

CITY OF DALTON GARDENS
PLANNING COMMISSION AMENDMENT

ORDINANCE NO 163

AN ORDINANCE OF DALTON GARDENS, IDAHO, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, ESTABLISHING PLANNING COMMISSION TERMS, VACANCIES, AND DUTIES.

BE IT ORDAINED by the Mayor and City Council of Dalton Gardens, Idaho:

- Section 1: Title
- Section 2: Authority
- Section 3: Purpose
- Section 4: Amendments
- Section 5: Severability
- Section 6: Conflicting Ordinance Provisions
- Section 7: Effective Date

SECTION 1: TITLE

This Ordinance shall be known as the PLANNING COMMISSION AMENDMENT ORDINANCE of Dalton Gardens.

SECTION 2: AUTHORITY

This Ordinance is authorized under the provisions of Idaho Code Section 67-6504.

SECTION 3: PURPOSE:

The purpose of the Planning Commission amendment ordinance is to provide for updates on the establishment of the Dalton Gardens Planning Commission, outlining the duties that the Council requires of the Commission, and based upon recent state legislative actions. clarifying the terms of office.

SECTION 4: AMENDMENTS

2-2-1: COMMISSION ESTABLISHED: Based upon the provisions delineated in Idaho Code 67-6501 and all subsequent and amended sections, the Dalton City Council establishes a Planning and Zoning Commission.

2-2-2: DUTIES: The Commission shall perform the following duties as directed by the Dalton Gardens City Council:

- a. Based upon Idaho Code 67-6508, It shall be the duty of the planning and zoning commission to conduct a comprehensive planning process designed to prepare, implement, and review and update a comprehensive plan,
- b. Based upon Idaho Code 67-6509, and Municipal Code Title(s) 3,4,5,6,7, and 8, act as a recommending body to the Council on the following actions:
 - 1. Create and Amend Zoning District Boundaries
 - 2. Establish standards to regulate and restrict the height, number of stories, size, construction, reconstruction, alteration, repair or use of buildings and structures; percentage of lot occupancy, size of courts, yards, and open spaces; density of population; and the location and use of buildings and structures.
 - 3. Hold public hearings on creation and amendments of zoning district boundaries and zoning standards.
 - 4. Based upon 67-6512, and Municipal Code Title 5, review special use permits and provide recommendations to the governing council, hold public hearings to take public testimony.
 - 5. Based upon 67-6513 and Municipal Code Title 6, review major subdivision applications and provide recommendations to the governing council, hold public hearings to take public testimony.
 - 6. Based upon 67-6513 and Dalton Municipal Code Title 6-6-4, review short subdivision applications, make decisions on short subdivisions, hold public hearings and take public testimony.
 - 7. Based upon 67-6516, and Municipal Code Title 5, review variance requests to the zoning ordinance, hold public hearings, take public testimony and provide recommendations to the governing council.
 - 8. Based upon 67-6526, review the Area of City Impact, provide recommendations to the governing council on issues related to land use impacts adjacent to the City; as directed by the Council, negotiate with County Planning Commission,
 - 9. Based upon Municipal Code Title 5-8-1, review appeals regarding interpretation of the municipal code related to land use, site disturbance and subdivisions, and provide recommendations to the governing council.
 - 10. Conduct town hall meetings, public opinion surveys, studies pertinent to land use.

2-2-3: **NUMBER OF MEMBERS; TERMS AND VACANCIES:** Such Planning and Zoning Commission shall consist of five (5) members to be appointed by the Mayor and confirmed by the Council, one member shall be a resident from the Area of City Impact. The terms of office for the first appointive members shall be three (3) years, to be determined by lot. Thereafter, the term of each appointive office shall be three (3) years. No person shall serve more than two

(2) full consecutive terms without specific concurrence by two-thirds (2/3) of the governing board adopted by motion and recorded in the minutes. Vacancies occurring otherwise than through the expiration of terms shall be filled in the same manner as the original appointment. Vacancies occurring otherwise than through expiration of terms shall be filled by the Mayor and confirmed by the Council. Members may be removed for cause by a majority vote of the Council. Such members shall be selected without respect to political affiliation and may receive such mileage and per diem compensation as provided by the governing board.

SECTION 5: SEVERABILITY

Should any section, clause, or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, it shall not affect the validity of the remaining portions of this Ordinance.

SECTION 6: CONFLICTING ORDINANCE PROVISIONS

If any conflict occurs between this Ordinance and provisions of the other City Ordinances, the more restrictive Ordinance shall take precedence.

SECTION 7: EFFECTIVE DATE

This Ordinance shall take effect and be in full force upon its passage, approval, and publication in one (1) issue of the Coeur d'Alene Press.

ADOPTED this July 9, 2003.

DALTON GARDENS

Gerald Mount, Mayor

ATTEST:

Gayle H. Chayen

CLERK

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Kootenai, } ss.

Kattie Hoy being first duly sworn
upon oath deposes and says:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The Legal Notice

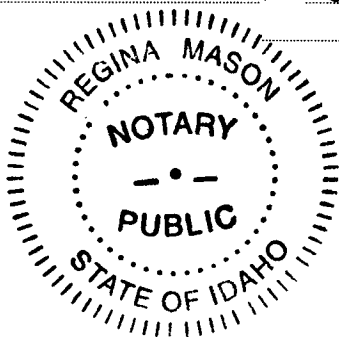
of which the annexed is a printed copy, was published in the regular Wednesday issue of said newspaper for one consecutive day commencing on the 16 day of July, 20 03, and ending on the 16 day of July, 20 03, and such publication was made as often during said period as said Daily newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice

Kattie R. Hoy

Personally appeared before me this 16 day of July, 20 03

Regina Mason
Notary Public for the State of Idaho,
residing at Coeur d'Alene, Idaho.



MY COMMISSION EXPIRES 6/18/09