

Dover Ordinance Number 110

AN ORDINANCE OF THE CITY OF DOVER, STATE OF IDAHO ESTABLISHING A TEMPORARY MORATORIUM ON ACCEPTANCE OF SPECIAL USE PERMITS AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the City of Dover Zoning Ordinance addresses special use permits, subdivisions of land and zoning and includes division of land as both a special use permit process and as a separate subdivision process, neither of which process is compatible;

WHEREAS, the legality of the special use permit provisions of the Zoning Ordinance have been challenged;

WHEREAS, a review of the special use permit procedures contained in the Zoning Ordinance by the city's legal advisor has revealed potential legal deficiencies in the special use permit portion of the Zoning Ordinance, the subdivision portions of the Zoning Ordinance and the zoning portions of the Zoning Ordinance;

WHEREAS, continuing to issue special or conditional use permits under these circumstances is not in the best interest of the public health, safety, and/or welfare;

WHEREAS, continuing to process subdivisions requests and/or zoning requests under these circumstances is not in the best interest of the public health, safety, and/or welfare;

WHEREAS, Idaho Code § 67-6523 allows for implementation of an emergency moratorium ordinance when there is imminent peril to the public health, safety, or welfare for a period not longer than 182 days;

WHEREAS, the City will need at least 182 days to develop and implement the necessary amendments to the Zoning Ordinance's special use permit standards, subdivisions and zoning to comply with Idaho Code § 67-6512;

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF DOVER AS FOLLOWS:

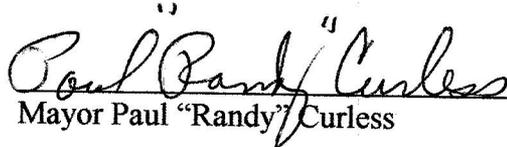
1. A moratorium shall apply to the acceptance of applications for and/or issuance of permits for special uses and/or subdivisions and/or zone changes. In any case where an application has been accepted and not yet timely approved no permit, subdivision or zone change shall issue.
2. This moratorium shall become effective on August 6, 2009 at 12:01 a.m. This moratorium shall terminate at the expiration of 182 days, or on February 3, 2010 at 11:59 p.m.
3. The city council hereby directs staff to work diligently towards defining conditional uses consistent with the provisions of Idaho Code § 67-6512; developing subdivision

processes which comply with the Local Land Use Planning Act, and curing defects in the zoning portions of the ordinance.

4. If any portion of this ordinance is deemed unconstitutional or unenforceable by a court of competent jurisdiction, the remainder shall remain in full force and effect.

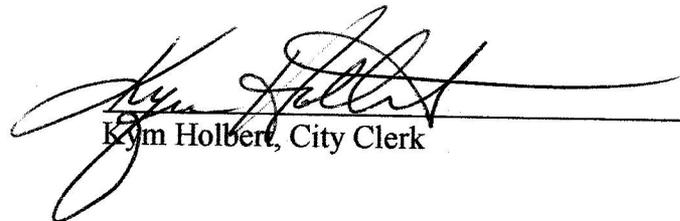
Enacted as an ordinance of the City of Dover, under suspension of the rules, at a meeting of the City Council held on the 5th day of August, 2009.

CITY OF DOVER
Bonner County, Idaho



Mayor Paul "Randy" Curless

ATTEST:



Kym Holbert, City Clerk