

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 MODIFY THE DEFINITION FOR HEIGHT AND METHOD FOR DETERMINING STRUCTURE HEIGHT; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE.

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

SECTION 1: AMENDMENT TO TITLE 5, CHAPTER 1, SECTION 4.

5-1-4: DEFINITIONS:

HEIGHT: A measurement of the distance from the bottom to the top of something which is upright. Structure height is the vertical distance measured from the average elevation of the proposed finished grade at the front of the building ~~measured from natural grade~~ to the highest ridgeline or peak on the roof. Appurtenances such as chimneys, cupolas, antennas, weather vanes and the like are not included in the height measurement. Chimneys, cupolas and similar encroachments above the ridgeline (not to include antennas, weather vanes and the like) shall be limited in height to ten feet (10') above the ridgeline and shall not exceed ten feet (10') in either horizontal dimension or one hundred (100) square feet in the aggregate.

SECTION 2. 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 5. 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of the ordinances of the City of Dalton Gardens which conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.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 6. 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 _____, 2022.

ATTEST:

DAN EDWARDS, Mayor

TERESA JANZEN, Clerk

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