

## **ORDINANCE NO. 1499**

AN ORDINANCE OF THE CITY OF POST FALLS, KOOTENAI COUNTY, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, PROVIDING FOR AMENDMENT TO POST FALLS MUNICIPAL CODE 18.20.190: DEVELOPMENT AGREEMENTS; PROVIDING THAT REMAINING SECTIONS OF POST FALLS CITY CODE SHALL REMAIN IN EFFECT; PROVIDING FOR SEVERABILITY; PROVIDING FOR THIS ORDINANCE TO BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW

**WHEREAS**, after the recommendation of the Planning and Zoning Administrator on the hereinafter provided amendments; and

**WHEREAS**, a public hearing was held before the Post Falls Planning and Zoning Commission on September 12<sup>th</sup>, 2023, in accordance with the law, testimony was taken, and the recommendation was given by the Commission that the City Council adopt the amendments hereinafter provided; and

**WHEREAS**, *after public hearing on the hereinafter provided, and after recommendation of the Planning and Zoning Commission*, it is deemed by the Mayor and City Council to be in the best interests of the citizens of the City of Post Falls that the following be adopted.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the City of Post Falls as follows:

**SECTION 1.** That Post Falls Municipal Code Section 18.20.190 is amended to read as follows:

### **18.20.190: DEVELOPMENT AGREEMENTS:**

The City requires a development agreement, pursuant to Idaho Code section 67-6511A, for all requests to zone property to the Technology, Community Commercial, or Residential Mixed Zone and in conjunction with all requests for annexation and zoning of property. Additionally the City may require a development agreement as a condition of approving a rezone request. When required,

the development agreement must be signed by the property owner and returned to the City within ~~six (6)~~ twelve (12) months of the City Council granting annexation and/or rezone.

**SECTION 2.** All provisions of the current Post Falls Municipal Code or ordinances of the City of Post Falls and parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

**SECTION 3.** Neither the adoption of this ordinance nor the repeal of any ordinance shall, in any manner, affect the prosecution for violation of such ordinance committed prior to the effective date of this ordinance or be construed as a waiver of any license or penalty due under any such ordinance or in any manner affect the validity of any action heretofore taken by the City of Post Falls City Council or the validity of any such action to be taken upon matters pending before the City Council on the effective date of this ordinance.

**SECTION 4.** The provisions of this ordinance are severable and if any provision, clause, sentence, subsection, word, or part thereof is held illegal, invalid, or unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this ordinance would have been adopted if such illegal, invalid, or unconstitutional provision, clause sentence, subsection, word, or part had not been included therein, and if such person or circumstance to which the ordinance or part thereof is held inapplicable had been specifically exempt therefrom.

**SECTION 5.** After its passage and adoption, a summary of this Ordinance, under the provisions of the Idaho Code, shall be published once in the official newspaper of the City of Post Falls, and upon such publication shall be in full force and effect.

*Passed under suspension of rules upon which a roll call vote was duly taken and duly enacted an Ordinance of the City of Post Falls at a regular session of the City Council on November \_\_\_\_ 2023.*

APPROVED, ADOPTED and SIGNED this            day of November, 2023.

\_\_\_\_\_  
Ronald G. Jacobson, Mayor

ATTEST:

\_\_\_\_\_  
Shannon Howard, City Clerk

## **SUMMARY OF POST FALLS ORDINANCE NO. 1499**

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The City of Post Falls, Kootenai County Idaho hereby gives notice of the adoption of Post Falls Ordinance No. 1499, which changes the timeframe in which a development agreement must be signed and returned to the City from six months to twelve months; providing repeal of conflicting ordinances and providing severability. The ordinance is effective upon publication of this summary. The full text of Ordinance No. 1499 is available at Post Falls City Hall, 408 Spokane Street, Post Falls, ID 83854 in the office of the City Clerk. Dated this \_\_\_\_ day of November, 2023.

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/s/

Shannon Howard, City Clerk

### **STATEMENT OF LEGAL ADVISOR**

I, Field K. Herrington, the legal advisor for the City of Post Falls, I have examined the attached summary of Ordinance No. 1499, which changes the timeframe in which a development agreement must be signed and returned to the City from six months to twelve months, and find it to be a true and complete summary of said ordinance and provides adequate notice of the contents to the public.

Dated this \_\_\_\_ day of November, 2023.

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Field K. Herrington, City Attorney