

**AMENDMENTS TO TITLE FIVE AND TITLE SIX OF THE DALTON GARDENS  
MUNICIPAL CODE ORDINANCE 187**

AN ORDINANCE OF DALTON GARDENS, IDAHO, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, TO DEFINE AND CREATE STANDARDS FOR THE ADJUSTMENT OF PROPERTY LINES BETWEEN LOTS.

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

- Section 1: Title
- Section 2: Authority
- Section 3: Purpose
- Section 4: Title 5 Definitions
- Section 5: Title 5 Amendments
- Section 6: Title 6 Amendments
- Section 7: Severability
- Section 8: Conflicting Ordinance Provisions
- Section 9: Effective Date

**SECTION 1: TITLE**

This Ordinance shall be known as the LOT LINE ADJUSTMENT AMENDMENT TO TITLE 5 OF THE DALTON GARDENS MUNICIPAL CODE.

**SECTION 2: AUTHORITY**

This Ordinance is authorized under the provisions of Idaho Code Title 67 Sections 6509, 6511, 65-12 and Idaho Code Title 50 Section 13.

**SECTION 3: PURPOSE:** The purpose of a Lot Line Adjustment is to accommodate a transfer of land between adjacent separate lots in order to correct property line or setback encroachment or create better lot design without creating non-conforming lots or setback requirements. Lot line adjustments do not create additional building lots. The decision on a lot line adjustment application is made by City in an administrative procedure.

**SECTION 4: TITLE 5 - DEFINITIONS**

5-1-4 LOT LINE ADJUSTMENT: A lot line adjustment is adjustment of an existing lot or parcel line.

**SECTION 5: TITLE 5 - LOT LINE ADJUSTMENTS**

**5-5-4 YARDS**

D. Lot line adjustments are allowed only under the following conditions:

1. Does not result in the creation of any additional building sites
2. A parcel of land that is not buildable because it does not conform to Municipal Code regulations, or was created improperly, cannot be converted to a buildable parcel through a boundary lot line adjustment.
3. Lot and boundary line adjustments require review and approval by the City. Adjustments are accomplished by recording a deed of conveyance for the property that will be transferred, and then, for the receiving parcel, recording a second deed describing the new, exterior parcel boundaries (so that an additional parcel of land is not inadvertently created). Deeds shall be submitted to the City for review and approval prior to recordation.

E. The following shall require re-platting or filing an amended plat and shall not be considered a lot line adjustment:

1. A change in a lot line that results in a change in the location of an approach, utilities, easements and/or septic tank or drainfield.
2. An increase or decrease in any lot size of more than 20%.
3. Any adjustments between a platted lot and an un-platted lot.
4. An increase or reduction in the number of lots within a subdivision.

## **SECTION 6: TITLE 6 - DESIGN STANDARDS**

### 6-3-6: LOTS

H. Lot Line Adjustment – A lot line adjustment is adjustment of an existing lot or parcel line.

1. Lot line adjustments are allowed only under the following conditions:
  - a. Does not result in the creation of any additional building sites
  - b. A parcel of land that is not buildable because it does not conform to Municipal Code regulations, or was created improperly, cannot be converted to a buildable parcel through a boundary lot line adjustment.
  - c. Lot and boundary line adjustments require review and approval by the City. Adjustments are accomplished by recording a deed of conveyance for the property that will be transferred, and then, for the receiving parcel, recording a second deed describing the new, exterior parcel boundaries (so that an additional parcel of land is not inadvertently created). Deeds shall be submitted to the City for review and approval prior to recordation.

2. The following shall require re-platting or filing an amended plat and shall not be considered a lot line adjustment:

- a. A change in a lot line that results in a change in the location of an approach, utilities, easements and/or septic tank or drainfield.
- b. An increase or decrease in any lot size of more than 20%.
- c. Any adjustments between a platted lot and an un-platted lot.
- d. An increase or reduction in the number of lots within a subdivision.

**SECTION 7: 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.

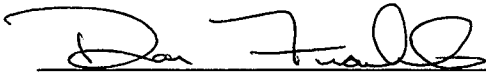
**SECTION 8: CONFLICTING ORDINANCE PROVISIONS**

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

**SECTION 9: 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 6<sup>th</sup> day of July, 2006.

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

ATTEST:

  
\_\_\_\_\_  
Marcia Wingfield, 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

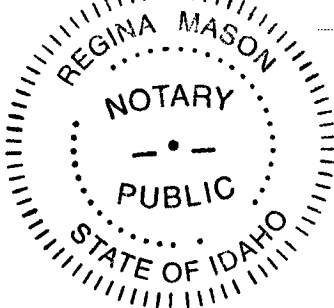
Legal Notice

of which the annexed is a printed copy, was published in the regular Thursday issue of said newspaper for 1 consecutive day commencing on the 13 day of July 2006, and ending on the 13 day of July 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 13 day of July 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.



MY COMMISSION EXPIRES 6/18/09