

CITY OF DALTON GARDENS
ORDINANCE # 184

AN ORDINANCE FOR THE CITY OF DALTON GARDENS, KOOTENAI COUNTY, IDAHO, AMENDING TITLE 6, CHAPTERS 1 THROUGH 6, WHICH IS THE SUBDIVISION ORDINANCE OF THE CITY OF DALTON GARDENS WHICH REGULATES THE OPERATION AND PRESENTATION OF PRELIMINARY AND FINAL PLATS; ESTABLISHING MINIMUM SUBDIVISION DESIGN STANDARDS; PROVIDING MINIMUM IMPROVEMENTS TO BE MADE OR GUARANTEED TO BE MADE BY THE SUBDIVIDER; SETTING FORTH THE PROCEDURE TO BE FOLLOWED BY THE PLANNING COMMISSION IN APPLYING THESE RULES, REGULATIONS AND STANDARDS; AND PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DALTON GARDENS:

Title 6, Chapters 1 through 6, shall be amended or revised as follows:

Any portion of any Title or Chapter not so amended shall remain in full force and effect.

CHAPTER 2: SUBDIVISION PLATS AND PROCEDURES

6-2-1, PRELIMINARY PLAT:

A. Form: The preliminary plat shall be clearly and legibly drawn. ~~The size of the map shall not be less than twelve inches by eighteen inches (12" x 18").~~ The map plat of a subdivision containing five (5) acres or less shall be drawn at a scale of one inch equals fifty feet (1" = 50'). All other subdivisions shall be drawn at a scale of one inch equals one hundred feet (1" = 100'), unless otherwise required by the City Council. The plat shall conform to and contain the essentials set forth in Idaho Code 50-1304.

C. Other information:

6. All other requirements of plats as contained in Idaho Code 50-1304.

7. The Subdivision shall also provide a list of names and addresses of all persons owning real property situated within three hundred feet (300') of the external boundaries of the subdivision, as their names appear on the Kootenai County Tax rolls.

E. Filing: The subdivider, two (2) ~~six~~ (6) weeks prior to the meeting of the City Council at which consideration is desired, shall file an application for preliminary approval with the City Council and as many copies of the preliminary plat as may be required by the City Council, according to the standards and other provisions of these regulations. The preliminary plat shall be considered officially filed after it is examined by the City Engineer and is found to be in full compliance with the formal provisions of these regulations.

F. Approval:

1. Official Recommendation:

e. Panhandle Health District.

~~e.~~ f. Such other official, body, company or agency as may be directed by the City Engineer.

The Planning and Zoning Commission, with the aid of attendance of the City Engineer, shall consider the Subdivision Plat at its next scheduled meeting to be held within thirty (30) days of official filing. The Planning and Zoning Commission shall, within five (5) days of such meeting, submit to the City Council its written findings and recommendations regarding the preliminary plat. After receiving the findings and recommendations of the Planning and Zoning Commission, a public hearing shall be held before the City Council.

2. Notice and Hearing: The City Council shall provide for an adequate hearing and shall notify, by certified mail, at least ten (10) days prior to the hearing, all property owners within three hundred feet (300') of the extreme limits of the subdivision as their names appear on the tax rolls of the Kootenai County Tax Assessor. Said notice shall state the time and place of hearing, a brief description of the subdivision and that a copy of the preliminary plat of said subdivision is on file with the City Clerk for public inspection. The City Council shall also cause notice of the hearing to be published in the official newspaper of a newspaper of general circulation in the City at least fifteen (15) days prior to the date of hearing.

3. Time Requirement: The City Council shall act on the preliminary plat within thirty (30) days after filing, receipt of the Planning and Zoning Commission findings and recommendations, unless such time is extended by agreement with the subdivider or his agent, during which period the Council shall receive a written report with recommendations from each City official, body, company or agency enumerated in subsection F1 above.

6. Right of Subdivider After Approval: Preliminary approval shall confer upon the subdivider the right of a ~~two (2)~~ one (1) year period from the date of approval that the general terms and conditions under which the preliminary approval was granted will not be changed by the City Council without reason. (Ord. 84, 3-4-82). The City, upon application by the subdivider, may grant two (2) extensions not exceeding six (6) months in duration upon payment of a new subdivision fee for each extension period.

6-2-2, FINAL PLAT:

B. Form: ~~The final plat shall be clearly and legibly drawn in india ink on a tracing cloth. The size of the map shall not be less than twelve inches by eighteen inches (12" x 18").~~ conform to and contain the essentials set forth in Idaho Code 50-1304. The map of a subdivision containing five (5) acres or less shall be drawn at a scale of one inch equals fifty feet (1" = 50'). All other subdivisions shall be drawn at a scale of one inch equals one hundred feet (1" = 100') unless otherwise required by the City Council.

C. Map Contents: The final plat shall conform with Idaho Code Title 50, Chapter 13 and contain:

D. 8. Those certificates required of plats as set forth in Title 50, Chapter 13, Idaho Code.

F. Filing:

2. Time Limits: The final map shall be filed not later than ~~six (6) months~~ one (1) year after the date of approval of the preliminary plat. Otherwise, it will be considered void, unless an extension is requested in writing, by the subdivider and for good cause granted by the City Council. The final plat shall be filed at least twelve (12) working days prior to the meeting at which it is to be considered.

G. Approval:

e. Panhandle Health District.

~~e. f.~~ f. Such other official, body, company or agency as may be directed by the City Council.

~~6-2-3:-- IMPROVEMENTS OR GUARANTEE:-- Before consideration of a final plat of a subdivision, the City Council must be satisfied that all improvements required by Section 6-4-1 of this Title have been constructed. In lieu of the completion of the improvements, a bond executed by a surety company, based on an estimate by the City Engineer, shall be furnished by the~~

~~subdivider in an amount equal to the cost of construction of such improvements. The surety will be subject to the condition that the improvements will be completed within twelve (12) months after approval of the final plat, and in event they are not completed, the City shall proceed with the work and hold the owner and the bonding company jointly responsible for the costs thereof. As an alternative, the subdivider may deposit a certified check with and payable to the City in place of the surety bond. (Ord. 847-3-4-82)~~

6-2-3, COMPLETION OF IMPROVEMENTS; GUARANTEE:

A. In lieu of the actual installation of required public improvements prior to approval and filing of the final plat, the Council may permit the subdivider to provide a financial guarantee of performance in one (1) or more of the following methods:

1. Surety Bond: Surety bond meeting the following requirements:

(a) The bond shall accrue to the City and shall cover construction of the required public improvements. (Ord. 125,3-5-79)

(b) The bond shall be in an amount equal to one hundred fifty percent (150%) of the total estimated cost of completing construction of the specific public improvements, as estimated by the City Building Official and approved by the City Council. (Ord. 126, 3-5-79; 1990 Code)

(c) The bond shall be in full force and effect for a period to be specified by the Council.

(d) The bond shall be written by a surety company authorized to do business in the State of Idaho and acceptable to the Council.

2. Cash Deposit, Certified Check, Negotiable Bond or Letter of Credit: Cash deposit, certified check, negotiable bond or irrevocable bank letter of credit may be accepted by the Council. If accepted, the subdivider shall proceed as follows:

(a) A cash deposit, certified check, negotiable bond or irrevocable bank letter of credit shall be deposited with an escrow agent or trust company.

(b) The dollar value of the cash deposit, certified check, negotiable bond or irrevocable bank letter of credit shall be equal to one hundred fifty percent (150%) of the estimated cost of construction for the specific public

improvements, as estimated by the City and approved by the Council.

(c) The escrow time for the cash deposit, certified check, negotiable bond or irrevocable bank letter of credit shall be for a period to be specified by the Council.

(d) By an agreement entered into between the Council and the subdivider, provision for progressive payment out of the cash deposit, or reduction of the certified check, negotiable bond or irrevocable bank letter of credit, to the extent of the cost of the completed portion of the public improvements may be made.

Unless one or more of the above specified financial guarantees of improvement completion has been accomplished, no approval of the final plat, nor recording thereof, shall be permitted unless the subdivider provides satisfactory proof that all required public improvements and facilities have been fully and satisfactorily constructed and installed.

B. Agreement for Inspection: Before approving a final plat, construction plan and specifications for public improvements, an agreement between the subdivider and the Council shall be made to provide for inspection of the construction to insure its conformity to the submitted plans.

C. Failure to Complete Improvements: In the event the subdivider shall, in any case, fail to complete such work within the period of time required by the conditions of guarantee for the completion of public improvements, it shall be the responsibility of the City Council to proceed to have such work completed. In order to accomplish this, the City Council shall reimburse itself for the cost and expense thereof by appropriating cash deposit, certified check, negotiable bond or irrevocable bank letter of credit which the subdivider may have deposited in lieu of a surety bond, or may take such steps as may be necessary to require performance by the bonding or surety company.

CHAPTER 3: DESIGN STANDARDS

6-3-2, STREETS:

A. Conformity: The arrangement, character, extent, width, grade and location of all streets shall conform to the Official Map and Master Plan and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety and in their appropriate relation to the proposed uses of the land to be served by such streets. Where not shown on the Official Map or Master Plan, the arrangement and other design standards of

streets shall conform to the provisions found herein. All new streets should conform to a North-South or East-West directional grid.

F. Dead-End Streets or Cul-De-Sacs: Dead-end streets or cul-de-sacs, designed to be so permanently, shall not be longer than allowed four-hundred-feet-(400') and shall be provided at the closed-end-with-a-turnaround-having-an-outside-roadway diameter-of-at-least-sixty-feet-(60') and a street-property line diameter of at least one-hundred-feet-(100'). If a dead-end street is of a temporary nature, a similar turnaround shall be provided and provision made for future extension of the street into adjoining properties.

I. Street Widths: Street widths for new streets shall be sixty feet (60') wide and shall meet the requirements of Lakes Highway District for paved roadways and shall comply with the requirements of the City's Storm Water Ordinance Title 4, Chapter 3 shall not be less than as follows:

STREET TYPE	WIDTH
Arterial.....	100 feet
Collector.....	80 feet
Minor, for other residences.....	60 feet
Marginal access.....	50 feet

(Ord. 84, 3-4-82; 1992 Code)

In front of areas designated and zones or where a petition for a change in zoning is contemplated for commercial use, to permit such use, the street width shall be increased by such amount on each side as may be deemed necessary by the City Council to assure the free flow of through traffic without interference by parked or parking vehicles and to provide safe parking space for such commercial or business district.

J. Intersections:--The intersection of more than two (2) streets at one point shall be avoided except where it is impracticable to secure a proper system otherwise. Streets shall intersect one another at an angle as near to a right angle as possible, and no intersections of streets at angles less than sixty degrees (60°) shall be approved. Street intersections shall be rounded with a radius of ten feet (10') measured at the back of curbs when the said intersection occurs at right angles. If an intersection occurs at an angle other than a right angle, it shall be rounded with a curve of a radius acceptable to the City Council. In business districts, the City Council may permit comparable cutoffs or chords.

K. Street Deflections:--When connecting street lines deflect from each other at any one point by more than ten degrees (10°) they shall be connected by a curve with a radius adequate to insure a sight distance of not less than six

hundred feet (600') for minor and collector streets and of such greater radii as the City Council shall determine for special cases.

L. Reverse Curves: A Tangent at least one hundred feet (100') long shall be introduced between reverse curves on arterial and collector streets.

M. J. Subdivision into Large Tracts: Where a tract is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow the opening of future streets and logical further resubdivision.

N. K. Reserve Strips: Reserve strips controlling access to streets shall be prohibited except under conditions approved by the City Council.

O. Street Grades: No street grade shall be less than one percent (1%) and shall not exceed the following, with due allowance for reasonable vertical curves:

STREET TYPE	PERCENT GRADE
Arterial.....	6
Collector.....	8
Minor.....	10
Marginal access.....	6

P. Railroad on or Abutting Subdivision: Where a subdivision borders on or contains a railroad right of way or limited access highway right of way, the City Council may require a street approximately parallel to and on each side of such right of way, at a distance for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

S. L. Access to Streets Across Ditches: The subdivider shall provide access to all proposed streets across all ditches in a standard method approved by the City Engineer, and such access shall be in full compliance with the City's Stormwater Ordinance, Title 4, Chapter 3.

6-3-4, EASEMENTS:

A. Required for Utilities: Easements with a right-of-way width of eight feet (8') ten feet (10') shall be provided on each side of all real lot lines and along certain side lot lines where necessary for utilities.

6-3-5, BLOCKS:

D. Crosswalks: In blocks over six hundred feet (600') long, pedestrian crosswalks may be required by the Commission in locations deemed necessary to public health, convenience and necessity. Such crosswalks shall be ~~eight-feet-(8')~~ in conformance with the manual of Uniform Control Devices Latest Addition.

CHAPTER 4: REQUIRED IMPROVEMENTS

6-4-1, IMPROVEMENTS REQUIRED:

B. Streets:

1. Surfacing: All streets shall be surfaced in accordance with applicable standard specifications of the City Lakes Highway District which shall include paving the surface. Such construction shall be subject to inspection and approval by the City Engineer and Lakes Highway District's designated engineer. (Ord. 84, 3-4-82; 1991 Code)

2. Gutters and Drainage: Gutters and drainage and drainage structures shall be provided in accordance with ~~standard specifications of the City Title 4, Chapter 3, City Ordinance.~~ Such construction shall be subject to the inspection and approval of the City Engineer.

3. Street Name Signs: Street name signs shall be placed at all street intersections within or abutting the subdivision. Such signs shall be of a type approved by the City and shall be placed in accordance with the standards of the City Lakes Highway District.

C. WATER SUPPLY:

1. Assessible Public Water Supply: Where a public water ~~supply system approved--by--the--City~~ is reasonably accessible, each lot within the subdivision area shall be provided with a connection thereto. ~~All connections shall be subject to the approval of the City Engineer.~~

3. Fire Hydrants: Fire hydrants shall be installed and connected to adequate water supplies in all subdivisions. Fire hydrant standards shall be subject to the approval of the ~~County~~ Fire District serving the City and the City Engineer. (Ord. 84, 3-4-82; 1991 Code)

D. Sanitary Sewer System. Where a public sanitary sewer is reasonably accessible, for a commercial subdivision, each lot within the subdivided area shall be provided with a connection thereto. All connections shall be subject to the

approval of the City Engineer.

CHAPTER 1: ADMINISTRATION AND ENFORCEMENT

6-5-2, REQUIRED APPROVAL AND RECORDATION OF PLATS:

C. Building Permits. The Building Inspector shall not issue building or repair permits for any structure on a lot in a subdivision for which a plat has not been approved and recorded in the manner prescribed herein, ~~nor issue a permit for the installation of wells and septic tanks upon any lot in a subdivision for which a plat has not been approved and recorded in the manner prescribed herein.~~

6-5-5, FEES:

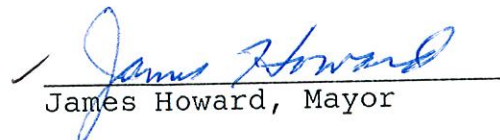
A. Preliminary Plat: The subdividor shall pay a filing fee of ~~one hundred dollars (\$100.00)~~ four hundred fifty dollars (\$450.00), plus fifteen dollars (\$15.00) per lot, for five (5) to ten (10) lots, and ten dollars (\$10.00) per lot, for each additional lot, plus the cost of processing the same as estimated by the City Clerk for every preliminary plat submitted to the City Council for approval.

B. Investigations, Etc.: The subdivider shall pay to the City Engineer the actual cost of checking, investigating and pay to the City the costs and other matters required by law and these regulations. (Ord. 84, 3-4-82)

All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

That this Ordinance shall take effect and be in full force and effect upon its passage, approval and publication in one (1) issue of the Coeur d'Alene Press, a newspaper of general circulation in said City, published and printed in Coeur d'Alene, Idaho, being the official newspaper of said City.

Passed under suspension of the rules upon which a roll call vote was taken and enacted an Ordinance of the City of Dalton Gardens at a meeting of the Mayor and City Council held on the 15th day of April, 1993.


James Howard, Mayor

ATTEST:


Gayle Clayeux, Clerk