

CITY OF DALTON GARDENS

ORDINANCE NO. 175

AMENDMENTS TO TITLE 5, CHAPTER 5, SECTION 2 OF THE DALTON GARDENS MUNICIPAL CODE

AN ORDINANCE OF DALTON GARDENS, IDAHO, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, TO AMEND THE RESIDENTIAL DISTRICT CHAPTER OF THE ZONING TITLE TO ADD EQUINE BOARDING FACILITIES TO USES REQUIRING A SPECIAL USE PERMIT

BE IT ORDAINED by the mayor and city Council of Dalton Gardens, Idaho:

Section 1: Title
Section 2: Authority
Section 3: Purpose
Section 4: Amendments
Section 5: Severability
Section 6: Conflicting Ordinance Provisions
Section 7: Effective Date

SECTION 1: TITLE

This Ordinance shall be known as the AMENDMENTS TO TITLE 5, CHAPTER 5, Section 2 OF THE DALTON GARDENS MUNICIPAL CODE.

SECTION 2: AUTHORITY

This Ordinance is authorized under the provisions of Idaho Code Section 67-6509, 67-6511 and 67-6512.

SECTION 3: PURPOSE

The purpose of the ordinance is to provide for application requirements and minimum standards relating to an equine boarding facility by application of a special use permit.

SECTION 4: AMENDMENTS

CHAPTER 5

RESIDENTIAL DISTRICT

SECTION:

- 5-5-1: Use Restrictions
- 5-5-2: Special Uses
- 5-5-3: Minimum Building Site Dimensions
- 5-5-4: Yards
- 5-5-5: Manufactured Homes

5-5-1: USE RESTRICTIONS:

In the Residential District, no building or land located therein shall be used, nor any structure hereafter erected or altered, except for the following purposes:

The usual accessory buildings commonly appurtenant to a single-family dwelling.

Seasonal Agricultural, Horticultural and Animal Products – The sale of agricultural, horticultural and animal products that are grown and raised on site. The raising, breeding and maintaining of dogs, for the purposes of this Title, is not an agricultural purpose

Home gardens and gardening of vacant land.

Single-family dwellings.

Trailer houses and tandem trailers not used for human occupancy. (Ord. 105, 1-7-1989)

5-5-2: SPECIAL USES:

The following uses are permitted only with a special use permit issued pursuant to this Title, and except for the uses herein specified, no other use can be made of such land or structures located within the Residential District:

Churches, schools and Municipal or governmental buildings.

Fire, police or public safety buildings.

Public utility structures such as substations, pumping plants, telephone exchanges and similar uses.

Signs:

A. Not more than one sign, not exceeding one square foot in area, bearing only the name or occupation of the occupant of the building to which it is affixed.

B. Not more than two (2) signs, not exceeding three (3) square feet in area of each sign, advertising for sale or rent the premises on which they are located. (Ord. 105, 1-7-1989; Ord. 107, 3-2-1989; 1991 Code)

Equine boarding facilities - Equines are defined as horses, ponies, mules, and donkeys, or any other animal belonging to the family Equidae. Equine boarding facilities are defined as any facilities used for the care and maintenance of another individual's equines for profit by the property owner or individual residing on the property. For purposes of this section, profit is the exchange of money or services for the care and maintenance of two or more equines. More specifically, care and maintenance may include, but is not limited to, providing anything from minimal to full service boarding. Minimal boarding is where the property owner provides only shelter and/or grazing, and the equine's owner provides all other care. Full service boarding is where a range of services are provided by the property owner that may include feeding, exercise and veterinary care.

5-5-3: MINIMUM BUILDING SITE DIMENSIONS:

No building or structure shall hereafter be erected on any lot, tract, plot or block having an area of less than one acre, minus such portion which may be granted, conveyed or licensed for use as a road, right of way or other easement, not in excess of one-half ($1/2$) of the dedicated road right of way or width of streets required by other ordinances of the City¹. (Ord. 105, 1-7-1989)

5-5-4: YARDS:

A. Front And Rear Yards: For every structure there shall be a front yard of not less than twenty five feet (25') and a rear yard of not less than ten feet (10') in depth.

B. Side Yards: Each dwelling or residence shall have a side yard ten feet (10') in depth; accessory buildings within seventy five feet (75') from the street line shall have a side yard ten feet (10') in depth; provided, however, that an accessory building more than seventy five feet (75') from the street line shall have a side yard of five feet (5'); and provided further, that each dwelling, residence and accessory building on a corner lot shall have a side yard of not less than twenty five feet (25') along the flanking or side street. (Ord. 105, 1-7-1989)

C. Lot Size And Frontage: All lots shall have one hundred ten feet (110') of frontage on a publicly dedicated street, accepted and maintained by the city or the Lakes highway district, and shall contain not less than one acre. (Ord. 161, 9-5-2002)

5-5-5: MANUFACTURED HOMES:

A. Idaho Code 67-6509A requires the city's land use regulations to be amended to allow for siting manufactured homes in residential areas within the city.

B. Manufactured homes shall be as defined in Idaho Code 39-4105(14).

C. Manufactured homes on individual lots for single-family residential uses shall meet the following criteria:

1. The manufactured home shall be multisectional and enclose a space not less than one thousand (1,000) square feet;

2. The manufactured home shall be placed on an excavated and backfilled foundation and enclosed at the perimeter in such a manner that the home is located not more than twelve inches (12") above grade;

3. The manufactured home shall have a pitched roof with a minimum slope of three feet (3') in height for each twelve feet (12') in width;

4. The manufactured home shall have exterior siding or roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings;

5. In addition to the provisions of subsections C1 through C4 of this section, a manufactured home shall be subject to any development standards, architectural requirements and minimum size requirements to which a conventional single-family residential dwelling on the same lot would be subject. (Ord. 1-1997, 1-2-1997)

SECTION 5: 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.

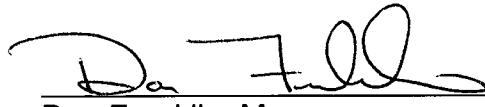
SECTION 6: CONFLICTING ORDINANCE PROVISIONS

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

SECTION 7: EFFECTIVE DATE

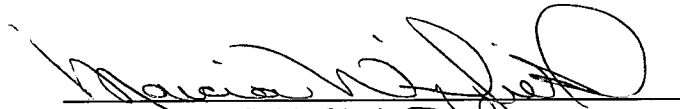
This Ordinance shall take effect and be in full force upon its passage, approval, and publication in one (1) issue of the Coeur d'Alene Press.

ADOPTED THIS 4th day of August, 2005



Dan Franklin, Mayor

Attest:



Marcia Wingfield, Clerk

City of Dalton Gardens
Notice of Adoption
Ordinance Number 175
ADD EQUINE BOARDING
FACILITIES TO USES
REQUIRING A SPECIAL
USE PERMIT
AUGUST 4 2005
SUMMARY

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Kootenai, } ss.

Kattie Hay 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

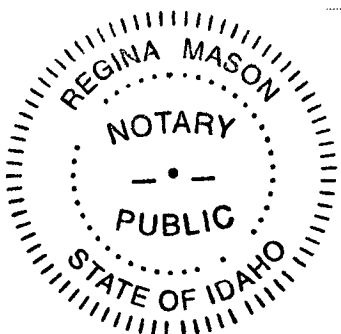
of which the annexed is a printed copy, was published in the regular Monday issue of said newspaper for one consecutive day commencing on the 15 day of August 2005 and ending on the 15 day of August 2005 and such publication was made as often during said period as said Daily newspaper was regularly issued.

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 Kattie Hay

On this 15 day of August in the year of 2005, before me, a Notary Public, personally appeared Kattie Hay, 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.

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

MY COMMISSION EXPIRES 6/18/09



The Dalton Gardens' City Council, at a duly notice public hearing held on August 4, 2005, adopted Ordinance Number 175, which defines Equine Boarding Facilities and adds them as a use of residential property requiring a special use permit. The Ordinance provides "Equine boarding facilities - Equines are defined as horses, ponies, mules, and donkeys, or any other animal belonging to the family Equidae. Equine boarding facilities are defined as any facilities used for the care and maintenance of another individual's equines for profit by the property owner or individual residing on the property. For purposes of this section, profit is the exchange of money or services for the care and maintenance of two or more equines. More specifically, care and maintenance may include, but is not limited to, providing anything from minimal to full service boarding. Minimal boarding is where the property owner provides only shelter and/or grazing, and the equine's owner provides all other care. Full service boarding is where a range of services are provided by the property owner that may include feeding, exercise and veterinary care." The remainder of Title 5, Chapter 5, regarding zoning in the residential district, remains unchanged. The ordinance will take effect upon the first publication which is scheduled for August 15, 2005. The full text of the Ordinance is available at the Dalton Gardens City Hall, 6360 N. 4th Street during regular office hours.
Attest: Marcia Wingfield,
City Clerk/Treasurer
Legal 7695
August 15, 2005

AFFIDAVIT OF PUBLICATION

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

Kattie Hay 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.

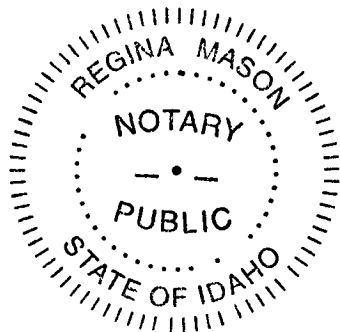
3. The Legal Notice

of which the annexed is a printed copy, was published in the regular Friday issue of said newspaper for one consecutive day commencing on the 5 day of August 2005 and ending on the 5 day of August 2005 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 Kattie Hay. On this 5 day of August in the year of 2005, before me, a Notary Public, personally appeared Kattie Hay, 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.

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

MY COMMISSION EXPIRES 6/18/09



NOTICE OF PUBLIC HEARING CITY OF DALTON GARDENS CITY COUNCIL AUGUST 4, 2005

The Dalton Gardens City Council will hold a public hearing on August 4, 2005 to hear the following Municipal Code amendment:

AN ORDINANCE OF DALTON GARDENS, IDAHO, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, TO AMEND THE RESIDENTIAL DISTRICT CHAPTER OF THE ZONING TITLE TO ADD EQUINE BOARDING FACILITIES TO USES REQUIRING A SPECIAL USE PERMIT

The public hearing will be held at 6360 4th Street, Dalton Gardens, Idaho at 7:00 p.m. on Thursday, August 4, 2005. All interested persons are invited to appear and show cause, if any, why such item should or should not be adopted. Copies of the amendments are available at City Hall during regular office hours (9:00 a.m. to 5:00 p.m., Monday through Friday). City Hall is accessible to persons with disabilities. Anyone desiring accommodations for disabilities related to these documents or to the hearing can contact the City Clerk, 772-3698 at least 48 hours prior to the public hearing.

Attest:
Marcia Wingfield
City Clerk
Legal 7646
August 5, 2005

AFFIDAVIT OF PUBLICATION

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

Kattie Hay 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 one consecutive day commencing on the 20 day of July, 2005, and ending on the 20 day of July, 2005, 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 Kattie Hay. On this 20 day of July in the year of 2005, before me, a Notary Public, personally appeared Kattie Hay, 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.

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

NOTICE OF PUBLIC HEARING CITY OF DALTON GARDENS CITY COUNCIL AUGUST 4, 2005

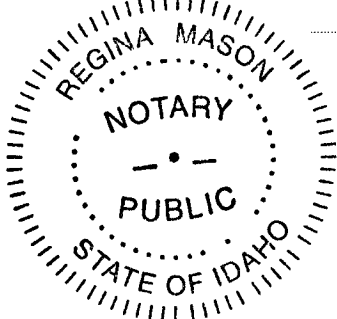
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Attest:
Marcia Wingfield
City Clerk

Legal 7564
July 20, 2005



MY COMMISSION EXPIRES 6/18/09