

**ORDINANCE NUMBER 947**

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO AMENDING ZONING CODE TITLE 17, CHAPTER 17.96 DESIGN REVIEW DISTRICT, SECTION 17.96.120, SECURITY AGREEMENT AND SECTION 17.96.150 ENFORCEMENT, BY DELETING OLD SECTIONS AND ADDING A NEW SECTION; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the current Zoning Code requires the Building Official to withhold issuance of a Certificate of Occupancy (CO) for structures which are required to obtain design review approval until final inspection by the Planning Department determines that the project is constructed in accordance with the approved design review or until the applicant posts a security agreement for the cost of unfinished items; and

WHEREAS, this provision does not include any structures which do not obtain design review approval such as single family houses which may have site improvements that do not trigger this requirement; and

WHEREAS, the occupancy of a building deals with different issues than site improvements such as landscaping, sidewalks and other site amenities; and

WHEREAS, the proposed amendments would allow occupancy of a building prior to completion of all site improvements and the completion of the required improvements would be enforced through a consensual lien and completion agreement recorded on the property at the time of building permit issuance; and

WHEREAS, at their October 25, 2004 meeting, the Planning and Zoning Commission unanimously recommended approval of the proposed amendments to the City Council.

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

SECTION 1. That Zoning Code Title 17, Section 17.96.120, Security Agreement and Section 17.96.150, Enforcement, of the City of Ketchum, Idaho is hereby amended, altered and changed by deleting therefrom the marked out language and adding the underlined language hereinbelow, as follows:

**17.96.120 Security Agreement Completion of Improvements.**

~~The Building Inspector shall not issue a certificate of occupancy for structures which are required to obtain design review approval until upon final inspection by the Planning Department it is determined that the project is constructed in accordance with the approved design review application and plans, and all improvements, amenities and landscaping have been installed, or until the applicant has posted with the Planning Department an executed bond agreement and a performance bond or other security acceptable to the Council in the sum of one hundred fifty (150) percent of the bona fide estimate of the cost of installing said improvements, landscaping and amenities provided for in the approved design review application and plans. (Ord. 701 § 1 [part], 1997; Ord. 208 § 17 [part], 1974)~~

Upon application for a building permit, including a single family residence, an applicant shall follow the procedures set forth below to ensure substantial completion of the proposed project and improvements according to the plans and specifications as approved by the City:

- A. The applicant shall execute an agreement with the City committing the applicant to complete the construction of the improvements according to the approved plans and specifications;
- B. The applicant shall execute a lien as security for the applicant's performance of the agreement on a form provided by the City;
- C. The City shall be entitled to record said lien at the time it issues the building permit to the applicant, which lien shall encumber the property until released as provided hereunder;
- D. The improvements shall be completed in compliance with the approved plans and specifications within eighteen (18) months from the date of the issuance of the building permit. The Planning Director may extend the date of completion an additional six (6) months with the concurrence of the Building Official. The City shall have the authority to enforce the agreement and lien according to its terms. Upon good cause shown, the Planning Director may extend the period of time within which completion of the improvements is to be accomplished.
- E. All landscape improvements as approved by the Planning and Zoning Commission or Planning Department shall be completed within sixty (60) days of occupancy. In the event of partial installation due to seasonable hardship, the completion date may be adjusted into the following planting season, but shall not exceed more than twelve (12) months after occupancy without prior written approval from the Planning Director.

- F. The applicant shall have the right, after final inspection and issuance of a certificate of occupancy, to request in writing that the lien be released by the City upon posting with the City an irrevocable letter of credit, or other such security as is acceptable to the City at its sole discretion, for one hundred fifty (150) percent of the bona fide estimated cost to complete the required improvements from that time forward.

The Planning Director may waive the consensual lien and completion agreement upon a determination that the site improvements required by the applicants building permit is not substantial enough in nature to warrant a consensual lien and completion agreement.

**17.96.150 — Enforcement.**

~~Before occupying or using any structure included in a design review application, the applicant must obtain an occupancy certificate from the Building Department after inspection by the Planning Department. The Planning Department shall inspect the site and confirm that the work has been completed in accordance with the design review application, plans and approval by the Commission or a performance bond has been provided by the applicant in compliance with Section 17.96.120. (Ord. 701 § 1 [part], 1997; Ord. 208 § 17 [part], 1974)~~

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 according to law.

PASSED BY THE CITY COUNCIL OF THE CITY OF KETCHUM, IDAHO, and approved by the Mayor this 18th day of January, 2005.

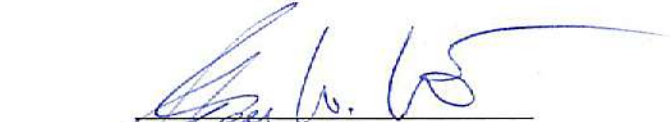
CITY OF KETCHUM, IDAHO

  
EDWARD SIMON, Mayor

ATTEST:

  
Sandra E. Cady, CMC  
City Treasurer/Clerk

APPROVED AS TO FORM  
AND CONTENT:

  
Benjamin W. Worst  
City Attorney



Publish: Idaho Mountain Express  
January 26, 2015

ESTABLISHED 1890  
BY THE STATE OF IDAHO

*John H. ...*  
...  
...



...  
...