

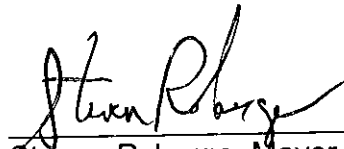
SUMMARY OF
CITY OF DALTON GARDENS, IDAHO
ORDINANCE NO 253

AN ORDINANCE OF THE CITY OF DALTON GARDENS, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING TITLE 5 CHAPTER 6 SECTION 2, ADDING DEFINITIONS AND ALSO AMENDING TITLE 5 CHAPTER 6 SECTION 9 AMENDING AND CLARIFYING EXPANSION OF NON-CONFORMING USES, PROVIDING SEVERABILITY, REPEALING CONFLICTING PROVISIONS AND PROVIDING AN EFFECTIVE DATE.

In accordance with Idaho Code §50-901A, the following is a Summary of Ordinance 253 of the City of Dalton Gardens, Idaho:


1. Ordinance 253 redefines facility and non-conforming activities, facilities, lots and uses.
2. Additionally the ordinance provides for the requirements of expansion of non-conforming uses and facilities.
3. The Ordinance takes effect upon publication of this Summary in the Coeur d'Alene Press.
4. The full text of Ordinance 253 is available at the Dalton Gardens City Hall.

DATED this 6th day of April, 2018.



Steven Roberge, Mayor

ATTEST:



Valerie Anderson, Clerk

CITY OF DALTON GARDENS, IDAHO

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

SECTION 1: AMENDMENTS TO TITLE 5 CHAPTER 6 SECTION 2

5-6-2: DEFINITIONS:

FACILITY: means a structure, or other physical site improvements, necessary to accommodate a specific activity.

GRANDFATHERING: A vested use, allowed to continue, same as the term nonconforming use.

NONCONFORMING USE: Any and all of the following:

A. "Nonconforming activity" means an activity which, under this code, is not itself a permitted activity where it is located, but which was permitted or otherwise lawfully established prior to the adoption of the specific requirements of the Municipal Code with which it does not comply.

B. "Nonconforming facility" means a structure or facility which, under this code, is not itself a permitted structure where it is located or does not conform to: off street parking or loading requirements, performance standards, site performance standards, density, height, yard, buffering, landscaping, screening or other requirements applying to facilities; and which was permitted or otherwise lawfully established prior to the adoption of the specific requirements of the Municipal Code with which it does not comply.

C. "Nonconforming lot" means a lot which, under this code does not meet the lot area or lot dimension requirements of the zoning district where it is located and which was legally created prior to adoption of the specific requirements of the Municipal Code with which it does not comply.

D. "Nonconforming use" (including activity, facility, and lot) does not include uses that were not lawfully established prior to adoption of the specific requirements of the Municipal Code with which it does not comply.

SECTION 2: AMENDMENTS TO TITLE 5 CHAPTER 6 SECTION 9

5-6-9: NONCONFORMING USE; EXPANSION:

A. Nonconforming As To Activity: A use, which is nonconforming wholly or partly because it is not itself a permitted use where it is located, shall not be expanded in any way with the exception of any requirement to meet federal law including the Americans with Disabilities Act (ADA). The restriction on expansion includes but is not limited to number of employees, intensity of the operation, pieces of equipment and parking spaces.

B. Nonconforming as To Facility: Any individual structure which is nonconforming for any reason may not be expanded or enlarged without an approved variance from the City. The existence of a nonconforming structure will not preclude new construction, facility expansion, alteration or enlargement as long as the structure to be constructed, expanded, altered or enlarged complies with all regulations of the present zoning district, and provided that adequate parking for the total subsequent facility is provided.

C. An unlawfully established activity or facility will preclude new construction, facility expansion, alteration or enlargement until the unlawful activity or facility is corrected.

SECTION 3. 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.

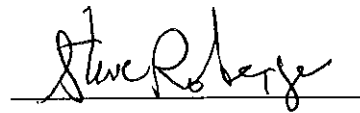
SECTION 4. REPEAL OF CONFLICTING PROVISIONS.

All provisions of the ordinances of the City of Dalton Gardens which conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 5. PUBLICATION.

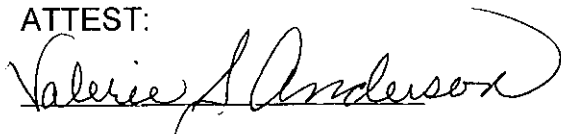
Upon passage and approval and publication in one (1) issue of the Coeur d'Alene Press, the official newspaper of the City of Dalton Gardens, Idaho, this Ordinance shall be in full force and effect.

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 5th day of April



STEVE ROBERGE, Mayor

ATTEST:



VALERIE ANDERSON, Clerk