

CITY OF FERNAN LAKE VILLAGE

ORDINANCE NO. 131

AN ORDINANCE AMENDING SECTION VII.B(1) OF ORDINANCE NO. 63 OF THE CITY OF FERNAN LAKE VILLAGE TO PROVIDE THAT THE COUNCIL MAY ALLOW A FENCE IN A SIDE YARD OF UP TO 72 INCHES IN HEIGHT UNDER CERTAIN CIRCUMSTANCES UPON APPLICATION BY THE OWNER.

BE IT ORDAINED by the Mayor and Council of the City of Fernan Lake Village, Kootenai County, Idaho:

SECTION 1: That Section VII.B of Ordinance No. 63 is amended as follows:

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Exceptions: Eaves, cornices, belt courses, and similar ornamentation may extend over a side yard for a distance of not more than two feet (2'). Platforms, terraces, and steps, not over forty-two inches (42") in height may be extended into a side yard. Fences not over forty-two inches (42") in height may be erected within a side yard, provided, however, a fence in a side yard of up to seventy-two inches (72") in height may be erected upon application by the owner of the lot if: (1) written notice to the adjoining property owners is given not less than fifteen (15) days prior to the City Council acting on such application at a duly called special or regular meeting of the Council at which meeting persons in favor of, or opposed to, the application may be heard; (2) the City Council finds that a fence higher than forty-two inches (42") is necessary to preserve, enhance, or protect the life, property, peace, safety, or harmony of the applicant, (3) the Council finds that a fence over forty-two inches (42") would not adversely affect the health, peace, or safety of the adjoining property owners or the general public, and (4) the applicant agrees to the conditions the Council may place on granting the application, which may include duration, location, type of fence, method of construction, or other conditions relating to the erection and maintenance of the fence. Chimneys may extend into a side yard a distance of not more than eighteen inches (18").

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SECTION 2: All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 3: This Ordinance shall take effect and be in full force and effect after its passage and approval, and after publication in one issue of the Coeur d'Alene Press, the official newspaper of the City of Fernan Lake Village, Idaho.

PASSED under suspension of the rules of which a roll call vote was taken at a regular meeting of the City Council of the City of Fernan Lake Village, Kootenai County, Idaho, this 1st day of February, 1999.


Mayor Mary Ann Tierney

Attest:


Sam Newman, City Clerk