ORDINANCE NUMBER 917

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, AMENDING ZONING CODE TITLE 17, CHAPTER 17.12, ESTABLISHMENT OF DISTRICTS, AND THE CITY OF KETCHUM ZONING MAP BY CHANGING THE ZONING CLASSIFICATION FOR PARCELS OF LAND WITHIN THE CITY FROM LIMITED RESIDENTIAL - ONE ACRE (LR-1) TO LIMITED RESIDENTIAL (LR); PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; AND, PROVIDING AN EFFECTIVE DATE.

WHEREAS, Developer is the owner of record of that certain real estate legally described as Lot 2, Mortgage Row Subdivision (12738 State Highway 75) according to the official plat thereof on file in the office of the County Recorder, Blaine County, Idaho (the Property);

WHEREAS, Developer has applied to City for an amendment to the official zoning map for said Property described herein to rezone the Property from Limited Residential - One Acre (LR-1) to Limited Residential (LR) with certain conditions;

WHEREAS, Developer proposes that the Property be developed pursuant to and in accordance with City's Comprehensive Plan, Zoning Code and Development Agreement Ordinance in accordance with the terms and conditions of the Development Agreement and any amendments thereto;

WHEREAS, the requested zoning satisfies the requirements set forth in the Development Agreement Ordinance and the Zoning Code for rezone findings, conclusions and approval, and the use of a development agreement will assure compliance with the conditions of approval;

WHEREAS, City, pursuant to Chapter 17.154 Ketchum City Code, and §67-6511A, Idaho Code, has the authority to conditionally zone the Property and to enter into a development agreement for the purpose of allowing, by agreement, a specific development to proceed in a specific area and for specific purposes and/or uses which are appropriate in the area;

WHEREAS, City's Planning & Zoning Commission and City's City Council have held public hearings as prescribed by law with respect to the rezoning of the Property and this Agreement;

WHEREAS, all public hearings pursuant to notice as required by law or other action required to be held or taken prior to the adoption and execution to the rezoning of the Property and the Development Agreement have been held and/or taken;

WHEREAS, it is the intent and desire of the parties hereto that development and uses of the Property proceed as provided herein subject to the terms and conditions of the Development Agreement; and,

WHEREAS, the parties have entered into a Development Agreement with mutual consideration as reflected in the covenants, duties and obligations herein set forth.

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

SECTION 1. Zoning Code Title 17, Chapter 17.12, Establishment of Districts, and the City of Ketchum Zoning Map are hereby amended, altered and changed by changing the zoning district classification for the parcel of land described as Lot 2, Mortgage Row Subdivision (12738 State Highway 75) according to the official plat thereof on file in the office of the County Recorder, Blaine County, Idaho from Limited Residential - One Acre (LR-1) District to Limited Residential (LR) District.

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

SECTION 4. 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 16th day of June, 2003.

CITY OF KETCHUM, IDAHO

Edward Simon, Mayor

Attest:

Sandra E. Cady, City Clerk

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