Access Overlay Zoning District by the shortest permissible route.

SECTION 3: That a new Section be added to Title 17.100 of the Ketchum Municipal Code to be known as Section 17.100.050, titled “**Use Regulations**”, to read as follows:

For new construction and remodels which constitute improvements over fifty (50) percent of current assessed value, ground floor uses are limited to retail and hotel uses only. Circulation for non-retail uses on upper floors is also permitted.

SECTION 5. DURATION: This interim ordinance will terminate on December 31, 2007.

SECTION 6: 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 7. 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 8. REPEALER CLAUSE. All City of Ketchum ordinances or resolutions or parts thereof which are in conflict herewith are hereby repealed.

SECTION 9. 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 10. EFFECTIVE DATE. This Ordinance shall be in full force and effect upon the date of its publication as provided by law which is July 11, 2007.

PASSED BY THE CITY COUNCIL OF THE CITY OF KETCHUM, IDAHO and APPROVED by the Mayor this 2nd of July, 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. 1012
CITY OF KETCHUM, IDAHO**

AN INTERIM ORDINANCE OF THE CITY OF KETCHUM, IDAHO, PURSUANT TO IDAHO CODE SECTION 67-6524 AMENDING TITLE 17, CHAPTER 17.100, KETCHUM MUNICIPAL CODE "PEDESTRIAN ACCESS OVERLAY DISTRICT (PA)", SECTION 17.100.010 "PEDESTRIAN ACCESS OVERLAY ZONING DISTRICT - PURPOSE" AND SECTION 17.100.030 "PARKING REGULATIONS", BY ADDING NEW LANGUAGE REGARDING THE IMPLEMENTATION OF THE WARM SPRINGS BASE AREA CIRCULATION PLAN AND BY ADDING A NEW SECTION, 17.100.050 "USE REGULATIONS" LIMITING GROUND FLOOR USES IN SUCH OVERLAY ZONE TO RETAIL AND HOTEL USES FOR NEW CONSTRUCTION AND REMODELS IN EXCESS OF FIFTY PERCENT; 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. 1012 of the City of Ketchum, Blaine County, Idaho, adopted on July 2, 2007, is as follows:

Section 1: The Ketchum City Council finds that Planning Department Staff are preparing substantial amendments to the plan which shall create, without limitation, incentives for pedestrian vitality and activity at the Warm Springs Base Area; to ensure ongoing retail and lodging opportunities in close proximity to the ski lifts T Districts.

Section 2: Amends Section 17.100.010, "Public Access Overlay Zoning District - Purpose" of the Ketchum Municipal Code by amending the intent of the district to create pedestrian vitality and activity at the Warm Springs Base Area, to ensure ongoing retail and lodging opportunities in close proximity to the ski lifts, to reduce potential conflicts between pedestrians and automobile traffic by developing an overall circulation plan and addressing automobile traffic.

Section 3: Amends Section 17.100.030, "Parking Regulations" of the Ketchum Municipal Code by deleting certain language the encourages traffic to proceed and depart using the shortest permissible route and adding language that states that traffic shall circulate according to the Warm Springs Base Area Circulation Plan.

Section 4: Adds a new Section 17.100.050, "Use Regulations" to limit ground floor uses in the PA District to retail and hotel uses for new construction and remodels in excess of fifty percent (50%).

Section 5: Establishes the duration of the interim ordinance, expiring December 31, 2007.

Section 6: Provides a savings and severability clause.

Section 7: Provides a codification clause.

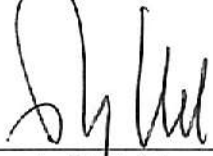
Section 8: Provides a repealer clause.

Section 9: Provides for publication of a summary of the Ordinance.

Section 10: Establishes the effective date of July 11, 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:

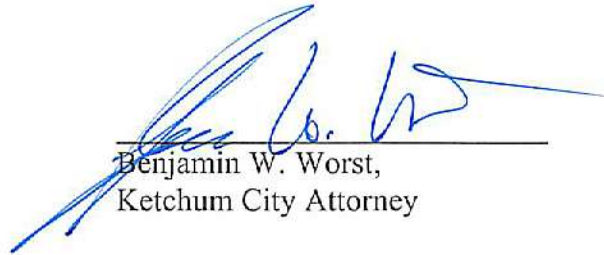


Sandra E. Cady, CMC
City Treasurer/Clerk

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. 1012 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 20th day of June, 2007.



Benjamin W. Worst,
Ketchum City Attorney

Publish: Idaho Mountain Express
Date: July 11, 2007