

## **AMENDMENTS TO THE COMMERCIAL DISTRICT ORDINANCE 186**

An ordinance of Dalton Gardens, Idaho, a political subdivision of the State of Idaho, amending Title 6 Chapter 3 of the Dalton Gardens Municipal Code, providing a purpose and applicability for the amendments, clarifying definitions within the Commercial District, amending building requirements, amending fire land access requirements, deleting parking requirements of Section 6 from the Commercial District and moving the parking requirements to Title 5 chapter 12 of the Code, providing severability and conflicting ordinance provisions and providing for an effective date.

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

Section 1: Title  
Section 2: Authority  
Section 3: Purpose  
Section 13: Severability  
Section 14: Conflicting Ordinance Provisions  
Section 15: Effective Date

### **SECTION 1: TITLE**

This Ordinance shall be known as the AMENDMENTS TO THE COMMERCIAL DISTRICT ORDINANCE of Dalton Gardens.

### **SECTION 2: AUTHORITY**

This Ordinance is authorized under the provisions of Idaho Code Section 67-6511 and 6518 and other enabling statutes.

### **SECTION 3: PURPOSE:**

The purpose of this ordinance is to protect the health, safety and general welfare of the citizens in Dalton Gardens Idaho by providing uses and standards within the Commercial District of Dalton Gardens Idaho.

### **SECTION 4 APPLICABILITY**

This Ordinance applies to any Commercial properties within Dalton Gardens, Idaho.

### **SECTION 5 AMENDMENTS**

TITLE 5 CHAPTER 3

COMMERCIAL DISTRICT

SECTION:

- 5-3-1: Use Restrictions
- 5-3-2: Building Requirements
- 5-3-3: Minimum Building Site Dimensions
- 5-3-4: Yards
- 5-3-5: Fire Lane
- 5-3-6: Off-Street Parking
- 5-3-7: Commercial Antennas

5-3-1: USE RESTRICTIONS:

In the Commercial District, there shall be no restrictions upon the use of land except the following uses which are deemed to constitute nuisances, and no land or building located in the District shall be used for the following purposes:

Amusement park. A permanent outdoor facility, which may include structures and buildings, where there are various devices for entertainment, including rides, booths for the conduct of games or the sale of items, and buildings for shows and entertainment.

Aviation field or landing strips.

Brewery. Brewery is a distillery where beer, wine and alcoholic beverages are brewed.

Bulk petroleum stations and terminals. This is an industrial land use that is comprised of establishments with bulk liquid storage facilities primarily engaged in wholesaling crude petroleum and petroleum products, including liquefied petroleum gas, with tanks above ground.

Chemical plant. A chemical plant is an industrial facility where chemicals are produced and stored.

Commercial agriculture; including the raising, breeding and maintaining of domestic animals for commercial purposes. This includes CAFO or concentrated animal feeding operation as defined in Idaho Code 67-6529C2.

Crematory. A building where bodies are incinerated. Crematories may be an accessory use to a funeral home; however, a crematory may have more intensive impacts than those of the funeral home.

Dumping, storing, burying, reducing, disposing of or burning garbage, refuse, scrap metal, rubbish, offal (Offal is the entrails and internal organs of a butchered animal) or dead animals.

Firearms. Any instrument used in the propulsion of shot, shell or bullets, or other harmful objects by the action of gunpowder exploded within it, or by the action of compressed air within it, or by the power of springs and including what are commonly known as air rifles and BB guns.

Hospitals, rehabilitation or nursing care facilities or sanitariums for insane or mental cases.

Junk yards, automobile graveyards or places for the collection of scrap metal, paper, rags, glass or junk for salvage or storage purposes with the exception of land uses that meet Title 3 Chapter 3 of the Dalton Gardens Municipal Code.

Kennels. An establishment in which dogs or other domesticated animals are housed, boarded, bred or reared on a commercial basis

Manufacture or storage of explosives or gunpowder with the exception of retail sale of gunpowder for firearms.

Metal powder works. The production and sale of metal powders, metal flakes, metal fibers or non-metallic powder additives used with these materials, such as graphite or lubricants.

Outdoor theaters. Outdoor theaters include drive in movie theatres, stadiums and field houses.

Slaughterhouse – Slaughterhouse is a place where animals marketed for meat are killed humanely and processed This includes the distilling of bones, fat or glue; glue or gelatin manufacturing.

Tanneries including the tanning, curing or storage of rawhides or skins.

And, in general, those uses which may have been declared nuisances in any court of record or may be obnoxious or offensive by reason of emission of odor, smoke, dust, gas or noise. (Ord. 105, 1-7-1989)

#### 5-3-2: BUILDING REQUIREMENTS:

A. Approval For Building Construction: No one shall commence the construction of any building or structure or be granted a building permit for building in the Commercial District prior to submission of his application for construction of the building or any addition to or additional building on the land which has not been approved by the City Council or prior to the submission of the plans for such building or addition to or additional building, together with a site plan for said land and the approval of the same by the City Council.

B. Parapet Wall: All buildings constructed closer than five feet (5') to the side property line and using a combustible roofing material shall have a parapet wall for the full length of the building along the side near the property line. Said parapet wall shall extend ~~two feet (2')~~ three feet (3') above the top place line of the building and shall meet the requirements of the adopted Fire Code for a 2-hour fire rating. On all buildings where a parapet wall is required, the roof shall be of such design that no point on said roof shall be closer than ten feet (10') to the parapet wall at a point level with the top of the parapet wall.

#### 5-3-3: 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 portions which may be granted, conveyed or licensed for use as a road, right of way or other easement, not in excess of one half ( $\frac{1}{2}$ ) of the dedicated right of way or width of streets required by other ordinances of the City'. (Ord. 105, 1-7-1989)~~

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 or other public authority, and shall contain not less than one acre. An acre of land shall be calculated to include one half of the adjacent dedicated right of way within the City.

#### 5-3-4: YARDS:

A. Front Yards: Every structure on all properties which front on an established street or highway shall be set back from the front property line not less than ~~twenty five feet (25')~~ fifty feet (50').

B. Rear Yard: The setback from the rear property line shall be not less than ten feet (10') ~~except, the rear yard of a corner lot shall be not less than twenty five feet (25') along the side street, measuring from the edge of the right of way and except as required International Building Codes and except when the rear yard abuts a lot in a different district that requires setbacks for rear yards, in which case the property in this District shall have setbacks as specified in the more restrictive district.~~

C. Side Yards: No setback shall be required on side property lines; except, the side yard of a corner lot shall be not less than twenty five feet (25') along the side street, measuring from the edge of the right of way. (Ord. 105, 1-7-1989) ~~and except as required International Building Codes and except when the side yard abuts a lot in a different district that requires setbacks for side yards, in which case the property in this District shall have setbacks as specified in the more restrictive district.~~

#### 5-3-5: FIRE LANE:

Every parcel of land used for commercial purposes shall provide a lane of not less than eighteen feet (18') of unobstructed driving surface ~~twelve feet (12')~~ wide from an established street or highway to the rear property line. A fire lane shared by adjacent property owners by a mutual recorded agreement may be allowed. Said lane shall be a designated fire lane and shall remain open at all times. a shared fire lane between property owners by agreement.  
(Ord. 105, 1-7-1989)

5-3-6: OFF-STREET PARKING: All off-street parking regulations shall be as set forth in Title 5 Chapter 12 of this Code which is by reference herein incorporated.

~~All commercial businesses shall provide off street parking as follows:~~

~~A. Retail Store: One parking space per two hundred (200) square feet of total floor area.~~

~~B. Bank Or Office: Space for each four hundred (400) square feet of total floor area.~~

~~C. Repair Shop Or Shop Exclusively Handling Bulk Merchandise: One space per six hundred (600) square feet of total floor area. (Ord. 105, 1-7-1989)~~

~~D. Other Commercial Businesses: As determined by the City Building Inspector and approved by the City Council. (Ord. 105, 1-7-1989; 1991 Code)~~

5-3-7: COMMERCIAL ANTENNAS:

A. General Restrictions: Except as provided in this Section, no person shall erect, maintain, alter, repair or remove any commercial antenna in violation of this Section. Nothing in this Section is intended to permit the erection or maintenance of any commercial antenna at a place or in any manner unlawful under State or Federal law.

B. Definition: "Commercial antenna" shall be defined as an antenna used in a business or commercial enterprise for profit.

C. Permit Required: No person shall erect, alter, replace, relocate or reconstruct any commercial antenna without first obtaining a commercial antenna permit from the City Building Inspector. Applications for a commercial antenna permit shall be in writing upon forms furnished by the City.

D. Fee Required: All applications for commercial antenna permits shall be accompanied by a fee as set forth and placed in effect by the City Council.

E. Height Restrictions: There shall be no permit given for any commercial

antenna exceeding thirty feet (30') in height from ground level. Commercial antennas shall be allowed only in the City's Commercial District. (Ord. 136, 5-2-1996)

**SECTION 6: 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.

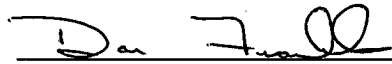
**SECTION 7: CONFLICTING ORDINANCE PROVISIONS**

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

**SECTION 8: 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 1<sup>st</sup> day of June, 2006.

  
\_\_\_\_\_  
Dan Franklin, Mayor

ATTEST:

  
\_\_\_\_\_  
Marcia Wingfield, City Clerk

# AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,  
County of Kootenai, } ss.

Amy McCree 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 1 consecutive day commencing on the 23 day of June, 2006, and ending on the 23 day of June, 2006, 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. Amy McCree  
On this 23 day of June in the year of 2006, before me, a Notary Public, personally appeared Amy McCree, 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.

## SUMMARY OF CITY OF DALTON GARDENS, IDAHO ORDINANCE NO. 186

In accordance with Idaho Code §50-901A, the following is a Summary of Ordinance 186 of the City of Dalton Gardens, Idaho:

1. Ordinance 186 is an ordinance amending Title 5, Chapter 3, of the Dalton Gardens City Code which relates to the City's Commercial District.

2. Definitions of various uses not allowed in the District were added. The Ordinance changed the process for applying for building permits. Minimum building site dimensions, frontage, set backs, and fire lane widths were modified. Requirements for off street parking were moved to Title 5, Chapter 12, of the Dalton Gardens City Code.

3. The Ordinance takes effect upon publication of this Summary in the Coeur d'Alene Press.

4. The full text of Ordinance 186 is available at the Dalton Gardens City Hall.

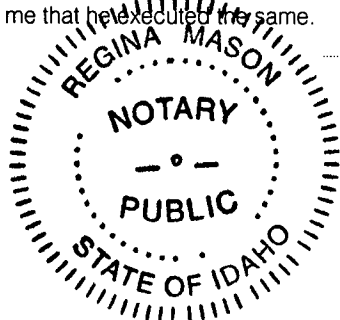
DATED this 20th day of June, 2006.

Daniel Franklin, Mayor

ATTEST:

Marcia Wingfield, Clerk

Legal 9364  
June 23, 2006



MY COMMISSION EXPIRES 6/18/09