ORDINANCE NUMBER 953

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, AMENDING THE KETCHUM MUNICIPAL CODE TITLE 17 "ZONING", CHAPTER 17.12 "ESTABLISHMENT OF DISTRICTS", AND THE CITY OF KETCHUM ZONING MAP BY CHANGING THE ZONING OF CERTAIN PARCELS OF LAND WITHIN THE CITY OF KETCHUM COMMONLY KNOWN AS THE "PARK AND RIDE" LOT FROM GENERAL RESIDENTIAL-LOW DENSITY DISTRICT (GR-L) TO TOURIST DISTRICT (T) BY DELETING OLD SECTIONS AND ADDING A NEW SECTION AND REQUIRING THE OWNER TO ENTER A DEVELOPMENT AGREEMENT WITH THE CITY PURSUANT TO KETCHUM MUNICIPAL CODE CHAPTER 17.154 AND IDAHO CODE SECTION 67-6511A; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Ketchum, an Idaho Municipal Corporation ("Owner"), is the owner of record of certain real property located in the City of Ketchum, Idaho, commonly know as the "Park and Ride Lot" and more particularly described in Exhibits A 1 - 3, attached hereto and incorporated herein by this reference (the "Property"); and

WHEREAS, Owner requests that the Property be developed pursuant to and in accordance with the City's Comprehensive Plan, Zoning Code, and Development Agreement Ordinance and in accordance with the terms and conditions of a Development Agreement; and

WHEREAS, such request requires that the City amend its Zoning Ordinance to rezone the Property from General Residential - Low Density (GR-L) to Tourist (T); and

WHEREAS, the City will grant such request and amend the official zoning map for the Property on condition that Owner enter a Development Agreement with the City imposing certain restrictions on the uses allowed on the Property; and

WHEREAS, pursuant to Section 17.154 of the Ketchum City Code and Idaho Code Section 67-6511A, the City 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; and

WHEREAS, such restrictions shall be set forth in a Development Agreement pursuant to Section 17.154 of the Ketchum City Code and Idaho Code Section 67-6511A to be entered into between Owner and City; and

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; and

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

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 of the rezoning of the Property and the Development Agreement have been held and/or taken; and

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 a Development Agreement; and

WHEREAS, the parties shall enter into a Development Agreement with mutual consideration as reflected in the covenants, duties and obligations therein 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 amending the Ketchum Municipal Code Title 17 "Zoning", Chapter 17.12 "Establishment Of Districts", and the City Of Ketchum Zoning Map by changing the zoning of certain parcels of land within the City of Ketchum commonly known as the "Park And Ride" lot from General Residential-Low Density District (GR-L) to Tourist District (T) and requiring the Owner to enter a Development Agreement with the City pursuant to Ketchum Municipal Code Chapter 17.154 and Idaho Code Section 67-6511A.

SECTION 2. SAVINGS AND SERERABILITY 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 18th of July, 2005.

CITY OF KETCHUM, IDAHO

EDWARD SIMON,
Mayor

ATTEST:

Sandra E. Cady, CMC
City Treasure/Clerk

APPROVED AS TO FORM
AND CONTENT:

By:
Benjamin W. Worst
City Attorney

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