

ORDINANCE NUMBER 1040

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, AMENDING TITLE 17, CHAPTER 17.08, DEFINITIONS, REGARDING THE DEFINITION OF HOTEL; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE, PROVIDING A CODIFICATION CLAUSE; PROVIDING FOR PUBLICATION BY SUMMARY; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission for the City of Ketchum has recommended the amendments to Title 17, Chapter 17.08, definition of hotel to better reflect hotels proposed in today's marketplace, and to ensure that the definition of "Hotel" is consistent with the Ketchum Comprehensive Plan, other goals and polices of the City; and consistent with the regulations within Title 17; and

WHEREAS, the City Council has reviewed the Planning and Zoning Commission recommendation and made modifications based on their own analysis, and public input at public hearings.

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

SECTION 1. Section 17.08.020, Definitions is hereby amended by deleting therefrom the stricken language and adding thereto the underlined language hereinbelow, to wit:

"Hotel" means a building designed and used for overnight occupancy by the general public on a short term basis for a fee. Hotels shall include adequate on-site food and beverage service with kitchen facilities, common reservation and cleaning services, meeting room space combined utilities, on-site management and reception services, access to all sleeping rooms through an inside lobby supervised by a person in charge no less than eighteen (18) hours per day, and ~~where appropriate~~, adequate on-site recreational facilities. Unless otherwise approved by the City council, occupancy periods of a Hotel, or unit thereof, by any one person or entity with an ownership interest in the Hotel, or unit thereof, shall not exceed 30 consecutive days or exceed 90 days within any calendar year, regardless of the form of ownership. ~~Occupancy periods for persons or entities with no ownership interest (e.g. vacationers) shall be limited only by the 90 days per calendar year requirement.~~ A hotel room which includes cooking facilities shall not be considered a dwelling for the purposes of density, area and bulk regulations of this Title and other land use regulations. For the purposes of granting height and density bonuses, a hotel building may contain other residential uses not used in connection with the Hotel operation, so long as the total gross square footage of the hotel rooms, associated common areas, and other hotel uses outlined above comprises seventy five percent (75%) or more of the entire project's gross square

footage.) Parking which meets the definition of Gross Floor Area shall not be counted towards the seventy five percent (75%) calculation these uses does not exceed twenty percent (20%) of the sleeping rooms and/or sleeping units unless otherwise approved by the Council.

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.

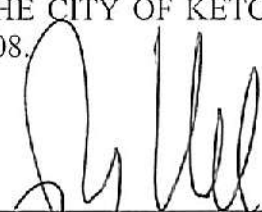
SECTION 3. CODIFICATION CLAUSE. The City Clerk is instructed to immediately forward this ordinance to the codifier of the official municipal code for proper revision of the code.

SECTION 4. PUBLICATION. This Ordinance, or a summary thereof in compliance with Section 50-901A, Idaho Code, substantially in the form attached 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. REPEALER CLAUSE. All City of Ketchum code sections, ordinances or resolutions or parts thereof, which are in conflict herewith are hereby repealed.

SECTION 6. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval and publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF KETCHUM, IDAHO,
and approved by the Mayor this 19th day of May, 2008.



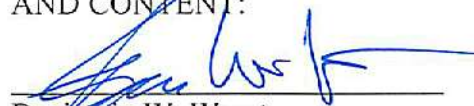
Randy Hall, Mayor

ATTEST:



Sandra E. Cady, CMC
City Treasurer/Clerk



APPROVED AS TO FORM
AND CONTENT:


Benjamin W. Worst,
City Attorney

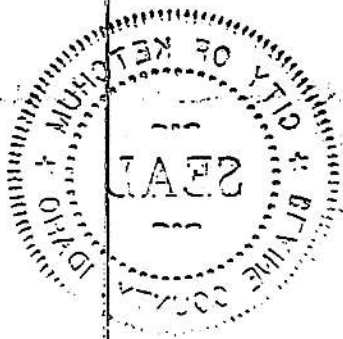


EXHIBIT A

**PUBLICATION OF SUMMARY OF ORDINANCE NO. 1040
CITY OF KETCHUM, IDAHO**

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, AMENDING TITLE 17, CHAPTER 17.08, DEFINITIONS, HOTEL DEFINITION; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE, PROVIDING A CODIFICATION CLAUSE; PROVIDING FOR PUBLICATION BY SUMMARY; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

A summary of the principal provisions of Ordinance No. 1040 of the City of Ketchum, Blaine County, Idaho, adopted on May 19, 2008, is as follows:

Section 1. Amends Section 17.08.020, Definitions, by modifying the definition of Hotel to clarify what portions of a building or buildings constitute a hotel for the purposes of considering height and density bonuses.

Section 2: Provides a savings and severability clause.


Section 3: Provides a codification clause.

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

Section 5: Provides a repealer clause.


Section 6: Establishes the effective date of May 28, 2008.

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

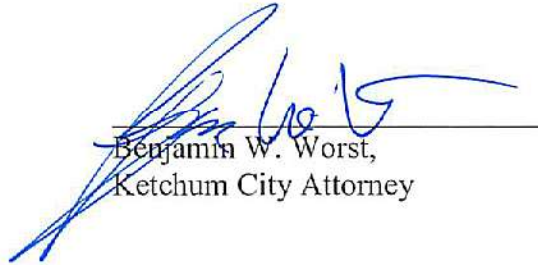
ATTEST:


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. 1040 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 May, 2008.



Benjamin W. Worst,
Ketchum City Attorney

Publish: Idaho Mountain Express
Date: May 28, 2008