



Agenda for Regular Planning & Zoning Meeting

Thursday, April 21, 2022 @ 6:00 PM

Location: DALTON GARDENS CITY HALL,
6360 N 4th St., Dalton Gardens, ID

The meeting will be conducted in person and with online access using ZOOM:

<https://us02web.zoom.us/j/82408980687?pwd=ejFQendyTktlaTltem1jWTNITmMrQT09Phone%20>

Phone Number: 1-669-900-6833 or 1-346-248-7799 or 1-253-215-8782

Webinar ID:824 0898 0687; Password: 622274

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES:
Commission to review and approve minutes of the regular meeting March 21, 2022- **ACTION ITEM**
4. CITY PLANNER REPORT
5. PUBLIC HEARING REGARDING UPDATES TO THE CITY'S ZONING ORDINANCE AS IT RELATES TO THE DEIFNITION OF ACCESSORY DWELLING UNITES IN TITLE 5 AND TITLE 7 OF DALTON GARDENS CITY CODE
6. CONSIDERATION OF RECOMMENDATION TO CITY COUNCIL FOR UPDATES TO THE CITY'S ZONING ORDINANCE AS IT RELATES TO THE DEIFNITION OF ACCESSORY DWELLING UNITES IN TITLE 5 AND TITLE 7 OF DALTON GARDENS CITY CODE-
ACTION
7. DISCUSSION OF ORDINANCE DRAFT FOR SUBDIVISIONS
8. DISCUSSION ON MOVING THE MAY 26, 2022 MEETING
9. DISCUSSION OF AGENDA ITEMS FOR MAY 26, 2022 MEETING
10. PUBLIC COMMENT: Each speaker will be allowed a maximum of three (3) minutes to address the Planning & Zoning Commission on matters that relate to City government business. Comments related to future public hearings should be held for that public hearing. Please be advised that the Planning & Zoning Commission can only take official action this evening for those items already listed on the agenda.
11. ADJOURN- **ACTION ITEM**

Original Posting: 4/19/2022

The purpose of the Agenda is to assist the Commission and interested citizens in the conduct of the public meeting. Careful review of the Agenda is encouraged. Testimony from the public will be solicited for any item or issue listed under the category of Public Hearings. Any individual who wishes to address the Commission on any other subject should plan to speak when Item: Public Comments is identified by the Chairman. The Chairman and Commission will not normally allow audience participation at any other time. Please no repetitive or abusive comments. Workshops are for Commission Members discussion only on a topic, no action or decisions occur at this time. No Public Comment is taken during Workshops. Assistance for persons with disabilities will be provided upon 24-hour notice prior to the meeting by calling, City Clerk at (208) 772-3698 x102.

City of Dalton Gardens
Regular Planning & Zoning Joint Workshop with City Council
for Telecom Ordinance and Regular Meeting Minutes
Monday, March 21, 2022 @ 6:00 PM

Meeting was conducted via teleconference and in person.

JOINT WORKSHOP WITH P&Z AND CITY COUNCIL

1. **CALL TO ORDER:** Chairman Becker called the meeting to order at 6:01 PM
2. **ROLL CALL OF COMMISSION MEMBERS:** Physically present were P&Z Commissioners Caitlin O'Brien, Melissa Cleveland, Chairman Mike Becker, and Commissioner Ron Sampert attended via ZOOM. Physically present for City Council Robert Wuest, Scott Jordan, and Mayor Dan Edwards. Also present were Ryan Hughes- City Planner, Teresa Janzen- City Clerk/Treasurer, and Candace Baker- Deputy Clerk. City Attorney Chris Gabbert attended via Zoom as well as Attorney Campanelli.
3. **DISCUSSION OF TELECOM ORDINANCE DRAFT:** Contract Attorney Campanelli reviewed draft telecom ordinance and answered council and p&z questions. P&Z and Council made several suggestions for clarification and refinement of ordinance including height limitations to match public utilities, notice for extended time to work eleventh hour submissions, approval and denial process clarification, request for no interference with existing wireless devices, city responsibility and control for public hearing notifications and posting. Goal is to have a final draft to P&Z ASAP so they can schedule their public hearing.

WORKSHOP ADJOURNED AT 7:17 PM

REGULAR P&Z MEETING BEGAN AT 7:24 PM

1. **APPROVAL OF MINUTES:** CO'Brien made a motion to approve the regular meeting minutes from February 24, 2022. RSampert seconded.
RSampert: aye **CO'Brien:** aye **MCleveland:** aye **MBecker:** aye Motion Carries.
2. **CITY PLANNER REPORT:** Ryan Hughes reviewed the written February 28, 2022 Planner Report. Highlights include draft fee schedule set for public hearing with City Council in April. Still proceeding with paper building permit clean up. Telecom Ordinance draft continues to move forward. Annexation of E Dalton Ave, east of 17th Street will be a public hearing for City Council in April. Code enforcement request for voluntary compliance letters will be sent out this month for open complaints.
3. **CONSIDERATION OF DRAFT ORD FOR SHORT PLATS & SUBDIVISIONS:** City Planner and P&Z discussed potential of combining short plats and subdivision

sections of Title 6, Chapter 6 with the main delineation being that plats of less than 4 lots are heard by P&Z and plats of 4 lots or great are heard by City Council. P&Z desires that the noticing and publication requirements be consistent regardless of the number of lots being created.

P&Z directed Staff to return in April with an updated draft for their consideration.

4. **DISCUSSION OF ORDINANCE DRAFT FOR ACCESSORY LIVING UNIT**

CLARIFICATION: Discussed updating definition of ALU to match the 2018 IRC definition of dwelling unit. P&Z directed Staff to meet with Panhandle Health to investigate the sewer management agreement as it pertains to accessory dwelling units. MCleveland made a motion to direct staff to update the definition of ALU to ADU to conform with 2018 IRC definition of dwelling unit and schedule a public hearing. CO'Brien seconded.

RSampert: aye **MCleveland:** aye **CO'Brien:** aye **MBecker:** aye Motion Carries.

*P&Z decided to move their April 28, 2022 meeting to April 19, 2022 to accommodate a public hearing.

5. **DISCUSSION OF CODE CHANGES FOR SIGNS:** City Planner is sending the sign ordinance to the City Attorney for constitutionality verification.

6. **AGENDA ITEMS FOR 04/19/2022 MEETING:**

- short plats and subdivisions draft ordinance revision
- public hearing for ADU Ordinance Change
- potential for telecom ordinance public hearing if the final draft can be solidified in time for publication

7. **PUBLIC COMMENT:** Opened at 8:40 PM. Closed at 8:41 PM

- Sue Supp- 7024 N. 16th St- wanted to comment on Telecom Ordinance. Chairman Becker advised to hold comments until the public hearing on 4/19/22.

8. **ADJOURN:-** CO'Brien made a motion to adjourn meeting. MCleveland seconded. All in favor. Meeting adjourned at 8:43 PM.

Mike Becker, Chairman

ATTEST:

DRAFT



City of Dalton Gardens

6360 N Fourth Street, Dalton Gardens,
ID 83815 Phone: (208) 772-3698 Fax:
(208) 772-3698

Monthly Planner Activity Report

March 31, 2021

Code amendments

In March, the City conducted a joint workshop with the contracted attorney to review the proposed Telecommunications Ordinance and to address questions by P&Z and City Council. An updated draft is forthcoming and will be delivered to the Planning and Zoning Commission for their review and a subsequent public hearing and recommendation to City Council. Other code amendment work includes an update to the definition of Accessory Living Unit, changed to Accessory Dwelling Unit and definition corresponding with the International Residential Code. In addition, the P&Z Commission is currently discussing updates to the city code's sub-division and short plat provisions, with the proposal to incorporate short plat provisions within subdivision ordinance. Other considerations include updates to the sign code and design requirements in the commercial zone.

Variances / Special Use Permits

No new variances or special use permit applications were received by the City during the month.

Subdivisions

No new subdivision requests have been submitted.

Building Permits

The City continues to receive and manage a variety permit request. In March, the city received several applications, including building permits for new home construction. Staff continually fields calls and inquiries as to code requirements and building feasibility. Staff also conducted three commercial development pre-application conferences. As there are many expired or near-expired building permits, staff will begin issuing notices of expiration to permit holders. Other calls and coordination with KCFR building inspectors addressing permit requirements and policies. In March, staff also issued review of the Dalton Church of Christ Landscape Plan.

Fee Schedule

A City Council workshop was conducted to go over updates to the city's fee schedule. Many updates have been proposed, with the addition of new fees to account for permit activities already outlined in City Code. Clarification and updates to existing fee types.

Research conducted and outreach to the State of Idaho Building and Building Departments of three local peer communities to investigate (and rationale for) fee calculation methodologies.

Code enforcement

The city continues to receive, on a rolling basis a variety of code-enforcement / compliance complaints. Staff continues to research and develop the city's code enforcement policy and procedures handbook. Several Voluntary Compliance Request (VCR) letters have been issued and one Notice of Violation letter has been issued. A code compliance tracking sheet has been also developed to track compliance timeframes for possible further escalation and/or penalties as provided in City Code.

Annexation

The proposal to annex of portions of E Dalton Avenue was re-noticed and will come before City Council for public hearing and council action at its April meeting. The re-notice included mailing to residents within a 300 foot, an onsite notice, and paper publication.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Ryan Hughes", is written over a light blue horizontal line.

Ryan Hughes
City Planner

NOTICE OF PUBLIC HEARING
CITY OF DALTON GARDENS
PLANNING & ZONING COMMISSION

NOTICE IS HEREBY GIVEN that the City of Dalton Gardens Planning and Zoning Commission will conduct a public hearing on Tuesday, April 21, 2022, at 6:00 p.m. at the Dalton Gardens City Hall, 6360 N. 4th Street, Dalton Gardens, Idaho, pursuant to Dalton Gardens City Code section 5-9-6, to receive testimony from interested and affected agencies and citizens and consider a recommendation to the Dalton Gardens City Council for updates to the City's Zoning Ordinance as it relates to the definition of Accessory Dwelling Units in Title 5 and Title 7 of Dalton Gardens City Code. Written testimony may be sent to the City of Dalton Gardens Planning and Zoning Commission, 6360 N. 4th Street, Dalton Gardens, Idaho 83815; or faxed to (208) 762-5156. Written testimony should include the signature, email address and mailing address of the submitter; and should address the issue at hand. If written testimony fails to meet these requirements, the Chairman may declare such testimony inadmissible. All persons desiring to provide oral testimony should appear at the hearing. Persons with disabilities requesting special accommodations should make such request of the Deputy Clerk at least twenty-four (24) hours prior to commencement of the public hearing. The clerk's telephone number is (208) 772-3698.

Published on April 05, 2022

Teresa Janzen, City Clerk

CITY OF DALTON GARDENS, IDAHO

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF DALTON GARDENS, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; AMENDING TITLE 5, CHAPTER 1, SECTION 4 TO REVISE DEFINITION OF ACCESSORY LIVING UNIT; AMENDING TITLE 5, CHAPTER 5, SECTION 5 TO REVISE DEFINITION OF ACCESSORY LIVING UNIT; AMENDING TITLE 7, CHAPTER 4, SECTION 1 TO REVISE DEFINITION OF ACCESSORY LIVING UNIT.

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

SECTION 1: AMENDMENT TO TITLE 5, CHAPTER 1, SECTION 4.

5-1-4: DEFINITIONS:

~~ACCESSORY LIVING~~ DWELLING UNIT:

~~A building or portion(s) of a building, located on the same lot, but separate from the principal dwelling with habitable space and any combination of sink, toilet, kitchen, or bathing facility that could enable the residential occupation of the structure or portion of the structure. A garage, shop or storage building with a toilet and a sink shall not be considered an accessory living unit.~~

Any single accessory structure attached or detached to the primary structure providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

SECTION 2: AMENDMENT TO TITLE 5, CHAPTER 5, SECTION 1.

5-5-1: ALLOWED USES

~~The usual accessory buildings commonly appurtenant to a single-family dwelling. No accessory buildings are allowed without a primary single-family dwelling already constructed on site (except as permitted by special use permit). Accessory living dwelling units are prohibited. No cooking and/or bathing facilities are allowed in accessory buildings. Toilets and sinks are allowed in accessory buildings.~~

SECTION 3: AMEND TITLE 7, CHAPTER 1, SECTION 1.

7-4-1: OPERATION AND MAINTENANCE REQUIREMENTS FOR ALL PROPERTIES:

A. Residential ~~units~~ properties shall not exceed one single-family dwelling unit per acre. Accessory living dwelling units are prohibited. An "accessory living dwelling unit" is considered

~~above and beyond a single-family dwelling and is defined as a building or portion(s) of a building, located on the same lot, but separate from the principal dwelling, with habitable space. "Habitable space" is defined as any enclosed area with cooking and bathing facilities. Toilets and sinks are allowed in accessory structures. any single accessory structure attached or detached to the primary structure providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.~~

SECTION 4. SEVERABILITY.

If any provision of this chapter, or its application to any person or circumstances, be declared unconstitutional or invalid for any reason by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter or the application of the provisions to other persons or circumstances.

Nothing in this chapter shall be construed as preventing the adoption of more restrictive provisions set forth in other sections of the Dalton Gardens Municipal Code. The more restrictive provisions of the code shall control.

SECTION 5. REPEAL OF CONFLICTING PROVISIONS.

All provisions of the ordinances of the City of Dalton Gardens which conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 6. EFFECTIVE DATE.

Upon passage and approval and publication in one (1) issue of the Coeur d'Alene Press, the official newspaper of the City of Dalton Gardens, Idaho, this Ordinance shall be in full force and effect.

PASSED under suspension of the rules at which a roll call vote was taken at the regular meeting of the city council of the City of Dalton Gardens, Kootenai County, Idaho, this _____ day of _____, 2022.

ATTEST:

DAN EDWARDS, Mayor

TERESA JANZEN, Clerk

CITY OF DALTON GARDENS, IDAHO

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF DALTON GARDENS, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; AMENDING TITLE 5, CHAPTER 10, SECTION 3 TO ADD SUBDIVISIONS FOR NOTICING REQUIREMENTS; ADDITIONS TO TITLE 6, CHAPTER 2 TO ADD PROVISIONS FOR SHORT SUBDIVISIONS; REPEALING TITLE 6, CHAPTER 6 REGARDING SHORT SUBDIVISIONS; AMENDING TITLE 6, CHAPTER 7 TO REVISE ORDINANAL NUMBERING.

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

SECTION 1: AMENDMENTS TO TITLE 5, CHAPTER 10, SECTION 3

5-10-3-3: POSTED SITE NOTICES (SIGNS):

A. Posted notices are required for applications requesting:

1. Special use permits; and
2. Rezones; and
3. Subdivisions

SECTION 2: ADDITIONS TO TITLE 6, CHAPTER 2

6-2-4: SHORT SUBDIVISION: APPLICATION OF PROVISIONS; EXEMPTIONS:

Every division of land for the purpose of sale or transfer into two (2), three (3) or four (4) lots, tracts or parcels within the residential district in the incorporated area of Dalton Gardens, shall proceed in compliance with this chapter. No short subdivisions in the commercial district are allowed.

6-2-5: ADMINISTRATION OF PROVISIONS FOR SHORT SUBDIVISION:

The planning and zoning commission is vested with the authority to summarily approve or disapprove proposed short subdivisions. The commission shall prepare and require the use of such forms as necessary to administer this section.

SECTION 3: REPEALING TITLE 6, CHAPTER 6

~~6-6-1: APPLICATION OF PROVISIONS; EXEMPTIONS:~~

~~A. Every division of land for the purpose of sale or transfer into two (2), three (3) or four (4) lots, tracts or parcels within the residential district in the incorporated area of Dalton Gardens, where~~

no new dedications are required, shall proceed in compliance with this chapter. No short subdivisions in the commercial district are allowed.

~~B. The provisions of this chapter shall not apply to the following:~~

- ~~1. Any division of land for the purpose of adjusting the boundary line or the transfer of land between two (2) adjacent property owners which does not result in the creation of any additional building site.~~
- ~~2. Any division of land made by testamentary provision, the laws of descent or upon court order.~~
- ~~3. Any acquisition or division of land by a public agency for public right of way purposes.~~
- ~~4. Any application for a division of land that is deemed complete prior to the adoption of this chapter shall be vested under the previously adopted ordinance.~~

~~6-6-2: APPLICATION FOR SHORT SUBDIVISION:~~

~~A. Form And Fees: Any person who undertakes a "short subdivision" as defined in section 6-1-4 of this title shall submit to the commission a completed application form provided by the commission accompanied by a nonrefundable fee in an amount to be established by resolution of the city council.~~

~~B. Contents Of Application; Plats And Plans Required: The drawing, map and accompanying material submitted with an application for short subdivision approval shall include, at a minimum, the following information:~~

- ~~1. The name, address and telephone number of the applicant and the property owner if different than the applicant.~~
- ~~2. A legal description of the entire area being subdivided and a legal description for each of the proposed lots.~~
- ~~3. The size of each lot indicated by square footage computation sufficiently accurate to determine that each lot meets the minimum established lot size requirements.~~
- ~~4. A copy of any existing or proposed restrictions or covenants.~~
- ~~5. A survey by a licensed engineer or surveyor of the property containing the following:
 - ~~a. Boundaries and dimensions of the entire area being subdivided and the proposed boundaries and dimensions of the proposed lots.~~
 - ~~b. All existing buildings and structural improvements.~~
 - ~~c. The location of any roads, easements or rights of way that exist or are proposed to serve the short subdivision.~~
 - ~~d. Proposed access and approach areas.~~
 - ~~e. Location of all water and sewer lines servicing the proposed lots.~~
 - ~~f. A space for approval of the commission.~~~~

~~1. Distribution Of Plats And Plans: Upon receipt of a completed application for short subdivision approval, the commission shall forward copies of the proposal to the following agencies for comment:~~

- a. ~~Dalton Water Association.~~
- b. ~~Panhandle health district.~~
- c. ~~Kootenai County fire and rescue.~~
- d. ~~Other appropriate agencies, including the city of Coeur d'Alene wastewater treatment official and the city of Coeur d'Alene street department or similar agency having jurisdiction over granting approaches off of Government Way.~~

~~Agencies requested to review a proposed short subdivision will have thirty (30) days upon receipt of a request for review in which to return their written comments. Failure by an agency to reply within the established review period shall be interpreted to mean that the particular agency has no concern over the proposal.~~

- 2. ~~Decision; Time Limitation: Within thirty (30) days after receipt of a completed application or at its next regular meeting, the commission shall approve or disapprove the proposed short subdivision and shall immediately notify the applicant, in writing, of such decision. If an application is disapproved, the commission shall cite the specific reason for disapproval.~~
- 3. ~~Requirements For Approval: The commission shall not approve a short plat unless:

 - a. ~~The proposed lots meet all established lot size and width requirements.~~
 - b. ~~Adequate water supply and sewage disposal are available.~~
 - c. ~~The decision to approve a short subdivision will not be contrary to the public interest.~~
 - d. ~~Newly dedicated roads are improved and paved according to standards set by Lakes highway district.~~
 - e. ~~No cul-de-sacs or dead end streets are allowed, unless they comply with this subdivision ordinance, and shall only be allowed in the commercial and light industrial zones.~~~~
- 4. ~~Filing: Upon approval of a short subdivision, the commission shall transmit a copy of the approved application and plans to the county recorder for filing. The fee collected at the time the application was submitted will be used to cover the cost of filing. The commission shall also forward a copy of the approved short subdivision to the city clerk for permanent file at the city clerk's office.~~

~~D. Variance Request: In the event the application for short subdivision does not meet the requirements of section 6-6-3 of this chapter, the person requesting the short subdivision shall apply for a variance before the city council and the provisions of section 6-5-4 of this title shall apply to the variance request.~~

6-6-3: MINIMUM LOT SIZE AND WIDTH REQUIREMENTS:

~~All lots within a short subdivision shall have one hundred ten feet (110') of frontage on a publicly created and maintained street and contain not less than one acre, less such portions which may have been granted, dedicated or conveyed for use as road right of way or other easement. Nonconforming lots shall not be created.~~

6-6-4: ADMINISTRATION OF PROVISIONS:

~~The planning and zoning commission, herein referred to as the commission, is vested with the authority to summarily approve or disapprove proposed short subdivisions. The commission shall prepare and require the use of such forms as necessary to administer this chapter.~~

~~6-6-5: APPEALS:~~

~~Appeals concerning interpretation, administration or decisions rendered pursuant to this Chapter shall be processed in accordance with Section 1-11-1.~~

~~6-6-6: VIOLATION AND PENALTIES:~~

~~A. No person shall sell or transfer any land subject to the requirements of this chapter until a short subdivision has been approved and filed.~~

~~B. Violation of any of the provisions of this chapter or failure to comply with any of its requirements shall constitute a misdemeanor and subject the offender to penalties in accordance with section 1-4-1 of this code. The landowner, tenant, subdivider, builder, public official or any other person who commits, participates in, assists in or maintains such violation may be found guilty of a separate offense.~~

~~C. Nothing herein contained shall prevent the council or any other public official or private citizen from taking such lawful action as is necessary to restrain or prevent any violation of this chapter or of the Idaho Code.~~

~~D. Further, no short subdivision required by this chapter shall be recorded by the county recorder until such short subdivision has received approval by the commission.~~

~~E. No public board, agency, commission, official or other authority shall authorize any improvements on any land in violation of this chapter.~~

SECTION 4: AMENDMENTS TO TITLE 6, CHAPTER 7

~~6-7-1~~ 6-6-1: APPLICATION; SUBMITTAL:

A. 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.

B. Application Requirements:

1. 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.

2. 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.

~~6-7-2~~ 6-6-2: PLAT REQUIREMENTS:

The condominium plat shall contain and be accompanied by the information required in the final plat section of chapter 2 of this title.

~~6-7-3~~ 6-6-3: CERTIFICATES, DEDICATIONS AND DEED RESTRICTIONS:

C. 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.

D. 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.

~~6-7-4~~ 6-6-4: REQUIRED IMPROVEMENTS:

Street, curbing, water, sanitary sewer and storm sewer improvements are 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.

~~6-7-5~~ 6-6-5: ADDITIONAL REQUIREMENTS FOR PHASED CONDOMINIUMS:

E. 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:

1. All future buildings planned for the site showing appropriate dimensions and locations.
2. Identification of the order in which subsequent buildings will be constructed.
3. A statement that each phase will be superseded by the subsequent phase.

F. 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.

~~6-7-6~~ 6-6-6: APPROVAL BY CITY ENGINEER:

A. 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 title.

B. 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 this title.

C. 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.

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

~~6-7-7~~ 6-6-7: 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 conformed copy with corresponding instrument number of the recorded plat to be returned to the city for filing within sixty (60) days of the recordation.

SECTION 4. SEVERABILITY.

If any provision of this chapter, or its application to any person or circumstances, be declared unconstitutional or invalid for any reason by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter or the application of the provisions to other persons or circumstances.

Nothing in this chapter shall be construed as preventing the adoption of more restrictive provisions set forth in other sections of the Dalton Gardens Municipal Code. The more restrictive provisions of the code shall control.

SECTION 5. REPEAL OF CONFLICTING PROVISIONS.

All provisions of the ordinances of the City of Dalton Gardens which conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 6. EFFECTIVE DATE.

Upon passage and approval and publication in one (1) issue of the Coeur d'Alene Press, the official newspaper of the City of Dalton Gardens, Idaho, this Ordinance shall be in full force and effect.

PASSED under suspension of the rules at which a roll call vote was taken at regular meeting of the city council of the City of Dalton Gardens, Kootenai County, Idaho, this _____ day of _____, 2022.

ATTEST:

DAN EDWARDS, Mayor

TERESA JANZEN, Clerk