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## 9-13: Historic Preservation Code

### 9-13-1 Purpose:

1. The legislature of the State of Idaho (pursuant to Chapter 46, Title 67, Idaho Code) has declared the engagement in a comprehensive program of historic preservation to be public policy and in the public interest for all levels of government in the state.
2. The purpose of this Historic Preservation Code is to promote the educational, cultural, and economic welfare of the City by engaging in a comprehensive program of historic preservation to promote, preserve, and protect historic buildings, structures, sites, and monuments which serve as visible reminders of the historical, archeological, architectural, educational, and cultural heritage of the city.
3. It is the further purpose of this Historic Preservation Code to allow for the social and historical advantages of the City to promote the use and conservation of such property; to stabilize and improve property values in local historic districts; to encourage new buildings and developments that will be harmonious with the existing historical, archeological, and architectural structures, sites, and monuments.
4. It is further the purpose of this Historic Preservation Code to protect the history, architecture, ecology, scenic attributes that are threatened by the social and economic pressures that manifest through land use changes. Such protection through a special historic preservation district shall encourage harmony and compatibility in the planning of new buildings and development in keeping with the district's historic character.

**9-13-2** Applicability: This code shall apply to all properties within any locally designated historic district and/or locally designated individual properties or landmarks.

**9-13-3** Definitions: The following definitions are in addition to the definitions in Title 9, Chapter 1, General Zoning Provisions. In the event of an inconsistency between definitions, the definitions in this section shall apply. The following words and phrases when used in this chapter shall have the following meanings, unless the context clearly indicates otherwise:

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

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3. Commission: the Arts, Culture and Historic Preservation Commission of the City of Sandpoint, unless otherwise stated. Also abbreviated as ACHP Commission.
  4. Contributing property: A property that significantly contributes to the historical character of an existing or potential historic district, when considering the historical integrity of a district. A property is contributing because: a) it was present during the period of significance, and possesses historic integrity reflecting its character at that time or is capable of yielding information about the period, or b) it individually meets the national register eligibility criteria. For inventory purposes, “primary” shall be used synonymously with “contributing”.
  5. Character-defining feature(s): The essential physical characteristics of a historical resource that convey its historical significance, as described by the National Parks Service. Such features may include the building material, window and door placement and design, architectural arrangement, massing, roof form, texture, paint, and may be identified in a historical resource survey or otherwise determined by the ACHP Commission.
  6. Designated Historic Property: Property designated under this chapter, as well as the National Register of Historic Places, as historic property.
  7. Eligible Property: A property that meets the criteria to be listed on the National Register of Historic Places.
  8. Exterior Feature: The architecture, size, location, type, style, kind, texture, design, general arrangement and/or material of a building, site, structure or object including, but not limited to, windows, doors, exterior light fixtures, roofs, signs, appurtenant fixtures, and fencing, all as visible from public right of way.
  9. Historic Integrity: The ability of a resource to convey its significance through retention of aspects including: location, design, setting, materials, workmanship, feeling and association, as espoused by the National Park Service.
  10. Historic Preservation: The identification, evaluation, recordation, documentation, curation, acquisition, management, protection, restoration, rehabilitation, stabilization, maintenance, interpretation, conservation, and education of buildings, structures, objects, districts, areas, and sites significant in the history, architecture, archaeology or culture of Sandpoint, the state or nation.
  11. Historic Building/Property/Historical Resource: The City has identified resources that are important to Sandpoint’s architectural, cultural, economic, historic, political, and social heritage, known as historical resources. Any building, structure, district, area, or site that is significant in the history, architecture, archaeology or culture of Sandpoint or that has made a significant contribution to the prehistory of the region, shall be considered a historic building/property/historical resource if it is locally designated in accordance with the provisions of this chapter, and is:
    - a. Included in the National Registry of Historical Places; or
    - b. Included within the boundaries of a Historic Overlay Zone of the City.
  12. Local Historic District: Any area designated as such by ordinance which includes or encompasses such buildings, sites, structures, or objects as the city may determine to be appropriate for historic preservation. Such local district (or districts) need not be a single enclosed area nor do the areas or sites have to be contiguous to constitute a district. A district may include contributing, noncontributing, or undeveloped properties.
  13. New Construction: Construction or installation of an entire structure, whether primary, secondary or accessory.

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14. **Noncontributing Property:** A property within an existing or potential historic district that does not meet the criteria for a contributing building but does contribute to the historical significance of the district. A property may be noncontributing because: a) it was not present during the period of significance; b) due to alterations, disturbances, additions, or other changes, it no longer possesses historic integrity reflecting its character at that time or is incapable of yielding important information about the period; or, c) it does not individually meet the national registry eligibility criteria. A noncontributing building, site, structure, or object that is within a historic district remains subject to this article. For inventory purposes, “secondary” shall be used synonymously with “noncontributing”. This classification has been designated through a survey and a formal hearing process.
  15. **Object (for purposes of designation):** A construction primarily artistic in nature or relatively small in scale and simply constructed, such as a statue or milepost.
  16. **Ordinary Repairs:** The maintenance or repair of any exterior feature of any building or structure in an historical district, or of any historic property or landmark which does not involve a change in design, material, color or outer appearance thereof.
  17. **Period of significance:** The length of time when a property was associated with important events, activities, or persons, or attained the characteristics which qualify it for national register listing. Period of significance usually begins with the date when significant activities or events began giving the property its historic significance; this is often a date of construction.
  18. **Preservation:** The act or process of applying measures necessary to sustain the existing form, integrity, and materials of a historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. New exterior additions are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical and plumbing systems and other code required work to make properties functional is appropriate within a preservation project. Exterior additions should be sympathetic to the significant elements of the historic property.
  19. **Public Safety Action:** Any measure of construction, alteration or demolition of a historic resource necessary to correct or abate the unsafe or dangerous condition of any structure which such condition has been declared unsafe or dangerous by the Chief Building Official or Fire Chief.
  20. **Reconstruction:** The act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving building, site, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location.
  21. **Rehabilitation:** The act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions of features which convey its historical, cultural, or architectural values.
  22. **Restoration:** The act or process of accurately depicting the forms, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code required work to make properties functional is appropriate within a restoration project.

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23. Secretary of the Interior’s Standards for Rehabilitation: Standards that were written pursuant to federal law to ensure that work on historic buildings is done in such a manner which preserves the historical integrity of the building. For further information refer to the "Secretary of The Interior's Standards For The Treatment Of Historic Properties With Guidelines For Preserving, Rehabilitating, Restoring And Reconstructing Historic Buildings".
  24. Site (For Purposes of Designation): Location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined or vanished, where the location itself possesses historic, cultural or archaeological value regardless of the value of any existing structures.
  25. Site Improvements: A modification to the grounds of a property not including the buildings or accessory buildings. Such improvements may include, but are not limited to: fences, walls, greenhouses, storage sheds, outdoor light fixtures, patios, decks, porches, landscape features, steps or pavement.
  26. Structure: 1 (For Purposes Of Designation): A functional construction made for purposes other than creating shelter, such as, but not limited to, a bridge, canal, or man-made waterfront; and 2 (For All Other Purposes): Anything constructed or erected which requires permanent location on the ground or is attached to something having location on the ground. Structures may include, but are not limited to, buildings, platforms, framework, antennas, and prefabricated sheds or other structures.
  27. Survey Form: A form that catalogs the age, style, contributing or noncontributing classification, address, location, photograph, date of inventory, name of surveyor, building permit history and other relevant information as may be required by the director or commission for a building, site, structure, or object.
  28. Temporary Features: Items that are erected or displayed for a limited amount of time, not to exceed one hundred eighty (180) days at any one time unless otherwise approved by the Director, which may include, but are not limited to: sidewalk cafe tables, fences, chairs, planters, umbrellas, and bicycle racks.
  29. Temporary Structures: A structure with or without a foundation that is erected for a limited amount of time, not to exceed one hundred eighty (180) days at any one time unless otherwise approved by the Director, which may include, but is not limited to, playhouses and play equipment, mobile buildings and carport/canopy structures.

**9-13-4** Designation of Local Historic District Generally: The City may establish by ordinance one or more local historic preservation districts within the City using the criteria and procedures set forth in Title 9, Chapter 9, Section 12, Legislative Actions, and the regulations set forth below.

1. Establishment of a Local Historic District: The City may establish by ordinance one or more historic preservation districts, as a zoning overlay district, provided that any historic district shall not be designated until a minimum of one of the following criteria has been established:
  - A. Historical or Cultural Importance:
    - i. Has significant character, interest, or value as part of the development, heritage, or cultural characteristics of the city, state, or nation;
    - ii. Is associated with the life of a person significant in the past;
    - iii. Is the site of an historic event with significant effect upon society;
    - iv. Exemplifies the cultural, political, economic, social, educational, or historic heritage of the community;

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- v. By being part of or related to a street, square, park, or other distinctive area, should be developed or preserved according to a plan based on historic, cultural, or architectural motif; or
  - vi. Owing to its unique location or singular physical characteristics, represents an established and familiar visual feature of the neighborhood, community, or city.

B. Architectural Importance:

- i. Portrays the environment in an era of history characterized by a distinctive architectural style;
- ii. Embodies those distinguishing characteristics of an architectural-type or engineering specimen;
- iii. Is the work of a designer, architect, or craftsman whose individual work has significantly influenced the development of the city, state, or nation; or
- viii. Contains elements of design, detail, materials, or craftsmanship that represent a significant innovation.

C. Archeological Importance:

- i. Has yielded or may be likely to yield information important in prehistory or history; or
- ii. Contains or is likely to contain physical remains, such as relics, monuments, or symbols, of past human life and activities.

2. Commission Research and Report on Proposed District:

- A. The Commission, whether by its own initiative or upon request of the City Council, or upon request of one or more property owners in the area of a proposed local historic district, may recommend the designation of one or more local districts.
- B. Prior to recommending designation the Commission shall make an investigation of the historical, architectural, archaeological, and cultural significance of the buildings, structures, features, sites, or surroundings included in any such proposed local historic district based on relevant criteria listed in subsection 9-13-4-1, above. For the purposes of creating an historic district in downtown, the Arts, Culture, and Historic Preservation Plan and its appendices adopted by City Council in 2018 shall satisfy the requirement of an investigation.
- C. Thereafter, the Commission shall prepare a report containing recommendations concerning the area or areas to be included in the proposed local historic district or districts.

3. Transmittal of Report to Planning and Zoning Commission: Copies of the report shall be transmitted to the Planning and Zoning Commission for their review and recommendation to City Council through the public hearing process outlined in Title 9, Chapter 9, Section 12 of this code for legislative actions and overlay districts.

4. Notice Requirements of the public hearing before the Planning and Zoning Commission: In addition to the noticing requirements for adoption of overlay districts in Chapter Title 9, Chapter 9, Section 12, notice of the time, place, and purpose of the hearing shall be provided at least fifteen (15) calendar days prior to the hearing by one publication in a newspaper of general circulation in the city, and written notice of the hearing shall be given to the owners of all properties, as well as

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occupants of the properties if different from the owners, to be included in the local district or districts at least fifteen (15) calendar days prior to the hearing.

**9-13-5** Designation of Local Historic Landmarks: Historic Landmarks shall be designated by ordinance and in accordance with the following criteria and procedural requirements:

1. The building, site, structure, or object proposed for such designation may be so designated on the following criteria: historical, architectural, archeological, and cultural significance; suitability for preservation or restoration; educational value; cost of acquisition, restoration, maintenance, operation, or repair; possibilities for adaptive or alternative use of the property; appraised value; and the administrative and financial responsibility of any person or organization willing to underwrite all or a portion of such costs. In addition, it must meet the criteria established for inclusion in the national register of historic places.
2. The Commission, either on its own initiative or upon the request of the City Council, or upon the request of owner of the property proposed to be designated, may recommend the designation of a historic landmark. Prior to recommending the designation, the Commission shall conduct studies, research, and investigations based on the relevant criteria listed in subsection (1) of this section. Thereafter, the Commission shall prepare a report containing recommendations concerning the historic landmark proposed to be designated and a draft of the designating ordinance to be presented to the Planning and Zoning Commission and City Council for consideration during a public hearing(s) before each body. The report of the Commission shall include comments regarding the suitability of the historic landmark for preservation or restoration.
3. For each designated individual historic landmark, the designating ordinance shall require the waiting period prescribed by Section 9-13-6 of this chapter to be observed prior to its demolition, material alteration, remodeling or removal. The designating ordinance shall also provide guidelines for a suitable sign or marker on or near the historic landmark indicating that the property has been so designated.
  - A. For properties both designated as a historic landmark and located within a local historic district, the portion of this chapter pertaining to the districts, takes precedence over the waiting period for demolition, material alteration, remodeling, or removal of the structure.
4. The City Council shall hold a public hearing on the designating ordinance, after having given written notice to the owners and occupants of the property. Notice of the time, place, and purpose of the hearing shall be provided at least fifteen (15) calendar days prior to the hearing by one publication in a newspaper of general circulation in the City, and written notice of the hearing shall be given to the owners of all properties, as well as occupants of the properties if different from the owners, that are the subject of the landmark at least fifteen (15) calendar days prior to the hearing
5. Following such public hearing, the City Council may act on the designating ordinance.
6. Upon passage of the designating ordinance, the owners and occupants of each designated historic landmark shall be given written notification of said designation by the City Council, and one copy of the designating ordinance shall be filed in the office of the county recorder of Bonner County, Idaho, by the city clerk.
7. The city clerk shall give notice of such designation to the tax assessor of Bonner County, Idaho.

**9-13-6** Permits Required:

1. Purpose and Intent: The purpose of the Certificate of Appropriateness is to promote the public health, safety, and welfare through the preservation of historical resources, and thereby safeguard the city's heritage as embodied and reflected in its resources; carry out the goals and policies of the Comprehensive Plan; enhance and preserve property values; protect and enhance the city's

attractiveness to tourists and visitors; stabilize areas of the city and preserve varied and harmonious architectural styles reflecting phases of the city's history; promote and encourage continued private ownership and utilization of such structures; foster civic and neighborhood pride and sense of identity based on the recognition and use of historic resources; and promote the enjoyment and use of historic resources appropriate for the education and recreation of the people of Sandpoint. It is the intent of the Certificate of Appropriateness to implement the Comprehensive Plan and policies related to historic preservation by protecting structures, improvements, natural features, and objects of known or potential historic significance from alteration or demolition that would have an adverse effect thereon.

2. Applicability and When Required: A Certificate of Appropriateness shall be required for all of the following activities:
  - A. No exterior feature as defined herein above in subsection 9-13-3 of any building, site structure or object, including all appurtenant features, nor aboveground utility structure nor any type of outdoor advertising sign shall be erected, altered, restored, moved, or demolished within a local historic district or any local landmark until after an application for a Certificate of Appropriateness has been submitted to the Department and approved as set forth table 9-13-1 of this Chapter, unless exempted from this requirement, as established in subsection 9-13-7 (5), below.
  - B. A certificate of Appropriateness is required whether or not a building permit is required, and a Certificate of Appropriateness must be granted in all cases before an applicant can obtain any other permit. **(IC 67-4608)**
3. Initial Identification: As part of the application process for a Certificate of Appropriateness, the planning staff shall confirm the contributing or non-contributing classification of the property based upon the survey records.
4. All applicable permits, as established in Title 9, Chapter 9, Zoning Administration, shall be required in addition to a Certificate of Appropriateness, unless otherwise herein stated.

Table 9-13-1 Certificate of Appropriateness (CA) Table			
Reason for Certificate of Appropriateness	Arts, Culture, and Historic Preservation Commission Review	Staff Level Review	No CA Required
Deviation from Historic Design Standards or Guidelines	X		
Exterior Alterations (includes windows and doors, exterior materials, etc.)		X	
Demolition or Relocation	X		
New Construction	X		
Interior Alterations			X
New Sign (Structure)		X	
Sign Face/Copy Change		X	
Window Signage		X	
Aboveground Utility Structures	X		
Ordinary Repairs			X
Landscaping		X	
Maintenance			X

Public Safety Actions			X
Change in zoning classification/rezone (IC 67-4609)	X		

5. Exemptions from the requirement to obtain a Certificate of Appropriateness:

1. Interior arrangement of any building or structure or any interior features or fixtures;
2. Temporary structures and features that do not remain in existence for a time period greater than 45-days in any consecutive twelve (12) month period.
3. A site or building that does not require a Certificate of Appropriateness as identified in table 9-13-1.
4. Ordinary Repairs as defined in 9-13-3, above: Nothing in this Chapter shall be construed to prevent the ordinary maintenance or repair of any exterior feature of any building or structure in an historical district, or of any historic property or landmark which does not involve a change in design, material, color or outer appearance thereof.
5. Public Safety Actions as defined in 9-13-3, above.

6. Application Requirements:

1. An application for a Certificate of Appropriateness shall be submitted by the property owner or by an authorized representative of such person, on a form furnished by the City and containing such information as required by the Commission.
2. An application for a Certificate of Appropriateness involving demolition or relocation shall also provide the following:
  - a. A written statement as to why the building, site, structure, or object should be demolished;
  - b. Photographs of the building, site, structure, or object to be demolished, as well as of adjacent properties;
  - c. Two written reports, prepared, stamped, and signed by currently licensed Idaho design professionals appropriate to the nature of the project, at least one of which shall be disinterested, stating the structural soundness of the building or structure proposed for demolition and suitability for reuse. The second report being an analysis of the cost to rehabilitate the existing structure plus construct a new structure. These costs shall be completed to include the cost of demolishing any existing structures and the equivalent new construction and shall be completed, signed, and stamped by a currently licensed Idaho design/contract professional appropriate to the nature of the project.

7. Application Initial Processing: Applications for Certificates of Appropriateness shall be filed in accordance with the provisions of section 9-9-2: Permit Application Filing, Fees, and Initial Processing. In addition, all applications requiring Commission review and approval in accordance with Table 9-13-1 shall be referred to the Commission upon being deemed complete.

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8. Notice of Public Hearing: Except for those Certificates of Appropriateness approved at the staff level, prior to approval or denial of a Certificate of Appropriateness requiring action by the Commission a public hearing shall be held, notice shall be posted on the premises not less than seven (7) calendar days prior to the meeting and notice shall be mailed to the applicant, the property owners and residents within three hundred feet (300') of the exterior boundary of the parcel under consideration, a minimum of fifteen (15) days prior to the public hearing.
  9. Findings and Decision: An application for a Certificate of Appropriateness shall be approved only after first making the following findings:
    - A. Findings for Alterations: A decision in regard to Certificates of Appropriateness for alterations shall be based on the following findings as applicable to that property or request and as they relate to historic preservation:
      1. That the request is consistent with the Secretary of the Interior's standards for rehabilitation and guidelines for rehabilitating historic buildings;
      2. That the request is consistent with City of Sandpoint adopted historic preservation guidelines, if any;
      3. That the request supports the goals, policies, and action items of the City of Sandpoint's Comprehensive Plan and any relevant plan referenced therein;
      4. That based on the adopted guidelines or the Secretary of the Interior's standards and guidelines mentioned above, the request will not be incongruous with the historical, architectural, educational, or cultural aspects of the local district;
      5. That the request complies with the dimensional standards and other applicable requirements of Title 9 of this Code including but not limited to setbacks, height restrictions and parking requirements, unless the Commission finds that modifying these standards is necessary to protect the overall character of the local district and to comply with any adopted guideline.
    - B. Findings for Demolition or Relocation: In order to approve a Certificates of Appropriateness for demolition or a relocation request, at least three out of the following five findings shall be made:
      1. That the building, site, structure, or object is not classified as contributing within the local district as stated on the survey form on file in the planning and zoning department;
      2. That the building, site, structure, or object cannot reasonably meet national, state, or local criteria for designation as a historic property;
      3. That the demolition of the building, site, structure, or object would not have an adverse impact on the character of the district and/or the adjacent properties and/or would not put the district at risk of losing historical status;
      4. That the owner has reasonably demonstrated that rehabilitation of the building, site, structure, or object would not be economically practical, realistic, or viable based on review of the information required in subsection 9-13-6(6)(2), above;
      5. That plans have been submitted to the City to redevelop the property if the demolition proceeds and such plans will have a positive effect on the district and/or adjacent properties. The size, scale, use, materials, and/or overall design of the project may be considered as qualities for producing a positive effect that furthers the purpose of the district.

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- C. Findings for Change in Zoning Classification: A decision in regard to Certificates of Appropriateness for a change in zoning classification/rezone shall be based on the following findings:
1. That the request supports the City of Sandpoint's Comprehensive Plan, and any relevant plan referenced therein;
  2. That the request will be congruous with the historical, architectural, archeological, educational, or cultural significance of the local district;
  3. There will be no significant effect on the exterior of the site.
- D. Findings for New Construction (for New Construction within a Local Historic District): A decision in regard to Certificates of Appropriateness for new construction shall be based on the findings in 9-13-6 -9-A, above, and the following findings:
1. Review of Building Mass: The mass of the building shall be reviewed for its relationship to other buildings within the local historic district, and shall be compatible and consistent with the predominant building mass within the local district;
  2. Proportion Of Building Facades: The height to width relationship shall be compatible and consistent with the predominant architectural character of the local historic district;
  3. Design Interest: The exterior of the building shall provide architectural relief and design detailing compatible with the architectural character of the local historic district;
  4. Appropriateness of Materials: The materials shall be compatible with the materials of other buildings within the local historic district.
- E. In applications where a Conditional Use Permit and/or a **Site Plan and Design Review Permit** is required, as established in 9-9-7, Zoning and Land Use Permits, requisite findings for such permits shall also be required.

10. Maintenance and Repair Required - Demolition by Neglect:

1. Any property located within the district shall be preserved by the owner, or such other persons as may have legal custody or control of the property, against decay and deterioration, and free from unreasonable structural defects. The owner or person having legal custody and control of the property shall repair such resource if it is found to have one or more of the following defects, or other defects that in the judgment of commission has a detrimental effect on the historical characteristics of the property or district:
  - a. The deterioration of exterior walls or other vertical supports;
  - b. The deterioration of roofs or other horizontal members;
  - c. The deterioration of external chimneys;
  - d. The deterioration or removal of exterior finishes or fenestration;
  - e. The ineffective waterproofing or exterior walls, roofs and foundations including broken windows or doors; and
  - f. The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition or conditions.
2. If the commission makes a preliminary determination that a resource is being demolished by neglect, it shall direct the Building Official to notify the owner(s) of the resource of this preliminary determination, stating the reasons therefore, and shall give the owner of

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record 45 days from the date of mailing such notice to commence work to correct the specific defects as determined by the commission.

3. If the owner(s) fail to commence work within the time allotted as evidenced by the issuance of a building permit (if required) and certificate of appropriateness, commission shall notify the owner(s) in writing to appear at a public hearing before the commission at a date, time, and place to be specified in the notice, which shall be mailed at least 28 days before the hearing. The commission shall also notify in writing adjacent property owners of such a hearing. The commission shall receive evidence on the issue of whether the subject resource should be repaired, and the owner(s) may present evidence in rebuttal thereto. If, after such hearing, the commission determines that the resource is being demolished by neglect, it may inform the City Council who may direct the City Attorney to commence legal action against the owner(s) if the necessary repairs are not completed within 90-days or a time frame as specified by the Commission.

11. Demolition or removal: (IC 67-4616)

1. The purpose of this subsection is to further the purposes of the Comprehensive Plan and this Chapter to preserve historic buildings which are important to the architectural and historical significance of Sandpoint. It is further the purpose of this subsection to afford the City, interested persons, historical societies or organizations the opportunity to acquire or arrange for preservation of such structures.
2. Unless exempt from a Certificate of Appropriateness due to a Public Safety Action as defined in 9-13-3, above, prior to demolishing or removing a structure designated as a historic property or landmark or located within a district, 180-days' written notice of the proposed demolition shall be given before a building permit or Certificate of Appropriateness to demolish or remove the structure is issued. Notice shall involve the following:
  - a. Prior to the issuance of a building permit to demolish/demolition permit, the notice shall be published in a newspaper of general circulation at least two times.
  - b. The first notice shall be published no later than fifteen (15) days after the application for a permit to demolish is filed and the final notice shall be published approximately fifteen (15) days prior to the date of demolition or removal.
3. Negotiation to avoid Demolition: During this six (6) month period, the staff and/or the Commission, may negotiate with the owner of the property and with any other parties in an effort to find a means of preserving the property. Such negotiations may include relocation to a new site, or inducements to interested third parties to purchase the property for the purpose of preserving it.

12. Building Code Exemptions:

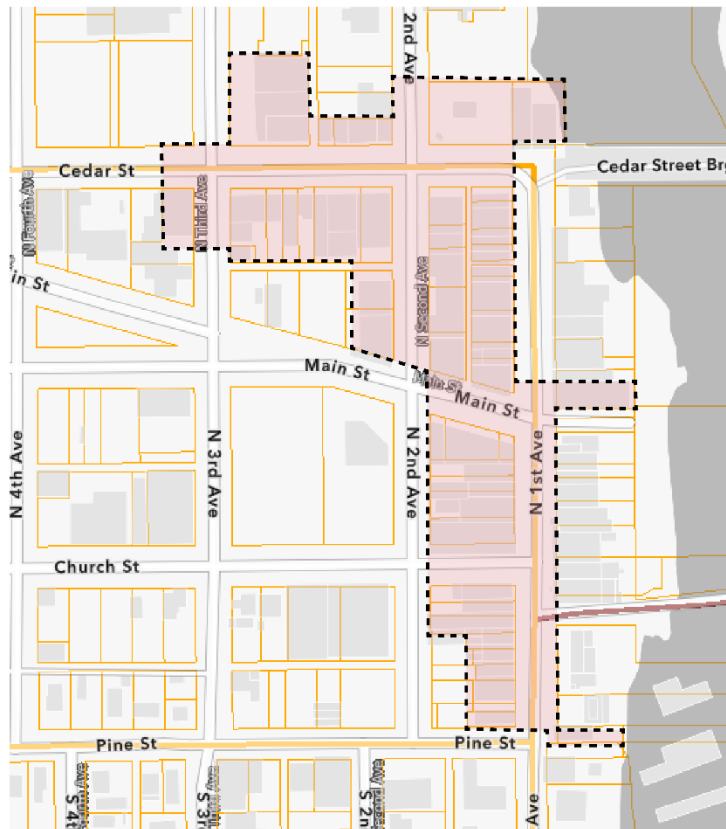
1. In order to promote the preservation and restoration of historic properties within the City, a historic property, or structure within a historic district may be exempted from the application of such standards contained in the building codes if, upon recommendation from the Historic Preservation Commission, it shall be determined such application would otherwise prevent or seriously hinder the preservation or restoration of said historic property or structure; provided, that the restored building or structure will be no more hazardous, based on life safety, fire safety, and sanitation standards, than the existing building, as determined by the Chief Building Official.

2. A historic building or structure shall comply with the provisions regarding historic buildings of the adopted edition of the International Existing Building Code (IEBC) relating to their repair, alteration, relocation and change of occupancy.
13. Penalties: Any person who violates any provision of this Chapter shall be guilty of a misdemeanor and shall be punished as provided in Title 1, Chapter 1, Section 4 (General Penalty).

**9-13-8: Downtown Sandpoint Historic Preservation Overlay Zone District (HP – D)**

- A. Purpose: The Downtown Sandpoint Historic Preservation Overlay District, also known by the abbreviation (HP-D), is established to promote the preservation and rehabilitation of historic buildings in the downtown area and to provide for new infill construction consistent with the character of the district. The Downtown Sandpoint Historic Preservation Overlay District is a means to recognize the defined area as a community asset that has historical and architectural attributes worthy of protection and preservation.
- B. Applicability:
  1. Location: The Downtown Sandpoint Historic Preservation Overlay District applies to the following area: (insert boundary description ).

Figure 9-13 (1) Downtown Sandpoint Historic Preservation Overlay District



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2. **Governing Structure:** The legislature of the State of Idaho (pursuant to chapter 46, title 67, Idaho Code) has declared the engagement in a comprehensive program of historic preservation to be public policy and in the public interest for all levels of government in the state. This Chapter and Chapter 9 of this Title provides for the creation of historic preservation overlay districts and is applied to the Downtown Sandpoint Historic Preservation Overlay District as of the date of its creation on XXXXX, 2026. This subsection codifies and promulgates the provisions contained in Title 9, Chapter 9 of this Code (Zoning Administration), Title 9, Chapter 13 of this Code (Historic Preservation Code), and Title 2, Chapter 10 of this Code (Boards and Commissions) pertaining to the Arts, Culture, and Historic Preservation Commission.
  3. **Definitions:** The definitions contained in 9-1-2 and 9-13-3 shall apply to the Downtown Sandpoint Historic Preservation Overlay District.
  4. **Permit Required:** All land use actions and development activity within the boundaries of the district, including the modification of any structure or new development, or demolition, as defined and established in 9-13-3, above, shall first require the issuance of a Certificate of Appropriateness pursuant to 9-13-6, above, unless exempt.
  5. **Standards Apply:** The following design standards shall apply within the district boundaries to the modification of any structure or new development as defined and established in 9-13-3 (Definitions), above. These standards are in addition to the design standards contained in the underlying zone located in Chapter 2, Section 2.
    1. **Basic Standards:** The Secretary of the Interior’s Standards for Rehabilitation shall provide the basic direction for review of improvements affecting properties within the district.
    2. **Standards for Existing Buildings (Maintenance and Improvements):**
      - A. **General Intent:** The standards for existing buildings are intended to preserve and reinforce the architectural character, materials, and defining features of buildings that contribute to the historic downtown environment. Regular maintenance, repair, and sensitive improvements are encouraged to extend the life of existing structures while retaining the elements that give downtown Sandpoint its distinctive identity. These standards prioritize preservation over replacement and seek to prevent incremental alterations that erode historic character over time.
      - B. **Preservation Priority:** Existing buildings shall be maintained, repaired, and improved in a manner that preserves their defining architectural features and historic character. Repair and restoration shall be prioritized over replacement wherever feasible.
      - C. **Character-defining Features:** The following elements shall be preserved and maintained where they exist:
        - i. **Historic storefront configurations, including recessed entries and display windows;**
        - ii. **Original window openings, proportions, and rhythms;**
        - iii. **Masonry, stone, wood, and metal architectural detailing;**
        - iv. **Cornices, parapets, pilasters, belt courses, and decorative brickwork.**

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D. Inappropriate alterations: The following are prohibited for existing buildings:

- i. Covering historic materials with non-historic cladding;
- ii. Reducing or infilling original window openings;
- iii. Replacing historic windows with vinyl or incompatible window systems;
- iv. Removing or obscuring defining architectural features.