

TITLE 9 ZONING

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:

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.

(Ord. 180, 2-5-1941)

State law reference(s)—IC § 67-6501 et seq.

9-1-3: 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".

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.

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 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.)

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 (1) dwelling unit and not including timeshare ownership of that dwelling unit.

DWELLING UNIT: One (1) or more rooms designed for occupancy by one (1) family for living purposes and having only one (1) 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 (1) 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 (1) housekeeping unit using one (1) kitchen.

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

FRONTAGE: All property on one (1) 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 (1) 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.

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 (1) 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 (1) on one (1) 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.

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 (1) 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 (1) 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 9-4-6 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.

MOBILE HOME: A vehicle or structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, is intended for human occupancy and is being used for residential purposes.

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 (1) mobile home.

MODULAR HOUSING: A dwelling unit manufactured off site, built to be used for permanent residential 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 nonprecision instrument approach procedure has been approved or planned.

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.

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 (1) 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.

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 whereby the planning department shall review the site plans, maps and other studies to assist in determining the manner in which the applicant intends to make use of his property to assure that they meet the stated purposes and standards of the zoning district and provide for the necessary public facilities associated with the development.

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 (1) 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 (1) 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 (1) 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; Ord. No. 1432, § 1, 9-17-2025; Ord. No. 1436, § 1, 2-18-2026)

9-1-4: General Provisions:

- 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.

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- B. Permitted Uses: 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.
1. All permitted uses requiring a building permit shall be subject to an administrative Site Plan Review with the following exceptions:
 - a) Residential dwellings of less than four (4) units on a conforming lot. This does not include substandard original lots of record that are further regulated in Section 9-4-6; and
 - b) Expansion of a commercial or industrial building which increases building size by less than two thousand (2,000) square feet where the finished structure will be permitted outright. This exemption does not apply to subsequent expansions.
 2. Site Plan Review Requirements:
 - a) Notice. A development of four (4) or more dwelling units shall require notice to adjoining landowners. The notice shall provide at least fifteen (15) days for comments on the application.
 - b) Expiration. A Site Plan shall be valid for one (1) year from the date of approval. If no building permit for construction of the approved structure(s), has been issued within one (1) year, the site plan approval will expire. An extension of up to one (1) year may be applied for and approved for good cause by city staff. The application for extension must be provided to city staff prior to the one (1) year expiration of the site plan. If the site plan does not proceed within the one-year timeframe or the extension timeline, if applicable, it shall be considered null and void and a new site plan application shall be required.

Good cause shall include on-going activity related to the site plan including environmental remediation, corresponding land use action, or similar reasons.
 - c) Submittal. Submittals for an administrative site plan review are the same as required by Section 9-9-6-3 a through g.
 - d) Appeal. Any interested party may appeal to the planning commission from a site plan review or design review determination. An appeal shall be submitted in writing within fifteen (15) days after the determination and shall list each issue for appeal with specificity. The planning commission shall only consider issues properly appealed and shall exclude issues which are subject to a different appellate procedure, e.g., the local land use planning act, or which are not eligible for modification or waiver, such as items contained in a development agreement. Nothing in this provision shall preclude the planning director from referring issues regarding a proposal to the planning commission for the benefit of its advice.
- E. Open Space: The minimum yards or other open spaces, including lot areas per family required by this title for each and every building existing or for any building hereafter erected, shall not be encroached upon or considered as yard or open space requirements for any other building.
- F. 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.
- G. Public Access: 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, which easement shall have a minimum width of twenty-five feet (25') unless an easement of lesser width was on record prior to the effective date hereof. The public works director may require additional easement to provide for pedestrian access.

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- H. 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.
- I. Annexation: Any area annexed to the city shall, upon such annexation, be automatically classified "unzoned" until otherwise zoned.
- J. Visibility: 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. 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 commercial property.
1. On all nonindustrial zoned lots:
 - a. In the required front yard setback, fences and walls shall be allowed to a maximum height of four feet (4').
 - b. In side and rear yards, fences and walls shall be allowed to a maximum height of seven feet (7').
 - c. Within residential zones, fences over four feet (4') shall not be allowed in front of the primary facade, regardless of setback.
 2. On nonindustrial 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 depth of not less than twenty feet (20'). Fences beyond the required front yard depth shall maintain the one foot setback, but shall be allowed to the seven-foot (7') maximum rear yard height.
 - c. Clear vision triangle shall be maintained.
 3. On double frontage lots:
 - a. In cases where a lot extends the full depth of a block between two (2) parallel streets, fences shall maintain the one foot setback along the street bordering the rear yard but may be allowed to the rear yard height of seven feet (7').

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

9-1-5: Accessory Buildings, Regulations:

Accessory buildings, except as otherwise permitted in this title, shall be subject to the following regulations:

- A. Where an accessory building is structurally attached to a main building it shall be subject, and must conform to all regulations of this title applicable to the main building.
- B. 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.
- C. An accessory building shall not be erected prior to the establishment or construction of the principal use of a building.
- D. No house trailer or recreational vehicle shall be used for human habitation on any parcel in any zone.

(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)

9-1-6: 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 7 of this title.

(1958 Code)

9-1-7: Additional Provisions:

The city council hereby declares that it is the intention that this title does not repeal any existing laws in regard to fire limits, sanitation or otherwise.

(1958 Code)

9-1-8: Accessory Dwelling 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.
 - 5. 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:

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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:
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)

CHAPTER 2 COMMERCIAL ZONING DISTRICTS

9-2-1: Commercial A, B and C Zones:

9-2-1-1: Purpose and Intent:

The purpose of these zones is to foster and strengthen economic vitality in Sandpoint's commercial areas while respecting and enhancing the special character of the existing development in the downtown core area. The downtown is a compact assembly of storefront buildings, short walkable blocks, mixed uses, pedestrian amenities, and consolidated on and off-street parking. The community's commercial character is especially vulnerable to intrusion from incompatible uses and physical development practices which are inconsistent with the historical fabric. The purpose of these zones is to establish requirements for building and site design for new development and for the significant modification of existing developments within the commercial areas. The city's downtown, designated as commercial A is so important and significant to the city, that it justifies a special set of regulations designed to protect and enhance its character in light of new development. Considerable opportunity for new infill development adjacent to existing neighborhoods lies north of this area and is designated as the commercial B zone. The commercial C zone represents a lower intensity commercial area serving adjacent neighborhoods and residents and preserving the scale of the built environment by restricting height limits. The following principles serve as the foundation for the commercial A, B and C zones:

- 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 residential development above ground floor.
- H. Encourage structured parking in commercial areas.

The commercial zones herein defined, upon their adoption per this chapter, are enforceable and implemented as a set of land use regulations. In this context, all land use applications for property within the commercial zones are required by this chapter to comply with the provisions of these commercial zones.

(Ord. 1236, 6-23-2010)

9-2-1-2: Zone as Regulation:

The commercial A, B and C zones, as adopted by reference, contain recommended policies and development guidelines that are hereby made mandatory by adopting them in this chapter. The commercial A, B and C zones, unless otherwise specifically provided for in this chapter, shall be considered as carrying the weight of law and shall be enforced and abided by as a municipal land use regulation.

(Ord. 1236, 6-23-2010)

9-2-1-3: Use Limitations:

Within the commercial A, B and C zone boundaries, those uses that help facilitate efficient land use and create a unique, dynamic pedestrian oriented center are encouraged. Such uses generally include retail, services, civic uses, restaurants and dining establishments, professional offices, passive open spaces, and residences. To further strengthen and encourage development modeling these principles, the city maintains suggested design guidelines for commercial A, B, and C zones.

- A. Permitted Uses: The land uses listed in table 1 of this section are permitted in the commercial A, B and C zone areas as identified and subject to the provisions of this chapter. Certain land uses have additional restrictions as specified in notes to table 1 of this section.
- B. Determination of Similar Land Uses: Uses that are similar in nature to one or more permitted uses, as determined by the planning director after consulting the current edition of "The North American Industry Classification System" code, may be permitted within the boundary of the commercial A, B and C zones.

**TABLE 1
USES PERMITTED IN THE COMMERCIAL ZONES**

	Commercial A	Commercial B	Commercial C
Commercial:			
Art and craft galleries	Yes	Yes	Yes
Banks and financial institutions	Restricted ⁴	Restricted ⁴	Restricted ⁴
Commercial storage	Restricted ³	Restricted ³	Restricted ³
Daycare	Yes	Yes	Yes
Entertainment facilities (theaters, clubs, movies)	Restricted ⁵	Restricted ⁵	Restricted ⁵
Hotels, hostels and lodges, and motels	Yes	Yes	Yes
Laundromats and dry cleaners (no dry cleaning using perchloroethylene solvent permitted)	Yes	Yes	Yes

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(Supp. No. 3, Update 2)

Manufacturing ancillary to a storefront retail sales and services outlet (see section 9-2-1-9 of this chapter for limitations)	Yes	Yes	Yes
Medical and dental services including hospitals, clinics and associated laboratories, pharmacies, optometrists, veterinarians and similar medical uses	Restricted ⁴	Restricted ⁴	Restricted ⁴
Offices	Yes	Yes	Yes
Personal and professional services (e.g., hair salons, day spas, barbershops, tailors, shoe repair, nail salon, tanning salon, watch and jewelry repair, package wrapping/copying/sending services, and similar uses)	Yes	Yes	Yes
Restaurants, catering, taverns, prepared food services for on site consumption, retail bakeries, candy/ice cream shops (food production allowed in conjunction with retail)	Restricted ⁴	Restricted ⁴	Restricted ⁴
Retail trade and services	Restricted ^{4, 5}	Restricted ^{4, 5}	Restricted ^{4, 5}
Vehicle, agricultural and industrial equipment sales	Restricted ^{2, 7}	Restricted ^{2, 7}	Restricted ^{2, 8}
Wholesale	Yes	Yes	Yes
Public/institutional:			
Clubs, fraternities, sororities, lodges and similar uses	Yes	Yes	Yes
Government offices and facilities, including courthouses	Restricted ⁴	Restricted ⁴	Restricted ⁴
Libraries, museums, concert halls, auditoriums, community center, and similar uses	Yes	Yes	Yes
Outdoor bandstand, amphitheater, pavilion	Yes	Yes	Yes
Private utilities	Yes	Yes	Yes
Public parking lots and garages (see chapter 5 of this title, standards for off-street parking areas)	Yes	Yes	Yes
Public parks, squares, greens, and recreation facilities	Yes	Yes	Yes
Religious institutions and places of worship	Yes	Yes	Yes
Schools, public and private	Yes	Yes	Yes
Visitors centers and information services	Restricted ⁴	Yes	Yes
Residential:			
Detached single-family residences	Prohibited	Prohibited	Prohibited
Two-family dwellings (duplexes)	Restricted ⁶	Restricted ⁶	Restricted ⁶
Single-family attached (townhouses)	Yes	Yes	Yes

Dwellings within a commercial or other nonresidential structure (e.g., residence occupying an upper floor of a retail store)	Yes	Yes	Yes
Accessory dwellings which existed on the effective date hereof	Yes	Yes	Yes, new units also permitted
Multi-family residential	Restricted ¹	Restricted ¹	Yes
Residential care homes and facilities	Yes	Yes	Yes
Bed and breakfast inns	Yes	Yes	Yes

Notes:

1. Residential uses are permitted on upper stories above ground floor nonresidential use, on ground floors behind storefront space, or integrated into a mixed use structure where design is consistent with the storefront character.
2. Subject to conditional use permit provisions as provided in this code.
3. Enclosed in building and on upper stories only.
- 4.a. In the commercial A zone: Drive-through uses are subject to approval through conditional use permit, drive-through fast food use is prohibited.
- b. In the commercial B zone: Drive-through fast food services and/or those using order amplification are subject to an approved conditional use permit and are prohibited within one hundred fifty feet (150') of any residential zone.
- c. In the commercial C zone: Drive-through fast food services and/or those using order amplification are permitted adjacent to Highway 2 with an approved conditional use permit. Drive-throughs within one hundred fifty feet (150') of a residential zone are prohibited.
5. Adult use limitation: Commercial establishments are restricted to having less than a twenty-five percent (25%) of gross floor area of its stock in trade offering for sale for any form of consideration any one or more of the following:
 - a. Books, magazines, periodicals or other printed matter, or films, motion pictures, photographs, slides, videocassettes or other visual representations which are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or
 - b. Devices, instruments, or paraphernalia which are designed for use in connection with "specified sexual activities". 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.
6. Subject to approval through the planned unit development application process with minimum two-acre area requirement waived. See title 10, chapter 3 of this code.
7. Fully enclosed in building.
8. Limited to 12 passenger vehicles.

(Ord. 1301, 6-4-2014)

9-2-1-4: Building Setbacks:

**TABLE 2
BUILDING SETBACKS**

	Commercial A	Commercial B	Commercial C
Minimum front, rear and side yard setback	See subsection 9-2-1-6B5 of this chapter	0 feet	0 feet
Maximum front setback	0 feet	0 feet	0 feet
	Buildings shall be constructed to the property line along their primary	Buildings shall be constructed to the property line along their primary	Buildings shall be constructed to the property line along

	frontage. A 10 foot setback allowance shall be approved when setback areas are developed as a civic space identified in subsection 9-2-1- 6E of this chapter.	frontage. A 10 foot setback allowance shall be approved when setback areas are developed as a civic space identified in subsection 9-2-1-6E of this chapter.	their primary frontage. A 10 foot setback allowance shall be approved when setback areas are developed as a civic space identified in subsection 9-2-1-6E of this chapter.
	An additional 15 foot setback for areas developed as a civic space will require approval through the CUP process.	An additional 15 foot setback for areas developed as a civic space will require approval through the CUP process.	An additional 15 foot setback for areas developed as a civic space will require approval through the CUP process.
Setback from residential zone	When a building or group of buildings abuts upon a residential lot, a yard shall be provided abutting the lot, such yard having a width of not less than 10 feet. There shall be a rear yard with a depth of not less than 20 feet when no dedicated alley or public way exists at the rear of the commercial lot. The rear yard may be used for off-street parking and loading as provided in this title.		

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

9-2-1-5: Building Height:

All buildings in the commercial A, B and C zone areas shall comply with the following building height requirements, which are intended to allow for development of appropriately scaled buildings with a storefront character. Included in maximum height are: bell towers, steeples, roof equipment, flagpoles, and similar features incorporated into the building design that are not intended or used for human occupancy.

**TABLE 3
BUILDING HEIGHT**

	Commercial A	Commercial B	Commercial C
Minimum number of floors ¹	2	2	2
Maximum height	35 feet	35 feet	35 feet
Maximum height when structured parking or a residential component is included in	65 feet when residential use represents 50 percent of floor area exceeding 35 feet or when 50 percent of building footprint is developed with structured parking.	55 feet when residential use represents 100 percent of floor area exceeding 35 feet or when 51 percent of required parking is incorporated into the structure.	45 feet when residential use represents 100 percent of floor area exceeding 35 feet or when 51 percent of required parking is incorporated into the structure.

building footprint			
Maximum height adjacent to residential zone	Maximum height of any portion of a structure within 50 feet of a residential zoning district line shall be 35 feet.		

Note:

1. Second floor construction may be developed in phases so long as engineering documentation is submitted at the time of building permit application confirming all first floor construction is structurally capable of accommodating a future second floor.

Chimneys, not to exceed five feet (5') are not included in maximum height.

- A. Height Increase for Buildings Containing Residences or Structured Parking: Habitable floor area utilizing exemption to maximum height outlined in table 3 of this section shall be developed in a stepped fashion with all enclosed portions of structures along street frontage exceeding thirty-five feet (35') set back from lower portions of the structure by the following:

1. Forty-five feet (45') to sixty-five feet (65') shall be set back from the exterior perimeter of lower floors by ten percent (10%) of the greater of lot width or depth, not to exceed twenty feet (20').

Setbacks shall not apply to unenclosed porches or balconies.

Government offices, courthouses, libraries, museums, community centers, movie theaters, hotels and hospitals are exempt from the required residential component but shall conform to other setback standards for area exceeding thirty-five feet (35') in height.

- B. Method of Measurement: Building height is measured as the vertical distance from the preexisting grade point of the portion of the lot covered by the building, measured to the highest point of the roof peak. For the purposes of these regulations, "preexisting grade" is defined as the ground level elevation at the primary frontage street grade that existed prior to any site preparation related to, or incorporated into, any proposed new development. In cases where site work such as retaining wall or an earth berm is utilized to create finished grades higher in elevation than preexisting grade, then preexisting grade shall be used to determine height.

(Ord. 1301, 6-4-2014)

9-2-1-6: Building Design Standards:

The commercial A, B and C zone design guidelines in this subsection are intended to provide human scale design, while affording flexibility to use a variety of building styles. These guidelines shall be followed in all new construction in order to ensure that the physical and operational characteristics of proposed buildings and uses are compatible within the context of the surrounding area. Compatibility shall be achieved through techniques such as repetition of rooflines, the use of similar proportions in building mass, similar relationships to the street, similar door and window patterns, and the use of complementary building materials.

- A. Building Size, Bulk, Scale, and Mass: New buildings or additions shall either be similar in size and height, or if larger, be articulated and subdivided proportionally to the mass and scale of other structures on the same block.

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- B. Building Orientation: If an entry is oriented to a parking lot, it diminishes activity from the street and implies that auto access takes precedence. Orientation and design of all new building or additions shall be reinforced through the observation of the following standards:
1. 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.
 2. Corner Building Entrances: Corner building entrances shall be designed in cases where the building is located on a corner lot. Alternatively, a building entrance may be located away from the corner when the building corner is beveled or incorporates other detailing to reduce the angular appearance of the building at the street corner.
 3. 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.
 4. Off-Street Parking: Off-street parking, driveways and other vehicular access shall not be placed between a building and the street. On corner lots, buildings and their entrances shall be oriented to the street corner as feasible.
 5. Commercial A Zone: In the commercial A zone, at least fifty percent (50%) of the width of the lot is occupied by a building at the front setback.
 6. 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.
 7. Surface Parking: Parking areas of more than thirty (30) abutting spaces shall be divided into areas of no more than thirty (30) spaces. Division may be by a building, internal landscaped area with a minimum width of five feet (5'), or landscaped multimodal way having a minimum width of five feet (5').
- C. Storefront Design: All buildings shall contribute toward the storefront character and visual relationships of existing buildings. 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. 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:
1. Buildings should have consistent spacing of similar shaped windows with trim or other decorative molding on all building stories.
 2. 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.
 3. 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.
 4. 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.
 5. 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 facades. Window awnings, arches, or columns must total at least sixty percent (60%) of the facade length abutting the street.

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6. Structures abutting Sand Creek are required to incorporate design features that enhance the visual interest and pedestrian interface with the water frontage such as patios, decks and expanses of glass that draw pedestrian interest. Additionally, HVAC, garbage and recycling bins and other similar ancillary equipment shall be buffered through a fence, wall or other similar device so as to strengthen the visual appeal from the waterfront.
- D. Building Materials: The exterior finish material on all facades shall be limited to stone, brick and/or finished wood. Materials other than those listed are a deviation which may be authorized by the planning director.
1. In circumstances where other materials are proposed, such as stucco, characteristics such as scale and proportion, form, architectural detailing, height, color and texture shall be utilized to ensure that the proposed material is compatible with surrounding buildings and the character of the commercial area.
 2. Building materials shall not create glare. Highly reflective materials shall not be permitted.
 3. Clear glass windows shall be used for commercial storefront display windows and doors. Ground floor window shall be defined as glass, either fixed or opening windows. Windows cannot be covered permanently on the interior by more than twenty percent (20%). Opaque or severely site obscuring windows will not be permitted.
 4. 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. 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.
 5. Exposed unfinished concrete, concrete block, or monotonous walls of concrete or corrugated metal shall not be permitted as a finished exterior.
- E. 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:
1. A plaza or courtyard next to the building entrance.
 2. Sitting space (i.e., dining area, benches, or ledges) between the building entrance and the sidewalk.
 3. A building canopy, awning, or similar weather protection, with a minimum four foot (4') projection over the sidewalk or other pedestrian space.
 4. Public art as approved by the Sandpoint art commission.

(Ord. 1301, 6-4-2014)

9-2-1-7: 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:

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- 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 subsection 9-2-1-6E 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 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. 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. Applications: 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".

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.

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)

9-2-1-8: 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.

In the commercial A zone no portion of primary lot frontage shall be developed with surface parking.

In the commercial B and C zone 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 liner frontage along the primary street having a depth of fifteen feet (15').

Ground floors of parking garages abutting public right-of-way shall consist entirely of office or retail space excluding drive aisles. Building design standards articulated in section 9-2-1-6 of this chapter shall apply to all parking structures.

- B. Trash and Loading Areas: In order to preserve and enhance the pedestrian orientation of the downtown area, 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)

9-2-1-9: Special Standards for Other Uses:

- A. Light Manufacturing: Light manufacturing uses are limited in the commercial A, B and C zones. "Light manufacturing" means production or manufacturing of small scale goods, such as crafts, electronic equipment, candy products, printing and binderies, custom furniture, and similar goods. All such light manufacturing uses shall comply with the following:

1. Light manufacturing is only allowed when occurring in conjunction with a permitted retail or service use that is in the storefront location.
2. Maximum floor area devoted to light manufacturing is limited to four thousand (4,000) square feet in any individual establishment. Through the issuance of a conditional use permit, the maximum square footage may be increased, but shall not exceed fifteen thousand (15,000) square feet.
3. The light manufacturing operations shall be fully enclosed within a building and will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reasons of traffic, noise, smoke, fumes, glare or odors.

- B. Accessory Uses: Outdoor displays, storage, sales, service, and minor entertainment are regulated. Accessory uses may be permitted provided that they meet the following:

1. All nonancillary booths, stalls, carts, or other equipment for outdoor display, sales, service or minor entertainment require approval of a conditional use permit. Customary uses such as holiday sales of Christmas trees and fireworks are excluded from this requirement.

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2. All authorized outdoor displays, sales, service or minor entertainment takes place on private property with the written consent of the owner or agent of said property, or on public property with consent from the city.
 3. 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.
 4. 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.
 5. Outdoor displays or storage shall not exceed twenty percent (20%) of the retail floor area of the primary business.

(Ord. 1236, 6-23-2010)

9-2-1-10: 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.

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- 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)

9-2-2: MUR Mixed Use Residential Zone:

The mixed use residential zoning district provisions represent a commercial zoning classification that permits, rather than mandates, a vertical mix of low intensity commercial and residential uses within the same building. The district is intended to accommodate a physical pattern of development often found along village main streets and in neighborhood commercial areas of older cities.

(Ord. 1305, 10-15-2014)

9-2-2-1: Purpose:

The purpose of the mixed use residential zoning district is to:

- A. Accommodate mixed use buildings with neighborhood serving retail, service, and other uses on the ground floor and residential units above the nonresidential space;
- B. Encourage development that exhibits the physical design characteristics of pedestrian oriented, storefront style shopping streets; and
- C. Promote the health and well being of residents by encouraging physical activity, alternative transportation, and greater social interaction.

(Ord. 1305, 10-15-2014)

9-2-2-2: Definitions:

As used in this section 9-2-2, the following words and terms shall have the meanings specified herein:

GROSS FLOOR AREA: The sum of the gross horizontal areas of all floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings. Gross floor area does not include basements when at least one-half (½) the floor to ceiling height is below grade, accessory parking (i.e., parking that is available on or off site that is not part of the use's minimum parking standard), attic space having a floor to ceiling height less than seven feet (7'), exterior balconies, uncovered steps, or inner courts.

HOSTEL: A place, recognized by the International Hostel Association, where travelers may stay for a limited duration.

MIXED USE BUILDING: A building that contains at least one floor devoted to allowed nonresidential uses and at least one floor devoted to allowed residential uses.

(Ord. 1305, 10-15-2014)

9-2-2-3: Allowed Uses:

Uses are allowed in "mixed use residential" zoning districts in accordance with the use table of this section.

TABLE 1
MIXED USE RESIDENTIAL LAND USE REGULATIONS

Use permitted: P
Conditional use permit: C
Not permitted: -

Use	Zoning District
Mixed Use Residential	
Residential:	
Assisted living	C
Dwelling units located above the ground floor	P
Hostel (< or = 20 beds, < 14 night stay in any one month) ^{2, 5, 6}	P
Multi-family ⁴	P
Single-family detached ¹	P
Townhouse	P
Commercial:	
Adult entertainment	-
Animal hospital	-
Athletic club (> 3,000 sq. ft.) ⁶	C
Athletic club (< 3,000 sq. ft.) ⁶	P
Banks (< 3,000 sq. ft.)	P
Building or landscape material sales	-
Business support services (< 3,000 sq. ft.)	P
Community and/or recreation center ^{3, 6}	P
Drive-through sales (retail or with any food service)	-
Emergency medical care	-
Equipment rental (outdoor)	-
Firearm sales	-
Galleries	P
Gas stations	-
Grocery or convenience store (< 3,000 sq. ft.) ⁶	P
Hospital	-
Liquor store	-
Mini/self-storage	-
Office, government	P

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Office, medical and dental (< 3,000 sq. ft.)	P
Office: sales, administrative, business, professional (< 3,000 sq. ft.)	P
Pawnshop	-
Payday loan	-
Restaurant (< 60 seats) ⁶	P
Retail sales, general (< 3,000 sq. ft.)	P
Schools	C
Vehicle service and repair ⁶	C
Public and civic:	
Church or other place of worship	P
Clubs, fraternities, sororities, lodges and similar uses	-
Daycare, all types	P
Libraries and museums	P
Postal service	P
Public safety facility	P
Utilities, public or quasi-public	-
Industrial:	
Artisan (hand tools only; e.g., jewelry or ceramics)	P

Notes:

1. Development standards of residential single-family zone apply.
2. Owner occupation required.
3. Occupancy capacity > 100 requires approval through CUP.
4. Development standards of the residential multi-family zone apply. For mixed use buildings only, the minimum lot area per dwelling unit shall be one thousand (1,000) square feet.
5. Must abut a commercial zone.
6. When adjacent to any residential use, screening of adjacent property lines, utilizing a minimum six-foot (6') solid, masonry board, or equivalent fence, shall be provided and maintained in good condition to reduce the trespass of noise and other related business activity.

(Ord. 1305, 10-15-2014; amd. Ord. 1393, 3-16-2022)

9-2-2-4: Commercial Establishment Size Limits:

Unless otherwise noted, the footprint of new commercial establishments in the mixed use residential district shall not exceed five thousand (5,000) square feet, and the total commercial gross floor area for a structure shall not exceed five thousand (5,000) square feet.

(Ord. 1305, 10-15-2014)

9-2-2-5: Indoor/Outdoor Operations:

All permitted uses in the mixed use residential district must be conducted within completely enclosed buildings, unless otherwise expressly authorized. This requirement does not apply to off-street parking or loading areas, automated teller machines, or outdoor seating areas that are located between the primary building facade and the street. Commercial delivery within alleys that abut a residential zone shall be prohibited from eight o'clock (8:00) p.m. to eight o'clock (8:00) a.m.

(Ord. 1305, 10-15-2014)

9-2-2-6: New Construction Floor to Floor Heights and Floor Area of Ground Floor Space:

- A. All commercial floor space provided on the ground floor of a mixed use building must have a minimum floor to floor height of twelve feet (12').
- B. All commercial floor space provided on the ground floor of a mixed use building must contain the following minimum floor area:
 - 1. At least eight hundred (800) square feet or twenty-five percent (25%) of the lot area, whichever is greater, on lots with street frontage of less than fifty feet (50'); or
 - 2. At least twenty percent (20%) of the lot area on lots with fifty feet (50') of street frontage or more.

(Ord. 1305, 10-15-2014)

9-2-2-7: Lot Area:

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. Any legally created individual nonconforming lot or parcel that does not meet the minimum lot width or area requirements may be utilized for those uses permitted within this district if all other requirements of this title are met.

(Ord. 1305, 10-15-2014)

9-2-2-8: Lot Coverage:

Each lot shall have a maximum seventy percent (70%) impervious surface composed of any ratio of building footprint or impervious surface.

(Ord. 1305, 10-15-2014)

9-2-2-9: 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.

- A. Exceptions to the maximum height:
 - 1. 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.
 - 2. Utility power poles and public safety facilities are exempt from the height limit.

(Ord. 1305, 10-15-2014)

9-2-2-10: Setbacks:

- A. The entire building facade must abut street side property lines or be located within ten feet (10') of such property lines. Front building facade setbacks between ten feet (10') and twenty feet (20') are permitted only when the setback area is developed as a civic space.
- B. No setbacks are required in the mixed use residential district, except when property zoned as mixed use residential abuts property zoned as residential, in which case the minimum side and rear setbacks required in the mixed use residential district shall be the same as required for a residential use on the abutting residentially zoned lot. When commercial use occurs adjacent to any residential use, screening of adjacent property lines, utilizing a minimum six foot (6') solid wood or equivalent fence, excluding vinyl or chainlink, shall be provided and maintained in good condition to reduce the trespass of noise and other related business activity.

(Ord. 1305, 10-15-2014)

9-2-2-11: Off-Street Parking Requirements:

- A. As prescribed in chapter 5 of this title.
- B. No off-street parking is required for nonresidential uses in the mixed use residential district, unless such uses exceed two thousand (2,000) square feet of gross floor area, in which case off-street parking must be provided in accordance with city standards for the floor area in excess of two thousand (2,000) square feet.
- C. Off-street parking spaces must be located to the rear or side of the principal building and otherwise screened so as not to be visible from public right-of-way or residential zoning districts. Locating parking between the building and the street shall be prohibited, except when associated with detached single-family residential development.

(Ord. 1305, 10-15-2014)

9-2-2-12: Window Standards:

- A. For new commercial construction, a minimum of sixty percent (60%) of the street facing building facade between two feet (2') and eight feet (8') in height must be comprised of clear windows that allow views of indoor space or product display areas.
- B. The bottom of any window or product display window used to satisfy the transparency standard may not be more than three and one-half feet (3.5') above the adjacent sidewalk.
- C. Product display windows used to satisfy these requirements must have a minimum height of four feet (4').

(Ord. 1305, 10-15-2014)

9-2-2-13: Doors and Entrances:

- A. Buildings must have a primary entrance facing a public sidewalk. Entrances at building corners may be used to satisfy this requirement.
- B. Building entrances may include doors to individual shops or businesses, lobby entrances, entrances to pedestrian oriented plazas, or courtyard entrances to a cluster of shops or businesses.

(Ord. 1305, 10-15-2014)

9-2-2-14: Driveway Access:

Driveways and other vehicular access shall not be placed between a building and the street, unless associated with detached single-family residential development. Standards for off-street parking design found in the RM zone shall apply to single-family residential development.

(Ord. 1305, 10-15-2014)

9-2-2-15: Building Design Standards:

The commercial mixed use residential zone design guidelines in this section are intended to provide human scale design, while affording flexibility to use a variety of building styles. These guidelines shall be followed in all new construction in order to ensure that the physical and operational characteristics of proposed buildings and uses are compatible within the context of the surrounding area. Compatibility shall be achieved through techniques such as repetition of rooflines, the use of similar proportions in building mass, similar relationships to the street, similar door and window patterns, and the use of complementary building materials.

- A. Building Size, Bulk, Scale, and Mass: New buildings or additions shall either be similar in size and height, or, if larger, be articulated and subdivided proportionally to the mass and scale of other structures on the same block.
- B. Building Orientation: If an entry is oriented to a parking lot, it diminishes activity from the street and implies that auto access takes precedence. Orientation and design of all new building or additions shall be reinforced through the observation of the following standards:
 - 1. 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.
 - 2. Corner Building Entrances: On corner lots, buildings and their entrances shall be oriented to the street corner. Alternatively, a building entrance may be located away from the corner when the building corner is beveled or incorporates other detailing to reduce the angular appearance of the building at the street corner.
 - 3. 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.
 - 4. Off-Street Parking: Off-street parking, driveways and other vehicular access shall not be placed between a building and the street.
 - 5. Surface Parking: Parking areas of more than ten (10) abutting spaces shall be divided into areas of no more than ten (10) spaces. Division may be by a building, internal landscaped area with a minimum width of five feet (5') or landscaped multimodal way having a minimum width of five feet (5').
- C. Storefront Design: All buildings shall contribute toward the storefront character and visual relationships of existing buildings. New buildings shall be designed in a way that will reduce the massive scale and uniform and impersonal appearance and provide visual interest consistent with the community's identity, character, and scale. 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:
 - 1. Buildings should have consistent spacing of similar shaped windows with trim or other decorative molding on all building stories.

-
2. 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.
 3. 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).
 4. 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.
 5. 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.
- D. Building Materials: The exterior finish material on all facades shall be limited to stone, brick and/or finished wood. Materials other than those listed are a deviation which may be authorized by the planning director.
1. In circumstances where other materials are proposed, such as stucco, characteristics such as scale and proportion, form, architectural detailing, height, color and texture shall be utilized to ensure that the proposed material is compatible with surrounding buildings and the character of the commercial area.
 2. Building materials shall not create glare. Highly reflective materials shall not be permitted.
 3. Clear glass windows shall be used for commercial storefront display windows and doors. Ground floor windows shall be defined as glass, either fixed or opening, windows. Windows cannot be covered permanently on the interior by more than twenty percent (20%). Opaque or severely site obscuring windows will not be permitted.
 4. 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. 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.
 5. Exposed unfinished concrete, nonarchitectural concrete block, or monotonous walls of concrete or corrugated metal shall not be permitted as a finished exterior.
- E. 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:
1. A plaza or courtyard next to the building entrance.
 2. Sitting space (i.e., dining area, benches, or ledges) between the building entrance and the sidewalk.
 3. A building canopy, awning, or similar weather protection, with a minimum four foot (4') projection over the sidewalk or other pedestrian space.
 4. Public art, as approved by the Sandpoint arts commission.

(Ord. 1305, 10-15-2014)

CHAPTER 3 INDUSTRIAL ZONING DISTRICTS

9-3-1: 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)

9-3-2: 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)

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

- A. Permitted Land Uses: The land uses allowed by this zoning ordinance in industrial zoning districts are identified in table 1 of this section as:
 - 1. "Permitted" land uses are indicated by a "P". Permitted land uses are allowed on a property without discretion by the city, subject to compliance with all applicable provisions of this code.
 - 2. "Conditionally permitted" land uses are indicated by a "C" and are allowed only with the approval of a conditional use permit (section 9-9-6 of this title). These uses are subject to all applicable provisions of this chapter, as are permitted uses. However, the city has discretion to approve, approve with conditions, or deny a conditional use permit application. The decision on a conditional use permit is based upon the circumstances of an individual case and the criteria in section 9-9-6 of this title.
- B. Uses Not Permitted or Not Listed: Land uses not permitted are those indicated by a "-" on the table. Land uses not listed on the tables are not allowed, except by the determination of the planning director, who will

consider whether the use is similar to a permitted use after consulting the current edition of the North American industry classification system code.

- C. Regulations for Specific Uses: Where a column in the following tables includes a reference to a section number or footnote, regulations in the referenced section or footnote apply to the use. However, provisions in other sections of this zoning ordinance or this code may also apply, along with the current adopted version of the international building code, international residential code and applicable sections of the uniform fire code and national fire protection association standards.
- D. Ancillary Uses: Ancillary uses are those secondary activities associated with a primary land use directly associated with and supporting said primary permitted or conditionally permitted land use. Ancillary uses and activities typically require a minor portion of the square footage or space in a business premises, impose no additional impacts on land use patterns, building design, parking requirements, or outdoor storage. Examples of ancillary uses include, but are not limited to, small factory stores associated with an active manufacturing plant, on site childcare facilities, etc.

**TABLE 1
INDUSTRIAL DISTRICT LAND USE REGULATIONS**

Use permitted P
Conditional use permit C
Not permitted -

Use	Zoning District			Additional Regulations
	IG ⁵	IBP	ITP	
Commercial, offices and financial institutions:				
Banks	-	-	-	
Data centers, medical imaging processing, business incubators, software development, engineering and similar technology related industry	-	P	P	
Office, government	-	P*	P	* New construction shall comply with all design requirements outlined in section 9-3-5-1 of this chapter
Office, medical and dental	-	P*	-	* New construction shall comply with all design requirements outlined in section 9-3-5-1 of this chapter
Office, sales, administrative, business, professional	P*	P**	P*	* When associated with a permitted use in the zone** New construction shall comply with all design requirements outlined in section 9-3-5-1 of this chapter
Research and development	P	P	P	
Retail sales	P*	P**	P*	* When associated with permitted use in zone** New construction shall comply with all design requirements of section 9-3-5-1 of this chapter
Education and training:				

Child daycare center when on site and servicing employees during their work hours	P	P	P	
School, college or university (private)	-	P	C	
School, vocational or technical	C	P	P	
Entertainment and recreation related:				
Adult entertainment business	P*	-	-	* Prohibited within 1,000' of a residential zone or the centerline of Baldy Mountain Road, and having a 500' separation from like business
Athletic club	-	P	-	
Community and/or recreation center, stadium or arena	-	P	-	
Food service:				
Cafeteria for employee dining and catering services	P	P	P	
Drive-through sales (retail or with any food service)	-	-	-	
Grocery or convenience store	-	P*	P*	* New construction shall comply with all design requirements outlined in section 9-3-5-1 of this chapter
Restaurant, counter service	-	P*	P*	* New construction shall comply with all design requirements outlined in section 9-3-5-1 of this chapter
Restaurant, table service	-	P*	P*	* New construction shall comply with all design requirements outlined in section 9-3-5-1 of this chapter
General service:				
Aircraft hangars	P	-	P	
Auction (indoor)	-	P	-	
Business support services	-	P	P	
Equipment rental (outdoor)	-	P	-	
Hotel/motel	-	P*	-	* New construction shall comply with all design requirements outlined in section 9-3-5-1 of this chapter
Mini/self-storage	P	C	-	
Health and veterinary services:				
Ambulance service	-	P	-	
Animal hospital	-	P	-	
Animal kennel	P	C	-	
Emergency medical care	-	P	-	
Hospital	-	P	-	
Industry and manufacturing:				
Light	P	P	P	See note 1

Medium	P	P	C	See note 1
Heavy	-	-	-	
Aquaculture <1 acre per business	P	-	P	
Cogeneration and other energy production	P	C	C	
Industrial services	P	-	-	
Industry and manufacturing with outdoor processing or unenclosed storage of raw materials	P	-	-	
Laboratory	P	P	P	
Material resource recovery facility (MRRF)	C	-	-	See section 9-3-5-2 of this chapter
Operation of slaughterhouse, glue factory, tannery or similar operations with more than 2 employees during any shift	-	-	-	
Scrap and salvage operation	C	-	-	
Wholesale, storage and distribution, including bulk tank storage of liquids	P	C	-	
Public, quasi-public, and assembly:				
Church or other place of worship	-	P	-	
Clubs, fraternities, sororities, lodges and similar uses	P	P	P	
Corporation yard	P	C	-	
Public safety facility	P	P	P	
Utilities, public or quasi-public utilities	P	C	C	
Transportation and communication:				
Airport	P	-	-	
Antenna or communication facility	P*	P*	C	* See airport overlay restrictions
Helipad	P	P*	-	* Hospital/medical use
Moving and drayage service	P	P	-	
Parking facility, nonresidential	P	C	-	
Private transportation service	C	C	-	
Transit station or terminal	C	P	-	
Truck stop	-	-	-	
Vehicle sales and service:				
Automobile and vehicles major repair and sales	P	-	-	
Large truck and machinery - sales and leasing	P	-	-	
Service station	C	C	-	
Vehicle storage or impound yard	P	-	-	See note 3
Other uses:				
Accessory use, nonresidential	P	P	P	

Building or landscape material sales	P	C	-	
Contractor's yard	P	C	-	
Homeless shelter	-	-	-	
Residential	-	P	-	See note 4
Residential caretaker unit	P*	P	P*	See note 2* Residential use is prohibited within the footprint of the airport overlay zone

Notes:

1. Uses meeting the "manufacturing and assembly, light and medium" definitions shall include biotechnology, software/hardware development, electronics, and similar technologies, along with artist studios.
2. Only 1 residential caretaker unit shall be permitted per property. The unit shall be located within a principal building on the site and/or completely screened. The maximum size of a caretaker unit is limited to one thousand (1,000) square feet.
3. No vehicle may be stored or displayed on any vacant site or at any vacant commercial/industrial location except when approved as part of an auto dealership or vehicle storage or impound yard.
4. Residential uses are permitted on upper stories above ground floor nonresidential use, or on ground floors behind storefront space.
5. Permitted IBP uses are allowed in the IG zone four hundred feet (400') north of the centerline of Baldy Mountain Road. Section 9-3-5 of this chapter shall be applicable to development in this area.

(Ord. 1252, 4-20-2011)

9-3-4: 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 2 of this section, 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 2
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 9-3- 5-1 of this chapter for design standards setback restrictions for specific uses
Interior side and rear yard setback	5'	5'	5'	

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)

9-3-5: Specific Regulations:

9-3-5-1: Building Design Standards for New Office, Commercial and Retail Construction:

Design requirements applicable to certain new construction in the industrial zones. (See section 9-3-3, notes to table 1 of this chapter.)

The design guidelines in this section 9-3-5-1 are intended to provide human scale design, while affording flexibility to use a variety of building styles. These guidelines shall be applied to all new construction for uses identified in section 9-3-3, notes to table 1 of this chapter.

(Ord. 1252, 4-20-2011)

9-3-5-1-1: 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)

9-3-5-1-2: 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)

9-3-5-1-3: 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.

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- 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)

9-3-5-1-4: 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 art commission.

(Ord. 1252, 4-20-2011)

9-3-5-1-5: 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').
- 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 9-3-5-1 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)

9-3-5-1-6: 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:

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- 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 9-3-5-1-4 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, pedestrianways 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)

9-3-5-2: 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.
- 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 4 RESIDENTIAL ZONING DISTRICTS

9-4-1: Residential Single-Family (RS) Zone:

9-4-1-1: 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)

9-4-1-2: Use Regulations:

The use regulations are intended to create, maintain and promote single dwelling neighborhoods. They allow for some nonhousehold living uses but not to such an extent as to sacrifice the overall image and character of the single dwelling neighborhood.

The following regulations shall apply:

- P Permitted use
- C Conditional use¹
- N Not permitted

Residential (except for uses located on original substandard lots of record):	
Accessory dwellings as provided in section 9-1-8 of this title	P
Duplex on a single lot	N
Cottage housing in accordance with section 9-4-7 of this chapter	P ³
Gated communities	N
Manufactured homes subject to the following provisions, conditions, and regulations:	P
A. The manufactured home shall be multi-sectional, unless sited in a recognized, existing or newly created manufactured housing community.	
B. The manufactured home shall be placed on an excavated and backfilled foundation and enclosed at the perimeter in such a manner that the home is located not more than twelve inches (12") above grade.	
C. In addition to the provisions of subsection A of this use, a manufactured home shall be subject to any development standard, architectural requirements and minimum size requirements to which a conventional single-family residential dwelling on the same lot would be subjected.	
Multi-family dwellings	N
Short term rentals subject to the licensing requirements set forth in title 3, chapter 12 of this Code	P
Single-family dwellings, private garages, and such outbuildings as may be incidental thereto. Such outbuildings shall not be used, occupied or equipped for a permanent dwelling or guesthouse and not more than 1 dwelling shall occupy 1 lot, except as otherwise provided for in this title	P
Residential (located on original substandard lots of record):	
Single-family dwellings	P ²
Duplex on a single lot	N
Attached housing (two or three units)	P ²
Nonresidential:	
Cemeteries	C
Churches and accessory buildings used for religious teachings	C
Community centers, nonmunicipally owned	N
Daycare, including homeschooling:	
Home (6 or less - home occupation)	P
Group (7—12)	N
Daycare facilities (13+)	N
Fire stations	N
Home occupations	P

Kennels; commercial or private, even as a home occupation	N
Libraries	C
Municipally owned facilities	P
Other uses not specifically listed	N
Parks or playgrounds:	
Private	C
Public	P
Police stations	N
Public utility facilities	P
Recreation buildings, nonmunicipally owned	N
Schools, public or private, except those schools of vocational nature which operate similarly to a retail business where a product or products may be purchased on the premises	C

Notes:

1. Any use legally established as a permitted use now subject to conditional use approval shall be subject to conditional use approval to expand such use.
2. Subject to standards set forth for development of residential original substandard lots of record, SCC 9-4-6.
3. Subject to standards set forth for cottage housing development.

(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)

9-4-1-3: 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;

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- 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.

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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:
- Alley accessed garages shall have a setback from the rear lot line of one foot (1')
 - Accessory buildings shall have a setback from the rear lot line of five feet (5')
 - 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:
- 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.
 - 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:
- 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:

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

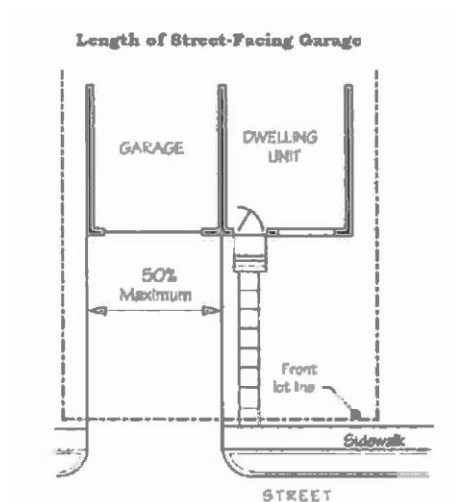
For the purposes of this section, any horizontal area of a building or structure that is located below any portion of a roof or building element whose height exceeds eighteen feet (18') above finished grade shall be counted towards the lot coverage for structures exceeding eighteen feet (18'). This includes, 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

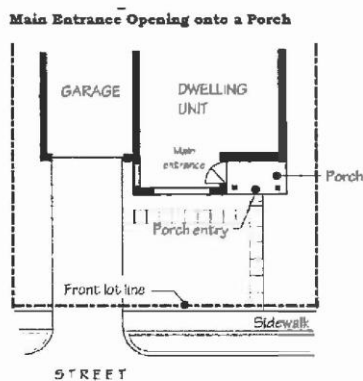


- b. Garages shall be recessed, or may be flush to the primary facade when the primary facade contains an unenclosed porch having a depth of seven feet (7') or greater and occupying a minimum of twenty-five percent (25%) of the linear primary structure facade. No portion of a garage may protrude past 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:

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- (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. Change of Use: 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 regulations specified in section 9-1-8 or 9-1-5 of this title. 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.

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- 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

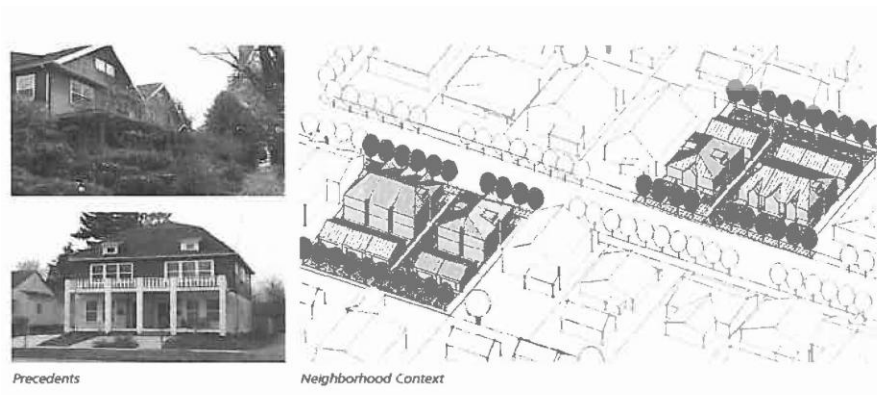


- G. Street Facing Façade Design Standards:
 1. Purpose: These standards:
 - a. Together with the main entrance and garage standards, ensure that there is a visual connection between the living area of the residence and the street;
 - b. Enhance public safety by allowing people to survey their neighborhood from inside their residences; and

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- 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)

9-4-2: Residential Multi-Family (RM) Zone:

9-4-2-1: 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)

9-4-2-2: Use Regulations:

These use regulations are intended to create opportunities for new types of housing that seamlessly integrate with existing neighborhoods in the area. The regulations allow for a wider range of housing types compared to Residential Single-Family (RS) in order to create a denser neighborhood form.

The following regulations shall apply:

- P Permitted use
- C Conditional use¹
- N Not permitted

Residential (except for uses located on original substandard lots of record):	
Accessory dwellings as provided in section 9-1-8 of this title	P
Attached housing	P
Clubs, lodges, fraternal organizations, when not operated for profit	P
Cottage housing	P ³
Duplex	P
Gated communities	N
Manufactured homes subject to following provisions, conditions and regulations:	P ⁴
A. The manufactured home shall be multi-sectional, unless sited in a recognized, existing or newly created manufactured housing community.	
B. The manufactured home shall be placed on an excavated and backfilled foundation and enclosed at the perimeter in such a manner that the home is located not more than 12 inches above grade.	
C. In addition to the provisions of subsection A of this use, a manufactured home shall be subject to any development standard, architectural requirements and minimum size requirements to which a conventional single-family residential dwelling on the same lot would be subjected.	
Multi-family dwellings:	
7 units or less	P
8 units or more	C
Short term rentals subject to the licensing requirements set forth in title 3, chapter 12 of this Code	P
Single-family dwellings, private garages, and such outbuildings as may be incidental thereto. Such outbuildings shall not be used, occupied or equipped for a permanent dwelling or guesthouse and not more than 1 dwelling shall occupy 1 lot, except as otherwise provided for in this title	P
Nonresidential:	
Cemeteries	C
Churches and accessory buildings used for religious teachings	C
Community centers, nonmunicipally owned	C

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(Supp. No. 3, Update 2)

Community garden. No commerce/retail sales permitted on site	P
Daycare, including homeschooling:	
Home (6 or less - home occupation)	P
Group (7—12)	C
Daycare facilities (13+)	C
Fire stations	N
Home occupations	P
Kennels; commercial or private, even as a home occupation	N
Libraries	C
Neighborhood eatery. Performance standards that apply to neighborhood eatery uses in this zone consist of, but are not limited to, the following criteria:	C
A. The premises must be owner occupied.	
B. Entrances shall be located along the primary street frontage.	
C. Hours of operation between 7:00 a.m.—10:00 p.m.	
D. Delivery times shall be limited to hours of operation.	
Municipally owned facilities	P
Other uses not specifically listed	N
Parks or playgrounds:	
Private	C
Public	P
Police stations	N
Public utility facilities	C
Recreation buildings, nonmunicipally owned	N
Schools, public or private, except those schools of vocational nature which operate similarly to a retail business where a product or products may be purchased on the premises	C

Notes:

1. Any use legally established as a permitted use now subject to conditional use approval shall be subject to conditional use approval to expand such use.
2. Subject to standards set forth for the standards for development of residential original substandard lots of record.
3. Subject to standards set forth for cottage housing development.
4. The recognized, existing communities within the RM Zone at the time of adoption hereof include the 6-unit Lines Mobile Home Park located at the southeast corner of Division Avenue and Church Street and the 16-unit Wikiup Mobile Home Park located on the east side of Florence Avenue between Fir and Larch Streets.

(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)

9-4-2-3: 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:

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.

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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.

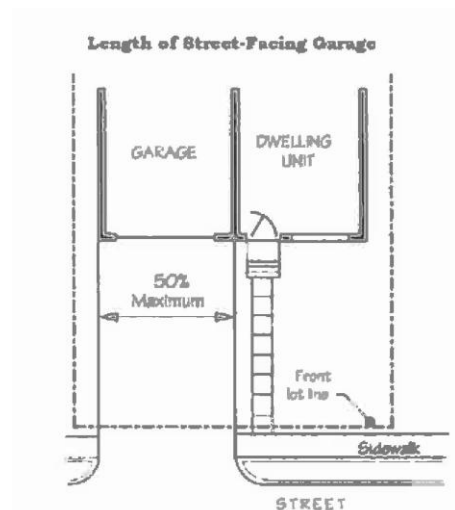
1. Exceptions To The Maximum Height:

- 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

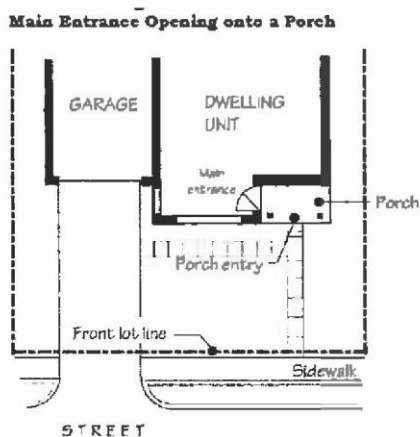


- b. Garages shall be recessed or may be flush to the primary façade when the primary façade contains an unenclosed porch having a depth of seven feet (7') or greater and occupying a minimum of twenty-five percent (25%) of the linear primary structure façade. No portion of a garage may protrude past 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 facade:
 - (1) Dormers;
 - (2) Gables;

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- (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.
- 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) Change of Use: In the residential multi-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 regulations specified in section 9-1-8 or 9-1-5 of this title. 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.

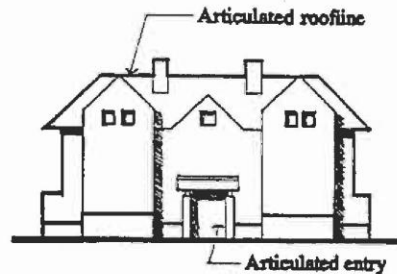
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2. **Applicability:** The standard of this subsection G applies to houses, attached homes, and manufactured homes in the residential multi-family zone. Where a proposal is for an alteration or addition to existing development, the applicant may choose 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.
 - 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.

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- 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.

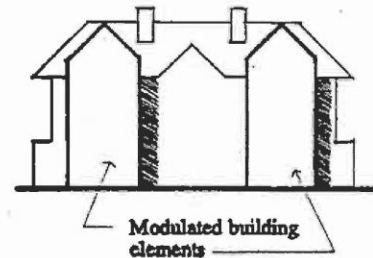
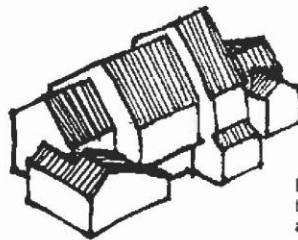
- (2) Decorative details such as columns, bay windows, dormers, multi-lite windows, trim, or moldings to articulate the building facade.
- (3) Roof details like brackets, wide (twelve inches (12") or more) cornices and wide (sixteen inches (16") or more) overhangs.
- (4) Materials and/or color variations 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.
- 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 5 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.

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- 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 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)

9-4-3: 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.

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

- A. Permitted Use Regulations: Permitted uses are single-family dwellings, horticultural uses for personal use only and not for profit with the exception of tree farms, home occupations, a dwelling unit with an attached or detached accessory dwelling unit as provided for in section 9-1-8 of this title, short term rentals subject to the licensing requirements set forth in title 3, chapter 12 of this code and parks.

Also permitted are fairground facilities, related events and activities lawfully established prior to the effective date of this section. (A list dated January 13, 1998, of the qualifying facilities, related events and activities which were lawfully established prior to the effective date of this section was provided by the Fair Association and shall be filed with the Sandpoint City Clerk by Bonner County.)

- B. Conditional Uses: Churches, police and fire stations, public utility facilities, schools public or private, except those schools of vocational nature which operate similarly to a retail business where a product or products may be purchased on the premises, expansion of existing or addition of new fairground facilities, barns, exhibit buildings, food facilities, storage buildings, indoor or outdoor arenas, similarly classified facilities and accessory buildings, and events related to the fairgrounds. Provided that a conditional use permit shall not be required to expand an existing event or add a new one that falls below the following thresholds for both event length and maximum attendance:

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
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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.
 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)

9-4-5: Rural Residential RR-2 Zone:

- A. Permitted Use Regulations: Permitted uses are single-family dwellings, a dwelling unit with an attached accessory apartment occupying not more than thirty-three percent (33%) of the total floor area of the structure, tree farms, greenhouses and horticultural uses where no retail sales take place on the premises, bed and breakfast establishments providing not more than three (3) rooms are rented plus one (1) family has a live in tenant, the raising of livestock for noncommercial purposes providing the livestock density does not exceed one (1) animal for parcels of land totaling one (1) acre or three (3) animals per two (2) acres and one (1) additional animal per acre thereafter, home occupations, tourist homes and parks.

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- B. Conditional Uses: Family daycare center, churches, police and fire stations, public utility facilities, schools public or private, except those schools of vocational nature which operate similarly to a retail business where a product or products may be purchased on the premises.
 - C. Prohibited Uses: The raising of livestock for commercial purposes, 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 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)

9-4-6: Standards for Development of Residential Substandard Original Lots of Record:

9-4-6-1: 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 9-1-3 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)

9-4-6-2: Use Regulations:

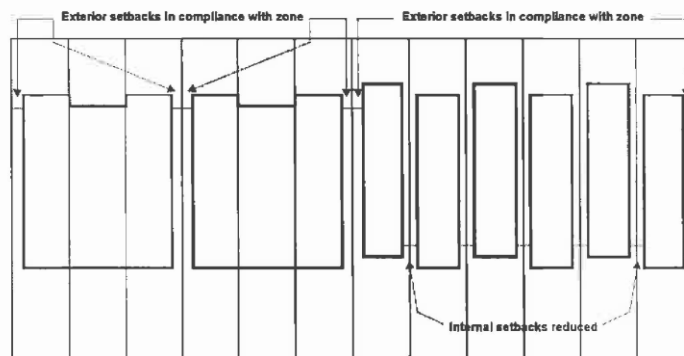
Permitted land uses and building types shall be as set forth in this chapter.

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

9-4-6-3: 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)

9-4-6-4: 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)

9-4-6-5: Parking:

- A. Each dwelling shall be provided with off-street parking in accordance with chapter 5 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.
 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.

9-4-6-6—9-4-6-10: Reserved:

Ord. No. 1436, § 2, adopted Feb. 18, 2026, repealed §§ 9-4-6-6—9-4-6-10, which pertained to various residential zoning district provisions and derived from Ord. 1263, 12-29-2011.

9-4-7: Cottage Housing:

9-4-7-1: 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 more 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)

9-4-7-2: 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)

9-4-7-3: 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)

9-4-7-4: 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)

9-4-7-5: Area Allowances:

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

(Ord. 1263, 12-29-2011)

9-4-7-6: Density Standards:

The following density standards shall apply to cottage housing developments:

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- 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)

9-4-7-7: 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)

9-4-7-8: 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.
- 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 9-4-7-10 of this chapter.
- C. Where the community space is located above another common structure, such as a detached garage or storage building, buildings heights and roof standards for carriage units shall apply (see section 9-4-7-10 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)

9-4-7-9: 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.

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- 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)

9-4-7-10: 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;

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- 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.
- 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.

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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.
 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.
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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:

SITE DESIGN OF COMMON AREAS

(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:

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

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)

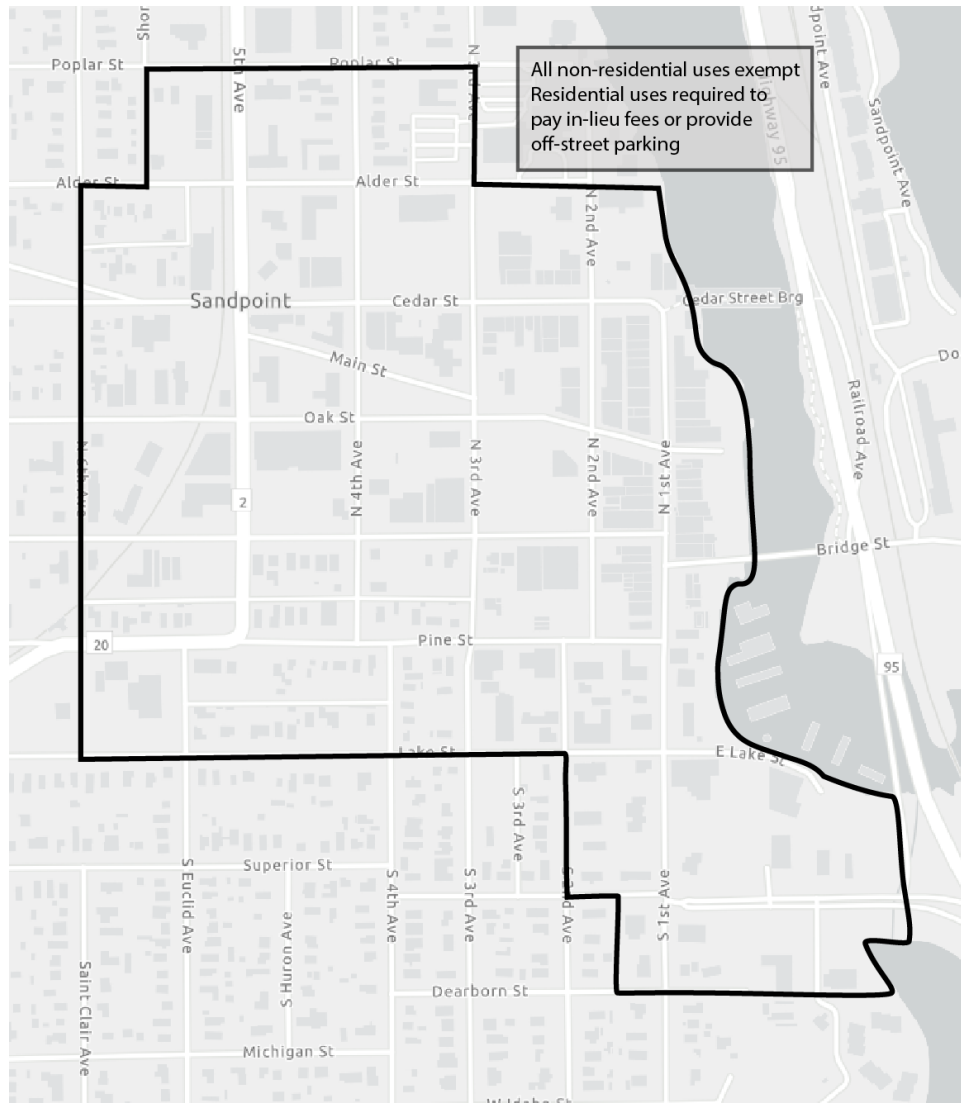
CHAPTER 5 OFF-STREET PARKING AND LOADING FACILITIES¹

9-5-1: 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.
- 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 9-5-18, In Lieu Parking Fees.

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.

- 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)

9-5-2: Location of Parking Spaces:

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

- 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)

9-5-3: 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)

9-5-4: 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.
- 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)

9-5-5: 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)

9-5-6: 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)

9-5-7: 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 9-5-6, Surfacing.

(Ord. No. 1432, § 2, 9-17-2025)

9-5-8: 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.
 - 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 turns 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)

9-5-9: 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 5 of this chapter, 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", as shown under column D in the chart provided in section 5 of this chapter, shall be measured from the vehicle-side face of the wheel block.

(Ord. No. 1432, § 2, 9-17-2025)

9-5-10: 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)

9-5-11: Striping:

All parking areas shall be striped with minimum four inches (4") wide white striping, meeting the dimensional standards of City Code 9-5-14, Design and Dimensional Standards.

(Ord. No. 1432, § 2, 9-17-2025)

9-5-12: 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 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)

9-5-13: 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.

(Ord. No. 1432, § 2, 9-17-2025)

9-5-14: Design and Dimensional Standards:

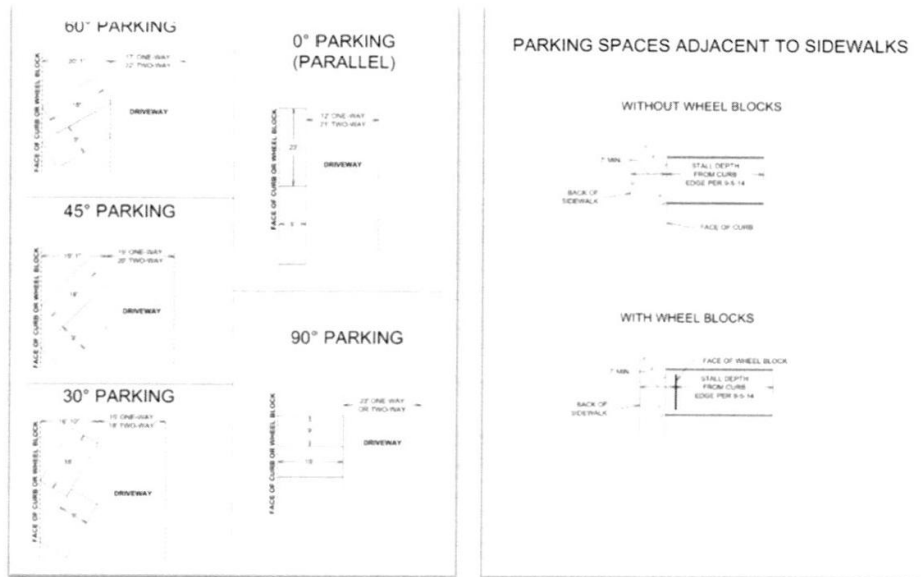
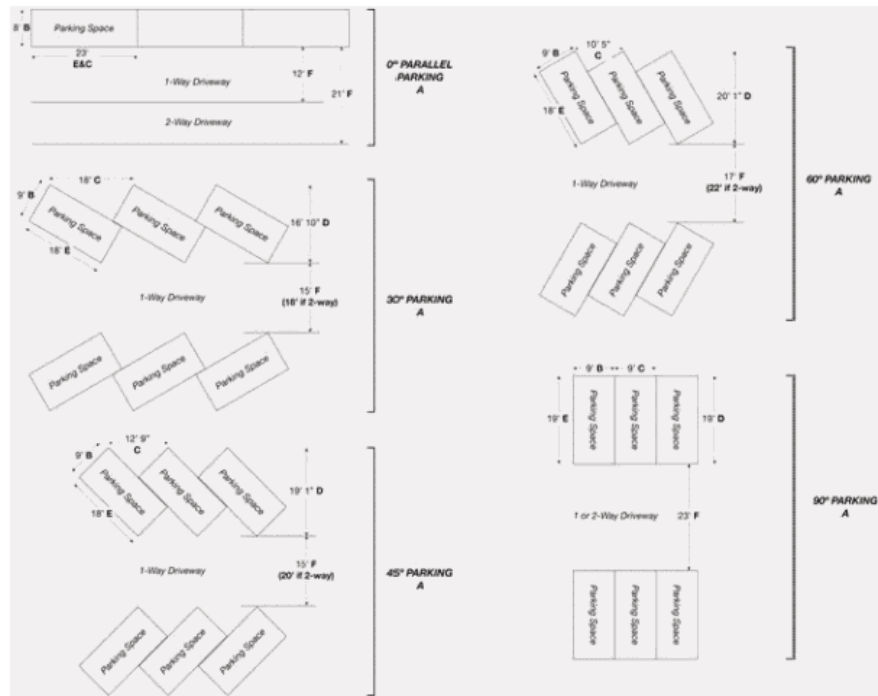
- A. All parking facilities must be designed to city standards. Plans for parking facilities are required prior to construction and shall indicate ingress, egress, grade, drainage facilities, location of all plantings, base and surface materials.
- B. Minimum Standards: Letters in the following chart 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:

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 (For Standard Vehicles):

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(Supp. No. 3, Update 2)



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.

9-5-15: Minimum and Maximum Surface Parking Space Requirements:

A: Table 1: 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 chapter 4 of this title	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
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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)

9-5-16: 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.
 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)

9-5-17: Loading Areas:

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

Gross Floor Area (Square Feet)	Quantity	Type
14,000—36,000	1	A
36,001—60,000	2	A

60,001—100,000	2 1	A 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:

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)

9-5-18: 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;
 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 9-5-1-F, Exemptions.

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2. Non-residential development and residential development outside the exempt area as defined in City Code 9-5-1-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 9-5-1-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 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 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 6 SIGN CODE

9-6-1: 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 administrator" 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)

9-6-2: 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)

9-6-3: 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 administrator 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)

9-6-4: 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)

9-6-5: 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)

9-6-6: Sign Districts:

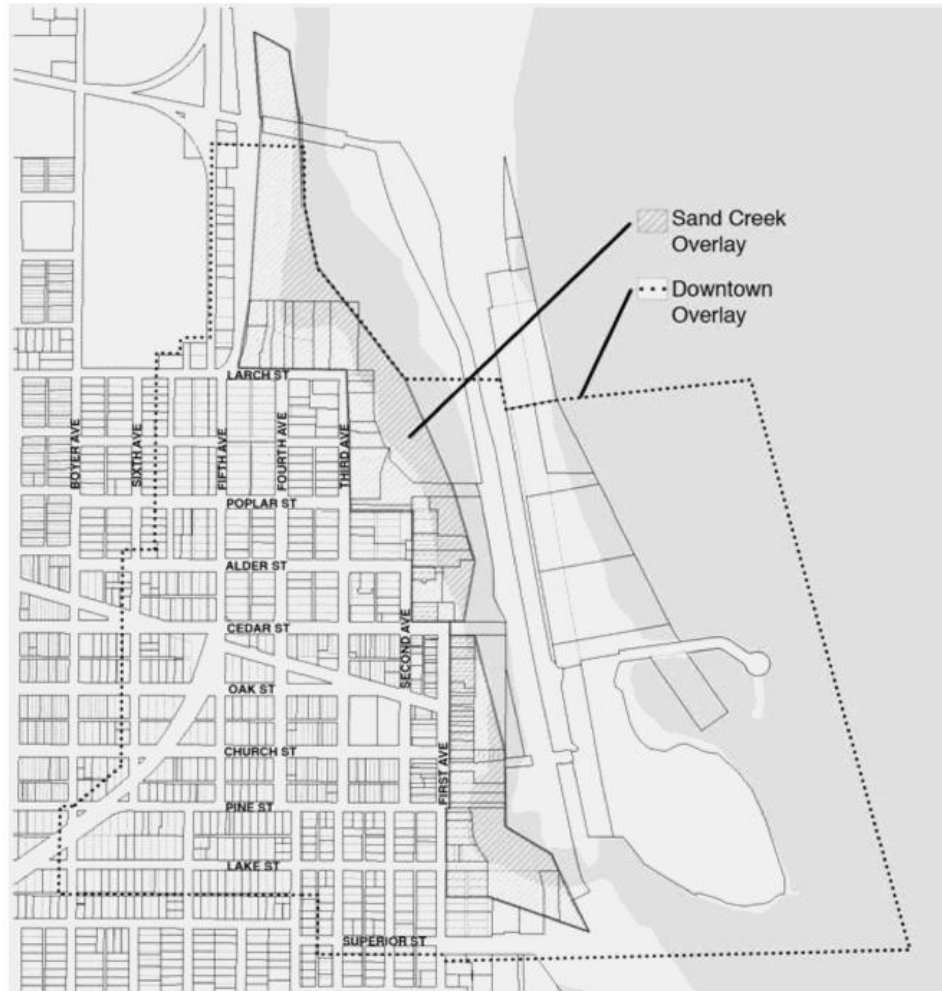
For the purpose of determining allowable sizes, numbers, materials, placement and other requirements for restrictions on signs as set forth in this chapter, the city shall be divided into sign districts as follows:

- 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 9-6-13 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 9-6-13 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 9-6-12 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)

9-6-7: 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 administrator 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.

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- 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 9-6-12 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 administrator 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.
 - 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 9-6-11 of this chapter.
- (Ord. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

9-6-8: 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 9-6-6B 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 9-6-13I 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)

9-6-9: 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
 - 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 administrator 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 administrator 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 administrator 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)

9-6-10: 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 9-6-6B of this chapter.

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

9-6-11: 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 administrator 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)

9-6-12: 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 9-6-17 and 9-6-18 of this chapter.
4. The planning administrator, 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 administrator.
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 administrator 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 9-6-17 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:

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)

9-6-13: 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.
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 9-6-12 of this chapter.

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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)

9-6-14: 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.

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- D. Banner signs displayed on vehicles shall be subject to the regulations contained in subsection 9-6-7D 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)

9-6-15: 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.
- 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 administrator, 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 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 administrator.

- 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 administrator.
- 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 9-6-12 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)

9-6-16: 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 administrator, 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:
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 9-6-11B 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 9-6-11B of this chapter.

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

9-6-17: 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 administrator shall require its removal in accordance with this provision.

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

9-6-18: 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 administrator of the city, have the message or sign copy covered with paint or other material as approved by the planning administrator. 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 administrator 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)

9-6-19: Appeals:

Appeals from decisions made by the planning administrator 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 9 of this code.

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

9-6-20: 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 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. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

CHAPTER 7 NONCONFORMING BUILDINGS AND USES

9-7-1: Intent:

It is the intent of this chapter and of the city council to permit and allow nonconforming uses to continue until they are removed or terminated.

(Ord. 1229, 4-21-2010)

9-7-2: Avoidance of Undue Hardship:

To avoid undue hardship, nothing in this title shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment hereof and upon which a valid building permit exists.

(Ord. 716, 7-21-1980)

9-7-3: Nonconforming Uses of Structures, Land:

If a lawful use involving individual structures, or of a structure and land in combination, exists at the effective date of adoption or amendment hereof that would not be allowed in the district under the terms of this title, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. Nonconforming Use Change: Any nonconforming use of a structure or structure and land may, upon the issuance of a nonconforming use permit by the city, be changed to another nonconforming use; provided, that the city shall find that all of the following conditions are met:
 - 1. That the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use.
 - 2. That there is no increase in noise, odor, glare, outside storage, vibration or other nuisance causing disturbance.

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3. In permitting such changes, the city may require appropriate conditions or safeguards in accordance with other provisions of this title and the conditional use permit provisions including, but not limited to, placement of signs and lighting, landscaping and screening, dedication and/or improvement of public rights of way, and hours of operation.
 - B. Conformance To Regulations of Zone: Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations for the zone, and the nonconforming use may not thereafter be resumed.
 - C. Use Discontinued or Abandoned: When a nonconforming use of a structure, or structure and land in combination, is discontinued or abandoned for more than two (2) years (except when government action impedes access to the premises), the structure, or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the zone in which it is located.
 - D. Voluntary Removal of Structure: Where nonconforming use status applies to a structure and land in combination, voluntary removal of the structure shall eliminate the nonconforming status of the land.
 - E. Expansion Allowance for Nonconforming Structures: Structures that become nonconforming due to the adoption or amendment of this code shall be entitled to a onetime expansion allowance so long as the cubic expansion conforms to all other provisions of this code.

(Ord. 1232, 5-19-2010)

9-7-4: Repairs, Maintenance and Restoration:

- A. On any nonconforming structure, or portion of a structure containing a nonconforming use, work may be done on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing; provided, that the cubic content existing when it became nonconforming shall not be increased. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety upon order of such official.
- B. The restoration of a building destroyed by no fault of the owner shall be permitted, and such building may be reconstructed upon the issuance of a nonconforming use permit, as stated in subsection 9-7-3A of this chapter.

(Ord. 716, 7-21-1980)

9-7-5: Uses Under Conditional Use Provisions:

Any use which is permitted as a conditional use in a zone under the terms of this title shall not be deemed a nonconforming use in such zone during compliance with the terms of the conditional use permit.

(Ord. 716, 7-21-1980; amd. 1983 Code)

9-7-6: Issuance of Nonconforming Use Permit:

A nonconforming use permit will be issued by the city to all nonconforming uses which were in existence on the effective date of the zoning ordinance or any subsequent rezoning or other amendment thereto which makes such use nonconforming. This permit will include, but not be limited to, the following information:

- A. Name and address of owner.
- B. Legal description.

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- C. Type of use.
 - D. Square feet of building space.
 - E. Square feet of land area.
 - F. Number of employees.
 - G. Hours of operation.
 - H. Number of deliveries.
 - I. Location of all loading areas.
 - J. Sign area and location.
 - K. Number of parking spaces.

Any change in a nonconforming use shall require the issuance of a new nonconforming use permit. In any residential zone, or property adjacent to a residential zone, nonconforming use permits shall be processed under the rules and regulations as a conditional use permit.

(Ord. 1229, 4-21-2010)

CHAPTER 9 ZONING ADMINISTRATION

9-9-1: Purpose:

The following procedures have been adopted pursuant to and consistent with Idaho Code title 50, and title 67, chapter 65. These provisions are intended to provide procedures that assure due process of law when applying for, but not limited to, the following:

- A. Annexation;
- B. Comprehensive plan change;
- C. Conditional use permit;
- D. Rezone;
- E. Subdivision;
- F. Variance.

All applications concerning annexations, comprehensive plan changes, rezones, or subdivisions shall first be considered by the planning commission and then by the city council. Conditional use permits and variances shall be considered by the planning commission only, except as provided for elsewhere in this chapter.

(Ord. 1061, 10-17-2001)

9-9-2: Applications Required:

All matters concerning annexations, comprehensive plan changes, conditional use permits, rezones, subdivisions, or variances within the city limits or the area of city impact shall be presented to the planning commission, or the planning commission and city council, as required in this chapter, for consideration and approval or denial. Applications shall be made upon an application form furnished by the planning department.

(Ord. 1061, 10-17-2001)

9-9-3: Application and Deposit Fees:

Applicable fees shall be paid at time of filing a completed application. Application and deposit fees shall be set from time to time by resolution duly passed and adopted by the city council. Said fees shall be in addition to any other costs incurred in the processing of said application and subsequent actions complying with the statutes of the state or the Sandpoint code. Said costs shall include, but not be limited to, costs of mailing, postage, certifications and other costs, which shall be itemized by the city and paid by the applicant upon receipt of a statement for the same.

(Ord. 842, 6-15-1987)

9-9-4: Application Procedures:

- A. All applications for planning and zoning matters must be completed in full and presented to the planning department in the city hall five (5) weeks prior to the next regular meeting date of the planning commission.
- B. An application review meeting with the planning director is required prior to the consideration of a proposal by the planning commission.
- C. Once a completed application has been submitted to the planning department, the following procedures shall take place:
 - 1. The application will be placed on the agenda for the next regular planning commission meeting; or
 - 2. A forty (40) day period may be required by the planning department to assess the application and, if necessary, request additional information from the applicant. Any additional information requested shall be provided by the applicant within one hundred twenty (120) days of the request, and before the application is placed on the agenda for the regular planning commission meeting.

(Ord. 842, 6-15-1987)

9-9-5: Public Hearing Procedures:

- A. The planning commission shall hold at least one public hearing in which interested persons shall have an opportunity to be heard. At least fifteen (15) days prior to the hearing, notice of the time and place and a summary of the proposal shall be published in the official newspaper or paper of general circulation within the jurisdiction.

In the case of annexations, comprehensive plan changes, conditional use permits, rezones, subdivisions, and variances, notice shall also be provided to property owners within the land being considered; within three hundred feet (300') of the external boundaries of the land being considered; and within any additional areas that may be substantially impacted by the proposal as determined by the planning commission.

When notices are required to be sent to two hundred (200) or more property owners, the notice of public hearing published in the paper shall be considered adequate in lieu of mailed notices.

- B. Conduct of public hearing before the planning commission or city council as a hearing agency, and maintenance of records.
 - 1. Order of Public Hearing: Public hearings shall follow the order of events set forth below:
 - a. Explanation of subject of the hearing by city staff.
 - b. Presentation by applicant.

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- c. Testimony from audience in favor and/or against proposal.
 - d. Questioning of involved parties by the hearing agency.
 - e. Closure of oral testimony from applicant.
 - f. Discussion of hearing subject among hearing agency members. Questions may also be directed to city staff during this period.
 - g. Conclusion of hearing process.
2. Rules of Procedures:
- a. No person shall be permitted to testify or speak before the hearing agency at a public hearing unless such person has signed his name and written his residential address on sign up sheets to be provided by the city. This rule shall not apply to staff or technical witnesses directed by the chairperson to give evidence or information to the hearing agency.
 - b. No person shall be permitted to speak before the hearing agency at a public hearing until such person is recognized by the chairperson.
 - c. All public hearing proceedings shall be recorded electronically or stenographically and all persons speaking at such public hearings shall speak before a microphone in such a manner as will assure that the recorded testimony or remarks will be accurate and complete.
 - d. At the commencement of the public hearing, the hearing agency shall establish a time limit to be observed by all speakers. The time limit shall be established depending on the number of speakers who sign up for each public hearing and shall apply only to the speaker's comments.
 - e. The hearing agency may suspend or amend any one or more of these rules by vote of one-half ($\frac{1}{2}$) plus one of the number of members of the hearing agency then in attendance.
3. Standards for Oral Testimony: Oral testimony made at a public hearing shall comply with the following standards:
- a. Testimony shall directly address the subject at hand.
 - b. Testimony shall not be repetitious with other entries into the record.
 - c. Testimony shall not be personally derogatory.
 - d. Testimony shall comply with time restrictions established by the hearing agency.
- If oral testimony fails to comply with the aforementioned standards, the chairperson may declare such testimony out of order and require it to cease.
4. Standards for Written Testimony: Written testimony to be admitted at a public hearing shall comply with the following standards:
- a. Written testimony containing more than two (2) standard, single-spaced typewritten pages must be submitted at least five (5) days prior to the date of the pertinent public hearing.
 - b. Written testimony shall include the signature and address of the submitter.
 - c. Written testimony shall address the issue at hand.
 - d. Written testimony shall not be personally derogatory.
 - e. Written testimony of less than two (2) standard, single-spaced pages may be submitted at the public hearing. The chairperson may require an oral reading of such written testimony if the chairperson deems it beneficial.

If written testimony fails to comply with the aforementioned standards, the chairperson may declare such testimony inadmissible.

5. Records Maintained: The city clerk shall maintain records of all public meetings in the following manner:
 - a. Transcribable verbatim recordings of the proceedings shall be maintained in conformance with Idaho Code 50-907.
 - b. Originals of written submittals to the hearing record and copies of applications shall be maintained in conformance with Idaho Code 50-907.
 - c. Minutes which catalog the occurrences at the public hearing shall be maintained as required by applicable sections of the Idaho Code.
6. Copies of Official Records; Availability: Copies of material submitted for inclusion in the official record of a public hearing shall be available to interested parties upon payment of charges established by the city clerk for research and duplicating.

(Ord. 842, 6-15-1987; Ord. 1061, 10-17-2001)

9-9-6: Planning Commission Action and Notification:

Conditional use permits and variances may be granted only upon findings by the planning commission that the proposal meets all of the following criteria:

- A. Conditional Use Permit Procedures:
 1. Grant of Permit: A conditional use permit may be granted to an applicant if the proposed use is listed in the Sandpoint Code as a conditional use, and if it is not in conflict with the comprehensive plan.
 2. Application: Application for a conditional use permit shall be made to the planning department as provided for in this chapter.
 3. Contents of Application: A conditional use permit request shall not be heard by the planning commission unless and until an application for a conditional use permit has been submitted to the planning department and the planning commission containing the following:
 - a. Name, address and telephone number of the applicant.
 - b. Legal description of the property.
 - c. Proof of ownership.
 - d. Signature of legal title holder approving the application.
 - e. The name and addresses of all adjoining property owners within three hundred feet (300') of the external boundaries of the subject property, provided on a separate sheet of labels.
 - f. A vicinity map at the scale of one hundred feet to the inch (1" = 100') showing the current land segregations and existing land use within three hundred feet (300') of the subject property.
 - g. Eight (8) copies of the following plans (suggested scale: 1" = 20'):
 - (1) Site plans showing the location and dimensions of all building setbacks, road frontage, curb cuts, circulation patterns, loading service areas, parking, sidewalks, landscaped areas, signs, lighting, easements, utilities and drainage

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- patterns and listing the total open space area, impervious surfaces, lot size and total building floor area.
- (2) Floor plans, elevations - front, side and rear - and property lines and roof line dimensions.
 - (3) Narrative stating the previous use of the site and intended use to include hours of operation, number of employees, system for delivery of materials and nature of business.
- h. A narrative statement demonstrating in what ways the request conforms or does not conform to the following standards:
- (1) Will, in fact, constitute a conditional use as established on the official schedule of regulations for the zoning district involved.
 - (2) Will be harmonious with and in accordance with the general objectives, or with any specific objective of the comprehensive plan and/or applicable sections of the Sandpoint Code.
 - (3) Will be designed, constructed, operated and maintained to be harmonious and appropriate with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
 - (4) Will not be hazardous or disturbing to existing neighboring uses.
 - (5) Will be served adequately by essential public services and utilities such as highways, streets, police and fire protection, drainage systems, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service or utility.
 - (6) Will not create excessive additional requirements at public cost for public services and utilities and will not be detrimental to the economic welfare of the community.
 - (7) Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reasons of traffic, noise, smoke, fumes, glare or odors.
 - (8) Will have vehicular approaches to the property which shall be designed so as not to create an interference with traffic on surrounding public roads.
 - (9) Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.
4. Compliance Required: A conditional use permit shall not be granted or denied unless the planning commission makes specific findings of fact based directly on the particular evidence presented to it as to whether the above-mentioned standards and conditions have been met by the applicant.
5. Supplementary Conditions and Safeguards: In granting any conditional use, the planning commission or city council may prescribe appropriate conditions, bonds and safeguards in conformity with this section. Violations of such conditions, bonds or safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this section.

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6. Action By The Planning Commission: Upon granting of a special use permit, conditions may be attached to a conditional use permit including, but not limited to, the following:

- a. Minimizing adverse impact on other development.
- b. Controlling the sequence and timing of development.
- c. Controlling the duration of development.
- d. Assuring that development is maintained properly.
- e. Designating the exact location and nature of development.
- f. Requiring the provision for on-site or off-site public facilities or services.
- g. Requiring more restrictive standards than those generally required in an ordinance.

Prior to granting a special use permit, studies may be required of the social, economic, fiscal and environmental effects of the proposed special use. A conditional use permit shall not be considered as establishing a binding precedent to grant other conditional use permits. A conditional use permit is not transferable from one parcel of land to another.

7. Commencement of Work: The proposed work shall commence within one year following the date of planning commission or city council approval of the conditional use permit and shall be diligently pursued or said approval and permit shall be rendered automatically null, void and of no right or recourse.
8. Payment of Fees: An application shall not be processed until all required fees are paid in full.

B. Variance Permit Procedures:

1. Recommendations: The planning commission may recommend in specific cases such variance from the terms of this code as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the terms and provisions of the Sand point Code would result in unnecessary hardship. No nonconforming use of neighboring lands, structures or buildings in the same district and no permitted or nonconforming uses of lands, structures or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience of profit, but only where strict application of the provisions of this Code would result in unnecessary hardship.
2. Supplementary Conditions and Safeguards: Under no circumstances shall the planning commission or city council consider a request for variance after issuance of a building permit or grant a variance to allow a use not permissible under the terms of this code in the district involved for any use expressly or by implication prohibited by the terms of said ordinance in said district. Upon hearing a variance request, the planning commission may prescribe appropriate conditions and safeguards in conformity with applicable ordinances. Violation of such conditions or safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of such ordinances.
3. Contents of Application: A variance from the terms of this code shall not be heard by the planning commission unless and until an application for a variance is submitted to the planning department and the planning commission containing the following:
 - a. Address, name and telephone number of applicant.
 - b. Legal description of the property.
 - c. Description of nature of variance requested, consisting of:

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- (1) The names and addresses of all adjoining property owners within three hundred feet (300') of the subject property, listed on a separate sheet of labels.
 - (2) A copy of a preliminary title report or title insurance policy for the proposed site.
 - (3) A vicinity map at the scale of one hundred feet to the inch (1" = 100') showing the property owners and existing land use within three hundred feet (300') of the proposed site.
 - (4) Nine (9) copies of a site plan drawn to scale which shows the property under consideration, location of all improvements and the specific information concerning the requested variance.
 - (5) A narrative statement demonstrating that the requested variance conforms to the following standards:
 - (A) That special conditions and circumstances exist which are peculiar to the land, structures or buildings in the same district.
 - (B) That a literal interpretation of the applicable sections of this code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this code.
 - (C) That special considerations, conditions and circumstances do not result from actions or desires of the applicant, and,
 - (D) That granting the variance requested will not confer on the applicant any special privileges that are denied by this code to other land, structures or buildings in the same district.
4. Action By The Planning Commission: A variance shall not be granted or denied unless the planning commission makes specific findings of fact and conclusions as to whether the above mentioned standards and conditions have been met by the applicant.
 5. Commencement of Work: The proposed work shall commence within one year following the date of planning commission or city council approval of the variance or said approval and permit shall be rendered automatically null, void and of no right or recourse.
 6. Payment of Fees: An application shall not be processed until all required fees are paid in full.
- C. Notification: Upon granting or denying an application for a conditional use permit or variance, the planning director shall notify the applicant in writing of the planning commission decision and shall specify the following:
1. The applicable sections of this code and standards used in evaluating the application.
 2. The reasons for approval or denial based upon compliance or noncompliance with the established criteria and findings of fact for which the action was taken.
 3. The conditions of approval, if any, which the applicant may take to obtain a permit.

The planning director shall transmit the record of the planning commission's action to the city council within five (5) days after the public hearing.

(Ord. 842, 6-15-1987; amd. Ord. 1386, 4-21-2021)

9-9-7: Time Limit for Planning Commission Actions:

The planning commission shall act on an application within sixty (60) days of filing. The planning commission may continue the public hearing or table an application for not more than thirty (30) days or until their next regular meeting, whichever comes first, at which time a decision shall be made to approve, conditionally approve or deny the application. A longer period of time not to exceed six (6) months may be required when climatic conditions make it necessary to delay the planning commission's decision. In such event, notice shall be provided as specified herein.

(Ord. 842, 6-15-1987)

9-9-8: Effective Date of Planning Commission Decision:

The planning commission's decision shall not become effective until the ten (10) day appeal period has lapsed. No building or other permit shall be issued during this period.

(Ord. 842, 6-15-1987)

9-9-9: Planning Commission Recommendation and City Council Action:

- A. Following the hearing for annexations, comprehensive plan changes, zone changes, and subdivisions, the planning commission shall take one of the following actions:
 - 1. The planning commission shall make a recommendation to the city council at the first regular council meeting following the planning commission's hearing. The recommendation shall state specifically on what grounds or statutes said recommendation is based; or
 - 2. The commission shall postpone consideration of the application to consult with its advisors and staff to make a recommendation to the city council within forty (40) days after such hearing.
- B. The city council shall review the recommendation and information presented by the planning commission at the first regular council meeting, or a special council meeting called for that purpose, following the planning commission's hearing. Public hearings in the case of annexations, comprehensive plan changes, zone changes and subdivisions shall be held according to Idaho Code 67-6509(b) and as provided by this chapter. The city council shall then take one of the following actions:
 - 1. Concur with the recommendation of the planning commission if said commission's finding is deemed accurate and correct and grant the application, and, where action requires an ordinance to be adopted by the city council, proceed according to Idaho Code section 50-902.
 - 2. Postpone consideration of the application to consult with the planning commission and its advisors and staff so that, within forty (40) days, after hearing the planning commission's recommendation, the application shall be approved, conditionally approved, or denied.
 - 3. Deny the application.
- C. If the city council declines to follow the recommendation of the planning commission, the council shall provide, in writing to the planning commission, within fifteen (15) days following the decision, its findings of fact and conclusions by which the recommendation was not followed.
- D. Upon granting or denying an application, the city council shall specify the following:
 - 1. The applicable sections of this code and standards used in evaluating the application.
 - 2. The findings of fact and conclusions for approval or denial.

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3. The actions, if any, that the applicant may take to obtain a permit.
- E. Within 15 days of the decision of the city council, said council shall provide the applicant with written notice of the action taken on the request.
 - F. If no action is taken by the city council within forty (40) days of hearing the recommendation of the planning commission or a specified delay has not been agreed upon by the applicant, the application shall be deemed approved.
- (Ord. 1061, 10-17-2001)

9-9-10: Appeals:

- A. Appeal From Planning Commission Decision:
 1. Notice of Appeal: An affected person aggrieved by the decision of the planning commission may file a written notice of appeal with the planning department or city council. Such notice must be filed within ten (10) business days after the planning commission's decision and shall clearly state the basis on which such person is an affected person as defined in Idaho Code 67-6521, and the grounds for appeal. An appeal from an action of the planning commission shall automatically stay the issuance of a building or other permit until such appeal has been decided by the city council.
 2. Fees for Appeal: The fees for an appeal from the planning commission's decision shall be set at the discretion of the city council by resolution duly passed and adopted by the city council.
 3. Public Hearing On Appeal: The city council shall hold a public hearing on an appeal pursuant to the procedures as provided in this chapter at a regularly scheduled city council meeting, or at a special meeting called for that purpose.
 - B. Appeal From City Council Decision: The decision by the city council shall constitute the final decision. An affected person aggrieved by the decision may, within twenty-eight (28) days of the decision rendered, seek judicial review of the council decision under the procedures provided in Title 67, Chapter 65, Idaho Code.
- (Ord. 842, 6-15-1987; Ord. 1365, 7-3-2019)

9-9-11: Development Agreements:

- A. Purpose: A development agreement (the "agreement") is a discretionary tool to be used by the planning 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.
 - a. 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 through the use of an agreement.

- b. 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 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) In the event of subsections 9-9-11B3b1 and b2 above, all time limits required by the Sandpoint Code may be stayed, upon affirmative vote of the commission or council.
- C. 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.
 - 6. The construction schedule, including the projected occupancy date.
 - 7. Type and color of materials used.
 - 8. 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.
 - 9. Any other information as requested by the council, commission, or director.
- D. 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 of the agreement by the city attorney.
- E. 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.

- F. 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.
- G. 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.
- H. 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.
- I. 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 10 AREA OF CITY IMPACT

9-10-1: 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)

9-10-2: 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;

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- 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)

9-10-3: Geographic Area of City Impact:

The official adopted geographic area of city impact is shown in section 9-10-8 of this chapter. All parcels of land lying within the area of city impact as delineated by Section 9-10-8 shall be subject to the provisions of this chapter.

(Ord. 958, 11-29-1994)

9-10-4: 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)

9-10-5: 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)

9-10-6: 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)

9-10-7: 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)

9-10-8: 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 11 HOME OCCUPATION REGULATIONS

9-11-1: 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)

9-11-2: 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)

9-11-3: 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.

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- 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.
 - 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)

9-11-4: Home Occupation Registration:

All home occupations wishing to operate within the city limits shall complete and submit a home business registration form. Approval of said registration form shall constitute as a home occupation permit.

- A. Issuance and Terms of Permit: The planning director, or his or her designee, may issue a home occupation permit that complies with the provisions of this chapter, on forms prescribed by the city council. 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 zoning enforcement officer may revoke a home occupation permit and/or recommend assessment of fines as specified in this chapter, for reasons including, but not limited to:
 - 1. Failure to comply with "notice to cease nonpermitted home occupation activity".

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2. Any change in use or any change in extent of use, area of the dwelling unit being used, or mechanical or electrical equipment being used that is different from that specified in the granted home occupation permit form that is not first cleared and approved by the building official.
 3. Any change in use, or any change in extent of use, area of the dwelling unit being used, or mechanical or electrical equipment being used which violates any of the provisions of this chapter.

(Ord. 1009, 6-22-1998)

9-11-5: Notice to Cease Nonpermitted Activity:

Should the zoning enforcement officer, at any time during the period in which a home occupation is in operation, receive a written complaint, and after conducting an investigation, find that the operation, or a portion thereof of such home occupation is in violation of the provisions of this chapter and/or the terms and conditions subject thereto, the zoning enforcement officer shall serve a notice, by certified mail, return receipt, to cease activities conducted in violation of the home occupations regulations. Such notice shall be headed "NOTICE TO CEASE NONPERMITTED HOME OCCUPATION ACTIVITY", shall contain a description of the property, shall describe the ordinance section(s) violated, shall specify the penalty provisions of this chapter, shall specify how they can remedy the violation and shall specify the appeal process contained in this chapter.

(Ord. 1009, 6-22-1998)

9-11-6: Appeals:

Appeals of administrative decisions made under the Home Occupation Regulations shall be made to the city council as specified in Section 9-9-10 of this Title.

(Ord. 1009, 6-22-1998)

9-11-7: Penalty:

- A. Violations: Violations of the Home Occupation Regulations may include the following, as well as those specified in Section 1-4-1 of this code:

Revocation of the permit;

Suspension of permit eligibility for a period not to exceed one year;

Assessment of costs to enforce compliance.

- B. Administrative Civil Penalty: Any person(s) who violates an order of the city or who fails to comply with any provision of this chapter shall be liable to the city for a civil penalty. The amount of such civil penalty shall not exceed three hundred dollars (\$300.00) per violation. Each day upon which a violation occurs or continues shall constitute a separate violation.
- C. Judicial Proceedings: Following entry of any order by the city with respect to the violation of this chapter, the city may commence an action for appropriate legal and/or equitable relief in the appropriate local court and the city shall be entitled to its costs and reasonable attorney fees in the event the city is the prevailing party.

(Ord. 1009, 6-22-1998)

9-11-8: Sunset Clause:

All home occupations in existence prior to the adoption date of this chapter shall come into conformance with the provisions contained within this chapter within five (5) years.

(Ord. 1009, 6-22-1998)

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;
- 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 9-1-3 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.
- 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:

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- 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 amphitheaters will not be allowed.

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- 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 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.
 - 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.

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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 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 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 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 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 commission in the administration of this chapter, may appeal to the city council in accordance with the procedures noted in Section 9-9-10 of this Title.

(Ord. 1037, 4-19-2000)

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

Pursuant to section 9-14-2 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 MOBILE HOME PARKS/TRAILER COACH COURTS

9-13-1: 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)

9-13-2: 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)

9-13-3: 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)

9-13-4: 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.
- 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)

9-13-5: 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.

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- 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:

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.

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.

²See title 8, chapter 1 of this code.

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3. Facilities: 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.
 - a. 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.

The slop water closet should be in a separate room of the service building with a single direct opening to the outside.

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 $\frac{1}{3}$ of these water closets.)

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.

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' x 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.

All plumbing installations shall conform to the local plumbing code.

- b. Electrical: All electrical installations shall conform to the local electrical code.
 - c. Heating: Heating facilities capable of maintaining a temperature of seventy degrees Fahrenheit (70°F) in cold weather should be provided.
 - d. 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)

9-13-6: 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 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:

	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 14 ZONING DISTRICTS, MAP

9-14-1: Zoning Districts Designated:

For the purpose of this title, the city shall be and is hereby divided into zoning districts as follows:

Zone commercial A	Commercial zone
Zone commercial B	Commercial zone
Zone commercial C	Commercial zone

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(Supp. No. 3, Update 2)

Zone MUR	Mixed use residential zone
Zone IG	Industrial general zone
Zone IBP	Industrial business park zone
Zone ITP	Industrial technology park zone
Zone RS	Residence zone
Zone RM	Residence zone
	Watershed protection zone
Zone RR-1	Rural residential zone
Zone RR-2	Rural residential zone
Zone AO	Airport overlay zone

(Ord. 1263, 12-29-2011; amd. Ord. 1305, 10-15-2014)

9-14-2: 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 legal description of the boundary line surrounding each zoning district within the city is established in writing in proper legal description form and filed in the office of the city clerk. Said description shall be certified by the mayor and the city clerk and at least three (3) certified copies shall be kept on file in the office of the city clerk. Copies of the same shall be provided to all members of the public and all interested parties upon request.
- D. 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.
- E. 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.
- F. The boundaries of the zones shall be established and clearly marked upon the zoning map as adopted in this chapter; provided, that public hearings shall be held by the city council before establishment and approval of said zones.

(Ord. 1236, 6-23-2010)

CHAPTER 15 TELECOMMUNICATIONS FACILITIES

9-15-1: 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
 - 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)

9-15-2: 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.

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:

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 district height limit	n/a	Not required	Required ¹	Yes ²
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	CA, CB, 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, MUR, CA, CB, 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 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.

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- 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 chapter 7, "Nonconforming Buildings and Uses", of this title.
 - 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 subsection 9-9-6A, "Conditional Use Permit Procedures", of this title.
2. Review and Submittal Requirements: Prior to submitting an application for conditional use approval in accordance with subsection 9-9-6A 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.

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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)