

TITLE 6, CHAPTER 7 CONDOMINIUMS

ORDINANCE NUMBER 231

AN ORDINANCE OF DALTON GARDENS, IDAHO, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, Adding TITLE 6 CHAPTER 7, PROVIDING FOR APPLICATION SUBMITTAL, REQUIREMENTS AND ADMINISTRATIVE PROCESS, FOR CONDOMINIUM PLATS AND PROVIDING FOR PENALTIES, SEVERABILITY AND AN EFFECTIVE DATE.

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

SECTION 1: Title 6, Chapter 7 of the Dalton Gardens Municipal Code is hereby included:

A. Application; Submittal:

1. **Applicability:** This procedure applies to any subdivision for condominium ownership purposes if the condominium plat is located on a single lot and consists of a division of units without a division of the land on which the structure or structures are located. If the condominium plat does not meet these criteria, it must be approved as a regular plat.
2. **Application Requirements:**
 - a. The subdivider shall make application on a form prescribed by the City. The application shall contain four (4) copies of the proposed condominium plat map. At the time of filing a condominium plat application, the subdivider shall pay to the city such fees as are provided in the fee schedule approved by resolution of the city council.
 - b. A condominium plat application will not be processed until all maps and information required by this title have been filed, checked and accepted by the city surveyor and engineer, and the required fees paid.

B. Plat Requirements

The Condominium plat shall contain and be accompanied by the information required in the final plat section Title 6 chapter 2 of the Dalton Gardens Municipal Code..

C. Certificates, Dedications And Deed Restrictions:

1. The plat shall contain the same certificate that is required for a regular plat of this Title. Any other certificate required by Idaho Code title 50, chapter 13. The city clerk may require additional certificates, affidavits, or endorsements as they may become necessary for the reasonable enforcement of these regulations.

2. The plat shall contain a statement by the owner of the land dedicating all rights of way and other appropriate sites and easements for the public use.

E. Required Improvements

Street, curbing, water, sanitary sewer and storm sewer improvements is required as part of a condominium plat and required public improvements will be included as part of any building permit issued for a condominium project.

F. Additional Requirements for Phased Condominiums:

1. If the condominium project will contain more than one phase, the condominium plat for the first phase and each subsequent phase must include the following information required by this Chapter of this Title.
 - a. All future buildings planned for the site showing appropriate dimensions and locations.
 - b. Identification of the order in which subsequent buildings will be constructed.
 - c. A statement that each phase will be superseded by the subsequent phase.
2. If the initial condominium plat was required to be approved by a regular plat, subsequent phases may be approved under this Chapter so long as the plat does not further divide land and the City determines that the condominium plat does not significantly deviate from the plat of the previous phase or any conditions of approval for the initial phase.

G. Approval by City Engineer

1. The City engineer may only approve and affix his certificate of approval on the plat if he or she finds the plat to conform to the requirements of this Chapter and subsection of this Title.
2. If the City engineer finds that the criteria required by this Chapter have not been met, he or she may either disapprove the application or require the applicant make the necessary changes to allow approval. If the application is denied by the city engineer, the applicant may file a plat with the planning commission in accordance with the provisions of Title 6.

H. Decision by Council

1. Once the completed application has been checked and approved by the city staff, the condominium plat will be placed on the next regularly scheduled city council agenda for public hearing and subsequent decision. The applicant will be notified of the date of the city council hearing once it is scheduled.

2. Following review by the city council, the applicant will be notified in writing of the decision of the city council.

I. Map: Copy Distribution

One print and the original of the approved map shall be returned to the Applicant. the original shall be submitted to the Kootenai County Recorder's office who may accept it for filing and record only if all requirements stated have been completed. The City requires a conform copy with corresponding instrument number of the recorded plat to be returned to the City for filing within 60 days of the recordation.

SECTION 2: SEVERABILITY

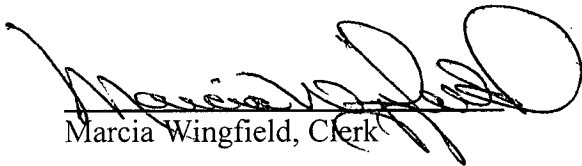
Should any section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, it shall not affect the validity of the remaining portions of this Ordinance.

SECTION 3: CONFLICTING ORDINANCE PROVISIONS

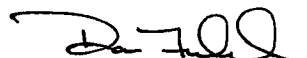
If any conflict occurs between this Ordinance and provisions of the other City Ordinances, the more restrictive Ordinance shall take precedence.

SECTION 4: 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



Marcia Wingfield, Clerk



Dan Franklin, Mayor

AFFIDAVIT OF PUBLICATION

SUMMARY OF
CITY OF DALTON GARDENS,
IDAHO
ORDINANCE NO. 231

STATE OF IDAHO,
County of Kootenai,

} ss.

Imber Juel

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 *Wed* issue of said newspaper for *1* consecutive *Week* commencing on the *7th* day of *November* 20*12*, and ending on the *7th* day of *November* 20*12*, 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 *7th* day of *November* in the year of *2012*, before me, a Notary Public, personally appeared *Imber Juel*, 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.

In accordance with Idaho Code §50-901A, the following is a Summary of Ordinance 231 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 adds Title 6 Chapter 7 of the Dalton Gardens municipal code known as the CONDOMINIUM ORDINANCE OF THE CITY OF DALTON GARDENS and adds definitions, provides for severability and an effective date.

2. The ordinance adds definitions for Condominium and Condominium Plat, and clarifies requirements for Condominiums in the commercial zone.

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.

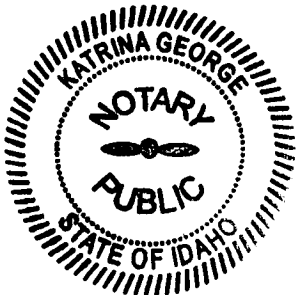
5. The full text of Ordinance 231 is available at the Dalton Gardens City Hall.

DATED this 1st day of November, 2012.

Daniel Franklin /s/
Daniel Franklin, Mayor

ATTEST:

Marcia Wingfield /s/
Marcia Wingfield, Clerk
Legal 7480
November 7, 2012



MY COMMISSION EXPIRES 8/29/17