



PLANNING AND ZONING COMMISSION MEETING AGENDA

June 03, 2025 at 5:30 PM

Council Chambers at City Hall - 1123 W. Lake St. Sandpoint, Idaho

Call to Order, Roll Call and Pledge of Allegiance

Announcements

Consent Calendar - action item

1. Approval of Minutes from the Commission's May 20, 2025, Meeting - **action item**
2. Approval of Reasoned Decision: Files PSPR25-0003 and PSPR25-0005, Farmin Flats Site Plan Review at 413 and 417 Church Street - **action item**

Matters from the Public - General Comments

Old/Unfinished Business - none

New Business

3. Discussion: Types of Residential Development Allowed in Commercial A Zone

Matters from City Staff

Commissioner Roundtable

Adjourn

Public Participation Options and Information

Before the meeting, comment in writing: Email cityclerk@sandpointidaho.gov or deliver to City Hall.
Attend in person: See above for meeting location. Seating available on first-come, first-served basis.
Attend remotely: Register at <https://www.sandpointidaho.gov/meetings>.
After the meeting, view the recording on YouTube: <https://www.youtube.com/c/CityofSandpoint>.
For questions or requests for special accommodation: At least 48 hours prior to the meeting, send a message to the email address above or call (208) 263-3310.



PLANNING AND ZONING COMMISSION MEETING MINUTES

May 20, 2025 at 5:30 PM

Council Chambers at City Hall - 1123 W. Lake St. Sandpoint, Idaho

Call to Order, Roll Call and Pledge of Allegiance

Chairman Mose Dunkel called the meeting of the Sandpoint Planning and Zoning Commission to order at 5:30 p.m. on Tuesday, May 20, 2025, in Council chambers at City Hall, 1123 W. Lake St., Sandpoint, Idaho.

PRESENT

Commissioner Mose Dunkel, Chair
 Commissioner Wayne Benner, Vice Chair
 Commissioner Grant Simmons
 Commissioner Ivan Rimar
 Commissioner Scott Torpie*
 Commissioner Reid Weber
 Commissioner William Mitchell

*Commissioner Torpie attended remotely via Zoom.

Under the City's adopted Code of Ethics and Civility, as the presiding officer, Chairman Dunkel identified law enforcement personnel serving as sergeant-at-arms for the meeting: Police Chief Corey Coon.

Chairman Dunkel led all present in the Pledge of Allegiance.

Announcements

Chairman Dunkel announced that, when those attending remotely registered to attend by Zoom, they were notified, as part of the registration process, that, except by prior arrangement and approval, testimony during a land use or other quasi-judicial public hearing is not taken remotely and that those who wish to testify on these types of matters need to attend the meeting in person. He further noted that the public hearing under Agenda Item #2 regarding City-initiated proposed amendments to Sandpoint City Code sections 10-2-3-D and 7-3-10-H, related to the timing of infrastructure requirements for short plats, had been canceled.

Consent Calendar

The Consent Calendar was **approved** by unanimous vote as noted below.

Motion made by Commissioner Benner, Seconded by Commissioner Simmons

Voting Yea: Commissioner Rimar, Commissioner Simmons, Commissioner Mitchell, Commissioner Dunkel, Commissioner Weber, Commissioner Benner, Commissioner Torpie

1. The minutes from the Commission's May 6, 2025, meeting were approved as presented.

Matters from the Public - General Comments

Chairman Dunkel recited the rules and procedure for public comment during the meeting, followed by an opportunity for general comments from the public regarding topics not on the agenda relevant to the business of the City of Sandpoint. Information only; no Commission action.

Public Hearings

2. The public hearing regarding City-initiated proposed amendments to Sandpoint City Code sections 10-2-3-D and 7-3-10-H, related to the timing of infrastructure requirements for short plats, was canceled, as noted under Announcements.
3. Public Hearing/Decision: Site Plan Review Permit for Mixed Use Development at 413 and 417 Church Street

Chairman Dunkel announced that the next item on the agenda was a public hearing and a decision on site plan review permits for two mixed-use multi-family and commercial developments located at 413 and 417 Church Street and recited the order and procedure for the public hearing. He then stated for the record that any written comments received had been included in the meeting packet or such comments had otherwise been forwarded to the Commission if received in time to do so.

All Commissioners confirmed no ex parte contact and no conflict of interest as pertained to this matter.

Sandpoint City Planner Bill Dean provided a staff presentation and fielded questions from the Commissioners.

Jared Forsyth from RAD Architectural Design, representing OZ Development, provided a presentation in support of his client's application and fielded questions from the Commissioners.

Following the applicant's presentation and Commissioner questions, Chairman Dunkel recited instructions for the public hearing, reminding all in attendance of the City's rules of civility and meeting decorum and providing up to three (3) minutes of testimony from each speaker, with the option for those in the room to donate their time to another speaker, for a total of up to six (6) minutes for a speaker who received gifted time.

The Chairman then **opened the public hearing.**

City residents Molly O'Reilly and Dave Vermeer testified in support of the application.

City residents Meg Skibitsky and Christine Moon testified as neutral to the application.

City residents Elise Boyce, Ann Giantvalley, Steve Navarre, Clay Hutchison, Christine Kester, Karrie Lee Knoke, Frank Gruden, Joshua Torrez, and Jaymes Hansen testified in opposition to the application. Matt Lome and Zen Cryor DeBrook, who were not residents of the City of Sandpoint, also spoke in opposition to the application.

In relation to any possible rebuttal testimony from the Applicant, City Attorney Fonda Jovick reminded that the public would need to be offered the opportunity to comment on any new information that may come to light during Applicant rebuttal and/or ensuing Commission questions. There was no rebuttal testimony from the Applicant. While the public hearing was still open, Ms. Jovick, Community Planning and Development Director Jason Welker, City Engineer Brandon Staglund, and Police Chief Corey Coon fielded questions from Commissioners related to the public testimony.

At approximately 7:20 p.m., the public hearing was paused and the meeting recessed at the request of the Chair for the purpose of seeking advice from the City's legal counsel. At approximately 7:22 p.m., the meeting was reconvened, and the public hearing proceeded.

Ms. Jovick clarified that the Commissioners could still ask questions of staff during deliberation if those questions are related to evidence that has already been provided during the public hearing. Commissioners were advised that what they would not be able

to do is ask questions that would elicit new information that wasn't already discussed and/or identified during the public hearing process.

With a final question fielded by Ms. Jovick and with confirmation that all who wished to speak had an opportunity to do so, Chairman Dunkel **closed the public hearing**.

Following closure of the public hearing, the Commissioners deliberated toward a decision, with Mr. Staglund, Fire Chief Gavin Gilcrease, Mr. Dean, Ms. Jovick, and Mr. Welker fielding questions.

Commissioner Rimar made a motion to postpone a decision on this matter until the next Commission meeting, seconded by Commissioner Weber. The motion failed, as reflected below.

Voting Yea: Commissioner Weber, Commissioner Simmons, Commissioner Rimar

Voting No: Commissioner Dunkel, Commissioner Torpie, Commissioner Benner, Commissioner Mitchell

Following further deliberation and questions, Commissioner Benner made a motion to approve the application with the conditions listed in the staff report, but with an amendment to Condition #9 and the addition of Condition #10, as listed below.

Conditions of Approval:

1. Before issuance of building permit, a final stormwater plan shall be reviewed and approved by the City Engineer.
2. Before certificate of occupancy, applicant shall record easements for the shared stormwater system, describing access and maintenance responsibilities between the two parcels. The draft easement documents shall be reviewed and approved by city staff before recording. Before issuance of building permit, the stormwater plan shall be updated to show proposed easements.
3. Stormwater management plan for both buildings shall be revised to describe in detail the agreement and funding mechanism by which the owners of the two separate parcels will share the cost of operation and maintenance of the shared stormwater system.
4. Before issuance of building permit, the plans shall be updated to show future access easements for the shared sidewalk between buildings.
5. Before issuance of building permit, applicant shall provide evidence, to the satisfaction of the City Engineer, that the proposed roof materials and appurtenances will not have potential sources of contaminants as defined in City Code 11-3-1: harmful materials, including organic wastes, sediments, minerals, nutrients, thermal pollutants, toxic chemicals, and other hazardous substances.
6. Before issuance of building permit, a traffic analysis as required by City Code 10-1-6-A-18 shall be reviewed and approved by the City Engineer. Applicant shall be responsible for proportionate share contributions to any affected city project identified in a city-council-adopted master plan. Proportionate share shall be determined by the approved traffic analysis. Applicant shall be responsible for any extraordinary impacts, identified in the approved traffic study, which result in portions of the city street network falling below acceptable level of service, as described in city code 12-1-12.
7. Before issuance of building permit, applicant shall submit a utility service plan, prepared by a professional engineer, to be reviewed and approved.
8. Prior to issuance of a building permit, the building permit shall demonstrate that the plans are substantially compliant with the site plan, landscape plan and architectural elevations reviewed as part of the Site Plan Review permit (PSPR25-0003 and 0005).

- 9. Prior to any certificate of occupancy, and after construction of the development, the developer shall re-surface the existing alley in accordance with the recommendation from the City Engineer as to required surfacing.
- 10. A loading zone shall be added to either Church Street or the rear of the development for year-round use.

The motion was seconded by Commissioner Simmons, with the resulting vote as follows:

Voting Yea: Commissioner Dunkel, Commissioner Benner, Commissioner Simmons, Commissioner Torpie, Commissioner Mitchell

Voting No: Commissioner Rimar, Commissioner Weber

The Commissioners present and voting voted to **approve** the application for two Site Plan Review Permits for two mixed-use multi-family and commercial developments consisting of forty-seven (47) apartment units and approximately 847 square feet of commercial space on .16-acres located at 413 Church Street and forty-one (41) apartment units and approximately 1,900 square feet of commercial space on a .16-acre site located at 417 Church Street, with the conditions as stated above.

Old/Unfinished Business - none

New Business - none

Matters from City Staff

There were no general matters from staff for the Commission.

Commissioner Roundtable

Reminder of the June 17, 2025, public hearings, including the proposed amendments to City Code pertaining to off-street parking requirements, and a request for additional training/information for the Commission on when residential can be built in a commercial zone and related rules.

Adjourn

With no further business before the Commission, the meeting was adjourned at 8:30 p.m.

I presided over this meeting and can confirm that these minutes, prepared by the Deputy City Clerk, were approved by the Sandpoint Planning and Zoning Commission during their meeting on _____, 2025.

Mose Dunkel, Chair

Attest: Hayley Keys, Deputy City Clerk



AGENDA REPORT

Planning & Zoning Commission Meeting

TODAY'S DATE: May 27th, 2025

MEETING DATE: June 3rd, 2025

TO: Chairman Dunkel and members of the Planning & Zoning Commission

FROM: City Planner Bill Dean and Planning & Community Development Director Jason Welker

SUBJECT: Reasoned Decision, File Nos PSPR25-0003 and PSPR25-0005, Farmin Flats Site Plan Review at 413 and 417 Church Street

A. INTRODUCTION

APPLICANT: OZ Sandpoint QOZB, LLC and OZ Sandpoint 2 QOZB, LLC

LOCATION: 413 and 417 Church Street, Sandpoint, Idaho

REQUEST: Approval of Site Plan Review Permits for two mixed-use multi-family/commercial buildings totaling 88 residential units and approximately 2,747 square feet of commercial space on two parcels (0.32 acres combined) located in the Commercial A (CA) zone.

B. RECORD CREATED:

1. Applications PSPR25-0003 and PSPR25-0005
2. Project narrative and site plans
3. Staff report dated May 15, 2025
4. Public hearing notice and mailed notification to property owners within 300 feet
5. Public hearing agenda and packet for May 20, 2025
6. Public comments (over 90 received) and agency comment letters
7. Public hearing transcript and Planning & Zoning Commission deliberation (May 20, 2025)
8. City of Sandpoint Comprehensive Plan and Zoning Ordinance

C. DELIBERATIONS SUMMARY

The Sandpoint Planning and Zoning Commission conducted a duly noticed public hearing on May 20, 2025, in accordance with Idaho Code §67-6512 and Sandpoint City Code. The meeting included a presentation by City staff, applicant presentation, public testimony, clarifying questions, and Commission deliberation.

Staff introduced the project as a site plan review for two new mixed-use buildings in the Commercial A zone. Staff clarified that the project is not requesting any variances, and both structures independently meet all code requirements for height, massing, civic space, façade design, and materiality.

The applicant detailed their intent to provide housing options targeted at workforce and moderate-income renters. The architecture was described as responsive to the downtown context, featuring brick

cladding, flat roofs, horizontal window patterns, civic space, awnings, and articulated front facades. Parking is not required due to the project's location within the Downtown Parking Exemption Boundary. Three off-street stalls are provided on-site. The applicant emphasized walkability and sustainable design.

Public testimony included comments from residents and representatives of the Highway District and nearby businesses. Concerns included:

- Lack of on-site parking and potential impacts on downtown availability.
- Alley access and delivery/loading operations.
- Tree removal along Church Street frontage.
- Winter snow removal and parking enforcement.
- Wastewater and stormwater infrastructure capacity.
- Fire and life safety compliance.

City staff and the City Engineer addressed these concerns. Staff noted that:

- A 2022 parking study showed only 57% peak occupancy of street stalls downtown.
- The city has over 1,600 public parking stalls in the downtown core.
- Tree removal in the right-of-way requires written approval by the Urban Forester, who may consult with the Tree Committee and/or City Council.
- A traffic impact study will be required as a condition of approval.
- Water and wastewater infrastructure have sufficient capacity, and long-term treatment upgrades are in planning.
- Snow removal policies, loading zones, and alley resurfacing can be managed during project buildout and permitting.

Commission deliberations focused on balancing infill and housing objectives with infrastructure and public service demands. Commissioners emphasized the need to require a traffic study, ensure alley condition improvements, and address public comments related to parking and infrastructure.

D. FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The proposed use is allowed within the Commercial A zone. The mixed-use development is permitted under Sandpoint City Code §9-2-1-3.
2. The project meets Site Plan Review requirements. The project triggered site plan review and was properly processed and noticed.
3. The project complies with development standards. The design conforms to standards for massing, articulation, façade treatments, transparency, height, and civic space. The buildings are approximately 45 feet tall (well under the 65-foot maximum).
4. Parking requirements are satisfied. The project is exempt from off-street parking under SCC §9-5-1-F. The applicant voluntarily provides three off-street stalls.
5. Public infrastructure has capacity. Testimony confirmed sewer and water systems have capacity for the development. Stormwater management plans will be reviewed during civil permitting.
6. Traffic impacts require mitigation. As a condition of approval, a traffic study must be completed, with all mitigations implemented.
7. Public services can support the development.
 - Fire and life safety compliance will be reviewed at the building permit stage.
 - Coordination with Waste Management for solid waste collection is required.

8. Public concerns were heard and addressed. Issues raised during the hearing, including parking, alley access, tree preservation, and utility impacts, were thoroughly discussed and reflected in the Commission's conditions of approval.

E. DECISION AND CONDITIONS OF APPROVAL

The Sandpoint Planning and Zoning Commission hereby APPROVES Site Plan Review Permits PSPR25-0003 and PSPR25-0005, subject to the following conditions:

1. Before issuance of building permit, a final stormwater plan shall be reviewed and approved by the City Engineer.
2. Before certificate of occupancy, applicant shall record easements for the shared stormwater system, describing access and maintenance responsibilities between the two parcels. The draft easement documents shall be reviewed and approved by city staff before recording. Before issuance of building permit, the stormwater plan shall be updated to show proposed easements.
3. Stormwater management plan for both buildings shall be revised to describe in detail the agreement and funding mechanism by which the owners of the two separate parcels will share the cost of operation and maintenance of the shared stormwater system.
4. Before issuance of building permit, the plans shall be updated to show future access easements for the shared sidewalk between buildings.
5. Before issuance of building permit, applicant shall provide evidence, to the satisfaction of the City Engineer, that the proposed roof materials and appurtenances will not have potential sources of contaminants as defined in City Code 11-3-1: harmful materials, including organic wastes, sediments, minerals, nutrients, thermal pollutants, toxic chemicals, and other hazardous substances.
6. Before issuance of building permit, a traffic analysis as required by city code 10-1-6-A-18 shall be reviewed and approved by the City Engineer. Applicant shall be responsible for proportionate share contributions to any affected city project identified in a city-council-adopted master plan. Proportionate share shall be determined by the approved traffic analysis. Applicant shall be responsible for any extraordinary impacts, identified in the approved traffic study, which result in portions of the city street network falling below acceptable level of service, as described in city code 12-1-12.
7. Before issuance of building permit, applicant shall submit a utility service plan, prepared by a professional engineer, to be reviewed and approved
8. Prior to issuance of a building permit, the building permit shall demonstrate that the plans are substantially compliant with the site plan, landscape plan and architectural elevations reviewed as part of this Site Plan Review permit (PSPRP25-0003 and 0005).
9. Prior to any certificate of occupancy the developer shall re-surface the existing alley to the rear with asphalt pavement along the entire length of the alley to the satisfaction of the City engineer.
10. Before issuance of building permit, the applicant shall coordinate with the City engineer on the inclusion of a loading zone either in the front of the buildings on Church Street or in the alley in the back that would be useable year-round by both residents of the apartments and tenants in the commercial spaces.

F. APPEALS

This Reasoned Decision constitutes final action by the Planning and Zoning Commission. Appeals may be submitted to the Sandpoint City Council within fifteen (15) days of this decision.

Signed this 3rd day of June, 2025.

Mose Dunkel, Chair Sandpoint Planning and Zoning Commission

CHAPTER 2 COMMERCIAL ZONING DISTRICTS

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

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

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

- A. Efficient use of land and services.
- B. A mix of land uses which strengthen opportunities for economic vitality and support pedestrian activity as well as housing opportunities.
- C. Provide for community gathering places and pedestrian/visitor amenities.
- D. Establish a distinct storefront character associated with the downtown core area.
- E. Provide transitions to adjacent neighborhoods and commercial areas.
- F. Maintain and enhance the area's character through design guidelines.
- G. Encourage residential development above ground floor.
- H. Encourage structured parking in commercial areas.

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

(Ord. 1236, 6-23-2010)

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

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

(Ord. 1236, 6-23-2010)

9-2-1-3: Use Limitations:

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

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

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

	Commercial A	Commercial B	Commercial C
Commercial:			
Art and craft galleries	Yes	Yes	Yes
Banks and financial institutions	Restricted ⁴	Restricted ⁴	Restricted ⁴
Commercial storage	Restricted ³	Restricted ³	Restricted ³
Daycare	Yes	Yes	Yes
Entertainment facilities (theaters, clubs, movies)	Restricted ⁵	Restricted ⁵	Restricted ⁵
Hotels, hostels and lodges, and motels	Yes	Yes	Yes
Laundromats and dry cleaners (no dry cleaning using perchloroethylene solvent permitted)	Yes	Yes	Yes
Manufacturing ancillary to a storefront retail sales and services outlet (see section 9-2-1-9 of this chapter for limitations)	Yes	Yes	Yes
Medical and dental services including hospitals, clinics and associated laboratories, pharmacies, optometrists, veterinarians and similar medical uses	Restricted ⁴	Restricted ⁴	Restricted ⁴
Offices	Yes	Yes	Yes
Personal and professional services (e.g., hair salons, day spas, barbershops, tailors, shoe repair, nail salon, tanning salon, watch and jewelry repair, package wrapping/copying/sending services, and similar uses)	Yes	Yes	Yes
Restaurants, catering, taverns, prepared food services for on site consumption, retail bakeries, candy/ice cream shops (food production allowed in conjunction with retail)	Restricted ⁴	Restricted ⁴	Restricted ⁴

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(Supp. No. 1)

Retail trade and services	Restricted ^{4,5}	Restricted ^{4,5}	Restricted ^{4,5}
Vehicle, agricultural and industrial equipment sales	Restricted ^{2,7}	Restricted ^{2,7}	Restricted ^{2,8}
Wholesale	Yes	Yes	Yes
Public/institutional:			
Clubs, fraternities, sororities, lodges and similar uses	Yes	Yes	Yes
Government offices and facilities, including courthouses	Restricted ⁴	Restricted ⁴	Restricted ⁴
Libraries, museums, concert halls, auditoriums, community center, and similar uses	Yes	Yes	Yes
Outdoor bandstand, amphitheater, pavilion	Yes	Yes	Yes
Private utilities	Yes	Yes	Yes
Public parking lots and garages (see chapter 5 of this title, standards for off-street parking areas)	Yes	Yes	Yes
Public parks, squares, greens, and recreation facilities	Yes	Yes	Yes
Religious institutions and places of worship	Yes	Yes	Yes
Schools, public and private	Yes	Yes	Yes
Visitors centers and information services	Restricted ⁴	Yes	Yes
Residential:			
Detached single-family residences	Prohibited	Prohibited	Prohibited
Two-family dwellings (duplexes)	Restricted ⁶	Restricted ⁶	Restricted ⁶
Single-family attached (townhouses)	Yes	Yes	Yes
Dwellings within a commercial or other nonresidential structure (e.g., residence occupying an upper floor of a retail store)	Yes	Yes	Yes
Accessory dwellings which existed on the effective date hereof	Yes	Yes	Yes, new units also permitted
Multi-family residential	Restricted ¹	Restricted ¹	Yes
Residential care homes and facilities	Yes	Yes	Yes
Bed and breakfast inns	Yes	Yes	Yes

Notes:

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

areas; or

b. Devices, instruments, or paraphernalia which are designed for use in connection with "specified sexual activities". Adult oriented nightclubs, entertainment or premises offering erotic dancing or display are prohibited. Unarmed combat as defined by section 54-402 of Idaho Code is prohibited.

6. Subject to approval through the planned unit development application process with minimum two-acre area requirement waived. See title 10, chapter 3 of this code.

7. Fully enclosed in building.

8. Limited to 12 passenger vehicles.

(Ord. 1301, 6-4-2014)

9-2-1-4: Building Setbacks:

**TABLE 2
BUILDING SETBACKS**

	Commercial A	Commercial B	Commercial C
Minimum front, rear and side yard setback	See subsection 9-2-1-6B5 of this chapter	0 feet	0 feet
Maximum front setback	0 feet	0 feet	0 feet
	Buildings shall be constructed to the property line along their primary frontage. A 10 foot setback allowance shall be approved when setback areas are developed as a civic space identified in subsection 9-2-1- 6E of this chapter.	Buildings shall be constructed to the property line along their primary frontage. A 10 foot setback allowance shall be approved when setback areas are developed as a civic space identified in subsection 9-2-1-6E of this chapter.	Buildings shall be constructed to the property line along their primary frontage. A 10 foot setback allowance shall be approved when setback areas are developed as a civic space identified in subsection 9-2-1-6E of this chapter.
	An additional 15 foot setback for areas developed as a civic space will require approval through the CUP process.	An additional 15 foot setback for areas developed as a civic space will require approval through the CUP process.	An additional 15 foot setback for areas developed as a civic space will require approval through the CUP process.
Setback from residential zone	When a building or group of buildings abuts upon a residential lot, a yard shall be provided abutting the lot, such yard having a width of not less than 10 feet. There shall be a rear yard with a depth of not less than 20 feet when no dedicated alley or public way exists at the rear of the commercial lot. The rear yard may be used for off-street parking and loading as provided in this title.		

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

9-2-1-5: Building Height:

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

**TABLE 3
BUILDING HEIGHT**

	Commercial A	Commercial B	Commercial C
Minimum number of floors ¹	2	2	2
Maximum height	35 feet	35 feet	35 feet
Maximum height when structured parking or a residential component is included in 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 residential zone	Maximum height of any portion of a structure within 50 feet of a residential zoning district line shall be 35 feet.		

Note:

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

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

- A. Height Increase for Buildings Containing Residences or Structured Parking: Habitable floor area utilizing exemption to maximum height outlined in table 3 of this section shall be developed in a stepped fashion with all enclosed portions of structures along street frontage exceeding thirty-five feet (35') set back from lower portions of the structure by the following:
- Forty-five feet (45') to sixty-five feet (65') shall be set back from the exterior perimeter of lower floors by ten percent (10%) of the greater of lot width or depth, not to exceed twenty feet (20').
Setbacks shall not apply to unenclosed porches or balconies.

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

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

(Ord. 1301, 6-4-2014)

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

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

- A. Building Size, Bulk, Scale, and Mass: New buildings or additions shall either be similar in size and height, or if larger, be articulated and subdivided proportionally to the mass and scale of other structures on the same block.
- B. Building Orientation: If an entry is oriented to a parking lot, it diminishes activity from the street and implies that auto access takes precedence. Orientation and design of all new building or additions shall be reinforced through the observation of the following standards:
1. Primary Entrance: Buildings have their primary entrance(s) oriented to their primary frontage. Building entrances may include entrances to individual units, lobby entrances, entrances oriented to pedestrian plazas, or breezeway/courtyard entrances to a cluster of spaces.
 2. Corner Building Entrances: Corner building entrances shall be designed in cases where the building is located on a corner lot. Alternatively, a building entrance may be located away from the corner when the building corner is beveled or incorporates other detailing to reduce the angular appearance of the building at the street corner.
 3. Secondary Entrance: A building may have a secondary entrance facing a side yard when a direct pedestrian walkway is provided between the building entrance and the street right-of-way.
 4. Off-Street Parking: Off-street parking, driveways and other vehicular access shall not be placed between a building and the street. On corner lots, buildings and their entrances shall be oriented to the street corner as feasible.
 5. Commercial A Zone: In the commercial A zone, at least fifty percent (50%) of the width of the lot is occupied by a building at the front setback.
 6. Accessibility: There shall be provided one zero-step entrance to each building from an accessible path at the front, side, or rear of each building. All the first floor interior doors (including bathrooms) shall provide at least thirty-two inches (32") of clear passage.

7. Surface Parking: Parking areas of more than thirty (30) abutting spaces shall be divided into areas of no more than thirty (30) spaces. Division may be by a building, internal landscaped area with a minimum width of five feet (5'), or landscaped multimodal way having a minimum width of five feet (5').
- C. Storefront Design: All buildings shall contribute toward the storefront character and visual relationships of existing buildings. The building shall be designed in a way that will reduce the massive scale and uniform and impersonal appearance and will provide visual interest consistent with the community's identity, character, and scale. The following architectural features should be used along the street frontage building elevations, as applicable. Minor deviation from the following features may be authorized at the discretion of the planning director so long as the spirit of this code is maintained:
1. Buildings should have consistent spacing of similar shaped windows with trim or other decorative molding on all building stories.
 2. Large display windows should be employed on ground floor storefronts. Display windows should be framed to visually separate the ground floor from the second floor.
 3. All buildings with a flat roof should have a decorative cornice at the top of the building; or eaves, when the building is designed with a pitched roof.
 4. Cornices or changes in material can be used to differentiate the ground floor of buildings that have commercial uses from the upper floor(s) that may have offices or residential uses. Ground floor facades should utilize cornices, signs, awnings, exterior lighting, display windows and entry insets.
 5. Facades greater than fifty feet (50') in length shall incorporate recesses and projections with a minimum four foot (4') differentiation along at least twenty percent (20%) of the length of the facades. Window awnings, arches, or columns must total at least sixty percent (60%) of the facade length abutting the street.
 6. Structures abutting Sand Creek are required to incorporate design features that enhance the visual interest and pedestrian interface with the water frontage such as patios, decks and expanses of glass that draw pedestrian interest. Additionally, HVAC, garbage and recycling bins and other similar ancillary equipment shall be buffered through a fence, wall or other similar device so as to strengthen the visual appeal from the waterfront.
- D. Building Materials: The exterior finish material on all facades shall be limited to stone, brick and/or finished wood. Materials other than those listed are a deviation which may be authorized by the planning director.
1. In circumstances where other materials are proposed, such as stucco, characteristics such as scale and proportion, form, architectural detailing, height, color and texture shall be utilized to ensure that the proposed material is compatible with surrounding buildings and the character of the commercial area.
 2. Building materials shall not create glare. Highly reflective materials shall not be permitted.
 3. Clear glass windows shall be used for commercial storefront display windows and doors. Ground floor window shall be defined as glass, either fixed or opening windows. Windows cannot be covered permanently on the interior by more than twenty percent (20%). Opaque or severely site obscuring windows will not be permitted.
 4. Architectural treatment, similar to that provided to the front facade shall be provided to the sides and rear of the building to mitigate any negative view from any location off site and any public area (e.g., parking lots, walkways, etc.) on site. Windows and doors shall be defined with

detail elements such as frames, sills, and lintels, and placed to visually establish and define the building stories and establish human scale and proportion.

5. Exposed unfinished concrete, concrete block, or monotonous walls of concrete or corrugated metal shall not be permitted as a finished exterior.
- E. Civic Spaces: Civic spaces serve as informal gathering places for socializing, resting and enjoyment of the area, and contribute to a walkable environment. Each civic space shall be open to the thoroughfare or street by incorporating at least one access to the thoroughfare or street. Each building with street frontage shall include two (2) or more of the following features. Civic spaces may be provided within the public right-of-way when approved by the local jurisdiction having authority. The following shall be considered civic spaces for incorporation into the building design:
1. A plaza or courtyard next to the building entrance.
 2. Sitting space (i.e., dining area, benches, or ledges) between the building entrance and the sidewalk.
 3. A building canopy, awning, or similar weather protection, with a minimum four foot (4') projection over the sidewalk or other pedestrian space.
 4. Public art as approved by the Sandpoint art commission.

(Ord. 1301, 6-4-2014)

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

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

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

(Ord. 1236, 6-23-2010)

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

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

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

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

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

- C. Buildings shall be setback a minimum of twenty-five feet (25') from the AHWM. Where an AHWM does not exist, buildings shall be setback a minimum of twenty-five feet (25') from the OHWM. The requirements and elevations of Title 8, Chapter 3 - Flood Damage Prevention and Control may be more restrictive. Property owners are prohibited from performing site improvements and/or disturbing ground, including, but not limited to, grading, clearing, or grubbing without first obtaining a permit with the city, as described herein.
- D. All buildings within the Downtown Waterfront shall be reviewed by the city for consistency with adopted planning documents, including: measures to orient buildings to Sand Creek, improvements to water quality, preservation of public access to the waterfront, and enhancements of aesthetics that contribute to community character, vibrancy, and experience.
- E. Functionally dependent water uses and structures including, but not limited to: bridges, boardwalks, storm water systems, plazas, walkways, access stairways and features, moorage facilities, and stream stabilization may be constructed above or below the applicable high-water mark (AHWM or OHWM) subject to:
 1. Issuance of a Conditional Use Permit;
 2. Notification and approval of all applicable State and Federal regulations; and,
 3. Compliance with the Sandpoint Stormwater Ordinance.
- F. Permanent, fixed art features larger than four (4) square feet in area and six feet (6') in height shall comply with the provisions of Section E.
- G. The Conditional Use Permit process shall recognize Sand Creek is a natural, environmental feature of major importance that shall remain protected. Development shall be commensurate with the physical characteristics of Sand Creek and protect fish, wildlife, recreation resources, and avoid undue water and air pollution. An effective vegetative buffer upland of the applicable high-water mark (AHWM or OHWM) shall be incorporated as one method of protection, unless determined impractical by an Idaho licensed professional engineer or licensed landscape architect, whereby alternative(s) of equal effectiveness and/or a combination thereof shall be provided.
- H. The city shall notify applicable federal and state agencies of proposed construction on properties adjacent to Sand Creek.
- I. City issued permits shall be conditioned accordingly to support best management practices and compliance with applicable local, state and federal laws and guidelines, including, but not limited to, erosion and sediment control; riparian areas; wetlands; water quality; and fish, wildlife and plant habitats.

(Ord. 1392, 3-16-2022)

9-2-2: 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.
 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)