

## ORDINANCE NUMBER 1053

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, AMENDING TITLE 16, CHAPTER 16.08.130, SUBSECTION C, PLANNED UNIT DEVELOPMENTS, CONDITIONS OF APPROVAL; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, Helios Development LLC, property owner within the City of Ketchum, applied for a text amendment by paying required fees and submitting required information; and

**WHEREAS**, the City of Ketchum has agreed that Subsection C of Ketchum City Code 16.08.130 would benefit from such amendment; and

**WHEREAS**, the Community and Economic Development Department has identified a need to allow the City discretion in framing remedies for a violation of a term or condition of a PUD Conditional Use Permit, while not allowing proper avenues to remedy these violations may ultimately facilitate an undesired land use; and

**WHEREAS**, the Planning and Zoning Commission considered the application for a text amendment and made a recommendation to the City Council on January 7, 2009.

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

**SECTION 1.** Amends Section 16.08.130, Planned Unit Developments (PUD), Conditions of Approval, subsection C as follows:


Failure to comply with any condition or term of such permit ~~shall~~ may cause such permit to be void ~~ab-initio~~. A PUD conditional use permit may be revoked at any time for violation of the permit or any condition by motion of the city council after a due process hearing upon a minimum of ten (10) days written notice describing the violation to the holder of the PUD conditional use permit. At the hearing the holder may be represented by counsel, present testimony and cross-examine witnesses.

**SECTION 2. SEVERABILITY CLAUSE.** 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. PUBLICATION.** This Ordinance shall be published once in the official newspaper of the City, and shall take effect immediately upon its passage, approval, and publication.

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City of Ketchum code sections, ordinances or resolutions or parts thereof, which are in conflict herewith are hereby repealed.

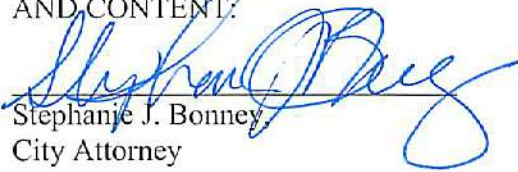
PASSED BY THE CITY COUNCIL OF THE CITY OF KETCHUM, IDAHO, and approved by the Mayor this 2nd day of March, 2009.

  
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Randy Hall, Mayor

ATTEST:

  
Sandra E. Cady, CMC  
City Treasurer/Clerk

APPROVED AS TO FORM  
AND CONTENT:

  
Stephanie J. Bonney  
City Attorney

