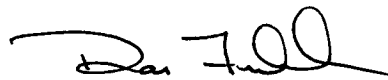


SUMMARY OF  
CITY OF DALTON GARDENS, IDAHO  
ORDINANCE NO. 235

In accordance with Idaho Code §50-901A, the following is a Summary of Ordinance 235 of the City of Dalton Gardens, Idaho:

1. An ordinance of Dalton Gardens, Idaho, a political subdivision of the State of Idaho, amending Title 1 Chapter 5 of the Dalton Gardens Municipal Code.
2. This Ordinance repeals and replaces Title 1 Chapter 5 which amends definitions and eliminating the definition of Field Fencing and amends the definition of Single-Family Dwelling, providing repeal of conflicting ordinances; and providing an effective date.
3. This Ordinance was passed on July 10, 2014.
4. The Ordinance takes effect upon publication of this Summary in the Coeur d'Alene Press.
5. The full text of Ordinance 235 is available at the Dalton Gardens City Hall.

DATED this 13 day of August, 2014.



\_\_\_\_\_  
Daniel Franklin, Mayor

ATTEST:



\_\_\_\_\_  
Valerie Anderson, Clerk

**CITY OF DALTON GARDENS, IDAHO**

**ORDINANCE NO. 235**

**AN ORDINANCE OF THE CITY OF DALTON GARDENS, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; AMENDING DEFINITIONS IN DALTON GARDENS IDAHO, PROVIDING SEVERABILITY, REPEALING CONFLICTING ORDINANCES AND PROVIDING AN EFFECTIVE DATE.**

**BE ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DALTON GARDENS, IDAHO:**

**5-1-1: TITLE:**

This title and any amendments and additions thereto shall be hereafter known as the *ZONING ORDINANCE* of the city.

**5-1-2: AUTHORITY:**

This chapter is adopted pursuant to authority granted by title 67, chapter 65 of the Idaho Code and article 12, section 2 of the Idaho constitution.

**5-1-3: INTERPRETATION AND APPLICATION:**

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements adopted for the promotion of the public health, safety and general welfare. Whenever the requirements of this chapter conflict with the requirements of any other lawfully adopted rules, regulations, ordinances or resolutions, the most restrictive and that imposing the higher standards will govern.

**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 chainlink 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.~~ A building arranged or designed to be occupied by not more than one family.

**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.

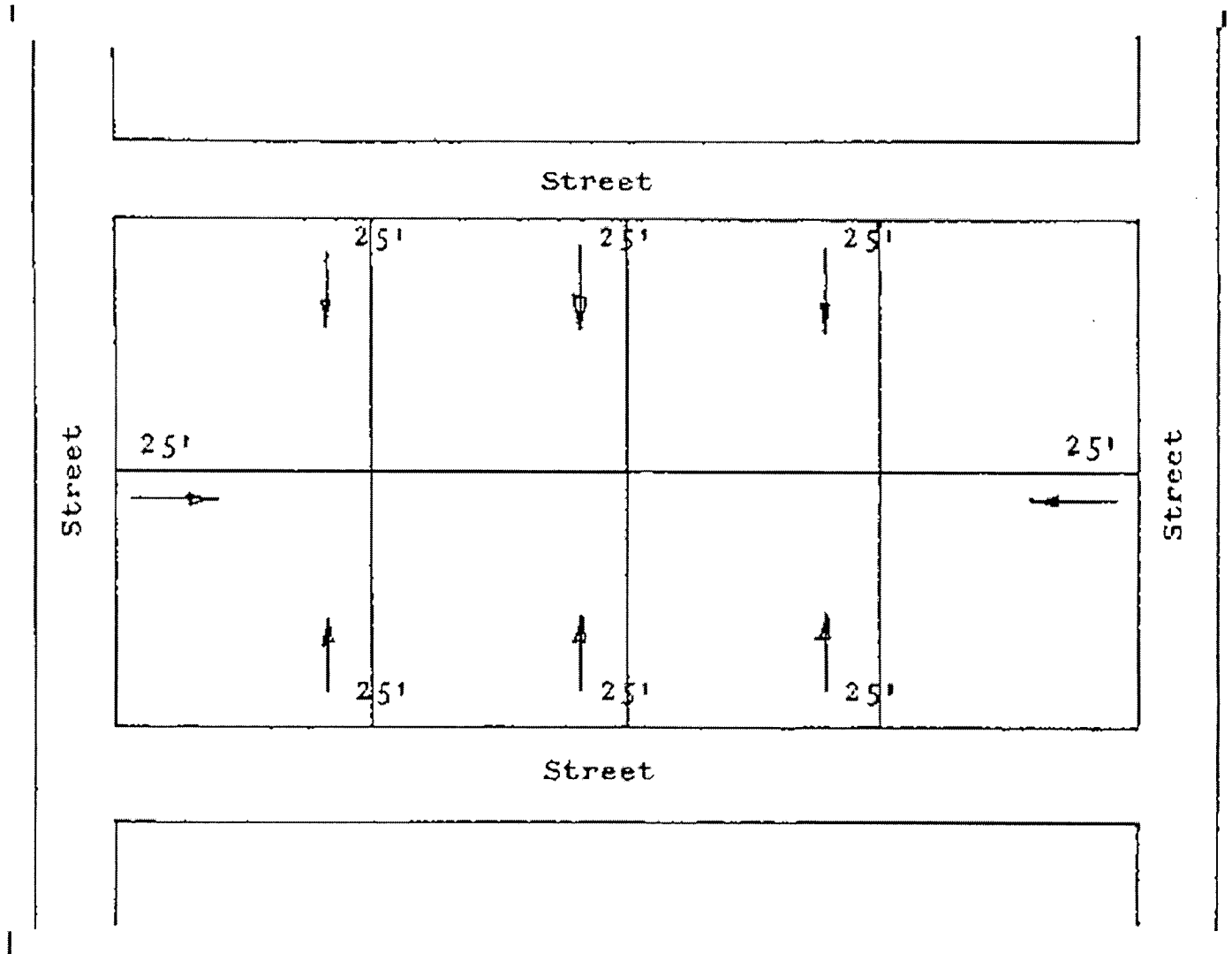
**STREET:** A public way established by or maintained under public authority; a private way open for public use and a private way plotted or laid out for ultimate public use, whether or not constructed.

**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.)

**5-1-5: SETBACK REQUIREMENTS:**

No building or structure shall be erected nor any addition made to any existing building or structure so that any portion of such building or structure shall be nearer to the front, side or rear lot line than the distance required by section 5-5-4 of this title.



SECTION 8. SEVERABILITY. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed. If any provision of this chapter, or its application to any person or circumstances, be declared unconstitutional

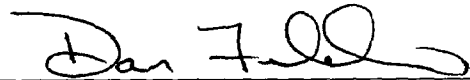
or invalid for any reason, such decision shall not affect the validity of the remaining portions of this chapter or the application of the provisions to other persons or circumstances.

Nothing in this chapter shall be construed as preventing the adoption of more restrictive provisions set forth in other sections of the Dalton Gardens Municipal Code. The more restrictive provisions of the code shall be enforced.

#### SECTION 9. PUBLICATION

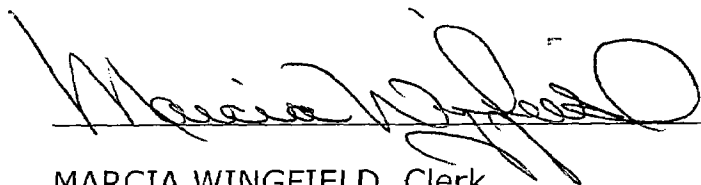
Upon passage and approval and publication in one (1) issue of the Coeur d'Alene Press, the official newspaper of the City of Dalton Gardens, Idaho, this Ordinance shall be in full force and effect.

**PASSED** under suspension of the rules at which a roll call vote was taken at regular meeting of the city council of the City of Dalton Gardens, Kootenai County, Idaho, this \_\_ of \_\_, 2014.



DAN FRANKLIN, Mayor

ATTEST:



MARCIA WINGFIELD, Clerk

# AFFIDAVIT OF PUBLICATION

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

Chantell White

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 15 day of Aug, 2014, and ending on the 15 day of Aug, 2014, 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 Chantell White. On this 15 day of Aug in the year of 2014, before me, a Notary Public, personally appeared Chantell White, 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.

Katrina George

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

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DATED this /3 day of August, 2014.

/S/  
Daniel Franklin, Mayor  
/S/  
Valerie Anderson, Clerk  
LEGAL 1351  
AUGUST 15, 2014



MY COMMISSION EXPIRES 8/29/17



**KENNETH T. JACOBSEN**

ATTORNEY AT LAW

118 N. 7TH STREET · P.O. BOX 1116  
COEUR D'ALENE, IDAHO  
83816-1116

TELEPHONE (208) 664-8258  
FAX (208) 667-9631

August 4, 2014

Dalton Gardens City Clerk  
6360 N.4th Street  
Dalton Gardens, ID 83815

RE: Ordinance 235, Title 1 Chapter 5

Dear Valerie:

The enclosed summary of Ordinance 235 is true and complete and, upon publication in the official newspaper designated by the City of Dalton Gardens, provides adequate notice to the public of Dalton Gardens Ordinance No. 235.

This letter shall be filed with the Ordinance in the records of Dalton Gardens, Idaho.

Very truly yours,



Kenneth T. Jacobsen  
City Attorney

KTJ:mc  
Enclosure