ORDINANCE NUMBER 971

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, FINDING THAT AN IMMINENT PERIL TO THE PUBLIC HEALTH, SAFETY AND WELFARE EXISTS REQUIRING ADOPTION OF AN EMERGENCY MORATORIUM PURSUANT TO IDAHO CODE SECTION 67-6523 UPON THE ISSUANCE OF BUILDING PERMITS FOR SINGLE FAMILY DWELLINGS AND FOR PROJECTS THAT INCLUDE RESIDENTIAL USES ON THE GROUND FLOOR IN THE COMMUNITY CORE DISTRICT (CC); AND IMPLEMENTING IMMEDIATELY SUCH MORATORIUM IN THE COMMUNITY CORE DISTRICT (CC); PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 4.5 of the Ketchum Comprehensive Plan calls for the CC District to be the City's center of commerce, entertainment, and retail activities and establishes the support of local businesses as a goal; and

WHEREAS, over the past five years, 75% of the applications for building permits in the CC District were for residential projects; and

WHEREAS, in the past two years, the City has issued three building permits for single family dwellings constructed in the CC District; and

WHEREAS, every time property in the CC District is developed as a single family residential dwelling unit or as a project that includes residential development on the ground floor, the City permanently loses the potential to develop such property for commercial, entertainment, or retail activities; and

WHEREAS, the City finds that the permanent loss of property that could otherwise be developed for commercial, entertainment, or retail purposes to single family residential dwelling development and to development containing residential uses on the ground floor threatens the economic vitality of the City, threatens to permanently impair or reduce the City's collection of the local option tax, and threatens the City's ability to adequately staff and pay for essential services including, without limitation, fire, police, emergency medical, and building inspection services, and;

WHEREAS, the City finds that it requires sufficient time to study and review the public health, safety, and welfare concerns presented by the above-referenced threats; and

WHEREAS, the City finds that such threats constitute an imminent peril to the public health, safety, and welfare requiring the adoption of this moratorium pursuant to Idaho Code Section 67-6523; and

WHEREAS, pursuant to Idaho Code Section 67-6523, the City may adopt an emergency ordinance declaring a moratorium on certain classes of permits for a period not to exceed one hundred eighty-two (182) days.

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

SECTION 1. FINDING OF IMMINENT PERIL TO THE PUBLIC HEALTH, SAFETY AND WELFARE: The City Council hereby finds that an imminent peril to the public health, safety, and welfare exists caused by the permanent loss land in the CC District to single family residential dwelling development and to development containing residential uses on the ground floor that could otherwise be developed for commercial purposes because of the following:

a. Commercial, entertainment, and retail uses in the CC District are essential to the economic vitality and the public health, safety, and welfare of the residents of and visitors to the City.
b. Development in the CC District over the past five years has been 75% residential.
c. The City has issued three building permits for single family residential dwellings in the CC District in the past two years.
d. Every time property in the CC District is developed as a single family residential dwelling unit or as a project that includes residential development on the ground floor, the City permanently loses the potential to develop such property for commercial, entertainment, or retail activities.
e. The permanent loss of property that could otherwise be developed for commercial, entertainment, or retail purposes to single family residential dwelling development and to development containing residential uses on the ground floor threatens the economic vitality of the City, threatens to permanently impair or reduce the City's collection of the local option tax, and threatens the City's ability to adequately staff and pay for essential services including, without limitation, fire, police, emergency medical, and building inspection services.
f. The City finds that it requires sufficient time to study and review the public health, safety, and welfare concerns presented by the above-referenced threats.

SECTION 2. DECLARATION OF MORATORIUM. The City Council hereby declares a moratorium upon both the acceptance of applications for design review and upon the issuance of building permits for single family residential dwellings and for projects that include residential uses on the ground floor in the Community Core District (CC). This moratorium does not apply to maintenance and repair of existing buildings. Applications already submitted for pre-application design review shall not be subject to the moratorium.

SECTION 3. DURATION: This moratorium will terminate at the behest of the City Council or one hundred eighty-two (182) days from the adoption of this ordinance, whichever occurs first.

SECTION 4. 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 5. REPEALER CLAUSE. All City of Ketchum ordinances or resolutions or parts thereof which are in conflict herewith are hereby repealed.

SECTION 6. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and approval.

PASSED BY THE CITY COUNCIL OF THE CITY OF KETCHUM, IDAHO and APPROVED by the Mayor this 11th of October, 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

Publish: Idaho Mountain Express
_____, 2005

PROCLAMATION

A PROCLAMATION OF THE MAYOR OF THE CITY OF KETCHUM, IDAHO, PROCLAIMING THAT DUE TO IMPENDING DANGER REQUIRING IMMEDIATE ENFORCEMENT, ORDINANCE 971 SHALL TAKE EFFECT UPON POSTING IN FIVE (5) PUBLIC PLACES OF THE CITY OF KETCHUM.

DATED this 11 day of October, 2005.

CITY OF KETCHUM, IDAHO

Edward E. Simon,
Mayor

APPROVED AS TO FORM
AND CONTENT:

Benjamin W. Worst,
City Attorney