

CITY OF DOVER, IDAHO

ZONING REGULATIONS (TITLE 12)
AMENDMENT TO CHAPTER 6, STANDARDS OF ALL ZONE DISTRICTS
AMENDING FENCE STANDARDS

ORDINANCE NO. 157

AN ORDINANCE OF THE CITY OF DOVER, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING TITLE 12 (DOVER ZONING REGULATIONS), CHAPTER 6, SECTION 12-6-12, PARAGRAPH D, TO: INCREASE MAXIMUM FENCE HEIGHT BY ONE (1) FOOT; CLARIFY THAT EXCEPTIONS CAN BE CONSIDERED WITH APPROVAL OF A VARIANCE OR SPECIAL USE PERMIT; SPECIFY HOW FENCE HEIGHT IS DETERMINED; AND PROVIDE FOR A SAVINGS CLAUSE, SEVERABILITY, AND AN EFFECTIVE DATE.

Whereas, the Constitution of the State of Idaho, Article XII, Section 2, the Idaho Local Land Use Planning Act, Title 67, Chapter 65, and the Idaho Municipal Corporations Title 50, Chapters 3 and 9 provide authority for the City of Dover to adopt ordinances establishing land use standards, procedures, and uses; and

Whereas, the City of Dover has initiated an amendment to Title 12, Chapter 6, upon a citizen request to increase the maximum fence height to match the building code exemptions that were amended in January of 2018; and

Whereas, the Dover Planning and Zoning Commission recommended the amendment specify how fence height is measured and what fence features are considered part of the fence; and

Whereas, the Dover Planning and Zoning Commission conducted a duly noticed public hearing on the proposed ordinance amendment, in accord with the Local Land Use Planning Act, Title 67, Chapter 65, on October 15, 2018, and did make a recommendation to the Dover City Council to approve; and

Whereas, Dover City Council conducted a public hearing on the proposed amendment on December 13, 2018, in accord with Title 67, Chapter 65.

Now therefore,

Be it ordained by the Mayor and City Council of the City of Dover, Bonner County, Idaho as follows:

Section 1. Adoption.

Part A: Amending Title 12, Chapter 6, Section 12-6-12.

Title 12 (Zoning Regulations) of Dover City Code, Section 12-6-12, Paragraph D, "Fences" is hereby amended to read as follows:

12-6-12: YARDS AND BUILDING HEIGHT:

D. Fences: No fence shall exceed ~~six feet (6')~~ seven feet (7') in height. Exceptions to this height may be considered as a special use permit or variance, and may be required to obtain a building permit Fencing exceeding seven feet (7') in height are subject to the standards of Title 9, Chapter 1, Building Codes and Regulations. ~~No permit is required for fences six feet (6') or less in height.~~ However, All fencing is subject to other title provisions, such as maintaining clear vision at intersections as provided in section 12-6-10 of this chapter, which may affect placement and height. Fence height shall be considered the vertical distance from the base of the fence to the highest point on the fence or fence structure, including all caps, finials, posts, lights, latticework, screens, landscaping berms, rockery, bases, or other similar fencing materials or features. Measurement shall be determined from the natural grade of the property at the fence line, prior to development. An arbor serving as a landscaping feature over a gate, walkway, or entrance may be permitted to a maximum nine feet (9') in height and four feet (4') in width.

Section 2. Saving Clause.

All ordinances repealed by this ordinance shall remain in force to authorize the enforcement, arrest, prosecution, conviction, or punishment of a person who violated said ordinances prior to the effective date of this Ordinance.

Section 3. Severability. The sections of this ordinance are severable. The invalidity of a section shall not affect the validity of the remaining sections.

Section 4. Effective date.

This ordinance shall be in full force and effect upon the passage and publication of the ordinance or ordinance summary in one (1) issue of the official newspaper for the City of Dover.

This ordinance passed under suspension of rules and duly enacted as an ordinance of the City of Dover, Idaho on this 13th day of December, 2018, upon the following roll call vote:

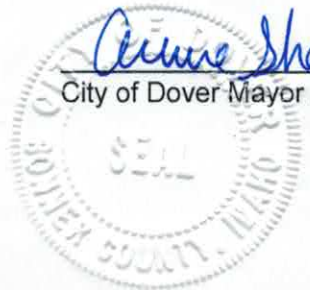
ROLL CALL:

Council Member Brockway	<u>AYE</u>
Council Member Goodvin	<u>AYE</u>
Council Member Evans	<u>AYE</u>
Council Member Strand	<u>AYE</u>

Approved by the Mayor this 13th day of Dec., 2018.

Annie Shaha
City of Dover Mayor Annie Shaha

Michele Hutchings
Attest: Michele Hutchings, City Clerk



APPROVAL OF ORDINANCE SUMMARY

Publication of this ordinance by summary in the official newspaper is hereby approved by the Dover City Council on this 13th day of December, 2018 upon the following vote:

Council Member Brockway AYE

Council Member Goodvin AYE

Council Member Evans AYE

Council Member Strand AYE

Approved by Mayor Annie Shaha this 13th day of Dec., 2018.

Annie Shaha
City of Dover Mayor Annie Shaha

Michele Hutchings
Attest: Michele Hutchings, City Clerk

