

**ORDINANCE NUMBER 1035**

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, AMENDING TITLE 17, CHAPTER 96.130, DESIGN REVIEW DISTRICT, AND TITLE 17, CHAPTER 116.090, CONDITIONAL USES BY DELETING CERTAIN LANGUAGE AND ADDING NEW LANGUAGE; CLARIFYING THE PURPOSE, APPLICABILITY AND EXCEPTIONS; EXTENDING THE TERM OF DESIGN REVIEW APPROVAL FROM SIX (6) MONTHS TO TWELVE (12) MONTHS AND EXTENDING THE TERM OF CONDITIONAL USE PERMIT APPROVAL FROM SIX (6) MONTHS TO TWELVE (12) MONTHS, ADDING CRITERIA FOR ADDITIONAL EXTENSION OF APPROVAL FOR "CIVIC" AND OTHER BUILDINGS; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING A CODIFICATION CLAUSE; PROVIDING FOR PUBLICATION BY SUMMARY; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, Sun Valley Center for the Arts, a Ketchum-based not-for-profit organization applied for a text amendment by paying required fees and submitting required information; and

**WHEREAS**, the Planning and Building Departments have identified a need for design review approvals be valid for longer than six (6) months in order for construction drawings to be completed by an applicant; and

**WHEREAS**, the Planning and Zoning Commission considered the application for a text amendment and made a recommendation to the City Council on January 28, 2008.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF KETCHUM, IDAHO:**

**SECTION 1.** Amends Section 17.96.130, **Design Review District (D)**, Terms of Approval, subsections A., B., C., and D.; be amended by deleting therefrom and adding thereto the underlined language hereinbelow, to wit:

The term of design review approval shall be ~~six-twelve~~ months from the date that findings of fact, conclusions of law and decision are adopted by the Commission or upon appeal, the date the approval is granted by the Council subject to changes in zoning regulations. Application must be made for a building permit with the Ketchum Building Department during the ~~six-twelve~~ month term. Once a building permit has been issued, the design review approval shall be valid for the duration of the building permit. Unless an extension is granted as set forth below, ~~f~~Failure to file a complete building permit application for a project in accordance with these provisions shall cause said approval to be null and void. (Ord. 831 § 17 [part], 1999; Ord. 701 § 1 [part], 1997; Ord. 208 § 17 [part], 1974)

The term of design review approval shall be ~~six-twelve~~ (12) months from the date that findings of fact, conclusions of law and decision are adopted by the Commission or upon appeal, the date the approval is granted by the Council subject to changes in zoning regulations. Application must be made for a building permit with the Ketchum Building Department during the ~~six-twelve~~ (12)

month term. Once a building permit has been issued, the design review approval shall be valid for the duration of the building permit. Unless an extension is granted as set forth below, fFailure to file a complete building permit application for a project in accordance with these provisions shall cause said approval to be null and void. (Ord. 831 § 17 [part], 1999; Ord. 701 § 1 [part], 1997; Ord. 208 § 17 [part], 1974)

For design review approvals pertaining to "Civic" buildings, the head of the Planning Department and the Chair of the Planning and Zoning Commission may, upon written request by the holder, grant a maximum of one twelve (12) month extension to an unexpired design review approval. For design review approvals pertaining to all other buildings, the head of the Planning Department and the Chair of the Planning and Zoning Commission may, upon written request by the holder, grant a maximum of one six (6) month extension to an unexpired design review approval. Upon receipt of the written request for extension, the head of the Planning Department and the Chair of the Planning and Zoning Commission shall determine if an extension is warranted based on the following considerations:

- A. Whether there have been significant amendments to the City's ordinances which will apply to the subject design review approval; or
- B. Whether significant land use changes have occurred in the project vicinity which would adversely impact the project or be adversely impacted by the project; or
- C. Whether hazardous situations have developed or have been discovered in the project area; or
- D. Whether community facilities and services required for the project are now inadequate.

If any of the foregoing considerations are found to exist with regard to the project for which an extension is sought, an extension will not be granted and the head of the Planning Department and the Chair of the Planning and Zoning Commission shall issue this decision in writing; otherwise the head of the Planning Department and the Chair of the Planning and Zoning Commission shall administratively approve such an extension. No extensions shall be granted for an expired design review approval.

This Ordinance shall be deemed effective as of July 1, 2007, and shall apply to all design review approvals granted by the City since this effective date.

**SECTION 2.** Amends Section 17.116.080, **Conditional Uses, Term of Permits** is amended by deleting therefrom the stricken language and adding thereto the underlined language hereinbelow, to wit:

All conditional use permits shall be issued and construction shall commence within ~~six~~ twelve (12) months from the date that such conditional use permit is granted; otherwise, the conditional use permit shall no longer be considered valid.

**SECTION 3.** Amends Section 17.116.090, **Conditional Uses, Extensions** subsection A., B., C., and D. are amended by deleting therefrom the stricken language and adding thereto the underlined language hereinbelow, to wit:

For all conditional use permits issued for "Civic" buildings, tThe head of the Planning Department and the Chair of the Planning and Zoning Commission Commission may, upon

written request by the holder, grant a maximum of one twelve (12) ~~six~~ month extension to an unexpired conditional use permit. For conditional use permits issued to all other buildings, the head of the Planning Department and the Chair of the Planning and Zoning Commission may, upon written request by the holder, grant a maximum of one six (6) month extension to an unexpired conditional use permit. Upon receipt of the written request for extension, the head of the Planning Department and the Chair of the Planning and Zoning Commission ~~and Zoning Administrator~~ shall determine if an extension is warranted ~~public hearing on the request is required~~, based on the following considerations:

- A. Whether there have been significant amendments to the City's ordinances which will apply to the subject conditional use permit; or
- B. Whether significant land use changes have occurred in the project vicinity which would adversely impact the project or be adversely impacted by the project; or
- C. Whether hazardous situations have developed or have been discovered in the project area; or
- D. Whether community facilities and services required for the project are now inadequate.

If any of the foregoing considerations are found to exist with regard to the project for which an extension is sought, an extension will not be granted and the head of the Planning Department and the Chair of the Planning and Zoning Commission shall issue this decision in writing; otherwise the head of the Planning Department and the Chair of the Planning and Zoning Commission shall administratively approve such extension. ~~a public hearing shall be required. If a public hearing is required, notice shall be provided as described in Section 17.116.040 and a new application and fee must be submitted in compliance with current plans and ordinances.~~ No extensions shall be granted for an expired conditional use permit. (Ord. 208 § 22.9, 1974)

This Ordinance shall be deemed effective as of July 1, 2007, and shall apply to all conditional use permits granted by the City since this effective date.

**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. CODIFICATION CLAUSE.** The City Clerk is instructed to immediately forward this ordinance to the codifier of the official municipal code for proper revision of the code.

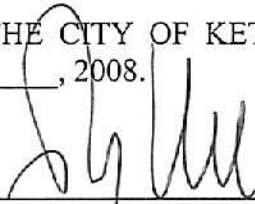
**SECTION 6. PUBLICATION.** This Ordinance, or a summary thereof in compliance with Section 50-901A, Idaho Code, substantially in the form attached hereto as Exhibit "A," shall be

published once in the official newspaper of the City, and shall take effect immediately upon its passage, approval, and publication.

**SECTION 7. REPEALER CLAUSE.** All City of Ketchum code sections, ordinances or resolutions or parts thereof, which are in conflict herewith are hereby repealed.

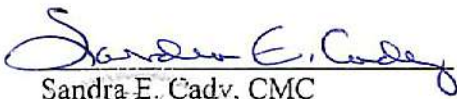
**SECTION 8. EFFECTIVE DATE.** This Ordinance shall be in full force and effect from and after its passage, approval and publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF KETCHUM, IDAHO, and approved by the Mayor this 17<sup>th</sup> day of March, 2008.

  
\_\_\_\_\_  
Randy Hall, Mayor

ATTEST:

APPROVED AS TO FORM  
AND CONTENT:

  
Sandra E. Cady, CMC  
City Treasurer/Clerk

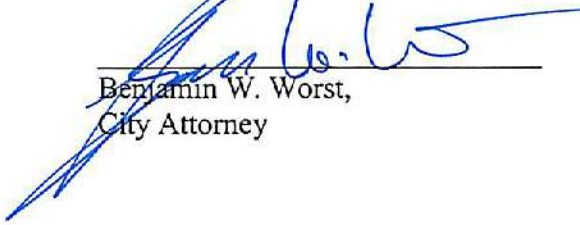
  
\_\_\_\_\_  
Benjamin W. Worst,  
City Attorney





EXHIBIT A

PUBLICATION OF SUMMARY OF ORDINANCE NO. 1035  
CITY OF KETCHUM, IDAHO

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, AMENDING TITLE 17, CHAPTER 96.130, DESIGN REVIEW DISTRICT, AND TITLE 17, CHAPTER 116.090, CONDITIONAL USES BY DELETING CERTAIN LANGUAGE AND ADDING NEW LANGUAGE; CLARIFYING THE PURPOSE, APPLICABILITY AND EXCEPTIONS; EXTENDING THE TERM OF DESIGN REVIEW APPROVAL FROM SIX (6) MONTHS TO TWELVE (12) MONTHS AND EXTENDING THE TERM OF CONDITIONAL USE PERMIT APPROVAL FROM SIX (6) MONTHS TO TWELVE (12) MONTHS, ADDING CRITERIA FOR ADDITIONAL EXTENSION OF APPROVAL FOR "CIVIC" AND OTHER BUILDINGS; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING A CODIFICATION CLAUSE; PROVIDING FOR PUBLICATION BY SUMMARY; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

A summary of the principal provisions of Ordinance No. 1035 of the City of Ketchum, Blaine County, Idaho, adopted on March 17, 2008, is as follows:

**Section 1.** Amends Section 17.96.130, **Design Review District (D)**, Terms of Approval, subsections A., B., C., and D.; to extend the time period for design review approval to 12 months with possible extensions of another 12 months for civic buildings and another 6 months for other buildings if the buildings meet certain criteria, and establish a retroactive effective date of July 1, 2007.

**Section 2.** Amends Section 17.116.080, **Conditional Uses, Term of Permits** is amended deleting the 6 month approval time period and replacing it with a 12 month approval time period.

**Section 3.** Amends Section 17.116.090, **Conditional Uses, Extensions** subsection A., B., C., and D. to extend the time period for conditional use permit approval to 12 months with possible extensions of another 12 months for civic buildings and another 6 months for other buildings if the buildings meet certain criteria, and to establish a retroactive effective date of July 1, 2007.

**Section 4:** Provides a savings and severability clause.

**Section 5:** Provides a codification clause.

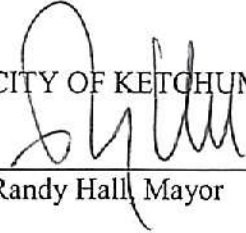
**Section 6:** Provides for publication of a summary of the Ordinance.

**Section 7:** Provides a repealer clause.


**Section 8:** Establishes the effective date of July 1, 2007.

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

  
Randy Hall, Mayor

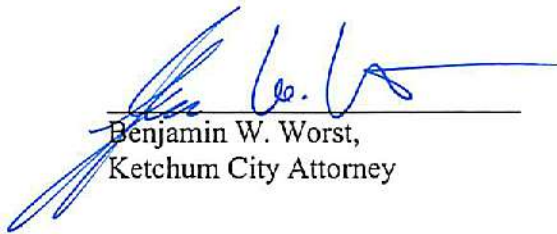
ATTEST:

  
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. 1035 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 10<sup>th</sup> day of March, 2008.

  
Benjamin W. Worst,  
Ketchum City Attorney

Publish: Idaho Mountain Express

Date: \_\_\_\_\_