

CITY OF IDAHO CITY, STATE OF IDAHO
EMERGENCY MORATORIUM
ORDINANCE NO. 390

AN ORDINANCE OF THE CITY OF IDAHO CITY, BOISE COUNTY, IDAHO, DECLARING A MORATORIUM ON THE ISSUANCE OF BUILDING PERMITS AND DEVELOPMENT APPLICATIONS FOR COMMERCIAL BUSINESSES FOR A PERIOD OF NOT MORE THAN ONE HUNDRED EIGHTY-TWO (182) DAYS DUE TO IMMINENT PERIL OF PUBLIC HEALTH, SAFETY, AND WELFARE; AND PROVIDING THIS ORDINANCE BE EFFECTIVE UPON ITS PASSAGE.

WHEREAS, the City of Idaho City is a unique and small-town community with a central historic district, and the current commercial uses are all locally based small scale uses;

WHEREAS, the City's infrastructure including its roads and water and sewer system are in the process of being upgraded or replaced to be able to adequately support current and future uses;

WHEREAS, the City was made aware that a formula retail store was interested in purchasing real property within the city limits;

WHEREAS, the City received significant public comment from residents and local businesses that such a formula retail store would have devastating impacts on the character of the community and economic vitality of the City's existing small, locally based businesses;

WHEREAS, the Planning and Zoning Commission will be taking up a review of the issue of commercial development in the city;

WHEREAS, the City Council finds that the development and building of a formula retail store is an imminent peril to the public health, safety, and welfare of the citizens of Idaho City and preserving its small-town character and exacerbating the concerns with its existing infrastructure, such that an Emergency Moratorium should be placed on new commercial development and buildings.

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

1. The City Council finds that a formula business is defined as a retail, service retail, vending service retail, or restaurant business (including fast food and coffee shops) that is required by contractual or other arrangement to maintain standardized services, merchandise, menus, ingredients, food preparation, uniforms, decor, logos, architecture, signs, or similar features.

2. The City Council further finds that the unchecked development and building of a formula business or other large scale commercial business is an imminent peril to the public health, safety, and welfare of the citizens of the City of Idaho City.

3. A temporary moratorium on new commercial building and development is the only way to avoid jeopardizing the City's small and historic town character.

4. Therefore, a moratorium is imposed upon the receipt, processing, and approval of applications for building permit or development plans that contemplate or involve the development or construction of new commercial businesses.

5. This moratorium shall not apply to any permit that has already been issued or application for a building permit that is already complete and pending.

6. This moratorium shall be in place for a period of one hundred and eighty-two (182) days following adoption of this moratorium unless lifted sooner by the City Council.

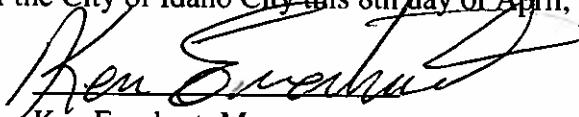
7. This moratorium shall be in full force and effect immediately upon the date of its passage.

8. This moratorium is hereby declared to be severable. The invalidity of a section shall not affect the validity of the remaining sections.

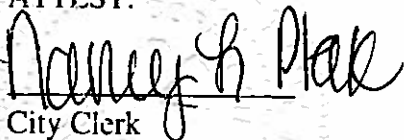
9. If a conflict exists between this moratorium and any other ordinance, resolution, or order of the City of Idaho City, this moratorium shall control until its expiration or termination by the City Council.

PASSED BY THE COUNCIL of the City of Idaho City this 8th day of April, 2025.

APPROVED BY THE MAYOR of the City of Idaho City this 8th day of April, 2025.


Ken Everhart, Mayor

ATTEST:


City Clerk