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### **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 (½) 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.

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**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.

~~**DUPLEX:** A two family dwelling where neither unit contains less than twenty five percent (25%) of the total habitable floor area of the structure.~~

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

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

DWELLING, SINGLE-FAMILY ATTACHED: An ~~individually owned~~ single-family attached dwelling, such as a townhouse, on its own lot.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

HARD SURFACING: A surface constructed of asphalt, concrete, polymer blocks or other like substance recognized in the industry as providing a pavement like surface which like substance is approved by the city engineer or public works director.

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

HEIGHT: See definition of Building Height.

HOME OCCUPATION: An occupation, profession or business activity including family daycare (six (6) or fewer children), where the primary location of business and/or the official business address is at the home which results in a product or service for gain, is clearly incidental and subordinate to the use of the premises as a dwelling unit

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and does not change the character thereof. Examples of permissible uses include tutoring and music lessons that occur one on one or similar types of uses.

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

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 ~~parcel or~~ plot of land legally divided from a larger area of land occupied or suitable for occupancy by one main building or use, with accessory buildings, including the open spaces required by this title, and having its principal frontage upon a public street or highway. A lot is distinguished from a parcel in that a parcel can be one or more lots, or a portion of a lot, identifiable through either legal description or plat.

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

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

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

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

LOT OF RECORD, SUBSTANDARD ORIGINAL: Any legally created individual nonconforming lot ~~or parcel~~ that does not meet the minimum lot width or area requirements of the district in which it is located. Such lot ~~or parcel~~ may be utilized for those uses permitted within its zoning district if all other requirements of this title are met. ~~For the purpose of this definition, residentially zoned lots or parcels must have been created prior to March 10, 1980, and industrially zoned lots or parcels must have been created prior to April 20, 2011, or they must have existed prior to their annexation into the city of Sandpoint, whichever occurred first.~~ 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.

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

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**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 or more faces of the main structure and which is constructed not more than four feet (4') in height above the average level of the adjoining ground.

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

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

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

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

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

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

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

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

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

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

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

(Ord. 1084, 6-2-2003; amd. Ord. 1091, 8-20-2003; Ord. 1127, 2-16-2005; Ord. 1135, 7-20-2005; Ord. 1152, 7-19-2006; Ord. 1178, 8-15-2007; Ord. 1196, 11-19-2008; Ord. 1263, 12-29-2011; Ord. 1281, 5-15-2013; Ord. 1336, 11-2-2016; Ord. 1393, 3-16-2022; Ord. No. 1413, § 1, 12-20-2023; Ord. No. 1432, § 1, 9-17-2025)

**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)

**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 use<sup>1</sup>
- N Not permitted

Residential <u>(except for uses located on original substandard lots of record):</u>	
Accessory dwellings as provided in section 9-1-8 of this title	P
<del>Attached housing</del>	<del>P<sup>2</sup></del>
<u>Duplex on a single lot</u>	<u>N</u>
Cottage housing in accordance with section 9-4-7 of this chapter	P <sup>3</sup>
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
<b>Residential (located on original substandard lots of record):</b>	
<u>Single-family dwellings</u>	<u>P<sup>2</sup></u>
<u>Duplex on a single lot</u>	<u>N</u>
<u>Attached housing (two or three units)</u>	<u>P<sup>2</sup></u>
<b>Nonresidential:</b>	
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 ~~the standards for~~ development of residential original substandard lots of record, [SCC 9-4-6](#).
3. Subject to standards set forth for cottage housing development.
4. ~~Development of attached housing units or cottage housing in the RS Zone shall not be restricted by this provision.~~

### 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;
  - 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 Yard Limits Setbacks: Each lot shall have a front ~~yard~~ setback of not less than twenty feet (20') in depth from front lot line ~~unless provided for elsewhere in this code, except as follows:-~~

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- a. Porches: Unenclosed front porches may encroach into the front yard 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.
3. Side Yard 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. 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 five feet (5').
- ba. Street Side Yard Setback: Buildings erected upon corner lots need only comply with the front yard requirement with regard to their primary facade, which is designated as having the primary entrance. A side yard setback is required for flanking streets on corner lots. 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:
- i. Detached garages on interior lots shall have a side setback of no less than three feet (3').
- ii. Garages accessed from on a street side lot line yard 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 yard lot line
- iii. 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.
- iv. Garages accessed from an alley shall adhere to the street side setback as established above in 3a.
- 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 regulations.
4. Rear Yard Setbacks: Each lot upon which a dwelling is constructed shall have a rear yard setback of not less than fifteen feet (15') in depth from the property 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.
5. Garage and Parking Entrance Setback: To avoid vehicles parking on the sidewalk, no front entry garage shall be constructed within twenty five feet (25') of a property line having frontage along a public street. Any uncovered off-street parking developed within the front yard setback shall have a minimum depth of twenty five feet (25').
65. Riparian and Shoreline Setback:

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

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

New development adhering to the forty foot (40') setback and/or reconstruction that involves issuance of a building permit for greater than twenty-five thousand dollars (\$25,000.00) of improvements, shall be required to plant fifty percent (50%) of the area in the minimum twenty-five foot (25') building setback with native vegetation comprised of a mixture of grasses and shrubs. For the purpose of this subsection B6, building permit valuation shall be a cumulative aggregate from the date of the adoption hereof forward.

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

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

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

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

~~7. Exceptions To The Required Setbacks: Certain parts of structures may be allowed to encroach into the required setbacks as described herein. Setbacks are modified further for attached housing, cottage housing and substandard lots.~~

~~a. Maximum Encroachment: No part of any structure shall encroach within fifteen feet (15') of the front property line, three feet (3') of the side property line(s) and ten feet (10') of the rear property line.~~

~~b. General Exceptions: The following shall be permitted to encroach up to the maximum encroachment:~~

~~(1) Established Building Lines: Sites with legally existing nonconforming development in a required setback are eligible for a onetime reduction to the required setbacks. The building line created by the nonconforming wall serves as the reduced setback line. At a maximum, the nonconforming wall may be doubled in length, e.g., a two foot (2') long wall within the side yard setback~~

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may be lengthened to four feet (4') total. The vertical height of the wall shall not be increased, e.g., a second story cannot be placed up to the reduced setback line if the existing nonconforming wall is only one story high.

~~(2) Minor Features: Minor features of a building such as eaves, chimneys, water collection cisterns and planters, bay windows, and uncovered balconies, 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.~~

~~8. Specific Exceptions: The following shall be permitted to encroach up to the maximum encroachment. Any structure shall be limited to fifteen feet (15') in height above grade for that portion within the setback area.~~

- ~~a. Adjacent Structures: Where both adjacent lots on the primary frontage are developed with structures and both adjacent structures have front yard setbacks less than the minimum, the subject lot may build within the front setback to the maximum encroachment.~~
- ~~b. Porches: Unenclosed front porches may encroach into the front yard setback up to ten feet (10') from the front property line.~~
- ~~c. Garages: Garages shall not be permitted to encroach on the front yard setback but may be used in calculating adjacent structure setbacks as described above. Detached garages may encroach on side and rear setbacks up to the maximum encroachment. Detached garages are subject to additional requirements.~~

C. Lot Coverage and Impervious Surface:

~~1. Purpose: The building coverage standards, together with the height and setback standards control the overall bulk of structures. They are intended to assure that taller buildings will not have such a large footprint that their total bulk will overwhelm adjacent houses. Additionally, the standards help define the character of the different zones by limiting the amount of buildings allowed on a site. 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. Building Footprint: Each lot upon which a dwelling, private garage or other outbuilding is constructed shall have a maximum thirty five percent (35%) building footprint and a maximum thirty percent (30%) impervious surface.~~

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: No structure shall exceed a building height of thirty-five feet (35') above the average elevation of the finished grade at the front of the building.~~

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:

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

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 18' in height;
- b. Cantilevers, covered porches, decks, breezeways, or other projections whose covering or structure support exceeds 18'; and
- c. Any vertical building element, such as walls, gables, dormers, roof extensions, or architectural projections, whose highest point exceeds 18'.

~~13.~~ Exceptions To The Maximum Height:

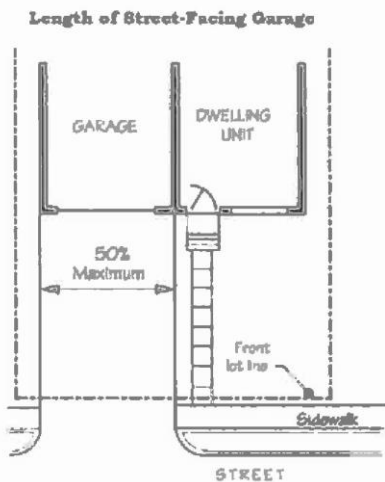
- a. Chimneys, flagpoles, satellite receiving dishes, roof mounted solar panels and other similar items may extend above the height limit, as long as they do not exceed five feet (5') above the top of the highest point of the roof.
- b. Utility power poles, and public safety facilities are exempt from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

E. ~~Garages~~ 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. ~~Where These Standards Apply Applicability:~~ The regulations of this subsection E apply to all attached or detached garages in the residential single-family zone. ~~On corner lots, only one street facing garage wall must meet the standards of this subsection E.~~
  3. ~~The Standards:~~
    - a. ~~Dimensions:~~
      - (1)a. ~~The length of the Any garage wall entrance facing the street may be up to fifty percent (50%) of the length width of the street facing unit facade (see figure 1 of this section).~~
      - (2) ~~For attached houses on corner lots, garage walls are limited to twenty five feet (25') in length.~~

Figure 1



- (2)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 facade of the dwelling unit.~~
- (3)c. Garages ~~walls facing the street having building walls~~ greater than twelve feet (12') in height ~~or facade walls greater than 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:
  - (A) i. Dormers;
  - (B) ii. Gables;

- 
- ~~(C) iii.~~ Covered porch entries;
  - ~~(D) iv.~~ Pillars or posts;
  - ~~(E) v.~~ Eaves;
  - ~~(F) vi.~~ Offsets in building face or roof (minimum of sixteen inches (16"));
  - ~~(G) vii.~~ Window trim;
  - ~~(H) viii.~~ Bay windows;
  - ~~(I) ix.~~ Balconies;
  - ~~(J) x.~~ An alternative feature providing for visual relief, ~~similar to subsections E.3.a.(3)(A) through E.3.a.(3)(I) of this section.~~

- ~~b.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 37.5 feet in the residential single-family zone.~~

- ~~b. Side and Rear Setbacks: In the residential single family zone, detached garages are allowed in the side and rear building setbacks if all of the following are met:~~

- ~~(1) The garage is set back at least twenty five feet (25') from a front lot line, and if on a corner or alley accessible lot, it may be constructed one foot (1') from a flanking street or alley lot line;~~
- ~~(2) Dormers are set back at least five feet (5') from the side and rear lot lines.~~
- ~~(3) Second floor windows facing abutting lots utilize appropriate material (glass block or opaque glass) to maintain privacy of adjacent property.~~
- ~~(4) Maintenance easements are provided by adjacent property owner when utilizing less than a two foot (2') setback from adjacent property line.~~
- ~~(5) Snow drop and stormwater runoff from the structure are contained on site.~~

#### 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 ~~as follows provided the expansion complies with all other standards of this section.:~~
  - ~~(1) The expanded garage complies with all other standards of this section.~~

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F. Main Entrances 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.

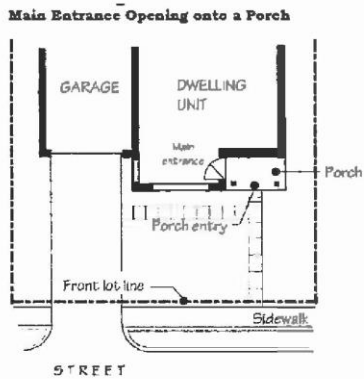
2. Where These Standards Apply Applicability:

- 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 street frontage, the applicant may choose on which frontage to meet the standards.

3. The Standards:

- a. Location: At least one 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 Facades Design Standards:

1. Purpose: ~~This~~ These standards:

- a. Together with the main entrance and garage standards, ensures that there is a visual connection between the living area of the residence and the street;
- b. Enhances public safety by allowing people to survey their neighborhood from inside their residences; and
- c. Provides a more pleasant pedestrian environment by preventing large expanses of blank facades along streets.

2. ~~Where This Standard Applies~~ 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. ~~The 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. ~~Windows used to meet this standard must allow views from the building to the street. Glass block does not meet this standard. Windows in garage doors do not count toward meeting this standard, but windows in garage walls do count toward meeting this standard. To count toward meeting this standard, a door must be at the main entrance and facing a street lot line. Glass block does not meet this standard.~~

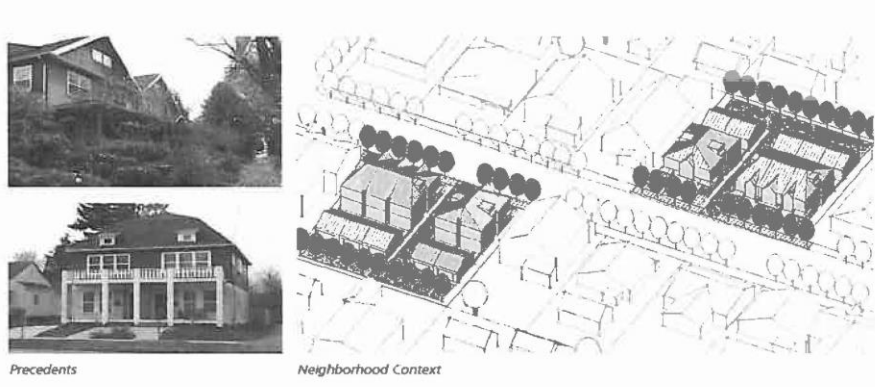
H. Attached Housing Options:

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)

## **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)

### **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 use<sup>1</sup>

N Not permitted

Residential <u>(except for uses located on original substandard lots of record)</u> :	
Accessory dwellings as provided in section 9-1-8 of this title	P
Attached housing	P <sup>2</sup>
Clubs, lodges, fraternal organizations, when not operated for profit	P
Cottage housing	P <sup>3</sup>
<u>Duplex</u>	<u>P</u>
Gated communities	N
Manufactured homes subject to following provisions, conditions and regulations:	P <sup>4</sup>
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
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)

**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 ~~five thousand (5,000)~~ three thousand and five hundred (3,500) square feet and frontage on a public street of not less than ~~thirty seven and one half feet (37.5')~~ twenty five feet (25') and shall have a width of not less than ~~thirty seven and one half feet (37.5')~~ 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
<b>Permitted use:</b>			
	<u>1</u>	<u>0-4,999</u>	<u>25</u>

An additional 1,775 square feet of area, and an additional 12.5 feet, but no more than 130 feet of frontage	<u>2</u>	5,000	37.5
	<del>2-3</del>	6,775	50
	<del>3-4</del>	8,550	62.5
	<del>4-5</del>	10,325	75
	<del>5-6</del>	12,100	87.5
	<del>6-7</del>	13,875	100
	<del>7-8</del>	15,650	112.5
Conditional use:			
	<del>8-9</del>	17,425	125
	<del>9-10</del>	19,200	130
	<del>10-11</del>	20,975	130
	<del>11-12+</del>	+1,000 each unit	130

B. Setbacks:

1. Purpose: The setback regulations for buildings and garage entrances serve several purposes:
  - a. They maintain light, air, separation for fire protection, and access for firefighting;
  - b. They reflect the general building scale and placement of houses;
  - c. They promote a reasonable physical relationship between residences;
  - d. They promote options for privacy for neighboring properties;
  - e. They require larger front setbacks than side and rear setbacks to promote open, visually pleasing front yards;
  - f. They provide adequate flexibility to site a building so that it may be compatible with the neighborhood, fit the topography of the site, allow for required outdoor areas, and allow for architectural diversity; and
  - g. They provide room for a car to park in front of a garage door without overhanging the street or sidewalk, and they enhance driver visibility when backing onto the street.
2. General Exception to all Setbacks: Minor features of a building such as eaves, chimneys, water collection cisterns and planters, air conditioning units, bay windows, uncovered balconies, covered side and rear entryway overhangs, may extend into the required setback. Bays and bay windows encroaching into the setback also must meet the following requirements: a) each bay and bay window may be up to twelve feet (12') long, but the total area of all bays and bay windows on a building facade cannot be more than thirty percent (30%) of the linear total of the facade; b) bays and bay windows must cantilever beyond the foundation of the building; and c) the bay may not include any doors.
3. Front Yard Limits Setbacks: Each lot shall have a front yard setback of not less than fifteen feet (15') in depth from front lot line, unless provided for elsewhere in this code except as follows:-

- 
- a. Porches: Unenclosed front porches shall be setback ten feet (10') front 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 37.5' of frontage on a public street.
3. Side Yard 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 there shall be a side yard on each side of the outer walls of any building constructed thereon of not less than five feet (5').~~
- 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. ~~Buildings erected upon corner lots need only comply with the front yard requirement with regard to their primary facade, which is designated as having the primary entrance. A side yard setback is required for secondary frontages on corner lots. Flanking street setbacks may be reduced from fifteen feet (15') to ten feet (10') but shall include design features such as projections, recessions, windows or other architectural treatment to prevent a blank wall appearance. 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:
- i. Detached garages on interior lots shall have a side setback of no less than three feet (3').
- ii. Garages accessed from ~~on~~ a street side lot line ~~yard~~ 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 ~~yard~~ lot line
- iii. 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.
- iv. Garages accessed from an alley shall adhere to the street side setback as established above in 3a.
4. Rear Yard Setbacks: Each lot ~~upon which a dwelling is constructed~~ shall have a rear ~~yard~~ 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 ~~regulations~~.
5. Garage and Parking Entrance Setback: To avoid vehicles parking on the sidewalk, no street facing garage shall be constructed within twenty five feet (25') of a property line having frontage along a

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~~public street. Any uncovered off-street parking developed within the front yard setback shall have a minimum depth of twenty-five feet (25').~~

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).

~~7. Exceptions To The Required Setbacks: Certain parts of structures may be allowed to encroach into the required setbacks as described herein. Setbacks are modified further for attached housing, cottage housing and substandard lots.~~

~~8. Maximum Encroachment: No part of any structure shall encroach within ten feet (10') of the front property line, three feet (3') of the side property line(s) and five feet (5') of the rear property line.~~

~~9. General Exceptions: The following shall be permitted to encroach up to the maximum encroachment:~~

- ~~a. Established Building Lines: Sites with legally existing nonconforming development in a required setback are eligible for a onetime reduction to the required setbacks. The building line created by the nonconforming wall serves as the reduced setback line. At a maximum, the nonconforming wall may be doubled in length, e.g., a two foot (2') long wall within the side yard setback may be lengthened to four feet (4') total. The vertical height of the wall shall not be increased, e.g., a~~

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~~second story cannot be placed up to the reduced setback line if the existing nonconforming wall is only one story high.~~

- ~~b. Minor Features: Minor features of a building such as eaves, chimneys, water collection cisterns and planters, bay windows, and uncovered balconies, may extend into the required setback. Bays and bay windows encroaching into the setback also must meet the following requirements: 1) 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; 2) bays and bay windows must cantilever beyond the foundation of the building; and 3) the bay may not include any doors.~~

~~10. Specific Exceptions: The following shall be permitted to encroach up to the maximum encroachment and any structure shall be limited to fifteen feet (15') in height above grade for that portion encroaching into the setback area:~~

~~a. Adjacent Structures: Where both adjacent lots on the primary frontage are developed with structures and both adjacent structures have front yard setbacks less than the minimum, the subject lot may build within the front setback to the maximum encroachment.~~

~~b. Porches: Unenclosed front porches may encroach into the front yard setback up to the maximum encroachment.~~

~~c. Garages: Garages shall not be permitted to encroach on the front yard setback but may be used in calculating adjacent structure setbacks as described above. Detached garages may encroach on side and rear setbacks up to the maximum encroachment. Detached garages are subject to additional requirements.~~

C. Lot Coverage Impervious Surface:

1. Purpose: ~~The building coverage standards, together with the height and setback standards control the overall bulk of structures. They are intended to assure that taller buildings will not have such a large footprint that their total bulk will overwhelm adjacent houses. Additionally, the standards help define the character of the different zones by limiting the amount of buildings allowed on a site. 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. ~~Building Footprint Impervious Surface:~~ Each lot upon which a dwelling, private garage or other outbuilding is constructed shall have a maximum ~~thirty five percent (35%) building footprint and a maximum thirty percent (30%)~~ impervious surface, including building footprint, of 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:

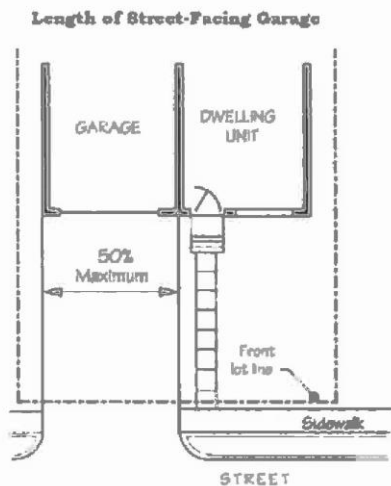
a. Chimneys, flagpoles, satellite receiving dishes, roof mounted solar panels and other similar items may extend above the height limit, as long as they do not exceed five feet (5') above the top of the highest point of the roof.

b. Utility power poles, and public safety facilities are exempt from the height limit.

E. Garages 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. ~~Where These Standards Apply~~ Applicability: The regulations of this subsection E apply to all attached or detached garages in the residential multi-family zone. ~~On corner lots, only one street-facing garage wall must meet the standards of this subsection E.~~
3. ~~The Standards:~~
  - a. ~~Dimensions:~~
    - (1)a. ~~The length of the Any~~ garage wall entrance facing the street may be up to fifty percent (50%) of the length width of the street facing unit façade (see figure 1 of this section).

Figure 1



- (2)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.
- (3)c. Garages walls facing the street having building walls greater than twelve feet (12') in height ~~or facade walls greater than~~ or twenty-four feet (24') in length shall include architectural detail to

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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:

- ~~(A) i.~~ Dormers;
- ~~(B) ii.~~ Gables;
- ~~(C) iii.~~ Covered porch entries;
- ~~(D) iv.~~ Pillars or posts;
- ~~(E) v.~~ Eaves;
- ~~(F) vi.~~ Offsets in building face or roof (minimum of sixteen inches (16" ));
- ~~(G) vii.~~ Window trim;
- ~~(H) viii.~~ Bay windows;
- ~~(I) ix.~~ Balconies;
- ~~(J) x.~~ 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 37.5 feet in the residential multi-family zone.~~

~~b. Side and Rear Setbacks: In the residential multi-family zone, detached garages are allowed in the side and rear building setbacks if all of the following are met:~~

- ~~(1) The garage is set back at least twenty five feet (25') from a front lot line, and if on a corner or alley accessible lot, it may be constructed one foot from a flanking street or alley lot line;~~
- ~~(2) Dormers are set back at least five feet (5') from the side and rear lot lines.~~
- ~~(3) Second floor windows facing abutting lots utilize appropriate material (glass block or opaque glass) to maintain privacy of adjacent property.~~
- ~~(4) Maintenance easements are provided by adjacent property owner when utilizing less than a two foot (2') setback from adjacent property line.~~
- ~~(5) Snow drop and stormwater runoff from the structure are contained on site.~~

c. 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.

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- (3) Additions: An addition may be made to a detached garage that is nonconforming due to its location in a setback ~~as follows provided the expansion complies with all other standards of this section.:~~

~~(1) The expanded garage complies with all other standards of this section.~~

F. Main Entrances 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. ~~Where These Standards Apply~~ 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 street frontage, the applicant may choose on which frontage to meet the standards.

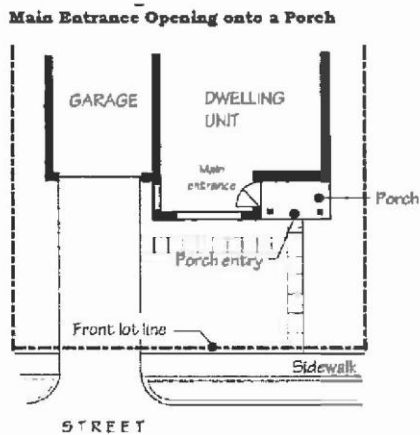
3. ~~The Standards:~~

- a. Location: At least one 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 Facades Design Standards:

1. Purpose: ~~This~~ These standards:

- a. Together with the main entrance and garage standards, ensures that there is a visual connection between the living area of the residence and the street;
- b. Enhances public safety by allowing people to survey their neighborhood from inside their residences; and
- c. Provides a more pleasant pedestrian environment by preventing large expanses of blank facades along streets.

2. ~~Where This Standard Applies~~ 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. ~~The 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. ~~Windows used to meet this standard must allow views from the building to the street. Glass block does not meet this standard. Windows in garage doors do not count toward meeting this standard, but windows in garage walls do count toward meeting this standard. To count toward meeting this standard, a door must be at the main entrance and facing a street lot line.~~

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:

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- 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 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 surfaced (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 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.
  - 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 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

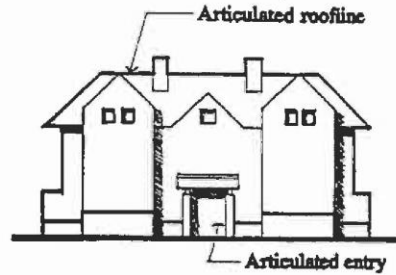
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to a single story structure is limited to one and a half (1 ½) stories, and if constructed adjacent to a one and one-half (1½) story structure, the adjacent facade would be limited to two (2) stories.

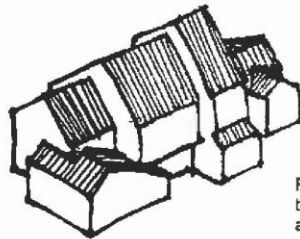
- b. Multi-family structures shall utilize a variety of building forms and roof shapes rather than boxlike forms with large, unvaried roofs. The building design shall provide manipulations to create clusters of units and variations of height, setback and roof shape.
7. Building Entrances:
- a. The primary 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 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:**

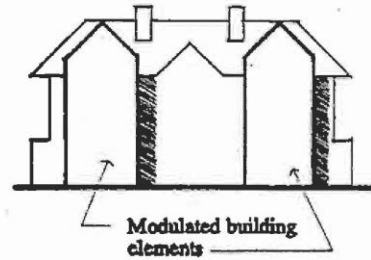
**Articulation** is the giving of emphasis to architectural elements (like windows, balconies, entries, etc.) that create a complementary pattern, or rhythm, dividing large buildings into smaller identifiable pieces.



**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 of the following methods:
    - (1) Expression of structure, such as post, column, or pilaster.
    - (2) Variation of material.
  - b. Chainlink 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 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)

**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

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.

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- 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%) ~~of the lot occupied by such structures~~ 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)

#### **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 family has a live in tenant, the raising of livestock for noncommercial purposes providing the livestock density does not exceed one animal for parcels of land totaling one acre or three (3) animals per two (2) acres and one additional animal per acre thereafter, home occupations, tourist homes and parks.
- 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.

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- 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%) ~~of the lot occupied by such structures~~ 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)

## **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 ~~five thousand (5,000)~~ 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').

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3. ~~Development of single substandard corner lots with a width of less than thirty feet (30') shall not be allowed. Reconfiguration of two (2) contiguous substandard lots where one is a corner lot may be accomplished as provided for in title 10, chapter 2 of this code so long as their lot area is not reduced.~~
  4. ~~These standards do not apply to lots that are part of a planned unit development and they do not take precedence over any note recorded on a subdivision plat.~~
  5. ~~These standards do not apply to remodels of or expansions to legally established dwellings previously constructed on such lots, so long as other area requirements of the district are met.~~

(Ord. 1263, 12-29-2011)

### 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)

### 9-4-6-3: Development Standards:

- A. ~~Design Review Required For Development of Substandard Lots: Development of three (3) or fewer dwelling units on three (3) contiguous substandard lots shall be subject to staff level review in conjunction with their building permit application.~~

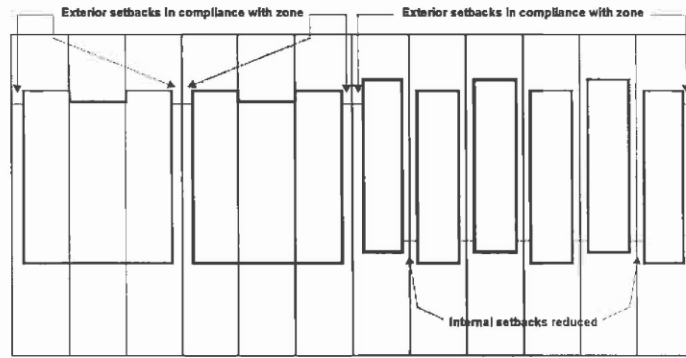
~~Except as otherwise provided herein, design review for the development of four (4) or more dwelling units, as well as the development of units with front loading garages, shall include referral to the planning commission or such design review subcommittee as may be created for such purpose, in conjunction with site plan review as provided for in subsection 9-1-4C of this title. Additional design review standards and guidelines are contained herein.~~

~~Adjoining property owners shall be notified of any development proposed under these provisions that is subject to review by the commission as noted above. Said notice shall inform such owners 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.~~

BA. Setbacks in the RS zone:

1. ~~Front Setbacks: The front yard setback for livable space and porches shall be allowed as provided in the property's underlying RS zone. Adjoining lots developed at the same time shall contain different setbacks.~~
2. ~~Street side yard setbacks: Street side yard setbacks shall be ten feet (10') for livable space and porches and twenty-five feet (25') for parking, unless one of the following is applied:~~
23. Interior Side Setbacks (between structures in a common development): Interior side setbacks shall be in accordance with the applicable 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, ~~provided that the exterior setbacks (unattached side setbacks) adhere to those required by the zone.~~
  - 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') ~~provided that the exterior setbacks to the development adhere to the setbacks that are required by the zone.~~

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.



~~Such reduced interior side yard setback shall be measured from property line to eave rather than building wall, as may otherwise be allowed and may require compliance with additional building and fire code provisions (i.e., roof designed for higher snow load and provision of snow stops, installation of residential sprinkler system).~~



36. Rear Setbacks: Rear yard setbacks shall be as required by the RS zoning district ~~in which the substandard lot is located.~~
47. Garage: A single-story, detached garage, a maximum of five hundred (500) square feet, accessed off of an alley may have a three foot (3') side setback.

(Ord. 1263, 12-29-2011)

#### 9-4-6-4: Building Height:

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



- B. In the RS zone, ~~new structures on~~ substandard lots ~~structures~~ shall not exceed ~~twenty~~ twenty-five feet (~~20'25'~~) or ~~one and a half~~ two stories, whichever is lower. ~~A one and a half story structure can be defined as:~~
- ~~1. — A structure that includes a daylight basement that is sunk into the ground a minimum of four feet (4').~~



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- ~~2. — A structure that contains the second story within the pitched roofline.~~



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- ~~C. — In the RS zone, a two-story structure less than twenty-five feet (25') may be permitted where:~~

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1. ~~Both adjacent properties are developed with two-story structures; or~~
  2. ~~The development has been designed to minimize impacts to adjoining properties, as determined by the planning director. The factors to consider shall include: the size and height of the adjacent dwelling units; privacy impacts on adjacent properties; the height, mass, window placement and roofline pitch of the proposed structure; and the overall design of the upper story of the proposed structure. Upper story limitations or setbacks on the new building may be an acceptable means of ensuring compatibility with adjacent structures of smaller size.~~



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(Ord. 1263, 12-29-2011)

#### **~~9-4-6-5: Private Open Space:~~**

~~All substandard lots must provide a minimum of three hundred seventy-five (375) square feet of private open space in the rear yard. This open space must be configured as a fifteen by twenty five foot (15 × 25') open space (which includes the required setbacks) of that required space a minimum dimension of ten by fifteen feet (10 × 15') shall be open to the sky. Covered unenclosed rear porches are allowed to be calculated as part of the private open space area.~~

(Ord. 1263, 12-29-2011)

#### **~~9-4-6-6: Landscaping:~~**

~~At a minimum, landscaping for each nonconforming lot of record shall include the planting of one tree of not less than two inches (2") dbh within the front yard setback.~~

(Ord. 1263, 12-29-2011)

#### **9-4-6-75: 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 ~~encouraged~~ required where possible.

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~~2. Street-facing garages are prohibited on lots with frontage of less than thirty-seven and a half feet (37.5').~~

~~3. Garages shall be developed in accordance with the requirements of the underlying zone.~~

~~2. Units with front loading garages (where access to alley is not available or practical):~~

~~a. Any attached, front loading garage shall include design elements that will provide varied rooflines, dormers within the roofline or other architectural treatments that will avoid the appearance of garage domination. The setback of the garage face shall be twenty five feet (25').~~

~~b. Porches, living space, or other projecting features above such front loading garages are required. Structures incorporating such features above a front loading garage shall not be subject to review by the commission.~~



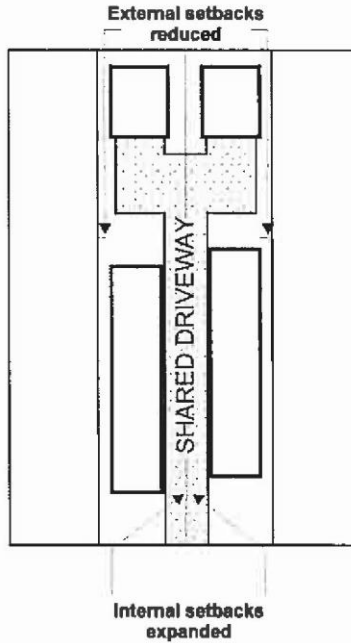
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~~c. Attached, front loading garages shall be limited to single car width; two (2) car garages must be designed for tandem parking.~~

~~d. The use of a ten foot (10') wide shared driveway providing access to rear yard garages that are attached with a common wall on the property line is allowed.~~

~~e. Where a shared driveway is proposed between two (2) units, each unit may be allowed to reduce the outside side yard setback from five feet (5') to three feet (3') to provide for a driveway width greater than ten feet (10').~~

Such reduction is contingent upon approval of a stormwater plan. In addition, the reduced setback shall be measured from property line to eave rather than building wall as may otherwise be allowed and may require compliance with additional building and fire code provisions (i.e., roof designed for higher snow load and provision of snow stops, installation of residential sprinkler system).



3. ~~The driveway may be designed with concrete wheel strips or grass pavers that are separated by vegetation.~~

(Ord. 1263, 12-29-2011)

#### **~~9-4-6-8: Attached Housing Arrangements:~~**

~~A. Attached Units Encouraged: Attaching single family units in multiples of two (2) or three (3) on common lot lines is encouraged as a means of creating more substantial structures that will be imitative of standard width single family homes. Such units remain subject to the general design criteria stated in this chapter and do not require a planned unit development application.~~

- ~~1. In the RS zone, no greater than three (3) contiguous attached dwelling units shall be permitted. In the RS zone, 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.~~

~~B. Additional Requirements for Attached Buildings:~~

- ~~1. Attached buildings shall be constructed to comply with townhouse construction standards in accordance with the building code adopted by the city of Sandpoint.~~
- ~~2. The city attorney shall review and approve all easement agreements an applicant or builder seeks to obtain for the use and maintenance of common facilities such as driveways, parking sites and common party walls. All such easements shall be recorded in the records of Bonner County prior to an applicant or builder seeking a building permit under this chapter.~~
- ~~3. Adjustments to lot lines and reduction in the number of lots within the same parcel are subject to review and approval pursuant to all applicable city of Sandpoint subdivision and zoning regulations. The applicant shall obtain approval from the city of Sandpoint and record any lot line adjustments or reduction in lots with the Bonner County recorder prior to submission for a building permit.~~
- ~~4. The first story of a two-story attached building shall be set back a minimum of five feet (5') from the side property line. The second story of a two-story attached building shall be set back a minimum of~~

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eight feet (8') from the side property line; provided, bay windows, pop outs or other architectural appurtenances may be allowed at the five foot (5') setback line in the residential multi-family zone.

(Ord. 1263, 12-29-2011)

#### **9-4-6-9: Design Guidelines for Substandard Lots:**

Development on substandard lots requires site plan review approval. As applicable to their required review process, city staff and the planning commission or such design review subcommittee as may be created for such purpose shall take into account the location and design of adjacent buildings, landscaping and right-of-way improvements, and shall apply the following criteria as appropriate: Each substandard lot shall be developed in accordance with the design guidelines for the underlying zone.

A. ~~Front Facade Design Requirements:~~

- ~~1. Homes shall have a front door that faces the street. When a unit is built on a corner lot, the door shall face the dominant street.~~
- ~~2. In lieu of a street facing front door, the applicant may construct a prominent front porch that is a minimum of six feet (6') in depth and the dwelling shall have A dwelling shall have a minimum of twenty five percent (25%) of the front facade comprised of windows and/or door openings. For homes with front loaded garages, the garage door shall not count toward the window opening requirements. The garage door shall include design elements such as: panels, windows, trim features, cross members, or other architectural features as determined by the commission or staff.~~
- ~~3. Detached dwelling units shall provide a facade that substantially differs from the facade of adjacent structures. Variations in materials alone will not be considered sufficient. The unique facade may be obtained through the use of structural changes or through the use of substantial design elements. In addition to complying with the preceding design guidelines, tThe front facade shall include multiple design elements such as: multipaned windows, varied rooflines, dormers, bay windows, wainscoting, a covered front door, a usable front porch or other elements as approved by the commission or staff that create a unique facade. Articulated designs may repeat on noncontiguous lots.~~
- ~~4. Attached units shall provide modulation and architectural design features to prevent flat facade wall planes.~~

~~B. Orientation of Buildings: All buildings shall be oriented toward a public street. When buildings cannot be oriented toward a public street due to inadequate street frontage or similar circumstances, the buildings shall be oriented toward a private street or lane that conforms to city standards.~~

~~C. Stormwater Runoff: Stormwater runoff shall be directed to the front or rear yard and shall be treated in accordance with standards of the Sandpoint stormwater ordinance.~~

(Ord. 1263, 12-29-2011)

#### **9-4-6-10: Design Guideline and Development Standards Waivers for Substandard Lots:**

~~A. The applicant may request a waiver from one or more of the standards listed in section 9-4-6-9 of this chapter or from the height and parking requirements of sections 9-4-6-4 and 9-4-6-7 of this chapter. 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:~~

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- ~~1. That the granting of the waiver will not be in conflict with the intent of the substandard lot ordinance, shall not negatively impact the existing neighborhood and shall enhance the overall design quality of the project;~~
  - ~~2. 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.~~
  - ~~3. 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.~~
  - ~~4. The granting of such relief will not be in conflict with the goals and policies of the comprehensive plan.~~
- ~~(Ord. 1263, 12-29-2011)~~