

TITLE 6, CHAPTER 1 GENERAL SUBDIVISIONS

ORDINANCE NUMBER 226

AN ORDINANCE OF DALTON GARDENS, IDAHO, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, AMENDING TITLE 6 CHAPTER 1, , AMENDING THE INTERPRETATION, PURPOSE AND SCOPE, ADDING DEFINITIONS, PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

SECTION 1: Title 6, Chapter 1 of the Dalton Gardens Municipal Code is hereby amended:

Chapter 1

GENERAL SUBDIVISION PROVISIONS

6-1-1: SHORT TITLE:

6-1-2: AUTHORITY:

6-1-3: INTERPRETATION, PURPOSE AND SCOPE:

6-1-4: DEFINITIONS:

6-1-1: SHORT TITLE:

This Title shall be known and may be cited as the *SUBDIVISION ORDINANCE OF THE CITY OF DALTON GARDENS*.

6-1-2: AUTHORITY:

This Chapter is adopted pursuant to title 50, chapter 13 of the Idaho Code, title 67, chapter 65 of the Idaho Code and article 12, section 2 of the Idaho constitution, as amended or subsequently codified.

6-1-3: INTERPRETATION, PURPOSE AND SCOPE:

A. In their interpretation and application, the provisions of this Title shall be held to be the minimum requirements adopted for the protection of the public health, safety and welfare. To protect the public, among other purposes, such provisions are intended to provide for permanently wholesome community environment, adequate Municipal services and safe streets.

B. This Title shall not apply to any lot or lots forming a part of a subdivision created and recorded prior to the original effective date hereof (3-4-1982), nor is it intended by this Title to

repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this Title, or with private restrictions placed upon property by deed, covenant or other private agreement or with restrictive covenants running with the land to which the City is a party. Where this Title imposes a greater restriction upon land than is imposed or required by such existing provision of law, ordinance, contract or deed, the provisions of this Title shall control.

C. Except as provided in this Title, no person shall subdivide any tract of land which is located within the City except in conformity with provisions of this Title.

6-1-4: DEFINITIONS:

For the purpose of this Title, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

BLOCK: The space along one side of a street between the two (2) nearest intersecting streets, or between an intersecting street and a right of way, waterway or other similar barrier, whichever is lesser.

CITY: The City of Dalton Gardens.

CITY COUNCIL: The City Council of the City of Dalton Gardens.

CITY ENGINEER: The City Engineer or Building Inspector of the City of Dalton Gardens.

CLERK: The City Clerk of the City of Dalton Gardens.

COMMISSION: The Planning and Zoning Commission of the City of Dalton Gardens.

COMPREHENSIVE PLAN: A comprehensive plan prepared by the Commission which indicates the general locations recommended for the various functional classes of public works, places and structures and for the general physical development of the City and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof. The Comprehensive Plan also includes Goals and Policies for the future development of the community.

CONDOMINIUM: A "condominium" is an estate consisting of: a) an undivided interest in common in real property, in an interest or interests in real property, or in any combination thereof, together with b) a separate interest in real property, in an interest or interests in real property, or in any combination thereof.

CONDOMINIUM PLAT: Condominium plat" refers to a division of units in a structure or structures for condominium ownership purposes without a subdivision of the land upon which the structure or structures sit.

DEDICATION: The deliberate appropriation of land by an owner for any general and public uses, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which such property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat or short plat showing the dedication thereon; and, the acceptance by the public shall be evidenced by the approval of such plat for filing by the City.

DIVISION OF LAND: Any transaction or action, not otherwise exempt or provided for under the provisions of this Chapter, which alters or affects the shape, size or legal description of any part of an owner's "land" as defined herein. Rental or lease of a building, facility or structure which does not alter or affect the legal description of an owner's "land" shall not constitute a division of land.

EASEMENT: A grant by a property owner to specific persons or to the public to use land for a specific purpose or purposes.

FINAL PLAT: The final map, drawing or chart on which the subdivider's plan of subdivision is presented to the City for approval, and which, if approved, will be submitted to the County clerk for recording.

GOVERNING BODY: The City Council of the City of Dalton Gardens.

LOT: The contiguous parcel of land on which a principal building and its accessory buildings are placed or are to be placed, together with the required open spaces, or a "lot" designated as such on an officially recorded plat. "Lot" means a portion of a plat or subdivision to be transferred or developed as a single unit. This term shall include tracts or parcels. Each unit created for condominium ownership purposes shall be considered as a lot.

Any subdivision of land by metes and bounds description prior to the effective date hereof and held under one ownership separate and distinct from the adjoining or abutting land shall be considered a lot as shown by the last conveyance of record.

For the purpose of determining the location of the required yards, a lot shall be considered to be as shown on the official recorded plat of the property, regardless of any metes and bounds subdivision of said property subsequent to the effective date hereof.

When a tract of land consisting of more than one platted lot held under one ownership is to be developed as one unit, all the parcels or lots shall be considered as one lot for the purposes of this Title.

Corner Lot: A zoning lot which adjoins the point of intersection of two (2) or more street lines and which the interior angle formed is one hundred thirty five degrees (135°) or less.

Front Lot Line: For an interior lot, a front lot line is the access point of the nearest driveway to the street.

Interior Lot: Any zoning lot which is not a corner lot.

Rear Lot Line: The back lot line or back line parallel to the front line.

Side Lot Line: Any lot line which is not a front lot line or a rear lot line.

OFFICIAL MAP: The map established by the City Council showing the streets, highways and parks theretofore laid out, adopted and established by law and any amendments thereto adopted by the City Council or additions thereto resulting from the approval of subdivision plats by the Commission and the subsequent filing of such approved plats.

OWNER: Any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this Title.

PRELIMINARY PLAT: The preliminary map, drawing or chart indicated for the proposed layout of the subdivision to be submitted to the Commission for its consideration.

PRIOR DIVISION OF LAND: Either of the following:

A. A division initiated by sale, lease, transfer or option contract executed prior to the effective date hereof which presently remains a binding and enforceable commitment as between the parties thereto, their successors or assigns. If the applicable instrument does not specifically designate separate units of property but does describe separate and defined lots, tracts, parcels, sites or divisions of land which are contiguous, they shall constitute prior divisions of land only if each conforms with this Title and the Zoning Ordinance¹ lot size and width requirements in effect at the time of application for exemption and each is provided with adequate access.

B. A taxation parcel of any size which is surrounded by prior divisions of land as defined by subsection A of this definition.

C. A taxation parcel of any size which was created prior to the effective date hereof for the purpose of creating divisions of land which were exempt from platting requirements. Taxation parcels which were administratively created by the Assessor's office solely for tax purposes shall not be afforded the status of prior divisions for subdivision purposes. Examples of taxation parcels created solely for tax purposes include senior citizen segregations, special district segregations, deed of trust or mortgage segregations administratively effected by one other than the landowner or agent and segregation for tax exemption purposes.

D. A taxation parcel created in the Assessor's office for description purposes because of section lines if it conforms with the lot size and width requirements of this Title and the Zoning Ordinance² in effect at the time of application for exemption.

SHORT PLAT: A document consisting of a map of a short subdivision, together with written certificates and data, showing thereon the division of a tract of land into lots.

SHORT SUBDIVISION: Every division of land for the purpose of lease or sale into two (2), three (3) or four (4) lots, plots, sites, parcels or tracts within the Residential District of the incorporated area of Dalton Gardens and where no new dedications are required.

STREET: A way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, or however otherwise designated.

Alley: A minor way which is used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.

Arterial Street: A fast or heavy traffic street of considerable continuity and used primarily as a traffic artery for intercommunication among large areas.

Collector Street: A street which carries traffic from minor streets to arterial streets, including the principal entrance streets of a residential development and streets for circulation within such a development.

Cul-De-Sac Or Dead-End Street: A minor street with only one outlet.

Marginal Access Street: A minor street which is parallel and adjacent to arterial streets and which provides access to abutting properties and protection from through traffic.

Minor Street: A street used primarily for access to the abutting properties.

Width Of Street: The shortest distance between the lines delineating the right of way of a street.

SUBDIVIDER: Any individual, firm, association, syndicate, corporation, trust or any other legal entity commencing proceedings under this Title to effect a subdivision of land hereunder for himself or for another.

SUBDIVISION: The division of a parcel of land for the purpose of transfer of ownership or building development. The term includes re-subdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

SUBDIVISION EXEMPTIONS: If a new street is involved, any division of a parcel of land; provided, that a division of land which may be ordered or approved by a court or effected by testamentary or intestate provisions or a division of land for agricultural purposes into lots or

parcels of five (5) acres or more and not involving a new street, shall not be deemed a subdivision.

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

Dated: November 1, 2012



Marcia Wingfield, Clerk



Dan Franklin, Mayor

AFFIDAVIT OF PUBLICATION

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

Amber Fico

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 1 consecutive day commencing on the 7th day of November 2012 and ending on the 7th day of November 2012 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. Amber Fico
On this 7th day of November in the year of 2012, before me, a Notary Public, personally appeared Amber Fico, 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.

Katrina George

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

SUMMARY OF CITY OF DALTON GARDENS, IDAHO ORDINANCE NO. 226

In accordance with Idaho Code §50-901A, the following is a Summary of Ordinance 226 of the City of Dalton Gardens, Idaho:

1. This is an ordinance of Dalton Gardens, Idaho, a political subdivision of the State of Idaho, which amends Title 6 Chapter 1 of the Dalton Gardens municipal code known as the SUBDIVISION ORDINANCE OF THE CITY OF DALTON GARDENS and amends the interpretation, purpose and scope, and adds definitions, provides for severability and an effective date.

2. The ordinance also adds definitions for Condominium and Condominium Plat, adds to the definition of Lot, and amends and/or clarifies the definitions of Front Lot Line, Short Plat, Short Subdivision, and Subdivision.

3. This Ordinance was passed on November 1, 2012.

4. The Ordinance takes effect upon publication of this Summary in the Coeur d'Alene Press.

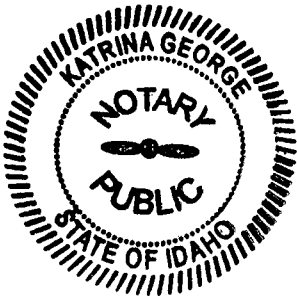
5. The full text of Ordinance 226 is available at the Dalton Gardens City Hall.

DATED this 1st day of November, 2012.

Daniel Franklin, Mayor /s/

ATTEST:

Marcia Wingfield, Clerk /s/
Legal 7474
November 7, 2012
Coeur d'Alene, Idaho



MY COMMISSION EXPIRES 8/29/17