

**ORDINANCE NUMBER 201**  
**LOT COVERAGE AND HEIGHT ON RESIDENTIAL PROPERTIES**

AN ORDINANCE OF DALTON GARDENS, IDAHO, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, AMENDING TITLE 5 CHAPTER 1 AND CHAPTER 5 AND TO ADD A NEW CHAPTER TO TITLE 5 TO ESTABLISH MAXIMUM LOT COVERAGES FOR RESIDENTIAL PROPERTIES AND TO ESTABLISH MAXIMUM HEIGHT STANDARDS FOR RESIDENTIAL PROPERTIES AND TO PROVIDE FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

**SECTION 1: AMENDMENTS:** Those sections entitled Title 5 Chapters 1 & 5 of the Dalton Gardens Municipal Code shall be and the same are amended and a new Chapter 6 shall be created as follows:

5-1-4: DEFINITIONS:

For the purpose of this chapter, certain words and terms are defined as follows:

**ACCESSORY USE OR BUILDING:** A subordinate use or building customarily incident to and located upon the same lot occupied by the main use or building.

**BUILDING:** Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals or chattels.

**CLERK:** The city clerk of the city of Dalton Gardens.

**COMMISSION:** The planning and zoning commission of the city of Dalton Gardens<sup>1</sup>.

**CORNER LOT:** A zoning lot which adjoins the point of intersection of two (2) or more street lines and which the interior angle formed is one hundred thirty five degrees (135°) or less.

**FAMILY:** Any number of individuals living together as a single housekeeping unit and doing their cooking on the premises exclusively as one household.

**FENCE:** A structural device forming a vertical physical barrier.

**FIELD:** A piece of land cleared of trees and usually enclosed.

**FIELD FENCING:** Fencing for stock or to prevent wildlife intrusion onto property. "Field

fencing" shall also be defined as fencing that is constructed to provide a clear view of the field (visually unobstructed view) excluding chain link fencing.

**FRONT LOT LINE:** For an interior lot, a front lot line is a street line. On a corner lot, the applicant may select either street line as a front lot line.

**FRONT YARD:** The required open space between the front property line and the nearest part of any building on the lot, save as elsewhere in this chapter excepted.

**GOVERNING BODY:** The city council of the city of Dalton Gardens.

**HEIGHT:** Height is a measurement of the distance from the bottom to the top of something which is upright. Structure height is measured from natural grade to the highest point of a structure.

**INTERIOR LOT:** Any zoning lot which is not a corner lot.

**KENNEL:** A place where, or use of a lot by a family for maintaining, breeding, boarding, keeping, training or suffering the occupancy by more than three (3) dogs. However, the litter of a female dog may be kept with the dog, and the litter, together with the mother, shall count as one dog until the litter reaches six (6) months of age.

**LOT:** The parcel of land on which a principal building and its accessory buildings are placed or are to be placed, together with the required open spaces, or a "lot" designated as such on an officially recorded plat.

Any subdivision of land by metes and bounds description prior to the effective date hereof and held under one ownership separate and distinct from the adjoining or abutting land shall be considered a lot as shown by the last conveyance of record.

For the purpose of determining the location of the required yards, a lot shall be considered to be as shown on the official recorded plat of the property, regardless of any metes and bounds subdivision of said property subsequent to the effective date hereof.

When a tract of land consisting of more than one platted lot held under one ownership is to be developed as one unit, all the parcels or lots shall be considered as one lot for the purposes of this chapter.

**LOT COVERAGE:** The portion of a lot, stated in terms of percentage, that is covered by all buildings and/or structures. This shall be deemed to include all buildings, porches, breezeways, patio roofs and the like, whether open box type or lathe roofs, or fully roofed, but shall not be deemed to include fences, walls, or swimming pools.

**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.

**REAR LOT LINE:** The back lot line or back line parallel to the front line.

**REAR YARD:** The required open space between a building and the rear line of the lot.

**SIDE LOT LINE:** Any lot line which is not a front lot line or a rear lot line.

**SIDE YARD:** The required open space on a lot between a building and the side line of the lot and extending from the front yard to the rear yard. The required width of the side yard shall be measured horizontally from the nearest point of the side lot line to the nearest part of the main building. The eave shall be the edge of the building for purposes hereof.

**SINGLE-FAMILY DWELLING:** A building arranged or designed to be occupied by not more than one family, all members of which are related by blood, adoption or marriage, but excluding tents, trailer coaches, mobile homes or trailer houses.

**SPECIAL USE:** A special use permitted within a district other than a principally permitted use, requiring a permit and approval of the commission and governing body.

**SPOKANE VALLEY\_RATHDRUM PRAIRIE AQUIFER BOUNDARY:** A boundary of the aquifer as delineated and determined by the environmental protection agency and administered by the department of environmental quality and the Panhandle health district. The map is available at the city hall.

**STORY:** The habitable space between each floor level of a building.

**STREET:** A public way established by or maintained under public authority; a private way open for public use and a private way plotted or laid out for ultimate public use, whether or not constructed.

**TRAILER COACHES, MOBILE HOMES AND TRAILER HOUSES:** A. A vehicle without means of self-propulsion, licensable as a conveyance on a public street or highway, constructed to permit occupancy as a dwelling or sleeping place for one or more persons; or

B. A single-family dwelling designed or transported on its wheels or on a flatbed or other trailer or detached wheels and, upon arriving at its site, is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental and assembly operations, located on foundation supports, connected to utilities and the like. (Ord. 192, 2-1-2007)

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.

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. 192, 2-1-2007)

D. Lot Coverage: The maximum lot coverage for a lot in Dalton Gardens is 35% or not to exceed 30,000 square feet ~~25% or 15000 square feet per lot, whichever is less.~~

**TITLE 5 CHAPTER 5 SECTION 6 HEIGHT OF STRUCTURES**

The maximum height of structures in the Residential District shall be as follows:

Principal Structure (residence)      32 feet or a maximum of two stories whichever is less.

All Accessory Structures              25 feet or a maximum of two stories whichever is less.

**SECTION 2: 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.

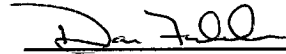
**SECTION 3: CONFLICTING ORDINANCE PROVISIONS**

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

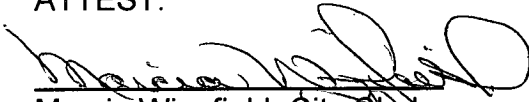
**SECTION 4: EFFECTIVE DATE**

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 8<sup>th</sup> day of January, 2009.

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

ATTEST:

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

# AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,  
County of Kootenai.

} ss.

*Kattie Hoy*

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*

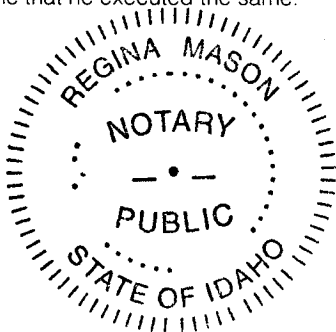
of which the annexed is a printed copy, was published in the regular *Wednesday* issue of said newspaper for *one* ~~consecutive~~ *day* commencing on the *14* day of *January*, 20*09*, and ending on the *14* day of *January*, 20*09*, and such publication was made as often during said period as said *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.

On this *14* day of *January* in the year of *2009*, before me, a Notary Public, personally appeared *Kattie Hoy*, 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