

**CITY OF DALTON GARDENS**

**ORDINANCE NO. 172**

**AMENDMENTS TO TITLE TWO AND TITLE FIVE OF THE DALTON GARDENS MUNICIPAL CODE**

AN ORDINANCE OF DALTON GARDENS, IDAHO, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, TO AMEND THE SPECIAL USE PERMIT CHAPTER TO CLARIFY PLANNING COMMISSION ROLES AND RESPONSIBILITIES REGARDING PUBLIC HEARINGS AND THE DECISION MAKING PROCESS AND TO AMEND COUNCIL ACTIONS ON SPECIAL USE PERMITS.

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 AMENDMENTS TO TITLE 2 AND TITLE 5 OF THE DALTON GARDENS MUNICIPAL CODE.

**SECTION 2: AUTHORITY**

This Ordinance is authorized under the provisions of Idaho Code Section 67-6509, 67-6511 and 67-65-12.

**SECTION 3: PURPOSE:** The purpose of the ordinance is to provide for a clarified procedure for Planning Commission decision making.

**SECTION 4: AMENDMENTS**

2-2-2 Duties:

- B. 4. Based upon Idaho Code §67-6512 and Title 5 of this code, review special use permits, hold public hearings to take public testimony and make decisions. ~~and provide recommendations to the governing Council, hold public hearings to take public testimony.~~

5-7-1 Application for Special Use Permit:

~~B. Approval or Denial of Application: The application shall be presented to the Commission who shall, within thirty (30) days after the meeting of the Commission following the presentation of the application either approve, conditionally approve or disapprove the application and forward its recommendations to the governing board.~~

5-7-2: Public Hearing: The ~~governing board~~ Commission shall hold at least one public hearing prior to making a decision on a special use permit. Notice of hearing shall be given pursuant to standards outlined in Section 5-10-3 of this Title.

5-7-3: Council Commission Action:

A. Within thirty (30) days after the public hearing, the ~~Council~~ Commission shall either approve, conditionally approve, disapprove the application as presented or delay such decision for a definite period of time for further study. If the request is approved or approved conditionally, the ~~Council~~ Commission shall issue a special use permit listing the conditions that must be complied with to maintain ~~Council~~ Commission approval.

B. Upon granting or denying the application, the ~~Council~~ Commission shall specify:

C. In granting any special use, the ~~Council~~ Commission may prescribe appropriate conditions, bonds and safeguards in conformity with this Title. Violations of such conditions, bonds or safeguards, when made a part of the terms under which the special use is granted, shall be deemed a violation of this Title.

5-7-4: General Standards: The ~~Council~~ Commission shall review the particular facts and circumstances of each proposed special use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

5-7-6: Appeal to Council: Appeals of the Commission decision shall be forwarded to the City Council for public hearing and determination. Appeals shall be processed pursuant to Title 5 Chapter 8 Variances and Appeals.

## 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.

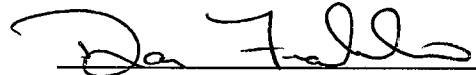
**SECTION 6: CONFLICTING ORDINANCE PROVISIONS**

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 3<sup>rd</sup> day of March, 2005

  
\_\_\_\_\_  
Dan Franklin, Mayor

Attest:

  
\_\_\_\_\_  
Marcia Wingfield, Clerk

City of Dalton Gardens  
Notice of Adoption  
Special Use Permit Decision Process Ordinance Number 172  
March 3, 2005

The Dalton Gardens City Council, at a duly notice public hearing held on March 3, 2005, adopted the Dalton Gardens Special Use Permit Decision Process Ordinance Number 172, which clarifies the Planning Commission Role and responsibilities regarding public hearings and the decision making process and to amend Council actions on special use permits. This Ordinance changes the hearing process on special use permits designating the P&Z commission as the hearing body and the City Council as the entity to any appeals. The ordinance will take effect upon the first publication which is scheduled for March 16, 2005. The full text of the Special Use Permit Decision Process Ordinance is available at the Dalton Gardens City Hall, 6360 N. 4<sup>th</sup> Street during regular office hours.

Publish: March 16, 2005  
Coeur d'Alene, Press

*This notice complies w/ the  
statute and give adequate notice  
to the public*



# AFFIDAVIT OF PUBLICATION

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

*Kattie Hay*

..... 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.

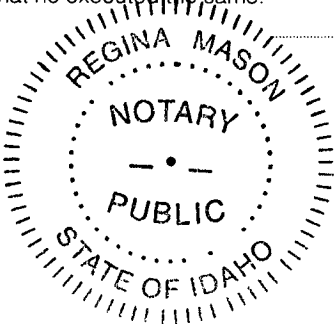
3. The *Recall Notice*

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 *23* day of *March* *2005* and ending on the *23* day of *March* *2005* 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 Hay*  
On this *23* day of *March* in the year of *2005*, before me, a Notary Public, personally appeared *Kattie Hay*, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

*Regina Mason*

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



MY COMMISSION EXPIRES 6/18/09

## NOTICE OF PUBLIC HEARING CITY OF DALTON GARDENS CITY COUNCIL APRIL 7, 2005

The Dalton Gardens City Council will hold a public hearing on April 7, 2005 to hear the following Municipal Code amendment:

AN ORDINANCE OF DALTON GARDENS, IDAHO, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, TO CREATE ALLOWED USE CATEGORIES FOR LIMITED SEASONAL AGRICULTURE, HORTICULTURE AND ANIMAL PRODUCTS GROWN ON SITE.

The public hearing will be held at 6360 4th Street, Dalton Gardens, Idaho at 7:00 p.m. on Thursday, April 7, 2005. All interested persons are invited to appear and show cause, if any, why such item should or should not be adopted. Copies of the amendments are available at City Hall during regular office hours (9:00 a.m. to 5:00 p.m., Monday through Friday). City Hall is accessible to persons with disabilities. Anyone desiring accommodations for disabilities related to these documents or to the hearing can contact the City Clerk, 772-3698 at least 48 hours prior to the public hearing.

Attest:  
Marcia Wingfield  
City Clerk  
Legal 6886  
March 23, 2005

# 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 Friday issue of said newspaper for one consecutive day commencing on the 18 day of February 2005, and ending on the 18 day of February 2005, 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. On this 18 day of February in the year of 2005, before me, a Notary Public, personally appeared Kattie Hoy, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

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

MY COMMISSION EXPIRES 6/18/09

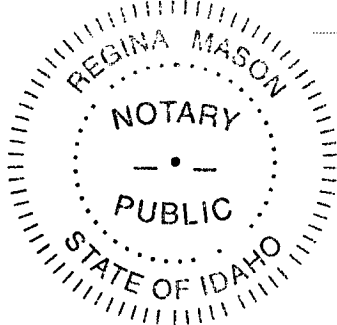
## NOTICE OF PUBLIC HEARING CITY OF DALTON GARDENS PLANNING & ZONING COMMISSION March 8, 2005

The Dalton Gardens Planning and Zoning Commission will hold a public hearing on March 8, 2005 to hear the following Municipal Code amendment: AN ORDINANCE OF DALTON GARDENS, IDAHO, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, TO CREATE ALLOWED USE CATEGORIES FOR LIMITED SEASONAL AGRICULTURE, HORTICULTURE AND ANIMAL PRODUCTS GROWN ON SITE.

The public hearing will be held at 6360 4th Street, Dalton Gardens, Idaho at 6:00 pm. on Tuesday, March 8, 2005. All interested persons are invited to appear and show cause, if any, why such item should or should not be adopted. Copies of the amendments are available at City Hall during regular office hours (9:00 a.m. to 5:00 p.m., Monday through Friday). City Hall is accessible to persons with disabilities. Anyone desiring accommodations for disabilities related to these documents or to the hearing can contact the City Clerk, 772-3698 at least 48 hours prior to the public hearing.

Attest:  
Marcia Wingfield  
City Clerk

Legal 6700  
February 18, 2005



# AFFIDAVIT OF PUBLICATION

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

Kattie Hay 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.

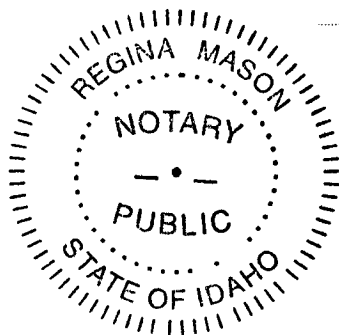
3. The Legal Notice

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 March 2005 and ending on the 16 day of March 2005 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 Hay. On this 16 day of March in the year of 2005, before me, a Notary Public, personally appeared Kattie Hay, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

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

**MY COMMISSION EXPIRES 6/18/09**



City of Dalton Gardens Notice of Adoption Special Use Permit Decision Process Ordinance Number 172 March 3, 2005

The Dalton Gardens City Council, at a duly notice public hearing held on March 3, 2005, adopted the Dalton Gardens Special Use Permit Decision Process Ordinance Number 172, which clarifies the Planning Commission Role and responsibilities regarding public hearings and the decision making process and to amend Council actions on special use permits. This Ordinance changes the hearing process on special use permits designating the P&Z commission as the hearing body and the City Council as the entity to any appeals. The ordinance will take effect upon the first publication which is scheduled for March 16, 2005. The full text of the Special Use Permit Decision Process Ordinance is available at the Dalton Gardens City Hall, 6360 N. 4th Street during regular office hours.  
Legal 6848  
March 16, 2006