ORDINANCE NUMBER 1052

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, AMENDING TITLE 17, CHAPTER 17.64.010(H)(2)(a), COMMUNITY CORE (CC) DISTRICT, BY ADDING NEW LANGUAGE; CLARIFYING THE PURPOSE, APPLICABILITY AND EXCEPTIONS; 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, the City of Ketchum initiated an amendment to Chapter 17.64.010 due to ambiguities in the current language in the Code; and

WHEREAS, the current language in the Code does not clearly indicate that the calculation of floor area ratio (FAR) community housing incentives excludes ground floor retail uses only; and,

WHEREAS, the current language may cause confusion as to whether all retail uses within a building or ground floor retail only is excluded from the calculation; and,

WHEREAS, the Planning and Zoning Commission considered the application for a text amendment and made a recommendation to the City Council on November 20, 2008.

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

SECTION 1. Amends Section 17.64.010(H)(2)(a), Community Core District (CC) pertaining to the Floor Area Ratio (FAR) Community Housing Incentive; be amended by adding thereto the underlined language hereinbelow, to wit:

> 2. Floor Area Ratio (FAR) Community Housing Incentive: An increased FAR above 1.0 for providing community housing units may be permitted up to a maximum of 2.25, subject to design review approval, and provided, that all the following conditions are met:
> a. Twenty percent (20%) of the total gross floor area of the building, minus any ground floor retail trade, ground floor retail service, ground floor professional service, and ground floor public/semipublic uses, is deed restricted in perpetuity as community housing unit(s), pursuant to the definition in section 17.08.020 of this title.

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City of Ketchum code sections, ordinances or resolutions or parts thereof, which are in conflict herewith are hereby repealed.

SECTION 6. 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 5th day of January, 2009.

Randy Hall, Mayor

ATTEST:

Sandra E. Cady, CMC
City Treasurer/Clerk

EXHIBIT A

PUBLICATION OF SUMMARY OF ORDINANCE NO. 1052
CITY OF KETCHUM, IDAHO

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, AMENDING TITLE 17, CHAPTER 17.64.010(H)(2)(a), COMMUNITY CORE (CC) DISTRICT, BY ADDING NEW LANGUAGE; CLARIFYING THE PURPOSE, APPLICABILITY AND EXCEPTIONS; 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. 1052 of the City of Ketchum, Blaine County, Idaho, adopted on January 5, 2009, is as follows:

Section 1. Amends Section 17.64.010(H)(2)(a), Community Core District (CC) pertaining to the Floor Area Ratio (FAR) Community Housing Incentive; be amended by adding thereto the underlined language hereinbelow, to wit:

2. Floor Area Ratio (FAR) Community Housing Incentive: An increased FAR above 1.0 for providing community housing units may be permitted up to a maximum of 2.25, subject to design review approval, and provided, that all the following conditions are met:
a. Twenty percent (20%) of the total gross floor area of the building, minus any ground floor retail trade, ground floor retail service, ground floor professional service, and ground floor public/semipublic uses, is deed restricted in perpetuity as community housing unit(s), pursuant to the definition in section 17.08.020 of this title.

Section 2: Provides a savings and severability clause.

Section 3: Provides a codification clause.

Section 4: Provides for publication of a summary of the Ordinance.

Section 5: Provides a repealer clause.

Section 6: Establishes the effective date of January 14, 2009.

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

Publish: Idaho Mountain Express
Date: January 14, 2009