

CHAPTER 2 COMMERCIAL ZONING DISTRICTS

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

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

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

- A. Efficient use of land and services.
- B. A mix of land uses which strengthen opportunities for economic vitality and support pedestrian activity as well as housing opportunities.
- C. Establish a defined Downtown that is distinct from other commercial areas in that it serves as the town center, Pprovides for community gathering places and pedestrian/visitor amenities, and is the center of activity, a unique destination for goods and services, and is the primary iconic image that stands for Sandpoint.
- D. Establish a distinct storefront character associated with the downtown core area.
- E. Provide transitions to adjacent neighborhoods and commercial areas.
- F. Maintain and enhance the area's character through design guidelines.
- G. Encourage residential development above ground floor with appropriate frontage facades to enhance and support downtown as the City's primary gathering and activity space.
- H. Encourage structured parking in commercial areas.

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

(Ord. 1236, 6-23-2010)

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

The commercial zones herein defined are enforceable and implemented as a set of land use regulations. In this context, all property within the commercial zones are required to comply with the provisions of these commercial zones and this Title 9, Zoning. The Downtown Core, Downtown Outer Core eCommercial A, B and C zones, as adopted by reference, contain recommended policies and development guidelines and the regulations contained herein that are hereby made mandatory by adopting them in this chapter. The Downtown Core, Downtown Outer Core, eCommercial A, B and C zones, unless otherwise specifically provided for in this chapter, shall be considered as carrying the weight of law and shall be enforced and abided by as a municipal land use regulation.

(Ord. 1236, 6-23-2010)

9-2-1-3: Use Limitations:

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

- A. Permitted Uses: The land uses listed in table 1 of this section are either permitted (P), conditionally permitted upon issuance of a Conditional Use Permit (C), or not permitted (N) in the Downtown Core, Downtown Outer Core, eCommercial A, B and C zones areas as identified and subject to the provisions of this chapter. Certain land uses have additional restrictions as specified in notes to table 1 of this section.
- B. Determination of Similar Land Uses: Uses that are similar in nature to one or more permitted uses, as determined by the planning eDirector after consulting the current edition of "The North American Industry Classification System" code, may be permitted within the boundary of the Downtown Core, Downtown Outer Core, eCommercial A, B and C zones.

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

	Commercial A	Commercial B	Commercial C	Downtown	
				DC	DOC
Commercial:					
Art and craft galleries	Yes <u>P</u>	Yes <u>P</u>	Yes <u>P</u>	<u>P</u>	<u>P</u>
Banks and financial institutions	Restricted <u>P</u> ⁴	Restricted <u>P</u> ⁴	Restricted <u>P</u> ⁴	<u>P</u> ⁴	<u>P</u>
Commercial storage	Restricted <u>P</u> ³	Restricted <u>P</u> ³	Restricted <u>P</u> ³	<u>N</u>	<u>N</u>
Daycare	Yes <u>P</u>	Yes <u>P</u>	Yes <u>P</u>	<u>P</u>	<u>P</u>
Entertainment facilities (theaters, clubs, movies)	Restricted <u>P</u> ⁵	Restricted <u>P</u> ⁵	Restricted <u>P</u> ⁵	<u>P</u>	<u>P</u>
Hotels, hostels and lodges, and motels	Yes <u>P</u>	Yes <u>P</u>	Yes <u>P</u>	<u>P</u>	<u>P</u>
Laundromats and dry cleaners (no dry cleaning using perchloroethylene solvent permitted)	Yes <u>P</u>	Yes <u>P</u>	Yes <u>P</u>	<u>N</u>	<u>P</u>
Manufacturing ancillary to a storefront retail sales and services outlet (see section 9-2-1-9 of this chapter for limitations)	Yes <u>P</u>	Yes <u>P</u>	Yes <u>P</u>	<u>N</u>	<u>P N</u>

Medical and dental services including hospitals, clinics and associated laboratories, pharmacies, optometrists, veterinarians and similar medical uses	Restricted <u>P</u> ⁴	Restricted <u>P</u> ⁴	Restricted <u>P</u> ⁴	<u>P</u> ⁴	<u>P</u> ⁴
Offices	Yes <u>P</u>	Yes <u>P</u>	Yes <u>P</u>	<u>P</u> <u>N</u> ⁹	<u>P</u>
Personal and professional services (e.g., hair salons, day spas, <u>massage establishments</u> , barbershops, tailors, shoe repair, nail salon, tanning salon, watch and jewelry repair, package wrapping/copying/sending services, and similar uses)	Yes <u>P</u>	Yes <u>P</u>	Yes <u>P</u>	<u>P</u>	<u>P</u>
<u>Fitness studios, instructional dance/sports, indoor commercial recreation</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Restaurants, catering, taverns, prepared food services for on site consumption, retail bakeries, candy/ice cream shops (food production allowed in conjunction with retail)	Restricted <u>P</u> ⁴	Restricted <u>P</u> ⁴	Restricted <u>P</u> ⁴	<u>P</u> ⁴	<u>P</u> ⁴
<u>Food Truck Court</u> ¹¹	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>C</u>
Retail trade and services	Restricted <u>P</u> ^{4,5}	Restricted <u>P</u> ^{4,5}	Restricted <u>P</u> ^{4,5}	<u>P</u> ^{4,5}	<u>P</u> ^{4,5}
Vehicle, agricultural and industrial equipment sales	Restricted <u>P</u> ^{2,7}	Restricted <u>P</u> ^{2,7}	Restricted <u>P</u> ^{2,8}	<u>N</u>	<u>N</u>
Wholesale	Yes <u>P</u>	Yes <u>P</u>	Yes <u>P</u>	<u>N</u>	<u>N</u>
Public/institutional:					
Clubs, fraternities, sororities, lodges and similar uses	Yes <u>P</u>	Yes <u>P</u>	Yes <u>P</u>	<u>P</u>	<u>P</u>
Government offices and facilities, including courthouses	Restricted <u>P</u> ⁴	Restricted <u>P</u> ⁴	Restricted <u>P</u> ⁴	<u>P</u>	<u>P</u>
Libraries, museums, concert halls, auditoriums, community center, and similar uses	Yes <u>P</u>	Yes <u>P</u>	Yes <u>P</u>	<u>P</u>	<u>P</u>
Outdoor bandstand, amphitheater, pavilion	Yes <u>P</u>	Yes <u>P</u>	Yes <u>P</u>	<u>P</u>	<u>P</u>
Private utilities	Yes <u>P</u>	Yes <u>P</u>	Yes <u>P</u>	<u>P</u>	<u>P</u>
Public parking lots and garages (see chapter 5 of this title, standards for off-street parking areas)	Yes <u>P</u>	Yes <u>P</u>	Yes <u>P</u>	<u>P</u>	<u>P</u>
Public parks, squares, greens, and recreation facilities	Yes <u>P</u>	Yes <u>P</u>	Yes <u>P</u>	<u>P</u>	<u>P</u>
Religious institutions and places of worship	Yes <u>P</u>	Yes <u>P</u>	Yes <u>P</u>	<u>P</u> ¹⁰	<u>P</u>
Schools, public and private	Yes <u>P</u>	Yes <u>P</u>	Yes <u>P</u>	<u>P</u>	<u>P</u>
Visitors centers and information services	Restricted <u>P</u> ⁴	Yes <u>P</u>	Yes <u>P</u>	<u>P</u> <u>N</u>	<u>P</u>
Residential:					
Detached single-family residences	Prohibited <u>N</u>	Prohibited <u>N</u>	Prohibited <u>N</u>	<u>N</u>	<u>N</u>
Two-family dwellings (duplexes)	Restricted <u>P</u> ⁶	Restricted <u>P</u> ⁶	Restricted <u>P</u> ⁶	<u>N</u>	<u>N</u>
Single-family attached (townhouses)	Yes <u>P</u>	Yes <u>P</u>	Yes <u>P</u>	<u>N</u>	<u>P</u>

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

Notes:

1. Residential uses are permitted on upper stories above ground floor nonresidential use, on ground floors behind storefront space, or integrated into a mixed use structure where design is consistent with the includes demonstrated functional space and storefront character. In Downtown Core residential uses are allowed on upper floors only.
2. Subject to conditional use permit provisions as provided in this code.
3. Enclosed in building and on upper stories only.
- 4.a. In the eCommercial A zone: Drive-through uses are subject to approval through conditional use permit, drive-through fast food use is prohibited.
 - b. In the eCommercial B zone: Drive-through fast food services and/or those using order amplification are subject to an approved conditional use permit and are prohibited within one hundred fifty feet (150) of any residential zone.
 - c. In the eCommercial C zone: Drive-through fast food services and/or those using order amplification are permitted adjacent to Highway 2 with an approved conditional use permit. Drive-throughs within one hundred fifty feet (150') of a residential zone are prohibited.
 - d. In the Downtown zones (DC and DOC zones): Drive-through uses of any kind are not permitted.
5. Adult use limitation: Commercial establishments are restricted to having less than a twenty-five percent (25%) of gross floor area of its stock in trade offering for sale for any form of consideration any one or more of the following:
 - a. Books, magazines, periodicals or other printed matter, or films, motion pictures, photographs, slides, videocassettes or other visual representations which are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or
 - b. Devices, instruments, or paraphernalia which are designed for use in connection with "specified sexual activities". Adult oriented nightclubs, entertainment or premises offering erotic dancing or display are prohibited. Unarmed combat as defined by section 54-402 of Idaho Code is prohibited.
6. Subject to approval through the planned unit development application process with minimum two acre area requirement waived. See title 10, chapter 3 of this code. Minimum of 2 units.
7. Fully enclosed in building.
8. Limited to 12 passenger vehicles.
9. Offices limited to upper floors only, not permitted on ground floor.
10. Places of worship permitted on upper floors only.
11. Food Truck Courts are defined as having three or more Food Trucks on any lot. Fewer than three Food Trucks on a lot is considered an accessory land use, regulated under Section 9-2-1-9-C: Accessory Uses – Food Trucks.

(Ord. 1301, 6-4-2014)

9-2-1-4: Building Setbacks:

**TABLE 2
BUILDING SETBACKS**

	Commercial A	Commercial B	Commercial C	Downtown	
				DC	DOC
Minimum front, rear	See subsection 9-2-1-6B5 of this chapter <u>0 feet</u>	0 feet	0 feet	<u>0</u>	<u>0</u>

and side yard setback					
<u>Maximum Side Setback</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>0</u>	<u>5 feet</u>
Maximum front setback	0 feet	0 feet	0 feet	<u>0</u>	<u>0¹</u>
	Buildings shall be constructed to the property line along their primary frontage. A 10 foot <u>front</u> setback allowance shall be approved when setback areas are developed as a civic space identified in subsection 9-2-1- 6E of this chapter.	Buildings shall be constructed to the property line along their primary frontage. A 10 foot <u>front</u> setback allowance shall be approved when setback areas are developed as a civic space identified in subsection 9-2-1-6E of this chapter.	Buildings shall be constructed to the property line along their primary frontage. A 10 foot <u>front</u> setback allowance shall be approved when setback areas are developed as a civic space identified in subsection 9-2-1-6E of this chapter.		
	An additional 15-foot setback for areas developed as a civic space will require approval through the CUP process.	An additional 15-foot setback for areas developed as a civic space will require approval through the CUP process.	An additional 15-foot setback for areas developed as a civic space will require approval through the CUP process.		
Setback from residential zone	When a building or group of buildings abuts upon Where any commercial zoning abuts a residentially zoned lot, the abutting commercially zoned property, where it abuts, shall maintain a yard 10' side setback and/or a 20' rear setback. shall be provided abutting the lot, such yard setback having a width of not less than 10 feet. There shall be a rear yard with a depth of not less than 20 feet when no dedicated alley or public way exists at the rear of the commercial lot. The rear yard may be used for off-street parking and loading as provided in this title.				

1. Ground floor Residential uses allowed to be set back maximum of 5 feet from property line in the Downtown Outer Core.

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

9-2-1-5: Building Height:

A. Purpose of Building Heights: The purpose of this section is to protect and preserve public views of nearby scenic resources, including surrounding mountain ranges, which contribute significantly to the community’s identity, sense of place, and economic vitality. These scenic resources are recognized as defining visual features of the community and are an important component of its character and quality of life.

Building height limitations established by this section are intended to ensure that new development is compatible with the community’s scenic setting by minimizing the obstruction of significant mountain views from public streets, parks, and other publicly accessible areas. These standards are further

intended to guide the scale and form of development in a manner that balances reasonable use of private property with the long-term protection of valued scenic resources.

It is the intent of this section to implement the goals and policies of the Comprehensive Plan related to scenic preservation, community character, and sustainable development, and to promote development patterns that respect both natural features and the visual experience of residents and visitors.

It is further the intent to provide flexibility in the building height regulations so that property owners have the ability to increase building heights subject to review through a Conditional Use Permit process whereby individual development proposals have the opportunity to demonstrate how an increased height will still enable the purpose of this section to be upheld.

B. Maximum Building Heights: All buildings in the commercial A, B and C zone areas shall comply with the following building height requirements as shown in Table 3, Maximum Building Height, and as follows, which are intended to allow for development of appropriately scaled buildings with a storefront character. Included in maximum height are: bell towers, steeples, roof equipment, flagpoles and similar features incorporated into the building design that are not intended or used for human occupancy.

**TABLE 3
MAXIMUM BUILDING HEIGHT**

	Commercial A	Commercial B	Commercial C	Downtown	
				DC	DOC
Minimum number of floors ¹	2 <u>1</u> ¹	2 <u>1</u> ¹	2 <u>1</u> ¹	<u>1</u> ¹	<u>1</u> ¹
Maximum height	35 <u>65</u> feet	<u>35</u> <u>45</u> feet	<u>35</u> - <u>45</u> feet	<u>45</u> - <u>35</u>	<u>65</u> - <u>35</u> feet, <u>45</u> with approval of a CUP
Maximum height when structured parking or a residential component is included in building footprint	65 feet when residential use represents 50 percent of floor area exceeding 35 feet or when 50 percent of building footprint is developed with structured parking.	55 feet when residential use represents 100 percent of floor area exceeding 35 feet or when 51 percent of required parking is incorporated into the structure.	45 feet when residential use represents 100 percent of floor area exceeding 35 feet or when 51 percent of required parking is incorporated into the structure.		
Maximum height adjacent to	Maximum height of any portion of a structure within 50 feet of a residential				

residential zone	zoning district line shall be 35 feet. <u>35'</u>				
<u>Relational Height Limits Required (9-2-1-5-A)</u>	<u>1, 2</u>	<u>1, 2</u>	<u>1, 2</u>	<u>1,2,3,4</u>	<u>1, 2</u>

Note:

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

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

A. — Height Increase for Buildings Containing Residences or Structured Parking Relational Height Limits: Within all commercial zones, relational height limits are established to create an appropriate height relationship between new development and existing development. All new development shall adhere to the following, as applicable:

1. — Height Step Back When Exceeding 45 Feet: Habitable floor area utilizing exemption to maximum height outlined in table 3 of this section. All structures that exceed 45' shall be developed in a stepped fashion with all enclosed portions of structures along street frontage that exceed 45'. All such portions of structures exceeding 45 feet shall be stepped back 10 feet or 10 percent of the lot width, whichever is greater, exceeding thirty five feet (35') set back from lower portions of the structure by the following:

2. — Relation to Residentially Zoned Property: The maximum height of any structure within 50 feet of a residentially zoned lot shall be 40 feet.

3. — Relation to Existing Adjacent Buildings: All structures in the DC zone abutting existing development shall adhere to the following relational height limit: new development shall not exceed 35 feet when adjacent to a single story building, and shall not exceed 45 feet when adjacent to a two story building. In cases where two differing building heights exist on either side of the new development, the taller of the two heights shall be used in calculating the relational height limit. If the adjacent lot is vacant, undeveloped land, the closest adjacent building shall be used for calculating the relational height limit.

4. — Special Height Compatibility Standards for the DC Zone: Within the DC Zone, vertical additions to existing structures shall be stepped back above and from the existing street facing parapet and shall maintain floor to floor heights consistent with the existing structure. Vertical additions exceeding 35 feet shall be stepped back from the existing parapet 10 feet or 10 percent of the lot width, whichever is greater. No vertical addition shall increase the apparent height or mass of a building when viewed from the fronting public sidewalk.

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

Setbacks shall not apply to unenclosed porches or balconies.

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

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- BC.** Method of Measurement: Building height is measured as the vertical distance from the average preexisting grade point of the portion of the lot covered by the building at the front building wall to the top of the cornice, parapet, or peak of a pitched roof, or mansard roof ridge line, measured to the highest point of the roof peak. For the purposes of these regulations, "preexisting grade" is defined as the average ground level elevation at the primary frontage street grade that existed prior to any site preparation related to, or incorporated into, any proposed new development. For the purposes of this code, "primary frontage" on a corner lot shall be the longer of the lot lines with street frontage. In cases where site work such as retaining wall or an earth berm is utilized to create finished grades higher in elevation than preexisting grade, then preexisting grade shall be used to determine height. Preexisting grade manipulation shall be prohibited. Finished grades, retaining walls, berms, or other site modifications constructed for the purpose of increasing allowable building height shall not be used to establish the measurement point for building height. Where such modifications occur, the Director shall determine the applicable grade based on the preexisting street grade prior to site preparation
- CD.** Features Not included in Building Height: Excluded in maximum height are the following features: bell towers, spires, steeples, chimneys, cupolas, screened elevator and mechanical equipment enclosures, and similar features incorporated into the building design that are not intended or used for human occupancy. Such features of buildings that extend above the maximum building height shall not exceed the maximum height by more than 10 feet. Any rooftop structure intended for outdoor use such as a roof deck trellises, or gazebo, shall adhere to the building step back requirements of subsection A (1), above.

(Ord. 1301, 6-4-2014)

9-2-1-6: Building Design Standards for Commercial A, B, and C Zone Districts:

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

Building Size, Bulk, Scale, and Mass: New buildings or additions shall either be similar in size and height, or if larger, be articulated and subdivided proportionally to the mass and scale of other structures on the same block. The building design standards in this section are intended to promote high-quality, context sensitive development across Sandpoint's Commercial A, B, and C zones. These standards emphasize flexibility in building form, site layout, and architectural expression in order to accommodate a wide range of commercial, residential, institutional, and mixed-use development types, particularly along arterial roadways and State Highway 2. These standards are intentionally less prescriptive than those applicable to the Downtown Core and Downtown Outer Core zones, and are not intended to replicate historic downtown building forms or materials.

A. Building Size, Bulk, Scale and Mass:

1. New buildings and additions shall be designed to reduce perceived bulk and mass through building articulation, modulation, variation in plane, the use of multiple building volumes, where visible from public streets or public spaces.
2. Compatibility with existing adjacent and nearby development may be achieved through various proportional relationships to existing nearby structures, including visual breaks, site planning

strategies, the same or similar roof design, building mass and/or materials. Replication of the form or size of existing adjacent or nearby development is not required.

- B. Building Orientation: If an entry is oriented to a parking lot, it diminishes activity from the street and implies that auto access takes precedence. Therefore, buildings shall be oriented toward their primary street frontage and located within the maximum front setback applicable to the zoning district.

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

1. Primary Entrance: ~~Buildings have their primary entrance(s) oriented to their primary frontage. Building entrances may include entrances to individual units, lobby entrances, entrances oriented to pedestrian plazas, or breezeway/courtyard entrances to a cluster of spaces.~~ Buildings shall provide a clearly identifiable primary entrance that is oriented toward a public street, pedestrian plaza, courtyard, or primary pedestrian circulation route that includes a minimum of an 8-foot-wide sidewalk connecting the primary entrance to the public right of way.

Where development on a lot includes multiple buildings, at least one building shall have its entrance on a public street, and each additional building shall provide a clearly identifiable primary entrance either facing the street or facing an internal pedestrian space between buildings, provided a direct pedestrian connection is also provided to a public sidewalk.

2. Corner Building Entrances: ~~Corner building entrances shall be designed in cases where the building is located on a corner lot. Alternatively, a building entrance may be located away from the corner when the building corner is beveled or incorporates other detailing to reduce the angular appearance of the building at the street corner.~~ Where development is on a corner lot, buildings shall face both frontages with entrances, architectural articulation and/or building orientation that emphasizes the corner condition. A corner entrance is encouraged but not required where building form, or site design provide an equivalent emphasis on the street intersection.
3. Secondary Entrance: A building may have a secondary entrance facing a side yard when a direct pedestrian walkway is provided between the building entrance and the street right-of-way. Secondary entrances may be utilized to serve parking areas, provided pedestrian connectivity between the building entrance and the street right-of-way is emphasized.
4. Off-Street Parking: ~~Off-street parking, driveways and other vehicular access shall not be placed between a building and the street. On corner lots, buildings and their entrances shall be oriented to the street corner as feasible.~~ Off-street parking, driveways, and vehicular access areas shall not be located between a building and its primary street frontage. Off-street parking maybe located between a building and a secondary or side street frontage, provided that:
 - a. The building is oriented to the designated primary street frontage;
 - b. A continuous pedestrian pathway connects the primary building entrance and the public sidewalk; and
 - c. Views of the parking areas from the public right-of-way are minimized through landscaping, screening, or site design features that maintain a pedestrian oriented streetscape appearance.
5. Commercial A Zone: In the commercial A zone, at least fifty percent (50%) of the width of the lot is occupied by a building at the front setback.
6. Accessibility: There shall be provided one zero-step entrance to each building from an accessible path at the front, side, or rear of each building. All the first floor interior doors (including bathrooms) shall provide at least thirty two inches (32") of clear passage.

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- 7.6. Surface Parking: Parking areas of more than thirty (30) ~~abutting spaces~~ shall be divided into areas of no more than thirty (30) 30 abutting spaces. Division may be by a building, internal landscaped area with a minimum width of five feet (5'), or landscaped multimodal way paved pathway having a minimum width of five feet (5').
- C. Storefront Design: All buildings shall contribute toward the storefront character and visual relationships of existing buildings. The building shall be designed in a way that will reduce the massive scale and uniform and impersonal appearance and will provide visual interest consistent with the community's identity, character, and scale. The following architectural features should be used along the street frontage building elevations, as applicable. Minor deviation from the following features may be authorized at the discretion of the planning director so long as the spirit of this code is maintained: Where ground floor commercial uses front a public street, buildings shall incorporate pedestrian-oriented design features appropriate to the land use and context, as follows:
1. ~~Buildings should have consistent spacing of similar shaped windows with trim or other decorative molding on all building stories.~~
 2. ~~Large display windows should be employed on ground floor storefronts. Display windows should be framed to visually separate the ground floor from the second floor.~~
 3. ~~All buildings with a flat roof should have a decorative cornice at the top of the building; or eaves, when the building is designed with a pitched roof.~~
 4. ~~Cornices or changes in material can be used to differentiate the ground floor of buildings that have commercial uses from the upper floor(s) that may have offices or residential uses. Ground floor facades should utilize cornices, signs, awnings, exterior lighting, display windows and entry insets.~~
 5. ~~Facades greater than fifty feet (50') in length shall incorporate recesses and projections with a minimum four foot (4') differentiation along at least twenty percent (20%) of the length of the facades. Window awnings, arches, or columns must total at least sixty percent (60%) of the facade length abutting the street.~~
 6. ~~Structures abutting Sand Creek are required to incorporate design features that enhance the visual interest and pedestrian interface with the water frontage such as patios, decks and expanses of glass that draw pedestrian interest. Additionally, HVAC, garbage and recycling bins and other similar ancillary equipment shall be buffered through a fence, wall or other similar device so as to strengthen the visual appeal from the waterfront.~~
1. Building Frontage Occupancy: Buildings shall occupy a minimum portion of the primary street frontage in order to reinforce commercial intensity, the pedestrian realm along all streets, and efficient use of commercially zoned property. Frontage occupancy may be satisfied through one or more buildings, provided they collectively address the primary street frontage, as follows:
 - a. Commercial A Zone: Buildings shall occupy a minimum of 70% of the length of the primary street frontage, measured along the front building façade within the maximum front setback.
 - b. Commercial B Zone: Buildings shall occupy a minimum of 50% of the length of the primary street frontage, measured along the front building façade within the maximum front setback.
 - c. Commercial C Zone: Buildings shall occupy a minimum of forty 40% of the length of the primary street frontage, measured along the front building façade within the maximum front setback.

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2. Pedestrian-Oriented Ground Floor Design: Ground-floor commercial facades fronting a public street shall incorporate pedestrian-oriented design features appropriate to the building's use and context. These features may include, but are not limited to:
 - a. Transparent windows or glazing that allows views into active interior spaces;
 - b. Clearly identifiable pedestrian entrances oriented towards the public street, plaza, or primary pedestrian route;
 - c. Architectural articulation, material changes, or recesses that provide visual interest at the pedestrian level;
 - d. Weather protection elements such as awnings, canopies, or recessed entries where appropriate.
 3. Transparency/Fenestration: Ground-floor commercial facades are required to incorporate a minimum of 50 % transparent glazing along street-facing elevations, particularly in areas of pedestrian activity.
 4. Façade Length and Articulation: Street facing facades greater than fifty feet (50') in length shall incorporate visual breaks, at least every 25 feet, through changes in plane, materials, fenestration, or building modules to reduce perceived scale.
 5. Rooflines and Upper-floor Differentiation: Buildings with multiple stories shall provide a visual distinction between the ground floor and upper floors through changes in materials, articulation, fenestration, and horizontal elements, or other architectural techniques.
 6. Ground-floor residential: Ground-floor residential units are required to include pedestrian-oriented design by utilizing stoops, porches, landscaped setbacks, or other design features that provide a transition between the public sidewalk and private living space.
 7. Waterfront frontages: In addition to the standards in subsection 9-2-1-10, Special Standards for Properties Adjacent to Sand Creek, buildings abutting Sand Creek shall incorporate design features that enhance visual interest, pedestrian engagement, and connectivity to the water, such as patios, decks, walkways, and windows. Mechanical equipment, refuse areas, and service functions visible from the creek or public paths shall be screened or buffered to maintain visual quality along the waterfront.
- D. ~~The exterior finish material on all facades shall be limited to stone, brick and/or finished wood. Materials other than those listed are a deviation which may be authorized by the planning director.~~ Exterior materials shall be durable, high-quality, and appropriate to the building's use, scale, and location. Contemporary architectural materials are permitted, provided that façades incorporate articulation, transparency, and human-scale detailing where visible from public spaces.
1. ~~In circumstances where other materials are proposed, such as stucco, characteristics such as scale and proportion, form, architectural detailing, height, color and texture shall be utilized to ensure that the proposed material is compatible with surrounding buildings and the character of the commercial area.~~
 2. ~~Building materials shall not create glare. Highly reflective materials shall not be permitted.~~
 3. ~~Clear glass windows shall be used for commercial storefront display windows and doors. Ground floor window shall be defined as glass, either fixed or opening windows. Windows cannot be covered permanently on the interior by more than twenty percent (20%). Opaque or severely site obscuring windows will not be permitted.~~

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4. Architectural treatment, similar to that provided to the front facade shall be provided to the sides and rear of the building to mitigate any negative view from any location off site and any public area (e.g., parking lots, walkways, etc.) on site. Windows and doors shall be defined with detail elements such as frames, sills, and lintels, and placed to visually establish and define the building stories and establish human scale and proportion.
 5. Exposed unfinished concrete, concrete block, or monotonous walls of concrete or corrugated metal shall not be permitted as a finished exterior.
1. Permitted Materials: A wide range of exterior materials may be used, including but not limited to masonry, wood, metal panels, architectural concrete, fiber cement, glass, and stucco, provided such materials meet the standards of this section.
 2. Glare and Reflectivity: Exterior materials and glazing shall not create excessive glare visible from public rights-of-way or adjacent properties. Highly reflective or mirrored materials are prohibited.
 3. Fenestration and Transparency: Where ground-floor commercial uses front a public street, facades shall incorporate windows, glazing, or other design features that establish a visual relationship between interior spaces and the public realm. Window coverage, tinting, or screening may be permitted where appropriate to the building's use, provided the façade does not present a blank or visually inactive appearance.
 4. Façade Treatment and Visibility: Primary street-facing facades shall incorporate materials, articulation, and detailing appropriate to pedestrian scale. Secondary façades visible from public streets, parking areas, walkways, or other public spaces shall incorporate material variation, fenestration, or architectural detailing sufficient to avoid the appearance of unfinished or utilitarian building surfaces. Identical architectural treatment on all building facades is not required.
 5. Material Transitions: Material transitions shall occur at logical building breaks, such as changes in plane, floor level, or architectural elements.
 6. Prohibited Materials and Finishes: The following are prohibited as finished exterior materials where visible from public areas:
 - a. Exposed unfinished concrete or concrete masonry units;
 - b. Raw or unfinished metal siding or panels; however corrugated metal may be permitted where it is factory-finished, articulated, and integrated as an intentional architectural material rather than a utilitarian surface;
 - c. Highly repetitive or monotonous wall treatments lacking articulation;
 - d. Mirrored or reflective glazing
- E. Civic Spaces: Civic spaces serve as informal gathering places for socializing, resting and enjoyment of the area, and contribute to a walkable environment. Each civic space shall be open to the thoroughfare or street by incorporating at least one access to the thoroughfare or street. Each building with street frontage shall include two (2) or more of the following features. Civic spaces may be provided within the public right of way when approved by the local jurisdiction having authority. The following shall be considered civic spaces for incorporation into the building design:
1. A plaza or courtyard next to the building entrance.

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2. ~~Sitting space (i.e., dining area, benches, or ledges) between the building entrance and the sidewalk.~~
 3. ~~A building canopy, awning, or similar weather protection, with a minimum four foot (4') projection over the sidewalk or other pedestrian space.~~
 4. ~~Public art as approved by the Sandpoint art commission.~~

E. Civic and Pedestrian Spaces: Civic and pedestrian spaces contribute to walkability, social interaction, and visual interest within commercial areas. Such spaces are encouraged where appropriate to the scale, land use, and context of development, particularly along pedestrian-oriented streets and mixed-use corridors. Provision of civic or pedestrian space is required in areas zoned Commercial A, and encouraged but not required in areas zoned Commercial B and C, and may be provided in a variety of forms appropriate to the development context, as follows:

1. Design Guidance/Function: Where provided, civic or pedestrian spaces shall:
 - a. Be accessible from a public street, sidewalk, trail, or pedestrian circulation route; and
 - b. Be designed to support pedestrian comfort and gathering.
2. Location: Civic and pedestrian spaces may be located:
 - a. Adjacent to building entrances;
 - b. Within setbacks or courtyards;
 - c. Along pedestrian corridors internal to the site such as between buildings;
3. Examples of Civic and Pedestrian Spaces:
 - a. Plazas, courtyards, or forecourts adjacent to building entrances;
 - b. Outdoor seating areas, stoops, benches, or landscaped gathering spaces;
 - c. Pedestrian pathways with amenities such as seating, lighting, (and/or) landscaping.

9-2-1-7: Building Design Standards for Downtown Core and Downtown Outer Core Zone Districts

- A. Purpose and Intent: These Building Design Standards are intended to protect and reinforce the historic commercial character of Sandpoint's Downtown Core and Outer Core. This area developed as a compact, pedestrian-oriented commercial district shaped by railroad, timber, and waterfront activity, and remains a defining element of the community's identity. These standards are intentionally more prescriptive than the general commercial building design standards in §9-2-1-6 in order to protect the unique historic character of Sandpoint's downtown. These standards are intended to:
1. Ensure that new development, redevelopment, and significant exterior alterations are compatible with the established historic character of downtown, without requiring replication of historic architectural styles;
 2. Maintain a continuous, active street frontage with strong storefront character;
 3. Reinforce traditional building scale, massing, and façade rhythm found in Sandpoint's historic downtown;
 4. Promote durable materials, fine-grained detailing, and pedestrian-scale design appropriate to Sandpoint's climate and setting.

B. Applicability

1. Unless otherwise stated herein, these standards apply to all new buildings, additions, and exterior alterations visible from a public street, alley, or public space within the Downtown Core and Downtown Outer Core Zone Districts; the permitting applicability for such is further addressed in Chapter 9, Zoning Administration, and Chapter 13 Historic Preservation Code and Overlay Zone for properties within an Historic Preservation Overlay zone.
2. Properties within the Downtown Core and Downtown Outer Core Zones shall adhere to these standards, where applicable. Properties within the Historic Preservation Overlay Zone shall also adhere to the additional requirements of Chapter 9-13, Historic Preservation Code and Overlay Zone. Where there is a conflict between the standards and requirements of this section and the standards and requirements pertaining to the Historic Preservation Code and Overlay Zone, the standards and requirements of the Historic Preservation Code and Overlay Zone shall prevail.

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

1. General Intent: The standards for additions to existing buildings are intended to allow continued reinvestment and adaptive reuse while ensuring that additions remain subordinate to the original structures. Additions shall respect the scale, massing, and character-defining features of the existing building, remain visually secondary from the public realm, and be clearly identifiable as contemporary construction. These standards balance flexibility with the need to preserve the integrity and legibility of historic buildings within the Downtown Core Zone. Where conflicts exist between these standards and the standards more specific to Historic Preservation Overlay, the standards of the Overlay zone shall prevail for applicable properties.
2. Location and Massing: Additions shall be located:
 - i. At the rear of the building; or
 - ii. Set back from the primary façade and parapet line, pursuant to the regulations in 9-2-1-5.
 - iii. Vertical additions shall maintain floor-to-floor heights consistent with the existing structure.

D. Standards for New Construction

1. General Intent: The standards for new construction are intended to ensure that new buildings contribute positively to the historic downtown by reinforcing established patterns of scale, massing, storefront design, and façade rhythm. New construction is expected to be compatible with the surrounding historic context without replicating historic architectural styles or creating a false sense of history. Contemporary design is encouraged where it respects traditional downtown proportions, materials, and pedestrian-oriented form.
2. Building Form and Massing: New buildings shall reflect the traditional downtown pattern by including:
 - i. Continuous streetwalls;
 - ii. Vertically proportioned facades;
 - iii. Clear distinction between ground floor, upper floors, and roofline;
 - iv. Building scale consistent with adjacent historic structures along the block face;
 - v. A first floor height of between 12 feet and 16 feet; and
3. Ground Floor Storefronts: Ground floor street facades for non-residential development shall be pedestrian oriented and include:

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- i. Clear display windows;
 - ii. Recessed or clearly-defined entries;
 - iii. A visual separation between ground floor and upper floors; and
 - iv. A Minimum of 70% of the ground floor façade between 2 feet and 10 feet above sidewalk grade shall consist of clear glazing;
4. Ground Floor Residential Façade (Applicable to the Downtown Outer Core Zone only): Ground-floor facades for residential uses at the ground floor shall be pedestrian oriented and include:
- i. A visual separation between ground floor and upper floors;
 - ii. Entrances marked by a taller mass above such as within a volume that protrudes from the rest of the building surface;
 - iii. Entrances accented by special architectural elements such as columns, overhanging roofs, awnings; or
 - iv. Entrances indicated by recessed entry or recessed bay in the façade, or entrances sheltered by projecting canvas or fabric awning or permanent architectural canopy utilizing materials from the primary building.
5. Building Base Treatment: A base treatment is a horizontal articulation of the lower part of a building facades design that serves to establish a human scale for pedestrian users and aesthetically ties a building to the ground. New buildings are required to include base treatments to street facing facades and are encouraged to include them on all sides of buildings that are visible from streets or public areas at one of the following scales:
- i. At the scale of the pedestrian, with a base treatment created at a height between 9 inches and 6 feet;
 - ii. At the scale of the building, with the entire ground floor visibly articulated to read as a base that anchors the building to the ground.
- New buildings are encouraged to include/utilize the following base treatments:
- i. A horizontal projection (or visible thickening) of the wall surface, which may be accompanied by a change of material and/or color;
 - ii. A heavier design treatment, such as a darker color and/or stronger, more permanent material for the base portion of the face than for portions above;
 - iii. A horizontal architectural line or feature at or below the top of the first story such as a belt or course or secondary cornice separating the first two floors, a ground level gallery recessed into the building volume.
6. Windows and Façade Rhythm: New buildings shall reflect the traditional downtown pattern by including:
- i. Upper-story windows shall be vertically proportioned and arranged in a consistent rhythm.
 - ii. Strip windows, spandrel glass, and mirrored or reflective glazing are prohibited on primary façades.
 - iii. Blank wall segments on primary street-facing façades shall not exceed twenty feet (20') in length.
 - iv. Unifying architectural approaches to window patterns such as aligning windows by using common sill or header lines.

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7. Rear Facades Visible from the Public Realm: Rear façades that are visible from a public street, alley, parking area, trail, or public open space shall incorporate materials, fenestration, and articulation consistent with the intent of this section. Blank walls, unfinished materials, and utilitarian back-of-house treatments are prohibited where rear façades are visible from the public realm.
 8. Rooflines: New buildings shall reflect the traditional downtown pattern by including:
 - i. A streetwall height massing element, which is a substantial horizontal articulation of the streetwall at the topmost upper floor of the façade, to result in termination of the façade that provides a skyline consistent with other structures in the Downtown Core and a completion of the upper façade composition. This “cap” shall be architecturally integrated with any sloping roof volume (if used) that occurs above the eave line. Examples of acceptable streetwall height massing elements include but are not limited to: cornices, canopies, and shaped parapets, which can be coupled with faced depth offsets.
 - ii. Rooftop mechanical equipment shall be fully screened from public view from adjacent and nearby streets and public spaces.
 9. Materials and Finishes: Exterior building materials within the Downtown Core and Downtown Outer Core Zones shall reinforce the historic commercial character of downtown Sandpoint through the use of durable, authentic materials that reflect the community’s development as a railroad, timber, and waterfront town. Materials shall convey visual depth, texture, and permanence and shall not create a false or incompatible architectural character, by adhering to the following:
 - A. Primary Street-Facing Materials: The following materials are preferred and encouraged for use on primary street-facing façades and shall comprise the predominant exterior materials at the ground floor and along principal elevations:
 - i. Brick, including articulated masonry with visible coursing, lintels, sills, and recessed openings;
 - ii. Dimensional wood siding, including horizontal lap, shiplap, or vertical board-and-batten profiles consistent with historic commercial construction;
 - iii. Heavy timber, when used structurally or as an expressed architectural element, including columns, beams, canopies, arcades, and storefront framing
 - B. Secondary and Accent Materials (Limited Use): The following materials may be used in a secondary or accent role and shall not constitute the predominant material on a primary street-facing façade:
 - i. Stone, when used for base courses, foundations, trim, or accent elements;
 - ii. High-quality fiber cement siding, permitted only on upper stories or secondary façades; however, use of fiber cement siding on primary street-facing façades may be approved only where the applicant demonstrates compatibility with adjacent or nearby historic buildings and compliance with the intent of this section:
 - iii. Board dimensions, profiles, and reveals shall be consistent with traditional wood siding;
 - iv. Large-format panels, smooth sheet applications, or contemporary panelized systems are prohibited;
 - v. Visible trim, corner boards, and window detailing shall be provided to maintain material depth and articulation.

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- C. Use of Stucco (Restricted): Stucco shall not be used as a primary street-facing façade material. Stucco may be permitted only when:
 - i. Used above the ground floor or as a limited accent material;
 - ii. Designed with substantial detailing, articulation, and trim consistent with historic commercial buildings;
 - iii. Demonstrated to be compatible with adjacent or nearby historic materials;
 - iv. Smooth, flat, or minimally detailed stucco façades are prohibited.
 - D. Prohibited Materials on Primary Street-facing Façades: The following materials are prohibited on primary street-facing façades:
 - i. Vinyl siding or trim;
 - ii. EIFS or similar synthetic stucco systems;
 - iii. Corrugated metal or exposed sheet metal panels;
 - iv. Imitation stone, brick, or wood veneers;
 - v. Mirrored, reflective, or smoked glazing;
 - vi. Large-format panel systems lacking visible articulation or depth.
 - E. Material Transition and Consistency:
 - i. Changes in exterior materials shall occur at logical building breaks, such as changes in plane, floor lines, or architectural elements;
 - ii. Abrupt or arbitrary material transitions that disrupt façade rhythm or visual coherence are prohibited;
 - iii. Materials used on secondary façades shall be consistent with and subordinate to those used on primary façades.

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

- A. Permitted Awning and Canopy Types:
 - i. Retractable fabric awnings, including traditional sloped or shed-style awnings;
 - ii. Fixed metal or wood canopies, when architecturally integrated with the building;
 - iii. Historically documented canopies, including flat horizontal metal canopies supported by rods, chains, or brackets.
- B. Location and Placement:
 - i. Awnings and canopies shall be located at the ground-floor storefront level and over individual storefront bays or entries.

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- ii. Awnings shall be aligned with window and door openings and shall not span multiple storefront bays unless historic documentation demonstrates that such a configuration previously existed.
 - iii. Awnings and canopies shall not obscure architectural details, transom windows, or cornices, pilasters, or decorative masonry.
- C. Projection, Clearance and Slope:
- i. Awnings and canopies shall project a minimum of four feet (4') and a maximum of eight feet (8') from the building façade, subject to public right-of-way limitations.
 - ii. A minimum vertical clearance of eight feet (8') shall be maintained above the sidewalk
 - iii. Sloped fabric awnings shall have a maximum slope of forty-five degrees (45°)
 - iv. Flat canopies shall be horizontal or near-horizontal in appearance.
- D. Color and Design:
- i. Awning and canopy colors shall be compatible with the building façade and surrounding streetscape.
 - ii. Highly saturated, fluorescent, or visually busy patterns are prohibited.
 - iii. Simple striping or solid colors are preferred.
 - iv. Awnings shall reinforce storefront rhythm and shall not visually dominate the façade.
- E. Illumination:
- i. Internally illuminated awnings or canopies are prohibited.
 - ii. External illumination may be permitted where light sources are shielded, illumination is warm in color temperature, and lighting does not create glare or visual clutter.
- F. Signage on Awnings:
- i. Signage on awnings shall adhere to all applicable provisions of the sign regulations of this Title;
 - ii. Text placed on the vertical valance only; and
 - iii. Lettering or logos shall not be placed on sloped or curved portions of awnings.

(Ord. 1301, 6-4-2014)

9-2-1-7: Special Standards for Buildings with Footprint Exceeding Fifteen Thousand (15,000) Square Feet:

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

- A. **Circulation Amenities:** A safe and landscaped multimodal circulation system shall be provided on site which connects to public streets and neighborhoods. Multimodal pathways within the development shall be differentiated from driving surfaces through a change in materials. At least one substantial

amenity as described in subsection 9-2-1-6E of this chapter shall be provided for every two thousand five hundred (2,500) square feet of structure footprint.

- B. Facades and Exterior Walls Including Sides and Backs: The building shall be designed in a way that will reduce the massive scale and uniform and impersonal appearance and will provide visual interest consistent with the community's identity, character, and scale. Architectural treatment, similar to that provided to the front facade shall be provided to the sides and rear of the building to mitigate any negative view from any location off site and any public area (e.g., parking lots, walkways, etc.) on site.
- C. Roofs: The roof design shall include architectural features that contribute to the visual interest at the pedestrian scale and reduce the massive scale of large buildings. Roof features shall complement the architectural and visual character of adjoining neighborhoods. Roofs shall have the appearance of two (2) or more roof planes either through architectural features or engineered design. Parapet walls shall be architecturally treated to avoid a plain, monotonous look. Roofs shall be lightly colored or vegetative.
- D. Building Design: All buildings shall provide a direct unencumbered multimodal connection to an abutting street. All buildings shall be designed so that parking is not located along the primary street of the building. Nonmotorized parking shall be permitted along the primary facade of the building. A buffer with a minimum width of eight feet (8') will be maintained between parking areas and all bike trails and public sidewalks. Building entrance(s), windows, roof snow drop areas, and other movable building features shall have an appropriate setback so as not to interfere with the safe movement of pedestrians and cyclists.
- E. Adaptability for Reuse/Compartmentalization: The building design shall include specific elements for adaptation for multi-tenant reuse. Such elements may include, but are not limited to, compartmentalized construction, including plumbing, electrical service, heating, ventilation, and air conditioning. The building design shall also allow for: the interior subdivision of the structure into separate tenancies; facades that readily adapt to multiple entrances and adapt to entrances on all but one side of the building; parking lot schemes that are shared by establishments or are linked by safe and functional pedestrian connections; landscaping schemes that complement the multiple entrance design; and other elements of design which facilitate the multi-tenant reuse of the building and site.
- F. Applications: Applications shall include a renewal plan that will afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the structure in the event of closure or relocation by the original occupant. Such plan will be approved if the city finds that:
 - 1. A sound and adequate plan exists for said redevelopment; and
 - 2. The plan affords maximum opportunity for rehabilitation or redevelopment of the structure by both private enterprise and the municipality; and
 - 3. The renewal plan provides a maintenance plan for normal repairs and upkeep of property, including, but not limited to, building, parking lot and surfacing, landscaping, signage, and elimination of "ghost signage".

The city may enter a redevelopment agreement with the owner of the real property and undertake activities, including the acquisition, removal, or demolition of structures, improvements, or personal property located on the real property, to prepare the property for redevelopment. A redevelopment agreement entered into in accordance with this section must contain provisions obligating the owner to redevelop the real property for a specified use consistent with the provisions of this title and offering recourse to the city if the redevelopment is not completed as determined by the city.

Government offices, courthouses, libraries, museums, community centers, and hospitals are exempt from the required conditional use permit requirement of this section but shall conform to all other standards identified in this section.

(Ord. 1301, 6-4-2014)

9-2-1-8: Special Standards for Parking and Loading Areas:

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

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

In the commercial B and C zone in no case shall more than ten percent (10%) of primary lot frontage be developed with surface parking. For the purpose of this provision, "primary lot frontage" shall be defined as the liner frontage along the primary street having a depth of fifteen feet (15').

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

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

(Ord. 1236, 6-23-2010)

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

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

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

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

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

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2. All authorized outdoor displays, sales, service or minor entertainment takes place on private property with the written consent of the owner or agent of said property, or on public property with consent from the city.
3. No display, sales, service or minor entertainment blocks the required pedestrian walkways. A clear area with a minimum width of five feet (5') shall be left between the street and the building entry or exit.
4. All booths, stalls, carts, or other equipment for outdoor display, sales, service or minor entertainment at the close of business each day shall be removed or immobilized and secured so as to prevent it from becoming a public safety hazard, nuisance or security risk.
5. Outdoor displays or storage shall not exceed twenty percent (20%) of the retail floor area of the primary business.

C. Accessory Uses – Food Trucks

1. Purpose: The purpose of this section is to allow limited, temporary food truck operations as an accessory use to an established principal use, while ensuring such operations do not adversely impact parking availability, pedestrian circulation, traffic safety, or neighborhood character.

2. Applicability: Accessory Food Trucks may be permitted on private property in zoning districts where the principal use of the site is lawfully established, subject to the standards of this section. Accessory Food Trucks shall not be considered a principal use of land and shall not establish a restaurant, eating or drinking establishment, or primary food service use.

3. Definition: Accessory Food Truck means a mobile food preparation and services vehicle that operates as a temporary, subordinate, and incidental use to a legally established principal use on the same lot.

4. General Standards: Accessory Food Trucks shall comply with the following standards in Table 4:

<u>Table 4: Accessory Uses – Food Truck Regulations and Standards</u>	
<u>Category</u>	<u>Standard</u>
<u>Use Type</u>	<u>Accessory Food Trucks are permitted only as an accessory use to a lawfully established principal use on the same lot and shall not constitute a principal food service use</u>
<u>Licensing and Compliance</u>	<u>Each Accessory Food Truck shall comply with all applicable city, state, and federal licensing, health, and safety requirements and shall obtain a City business license pursuant to Title 3, Chapter 11.</u>
<u>Relationship to Principal Use</u>	<u>The Accessory Food Truck shall be incidental to and customarily associated with the principal use on the site. Accessory Food Trucks not incidental or customarily associated with the principal use shall require Conditional Use Permit approval.</u>
<u>Property Owner Authorization</u>	<u>Written authorization from the property owner approving use of the site and the approved location of the Accessory Food Truck shall be maintained on-site and made available to the City upon request.</u>
<u>Parking – Required Spaces</u>	<u>An Accessory Food Truck and associated equipment, seating, or displays shall not occupy required parking spaces necessary to meet minimum parking requirements for the principal use.</u>
<u>Parking – Off-Hours Use</u>	<u>Required parking spaces may be utilized only when the Accessory Food Truck operates outside the business hours of the principal use.</u>
<u>Circulation</u>	<u>Accessory Food Trucks shall not obstruct drive aisles, fire lanes, loading areas, or designated pedestrian or bicycle circulation routes.</u>
<u>Location</u>	<u>Accessory Food Trucks shall not be located within required setbacks, required landscaping areas, access easements, or the public right-of-way. All service and customer activity shall occur entirely on private property.</u>

<u>Drive-Through Service</u>	<u>Motorized vehicle drive-through service is prohibited.</u>
<u>Hours of Operation Near Residential</u>	<u>When located within one hundred (100) feet of a residentially zoned lot, hours of operation shall be limited to between 6:00 a.m. and 10:00 p.m.</u>
<u>Noise</u>	<u>Accessory Food Trucks shall not emit amplified sound.</u>
<u>Number Allowed</u>	<u>One Accessory Food Truck per lot is permitted. Up to two Accessory Food Trucks on a lot may be approved through a Conditional Use Permit.</u>
<u>Duration</u>	<u>Accessory Food Trucks shall not operate as a permanent or year-round use unless approved through a Conditional Use Permit.</u>
<u>Food Truck Courts</u>	<u>Food Truck Courts and multi-vendor food truck operations are not permitted under this section and shall be regulated as a principal use where expressly allowed.</u>

(Ord. 1236, 6-23-2010)

9-2-1-10: Special Standards for Properties Adjacent to Sand Creek:

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

B. Definitions:

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

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

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

C. Buildings shall be setback a minimum of twenty-five feet (25') from the AHWM. Where an AHWM does not exist, buildings shall be setback a minimum of twenty-five feet (25') from the OHWM. The requirements and elevations of Title 8, Chapter 3 - Flood Damage Prevention and Control may be more restrictive. Property owners are prohibited from performing site improvements and/or disturbing ground, including, but not limited to, grading, clearing, or grubbing without first obtaining a permit with the city, as described herein.

D. All buildings within the Downtown Waterfront shall be reviewed by the city for consistency with adopted planning documents, including: measures to orient buildings to Sand Creek, improvements to water quality, preservation of public access to the waterfront, and enhancements of aesthetics that contribute to community character, vibrancy, and experience.

E. Functionally dependent water uses and structures including, but not limited to: bridges, boardwalks, storm water systems, plazas, walkways, access stairways and features, moorage facilities, and stream stabilization may be constructed above or below the applicable high-water mark (AHWM or OHWM) subject to:

1. Issuance of a Conditional Use Permit;
2. Notification and approval of all applicable State and Federal regulations; and,
3. Compliance with the Sandpoint Stormwater Ordinance.

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- F. Permanent, fixed art features larger than four (4) square feet in area and six feet (6') in height shall comply with the provisions of Section E.
 - G. The Conditional Use Permit process shall recognize Sand Creek is a natural, environmental feature of major importance that shall remain protected. Development shall be commensurate with the physical characteristics of Sand Creek and protect fish, wildlife, recreation resources, and avoid undue water and air pollution. An effective vegetative buffer upland of the applicable high-water mark (AHWM or OHWM) shall be incorporated as one method of protection, unless determined impractical by an Idaho licensed professional engineer or licensed landscape architect, whereby alternative(s) of equal effectiveness and/or a combination thereof shall be provided.
 - H. The city shall notify applicable federal and state agencies of proposed construction on properties adjacent to Sand Creek.
 - I. City issued permits shall be conditioned accordingly to support best management practices and compliance with applicable local, state and federal laws and guidelines, including, but not limited to, erosion and sediment control; riparian areas; wetlands; water quality; and fish, wildlife and plant habitats.

(Ord. 1392, 3-16-2022)

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

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

(Ord. 1305, 10-15-2014)

9-2-2-1: Purpose:

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

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

(Ord. 1305, 10-15-2014)

9-2-2-2: Definitions:

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

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

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

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

(Ord. 1305, 10-15-2014)

9-2-2-3: Allowed Uses:

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

**TABLE 1
MIXED USE RESIDENTIAL LAND USE REGULATIONS**

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

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

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

Notes:

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

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

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

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

(Ord. 1305, 10-15-2014)

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

All permitted uses in the mixed use residential district must be conducted within completely enclosed buildings, unless otherwise expressly authorized. This requirement does not apply to off-street parking or loading areas, automated teller machines, or outdoor seating areas that are located between the primary building facade and the

street. Commercial delivery within alleys that abut a residential zone shall be prohibited from eight o'clock (8:00) p.m. to eight o'clock (8:00) a.m.

(Ord. 1305, 10-15-2014)

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

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

(Ord. 1305, 10-15-2014)

9-2-2-7: Lot Area:

Every building erected shall be on a lot having an area of not less than five thousand (5,000) square feet with a frontage on public streets of not less than fifty feet (50') and shall have a width of not less than fifty feet (50') at the front building line. Any legally created individual nonconforming lot or parcel that does not meet the minimum lot width or area requirements may be utilized for those uses permitted within this district if all other requirements of this title are met.

(Ord. 1305, 10-15-2014)

9-2-2-8: Lot Coverage:

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

(Ord. 1305, 10-15-2014)

9-2-2-9: Building Height:

No structure shall exceed a building height of forty feet (40') above the average elevation of the finished grade at the front of the building.

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

(Ord. 1305, 10-15-2014)

9-2-2-10: Setbacks:

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

(Ord. 1305, 10-15-2014)

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

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

(Ord. 1305, 10-15-2014)

9-2-2-12: Window Standards:

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

(Ord. 1305, 10-15-2014)

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

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

(Ord. 1305, 10-15-2014)

9-2-2-14: Driveway Access:

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

(Ord. 1305, 10-15-2014)

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

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

- A. Building Size, Bulk, Scale, and Mass: New buildings or additions shall either be similar in size and height, or, if larger, be articulated and subdivided proportionally to the mass and scale of other structures on the same block.
- B. Building Orientation: If an entry is oriented to a parking lot, it diminishes activity from the street and implies that auto access takes precedence. Orientation and design of all new building or additions shall be reinforced through the observation of the following standards:
 - 1. Primary Entrance: Buildings have their primary entrance(s) oriented to their primary frontage. Building entrances may include entrances to individual units, lobby entrances, entrances oriented to pedestrian plazas, or breezeway/courtyard entrances to a cluster of spaces.
 - 2. Corner Building Entrances: On corner lots, buildings and their entrances shall be oriented to the street corner. Alternatively, a building entrance may be located away from the corner when the building corner is beveled or incorporates other detailing to reduce the angular appearance of the building at the street corner.
 - 3. Secondary Entrance: A building may have a secondary entrance facing a side yard when a direct pedestrian walkway is provided between the building entrance and the street right-of-way.
 - 4. Off-Street Parking: Off-street parking, driveways and other vehicular access shall not be placed between a building and the street.
 - 5. Surface Parking: Parking areas of more than ten (10) abutting spaces shall be divided into areas of no more than ten (10) spaces. Division may be by a building, internal landscaped area with a minimum width of five feet (5') or landscaped multimodal way having a minimum width of five feet (5').
- C. Storefront Design: All buildings shall contribute toward the storefront character and visual relationships of existing buildings. New buildings shall be designed in a way that will reduce the massive scale and uniform and impersonal appearance and provide visual interest consistent with the community's identity, character, and scale. The following architectural features should be used along the street frontage building elevations, as applicable. Minor deviation from the following features may be authorized at the discretion of the planning director so long as the spirit of this code is maintained:
 - 1. Buildings should have consistent spacing of similar shaped windows with trim or other decorative molding on all building stories.

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2. Large display windows should be employed on ground floor storefronts. Display windows should be framed to visually separate the ground floor from the second floor.
 3. All buildings with a flat roof should have a decorative cornice at the top of the building (or eaves, when the building is designed with a pitched roof).
 4. Cornices or changes in material can be used to differentiate the ground floor of buildings that have commercial uses from the upper floor(s) that may have offices or residential uses. Ground floor facades should utilize cornices, signs, awnings, exterior lighting, display windows and entry insets.
 5. Facades greater than fifty feet (50') in length shall incorporate recesses and projections with a minimum four foot (4') differentiation along at least twenty percent (20%) of the length of the facade.
- D. Building Materials: The exterior finish material on all facades shall be limited to stone, brick and/or finished wood. Materials other than those listed are a deviation which may be authorized by the planning director.
1. In circumstances where other materials are proposed, such as stucco, characteristics such as scale and proportion, form, architectural detailing, height, color and texture shall be utilized to ensure that the proposed material is compatible with surrounding buildings and the character of the commercial area.
 2. Building materials shall not create glare. Highly reflective materials shall not be permitted.
 3. Clear glass windows shall be used for commercial storefront display windows and doors. Ground floor windows shall be defined as glass, either fixed or opening, windows. Windows cannot be covered permanently on the interior by more than twenty percent (20%). Opaque or severely site obscuring windows will not be permitted.
 4. Architectural treatment similar to that provided to the front facade shall be provided to the sides and rear of the building to mitigate any negative view from any location off site and any public area (e.g., parking lots, walkways, etc.) on site. Windows and doors shall be defined with detail elements such as frames, sills, and lintels, and placed to visually establish and define the building stories and establish human scale and proportion.
 5. Exposed unfinished concrete, nonarchitectural concrete block, or monotonous walls of concrete or corrugated metal shall not be permitted as a finished exterior.
- E. Civic Spaces: Civic spaces serve as informal gathering places for socializing, resting and enjoyment of the area and contribute to a walkable environment. Each civic space shall be open to the thoroughfare or street by incorporating at least one access to the thoroughfare or street. Each building with street frontage shall include two (2) or more of the following features. Civic spaces may be provided within the public right-of-way when approved by the local jurisdiction having authority. The following shall be considered civic spaces for incorporation into the building design:
1. A plaza or courtyard next to the building entrance.
 2. Sitting space (i.e., dining area, benches, or ledges) between the building entrance and the sidewalk.
 3. A building canopy, awning, or similar weather protection, with a minimum four foot (4') projection over the sidewalk or other pedestrian space.
 4. Public art, as approved by the Sandpoint arts commission.

(Ord. 1305, 10-15-2014)

