

TITLE 9 ZONING

- Chapter 1: General Zoning Provisions
- Chapter 2: Zoning Administration
- Chapter 3: Commercial Zones
- Chapter 4: Industrial Zones
- Chapter 5: Residential Zones
- Chapter 6: Off-street Parking
- Chapter 7: Sign Code
- Chapter 8: Home Occupations
- Chapter 9: Mobile Homes / Trailer Coach Courts
- Chapter 10: Telecommunications Facilities
- Chapter 11: Area of Impact
- Chapter 12: Airport Overlay Zone
- Chapter 13: Historic Preservation Code and Overlay Zone

CHAPTER 1 GENERAL ZONING PROVISIONS

9-1-1: Short Title:

This title shall be known and designated as the Zoning Ordinance of the City of Sandpoint, Idaho.
(Ord. 180, 2-5-1941)

9-1-2: Purpose:

- A. The Mayor and City Council have determined, and do hereby determine, that for the purpose of promoting the health, safety, morals and general welfare of the citizens of Sandpoint; to lessen congestion in the streets thereof; to better secure its citizens from the dangers of conflagration, panic and other dangers; to provide adequate light and air for its inhabitants; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate and make adequate for transportation, water, sewerage, schools, parks and other public requirements; to encourage the most appropriate use of land in the city; to make adequate provision for the future construction and repair of buildings in the city; and to provide safety measures for traffic on its streets by limiting the distance from street lines of buildings hereafter constructed, it is to the best interests of the city, its property owners, and all persons concerned to provide a zoning ordinance and to carry out the powers delegated to the city under the provisions of the Idaho Code.
- B. Carry out the intent and purposes of the “Local Land Use Planning Act”, Idaho Code §67-6501 et seq., as amended;

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- C. Carry out the policies of the Comprehensive Plan by classifying and regulating the uses of property and structures within the incorporated areas of the City of Sandpoint;
 - D. Establish zoning districts within the City of Sandpoint in accord with the Comprehensive Plan in conformance with Idaho Code §67-6511;
 - E. Provide standards for the orderly growth and development of the City of Sandpoint. As required by Idaho Code 67-6511, such standards include, but are not limited to, those regulating:
 - 1. The height, number of stories, size, design, construction, reconstruction, alteration, repair, or location of structures.
 - 2. Size, minimum lot dimensions, landscape buffers, size of required yards, and density and/or intensity of residential, commercial and industrial properties;
 - 3. The use of structures and properties.
 - F. Ensure the most appropriate use of properties, including preservation of historic resources consistent with Idaho Code §67-4601 et seq;
 - G. Protect property rights and enhance property values;
 - H. Provide a method of administration and prescribe penalties for the violations of regulations hereafter described as authorized by the constitution and laws of the State of Idaho; and
 - I. Protect and promote the health, safety, and general welfare.

9-1-3: Applicability:

- A. The regulations of this title shall apply and govern development and use of all properties within the corporate limits of the City of Sandpoint. No person or public agency shall construct, alter, move, or change the use of a structure or undertake any development unless:
 - 1. The proposed use, structure, development, or division of property complies with this title.
 - 2. Any required approval is first obtained as provided by chapter 2 “Zoning Administration”, of this title, and any applicable conditions of approval are satisfied.
- B. Nothing in this title shall eliminate the need for obtaining any other required permits, including but not limited to, building permits, public infrastructure permits, or any permit, approval, or entitlement required by other titles of this code, other political subdivisions of the State of Idaho, or agencies of the State of Idaho.

9-1-4: Zoning Districts Designated:

For the purpose of this title, the city shall be and is hereby divided into zoning districts as shown in Table 9-1-1, Zoning Districts of Sandpoint.

Table 9-1-1: Zoning Districts of Sandpoint			
Zoning District Name	Abbreviation	Basic Zone Description	Code Location
Community Commercial	CC	Commercial	Chapter 3
Neighborhood Commercial	NC	Commercial	Chapter 3
Downtown Core	DC	Commercial	Chapter 3
Downtown Outer Core	DOC	Commercial	Chapter 3
Parks and Open Space Zone	POS	Parks	Chapter 3
Industrial General Zone	IG	Industrial	Chapter 4
Industrial Business Park Zone	IBP	Industrial	Chapter 4
Industrial Technology Park Zone	ITP	Industrial	Chapter 4
Residential Single-Family Zone	RS	Residential low density	Chapter 5
Residential Multi-Family	RM	Residential medium to high density	Chapter 5
Rural Residential One Zone	RR-1	Residential large lot	Chapter 5
Rural Residential Two Zone	RR-2	Residential large lot	Chapter 5

Airport Overlay Zone	AO	Airport protection	Chapter 12
Historic Preservation Overlay Zone	HPO	Historic preservation	Chapter 13

9-1-5: Zoning Map:

- A. Zoning classification and zoning districts shall be, and the same are hereby established for all real property lying within the city, and all real property is hereby zoned or rezoned and zoning classification is hereby established for all property lying within the city in accordance with and pursuant to the official zoning map and the legal descriptions hereinafter referenced.
- B. The official zoning map depicting the zoning classifications for the real property located within the city, adopted and made a part hereof by reference, is hereby declared to be the official zoning map of the city and does hereby create, zone, rezone and/or reestablish zoning classification and the boundaries surrounding each zoning district for all real property lying within the city.
- C. The official zoning map hereby adopted and made a part hereof by reference shall be certified by the Mayor and City Clerk upon the adoption of said map and this section and the same shall be recorded with the County Recorder of Bonner County, Idaho, and shall become a part of the official records of Bonner County, and of the official records of the city. Copies of the same shall be made available to the general public and all interested parties upon request. An official map and at least three (3) certified copies thereof shall be kept on file and filed with the office of the City Clerk.
- D. Upon adoption hereof, said map shall be referred to as the official zoning map of the city unless and until further amended or modified by appropriate legal ordinance and shall constitute the legal evidence of the existing zoning classification for each, every, any and all parcels of real property located within the city.
- E. The boundaries of the zones shall be established and clearly marked upon the zoning map as adopted in this chapter.

9-1-6: Permitted Land Uses:

- A. Table of Permitted Land Uses: Table 9-1-2 lists all the land use types and all zoning districts where the land use type is permitted (P), permitted with approval of a Conditional Use Permit (C), or permitted as an accessory land use (A) to a principal land use. Land uses not listed shall be prohibited.
- B. Overlay Zoning Districts: Regardless of whether Table 9-1-2 lists a land use as either permitted (P), conditionally permitted (C), or accessory (A), the land use shall be further regulated, including prohibited, in any applicable overlay zoning district.
- C. Additional requirements: In addition to the requirements of Table 9-1-2, requirements for specific land uses are listed within Chapter 9-3 Commercial Zoning Districts, Chapter 9-4 Industrial Zoning Districts, Chapter 9-5 Residential Zoning Districts, Chapter 9 Mobile Home Parks/Trailer Coach Courts, Chapter 12 Airport Overlay Zone District, and Chapter 13 Historic Preservation Code.

- D. Accessory use: An accessory use, unless otherwise permitted in this Code, shall not commence and no accessory structure shall be constructed without a principal use first being lawfully established on the subject site.
- E. Determination of similar uses: Uses that are similar in nature to one or more permitted land uses, as determined by the Director, may be permitted.

Table 9-1-2: Permitted Land Uses

Table 9-1-2: Permitted Land Uses												
P= Permitted C=Conditional Use Permit required A = Accessory Blank Cell = use prohibited												
Land Use Types	Commercial					Industrial			Residential			
	CC	NC	DC	DO C	POS	IG	IBP	ITP	RS	RM	RR1	RR2
Residential												
Single-Family Detached		P							P	P	P	P
Duplex (two-family)		P							P	P		
Townhouse (single-family attached)		P		P						P		
Multi-Family	P	P	P ¹	P						P		
Cottage Housing		P							P ³	P ³		
Manufactured Housing									P ²	P ²		
Mobile Home Parks										P ²		
Gated Communities												
Short Term Rental	P	P	P	P					P	P	P	P
Assisted Living / Residential Care Facility	P	P		P								
Caretaker unit associated with another land use	P	P	P ¹	P	P	P	P	P				
Homeless Shelter												
Residential Land Use Type Notes: 1) Residential uses permitted on upper floors 2) The manufactured home shall be subject to the design and development standards of the RS and/or RM Zone District 3) Subject to the special development standards for Cottage Housing												
Commercial												
Retail sales, including art and craft galleries	P ²	P ^{1,2,11}	P ²	P ²	P ¹²							
Catering /Food Production	P	P		P		P	P	P				
Nurseries, greenhouses	P ¹¹	P ¹¹			P		P ¹¹	P ¹¹				
Restaurants, Bars, Taverns, Pubs, Wine Bars, Tap Rooms	P	P	P	P								
Ancillary food and beverage service / prepared food services for onsite	P	P	P	P								

consumption in conjunction with retail sales												
Ancillary retail sales, food service / tap rooms / wine bar / prepared food services for onsite or off-site consumption in conjunction with manufacturing, production, and/ or wholesale					p ¹²	P	P	P				
Drive-through restaurants / drive-through food/beverage service of any kind	C ¹⁰	C ⁹										
Cigar Lounge, Hookah Lounge	P		P	P								
Food Truck Court ⁷				C	p ¹²	C	C	C				
General Offices	P	P	P	P		P	P	P				
Medical Office (medical / dental), health clinics, medical-related laboratories, optometrists and similar uses.	P	P	P	P			P	P				
Banks / Financial Institutions	P ⁴		P ⁴	P ⁴								
Personal services including such uses as hair salons, barbershops, day spas, massage establishments, nail salons, tanning salons, health salons, tailors, shoe repair, watch and jewelry repair, packaging/mail/document management services, laundry, dry-cleaning, and similar uses	P	P	P	P								
Hotels, lodging, hostels, Bed and Breakfast Inns	P	P	P	P								
Recreational Vehicle Park					P						P	
Fitness studios, instructional dance / sports / athletics, gyms or clubs, indoor commercial recreation such as swimming, bowling, skating rinks, carousels, drama or theater, shooting ranges, and similar uses	P	P ¹	P	P	p ¹²		P	P				
Outdoor bandstands / pavilions, outdoor commercial recreation such as carousels, skating rinks, theater, and similar uses	C	C	P	P	p ¹²							
Entertainment (theaters, nightclubs, etc.)	P ²		p ²	p ²								
Adult entertainment business						p ⁸						
Daycare Facility	P	P	P	P		p ¹³	p ¹³	p ¹³	C	C	C	C
Animal Hospitals, Veterinary Services	P	P		P		P	P	P				
Kennels						P	P					
Auction House (indoor)							P					
Vehicle sales	C ⁵											

Consumer services including such uses as miscellaneous repair, equipment sales / rental, carpentry or custom woodworking / furniture shop, and trades offices with shops	P ⁶					P	P	P				
Gas Stations, Car Washing, Electric Vehicle Charging Stations	P					P	P	P				
Vehicle repair / service	P					P	P	P				
Private Parking Lot/ Garage/ Structure/ Limo Service/ Bus Terminal						C	C					
Commercial Storage						P						
Craft manufacturing (e.g. woodworking, glass or metal work) in conjunction with storefront retail, instructional service, or restaurant / food service, bar, pub, tavern, tap room, or wine bar	P ^{6, 11}	P ^{6,11}		P ^{6, 11}								
Commercial Land Use Type Notes: 1) Limited in size to no greater than 3,000 square feet 2) Adult use limitation: Adult oriented nightclubs, entertainment or premises offering erotic dancing or display are prohibited. Unarmed combat as defined by section 54-402 of Idaho Code is prohibited 3) Drive-through not permitted 4) Drive-throughs permitted only with approval of a CUP 5) Limited to twelve vehicles unless fully enclosed in a building 6) Fully enclosed in a building 7) Food Truck Courts are defined as having three or more food trucks on any lot. Fewer than three food trucks on a lot is considered an accessory land use, regulated under section 9-1-9: Accessory uses and buildings 8) Prohibited to be located within 1,000 feet of any residential zone or the centerline of Baldy Mountain Road. This land use shall be at least 500 feet from any other adult entertainment business. 9) No amplified sound systems for ordering; drive-through fast food uses are prohibited. 10) Shall be located a minimum of 150 feet from any residential zone and the drive-through shall allow ordering from pedestrians and bicyclists; drive-through fast food uses are prohibited. 11) Subject to additional use limitations specified in the individual zone district regulations 12) When operated by a vendor with an approved contract authorized by the City 13) Child daycare center when on site and servicing employees during their work hours												
Industrial												
Light Manufacturing						P	P	P				
Medium Manufacturing						P	P	P				
Heavy Manufacturing						P						
Research and Development						P	P	P				
Warehousing						P						
Material resource recovery facility (MRRF)						C						
Recycling collection / processing facilities						P	P	P				
Contractor Yard						P	P	P				
Cogeneration and other energy production						P	C	C				
Retail landscape supplies						P	P	P				
Outdoor Storage						P	P	P				
Data Centers (as a standalone facility)												

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Data Centers (as a component of another land use, building, or facility)						P ¹	P ¹	P ¹				
Auto Impoundment / Towing Yard						P	P	P				
Private Utility Corporation Yards						P	P	P			C	C
Aircraft Hangar						P		P				
Airport						P						
Helipad						P	P					
Moving and drayage service						P	P					
Scrap and Salvage operation						C						
Slaughterhouse, glue factory, tannery, or similar use												
Industrial Land Use Type Notes: 1) No Data Center as a component of another land use, building, or facility shall exceed 5,000 sf in size.												
Public / Civic / Institutional												
Clubs, Fraternities, sororities, lodges and similar uses	P	P	P	P		P	P	P				
Schools (vocational/private /public, etc.)	P	P	P	P		C	P	P	C	C	C	C
Hospitals	C											
Places of Worship	P	P	P	P			P				C	C
Parks / Open Space / Athletic Fields / Recreation Facilities / Community Center	P	P	P	P	P							
Stadium, arena, concert hall, amphitheater					P		P					
Libraries, Museums	P	P	P	P	P				P	P	P	P
Visitor Centers	P			P	P							
Cemeteries									P			
Crematories, mortuaries						P	P					
Government administrative offices, including courthouses		P	P	P	P							
Public safety facilities and offices	P	P	P	P							C	C
Public Parking Lots/Garages/Structures			P	P	P							
Ambulance Service	P			P		P	P					
Fairground facilities (barns, exhibit buildings, food facilities, storage buildings, indoor or outdoor arenas, accessory buildings)											P ¹	
1. A Conditional Use Permit shall be required per thresholds established in Table 9-5-3												
Accessory Uses												
Accessory Food Truck ³	A	A	A	A		A	A	A				

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(Supp. No. 1)

Daycare (family home daycare 7 or less children)	A	A	A	A					A	A	A	A
ADU	A	A	A	A					A	A	A	A
Urban Agriculture	A	A	A	A	A				A	A	A	A
Yard and Garage Sales	A	A		A					A	A	A	A
Home Occupations	A	A	A	A					A	A	A	A
Outdoor Entertainment	A	A	A	A	A	A	A	A	A	A	A	A
	A	A	A	A								
Electric Vehicle Charging	A	A	A	A	A	A	A	A	A	A	A	A
Energy System (solar and/or wind)	A	A	A	A	A	A	A	A	A	A	A	A
Household Pets	A	A	A	A	A	A	A	A	A	A	A	A
Recreation Facility (home)	A	A	A	A					A	A	A	A
Short Term Rental	A	A	A	A					A	A	A	A
Neighborhood Amenities	A	A	A	A					A	A	A	A
Nurseries, greenhouses	A	A		A			A	A				
Accessory Land Use Type Notes 1) An accessory use, unless otherwise permitted by this code, shall not commence and no accessory structure shall be constructed without a principal use first being lawfully established on a site. 2) Includes buildings or structures in connection with the principal use or required by the owners, residents, or operators of the use for the normal and usual conduct of the use or maintenance of buildings and grounds. 3) An Accessory Food Truck shall be incidental to and customarily associated with the principal use on the site. Accessory Food Trucks not incidental or customarily associated with the principal use shall require a Conditional Use Permit, unless located within an Industrial Zone in which case no Conditional Use Permit is required. 4) Subject to the provisions of Chapter 1 distinguishing and limiting non-ancillary outdoor displays, sales and services and requiring a Conditional Use Permit												

9-1-7: Definitions:

Words not defined herein shall be given the meanings ordinarily applied to such words. The word "structure" shall include the word "building", and the word "lot" shall include the word "plot".

ABATE: To repair, replace, remove, destroy, or otherwise remedy a condition by such means and in such manner and to such an extent as the Director shall determine is necessary in the interest of the general health, safety, and welfare of the community.

ACCESSORY BUILDING OR USE: A subordinate building or use, which is located on the same parcel on which the main building or use is situated and which is reasonably necessary and incidental to the conduct of the primary use of such building or to the main use.

ACCESSORY DWELLING UNIT (ADU): A habitable living unit added to, created within, or detached from a single-family dwelling that provides basic requirements for living, sleeping, eating, cooking, and sanitation.

ACREAGE: Any tract or parcel of land which has not been subdivided or platted.

ADJOINING: Properties that touch or bound a particular parcel of land. For notification purposes, parcels that would adjoin a property absent an alley are also included.

AIRPORT: The Sandpoint Airport property, including all land covered by the Sandpoint Airport master plan.

AIRPORT ELEVATION: The highest point of an airport's usable landing area measured in feet from sea level. The elevation of the Sandpoint Airport is two thousand one hundred twenty-seven feet (2,127') above mean sea level.

ALLEY: A public passageway for vehicles shown on the official plat of the city or its additions and designated thereon as an alley.

APARTMENT: A room or suite of rooms in a multiple-family structure which is arranged, designed, used or intended to be used as a housekeeping unit for a single-family.

AUTO WRECKING OR JUNKYARD: Any place where two (2) or more motor vehicles not in running condition, or parts thereof, are stored in the open and are not being restored to operation; any land, building or structure used for wrecking or storing of such motor vehicles or parts thereof and including any farm vehicles or farm machinery or parts thereof, stored in the open and not being restored to operating condition; and including the commercial salvaging and scavenging of any other goods, articles or merchandise.

AUTOMOBILE: A passenger vehicle.

AUTOMOBILE REPAIR: General repair, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair; overall painting of motor vehicles.

AUTOMOBILE SERVICE STATION: An establishment where automotive fuels and lubricants, accessories and services are sold at retail; however, where the sale of such is only incidental, the establishment or premises shall be classified as a public garage.

BASEMENT: A story partly or wholly underground. Where more than one-half ($\frac{1}{2}$) of its height is above the average level of the adjoining ground, a basement shall be counted as a story for purpose of height measurement.

BED AND BREAKFAST: An owner occupied dwelling where rooms are available for transient lodging and where a morning meal is provided.

BILLBOARD: Any structure or portion thereof upon which are placed signs or advertisements used as an outdoor display. This definition does not include any bulletin boards used to display official court or public office notices, or a sign advertising the sale or lease of the premises on which the sign is located.

BOARDING, LODGING OR ROOMING HOUSE: A building where lodging, with or without meals, is provided for compensation for not fewer than four (4) nor more than twelve (12) persons in addition to members of the family occupying such building.

BUILDING: Any structure utilized or intended for supporting or sheltering any occupancy.

BUILDING AREA: The buildable area of a lot is the space remaining after adherence to the minimum open space requirements of this chapter.

BUILDING FOOTPRINT: The horizontal area, measured from the outside of all exterior walls and supporting columns. It includes all attached and covered components of a structure including residences, garages, covered carports, and covered patios, decks and porches.

BUILDING HEIGHT: The vertical distances measured from the sidewalk level or its equivalent established grade opposite the middle of the front of the building to the highest point of the roof. Where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished lot grade at the front of the building.

BUILDING LINE: The perimeter of that portion of a building nearest a property line, but excluding open steps, terraces, cornices and other ornamental features projecting from the walls of the building.

CARPORT: A structure attached or made a part of the main structure which is open to the weather on at least two (2) sides, intended for the use of sheltering not more than two (2) motor driven vehicles.

CERTIFICATE OF APPROPRIATENESS: A permit, issued by the Arts, Culture, and Historic Preservation Commission that verifies proposed work on a historic property or development within a historic district is suitable and won't negatively impact its historic significance.

CHURCH: A nonprofit organization, that is or would be recognized by the internal revenue service as such, which uses buildings, structures, or land for the teaching or practice of religious doctrine or related social functions.

COMMISSION: For the purposes of this title, "Commission" shall mean the Planning and Zoning Commission.

COMPREHENSIVE PLAN: An official document pursuant to Idaho Code 67-6508 that includes land within the jurisdiction of the governing board which considers previous and existing conditions, trends, desirable goals and objectives, or desirable future situations for each planning component. The plan with maps, charts, and reports shall be based on the following components unless the plan specifies reasons why a particular component is unneeded: population; economic development; land use; natural resource; hazardous areas; public services, facilities and utilities; transportation; recreation; special areas or sites; housing; community design and implementation.

CONDITIONAL USE: A use listed in a particular zone which is compatible with its surrounding area and permitted if approved by the Planning and Zoning Commission or by a hearing body.

CONDOMINIUM: A multiple-family dwelling, duplex, or single unit, in which the dwelling units are individually owned, with each owner having a recordable deed enabling the unit to be sold, mortgaged, or exchanged independently.

COURT: An open unoccupied space, other than a yard, on the same lot with a building and bounded on two (2) or more sides by such building.

CURB GRADE: The established elevation of the curb measured at the center of the front of a building. Where no curb grade has been established, the city shall establish such curb level or its equivalent for the purpose of this chapter.

DANCE HALL: A large room used mainly for dancing. (Synonyms: ballroom, dance palace.)

DATA CENTER: A data center is a centralized physical facility that houses IT infrastructure – such as servers, storage systems, and networking equipment – to process, store, and distribute digital information.

DAYCARE CENTER: A place or facility providing daycare for compensation for thirteen (13) or more children.

DISTRICT: A section or sections of the incorporated area of the city for which the regulations and provisions governing the use of buildings and land are uniform for each class of use permitted therein.

DWELLING, APARTMENT OR MULTIPLE-FAMILY: A building or portion thereof, designed for occupancy by three (3) or more families living independently of each other.

DWELLING, DUPLEX: A building, including modular housing, containing two (2) dwelling units with a common wall located on a single lot.

DWELLING, SINGLE-FAMILY ATTACHED: A single-family dwelling attached to another single-family dwelling, such as a townhouse, on its own lot.

DWELLING, SINGLE-FAMILY OR ONE-FAMILY: A detached building, other than a mobile home or modular home, containing one dwelling unit and not including timeshare ownership of that dwelling unit.

DWELLING UNIT: One or more rooms designed for occupancy by one family for living purposes and having only one cooking facility, but not including motel units.

FACADE: The entire area of a building facing or side extending from the roof or parapet to the ground and from one corner of the building to another but does not include any structural or nonstructural elements which extend beyond the roof of a building.

FAMILIAL STATUS: One or more individuals (who have not attained the age of eighteen (18) years) being domiciled with:

- A. A parent or another person having legal custody of such individual or individuals; or
- B. The designee of such parent or other person having such custody, with the written permission of such parent or other person.

The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen (18) years.

FAMILY: A single individual or two (2) or more persons living together as one housekeeping unit using one kitchen.

FAMILY DAYCARE HOME: A home, place or facility providing daycare for six (6) or fewer children.

FRONTAGE: All property on one side of a street between two (2) intersecting streets, or natural barriers.

GARAGE, PRIVATE: An accessory building for the storage of not more than three (3) motor driven vehicles of which not more than one shall be a commercial vehicle of not more than two (2) tons' capacity.

GARAGE, PUBLIC: A building other than a private garage used for the care, repair of equipment or automobiles, or for vehicles parked or stored for remuneration, hire or sale.

GATED COMMUNITY: A residential neighborhood where accessibility is controlled by means of a gate, guard, barrier or other similar improvement within or across a privately maintained right-of-way.

GROSS BUILDING AREA: The total area of all floors of a building, measured from the exterior face of outer walls, including but not limited to basements, mezzanines, and stairwells. It represents the total footprint of all enclosed spaces.

GROUP DAYCARE FACILITY: A home, place, or facility providing daycare for seven (7) to twelve (12) children.

GUESTHOUSE: A structure for human habitation, containing one or more rooms with bath and toilet facilities, but not including a kitchen or facilities which would provide a complete housekeeping unit.

HARD SURFACING: A surface constructed of asphalt, concrete, polymer blocks or other like substance recognized in the industry as providing a pavement like surface which like substance is approved by the City Engineer or Public Works Director.

HAZARD TO AIR NAVIGATION: An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

HEIGHT: See definition of Building Height.

HOME OCCUPATION: An occupation, profession or business activity including family daycare (six (6) or fewer children), where the primary location of business and/or the official business address is at the home which results in a product or service for gain, is clearly incidental and subordinate to the use of the premises as a dwelling unit and does not change the character thereof. Examples of permissible uses include tutoring and music lessons that occur one on one or similar types of uses.

HOSPITAL, SANATORIUM, HOSPICE: An institution open to the public, in which sick patients or injured persons are given medical or surgical care; or for the care of contagious diseases or terminally ill patients.

HOSTEL: A form of low-cost, short-term shared sociable lodging where guests can rent a bed, usually a bunk bed in a dormitory and sometimes with some private rooms.

HOTEL: A building designed for occupancy as the more or less temporary abiding place of individuals who are lodged with or without meals, in which there are six (6) or more guestrooms, and in which no provisions are made for cooking in any individual room or suite.

IMPERVIOUS SURFACE: A hard surface area that significantly prevents or impedes the infiltration of water into the soil. Impervious surfaces include, but are not limited to, buildings, roofed structures, concrete or asphalt driveways and walkways, patios, decks with impervious surfaces, compacted gravel areas intended for parking or circulation, and other hard-surfaced areas. The City Engineer shall have the discretion to determine whether a particular surface or material is considered impervious based on its design, construction, and performance.

INSTITUTION: A building occupied by a nonprofit corporation or a nonprofit establishment for public or semipublic use.

KENNEL: Any lot or premises on which four (4) or more dogs, at least four (4) months of age, are kept.

LABORATORY: A place devoted to experimental study such as testing and analyzing. Manufacturing of a product or products is not to be permitted within this definition.

LOADING SPACE: An off-street space or area on the same lot with a building or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials and which abuts upon a street, alley or other appropriate means of access.

LOT: A plot of land legally divided from a larger area of land occupied or suitable for occupancy by one main building or use, with accessory buildings, including the open spaces required by this title, and

having its principal frontage upon a public street or highway. A lot is distinguished from a parcel in that a parcel can be one or more lots, or a portion of a lot, identifiable through either legal description or plat.

LOT, CORNER: A lot situated at the intersection of two (2) or more streets.

LOT DEPTH: The horizontal distance between the front and rear lot lines.

LOT FRONTAGE: The front of a lot shall be that boundary of a lot along a public street; and for a corner lot the front shall be the shorter lot boundary along a street.

LOT, INTERIOR: A lot other than a corner lot.

LOT OF RECORD, SUBSTANDARD ORIGINAL: Any legally created individual nonconforming lot that does not meet the minimum lot width or area requirements of the district in which it is located. Such lot may be utilized for those uses permitted within its zoning district if all other requirements of this title are met. Residential development of substandard original lots of record is subject to section 9-5-6 of this title.

LOT, REVERSED CORNER: A corner lot the rear of which abuts upon the side of another lot whether across an alley or not.

LOT WIDTH: The horizontal distance between the side lot lines.

MANUFACTURED HOUSING: A dwelling unit manufactured off site to federal Housing and Urban Development (HUD) standards, built to be used for permanent residential occupancy, to be set on a permanent foundation and conforming to the applicable building code.

MIXED USE BUILDING: A building that contains a portion devoted to non-residential uses and a portion devoted to residential uses.

MOBILE HOME: A structure similar to a manufactured home, but built to a mobile home code prior to June 15, 1976, the date of enactment of the federal manufactured housing and safety standards act (HUD code).

MOBILE HOME PARK: Any plot of ground upon which two (2) or more occupied mobile homes are located.

MOBILE HOME SPACE: A plot of ground within a mobile home park designated for the accommodation of one mobile home.

MODULAR BUILDING: A building manufactured off site to International Residential Code (IRC) or the International Building Code (IBC) standards, built to be used for permanent occupancy, to be set on a permanent foundation and conforming to the applicable building code.

MOTEL: A group of attached or detached buildings containing individual sleeping or living units where a majority of such units open individually and directly to the outside, and where a garage is attached or a parking space is conveniently located to each unit, all for the use by automobile tourists or transients, and such words include motor lodges, motor inns, and similar terms.

NONCONFORMING USE: Any building, structure or land lawfully occupied by a use or lawfully situated which does not conform to the regulations of this title.

NONPRECISION INSTRUMENT RUNWAY: A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight in non-precision instrument approach procedure has been approved or planned.

NUISANCE: Any condition or use of the premises which is detrimental to the premises of others or which causes, or tends to cause, material diminution in the value of other premises in the neighborhood or which creates a condition tending to promote blight and deterioration, invites plundering, creates fire or traffic hazards, constitutes an unattractive nuisance, creates a harbor for rodents or insects or otherwise is injurious to the health, safety and general welfare of the inhabitants of the city. This shall include all nuisances on private property, and nuisances situated on public property adjacent to or contiguous with private property including sidewalks, parking areas, areas behind curbs, and property to the center of alleys and ditches.

NURSING HOME OR REST HOME: A private hospital for the care of children, the aged or infirm or a place of rest for those suffering bodily disorders, but not including facilities for the treatment of sickness or injuries or for surgical care.

PARK MODEL RV: Also known as Recreational Park Trailers, a Park Model RV is a type of recreational vehicle designed and intended to provide temporary living quarters for recreation, for long-term or seasonal placement rather than frequent travel.

PARKING AREA/FACILITY, PRIVATE: Any privately owned off-street area, lot, structure, or portion thereof, that is designated and used for the temporary storage and maneuvering of motor vehicles. This includes surface parking lots, parking garages or structures, and all internal driveways, drive aisles or circulation areas necessary for vehicle ingress, egress, and movement within the facility. A private parking facility does not include public rights-of-way, on-street parking spaces, or areas designated exclusively for the loading or unloading of trucks or delivery vehicles.

PARKING AREA/FACILITY, PUBLIC: An open area, other than street, used for the temporary parking of more than four (4) automobiles and available for public use whether free, for compensation or as an accommodation for clients or customers.

PARKING SPACE: An area, enclosed or unenclosed, which has adequate access to a public street or alley, sufficient in size to store one automobile.

PERSON: An individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.

PLANNED UNIT DEVELOPMENT: An area of land pursuant to Idaho Code 67-6515 in which a variety of residential, commercial, industrial and other land uses are provided for under single ownership or control.

PORCH: A roofed entrance to a building, projecting out from the wall or walls of the main structure and commonly open in part to the weather.

PRECISION INSTRUMENT RUNWAY APPROACH ZONE: The inner edge of this approach zone coincides with the width of the primary surface and is one thousand feet (1,000') wide. The approach zone expands outward uniformly to a width of sixteen thousand feet (16,000') at a horizontal distance of fifty thousand feet (50,000') from the primary surface. Its centerline is the continuation of the centerline of the runway.

PRESCHOOL: An institution primarily engaged in child training and academic instruction prior to the mandatory first grade.

PRIMARY SURFACE: A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred feet (200') beyond each end of that runway; for military runways or when the runway has not specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in the airport overlay zone district. The elevation on the primary surface is the same as the elevation of the nearest point on the runway centerline.

RECREATIONAL VEHICLE: A vehicular type unit designed to American National Standards Institute (ANSI) standards primarily designed as temporary quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle.

RESPONSIBLE PARTY: Any person whom the citing official determines is responsible for causing, maintaining, permitting, or allowing a violation of this zoning code. The term responsible person includes but is not limited to: any person who has an ownership or possessory interest in real or personal property; any agent thereof with actual or apparent authority, possession or control of real or personal property; or any other person who creates, maintains, permits or allows a violation of this code.

RUNWAY: A defined area on an airport prepared for landing and takeoff of aircraft along its length.

SCHOOL: An institution primarily engaged in academic instruction, public, parochial or private and recognized or approved by the state.

SETBACK: The minimum required distance between a property line and any portion of a building excepting projections as allowed by this title.

SIDEWALK: That portion of a street between the lateral lines of the roadway and the adjacent property lines set apart for use by pedestrians.

SITE PLAN REVIEW: The process and permit whereby the City shall review the site plans, building elevations, maps and other studies in order to make findings that the use and configuration of development on property meets the stated purposes and standards of the zoning district, inclusive of any overlay zones, is contextually consistent within the area of development, does not inhibit implementation of the Comprehensive Plan, provides for the necessary public facilities associated with the development, and is consistent with City Council adopted design guidelines.

STORY: That portion of a building included between the surface of any floor and the surface of the floor next above it or if there be no floor above it, then the space between such floor and the ceiling next above.

STREET: The entire width between the right-of-way lines of every way for vehicular and pedestrian traffic and includes the terms "road", "highway", "lane", "place", "avenue", and other similar designations.

STRUCTURAL ALTERATIONS: Any change which would prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams or girders.

STRUCTURE: That which is built or constructed.

TERRACE, OPEN: A level and rather narrow plain or platform which, for purposes of this title, is located adjacent to one or more faces of the main structure and which is constructed not more than four feet (4') in height above the average level of the adjoining ground.

TIMESHARE CONDOMINIUM: A condominium in which units are individually owned by a family or group of persons for a variable amount of time during the year, and in which part or all of the units may be available to transients for rent or on an exchange basis. For the purposes of this title, timeshare condominium or unit shall be considered a motel.

TOWNHOUSE: An attached dwelling, designed for residence by a single-family or household, that shares a party or common wall and occasionally a single roof with at least one other similar residence. Townhouses and the land they rest upon are usually individually owned with a proportional interest in the common areas of the development.

TRAILER: A vehicle without motive power used for human habitation, including a trailer coach or house trailer designed to be drawn by a motor vehicle.

TRAILER PARK, MOBILE HOME PARK, TRAILER COURT: Any premises occupied or designed to accommodate more than one mobile home or trailer.

USE: The purpose for which land or a building is intended, designed, arranged or maintained.

VACATION HOME RENTAL OCCUPANCY: The use of a dwelling unit by any person or group of persons who occupies or is entitled to occupy a dwelling unit for remuneration for a period of time less than thirty (30) days but at least two (2) days, counting portions of days as full days. "Remuneration" means compensation, money, rent or other bargained for consideration given in return for occupancy, possession or use of real property. Home exchanges where money is not transferred shall be excluded from this definition.

VISUAL RUNWAY: A runway intended solely for the operation of aircraft using visual approach procedures.

YARD: An open space unoccupied and unobstructed from the ground upward, on the same lot with a main building, except as otherwise provided in this chapter.

YARD, FRONT: A yard extending across the full width of the lot and lying between the front line of the lot and the nearest line of the building.

YARD, REAR: A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the principal building.

YARD, SIDE: That part of the yard lying between the main building and a side lot line, and extending from the required front yard (or from the front lot line, if there is no required front yard) to the required rear yard.

(Ord. 1084, 6-2-2003; amd. Ord. 1091, 8-20-2003; Ord. 1127, 2-16-2005; Ord. 1135, 7-20-2005; Ord. 1152, 7-19-2006; Ord. 1178, 8-15-2007; Ord. 1196, 11-19-2008; Ord. 1263, 12-29-2011; Ord. 1281, 5-15-2013; Ord. 1336, 11-2-2016; Ord. 1393, 3-16-2022; Ord. No. 1413, § 1, 12-20-2023)

9-1-8: General Provisions Applicable to All Zones:

- A. **Boundary Lines:** All streets, alleys and railroad rights of way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon

such alleys, streets or railroad rights of way. Where the centerline of a street or alley serves as a district boundary, the zoning of such street or alley to the centerline, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property.

- B. Permitted Uses-Conformance with Zoning: No building or structure shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used for any purpose other than is permitted in the district in which the building or land is located.
- C. Setbacks: The minimum setbacks shall remain clear from the ground to the sky unobstructed except as exempted herein.
- D. One Building Per Lot: Every building hereafter erected or structurally altered to provide dwelling units shall be located on a "lot" as herein defined and in no case shall there be more than one such building on one lot unless otherwise provided in this title.
- E. Public Access/Gated Communities: No building shall be constructed or erected upon a lot or parcel of land which does not abut upon a public street or have permanent easement for access to a public street. Gated communities are not permitted, unless otherwise established in an overlay district or Planned Unit Development.
- F. Construction Started Prior To Effective Date Hereof: Nothing in this title shall be deemed to require any change in the plans, construction or designated use of any building upon which actual construction was lawfully begun prior to the effective date hereof and upon which building actual construction has been diligently carried on; and, provided further, that such building shall be completed within one year.
- G. Annexation: Any area annexed to the city shall, upon such annexation, be automatically classified "unzoned" until otherwise zoned.
- H. Fence Standards: No wall, fence or shrubbery shall unreasonably obstruct or interfere with traffic visibility. A fence or wall shall be placed no closer than one foot to the current or future sidewalk location, and otherwise may be located on a property line. Earth mounding or any other similar method shall not be used to raise fence height, unless the fence is adjacent to an arterial, state highway, or industrial or commercially zoned property. The following regulations apply to fences:
 - 1. On all commercial and residentially- zoned lots:
 - a. In the required front setback, fences and walls shall be allowed to a maximum height of three (3') feet, unless the fence is comprised of 30% opacity (e.g. picket fence), in which case the maximum height of the fence shall be four feet (4').
 - b. In the required side and rear setbacks, fences and walls shall be allowed to a maximum height of seven feet (7'), with the exception that rear fences abutting a commercially zoned property that contains a structure with ground or wall-mounted air handling or similar mechanical equipment emitting noise, the maximum height shall not exceed ten feet (10').
 - c. Within residential zones, fences over four feet (4') shall not be allowed in front of the primary facade, regardless of setback

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- d. No barbed wire, or razor-wire fencing is permitted on any residential or commercially zoned property. Chain link is allowed within the rear setbacks of residentially and commercially-zoned property to a maximum height of four (4') feet.
2. On commercial and residentially- zoned corner lots:
 - a. In the required front yard setback, fences and walls shall be allowed to a maximum height of four feet (4').
 - b. On street facing side yards, fences and walls shall be limited to maximum height of four feet (4') for a distance of not less than twenty feet (20') from the front property line. Fences beyond the required twenty-foot distance from the front property line shall be set back a minimum of one foot from the side property line but shall be allowed to a maximum height of seven feet.
 - c. Clear vision triangle shall be maintained.
 3. On double frontage commercial and residentially-zoned lots:
 - a. In cases where a lot extends the full depth of a block between two (2) parallel streets, fences shall maintain one foot setback along the street bordering the rear yard but may be allowed to the rear yard height of seven feet (7').
 4. On industrially-zoned property:
 - a. No chain-link fencing that is visible from the public right-of-way is permitted on any industrially zoned property.
 - b. No barbed-wire or razor-wire fencing is permitted on any industrially zoned property.

(Ord. 1263, 12-29-2011; Ord. 1336, 11-2-2016; Ord. No. 1413, § 2, 12-20-2023)

9-1-9: Accessory Uses and Buildings:

- A. General Regulations for Accessory Uses and Buildings. Accessory uses and buildings, except as otherwise permitted in this title, shall be subject to the following regulations:
 1. Where an accessory building is structurally attached to a main building it shall be subject to, and must conform with all regulations of this title applicable to the main building.
 2. An accessory building may not be located nearer than five feet (5') to any interior lot line and not nearer than five feet (5') to the rear lot line.
 3. An accessory use, unless otherwise permitted in this code, shall not commence and no accessory structure shall be constructed without a principal use first being lawfully established on the subject site, provided however that the construction of both the principal and accessory structures can be built simultaneously.
 4. No house trailer or recreational vehicle shall be used for human habitation on any parcel in any zone.

B. Additional Standards for Specific Accessory Use and Structures.

1. Urban Agricultural: the cultivation of fruits, flowers, and eggs are subject to the following provisions:
 - a) Chickens:
 - i. The production of eggs and keeping of chickens shall only be allowed as an accessory use to a single-family detached dwelling.
 - ii. A maximum of eight chickens are permitted on any single property containing a single-family dwelling. Roosters are prohibited.
 - iii. Chicken coops shall not be attached to residential buildings.
 - b) Gardens, Vegetables, Fruits and Flowers: The cultivation and storage of vegetables, plants, flowers is an allowed as an accessory use to any principal use and is permitted on vacant lots in all zoning districts for personal consumption. Produced products may be sold off-site but not on-site.
2. Home Occupations: A home occupation shall be allowed as a permitted accessory use in all zoning districts, provided the home occupation complies with the regulations contained in chapter 8 of this title.
3. Household Pets: A maximum of four household pet dogs shall be permitted per dwelling unit. Household pets kept in aquariums, terrariums and cages shall not be limited in number, shall be clearly incidental and accessory to the residential use and shall not be permitted for commercial purposes.
4. Flag Poles: Standalone flag poles are permitted on any lot in the City at the maximum height established in the zoning district within which the lot containing the flag pole is located.
5. Yard and Garage Sales: Yard and/or garage sales are limited to no more than two per calendar year per residentially zoned lot containing the yard or garage. Yard and/or garage sales shall not be permitted on vacant property.
6. Neighborhood Amenities: Lemonade, snow cones or similar children's stands, little free libraries and similar sharing outposts, are permitted on any lot whose zone allows for residential uses provided they are not located within the public right-of-way. Lemonade, snow cones, or similar children's stands are permitted for a maximum of 60-days per calendar year.
7. Outdoor Displays, Sales, and Services: Outdoor displays, storage, sales, service, and minor entertainment may be permitted provided that they meet the following:
 - a) All nonancillary booths, stalls, carts, or other equipment for outdoor display, sales, service or minor entertainment require approval of a Conditional Use Permit. All such uses which are ancillary to the primary use shall be allowed if identified as a permitted land use type within the zone district of the subject property. Customary, seasonal uses such as holiday sales of Christmas trees and fireworks are excluded from this requirement.
 - b) All authorized outdoor displays, sales, service or minor entertainment shall takes place on private property with the written consent of the property owner.

- c) No display, sales, service or minor entertainment blocks the required pedestrian walkways. A clear area with a minimum width of five feet (5') shall be left between the street and the building entry or exit. All booths, stalls, carts, or other equipment for outdoor display, sales, service or minor entertainment at the close of business each day shall be removed or immobilized and secured so as to prevent it from becoming a public safety hazard, nuisance or security risk.
 - d) Outdoor displays or storage shall not exceed twenty percent (20%) of the retail floor area of the primary business.
8. Food Trucks:
- a) Purpose: The purpose of this section is to allow limited, temporary food truck operations as an accessory use to an established principal use, while ensuring such operations do not adversely impact parking availability, pedestrian circulation, traffic safety, or neighborhood character.
 - b) Applicability: Accessory Food Trucks may be permitted on private property in zoning districts where the principal use of the site is lawfully established, subject to the standards of this section. Accessory Food Trucks shall not be considered a principal use of land and shall not establish a restaurant, eating or drinking establishment, or primary food service use.
 - c) Definition: Accessory Food Truck means a mobile food preparation and services vehicle that operates as a temporary, subordinate, and incidental use to a legally established principal use on the same lot.
 - d) General Standards: Accessory Food Trucks shall comply with the following standards in Table 9-1-3:

Table 9-1-3: Accessory Uses – Food Truck Regulations and Standards	
Category	Standard
Use Type	Accessory Food Trucks are permitted only as an accessory use to a lawfully established principal use on the same lot and shall not constitute a principal food service use
Licensing and Compliance	Each Accessory Food Truck shall comply with all applicable city, state, and federal licensing, health, and safety requirements and shall obtain a City business license pursuant to Title 3, Chapter 11.
Relationship to Principal Use	The Accessory Food Truck shall be incidental to and customarily associated with the principal use on the site. Accessory Food Trucks not incidental or customarily associated with the principal use shall require Conditional Use Permit approval.
Property Owner Authorization	Written authorization from the property owner approving use of the site and the approved location of the Accessory Food Truck shall be maintained on-site and made available to the City upon request.
Parking – Required Spaces	An Accessory Food Truck and associated equipment, seating, or displays shall not occupy required parking spaces necessary to meet minimum parking requirements for the principal use, except that an Accessory

	Food Truck may be permitted to use the parking spaces on a residential lot when the food truck is being used for a function on that lot.
Parking – Off-Hours Use	Required parking spaces may be utilized only when the Accessory Food Truck operates outside the business hours of the principal use, except that this provision does not apply to an Accessory Food Truck on a residential lot when the food truck is being used for a function on that lot.
Circulation	Accessory Food Trucks shall not obstruct drive aisles, fire lanes, loading areas, or designated pedestrian or bicycle circulation routes.
Location	Accessory Food Trucks shall not be located within required setbacks, required landscaping areas, access easements, or the public right-of-way (unless permitted through a Special Event Permit). All service and customer activity shall occur entirely on private property (unless permitted through a Special Event Permit), except that an Accessory Food Truck may be permitted to use the required setbacks on a residential lot when the food truck is being used for a function on that lot.
Drive-Through Service	Motorized vehicle drive-through service is prohibited.
Hours of Operation Near Residential	When located within one hundred (100) feet of a residentially zoned lot, hours of operation shall be limited to between 6:00 a.m. and 10:00 p.m. An Accessory Food Truck shall not operate on a residential lot for more than 24 hours; the operation shall be for a single, discrete function.
Noise	Accessory Food Trucks shall not emit amplified sound.
Number Allowed	One Accessory Food Truck per lot is permitted. Up to two Accessory Food Trucks on a lot may be approved through a Conditional Use Permit.
Duration	Accessory Food Trucks shall not operate as a permanent or year-round use unless approved through a Conditional Use Permit. In no case shall an Accessory Food Truck operate on a residential lot for more than 24 hours in a 12-month period.
Food Truck Courts	Food Truck Courts and multi-vendor food truck operations are not permitted under this section and shall be regulated as a principal use where expressly allowed.

(1958 Code; amd. Ord. 627, 7-10-1978; Ord. 734, 9-15-1980; 1983 Code; Ord. 1336, 11-2-2016; Ord. 1386, 4-21-2021)

9-1-10: Continuance of Existing Uses:

Nothing herein shall prevent the continuance of the present occupancy or lawful use of any existing building, except as may be necessary for the safety of life and property and except as provided in chapter 2 of this title.

(1958 Code)

9-1-11: Accessory Dwelling Unit Regulations:

- A. Purpose and Intent: This provision provides standards for accessory dwelling units to detached single-family dwellings. These standards are intended to encourage diversity in housing types and provide for smaller, more diverse, and often more affordable housing choices that are compatible with existing neighborhoods.
- B. Requirements for All Accessory Dwelling Units: All accessory dwelling units must meet the following requirements when they are the result of converting existing living area, attic, basement, or garage; adding floor area; constructing a detached accessory dwelling unit on a site with an existing primary dwelling unit, attached primary dwelling unit, or manufactured home; or constructing a new primary dwelling unit, attached primary dwelling unit, or manufactured home with an internal or detached accessory dwelling unit:
 - 1. Maximum Allowed: Maximum of one, site-built, accessory dwelling unit, either detached or attached, is allowed per parcel.
 - 2. Conversion of Primary Dwelling Structure: In cases where an existing primary dwelling structure is to be converted to a secondary dwelling unit or partially converted to create a secondary dwelling unit within the structure, the area designated for the secondary dwelling unit must be brought up to current Title 8 provisions subject to the review and approval of the Building Official.
 - 3. Location of Entrances: Only one entrance may be located on the facade of the primary dwelling unit, attached primary dwelling unit, or manufactured home facing the street, unless the primary dwelling unit, attached primary dwelling unit, or manufactured home contained additional entrances before the accessory dwelling unit was created. An exception to this regulation would be entrances that do not have access from the ground such as entrances from balconies or decks.
 - 4. Parking: Parking for the main residential structure must meet the requirements of chapter 5 of this title.
 - . Maximum Size: The size of any accessory dwelling unit attached or detached may be no more than nine hundred (900) square feet and may include only one bedroom.
- C. Creation of Accessory Dwelling Units Through Addition of Floor Area: Accessory dwelling units created through the addition of floor area to the primary dwelling unit must meet the following requirements:
 - 1. Exterior Finish Materials: The exterior finish material must be the same or visually match the type, size, and placement of the exterior finish material of the primary dwelling unit, attached primary dwelling unit or manufactured home.
- D. Detached Accessory Dwelling Units: Detached accessory dwelling units must meet the following requirements:

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1. Setbacks: Detached accessory dwelling units above a permitted garage will be calculated based on the setbacks for detached garages. In all other cases, the accessory dwelling unit must be at least:
 - a. Situated behind the primary dwelling.
 - b. All accessory dwelling units shall comply with the setbacks for accessory structures required by the base zoning district in which it is located.
 - E. Non-Conforming Accessory Dwelling Units: That portion of a single- family residence which meets the definition and intent of an accessory dwelling unit which was in existence prior to November 19, 2008, may continue in existence without conformance to zoning provisions, provided the unit complies with the minimum requirements of the Title 8 and a valid certificate of occupancy for the use is obtained. All other provisions related to non-conforming structures and uses, as provided in this title, shall apply to accessory dwelling units.

(Ord. 1346, 8-16-2017; amd. Ord. 1386, 4-21-2021)

9-1-12: Measurements and Exceptions:

- A. Exceptions to setbacks:
 - i. Stand-alone flag poles may be located within setback areas but shall not be closer than one foot from any property line in a residential zone
 - ii. Minor features such as eaves, chimneys, water collection cisterns, air conditioning units, bay windows, uncovered balconies, covered side and rear entryway door overhangs, uncovered patios, decks, walkways, areas for parking, and civic space may extend into the required setbacks.
 - iii. Exceptions to setbacks may be established in overlay zoning districts, or in Planned Unit Developments.
- B. Units of Measurement: All units of measure are feet, unless otherwise provided.
- C. Building Height Method of Measurement:: Building height is measured as the vertical distance from the average finished grade at the curb, sidewalk, or property line at the primary frontage, whichever is higher, to the top of the cornice, parapet, or peak of a pitched roof or mansard roof ridge line.
- C. Features Not included in Building Height: Excluded in maximum height are the following features: bell towers, spires, steeples, chimneys, cupolas, screened elevator and mechanical equipment enclosures, and similar features incorporated into the building design that are not intended or used for human occupancy. Such features of buildings that extend above the maximum building height shall not exceed the maximum height by more than 10 feet, provided that any rooftop equipment shall be stepped back from the fronting façade at a one foot to one foot ratio: for every foot in height, the mechanical equipment shall be stepped back from the fronting façade by one foot.
- D. Special Heights for Features on Historic Buildings: The height of an historic building undergoing restoration may exceed the building height maximum up to the documented historic height,

provided such increase is first approved by the Arts, Culture, and Historic Preservation Commission in accordance with any locally adopted historic preservation codes, as applicable.

CHAPTER 2 ZONING ADMINISTRATION

9-2-1: Purpose and Authority:

- A. Purpose: The purpose of this Chapter is to describe the organization, powers, duties of the offices and governing bodies responsible for administration of Title 9, Zoning. The following procedures have been adopted pursuant to and consistent with Idaho Code title 50, and title 67, chapter 65. This chapter provides procedures and requirements for the preparation, filing, and processing of the land use permit applications and approvals required by this code, identified in Table 9-2-1 (Permits and Approvals), below. This section establishes whether public notice and pre-submittal activities are required, the role of the City review and decision-making bodies, and whether public hearings are required during each process.
- B. Authority for Land Use and Zoning Decisions: Table 9-2-2 (Review Authority), below, identifies the review authority responsible for reviewing and making decisions on each type of application or approval required by this code.
- C. Director Decision-Making: The duties and responsibilities of the Director may be formally delegated to City officials in subordinate positions to the Director.

9-2-2 Required Permits and Approvals:

Paths for review and approval generally fall within one of two types. Refer to Table 9-2-1, Required Permits and Approvals, to identify each approval or application type. Each of the permits and/or approvals are required as further described in Table 9-2-1, below.

Table 9-2-1 Required Permits and Approvals

<i>Name of Permit/Approval</i>	<i>Code Chapter/Section</i>	<i>Applicability of Permit</i>
<i>Land Use Permits and Approvals</i>		
<i>Conditional Use Permit</i>	9-2-8	A Conditional Use Permit is required to authorize proposed land uses specified by Chapters 1, 2,3, and 4 as being allowable in the applicable zone, subject to the approval of a Conditional Use Permit
<i>Site Plan Review Permit</i>	9-2-8	A Site Plan Review Permit is required for construction and development activities identified in Section 9-2-8, Site Plan Review Permit, subject to the exemptions established in that section.
<i>Certificate of Appropriateness</i>	9-13-5	A Certificate of Appropriateness is intended to protect structures, improvements, natural features, and objects, of historic significance including but not limited to, areas of architectural, cultural, economic, historic, political, and social importance from any alteration, demolition, or removal which would have an adverse effect thereon.
<i>Variance</i>	9-2-8	A Variance may be requested to allow an adjustment from any of the development standards required by this code. A Variance shall not be used to approve a change to the allowance or not of any land use within any zone.
<i>Sign Permit</i>	9-7-83	A Sign Permit is required to allow the installation or remodeling of a sign.
<i>Home Occupation Permit</i>	9-8	A Home Occupation Permit is required to allow for home occupations that are conducted within a dwelling located in a residential zone, and are clearly incidental and secondary to the use of the dwelling for residential purposes and compatible with surrounding residential uses as specified in Chapter 8.

<i>Zoning Compliance Review</i>	9-2	A Zoning Compliance Review is a review of Building Permit, Grading, or other construction permit applications, or home occupation and/or business license permits and is required to verify a proposed land use or structure complies with the list of activities allowed in the applicable zone and the development standards applicable to the use or structure.
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Legislative Actions and Approvals

<i>Comprehensive Plan Change</i>	9-2-10	A Comprehensive Plan Change is a modification or addition of policy or land use category.
<i>Zoning Text Change</i>	9-2-10	A Zoning Text Change is a modification or addition of language or regulations within the Zoning Ordinance.
<i>Rezone</i>	9-2-10	A Rezone is a reclassification of one or more properties from one zone district to another. A site-specific rezone shall be considered a quasi-judicial action and shall adhere to the requirements of Idaho Code 67-6535.
<i>Overlay District</i>	9-2-10	An Overlay District is a zoning tool that adds a layer of specific regulations to an existing zoning area.
<i>Historic Preservation Designation</i>	9-2-10 and 9-13	Designation of a property by the City as either an Historic Landmark or within an Historic District.
<i>Development Agreement</i>	9-2-11	A Development Agreement is a written commitment between the city and one or more property owners concerning the use or development of land, entered into as a condition of rezoning property, as established by Idaho Code 67-6511, et seq.

Note: Planned Unit Developments are subject to requirements in Title 10, Land Subdivisions, of the Sandpoint City Code.

Table 9-2-2 Review Authority

		Role of Review Authority ¹		
Type Of Permit/Approval	Code Section	Director	Planning and Zoning Commission	Council
Land Use Permits And Approvals				
Conditional Use Permits	9-2-8	Analysis	Decision	Appeal
Site Plan Review Permits ^{2,4}	9-2-8	Decision	Appeal	Appeal
Certificates Of Appropriateness	9-13-5	Arts, Culture, and Historic Preservation Commission instead of Director	Appeal	Appeal
Variances	9-2-8	Analysis	Decision	Appeal
Sign Permits	9-7	Issuance	Appeal	Appeal
Home Occupation Permits	9-8	Issuance	Appeal	Appeal
Zoning Compliance Review	9-2-8	Decision	Appeal	Appeal
Legislative Actions And Approvals				
Comprehensive Plan Change	9-2-10	Recommend	Recommend	Decision
Zoning Text Change	9-2-10	Recommend	Recommend	Decision
Rezoning	9-2-10	Recommend	Recommend	Decision
Overlay Zone District ³	9-2-10	Recommend	Recommend	Decision
Historic Preservation Designation	9-13	Analysis	Recommend ³	Decision
Development Agreement	9-2-11	Analysis	Recommend	Decision

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(Supp. No. 1)

1 “Recommend” means that the review authority makes a recommendation to a higher decision-making body; “Decision” means that the review authority makes the final decision on the permit; “Appeal” means that the review authority may consider and decide upon appeals of an earlier decision-making body, in compliance with section 9-2-7 (Appeals); “Analysis” means that the review authority presents a detailed explanation and examination of the request with a special focus on policy and code compliance and significance of the action.

2 The Director may defer action and refer the request to the Planning and Zoning Commission for consideration and final action.

3. May require Arts, Culture, and Historic Preservation Commission review and/or action prior to action by the Planning and Zoning Commission in conformance with Chapter 13, Historic Preservation Code.

4. A Site Plan and Design Review Permit may be combined into a Conditional Use Permit when a Conditional Use Permit is also required for the same project, pursuant to the regulations in section 9-2-8, Combined Conditional Use Permit and Site Plan Review Permit and pursuant to Idaho Code 67-6522.

9-2-3: Permit Application Filing, Fees, and Initial Processing:

- A. Purpose: The purpose of this section is to provide uniform application processing procedures for land use permits and decisions identified in this chapter. These procedures are intended to apply to applications made by non-city officials. Legislative actions initiated by the Director, Planning and Zoning Commission, City Council, or, in the case of historic preservation overlay zones, the Arts, Culture, and Historic Preservation Commission shall be exempt from these procedures, and shall be processed in accordance with section 9-2-10, Legislative Actions.
- B. Application Preparation and Filing
 - 1. Pre-application conference: A prospective applicant is encouraged to request a pre-application conference with the Director before completing and filing a land use permit application. The purpose of this conference is to generally:
 - a) Inform the applicant of city requirements as they apply to the proposed project;
 - b) Review the city’s review process, possible project alternatives, or modifications, and
 - c) Identify information and materials that the city will require with the application, and any necessary technical studies and information necessary to complete reviews on the project’s potential impacts on utility, roadway, and other infrastructure.
 - 2. Application contents: Each application for a permit, or amendment, identified in Table 9-2-1, or other matter pertaining to this title shall be filed with the department on a city application form, together with all required fees and/or deposits and all other information and materials specified in the department handout for the specific type of application and/or as specified by the Director.
 - 3. Eligibility for filing:
 - a) The application shall be signed by the property owner of record or by an authorized agent.

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- b) Authorized agents shall provide written authorization signed by the property owner. Such authorization may have to include corporate resolutions or operating resolutions identifying that the signatory has such authorization.
 - 4. Report by expert consultants: The city may require of the applicant, at the applicant's sole expense, evidence and clarification as may be necessary to establish that the proposed development will conform to the applicable regulations and standards specific in this code.
 - 5. Multiple permit applications:
 - a) Concurrent filing: An application for a development project that requires the filing of more than one application (e.g. zoning map amendment and a Conditional Use Permit, etc.) shall file all related applications concurrently, together with all application fees required by section 9-2-3-C (Application Fees), below, unless the concurrent filing requirements are waived by the Director.
 - b) Combining of applications: Where practical, the combining of related permit types will be permitted at the discretion of the Director for the purposes of reducing redundancy in permitting (e.g. combining Site Plan Review Permit into a Conditional Use Permit when both are required by this code, and where submittal requirements and findings for approval overlap). In such cases, only one application and one application fee shall be required (the higher of the fees), however the application is required to include a statement identifying which applications are being combined. The combining of applications shall have no effect on the permit expiration or validity as established in 9-2-4.

C. Application Fees

- 1. Fee Schedule: The City Council shall establish a schedule of fees for the processing of applications required by this code, hereinafter referred to as the fee schedule. The fee schedule may be evaluated and/or amended as often as deemed necessary by the City Council.
- 2. Projects subject to time and materials charges.
 - a) Projects that do not fit any category in the fee schedule or which are otherwise extraordinary may be charged on a time and materials basis at the Director's sole discretion.
 - b) Staff time required on a project, post entitlement, and not part of another formal application (e.g. final plat, Conditional Use Permit, etc.) will be recovered on a time and materials basis at the Director's sole discretion.
 - c) The fees specified in the fee schedule reflect standard processing time. Projects requiring excessive review time will be recovered on a time and materials basis.
- 3. Timing of payment
 - a) Applications shall not be deemed complete, and processing shall not commence on any application until all required fee or deposits have been paid.

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- b) Failure to timely pay supplemental requests for payment or required fees and/or deposits shall be a basis for postponement of any permit or other requested entitlement, notwithstanding any other provisions of this code.

4. Refunds and withdrawals

- a) No refund due to denial shall be allowed.
- b) In the case of a withdrawal, the Director shall have the discretion to authorize a partial refund based upon the pro-rated costs to date and the status of the application at the time of withdrawal.

D. Application Initial Processing

1. Review for completeness: The Director shall review each application for completeness and accuracy before it is accepted as being complete and officially filed. Within 30 calendar days of application filing, the applicant shall be informed in writing, either that the application is complete and has been accepted for processing, or that the application is incomplete and that additional information, specified by the Director, shall be provided. The Director's review of any information resubmitted by the applicant shall be accomplished with another 30-day period of review for completeness. The Director's determination of completeness is an application that:

- a) Is in the required application form required by the City's website;
- b) Contains all the information required including supporting documentation;
- c) Contains any additional information determined by the Director as required at a pre-application conference, or as may be necessary to determine project conformance to all applicable policies and regulations;
- d) Contains documentation as may be required by the project's size, or complexity, as determined by the Director, in order to evaluate potential impacts of the proposed development on the surrounding neighborhood, or the City's transportation system, utility, or other public services, or systems; and
- e) Is accompanied by the fee established for the type of application(s) being submitted.

2. Referral of application to agencies: At the discretion of the Director, or where otherwise required by this code or state or federal law, an application may be referred to any public agency that may be affected by or may have an interest in the proposed project.
3. Referral of application to interested parties and/or adjacent properties: An application will be referred to adjacent property owners or interested parties in accordance with applicable state laws. The Director shall have the discretion of refer any application to any interested party and/or adjacent or nearby property owner even if not required by state law.

E. Withdrawal of Application: An application shall be deemed withdrawn, and review terminated if:

1. The applicant requests that the application be withdrawn; or

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- 2. The applicant fails to respond or resubmit revised plans, reports, or correspondence to the Director for more than 90 days following a request from the Director. The Director may extend the response period for good cause shown by the applicant.
 - F. Burden of Proof: The burden of proof to establish the evidence in support of the required finding(s) for any permit or approval in compliance with this code is the responsibility of the applicant.
 - G. Concurrent processing: Multiple applications for the same project shall be processed concurrently, and shall be reviewed, and approved or denied by the highest review authority designated by the code for any of the applications (i.e., a project for which applications for a Zoning Map amendment and a Conditional Use Permit are filed shall have both applications decided by the Council, instead of the Planning and Zoning Commission acting upon the Conditional Use Permit as otherwise required by Table 9-2-2)

(Ord. 842, 6-15-1987)

9-2-4: Permit and Approval Implementation, Time Limits, Expirations and Extensions:

- A. Purpose: This section provides requirements for implementation of the permits or approvals required by this code, including time limits and procedures for approving extensions of time.
- B. Conformance to approved plans:
 - 1. Compliance: All work performed under a building permit for which project drawings and plans were approved under a land use permit either by the Director, Planning and Zoning Commission or City Council, shall be in compliance with the approved drawings and plans, and any conditions of approval imposed by the applicable review authority.
 - 2. Changes: Changes to an approved permit or other approval shall only be approved by the original approval authority through a new application, processed in accordance with this chapter, except that changes to an approved permit or other approval may be authorized by the Director only if the changes:
 - A. Are consistent with all applicable provisions of the code and the spirit and intent of the original approval; and
 - B. Do not involve a feature of the project that was a basis for conditions of approval for the project, a specific consideration by the approval authority, or involve any expansion or intensification of the use or structure.
- C. Effective Dates of Permits: The effective dates of permits and approvals issued under this chapter shall be as shown in table 9-2-3 (Permit and Approval Effective date, Expiration and Validity). Permits and approvals requiring a written decision shall have an effective date 15 days after the written decision, to allow for the appeal process, as established in 9-2-7. The written decision, if required, shall be completed within thirty (30) days of action by the review authority.
- D. Effective dates of plan amendments, zoning changes, and development agreements: Council actions to adopt or amend the Comprehensive Plan, Zoning Ordinance or Official Zoning Map (rezoning), or a development agreement shall become effective on the actual date the decision is rendered by the Council, as shown in Table 9-2-3 (Permit and Approval Effective date, Expiration and Validity), unless otherwise specified in the development agreement.
- E. Expiration and validity of permits or approvals:

1. Approvals run with the land: Unless otherwise stated for a specific type of permit, application, or decision under this code, or unless otherwise stated on the permit or approval document, permits, approvals and approvals with conditions under this code run with the land and are not affected by changes in ownership, tenancy, or the form of ownership or tenancy of the property. Subsequent owners and tenants of the property have the same rights and obligations with respect to the permit, approval, or decisions as the initial applicant.
2. Expiration: Unless otherwise indicated, the term of an approval shall be as shown in Table 9-2-3 (Permit and Approval Effective Date, Expiration and Validity), below, unless the property owner has taken action to initiate construction of improvements (including the installation of utilities), initiate the allowed use or activity, or taken actions to use the authority granted in that permit or approval prior to its expiration, as further described in sub-section 3, below.

Table 9-2-3: Permit And Approval Effective Date, Expiration And Validity

Type Of Approval	Effective Date	Expiration and Period of Validity
Conditional Use Permit	Written decision plus 15 days	2 years from effective date
Site Plan Review Permit	Written decision plus 15 days	2 years from effective date
Certificate of Appropriateness	Date approval is issued	2 years from effective date
Variance	Written decision plus 15 days	2 years from effective date
Sign Permit	Date approval is issued	Same expiration as a building permit, if any, or if no building permit required, 1 year from date of issuance
Home Occupation Permit	Date approval is issued	Same expiration as Business License, expires at the end of each calendar year
Zoning Compliance Review	Date approval is issued	Same expiration date as the companion permit the clearance was issued for (e.g building permit)
Comprehensive Plan Change	Date approval is issued	Do not expire
Zoning Text Change	Date approval is issued	Do not expire
Rezone	Date approval is issued, or written decision plus 15 days for site-specific rezones	Do not expire
Development Agreement	Date approval is issued, or as established in the agreement	As set forth in the development agreement

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- F. Implementation required: All permits and approvals shall comply with the following expiration provisions:
1. To ensure continued compliance with the provisions of this code, the permit or approval shall be implemented in compliance with the timeframes established in Table 9-2-3, above, or the permit or approval shall expire and be deemed void, unless an extension is approved by the applicable review authority, in compliance with 9-2-4, Time Extensions.
 2. A permit or approval shall be implemented before its expiration. The permit or approval shall not be deemed implemented until the applicant has:
 - a) Actually implemented the allowed land use, in its entirety, on the subject property in compliance with the conditions of approval; or
 - b) Obtained a building permit and continuous on-site construction activity including pouring of foundations, installation of utilities, or other substantial improvement has commenced and diligently pursued toward completion; or
 - c) Obtained a Grading Permit or Public Infrastructure Permit and has completed a significant amount of on-site grading and/or utility work, as determined by the Public Works Director, in preparation for the work described subparagraph ii, above, and
 - d) Met all of the applicable requirements as determined by the Director.
- G. Effect of expiration: Where the permit or approval has expired and/or has been deemed void:
1. No further action is needed by the city;
 2. No further reliance may be placed on the previously approved permit or approval;
 3. The applicant shall have no rights previously granted under the permit or approval;
- H. Time Extensions: All requests for time extensions shall comply with the following:
1. The Director shall have the authority to extend the period specified in Table 9-2-3 (Permit and Approval Effective Date, Expiration and Validity), for up to an additional one-year. The Director may instead refer the matter to the Planning and Zoning Commission for review and final decision.
 2. The applicant's written request for an extension of time shall be on file with the department before expiration of the permit or approval, together with the required filing/application fee.
 - a) A public hearing is not required for a Director's decision on an extension of time. However, the Commission shall conduct a public hearing in compliance with Section 9-2-6 on a referral from the Director.
 - b) The filing of written extension request shall suspend the actual expiration of the permit or approval until the extension request has been acted upon by the Director.
 - c) Building or grading permits shall not be issued in compliance with the permit or approval during the period of suspension.
 - d) No permit or approval shall be extended past a maximum of three years following the original effective date. Any request for extensions in excess of three years from the permit or approval effective date shall instead require the filing of a new application in accordance with section 9-2-3.
 3. An extension of the permit or approval may be granted only if the applicable review authority first finds that there have been no changes in the Comprehensive Plan, zoning code, or city development policy, that would preclude the review authority from making the findings upon which the original approval was based.

9-2-5: Nonconforming Provisions:

- A. Purpose: This section provides regulations for nonconforming land uses, and structures that were lawful before adoption, or amendment of this code, but which would be prohibited, regulated, or restricted differently under the current regulations of this code.
- B. Intent: In order to limit the number and extent of nonconforming uses, and structures created by adoption of this code, it is the city's intent to generally allow nonconformities to continue until they are removed, but not to encourage their long-term survival. It is further the intent of this section that nonconformities shall not be altered, enlarged, expanded, extended, moved, or reestablished after abandonment or discontinuance or restored after involuntary destruction, except in conformance with this chapter.
- C. Proof of nonconformity: The property owner has the burden to prove the claim of nonconformity and the related protected status that comes with that claim as specified in this section. The property owner shall provide sufficient evidence to the satisfaction of the Director that the subject property is a legal nonconformity as specified in this section. The City is not responsible for proving the absence of legal nonconformity. The Director's determination of legal nonconformity shall be appealable in compliance with section 9-2-7 Appeals.
- D. Restrictions on nonconforming uses: A legal nonconforming land use, as that term is defined in this chapter, may be continued, including transfers of ownership; provided that their continuation shall comply with the requirements of this section, provided below. See also, section F (residential exceptions), below, for exceptions regarding certain residential uses and structures.
 - 1. Change of ownership: Change of management, ownership, or tenancy of a nonconforming use shall not affect its nonconforming status; provided that the use and intensity of use, determined by the Director, does not increase.
 - 2. Additional development: Additional development of any property on which a nonconforming use exists shall require that all new uses be in compliance with the applicable provisions of this code.
 - 3. Conversion of a nonconforming use: If a nonconforming use is converted to a conforming use, no nonconforming use may be resumed.
 - 4. Changes to a nonconforming use: A nonconforming use shall not be established or replaced by another nonconforming use, nor shall any nonconforming use be expanded or changed, except as provided for in this section.
 - 5. Replacement land use within single and multi-tenant structures: A nonconforming use whether operating in a single-tenant or multi-tenant structure may only be replaced by a conforming use or a non-conforming use that is the same or similar to the previous nonconforming use within the tenant space, provided not more than 180-days has passed since the cessation of the previous nonconforming use, and further provided the replacement non-conforming use does not create an increase in intensity of the land use.
- E. Restrictions on nonconforming structures: A legal nonconforming structure, as that term is defined in this chapter, may be continued, including transfers of ownership; provided that their continuation shall comply with the requirements of this section, provided below. See also, section F (residential exceptions), below, for exceptions regarding certain residential uses and structures.

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1. Alteration: Nonconforming structures shall not be altered so as to increase the difference between the existing conditions and the development standards specified in the regulations for the zone in which the structure is located.
 2. Moving or enlargement: Nonconforming structures shall not be moved or enlarged unless the new location or enlargement shall conform to the current development standards for the zone in which the structure is located.
 3. Ordinary maintenance and repairs: Nonconforming structures may undergo ordinary maintenance and repairs.
- F. Residential exemptions: An involuntarily damaged or destroyed nonconforming single-or multi-family dwelling unit may be reconstructed or replaced with a new structure with the same footprint (including pre-existing nonconforming setbacks and/or lot coverage), height, and number of dwelling units, in compliance with the current Building and Fire Code requirements and otherwise in compliance with the provisions of this code.
- G. Loss of nonconforming status:
1. Termination by discontinuance: If a nonconforming use is discontinued for a continuous period of 180 or more consecutive calendar days, the use shall lose its legal nonconforming status, and the continued use of the property shall be required to be in compliance with the applicable provisions of this code.
 2. Termination by destruction: Nonconforming status shall terminate if a nonconforming structure or a conforming structure occupied by a nonconforming use, is involuntarily damaged or destroyed as a result of an accident or by fire, flood, or other act of nature, except as provided in section F (residential exemptions), above, and except as follows.
 3. 50 percent or less: If the cost of repairing or replacing the damaged portion of the structure is 50 percent or less of the appraised value of the structure immediately before the damage, the structure may be restored to no more than the same size and use, and the use continued, if the restoration is started within one-year of the date of damage and can be completed within two years following initiation of the restoration.
 4. Exceeds 50 percent: If the cost of repairing or replacing the damaged portion of the structure exceeds 50 percent of the appraised value of the structure immediately before the damage, or the structure is voluntarily razed or is required to be razed, the structure shall not be restored except in full compliance with the applicable regulations for the zone in which it is located and the nonconforming use shall not be resumed.
 5. All appraised values referred to in this section shall be determined by a licensed appraiser and confirmed by the Building Official. Estimates of repairing or replacing the damaged portion of the structure for purposes of this section shall be made by or shall be reviewed and approved by the Building Official and shall be based on the minimum cost of construction in compliance with the building code.
- H. Effect of Conditional Use Permit requirements
1. Absence of a Conditional Use Permit: A use lawfully existing without the approval of a Conditional Use Permit that would be required by this code shall be deemed conforming only to the extent of its previous lawful use (e.g. maintaining the same site area boundaries, hours of operation, etc). Any expansion of the use in size or hours of operation would require the approval of a Conditional Use Permit.
 2. Previous Conditional Use Permit: A use that was authorized by a Conditional Use Permit but is not allowed by this code in its current location may continue, but only in compliance with the original Conditional Use Permit and any associated conditions of approval.

9-2-6: Public Hearings:

- A. Purpose: This section provides procedures for public hearings required by this code. When a public hearing is required, advance notice of the hearing shall be given, and the hearing shall be conducted, in accordance with this section.
- B. Notice of hearing: when this code requires a noticed public hearing before a decision on a permit, or for another matter, the public shall be provided notice of the hearing in compliance with Idaho State Code and as required by this section.
 - 1. Content of notice: Notice of a public hearing shall include all the following information, as applicable:
 - a) Hearing information. The date, time, and place of the hearing, and the name of the review authority, and the phone number, street address, and website of the Department, where an interested person could call or visit to obtain additional information.
 - b) Project information. The city's filing number (application number) and project name, if any, and the name of the applicant; a general explanation of the matter to be considered, and a general description, in text and/or diagram, of the location of the property that is the subject of the hearing.
 - 2. Method of notice: Notice of a public hearing required by this chapter for a permit, amendment, appeal, or other approval shall be given as follows.
 - a) Mailing. Notices shall be mailed or delivered at least 15 calendar days before the scheduled hearing to the following:
 - i. Project site owners and the applicant, including the owner's authorized agent, if any.
 - ii. Local agencies expected to provide roads, schools, environmental review, or other essential facilities or services to the property which is the subject of the application, whose ability to provide those facilities and services may be significantly affected.
 - iii. All owners of real property, as shown on the latest adopted tax roll of the county, located within a radius of a minimum of 300 feet of the exterior boundaries of the parcel (lot) that is the subject of the hearing. The Director shall have the authority to extend the radius of the notice at the Director's sole discretion. Notice for structures taller than 100 feet shall adhere to additional notice provisions established in state law.
 - iv. Any person who has filed a written request for notice with the Director.
 - v. Any other person whose property might, in the judgment of the Director, be affected by the proposed project.
 - b) Alternative to mailing. If the number of property owners to whom notice would be mailed in compliance with subsection (a) above is more than 200, the notice of public hearing published in a newspaper of general circulation, as set forth in subsection (c), below, shall be considered adequate in lieu of mailed notices.
 - c) Publication and posting. Notice shall be published at least once in a newspaper of general circulation in the city at least 15-days before the scheduled hearing. Additionally, notice shall be posted at least 15-days before the scheduled hearing in at least one public place within the city in addition to one on the project site.

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- d) Additional notice: In addition to the types of notice required above, the Director may provide any additional notice with content or using a distribution method (e.g. posting on the city's website, using another newspaper, social media, television or radio stations serving the City for use as a public service announcement) as the Director deems is necessary or desirable.
 - C. Time and place of hearing: the hearing shall be held at the date, time, and place for which notice was given.
 - D. Continued hearing. Any hearing may be continued from time to time without further notice; provided, the chair of the hearing body announces the date, time, and place to which the hearing will be continued before the adjournment or recess of the hearing.
 - E. Action and Notice of Decision
 - 1. The applicable decision-making body shall consider the application, relevant support materials, staff report, and any evidence and public comments from the public hearing.
 - 2. The applicable decision-making body shall approve, approve with conditions, or deny the application based on applicable review criteria listed in the application-specific procedures.
 - 3. The review authority may announce a tentative decision and defer their action on a final decision until appropriate findings and/or conditions have been prepared.
 - 4. Written notice of decision. Following a decision on an application, the review authority shall produce a written decision accompanied by a reasoned statement which shall contain applicable findings, conditions of approval, and procedure for appeal, if any, and any information as required by Idaho Code 67-6535.

9-2-7: Appeals:

- A. Purpose: This section establishes procedures for the appeal and calls for review of determinations and decisions rendered by the Director, Planning and Zoning Commission, and if applicable to land use applications, the arts, culture and historic preservation Commission.
- B. Zoning code administration and interpretation: The following determinations and actions of the Director, department staff, and the arts, culture and historic preservation Commission may be appealed to the Planning and Zoning Commission and then to City Council:
 - 1. Interpretations: Any determination on the meaning or applicability of the regulations contained in this code that are believed to be in error, and cannot be resolved with the Director; and
 - 2. Enforcement actions. Any enforcement action filed in compliance with section 9-2-9 (violations, enforcement, and penalties).
 - 3. Planning permit and approval decisions.
 - a) Director's decisions. Any decision of the Director may be appealed to the arts, culture, and historic preservation Commission or the Planning and Zoning Commission, as applicable.
 - b) Arts, Culture and Historic preservation Commission decisions. Any applicable decision of the arts, culture, and historic preservation Commission may be appealed to the Planning and Zoning Commission.
 - c) Planning and Zoning Commission decisions. Any decision of the Planning and Zoning Commission may be appealed to the City Council.
- C. Filing and processing appeals:

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1. Eligibility: An appeal may be filed by any aggrieved person, except that in the case of a decision that followed a public hearing, an appeal may only be filed by a person who, in person or through a representative, appeared at the public hearing in connection with the decision being appealed, or who otherwise informed the City in writing of the nature of their concerns before the hearing. Additionally, any action or decision by the arts, culture, and historic preservation Commission, Planning and Zoning Commission, or Director may be appealed by a City Council member acting as an individual.
 2. Timing and form of appeal.
 - a) The appeal shall be filed with the City Clerk within 15 days following the actual date the decision was rendered, or date the written decision was approved, as applicable.
 - b) The pertinent facts and the basis for the appeal shall include, at a minimum, the specific grounds for the appeal, where there was an error or abuse of discretion by the review authority in the consideration and action on the matter being appealed, and/or where the decision was not supported by the evidence on the record.
 - c) Appeals shall be accompanied by the filing fee identified in the fee schedule.
 - d) Once an appeal is filed, any action on the associated project is suspended until the appeal is processed and a final decision is rendered by the applicable review authority.
 - D. Report and schedule of hearing:
 1. When an appeal has been filed, the Director shall prepare a report on the matter, including all of the application materials in question, and schedule the matter for a public hearing by the appropriate review authority, identified in section 9-2-2 and table 9-2-2.
 2. Notice of the hearing shall be provided, and the hearing shall be conducted, in compliance with section 9-2-6 Public Hearings.
 3. Any interested party may appear and be heard regarding the appeal.
 - E. Decision
 1. In deciding an appeal the review authority considering the appeal shall not hear or consider any evidence of any kind other than the evidence received from the previous review authority, or any argument on the merits of the case other than that contained in the notice of appeal, unless it sets the matter for hearing before itself (e.g. de novo hearing), as provided for in this chapter, and gives the same notice of hearing as is required in compliance with section 9-2-6 (public hearings).
 2. In the event of a tie vote by the review authority on an appeal, the decision being appealed shall stand.
 3. A decision of the Planning and Zoning Commission is final and effective after 5:00 pm on the 15th day following the date the written decision is rendered, when no appeal to the decision has been filed in compliance with this section.

9-2-8: Zoning and Land Use Permits:

- A. Compliance with chapter required: Building or grading permits or certificates of occupancy shall not be issued until the requirements of this chapter have been met.
- B. Conditional Use Permit:
 1. Purpose: In the various zones, certain land use are permitted, subject to the granting of a Conditional Use Permit. The purpose of a Conditional Use Permit is to provide a process for reviewing land uses that may be appropriate in the applicable zone, but whose effects on a site and surroundings cannot be determined before being proposed for a specific site.

Because of their characteristics, these land uses require special consideration so that they may be located properly with respect to the objectives of this title and with respect to their effects on surrounding properties.

2. Applicability and when required: A Conditional Use Permit is required to authorize proposed land uses specified by Chapters 2, 3, and 4 as being allowable in the applicable zone, subject to the approval of a Conditional Use Permit, as further identified in Table 9-1-2.
3. Procedures:
 - a. Application Filing: An application for a CUP shall be filed in accordance with the procedures established in section 9-2-3 (Application Filing, Fees, and Initial Processing).
 - b. Review: All applications for a Conditional Use Permit shall be reviewed by the Director to ensure compliance with all applicable requirements of this code.
 - c. Hearing Required: The CUP shall be set for public hearing before the Planning and Zoning Commission, as established in section 9-2-6 (Public Hearings).
4. Findings and Decision:
 - a. An application for a Conditional Use Permit shall be approved by the review authority established in section 9-2-2 and Table 9-2-2 only after first making the following findings that the proposed use:
 - i. Is consistent with the Comprehensive Plan;
 - ii. Will constitute a conditional use authorized in the subject zone;
 - iii. Complies with all other applicable provisions of this code and the municipal code;
 - iv. Will be designed, situated, sized, and whose operating characteristics will be compatible with the planned future land uses in the vicinity;
 - v. Is located on a site that is:
 1. Physically suitable in terms of design, location, operating characteristics, shape, size, topography, and the provision of public and emergency vehicle (e.g. medical and fire) access and public services and utilities;
 2. Served by streets and pedestrian and bike pathways adequate in width and improvement to carry the quantity of vehicle and pedestrian and bike traffic the proposed use would likely generate;
 - vi. Will not be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of such proposed use;
 - vii. Will be served adequately by essential public facilities and services including, streets, storm drain systems, potable water facilities, sanitary sewer facilities, police and fire protection;
 - viii. Will not be detrimental to the economic welfare of the community;
 - ix. Will not involve uses, activities, processes, materials, equipment or conditions of operation that will cause unreasonable production of traffic, noise, smoke, fumes, glare, odors or other forms of pollution;
 - x. Will have vehicular approaches to the property so designed as not to create a detrimental interference with traffic on surrounding public or private streets, or adversely affect the pedestrian environment, and;
 - xi. Will provide a safe, convenient, and efficient network that minimizes conflicts between pedestrians, bicyclists, and vehicular traffic by creating a network that includes sidewalks, pathways, and landscaping that promotes and supports active transportation.

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5. Tentative Decision Allowed: The review authority is not required but may announce a tentative decision and defer their action on a final decision until appropriate findings and/or conditions have been prepared.
 6. Written Notice of Decision. Following a decision on an application for a Conditional Use Permit, within 30 calendar days, the review authority shall produce a written decision and reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the Comprehensive Plan, relevant ordinance and statutory provisions, and factual information contained in the record. The written decision shall contain applicable findings, upon which the decision was made, the conditions of approval (if any), and procedure for appeal.
 7. Combined Conditional Use Permit and Site Plan Review Permit: When a development requiring a Conditional Use Permit also requires a Site Plan Review Permit, pursuant to 9-2-8-C (Site Plan Review Permit), below, the applications may be combined pursuant to 9-2-3 (Application Filing, Fees, and Initial Processing); provided however that the findings for a Site Plan Review Permit shall also be made prior to approval.
 8. Conditions of Approval: The Planning and Zoning Commission may, after review of the application and public hearing, require the applicant to meet any specific conditions of approval deemed necessary to protect the public health, safety, and general welfare and environment of the community, and any conditions deemed reasonable and necessary to ensure that the approval will comply with the findings required by section 9-2-8 Conditional Use Permit findings. Such conditions are not limited to, but may include:
 - a. Limitations on the hours of operation of the use;
 - b. Additional landscaping and building beautification;
 - c. Additional or reduced (while maintaining required minimums) off-street parking or transportation improvements;
 - d. Increased setbacks from property lines.
 9. Shall be Implemented Before Expiration: A Conditional Use Permit shall be implemented prior to its expiration, as set forth in section 9-2-4, above.
- C. Site Plan Review Permit
1. Purpose: The purpose of the Site Plan Review Permit is to provide an efficient process for the review of construction and development projects by combining public facilities capacities review, site and landscaping plan, and architectural design review into one permit prior to the building permit process.
 2. Intent: The intent of the Site Plan Review Permit is to ensure that all approved development:
 - a. Promotes the orderly development of the city in compliance with the goals, objectives, and policies of the Comprehensive Plan, applicable master plans, and the standards specified in this code;
 - b. Respects the physical and environmental characteristics of the site;
 - c. Ensures safe and convenient access and circulation for pedestrians and vehicles;
 - d. Ensures adequate provision of utilities consistent with adopted City policies and regulations;
 - e. Exemplifies the best professional high quality design practices through consistency with the City's design standards and guidelines, which may be amended from time to time.

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- f. Allows for and encourages individual identity for specific uses and structures;
 - g. Encourages the maintenance of a distinct neighborhood and/or community identity;
 - h. Minimizes undesirable visual impacts by preventing inappropriate designs or development;
 - i. Ensures development of a City having “image and character”, which terms shall include beauty, fitness, harmony, quality, and spaciousness;
 - j. Maintains and increases the desirability of other properties within the vicinity for the uses for which they are zoned;
 - k. Prevents unsightliness which causes a decrease in the value of surrounding properties;
 - l. Results in the maintenance or improvement, or both, of the properties so that improvements on neighboring sites are not discouraged with the result that properties degenerate resulting in an accompanying deterioration of conditions;
 - m. Prevents the decline in the taxable value of real property in the vicinity and the cost of municipal services to these properties;
 - n. Helps to ensure that the property values within the vicinity of new and modified development retain their stability;
 - o. Provides standards that result in the maintenance or improvement, or both, of surrounding properties so that improvements are not discouraged with the result that properties degenerate resulting in an accompanying deterioration of conditions; and
 - p. It is not a purpose or intent of this code to control architectural character so rigidly that individual initiative is stifled in the design of any particular structure. Rather, it is the purpose and intent of this code that any control exercised be necessary to achieve the overall objectives of this chapter, various overlay districts, and the Comprehensive Plan.
3. Applicability and When Required: Before the issuance of a Building Permit or ground disturbance permit (such as a Grading Permit or Public Infrastructure Permit), a Site Plan Review Permit shall be required for all of the following construction or development activities:
- a. All structures requiring a building permit to accommodate any of the land use activities specific to any zone, except for those specified in subsection b (exemptions), below.
 - b. Exemptions: The following are exempt from the requirement for a Site Plan Review Permit, unless located within an Overlay District that establishes the requirement:
 - i. A Single-family detached dwelling, a single family-attached dwelling (duplex), or a triplex, and any addition thereto;
 - ii. Expansion of a commercial or industrial building which increases the size of the building by less than 2,000 square feet;
 - iii. An accessory structure or accessory dwelling unit;
 - iv. Any fence, wall or other dividing structure in any zone erected in compliance with this code.
 - v. Any temporary structure, as defined in the building codes.
 - vi. Any minor repairs.
 - vii. Parking lot revisions, including re-striping of parking lots.
4. Procedures
- a. Application filing: An application for a Site Plan Review Permit shall be filed in accordance with the procedures established in section 9-2-3.
 - b. Review: All applications for a Site Plan Review Permit shall be reviewed by the Director to ensure compliance with all applicable requirements of this code.

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5. Findings and Decision: An application for a Site Plan Review Permit shall be approved by the review authority established in section 9-2-3 only after making the following findings that the project will:
 - a. Be allowed within the subject zone;
 - b. Be designed efficiently such that the project will not be detrimental to the public health, safety, or general welfare, and not detrimental to adjacent property;
 - c. Be served adequately by essential public facilities and services including, streets, storm drain systems, potable water facilities, sanitary sewer facilities, police and fire protection;
 - d. Will provide a safe, convenient, and efficient network that minimizes conflicts between pedestrians, bicyclists, and vehicular traffic by creating a network that includes sidewalks, pathways, and landscaping that promotes and supports active transportation;
 - e. Include architectural design and functional plan of the structure(s) and related improvements that are of reasonable aesthetic quality and compatible with adjacent developments;
 - f. Be designed such that the project's site plan, structures, and architectural design include the following:
 - i. Compliance with this City Code Title 9, this Chapter, and all other applicable City regulations and policies;
 - ii. Compatibility in color, material, and composition of the exterior elevations to neighboring visible structures;
 - iii. Compliance with the standards in any applicable City-adopted Design or Historic Guidelines;
 - iv. Appropriate exterior lighting which provides for public safety and is not of a nature that will constitute a nuisance to adjacent properties, and which is compliant with the City's Dark Sky regulations (Title 8);
 6. Written Notice of Decision: The review authority shall produce a written decision and reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the Comprehensive Plan, relevant ordinance and statutory provisions, and factual information contained in the record. The written decision shall contain applicable findings, upon which the decision was made, the conditions of approval (if any), and procedure for appeal.

D. Variances

1. Purpose: The purpose of a variance is to provide limited relief from the requirements of Title 9, Zoning, where strict application of the code would result in undue hardship preventing the use of land otherwise allowed by this code. A variance is a modification of the bulk and placement requirements of the ordinance as to lot size, lot coverage, width, depth, front setbacks, side setbacks, rear setbacks, parking space requirements, height of buildings, or other ordinance provision affecting the size or shape of a structure or the placement of the structure upon lots. A variance shall not be granted to allow a land use not permissible under the provisions of this code.
2. Applicability and When Required: A variance is required for any property owner seeking relief from the strict application of the bulk and placement requirements of this code.
3. Procedures:
 - a. Application filing: An application for a variance shall be filed in accordance with the procedures in 9-2-3.

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- b. Review: All applications for a variance shall be reviewed by the Director to ensure compliance with all applicable requirements of this code.
 - 4. Findings and Decision: An application for a variance shall be approved by the review authority established in section 9-2-3 only after making the following findings:
 - a. The strict enforcement of the provisions of this code creates an undue hardship to the property owner; however, economic feasibility shall not be considered an undue hardship;
 - b. The variance is necessary because of the unique size, shape, topography, or location of the subject property;
 - c. The subject property is deprived, by the provisions of this code, of rights and privileges enjoyed legally by other properties in the vicinity and under an identical zone;
 - d. The need for the variance is not the result of actions of the applicant or property owner;
 - e. The variance does not create health or safety hazards;
 - f. The variance does not relieve an applicant or property owner from any procedural provisions of this code;
 - g. The variance does not relieve an applicant or property owner from any standard or provision that specifically states the no variance from such standard or provision is permitted;
 - h. The variance does not relieve an applicant or property owner from conditions established from a prior permit;
 - i. the variance does not allow establishment of a use that is not otherwise permitted in the zoning district in which the subject property is located; and
 - ii. the variance is the minimum necessary to grant relief to the applicant.
 - 5. Written Notice of Decision: The review authority shall produce a written decision and reasoned statement that that explains the criteria and standards considered relevant, states the relevant facts relied upon, and explains the rationale for the decision based on the applicable provisions of the Comprehensive Plan, relevant ordinance and statutory provisions, and factual information contained in the record. The written decision shall contain applicable findings, upon which the decision was made, the conditions of approval (if any), and procedure for appeal.
 - E. Zoning Compliance Reviews:
 - 1. Purpose: Zoning Compliance Reviews is a procedure used by the city to verify that a proposed land use or structure complies with the list of activities allowed in the applicable zone and the development standards applicable to the use or structure.
 - 2. Applicability: A zoning compliance review shall be required at the time of the Director's review of any of the following:
 - a. Building permit, grading permit or other construction permit: A zoning clearance shall be obtained before the city issues a new or modified building permit, grading permit, or other construction related permit;
 - b. Business license or Home Occupation Permit: A zoning clearance shall be obtained before the city issues a business license or a Home Occupation Permit.
 - 3. Review Procedure: The Director shall issue the Zoning Compliance Review approval after first determining that the request complies with all Title 9 (Zoning) regulations applicable to the proposed use or structure.

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4. Form of Approval: The approval may be in the form of a stamp, signature, or other official notification on approved plans, a letter to the applicant, or other certification, approval in permitting software, other certification, at the discretion of the Director.

9-2-9: Violations, Enforcement and Penalties:

- A. Purpose, Authority and Scope:
 1. This chapter seeks to ensure that the Director and Police Chief are authorized to take such steps as are necessary, including civil or criminal litigation, to abate, penalize, or prevent the use of any unlawful structure, use, or lot. Appropriate actions and proceedings may be taken at law or in equity to prevent any violation of this code, to prevent or rectify illegal subdivisions, to prevent unlawful construction and use of buildings, structures, or premises, to recover damages, to restrain, correct, or abate a violation, or to prevent illegal occupancy of a building, structure or premises, and these remedies shall be in addition to the penalties described below;
 2. This section provides for an administrative remedy for any violation of this Title 9, chapters 1-13 of this code, including continuing violations related to any provisions of this Title 9, chapters 1-13 of this code;
 3. In any case where any building or structure is erected, constructed, reconstructed, altered, converted or maintained or any building, structure or land is used in violation of this title, as determined by the Planning Director, his/her designee or a code compliance officer or otherwise other proper legal authorities of the city, that authority may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy or use of said building, structure, or land, or to prevent any illegal act, conduct, business or use in or about such building, structure or land. In exercising enforcement authority, the city representative shall follow any specific remedial/enforcement sections listed in relevant chapters of this title or, in their absence, adhere to the provisions of this section specifically;
 4. The Planning Director and their designees, including code compliance officers in the Police Department, are designated enforcement officials with full authority to investigate, issue notices of violation, issue administrative citations, and secure remedies, including but not limited to injunctive relief, for any violation of title 9 of this code;
 5. Remedies may be exercised in place of, or in addition to, any other administrative, criminal, civil, or equitable remedy allowed by law.
- B. Definitions: See title 9, chapter 1 for definitions. In addition, for the purposes of this chapter, the term "violation" shall mean a violation of any provision of this title 9 (zoning code).
- C. Violations and Penalties:
 1. It shall be unlawful for any "responsible party(ies)" (defined as any person or persons, landowner, tenant or lessee, subdivider, builder, corporation or other legal entity using or occupying premises) to cause, allow, maintain or permit a violation of this code on any property within the City of Sandpoint.
 2. No responsible party shall construct, use, or occupy any building, structure, or improvement upon real property or subdivide land in violation of this code, or contrary to the terms or conditions imposed on a permit or approval obtained in furtherance of this code.
 3. The responsible party or parties who commits, allows, participates in, assists in, or

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- maintains such violation shall be found guilty of such a violation.
4. Additionally, any use which is established, operated, erected, moved, altered, enlarged, or maintained contrary to the zoning ordinance, excepting approved nonconforming uses and structures, is unlawful and a public nuisance, and may be abated in compliance with this chapter.
 5. A separate offense occurs each day or portion of a day during which a violation is committed or continued. Violations of this code also include, but are not limited to:
 6. Using land, buildings, structures, or premises contrary to the provisions of this code;
 - a. Obtaining a permit or approval under this code through submitting inaccurate or misleading information, or through making inaccurate or misleading statements at a public hearing, regarding the proposed development, the conditions of the land on which the proposed development is located, or conditions on adjacent parcels;
 - b. Obstructing or removing any public notice required to be posted or otherwise given under this code;
 - c. Submitting for recording with Bonner County Recorder and Record of Survey or Subdivision Plat that has not been approved under this code;
 - d. Failing to meet all the requirements of the development permit or approval;
 - D. Notice of Violation and Order to Abate: Upon the awareness of any violation of any of the provisions of this title the Planning Director, his/her designee, or, a code compliance officer shall serve notice of such violation and order to abate on the person committing or permitting the same, or if neither is to be found within the city, by mailing a copy to the responsible person or his/her agent at his/her last known address, by regular mail and if such violation has not ceased within such reasonable length of time as the Planning Director, or his/her designee, or, a code compliance officer may determine, he/she will take action as may be necessary to terminate the violation as specified below. The Planning Director, or his/her designee, or, a code compliance officer may pursue a written code-compliance agreement with the responsible party to identify a specific timeframe for remedying a violation. Failure to receive any notice does not affect the validity of the proceedings conducted under this section.
 - E. Corrective Action: If such violation has not ceased within such reasonable length of time as the Planning Director, or, his/her designee, or a code compliance officer may determine, then the Planning Director, or his/her designee or a code compliance officer shall take such action as may be necessary to terminate the violation. This may include initial issuance of a citation, solicitation of assistance from other local authorities, abatement of a nuisance, posting of some type of cease and desist or stop work order, withholding a certificate of occupancy or building permit, etc., or pursuit of legal remedies.
 - F. Penalties: Any person or corporation, whether owner, lessee, principal agent, employee or otherwise, who violates any of the provisions of this chapter or permits any such violation or fails to comply with any of the requirements approved under this chapter shall be subject to administrative citations, fines, and/or imprisonment up to, but not exceeding, the maximum penalties set forth in Idaho Code section 50-302, as amended. Either or both such fines and imprisonment may be imposed. Each day's continued violation shall constitute a separate additional violation.
 - G. General Enforcement Provisions:
 1. Procedure For Service:
 - a. Unless otherwise provided, service of a notice of violation that is required by this section may be made by delivery of a copy to the responsible person or his/her agent, or

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- if neither is to be found within the city, by mailing a copy to the responsible person or his/her agent at his/her last known address, by regular mail. Service by mail shall be deemed complete upon mailing. The citing official must, in writing in the case file along with his/her signature, declare the date of mailing or delivery. Failure to receive any notice does not affect the validity of the proceedings conducted under this section.
- b. Unless otherwise provided, service of any other document or notice, such as an administrative citation, required by this section, other than the first notice of violation, may be made by delivery of a copy to the responsible person or his/her agent, or if neither is to be found within the city, by certified mail. Service by certified mail shall be deemed complete upon mailing. The citing official must, in writing in the case file along with his/her signature, declare the date of mailing or delivery, together with the acknowledgment of receipt, signed by the person responsible or his/her agent, if one is obtained. Failure to receive any notice does not affect the validity of the proceedings conducted under this section.
2. Responsibility of Cited Party: Upon service of a notice of violation and order to abate, the person responsible shall comply with said notice and order to remedy the violation within the time specified. Upon service of an administrative citation, the person responsible shall pay the assessed fines and remedy the violation
3. Content of Notice of Violation and Order to Abate: A notice of violation and order to abate shall contain all of the following information:
- The location of the violation and the date the violation was first detected. The date of service of the Notice of Violation and Order to Abate issued under subsection D shall be deemed the date the violation was first detected for purposes of this section;
 - The city code section violated and a description of the violation;
 - The action required to correct the violation and the date by which such action must be completed;
 - The consequences of failing to correct the violation, and;
 - The name and signature of the citing official.
- H. Procedure for Enforcement:
1. A notice of violation and order to abate shall be issued for all code violations and shall ordinarily provide thirty (30) days to correct the violation. At the discretion of the citing official and based on immediate dangers to health or safety, a shorter time for correction may be set forth in the notice of violation. Maximum time to correct the violation shall be at the discretion of the citing official and shall be based in part on any immediate dangers to health or safety. The notice of violation shall list the amount of the fine and/or abatement remedies that the City will undertake that will be imposed if there is no compliance with said notice of violation.
 2. The City may pursue the use of a written code-compliance agreement, on a form approved by the City Attorney, with the responsible party documenting the timeframe (if other than 30-days) for remedying the violation.
 3. An Administrative Citation may be issued for all code violations that have not been corrected within the timeframe identified in the notice of violation and order to abate and/or code-compliance agreement. All Administrative Citations shall include the applicable Administrative Fines, as provided for in this section.
- I. Remedies:
1. Notice of Violation and Order to Abate Satisfied: If the citing official determines that all

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- violations specified in the notice of violation and order to abate have been corrected within the time set forth in the notice, no further action under this section shall be taken against the responsible party regarding the violations.
2. Failure To Comply with Notice of Violation and Order to Abate: If the responsible party fails to fully comply with the notice of violation and order and/or code-compliance agreement to abate within the timeframe specified, the citing official may issue an administrative citation as provided in this section. The issuance of the administrative citation does not alleviate or negate the responsible party's obligation to fully comply with the notice of violation and order to abate.
 3. Abatement: The City may recover the cost of abatement as allowed under Idaho state code 50-1008 as a lien upon the property or as a City tax for costs incurred in the abatement or cleanup.
- J. Content Of Administrative Citation: An administrative citation shall contain all of the following information:
1. The location of the violation and the date the violation was first detected. The date of service of the notice of violation and order to abate, as set forth in subsection D of this section, shall be deemed to be the date the violation was first detected, for purposes of this section.
 2. The code section violated and a description of the violation.
 3. An outline of the violation notices issued, and the time frames given within said violation notices and/or code-compliance agreement with the responsible party.
 4. The amount of the fine imposed for the violation as well as the time frame within which said fine shall be paid and place of payment for said fine.
 5. An order prohibiting another occurrence of the code violation.
 6. A description of the administrative citation review process, including the time within which to contest the administrative citation and the place from which to obtain an administrative hearing request form to contest the administrative citation.
 7. The name and signature of the citing official.
- K. Administrative Fines:
1. For any violation of this chapter the administrative fine shall be three hundred dollars (\$300.00) per day for five (5) days for each day's continued violation. After the first five days of administrative fines, the fine increases to one thousand dollars (\$1,000.00) per day. Such fines are in addition to other/subsequent violations occurring within a twelve (12) month period.
 2. Because a new and separate offense occurs under section 9-2-9, daily separate-offense provision, of this chapter each day during which a violation of any provision or requirement of this code is committed, continued, or permitted, the citing official shall assess fines according to the schedule set forth in subsection K of this section for each day from the date for which compliance was directed in the notice of violation until the date the violation is fully corrected as determined by the citing official or until the maximum fine amount is reached, whichever comes first, subject to the tolling provisions of subsection O of this section.
 3. Administrative fines assessed for failing to fully comply with any notice of violation or administrative citation is a debt owed to the city.
- L. Payment Of Administrative Fine: Except as otherwise provided by the administrative hearing and decision provisions of this section, the administrative fine shall be paid to the city within thirty

(30) days from the date of service of the administrative citation. If, after a hearing requested pursuant to subsection M, the Planning and Zoning Commission determines that the administrative citation should be canceled, the administrative fine shall be refunded.

- M. Request For Administrative Hearing: Any responsible person to whom an administrative citation is issued may contest the citation by:
1. Completing an administrative hearing request form and returning it to the city;
 2. Providing a complete and current mailing address for service of papers, including notices on the responsible party, by mail; and
 3. Depositing with the City, the amount of the administrative fine stated in the administrative citation as of the date of its issuance.
- N. Administrative Hearing Procedures:
1. Request for Hearing: The City must receive a completed administrative hearing request form and the amount of the administrative fine required under subsection M(3) within thirty (30) days from the date of service of the administrative citation. If both items are not received within the required time frame, the responsible party waives the right to a hearing.
 2. Notice of Hearing: The citing official shall serve notice on the person requesting the hearing of the time and place of the hearing at least seven (7) days before the date of the hearing. The citing official shall serve any documentation, other than the administrative citation, that the citing official has submitted or will submit to the Planning and Zoning Commission or City Council, as applicable, on the person requesting the hearing at least five (5) days before the date of the hearing. Service shall be in accordance with the service procedures in subsection G(1).
- O. Time For Administrative Hearing: Only after an administrative hearing request form is received by the city within the required period and the responsible person requesting the hearing has deposited the amount required under subsection M(3), shall the city set the date and time for the administrative hearing. The hearing shall be set for a date not less than fifteen (15) days, but no more than sixty (60) days, after the date of filing the administrative hearing request form. The timely filing of an administrative hearing request form pursuant to this section shall toll the further accrual of administrative fines under subsection K, and no additional administrative fines shall accrue after the date of such filing during the pendency of the administrative hearing.
- P. Request For Continuance Of Hearing: The responsible party requesting a hearing may request one continuance, which shall be granted if deemed reasonable by the city. The city may also continue the hearing at its own discretion.
- Q. Planning and Zoning Commission Conducts Hearing: The Planning and Zoning Commission shall be the entity conducting the administrative hearing.
- R. Procedures At Administrative Hearing: Administrative hearings are not public hearings and are informal. Formal rules of evidence and discovery do not apply. Each party shall have the opportunity to present evidence in support of that party's case and to cross examine witnesses. The city bears the burden of proof at an administrative hearing to establish a violation of this Title 9 of this code. The administrative citation and any additional reports submitted by the citing official shall constitute evidence of the facts contained in those documents. The Planning and Zoning Commission must use preponderance of evidence as the standard of review in deciding the issues.
- S. Failure To Attend Administrative Hearing: If the responsible party fails to attend the scheduled hearing, the hearing will proceed without the responsible party, and the responsible party shall be deemed to have waived the right to an administrative hearing.

T. Decision of the Planning and Zoning Commission

1. Issuance Of Decision: No later than thirty (30) days after the date on which the administrative hearing concludes, the Planning and Zoning Commission shall issue a written decision. The decision shall set forth the reasons for the decision.
2. Administrative Citation: The Planning and Zoning Commission shall issue a written decision to uphold or cancel the administrative citation. If the Planning and Zoning Commission upholds the administrative citation, the city shall retain the fine deposited by the responsible party. If the Planning and Zoning Commission upholds the administrative citation and the fine has not been deposited because advance deposit has been waived by the city on the grounds of hardship or otherwise, the Planning and Zoning Commission shall specify in the decision a payment schedule for the fine. If the Planning and Zoning Commission cancels the administrative citation, any fine deposited with the city shall be refunded.
3. Administrative Order: With regard to the Planning and Zoning Commission's decision, it shall be entitled "administrative order". The Planning and Zoning Commission shall make findings within the administrative order regarding the existence of the violation(s) specified in the notices of violation and administrative citation, and regarding whether the responsible party took the required corrective action within the time period set forth in the notices. If the Planning and Zoning Commission concludes that the violation continues to exist, the administrative order shall set forth a schedule for correction. The administrative order shall set a deadline for compliance with its terms. If the Planning and Zoning Commission determines that the violation(s) set forth in the notices of violation did not exist, or that the violation(s) was (were) timely corrected, all proceedings regarding the violation(s) shall immediately cease and the administrative citations shall be canceled. If the Planning and Zoning Commission cancels the administrative citation, any fine deposited with the city shall be refunded.
4. Administrative Costs: The Planning and Zoning Commission may assess against the responsible party administrative costs for any violation found to exist, or for any violation that was not timely corrected. The administrative costs include any and all costs incurred by the city in connection with administrative hearings pertaining to the violation, including, but not limited to, investigation costs, staffing costs for preparing and conducting the administrative hearing, and costs for all inspections necessary to enforce the notices of violation, administrative citation and the administrative order. The administrative order shall specify the date by which the costs must be paid to the city.
5. Appeals to City Council of an Administrative Order: Any party that is the subject of an administrative order, as established in subsection T(3), shall have the right to appeal such order to the City Council. Such appeal shall be processed in accordance with Section 9-2-7. Decisions of the City are final.

U. Administrative Hearing Application Fee: The City Council shall by resolution establish an application fee to be paid by the person seeking an administrative appeal hearing.

V. Late Payment Charges: Any person who fails to pay to the city on or before the due date any administrative fine imposed pursuant to the provisions of this section shall be liable for the payment of late payment charges in the amount of fifty percent (50%) of the administrative fine payable to the city over and above the original fine.

W. Failure To Comply With Administrative Order: Failure to comply with an administrative order after it becomes final is a misdemeanor. Filing a criminal misdemeanor action does not preclude

the city from using any other legal remedy available to gain compliance with the administrative order.

9-2-10 Legislative Actions:

- A. Purpose: This section provides procedures for the amendment of the Comprehensive Plan, the Zoning Ordinance, or the Official Zoning Map (Rezone). This section also provides for the establishment or amendment of an overlay zoning district.
- B. Initiation: In the case of the Comprehensive Plan, the Zoning Ordinance, the Official Zoning Map (rezone), or the creation of an overlay zone or amendment to any of the aforementioned may be initiated by the City Council, the Planning and Zoning Commission, or Director, or as follows:
 - 1. Amendments may also be initiated by the filing of an amendment application with the Department by the owner(s) or authorized agent(s)/representative(s) or property owner(s) for which an amendment is sought. If the property is under multiple ownership, all owners or their authorized agents/representatives shall join in filing the application.
 - 2. Historic Preservation Overlay Zone Districts may also be initiated by the Arts, Culture, and Historic Preservation Commission, as further described in subsection (I) (overlay zone districts).
- C. Application Processing, Notice, and Hearings: All applications shall be processed in compliance with the procedures and requirements in section 9-2-3 (Permit Application Filing, Fees, and Initial Processing). Legislative actions initiated by the Director, Planning and Zoning Commission, Arts, Culture and Historic Preservation Commission, or City Council, shall be exempt from the procedures of section 9-2-3.
- D. Notice and Hearings: The Planning and Zoning Commission and Council each shall conduct one or more public hearings in compliance with section 9-2-6 (public hearings), regarding any Comprehensive Plan amendment, Zoning Ordinance amendment, Official Zoning Map amendment (rezoning), or creation or amendment of any overlay zone.
- E. Planning and Zoning Commission's Action: On all legislative actions provided for in this chapter, the Planning and Zoning Commission shall forward a written recommendation, and reasons for the recommendation, to the City Council whether to approve, approve in modified form, or deny the request, based on the findings identified in section 9-2-10 (G), below.
- F. Council's Action: On all legislative actions provided for in this chapter, upon receipt of the Commission's recommendation, the Council shall approve, approve in modified form, or deny the request, based on the findings identified in section 9-2-10 (G), below.
- G. Findings and Decision: An amendment to the Comprehensive Plan, the Zoning ordinance, or the official Zoning Map (rezoning) may be approved only if all of the following findings are made, as applicable to the type of action:
 - 1. Findings for Comprehensive Plan Amendments:
 - a) The Amendment is internally consistent with all other provisions of the Comprehensive Plan;
 - b) The amendment will not be detrimental to the public interest, health, safety, and convenience or welfare of the City;
 - c) The affected site is physically suited in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g. fire and medical) access and public services and utilities (e.g. fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment and disposal, etc.) to ensure that the proposed or anticipated uses

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- and/or development will not endanger, jeopardize, or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located.
2. Findings for Zoning Ordinance and Official Zoning Map Amendments (rezoning):
 - a) The amendment is consistent with the Comprehensive Plan;
 - b) The amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City.
 - c) The amendment is internally consistent with other applicable provisions of this title.
 - d) Additional finding for amendments to the Official Zoning Map (rezoning): The affected site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g. fire and medical) access and public services and utilities (e.g. fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment and disposal, etc.) to ensure that the requested zone designation or change and the proposed or anticipated uses and/or development will not endanger, jeopardize, or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located.
 3. Additional Findings for the creation or amendment of an overlay zone district: The creation of an overlay zoning district or amendment meets the criteria for the relevant overlay zoning district established in subsection (I)(Overlay Zoning Districts), below.
- H. Effective Dates: Effective dates for legislative actions shall be as set forth in section 9-2-4, Permit or Approval Implementation, Time Limits, Expirations, and Extensions.
- I. Overlay Zoning Districts:
1. Purpose: Overlay Zoning districts are established to provide additional or more restrictive requirements for the specific type of overlay area that are superimposed upon those of the base zone or underlying zone. Overlay zones address special land use, character, or environmental considerations unique to the property or its surroundings. The specific regulations governing an overlay zoning district may reside outside of this chapter and within the chapter that establishes the overlay zoning district.
 2. Applicability and General Provisions: Properties within an overlay zone are subject to the requirements and regulations of both the base zone and the overlay zone. Properties located within multiple overlay zones shall comply with the requirements of each overlay zone. Where the standards or provisions of the overlay and base zone are different or in conflict, the more restrictive standards shall apply. In some cases, the uses vary from the base zone and the overlay zone. In such cases, the overlay zone shall govern. Overlay districts may prohibit land uses that may otherwise be allowed in the base zone.
 3. Overlay Zoning Districts and the Zoning Map: All overlay zoning districts shall be delineated as an overlay on the Official Zoning Map of the City of Sandpoint. The boundary of the overlay district shall be shown and the short name for the specific overlay zone shall be listed. All overlay districts shall be listed in the table of zone districts in chapter 9-1, General Provisions, of this code.
 4. Content Requirements/Criteria: An overlay zoning district is required to identify the following elements: purpose of the overlay, relevant definitions, the boundary, land uses permitted, land use restrictions, design standards, special permits (if any) required to implement the overlay, the procedures for filing and obtaining permits, appeals procedures, and enforcement provisions. The overlay shall be one of the following types, which shall be articulated in its purpose, and shall meet the following criteria:

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- a) Sensitive Lands Overlay Districts: Sensitive lands overlay districts are intended to protect unique environmental features and systems within the city from the impacts of development, or to protect the public health and safety by including additional restrictions on development in or near areas where necessary and permitted activities may create additional risks to the public. The Sensitive Lands Overlay district shall meet at least one of the following criteria:
- i. Includes sensitive environmental areas or systems or portions of systems that need additional protection from the impacts of development in order to retain healthy environmental functions or to protect a unique environmental feature within the city; or
 - ii. Includes lands in or around an area where needed and permitted activities may create additional risks to public health and safety unless additional restrictions on the location and type of development or permitted human occupancy of those lands is subject to additional regulations.
- b) Character Overlay Districts: Character overlay districts are intended to maintain the unique character of specific areas. A character overlay district is usually applied to neighborhoods or areas with certain identifiable attributes embodied in architecture, urban design, geography, or history. Character overlays shall meet at least one of the following criteria:
- i. Has a distinctive character with identifiable attributes embodied in architecture, use, development patterns, or history that make it a unique and integral part of the city's identity;
 - ii. Has a recognizable neighborhood identity and a definable physical character that may have a high artistic value or physical proximity to downtown or the Historic Preservation Overlay Zone that makes the area's conservation significant to the city's history and function.
- c) Historic Preservation Overlay Districts: Historic preservation overlays are intended to promote the educational, cultural, and economic welfare of the public by engaging in a comprehensive program of historic preservation to promote, preserve, and protect historic buildings, structures, sites, monuments, streets, squares, and /or neighborhoods that serve as visual reminders of the historical, archeological , educational, and cultural heritage of Sandpoint. It is further the purpose and intent of a historic overlay district for the social, economic, and environmental advantages of the city to promote the use and conservation of such property and to encourage new buildings and developments that will be harmonious with the existing historical, archeological, architectural educational, and cultural buildings, structures, sites, streets, open spaces, and neighborhoods. The buildings, sites, structures, and objects of a Historic Preservation Overlay District shall meet one of the following two criteria:
- i. Historical or Cultural Importance:
 1. Has significant character, interest, or value as part of the development, heritage, or cultural characteristics of the city, state, or nation;
 2. Is associated with the life of a person significant in the past;
 3. Is the site of an historic event with significant effect upon society;
 4. Exemplifies the cultural, political, economic, social, educational, or historic heritage of the community;

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5. By being part of or related to a street, square, park, or other distinctive area, should be developed or preserved according to a plan based on historic, cultural, or architectural motif; or
 6. Owing to its unique location or singular physical characteristics, represents an established and familiar visual feature of the neighborhood, community, or city.
- ii. Architectural Importance:
 1. Portrays the environment in an era of history characterized by a distinctive architectural style;
 2. Embodies those distinguishing characteristics of an architectural-type or engineering specimen;
 3. Is the work of a designer, architect, or craftsman whose individual work has significantly influenced the development of the city, state, or nation; or
 4. Contains elements of design, detail, materials, or craftsmanship that represent a significant innovation.
 5. Establishment Requirements: An overlay district shall be established in conformance with the provisions of this chapter for amendments to the Official Zoning Map, specified above, and in compliance with additional procedural requirements unique to each overlay set forth in applicable chapters dedicated to such overlays (e.g airport, historic preservation chapters).

9-2-11: Development Agreements:

- A. Purpose: A development agreement ("agreement") is a discretionary tool to be used by the Planning and Zoning Commission (the "Commission") and City Council (the "Council"). The agreement will allow a change in the zoning for a specific project, with a specific use, to be developed on property in an area which may not be appropriate for all uses permitted outright or conditionally within the proposed zone. Approval of the agreement, pursuant to this section, would permit the proposed use, with conditions, within the proposed zone.
- B. When Permitted or Required: An agreement may be permitted or required at the discretion of the Commission or Council when considering a request for a rezone. An agreement when permitted or required, shall be initiated through one of the following methods:
 1. On request by the developer;
 2. On recommendation of the Planning Director (the "Director"); or
 3. As required by the Commission or Council.
- C. The Council or Commission may require that an agreement be executed prior to allowing a particular project to proceed. An agreement may be formulated when approval of the rezone would permit uses within that zone which may not be appropriate to the area, but the specific project presented may have a value to the community which could otherwise be allowed using an agreement. In the event, during the rezoning process, the Council or the Commission determines that an agreement should be considered;
 1. The Commission shall retain jurisdiction of the matter until its recommendation concerning the agreement is given to the Council. The Commission shall defer consideration of the

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- rezone and set a time limit for submittal of the agreement. The Commission shall then proceed as specified in this section.
2. In the event of a determination by the Council that an agreement should be drafted, the Council shall remand the matter back to the Commission for consideration. The Council may give specific direction to the Commission as part of the remand.
 3. When consideration of a development agreement proceeds under subsection C(1) or C(2), applicable time limits required by the Sandpoint City Code may be stayed upon an affirmative vote of the Commission or Council.
- D. Form of Agreement: The agreement shall be in a form as required by the Director and shall, as a condition of consideration by the Director, Commission or City Council, include all of the following:
1. An affidavit by the owner of the property agreeing to submission of the use and property for an agreement.
 2. The legal description of the property in question.
 3. The specific present use or uses of the property in question.
 4. The permitted or conditional use desired and the proposed zone.
 5. A concept plan for the property as provided by this chapter. In addition to those items required by this chapter, the concept plan shall include but not be limited to:
 - a. A description of the density allowed and requested.
 - b. Maximum height, size, and location of all the structures proposed.
 - c. The construction schedule, including the projected occupancy date.
 - d. Type and color of materials used.
 - e. A statement acknowledging that failure to comply with the agreement shall constitute a consent to rezone the property to the pre-existing zone or; in the case of the pre-existing zone being an initial zone at annexation, a zone deemed appropriate by the Commission and Council.
 - f. Any other information as requested by the Council, Commission, or Director.
- E. Approval of The Agreement:
1. The agreement may be approved at the sole discretion of the Council after a public hearing. The public hearing shall follow the public hearing procedures of this chapter.
 2. The Commission or Council may revise the agreement by adding to it conditions, terms, duties, or obligations to the agreement.
 3. The agreement must be approved by the Council as a resolution, only after approval (as to form) of the agreement by the City Attorney.
- F. Procedure After Approval of The Agreement: Following approval of the agreement by the City Council, the full agreement shall be recorded in the Bonner County Recorder's office, Bonner County, Idaho, at the expense of the developer. The agreement shall run with the land and shall

be considered continuing obligations of the owner, co-owners or subsequent owners of the property. Use of the property and compliance with the agreement shall be reviewed and approved by the Director prior to the issuance of an occupancy permit.

- G. Duty To Comply With Agreement: Each owner, co-owner or subsequent owner of property which is subject to an agreement adopted pursuant to this section shall comply with the agreement.
- H. Modification of Agreement:
 - 1. The agreement may be modified only after public hearing by the Council.
 - 2. No modification of the agreement may allow a use or condition on the property that is not permitted within the zone.
- I. Amendment or Termination of Agreement Upon Breach:
 - 1. In the event of a breach of the agreement by the developer, or the developer's successor in interest, the agreement may be amended or terminated by the Council without the consent of the breaching party. Such amendment or termination shall take place after a public hearing in compliance with the public hearing procedures of this chapter, at which time testimony shall be taken to resolve the issue with the agreement.
 - 2. Upon termination of the agreement, following the public hearing the property shall, upon an affirmative vote of the Council, revert to the pre-existing zone, or in the case of the pre-existing zone being an initial zone at annexation, a zone deemed appropriate by the Commission and Council. All uses of the property which are not consistent with such pre-existing zone following termination of the agreement shall cease. The owner of the property may apply for a conditional use for the property if such use is conditional within such pre-existing zone after compliance with the terms of this chapter.
- J. Enforcement of Agreement: The agreement may be enforced by the Council through any means deemed to be appropriate, including, but not limited to, specific enforcement injunctive relief, damages or criminal penalty for violation of this section. The enforcement options available to the Council shall be considered cumulative.

(Ord. 910, 11-18-1991)

CHAPTER 3 COMMERCIAL ZONING DISTRICTS

The City of Sandpoint is divided into four commercial zoning districts identified on the zoning map as Community Commercial (CC), Neighborhood Commercial (NC), Downtown Outer Core (DOC) and Downtown Core (DC). These zone districts implement the City's Comprehensive Plan land use designations of Mixed Use Corridor, Neighborhood Mixed Use, and Downtown.

The following principles serve as the foundation for the commercial zone:

- A. Efficient use of land and services.
- B. A mix of land uses which strengthen opportunities for economic vitality and support pedestrian activity as well as housing opportunities.
- C. Provide for community gathering places and pedestrian/visitor amenities.
- D. Establish a distinct storefront character associated with the Downtown Core area.
- E. Provide transitions to adjacent neighborhoods and commercial areas.
- F. Maintain and enhance the area's character through design guidelines.
- G. Encourage multi-family residential development in compact, pedestrian friendly patterns.
- H. Managed parking in the Downtown Core and Outer Core Zones to maximize parking efficiency.

9-3-1: Community Commercial Zone Purpose and Applicability:

The purpose of the-Community Commercial zone is to foster and strengthen economic vitality in Sandpoint by providing for nodes of higher-intensity and larger-scale commercial development at the entrances of the City at Highway 2, where employment opportunities and services are convenient to the community as a whole and travelers and commuters along Highway 2. This zone is intended to implement the Mixed-Use Corridor land use designation of the City's Comprehensive Plan.

Unless otherwise stated herein, these standards apply to all new buildings, additions, and exterior alterations visible from a public street, alley, or public space within the Community Commercial zone district; the permitting applicability for such is further addressed in Chapter 2, Zoning Administration.

(Ord. 1236, 6-23-2010)

9-3-1-1: District-Specific Use Standards for the Community Commercial Zone:

- A. Permitted Uses: The land uses listed in table 9-1-2 are permitted in the Community Commercial zone as identified and subject to the provisions of this chapter. Certain land uses have additional restrictions as specified in notes to table 9-1-2 and as specified below.
- B. Craft Manufacturing: Craft manufacturing is only permitted when occurring in conjunction with another permitted retail, service, or restaurant use. The craft manufacturing use shall not

occupy the storefront location. The craft manufacturing use in combination with the retail, service, or restaurant use shall not exceed 15,000 square feet and shall be fully enclosed within a building.

- C. Outdoor displays: All land uses within the Community Commercial zone district shall be wholly conducted indoors, except for nurseries and as provided for in Section 9-1-9, Accessory Uses and Buildings.
- D. In the Community Commercial zone no more than ten percent (10%) of primary lot frontage shall be developed with surface parking. For the purpose of this provision, "primary lot frontage" shall be defined as the linear frontage along the primary street having a depth of fifteen feet (15').
- E. Nurseries and greenhouses shall be limited to a maximum of 15,000 square feet

(Ord. 1301, 6-4-2014)

9-3-1-2: District-Specific Design and Development Standards for the Community Commercial Zone:

- A. Purpose: Development standards regulate the physical layout and design of development to ensure protection of health, safety, welfare, and quality of life within Sandpoint. These standards address the physical relationship between development and adjacent properties, public streets, neighborhoods, districts, and the natural environment, in order to implement the Comprehensive Plan.
- B. Intent: The design and development standards in this section are intended to promote high-quality, context sensitive development across Sandpoint's Community Commercial zone. These standards emphasize flexibility in building form, site layout, and architectural expression to accommodate a wide range of commercial, residential, institutional, and mixed-use development types, particularly along arterial roadways and State Highway 2. These standards are intentionally less prescriptive than those applicable to the Downtown Core and Downtown Outer Core zones and are not intended to replicate historic downtown building forms or materials.
- C. Development Standards for Community Commercial Zone

Table 9-3-1: Development Standards for Community Commercial Zone

Standard	Requirement
Lots	
Minimum lot area	3,500 sq. ft. ¹
Minimum lot width	25 ft.
Maximum lot coverage	100%
Building placement	
Minimum front setback	0 ft.

Maximum front setback	20 ft.
Minimum building frontage at the front setback	50% of lot width
Minimum side setback	0 ft.
Minimum rear setback	0 ft.
Side setback next to a residential zone	10 ft.
Rear setback next to a residential zone	10 ft.
Building height	
Maximum height	45 ft.

¹ No lot may be created that prevents development consistent with CC standards, including access, parking, vehicle and pedestrian circulation, and landscaping requirements.

Table 9-3-2 Other standards applicable to the Community Commercial Zone

Topic	Code section
General provisions	9-1
District-specific standards	9-3-1
Standards for all commercial districts	9-3-4
Off-street parking	9-6
Signs	9-7

(Ord. 1301, 6-4-2014; amd. Ord. 1392, 3-16-2022)

D. Building Size, Bulk, Scale and Mass:

1. New buildings and additions shall be designed to reduce perceived bulk and mass through building articulation, modulation, variation in plane, the use of multiple building volumes, where visible from public streets or public spaces.
2. Compatibility with existing adjacent and nearby development may be achieved through various proportional relationships to existing nearby structures, including visual breaks, site planning strategies, the same or similar roof design, building mass and/or materials. Replication of the form or size of existing adjacent or nearby development is not required.

E. Building Orientation: If an entry is oriented to a parking lot, it diminishes activity from the street and implies that auto access takes precedence. Therefore, buildings shall be oriented toward

their primary street frontage and located within the maximum front setback. Orientation and design of all new buildings or additions shall be reinforced through the observation of the following standards:

1. Primary Entrance: Buildings shall provide a clearly identifiable primary entrance that is oriented toward a public street, pedestrian plaza, courtyard, or primary pedestrian circulation route that includes a minimum of an 8-foot-wide sidewalk connecting the primary entrance to the public right of way. All staircases to upper floors shall be enclosed and shall provide for natural lighting and ventilation if not conditioned space.
 2. Where development on a lot includes multiple buildings, at least one building shall have its entrance on a public street, and each additional building shall provide a clearly identifiable primary entrance either facing the street or facing an internal pedestrian space between buildings, provided a direct pedestrian connection is also provided to a public sidewalk.
 3. Corner Building Entrances: Where development is on a corner lot, buildings shall face both frontages with entrances, architectural articulation and/or building orientation that emphasizes the corner condition. A corner entrance is encouraged but not required where building form, or site design provide an equivalent emphasis on the street intersection.
 4. Secondary Entrance: A building may have a secondary entrance facing the side or rear of a lot when a direct pedestrian walkway is provided between the building entrance and the street right-of-way. Secondary entrances may be utilized to serve parking areas, provided pedestrian connectivity between the building entrance and the street right-of-way is emphasized. Any exterior staircase used for a secondary entrance shall be covered and integrated into the building design.
 5. Off-street parking, driveways, and vehicular access areas shall not be located between a building and its primary street frontage. Off-street parking may be located between a building and a secondary or side street frontage, provided that:
 - a) The building is oriented to the designated primary street frontage;
 - b) A continuous pedestrian pathway connects the primary building entrance and the public sidewalk; and
 - c) Views of the parking areas from the public right-of-way are minimized through landscaping, screening, or site design features that maintain a pedestrian oriented streetscape appearance.
 6. Surface Parking: Parking areas shall be divided into areas of no more than 30 abutting spaces. Division between areas of 30 or more spaces may be by a building, internal landscaped area with a minimum width of five feet (5'), or paved pathway having a minimum width of five feet (5').
- F. Storefront Design: Buildings shall incorporate pedestrian-oriented design features appropriate to the land use and context, as follows:
1. Building Frontage Occupancy: Buildings shall occupy a minimum portion of the primary street frontage, as established in Table 9-3-1 in order to reinforce commercial intensity, the pedestrian realm along all streets, and efficient use of commercially zoned property. Frontage occupancy may be satisfied through one or more buildings.

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2. Pedestrian-Oriented Ground Floor Design: Ground-floor commercial facades fronting a public street shall incorporate pedestrian-oriented design features appropriate to the building's use and context. These features may include, but are not limited to:
 - a. Transparent windows or glazing that allows views into active interior spaces;
 - b. Clearly identifiable pedestrian entrances oriented towards the public street, plaza, or primary pedestrian route;
 - c. Architectural articulation, material changes, or recesses that provide visual interest at the pedestrian level;
 - d. Weather protection elements such as awnings, canopies, or recessed entries where appropriate.
 3. Transparency/Fenestration: Ground-floor commercial facades are required to incorporate a minimum of 50 % transparent glazing along street-facing elevations, particularly in areas of pedestrian activity.
 4. Façade Length and Articulation: Street facing facades greater than fifty feet (50') in length shall incorporate visual breaks, at least every 25 feet, through changes in plane, materials, fenestration, or building modules to reduce perceived scale.
 5. Rooflines and Upper-floor Differentiation: Buildings with multiple stories shall provide a visual distinction between the ground floor and upper floors through changes in materials, articulation, fenestration, and horizontal elements, or other architectural techniques.
 6. Ground-floor residential: Ground-floor residential units are required to include pedestrian-oriented design by utilizing stoops, porches, landscaped setbacks, or other design features that provide a transition between the public sidewalk and private living space.
 7. Waterfront frontages: In addition to the standards in subsection 9-3-4-3, Special Standards for Properties Adjacent to Sand Creek, buildings abutting Sand Creek shall incorporate design features that enhance visual interest, pedestrian engagement, and connectivity to the water, such as patios, decks, walkways, and windows. Mechanical equipment, refuse areas, and service functions visible from the creek or public paths shall be screened or buffered to maintain visual quality along the waterfront.
 - G. Building Materials: Exterior materials shall be durable, high-quality, and appropriate to the building's use, scale, and location. Contemporary architectural materials are permitted, if façades incorporate articulation, transparency, and human-scale detailing where visible from public spaces.
 1. Permitted Materials: A wide range of exterior materials may be used, including but not limited to masonry including individually set brick and stone, wood, architectural metal panels, architectural concrete, glass, and stucco, provided such materials meet the standards of this section.
 2. Secondary or Accent Materials (limited use to 50% or less on any façade):
 - a) Exposed, unfinished concrete and concrete masonry units;
 - b) Fiber cement;

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- c) Weathered steel
 - 3. Prohibited Materials and Finishes: The following are prohibited as finished exterior materials where visible from public areas:
 - a) Exposed unfinished concrete or concrete masonry units when used as the primary building material;
 - b) Raw or unfinished metal siding, other than as accent materials or panels; however corrugated metal may be permitted where it is factory-finished, articulated, and integrated as an intentional architectural material rather than a utilitarian surface;
 - c) Highly repetitive or monotonous wall treatments lacking articulation;
 - d) Mirrored or reflective glazing;
 - e) Galvanized metal.
 - 4. Glare and Reflectivity: Exterior materials and glazing shall not create excessive glare visible from public rights-of-way or adjacent properties. Highly reflective or mirrored materials are prohibited.
 - 5. Fenestration and Transparency: Where ground-floor commercial uses front a public street, facades shall incorporate windows, glazing, or other design features that establish a visual relationship between interior spaces and the public realm. Window coverage, tinting, or screening may be permitted where appropriate to the building's use, provided the façade does not present a blank or visually inactive appearance.
 - 6. Façade Treatment and Visibility: Primary street-facing facades shall incorporate materials, articulation, and detailing to break up exterior façade elements that are consistent with the scale of surrounding buildings. Secondary façades visible from public streets, parking areas, walkways, or other public spaces shall incorporate material variation, fenestration, or architectural detailing sufficient to avoid the appearance of unfinished or utilitarian building surfaces. Identical architectural treatment on all building facades is not required.
 - 7. Material Transitions: Material transitions shall occur at logical building breaks, such as changes in plane, floor level, or architectural elements. Material transitions should be considered thoughtfully to enhance appropriate proportions, building form, and mass.
 - H. Civic and Pedestrian Spaces: Civic and pedestrian spaces contribute to walkability, social interaction, and visual interest within commercial areas. Such spaces are encouraged where appropriate to the scale, land use, and context of development, particularly along pedestrian-oriented streets and mixed-use corridors. Provision of civic or pedestrian space is required and may be provided in a variety of forms appropriate to the development context, as follows:
 - 1. Design Guidance/Function: Where provided, civic or pedestrian spaces shall:
 - a. Be accessible from a public street, sidewalk, trail, or pedestrian circulation route; and
 - b. Be designed to support pedestrian comfort and gathering.
 - 2. Location: Civic and pedestrian spaces may be located:
 - a. Adjacent to building entrances;

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- b. Within setbacks or courtyards;
 - c. Along pedestrian corridors internal to the site such as between buildings;
3. Examples of Civic and Pedestrian Spaces:
- a. Plazas, courtyards, or forecourts adjacent to building entrances;
 - b. Outdoor seating areas, stoops, benches, decks, patios, or other landscaped gathering spaces;
 - c. Pedestrian pathways with amenities such as seating, lighting, (and/or) landscaping.

9-3-2: Neighborhood Commercial Zone Purpose and Applicability:

The purpose of this zone is to accommodate neighborhood scale mixed use activity, neighborhood corners and transitions from residential neighborhoods to more intense or larger scale downtown and Community Commercial districts. Infill commercial and residential intensification are supported and surrounded by directly adjacent existing neighborhoods in order to provide for the convenience of daily services at a scale that resembles the neighborhoods and areas they serve. While any of the commercial establishments may be community serving, its scale is smaller than the more focused nodes of higher intensity commercial districts. It is distinguished from Community Commercial zone primarily in scale, pedestrian orientation, and intensity of development, as provided for in the following regulations. This zone is intended to implement the Mixed-Use Neighborhood land use designation of the City's Comprehensive Plan specifically in transitions between residential neighborhoods and commercial centers.

Unless otherwise stated herein, these standards apply to all new buildings, additions, and exterior alterations visible from a public street, alley, or public space within the Neighborhood Commercial Zone Districts; the permitting applicability for such is further addressed in Chapter 2, Zoning Administration.

9-3-2-1: District-Specific Use Standards for the Neighborhood Commercial Zone:

- A. Permitted Uses: The land uses listed in table 9-1-2 of chapter 1 are permitted in the Neighborhood Commercial zone as identified and subject to the provisions of this chapter. Certain land uses have additional restrictions as specified in notes to table 9-1-2 and as specified below.
- B. Craft Manufacturing: Craft manufacturing is only permitted when occurring in conjunction with another permitted retail, service, or restaurant use. The craft manufacturing use shall not occupy the storefront location. The craft manufacturing use in combination with the retail, service, or restaurant use shall not exceed 4,000 square feet.
- C. Outdoor displays: All land uses within the Neighborhood Commercial zone district shall be wholly conducted indoors, except as provided for in Section 9-1-9, Accessory Uses and Buildings.
- D. Nurseries and greenhouses shall be limited to a maximum of 5,000 square feet and nurseries are required to be accompanied by a building on the lot.

9-3-2-2: District-Specific Design and Development Standards for the Neighborhood Commercial Zone:

- A. Purpose: Development standards regulate the physical layout and design of development to ensure protection of the health, safety, welfare, and quality of life within Sandpoint. These standards address the physical relationship between development and adjacent properties, public streets, neighborhoods, districts, and the natural environment, in order to implement the Comprehensive Plan.
- B. Intent: The design and development standards in this section are intended to promote high-quality, context sensitive development across Sandpoint's Neighborhood Commercial zone. These standards emphasize compatibility with adjacent residential neighborhoods.
- C. Development Standards for Neighborhood Commercial Zone

Table 9-3-3: Development Standards for Neighborhood Commercial Zone

Standard	Requirement
Lots	
Minimum lot area	1,500 sf ¹
Minimum lot width	15 ft
Maximum lot coverage	90%
Building placement	
Minimum front setback	0 ft for commercial, 5 ft for residential if residential is on ground floor
Maximum front setback	Commercial:15 ft. if civic space is provided; Residential: 15 ft
Minimum building frontage at the front setback	50% of lot width
Minimum side setback	0 ft.
Minimum rear setback	0 ft.
Side setback next to a residential zone	5 ft.
Rear setback next to a residential zone	10 ft.
Building height	
Maximum height	40 ft

¹ No lot may be created that prevents development consistent with NC standards, including access, parking, vehicle and pedestrian circulation, and landscaping requirements.

Table 9-3-4 Other standards applicable to the Neighborhood Commercial Zone

Topic	Code section
General provisions	9-1
District-specific standards	9-3-2
Standards for all commercial districts	9-3-4
Off-street parking	9-6
Signs	9-7

D. Building Size, Bulk, Scale and Mass:

1. The maximum building footprint shall not exceed 3,500 square feet, and the maximum commercial gross floor area shall not exceed 5,000 square feet.
2. Buildings are encouraged to incorporate traditional residential form with pitched rooflines, gables porches, decks, landscaping and civic space, and buildings over two stories are encouraged to utilize a step back from the ground level façade.
3. All staircases to upper floors shall be enclosed and shall provide for natural lighting and ventilation if not-conditioned space.

E. Building Orientation: If an entry is oriented to a parking lot, it diminishes activity from the street and implies that auto access takes precedence. Therefore, buildings shall be oriented toward their primary street frontage and located within the maximum front setback. Orientation and design of all new buildings or additions shall be reinforced through the observation of the following standards:

1. Primary Entrance: Buildings shall provide a clearly identifiable primary entrance that is oriented toward a public street, pedestrian plaza, courtyard, or primary pedestrian circulation route that includes a minimum of an 8-foot-wide sidewalk connecting the primary entrance to the public right of way. All staircases to upper floors shall be enclosed and shall provide for natural lighting and ventilation if not-conditioned space. Where development on a lot that includes multiple buildings, at least one building shall have its entrance on a public street, and each additional building shall provide a clearly identifiable primary entrance either facing the street, alley or facing an internal pedestrian space between buildings, provided a direct pedestrian connection is also provided to a public sidewalk. For commercial uses none of the lot frontage shall be developed with surface parking spaces. For the purpose of this provision, " lot frontage" shall be defined as the linear frontage along the primary street having a depth of fifteen feet (15').
2. Corner Building Entrances: Where development is on a corner lot, buildings may face both frontages with entrances, architectural articulation and/or building orientation that emphasizes the corner condition. A corner entrance is encouraged but not required where building form, or site design provide an equivalent emphasis on the street intersection. Civic space and landscape walls, fencing, artistic features, or plantings may be used on the secondary frontage to enhance intersection and corner condition.

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3. Secondary Entrance: A building may have a secondary entrance facing the side or rear of a lot when a direct pedestrian walkway is provided between the building entrance and the street right-of-way. Secondary entrances may be utilized to serve parking areas, provided pedestrian connectivity between the building entrance and the street right-of-way is emphasized.
 4. Alley vehicular access and parking preferred. Off-street parking, driveways, and vehicular access areas shall not be located between a building and its primary street frontage. Off-street parking may be located between a building and a secondary or side street frontage, provided that:
 - a) The building is oriented to the designated primary street frontage;
 - b) A continuous pedestrian pathway connects the primary building entrance and the public sidewalk; and
 - c) Views of the parking areas from the public right-of-way are minimized through landscaping, screening, or site design features that maintain a pedestrian oriented streetscape appearance.
- F. Storefront Design: Buildings shall incorporate pedestrian-oriented design features appropriate to the land use and context, as follows:
1. Building Frontage Occupancy: Buildings shall occupy a minimum portion of the primary street frontage, as established in Table 9-3-3 in order to reinforce commercial intensity, the pedestrian realm along all streets, and efficient use of commercially zoned property. Frontage occupancy may be satisfied through one or more buildings.
 2. Pedestrian-Oriented Ground Floor Design: Ground-floor commercial facades fronting a public street shall incorporate pedestrian-oriented design features appropriate to the building's use and context. These features may include, but are not limited to:
 - a) Transparent windows or glazing that allows views into active interior spaces;
 - b) Clearly identifiable pedestrian entrances oriented towards the public street, plaza, or primary pedestrian route;
 - c) Architectural articulation, material changes, or recesses that provide visual interest at the pedestrian level;
 - d) Weather protection elements such as awnings, canopies, or recessed entries where appropriate.
 3. Transparency/Fenestration: Ground-floor commercial facades are required to incorporate a minimum of 25% transparent glazing along street-facing elevations.
 4. Façade Length and Articulation: Street facing facades greater than fifty feet (50') in length shall incorporate visual breaks, at least every 25 feet, through changes in plane, materials, fenestration, or building modules to reduce perceived scale.
 5. Rooflines and Upper-floor Differentiation: Buildings with multiple stories shall provide a visual distinction between the ground floor and upper floors through changes in materials, articulation, fenestration, and horizontal elements, or other architectural techniques.

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6. Ground-floor residential: Ground-floor residential units are required to include pedestrian-oriented design by utilizing stoops, porches, landscaped setbacks, or other design features that provide a transition between the public sidewalk and private living space.
 7. Waterfront frontages: In addition to the standards in subsection 9-3-4-3, Special Standards for Properties Adjacent to Sand Creek, buildings abutting Sand Creek shall incorporate design features that enhance visual interest, pedestrian engagement, and connectivity to the water, such as patios, decks, walkways, and windows. Mechanical equipment, refuse areas, and service functions visible from the creek or public paths shall be screened or buffered to maintain visual quality along the waterfront.
- G. Building Materials: Exterior materials shall be durable, high-quality, and appropriate to the building's use, scale, and location. Contemporary architectural materials are permitted, provided that façades incorporate articulation, transparency, and human-scale detailing where visible from public spaces.
1. Permitted Materials: A wide range of exterior materials may be used, including but not limited to masonry including individually set brick and stone, wood, architectural metal panels, architectural concrete, glass, and stucco, provided such materials meet the standards of this section.
 2. Secondary or Accent Materials (limited use to 50% or less on any facade):
 - a) Exposed, unfinished concrete and concrete masonry units;
 - b) Fiber cement;
 - c) Weathered steel
 3. Prohibited Materials and Finishes: The following are prohibited as finished exterior materials where visible from public areas:
 - a) Exposed unfinished concrete or concrete masonry units when used as the primary building material;
 - b) Raw or unfinished metal siding, other than as accent materials or panels; however corrugated metal may be permitted where it is factory-finished, articulated, and integrated as an intentional architectural material rather than a utilitarian surface;
 - c) Highly repetitive or monotonous wall treatments lacking articulation;
 - d) Mirrored or reflective glazing;
 - e) Galvanized metal.
 4. Glare and Reflectivity: Exterior materials and glazing shall not create excessive glare visible from public rights-of-way or adjacent properties. Highly reflective or mirrored materials are prohibited.
 5. Fenestration and Transparency: Where ground-floor commercial uses front a public street, facades shall incorporate windows, glazing, or other design features that establish a visual relationship between interior spaces and the public realm.
 6. Façade Treatment and Visibility: Primary street-facing facades shall incorporate materials, articulation, and detailing to break up exterior façade elements that are consistent with the

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- scale of surrounding buildings. Secondary façades visible from public streets, parking areas, walkways, or other public spaces shall incorporate material variation, fenestration, or architectural detailing sufficient to avoid the appearance of unfinished or utilitarian building surfaces. Identical architectural treatment on all building facades is not required.
7. **Material Transitions:** Material transitions shall occur at logical building breaks, such as changes in plane, floor level, or architectural elements. Material transitions should be considered thoughtfully to enhance appropriate proportions, building form, and mass.
 - H. **Civic and Pedestrian Spaces:** Civic and pedestrian spaces contribute to walkability, social interaction, and visual interest within commercial areas. Such spaces are encouraged where appropriate to the scale, land use, and context of development, particularly along pedestrian-oriented streets and mixed-use corridors. Provision of civic or pedestrian space is required and may be provided in a variety of forms appropriate to the development context, as follows:
 1. **Design Guidance/Function:** Where provided, civic or pedestrian spaces shall:
 - a) Be accessible from a public street, sidewalk, trail, or pedestrian circulation route; and
 - b) Be designed to support pedestrian comfort and gathering.
 2. **Location:** Civic and pedestrian spaces may be located:
 - a) Adjacent to building entrances;
 - b) Within setbacks or courtyards;
 - c) Along pedestrian corridors internal to the site such as between buildings;
 3. **Examples of Civic and Pedestrian Spaces:**
 - a) Plazas, courtyards, or forecourts adjacent to building entrances;
 - b) Outdoor seating areas, stoops, benches, or landscaped gathering spaces;
 - I. Pedestrian pathways with amenities such as seating, lighting, (and/or) landscaping.

9-3-3: Downtown Core and Downtown Outer Core Zone Purpose and Applicability:

The purpose and intent of these zones is to protect and reinforce the historic commercial character of Sandpoint's Downtown, which developed as a compact, pedestrian-oriented commercial district shaped by railroad, timber, and waterfront activity, and remains a defining element of the community's identity. The downtown is a compact assembly of storefront buildings, short walkable blocks, mixed uses, pedestrian amenities, and consolidated on and off-street parking. The existing character is especially vulnerable to intrusion from incompatible uses and physical development practices which are inconsistent with the historical fabric. The city's downtown, zoned Downtown Core (DC) and Downtown Outer Core (DOC), is so important and significant to the city that it justifies a special set of regulations designed to protect and enhance its character. These standards are intentionally created in order to protect the unique historic character of Sandpoint's downtown and to encourage development, re-development, and design that reinforces this area as the City's main cultural and activity center. These zones implement the Downtown land use designation of the City's Comprehensive Plan. These standards are intended to:

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1. Establish a defined Downtown that is distinct from other commercial areas in that it serves as the city center, provides for community gathering places and pedestrian/visitor amenities, and is the center of activity, a unique destination for goods and services, and is the primary iconic image that stands for Sandpoint.
 2. Ensure that new development, redevelopment, and significant exterior alterations are compatible with the established historic character of downtown, without requiring replication of historic architectural styles;
 3. Promote land development that belongs downtown.
 4. Maintain a continuous, active street frontage with strong storefront character, and a distinct storefront character associated with the Downtown Core;
 5. Reinforce traditional building scale, massing, and façade rhythm found in Sandpoint’s historic downtown;
 6. Encourage residential development with appropriate frontage facades to enhance and support downtown as the City’s primary gathering and activity space.
 7. Promote durable materials, fine-grained detailing, and pedestrian-scale design appropriate to Sandpoint’s climate and setting.

Unless otherwise stated herein, these standards apply to all new buildings, additions, and exterior alterations visible from a public street, alley, or public space within the Downtown Core and Downtown Outer Core Zone Districts; the permitting applicability for such is further addressed in Chapter 2, Zoning Administration and Chapter 13 Historic Preservation Code and Overlay Zone for properties within an Historic Preservation Overlay zone. Where there is a conflict between the standards and requirements of this section and the standards and requirements pertaining to the Historic Preservation Code and Overlay Zone, the standards and requirements of the Historic Preservation Code and Overlay Zone shall prevail.

9-3-3-1: District-Specific Use Standards for the Downtown Core and Downtown Outer Core Zones:

- A. Permitted Uses: The land uses listed in table 9-1-2 of chapter 1 are permitted in the Downtown Core and Downtown Outer Core zones as identified and subject to the provisions of this chapter. Certain land uses have additional restrictions as specified in notes to table 9-1-2 and as specified below.
- B. Craft Manufacturing: Craft manufacturing is only permitted when occurring in conjunction with another permitted retail, service, or restaurant use. The craft manufacturing use shall not occupy the storefront location. The craft manufacturing use in combination with the retail, service, or restaurant use shall not exceed 4,000 square feet.
- C. Outdoor displays: All land uses within the Downtown Core and Downtown Outer Core zones district shall be wholly conducted indoors, except as provided for in Section 9-1-9, Accessory Uses and Buildings.
- D. In the Downtown Core and Downtown Outer Core zones no portion of primary lot frontage shall be developed with surface parking.
- E. No outdoor nurseries are permitted in the Downtown Core or Downtown Outer Core Zones.

9-3-3-2: District-Specific Design and Development Standards for the Downtown Core and Downtown Outer Core Zones:

Table 9-3-5 Development Standards for Downtown Core and Downtown Outer Core Zones

Standard	Requirement
Lots	
Minimum lot area	No minimum
Minimum lot width	15 ft.
Maximum lot coverage	100%
Building placement	
Minimum front setback	0 ft.
Maximum front setback	15 ft. if civic space is provided
Minimum building frontage at the front setback	Not applicable due to maximum side setbacks
Minimum side setback	0 ft.
Maximum side setback	DC: 0 ft. DOC: 10 ft
Minimum rear setback	0 ft.
Side setback next to a residential zone	10 ft.
Rear setback next to a residential zone	20 ft.
Building height	
Maximum height ³	DC: 40 ft. DOC: 55 ft.

¹ No lot may be created that prevents development consistent with DC and DOC standards, including access, parking, vehicle and pedestrian circulation, and landscaping requirements.

² The rear setback area may be used for parking

³ The height of an historic building undergoing restoration (located within the Downtown Core) may exceed the building height maximum up to the documented historic height, provided such increase is first approved by the Arts, Culture, and Historic Preservation Commission in accordance with any locally adopted historic preservation codes, as applicable.

Table 9-3-6 Other standards applicable to the Downtown Core and Downtown Outer Core Zones

Topic	Code section
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General provisions	9-1
District-specific standards	9-3-3
Standards for all commercial districts	9-3-4
Off-street parking	9-6
Signs	9-7

A. Additions to Existing Buildings in the Downtown Core (DC) Zone:

1. General Intent: The standards for additions to existing buildings are intended to allow continued reinvestment and adaptive reuse while ensuring that additions remain subordinate to the original structures. Additions shall respect the scale, massing, and character-defining features of the existing building, remain visually secondary from the public realm, and be clearly identifiable as contemporary construction. These standards balance flexibility with the need to preserve the integrity and legibility of historic buildings within the Downtown Core and Downtown Outer Core Zones. Where conflicts exist between these standards and the standards more specific to Historic Preservation Overlay, the standards of the Overlay zone shall prevail for applicable properties.
2. Location and Massing: Additions shall be located:
 - a. At the rear of the building; or
 - b. Vertical additions shall not exceed floor-to-floor heights consistent with the existing structure.

B. Standards for New Construction

1. General Intent: The standards for new construction are intended to ensure that new buildings contribute positively to the historic downtown by reinforcing established patterns of scale, massing, storefront design, and façade rhythm. New construction is expected to be compatible with the surrounding historic context without replicating historic architectural styles or creating a false sense of history. Contemporary design is encouraged where it respects traditional downtown proportions, materials, and pedestrian-oriented forms.
2. Building Form and Massing: New buildings shall reflect the traditional downtown pattern by including:
 - a. Continuous streetwalls;
 - b. Vertically proportioned facades;
 - c. Clear distinction between base, upper floors, and roofline;
 - d. Building scale consistent with adjacent historic structures along the block face;
 - e. A minimum of 12-foot clear first floor height
3. Ground Floor Storefronts: Ground floor street facades for non-residential development shall be pedestrian oriented and include:

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- a. Clear display windows;
 - b. Recessed or clearly-defined entries;
 - c. A visual separation between ground floor and upper floors; and
 - d. A Minimum of 70% of the ground floor façade between 2 feet and 10 feet above sidewalk grade shall consist of clear glazing;
4. Ground Floor Residential Facade (Applicable to the Downtown Outer Core Zone only): Ground-floor facades for residential uses at the ground floor shall be pedestrian oriented and include:
- a. A visual separation between ground floor and upper floors;
 - b. Entrances marked by a taller mass above such as within a volume that protrudes from the rest of the building surface;
 - c. Entrances accented by special architectural elements such as columns, overhanging roofs, awnings; or
 - d. Entrances indicated by recessed entry or recessed bay in the façade, or entrances sheltered by projecting canvas or fabric awning or permanent architectural canopy utilizing materials from the primary building.
 - e. Exterior staircases shall not be used for primary entrances to second floors in the Downtown Core.
 - f. All staircases to upper floors shall be enclosed and shall provide for natural lighting and ventilation if not conditioned space.
5. Building Base Treatment: A base treatment is a horizontal articulation of the lower part of a building facades design that serves to establish a human scale for pedestrian users and aesthetically ties a building to the ground. New buildings are required to include base treatments to street facing facades and are encouraged to include them on all sides of buildings that are visible from streets or public areas at one of the following scales and including the following treatments:
- a. With a base treatment created at the base of the wall between 9 inches and six feet tall;
 - b. At the scale of the building, with no less than 50% of the ground floor visibly articulated to read as a base that anchors the building to the ground.
 - c. A horizontal projection (or visible thickening) of the wall surface, which may be accompanied by a change of material and/or color;
 - d. A heavier design treatment, such as a darker color and/or stronger, more permanent material for the base portion of the face than for portions above;
 - e. A horizontal architectural line or feature at or below the top of the first or second story such as a belt or course or secondary cornice separating the first two floors, a ground level gallery recessed into the building volume.
 - f. Stucco is prohibited as a base treatment material.

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6. Windows and Façade Rhythm: New buildings shall reflect the traditional downtown pattern by including:
 - a. Upper-story windows shall be vertically proportioned and arranged in a consistent rhythm.
 - b. All window openings shall be set back from the face of the façade to create a shadow reveal and visual texture across the façade.
 - c. Mirrored or reflective glazing are prohibited on primary façades; spandrel glass may be used where necessary for fire separation at floor lines, or on elements such as stair towers which must be proportionately installed.
 - d. Blank wall segments on primary street-facing façades shall not exceed twenty feet (20') in length.
 - e. Unifying architectural approaches to window patterns such as aligning windows by using common sill or header lines.
 7. Rear Facades Visible from the Public Realm: Rear façades that are visible from a public street, alley, parking area, trail, or public open space shall incorporate materials, fenestration, and articulation consistent with the intent of this section. Blank walls, unfinished materials, and utilitarian back-of-house treatments are prohibited where rear façades are visible from the public realm.
 8. Rooflines: New buildings shall reflect the traditional downtown pattern by including:
 - a. A streetwall height massing element such as a cap or cornice is required. Examples of acceptable streetwall height massing elements include but are not limited to: cornices, canopies, and shaped parapets, which can be coupled with faced depth offsets.
 - b. Rooftop mechanical equipment shall be fully screened from public view and shall comply with the applicable building-height and rooftop-equipment setback provisions of Section 9-1-12.
 9. Materials and Finishes: Exterior building materials within the Downtown Core and Downtown Outer Core Zones shall reinforce the historic commercial character of downtown Sandpoint through the use of durable, authentic materials that reflect the community's development as a railroad, timber, and waterfront town. Materials shall convey visual depth, texture, and permanence and shall not create a false or incompatible architectural character, by adhering to the following:
 - a. Primary Street-Facing Materials: The following materials are preferred and encouraged for use on primary street-facing façades and shall comprise the predominant exterior materials at the ground floor and along principal elevations:
 - i. Individually set stone, brick, or masonry including articulated masonry with visible coursing, lintels, sills, and recessed openings;
 - ii. Visible trim, corner boards, and window detailing shall be provided to maintain material depth and articulation;
 - iii. Heavy timber or steel, when used structurally or as an expressed architectural element, including columns, beams, canopies, arcades, and storefront framing

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- b. Secondary and Accent Materials (Limited Use to 40% or less): The following materials may be used in a secondary or accent role and shall not constitute the predominant material on a primary street-facing façade:
 - i. Stone, when used for base courses, foundations, trim, or accent elements;
 - ii. High-quality fiber cement siding, permitted only on upper stories or secondary façades; however, use of fiber cement siding on primary street-facing façades may be approved only where the applicant demonstrates compatibility with adjacent or nearby historic buildings and compliance with the intent of this section:
 - iii. Board dimensions, profiles, and reveals shall be consistent with traditional wood siding;
 - iv. Large-format panels, smooth sheet applications, or contemporary panelized systems;
 - v. Visible trim, corner boards, and window detailing shall be provided to maintain material depth and articulation.
 - vi. Dimensional wood siding, including horizontal lap, shiplap, or vertical board-and-batten profiles consistent with historic commercial construction.
 - c. Use of Stucco (Restricted to no more than 40%): Stucco shall not be used as a primary street-facing façade material. Stucco may be permitted only when:
 - i. Used above the ground floor or as a limited accent material;
 - ii. Demonstrated to be compatible with adjacent or nearby historic materials;
 - iii. Smooth, flat, or minimally detailed stucco façades are prohibited.
 - d. Prohibited Materials on Primary Street-facing Façades: The following materials are prohibited on primary street-facing façades:
 - i. Vinyl siding or trim;
 - ii. Galvanized metal;
 - iii. Imitation stone, brick, or wood veneers in excess of 10 percent of the façade square footage;
 - iv. Mirrored, reflective, or smoked glazing;
 - v. Large-format panel systems lacking visible articulation or depth.
 - e. Material Transition and Consistency:
 - i. Changes in exterior materials shall occur at logical building breaks, such as changes in plane, floor lines, or architectural elements;
 - ii. Abrupt or arbitrary material transitions that disrupt façade rhythm or visual coherence are prohibited;
 - iii. Materials used on secondary façades shall be consistent with and subordinate to those used on primary façades.

10. Awnings, Canopies, and Weather Protection: Awnings, canopies, and weather protection elements are integral components of Sandpoint's historic downtown streetscape. Historically, these features provided shelter from weather, enhanced pedestrian comfort, and contributed to storefront rhythm and visual interest at the sidewalk level. The standards in this section are intended to reinforce pedestrian orientation, maintain human scale, and ensure that awnings and canopies are compatible with building architecture and the historic commercial character of downtown. Awnings and canopies shall be considered architectural elements and designed as an integral part of the building façade, and shall adhere to the following:

a) Permitted Awning and Canopy Types:

- i. Retractable fabric awnings, including traditional sloped or shed-style awnings;
- ii. Fixed metal or wood canopies, when architecturally integrated with the building, including horizontal metal canopies supported by rods, chains, or brackets;
- iii. Solar shading on upper floors is permitted at a overhang of no more than 36 inches.

a) Location and Placement:

- i. Awnings and canopies shall be located at the ground-floor storefront level and over individual storefront bays or entries.
- ii. Awnings shall be aligned with window and door openings.
- iii. Awnings and canopies shall not obscure architectural details, transom windows, or cornices, pilasters, or decorative masonry.

b) Projection, Clearance and Slope:

- i. Awnings and canopies at the ground floor shall project a minimum of four feet (4') from the building façade, subject to public right-of-way limitations.
- ii. Sloped fabric awnings shall have a maximum slope of forty-five degrees (45°)
- iii. Flat canopies shall be horizontal or near-horizontal in appearance.

c) Color and Design:

- i. Awning and canopy colors shall be compatible with the building façade and surrounding streetscape.
- ii. Highly saturated, fluorescent, or visually busy patterns are prohibited.
- iii. Solid colors or simple striping are preferred.
- iv. Awnings shall reinforce storefront rhythm and shall not visually dominate the façade.

d) Illumination:

- i. Internally illuminated awnings or canopies are prohibited.
- ii. External illumination may be permitted where light sources are shielded, illumination is warm in color temperature, and lighting does not create glare or visual clutter.

e) Signage on Awnings:

- i. Signage on awnings shall adhere to all applicable provisions of the sign regulations of this Title;
- ii. Text placed on the vertical valance only; and
- iii. Lettering or logos shall not be placed on sloped or curved portions of awnings.

(Ord. 1301, 6-4-2014)

9-3-4: Special Standards Applicable to All Commercial Zone Districts:

9-3-4-1: Special Standards for Buildings with Footprint Exceeding Fifteen Thousand (15,000) Square Feet:

Buildings with greater than a fifteen thousand (15,000) square foot building footprint require a Conditional Use Permit and shall adhere to the following:

- A. Circulation Amenities: A safe and landscaped multimodal circulation system shall be provided on site which connects to public streets and neighborhoods. Multimodal pathways within the development shall be differentiated from driving surfaces through a change in materials. At least one substantial pedestrian amenity shall be provided for every two thousand five hundred (2,500) square feet of structure footprint. Qualifying amenities include publicly accessible plazas or courtyards, sheltered seating areas, public art installations, and comparable improvements approved by the review authority.
- B. Facades and Exterior Walls Including Sides and Backs: The building shall be designed in a way that will reduce the massive scale and uniform and impersonal appearance and will provide visual interest consistent with the community's identity, character, and scale. Architectural treatment, similar to that provided to the front facade shall be provided to the sides and rear of the building to mitigate any negative view from any location off site and any public area (e.g., parking lots, walkways, etc.) on site.
- C. Roofs: The roof design shall include architectural features that contribute to the visual interest at the pedestrian scale and reduce the massive scale of large buildings. Roof features shall complement the architectural and visual character of adjoining neighborhoods. Roofs shall have the appearance of two (2) or more roof planes either through architectural features or engineered design. Parapet walls shall be architecturally treated to avoid a plain, monotonous look. Roofs shall be lightly colored or vegetative.
- D. Building Design: All buildings shall provide a direct unencumbered multimodal connection to an abutting street. All buildings shall be designed so that parking is not located along the primary street of the building. Nonmotorized parking shall be permitted along the primary facade of the building. A buffer with a minimum width of eight feet (8') will be maintained between parking areas and all bike trails and public sidewalks. Building entrance(s), windows, roof snow drop areas, and other movable building features shall have an appropriate setback so as not to interfere with the safe movement of pedestrians and cyclists.
- E. CUP Design Deviations: Design of larger structures inherently presents additional challenges in design. Accordingly, deviations from the underlying zoning district's design standards shall be

permitted at the discretion of the approval authority provided the findings for approval can be made.

- F. Government offices, courthouses, libraries, museums, community centers, and hospitals are exempt from the required Conditional Use Permit requirement of this section but shall conform to all other standards identified in this section.

(Ord. 1301, 6-4-2014)

9-3-4-2: Special Standards for Parking and Loading Areas:

- A. Parking, Garages and Driveways: All off-street vehicle parking, including surface lots and garages, shall be oriented to alleys, placed underground, or located in parking areas behind or to the side of the building.

Ground floors of parking garages abutting public right-of-way shall consist entirely of office or retail space excluding drive aisles. Design standards established in the applicable zone district shall apply to all parking structures.

- B. Trash and Loading Areas: In order to preserve and enhance the pedestrian orientation of the all commercial zones, all servicing, loading, and solid waste collection for new structures shall take place off-street away from pedestrian walkways, generally in bays provided in the alleys or in screened, internal, rear spaces if alleys are not available.

(Ord. 1236, 6-23-2010)

9-3-4-3: Special Standards for Properties Adjacent to Sand Creek:

- A. Applicability: these provisions are applicable to all properties along Sand Creek within the Commercial zones of this chapter, including public and private properties within and outside of the Downtown Waterfront.

- B. Definitions:

ARTIFICIAL HIGH WATER MARK (AHWM): the high water elevation above the natural or ordinary high water mark resulting from construction of man-made dams or control works and impressing a new and higher vegetation line, as determined by the Idaho Department of Lands.

DOWNTOWN WATERFRONT: the area on both sides of Sand Creek from the Hwy 95 Bypass bridge north to the Cedar Street Bridge.

ORDINARY HIGH WATER MARK (OHWM): the high water elevation in a lake over a period of years, uninfluenced by man-made dams or works, at which elevation the water impresses a line on the soil by covering it for sufficient periods to deprive the soil of its vegetation and destroy its value for agricultural purposes, as determined by the Idaho Department of Lands.

- C. Buildings shall be setback a minimum of twenty-five feet (25') from the AHWM. Where an AHWM does not exist, buildings shall be setback a minimum of twenty-five feet (25') from the OHWM. The requirements and elevations of Title 8, Chapter 3 - Flood Damage Prevention and Control may be more restrictive. Property owners are prohibited from performing site improvements and/or

disturbing ground, including, but not limited to, grading, clearing, or grubbing without first obtaining a permit with the city, as described herein.

- D. All buildings within the Downtown Waterfront shall be reviewed by the city for consistency with adopted planning documents, including: measures to orient buildings to Sand Creek, improvements to water quality, preservation of public access to the waterfront, and enhancements of aesthetics that contribute to community character, vibrancy, and experience.
- E. Functionally dependent water uses and structures including, but not limited to: bridges, boardwalks, storm water systems, plazas, walkways, access stairways and features, moorage facilities, and stream stabilization may be constructed above or below the applicable high-water mark (AHWM or OHWM) subject to:
 - 1. Issuance of a Conditional Use Permit;
 - 2. Notification and approval of all applicable State and Federal regulations; and,
 - 3. Compliance with the Sandpoint Stormwater Ordinance.
- F. Permanent, fixed art features larger than four (4) square feet in area and six feet (6') in height shall comply with the provisions of Section E.
- G. The Conditional Use Permit process shall recognize Sand Creek is a natural, environmental feature of major importance that shall remain protected. Development shall be commensurate with the physical characteristics of Sand Creek and protect fish, wildlife, recreation resources, and avoid undue water and air pollution. An effective vegetative buffer upland of the applicable high-water mark (AHWM or OHWM) shall be incorporated as one method of protection, unless determined impractical by an Idaho licensed professional engineer or licensed landscape architect, whereby alternative(s) of equal effectiveness and/or a combination thereof shall be provided.
- H. The city shall notify applicable federal and state agencies of proposed construction on properties adjacent to Sand Creek.
- I. City issued permits shall be conditioned accordingly to support best management practices and compliance with applicable local, state and federal laws and guidelines, including, but not limited to, erosion and sediment control; riparian areas; wetlands; water quality; and fish, wildlife and plant habitats.

(Ord. 1392, 3-16-2022)

9-3-5: Parks and Open Space Zone Purpose and Applicability:

The purpose of the Parks and Open Space (POS) Zone is to protect publicly owned parks and open spaces as places for recreation, community gathering, public access, and environmental stewardship. Parks and open spaces serve a purpose distinct from the City's other commercial zones. They may accommodate organized events, admission-based activities, concessions, recreation facilities, and other revenue-generating activities, while their primary function remains public recreation and open space. This zone implements the Parks and Open Space land use designation of the City's Comprehensive Plan. Its standards are intended to:

- 1. Preserve publicly owned land for parks, recreation, and open space;

2. Provide for a range of park and recreation facilities, programs, and events that serve residents and visitors;
3. Accommodate commercial activities that support or are compatible with the public use and function of a park or open space;
4. Protect public access to parks, trails, shorelines, and recreation facilities, subject to reasonable management of facilities and events;
5. Protect natural features, habitat, and water quality, and account for site-specific environmental conditions; and
6. Ensure that buildings, parking, utilities, and other improvements are designed and located to support the long-term public use of the property and are compatible with surrounding areas.

The POS Zone applies to land designated POS on the City’s official zoning map. Public ownership alone does not establish POS zoning. The development standards of this section apply to new development, additions, and alterations within the POS Zone as specified in the sections that follow, whether undertaken by the public owner or by another party with its authorization. Placement of the POS Zone in this chapter does not make the use or development standards of other commercial zones applicable to POS-zoned land unless this title expressly provides otherwise.

9-3-5-1 District Specific Use Standards for the Parks and Open Space Zone:

Permitted Uses: The land uses listed in table 9-1-2 of chapter 1 are permitted in the Parks and Open Space zone as identified and subject to the provisions of this chapter. Certain land uses are permitted only as components of authorized special events or as part of City-authorized license or lease agreements in a park or recreation facility.

9-3-5-2: District-Specific Design and Development Standards for the Parks and Open Space Zone:

Table 9-3-7 Development Standards for Parks and Open Space Zone

Standard	Requirement
Lots	
Minimum lot area	No minimum
Minimum lot width	No minimum
Maximum lot coverage	100%
Building placement¹	
Minimum front setback	10 ft.
Maximum front setback	No maximum
Minimum side setback	10 ft.
Maximum side setback	No maximum

Minimum rear setback	10 ft.
Side setback next to a residential zone	10 ft.
Rear setback next to a residential zone	20 ft.
Building height	
Maximum height ²	Same as abutting zone

¹Building setbacks shall be measured from the applicable property boundary. When a building is located within an exclusive lease area approved by the public property owner, the front, side, and rear setbacks shall be measured from the boundaries of the approved lease area rather than from the boundaries of the larger parcel or park. The required setback from a residential zone shall continue to be measured from the boundary of the residential zone. Modification of a lease boundary shall not create or increase a nonconformity.

²When a park or open space abuts multiple zones, the zone with the most frontage adjacent to the park area in which the building is being considered for development will be used to determine the maximum building height.

Table 9-3-8 Other standards applicable to the Parks and Open Space Zone

Topic	Code section
General provisions	9-1
District-specific standards	9-3-5
Standards for all commercial districts	9-3-4
Off-street parking	9-6
Signs	9-7

- A. Relationship to Adopted Plans: Development shall be generally consistent with any City-adopted park, recreation, open-space, waterfront, facility, or site master plan applicable to the property. An adopted plan may guide the location and design of improvements but shall not authorize a use or development that is otherwise prohibited by this title.
- B. Public Purpose: Development within the POS Zone shall preserve the property's principal function as a publicly accessible park, recreation facility, or open space. Buildings, facilities, leases, concessions, admission-based events, and commercial activities may be permitted when they support, activate, manage, fund, or are otherwise compatible with the recreational, cultural, educational, environmental, or community-gathering functions of the property.
- C. Site Design: Buildings and other improvements shall be located and designed to

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1. Maintain functional and visually identifiable public access to the park or open space;
 2. Preserve significant natural features and environmentally sensitive areas to the extent practicable;
 3. Provide safe and convenient pedestrian and bicycle connections;
 4. Minimize conflicts among pedestrians, bicycles, vehicles, service activities, and recreation uses;
 5. Locate parking, loading, refuse collection, mechanical equipment, and utility areas so they do not unnecessarily dominate prominent park entrances, shorelines, trails, or public gathering areas; and
 6. Minimize unreasonable effects on adjacent residential property, including noise, glare, lighting spillover, and loss of privacy.
- D. **Parking and Vehicle Access:** Parking requirements should be based on the demonstrated needs of the park or facility rather than a conventional use-by-use commercial parking ratio. Shared parking, public parking, on-street parking, bicycle parking, seasonal demand, and event-management plans may be considered in determining compliance with Chapter 9-6.
- E. **Residential Compatibility:** Where a new principal building, parking area, loading area, refuse enclosure, mechanical equipment, or outdoor activity area is located adjacent to a residential zone, landscaping, screening, setbacks, lighting controls, operational limitations, or other measures shall be provided as necessary to mitigate reasonably anticipated effects on neighboring property.

CHAPTER 4 INDUSTRIAL ZONING DISTRICTS

9-4-1: Description of Industrial Zoning Districts:

This chapter provides regulations applicable to development and new land uses in the industrial zoning districts established by ordinance 1252. The purposes of individual industrial zoning districts are as follows:

- A. **IG (Industrial General) District:** The IG district is intended for lands appropriate for light and medium manufacturing and industrial activities with direct access to major transportation routes, such as arterial roads, air and rail service. The IG district allows a wide range of manufacturing and industrial uses, which generate little traffic from tourists and the general public and are consistent with the Sandpoint Comprehensive Plan. Commercial uses are generally limited to accessory sales of goods produced on site. Residential use is very limited, with a single caretaker unit per property permitted.
- B. **IBP (Industrial Business Park) District:** The IBP district is intended for master planned business and industrial parks in campus like settings. This district is suitable for administrative and professional offices, research and development parks, limited distribution, light and medium manufacturing, and assembly operations. Commercial and residential uses are generally

permitted, although design standards mirroring the downtown commercial areas will apply in an effort to develop the area in alignment with the CA-4 definition of the Comprehensive Plan. CA-4 areas are to become vibrant secondary centers of commercial, office, and residential development, serving as neighborhood hubs for residents in neighboring districts. The IBP zoning district is consistent with the land use category of the Sandpoint Comprehensive Plan in areas generally south of Baldy Mountain Road.

- C. ITP (Industrial Technology Park) District: The ITP district is intended for lands suitable for technology production and development, such as data centers, medical imaging processing, business incubators, biotechnology, software development, engineering, and similar technology related industry. Sites appropriate for this designation should have readily available utilities and fiber optic availability and be characterized by large contiguous properties. The ITP district is consistent with the Sandpoint Comprehensive Plan.

(Ord. 1252, 4-20-2011)

9-4-2: Definitions:

ADULT ENTERTAINMENT BUSINESS: Any adult bookstore, adult motion picture arcade, adult motion picture theater, cabaret, sexual encounter center, or any other business or establishment that offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, but not including those uses or activities, the regulation of which is preempted by state law.

BUSINESS SUPPORT SERVICES: A subcategory of commercial land use that permits establishments primarily engaged in rendering services to other business establishments on a fee or contract basis, such as advertising and mailing; building maintenance; personnel and employment services; management and consulting services; protective services; equipment rental and leasing; photo finishing; copying and printing; travel; office supply; and similar services.

INDUSTRIAL SERVICES: Establishments providing industrial services to individuals or businesses. This classification includes dry cleaning plants; metal, machine, and welding shops; and similar business engagements in custom fabrication and repair.

MANUFACTURING, HEAVY: An establishment engaged in manufacturing, assembling, fabricating, packaging or other industrial processing of products, primarily from extracted or raw materials, or the bulk storage and handling of such products and materials. In addition, any use or activity which requires a significant amount of on site hazardous chemical storage shall be classified under this land use. Heavy manufacturing shall include any packaging of the product being manufactured on site. Examples include, but are not limited to, the production of the following: using chemical reactions to turn raw materials, such as coal, oil, salt, acids or chemical blends, into a variety of products for other secondary industries; foundries, forge shops, open air welding, and other intensive metal fabrication facilities.

MANUFACTURING, LIGHT: The manufacturing, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, mixing, packaging including bottling and canning of such products, and incidental storage, sales, and distribution of such products. The assembling or packaging shall not produce noise, vibration, hazardous waste materials, or particulate that create significant negative impacts to adjacent land uses. Odors produced on site shall not negatively affect other businesses or properties in the area. Examples of assembling include, but are

not limited to, the production of the following: clothes; furniture; pharmaceuticals; hardware; toys; mechanical components; electric or electronic components; vehicle assembly; and computer software. Examples of packaging include facilities for bottling beverages, canning and wrapping foods, and boxing electronic components.

MANUFACTURING, MEDIUM: The manufacturing of products from processed or unprocessed materials and the bulk storage and handling of such products, where the finished product is noncombustible and nonexplosive. These activities do not necessitate the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process. This manufacturing may produce noise, vibrations, illumination, or particulate that is perceptible to adjacent land users but is not offensive or obnoxious. Odors produced on site shall not have a material negative effect on other businesses or properties in the area. This use shall include any packaging of the product being manufactured on site. Examples include, but are not limited to, the production of the following: glass products made from manufactured glass; food and beverages; candy and other confectionery products; computer hardware; products made from rubber, plastic, or resin; converted paper and cardboard products; fabricated metal products made from semifinished metals.

(Ord. 1252, 4-20-2011)

9-4-3: Allowed Uses and Permit Requirements:

Permitted Uses: The land uses listed in table 9-1-2 of chapter 1 are permitted in the Industrial zones as identified and subject to the provisions of this chapter. Certain land uses have additional restrictions as specified in notes to table 9-1-2 and as specified below.

9-4-4: General Development Regulations:

All new development, subdivisions, establishment of new land uses, and alterations to existing land uses, structures and site improvements, shall be designed and constructed in compliance with the regulations in table 9-4-1, except those activities and land uses specified in other sections. Additional zoning ordinance regulations may apply as referenced in the tables, as well as other code regulations, city standards, specifications and details, or regulations of another local agency or special district.

Table 9-4-1 Industrial District Development Regulations

Regulations * All figures are minimums measured from property lines and in linear feet, unless otherwise indicated	Zoning District			Applicable Sections and Footnotes
	IG	IBP	ITP	
Site planning				
Maximum lot coverage	75%	75%	75%	Lot coverage up to 90% allowed when utilizing 15% pervious

				surface (green roof, pervious pavement, etc.) approved by Public Works Director
Lot area (for new subdivisions only)	1 acre	-	-	See note 1
Lot dimensions				
Minimum width/frontage	60'	60'	60'	
Minimum depth	60'	60'	60'	
Landscape areas				
Along any frontage abutting a roadway	15'	15'	15'	
Along interior property lines:				
Adjacent to residential zoning district	15'	15'	15'	
Between buildings and vehicle aisles/parking	0	5' along elevations facing a roadway or providing the primary entry to a tenant space; 5' in other areas where parking or a drive aisle is adjacent to a building; 0' in loading or service areas not visible from a roadway	5' along elevations facing a roadway or providing the primary entry to a tenant space; 5' in other areas where parking or a drive aisle is adjacent to a building; 0' in loading or service areas not visible from a roadway	
Buildings				
Minimum front and street side yard setback	25'	25'*	25'	* See section 9-4-5-1 of this chapter for design standards setback restrictions for specific uses
Interior side and rear yard setback	5'	5'	5'	

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Adjacent to residential zoning district setback	25' plus 1' setback for each 1' of building height over 35'			
Rear yard setback abutting roadway	15'	15'	15'	
Maximum building footprint for retail, commercial or office use	-	25,000 sq. ft.*	25,000 sq. ft.*	* CUP allowance for larger
Building height limits	45', 65' when building sits greater than 200' from exterior boundary of IG zone*	45'*	45'*	* Airport overlay zone limitations may apply

Note:

1. Parcels within an integrated development may vary from the minimum lot size and dimensions, with recordation of cross easements to guarantee access and common maintenance of all parking and landscape areas.

A. Minimum Requirements: No use either specifically authorized herein or any other use shall be carried on in a manner which will emit loud noises of sufficient volume to be disturbing at a distance of three hundred feet (300') from the edge of property lines, nor shall the emission of excessive smoke, steam or other view obscuring or air polluting substance be allowed.

B. Parking Areas: All parking areas shall be hard surfaced and should be of sufficient size to provide off-street parking for all employees, customers and vehicles used in such operation in accordance with chapter 5 of this title.

C. Storage: All storage of waste material and machinery shall be either within closed buildings or surrounded by a solid board or metal fence not less than ten feet (10') in height. Such fencing may be surrounded by natural plants or vegetation, and no such storage areas shall take place within twenty-five feet (25') of the street or street to railway intersection.

(Ord. 1252, 4-20-2011)

9-4-5: Specific Regulations:

9-4-5-1: Building Design Standards for New Office, Commercial and Retail Construction:

The standards of Section 9-4-5-1 apply to new office, commercial, and retail construction in the industrial zoning districts. These standards are intended to provide human-scale design while allowing flexibility in architectural styles.

(Ord. 1252, 4-20-2011)

9-4-5-1-1: Building Orientation:

Orientation and design of all new buildings or additions shall be reinforced through the observation of the following standards:

- A. Primary Entrance: Buildings have their primary entrance(s) oriented to their primary frontage. Building entrances may include entrances to individual units, lobby entrances, entrances oriented to pedestrian plazas, or breezeway/courtyard entrances to a cluster of spaces.
- B. Secondary Entrance: A building may have a secondary entrance facing a side yard when a direct pedestrian walkway is provided between the building entrance and the street right-of-way.
- C. Vehicular Access: Off-street parking, driveways and other vehicular access shall not be placed between a building's primary facade and the street.
- D. Accessibility: There shall be provided one zero-step entrance to each building from an accessible path at the front, side, or rear of each building. All the first floor interior doors (including bathrooms) shall provide at least thirty-two inches (32") of clear passage.
- E. Surface Parking: Parking areas of more than thirty (30) spaces shall be divided into areas of no more than thirty (30) spaces. Division may be by a building, internal landscaped street, or landscaped multimodal way having a total width of fifteen feet (15').

(Ord. 1252, 4-20-2011)

9-4-5-1-2: Storefront Design:

The following architectural features should be used along the street frontage building elevations, as applicable. Minor deviation from the following features may be authorized at the discretion of the Planning Director, so long as the spirit of this code is maintained.

- A. Buildings should have consistent spacing of similar shaped windows with trim or other decorative molding on all building stories.
- B. Large display windows should be employed on ground floor storefronts. Display windows should be framed to visually separate the ground floor from the second floor.
- C. All buildings with a flat roof should have a decorative cornice at the top of the building; or eaves, when the building is designed with a pitched roof.
- D. Cornices or changes in material can be used to differentiate the ground floor of buildings that have commercial uses from the upper floor(s) that may have offices or residential uses. Ground floor facades should utilize cornices, signs, awnings, exterior lighting, display windows and entry insets.
- E. Facades greater than fifty feet (50') in length shall incorporate recesses and projections with a minimum four foot (4') differentiation along at least twenty percent (20%) of the length of the facade. Window awnings, arches, or columns must total at least sixty percent (60%) of the facade length abutting the street.
- F. Maximum front setback for commercial, retail and office construction shall be ten feet (10').

(Ord. 1252, 4-20-2011)

9-4-5-1-3: Building Materials:

- A. Building materials shall not create glare. Highly reflective materials shall not be permitted.
- B. Clear glass windows shall be used for storefront windows and doors. Ground floor window shall be defined as glass, either fixed or opening windows. Windows shall not be covered permanently on the interior by more than twenty percent (20%). Opaque or severely site obscuring windows will not be permitted.
- C. Architectural treatment, similar to that provided on the front facade shall be provided to the sides and rear of the building to mitigate any negative view from any location off site and any public area (e.g., parking lots, walkways, etc.) on site. Windows and doors shall be defined with detail elements, such as frames, sills, and lintels, and placed to visually establish and define the building stories and establish human scale and proportion.

(Ord. 1252, 4-20-2011)

9-4-5-1-4: Civic Spaces:

Civic spaces serve as informal gathering places for socializing, resting and enjoyment of the area, and contribute to a walkable environment. Each civic space shall be open to the thoroughfare or street by incorporating at least one access to the thoroughfare or street. Each building with street frontage shall include two (2) or more of the following features. Civic spaces may be provided within the public right-of-way when approved by the local jurisdiction having authority. The following shall be considered civic spaces for incorporation into the building design:

- A. A plaza or courtyard next to the building entrance.
- B. Sitting space (i.e., dining area, benches, or ledges) between the building entrance and the sidewalk.
- C. A building canopy, awning, or similar weather protection, with a minimum four-foot (4') projection over the sidewalk or other pedestrian space.
- D. Public art as approved by the Sandpoint Ars, Culture, and Historic Preservation Commission.

(Ord. 1252, 4-20-2011)

9-4-5-1-5: Special Standards for Parking and Loading Areas:

- A. Parking, Garages and Driveways: All off-street vehicle parking, including surface lots and garages, shall be oriented to alleys, placed underground, or located in parking areas behind or to the side of the building.
- B. Frontage Parking: In no case shall more than ten percent (10%) of primary lot frontage be developed with surface parking. For the purpose of this provision, primary lot frontage shall be defined as the linear frontage along the primary street having a depth of fifteen feet (15').

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- C. **Parking Garages:** Ground floors of commercial parking garages abutting public right-of-way shall consist entirely of office or retail space excluding drive isles. Building design standards articulated in this section 9-4-5-1 shall apply to all parking structures.
 - D. **Trash and Loading Areas:** In order to preserve and enhance the pedestrian orientation of the zone, all servicing, loading, and solid waste collection for new structures shall take place off-street away from pedestrian walkways, generally in bays provided in the alleys or in screened, internal, rear spaces if alleys are not available.

(Ord. 1252, 4-20-2011)

9-4-5-1-6: Special Standards for Buildings with Footprint Exceeding twenty-five thousand (25,000) Square Feet:

Buildings with greater than a twenty-five thousand (25,000) square foot building footprint require a Conditional Use Permit and shall adhere to the following:

- A. **Circulation Amenities:** A safe and landscaped multimodal circulation system shall be provided on site which connects to public streets and neighborhoods. Multimodal pathways within the development shall be differentiated from driving surfaces through a change in materials. At least one substantial amenity, as described in section 9-4-5-1-4 of this chapter, shall be provided for every two thousand five hundred (2,500) square feet of structure footprint.
- B. **Facades and Exterior Walls, Including Sides and Backs:** The building shall be designed in a way that will reduce the massive scale and uniform and impersonal appearance and will provide visual interest consistent with the community's identity, character, and scale. Architectural treatment, similar to that provided to the front facade, shall be provided to the sides and rear of the building to mitigate any negative view from any location off site and any public area (e.g., parking lots, walkways, etc.) on site.
- C. **Roofs:** The roof design shall include architectural features that contribute to the visual interest at the pedestrian scale and reduce the massive scale of large buildings. Roof features shall complement the architectural and visual character of adjoining neighborhoods. Roofs shall have the appearance of two (2) or more roof planes either through architectural features or engineered design. Parapet walls shall be architecturally treated to avoid a plain, monotonous look. Roofs shall be lightly colored, vegetative or photovoltaic.
- D. **Building Design:** All buildings shall provide a direct unencumbered multimodal connection to an abutting street. All buildings shall be designed so that parking is not located along the primary street of the building. Nonmotorized parking shall be permitted along the primary facade of the building. A buffer with a minimum width of eight feet (8') will be maintained between parking areas and all bike trails, pedestrian pathways and public sidewalks. Building entrance(s), windows, roof snow drop areas, and other movable building features shall have an appropriate setback so as not to interfere with the safe movement of pedestrians and cyclists.
- E. **Adaptability for Reuse/Compartmentalization:** The building design shall include specific elements for adaptation for multi-tenant reuse. Such elements may include, but are not limited to, compartmentalized construction, including plumbing, electrical service, heating,

ventilation, and air conditioning. The building design shall also allow for: the interior subdivision of the structure into separate tenancies; facades that readily adapt to multiple entrances and adapt to entrances on all but one side of the building; parking lot schemes that are shared by establishments or are linked by safe and functional pedestrian connections; landscaping schemes that complement the multiple entrance design; and other elements of design which facilitate the multi-tenant reuse of the building and site.

- F. **Renewal Plan:** Applications shall include a renewal plan that will afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the structure in the event of closure or relocation by the original occupant. Such plan will be approved if the city finds that:
 - 1. A sound and adequate plan exists for said redevelopment; and
 - 2. The plan affords maximum opportunity for rehabilitation or redevelopment of the structure by both private enterprise and the municipality; and
 - 3. The renewal plan provides a maintenance plan for normal repairs and upkeep of property, including, but not limited to, building, parking lot and surfacing, landscaping, signage, and elimination of "ghost signage".
- G. **Redevelopment Agreement:** The city may enter a redevelopment agreement with the owner of the real property and undertake activities, including the acquisition, removal, or demolition of structures, improvements, or personal property located on the real property, to prepare the property for redevelopment. A redevelopment agreement entered into in accordance with this section must contain provisions obligating the owner to redevelop the real property for a specified use consistent with the provisions of this title and offering recourse to the city if the redevelopment is not completed as determined by the city.
- H. **Exemptions:** Government offices, courthouses, libraries, museums, community centers, and hospitals are exempt from the required Conditional Use Permit requirement of this section but shall conform to all other standards identified in this section.

(Ord. 1252, 4-20-2011)

9-4-5-2: Material Resource Recovery Facility (MRRF):

The purpose of this section is to ensure that the establishment of a material resource recovery facility (MRRF) does not adversely impact land uses in the vicinity of the facility. The intent is to minimize land use conflicts and integrate the MRRF with the surrounding area.

- A. **Type of Resource Materials:** The facility shall only handle source separated recyclable materials and incoming solid waste. An MRRF shall not be conducted as a garbage transfer station and shall not collect, process, or sort any raw or wet garbage. Any incoming waste not recycled or recovered shall be transported to an authorized landfill within forty-eight (48) hours.
- B. **Sorting:** Materials shall be sorted only within an entirely enclosed building. Delivery doors shall be located on building walls away from potential or existing noise sensitive land uses.

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- C. Outdoor Storage: Height, setbacks, screening, baled, palletted, or otherwise consolidated materials stored outdoors shall be stacked no higher than sixteen feet (16') and placed no closer than seventy-five feet (75') to any front property line. Outdoor storage shall be located out of view from public streets and highways, or completely screened by a solid masonry wall.
 - D. Maintenance: The property owner shall undertake adequate measures to ensure that the site is free of wind blown debris at all times. The property owner shall be responsible for clean up of any wind blown debris on or off site from incoming/outgoing vehicles or outdoor storage.

(Ord. 1252, 4-20-2011)

CHAPTER 5 RESIDENTIAL ZONING DISTRICTS

9-5-1: Residential Single-Family (RS) Zone:

9-5-1-1: Purpose:

The Single-Family Zone is intended to preserve land for housing and to provide housing opportunities for individual households. The zones implement the Comprehensive Plan policies and designations for single-family housing in the CA-2 areas identified in the 2009 Comprehensive Plan.

(Ord. 1263, 12-29-2011; Ord. No. 1436, § 2, 2-18-2026)

9-5-1-2: Use Regulations:

Permitted Uses: The land uses listed in table 9-1-2 of chapter 1 are permitted in the Residential Single Family zone as identified and subject to the provisions of this chapter. Certain land uses have additional restrictions as specified in notes to table 9-1-2 and as specified below.

(Ord. 1263, 12-29-2011; amd. Ord. 1281, 5-15-2013; Ord. 1336, 11-2-2016; Ord. 1353, 6-6-2018; Ord. No. 1436, § 2, 2-18-2026)

9-5-1-3: Development Standards:

The development standards for the Residential Single-Family Zone preserve the character of single-family neighborhoods and provide flexibility to allow different densities and development standards. The development standards work together to promote desirable residential areas by addressing aesthetically pleasing environments, safety, privacy, energy conservation, and recreational opportunities. The site development standards allow for flexibility of development while maintaining compatibility within the city's various single-family neighborhoods. In addition, the regulations provide certainty to property owners, developers, and neighbors about the limits of what is allowed.

- A. Lot Areas: No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained unless the following described yards and lot areas are provided and maintained in connection with said building, structure or enlargement:

Every building erected shall be on a lot having an area of not less than five thousand (5,000) square feet with a frontage on public streets of not less than fifty feet (50') and shall have a width of not less than fifty feet (50') at the front building line. Lots with frontage on a cul-de-sac shall have a minimum frontage on a public road of not less than fifty feet (50').

B. Setbacks:

1. Purpose: The setback regulations for buildings and garage entrances serve several purposes:
 - a. They maintain light, air, separation for fire protection, and access for firefighting;
 - b. They reflect the general building scale and placement of houses in the city's single-family neighborhoods;
 - c. They promote a reasonable physical relationship between residences;
 - d. They promote options for privacy for neighboring properties;
 - e. They require larger front setbacks than side and rear setbacks to promote open, visually pleasing front yards;
 - f. They provide adequate flexibility to site a building so that it may be compatible with the neighborhood, fit the topography of the site, allow for required outdoor areas, and allow for architectural diversity; and
 - g. They provide room for a car to park in front of a garage door without overhanging the street or sidewalk, and they enhance driver visibility when backing onto the street.
2. General Exception to all Setbacks: Minor features of a building such as eaves, chimneys, water collection cisterns and planters, air conditioning units, bay windows, uncovered balconies, covered side and rear entryway overhangs, may extend into the required setback. Bays and bay windows encroaching into the setback also must meet the following requirements: a) each bay and bay window may be up to twelve feet (12') long, but the total area of all bays and bay windows on a building facade cannot be more than thirty percent (30%) of the linear total of the facade; b) bays and bay windows must cantilever beyond the foundation of the building; and c) the bay may not include any doors.
3. Front Setbacks: Each lot shall have a front setback of not less than twenty feet (20') in depth from front lot line, except as follows:
 - a. Porches: Unenclosed front porches may encroach into the front setback up to ten feet (10') from the front lot line.
 - b. Garages: Any garage, detached or attached, shall be set back a minimum of twenty-five feet (25') from the front lot line.
4. Side Setbacks: Each lot shall have a side setback of not less than five feet (5') in depth from the side lot line, except as follows:
 - a. Street Side Setback: The street side setback shall be twenty feet (20') unless features such as projections, recessions, windows, or other architectural treatment

are incorporated to prevent a blank wall appearance, in which case the street side setback may be reduced to ten feet (10'). This standard does not apply to garages accessed off the side street.

b. Garages:

- (1) Detached garages on interior lots shall have a side setback of no less than three feet (3').
- (2) Garages accessed from a street side lot line which include parking between the garage and the lot line shall have a setback of no less than twenty-five feet (25') from the street side lot line
- (3) Garages accessed from a street side lot line which do not include parking between the garage and the lot line shall have a setback of no more than three feet (3') and no less than one foot (1') to prevent parking overhang onto the public right of way.
- (4) Garages accessed from an alley shall adhere to the street side setback as established above in 4a.

c. Accessory buildings/structures shall have a setback from the side lot line of five feet (5').

d. Accessory dwelling units shall follow the regulations of accessory buildings unless located above a garage, in which case they shall follow the standards for garages.

5. Rear Setbacks: Each lot shall have a rear setback of not less than fifteen feet (15') in depth from the lot line, except as follows:

- a. Alley accessed garages shall have a setback from the rear lot line of one foot (1')
- b. Accessory buildings shall have a setback from the rear lot line of five feet (5')
- c. Accessory dwelling units shall follow the regulations of accessory buildings unless located above a garage, in which case they shall follow the standards for garages.

6. Riparian and Shoreline Setback:

- a. Purpose: The purpose of this subsection B.6. is to protect scenic and recreational resources, water quality and natural shoreline habitat. In addition, shoreline setbacks and buffers help avoid damage to development from erosion and flooding.

The waterfront building setback for new development and redevelopment (tear downs) along waterfront properties within the city of Sandpoint shall be a minimum of forty feet (40') from the artificial high water mark. For purposes of this subsection B.6., the artificial high water mark shall be considered according to the North American Vertical Datum of 1988 (NAVD88) as 2,066.4 or 2,062.5 feet using the National Geodetic Vertical Datum of 1929 (NGVD29).

New development adhering to the forty foot (40') setback and/or reconstruction that involves issuance of a building permit for greater than twenty-five thousand dollars (\$25,000.00) of improvements, shall be required to plant fifty percent (50%)

of the area in the minimum twenty-five foot (25') building setback with native vegetation comprised of a mixture of grasses and shrubs. For the purpose of this subsection B6, building permit valuation shall be a cumulative aggregate from the date of the adoption hereof forward.

The city shall assist the applicant in determining appropriate native vegetation required, and will coordinate with the applicant on the planting success the following year.

The building setback can be reduced to twenty-five feet (25') if the setback area is revegetated with primarily native vegetation. Establishment of a tree canopy is encouraged. No constructed structures other than those required for waterfront access/docks are allowed within the twenty-five foot (25') setback. The applicant shall record on the title documentation from the city of Sandpoint confirming that the structure has been built under the flexible setback option and as such, the structure is conforming and the area within the twenty-five foot (25') lakefront setback is to remain planted primarily with native vegetation (as described above).

A variance may be sought for those projects or activities for which it can be demonstrated that strict compliance would result in a practical difficulty. City owned property shall be exempt from the required standards.

- b. Shoreline Setback Exceptions: Placement of constructed trams, rails, uncovered steps, stairs or walkways, any of which shall be five feet (5') or less in width and installed to provide access to the shoreline, are permitted within the shoreline setback. Such structures shall not be constructed in a manner that is parallel to the shoreline that would create a boardwalk along the waterfront (except where steep slopes require switchback designs).

C. Lot Coverage and Impervious Surface:

- 1. Purpose: The lot coverage, building footprint, and impervious surface standards in the RS zone are intended to balance development flexibility with the preservation of neighborhood character, access to light and air, and the traditional open, landscaped qualities of single-family residential areas. By limiting the extent of impervious surfaces, including buildings, driveways, patios, and similar improvements, the code promotes landscaping, shade trees, gardens, and other pervious outdoor spaces that define the visual and environmental character of Sandpoint's neighborhoods.

In addition, the two-story building footprint limit is intended to manage the bulk and massing of taller residential structures. This standard accommodates larger single-story homes while preventing the construction of disproportionately large or imposing two-story forms that diminish neighboring access to light, air, and privacy. Together, these standards provide a clear and predictable framework that supports homeowner flexibility and housing choice while ensuring that new development remains compatible with the scale and livability of established RS neighborhoods.

- 2. Maximum Impervious Surface: Each lot upon which a dwelling, garage or other accessory structure is constructed shall have a maximum impervious surface (including

building footprint and surfaces such as driveways, walkways, patios, and parking areas) of 70% of the lot size.

D. Building Height:

1. Purpose: The building height standards are intended to maintain an appropriate sense of scale within Sandpoint's single-family residential neighborhoods by preventing individual structures from dominating the built environment or encroaching on adjacent homes. By linking maximum height to the proportion of lot area covered by a structure, these standards encourage a variety of building forms, preserve access to light and air, reduce the visual mass of two-story construction, and support the open, traditional character of Sandpoint's residential areas. The standards work in concert with setbacks and impervious surface limits to promote compatible development patterns and protect neighborhood livability.
2. No structure on a lot shall exceed the following height limits as measured from the finished grade:

Table 9-5-1 RS Lot Coverage and building height

Lot coverage percentage	Building height
Up to 35%	35' maximum
Greater than 35% up to 70%	18' maximum

For the purposes of this section, any horizontal area of a building or structure that is located below any portion of a roof or building element whose height exceeds eighteen feet (18') above finished grade shall be counted towards the lot coverage for structures exceeding eighteen feet (18'). This includes, but is not limited to:

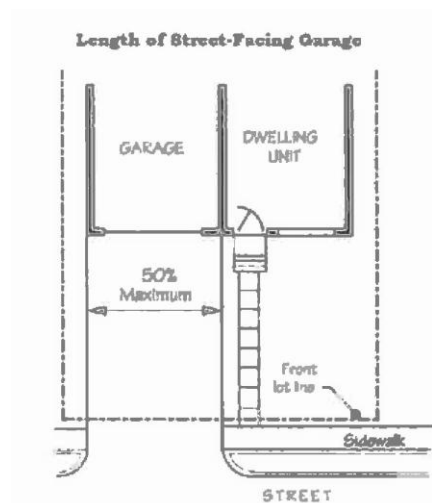
- a. All floor area, enclosed or unenclosed, located beneath a roof plane that reaches or exceeds eighteen feet (18') in height;
 - b. Cantilevers, covered porches, decks, breezeways, or other projections whose covering or structure support exceeds eighteen feet (18'); and
 - c. Any vertical building element, such as walls, gables, dormers, roof extensions, or architectural projections, whose highest point exceeds eighteen feet (18').
3. Exceptions To The Maximum Height:
- a. Chimneys, flagpoles, satellite receiving dishes, roof mounted solar panels and other similar items may extend above the height limit, as long as they do not exceed five feet (5') above the top of the highest point of the roof.
 - b. Utility power poles, and public safety facilities are exempt from the height limit.

E. Garage Design Standards:

1. Purpose: Together with the main entrance and street facing facade standards, these standards ensure that there is a physical and visual connection between the living area of the residence and the street. Additionally these standards:

- a. Ensure that the location and amount of the living area of the residence, as seen from the street, is more prominent than the garage;
 - b. Prevent garages from obscuring the main entrance from the street and ensure that the main entrance for pedestrians, rather than automobiles, is the prominent entrance;
 - c. Provide for a more pleasant pedestrian environment by preventing garages and vehicle areas from dominating the views of the neighborhood from the sidewalk; and
 - d. Enhance public safety by discouraging garages from blocking views of the street from inside the residence.
2. Applicability: The regulations of this subsection E apply to all attached or detached garages in the residential single-family zone.
3. Standards:
 - a. Any garage wall with entrance facing the street may be up to fifty percent (50%) of the width of the street facing unit façade. (See Figure 1 of this section.)

Figure 1

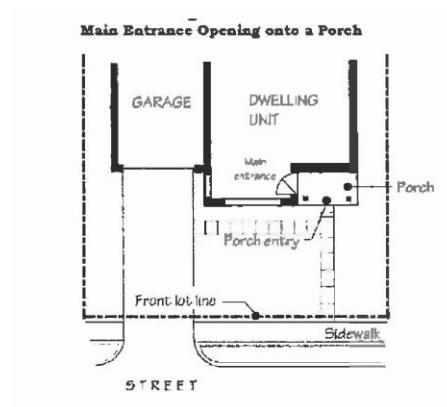


- b. Garages shall be recessed, or may be flush to the primary facade when the primary facade contains an unenclosed porch having a depth of seven feet (7') or greater and occupying a minimum of twenty-five percent (25%) of the linear primary structure facade. No portion of a garage may protrude past the front of the primary façade of the dwelling unit.
 - c. Garages walls greater than twelve feet (12') in height or twenty-four feet (24') in length shall include architectural detail to break up and limit the massive appearance of the wall. Doing so requires utilizing at least two (2) of the following architectural features on street facade:

-
- (1) Dormers;
 - (2) Gables;
 - (3) Covered porch entries;
 - (4) Pillars or posts;
 - (5) Eaves;
 - (6) Offsets in building face or roof (minimum of sixteen inches (16"));
 - (7) Window trim;
 - (8) Bay windows;
 - (9) Balconies;
 - (10) An alternative feature providing for visual relief.
 - d. On corner lots, walls facing the side street must meet the standards of subsection E, 3, c.
 - e. Street-facing garages are prohibited on lots narrower than thirty-seven and one-half (37.5) feet in the residential single-family zone.
 - f. Second floor windows facing abutting residential lots shall utilize appropriate glass block or opaque glass, or clerestory windows to maintain privacy of adjacent residential property.
4. Existing Detached Garages:
- a. In the residential single-family zone, a detached garage that is in the side or rear setback may be converted to another type of detached covered accessory structure so long as it is compliant with the applicable accessory-use and accessory-building regulations in Section 9-1-9 and the development standards of the applicable residential zone. Any nonconforming structure remains subject to Section 9-2-5. Second floor windows facing abutting lots utilize appropriate material (glass block or opaque glass) to maintain privacy of adjacent property.
 - b. Rebuilding: A detached garage that is nonconforming due to its location in a setback, may be rebuilt on the footprint of the existing foundation, if the garage was originally constructed legally. Where the structure facade faces a street, garages utilizing this provision shall be designed and reconstructed in a manner to prevent a blank wall appearance through the utilization of projections, recessions, windows or other architectural treatment.
 - c. Additions: An addition may be made to a detached garage that is nonconforming due to its location in a setback, provided the expansion complies with all other standards of this section.
- F. Main Entrance Design Standards:
- 1. Purpose: These standards:

-
- a. Together with the street facing facade and garage standards, ensure that there is a physical and visual connection between the living area of the residence and the street;
 - b. Enhance public safety for residents and visitors and provide opportunities for community interaction;
 - c. Ensure that the pedestrian entrance is visible or clearly identifiable from the street by its orientation or articulation; and
 - d. Ensure that pedestrians can easily find the main entrance, and so establish how to enter the residence.
 - e. Ensure a connection to the public realm for development on lots fronting both private and public streets by making the pedestrian entrance visible or clearly identifiable from the public street.
2. Applicability:
- a. The standards of this subsection F apply to houses, attached houses, and manufactured homes, in the residential single-family zone;
 - b. Where a proposal is for an alteration or addition to existing development, the standards of this subsection F apply only to the portion being altered or added;
 - c. On sites with frontage on both a private street and a public street, the standards apply to the site frontage on the public street. On all other sites with more than one (1) street frontage, the applicant may choose on which frontage to meet the standards.
3. Standards:
- a. Location: At least one (1) main entrance for each structure must:
 - (1) Either:
 - (A) Face the street;
 - (B) Be at an angle of up to forty-five degrees (45°) from the street; or
 - (C) Open onto a porch. (See Figure 2 of this section.) The porch must be a covered unenclosed porch with a minimum of twenty-five (25) square feet in area.

Figure 2



G. Street Facing Façade Design Standards:

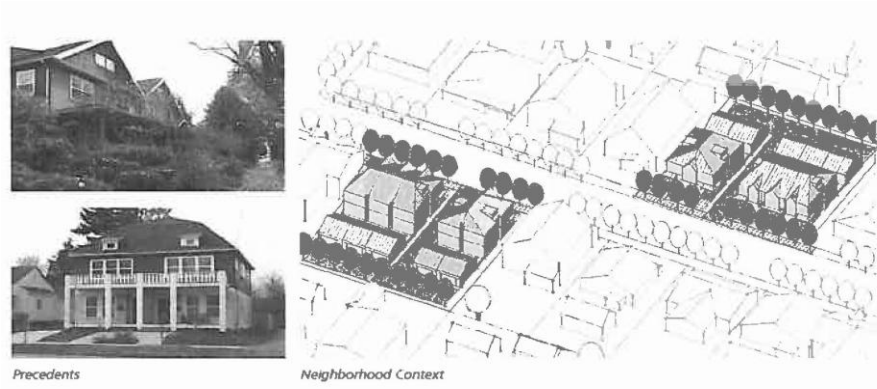
1. Purpose: These standards:
 - a. Together with the main entrance and garage standards, ensure that there is a visual connection between the living area of the residence and the street;
 - b. Enhance public safety by allowing people to survey their neighborhood from inside their residences; and
 - c. Provide a more pleasant pedestrian environment by preventing large expanses of blank facades along streets.
2. Applicability: The standard of this subsection G applies to houses, attached homes, and manufactured homes in the residential single-family zone. Where a proposal is for an alteration or addition to existing development, the applicant may choose to apply the standard either to the portion being altered or added, or to the entire street facing facade.
3. Standards: At least fifteen percent (15%) of the square footage area of each facade that faces a street lot line must be comprised of windows or main entrance doors. Glass block does not meet this standard.

H. Attached Housing Options:

1. Purpose: The alternative development options allow for variety in development standards while maintaining the overall character of a single dwelling neighborhood. These options have several public benefits:
 - a. They allow for development which is more sensitive to the environment, especially in hilly areas and areas with water features and natural drainageways;
 - b. They allow for the preservation of open and natural areas;
 - c. They promote better site layout and opportunities for private recreational areas;
 - d. They promote opportunities for affordable housing;
 - e. They promote energy efficient development; and

-
- f. They allow for the provision of alternative structure types where density standards are met.
 - g. They reduce the impact that new development may have on surrounding residential development.
 - h. Attached housing allows for more efficient use of land and for energy conserving housing.
 - 2. Where This Standard Applies: The regulations of this subsection apply to all attached housing in the residential single-family zone. The alternative development options listed in this subsection H are allowed by right unless specifically stated otherwise. The project must comply with all of the applicable development standards of this subsection H. The project must also conform to all other development standards of the base zone unless those standards are superseded by the standards in this subsection H.
 - 3. The Standard:
 - a. Area Requirements:
 - (1) Lot Dimensions: Attached housing must be on a lot that has a minimum area of ten thousand (10,000) square feet unless otherwise stated by this code.
 - (2) Building Setbacks:
 - (A) Interior (Noncorner) Lots: On interior lots the side building setback on the side containing the common wall is reduced to zero. The reduced setback applies to all buildings on the lot and extends along the full length of the lot line that contains the common or abutting wall. The side building setback on the side opposite the common wall must be ten feet (10').
 - (B) Corner Lots: On corner lots either the rear setback or nonstreet side setback may be reduced to five feet (5'). However, the remaining nonstreet setback must comply with the requirements for a standard rear setback.
 - b. Number of Units: A maximum of two (2) units are allowed per structure. Attached houses may have a common wall. Accessory dwelling units are prohibited on lots developed with attached housing.
 - c. Single-Family Character: Attached housing shall contribute to the single-family character of the neighborhood by utilizing exemplary design and architecture to seamlessly integrate with other structures in the vicinity. (See Figure 3 of this section.)

Figure 3



- d. **Second Story Design:** A second story of any attached housing unit requires additional design standards. Along the street facing facade, the building shall incorporate features such as offsets, balconies, projections, window reveals, or similar elements to preclude large expanses of uninterrupted building surfaces. Such features shall occur at a minimum of every twelve feet (12') along the vertical face of the facade, and each floor shall contain a minimum of offsets or breaks in facade of two feet (2') or greater in depth.
- e. **Landscape Standards:** The following landscape standards must be met on lots in the residential single-family zone to qualify for attached housing development:
 - (1) A minimum of three (3) front yard trees with a minimum dbh of two inches (2") shall be planted per unit.

(Ord. 1263, 12-29-2011; Ord. 1336, 11-2-2016; Ord. No. 1436, § 2, 2-18-2026)

9-5-2: Residential Multi-Family (RM) Zone:

9-5-2-1: Purpose:

Areas zoned as Residential Multi-Family (RM) are intended to preserve land for housing and to provide diversity in housing options. This zone implements the Comprehensive Plan policies for those areas identified as CA-3 in the 2009 Comprehensive Plan.

(Ord. 1263, 12-29-2011; Ord. No. 1436, § 2, 2-18-2026)

9-5-2-2: Use Regulations:

Permitted Uses: The land uses listed in table 9-1-2 of chapter 1 are permitted in the Residential Multifamily zone as identified and subject to the provisions of this chapter. Certain land uses have additional restrictions as specified in notes to table 9-1-2 and as specified below.

9-5-2-3: Development Standards:

- A. Lot Areas: Every individual dwelling erected shall be on a lot having an area of not less than three thousand and five hundred (3,500) square feet and frontage on a public street of not less than twenty-five feet (25') and shall have a width of not less than twenty-five feet (25') at the front building line. Townhouse lots which are designed for common wall construction on a common interior lot line shall not have an area less than two thousand five hundred (2,500) square feet per lot and frontage on a public street of not less than eighteen and three quarters feet (18.75') per lot. Lots with frontage on a cul-de-sac shall have a minimum frontage on a public road of not less than thirty feet (30').

Additional units may be developed as follows:

Table 9-5-2 Area Increases Per Unit

	Units	Lot Size	Minimum Road Frontage
Permitted use:			
An additional 1,775 square feet of area, and an additional 12.5 feet, but no more than 130 feet of frontage	1	0-4,999	25
	2	5,000	37.5
	3	6,775	50
	4	8,550	62.5
	5	10,325	75
	6	12,100	87.5
	7	13,875	100
	8	15,650	112.5
Conditional use:			
	9	17,425	125
	10	19,200	130
	11	20,975	130
	12+	+1,000 each unit	130

B. Setbacks:

1. Purpose: The setback regulations for buildings and garage entrances serve several purposes:
 - a. They maintain light, air, separation for fire protection, and access for firefighting;
 - b. They reflect the general building scale and placement of houses;
 - c. They promote a reasonable physical relationship between residences;
 - d. They promote options for privacy for neighboring properties;
 - e. They require larger front setbacks than side and rear setbacks to promote open, visually pleasing front yards;

-
- f. They provide adequate flexibility to site a building so that it may be compatible with the neighborhood, fit the topography of the site, allow for required outdoor areas, and allow for architectural diversity; and
 - g. They provide room for a car to park in front of a garage door without overhanging the street or sidewalk, and they enhance driver visibility when backing onto the street.
 - 2. General Exception to all Setbacks: Minor features of a building such as eaves, chimneys, water collection cisterns and planters, air conditioning units, bay windows, uncovered balconies, covered side and rear entryway overhangs, may extend into the required setback. Bays and bay windows encroaching into the setback also must meet the following requirements: a) each bay and bay window may be up to twelve feet (12') long, but the total area of all bays and bay windows on a building facade cannot be more than thirty percent (30%) of the linear total of the facade; b) bays and bay windows must cantilever beyond the foundation of the building; and c) the bay may not include any doors.
 - 3. Front Setbacks: Each lot shall have a front setback of not less than fifteen feet (15') in depth from front lot line, except as follows:
 - a. Porches: Unenclosed front porches shall be setback ten feet (10') from the front lot line.
 - b. Garages: Any garage, detached or attached, shall be set back a minimum of twenty-five feet (25') from the front lot line. Street facing garages shall not be permitted on lots with less than thirty-seven and one-half feet (37.5') of frontage on a public street.
 - 4. Side Setbacks: Each lot shall have a side setback of not less than five feet (5') in depth from the lot line, except as follows:
 - a. On interior lots smaller than 5,000 square feet there shall be a side setback on each side of the outer walls of any building constructed thereon of not less than three feet (3'). If the interior side setback is less than five feet (5') and the roof slopes toward the interior side property line, then the roof shall incorporate either (a) snow-retention devices designed to prevent snow and ice shedding beyond the property line, or (b) roof geometries demonstrating, through acceptable engineering analysis, that snow shed will fall entirely within the required setback.
 - b. Street Side Setback: The street side setback shall be fifteen feet (15') unless features such as projections, recessions, windows, or other architectural treatment are incorporated to prevent a blank wall appearance, in which case the street side setback may be reduced to ten feet (10'). This standard does not apply to garages accessed off the side street.
 - c. Garages:
 - (1) Detached garages on interior lots shall have a side setback of no less than three feet (3').
 - (2) Garages accessed from a street side lot line which include parking between the garage and the lot line shall have a setback of no less than twenty-five feet (25') from the street side lot line.

-
- (3) Garages accessed from a street side lot line which do not include parking between the garage and the lot line shall have a setback of no more than three feet (3') and no less than one foot (1') to prevent parking overhang onto the public right of way.
 - (4) Garages accessed from an alley shall adhere to the street side setback as established above in 4a and 4b.
 - 5. Rear Setbacks: Each lot shall have a rear setback of not less than fifteen feet (15') in depth from the lot line, except as follows:
 - a. Alley accessed garages shall have a setback from the rear lot line of one foot (1')
 - b. Accessory buildings shall have a setback from the rear lot line of five feet (5')
 - c. Accessory dwelling units shall follow the regulations of accessory buildings unless located above a garage, in which case they shall follow the standards for garages.
 - 6. Riparian and Shoreline Setback:
 - a. Purpose: The purpose of this subsection B.6. is to protect scenic and recreational resources, water quality and natural shoreline habitat. In addition, shoreline setbacks and buffers help avoid damage to development from erosion and flooding.

The waterfront building setback for new development and redevelopment (tear downs) along waterfront properties within the city of Sandpoint shall be a minimum of forty feet (40') from the artificial high-water mark. For purposes of this subsection B.6., artificial high water marks shall be considered according to the North American Vertical Datum of 1988 (NAVD88).

New development adhering to the forty foot (40') setback and/or reconstruction that involves issuance of a building permit for greater than twenty-five thousand dollars (\$25,000.00) of improvements, shall be required to plant fifty percent (50%) of the area in the minimum twenty-five foot (25') building setback with native vegetation comprised of a mixture of grasses and shrubs. For the purpose of this subsection B.6., building permit valuation shall be a cumulative aggregate from the date of the adoption hereof forward.

The city shall assist the applicant in determining appropriate native vegetation required and will coordinate with the applicant on the planting success the following year.

The building setback can be reduced to twenty-five feet (25') if the setback area is revegetated with primarily native vegetation. Establishment of a tree canopy is encouraged. No constructed structures other than those required for waterfront access/docks are allowed within the twenty-five foot (25') setback. The applicant shall record on the title documentation from the City of Sandpoint confirming that the structure has been built under the flexible setback option and as such, the structure is conforming and the area within the twenty-five foot (25') lakefront setback is to remain planted primarily with native vegetation (as described above).

A variance may be sought for those projects or activities for which it can be demonstrated that strict compliance would result in a practical difficulty. City owned property shall be exempt from the required standards.

- b. Shoreline Setback Exceptions: Placement of constructed trams, rails, uncovered steps, stairs or walkways, any of which shall be five feet (5') or less in width and installed to

provide access to the shoreline, are permitted within the shoreline setback. Such structures shall not be constructed in a manner that is parallel to the shoreline that would create a boardwalk along the waterfront (except where steep slopes require switchback designs).

C. Impervious Surface:

1. Purpose: The impervious surface standards are intended to balance development flexibility with neighborhood livability and character. By limiting the total area of buildings, driveways, patios, and other hard surfaces on a lot, the ability to ensure open, outdoor character of residential areas to include lawns, landscaping, shade trees, natural spaces and gardens is enhanced. A single impervious surface limit provides a clear and predictable standard while allowing homeowners and builders flexibility in the arrangement of structures and improvements.
2. Impervious Surface: Each lot upon which a dwelling, private garage or other outbuilding is constructed shall have a maximum impervious surface, including building footprint, of seventy percent (70%) of the lot size.

D. Building Height: No structure shall exceed a building height of forty feet (40') above the average elevation of the finished grade at the front of the building. On lots smaller than 5,000 square feet no structure shall exceed a building height of thirty feet (30') above the average elevation of the finished grade at the front of the building.

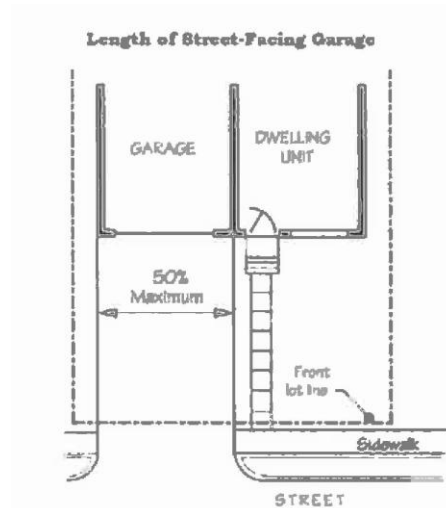
1. Exceptions To The Maximum Height:
 - a. Chimneys, flagpoles, satellite receiving dishes, roof mounted solar panels and other similar items may extend above the height limit, as long as they do not exceed five feet (5') above the top of the highest point of the roof.
 - b. Utility power poles, and public safety facilities are exempt from the height limit.

E. Garage Design Standards:

1. Purpose: Together with the main entrance and street facing facade standards, these standards ensure that there is a physical and visual connection between the living area of the residence and the street. Additionally, these standards:
 - a. Ensure that the location and amount of the living area of the residence, as seen from the street, is more prominent than the garage;
 - b. Prevent garages from obscuring the main entrance from the street and ensure that the main entrance for pedestrians, rather than automobiles, is the prominent entrance;
 - c. Provide for a more pleasant pedestrian environment by preventing garages and vehicle areas from dominating the views of the neighborhood from the sidewalk; and
 - d. Enhance public safety by discouraging garages from blocking views of the street from inside the residence.
2. Applicability: The regulations of this subsection E apply to all attached or detached garages in the residential multi-family zone.
3. Standards:

-
- a. Any garage wall with entrance facing the street may be up to fifty percent (50%) of the width of the street facing unit façade. (See Figure 1 of this section.)

Figure 1



- b. Garages shall be recessed or may be flush to the primary façade when the primary façade contains an unenclosed porch having a depth of seven feet (7') or greater and occupying a minimum of twenty-five percent (25%) of the linear primary structure façade. No portion of a garage may protrude past the front of the primary façade of the dwelling unit.
- c. Garage walls greater than twelve feet (12') in height or twenty-four feet (24') in length shall include architectural detail to break up and limit the massive appearance of the wall. Doing so requires utilizing at least two (2) of the following architectural features on street façade:
- (1) Dormers;
 - (2) Gables;
 - (3) Covered porch entries;
 - (4) Pillars or posts;
 - (5) Eaves;
 - (6) Offsets in building face or roof (minimum of sixteen inches (16"));
 - (7) Window trim;
 - (8) Bay windows;
 - (9) Balconies;
 - (10) An alternative feature providing for visual relief, similar to subsections E.3.a.(3)(A) through E.3.a.(3)(I) of this section.

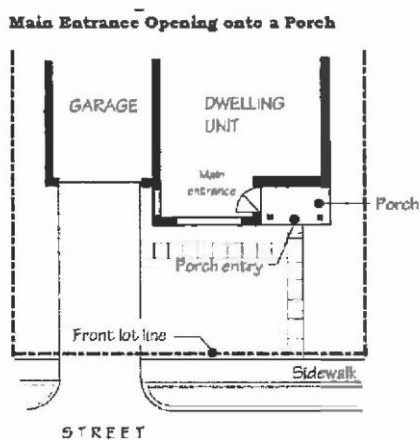
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- d. On corner lots, walls facing the side street must meet the standards of subsection E, 3, c.
 - e. Street-facing garages are prohibited on lots narrower than thirty-seven and one-half (37.5) feet in the residential multi-family zone.
 - f. Second floor windows facing abutting residential lots shall utilize appropriate glass block or opaque glass, or clerestory windows to maintain privacy of adjacent residential property.
 - g. Existing Detached Garages:
 - (1) In the residential multifamily zone, a detached garage that is in the side or rear setback may be converted to another type of detached covered accessory structure so long as it is compliant with the applicable accessory-use and accessory-building regulations in Section 9-1-9 and the development standards of the applicable residential zone. Any nonconforming structure remains subject to Section 9-2-5. Second floor windows facing abutting lots utilize appropriate material (glass block or opaque glass) to maintain privacy of adjacent property.
 - (2) Rebuilding: A detached garage that is nonconforming due to its location in a setback, may be rebuilt on the footprint of the existing foundation, if the garage was originally constructed legally. Where the structure facade faces a street, garages utilizing this provision shall be designed and reconstructed in a manner to prevent a blank wall appearance through the utilization of projections, recessions, windows or other architectural treatment.
 - (3) Additions: An addition may be made to a detached garage that is nonconforming due to its location in a setback provided the expansion complies with all other standards of this section.

F. Main Entrance Design Standards:

- 1. Purpose: These standards:
 - a. Together with the street facing facade and garage standards, ensure that there is a physical and visual connection between the living area of the residence and the street;
 - b. Enhance public safety for residents and visitors and provide opportunities for community interaction;
 - c. Ensure that the pedestrian entrance is visible or clearly identifiable from the street by its orientation or articulation; and
 - d. Ensure that pedestrians can easily find the main entrance and so establish how to enter the residence.
 - e. Ensure a connection to the public realm for development on lots fronting both private and public streets by making the pedestrian entrance visible or clearly identifiable from the public street.
- 2. Applicability:
 - a. The standards of this subsection F apply to houses, attached houses, and manufactured homes, in the residential multi-family zone;

- b. Where a proposal is for an alteration or addition to existing development, the standards of this subsection F apply only to the portion being altered or added;
 - c. On sites with frontage on both a private street and a public street, the standards apply to the site frontage on the public street. On all other sites with more than one (1) street frontage, the applicant may choose on which frontage to meet the standards.
3. Standards:
- a. Location: At least one (1) main entrance for each structure must:
 - (1) Either:
 - (A) Face the street. Be at an angle of up to forty-five degrees (45°) from the street; or
 - (B) Open onto a porch. See figure 2 of this section. The porch must be a covered unenclosed porch with a minimum of twenty-five (25) square feet in area.

Figure 2



- G. Street Facing Facade Design Standards:
- 1. Purpose: These standards:
 - a. Together with the main entrance and garage standards, ensure that there is a visual connection between the living area of the residence and the street;
 - b. Enhance public safety by allowing people to survey their neighborhood from inside their residences; and
 - c. Provide a more pleasant pedestrian environment by preventing large expanses of blank facades along streets.
 - 2. Applicability: The standard of this subsection G applies to houses, attached homes, and manufactured homes in the residential multi-family zone. Where a proposal is for an alteration or addition to existing development, the applicant may choose to apply the

standard either to the portion being altered or added, or to the entire street facing facade. PUDs that received preliminary plan approval prior to the adoption of this section are exempt from this standard.

3. Standards: At least fifteen percent (15%) of the square footage area of each facade that faces a street lot line must be comprised of windows or main entrance doors.

H. Additional Standards Applicable to Multi-Family Development:

1. Purpose and Intent: The following design standards were established to improve the appearance, quality, and functions of multi-family housing. The standards herein apply to the development of multi-family housing in the "RM" zone of four (4) or more units including, but not limited to, apartments and condominiums.
2. Conflicting Standards: In the event that other standards of this title conflict with standards in this provision, the standards within this provision shall prevail.
3. Building Mechanicals, Service Elements, and Resident Amenities:
 - a. Service areas, utility meters, and building mechanicals shall not be located on the street side of the building, nor on a side wall closer than ten feet (10') to the street side of the building. Screening of meters and mechanicals is required, regardless of location. Mailboxes are permitted within ten feet (10') of the front of the building if not visible from the street.
 - b. Trash and recycling containers, including cans and dumpsters, shall be screened so as not to be visible from the street or from neighboring properties. Screening shall be one (1) foot higher than the container but not higher than six feet (6'), however roofed enclosures may exceed this limit.
 - c. Bike racks shall be provided and shall include space for at least two (2) bikes per unit.
 - d. Bike racks shall be located near building entries, shall not interfere with pedestrian circulation, and shall be well lit.
4. Pedestrian Circulation:
 - a. There shall be a hard surface (e.g., pavement, pavers, concrete) pedestrian route from the sidewalk or street to the main building entrance and from the parking area to the nearest building entrance. Buildings with more than one (1) entrance shall provide a designated pedestrian route between those entrances (e.g., from front to back).
5. Landscaping, Open Space, and Plantings:
 - a. All portions of the site not covered by buildings, paving material, or other planned approved surfaces shall be considered "landscaped area" and shall be planted with living plant materials and/or mulches. Overall site landscaping shall include not less than:
 - (1) One front yard shade tree with a caliper no smaller than two inches (2") dbh per twenty-five (25) linear feet of lot frontage.
 - (2) One tree with a caliper no smaller than two inches (2") and ten (10) shrubs per six hundred (600) square feet of landscaped area.

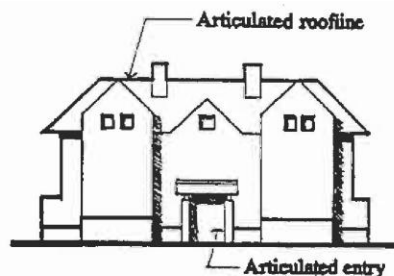
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- b. Existing healthy trees shall be preserved to the greatest extent practicable; however, invasive or nuisance trees shall be removed. Existing damaged, decayed, or diseased trees should be removed to protect remaining trees. Construction near existing trees should follow best management practices to ensure their survival.
 - c. Landscaping should reinforce pedestrian circulation routes and obstruct undesired routes of convenience. Bushes, trees, rocks, and other landscape features should be used to indicate where pedestrians should and should not travel. Native and low water demand plantings are encouraged.
 - d. Outdoor seating, including elements such as a bench or chair, shall be provided at the ratio of one (1) seating area per three (3) units which are to be incorporated into or adjacent to usable open space.
 - e. One functional outdoor open space with a minimum dimension of five hundred (500) square feet shall be provided per five (5) units.
6. Neighborhood Scale: The scale of those buildings developed within an existing neighborhood shall conform to the established scale. Appropriate scale multi-family development shall be achieved through the adherence of the following:
- a. The overall height of the multi-family structure shall relate to that of adjacent structures by avoiding construction that varies greatly in height from adjacent buildings. New multi-family structures shall graduate their maximum height based on adjacent structures using stepped roofs and/or partial stories. For example, the portion of a multi-family structure constructed adjacent to a single-story structure is limited to one and a half (1 ½) stories, and if constructed adjacent to a one and one-half (1½) story structure, the adjacent facade would be limited to two (2) stories.
 - b. Multi-family structures shall utilize a variety of building forms and roof shapes rather than boxlike forms with large, unvaried roofs. The building design shall provide manipulations to create clusters of units and variations of height, setback and roof shape.
7. Building Entrances:
- a. The primary entrance to the building shall be on the front elevation and shall face the street.
 - b. Building entrances shall be emphasized through projecting or recessing forms, detail, color, or materials.
 - c. A covering over the main entrance shall extend at least four feet (4') from the main door. Entrance features may encroach into the front yard setback a maximum of four feet (4').
8. Facade and Articulation:
- a. Buildings shall be divided into modules by using articulation or modulation at least every thirty (30) linear feet. Buildings shall use a common, unifying design theme throughout the project but not repeat the same pattern of architectural elements for more than

four (4) consecutive modules. The use of at least one (1) of the following techniques is required:

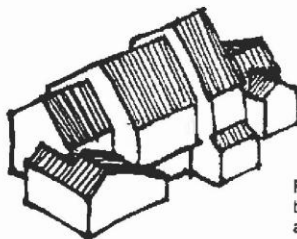
- (1) Step the front facade building wall back or forward at least four feet (4') and change the roof shape or step the ridgeline to correspond to the wall change.
 - (2) Change several of the architectural elements for the width of the module, such as primary siding material, decks, windows, and entry designs.
 - (3) Break up the roofline and wall heights by use of dormers, gables, and similar variations. When flat roofs are used, add architectural detail such as cornice or fascia and modulation to reduce the perceived mass of the walls.
- b. Buildings shall incorporate architectural details that will provide visual interest at a human scale. At least three (3) of the following shall be utilized:
- (1) A one-story porch at entrances.
 - (2) Decorative details such as columns, bay windows, dormers, multi-lite windows, trim, or moldings to articulate the building facade.
 - (3) Roof details like brackets, wide (twelve inches (12") or more) cornices and wide (sixteen inches (16") or more) overhangs.
 - (4) Materials and/or color variations that coordinate with changes in the building modules and differentiate ground floors from upper floors.

Definitions:

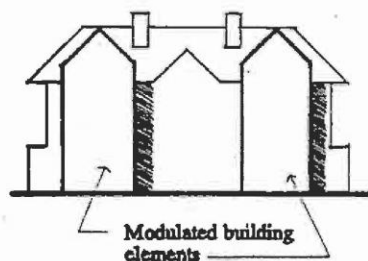
Articulation is the giving of emphasis to architectural elements (like windows, balconies, entries, etc.) that create a complementary pattern, or rhythm, dividing large buildings into smaller identifiable pieces.



Modulation is a measured offset or setback in a building's face.



Reduce the apparent size of a building by using modulation and articulation.



- c. Architectural treatment, similar to that provided to the front facade shall be provided to the sides and rear of the building to mitigate any negative view from any location off site and any public area (e.g., parking lots, walkways, etc.) on site.

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- d. The total area of windows and doors on the street facing facade, including trim, shall not be less than twenty percent (20%) of the total area of the facade, excluding gables. The first floor facade shall include windows to provide visual interest and visual connection to the street.
 9. Parking: All parking areas shall be compliant with Chapter 6 of this title. In addition, parking areas shall be designed to avoid their dominance of the streetscape. Parking shall be provided at the rear or side of the site to allow a majority of the dwelling units to "front on" the street.
 - a. Parking areas shall be separated from primary buildings by a landscaped buffer of at least fifteen feet (15') in width.
 10. Walls and Fences:
 - a. Walls and fences exceeding fifty feet (50') in length shall provide variety and articulation at intervals not exceeding twenty-five feet (25') through at least one (1) of the following methods:
 - (1) Expression of structure, such as post, column, or pilaster.
 - (2) Variation of material.
 - b. Chain link fencing is prohibited except in circumstances where fencing is provided for recreational courts (basketball, etc.).
 11. Design Standard Waivers: An applicant may request a waiver from one (1) or more of the standards listed above. All requests for waivers shall be heard and decided by the Planning and Zoning Commission or such design review subcommittee as may be created for such purpose. A waiver shall not be considered a right or special privilege but may be granted to an applicant that can meet the following findings:
 - a. That the granting of the waiver will not be in conflict with the intent of the multi-family design standards, shall not negatively impact the existing neighborhood and shall enhance the overall design quality of the project;
 - b. That there is an exceptional circumstance relating to the design or configuration of the property, which is not generally applicable to other properties or otherwise anticipated by the standards in the district.
 - c. The granting of such relief will not be materially detrimental to the public health, safety or welfare, or injurious to the property, improvements or the quiet enjoyment of the surrounding properties and neighborhood.
 - d. The granting of such relief will not be in conflict with the goals and policies of the Comprehensive Plan.

(Ord. 1263, 12-29-2011; Ord. No. 1436, § 2, 2-18-2026)

9-5-3: Reserved:

Editor's note(s)—Ord. No. 1383, adopted December 16, 2020, repealed § 9-4-3 which pertained to the watershed protection zone. Similar provisions can now be found in Title 7, Chapter 16, Watershed Protection and Access.

9-5-4: Rural Residential RR-1 Zone:

Permitted Uses: The land uses listed in table 9-1-2 of chapter 1 are permitted in the Rural Residential-1 zone as identified and subject to the provisions of this chapter. Certain land uses have additional restrictions as specified in notes to table 9-1-2 and as specified below.

Table 9-5-3 RR-1 fairground event length and attendance thresholds

Event Length	Maximum Attendance For Entire Event
1 day	3,500
2—7 days	12,500 total event or 3,500 per day, whichever is less
8+ days	14,000 total event or 3,500 per day, whichever is less

Temporary expansions, structures or parking areas which will be in place for less than thirty (30) days and are directly related to an existing or new event that falls below the thresholds noted above do not require a Conditional Use Permit.

- C. Prohibited Uses: The raising of poultry and animal kennels for commercial purposes.
- D. Areas: No building or structure, nor the enlargement of any building or structure shall be hereafter erected or maintained unless the following described yards and lot areas are provided and maintained in connection with said building, structure or enlargement:
1. Yard Limits: Each lot upon which a dwelling, private garage or other outbuilding is constructed shall have a front yard of not less than twenty-five feet (25') in depth from the front lot line. Where lots comprising forty percent (40%) or more of the frontage between two (2) intersecting streets are developed with buildings having front yards, the average of such front yards shall establish the minimum front yard depth for the entire frontage; provided, however, that in no case shall said front yard be less than said twenty-five feet (25').
 2. Side Yard: On interior lots there shall be a side yard on each side of the outer walls of any building constructed thereon of not less than fifteen feet (15'). Buildings erected upon corner lots shall comply with the front yard requirement with regard to both streets; provided, however, that in the event it is impractical or would work great or unusual hardship upon any owner of a corner lot to require him to conform to such front yard requirements regarding both streets, then the Commission may in its discretion permit such property owner to locate such building so that the front thereof conforms to the front yard requirement on the street upon which said building fronts and the side of such building may be such distance from the street right-of-way line as the Commission may deem desirable; however, no nearer to the street right-of-way line than fifteen feet (15').
 3. Rear Yard: Each lot upon which a dwelling is constructed shall have a rear yard of not less than fifteen feet (15').
 4. Lot Areas: Every building erected shall be on a lot having an area of not less than one-half (½) acre.
 5. Lot Coverage: Each lot upon which a dwelling, private garage or other outbuilding is constructed shall have not more than thirty-five percent (35%) impervious surface, including building footprint.

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6. Building Height: No structure shall exceed a building height of thirty-five feet (35') or two and one-half (2 ½) stories above the average elevation of the finished grade at the front of the building. Antennas are excluded from the requirements.

(Ord. 1236, 6-23-2010; amd. Ord. 1263, 12-29-2011; Ord. 1281, 5-15-2013; Ord. 1353, 6-6-2018; Ord. No. 1436, § 2, 2-18-2026)

9-5-5: Rural Residential RR-2 Zone:

Permitted Uses: The land uses listed in table 9-1-2 of chapter 1 are permitted in the Rural Residential-2 zone as identified and subject to the provisions of this chapter. Certain land uses have additional restrictions as specified in notes to table 9-1-2 and as specified below.

- A. Areas: No building or structure, nor the enlargement of any building or structure shall be hereafter erected or maintained unless the following described yards and lot areas are provided and maintained in connection with said building, structure or enlargement:
 1. Yard Limits: Each lot upon which a dwelling, private garage or other outbuilding is constructed shall have a front yard of not less than twenty-five feet (25') in depth from the front lot line. Where lots comprising forty percent (40%) or more of the frontage between two (2) intersecting streets are developed with buildings having front yards, the average of such front yards shall establish the minimum front yard depth for the entire frontage; provided, however, that in no case shall said front yard be less than said twenty-five feet (25').
 2. Side Yard: On interior lots there shall be a side yard on each side of the outer walls of any building constructed thereon of not less than twenty-five feet (25'). Buildings erected upon corner lots shall comply with the front yard requirement with regard to both streets; provided, however, that in the event it is impractical or would work great or unusual hardship upon any owner of a corner lot to require him to conform to such front yard requirements regarding both streets, then the Commission may in its discretion permit such property owner to locate such building so that the front thereof conforms to the front yard requirement on the street upon which said building fronts and the side of such building may be such distance from the street right of way line as the Commission may deem desirable; however, no nearer to the street right of way line than twenty-five feet (25').
 3. Rear Yard: Each lot upon which a dwelling is constructed shall have a rear yard of not less than twenty-five feet (25').
 4. Lot Areas: Minimum lot size required shall be not less than two (2) acres.
 5. Lot Coverage: Each lot upon which a dwelling, private garage or other outbuilding is constructed shall have not more than twenty-five percent (25%) impervious surface, including building footprint.
 6. Building Height: No structure shall exceed a building height of thirty-five feet (35') or two and one-half (2 ½) stories above the average elevation of the finished grade at the front of the building. Antennas are excluded from the requirements.

(Ord. 1236, 6-23-2010; amd. Ord. 1263, 12-29-2011; Ord. 1281, 5-15-2013; Ord. No. 1436, § 2, 2-18-2026)

9-5-6: Standards for Development of Residential Substandard Original Lots of Record:

9-5-6-1: Purpose and Intent:

The purpose of these provisions is to guide residential development on substandard lots, ensuring that the developments are compatible with the character and the scale of established housing.

- A. Applicability and General Provisions: The following standards and procedures apply to residential development of substandard lots as defined in section 9-1-7 of this title, and apply to:
 - 1. Substandard lots in the residential single-family (RS) zone having a lot area of less than five thousand (5,000) square feet and/or a lot width of less than fifty feet (50'), and
 - 2. Substandard lots in the residential multi-family zone having a lot area of less than three thousand five hundred (3,500) square feet and/or a lot width of less than twenty-five feet (25'), except for townhouse lots which may have a lot size as small as two thousand five hundred (2,500) square feet and frontage as narrow as eighteen and three quarters feet (18.75').

(Ord. 1263, 12-29-2011; Ord. No. 1436, § 2, 2-18-2026)

9-5-6-2: Use Regulations:

Permitted land uses and building types shall be as set forth in this chapter.

(Ord. 1263, 12-29-2011; Ord. No. 1436, § 2, 2-18-2026)

9-5-6-3: Development Standards:

- A. Setbacks in the RS zone:
 - 1. Front Setbacks: The front setback for livable space and porches shall be allowed as provided in the RS zone.
 - 2. Street side setbacks: Street side yard setbacks shall be ten feet (10') for livable space and porches and twenty-five feet (25') for parking.
 - 3. Interior Side Setbacks (between structures in a common development): Interior side setbacks shall be in accordance with the RS zone, unless one of the following is applied:
 - a. Common Lot Line Attached Units in the RS zone: Up to three (3) units may be attached at the common lot lines.
 - b. Detached Units on Contiguous Lots: When two (2) or more detached single-family units are proposed as a development project on contiguous lots, the interior side yard setbacks may be reduced to three feet (3').
 - 4. Non-street Side Exterior Setbacks: When two (2) or more attached or detached single-family units are proposed as a development project on contiguous lots, the exterior side yard setbacks shall adhere to those required by the RS zone.

5. The second story of a two-story attached building shall be set back a minimum of eight feet (8') from the side property line; provided, bay windows, pop outs or other architectural appurtenances may be allowed at the setback line required by the RS zone.



6. Rear Setbacks: Rear setbacks shall be as required by the RS zoning district.
7. Garage: A single-story, detached garage, a maximum of five hundred (500) square feet, accessed off an alley, may have a side setback of three feet (3').

(Ord. 1263, 12-29-2011; Ord. No. 1436, § 2, 2-18-2026)

9-5-6-4: Building Height:

- A. In the RM zone, structures on substandard lots shall not exceed two (2) stories or thirty feet (30'), whichever is lower.
- B. In the RS zone, new structures on substandard lots shall not exceed twenty-five feet (25') or two (2) stories, whichever is lower.

(Ord. 1263, 12-29-2011; Ord. No. 1436, § 2, 2-18-2026)

9-5-6-5: Parking:

- A. Each dwelling shall be provided with off-street parking in accordance with Chapter 6 of this title.
- B. Vehicular access and parking shall be provided according to the following standards:
1. Parking accessed via alleys is required where possible.

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2. Street-facing garages are prohibited on lots with frontage of less than thirty-seven and a half feet (37.5').
 3. Garages shall be developed in accordance with the requirements of the underlying zone.

(Ord. 1263, 12-29-2011; Ord. No. 1436, § 2, 2-18-2026)

Ord. No. 1436, § 2, adopted Feb. 18, 2026, renumbered the former § 9-4-6-7 as § 9-4-6-5 and enacted a new § 9-4-6-5 as set out herein. The historical notation has been retained with the amended provisions for reference purposes.

9-5-7: Cottage Housing:

9-5-7-1: Purpose and Intent:

This provision provides standards for cottage housing within residential zones. These standards are intended to provide opportunities for a variety of housing choices including the need for smaller, more diverse, and often more affordable housing choices. Providing for a variety of housing types also encourages innovation and diversity in housing design and site development, while ensuring compatibility with surrounding single-family residential development.

(Ord. 1263, 12-29-2011)

9-5-7-2: Conflicting Standards:

In the event that other standards of this title conflict with standards in this provision, the standards within this provision shall prevail.

(Ord. 1263, 12-29-2011)

9-5-7-3: Existing Dwellings:

An existing detached single-family dwelling that is incorporated into a cottage housing development as a residence and is nonconforming with respect to the standards of this section shall be permitted to remain on a site used for a cottage housing development and shall count as one of the allowed units. However, the extent of the noncompliance may not be increased unless the proposed change is determined by the Planning Director to be consistent in character, scale and design with the cottage housing development. An existing dwelling may be replaced with cottage units consistent with this section.

(Ord. 1263, 12-29-2011)

9-5-7-4: Housing Types Defined:

CARRIAGE UNIT: A dwelling unit, not to exceed eight hundred (800) square feet in gross floor area, located above a garage structure in a cottage housing development.

COTTAGE HOUSING: A tract of land under single ownership or unified control developed with four (4) to twenty-four (24) detached dwelling units (each unit no larger than one thousand (1,000) square feet) arranged on at least two (2) sides of a commonly owned courtyard/common area. Parking space is also commonly owned. Cottage housing development may or may not be condominiums.

(Ord. 1263, 12-29-2011; amd. Ord. 1345, 7-19-2017)

9-5-7-5: Area Allowances:

A. Cottage housing meeting the requirements of this section is allowed in zoning areas RS and RM.

(Ord. 1263, 12-29-2011)

9-5-7-6: Density Standards:

The following density standards shall apply to cottage housing developments:

- A. Cottages (including carriage units) may be built at up to two (2) units per single-family home allowed in the underlying zone. For example, if the minimum lot size for a single-family home in a zone is five thousand (5,000) square feet, a cottage development of four (4) units could be constructed on a ten thousand (10,000) square foot lot $(5,000/2) * 4 = 10,000$.
- B. Existing single-family dwellings will count toward total units.
- C. Minimum units: Four (4).
- D. Maximum units: Twenty four (24).
- E. Carriage house units may be built on top of a common garage, when the garage is located adjacent to the common open area. No more than twenty-five percent (25%) of the total number of units may be located above a common garage.

(Ord. 1263, 12-29-2011; Ord. 1345, 7-19-2017)

9-5-7-7: Cottage Housing Dispersion Requirement:

The dispersion requirement is designed to disallow cottage developments from clustering in any one area so that housing diversity is retained.

- A. In the RS Zone, developments containing cottage/carriage homes may not be located closer than seven hundred fifty feet (750') to another development approved under the provisions of this section.

(Ord. 1263, 12-29-2011)

9-5-7-8: Community Buildings and Community Space in Cottage Developments:

Community buildings and community space are encouraged in cottage developments.

- A. Community buildings or space shall be clearly incidental in use and size to the dwelling units.

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- B. Building height for community buildings shall be no taller than the height restrictions for the underlying zone. Building heights and roof standards for cottage units shall apply per section 9-5-7-10 of this chapter.
 - C. Where the community space is located above another common structure, such as a detached garage or storage building, building heights and roof standards for carriage units shall apply (see section 9-5-7-10 of this chapter).
 - D. Community buildings must be located on the same site as the cottage housing development, and be commonly owned by the residents.

(Ord. 1263, 12-29-2011)

9-5-7-9: Access and Parking:

The intent of these access and parking standards is to minimize the visual impact of vehicles and parking areas for residents of the cottage housing development and adjacent properties and to provide for adequate off-street parking for cottage housing developments.

- A. Minimum Number of Off-Street Parking Spaces:
 - 1. The minimum number of parking spaces shall be one per dwelling unit.
- B. Parking Design: The intent of these parking design standards is to create unobtrusive parking, by screening and disguising parking structures and spaces from surrounding properties, including screening by architectural design and/or vegetation, and by minimizing the number of contiguous spaces.
 - 1. Parking areas or common garages shall be limited to no more than five (5) contiguous spaces separated by a minimum of five feet (5') of sidewalk, landscaping, or open space.
 - 2. Shared detached garage structures may not exceed five (5) garage doors per building and a total of one thousand six hundred (1,600) square feet. Carriage units located above these parking structures shall not be factored into this square footage.
 - 3. Parking shall be separated from the common open area, adjacent properties, and public streets by landscaping and/or architectural screening. Solid board fencing shall not be allowed as an architectural screen. Exception: One parking structure may be adjacent to the common open area, if carriage house units are placed on top and the garage includes architectural features to make it look consistent with the units and community assets.
 - 4. Parking shall be set back a minimum of twenty-five feet (25') from a public street.
 - 5. The design of garages and carports, including rooflines, shall be similar to and compatible with that of the dwelling units within the cottage housing development.
 - 6. Parking located between or adjacent to structures, shall be located to the rear of the structure and served by an alley or driveway.

(Ord. 1263, 12-29-2011)

9-5-7-10: Cottage Housing Design Standards and Guidelines:

- A. Cottage Size: Setting a unit size helps ensure that the overall size of cottages remains small and causes less visual impact than standard sized single-family dwellings, particularly given the increased density of cottage dwellings, and to provide variety in cottage housing developments through a mixture of building sizes and footprints.
1. The total floor area of each cottage shall not exceed one thousand (1,000) square feet. The total square foot area of a cottage dwelling unit may not be increased. A note shall be placed on the title to the property for the purpose of notifying future property owners that any increase in the total square footage of a cottage is prohibited for the life of the cottage or duration of city cottage regulations.
 2. The footprint of each cottage shall not exceed eight hundred (800) square feet.
 3. There shall be no minimum size requirements for the individual units.
 4. The second floor area cannot exceed seventy-five percent (75%) of the first floor area.
 5. Cottage areas that do not count toward the gross floor area or footprint calculations are:
 - a. Interior spaces with a ceiling height of six feet (6') or less, such as in a second floor area under the slope of the roof;
 - b. Unheated storage space located under the main floor of the cottage;
 - c. Basements;
 - d. Attached unenclosed porches;
 - e. The first two hundred (200) square feet of an attached enclosed porch (square footage utilized for attached porches beyond two hundred (200) square feet shall be counted toward total square footage allowance for each cottage);
 - f. Garages or carports; or
 - g. Architectural projections (i.e., bay windows, fireplaces or utility closets) no greater than twenty-four inches (24") in depth and six feet (6') in width.
 - h. The Planning Director may approve other exemptions similar in nature provided the intent of this section is met.
- B. Cottage Height and Roof Standards:
1. A cottage shall have a gable roof or a hipped roof. Dormers are allowed.
 2. Maximum height of cottage units with a minimum roof slope of six to twelve (6:12) shall be twenty-five feet (25'), subject to all parts of the roof above fourteen feet (14') shall be pitched.
 3. Maximum height shall be eighteen feet (18') for cottages without a roof slope of six to twelve (6:12) and for all accessory structures.
 4. Deviation from the roof standards may be considered through the CUP process.

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- C. Orientation of Dwelling Units: Dwellings within a cottage housing development should be oriented to promote a sense of community, both within the development, and with respect to the larger community, outside of the cottage project. A cottage development should not be designed to "turn its back" on the surrounding neighborhood.
1. Each dwelling unit shall be oriented toward a common open area, and sixty-five percent (65%) of the units shall abut the common open area.
 2. Lots in a cottage housing development are not required to abut a public street.
 3. Each facade facing a public street (not including alleys) shall have at least two (2) of the following enhancements: secondary entrance, porch, bay window, or other architectural enhancement approved by the Planning Director that is oriented to the public street in order to prevent a blank, monotonous wall facing the street and surrounding neighborhood.
- D. Cottage Setbacks:
1. The minimum setbacks between all structures and exterior property lines (including cottages, parking structures and community buildings) in a cottage housing development shall be ten feet (10'). Eaves may project into the required setback up to eighteen inches (18").
 2. Cottage units abutting an external street shall use the front yard setback requirements for the zone they are within in order to determine how far the unit must be set back from the public right-of-way.
 3. No part of any structure in a cottage housing development (including, but not limited to, cottages, parking structures, and community buildings) shall be more than one hundred fifty feet (150'), as measured by the shortest clear and open route, from legally compliant fire department vehicle access.
- E. Fencing and Screening: The intent of internal decorative fencing and screening is to delineate private yards and screen parking structures, community assets and unit walls. A cottage housing development shall internally be an open community sharing common areas.
1. Decorative fencing may be used for delineating private yards.
 2. Fencing or shrubbery may be used to screen parking areas, community assets, and unit walls.
 3. Fencing and shrubbery used for fencing may not exceed thirty-six inches (36") in height, except directly adjacent to a parking structure or as allowed in subsection E.5. of this section.
 4. Chainlink fencing shall not be allowed. Solid fencing is allowed on the exterior boundary, except bordering an external street.
 5. Rear yards not bordering an external street may be delineated using solid fencing and may not exceed four feet (4') in height.
- F. Required Common Open Space: Common open space should provide a sense of openness, visual relief, and community for cottage developments. The space must be outside of wetlands, streams and their buffers, and developed and maintained to provide for passive and/or active recreational activities for the residents of the development.
1. There shall be a minimum of four hundred (400) square feet of common open space per cottage.

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2. Each area of common open space shall be in one contiguous and usable piece with a minimum dimension of twenty feet (20') on all sides.
 3. Land located between dwelling units and an abutting right-of-way or access easement greater than twenty-one feet (21') in width may not serve as required common open space, unless the area is reserved as a separate tract, and does not contain pathways leading to individual units or other elements that detract from its appearance and function as a shared space for all residents.
 4. Required common open space may be divided into no more than two (2) separate areas per development.
 5. Common open space shall be located in a centrally located area and be easily accessible to all dwellings within the development.
 6. Landscaping located in common open space areas shall be designed to allow for easy access and use of the space by all residents, and to facilitate maintenance needs. Where feasible, existing mature trees should be retained.
 7. Unless the shape or topography of the site precludes the ability to locate units adjacent to the common open space, the following standards must be met:
 - a. The open space shall be located so that it will be surrounded by cottages or two/three-unit homes on at least two (2) sides;
 - b. At least fifty percent (50%) of the units in the development shall abut a common open space. A cottage is considered to "abut" an area of open space if there is no structure between the unit and the open space.
 - (1) Surface water management facilities shall be limited within common open space areas. Conventional stormwater collection and conveyance tools, such as flow control and/or water quality vaults are permitted if located underground.
- G. Carriage Units Within Cottage Projects: Carriage units may be included within a cottage housing development. Design of these units should be compatible with that of the cottages included in the project.
1. The maximum size of a carriage unit shall be eight hundred (800) square feet.
 2. Carriage units, including roof, shall be no taller than thirty feet (30').
 3. Carriage units shall not have roofs less steep than four to twelve (4:12).
- H. Variation In Unit Sizes, Building and Site Design: Cottage projects should establish building and site design that promotes variety and visual interest that is compatible with the character of the surrounding neighborhood.
1. Projects should include a mix of unit sizes within a single development.
 2. Proposals are encouraged to provide a variety of building styles, features and site design elements within cottage housing communities. Dwellings with the same combination of features and treatments should not be located adjacent to each other.
- I. Private Open Space:

1. Each cottage shall have a minimum of three hundred (300) square feet of private, contiguous usable open space adjacent to each dwelling unit, for the exclusive use of the cottage resident.
- J. Pedestrian Flow Through Development: Pedestrian connections shall link all buildings to the public right-of-way, common open space and parking areas.
- K. Exterior Design Standards for Cottages: This subsection K is intended to ensure cottage design is based on a coherent architectural concept, to ensure cottages possess architectural finish, to ensure they contribute positively to the architectural character of the neighborhood, and to provide flexibility in design and contrast among individual cottages while assuring attention to design amenities.
1. Character Compatibility: Cottage housing developments shall utilize building and site design that promotes variety and visual interest and that is compatible with the character of the surrounding neighborhood.
 2. Variety In Building and Site Design: Cottage housing developments shall avoid the repetitive use of the same combination of building size, styles, features, and site design elements within the entire residential development and between adjacent dwellings. Dwellings with the same combination of features and treatments shall not be located adjacent to each other.
 3. Site Design Requirements: The overall site design for all common areas must include a minimum of five (5) points from the following table:

Table 9-5-4 Cottage Housing common-area site design points (Minimum Of 5 Points)

Mixture of grass areas and garden areas	3 points
Incorporate additional site and architectural features such as special paving, ornamental gate and/or fence, seating, functional accent lighting, artwork near entry, and/or special landscape treatment with seasonal color, flowering trees, and trees with interesting bark or branching structure	1 point per type of feature

4. Exterior Design Requirements: No blank walls are allowed, and each cottage in a cottage housing development must be designed to include a minimum of thirty-four (34) points from the following table, including the specified minimum number of points from each category:

Table 9-5-5 Cottage Housing minimum exterior design points by category

Totals by category as determined by tables below:	
Facade	Minimum of 12 points
Roof	Minimum of 8 points
Windows and doors	Minimum of 10 points
Landscaping and groundwork	Minimum of 4 points

Table 9-5-6 Cottage housing exterior design features and point values

Facade (minimum of 12 points):	
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Stucco, cedar shingle siding, board and batten, or horizontal lap siding (wood or hardiplank. Exposed siding must be between 4 inches and 7 inches in width)	4 points
Change of plane of front elevation	3 points
Architectural detailing on porch railings and posts	2 points
Decorative gable vents	2 points
Exterior stonework, masonry, stone, rock, cultured, stone, woodwork, or brickwork	2 points
Gable detailing	2 points
Gable detailing on porch roof	2 points
3-tone paint on exterior walls trim and roof	2 points
Bay window	1 point
Roof (minimum of 8 points):	
Architectural metal roof (must be commercial quality with hidden fasteners)	3 points
Architectural shingle roof	3 points
Gable dormer (shall not also be used for gabled porch roof or porch roof overhang)	3 points
Gabled or modified porch roof	3 points
Porch roof overhang to cover stairs (shall not also be used for a change of plane of front facade or as a gable dormer or gabled porch roof)	2 points
Roof brackets	2 points
Soffit detailing (exposed rafter tail painted or decoratively cut; soffit finished in shiplap or similar treatment)	2 points
Rooftop cupola	1 point
Windows and doors (minimum of 10 points):	
Mullioned windows (minimum of 2)	3 points
Skylights or clerestory windows	3 points
Window placement offset for privacy	3 points
Decorative window(s) on front facade	2 points
Front door lights or sidelights, glass front doors, transoms, glass borders, or split front door	2 points
Window trim (must include cornice molding, jamb molding, and sill for all windows)	2 points
Front door trim (must have cornice molding, parting bead, and plinth blocks)	1 point
Landscaping and groundwork for each cottage's private area (minimum of 4 points):	
Architectural fence around cottage (not less than 2, or more than 3 feet high)	2 points
Front yard landscaping (must include at least 1 dozen perennial bushes and/or trees native to the area or tolerant of local climate conditions. Landscaping does not include lawns)	2 points

Incorporate additional architectural features such as special paving, ornamental gate and/or fence, seating, planter boxes or pots, functional accent lighting, artwork near entry, and/or special landscape treatment with seasonal color, flowering trees, and trees with interesting bark or branching structure	1 point per type of feature
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(Ord. 1263, 12-29-2011)

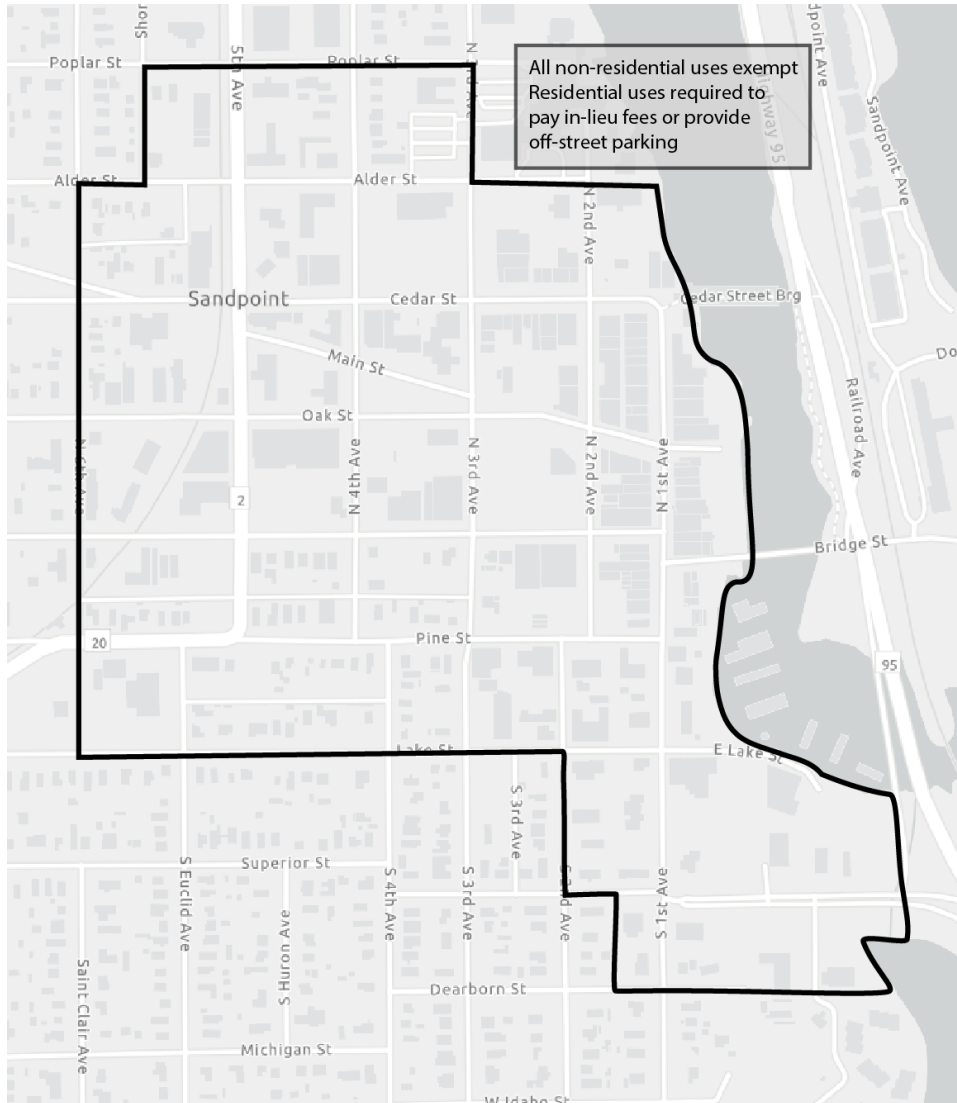
CHAPTER 6 OFF-STREET PARKING AND LOADING FACILITIES¹

9-6-1: General Provisions:

- A. Off-Street Parking and Loading Spaces Provided: No building or structure shall be erected, substantially altered (requiring a building permit), or its use changed unless permanently maintained off-street parking and loading spaces have been provided in accordance with the provisions of this chapter.
- B. Additional Parking After Enlargement up to Fifty Percent (50%) in Floor Area: Whenever a building or structure is enlarged up to fifty percent (50%) in floor area, number of employees, seating capacity, number of dwelling units, or otherwise, to create a need for an increase in the number of parking and loading spaces, additional parking and loading spaces shall be provided on the basis of the enlargement or change.
- C. Additional Parking After Enlargement Greater than Fifty Percent (50%) in Floor Area: Whenever a building or structure is enlarged greater than fifty percent (50%) in floor area, number of employees, seating capacity, number of dwelling units, or otherwise, to create the need for an increase in the number of parking and loading spaces, such additional spaces must be provided on the basis of the enlargement or change and shall be developed in accordance with the screening and landscaping provisions of this chapter.
- D. Additional Parking After Change in Use or Occupancy: Whenever a building or structure has a change in use or occupancy that would increase the number of spaces being required, such additional spaces shall be provided on the basis of the change.
- E. Parking Demand Analysis: Minimum or maximum parking space requirements may be reduced or expanded by the relevant permit approval authority, either the Planning Director, Planning and Zoning Commission, or City Council upon completion of a parking demand analysis demonstrating the actual demands of the project are less than the minimum or more than the maximum requirements of this code. A parking demand analysis must be prepared by a registered professional traffic engineer licensed in the State of Idaho and must include analysis of multimodal transportation and proximity to transit.

¹Editor's note(s)—(Ord. No. 1432, § 2, adopted Sept. 17, 2025, amended ch. 5 in its entirety to read as herein set out. Former ch. 5, §§ 9-5-1—9-5-18, pertained to similar subject matter, and derived from Ord. 1360, adopted Dec. 5, 2018.

- F. Exemptions: Non-residential development within the boundary depicted on the map in subsection G below is exempt from the parking minimum and location requirements of this chapter. Residential development within the boundary as shown in subsection G below is exempt from the parking minimum and location requirements of this chapter, provided in-lieu payments are made pursuant to City Code 9-6-18, In Lieu Parking Fees.
- G. Map of Exempted Area: Map of exempted minimum parking space requirements per subsection F of this section:



- H. For the purposes of this chapter, an alley is not a public street.
(Ord. No. 1432, § 2, 9-17-2025)

9-6-2: Location of Parking Spaces:

The following regulations shall govern the location of off-street parking spaces and areas:

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- A. Parking spaces for all residential dwelling units with a density of less than ten (10) units per acre must be located on the same site as the use which they are intended to serve.
 - B. Parking spaces for apartments, dormitories, or similar residential uses with a density of greater than ten (10) units per acre must be located not more than three hundred feet (300') from the principal use.
 - C. Parking spaces for commercial, industrial or institutional uses must be located not more than one thousand feet (1,000') from the principal use.

(Ord. No. 1432, § 2, 9-17-2025)

9-6-3: Shared Parking Reduction:

- A. Shared Parking or Parking Facilities Approval: Subject to compliance with other applicable requirements of City Code, relevant permit approval authority, either the Planning Director, Planning and Zoning Commission, or City Council, may approve shared development or use of parking facilities for two (2) or more uses if:
 - 1. A convenient pedestrian connection between the properties or uses exists; and
 - 2. The properties are within one thousand feet (1,000') of each other.
- B. Parking Requirements; Hours: Where the uses to be served by shared parking do not overlap their hours of operation, the property owner or owners must provide parking stalls equal to the greater of the applicable individual parking requirements. Where a use change occurs within the development causing an overlapping of use hours, parking requirements must be reassessed. For the purposes of this provision, residential parking use hours shall be from five o'clock (5:00) p.m. to sixty thirty-o'clock (6:30) a.m. daily.
- C. Parking Space Reduction: Where the uses to be served by shared parking have overlapping hours of operation, the relevant permit approval authority, either the Planning Director, Planning and Zoning Commission, or City Council, may approve a reduction of the total required parking spaces if the reduction is supported by a parking demand analysis performed by a registered professional traffic engineer licensed in the State of Idaho.
- D. Documentation Required: Prior to establishing shared parking or any use to be served thereby, the property owner or owners must file with the County Recorder's office or its successor agency, a written agreement approved by the Planning Director providing for the shared parking use. A copy of the written agreement must be retained by the Planning Director in the project file. The agreement must be recorded on the title records of each affected property.

(Ord. No. 1432, § 2, 9-17-2025)

9-6-4: Access and Maneuvering Area:

- A. Any parking area must be designed in such a manner that any vehicle entering or leaving the parking area from or onto a public or private street must be traveling in a forward motion. Development of six (6) or fewer units on a site, including single-family, duplexes, multi-family dwellings, and accessory dwelling units, are exempt from this requirement.

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- B. Driveways shall be located so that any obstructions do not prevent adequate sight distance between a vehicle stopped at the edge of the right of way and any approaching vehicle or pedestrian on the adjacent street. The required sight triangle shall be determined using the guidance of "A Policy on Geometric Design of Highways and Streets" (Green Book), published by the American Association of State Highway and Transportation Officials (latest edition), or another method approved by the City Engineer or Public Works Director.
 - C. All maneuvering areas, ramps, access drives, etc., must be provided on the property on which the parking facility is located; however, if such facility adjoins an alley, such alley may be used as a maneuvering area.

(Ord. No. 1432, § 2, 9-17-2025)

9-6-5: Minimum Distance and Setbacks:

No portion of any parking facility shall obstruct the sight triangle of an adjacent street or driveway access, as determined by an analysis using the guidance of "A Policy on Geometric Design of Highways and Streets" (Green Book) published by the American Association of State Highway and Transportation Officials (latest edition), or another method approved by the City Engineer or Public Works Director.

(Ord. No. 1432, § 2, 9-17-2025)

9-6-6: Surfacing:

- A. Hard surfacing of all parking facilities shall be required. All hard surfacing must comply with all other applicable provisions of City Codes, including the Stormwater Management Code.
- B. Hard surfacing, for the purposes of this chapter, shall be defined as asphalt pavement, concrete pavement, or as otherwise determined by the City Engineer or Public Works Director.
- C. All hard surfacing must be completed before a certificate of occupancy is issued. In the event that hard surfacing cannot be timely completed due to inclement weather, the city may issue a temporary certificate of occupancy if an agreement secured by a bond or other security acceptable to the city in an amount of one hundred fifty percent (150%) of the costs of the hard surfacing is provided to the city. In the event a cash security is provided, no interest shall accrue to the party providing the cash. All agreements must include such terms as may be reasonable under the circumstances, including a requirement that the paving be completed within six (6) months of the agreement and, if not, that the city, in the city's sole discretion, use the security to complete the hard surfacing.
- D. Driveways and parking facilities abutting a public right of way shall include hard surfacing from the edge of right of way to the parking facility. Driveway approaches within the public right of way shall be constructed pursuant to City Code 7-3-9, New Construction of Curbs, Gutters and Drainage Appurtenances, and city standard details.
- E. If a parking facility is accessed from a public alley, a minimum of twelve (12) feet in width of the alley shall be constructed with hard surfacing for the entire length of the alley between the adjacent public streets at either end of the alley. The driveway approaches accessing either end of the alley on the adjacent public streets shall be constructed pursuant to City Code 7-3-9, New

Construction of Curbs, Gutters and Drainage Appurtenances, and city standard details. Hard surfacing of alleys shall be included, as needed, in an approved stormwater management plan that meets the requirements of City Code Title 11, Chapter 3, Stormwater Management Ordinance, as determined by the Public Works Director.

- F. Exceptions to hard surfacing requirement of parking facilities:
1. Within the Industrial General (IG) Zone, the hard-surfacing requirement may be waived, with the exception that, for the first twenty-five (25) feet on private property from the right-of-way, the width of the driveway shall be hard surfaced.
 2. A detached single-family home, with or without an ADU, or a duplex, with or without an ADU, that is not accessed from a street or is accessed from an alley shall be exempted from the hard-surfacing requirement. Any residential development of greater intensity shall be required to adhere to the hard surfacing requirements.
- G. Construction and the repaving of parking facilities must be in accordance with the Stormwater Management Ordinance, Title 11, Chapter 3, of this code.

(Ord. No. 1432, § 2, 9-17-2025)

9-6-7: Maintenance:

- A. The owner of property used for parking and/or loading shall maintain the facility in accordance with good practice without holes and free of all snow, dust, trash and other debris.
- B. Failure to keep the parking facility surfaces reasonably clean of snow and debris, failure to keep storm catch basins properly clean and functioning, and failure to remove and replace dead plant material or to remove noxious weeds shall be specifically included in the term "failure to maintain the facility in accordance with good practice" and shall be deemed a violation of this title and therefore subject to the penalties as established.
- C. The city shall not be responsible for maintenance, repair, upkeep, or reconstruction of any parking facility located on private property or any hard surfacing of alleys required by City Code 9-6-6, Surfacing.

(Ord. No. 1432, § 2, 9-17-2025)

9-6-8: Lighting:

- A. Any parking area which is intended to be used during non-daylight hours shall be properly illuminated in accordance with the regulations set forth below and in the Outdoor Lighting provisions of Title 8, City Code.
- B. Any lights used to illuminate a parking lot must be so arranged as to reflect the light away from the adjoining property.
- C. Parking area lighting must be designed to provide the minimum lighting necessary to ensure adequate vision in parking areas while avoiding glare and direct illumination of adjacent properties or streets. All parking area lighting requirements must also apply to interior drives and other areas on the property used by vehicles.

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1. Lighting Fixtures: All lighting fixtures providing illumination for parking lots must direct light downward (in keeping with Illuminating Engineering Society of North America, IESNA, standards).
 2. Maximum Mounting Height: The maximum mounting height for all parking lot illuminating light fixtures shall be twenty feet (20').
 3. Timers Required: Lighting must be on a timer or utilize photocells which turn off all unnecessary lights when the lot is not in use to reduce glare in the surrounding neighborhoods and to save energy.

(Ord. No. 1432, § 2, 9-17-2025)

9-6-9: Wheel Blocks:

- A. Whenever a parking space extends to a property line, wheel blocks or other suitable devices must be installed to prevent any part of a parked vehicle from extending beyond the property line, assuming a 24-inch vehicle overhang from the vehicle-side face of the wheel block.
- B. Where parking spaces abut sidewalks or walkways, wheel blocks shall be provided to prevent vehicle overhang on the sidewalk or walkway. Wheel blocks shall be placed so that the distance between vehicle-side face of the wheel block and the opposite side of the sidewalk or walkway is at least seven (7) feet.
- C. Whenever wheel blocks are used, the parking space depth, as specified under Design and Dimensional Standards (Section 9-6-14 / Table 9-6-1) shall be measured from the vehicle-side face of the wheel block.
- D. Whenever any obstruction greater than eight (8) inches in height, including walls or fences, is located directly adjacent to a parking space, wheel blocks shall be provided at least two (2) feet from the obstruction, and the "stall depth from curb edge", identified as dimension D in Table 9-6-1, shall be measured from the vehicle-side face of the wheel block.

(Ord. No. 1432, § 2, 9-17-2025)

9-6-10: Signs:

- A. The entrances and exits to the parking area must be clearly marked.
- B. Parking areas having more than one aisle or driveway must have directional signs or markings in each driveway or aisle.
- C. Parking area directional signs must have a maximum size of four (4) square feet.

(Ord. No. 1432, § 2, 9-17-2025)

9-6-11: Striping:

All parking areas shall be striped with minimum four inches (4") wide white striping, meeting the dimensional standards of City Code 9-6-14, Design and Dimensional Standards.

9-6-12: Screening and/or Landscaping:

- A. **Parking Area Minimum Landscaping:** A minimum of ten percent (10%) of paved parking area must be landscaped.
- B. **Slopes and other areas between a parking area and sidewalks, street rights-of-way or property lines** must be landscaped with a minimum five foot (5') buffer containing grass, hardy shrubs, trees or evergreen ground cover and must be maintained in a consistent condition acceptable to the city. A minimum of fifty percent (50%) of the required buffer yard must be made up of hardy shrubs, fifty percent (50%) of which shall be evergreen and shall reach a height of four feet (4') within five (5) years. The five foot (5') buffer may be reduced when at least five feet (5') of landscaped area exists between the sidewalk and curb. Dead landscaping must be replaced. It shall be a violation of this chapter if an owner fails to replace dead landscaping with the same or other landscaping approved by the city within one month of notification by the city or as is seasonably acceptable.
- C. **Proximity Standards:** Whenever a parking area providing more than ten (10) vehicle spaces is located in or adjacent to a residential district, dwelling unit, school, hospital, church or other institution for human care, it must be effectively screened on all sides abutting any such property by a five foot (5') buffer area with an acceptably designed wall, fence or planting screen. Alternatively, the buffer area may be reduced to three feet (3') if a decorative screen fence is erected with evergreen shrubs of at least two (2) gallon size planted at the base. Such fence, wall or planting screen must not be less than four feet (4') nor more than six feet (6') in height and maintained in good condition. The space between such fence, wall or planting screen, and the lot line of the adjoining premises in any residential district must be landscaped with grass, hardy shrubs, or evergreen ground cover and maintained in good condition. In the event that terrain or other natural features are such that the erection of such fence, walls or planting screen will not serve the intended purpose, the Planning Director may waive specifically this requirement.
- D. **Parking Facilities Abutting Street Right-of-Way:** Parking facilities which abut a street right-of-way must provide one street tree for every twenty-five feet (25') of property abutting such right-of-way. Should the planting of such a street tree be physically unfeasible, the Public Works Director may require suitable landscaping abutting the street right-of-way.
- E. **Material and Planting Requirements:** Parking area landscaping must consist of, but not be limited to, a mix of deciduous trees, evergreen shrubs, and ground cover. Tree species must be of the types listed on the "City of Sandpoint approved street tree list" (as adopted by resolution), or approved by the urban forester. All trees must be planted with a minimum 1.5-inch caliper. All interior planting beds must have a minimum dimension of six feet (6') at the narrowest point with a soil depth appropriate for the trees selected.
- F. **Parking Area Between Twenty (20) and Thirty (30) Spaces:** One tree for every ten (10) parking spaces or the larger fraction thereof must be provided.
- G. **Parking Areas Exceeding Thirty (30) Spaces:** The following additional regulations apply:
 - 1. Parking areas must include a minimum fifteen foot (15') landscaped buffer from residential zones and be divided into smaller areas interconnected by landscaped aisles to reduce vehicle

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- speed and protect pedestrians. No parking space shall be more than sixty feet (60') from a landscaped area, and there must be at least one tree for each three hundred (300) square feet of required landscape area.
2. Required shade trees must be of such species and canopy to provide a minimum of thirty percent (30%) canopy cover of the parking area at maturity. Eligible tree canopy must be directly over parking area.
 3. A timed and automated irrigation system shall be provided for all required landscaping and maintained in a workmanlike manner.
- H. Parking Area Directional Signs: Parking area not visible from streets must have clearly visible directional signs approved during the site plan review process.
- I. Screening Equipment; Noise: Mechanical equipment, utility facilities, and garbage containers must be screened in such a manner so as not to be visible from abutting residential property owners. A fence may be used to provide this screening. Mechanical equipment creating noise must be placed as far from residential uses as practical and in keeping with access and maintenance requirements, and must have noise buffering if placed in the vicinity of residential uses.
- J. Snow Storage: Areas for snow storage must be designated in site plans and provided for in development or redevelopment of property.
- K. Pedestrian Access: Parking areas must be designed so that pedestrian and automobile patrons have a clearly marked path from each business entrance to the nearest sidewalk to each adjacent street. This pedestrian path shall meet the requirements for an accessible route as described in the latest edition of the ADA Standards for Accessible Design of the Americans with Disabilities Act.
- L. Exemptions:
1. Single-Family Residential: Single-family and duplex residential off-street parking areas are exempt from this subsection.
 2. Auto and Vehicle Dealers: Auto and vehicle dealers are exempt from providing landscaping within the interior of the sales and display area.
 3. Landscaping Requirement Modifications: Landscaping requirements may be modified by the Planning Director for a specific site when soil or slope limitations make strict adherence impractical, when safety considerations are involved, especially in the clear vision triangle.
 4. Industrial General Zone: Parking areas within the Industrial General Zone shall only be required to adhere to the requirements of subsection A of this section, "Parking Area Minimum Landscaping."
 5. Existing Parking Areas: Expansions of existing parking areas shall not be exempt.

(Ord. No. 1432, § 2, 9-17-2025)

9-6-13: Accessible Parking Spaces:

All parking facilities must provide accessible parking spaces as required by the ADA Standards for Accessible Design of the Americans With Disabilities Act.

9-6-14: Design and Dimensional Standards:

- A. All parking facilities must be designed to city standards. Plans for parking facilities are required prior to construction and shall indicate ingress, egress, grade, drainage facilities, location of all plantings, base and surface materials.
- B. Minimum Standards: Letters in the following chart are referenced in subsection C of this section, Diagram, Parking Space Minimum Design and Dimensions (For Standard Vehicles). Off-street parking spaces must be provided in accordance with the following minimum standards:

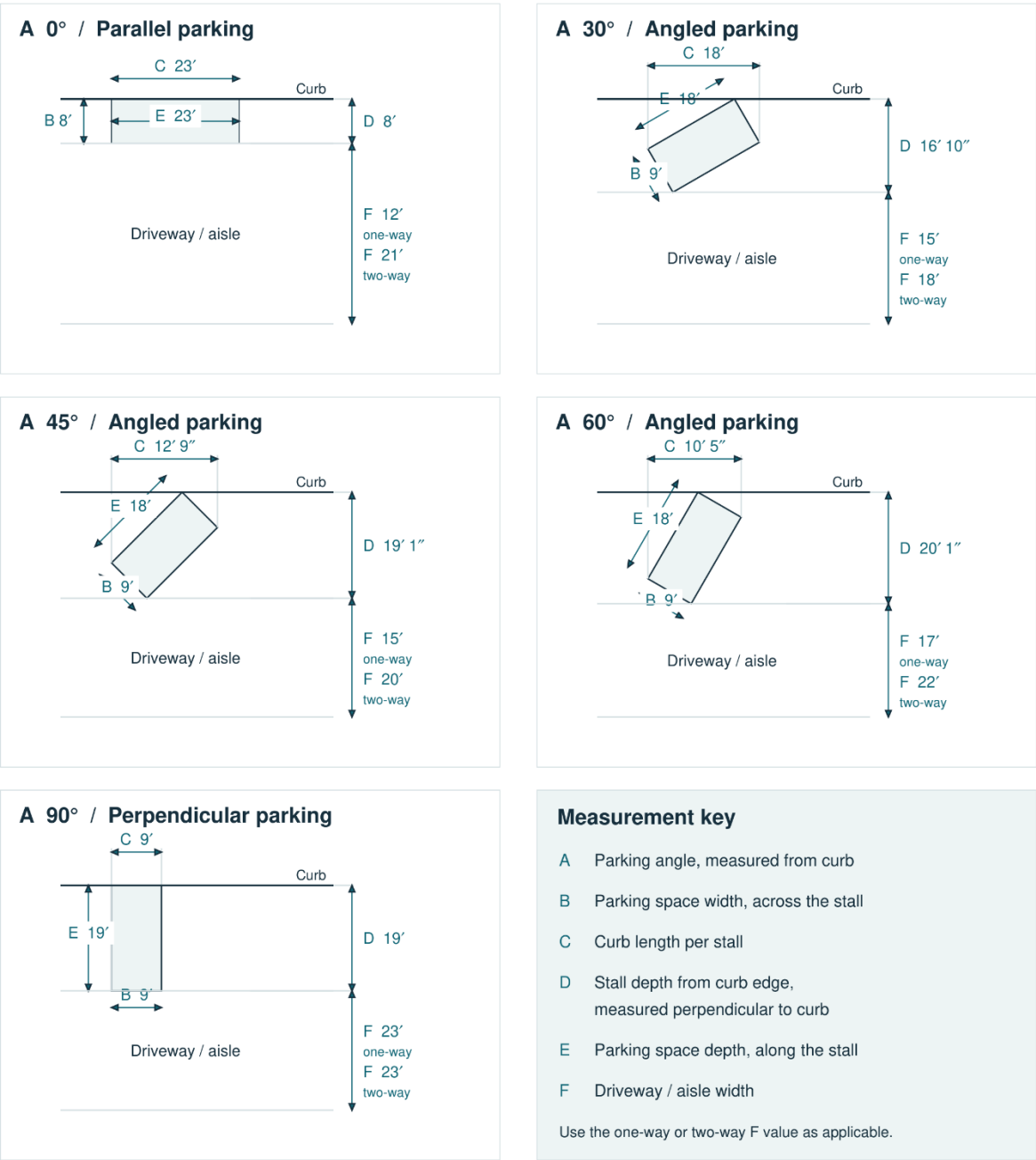
Table 9-6-1 Parking design and dimensional standards - standard and compact vehicles

Parking Angle A	Parking Space Width B	Curb Length Per Stall C	Stall Depth From Curb Edge D	Parking Space Depth E	1-Way Driveway Width F	2-Way Driveway Width F
For standard vehicles:						
0°	8 feet	23 feet	8 feet	23 feet	12 feet	21 feet
30°	9 feet	18 feet	16 feet, 10 inches	18 feet	15 feet	18 feet
45°	9 feet	12 feet, 9 inches	19 feet, 1 inch	18 feet	15 feet	20 feet
60°	9 feet	10 feet, 5 inches	20 feet, 1 inch	18 feet	17 feet	22 feet
90°	9 feet	9 feet	19 feet	19 feet	23 feet	23 feet
For compact vehicles:						
0°	7 feet, 6 inches	18 feet	7 feet, 6 inches	18 feet	12 feet	21 feet
30°	7 feet, 6 inches	15 feet	14 feet	15 feet	15 feet	18 feet
45°	7 feet 6 inches	10 feet, 7 inches	15 feet, 11 inches	15 feet	15 feet	20 feet
60°	7 feet, 6 inches	8 feet, 8 inches	16 feet, 9 inches	15 feet	15 feet	22 feet
90°	7 feet, 6 inches	7 feet, 6 inches	15 feet	15 feet	23 feet	23 feet

- C. Diagram, Parking Space Minimum Design and Dimensions:

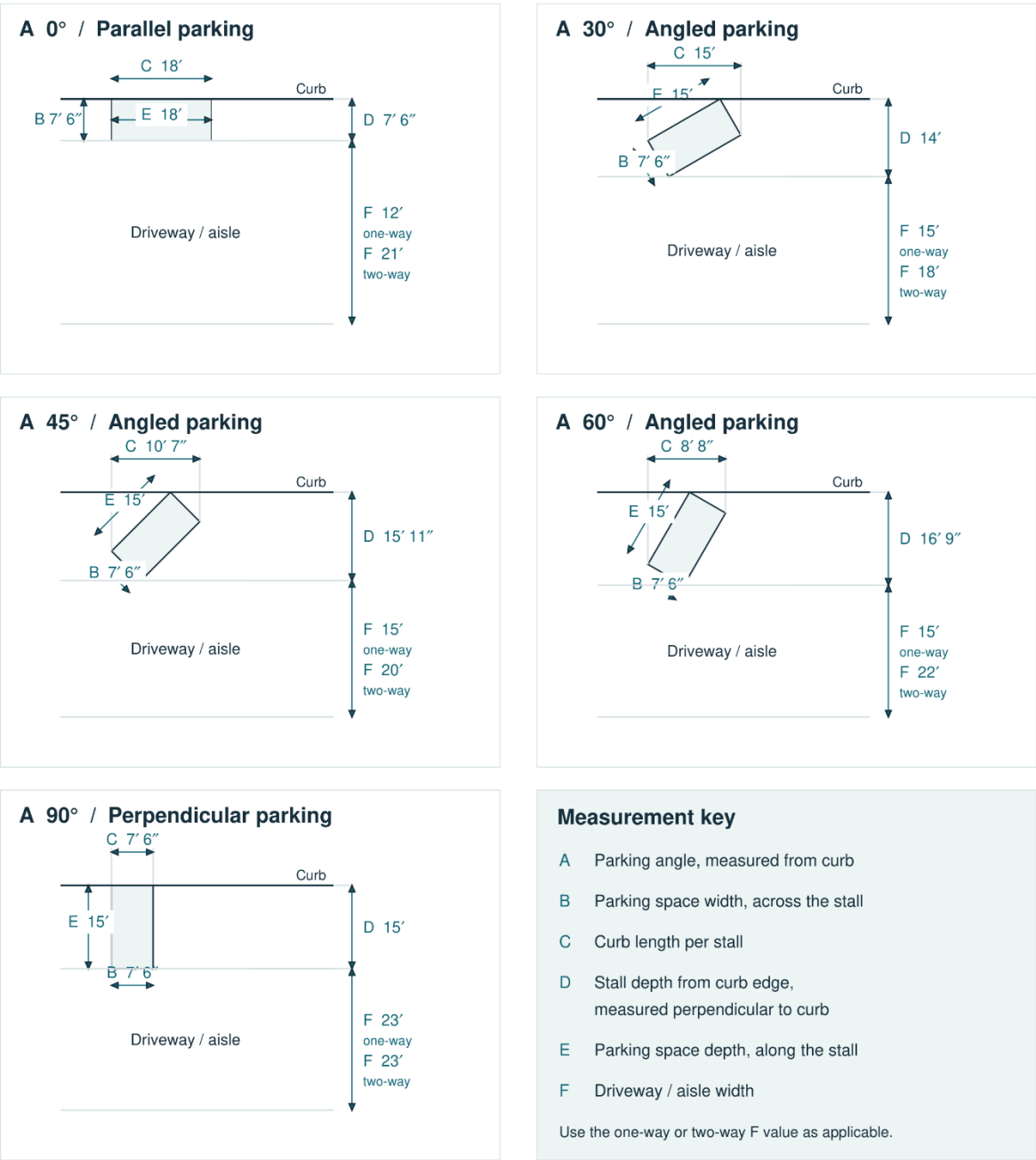
Standard vehicle parking dimensions

Each arrow shows what to measure. Letters match the dimensional standards table.



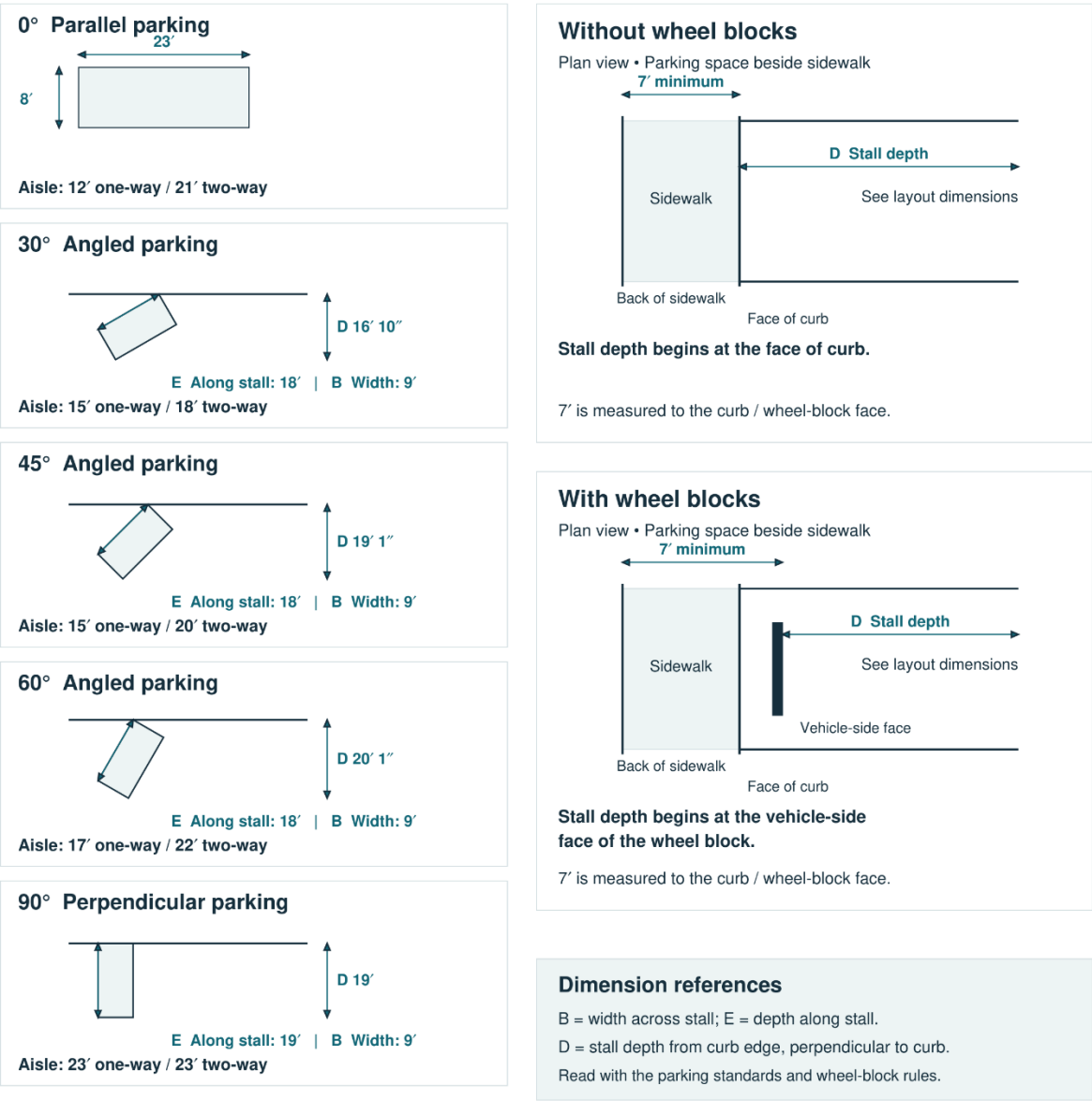
Compact vehicle parking dimensions

Each arrow shows what to measure. Letters match the dimensional standards table.



Curb, wheel-block & sidewalk details

Measure stall depth from the curb face or the vehicle-side face of a wheel block.



Standard vehicles • Dimensions are minimums • Illustrations not to scale

- D. Additional Standards for Compact Car Parking:
1. If the total number of required parking spaces is less than ten (10), no compact car spaces shall be provided.

2. If the total number of required parking spaces equals ten (10), then one parking space may be for compact cars. For each four (4) spaces in excess of ten (10), one space for compact cars may be provided.
3. Each compact car parking space shall be marked for such use.

(Ord. No. 1432, § 2, 9-17-2025)

9-6-15: Minimum and Maximum Surface Parking Space Requirements:

A: Required Parking by Land Use

Table 9-6-2 Required Parking by Land Use

Type of Use	Parking Spaces Required
A.	Residential outside of Exempt Area: Values shall be held as the minimum:
	Accessory dwelling units
	1 for each unit
	Apartments, duplexes, townhouses or multi-family dwellings over 1,200 square feet of living space per unit
	1.4 for each unit
	Apartments, duplexes, townhouses or multi-family dwellings equal to or under 1,200 square feet of living space per unit
	1 for each unit
	Boarding, lodging, or rooming house
	1 for each sleeping room
	Cottage developments in accordance with Section 9-5-7, Cottage Housing
	1 for each unit
	Detached single-family homes with more than 3 bedrooms
	2 for each unit
	Detached single-family homes with 3 bedrooms or less
	1 for each unit
	Group homes
	2 for each unit
B.	Residential within Exempt Area
	Any residential land use
	1 for every 1000 sf, not to exceed 1.5 for each unit
C.	Commercial: Values shall be held as the minimum. The maximum amount of parking spaces allowed shall be no more than 20 percent above the minimum requirement. Structured parking shall be exempt from the parking maximum requirements.
	Banks, financial institutions and similar uses
	1 for every 500 square feet of floor area
	Bowling alleys
	2 for each alley
	Dance floors, skating rinks
	1 for every 500 square feet of floor area
	Dining rooms, restaurants, taverns, nightclubs, etc.
	1 for every 300 square feet of floor area
	Funeral parlors, mortuaries
	1 for every 100 square feet of floor area open to the public
	Hostels
	1 for every 4 beds

	Hotels, motels	1 space for each room or unit; plus, as required for accessory uses, such as restaurants, meeting halls, etc.
	Medical or dental clinics	1 for every 500 square feet of floor area of examination, treatment, office, and waiting rooms
	Offices, public or professional administration and services	1 for every 500 square feet of floor area
	Retail sales and services of large items, such as appliances, furniture and equipment	1 for every 800 square feet of floor area
	Retail stores	1 for every 350 square feet of floor area
	Service stations providing repair, public garages	1 for each 2 gasoline pumps and 2 for each service bay
	All other types of business or commercial uses permitted in any Commercial Zone	1 for each 350 square feet of floor area
D.	Entertainment and Recreation: Values shall be held as the minimum. The maximum amount of parking spaces allowed shall be no more than 20 percent above the minimum requirement. Structured parking shall be exempt from the parking maximum requirements:	
	Auditoriums, sport arenas, theaters and similar uses	1 for each 5 seats; 20 inches of bench shall be considered 1 seat
	Fitness centers	1 for every 400 square feet of floor area
	Private clubs or lodges	1 for every 350 square feet of floor area
	Swimming pools, public or community clubs	1 for each 5 persons' capacity plus 1 for each 4 seats or 1 for each 30 square feet of floor area used for seating purposes, whichever is greater
E.	Institutional: Values shall be held as the minimum:	
	Churches and other places of religious assembly	1 for each 5 seats; 20 inches of bench shall be considered 1 seat
	Hospitals	1 for each bed
	Libraries, museums, art galleries	1 for each 500 square feet of floor area
	Sanatoriums, homes for the aged, nursing homes, children's homes and similar uses	1 for each 2 beds
F.	Schools (Public, Private Or Parochial): Values shall be held as the minimum:	
	Business, technical and trade schools	1 for each 2 students
	Colleges, universities	1 for each 4 students
	Elementary, high schools	1 for every teacher and employee, 1 for every 4 students normally enrolled that are over the legal driving age, and 1 for every 4 seats in auditoriums, gymnasiums or stadiums. Parking spaces provided for the school may be considered as parking for the public assembly areas

	Kindergartens, daycares, childcare centers, nursery schools and similar uses	Where the number of children plus employees is less than 13, 2 off-street parking spaces shall be provided. Where the number of children is equal to or greater than 13, 1 off-street parking space for each 5 children or a fraction thereof shall be provided
G.	Industrial: Values shall be held as minimum:	
	All types of manufacturing, storage, wholesale and freight uses permitted in any Industrial District	1 for each 1,000 square feet of floor area

Parking spaces for other permitted or conditional uses not listed in this section shall be determined by the Planning Director.

- B. Bicycle Spaces: All nonresident parking facilities with more than twenty (20) parking spaces shall provide the equivalent of one (1) bicycle space for every five (5) parking spaces included in the facility for the temporary storage of bicycles. Space for bicycle storage shall be designed in accordance with the bicycle parking standards adopted by City Council resolution.

(Ord. No. 1432, § 2, 9-17-2025)

9-6-16: Parking Credits:

- A. Bicycle Parking: For every six (6) nonrequired bicycle parking spaces created within any Commercial or Industrial Zone which adhere to the standards set forth in this chapter, motor vehicle parking space requirements may be reduced by one space; up to a maximum of two (2) off-street parking spaces.
- B. Motorcycle Parking: For every two (2) motorcycle parking spaces provided for any multifamily, commercial or industrial project, the number of standard vehicle spaces may be reduced by one space up to a maximum of two (2) spaces. Motorcycle parking spaces must be at least four feet (4') wide and ten feet (10') deep with a minimum of ten feet (10') of backup space provided. Backup space shall be on private property within an access aisle or other area not otherwise designated as a parking space.
- C. Affordable Housing Deed Restrictions: The minimum parking space requirements for developments that contain a deed restriction for affordable housing shall be reduced by twenty percent (20%). Such development must adhere to the following standards:
1. At least fifty percent (50%) of the units must be deed restricted to provide for affordable rental housing.
 2. At a minimum, the deed restriction must accommodate households making less than eighty percent (80%) of area median income according to the Department of Housing and Urban Development (HUD). Such accommodation must provide affordable units such that no more than forty percent (40%) of tenant household income shall go towards the payment of rent. The deed restriction must remain in effect for a minimum of ten (10) years.

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3. Applicants awarded this credit must submit annual reports verifying the standards above to remain in good standing of this provision.

(Ord. No. 1432, § 2, 9-17-2025)

9-6-17: Loading Areas:

- A. The required number of loading spaces are as follows:

Table 9-6-3 Required loading spaces by gross floor area

Gross Floor Area (Square Feet)	Quantity	Type
14,000—36,000	1	A
36,001—60,000	2	A
60,001—100,000	2	A
	1	B
For each additional 75,000 or fraction thereof	1	B

- B. The size of off-street loading spaces shall not be less than the following, exclusive of access platform and loading area:

Table 9-6-4 Minimum dimensions for Type A and Type B loading spaces

Type A spaces:	Length	35 feet
	Width	12 feet
	Height clearance	15 feet
Type B spaces:	Length	65 feet
	Width	12 feet
	Height clearance	15 feet

- C. Convenient access to loading spaces shall be provided and shall not be less than twelve feet (12') in width.
- D. Loading spaces may be located in required yards, providing such space is not roofed.
- E. Loading spaces shall be located entirely on the property they are intended to serve.

(Ord. No. 1432, § 2, 9-17-2025)

9-6-18: In Lieu Parking Fees:

- A. Purpose: The purpose of these provisions is to allow development to satisfy the off-street parking requirements by making in lieu payments into a special dedicated fund the city will use to develop parking.
- B. Goals: The in-lieu program is voluntary and has the following goals:
1. To creatively reduce parking requirements;

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2. To reduce the cost of development by reducing the funds required for building and maintenance of parking lots;
 3. To facilitate the construction and improvement of public parking;
 4. To improve urban design;
 5. To encourage shared parking; and
 6. To support historic preservation.

C. Definitions:

IN LIEU PAYMENT: A onetime optional payment made to the city Parking Improvement Fund fulfilling all or part of the parking requirements for development.

PARKING IMPROVEMENT FUND: A special dedicated fund to collect revenue from in lieu parking payments. Revenue collected is used to improve general public parking in the city, to purchase or lease land for public parking, to improve, create, or expand city parking facilities, and to offset administrative expenses.

D. Applicability: These provisions may be utilized in lieu of providing parking in the following situations:

1. New residential development within the parking exempt area as defined in City Code 9-6-1-F, Exemptions.
2. Non-residential development and residential development outside the exempt area as defined in City Code 9-6-1-F, Exemptions.
3. Non-residential development within the exempt area shall be exempt from this section.
4. A Parking Demand Analysis, as established in City Code 9-6-1-E, Parking Demand Analysis, shall not be eligible to determine the required number of parking spaces for the purposes of establishing an in lieu payment.

E. Payment Calculation: The parking requirements set forth in the Parking Code may be satisfied in whole or in part by the payment of a nonrefundable parking in lieu fee of an amount set by City Council resolution, which may be amended from time to time to approximate changes in costs of implementing the Parking Improvement Fund.

F. Parking Fund Use: The "Parking Improvement Fund", a dedicated fund, is hereby created to receive revenue from in lieu payments. The fund shall be used to provide and enhance public parking facilities, including buying or leasing land, constructing parking facilities, offsetting administrative expenses directly related to managing the account and the construction of facilities, coordinating parking planning, and erecting signage.

G. Limitations: In the event an application for development outside of the parking exempt area that requires a site plan review permit or a Conditional Use Permit, as established in Title 9, City Code, intends to satisfy more than fifty percent (50%) of the parking requirement by payment of parking in lieu fees, such application shall require review and approval of the Planning and Zoning Commission as part of the development application review. Public notice of the development application shall reference the parking reduction sought. Any such request for parking may be

denied or reduced if the Planning and Zoning Commission finds that permitting such request would have an adverse impact on the surrounding area or neighborhood.

(Ord. No. 1432, § 2, 9-17-2025)

CHAPTER 7 SIGN CODE

9-7-1: Purpose and Authority:

The purpose of this chapter is to establish standards for the fabrication, erection and use of signs, symbols, markings and advertising devices within the city. These standards are desired to protect and promote the public welfare, health and safety of persons within the community and to aid in the development and promotion of business and industry by providing sign regulations which encourage aesthetic creativity, effectiveness and flexibility in the design and use of such devices without creating detriment to the general public and are adopted in accordance with that authority granted in Idaho Code section 67-6518 (1980) and the general police powers of the city. As used herein, the term "Building Inspector" shall refer to the city's Building Official or their designee; the term "Planning Director" shall refer to the city's Planning Director or their designee.

Notwithstanding anything herein to the contrary, noncommercial copy may be substituted for commercial copy on any lawful sign structure.

(Ord. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

9-7-2: Short Title; Citation:

This chapter shall be known as the SIGN CODE of the city of Sandpoint and may be so cited and shall be referred to herein as the sign code.

(Ord. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

9-7-3: Permit Required:

It is unlawful to erect, construct, reconstruct, or alter, any "sign" as defined in this chapter without first obtaining a sign permit from the Building Inspector. All applications for sign permits shall be accompanied by plans, designs, specifications or drawings stating specifically all dimensions, animations, if any, lighting, colors and plan of installation stating clearances and setbacks. The city Building Inspector or Planning Director shall have the authority to refuse a sign permit for any sign which does not comply with the requirements of this chapter.

(Ord. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

9-7-4: Definitions:

ABANDONED SIGN, ON PREMISES: A sign which no longer advertises a bona fide business, lessor, owner, product or activity conducted or product available on the premises where such sign is displayed.

ARCHITECTURAL BLADE: A roof sign or projecting sign with no visible legs or braces designed to look as though it could have been part of the building structure, rather than something suspended from or standing on the building.

ARCHITECTURAL PROJECTION: Any projection not intended for occupancy, which includes signs, canopies, or marquees.

AREA OF SIGN: The area of all faces of the sign within a perimeter which forms the outside shape including any frame, forms an integral part of the display, but excluding the necessary supports or uprights on which the sign may be placed. If the sign consists of more than one section or module, all areas will be totaled. Where poster panels or bulletins are installed back to back, both faces are considered as area.

BACKGROUND AREA: The entire area of a sign on which copy could be placed, as opposed to the copy area, where copy is in fact posted or painted.

BANNER: A long, narrow flag or pennant hung over a street or entrance with no advertising copy.

BANNER SIGN: A sign composed of flexible material and securely attached at all four (4) corners to the primary structure of the business.

BUILDING CODE: The building code in effect for the city of Sandpoint.

BUILDING COMPLEX: A building or group of buildings within a single architectural plan and/or parcel of property housing two (2) or more commercial units of operation and providing common facilities or utilities, such as shopping centers, professional office buildings, etc.

BUILDING FACE OR WALL: All window and wall area of a building in one plane or elevation.

BUILDING FRONTAGE: The linear width of a building facing the right-of-way or the linear length of the right-of-way facing the building, whichever is smaller.

CANOPY, MARQUEE OR AWNING: A permanent rooflike shelter extending from part or all of a building face over a public right-of-way and constructed of any suitable weather resistant material.

CANOPY, MARQUEE OR AWNING SIGN: Any such sign attached to or constructed in or on a canopy, marquee or awning. For the purpose of this sign code, the square footage of a canopy sign shall be determined by the smallest square or rectangle that will enclose the copy area so long as any lighting below the canopy is shielded and down directed so the canopy does not appear illuminated. The amount of signage on an awning shall be limited to the lesser of thirty-five (35) square feet per individual tenant space or twenty-five percent (25%) of the total area of the awning. Awning signs shall not be allowed above the first story of a building.

CHANGEABLE COPY SIGN (Manual): A sign on which copy or sign panels may be changed manually in the field, such as boards with changeable letters or changeable pictorial panels.

CHANGING SIGN (Automatic): An electronically or electrically controlled sign, message center or reader board, where different copy changes are shown on the same location.

COMMERCIAL/INDUSTRIAL PARK: A planned, coordinated development of a tract of land with two (2) or more separate industrial or commercial buildings. Such development is planned, designed, constructed, and managed on an integrated and coordinated basis.

CONSTRUCTION SIGN: A temporary sign identifying a building or construction site and the architects, engineers, financial institutions, contractors and suppliers involved.

COPY: The wording on a sign surface.

ELECTRONIC SIGN: Includes those displaying time and temperature and also refers to digital or video displays or any sign that contains dynamically generated digital content.

FEATHER FLAG: A temporary, freestanding sign attached on one side to a pole or staff driven into the ground for support, or having a crossbar base suitable for standing or weighting the sign securely on a hard surface. The sign face may be vertical or vertically tapered and consist of a loose polyknit or semirigid membrane. This definition includes, but is not limited to, those advertising mechanisms referred to as blade, feather, feather sail, message, sun blade, swooper, teardrop, wind flag, banner, or sign.

FLASHING SIGN: Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source.

FREESTANDING SIGN: A sign erected on a freestanding frame, mast or pole and not attached to any building.

HEIGHT OF SIGN: The vertical distance measured from the adjacent street grade or upper surface of the street curb to the highest point of said sign. Elevated roadways shall not be used to measure height.

INTERNALLY LIGHTED SIGN: A sign which is wholly or partially illuminated by an internal light source from which source light passes through the display surface to the exterior of the sign.

MURAL: A pictorial display without advertising copy on the exterior wall of a building.

MURAL SIGN: A wall painting or design that may include graphics, illustrations or symbols that represent the on site business use or name but shall be limited in its allowed sign area to only such numbers, letters, logos or trademarks that represent or identify the business or use occupying the building on which the mural sign appears.

NEON SIGN: Any sign or portion of a building illuminated or outlined by tubes using electrically stimulated neon or other gas.

NONCONFORMING SIGN: Any advertising structure or sign which was lawfully erected and maintained prior to the effective date hereof, or is located in newly annexed territory, and which does not conform to all applicable provisions of this chapter as it may be amended from time to time.

OFF PREMISES SIGN OR OFF SITE SIGN: Any sign that relates to or advertises products, services or uses at, or directs persons to, a different premises from where the sign is installed.

ON PREMISES SIGN: A sign calling attention to any business, product or activity conducted or produced on the property where such sign is located, or identifying the premises upon which such sign is located.

PERMANENT SIGN: Any sign other than a temporary sign.

PORTABLE SIGN: Any sign not permanently attached to the ground or building, including sandwich type signs, sidewalk or curb signs.

PREMISES: An area of land with its appurtenances and building which, because of its unity of use, is one unit of real estate.

PROJECTING SIGN: A sign, other than a wall sign, which is attached to and projects from a structure or building face.

ROOF SIGN: Any sign erected upon, against or directly above a roof or on top of or above the parapet of a building.

SIGN: Any identification, description, illustration, symbol, statue or device, illuminated or nonilluminated, which is visible from any public place designed to advertise, identify or convey information, including any landscape where letters or numbers are used for the purpose of directing the public's attention to a product or location, with the exception of window displays and flags of any state or nation. For the purpose of removal, sign shall also include all sign structures.

TEMPORARY SIGN: A sign which is not permanently affixed and is in place for thirty (30) days or less.

WALL SIGN: A sign painted on, attached to or erected against a wall of a building with the face parallel to the building wall and extending not more than one foot therefrom.

(Ord. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

9-7-5: Impairment of Traffic and Rights-of-Way:

In addition to other requirements of the zoning code and sign code, all signs, including signs inside windows, shall comply with the following conditions:

- A. No sign shall be erected at the intersection of any street(s) in such a manner as to obstruct the free and clear vision of pedestrians and vehicular traffic or at any location where, by reason of the position, shape, color, words, phrases or symbols, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device.
- B. No sign shall be erected or maintained which, by use of lights, illumination, or sound, creates an unduly distracting or hazardous condition to a motorist, pedestrian or the general public.

(Ord. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

9-7-6: Sign Districts:

For the purpose of determining allowable sizes, numbers, materials, placement and other requirements for restrictions on signs as set forth in this chapter, the city shall be divided into sign districts as follows:

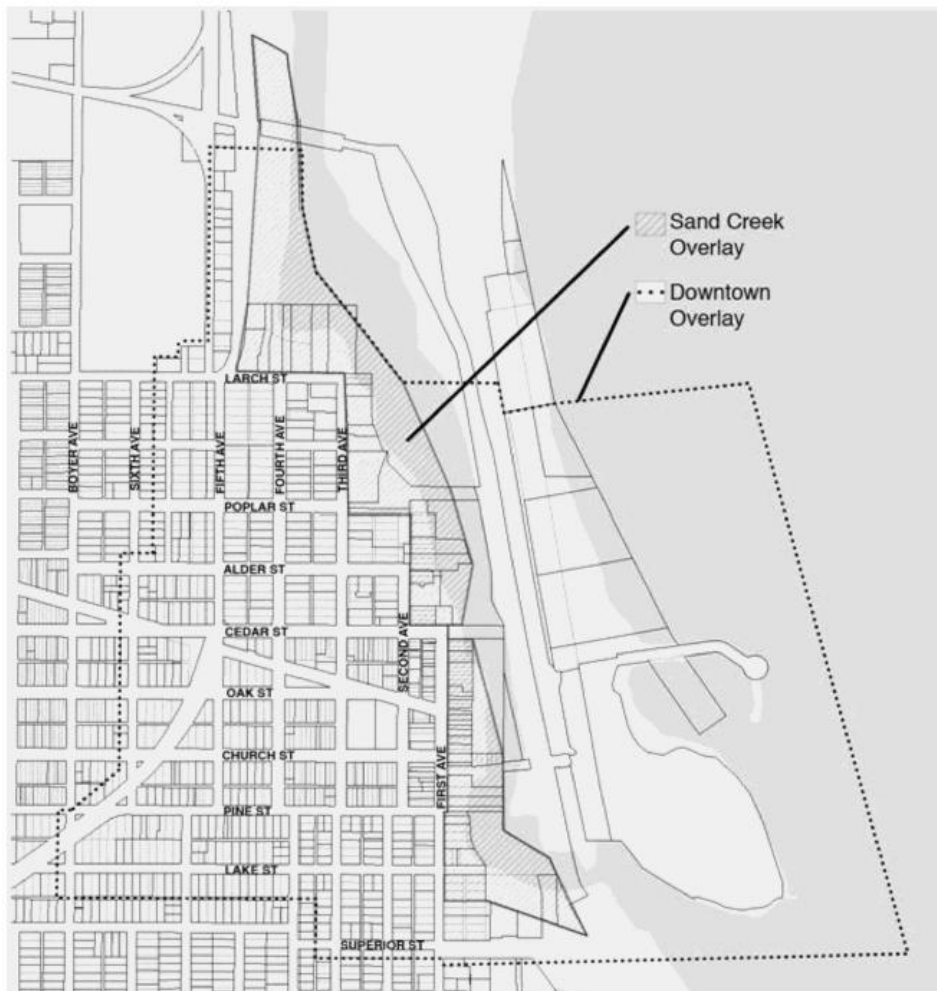
- A. **Downtown Overlay District:** Businesses included within the downtown overlay district are those which front upon any street that is part of the boundary and all businesses located within the area encompassed by the boundaries, which shall be defined as:

Starting at Superior Street and First Avenue, then west to Third Avenue, north to Lake Street, then west to Boyer Avenue, north to Highway 2, then east to Sixth Avenue, north to Alder Street, east to Short Avenue, north to Larch Street, east to Fifth Avenue, north one thousand

four hundred and ten feet (1,410') then east to the city border and returning south along the city border, then east across Sand Creek along the southern border of the water treatment facility, south along Lake Pend Oreille around city beach to Highway 95 as it enters Sandpoint, then west to the point of beginning.

- B. Sand Creek Sign Overlay District: Any business within the downtown overlay district set forth above that has frontage on both Sand Creek and one of the following streets: Lake Street, First Avenue, Cedar Street, Second Avenue, Poplar Street, Third Avenue, Larch Street, and Fifth Avenue, including those parcels south of the trestle bridge that crosses Fifth Avenue.
1. Standards: The downtown overlay district shall apply. In addition, those businesses within the Sand Creek overlay district that have dual building frontage shall be allowed one additional wall sign facing Sand Creek as provided below:
 - a. Prohibited Signs: Signs prohibited in this chapter as listed in section 9-7-13 of this chapter retain prohibition.
 - b. Sign Size: Buildings utilizing the additional signage allowance are limited to twenty percent (20%) of the building's Sand Creek facing facade or four hundred (400) square feet, whichever is less. In the case of a mural sign, only the letters and numbers making up the business name shall be counted as sign area.
 - c. Illumination: Signs may be illuminated through downlit illumination, halo illumination, or may utilize internal illumination when not composed of a single flat panel display.
- C. Special Standards For Buildings That Span The Width of Sand Creek: Given the distinct visual prominence of enclosed buildings that span the width of Sand Creek, the following special standards for signage shall apply to ensure that signage is presented in such a way that will limit "visual noise" and will preserve the historical nature of town as stated in the Comprehensive Plan:
1. Prohibited Signs: Signs prohibited in this chapter as listed in section 9-7-13 of this chapter retain prohibition. A single banner may be allowed west of the thread of Sand Creek and within one hundred feet (100') of the nearest street curb, subject to the provisions set forth in the "portable signs" section. Banners are otherwise prohibited. A-frame signs are allowed subject to section 9-7-12 of this chapter.
 2. Sign Sizes: A maximum of two hundred (200) square feet of total sign area is allowed west of the thread of Sand Creek and within one hundred feet (100') of the nearest street curb. Directory signage totaling no more than two hundred (200) square feet, which may be double sided, is allowed within seventy feet (70') of the southbound shoulder lane of Highway 95.
 3. Window Signs: Window signs are limited as follows:
 - a. Lettering or symbols to be no greater than one-half ($\frac{1}{2}$) of window height.
 - b. Lettering or symbols to be spaced uniformly and allowed only in ground floor windows.
 - c. Lettering or symbols to be of one color.

- d. Lettering to be uniform font size.
 - e. Signage to be categorical in content, as examples: coffee, food, drink, gallery, restaurants, artisans, shopping, dining, gelato, burgers, barbecue, jewelry, furniture, etc.
 - f. Lettering or symbols to be made of permanent durable vinyl or other such product that will withstand UV rays, and to be removed when faded and not legible.
4. Signage Representing Use of Building: Signage representing the use of the building is allowed, subject to other provisions in this chapter, sign size notwithstanding.
- D. General Sign District: All the area within the corporate limits of the city where signs are a permitted use pursuant to the zoning ordinances of the city, excepting the downtown and Sand Creek overlay districts.
- E. Sign District Map:



(Ord. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

9-7-7: Materials and Construction:

- A. Materials: Signs may be constructed of durable materials such as painted, stained or carved wood, brick or stone, plastics or polymers, glass or metal, provided metal signs shall not be pointed on their edges creating a safety hazard and shall be treated to prevent reflective glare.
- B. Support Structures: Exposed metal support structures for signs, including, but not limited to, posts, poles and sign sides or edges, must be faced or covered with wood, brick or stone, or painted. The Planning Director must approve the color and material.
- C. Exposed Neon: Exposed neon may be used only in one of the following ways: inside a building window, provided the total area of all signs does not exceed ten (10) square feet and which shall be included in the total sign area; as an accent on exterior wall signs, provided the total square footage of the neon may not exceed ten percent (10%) of the total area of the sign (neon square footage shall be determined by the smallest square or rectangle that will enclose the area of the neon); or not more than two (2) vacancy/no vacancy signs for each motel or hotel, not to exceed ten (10) square feet and which shall be included in the total sign area.
- D. Banner Frame: Businesses wishing to utilize banner material for permanent signage will be required to install a frame around the outside edge of the banner. The frame may be of metal, wood, or other material in order to provide an attractive and durable border to such sign. Any existing permanent signs using banner material shall be required to install such frame within one year of the adoption of this section. If not used for permanent signage, the provisions of section 9-7-12 of this chapter shall apply to number, size, and location of any banner sign.
- E. Compliance With Certain Regulations Required: All signs shall be Underwriters Laboratory (UL) approved, except for signs typically not requiring UL approval, such as wood signs that are indirectly lighted. All other signs shall comply with the most current printing of the national electrical code/international building code. Drawings of all signs showing size, location, color and other information as deemed necessary by the city Building Inspector or Planning Director must be submitted prior to receiving a sign permit. All plans for freestanding or roof signs as allowed by this chapter shall be submitted with the signature and stamp of a licensed engineer unless otherwise waived by the city Building Inspector. The engineer's review of a sign structure, if required, shall include, but not be limited to, the effects of wind, seismic forces, allowable stresses, combined loads, overturning movement from lateral forces, and the stresses of wire or rope and their fastenings.
- F. Bracing Systems: Signs and sign structures shall be designed and constructed to resist wind and seismic forces as specified in this section. All bracing systems shall be designed and constructed to transfer lateral forces to the foundations. For signs on buildings, the dead and lateral loads shall be transmitted through the structural frame of the building to the ground in such a manner as not to overstress any of the elements thereof.
- G. Supports: The supports for all signs or sign structures shall be placed in and upon private property and shall be securely built, constructed and erected in conformance with the requirements of this chapter.

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- H. Setbacks: No projecting sign, canopy, or marquee shall extend from a building to a point beyond eighteen inches (18") from the back of the adjacent street curb, nor shall it be lower than eight feet (8') above the sidewalk from which they overhang. For freestanding sign standards, see section 9-7-11 of this chapter.

(Ord. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

9-7-8: Sign Sizes:

All signs shall be proportioned in size to the building on which they are to be mounted or which contains the business they are advertising, and the total square footage for all signs shall be limited based on primary entrance frontage as follows:

- A. General Sign District: Two and one-half (2½) square feet of sign area for each linear foot of building frontage up to a maximum of one hundred fifty (150) square feet of total sign area, unless adjusted as hereinafter provided.
- B. Downtown Overlay District: Two (2) square feet of sign area for each linear foot of building frontage up to a maximum of one hundred twenty-five (125) square feet of total sign area, unless adjusted as hereinafter provided.
- C. Sand Creek Overlay District: See subsection 9-7-6B of this chapter.
- D. Square Footage Penalty: A square footage penalty equal to fifty percent (50%) shall be imposed and deducted from the total square footage allowable for each internally lighted wall, projecting or freestanding sign, that utilizes white, off white, light gray, yellow, or cream for the background or noncopy portions of a sign, except when used as the background for reader board or changeable copy signs as permitted by subsection 9-7-13(I) and where the area utilized for internally lit changeable copy cannot exceed fifty percent (50%) of the business's allowed sign area.
- E. Nonconforming Business Use: Any business use located within a residential zone of the city that is considered legally nonconforming or is approved through a Conditional Use Permit process shall be subject to the sign areas as set forth in subsection B of this section for the downtown overlay district.

(Ord. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

9-7-9: Master Sign Program:

- A. Approval of a master sign program will allow flexibility with regard to sign area, number, location, or height of permitted signage to the extent that the master sign program will enhance the overall development. Approval of a master sign program will allow for an increase of up to twenty-five percent (25%) in overall sign area.
 - 1. Applicability: The approval of a master sign program shall be required whenever any of the following circumstances exist or whenever an applicant requests the approval of a master sign program:
 - a. Three (3) or more separate tenant spaces are to be created on the same parcel; or

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- b. A single building has multiple tenant spaces where each tenant space does not have a clearly defined street facing business presence (tenant spaces may be located behind or above other businesses); and
 - c. The Planning Director determines that a master sign program is needed because of special project characteristics (e.g., the size of proposed signs, limited site visibility, a business within a business, the location of the site relative to major transportation routes).
 2. Approval Authority: The Planning Director may approve a master sign program through the granting of a sign permit for a master sign program.
 3. Application Requirements: A sign permit application for a master sign program shall include all information and materials required by the department. Information to be submitted should include:
 - a. Proposed signage types.
 - b. Proposed signage locations.
 - c. Breakdown of sign area allowed each tenant.
 4. Standards: A master sign program shall comply with the following standards:
 - a. The program shall comply with the purpose of this chapter and underlying standards for the sign district.
 - b. The program shall accommodate future revisions that may be required because of changes in use or tenants.
 5. Revisions To Master Sign Programs: Revisions to a master sign program may be approved by the Planning Director with a standard sign permit if the intent of the original approval is not affected. Revisions that would substantially deviate from the original approval shall require the approval of a new master sign program.

(Ord. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

9-7-10: Number of Signs:

- A. The maximum number of signs for each business shall be two (2) for each street frontage. In no case shall a business be allowed more than two (2) permanent signs on one side of a building. Those businesses that fall within the Sand Creek overlay district may also be allowed one additional wall sign facing Sand Creek, subject to the standards set forth in subsection 9-7-6B of this chapter.

(Ord. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

9-7-11: Freestanding Signs:

- A. Number Allowed; General Regulations: Only one freestanding sign may be allowed for each single- or multi-tenant building, which shall be constructed of durable materials, shall not exceed ten feet (10') in height from grade to the top of the sign or supporting structure, whichever is higher, shall not encroach on any public right-of-way, and shall comply with all other applicable design and

construction standards as set forth in this chapter; and further provided that single or double tenant signs shall not exceed twenty-five (25) square feet.

- B. Setback: All freestanding signs located within the city limits shall be set back in accordance with the proposed height of the sign (e.g., a 6 foot tall sign requires a 6 foot setback) provided that signs which are less than five feet (5') in height shall observe a setback of no less than five feet (5'), measured from the property line to the nearest point of the support structure or sign face. Freestanding signs may encroach within the setback up to eighteen inches (18") from the property line when:
1. Not illuminated with the exception of downlighting;
 2. No more than five feet (5') in height; and
 3. Plans are submitted with the signature and stamp of a licensed engineer. The engineer's review shall include, but not be limited to, the effects of wind, seismic forces, allowable stresses, combined loads, overturning movement from lateral forces, and the stresses of wire or rope and their fastenings.
- C. Height: Freestanding signs may extend to a height of no more than ten feet (10') from grade to the top of the sign or supporting structure, whichever is higher. Other signs, including wall signs, shall not extend above the roofline of the building containing the business it advertises, exclusive of false fronts.
- D. Landscaping: The ground area around the base of all freestanding signs shall be landscaped, providing that the Building Inspector and Planning Director may exempt freestanding signs from this requirement where it is demonstrated by the applicant that the landscaping would unduly interfere with pedestrian or vehicle traffic.
- E. Commercial/Industrial Park Entrance Signs: For separate buildings in close proximity or on individual lots within a commercial/industrial park, this provision allows one freestanding entrance sign, not to exceed fifty (50) square feet for the complex or park. Signs must be located at the entry of the commercial/industrial park or primary access and shall abide by clear vision triangle specifications set by state law. One double sided sign per street abutting the perimeter of the park is allowed. Signs may not exceed the maximum height established for freestanding signs within the same zoning district and may not be internally lighted. External lighting that is concealed and focused downward onto the sign is permitted. Space may be made available on the entry sign for each tenant and/or lot in the park. Applications for entrance signs shall stipulate who will be responsible for installation and maintenance.

(Ord. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

9-7-12: Portable Signs (A-Frames and Banners):

In addition to the number of signs allowed according to street frontage, all businesses shall be allowed one A-frame or banner, subject to the following requirements:

- A. General Requirements:
1. Placement of portable signs shall only be allowed following issuance of a portable sign permit. Such permits will be exclusive to the permittee's location and business name.

Transfer of the portable sign to another location or change in the business name will require amendment of the sign permit.

2. All portable signs shall be constructed of solid and durable materials, and no lighting or reflective materials shall be used.
3. All signs permitted herein are subject to the maintenance, repair, and removal provisions set forth in sections 9-7-17 and 9-7-18 of this chapter.
4. The Planning Director, Building Inspector, Fire Chief, Police Chief and/or public safety officer of the city of Sandpoint may cause the immediate and permanent removal, without notice, of any portable sign found to be in violation of any provision of this code, including, but not limited to, permitting requirements or placement in the public right-of-way in a manner that encroaches into the pedestrian travel zone, is unsafe, or blocks or impedes access.

B. A-Frame Signs:

1. Businesses within the same building may share the use of a single A-frame, but in no case shall a single business be allowed to advertise on more than one A-frame sign. Minimum spacing between A-frame signs for multi-tenant buildings shall be one hundred feet (100'); this spacing may be reduced to fifty feet (50') upon approval by the Planning Director.
2. For those A-frame signs placed in the right-of-way, each face of the A-frame shall be no wider than two feet (2'), and no taller than three feet (3'), including any sign frame. An A-frame placed on private property may differ in dimensions, but in no case shall each face be greater than six (6) square feet.
3. Any person or business placing an A-frame upon the public right-of-way in conformance with this section shall execute a hold harmless agreement by which the person or business placing such A-frame sign accepts any and all liability for damages of any nature suffered by anyone as a result of the placement or maintaining of such sign and further shall agree to hold the city harmless from and indemnify the city for any such claims for damages.
4. All A-frame signs shall be suitably anchored, weighted or designed to be resistant to the weather conditions; shall not begin more than four inches (4") above the sidewalk; shall be required to be removed at the end of each business day; and shall not be displayed during the nonbusiness hours of the commercial use such signs advertise. Signs with wheels which can be rolled into place are prohibited.
5. All A-frame signs placed within the right-of-way shall be located immediately abutting the building containing the business advertised thereon, and may not encroach into the pedestrian travel zone as defined in subsection 7-2-2C of this code. Should the width of the existing sidewalk not allow for the placement of a sign that would not encroach into this zone, the business owner may request an exception from the Planning Director and Building Inspector to allow a single face A-frame sign, not to exceed six (6) square feet in size, to be placed so as to securely lean against the building.

If not located within the right-of-way, the A-frame sign shall be located so as to not interfere with pedestrian movement on any private pedestrian path or sidewalk and shall not be placed so as to prevent the use of any required parking spaces, interfere with persons exiting their vehicles, or restrict the turning movements of vehicles within a parking area.

C. Banners:

1. Standards: All businesses will be allowed the option of utilizing a twelve (12) square foot banner as a portable sign set forth above. Such banner must be securely attached at all four (4) corners to the primary structure of the business and maintained in good repair in accordance with the provisions set forth in section 9-7-17 of this chapter.
2. Special Event Banners: A special event banner permit may be obtained for a single event for businesses that are set back from a street fifty feet (50) or more and subject to the size restrictions set forth below. Special event banners may not be used concurrently with another banner and are only allowed for a seventy-two (72) hour period. Additionally, special event banner permits shall not be issued to a business more than once per month. The size of banners shall be restricted by linear business frontage as follows:

Table 9-7-1 Special event banner size by building frontage

Building Frontage(Linear Feet)	Banner Size(Square Feet)
100—150	50
150—200	100
Over 200	300

(Ord. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

9-7-13: Permitted and Prohibited Signs:

A. Permitted Signs:

1. House Numbers: Signs not exceeding one square foot in area illuminated only by the reflector method and bearing only the house number and the name of the occupant shall be allowed within any residential zone.
2. Advertising Signs: Such signs shall be a permitted use only in the commercial or industrial zones or for any business use located within a residential zone that is considered legally nonconforming or is approved through the Conditional Use Permit process.

B. The following shall be prohibited in all districts:

1. Moving Appurtenances: Moving mechanical or electrical appurtenances attached to a sign or otherwise intended to attract attention to a sign.
2. Interference With Visibility of Traffic Device: Any sign located so as to conflict with the clear and obvious appearance of public devices controlling public traffic.
3. Rotating Beacon Lights: Rotating beacon lights used above or attached to any sign structure, sign or building.

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4. Flashing, Moving Signs: Animated, rotating, flashing signs or signs which have moving parts.
 5. Portable Signs With Wheels: Portable signs with wheels which can be rolled onto the sidewalk or street right-of-way and signs which are supported by a heavy weight at the base which can be rolled into place. Design standards for allowed portable signs are set forth in section 9-7-12 of this chapter.
 6. Off Premises Signs: "Off premises signs", defined as signs for advertising or identification of a business which is not located on the same premises as the business, excepting directional and informational signs placed by governmental agencies.
 7. Neon Signs: Neon signs or valances, unless otherwise allowed in this chapter.
 8. Feather Flags: Feather flags.
 9. Reader Board; Changeable Copy Signs: Reader board or changeable copy signs, provided that one such nonelectronic sign shall be allowed for:
 - a. Businesses where the primary business function is as a venue for changing entertainment or events.
 - b. Movie theaters.
 - c. Businesses with convention facilities that qualify for liquor licenses under the statutes of the state.
 - d. Schools or churches, provided that those located within or abutting a residential district may not be internally lit.

Not more than two (2) such nonelectronic signs shall be allowed for gasoline service stations, provided that the only changeable copy shall be fuel prices.

10. Electronic Signs: Any existing electronic signs that are legally nonconforming at the time of passage hereof, except those signs that have been granted historic status as set forth herein, shall have until March 31, 2022, to come into compliance with the provisions of this sign code.
11. Roof Signs: Roof signs erected at the peak or that extend above the highest point of a building.



(Ord. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

9-7-14: Vehicle Mounted Commercial Signs:

- A. All vehicle mounted commercial signs shall be permanently affixed, painted, magnetically applied or otherwise mounted upon a vehicle and shall not project more than eighteen inches (18") above the surface to which they are attached; and any sign which is mounted upon the roof, hood or

trunk of a vehicle and which projects above such surface upon which it is mounted shall not exceed two (2) square feet in area per face.

- B. The primary purpose of any vehicle upon which a vehicle mounted commercial sign is affixed must be to serve a useful function in the transportation or conveyance of persons or commodities from one place to another, including transportation to and from work, and such intermittent delays and stops as are customary in the routine conduct of the business or activity for which the transportation or conveyance occurs.
- C. No vehicle upon which a vehicle mounted commercial sign is affixed may be parked on any lot or public right-of-way for the primary purpose of directing or attracting the attention of the public to a building, institution, product, organization, event or location offered or existing elsewhere except as provided for below.
- D. Banner signs displayed on vehicles shall be subject to the regulations contained in subsection 9-7-7D of this chapter.
- E. Vehicle mounted signs used in connection with a special event are exempted from the requirements of this section for only the twenty-four (24) hour period just preceding and during the term of the special event. Upon the conclusion of the special event, such signs must either be dismantled, moved to a location where the sign is not visible from public rights of way or made to comply with the provisions of this section. For the purposes of this subsection, the term "special event" shall mean a parade, circus, fair, carnival, festival or other similar event that is intended to or likely to attract substantial numbers of persons and is different in character from the customary or usual activities generally associated with the property upon which the special event is to occur.
- F. Vehicle mounted political signs pertaining to a specific election are exempted from the requirements of this section.
- G. This section shall not apply to signs that are being transported for installation.

(Ord. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

9-7-15: Exempted Signs:

The following signs shall be exempted from the provisions of this sign code, providing that they meet the requirements set forth in this section. Signs that exceed the stated area allowances shall be subject to the same permit requirements as otherwise set forth in this title.

- A. All signs erected in a public right-of-way by a public agency controlling or directing traffic shall be exempt from the provisions of this chapter.
- B. Political signs pertaining to a specific election which must be removed within five (5) days after the election by the candidate or property owner who placed the sign.
- C. Real estate signs of less than four (4) square feet of sign area located within the building setback areas not occupying any portion of the public right-of-way.
- D. Construction signs announcing the construction of a building or project naming owners, contractors, subcontractors, lending institutions, and architects, not to exceed one sign of thirty-five (35) square feet for each street frontage of the building frontage. Said sign shall be removed upon occupancy of the building for which the sign was intended.

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- E. Flags, either official or historical, of any state or nation.
 - F. Any sign inside a building, window, or on a door, except flashing, animated or rotating signs visible from outside the building. The total percentage of coverage for signs on or within windows and doors shall not exceed thirty-five percent (35%).
 - G. Owner identification or occupant identification signs for residential structures, private warning signs and "For Sale" or "For Rent" signs, none of which may exceed two (2) square feet.
 - H. Murals, as defined in this chapter. All requests for murals shall be reviewed by the arts Commission and the Planning Director, with their recommendation forwarded to City Council for approval on consent calendar. The responsibility for review shall fall to the Planning and Zoning Commission in the event there is no active arts Commission appointed.
 - I. Kiosks provided by the chamber of commerce, downtown business association and other nonprofit organizations that typically list local community events. A kiosk with space to list community events, locations of community buildings and a list of local businesses keyed to a location map may be permitted at the discretion of the Planning and Zoning Commission. Business and property owners adjoining the parcel under consideration shall be notified of such request. Said notice shall inform such owners that they may comment on the application during a period of not less than fifteen (15) days after mailing of the notice and prior to final action on said application. Said permit approval shall be based on compliance with the following:
 - 1. Safe and adequate vehicular and nonvehicular access to the kiosk;
 - 2. Kiosk layout and design which reflects an intent to notify visitors and residents of community events; and
 - 3. Use of durable materials on the kiosk.

The combined total for all signs within any one kiosk shall not be more than one hundred (100) square feet. Kiosks shall be placed within a landscaped area. Each entrance to the city shall have a designated area for these signs. Locations throughout the Downtown Core may also be selected for smaller kiosks (up to fifty (50) square feet each) serving the same purposes as above. All signs advertising a specific event shall be immediately removed at the conclusion of the event unless extended in writing by the Planning Director.
 - J. Signs stating the name of a housing complex of ten or more dwelling units, provided that the sign does not exceed twenty-five (25) square feet. Freestanding signs shall be placed within a landscaped area and shall be approved by the Planning Director.
 - K. Signs which are exclusively intended to direct pedestrian and vehicular traffic to entrances, exits, drive-up lanes, etc., smaller than three (3) square feet, with no advertising.
 - L. One Directory sign per entrance for multi-tenant buildings that does not exceed three (3) square feet. A larger Directory sign size, with a maximum area of six (6) square feet may be allowed upon approval by the city Planning and Zoning Commission.
 - M. Portable signs or banners, when used by churches, charities, and other similar nonprofit institutions or governmental entities for the purpose of announcing benefit or emergency

programs occurring within the church or institution, such as weekly free meals or cold weather shelters. Such signs must adhere to the standards set forth in section 9-7-12 of this chapter and may only be in place on the same premises and on the days such programs are taking place.

- N. Integral decorative or architectural features of buildings, including building names and dedication dates, or works of art, so long as such features or works do not contain letters or numbers (except in case of building names and dedication dates). Signs for building names shall be in harmony with the architecture of the building and are not to exceed twelve feet (12') in letter height.
- O. Public works of art that contain letters/numbers if approved by the Sandpoint arts Commission.

(Ord. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

9-7-16: Nonconforming Signs:

- A. A "nonconforming sign" is any advertising structure or sign which was lawfully erected and maintained prior to the effective date hereof, or is located in newly annexed territory, and which does not conform to all applicable provisions of this chapter as it may be amended from time to time.
- B. All nonconforming signs which are nonconforming due to exposed metal support poles, structures or edges, background color, or material, or because of design or construction standards, are allowed to remain as long as they advertise a bona fide business. However, in the event there is a change in the type of business, a request is made for a land use permit to change the use of the property, or a building permit is obtained for work involving any exterior building changes or building replacement or modifications to a site(s) upon which nonconforming signs exist, then all nonconforming signs on the subject site shall be removed or modified to comply with all the provisions of this chapter. A sign which does not conform to the provisions of this chapter shall not be structurally altered, relocated, or replaced unless it is immediately brought into compliance. In addition, all temporary and/or A-frame signs not meeting the provisions of this chapter shall be removed within thirty (30) days of the passage of this chapter. Flashing or rotating signs shall comply with the provisions of this chapter within sixty (60) days of its passage. In cases where removal of a nonconforming sign is required and would create an extreme hardship or substantial loss to the owner, as demonstrated by the owner, the owner then agrees to a reasonable time frame for the eventual removal of the nonconforming sign. This provision shall not apply to nonconforming signs illegally erected, those which pose a public safety hazard, or temporary, portable or off premises sign.
- C. In certain cases nonconforming signs may be given a historic status. All requests for historic sign status shall be reviewed by the historic Commission and the Planning Director, with their recommendation forwarded to City Council for approval on consent calendar. The responsibility for review shall fall to the Planning and Zoning Commission in the event there is no active historic Commission appointed. Independent consideration of each request will be given, and the applicant shall address each of the criteria below:

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1. At least fifty (50) years old or attached to a building which is on the national register of historic places.
 2. On premises sign.
 3. Unique in design and enhances the cultural, historical, nostalgic, or aesthetic quality of the city.
 4. Structurally safe.

Once designated, historic signs are deemed in compliance with this chapter regardless of their size, material, colors or location. Decisions to grant historic status to a sign shall be made on a case-by-case basis, according to the criteria above. The granting of historic status for a sign shall not be considered as establishing a binding precedent to grant other historic status designations.

- D. Notwithstanding the provisions of subsection B of this section, all signs that are nonconforming only because of the setback requirements set forth in subsection 9-7-11B of this chapter are hereby not required to move, provided they are not located on public right-of-way, in which case they are required to move in compliance with subsection 9-7-11B of this chapter.

(Ord. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

9-7-17: Maintenance and Repair:

Every sign, including, but not limited to, those signs for which permits are required or for which no permits or permit fees are required, shall be maintained in a safe, presentable and good structural material condition at all times, including the repair or replacement of defective parts, painting, repairing, cleaning and other acts required for the maintenance of said sign. The Building Inspector shall require compliance with all standards of this provision. If the sign is not made to comply with adequate safety and maintenance standards, the Planning Director shall require its removal in accordance with this provision.

(Ord. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

9-7-18: Removal and Disposition of Signs:

- A. Abandoned Signs: Except as otherwise provided in this chapter, any sign which is located on property which becomes vacant and unoccupied for a period of two (2) months or more, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business, shall not be deemed abandoned unless the property remains vacant for a period of six (6) months or more. Any sign which no longer, for a period of three (3) consecutive months, advertises goods, products, services or facilities available to the public, shall be deemed to have been abandoned. Abandoned signs shall be removed by the owner of the premises on which the sign is located. Signs that are conforming under the provisions of this chapter as to location, size, etc., but no longer advertise a bona fide business may, with the approval of the property owner/tenant and the Planning Director of the city, have the message or sign copy covered with paint or other material as approved by the Planning Director. In the event the property owner refuses to cover a conforming sign that no longer advertises a bona fide

business and is deemed to be abandoned, the remaining provisions of this section shall be enforced.

- B. **Dangerous or Defective Signs:** No persons shall maintain or permit to be maintained on any premises owned or controlled by him, any sign which is in a dangerous or defective condition. Any such sign shall be removed or repaired by the owner of the premises or the owner of the sign. Upon failure of the owners to remove or repair a dangerous or defective sign, the Building Inspector shall proceed as described in subsection C of this section.
- C. **Removal of Signs:** The Building Inspector shall cause to be removed any sign that endangers the public safety such as an abandoned, dangerous or materially, electrically or structurally defective sign. The Building Inspector shall prepare a notice which shall describe the sign and specify the violation involved and which shall state if the sign is not removed or the violation is not corrected within twenty (20) days, the sign shall be removed in accordance with the provisions of this section.

All notices mailed by the Building Inspector shall be sent by certified mail. Any time periods provided in this section shall be deemed to commence on the date of the mailing of the certified mail. The notice shall be mailed to the owner of the property on which the sign is located, the owner of the sign and the occupant of the property. If any such person is unknown or cannot be found, notice shall be mailed to such person's last known address, if any, and posted on the sign or on the premises.

Any person having an interest in the sign or the property may appeal the determination of the Building Inspector ordering removal or compliance by filing a written notice of appeal with the city Planning and Zoning Commission within ten (10) days after receipt of the notice. Notwithstanding the above, in cases of emergency, the Planning Director and/or Building Inspector may cause the immediate removal of a dangerous or defective sign without notice.

- D. **Disposal of Signs; Costs:** Any sign removed by the Building Inspector pursuant to the provisions of this section, shall become the property of the city and may be disposed of in any manner deemed appropriate. The cost of removal of the sign by the city shall be considered a debt owed to the city by the owner of the sign and the owner of the property, and may be recovered in an appropriate court action by the city. The costs of removal shall include any and all incidental expenses incurred by the city in connection with the sign's removal.

When it is determined by the Building Inspector that said sign would cause an imminent danger to the public safety, and contact cannot be made with a sign owner or building owner, no written notice shall have to be served. In this emergency situation, the Building Inspector may correct the danger, all costs being charged to the sign owner and property owner.

If it shall be necessary for the Building Inspector to remove a sign pursuant to the provisions hereof, and it should be practicable to sell or salvage any material derived in the aforesaid removal, he may sell the same at private or public sale at the best price obtainable and shall keep an account of the proceeds thereof. Such proceeds, if any, shall be used to offset the costs of removal to be charged to the sign owner or property owner. Any excess cost over and above such costs and the cost of the removal shall be levied as an assessment against the property on which the sign is located, by the City Council, certified to the auditor and collected as any other assessment by the city. Should the proceeds exceed the costs, the excess shall be paid to the owner of the premises from which said sign was removed or to the owner of said sign, whenever claim thereof is established.

(Ord. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

9-7-19: Appeals:

Appeals from decisions made by the Planning Director shall be made to the city Planning and Zoning Commission. Appeals from the provisions or enforcement of this chapter shall be made as provided in title 9, chapter 2 of this code.

(Ord. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

9-7-20: Penalty:

Any person violating any provision of this chapter shall be guilty of an infraction and shall be punished in accordance with the provisions of Section 1-4-1 and Section 9-2-9 of this Code, and a separate offense shall be deemed to be committed for each day during which a violation occurs or continues.

(Ord. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

CHAPTER 8 HOME OCCUPATION REGULATIONS

9-8-1: Purpose; Intent:

The city recognizes the need for some citizens to use their place of residence for limited nonresidential activities. However, the city also believes that the need to protect the integrity and character of its residential areas is of paramount concern. The home occupation regulations are the means used to blend these two (2) desires. The home occupation regulations seek to balance the need of some individuals to work at home with rights of other individuals to enjoy the residential character of their neighborhood and their private property. Further, the purpose of the home occupation regulations is to protect the health, safety, and welfare of neighborhood residents and the preservation of the neighborhood as a comfortable place for the people who live there.

(Ord. 1009, 6-22-1998)

9-8-2: Applicability:

The regulations set forth for home occupations shall apply to all residential dwelling units or residential accessory structures, irrespective of the zoning district. Should a residential use in the commercial zoning district fail to meet the conditions necessary to qualify as a home occupation, it is then considered a full commercial business and must comply with all regulations covering commercial establishments.

These regulations do not apply to land uses which require Conditional Use Permits in residential zones which must go through a separate Conditional Use Permit review process. Clinics, doctors' offices, hospitals, health care practitioners, hair or beauty salons, real estate offices, animal hospitals, kennels, automobile repair service, body shops, restaurants, warehousing and other similar uses are not considered home occupations and are not permitted to operate as such in any residential zone.

(Ord. 1009, 6-22-1998)

9-8-3: Performance Standards:

Home occupations in any zoning district where permitted shall be subject to the following performance standards:

- A. Location: A home business shall be carried on wholly within the principal building, provided that inside storage and/or minor assembly associated with the home occupation may also occur within an accessory structure. No home business nor any storage of goods, materials, or products connected with a home business shall be allowed outside of the principal building or accessory structure and there shall be no commercial on premises sales in connection with such home occupation.
- B. Number: More than one home business at the residence may be permitted provided the total effect of all occupations shall not exceed the performance standards for home occupations.
- C. Size: No more than thirty-five percent (35%) of the gross floor area of the principal dwelling unit may be used for home business(es). There is no restriction placed upon the usable area within an accessory structure provided no other activity besides inside storage and/or minor assembly activity is occurring and performance standards relating to maintaining residential character can still be met.
- D. Residency: A home business must be conducted by persons who reside in the dwelling unit. No person who does not reside on the premises shall engage in the business and be located on the premises.
- E. Restricted Materials: No toxic, explosive, flammable, combustible, corrosive, etiologic, radioactive or other restricted materials in excess of those levels allowed by the current edition of the fire code in effect in the city of Sandpoint shall be used or stored on the site.
- F. Maintaining Residential Character: The business shall be conducted in a manner which will not alter the normal residential character of the premises by exterior alteration of the property, expansion of parking, construction, creation of a separate entrance, the use of color, materials, lighting, signs (other than on the applicant's vehicle), exterior storage of materials, garbage, goods or merchandise, or by the emission of sound, electric interference, vibration, dust, glare, heat, smoke, odors or liquids.
- G. Signs: There shall be no signs other than those permitted in the applicable zoning district.
- H. Business Traffic: Home occupations shall not impose any additional business traffic (i.e., traffic recruited to travel to or from the business) on the surrounding neighborhood. This requirement excludes occasional deliveries and any business or personal errands by the owner of the home occupation.
- I. Vehicles: Vehicles associated with the home occupation which are rated by the manufacturer for a maximum gross weight in excess of ten thousand (10,000) pounds gross weight shall not be operated out of the premises or park on the property or adjacent streets. No more than one vehicle used in the business may be parked on the premises or operated out of the premises.

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- J. Parking: The home business shall not displace or impede the use of required parking spaces for the primary dwelling unit.
 - K. Applicable Codes: Structures must meet city building, construction, fire and land use regulations.
 - L. Motor Vehicle Related Home Businesses: Office only activities for motor vehicle-related home businesses may be allowed.

(Ord. 1075, 12-18-2002)

9-8-4: Home Occupation Registration:

All home occupations wishing to operate within the city limits shall obtain a business license. Approval of said business license shall serve as the Home Occupation Permit.

- A. Issuance and Terms of Permit: The City may issue a Home Occupation Permit that complies with the provisions of this chapter, on forms prescribed by the City Clerk. Anyone applying for permission to operate a home occupation acknowledges and agrees to operate the home occupation in accordance with the performance standards contained in this chapter.
- B. Fees: Any fee and/or fee schedule associated with a Home Occupation Permit shall be set from time to time by resolution of the City Council.
- C. Revocation of Permit: The City may revoke a Home Occupation Permit and/or recommend assessment of fines as specified in Section 9-2-9 (Violations, Enforcement and Penalties).
- D. Expiration and Period of Validity: A Home Occupation Permit is only valid within the timeframe of the valid business license for the same business. The Home Occupation Permit shall expire with the expiration of the business license for the same business.

(Ord. 1009, 6-22-1998)

CHAPTER 9 MOBILE HOME PARKS/TRAILER COACH COURTS

9-9-1: Zoning of Mobile Home Parks/Trailer Coach Courts:

Every mobile home park/trailer coach court hereafter constructed shall be regulated by the following provisions of this chapter.

(Ord. 1236, 6-23-2010)

9-9-2: Definitions:

DEPENDENT TRAILER COACH: One which does not have a water closet and a bathtub or shower.

INDEPENDENT TRAILER COACH: One that has a water closet and a bathtub or shower.

LOCAL ADMINISTRATIVE AUTHORITIES: The individual official(s), board, department or agency established and authorized by a state, county, city or other political subdivision created by law to administer and enforce the provisions of the local codes and ordinances as adopted or amended.

MOBILE HOME PARK/TRAILER COURT: Any plot of ground upon which two (2) or more occupied mobile homes/trailer coaches are located.

MOBILE HOME SPACE/TRAILER COACH SPACE: A plot of ground within a mobile home park/trailer coach court designated for the accommodation of one mobile home/trailer coach.

MOBILE HOME/TRAILER COACH: A vehicle without means of self-propulsion, but licensable as a conveyance on public streets or highways, and which is constructed to permit occupancy as a dwelling or sleeping place for one or more persons.

SERVICE BUILDING: A building housing communal toilet, laundry and other sanitary facilities necessary for the health and convenience of the trailer occupants.

(Ord. 1236, 6-23-2010)

9-9-3: Site Selection:

- A. **Location:** The site must not be: 1) close to swamps or other potential breeding places for insects or rodents; 2) subject to flooding, fire or safety hazards; 3) exposed to chronic nuisances, such as noise, smoke, fumes and odors. The site should be bounded on at least one side by a public street or highway.
- B. **Topography:** The topography must be favorable to good site drainage, minimum grading, trailer placement, and ease of maintenance. Initial site grades exceeding eight percent (8%) or rock formation close to the surface, are likely to cause high development costs. Sparsely wooded sites providing shade trees are often advantageous.
- C. **Availability of Utilities:** The site must be readily accessible to public utilities, including water, sewerage and electricity.
- D. **Necessary Land Area:** The area of the mobile home/trailer coach court must be sufficient in size to accommodate: 1) the number of mobile home/trailer coach spaces desired; 2) roads and parking areas for motor vehicles; 3) service areas, buildings and playgrounds; 4) on site utilities where public utilities are not available.

(Ord. 1236, 6-23-2010)

9-9-4: Site Improvements:

The physical improvements of the site must be arranged to provide:

- A. A convenient means of pedestrian and vehicular access to each mobile home/trailer coach space, parking areas, and accessory buildings.
- B. An adequate supply of potable water.
- C. A safe method of sewage disposal.
- D. Electrical service for lighting and power.

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- E. Diversion of surface water away from buildings, mobile home/trailer coach spaces, service and recreational areas, and its disposal from the site.

(Ord. 1236, 6-23-2010)

9-9-5: Site Planning:

A plan of the proposed mobile home/trailer coach court must be developed for approval of the Commission indicating the layout of mobile home/trailer coach spaces, roads, walks, service buildings, service areas, utilities and necessary grading.

Determination must be made in the initial planning stage on the number of dependent and independent mobile home/trailer coaches to be accommodated.

- A. Mobile Home/Trailer Coach Space Sizes: Each mobile home/trailer coach space must be not less than one thousand two hundred fifty (1,250) square feet in area and should be at least twenty-five feet (25') wide.
- B. Spacing of Trailers: The minimum spacing between mobile homes/trailer coaches and buildings must be:
 - 1. Side to side spacing, fifteen feet (15'); end to end spacing, ten feet (10) (space between end of mobile home/trailer bodies, not chassis).
 - 2. No mobile home/trailer should be located closer than twenty-five feet (25') from the right-of-way line of a main highway, or ten feet (10') from the mobile home/trailer coach court property line.
- C. Roads, Walks and Parking Areas:
 - 1. General Circulation: Safety and convenience must be a major consideration in the layout of roads, walks and parking areas within the mobile home/trailer coach court. All roads must be continuous.
 - 2. Servicing: Suitable vehicular access for firefighting equipment, delivery of fuel, removal of garbage and refuse, and for other necessary services must be provided. Minimum service distances as required by local regulations or accepted practice must control.
 - 3. Width of Roads and Parking Areas:

Table 9-9-1 Mobile Home Park main access road width

Main Access Roads	Excluding Parking
Two-lane	20 feet

- 4. Parking Area: The same number of motor vehicle parking spaces must be provided as the number of mobile home/trailer coach spaces. These must be provided in special parking areas.
- 5. Walks: The mobile home/trailer park walk system must include a walk from the entrance of each mobile home/trailer to service facilities.

Table 9-9-2 Mobile home park walkway widths

Width of Walks	
Public walks (minimum)	4 feet
Entrance walks (from public walk to mobile home/trailer door)	2 feet

- D. Service Buildings: Each mobile home/trailer coach court must be provided with one or more service buildings containing the requisite number of plumbing fixtures and other service equipment. The service buildings must conform in general to the following requirements:
1. Location: The building should be located not more than two hundred feet (200') from any dependent mobile home/trailer coach space.
 2. Construction: The materials and methods used in the construction of service buildings must conform to local building codes for buildings of this nature². It must have an interior finish which is moisture resistant and can be easily cleaned. All rooms of service buildings must be ventilated and all exterior openings provided with screens.
 3. Facilities:
 - a. Separate men's and women's toilet rooms must be provided and distinctly marked. These rooms must be separated by a sound resistant wall. A vestibule or screen wall must be provided to prevent direct view into the toilet rooms when exterior doors are open.
 - b. Plumbing Fixtures: Every mobile home/trailer coach court must provide adequate toilet and laundry facilities. In no instance should there be less than one laundry unit (laundry tray or washing machine); one water closet, one lavatory and one shower for women; and one water closet, one lavatory and one shower for men. A slop water closet (water closet with seat removed) must be provided in each service building.
 - c. The slop water closet should be in a separate room of the service building with a single direct opening to the outside.
 - d. The facilities listed above will accommodate any number of independent mobile home/trailer coaches, and up to ten (10) dependent mobile home/trailer coaches. One water closet must be provided for each sex for every ten (10) additional dependent mobile home/trailer coaches. (Urinals for men may be substituted for 1/3 of these water closets.)
 - e. One lavatory must be provided for each sex for every ten (10) additional dependent mobile home/trailer coaches; and one shower or bathtub for each sex for every twenty (20) additional dependent mobile home/trailer coaches. A laundry unit must be provided for every twenty (20) additional mobile home/trailer coach spaces.

²See title 8, chapter 1 of this code.

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- f. All water closets and bathtubs or showers for women, and all water closets and bathtubs for men must be located in separate compartments, with self-closing doors. Gang type shower compartments may be used for men. Individual shower stalls must be approximately three feet by three feet (3' × 3'). Showers for women must have a dressing compartment with stool or bench. The room containing the laundry units must be separated from the toilet rooms, and have an exterior entrance only.
 - g. All plumbing installations shall conform to the local plumbing code.
 - h. Electrical: All electrical installations shall conform to the local electrical code.
 - i. Heating: Heating facilities capable of maintaining a temperature of seventy degrees Fahrenheit (70°F) in cold weather should be provided.
 - j. Hot Water: Facilities should provide for the continuous supply of three (3) to five (5) gallons of hot water per mobile home/trailer coach space. Hot water at a temperature of about one hundred eighty degrees Fahrenheit (180°F) should be provided for clothes washing equipment.
- E. Laundry Drying Facilities: Mechanical laundry drying equipment or laundry drying yards must be provided. Laundry drying machines must be located in service buildings. Where laundry drying yards are used, they must be located convenient to service buildings and have an area of approximately fifty (50) square feet per mobile home/trailer coach space.
- F. Refuse Collection: Refuse must be stored in flytight and rodentproof containers. Each coach space will require from four (4) to six (6) gallons of refuse storage capacity per day. Refuse container stations, where used, should be located a maximum of two hundred feet (200') from any mobile home/trailer coach space and preferably not more than one hundred fifty feet (150').
- G. Recreation Areas: At least one hundred (100) square feet per mobile home/trailer coach space must be made available in one or more areas for recreational uses. These areas should be located so as to be free of traffic hazards.

(Ord. 1236, 6-23-2010)

9-9-6: Site Engineering:

Grading and drainage must be performed so that water will drain away from mobile home/trailer coach spaces, buildings, service and recreational areas, and off the site in a manner which will provide reasonable freedom from erosion. Walks, driveways and retaining walls must be so constructed as not to interfere with drainage.

- A. Slopes of Mobile Home/Trailer Spaces, Roads, Walks and Service Areas:
 - 1. Mobile home/trailer coach spaces must be graded toward abutting roadway to prevent surface water drainage across adjacent coach spaces. Grading under mobile homes/trailers must be provided to prevent puddling of water.
 - 2. Where swales for the carriage of stormwater are needed between the mobile home/trailer coach space and the roadway, they must be of a shallow type, generally

TITLE 9 - ZONING
CHAPTER 15 TELECOMMUNICATIONS FACILITIES

not to exceed eight inches (8") in depth, to permit the parking of the trailer without damage to the undercarriage.

3. The following minimum and maximum slope values will usually give satisfactory results:

Table 9-9-3 Mobile home park minimum and maximum grades

	Minimum Percent	Maximum Percent
Roads	0.50	8
Walks	0.50	10
Recreation areas and laundry drying yards	0.50	4
Sodded and planted areas	1.00	10
Grade of coach space	0.50	5

B. Construction of Roads, Parking Areas, Walks and Service Areas:

1. Roads and Parking Areas: Roads must be constructed of concrete or macadam or of gravel, crushed stone, sand-clay, slag or other locally available suitable materials, with a light bituminous surface treatment, oil coating or other dust preventive material. Roads must be crowned at center to shed water to drainage facilities.
2. Walks: Walks must be constructed of concrete, macadam, gravel, fine stone, cinders or other materials providing a stable footing. Stepping stones may be used from main walks to trailers.
3. Recreation Areas and Laundry Drying Yards: Surfacing may be natural ground cover, sand-clay or other suitable local materials.

(Ord. 1236, 6-23-2010)

CHAPTER 10 TELECOMMUNICATIONS FACILITIES

9-10-1: Purpose:

- A. The provisions of this chapter are intended to ensure that telecommunications facilities are located, installed, maintained and removed in a manner that:
1. Minimizes the number of antenna towers throughout the community;
 2. Encourages the collocation of telecommunications facilities;
 3. Encourages the use of existing buildings, light or utility poles, or other structures for antenna mounting and discourages construction of new antenna towers;
 4. Ensures that telecommunications facilities are located and designed to minimize visual impact on the surroundings; and

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5. Ensures that regulation of telecommunications facilities does not have the effect of prohibiting the provision of telecommunications services, does not unreasonably discriminate among functionally equivalent providers of such services, and allows the provision of adequate area coverage by such services.

(Ord. 1342, 1-18-2017)

9-10-2: Provisions:

A. **Conflicting Standards:** In the event that other standards of this title conflict with standards in this chapter, unless otherwise indicated the most restrictive shall prevail.

B. **Definitions:**

ANTENNA: Any device that transmits and/or receives radio waves, microwaves, or other electromagnetic radiation for voice, data or video communications purposes including, but not limited to, television, AM/FM radio, microwave, cellular telephone and similar forms of communications.

ANTENNA ARRAY: A single or group of antenna elements and associated mounting hardware, transmission lines, or other appurtenances which share a common attachment device such as a mounting frame or mounting support structure for the sole purpose of transmitting or receiving electromagnetic waves.

COLLOCATION: The placement of one or more antenna(s) on an antenna support structure or the placement of an antenna on an antenna tower on which one or more antennas are already located.

COMMISSION: The Federal Communications Commission ("FCC").

HOST MOUNTED SUPPORT STRUCTURE: Any structure or building not constructed primarily for the purpose of supporting an antenna but that supports an antenna as a secondary or accessory use (e.g., streetlights; traffic light structures; sign structures; or water towers).

LATTICE TOWER: An antenna tower characterized by a framework of lateral or diagonal cross members that stabilize the tower.

PERSONAL WIRELESS SERVICE: Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services.

PERSONAL WIRELESS SERVICE FACILITIES: Facilities for the provision of personal wireless services.

ROOF MOUNTED FACILITIES: Any facility installed on either the roof or side of a building.

SMALL CELLS: Compact wireless base stations containing their own transceiver equipment and function like cells in a mobile network but provide a smaller coverage area than traditional macrocells. Small cells will meet the two (2) parameters in subsections 1 and 2 of this definition. For purposes of these definitions, volume is a measure of the exterior displacement, not the interior volume of the enclosures. Antennas or equipment concealed from public view in or behind an otherwise approved structure or concealment are not included in calculating volume.

1. **Small Cell Antenna:** Each antenna shall be no more than three (3) cubic feet in volume.
2. **Small Cell Equipment:** Each equipment enclosure shall be no larger than seventeen (17) cubic feet in volume.

Associated conduit, mounting bracket or extension arm, electric meter, concealment, telecommunications demarcation box, ground based enclosures, battery backup power systems, grounding equipment, power transfer switch, and cutoff switch may be located outside the primary equipment enclosure(s) and are not included in the calculation of equipment volume.

SUPPORT STRUCTURE: A structure that is designed for supporting the installation of one or more antennas (e.g., a tower; roof mount; mounts attached to a utility pole).

TELECOMMUNICATIONS FACILITIES OR FACILITIES: Any antenna towers, support structures, antennas and their ancillary facilities that are used to provide commercial wireless communications or telecommunications services.

TEMPORARY ANTENNA TOWER: An antenna tower established for the purpose of providing telecommunications services on a temporary basis for a special event or to temporarily replace an antenna tower while it is being repaired.

TOWER: Any structure built for the sole or primary purpose of supporting one or more antennas that are used to provide commercial telecommunications services.

TOWER HEIGHT: The vertical distance measured from the base of the tower structure at grade to the highest point of the structure including the antenna.

VISUAL IMPACT MITIGATION: Technology that minimizes the visual impact of telecommunications facilities by camouflaging, disguising, screening, and/or blending into the surrounding environment. Examples of visual impact mitigation include, but are not limited to, facilities disguised as trees, flagpoles, bell towers, and architecturally screened roof mounted antennas.

C. Applicability:

1. The telecommunications facility regulations of this section apply to all telecommunications facilities used to provide commercial telecommunications services, except those associated solely with the following, which are exempt:
 - a. Safety services provided by public agencies (e.g., police and fire); and
 - b. Any facilities that state or federal law prohibits local government from regulating (e.g., satellite television receiving dishes).
2. Any public lands and agencies exemption from compliance with zoning in state law does not apply to private entities utilizing publicly owned lands.

D. Prohibited Locations and Support Structure Types:

1. The following locations and support structures are not permitted:
 - a. Lattice and guyed tower support structures for telecommunications facilities.

E. Permitted Locations:

1. **Collocation On Nonconforming Existing Support Structures:** Support structures for telecommunications facilities on the effective date hereof that do not comply with the regulations of this section are deemed nonconforming structures.

TITLE 9 - ZONING
CHAPTER 10 AREA OF CITY IMPACT

2. Collocation On Legal Existing Support Structures: New telecommunications facilities collocated on support structures in existence on the effective date hereof are permitted in all zoning districts, subject to compliance with other applicable standards of this section.
 3. New Roof Mounted or Host Mounted Support Structures: New telecommunications facilities located on roof mounted or host mounted support structures are permitted in all zoning districts, subject to compliance with other applicable standards of this section.
 4. New Ground Mounted Support Structures: New ground mounted support structures for telecommunications facilities are permitted in IG, IBP, ITP, CA, CB and CC zoning districts, subject to compliance with other applicable standards of this section.
- F. Code Compliance: All facilities shall at all times comply with all applicable federal, state and local building codes, electrical codes, fire codes and any other code related to public health and safety.
- G. Safety: The structural design for all support structures must be certified by a professional structural engineer licensed to practice in the state of Idaho. The drawings shall meet the currently adopted building codes in accordance with section 8-1-1, "Building Codes Adopted", of this code.
- H. Building Permit Required: A building permit, unless waived by the Sandpoint building department, must be obtained prior to the installation of any telecommunications facility.
- I. Telecommunications Facility Development Permit: A telecommunications facility development permit shall contain the following information:
1. Construction drawings showing the proposed method of installation. Drawings shall be stamped by a licensed engineer and meet the currently adopted building codes in accordance with section 8-1-1, "Building Codes Adopted", of this code;
 2. The manufacturer's recommended installations, if any; and
 3. A diagram to scale showing the location of the telecommunications facility, property and setback lines, easements, power lines, all structures, and any required buffering and screening.
- J. Development Standards:
1. Schedule: The following standards apply to telecommunications facilities:

Table 9-10-1 Telecommunications facility development standards

Support Type	Permitted Zones	Permitted Height	Setback	Screening	Visual Impact Mitigation	CUP
Existing support structures	Existing location	Existing height	Existing setback	n/a	n/a	n/a
Roof mounted support structures	All zoning districts	Not to exceed the zoning	n/a	Not required	Required ¹	Yes ²

TITLE 9 - ZONING
CHAPTER 10 AREA OF CITY IMPACT

		district height limit				
Host mounted support structures	All zoning districts	5 feet above host structure	n/a	Not required	Required	Yes
	IG, IBP, ITP	Not to exceed the zoning district height limit	From property line: building setbacks of zone for both tower and equipment enclosure ³	Required	Required	Yes
Ground mounted support	DC, DOC, CC	Support structure and antenna together may not exceed 35 feet	From property line: building setbacks of zone for both tower and equipment enclosure ³	Required	Required	Yes

Notes:

1. Antennas under ten (10) square feet in surface area are allowed on roof mounted support structures without having to meet visual impact mitigation standards for roof mounted facilities, so long as the support structure does not exceed the tallest element of the building to which it is attached.
2. CUP required when total antenna surface area for all antennas exceeds ten (10) square feet.
3. See subsection M, "Residential Zone Setback", of this section.

2. Screening:

- a. Telecommunications facilities located above ground in or directly adjacent to RS, RM, RR-1, RR-2, NC, DC, DOC, and CC zones shall be surrounded by a minimum six foot (6') high decorative wall constructed of brick, stone, or textured concrete block. Telecommunications facilities in all other zones shall be surrounded by a minimum six foot (6') high wall or solid or slatted fence.
- b. The area around the perimeter of ground telecommunications facilities shall be landscaped unless the Planning and Zoning Commission determines otherwise.

- 3. Visual Impact Mitigation:
 - a. Antenna Towers:
 - (1) Antenna towers shall be painted a neutral color consistent with the natural or built environment of the subject site and the surrounding area unless otherwise required by the FAA or any other state or federal agency having such authority.
 - (2) Antenna towers shall be constructed in a manner that is visually compatible with the surrounding built environment.
 - b. Roof Mounted Facilities: Facilities mounted on the roof of buildings must be visually incorporated into the building or background by the use of architectural elements, color, screening or other methods.
 - c. Host Mounted Support Structures:
 - (1) Telecommunications facilities mounted on other structures not constructed for the primary purpose of supporting telecommunication services must be either fully concealed within the host structure or camouflaged to appear to be an integral part of the host structure.
 - d. Ground Mounted Equipment Enclosures: Aboveground equipment enclosures that are used in or adjacent to residential and commercial zones must be designed with exterior facade materials of masonry, stucco, or beveled siding and be constructed in a manner that is visually compatible with the surrounding environment.
 - e. Antennas and Cables: When visible, antennas and cables shall be of a color identical to or closely compatible with that of the structure to which they are attached unless otherwise required by the FAA or any applicable state or federal agency.
- K. Lighting: Telecommunications facilities may not be artificially illuminated except as required by FAA regulations. All other outdoor lighting must meet the standards in title 8, chapter 10, "Outdoor Lighting", of this code.
- L. Signage: Identification and contact information is permitted on one wall or fence mounted sign not exceeding four (4) square feet in area per site. Other signage may not be located on telecommunications facilities, unless required by the FCC or FAA.
- M. Residential Zone Setback:
 - 1. Antenna towers shall be separated from the property line of any adjacent property zoned RS, RM, RR-1, RR-2, or MUR at least a distance equal to the height of the antenna tower or one hundred feet (100'), whichever is greater.
- N. Noise Reduction:
 - 1. Noise generating equipment shall be sound buffered by means of baffling, barriers, or other suitable means and shall conform to section 5-2-6, "Noise", of this code.
- O. Modification and Removal:

1. Modification or Removal of Nonconforming Telecommunications Facilities: Nonconforming telecommunications facilities being demolished or rebuilt must conform to Section 9-2-5, Nonconforming Provision.
 2. Removal of Telecommunications Facilities:
 - a. Providers must notify the city in writing when a telecommunications facility is no longer being utilized. Any facilities that are not utilized for the provision of telecommunication services for a continuous period of six (6) months or more will be considered abandoned. All abandoned facilities must be removed within six (6) months of abandonment. If a facility is not removed within six (6) months, the city is authorized to remove the facility at the landowner's expense.
 - b. Where multiple users share a support structure, the nonoperational antenna and equipment enclosure must be removed. Any necessary shared facilities may be retained until all users have terminated the utilization of the support structure.
- P. Third Party Review: Adequate review of applications, particularly for new ground mounted support structures, may require the city to retain consultants or other third party assistance to review an application. In such an event, the applicant must reimburse the city for the reasonable actual costs incurred by the city for retention of consultants or other third parties prior to issuance of any applicable permit. The city must provide a written scope and cost proposal to the provider for approval prior to the city entering into an agreement with a third party.
- Q. Exceptions:
1. Applicability: In the event that standards of this section cannot be met by an applicant, and there exists no feasible alternative to providing adequate service by any provider for a particular geographic area, the applicant may apply for conditional use approval in accordance with the Conditional Use Permit provisions of Section 9-2-8.
 2. Review and Submittal Requirements: Prior to submitting an application for conditional use approval in accordance with chapter 9-2 of this title, the applicant must request in writing a preapplication conference with the Planning Department. The purpose of the preapplication conference is to acquaint the participants with the applicable requirements of this section. A conditional use application must provide documentation demonstrating evidence of all the following:
 - a. Telecommunications services by any provider are not adequate within a specific geographic area, and cannot be made available unless a new telecommunications facility is built or erected in a manner or location contrary to the standards of this section;
 - b. Location on buildings or other structures is not possible because:
 - (1) No existing or proposed structures adequate to support the proposed antenna are located within the geographic area required to meet the applicant's engineering and service requirements; or
 - (2) Property owners or owners of existing structures for smaller scale installations are unwilling to accommodate the applicant's needs; or

- (3) The applicant demonstrates that there are other factual and verifiable limiting factors that render rooftops and other sites or monuments unsuitable for location of telecommunications facilities; and
 - c. Collocation on existing support structures is not possible because:
 - (1) Existing or approved support structures are not of sufficient height to meet the applicant's engineering and service requirements and a combination of smaller scale facilities will not enable adequate service delivery; or
 - (2) Existing or approved support structures do not have sufficient structural strength to support the proposed antenna and related equipment and cannot be reinforced to provide sufficient structural strength; or
 - (3) The proposed antenna would cause electromagnetic interference with antenna on existing or approved support structures, or the antenna on existing or approved support structures would cause interference with the proposed antenna; or
 - (4) The applicant demonstrates that there are other factual and verifiable limiting factors that render existing or approved structural supports for telecommunications facilities unsuitable for collocation.
- R. Affirmative Duty To Keep City Informed: All telecommunications service providers having facilities in the jurisdiction of the city shall file with the zoning administrator an annual written statement due by the end of the calendar year verifying continued use of each of their facilities in the city's jurisdiction as well as continued compliance with the state and federal agency regulations. All telecommunications service providers having telecommunications facilities in the jurisdiction of the city shall be required to report in writing to the zoning administrator any change in the status of their operations. Change in status shall include, but is not limited to, the following:
 - 1. Change in or loss of license from the FCC to operate.
 - 2. Receipt of notice of failure to comply with the regulations of any other authority having jurisdiction over the business or facility.
 - 3. Change in ownership of the company that owns the telecommunications facilities or that provides telecommunications services.
 - 4. Loss or termination of lease with the property owner or the owner of the telecommunications facilities.
 - 5. Abandonment of a facility or nonuse of a facility for a period of six (6) months or longer.

(Ord. 1342, 1-18-2017)

CHAPTER 11 AREA OF CITY IMPACT

9-11-1: Purpose:

Idaho Code section 67-6526 requires that the governing board of the city adopt by ordinance a map identifying an area of city impact within the unincorporated area of the county surrounding said city.

(Ord. 959, 11-29-1994)

9-11-2: Consideration:

The following factors were considered by the Planning and Zoning Commission and the City Council in identifying the area of city impact for Sandpoint, Bonner County, Idaho:

- A. Trade area;
- B. Geographical factors;
- C. Areas that can be reasonably expected to be annexed to the city in the future;
- D. Areas where extension of city services are possible and reasonable;
- E. Areas where growth is occurring or growth is anticipated to occur;
- F. Areas in which to encourage or discourage particular types of growth and development and that which the city may want some form of control over in the future.

(Ord. 959, 11-29-1994)

9-11-3: Geographic Area of City Impact:

The official adopted geographic area of city impact is shown in section 9-11-8 of this chapter. All parcels of land lying within the area of city impact as delineated by Section 9-11-8 shall be subject to the provisions of this chapter.

(Ord. 958, 11-29-1994)

9-11-4: Comprehensive Plan:

The Comprehensive Plan and subsequent amendments thereof as officially adopted by Bonner County shall apply to the unincorporated portion of Bonner County, lying within the area of city impact for the city.

(Ord. 958, 11-29-1994)

9-11-5: Zoning and Subdivision Ordinances:

The Zoning and Subdivision Ordinances and subsequent amendments thereto as officially adopted by Bonner County, shall apply to the unincorporated portion of Bonner County, lying within the area of city impact.

(Ord. 958, 11-29-1994)

9-11-6: Review and Comment:

Any request for development, zone change, Conditional Use Permit, variance or subdivision in the unincorporated portion of Bonner County lying within the area of city impact shall be referred to the Planning and Zoning Commission and City Council of the city for review and comment. The city shall have a forty (40) day period within which to respond to any request set forth above. If the city does not respond within forty (40) days, the city forfeits its right to comment on the request and processing shall continue under the County's administration.

(Ord. 958, 11-29-1994)

9-11-7: Administrative Jurisdiction:

The administrative jurisdictions of plans and ordinances which apply to the area of city impact delineated by the map incorporated herein shall be the duty of Bonner County, which shall apply the same plans and ordinances for the unincorporated areas of the County lying within the areas of city impact as those areas lying outside the area of city impact.

(Ord. 959, 11-29-1994)

9-11-8: Legal Description and Map:

The area of city impact within the area of Bonner County, Idaho, is particularly described in ordinance 1130 on file in the city and also set forth on the map in that ordinance, which map shall be in effect until amended or modified as allowed by law. This map is attached as exhibit A to ordinance 1130 and incorporated herein by this reference.

(Ord. 1130, 2-16-2005)

CHAPTER 12 AIRPORT OVERLAY ZONE DISTRICT

9-12-1: Purpose:

It is the purpose of the Airport Overlay Zone District to restrict the height of structures and objects of natural growth, and otherwise regulate the use of property, in the vicinity of the Sandpoint Airport by: creating the appropriate zones and establishing the boundaries thereof; providing for changes in the restrictions and boundaries of such zones; define certain terms used herein; reference the Airport's FAR Part 77 Airspace; provide for enforcement; and impose penalties. It is hereby found that an aviation hazard endangers the lives and the property of users of the airport, as well as the property and the occupants of land in the vicinity of the airport. An aviation hazard reduces the size of the area available for landing, takeoff and maneuvering of aircraft, and thus diminishes or impairs the utility of the airports and the public investment therein.

Accordingly, it is declared that:

- A. The airport fulfills an essential community purpose;

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- B. The creation or establishment of an aviation hazard is a public nuisance and will injure the region served by the airport;
 - C. The encroachment of noise sensitive or otherwise incompatible land uses within certain areas as set forth herein endangers the health, safety, and welfare of the owners, occupants, or users of the land;
 - D. It is necessary in the interest of the public health, safety, and general welfare that the creation of aviation hazards be prevented; and
 - E. Joint cooperation between all governing boards having jurisdiction within or adjoining the airport hazard areas is encouraged as a mechanism to prevent aviation hazards.

(Ord. 1037, 4-19-2000; amd. Ord. 1040, 7-18-2000; Ord. 1369, 12-18-2019)

9-12-2: Definitions:

See section 9-1-7 of this title for the definitions of the following terms used in this chapter:

Airport.

Airport elevation.

Hazard to air navigation.

Height.

Nonprecision instrument runway.

Person.

Precision instrument runway approach zone.

Primary surface.

Runway.

Visual runway.

(Ord. 1044, 10-18-2000)

9-12-3: Airport Overlay Zones:

In order to carry out the provisions of this chapter, there are hereby created and established certain zones for existing and future planned airport conditions as they apply to the Sandpoint Airport. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive limitation. The various zones are hereby established and defined as follows:

- A. Utility Runway Nonprecision Instrument Approach Zones: The inner edge of this approach zone coincides with the width of the primary surface and is five hundred feet (500') wide. The approach zone expands outward uniformly to a width of two thousand feet (2,000') at a horizontal distance five thousand feet (5,000') from the primary surface, its center line being the continuation of the center line of the runway.

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- B. Transitional Zones: These zones are hereby established as the area beneath the transitional surfaces.
 - C. Horizontal Zone: The horizontal zone is hereby established by swinging arcs of five thousand feet (5,000') radii from the center of each end of the primary surface of each runway, and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
 - D. Conical Zone: The conical zone is hereby established as the area that commences at the periphery of the horizontal zone and extends outward there from the horizontal distance of four thousand feet (4,000'). The conical zone does not include the precision instrument approach zones and the transitional zones.
 - E. Inner Critical Zone (ICZ): Rectangular in shape and centered about the extended runway centerline. The width of the inner critical zone is two thousand feet (2,000') and extends a horizontal distance of five thousand feet (5,000') from each end of the primary surface.
 - F. Lateral Safety Zone (LSZ): An area extending one thousand feet (1,000') either side of runway centerline and including the area between the ends of the primary surface(s) used to enhance the protection of people and property on the ground.
 - G. Runway Protection Zone (RPZ): The RPZ is an area off each runway end, is trapezoidal in shape and centered about the extended runway centerline. The inner width of the RPZ is five hundred feet (500'). The outer width of the RPZ is seven hundred feet (700'). The length of the RPZ is one thousand feet (1,000'), beginning two hundred feet (200') from each end of the runway.

(Ord. 1037, 4-19-2000; amd. Ord. 1369, 12-18-2019)

9-12-4: Height Limitations:

Except as otherwise provided in this chapter, no structure shall be erected, altered, or maintained and no tree shall be allowed to grow, in any zone created by this chapter to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones as follows:

- A. Utility Runway Nonprecision Instrument Approach Zones: Slopes outward twenty feet (20') horizontally for each one foot vertically beginning at the end of and at the same airport elevation as the primary surface and extending to a horizontal distance of five thousand feet (5,000') along the extended runway center line.
- B. Transitional Zones: Slopes outward seven (7) feet horizontally for each one foot vertically beginning at the sides of and at the same elevation as the primary surface and the approach zones, and extending to a height of one hundred fifty feet (150') above the airport elevation, which is two thousand one hundred twenty-seven feet (2,127') above mean sea level. In addition to the foregoing, there are established height limits sloping outward seven feet (7') horizontally for each one foot vertically beginning at the sides of and at the same elevation as the approach zones, and extending to the intersection with the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, height limits sloping outward seven feet (7') for each one foot vertically shall be maintained beginning at

the sides of and at the same elevation as the approach surface, and extending to a horizontal distance of five thousand feet (5,000') measured at ninety degree (90°) angles to the extended runway center line.

- C. Horizontal Zone: One hundred fifty feet (150') above the airport elevation or a height of two thousand two hundred seventy-seven feet (2,277') above mean sea level.
- D. Conical Zone: Slopes outward twenty feet (20') horizontally for each one foot vertically beginning at the periphery of the horizontal zone and at one hundred fifty feet (150') above the airport elevation and extending to a height of three hundred fifty feet (350') above the airport elevation.
- E. Conflicting Limitations: Where an area is covered by more than one height limitation, the more restrictive limitation shall prevail.
- F. Excepted Height Limitations: Nothing in this chapter shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to forty-five feet (45') above the surface of the land if all applicable zone height restrictions can otherwise be met.

(Ord. 1037, 4-19-2000)

9-12-5: Use Restrictions:

- A. Notwithstanding any other provisions of this chapter, no use may be made of land or water within any overlay zone established by this chapter in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport or otherwise in any way create a hazard or endanger the landing, takeoff or maneuvering of aircraft intending to use the Sandpoint Airport.
- B. No change shall be made in the use of land and no structure or tree shall be erected, altered, allowed to grow or be maintained in any zone hereby created unless in conformance with this chapter.
- C. No use or structure shall be established that would allow the creation of a "hazard to air navigation", as defined, or permit a nonconforming use, structure or tree to become a greater hazard to air navigation than the hazard was on the effective date of this chapter or any amendments thereto.
- D. Rezoning of property within the overlay of the inner critical zone and lateral safety zone after the effective date of this chapter that would allow for any increase in population density, including the allowance of single-family homes, nursing homes, multi-family developments, apartments, condominiums, mobile home parks, schools, libraries, churches, outdoor spectator sports, parks, playgrounds or amphitheatres will not be allowed.
- E. Disclosure Statement: Fair disclosure statement shall be provided to any applicant for Conditional Use Permits, variances, preliminary and final plats, lot line adjustments, planned unit developments or zone changes within the inner critical zone or the lateral safety zone. Further, the fair disclosure statement shall serve to notify prospective buyers of property near airports that subject property is subject to the provisions of this chapter and lies within the inner critical zone or

the lateral safety zone and under the Airport's FAR Part 77 Airspace. As such, it may be necessary to clear and keep clear the airspace of any portions of buildings, structures, or improvements of any and all kinds, and of trees, vegetation, or other objects. The fair disclosure statement shall also notify applicant for permit or prospective buyers that they may be exposed to potentially impactful levels of aircraft overflight, including, but not limited to, noise, vibration, fumes, dust, fuel or fuel particles, and other effects that may be caused by normal aircraft operations in and around airports. Before a permit shall issue, the applicant shall sign the fair disclosure statement and the fair disclosure statement will be recorded in the deed records of the county. Upon the applicant's refusal, the city shall acknowledge that the applicant was made aware of the above-described impacts. Such statement shall be recorded in the deed records of the county. Nothing stated herein is meant to provide pilots, crews, owners of aircraft, or any other person protection from liability for negligence committed on their part.

- F. Within The Runway Protection Zone (RPZ): Notwithstanding nonconforming structures in existence on the effective date of this chapter, uses allowed in this zone are limited to cropland and open space.

(Ord. 1037, 4-19-2000; amd. Ord. 1040, 7-18-2000; Ord. 1369, 12-18-2019)

9-12-6: Nonconforming Uses:

- A. The regulations prescribed by this chapter shall not be construed to require the removal, lowering or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date of this chapter, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this chapter, and is diligently pursued. Provided further, that nothing contained herein shall restrict or otherwise interfere with the use of North Boyer Avenue by vehicular traffic.
- B. Notwithstanding the preceding provision of this section, the owner of any existing, nonconforming structure shall not object to the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Bonner County Commissioners and subsequently required by the Sandpoint Planning and Zoning Commission to indicate the presence of such airport hazards to the operators of aircraft in the vicinity of the airport. Notice of intent to require markers and lights on any nonconforming structure shall be provided to the property owner by the Bonner County Commissioners. Such markers and lights shall also be installed and maintained at the expense of the Bonner County Commissioners.
1. The owner of any existing nonconforming tree(s) located off airport property shall negotiate, when requested, with the Bonner County Commissioners to mitigate said airport hazard by one or any combination of the following means:
 - a. Voluntary removal of the tree(s) by the property owner.
 - b. Removal of the tree(s) by the Bonner County Commissioners, upon purchase of said tree(s) and/or land containing said tree(s).
 - c. Purchase of a navigation easement by the Bonner County Commissioners for the purposes of preventing airport obstructions through means determined necessary by the Bonner County Commissioners.

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- d. Marking and lighting of the tree(s) by the Bonner County Commissioners to indicate the presence of such obstacles to the operators of aircraft.
 - 2. Grant funding should be investigated to accomplish any of the above options. Any nonconforming tree(s) on Sandpoint Airport property shall be removed upon the recommendation of the Federal Aviation Administration.
- C. Nonconforming uses are subject to the provisions for nonconforming uses as set forth generally in this chapter.
- (Ord. 1037, 4-19-2000)

9-12-7: Variances:

- A. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this chapter, may apply to the Planning and Zoning Commission for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Additionally, no application for variance to the requirements of this chapter may be considered by the Planning and Zoning Commission unless a copy of the application has been furnished to the Sandpoint Airport Board for advice as to the aeronautical effects of the variance. If the Airport Board does not respond to the application within fifteen (15) days after receipt, the Planning and Zoning Commission may act on its own to grant or deny said application.
- B. However, a tree or structure of less than forty-five feet (45') of vertical height above the ground is permitted in the horizontal and conical zones or in any approach and transitional zones beyond a horizontal distance of four thousand two hundred feet (4,200') from each end of the runway except when such tree or structure, because of terrain, land contour or topographic features, would extend above the height limit prescribed for the respective zone.
- C. Any variance granted may, if such action is deemed advisable to effectuate the purpose of this chapter and be reasonable in the circumstance, be so conditioned as to require the owner of the structure or tree in question to install, operate and maintain thereon such markers and lights as may be deemed necessary by the Bonner County Airport Commission or other appropriate agencies as necessary to indicate to pilots the presence of a "hazard to air navigation", as defined.
- D. Variance applications required by this Chapter are to be submitted by applicant to the Bonner County Airport Commission for its review and recommendation, and subsequently to the Sandpoint Planning Department for review by the:
 - 1. Federal Aviation Administration for review and recommendation;
 - 2. Other appropriate agencies as necessary; and
 - 3. Sandpoint Planning and Zoning Commission for its review and final decision.

(Ord. 1037, 4-19-2000; amd. Ord. 1040, 7-18-2000)

9-12-8: Conflicting Regulations:

Where there exists a conflict between any of the regulations or limitations prescribed in this chapter and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land or any other matter, the more stringent limitation or requirement shall apply.

(Ord. 1037, 4-19-2000)

9-12-9: Appeals:

Any person aggrieved, or any taxpayer affected, by any decision of the Planning and Zoning Commission in the administration of this chapter, may appeal to the City Council in accordance with the procedures noted in Section 9-2-7 of this Title.

(Ord. 1037, 4-19-2000)

9-12-10: Amending the Official Zoning Map:

Pursuant to section 9-2 of this title, the official zoning map of the city is hereby amended as shown on the hereby adopted official supplement zoning map on file in the office of the City Clerk.

(Ord. 1037, 4-19-2000)

9-12-11: Penalty:

Any person violating any provision of this chapter shall be guilty of a misdemeanor and shall be punished in accordance with the provisions of section 1-4-1 of this code, and a separate offense shall be deemed to be committed for each day during or which a violation occurs or continues.

(Ord. 1037, 4-19-2000)

CHAPTER 13 HISTORIC PRESERVATION CODE

9-13-1 Purpose and Applicability:**A. Purpose:**

1. The legislature of the State of Idaho (pursuant to Chapter 46, Title 67, Idaho Code) has declared the engagement in a comprehensive program of historic preservation to be public policy and in the public interest for all levels of government in the state.
2. The purpose of this Historic Preservation Code is to promote the educational, cultural, and economic welfare of the City by engaging in a comprehensive program of historic preservation to promote, preserve, and protect historic buildings, structures, sites, and monuments which serve as visible reminders of the historical, archaeological, architectural, educational, and cultural heritage of the city.

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3. It is the further purpose of this Historic Preservation Code to allow for the social and historical advantages of the City to promote the use and conservation of such property; to stabilize and improve property values in local historic districts; to encourage new buildings and developments that will be harmonious with the existing historical, archeological, and architectural structures, sites, and monuments.
 4. It is further the purpose of this Historic Preservation Code to protect the history, architecture, ecology, scenic attributes that are threatened by the social and economic pressures that manifest through land use changes. Such protection through a special historic preservation district shall encourage harmony and compatibility in the planning of new buildings and development in keeping with the district's historic character.
- B. Applicability: This code shall apply to all properties within any locally designated historic district and/or locally designated individual properties or landmarks.

9-13-2 Definitions:

The following definitions are in addition to the definitions in Title 9, Chapter 1, General Zoning Provisions. In the event of an inconsistency between definitions, the definitions in this section shall apply. The following words and phrases when used in this chapter shall have the following meanings, unless the context clearly indicates otherwise:

ALTERATION: An "alteration" shall mean:

- a) Any act or process, through private or public action, that changes the specified character-defining or significant physical features or architectural composition of a resource, including the reconstruction, addition, rehabilitation, relocation, repair, replacement, or restoration of any historical resource.
- b) Modification of a site, structure, architectural detail or visual characteristic (including but not limited to: grading, paint, color, windows, doors, surface texture), surface paving, the addition of new structures, the cutting or removal of trees, landscaping or other natural features, the disturbance or archaeological sites or areas, and or the placement or removal of significant objects (including but not limited to fences, landscaping and accessories, light fixtures, plaques, signs, murals, steps, street furniture, and walls) affecting the significant visual or historical qualities of the property.
- c) Alterations do not include ordinary repairs or maintenance or public safety actions, as defined below.

CERTIFICATE OF APPROPRIATENESS: A permit, issued by the Arts, Culture, and Historic Preservation Commission that verifies proposed work on a historic property or development within a historic district is suitable and won't negatively impact its historic significance.

CITY: City of Sandpoint.

COMMISSION: the Arts, Culture and Historic Preservation Commission of the City of Sandpoint, unless otherwise stated. Also abbreviated as ACHP Commission.

CONTRIBUTING PROPERTY: A property that significantly contributes to the historical character of an existing or potential National Historic-eligible historic district, when considering the historical integrity of a district. A property is contributing because: a) it was present during the period of significance, and possesses historic integrity reflecting its character at that time or is capable of yielding information

about the period, or b) it individually meets the National Register eligibility criteria. For inventory purposes, “primary” shall be used synonymously with “contributing”.

CHARACTER-DEFINING FEATURE(S): The essential physical characteristics of a historical resource that convey its historical significance, as described by the National Park Service. Such features may include but are not limited to the building material, window and door placement and design, architectural arrangement, massing, roof form, texture, paint, and may be identified in a historical resource survey or otherwise determined by the ACHP Commission.

DESIGNATED HISTORIC PROPERTY: Property locally designated under this chapter, as well as the National Register of Historic Places, as a historic property.

ELIGIBLE PROPERTY: A property that meets the criteria to be listed on the National Register of Historic Places.

EXTERIOR FEATURE: The architecture, size, location, type, style, kind, texture, design, general arrangement and/or material of a building, site, structure or object including, but not limited to, windows, doors, exterior light fixtures, roofs, signs, appurtenant fixtures, and fencing, all as visible from public right of way.

HISTORIC INTEGRITY: The ability of a resource to convey its significance through retention of aspects including: location, design, setting, materials, workmanship, feeling and association, as espoused by the National Park Service.

HISTORIC PRESERVATION: The identification, evaluation, recordation, documentation, curation, acquisition, management, protection, restoration, rehabilitation, stabilization, maintenance, interpretation, conservation, and education of buildings, structures, objects, districts, areas, and sites significant in the history, architecture, archaeology or culture of Sandpoint, the state or nation.

HISTORIC BUILDING/PROPERTY/HISTORICAL RESOURCE: The City has identified resources that are important to Sandpoint’s architectural, cultural, economic, historic, political, and social heritage, known as historical resources. Any building, structure, object, district, area, or site that is significant in the history, architecture, archaeology or culture of Sandpoint or that has made a significant contribution to the prehistory of the region, shall be considered a historic building/property/historical resource if it is locally designated in accordance with the provisions of this chapter, and is:

- a. Included in the National Register of Historical Places; or
- b. Included within the boundaries of a Historic Overlay Zone of the City, or
- c. Is an individual landmark as stated in 9-13-2.

LOCAL HISTORIC DISTRICT: Any area designated as such by ordinance which includes or encompasses such buildings, sites, structures, or objects as the city may determine to be appropriate for historic preservation. Such local district (or districts) need not be a single enclosed area nor do the areas or sites have to be contiguous to constitute a district. A district may include contributing, noncontributing, or undeveloped properties.

NEW CONSTRUCTION: Construction or installation of an entire structure, whether primary, secondary or accessory.

NONCONTRIBUTING PROPERTY: A property within an existing or potential historic district that does not meet the criteria for a contributing building. A property may be noncontributing because: a) it was not

present during the period of significance; b) due to alterations, disturbances, additions, or other changes, it no longer possesses historic integrity reflecting its character at that time or is incapable of yielding important information about the period; or, c) it does not individually meet the National Registry eligibility criteria, however, a resource does not have to be individually eligible to be considered contributing to a district. A noncontributing building, site, structure, or object that is within a historic district remains subject to this article. For inventory purposes, “noncontributing” has been designated through a survey and a formal hearing process.

OBJECT (FOR PURPOSES OF DESIGNATION): A construction primarily artistic in nature or relatively small in scale and simply constructed, such as a statue, milepost, or sign.

ORDINARY REPAIRS: The maintenance or repair of any exterior feature of any building or structure in an historical district, or of any historic property or landmark which does not involve a change in design, material, color or outer appearance thereof.

PERIOD OF SIGNIFICANCE: The length of time when a property or district was associated with important events, activities, or persons, or attained the characteristics which qualify it for national register listing. Period of significance usually begins with the date when significant activities or events began giving the property its historic significance; this is often but not always a date of construction.

PRESERVATION: The act or process of applying measures necessary to sustain the existing form, integrity, and materials of a historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. New exterior additions are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical and plumbing systems and other code required work such as improvements for compliance with Americans with Disabilities Act (ADA) to make properties functional is appropriate within a preservation project. Exterior additions should be sympathetic to the significant elements of the historic property.

PUBLIC SAFETY ACTION: Any measure of construction, alteration, stabilization, or demolition of a historic resource necessary to correct or abate the unsafe or dangerous condition of any structure which such condition has been declared unsafe or dangerous by the Chief Building Official or Fire Chief.

RECONSTRUCTION: The act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving building, site, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location.

REHABILITATION: The act or process of making possible a new use for a property through repair, alterations, and additions using in-kind materials while preserving those portions or features which convey its historical, cultural, or architectural values.

RESTORATION: The act or process of accurately depicting the forms, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the historic period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code required work to make properties functional is appropriate within a restoration project.

RESOURCE RECORD: A form that catalogs the age, style, contributing or noncontributing classification, address, location, photograph, date of inventory, name of surveyor, building permit history and other

relevant information as may be acquired or required by the Director or Commission for a building, site, structure, or object.

SECRETARY OF THE INTERIOR'S STANDARDS FOR REHABILITATION: Standards that were written pursuant to federal law to ensure that work on historic buildings is done in such a manner which preserves the historical integrity of the building. For further information refer to the "Secretary of The Interior's Standards For The Treatment Of Historic Properties With Guidelines For Preserving, Rehabilitating, Restoring And Reconstructing Historic Buildings".

SITE (FOR PURPOSES OF DESIGNATION): Location of a significant event, a pre-contact or historic occupation or activity, or a building or structure, whether standing, ruined or vanished, where the location itself possesses historic, cultural or archaeological value regardless of the value of any existing structures.

SITE IMPROVEMENTS: A modification to the grounds of a property not including the buildings or accessory buildings. Such improvements may include, but are not limited to: fences, walls, greenhouses, storage sheds, outdoor light fixtures, patios, decks, porches, landscape features, steps or pavement.

STRUCTURE (FOR PURPOSES OF DESIGNATION): A functional construction made for purposes other than creating shelter, such as, but not limited to, a bridge, canal, or man-made waterfront; and 2 (For All Other Purposes): Anything constructed or erected which requires permanent location on the ground or is attached to something having location on the ground. Structures may include, but are not limited to, buildings, platforms, framework, antennas, and prefabricated sheds or other structures.

SURVEY FORM: See Resource Record, above.

TEMPORARY FEATURES: Items that are erected or displayed for a limited amount of time, not to exceed one hundred eighty (180) days at any one time unless otherwise approved by the Director, which may include, but are not limited to: sidewalk cafe tables, fences, chairs, planters, umbrellas, and bicycle racks.

TEMPORARY STRUCTURES: A structure with or without a foundation that is erected for a limited amount of time, not to exceed one hundred eighty (180) days at any one time unless otherwise approved by the Director, which may include, but is not limited to, playhouses and play equipment, mobile buildings and carport/canopy structures.

9-13-3 Designation of Local Historic District:

The City may establish by ordinance one or more local historic preservation districts within the City using the criteria and procedures set forth in Title 9, Chapter 2, Section 10, Legislative Actions, and the regulations set forth below.

- A. Establishment of a Local Historic District: The City may establish by ordinance one or more historic preservation districts, as a zoning overlay district, provided that any historic district shall not be designated until a minimum of one of the following criteria has been established:
 - 1. Historical or Cultural Importance:
 - a) The district has significant character, interest, or value as part of the development, heritage, or cultural characteristics of the city, state, or nation;
 - b) The district is associated with the life of a person significant in the past;

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- c) The district is the site of an historic event with significant effect upon society;
 - d) The district exemplifies the cultural, political, economic, social, educational, or historic heritage of the community;
 - e) The district should be part of or related to a street, square, park, or other distinctive area, should be developed or preserved according to a plan based on historic, cultural, or architectural motif; or
 - f) Owing to its unique location or singular physical characteristics of the district, represents an established and familiar visual feature of the neighborhood, community, or city.

B. Architectural Importance:

- 1. The district portrays the environment in an era of history characterized by a distinctive architectural style;
 - a) The district embodies those distinguishing characteristics of an architectural-type or engineering specimen;
 - b) The district is the work of a designer, architect, or craftsman whose individual work has significantly influenced the development of the city, state, or nation; or
 - c) The district contains elements of design, detail, materials, or craftsmanship that represent a significant innovation.

C. Archeological Importance:

- 1. The district has yielded or may be likely to yield information important in pre-contact or history; or
- 2. The district contains or is likely to contain physical remains, such as relics, monuments, or symbols, of past human life and activities.

D. Commission Research and Report on Proposed District:

- 1. The Commission, whether by its own initiative or upon request of the City Council, or upon request of one or more property owners in the area of a proposed local historic district, may recommend the designation of one or more local districts.
- 2. Prior to recommending designation the Commission shall make a survey of the historical, architectural, archaeological, and cultural significance of the buildings, structures, features, sites, or surroundings included in any such proposed local historic district based on the historical, architectural, and archaeological criteria established in this section. For the purposes of creating an historic district in downtown, the Arts, Culture, and Historic Preservation Plan, the surveys referenced therein, and its appendices adopted by City Council in 2018 shall satisfy the requirement of a survey.
- 3. Thereafter, the Commission shall prepare a report containing recommendations concerning the area or areas to be included in the proposed local historic district or districts.
- 4. Transmittal of Report to Planning and Zoning Commission: Copies of the report shall be transmitted to the Planning and Zoning Commission for their review and recommendation to City Council through the public hearing process outlined in Title 9, Chapter 2, Section 10 of this code for legislative actions and overlay districts.

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5. Notice Requirements of the public hearing before the Planning and Zoning Commission: In addition to the noticing requirements for adoption of overlay districts in Chapter Title 9, Chapter 2, Section 10, notice of the time, place, and purpose of the hearing shall be provided at least fifteen (15) calendar days prior to the hearing by one publication in a newspaper of general circulation in the city, and written notice of the hearing shall be given to the owners of all properties, as well as occupants of the properties if different from the owners, to be included in the local district or districts at least fifteen (15) calendar days prior to the hearing.

9-13-4 Designation of Local Historic Landmarks:

Historic Landmarks shall be designated by ordinance and in accordance with the following criteria and procedural requirements:

- A. The building, site, structure, or object proposed for such designation may be so designated on the following criteria: historical, architectural, archeological, and cultural significance; suitability for preservation or restoration; educational value; cost of acquisition, restoration, maintenance, operation, or repair; possibilities for adaptive or alternative use of the property; appraised value; and the administrative and financial responsibility of any person or organization willing to underwrite all or a portion of such costs. In addition, it must meet the criteria established for inclusion in the National Register of Historic Places.
- B. The Commission, either on its own initiative or upon the request of the City Council, or upon the request of owner of the property proposed to be designated, may recommend the designation of a historic landmark. Prior to recommending the designation, the Commission shall conduct studies, research, and investigations based on the relevant criteria listed in subsection (1) of this section. Thereafter, the Commission shall prepare a report containing recommendations concerning the historic landmark proposed to be designated and a draft of the designating ordinance to be presented to the Planning and Zoning Commission and City Council for consideration during a public hearing(s) before each body. The report of the Commission shall include comments regarding the suitability of the historic landmark for preservation or restoration.
- C. For each designated individual historic landmark, demolition or removal shall be subject to Section 9-13-5(N). Demolition, removal, material alteration, and remodeling shall be subject to the applicable Certificate of Appropriateness requirements and exemptions of Section 9-13-5. The designating ordinance shall also provide guidelines for a suitable sign or marker on or near the historic landmark indicating that the property has been so designated.
- D. For properties both designated as a historic landmark and located within a local historic district, the portion of this chapter pertaining to the districts, takes precedence over the waiting period for demolition, material alteration, remodeling, or removal of the structure.
- E. The City Council shall hold a public hearing on the designating ordinance, after having given written notice to the owners and occupants of the property. Notice of the time, place, and purpose of the hearing shall be provided at least fifteen (15) calendar days prior to the hearing by one publication in a newspaper of general circulation in the City, and written notice of the hearing shall be given to the owners of all properties, as well as occupants of the properties if different from the owners, that are the subject of the landmark at least fifteen (15) calendar days prior to the hearing

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- F. Following such public hearing, the City Council may act on the designating ordinance.
 - G. Upon passage of the designating ordinance, the owners and occupants of each designated historic landmark shall be given written notification of said designation by the City Council, and one copy of the designating ordinance shall be filed in the office of the County Recorder of Bonner County, Idaho, by the City Clerk.
 - H. The City Clerk shall give notice of such designation to the Tax Assessor of Bonner County, Idaho.

9-13-5 Permits Required:

- A. Purpose and Intent:
 - 1. The purpose of the Certificate of Appropriateness is to promote the public health, safety, and welfare through the preservation of historical resources, and thereby safeguard the city's heritage as embodied and reflected in its resources; carry out the goals and policies of the Comprehensive Plan; enhance and preserve property values; protect and enhance the city's attractiveness to tourists and visitors; stabilize areas of the city and preserve varied and harmonious architectural styles reflecting phases of the city's history; promote and encourage continued private ownership and utilization of such structures; foster civic and neighborhood pride and sense of identity based on the recognition and use of historic resources; and promote the enjoyment and use of historic resources appropriate for the education and recreation of the people of Sandpoint.
 - 2. It is the intent of the Certificate of Appropriateness to implement the Comprehensive Plan and policies related to historic preservation by protecting structures, improvements, natural features, and objects of known or potential historic significance from alteration or demolition that would have an adverse effect thereon.
- B. Applicability and When Required: A Certificate of Appropriateness shall be required for all of the following activities:
 - 1. No exterior feature as defined herein above in subsection 9-13-2 of any building, site structure or object, including all appurtenant features, nor aboveground utility structure nor any type of outdoor advertising sign shall be erected, altered, restored, moved, or demolished within a local historic district or any local landmark until after an application for a Certificate of Appropriateness has been submitted to the Department and approved as set forth table 9-13-1 of this Chapter, unless exempted from this requirement, as established in subsection 9-13-5(E), Exemptions from the requirement to obtain a Certificate of Appropriateness.
 - 2. A Certificate of Appropriateness is required whether or not a building permit is required, and a Certificate of Appropriateness must be granted in all cases before an applicant can obtain any other permit. (IC 67-4608).
- C. Initial Identification: As part of the application process for a Certificate of Appropriateness, the planning staff shall confirm the contributing or non-contributing classification of the property based upon the survey records.
- D. All applicable permits, as established in Title 9, Chapter 2, Zoning Administration, shall be required in addition to a Certificate of Appropriateness, unless otherwise herein stated.

Table 9-13-1 Certificate of Appropriateness review requirements

Reason for Certificate of Appropriateness	Arts, Culture, and Historic Preservation Commission Review	Staff Level Review	No CA Required
Deviation from Historic Design Standards or Guidelines	X		
Exterior Alterations (includes windows and doors, exterior materials, etc.)	X		
Demolition or Relocation	X		
New Construction	X		
Interior Alterations			X
New Sign (Structure)		X	
Sign Face/Copy Change		X	
Window Signage		X	
Aboveground Utility Structures	X		
Ordinary Repairs			X
Landscaping		X	
Maintenance			X
Public Safety Actions		X	
Change in zoning classification/rezone (IC 67-4609)	X		

E. Exemptions from the requirement to obtain a Certificate of Appropriateness:

1. Interior arrangement of any building or structure or any interior features or fixtures;
2. Temporary structures and features that do not remain in existence for a time period greater than 45-days in any consecutive twelve (12) month period.
3. An action that does not require a Certificate of Appropriateness as identified in table 9-13-1.
4. Ordinary Repairs as defined in 9-13-2, above: Nothing in this Chapter shall be construed to prevent the ordinary maintenance or repair of any exterior feature of any building or structure in an historical district, or of any historic property or landmark which does not involve a change in design, material, color or outer appearance thereof.
5. Public Safety Actions as defined in 9-13-2, above.
6. Any exterior modification approved through a state or federal approval.

F. Application Requirements:

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1. An application for a Certificate of Appropriateness shall be submitted by the property owner or by an authorized representative of such person, on a form furnished by the City and containing such information as required by the Commission.
 2. An application for a Certificate of Appropriateness involving demolition (except for a public safety action) or relocation shall also provide the following:
 - a) A written statement as to why the building, site, structure, or object should be demolished;
 - b) Photographs of the building, site, structure, or object to be demolished, as well as of adjacent properties;
 - c) Two written reports, prepared, stamped, and signed by currently licensed Idaho design professionals appropriate to the nature of the project, at least one of which shall be disinterested, stating the structural soundness of the building or structure proposed for demolition and suitability for reuse. The second report shall be an analysis of the cost to rehabilitate the existing structure plus construct a new structure. These costs shall be completed to include the cost of demolishing any existing structures and the equivalent new construction and shall be completed, signed, and stamped by a currently licensed Idaho design/contract professional appropriate to the nature of the project.
- G. Application Initial Processing: Applications for Certificates of Appropriateness shall be filed in accordance with the provisions of Section 9-2-3: Permit Application Filing, Fees, and Initial Processing. In addition, all applications requiring Commission review and approval in accordance with Table 9-13-1 shall be referred to the Commission upon being deemed complete.
- H. Notice of Public Hearing: Except for those Certificates of Appropriateness approved at the staff level, prior to approval or denial of a Certificate of Appropriateness requiring action by the Commission a public hearing shall be held, notice shall be posted on the premises not less than seven (7) calendar days prior to the meeting and notice shall be mailed to the applicant, the property owners and residents within three hundred feet (300') of the exterior boundary of the parcel under consideration, a minimum of fifteen (15) days prior to the public hearing.
- I. Findings and Decision: An application for a Certificate of Appropriateness shall be approved only after first making the following findings:
1. Findings for Alterations: A decision in regard to Certificates of Appropriateness for alterations shall be based on the following findings as applicable to that property or request and as they relate to historic preservation:
 - a) That the request is consistent with the Secretary of the Interior's Standards for Rehabilitation and guidelines for rehabilitating historic buildings;
 - b) That the request is consistent with City of Sandpoint adopted historic preservation guidelines, if any;
 - c) That the request supports the goals, policies, and action items of the City of Sandpoint's Comprehensive Plan and any relevant plan, such as the Arts, Culture, and Historic Preservation Plan, referenced therein;

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- d) That based on the adopted guidelines or the Secretary of the Interior's standards and guidelines mentioned above, the request will not be incongruous with the historical, architectural, educational, or cultural aspects of the local district;
 - e) That the request complies with the dimensional standards and other applicable requirements of Title 9 of this Code including but not limited to setbacks, height restrictions and parking requirements, unless the Commission finds that modifying these standards is necessary to protect the overall character of the local district and to comply with any adopted guideline.
- J. Findings for Demolition or Relocation: In order to approve a Certificate of Appropriateness for demolition or a relocation request, at least three out of the following five findings shall be made:
- 1. That the building, site, structure, or object is not classified as contributing within the local district as stated on a survey form not greater than ten years old on file in the Planning Department;
 - 2. That the building, site, structure, or object cannot reasonably meet national, state, or local criteria for designation as a historic property;
 - 3. That the demolition of the building, site, structure, or object would not have an adverse impact on the character of the district and/or the adjacent properties and/or would not put the district at risk of losing historical status;
 - 4. That the owner has reasonably demonstrated that rehabilitation of the building, site, structure, or object would not be economically practical, realistic, or viable based on review of the information required in Section 9-13-5, Application Requirements for demolition/relocation, above;
 - 5. That plans have been submitted to the City to redevelop the property if the demolition proceeds and such plans will have a positive effect on the district and/or adjacent properties. The size, scale, use, materials, and/or overall design of the project may be considered as qualities for producing a positive effect that furthers the purpose of the district.
- K. Findings for Change in Zoning Classification: A decision in regard to Certificates of Appropriateness for a change in zoning classification/rezone shall be based on the following findings:
- 1. That the request supports the City of Sandpoint's Comprehensive Plan, and any relevant plan referenced therein;
 - 2. That the request will be congruous with the historical, architectural, archaeological, educational, or cultural significance of the local district;
 - 3. There will be no significant effect on the exterior of the resource.
- L. Findings for New Construction (for New Construction within a Local Historic District): A decision in regard to Certificates of Appropriateness for new construction shall be based on the findings in 9-13-5(I)(1), above, and the following findings:

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1. Review of Building Mass: The mass of the building shall be reviewed for its relationship to other buildings within the local historic district, and shall be compatible and consistent with the predominant building mass within the local district;
 2. Proportion Of Building Facades: The height to width relationship shall be compatible and consistent with the predominant architectural character of the local historic district;
 3. Design Interest: The exterior of the building shall provide architectural relief and design detailing compatible with the architectural character of the local historic district;
 4. Appropriateness of Materials: The materials shall be compatible with the materials of other buildings within the local historic district.
 5. Retention of Authenticity: The building is not attempting to create a false sense of history.
 6. In applications where a Conditional Use Permit and/or a Site Plan Review Permit is required, as established in Chapter 2, Section 2-8, Zoning and Land Use Permits, requisite findings for such permits shall also be required.

M. Maintenance and Repair Required - Demolition by Neglect:

1. Any property located within the district shall be preserved by the owner, or such other persons as may have legal custody or control of the property, against decay and deterioration, and free from unreasonable structural defects. The owner or person having legal custody and control of the property shall repair such resource if it is found to have one or more of the following defects, or other defects that in the judgment of Commission has a detrimental effect on the historical characteristics of the property or district:
 - a) The deterioration of exterior walls or other vertical supports;
 - b) The deterioration of roofs or other horizontal members;
 - c) The deterioration of external chimneys;
 - d) The deterioration or removal of exterior finishes or fenestration;
 - e) The ineffective waterproofing of exterior walls, roofs and foundations including broken windows or doors; and
 - f) The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition or conditions.
2. If the Commission makes a preliminary determination that a resource is being demolished by neglect, it shall direct the Building Official to notify the owner(s) of the resource of this preliminary determination, stating the reasons therefor, and shall give the owner of record 45 days from the date of mailing such notice to commence work to correct the specific defects as determined by the Commission.
3. If the owner(s) fail to commence work within the time allotted as evidenced by the issuance of a building permit (if required) and Certificate of Appropriateness, Commission shall notify the owner(s) in writing to appear at a public hearing before the Commission at a date, time, and place to be specified in the notice, which shall be mailed at least 28 days before the hearing. The Commission shall also notify in writing adjacent property owners of such a hearing. The Commission shall receive evidence on the issue of whether the subject resource

should be repaired, and the owner(s) may present evidence in rebuttal thereto. If, after such hearing, the Commission determines that the resource is being demolished by neglect, it shall inform the Director who may initiate code enforcement actions in accordance with the regulations set forth in chapter 2, Zoning Administration.

N. Demolition or removal: (IC 67-4616)

1. The purpose of this subsection is to further the purposes of the Comprehensive Plan, the Arts, Culture and Historic Preservation Plan, and this Chapter to preserve historic buildings which are important to the architectural and historical significance of Sandpoint. It is further the purpose of this subsection to afford the City, interested persons, historical societies or organizations the opportunity to acquire or arrange for preservation of such structures.
2. Prior to demolishing or removing a structure designated as a historic property or landmark or located within a district, 180-days' written notice of the proposed demolition shall be given before a building permit or Certificate of Appropriateness to demolish or remove the structure is issued. Notice shall involve the following:
 - a) Prior to the issuance of a building permit to demolish/demolition permit, the notice shall be published in a newspaper of general circulation at least two times.
 - b) The first notice shall be published no later than fifteen (15) days after the application for a permit to demolish is filed and the final notice shall be published approximately fifteen (15) days prior to the date of demolition or removal.
3. Negotiation to avoid Demolition: During this six (6) month period, the staff and/or the Commission, may negotiate with the owner of the property and with any other parties in an effort to find a means of preserving the property. Such negotiations may include relocation to a new site, or inducements to interested third parties to purchase the property for the purpose of preserving it.

O. Building Code Exemptions:

1. In order to promote the preservation and restoration of historic properties within the City, a historic property, or structure within a historic district may be exempted from the application of such standards contained in the building codes if, upon recommendation from the Historic Preservation Commission, it shall be determined such application would otherwise prevent or seriously hinder the preservation or restoration of said historic property or structure; provided, that the restored building or structure will be no more hazardous, based on life safety, fire safety, and sanitation standards, than the existing building, as determined by the Chief Building Official.
2. A historic building or structure shall comply with the provisions regarding historic buildings of the adopted edition of the International Existing Building Code (IEBC) relating to their repair, alteration, relocation and change of occupancy.

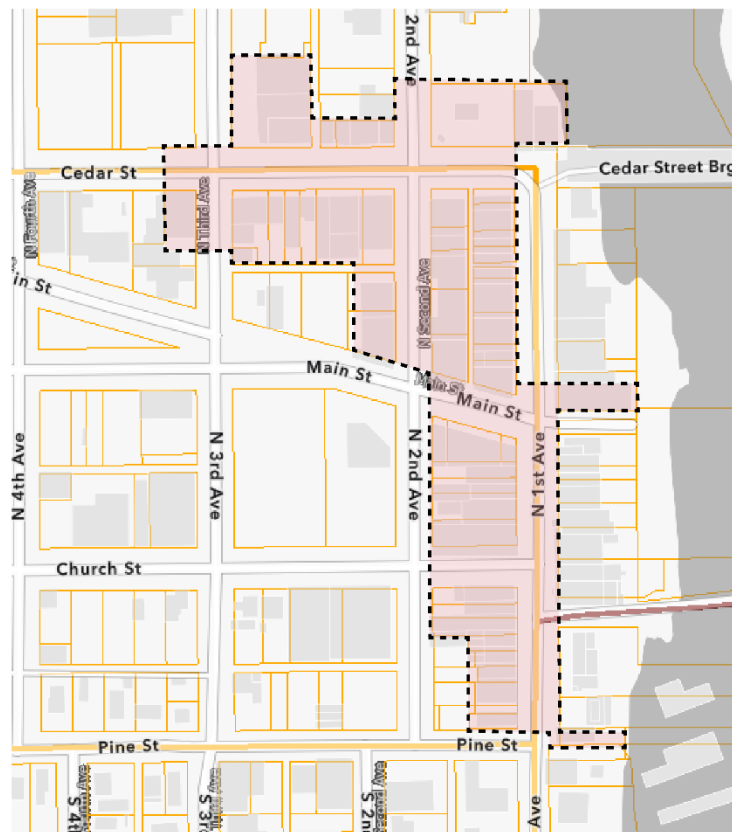
P. Penalties: Any person who violates any provision of this Chapter shall be subject to the penalties and remedies as provided in Title 9, Chapter 2 (Zoning Administration).

9-13-6: Downtown Sandpoint Historic Preservation Overlay Zone District (HP – D):

A. Purpose and Applicability:

1. Purpose: The Downtown Sandpoint Historic Preservation Overlay District, also known by the abbreviation (HP-D), is established to promote the preservation and rehabilitation of historic buildings in the downtown area and to provide for new infill construction consistent with the character of the district. The Downtown Sandpoint Historic Preservation Overlay District is a means to recognize the defined area as a community asset that has historical and architectural attributes worthy of protection and preservation.
2. Applicability: The Downtown Sandpoint Historic Preservation Overlay District applies to the following area as shown in Figure 9-13 (1).

Figure 9-13 (1) Downtown Sandpoint Historic Preservation Overlay District



- B. Governing Structure: The legislature of the State of Idaho (pursuant to chapter 46, title 67, Idaho Code) has declared the engagement in a comprehensive program of historic preservation to be public policy and in the public interest for all levels of government in the state. This Chapter 13 and Chapter 2 of this Sandpoint City Code Title 9 provide for the creation of historic preservation overlay districts and is applied to the Downtown Sandpoint Historic Preservation Overlay District as of the date of its creation. This subsection codifies and promulgates the provisions contained in Title 9, Chapter 2 of this Code (Zoning Administration), Title 9, Chapter 13 of this Code (Historic Preservation Code), and Title 2, Chapter 10 of this Code (Boards and Commissions) pertaining to the Arts, Culture, and Historic Preservation Commission.

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- C. Definitions: The definitions contained in 9-1-7 and 9-13-2 shall apply to the Downtown Sandpoint Historic Preservation Overlay District.
 - D. Permit Required: All land use actions and development activity within the boundaries of the district, including the modification of any structure or new development, or demolition, as defined and established in 9-13-2, above, shall first require the issuance of a Certificate of Appropriateness pursuant to 9-13-5, above, unless exempt.
 - E. Standards Apply: The following design standards shall apply within the district boundaries to the modification of any structure or new development as defined and established in Section 9-13-2 (Definitions), above. These standards are in addition to the design standards contained in the underlying zone located in Chapter 3.
 - 1. Basic Standards: The Secretary of the Interior's Standards for Rehabilitation shall provide the basic direction for review of improvements affecting properties within the district.
 - 2. Standards for Existing Buildings (Maintenance and Improvements):
 - a) General Intent: The standards for existing buildings are intended to preserve and reinforce the architectural character, materials, and defining features of buildings that contribute to the historic downtown environment. Regular maintenance, repair, and sensitive improvements are encouraged to extend the life of existing structures while retaining the elements that give downtown Sandpoint its distinctive identity. These standards prioritize preservation over replacement and seek to prevent incremental alterations that erode historic character over time.
 - b) Preservation Priority: Existing buildings shall be maintained, repaired, and improved in a manner that preserves their defining architectural features and historic character. Repair and restoration shall be prioritized over replacement wherever feasible.
 - 3. Character-defining Features: The following elements shall be preserved and maintained where they exist:
 - a) Historic storefront configurations, including recessed entries and display windows;
 - b) Original window openings, proportions, and rhythms;
 - c) Masonry, stone, wood, and metal architectural detailing;
 - d) Cornices, parapets, pilasters, belt courses, and decorative brickwork.
 - 4. Inappropriate alterations: The following are prohibited for existing buildings:
 - a) Covering historic materials with non-historic cladding;
 - b) Reducing or infilling original window openings;
 - c) Replacing historic windows with vinyl or incompatible window systems;
 - d) Removing or obscuring defining architectural features.