



## PLANNING AND ZONING COMMISSION MEETING AGENDA

December 16, 2025 at 5:30 PM

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

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### Call to Order, Roll Call and Pledge of Allegiance

### Announcements

### Consent Calendar

1. Approval of Minutes from the Commission's December 2, 2025, Meeting - **action item**

### Matters from the Public - General Comments

### Public Hearing

2. PUBLIC HEARING: Amendments to Title 3, Chapter 12, Short Term Rental of Dwelling Units - **action item**
3. PUBLIC HEARING: Amendments to Sandpoint City Code Title 9-1-3 "Definitions," 9-4-1-3 "Residential Single Family Development Standards" and 9-4-2-3 "Residential Multifamily Development Standards" pertaining to maximum lot coverage standards, minimum lot size in the RM zone, and density standards in the RM zone - **action item**

### Old/Unfinished Business - none

### New Business - none

### Matters from City Staff

### Commissioner Roundtable

### Adjourn

### Public Participation Notice

Before the meeting, comment in writing: Email [cityclerk@sandpointidaho.gov](mailto: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

December 2, 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 regular meeting of the Sandpoint Planning and Zoning Commission to order at 5:30 p.m. on Tuesday, December 2, 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 Scott Torpie  
 Commissioner Reid Weber  
 Commissioner Ivan Rimar

#### ABSENT

Commissioner William Mitchell

Chairman Dunkel led all present in the Pledge of Allegiance.

There were no other general announcements or reports from the Commissioners.

### Consent Calendar

There were no questions regarding the Consent Calendar and no items removed, and it was **approved** as presented by unanimous vote of the Commissioners present.

Motion made by Commissioner Benner, Seconded by Commissioner Weber

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

1. The minutes from the Commission's November 18, 2025, meeting were approved as presented.
2. The Written Decision and Reasoned Statement for Chosen Motors PCUP25-0002 was approved as presented.

### Matters from the Public/General Public Comments

Chairman Dunkel recited the rules and procedure for general public comment, followed by an opportunity for comments from the public regarding items on the agenda not related to a public hearing and other topics relevant to the business of the City of Sandpoint.

#### Public Hearings - none

#### Old Business - none

#### New Business

3. Workshop of Lot Coverage Standards

Chairman Dunkel announced that the next item on the agenda was a update on lot coverage standards. The update was led by Jason Welker Community Planning & Development Director with support from Bill Dean City Planner. Welker and Dean both fielded questions from commissioners. No action was taken.

### **Matters from City Staff**

#### **Commissioner Roundtable**

There were no topics for discussion during commissioner roundtable.

#### **Adjourn**

With no further business before the Commission, the meeting was adjourned at 6:30 p.m.

I presided over this meeting and can confirm that the foregoing minutes, prepared by the Board Clerk, were approved by the Commission during their meeting held \_\_\_\_\_, 2025.

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Mose Dunkel, Chair

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Attest: Mandy Brown, Board Clerk

RENTAL OF DWELLING UNITS

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## CHAPTER 12 SHORT TERM RENTAL OF DWELLING UNITS

### 3-12-1: Purpose:

~~The purpose of this chapter is to protect the integrity of the city's residential neighborhoods and private property rights by limiting non-owner occupied short term rentals within residential neighborhoods and by regulating all short term rentals of dwelling units to safeguard the health, safety and welfare of short term rental occupants and that of neighboring residents.~~

The purpose of this chapter is to:

- (a) establish reasonable regulations for the operation of short-term rentals, consistent with the Idaho Short-term Rental and Vacation Rental Act currently set forth in Idaho Code §63-1801 et. seq. and §67-6539, in order to safeguard the public health, safety, and general welfare;
- (b) protect the integrity of Sandpoint's neighborhoods by ensuring that short-term rentals (e.g. short-term occupancy) have no greater impacts (such as noise, parking congestion, traffic, and changes to neighborhood character) than typical long-term occupancy;
- (c) support private property rights and preserve housing opportunities for the community.

These regulations are adopted pursuant to the city's authority under Idaho Code § 67-6539 to protect the public health, safety, and welfare.

(Ord. 1353, 6-6-2018)

### 3-12-32: ~~Requirements~~Applicability:

- A. Permit Required: No person shall occupy, use, operate or manage, nor offer or negotiate to use, lease or rent a dwelling unit for short-term rental occupancy within the city without first obtaining a short-term rental permit as provided in this chapter. Commencing on the effective date hereof, any person who is permitted to engage in the rental of a dwelling for short-term occupancy shall have obtained one of the following short-term rental permits, depending on the type of operation:
  - 1. Standard STR permit: for a short-term rental that accommodates fewer than twelve (12) overnight guests.
  - 2. High-occupancy STR permit: for a short-term rental advertising occupancy for eleven (11) or more overnight guests. High Occupancy STRs are subject to additional review and shall be required to obtain a High-occupancy (HSTR) permit from the Planning & Zoning Commission when located within residential zoning districts. High-occupancy STRs located within Commercial zoning districts are not subject to the HSTR permit requirements set forth in this chapter.
- B. Compliance with Chapter: Permits for short-term rentals are allowed subject to all provisions of this chapter.
- C. Occupancy Tax: Compliance with the requirements of chapter 10, "Hotel-Motel Occupancy Tax", of this title is required.

- D. Residential Zones: Within residential zones, short-term rentals shall have a minimum two (2) nights stay ~~and shall be limited to one per parcel. All STRs in residential zones shall be limited to one (1) per parcel.~~
- E. ~~Non Owner Occupied Short Term Rentals: The sum total of all non-owner occupied short-term rentals within the entirety of all residential zones shall not exceed thirty-five (35) units, except as provided below:~~
- ~~1. Where the short-term rental unit is included in a multi-unit development with the following standards:~~
    - ~~a. Such development must include not less than ten (10) units.~~
    - ~~b. Such development must include property that adjoins the waterfront.~~
    - ~~c. Such development must be within one thousand five hundred feet (1,500') of the downtown core defined as being within the boundaries of First Avenue, Cedar Street, Fifth Avenue and Pine Street. Developments located farther than one thousand five hundred feet (1,500') from the downtown core that meet standards in subsections E.1.a. and E.1.b. of this section may only be allowed non-owner occupied short-term rentals at a ratio of one per ten (10) units.~~
  - ~~2. Where approved for greater short-term rental density as part of an approved planned unit development. Existing approved planned unit developments must be formally amended to be eligible for this greater density.~~
  - ~~3. Where the short-term rental was approved prior to the effective date of this chapter.~~

(Ord. 1353, 6-6-2018)

### **3-12-~~23~~: Definitions:**

HIGH-OCCUPANCY STR: A short-term rental permitted for occupancy for eleven (11) or more overnight guests. High Occupancy STRs are subject to additional review and shall be required to obtain a High-Occupancy STR permit, in accordance with the provisions of this chapter, when located within residential zoning districts.

LOCAL REPRESENTATIVE: An area property manager, owner, or agent of the owner, who is readily available to respond to tenant and neighborhood or city questions or concerns, and who resides within twenty (20) miles of Sandpoint city limits.

NEIGHBORHOOD INTEGRITY: The condition in which residential areas function in a manner consistent with their intended character and density, such that short-term rental activities do not generate impacts such as noise, traffic, parking congestion, or public nuisance, beyond those normally associated with lawful long-term residential use.

OWNER: The person or entity that holds legal and/or equitable title to the private property. The owner may act through an agent or property manager, but the owner shall remain responsible for compliance with these provisions.

~~OWNER OCCUPIED: Where the owner of a dwelling unit resides on the parcel for a minimum of six (6) months out of a calendar year. Homeowner-occupied tax-exempt status shall be considered to be proof of homeowner-occupied status for the purposes of this code.~~

SHORT-TERM RENTAL (STR): The use of a dwelling unit, or a portion thereof which is rented for the purpose of overnight lodging for a period of thirty (30) days or less per occurrence. Short-term rentals are also commonly referred to as vacation homes, tourist homes, bed and breakfast establishments or vacation rentals. Short-term rental does not include traditional bed and breakfast establishments licensed separately under city code (as defined in § 9-1-3).

STANDARD STR: A short-term rental that accommodates no more than two (2) persons per bedroom plus two (2) additional persons, up to a maximum of 10 persons. For the purposes of this definition a studio is considered to be a one (1) bedroom dwelling unit.

(Ord. 1353, 6-6-2018)

### **3-12-4: Permit Administration**

- A. Issuance: Application for a short-term rental permit shall be made upon suitable forms furnished by the city. Each permit is valid for one calendar year, beginning January 1 and expiring December 31. Mid-year applications will be pro-rated. The issuance of a short-term rental permit shall be subject to the following requirements:
  - 1. Inspection: At the time of application for a new short-term rental permit, the dwelling unit shall be subject to inspection by the building official or their designee. Prior to the issuance of the short-term rental permit, the owner of the dwelling unit shall make all necessary alterations to the dwelling required by the building official pursuant to the requirements of this chapter.
  - 2. For renewals, applicants shall be required to submit a statement affirming compliance with the standards set forth in this chapter by completing a city provided self-inspection checklist.
  - 3. Any inspections required under this chapter may be conducted by a private inspector certified by the International Code Council at the owner's expense.
- B. Renewal: To remain active, permits must be renewed prior to expiration. Renewal requires submission of a complete permit renewal application and payment of the reduced renewal fee established by resolution of the City Council. If a permit is not renewed before expiration, it shall be deemed lapsed, and a new permit application with the full fee shall be required to continue operation.
- C. Transferability: Permits are non-transferable and shall lapse upon any change of ownership, except where the property is transferred into an entity wholly owned by the permit holder for estate or liability purposes.
- D. High-Occupancy STR (HSTR) Permit Procedures: HSTR permits may be granted only upon findings by the Planning & Zoning Commission that the proposal meets all of the following requirements
  - 1. Application form: The owner or authorize agent shall submit an HSTR permit application on forms provided by the City.
  - 2. Required materials: A complete application shall include
    - i. Site plan showing building footprint(s), driveways, parking layout, trash/recycling storage, and adjacent properties.
    - ii. Floor plan identifying all sleeping areas and proposed maximum overnight occupancy.
    - iii. A narrative describing:
      - 1. Maximum advertised occupancy;
      - 2. Parking management plan;
      - 3. Noise management and quiet-hours plan;
      - 4. Local representative contact information;
      - 5. Procedures for compliance with the City's STR standards.
    - iv. Proof of property ownership.

- v. Application fee established by resolution of the City Council.
- vi. Any additional information reasonably required by the City to evaluate the application.
- 3. Completeness review: An application shall not be scheduled for public hearing until the Planning and Community Development Director determines that it is complete.
- 4. Noticing requirements:
  - i. Mailed notice: At least 15 days prior to the hearing, written notice shall be mailed to all property owners within 300 feet of the subject parcel.
  - ii. Published notice: Notice of the public hearing shall be published in the official newspaper of the City not less than 14 days prior to the hearing date.
  - iii. On-site posting: A public notice sign shall be posted on the property in a conspicuous location visible from the public right-of-way at least 10 days prior to the hearing.
- 5. Review procedures: The Community Planning and Development Department shall prepare a staff report evaluating the application's consistency with this Chapter and impacts on surrounding properties.
- 6. Public hearing:
  - i. The Planning & Zoning Commission shall conduct a public hearing in accordance with the procedures of Idaho Code §67-6512 and Title 9, Chapter 9-5 of the Sandpoint City Code.
    - 1. The Commission shall have final decision-making authority to approve, approve with conditions, or deny an HSTR permit.
  - ii. Findings of fact for approval of HSTR permit: Prior to approval of a HSTR permit, the Planning & Zoning Commission shall make all of the following findings, based on substantial evidence in the record.
    - 1. The-proposed maximum occupancy is supported by the physical capacity of the structure, parking availability, and access;
    - 2. The HSTR complies with building, fire, health, and life-safety requirements;
    - 3. The HSTR has demonstrated adequate management measures (local representative, guest behavior expectations, parking management, quiet hours, garbage) to protect residential quality of life;
    - 4. The HSTR will maintain the integrity of the surrounding residential neighborhood and will not generate noise, traffic, parking demand, occupancy-related impacts, or other off-site effects that exceed those typical of long-term residential use, with adequate measures in place to prevent or mitigate such impacts;
    - 5. The proposal meets the intent of this Chapter and applicable standards of Title 9.
  - iii. Conditions of approval: The Planning & Zoning Commission may impose reasonable conditions necessary to:
    - 1. Mitigate adverse noise, lighting, and parking impacts;
    - 2. Ensure compliance with neighborhood compatibility standards;
    - 3. Protect public health, safety, and welfare.

4. Reduce occupancy, impose parking limits or restrictions, impose noise mitigation, or other operational standards in order to reduce such impacts.
  - iv. The Planning & Zoning Commission shall approve, deny, or continue consideration of the application until such time as any necessary information sought has been provided to the Planning & Zoning Commission. The Planning & Zoning Commission may issue a tentative decision at the close of the public hearing. The final decision shall be a written decision approved by the Planning and Zoning Commission, and shall take effect twenty (20) days following the written decision, unless an appeal has been timely submitted pursuant to subsection 7, below.
7. Appeals
- i. Appeal authority: Decisions of the Planning & Zoning Commission on HSTR permits may be appealed to the City Council.
  - ii. Filing and appeal: Appeals must be submitted in writing to the City Clerk within 20 days of the Planning & Zoning Commission written decision. The appeal shall state the specific grounds for appeal and be accompanied by the applicable fee.
  - iii. Hearing on appeal: The City Council shall conduct a noticed public hearing consistent with Idaho Code §67-6512 on the appeal. The Council may uphold, modify, or overturn the Commission's decision.
8. Revocation: An HSTR permit may be revoked following a public hearing before the Planning & Zoning Commission if:
- i. Three violations under §3-12-6 occur within a twelve-month period;
  - ii. The owner fails to comply with any conditions of approval;
  - iii. Operational impacts are found to be substantially detrimental to nearby properties.
  - iv. The property owner has been notified by mail of the violations and the revocation public hearing;
  - v. Revocation decisions may be appealed to City Council consistent with subsection 7.

### **3-12-4~~5~~: Standards:**

- A. A short-term rental shall comply with the following standards:

~~1. Permit:~~

- ~~a. Commencing on the effective date hereof, any person who is permitted to engage in the rental of a dwelling for short term occupancy shall have obtained a short term rental permit.~~

~~Application for such a permit shall be made upon suitable forms furnished by the city. The permit is valid for one year and must be renewed annually. Renewal of the permit requires a complete permit application and fee. If a complete application and applicable fees have not been received by the city on the annual renewal date, the short term rental shall be conclusively presumed to be discontinued and the city shall revoke the short term rental permit.~~

- ~~b. A short-term rental permit is issued to a specific owner of a dwelling unit. The short term rental permit shall be revoked when the permit holder sells or transfers the real property. For purposes of this section, "sale or transfer" shall mean any change of ownership during the lifetime of the permit holder or after the death of the permit holder whether there is consideration or not, except a change in ownership where title is held in survivorship with a spouse or child or transfers on the owner's death to a trust which benefits only a spouse or child. A permit holder~~

~~may transfer ownership of the real property to: a trustee, a limited liability company, a corporation, a partnership, a limited partnership, a limited liability partnership, or other similar entity and not be subject to permit revocation pursuant to this section so long as the transferor lives and remains the only owner of the entity. When the permit holder sells or transfers the real property the new owner shall apply for and receive a short-term rental permit before using the dwelling as a short-term rental.~~

2. Issuance: The issuance of a short-term rental permit shall be subject to the following requirements:

a. ~~Inspection:~~

- ~~(1) At the time of application for a new short-term rental permit, the dwelling unit shall be subject to inspection by the building official or their designee. Prior to the issuance of the short-term rental permit, the owner of the dwelling unit shall make all necessary alterations to the dwelling required by the building official pursuant to the requirements of this chapter.~~
- ~~(2) For renewals, applicants shall be required to submit a statement affirming compliance with the standards set forth in this chapter by completing a city provided self-inspection checklist.~~
- ~~(3) Any inspections required under this chapter may be conducted by a private inspector certified by the International Code Council at the owner's expense.~~

~~B1.~~ Windows: Bedroom windows shall be operable to allow for emergency egress in accordance with the most recent building and fire codes as adopted and amended by the State of Idaho.

~~E2.~~ Smoke Alarms: Single or multiple-station smoke alarms shall be installed and maintained in accordance with manufacturers' specification:

- ~~(1a)~~ On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
- ~~(2b)~~ In each room used for sleeping purposes.
- ~~(3c)~~ In each story within a dwelling unit, including basements but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

~~d3.~~ CO Detectors: A CO detector is required on each floor if: there is a garage, solid fuel appliance or gas appliance.

~~E4.~~ Fire Extinguishers: The short-term rental shall be equipped with one 2A:10BC type extinguisher per floor. Fire extinguisher(s) shall be mounted in visible locations with the tops of the fire extinguishers mounted between three feet (3') and five feet (5') above the floor, and shall be accessible to occupants at all times.

~~f5.~~ Occupancy:

- ~~(a)~~ No recreational vehicle, travel trailer, tent or other temporary shelter shall be used as a short-term rental;
- ~~(b)~~ Standard Short-Term Rentals shall contain no more than two (2) persons per bedroom, plus two additional persons. Total maximum occupancy of the Short-Term Rental shall not exceed ten (10) persons without the issuance of a High Occupancy STR Permit (HSTR).

~~g6.~~ Local Representative:

- ~~(1a)~~ Each short-term rental shall list a local representative who permanently resides within twenty (20) vehicular miles of Sandpoint City limits.
  - ~~(2b)~~ If the Police Department is not able to contact the local representative in a timely manner more than twice during the term of the annual permit, this shall be considered a violation pursuant to section 3-12-5 of this chapter.
  - ~~(3c)~~ The designated local representative may be changed by the permit holder from time to time throughout the term of the permit. However, to change the local representative, the permit holder must file a revised permit application that includes the name, address and telephone number of the new local representative. Failure to notify the city of a change in the local representative constitutes a violation pursuant to section 3-12-56 of this chapter.
  - ~~(4d)~~ For ~~non-owner occupied~~ short-term rentals within the residential zones ~~that do not meet the standards of subsection 3-12-3.E.1. of this chapter,~~ property owners and/or residents within two hundred feet (200') of the dwelling shall be provided with the name and telephone number of the owner or the local representative. The permit holder shall provide documentation to the city of this notification and list of the owners and/or residents contacted as part of the permit application process.
- ~~h7.~~ Permit Posting: The short-term rental permit shall be posted within the dwelling adjacent to the front door. At a minimum, the permit will contain the following information:
- ~~(1a)~~ The name of the local representative and a telephone number where the representative may be reached;
  - ~~(2b)~~ The name and a telephone number where the property owner can be reached;
  - ~~(3c)~~ The telephone number and website address of the City of Sandpoint and the Sandpoint Police Department;
  - ~~(4d)~~ The maximum number of occupants permitted to stay in the dwelling;
  - ~~(5e)~~ The solid waste and recycling collection day; and
  - ~~(6f)~~ The Sandpoint snowplowing regulations.
8. Parking: Short-term rentals shall provide and maintain adequate off-street parking as follows:
- (1) One (1) off-street parking space is required for standard STRs advertising accommodation for five (5) or fewer guests.
  - (2) Two off-street parking spaces are required for standard STRs advertising accommodation for six (6) or more guests.
  - (3) Parking requirements for High-Occupancy STRs shall be established by the Planning & Zoning Commission as a condition of approval for the HSTR Permit and shall not be fewer than two (2) off-street spaces.
  - (4) Any existing off-street parking in excess of the required parking for the residential use, including tandem spaces in driveways, or covered spaces in carports or garages, may count toward the requirement if they do not obstruct sidewalks, pedestrian routes, or emergency access.
  - (5) On-street parking shall not count toward the minimum requirement.
- ~~i. Inactivity: License issuance and continued validity for non-owner occupied short term rental shall be contingent upon the owner's good faith effort to actively engage in the rental of the property. Failure to provide documentation of rental activity for a minimum of twelve (12) nights during a twelve (12)~~

~~month period, pro-rated quarterly, prior to the short-term rental permit renewal deadline shall constitute an immediate forfeiture of the license.~~

(Ord. 1353, 6-6-2018; amd. Ord. 1380, 11-4-2020)

### **3-12-~~56~~: Violation; Infraction; Penalty:**

- A. The following conduct shall constitute a violation for which the penalties and sanctions specified in this section may be imposed:
1. Violations:
    - a. The tenants of the dwelling have created noise, disturbances, or nuisances, in violation of this code, or violations of State law pertaining to the consumption of alcohol, or the use of illegal drugs.
    - b. The owner has failed to comply with the standards of section 3-12-4 and 3-12-5 of this chapter.
  2. Penalties:
    - a. For the first two (2) violations within a twelve (12) month period, the sanction shall be a warning notice.
    - b. For the third violation within a twelve (12) month period, the sanction shall be a revocation of the permit.
  3. Written Notice: The city shall provide the permit holder with a written notice of any violation of this section that has occurred. If applicable, a copy of the warning notice shall be sent to the local representative.
  4. Appeal of Suspension or Revocation: Pursuant to this section, the city shall provide the permit holder with a written notice of the permit suspension or revocation and the reasons therefor. The permit holder may appeal the suspension or revocation to the city council by filing a letter of appeal to the city clerk within twenty (20) days after the date of the mailing of the Planning Director's order to suspend or revoke the permit. The Planning Director's suspension or revocation shall be stayed until the appeal has been determined by the city council. The city council shall conduct a hearing on the appeal within sixty (60) days of the date of the filing of the letter of appeal. At the appeal, the permit holder may present such evidence as may be relevant. At the conclusion of the hearing, based on the evidence it has received, the council may uphold, modify, or overturn the decision of the Planning Director to suspend or revoke the permit based on the evidence received.
  5. Application for Permit After Revocation: A person who has had a short-term rental permit revoked shall not be permitted to apply for a subsequent short-term rental permit for a period of two (2) years from the date of revocation.
  6. Infraction: Unless otherwise provided, any person who shall commence or continue to operate a short-term rental for which a permit is required by any provision of this title without first procuring the same obtaining such permit shall be deemed guilty of an infraction and, upon conviction thereof, shall be fined one hundred dollars (\$100.00) an amount established in the City's adopted fee schedule, as set by resolution of the City Council. An infraction is a civil public offense, not constituting a crime, for which no period of incarceration is imposed. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.
  7. Advertisement of Short-Term Rental: An advertisement promoting the availability of short-term rental property in violation of this code is prima facie evidence of a violation and may be grounds for denial, suspension or revocation of a license.

Advertising that offers a property as a residential short-term rental shall constitute prima facie evidence of the operation of a residential short-term rental and the burden of proof shall be on the owner, operator, or lessee of record to establish that the subject property is being used as a legal residential short-term rental or is not in operation.

Any communication by a property owner, manager, operator, or lessee to any person where the owner, manager, operator, or lessee offers their home for rent as a residential short-term rental shall constitute prima facie evidence of the operation of a residential short-term rental and the burden of proof shall be on the owner, operator, or lessee of record to establish that the subject property is being used as a legal residential short-term rental or is not in operation.

Other evidence of the operation of a residential short-term rental without a valid permit number may include, but is not limited to: guest testimony, rental agreements, advertisements, and receipts or bank statements showing payments to the owner by a guest.

(Ord. 1353, 6-6-2018)

RENTAL OF DWELLING UNITS

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## CHAPTER 12 SHORT TERM RENTAL OF DWELLING UNITS

### 3-12-1: Purpose:

~~The purpose of this chapter is to protect the integrity of the city's residential neighborhoods and private property rights by limiting non-owner occupied short term rentals within residential neighborhoods and by regulating all short term rentals of dwelling units to safeguard the health, safety and welfare of short term rental occupants and that of neighboring residents.~~

The purpose of this chapter is to:

- (a) establish reasonable regulations for the operation of short-term rentals, consistent with the Idaho Short-term Rental and Vacation Rental Act currently set forth in Idaho Code §63-1801 et. seq. and §67-6539, in order to safeguard the public health, safety, and general welfare;
- (b) protect the integrity of Sandpoint's neighborhoods by ensuring that short-term rentals (e.g. short-term occupancy) have no greater impacts (such as noise, parking congestion, traffic, and changes to neighborhood character) than typical long-term occupancy;
- (c) support private property rights and preserve housing opportunities for the community.

These regulations are adopted pursuant to the city's authority under Idaho Code § 67-6539 to protect the public health, safety, and welfare.

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    - a. ~~Such development must include not less than ten (10) units.~~
    - b. ~~Such development must include property that adjoins the waterfront.~~
    - c. ~~Such development must be within one thousand five hundred feet (1,500') of the downtown core defined as being within the boundaries of First Avenue, Cedar Street, Fifth Avenue and Pine Street. Developments located farther than one thousand five hundred feet (1,500') from the downtown core that meet standards in subsections E.1.a. and E.1.b. of this section may only be allowed non-owner occupied short term rentals at a ratio of one per ten (10) units.~~
  2. ~~Where approved for greater short term rental density as part of an approved planned unit development. Existing approved planned unit developments must be formally amended to be eligible for this greater density.~~
  3. ~~Where the short term rental was approved prior to the effective date of this chapter.~~

(Ord. 1353, 6-6-2018)

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NEIGHBORHOOD INTEGRITY: The condition in which residential areas function in a manner consistent with their intended character and density, such that short-term rental activities do not generate impacts such as noise, traffic, parking congestion, or public nuisance, beyond those normally associated with lawful long-term residential use.

OWNER: The person or entity that holds legal and/or equitable title to the private property. The owner may act through an agent or property manager, but the owner shall remain responsible for compliance with these provisions.

~~OWNER OCCUPIED: Where the owner of a dwelling unit resides on the parcel for a minimum of six (6) months out of a calendar year. Homeowner occupied tax exempt status shall be considered to be proof of homeowner occupied status for the purposes of this code.~~

SHORT-TERM RENTAL (STR): The use of a dwelling unit, or a portion thereof which is rented for the purpose of overnight lodging for a period of thirty (30) days or less per occurrence. Short-term rentals are also commonly referred to as vacation homes, tourist homes, bed and breakfast establishments or vacation rentals. Short-term rental does not include traditional bed and breakfast establishments licensed separately under city code (as defined in § 9-1-3).

STANDARD STR: A short-term rental that accommodates no more than two (2) persons per bedroom plus two (2) additional persons, up to a maximum of 10 persons. For the purposes of this definition a studio is considered to be a one (1) bedroom dwelling unit.

(Ord. 1353, 6-6-2018)

### **3-12-4: Permit Administration**

- A. Issuance: Application for a short-term rental permit shall be made upon suitable forms furnished by the city. Each permit is valid for one calendar year, beginning January 1 and expiring December 31. Mid-year applications will be pro-rated. The issuance of a short-term rental permit shall be subject to the following requirements:
  - 1. Inspection: At the time of application for a new short-term rental permit, the dwelling unit shall be subject to inspection by the building official or their designee. Prior to the issuance of the short-term rental permit, the owner of the dwelling unit shall make all necessary alterations to the dwelling required by the building official pursuant to the requirements of this chapter.
  - 2. For renewals, applicants shall be required to submit a statement affirming compliance with the standards set forth in this chapter by completing a city provided self-inspection checklist.
  - 3. Any inspections required under this chapter may be conducted by a private inspector certified by the International Code Council at the owner's expense.
- B. Renewal: To remain active, permits must be renewed prior to expiration. Renewal requires submission of a complete permit renewal application and payment of the reduced renewal fee established by resolution of the City Council. If a permit is not renewed before expiration, it shall be deemed lapsed, and a new permit application with the full fee shall be required to continue operation.
- C. Transferability: Permits are non-transferable and shall lapse upon any change of ownership, except where the property is transferred into an entity wholly owned by the permit holder for estate or liability purposes.
- D. High-Occupancy STR (HSTR) Permit Procedures: HSTR permits may be granted only upon findings by the Planning & Zoning Commission that the proposal meets all of the following requirements
  - 1. Application form: The owner or authorize agent shall submit an HSTR permit application on forms provided by the City.
  - 2. Required materials: A complete application shall include
    - i. Site plan showing building footprint(s), driveways, parking layout, trash/recycling storage, and adjacent properties.
    - ii. Floor plan identifying all sleeping areas and proposed maximum overnight occupancy.
    - iii. A narrative describing:
      - 1. Maximum advertised occupancy;
      - 2. Parking management plan;
      - 3. Noise management and quiet-hours plan;
      - 4. Local representative contact information;
      - 5. Procedures for compliance with the City's STR standards.
    - iv. Proof of property ownership.

- v. Application fee established by resolution of the City Council.
- vi. Any additional information reasonably required by the City to evaluate the application.
- 3. Completeness review: An application shall not be scheduled for public hearing until the Planning and Community Development Director determines that it is complete.
- 4. Noticing requirements:
  - i. Mailed notice: At least 15 days prior to the hearing, written notice shall be mailed to all property owners within 300 feet of the subject parcel.
  - ii. Published notice: Notice of the public hearing shall be published in the official newspaper of the City not less than 14 days prior to the hearing date.
  - iii. On-site posting: A public notice sign shall be posted on the property in a conspicuous location visible from the public right-of-way at least 10 days prior to the hearing.
- 5. Review procedures: The Community Planning and Development Department shall prepare a staff report evaluating the application's consistency with this Chapter and impacts on surrounding properties.
- 6. Public hearing:
  - i. The Planning & Zoning Commission shall conduct a public hearing in accordance with the procedures of Idaho Code §67-6512 and Title 9, Chapter 9-5 of the Sandpoint City Code.
    - 1. The Commission shall have final decision-making authority to approve, approve with conditions, or deny an HSTR permit.
  - ii. Findings of fact for approval of HSTR permit: Prior to approval of a HSTR permit, the Planning & Zoning Commission shall make all of the following findings, based on substantial evidence in the record.
    - 1. The-proposed maximum occupancy is supported by the physical capacity of the structure, parking availability, and access;
    - 2. The HSTR complies with building, fire, health, and life-safety requirements;
    - 3. The HSTR has demonstrated adequate management measures (local representative, guest behavior expectations, parking management, quiet hours, garbage) to protect residential quality of life;
    - 4. The HSTR will maintain the integrity of the surrounding residential neighborhood and will not generate noise, traffic, parking demand, occupancy-related impacts, or other off-site effects that exceed those typical of long-term residential use, with adequate measures in place to prevent or mitigate such impacts;
    - 5. The proposal meets the intent of this Chapter and applicable standards of Title 9.
  - iii. Conditions of approval: The Planning & Zoning Commission may impose reasonable conditions necessary to:
    - 1. Mitigate adverse noise, lighting, and parking impacts;
    - 2. Ensure compliance with neighborhood compatibility standards;
    - 3. Protect public health, safety, and welfare.

4. Reduce occupancy, impose parking limits or restrictions, impose noise mitigation, or other operational standards in order to reduce such impacts.
  - iv. The Planning & Zoning Commission shall approve, deny, or continue consideration of the application until such time as any necessary information sought has been provided to the Planning & Zoning Commission. The Planning & Zoning Commission may issue a tentative decision at the close of the public hearing. The final decision shall be a written decision approved by the Planning and Zoning Commission, and shall take effect twenty (20) days following the written decision, unless an appeal has been timely submitted pursuant to subsection 7, below.
7. Appeals
- i. Appeal authority: Decisions of the Planning & Zoning Commission on HSTR permits may be appealed to the City Council.
  - ii. Filing and appeal: Appeals must be submitted in writing to the City Clerk within 20 days of the Planning & Zoning Commission written decision. The appeal shall state the specific grounds for appeal and be accompanied by the applicable fee.
  - iii. Hearing on appeal: The City Council shall conduct a noticed public hearing consistent with Idaho Code §67-6512 on the appeal. The Council may uphold, modify, or overturn the Commission's decision.
8. Revocation: An HSTR permit may be revoked following a public hearing before the Planning & Zoning Commission if:
- i. Three violations under §3-12-6 occur within a twelve-month period;
  - ii. The owner fails to comply with any conditions of approval;
  - iii. Operational impacts are found to be substantially detrimental to nearby properties.
  - iv. The property owner has been notified by mail of the violations and the revocation public hearing;
  - v. Revocation decisions may be appealed to City Council consistent with subsection 7.

### **3-12-45: Standards:**

- A. A short-term rental shall comply with the following standards:

#### **1. Permit:**

- a. ~~Commencing on the effective date hereof, any person who is permitted to engage in the rental of a dwelling for short term occupancy shall have obtained a short term rental permit.~~

~~Application for such a permit shall be made upon suitable forms furnished by the city. The permit is valid for one year and must be renewed annually. Renewal of the permit requires a complete permit application and fee. If a complete application and applicable fees have not been received by the city on the annual renewal date, the short term rental shall be conclusively presumed to be discontinued and the city shall revoke the short term rental permit.~~

- b. ~~A short-term rental permit is issued to a specific owner of a dwelling unit. The short term rental permit shall be revoked when the permit holder sells or transfers the real property. For purposes of this section, "sale or transfer" shall mean any change of ownership during the lifetime of the permit holder or after the death of the permit holder whether there is consideration or not, except a change in ownership where title is held in survivorship with a spouse or child or transfers on the owner's death to a trust which benefits only a spouse or child. A permit holder~~

~~may transfer ownership of the real property to: a trustee, a limited liability company, a corporation, a partnership, a limited partnership, a limited liability partnership, or other similar entity and not be subject to permit revocation pursuant to this section so long as the transferor lives and remains the only owner of the entity. When the permit holder sells or transfers the real property the new owner shall apply for and receive a short-term rental permit before using the dwelling as a short-term rental.~~

2. Issuance: The issuance of a short-term rental permit shall be subject to the following requirements:
  - a. Inspection:
    - ~~(1) At the time of application for a new short-term rental permit, the dwelling unit shall be subject to inspection by the building official or their designee. Prior to the issuance of the short-term rental permit, the owner of the dwelling unit shall make all necessary alterations to the dwelling required by the building official pursuant to the requirements of this chapter.~~
    - ~~(2) For renewals, applicants shall be required to submit a statement affirming compliance with the standards set forth in this chapter by completing a city provided self-inspection checklist.~~
    - ~~(3) Any inspections required under this chapter may be conducted by a private inspector certified by the International Code Council at the owner's expense.~~
  - ~~B1.~~ Windows: Bedroom windows shall be operable to allow for emergency egress in accordance with the most recent building and fire codes as adopted and amended by the State of Idaho.
  - ~~C2.~~ Smoke Alarms: Single or multiple-station smoke alarms shall be installed and maintained in accordance with manufacturers' specification:
    - ~~(1a)~~ On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
    - ~~(2b)~~ In each room used for sleeping purposes.
    - ~~(3c)~~ In each story within a dwelling unit, including basements but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.
  - ~~d3.~~ CO Detectors: A CO detector is required on each floor if: there is a garage, solid fuel appliance or gas appliance.
  - ~~E4.~~ Fire Extinguishers: The short-term rental shall be equipped with one 2A:10BC type extinguisher per floor. Fire extinguisher(s) shall be mounted in visible locations with the tops of the fire extinguishers mounted between three feet (3') and five feet (5') above the floor, and shall be accessible to occupants at all times.
  - ~~f5.~~ Occupancy:
    - (a) No recreational vehicle, travel trailer, tent or other temporary shelter shall be used as a short-term rental;
    - (b) Standard Short-Term Rentals shall contain no more than two (2) persons per bedroom, plus two additional persons. Total maximum occupancy of the Short-Term Rental shall not exceed ten (10) persons without the issuance of a High Occupancy STR Permit (HSTR).
  - ~~g6.~~ Local Representative:

- (~~1a~~) Each short-term rental shall list a local representative who permanently resides within twenty (20) vehicular miles of Sandpoint City limits.
  - (~~2b~~) If the Police Department is not able to contact the local representative in a timely manner more than twice during the term of the annual permit, this shall be considered a violation pursuant to section 3-12-5 of this chapter.
  - (~~3c~~) The designated local representative may be changed by the permit holder from time to time throughout the term of the permit. However, to change the local representative, the permit holder must file a revised permit application that includes the name, address and telephone number of the new local representative. Failure to notify the city of a change in the local representative constitutes a violation pursuant to section 3-12-~~56~~ of this chapter.
  - (~~4d~~) For ~~non-owner occupied~~ short-term rentals within the residential zones ~~that do not meet the standards of subsection 3-12-3.E.1. of this chapter~~, property owners and/or residents within two hundred feet (200') of the dwelling shall be provided with the name and telephone number of the owner or the local representative. The permit holder shall provide documentation to the city of this notification and list of the owners and/or residents contacted as part of the permit application process.
- ~~h7.~~ Permit Posting: The short-term rental permit shall be posted within the dwelling adjacent to the front door. At a minimum, the permit will contain the following information:
- (~~1a~~) The name of the local representative and a telephone number where the representative may be reached;
  - (~~2b~~) The name and a telephone number where the property owner can be reached;
  - (~~3c~~) The telephone number and website address of the City of Sandpoint and the Sandpoint Police Department;
  - (~~4d~~) The maximum number of occupants permitted to stay in the dwelling;
  - (~~5e~~) The solid waste and recycling collection day; and
  - (~~6f~~) The Sandpoint snowplowing regulations.
8. Parking: Short-term rentals shall provide and maintain adequate off-street parking as follows:
- (1) One (1) off-street parking space is required for standard STRs advertising accommodation for five (5) or fewer guests.
  - (2) Two off-street parking spaces are required for standard STRs advertising accommodation for six (6) or more guests.
  - (3) Parking requirements for High-Occupancy STRs shall be established by the Planning & Zoning Commission as a condition of approval for the HSTR Permit and shall not be fewer than two (2) off-street spaces.
  - (4) Any existing off-street parking in excess of the required parking for the residential use, including tandem spaces in driveways, or covered spaces in carports or garages, may count toward the requirement if they do not obstruct sidewalks, pedestrian routes, or emergency access.
  - (5) On-street parking shall not count toward the minimum requirement.
- ~~i. Inactivity: License issuance and continued validity for non-owner occupied short term rental shall be contingent upon the owner's good faith effort to actively engage in the rental of the property. Failure to provide documentation of rental activity for a minimum of twelve (12) nights during a twelve (12)~~

~~month period, pro-rated quarterly, prior to the short-term rental permit renewal deadline shall constitute an immediate forfeiture of the license.~~

(Ord. 1353, 6-6-2018; amd. Ord. 1380, 11-4-2020)

### **3-12-56: Violation; Infraction; Penalty:**

- A. The following conduct shall constitute a violation for which the penalties and sanctions specified in this section may be imposed:
1. Violations:
    - a. The tenants of the dwelling have created noise, disturbances, or nuisances, in violation of this code, or violations of State law pertaining to the consumption of alcohol, or the use of illegal drugs.
    - b. The owner has failed to comply with the standards of section 3-12-4 and 3-12-5 of this chapter.
  2. Penalties:
    - a. For the first two (2) violations within a twelve (12) month period, the sanction shall be a warning notice.
    - b. For the third violation within a twelve (12) month period, the sanction shall be a revocation of the permit.
  3. Written Notice: The city shall provide the permit holder with a written notice of any violation of this section that has occurred. If applicable, a copy of the warning notice shall be sent to the local representative.
  4. Appeal of Suspension or Revocation: Pursuant to this section, the city shall provide the permit holder with a written notice of the permit suspension or revocation and the reasons therefor. The permit holder may appeal the suspension or revocation to the city council by filing a letter of appeal to the city clerk within twenty (20) days after the date of the mailing of the Planning Director's order to suspend or revoke the permit. The Planning Director's suspension or revocation shall be stayed until the appeal has been determined by the city council. The city council shall conduct a hearing on the appeal within sixty (60) days of the date of the filing of the letter of appeal. At the appeal, the permit holder may present such evidence as may be relevant. At the conclusion of the hearing, based on the evidence it has received, the council may uphold, modify, or overturn the decision of the Planning Director to suspend or revoke the permit based on the evidence received.
  5. Application for Permit After Revocation: A person who has had a short-term rental permit revoked shall not be permitted to apply for a subsequent short-term rental permit for a period of two (2) years from the date of revocation.
  6. Infraction: Unless otherwise provided, any person who shall commence or continue to operate a short-term rental for which a permit is required by any provision of this title without first ~~procuring the same~~ obtaining such permit shall be deemed guilty of an infraction and, upon conviction thereof, shall be fined ~~one hundred dollars (\$100.00)~~ an amount established in the City's adopted fee schedule, as set by resolution of the City Council. An infraction is a civil public offense, not constituting a crime, for which no period of incarceration is imposed. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.
  7. Advertisement of Short-Term Rental: An advertisement promoting the availability of short-term rental property in violation of this code is prima facie evidence of a violation and may be grounds for denial, suspension or revocation of a license.

Advertising that offers a property as a residential short-term rental shall constitute prima facie evidence of the operation of a residential short-term rental and the burden of proof shall be on the owner, operator, or lessee of record to establish that the subject property is being used as a legal residential short-term rental or is not in operation.

Any communication by a property owner, manager, operator, or lessee to any person where the owner, manager, operator, or lessee offers their home for rent as a residential short-term rental shall constitute prima facie evidence of the operation of a residential short-term rental and the burden of proof shall be on the owner, operator, or lessee of record to establish that the subject property is being used as a legal residential short-term rental or is not in operation.

Other evidence of the operation of a residential short-term rental without a valid permit number may include, but is not limited to: guest testimony, rental agreements, advertisements, and receipts or bank statements showing payments to the owner by a guest.

(Ord. 1353, 6-6-2018)



## AGENDA REPORT

### Planning & Zoning Commission Meeting

**TODAY'S DATE:** October 13<sup>th</sup>, 2025

**MEETING DATE:** November 17<sup>th</sup>, 2025

**TO:** Chairman Dunkel, members of the Planning & Zoning Commission

**FROM:** Jason Welker, Planning & Community Development Director

**SUBJECT:** PUBLIC HEARING: Amendments to Title 3, Chapter 12: Short Term Rental of Dwelling Units

#### PURPOSE:

The purpose of this item is to consider proposed amendments to Sandpoint City Code Title 3, Chapter 12, regulating short-term rental (STR) operations within city limits. The amendments modernize the existing ordinance, clarify permitting and enforcement provisions, and align the City's regulations with Idaho Code §67-6539, which affirms the authority of municipalities to regulate STRs in order to protect public health, safety, and neighborhood character while respecting private property rights.

#### DECEMBER 16, 2025 UPDATE TO PZ COMMISSION

Following the November 18<sup>th</sup> public hearing at which amendments were first presented and discussed, staff has implemented some changes to the proposed amendments based on commissioner and community feedback. Those changes are summarized below:

1. **Addition of a definition of "neighborhood integrity":** State law Title 67, chapter 6539 of Idaho code allows counties and cities to enact and enforce ordinances that "protect the integrity of residential neighborhoods in which short-term rentals or vacation rentals operate." However, neither state law nor local ordinance has provided a definition of "neighborhood integrity." In response to the Planning & Zoning Commission's request to adopt such a definition, staff have developed the following:
  - *Neighborhood integrity: "The condition in which residential areas function in a manner consistent with their intended character and density, such that short-term rental activities do not generate impacts such as noise, traffic, parking congestion, or public nuisance, beyond those normally associated with lawful long-term residential use."*
2. **Creation of a new type of STR permit:** In the November 18<sup>th</sup> presentation the draft amendment proposed requiring High-Occupancy Short Term Rentals (HSTRs, defined as STRs advertising occupancy for 11 or more guests) to obtain a Conditional Use Permit (CUP). Staff have since determined that the better option is to create a new type of STR permit specifically for high-occupancy units, and keeping the permitting process separated from the CUP process, which typically relates to regulation of land use under Title 9, Zoning.
  - The proposed HSTR permit process mirrors the process for a CUP closely, requiring the same noticing and public hearing at which the PZC has authority over approval or denial of a HSTR permit.

- The new permit includes specific requirements regarding performance and impacts of the proposed HSTR.
  - Findings include requirements that the HSTR will “maintain the integrity of the surrounding residential neighborhood”.
3. **Updated parking requirements:** The draft brought to the November 18<sup>th</sup> meeting required a minimum of two off-street parking spaces for an STR, with requirements increasing with additional bedrooms beyond three. The updated proposal brings this requirement more into line with the residential parking requirements and the nature and reality of transient occupancy of STRs.
- One off-street parking space is required for STRs advertising accommodation for five or fewer guests.
  - Two spaces are required for STRs advertising 6 – 10 guests.
  - Rationale is most vehicles can accommodate up to five passengers. It is reasonable to tie off-street parking requirements to likely demand for parking resulting from STR operation.
  - HSTR parking requirements to be established as a condition of approval by the PZC.

### DRAFT AMENDMENT TO STATE CODE PROPOSED BY AIRBnB LOBBYIST

While staff have continued refining our local STR ordinance, the Idaho Vacation Rental Association and its Silicon Valley backers (notably AirBnB) have drafted a bill amending State Law Title 67-6539, “*Limitations on regulation of short-term rentals and vacation rentals*” to further strip City’s rights and abilities to regulate STRs to mitigate their impacts on neighborhood integrity. Notable changes to State law being proposed include,

1. Changing language that currently states, “A county or city may implement such reasonable regulations **as it deems necessary** to safeguard the public health, safety and general welfare in order to protect the integrity of residential neighborhoods in which short-term rentals or vacation rentals operate” to “...regulations **contained in subsections (4) and (5)** to safeguard the public health...”
  - Cities would no longer be permitted to determine what regulations are necessary and instead would be limited to regulations the state says we are allowed to implement. Those included in (4) and (5) include:
    4. *Cities may require smoke alarms, fire extinguishers, removable fire escape ladders in sleeping areas above the main floor, carbon monoxide detectors, set maximum occupancy limits based on the international fire code, and require the owner to provide informational handouts regarding location of exits, fire extinguishers, and first aid kits.*
    5. *Other reasonable regulations that “shall not impose greater restrictions or obligations on the short-term rental than are imposed on similar dwelling units not used as short-term rentals.”*
2. Eliminating city and county’s licensing / permitting authority for operation of STRs, such that Cities are prohibited from requiring STRs to register with the City.

If the bill amending the State’s STR laws makes it through the legislature in the upcoming session, Sandpoint will be required to further amend our own STR ordinance to remove permit requirements and any performance standards beyond those identified in (4) and (5) above.

### STAFF RECOMMENDATION:

Staff recommend that the Planning & Zoning Commission recommend adoption of the proposed amendments to Sandpoint City Code Title 3, Chapter 12, as presented. The revised code provides a clearer, more enforceable, and legally defensible framework for regulating short-term rentals consistent with state law and community objectives.

**ACTION:**

The Planning and Zoning Commission may choose from the following actions:

1. **Recommend approval** of the proposed amendment to Sandpoint City Code, Title 3, Chapter 12, as presented;
2. **Recommend modifications** to the proposed amendment prior to forwarding a recommendation to City Council;
3. **Postpone or table** consideration to a date certain to allow for additional information or revisions; or
4. **Recommend denial** of the proposed amendment.

**WILL THERE BE ANY FINANCIAL IMPACT? N HAS THIS ITEM BEEN BUDGETED? N/A**

**ATTACHMENTS:**

Draft amendments to §3-12 Short Term Rental of Dwelling Units



## AGENDA REPORT

### Planning and Zoning Commission Meeting

**TODAY'S DATE:** December 9, 2025

**MEETING DATE:** December 16, 2025

**TO:** Chairman Dunkel and members of the Sandpoint Planning and Zoning Commission

**FROM:** Planning and Community Development Director Jason Welker, Deputy Director and City Planner Bill Dean

**SUBJECT:** PUBLIC HEARING: Amendments to Sandpoint City Code Title 9 to change lot coverage standards in all residential zones and minimum lot size and density standards in the RM zone.

#### INTRODUCTION:

The proposed amendments to Sandpoint's residential development standards being presented tonight relate to lot coverage, lot size, and allowed density in the residential single family (RS), residential multifamily (RM) and rural residential zones (RR1 and RR2). Additional amendments to our RS and RM zoning codes are aimed at cleaning up and clarifying language around development standards while maintaining the specific standards from existing code around setbacks, building heights, residential design standards, and garages. Finally, the standards for development of residential substandard original lots of record have been revised to make development on such lots easier to implement and administer.

The staff report will provide context and clarification on three amendments that stand to have the greatest impact on development in the RS and RM zones: 1) Changes to lot coverage standards, 2) changes to minimum lot sizes in the RM zone, and 3) allowed density in the RM zone.

Underlying the proposed amendments is the Planning team's ongoing effort to implement the goals and objectives of the 2024 Comprehensive Plan. The amendments being considered tonight support several Comp Plan goals relating to promoting affordable housing choices through the following objectives:

- Promoting **infill and redevelopment** within existing neighborhoods;
- Supporting a **diversity of housing types and affordability**;
- Ensuring **efficient land use** and sustainable growth; and
- Encouraging **compact, connected, and walkable neighborhoods**;

This report presents proposed amendments to Sandpoint City Code Title 9 aimed at increasing the percentage of Sandpoint lots that may be developed with living space while preserving a maximum footprint for two-story structures and a total impervious surface standard that protects the character of

Sandpoint's neighborhoods. We also introduce an amendment that allows for the creation of smaller lots in the residential multi-family (RM) zone, which will bring modern development standards into alignment with those originally in place when much of Sandpoint was platted a century ago.

## **PART 1 – Lot Coverage Standards:**

A basic function of lot coverage standards is to manage the built environment by limiting the percentage of a lot that can be covered by building footprints and impervious surfaces. Sandpoint's current zoning regulations contain two zone districts (Rural Residential 1 "RR1" and Rural Residential 2 "RR2") with a single lot coverage standard and two zone districts (Residential Single-Family "RS" and Residential Multi-family "RM") with two requirements to achieve this objective, often leading to confusion over what portion of a proposed development is regulated/limited by each standard.

The RS zone currently allows a maximum building footprint of 35% of the lot size, with a max impervious surface (including building footprint) up to 65%. The proposal is to keep the 35% maximum building footprint limit currently in code but to change that to apply only to portions of a structure taller than 18 feet, while allowing single-story structures (18 feet or shorter) to exceed the existing 35% cap up to a new proposed maximum impervious surface limit of 70% of lot size (bringing the RS max impervious surface standards to the same level as it is in the RM and mixed-use residential zones). How we settled on these standards relates to the discussions held over three PZC meetings from September through November.

- The initial proposal brought to the PZC in September was to eliminate the maximum building footprint standards in both the RS and the RM zones and replace them with a single impervious surface standard, which, in theory, could have allowed property owners to build structures up to the maximum height in the RS zone (35') consuming up to 70% of the lot (assuming no additional impervious surfaces were included).
- Commissioners expressed concerns about this proposal's potential for allowing "McMansions," or domineering structures built up to or nearly up to the setbacks on RS lots, consuming valuable air, light, and open space currently available to neighbors, with the potential for second story windows peering down into backyards of adjacent property owners.
- Staff brought forth several options at subsequent meetings that would step down the max impervious surface (and thus max building footprint) on lots as lot size increases. Each of these options had drawbacks, ranging from the "cliffs" that would be created when property owners with larger lots are allowed to cover less of their lot than owners of smaller properties, or the challenges of administering a system in which a mathematical formula is required to calculate the exact square footage of impervious surface allowed on each lot based on its exact size.
- In the end, staff determined that the best option is to keep things simple with a single max impervious standard across all RS lots regardless of size (70%) but keeping the 35% building footprint max in place *for all structures taller than a single story, or eighteen feet*. Limiting building footprint to the current 35% for two-story structures, but allowing single-story structures to exceed that up to 70% of the lot size, achieved the original desired outcomes that inspire the amendment: to allow and encourage single-story *aging-in-place* development on smaller Sandpoint lots, which is not possible when the 35% building footprint max applies to all building heights.

The proposed amendment to standards in the RS zone as it stands tonight is as follows:

- Apply the 35% max building footprint standard to portions of a structure that contain two or more stories or exceed eighteen feet in height.
- Allow a maximum impervious surface (including single-story building footprint beyond the 35% max allowed for two-story structures) of 70% of the lot size.

Meanwhile, in the RM zone we have settled on an amendment that eliminates the maximum building footprint standard altogether and allows development of properties up to the maximum impervious surface standards of 70%. Given the different characters of RS and RM neighborhoods and the intent to promote infill development and attached housing in the RM zone, the two-story building footprint max is not proposed to apply to the RM zone. Allowing structures to consume a larger percentage of a lot in the RM zone (where the max building footprint allowed currently is 40%) will allow for the construction of attached and multi-family housing types that are currently limited under the 40% building footprint maximum. Combined with the increased density standard described in part 3 of this report, the elimination of the building footprint standard in the RM zone will incentivize “more doorknobs per acre” of land in the RM zone.

The hope is that loosening regulations in current code that tell developers they are allowed to cover their lots in some types of impervious surfaces (concrete patios, parking areas, driveways) but not others (living space or additional dwelling units) will ultimately contribute to more housing that will mitigate Sandpoint’s increasing rent and housing prices.

A goal of the Comp Plan is to “use land more efficiently” to “prevent sprawl.” By allowing more living space to be provided per square foot of real estate in the RM and RS zones, growth is encouraged where infrastructure already exists, as opposed to sprawling into parts of Sandpoint or beyond City limits into the county where infrastructure (water, sewer, roads, etc.) is limited.

## Part 2 – Minimum Lot Size Standards:

Also included in our proposed amendments tonight is a decrease in the minimum lot size and the minimum required street frontage allowed for new lots created in the RM zone. Under current code lots down to 5,000 square feet in size are allowed to be created in both the RS and in the RM zones. In the RM zone a minimum street frontage of 37.5’ is required for all newly created lots. However, historically, hundreds of lots in central Sandpoint were platted smaller than what our code currently requires (see figure 1), such that today there exist hundreds of what Sandpoint City Code refers to as “Residential substandard original lots of record” (in other words, lots that wouldn’t be allowed to be created today because they are smaller than what current code allows).

Throughout the development of Sandpoint’s 2024 Comprehensive Plan the community expressed support for development of standards and policies that allowed for creation of smaller lot sizes and setbacks, which would “promote infill development,” which the plan describes as becoming “increasingly more important as a means for creating housing.” The plan states, “Solutions such as accessory dwelling units, **smaller lot sizes**, attached single-family units (e.g. duplex or townhouse lots), and cottage housing are all options that can create additional units but **may need zoning code changes to**



**Figure 1:** 3,500 sf lots in Central Sandpoint. Hundreds of small lots in Sandpoint are currently “non-conforming”, and today’s code prohibits the creation of new small lots.

improve feasibility.” Additionally, the Comp Plan revealed that, “Through the Plan’s public engagement process, these methods received more positive feedback than larger scale multifamily developments...”

In the Comp Plan’s future land use section, Sandpoint’s “medium-density residential” land use category (which overlays most of the RM zone in central Sandpoint) is described as having the “potential for **smaller lot sizes** and setbacks,” and supporting, “a mix of housing types often referred to as ‘**missing middle**’ housing (single, duplex, fourplex, townhome dwellings) and smaller scale multiple-family buildings (10 or fewer units).”

The proposed amendment allowing for creation of 3,500 square foot lots for individual dwelling units (and as small as 2,500 square feet for common wall townhouse lots) in the RM zone, (down from the 5,000 square feet for lots containing individual dwelling units and 3,500 square feet for townhouse lots) will allow for the creation of new lots that reflect the size, character, and intent of hundreds of lots laid out on Sandpoint’s original residential plats. The intent of the City’s historic subdivisions was to provide flexibility to property owners for how they could use their land. Where money and resources were limited, individual 25’-wide lots could be bought and smaller homes built; for families with greater means, two or more 25’-wide lots could be combined and larger homes built. Over the last century much of the development in central Sandpoint reflected the latter of those patterns, favoring large lawns and open space over density and doorknobs.

Today, with the pressure Sandpoint’s housing market has experienced from the in-flow of residents and the resulting increase in rents **pushing long-time residents out of the housing market**, there is an urgent need to adapt our code to allow for the creation of smaller, more affordable lots that can be developed with modestly-priced homes attainable by local workers who cannot afford the large-lot, large home product that has emerged across Sandpoint’s RS-zoned neighborhoods and consumed much of the valuable real estate in our RM neighborhoods as well. The amendments considered tonight acknowledge that the demands of today’s working-class families in Sandpoint are around **affordability** and **availability** of housing: an objective the relatively large 5,000 sf minimum lot size in the RM zones make difficult to achieve.

### Part 3 – RM Density Standard

The final amendment proposed tonight is around the allowed density in the RM zone, as measured by number of dwelling units allowed based on lot size. Under current code, the minimum lot size required to develop a two-unit attached multifamily structure is 6,775 square feet. An additional 1,775 square feet of lot area is required for each additional dwelling unit, up to 10 units, which require 20,975 (roughly half an acre) of lot area. Beyond 10 units an additional 1,000 square feet of lot area is required per unit.

The table below demonstrates an example of the current density allowances in Sandpoint’s residential multi-family neighborhoods:

| <u>Units</u> | <u>Lot Size (f<sup>2</sup>)</u> |
|--------------|---------------------------------|
| <b>2</b>     | 6,775                           |
| <b>3</b>     | 8,550                           |
| <b>4</b>     | 10,325                          |
| <b>5</b>     | 12,100                          |
| <b>6</b>     | 13,875                          |

Currently, any lot smaller than 6,775 square feet in the RM zone is allowed to contain only a single-family structure. The proposed amendment involves increasing the allowable number of primary structures on lots within each size bracket by one unit, and reducing the minimum lot size required for the development of a two-unit structure from 6,775 square feet to 5,000 square feet. On lots smaller than 5,000 square feet in the RM zone, only a single primary structure may be constructed. The table below demonstrates an example of the proposed amendment:

| <u>Units</u> | <u>Lot Size (f<sup>2</sup>)</u> |
|--------------|---------------------------------|
| <b>1</b>     | 0-4,999                         |
| <b>2</b>     | 5,000                           |
| <b>3</b>     | 6,775                           |
| <b>4</b>     | 8,550                           |
| <b>5</b>     | 10,325                          |
| <b>6</b>     | 12,100                          |

For example, if an individual who owned a 10,500 square foot lot in the multifamily zone wished to split it into three 3,500 square foot lots, the resulting lots could be developed with a single housing unit each (with the option to build an ADU in the rear). Alternatively, the same individual could split her 10,500 sf lot into two 5,250 sf lots, each of which could be developed with a duplex, or further subdivided those into four 2,625 sf townhouse lots with a common interior wall.

The net effect of the proposed density increase complements the proposed decrease in the minimum allowable lot size in the RM zone by promoting more doorknobs per square foot of soil in our multifamily neighborhoods. Despite the fact that around half of Sandpoint's residentially zoned property is zoned for multifamily development, our existing regulations make it relatively expensive and therefore undesirable to actually build multifamily housing. Requiring 6,775 square feet of soil for a two-unit attached product results in the multifamily zoned neighborhoods being only marginally more dense (and thus marginally more affordable) than Sandpoint's single-family neighborhoods, in which 5,000 square feet is required for a single unit (thus 10,000 square feet for two single family homes).

- Under current zoning, Sandpoint's RM neighborhoods built to maximum density could accommodate **1.47 times the amount of housing** units per unit of land area as Sandpoint's single-family neighborhoods built to maximum density.
- Under the proposed amendment, Sandpoint's RM neighborhoods built to maximum density could be built to **twice the density** of Sandpoint's single-family neighborhoods.

## WHY ARE THESE AMENDMENT NEEDED?

Returning to the Comprehensive Plan we can see how the proposed amendments to maximum building footprints and impervious surface standards, minimum lot size standards, and density standards work towards fulfilling the Plan's goals and objective around housing variety, neighborhood character, efficient land use, and housing affordability.

**Housing & Neighborhoods, Goal 1: Housing Variety, Objective 1A – Pursue diversity in housing types** (Ch. 4, Housing, Goal 1A)

- More flexible footprint standards, especially for single-story homes, allow a wider range of housing types (ADUs, small-lot single-family, attached multi-family, attached single-family, and accessible single-level units) that currently cannot fit on RS or RM lots under rigid 35% caps.
- Reducing minimum lot sizes in the RM zone enables attached units, townhouses, duplexes, and “missing middle” forms that the Plan explicitly encourages.
- Increasing allowable density allows duplexes, triplexes, and small multiplexes on appropriately sized RM lots, directly expanding the diversity of attainable housing types.

**Goal 3: Existing Neighborhoods, Objective 3G – Ensure new housing types are appropriately scaled** (*Ch. 4, Housing, Goal 3G*)

- The 35% cap on two-story portions of structures preserves light, air, and massing patterns characteristic of established RS neighborhoods.
- Smaller RM lots channel higher-intensity housing into RM areas rather than RS neighborhoods, preserving appropriate transitions between housing scales.
- Increased RM density is concentrated in areas intended for more intense development, helping maintain compatible scale in both RS and RM districts.

**Livable Community Vision, Respect the scale and character of established neighborhoods** (*Ch. 2, Vision: Livable Community*)

- Height-dependent footprint limits prevent overly massive homes while encouraging single-story living forms compatible with existing neighborhood rhythm.
- Allows more modest home sizes and lot sizes consistent with the historic development pattern throughout central Sandpoint.
- Directs added units into RM zones in a controlled manner that maintains the character of RS districts.

**Community Character & Design, Goal 1: Character and Identity, Objective 1A – Respect town character in density and site planning** (*Ch. 3, Goal 1A*)

- Balances development flexibility with site-planning outcomes that preserve view corridors, air, and sunlight, reinforcing historic neighborhood character.
- Re-establishes the traditional small-lot pattern that shaped Sandpoint’s residential identity for over a century.
- Ensures compact development occurs where intended (within RM neighborhoods) supporting thoughtful density compatible with historic character.

**Land Use, Context Area 2 (CA-2: Traditional SF Neighborhoods), Built Form Policy – Structures should respect bulk, mass, and architecture of surroundings** (*Ch. 6, CA-2 standards*)

- Maintaining the 35% cap on taller building mass preserves consistency with traditional CA-2 homes.
- Concentrates higher-density development outside CA-2 RS neighborhoods, preserving historic pattern and scale.
- Additional density is directed to RM zones, avoiding incompatible over-intensification of CA-2 areas.

**Quality Places, Goal 4: Efficient Use of Land & Infrastructure, Objective 4G – Allow clustered development and efficient use of utilities (Ch. 6, Goal 4G)**

- Coverage reforms allow more living area without expanding sprawl, using land more efficiently.
- Smaller lots reduce infrastructure cost per unit and support compact neighborhoods that make use of existing utilities.
- Increasing density where infrastructure already exists maximizes return on public investment and helps avoid outward expansion.

**Overall Housing Affordability Direction, Plan Directive: Create additional units through zoning changes (Ch. 4 & Engagement Summary)**

- Enables more feasible single-story and small-lot housing formats, expanding supply.
- Reduces land cost per dwelling and re-legalizes historically affordable lot sizes.
- Allows more units on RM parcels, directly increasing the city's attainable housing stock.

**STAFF RECOMMENDATION**

Staff recommend that the Planning & Zoning Commission recommend approval of the proposed amendments to Title 9 of City Code as presented tonight, including changes to the building footprint and impervious surface standards in the RS, RM, RR1, and RR2 zones, the decrease in the minimum lot size and minimum required street frontage standards in the RM zone, and the increase in allowable density in the RM zone, along with the several other code language clean-ups proposed in the amendments before you tonight. The PZ Commission's recommendation will be brought to City Council for consideration at a public hearing at a future date.

**ACTION:**

The Planning & Zoning Commission is asked to:

1. **Recommend Approval:** Recommend that City Council approve the proposed amendments to Title 9 as presented in this staff report.
2. **Recommend Modifications:** Provide feedback or request revisions to the proposed language prior to forwarding to City Council.
3. **Deny Recommendation:** Recommend that City Council retain the existing building coverage standards.

**WILL THERE BE ANY FINANCIAL IMPACT? N HAS THIS ITEM BEEN BUDGETED? N/A**

**ATTACHMENTS:**

Draft amendments to title 9

### 9-1-3: Definitions:

Words not defined herein shall be given the meanings ordinarily applied to such words. The word "structure" shall include the word "building", and the word "lot" shall include the word "plot".

**ACCESSORY BUILDING OR USE:** A subordinate building or use, which is located on the same parcel on which the main building or use is situated and which is reasonably necessary and incidental to the conduct of the primary use of such building or to the main use.

**ACCESSORY DWELLING UNIT (ADU):** A habitable living unit added to, created within, or detached from a single-family dwelling that provides basic requirements for living, sleeping, eating, cooking, and sanitation.

**ACREAGE:** Any tract or parcel of land which has not been subdivided or platted.

**ADJOINING:** Properties that touch or bound a particular parcel of land. For notification purposes, parcels that would adjoin a property absent an alley are also included.

**AIRPORT:** The Sandpoint Airport property, including all land covered by the Sandpoint Airport master plan.

**AIRPORT ELEVATION:** The highest point of an airport's usable landing area measured in feet from sea level. The elevation of the Sandpoint Airport is two thousand one hundred twenty-seven feet (2,127') above mean sea level.

**ALLEY:** A public passageway for vehicles shown on the official plat of the city or its additions and designated thereon as an alley.

**APARTMENT:** A room or suite of rooms in a multiple-family structure which is arranged, designed, used or intended to be used as a housekeeping unit for a single-family.

**AUTO WRECKING OR JUNKYARD:** Any place where two (2) or more motor vehicles not in running condition, or parts thereof, are stored in the open and are not being restored to operation; any land, building or structure used for wrecking or storing of such motor vehicles or parts thereof and including any farm vehicles or farm machinery or parts thereof, stored in the open and not being restored to operating condition; and including the commercial salvaging and scavenging of any other goods, articles or merchandise.

**AUTOMOBILE:** A passenger vehicle.

**AUTOMOBILE REPAIR:** General repair, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair; overall painting of motor vehicles.

**AUTOMOBILE SERVICE STATION:** An establishment where automotive fuels and lubricants, accessories and services are sold at retail; however, where the sale of such is only incidental, the establishment or premises shall be classified as a public garage.

**BASEMENT:** A story partly or wholly underground. Where more than one-half (½) of its height is above the average level of the adjoining ground, a basement shall be counted as a story for purpose of height measurement.

**BED AND BREAKFAST:** An owner occupied dwelling where rooms are available for transient lodging and where a morning meal is provided.

**BILLBOARD:** Any structure or portion thereof upon which are placed signs or advertisements used as an outdoor display. This definition does not include any bulletin boards used to display official court or public office notices, or a sign advertising the sale or lease of the premises on which the sign is located.

**BOARDING, LODGING OR ROOMING HOUSE:** A building where lodging, with or without meals, is provided for compensation for not fewer than four (4) nor more than twelve (12) persons in addition to members of the family occupying such building.

**BUILDING:** Any structure utilized or intended for supporting or sheltering any occupancy.

**BUILDING AREA:** The buildable area of a lot is the space remaining after adherence to the minimum open space requirements of this chapter.

**BUILDING FOOTPRINT:** The horizontal area, measured from the outside of all exterior walls and supporting columns. It includes all attached and covered components of a structure including residences, garages, covered carports, and covered patios, decks and porches.

**BUILDING HEIGHT:** The vertical distances measured from the sidewalk level or its equivalent established grade opposite the middle of the front of the building to the highest point of the roof. Where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished lot grade at the front of the building.

**BUILDING LINE:** The perimeter of that portion of a building nearest a property line, but excluding open steps, terraces, cornices and other ornamental features projecting from the walls of the building.

**CARPORT:** A structure attached or made a part of the main structure which is open to the weather on at least two (2) sides, intended for the use of sheltering not more than two (2) motor driven vehicles.

**CHURCH:** A nonprofit organization, that is or would be recognized by the internal revenue service as such, which uses buildings, structures, or land for the teaching or practice of religious doctrine or related social functions.

**COMMISSION:** For the purposes of this title, "commission" shall mean the planning and zoning commission.

**COMPREHENSIVE PLAN:** An official document pursuant to Idaho Code 67-6508 that includes land within the jurisdiction of the governing board which considers previous and existing conditions, trends, desirable goals and objectives, or desirable future situations for each planning component. The plan with maps, charts, and reports shall be based on the following components unless the plan specifies reasons why a particular component is unneeded: population; economic development; land use; natural resource; hazardous areas; public services, facilities and utilities; transportation; recreation; special areas or sites; housing; community design and implementation.

**CONDITIONAL USE:** A use listed in a particular zone which is compatible with its surrounding area and permitted if approved by the planning commission or by a hearing body.

**CONDOMINIUM:** A multiple-family dwelling, duplex, or single unit, in which the dwelling units are individually owned, with each owner having a recordable deed enabling the unit to be sold, mortgaged, or exchanged independently.

**COURT:** An open unoccupied space, other than a yard, on the same lot with a building and bounded on two (2) or more sides by such building.

**CURB GRADE:** The established elevation of the curb measured at the center of the front of a building. Where no curb grade has been established, the city shall establish such curb level or its equivalent for the purpose of this chapter.

**DANCE HALL:** A large room used mainly for dancing. (Synonyms: ballroom, dance palace.)

**DAYCARE CENTER:** A place or facility providing daycare for compensation for thirteen (13) or more children.

**DISTRICT:** A section or sections of the incorporated area of the city for which the regulations and provisions governing the use of buildings and land are uniform for each class of use permitted therein.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

HEIGHT: See definition of Building Height.

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

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

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

HOTEL: A building designed for occupancy as the more or less temporary abiding place of individuals who are lodged with or without meals, in which there are six (6) or more guestrooms, and in which no provisions are made for cooking in any individual room or suite.

IMPERVIOUS SURFACE: A hard surface area that significantly prevents or impedes the infiltration of water into the soil. Impervious surfaces include, but are not limited to, buildings, roofed structures, concrete or asphalt driveways and walkways, patios, decks with impervious surfaces, compacted gravel areas intended for parking or circulation, and other hard-surfaced areas. The City Engineer shall have the discretion to determine whether a particular surface or material is considered impervious based on its design, construction, and performance

INSTITUTION: A building occupied by a nonprofit corporation or a nonprofit establishment for public or semipublic use.

KENNEL: Any lot or premises on which four (4) or more dogs, at least four (4) months of age, are kept.

LABORATORY: A place devoted to experimental study such as testing and analyzing. Manufacturing of a product or products is not to be permitted within this definition.

LOADING SPACE: An off-street space or area on the same lot with a building or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials and which abuts upon a street, alley or other appropriate means of access.

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

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

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

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

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

LOT OF RECORD, SUBSTANDARD ORIGINAL: Any legally created individual nonconforming lot ~~or parcel~~ that does not meet the minimum lot width or area requirements of the district in which it is located. Such lot ~~or parcel~~ may be utilized for those uses permitted within its zoning district if all other requirements of this title are met. ~~For the purpose of this definition, residentially zoned lots or parcels must have been created prior to March 10, 1980, and industrially zoned lots or parcels must have been created prior to April 20, 2011, or they must have existed prior to their annexation into the city of Sandpoint, whichever occurred first.~~ Residential development of substandard original lots of record is subject to section 9-4-6 of this title.

LOT, REVERSED CORNER: A corner lot the rear of which abuts upon the side of another lot whether across an alley or not.

LOT WIDTH: The horizontal distance between the side lot lines.

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

MOBILE HOME PARK: Any plot of ground upon which two (2) or more occupied mobile homes are located.

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

**MODULAR HOUSING:** A dwelling unit manufactured off site, built to be used for permanent residential occupancy, to be set on a permanent foundation and conforming to the applicable building code.

**MOTEL:** A group of attached or detached buildings containing individual sleeping or living units where a majority of such units open individually and directly to the outside, and where a garage is attached or a parking space is conveniently located to each unit, all for the use by automobile tourists or transients, and such words include motor lodges, motor inns, and similar terms.

**NONCONFORMING USE:** Any building, structure or land lawfully occupied by a use or lawfully situated which does not conform to the regulations of this title.

**NONPRECISION INSTRUMENT RUNWAY:** A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight in nonprecision instrument approach procedure has been approved or planned.

**NURSING HOME OR REST HOME:** A private hospital for the care of children, the aged or infirm or a place of rest for those suffering bodily disorders, but not including facilities for the treatment of sickness or injuries or for surgical care.

**PARKING AREA/FACILITY, PRIVATE:** Any privately owned off-street area, lot, structure, or portion thereof, that is designated and used for the temporary storage and maneuvering of motor vehicles. This includes surface parking lots, parking garages or structures, and all internal driveways, drive aisles or circulation areas necessary for vehicle ingress, egress, and movement within the facility. A private parking facility does not include public rights-of-way, on-street parking spaces, or areas designated exclusively for the loading or unloading of trucks or delivery vehicles.

**PARKING AREA/FACILITY, PUBLIC:** An open area, other than street, used for the temporary parking of more than four (4) automobiles and available for public use whether free, for compensation or as an accommodation for clients or customers.

**PARKING SPACE:** An area, enclosed or unenclosed, which has adequate access to a public street or alley, sufficient in size to store one automobile.

**PERSON:** An individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.

**PLANNED UNIT DEVELOPMENT:** An area of land pursuant to Idaho Code 67-6515 in which a variety of residential, commercial, industrial and other land uses are provided for under single ownership or control.

**PORCH:** A roofed entrance to a building, projecting out from the wall or walls of the main structure and commonly open in part to the weather.

**PRECISION INSTRUMENT RUNWAY APPROACH ZONE:** The inner edge of this approach zone coincides with the width of the primary surface and is one thousand feet (1,000') wide. The approach zone expands outward uniformly to a width of sixteen thousand feet (16,000') at a horizontal distance of fifty thousand feet (50,000') from the primary surface. Its centerline is the continuation of the centerline of the runway.

**PRESCHOOL:** An institution primarily engaged in child training and academic instruction prior to the mandatory first grade.

**PRIMARY SURFACE:** A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred feet (200') beyond each end of that runway; for military runways or when the runway has not specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in the airport overlay zone district. The elevation on the primary surface is the same as the elevation of the nearest point on the runway centerline.

**RUNWAY:** A defined area on an airport prepared for landing and takeoff of aircraft along its length.

**SCHOOL:** An institution primarily engaged in academic instruction, public, parochial or private and recognized or approved by the state.

**SETBACK:** The minimum required distance between a property line and any portion of a building excepting projections as allowed by this title.

**SIDEWALK:** That portion of a street between the lateral lines of the roadway and the adjacent property lines set apart for use by pedestrians.

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

**STORY:** That portion of a building included between the surface of any floor and the surface of the floor next above it or if there be no floor above it, then the space between such floor and the ceiling next above.

**STREET:** The entire width between the right-of-way lines of every way for vehicular and pedestrian traffic and includes the terms "road", "highway", "lane", "place", "avenue", and other similar designations.

**STRUCTURAL ALTERATIONS:** Any change which would prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams or girders.

**STRUCTURE:** That which is built or constructed.

**TERRACE, OPEN:** A level and rather narrow plain or platform which, for purposes of this title, is located adjacent to one or more faces of the main structure and which is constructed not more than four feet (4') in height above the average level of the adjoining ground.

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

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

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

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

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

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

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

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

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

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

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

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

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

### **9-4-1-1: Purpose:**

The Single-Family Zone is intended to preserve land for housing and to provide housing opportunities for individual households. The zones implement the comprehensive plan policies and designations for single-family housing in the CA-2 areas identified in the 2009 comprehensive plan.

(Ord. 1263, 12-29-2011)

### **9-4-1-2: Use Regulations:**

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

The following regulations shall apply:

- P Permitted use
- C Conditional use<sup>1</sup>
- N Not permitted

| Residential (except for uses located on original substandard lots of record):                                                                                                                             |                |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| Accessory dwellings as provided in section 9-1-8 of this title                                                                                                                                            | P              |
| — Attached housing                                                                                                                                                                                        | P <sup>2</sup> |
| Duplex on a single lot                                                                                                                                                                                    | N              |
| Cottage housing in accordance with section 9-4-7 of this chapter                                                                                                                                          | P <sup>3</sup> |
| Gated communities                                                                                                                                                                                         | N              |
| Manufactured homes subject to the following provisions, conditions, and regulations:                                                                                                                      | P              |
| A. The manufactured home shall be multi-sectional, unless sited in a recognized, existing or newly created manufactured housing community.                                                                |                |
| B. The manufactured home shall be placed on an excavated and backfilled foundation and enclosed at the perimeter in such a manner that the home is located not more than twelve inches (12") above grade. |                |

|                                                                                                                                                                                                                                                                                                |                      |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|
| C. In addition to the provisions of subsection A of this use, a manufactured home shall be subject to any development standard, architectural requirements and minimum size requirements to which a conventional single-family residential dwelling on the same lot would be subjected.        |                      |
| Multi-family dwellings                                                                                                                                                                                                                                                                         | N                    |
| Short term rentals subject to the licensing requirements set forth in title 3, chapter 12 of this Code                                                                                                                                                                                         | P                    |
| Single-family dwellings, private garages, and such outbuildings as may be incidental thereto. Such outbuildings shall not be used, occupied or equipped for a permanent dwelling or guesthouse and not more than 1 dwelling shall occupy 1 lot, except as otherwise provided for in this title | P                    |
| <u>Residential (located on original substandard lots of record):</u>                                                                                                                                                                                                                           |                      |
| <u>Single-family dwellings</u>                                                                                                                                                                                                                                                                 | <u>P<sup>2</sup></u> |
| <u>Duplex on a single lot</u>                                                                                                                                                                                                                                                                  | <u>N</u>             |
| <u>Attached housing (two or three units)</u>                                                                                                                                                                                                                                                   | <u>P<sup>2</sup></u> |
| <u>Nonresidential:</u>                                                                                                                                                                                                                                                                         |                      |
| Cemeteries                                                                                                                                                                                                                                                                                     | C                    |
| Churches and accessory buildings used for religious teachings                                                                                                                                                                                                                                  | C                    |
| Community centers, nonmunicipally owned                                                                                                                                                                                                                                                        | N                    |
| Daycare, including homeschooling:                                                                                                                                                                                                                                                              |                      |
| Home (6 or less - home occupation)                                                                                                                                                                                                                                                             | P                    |
| Group (7—12)                                                                                                                                                                                                                                                                                   | N                    |
| Daycare facilities (13+)                                                                                                                                                                                                                                                                       | N                    |
| Fire stations                                                                                                                                                                                                                                                                                  | N                    |
| Home occupations                                                                                                                                                                                                                                                                               | P                    |
| Kennels; commercial or private, even as a home occupation                                                                                                                                                                                                                                      | N                    |
| Libraries                                                                                                                                                                                                                                                                                      | C                    |
| Municipally owned facilities                                                                                                                                                                                                                                                                   | P                    |
| Other uses not specifically listed                                                                                                                                                                                                                                                             | N                    |
| Parks or playgrounds:                                                                                                                                                                                                                                                                          |                      |
| Private                                                                                                                                                                                                                                                                                        | C                    |
| Public                                                                                                                                                                                                                                                                                         | P                    |
| Police stations                                                                                                                                                                                                                                                                                | N                    |
| Public utility facilities                                                                                                                                                                                                                                                                      | P                    |
| Recreation buildings, nonmunicipally owned                                                                                                                                                                                                                                                     | N                    |
| Schools, public or private, except those schools of vocational nature which operate similarly to a retail business where a product or products may be purchased on the premises                                                                                                                | C                    |

## Notes:

- Any use legally established as a permitted use now subject to conditional use approval shall be subject to conditional use approval to expand such use.
- Subject to standards set forth for the standards for development of residential original substandard lots of record, SCC 9-4-6.
- Subject to standards set forth for cottage housing development.
- ~~Development of attached housing units or cottage housing in the RS Zone shall not be restricted by this provision.~~

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(Supp. No. 2, Update 1)

(Ord. 1263, 12-29-2011; amd. Ord. 1281, 5-15-2013; Ord. 1336, 11-2-2016; Ord. 1353, 6-6-2018)

### 9-4-1-3: Development Standards:

The development standards for the Residential Single-Family Zone preserve the character of single-family neighborhoods and provide flexibility to allow different densities and development standards. The development standards work together to promote desirable residential areas by addressing aesthetically pleasing environments, safety, privacy, energy conservation, and recreational opportunities. The site development standards allow for flexibility of development while maintaining compatibility within the city's various single-family neighborhoods. In addition, the regulations provide certainty to property owners, developers, and neighbors about the limits of what is allowed.

- A. Lot Areas: No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained unless the following described yards and lot areas are provided and maintained in connection with said building, structure or enlargement:

Every building erected shall be on a lot having an area of not less than five thousand (5,000) square feet with a frontage on public streets of not less than fifty feet (50') and shall have a width of not less than fifty feet (50') at the front building line. Lots with frontage on a cul-de-sac shall have a minimum frontage on a public road of not less than fifty feet (50').

- B. Setbacks:

1. Purpose: The setback regulations for buildings and garage entrances serve several purposes:
  - a. They maintain light, air, separation for fire protection, and access for firefighting;
  - b. They reflect the general building scale and placement of houses in the city's single-family neighborhoods;
  - c. They promote a reasonable physical relationship between residences;
  - d. They promote options for privacy for neighboring properties;
  - e. They require larger front setbacks than side and rear setbacks to promote open, visually pleasing front yards;
  - f. They provide adequate flexibility to site a building so that it may be compatible with the neighborhood, fit the topography of the site, allow for required outdoor areas, and allow for architectural diversity; and
  - g. They provide room for a car to park in front of a garage door without overhanging the street or sidewalk, and they enhance driver visibility when backing onto the street.
2. General Exception to all Setbacks: Minor features of a building such as eaves, chimneys, water collection cisterns and planters, air conditioning units, bay windows, uncovered balconies, covered side and rear entryway overhangs, may extend into the required setback. Bays and bay windows encroaching into the setback also must meet the following requirements: a) each bay and bay window may be up to twelve feet (12') long, but the total area of all bays and bay windows on a building facade cannot be more than thirty percent (30%) of the linear total of the facade; b) bays and bay windows must cantilever beyond the foundation of the building; and c) the bay may not include any doors.
3. Front Yard Limits Setbacks: Each lot shall have a front yard setback of not less than twenty feet (20') in depth from front lot line ~~unless provided for elsewhere in this code, except as follows:-~~

- a. Porches: Unenclosed front porches may encroach into the front yard setback up to ten feet (10') from the front lot line.
  - b. Garages: Any garage, detached or attached, shall be set back a minimum of twenty-five feet (25') from the front lot line.
- 3. Side Yard Setbacks: Each lot shall have a side setback of not less than five feet (5') in depth from the side lot line, except as follows:
  - a. On interior lots there shall be a side yard on each side of the outer walls of any building constructed thereon of not less than five feet (5').
  - ba. Street Side Yard Setback: Buildings erected upon corner lots need only comply with the front yard requirement with regard to their primary facade, which is designated as having the primary entrance. A side yard setback is required for flanking streets on corner lots. The street side setback shall be twenty feet (20') unless features such as projections, recessions, windows, or other architectural treatment are incorporated to prevent a blank wall appearance, in which case the street side setback may be reduced to ten feet (10'). This standard does not apply to garages accessed off the side street.
  - b. Garages:
    - i. Detached garages on interior lots shall have a side setback of no less than three feet (3').
    - ii. Garages accessed from on a street side lot line yard which include parking between the garage and the lot line shall have a setback of no less than twenty-five feet (25') from the street side yard lot line
    - iii. Garages accessed from a street side lot line which do not include parking between the garage and the lot line shall have a setback of no more than three feet (3') and no less than one foot (1') to prevent parking overhang onto the public right of way.
    - iv. Garages accessed from an alley shall adhere to the street side setback as established above in 3a.
  - c. Accessory buildings/structures shall have a setback from the side lot line of five feet (5').
  - d. Accessory dwelling units shall follow the regulations of accessory buildings unless located above a garage, in which case they shall follow the standards for garages regulations.
- 4. Rear Yard Setbacks: Each lot upon which a dwelling is constructed shall have a rear yard setback of not less than fifteen feet (15') in depth from the property lot line, except as follows:
  - a. Alley accessed garages shall have a setback from the rear lot line of one foot (1')
  - b. Accessory buildings shall have a setback from the rear lot line of five feet (5')
  - c. Accessory dwelling units shall follow the regulations of accessory buildings unless located above a garage, in which case they shall follow the standards for garages.
- 5. Garage and Parking Entrance Setback: To avoid vehicles parking on the sidewalk, no front entry garage shall be constructed within twenty-five feet (25') of a property line having frontage along a public street. Any uncovered off-street parking developed within the front yard setback shall have a minimum depth of twenty-five feet (25').
- 65. Riparian and Shoreline Setback:

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

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

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

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

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

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

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

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

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

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

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

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

- (2) ~~Minor Features: Minor features of a building such as eaves, chimneys, water collection cisterns and planters, bay windows, and uncovered balconies, may extend into the required setback. Bays and bay windows encroaching into the setback also must meet the following requirements: a) each bay and bay window may be up to twelve feet (12') long, but the total area of all bays and bay windows on a building facade cannot be more than thirty percent (30%) of the linear total of the facade; b) bays and bay windows must cantilever beyond the foundation of the building; and c) the bay may not include any doors.~~

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

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

C. Lot Coverage and Impervious Surface:

1. ~~Purpose: The building coverage standards, together with the height and setback standards control the overall bulk of structures. They are intended to assure that taller buildings will not have such a large footprint that their total bulk will overwhelm adjacent houses. Additionally, the standards help define the character of the different zones by limiting the amount of buildings allowed on a site. The lot coverage, building footprint, and impervious surface standards in the RS zone are intended to balance development flexibility with the preservation of neighborhood character, access to light and air, and the traditional open, landscaped qualities of single-family residential areas. By limiting the extent of impervious surfaces, including buildings, driveways, patios, and similar improvements, the code promotes landscaping, shade trees, gardens, and other pervious outdoor spaces that define the visual and environmental character of Sandpoint's neighborhoods.~~

In addition, the two-story building footprint limit is intended to manage the bulk and massing of taller residential structures. This standard accommodates larger single-story homes while preventing the construction of disproportionately large or imposing two-story forms that diminish neighboring access to light, air, and privacy. Together, these standards provide a clear and predictable framework that supports homeowner flexibility and housing choice while ensuring that new development remains compatible with the scale and livability of established RS neighborhoods.

2. ~~Building Footprint: Each lot upon which a dwelling, private garage or other outbuilding is constructed shall have a maximum thirty five percent (35%) building footprint and a maximum thirty percent (30%) impervious surface.~~

2. Maximum Impervious Surface: Each lot upon which a dwelling, garage or other accessory structure is constructed shall have a maximum impervious surface (including building footprint, driveways, walkways, patios, and parking areas) of 70% of the lot size.
- D. Building Height: No structure shall exceed a building height of thirty-five feet (35') above the average elevation of the finished grade at the front of the building.
1. Purpose: The building height standards are intended to maintain an appropriate sense of scale within Sandpoint's single-family residential neighborhoods by preventing individual structures from dominating the built environment or encroaching on adjacent homes. By linking maximum height to the proportion of lot area covered by a structure, these standards encourage a variety of building forms, preserve access to light and air, reduce the visual mass of two-story construction, and support the open, traditional character of Sandpoint's residential areas. The standards work in concert with setbacks and impervious surface limits to promote compatible development patterns and protect neighborhood livability.
2. No structure on a lot shall exceed the following height limits as measured from the finished grade:

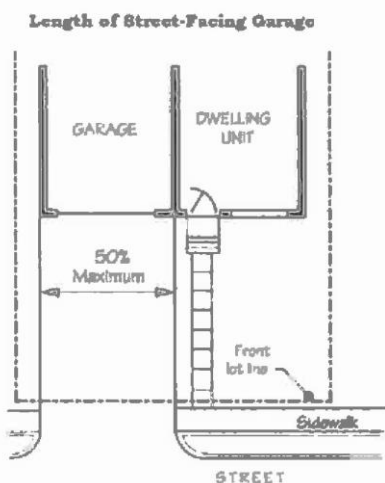
| <u>Lot coverage percentage</u>    | <u>Building height</u> |
|-----------------------------------|------------------------|
| <u>Up to 35%</u>                  | <u>35' maximum</u>     |
| <u>Greater than 35% up to 70%</u> | <u>18' maximum</u>     |

For the purposes of this section, any horizontal area of a building or structure that is located below any portion of a roof or building element whose height exceeds eighteen feet (18') above finished grade shall be counted towards the lot coverage for structures exceeding eighteen feet (18'). This includes, but is not limited to:

- a. All floor area, enclosed or unenclosed, located beneath a roof plane that reaches or exceeds 18' in height;
  - b. Cantilevers, covered porches, decks, breezeways, or other projections whose covering or structure support exceeds 18'; and
  - c. Any vertical building element, such as walls, gables, dormers, roof extensions, or architectural projections, whose highest point exceeds 18'.
13. Exceptions To The Maximum Height:
- a. Chimneys, flagpoles, satellite receiving dishes, roof mounted solar panels and other similar items may extend above the height limit, as long as they do not exceed five feet (5') above the top of the highest point of the roof.
  - b. Utility power poles, and public safety facilities are exempt from the height limit.
- E. Garages Design Standards:
1. Purpose: Together with the main entrance and street facing facade standards, these standards ensure that there is a physical and visual connection between the living area of the residence and the street. Additionally these standards:
    - a. Ensure that the location and amount of the living area of the residence, as seen from the street, is more prominent than the garage;

- b. Prevent garages from obscuring the main entrance from the street and ensure that the main entrance for pedestrians, rather than automobiles, is the prominent entrance;
  - c. Provide for a more pleasant pedestrian environment by preventing garages and vehicle areas from dominating the views of the neighborhood from the sidewalk; and
  - d. Enhance public safety by discouraging garages from blocking views of the street from inside the residence.
2. ~~Where These Standards Apply~~ Applicability: The regulations of this subsection E apply to all attached or detached garages in the residential single-family zone. ~~On corner lots, only one street facing garage wall must meet the standards of this subsection E.~~
3. The Standards:
  - a. ~~Dimensions~~:
    - (1)a. ~~The length of the~~ Any garage wall entrance facing the street may be up to fifty percent (50%) of the ~~length~~ width of the street facing unit facade (see figure 1 of this section).
    - (2) ~~For attached houses on corner lots, garage walls are limited to twenty five feet (25') in length.~~

Figure 1



- (2)b. Garages shall be recessed, or may be flush to the primary facade when the primary facade contains an unenclosed porch having a depth of seven feet (7') or greater and occupying a minimum of twenty-five percent (25%) of the linear primary structure facade. No portion of a garage may protrude past the front of the primary facade of the dwelling unit.
  - (3)c. ~~Garages walls facing the street having building walls greater than twelve feet (12') in height or facade walls greater than or twenty-four feet (24') in length shall include architectural detail to break up and limit the massive appearance of the wall. Doing so requires utilizing at least two (2) of the following architectural features on street facade:~~
    - (A) i. Dormers;
    - (B) ii. Gables;

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

~~b.d.~~ On corner lots, walls facing the side street must meet the standards of subsection E, 3, c.

e. Street-facing garages are prohibited on lots narrower than 37.5 feet in the residential single-family zone.

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

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

#### 4. Existing Detached Garages:

- a. Change of Use: In the residential single-family zone, a detached garage that is in the side or rear setback may be converted to another type of detached covered accessory structure so long as it is compliant with regulations specified in section 9-1-8 or 9-1-5 of this title. Second floor windows facing abutting lots utilize appropriate material (glass block or opaque glass) to maintain privacy of adjacent property.
- b. Rebuilding: A detached garage that is nonconforming due to its location in a setback, may be rebuilt on the footprint of the existing foundation, if the garage was originally constructed legally. Where the structure facade faces a street, garages utilizing this provision shall be designed and reconstructed in a manner to prevent a blank wall appearance through the utilization of projections, recessions, windows or other architectural treatment.
- c. Additions: An addition may be made to a detached garage that is nonconforming due to its location in a setback as follows provided the expansion complies with all other standards of this section.
  - ~~(1) The expanded garage complies with all other standards of this section.~~

F. Main Entrances Design Standards:

1. Purpose: These standards:

- a. Together with the street facing facade and garage standards, ensure that there is a physical and visual connection between the living area of the residence and the street;
- b. Enhance public safety for residents and visitors and provide opportunities for community interaction;
- c. Ensure that the pedestrian entrance is visible or clearly identifiable from the street by its orientation or articulation; and
- d. Ensure that pedestrians can easily find the main entrance, and so establish how to enter the residence.
- e. Ensure a connection to the public realm for development on lots fronting both private and public streets by making the pedestrian entrance visible or clearly identifiable from the public street.

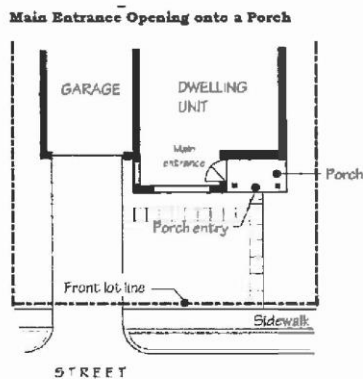
2. ~~Where These Standards Apply~~ Applicability:

- a. The standards of this subsection F apply to houses, attached houses, and manufactured homes, in the residential single-family zone;
- b. Where a proposal is for an alteration or addition to existing development, the standards of this subsection F apply only to the portion being altered or added;
- c. On sites with frontage on both a private street and a public street, the standards apply to the site frontage on the public street. On all other sites with more than one street frontage, the applicant may choose on which frontage to meet the standards.

3. ~~The Standards:~~

- a. Location: At least one main entrance for each structure must:
  - (1) Either:
    - (A) Face the street;
    - (B) Be at an angle of up to forty-five degrees (45°) from the street; or
    - (C) Open onto a porch. See figure 2 of this section. The porch must be a covered unenclosed porch with a minimum of twenty-five (25) square feet in area.

Figure 2



G. Street Facing Facades Design Standards:

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

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

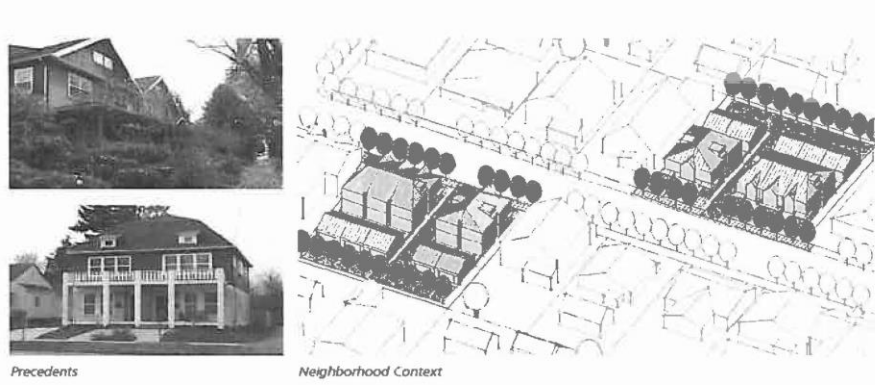
2. ~~Where This Standard Applies~~ Applicability: The standard of this subsection G applies to houses, attached homes, and manufactured homes in the residential single-family zone. Where a proposal is for an alteration or addition to existing development, the applicant may choose to apply the standard either to the portion being altered or added, or to the entire street facing facade.
3. ~~The Standards~~: At least fifteen percent (15%) of the square footage area of each facade that faces a street lot line must be comprised of windows or main entrance doors. ~~Windows used to meet this standard must allow views from the building to the street. Glass block does not meet this standard. Windows in garage doors do not count toward meeting this standard, but windows in garage walls do count toward meeting this standard. To count toward meeting this standard, a door must be at the main entrance and facing a street lot line. Glass block does not meet this standard.~~

H. Attached Housing Options:

- Purpose: The alternative development options allow for variety in development standards while maintaining the overall character of a single dwelling neighborhood. These options have several public benefits:
  - They allow for development which is more sensitive to the environment, especially in hilly areas and areas with water features and natural drainageways;
  - They allow for the preservation of open and natural areas;
  - They promote better site layout and opportunities for private recreational areas;
  - They promote opportunities for affordable housing;

- e. They promote energy efficient development; and
  - f. They allow for the provision of alternative structure types where density standards are met.
  - g. They reduce the impact that new development may have on surrounding residential development.
  - h. Attached housing allows for more efficient use of land and for energy conserving housing.
2. Where This Standard Applies: The regulations of this subsection apply to all attached housing in the residential single-family zone. The alternative development options listed in this subsection H are allowed by right unless specifically stated otherwise. The project must comply with all of the applicable development standards of this subsection H. The project must also conform to all other development standards of the base zone unless those standards are superseded by the standards in this subsection H.
3. The Standard:
- a. Area Requirements:
    - (1) Lot Dimensions: Attached housing must be on a lot that has a minimum area of ten thousand (10,000) square feet unless otherwise stated by this code.
    - (2) Building Setbacks:
      - (A) Interior (Noncorner) Lots: On interior lots the side building setback on the side containing the common wall is reduced to zero. The reduced setback applies to all buildings on the lot and extends along the full length of the lot line that contains the common or abutting wall. The side building setback on the side opposite the common wall must be ten feet (10').
      - (B) Corner Lots: On corner lots either the rear setback or nonstreet side setback may be reduced to five feet (5'). However, the remaining nonstreet setback must comply with the requirements for a standard rear setback.
  - b. Number of Units: A maximum of two (2) units are allowed per structure. Attached houses may have a common wall. Accessory dwelling units are prohibited on lots developed with attached housing.
  - c. Single-Family Character: Attached housing shall contribute to the single-family character of the neighborhood by utilizing exemplary design and architecture to seamlessly integrate with other structures in the vicinity. (See figure 3 of this section.)

Figure 3



- d. **Second Story Design:** A second story of any attached housing unit requires additional design standards. Along the street facing facade, the building shall incorporate features such as offsets, balconies, projections, window reveals, or similar elements to preclude large expanses of uninterrupted building surfaces. Such features shall occur at a minimum of every twelve feet (12') along the vertical face of the facade, and each floor shall contain a minimum of offsets or breaks in facade of two feet (2') or greater in depth.
- e. **Landscape Standards:** The following landscape standards must be met on lots in the residential single-family zone to qualify for attached housing development:
  - (1) A minimum of three (3) front yard trees with a minimum dbh of two inches (2") shall be planted per unit.

(Ord. 1263, 12-29-2011; Ord. 1336, 11-2-2016)

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

### 9-4-2-1: Purpose:

Areas zoned as Residential Multi-Family (RM) are intended to preserve land for housing and to provide diversity in housing options. This zone implements the comprehensive plan policies for those areas identified as CA-3 in the 2009 comprehensive plan.

(Ord. 1263, 12-29-2011)

### 9-4-2-2: Use Regulations:

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

The following regulations shall apply:

- P Permitted use
- C Conditional use<sup>1</sup>

N Not permitted

|                                                                                                                                                                                                                                                                                                |                |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| <u>Residential (except for uses located on original substandard lots of record):</u>                                                                                                                                                                                                           |                |
| Accessory dwellings as provided in section 9-1-8 of this title                                                                                                                                                                                                                                 | P              |
| Attached housing                                                                                                                                                                                                                                                                               | P <sup>2</sup> |
| Clubs, lodges, fraternal organizations, when not operated for profit                                                                                                                                                                                                                           | P              |
| Cottage housing                                                                                                                                                                                                                                                                                | P <sup>3</sup> |
| <u>Duplex</u>                                                                                                                                                                                                                                                                                  | <u>P</u>       |
| Gated communities                                                                                                                                                                                                                                                                              | N              |
| Manufactured homes subject to following provisions, conditions and regulations:                                                                                                                                                                                                                | P <sup>4</sup> |
| A. The manufactured home shall be multi-sectional, unless sited in a recognized, existing or newly created manufactured housing community.                                                                                                                                                     |                |
| B. The manufactured home shall be placed on an excavated and backfilled foundation and enclosed at the perimeter in such a manner that the home is located not more than 12 inches above grade.                                                                                                |                |
| C. In addition to the provisions of subsection A of this use, a manufactured home shall be subject to any development standard, architectural requirements and minimum size requirements to which a conventional single-family residential dwelling on the same lot would be subjected.        |                |
| Multi-family dwellings:                                                                                                                                                                                                                                                                        |                |
| 7 units or less                                                                                                                                                                                                                                                                                | P              |
| 8 units or more                                                                                                                                                                                                                                                                                | C              |
| Short term rentals subject to the licensing requirements set forth in title 3, chapter 12 of this Code                                                                                                                                                                                         | P              |
| Single-family dwellings, private garages, and such outbuildings as may be incidental thereto. Such outbuildings shall not be used, occupied or equipped for a permanent dwelling or guesthouse and not more than 1 dwelling shall occupy 1 lot, except as otherwise provided for in this title | P              |
| <u>Nonresidential:</u>                                                                                                                                                                                                                                                                         |                |
| Cemeteries                                                                                                                                                                                                                                                                                     | C              |
| Churches and accessory buildings used for religious teachings                                                                                                                                                                                                                                  | C              |
| Community centers, nonmunicipally owned                                                                                                                                                                                                                                                        | C              |
| Community garden. No commerce/retail sales permitted on site                                                                                                                                                                                                                                   | P              |
| Daycare, including homeschooling:                                                                                                                                                                                                                                                              |                |
| Home (6 or less - home occupation)                                                                                                                                                                                                                                                             | P              |
| Group (7—12)                                                                                                                                                                                                                                                                                   | C              |
| Daycare facilities (13+)                                                                                                                                                                                                                                                                       | C              |
| Fire stations                                                                                                                                                                                                                                                                                  | N              |
| Home occupations                                                                                                                                                                                                                                                                               | P              |
| Kennels; commercial or private, even as a home occupation                                                                                                                                                                                                                                      | N              |
| Libraries                                                                                                                                                                                                                                                                                      | C              |

|                                                                                                                                                                                 |   |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|
| Neighborhood eatery. Performance standards that apply to neighborhood eatery uses in this zone consist of, but are not limited to, the following criteria:                      | C |
| A. The premises must be owner occupied.                                                                                                                                         |   |
| B. Entrances shall be located along the primary street frontage.                                                                                                                |   |
| C. Hours of operation between 7:00 a.m. — 10:00 p.m.                                                                                                                            |   |
| D. Delivery times shall be limited to hours of operation.                                                                                                                       |   |
| Municipally owned facilities                                                                                                                                                    | P |
| Other uses not specifically listed                                                                                                                                              | N |
| Parks or playgrounds:                                                                                                                                                           |   |
| Private                                                                                                                                                                         | C |
| Public                                                                                                                                                                          | P |
| Police stations                                                                                                                                                                 | N |
| Public utility facilities                                                                                                                                                       | C |
| Recreation buildings, nonmunicipally owned                                                                                                                                      | N |
| Schools, public or private, except those schools of vocational nature which operate similarly to a retail business where a product or products may be purchased on the premises | C |

## Notes:

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

(Ord. 1263, 12-29-2011; amd. Ord. 1281, 5-15-2013; Ord. 1336, 11-2-2016; Ord. 1353, 6-6-2018)

### 9-4-2-3: Development Standards:

- A. Lot Areas: Every individual dwelling erected shall be on a lot having an area of not less than ~~five thousand (5,000)~~ three thousand and five hundred (3,500) square feet and frontage on a public street of not less than ~~thirty seven and one half feet (37.5')~~ twenty five feet (25') and shall have a width of not less than ~~thirty seven and one half feet (37.5')~~ twenty five feet (25') at the front building line. Townhouse lots which are designed for common wall construction on a common interior lot line shall not have an area less than two thousand five hundred (2,500) square feet per lot and frontage on a public street of not less than eighteen and three quarters feet (18.75') per lot. Lots with frontage on a cul-de-sac shall have a minimum frontage on a public road of not less than thirty feet (30').

Additional units may be developed as follows:

#### AREA INCREASES PER UNIT

|                       | Units    | Lot Size       | <u>Minimum</u> Road Frontage |
|-----------------------|----------|----------------|------------------------------|
| <b>Permitted use:</b> |          |                |                              |
|                       | <u>1</u> | <u>0-4,999</u> | <u>25</u>                    |

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

B. Setbacks:

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

- a. Porches: Unenclosed front porches shall be setback ten feet (10') front the front lot line.
- b. Garages: Any garage, detached or attached, shall be set back a minimum of twenty five feet (25') from the front lot line. Street facing garages shall not be permitted on lots with less than 37.5' of frontage on a public street.
3. Side Yard Setbacks: Each lot shall have a side setback of not less than five feet (5') in depth from the lot line, except as follows:
- a. On interior lots there shall be a side yard on each side of the outer walls of any building constructed thereon of not less than five feet (5').
- a. On interior lots smaller than 5,000 square feet there shall be a side setback on each side of the outer walls of any building constructed thereon of not less than three feet (3'). If the interior side setback is less than five feet (5') and the roof slopes toward the interior side property line, then the roof shall incorporate either (a) snow-retention devices designed to prevent snow and ice shedding beyond the property line, or (b) roof geometries demonstrating, through acceptable engineering analysis, that snow shed will fall entirely within the required setback.
- b. Buildings erected upon corner lots need only comply with the front yard requirement with regard to their primary facade, which is designated as having the primary entrance. A side yard setback is required for secondary frontages on corner lots. Flanking street setbacks may be reduced from fifteen feet (15') to ten feet (10') but shall include design features such as projections, recessions, windows or other architectural treatment to prevent a blank wall appearance. Street Side Setback: The street side setback shall be fifteen feet (15') unless features such as projections, recessions, windows, or other architectural treatment are incorporated to prevent a blank wall appearance, in which case the street side setback may be reduced to ten feet (10'). This standard does not apply to garages accessed off the side street.
- c. Garages:
- i. Detached garages on interior lots shall have a side setback of no less than three feet (3').
- ii. Garages accessed from ~~on~~ a street side lot line ~~yard~~ which include parking between the garage and the lot line shall have a setback of no less than twenty-five feet (25') from the street side ~~yard~~ lot line
- iii. Garages accessed from a street side lot line which do not include parking between the garage and the lot line shall have a setback of no more than three feet (3') and no less than one foot (1') to prevent parking overhang onto the public right of way.
- iv. Garages accessed from an alley shall adhere to the street side setback as established above in 3a.
4. Rear Yard Setbacks: Each lot ~~upon which a dwelling is constructed~~ shall have a rear ~~yard~~ setback of not less than fifteen feet (15') in depth from the lot line, except as follows:-
- a. Alley accessed garages shall have a setback from the rear lot line of one foot (1')
- b. Accessory buildings shall have a setback from the rear lot line of five feet (5')
- c. Accessory dwelling units shall follow the regulations of accessory buildings unless located above a garage, in which case they shall follow the standards for garages ~~regulations~~.
5. Garage and Parking Entrance Setback: To avoid vehicles parking on the sidewalk, no street facing garage shall be constructed within twenty five feet (25') of a property line having frontage along a

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

6. Riparian and Shoreline Setback:

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

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

New development adhering to the forty foot (40') setback and/or reconstruction that involves issuance of a building permit for greater than twenty-five thousand dollars (\$25,000.00) of improvements, shall be required to plant fifty percent (50%) of the area in the minimum twenty-five foot (25') building setback with native vegetation comprised of a mixture of grasses and shrubs. For the purpose of this subsection B.6., building permit valuation shall be a cumulative aggregate from the date of the adoption hereof forward.

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

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

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

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

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

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

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

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

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

- ~~b. Minor Features: Minor features of a building such as eaves, chimneys, water collection cisterns and planters, bay windows, and uncovered balconies, may extend into the required setback. Bays and bay windows encroaching into the setback also must meet the following requirements: 1) each bay and bay window may be up to twelve feet (12') long, but the total area of all bays and bay windows on a building facade cannot be more than thirty percent (30%) of the linear total of the facade; 2) bays and bay windows must cantilever beyond the foundation of the building; and 3) the bay may not include any doors.~~
- ~~10. Specific Exceptions: The following shall be permitted to encroach up to the maximum encroachment and any structure shall be limited to fifteen feet (15') in height above grade for that portion encroaching into the setback area:~~
  - ~~a. Adjacent Structures: Where both adjacent lots on the primary frontage are developed with structures and both adjacent structures have front yard setbacks less than the minimum, the subject lot may build within the front setback to the maximum encroachment.~~
  - ~~b. Porches: Unenclosed front porches may encroach into the front yard setback up to the maximum encroachment.~~
  - ~~c. Garages: Garages shall not be permitted to encroach on the front yard setback but may be used in calculating adjacent structure setbacks as described above. Detached garages may encroach on side and rear setbacks up to the maximum encroachment. Detached garages are subject to additional requirements.~~

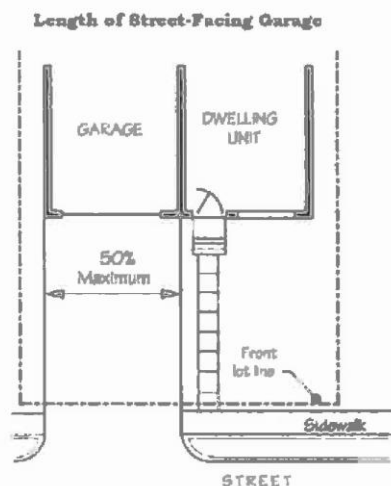
C. Lot Coverage-Impervious Surface:

- 1. Purpose: The building coverage standards, together with the height and setback standards control the overall bulk of structures. They are intended to assure that taller buildings will not have such a large footprint that their total bulk will overwhelm adjacent houses. Additionally, the standards help define the character of the different zones by limiting the amount of buildings allowed on a site. The impervious surface standards are intended to balance development flexibility with neighborhood livability and character. By limiting the total area of buildings, driveways, patios, and other hard surfaces on a lot, the ability to ensure open, outdoor character of residential areas to include lawns, landscaping, shade trees, natural spaces and gardens is enhanced. A single impervious surface limit provides a clear and predictable standard while allowing homeowners and builders flexibility in the arrangement of structures and improvements.
- 2. ~~Building Footprint-Impervious Surface:~~ Each lot upon which a dwelling, private garage or other outbuilding is constructed shall have a maximum ~~thirty five percent (35%) building footprint and a maximum thirty percent (30%) impervious surface, including building footprint, of 70% of the lot size.~~
- D. Building Height: No structure shall exceed a building height of forty feet (40') above the average elevation of the finished grade at the front of the building. On lots smaller than 5,000 square feet no structure shall exceed a building height of thirty feet (30') above the average elevation of the finished grade at the front of the building.
  - 1. Exceptions To The Maximum Height:
    - a. Chimneys, flagpoles, satellite receiving dishes, roof mounted solar panels and other similar items may extend above the height limit, as long as they do not exceed five feet (5') above the top of the highest point of the roof.
    - b. Utility power poles, and public safety facilities are exempt from the height limit.

E. Garages Design Standards:

1. Purpose: Together with the main entrance and street facing facade standards, these standards ensure that there is a physical and visual connection between the living area of the residence and the street. Additionally these standards:
  - a. Ensure that the location and amount of the living area of the residence, as seen from the street, is more prominent than the garage;
  - b. Prevent garages from obscuring the main entrance from the street and ensure that the main entrance for pedestrians, rather than automobiles, is the prominent entrance;
  - c. Provide for a more pleasant pedestrian environment by preventing garages and vehicle areas from dominating the views of the neighborhood from the sidewalk; and
  - d. Enhance public safety by discouraging garages from blocking views of the street from inside the residence.
2. ~~Where These Standards Apply~~ Applicability: The regulations of this subsection E apply to all attached or detached garages in the residential multi-family zone. ~~On corner lots, only one street-facing garage wall must meet the standards of this subsection E.~~
3. ~~The Standards:~~
  - a. ~~Dimensions:~~
    - (1)a. ~~The length of the~~ Any garage wall entrance facing the street may be up to fifty percent (50%) of the length width of the street facing unit façade (see figure 1 of this section).

Figure 1



- (2)b. Garages shall be recessed, or may be flush to the primary facade when the primary facade contains an unenclosed porch having a depth of seven feet (7') or greater and occupying a minimum of twenty-five percent (25%) of the linear primary structure facade. No portion of a garage may protrude past the front of the primary facade of the dwelling unit.
- (3)c. ~~Garages walls facing the street having building walls greater than twelve feet (12') in height or facade walls greater than or twenty-four feet (24') in length shall include architectural detail to~~

break up and limit the massive appearance of the wall. Doing so requires utilizing at least two (2) of the following architectural features on street facade:

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

d. On corner lots, walls facing the side street must meet the standards of subsection E, 3, c.

e. Street-facing garages are prohibited on lots narrower than 37.5 feet in the residential multi-family zone.

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

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

c. Existing Detached Garages:

- (1) Change of Use: In the residential multi-family zone, a detached garage that is in the side or rear setback may be converted to another type of detached covered accessory structure so long as it is compliant with regulations specified in section 9-1-8 or 9-1-5 of this title. Second floor windows facing abutting lots utilize appropriate material (glass block or opaque glass) to maintain privacy of adjacent property.
- (2) Rebuilding: A detached garage that is nonconforming due to its location in a setback, may be rebuilt on the footprint of the existing foundation, if the garage was originally constructed legally. Where the structure facade faces a street, garages utilizing this provision shall be designed and reconstructed in a manner to prevent a blank wall appearance through the utilization of projections, recessions, windows or other architectural treatment.

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

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

F. Main Entrances Design Standards:

1. Purpose: These standards:

- a. Together with the street facing facade and garage standards, ensure that there is a physical and visual connection between the living area of the residence and the street;
- b. Enhance public safety for residents and visitors and provide opportunities for community interaction;
- c. Ensure that the pedestrian entrance is visible or clearly identifiable from the street by its orientation or articulation; and
- d. Ensure that pedestrians can easily find the main entrance, and so establish how to enter the residence.
- e. Ensure a connection to the public realm for development on lots fronting both private and public streets by making the pedestrian entrance visible or clearly identifiable from the public street.

2. ~~Where These Standards Apply~~ Applicability:

- a. The standards of this subsection F apply to houses, attached houses, and manufactured homes, in the residential multi-family zone;
- b. Where a proposal is for an alteration or addition to existing development, the standards of this subsection F apply only to the portion being altered or added;
- c. On sites with frontage on both a private street and a public street, the standards apply to the site frontage on the public street. On all other sites with more than one street frontage, the applicant may choose on which frontage to meet the standards.

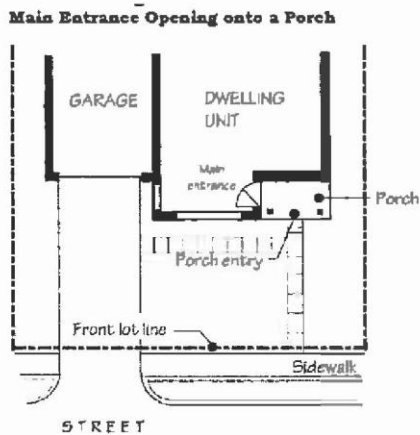
3. ~~The Standards:~~

- a. Location: At least one main entrance for each structure must:

(1) Either:

- (A) Face the street. Be at an angle of up to forty-five degrees (45°) from the street;  
or
- (B) Open onto a porch. See figure 2 of this section. The porch must be a covered unenclosed porch with a minimum of twenty-five (25) square feet in area.

Figure 2



G. Street Facing Facades Design Standards:

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

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

2. Where This Standard Applies Applicability: The standard of this subsection G applies to houses, attached homes, and manufactured homes in the residential multi-family zone. Where a proposal is for an alteration or addition to existing development, the applicant may choose to apply the standard either to the portion being altered or added, or to the entire street facing facade. PUDs that received preliminary plan approval prior to the adoption of this section are exempt from this standard.

3. The Standards: At least fifteen percent (15%) of the square footage area of each facade that faces a street lot line must be comprised of windows or main entrance doors. ~~Windows used to meet this standard must allow views from the building to the street. Glass block does not meet this standard. Windows in garage doors do not count toward meeting this standard, but windows in garage walls do count toward meeting this standard. To count toward meeting this standard, a door must be at the main entrance and facing a street lot line.~~

H. Additional Standards Applicable ~~To~~ Multi-Family Development:

1. Purpose and Intent: The following design standards were established to improve the appearance, quality, and functions of multi-family housing. The standards herein apply to the development of multi-family housing in the "RM" zone of four (4) or more units including, but not limited to, apartments and condominiums.
2. Conflicting Standards: In the event that other standards of this title conflict with standards in this provision, the standards within this provision shall prevail.
3. Building Mechanicals, Service Elements, and Resident Amenities:

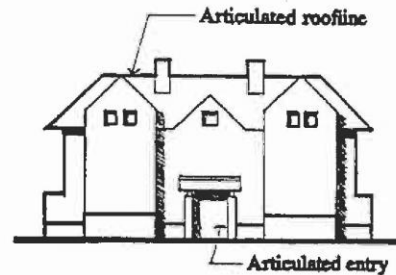
- a. Service areas, utility meters, and building mechanicals shall not be located on the street side of the building, nor on a side wall closer than ten feet (10') to the street side of the building. Screening of meters and mechanicals is required, regardless of location. Mailboxes are permitted within ten feet (10') of the front of the building if not visible from the street.
  - b. Trash and recycling containers, including cans and dumpsters, shall be screened so as not to be visible from the street or from neighboring properties. Screening shall be one foot higher than the container but not higher than six feet (6'), however roofed enclosures may exceed this limit.
  - c. Bike racks shall be provided and shall include space for at least two (2) bikes per unit.
  - d. Bike racks shall be located near building entries, shall not interfere with pedestrian circulation, and shall be well lit.
4. Pedestrian Circulation:
- a. There shall be a hard surfaced (e.g., pavement, pavers, concrete) pedestrian route from the sidewalk or street to the main building entrance and from the parking area to the nearest building entrance. Buildings with more than one entrance shall provide a designated pedestrian route between those entrances (e.g., from front to back).
5. Landscaping, Open Space, and Plantings:
- a. All portions of the site not covered by buildings, paving material, or other planned approved surfaces shall be considered "landscaped area" and shall be planted with living plant materials and/or mulches. Overall site landscaping shall include not less than:
    - (1) One front yard shade tree with a caliper no smaller than two inches (2") dbh per twenty-five (25) linear feet of lot frontage.
    - (2) One tree with a caliper no smaller than two inches (2") and ten (10) shrubs per six hundred (600) square feet of landscaped area.
  - b. Existing healthy trees shall be preserved to the greatest extent practicable; however, invasive or nuisance trees shall be removed. Existing damaged, decayed, or diseased trees should be removed to protect remaining trees. Construction near existing trees should follow best management practices to ensure their survival.
  - c. Landscaping should reinforce pedestrian circulation routes and obstruct undesired routes of convenience. Bushes, trees, rocks, and other landscape features should be used to indicate where pedestrians should and should not travel. Native and low water demand plantings are encouraged.
  - d. Outdoor seating including elements such as a bench or chair shall be provided at the ratio of one seating area per three (3) units which are to be incorporated into or adjacent to usable open space.
  - e. One functional outdoor open space with a minimum dimension of five hundred (500) square feet shall be provided per five (5) units.
6. Neighborhood Scale: The scale of those buildings developed within an existing neighborhood shall conform to the established scale. Appropriate scale multi-family development shall be achieved through the adherence of the following:
- a. The overall height of the multi-family structure shall relate to that of adjacent structures by avoiding construction that varies greatly in height from adjacent buildings. New multi-family structures shall graduate their maximum height based on adjacent structures using stepped roofs and/or partial stories. For example, the portion of a multi-family structure constructed adjacent

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

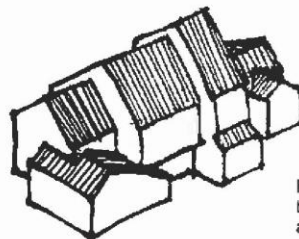
- b. Multi-family structures shall utilize a variety of building forms and roof shapes rather than boxlike forms with large, unvaried roofs. The building design shall provide manipulations to create clusters of units and variations of height, setback and roof shape.
7. Building Entrances:
- a. The primary entrance to the building shall be on the front elevation and shall face the street.
  - b. Building entrances shall be emphasized through projecting or recessing forms, detail, color, or materials.
  - c. A covering over the main entrance shall extend at least four feet (4') from the main door. Entrance features may encroach into the front yard setback a maximum of four feet (4').
8. Facade and Articulation:
- a. Buildings shall be divided into modules by using articulation or modulation at least every thirty (30) linear feet. Buildings shall use a common, unifying design theme throughout the project but not repeat the same pattern of architectural elements for more than four (4) consecutive modules. The use of at least one of the following techniques is required:
    - (1) Step the front facade building wall back or forward at least four feet (4') and change the roof shape or step the ridgeline to correspond to the wall change.
    - (2) Change several of the architectural elements for the width of the module, such as primary siding material, decks, windows, and entry designs.
    - (3) Break up the roofline and wall heights by use of dormers, gables, and similar variations. When flat roofs are used, add architectural detail such as cornice or fascia and modulation to reduce the perceived mass of the walls.
  - b. Buildings shall incorporate architectural details that will provide visual interest at a human scale. At least three (3) of the following shall be utilized:
    - (1) A one-story porch at entrances.
    - (2) Decorative details such as columns, bay windows, dormers, multi-lite windows, trim, or moldings to articulate the building facade.
    - (3) Roof details like brackets, wide (twelve inches (12") or more) cornices and wide (sixteen inches (16") or more) overhangs.
    - (4) Materials and/or color variations that coordinate with changes in the building modules and differentiate ground floors from upper floors.

**Definitions:**

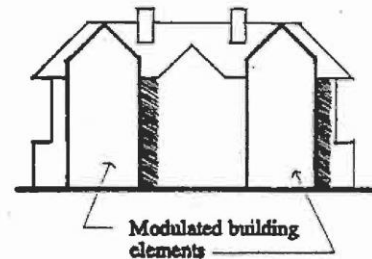
**Articulation** is the giving of emphasis to architectural elements (like windows, balconies, entries, etc.) that create a complementary pattern, or rhythm, dividing large buildings into smaller identifiable pieces.



**Modulation** is a measured offset or setback in a building's face.



Reduce the apparent size of a building by using modulation and articulation.



- c. Architectural treatment, similar to that provided to the front facade shall be provided to the sides and rear of the building to mitigate any negative view from any location off site and any public area (e.g., parking lots, walkways, etc.) on site.
  - d. The total area of windows and doors on the street facing facade, including trim, shall not be less than twenty percent (20%) of the total area of the facade, excluding gables. The first floor facade shall include windows to provide visual interest and visual connection to the street.
9. Parking: All parking areas shall be compliant with chapter 5 of this title. In addition, parking areas shall be designed to avoid their dominance of the streetscape. Parking shall be provided at the rear or side of the site to allow a majority of the dwelling units to "front on" the street.
- a. Parking areas shall be separated from primary buildings by a landscaped buffer of at least fifteen feet (15') in width.
10. Walls and Fences:
- a. Walls and fences exceeding fifty feet (50') in length shall provide variety and articulation at intervals not exceeding twenty-five feet (25') through at least one of the following methods:
    - (1) Expression of structure, such as post, column, or pilaster.
    - (2) Variation of material.
  - b. Chainlink fencing is prohibited except in circumstances where fencing is provided for recreational courts (basketball, etc.).
11. Design Standard Waivers: An applicant may request a waiver from one or more of the standards listed above. All requests for waivers shall be heard and decided by the planning commission or such design review subcommittee as may be created for such purpose. A waiver shall not be considered a right or special privilege but may be granted to an applicant that can meet the following findings:

- a. That the granting of the waiver will not be in conflict with the intent of the multi-family design standards, shall not negatively impact the existing neighborhood and shall enhance the overall design quality of the project;
- b. That there is an exceptional circumstance relating to the design or configuration of the property, which is not generally applicable to other properties or otherwise anticipated by the standards in the district.
- c. The granting of such relief will not be materially detrimental to the public health, safety or welfare, or injurious to the property, improvements or the quiet enjoyment of the surrounding properties and neighborhood.
- d. The granting of such relief will not be in conflict with the goals and policies of the comprehensive plan.

(Ord. 1263, 12-29-2011)

### 9-4-3: Reserved:

Editor's note(s)—Ord. No. 1383, adopted December 16, 2020, repealed § 9-4-3 which pertained to the watershed protection zone. Similar provisions can now be found in Title 7, Chapter 16, Watershed Protection and Access.

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

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

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

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

| Event Length | Maximum Attendance For Entire Event                    |
|--------------|--------------------------------------------------------|
| 1 day        | 3,500                                                  |
| 2—7 days     | 12,500 total event or 3,500 per day, whichever is less |
| 8+ days      | 14,000 total event or 3,500 per day, whichever is less |

Temporary expansions, structures or parking areas which will be in place for less than thirty (30) days and are directly related to an existing or new event that falls below the thresholds noted above do not require a conditional use permit.

- C. Prohibited Uses: The raising of poultry and animal kennels for commercial purposes.
- D. Areas: No building or structure, nor the enlargement of any building or structure shall be hereafter erected or maintained unless the following described yards and lot areas are provided and maintained in connection with said building, structure or enlargement:
1. Yard Limits: Each lot upon which a dwelling, private garage or other outbuilding is constructed shall have a front yard of not less than twenty-five feet (25') in depth from the front lot line. Where lots comprising forty percent (40%) or more of the frontage between two (2) intersecting streets are developed with buildings having front yards, the average of such front yards shall establish the minimum front yard depth for the entire frontage; provided, however, that in no case shall said front yard be less than said twenty-five feet (25').
  2. Side Yard: On interior lots there shall be a side yard on each side of the outer walls of any building constructed thereon of not less than fifteen feet (15'). Buildings erected upon corner lots shall comply with the front yard requirement with regard to both streets; provided, however, that in the event it is impractical or would work great or unusual hardship upon any owner of a corner lot to require him to conform to such front yard requirements regarding both streets, then the commission may in its discretion permit such property owner to locate such building so that the front thereof conforms to the front yard requirement on the street upon which said building fronts and the side of such building may be such distance from the street right-of-way line as the commission may deem desirable; however, no nearer to the street right-of-way line than fifteen feet (15').
  3. Rear Yard: Each lot upon which a dwelling is constructed shall have a rear yard of not less than fifteen feet (15').
  4. Lot Areas: Every building erected shall be on a lot having an area of not less than one-half (½) acre.
  5. Lot Coverage: Each lot upon which a dwelling, private garage or other outbuilding is constructed shall have not more than thirty-five percent (35%) ~~of the lot occupied by such structures~~ impervious surface, including building footprint.
  6. Building Height: No structure shall exceed a building height of thirty-five feet (35') or two and one-half (2 ½) stories above the average elevation of the finished grade at the front of the building. Antennas are excluded from the requirements.

(Ord. 1236, 6-23-2010; amd. Ord. 1263, 12-29-2011; Ord. 1281, 5-15-2013; Ord. 1353, 6-6-2018)

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

- A. Permitted Use Regulations: Permitted uses are single-family dwellings, a dwelling unit with an attached accessory apartment occupying not more than thirty-three percent (33%) of the total floor area of the structure, tree farms, greenhouses and horticultural uses where no retail sales take place on the premises, bed and breakfast establishments providing not more than three (3) rooms are rented plus one family has a live in tenant, the raising of livestock for noncommercial purposes providing the livestock density does not exceed one animal for parcels of land totaling one acre or three (3) animals per two (2) acres and one additional animal per acre thereafter, home occupations, tourist homes and parks.
- B. Conditional Uses: Family daycare center, churches, police and fire stations, public utility facilities, schools public or private, except those schools of vocational nature which operate similarly to a retail business where a product or products may be purchased on the premises.
- C. Prohibited Uses: The raising of livestock for commercial purposes, kennels for commercial purposes.

- D. Areas: No building or structure, nor the enlargement of any building or structure shall be hereafter erected or maintained unless the following described yards and lot areas are provided and maintained in connection with said building, structure or enlargement:
1. Yard Limits: Each lot upon which a dwelling, private garage or other outbuilding is constructed shall have a front yard of not less than twenty-five feet (25') in depth from the front lot line. Where lots comprising forty percent (40%) or more of the frontage between two (2) intersecting streets are developed with buildings having front yards, the average of such front yards shall establish the minimum front yard depth for the entire frontage; provided, however, that in no case shall said front yard be less than said twenty-five feet (25').
  2. Side Yard: On interior lots there shall be a side yard on each side of the outer walls of any building constructed thereon of not less than twenty-five feet (25'). Buildings erected upon corner lots shall comply with the front yard requirement with regard to both streets; provided, however, that in the event it is impractical or would work great or unusual hardship upon any owner of a corner lot to require him to conform to such front yard requirements regarding both streets, then the commission may in its discretion permit such property owner to locate such building so that the front thereof conforms to the front yard requirement on the street upon which said building fronts and the side of such building may be such distance from the street right of way line as the commission may deem desirable; however, no nearer to the street right of way line than twenty-five feet (25').
  3. Rear Yard: Each lot upon which a dwelling is constructed shall have a rear yard of not less than twenty-five feet (25').
  4. Lot Areas: Minimum lot size required shall be not less than two (2) acres.
  5. Lot Coverage: Each lot upon which a dwelling, private garage or other outbuilding is constructed shall have not more than twenty-five percent (25%) ~~of the lot occupied by such structures~~ impervious surface, including building footprint.
  6. Building Height: No structure shall exceed a building height of thirty-five feet (35') or two and one-half (2 ½) stories above the average elevation of the finished grade at the front of the building. Antennas are excluded from the requirements.

(Ord. 1236, 6-23-2010; amd. Ord. 1263, 12-29-2011; Ord. 1281, 5-15-2013)

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

### **9-4-6-1: Purpose and Intent:**

The purpose of these provisions is to guide residential development on substandard lots, ensuring that the developments are compatible with the character and the scale of established housing.

- A. Applicability and General Provisions: The following standards and procedures apply to residential development of substandard lots as defined in section 9-1-3 of this title, and apply to:
1. Substandard lots in the residential single-family (RS) zone having a lot area of less than five thousand (5,000) square feet and/or a lot width of less than fifty feet (50'), and
  2. Substandard lots in the residential multi-family zone having a lot area of less than ~~five thousand (5,000)~~ three thousand five hundred (3,500) square feet and/or a lot width of less than twenty five feet (25'), except for townhouse lots which may have a lot size as small as two thousand five hundred (2,500) square feet and frontage as narrow as eighteen and three quarters feet (18.75').

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

(Ord. 1263, 12-29-2011)

### 9-4-6-2: Use Regulations:

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

(Ord. 1263, 12-29-2011)

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

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

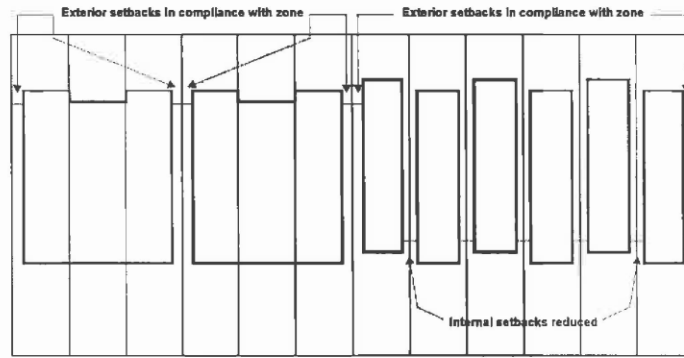
~~Except as otherwise provided herein, design review for the development of four (4) or more dwelling units, as well as the development of units with front loading garages, shall include referral to the planning commission or such design review subcommittee as may be created for such purpose, in conjunction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

~~Adjoining property owners shall be notified of any development proposed under these provisions that is subject to review by the commission as noted above. Said notice shall inform such owners they may comment on the application during a period of not less than fifteen (15) days after mailing of the notice and prior to final action on said application.~~

#### BA. Setbacks in the RS zone:

1. ~~Front Setbacks: The front yard setback for livable space and porches shall be allowed as provided in the property's underlying RS zone. Adjoining lots developed at the same time shall contain different setbacks.~~
2. ~~Street side yard setbacks: Street side yard setbacks shall be ten feet (10') for livable space and porches and twenty-five feet (25') for parking, unless one of the following is applied:~~
23. Interior Side Setbacks (between structures in a common development): Interior side setbacks shall be in accordance with the applicable RS zone, unless one of the following is applied:
  - a. Common Lot Line Attached Units in the RS zone: Up to three (3) units may be attached at the common lot lines, ~~provided that the exterior setbacks (unattached side setbacks) adhere to those required by the zone.~~
  - b. Detached Units On Contiguous Lots: When two (2) or more detached single-family units are proposed as a development project on contiguous lots, the interior side yard setbacks may be reduced to three feet (3') ~~provided that the exterior setbacks to the development adhere to the setbacks that are required by the zone.~~

4. Non-street Side Exterior Setbacks: When two (2) or more attached or detached single-family units are proposed as a development project on contiguous lots, the exterior side yard setbacks shall adhere to those required by the RS zone.
5. The second story of a two-story attached building shall be set back a minimum of eight feet (8') from the side property line; provided, bay windows, pop outs or other architectural appurtenances may be allowed at the setback line required by the RS zone.



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

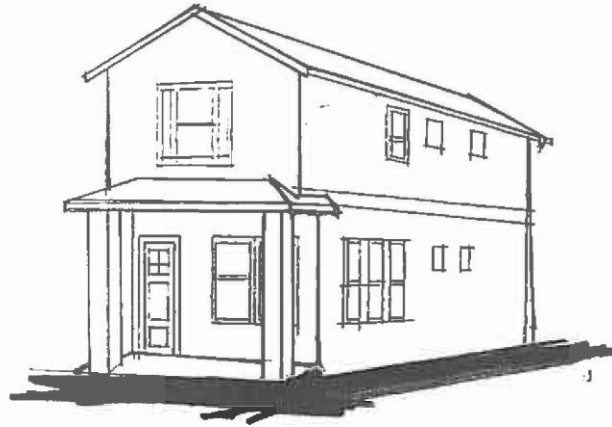


36. ~~Rear Setbacks: Rear yard setbacks shall be as required by the RS zoning district in which the substandard lot is located.~~
47. ~~Garage: A single-story, detached garage, a maximum of five hundred (500) square feet, accessed off of an alley may have a three foot (3') side setback.~~

(Ord. 1263, 12-29-2011)

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

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



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



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



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

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



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{Ord. 1263, 12-29-2011}

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

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

{Ord. 1263, 12-29-2011}

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

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

{Ord. 1263, 12-29-2011}

#### **~~9-4-6-75: Parking:~~**

- A. Each dwelling shall be provided with off-street parking in accordance with chapter 5 of this title.
- B. Vehicular access and parking shall be provided according to the following standards:
  1. Parking accessed via alleys is ~~encouraged~~ required where possible.

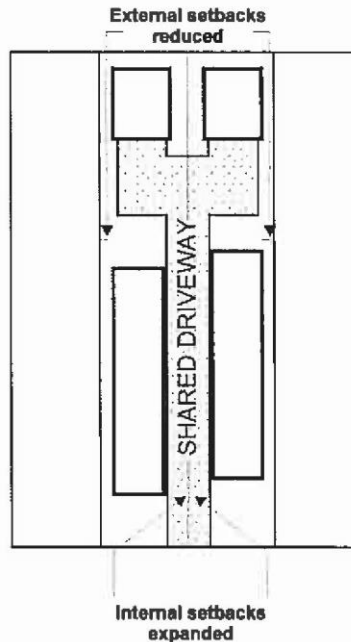
2. Street-facing garages are prohibited on lots with frontage of less than thirty-seven and a half feet (37.5').
3. Garages shall be developed in accordance with the requirements of the underlying zone.
2. Units with front loading garages (where access to alley is not available or practical):
  - a. Any attached, front loading garage shall include design elements that will provide varied rooflines, dormers within the roofline or other architectural treatments that will avoid the appearance of garage domination. The setback of the garage face shall be twenty five feet (25').
  - b. Porches, living space, or other projecting features above such front loading garages are required. Structures incorporating such features above a front loading garage shall not be subject to review by the commission.



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- c. Attached, front loading garages shall be limited to single car width; two (2) car garages must be designed for tandem parking.
- d. The use of a ten foot (10') wide shared driveway providing access to rear yard garages that are attached with a common wall on the property line is allowed.
- e. Where a shared driveway is proposed between two (2) units, each unit may be allowed to reduce the outside side yard setback from five feet (5') to three feet (3') to provide for a driveway width greater than ten feet (10').

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



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

(Ord. 1263, 12-29-2011)

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

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

1. In the RS zone, no greater than three (3) contiguous attached dwelling units shall be permitted. In the RS zone, attached housing shall contribute to the single-family character of the neighborhood by utilizing exemplary design and architecture to seamlessly integrate with other structures in the vicinity.

B. Additional Requirements for Attached Buildings:

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

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

(Ord. 1263, 12-29-2011)

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

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

##### **A. Front Facade Design Requirements:**

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

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

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

(Ord. 1263, 12-29-2011)

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

A. ~~The applicant may request a waiver from one or more of the standards listed in section 9-4-6-9 of this chapter or from the height and parking requirements of sections 9-4-6-4 and 9-4-6-7 of this chapter. All requests for waivers shall be heard and decided by the planning commission or such design review subcommittee as may be created for such purpose. A waiver shall not be considered a right or special privilege but may be granted to an applicant that can meet the following findings:~~

1. ~~That the granting of the waiver will not be in conflict with the intent of the substandard lot ordinance, shall not negatively impact the existing neighborhood and shall enhance the overall design quality of the project;~~
  2. ~~That there is an exceptional circumstance relating to the design or configuration of the property, which is not generally applicable to other properties or otherwise anticipated by the standards in the district.~~
  3. ~~The granting of such relief will not be materially detrimental to the public health, safety or welfare, or injurious to the property, improvements or the quiet enjoyment of the surrounding properties and neighborhood.~~
  4. ~~The granting of such relief will not be in conflict with the goals and policies of the comprehensive plan.~~
- ~~(Ord. 1263, 12-29-2011)~~

### 9-1-3: Definitions:

Words not defined herein shall be given the meanings ordinarily applied to such words. The word "structure" shall include the word "building", and the word "lot" shall include the word "plot".

**ACCESSORY BUILDING OR USE:** A subordinate building or use, which is located on the same parcel on which the main building or use is situated and which is reasonably necessary and incidental to the conduct of the primary use of such building or to the main use.

**ACCESSORY DWELLING UNIT (ADU):** A habitable living unit added to, created within, or detached from a single-family dwelling that provides basic requirements for living, sleeping, eating, cooking, and sanitation.

**ACREAGE:** Any tract or parcel of land which has not been subdivided or platted.

**ADJOINING:** Properties that touch or bound a particular parcel of land. For notification purposes, parcels that would adjoin a property absent an alley are also included.

**AIRPORT:** The Sandpoint Airport property, including all land covered by the Sandpoint Airport master plan.

**AIRPORT ELEVATION:** The highest point of an airport's usable landing area measured in feet from sea level. The elevation of the Sandpoint Airport is two thousand one hundred twenty-seven feet (2,127') above mean sea level.

**ALLEY:** A public passageway for vehicles shown on the official plat of the city or its additions and designated thereon as an alley.

**APARTMENT:** A room or suite of rooms in a multiple-family structure which is arranged, designed, used or intended to be used as a housekeeping unit for a single-family.

**AUTO WRECKING OR JUNKYARD:** Any place where two (2) or more motor vehicles not in running condition, or parts thereof, are stored in the open and are not being restored to operation; any land, building or structure used for wrecking or storing of such motor vehicles or parts thereof and including any farm vehicles or farm machinery or parts thereof, stored in the open and not being restored to operating condition; and including the commercial salvaging and scavenging of any other goods, articles or merchandise.

**AUTOMOBILE:** A passenger vehicle.

**AUTOMOBILE REPAIR:** General repair, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair; overall painting of motor vehicles.

**AUTOMOBILE SERVICE STATION:** An establishment where automotive fuels and lubricants, accessories and services are sold at retail; however, where the sale of such is only incidental, the establishment or premises shall be classified as a public garage.

**BASEMENT:** A story partly or wholly underground. Where more than one-half (½) of its height is above the average level of the adjoining ground, a basement shall be counted as a story for purpose of height measurement.

**BED AND BREAKFAST:** An owner occupied dwelling where rooms are available for transient lodging and where a morning meal is provided.

**BILLBOARD:** Any structure or portion thereof upon which are placed signs or advertisements used as an outdoor display. This definition does not include any bulletin boards used to display official court or public office notices, or a sign advertising the sale or lease of the premises on which the sign is located.

**BOARDING, LODGING OR ROOMING HOUSE:** A building where lodging, with or without meals, is provided for compensation for not fewer than four (4) nor more than twelve (12) persons in addition to members of the family occupying such building.

**BUILDING:** Any structure utilized or intended for supporting or sheltering any occupancy.

**BUILDING AREA:** The buildable area of a lot is the space remaining after adherence to the minimum open space requirements of this chapter.

**BUILDING FOOTPRINT:** The horizontal area, measured from the outside of all exterior walls and supporting columns. It includes all attached and covered components of a structure including residences, garages, covered carports, and covered patios, decks and porches.

**BUILDING HEIGHT:** The vertical distances measured from the sidewalk level or its equivalent established grade opposite the middle of the front of the building to the highest point of the roof. Where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished lot grade at the front of the building.

**BUILDING LINE:** The perimeter of that portion of a building nearest a property line, but excluding open steps, terraces, cornices and other ornamental features projecting from the walls of the building.

**CARPORT:** A structure attached or made a part of the main structure which is open to the weather on at least two (2) sides, intended for the use of sheltering not more than two (2) motor driven vehicles.

**CHURCH:** A nonprofit organization, that is or would be recognized by the internal revenue service as such, which uses buildings, structures, or land for the teaching or practice of religious doctrine or related social functions.

**COMMISSION:** For the purposes of this title, "commission" shall mean the planning and zoning commission.

**COMPREHENSIVE PLAN:** An official document pursuant to Idaho Code 67-6508 that includes land within the jurisdiction of the governing board which considers previous and existing conditions, trends, desirable goals and objectives, or desirable future situations for each planning component. The plan with maps, charts, and reports shall be based on the following components unless the plan specifies reasons why a particular component is unneeded: population; economic development; land use; natural resource; hazardous areas; public services, facilities and utilities; transportation; recreation; special areas or sites; housing; community design and implementation.

**CONDITIONAL USE:** A use listed in a particular zone which is compatible with its surrounding area and permitted if approved by the planning commission or by a hearing body.

**CONDOMINIUM:** A multiple-family dwelling, duplex, or single unit, in which the dwelling units are individually owned, with each owner having a recordable deed enabling the unit to be sold, mortgaged, or exchanged independently.

**COURT:** An open unoccupied space, other than a yard, on the same lot with a building and bounded on two (2) or more sides by such building.

**CURB GRADE:** The established elevation of the curb measured at the center of the front of a building. Where no curb grade has been established, the city shall establish such curb level or its equivalent for the purpose of this chapter.

**DANCE HALL:** A large room used mainly for dancing. (Synonyms: ballroom, dance palace.)

**DAYCARE CENTER:** A place or facility providing daycare for compensation for thirteen (13) or more children.

**DISTRICT:** A section or sections of the incorporated area of the city for which the regulations and provisions governing the use of buildings and land are uniform for each class of use permitted therein.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

HEIGHT: See definition of Building Height.

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

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

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

HOTEL: A building designed for occupancy as the more or less temporary abiding place of individuals who are lodged with or without meals, in which there are six (6) or more guestrooms, and in which no provisions are made for cooking in any individual room or suite.

IMPERVIOUS SURFACE: A hard surface area that significantly prevents or impedes the infiltration of water into the soil. Impervious surfaces include, but are not limited to, buildings, roofed structures, concrete or asphalt driveways and walkways, patios, decks with impervious surfaces, compacted gravel areas intended for parking or circulation, and other hard-surfaced areas. The City Engineer shall have the discretion to determine whether a particular surface or material is considered impervious based on its design, construction, and performance

INSTITUTION: A building occupied by a nonprofit corporation or a nonprofit establishment for public or semipublic use.

KENNEL: Any lot or premises on which four (4) or more dogs, at least four (4) months of age, are kept.

LABORATORY: A place devoted to experimental study such as testing and analyzing. Manufacturing of a product or products is not to be permitted within this definition.

LOADING SPACE: An off-street space or area on the same lot with a building or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials and which abuts upon a street, alley or other appropriate means of access.

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

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

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

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

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

LOT OF RECORD, SUBSTANDARD ORIGINAL: Any legally created individual nonconforming lot ~~or parcel~~ that does not meet the minimum lot width or area requirements of the district in which it is located. Such lot ~~or parcel~~ may be utilized for those uses permitted within its zoning district if all other requirements of this title are met. ~~For the purpose of this definition, residentially zoned lots or parcels must have been created prior to March 10, 1980, and industrially zoned lots or parcels must have been created prior to April 20, 2011, or they must have existed prior to their annexation into the city of Sandpoint, whichever occurred first.~~ Residential development of substandard original lots of record is subject to section 9-4-6 of this title.

LOT, REVERSED CORNER: A corner lot the rear of which abuts upon the side of another lot whether across an alley or not.

LOT WIDTH: The horizontal distance between the side lot lines.

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

MOBILE HOME PARK: Any plot of ground upon which two (2) or more occupied mobile homes are located.

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

**MODULAR HOUSING:** A dwelling unit manufactured off site, built to be used for permanent residential occupancy, to be set on a permanent foundation and conforming to the applicable building code.

**MOTEL:** A group of attached or detached buildings containing individual sleeping or living units where a majority of such units open individually and directly to the outside, and where a garage is attached or a parking space is conveniently located to each unit, all for the use by automobile tourists or transients, and such words include motor lodges, motor inns, and similar terms.

**NONCONFORMING USE:** Any building, structure or land lawfully occupied by a use or lawfully situated which does not conform to the regulations of this title.

**NONPRECISION INSTRUMENT RUNWAY:** A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight in nonprecision instrument approach procedure has been approved or planned.

**NURSING HOME OR REST HOME:** A private hospital for the care of children, the aged or infirm or a place of rest for those suffering bodily disorders, but not including facilities for the treatment of sickness or injuries or for surgical care.

**PARKING AREA/FACILITY, PRIVATE:** Any privately owned off-street area, lot, structure, or portion thereof, that is designated and used for the temporary storage and maneuvering of motor vehicles. This includes surface parking lots, parking garages or structures, and all internal driveways, drive aisles or circulation areas necessary for vehicle ingress, egress, and movement within the facility. A private parking facility does not include public rights-of-way, on-street parking spaces, or areas designated exclusively for the loading or unloading of trucks or delivery vehicles.

**PARKING AREA/FACILITY, PUBLIC:** An open area, other than street, used for the temporary parking of more than four (4) automobiles and available for public use whether free, for compensation or as an accommodation for clients or customers.

**PARKING SPACE:** An area, enclosed or unenclosed, which has adequate access to a public street or alley, sufficient in size to store one automobile.

**PERSON:** An individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.

**PLANNED UNIT DEVELOPMENT:** An area of land pursuant to Idaho Code 67-6515 in which a variety of residential, commercial, industrial and other land uses are provided for under single ownership or control.

**PORCH:** A roofed entrance to a building, projecting out from the wall or walls of the main structure and commonly open in part to the weather.

**PRECISION INSTRUMENT RUNWAY APPROACH ZONE:** The inner edge of this approach zone coincides with the width of the primary surface and is one thousand feet (1,000') wide. The approach zone expands outward uniformly to a width of sixteen thousand feet (16,000') at a horizontal distance of fifty thousand feet (50,000') from the primary surface. Its centerline is the continuation of the centerline of the runway.

**PRESCHOOL:** An institution primarily engaged in child training and academic instruction prior to the mandatory first grade.

**PRIMARY SURFACE:** A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred feet (200') beyond each end of that runway; for military runways or when the runway has not specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in the airport overlay zone district. The elevation on the primary surface is the same as the elevation of the nearest point on the runway centerline.

**RUNWAY:** A defined area on an airport prepared for landing and takeoff of aircraft along its length.

**SCHOOL:** An institution primarily engaged in academic instruction, public, parochial or private and recognized or approved by the state.

**SETBACK:** The minimum required distance between a property line and any portion of a building excepting projections as allowed by this title.

**SIDEWALK:** That portion of a street between the lateral lines of the roadway and the adjacent property lines set apart for use by pedestrians.

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

**STORY:** That portion of a building included between the surface of any floor and the surface of the floor next above it or if there be no floor above it, then the space between such floor and the ceiling next above.

**STREET:** The entire width between the right-of-way lines of every way for vehicular and pedestrian traffic and includes the terms "road", "highway", "lane", "place", "avenue", and other similar designations.

**STRUCTURAL ALTERATIONS:** Any change which would prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams or girders.

**STRUCTURE:** That which is built or constructed.

**TERRACE, OPEN:** A level and rather narrow plain or platform which, for purposes of this title, is located adjacent to one or more faces of the main structure and which is constructed not more than four feet (4') in height above the average level of the adjoining ground.

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

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

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

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

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

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

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

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

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

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

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

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

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

### 9-4-1-1: Purpose:

The Single-Family Zone is intended to preserve land for housing and to provide housing opportunities for individual households. The zones implement the comprehensive plan policies and designations for single-family housing in the CA-2 areas identified in the 2009 comprehensive plan.

(Ord. 1263, 12-29-2011)

### 9-4-1-2: Use Regulations:

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

The following regulations shall apply:

- P Permitted use
- C Conditional use<sup>1</sup>
- N Not permitted

| Residential <u>(except for uses located on original substandard lots of record)</u> :                                                                                                                     |                          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
| Accessory dwellings as provided in section 9-1-8 of this title                                                                                                                                            | P                        |
| <del>Attached housing</del>                                                                                                                                                                               | <del>P<sup>2</sup></del> |
| <u>Duplex on a single lot</u>                                                                                                                                                                             | <u>N</u>                 |
| Cottage housing in accordance with section 9-4-7 of this chapter                                                                                                                                          | P <sup>3</sup>           |
| Gated communities                                                                                                                                                                                         | N                        |
| Manufactured homes subject to the following provisions, conditions, and regulations:                                                                                                                      | P                        |
| A. The manufactured home shall be multi-sectional, unless sited in a recognized, existing or newly created manufactured housing community.                                                                |                          |
| B. The manufactured home shall be placed on an excavated and backfilled foundation and enclosed at the perimeter in such a manner that the home is located not more than twelve inches (12") above grade. |                          |

|                                                                                                                                                                                                                                                                                                |                      |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|
| C. In addition to the provisions of subsection A of this use, a manufactured home shall be subject to any development standard, architectural requirements and minimum size requirements to which a conventional single-family residential dwelling on the same lot would be subjected.        |                      |
| Multi-family dwellings                                                                                                                                                                                                                                                                         | N                    |
| Short term rentals subject to the licensing requirements set forth in title 3, chapter 12 of this Code                                                                                                                                                                                         | P                    |
| Single-family dwellings, private garages, and such outbuildings as may be incidental thereto. Such outbuildings shall not be used, occupied or equipped for a permanent dwelling or guesthouse and not more than 1 dwelling shall occupy 1 lot, except as otherwise provided for in this title | P                    |
| <b>Residential (located on original substandard lots of record):</b>                                                                                                                                                                                                                           |                      |
| <u>Single-family dwellings</u>                                                                                                                                                                                                                                                                 | <u>P<sup>2</sup></u> |
| <u>Duplex on a single lot</u>                                                                                                                                                                                                                                                                  | <u>N</u>             |
| <u>Attached housing (two or three units)</u>                                                                                                                                                                                                                                                   | <u>P<sup>2</sup></u> |
| <b>Nonresidential:</b>                                                                                                                                                                                                                                                                         |                      |
| Cemeteries                                                                                                                                                                                                                                                                                     | C                    |
| Churches and accessory buildings used for religious teachings                                                                                                                                                                                                                                  | C                    |
| Community centers, nonmunicipally owned                                                                                                                                                                                                                                                        | N                    |
| Daycare, including homeschooling:                                                                                                                                                                                                                                                              |                      |
| Home (6 or less - home occupation)                                                                                                                                                                                                                                                             | P                    |
| Group (7—12)                                                                                                                                                                                                                                                                                   | N                    |
| Daycare facilities (13+)                                                                                                                                                                                                                                                                       | N                    |
| Fire stations                                                                                                                                                                                                                                                                                  | N                    |
| Home occupations                                                                                                                                                                                                                                                                               | P                    |
| Kennels; commercial or private, even as a home occupation                                                                                                                                                                                                                                      | N                    |
| Libraries                                                                                                                                                                                                                                                                                      | C                    |
| Municipally owned facilities                                                                                                                                                                                                                                                                   | P                    |
| Other uses not specifically listed                                                                                                                                                                                                                                                             | N                    |
| Parks or playgrounds:                                                                                                                                                                                                                                                                          |                      |
| Private                                                                                                                                                                                                                                                                                        | C                    |
| Public                                                                                                                                                                                                                                                                                         | P                    |
| Police stations                                                                                                                                                                                                                                                                                | N                    |
| Public utility facilities                                                                                                                                                                                                                                                                      | P                    |
| Recreation buildings, nonmunicipally owned                                                                                                                                                                                                                                                     | N                    |
| Schools, public or private, except those schools of vocational nature which operate similarly to a retail business where a product or products may be purchased on the premises                                                                                                                | C                    |

## Notes:

- Any use legally established as a permitted use now subject to conditional use approval shall be subject to conditional use approval to expand such use.
- Subject to standards set forth for ~~the standards for~~ development of residential original substandard lots of record, SCC 9-4-6.
- Subject to standards set forth for cottage housing development.
- ~~Development of attached housing units or cottage housing in the RS Zone shall not be restricted by this provision.~~

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(Supp. No. 2, Update 1)

(Ord. 1263, 12-29-2011; amd. Ord. 1281, 5-15-2013; Ord. 1336, 11-2-2016; Ord. 1353, 6-6-2018)

### 9-4-1-3: Development Standards:

The development standards for the Residential Single-Family Zone preserve the character of single-family neighborhoods and provide flexibility to allow different densities and development standards. The development standards work together to promote desirable residential areas by addressing aesthetically pleasing environments, safety, privacy, energy conservation, and recreational opportunities. The site development standards allow for flexibility of development while maintaining compatibility within the city's various single-family neighborhoods. In addition, the regulations provide certainty to property owners, developers, and neighbors about the limits of what is allowed.

- A. Lot Areas: No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained unless the following described yards and lot areas are provided and maintained in connection with said building, structure or enlargement:

Every building erected shall be on a lot having an area of not less than five thousand (5,000) square feet with a frontage on public streets of not less than fifty feet (50') and shall have a width of not less than fifty feet (50') at the front building line. Lots with frontage on a cul-de-sac shall have a minimum frontage on a public road of not less than fifty feet (50').

- B. Setbacks:

1. Purpose: The setback regulations for buildings and garage entrances serve several purposes:
  - a. They maintain light, air, separation for fire protection, and access for firefighting;
  - b. They reflect the general building scale and placement of houses in the city's single-family neighborhoods;
  - c. They promote a reasonable physical relationship between residences;
  - d. They promote options for privacy for neighboring properties;
  - e. They require larger front setbacks than side and rear setbacks to promote open, visually pleasing front yards;
  - f. They provide adequate flexibility to site a building so that it may be compatible with the neighborhood, fit the topography of the site, allow for required outdoor areas, and allow for architectural diversity; and
  - g. They provide room for a car to park in front of a garage door without overhanging the street or sidewalk, and they enhance driver visibility when backing onto the street.
2. General Exception to all Setbacks: Minor features of a building such as eaves, chimneys, water collection cisterns and planters, air conditioning units, bay windows, uncovered balconies, covered side and rear entryway overhangs, may extend into the required setback. Bays and bay windows encroaching into the setback also must meet the following requirements: a) each bay and bay window may be up to twelve feet (12') long, but the total area of all bays and bay windows on a building facade cannot be more than thirty percent (30%) of the linear total of the facade; b) bays and bay windows must cantilever beyond the foundation of the building; and c) the bay may not include any doors.
3. Front Yard Limits Setbacks: Each lot shall have a front ~~yard~~ setback of not less than twenty feet (20') in depth from front lot line ~~unless provided for elsewhere in this code, except as follows:-~~

- a. Porches: Unenclosed front porches may encroach into the front yard setback up to ten feet (10') from the front lot line.
  - b. Garages: Any garage, detached or attached, shall be set back a minimum of twenty-five feet (25') from the front lot line.
3. Side Yard Setbacks: Each lot shall have a side setback of not less than five feet (5') in depth from the side lot line, except as follows:
  - a- On interior lots there shall be a side yard on each side of the outer walls of any building constructed thereon of not less than five feet (5').
  - ba. Street Side Yard Setback: Buildings erected upon corner lots need only comply with the front yard requirement with regard to their primary facade, which is designated as having the primary entrance. A side yard setback is required for flanking streets on corner lots. The street side setback shall be twenty feet (20') unless features such as projections, recessions, windows, or other architectural treatment are incorporated to prevent a blank wall appearance, in which case the street side setback may be reduced to ten feet (10'). This standard does not apply to garages accessed off the side street.
  - b. Garages:
    - i. Detached garages on interior lots shall have a side setback of no less than three feet (3').
    - ii. Garages accessed from on a street side lot line yard which include parking between the garage and the lot line shall have a setback of no less than twenty-five feet (25') from the street side yard lot line
    - iii. Garages accessed from a street side lot line which do not include parking between the garage and the lot line shall have a setback of no more than three feet (3') and no less than one foot (1') to prevent parking overhang onto the public right of way.
    - iv. Garages accessed from an alley shall adhere to the street side setback as established above in 3a.
  - c. Accessory buildings/structures shall have a setback from the side lot line of five feet (5').
  - d. Accessory dwelling units shall follow the regulations of accessory buildings unless located above a garage, in which case they shall follow the standards for garages regulations.
4. Rear Yard Setbacks: Each lot upon which a dwelling is constructed shall have a rear yard setback of not less than fifteen feet (15') in depth from the property lot line, except as follows:
  - a. Alley accessed garages shall have a setback from the rear lot line of one foot (1')
  - b. Accessory buildings shall have a setback from the rear lot line of five feet (5')
  - c. Accessory dwelling units shall follow the regulations of accessory buildings unless located above a garage, in which case they shall follow the standards for garages.
5. Garage and Parking Entrance Setback: To avoid vehicles parking on the sidewalk, no front entry garage shall be constructed within twenty-five feet (25') of a property line having frontage along a public street. Any uncovered off-street parking developed within the front yard setback shall have a minimum depth of twenty-five feet (25').
65. Riparian and Shoreline Setback:

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

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

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

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

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

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

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

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

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

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

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

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

- (2) ~~Minor Features: Minor features of a building such as eaves, chimneys, water collection cisterns and planters, bay windows, and uncovered balconies, may extend into the required setback. Bays and bay windows encroaching into the setback also must meet the following requirements: a) each bay and bay window may be up to twelve feet (12') long, but the total area of all bays and bay windows on a building facade cannot be more than thirty percent (30%) of the linear total of the facade; b) bays and bay windows must cantilever beyond the foundation of the building; and c) the bay may not include any doors.~~

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

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

C. Lot Coverage and Impervious Surface:

1. ~~Purpose: The building coverage standards, together with the height and setback standards control the overall bulk of structures. They are intended to assure that taller buildings will not have such a large footprint that their total bulk will overwhelm adjacent houses. Additionally, the standards help define the character of the different zones by limiting the amount of buildings allowed on a site. The lot coverage, building footprint, and impervious surface standards in the RS zone are intended to balance development flexibility with the preservation of neighborhood character, access to light and air, and the traditional open, landscaped qualities of single-family residential areas. By limiting the extent of impervious surfaces, including buildings, driveways, patios, and similar improvements, the code promotes landscaping, shade trees, gardens, and other pervious outdoor spaces that define the visual and environmental character of Sandpoint's neighborhoods.~~

In addition, the two-story building footprint limit is intended to manage the bulk and massing of taller residential structures. This standard accommodates larger single-story homes while preventing the construction of disproportionately large or imposing two-story forms that diminish neighboring access to light, air, and privacy. Together, these standards provide a clear and predictable framework that supports homeowner flexibility and housing choice while ensuring that new development remains compatible with the scale and livability of established RS neighborhoods.

2. ~~Building Footprint: Each lot upon which a dwelling, private garage or other outbuilding is constructed shall have a maximum thirty-five percent (35%) building footprint and a maximum thirty percent (30%) impervious surface.~~

2. Maximum Impervious Surface: Each lot upon which a dwelling, garage or other accessory structure is constructed shall have a maximum impervious surface (including building footprint, driveways, walkways, patios, and parking areas) of 70% of the lot size.

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

1. Purpose: The building height standards are intended to maintain an appropriate sense of scale within Sandpoint's single-family residential neighborhoods by preventing individual structures from dominating the built environment or encroaching on adjacent homes. By linking maximum height to the proportion of lot area covered by a structure, these standards encourage a variety of building forms, preserve access to light and air, reduce the visual mass of two-story construction, and support the open, traditional character of Sandpoint's residential areas. The standards work in concert with setbacks and impervious surface limits to promote compatible development patterns and protect neighborhood livability.

2. No structure on a lot shall exceed the following height limits as measured from the finished grade:

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

For the purposes of this section, any horizontal area of a building or structure that is located below any portion of a roof or building element whose height exceeds eighteen feet (18') above finished grade shall be counted towards the lot coverage for structures exceeding eighteen feet (18'). This includes, but is not limited to:

- a. All floor area, enclosed or unenclosed, located beneath a roof plane that reaches or exceeds 18' in height;
- b. Cantilevers, covered porches, decks, breezeways, or other projections whose covering or structure support exceeds 18'; and
- c. Any vertical building element, such as walls, gables, dormers, roof extensions, or architectural projections, whose highest point exceeds 18'.

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

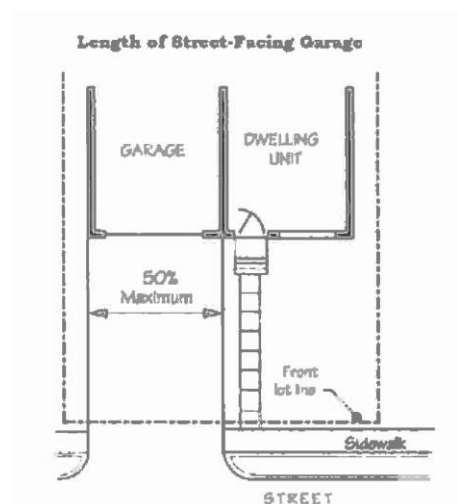
- a. Chimneys, flagpoles, satellite receiving dishes, roof mounted solar panels and other similar items may extend above the height limit, as long as they do not exceed five feet (5') above the top of the highest point of the roof.
- b. Utility power poles, and public safety facilities are exempt from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

E. ~~Garages~~ Design Standards:

1. Purpose: Together with the main entrance and street facing facade standards, these standards ensure that there is a physical and visual connection between the living area of the residence and the street. Additionally these standards:
  - a. Ensure that the location and amount of the living area of the residence, as seen from the street, is more prominent than the garage;

- b. Prevent garages from obscuring the main entrance from the street and ensure that the main entrance for pedestrians, rather than automobiles, is the prominent entrance;
  - c. Provide for a more pleasant pedestrian environment by preventing garages and vehicle areas from dominating the views of the neighborhood from the sidewalk; and
  - d. Enhance public safety by discouraging garages from blocking views of the street from inside the residence.
2. ~~Where These Standards Apply Applicability:~~ The regulations of this subsection E apply to all attached or detached garages in the residential single-family zone. ~~On corner lots, only one street facing garage wall must meet the standards of this subsection E.~~
3. ~~The Standards:~~
  - a. ~~Dimensions:~~
    - (1)a. ~~The length of the Any~~ garage ~~wall entrance~~ facing the street may be up to fifty percent (50%) of the ~~length width~~ of the street facing unit facade (see figure 1 of this section).
    - (2) ~~For attached houses on corner lots, garage walls are limited to twenty five feet (25') in length.~~

Figure 1



- (2)b. Garages shall be recessed, or may be flush to the primary facade when the primary facade contains an unenclosed porch having a depth of seven feet (7') or greater and occupying a minimum of twenty-five percent (25%) of the linear primary structure facade. ~~No portion of a garage may protrude past the front of the primary facade of the dwelling unit.~~
- (3)c Garages ~~walls facing the street having building walls~~ greater than twelve feet (12') in height ~~or facade walls greater than or~~ twenty-four feet (24') in length shall include architectural detail to break up and limit the massive appearance of the wall. Doing so requires utilizing at least two (2) of the following architectural features on street facade:
  - (A) i. Dormers;
  - (B) ii. Gables;

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

~~b.d. On corner lots, walls facing the side street must meet the standards of subsection E, 3, c.~~

~~e. Street-facing garages are prohibited on lots narrower than 37.5 feet in the residential single-family zone.~~

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

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

#### 4. Existing Detached Garages:

- a. Change of Use: In the residential single-family zone, a detached garage that is in the side or rear setback may be converted to another type of detached covered accessory structure so long as it is compliant with regulations specified in section 9-1-8 or 9-1-5 of this title. Second floor windows facing abutting lots utilize appropriate material (glass block or opaque glass) to maintain privacy of adjacent property.
- b. Rebuilding: A detached garage that is nonconforming due to its location in a setback, may be rebuilt on the footprint of the existing foundation, if the garage was originally constructed legally. Where the structure facade faces a street, garages utilizing this provision shall be designed and reconstructed in a manner to prevent a blank wall appearance through the utilization of projections, recessions, windows or other architectural treatment.
- c. Additions: An addition may be made to a detached garage that is nonconforming due to its location in a setback ~~as follows provided the expansion complies with all other standards of this section.:~~

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

F. Main Entrances Design Standards:

1. Purpose: These standards:

- a. Together with the street facing facade and garage standards, ensure that there is a physical and visual connection between the living area of the residence and the street;
- b. Enhance public safety for residents and visitors and provide opportunities for community interaction;
- c. Ensure that the pedestrian entrance is visible or clearly identifiable from the street by its orientation or articulation; and
- d. Ensure that pedestrians can easily find the main entrance, and so establish how to enter the residence.
- e. Ensure a connection to the public realm for development on lots fronting both private and public streets by making the pedestrian entrance visible or clearly identifiable from the public street.

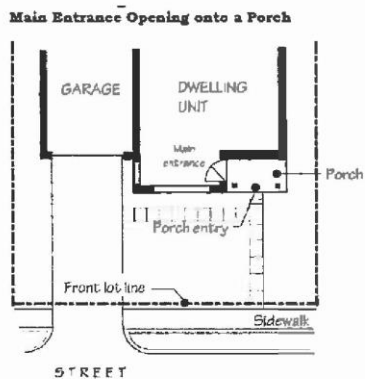
2. Where These Standards Apply Applicability:

- a. The standards of this subsection F apply to houses, attached houses, and manufactured homes, in the residential single-family zone;
- b. Where a proposal is for an alteration or addition to existing development, the standards of this subsection F apply only to the portion being altered or added;
- c. On sites with frontage on both a private street and a public street, the standards apply to the site frontage on the public street. On all other sites with more than one street frontage, the applicant may choose on which frontage to meet the standards.

3. The Standard:

- a. Location: At least one main entrance for each structure must:
  - (1) Either:
    - (A) Face the street;
    - (B) Be at an angle of up to forty-five degrees (45°) from the street; or
    - (C) Open onto a porch. See figure 2 of this section. The porch must be a covered unenclosed porch with a minimum of twenty-five (25) square feet in area.

Figure 2



G. Street Facing Facades Design Standards:

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

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

2. Where This Standard Applies Applicability: The standard of this subsection G applies to houses, attached homes, and manufactured homes in the residential single-family zone. Where a proposal is for an alteration or addition to existing development, the applicant may choose to apply the standard either to the portion being altered or added, or to the entire street facing facade.

3. The Standards: At least fifteen percent (15%) of the square footage area of each facade that faces a street lot line must be comprised of windows or main entrance doors. ~~Windows used to meet this standard must allow views from the building to the street. Glass block does not meet this standard. Windows in garage doors do not count toward meeting this standard, but windows in garage walls do count toward meeting this standard. To count toward meeting this standard, a door must be at the main entrance and facing a street lot line. Glass block does not meet this standard.~~

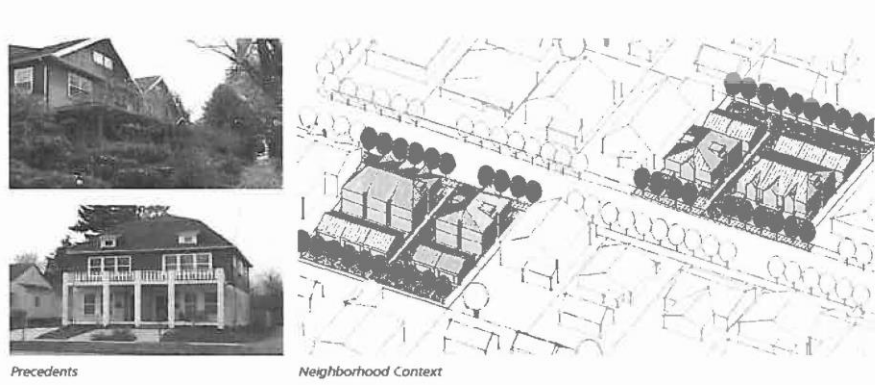
H. Attached Housing Options:

1. Purpose: The alternative development options allow for variety in development standards while maintaining the overall character of a single dwelling neighborhood. These options have several public benefits:

- a. They allow for development which is more sensitive to the environment, especially in hilly areas and areas with water features and natural drainageways;
- b. They allow for the preservation of open and natural areas;
- c. They promote better site layout and opportunities for private recreational areas;
- d. They promote opportunities for affordable housing;

- e. They promote energy efficient development; and
  - f. They allow for the provision of alternative structure types where density standards are met.
  - g. They reduce the impact that new development may have on surrounding residential development.
  - h. Attached housing allows for more efficient use of land and for energy conserving housing.
2. Where This Standard Applies: The regulations of this subsection apply to all attached housing in the residential single-family zone. The alternative development options listed in this subsection H are allowed by right unless specifically stated otherwise. The project must comply with all of the applicable development standards of this subsection H. The project must also conform to all other development standards of the base zone unless those standards are superseded by the standards in this subsection H.
3. The Standard:
- a. Area Requirements:
    - (1) Lot Dimensions: Attached housing must be on a lot that has a minimum area of ten thousand (10,000) square feet unless otherwise stated by this code.
    - (2) Building Setbacks:
      - (A) Interior (Noncorner) Lots: On interior lots the side building setback on the side containing the common wall is reduced to zero. The reduced setback applies to all buildings on the lot and extends along the full length of the lot line that contains the common or abutting wall. The side building setback on the side opposite the common wall must be ten feet (10').
      - (B) Corner Lots: On corner lots either the rear setback or nonstreet side setback may be reduced to five feet (5'). However, the remaining nonstreet setback must comply with the requirements for a standard rear setback.
  - b. Number of Units: A maximum of two (2) units are allowed per structure. Attached houses may have a common wall. Accessory dwelling units are prohibited on lots developed with attached housing.
  - c. Single-Family Character: Attached housing shall contribute to the single-family character of the neighborhood by utilizing exemplary design and architecture to seamlessly integrate with other structures in the vicinity. (See figure 3 of this section.)

Figure 3



- d. **Second Story Design:** A second story of any attached housing unit requires additional design standards. Along the street facing facade, the building shall incorporate features such as offsets, balconies, projections, window reveals, or similar elements to preclude large expanses of uninterrupted building surfaces. Such features shall occur at a minimum of every twelve feet (12') along the vertical face of the facade, and each floor shall contain a minimum of offsets or breaks in facade of two feet (2') or greater in depth.
- e. **Landscape Standards:** The following landscape standards must be met on lots in the residential single-family zone to qualify for attached housing development:
  - (1) A minimum of three (3) front yard trees with a minimum dbh of two inches (2") shall be planted per unit.

(Ord. 1263, 12-29-2011; Ord. 1336, 11-2-2016)

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

### 9-4-2-1: Purpose:

Areas zoned as Residential Multi-Family (RM) are intended to preserve land for housing and to provide diversity in housing options. This zone implements the comprehensive plan policies for those areas identified as CA-3 in the 2009 comprehensive plan.

(Ord. 1263, 12-29-2011)

### 9-4-2-2: Use Regulations:

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

The following regulations shall apply:

- P Permitted use
- C Conditional use<sup>1</sup>

N Not permitted

|                                                                                                                                                                                                                                                                                                |                |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| Residential <u>(except for uses located on original substandard lots of record)</u> :                                                                                                                                                                                                          |                |
| Accessory dwellings as provided in section 9-1-8 of this title                                                                                                                                                                                                                                 | P              |
| Attached housing                                                                                                                                                                                                                                                                               | P <sup>2</sup> |
| Clubs, lodges, fraternal organizations, when not operated for profit                                                                                                                                                                                                                           | P              |
| Cottage housing                                                                                                                                                                                                                                                                                | P <sup>3</sup> |
| <u>Duplex</u>                                                                                                                                                                                                                                                                                  | <u>P</u>       |
| Gated communities                                                                                                                                                                                                                                                                              | N              |
| Manufactured homes subject to following provisions, conditions and regulations:                                                                                                                                                                                                                | P <sup>4</sup> |
| A. The manufactured home shall be multi-sectional, unless sited in a recognized, existing or newly created manufactured housing community.                                                                                                                                                     |                |
| B. The manufactured home shall be placed on an excavated and backfilled foundation and enclosed at the perimeter in such a manner that the home is located not more than 12 inches above grade.                                                                                                |                |
| C. In addition to the provisions of subsection A of this use, a manufactured home shall be subject to any development standard, architectural requirements and minimum size requirements to which a conventional single-family residential dwelling on the same lot would be subjected.        |                |
| Multi-family dwellings:                                                                                                                                                                                                                                                                        |                |
| 7 units or less                                                                                                                                                                                                                                                                                | P              |
| 8 units or more                                                                                                                                                                                                                                                                                | C              |
| Short term rentals subject to the licensing requirements set forth in title 3, chapter 12 of this Code                                                                                                                                                                                         | P              |
| Single-family dwellings, private garages, and such outbuildings as may be incidental thereto. Such outbuildings shall not be used, occupied or equipped for a permanent dwelling or guesthouse and not more than 1 dwelling shall occupy 1 lot, except as otherwise provided for in this title | P              |
| Nonresidential:                                                                                                                                                                                                                                                                                |                |
| Cemeteries                                                                                                                                                                                                                                                                                     | C              |
| Churches and accessory buildings used for religious teachings                                                                                                                                                                                                                                  | C              |
| Community centers, nonmunicipally owned                                                                                                                                                                                                                                                        | C              |
| Community garden. No commerce/retail sales permitted on site                                                                                                                                                                                                                                   | P              |
| Daycare, including homeschooling:                                                                                                                                                                                                                                                              |                |
| Home (6 or less - home occupation)                                                                                                                                                                                                                                                             | P              |
| Group (7—12)                                                                                                                                                                                                                                                                                   | C              |
| Daycare facilities (13+)                                                                                                                                                                                                                                                                       | C              |
| Fire stations                                                                                                                                                                                                                                                                                  | N              |
| Home occupations                                                                                                                                                                                                                                                                               | P              |
| Kennels; commercial or private, even as a home occupation                                                                                                                                                                                                                                      | N              |
| Libraries                                                                                                                                                                                                                                                                                      | C              |

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(Supp. No. 2, Update 1)

|                                                                                                                                                                                 |   |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|
| Neighborhood eatery. Performance standards that apply to neighborhood eatery uses in this zone consist of, but are not limited to, the following criteria:                      | C |
| A. The premises must be owner occupied.                                                                                                                                         |   |
| B. Entrances shall be located along the primary street frontage.                                                                                                                |   |
| C. Hours of operation between 7:00 a.m. — 10:00 p.m.                                                                                                                            |   |
| D. Delivery times shall be limited to hours of operation.                                                                                                                       |   |
| Municipally owned facilities                                                                                                                                                    | P |
| Other uses not specifically listed                                                                                                                                              | N |
| Parks or playgrounds:                                                                                                                                                           |   |
| Private                                                                                                                                                                         | C |
| Public                                                                                                                                                                          | P |
| Police stations                                                                                                                                                                 | N |
| Public utility facilities                                                                                                                                                       | C |
| Recreation buildings, nonmunicipally owned                                                                                                                                      | N |
| Schools, public or private, except those schools of vocational nature which operate similarly to a retail business where a product or products may be purchased on the premises | C |

## Notes:

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

(Ord. 1263, 12-29-2011; amd. Ord. 1281, 5-15-2013; Ord. 1336, 11-2-2016; Ord. 1353, 6-6-2018)

### 9-4-2-3: Development Standards:

- A. Lot Areas: Every individual dwelling erected shall be on a lot having an area of not less than ~~five thousand (5,000)~~ three thousand and five hundred (3,500) square feet and frontage on a public street of not less than ~~thirty-seven and one-half feet (37.5')~~ twenty five feet (25') and shall have a width of not less than ~~thirty-seven and one-half feet (37.5')~~ twenty five feet (25') at the front building line. Townhouse lots which are designed for common wall construction on a common interior lot line shall not have an area less than two thousand five hundred (2,500) square feet per lot and frontage on a public street of not less than eighteen and three quarters feet (18.75') per lot. Lots with frontage on a cul-de-sac shall have a minimum frontage on a public road of not less than thirty feet (30').

Additional units may be developed as follows:

#### AREA INCREASES PER UNIT

|                       | Units    | Lot Size       | Minimum Road Frontage |
|-----------------------|----------|----------------|-----------------------|
| <b>Permitted use:</b> |          |                |                       |
|                       | <u>1</u> | <u>0-4,999</u> | <u>25</u>             |

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

B. Setbacks:

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

- a. Porches: Unenclosed front porches shall be setback ten feet (10') front the front lot line.
- b. Garages: Any garage, detached or attached, shall be set back a minimum of twenty five feet (25') from the front lot line. Street facing garages shall not be permitted on lots with less than 37.5' of frontage on a public street.
3. Side Yard Setbacks: Each lot shall have a side setback of not less than five feet (5') in depth from the lot line, except as follows:
- a. On interior lots there shall be a side yard on each side of the outer walls of any building constructed thereon of not less than five feet (5').
- a. On interior lots smaller than 5,000 square feet there shall be a side setback on each side of the outer walls of any building constructed thereon of not less than three feet (3'). If the interior side setback is less than five feet (5') and the roof slopes toward the interior side property line, then the roof shall incorporate either (a) snow-retention devices designed to prevent snow and ice shedding beyond the property line, or (b) roof geometries demonstrating, through acceptable engineering analysis, that snow shed will fall entirely within the required setback.
- b. Buildings erected upon corner lots need only comply with the front yard requirement with regard to their primary facade, which is designated as having the primary entrance. A side yard setback is required for secondary frontages on corner lots. Flanking street setbacks may be reduced from fifteen feet (15') to ten feet (10') but shall include design features such as projections, recessions, windows or other architectural treatment to prevent a blank wall appearance. Street Side Setback: The street side setback shall be fifteen feet (15') unless features such as projections, recessions, windows, or other architectural treatment are incorporated to prevent a blank wall appearance, in which case the street side setback may be reduced to ten feet (10'). This standard does not apply to garages accessed off the side street.
- c. Garages:
- i. Detached garages on interior lots shall have a side setback of no less than three feet (3').
- ii. Garages accessed from ~~on~~ a street side lot line ~~yard~~ which include parking between the garage and the lot line shall have a setback of no less than twenty-five feet (25') from the street side ~~yard~~ lot line
- iii. Garages accessed from a street side lot line which do not include parking between the garage and the lot line shall have a setback of no more than three feet (3') and no less than one foot (1') to prevent parking overhang onto the public right of way.
- iv. Garages accessed from an alley shall adhere to the street side setback as established above in 3a.
4. Rear Yard Setbacks: Each lot ~~upon which a dwelling is constructed~~ shall have a rear ~~yard~~ setback of not less than fifteen feet (15') in depth from the lot line, except as follows:-
- a. Alley accessed garages shall have a setback from the rear lot line of one foot (1')
- b. Accessory buildings shall have a setback from the rear lot line of five feet (5')
- c. Accessory dwelling units shall follow the regulations of accessory buildings unless located above a garage, in which case they shall follow the standards for garages ~~regulations.~~
5. Garage and Parking Entrance Setback: To avoid vehicles parking on the sidewalk, no street facing garage shall be constructed within twenty five feet (25') of a property line having frontage along a

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

6. Riparian and Shoreline Setback:

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

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

New development adhering to the forty foot (40') setback and/or reconstruction that involves issuance of a building permit for greater than twenty-five thousand dollars (\$25,000.00) of improvements, shall be required to plant fifty percent (50%) of the area in the minimum twenty-five foot (25') building setback with native vegetation comprised of a mixture of grasses and shrubs. For the purpose of this subsection B.6., building permit valuation shall be a cumulative aggregate from the date of the adoption hereof forward.

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

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

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

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

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

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

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

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

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

- ~~b. Minor Features: Minor features of a building such as eaves, chimneys, water collection cisterns and planters, bay windows, and uncovered balconies, may extend into the required setback. Bays and bay windows encroaching into the setback also must meet the following requirements: 1) each bay and bay window may be up to twelve feet (12') long, but the total area of all bays and bay windows on a building facade cannot be more than thirty percent (30%) of the linear total of the facade; 2) bays and bay windows must cantilever beyond the foundation of the building; and 3) the bay may not include any doors.~~
- ~~10. Specific Exceptions: The following shall be permitted to encroach up to the maximum encroachment and any structure shall be limited to fifteen feet (15') in height above grade for that portion encroaching into the setback area:~~
  - ~~a. Adjacent Structures: Where both adjacent lots on the primary frontage are developed with structures and both adjacent structures have front yard setbacks less than the minimum, the subject lot may build within the front setback to the maximum encroachment.~~
  - ~~b. Porches: Unenclosed front porches may encroach into the front yard setback up to the maximum encroachment.~~
  - ~~c. Garages: Garages shall not be permitted to encroach on the front yard setback but may be used in calculating adjacent structure setbacks as described above. Detached garages may encroach on side and rear setbacks up to the maximum encroachment. Detached garages are subject to additional requirements.~~

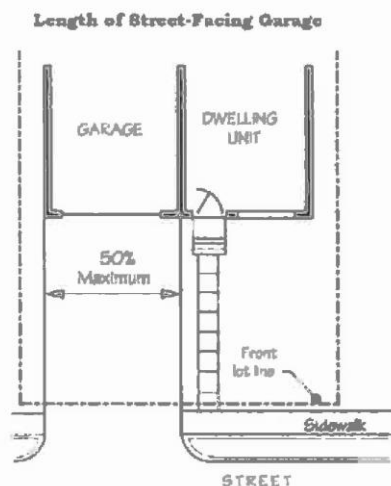
C. Lot Coverage Impervious Surface:

- 1. Purpose: The building coverage standards, together with the height and setback standards control the overall bulk of structures. They are intended to assure that taller buildings will not have such a large footprint that their total bulk will overwhelm adjacent houses. Additionally, the standards help define the character of the different zones by limiting the amount of buildings allowed on a site. The impervious surface standards are intended to balance development flexibility with neighborhood livability and character. By limiting the total area of buildings, driveways, patios, and other hard surfaces on a lot, the ability to ensure open, outdoor character of residential areas to include lawns, landscaping, shade trees, natural spaces and gardens is enhanced. A single impervious surface limit provides a clear and predictable standard while allowing homeowners and builders flexibility in the arrangement of structures and improvements.
- 2. ~~Building Footprint Impervious Surface:~~ Each lot upon which a dwelling, private garage or other outbuilding is constructed shall have a maximum ~~thirty five percent (35%) building footprint and a maximum thirty percent (30%)~~ impervious surface, including building footprint, of 70% of the lot size.
- D. Building Height: No structure shall exceed a building height of forty feet (40') above the average elevation of the finished grade at the front of the building. On lots smaller than 5,000 square feet no structure shall exceed a building height of thirty feet (30') above the average elevation of the finished grade at the front of the building.
  - 1. Exceptions To The Maximum Height:
    - a. Chimneys, flagpoles, satellite receiving dishes, roof mounted solar panels and other similar items may extend above the height limit, as long as they do not exceed five feet (5') above the top of the highest point of the roof.
    - b. Utility power poles, and public safety facilities are exempt from the height limit.

E. Garages Design Standards:

1. Purpose: Together with the main entrance and street facing facade standards, these standards ensure that there is a physical and visual connection between the living area of the residence and the street. Additionally these standards:
  - a. Ensure that the location and amount of the living area of the residence, as seen from the street, is more prominent than the garage;
  - b. Prevent garages from obscuring the main entrance from the street and ensure that the main entrance for pedestrians, rather than automobiles, is the prominent entrance;
  - c. Provide for a more pleasant pedestrian environment by preventing garages and vehicle areas from dominating the views of the neighborhood from the sidewalk; and
  - d. Enhance public safety by discouraging garages from blocking views of the street from inside the residence.
2. ~~Where These Standards Apply~~ Applicability: The regulations of this subsection E apply to all attached or detached garages in the residential multi-family zone. ~~On corner lots, only one street-facing garage wall must meet the standards of this subsection E.~~
3. ~~The Standards:~~
  - a. ~~Dimensions:~~
    - (1)a. ~~The length of the Any~~ garage wall entrance facing the street may be up to fifty percent (50%) of the length width of the street facing unit façade (see figure 1 of this section).

Figure 1



- (2)b. Garages shall be recessed, or may be flush to the primary facade when the primary facade contains an unenclosed porch having a depth of seven feet (7') or greater and occupying a minimum of twenty-five percent (25%) of the linear primary structure facade. No portion of a garage may protrude past the front of the primary facade of the dwelling unit.
- (3)c. Garages walls facing the street having building walls greater than twelve feet (12') in height ~~or facade walls greater than or~~ twenty-four feet (24') in length shall include architectural detail to

break up and limit the massive appearance of the wall. Doing so requires utilizing at least two (2) of the following architectural features on street facade:

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

d. On corner lots, walls facing the side street must meet the standards of subsection E, 3, c.

e. Street-facing garages are prohibited on lots narrower than 37.5 feet in the residential multi-family zone.

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

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

c. Existing Detached Garages:

- (1) Change of Use: In the residential multi-family zone, a detached garage that is in the side or rear setback may be converted to another type of detached covered accessory structure so long as it is compliant with regulations specified in section 9-1-8 or 9-1-5 of this title. Second floor windows facing abutting lots utilize appropriate material (glass block or opaque glass) to maintain privacy of adjacent property.
- (2) Rebuilding: A detached garage that is nonconforming due to its location in a setback, may be rebuilt on the footprint of the existing foundation, if the garage was originally constructed legally. Where the structure facade faces a street, garages utilizing this provision shall be designed and reconstructed in a manner to prevent a blank wall appearance through the utilization of projections, recessions, windows or other architectural treatment.

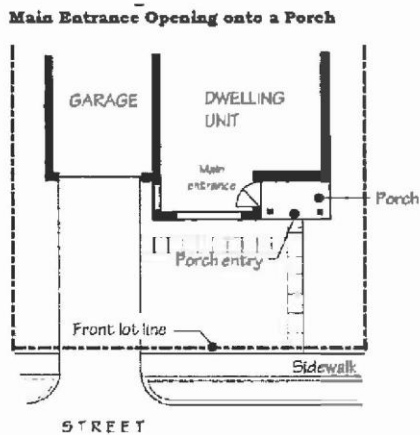
- (3) Additions: An addition may be made to a detached garage that is nonconforming due to its location in a setback ~~as follows provided the expansion complies with all other standards of this section.~~

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

F. Main Entrances Design Standards:

1. Purpose: These standards:
  - a. Together with the street facing facade and garage standards, ensure that there is a physical and visual connection between the living area of the residence and the street;
  - b. Enhance public safety for residents and visitors and provide opportunities for community interaction;
  - c. Ensure that the pedestrian entrance is visible or clearly identifiable from the street by its orientation or articulation; and
  - d. Ensure that pedestrians can easily find the main entrance, and so establish how to enter the residence.
  - e. Ensure a connection to the public realm for development on lots fronting both private and public streets by making the pedestrian entrance visible or clearly identifiable from the public street.
2. Where These Standards Apply Applicability:
  - a. The standards of this subsection F apply to houses, attached houses, and manufactured homes, in the residential multi-family zone;
  - b. Where a proposal is for an alteration or addition to existing development, the standards of this subsection F apply only to the portion being altered or added;
  - c. On sites with frontage on both a private street and a public street, the standards apply to the site frontage on the public street. On all other sites with more than one street frontage, the applicant may choose on which frontage to meet the standards.
3. The Standards:
  - a. Location: At least one main entrance for each structure must:
    - (1) Either:
      - (A) Face the street. Be at an angle of up to forty-five degrees (45°) from the street; or
      - (B) Open onto a porch. See figure 2 of this section. The porch must be a covered unenclosed porch with a minimum of twenty-five (25) square feet in area.

Figure 2



G. Street Facing Facades Design Standards:

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

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

2. Where This Standard Applies Applicability: The standard of this subsection G applies to houses, attached homes, and manufactured homes in the residential multi-family zone. Where a proposal is for an alteration or addition to existing development, the applicant may choose to apply the standard either to the portion being altered or added, or to the entire street facing facade. PUDs that received preliminary plan approval prior to the adoption of this section are exempt from this standard.

3. The Standards: At least fifteen percent (15%) of the square footage area of each facade that faces a street lot line must be comprised of windows or main entrance doors. ~~Windows used to meet this standard must allow views from the building to the street. Glass block does not meet this standard. Windows in garage doors do not count toward meeting this standard, but windows in garage walls do count toward meeting this standard. To count toward meeting this standard, a door must be at the main entrance and facing a street lot line.~~

H. Additional Standards Applicable ~~To~~ Multi-Family Development:

1. Purpose and Intent: The following design standards were established to improve the appearance, quality, and functions of multi-family housing. The standards herein apply to the development of multi-family housing in the "RM" zone of four (4) or more units including, but not limited to, apartments and condominiums.
2. Conflicting Standards: In the event that other standards of this title conflict with standards in this provision, the standards within this provision shall prevail.
3. Building Mechanicals, Service Elements, and Resident Amenities:

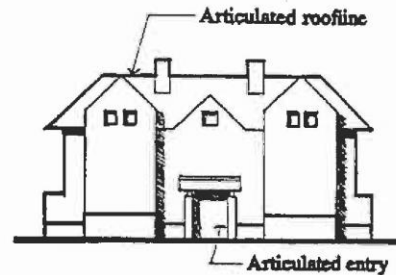
- a. Service areas, utility meters, and building mechanicals shall not be located on the street side of the building, nor on a side wall closer than ten feet (10') to the street side of the building. Screening of meters and mechanicals is required, regardless of location. Mailboxes are permitted within ten feet (10') of the front of the building if not visible from the street.
  - b. Trash and recycling containers, including cans and dumpsters, shall be screened so as not to be visible from the street or from neighboring properties. Screening shall be one foot higher than the container but not higher than six feet (6'), however roofed enclosures may exceed this limit.
  - c. Bike racks shall be provided and shall include space for at least two (2) bikes per unit.
  - d. Bike racks shall be located near building entries, shall not interfere with pedestrian circulation, and shall be well lit.
4. Pedestrian Circulation:
- a. There shall be a hard surfaced (e.g., pavement, pavers, concrete) pedestrian route from the sidewalk or street to the main building entrance and from the parking area to the nearest building entrance. Buildings with more than one entrance shall provide a designated pedestrian route between those entrances (e.g., from front to back).
5. Landscaping, Open Space, and Plantings:
- a. All portions of the site not covered by buildings, paving material, or other planned approved surfaces shall be considered "landscaped area" and shall be planted with living plant materials and/or mulches. Overall site landscaping shall include not less than:
    - (1) One front yard shade tree with a caliper no smaller than two inches (2") dbh per twenty-five (25) linear feet of lot frontage.
    - (2) One tree with a caliper no smaller than two inches (2") and ten (10) shrubs per six hundred (600) square feet of landscaped area.
  - b. Existing healthy trees shall be preserved to the greatest extent practicable; however, invasive or nuisance trees shall be removed. Existing damaged, decayed, or diseased trees should be removed to protect remaining trees. Construction near existing trees should follow best management practices to ensure their survival.
  - c. Landscaping should reinforce pedestrian circulation routes and obstruct undesired routes of convenience. Bushes, trees, rocks, and other landscape features should be used to indicate where pedestrians should and should not travel. Native and low water demand plantings are encouraged.
  - d. Outdoor seating including elements such as a bench or chair shall be provided at the ratio of one seating area per three (3) units which are to be incorporated into or adjacent to usable open space.
  - e. One functional outdoor open space with a minimum dimension of five hundred (500) square feet shall be provided per five (5) units.
6. Neighborhood Scale: The scale of those buildings developed within an existing neighborhood shall conform to the established scale. Appropriate scale multi-family development shall be achieved through the adherence of the following:
- a. The overall height of the multi-family structure shall relate to that of adjacent structures by avoiding construction that varies greatly in height from adjacent buildings. New multi-family structures shall graduate their maximum height based on adjacent structures using stepped roofs and/or partial stories. For example, the portion of a multi-family structure constructed adjacent

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

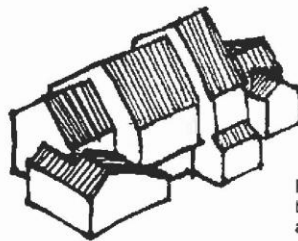
- b. Multi-family structures shall utilize a variety of building forms and roof shapes rather than boxlike forms with large, unvaried roofs. The building design shall provide manipulations to create clusters of units and variations of height, setback and roof shape.
7. Building Entrances:
- a. The primary entrance to the building shall be on the front elevation and shall face the street.
  - b. Building entrances shall be emphasized through projecting or recessing forms, detail, color, or materials.
  - c. A covering over the main entrance shall extend at least four feet (4') from the main door. Entrance features may encroach into the front yard setback a maximum of four feet (4').
8. Facade and Articulation:
- a. Buildings shall be divided into modules by using articulation or modulation at least every thirty (30) linear feet. Buildings shall use a common, unifying design theme throughout the project but not repeat the same pattern of architectural elements for more than four (4) consecutive modules. The use of at least one of the following techniques is required:
    - (1) Step the front facade building wall back or forward at least four feet (4') and change the roof shape or step the ridgeline to correspond to the wall change.
    - (2) Change several of the architectural elements for the width of the module, such as primary siding material, decks, windows, and entry designs.
    - (3) Break up the roofline and wall heights by use of dormers, gables, and similar variations. When flat roofs are used, add architectural detail such as cornice or fascia and modulation to reduce the perceived mass of the walls.
  - b. Buildings shall incorporate architectural details that will provide visual interest at a human scale. At least three (3) of the following shall be utilized:
    - (1) A one-story porch at entrances.
    - (2) Decorative details such as columns, bay windows, dormers, multi-lite windows, trim, or moldings to articulate the building facade.
    - (3) Roof details like brackets, wide (twelve inches (12") or more) cornices and wide (sixteen inches (16") or more) overhangs.
    - (4) Materials and/or color variations that coordinate with changes in the building modules and differentiate ground floors from upper floors.

**Definitions:**

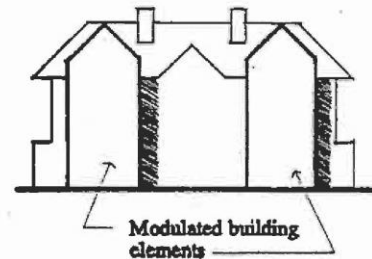
**Articulation** is the giving of emphasis to architectural elements (like windows, balconies, entries, etc.) that create a complementary pattern, or rhythm, dividing large buildings into smaller identifiable pieces.



**Modulation** is a measured offset or setback in a building's face.



Reduce the apparent size of a building by using modulation and articulation.



- c. Architectural treatment, similar to that provided to the front facade shall be provided to the sides and rear of the building to mitigate any negative view from any location off site and any public area (e.g., parking lots, walkways, etc.) on site.
  - d. The total area of windows and doors on the street facing facade, including trim, shall not be less than twenty percent (20%) of the total area of the facade, excluding gables. The first floor facade shall include windows to provide visual interest and visual connection to the street.
9. Parking: All parking areas shall be compliant with chapter 5 of this title. In addition, parking areas shall be designed to avoid their dominance of the streetscape. Parking shall be provided at the rear or side of the site to allow a majority of the dwelling units to "front on" the street.
- a. Parking areas shall be separated from primary buildings by a landscaped buffer of at least fifteen feet (15') in width.
10. Walls and Fences:
- a. Walls and fences exceeding fifty feet (50') in length shall provide variety and articulation at intervals not exceeding twenty-five feet (25') through at least one of the following methods:
    - (1) Expression of structure, such as post, column, or pilaster.
    - (2) Variation of material.
  - b. Chainlink fencing is prohibited except in circumstances where fencing is provided for recreational courts (basketball, etc.).
11. Design Standard Waivers: An applicant may request a waiver from one or more of the standards listed above. All requests for waivers shall be heard and decided by the planning commission or such design review subcommittee as may be created for such purpose. A waiver shall not be considered a right or special privilege but may be granted to an applicant that can meet the following findings:

- a. That the granting of the waiver will not be in conflict with the intent of the multi-family design standards, shall not negatively impact the existing neighborhood and shall enhance the overall design quality of the project;
- b. That there is an exceptional circumstance relating to the design or configuration of the property, which is not generally applicable to other properties or otherwise anticipated by the standards in the district.
- c. The granting of such relief will not be materially detrimental to the public health, safety or welfare, or injurious to the property, improvements or the quiet enjoyment of the surrounding properties and neighborhood.
- d. The granting of such relief will not be in conflict with the goals and policies of the comprehensive plan.

(Ord. 1263, 12-29-2011)

### 9-4-3: Reserved:

Editor's note(s)—Ord. No. 1383, adopted December 16, 2020, repealed § 9-4-3 which pertained to the watershed protection zone. Similar provisions can now be found in Title 7, Chapter 16, Watershed Protection and Access.

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

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

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

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

| Event Length | Maximum Attendance For Entire Event                    |
|--------------|--------------------------------------------------------|
| 1 day        | 3,500                                                  |
| 2—7 days     | 12,500 total event or 3,500 per day, whichever is less |
| 8+ days      | 14,000 total event or 3,500 per day, whichever is less |

Temporary expansions, structures or parking areas which will be in place for less than thirty (30) days and are directly related to an existing or new event that falls below the thresholds noted above do not require a conditional use permit.

- C. Prohibited Uses: The raising of poultry and animal kennels for commercial purposes.
- D. Areas: No building or structure, nor the enlargement of any building or structure shall be hereafter erected or maintained unless the following described yards and lot areas are provided and maintained in connection with said building, structure or enlargement:
1. Yard Limits: Each lot upon which a dwelling, private garage or other outbuilding is constructed shall have a front yard of not less than twenty-five feet (25') in depth from the front lot line. Where lots comprising forty percent (40%) or more of the frontage between two (2) intersecting streets are developed with buildings having front yards, the average of such front yards shall establish the minimum front yard depth for the entire frontage; provided, however, that in no case shall said front yard be less than said twenty-five feet (25').
  2. Side Yard: On interior lots there shall be a side yard on each side of the outer walls of any building constructed thereon of not less than fifteen feet (15'). Buildings erected upon corner lots shall comply with the front yard requirement with regard to both streets; provided, however, that in the event it is impractical or would work great or unusual hardship upon any owner of a corner lot to require him to conform to such front yard requirements regarding both streets, then the commission may in its discretion permit such property owner to locate such building so that the front thereof conforms to the front yard requirement on the street upon which said building fronts and the side of such building may be such distance from the street right-of-way line as the commission may deem desirable; however, no nearer to the street right-of-way line than fifteen feet (15').
  3. Rear Yard: Each lot upon which a dwelling is constructed shall have a rear yard of not less than fifteen feet (15').
  4. Lot Areas: Every building erected shall be on a lot having an area of not less than one-half (½) acre.
  5. Lot Coverage: Each lot upon which a dwelling, private garage or other outbuilding is constructed shall have not more than thirty-five percent (35%) ~~of the lot occupied by such structures~~ impervious surface, including building footprint.
  6. Building Height: No structure shall exceed a building height of thirty-five feet (35') or two and one-half (2 ½) stories above the average elevation of the finished grade at the front of the building. Antennas are excluded from the requirements.

(Ord. 1236, 6-23-2010; amd. Ord. 1263, 12-29-2011; Ord. 1281, 5-15-2013; Ord. 1353, 6-6-2018)

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

- A. Permitted Use Regulations: Permitted uses are single-family dwellings, a dwelling unit with an attached accessory apartment occupying not more than thirty-three percent (33%) of the total floor area of the structure, tree farms, greenhouses and horticultural uses where no retail sales take place on the premises, bed and breakfast establishments providing not more than three (3) rooms are rented plus one family has a live in tenant, the raising of livestock for noncommercial purposes providing the livestock density does not exceed one animal for parcels of land totaling one acre or three (3) animals per two (2) acres and one additional animal per acre thereafter, home occupations, tourist homes and parks.
- B. Conditional Uses: Family daycare center, churches, police and fire stations, public utility facilities, schools public or private, except those schools of vocational nature which operate similarly to a retail business where a product or products may be purchased on the premises.
- C. Prohibited Uses: The raising of livestock for commercial purposes, kennels for commercial purposes.

- D. Areas: No building or structure, nor the enlargement of any building or structure shall be hereafter erected or maintained unless the following described yards and lot areas are provided and maintained in connection with said building, structure or enlargement:
1. Yard Limits: Each lot upon which a dwelling, private garage or other outbuilding is constructed shall have a front yard of not less than twenty-five feet (25') in depth from the front lot line. Where lots comprising forty percent (40%) or more of the frontage between two (2) intersecting streets are developed with buildings having front yards, the average of such front yards shall establish the minimum front yard depth for the entire frontage; provided, however, that in no case shall said front yard be less than said twenty-five feet (25').
  2. Side Yard: On interior lots there shall be a side yard on each side of the outer walls of any building constructed thereon of not less than twenty-five feet (25'). Buildings erected upon corner lots shall comply with the front yard requirement with regard to both streets; provided, however, that in the event it is impractical or would work great or unusual hardship upon any owner of a corner lot to require him to conform to such front yard requirements regarding both streets, then the commission may in its discretion permit such property owner to locate such building so that the front thereof conforms to the front yard requirement on the street upon which said building fronts and the side of such building may be such distance from the street right of way line as the commission may deem desirable; however, no nearer to the street right of way line than twenty-five feet (25').
  3. Rear Yard: Each lot upon which a dwelling is constructed shall have a rear yard of not less than twenty-five feet (25').
  4. Lot Areas: Minimum lot size required shall be not less than two (2) acres.
  5. Lot Coverage: Each lot upon which a dwelling, private garage or other outbuilding is constructed shall have not more than twenty-five percent (25%) ~~of the lot occupied by such structures~~ impervious surface, including building footprint.
  6. Building Height: No structure shall exceed a building height of thirty-five feet (35') or two and one-half (2 ½) stories above the average elevation of the finished grade at the front of the building. Antennas are excluded from the requirements.

(Ord. 1236, 6-23-2010; amd. Ord. 1263, 12-29-2011; Ord. 1281, 5-15-2013)

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

### 9-4-6-1: Purpose and Intent:

The purpose of these provisions is to guide residential development on substandard lots, ensuring that the developments are compatible with the character and the scale of established housing.

- A. Applicability and General Provisions: The following standards and procedures apply to residential development of substandard lots as defined in section 9-1-3 of this title, and apply to:
1. Substandard lots in the residential single-family (RS) zone having a lot area of less than five thousand (5,000) square feet and/or a lot width of less than fifty feet (50'), and
  2. Substandard lots in the residential multi-family zone having a lot area of less than ~~five thousand (5,000)~~ three thousand five hundred (3,500) square feet and/or a lot width of less than twenty five feet (25'), except for townhouse lots which may have a lot size as small as two thousand five hundred (2,500) square feet and frontage as narrow as eighteen and three quarters feet (18.75').

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

(Ord. 1263, 12-29-2011)

#### 9-4-6-2: Use Regulations:

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

(Ord. 1263, 12-29-2011)

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

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

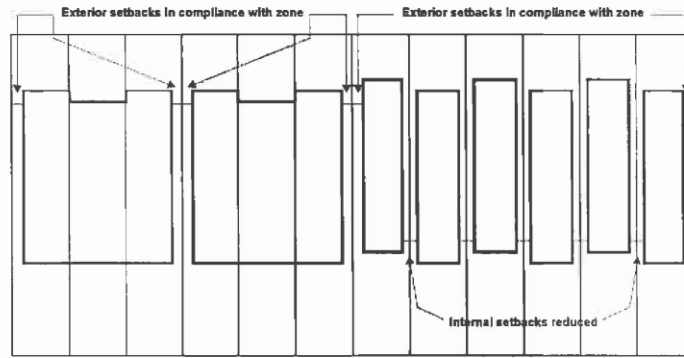
~~Except as otherwise provided herein, design review for the development of four (4) or more dwelling units, as well as the development of units with front loading garages, shall include referral to the planning commission or such design review subcommittee as may be created for such purpose, in conjunction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

~~Adjoining property owners shall be notified of any development proposed under these provisions that is subject to review by the commission as noted above. Said notice shall inform such owners they may comment on the application during a period of not less than fifteen (15) days after mailing of the notice and prior to final action on said application.~~

**BA. Setbacks in the RS zone:**

1. Front Setbacks: The front ~~yard~~ setback for livable space and porches shall be allowed as provided in the ~~property's underlying RS zone. Adjoining lots developed at the same time shall contain different setbacks.~~
2. ~~s~~Street side ~~yard~~ setbacks: Street side yard setbacks shall be ten feet (10') for livable space and porches and twenty-five feet (25') for parking, ~~unless one of the following is applied:~~
23. Interior Side Setbacks (between structures in a common development): Interior side setbacks shall be in accordance with the ~~applicable RS zone, unless one of the following is applied:~~
  - a. Common Lot Line Attached Units in the RS zone: Up to three (3) units may be attached at the common lot lines, ~~provided that the exterior setbacks (unattached side setbacks) adhere to those required by the zone.~~
  - b. Detached Units ~~On~~ Contiguous Lots: When two (2) or more ~~detached~~ single-family units are proposed as a development project on contiguous lots, the interior side yard setbacks may be reduced to three feet (3') ~~provided that the exterior setbacks to the development adhere to the setbacks that are required by the zone.~~

4. Non-street Side Exterior Setbacks: When two (2) or more attached or detached single-family units are proposed as a development project on contiguous lots, the exterior side yard setbacks shall adhere to those required by the RS zone.
5. The second story of a two-story attached building shall be set back a minimum of eight feet (8') from the side property line; provided, bay windows, pop outs or other architectural appurtenances may be allowed at the setback line required by the RS zone.



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

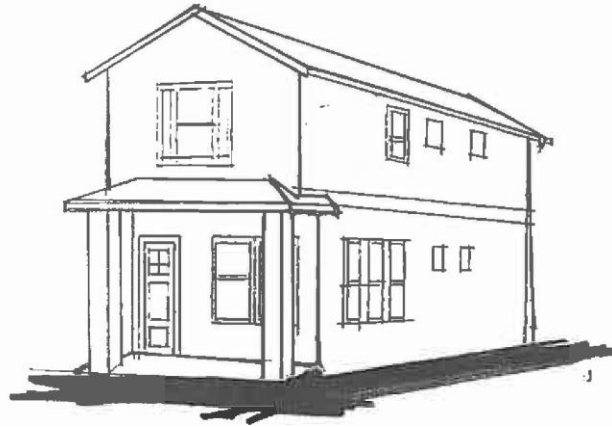


36. Rear Setbacks: Rear ~~yard~~ setbacks shall be as required by the RS zoning district ~~in which the substandard lot is located.~~
47. Garage: A single-story, detached garage, a maximum of five hundred (500) square feet, accessed off of an alley may have a three foot (3') side setback.

(Ord. 1263, 12-29-2011)

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

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



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



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



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

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



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~~{Ord. 1263, 12-29-2011}~~

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

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

~~{Ord. 1263, 12-29-2011}~~

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

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

~~{Ord. 1263, 12-29-2011}~~

#### **9-4-6-75: Parking:**

- A. Each dwelling shall be provided with off-street parking in accordance with chapter 5 of this title.
- B. Vehicular access and parking shall be provided according to the following standards:
  1. Parking accessed via alleys is ~~encouraged~~ required where possible.

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

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

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

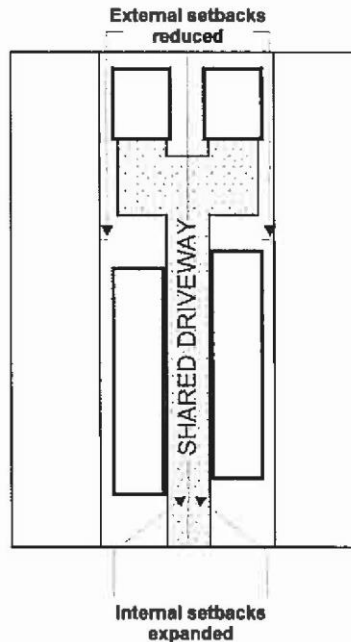
- ~~a. Any attached, front loading garage shall include design elements that will provide varied rooflines, dormers within the roofline or other architectural treatments that will avoid the appearance of garage domination. The setback of the garage face shall be twenty five feet (25').~~
- ~~b. Porches, living space, or other projecting features above such front loading garages are required. Structures incorporating such features above a front loading garage shall not be subject to review by the commission.~~



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- ~~c. Attached, front loading garages shall be limited to single car width; two (2) car garages must be designed for tandem parking.~~
- ~~d. The use of a ten foot (10') wide shared driveway providing access to rear yard garages that are attached with a common wall on the property line is allowed.~~
- ~~e. Where a shared driveway is proposed between two (2) units, each unit may be allowed to reduce the outside side yard setback from five feet (5') to three feet (3') to provide for a driveway width greater than ten feet (10').~~

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



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

(Ord. 1263, 12-29-2011)

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

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

1. ~~In the RS zone, no greater than three (3) contiguous attached dwelling units shall be permitted. In the RS zone, attached housing shall contribute to the single-family character of the neighborhood by utilizing exemplary design and architecture to seamlessly integrate with other structures in the vicinity.~~

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

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

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

(Ord. 1263, 12-29-2011)

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

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

##### **~~A. Front Facade Design Requirements:~~**

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

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

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

(Ord. 1263, 12-29-2011)

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

~~A. The applicant may request a waiver from one or more of the standards listed in section 9-4-6-9 of this chapter or from the height and parking requirements of sections 9-4-6-4 and 9-4-6-7 of this chapter. All requests for waivers shall be heard and decided by the planning commission or such design review subcommittee as may be created for such purpose. A waiver shall not be considered a right or special privilege but may be granted to an applicant that can meet the following findings:~~

- 
- ~~1. That the granting of the waiver will not be in conflict with the intent of the substandard lot ordinance, shall not negatively impact the existing neighborhood and shall enhance the overall design quality of the project;~~
  - ~~2. That there is an exceptional circumstance relating to the design or configuration of the property, which is not generally applicable to other properties or otherwise anticipated by the standards in the district.~~
  - ~~3. The granting of such relief will not be materially detrimental to the public health, safety or welfare, or injurious to the property, improvements or the quiet enjoyment of the surrounding properties and neighborhood.~~
  - ~~4. The granting of such relief will not be in conflict with the goals and policies of the comprehensive plan.~~
- ~~(Ord. 1263, 12-29-2011)~~