ORDINANCE NO. 1118

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, AMENDING TITLE 17, CHAPTER 17.72.010, CONDITIONAL USES PERMITTED, AMENDING LANGUAGE TO ALLOW FOR RESTAURANTS AND SMALL FOOD ESTABLISHMENTS TO OPERATE AFTER 9:00 P.M. IN THE LIGHT INDUSTRIAL – 2 ZONE DISTRICT (LI-2) IF APPROVED THROUGH A CONDITIONAL USE PERMIT; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE, PROVIDING A REPEALER CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a request was made through the City's application process by George Gollaher for an amendment to the Ketchum Zoning Code, Chapter 17.72.010.B, Conditional Uses Permitted; and,

WHEREAS, the Planning and Zoning Commission held a public hearing on this matter on June 9, 2014 and unanimously recommended approval to the City Council, with an amendment to the applicant's proposed language; and,

WHEREAS, the City Council conducted a first reading and public hearing on July 7, 2014, and a second reading on July 21, 2014, on this matter in accordance with the provisions of the Ketchum Municipal Code and Idaho Statutes. Third reading was waived.

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

SECTION 1. Light Industrial District 2, Section 17.72.010.B Conditional Uses Permitted, be amended by deleting therefrom the stricken language and adding the underlined language herein below, to wit:

> "Restaurants and small food establishments, provided they are not more than one thousand (1,000) square feet of gross floor area, they serve as support service to the light industrial district, they ~~shall~~ serve no later than nine o'clock (9:00) P.M. unless expressly approved through a conditional use approval, and off street parking requirements are met."

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. REPEALER CLAUSE. All City of Ketchum code sections, 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 July 30, 2014.

PASSED BY THE CITY COUNCIL OF THE CITY OF KETCHUM, IDAHO, and approved by the Mayor this 21st day of July, 2014.

Nina Jonas, Mayor

ATTEST:

Sandra E. Cady, CMC
City Treasurer/Clerk