

CITY OF DALTON GARDENS, IDAHO

ORDINANCE NO. \_\_\_\_

AN ORDINANCE OF THE CITY OF DALTON GARDENS, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; AMENDING TITLE 5, CHAPTER 1, SECTION 4 TO ADD AND DELETE SEVERAL DEFINITIONS; AMENDING TITLE 5, CHAPTER 5, SECTION 4 TO CHANGE SETBACK REQUIREMENTS FOR ACCESSORY BUILDINGS AND BUILDING SEPARATION; AMENDING TITLE 5, CHAPTER 5, SECTION 7 REGARDING THE REQUIREMENTS FOR FENCING IN THE RESIDENTIAL DISTRICT; AMENDING TITLE 5, CHAPTER 5 TO ADD SECTION 9 REGARDING VISION TRIANGLES IN THE RESIDENTIAL DISTRICT; AMENDING TITLE 5, CHAPTER 5, TO ADD SECTION 10 TO ADD REQUIREMENTS FOR RESIDENTIAL EXTERIOR LIGHTING; AMENDING TITLE 5, CHAPTER 3, SECTION 1 TO AMEND THE USES PERMITTED OUTRIGHT, BY SPECIAL USE PERMIT, AND PROHIBITED IN THE COMMERCIAL ZONE; AMEND TITLE 5, CHAPTER 3, SECTION 2, TO DELETE THE SECTION IN ITS ENTIRETY; AMEND TITLE 5, CHAPTER 3, SECTION 7 TO DELETE EXTRANEOUS LANGUAGE; AMEND TITLE 5, CHAPTER 3, SECTION 11 TO REVISE REQUIREMENTS FOR FENCING, LANDSCAPING AND BUFFERING IN THE COMMERCIAL ZONE; AMEND TITLE 5, CHAPTER 3, SECTION 12 TO REVISE PERFORMANCE STANDARDS IN THE COMMERCIAL ZONE AND RELOCATE DEFINITIONS FOR CERTAIN TERMS; AMEND TITLE 5, CHAPTER 3, SECTION 13 TO REVISE REQUIREMENTS FOR PROJECT REVIEW MEETINGS; AMEND TITLE 5, CHAPTER 12, SECTION 1 TO REVISE THE PURPOSE OF THE PARKING REGULATIONS; AMEND TITLE 5, CHAPTER 12, SECTION 2 TO REVISE THE PARKING PROHIBITIONS; AMEND TITLE 5, CHAPTER 12, SECTION 5 TO CLARIFY WHEN OFF STREET PARKING AND LOADING AREAS ARE REQUIRED; AMEND TITLE 5, CHAPTER 12, SECTION 7 TO REVISE PARKING STANDARDS AND REQUIREMENTS FOR PARKING PLANS; AMEND TITLE 5, CHAPTER 12, SECTION 9 TO ADJUST THE NUMBER OF PARKING SPACES REQUIRED FOR VARIOUS USES; AMEND TITLE 5, CHAPTER 12, SECTION 10 TO ADJUST THE SIZE OF REQUIRED PARKING SPACES; AMEND TITLE 9, CHAPTER 1, SECTION 3 TO PROHIBIT PLACING SNOW ON PUBLIC WAYS; PROVIDING SEVERABILITY, REPEALING CONFLICTING PROVISIONS, AND PROVIDING AN EFFECTIVE DATE.

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

**SECTION 1: AMENDMENTS TO TITLE 5, CHAPTER 1, SECTION 4**

**5-1-4: DEFINITIONS:**

AMBIENT NOISE: The all-encompassing noise associated with a given environment, being usually a composite of sounds from many sources, near and far. More specifically, ambient noise will be measured at the residential property line and includes, but is not limited to,

vehicular street traffic and noise from adjacent cities.

GLARE: Illumination which comes directly from the fixture without reflection off of a separate object or surface.

LIGHT TRESPASS: Light that is emitted onto an adjacent property.

LIGHT POLLUTION: Misdirected, unshielded, excessive and/or unnecessary night lighting aimed upwards or sideways, scattering light across the atmosphere and brightening the night sky while diminishing the view of it.

NOISE: For purposes of Title 5, Chapter 3, an unwanted sound.

~~OBSTRUCTED VIEW: For purposes of this chapter, to block or hinder clear sight; to impede or interfere with a clear vision of a yard, field, street, driveway or corner where traffic may enter. Fences of obstructed views may include, but are not limited to, fences over four feet (4') in height, any type of privacy fencing, solid vinyl fencing, concrete, cinder block, wood, wrought iron or chain-link with slats.~~

~~UNOBSTRUCTED VIEW: For purposes of this chapter, a clear unhindered view that does not impede the sight of humans, animals, yards, fields, streets, driveways, or street intersections where humans or vehicles access. Fences that are unobstructed views may include, but are not limited to, barbed wire, picket, post and rail, split rail, wattle, chain link, woven wire, or solid fences less than four feet (4') in height.~~

VIBRATION: Any use creating intense earthshaking vibrations and noise created by equipment or inventory drops, heavy drop forges or heavy hydraulic surges.

## **SECTION 2: AMENDMENTS TO TITLE 5, CHAPTER 5, SECTION 4**

### **5-5-4: YARDS, AND LOT COVERAGE AND BUILDING SEPARATION**

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~~ Every structure shall have a side yard not less than ten feet (10') in depth; ~~accessory buildings within seventy five feet (75') from the front property line shall have a side yard not less than ten feet (10') in depth; provided, however, that an accessory building more than seventy five feet (75') from the front property line shall have a side yard not less than five feet (5'); and provided further, that each dwelling, residence and accessory building~~ every structure on a corner lot shall have a side yard of not less than twenty five feet (25') along the flanking or side street.

C. Exceptions to yard requirements. Fences as permitted in Section 5-5-7, and signs as permitted in Title 5, Chapter 11 are not required to comply with the yard requirements of this Section.

Ⓔ. Lot Coverage: Lot coverage shall not exceed forty percent (40%) of the parcel size (not including any portion of the adjacent street right-of-way) and not exceeding thirty thousand (30,000) square feet, whichever is less.

E. Building Separation: For the purposes of this Chapter, buildings (including accessory structures such as decks) that are separated by less than 3 feet shall be considered as a single building.

DELETE EXISTING GRAPHIC FOR SETBACKS ON INTERIOR AND CORNER LOTS

**SECTION 3: AMENDMENTS TO TITLE 5, CHAPTER 5, SECTION 7**

**5-5-7: FENCING:**

A. General:

1. Permit Required; Inspection: All fences require an approved permit from the City to erect or construct. A photo or clear drawing of the proposed fence is required with the permit. The property lines shall be clearly marked for the City inspector to determine accurate setbacks. The applicant shall call for an inspection at the time of post installation. Any fence exceeding six feet (6') in height is prohibited, except as specifically permitted herein. ~~will require a building permit and meet International Building Code standards.~~ A fence permit shall be valid only for the term of issuance, unless sooner suspended or revoked. A fence permit is not required for painting, maintenance, or repair. Total replacement of an existing fence shall require a permit. Fees associated with the fence permit shall be fixed in the Dalton Gardens fees resolution.

2. Materials For Fences And Walls: Fences and walls may be of any material commonly used in construction of fences, provided that said fence or wall meets any criteria for sturdiness and construction as established in other City regulations.

3. Measurement Of Heights: The height of fences and walls shall be measured from the top of the fence or wall at its highest point to the finished grade of the lot or parcel adjacent to the fence. If the fence or wall is built on a mound or is otherwise constructed on a level above the average finished grade of the parcel or lot, the height of the mound shall be included in the overall height of the fence or wall. ~~However,~~ Where parking, loading or other similar areas are constructed adjacent to a fence or wall and are constructed above the finished grade of the parcel, the height of fences or walls shall be measured from the top of the parking/loading surface.

4. Fences For Swimming Pools: Swimming pools shall be enclosed by buildings or fences or walls in accordance with the provisions of the International Building Code, as adopted, and other applicable provisions of this Code.

B. Residential Fencing:

1. Height And Setback Standards: Fences shall comply with the following height and setback standards:

a. Fences erected at the property line in the area in front of the primary structure (defined by a perpendicular line from the closest corner of the primary structure to the side property line on each side) shall be no more than four feet (4') in height, and shall not be required to meet any setback requirements. Fences located rear-ward of those lines may be up to 6 feet in height and shall not be required to meet any setback requirements.

b. ~~Fences over four feet (4') in height and up to six feet (6') in height may be erected with obstructed views, however shall be set back at least fifteen feet (15') from any property line that is adjacent to a public street.~~

~~c. Fences over six feet (6') in height may be erected with obstructed views, however require a building permit and may or may not require an engineered plan. Fences over six feet (6') in height shall be set back at least seventy five feet (75') from any property line that is adjacent to a public street.~~

~~d. Deer proof fencing that is at least seventy five feet (75') from a public street may be erected or installed using entirely woven wire and posts, may be electrified and shall not exceed eight feet (8') in height without a building permit. Exception to height and building permit requirements: Wire mesh fencing (not to include chain link) may be constructed up to eight (8') feet in height with a properly issued fence permit from the City. Such wire mesh fences shall not be sight obscuring and shall not have privacy slats installed. No building permit or engineering shall be required. Such fences shall be located at least seventy-five feet (75') from any property line that is adjacent to a public street, except where that public street serves as the flanking street for a corner lot. For such corner lots, no setback from the flanking street side is required.~~

e. All fences shall meet vision triangle standards of Section 5-5-9 so to not obstruct views from street or driveway.

### ~~C. Residential Vision Triangle Standards:~~

~~1. No buildings or other structures including fences above three feet (3') in height shall be allowed inside the vision triangle. The vision triangle is a triangle of land that has an unobstructed view from a curb line of a driveway, roadway or street intersection. Intersections include all cases where two (2) streets intersect and locations where driveways intersect streets. The area needed to be clear of obstruction for safe turning movements is called the "vision triangle".~~

~~2. No tree, shrub or growing plant or other landscape feature shall obstruct or interfere with the vision triangle of a street, driveway, alley or roadway at the point of an intersection. Any fence, landscape feature or growing plant shall be considered an obstruction or interference at the point of any intersection if it exceeds three feet (3') or thirty six inches (36") in height and is within fifteen feet (15') at a driveway street intersection and fifteen feet (15') in any direction of the street intersection. Height will be measured at the level of the street.~~

~~3. The following standards apply:~~

<del>Street to street vision triangle</del>	<del>15 feet x 15 feet</del>
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Street to driveway vision triangle	15 feet x 15 feet
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**SECTION 4: AMEND TITLE 5, CHAPTER 5 TO ADD A NEW SECTION 9**

**5-5-9 RESIDENTIAL VISION TRIANGLE STANDARDS**

A. The vision triangle is a triangle of land that is clear of obstructions to facilitate safe turning movements from driveways and at street intersections. The vision triangle is measured along the property lines of parcels adjacent to road or street rights of way. For driveways, the triangle is measured along the edge of the driveway and along the property line/right of way. Areas within the street right of way shall meet the same vision triangle standards as if the vision triangle were extended through the right of way to the edge of the pavement or other road surface.

B. No buildings or other structures including fences above three feet (3') in height shall be allowed inside the vision triangle. No tree, shrub or growing plant or other landscape feature within the vision triangle shall obstruct or interfere with the view of a street, driveway, alley or roadway. Any fence, landscape feature or growing plant shall be considered an obstruction or interference if it exceeds three feet (3') or thirty six inches (36") in height and is within the vision triangle as defined in this section. Height will be measured at the level of the street.

C. The following standards apply:

<u>Street to street vision triangle</u>	<u>15 feet x 15 feet</u>
<u>Street to driveway vision triangle</u>	<u>15 feet x 15 feet</u>

**SECTION 5: AMEND TITLE 5, CHAPTER 5 TO ADD A NEW SECTION 10**

**5-5-10: STANDARDS FOR RESIDENTIAL EXTERIOR LIGHTING**

A. Applicability. All lighting within the residential district that is located outside of a building, whether located on a post or pole, on the ground, or on the wall of a building shall comply with the requirements of this section.

B. Lighting Control

1. All lighting shall be aimed, located, designed, fitted, shielded and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse and so as not to create an unacceptable light trespass nuisance by projecting or reflecting objectionable light onto a neighboring use or property.

2. Directional luminaires such as floodlights and spotlights, shall be so shielded, installed and aimed that they do not project their output onto neighboring properties, past the object being

illuminated, skyward or onto a public roadway or pedestrian way. Floodlights installed above grade on residential properties, except when motion-sensor actuated, shall not be aimed out more than 45° from straight down. When a floodlight creates glare as viewed from an adjacent residential property, the floodlight shall be required to be re-aimed and/or fitted with a shielding device to block the view of the glare source from that property.

3. Overhead area lights used for lighting of a general area on a property shall be downward directed and shielded so that they are not a source of glare when viewed from an adjacent residential property or roadway.

4. The illumination projected from any use onto a residential property shall at no time exceed 0.1 footcandle, measured line-of-sight and from any point on the receiving residential property. Any reading which exceeds this standard shall be considered an unacceptable light trespass, which is hereby declared a nuisance and is prohibited.

C. Nonconforming Lighting – Any luminaire or lighting installation existing on the effective date of this Ordinance that does not conform with the requirements of this Ordinance, shall be considered a legal nonconforming use.

1. A nonconforming luminaire or lighting installation shall be made to conform with the requirements of this Section under any of the following circumstances:

- a. Minor corrective action, such as re-aiming or shielding can achieve conformity with the applicable requirements of this Section
- b. It is deemed by the City to create a safety hazard
- c. It is replaced by another luminaire or luminaires or abandoned or relocated
- d. There is a change in use on the property

2. Regardless of the requirements of Section C.1. above, when requested by the City, nonconforming luminaires and lighting installations shall be made to conform with the requirements of this Section or removed within three (3) years from the effective date of this Ordinance.

## **SECTION 6: AMEND TITLE 5, CHAPTER 3, SECTION 1**

### **5-3-1: USES:**

#### **A. General:**

1. The Commercial District (C) is intended as a broad spectrum commercial district that permits limited wholesale/retail sales and service, in addition to allowing ~~residential development~~ limited manufacturing uses with a special use permit.

~~2. Lots created for wholesale/retail sales and service should be located adjacent to arterials, however, joint access developments are encouraged. Any uses not specifically delineated as allowed, or allowed as a specified special use permit shall be considered prohibited.~~

~~3. A variance may be granted to partially waive off street parking and/or lot coverage requirements for commercial developments utilizing common parking facilities.~~

~~4. Project review is required for all projects, including subdivisions and commercial uses.~~

5. No buildings or other structures shall be allowed in the vision triangle. The vision triangle is a triangle of land that has an unobstructed view from a curb line of a driveway, roadway or street intersection. Intersections include all cases where two (2) streets intersect and locations where driveways intersect streets. The area needed to be clear of obstruction for safe turning movements is called the "vision triangle".

The following standards apply:

Street to street vision triangle	25 feet x 25 feet
Street to driveway vision triangle	<del>40</del> 15 feet x 20 feet
<del>Alley to street vision triangle</del>	<del>10 feet x 10 feet</del>

Delete vision triangle graphic

B. Allowed Uses:

1. Generally:

~~a. All uses shall meet the Dalton Gardens sewage management agreement which includes, but is not limited to, approval of Panhandle Health District or be connected to a centralized Municipal sewer system.~~

~~b. Any uses not specifically delineated as allowed, or allowed as a specified special use permit shall be considered prohibited.~~

~~c. Appropriate conditions on allowed uses may be imposed administratively at project review to mitigate impacts.~~

2. Allowed Uses: See section [5-3-14](#), "Appendix 1 Activity Groups", of this chapter for general description and definition of each use.

- Administrative offices.
- Agricultural supplies and commodity sales.
- Automobile and accessory sales.
- ~~Automobile parking when serving an adjacent business or apartment.~~
- Automobile renting.
- Automotive fleet storage.
- Automotive parking.
- Banks and financial institutions.
- Bars and taverns.
- Building maintenance service.
- Business supply retail sales.
- Business support service.
- Coffee and espresso stands.
- Commercial film production.
- Communication service.
- Community assembly.
- Community organization.
- Construction retail sales.
- Consumer repair service.
- Convenience sales.
- Convenience service.

Department stores.  
Essential public utility service.  
Farm equipment sales.  
Finished goods wholesale.  
Food and beverage stores ~~for off site consumption~~.  
General construction service.  
Government facilities.  
Group assembly.  
Handicapped or minimal care facility.  
Home furnishing retail sales.  
Hospitals/healthcare.  
Hotel/motel.  
Laundry service.  
Microbreweries.  
Ministorage facilities.  
Neighborhood recreation.  
Nursery sales and landscaping services.  
Nursing/convalescent/rest homes for the aged.  
Personal service establishments.  
Professional offices.  
Public recreation.  
Religious assembly.  
Restaurants.  
Retail gasoline sales.  
Spas and health clubs.  
Specialty retail sales.  
~~Temporary or portable structures as regulated by [title 3, chapter 4](#) of this Code.~~  
Veterinary office.  
Wineries.

### 3. Allowed Accessory Uses:

~~Residential quarters limited to one (1) 600 square foot area within primary structure which shall meet International Building and Fire Codes.~~

Storage for primary use, subject to the following restrictions:

~~a. All equipment, inventory and supplies associated with retail sales, services or allowed as a result of special use permits~~ Any outdoor storage associated with an allowed or special use shall be stored within a completely enclosed building, or behind a six-foot (6') high, one hundred percent (100%) site obscuring fence, or a six-foot (6') high landscaped berm. Such a fence or berm shall be configured so that materials within the outdoor storage area are not visible from adjacent properties, road rights of way, or from a parking area or driveway on the subject property, except for the following: The following items may be stored outside, outside of the aforementioned enclosure:

- (1) Vehicle sales for display.
- (2) Equipment rentals for display.
- (3) Limited inventory for advertising purposes, restricted to three (3) items on display; shall not impede required parking spaces and circulation patterns.



(4) Any equipment or inventory displayed shall not create a visual obstruction in the vision triangle that will interfere with the ingress or egress to a roadway or driveway.

4. Special Use Permits: See section [5-3-14](#), "Appendix 1 Activity Groups", of this chapter for general description and definition of each use. A structure, site or parcel may have more than one special use permit. Each special use is considered a separate permit.

Adult entertainment sales and service.

~~Auto camp.~~

Automobile repair and cleaning.

Car wash.

Childcare facility.

Commercial kennel.

Commercial recreation.

Community education.

Custom manufacturing.

Funeral service.

~~Juvenile offenders facility.~~

Light industrial uses.

Noncommercial kennel.

~~Residential uses, including but not limited to detached single family residential, duplex, townhomes, multi-family, subject to a density not greater than eight (8) units per acre and subject to the standards of section [5-3-3](#) of this chapter.~~

Veterinary hospital with boarding facilities.

Warehouse/storage.

Wireless communication facility.

5. Prohibited Uses: See section [5-3-14](#), "Appendix 1 Activity Groups", of this chapter for general description and definition of each use.

Those uses which may have been declared nuisances in any court of record or may be deemed obnoxious or offensive by reason of emission of odor, smoke, dust, gas or noise by the City and:

Amusement park, theme park.

Auto camp.

Automobile graveyards and junkyards (defined separately).

Aviation field or landing strips.

Bulk petroleum storage stations and terminals.

Chemical plant.

Concentrated animal feeding operation.

Extensive impact uses.

Heavy industrial uses.

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

Metal powder works.

Outdoor theaters.

Recycling plant.

Riding stable.

Slaughterhouse.

Solid waste facility or solid waste transfer station.  
Tanneries.

6. Classification Of Unlisted Uses: Any activity or facility which is not expressly classified within any activity group shall be included in that group whose description most closely portrays it. In cases of uncertainty as to the classification of any use, the City shall classify the use, subject to the right of appeal from such determination pursuant to the appeal procedure of Section 1-11-1. In cases of mixed uses as defined in section [5-3-14](#), "Appendix 1 Activity Groups", of this chapter, the use that occupies the majority of the floor area as determined by the City shall be considered the principal use. Such determination shall be subject to the appeal procedure of Section 1-11-1.

## **SECTION 7: AMEND TITLE 5, CHAPTER 3, SECTION 2 TO DELETE THE SECTION IN ITS ENTIRETY**

### **~~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 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.~~

~~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 three feet (3') above the top place line of the building and shall meet the requirements of the adopted Fire Code for a two (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.~~

## **SECTION 8: AMEND TITLE 5, CHAPTER 3, SECTION 5-3-7**

### **5-3-7: ACCESS:**

For parcels of land that access right-of-way controlled by City of Coeur d'Alene, an approach permit shall be obtained from the City of Coeur d'Alene.

Except for rights-of-way controlled by the City of Coeur d'Alene, any parcels that access public streets in Dalton Gardens shall be designed to comply with the City's engineering standards for access and approach onto public streets and require an approach permit obtained from the City.

~~Any subdivided lots accessed through internal roads or easements within the Commercial District which do not directly access a public right of way in Coeur d'Alene or Dalton Gardens shall comply with the International Fire Code standards for access and approach and if a lot is a result of a subdivision the lot shall comply with access requirements of [title 6](#), "Land Subdivisions", of this Code.~~

## SECTION 9: AMEND TITLE 5, CHAPTER 3, SECTION 11

### 5-3-11: FENCING, LANDSCAPING, BUFFER YARDS, AND SIDEWALKS:

A. Fencing: Fencing is not required; however, if fencing is erected or installed, the following standards apply:

1. Permit Required; Inspection. All fences require an approved permit from the City to erect or construct. A photo or clear drawing of the proposed fence is required with the permit. The property lines shall be clearly marked. The applicant shall call for an inspection at the time of post installation. Any fence exceeding 6 feet (6') in height shall require a building permit and meet International Building Code requirements. A fence permit is not required for maintenance or repair. Total replacement of an existing fence shall require a permit. Fees for fence permits shall be as specified in the Dalton Gardens fee resolution.

2. Materials For Fences And Walls: Fences and walls may be of material commonly used in fence construction (for example: wood, wrought iron, chainlink, vinyl), provided that said fence or wall meets any criteria for sturdiness and construction as established in other City regulations.

23. ~~Fence Height: All fences and walls greater than six feet (6') in height shall conform to the currently adopted Building Code and other applicable provisions of this Code. Fences and walls shall not exceed seven ten feet (7 10') in height unless specifically allowed in conjunction with a special use permit, and in any event fences and walls shall not exceed ten feet (10') in height. The height of fences and walls shall be measured from the top of the fence or wall at its highest point to the finished grade of the lot or parcel adjacent to the fence. If the fence or wall is built on a mound or is otherwise constructed on a level above the average finished grade of the parcel or lot, the height of the mound shall be included in the overall height of the fence or wall. However, where parking, loading or other similar areas are constructed adjacent to a fence or wall and are constructed above the finished grade of the parcel, the height of fences or walls shall be measured from the top of the parking/loading surface.~~

34. Fence Setbacks:

- a. Front yard or yards directly adjacent to public right-of-way: Fences over three feet (3') in height in the front yard shall be set back at least fifteen feet (15') from the front property line.
- b. Rear and side yard: Fences are allowed on property lines unless adjacent to a public right-of-way, which then shall follow front yard setbacks in subsection ~~A3a~~ A4a of this section.
- c. Fences are subject to vision triangle restrictions as delineated in subsection ~~5-3-1A53~~ of this chapter.

B. Landscaping And Buffering:

1. Landscaping Applicability: All properties in the Commercial District shall be required to develop a landscaping plan and add landscaping and buffering. Compliance with the provisions of this section shall be required in the following circumstances:
  - a. Any building permit for a new structure.
  - b. Building permits for reconstruction, alteration, remodel or renovation that cumulatively exceeds fifty percent (50%) of the market value of the existing structure within a five (5) year period. In the event of fire or natural disaster, the structure can be reconstructed to the same

size and in the same location, regardless of market value without triggering the requirements of landscaping.

c. Any construction, reconstruction, reconfiguration, addition to, or alteration of a parking lot shall be required to include landscaping of any areas adjacent to street rights-of-way, and any vision triangles adjacent to a public right-of-way or driveway.

d. When the use of a building or portion of a building changes to another use which does not involve expansion or remodeling, such use need not provide landscaping except if additional off street parking is required, or the parking area is being modified.

e. In conjunction with any Special Use Permit, compliance with landscaping and buffering requirements will be evaluated and appropriate standards may be imposed as a condition of approval on the permit.

2. ~~Landscaping Plan Required: If landscaping will be planted or installed, a landscaping plan shall be required to be reviewed and approved by the City. All trees and shrubs shall be planted, maintained, or transplanted in accordance with accepted nursery and horticulture standards as those specified by International Society of Arboriculture or the American Nursery and Landscape Association.~~

a. The landscape plan shall be professionally prepared, drawn to scale and indicate the following:

- (1) Boundaries and dimensions of the site.
- (2) Trees and any other vegetation that is to be retained.
- (3) The location and design of areas to be landscaped.
- (4) Type and design of proposed irrigation.

3. Landscaping Required, Additional Standards: The following areas shall be landscaped.

These standards are the minimum required:

a. All front, rear and side yards within five feet (5') of street rights-of-way shall be landscaped.

b. All vision triangle corners shall be landscaped.

c. Landscaping within the parking lot equal to ten percent (10%) of the gross parking area used for parking spaces (~~not including the in addition to the landscaped~~ areas required in subsections B3a and B3b of this section). Traffic aisles and driveways are excluded from this calculation. Such landscaping areas should be dispersed throughout the parking area. Parking lots and the accompanying landscaping shall be configured so that no parking space is more than seventy five feet (75') from a landscaped area.

d. All landscaped areas shall consist of a mix of deciduous and evergreen trees, shrubs and live ground cover. There shall be at least one tree and two (2) shrubs for each three hundred (300) square feet of required landscape area.

e. All buffer yards shall be landscaped in accordance with subsection B84 of this section.

f. No trees or shrubs or landscaping treatment shall obstruct the view between the intersection or the street and the access drives and parking aisles near entries and exits. Plantings within the vision triangle as defined in subsection 5-3-1A53 of this chapter shall not exceed a maximum mature height of thirty inches (30").

g. No ground disturbance as a result of site construction, grading, development or paving shall be left exposed to bare soil at the conclusion of construction.

h. All landscaped areas shall be separated from driveways, drive aisles, loading and parking areas by a six inch (6") concrete curb or similar permanent barrier.

4. Buffer Yard Regulations:

a. Buffer Yard: For purposes of this chapter, a "buffer yard" is part of the required landscaping and is a landscaped area that serves to physically and/or visually separate land uses having

incompatible facilities or activities or differing intensities of use. A buffer yard is required along property lines that are adjacent to the residential zone.

b. Minimum Width: The buffer yard shall be a minimum of fifteen feet (15') wide unless adjacent to a public right-of-way. In such cases, the buffer yard may be a minimum of five feet (5') wide. Any buffer adjacent to public right-of-way must meet vision triangle standards.

c. Materials For Buffer Yards:

(1) All buffer yards shall be comprised of, but not limited to, a six foot (6') tall 100% sight obscuring solid fence or wall along the property line (or the line between the residential and commercial use if on the same property); together with a mix of evergreen and deciduous trees ground cover in which evergreen plant materials comprise a minimum of seventy five percent (75%) of the total plant material used. An earthen berm may not be substituted for the fence or wall.

(2) The required buffer yard shall result in an effective barrier within five (5) years and be maintained such that fifty percent (50%) or more of the vertical surface is closed and prevents the passage of vision through it, as determined by the City.

5. Landscaping Development Agreement Option: A landscaping development agreement may be initiated by the property owner. Such an agreement is negotiated with the City to provide flexibility in the implementation of the standards of this chapter while meeting the intent of the requirements. The agreement may allow for the relocation of required landscaping, but does not allow for elimination of required elements. ~~If the applicant believes that he/she cannot meet the intent of the standards of this chapter without relief, the applicant may apply for a variance to this Code under chapter 8 of this title.~~

a. Information: The agreement shall be in a form provided by the City. No agreement shall be accepted without the following information included in the agreement and provided by the applicant:

(1) Legal name, title and addresses of the applicant, property owner and/or others with a direct vested interest in the landscaping development agreement.

(2) A legal description of the property that is subject of the agreement. Such legal description must be acceptable to the City.

(3) Signatures of all applicants, owners, developers, or lawfully authorized agents, shall be notarized, and in the case of lawfully authorized agents, properly executed powers of attorney in a form acceptable to the City's legal counsel shall be presented to the City and shall be made part of the agreement.

(4) A narrative that states what changes will be made to the landscaping plan and how those changes will continue to meet the intent of the standards for landscaping and buffering.

(5) A site plan indicating proposed and existing landscaping, materials and plants to be used and buildings and other features that will assist in providing an accurate description of the proposed landscaping plan.

(6) A clause that states that once the agreement is signed by both the property owner and the City, the property owner understands and accepts that changes made to the landscaping plan shall need to be reviewed and approved by the City through an amended landscaping development agreement.

b. Termination Of Agreement: A termination of the agreement may be initiated by the City if the property owner fails to comply with any term, condition, obligation or duty of the agreement.

(1) If the City perceives that the property owner has not complied with the agreement, the City shall provide notice to the property owner of a compliance hearing held to determine compliance and possible termination of the agreement.

(2) The compliance hearing is a public hearing and will comply with Idaho Statute 67-6509. The property owner shall provide reasons to the City why compliance has not been implemented

and why the City should not terminate the agreement and require the ordinance standards to be met.

~~5. Change Of Use Or Occupancy: When the use of a building or portion of a building changes to another use which does not involve expansion or remodeling, such use need not provide landscaping except if additional off street parking is required, in which case landscaping shall be required for all new parking spaces or parking facilities, as required in this chapter.~~

~~65. Installation And Maintenance: The owner/developer shall follow accepted nursery standards and practices in the planting and maintenance of required landscape areas. Soil and slope stabilization must result after landscape installation.~~

All required landscaping shall be permanently maintained in a healthy growing condition by the property owner or the property owner's designee. This includes the maintenance of landscape materials within or abutting the public right-of-way adjacent to the subject property. The property owner shall remove and, if required to meet the standards of this chapter, shall replace any unhealthy or dead plant material immediately or as the planting season permits.

~~76. Completion Time: The City may authorize a delay in the completion of planting outside of the planting season. Should a delay occur, a bond or other sufficient security approved by the City Attorney, equal to one hundred fifty percent (150%) of the costs of landscaping, will be provided by the owner/developer in the form of cash, certified check, irrevocable letter of credit, or bond and held by the City until said landscaping is complete or the guarantee is forfeited for noncompliance. No final certificate of occupancy shall be issued until the required landscaping is complete or a guarantee is posted.~~

~~8. Buffer Yard Regulations:~~

~~a. Buffer Yard: For purposes of this chapter, a "buffer yard" is part of the required landscaping and is a landscaped area that serves to physically and/or visually separate land uses having incompatible facilities or activities or differing intensities of use. A buffer yard is required along property lines that are adjacent to the residential zone.~~

~~b. Minimum Width: The buffer yard shall be a minimum of fifteen feet (15') wide unless adjacent to a public right of way. In such cases, the buffer yard may be a minimum of five feet (5') wide. Any buffer adjacent to public right-of-way must meet vision triangle standards.~~

~~c. Materials For Buffer Yards:~~

~~(1) All buffer yards shall be comprised of, but not limited to, a mix of evergreen and deciduous trees, shrubs and ground cover in which evergreen plant materials comprise a minimum of seventy five percent (75%) of the total plant material used.~~

~~(2) The required buffer yard shall result in an effective barrier within five (5) years and be maintained such that fifty percent (50%) or more of the vertical surface is closed and prevents the passage of vision through it, as determined by the City.~~

C. Sidewalks: For parcels with frontage on Aqua Circle, a five foot (5') wide concrete sidewalk along the road frontage shall be installed by the property owner as part of the parking lot and landscaping requirements. Said sidewalk may be located on the subject parcel or within the road right-of-way. If located within the right-of-way, it shall be located immediately adjacent to the property line. If sidewalk exists on the adjacent parcel(s), the new sidewalk shall be configured to meet the existing.

D. Undeveloped Property: Undeveloped lots or parcels shall be weeded, planted with indigenous grasses and maintained in a neat and orderly manner. ~~The undeveloped property shall be exempt from the planting requirement if the property owner has submitted plans or a letter of intent to the City regarding any legal future development that will take place within five (5) years or has a current application for development pending. This does not preclude the property owner from weeding and maintenance of the property.~~ Under subsection [5-3-12E2e](#) of this chapter, performance standards delineate that a violation occurs if weeds or unkempt landscaping constitute a fire hazard.

## SECTION 10: AMEND TITLE 5, CHAPTER 3, SECTION 12

### 5-3-12: PERFORMANCE STANDARDS:

~~A. New Structures And Uses Required: Compliance Required: All new and existing structures and uses will~~ shall be required to meet the requirements of this section on the date of the adoption hereof.

~~B. Preexisting Structures: Preexisting structures and facilities shall meet the performance standards of subsections D, "Refuse", E, "Building And Property Maintenance", G, "Construction Activity Prohibited During Certain Hours" and J, "Dust, Smoke And Odor Control", of this section on the date of the adoption hereof.~~

~~C. Preexisting Uses, Structures And Facilities Standards Of Lighting, Noise And Vibration; Transition Period:~~

~~1. Any use, structure or facility in existence prior to the effective date of this chapter shall be allowed a one year period to comply with the lighting, noise and vibration standards in subsections F, H and I of this section.~~

~~2. During said one year period all uses, structures and facilities shall make reasonable efforts to be in compliance and to reduce any impacts of lighting, noise and vibration which do not comply or exceed the standards specified in this section. Commencing at the end of one year after the effective date of this chapter, any such use, structure or facility shall be subject to all applicable requirements of this chapter.~~

~~3. Any property owner/proponent with a use, structure or facility not in compliance at the end of the one year period may apply for a variance pursuant to [chapter 8](#) of this title.~~

~~D~~ A. Refuse:

~~1. Definition: "Refuse" is defined as waste, garbage, trash, junk and litter.~~

~~2. Standards: All refuse containers and refuse shall~~ be adequately screened such that they are not be visible from the public street or a residential property line.

~~E.~~ B. Building And Property Maintenance:

~~1. Applicability: All new and existing building and properties that are defined or considered by the city as a nuisance including, but not limited to, subsection E2 of this section are required to be corrected.~~

~~2. Prohibited Properties: All commercial buildings and properties shall be maintained to protect the public health, safety and general welfare at all times. Properties exhibiting characteristics that include, but are not limited to, the following are considered harmful or a nuisance and are prohibited:~~

~~a. Missing windows or doors that constitute a public safety concern or building hazard;~~

- b. Unrepaired fire or vandalism damage;
- c. Structure dilapidation, deterioration or decay that constitutes a building hazard;
- d. Graffiti as delineated in ordinance 188;
- e. Noxious weeds or unkempt landscaping that constitutes a fire hazard;
- f. Abandoned and inoperable vehicles as defined in [title 8, chapter 3](#) of this code;
- g. Absence of adequate solid waste refuse pick up; and
- h. Dumping, storing, burying, reducing, disposing of or burning garbage, refuse, scrap metal, rubbish, dead animals or parts of dead animals.

F. C. Lighting:

1. Lighting Exemptions: The following are exempt from the provisions of this chapter:

- a. Seasonal displays unless such displays become a nuisance;
- b. Vehicular lights and all temporary emergency lighting needed by the police department and fire protection district or other emergency services;
- c. All temporary lighting used for the construction or repair of roadways, utilities and other public infrastructure; and
- d. All lighting required by the City, state or federal regulatory agencies.
- e. All lighting for public utilities as long as fixtures are downward directed and shielded.

2. General Standards: The following general standards apply to all nonexempt outdoor lighting fixtures:

a. Nuisance prevention: All outdoor lighting fixtures shall be designed, located and installed to be downward directed and shielded, by retrofitting if necessary, and shall be maintained in order to prevent glare, light trespass and light pollution. ~~"Light trespass" is defined as light that is emitted onto an adjacent property and is considered a nuisance. "Light pollution" is defined as misdirected, unshielded, excessive and/or unnecessary night lighting aimed upwards or sideways, scattering light across the atmosphere and brightening the night sky while diminishing the view of it.~~

b. An outdoor lighting fixture may only be aimed against a structure if the light is effectively contained by the structure and no glare is visible from off site. ~~"Glare" is defined as light sufficiently intense to cause physical discomfort.~~

c. Uplighting of identification signs fronting public streets shall be allowed under conditions delineated in [chapter 11](#) of this title. No direct lighting shall be visible from the residential district property line. Any lighting directed upwards above the horizontal plane (uplighting) is prohibited, with the exception of government flags.

3. Prohibited Lighting: The following light fixtures and activities are prohibited and are considered a nuisance and light pollution:

a. The installation of any new fixture not in conformance with this chapter is prohibited ~~after the effective date of this chapter.~~

b. No outdoor lighting fixtures shall be installed, aimed or directed to produce light that spills over into adjacent residential properties or the public right of way. Direct light trespass onto residential properties is prohibited.

c. No outdoor lighting fixture may be installed or maintained in such a manner to cause glare visible from off site.

d. No outdoor lighting fixture may be operated in such a manner as to constitute a hazard or danger to persons, or to safe vehicular travel.

e. Blinking, flashing, moving, revolving, scintillating, flickering, changing intensity, and changing color lights.

f. Searchlights, laser source lights, or any similar high intensity light is prohibited except in emergencies by police and fire personnel or at their direction, or for approved temporary lighting under a special event permit issued by the city.



G. Construction Activity Prohibited During Certain Hours: ~~Effective on the adoption hereof, it~~ It is unlawful and is deemed a public nuisance for any person to engage in acts of building construction, site development, use of heavy equipment for earthmoving or installation of public works, or other construction activities which involve use of concussion, compression, power tools, or which produce bothersome noise, vibration, illumination, dust, or similar undesirable environmental effects onto adjoining residential properties, between the hours of nine o'clock (9:00) P.M. and six o'clock (6:00) A.M. on a weekday and between six o'clock (6:00) P.M. and seven o'clock (7:00) A.M. on a weekend, except as otherwise authorized by the city council for utility construction or service emergencies.

H. Vibration:

1. ~~Definition:~~

~~VIBRATION: Any use creating intense earthshaking vibrations and noise created by equipment or inventory drops, heavy drop forges or heavy hydraulic surges.~~

2. ~~Standard:~~ Any outdoor activity that causes vibration at the property line shall be set back from the property line sufficient distance to stop vibration at the property line or be conducted in a fully enclosed building that has been engineered to prevent vibration at the property line or an abutting residential zoning district as perceived by.

3. ~~Exception To Standard:~~ ~~The standard shall be met unless such operation is controlled to prevent transmission beyond the lot or parcel lines of earthshaking vibrations perceptible to a person of normal sensitivities.~~

I. Noise:

1. ~~Definitions:~~

~~A SCALE (dBA): The sound level in decibels measured using the A weighting network as specified in ANSI S 1.4 1971 for sound level meters.~~

~~AMBIENT NOISE: The all encompassing noise associated with a given environment, being usually a composite of sounds from many sources, near and far. More specifically, ambient noise will be measured at the residential property line and includes, but is not limited to, vehicular street traffic and noise from adjacent cities.~~

~~NOISE: For purposes of this chapter, an unwanted sound.~~

2. ~~1. Standard:~~ No person may make or permit, in the operation of a machine or otherwise, any noise to the annoyance of any other person of ordinary sensibilities between the hours of nine o'clock (9:00) P.M. and six o'clock (6:00) A.M. on a weekday and between six o'clock (6:00) P.M. and seven o'clock (7:00) A.M. on a weekend, except as otherwise authorized by the city council for utility construction or service emergencies.

3. ~~2. Loud Or Unnecessary Noises:~~ Any ~~continuous~~ noise which exceeds the ambient level by fifteen (15) decibels on an A-scale decibel meter (as specified in ANSI S 1.4-1971) and which endangers or injures the safety or health of humans or animals or annoys or disturbs a reasonable person of ordinary sensibilities; endangers or damages personal or real property; disturbs or would disturb the peace; or creates a nuisance is prohibited. ~~The city of Dalton Gardens has determined that loud or unnecessary noise shall be noise that exceeds the ambient noise level by fifteen (15) decibels on an A-scale decibel meter.~~

4. ~~3. Exemptions:~~ This rule requirement shall not apply to yard maintenance equipment including, but not limited to, lawn mowers, snowblowers and weed whackers, snow removal

equipment, emergency equipment not operated on a regular or scheduled basis; and warning devices not operating continuously for more than five (5) minutes.

~~5. 4. Enumeration Of Violations: The following noises and acts, are declared to be loud, disturbing and unnecessary noises in violation of this section, but such enumeration shall not be deemed to be exclusive:~~

a. Inoperative Muffler: Inoperative or absence of vehicle muffler.

b. Repair Of Vehicles: Any noise generated from the repair, rebuild or test motor vehicle, motorboat or aircraft to cause a noise disturbance across a residential lot line outside of the hours delineated in this section.

c. Repair Tools (Hammers, Concrete Saws, Etc.): Any noise generated by the use or operation of any pneumatic and electric hammer, concrete saw or other equipment or appliance, blasting device or other explosive not associated with a current building permit shall be a loud and unnecessary noise unless such noise is both created during the times allowed for construction and does not exceed the noise levels.

d. Loading, Unloading, Opening Boxes Or Crates: The creation of loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.

~~6. Violation: It is unlawful for any person to make, continue or cause to be made or continued any loud or unnecessary noise disturbance in violation of this chapter which either disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the limits of the city of Dalton Gardens, Idaho. The penalty for this violation is an infraction as delineated under [title 1, chapter 4](#) of this code.~~

J. Dust, Smoke And Odor Control: ~~Effective upon adoption hereof no~~ No development shall generate dust, smoke, odors, or other airborne pollutants that travel beyond its property line, except as permitted by state and federal air quality standards.

## **SECTION 11: AMEND TITLE 5, CHAPTER 3, SECTION 13**

### **5-3-13: PROJECT REVIEW FOR DEVELOPMENT:**

~~A. All building permits and remodels and site disturbance permits under [title 4](#) of this code and this title, change of use under [title 3](#) of this code and subdivisions under [title 6](#) of this code require project review with the exception of a single-family dwelling. When determined necessary by the Planning Administrator, a project review meeting shall be required prior to processing building permit or site disturbance permit applications in the commercial zone. The project proponent must submit a complete description of the project, including all information on the forms provided by the city. Staff may request additional information prior to sending the request to the project review team.~~

B. The project review team includes the project proponent, and city representatives from planning, building and engineering. It may include fire department representatives, health district representatives and representatives from the Dalton Gardens Water Association, ~~and Dalton irrigation district, and the City of Coeur d'Alene.~~

C. At the project review meeting, the project review team will determine the types of approvals that which permits will be necessary and provide an estimate of required fees for the project. ~~The project proponent will be given an information packet that includes the application form(s)~~

~~for each required permit.~~ The project review team may impose conditions on the project to mitigate impacts.

D. A site inspection may be deemed necessary by the City.

E. The burden of proof to provide correct information lies with the project proponent and property owner.

## **SECTION 12: AMEND TITLE 5, CHAPTER 12, SECTION 1**

### **5-12-1: TITLE AND PURPOSE:**

The provisions of this chapter shall be known as *PARKING REGULATIONS*. The purpose of these regulations is to provide minimum standards for parking of vehicles within the city of Dalton Gardens.

A. To require off street parking;

B. To specify minimum requirements of parking and loading for uses indicated in this ~~chapter~~ title;

C. To reduce traffic congestion;

~~D. To allow more efficient utilization of on street parking;~~

~~E. To reduce pollution and dust and to increase the safety of lots requiring them to meet the standards required in this chapter.~~

## **SECTION 13: AMEND TITLE 5, CHAPTER 12, SECTION 2**

### **5-12-2: PROHIBITIONS:**

~~A. Except in emergency situations, or at the direction of a police officer or traffic control device, No person shall stop, stand or park a vehicle except when necessary to avoid conflict with other traffic, or in compliance with law or the direction of a police officer or traffic control device, in any of the following places:~~

~~1. On a sidewalk;~~

~~2. In front of a public or private driveway;~~

~~3. Within an intersection; or within thirty feet (30') of an intersection;~~

~~4. On a crosswalk;~~

~~5. Within twenty feet (20') of a crosswalk at an intersection;~~

~~6. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;~~

~~7. At any place where official signs prohibit stopping;~~

~~8. Within fifteen feet (15') ~~from~~ of a fire hydrant;~~

~~9. Within thirty feet (30') ~~upon the approach to~~ of any flashing signal, stop sign, yield sign or traffic control signal located at the side of a highway street;~~

~~10. Within twenty feet (20') of the driveway entrance to any fire station.~~

11. Within any city-owned right of way at any time there is measurable snow on the ground.

B. No person shall drive, operate or park a motorized vehicle upon any officially marked bicycle lane, bicycle path, footpath or other separate right of way specifically set aside for use by pedestrians or nonmotorized vehicles except at an intersection or when entering or leaving a roadway at a driveway, private road or alley. This section shall not apply to authorized emergency vehicles meeting the conditions specified in title 49 of the Idaho Code, or authorized maintenance and construction vehicles while actually engaged in work upon a roadway or nonmotorized right of way.

C. No person shall move a vehicle not lawfully under his control into any such prohibited area.

~~D. No person shall park any motorized vehicle in a parking space designated for disabled parking except for a vehicle that is momentarily in the space for the purpose of allowing a disabled person to enter or leave the vehicle, unless the vehicle is displaying a special license of the disabled, or official disabled card issued by the state, or an official temporary disabled card issued by the state or another state. (issue is more completely addressed at Section 5-12-4)~~

~~E.~~ No vehicle shall be parked at the same location on any public street in the city continuously for more than twenty four (24) hours.

~~F.~~ No vehicle shall be parked upon the private property of another without the consent of the owner of such property, and the designated law enforcement officer or official designated by the city is hereby authorized to remove said vehicle therefrom and cause the same to be stored; provided, the owner of said private property has first complained against the owner or operator of such vehicle.

**SECTION 14: AMEND TITLE 5, CHAPTER 12, SECTION 5**

**5-12-5: OFF STREET PARKING AND LOADING AREAS REQUIRED:**

Off street parking and loading areas conforming to the provisions of this chapter shall be provided in commercial zones when a building is constructed, ~~erected or enlarged~~ or undergoes a change of use.

**SECTION 15: AMEND TITLE 5, CHAPTER 12, SECTION 7**

**5-12-7: PARKING PLAN REQUIRED:**

A. When Required; Contents: When a building is constructed, erected or enlarged, when the capacity of a building or structure is increased, or when the use of the building or structure is changed ~~and such change creates a fifteen percent (15%) increase or more in off street parking spaces required,~~ a detailed written report and drawing shall be submitted to and approved by the city. The written report and drawing shall contain the following information:

1. The proposed use of the land and/or structures;
2. A proposed plan for handling any parking or traffic flow problems that may be generated by this use. The proposed use shall not cause congestion of adjacent streets or alleyways;

3. Consideration for snow storage or removal must be determined; and
4. Compliance with title 4, chapter 3 of this code (stormwater management).

B. Standards: The drawing shall be professionally prepared, drawn to appropriate scale and shall show all parking spaces and their dimensions, access aisles, and entrances and exits to the site. The parking plan drawing may be combined with the plan required under title 4, chapter 3 of this code (stormwater management). Parking provided shall conform to the following standards:

1. Each required off street parking space shall have access to a public street, alley or private driveway;
2. Disabled parking shall be installed in accordance with the standards of Idaho Code 49-213, and Americans with disabilities act of 1990, as amended;
3. ~~To determine the gross area required for an off street parking area requiring a specified number of parking spaces, including driveways, aisles, snow storage and landscaping, four hundred fifteen (415) square feet per parking space shall be used;~~
43. The snow storage area shall drain to, but shall not be located on, the site of stormwater treatment area (grass swales);
5. ~~Pushing or stockpiling of snow from private property into public streets, highways, alleyways, or rights of way is prohibited;~~
64. All parking areas shall be surfaced and maintained with asphalt or concrete. ~~The city council may grant a deferment to this requirement by variance only;~~
75. No parking spaces shall be located in the clear sight area immediately adjacent to an exit to a public right of way as determined by the Planning Administrator ~~city building inspector~~;
86. Service drives shall be designed and constructed to facilitate the flow of traffic, provide maximum safety for traffic ingress and egress, and provide maximum safety for pedestrian and vehicular traffic on site;
97. All parking areas will have specific points designated as ingress or egress areas. Driveways with a one-way access in and out of the parking lot shall be at least twelve feet (12') wide. Driveways with a two-way access in and out of the parking lot shall be at least twenty feet (20') wide. No access point from a parking area to any street shall be within twenty feet (20') of a local street intersection or alley. No access point shall be within forty feet (40') of an intersection with a collector street or sixty feet (60') of an intersection with an arterial street. The distance from an access driveway to an intersection is measured from the junction of the corner lot lines at the intersection, to the nearest side of the driveway. The parking area shall be planned so that vehicles leaving the parking area and entering a public right of way shall have the opportunity to exit in a forward direction;
108. All parking lot approaches shall conform to the most current standards provided in the highway standards for the associated highway districts, Kootenai County, Idaho, or the ~~current~~ jurisdiction that owns the right of way; and
149. Parking facilities shall be used for vehicle parking only. No permanent automobile sales, equipment or machinery sales are allowed in parking facilities nor shall they be used for storage of any type. ~~All dead storage, repair work or vehicle dismantling of any kind shall be prohibited.~~

## **SECTION 16: AMEND TITLE 5, CHAPTER 12, SECTION 9**

### **5-12-9: OFF STREET PARKING REQUIREMENTS:**

The minimum number of parking spaces to be provided under this chapter shall be as follows:

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Auto or equipment repair. Three (3) spaces for every repair or cleaning bay, plus one (1) space for every employee on the largest shift.

Civic, religious and community uses. One space for every four (4) seats or one space for every four hundred (400) square feet of gross floor area, whichever is greater ~~is required~~. Public schools require two (2) spaces for each classroom and one space for every five (5) students.

Ministorage. No off street parking required; however, driveways between ministorage buildings on the same site and between ministorage buildings and any property line shall be paved and have a minimum width of twenty four feet (24').

Retail sales and services. One parking space for every ~~two hundred fifty (250)~~ three hundred thirty (330) square feet of gross floor area ~~is required~~.

Restaurants, taverns and lounges. One parking space for every two hundred fifty (250) square feet of gross floor area.

~~Services and p~~Professional office. One parking space for every ~~two hundred fifty (250)~~ three hundred thirty (330) square feet of gross floor area ~~is required~~.

Vehicular storage. One space for every employee on the largest shift plus one space for every vehicle stored.

~~Wholesale, s~~Storage. One parking space for every one thousand (1000) square feet of gross floor area.

Wholesale, manufacturing and assembly. One parking space for every five hundred (500) square feet of gross floor area is required.

For other, unlisted uses, the Planning Administrator shall determine the number of spaces based on the most similar use.

## **SECTION 17: AMEND TITLE 5, CHAPTER 12, SECTION 10**

### **5-12-10: SIZE OF SPACES:**

The sizes of off street parking spaces are:

A. Off street parking spaces, other than parallel and compact spaces, shall be a minimum of ~~nine ten~~ nine feet (910') wide and twenty feet (20') deep;

B. Compact parking spaces shall be a minimum of ~~seven and one-half~~ eight feet (7<sup>1</sup>/<sub>2</sub> 8') wide and fifteen feet (15') deep;

C. Parking spaces located parallel to and adjoining private driveways shall be a minimum of eight feet (8') wide and twenty three feet (23') deep;

D. For unenclosed parking spaces, the sides of which abut a building, fence, landscaping or other obstruction, add two feet (2') to the width of the parking space, for perpendicular (0 degree) parking spaces, add one foot (1') to the width of angle parking spaces;

E. Compact parking spaces shall be limited to twenty five percent (25%) of the total required spaces.

## **SECTION 18: AMEND TITLE 9, CHAPTER 1, SECTION 3**

### **9-1-3: DEPOSITS ON PUBLIC WAYS:**

It shall be unlawful for any person to cast, throw, dump or deposit any glass, bottles, cans, boards, trash, debris, garbage, junk, dirt, sod, stones, gravel, grass clippings, brush, limbs, branches, foliage, leaves or any other substance whatsoever in or upon the ditches of the streets and highways of the city or any part of the rights of way for such streets and highways.

It shall be unlawful for any person to push or stockpile snow from private property into public streets, highways, alleyways, or rights of way.

## **SECTION 19. SEVERABILITY.**

If any provision of this chapter, or its application to any person or circumstances, be declared unconstitutional or invalid for any reason by a Court of competent jurisdiction, 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 control.

## **SECTION 20. 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 21. EFFECTIVE DATE.**

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 \_\_\_\_\_ day of \_\_\_\_\_, 2020.

ATTEST:

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DAN EDWARDS, Mayor

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VALERIE ANDERSON, Clerk