

**ORDINANCE NUMBER 977**

AN INTERIM ORDINANCE OF THE CITY OF KETCHUM, IDAHO, AMENDING TITLE 17, CHAPTER 17.64, "COMMUNITY CORE DISTRICT (CC)" SUBSECTION 17.64.010(A), KETCHUM MUNICIPAL CODE, PURSUANT TO IDAHO CODE SECTION 67-6524, DELETING SINGLE-FAMILY DWELLINGS, DUPLEXES AND TOWNHOUSES AND RESIDENTIAL USES ON THE GROUND OR FIRST FLOOR FROM THE LIST OF "USES PERMITTED" IN THE CC DISTRICT; PROVIDING FOR AN EFFECTIVE PERIOD OF ONE (1) YEAR; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR PUBLICATION BY SUMMARY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, On October 11, 2005, Ketchum adopted Ordinance No. 971, an emergency moratorium enacted pursuant to Idaho Code Section 67-6523 declaring 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 CC District; and

WHEREAS, immediately following the adoption of such Ordinance, Ketchum contracted with the Tom Hudson Company to prepare a downtown master plan addressing the issues which gave rise to the Moratorium; and

WHEREAS, in preparing such master plan for Ketchum's downtown, the Tom Hudson Company has recommended multiple and substantial changes to Ketchum's zoning plan; and

WHEREAS, the Mayor and City Council of the City of Ketchum find that such amendments to Ketchum's zoning plan are currently being prepared for Ketchum.

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

SECTION 1. That Chapter 17.64, Subsection 17.64.010(A), Title 17 of the Ketchum Municipal Code is hereby amended, altered and changed by adding thereto the underlined language herein below and by deleting there from the language stricken through, to wit:

Chapter 17.64

COMMUNITY CORE DISTRICT (CC)

17.64.010 CC--Community Core District.

The purpose of the following CC -- Community Core District is to promote a compact and cohesive center of commerce and culture, to promote an attractive and safe pedestrian environment which includes sidewalks, gathering spaces, streetscape amenities and landscaping, to retain the unique small town scale and character and to encourage buildings which respect Ketchum's historical and geographic context while providing diversity. Compatible mixed uses including retail, office, residential and cultural uses are encouraged. Commercial uses are concentrated in the CC district which is consistent with the city's comprehensive plan.

A. Uses Permitted. All uses not listed below shall be prohibited unless otherwise determined by the planning and zoning commission to be similar in nature to a use listed below:

Use	Permitted Use*	CUP**	T/CUP** *
Mercantile	X		
Grocery store	X		X
Offices	X		
Restaurants, bars not including drive-up	X		X
Hotels, motels, and other lodging establishments including time share	X		
Personal service establishments	X		
Entertainment, recreation and cultural uses enclosed Within building	X		X
Entertainment, recreation and cultural uses unenclosed, outdoors		X	
<del>Single family dwelling not to exceed 4,000 square feet of gross floor area</del>	<del>X</del>		
Apartments, duplex and multifamily residential dwellings including townhouses <u>not on the first or ground floor</u>	X		
Day care home, day care facility or day care center	X		X
Medical facilities	X		
Bakeries	X		X
Manufacturing of small goods only in conjunction with retail, provided it does not create noise, odor, dust, fumes or require outside storage of material	X		X
Off-street parking facilities	X		X
Accessory buildings and uses including home occupations	X		
Outside display of merchandise associated with the business conducted on the premises	X		X
Schools		X	
Service stations		X	

Mortuary		X	
Public uses and semi-public uses	X		
Satellite receivers and antennas		X	
Outside storage of merchandise		X	
Dumpster, rubbish container (subject to issuance of a Dumpster permit)	X		

\* Permitted--A use which is permitted as of right without special permit consideration.

\*\* CUP--A conditional use which requires a conditional use permit to locate and operate in the CC district.

\*\*\* T/CUP--Transition conditional use permit, a permitted use which, when directly abutting a residential district (LR or GR-L), requires a conditional use permit and shall comply with the following additional regulations:

1. No use or building shall provide ingress or egress to off-street parking from a public street adjacent to a residential zone.

2. All exterior lighting shall be contained within the property and directed downward with no visible light source.

3. Sufficient landscape shall be provided to adequately buffer business uses from residential properties.

4. Any use which requires a conditional use permit shall follow the application and hearing procedures set forth under Chapter 17.116.

5. No residential dwelling unit(s) or associated residential parking spaces shall be permitted on the first or ground floor of any building within the Community Core (CC) District except off the alley.

SECTION 2. DURATION: This interim ordinance shall be in full force and effect for a period of one (1) year beginning on its effective date and shall terminate and be of no further force nor effect thereafter.

SECTION 3. 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 4. REPEALER CLAUSE. All City of Ketchum 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 from and after its passage, approval and publication according to law.

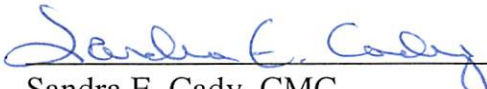
PASSED BY THE CITY COUNCIL OF THE CITY OF KETCHUM, IDAHO, and approved by the Mayor this 20<sup>th</sup> day of March, 2006.

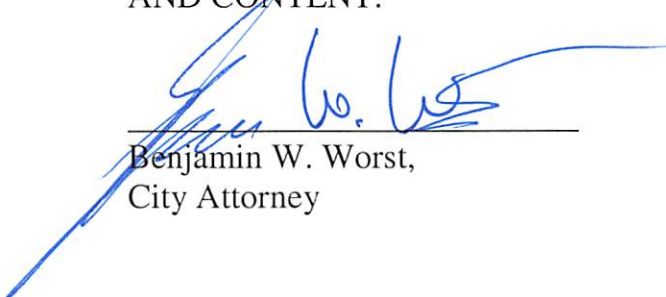
CITY OF KETCHUM, IDAHO

  
\_\_\_\_\_  
RANDY HALL, Mayor

ATTEST:

APPROVED AS TO FORM  
AND CONTENT:

  
\_\_\_\_\_  
Sandra E. Cady, CMC  
City Treasurer/Clerk

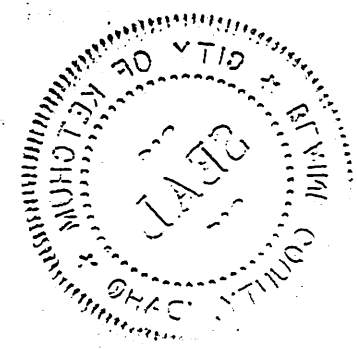
  
\_\_\_\_\_  
Benjamin W. Worst,  
City Attorney



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## EXHIBIT A

### PUBLICATION OF SUMMARY OF ORDINANCE NO. 977 CITY OF KETCHUM, IDAHO

AN INTERIM ORDINANCE OF THE CITY OF KETCHUM, IDAHO, AMENDING TITLE 17, CHAPTER 17.64, "COMMUNITY CORE DISTRICT (CC)" SUBSECTION 17.64.010(A), KETCHUM MUNICIPAL CODE, PURSUANT TO IDAHO CODE SECTION 67-6524, DELETING SINGLE-FAMILY DWELLINGS, DUPLEXES AND TOWNHOUSES AND RESIDENTIAL USES ON THE GROUND OR FIRST FLOOR FROM THE LIST OF "USES PERMITTED" IN THE CC DISTRICT; PROVIDING FOR AN EFFECTIVE PERIOD OF ONE (1) YEAR; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR PUBLICATION BY SUMMARY; AND PROVIDING FOR AN EFFECTIVE DATE.

A summary of the principal provisions of Ordinance No. 977 of the City of Ketchum, Blaine County, Idaho, adopted on March 20, 2006, is as follows:

Section 1: Amends Chapter 17.64, Subsection 17.64.010(A), Title 17 of the Ketchum Municipal Code, by deleting single family dwellings, duplexes and townhouses and residential uses on the ground or first floor from the list of "uses permitted" in the CC District.

Section 2: Provides that the Interim Ordinance shall be in full force and effect for a period of one (1) year beginning on its effective date and shall terminating thereafter.

Section 3: Provides a savings and severability clause.

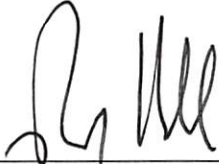
Section 4: Provides a repealer clause.

Section 5: Provides for publication of a summary of the Ordinance.

Section 6: Establishes the effective date.


The full text of this Ordinance is available at the City Clerk's Office, Ketchum City Hall, 480 East Avenue North, Ketchum, Idaho 83340 and will be provided to any citizen upon personal request during normal office hours.

CITY OF KETCHUM, IDAHO

By:   
\_\_\_\_\_

Randy Hall, Mayor

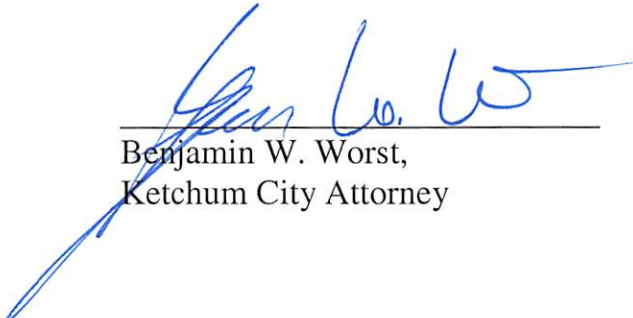
ATTEST:

  
\_\_\_\_\_  
Sandra E. Cady, CMC  
City Treasurer/Clerk

STATEMENT OF LEGAL ADVISOR

I, the undersigned attorney at law, duly licensed in the State of Idaho and serving as City Attorney to the City of Ketchum, Idaho, hereby certify that I have read the attached Summary of Ordinance No. 977 of the City of Ketchum and that the same is true and complete and provides adequate notice to the public of the contents of said Ordinance.

Dated this 20<sup>th</sup> day of March, 2006.



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Benjamin W. Worst,  
Ketchum City Attorney

Publish: Idaho Mountain Express  
Date: March 29, 2006