PLANNING AND ZONING COMMISSION MEETING AGENDA

October 20, 2026 at 5:30 PM

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

Call to Order, Roll Call and Pledge of Allegiance

Consent Calendar

1. Approval of the Minutes from the Commission's October 6, 2026, Meeting - **action item**

Matters from the Public - General Comments

Public Hearing

2. PUBLIC HEARING: Ordinance amending Sandpoint Comprehensive Plan Future Land Use Map and Sandpoint City Code Title 2 (Boards and Commissions), Chapter 10, and Title 9 (Zoning) - **action item**

Old/Unfinished Business

New Business

Matters from City Staff

Matters from the Commission / Commissioners Roundtable

Adjourn

Public Participation Notice

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

PLANNING AND ZONING COMMISSION MEETING MINUTES

October 6, 2026 at 5:30 PM

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

Call to Order, Roll Call and Pledge of Allegiance

Vice Chairman Wayne Benner called the regular meeting of the Sandpoint Planning and Zoning Commission to order at 5:30 p.m. on Tuesday, October 6, 2026, in Council chambers at City Hall, 1123 W. Lake St., Sandpoint, Idaho.

PRESENT
Commissioner Wayne Benner, Vice Chair
Commissioner Ivan Rimar
Commissioner Scott Torpie
Commissioner Reid Weber

ABSENT
Commissioner Mose Dunkel, Chair
Commissioner Grant Simmons
Commissioner William Mitchell

Vice Chairman Benner led all present in the Pledge of Allegiance.

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

Consent Calendar

1. Approval of the Minutes from the Commission's September 1, 2026, Meeting

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

Motion made by Commissioner Torpie, Seconded by Commissioner Weber.
Voting Yea: Commissioner Benner, Commissioner Rimar, Commissioner Torpie, Commissioner Weber

Matters from the Public - General Comments

Vice Chairman Benner 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. Information only; no Commission action.

Public Hearing

Old/Unfinished Business

New Business

2. Discussion: Draft Zoning Administration

Community Planning and Development staff presented proposed amendments to the Comprehensive Plan Future Land Use Map to align land use designations with the City's ongoing commercial zoning update and the goals and objectives of the Comprehensive Plan. Discussion included transitioning certain mixed-use corridor areas to neighborhood mixed-use designations to support neighborhood-

scale commercial activity, increased residential opportunities, and a more concentrated downtown commercial core. Staff also discussed establishing a Parks and Open Space zoning district to better reflect and regulate existing public parks and open spaces.

Staff provided an overview of the proposed reorganization of Title IX, including consolidating land use tables into one comprehensive table, revising the Zoning Administration Chapter, and reorganizing the zoning ordinance into 13 chapters. The revised ordinance will be provided in redline and clean-copy formats for Commission review ahead of the October 20, 2026, public hearing on the proposed citywide commercial rezoning and related amendments. The Commission discussed the proposed changes, public outreach efforts, building heights, and the importance of reviewing public testimony before making a recommendation to City Council.

A member of the public attending remotely asked about the potential effects of the proposed neighborhood commercial designation on existing development rights, setbacks, and residential and small-scale commercial uses at 302 Lark Street. Staff committed to providing a follow-up response by email. No action was taken on this discussion item.

Matters from City Staff

Matters from the Commission / Commissioners Roundtable

There were no topics for discussion during the Commissioners Roundtable.

Adjourn

With no further business before the Commission, the meeting was adjourned at 6:46 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 _____, 2026.

Wayne Benner, Vice Chair	Attest: Mandy Brown, Board Clerk

Staff Report

To: Planning and Zoning Commission

From: Bill Dean, City Planner/Deputy Director of Planning and Community Development

Report: October 15, 2026

Hearing: October 20, 2026

Item: Sandpoint Zoning Code Update project, involving:

Amendment to Sandpoint Comprehensive Plan Future Land Use Map**;**

Amendments to Title 2 Boards and Commissions to add new responsibilities for members of the Arts, Culture, and Historic Preservation Commission related to historic preservation;

A complete Repeal and Replace of Title 9 Zoning involving amendments to every Chapter within Title 9, creation of new zone districts, new development regulations and standards, and an entirely new Historic Preservation Code;

Rezoning property across Sandpoint to establish the new zoning and new Historic Preservation Overlay District

Applicant: City Initiated

Please Note: All materials related to this request are provided on the City's website at:
www.sandpointidaho.gov/currentprojects

1) Introduction and Background

The proposed resolutions and ordinance amending the Sandpoint Comprehensive Plan and the Zoning ordinance (City Code Title 9) stems from several city-wide planning projects conducted over many years, namely the years-long effort to adopt a new Comprehensive Plan which concluded in 2024, and the adoption in 2021 of the Arts, Culture, and Historic Preservation Master Plan which helped facilitate the creation of a recognized Downtown Historic District. Implementing the new Comprehensive Plan has involved and will continue to involve additional zoning studies, capital projects and strategies to support vibrancy and activity in Downtown, among other citywide economic development and land development goals. The current amendments are a significant step toward implementing the new Comprehensive Plan and primarily address the commercial land use designations and zoning throughout the City. Staff was directed by the Mayor and City Council to begin zoning amendments focusing on the commercial areas, Downtown and historic preservation and the proposed amendments achieve the following main outcomes:

1) An amended Zoning Map and Commercial Code where Downtown is more clearly defined and organized, delineating new Downtown Core and Downtown Outer Core zones, each with specific land use regulations and standards, including building heights. Ground floor residential development, scaled to match the Downtown setting would be permitted in the Outer Core to help facilitate activity in the Downtown Core;
2) An amended Zoning Map and Commercial Code redesigning zoning along major transportation corridors and feathering into existing neighborhoods to allow greater flexibility in land use, along with retaining and clarifying new development regulations, including building heights. Several areas prior

identified for commercial development are proposed for residential zoning allowing additional sites housing development. The zoning facilitates a more strategic use of commercial zoning to further promote Downtown and neighborhood commercial node viability;

3) A new Historic Preservation Code formally adopts the local historic district into the zoning ordinance and map, and creates new permitting requirements aimed at deliberate decision-making to help ensure continued viability of the uniqueness of the historically-designated area;

4) A new zoning administration chapter has been created to provide clarity on development processes, including how applications are filed, reviewed, approved. This new code section creates enforcement provisions to help ensure a uniform application of the regulations.

5) A zoning code that has been clarified and simplified to ease in its use by the community.

2) Process to Draft the New Zoning Code

This work has been guided by the expressions and policy in the Comprehensive Plan that strive to maintain the character and charm of the City, at the same time as recognize the aspirations for economic development and appropriately placed and dimensioned development. It has also been guided by feedback through a public process that involved a year-long public drafting process with the Planning and Zoning Commission. In each of ten public meetings in 2026 (January 6, February 3, March 3, March 17, April 7, April 21, May 5, June 6, September 1, and October 6) with the Planning and Zoning Commission, draft code language, concepts, specific ideas for zoning, zoning district boundaries, and specific development standards, including building heights, were drafted and refined into the final draft.

In developing the new code, the City conducted two principal workshops, one on September 15, 2026 in Downtown that focused on the Historic Preservation Code, expressed as a component of the overall commercial zoning overhaul. Approximately 40 people attended the meeting, led by the Chair and Vice Chair of the Arts, Culture, and Historic Preservation Commission. The second public workshop was a half-day open house at Community Hall on October 6, 2026 where more than 80 property owners and interested parties engaged with staff and various Planning and Zoning and Arts, Culture, and Historic Preservation Commissioners to express their concerns, support, ideas, and interest in the draft.

A significant component of the public outreach involved identifying 17 areas of the zoning map that were being changed, drafting 17 separate letters (one for each area) explaining the changes, and mailing them to more than 1600 property owners (the owners of the sites being changed, and owners within 300-feet of the rezoned sites). By far, such effort resulted in the most participation. Staff conducted more than 100 meetings at City Hall where the draft zoning was explained and as a result of the feedback, refined and changed.

3) Summary of Written Comments

At the time of this staff report publication, the City received 16 written comments from the public, all posted to the City's Current Projects website. Planning staff at the hearing staff will include all the comments received through October 20th. Attachment H shows the comments received to date.

4) Overview of the Draft Zoning Code Changes

Code Organization: The zoning code has been re-organized. The code groups administration and general-to-all areas regulations up-front in the first two chapters, and then progresses through the various zoning districts and then groups the issue-specific regulations (e.g. Home Occupations, Telecom Facilities, Airport Overlay, Historic Preservation) toward the end of the code. Below is a table showing the revised code structure and Attachment A to the staff report is a table cross walking the current code to the new code with additional specificity.

Current Code		Proposed Code	
Chapter 1	General Provisions	Chapter 1	General Provisions
Chapter 2	Commercial	Chapter 2	Zoning Admin
Chapter 3	Industrial	Chapter 3	Commercial
Chapter 4	Residential	Chapter 4	Industrial
Chapter 5	Off-Street Parking	Chapter 5	Residential

Chapter 6	Signs	Chapter 6	Off-Street Parking
Chapter 7	Non-Conforming Buildings and Uses	Chapter 7	Signs
Chapter 8		Chapter 8	Home Occupation Regs
Chapter 9	Zoning Admin	Chapter 9	Mobile Homes/Trailer Coach Courts
Chapter 10	Area of City Impact	Chapter 10	Telecom Facilities
Chapter 11	Home Occupation Regs	Chapter 11	Area of Impact
Chapter 12	Airport Overlay Zone	Chapter 12	Airport Overlay Zone
Chapter 13	Mobile Homes/Trailer Coach Courts	Chapter 13	Historic Preservation Code and Overlay
Chapter 14	Zoning Districts, Map		
Chapter 15	Telecom Facilities		

Additionally, the proposed code uses more tables and consolidates standards for ease of use.

Existing Commercial Zoning Districts: The current code has four commercial zoning districts: Commercial A, B, C, and Mixed Use Residential. There are very few differences between Commercial A, B, and C zoning which covers over 200-acres of property in Sandpoint. Most of the differences can be found in Tables 1, 2 and 3 of the current Chapter 2 (Commercial Zoning Districts) of Title 9 Zoning. Presently, the Highway 2 corridor and Downtown are largely regulated the same way and do not identify the uniqueness of Downtown as envisioned in the Comprehensive Plan. Additionally, the current zoning promotes economic development opportunities for new commercial development but applies strict standards for ground-floor commercial development across large areas, requiring vertical mixed-use buildings instead of more contextually appropriate horizontal mixed use in easier to construct buildings. The current zoning stretches commercial activity along corridors as opposed to in nodes. Attachment B to the staff report is the current Zoning Map of the City.

New Commercial Zoning Districts: The proposed new commercial zoning also utilizes four commercial districts yet clearly recognizes and distinguishes the uniqueness of each area, as follows, and as shown on the Amended Zoning Map (Attachment C to the staff report):

1) Downtown Core: This is a small, unique area that has been characterized as the charm of the City. Accordingly, the zoning regulations used for this area should be unique. The proposed zoning defines the Downtown with a distinct boundary that encapsulates the primary "walk, shop, eat, entertain" atmosphere of the City. The existing built environment occupies most of the entirety of each lot, and buildings largely are erected at the property line, and have distinct architecture and visual appeal; some have historical significance. The zoning regulations for the Downtown Core emulate the existing environment as experienced today.
2) Downtown Outer Core: This area, also identified as part of the Downtown is the area better positioned to receive additional downtown-scaled housing (immediately proximate to the businesses in and around Downtown) than in neighborhoods farther outside of Downtown. Density befitting the existing Downtown environment is encouraged with this zoning district which allows ground-floor residential uses as well as consumer, retail, and office land uses. This area of the city is generally bordered by the lake to the east, Pine Street to the south, Highway 2 to the west, and the hospital area to the north. The density is contained in this area and is buffered by transition zone districts to the lower density residential neighborhoods farther to the south and west.
3) Community Commercial: The city has active commercial centers where and day-to-day consumer needs are satisfied. This zoning recognizes the two principal nodes of such activity along Highway 2: at Division and Larch including the area nearby to Super 1 Foods. The zoning reflects the unique nature of community-wide shopping and consumer service needs, convenient parking, and ease of access. Such can be concentrated in these areas, adding to their convenience.
4) Neighborhood Commercial: This is a truly mixed-use zone that recognizes the numerous existing and future opportunities for neighborhood scale commercial development that allows for visibility into

neighborhoods from major corridors, ease of walkability, and convenient location to serve adj neighborhoods. The scale of development in this zone reflects its utility as a transition from busy highway and arterial corridors to neighborhoods. The building heights, scale and intensity of development match more closely the neighborhoods they serve. Residential development is allowed in this zone at higher-densities than the adjacent neighborhoods.

Land Use Regulations: Land Use regulations currently reside in separate tables within each zone district, and in text throughout the ordinance. This creates confusion in allowable land uses where one zone district may specify a land use, and other may classify it as something similar, thereby creating confusion in what is allowed. The proposed code consolidates all land uses within one table and creates categories of land use types (e.g. residential, commercial, industrial, institutional, accessory) with specific lists showing where, across the entire city, particular land uses are allowed. Notes further refine use of the table to arrive at a clear understanding of what is permitted.

Design and Development Standards: The current code has beneficial, objective standards that in many instances are being carried forward in the new code. New development regulations are also created for each of the new commercial zones, reflecting the intended scale, building location and design given unique contexts within the community (e.g in Downtown, or in a buffering Neighborhood Commercial area).

General Provisions: This chapter of the code (Chapter 1) has been refined, consolidates most of the various definitions spread across the current code, and adds clarifying language to common, everyday accessory land uses, such as seasonal sales; it also clarifies existing food truck regulations, and establishes what is exempted from basic measurements such as setbacks and height (to address ground mounted AC units, or rooftop mechanical equipment, for example).

Zoning Administration: The existing Chapter 9 (Zoning Administration) has been entirely re-written into a new Chapter 2 that consolidates existing Chapters 7, 9, and 14. The re-write clarifies how to file for a permit, what permits are required, and on what basis a permit is approved through required findings. This chapter establishes the permit review authority and permit timelines and extensions. The new Chapter 2 is a significant step toward creating transparency into the development process by clearly defining and establishing how permitting is administered.

Historic Preservation Code and Overlay Zone District: The code update includes a chapter dedicated to historic preservation. The new Chapter 13 is modeled after historic preservation ordinances found throughout Idaho, and uses the same permitting process, called a Certificate of Appropriateness, used nationwide. The historic preservation code enables the creation of an historic district on the Zoning Map and also allows for individual properties to be listed as locally-designated historic properties. The code establishes procedures for obtaining a permit (Certificate of Appropriateness, or "C of A"), the threshold for which is new: exterior modifications would first require a permit prior to work commencing. The code establishes that such C of As are either approved at the staff level, or are elevated for approval by the Arts, Culture, and Historoc Preservation Commission. It is important to note that the design and development standards for the proposed historic district are the same standards as the balance of the Downtown Core Zone. In other words, all properties in the Downtown Core area (in the historic district and outside of it) have to adhere to the same design and development standards, with two differences: 1) The historic district has a height limit at 40 feet with a provision that taller buildings can be permitted if documentation is submitted supporting an historic height that is taller, and 2) the district has additional requirement to adhere to the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings. These are guidelines and solely include standards in a recommended/not recommended format. The standards would be used to facilitate approvals of CofAs.

Below is Table 9-13-1 (Certificate of Appropriateness review Requirements) excerpted from the historic preservation code, showing the review requirements.

Table 9-13-1 Certificate of Appropriateness review requirements

Reason for Certificate of Appropriateness	Arts, Culture, and Historic Preservation Commission Review	Staff Level Review	No CA Required
Deviation from Historic Design Standards or Guidelines	X		
Exterior Alterations (includes windows and doors, exterior materials, etc.)	X		
Demolition or Relocation	X		
New Construction	X		
Interior Alterations			X
New Sign (Structure)		X	
Sign Face/Copy Change		X	
Window Signage		X	
Aboveground Utility Structures	X		
Ordinary Repairs			X
Landscaping		X	
Maintenance			X
Public Safety Actions		X	
Change in zoning classification/rezone (IC 67-4609)	X		

Without an adopted historic preservation ordinance into the Zoning Code, all efforts at historic preservation are solely honorific. To best further the policies of the Comprehensive Plan and to implement the Arts, Culture and Historic Preservation Master Plan, which created the district boundaries in 2021, the zoning ordinance should include an historic preservation code.

4) Relevant Comprehensive Plan Objectives

Idaho Code, Title 67 Chapter 65 provides, in part related to zoning, as follows:

> IC 67-6511 Zoning ordinance. (1) Each governing board shall, by ordinance adopted, amended, or repealed in accordance with the notice and hearing procedures provided under section 67-6509, Idaho Code, establish within its jurisdiction one (1) or more zones or zoning districts where appropriate. The zoning districts shall be in accordance with the policies set forth in the adopted comprehensive plan.

The City's 2024 Comprehensive Plan contains goals, objectives and policies that serve to guide any proposed code amendment. Zoning is integral/foundational to new development and redevelopment and the Comprehensive Plan provides guidance for this update. Attachment E to the staff report is a comparison of the

zoning code update with the Comprehensive Plan goals, objectives, and policies.

5) Zoning Code Amendment History

July 2024	City adopts new Comprehensive Plan City adopts new Comprehensive Plan which includes specific reference to continued Downtown revitalization, and real estate development consistent with historic development patterns
July 2024	Staff directed to begin work on commercial zoning update and historic preservation, including downtown zoning.
July 2024-December 2025	Review of current zoning, economic development objectives, comprehensive plan polices, city's master planning documents, complete review of city's development permitting processes, several changes to residential code, and an update to the parking ordinance to reintroduce parking minimums for residential development in the exempt area, meetings with developers, property owners, residents to garner ideas about future development/redevelopment, staff drafting of initial zoning code update.
January – October 2026	Ten code update working sessions with the Planning and Zoning Commission, and three working sessions with the Arts, Culture, and Historic Preservation Commission to review and modify draft code language.
September 4, 2026	1687 letters sent to property owners and those within 300-feet of a proposed rezoning inviting them to participate and meet with staff to learn and discuss the zoning update project
September 15, 2026	Draft proposed amendments presented at an open house at the Music Conservatory, specific focus on historic preservation and how such code complements balance of downtown zoning. Approximately 40 people attended the open house.
October 6, 2026	Draft proposed amendments presented at an open house at the Community Hall, with an attendance of approximately 80 people.
September – October, 2026	More than 100 meetings at City Hall with property owners and interested parties to learn, discuss, share concern, opposition, support, and ideas for the zoning code update project.
October 20, 2026	PZC Public Hearing on Draft Proposed Changes to Title 2, Title 9, Zoning Map, and Comprehensive Plan Future Land Use Map.
December 2, 2026	Anticipated City Council Public Hearing Draft Proposed Changes to Title 2, Title 9, Zoning Map, and Comprehensive Plan Future Land Use Map.

6) Planning Commission Action

On legislative matters, including rulemaking such as amendments to the Comprehensive Plan and zoning ordinance, the Planning and Zoning Commission act in an advisory capacity to the City Council. The action of the Planning and Zoning Commission can include the following:

Recommend City Council adopt the Comprehensive Plan and code amendments as drafted;

Recommend City Council adopt the Comprehensive Plan and code amendments after making changes;

Direct staff to revise the amendments before taking action;

Recommend City Council Deny the ordinance.

7) Attachments

A: Crosswalk showing changes to the structure of Title 10 Zoning

B: Existing Zoning Map

C: Amended Zoning Map with changes outlined

D: Amended Zoning Map

E: Amended Comprehensive Plan Future Land Use Map with changes outlined

F: Comparison of Zoning Code update with Comprehensive Plan Goals, Objectives, and Policies

G: Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings

H: Historic Preservation Regulatory Framework

I: Written Comments Received to Date

J: Current Title 2 Chapter 10

K: Amended Title 2 Chapter 10 Blackline

L: Amended Title 2 Chapter 10 Final

M: Current Title 9

N: Amended Title 9 Blackline

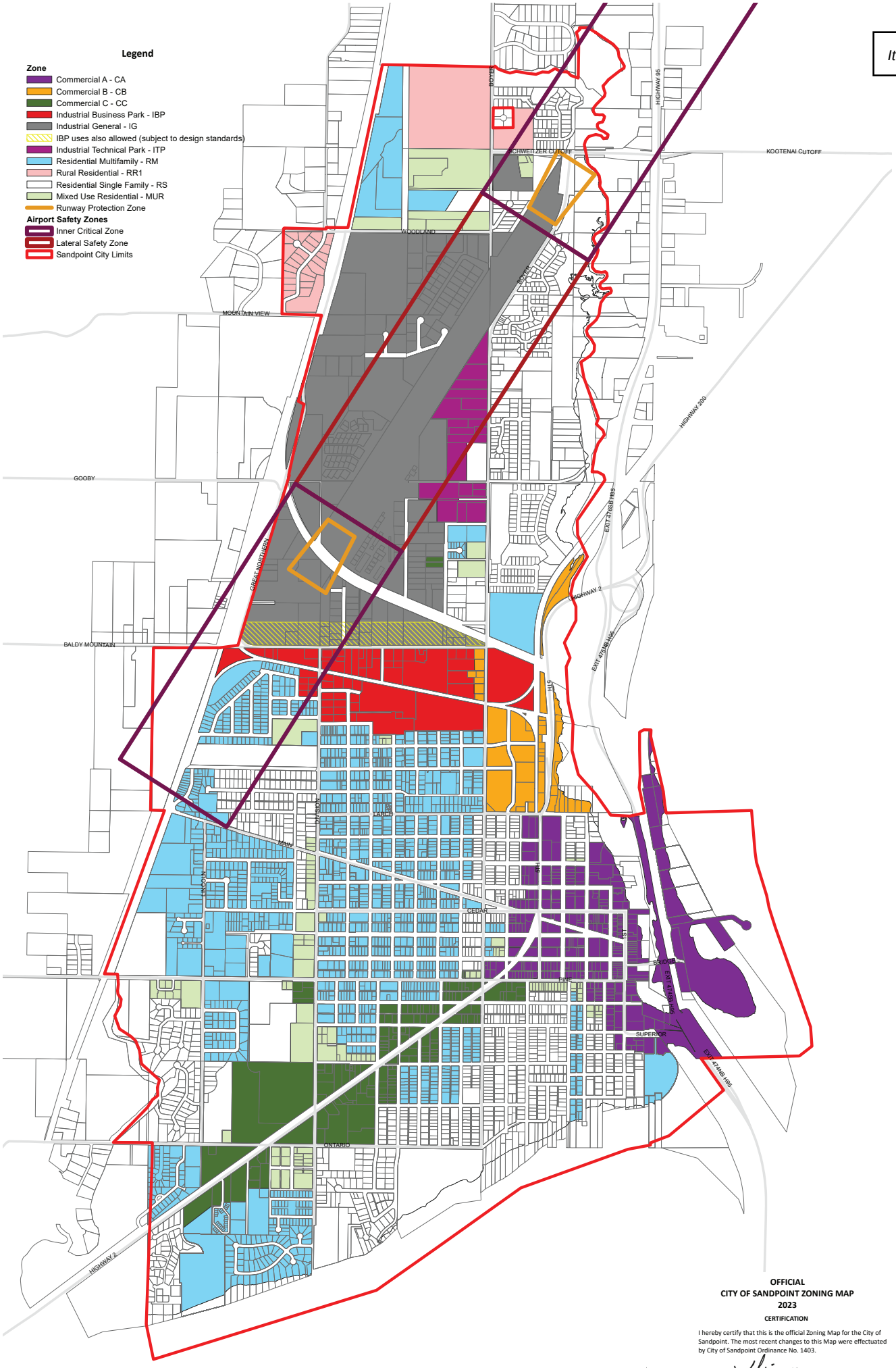
O: Amended Title 9 Final

Current Code Organization		Project Phase	Affect of Code Amendment - What has Changed in the Current Code?	Revised Code Organization	
Title	Subtitle			Title	Subtitle
Code of Ordinances					
TITLE 9	ZONING			TITLE 9	ZONING
CHAPTER 1	GENERAL ZONING PROVISIONS	I II III	Reorganized, amplified and clarified	**CHAPTER 1**	GENERAL ZONING PROVISIONS
9-1-1:	Short Title:		Several updated definitions	9-1-1:	Short Title
9-1-2:	Purpose:		Amplified and clafified purpose, added "applicability"	9-1-2:	Purpose
9-1-3:	Definitions:		Added and amended several definitions New consolodated Land Use Table created for all zones.	9-1-3:	Applicability
9-1-4:	General Provisions:			9-1-4:	Zone Districts Designated
9-1-5:	Accessory Buildings, Regulations:		Added "accessory uses" to this section	9-1-5:	Zoning Map
9-1-6:	Continuance of Existing Uses:		Moved to 9-1-10	9-1-6:	Permitted Land Uses
9-1-7:	Additional Provisions:		Removed	9-1-7:	Definitions
9-1-8:	Accessory Dwelling Regulations:		Moved to 9-1-11, ADU language remains unchanged, Amplified to include common accessory uses such as urban agriculture, and pets.	9-1-8: 9-1-9: 9-1-10: 9-1-11: 9-1-12:	General Provisions Applicable to All Zones Accessory Uses and Buildings Continuance of Existing Uses Accessory Dwelling Unit Regulations Measurements and Exceptions
CHAPTER 2	COMMERCIAL ZONING DISTRICTS	I	Moved to Chapter 3, code structure updated, new zones created, new regulations established Replaced and updated with Community Comemrcial, Neighborhood Commercial, Downtown Core and Downtown Outer Core, Parks and Open Space zones.	**CHAPTER 2**	ZONING ADMINISTRATION
9-2-1:	Commercial A, B and C Zones:			9-2-1:	Purpose and Authority
9-2-1-1:	Purpose and Intent:		Each district has seprate purpose statement	9-2-2:	Required Permits and Approvals
9-2-1-2:	Zone as Regulation:		All land uses for all zones updated and included in new Table in Chapter 1. Created new section of special land use considerations for this zone district	9-2-3:	Permit Application Filing, Fees, and Initial Proocessing Permit and Approval Implementation, Time Limits, Expirations and Extensions
9-2-1-3:	Use Limitations:			9-2-4:	
9-2-1-4:	Building Setbacks:		Updated, relaxed several setback standards	9-2-5:	Nonconforming Provisions
9-2-1-5:	Building Height:		Updated, decreased heights Updated, created new standards for "Downtown Core" and "Downtown Outer Core" zones	9-2-6:	Public Hearings
9-2-1-6:	Building Design Standards: Special Standards for Buildings with Footprint > Fifteen Thousand			9-2-7:	Appeals
9-2-1-7:	(15,000) SF:		Moved to new section "Special Standards for All Comemrcial Districts	9-2-8:	Zoning and Land Use Permits
9-2-1-8:	Special Standards for Parking and Loading Areas:		Moved to new section "Special Standards for All Comemrcial Districts	9-2-9:	Violations, Enforcement and Penalties
9-2-1-9:	Special Standards for Other Uses:		Moved to reviswed Chapter 1, consolidate with all other accessory uses and amplified and clarified Food Truck regulations	9-2-10:	Legislative Actions
9-2-1-10:	Special Standards for Properties Adjacent to Sand Creek:		Moved to new section "Special Standards for All Commercial Zones"	9-2-11:	Development Agreements
9-2-2:	MUR Mixed Use Residential Zone:		Removed and re-formultated in to "Neighborhood Commercial Zone"	9-9-11:	Administrative Responsibilities
9-2-2-1:	Purpose:		Creatd new purpose statement	**CHAPTER 3**	COMMERCIAL ZONING DISTRICTS
9-2-2-2:	Definitions:		Consolidated into "definitions" section of Chapter 1	9-3-1:	Community Commercial Purpose and Applicability
9-2-2-3:	Allowed Uses:		Consolidated into "definitions" section of Chapter 1, updated permitted uses	9-3-1-1:	District Specific Use Standards for the Community Commercial Zone
9-2-2-4:	Commercial Establishment Size Limits:		Updated into new code sections	9-3-1-2:	District-Specific Design and Development Standards for the Community Commercial Zone
9-2-2-5:	Indoor/Outdoor Operations: New Construction Floor to Floor Heights and Floor Area of Ground		Updated into new code sections	9-3-2:	Neighborhood Commercial Purpose, Intent and Applicability
9-2-2-6:	Floor Space:		Updated into new code sections	9-3-2-1:	District-Specific Use Standards for the Neighborhood Commercial Zone
9-2-2-7:	Lot Area:		Updated into new code sections	9-3-2-2:	District-Specific Design and Development Standards for the Neighborhood Commercial Zone
9-2-2-8:	Lot Coverage:		Updated into new code sections	9-3-3:	Downtown Core and Downtown Outer Core Purpose and Applicability
9-2-2-9:	Building Height:		Updated into new code sections	9-3-3-1:	District-Specific Use Standards for the Downtown Core and Downtown Outer Core Zones
9-2-2-10:	Setbacks:		Updated into new code sections	9-3-3-2:	District-Specific Design and Development Standards for the Downtown Core and Downtown Outer Core Zones
9-2-2-11:	Off-Street Parking Requirements:		Updated into new code sections		
9-2-2-12:	Window Standards:		Updated into new code sections	9-3-4:	Special Standards for All Commercial Districts
9-2-2-13:	Doors and Entrances:		Updated into new code sections	9-3-4-1:	Special Standards for Buildings with Footprint Exceeding 15,000 sf
9-2-2-14:	Driveway Access:		Updated into new code sections	9-3-4-2:	Special Standards for Parking and Loading Areas
9-2-2-15:	Building Design Standards:		Updated into new code sections	9-3-4-3:	Special Standards for Properties Adjacent to Sand Creek
CHAPTER 3	INDUSTRIAL ZONING DISTRICTS	I	Moved to Chapter 4, Includes new Data Ceter language. Refers to new consolidated land use table instead of current Industrial land use table	9-3-5:	Parks and Open Space Zone Purpose and Applicability
9-3-1:	Description of Industrial Zoning Districts:			9-3-5-1:	District Specific Use Stanards for the Parks and Open Space Zone
9-3-2:	Definitions:			9-3-5-2:	District specific Design and Development Stanards for the Parks and Open Space Zone
9-3-3:	Allowed Uses and Permit Requirements:		Refers to new consolidated Land Use Table in Chapter 1	**CHAPTER 4**	INDUSTRIAL ZONING DISTRICTS
9-3-4:	General Development Regulations:			9-4-1:	Description of Industrial Zones
9-3-5:	Specific Regulations: Building Design Standards for New Office, Commercial and Retail			9-4-2:	Definitions
9-3-5-1:	Construction:			9-4-3:	Allowed Uses and Permit Requirements
9-3-5-1-1:	Building Orientation:			9-4-4:	General Development Regulations
9-3-5-1-2:	Storefront Design:			9-4-5:	Speciifc Regulations Building Design Standards for New Office, Commercial and
9-3-5-1-3:	Building Materials:			9-4-5-1:	Retail Construction:
9-3-5-1-4:	Civic Spaces:			9-4-5-1-1:	Building Orientation:
9-3-5-1-5:	Special Standards for Parking and Loading Areas:			9-4-5-1-2:	Storefront Design:
				9-4-5-1-3:	Building Materials:

Current Code Organization		Project Phase	Affect of Code Amendment - What has Changed in the Current Code?	Revised Code Organization	
Title	Subtitle			Title	Subtitle
	Special Standards for Buildings with Footprint Exceeding 25,000				
9-3-5-1-6:	Square Feet:			9-4-5-1-4:	Civic Spaces:
9-3-5-2:	Material Resource Recovery Facility (MRRF):			9-4-5-1-5:	Special Standards for Parking and Loading Areas:
					Special Standards for Buildings with Footprint Exceeding
				9-4-5-1-6:	25,000 Square Feet:
				9-4-5-2:	Material Resource Recovery Facility (MRRF):
				CHAPTER 5	RESIDENTIAL ZONING DISTRICTS
CHAPTER 4	RESIDENTIAL ZONING DISTRICTS	I	Recently amended in 2026 by CC after PZC hearings to change coverage and density standards. Additional changes to occur (in part due to new State laws) after new Commercial zoning/Historic presented. This chapter moves to Chapter 5.	9-5-1-1:	Purpose
9-4-1:	Residential Single-Family (RS) Zone:		To be updated to new format, same format as Commercial Zones	9-5-1-2:	Use Regulations
9-4-1-1:	Purpose:			9-5-1-3:	Development Standards
9-4-1-2:	Use Regulations:			9-5-2:	Residential Multi-Family (RM) Zone
9-4-1-3:	Development Standards:			9-5-2-1:	Purpose
9-4-2:	Residential Multi-Family (RM) Zone:		To be updated to new format, same format as Commercial Zones	9-5-2-2:	Use Regulations
9-4-2-1:	Purpose:			9-5-2-3:	Development Standards
9-4-2-2:	Use Regulations:			9-5-3:	Reserved
9-4-2-3:	Development Standards:			9-5-4:	Rural Residential (RR-1) Zone
9-4-3:	Reserved:			9-5-5:	Rural Residential (RR-2) Zone
					Standards for Development of Residential Substandard
9-4-4:	Rural Residential RR-1 Zone:		To be updated to new format, same format as Commercial Zones	9-5-6:	Original Lots of Record
9-4-5:	Rural Residential RR-2 Zone:		To be updated to new format, same format as Commercial Zones	9-5-6-1:	Purpose
	Standards for Development of Residential Substandard Original Lots				
9-4-6:	of Record:			9-5-6-2:	Use Regulations
9-4-6-1:	Purpose and Intent:			9-5-6-3:	Development Standards
9-4-6-2:	Use Regulations:			9-5-6-4:	Building Height
9-4-6-3:	Development Standards:			9-5-6-5:	Parking
9-4-6-4:	Building Height:			9-5-7:	Cottage Housing
9-4-6-5:	Private Open Space:			9-5-7-1:	Purpose
9-4-6-6:	Landscaping:			9-5-7-2:	Conflicting Standards
9-4-6-7:	Parking:			9-5-7-3:	Existing Dwellings
9-4-6-8:	Attached Housing Arrangements:			9-5-7-4:	Housing Types Defined
9-4-6-9:	Design Guidelines for Substandard Lots:			9-5-7-5:	Area Allowances
	Design Guideline and Development Standards Waivers for				
9-4-6-10:	Substandard Lots:			9-5-7-6:	Density Standards
9-4-7:	Cottage Housing:			9-5-7-7:	Cottage Housing Dispersion Requirement
					Community Buildngs and Community Space in Cottage
9-4-7-1:	Purpose and Intent:			9-5-7-8:	Developments
9-4-7-2:	Conflicting Standards:				
9-4-7-3:	Existing Dwellings:			9-5-7-9:	Access and Parking
9-4-7-4:	Housing Types Defined:			9-5-7-10:	Cottage Housing Design Standards and Guidelines
9-4-7-5:	Area Allowances:				
9-4-7-6:	Density Standards:			**CHAPTER 6**	OFF-STREET PARKING
9-4-7-7:	Cottage Housing Dispersion Requirement:			9-5-1:	General Provisions:
	Community Buildings and Community Space in Cottage				
9-4-7-8:	Developments:			9-5-2:	Location of Parking Spaces:
9-4-7-9:	Access and Parking:			9-5-3:	Shared Parking Reduction:
9-4-7-10:	Cottage Housing Design Standards and Guidelines:		To be overhualed after work on Commercial zones	9-5-4:	Access and Maneuvering Area:
				9-5-5:	Minimum Distance and Setbacks:
CHAPTER 5	OFF-STREET PARKING AND LOADING FACILITIES	I	Recently amended in 2025 by CC after PZC hearings. No propsoed changes except for re-numbering to Chapter 6	9-5-6:	Surfacing:
9-5-1:	General Provisions:			9-5-7:	Maintenance:
9-5-2:	Location of Parking Spaces:			9-5-8:	Lighting:
9-5-3:	Shared Parking Reduction:			9-5-9:	Wheel Blocks:
9-5-4:	Access and Maneuvering Area:			9-5-10:	Signs:
9-5-5:	Minimum Distance and Setbacks:			9-5-11:	Striping:
9-5-6:	Surfacing:			9-5-12:	Screening and/or Landscaping:
9-5-7:	Maintenance:			9-5-13:	Accessible Parking Spaces:
9-5-8:	Lighting:			9-5-14:	Design and Dimensional Standards:
					Minimum and Maximum Surface Parking Space
9-5-9:	Wheel Blocks:			9-5-15:	Requirements:
9-5-10:	Signs:			9-5-16:	Parking Credits:
9-5-11:	Striping:			9-5-17:	Loading Areas:
9-5-12:	Screening and/or Landscaping:			9-5-18:	In Lieu Parking Fees:
9-5-13:	Accessible Parking Spaces:			**CHAPTER 7**	SIGNS
9-5-14:	Design and Dimensional Standards:			9-7-1:	Purpose and Authority:
9-5-15:	Minimum and Maximum Surface Parking Space Requirements:			9-7-2:	Short Title; Citation:
9-5-16:	Parking Credits:			9-7-3:	Permit Required:
9-5-17:	Loading Areas:			9-7-4:	Definitions:
9-5-18:	In Lieu Parking Fees:			9-7-5:	Impairment of Traffic and Rights-of-Way:
				9-7-6:	Sign Districts:
CHAPTER 6	SIGN CODE	III	Moved to Chapter 7, no changes except for renumbering	9-7-7:	Materials and Construction:
9-6-1:	Purpose and Authority:			9-7-8:	Sign Sizes:
9-6-2:	Short Title; Citation:			9-7-9:	Master Sign Program:
9-6-3:	Permit Required:			9-7-10:	Number of Signs:
9-6-4:	Definitions:			9-7-11:	Freestanding Signs:
9-6-5:	Impairment of Traffic and Rights-of-Way:			9-7-12:	Portable Signs (A-Frames and Banners):
9-6-6:	Sign Districts:			9-7-13:	Permitted and Prohibited Signs:
9-6-7:	Materials and Construction:			9-7-14:	Vehicle Mounted Commercial Signs:
9-6-8:	Sign Sizes:			9-7-15:	Exempted Signs:
9-6-9:	Master Sign Program:			9-7-16:	Nonconforming Signs:
9-6-10:	Number of Signs:			9-7-17:	Maintenance and Repair:
9-6-11:	Freestanding Signs:			9-7-18:	Removal and Disposition of Signs:

Current Code Organization		Project Phase	Affect of Code Amendment - What has Changed in the Current Code?	Revised Code Organization	
Title	Subtitle			Title	Subtitle
9-6-12:	Portable Signs (A-Frames and Banners):			9-7-19:	Appeals:
9-6-13:	Permitted and Prohibited Signs:			9-7-20:	Penalty:
9-6-14:	Vehicle Mounted Commercial Signs:				
9-6-15:	Exempted Signs:				
9-6-16:	Nonconforming Signs:			**CHAPTER 8**	HOME OCCUPATION REGULATIONS
9-6-17:	Maintenance and Repair:			9-8-1:	Purpose; Intent:
9-6-18:	Removal and Disposition of Signs:			9-8-2:	Applicability:
9-6-19:	Appeals:			9-8-3:	Performance Standards:
9-6-20:	Penalty:			9-8-4:	Home Occupation Registration:
				9-8-5:	Notice to Cease Nonpermitted Activity:
CHAPTER 7	NONCONFORMING BUILDINGS AND USES	II	Relocated entire Chapter to Chapter 2 Zoning Admin and rewritten	9-8-6:	Appeals:
9-7-1:	Intent:			9-8-7:	Penalty:
9-7-2:	Avoidance of Undue Hardship:			9-8-8:	Sunset Clause:
9-7-3:	Nonconforming Uses of Structures, Land:				
9-7-4:	Repairs, Maintenance and Restoration:			**CHAPTER 9**	MOBILE HOME PARKS / TRAILER COACH COURTS
9-7-5:	Uses Under Conditional Use Provisions:			9-9-1:	Purpose; Intent:
9-7-6:	Issuance of Nonconforming Use Permit:			9-9-2:	Applicability:
				9-9-3:	Performance Standards:
				9-9-4:	Home Occupation Registration:
				9-9-5:	Notice to Cease Nonpermitted Activity:
				9-9-6:	Appeals:
				9-9-7:	Penalty:
				9-9-8:	Sunset Clause:
Chapter 8	There is no Chapter 8 currently in Title 9			**CHAPTER 10**	TELECOM FACILITIES
				9-10-1:	Purpose
CHAPTER 9	ZONING ADMINISTRATION	II	Moved to Chapter 2, reorganized, amplified to include all zoning administration activities, and rewritten	9-10-2:	Provisions
9-9-1:	Purpose:		rewritten	**CHAPTER 11**	AREA OF IMPACT
9-9-2:	Applications Required:		rewritten and broadened to include all permit types	9-11-1:	Purpose:
9-9-3:	Application and Deposit Fees:		rewritten	9-11-2:	Consideration:
9-9-4:	Application Procedures:		rewritten	9-11-3:	Geographic Area of City Impact:
9-9-5:	Public Hearing Procedures:		rewritten	9-11-4:	Comprehensive Plan:
9-9-6:	Planning Commission Action and Notification:				
9-9-7:	Time Limit for Planning Commission Actions:			9-11-5:	Zoning and Subdivision Ordinances:
9-9-8:	Effective Date of Planning Commission Decision:			9-11-6:	Review and Comment:
9-9-9:	Planning Commission Recommendation and City Council Action:		consolidated content, broadened to include effective dates and expirations for all land use applications,	9-11-7:	Administrative Jurisdiction:
9-9-10:	Appeals:		rewritten and broadened to incldue all permit/action types	9-11-8:	Legal Description and Map:
9-9-11:	Development Agreements:		rewritten		
CHAPTER 10	AREA OF CITY IMPACT	III	Moved to Chapter 11, no changes except renumbering	**CHAPTER 12**	AIRPORT OVERLAY
9-10-1:	Purpose:			9-12-1:	Purpose:
9-10-2:	Consideration:			9-12-2:	Definitions:
9-10-3:	Geographic Area of City Impact:			9-12-3:	Airport Overlay Zones:
9-10-4:	Comprehensive Plan:			9-12-4:	Height Limitations:
9-10-5:	Zoning and Subdivision Ordinances:			9-12-5:	Use Restrictions:
9-10-6:	Review and Comment:			9-12-6:	Nonconforming Uses:
9-10-7:	Administrative Jurisdiction:			9-12-7:	Variances:
9-10-8:	Legal Description and Map:			9-12-8:	Conflicting Regulations:
				9-12-9:	Appeals:
				9-12-10:	Amending the Official Zoning Map:
CHAPTER 11	HOME OCCUPATION REGULATIONS	II	Moved entire Chapter to Chapter 8, refined and clarified language	9-12-11:	Penalty:
9-11-1:	Purpose; Intent:			**CHAPTER 13**	HISTORIC PRESERVATION CODE
9-11-2:	Applicability:			9-13-1:	Purpose and Applicability
9-11-3:	Performance Standards:			9-13-2:	Definitions
9-11-4:	Home Occupation Registration:			9-13-3:	Designation of Local Historic District
9-11-5:	Notice to Cease Nonpermitted Activity:			9-13-4:	Designation of Local Historic Landmarks
9-11-6:	Appeals:			9-13-5:	Permits Required
9-11-7:	Penalty:				Downtown Sandpoint Historoc Preservation Overlay Zone
9-11-8:	Sunset Clause:			9-13-6:	District
CHAPTER 12	AIRPORT OVERLAY ZONE DISTRICT	III	No Changes		
9-12-1:	Purpose:				
9-12-2:	Definitions:				
9-12-3:	Airport Overlay Zones:				
9-12-4:	Height Limitations:				
9-12-5:	Use Restrictions:				
9-12-6:	Nonconforming Uses:				
9-12-7:	Variances:				
9-12-8:	Conflicting Regulations:				
9-12-9:	Appeals:				
9-12-10:	Amending the Official Zoning Map:				
9-12-11:	Penalty:				
CHAPTER 13	MOBILE HOME PARKS/TRAILER COACH COURTS	I	Moved to Chapter 9, no changes except for renumbering		
9-13-1:	Zoning of Mobile Home Parks/Trailer Coach Courts:				
9-13-2:	Definitions:				
9-13-3:	Site Selection:				
9-13-4:	Site Improvements:				
9-13-5:	Site Planning:				
9-13-6:	Site Engineering:				

Current Code Organization		Project Phase	Affect of Code Amendment - What has Changed in the Current Code?	Revised Code Organization	
Title	Subtitle			Title	Subtitle
CHAPTER 14	ZONING DISTRICTS, MAP	I	Moved to Chapter 1 General Provisions.		
9-14-1:	Zoning Districts Designated:		Amplified to include new Historic Overlay District in the list		
9-14-2:	Zoning Map:				
CHAPTER 15	TELECOMMUNICATIONS FACILITIES	III	Moved to Chapter 10, Renamed the type of permit required		
9-15-1:	Purpose:				
9-15-2:	Provisions:				

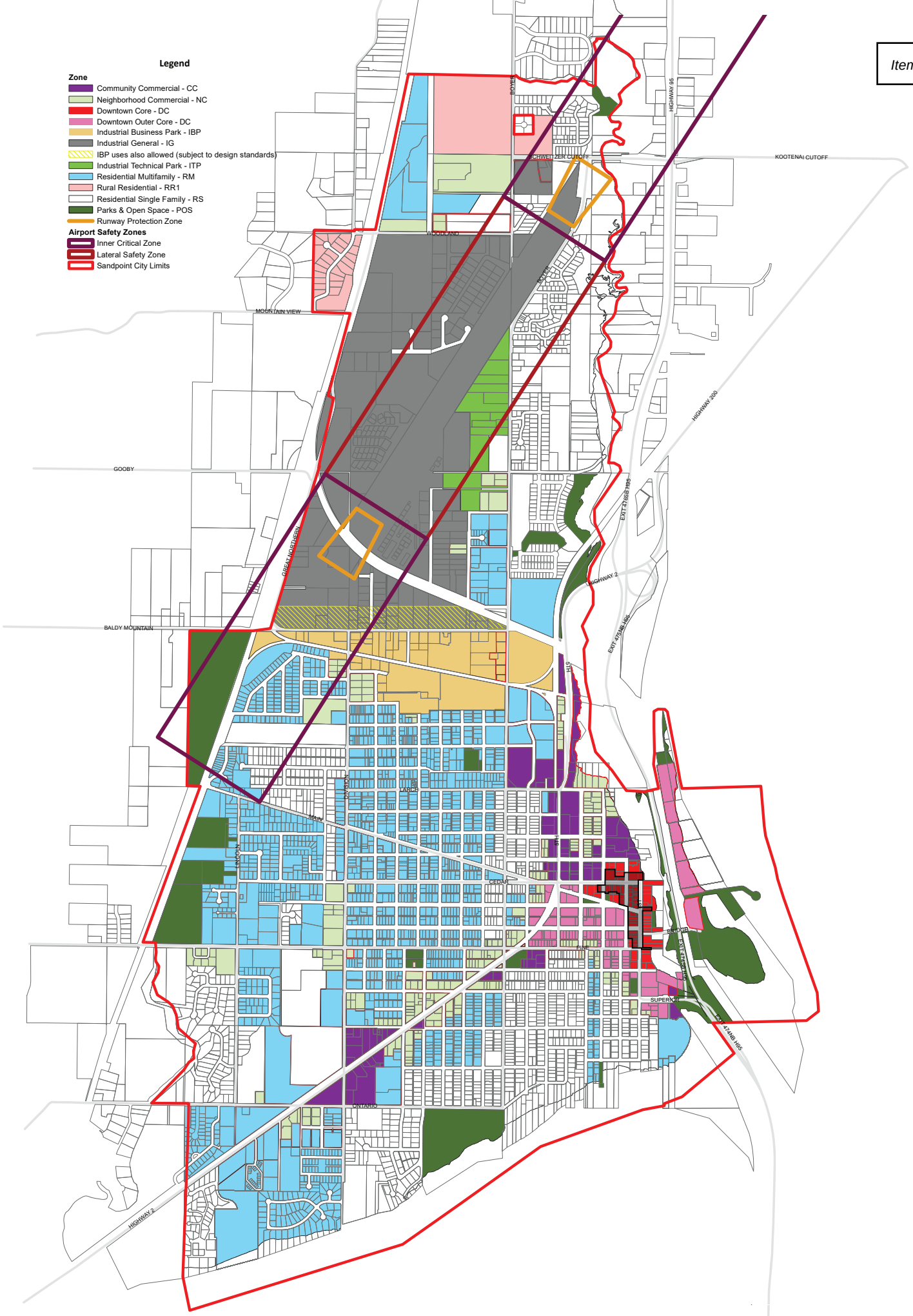


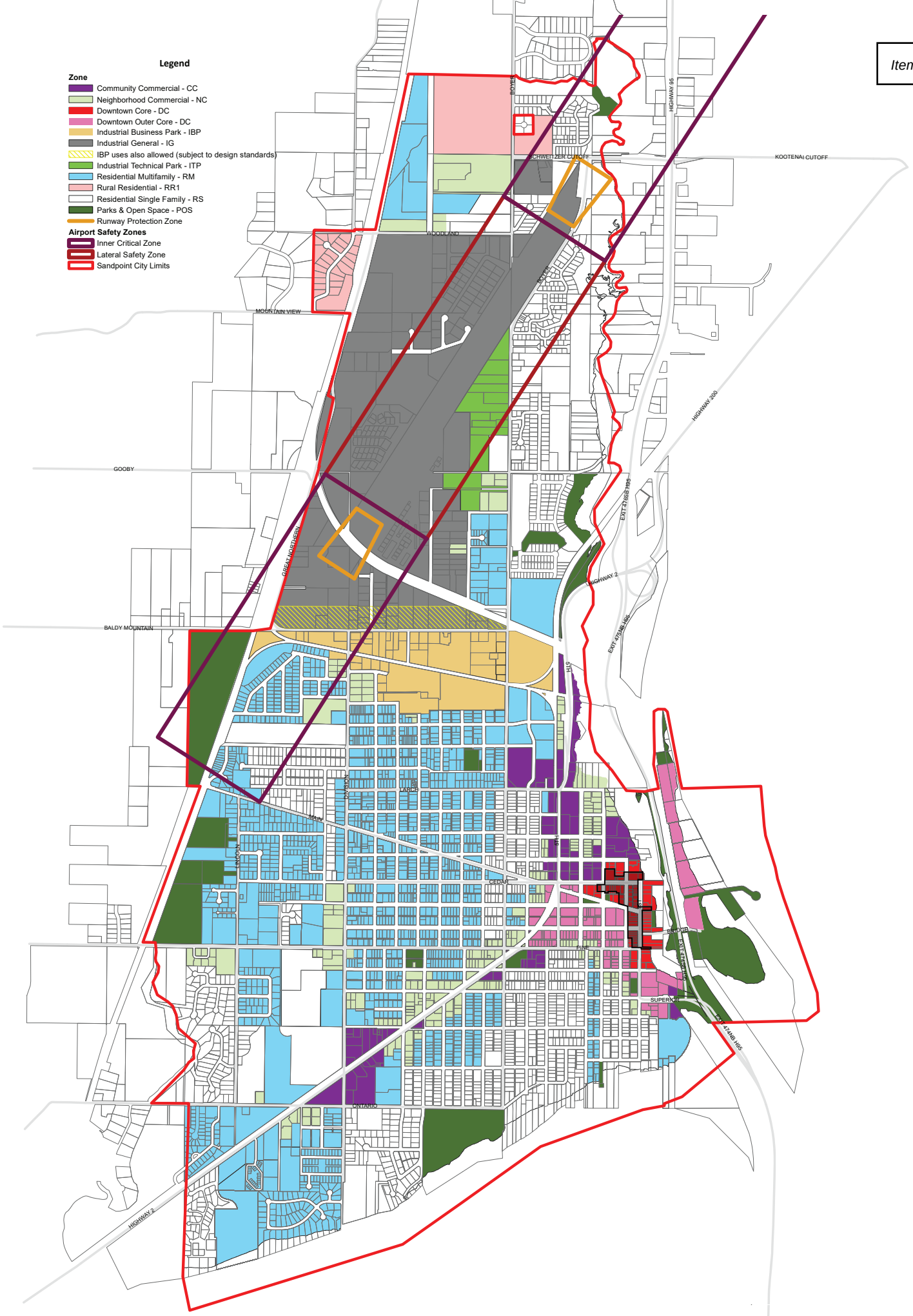
OFFICIAL
CITY OF SANDPOINT ZONING MAP
2023

CERTIFICATION

I hereby certify that this is the official Zoning Map for the City of Sandpoint. The most recent changes to this Map were effectuated by City of Sandpoint Ordinance No. 1403.

Melissa Ward, City Clerk


Legend
Zone
Community Commercial - CC
Neighborhood Commercial - NC
Downtown Core - DC
Downtown Outer Core - DC
Industrial Business Park - IBP
Industrial General - IG
IBP uses also allowed (subject to design standards)
Industrial Technical Park - ITP
Residential Multifamily - RM
Rural Residential - RR1
Residential Single Family - RS
Parks & Open Space - POS
Runway Protection Zone
Airport Safety Zones
Inner Critical Zone
Lateral Safety Zone
Sandpoint City Limits
BOYER
HIGHWAY 95
SCHWEITZER CUTOFF
KOOTENAI CUTOFF
WOODLAND
MOUNTAIN VIEW
HIGHWAY 200
GOOBY
GREAT NORTHERN
EXIT 473 ISB hbs
HIGHWAY 2
BALDY MOUNTAIN
EXIT 470 ME HBS
6TH
LARCH
MAIN
LINCOLN
CEDAR
PINE
RHODES
EXIT 469 ME HBS
SUPERIOR
EXIT 474 ME HBS
ONTARIO
HIGHWAY 2


Legend
Zone
Community Commercial - CC
Neighborhood Commercial - NC
Downtown Core - DC
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EXIT 474NB HBS
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CEDAR
PINE
RHODES
EXIT 473SB HBS
SUPERIOR
EXIT 474NB HBS
ONTARIO
HIGHWAY 2

Land Use Map

SANDPOINT

Sandpoint City Limits

Future Land Use Categories

- Low Density Clustered Residential
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Neighborhood Mixed Use
- Mixed Use Corridor
- Downtown
- Public/Quasi Public
- Heavy Commercial/Industrial
- Parks and Open Space
- Study Areas

Airport Safety Zones

- Inner Critical Zone
- Lateral Safety Zone
- Runway Protection Zone

Miles

0 0.25 0.5 0.75 1

Updated 9/28/2026

Zoning Code and Comprehensive Plan Policy Consistency

The following table of Comprehensive Plan excerpts have been compared to the amended Title 9 zoning code dated October 13 2026, showing Comprehensive Plan consistency.

Comprehensive Plan reference	Goal or policy excerpt	Supporting amended Title 9 provisions
Overview p. 2	To realize our vision, we must act boldly to build on our strengths and confront our challenges.	§9-1-2(C)–(F) translates the Plan into zoning districts, development standards, and historic-resource protection. Chapters 3 and 13 provide the principal commercial and preservation tools.
Overview p. 6	Five specific Chapters of the Comprehensive Plan are dedicated to the community vision and objectives related to the desired patterns of the built environment.	Chapters 3 and 5 regulate commercial and residential development patterns; Chapter 6 addresses parking and circulation; Chapter 13 addresses historic resources. This is a broad contextual connection.
Overview p. 7	Generally, the Comprehensive Plan should be viewed and used first when considering decisions that have comprehensive planning considerations.	§9-1-2(C)–(D) expressly links zoning to the Comprehensive Plan. §9-2-8(B)(4)(a)(i) requires Plan consistency for conditional uses; §9-13-5(I)(1)(c) requires alterations to support Plan goals and policies.
Community Vision Vibrant Culture p. 18	The strong sense of pride in the city's history should be honored with robust standards for design, preservation, and development. Downtown and surrounding neighborhoods should be promoted and enhanced as the cornerstone of Sandpoint's historic charm and small-town feel.	§9-3-3 and §9-3-3-2 establish downtown character and design standards. §§9-13-5 and 9-13-6 require preservation review and protect historic architectural features in designated areas.
Community Vision Livable Community p. 22	Neighborhoods should be designed with a sense of community and identity, and the scale and character of established neighborhoods respected.	§9-3-2 establishes NC as a transition to residential neighborhoods. §9-3-2-2(B)–(F) addresses compatibility and scale. §§9-5-1-3 and 9-5-2-3 regulate residential form and siting.
Ch. 3 Context pp. 26–27	The historic places and districts are foundational to the City's planning efforts. The original historic district was officially recognized in 1984 by the National Register of Historic Places.	§9-13-3(D)(2) uses the 2018 preservation plan and surveys to support district designation. §9-13-6 establishes the local downtown overlay. Local designation is distinct from National Register recognition.
Ch. 3 Goal 1 A p. 33	Ensure that all commercial, single-family, and multifamily development respect the town's unique character in architecture, thoughtful density, and in site planning.	§§9-3-1-2, 9-3-2-2, and 9-3-3-2 set commercial design and site standards. §§9-5-1-3 and 9-5-2-3 set residential development standards, including neighborhood compatibility.
Ch. 3 Goal 1 D p. 33	Utilize programs and conservation districts to support alterations and new construction that strengthen the historic integrity of individual buildings and/or a district.	§9-2-10(I) authorizes overlay districts. §§9-13-3 and 9-13-4 establish district and landmark designation procedures; §9-13-5(I), (L) provides alteration and new-construction review criteria.
Ch. 3 Goal 1 E p. 33	Continue to emphasize community character through implementation of the Arts, Culture, and Historic Preservation Master Plan (specifically actions 2.1, 2.4, and 3.5).	§9-13-3(D)(2) expressly relies on the Arts, Culture, and Historic Preservation Plan and surveys. §9-13-5(I)(1)(c) requires consistency with that plan. This supports implementation but does not establish completion of each cited action.

Comprehensive Plan reference	Goal or policy excerpt	Supporting amended Title 9 provisions
Ch. 3 Goal 2	Historic Preservation: Sandpoint's areas of special historic interest and values are preserved and enhanced.	Chapter 13 establishes local districts, landmarks, Certificates of Appropriateness, preservation standards, and demolition safeguards; §9-13-6 applies these tools to downtown.
Ch. 3 Goal 2 A	Encourage and assist owners of historic structures to go through the process to be listed on the State and/or National Register of Historic Places, and educate them on the financial benefits of having their property listed.	Related support: §9-13-4(A)–(B) provides local landmark designation and research using National Register criteria. No direct Title 9 requirement provides State/National Register nomination assistance or financial-benefit education.
Ch. 3 Goal 2 B	Facilitate mature neighborhoods in forming historic districts and developing appropriate preservation standards as tools to help protect and preserve the unique appeal of older neighborhoods.	§9-13-3(D)(1) allows district recommendations following property-owner requests; §9-13-3 provides designation procedures. §9-13-5 establishes review standards for designated districts.
Ch. 3 Goal 2 C	Identify and assist property owners to preserve and rehabilitate buildings and sites of historic significance that contribute to the quality and character of historic districts.	§9-13-3(D)(2) requires a historic-resource survey; §9-13-5(C) confirms contributing status. §9-13-6(E)(1)–(4) protects historic features and prioritizes repair. These are regulatory tools rather than a funded assistance program.
Ch. 3 Goal 2 D	Facilitate adaptive reuse of historic structures and reinvestment in historic districts and mature neighborhoods.	§9-3-3-2(A) expressly supports reinvestment and adaptive reuse through compatible additions. §9-13-5(I)(1)(e) permits certain dimensional modifications; §9-13-5(O) provides qualified building-code flexibility for preservation.
Ch. 3 Goal 2 E	Require new downtown development to respect and enhance the visual character of nearby historical buildings by designing new buildings to be compatible with core form aspects such as materials, massing, and setbacks.	§9-3-3-2(B)(2), (6), (8), and (9) governs downtown form, massing, windows, rooflines, and materials. §9-13-5(L)(1)–(5) adds compatibility findings for new construction in local historic districts.
Ch. 3 Goal 2 F	Integrate and promote historic preservation as a tool for achieving broader community planning goals.	§9-1-2(F) includes preservation in the overall zoning purpose. §9-13-5(A) links preservation to Plan implementation, property values, tourism, education, and neighborhood identity.
Ch. 3 Goal 2 G	Honor Sandpoint's history through interpretive signage, historic plaques, art, and other public displays.	§9-13-4(C) requires the landmark-designating ordinance to provide guidelines for a suitable sign or marker. Broader interpretive signage, public art, and displays are not directly required by these provisions.
Ch. 4 Land use designation p. 42 Neighborhood Mixed Use	A mix of uses is allowed within existing or new appropriately scaled buildings placed to promote walkability.	§9-3-2 identifies NC as the implementing zone. Table 9-1-2 permits a mix of housing and neighborhood businesses; §9-3-2-2(C)–(F) regulates compact lots, scale, street orientation, and storefronts.

Comprehensive Plan reference	Goal or policy excerpt	Supporting amended Title 9 provisions
Ch. 4 Land use designation p. 42 Mixed Use Corridor	Mixed-Use Corridors (MUC) provide a mix of office, retail and multifamily residential uses along the main arterials and collectors. Mixed use buildings are encouraged in this land use category, but single use multi-story buildings are allowed. A range of building sizes, setbacks, and styles is allowed as long as multi-modal access is addressed through design.	§9-3-1 identifies CC as implementing the Mixed-Use Corridor designation. Table 9-1-2 permits residential and commercial uses; §9-3-1-2(C)–(H) allows varied development forms with pedestrian-oriented design.
Ch. 4 Land use designation p. 42 Parks and Open Space	The Parks and Open Space land use designation is for publicly or privately-owned land open to the public for recreational or environmental protection purposes.	§9-3-5 establishes POS purposes for recreation, access, and environmental stewardship; §§9-3-5-1 and 9-3-5-2 regulate uses and development. The POS purpose addresses publicly owned land, narrower than the Plan's public-or-private designation.
Ch. 4 Land use designation p. 42 Public/Quasi Public	The Public/Quasi Public land use includes government offices and facilities, schools, hospital facilities, churches, and cemeteries.	§9-1-6 and Table 9-1-2 distribute civic, institutional, and related uses among zoning districts, subject to permitted/conditional status. Title 9 does not create a separate Public/Quasi Public zone.
Ch. 4 Land use designation p. 42 Downtown	The vibrant, historic Downtown is the commercial core of Sandpoint. Downtown is characterized by its pedestrian orientation, waterfront location, and density with zero setback buildings required. It is also the community neighborhood, providing a wide range of uses (office, retail, service, residential), areas for events, entertainment, and public art. Buildings frame the public right-of-way with continuous commercial frontage, creating a comfortable pedestrian environment.	§9-3-3 implements Downtown. Table 9-3-5 and §9-3-3-2(B) support compact streetwalls and storefronts; Table 9-1-2 permits a mix of uses. §9-3-4-3 governs properties adjacent to Sand Creek.
Ch. 4 Goal 1	Efficient Land Use. Sandpoint's mature and developed areas are invested in and enhanced, reducing pressure to expand into the Area of City Impact to accommodate population growth.	§§9-3-2 and 9-3-3 support infill and downtown reinvestment. Tables 9-3-3 and 9-3-5 enable compact sites; §§9-6-3 and 9-6-16 offer parking flexibility. These support efficient land use without guaranteeing reduced outward growth.
Ch. 4 Goal 1 A	Incentivize development and redevelopment of vacant and under-utilized properties in the core area of the city through zoning and subdivision code changes.	Table 9-3-5 removes a minimum lot area in DC/DOC and allows full lot coverage; Table 9-3-3 allows small NC lots. §9-6-3 authorizes shared parking; §9-6-16 provides parking credits. Subdivision requirements are outside Title 9.
Ch. 4 Goal 1 B	Ensure new growth does not disproportionately overburden services or create excessive long-term maintenance responsibilities for supporting public infrastructure.	§9-2-8(B)(4)(a)(v), (vii) and §9-2-8(C)(5)(c) require adequate public services for applicable permits. §9-2-8(C)(2)(m) addresses municipal service costs. These do not establish a citywide long-term fiscal-impact test.
Ch. 4 Goal 1 C	Promote infill development and redevelopment that contribute to the desired mix of land uses.	§§9-3-2 and 9-3-3 expressly support infill and redevelopment; §9-1-6 and Table 9-1-2 establish the permitted use mix, with district-specific limits in §§9-3-1-1, 9-3-2-1, and 9-3-3-1.

Comprehensive Plan reference	Goal or policy excerpt	Supporting amended Title 9 provisions
Ch. 4 Goal 1 D	Encourage the provision of housing above ground floor commercial use in downtown and mixed-use areas.	Table 9-1-2 permits DC residential uses on upper floors and multifamily housing in CC, NC, and DOC. §9-3-3 promotes downtown residential development; §9-3-3-2(B) regulates storefronts and upper-floor form.
Ch. 4 Goal 2	Residential Neighborhoods The diversity, quality, comfort, and connectivity of Sandpoint's residential neighborhoods is expanded.	§§9-5-1, 9-5-2, and 9-5-7 provide residential development options; §9-3-2 provides neighborhood-serving mixed use. §9-2-8(C)(5)(d) addresses safe circulation for projects subject to site plan review.
Ch. 4 Goal 2 A	Promote compact, walkable development patterns that connect neighborhoods to activity centers.	§9-3-2 links neighborhood-scale infill to daily services. Tables 9-3-3 and 9-3-5 permit compact development; §9-3-2-2(E) requires street-oriented entrances and pedestrian connections.
Ch. 4 Goal 2 B	Reasonably mitigate the effects of new development on existing neighborhoods, creating standards that encourage protecting heritage trees and native vegetation..	§9-5-2-3, Landscaping, Open Space, and Plantings, requires preservation of healthy trees where practicable and encourages native plantings. §9-6-12 requires parking landscaping and buffers; §9-3-2-2 addresses neighborhood compatibility.
Ch. 4 Goal 2 C	Create neighborhood streetscapes that are safe, walkable, and bikeable.	§9-3-2-2(E)–(F) requires pedestrian-oriented siting and frontages. §9-2-8(C)(5)(d) requires safe circulation for applicable projects; §9-6-15(B) requires bicycle parking.
Ch. 4 Goal 2 D	Support a variety of lot sizes and housing types while maintaining an overall desired neighborhood density and scale.	Table 9-1-2 allows varied housing by zone. Tables 9-3-3 and 9-3-5, §9-5-2-3(A), and §9-5-7 provide small-lot, multifamily, townhouse, and cottage options, with district scale standards.
Ch. 4 Goal 2 E	Integrate parks and playgrounds within convenient walking distance of all homes within a neighborhood.	§9-3-5 protects POS-zoned parks and public access. §9-5-7 requires cottage common open space. Partial support: Title 9 does not establish a walking-distance standard ensuring parks or playgrounds near every home.
Ch. 4 Goal 2 F	Provide a range of zoning types and design regulations that can facilitate smooth transitions from areas of high intensity use to areas of lower intensity use.	§9-3-2 expressly provides neighborhood-to-commercial transitions. Tables 9-3-1, 9-3-3, and 9-3-5 establish residential-edge setbacks; §9-3-2-2(D) limits NC building and commercial size.
Ch. 4 Goal 3	Mixed-Use Development Mixed-use developments that provide the benefits of more compact, denser neighborhoods with a mix of living, shopping, and working environments close to services are encouraged and supported.	§9-1-6 and Table 9-1-2 allow mixed residential/commercial uses. §§9-3-1, 9-3-2, and 9-3-3 implement corridor, neighborhood, and downtown settings; §9-6-3 facilitates shared parking.
Ch. 4 Goal 3 A	Locate population density where urban services are readily available.	Tables 9-3-3 and 9-3-5 permit compact development in designated NC/DC/DOC areas. §9-2-8(C)(5)(c) requires adequate public facilities for site plan review. Actual alignment of density and service capacity also depends on review of each individual development application.
Ch. 4 Goal 3 B	Require pedestrian and bicycle connections within mixed use developments to existing and proposed non-motorized infrastructure.	§9-2-8(B)(4)(a)(v)(2), (xi) and §9-2-8(C)(5)(d) address pedestrian/bicycle networks for applicable permits. §§9-3-1-2(E) and 9-3-2-2(E) require pedestrian links to public sidewalks; §9-6-15(B) requires bicycle parking.

Comprehensive Plan reference	Goal or policy excerpt	Supporting amended Title 9 provisions
Ch. 4 Goal 3 C	Allow an acceptable level of development compactness and density within mixed-use developments to increase opportunities for shared parking facilities, public gathering spaces, accessible services, and less reliance on the automobile for daily mobility.	Tables 9-3-1, 9-3-3, and 9-3-5 allow compact commercial development. §9-6-3 permits shared parking; §§9-3-1-2(H) and 9-3-2-2(H) provide civic/pedestrian spaces.
Ch. 4 Goal 3 D	Allow neighborhood-serving commercial areas and/or social gathering places adjacent to residential neighborhoods.	§9-3-2 establishes neighborhood-serving mixed use beside residential areas. Table 9-1-2 permits compatible businesses and residential uses; §9-3-2-2(H) provides gathering spaces.
Ch. 4 Goal 3 E	Ensure an adequate supply of appropriately zoned land for a diversified mix of commercial and industrial uses to maintain a diverse economy.	§9-1-4 and Table 9-1-2 establish commercial and industrial districts and use permissions; Chapters 3 and 4 define their purposes and standards. Adequacy of the land supply will continue as an ongoing community driven exercise including review of industrial zoning.
Ch. 4 Goal 4	Quality Places Dynamic, attractive, and desirable places to live and operate businesses are fostered and developed.	§§9-3-1-2, 9-3-2-2, and 9-3-3-2 establish building and site design standards. §9-2-8(C) provides coordinated site plan review; Chapter 13 protects designated historic character.
Ch. 4 Goal 4 A	Promote streetscapes and public spaces that are engaging, functional, accessible, safe, and attractive.	§§9-3-1-2(E), (F), (H) and 9-3-2-2(E), (F), (H) address entrances, active frontages, and civic spaces. §9-3-3-2(B)(3), (5), (10) supports downtown pedestrian comfort and visual interest.
Ch. 4 Goal 4 C	Require building location and site design that emphasize pedestrian orientation and access.	§§9-3-1-2(E) and 9-3-2-2(E) require street-oriented entrances, pedestrian connections, and parking placement. Table 9-3-5 and §9-3-3-2(B)(2)–(3) reinforce downtown streetwalls and pedestrian storefronts.
Ch. 4 Goal 4 D	Reinforce identities of individual districts and mixed-use neighborhoods through wayfinding and streetscape designs.	§§9-3-1-2, 9-3-2-2, and 9-3-3-2 differentiate district form and frontage design; §9-13-6 protects downtown historic identity. These support streetscape identity but do not establish a district wayfinding program.
Ch. 4 Goal 4 H	Require developments to provide adequate and safe on-site infrastructure for vehicles, pedestrians, and cyclists.	§9-2-8(B)(4)(a)(v), (vii), (x), (xi) and §9-2-8(C)(5)(c)–(d) address facilities, access, and conflict reduction. §§9-6-4, 9-6-13, 9-6-14, and 9-6-15(B) govern maneuvering, accessible spaces, dimensional design, and bicycle parking.
Ch. 5 Goal 1	Housing Variety, A variety of quality housing types is available to serve a broad spectrum of household types and age groups.	Table 9-1-2 permits multiple housing forms by zone; §9-1-11 regulates ADUs, §9-5-2 regulates multifamily housing, and §9-5-7 allows cottage housing. New NC zoning allows for a variety of housing types.
Ch. 5 Goal 1 A	Pursue diversity in housing types by permitting detached, duplex, townhouse, stacked flats, accessory dwelling units (ADUs), co-housing, co-living, cottage communities, and other types as appropriate in neighborhoods.	Table 9-1-2 includes detached homes, duplexes, townhouses, multifamily, and cottage housing; §§9-1-11 and 9-5-7 address ADUs and cottages.

Comprehensive Plan reference	Goal or policy excerpt	Supporting amended Title 9 provisions
Ch. 5 Goal 1 B	Encourage housing above retail in mixed-use and commercial centers for year-round and seasonal housing options and to enhance community vitality.	Table 9-1-2 permits DC residential uses on upper floors and multifamily in CC/NC/DOC; §9-3-3 supports downtown residential development. These permissions enable housing over commercial uses.
Ch. 5 Goal 1 D	Encourage development of attached housing types in and around downtown.	Table 9-1-2 permits townhouses in NC and DOC and multifamily in DC on upper floors. Table 9-3-5 has no minimum DC/DOC lot area and allows narrow lots; §9-5-2-3(A) also provides RM townhouse lot standards.
Ch. 5 Goal 2	Housing Affordability is available to meet the needs of low- and moderate-income workers.	§9-6-16(C) reduces parking requirements for qualifying deed-restricted affordable rental housing. Small-lot, ADU, and cottage permissions expand housing options..
Ch. 5 Goal 2 C	Integrate smaller infill units to allow for mixed-income residents.	§9-1-11 permits ADUs; §9-5-7 provides cottage housing; §9-5-2-3(A) allows compact RM lots and additional units. These facilitate smaller infill housing, with no general mixed-income occupancy requirement.
Ch. 5 Goal 3	Existing Neighborhoods: The charm and comfort of Sandpoint's existing neighborhoods are protected and enhanced.	§§9-5-1-3 and 9-5-2-3 regulate residential scale, setbacks, and site design. §9-3-2 provides commercial transitions; Chapter 13 protects locally designated historic districts and landmarks.
Ch. 5 Goal 3 A	Protect the residential character of existing neighborhoods by providing for transitional buffers between residential, commercial, and industrial uses, such as alleys, fences, or natural areas.	Tables 9-3-1, 9-3-3, and 9-3-5 require commercial setbacks next to residential zones. §9-4-4 regulates industrial development and residential-edge yards; §9-6-12 requires parking screening/landscaping; §9-1-8(H) regulates fences. New NC zone scales commercial development between major arterials and existing neighborhoods.
Ch. 5 Goal 3 D	Encourage public and private investment in Sandpoint's existing neighborhoods.	§9-1-11 and §§9-5-2 and 9-5-7 allow infill housing options; §9-3-2 supports neighborhood reinvestment. These enable private investment but do not create a neighborhood capital-funding program.
Ch. 5 Goal 3 E	Maintain the historic architectural integrity of all neighborhoods.	§§9-13-3 through 9-13-5 enable designation and architectural protection; §9-13-6 establishes downtown protections.
Ch. 5 Goal 3 G	Ensure new housing types are appropriately scaled within the neighborhood in which they are developed.	§9-5-2-3 includes Neighborhood Scale, Building Entrance, and Facade and Articulation standards. §9-5-7 regulates cottage scale and layout; §9-3-2-2(D) limits NC building size and promotes residential forms.
Ch. 5 Goal 3 H	Allow home businesses that maintain neighborhood residential character.	§9-1-9(B)(2) permits home occupations as accessory uses; §§9-8-1 through 9-8-4 require residential compatibility and regulate size, traffic, signs, operations, and registration.
Ch. 5 Goal 4	New Neighborhoods New neighborhood developments are aligned with resident needs and community values.	§9-5-7 provides shared-space cottage neighborhoods; §9-3-2 allows appropriately scaled neighborhood mixed use. §9-2-8(C) provides design and service review for applicable projects. Support is general rather than a separate new-neighborhood approval system.

Comprehensive Plan reference	Goal or policy excerpt	Supporting amended Title 9 provisions
Ch. 5 Goal 4 D	Allow live/work and neighborhood-serving retail at the edge of residential neighborhoods where appropriate to support walkability.	§9-3-2 and Table 9-1-2 allow housing and neighborhood businesses in NC; §9-3-2-2(E) supports walkability. Chapter 8 permits limited home occupations. The draft does not separately define or authorize a general live/work land-use category.
Ch. 8 Goal 8	Responsive Government: The participation of community members in civic affairs is valued and representative.	§9-2-6 establishes public-hearing procedures; §9-2-10 governs legislative actions. §§9-13-3(D)(5), 9-13-4(E), and 9-13-5(H) require notice and participation opportunities for specified preservation decisions.
Ch. 8 Goal 8 A	Continually improve governmental outreach to and engagement with citizens and businesses through such means as public surveys, townhalls, and workshops.	§§9-2-6 and 9-2-10 provide formal public notice and hearings. This code amendment was drafted with ten meetings with the PZC, three meetings with the ACHP, and two town halls, over 1600 mailers to property owners resulting in over 100 meetings at City Hall to review the drafts..
Ch. 8 Goal 8 B	Facilitate open, inclusive, and respectful public participation and engagement with all community members in proactive planning projects and the development review process to foster better decision-making and an informed community	§9-2-6 provides hearing participation procedures; §9-2-10 applies hearings to legislative zoning actions. §9-13-3(D)(5) adds notice to owners and occupants for district designation; §9-13-5(H) provides hearings for Commission-reviewed certificates. New Zoning Administration chapter includes specific findings necessary for application approvals.
Ch. 9 Goal 1	Economic Health A vibrant, diverse, and resilient year-round economy in Sandpoint is cultivated.	Chapters 3 and 4 and Table 9-1-2 provide commercial and industrial opportunities. §9-3-2 supports neighborhood businesses, while §9-3-3 and Chapter 13 reinforce downtown identity and reinvestment.
Ch. 9 Goal 1 E	Ensure an adequate supply of appropriately zoned land for a diversified mix of commercial, light industrial, and office uses.	§9-1-4 identifies commercial and industrial zones; Table 9-1-2 assigns commercial, manufacturing, and office uses; Chapters 3 and 4 set district standards. Adequate land supply for various land uses is periodically revisited, including with upcoming work on the industrial zones.
Ch. 9 Goal 1 G	Encourage appropriate businesses to locate in Neighborhood Mixed-Use zones to minimize the distance traveled for everyday goods/services and employment.	§9-3-2 expressly locates neighborhood-scale services within or next to neighborhoods. Table 9-1-2 and §9-3-2-1 authorize businesses subject to scale/use limits; §9-3-2-2(E) requires pedestrian-oriented siting.
Ch. 9 Goal 5	Downtown Vitality: Downtown is reinforced as the economic, social, and cultural center of Sandpoint.	§9-3-3 establishes downtown as the primary cultural and activity center; Table 9-1-2 permits diverse downtown uses. §9-3-3-2 and Chapter 13 protect the setting that supports downtown vitality.
Ch. 9 Goal 5 B	Cultivate an active and vibrant street life with outdoor seating, comfortable sidewalks and pedestrian crossings, convenient bicycle parking, and transit stops, promoting Sandpoint as a true walking town.	§9-3-3-2(B)(3), (5), (10) requires pedestrian storefronts, human-scale detailing, and weather protection. §9-1-9(B)(7) allows qualifying outdoor services; §9-6-15(B) requires bicycle parking. Crossings and transit stops also require public infrastructure action.

Comprehensive Plan reference	Goal or policy excerpt	Supporting amended Title 9 provisions
Ch. 9 Goal 5 C	Encourage diverse, local restaurants and retail on the ground floor.	Table 9-1-2 permits retail and restaurants downtown while limiting DC residential uses to upper floors. §9-3-3-2(B)(3) establishes storefront standards. The code does not restrict these businesses to local ownership.
Ch. 9 Goal 5 D	Encourage a healthy mix of uses to activate downtown at all times of the day, including civic, cultural, entertainment, lodging, retail, office, and residential uses.	Table 9-1-2 permits a range of downtown retail, restaurant, office, lodging, civic/cultural, and residential uses, subject to district conditions; §9-3-3 supports this activity mix.
Ch. 9 Goal 5 F	Incorporate creative placemaking into new development and redevelopment projects.	§9-3-3-2(B) requires distinctive downtown form and pedestrian detail; §§9-3-1-2(H) and 9-3-2-2(H) provide civic spaces in CC/NC. §9-13-6 preserves downtown identity. These support placemaking without a general public-art requirement.
Ch. 9 Goal 5 G	Encourage temporary or short-term uses in downtown, such as pop-up restaurants, pop-up retail, events, and food trucks, to activate underutilized spaces.	§9-1-9(B)(7) permits qualifying outdoor sales/services; §9-1-9(B)(8) and Table 9-1-3 allow limited accessory food trucks. Table 9-1-2 addresses food truck courts and park events. Conditions apply; accessory food trucks require an established principal use and do not generally authorize vacant-lot activation.
Ch. 9 Goal 5 I	Evaluate codes to balance historic character with redevelopment opportunities.	§9-3-3-2(A) permits compatible additions and adaptive reuse; §9-3-3-2(B) guides new construction. §9-13-5(E), (I)(1)(e), and (O) provides exemptions and qualified flexibility while §9-13-6(E) protects historic features.



THE SECRETARY OF THE INTERIOR'S **STANDARDS** FOR THE TREATMENT OF HISTORIC PROPERTIES

WITH

GUIDELINES FOR PRESERVING, REHABILITATING, RESTORING & RECONSTRUCTING HISTORIC BUILDINGS

U.S. Department of the Interior
National Park Service
Technical Preservation Services

Under the National Historic Preservation Act (NHPA), the Secretary of the Interior is responsible for establishing professional standards and for providing guidance on the preservation of the nation's historic properties. *The Secretary of the Interior's Standards for the Treatment of Historic Properties* apply to all grants-in-aid projects assisted through the Historic Preservation Fund (authorized by the NHPA) and are intended to be applied to a wide variety of resource types, including buildings, sites, structures, objects, and districts. The Standards address four treatments: preservation, rehabilitation, restoration, and reconstruction. The treatment Standards, developed in 1992, were codified as 36 CFR Part 68 in the July 12, 1995, Federal Register (Vol. 60, No. 133). They replaced the 1978 and 1983 versions of 36 CFR Part 68, entitled *The Secretary of the Interior's Standards for Historic Preservation Projects.* The revised Guidelines herein replace the Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings, published in 1995 to accompany the treatment Standards.

The Secretary of the Interior's Standards for the Treatment of Historic Properties are regulatory only for projects receiving Historic Preservation Fund grant assistance and other federally-assisted projects. Otherwise, these Guidelines are intended to provide general guidance for work on any historic building.

Another regulation, 36 CFR Part 67, focuses on "certified historic structures" as defined by the Internal Revenue Service Code of 1986. The Standards for Rehabilitation cited in 36 CFR Part 67 should always be used when property owners are seeking certification for federal tax benefits.

THE SECRETARY OF THE INTERIOR'S **STANDARDS** FOR THE TREATMENT OF HISTORIC PROPERTIES WITH **GUIDELINES** FOR PRESERVING, REHABILITATING, RESTORING & RECONSTRUCTING HISTORIC BUILDINGS

Revised by Anne E. Grimmer

from *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings*
Kay D. Weeks and Anne E. Grimmer (1995)

U.S. Department of the Interior
National Park Service
Technical Preservation Services
Washington, D.C.

2017

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Front Cover: Spooner Hall, University of Kansas, Lawrence, KS, Henry van Brunt, 1894.

HISTORICAL OVERVIEW

Masonry. Detail, decorative sandstone door surround.

Wood. Detail, Pope-Leighey House, Alexandria, VA, Frank Lloyd Wright, 1940. Photo: Courtesy National Trust for Historic Preservation, Paul Burk, photographer.

Metals. Detail, Dunbar Molasses Factory, New Orleans, LA, c. 1920.

Glass. Detail, St. John's Abbey, Collegeville, MN, Marcel Breuer, 1958-61.

Paint and Other Coatings. Interior detail, Mabel Tainter Memorial Theater, Menomonie, WI, Harvey Ellis, 1889. Photo: Miller Dunwiddie Architecture.

Composite Materials. Composite siding, Private Residence, Washington, DC, William Lescaze, 1940.

Simulative Materials. Detail, wood used to simulate cut stone.

Roofs. Asphalt roof shingles on a 1920s-era house.

Windows. Paired wood windows with stained glass lunette on a Romanesque revival-style rowhouse.

Entrances and Porches. Decorative stone entrance with etched-glass revolving door on early-20th century office building.

Storefronts. Ellicott City, MD.

Curtain Walls. Simms Building, Albuquerque, NM, Flatow & Moore, 1954. Photo: Harvey M. Kaplan.

Structural Systems. Boiler Maker Shops, Navy Yard Annex, Washington, DC, 1919.

Mechanical Systems. Historic Radiator.

Spaces, Features, and Finishes. Interior, Saenger Theater, New Orleans, LA, Emile Weil, 1927. Photo: Courtesy Saenger Theater.

Site. Vineyard, Charles Krug Winery, St. Helena, CA. Photo: Rocco Ceselin. Inset: Redwood Cellar, 1872, Charles Krug Winery. Photo: Rien van Rijthoven.

Setting. Late-19th-century residential historic district.

Accessibility. Gradual slope added to sidewalk and paving for accessibility. Schmidt Brewery, St. Paul, MN, late 19th–early 20th century.

Life Safety. Code-required, supplemental stair railing.

Resilience to Natural Hazards. Farnsworth House, Plano, IL, Mies van der Rohe, 1951. Photo: Courtesy Farnsworth, A Site of the National Trust for Historic Preservation.

Sustainability. Traditional sustainable features include deep porches and window shutters in southern architecture.

New Additions and Related New Construction. Private Residence, Washington, DC, Cunningham/Quill Architects. Photo: © Maxwell MacKenzie.

CHAPTER HEADS

Preservation. Old Santa Fe Trail Building (National Park Service Intermountain Regional Office), Santa Fe, NM. This adobe building was designed by John Gaw Meem in the Spanish-Pueblo Revival style, and constructed for the National Park Service through the auspices of the Civilian Conservation Corps (CCC) and the Works Project Administration (WPA) in 1939. Photo: MRWM Landscape Architects.

Rehabilitation. The Arcade, Providence, RI, 1828. Photo: Northeast Collaborative Architects, Ben Jacobson, photographer.

Restoration. Montpelier, Montpelier Station, VA. National Trust for Historic Preservation, Administered by The Montpelier Foundation. Photo: Courtesy The Montpelier Foundation.

Reconstruction. The Cathedral of Saint Michael the Archangel, Sitka, AK, built early 1840s, reconstructed 1961. Photo: Barek at Wikimedia Commons.

Photographs not individually credited are from National Park Service files.

ACKNOWLEDGEMENTS

This edition of *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings* has been produced in part to ensure that the National Park Service continues to fulfill its responsibility to promote the preservation of the historic buildings that are part of the nation's cultural heritage. This has been a collaborative effort undertaken by the office of Technical Preservation Services (TPS) in the National Park Service, with the assistance of other National Park Service programs, State Historic Preservation Offices (SHPO), the Advisory Council on Historic Preservation, Federal Agency Historic Preservation Officers, the National Trust for Historic Preservation, and others. The comments and suggestions provided by these agencies and organizations, together with important contributions from the TPS professional staff, have been invaluable in the development of this revised and updated guidance on preserving, rehabilitating, restoring, and reconstructing historic buildings that accompany *The Secretary of the Interior's Standards for the Treatment of Historic Properties.*

PREFACE

The year 2016 was significant as the Centennial of the National Park Service, which was established as a new bureau within the Department of the Interior by the Organic Act on August 25, 1916. As directed in this legislation, the National Park Service has served for one hundred years as steward of the "Federal areas known as national parks, monuments and reservations…to conserve the scenery and the natural and historic objects and the wild life therein and to…leave them unimpaired for the enjoyment of future generations."

The year 2016 also marked the 50th anniversary of the passage of the National Historic Preservation Act on October 15, 1966. The Act increased the scope and responsibilities of the National Park Service with regard to the preservation of cultural resources. The National Historic Preservation Act charges the National Park Service (through authority delegated by the Secretary of the Interior) to establish and administer a national historic preservation program and to develop and promulgate standards and guidelines for the treatment of historic properties.

The Secretary of the Interior's Standards for Historic Preservation Projects were first issued in 1978. In 1979 they were published with Guidelines for Applying the Standards and reprinted in 1985. The Standards were revised in 1992, when they were retitled *The Secretary of the Interior's Standards for the Treatment of Historic Properties*.

The Standards were codified in the Federal Register in 1995, the same year that they were published with guidelines as *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings*. These Standards and Guidelines provide a critical part of the framework of the national preservation program. They are widely used at the federal, state, and local levels to guide work on historic buildings, and they also have been adopted by Certified Local Governments and historic preservation commissions across the nation.

In 2010 the National Park Service issued *A Call to Action: Preparing for a Second Century of Stewardship and Engagement*, a plan to chart a path for its next 100 years. This plan identified a number of actions with the goal to "preserve America's special places in the next century," which included updating National Park Service policies and guidance. The project to update *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings* was undertaken as part of this broader effort.

Since these Guidelines were first published in 1995, a greater number of buildings and building types, telling a broader range of stories that are part of the nation's heritage, have been recognized as "historic"

and eligible for listing in the National Register of Historic Places. These guidelines have been updated and expanded to address the treatment of these buildings constructed with newer materials and systems from the mid- and late-20th century.

The updated Guidelines have the same organization as the prior version, beginning with an introduction and a historical overview, followed by chapters that focus on each of the four treatments: preservation, rehabilitation, restoration, and reconstruction. The historical overview has been expanded; not only has the information on historic materials, systems, features, and special issues that comprised the previous edition been more fully developed, but new entries have been added on glass, paint and other coatings, composite materials, imitative materials, and curtain walls.

In each of the four chapters, the "Recommended" and "Not Recommended" treatments have been updated and revised throughout to ensure that they continue to promote the best practices in preservation. The section on exterior additions to historic buildings in the Rehabilitation Guidelines has been broadened also to address related new construction on a building site. A section on code-required work is now included in all of the chapters. "Energy Efficiency" has been eliminated, since it is more fully covered by the guidance provided on sustainability in *The Secretary of the Interior's Standards for Rehabilitation and Illustrated Guidelines on Sustainability for Rehabilitating Historic Buildings* (published in 2011), which has general applicability to all the treatments and is incorporated here by reference. Sections on "Resilience to Natural Hazards" have been added, but these topics will be more fully addressed in separate documents and web features. Finally, the updated Guidelines feature all new, and many more, illustrations in color.

Herewith Technical Preservation Services issues the National Park Service Centennial edition of *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings*, updated and revised in recognition of the 50th anniversary of the National Historic Preservation Act, to ensure that the preservation guidance for historic buildings provided by the National Park Service continues to be meaningful and relevant in the 21st century.

Technical Preservation Services
National Park Service

Technical Preservation Services
National Park Service

The office of Technical Preservation Services (TPS) in the Cultural Resources directorate of the National Park Service is responsible for developing and promulgating preservation standards and guidance specifically as it relates to historic buildings. TPS has produced an extensive amount of technical, educational, and policy guidance on the maintenance and preservation of historic buildings. TPS developed the original and current versions of *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings*. The many technical publications and web features on preserving historic buildings prepared by TPS are well known, especially the *Preservation Briefs* and the *Preservation Tech Notes* series. It is not feasible to include a complete list here of all the materials available from TPS because of the sheer volume of information. Materials developed by TPS are available in printed form and/or online from the TPS website at https://www.nps.gov/tps (or search for Technical Preservation Services at https://www.nps.gov). TPS also administers the Federal Historic Preservation Tax Incentives Program, which encourages private sector investment in the rehabilitation and reuse of historic buildings.

INTRODUCTION

Using the Standards and Guidelines for Preservation, Rehabilitation, Restoration, and Reconstruction Projects

The Secretary of the Interior's Standards for the Treatment of Historic Properties address four treatments: preservation, rehabilitation, restoration, and reconstruction. As stated in the regulations (36 CFR Part 68) promulgating the Standards, "one set of standards ...will apply to a property undergoing treatment, depending upon the property's significance, existing physical condition, the extent of documentation available, and interpretive goals, when applicable. The Standards will be applied taking into consideration the economic and technical feasibility of each project." These Standards apply not only to historic buildings but also to a wide variety of historic resource types eligible to be listed in the National Register of Historic Places. This includes buildings, sites, structures, objects, and districts.

Guidelines, however, are developed to help apply the Standards to a specific type of historic resource. Thus, in addition to these Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings, there are also guidelines for cultural landscapes, historic lighthouses, historic vessels, historic furnished interiors, and historic covered bridges.

The purpose of *The Secretary of the Interior's Standards for the Treatment of Historic Properties and Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings* is to provide guidance to historic building owners and building managers, preservation consultants, architects, contractors, and project reviewers prior to beginning work. It is always recommended that preservation professionals be consulted early in any project.

The Guidelines are intended as an aid to assist in applying the Standards to all types of historic buildings. They are not meant to give case-specific advice or address exceptions or unusual conditions. They address both exterior and interior work on historic buildings. Those approaches to work treatments and techniques that are consistent with The Secretary of the Interior's Standards for the Treatment of Historic Properties are listed in the "Recommended" column on the left; those which are inconsistent with the Standards are listed in the "Not Recommended" column on the right.

There are four sections, each focusing on one of the four treatment Standards: Preservation, Rehabilitation, Restoration, and Reconstruction. Each section includes one set of Standards with accompanying Guidelines that are to be used throughout the course of a project.

Preservation *is defined as the act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project. However, new exterior additions are not within the scope of this treatment.* The Standards for Preservation require retention of the greatest amount of historic fabric along with the building's historic form.

Rehabilitation *is defined as the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.* The Rehabilitation Standards acknowledge the need to alter or add to a historic building to meet continuing or new uses while retaining the building's historic character.

Restoration *is defined as the act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project.* The Restoration Standards allow for the depiction of a building at a particular time in its history by preserving materials, features, finishes, and spaces from its period of significance and removing those from other periods.

Reconstruction *is defined as the act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location.* The Reconstruction Standards establish a limited framework for recreating a vanished or non-surviving building with new materials, primarily for interpretive purposes.

The Guidelines are introduced with a brief overview of the primary materials used in historic buildings; the exterior and interior architectural features and systems; the building's site and setting; code-compliance requirements regarding accessibility and life-safety resilience to natural hazards; sustainability; and new additions and related new construction. This overview establishes the format of the Guidelines that follow.

Choosing an Appropriate Treatment for the Historic Building

The Guidelines are intended to promote responsible preservation practices that help protect the nation's irreplaceable cultural resources. For example, they cannot, in and of themselves, be used to make essential decisions about which features of the historic building should be saved and which can be changed. But, once a treatment is selected, the Standards and Guidelines provide a consistent philosophical approach to the work.

Choosing the most appropriate treatment for a building requires careful decision making about a building's historical significance, as well as taking into account a number of other considerations:

Level of Significance. National Historic Landmarks, designated for their "exceptional significance in American history," and other properties important for their interpretive value may be candidates for *Preservation* or *Restoration*. *Rehabilitation*, however, is the most commonly used treatment for the majority of historic buildings *Reconstruction* has the most limited application because so few resources that are no longer extant can be documented to the degree necessary to accurately recreate the property in a manner that conveys its appearance at a particular point in history.

Physical condition. *Preservation* may be appropriate if distinctive materials, features, and spaces are essentially intact and convey the building's historical significance. If the building requires more extensive repair and replacement, or if alterations or a new addition are necessary for a new use, then *Rehabilitation* is probably the most appropriate treatment.

Proposed use. Many historic buildings can be adapted for a new use or updated for a continuing use without seriously impacting their historic character. However, it may be very difficult or impossible to convert some special-use properties for new uses without major alterations, resulting in loss of historic character and even integrity.

Code and other regulations. Regardless of the treatment, regulatory requirements must be addressed. But without a sensitive design approach such work may damage a building's historic materials and negatively impact its character. Therefore, because the ultimate use of the building determines what requirements will have to be met, some potential uses of a historic building may not be appropriate if the necessary modifications would not preserve the building's historic character. This includes adaptations to address natural hazards as well as sustainability.

HISTORICAL OVERVIEW

Masonry

Stone is one of the more lasting masonry building materials and has been used throughout the history of American building construction. Stones most commonly used in historic buildings in the U.S. are quarried stone, including sandstone, limestone, marble, granite, slate, basalt, and coral stone, and gathered stone, such as fieldstone, river rock, and boulders. Types of stone differ considerably in hardness, durability, and other qualities. Building stones were usually laid with mortar, but sometimes they were laid without mortar using a dry-stack method of construction. Brick varies in size and permanence. Before 1870, brick clays were pressed into molds and were often unevenly fired. The quality of historic brick depended on the type of clay available and the brick-making technique; by the 1870s, with the perfection of an extrusion process, bricks became more uniform and durable. ***Architectural terra cotta*** is also a kiln-fired clay product popular from the late 19th century until the 1930s. Its use became more widespread with the development of steel-frame, high-rise office buildings in the early 20th century. ***Glazed ceramic architectural siding*** was also used as cladding in high-rise buildings somewhat later. ***Adobe,*** which consists of sun-dried earthen bricks, was one of the earliest building materials used in the U.S., primarily in the Southwest where it is still popular.



Mortar is used to bond together masonry units. Historic mortar was generally quite soft, consisting primarily of lime and sand with other additives. Portland cement, which creates a more rigid mortar, was first manufactured in the U.S. in the early 1870s, but it was not in common use throughout the country until the early 20th century. Thus, mortar used in buildings from around 1873 until the 1930s ranged from a traditional lime-cement mix to a variety of sand and Portland cement combinations. After this time, most mortar mixes were based on Portland cement. Like historic mortar, early ***stucco*** was also heavily lime based, increasing in hardness with the addition of Portland cement in the late 19th century.

Concrete has a long history. It is composed of sand, crushed stone, or gravel bound together with lime and, sometimes, natural hydraulic cements. As a construction material concrete is used in a variety of forms, including blocks or units, poured or cast-in-place, and precast panels. ***Cast stone*** and other manufactured products began to be used around the 1860s as substitutes for natural stone. There are also cementitious materials specific to certain regions, such as ***tabby,*** which includes crushed shells and is found primarily in coastal areas in the southeastern part of the country. In the 20th century, ***reinforced concrete*** was developed and has since become one of the most commonly used materials in modern building construction.

While masonry is one of the most durable historic building materials, it is also very susceptible to damage by exposure, improper maintenance or repairs, abrasive cleaning, or the application of non-permeable coatings.

Wood

Wood is one of the most essential materials used in American buildings of every period and style. Its many and varied attributes make it suitable for multiple uses, including structural members, siding, roofing, interior finishes, and decorative features. Many of the first structures in the earliest settlements were built with logs, which were readily available, did not require much finishing, and could be quickly erected with basic tools.

Water-powered sawmills cut logs into timbers and boards, but detailed ornamental features were generally crafted on site using hand tools until after the Civil War. Mechanized production increased the efficiency of cutting logs into timbers, boards, and more intricate components, and the structural and decorative potential of wood's use in building construction expanded. With more efficient production came lower costs, but also the standardization of ready-made moldings and assemblies for windows, doors, and decorative features. Initially, wood was primarily sourced locally, but improved transportation systems made a greater variety of wood species more accessible all over the country. With broader availability, a particular wood could be selected for its suitability in a specific application; however, local species were used most often.

The extensive use of wood in buildings can be attributed to its many properties that include strength in both tension and compression; ease with which it can be cut and shaped; capability to be connected using a variety of fasteners and adhesives; ability to be painted or varnished; and resistance to wear and weather. All of these characteristics, and some more than others, vary according to the species of wood. Although many types and species of wood used historically are no longer available, wood selection and construction practices have always capitalized on its attributes and compensated for it is weaknesses. Their resistance to decay made white oak and cedar common choices for roofing shingles, while oak and maple were frequently chosen for flooring because of their hardness. Pine and yellow poplar have often been used for siding and trim because of their straight grain and ease of milling, but they must be painted to protect them from decay.

Plywood is an engineered product formed by laminating thin sheets of wood together; it was introduced to the U.S. building industry in the early 20th century. Because plywood has greater structural potential than wood, and as a sheet can be installed more efficiently, it soon replaced boards as sheathing before being replaced itself by less-expensive ***particle board*** for many applications. By applying surface veneers and adhesives, plywood can also be used as siding or for fine interior finishes on paneling or cabinetry. ***Glued laminated timber*** (glulam), first manufactured in the 1930s, is another engineered wood material. It is an important material in mid-20th-century buildings and often used for massive arches and trusses in sports arenas and similar large, open, column-free spaces.

Many historic buildings have wood structural systems and features, such as stairs or columns. The majority of both practical and decorative features, particularly on the interior, are made of wood, such as flooring and paneling.



Metals

Metal features—including steps, porches, railings, balconies, and entire facades; cornices, siding, cladding, roofs, roof cresting, and storefronts; and doors, window sash, entablatures, and hardware—are often highly decorative as well as practical and are important in defining the overall character of historic American buildings.

Metals commonly used in historic buildings include ***lead, tinplate, terneplate, zinc, copper, bronze, brass, iron, steel, aluminum, stainless steel,*** and a variety of other ***alloys.*** Historic metal building components were often designed by highly-skilled artisans. By the late 19th century, many of these components were prefabricated and available from catalogues in standardized sizes and designs.

Wrought iron is the form in which iron was first used in America. In the beginning, most wrought-iron architectural elements were small, such as nails, tie rods, straps, and hardware. Wrought-iron features



gradually increased in size to include balconies, railings, porches, steps, and fencing. It was not used for structural components until around the mid 19th century, when manufacturing equipment became more sophisticated. ***Cast iron*** was initially imported from England. Although there were some iron-casting works established before the Revolution, by the early 19th century production had expanded to make a variety of cast-iron features. Structural cast-iron columns were first used in the 1820s, and cast-iron building fronts and decorative structural and ornamental features followed soon after. Cast and wrought iron are often used on the interior of historic buildings as both structural and decorative features, such as columns, staircases, railings, and light fixtures.

Steel, which is an alloy of iron and usually carbon, increased in popularity as manufacturing processes and production improved in the mid-19th century. Structural steel played an important role in the development of high-rise buildings and the skyscraper.

Lead was first used in historic buildings for roofing. ***Tinplate or terneplate,*** which was made by applying a lead and tin coating to sheet metal or steel, became a common roofing material after it was first produced in the 1820s. (Pure tin was rarely used as a building material because it is so soft.) The application of a ***zinc coating*** on sheet metal created ***galvanized iron***, which was used for roofing and decorative roofing features, such as steeples and roof cresting, as well as other ornamental architectural features, such as door and window hood molds, lintels, and oriel and bay windows. Prefabricated Quonset huts constructed of ***corrugated galvanized steel*** began to be manufactured during World War II for the military on the battlefield for housing, storage, and other uses.

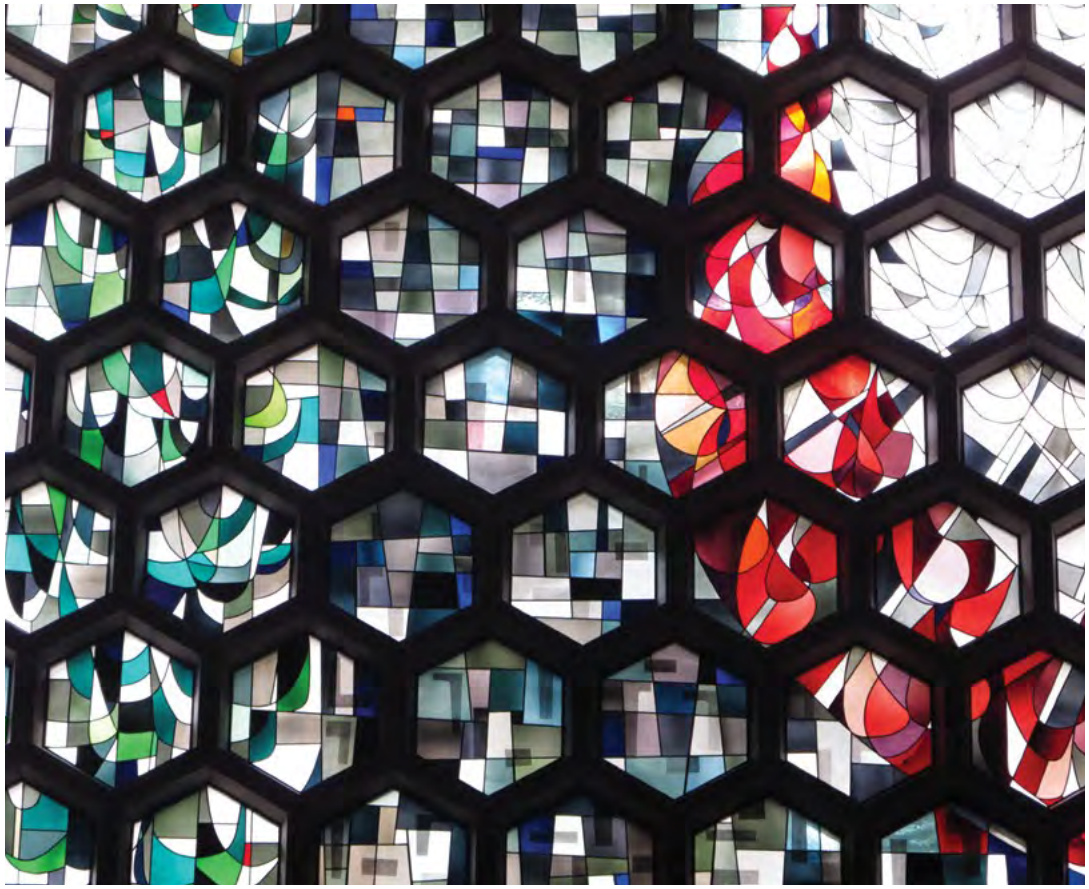
Entire pressed-metal and galvanized-iron storefronts and individual decorative features were manufactured to simulate wood, stone, or cast iron from the latter part of the 19th century into the early years of the 20th century. ***Copper*** roofs were installed on many public buildings from the 1790s through the first quarter of the 19th century. Copper continues to be used, often for porch roofs as well as gutters, downspouts, and flashing. ***Bronze*** and ***brass*** are both alloys of copper. Bronze, which weathers well, appears as entrance doors and historic storefronts. Brass, usually polished, is used for decorative interior features, such as grilles and elevator doors. **Nickel**, when employed as a building component, is in the form of an alloy, usually ***nickel silver, Monel,*** or some ***stainless steel***. In comparison to other construction metals, stainless steel is quite new, essentially only coming into use in the 1920s when it became a favorite material for Art Deco-style buildings.

Aluminum—lightweight and corrosion-resistant—was not utilized much in buildings because it was so expensive until the 1920s, when expanded production reduced its cost. Aluminum siding, which was advertised as maintenance free, became a popular siding material for single-family residences after it was introduced in the late 1930s. Some of the uses of aluminum include roofing and roofing features, such as gutters, downspouts, and flashing, as well as windows and storefront surrounds.

Porcelain enamel, or ***vitreous enamel,*** is composed of a thin coating of glass fused to cast-iron or steel sheets, panels, tiles, or shingles. Although developed in the late 19th century, it was not commonly used in buildings until the late 1920s and 1930s for Art Deco and Art Moderne storefronts. Lustron houses, constructed of prefabricated, enameled steel panels and intended for mass production, were introduced in the late 1940s in anticipation of the need for housing after the war. These houses were promoted for their low maintenance, in part because the walls, ceilings, and other interior surfaces were also enameled steel panels and easily washable.

Glass

For centuries, only blown ***cylinder*** and ***crown*** glass in small pieces was available and it was expensive. Thus, the glass in early windows in American buildings consisted of small panes which gradually increased in size over the years. With the invention of cast plate glass in 1848, large plates of glass could be manufactured which were strong and inexpensive. ***Plate glass*** was first used in the early 1850s as the primary exterior material (with a cast-iron framework) for such structures as international exhibition buildings, worlds' fair pavilions, and greenhouses and conservatories. In the early 20th century, architects began using glass curtain walls in Art Moderne-style architecture and, most notably, the International Style. ***Tempered glass*** is a hardened or toughened glass which began to be used in building construction around 1940. By the middle of the 20th century, glass as a cladding system became synonymous with curtain wall systems.



In addition to clear glass—flat or sometimes curved—there is also stained glass, tinted, patterned, textured, etched, frosted, leaded, painted, colored opaque glass and spandrel glass, prism glass, decorative Val de Verre glass (colored art glass), ceramic frit (pigmented glass enamel fused to a glass surface), and glass block. Many of these types of glass can be found in windows, transoms, doors and entrances, and storefront display windows, whereas some of them—especially opaque, pigmented structural glass with trade names such as Vitrolite, Carrara Glass, and Sani Onyx—are more likely to appear as exterior cladding on Art Deco-style or Art Moderne storefronts. ***Spandrel glass*** was first introduced on mid-20th-century buildings, particularly in storefront and curtain wall systems. Glass was also used historically in skylights and monitors; in theater, hotel, and apartment building marquees and canopies; and as a component of lightning rods and weathervanes, address plates, and signage.

Glass features on the interior of historic buildings include transoms, windows, privacy screens, office dividers, wall partitions for borrowed light in office corridors, teller windows in banks, ticket windows in train stations and movie theaters, doorknobs, light fixtures, mirrored wall inlay, and also, beginning in the latter part of the 20th century, wall mosaics. Pigmented structural glass can be found in bathrooms and some kitchens because of its sanitary qualities.

Low-e (low emissivity) ***glass***, which is primarily used in windows to minimize solar gain, was developed in the last quarter of the 20th century. ***Impact-resistant glass*** is another more-recently developed type of glass designed to withstand hurricane-force wind and which can also be installed as a blast-resistant security feature.

Paint and Other Coatings

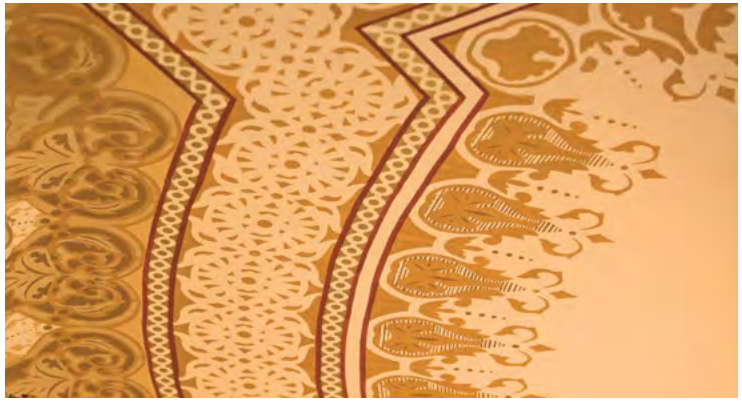
Paints and paint-like coatings have been used on historic buildings in America as protective coatings and for decorative treatments. What is commonly considered to be paint is a liquid consisting of a pigment which makes it opaque and colors it, a binder or base to hold it together, and sometimes a vehicle to carry the pigment. Many historic paints contained lead in the form of lead white, included as a "concealing" pigment that provided opacity, although zinc oxide was also used as an alternative. Lead increased durability and prevented mold and mildew. Titanium dioxide was sometimes used as a substitute for lead in the early 20th century, but lead continued to be an ingredient in most paints until it was banned as a hazardous substance in the U.S. in 1978. Traditional paints had an oil base, usually linseed, and the earliest paint colors were, for the most part, derived from natural pigments. Like today, both glossy and flat (or matte-finish) paints were used historically on the exterior and the interior of a building. After 1875, factory-made paints were readily available. Masonry and wood stains are traditional coatings which also consist of a pigment, a solvent, and little, if any, binder. They have a flat finish and are transparent rather than opaque so that the substrate is still visible.

Other historic paints, such as ***whitewash***, are water based and have a flat finish. In addition to water, whitewash is composed of hydrated (slaked) lime, salt, and various other materials and sometimes includes a natural pigment. Whitewash was used on interior plaster, in cellars, and on wood structural components, but not on wood doors, windows, or trim because its flat finish easily rubs off. Whitewash was also used on the exterior of brick or stone buildings, wood fences, and farm outbuildings as a protective coating. Often it was reapplied on an annual basis when it got dirty or if it wore off due to exposure to the weather. ***Calcimine*** (or ***kalsomine***) and ***distemper*** paints were also water based and included natural glues, gelatin, gums, and whiting to which colored pigments could be added. They were used only on the interior and usually on plaster surfaces. ***Casein*** is a milk-based paint composed of hydrated lime, pigment, often oil, and a variety of additives to increase its durability. It was used on both the exterior and the interior of buildings.

The interiors of historic buildings can exhibit a multitude of decorative painted treatments. Marbleized and grained finishes were applied to wood, stone, and plaster to give them the appearance of more exotic and costly materials. Other interior painted treatments, such as murals and stencils, are purely decorative. ***Tempera*** and ***gouache*** are traditional water-based paints used almost exclusively for decorative painting.

Experimentation that began early in the 20th century resulted in the development of acrylic water-based paint, commonly known as ***latex paint***. ***Oil-based/alkyd paint*** continues to be used in the 21st century and is still preferred for certain applications. Latex paint tends to be more popular not only because it is water-based (making clean up easy during and after painting), but it also has fewer toxic vapors and, like solvent-based oil/alkyd paints, is very durable.

Varnish, which is used primarily on interior wood features but also on exterior entrance doors, is another traditional coating. Unlike paint, varnish is transparent, composed of a resin, a drying oil, and a solvent. It has a glossy finish, which dulls over time.





Composite Materials: Plastic, Resin, and Vinyl; Fiber-Reinforced Cement Siding; Fiberboard; and Floor Coverings

Plastic is a malleable material composed of synthetic or natural organic materials made from various organic polymers, such as ***polyethylene*** and ***polyvinyl chloride*** (**PVC**), which can be poured into molds or rolled in sheets. It is generally agreed that the term ***plastic*** was introduced into popular usage in 1907 to describe the first fully synthetic plastic. Improved plastics were available in America by World War I. Production soared during World War II because plastics were needed to make up for the shortage of other materials. In mass production by the 1950s, the industry continued to expand with the development of increasingly more sophisticated plastics.

Vinyl siding came on the market in the late 1950s, and its use, primarily in residential construction, increased as the product improved over the years. Coating canvas awnings with vinyl helped to extend their lifespan, evolving, eventually, into awnings manufactured solely of vinyl. Plastic signs on the exterior of historic commercial buildings changed and radically expanded the role of signage as advertising as well as being important design features themselves. Plastic was used sometimes for decorative trim on storefronts. Vinyl-coated wallpaper was used as early as the 1920s and is still selected for restaurants, commercial spaces, and hospitals because it is durable and washable. Other plastic materials became popular in the 1950s in the form of plastic-laminate sheeting and wall tiles.

Fiber-reinforced plastic (***FRP***), is made of a polymer matrix mixed with fiber, usually ***fiberglass***, to add strength; it is noted for its ability to be molded in thin shells. FRP is sometimes used as a substitute material to recreate missing or deteriorated architectural features in historic buildings. ***Acrylic plastic*** is a transparent synthetic plastic, generally identified by one of its trade names—***Plexiglass*** or ***Lucite***—which was patented in the 1950s as an alternative to glass. ***Foamed polystyrene***, better known as ***Styrofoam***, was first used in the mid-1950s as building insulation.

Fiber-Reinforced Cement Siding is a composite material made of sand, cement, and cellulose fibers. It was developed in the latter part of the 20th century as a less-hazardous replacement for asbestos cement siding, which preceded it, and was used for siding and roofing shingles from the early 20th century to the 1970s. Fiber-reinforced cement siding is frequently installed in the form of horizontal boards or vertical panels as exterior siding. Fiber-reinforced cement is used on both residential and commercial buildings.

Fiberboard is a composite hardboard material made from pressure-molded wood fibers. It had early precedents in the late 18th century, but was first manufactured in large quantities in the 1920s, with its use expanding in the 1930s and 40s. Fiberboard (or wallboard, as it is commonly known) was marketed by various companies, such as ***Masonite***. It was used as sheathing for roofing and siding on the exterior, for insulation, and for interior walls.

The first composite floor covering was ***Linoleum***, made from oxidized linseed oil and ground cork or wood flour. Its manufacture in the U.S. began in the late 19th century, about the same time synthetic ***rubber floor tile*** was also introduced. ***Asphalt floor tiles*** were first used in the 1920s and remained popular into the 1950s. ***Plastic/vinyl*** replaced asphalt as a binder in floor tiles in the late 1920s, in part because plastic, unlike asphalt, could be made in lighter colors and a greater variety of colors. Semi-flexible vinyl flooring, manufactured in the form of tiles or rolled sheets, was developed by the 1930s. After the war, it became more affordable and frequently was chosen for both residential and commercial interiors.

Imitative Materials

Imitative building materials are generally common and readily available materials used to simulate a more expensive material. They have a long history in American building construction. ***Wood***, cut and planed and sometimes coated with a sand paint, has been used since the 18th century to replicate cut blocks of stone and quoins on the exterior of a building. ***Stucco***, applied over any kind of construction (from log to rubble masonry) and scored to resemble stone, could make even a log house look elegant. ***Cast iron*** and ***pressed metal***, whether as a complete façade, a storefront, or an individual feature such as a window hood, cornice, or decorative pilaster, were also used on the exterior of buildings to replicate stone. Not only ***architectural terra cotta***, but ***cast stone*** served as a substitute for stone. ***Metal*** and ***concrete*** roofing tiles were used as less-costly alternatives to clay roofing tiles.

In the 20th century, the use of exterior imitative materials expanded as new products were developed. ***Asphalt roll siding*** that resembled brick could be applied to a wood building, and ***asbestos composite shingles*** were produced to replace not only wood shingle siding, but also slate roofing shingles. ***Aluminum siding*** has been used as a replacement for wood siding, followed by ***vinyl siding***, ***pressed wood siding,*** and, more recently, ***composite*** or ***fiber-cement siding***. Manufactured ***faux slate roofing*** became popular because it costs less than slate and is lighter weight. Over the years, imitative materials have increased in variety as synthetic materials continue to be introduced, including a substitute, an ***exterior insulation and finish system*** (***EIFS***), for another imitative material—stucco. Imitative materials are also used to recreate missing or deteriorated architectural features in historic buildings.

On the interior, imitative materials, such as ***scored plaster***, were historically applied to walls to give the appearance of stone. ***Painted*** or ***marbleized finishes*** on plaster or wood could further simulate stone, and ***decorative graining*** could transform the surface of a common wood into a more exotic species. ***Scagliola***, which is often applied to brick columns, is a very old technique that uses a plaster-like composite material to simulate marble. ***Lincrusta***, an embossed wall covering, was developed in the late 19th century to simulate pressed metal. ***Embossed wall coverings*** continue to be produced in the 21st century. Concrete, vinyl, and other manufactured flooring materials are designed in many patterns and colors to replicate brick, stone, clay tile, and wood.



Roofs

The roof—with its form; features such as cresting, dormers, cupolas, and chimneys; and the size, color, and patterning of the roofing material—is an important design element of many historic buildings. In addition, a weathertight roof is essential to the long-term preservation of the entire structure. Historic roofing reflects availability of materials, levels of construction technology, climate, and cost.

Throughout all periods of American history, with only minor exception, ***wood*** has been used for roofing; despite the early use of many other materials, wood shingles remained the most common roofing material throughout much of the 19th century. Initially the species of wood used would have been specific to a region, but the quality and design of a building were usually the prime determinants in the way wood was used, ranging from wide, lapped boards to small, uniform, geometrically-shaped shingles.



Clay tile was used at least in a limited way in the first settlements on the East coast and it was manufactured in America by the mid 17th century. The Spanish influence in the use of clay roofing tiles is apparent in buildings in the south, southwest, and western parts of the country. ***Slate*** was also an early roofing material, but it was imported until the end of the 18th century when the first slate quarry opened. Both slate and tile roofs provided fire protection, especially important in urban areas. The use of slate expanded quickly in the second half of the 19th century with the development of the railroads, and it remained a preferred roofing material until the middle of the 20th century.

Lead and ***copper*** were the first metals used for roofing, later joined by ***zinc*** and ***iron*** in the beginning of the 19th century. Lead was used in the mid 19th century for flashing and sometimes for the roofs of bay windows, domed, or steeply-pitched sections of a larger roof, and steeples. Copper has continued in use for roofing, gutters, downspouts, and flashing.

Painted iron was initially used in large sheets, but it was replaced with smaller sheets of iron plated with ***tin*** or ***terne***—a lead-tin mix—which were a more successful roofing material. As plated iron and, later, ***steel*** became widely available, their light weight, fire resistance, and low cost made them the ideal alternative to wood shingles. ***Galvanized metal***—base steel coated with an alloy of zinc—gained widespread popularity in the 20th century. Galvanizing not only protects metal from rusting, but it also adds strength; corrugated sheet metal, when galvanized, became the preferred metal roofing material because it reduced the need for sheathing. Galvanized steel also could be stamped into sheets simulating shingles and clay tiles.

In the late 19th century, ***concrete*** roofing tiles began to be produced as a substitute for clay tiles. At about the same time, ***composition*** roofing (built-up or roll roofing) was developed. This is a layered assembly of felt sheets and coal tar or asphalt, topped with gravel that is suitable for waterproofing flat and low-sloped roofs. Shortly after the start of the 20th century, ***asbestos fiber cement*** and ***asphalt*** shingles came into use as less-expensive alternatives to slate. Later in the 20th century, sheets of ***modified bitumen*** and ***synthetic rubber*** provided more options for a flat roof. By the end of the 20th century, ***liquid*** and ***vinyl membranes*** were also installed on flat roofs, and ***synthetic recycled materials*** were used increasingly for both new and replacement roofs.

Windows

Technology and prevailing architectural styles shaped the history of windows in America. The earliest windows were essentially medieval in their form. Small panes of glass, usually diamond-shaped and held together with lead, were set in a hinged casement sash of wood or iron. By the beginning of the 18th century, the glass had increased in size and had become rectangular, with putty holding it in place. Wood muntins replaced lead cames between the panes, and two sashes were placed in a frame where the lower one could slide vertically. Such simple windows remained common in utilitarian buildings well into the 20th century. With the introduction of iron pulleys, the sash could be hung from cords connected to counterweights, which resulted in single-hung windows, or double hung when both sashes were counterbalanced.

Sash increased in depth as it evolved, providing additional strength that allowed narrower muntins. As the production of glass (blown initially as a disk and later as a cylinder) improved, larger pieces of glass became more affordable, resulting in fewer panes of glass in a window. A sash that would have had twelve panes of glass in the 18th century often had only two by the mid 19th century. After about 1850, with the advent of mass-produced millwork, standard profiles and sizes of windows were established with a wide variety of designs and glazing configurations that could be purchased from catalogues. The Chicago window, which featured a large fixed pane of glass in the center with a narrow, double-hung, operable sash window on either side of it, was introduced in the last decades of the 19th century as a feature of the Chicago School-style of architecture. The picture window, popular in ranch-style houses in the mid 20th century, evolved from this.

Steel was employed beginning at the end of the 19th century to build fire-resistant windows in tight urban environments. These hollow-core windows were frequently galvanized. Windows with solid, rolled steel sections were first produced in the first decade of the 20th century in many forms, ranging from casements (especially popular in domestic construction) to large, multi-pane units that provided whole walls of natural light in industrial and warehouse buildings. Operable vents in these large windows pivoted on simple pins. Their relatively small panes and the fact that they were puttied in from the interior made the inevitable breakage easy and inexpensive to repair. Rolled steel was also used for double-hung windows, which were common in high-rise buildings in the 1920s and beyond. Aluminum windows were developed in the 1930s and, by the 1970s, rivaled wood in popularity, particularly in commercial and institutional buildings. They were produced in a variety of styles and functionality, including casement, hopper, awning, and double-hung sash.



Metal-clad (initially copper) wood windows appeared early in the 20th century but were not common until the later part of the century, when enameled aluminum cladding replaced copper. Although used primarily as replacements in older buildings, vinyl windows were developed in the latter part of the 20th century and marketed as inexpensive and thermally efficient. Modern windows are also made of fiberglass and polymer-based composites.

Storm windows were used historically and are still used to help regulate interior temperatures. Limited commercial use of thermal-pane or insulated glass in windows began in the 1930s, but it was not readily available until about 1950. Tempered glass also came into use about this time. Since then, work has continued to improve its efficiency and to reduce the effect of ultra-violet rays with tinted and low-e (low emissivity) glass. Impact-resistant glass is not new, but its use in windows continues to expand to meet modern hurricane code requirements as well as protection and security requirements.

Entrances and Porches

Entrances and porches are often the focus of historic American buildings. With their functional and decorative features (such as doors, steps, balustrades, columns, pilasters, and entablatures), they can be extremely important in defining the historic character of a building. In many cases, porches were also energy-saving features and remain so today, shading southern and western elevations. Usually, entrances and porches were integral components of a historic building's design; for example, porches on Greek Revival houses, with pediments and Doric or Ionic columns, echoed the architectural elements and features of the building itself. Center, single-bay porches or arcaded porches are evident in Italianate-style buildings of the 1860s. Doors of Renaissance Revival-style buildings frequently featured entablatures or pediments. Porches characterized by lathe-turned porch posts, railings, and balusters were especially prominent and decorative features of Eastlake, Queen Anne, and Stick-style houses. Deep porches on bungalows and Craftsman-style houses of the early 20th century feature tapered posts, exposed posts and beams, rafter tails, and low-pitched roofs with wide overhangs.



Late 19th- and early 20th-century high-rise buildings are often distinguished by highly-ornamented entrances, some with revolving doors, which were introduced around the turn of the 20th century. Some commercial structures in the early- to mid-20th century have recessed entrances with colorful terrazzo flooring. Entrances to Art Deco-style residential and commercial buildings often feature stylized glass and stainless-steel doors with geometric designs. Entrances on modernist buildings may have simple glazing and, frequently, projecting concrete or metal canopies.

Porches can have regional variations, not only in style, but also in nomenclature. For instance, in Hawaii, ***lanai*** is used to describe a type of porch which might be known as a ***veranda*** in some parts of the South, a ***piazza*** in Charleston, or a ***gallery*** in New Orleans.

Storefronts

The storefront is often the most prominent feature of a historic commercial building, playing a crucial role in a store's advertising and merchandising strategy. The earliest storefronts in America, dating from the late 18th and early 19th centuries, had small, residential-style windows with limited display space. A few featured oriel windows or glass vitrine cases (sometimes added later) that projected out from the façade. Early storefront systems were frequently wood. In the 19th century, storefront display windows progressively increased in size as plate glass became available in larger units. This reflected the fact that cast-iron columns and lintels were thinner, allowing larger sheets of glazing that became available at about the same time. In some regions, storefronts and the entire building façade were constructed entirely of cast iron, later followed by galvanized metal, copper, bronze, and aluminum.

Historic storefront systems have many different configurations: they may have multiple entrance doors (including one to access an upstairs apartment if one exists); they may be symmetrical or asymmetrical; and entrances may be flush or recessed from the shop's windows. Transoms, sometimes with prism glass, are often a component of storefronts. In the 19th century, awnings added another feature to the storefront. Permanent metal canopies attached to the façade or supported by free-standing posts or columns, as well as retractable canvas awnings, provided shelter for customers and merchandise alike. As the 20th century progressed, new storefront designs were introduced, some with deeply recessed entrances with expanded display cases or "floating display islands." In the 1920s, 1930s, and later, structural pigmented glass such as Carrara Glass, Vitrolite, and Sani Onyx; aluminum and stainless steel; porcelain enamel; glass block; neon signs; and other new materials were introduced in Art Deco-style and Art Moderne storefronts. Modular storefront systems were introduced after World War II.

Storefronts are typically altered more than any other building feature to reflect the latest architectural styles and appear up-to-date



to attract customers. Older storefronts were often remodeled with a new design and materials by installing pigmented structural glass, for instance, and other 20th-century materials. These altered storefronts may have acquired significance in their own right and, in this case, should be retained.

Curtain Walls

Curtain wall construction was originally based on a steel framework. Today, most curtain wall construction utilizes an extruded aluminum framework, which became popular in the 1930s in the U.S. and came into its own after World War II. A curtain wall is not a structural system and, although it is self supporting, does not carry the weight of the building. Rather, it is an exterior wall hung or attached to the structural system. Curtain wall construction most frequently employs glass, metal panels, thin stone veneer, and other cladding materials, although louvers and vents, like glass panels, can also be set into the metal framework. Newer curtain wall systems may incorporate rain screens and glass fiber reinforced concrete panels (GFRC). Because curtain wall construction uses relatively lightweight and less expensive materials, it reduces building costs, which, in part, explains its popularity.



There are essentially two types of curtain wall systems: ***stick*** systems and ***unitized*** or ***modular*** systems. A ***stick*** system is a framing system composed of long metal pieces (sticks) put together individually using vertical pieces (mullions) between floors and horizontal pieces between the vertical members. The framing members may sometimes be assembled in a factory, but the installation and glazing is done on site. A ***unitized*** or ***modular*** curtain wall system consists of ready-to-hang, pre-assembled modules which already include glazing or other panel infill. These modular units are usually one story in height and approximately five- to six-feet wide. Both types of curtain walls are attached to floor slabs or columns with field-drilled bolts in mated, adjustable anchor brackets.

Glass panels in curtain wall systems can be fixed or operable and can include spandrel glass, clear, or tinted glass. Stone veneer panels may be slate, granite, marble, travertine, or limestone. Metal panels can be aluminum plate, stainless steel, copper, or other non-corrosive types of metal. Other materials used in curtain wall systems include composite panels (such as honeycomb composite panels, consisting of two thin sheets of aluminum bonded to a thin plastic layer or rigid insulation in the middle); architectural terra cotta; glazed ceramic tile; and fiber-reinforced plastic (FRP).

Structural Systems

Numerous types of structural systems have been employed in the construction of buildings throughout American history. Some systems and building methods overlapped, and many remained in use for years. These systems—listed according to the period when they were first introduced—include but are not limited to: ***wood-frame*** construction (17th century), ***load-bearing masonry*** construction (18th century), ***balloon-frame*** construction (19th century), ***brick cavity-wall*** construction (19th century), ***heavy-timber post and beam*** industrial construction (19th century), ***fireproof iron*** construction (19th century), ***heavy masonry and steel*** construction (19th century), ***skeletal steel construction*** (19th century), ***light frame and veneer brick*** construction (20th century), and ***cast-in-place concrete, concrete block,*** and ***slab and post*** construction (20th century).



Exposed iron and steel structural systems are character defining in many utilitarian and industrial structures of the late 19th and early 20th centuries that have large open interior spaces, such as train sheds and armories. Exposed wood structural systems became an important interior decorative element during the Arts and Crafts period and in Craftsman-style bungalows in the early 20th century. Exposed cast-concrete structural systems and system components define the character of many industrial interiors and, later, other interior spaces in 20th-century buildings.

If features of the historic structural system are exposed (such as load-bearing brick walls, cast-iron columns, roof trusses, posts and beams, vigas, and outriggers, or masonry foundation walls), they are likely to be important in defining the building's overall historic character. A concealed structural system, although not character defining, may still be significant as an example of historic building technology.

Mechanical Systems

Mechanical, lighting, and plumbing systems improved significantly with the onset of the Industrial Revolution. The 19th-century interest in hygiene, personal comfort, and reducing the spread of disease resulted in the development of central heating, piped water, piped gas, and networks of underground cast-iron sewers in urban areas. The mass production of cast-iron radiators made central heating affordable to many. By the turn of the 20th century, it was common for heating, lighting, and plumbing to be an integral part of most buildings.

The increasing availability of electricity as the 20th century progressed had a tremendous effect on the development of mechanical systems and opened up a new age of technology. Electric lighting brightened the interiors of all types of buildings, as well as building exteriors, their sites, and settings. Electricity not only improved heating systems, but in the 1920s it also brought central air conditioning to movie theaters and auditoriums, where it was first installed. By the middle of the 20th century, forced-air systems provided both heat and cooling in many buildings. In the late 20th century, as HVAC systems increased in efficiency, they decreased in size, with smaller components, such as split ductless systems with wall-mounted air handlers, cassette ceiling-mounted diffusers, or high-velocity mini duct systems. These systems can be especially useful for retrofitting historic buildings because they are small and unobtrusive. Heat pumps, another late-20th century invention, can help to supplement existing HVAC systems.



Replacing hydraulic elevators, which were invented in the mid-19th century, with electric elevators in the early decades of the 20th century resulted in a boom in the construction of taller high-rise buildings and skyscrapers. Escalators, also invented in the mid 19th century, became more and more common as the 20th century advanced. By the latter part of the century, moving walkways helped facilitate travelers' passage from one place to another in transportation centers, such as airports.

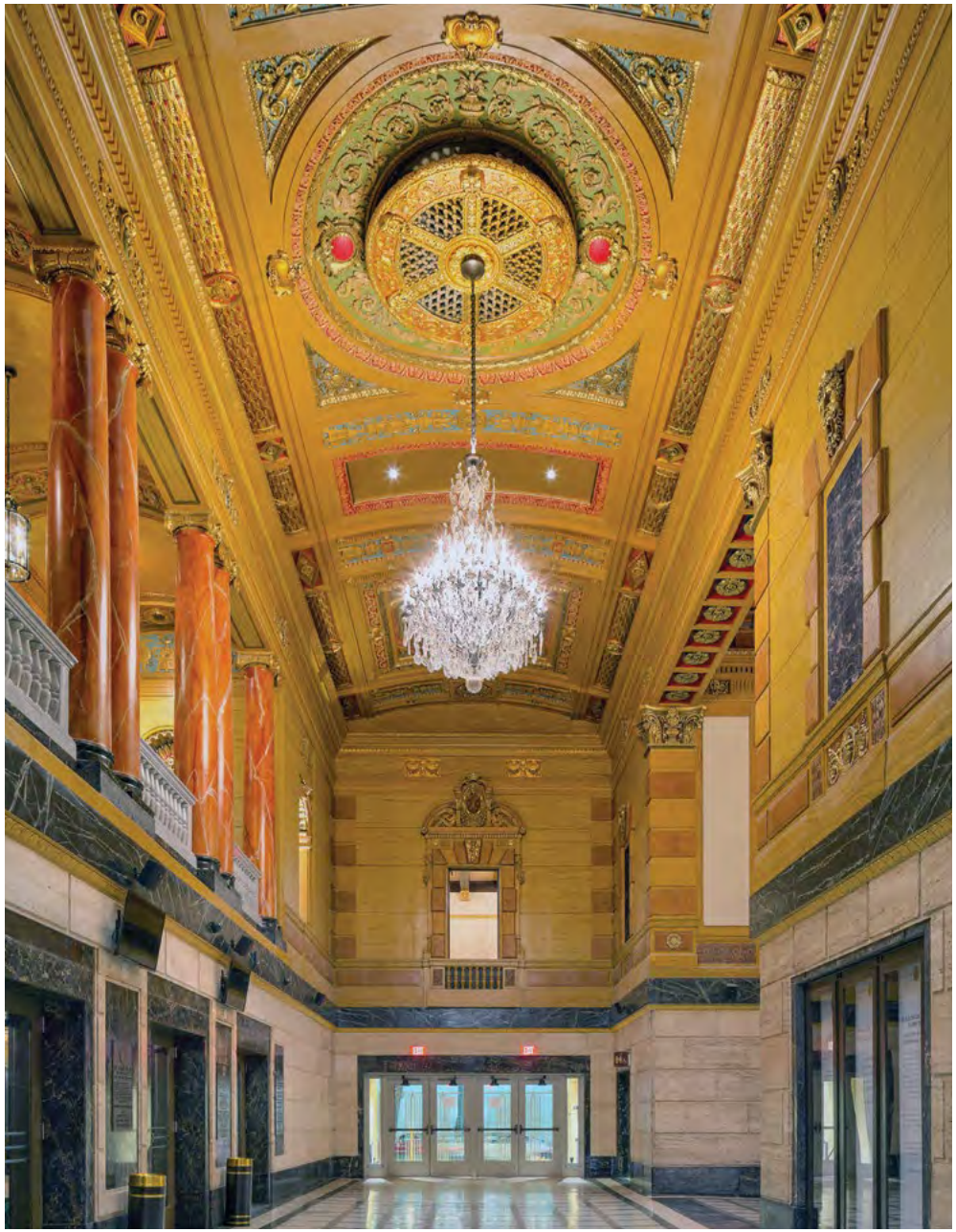
The visible decorative features that remain of historic mechanical systems (such as grilles, lighting fixtures, elevator doors, and escalators) themselves may contribute to the overall historic character of the building and should be retained when feasible. Reusing an existing, functioning system and upgrading it as needed, should always be considered when feasible. However, because a mechanical system needs to work efficiently, most historic or older systems will likely need to be replaced to meet modern requirements.

INTERIOR SPACES, FEATURES, AND FINISHES

Spaces

The earliest buildings in America were very basic and likely to have only one or, perhaps, two rooms. As communities became more established and prosperous, buildings—houses in particular—increased in size, and construction became more elaborate and sophisticated, reflecting the wealth and tastes of individual owners. Larger buildings inevitably included multiple rooms designed to accommodate a variety of purposes. Thus, the interior floor plan, the arrangement and sequence of spaces, and built-in features and applied finishes are individually and collectively important in defining the historic character of the building. With the exception of most historic utilitarian buildings, manufacturing and industrial buildings, garages, and maintenance facilities, interiors are typically composed of a series of primary and secondary spaces. This succession of spaces is applicable to many historic buildings, from courthouses to cathedrals to cottages and commercial structures. Primary spaces, including entrance halls, lobbies, double parlors, living rooms, corridors, and assembly spaces, are defined not only by their function, but also by their location, features, finishes, size, and proportion.

Secondary spaces in historic interiors are generally more functional than decorative and, depending on the building's use, may include kitchens, bathrooms, utility rooms, attics, basements, mail rooms, rear hallways, and most office spaces. Although these spaces were important to how the building functioned historically, they are generally less significant than primary spaces and, thus, are usually the most appropriate places to make changes which may be necessary in a historic building, such as those required to meet code or to install mechanical equipment. The traditional sequence of interior spaces in late 19th- through early 20th-century high-rise buildings went from public areas (such as the lobby) on the first floor



and corridors on upper floors to the private spaces behind them (i.e., offices, apartments, or hotel rooms). This hierarchy of spaces continues to define the historic character of many high-rise buildings. However, in commercial structures built on speculation with open floor plans, the upper floors, especially, are likely to have been reconfigured many times. In some cases, these interiors may have little historic character but, in others, the spaces and their appearance may have acquired significance because of a specific tenant, use (such as a boardroom or executive office), or an event.

Features and Finishes

Historic character-defining features and finishes can range from very elaborate to very simple and plain, or from formal to utilitarian. The interior features that are important to a particular building generally reflect its original or historic use. Thus, the interior features and finishes of industrial and factory buildings are basic and practical, with exposed structural systems; wood, brick, or concrete walls and floors; large windows or monitors with clerestory windows to provide natural light; and minimal or no door and window surrounds. Commercial, office, hotel, and high-rise apartment buildings have public spaces that often include highly-decorated lobbies, elevator lobbies with marble flooring, wood or marble wainscoting in the upper corridors and, particularly in office buildings, offices separated from hallways by heavy doors with glass transoms and glass wall partitions for borrowed light. The repetitive pattern itself of the corridors on the upper floors in these multi-story buildings is also often significant in defining their historic character. Individual historic residential structures frequently have painted plaster walls and ceilings, door and window trim, fireplaces with mantels, wood flooring, and a staircase if the house has more than one story. Some mid-to late-20th-century houses that are less traditional in design have simpler and less-ornamented interiors.

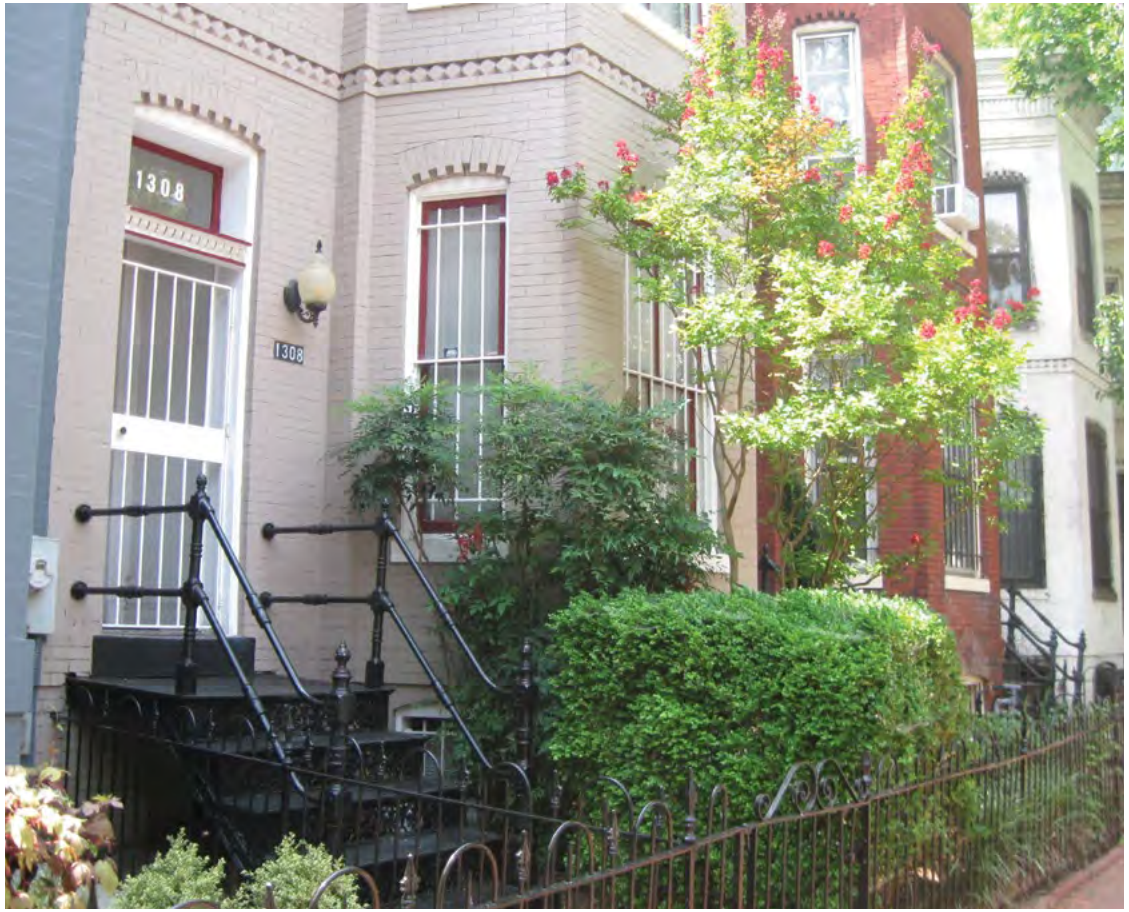
Building Site

The building site consists of a historic building or buildings, structures, and associated landscape features and their relationship within a designed or legally-defined parcel of land. A site may be significant in its own right or because of its association with the historic building or buildings.



Setting (District/Neighborhood)

The setting is the larger area or environment in which a historic building is located. It may be an urban, suburban, or rural neighborhood or a natural landscape in which buildings have been constructed. The relationship of buildings to each other, setbacks, fence patterns, views, driveways and walkways, and street trees and other landscaping together establish the character of a district or neighborhood.







Special Requirements: Code-Required Work

Sensitive solutions to meeting code requirements are an important part of protecting the historic character of the building. Thus, work that must be done to meet accessibility and life-safety requirements must always be assessed for its potential impact on the historic building.

Accessibility

It is often necessary to make modifications to a historic building to make it compliant with accessibility code requirements. Federal rules, regulations, and standards provide guidance on how to make historic buildings accessible. Work must be carefully planned and undertaken in a manner that results in minimal or no loss of historic exterior and interior character-defining spaces, features, or finishes. The goal should be to provide the highest level of access with the least impact to the historic building.



Life Safety

When undertaking work on historic buildings, it is also necessary to consider the impact that meeting life-safety codes (public health, occupational health, life safety, electrical, seismic, structural, and building codes) will have on both exterior and interior spaces, features, and finishes. Historic building materials that are hazardous, such as lead paint and asbestos, will require abatement or encapsulation. Some newer life-safety codes are more flexible and allow greater leniency for historic buildings when making them code compliant. It is also possible that there may be an alternative approach to meeting codes that will be less damaging to the historic building. Coordinating with code officials early in project planning will help ensure that code requirements can be met in a historic building without negatively impacting its character.



Resilience to Natural Hazards

The potential future impacts of natural hazards on a historic building should be carefully evaluated and considered. If foreseeable loss, damage, or destruction to the building or its features can be reasonably anticipated, treatments should be undertaken to avoid or minimize the impacts and to ensure the continued preservation of the building and its historic character. In some other instances, the effects may be minimal or more gradual and the impacts unknown or not anticipated to affect the property until sometime in the future. In all instances, a building should be maintained in good condition and monitored regularly, and historic documentation should be prepared as a record of the building and to help guide future treatments.

Some impacts of natural hazards may be particularly sudden and destructive to a historic building (such as riverine flash flooding, coastal storm surge, an earthquake, or a tornado) and may require adaptive treatments that are more invasive. When a treatment is proposed for a building that addresses such potential impacts and will affect the building's historic character, other feasible alternatives that would require less change should always be considered first. In some instances, a certain degree of impact on a building's historic character may be necessary to ensure its retention and continued preservation. In other instances, a proposed treatment may have too great an impact to preserve the historic character of the building. A historic building may have existing characteristics or features that help to address or minimize the impacts of natural hazards. Some historic buildings may have been altered previously or be in regions where it has been traditional to adapt buildings frequently subject to damage from natural hazards, such as flooding. All these factors should be taken into consideration when planning preventive treatments. The goal should always be to minimize the impacts to the building's historic character to the greatest extent possible in adapting the building to be more resilient.



Sustainability

Before implementing any energy improvements to enhance the sustainability of a historic building, the existing energy-efficient characteristics of the building should be evaluated. Historic building construction methods and materials often maximized natural sources of heating, lighting, and ventilation to respond to local climatic conditions. The key to a successful project is to identify and understand any lost original and existing energy-efficient aspects of the historic building, as well as to identify and understand its character-defining features to ensure they are taken into account. The most sustainable building may be one that already exists. Thus, good preservation practice is very often synonymous with sustainability. There are numerous treatments—traditional as well as new technological innovations—that may be used to upgrade a historic building to help it operate more efficiently while retaining its character.

The topic of sustainability is addressed in detail in *The Secretary of the Interior's Standards for Rehabilitation & Illustrated Guidelines on Sustainability for Rehabilitating Historic Buildings.* Although specifically developed for the treatment Rehabilitation, the Sustainability Guidelines can be used to help guide the other treatments.



New Exterior Additions and Related New Construction

A new exterior addition to a historic building should be considered in a rehabilitation project only after determining that requirements for a new or continuing use cannot be successfully met by altering non-significant interior spaces. If the existing building cannot accommodate such requirements in this way, then an exterior addition or, in some instances, separate new construction on a site may be acceptable alternatives.

A new addition must preserve the building's historic character, form, significant materials, and features. It must be compatible with the massing, size, scale, and design of the historic building while differentiated from the historic building. It should also be designed and constructed so that the essential form and integrity of the historic building would remain if the addition were to be removed in the future. There is no formula or prescription for designing a compatible new addition or related new construction on a site, nor is there generally only one possible design approach that will meet the Standards.

New additions and related new construction that meet the Standards can be any architectural style—traditional, contemporary, or a simplified version of the historic building. However, there must be a balance between differentiation and compatibility to maintain the historic character and the identity of the building being enlarged.



New additions and related new construction that are either identical to the historic building or in extreme contrast to it are not compatible. Placing an addition on the rear or on another secondary elevation helps to ensure that it will be subordinate to the historic building. New construction should be appropriately scaled and located far enough away from the historic building to maintain its character and that of the site and setting. In urban or other built-up areas, new construction that appears as infill within the existing pattern of development can also preserve the historic character of the building, its site, and setting.

STANDARDS FOR PRESERVATION & GUIDELINES FOR PRESERVING HISTORIC BUILDINGS

Preservation

Preservation is defined as the act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. New exterior additions are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project.



Standards for Preservation

1. A property will be used as it was historically, or be given a new use that maximizes the retention of distinctive materials, features, spaces and spatial relationships. Where a treatment and use have not been identified, a property will be protected and, if necessary, stabilized until additional work may be undertaken.
2. The historic character of a property will be retained and preserved. The replacement of intact or repairable historic materials or alteration of features, spaces and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place and use. Work needed to stabilize, consolidate and conserve existing historic materials and features will be physically and visually compatible, identifiable upon close inspection and properly documented for future research.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. The existing condition of historic features will be evaluated to determine the appropriate level of intervention needed. Where the severity of deterioration requires repair or limited replacement of a distinctive feature, the new material will match the old in composition, design, color and texture.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

GUIDELINES FOR PRESERVING HISTORIC BUILDINGS

INTRODUCTION

Preservation is the appropriate treatment when the objective of the project is to retain the building as it currently exists. This means that not only the original historic materials and features will be preserved, but also later changes and additions to the original building. The expressed goal of the **Standards for Preservation and Guidelines for Preserving Historic Buildings** is retention of the building's existing form, features, and materials. This may be as simple as maintaining existing materials and features or may involve more extensive repair. Protection, maintenance, and repair are emphasized while replacement is minimized.

Identify, Retain, and Preserve Historic Materials and Features

The guidance for the treatment **Preservation** begins with recommendations to identify the form and detailing of those architectural materials and features that are important in defining the building's historic character and which must be retained to preserve that character. Therefore, guidance on ***identifying, retaining, and preserving*** character-defining features is always given first.

Stabilize Deteriorated Historic Materials and Features as a Preliminary Measure

Deteriorated portions of a historic building may need to be protected through preliminary stabilization measures until additional work can be undertaken. ***Stabilizing*** may begin with temporary structural reinforcement and progress to weatherization or correcting unsafe conditions. Although it may not be necessary in every preservation project, stabilization is nonetheless an integral part of the treatment **Preservation**; it is equally applicable to the other treatments if circumstances warrant.

Protect and Maintain Historic Materials and Features

After identifying those materials and features that are important and must be retained in the process of **Preservation** work, then ***protecting and maintaining*** them are addressed. Protection generally involves the least degree of intervention and is preparatory to other work. Protection includes the maintenance of historic materials and features as well as ensuring that the property is protected before and during preservation work.

Repair (Stabilize, Consolidate, and Conserve) Historic Materials and Features

Next, when the physical condition of character-defining materials and features warrants additional work, ***repairing*** by ***stabilizing, consolidating, and conserving*** is recommended. The intent of **Preservation** is to retain existing materials and features while introducing as little new material as possible. Consequently, guidance for repairing a historic material, such as masonry, begins with the least degree of intervention possible, such as strengthening materials through consolidation, when necessary, or repointing with mortar of an appropriate strength. Repairing masonry, as well as wood and metal features, may include patching, splicing, or other treatments using recognized preservation methods. All work should be physically and visually compatible.

Limited Replacement in Kind of Extensively Deteriorated Portions of Historic Features

The greatest level of intervention in this treatment is the ***limited replacement in kind*** of extensively deteriorated or missing components of features when there are surviving prototypes or when the original features can be substantiated by documentary and physical evidence. The replacement material must match the old, both physically and visually (e.g., wood with wood). Thus, with the exception of hidden structural reinforcement, such as steel rods, substitute materials are not appropriate in the treatment **Preservation.** If prominent features are missing, such as an interior staircase or an exterior cornice, then a Rehabilitation or Restoration treatment may be more appropriate.

Code-Required Work: Accessibility and Life Safety

These sections of the **Preservation** guidance address work that must be done to meet accessibility and life-safety requirements. This work may be an important aspect of preservation projects, and it, too, must be assessed for its potential negative impact on the building's character. For this reason, particular care must be taken not to obscure, damage, or destroy character-defining materials or features in the process of undertaking work to meet code requirements.

Resilience to Natural Hazards

Resilience to natural hazards should be addressed as part of a **Preservation** project. A historic building may have existing characteristics or features that help to address or minimize the impacts of natural hazards. These should always be used to best advantage when planning new adaptive treatments so as to have the least impact on the historic character of the building, its site, and setting.

Sustainability

Sustainability should be addressed as part of a **Preservation** project. Good preservation practice is often synonymous with sustainability. Existing energy-efficient features should be retained and repaired. New sustainability treatments should generally be limited to updating existing features and systems so as to have the least impact on the historic character of the building.

The topic of sustainability is addressed in detail in *The Secretary of the Interior's Standards for Rehabilitation & Illustrated Guidelines on Sustainability for Rehabilitating Historic Buildings*. Although specifically developed for the treatment Rehabilitation, the Sustainability Guidelines can be used to help guide the other treatments.

Preservation as a Treatment. *When the property's distinctive materials, features, and spaces are essentially intact and thus convey the historic significance without extensive repair or replacement; when depiction at a particular period of time is not appropriate; and when a continuing or new use does not require additions or extensive alterations, Preservation may be considered as a treatment. Prior to undertaking work, a documentation plan for Preservation should be developed.*

MASONRY: STONE, BRICK, TERRA COTTA, CONCRETE, ADOBE, STUCCO, AND MORTAR

RECOMMENDED	NOT RECOMMENDED
Identifying, retaining, and preserving masonry features that are important in defining the overall historic character of the building (such as walls, brackets, railings, cornices, window and door surrounds, steps, and columns) and decorative ornament and other details, such as tooling and bonding patterns, coatings, and color.	Altering masonry features which are important in defining the overall historic character of the building so that, as a result, the character is diminished. Replacing historic masonry features instead of repairing or replacing only the deteriorated masonry. Applying paint or other coatings (such as stucco) to masonry that has been historically unpainted or uncoated. Removing paint from historically-painted masonry.
Stabilizing deteriorated or damaged masonry as a preliminary measure, when necessary, prior to undertaking preservation work.	Failing to stabilize deteriorated or damaged masonry until additional work is undertaken, thereby allowing further damage to occur to the historic building
Protecting and maintaining masonry by ensuring that historic drainage features and systems that divert rainwater from masonry surfaces (such as roof overhangs, gutters, and downspouts) are intact and functioning properly.	Failing to identify and treat the causes of masonry deterioration, such as leaking roofs and gutters or rising damp.
Cleaning masonry only when necessary to halt deterioration or remove heavy soiling.	Cleaning masonry surfaces when they are not heavily soiled to create a "like-new" appearance, thereby needlessly introducing chemicals or moisture into historic materials.
Carrying out masonry cleaning tests when it has been determined that cleaning is appropriate. Test areas should be examined to ensure that no damage has resulted and, ideally, monitored over a sufficient period of time to allow long-range effects to be predicted.	Cleaning masonry surfaces without testing or without sufficient time for the testing results to be evaluated.



[1] A test patch should always be done before using a chemical cleaner to ensure that it will not damage historic masonry, as in this instance, terra cotta.

MASONRY: STONE, BRICK, TERRA COTTA, CONCRETE, ADOBE, STUCCO, AND MORTAR

RECOMMENDED	NOT RECOMMENDED
Cleaning soiled masonry surfaces with the gentlest method possible, such as using low-pressure water and detergent and natural bristle or other soft-bristle brushes.	Cleaning or removing paint from masonry surfaces using most abrasive methods (including sandblasting, other media blasting, or high-pressure water) which can damage the surface of the masonry and mortar joints. Using a cleaning or paint-removal method that involves water or liquid chemical solutions when there is any possibility of freezing temperatures. Cleaning with chemical products that will damage some types of masonry (such as using acid on limestone or marble), or failing to neutralize or rinse off chemical cleaners from masonry surfaces.
Using biodegradable or environmentally-safe cleaning or paint-removal products.	
Using paint-removal methods that employ a poultice to which paint adheres, when possible, to neatly and safely remove old lead paint.	
Using coatings that encapsulate lead paint, when possible, where the paint is not required to be removed to meet environmental regulations.	
Allowing only trained conservators to use abrasive or laser-cleaning methods, when necessary, to clean hard-to-reach, highly-carved, or detailed decorative stone features.	

MASONRY: STONE, BRICK, TERRA COTTA, CONCRETE, ADOBE, STUCCO, AND MORTAR

RECOMMENDED	NOT RECOMMENDED
Removing damaged or deteriorated paint only to the next sound layer using the gentlest method possible (e.g., hand scraping) prior to repainting.	Removing paint that is firmly adhered to masonry surfaces.
Applying compatible paint coating systems to historically-painted masonry following proper surface preparation.	Failing to follow manufacturers' product and application instructions when repainting masonry features.
Repainting historically-painted masonry features with colors that are appropriate to the building and district.	Using paint colors on historically-painted masonry features that are not appropriate to the building or district.
Protecting adjacent materials when working on masonry features.	Failing to protect adjacent materials when working on masonry features.
Evaluating the overall condition of the masonry to determine whether more than protection and maintenance, such as repairs to masonry features, will be necessary.	Failing to undertake adequate measures to ensure the protection of masonry features.
Repairing masonry by patching, splicing, consolidating, or otherwise reinforcing the masonry using recognized preservation methods.	Removing masonry that could be stabilized, repaired, and conserved, or using untested consolidants, improper repair techniques, or unskilled personnel, potentially causing further damage to historic materials.
Repairing masonry walls and other masonry features by repointing the mortar joints where there is evidence of deterioration, such as disintegrating mortar, cracks in mortar joints, loose bricks, or damaged plaster on the interior.	Removing non-deteriorated mortar from sound joints and then repointing the entire building to achieve a more uniform appearance.
Removing deteriorated lime mortar carefully by hand raking the joints to avoid damaging the masonry.	



[2] **Not Recommended:** The use of inappropriate Portland cement mortar to repoint these soft 19th-century bricks has caused some of them to spall. *Photo: Courtesy Nebraska State Historic Preservation Office.*

MASONRY: STONE, BRICK, TERRA COTTA, CONCRETE, ADOBE, STUCCO, AND MORTAR

RECOMMENDED	NOT RECOMMENDED
Using power tools only on horizontal joints on brick masonry in conjunction with hand chiseling to remove hard mortar that is deteriorated or that is a non-historic material which is causing damage to the masonry units. Mechanical tools should be used only by skilled masons in limited circumstances and generally not on short, vertical joints in brick masonry.	Allowing unskilled workers to use masonry saws or mechanical tools to remove deteriorated mortar from joints prior to repointing.
Duplicating historic mortar joints in strength, composition, color, and texture when repointing is necessary. In some cases, a lime-based mortar may also be considered when repointing Portland cement mortar because it is more flexible.	Repointing masonry units with mortar of high Portland cement content (unless it is the content of the historic mortar).
Duplicating historic mortar joints in width and joint profile when repointing is necessary.	Using "surface grouting" or a "scrub" coating technique, such as a "sack rub" or "mortar washing," to repoint exterior masonry units instead of traditional repointing methods. Changing the width or joint profile when repointing.
Repairing stucco by removing the damaged material and patching with new stucco that duplicates the old in strength, composition, color, and texture.	Removing sound stucco or repairing with new stucco that is different in composition from the historic stucco. Patching stucco or concrete without removing the source of deterioration. Replacing deteriorated stucco with synthetic stucco, an exterior insulation and finish system (EIFS), or other non-traditional materials.
Using mud plaster or a compatible lime-plaster adobe render, when appropriate, to repair adobe.	Applying cement stucco, unless it already exists, to adobe.
Sealing joints in concrete with appropriate flexible sealants and backer rods, when necessary.	Repointing masonry units (other than concrete) with a synthetic caulking compound instead of mortar.



[3] **Not Recommended:** Cracks in the stucco have not been repaired, thereby allowing ferns to grow in the moist substrate which will cause further damage to the masonry.

MASONRY: STONE, BRICK, TERRA COTTA, CONCRETE, ADOBE, STUCCO, AND MORTAR

RECOMMENDED	NOT RECOMMENDED
Cutting damaged concrete back to remove the source of deterioration, such as corrosion on metal reinforcement bars. The new patch must be applied carefully so that it will bond satisfactorily with, and match, the historic concrete.	Patching damaged concrete without first removing the source of deterioration.
Using a non-corrosive, stainless-steel anchoring system when replacing damaged stone, concrete, or terra-cotta units that have failed.	

MASONRY: STONE, BRICK, TERRA COTTA, CONCRETE, ADOBE, STUCCO, AND MORTAR

RECOMMENDED	NOT RECOMMENDED
Applying non-historic surface treatments, such as water-repellent coatings, to masonry only after repointing and only if masonry repairs have failed to arrest water penetration problems.	Applying waterproof, water-repellent, or non-original historical coatings (such as stucco) to masonry as a substitute for repointing and masonry repairs.
Applying permeable, anti-graffiti coatings to masonry when appropriate.	Applying water-repellent or anti-graffiti coatings that change the appearance of the masonry or that may trap moisture if the coating is not sufficiently permeable.
*The following work is highlighted to indicate that it represents the greatest degree of intervention generally recommended within the treatment **Preservation**, and should only be considered after protection, stabilization, and repair concerns have been addressed.*	
Limited Replacement in Kind	
Replacing in kind extensively deteriorated or missing components of masonry features when there are surviving prototypes, such as terra-cotta brackets or stone balusters, or when the replacement can be based on documentary or physical evidence. The new work should match the old in material, design, scale, color, and finish.	Replacing an entire masonry feature, such as a column or stairway, when limited replacement of deteriorated and missing components is appropriate. Using replacement material that does not match the historic masonry feature.

WOOD: CLAPBOARD, WEATHERBOARD, SHINGLES, AND OTHER FUNCTIONAL AND DECORATIVE ELEMENTS

RECOMMENDED	NOT RECOMMENDED
Identifying, retaining, and preserving wood features that are important in defining the overall historic character of the building (such as siding, cornices, brackets, window and door surrounds, and steps) and their paints, finishes, and colors.	Altering wood features which are important in defining the overall historic character of the building so that, as a result, the character is diminished. Replacing historic wood features instead of repairing or replacing only the deteriorated wood. Changing the type of finish, coating, or historic color of wood features



[4] Hand scraping to remove peeling paint from wood siding in preparation for repainting is an important part of regularly-scheduled maintenance.

WOOD: CLAPBOARD, WEATHERBOARD, SHINGLES, AND OTHER FUNCTIONAL AND DECORATIVE ELEMENTS

RECOMMENDED	NOT RECOMMENDED
Stabilizing deteriorated or damaged wood as a preliminary measure, when necessary, prior to undertaking preservation work.	Failing to stabilize deteriorated or damaged wood until additional work is undertaken, thereby allowing further damage to occur to the historic building.
Protecting and maintaining wood features by ensuring that historic drainage features that divert rainwater from wood surfaces (such as roof overhangs, gutters, and downspouts) are intact and functioning properly. Finding and eliminating sources of moisture that may damage wood features, such as clogged gutters and downspouts, leaky roofs, or moisture-retaining soil that touches wood around the foundation.	Failing to identify and treat the causes of wood deterioration, such as faulty flashing, leaking gutters, cracks and holes in siding, deteriorated caulking in joints and seams, plant material growing too close to wood surfaces, or insect or fungal infestation.
Finding and eliminating sources of moisture that may damage wood features, such as clogged gutters and downspouts, leaky roofs, or moisture-retaining soil that touches wood around the foundation.	
Applying chemical preservatives or paint to wood features that are subject to weathering, such as exposed beam ends, outriggers, or rafter tails.	Using chemical preservatives (such as creosote) which, unless they were used historically, can change the appearance of wood features.



[5] Rotted wood shingles have been replaced in kind with matching wood shingles.

WOOD: CLAPBOARD, WEATHERBOARD, SHINGLES, AND OTHER FUNCTIONAL AND DECORATIVE ELEMENTS

RECOMMENDED	NOT RECOMMENDED
Implementing an integrated pest management plan to identify appropriate preventive measures to guard against insect damage, such as installing termite guards, fumigating, and treating with chemicals. Retaining coatings (such as paint) that protect the wood from moisture and ultraviolet light. Paint removal should be considered only when there is paint surface deterioration and as part of an overall maintenance program which involves repainting or applying other appropriate coatings	Stripping paint or other coatings from wood features without recoating.
Removing damaged or deteriorated paint to the next sound layer using the gentlest method possible (e.g., hand scraping and hand sanding) prior to repainting.	Using potentially-damaging paint-removal methods on wood surfaces, such as open-flame torches, orbital sanders, abrasive methods (including sandblasting, other media blasting, or high-pressure water), or caustic paint-removers. Removing paint that is firmly adhered to wood surfaces.
Using chemical strippers primarily to supplement other methods such as hand scraping, hand sanding, and thermal devices.	Failing to neutralize the wood thoroughly after using chemical paint removers so that new paint may not adhere. Removing paint from detachable wood features by soaking them in a caustic solution which can roughen the surface, split the wood, or result in staining from residual acid leaching out through the wood.
Using biodegradable or environmentally-safe cleaning or paint-removal products.	
Using paint-removal methods that employ a poultice to which paint adheres, when possible, to neatly and safely remove old lead paint.	Using a thermal device to remove paint from wood features without first checking for and removing any flammable debris behind them.
Using thermal devices (such as infrared heaters) carefully to remove paint when it is so deteriorated that total removal is necessary prior to repainting.	Using thermal devices without limiting the amount of time the wood feature is exposed to heat.

WOOD: CLAPBOARD, WEATHERBOARD, SHINGLES, AND OTHER FUNCTIONAL AND DECORATIVE ELEMENTS

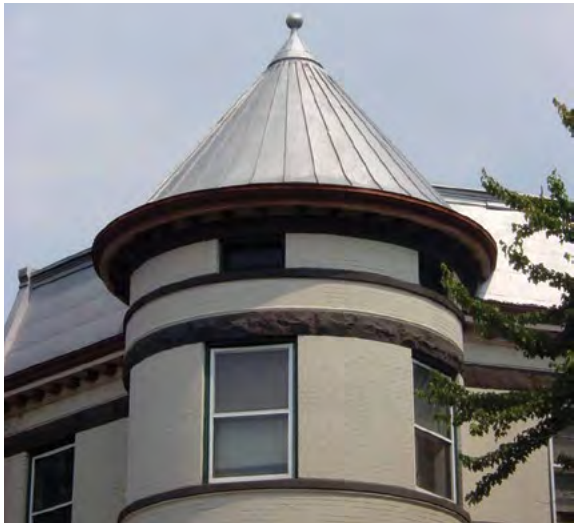
RECOMMENDED	NOT RECOMMENDED
Using coatings that encapsulate lead paint, when possible, where the paint is not required to be removed to meet environmental regulations.	
Applying compatible paint coating systems to historically-painted wood following proper surface preparation.	Failing to follow manufacturers' product and application instructions when repainting wood features.
Repainting historically-painted wood features with colors that are appropriate to the building or district.	Using paint colors on historically-painted wood features that are not appropriate to the building or district.
Protecting adjacent materials when working on wood features.	Failing to protect adjacent materials when working on wood features.
Evaluating the overall condition of the wood to determine whether more than protection and maintenance, such as repairs to wood features, will be necessary.	Failing to undertake adequate measures to ensure the protection of wood features.
Repairing wood by patching, splicing, consolidating, or otherwise reinforcing the wood using recognized preservation methods.	Removing wood that could be stabilized, repaired, and conserved, or using untested consolidants, improper repair techniques, or unskilled personnel, potentially causing further damage to historic materials.
The following work is highlighted to indicate that it represents the greatest degree of intervention generally recommended within the treatment ***Preservation****, and should only be considered after protection, stabilization, and repair concerns have been addressed.*	
Limited Replacement in Kind	
Replacing in kind (i.e., with wood, but not necessarily the same species) extensively deteriorated or missing components of wood features when there are surviving prototypes, such as brackets, molding, or sections of siding, or when the replacement can be based on documentary or physical evidence. The new work should match the old in material, design, scale, color, and finish	Replacing an entire wood feature, such as a column or stairway, when limited replacement of deteriorated and missing components is appropriate. Using replacement material that does not match the historic wood feature.

METALS: WROUGHT AND CAST IRON, STEEL, PRESSED METAL, TERNEPLATE, COPPER, ALUMINUM, AND ZINC

RECOMMENDED	NOT RECOMMENDED
Identifying, retaining, and preserving metal features that are important in defining the overall historic character of the building (such as columns, capitals, pilasters, spandrel panels, or stairways) and their paint, finishes, and colors. The type of metal should be identified prior to work because each metal has its own properties and may require a different treatment.	Altering metal features which are important in defining the overall historic character of the building so that, as a result, the character is diminished. Replacing historic metal features instead of repairing or replacing only the deteriorated metal. Changing the type of finish, coating, or historic color of metal features.
Stabilizing deteriorated or damaged metal as a preliminary measure, when necessary, prior to undertaking preservation work.	Failing to stabilize deteriorated or damaged metals until additional work is undertaken, thereby allowing further damage to occur to the historic building.
Protecting and maintaining metals from corrosion by providing proper drainage so that water does not stand on flat, horizontal surfaces or accumulate in curved decorative features.	Failing to identify and treat the causes of corrosion, such as moisture from leaking roofs or gutters. Placing incompatible metals together without providing an appropriate separation material. Such incompatibility can result in galvanic corrosion of the less noble metal (e.g., copper will corrode cast iron, steel, tin, and aluminum).
Cleaning metals, when necessary, to remove corrosion prior to repainting or applying other appropriate protective coatings.	Failing to reapply coating systems after cleaning metals that require protection from corrosion. Removing the patina from historic metals. The patina may be a protective layer on some metals (such as bronze or copper) as well as a distinctive finish.
Identifying the particular type of metal prior to any cleaning procedure and then testing to ensure that the gentlest cleaning method possible is selected; or, alternatively, determining that cleaning is inappropriate for the particular metal.	Using cleaning methods which alter or damage the historic color, texture, and finish of the metal, or cleaning when it is inappropriate for the particular metal.

METALS: WROUGHT AND CAST IRON, STEEL, PRESSED METAL, TERNEPLATE, COPPER, ALUMINUM, AND ZINC

RECOMMENDED	NOT RECOMMENDED
Using non-corrosive chemical methods to clean soft metals (such as lead, tinplate, terneplate, copper, and zinc) whose finishes can be easily damaged by abrasive methods.	Cleaning soft metals (such as lead, tinplate, terneplate, copper, and zinc) with abrasive methods (including sandblasting, other media blasting, or high-pressure water) which will damage the surface of the metal.
Using the least abrasive cleaning method for hard metals (such as cast iron, wrought iron, and steel) to remove paint buildup and corrosion. If hand scraping and wire brushing have proven ineffective, low-pressure abrasive methods may be used as long as they do not damage the surface.	Using high-pressure abrasive techniques (including sandblasting, other media blasting, or high-pressure water) without first trying gentler cleaning methods prior to cleaning cast iron, wrought iron, or steel.
Applying appropriate paint or other coating systems to historically-coated metals after cleaning to protect them from corrosion.	Applying paint or other coatings to metals (such as copper, bronze or stainless steel) if they were not coated historically.
Repainting historically-painted metal features with colors that are appropriate to the building and district.	Using paint colors on historically-painted metal features that are not appropriate to the building or district.
Applying an appropriate protective coating (such as lacquer or wax) to a metal feature that was historically unpainted, such as a bronze door, which is subject to heavy use.	



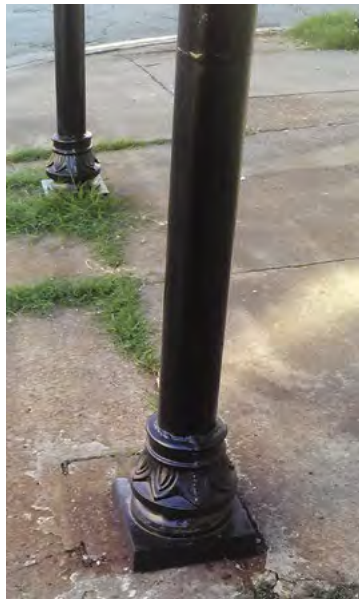
[6] A standing-seam sheet metal roof, like the one on the turret of this late 19th century row house, must be kept painted to ensure its preservation.

METALS: WROUGHT AND CAST IRON, STEEL, PRESSED METAL, TERNEPLATE, COPPER, ALUMINUM, AND ZINC

RECOMMENDED	NOT RECOMMENDED
Protecting adjacent materials when working on metal features.	Failing to protect adjacent materials when working on metal features.
Evaluating the overall condition of metals to determine whether more than protection and maintenance, such as repairs to metal features, will be necessary.	Failing to undertake adequate measures to ensure the protection of metal features.
Repairing, stabilizing, and reinforcing metal by using recognized preservation methods	Removing metals that could be stabilized, repaired, and conserved, or using improper repair techniques, or untrained personnel, potentially causing further damage to historic materials.
The following work is highlighted to indicate that it represents the greatest degree of intervention generally recommended within the treatment ***Preservation,*** *and should only be considered after protection, stabilization, and repair concerns have been addressed.*	
Limited Replacement in Kind	
Replacing in kind extensively deteriorated or missing components of metal features when there are surviving prototypes, such as porch balusters, column capitals or bases, or porch cresting, or when the replacement can be based on documentary or physical evidence. The new work should match the old in material, design, scale, color, and finish.	Replacing an entire metal feature, such as a column or balustrade, when limited replacement of deteriorated or missing components is appropriate. Using replacement material that does not match the historic metal feature.

[7] (a) After the damaged portions of the base were repaired, (b) the cast-iron columns were cleaned and repainted to protect the metal from rusting.





ROOFS

RECOMMENDED	NOT RECOMMENDED
Identifying, retaining, and preserving roofs and their functional and decorative features that are important in defining the overall historic character of the building. The form of the roof (gable, hipped, gambrel, flat, or mansard) is significant, as are its decorative and functional features (such as cupolas, cresting, parapets, monitors, chimneys, weather vanes, dormers, ridge tiles, and snow guards), roofing material (such as slate, wood, clay tile, metal, roll roofing, or asphalt shingles), and size, color, and patterning.	Altering the roof and roofing materials which are important in defining the overall historic character of the building so that, as a result, the character is diminished. Replacing historic roofing material instead of repairing or replacing only the deteriorated material. Changing the type or color of roofing materials.
Stabilizing deteriorated or damaged roofs as a preliminary measure, when necessary, prior to undertaking preservation work.	Failing to stabilize a deteriorated or damaged roof until additional work is undertaken, thereby allowing further damage to occur to the historic building
Protecting and maintaining a roof by cleaning gutters and downspouts and replacing deteriorated flashing. Roof sheathing should also be checked for indications of moisture due to leaks or condensation.	Failing to clean and maintain gutters and downspouts properly so that water and debris collect and cause damage to roof fasteners, sheathing, and the underlying structure
Providing adequate anchorage for roofing material to guard against wind damage and moisture penetration.	Allowing flashing, caps, and exposed roof fasteners to corrode, which accelerates deterioration of the roof.
Protecting a leaking roof with a temporary waterproof membrane with a synthetic underlayment, roll roofing, plywood, or a tarpaulin until it can be repaired.	Leaving a leaking roof unprotected so that accelerated deterioration of historic building materials (such as masonry, wood, plaster, paint, and structural members) occurs.
Repainting a roofing material that requires a protective coating and was painted historically (such as a terneplate metal roof or gutters) as part of regularly-scheduled maintenance.	Failing to repaint a roofing material that requires a protective coating and was painted historically as part of regularly-scheduled maintenance.
Protecting a roof covering when working on other roof features.	Failing to protect roof coverings when working on other roof features.
Evaluating the overall condition of the roof to determine whether more than protection and maintenance, such as repairs to roof features, will be necessary.	Failing to undertake adequate measures to ensure the protection of roof features.
Repairing a roof by ensuring that the existing historic roof or compatible non-historic roof covering is sound and waterproof.	Removing historic materials that could be repaired or using improper repair techniques. Failing to reuse intact slate or tile when only the roofing substrate or fasteners need replacement.



[8] Regular maintenance includes removing leaves that can clog gutters and cause water damage to the exterior and interior walls of a house.

ROOFS

RECOMMENDED	NOT RECOMMENDED
Using corrosion-resistant roof fasteners (e.g., nails and clips) to repair a roof to help extend its longevity.	
The following work is highlighted to indicate that it represents the greatest degree of intervention generally recommended within the treatment ***Preservation****, and should only be considered after protection, stabilization, and repair concerns have been addressed.*	
Limited Replacement in Kind	
Replacing in kind extensively deteriorated or missing components of roof features when there are surviving prototypes, such as ridge tiles, roof cresting, or dormer trim, slates, or tiles, or when the replacement can be based on documentary or physical evidence. The new work should match the old in material, design, scale, color, and finish.	Replacing an entire roof feature, such as a chimney or dormer, when limited replacement of deteriorated or missing components is appropriate. Using replacement material that does not match the historic roof feature.

[9] Distinctively-shaped roofs are important in defining the historic character of these early 20th-century structures: (a) an asphalt shingle roof on a house; (b) and a concrete roof on Fonthill, Doylestown, PA (1908-1912), designed and built by Henry Chapman Mercer.





WINDOWS

RECOMMENDED	NOT RECOMMENDED
Identifying, retaining, and preserving windows and their functional and decorative features that are important to the overall historic character of the building. The window material and how the window operates (e.g., double hung, casement, awning, or hopper) are significant, as are its components (including sash, muntins, ogee lugs, glazing, pane configuration, sills, mullions, casings, or brick molds) and related features, such as shutters.	Altering windows or window features which are important in defining the historic character of the building so that, as a result, the character is diminished. Changing the appearance of windows that contribute to the historic character of the building by replacing materials, finishes, or colors which noticeably change the sash, depth of reveal, and muntin configuration; the reflectivity and color of the glazing; or the appearance of the frame. Obscuring historic wood window trim with metal or other material.
Stabilizing deteriorated or damaged windows as a preliminary measure, when necessary, prior to undertaking preservation work.	Failing to stabilize deteriorated or damaged windows as a preliminary measure, when necessary, prior to undertaking preservation work.
Protecting and maintaining the wood or metal which comprises the window jamb, sash, and trim through appropriate surface treatments, such as cleaning, paint removal, and reapplication of the same protective coating systems.	Failing to protect and maintain materials on a cyclical basis so that deterioration of the window results.
Protecting windows against vandalism before work begins by covering them and by installing alarm systems that are keyed into local protection agencies.	Leaving windows unprotected and subject to vandalism before work begins, thereby also allowing the interior to be damaged if it can be accessed through unprotected windows.
Installing impact-resistant glazing, when necessary for security, so that it is compatible with the historic windows and does not damage them or negatively impact their character.	Installing impact-resistant glazing, when necessary for security, that is not compatible with the historic windows and damages them or negatively impacts their character.
Making windows weathertight by recaulking gaps in fixed joints and replacing or installing weatherstripping.	Replacing windows rather than maintaining the sash, frame, or glazing.
Protecting windows from chemical cleaners, paint, or abrasion during work on the exterior of the building.	Failing to protect historic windows from chemical cleaners, paint, or abrasion when work is being done on the exterior of the building.
Protecting and retaining historic glass when replacing putty or repairing other components of the window.	Failing to protect the historic glass when making repairs.



[10] Historic exterior storm windows preserve and help to insulate wood windows.



[11] Old and brittle glazing putty should be removed carefully before reputtying to keep window glazing weathertight.

WINDOWS

RECOMMENDED	NOT RECOMMENDED
Sustaining the historic operability of windows by lubricating friction points and replacing broken components of the operating system (such as hinges, latches, sash chains or cords) or replacing deteriorated gaskets or insulating units.	Failing to maintain windows and window components so that windows are inoperable, or sealing operable sash permanently. Failing to repair and reuse window hardware such as sash lifts, latches, and locks
Adding storm windows with a matching or a one-over-one pane configuration that will not obscure the characteristics of the historic windows. Storm windows improve energy efficiency and are especially beneficial when installed over wood windows because they also protect them from accelerated deterioration.	
Protecting adjacent materials when working on windows.	Failing to protect adjacent materials when working on windows.
Evaluating the overall condition of windows to determine whether more than protection and maintenance, such as repairs to windows and window features, will be necessary.	Failing to undertake adequate measures to ensure the protection of windows.
Repairing window frames and sash by patching, splicing, consolidating, or otherwise reinforcing them using recognized preservation methods.	Removing window frames or sash that could be stabilized, repaired, and conserved, or using untested consolidants, improper repair techniques, or untrained personnel, potentially causing furthur damage to historic buildings.
Using corrosion-resistant roof fasteners (e.g., nails and clips) to repair a roof to help extend its longevity.	
*The following work is highlighted to indicate that it represents the greatest degree of intervention generally recommended within the treatment **Preservation**, and should only be considered after protection, stabilization, and repair concerns have been addressed.*	
Limited Replacement in Kind	
Replacing in kind extensively deteriorated or missing components of windows when there are surviving prototypes, such as frames or sash, or when the replacement can be based on documentary or physical evidence. The new work should match the old in material, design, scale, color, and finish.	Replacing an entire window when limited replacement of deteriorated or missing components is appropriate. Using replacement material that does not match the historic window.

ENTRANCES AND PORCHES

RECOMMENDED	NOT RECOMMENDED
Identifying, retaining, and preserving entrances and porches and their functional and decorative features that are important in defining the overall historic character of the building. The materials themselves (including wood, masonry, and metal) are significant, as are the features, such as doors, transoms, pilasters, columns, balustrades, stairs, roofs, and projecting canopies.	Altering entrances and porches which are important in defining the overall historic character of the building so that, as a result, the character is diminished. Replacing historic entrance and porch features instead of repairing or replacing only the deteriorated material.
Stabilizing deteriorated or damaged entrances and porches as a preliminary measure, when necessary, prior to undertaking preservation work.	Failing to stabilize a deteriorated or damaged entrance or porch until additional work is undertaken, thereby allowing further damage to occur to the historic building.

[13] It is important that exposed swallow tail porch rafters be kept painted to protect them from water damage.



[12] Repair and limited replacement in kind to match deteriorated wood porch features is always a recommended preservation treatment.



ENTRANCES AND PORCHES

RECOMMENDED	NOT RECOMMENDED
Protecting and maintaining the masonry, wood, and metals which comprise entrances and porches through appropriate surface treatments, such as cleaning, paint removal, and reapplication of protective coating systems.	Failing to protect and maintain historic materials on a cyclical basis so that deterioration of entrances and porches results.
Protecting entrances and porches against arson and vandalism before work begins by covering them and by installing alarm systems keyed into local protection agencies.	Leaving entrances and porches unprotected and subject to vandalism before work begins, thereby also allowing the interior to be damaged if it can be accessed through unprotected entrances.
Protecting entrance and porch features when working on other features of the building.	Failing to protect historic entrances and porches when working on other features of the building.
Evaluating the overall condition of entrances and porches to determine whether more than protection and maintenance, such as repairs to entrance and porch features, will be necessary.	Failing to undertake adequate measures to ensure the protection of entrance and porch features.
Repairing entrances and porches by patching, splicing, consolidating, or otherwise reinforcing them using recognized preservation methods.	Removing entrances and porches or their features that could be stabilized, repaired, and conserved, or using untested consolidants, improper repair techniques, or untrained personnel, potentially causing further damage to historic materials.
*The following work is highlighted to indicate that it represents the greatest degree of intervention generally recommended within the treatment **Preservation**, and should only be considered after protection, stabilization, and repair concerns have been addressed.*	
Limited Replacement in Kind	
Replacing in kind extensively deteriorated or missing components of entrance and porch features when there are surviving prototypes, such as railings, balustrades, cornices, columns, sidelights, stairs, and roofs, or when the replacement can be based on documentary or physical evidence. The new work should match the old in material, design, scale, color, and finish.	Replacing an entire entrance or porch feature when limited replacement of deteriorated and missing components is appropriate. Using replacement material that does not match the historic entrance or porch feature.

STOREFRONTS

RECOMMENDED	NOT RECOMMENDED
Identifying, retaining, and preserving storefronts and their functional and decorative features that are important in defining the overall historic character of the building. The storefront materials (including wood, masonry, metals, ceramic tile, clear glass, and pigmented structural glass) and the configuration of the storefront are significant, as are features, such as display windows, base panels, bulkheads, signs, doors, transoms, kick plates, corner posts, piers, and entablatures.	Altering storefronts and their features which are important in defining the overall historic character of the building so that, as a result, the character is diminished. Replacing historic storefront features instead of repairing or replacing only the deteriorated material.
Stabilizing deteriorated or damaged storefronts as a preliminary measure, when necessary, prior to undertaking preservation work.	Failing to stabilize a deteriorated or damaged storefront until additional work is undertaken, thereby allowing further damage to occur to the historic building.
Protecting and maintaining masonry, wood, glass, ceramic tile, and metals which comprise storefronts through appropriate treatments, such as cleaning, paint removal, and reapplication of protective coating systems.	Failing to protect and maintain historic materials on a cyclical basis so that deterioration of storefront features results.
Protecting storefronts against arson and vandalism before work begins by covering windows and doors and by installing alarm systems keyed into local protection agencies.	Leaving the storefront unprotected and subject to vandalism before work begins, thereby also allowing the interior to be damaged if it can be accessed through an unprotected storefront.
Protecting the storefront when working on other features of the building.	Failing to protect the storefront when working on other features of the building.



[14] The signage is an original and integral part of this historic Carrara glass storefront.

STOREFRONTS

RECOMMENDED	NOT RECOMMENDED
Evaluating the overall condition of the storefront to determine whether more than protection and maintenance, such as repairs to storefront features, will be necessary.	Failing to undertake adequate measures to ensure the protection of storefront features.
Repairing storefronts by patching, splicing, consolidating, or otherwise reinforcing them using recognized preservation methods.	Removing historic material that could be stabilized, repaired, and conserved, or using untested consolidants, improper repair techniques, or untrained personnel, potentially causing further damage to historic materials.
The following work is highlighted to indicate that it represents the greatest degree of intervention generally recommended within the treatment ***Preservation****, and should only be considered after protection, stabilization, and repair concerns have been addressed.*	
Limited Replacement in Kind	
Replacing in kind extensively deteriorated or missing components of storefronts when there are surviving prototypes, such as doors, transoms, kick plates, base panels, bulkheads, piers, or signs, or when the replacement can be based on documentary or physical evidence. The new work should match the old in material, design, scale, color, and finish.	Replacing an entire feature or storefront when limited replacement of deteriorated and missing components is appropriate. Using replacement material that does not match the historic storefront feature.



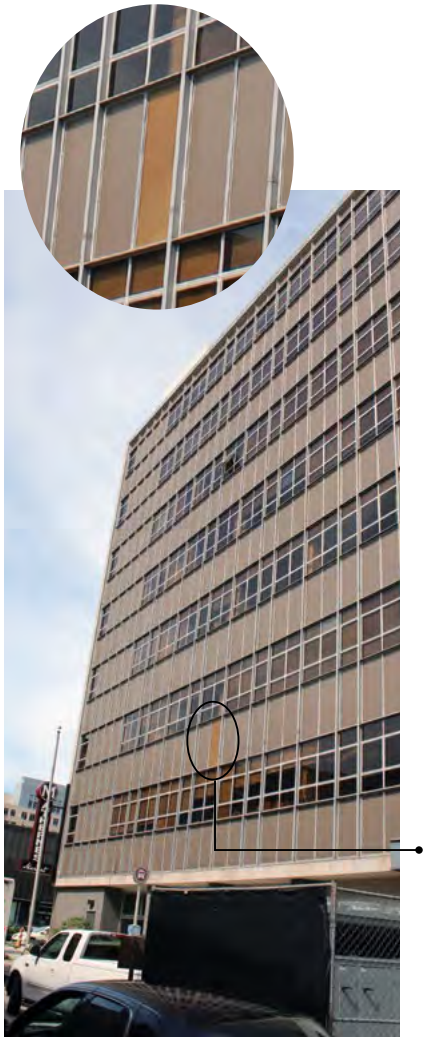
[15] Regular maintenance has helped to preserve this historic storefront, which retains all of its character-defining features, including the granite bulkhead, multi-paned transom glazing, and recessed entrance.

CURTAIN WALLS

RECOMMENDED	NOT RECOMMENDED
Identifying, retaining, and preserving curtain wall systems and their components that are important in defining the overall historic character of the building. The design of the curtain wall is significant, as are its component materials (metal stick framing and panel materials, such as clear or spandrel glass, stone, terra cotta, metal, and fiber-reinforced plastic), appearance (e.g., glazing color or tint, transparency, and reflectivity), and whether the glazing is fixed, operable, or louvered glass panels. How a curtain wall is engineered and fabricated, and the fact that it expands and contracts at a different rate from the building's structural system, are important to understand when undertaking the preservation of a curtain wall system.	Altering curtain wall components which are important in defining the overall historic character of the building so that, as a result, the character is diminished. Replacing historic curtain wall features instead of repairing or replacing only the deteriorated components.
Stabilizing deteriorated or damaged curtain walls as a preliminary measure, when necessary, prior to undertaking preservation work.	Failing to stabilize deteriorated or damaged curtain walls until additional work is undertaken, thereby allowing further damage to occur to the historic building.
Protecting and maintaining curtain walls and their components through appropriate surface treatments, such as cleaning and reapplication of protective coating systems; and by making them watertight and ensuring that sealants and gaskets are in good condition.	Failing to protect and maintain curtain wall components on a cyclical basis so that deterioration of curtain walls results. Failing to identify and treat the various causes of curtain wall failure, such as open gaps between components where sealants have deteriorated or are missing.
Protecting ground-level curtain walls from vandalism before work begins by covering them, while ensuring adequate ventilation, and by installing alarm systems keyed into local protection agencies.	Leaving ground-level curtain walls unprotected and subject to vandalism before work begins, thereby also allowing the interior to be damaged if it can be accessed through unprotected entrances.
Installing impact-resistant glazing in a curtain wall system, when necessary for security or to meet code requirements, so that it is compatible with the historic curtain walls and does not damage them or negatively impact their character.	Installing impact-resistant glazing in a curtain wall system, when necessary for security, that is not compatible with the historic curtain walls and damages them or negatively impacts their character.

CURTAIN WALLS

RECOMMENDED	NOT RECOMMENDED
Cleaning curtain wall systems only when necessary to halt deterioration or to remove heavy soiling.	Cleaning curtain wall systems when they are not heavily soiled, thereby needlessly introducing chemicals or moisture into historic materials.
Carrying out cleaning tests, when it has been determined that cleaning is appropriate, using only cleaning materials that will not damage components of the system, including factory-applied finishes. Test areas should be examined to ensure that no damage has resulted.	Cleaning curtain wall systems without testing first or using cleaning materials that may damage components of the system.
Evaluating the overall condition of curtain walls to determine whether more than protection and maintenance, such as repairs to curtain wall components, will be necessary.	Failing to undertake adequate measures to ensure the protection of curtain wall components.
Repairing curtain walls by ensuring that they are watertight by augmenting existing components or replacing deteriorated or missing sealants or gaskets, where necessary, to seal any gaps between system components.	Removing curtain wall components that could be stabilized, repaired, and conserved, or using improper repair techniques, or untrained personnel, potentially causing further damage to historic materials.
The following work is highlighted to indicate that it represents the greatest degree of intervention generally recommended within the treatment ***Preservation****, and should only be considered after protection, stabilization, and repair concerns have been addressed.*	
Limited Replacement in Kind	
Replacing in kind extensively deteriorated or missing components of a curtain wall system when there are surviving prototypes or when the replacement can be based on documentary or physical evidence. The new work should match the old in material, design, scale, color, and finish.	Replacing an entire curtain wall feature when limited replacement of deteriorated and missing components is appropriate. Using replacement material that does not match the historic curtain wall feature.



[16] Plywood provides temporary protection for an opening where a damaged spandrel panel was removed until a matching replacement panel can be installed.

STRUCTURAL SYSTEMS

RECOMMENDED	NOT RECOMMENDED
Identifying, retaining, and preserving structural systems and visible features of systems that are important in defining the overall historic character of the building. This includes the materials that comprise the structural system (i.e., wood, metal, and masonry), the type of system, and its features, such as posts and beams, trusses, summer beams, vigas, cast-iron or masonry columns, above-grade stone foundation walls, or load-bearing masonry walls.	Altering visible features of historic structural systems which are important in defining the overall historic character of the building so that, as a result, the character is diminished. Overloading the existing structural system, or installing equipment or mechanical systems which could damage the structure. Replacing a load-bearing masonry wall that could be augmented and retained. Leaving known structural problems untreated, such as deflected beams, cracked and bowed walls, or racked structural members.
Stabilizing deteriorated or damaged structural systems as a preliminary measure, when necessary, prior to undertaking preservation work.	Failing to stabilize a deteriorated or damaged structural system until additional work is undertaken, thereby allowing further damage to occur to the historic building. Failing to protect and maintain the structural system on a cyclical basis so that deterioration of the structural system results.
Protecting and maintaining the structural system by keeping gutters and downspouts clear and roofing in good repair; and by ensuring that wood structural members are free from insect infestation.	Using treatments or products that may retain moisture, which accelerates deterioration of structural members.





[17] Distinctive examples of traditional construction techniques should be preserved, such as this wooden peg, which is part of the structural system of this late-19th-century warehouse.

[18] A massive, exposed, concrete structural system defines the historic character of the interior of St. John's Abbey, Collegeville, MN, designed by Marcel Breuer and constructed in 1961.

STRUCTURAL SYSTEMS

RECOMMENDED	NOT RECOMMENDED
Evaluating the overall condition of the structural system to determine whether more than protection and maintenance, such as repairs to structural features, will be necessary.	Failing to undertake adequate measures to ensure the protection of structural systems.
Repairing the structural system by augmenting individual components, using recognized preservation methods. For example, weakened structural members (such as floor framing) can be paired or sistered with a new member, braced, or otherwise supplemented and reinforced.	Upgrading the building structurally in a manner that diminishes the historic character of the exterior (such as installing strapping channels or removing a decorative cornice) or that damages interior features or spaces. Replacing a structural member or other feature of the structural system when it could be augmented and retained.
The following work is highlighted to indicate that it represents the greatest degree of intervention generally recommended within the treatment ***Preservation****, and should only be considered after protection, stabilization, and repair concerns have been addressed.*	
Limited Replacement in Kind	
Replacing in kind those visible portions or features of the structural system that are either extensively deteriorated or missing when there are surviving prototypes, such as cast-iron columns and sections of load-bearing walls, or when the replacement can be based on documentary or physical evidence. The new work should match the old in material, design, scale, color, and finish.	Replacing an entire curtain wall feature when limited replacement of deteriorated and missing components is appropriate. Using replacement material that does not match the historic curtain wall feature.
Considering the use of substitute material to replace structural features that are not visible. Substitute material must be structurally sufficient and physically compatible with the rest of the system.	Using substitute material that does not equal the load-bearing capabilities of the historic material or is physically incompatible with the structural system.

MECHANICAL SYSTEMS:
HEATING, AIR CONDITIONING, ELECTRICAL, AND PLUMBING

RECOMMENDED	NOT RECOMMENDED
Identifying, retaining, and preserving visible features of early mechanical systems that are important in defining the overall historic character of the building, such as radiators, vents, fans, grilles, and plumbing and lighting fixtures.	Removing or altering visible features of mechanical systems that are important in defining the overall historic character of the building so that, as a result, the character is diminished.
Stabilizing functioning mechanical systems as a preliminary measure, when necessary, prior to undertaking preservation work.	Failing to stabilize a functioning mechanical system and its visible features until additional work is undertaken.
Protecting and maintaining functioning mechanical, plumbing, and electrical systems and their features through cyclical maintenance.	Failing to protect and maintain functioning mechanical, plumbing, and electrical systems on a cyclical basis so that their deterioration results.
Improving the energy efficiency of existing mechanical systems to help reduce the need for a new system by installing storm windows, insulating attics and crawl spaces, or adding awnings, if appropriate.	
Evaluating the overall condition of functioning mechanical systems to determine whether more than protection and maintenance, such as repairs to mechanical system components, will be necessary.	Failing to undertake adequate measures to ensure the protection of structural systems.
Repairing mechanical systems by augmenting or upgrading system components (such as installing new pipes and ducts), rewiring, or adding new compressors or boilers.	Replacing a mechanical system when its components could be upgraded and retained.

MECHANICAL SYSTEMS:
HEATING, AIR CONDITIONING, ELECTRICAL, AND PLUMBING

RECOMMENDED	NOT RECOMMENDED
*The following work is highlighted to indicate that it represents the greatest degree of intervention generally recommended within the treatment **Preservation**, and should only be considered after protection, stabilization, and repair concerns have been addressed.*	
Limited Replacement in Kind	
Replacing in kind those extensively deteriorated or missing visible features of mechanical systems when there are surviving prototypes, such as ceiling fans, radiators, grilles, or lighting fixtures.	Installing a visible replacement feature that does not convey the same appearance.
*The following work should be considered in a **Preservation** project when the installation of new mechanical equipment or an entire system is required to make the building functional.*	
Installing a new mechanical system, if required, so that it results in the least alteration possible to the historic building and its character-defining features.	Installing a new mechanical system so that character-defining structural or interior features are radically changed, damaged, or destroyed.
Providing adequate structural support for new mechanical equipment.	Failing to consider the weight and design of new mechanical equipment so that, as a result, historic structural members or finished surfaces are weakened or cracked.
Installing new mechanical and electrical systems and ducts, pipes, and cables in closets, service areas, and wall cavities to preserve the historic character of the interior space.	Installing ducts, pipes, and cables where they will obscure character-defining features or negatively impact the historic character of the interior. Concealing mechanical equipment in walls or ceilings in a manner that results in extensive loss or damage or otherwise obscures historic building materials and character-defining features.

INTERIOR SPACES, FEATURES, AND FINISHES

RECOMMENDED	NOT RECOMMENDED
Identifying, retaining, and preserving a floor plan or interior spaces, features, and finishes that are important in defining the overall historic character of the building. Significant spatial characteristics include the size, configuration, proportion, and relationship of rooms and corridors; the relationship of features to spaces; and the spaces themselves, such as lobbies, lodge halls, entrance halls, parlors, theaters, auditoriums, gymnasiums, and industrial and commercial interiors. Color, texture, and pattern are important characteristics of features and finishes, which can include such elements as columns, plaster walls and ceilings, flooring, trim, fireplaces and mantels, paneling, light fixtures, hardware, decorative radiators, ornamental grilles and registers, windows, doors, and transoms; plaster, paint, wallpaper and wall coverings, and special finishes, such as marbleizing and graining; and utilitarian (painted or unpainted) features, including wood, metal, or concrete exposed columns, beams, and trusses and exposed load-bearing brick, concrete, and wood walls.	Altering a floor plan, interior spaces (including individual rooms), features, or finishes which are important in defining the overall historic character of the building so that, as a result, the character is diminished. Replacing historic interior features and finishes instead of repairing or replacing only the deteriorated portion. Installing new material that obscures or damages character-defining interior features and finishes. Removing paint, plaster, or other finishes from historically-finished interior surfaces and leaving the features exposed (e.g., removing plaster to expose brick walls or a brick chimney breast, stripping paint from wood to stain or varnish it, or removing a plaster ceiling to expose unfinished beams). Applying paint, plaster, or other coatings to surfaces that have been unfinished historically, thereby changing their character. Changing the type of finish or its color, such as painting a historically-varnished wood feature, or removing paint from a historically-painted feature.
Stabilizing deteriorated or damaged interior features and finishes as a preliminary measure, when necessary, prior to undertaking preservation work.	Failing to stabilize a deteriorated or damaged interior feature or finish until additional work can be undertaken, thereby allowing further damage to occur to the interior.
Protecting and maintaining historic materials (including plaster, masonry, wood, and metals) which comprise interior features through appropriate surface treatments, such as cleaning, paint removal, and reapplication of protective coating systems.	Failing to protect and maintain interior materials and finishes on a cyclical basis so that deterioration of interior features results.

INTERIOR SPACES, FEATURES, AND FINISHES

RECOMMENDED	NOT RECOMMENDED
Protecting interior features and finishes against arson and vandalism before project work begins by erecting temporary fencing or by covering broken windows and open doorways, while ensuring adequate ventilation, and by installing alarm systems keyed into local protection agencies.	Leaving the building unprotected and subject to vandalism before work begins, thereby allowing the interior to be damaged if it can be accessed through unprotected openings.
Protecting interior features (such as a staircase, mantel, flooring, or decorative finishes) from damage during project work by covering them with plywood, heavy canvas, or plastic sheeting.	Failing to protect interior features and finishes when working on the interior.





[19] The sweeping staircase with its metal railing, chandelier, and terrazzo floor in the lobby of the 1954 Simms Building, Albuquerque, NM, are character-defining features. *Photo: Harvey M. Kaplan.*

[20] It is important to protect decorative interior features, such as this highly-glazed tile wainscoting in a historic train station, when painting the walls above it.

INTERIOR SPACES, FEATURES, AND FINISHES

RECOMMENDED	NOT RECOMMENDED
Removing damaged or deteriorated paint and finishes only to the next sound layer using the gentlest method possible prior to repainting or refinishing using compatible paint or other coating systems.	Removing paint that is firmly adhered to interior materials and features.
Using abrasive cleaning methods only on the interior of industrial or warehouse buildings with utilitarian, unplastered masonry walls and where wood features are not finished, molded, beaded, or worked by hand. Low-pressure abrasive cleaning (e.g., sand-blasting or other media blasting) should only be considered if test patches show no surface damage and after gentler methods have proven ineffective.	Using abrasive methods anywhere but utilitarian and industrial interior spaces or when there are other cleaning methods that are less likely to damage the surface of the material.
Evaluating the overall condition of the interior materials, features, and finishes to determine whether more than protection and maintenance, such as repairs to features and finishes, will be necessary.	Failing to undertake adequate measures to ensure the protection of interior materials, features, and finishes.
Repairing interior features and finishes by patching, splicing, consolidating, or otherwise reinforcing the materials using recog-nized preservation methods.	Removing interior features or finishes that could be stabilized, repaired, and conserved, or using untested consolidants, improper repair techniques, or untrained personnel, potentially causing fur-ther damage to historic materials.
The following work is highlighted to indicate that it represents the greatest degree of intervention generally recommended within the treatment ***Preservation****, and should only be considered after protection, stabilization, and repair concerns have been addressed.*	
Limited Replacement in Kind	
Replacing in kind extensively deteriorated or missing components of interior features when there are surviving prototypes (such as stairs, balustrades, wood paneling, columns, decorative wall finishes, and ornamental plaster or pressed-metal ceilings); or when the replacement can be based on documentary or physical evidence. The new work should match the old in material, design, scale, color, and finish.	Replacing an entire interior feature when limited replacement of deteriorated and missing components is appropriate. Using replacement material that does not match the historic interior feature or finish.

BUILDING SITE

RECOMMENDED	NOT RECOMMENDED
Identifying, retaining, and preserving features of the building site that are important in defining its overall historic character. Site features may include walls, fences, or steps; circulation systems, such as walks, paths, or roads; vegetation, such as trees, shrubs, grass, orchards, hedges, windbreaks, or gardens; landforms, such as hills, terracing, or berms; furnishings and fixtures, such as light posts or benches; decorative elements, such as sculpture, statuary, or monuments; water features, including fountains, streams, pools, lakes, or irrigation ditches; and subsurface archeological resources, other cultural or religious features, or burial grounds which are also important to the site.	Altering buildings and their features or site features which are important in defining the overall historic character of the property so that, as a result, the character is diminished.
Retaining the historic relationship between buildings and the landscape.	Removing or relocating buildings or landscape features, thereby destroying the historic relationship between buildings and the landscape.





[21] (a) The formal garden on the property of the 1826 Beauregard-Keyes House in New Orleans (b) is integral to the character of the site.

BUILDING SITE

RECOMMENDED	NOT RECOMMENDED
Stabilizing deteriorated or damaged building and site features as a preliminary measure, when necessary, prior to undertaking preservation work.	Failing to stabilize a deteriorated or damaged building or site feature until additional work can be undertaken, thereby allowing further damage to occur to the building site.
Protecting and maintaining buildings and site features by providing proper drainage to ensure that water does not erode foundation walls, drain toward the building, or damage or erode the landscape.	Failing to ensure that site drainage is adequate so that buildings and site features are damaged or destroyed; or, alternatively, changing the site grading so that water does not drain properly.
Minimizing disturbance of the terrain around buildings or elsewhere on the site, thereby reducing the possibility of destroying or damaging important landscape features, archeological resources, other cultural or religious features, or burial grounds.	Using heavy machinery or equipment in areas where it may disturb or damage important landscape features, archeological resources, other cultural or religious features, or burial grounds.
Protecting (e.g., preserving in place) important site features, archeological resources, other cultural or religious features, or burial grounds.	Leaving known site features or archeological material unprotected so that it is damaged during preservation work.
Planning and carrying out any necessary investigation before preservation begins, using professional archeologists and methods when preservation in place is not feasible.	Allowing unqualified personnel to perform data recovery on archeological resources, which can result in damage or loss of important archeological material.
Preserving important landscape features through regularly-scheduled maintenance of historic plant material.	Allowing important landscape features or archeological resources to be lost, damaged, or to deteriorate due to inadequate protection or lack of maintenance.
Protecting the building site and landscape features against arson and vandalism before preservation work begins by erecting temporary fencing and by installing alarm systems keyed into local protection agencies.	Leaving the property unprotected and subject to vandalism before work begins so that the building site and landscape features, archeological resources, other cultural or religious features, or burial grounds can be damaged or destroyed.
Installing protective fencing, bollards, and stanchions on a building site, when necessary for security, that are as unobtrusive as possible.	Installing protective fencing, bollards, and stanchions on a building site, when necessary for security, without taking into consideration their location and visibility so that they negatively impact the historic character of the site.
Providing continued protection and maintenance of buildings and landscape features on the site through appropriate grounds or landscape management.	Removing or destroying features from the site, such as fencing, paths or walkways, masonry balustrades, or plant material.

BUILDING SITE

RECOMMENDED	NOT RECOMMENDED
Protecting building and landscape features when working on the site.	Failing to protect building and landscape features during work on the site.
Evaluating the overall condition of the site to determine whether more than protection and maintenance, such as repairs to materials and features, will be necessary.	Failing to undertake adequate measures to ensure the protection of the site.
Repairing building and site features which have damaged, deteriorated, or missing components to reestablish the whole feature and to ensure retention of the integrity of historic materials.	Failing to repair damaged or deteriorated site features.
The following work is highlighted to indicate that it represents the greatest degree of intervention generally recommended within the treatment ***Preservation****, and should only be considered after protection, stabilization, and repair concerns have been addressed.*	
Limited Replacement in Kind	
Replacing in kind extensively deteriorated or missing features of the site when there are surviving prototypes, such as part of a fountain, portions of a walkway, or a hedge, or when the replacement can be based on documentary or physical evidence. The new work should match the old in material, design, scale, and color.	Replacing an entire feature of the building or site when limited replacement of deteriorated or missing components is appropriate. Using replacement material that does not match the historic site feature.

[22 a-b] The 1907 Commander General's Quarters facing Continental Park is one of many important structures that contribute to the historic significance and character of Fort Monroe, a National Monument, in Hampton, VA.





SETTING (DISTRICT / NEIGHBORHOOD)

RECOMMENDED	NOT RECOMMENDED
Identifying, retaining, and preserving building and landscape features that are important in defining the overall historic character of the setting. Such features can include circulation systems, such as roads and streets; furnishings and fixtures, such as light posts or benches; vegetation, gardens, and yards; adjacent open space, such as fields, parks, commons, or woodlands; and important views or visual relationships.	Altering those building and landscape features of the setting which are important in defining its historic character so that, as a result, the character is diminished.
Retaining the historic relationship between buildings and landscape features in the setting. For example, preserving the relationship between a town common or urban plaza and the adjacent houses, municipal buildings, roads, and landscape and streetscape features.	Altering the relationship between the buildings and landscape features in the setting by widening existing streets, changing landscape materials, or locating new streets or parking areas where they may negatively impact the historic character of the setting. Removing or relocating historic buildings or landscape features, thereby destroying the historic relationship between buildings and the landscape in the setting.



[23] The city square is important in defining the character of the historic setting in this small town.



[24] Cast-iron porches and wrought-iron fences from the late 19th century typify this block in an urban historic district.



[25] Street names in tile set into the sidewalk are distinctive features in this historic district.

SETTING (DISTRICT / NEIGHBORHOOD)

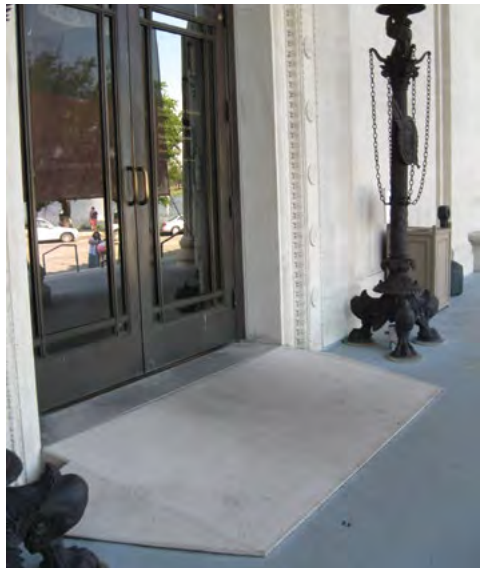
RECOMMENDED	NOT RECOMMENDED
Stabilizing deteriorated or damaged building or landscape features in the setting as a preliminary measure, when necessary, prior to undertaking preservation work.	Failing to stabilize a deteriorated or damaged building or landscape feature in the setting until additional work can be undertaken, thereby allowing further damage to occur to the setting.
Protecting and maintaining historic features in the setting through regularly-scheduled maintenance and landscape management.	Failing to protect and maintain materials in the setting on a cyclical basis so that deterioration of building and landscape features results. Stripping or removing historic features from buildings or the setting, such as a porch, fencing, walkways, or plant material.
Installing protective fencing, bollards, and stanchions in the setting, when necessary for security, that are as unobtrusive as possible.	Installing protective fencing, bollards, and stanchions in the setting, when necessary for security, without taking into consideration their location and visibility so that they negatively impact the historic character of the setting.
Protecting building and landscape features when undertaking work in the setting.	Failing to protect building and landscape features during work in the setting.
Evaluating the overall condition of materials and features to determine whether more than protection and maintenance, such as repairs to materials and features in the setting, will be necessary.	Failing to undertake adequate measures to ensure the protection of materials and features of the setting.
Repairing features in the setting by reinforcing the historic materials, using recognized preservation methods.	Removing material that could be repaired or using improper repair techniques.
The following work is highlighted to indicate that it represents the greatest degree of intervention generally recommended within the treatment ***Preservation****, and should only be considered after protection, stabilization, and repair concerns have been addressed.*	
Limited Replacement in Kind	
Replacing in kind extensively deteriorated or missing components of building and landscape features in the setting when there are surviving prototypes, such as balustrades or paving materials, or when the replacement can be based on documentary or physical evidence. The new work should match the old in material, design, scale, and color.	Replacing an entire feature of the building or landscape when limited replacement of deteriorated or missing components is appropriate. Using replacement material that does not match the historic building or landscape feature.

CODE-REQUIRED WORK

RECOMMENDED	NOT RECOMMENDED
Sensitive solutions to meeting code requirements are an important part of protecting the historic character of the building and site. Thus, work that must be done to meet accessibility and life-safety requirements in the treatment ***Preservation*** *must also be assessed for its potential impact on the historic building and site.*	
ACCESSIBILITY	
Identifying the historic building's character-defining exterior features, interior spaces, features, and finishes, and features of the site and setting which may be affected by accessibility code-required work.	Undertaking accessibility code-required alterations before identifying those exterior features, interior spaces, features, and finishes, and features of the site and setting which are character defining and, therefore, must be preserved.
Complying with barrier-free access requirements in such a manner that the historic building's character-defining exterior features, interior spaces, features, and finishes, and features of the site and setting are preserved or impacted as little as possible.	Altering, damaging, or destroying character-defining exterior features, interior spaces, features, and finishes, or features of the site and setting while making modifications to a building, its site, or setting to comply with accessibility requirements.
Working with specialists in accessibility and historic preservation to determine the most sensitive solutions to comply with access requirements in a historic building, its site, and setting.	Making changes to historic buildings, their sites, and setting without first consulting with specialists in accessibility and historic preservation to determine the most appropriate solutions to comply with accessibility requirements.
Providing barrier-free access that promotes independence for the user while preserving significant historic features.	Making access modifications that do not provide independent, safe access or preserve historic features.
Finding solutions to meet accessibility requirements that minimize the impact of any necessary alteration for accessibility on the historic building, its site, or setting, such as compatible ramps, paths, and lifts.	Making modifications for accessibility without considering the impact on the historic building, its site, and setting.

CODE-REQUIRED WORK

RECOMMENDED	NOT RECOMMENDED
Using relevant sections of existing codes regarding accessibility for historic buildings that provide alternative means of compliance when code-required work would otherwise negatively impact the historic character of the property.	
Minimizing the visual impact of accessibility ramps by installing them on secondary elevations when it does not compromise accessibility or by screening them with plantings.	
Adding a gradual slope or grade to the sidewalk, if appropriate, to access the entrance rather than installing a ramp that would be more intrusive to the historic character of the building and the district.	
Installing a lift as inconspicuously as possible when it is necessary to locate it on a primary elevation of the historic building.	Installing a lift at a primary entrance without considering other options or locations.





[26] A temporary ramp–unobtrusive and easily removed–facilitates access to the entrance of this museum and does not affect its historic character.

[27] The access ramp at the left of the entrance is concealed by a hedge which minimizes its visibility and impact on the character of the historic apartment building.

CODE-REQUIRED WORK

RECOMMENDED	NOT RECOMMENDED
LIFE SAFETY	
Identifying the historic building's character-defining exterior features, interior spaces, features, and finishes, and features of the site and setting which may be affected by life-safety code-required work.	Undertaking life-safety code-required alterations before identifying those exterior features, interior spaces, features, and finishes, and features of the site and setting which are character defining and, therefore, must be preserved.
Complying with life-safety codes (including requirements for impact-resistant glazing, security, and seismic retrofit) in such a manner that the historic building's character-defining exterior features, interior spaces, features, and finishes, and features of the site and setting are preserved or impacted as little as possible.	Altering, damaging, or destroying character-defining exterior features, interior spaces, features, and finishes, or features of the site and setting while making modifications to a building, its site, or setting to comply with life-safety code requirements.
Removing building materials only after testing has been conducted to identify any hazardous materials, and using only the least damaging abatement methods.	Removing building materials without testing first to identify any hazardous materials, or using potentially damaging methods of abatement.
Providing workers with appropriate personal equipment for protection from hazards on the worksite.	Removing hazardous or toxic materials without regard for workers' health and safety or environmentally-sensitive disposal of the materials.
Working with code officials and historic preservation specialists to investigate systems, methods, or devices to make the building compliant with life-safety codes to ensure that necessary alterations will be compatible with the historic character of the building.	Making life-safety code-required changes to the building without consulting code officials and historic preservation specialists, with the result that alterations negatively impact the historic character of the building.
Using relevant sections of existing codes regarding life safety for historic buildings that provide alternative means of code compliance when code-required work would otherwise negatively impact the historic character of the building.	
Upgrading historic stairways and elevators to meet life-safety codes so that they are not damaged or otherwise negatively impacted.	Damaging or making inappropriate alterations to historic stairways and elevators or to adjacent spaces, features, or finishes in the process of doing work to meet code requirements.
Installing sensitively-designed fire-suppression systems, such as sprinklers, so that historic features and finishes are preserved.	Covering character-defining wood features with fire-retardant sheathing, which results in altering their appearance.
Applying fire-retardant coatings when appropriate, such as intumescent paint, to protect steel structural systems.	Using fire-retardant coatings if they will damage or obscure character-defining features.





[28] A simple railing added on the inner side of an elaborate wood and cast-iron stair railing meets life-safety code requirements without greatly impacting its historic character.

[29] A safety cone outside of a house where lead paint is being removed warns of the hazardous conditions on the site.

RESILIENCE TO NATURAL HAZARDS

RECOMMENDED	NOT RECOMMENDED
Resilience to natural hazards should be addressed as part of a ***Preservation*** *project. A historic building may have existing characteristics or features that help to address or minimize the impacts of natural hazards. These should always be used to best advantage when considering new adaptive treatments so as to have the least impact on the historic character of the building, its site, and setting.*	
Identifying the vulnerabilities of the historic property to the impacts of natural hazards (such as wildfires, hurricanes, or tornadoes) using the most current climate information and data available.	Failing to identify and periodically reevaluate the potential vulnerability of the building, its site, and setting to the impacts of natural hazards.
Assessing the potential impacts of known vulnerabilities on character-defining features of the building, its site, and setting, and reevaluating and reassessing potential impacts on a regular basis.	
Documenting the property and its character-defining features as a record and guide for future repair work, should it be necessary, and storing the documentation in a weatherproof location.	Failing to document the historic property and its character-defining features with the result that such information is not available in the future to guide repair or reconstruction work, should it be necessary.
Ensuring that historic resource inventories and maps are accurate, up to date, and accessible in an emergency.	
Maintaining the building, its site, and setting in good repair, and regularly monitoring character-defining features.	Failing to regularly monitor and maintain the property and building systems in good repair.
Using and maintaining existing characteristics and features of the historic building, its site, setting, and larger environment (such as shutters for storm protection or a site wall that keeps out flood waters) that may help to avoid or minimize the impacts of natural hazards.	
Undertaking work to prevent or minimize the loss, damage, or destruction of the historic property while retaining and preserving significant features and the overall historic character of the building, its site, and setting.	Allowing loss, damage, or destruction to occur to the historic building, its site, or setting by failing to evaluate potential future impacts of natural hazards or to plan and implement adaptive measures, if necessary to address possible threats.
Ensuring that, when planning work to adapt for natural hazards, all feasible alternatives are considered, and that options requiring the least alteration are considered first.	

RESILIENCE TO NATURAL HAZARDS

RECOMMENDED	NOT RECOMMENDED
Implementing local and regional traditions (such as elevating residential buildings at risk of flooding or reducing flammable vegetation around structures in fire-prone areas) for adapting buildings and sites to specific natural hazards, when appropriate. Such traditional methods may be appropriate if they are compatible with the historic character of the building, its site, and setting.	Implementing a treatment traditionally used in another region or one typically used for a different property type or architectural style which is not compatible with the historic character of the property.
Using special exemptions and variances when adaptive treatments to protect buildings from known hazards would otherwise negatively impact the historic character of the building, its site, or setting.	
Considering adaptive options, whenever possible, that would protect multiple historic resources, if the treatment can be implemented without negatively impacting the historic character of the setting or district, or archeological resources, other cultural or religious features, or burial grounds.	



[30] Historic window shutters still serve their original function as protection in hurricane-prone areas.

Sustainability

Sustainability should be addressed as part of a **Preservation** project. Good preservation practice is often synonymous with sustainability. Existing energy-efficient features should be retained and repaired. New sustainability treatments generally should be limited to updating existing features and systems to have the least impact on the historic character of the building.

The topic of sustainability is addressed in detail in ***The Secretary of the Interior's Standards for Rehabilitation & Illustrated Guidelines on Sustainability for Rehabilitating Historic Buildings***. Although specifically developed for the treatment Rehabilitation, the Sustainability Guidelines can be used to help guide the other treatments.



[31] An interior screen door at the entrance to individual apartments is a historic feature traditionally used to help circulate air throughout the building.

STANDARDS FOR REHABILITATION & GUIDELINES FOR REHABILITATING HISTORIC BUILDINGS

Rehabilitation

Rehabilitation is defined as the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.



Standards for Rehabilitation

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces and spatial relationships.
2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

GUIDELINES FOR REHABILITATING HISTORIC BUILDINGS

INTRODUCTION

In **Rehabilitation,** historic building materials and character-defining features are protected and maintained as they are in the treatment Preservation. However, greater latitude is given in the **Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings** to replace extensively deteriorated, damaged, or missing features using either the same material or compatible substitute materials. Of the four treatments, only **Rehabilitation** allows alterations and the construction of a new addition, if necessary for a continuing or new use for the historic building.

Identify, Retain, and Preserve Historic Materials and Features

The guidance for the treatment **Rehabilitation** begins with recommendations to identify the form and detailing of those architectural materials and features that are important in defining the building's historic character and which must be retained to preserve that character. Therefore, guidance on ***identifying, retaining, and preserving*** character-defining features is always given first.

Protect and Maintain Historic Materials and Features

After identifying those materials and features that are important and must be retained in the process of **Rehabilitation** work, then ***protecting and maintaining*** them are addressed. Protection generally involves the least degree of intervention and is preparatory to other work. Protection includes the maintenance of historic materials and features as well as ensuring that the property is protected before and during rehabilitation work. A historic building undergoing rehabilitation will often require more extensive work. Thus, an overall evaluation of its physical condition should always begin at this level.

Repair Historic Materials and Features

Next, when the physical condition of character-defining materials and features warrants additional work, ***repairing*** is recommended. **Rehabilitation** guidance for the repair of historic materials, such as masonry, again begins with the least degree of intervention possible. In rehabilitation, repairing also includes the limited replacement in kind or with a compatible substitute material of extensively deteriorated or missing components of features when there are surviving prototypes features that can be substantiated by documentary and physical evidence. Although using the same kind of material is always the preferred option, a substitute material may be an acceptable alternative if the form, design, and scale, as well as the substitute material itself, can effectively replicate the appearance of the remaining features.

Replace Deteriorated Historic Materials and Features

Following repair in the hierarchy, **Rehabilitation** guidance is provided for ***replacing*** an entire character-defining feature with new material because the level of deterioration or damage of materials precludes repair. If the missing feature is character defining or if it is critical to the survival of the building (e.g., a roof), it should be replaced to match the historic feature based on physical or his-

toric documentation of its form and detailing. As with repair, the preferred option is always replacement of the entire feature in kind (i.e., with the same material, such as wood for wood). However, when this is not feasible, a compatible substitute material that can reproduce the overall appearance of the historic material may be considered.

It should be noted that, while the National Park Service guidelines recommend the replacement of an entire character-defining feature that is extensively deteriorated, the guidelines never recommend removal and replacement with new material of a feature that could reasonably be repaired and, thus, preserved.

Design for the Replacement of Missing Historic Features

When an entire interior or exterior feature is missing, such as a porch, it no longer plays a role in physically defining the historic character of the building unless it can be accurately recovered in form and detailing through the process of carefully documenting the historic appearance. If the feature is not critical to the survival of the building, allowing the building to remain without the feature is one option. But if the missing feature is important to the historic character of the building, its replacement is always recommended in the **Rehabilitation** guidelines as the first, or preferred, course of action. If adequate documentary and physical evidence exists, the feature may be accurately reproduced. A second option in a rehabilitation treatment for replacing a missing feature, particularly when the available information about the feature is inadequate to permit an accurate reconstruction, is to ***design*** a new feature that is compatible with the overall historic character of the building. The new design should always take into account the size, scale, and material of the building itself and should be clearly differentiated from the authentic historic features. For properties that have changed over time, and where those changes have acquired significance, reestablishing missing historic features generally should not be undertaken if the missing features did not coexist with the features currently on the building. Juxtaposing historic features that did not exist concurrently will result in a false sense of the building's history.

Alterations

Some exterior and interior alterations to a historic building are generally needed as part of a **Rehabilitation** project to ensure its continued use, but it is most important that such alterations do not radically change, obscure, or destroy character-defining spaces, materials, features, or finishes. Alterations may include changes to the site or setting, such as the selective removal of buildings or other features of the building site or setting that are intrusive, not character defining, or outside the building's period of significance.

Code-Required Work: Accessibility and Life Safety

Sensitive solutions to meeting code requirements in a **Rehabilitation** project are an important part of protecting the historic character of the building. Work that must be done to meet accessibility and life-safety requirements must also be assessed for its potential impact on the historic building, its site, and setting.

Resilience to Natural Hazards

Resilience to natural hazards should be addressed as part of a **Rehabilitation** project. A historic building may have existing characteristics or features that help to address or minimize the impacts of natural hazards. These should always be used to best advantage when considering new adaptive treatments so as to have the least impact on the historic character of the building, its site, and setting.

Sustainability

Sustainability should be addressed as part of a **Rehabilitation** project. Good preservation practice is often synonymous with sustainability. Existing energy-efficient features should be retained and repaired. Only sustainability treatments should be considered that will have the least impact on the historic character of the building.

The topic of sustainability is addressed in detail in *The Secretary of the Interior's Standards for Rehabilitation & Illustrated Guidelines on Sustainability for Rehabilitating Historic Buildings.*

New Exterior Additions and Related New Construction

Rehabilitation is the only treatment that allows expanding a historic building by enlarging it with an addition. However, the **Rehabilitation** guidelines emphasize that new additions should be considered only after it is determined that meeting specific new needs cannot be achieved by altering non-character-defining interior spaces. If the use cannot be accommodated in this way, then an attached exterior addition may be considered. New additions should be designed and constructed so that the character-defining features of the historic building, its site, and setting are not negatively impacted. Generally, a new addition should be subordinate to the historic building. A new addition should be compatible, but differentiated enough so that it is not confused as historic or original to the building. The same guidance applies to new construction so that it does not negatively impact the historic character of the building or its site.

Rehabilitation as a Treatment. *When repair and replacement of deteriorated features are necessary; when alterations or additions to the property are planned for a new or continued use; and when its depiction at a particular time is not appropriate, Rehabilitation may be considered as a treatment. Prior to undertaking work, a documentation plan for Rehabilitation should be developed.*

MASONRY: STONE, BRICK, TERRA COTTA, CONCRETE, ADOBE, STUCCO, AND MORTAR

RECOMMENDED	NOT RECOMMENDED
Identifying, retaining and preserving masonry features that are important in defining the overall historic character of the building (such as walls, brackets, railings, cornices, window and door surrounds, steps, and columns) and decorative ornament and other details, such as tooling and bonding patterns, coatings, and color.	Removing or substantially changing masonry features which are important in defining the overall historic character of the building so that, as a result, the character is diminished. Replacing or rebuilding a major portion of exterior masonry walls that could be repaired, thereby destroying the historic integrity of the building. Applying paint or other coatings (such as stucco) to masonry that has been historically unpainted or uncoated to create a new appearance. Removing paint from historically-painted masonry.
Protecting and maintaining masonry by ensuring that historic drainage features and systems that divert rainwater from masonry surfaces (such as roof overhangs, gutters, and downspouts) are intact and functioning properly.	Failing to identify and treat the causes of masonry deterioration, such as leaking roofs and gutters or rising damp.
Cleaning masonry only when necessary to halt deterioration or remove heavy soiling.	Cleaning masonry surfaces when they are not heavily soiled to create a “like-new” appearance, thereby needlessly introducing chemicals or moisture into historic materials.
Carrying out masonry cleaning tests when it has been determined that cleaning is appropriate. Test areas should be examined to ensure that no damage has resulted and, ideally, monitored over a sufficient period of time to allow long-range effects to be predicted.	Cleaning masonry surfaces without testing or without sufficient time for the testing results to be evaluated.



[1] An alkaline-based product is appropriate to use to clean historic marble because it will not damage the marble, which is acid sensitive.



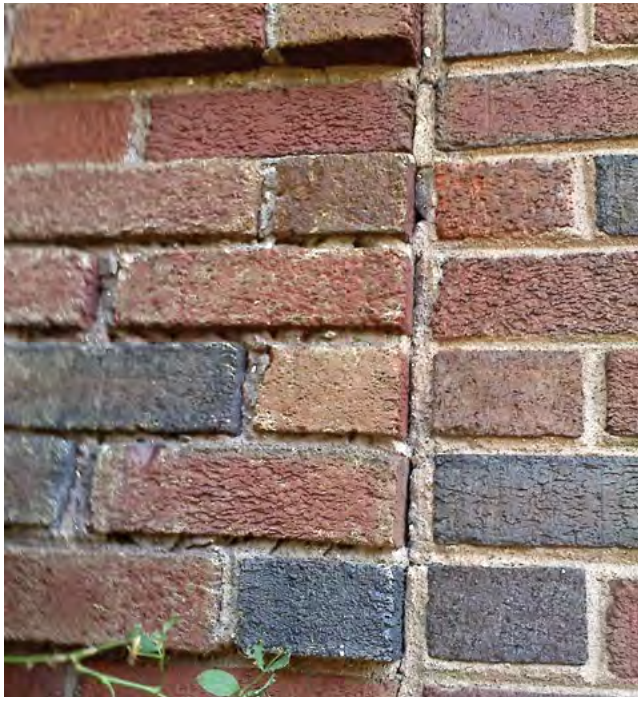
[2] Mid-century modern building technology made possible the form of this parabola-shaped structure and its thin concrete shell construction. Built in 1961 as the lobby of the La Concha Motel in Las Vegas, it was designed by Paul Revere Williams, one of the first prominent African-American architects. It was moved to a new location and rehabilitated to serve as the Neon Museum, and is often cited as an example of Googie architecture. *Credit: Photographed with permission at The Neon Museum, Las Vegas, Nevada.*

MASONRY: STONE, BRICK, TERRA COTTA, CONCRETE, ADOBE, STUCCO, AND MORTAR

RECOMMENDED	NOT RECOMMENDED
Cleaning soiled masonry surfaces with the gentlest method possible, such as using low-pressure water and detergent and natural bristle or other soft-bristle brushes.	Cleaning or removing paint from masonry surfaces using most abrasive methods (including sandblasting, other media blasting, or high-pressure water) which can damage the surface of the masonry and mortar joints. Using a cleaning or paint-removal method that involves water or liquid chemical solutions when there is any possibility of freezing temperatures. Cleaning with chemical products that will damage some types of masonry (such as using acid on limestone or marble), or failing to neutralize or rinse off chemical cleaners from masonry surfaces.



[3] **Not Recommended:**
The white film on the upper corner of this historic brick row house is the result of using a scrub or slurry coating, rather than traditional repointing by hand, which is the recommended method.



[4] **Not Recommended:**
The quoins on the left side of the photo show that high-pressure abrasive blasting used to remove paint can damage even early 20th-century, hard-baked, textured brick and erode the mortar, whereas the same brick on the right, which was not abrasively cleaned, is undamaged.

MASONRY: STONE, BRICK, TERRA COTTA, CONCRETE, ADOBE, STUCCO, AND MORTAR

RECOMMENDED	NOT RECOMMENDED
Using biodegradable or environmentally-safe cleaning or paint-removal products.	
Using paint-removal methods that employ a poultice to which paint adheres, when possible, to neatly and safely remove old lead paint.	
Using coatings that encapsulate lead paint, when possible, where the paint is not required to be removed to meet environmental regulations.	
Allowing only trained conservators to use abrasive or laser-cleaning methods, when necessary, to clean hard-to-reach, highly-carved, or detailed decorative stone features.	
Removing damaged or deteriorated paint only to the next sound layer using the gentlest method possible (e.g., hand scraping) prior to repainting.	Removing paint that is firmly adhered to masonry surfaces, unless the building was unpainted historically and the paint can be removed without damaging the surface.
Applying compatible paint coating systems to historically-painted masonry following proper surface preparation.	Failing to follow manufacturers' product and application instructions when repainting masonry features.
Repainting historically-painted masonry features with colors that are appropriate to the historic character of the building and district.	Using paint colors on historically-painted masonry features that are not appropriate to the historic character of the building and district.
Protecting adjacent materials when cleaning or removing paint from masonry features.	Failing to protect adjacent materials when cleaning or removing paint from masonry features.
Evaluating the overall condition of the masonry to determine whether more than protection and maintenance, such as repairs to masonry features, will be necessary.	Failing to undertake adequate measures to ensure the protection of masonry features.
Repairing masonry by patching, splicing, consolidating, or otherwise reinforcing the masonry using recognized preservation methods. Repair may include the limited replacement in kind or with a compatible substitute material of those extensively deteriorated or missing parts of masonry features when there are surviving prototypes, such as terra-cotta brackets or stone balusters.	Removing masonry that could be stabilized, repaired, and conserved, or using untested consolidants and unskilled personnel, potentially causing further damage to historic materials. Replacing an entire masonry feature, such as a cornice or balustrade, when repair of the masonry and limited replacement of deteriorated or missing components are feasible.

MASONRY: STONE, BRICK, TERRA COTTA, CONCRETE, ADOBE, STUCCO, AND MORTAR

RECOMMENDED	NOT RECOMMENDED
Repairing masonry walls and other masonry features by repointing the mortar joints where there is evidence of deterioration, such as disintegrating mortar, cracks in mortar joints, loose bricks, or damaged plaster on the interior.	Removing non-deteriorated mortar from sound joints and then repointing the entire building to achieve a more uniform appearance.
Removing deteriorated lime mortar carefully by hand raking the joints to avoid damaging the masonry.	
Using power tools only on horizontal joints on brick masonry in conjunction with hand chiseling to remove hard mortar that is deteriorated or that is a non-historic material which is causing damage to the masonry units. Mechanical tools should be used only by skilled masons in limited circumstances and generally not on short, vertical joints in brick masonry.	Allowing unskilled workers to use masonry saws or mechanical tools to remove deteriorated mortar from joints prior to repointing.
Duplicating historic mortar joints in strength, composition, color, and texture when repointing is necessary. In some cases, a lime-based mortar may also be considered when repointing Portland cement mortar because it is more flexible.	Repointing masonry units with mortar of high Portland cement content (unless it is the content of the historic mortar). Using "surface grouting" or a "scrub" coating technique, such as a "sack rub" or "mortar washing," to repoint exterior masonry units instead of traditional repointing methods. Repointing masonry units (other than concrete) with a synthetic caulking compound instead of mortar.
Duplicating historic mortar joints in width and joint profile when repointing is necessary.	Changing the width or joint profile when repointing.
Repairing stucco by removing the damaged material and patching with new stucco that duplicates the old in strength, composition, color, and texture.	Removing sound stucco or repairing with new stucco that is different in composition from the historic stucco. Patching stucco or concrete without removing the source of deterioration. Replacing deteriorated stucco with synthetic stucco, an exterior finish and insulation system (EFIS), or other non-traditional materials.

MASONRY: STONE, BRICK, TERRA COTTA, CONCRETE, ADOBE, STUCCO, AND MORTAR

RECOMMENDED	NOT RECOMMENDED
Using mud plaster or a compatible lime-plaster adobe render, when appropriate, to repair adobe.	Applying cement stucco, unless it already exists, to adobe.
Sealing joints in concrete with appropriate flexible sealants and backer rods, when necessary.	
Cutting damaged concrete back to remove the source of deterioration, such as corrosion on metal reinforcement bars. The new patch must be applied carefully so that it will bond satisfactorily with and match the historic concrete.	Patching damaged concrete without removing the source of deterioration.



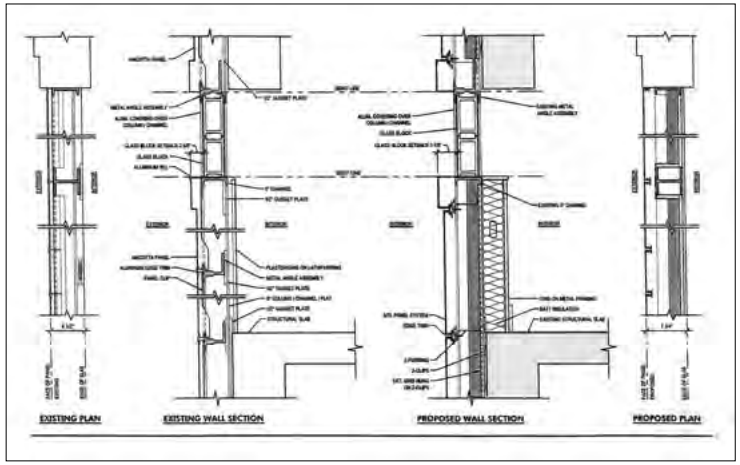
[5] Rebars in the reinforced concrete ceiling have rusted, causing the concrete to spall. The rebars must be cleaned of rust before the concrete can be patched.



[6] Some areas of the concrete brise soleil screen on this building constructed in 1967 are badly deteriorated. If the screen cannot be repaired, it may be replaced in kind or with a composite substitute material with the same appearance as the concrete.



[7] (a) J.W. Knapp's Department Store, built 1937-38, in Lansing, MI, was constructed with a proprietary material named "Maul Macotta" made of enameled steel and cast-in-place concrete panels. Prior to its rehabilitation, a building inspection revealed that, due to a flaw in the original design and construction, the material was deteriorated beyond repair. The architects for the rehabilitation project devised a replacement system (b) consisting of enameled aluminum panels that matched the original colors (c). Photos and drawing (a-b): Quinn Evans Architects; *Photo (c): James Haefner Photography.*





MASONRY: STONE, BRICK, TERRA COTTA, CONCRETE, ADOBE, STUCCO, AND MORTAR

RECOMMENDED	NOT RECOMMENDED
Using a non-corrosive, stainless-steel anchoring system when replacing damaged stone, concrete, or terra-cotta units that have failed.	
Applying non-historic surface treatments, such as water-repellent coatings, to masonry only after repointing and only if masonry repairs have failed to arrest water penetration problems.	Applying waterproof, water-repellent, or non-original historic coatings (such as stucco) to masonry as a substitute for repointing and masonry repairs.
Applying permeable, anti-graffiti coatings to masonry when appropriate.	Applying water-repellent or anti-graffiti coatings that change the historic appearance of the masonry or that may trap moisture if the coating is not sufficiently permeable.
Replacing in kind an entire masonry feature that is too deteriorated to repair (if the overall form and detailing are still evident) using the physical evidence as a model to reproduce the feature or when the replacement can be based on historic documentation. Examples can include large sections of a wall, a cornice, pier, or parapet. If using the same kind of material is not feasible, then a compatible substitute material may be considered.	Removing a masonry feature that is unrepairable and not replacing it, or replacing it with a new feature that does not match. Using substitute material for the replacement that does not convey the same appearance of the surviving components of the masonry feature.
The following work is highlighted to indicate that it is specific to **Rehabilitation** *projects and should only be considered after the preservation concerns have been addressed.*	
Designing the Replacement for Missing Historic Features	
Designing and installing a replacement masonry feature, such as a step or door pediment, when the historic feature is completely missing. It may be an accurate restoration based on documentary and physical evidence, but only when the historic feature to be replaced coexisted with the features currently on the building. Or, it may be a new design that is compatible with the size, scale, material, and color of the historic building.	Creating an inaccurate appearance because the replacement for the missing masonry feature is based upon insufficient physical or historic documentation, is not a compatible design, or because the feature to be replaced did not coexist with the features currently on the building. Introducing a new masonry feature that is incompatible in size, scale, material, or color.

WOOD: CLAPBOARD, WEATHERBOARD, SHINGLES, AND OTHER FUNCTIONAL AND DECORATIVE ELEMENTS

RECOMMENDED	NOT RECOMMENDED
Identifying, retaining and preserving wood features that are important in defining the overall historic character of the building (such as siding, cornices, brackets, window and door surrounds, and steps) and their paints, finishes, and colors.	Removing or substantially changing wood features which are important in defining the overall historic character of the building so that, as a result, the character is diminished. Removing a major portion of the historic wood from a façade instead of repairing or replacing only the deteriorated wood, then reconstructing the façade with new material to achieve a uniform or "improved" appearance. Changing the type of finish, coating, or historic color of wood features, thereby diminishing the historic character of the exterior. Failing to renew failing paint or other coatings that are historic finishes. Stripping historically-painted surfaces to bare wood and applying a clear finish rather than repainting. Stripping paint or other coatings to reveal bare wood, thereby exposing historically-coated surfaces to the effects of accelerated weathering. Removing wood siding (clapboards) or other covering (such as stucco) from log structures that were covered historically, which changes their historic character and exposes the logs to accelerated deterioration.
Protecting and maintaining wood features by ensuring that historic drainage features that divert rainwater from wood surfaces (such as roof overhangs, gutters, and downspouts) are intact and functioning properly.	Failing to identify and treat the causes of wood deterioration, such as faulty flashing, leaking gutters, cracks and holes in siding, deteriorated caulking in joints and seams, plant material growing too close to wood surfaces, or insect or fungal infestation.

WOOD: CLAPBOARD, WEATHERBOARD, SHINGLES, AND OTHER FUNCTIONAL AND DECORATIVE ELEMENTS

RECOMMENDED	NOT RECOMMENDED
Applying chemical preservatives or paint to wood features that are subject to weathering, such as exposed beam ends, outriggers, or rafter tails.	Using chemical preservatives (such as creosote) which, unless they were used historically, can change the appearance of wood features.
Implementing an integrated pest management plan to identify appropriate preventive measures to guard against insect damage, such as installing termite guards, fumigating, and treating with chemicals.	
Retaining coatings (such as paint) that protect the wood from moisture and ultraviolet light. Paint removal should be considered only when there is paint surface deterioration and as part of an overall maintenance program which involves repainting or applying other appropriate coatings.	Stripping paint or other coatings from wood features without recoating.



[8] Rotted clapboards have been replaced selectively with new wood siding to match the originals.

WOOD: CLAPBOARD, WEATHERBOARD, SHINGLES, AND OTHER FUNCTIONAL AND DECORATIVE ELEMENTS

RECOMMENDED	NOT RECOMMENDED
Removing damaged or deteriorated paint to the next sound layer using the gentlest method possible (e.g., hand scraping and hand sanding) prior to repainting.	Using potentially-damaging paint-removal methods on wood surfaces, such as open-flame torches, orbital sanders, abrasive methods (including sandblasting, other media blasting, or high-pressure water), or caustic paint-removers. Removing paint that is firmly adhered to wood surfaces.
Using chemical strippers primarily to supplement other methods such as hand scraping, hand sanding, and thermal devices.	Failing to neutralize the wood thoroughly after using chemical paint removers so that new paint may not adhere. Removing paint from detachable wood features by soaking them in a caustic solution, which may roughen the surface, split the wood, or result in staining from residual acids leaching out of the wood.
Using biodegradable or environmentally-safe cleaning or paint-removal products.	
Using paint-removal methods that employ a poultice to which paint adheres, when possible, to neatly and safely remove old lead paint.	
Using thermal devices (such as infrared heaters) carefully to remove paint when it is so deteriorated that total removal is necessary prior to repainting.	Using a thermal device to remove paint from wood features without first checking for and removing any flammable debris behind them. Using thermal devices without limiting the amount of time the wood feature is exposed to heat.
Using coatings that encapsulate lead paint, when possible, where the paint is not required to be removed to meet environmental regulations.	
Applying compatible paint coating systems to historically-painted wood following proper surface preparation.	Failing to follow manufacturers' product and application instructions when repainting wood features.
Repainting historically-painted wood features with colors that are appropriate to the building and district.	Using paint colors on historically-painted wood features that are not appropriate to the building or district.

WOOD: CLAPBOARD, WEATHERBOARD, SHINGLES, AND OTHER FUNCTIONAL AND DECORATIVE ELEMENTS

RECOMMENDED	NOT RECOMMENDED
Protecting adjacent materials when working on other wood features.	Failing to protect adjacent materials when working on wood features.
Evaluating the overall condition of the wood to determine whether more than protection and maintenance, such as repairs to wood features, will be necessary.	Failing to undertake adequate measures to ensure the protection of wood features.



[9] Smooth-surfaced cementitious siding (left) may be used to replace deteriorated wood siding only on secondary elevations that have minimal visibility.

[10] **Not Recommended:** Cementitious siding with a raised wood-grain texture is not an appropriate material to replace historic wood siding, which has a smooth surface when painted.



WOOD: CLAPBOARD, WEATHERBOARD, SHINGLES, AND OTHER FUNCTIONAL AND DECORATIVE ELEMENTS

RECOMMENDED	NOT RECOMMENDED
Repairing wood by patching, splicing, consolidating, or otherwise reinforcing the wood using recognized conservation methods. Repair may include the limited replacement in kind or with a compatible substitute material of those extensively deteriorated or missing components of wood features when there are surviving prototypes, such as brackets, molding, or sections of siding.	Removing wood that could be stabilized, repaired, and conserved, or using untested consolidants and unskilled personnel, potentially causing further damage to historic materials. Replacing an entire wood feature, such as a cornice or balustrade, when repair of the wood and limited replacement of deteriorated or missing components is feasible.
Replacing in kind an entire wood feature that is too deteriorated to repair (if the overall form and detailing are still evident) using physical evidence as a model to reproduce the feature or when the replacement can be based on historic documentation. Examples of such wood features include a cornice, entablature, or a balustrade. If using wood is not feasible, then a compatible substitute material may be considered.	Removing a wood feature that is unrepairable and not replacing it, or replacing it with a new feature that does not match. Using substitute material for the replacement that does not convey the same appearance of the surviving components of the wood feature.
Replacing a deteriorated wood feature or wood siding on a *primary or other highly-visible* elevation with a new matching wood feature.	Replacing a deteriorated wood feature or wood siding on a *primary or other highly-visible elevation* with a composite substitute material.
The following work is highlighted to indicate that it is specific to **Rehabilitation** *projects and should only be considered after the preservation concerns have been addressed.*	
Designing the Replacement for Missing Historic Features	
Designing and installing a replacement masonry feature, such as a step or door pediment, when the historic feature is completely missing. It may be an accurate restoration based on documentary and physical evidence, but only when the historic feature to be replaced coexisted with the features currently on the building. Or, it may be a new design that is compatible with the size, scale, material, and color of the historic building.	Creating an inaccurate appearance because the replacement for the missing masonry feature is based upon insufficient physical or historic documentation, is not a compatible design, or because the feature to be replaced did not coexist with the features currently on the building. Introducing a new wood feature that is incompatible in size, scale, material, or color.

METALS: WROUGHT AND CAST IRON, STEEL, PRESSED METAL, TERNEPLATE, COPPER, ALUMINUM, AND ZINC

RECOMMENDED	NOT RECOMMENDED
Identifying, retaining, and preserving metal features that are important in defining the overall historic character of the building (such as columns, capitals, pilasters, spandrel panels, or stairways) and their paints, finishes, and colors. The type of metal should be identified prior to work because each metal has its own properties and may require a different treatment.	Removing or substantially changing metal features which are important in defining the overall historic character of the building so that, as a result, the character is diminished. Removing a major portion of the historic metal from a façade instead of repairing or replacing only the deteriorated metal, then reconstructing the façade with new material to achieve a uniform or "improved" appearance.
Protecting and maintaining metals from corrosion by providing proper drainage so that water does not stand on flat, horizontal surfaces or accumulate in curved decorative features.	Failing to identify and treat the causes of corrosion, such as moisture from leaking roofs or gutters. Placing incompatible metals together without providing an appropriate separation material. Such incompatibility can result in galvanic corrosion of the less noble metal (e.g., copper will corrode cast iron, steel, tin, and aluminum).
Cleaning metals when necessary to remove corrosion prior to repainting or applying appropriate protective coatings.	Leaving metals that must be protected from corrosion uncoated after cleaning.



[11] The stainless steel doors at the entrance to this Art Deco apartment building are important in defining its historic character and should be retained in place.

METALS: WROUGHT AND CAST IRON, STEEL, PRESSED METAL, TERNEPLATE, COPPER, ALUMINUM, AND ZINC

RECOMMENDED	NOT RECOMMENDED
Identifying the particular type of metal prior to any cleaning procedure and then testing to ensure that the gentlest cleaning method possible is selected; or, alternatively, determining that cleaning is inappropriate for the particular metal.	Using cleaning methods which alter or damage the color, texture, or finish of the metal, or cleaning when it is inappropriate for the particular metal. Removing the patina from historic metals. The patina may be a protective layer on some metals (such as bronze or copper) as well as a distinctive finish.
Using non-corrosive chemical methods to clean soft metals (such as lead, tinplate, terneplate, copper, and zinc) whose finishes can be easily damaged by abrasive methods.	Cleaning soft metals (such as lead, tinplate, terneplate, copper, and zinc) with abrasive methods (including sandblasting, other abrasive media, or high-pressure water) which will damage the surface of the metal.
Using the least abrasive cleaning method for hard metals (such as cast iron, wrought iron, and steel) to remove paint buildup and corrosion. If hand scraping and wire brushing have proven ineffective, low-pressure abrasive methods may be used as long as they do not abrade or damage the surface.	Using high-pressure abrasive techniques (including sandblasting, other media blasting, or high-pressure water) without first trying gentler cleaning methods prior to cleaning cast iron, wrought iron, or steel.
Applying appropriate paint or other coatings to historically-coated metals after cleaning to protect them from corrosion.	Applying paint or other coatings to metals (such as copper, bronze or stainless steel) if they were not coated historically, unless a coating is necessary for maintenance.
Repainting historically-painted metal features with colors that are appropriate to the building and district.	Using paint colors on historically-painted metal features that are not appropriate to the building or district.
Applying an appropriate protective coating (such as lacquer or wax) to a metal feature that was historically unpainted, such as a bronze door, which is subject to heavy use.	

METALS: WROUGHT AND CAST IRON, STEEL, PRESSED METAL, TERNEPLATE, COPPER, ALUMINUM, AND ZINC

RECOMMENDED	NOT RECOMMENDED
Protecting adjacent materials when cleaning or removing paint from metal features.	Failing to protect adjacent materials when working on metal features.
Evaluating the overall condition of metals to determine whether more than protection and maintenance, such as repairs to metal features, will be necessary.	Failing to undertake adequate measures to ensure the protection of metal features.



[12] This historic steel window has been cleaned, repaired, and primed in preparation for painting and reglazing.



[13] The gold-colored, anodized aluminum geodesic dome of the former Citizen's State Bank in Oklahoma City, OK, built in 1958 and designed by Robert Roloff, makes this a distinctive mid-20th century building.



[14] Interior cast-iron columns have been cleaned and repainted as part of the rehabilitation of this historic market building for continuing use.



[15] New enameled-metal panels were replicated to replace the original panels, which were too deteriorated to repair, when the storefront of this early 1950s building was recreated.

METALS: WROUGHT AND CAST IRON, STEEL, PRESSED METAL, TERNEPLATE, COPPER, ALUMINUM, AND ZINC

RECOMMENDED	NOT RECOMMENDED
Repairing metal by reinforcing the metal using recognized preservation methods. Repair may include the limited replacement in kind or with a compatible substitute material of those extensively deteriorated or missing components of features when there are surviving prototypes, such as column capitals or bases, storefronts, railings and steps, or window hoods.	Removing metals that could be stabilized, repaired, and conserved, or using improper repair techniques, or unskilled personnel, potentially causing further damage to historic materials.
Replacing in kind an entire metal feature that is too deteriorated to repair (if the overall form and detailing are still evident) using the physical evidence as a model to reproduce the feature or when the replacement can be based on historic documentation. Examples of such a feature could include cast-iron porch steps or steel-sash windows. If using the same kind of material is not feasible, then a compatible substitute material may be considered.	Replacing an entire metal feature, such as a column or balustrade, when repair of the metal and limited replacement of deteriorated or missing components are feasible. Removing a metal feature that is unrepairable and not replacing it, or replacing it with a new metal feature that does not match. Using a substitute material for the replacement that does not convey the same appearance of the surviving components of the metal feature or that is physically or chemically incompatible.
The following work is highlighted to indicate that it is specific to **Rehabilitation** *projects and should only be considered after the preservation concerns have been addressed.*	
Designing the Replacement for Missing Historic Features	
Designing and installing a replacement metal feature, such as a metal cornice or cast-iron column, when the historic feature is completely missing. It may be an accurate restoration based on documentary and physical evidence, but only when the historic feature to be replaced coexisted with the features currently on the building. Or, it may be a new design that is compatible with the size, scale, material, and color of the historic building.	Creating an inaccurate appearance because the replacement for the missing metal feature is based upon insufficient physical or historic documentation, is not a compatible design, or because the feature to be replaced did not coexist with the features currently on the building. Introducing a new metal feature that is incompatible in size, scale, material, or color.

ROOFS

RECOMMENDED	NOT RECOMMENDED
Identifying, retaining, and preserving roofs and their functional and decorative features that are important in defining the overall historic character of the building. The form of the roof (gable, hipped, gambrel, flat, or mansard) is significant, as are its decorative and functional features (such as cupolas, cresting, parapets, monitors, chimneys, weather vanes, dormers, ridge tiles, and snow guards), roofing material (such as slate, wood, clay tile, metal, roll roofing, or asphalt shingles), and size, color, and patterning.	Removing or substantially changing roofs which are important in defining the overall historic character of the building so that, as a result, the character is diminished. Removing a major portion of the historic roof or roofing material that is repairable, then rebuilding it with new material to achieve a more uniform or "improved" appearance. Changing the configuration or shape of a roof by adding highly visible new features (such as dormer windows, vents, skylights, or a penthouse). Stripping the roof of sound historic material, such as slate, clay tile, wood, or metal.
Protecting and maintaining a roof by cleaning gutters and downspouts and replacing deteriorated flashing. Roof sheathing should also be checked for indications of moisture due to leaks or condensation.	Failing to clean and maintain gutters and downspouts properly so that water and debris collect and cause damage to roof features, sheathing, and the underlying roof structure.
Providing adequate anchorage for roofing material to guard against wind damage and moisture penetration.	Allowing flashing, caps, and exposed fasteners to corrode, which accelerates deterioration of the roof.
Protecting a leaking roof with a temporary waterproof membrane with a synthetic underlayment, roll roofing, plywood, or a tarpaulin until it can be repaired.	Leaving a leaking roof unprotected so that accelerated deterioration of historic building materials (such as masonry, wood, plaster, paint, and structural members) occurs.
Repainting a roofing material that requires a protective coating and was painted historically (such as a terneplate metal roof or gutters) as part of regularly-scheduled maintenance.	Failing to repaint a roofing material that requires a protective coating and was painted historically as part of regularly-scheduled maintenance.
Applying compatible paint coating systems to historically-painted roofing materials following proper surface preparation.	Applying paint or other coatings to roofing material if they were not coated historically.
Protecting a roof covering when working on other roof features.	Failing to protect roof coverings when working on other roof features.
Evaluating the overall condition of the roof and roof features to determine whether more than protection and maintenance, such as repairs to roof features, will be necessary.	Failing to undertake adequate measures to ensure the protection of roof features.

ROOFS

RECOMMENDED	NOT RECOMMENDED
Repairing a roof by ensuring that the existing historic or compatible non-historic roof covering is sound and waterproof. Repair may include the limited replacement in kind or with a compatible substitute material of missing materials (such as wood shingles, slates, or tiles) on a main roof, as well as those extensively deteriorated or missing components of features when there are surviving prototypes, such as ridge tiles, dormer roofing, or roof monitors. Using corrosion-resistant roof fasteners (e.g., nails and clips) to repair a roof to help extend its longevity.	Replacing an entire roof feature when repair of the historic roofing materials and limited replacement of deteriorated or missing components are feasible.



[16] The deteriorated asphalt shingles of this porch roof are being replaced in kind with matching shingles.

ROOFS

RECOMMENDED	NOT RECOMMENDED
Replacing in kind an entire roof covering or feature that is too deteriorated to repair (if the overall form and detailing are still evident) using the physical evidence as a model to reproduce the feature or when the replacement can be based on historic documentation. Examples of such a feature could include a large section of roofing, a dormer, or a chimney. If using the same kind of material is not feasible, then a compatible substitute material may be considered.	Removing a feature of the roof that is unrepairable and not replacing it, or replacing it with a new roof feature that does not match. Using a substitute material for the replacement that does not convey the same appearance of the roof covering or the surviving components of the roof feature or that is physically or chemically incompatible.
Replacing only missing or damaged roofing tiles or slates rather than replacing the entire roof covering.	Failing to reuse intact slate or tile in good condition when only the roofing substrate or fasteners need replacement.
Replacing an incompatible roof covering or any deteriorated non-historic roof covering with historically-accurate roofing material, if known, or another material that is compatible with the historic character of the building.	
The following work is highlighted to indicate that it is specific to **Rehabilitation** *projects and should only be considered after the preservation concerns have been addressed.*	
Designing the Replacement for Missing Historic Features	
Designing and installing a new roof covering for a missing roof or a new feature, such as a dormer or a monitor, when the historic feature is completely missing. It may be an accurate restoration based on documentary and physical evidence, but only when the historic feature to be replaced coexisted with the features currently on the building. Or, it may be a new design that is compatible with the size, scale, material, and color of the historic building.	Creating an inaccurate appearance because the replacement for the missing roof feature is based upon insufficient physical or historic documentation, is not a compatible design, or because the feature to be replaced did not coexist with the features currently on the building. Introducing a new roof feature that is incompatible in size, scale, material, or color.

ROOFS

RECOMMENDED	NOT RECOMMENDED
Alterations and Additions for a New Use	
Installing mechanical and service equipment on the roof (such as heating and air-conditioning units, elevator housing, or solar panels) when required for a new use so that they are inconspicuous on the site and from the public right-of-way and do not damage or obscure character-defining historic features.	Installing roof-top mechanical or service equipment so that it damages or obscures character-defining roof features or is conspicuous on the site or from the public right-of-way.
Designing rooftop additions, elevator or stair towers, decks or terraces, dormers, or skylights when required by a new or continuing use so that they are inconspicuous and minimally visible on the site and from the public right-of-way and do not damage or obscure character-defining historic features.	Changing a character-defining roof form, or damaging or destroying character-defining roofing material as a result of an incompatible rooftop addition or improperly-installed or highly-visible mechanical equipment.
Installing a green roof or other roof landscaping, railings, or furnishings that are not visible on the site or from the public right-of-way and do not damage the roof structure.	Installing a green roof or other roof landscaping, railings, or furnishings that are visible on the site and from the public right-of-way.



[17] New wood elements have been used selectively to replace rotted wood on the underside of the roof in this historic warehouse.

WINDOWS

RECOMMENDED	NOT RECOMMENDED
Identifying, retaining, and preserving windows and their functional and decorative features that are important to the overall character of the building. The window material and how the window operates (e.g., double hung, casement, awning, or hopper) are significant, as are its components (including sash, muntins, ogee lugs, glazing, pane configuration, sills, mullions, casings, or brick molds) and related features, such as shutters.	Removing or substantially changing windows or window features which are important in defining the overall historic character of the building so that, as a result, the character is diminished. Changing the appearance of windows that contribute to the historic character of the building by replacing materials, finishes, or colors which noticeably change the sash, depth of the reveal, and muntin configurations; the reflectivity and color of the glazing; or the appearance of the frame. Obscuring historic wood window trim with metal or other material. Replacing windows solely because of peeling paint, broken glass, stuck sash, or high air infiltration. These conditions, in themselves, do not indicate that windows are beyond repair.
Protecting and maintaining the wood or metal which comprises the window jamb, sash, and trim through appropriate treatments, such as cleaning, paint removal, and reapplication of protective coating systems.	Failing to protect and maintain window materials on a cyclical basis so that deterioration of the window results.
Protecting windows against vandalism before work begins by covering them and by installing alarm systems that are keyed into local protection agencies.	Leaving windows unprotected and subject to vandalism before work begins, thereby also allowing the interior to be damaged if it can be accessed through unprotected windows.
Making windows weathertight by recaulking gaps in fixed joints and replacing or installing weatherstripping.	
Protecting windows from chemical cleaners, paint, or abrasion during work on the exterior of the building.	Failing to protect historic windows from chemical cleaners, paint, or abrasion when work is being done on the exterior of the building.
Protecting and retaining historic glass when replacing putty or repairing other components of the window.	Failing to protect the historic glass when making window repairs.

WINDOWS

RECOMMENDED	NOT RECOMMENDED
Sustaining the historic operability of windows by lubricating friction points and replacing broken components of the operating system (such as hinges, latches, sash chains or cords) and replacing deteriorated gaskets or insulating units.	Failing to maintain windows and window components so that windows are inoperable, or sealing operable sash permanently. Failing to repair and reuse window hardware such as sash lifts, latches, and locks.
Adding storm windows with a matching or a one-over-one pane configuration that will not obscure the characteristics of the historic windows. Storm windows improve energy efficiency and are especially beneficial when installed over wood windows because they also protect them from accelerated deterioration.	
Adding interior storm windows as an alternative to exterior storm windows when appropriate.	



[18] The historic metal storm windows in this 1920s office building were retained and repaired during the rehabilitation project.

[19] Installing a mockup of a proposed replacement window can be helpful to evaluate how well the new windows will match the historic windows that are missing or too deteriorated to repair.







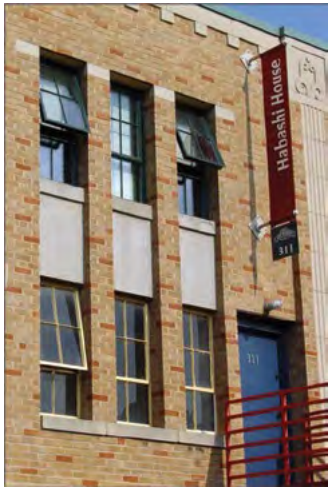




[20 a-d] The original steel windows in this industrial building were successfully repaired as part of the rehabilitation project (left).

WINDOWS

RECOMMENDED	NOT RECOMMENDED
Installing sash locks, window guards, removable storm windows, and other reversible treatments to meet safety, security, or energy conservation requirements.	
Evaluating the overall condition of the windows to determine whether more than protection and maintenance, such as repairs to windows and window features, will be necessary.	Failing to undertake adequate measures to ensure the protection of window features.
Repairing window frames and sash by patching, splicing, consolidating, or otherwise reinforcing them using recognized preservation methods. Repair may include the limited replacement in kind or with a compatible substitute material of those extensively deteriorated, broken, or missing components of features when there are surviving prototypes, such as sash, sills, hardware, or shutters.	Removing window features that could be stabilized, repaired, or conserved using untested consolidants, improper repair techniques, or unskilled personnel, potentially causing further damage to the historic materials. Replacing an entire window when repair of the window and limited replacement of deteriorated or missing components are feasible.
Removing glazing putty that has failed and applying new putty; or, if glass is broken, carefully removing all putty, replacing the glass, and reputtying.	
Installing new glass to replace broken glass which has the same visual characteristics as the historic glass.	
Replacing in kind an entire window that is too deteriorated to repair (if the overall form and detailing are still evident) using the physical evidence as a model to reproduce the feature or when the replacement can be based on historic documentation. If using the same kind of material is not feasible, then a compatible substitute material may be considered.	Removing a character-defining window that is unrepairable or is not needed for the new use and blocking up the opening, or replacing it with a new window that does not match. Using substitute material for the replacement that does not convey the same appearance of the surviving components of the window or that is physically incompatible.



[21] The windows on the lower floor, which were too deteriorated to repair, were replaced with new steel windows matching the upper-floor historic windows that were retained.

WINDOWS

RECOMMENDED	NOT RECOMMENDED
Modifying a historic single-glazed sash to accommodate insulated glass when it will not jeopardize the soundness of the sash or significantly alter its appearance.	Modifying a historic single-glazed sash to accommodate insulated glass when it will jeopardize the soundness of the sash or significantly alter its appearance.
Using low-e glass with the least visible tint in new or replacement windows.	Using low-e glass with a dark tint in new or replacement windows, thereby negatively impacting the historic character of the building.
Using window grids rather than true divided lights on windows on the upper floors of high-rise buildings if they will not be noticeable.	Using window grids rather than true divided lights on windows in low-rise buildings or on lower floors of high-rise buildings where they will be noticeable, resulting in a change to the historic character of the building.
Ensuring that spacer bars in between double panes of glass are the same color as the window sash.	Using spacer bars in between double panes of glass that are not the same color as the window sash.
Replacing all of the components in a glazing system if they have failed because of faulty design or materials that have deteriorated with new material that will improve the window performance without noticeably changing the historic appearance.	Replacing all of the components in a glazing system with new material that will noticeably change the historic appearance.
Replacing incompatible, non-historic windows with new windows that are compatible with the historic character of the building; or reinstating windows in openings that have been filled in.	
The following work is highlighted to indicate that it is specific to **Rehabilitation** *projects and should only be considered after the preservation concerns have been addressed.*	
Designing the Replacement for Missing Historic Features	
Designing and installing a new window or its components, such as frames, sash, and glazing, when the historic feature is completely missing. It may be an accurate restoration based on documentary and physical evidence, but only when the historic feature to be replaced coexisted with the features currently on the building. Or, it may be a new design that is compatible with the size, scale, material, and color of the historic building.	Creating an inaccurate appearance because the replacement for the missing window is based upon insufficient physical or historic documentation, is not a compatible design, or because the feature to be replaced did not coexist with the features currently on the building. Installing replacement windows made from other materials that are not the same as the material of the original windows if they would have a noticeably different appearance from the remaining historic windows.

(a)



(b)





(c)

[22] **Not Recommended:** (a-b) The original wood windows in this late-19th-century building, which were highly decorative, could likely have been repaired and retained. (c) Instead, they were replaced with new windows that do not match the detailing of the historic windows and, therefore, do not meet the Standards (above).





[23] (a)This deteriorated historic wood window was repaired and retained (b) in this rehabilitation project.

WINDOWS

RECOMMENDED	NOT RECOMMENDED
Alterations and Additions for a New Use	
Adding new window openings on rear or other secondary, less-visible elevations, if required by a new use. The new openings and the windows in them should be compatible with the overall design of the building but, in most cases, not duplicate the historic fenestration.	Changing the number, location, size, or glazing pattern of windows on primary or highly-visible elevations which will alter the historic character of the building. Cutting new openings on character-defining elevations or cutting new openings that damage or destroy significant features. Adding balconies at existing window openings or new window openings on primary or other highly-visible elevations where balconies never existed and, therefore, would be incompatible with the historic character of the building.
Replacing windows that are too deteriorated to repair using the same sash and pane configuration, but with new windows that operate differently, if necessary, to accommodate a new use. Any change must have minimal visual impact. Examples could include replacing hopper or awning windows with casement windows, or adding a realigned and enlarged operable portion of industrial steel windows to meet life-safety codes.	Replacing a window that contributes to the historic character of the building with a new window that is different in design (such as glass divisions or muntin profiles), dimensions, materials (wood, metal, or glass), finish or color, or location that will have a noticeably different appearance from the historic windows, which may negatively impact the character of the building.
Installing impact-resistant glazing, when necessary for security, so that it is compatible with the historic windows and does not damage them or negatively impact their character.	Installing impact-resistant glazing, when necessary for security, that is incompatible with the historic windows and that damages them or negatively impacts their character.
Using compatible window treatments (such as frosted glass, appropriate shades or blinds, or shutters) to retain the historic character of the building when it is necessary to conceal mechanical equipment, for example, that the new use requires be placed in a location behind a window or windows on a primary or highly-visible elevation.	Removing a character-defining window to conceal mechanical equipment or to provide privacy for a new use of the building by blocking up the opening.

ENTRANCES AND PORCHES



[24] Rotted boards in the beaded-board porch ceiling are being replaced with new matching beaded board.

RECOMMENDED	NOT RECOMMENDED
Identifying, retaining, and preserving entrances and porches and their functional and decorative features that are important in defining the overall historic character of the building. The materials themselves (including masonry, wood, and metal) are significant, as are their features, such as doors, transoms, pilasters, columns, balustrades, stairs, roofs, and projecting canopies.	Removing or substantially changing entrances and porches which are important in defining the overall historic character of the building so that, as a result, the character is diminished. Cutting new entrances on a primary façade. Altering utilitarian or service entrances so they compete visually with the historic primary entrance; increasing their size so that they appear significantly more important; or adding decorative details that cannot be documented to the building or are incompatible with the building's historic character.
Retaining a historic entrance or porch even though it will no longer be used because of a change in the building's function.	Removing a historic entrance or porch that will no longer be required for the building's new use.
Protecting and maintaining the masonry, wood, and metals which comprise entrances and porches through appropriate surface treatments, such as cleaning, paint removal, and reapplication of protective coating systems.	Failing to protect and maintain entrance and porch materials on a cyclical basis so that deterioration of entrances and porches results.
Protecting entrances and porches against arson and vandalism before work begins by covering them and by installing alarm systems keyed into local protection agencies.	Leaving entrances and porches unprotected and subject to vandalism before work begins, thereby also allowing the interior to be damaged if it can be accessed through unprotected entrances.
Protecting entrance and porch features when working on other features of the building.	Failing to protect materials and features when working on other features of the building.
Evaluating the overall condition of entrances and porches to determine whether more than protection and maintenance, such as repairs to entrance and porch features, will be necessary.	Failing to undertake adequate measures to ensure the protection of entrance and porch features.
Repairing entrances and porches by patching, splicing, consolidating, and otherwise reinforcing them using recognized preservation methods. Repair may include the limited replacement in kind or with a compatible substitute material of those extensively deteriorated features or missing components of features when there are surviving prototypes, such as balustrades, columns, and stairs.	Removing entrances and porches that could be stabilized, repaired, and conserved, or using untested consolidants, improper repair techniques, or unskilled personnel, potentially causing further damage to historic materials. Replacing an entire entrance or porch feature when repair of the feature and limited replacement of deteriorated or missing components are feasible.

ENTRANCES AND PORCHES

RECOMMENDED	NOT RECOMMENDED
Replacing in kind an entire entrance or porch that is too deteriorated to repair (if the overall form and detailing are still evident) using the physical evidence as a model to reproduce the feature or when the replacement can be based on historic documentation. If using the same kind of material is not feasible, then a compatible substitute material may be considered.	Removing an entrance or porch that is unrepairable and not replacing it, or replacing it with a new entrance or porch that does not match. Using a substitute material for the replacement that does not convey the same appearance of the surviving components of entrance or porch features or that is physically incompatible.





[25] The new infill designs for the garage door openings in this commercial building (a) converted for restaurant use and in this mill building (b) rehabilitated for residential use are compatible with the historic character of the buildings.

ENTRANCES AND PORCHES

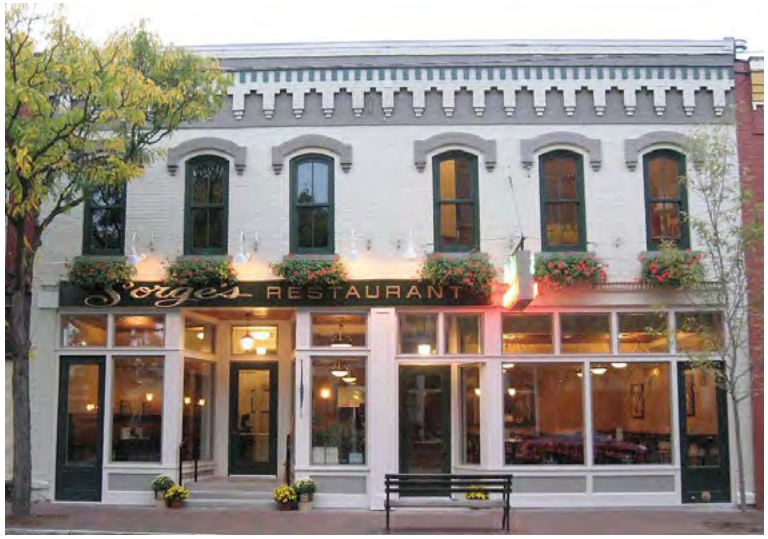
RECOMMENDED	NOT RECOMMENDED
The following work is highlighted to indicate that it is specific to **Rehabilitation** *projects and should only be considered after the preservation concerns have been addressed.*	
Designing the Replacement for Missing Historic Features	
Designing and installing a new entrance or porch when the historic feature is completely missing or has previously been replaced by one that is incompatible. It may be an accurate restoration based on documentary and physical evidence, but only when the historic entrance or porch to be replaced coexisted with the features currently on the building. Or, it may be a new design that is compatible with the size, scale, material, and color of the historic building.	Creating an inaccurate appearance because the replacement for the missing entrance or porch is based upon insufficient physical or historic documentation, is not a compatible design, or because the feature to be replaced did not coexist with the features currently on the building.
Alterations and Additions for a New Use	
Enclosing historic porches on secondary elevations only, when required by a new use, in a manner that preserves the historic character of the building (e.g., using large sheets of glass and recessing the enclosure wall behind existing posts and balustrades).	Enclosing porches in a manner that results in a diminution or loss of historic character by using solid materials rather than clear glazing, or by placing the enclosure in front of, rather than behind, the historic features.
Designing and constructing additional entrances or porches on secondary elevations when required for the new use in a manner that preserves the historic character of the building (i.e., ensuring that the new entrance or porch is clearly subordinate to historic primary entrances or porches).	Constructing secondary or service entrances and porches that are incompatible in size and scale or detailing with the historic building or that obscure, damage, or destroy character-defining features.



[26] **Not Recommended:** Installing a screened enclosure is never recommended on a front or otherwise prominent historic porch. In limited instances, it may be possible to add screening on a porch at the rear or on a secondary façade; however, the enclosure should match the color of the porch and be placed behind columns and railings so that it does not obscure these features.

STOREFRONTS

RECOMMENDED	NOT RECOMMENDED
Identifying, retaining, and preserving storefronts and their functional and decorative features that are important in defining the overall historic character of the building. The storefront materials (including wood, masonry, metals, ceramic tile, clear glass, and pigmented structural glass) and the configuration of the storefront are significant, as are features, such as display windows, base panels, bulkheads, signs, doors, transoms, kick plates, corner posts, piers, and entablatures. The removal of inappropriate, non-historic cladding, false mansard roofs, and other later, non-significant alterations can help reveal the historic character of the storefront.	Removing or substantially changing storefronts and their features which are important in defining the overall historic character of the building so that, as a result, the character is diminished. Changing the storefront so that it has a residential rather than commercial appearance. Introducing features from an earlier period that are not compatible with the historic character of the storefront. Changing the location of the storefront's historic main entrance. Replacing or covering a glass transom with solid material or inappropriate signage, or installing an incompatible awning over it.
Retaining later, non-original features that have acquired significance over time.	Removing later features that may have acquired significance.



[28] This new storefront, which replaced one that was missing, is compatible with the historic character of the building.

STOREFRONTS

RECOMMENDED	NOT RECOMMENDED
Protecting and maintaining masonry, wood, glass, ceramic tile, and metals which comprise storefronts through appropriate treatments, such as cleaning, paint removal, and reapplication of protective coating systems.	Failing to protect and maintain storefront materials on a cyclical basis so that deterioration of storefront features results.
Protecting storefronts against arson and vandalism before work begins by covering windows and doors and by installing alarm systems keyed into local protection agencies.	Leaving the storefront unprotected and subject to vandalism before work begins, thereby also allowing the interior to be damaged if it can be accessed through unprotected entrances.
Protecting the storefront when working on other features of the building.	Failing to protect the storefront when working on other features of the building.
Evaluating the overall condition of the storefront to determine whether more than protection and maintenance, such as repairs to storefront features, will be necessary.	Failing to undertake adequate measures to ensure the protection of storefront features.



[27] This original c. 1940s storefront, with its character-defining angled and curved glass display window and recessed entrance with a decorative terrazzo paving, is in good condition and should be retained in a rehabilitation project.

STOREFRONTS

RECOMMENDED	NOT RECOMMENDED
Repairing storefronts by patching, splicing, consolidating, or otherwise reinforcing them using recognized preservation methods. Repair may include the limited replacement in kind or with a compatible substitute material of those extensively deteriorated or missing components of storefronts when there are surviving prototypes, such as transoms, base panels, kick plates, piers, or signs.	Removing storefronts that could be stabilized, repaired, and conserved, or using untested consolidants, improper repair techniques, or unskilled personnel, potentially causing further damage to historic materials.
Replacing in kind an entire storefront that is too deteriorated to repair (if the overall form and detailing are still evident) using the physical evidence as a model to reproduce the feature or when the replacement can be based on historic documentation. If using the same kind of material is not feasible, then a compatible substitute material may be considered.	Replacing a storefront feature when repair of the feature and limited replacement of deteriorated or missing components are feasible. Using a substitute material for the replacement that does not convey the same appearance of the surviving components of the storefront or that is physically incompatible. Removing a storefront that is unrepairable and not replacing it or replacing it with a new storefront that does not match.
The following work is highlighted to indicate that it is specific to **Rehabilitation** *projects and should only be considered after the preservation concerns have been addressed.*	
Designing the Replacement for Missing Historic Features	
Designing and installing a new storefront when the historic storefront is completely missing or has previously been replaced by one that is incompatible. It may be an accurate restoration based on documentary and physical evidence, but only when the historic storefront to be replaced coexisted with the features currently on the building. Or, it may be a new design that is compatible with the size, scale, material, and color of the historic building.	Creating an inaccurate appearance because the replacement for the missing storefront is based upon insufficient physical or historic documentation, is not a compatible design, or because the feature to be replaced did not coexist with the features currently on the building. Using new, over-scaled, or internally-lit signs unless there is a historic precedent for them or using other types of signs that obscure, damage, or destroy character-defining features of the storefront and the building.

STOREFRONTS

RECOMMENDED	NOT RECOMMENDED
Replacing missing awnings or canopies that can be historically documented to the building, or adding new signage, awnings, or canopies that are compatible with the historic character of the building.	Adding vinyl awnings, or other awnings that are inappropriately sized or shaped, which are incompatible with the historic character of the building; awnings that do not extend over the entire length of the storefront; or large canopies supported by posts that project out over the sidewalk, unless their existence can be historically documented.
Alterations and Additions for a New Use	
Retaining the glazing and the transparency (i.e., which allows the openness of the interior to be experienced from the exterior) that is so important in defining the character of a historic storefront when the building is being converted for residential use. Window treatments (necessary for occupants' privacy) should be installed that are uniform and compatible with the commercial appearance of the building, such as screens or wood blinds. When display cases still exist behind the storefront, the screening should be set at the back of the display case.	Replacing storefront glazing with solid material for occupants' privacy when the building is being converted for residential use. Installing window treatments in storefront windows that have a residential appearance, which are incompatible with the commercial character of the building. Installing window treatments that are not uniform in a series of repetitive storefront windows.





[29] The rehabilitation of the 1910 Mā'alaea General Store (a), which served the workers' camp at the Wailuku Sugar Company on the Hawaiian island of Maui, included the reconstruction of the original parapet (b).

CURTAIN WALLS

RECOMMENDED	NOT RECOMMENDED
Identifying, retaining, and preserving curtain wall systems and their components (metal framing members and glass or opaque panels) that are important in defining the overall historic character of the building. The design of the curtain wall is significant, as are its component materials (metal stick framing and panel materials, such as clear or spandrel glass, stone, terra cotta, metal, and fiber-reinforced plastic), appearance (e.g., glazing color or tint, transparency, and reflectivity), and whether the glazing is fixed, operable or louvered glass panels. How a curtain wall is engineered and fabricated, and the fact that it expands and contracts at a different rate from the building's structural system, are important to understand when undertaking the rehabilitation of a curtain wall system.	Removing or substantially changing curtain wall components which are important in defining the overall historic character of the building so that, as a result, the character is diminished. Replacing historic curtain wall features instead of repairing or replacing only the deteriorated components.
Protecting and maintaining curtain walls and their components through appropriate surface treatments, such as cleaning, paint removal, and reapplication of protective coating systems; and by making them watertight and ensuring that sealants and gaskets are in good condition.	Failing to protect and maintain curtain wall components on a cyclical basis so that deterioration of curtain walls results. Failing to identify, evaluate, and treat various causes of curtain wall failure, such as open gaps between components where sealants have deteriorated or are missing.
Protecting ground-level curtain walls from vandalism before work begins by covering them, while ensuring adequate ventilation, and by installing alarm systems keyed into local protection agencies.	Leaving ground-level curtain walls unprotected and subject to vandalism before work begins, thereby also allowing the interior to be damaged if it can be accessed through unprotected glazing.
Protecting curtain walls when working on other features of the building.	Failing to protect curtain walls when working on other features of the building.
Cleaning curtain wall systems only when necessary to halt deterioration or to remove heavy soiling.	Cleaning curtain wall systems when they are not heavily soiled, thereby needlessly introducing chemicals or moisture into historic materials.

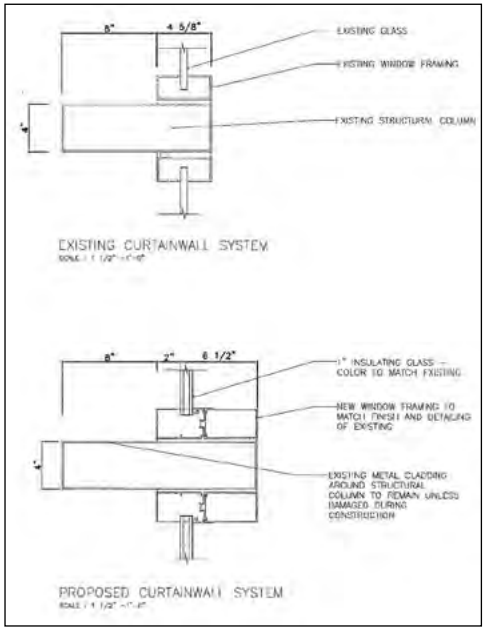
CURTAIN WALLS

RECOMMENDED	NOT RECOMMENDED
Carrying out cleaning tests, when it has been determined that cleaning is appropriate, using only cleaning materials that will not damage components of the system, including factory-applied finishes. Test areas should be examined to ensure that no damage has resulted.	Cleaning curtain wall systems without testing or using cleaning materials that may damage components of the system.
Evaluating the overall condition of curtain walls to determine whether more than protection and maintenance, such as repair of curtain wall components, will be necessary.	Failing to undertake adequate measures to protect curtain wall components.
Repairing curtain walls by ensuring that they are watertight by augmenting existing components or replacing deteriorated or missing sealants or gaskets, where necessary, to seal any gaps between system components. Repair may include the limited replacement of those extensively deteriorated or missing components of curtain walls when there are surviving prototypes.	Removing curtain wall components that could be repaired or using improper repair techniques. Replacing an entire curtain wall system when repair of materials and limited replacement of deteriorated or missing components are feasible.
Applying sealants carefully so that they are not readily visible.	
Replacing in kind a component or components of a curtain wall system that are too deteriorated to repair (if the overall form and detailing are still evident) using the physical evidence as a model to reproduce the feature. If using the same kind of material is not feasible, then a compatible substitute material may be considered as long as it has the same finish and appearance.	Removing a curtain wall component or the entire system, if necessary, that is unrepairable and not replacing it or replacing it with a new component or system that does not convey the same appearance.
Replacing masonry, metal, glass, or other components of a curtain wall system (or the entire system, if necessary) which have failed because of faulty design with substitutes that match the original as closely as possible and which will reestablish the viability and performance of the system.	Using substitute material for the replacement that does not convey the same appearance of the surviving components of the curtain wall or that is physically incompatible.



[30] Rather than replace the original curtain wall system of the 1954 Simms Building in Albuquerque, NM, with a different color tinted glass or coat it with a non-historic reflective film, the HVAC system was updated to improve energy efficiency. *Photo: Harvey M. Kaplan.*







[31 a-c:] (a) The rehabilitation of the First Federal Savings and Loan Association building in Birmingham, AL, constructed in 1961, required replacing the deteriorated historic curtain wall system because the framing and the fasteners holding the spandrel glass and the windows had failed. (b) Comparative drawings show that the differences between the replacement system, which incorporated new insulated glass to meet wind-load requirements, and the original system are minimal. (c) The replacement system, shown after completion of the project, has not altered the historic character of the building.

CURTAIN WALLS

RECOMMENDED	NOT RECOMMENDED
The following work is highlighted to indicate that it is specific to **Rehabilitation** *projects and should only be considered after the preservation concerns have been addressed.*	
Designing the Replacement for Missing Historic Features	
Designing and installing a new curtain wall or its components when the historic feature is completely missing. It may be an accurate restoration based on documentary and physical evidence, but only when the historic feature to be replaced coexisted with the features currently on the building. Or, it may be a new design that is compatible with the size, scale, material, and color of the historic building.	Creating an inaccurate appearance because the replacement for the missing curtain wall component is based upon insufficient physical or historic documentation, is not a compatible design, or because the feature did not coexist with the features currently on the building. Introducing a new curtain wall component that is incompatible in size, scale, material, color, and finish.
Alterations and Additions for a New Use	
Installing new glazing or an entire new curtain wall system, when necessary to meet safety-code requirements, with dimensions, detailing, materials, colors, and finish as close as possible to the historic curtain wall components.	Installing new glazing or an entire new curtain wall system, when necessary to meet safety-code requirements, with dimensions and detailing that is significantly different from the historic curtain wall components.
Installing impact-resistant glazing, when necessary for security, so that it is compatible with the historic windows and does not damage them or negatively impact their character.	Installing impact-resistant glazing in a curtain wall system, when necessary for security, that is incompatible with the historic curtain walls and damages them or negatively impacts their character.

STRUCTURAL SYSTEMS

RECOMMENDED	NOT RECOMMENDED
Identifying, retaining, and preserving structural systems and visible features of systems that are important in defining the overall historic character of the building. This includes the materials that comprise the structural system (i.e., wood, metal and masonry), the type of system, and its features, such as posts and beams, trusses, summer beams, vigas, cast-iron or masonry columns, above-grade stone foundation walls, or load-bearing masonry walls.	Removing or substantially changing visible features of historic structural systems which are important in defining the overall historic character of the building so that, as a result, the character is diminished. Overloading the existing structural system, or installing equipment or mechanical systems which could damage the structure. Replacing a load-bearing masonry wall that could be augmented and retained. Leaving known structural problems untreated, such as deflected beams, cracked and bowed walls, or racked structural members.
Protecting and maintaining the structural system by keeping gutters and downspouts clear and roofing in good repair; and by ensuring that wood structural members are free from insect infestation.	Failing to protect and maintain the structural system on a cyclical basis so that deterioration of the structural system results. Using treatments or products that may retain moisture, which accelerates deterioration of structural members.



[33] Retaining as much as possible of the historic wood sill plate and replacing only the termite-damaged wood is always the preferred and recommended treatment.

STRUCTURAL SYSTEMS

RECOMMENDED	NOT RECOMMENDED
Evaluating the overall condition of the structural system to determine whether more than protection and maintenance, such as repairs to structural features, will be necessary.	Failing to undertake adequate measures to ensure the protection of structural systems.
Repairing the structural system by augmenting individual components, using recognized preservation methods. For example, weakened structural members (such as floor framing) can be paired or sistered with a new member, braced, or otherwise supplemented and reinforced.	Upgrading the building structurally in a manner that diminishes the historic character of the exterior or that damages interior features or spaces. Replacing a historic structural feature in its entirety or in part when it could be repaired or augmented and retained.





[32] (a-b) The rehabilitation of the 1892 Carson Block Building in Eureka, CA, for its owner, the Northern California Indian Development Council, included recreating the missing corner turret and sensitively introducing seismic reinforcement (c) shown here (opposite page) in a secondary upper floor office space. *Photos: Page & Turnbull.*

STRUCTURAL SYSTEMS

RECOMMENDED	NOT RECOMMENDED
Installing seismic or structural reinforcement, when necessary, in a manner that minimizes its impact on the historic fabric and character of the building.	
Replacing in kind or with a compatible substitute material large portions or entire features of the structural system that are either extensively damaged or deteriorated or that are missing when there are surviving prototypes, such as cast-iron columns, trusses, or masonry walls. Substitute material must be structurally sufficient, physically compatible with the rest of the system, and, where visible, must have the same form, design, and appearance as the historic feature.	Using substitute material that does not equal the load-bearing capabilities of the historic material; does not convey the same appearance of the historic material, if it is visible; or is physically incompatible. Installing a visible or exposed structural replacement feature that does not match.
Replacing to match any interior features or finishes that may have to be removed to gain access to make structural repairs, and reusing salvageable material.	



STRUCTURAL SYSTEMS

RECOMMENDED	NOT RECOMMENDED
The following work is highlighted to indicate that it is specific to **Rehabilitation** *projects and should only be considered after the preservation concerns have been addressed.*	
Alterations and Additions for a New Use	
Limiting any new excavations next to historic foundations to avoid undermining the structural stability of the building or adjacent historic buildings. The area next to the building foundation should be investigated first to ascertain potential damage to site features or archeological resources.	Carrying out excavations or regrading land adjacent to a historic building which could cause the historic foundation to settle, shift, or fail, or which could destroy significant archeological resources.
Correcting structural deficiencies needed to accommodate a new use in a manner that preserves the structural system and individual character-defining features.	Making substantial changes to significant interior spaces or damaging or destroying features or finishes that are character defining to correct structural deficiencies.
Designing and installing new mechanical or electrical equipment, when necessary, in a manner that minimizes the number and size of cuts or holes in structural members.	Installing new mechanical or electrical equipment in a manner which reduces the load-bearing capacity of historic structural members.
Inserting a new floor when required for the new use if it does not negatively impact the historic character of the interior space; and if it does not damage the structural system, does not abut window glazing, and is not visible from the exterior of the building.	Inserting a new floor that damages or destroys the structural system or abuts window glazing and is visible from the exterior of the building and, thus, negatively impacts its historic character.
Creating an atrium, light court, or lightwell to provide natural light when required for a new use only when it can be done in a manner that preserves the structural system and the historic character of the building.	Removing structural features to create an atrium, light court, or lightwell if it negatively impacts the historic character of the building.

MECHANICAL SYSTEMS: HEATING, AIR CONDITIONING, ELECTRICAL, AND PLUMBING

RECOMMENDED	NOT RECOMMENDED
Identifying, retaining, and preserving visible features of early mechanical systems that are important in defining the overall historic character of the building, such as radiators, vents, fans, grilles, and plumbing and lighting fixtures.	Removing or substantially changing visible features of mechanical systems that are important in defining the overall historic character of the building so that, as a result, the character is diminished.
Protecting and maintaining mechanical, plumbing, and electrical systems and their features through cyclical maintenance.	Failing to protect and maintain a functioning mechanical system, plumbing, and electrical systems and their visible features on a cyclical basis so that their deterioration results.
Improving the energy efficiency of existing mechanical systems to help reduce the need for a new system by installing storm windows, insulating attics and crawl spaces, or adding awnings, if appropriate.	
Evaluating the overall condition of mechanical systems to determine whether more than protection and maintenance, such as repairs to mechanical system components, will be necessary.	Failing to undertake adequate measures to ensure the protection of mechanical system components.
Repairing mechanical systems by augmenting or upgrading system components (such as installing new pipes and ducts), rewiring, or adding new compressors or boilers.	Replacing a mechanical system when its components could be upgraded and retained.
Replacing in kind or with a compatible substitute material those extensively deteriorated or missing visible features of mechanical systems when there are surviving prototypes, such as ceiling fans, radiators, grilles, or plumbing fixtures.	Installing a visible replacement feature of a mechanical system, if it is important in defining the historic character of the building, that does not convey the same appearance.

MECHANICAL SYSTEMS: HEATING, AIR CONDITIONING, ELECTRICAL, AND PLUMBING

RECOMMENDED	NOT RECOMMENDED
The following work is highlighted to indicate that it is specific to **Rehabilitation** *projects and should only be considered after the preservation concerns have been addressed.*	
Alterations and Additions for a New Use	
Installing a new mechanical system, if required, so that it results in the least alteration possible to the historic building and its character-defining features.	Installing a new mechanical system so that character-defining structural or interior features are radically changed, damaged, or destroyed.
Providing adequate structural support for the new mechanical equipment.	Failing to consider the weight and design of new mechanical equipment so that, as a result, historic structural members or finished surfaces are weakened or cracked.
Installing new mechanical and electrical systems and ducts, pipes, and cables in closets, service areas, and wall cavities to preserve the historic character of the interior space.	Installing systems and ducts, pipes, and cables in walls or ceilings in a manner that results in extensive loss or damage or otherwise obscures historic building materials and character-defining features.
Concealing HVAC ductwork in finished interior spaces, when possible, by installing it in secondary spaces (such as closets, attics, basements, or crawl spaces) or in appropriately-located, furred-down soffits.	Leaving HVAC ductwork exposed in most finished spaces or installing soffits in a location that will negatively impact the historic character of the interior or exterior of the building.
Installing exposed ductwork in a finished space when necessary to protect and preserve decorative or other features (such as column capitals, pressed-metal or ornamental plaster ceilings, coffers, or beams) that is painted, and appropriately located so that it will have minimal impact on the historic character of the space.	Installing exposed ductwork in a finished space when necessary to protect and preserve decorative or other features that is not painted, or is located where it will negatively impact the historic character of the space.
Lowering ceilings, installing a dropped ceiling, or constructing soffits to conceal ductwork in a finished space when this will not result in extensive loss or damage to historic materials or decorative and other features, and will not change the overall character of the space or the exterior appearance of the building (i.e., lowered ceilings or soffits visible through window glazing).	Lowering ceilings, installing a dropped ceiling, or constructing soffits to conceal ductwork in a finished space in a manner that results in extensive loss or damage to historic materials or decorative and other features, and will change the overall character of the space or the exterior appearance of the building.

MECHANICAL SYSTEMS: HEATING, AIR CONDITIONING, ELECTRICAL, AND PLUMBING

RECOMMENDED	NOT RECOMMENDED
Installing appropriately located, exposed ductwork in historically-unfinished interior spaces in industrial or utilitarian buildings.	
Installing a split system mechanical unit in a manner that will have minimal impact on the historic character of the interior and result in minimal loss of historic building material.	Installing a split system mechanical unit without considering its impact on the historic character of the interior or the potential loss of historic building material.
Installing heating or air conditioning window units only when the installation of any other system would result in significant damage or loss of historic materials or features.	
Installing mechanical equipment on the roof, when necessary, so that it is minimally visible to preserve the building's historic character and setting.	Installing mechanical equipment on the roof that is overly large or highly visible and negatively impacts the historic character of the building or setting.
Placing air conditioning compressors in a location on a secondary elevation of the historic building that is not highly visible.	Placing air conditioning compressors where they are highly visible and negatively impact the historic character of the building or setting.



[34] The new ceiling ducts installed during the conversion of this historic office building into apartments are minimal in design and discretely placed above the windows.

INTERIOR SPACES, FEATURES, AND FINISHES

RECOMMENDED	NOT RECOMMENDED
Identifying, retaining, and preserving a floor plan or interior spaces, features, and finishes that are important in defining the overall historic character of the building. Significant spatial characteristics include the size, configuration, proportion, and relationship of rooms and corridors; the relationship of features to spaces; and the spaces themselves, such as lobbies, lodge halls, entrance halls, parlors, theaters, auditoriums, gymnasiums, and industrial and commercial interiors. Color, texture, and pattern are important characteristics of features and finishes, which can include such elements as columns, plaster walls and ceilings, flooring, trim, fireplaces and mantels, paneling, light fixtures, hardware, decorative radiators, ornamental grilles and registers, windows, doors, and transoms; plaster, paint, wallpaper and wall coverings, and special finishes, such as marbleizing and graining; and utilitarian (painted or unpainted) features, including wood, metal, or concrete exposed columns, beams, and trusses and exposed load-bearing brick, concrete, and wood walls.	Altering a floor plan, or interior spaces (including individual rooms), features, and finishes, which are important in defining the overall historic character of the building so that, as a result, the character is diminished. Altering the floor plan by demolishing principal walls and partitions for a new use. Altering or destroying significant interior spaces by inserting additional floors or lofts; cutting through floors to create lightwells, light courts, or atriums; lowering ceilings; or adding new walls or removing historic walls. Relocating an interior feature, such as a staircase, so that the circulation pattern and the historic relationship between features and spaces are altered. Installing new material that obscures or damages character-defining interior features or finishes. Removing paint, plaster, or other finishes from historically-finished interior surfaces to create a new appearance (e.g., removing plaster to expose brick walls or a brick chimney breast, stripping paint from wood to stain or varnish it, or removing a plaster ceiling to expose unfinished beams). Applying paint, plaster, or other coatings to surfaces that have been unfinished historically, thereby changing their character. Changing the type of finish or its color, such as painting a historically-varnished wood feature, or removing paint from a historically-painted feature.

INTERIOR SPACES, FEATURES, AND FINISHES

RECOMMENDED	NOT RECOMMENDED
Retaining decorative or other character-defining features or finishes that typify the showroom or interior of a historic store, such as a pressed-metal ceiling, a beaded-board ceiling, or wainscoting.	Removing decorative or other character-defining features or finishes that typify the showroom or interior of a historic store, such as a pressed-metal ceiling, a beaded-board ceiling, or wainscoting.
Protecting and maintaining historic materials (including plaster, masonry, wood, and metals) which comprise interior spaces through appropriate surface treatments, such as cleaning, paint removal, and reapplication of protective coating systems.	Failing to protect and maintain interior materials and finishes on a cyclical basis so that deterioration of interior features results.
Protecting interior features and finishes against arson and vandalism before project work begins by erecting temporary fencing or by covering broken windows and open doorways, while ensuring adequate ventilation, and by installing alarm systems keyed into local protection agencies.	Leaving the building unprotected and subject to vandalism before work begins, thereby allowing the interior to be damaged if it can be accessed through unprotected entrances.
Protecting interior features (such as a staircase, mantel, flooring, or decorative finishes) from damage during project work by covering them with plywood, heavy canvas, or plastic sheeting.	Failing to protect interior features and finishes when working on the interior.

[35] (a) Although deteriorated, the historic school corridor, shown on the left, with its character-defining features, including doors and transoms, was retained and repaired as part of the rehabilitation project (b).







[36] The elaborate features and finishes of this historic banking hall in the Union Trust Company Building, in Cleveland, OH, were retained and repaired as part of its conversion into a food market.

INTERIOR SPACES, FEATURES, AND FINISHES

RECOMMENDED	NOT RECOMMENDED
Removing damaged or deteriorated paint and finishes only to the next sound layer using the gentlest method possible prior to repainting or refinishing using compatible paint or other coating systems.	Using potentially damaging methods, such as open-flame torches or abrasive techniques, to remove paint or other coatings. Removing paint that is firmly adhered to interior surfaces.
Using abrasive cleaning methods only on the interior of industrial or warehouse buildings with utilitarian, unplastered masonry walls and where wood features are not finished, molded, beaded, or worked by hand. Low-pressure abrasive cleaning (e.g., sand-blasting or other media blasting) should only be considered if test patches show no surface damage and after gentler methods have proven ineffective.	Using abrasive methods anywhere but utilitarian and industrial interior spaces or when there are other methods that are less likely to damage the surface of the material.
Evaluating the overall condition of the interior materials, features, and finishes to determine whether more than protection and maintenance, such as repairs to features and finishes, will be necessary.	Failing to undertake adequate measures to ensure the protection of interior materials, features, and finishes.
Repairing interior features and finishes by patching, splicing, consolidating, or otherwise reinforcing the materials using rec-ognized preservation methods. Repairs may include the limited replacement in kind or with a compatible substitute material of those extensively deteriorated or missing parts of interior features when there are surviving prototypes, such as stairs, balustrades, wood paneling, columns, decorative wall finishes, and ornamental pressed-metal or plaster ceilings. Repairs should be physically and visually compatible.	Removing materials that could be repaired or using improper repair techniques. Replacing an entire interior feature (such as a staircase, mantel, or door surround) or a finish (such as a plaster) when repair of materi-als and limited replacement of deteriorated or missing components are feasible.



[37] Exposed and painted ducts were appropriately installed here in a retail space in Denver's historic Union Station after considering other options that would have impacted the ceiling height, or damaged or obscured the ornamental plaster crown molding. *Photo: Heritage Consulting Group.*

[39] Leaving the ceiling structure exposed and installing exposed ductwork where it does not impact the windows, are appropriate treatments when rehabilitating an industrial building for another use.

[38] The rehabilitation project retained the industrial character of this historic factory building, which included installation of a fire-rated, clear glass enclosure that allows the stairway, an important interior feature, to remain visible.





INTERIOR SPACES, FEATURES, AND FINISHES

RECOMMENDED	NOT RECOMMENDED
Replacing in kind an entire interior feature that is too deteriorated to repair (if the overall form and detailing are still evident) using the physical evidence as a model to reproduce the feature. Examples could include wainscoting, window and door surrounds, or stairs. If using the same kind of material is not feasible, then a compatible substitute material may be considered.	Removing a character-defining interior feature that is unrepairable and not replacing it, or replacing it with a new feature or finish that does not match the historic feature. Using a substitute material for the replacement that does not convey the same appearance of the interior feature or that is physically incompatible. Using a substitute material for the replacement that does not convey the same appearance of the interior feature or that is physically incompatible.
The following work is highlighted to indicate that it is specific to **Rehabilitation** *projects and should only be considered after the preservation concerns have been addressed.*	
Designing the Replacement for Missing Historic Features	
Designing and installing a new interior feature or finish when the historic feature or finish is completely missing. This could include missing walls, stairs, mantels, wood trim, and plaster, or even entire rooms if the historic spaces, features, and finishes are missing or have been destroyed by inappropriate alterations. The design may be an accurate restoration based on documentary and physical evidence, but only when the feature or finish to be replaced coexisted with the features currently in the building. Or, it may be a new design that is compatible with the size, scale, material, and color of the historic building.	Creating an inaccurate appearance because the replacement for the missing feature is based upon insufficient physical or historic documentation; is not a compatible design; or because the feature did not coexist with the feature currently on the building. Introducing a new interior feature or finish that is incompatible in size, scale, material, color, and finish.
Alterations and Additions for a New Use	
Installing new or additional systems required for a new use for the building, such as bathrooms and mechanical equipment, in secondary spaces to preserve the historic character of the most significant interior spaces.	Subdividing primary spaces, lowering ceilings, or damaging or obscuring character-defining features (such as fireplaces, windows, or stairways) to accommodate a new use for the building.

INTERIOR SPACES, FEATURES, AND FINISHES

RECOMMENDED	NOT RECOMMENDED
Installing new mechanical and electrical systems and ducts, pipes, and cables in closets, service areas, and wall cavities to preserve the historic character of interior spaces, features, and finishes.	Installing ducts, pipes, and cables where they will obscure character-defining features or negatively impact the historic character of the interior.
Creating open work areas, when required by the new use, by selectively removing walls only in secondary spaces, less significant upper floors, or other less-visible locations to preserve primary public spaces and circulation systems.	
Retaining the configuration of corridors, particularly in buildings with multiple floors with repetitive plans (such as office and apartment buildings or hotels), where not only the floor plan is character defining, but also the width and the length of the corridor, doorways, transoms, trim, and other features, such as wainscoting and glazing.	Making extensive changes to the character of significant historic corridors by narrowing or radically shortening them, or removing their character-defining features.
Reusing decorative material or features that had to be removed as part of the rehabilitation work (including baseboards, door casing, paneled doors, and wainscoting) and reusing them in areas where these features are missing or are too deteriorated to repair.	Discarding historic material when it can be reused to replace missing or damaged features elsewhere in the building, or reusing material in a manner that may convey a false sense of history.
Installing permanent partitions in secondary, rather than primary, spaces whenever feasible. Removable partitions or partial-height walls that do not destroy the sense of space often may be installed in large character-defining spaces when required by a new use.	Installing partitions that abut windows and glazing or that damage or obscure character-defining spaces, features, or finishes.
Enclosing a character-defining interior stairway, when required by code, with fire-rated glass walls or large, hold-open doors so that the stairway remains visible and its historic character is retained.	Enclosing a character-defining interior stairway for safety or functional reasons in a manner that conceals it or destroys its character.
Locating new, code-required stairways or elevators in secondary and service areas of the historic building.	Making incompatible changes or damaging or destroying character-defining spaces, features, or finishes when adding new code-required stairways and elevators.



[41] **Not Recommended**: Leaving fragments of deteriorated or "sculpted" plaster is not a compatible treatment for either finished or unfinished interior spaces.



[40] **Not Recommended:** Removing a finished ceiling and leaving the structure exposed in a historic retail space does not meet the Standards for Rehabilitation.

INTERIOR SPACES, FEATURES, AND FINISHES

RECOMMENDED	NOT RECOMMENDED
Creating an atrium, light court, or lightwell to provide natural light when required for a new use only when it can be done in a manner that preserves significant interior spaces, features, and finishes or important exterior elevations.	Destroying or damaging character-defining interior spaces, features, or finishes, or damaging the structural system to create an atrium, light court, or lightwell.
Inserting a new floor, mezzanine, or loft when required for a new use if it does not damage or destroy significant interior features and finishes and is not visible from the exterior of the building.	Inserting a new floor, mezzanine, or loft that damages or destroys significant interior features or abuts window glazing and is visible from the exterior of the building, and, thus, negatively impacts its historic character.
Inserting a new floor, when necessary for a new use, only in large assembly spaces that are secondary to another assembly space in the building; in a space that has been greatly altered; or where character-defining features have been lost or are too deteriorated to repair.	Inserting a new floor in significant, large assembly spaces with distinctive features and finishes, which negatively impacts their historic character.
Installing exposed ductwork in a finished space when necessary to protect and preserve decorative or other features (such as column capitals, ornamental plaster or pressed-metal ceilings, coffers, or beams) that is designed, painted, and appropriately located so that it will have minimal impact on the historic character of the space.	Installing exposed ductwork in a finished space when necessary to protect and preserve decorative or other features that is not painted, or is located where it will negatively impact the historic character of the space.
Lowering ceilings, installing a dropped ceiling, or constructing soffits to conceal ductwork in a finished space when they will not result in extensive loss or damage to historic materials or decorative and other features, and will not change the overall character of the space or the exterior appearance of the building (i.e., lowered ceilings or soffits visible through window glazing).	Lowering ceilings, installing a dropped ceiling, or constructing soffits to conceal ductwork in a finished space in a manner that results in extensive loss or damage to historic materials or decorative and other features, and will change the overall character of the space or the exterior appearance of the building.
Installing a split system mechanical unit in a manner that will have minimal impact on the historic character of the interior and will result in minimal loss of historic building material.	Installing a split system mechanical unit without considering its impact on the historic character of the interior or the potential loss of historic building material.

BUILDING SITE

RECOMMENDED	NOT RECOMMENDED
Identifying, retaining, and preserving features of the building site that are important in defining its overall historic character. Site features may include walls, fences, or steps; circulation systems, such as walks, paths or roads; vegetation, such as trees, shrubs, grass, orchards, hedges, windbreaks, or gardens; landforms, such as hills, terracing, or berms; furnishings and fixtures, such as light posts or benches; decorative elements, such as sculpture, statuary, or monuments; water features, including fountains, streams, pools, lakes, or irrigation ditches; and subsurface archeological resources, other cultural or religious features, or burial grounds which are also important to the site.	Removing or substantially changing buildings and their features or site features which are important in defining the overall historic character of the property so that, as a result, the character is diminished.



[42] This garden is an important character-defining landscape feature on this college campus.

BUILDING SITE

RECOMMENDED	NOT RECOMMENDED
Retaining the historic relationship between buildings and the landscape.	Removing or relocating buildings or landscape features, thereby destroying the historic relationship between buildings and the landscape. Removing or relocating buildings on a site or in a complex of related historic structures (such as a mill complex or farm), thereby diminishing the historic character of the site or complex. Moving buildings onto the site, thereby creating an inaccurate historic appearance. Changing the grade level of the site if it diminishes its historic character. For example, lowering the grade adjacent to a building to maximize use of a basement, which would change the historic appearance of the building and its relation to the site.
Protecting and maintaining buildings and site features by providing proper drainage to ensure that water does not erode foundation walls, drain toward the building, or damage or erode the landscape.	Failing to ensure that site drainage is adequate so that buildings and site features are damaged or destroyed; or, alternatively, changing the site grading so that water does not drain properly.
Correcting any existing irrigation that may be wetting the building excessively.	Neglecting to correct any existing irrigation that may be wetting the building excessively.
Minimizing disturbance of the terrain around buildings or elsewhere on the site, thereby reducing the possibility of destroying or damaging important landscape features, archeological resources, other cultural or religious features, or burial grounds.	Using heavy machinery or equipment in areas where it may disturb or damage important landscape features, archeological resources, other cultural or religious features, or burial grounds.
Surveying and documenting areas where the terrain will be altered to determine the potential impact to important landscape features, archeological resources, other cultural or religious features, or burial grounds.	Failing to survey the building site prior to beginning work, which may result in damage or loss of important landscape features, archeological resources, other cultural or religious features, or burial grounds.

BUILDING SITE

RECOMMENDED	NOT RECOMMENDED
Protecting (e.g., preserving in place) important site features, archeological resources, other cultural or religious features, or burial grounds.	Leaving known site features or archeological material unprotected so that it is damaged during rehabilitation work.
Planning and carrying out any necessary investigation before rehabilitation begins, using professional archeologists and methods, when preservation in place is not feasible.	Allowing unqualified personnel to perform data recovery on archeological resources, which can result in damage or loss of important archeological material
Preserving important landscape features through regularly-scheduled maintenance of historic plant material.	Allowing important landscape features or archeological resources to be lost, damaged, or to deteriorate due to inadequate protection or lack of maintenance
Protecting the building site and landscape features against arson and vandalism before rehabilitation work begins by erecting temporary fencing and by installing alarm systems keyed into local protection agencies.	Leaving the property unprotected and subject to vandalism before work begins so that the building site and landscape features, archeological resources, other cultural or religious features, or burial grounds can be damaged or destroyed. Removing or destroying features from the site, such as fencing, paths or walkways, masonry balustrades, or plant material.
Installing protective fencing, bollards, and stanchions on a building site, when necessary for security, that are as unobtrusive as possible.	Installing protective fencing, bollards, and stanchions on a building site, when necessary for security, without taking into consideration their location and visibility so that they negatively impact the historic character of the site.
Providing continued protection and maintenance of buildings and landscape features on the site through appropriate grounds and landscape management.	Failing to protect and maintain materials and features from the restoration period on a cyclical basis so that deterioration of the site results.
Protecting buildings and landscape features when working on the site.	Failing to protect building and landscape features during work on the site or failing to repair damaged or deteriorated site features.

BUILDING SITE

RECOMMENDED	NOT RECOMMENDED
Evaluating the overall condition of materials and features to determine whether more than protection and maintenance, such as repairs to site features, will be necessary.	Failing to undertake adequate measures to ensure the protection of the site.
Repairing historic site features which have been damaged, are deteriorated, or have missing components order reestablish the whole feature and to ensure retention of the integrity of the historic materials. Repairs may include limited replacement in kind or with a compatible substitute material of those extensively deteriorated or missing parts of site features when there are surviving prototypes, such as paving, railings, or individual plants within a group (e.g., a hedge). Repairs should be physically and visually compatible.	Removing materials and features that could be repaired or using improper repair techniques. Replacing an entire feature of the site (such as a fence, walkway, or drive) when repair of materials and limited replacement of deteriorated or missing components are feasible.



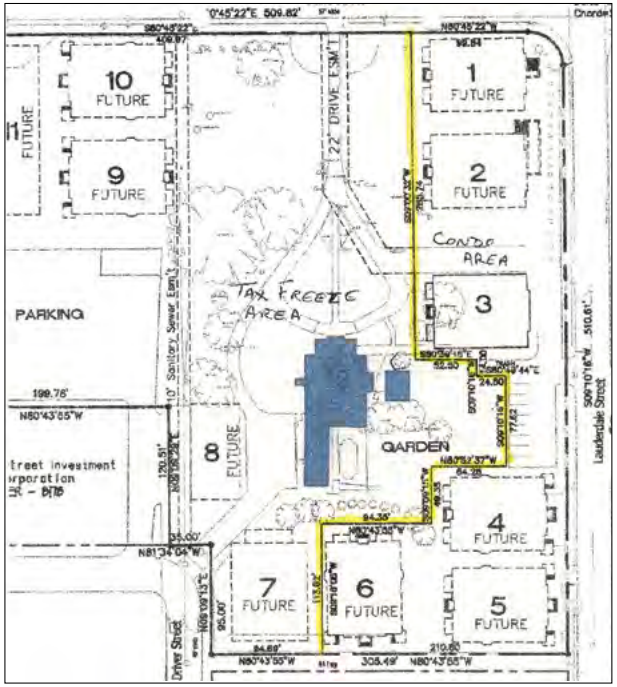
[43] The industrial character of the site was retained when this brewery complex was rehabilitated for residential use.



[44] **Not Recommended:** (a-b) The historic character of this plantation house (marked in blue on plan on opposite page) and its site was diminished and adversely impacted when multiple new buildings like this (#3 on plan) were constructed on the property (c).

BUILDING SITE

RECOMMENDED	NOT RECOMMENDED
Replacing in kind an entire feature of the site that is too deteriorated to repair (if the overall form and detailing are still evident) using the physical evidence as a model to reproduce the feature. Examples could include a walkway or a fountain, a land form, or plant material. If using the same kind of material is not feasible, then a compatible substitute material may be considered.	Removing a character-defining feature of the site that is unrepairable and not replacing it, or replacing it with a new feature that does not match. Using a substitute material for the replacement that does not convey the same appearance of the surviving site feature or that is physically or ecologically incompatible. Adding conjectural landscape features to the site (such as period reproduction light fixtures, fences, fountains, or vegetation) that are historically inappropriate, thereby creating an inaccurate appearance of the site.





BUILDING SITE



[45] Undertaking a survey to document archeological resources may be considered in some rehabilitation projects when a new exterior addition is planned.

RECOMMENDED	NOT RECOMMENDED
The following work is highlighted to indicate that it is specific to **Rehabilitation** *projects and should only be considered after the preservation concerns have been addressed.*	
Designing the Replacement for Missing Historic Features	
Designing and installing a new feature on a site when the historic feature is completely missing. This could include missing outbuildings, terraces, drives, foundation plantings, specimen trees, and gardens. The design may be an accurate restoration based on documentary and physical evidence, but only when the feature to be replaced coexisted with the features currently on the site. Or, it may be a new design that is compatible with the historic character of the building and site.	Creating an inaccurate appearance because the replacement for the missing feature is based upon insufficient physical or historic documentation, is not a compatible design, or because the feature did not coexist with the features currently on the site. Introducing a new feature, including plant material, that is visually incompatible with the site or that alters or destroys the historic site patterns or use.
Alterations and Additions for a New Use	
Designing new onsite features (such as parking areas, access ramps, or lighting), when required by a new use, so that they are as unobtrusive as possible, retain the historic relationship between the building or buildings and the landscape, and are compatible with the historic character of the property.	Locating parking areas directly adjacent to historic buildings where vehicles may cause damage to buildings or landscape features or when they negatively impact the historic character of the building site if landscape features and plant materials are removed.
Designing new exterior additions to historic buildings or adjacent new construction that are compatible with the historic character of the site and preserves the historic relationship between the building or buildings and the landscape.	Introducing new construction on the building site which is visually incompatible in terms of size, scale, design, material, or color, which destroys historic relationships on the site, or which damages or destroys important landscape features, such as replacing a lawn with paved parking areas or removing mature trees to widen a driveway.
Removing non-significant buildings, additions, or site features which detract from the historic character of the site.	Removing a historic building in a complex of buildings or removing a building feature or a landscape feature which is important in defining the historic character of the site.
Locating an irrigation system needed for a new or continuing use of the site where it will not cause damage to historic buildings.	Locating an irrigation system needed for a new or continuing use of the site where it will damage historic buildings.

SETTING (DISTRICT / NEIGHBORHOOD)

RECOMMENDED	NOT RECOMMENDED
Identifying, retaining, and preserving building and landscape features that are important in defining the overall historic character of the setting. Such features can include circulation systems, such as roads and streets; furnishings and fixtures, such as light posts or benches; vegetation, gardens and yards; adjacent open space, such as fields, parks, commons, or woodlands; and important views or visual relationships.	Removing or substantially changing those building and landscape features in the setting which are important in defining the historic character so that, as a result, the character is diminished.



[46] The varied size, shapes, and architectural styles of these historic buildings are unique to this street in Christiansted, St. Croix, USVI, and should be retained in a rehabilitation project.

[47] Original paving stones contribute to the character of the historic setting and distinguish this block from other streets in the district.



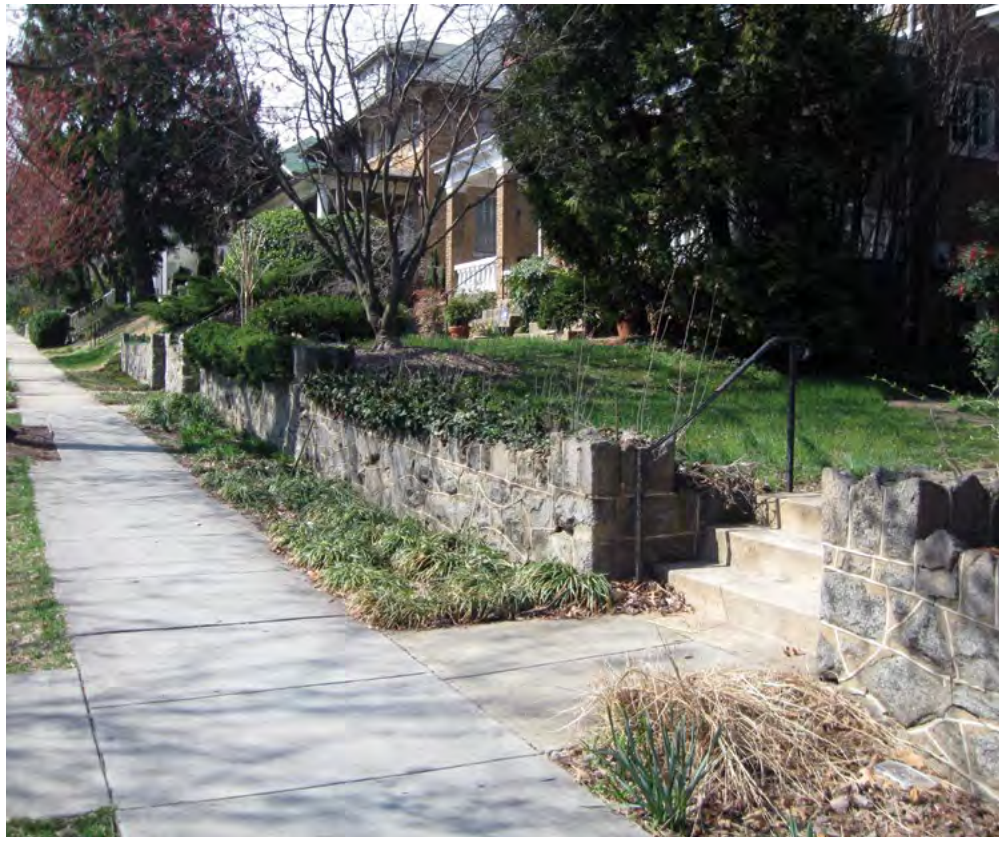


[48] Old police and fire call boxes, which are distinctive features in this historic district, have been retained, and now showcase work by local artists.

SETTING (DISTRICT / NEIGHBORHOOD)

RECOMMENDED	NOT RECOMMENDED
Retaining the historic relationship between buildings and landscape features in the setting. For example, preserving the relationship between a town common or urban plaza and the adjacent houses, municipal buildings, roads, and landscape and streetscape features.	Altering the relationship between the buildings and landscape features in the setting by widening existing streets, changing landscape materials, or locating new streets or parking areas where they may negatively impact the historic character of the setting. Removing or relocating buildings or landscape features, thereby destroying the historic relationship between buildings and the landscape in the setting.





[49] Low stone walls are character-defining features in this hilly, early-20th-century residential neighborhood.

SETTING (DISTRICT / NEIGHBORHOOD)

RECOMMENDED	NOT RECOMMENDED
Protecting and maintaining historic features in the setting through regularly-scheduled maintenance and grounds and landscape management.	Failing to protect and maintain materials in the setting on a cyclical basis so that deterioration of buildings and landscape features results. Stripping or removing historic features from buildings or the setting, such as a porch, fencing, walkways, or plant material.
Installing protective fencing, bollards, and stanchions in the setting, when necessary for security, that are as unobtrusive as possible.	Installing protective fencing, bollards, and stanchions in the setting, when necessary for security, without taking into consideration their location and visibility so that they negatively impact the historic character of the setting.
Protecting buildings and landscape features when undertaking work in the setting.	Failing to protect buildings and landscape features during work in the setting.
Evaluating the overall condition of materials and features to determine whether more than protection and maintenance, such as repairs to materials and features in the setting, will be necessary.	Failing to undertake adequate measures to ensure the protection of materials and features in the setting.
Repairing features in the setting by reinforcing the historic materials. Repairs may include the replacement in kind or with a compatible substitute material of those extensively deteriorated or missing parts of setting features when there are surviving prototypes, such as fencing, paving materials, trees, and hedgerows. Repairs should be physically and visually compatible.	Failing to repair and reinforce damaged or deteriorated historic materials and features in the setting. Removing material that could be repaired or using improper repair techniques. Replacing an entire feature of the building or landscape in the setting when repair of materials and limited replacement of deteriorated or missing components are feasible.

SETTING (DISTRICT / NEIGHBORHOOD)

RECOMMENDED	NOT RECOMMENDED
Replacing in kind an entire building or landscape feature in the setting that is too deteriorated to repair (if the overall form and detailing are still evident) using the physical evidence as a model to reproduce the feature. If using the same kind of material is not feasible, then a compatible substitute material may be considered.	Removing a character-defining feature of the building or landscape from the setting that is unrepairable and not replacing it or replacing it with a new feature that does not match. Using a substitute material for the replacement that does not convey the same appearance of the surviving building or landscape feature in the setting or that is physically or ecologically incompatible.
The following work is highlighted to indicate that it is specific to **Rehabilitation** *projects and should only be considered after the preservation concerns have been addressed.*	
Designing the Replacement for Missing Historic Features	
Designing and installing a new feature of the building or landscape in the setting when the historic feature is completely missing. This could include missing steps, streetlights, terraces, trees, and fences. The design may be an accurate restoration based on documentary and physical evidence, but only when the feature to be replaced coexisted with the features currently in the setting. Or, it may be a new design that is compatible with the historic character of the setting.	Creating an inaccurate appearance because the replacement for the missing feature is based upon insufficient physical or historic documentation; is not a compatible design, or because the feature did not coexist with the features currently in the setting. Introducing a new building or landscape feature that is visually or otherwise incompatible with the setting's historic character (e.g., replacing low metal fencing with a high wood fence).
Alterations and Additions for a New Use	
Designing new features (such as parking areas, access ramps, or lighting), when required by a new use, so that they are as unobtrusive as possible, retain the historic relationships between buildings and the landscape in the setting, and are compatible with the historic character of the setting.	Locating parking areas directly adjacent to historic buildings where vehicles may cause damage to buildings or landscape features or when they negatively impact the historic character of the setting if landscape features and plant materials are removed.
Designing new exterior additions to historic buildings or adjacent new construction that are compatible with the historic character of the setting that preserve the historic relationship between the buildings and the landscape.	Introducing new construction into historic districts which is visually incompatible or that destroys historic relationships within the setting, or which damages or destroys important landscape features.
Removing non-significant buildings, additions, or landscape features which detract from the historic character of the setting.	Removing a historic building, a building feature, or landscape feature which is important in defining the historic character of the setting.

CODE-REQUIRED WORK

RECOMMENDED	NOT RECOMMENDED
Sensitive solutions to meeting accessibility and life-safety code requirements are an important part of protecting the historic character of the building and site. Thus, work that must be done to meet use-specific code requirements should be considered early in planning a ***Rehabilitation*** *of a historic building for a new use. Because code mandates are directly related to occupancy, some uses require less change than others and, thus, may be more appropriate for a historic building. Early coordination with code enforcement authorities can reduce the impact of alterations necessary to comply with current codes.*	
ACCESSIBILITY	
Identifying the historic building's character-defining exterior features, interior spaces, features, and finishes, and features of the site and setting which may be affected by accessibility code-required work.	Undertaking accessibility code-required alterations before identifying those exterior features, interior spaces, features, and finishes, and features of the site and setting which are character defining and, therefore, must be preserved.
Complying with barrier-free access requirements in such a manner that the historic building's character-defining exterior features, interior spaces, features, and finishes, and features of the site and setting are preserved or impacted as little as possible.	Altering, damaging, or destroying character-defining exterior features, interior spaces, features, and finishes, or features of the site and setting while making modifications to a building, its site, or setting to comply with accessibility requirements.





[50] This kitchen in a historic apartment complex was rehabilitated to meet accessibility requirements.

[51] A new interior access ramp with a simple metal railing is compatible with the character of this mid-century-modern building.

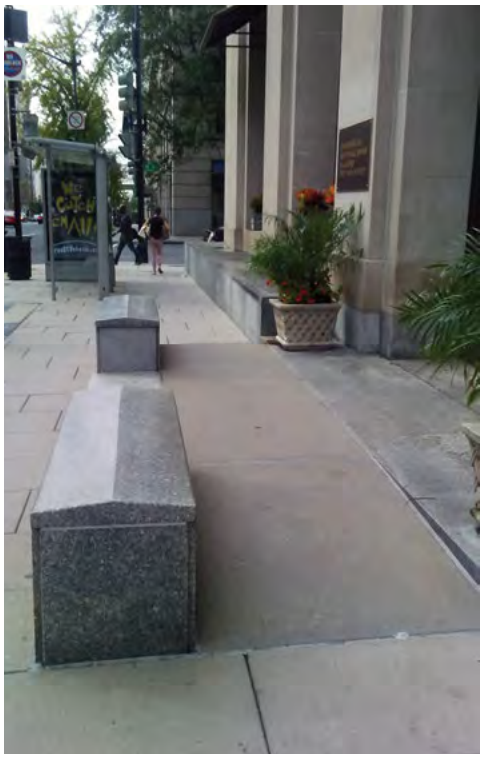
CODE-REQUIRED WORK

RECOMMENDED	NOT RECOMMENDED
Working with specialists in accessibility and historic preservation to determine the most sensitive solutions to comply with access requirements in a historic building, its site, or setting.	Making changes to historic buildings, their sites, or setting without first consulting with specialists in accessibility and historic preservation to determine the most appropriate solutions to comply with accessibility requirements.
Providing barrier-free access that promotes independence for the user while preserving significant historic features.	Making modifications for accessibility that do not provide independent, safe access while preserving historic features.
Finding solutions to meet accessibility requirements that minimize the impact of any necessary alteration on the historic building, its site, and setting, such as compatible ramps, paths, and lifts.	Making modifications for accessibility without considering the impact on the historic building, its site, and setting.

[52] The access ramp blends in with the stone façade of the First National Bank in Stephenville, TX, and is appropriately located on the side where it is does not impact the historic character of the building. *Photo: Nancy McCoy, QuimbyMcCoy Preservation Architecture, LLP.*



[53] This entrance ramp (right) is compatible with the historic character of this commercial building.





[54] The gently-sloped path in a historic park in Kansas City, MO, which accesses the memorial below, includes a rest area part way up the hill. *Photo: STRATA Architecture + Preservation.*

CODE-REQUIRED WORK

RECOMMENDED	NOT RECOMMENDED
Using relevant sections of existing codes regarding accessibility for historic buildings that provide alternative means of code compliance when code-required work would otherwise negatively impact the historic character of the property.	
Minimizing the impact of accessibility ramps by installing them on secondary elevations when it does not compromise accessibility or by screening them with plantings.	Installing elevators, lifts, or incompatible ramps at a primary entrance, or relocating primary entrances to secondary locations to provide access without investigating other options or locations.
Adding a gradual slope or grade to the sidewalk, if appropriate, to access the entrance rather than installing a ramp that would be more intrusive to the historic character of the building and the district.	
Adding an exterior stair or elevator tower that is compatible with the historic character of the building in a minimally-visible location only when it is not possible to accommodate it on the interior without resulting in the loss of significant historic spaces, features, or finishes.	
Installing a lift as inconspicuously as possible when it is necessary to locate it on a primary elevation of the historic building.	
Installing lifts or elevators on the interior in secondary or less significant spaces where feasible.	Installing lifts or elevators on the interior in primary spaces which will negatively impact the historic character of the space.



[55] The lift is compatible with the industrial character of this former warehouse.





CODE-REQUIRED WORK

RECOMMENDED	NOT RECOMMENDED
LIFE SAFETY	
Identifying the historic building's character-defining exterior features, interior spaces, features, and finishes, and features of the site and setting which may be affected by life-safety code-required work.	Undertaking life-safety code-required alterations before identifying those exterior features, interior spaces, features, and finishes, and features of the site and setting which are character defining and, therefore, must be preserved.
Complying with life-safety codes (including requirements for impact-resistant glazing, security, and seismic retrofit) in such a manner that the historic building's character-defining exterior features, interior spaces, features, and finishes, and features of the site and setting are preserved or impacted as little as possible.	Altering, damaging, or destroying character-defining exterior features, interior spaces, features, and finishes, or features of the site and setting while making modifications to a building, its site, or setting to comply with life-safety code requirements.
Removing building materials only after testing has been conducted to identify hazardous materials, and using only the least damaging abatement methods.	Removing building materials without testing first to identify the hazardous materials, or using potentially damaging methods of abatement.
Providing workers with appropriate personal equipment for protection from hazards on the worksite.	Removing hazardous or toxic materials without regard for workers' health and safety or environmentally-sensitive disposal of the materials.
Working with code officials and historic preservation specialists to investigate systems, methods, or devices to make the building compliant with life-safety codes to ensure that necessary alterations will be compatible with the historic character of the building.	Making life-safety code-required changes to the building without consulting code officials and historic preservation specialists, with the result that alterations negatively impact the historic character of the building.
Using relevant sections of existing codes regarding life safety for historic buildings that provide alternative means of code compliance when code-required work would otherwise negatively impact the historic character of the building.	

[56 a-b] In order to continue in its historic use, the door openings of this 1916 Colonial Revival-style fire station had to be widened to accommodate the larger size of modern fire trucks. Although this resulted in some change to the arched door surrounds, it is minimal and does not negatively impact the historic character of the building. (a) Above, before; *Photo: Fire and Emergency Medical Services Department (FEMS), Washington, D.C.;* below, after.



[57] Workers wear protective clothing while removing lead paint from metal features.





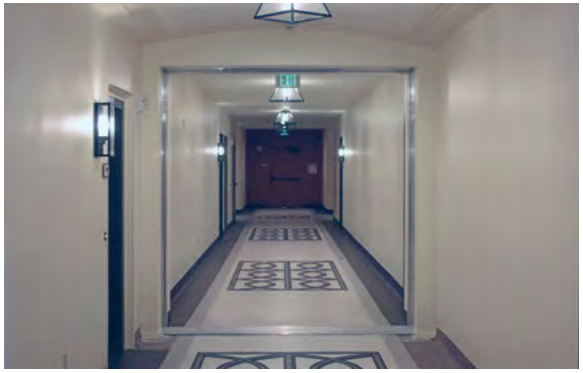




[59] (a-b) The decorative concrete balcony railings on this 1960s building did not meet life-safety code requirements. They were replaced with new glass railings with a fritted glass pattern matching the original design—a creative solution that satisfies codes, while preserving the historic appearance of the building when viewed from the street (c-d). *Photos: (a, b, d) ERA Architects, Inc.; (c) Nathan Cyprys, photographer*.

CODE-REQUIRED WORK

RECOMMENDED	NOT RECOMMENDED
Upgrading historic stairways and elevators to meet life-safety codes so that they are not damaged or otherwise negatively impacted.	Damaging or making inappropriate alterations to historic stairways and elevators or to adjacent features, spaces, or finishes in the process of doing work to meet code requirements.
Installing sensitively-designed fire-suppression systems, such as sprinklers, so that historic features and finishes are preserved.	Covering character-defining wood features with fire-retardant sheathing, which results in altering their appearance.
Applying fire-retardant coatings when appropriate, such as intumescent paint, to protect steel structural systems.	Using fire-retardant coatings if they will damage or obscure character-defining features.
Adding a new stairway or elevator to meet life-safety code requirements in a manner that preserves adjacent character-defining features and spaces.	Altering, damaging, or destroying character-defining spaces, features, or finishes when adding a new code-required stairway or elevator.
Using existing openings on secondary or less-visible elevations or, if necessary, creating new openings on secondary or less-visible elevations to accommodate second egress requirements.	Using a primary or other highly-visible elevation to accommodate second egress requirements without investigating other options or locations.
Placing a code-required stairway or elevator that cannot be accommodated within the historic building in a new exterior addition located on a secondary or minimally-visible elevation.	Constructing a new addition to accommodate code-required stairs or an elevator on character-defining elevations or where it will obscure, damage, or destroy character-defining features of the building, its site, or setting.
Designing a new exterior stairway or elevator tower addition that is compatible with the historic character of the building.	



[58] Fire doors that retract into the walls have been installed here (not visible in photo) preserve the historic character of this corridor.

RESILIENCE TO NATURAL HAZARDS

RECOMMENDED	NOT RECOMMENDED
Resilience to natural hazards should be addressed as part of the treatment ***Rehabilitation****. A historic building may have existing characteristics or features that help address or minimize the impacts of natural hazards. These should be used to best advantage and should be taken into consideration early in the planning stages of a rehabilitation project before proposing any new treatments. When new adaptive treatments are needed they should be carried out in a manner that will have the least impact on the historic character of the building, its site, and setting. .*	
Identifying the vulnerabilities of the historic property to the impacts of natural hazards (such as wildfires, hurricanes, or tornadoes) using the most current climate information and data available.	Failing to identify and periodically reevaluate the potential vulnerability of the building, its site, and setting to the impacts of natural hazards.
Assessing the potential impacts of known vulnerabilities on character-defining features of the building, its site, and setting; and reevaluating and reassessing potential impacts on a regular basis.	
Documenting the property and character-defining features as a record and guide for future repair work, should it be necessary, and storing the documentation in a weatherproof location.	Failing to document the historic property and its character-defining features with the result that such information is not available in the future to guide repair or reconstruction work, should it be necessary.
Ensuring that historic resources inventories and maps are accurate, up to date, and accessible in times of emergency.	
Maintaining the building, its site, and setting in good repair, and regularly monitoring character-defining features.	Failing to regularly monitor and maintain the property and the building systems in good repair.
Using and maintaining existing characteristics and features of the historic building, its site, setting, and larger environment (such as shutters for storm protection or a site wall that keeps out flood waters) that may help to avoid or minimize the impacts of natural hazards	Allowing loss, damage, or destruction to occur to the historic building, its site, or setting by failing to evaluate potential future impacts of natural hazards or to plan and implement adaptive measures, if necessary to address possible threats.
Undertaking work to prevent or minimize the loss, damage, or destruction of the historic property while retaining and preserving significant features and the overall historic character of the building, its site, and setting.	Carrying out adaptive measures intended to address the impacts of natural hazards that are unnecessarily invasive or will otherwise adversely impact the historic character of the building, its site, or setting.



[60] In some instances, it may be necessary to elevate a historic building located in a floodplain to protect it. But this treatment is appropriate only if elevating the building will retain its historic character, including its relationship to the site, and its new height will be compatible with surrounding buildings if in a historic district. The house on the right, which has been raised only slightly, has retained its historic character. The house on the left has been raised several feet higher, resulting in a greater impact on the historic character of the house and the district.

RESILIENCE TO NATURAL HAZARDS

RECOMMENDED	NOT RECOMMENDED
Ensuring that, when planning work to adapt for natural hazards, all feasible alternatives are considered, and that the options requiring the least alteration are considered first.	
Implementing local and regional traditions (such as elevating residential buildings at risk of flooding or reducing flammable vegetation around structures in fire-prone areas) for adapting buildings and sites in response to specific natural hazards, when appropriate. Such traditional methods may be appropriate if they are compatible with the historic character of the building, its site, and setting.	Implementing a treatment traditionally used in another region or one typically used for a different property type or architectural style which is not compatible with the historic character of the property.
Using special exemptions and variances when adaptive treatments to protect buildings from known hazards would otherwise negatively impact the historic character of the building, its site, and setting.	
Considering adaptive options, whenever possible, that would protect multiple historic resources, if the treatment can be implemented without negatively impacting the historic character of the district, or archeological resources, other cultural or religious features, or burial grounds.	

Sustainability

Sustainability is usually a very important and integral part of the treatment **Rehabilitation.** Existing energy-efficient features should be taken into consideration early in the planning stages of a rehabilitation project before proposing any energy improvements. There are numerous treatments that may be used to upgrade a historic building to help it operate more efficiently while retaining its character.

The topic of sustainability is addressed in detail in **The Secretary of the Interior's Standards for Rehabilitation & Illustrated Guidelines on Sustainability for Rehabilitating Historic Buildings.**

NEW EXTERIOR ADDITIONS TO HISTORIC BUILDINGS AND RELATED NEW CONSTRUCTION

RECOMMENDED	NOT RECOMMENDED
New Additions	
Placing functions and services required for a new use (including elevators and stairways) in secondary or non-character-defining interior spaces of the historic building rather than constructing a new addition.	Expanding the size of the historic building by constructing a new addition when requirements for the new use could be met by altering non-character-defining interior spaces.
Constructing a new addition on a secondary or non-character-defining elevation and limiting its size and scale in relationship to the historic building.	Constructing a new addition on or adjacent to a primary elevation of the building which negatively impacts the building's historic character.
Constructing a new addition that results in the least possible loss of historic materials so that character-defining features are not obscured, damaged, or destroyed.	Attaching a new addition in a manner that obscures, damages, or destroys character-defining features of the historic building.
Designing a new addition that is compatible with the historic building.	Designing a new addition that is significantly different and, thus, incompatible with the historic building.
Ensuring that the addition is subordinate and secondary to the historic building and is compatible in massing, scale, materials, relationship of solids to voids, and color.	Constructing a new addition that is as large as or larger than the historic building, which visually overwhelms it (i.e., results in the diminution or loss of its historic character).

NEW EXTERIOR ADDITIONS TO HISTORIC BUILDINGS AND RELATED NEW CONSTRUCTION

RECOMMENDED	NOT RECOMMENDED
Using the same forms, materials, and color range of the historic building in a manner that does not duplicate it, but distinguishes the addition from the original building.	Duplicating the exact form, material, style, and detailing of the historic building in a new addition so that the new work appears to be historic.
Basing the alignment, rhythm, and size of the window and door openings of the new addition on those of the historic building.	
Incorporating a simple, recessed, small-scale hyphen, or connection, to physically and visually separate the addition from the historic building.	
Distinguishing the addition from the original building by setting it back from the wall plane of the historic building.	

[61 a-b] The materials, design, and location at the back of the historic house are important factors in making this a compatible new addition. *Photos: © Maxwell MacKenzie.*





NEW EXTERIOR ADDITIONS TO HISTORIC BUILDINGS AND RELATED NEW CONSTRUCTION

RECOMMENDED	NOT RECOMMENDED
Ensuring that the addition is stylistically appropriate for the historic building type (e.g., whether it is residential or institutional).	
Considering the design for a new addition in terms of its relationship to the historic building as well as the historic district, neighborhood, and setting.	



[62] The stair tower at the rear of this commercial building is a compatible new addition.

NEW EXTERIOR ADDITIONS TO HISTORIC BUILDINGS AND RELATED NEW CONSTRUCTION

RECOMMENDED	NOT RECOMMENDED
Rooftop Additions	
Designing a compatible rooftop addition for a multi-story building, when required for a new use, that is set back at least one full bay from the primary and other highly-visible elevations and that is inconspicuous when viewed from surrounding streets.	Constructing a rooftop addition that is highly visible, which negatively impacts the character of the historic building, its site, setting, or district.

[63] (a) A mockup should be erected to demonstrate the visibility of a proposed rooftop addition and its potential impact on the historic building. Based on review of this mockup (orange marker), it was determined that the rooftop addition would meet the Standards (b). The addition is unobtrusive and blends in with the building behind it.





New addition

NEW EXTERIOR ADDITIONS TO HISTORIC BUILDINGS AND RELATED NEW CONSTRUCTION

RECOMMENDED	NOT RECOMMENDED
Limiting a rooftop addition to one story in height to minimize its visibility and its impact on the historic character of the building.	Constructing a highly-visible, multi-story rooftop addition that alters the building's historic character. Constructing a rooftop addition on low-rise, one- to three-story historic buildings that is highly visible, overwhelms the building, and negatively impacts the historic district. Constructing a rooftop addition with amenities (such as a raised pool deck with plantings, HVAC equipment, or screening) that is highly visible and negatively impacts the historic character of the building.



[64] **Not Recommended:** It is generally not appropriate to construct a rooftop addition on a low-rise, two- to three-story building such as this, because it negatively affects its historic character.

NEW EXTERIOR ADDITIONS TO HISTORIC BUILDINGS AND RELATED NEW CONSTRUCTION

RECOMMENDED	NOT RECOMMENDED
Related New Construction	
Adding a new building to a historic site or property only if the requirements for a new or continuing use cannot be accommodated within the existing structure or structures.	Adding a new building to a historic site or property when the project requirements could be accommodated within the existing structure or structures.
Locating new construction far enough away from the historic building, when possible, where it will be minimally visible and will not negatively affect the building's character, the site, or setting.	Placing new construction too close to the historic building so that it negatively impacts the building's character, the site, or setting.

[65] (a) This (far left) is a compatible new outbuilding constructed on the site of a historic plantation house (b). Although traditional in design, it is built of wood to differentiate it from the historic house (which is scored stucco) located at the back of the site so as not to impact the historic house, and minimally visible from the public right-of-way (c).







NEW EXTERIOR ADDITIONS TO HISTORIC BUILDINGS AND RELATED NEW CONSTRUCTION

RECOMMENDED	NOT RECOMMENDED
Designing new construction on a historic site or in a historic setting that it is compatible but differentiated from the historic building or buildings.	Replicating the features of the historic building when designing a new building, with the result that it may be confused as historic or original to the site or setting.
Considering the design for related new construction in terms of its relationship to the historic building as well as the historic district and setting.	
Ensuring that new construction is secondary to the historic building and does not detract from its significance.	Adding new construction that results in the diminution or loss of the historic character of the building, including its design, materials, location, or setting. Constructing a new building on a historic property or on an adjacent site that is much larger than the historic building. Designing new buildings or groups of buildings to meet a new use that are not compatible in scale or design with the character of the historic building and the site, such as apartments on a historic school property that are too residential in appearance.
Using site features or land formations, such as trees or sloping terrain, to help minimize the new construction and its impact on the historic building and property.	
Designing an addition to a historic building in a densely-built location (such as a downtown commercial district) to appear as a separate building or infill, rather than as an addition. In such a setting, the addition or the infill structure must be compatible with the size and scale of the historic building and surrounding buildings—usually the front elevation of the new building should be in the same plane (i.e., not set back from the historic building). This approach may also provide the opportunity for a larger addition or infill when the façade can be broken up into smaller elements that are consistent with the scale of the historic building and surrounding buildings.	

Historic Preservation Framework

		Description	Local Regulatory Effect	Sandpoint Status	Effect of Current Code Amendment
Federal					
	Antiquities Act of 1906	Protects archaeological sites			
	Archaeological Resources Protection Act	Foundation for archaeological protections on public and tribal lands			
	National Historic Preservation Act of 1966	Federal Enabling Legislation Creates a framework for federal/state collaboration Primary authority for protecting historic properties lies at State and local level			
		Requries each state to designate a State Office of Historic Preservation (SHPO) and create Certified Local Government (CLG) program		Sandpoint is a Certified Local Government (even with no local regulations in place)	Further legitimizes Sandpoint's status as a "CLG", strengthens relationship with the State SHPO
	National Registry of Historic Places	Registry/List of historic sites and structures	Honorific - being listed on the NRHP does not restrict the rights of privte property owners to change or dispose of thier property in any way - up to and including demolition. Protections only triggered if federal funding is used Does not itself regulate private owner's actions Restrictions on alteration/demolition only if federal funds used		
	US Department of the Interior	National Historic Landmarks	Nationally significant properties designated by the Secretry of the Interior		
	National Parks Service	Develops and enforces professional standards for historic preservation: primarily address preservtion, rehabilitation, restoration and reconstruction at federal level.	Official standards for federally funded projects, creates standards and qualification for preservationists	SCC 2-10-3 establishes intent that two members of ACHP will have credientials meetings Sec of Interior Professional Quals Standards for Historic Preservation	
		Stewardship of federal historic properties/sites Partners with various entities to further preservation goals Administers federal hstoric preservation tax credit program (incentives) Conducts Historic American Building Surveys	Over 7,500 historic properties listed nationwide	8 individually listed sites, 2 districts listed (1984, 2018) which represent the original and expanded district	
		Administers CLG program through SHPOs	Provides grants, technical assistance and training to local governments	Partially funded creation of Sandpoint's Arts, Culture, Historic Preservation Plan	
State					
	Idaho Code 18-7027	Legislation related to disturbance of prehistoric resources			
	Idaho Code 27-501	Legislation related reinternment of disturbed human remains			
	Idaho Code 33-39	Legislation creating Idaho Archaeological Survey			
	Idaho Code 67-41	Comprehensive Historic Preservation codes for Idaho			
	Idaho Code 67-65	Idaho Planning Act of 1975 requires Comp Plan to include analysis of "Special Areas or Sites" with archaeological, architectural, historical significance to the jurisdiction	Provides requirement to address/analyze historic preservation locally	2024 Comp Plan includes policy on historic preservation (Chapter 3, Goal #2)	Implements Comp Plan
	State Historic Preservation Offices (SHPOs)	Oversees preservation efforts and helps local communities			
		Encourages cities and counties to establish local preservation ordinances and commissions Approves nominations for National Registry prior to National Parks Service			
		Idaho Code Title 67, Chapter 46	Statewide legal framework-provides structure for a local preservation ordinance		
Local			Primary legal authority for protecting historic properties lies at state and local levels, not national listings alone		
	Certified Local Government			Yes, Sandpoint became a CLG in 2009 according to SHPO website Grant awarded in 2020 to fund the creation of the Arts, Culture and Historic Preservation Plan	
		Administered by National Parks Service + SHPOs	Technical assistance available, grants available		
		Eligibility requirements include creating Historic Preservation Commission by Ordinance	Our Commission is currently empowered to promote preservation, not empowered to enforce	Yes, ACHP Commission created on February 17, 2021 by Ordinance 1384, SCC 2-10-1	Creates compliance requirements for changes to structures within the Historic Overlay District by requiring a Certificate of Compliance. Historic Preservation Code contains enforcement provisions.

Historic Preservation Framework

	Description	Local Regulatory Effect	Sandpoint Status	Effect of Current Code Amendment
	Eligibility requirements include maintaining a local inventory of historic places	Empowered to recommend sites	Yes, last additions were brought forward with Ditrict expansion in June, 2018	
	Eligibility requirements include enforcement of local preservation laws (e.g. design review for changes)		Not currently within the local regulatory framework	Creates rules to establish overlay districts, creates rules to require Certificate of Appropriateness (permmit), creates reference to Historic Preservation Design Guidelines
Surveys	A systematic process of field inspections and archival research to determine a property's age, style, and integrity resulting in an inventory used for planning, preservation, and potential listing	Facilitates accurcy and thoughoughness in identifying historic resources	Since 2010, 450 surveys completed for ACHP Master Plan, resulting in 23 eligible sites for listing in the National Register	Formalizes need for surveys as part of district creation or boundary changes
Historic Districts at the local level	Grouping(s) of buildings identified on National Register of Historic Places, or as otherwise designated as a local historic district by local ordinance			Locally codifies the historic district identifed on the National Registry of Historic Places
	Sandpoint's Original Historic District	Created first district boundary of 15 contributing buildings within approx 3-acres, included on National Register of Historic Places on Septemebr 7, 1984	District added to the National Registry	
	Sandpoint's Amended Historic District	Added 32 buldings and 7.6-acres, 12 of which are contributing resources, effective June 2018	District currently is 10.6 acres and contains 47 properties, 26/27 of which are identified as contributing resources	Local Historic District has same boundaries
Individual Historic Resources	Individual sites listed in the National Registry of Historic Places	Honorific, listed on National Registry	National Registry has 8 properties individually listed, several of which are located within the adopted district.	Creates rules and procedures to locally establish historic resources, creates permit "Certificate of Appropriateness" for changes, process for demolition
Arts Culture and Historic Preservation Plan	2021 Federally funded (partially) plan for programming priorities relaetd to arts and historic preservation. Had a 16-member steering committee comprised of citizens. Built upon 2009 Comprehensive Plan, 2018 Public Art Plan and 2020 Parks and Recreation Plan.	Contains a Goal #8 (page 17): Create and adopt new tools that promote careful stewardship and protection of Sandpoint's historic resources	Historic preservation not established in the zoning ordinance. This goal suggests that it should be included.	Implements the Plan
City's Comprehensive Plan	Summarizes local efforts (since 2010) to conduct reconnaisance surveys on inner (close to downtown) neighborhoods, identified more than 450 properties for architectural and historical significance	Aspirational effort to further historic preservation goals in residential neighborhoods	Establishes initial framework for potential future preservation overlay districts at neighborhood level (beginning on page 38)	Creates rules to establish overlay districts, creates rules to require special permits. Could be applied to neighborhoods in the future
Sandpoint City Code Title 2	Chapter 3: Community Character and Design	Goal #2: Historic Preservation: Sandpoint's areas of special historic interest and value are preserved and enhanced. 7 policies (A-G) implement the Goal.	ACHP Commission work furthers this Comp Plan Goal	Implements the Plan, specifically policies B & E
	Regulations establishing various Boards and Commissions	Created Arts, Culture, and Historic Preservation Commission	Active, yet no enforcement tools in place	Amednds Title 2, Chapter 3 to augment ACHP's authority to recommend districts, local landmarks, and administer Certificates of Appropriateness
Sandpoint City Code Title 9, Zoning Ordinance		Contains "Duties and Responsibility" provision 2-10-6(J): Consider and recommend to City Council such local laws and regulations and ordinances necessary or desirable or desirable for the protection, enhancement and preservation of historic places	Active, yet no enforcement tools in place	Implements this portion of the Duties and Respoinsibilities of the ACHP Commisison
	Chapter 2: Commercial Zoning Districts		No regulations related to historic preservation	Creates new commercial zoning chapter (new chapter 3) and requirements to adhere to design standards applicable throughout entire new Downtown Core and Downtown Outer Core zones, and "Historic Preservation Ordinance" where
	Chapter 9: Zoning Administration		No provisions enabling oversight	Creates new zoning administration chapter (new chapter 2) framework for three different types of overlay districts, creates new Certificate of Appropriateness "permit"

Historic Preservation Framework

	Description	Local Regulatory Effect	Sandpoint Status	Effect of Current Code Amendment
				Creates new code chapter dedicted to historic preservation (new chapter 13 Historic Preservation Code) with structure for protecting locally designated historic properties and districts. Establishes the Downtown Sandpoint Historic Preservation Overlay District, would enable other areas to be locally designated in "historic preservation" or other "character" overlay zoning districts such as a "Downtown Design Overlay Zoning District" or various neighborhood "overlay" districts, upon City Council approval.
Sandpoint Downtown Design Guidelines	New Chapter: Historic Preservation Code	Would create local public regulatory protection of historic resources	In Draft form, ready for public hearing	
	Architectural design guidelines for applicable development within Downtown Core and Outer Core zones	Would require downtown development to adhere to specifc standards. However, these are NOT historic prservation standards, they allow more flexibility.	Contained within the new Downtown Core and Outer Core Building Design Standards	New building and additions/remodels would have to adhere to the design guidelines in the new Downtown Core and Outer Core zones, but contemporary use of materials and building forms would be allowed, complementing the downtown.
Sandpoint Historic Preservation Design Guidelines	Architectural design guidelines for applicable development within Historic Preservation Overlay	Would enable more site-specifc context and detail for preservation efforts beyond use of Secretary of the Interior's standards.	Not currently in process. The Historic Preservation ordinance relies on the Secretary of the Interior's standards as a starting point	Creates reference to the idea that these standards could be adopted by separate action (CC Reso) in the future
Local Administration of State Building Codes				
	SCC Title 8 adopted (as enabled by Idaho Code Title 39, Chapter 41) and last amended in 2020 via ordinance 1382	Adopted the following: 2018 International Building Code, including Appendices E (Supplemental Accessibility Requirements) and H (signs); 2018 International Residential Code parts I-IV and appendix Q (tiny homes); 2018 International Existing Building Code; 2018 International Energy Conservation Code, 2018 International Mechanical Code; 2018 International Fuel Gas Code	Currently adopted and enforced through administration of the Building Permit and Inspection processes	Specifies/allows Commission to recommned exemption from city building and fire codes upon compliance for exemption contained within those codes, and upon a finding by City Council that compliance with the codes would prevent the preservsation or restoration.
	International Existing Buldings Code	Applies to all structures constructed prior to adoption of 2018 codes.	Currently available as needed	Chapter 12 of the IEBC is the historic buildings code which forms the basis for the exemptions.

In favor of proposed zoning changes

From Karen Glaeser <kmglaeser@gmail.com>
Date Sun 9/13/2026 3:28 PM
To City Planning <cityplanning@sandpointidaho.gov>

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To: City Planning Dept.

I am writing to say that I am in favor of the proposed zoning changes on our section of Lake St. and the Hwy 2 corridor. Our neighborhood is 90% residential as it is, and I believe I can say for most of us that live here that we want to retain the community feeling of Lake St. It doesn't make sense, and is a bit disturbing, that this side of our block is currently zoned commercial. The change to Residential Multifamily is the right move, and changing the Hwy 2 corridor to Neighborhood Commercial will help keep Sandpoint from turning into the mess that is the Hwy 95 corridor in Coeur d'Alene.

Thank you for your work on this - I wholeheartedly support the changes.

Karen Glaeser
915 Lake St, Sandpoint, ID 83864

--
Karen Glaeser, MS, LPC
Sandpoint, ID
kmglaeser@gmail.com

Comments Regarding Rezoning Area 13

From Damien Gooding <damien.gooding@gmail.com>
Date Sun 9/13/2026 1:34 PM
To City Planning <cityplanning@sandpointidaho.gov>

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I am writing to express my support for the "Area 13 Proposed Zoning Amendment." I live at 420 N. Division Avenue in Sandpoint. Directly across the street from my home is the Bulldog Automotive business, which sits on one of the proposed rezoning parcels. In my opinion, the Bulldog Automotive business is a bit of an eyesore. In visual appeal and noise, it breaks the continuity of our residential neighborhood. It is my hope that, after that parcel is rezoned and the owner eventually sells, new homes will be built on that land. Thanks for considering my comments.

Damien Gooding

Proposed zoning map

From Alanna Chapin <alannachapin@gmail.com>
Date Sat 9/12/2026 9:59 AM
To City Planning <cityplanning@sandpointidaho.gov>
Cc Dustin Chapin <dustinchapin@gmail.com>

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I approve the future zoning of my property to be residential multi family. Map area 3:
418 South Ella
Sandpoint, ID
83864

-Alanna Chapin
8522 2nd Ave NE
Seattle, WA
98115

Outlook

Proposed Zoning ammendment

From Chris Kester <rockingkester@gmail.com>
Date Tue 9/29/2026 6:02 PM
To Sandpoint City Clerk's Office <cityclerk@sandpointidaho.gov>; City Planning <cityplanning@sandpointidaho.gov>

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Hello Planning department,

I am glad that you are thinking about the zoning issues, Thank you.

My main comment is, We need to change the setbacks in the Downtown Outer core and the Neighborhood commercial areas to have a minimum of **5 foot setbacks between the front and rear of the building and property line, instead of the current zero.** We need this to keep the Alleys more open for sunlight, overall travel and fire truck access and water absorption, also in the front for more space between the building and the street. Otherwise we end up with alleys that are like the graffiti alley, dark and all asphalt or concrete. And buildings that are built right up to the sidewalks, like on the corner of Division and Ontario.

Please consider this zone change for these commercial area.

Thank you

Christine Kester
Resident of Sandpoint

--
Christine

Outlook

Fwd: 302 Larch Street: Proposed Zoning change

From Gino A <ginorealtor@gmail.com>
Date Mon 10/5/2026 10:25 AM
To City Planning <cityplanning@sandpointidaho.gov>

1 attachment (4 MB)
302 Larch mock up.png;

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---------- Forwarded message ---------
From: **Daphinne Accomazzo** <daph.vacasa@gmail.com>
Date: Mon, Oct 5, 2026 at 9:45 AM
Subject: 302 Larch Street: Proposed Zoning change
To: <cityplanning@sandpoint.gov>, <ebrubaker@sandpointidaho.gov>, Gino A <ginorealtor@gmail.com>

Sandpoint Planning & Community Development Department
Planning & Zoning Commission

City of Sandpoint, Idaho

RE: Public Comment - Proposed Zoning Changes - 302 Larch Street
Dear Sandpoint Planning & Community Development Department and Planning & Zoning Commission:

We are the owners of 302 Larch Street and am writing regarding the proposed zoning and code changes currently under consideration.

Our property is approximately 0.96 acre, is currently zoned Commercial B, contains an existing single-family residence and detached garage, and extends to Sand Creek.

We support thoughtful planning and redevelopment in Sandpoint, but we would like the City to carefully consider properties such as 302 Larch as existing Commercial B properties transition into the proposed new zoning districts.

One of the unique qualities of our property is its ability to accommodate residential use while potentially supporting compatible, small-scale commercial or community-oriented uses. This was the main reason we purchased it back in 2003. In the future, we may want to improve or redevelop portions of the property while retaining its residential and waterfront character.

Possibilities we are considering include residential space associated with the existing garage, a small yoga/wellness studio or retreat space, and other low-impact uses appropriate to the neighborhood.

Our primary concern is ensuring that the new zoning does not unintentionally eliminate development rights or flexibility that currently exist under Commercial B zoning, particularly for properties that already contain
established residences.

We respectfully ask the City to consider preserving:
● The ability to continue, remodel, expand, reconstruct or redevelop existing residential uses.
● The opportunity for appropriately scaled mixed residential and commercial uses, including small professional, wellness studio, office or similar neighborhood-compatible uses.
● The ability to add residential units where the property size, utilities, parking and surrounding development can
support them.
● Reasonable flexibility regarding height, setbacks, lot coverage and parking for larger and unusual parcels such
as 302 Larch.
● Reasonable development opportunities along Sand Creek while continuing to protect water quality, vegetation and the character of the creek.

We would also appreciate clarification regarding how the proposed code will affect the Sand Creek setback.
Our understanding is that the current commercial zoning regulations generally provide a 25-foot building setback from the applicable high-water mark. Will that standard remain under the proposed code, and how would it apply to 302 Larch?
There are also relatively recent residential projects along this same portion of Sand Creek that appear to incorporate homes/business, decks and shoreline access quite close to the waterfront. We would appreciate understanding how the current shoreline regulations were applied to those properties and whether similar site-specific design flexibility will continue to be available.
Most importantly,We would appreciate clarification about how the proposed zoning will affect my future ability
to:
1 Remodel or expand the existing residence;
2 Rebuild or substantially modify the detached garage;

3 Add residential living space in connection with the garage;
4 Establish a small yoga/wellness studio or similar low-impact use with potential food service.
5 Add additional residential accommodations where otherwise permitted; and
6 Improve decks, stairs, landscaping and other amenities between the developed portion of the property and Sand Creek.

Our objective is not intensive development.We want to preserve the trees, waterfront, residential character and natural beauty of the property while maintaining the flexibility to make thoughtful improvements and potentially incorporate compatible residential and small-scale commercial uses in the future.
Please include these comments in the record as the City considers the proposed zoning amendments affecting 302 Larch Street and the surrounding neighborhood.

Thank you for your consideration. We were hoping to attend the meeting tomorrow but unfortunately we are unable to work with the timing.

We have attached a drawing depicting a possible future use of our property. This drawing is not to scale but rather in place to offer the visual for the concept we would like to have the opportunity to explore with our property.

Residential home: Current
Yoga Studio above current garage footprint
Garage apartment ground level attached to garage utilizing current footprint and current shed square footage (removing current shed)
Potential ADU onsite towards sand creek.

We would also like the ability to offer food service to be considered on our property as a retreat center or possibly a restaurant. As we have owned this property for 25 years, it has always been our dream to develop a community driven business that we can offer year round while living onsite. Daphinne is a certified yoga teacher with a certified yoga school. This property could offer a retreat style opportunity for yoga students coupled with a restaurant that offers healthy food options for both locals and visitors.

Sincerely,

Gene & Daphinne Accomazzo
Owner, 302 Larch Street
Sandpoint, Idaho 83864
619-787-7617

Outlook

PROPOSED ZONING MAP AMENDMENT--COMMENTS

From David Eacret <dteacret@reeconomics.com>
Date Fri 10/9/2026 1:49 PM
To City Planning <cityplanning@sandpointidaho.gov>

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As a result of attending the October 6th Open House, I have several zoning related comments:

1. "IF" the Seasons at Sandpoint property is rezoned from "Commercial C" to "Multi-Family", we specifically request that Vacant **Lot 1 be "Multi-Family" also.**

2. The part of **Area #9** that comprises the Edgewater Hotel should be maintained as 'Commercial C" and necessarily modified to accommodate a **65-foot height limitation.** It is our understanding that the current Edgewater Hotel CUP allows his building height. This 65-foot building height should **always be retained** in the City's new zoning amendment, regardless of this project. Key reasons include:

   a. Hotel profitability heavily depends on room count. A 65-foot building height allows another level of rooms. This, in turn, allows "economies of scale" and thereby the financial ability to add additional quality amenities to the project site (e.g. pool, beach café, enhanced conferring facility, a large quality waterfront restaurant, etc.).

   b. Obviously, the higher assessed value of the hotel, the higher the property taxes and resort city fees that would accrue to the City of Sandpoint. The "**opportunity cost**" to the City and to the downtown business community of NOT building to scale would be substantial and annually recurring.

   c. Existing locational precedent for this 65-foot building height already exists. The completed 109-unit Seasons at Sandpoint condominium units are immediately adjacent to the north. Their 65-foot height has not created a visual distraction given the height of the adjacent railroad track. The same would be true for a 65-foot hotel on the Edgewater site.

Thank you for consideration of the above comments and hopefully you will provide a written response.

Regards

David T Eacret Ph.D. (Economics)
402 Sandpoint Avenue
Unit 321
Sandpoint, ID 83864

208 255-6840

Outlook

Att: Bill Dean

From Barbara Carpenter <barbaralee264@gmail.com>
Date Thu 10/1/2026 8:29 AM
To City Planning <cityplanning@sandpointidaho.gov>

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Bill,
Thank you for meeting with me, Ruth Ann & Rick.
You and, Jason & Erik went above and beyond to help us sort out our concerns and give guidance . . . in addition to the amended zoning plan for our immediate area. Please share my appreciation with them.
I also appreciate the possibility of extending Lily Avenue for additional connection to Division!
Again, thank you for your time generosity,
Barbara Carpenter
barbaralee264@gmail.com

Outlook

Zoning changes

From ann giantvalley <agiantvalley@gmail.com>
Date Tue 10/6/2026 6:09 PM
To City Planning <cityplanning@sandpointidaho.gov>

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Dear City Planners,
Thank you for sending the information about proposed changes to areas around Sandpoint and providing an opportunity to talk with planners and those in the know about the proposals.
My two properties in Sandpoint (414 N 6th Ave and 1322 Main St) are both in areas close to the changes. I appreciate your efforts to improve zoning so residential areas remain residential areas even those with "soft" commercial/neighborhood commercial adjacent to residential properties.
The two concerns I have are the setbacks and the heights. One of the posters presented about residential multi-family showed a setback of five (5) feet. Definitely not enough of a setback. Eric, who talked with me at the Community Hall on October 6th, said that the poster should have said 15 feet for the building and allow 10 feet as a setback for a porch or steps. I do hope that is correct. A five foot setback is just not enough space from the road/sidewalk to a residential home/building. One of those areas is along Division & Main which has plenty of traffic and I have concerns for little ones who may be playing in a yard.
My other concern is building height. Apparently 40 feet is the height limit of some of these multi family residential homes. That is putting buildings easily at three stories. That becomes apartment buildings and shadows peoples' yards and gardens. I would prefer to see a 30 foot building height which is not as menacing to neighborhoods.
Thank you again for the opportunity to communicate with planners and receive clarification about the plans.
For future opportunities like this, it would be good to have an organized way to be able to talk with an official: sign in sheet, take a number... I had been there for a bit reviewing the posters, waiting to talk with someone. I stood near a woman who was busy talking with Councilor Schreiber. So I went and stood near Bill and Eric who were talking with ONE couple vs just one planner chatting with them and the other being available to talk with others. When the couple left, again I had been standing and waiting to talk with someone for 15 minutes, one of those planners went to talk to another person who had been waiting and the other planner bee lined to a male who had just come in reaching out to shake his hand. It felt like I was a lesser person because I was not a male and I am a senior. Anyhow, perhaps there is a better way to organize an opportunity to talk with someone.
Again, thank you for the communication opportunity and a chance to receive clear explanations.
When it is time for ADUs to be addressed, I certainly want to be informed about those. Too many ADUs in the area are towering over (Check out Boyer & Cedar and Boyer/Poplar/Sixth Ave and Pine &

Florence) "single family residential" and being rented out. So how does that qualify as single famil residential? In addition, many of those ADUs do not have off street parking or adequate off street parking for those ADUs. One bedroom ADUs should have two off street parking spaces. More bedrooms, more off street parking. If there is an ADU, the owner should live on the property. Anyhow, I look forward to that conversation.

Thank you,

Ann Giantvalley

Outlook

2026 Zoning Changes

From Caleb Cooke <calebcookerealty@gmail.com>
Date Wed 9/23/2026 11:56 AM
To City Planning <cityplanning@sandpointidaho.gov>

Some people who received this message don't often get email from calebcookerealty@gmail.com. Learn why this is important

[Caution] This email originated from outside the City of Sandpoint organization. **Do not** click on links or open attachments unless you recognize the sender and know it's safe. When in doubt contact the IT Department

To Whom it May Concern,

My name is Caleb Cooke.

I am writing to comment on the proposed zoning changes as it relates to two office condo units I own. One at 1801 Culvers Dr, Sandpoint and the other at 1807 Culvers Dr, Sandpoint.

I would ask that these parcels be zoned Neighborhood Commercial and NOT Residential Multi-family due to the existence of 4 office condominiums located at Northside Terrace due to the mixed use of Northside Terrace.

1801 Culvers Dr #2
Sandpoint, ID, 83864

1807 Culvers Dr #1
Sandpoint, ID, 83864

Thank you for your consideration,

Caleb Cooke
Kelly Right Real Estate - Idaho
(602) 330-7706
www.panhandleliving.co

September 16, 2026

via email: cityplanning@sandpointidaho.gov

City of Sandpoint Community Planning and Development
1123 Lake Street
Sandpoint, ID 83864

Re: *Notice of Proposed Zoning Map Amendment, Map Area 1*

Dear City,

I am a resident of 1503 Westwood Drive, Sandpoint, and am submitting these comments in response to the City's above-referenced Notice, dated September 4, 2026.

The City proposes to change the zoning in the areas identified in Map Area 1 from "Commercial A" to "Residential Multifamily" and some "Neighborhood Commercial." As I understand it, the purpose of this proposed change is to foreclose the possibility of unwanted commercial development along the Highway 2 corridor from Westwood Drive to the Ontario Street intersection with Highway 2. With one generalized caveat, I support that proposed change.

In rezoning these areas as Residential Multifamily and some Neighborhood Commercial, I urge the City to require mitigation for traffic impacts on Highway 2 that could be caused by any new or additional development in this corridor resulting from these changes. In particular, we have safety concerns about stoppage and backups on Highway 2 that could be caused by drivers turning across the Highway into or from any new developments. Please ensure that necessary steps and improvements are required to address this issue in approving any new or additional permits for the development of these areas.

Thank you for your consideration.

Jim Burroughs
1503 Westwood Drive
Sandpoint, ID 83864

Outlook

Proposed Property Rezoning

From Rick Graham <graham7713@icloud.com>
Date Tue 10/13/2026 8:47 AM
To City Planning <cityplanning@sandpointidaho.gov>
Cc graham7713 <graham7713@aol.com>; Rick Graham <rickg5775@gmail.com>

Some people who received this message don't often get email from graham7713@icloud.com. Learn why this is important

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It has come to our attention that there is a proposal to change the current zoning for the property located at 814 Lake St. As the property owner we are strongly opposed to changing the zoning to residential multifamily and wish the property to retain its current zoning designation as a commercial property designated as neighborhood commercial.
Sincerely, Richard and Nicholas Graham

Lincoln Ave
nt ID 83864

City of Sandpoint
Community Planning & Development
1123 Lake St.
Sandpoint ID 83864

620 S. Lincoln Ave
Sandpoint, ID 83864
October 9, 2026

City of Sandpoint
Community Planning & Development
1123 Lake St.
Sandpoint, ID 83864

Dear Ladies and Gentlemen of the Planning Division:

Thank you for the opportunity to comment on the proposed zoning changes. Today, I am submitting comments regarding to Map Area 1, located generally on both sides of Highway 2 between Westwood Drive and Madison Avenue.

The proposed changes from Commercial to Residential Multifamily will greatly help the housing affordability problems in Sandpoint. However, these changes will have some negative consequences that need to be addressed simuiltaneously. Entrance and egress from the areas to Highway 2 will cause significant traffic congestion and create crosswalk safety hazards. In particular, the oblique intersection of Ontario and Highway 2 is already difficult to navigate. Adding numerous residences will only exasperate the problem. Therefore, in conjunction with development of the subject parcels, a comprehensive traffic study needs to be conducted BEFORE development proceeds. The developers should be major contributors to the cost of such study because it is their proposed actions that will negatively impact the residents in the area.

The intersection of South Madison Avenue with Ontario, which leads to the Forest Bird School, currently has a traffic and pedestrian interaction problem. Additional residences will make this intersection more hazardous.

The addition of housing in this area will greatly increase the traffic on South Lincoln Avenue. Speeding and noise caused by hard acceleration is currently a problem that will only worsen as the subject parcels are developed. Therefore, speed controls, such as speed humps and traffic circles need to be considered and funded by impact fees from the developers.

While I have other suggestions for traffic control in this area, this zoning change proposal is not the forum for submitting traffic comments. I look forward to the opportunity to participate in traffic control discussions and hope you reach out to the public on this matter.

Thank you for considering my comments.

If you need me to clarify these comments, please feel free to call me at the number above.

Sincerely,

Daniel J Haley
Citizen of Sandpoint

Planning & Development
Zone changes Dreaft

Richard and Linda Cox
816 Lake St.
Sandpoint, ID 83864
(208)263-4033

Planning & Development Department
1123 Lake St.
Sandpoint, ID 83864

October 12, 2026

RE: Zoning Changes 2026 Map Area 4

Planning & Development Department,

We purchased our property at 816 Lake St. many years ago and bought it specifically because it is zoned as commercial property. We are business owners and wanted the option to run our property management business there. Almost everything on this block, to the east and north of our property, is commercial not residential. We don't feel that this makes any sense to change the zoning.

We do not want our property zone changed to residential multi-family zoning. We feel that this change would be detrimental to the value of our property and do away with the reason we purchased this property.

Thank you in advance for considering our concerns in this matter. We are hopeful that you will reconsider this potential zoning change.

Best Regards,

Linda Cox
Richard Cox

City of Sandpoint Planning Department,

I received the notice regarding tonight's Downtown Historic Preservation District Open House. Unfortunately, I am unable to attend, but I wanted to provide some feedback and also ask that I be kept informed as this proposal moves forward.

I am one of the owners of the building at 305 N. First Avenue, which is located within the proposed district and am a partner in the real estate brokerage Century 21 RiverStone who occupies the building. I have also been involved in downtown Sandpoint real estate for many years and have represented buyers and sellers of commercial properties within the Downtown Core.

I certainly understand and appreciate the desire to preserve the character and history that make downtown Sandpoint unique. At the same time, I do have some concerns about the potential unintended consequences of adding another layer of regulation and review to downtown properties.

As I understand the proposal, the underlying Downtown Core zoning would remain in place, but the historic preservation overlay could require additional review for exterior alterations, new construction, demolition, signage, and other improvements affecting a property's exterior character. My concern is how those additional requirements might affect the ability of property owners to adapt older buildings to meet the needs of current and future businesses.

We already have a significant amount of commercial vacancy downtown. From a real estate perspective, one of the challenges with older commercial buildings is finding economically viable ways to renovate, modernize, or sometimes redevelop them so they can accommodate the needs of today's tenants and businesses. I would hate to see well-intentioned preservation standards inadvertently increase the cost, uncertainty, or time involved in making those investments to the point that prospective buyers, developers, or business owners choose to invest elsewhere.

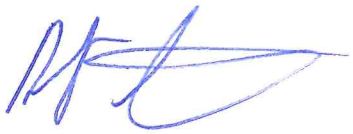
I think it will be particularly important as the standards are developed to strike an appropriate balance between preserving historically significant elements of downtown and allowing property owners sufficient flexibility to improve, modernize, redevelop, and economically utilize their properties. A vibrant downtown ultimately depends not only on preserving its character, but also on maintaining viable buildings, successful businesses, private investment, and occupancy.

I appreciate that the proposal is still under development and that the City is seeking input from affected property owners before recommendations are made to the City Council. I would very much like to remain involved in that process.

Since I am unable to attend tonight, could you please add me to any notification or mailing list regarding future meetings, proposed standards, draft ordinances, or other opportunities for public comment related to the Historic Preservation District?

Thank you for considering my comments. I appreciate the City's willingness to solicit feedback from affected property owners and would be happy to discuss my concerns further as the proposal develops.

Respectfully,



Brent Stevens
Owner/Sales Associate
Century 21 RiverStone
305 N. First Avenue Sandpoint, Idaho 83864
208.290.0502
bstevens@sandpoint.com

October 14, 2026

City of Sandpoint
Planning & Zoning Department

Re: Comment on Proposed Comprehensive Plan Rezoning: 430 South Ella Ave (Parcel # RPS003001008A)

Dear Planning Staff, Planning and Zoning Commission, and City Council:

I am writing about the proposed comprehensive plan changes that would rezone my property in the 400 block of South Ella Ave from Commercial to Residential Multifamily. I respectfully request that the property instead be designated **Neighborhood Commercial.**

We purchased this property, which consists of two surveyed lots and includes a residential home, specifically because it was zoned commercial within city limits. That zoning was a central factor in our decision to buy and in our plans for the property. A change to Residential Multifamily would significantly limit how we can use it and would undermine the investment we made in reliance on its existing designation.

A Neighborhood Commercial designation is also consistent with the surrounding area. Two other lots on our block, and the whole block adjacent to the alley of the west side of 400 block of South Ella, are currently used residential and commercial (according the Map 3 Area under consideration, they would become Neighborhood Commercial). This designation for our property would also allow for the small-scale, neighborhood-compatible uses that fit the character of the area.

Thank you for your time and for considering our request. I would welcome the chance to discuss this with staff.

Sincerely,

Terry Cooper

Dear Eric

I am the owner of 812 Lake Street, one of the subject properties proposed for a rezone from Commercial to Multi-family in Area 4.

I respectfully oppose this proposed rezone to multi-family and would propose the rezone should be to Neighborhood Commercial, consistent with what the City is proposing on adjacent properties within our block.

I support the concept of getting rid of the commercial strip, as currently zoned, to what is now being modified as ***neighborhood commercial***. I too would like to see the entry into our beautiful city far more welcoming than strip commercial can offer. I would also propose the City consider rezoning along Hwy 2 to offer both a welcoming entrance to the City and a park-like linkage/trial corridor for the whole community that already uses the current trail.

I oppose the rezone on the Lake Street block in Area 4 to multi-family for several reasons, as noted below, as well as for the fact that there are four residential homes on this block who have been zoned commercial for years (and have made a variety of concessions, including financial based on this designation), now being isolated from the proposed new neighborhood commercial zone.

For *Neighborhood Commercial*, the City of Sandpoint claims "The purpose of this zone is to accommodate infill commercial establishments directly adjacent and surrounded by existing neighborhoods in order to provide for the convenience of daily services at a scale that resembles the neighborhoods and areas they serve. While any of the commercial establishments may be community serving, its scale is smaller than the more focused nodes of higher intensity commercial activity permitted along Highway 2 in the community commercial zone. It is distinguished from community commercial zone primarily in scale and intensity of development, as provided for in the following regulations. This zone is intended to implement the Mixed-Use Neighborhood land use designation of the City's Comprehensive Plan." This is exactly what this block on Lake Street does. It is part of the existing neighborhoods and yet on the fringe, surrounded by small-scale commercial, adjacent to a much-used pedestrian/bike path and already mixed use making it ideal for mixed use and neighborhood commercial

The City of Sandpoint has noted that the proposed *Residential Multi-Family* areas "are intended to preserve land for housing and to provide diversity in housing options." How can 4 residential lots on a block that is (and will continue to be zoned a type of commercial) going to ultimately fair with the proposed designation? This block on Lake Street, it is residential and it can continue to support residential with a neighborhood commercial designation. Trying to obtain muti-family on individual lots of 50' x 145' is not realistic. This

is an isolated area that should be supporting the local neighborhoods in a mixed use capacity. To divide a block in half, which is already developed, makes no sense for future planning if trying to find muti-family sites is desired. (Note that half the block is being proposed as Neighborhood Commercial.)

Thank you for your consideration.

Sincerely,

Kendra Smith

812 Lake Street

CHAPTER 10 ARTS, CULTURE AND HISTORIC PRESERVATION COMMISSION

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(Ord. 1384, 2-17-2021)

2-10-2: Purpose:

The purpose of this chapter is to create and provide guidance for the administration of the Sandpoint Arts, Culture and Historic Preservation Commission.

(Ord. 1384, 2-17-2021)

2-10-3: Establishment and Membership:

A. The commission shall consist of no more than nine (9) voting members to be appointed by the mayor and confirmed by city council, comprised of two (2) nonprofit arts organization leaders, two (2) individuals with a demonstrated interest in, and commitment to, historic preservation, at least one of whom represents the Bonner County Historical Society and Museum, one individual with professional expertise in fine art, public art, arts education or performance, one individual with professional expertise in architecture, historic preservation or land use development, one regional tribal member or tribal artist, one Sandpoint business or property owner, and one at-large community member. The mayor shall endeavor to appoint at least two (2) members who meet the U.S. Secretary of the Interior's Professional Qualification Standards for Historic Preservation.

B. To ensure that all initial appointments do not expire at the same time, initial appointments to the commission shall be made as follows: three (3) 1-year terms; three (3) 2-year terms; and three (3) 3-year terms. All subsequent appointments shall be made for three (3) year terms. With the exception of representation from the Bonner County Historical Society and Museum, members will be limited to two (2) full 3-year terms.

C. The mayor shall determine the terms of the initial appointments.

D. Vacancies shall be filled in the same manner as original appointments, and the replacement appointee shall serve for the remainder of the unexpired term.

E. The city shall publicly announce any vacancies. The commission may review candidates and recommend appointments to the mayor, if requested. The mayor shall thereafter have the right to appoint any candidate, whether or not recommended by the commission.

(Ord. 1384, 2-17-2021)

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A. Organization and Quorum: At the first meeting of each fiscal year, or as soon thereafter as practicable, the members of the commission shall meet and organize to elect a chairperson and vice chairperson. The chairperson shall preside at meetings of the commission. The vice chairperson shall, when the chairperson is absent, perform the duties of the chairperson. A majority of the appointed members of the commission shall be necessary to constitute a quorum and conduct any business at any commission meeting.

B. Removal of Members: Any member of the commission may be removed with or without cause by the mayor with the consent of city council.

C. Meetings: The commission shall hold regular public meetings to perform its duties and responsibilities in the council chambers at Sandpoint City Hall. Electronic participation/meetings may also be held as allowed under the State of Idaho's Open Public Meetings Law. If the chambers room is unavailable, the city clerk shall schedule another meeting location that meets the standards of Idaho's Open Public Meetings Law.

D. The Sandpoint city clerk or designee shall be designated as the clerk of the commission, whose duties shall include posting and disseminating meeting agendas, facilitating and attending commission meetings and preparing and retaining official meeting minutes in accordance with State of Idaho and City of Sandpoint laws and regulations.

E. Parliamentary procedure for commission meetings shall be governed by the provisions of Sandpoint City Code Title 1, Chapter 5, Section 2-N-1.

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2-10-5: Policies:

The commission shall file an annual report with the city council to be included with the annual budget process, summarizing its activities and setting forth recommendations.

The commission shall establish written policies for its internal operation.

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2-10-6: Duties and Responsibilities:

The commission shall advise and assist the mayor and city council and work in coordination with the designated city staff liaison to develop, coordinate and promote the visual, performing and literary arts and heritage programs and policies for the enjoyment, education, cultural enrichment and benefit of the citizens of Sandpoint. In furtherance of these duties, the commission shall have the following objectives, in addition to all other powers, duties and responsibilities of the commission contemplated in Idaho Code section 67-4604:

A. Stimulate greater governmental and public awareness and appreciation of the importance of the arts, historic preservation, and local Sandpoint heritage.

B. Encourage the growth of Sandpoint's artistic and cultural community and the preservation of historic resources by fostering a receptive climate for the arts and for culture and historic preservation in the community.

C. Provide general assistance to Sandpoint's artistic, historical and cultural organizations with information, coordination and encouragement.

D. Regularly assess the arts and cultural heritage needs of the people of Sandpoint and make such information available to the city council and all interested agencies and entities for planning purposes.

E. Survey, document and preserve historic resources important to understanding Sandpoint's heritage.

F. Encourage opportunities for Sandpoint's residents to participate in artistic, historical and cultural activities offered by the city and other arts and heritage entities.

G. Subject to city council approval, seek and encourage financial support, including grants, loans and guarantees to Sandpoint artists, arts institutions, historians and heritage organizations sponsoring arts, historic preservation and history activities.

H. Represent the public interest by developing and recommending to the city council policies that pertain to arts, historic preservation and history.

I. Advise the city regarding the costs, benefits and other issues related to acquiring cultural assets and implementing cultural and heritage programming.

J. Consider and recommend to city council such local laws and regulations and ordinances necessary or desirable for the protection, enhancement and preservation of historic properties.

K. Appointment members of the community to subcommittees, from time to time and as needed, to support the commission.

L. Recommend to city council, within the limits of available funding, the employment of or contracting with other parties for the services of technical experts or other persons as the commission deems necessary to carry out its functions.

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G. Subject to city council approval, seek and encourage financial support, including grants, loans and guarantees to Sandpoint artists, arts institutions, historians and heritage organizations sponsoring arts, historic preservation and history activities.

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I. Advise the city regarding the costs, benefits and other issues related to acquiring cultural assets and implementing cultural and heritage programming.

J. Consider and recommend to city council such local laws and regulations and ordinances necessary or desirable for the protection, enhancement and preservation of historic properties.

K. Appointment members of the community to subcommittees, from time to time and as needed, to support the commission.

L. Recommend to city council, within the limits of available funding, the employment of or contracting with other parties for the services of technical experts or other persons as the commission deems necessary to carry out its functions.

M. Recommend to city council the establishment and boundaries of historic districts which take the form of zoning overlays and establishment of local landmarks.

N. Recommend design standards and historic preservation guidelines for city council adoption which form the basis for design review of vacant properties within historic districts and Certificate of Appropriateness review for alterations of structures within the districts.

O. Perform Certificate of Appropriateness review of exterior alterations of structures within city council-designated historic districts as further provided for in Title 9 Chapter 2 of this code.

P. Perform design review of new development of vacant property or redevelopment of property within city council-designated historic districts as further provided for in Title 9 Chapter 2 of this code.

Q. Prior to demolition, perform review of proposed demolition of structures within city council-designated historic districts as further provided for in Title 9 Chapter 2 of this code.

R. Recommend to City Council the establishment of neighborhood conservation districts which take the form of zoning overlays or adopted neighborhood plans for the purposes of administering design standards and guidelines intended to retain the principal character-defining features of traditional neighborhoods such as setbacks and front yards, lot coverage, architectural features such as house porches and roof shapes.

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N. Recommend design standards and historic preservation guidelines for city council adoption which form the basis for design review of vacant properties within historic districts and Certificate of Appropriateness review for alterations of structures within the districts.

O. Perform Certificate of Appropriateness review of exterior alterations of structures within city council-designated historic districts as further provided for in Title 9 Chapter 2 of this code.

P. Perform design review of new development of vacant property or redevelopment of property within city council-designated historic districts as further provided for in Title 9 Chapter 2 of this code.

Q. Prior to demolition, perform review of proposed demolition of structures within city council-designated historic districts as further provided for in Title 9 Chapter 2 of this code.

R. Recommend to City Council the establishment of neighborhood conservation districts which take the form of zoning overlays or adopted neighborhood plans for the purposes of administering design standards and guidelines intended to retain the principal character-defining features of traditional neighborhoods such as setbacks and front yards, lot coverage, architectural features such as house porches and roof shapes.

(Ord. 1384, 2-17-2021)

TITLE 9
ZONING

CHAPTER 1 GENERAL ZONING PROVISIONS

9-1-1: Short Title:

This title shall be known and designated as the Zoning Ordinance of the City of Sandpoint, Idaho.

(Ord. 180, 2-5-1941)

9-1-2: Purpose:

The mayor and city council have determined, and do hereby determine, that for the purpose of promoting the health, safety, morals and general welfare of the citizens of Sandpoint; to lessen congestion in the streets thereof; to better secure its citizens from the dangers of conflagration, panic and other dangers; to provide adequate light and air for its inhabitants; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate and make adequate for transportation, water, sewerage, schools, parks and other public requirements; to encourage the most appropriate use of land in the city; to make adequate provision for the future construction and repair of buildings in the city; and to provide safety measures for traffic on its streets by limiting the distance from street lines of buildings hereafter constructed, it is to the best interests of the city, its property owners, and all persons concerned to provide a zoning ordinance and to carry out the powers delegated to the city under the provisions of the Idaho Code.

(Ord. 180, 2-5-1941)

State law reference(s)—IC § 67-6501 et seq.

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.

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: A building, including modular housing, containing two (2) dwelling units with a common wall located on a single lot.

DWELLING, SINGLE-FAMILY ATTACHED: A single-family dwelling attached to another single-family 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 (1) dwelling unit and not including timeshare ownership of that dwelling unit.

DWELLING UNIT: One (1) or more rooms designed for occupancy by one (1) family for living purposes and having only one (1) 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 (1) 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 (1) housekeeping unit using one (1) kitchen.

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

FRONTAGE: All property on one (1) 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 (1) 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 (1) 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 (1) on one (1) 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 plot of land legally divided from a larger area of land occupied or suitable for occupancy by one (1) 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 (1) 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 that does not meet the minimum lot width or area requirements of the district in which it is located. Such lot may be utilized for those uses permitted within its zoning district if all other requirements of this title are met. 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 (1) 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 (1) 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 (1) 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 (1) 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 (1) 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; Ord. No. 1436, § 1, 2-18-2026)

9-1-4: General Provisions:

A. Boundary Lines: All streets, alleys and railroad rights of way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such alleys, streets or railroad rights of way. Where the centerline of a street or alley serves as a district boundary, the zoning of such street or alley to the centerline, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property.

B. Permitted Uses: No building or structure shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used for any purpose other than is permitted in the district in which the building or land is located.

1. All permitted uses requiring a building permit shall be subject to an administrative Site Plan Review with the following exceptions:

a) Residential dwellings of less than four (4) units on a conforming lot. This does not include substandard original lots of record that are further regulated in Section 9-4-6; and

b) Expansion of a commercial or industrial building which increases building size by less than two thousand (2,000) square feet where the finished structure will be permitted outright. This exemption does not apply to subsequent expansions.

2. Site Plan Review Requirements:

a) Notice. A development of four (4) or more dwelling units shall require notice to adjoining landowners. The notice shall provide at least fifteen (15) days for comments on the application.

b) Expiration. A Site Plan shall be valid for one (1) year from the date of approval. If no building permit for construction of the approved structure(s), has been issued within one (1) year, the site plan approval will expire. An extension of up to one (1) year may be applied for and approved for good cause by city staff. The application for extension must be provided to city staff prior to the one (1) year expiration of the site plan. If the site plan does not proceed within the one-year timeframe or the extension timeline, if applicable, it shall be considered null and void and a new site plan application shall be required.

Good cause shall include on-going activity related to the site plan including environmental remediation, corresponding land use action, or similar reasons.

c) Submittal. Submittals for an administrative site plan review are the same as required by Section 9-9-6-3 a through g.

d) Appeal. Any interested party may appeal to the planning commission from a site plan review or design review determination. An appeal shall be submitted in writing within fifteen (15) days after the determination and shall list each issue for appeal with specificity. The planning commission shall only consider issues properly appealed and shall exclude issues which are subject to a different appellate procedure, e.g., the local land use planning act, or which are not eligible for modification or waiver, such as items contained in a development agreement. Nothing in this provision shall preclude the planning director from referring issues regarding a proposal to the planning commission for the benefit of its advice.

E. Open Space: The minimum yards or other open spaces, including lot areas per family required by this title for each and every building existing or for any building hereafter erected, shall not be encroached upon or considered as yard or open space requirements for any other building.

F. One Building Per Lot: Every building hereafter erected or structurally altered to provide dwelling units shall be located on a "lot" as herein defined and in no case shall there be more than one such building on one lot unless otherwise provided in this title.

G. Public Access: No building shall be constructed or erected upon a lot or parcel of land which does not abut upon a public street or have permanent easement for access to a public street, which easement shall have a minimum width of twenty-five feet (25') unless an easement of lesser width was on record prior to the effective date hereof. The public works director may require additional easement to provide for pedestrian access.

H. Construction Started Prior To Effective Date Hereof: Nothing in this title shall be deemed to require any change in the plans, construction or designated use of any building upon which actual construction was lawfully begun prior to the effective date hereof and upon which building actual construction has been diligently carried on; and, provided further, that such building shall be completed within one year.

I. Annexation: Any area annexed to the city shall, upon such annexation, be automatically classified "unzoned" until otherwise zoned.

J. Visibility: No wall, fence or shrubbery shall unreasonably obstruct or interfere with traffic visibility. A fence or wall shall be placed no closer than one foot to the current or future sidewalk location. Earth mounding or any other similar method shall not be used to raise fence height, unless the fence is adjacent to an arterial, state highway, or industrial or commercial property.

1. On all nonindustrial zoned lots:

    a. In the required front yard setback, fences and walls shall be allowed to a maximum height of four feet (4').

    b. In side and rear yards, fences and walls shall be allowed to a maximum height of seven feet (7').

    c. Within residential zones, fences over four feet (4') shall not be allowed in front of the primary facade, regardless of setback.

2. On nonindustrial zoned corner lots:

    a. In the required front yard setback, fences and walls shall be allowed to a maximum height of four feet (4').

    b. On street facing side yards, fences and walls shall be limited to maximum height of four feet (4') for a depth of not less than twenty feet (20'). Fences beyond the required front yard depth shall maintain the one foot setback, but shall be allowed to the seven-foot (7') maximum rear yard height.

    c. Clear vision triangle shall be maintained.

3. On double frontage lots:

    a. In cases where a lot extends the full depth of a block between two (2) parallel streets, fences shall maintain the one foot setback along the street bordering the rear yard but may be allowed to the rear yard height of seven feet (7').

(Ord. 1263, 12-29-2011; Ord. 1336, 11-2-2016; Ord. No. 1413, § 2, 12-20-2023)

9-1-5: Accessory Buildings, Regulations:

Accessory buildings, except as otherwise permitted in this title, shall be subject to the following regulations:

A. Where an accessory building is structurally attached to a main building it shall be subject, and must conform to all regulations of this title applicable to the main building.

B. An accessory building may not be located nearer than five feet (5') to any interior lot line and not nearer than five feet (5') to the rear lot line.

C. An accessory building shall not be erected prior to the establishment or construction of the principal use of a building.

D. No house trailer or recreational vehicle shall be used for human habitation on any parcel in any zone.

(1958 Code; amd. Ord. 627, 7-10-1978; Ord. 734, 9-15-1980; 1983 Code; Ord. 1336, 11-2-2016; Ord. 1386, 4-21-2021)

9-1-6: Continuance of Existing Uses:

Nothing herein shall prevent the continuance of the present occupancy or lawful use of any existing building, except as may be necessary for the safety of life and property and except as provided in chapter 7 of this title.

(1958 Code)

9-1-7: Additional Provisions:

The city council hereby declares that it is the intention that this title does not repeal any existing laws in regard to fire limits, sanitation or otherwise.

(1958 Code)

9-1-8: Accessory Dwelling Regulations:

A. Purpose and Intent: This provision provides standards for accessory dwelling units to detached single-family dwellings. These standards are intended to encourage diversity in housing types and provide for smaller, more diverse, and often more affordable housing choices that are compatible with existing neighborhoods.

B. Requirements for All Accessory Dwelling Units: All accessory dwelling units must meet the following requirements when they are the result of converting existing living area, attic, basement, or garage; adding floor area; constructing a detached accessory dwelling unit on a site with an existing primary dwelling unit, attached primary dwelling unit, or manufactured home; or constructing a new primary dwelling unit, attached primary dwelling unit, or manufactured home with an internal or detached accessory dwelling unit:

   1. Maximum Allowed: Maximum of one, site-built, accessory dwelling unit, either detached or attached, is allowed per parcel.

   2. Conversion of Primary Dwelling Structure: In cases where an existing primary dwelling structure is to be converted to a secondary dwelling unit or partially converted to create a secondary dwelling unit within the structure, the area designated for the secondary dwelling unit must be brought up to current Title 8 provisions subject to the review and approval of the building official.

   3. Location of Entrances: Only one entrance may be located on the facade of the primary dwelling unit, attached primary dwelling unit, or manufactured home facing the street, unless the primary dwelling unit, attached primary dwelling unit, or manufactured home contained additional entrances before the accessory dwelling unit was created. An exception to this regulation would be entrances that do not have access from the ground such as entrances from balconies or decks.

   4. Parking: Parking for the main residential structure must meet the requirements of chapter 5 of this title.

   5. Maximum Size: The size of any accessory dwelling unit attached or detached may be no more than nine hundred (900) square feet and may include only one bedroom.

C. Creation of Accessory Dwelling Units Through Addition of Floor Area: Accessory dwelling units created through the addition of floor area to the primary dwelling unit must meet the following requirements:

1. Exterior Finish Materials: The exterior finish material must be the same or visually match the type, size, and placement of the exterior finish material of the primary dwelling unit, attached primary dwelling unit or manufactured home.

D. Detached Accessory Dwelling Units: Detached accessory dwelling units must meet the following requirements:

1. Setbacks: Detached accessory dwelling units above a permitted garage will be calculated based on the setbacks for detached garages. In all other cases, the accessory dwelling unit must be at least:

a. Situated behind the primary dwelling.

b. All accessory dwelling units shall comply with the setbacks for accessory structures required by the base zoning district in which it is located.

E. Non-Conforming Accessory Dwelling Units: That portion of a single- family residence which meets the definition and intent of an accessory dwelling unit which was in existence prior to November 19, 2008, may continue in existence without conformance to zoning provisions, provided the unit complies with the minimum requirements of the Title 8 and a valid certificate of occupancy for the use is obtained. All other provisions related to non-conforming structures and uses, as provided in this title, shall apply to accessory dwelling units.

(Ord. 1346, 8-16-2017; amd. Ord. 1386, 4-21-2021)

CHAPTER 2 COMMERCIAL ZONING DISTRICTS

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

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

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

A. Efficient use of land and services.

B. A mix of land uses which strengthen opportunities for economic vitality and support pedestrian activity as well as housing opportunities.

C. Provide for community gathering places and pedestrian/visitor amenities.

D. Establish a distinct storefront character associated with the downtown core area.

E. Provide transitions to adjacent neighborhoods and commercial areas.

F. Maintain and enhance the area's character through design guidelines.

G. Encourage residential development above ground floor.

H. Encourage structured parking in commercial areas.

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

(Ord. 1236, 6-23-2010)

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

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

(Ord. 1236, 6-23-2010)

9-2-1-3: Use Limitations:

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

A. Permitted Uses: The land uses listed in table 1 of this section are permitted in the commercial A, B and C zone areas as identified and subject to the provisions of this chapter. Certain land uses have additional restrictions as specified in notes to table 1 of this section.

B. Determination of Similar Land Uses: Uses that are similar in nature to one or more permitted uses, as determined by the planning director after consulting the current edition of "The North American Industry Classification System" code, may be permitted within the boundary of the commercial A, B and C zones.

TABLE 1
USES PERMITTED IN THE COMMERCIAL ZONES

	Commercial A	**Commercial B**	**Commercial C**
Commercial:			
Art and craft galleries	Yes	Yes	Yes
Banks and financial institutions	Restricted[4]	Restricted[4]	Restricted[4]
Commercial storage	Restricted[3]	Restricted[3]	Restricted[3]
Daycare	Yes	Yes	Yes
Entertainment facilities (theaters, clubs, movies)	Restricted[5]	Restricted[5]	Restricted[5]
Hotels, hostels and lodges, and motels	Yes	Yes	Yes
Laundromats and dry cleaners (no dry cleaning using perchloroethylene solvent permitted)	Yes	Yes	Yes

Manufacturing ancillary to a storefront retail sales and services outlet (see section 9-2-1-9 of this chapter for limitations)	Yes	Yes	Yes
Medical and dental services including hospitals, clinics and associated laboratories, pharmacies, optometrists, veterinarians and similar medical uses	Restricted[4]	Restricted[4]	Restricted[4]
Offices	Yes	Yes	Yes
Personal and professional services (e.g., hair salons, day spas, barbershops, tailors, shoe repair, nail salon, tanning salon, watch and jewelry repair, package wrapping/copying/sending services, and similar uses)	Yes	Yes	Yes
Restaurants, catering, taverns, prepared food services for on site consumption, retail bakeries, candy/ice cream shops (food production allowed in conjunction with retail)	Restricted[4]	Restricted[4]	Restricted[4]
Retail trade and services	Restricted[4, 5]	Restricted[4, 5]	Restricted[4, 5]
Vehicle, agricultural and industrial equipment sales	Restricted[2, 7]	Restricted[2, 7]	Restricted[2, 8]
Wholesale	Yes	Yes	Yes
Public/institutional:			
Clubs, fraternities, sororities, lodges and similar uses	Yes	Yes	Yes
Government offices and facilities, including courthouses	Restricted[4]	Restricted[4]	Restricted[4]
Libraries, museums, concert halls, auditoriums, community center, and similar uses	Yes	Yes	Yes
Outdoor bandstand, amphitheater, pavilion	Yes	Yes	Yes
Private utilities	Yes	Yes	Yes
Public parking lots and garages (see chapter 5 of this title, standards for off-street parking areas)	Yes	Yes	Yes
Public parks, squares, greens, and recreation facilities	Yes	Yes	Yes
Religious institutions and places of worship	Yes	Yes	Yes
Schools, public and private	Yes	Yes	Yes
Visitors centers and information services	Restricted[4]	Yes	Yes
Residential:			
Detached single-family residences	Prohibited	Prohibited	Prohibited
Two-family dwellings (duplexes)	Restricted[6]	Restricted[6]	Restricted[6]
Single-family attached (townhouses)	Yes	Yes	Yes

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

Notes:
1. Residential uses are permitted on upper stories above ground floor nonresidential use, on ground floors behind storefront space, or integrated into a mixed use structure where design is consistent with the storefront character.
2. Subject to conditional use permit provisions as provided in this code.
3. Enclosed in building and on upper stories only.
4.a. In the commercial A zone: Drive-through uses are subject to approval through conditional use permit, drive-through fast food use is prohibited.
b.In the commercial B zone: Drive-through fast food services and/or those using order amplification are subject to an approved conditional use permit and are prohibited within one hundred fifty feet (150) of any residential zone.
c. In the commercial C zone: Drive-through fast food services and/or those using order amplification are permitted adjacent to Highway 2 with an approved conditional use permit. Drive-throughs within one hundred fifty feet (150') of a residential zone are prohibited.
5. Adult use limitation: Commercial establishments are restricted to having less than a twenty-five percent (25%) of gross floor area of its stock in trade offering for sale for any form of consideration any one or more of the following:
a. Books, magazines, periodicals or other printed matter, or films, motion pictures, photographs, slides, videocassettes or other visual representations which are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or
b. Devices, instruments, or paraphernalia which are designed for use in connection with "specified sexual activities". Adult oriented nightclubs, entertainment or premises offering erotic dancing or display are prohibited. Unarmed combat as defined by section 54-402 of Idaho Code is prohibited.
6. Subject to approval through the planned unit development application process with minimum two-acre area requirement waived. See title 10, chapter 3 of this code.
7. Fully enclosed in building.
8. Limited to 12 passenger vehicles.

(Ord. 1301, 6-4-2014)

9-2-1-4: Building Setbacks:

TABLE 2
BUILDING SETBACKS

	Commercial A	**Commercial B**	**Commercial C**
Minimum front, rear and side yard setback	See subsection 9-2-1-6B5 of this chapter	0 feet	0 feet
Maximum front setback	0 feet	0 feet	0 feet
	Buildings shall be constructed to the property line along their primary	Buildings shall be constructed to the property line along their primary	Buildings shall be constructed to the property line along

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

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

9-2-1-5: Building Height:

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

TABLE 3
BUILDING HEIGHT

	Commercial A	**Commercial B**	**Commercial C**
Minimum number of floors[1]	2	2	2
Maximum height	35 feet	35 feet	35 feet
Maximum height when structured parking or a residential component is included in	65 feet when residential use represents 50 percent of floor area exceeding 35 feet or when 50 percent of building footprint is developed with structured parking.	55 feet when residential use represents 100 percent of floor area exceeding 35 feet or when 51 percent of required parking is incorporated into the structure.	45 feet when residential use represents 100 percent of floor area exceeding 35 feet or when 51 percent of required parking is incorporated into the structure.

building footprint			
Maximum height adjacent to residential zone	Maximum height of any portion of a structure within 50 feet of a residential zoning district line shall be 35 feet.		

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

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

A. Height Increase for Buildings Containing Residences or Structured Parking: Habitable floor area utilizing exemption to maximum height outlined in table 3 of this section shall be developed in a stepped fashion with all enclosed portions of structures along street frontage exceeding thirty-five feet (35') set back from lower portions of the structure by the following:

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

   Setbacks shall not apply to unenclosed porches or balconies.

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

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

(Ord. 1301, 6-4-2014)

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

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

A. Building Size, Bulk, Scale, and Mass: New buildings or additions shall either be similar in size and height, or if larger, be articulated and subdivided proportionally to the mass and scale of other structures on the same block.

B. Building Orientation: If an entry is oriented to a parking lot, it diminishes activity from the street and implies that auto access takes precedence. Orientation and design of all new building or additions shall be reinforced through the observation of the following standards:

1. Primary Entrance: Buildings have their primary entrance(s) oriented to their primary frontage. Building entrances may include entrances to individual units, lobby entrances, entrances oriented to pedestrian plazas, or breezeway/courtyard entrances to a cluster of spaces.

2. Corner Building Entrances: Corner building entrances shall be designed in cases where the building is located on a corner lot. Alternatively, a building entrance may be located away from the corner when the building corner is beveled or incorporates other detailing to reduce the angular appearance of the building at the street corner.

3. Secondary Entrance: A building may have a secondary entrance facing a side yard when a direct pedestrian walkway is provided between the building entrance and the street right-of-way.

4. Off-Street Parking: Off-street parking, driveways and other vehicular access shall not be placed between a building and the street. On corner lots, buildings and their entrances shall be oriented to the street corner as feasible.

5. Commercial A Zone: In the commercial A zone, at least fifty percent (50%) of the width of the lot is occupied by a building at the front setback.

6. Accessibility: There shall be provided one zero-step entrance to each building from an accessible path at the front, side, or rear of each building. All the first floor interior doors (including bathrooms) shall provide at least thirty-two inches (32") of clear passage.

7. Surface Parking: Parking areas of more than thirty (30) abutting spaces shall be divided into areas of no more than thirty (30) spaces. Division may be by a building, internal landscaped area with a minimum width of five feet (5'), or landscaped multimodal way having a minimum width of five feet (5').

C. Storefront Design: All buildings shall contribute toward the storefront character and visual relationships of existing buildings. The building shall be designed in a way that will reduce the massive scale and uniform and impersonal appearance and will provide visual interest consistent with the community's identity, character, and scale. The following architectural features should be used along the street frontage building elevations, as applicable. Minor deviation from the following features may be authorized at the discretion of the planning director so long as the spirit of this code is maintained:

1. Buildings should have consistent spacing of similar shaped windows with trim or other decorative molding on all building stories.

2. Large display windows should be employed on ground floor storefronts. Display windows should be framed to visually separate the ground floor from the second floor.

3. All buildings with a flat roof should have a decorative cornice at the top of the building; or eaves, when the building is designed with a pitched roof.

4. Cornices or changes in material can be used to differentiate the ground floor of buildings that have commercial uses from the upper floor(s) that may have offices or residential uses. Ground floor facades should utilize cornices, signs, awnings, exterior lighting, display windows and entry insets.

5. Facades greater than fifty feet (50') in length shall incorporate recesses and projections with a minimum four foot (4') differentiation along at least twenty percent (20%) of the length of the facades. Window awnings, arches, or columns must total at least sixty percent (60%) of the facade length abutting the street.

6. Structures abutting Sand Creek are required to incorporate design features that enhance the visual interest and pedestrian interface with the water frontage such as patios, decks and expanses of glass that draw pedestrian interest. Additionally, HVAC, garbage and recycling bins and other similar ancillary equipment shall be buffered through a fence, wall or other similar device so as to strengthen the visual appeal from the waterfront.

D. Building Materials: The exterior finish material on all facades shall be limited to stone, brick and/or finished wood. Materials other than those listed are a deviation which may be authorized by the planning director.

1. In circumstances where other materials are proposed, such as stucco, characteristics such as scale and proportion, form, architectural detailing, height, color and texture shall be utilized to ensure that the proposed material is compatible with surrounding buildings and the character of the commercial area.

2. Building materials shall not create glare. Highly reflective materials shall not be permitted.

3. Clear glass windows shall be used for commercial storefront display windows and doors. Ground floor window shall be defined as glass, either fixed or opening windows. Windows cannot be covered permanently on the interior by more than twenty percent (20%). Opaque or severely site obscuring windows will not be permitted.

4. Architectural treatment, similar to that provided to the front facade shall be provided to the sides and rear of the building to mitigate any negative view from any location off site and any public area (e.g., parking lots, walkways, etc.) on site. Windows and doors shall be defined with detail elements such as frames, sills, and lintels, and placed to visually establish and define the building stories and establish human scale and proportion.

5. Exposed unfinished concrete, concrete block, or monotonous walls of concrete or corrugated metal shall not be permitted as a finished exterior.

E. Civic Spaces: Civic spaces serve as informal gathering places for socializing, resting and enjoyment of the area, and contribute to a walkable environment. Each civic space shall be open to the thoroughfare or street by incorporating at least one access to the thoroughfare or street. Each building with street frontage shall include two (2) or more of the following features. Civic spaces may be provided within the public right-of-way when approved by the local jurisdiction having authority. The following shall be considered civic spaces for incorporation into the building design:

1. A plaza or courtyard next to the building entrance.

2. Sitting space (i.e., dining area, benches, or ledges) between the building entrance and the sidewalk.

3. A building canopy, awning, or similar weather protection, with a minimum four foot (4') projection over the sidewalk or other pedestrian space.

4. Public art as approved by the Sandpoint art commission.

(Ord. 1301, 6-4-2014)

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

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

A. Circulation Amenities: A safe and landscaped multimodal circulation system shall be provided on site which connects to public streets and neighborhoods. Multimodal pathways within the development shall be differentiated from driving surfaces through a change in materials. At least one substantial amenity as described in subsection 9-2-1-6E of this chapter shall be provided for every two thousand five hundred (2,500) square feet of structure footprint.

B. Facades and Exterior Walls Including Sides and Backs: The building shall be designed in a way that will reduce the massive scale and uniform and impersonal appearance and will provide visual interest consistent with the community's identity, character, and scale. Architectural treatment, similar to that provided to the front facade shall be provided to the sides and rear of the building to mitigate any negative view from any location off site and any public area (e.g., parking lots, walkways, etc.) on site.

C. Roofs: The roof design shall include architectural features that contribute to the visual interest at the pedestrian scale and reduce the massive scale of large buildings. Roof features shall complement the architectural and visual character of adjoining neighborhoods. Roofs shall have the appearance of two (2) or more roof planes either through architectural features or engineered design. Parapet walls shall be architecturally treated to avoid a plain, monotonous look. Roofs shall be lightly colored or vegetative.

D. Building Design: All buildings shall provide a direct unencumbered multimodal connection to an abutting street. All buildings shall be designed so that parking is not located along the primary street of the building. Nonmotorized parking shall be permitted along the primary facade of the building. A buffer with a minimum width of eight feet (8') will be maintained between parking areas and all bike trails and public sidewalks. Building entrance(s), windows, roof snow drop areas, and other movable building features shall have an appropriate setback so as not to interfere with the safe movement of pedestrians and cyclists.

E. Adaptability for Reuse/Compartmentalization: The building design shall include specific elements for adaptation for multi-tenant reuse. Such elements may include, but are not limited to, compartmentalized construction, including plumbing, electrical service, heating, ventilation, and air conditioning. The building design shall also allow for: the interior subdivision of the structure into separate tenancies; facades that readily adapt to multiple entrances and adapt to entrances on all but one side of the building; parking lot schemes that are shared by establishments or are linked by safe and functional pedestrian connections; landscaping schemes that complement the multiple entrance design; and other elements of design which facilitate the multi-tenant reuse of the building and site.

F. Applications: Applications shall include a renewal plan that will afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the structure in the event of closure or relocation by the original occupant. Such plan will be approved if the city finds that:

1. A sound and adequate plan exists for said redevelopment; and
2. The plan affords maximum opportunity for rehabilitation or redevelopment of the structure by both private enterprise and the municipality; and
3. The renewal plan provides a maintenance plan for normal repairs and upkeep of property, including, but not limited to, building, parking lot and surfacing, landscaping, signage, and elimination of "ghost signage".

The city may enter a redevelopment agreement with the owner of the real property and undertake activities, including the acquisition, removal, or demolition of structures, improvements, or personal property located on the real property, to prepare the property for redevelopment. A redevelopment agreement entered into in accordance with this section must contain provisions obligating the owner

to redevelop the real property for a specified use consistent with the provisions of this title and offering recourse to the city if the redevelopment is not completed as determined by the city.

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

(Ord. 1301, 6-4-2014)

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

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

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

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

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

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

(Ord. 1236, 6-23-2010)

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

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

1. Light manufacturing is only allowed when occurring in conjunction with a permitted retail or service use that is in the storefront location.

2. Maximum floor area devoted to light manufacturing is limited to four thousand (4,000) square feet in any individual establishment. Through the issuance of a conditional use permit, the maximum square footage may be increased, but shall not exceed fifteen thousand (15,000) square feet.

3. The light manufacturing operations shall be fully enclosed within a building and will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reasons of traffic, noise, smoke, fumes, glare or odors.

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

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

2. All authorized outdoor displays, sales, service or minor entertainment takes place on private property with the written consent of the owner or agent of said property, or on public property with consent from the city.

3. No display, sales, service or minor entertainment blocks the required pedestrian walkways. A clear area with a minimum width of five feet (5') shall be left between the street and the building entry or exit.

4. All booths, stalls, carts, or other equipment for outdoor display, sales, service or minor entertainment at the close of business each day shall be removed or immobilized and secured so as to prevent it from becoming a public safety hazard, nuisance or security risk.

5. Outdoor displays or storage shall not exceed twenty percent (20%) of the retail floor area of the primary business.

(Ord. 1236, 6-23-2010)

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

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

B. Definitions:

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

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

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

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

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

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

1. Issuance of a Conditional Use Permit;

2. Notification and approval of all applicable State and Federal regulations; and,

3. Compliance with the Sandpoint Stormwater Ordinance.

F. Permanent, fixed art features larger than four (4) square feet in area and six feet (6') in height shall comply with the provisions of Section E.

G. The Conditional Use Permit process shall recognize Sand Creek is a natural, environmental feature of major importance that shall remain protected. Development shall be commensurate with the physical characteristics of Sand Creek and protect fish, wildlife, recreation resources, and avoid undue water and air pollution. An effective vegetative buffer upland of the applicable high-water mark (AHWM or OHWM) shall be incorporated as one method of protection, unless determined impractical by an Idaho licensed professional engineer or licensed landscape architect, whereby alternative(s) of equal effectiveness and/or a combination thereof shall be provided.

H. The city shall notify applicable federal and state agencies of proposed construction on properties adjacent to Sand Creek.

I. City issued permits shall be conditioned accordingly to support best management practices and compliance with applicable local, state and federal laws and guidelines, including, but not limited to, erosion and sediment control; riparian areas; wetlands; water quality; and fish, wildlife and plant habitats.

(Ord. 1392, 3-16-2022)

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

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

(Ord. 1305, 10-15-2014)

9-2-2-1: Purpose:

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

A. Accommodate mixed use buildings with neighborhood serving retail, service, and other uses on the ground floor and residential units above the nonresidential space;

B. Encourage development that exhibits the physical design characteristics of pedestrian oriented, storefront style shopping streets; and

C. Promote the health and well being of residents by encouraging physical activity, alternative transportation, and greater social interaction.

(Ord. 1305, 10-15-2014)

9-2-2-2: Definitions:

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

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

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

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

(Ord. 1305, 10-15-2014)

9-2-2-3: Allowed Uses:

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

TABLE 1
MIXED USE RESIDENTIAL LAND USE REGULATIONS

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

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

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

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

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

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

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

(Ord. 1305, 10-15-2014)

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

All permitted uses in the mixed use residential district must be conducted within completely enclosed buildings, unless otherwise expressly authorized. This requirement does not apply to off-street parking or loading areas, automated teller machines, or outdoor seating areas that are located between the primary building facade and the street. Commercial delivery within alleys that abut a residential zone shall be prohibited from eight o'clock (8:00) p.m. to eight o'clock (8:00) a.m.

(Ord. 1305, 10-15-2014)

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

A. All commercial floor space provided on the ground floor of a mixed use building must have a minimum floor to floor height of twelve feet (12').

B. All commercial floor space provided on the ground floor of a mixed use building must contain the following minimum floor area:

1. At least eight hundred (800) square feet or twenty-five percent (25%) of the lot area, whichever is greater, on lots with street frontage of less than fifty feet (50'); or

2. At least twenty percent (20%) of the lot area on lots with fifty feet (50') of street frontage or more.

(Ord. 1305, 10-15-2014)

9-2-2-7: Lot Area:

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

(Ord. 1305, 10-15-2014)

9-2-2-8: Lot Coverage:

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

(Ord. 1305, 10-15-2014)

9-2-2-9: Building Height:

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

A. Exceptions to the maximum height:

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

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

(Ord. 1305, 10-15-2014)

9-2-2-10: Setbacks:

A. The entire building facade must abut street side property lines or be located within ten feet (10') of such property lines. Front building facade setbacks between ten feet (10') and twenty feet (20') are permitted only when the setback area is developed as a civic space.

B. No setbacks are required in the mixed use residential district, except when property zoned as mixed use residential abuts property zoned as residential, in which case the minimum side and rear setbacks required in the mixed use residential district shall be the same as required for a residential use on the abutting residentially zoned lot. When commercial use occurs adjacent to any residential use, screening of adjacent property lines, utilizing a minimum six foot (6') solid wood or equivalent fence, excluding vinyl or chainlink, shall be provided and maintained in good condition to reduce the trespass of noise and other related business activity.

(Ord. 1305, 10-15-2014)

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

A. As prescribed in chapter 5 of this title.

B. No off-street parking is required for nonresidential uses in the mixed use residential district, unless such uses exceed two thousand (2,000) square feet of gross floor area, in which case off-street parking must be provided in accordance with city standards for the floor area in excess of two thousand (2,000) square feet.

C. Off-street parking spaces must be located to the rear or side of the principal building and otherwise screened so as not to be visible from public right-of-way or residential zoning districts. Locating parking between the building and the street shall be prohibited, except when associated with detached single-family residential development.

(Ord. 1305, 10-15-2014)

9-2-2-12: Window Standards:

A. For new commercial construction, a minimum of sixty percent (60%) of the street facing building facade between two feet (2') and eight feet (8') in height must be comprised of clear windows that allow views of indoor space or product display areas.

B. The bottom of any window or product display window used to satisfy the transparency standard may not be more than three and one-half feet (3.5') above the adjacent sidewalk.

C. Product display windows used to satisfy these requirements must have a minimum height of four feet (4').

(Ord. 1305, 10-15-2014)

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

A. Buildings must have a primary entrance facing a public sidewalk. Entrances at building corners may be used to satisfy this requirement.

B. Building entrances may include doors to individual shops or businesses, lobby entrances, entrances to pedestrian oriented plazas, or courtyard entrances to a cluster of shops or businesses.

(Ord. 1305, 10-15-2014)

9-2-2-14: Driveway Access:

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

(Ord. 1305, 10-15-2014)

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

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

A. Building Size, Bulk, Scale, and Mass: New buildings or additions shall either be similar in size and height, or, if larger, be articulated and subdivided proportionally to the mass and scale of other structures on the same block.

B. Building Orientation: If an entry is oriented to a parking lot, it diminishes activity from the street and implies that auto access takes precedence. Orientation and design of all new building or additions shall be reinforced through the observation of the following standards:

    1. Primary Entrance: Buildings have their primary entrance(s) oriented to their primary frontage. Building entrances may include entrances to individual units, lobby entrances, entrances oriented to pedestrian plazas, or breezeway/courtyard entrances to a cluster of spaces.

    2. Corner Building Entrances: On corner lots, buildings and their entrances shall be oriented to the street corner. Alternatively, a building entrance may be located away from the corner when the building corner is beveled or incorporates other detailing to reduce the angular appearance of the building at the street corner.

    3. Secondary Entrance: A building may have a secondary entrance facing a side yard when a direct pedestrian walkway is provided between the building entrance and the street right-of-way.

    4. Off-Street Parking: Off-street parking, driveways and other vehicular access shall not be placed between a building and the street.

    5. Surface Parking: Parking areas of more than ten (10) abutting spaces shall be divided into areas of no more than ten (10) spaces. Division may be by a building, internal landscaped area with a minimum width of five feet (5') or landscaped multimodal way having a minimum width of five feet (5').

C. Storefront Design: All buildings shall contribute toward the storefront character and visual relationships of existing buildings. New buildings shall be designed in a way that will reduce the massive scale and uniform and impersonal appearance and provide visual interest consistent with the community's identity, character, and scale. The following architectural features should be used along the street frontage building elevations, as applicable. Minor deviation from the following features may be authorized at the discretion of the planning director so long as the spirit of this code is maintained:

    1. Buildings should have consistent spacing of similar shaped windows with trim or other decorative molding on all building stories.

2. Large display windows should be employed on ground floor storefronts. Display windows should be framed to visually separate the ground floor from the second floor.

3. All buildings with a flat roof should have a decorative cornice at the top of the building (or eaves, when the building is designed with a pitched roof).

4. Cornices or changes in material can be used to differentiate the ground floor of buildings that have commercial uses from the upper floor(s) that may have offices or residential uses. Ground floor facades should utilize cornices, signs, awnings, exterior lighting, display windows and entry insets.

5. Facades greater than fifty feet (50') in length shall incorporate recesses and projections with a minimum four foot (4') differentiation along at least twenty percent (20%) of the length of the facade.

D. Building Materials: The exterior finish material on all facades shall be limited to stone, brick and/or finished wood. Materials other than those listed are a deviation which may be authorized by the planning director.

1. In circumstances where other materials are proposed, such as stucco, characteristics such as scale and proportion, form, architectural detailing, height, color and texture shall be utilized to ensure that the proposed material is compatible with surrounding buildings and the character of the commercial area.

2. Building materials shall not create glare. Highly reflective materials shall not be permitted.

3. Clear glass windows shall be used for commercial storefront display windows and doors. Ground floor windows shall be defined as glass, either fixed or opening, windows. Windows cannot be covered permanently on the interior by more than twenty percent (20%). Opaque or severely site obscuring windows will not be permitted.

4. Architectural treatment similar to that provided to the front facade shall be provided to the sides and rear of the building to mitigate any negative view from any location off site and any public area (e.g., parking lots, walkways, etc.) on site. Windows and doors shall be defined with detail elements such as frames, sills, and lintels, and placed to visually establish and define the building stories and establish human scale and proportion.

5. Exposed unfinished concrete, nonarchitectural concrete block, or monotonous walls of concrete or corrugated metal shall not be permitted as a finished exterior.

E. Civic Spaces: Civic spaces serve as informal gathering places for socializing, resting and enjoyment of the area and contribute to a walkable environment. Each civic space shall be open to the thoroughfare or street by incorporating at least one access to the thoroughfare or street. Each building with street frontage shall include two (2) or more of the following features. Civic spaces may be provided within the public right-of-way when approved by the local jurisdiction having authority. The following shall be considered civic spaces for incorporation into the building design:

1. A plaza or courtyard next to the building entrance.

2. Sitting space (i.e., dining area, benches, or ledges) between the building entrance and the sidewalk.

3. A building canopy, awning, or similar weather protection, with a minimum four foot (4') projection over the sidewalk or other pedestrian space.

4. Public art, as approved by the Sandpoint arts commission.

(Ord. 1305, 10-15-2014)

CHAPTER 3 INDUSTRIAL ZONING DISTRICTS

9-3-1: Description of Industrial Zoning Districts:

This chapter provides regulations applicable to development and new land uses in the industrial zoning districts established by ordinance 1252. The purposes of individual industrial zoning districts are as follows:

A. IG (Industrial General) District: The IG district is intended for lands appropriate for light and medium manufacturing and industrial activities with direct access to major transportation routes, such as arterial roads, air and rail service. The IG district allows a wide range of manufacturing and industrial uses, which generate little traffic from tourists and the general public and are consistent with the Sandpoint comprehensive plan. Commercial uses are generally limited to accessory sales of goods produced on site. Residential use is very limited, with a single caretaker unit per property permitted.

B. IBP (Industrial Business Park) District: The IBP district is intended for master planned business and industrial parks in campus like settings. This district is suitable for administrative and professional offices, research and development parks, limited distribution, light and medium manufacturing, and assembly operations. Commercial and residential uses are generally permitted, although design standards mirroring the downtown commercial areas will apply in an effort to develop the area in alignment with the CA-4 definition of the comprehensive plan. CA-4 areas are to become vibrant secondary centers of commercial, office, and residential development, serving as neighborhood hubs for residents in neighboring districts. The IBP zoning district is consistent with the land use category of the Sandpoint comprehensive plan in areas generally south of Baldy Mountain Road.

C. ITP (Industrial Technology Park) District: The ITP district is intended for lands suitable for technology production and development, such as data centers, medical imaging processing, business incubators, biotechnology, software development, engineering, and similar technology related industry. Sites appropriate for this designation should have readily available utilities and fiber optic availability and be characterized by large contiguous properties. The ITP district is consistent with the Sandpoint comprehensive plan.

(Ord. 1252, 4-20-2011)

9-3-2: Definitions:

ADULT ENTERTAINMENT BUSINESS: Any adult bookstore, adult motion picture arcade, adult motion picture theater, cabaret, sexual encounter center, or any other business or establishment that offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, but not including those uses or activities, the regulation of which is preempted by state law.

BUSINESS SUPPORT SERVICES: A subcategory of commercial land use that permits establishments primarily engaged in rendering services to other business establishments on a fee or contract basis, such as advertising and mailing; building maintenance; personnel and employment services; management and consulting services; protective services; equipment rental and leasing; photo finishing; copying and printing; travel; office supply; and similar services.

INDUSTRIAL SERVICES: Establishments providing industrial services to individuals or businesses. This classification includes dry cleaning plants; metal, machine, and welding shops; and similar business engagements in custom fabrication and repair.

MANUFACTURING, HEAVY: An establishment engaged in manufacturing, assembling, fabricating, packaging or other industrial processing of products, primarily from extracted or raw materials, or the bulk storage and handling of such products and materials. In addition, any use or activity which requires a significant amount of on site hazardous chemical storage shall be classified under this land use. Heavy manufacturing shall include any packaging of the product being manufactured on site. Examples include, but are not limited to, the production of the following: using chemical reactions to turn raw materials, such as coal, oil, salt, acids or chemical blends, into a variety of products for other secondary industries; foundries, forge shops, open air welding, and other intensive metal fabrication facilities.

MANUFACTURING, LIGHT: The manufacturing, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, mixing, packaging including bottling and canning of such products, and incidental storage, sales, and distribution of such products. The assembling or packaging shall not produce noise, vibration, hazardous waste materials, or particulate that create significant negative impacts to adjacent land uses. Odors produced on site shall not negatively affect other businesses or properties in the area. Examples of assembling include, but are not limited to, the production of the following: clothes; furniture; pharmaceuticals; hardware; toys; mechanical components; electric or electronic components; vehicle assembly; and computer software. Examples of packaging include facilities for bottling beverages, canning and wrapping foods, and boxing electronic components.

MANUFACTURING, MEDIUM: The manufacturing of products from processed or unprocessed materials and the bulk storage and handling of such products, where the finished product is noncombustible and nonexplosive. These activities do not necessitate the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process. This manufacturing may produce noise, vibrations, illumination, or particulate that is perceptible to adjacent land users but is not offensive or obnoxious. Odors produced on site shall not have a material negative effect on other businesses or properties in the area. This use shall include any packaging of the product being manufactured on site. Examples include, but are not limited to, the production of the following: glass products made from manufactured glass; food and beverages; candy and other confectionery products; computer hardware; products made from rubber, plastic, or resin; converted paper and cardboard products; fabricated metal products made from semifinished metals.

(Ord. 1252, 4-20-2011)

9-3-3: Allowed Uses and Permit Requirements:

A. Permitted Land Uses: The land uses allowed by this zoning ordinance in industrial zoning districts are identified in table 1 of this section as:

   1. "Permitted" land uses are indicated by a "P". Permitted land uses are allowed on a property without discretion by the city, subject to compliance with all applicable provisions of this code.

   2. "Conditionally permitted" land uses are indicated by a "C" and are allowed only with the approval of a conditional use permit (section 9-9-6 of this title). These uses are subject to all applicable provisions of this chapter, as are permitted uses. However, the city has discretion to approve, approve with conditions, or deny a conditional use permit application. The decision on a conditional use permit is based upon the circumstances of an individual case and the criteria in section 9-9-6 of this title.

B. Uses Not Permitted or Not Listed: Land uses not permitted are those indicated by a "-" on the table. Land uses not listed on the tables are not allowed, except by the determination of the planning director, who will

consider whether the use is similar to a permitted use after consulting the current edition of the North American industry classification system code.

C. Regulations for Specific Uses: Where a column in the following tables includes a reference to a section number or footnote, regulations in the referenced section or footnote apply to the use. However, provisions in other sections of this zoning ordinance or this code may also apply, along with the current adopted version of the international building code, international residential code and applicable sections of the uniform fire code and national fire protection association standards.

D. Ancillary Uses: Ancillary uses are those secondary activities associated with a primary land use directly associated with and supporting said primary permitted or conditionally permitted land use. Ancillary uses and activities typically require a minor portion of the square footage or space in a business premises, impose no additional impacts on land use patterns, building design, parking requirements, or outdoor storage. Examples of ancillary uses include, but are not limited to, small factory stores associated with an active manufacturing plant, on site childcare facilities, etc.

TABLE 1
INDUSTRIAL DISTRICT LAND USE REGULATIONS

Use permitted P
Conditional use permit C
Not permitted -

Use	Zoning District			Additional Regulations
	IG[5]	IBP	ITP	
Commercial, offices and financial institutions:				
Banks	-	-	-	
Data centers, medical imaging processing, business incubators, software development, engineering and similar technology related industry	-	P	P	
Office, government	-	P*	P	* New construction shall comply with all design requirements outlined in section 9-3-5-1 of this chapter
Office, medical and dental	-	P*	-	* New construction shall comply with all design requirements outlined in section 9-3-5-1 of this chapter
Office, sales, administrative, business, professional	P*	P**	P*	* When associated with a permitted use in the zone** New construction shall comply with all design requirements outlined in section 9-3-5-1 of this chapter
Research and development	P	P	P	
Retail sales	P*	P**	P*	* When associated with permitted use in zone** New construction shall comply with all design requirements of section 9-3-5-1 of this chapter
Education and training:				

Child daycare center when on site and servicing employeesduring their work hours	P	P	P	
School, college or university (private)	-	P	C	
School, vocational or technical	C	P	P	
Entertainment and recreation related:				
Adult entertainment business	P*	-	-	* Prohibited within 1,000' of a residential zone or the centerline of Baldy Mountain Road, and having a 500' separation from like business
Athletic club	-	P	-	
Community and/or recreation center, stadium or arena	-	P	-	
Food service:				
Cafeteria for employee dining and catering services	P	P	P	
Drive-through sales (retail or with any food service)	-	-	-	
Grocery or convenience store	-	P*	P*	* New construction shall comply with all design requirements outlined in section 9-3-5-1 of this chapter
Restaurant, counter service	-	P*	P*	* New construction shall comply with all design requirements outlined in section 9-3-5-1 of this chapter
Restaurant, table service	-	P*	P*	* New construction shall comply with all design requirements outlined in section 9-3-5-1 of this chapter
General service:				
Aircraft hangars	P	-	P	
Auction (indoor)	-	P	-	
Business support services	-	P	P	
Equipment rental (outdoor)	-	P	-	
Hotel/motel	-	P*	-	* New construction shall comply with all design requirements outlined in section 9-3-5-1 of this chapter
Mini/self-storage	P	C	-	
Health and veterinary services:				
Ambulance service	-	P	-	
Animal hospital	-	P	-	
Animal kennel	P	C	-	
Emergency medical care	-	P	-	
Hospital	-	P	-	
Industry and manufacturing:				
Light	P	P	P	See note 1

Medium	P	P	C	See note 1
Heavy	-	-	-	
Aquaculture <1 acre per business	P	-	P	
Cogeneration and other energy production	P	C	C	
Industrial services	P	-	-	
Industry and manufacturing with outdoor processing or unenclosed storage of raw materials	P	-	-	
Laboratory	P	P	P	
Material resource recovery facility (MRRF)	C	-	-	See section 9-3-5-2 of this chapter
Operation of slaughterhouse, glue factory, tannery or similar operations with more than 2 employees during any shift	-	-	-	
Scrap and salvage operation	C	-	-	
Wholesale, storage and distribution, including bulk tank storage of liquids	P	C	-	
Public, quasi-public, and assembly:				
Church or other place of worship	-	P	-	
Clubs, fraternities, sororities, lodges and similar uses	P	P	P	
Corporation yard	P	C	-	
Public safety facility	P	P	P	
Utilities, public or quasi-public utilities	P	C	C	
Transportation and communication:				
Airport	P	-	-	
Antenna or communication facility	P*	P*	C	* See airport overlay restrictions
Helipad	P	P*	-	* Hospital/medical use
Moving and drayage service	P	P	-	
Parking facility, nonresidential	P	C	-	
Private transportation service	C	C	-	
Transit station or terminal	C	P	-	
Truck stop	-	-	-	
Vehicle sales and service:				
Automobile and vehicles major repair and sales	P	-	-	
Large truck and machinery - sales and leasing	P	-	-	
Service station	C	C	-	
Vehicle storage or impound yard	P	-	-	See note 3
Other uses:				
Accessory use, nonresidential	P	P	P	

Building or landscape material sales	P	C	-	
Contractor's yard	P	C	-	
Homeless shelter	-	-	-	
Residential	-	P	-	See note 4
Residential caretaker unit	P*	P	P*	See note 2* Residential use is prohibited within the footprint of the airport overlay zone

Notes:
1. Uses meeting the "manufacturing and assembly, light and medium" definitions shall include biotechnology, software/hardware development, electronics, and similar technologies, along with artist studios.
2. Only 1 residential caretaker unit shall be permitted per property. The unit shall be located within a principal building on the site and/or completely screened. The maximum size of a caretaker unit is limited to one thousand (1,000) square feet.
3. No vehicle may be stored or displayed on any vacant site or at any vacant commercial/industrial location except when approved as part of an auto dealership or vehicle storage or impound yard.
4. Residential uses are permitted on upper stories above ground floor nonresidential use, or on ground floors behind storefront space.
5. Permitted IBP uses are allowed in the IG zone four hundred feet (400') north of the centerline of Baldy Mountain Road. Section 9-3-5 of this chapter shall be applicable to development in this area.

(Ord. 1252, 4-20-2011)

9-3-4: General Development Regulations:

All new development, subdivisions, establishment of new land uses, and alterations to existing land uses, structures and site improvements, shall be designed and constructed in compliance with the regulations in table 2 of this section, except those activities and land uses specified in other sections. Additional zoning ordinance regulations may apply as referenced in the tables, as well as other code regulations, city standards, specifications and details, or regulations of another local agency or special district.

TABLE 2
INDUSTRIAL DISTRICT DEVELOPMENT REGULATIONS

Regulations * All figures are minimums measured from property lines and in linear feet, unless otherwise indicated	**Zoning District**			**Applicable Sections and Footnotes**
	IG	IBP	ITP	
Site planning				
Maximum lot coverage	75%	75%	75%	Lot coverage up to 90% allowed when utilizing 15% pervious surface (green roof, pervious

				pavement, etc.) approved by public works director
Lot area (for new subdivisions only)	1 acre	-	-	See note 1
Lot dimensions				
Minimum width/frontage	60'	60'	60'	
Minimum depth	60'	60'	60'	
Landscape areas				
Along any frontage abutting a roadway	15'	15'	15'	
Along interior property lines:				
Adjacent to residential zoning district	15'	15'	15'	
Between buildings and vehicle aisles/parking	0	5' along elevations facing a roadway or providing the primary entry to a tenant space; 5' in other areas where parking or a drive aisle is adjacent to a building; 0' in loading or service areas not visible from a roadway	5' along elevations facing a roadway or providing the primary entry to a tenant space; 5' in other areas where parking or a drive aisle is adjacent to a building; 0' in loading or service areas not visible from a roadway	
Buildings				
Minimum front and street side yard setback	25'	25'*	25'	* See section 9-3-5-1 of this chapter for design standards setback restrictions for specific uses
Interior side and rear yard setback	5'	5'	5'	

Adjacent to residential zoning district setback	25' plus 1' setback for each 1' of building height over 35'			
Rear yard setback abutting roadway	15'	15'	15'	
Maximum building footprint for retail, commercial or office use	-	25,000 sq. ft.*	25,000 sq. ft.*	* CUP allowance for larger
Building height limits	45', 65' when building sits greater than 200' from exterior boundary of IG zone*	45'*	45'*	* Airport overlay zone limitations may apply

Note:
1. Parcels within an integrated development may vary from the minimum lot size and dimensions, with recordation of cross easements to guarantee access and common maintenance of all parking and landscape areas.
A. Minimum Requirements: No use either specifically authorized herein or any other use shall be carried on in a manner which will emit loud noises of sufficient volume to be disturbing at a distance of three hundred feet (300') from the edge of property lines, nor shall the emission of excessive smoke, steam or other view obscuring or air polluting substance be allowed.
B. Parking Areas: All parking areas shall be hard surfaced and should be of sufficient size to provide off-street parking for all employees, customers and vehicles used in such operation in accordance with chapter 5 of this title.
C. Storage: All storage of waste material and machinery shall be either within closed buildings or surrounded by a solid board or metal fence not less than ten feet (10') in height. Such fencing may be surrounded by natural plants or vegetation, and no such storage areas shall take place within twenty-five feet (25') of the street or street to railway intersection.

(Ord. 1252, 4-20-2011)

9-3-5: Specific Regulations:

9-3-5-1: Building Design Standards for New Office, Commercial and Retail Construction:

Design requirements applicable to certain new construction in the industrial zones. (See section 9-3-3, notes to table 1 of this chapter.)

The design guidelines in this section 9-3-5-1 are intended to provide human scale design, while affording flexibility to use a variety of building styles. These guidelines shall be applied to all new construction for uses identified in section 9-3-3, notes to table 1 of this chapter.

(Ord. 1252, 4-20-2011)

9-3-5-1-1: Building Orientation:

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

A. Primary Entrance: Buildings have their primary entrance(s) oriented to their primary frontage. Building entrances may include entrances to individual units, lobby entrances, entrances oriented to pedestrian plazas, or breezeway/courtyard entrances to a cluster of spaces.

B. Secondary Entrance: A building may have a secondary entrance facing a side yard when a direct pedestrian walkway is provided between the building entrance and the street right-of-way.

C. Vehicular Access: Off-street parking, driveways and other vehicular access shall not be placed between a building's primary facade and the street.

D. Accessibility: There shall be provided one zero-step entrance to each building from an accessible path at the front, side, or rear of each building. All the first floor interior doors (including bathrooms) shall provide at least thirty-two inches (32") of clear passage.

E. Surface Parking: Parking areas of more than thirty (30) spaces shall be divided into areas of no more than thirty (30) spaces. Division may be by a building, internal landscaped street, or landscaped multimodal way having a total width of fifteen feet (15').

(Ord. 1252, 4-20-2011)

9-3-5-1-2: Storefront Design:

The following architectural features should be used along the street frontage building elevations, as applicable. Minor deviation from the following features may be authorized at the discretion of the planning director, so long as the spirit of this code is maintained.

A. Buildings should have consistent spacing of similar shaped windows with trim or other decorative molding on all building stories.

B. Large display windows should be employed on ground floor storefronts. Display windows should be framed to visually separate the ground floor from the second floor.

C. All buildings with a flat roof should have a decorative cornice at the top of the building; or eaves, when the building is designed with a pitched roof.

D. Cornices or changes in material can be used to differentiate the ground floor of buildings that have commercial uses from the upper floor(s) that may have offices or residential uses. Ground floor facades should utilize cornices, signs, awnings, exterior lighting, display windows and entry insets.

E. Facades greater than fifty feet (50') in length shall incorporate recesses and projections with a minimum four foot (4') differentiation along at least twenty percent (20%) of the length of the facade. Window awnings, arches, or columns must total at least sixty percent (60%) of the facade length abutting the street.

F. Maximum front setback for commercial, retail and office construction shall be ten feet (10').

(Ord. 1252, 4-20-2011)

9-3-5-1-3: Building Materials:

A. Building materials shall not create glare. Highly reflective materials shall not be permitted.

B. Clear glass windows shall be used for storefront windows and doors. Ground floor window shall be defined as glass, either fixed or opening windows. Windows shall not be covered permanently on the interior by more than twenty percent (20%). Opaque or severely site obscuring windows will not be permitted.

C. Architectural treatment, similar to that provided on the front facade shall be provided to the sides and rear of the building to mitigate any negative view from any location off site and any public area (e.g., parking lots, walkways, etc.) on site. Windows and doors shall be defined with detail elements, such as frames, sills, and lintels, and placed to visually establish and define the building stories and establish human scale and proportion.

(Ord. 1252, 4-20-2011)

9-3-5-1-4: Civic Spaces:

Civic spaces serve as informal gathering places for socializing, resting and enjoyment of the area, and contribute to a walkable environment. Each civic space shall be open to the thoroughfare or street by incorporating at least one access to the thoroughfare or street. Each building with street frontage shall include two (2) or more of the following features. Civic spaces may be provided within the public right-of-way when approved by the local jurisdiction having authority. The following shall be considered civic spaces for incorporation into the building design:

A. A plaza or courtyard next to the building entrance.

B. Sitting space (i.e., dining area, benches, or ledges) between the building entrance and the sidewalk.

C. A building canopy, awning, or similar weather protection, with a minimum four-foot (4') projection over the sidewalk or other pedestrian space.

D. Public art as approved by the Sandpoint art commission.

(Ord. 1252, 4-20-2011)

9-3-5-1-5: Special Standards for Parking and Loading Areas:

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

B. Frontage Parking: In no case shall more than ten percent (10%) of primary lot frontage be developed with surface parking. For the purpose of this provision, primary lot frontage shall be defined as the linear frontage along the primary street having a depth of fifteen feet (15').

C. Parking Garages: Ground floors of commercial parking garages abutting public right-of-way shall consist entirely of office or retail space excluding drive isles. Building design standards articulated in this section 9-3-5-1 shall apply to all parking structures.

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

(Ord. 1252, 4-20-2011)

9-3-5-1-6: Special Standards for Buildings with Footprint Exceeding twenty-five thousand (25,000) Square Feet:

Buildings with greater than a twenty-five thousand (25,000) square foot building footprint require a conditional use permit and shall adhere to the following:

A. Circulation Amenities: A safe and landscaped multimodal circulation system shall be provided on site which connects to public streets and neighborhoods. Multimodal pathways within the development shall be differentiated from driving surfaces through a change in materials. At least one substantial amenity, as described in section 9-3-5-1-4 of this chapter, shall be provided for every two thousand five hundred (2,500) square feet of structure footprint.

B. Facades and Exterior Walls, Including Sides and Backs: The building shall be designed in a way that will reduce the massive scale and uniform and impersonal appearance and will provide visual interest consistent with the community's identity, character, and scale. Architectural treatment, similar to that provided to the front facade, shall be provided to the sides and rear of the building to mitigate any negative view from any location off site and any public area (e.g., parking lots, walkways, etc.) on site.

C. Roofs: The roof design shall include architectural features that contribute to the visual interest at the pedestrian scale and reduce the massive scale of large buildings. Roof features shall complement the architectural and visual character of adjoining neighborhoods. Roofs shall have the appearance of two (2) or more roof planes either through architectural features or engineered design. Parapet walls shall be architecturally treated to avoid a plain, monotonous look. Roofs shall be lightly colored, vegetative or photovoltaic.

D. Building Design: All buildings shall provide a direct unencumbered multimodal connection to an abutting street. All buildings shall be designed so that parking is not located along the primary street of the building. Nonmotorized parking shall be permitted along the primary facade of the building. A buffer with a minimum width of eight feet (8') will be maintained between parking areas and all bike trails, pedestrianways and public sidewalks. Building entrance(s), windows, roof snow drop areas, and other movable building features shall have an appropriate setback so as not to interfere with the safe movement of pedestrians and cyclists.

E. Adaptability for Reuse/Compartmentalization: The building design shall include specific elements for adaptation for multi-tenant reuse. Such elements may include, but are not limited to, compartmentalized construction, including plumbing, electrical service, heating, ventilation, and air conditioning. The building design shall also allow for: the interior subdivision of the structure into separate tenancies; facades that readily adapt to multiple entrances and adapt to entrances on all but one side of the building; parking lot schemes that are shared by establishments or are linked by safe and functional pedestrian connections; landscaping schemes that complement the multiple entrance design; and other elements of design which facilitate the multi-tenant reuse of the building and site.

F. Renewal Plan: Applications shall include a renewal plan that will afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the structure in the event of closure or relocation by the original occupant. Such plan will be approved if the city finds that:

1. A sound and adequate plan exists for said redevelopment; and
2. The plan affords maximum opportunity for rehabilitation or redevelopment of the structure by both private enterprise and the municipality; and
3. The renewal plan provides a maintenance plan for normal repairs and upkeep of property, including, but not limited to, building, parking lot and surfacing, landscaping, signage, and elimination of "ghost signage".

G. Redevelopment Agreement: The city may enter a redevelopment agreement with the owner of the real property and undertake activities, including the acquisition, removal, or demolition of structures, improvements, or personal property located on the real property, to prepare the property for redevelopment. A redevelopment agreement entered into in accordance with this section must contain provisions obligating the owner to redevelop the real property for a specified use consistent

with the provisions of this title and offering recourse to the city if the redevelopment is not completed as determined by the city.

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

(Ord. 1252, 4-20-2011)

9-3-5-2: Material Resource Recovery Facility (MRRF):

The purpose of this section is to ensure that the establishment of a material resource recovery facility (MRRF) does not adversely impact land uses in the vicinity of the facility. The intent is to minimize land use conflicts and integrate the MRRF with the surrounding area.

A. Type of Resource Materials: The facility shall only handle source separated recyclable materials and incoming solid waste. An MRRF shall not be conducted as a garbage transfer station and shall not collect, process, or sort any raw or wet garbage. Any incoming waste not recycled or recovered shall be transported to an authorized landfill within forty-eight (48) hours.

B. Sorting: Materials shall be sorted only within an entirely enclosed building. Delivery doors shall be located on building walls away from potential or existing noise sensitive land uses.

C. Outdoor Storage: Height, setbacks, screening, baled, paletted, or otherwise consolidated materials stored outdoors shall be stacked no higher than sixteen feet (16') and placed no closer than seventy-five feet (75') to any front property line. Outdoor storage shall be located out of view from public streets and highways, or completely screened by a solid masonry wall.

D. Maintenance: The property owner shall undertake adequate measures to ensure that the site is free of wind blown debris at all times. The property owner shall be responsible for clean up of any wind blown debris on or off site from incoming/outgoing vehicles or outdoor storage.

(Ord. 1252, 4-20-2011)

CHAPTER 4 RESIDENTIAL ZONING DISTRICTS

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; Ord. No. 1436, § 2, 2-18-2026)

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[1]
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
Duplex on a single lot	N
Cottage housing in accordance with section 9-4-7 of this chapter	P[3]
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
Residential (located on original substandard lots of record):	
Single-family dwellings	P[2]
Duplex on a single lot	N
Attached housing (two or three units)	P[2]
Nonresidential:	
Cemeteries	C
Churches and accessory buildings used for religious teachings	C
Community centers, nonmunicipally owned	N
Daycare, including homeschooling:	
Home (6 or less - home occupation)	P
Group (7—12)	N
Daycare facilities (13+)	N
Fire stations	N
Home occupations	P

Kennels; commercial or private, even as a home occupation	N
Libraries	C
Municipally owned facilities	P
Other uses not specifically listed	N
Parks or playgrounds:	
Private	C
Public	P
Police stations	N
Public utility facilities	P
Recreation buildings, nonmunicipally owned	N
Schools, public or private, except those schools of vocational nature which operate similarly to a retail business where a product or products may be purchased on the premises	C

Notes:
1. Any use legally established as a permitted use now subject to conditional use approval shall be subject to conditional use approval to expand such use.
2. Subject to standards set forth for development of residential original substandard lots of record, SCC 9-4-6.
3. Subject to standards set forth for cottage housing development.

(Ord. 1263, 12-29-2011; amd. Ord. 1281, 5-15-2013; Ord. 1336, 11-2-2016; Ord. 1353, 6-6-2018; Ord. No. 1436, § 2, 2-18-2026)

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 Setbacks: Each lot shall have a front setback of not less than twenty feet (20') in depth from front lot line, except as follows:

a. Porches: Unenclosed front porches may encroach into the front 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.

4. Side 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. Street Side Setback: 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:

(1) Detached garages on interior lots shall have a side setback of no less than three feet (3').

(2) Garages accessed from a street side lot line 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 lot line

(3) 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.

(4) Garages accessed from an alley shall adhere to the street side setback as established above in 4a.

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.

5. Rear Setbacks: Each lot shall have a rear 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.

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., 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).

C. Lot Coverage and Impervious Surface:

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

D. Building Height:

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:

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

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 eighteen feet (18') in height;

b. Cantilevers, covered porches, decks, breezeways, or other projections whose covering or structure support exceeds eighteen feet (18'); and

c. Any vertical building element, such as walls, gables, dormers, roof extensions, or architectural projections, whose highest point exceeds eighteen feet (18').

3. 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. Garage 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

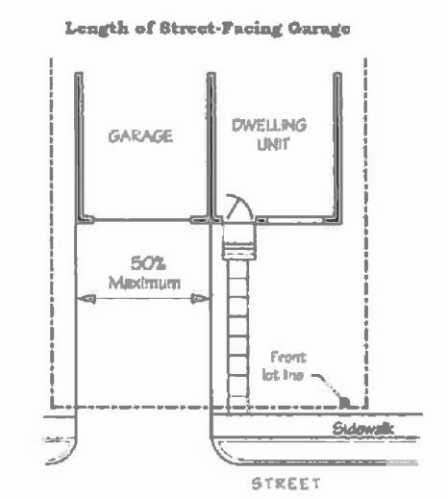
   d. Enhance public safety by discouraging garages from blocking views of the street from inside the residence.

2. Applicability: The regulations of this subsection E apply to all attached or detached garages in the residential single-family zone.

3. Standards:

   a. Any garage wall with entrance facing the street may be up to fifty percent (50%) of the width of the street facing unit façade. (See Figure 1 of this section.)

Figure 1



   b. Garages shall be recessed, or may be flush to the primary facade when the primary facade contains an unenclosed porch having a depth of seven feet (7') or greater and occupying a minimum of twenty-five percent (25%) of the linear primary structure facade. No portion of a garage may protrude past the front of the primary façade of the dwelling unit.

   c. Garages walls greater than twelve feet (12') in height 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:

(1) Dormers;

(2) Gables;

(3) Covered porch entries;

(4) Pillars or posts;

(5) Eaves;

(6) Offsets in building face or roof (minimum of sixteen inches (16"));

(7) Window trim;

(8) Bay windows;

(9) Balconies;

(10) An alternative feature providing for visual relief.

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 thirty-seven and one-half (37.5) feet in the residential single-family zone.

f. Second floor windows facing abutting residential lots shall utilize appropriate glass block or opaque glass, or clerestory windows to maintain privacy of adjacent residential property.

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, provided the expansion complies with all other standards of this section.

F. Main Entrance 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. 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 (1) street frontage, the applicant may choose on which frontage to meet the standards.

3. Standards:

a. Location: At least one (1) main entrance for each structure must:

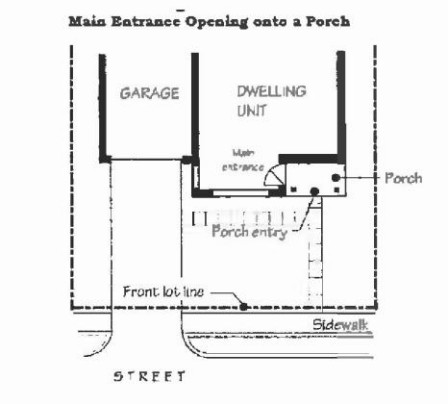
(1) Either:

(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 Façade Design Standards:

1. Purpose: These standards:

a. Together with the main entrance and garage standards, ensure that there is a visual connection between the living area of the residence and the street;

b. Enhance public safety by allowing people to survey their neighborhood from inside their residences; and

c. Provide a more pleasant pedestrian environment by preventing large expanses of blank facades along streets.

2. 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. 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. 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:

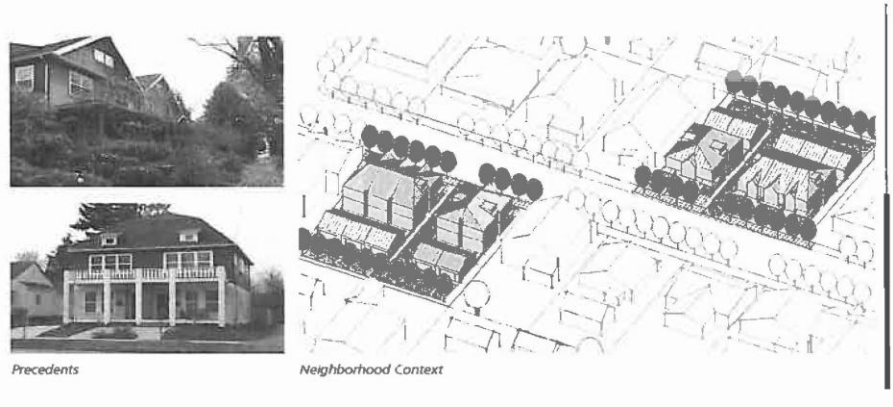
(A) Interior (Noncorner) Lots: On interior lots the side building setback on the side containing the common wall is reduced to zero. The reduced setback applies to all buildings on the lot and extends along the full length of the lot line that contains the common or abutting wall. The side building setback 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; Ord. No. 1436, § 2, 2-18-2026)

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; Ord. No. 1436, § 2, 2-18-2026)

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[1]
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
Clubs, lodges, fraternal organizations, when not operated for profit	P
Cottage housing	P[3]
Duplex	P
Gated communities	N
Manufactured homes subject to following provisions, conditions and regulations:	P[4]
A. The manufactured home shall be multi-sectional, unless sited in a recognized, existing or newly created manufactured housing community.	
B. The manufactured home shall be placed on an excavated and backfilled foundation and enclosed at the perimeter in such a manner that the home is located not more than 12 inches above grade.	
C. In addition to the provisions of subsection A of this use, a manufactured home shall be subject to any development standard, architectural requirements and minimum size requirements to which a conventional single-family residential dwelling on the same lot would be subjected.	
Multi-family dwellings:	
7 units or less	P
8 units or more	C
Short term rentals subject to the licensing requirements set forth in title 3, chapter 12 of this Code	P
Single-family dwellings, private garages, and such outbuildings as may be incidental thereto. Such outbuildings shall not be used, occupied or equipped for a permanent dwelling or guesthouse and not more than 1 dwelling shall occupy 1 lot, except as otherwise provided for in this title	P
Nonresidential:	
Cemeteries	C
Churches and accessory buildings used for religious teachings	C
Community centers, nonmunicipally owned	C

Community garden. No commerce/retail sales permitted on site	P
Daycare, including homeschooling:	
Home (6 or less - home occupation)	P
Group (7—12)	C
Daycare facilities (13+)	C
Fire stations	N
Home occupations	P
Kennels; commercial or private, even as a home occupation	N
Libraries	C
Neighborhood eatery. Performance standards that apply to neighborhood eatery uses in this zone consist of, but are not limited to, the following criteria:	C
A. The premises must be owner occupied.	
B. Entrances shall be located along the primary street frontage.	
C. Hours of operation between 7:00 a.m.—10:00 p.m.	
D. Delivery times shall be limited to hours of operation.	
Municipally owned facilities	P
Other uses not specifically listed	N
Parks or playgrounds:	
Private	C
Public	P
Police stations	N
Public utility facilities	C
Recreation buildings, nonmunicipally owned	N
Schools, public or private, except those schools of vocational nature which operate similarly to a retail business where a product or products may be purchased on the premises	C

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

(Ord. 1263, 12-29-2011; amd. Ord. 1281, 5-15-2013; Ord. 1336, 11-2-2016; Ord. 1353, 6-6-2018; Ord. No. 1436, § 2, 2-18-2026)

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 three thousand and five hundred (3,500) square feet and frontage on a public street of not less than twenty-five feet (25') and shall have a width of not less than 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
Permitted use:			
An additional 1,775 square feet of area, and an additional 12.5 feet, but no more than 130 feet of frontage	1	0-4,999	25
	2	5,000	37.5
	3	6,775	50
	4	8,550	62.5
	5	10,325	75
	6	12,100	87.5
	7	13,875	100
	8	15,650	112.5
Conditional use:			
	9	17,425	125
	10	19,200	130
	11	20,975	130
	12+	+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 Setbacks: Each lot shall have a front setback of not less than fifteen feet (15') in depth from front lot line, except as follows:

    a. Porches: Unenclosed front porches shall be setback 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. Street facing garages shall not be permitted on lots with less than thirty-seven and one-half feet (37.5') of frontage on a public street.

4. Side 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 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. 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:

        (1) Detached garages on interior lots shall have a side setback of no less than three feet (3').

        (2) Garages accessed from a street side lot line 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 lot line.

        (3) 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.

        (4) Garages accessed from an alley shall adhere to the street side setback as established above in 4a and 4b.

5. Rear Setbacks: Each lot shall have a rear 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.

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).

C. Impervious Surface:

1. Purpose: 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. Impervious Surface: Each lot upon which a dwelling, private garage or other outbuilding is constructed shall have a maximum impervious surface, including building footprint, of seventy percent (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:

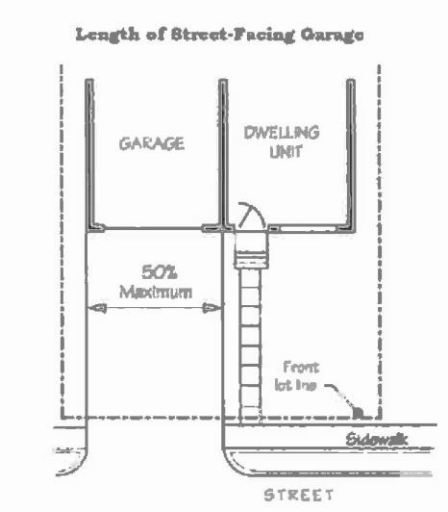
a. Chimneys, flagpoles, satellite receiving dishes, roof mounted solar panels and other similar items may extend above the height limit, as long as they do not exceed five feet (5') above the top of the highest point of the roof.

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

E. Garage 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. Applicability: The regulations of this subsection E apply to all attached or detached garages in the residential multi-family zone.
3. Standards:
    a. Any garage wall with entrance facing the street may be up to fifty percent (50%) of the width of the street facing unit façade. (See Figure 1 of this section.)

Figure 1



    b. Garages shall be recessed or may be flush to the primary façade when the primary facade contains an unenclosed porch having a depth of seven feet (7') or greater and occupying a minimum of twenty-five percent (25%) of the linear primary structure facade. No portion of a garage may protrude past the front of the primary façade of the dwelling unit.
    c. Garage walls greater than twelve feet (12') in height 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:
        (1) Dormers;
        (2) Gables;

(3) Covered porch entries;

(4) Pillars or posts;

(5) Eaves;

(6) Offsets in building face or roof (minimum of sixteen inches (16"));

(7) Window trim;

(8) Bay windows;

(9) Balconies;

(10) 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 thirty-seven and one-half (37.5) feet in the residential multi-family zone.

f. Second floor windows facing abutting residential lots shall utilize appropriate glass block or opaque glass, or clerestory windows to maintain privacy of adjacent residential property.

g. 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 provided the expansion complies with all other standards of this section.

F. Main Entrance 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. 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 (1) street frontage, the applicant may choose on which frontage to meet the standards.

3. Standards:

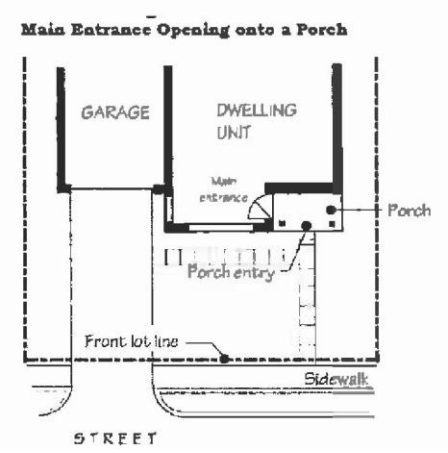
a. Location: At least one (1) main entrance for each structure must:

(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 Facade Design Standards:

1. Purpose: These standards:

a. Together with the main entrance and garage standards, ensure that there is a visual connection between the living area of the residence and the street;

b. Enhance public safety by allowing people to survey their neighborhood from inside their residences; and

c. Provide a more pleasant pedestrian environment by preventing large expanses of blank facades along streets.

2. 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. 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.

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 (1) 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 surface (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 (1) 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 (1) 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 (1) 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.

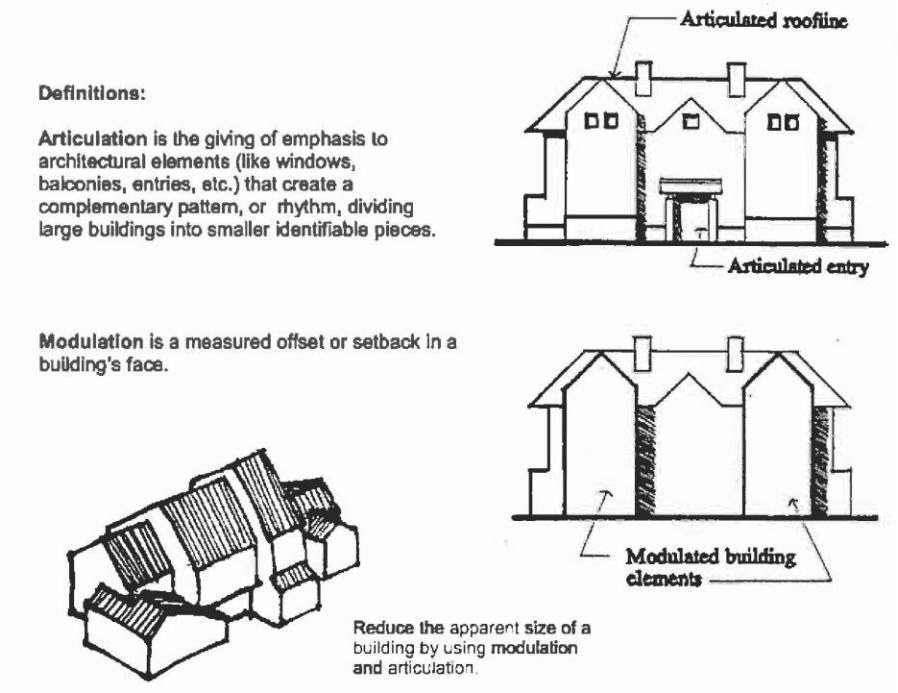
b. Buildings shall incorporate architectural details that will provide visual interest at a human scale. At least three (3) of the following shall be utilized:

(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.



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 (1) of the following methods:

(1) Expression of structure, such as post, column, or pilaster.

(2) Variation of material.

b. Chain link 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 (1) 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; Ord. No. 1436, § 2, 2-18-2026)

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%) 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; Ord. No. 1436, § 2, 2-18-2026)

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 (1) family has a live in tenant, the raising of livestock for noncommercial purposes providing the livestock density does not exceed one (1) animal for parcels of land totaling one (1) acre or three (3) animals per two (2) acres and one (1) 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%) 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. No. 1436, § 2, 2-18-2026)

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 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').

(Ord. 1263, 12-29-2011; Ord. No. 1436, § 2, 2-18-2026)

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; Ord. No. 1436, § 2, 2-18-2026)

9-4-6-3: Development Standards:

A. Setbacks in the RS zone:

1. Front Setbacks: The front setback for livable space and porches shall be allowed as provided in the RS zone.

2. Street side setbacks: Street side yard setbacks shall be ten feet (10') for livable space and porches and twenty-five feet (25') for parking.

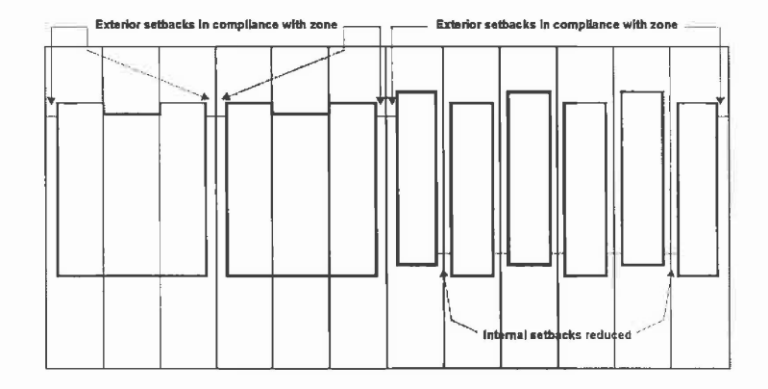
3. Interior Side Setbacks (between structures in a common development): Interior side setbacks shall be in accordance with the RS zone, unless one of the following is applied:

   a. Common Lot Line Attached Units in the RS zone: Up to three (3) units may be attached at the common lot lines.

   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').

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.





6. Rear Setbacks: Rear setbacks shall be as required by the RS zoning district.

7. Garage: A single-story, detached garage, a maximum of five hundred (500) square feet, accessed off an alley, may have a side setback of three feet (3').

(Ord. 1263, 12-29-2011; Ord. No. 1436, § 2, 2-18-2026)

9-4-6-4: Building Height:

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

B. In the RS zone, new structures on substandard lots shall not exceed twenty-five feet (25') or two (2) stories, whichever is lower.

(Ord. 1263, 12-29-2011; Ord. No. 1436, § 2, 2-18-2026)

9-4-6-5: 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 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.

(Ord. 1263, 12-29-2011; Ord. No. 1436, § 2, 2-18-2026)

Ord. No. 1436, § 2, adopted Feb. 18, 2026, renumbered the former § 9-4-6-7 as § 9-4-6-5 and enacted a new § 9-4-6-5 as set out herein. The historical notation has been retained with the amended provisions for reference purposes.

9-4-6-6—9-4-6-10: Reserved:

Ord. No. 1436, § 2, adopted Feb. 18, 2026, repealed §§ 9-4-6-6—9-4-6-10, which pertained to various residential zoning district provisions and derived from Ord. 1263, 12-29-2011.

9-4-7: Cottage Housing:

9-4-7-1: Purpose and Intent:

This provision provides standards for cottage housing within residential zones. These standards are intended to provide opportunities for a variety of housing choices including the need for more smaller, more diverse, and often, more affordable housing choices. Providing for a variety of housing types also encourages innovation and diversity in housing design and site development, while ensuring compatibility with surrounding single-family residential development.

(Ord. 1263, 12-29-2011)

9-4-7-2: Conflicting Standards:

In the event that other standards of this title conflict with standards in this provision, the standards within this provision shall prevail.

(Ord. 1263, 12-29-2011)

9-4-7-3: Existing Dwellings:

An existing detached single-family dwelling that is incorporated into a cottage housing development as a residence and is nonconforming with respect to the standards of this section shall be permitted to remain on a site used for a cottage housing development and shall count as one of the allowed units. However, the extent of the noncompliance may not be increased unless the proposed change is determined by the planning director to be consistent in character, scale and design with the cottage housing development. An existing dwelling may be replaced with cottage units consistent with this section.

(Ord. 1263, 12-29-2011)

9-4-7-4: Housing Types Defined:

CARRIAGE UNIT: A dwelling unit, not to exceed eight hundred (800) square feet in gross floor area, located above a garage structure in a cottage housing development.

COTTAGE HOUSING: A tract of land under single ownership or unified control developed with four (4) to twenty-four (24) detached dwelling units (each unit no larger than one thousand (1,000) square feet) arranged on at least two (2) sides of a commonly owned courtyard/common area. Parking space is also commonly owned. Cottage housing development may or may not be condominiums.

(Ord. 1263, 12-29-2011; amd. Ord. 1345, 7-19-2017)

9-4-7-5: Area Allowances:

A. Cottage housing meeting the requirements of this section is allowed in zoning areas RS and RM.

(Ord. 1263, 12-29-2011)

9-4-7-6: Density Standards:

The following density standards shall apply to cottage housing developments:

A. Cottages (including carriage units) may be built at up to two (2) units per single-family home allowed in the underlying zone. For example, if the minimum lot size for a single-family home in a zone is five thousand (5,000) square feet, a cottage development of four (4) units could be constructed on a ten thousand (10,000) square foot lot (5,000/2)* 4 = 10,000.

B. Existing single-family dwellings will count toward total units.

C. Minimum units: Four (4).

D. Maximum units: Twenty four (24).

E. Carriage house units may be built on top of a common garage, when the garage is located adjacent to the common open area. No more than twenty-five percent (25%) of the total number of units may be located above a common garage.

(Ord. 1263, 12-29-2011; Ord. 1345, 7-19-2017)

9-4-7-7: Cottage Housing Dispersion Requirement:

The dispersion requirement is designed to disallow cottage developments from clustering in any one area so that housing diversity is retained.

A. In the RS Zone, developments containing cottage/carriage homes may not be located closer than seven hundred fifty feet (750') to another development approved under the provisions of this section.

(Ord. 1263, 12-29-2011)

9-4-7-8: Community Buildings and Community Space in Cottage Developments:

Community buildings and community space are encouraged in cottage developments.

A. Community buildings or space shall be clearly incidental in use and size to the dwelling units.

B. Building height for community buildings shall be no taller than the height restrictions for the underlying zone. Building heights and roof standards for cottage units shall apply per section 9-4-7-10 of this chapter.

C. Where the community space is located above another common structure, such as a detached garage or storage building, buildings heights and roof standards for carriage units shall apply (see section 9-4-7-10 of this chapter).

D. Community buildings must be located on the same site as the cottage housing development, and be commonly owned by the residents.

(Ord. 1263, 12-29-2011)

9-4-7-9: Access and Parking:

The intent of these access and parking standards is to minimize the visual impact of vehicles and parking areas for residents of the cottage housing development and adjacent properties and to provide for adequate off-street parking for cottage housing developments.

A. Minimum Number of Off-Street Parking Spaces:

1. The minimum number of parking spaces shall be one per dwelling unit.

B. Parking Design: The intent of these parking design standards is to create unobtrusive parking, by screening and disguising parking structures and spaces from surrounding properties, including screening by architectural design and/or vegetation, and by minimizing the number of contiguous spaces.

1. Parking areas or common garages shall be limited to no more than five (5) contiguous spaces separated by a minimum of five feet (5') of sidewalk, landscaping, or open space.

2. Shared detached garage structures may not exceed five (5) garage doors per building and a total of one thousand six hundred (1,600) square feet. Carriage units located above these parking structures shall not be factored into this square footage.

3. Parking shall be separated from the common open area, adjacent properties, and public streets by landscaping and/or architectural screening. Solid board fencing shall not be allowed as an architectural screen. Exception: One parking structure may be adjacent to the common open area, if carriage house units are placed on top and the garage includes architectural features to make it look consistent with the units and community assets.

4. Parking shall be set back a minimum of twenty-five feet (25') from a public street.

5. The design of garages and carports, including rooflines, shall be similar to and compatible with that of the dwelling units within the cottage housing development.

6. Parking located between or adjacent to structures, shall be located to the rear of the structure and served by an alley or driveway.

(Ord. 1263, 12-29-2011)

9-4-7-10: Cottage Housing Design Standards and Guidelines:

A. Cottage Size: Setting a unit size helps ensure that the overall size of cottages remains small and causes less visual impact than standard sized single-family dwellings, particularly given the increased density of cottage dwellings, and to provide variety in cottage housing developments through a mixture of building sizes and footprints.

1. The total floor area of each cottage shall not exceed one thousand (1,000) square feet. The total square foot area of a cottage dwelling unit may not be increased. A note shall be placed on the title to the property for the purpose of notifying future property owners that any increase in the total square footage of a cottage is prohibited for the life of the cottage or duration of city cottage regulations.

2. The footprint of each cottage shall not exceed eight hundred (800) square feet.

3. There shall be no minimum size requirements for the individual units.

4. The second floor area cannot exceed seventy-five percent (75%) of the first floor area.

5. Cottage areas that do not count toward the gross floor area or footprint calculations are:

a. Interior spaces with a ceiling height of six feet (6') or less, such as in a second floor area under the slope of the roof;

b. Unheated storage space located under the main floor of the cottage;

c. Basements;

d. Attached unenclosed porches;

e. The first two hundred (200) square feet of an attached enclosed porch (square footage utilized for attached porches beyond two hundred (200) square feet shall be counted toward total square footage allowance for each cottage);

f. Garages or carports; or

g. Architectural projections (i.e., bay windows, fireplaces or utility closets) no greater than twenty-four inches (24") in depth and six feet (6') in width.

h. The planning director may approve other exemptions similar in nature provided the intent of this section is met.

B. Cottage Height and Roof Standards:

1. A cottage shall have a gable roof or a hipped roof. Dormers are allowed.

2. Maximum height of cottage units with a minimum roof slope of six to twelve (6:12) shall be twenty-five feet (25'), subject to all parts of the roof above fourteen feet (14') shall be pitched.

3. Maximum height shall be eighteen feet (18') for cottages without a roof slope of six to twelve (6:12) and for all accessory structures.

4. Deviation from the roof standards may be considered through the CUP process.

C. Orientation of Dwelling Units: Dwellings within a cottage housing development should be oriented to promote a sense of community, both within the development, and with respect to the larger community, outside of the cottage project. A cottage development should not be designed to "turn its back" on the surrounding neighborhood.

1. Each dwelling unit shall be oriented toward a common open area, and sixty-five percent (65%) of the units shall abut the common open area.

2. Lots in a cottage housing development are not required to abut a public street.

3. Each facade facing a public street (not including alleys) shall have at least two (2) of the following enhancements: secondary entrance, porch, bay window, or other architectural enhancement approved by the planning director that is oriented to the public street in order to prevent a blank, monotonous wall facing the street and surrounding neighborhood.

D. Cottage Setbacks:

1. The minimum setbacks between all structures and exterior property lines (including cottages, parking structures and community buildings) in a cottage housing development shall be ten feet (10'). Eaves may project into the required setback up to eighteen inches (18").

2. Cottage units abutting an external street shall use the front yard setback requirements for the zone they are within in order to determine how far the unit must be set back from the public right-of-way.

3. No part of any structure in a cottage housing development (including, but not limited to, cottages, parking structures, and community buildings) shall be more than one hundred fifty feet (150'), as measured by the shortest clear and open route, from legally compliant fire department vehicle access.

E. Fencing and Screening: The intent of internal decorative fencing and screening is to delineate private yards and screen parking structures, community assets and unit walls. A cottage housing development shall internally be an open community sharing common areas.

1. Decorative fencing may be used for delineating private yards.

2. Fencing or shrubbery may be used to screen parking areas, community assets, and unit walls.

3. Fencing and shrubbery used for fencing may not exceed thirty-six inches (36") in height, except directly adjacent to a parking structure or as allowed in subsection E.5. of this section.

4. Chainlink fencing shall not be allowed. Solid fencing is allowed on the exterior boundary, except bordering an external street.

5. Rear yards not bordering an external street may be delineated using solid fencing and may not exceed four feet (4') in height.

F. Required Common Open Space: Common open space should provide a sense of openness, visual relief, and community for cottage developments. The space must be outside of wetlands, streams and their buffers, and developed and maintained to provide for passive and/or active recreational activities for the residents of the development.

1. There shall be a minimum of four hundred (400) square feet of common open space per cottage.

2. Each area of common open space shall be in one contiguous and usable piece with a minimum dimension of twenty feet (20') on all sides.

3. Land located between dwelling units and an abutting right-of-way or access easement greater than twenty-one feet (21') in width may not serve as required common open space, unless the area is reserved as a separate tract, and does not contain pathways leading to individual units or other elements that detract from its appearance and function as a shared space for all residents.

4. Required common open space may be divided into no more than two (2) separate areas per development.

5. Common open space shall be located in a centrally located area and be easily accessible to all dwellings within the development.

6. Landscaping located in common open space areas shall be designed to allow for easy access and use of the space by all residents, and to facilitate maintenance needs. Where feasible, existing mature trees should be retained.

7. Unless the shape or topography of the site precludes the ability to locate units adjacent to the common open space, the following standards must be met:

a. The open space shall be located so that it will be surrounded by cottages or two/three-unit homes on at least two (2) sides;

b. At least fifty percent (50%) of the units in the development shall abut a common open space. A cottage is considered to "abut" an area of open space if there is no structure between the unit and the open space.

(1) Surface water management facilities shall be limited within common open space areas. Conventional stormwater collection and conveyance tools, such as flow control and/or water quality vaults are permitted if located underground.

G. Carriage Units Within Cottage Projects: Carriage units may be included within a cottage housing development. Design of these units should be compatible with that of the cottages included in the project.

1. The maximum size of a carriage unit shall be eight hundred (800) square feet.

2. Carriage units, including roof, shall be no taller than thirty-feet (30').

3. Carriage units shall not have roofs less steep than four to twelve (4:12).

H. Variation In Unit Sizes, Building and Site Design: Cottage projects should establish building and site design that promotes variety and visual interest that is compatible with the character of the surrounding neighborhood.

1. Projects should include a mix of unit sizes within a single development.
2. Proposals are encouraged to provide a variety of building styles, features and site design elements within cottage housing communities. Dwellings with the same combination of features and treatments should not be located adjacent to each other.

I. Private Open Space:

1. Each cottage shall have a minimum of three hundred (300) square feet of private, contiguous usable open space adjacent to each dwelling unit, for the exclusive use of the cottage resident.

J. Pedestrian Flow Through Development: Pedestrian connections shall link all buildings to the public right-of-way, common open space and parking areas.

K. Exterior Design Standards for Cottages: This subsection K is intended to ensure cottage design is based on a coherent architectural concept, to ensure cottages possess architectural finish, to ensure they contribute positively to the architectural character of the neighborhood, and to provide flexibility in design and contrast among individual cottages while assuring attention to design amenities.

1. Character Compatibility: Cottage housing developments shall utilize building and site design that promotes variety and visual interest and that is compatible with the character of the surrounding neighborhood.
2. Variety In Building and Site Design: Cottage housing developments shall avoid the repetitive use of the same combination of building size, styles, features, and site design elements within the entire residential development and between adjacent dwellings. Dwellings with the same combination of features and treatments shall not be located adjacent to each other.
3. Site Design Requirements: The overall site design for all common areas must include a minimum of five (5) points from the following table:

SITE DESIGN OF COMMON AREAS
(Minimum of 5 Points)

Mixture of grass areas and garden areas	3 points
Incorporate additional site and architectural features such as special paving, ornamental gate and/or fence, seating, functional accent lighting, artwork near entry, and/or special landscape treatment with seasonal color, flowering trees, and trees with interesting bark or branching structure	1 point per type of feature

4. Exterior Design Requirements: No blank walls are allowed, and each cottage in a cottage housing development must be designed to include a minimum of thirty-four (34) points from the following table, including the specified minimum number of points from each category:

Totals by category as determined by tables below:	
Facade	Minimum of 12 points
Roof	Minimum of 8 points
Windows and doors	Minimum of 10 points
Landscaping and groundwork	Minimum of 4 points

Facade (minimum of 12 points):	

Stucco, cedar shingle siding, board and batten, or horizontal lap siding (wood or hardiplank. Exposed siding must be between 4 inches and 7 inches in width)	4 points
Change of plane of front elevation	3 points
Architectural detailing on porch railings and posts	2 points
Decorative gable vents	2 points
Exterior stonework, masonry, stone, rock, cultured, stone, woodwork, or brickwork	2 points
Gable detailing	2 points
Gable detailing on porch roof	2 points
3-tone paint on exterior walls trim and roof	2 points
Bay window	1 point
Roof (minimum of 8 points):	
Architectural metal roof (must be commercial quality with hidden fasteners)	3 points
Architectural shingle roof	3 points
Gable dormer (shall not also be used for gabled porch roof or porch roof overhang)	3 points
Gabled or modified porch roof	3 points
Porch roof overhang to cover stairs (shall not also be used for a change of plane of front facade or as a gable dormer or gabled porch roof)	2 points
Roof brackets	2 points
Soffit detailing (exposed rafter tail painted or decoratively cut; soffit finished in shiplap or similar treatment)	2 points
Rooftop cupola	1 point
Windows and doors (minimum of 10 points):	
Mullioned windows (minimum of 2)	3 points
Skylights or clerestory windows	3 points
Window placement offset for privacy	3 points
Decorative window(s) on front facade	2 points
Front door lights or sidelights, glass front doors, transoms, glass borders, or split front door	2 points
Window trim (must include cornice molding, jamb molding, and sill for all windows)	2 points
Front door trim (must have cornice molding, parting bead, and plinth blocks)	1 point
Landscaping and groundwork for each cottage's private area (minimum of 4 points):	
Architectural fence around cottage (not less than 2, or more than 3 feet high)	2 points
Front yard landscaping (must include at least 1 dozen perennial bushes and/or trees native to the area or tolerant of local climate conditions. Landscaping does not include lawns)	2 points

Incorporate additional architectural features such as special paving, ornamental gate and/or fence, seating, planter boxes or pots, functional accent lighting, artwork near entry, and/or special landscape treatment with seasonal color, flowering trees, and trees with interesting bark or branching structure	1 point per type of feature

(Ord. 1263, 12-29-2011)

CHAPTER 5 OFF-STREET PARKING AND LOADING FACILITIES[1]

9-5-1: General Provisions:

A. Off-Street Parking and Loading Spaces Provided: No building or structure shall be erected, substantially altered (requiring a building permit), or its use changed unless permanently maintained off-street parking and loading spaces have been provided in accordance with the provisions of this chapter.

B. Additional Parking After Enlargement up to Fifty Percent (50%) in Floor Area: Whenever a building or structure is enlarged up to fifty percent (50%) in floor area, number of employees, seating capacity, number of dwelling units, or otherwise, to create a need for an increase in the number of parking and loading spaces, additional parking and loading spaces shall be provided on the basis of the enlargement or change.

C. Additional Parking After Enlargement Greater than Fifty Percent (50%) in Floor Area: Whenever a building or structure is enlarged greater than fifty percent (50%) in floor area, number of employees, seating capacity, number of dwelling units, or otherwise, to create the need for an increase in the number of parking and loading spaces, such additional spaces must be provided on the basis of the enlargement or change and shall be developed in accordance with the screening and landscaping provisions of this chapter.

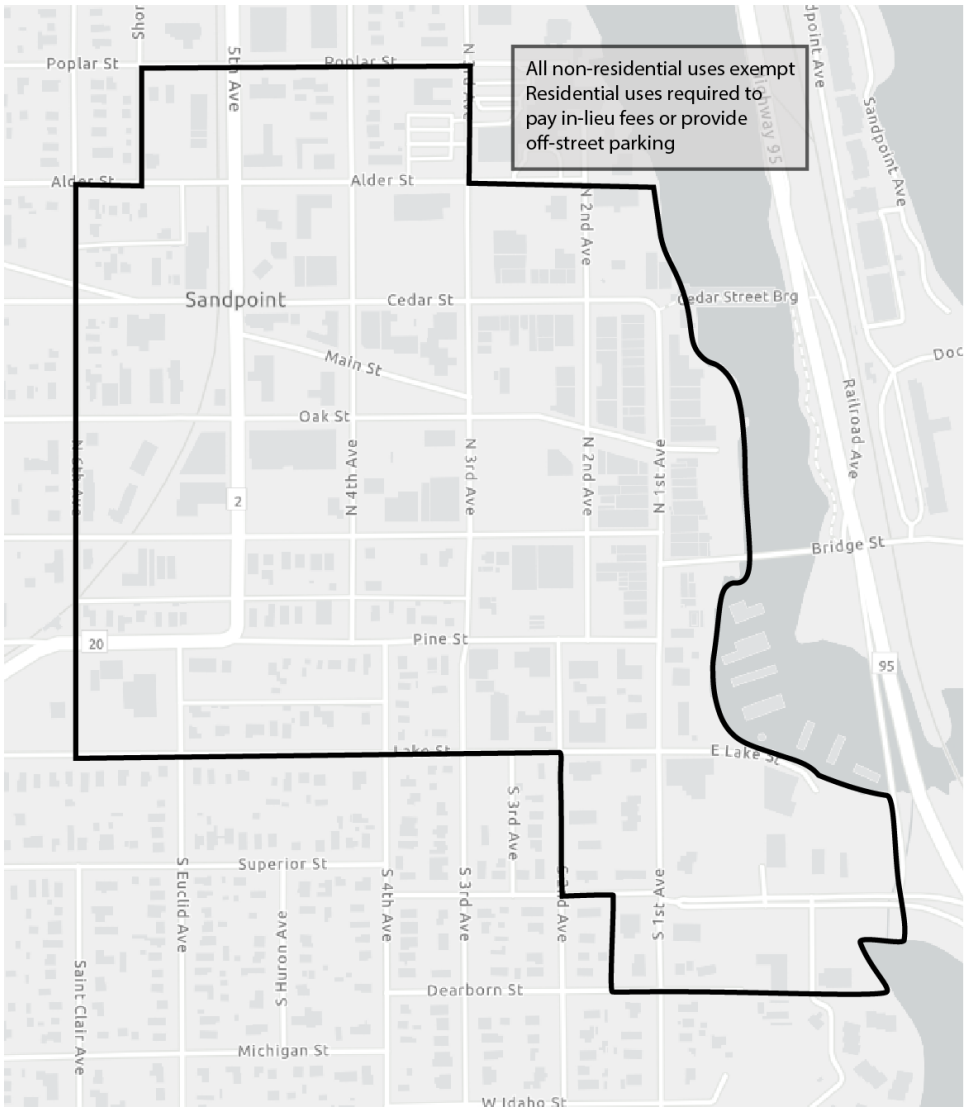
D. Additional Parking After Change in Use or Occupancy: Whenever a building or structure has a change in use or occupancy that would increase the number of spaces being required, such additional spaces shall be provided on the basis of the change.

E. Parking Demand Analysis: Minimum or maximum parking space requirements may be reduced or expanded by the relevant permit approval authority, either the planning director, planning and zoning commission, or city council upon completion of a parking demand analysis demonstrating the actual demands of the project are less than the minimum or more than the maximum requirements of this code. A parking demand analysis must be prepared by a registered professional traffic engineer licensed in the State of Idaho and must include analysis of multimodal transportation and proximity to transit.

F. Exemptions: Non-residential development within the boundary depicted on the map in subsection G below is exempt from the parking minimum and location requirements of this chapter. Residential development within the boundary as shown in subsection G below is exempt from the parking minimum and location requirements of this chapter, provided in-lieu payments are made pursuant to City Code 9-5-18, In Lieu Parking Fees.

[1]Editor's note(s)—(Ord. No. 1432, § 2, adopted Sept. 17, 2025, amended ch. 5 in its entirety to read as herein set out. Former ch. 5, §§ 9-5-1—9-5-18, pertained to similar subject matter, and derived from Ord. 1360, adopted Dec. 5, 2018.

G. Map of Exempted Area: Map of exempted minimum parking space requirements per subsection F of this section:



H. For the purposes of this chapter, an alley is not a public street.

(Ord. No. 1432, § 2, 9-17-2025)

9-5-2: Location of Parking Spaces:

The following regulations shall govern the location of off-street parking spaces and areas:

A. Parking spaces for all residential dwelling units with a density of less than ten (10) units per acre must be located on the same site as the use which they are intended to serve.

B. Parking spaces for apartments, dormitories, or similar residential uses with a density of greater than ten (10) units per acre must be located not more than three hundred feet (300') from the principal use.

C. Parking spaces for commercial, industrial or institutional uses must be located not more than one thousand feet (1,000') from the principal use.

(Ord. No. 1432, § 2, 9-17-2025)

9-5-3: Shared Parking Reduction:

A. Shared Parking or Parking Facilities Approval: Subject to compliance with other applicable requirements of City Code, relevant permit approval authority, either the planning director, planning and zoning commission, or city council, may approve shared development or use of parking facilities for two (2) or more uses if:

1. A convenient pedestrian connection between the properties or uses exists; and

2. The properties are within one thousand feet (1,000') of each other.

B. Parking Requirements; Hours: Where the uses to be served by shared parking do not overlap their hours of operation, the property owner or owners must provide parking stalls equal to the greater of the applicable individual parking requirements. Where a use change occurs within the development causing an overlapping of use hours, parking requirements must be reassessed. For the purposes of this provision, residential parking use hours shall be from five o'clock (5:00) p.m. to sixty thirty-o'clock (6:30) a.m. daily.

C. Parking Space Reduction: Where the uses to be served by shared parking have overlapping hours of operation, the relevant permit approval authority, either the planning director, planning and zoning commission, or city council, may approve a reduction of the total required parking spaces if the reduction is supported by a parking demand analysis performed by a registered professional traffic engineer licensed in the State of Idaho.

D. Documentation Required: Prior to establishing shared parking or any use to be served thereby, the property owner or owners must file with the county recorder's office or its successor agency, a written agreement approved by the planning director providing for the shared parking use. A copy of the written agreement must be retained by the planning director in the project file. The agreement must be recorded on the title records of each affected property.

(Ord. No. 1432, § 2, 9-17-2025)

9-5-4: Access and Maneuvering Area:

A. Any parking area must be designed in such a manner that any vehicle entering or leaving the parking area from or onto a public or private street must be traveling in a forward motion. Development of six (6) or fewer units on a site, including single-family, duplexes, multi-family dwellings, and accessory dwelling units, are exempt from this requirement.

B. Driveways shall be located so that any obstructions do not prevent adequate sight distance between a vehicle stopped at the edge of the right of way and any approaching vehicle or pedestrian on the adjacent street. The required sight triangle shall be determined using the guidance of "A Policy on Geometric Design of Highways and Streets" (Green Book), published by the American Association of State Highway and Transportation Officials (latest edition), or another method approved by the city engineer or public works director.

C. All maneuvering areas, ramps, access drives, etc., must be provided on the property on which the parking facility is located; however, if such facility adjoins an alley, such alley may be used as a maneuvering area.

(Ord. No. 1432, § 2, 9-17-2025)

9-5-5: Minimum Distance and Setbacks:

No portion of any parking facility shall obstruct the sight triangle of an adjacent street or driveway access, as determined by an analysis using the guidance of "A Policy on Geometric Design of Highways and Streets" (Green Book) published by the American Association of State Highway and Transportation Officials (latest edition), or another method approved by the city engineer or public works director.

(Ord. No. 1432, § 2, 9-17-2025)

9-5-6: Surfacing:

A. Hard surfacing of all parking facilities shall be required. All hard surfacing must comply with all other applicable provisions of City Codes, including the Stormwater Management Code.

B. Hard surfacing, for the purposes of this chapter, shall be defined as asphalt pavement, concrete pavement, or as otherwise determined by the city engineer or public works director.

C. All hard surfacing must be completed before a certificate of occupancy is issued. In the event that hard surfacing cannot be timely completed due to inclement weather, the city may issue a temporary certificate of occupancy if an agreement secured by a bond or other security acceptable to the city in an amount of one hundred fifty percent (150%) of the costs of the hard surfacing is provided to the city. In the event a cash security is provided, no interest shall accrue to the party providing the cash. All agreements must include such terms as may be reasonable under the circumstances, including a requirement that the paving be completed within six (6) months of the agreement and, if not, that the city, in the city's sole discretion, use the security to complete the hard surfacing.

D. Driveways and parking facilities abutting a public right of way shall include hard surfacing from the edge of right of way to the parking facility. Driveway approaches within the public right of way shall be constructed pursuant to City Code 7-3-9, New Construction of Curbs, Gutters and Drainage Appurtenances, and city standard details.

E. If a parking facility is accessed from a public alley, a minimum of twelve (12) feet in width of the alley shall be constructed with hard surfacing for the entire length of the alley between the adjacent public streets at either end of the alley. The driveway approaches accessing either end of the alley on the adjacent public streets shall be constructed pursuant to City Code 7-3-9, New Construction of Curbs, Gutters and Drainage Appurtenances, and city standard details. Hard surfacing of alleys shall be included, as needed, in an approved stormwater management plan that meets the requirements of City Code Title 11, Chapter 3, Stormwater Management Ordinance, as determined by the public works director.

F. Exceptions to hard surfacing requirement of parking facilities:

    1. Within the Industrial General (IG) Zone, the hard-surfacing requirement may be waived, with the exception that, for the first twenty-five (25) feet on private property from the right-of-way, the width of the driveway shall be hard surfaced.

    2. A detached single-family home, with or without an ADU, or a duplex, with or without an ADU, that is not accessed from a street or is accessed from an alley shall be exempted from the hard-surfacing requirement. Any residential development of greater intensity shall be required to adhere to the hard surfacing requirements.

G. Construction and the repaving of parking facilities must be in accordance with the Stormwater Management Ordinance, Title 11, Chapter 3, of this code.

(Ord. No. 1432, § 2, 9-17-2025)

9-5-7: Maintenance:

A. The owner of property used for parking and/or loading shall maintain the facility in accordance with good practice without holes and free of all snow, dust, trash and other debris.

B. Failure to keep the parking facility surfaces reasonably clean of snow and debris, failure to keep storm catch basins properly clean and functioning, and failure to remove and replace dead plant material or to remove noxious weeds shall be specifically included in the term "failure to maintain the facility in accordance with good practice" and shall be deemed a violation of this title and therefore subject to the penalties as established.

C. The city shall not be responsible for maintenance, repair, upkeep, or reconstruction of any parking facility located on private property or any hard surfacing of alleys required by City Code 9-5-6, Surfacing.

(Ord. No. 1432, § 2, 9-17-2025)

9-5-8: Lighting:

A. Any parking area which is intended to be used during non-daylight hours shall be properly illuminated in accordance with the regulations set forth below and in the Outdoor Lighting provisions of Title 8, City Code.

B. Any lights used to illuminate a parking lot must be so arranged as to reflect the light away from the adjoining property.

C. Parking area lighting must be designed to provide the minimum lighting necessary to ensure adequate vision in parking areas while avoiding glare and direct illumination of adjacent properties or streets. All parking area lighting requirements must also apply to interior drives and other areas on the property used by vehicles.

1. Lighting Fixtures: All lighting fixtures providing illumination for parking lots must direct light downward (in keeping with Illuminating Engineering Society of North America, IESNA, standards).

2. Maximum Mounting Height: The maximum mounting height for all parking lot illuminating light fixtures shall be twenty feet (20').

3. Timers Required: Lighting must be on a timer or utilize photocells which turns off all unnecessary lights when the lot is not in use to reduce glare in the surrounding neighborhoods and to save energy.

(Ord. No. 1432, § 2, 9-17-2025)

9-5-9: Wheel Blocks:

A. Whenever a parking space extends to a property line, wheel blocks or other suitable devices must be installed to prevent any part of a parked vehicle from extending beyond the property line, assuming a 24-inch vehicle overhang from the vehicle-side face of the wheel block.

B. Where parking spaces abut sidewalks or walkways, wheel blocks shall be provided to prevent vehicle overhang on the sidewalk or walkway. Wheel blocks shall be placed so that the distance between vehicle-side face of the wheel block and the opposite side of the sidewalk or walkway is at least seven (7) feet.

C. Whenever wheel blocks are used, the parking space depth, as specified under Design and Dimensional Standards, section 5 of this chapter, shall be measured from the vehicle-side face of the wheel block.

D. Whenever any obstruction greater than eight (8) inches in height, including walls or fences, is located directly adjacent to a parking space, wheel blocks shall be provided at least two (2) feet from the obstruction, and

the "stall depth from curb edge", as shown under column D in the chart provided in section 5 of this chapter, shall be measured from the vehicle-side face of the wheel block.

(Ord. No. 1432, § 2, 9-17-2025)

9-5-10: Signs:

A. The entrances and exits to the parking area must be clearly marked.

B. Parking areas having more than one aisle or driveway must have directional signs or markings in each driveway or aisle.

C. Parking area directional signs must have a maximum size of four (4) square feet.

(Ord. No. 1432, § 2, 9-17-2025)

9-5-11: Striping:

All parking areas shall be striped with minimum four inches (4") wide white striping, meeting the dimensional standards of City Code 9-5-14, Design and Dimensional Standards.

(Ord. No. 1432, § 2, 9-17-2025)

9-5-12: Screening and/or Landscaping:

A. Parking Area Minimum Landscaping: A minimum of ten percent (10%) of paved parking area must be landscaped.

B. Slopes and other areas between a parking area and sidewalks, street rights-of-way or property lines must be landscaped with a minimum five foot (5') buffer containing grass, hardy shrubs, trees or evergreen ground cover and must be maintained in a consistent condition acceptable to the city. A minimum of fifty percent (50%) of the required buffer yard must be made up of hardy shrubs, fifty percent (50%) of which shall be evergreen and shall reach a height of four feet (4') within five (5) years. The five foot (5') buffer may be reduced when at least five feet (5') of landscaped area exists between the sidewalk and curb. Dead landscaping must be replaced. It shall be a violation of this chapter if an owner fails to replace dead landscaping with the same or other landscaping approved by the city within one month of notification by the city or as is seasonably acceptable.

C. Proximity Standards: Whenever a parking area providing more than ten (10) vehicle spaces is located in or adjacent to a residential district, dwelling unit, school, hospital, church or other institution for human care, it must be effectively screened on all sides abutting any such property by a five foot (5') buffer area with an acceptably designed wall, fence or planting screen. Alternatively, the buffer area may be reduced to three feet (3') if a decorative screen fence is erected with evergreen shrubs of at least two (2) gallon size planted at the base. Such fence, wall or planting screen must not be less than four feet (4') nor more than six feet (6') in height and maintained in good condition. The space between such fence, wall or planting screen, and the lot line of the adjoining premises in any residential district must be landscaped with grass, hardy shrubs, or evergreen ground cover and maintained in good condition. In the event that terrain or other natural features are such that the erection of such fence, walls or planting screen will not serve the intended purpose, the planning director may waive specifically this requirement.

D. Parking Facilities Abutting Street Right-of-Way: Parking facilities which abut a street right-of-way must provide one street tree for every twenty-five feet (25') of property abutting such right-of-way. Should the

planting of such a street tree be physically unfeasible, the public works director may require suitable landscaping abutting the street right-of-way.

E. Material and Planting Requirements: Parking area landscaping must consist of, but not be limited to, a mix of deciduous trees, evergreen shrubs, and ground cover. Tree species must be of the types listed on the "City of Sandpoint approved street tree list" (as adopted by resolution), or approved by the urban forester. All trees must be planted with a minimum 1.5-inch caliper. All interior planting beds must have a minimum dimension of six feet (6') at the narrowest point with a soil depth appropriate for the trees selected.

F. Parking Area Between Twenty (20) and Thirty (30) Spaces: One tree for every ten (10) parking spaces or the larger fraction thereof must be provided.

G. Parking Areas Exceeding Thirty (30) Spaces: The following additional regulations apply:

1. Parking areas must include a minimum fifteen foot (15') landscaped buffer from residential zones and be divided into smaller areas interconnected by landscaped aisles to reduce vehicle speed and protect pedestrians. No parking space shall be more than sixty feet (60') from a landscaped area, and there must be at least one tree for each three hundred (300) square feet of required landscape area.

2. Required shade trees must be of such species and canopy to provide a minimum of thirty percent (30%) canopy cover of the parking area at maturity. Eligible tree canopy must be directly over parking area.

3. A timed and automated irrigation system shall be provided for all required landscaping and maintained in a workmanlike manner.

H. Parking Area Directional Signs: Parking area not visible from streets must have clearly visible directional signs approved during the site plan review process.

I. Screening Equipment; Noise: Mechanical equipment, utility facilities, and garbage containers must be screened in such a manner so as not to be visible from abutting residential property owners. A fence may be used to provide this screening. Mechanical equipment creating noise must be placed as far from residential uses as practical and in keeping with access and maintenance requirements, and must have noise buffering if placed in the vicinity of residential uses.

J. Snow Storage: Areas for snow storage must be designated in site plans and provided for in development or redevelopment of property.

K. Pedestrian Access: Parking areas must be designed so that pedestrian and automobile patrons have a clearly marked path from each business entrance to the nearest sidewalk to each adjacent street. This pedestrian path shall meet the requirements for an accessible route as described in the latest edition of the ADA Standards for Accessible Design of the Americans with Disabilities Act.

L. Exemptions:

1. Single-Family Residential: Single-family and duplex residential off-street parking areas are exempt from this subsection.

2. Auto and Vehicle Dealers: Auto and vehicle dealers are exempt from providing landscaping within the interior of the sales and display area.

3. Landscaping Requirement Modifications: Landscaping requirements may be modified by the planning director for a specific site when soil or slope limitations make strict adherence impractical, when safety considerations are involved, especially in the clear vision triangle.

4. Industrial General Zone: Parking areas within the Industrial General Zone shall only be required to adhere to the requirements of subsection A of this section, "Parking Area Minimum Landscaping."

5. Existing Parking Areas: Expansions of existing parking areas shall not be exempt.

(Ord. No. 1432, § 2, 9-17-2025)

9-5-13: Accessible Parking Spaces:

All parking facilities must provide accessible parking spaces as required by the ADA Standards for Accessible Design of the Americans With Disabilities Act.

(Ord. No. 1432, § 2, 9-17-2025)

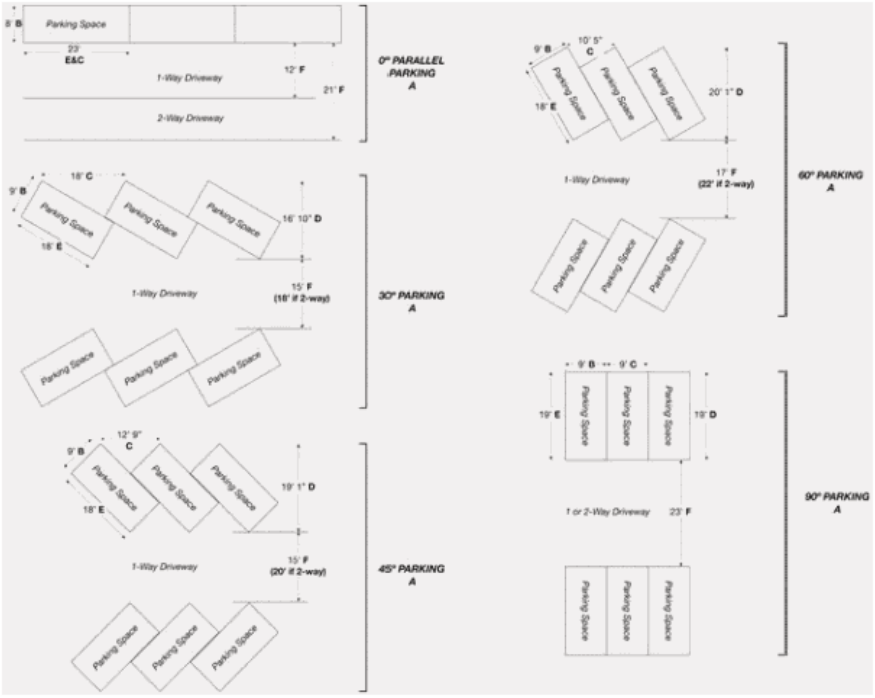
9-5-14: Design and Dimensional Standards:

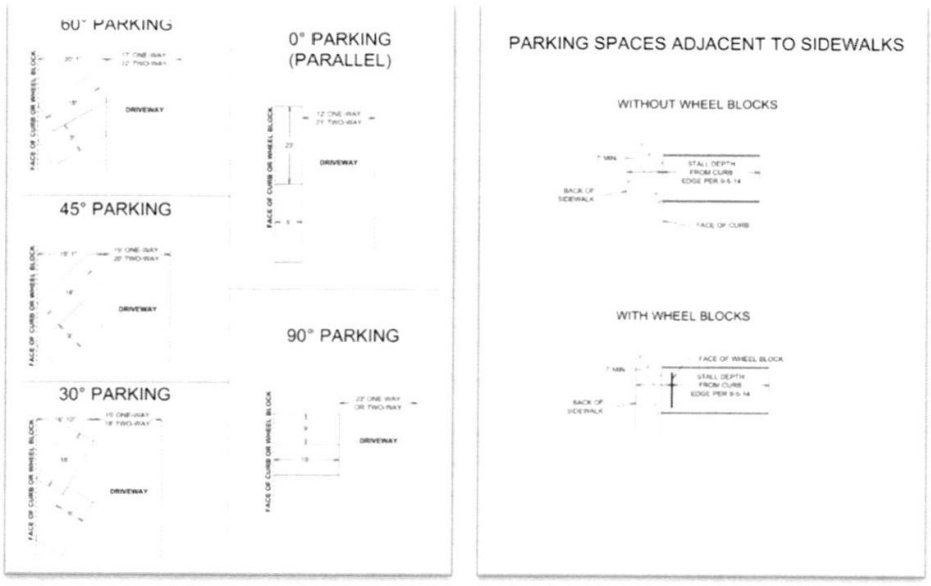
A. All parking facilities must be designed to city standards. Plans for parking facilities are required prior to construction and shall indicate ingress, egress, grade, drainage facilities, location of all plantings, base and surface materials.

B. Minimum Standards: Letters in the following chart are referenced in subsection C of this section, Diagram, Parking Space Minimum Design and Dimensions (For Standard Vehicles). Off-street parking spaces must be provided in accordance with the following minimum standards:

Parking Angle A	Parking Space Width B	Curb Length Per Stall C	Stall Depth From Curb Edge D	Parking Space Depth E	1-Way Driveway Width F	2-Way Driveway Width F
For standard vehicles:						
0°	8 feet	23 feet	8 feet	23 feet	12 feet	21 feet
30°	9 feet	18 feet	16 feet, 10 inches	18 feet	15 feet	18 feet
45°	9 feet	12 feet, 9 inches	19 feet, 1 inch	18 feet	15 feet	20 feet
60°	9 feet	10 feet, 5 inches	20 feet, 1 inch	18 feet	17 feet	22 feet
90°	9 feet	9 feet	19 feet	19 feet	23 feet	23 feet
For compact vehicles:						
0°	7 feet, 6 inches	18 feet	7 feet, 6 inches	18 feet	12 feet	21 feet
30°	7 feet, 6 inches	15 feet	14 feet	15 feet	15 feet	18 feet
45°	7 feet, 6 inches	10 feet, 7 inches	15 feet, 11 inches	15 feet	15 feet	20 feet
60°	7 feet, 6 inches	8 feet, 8 inches	16 feet, 9 inches	15 feet	15 feet	22 feet
90°	7 feet, 6 inches	7 feet, 6 inches	15 feet	15 feet	23 feet	23 feet

C. Diagram, Parking Space Minimum Design and Dimensions (For Standard Vehicles):





D. Additional Standards for Compact Car Parking:

1. If the total number of required parking spaces is less than ten (10), no compact car spaces shall be provided.
2. If the total number of required parking spaces equals ten (10), then one parking space may be for compact cars. For each four (4) spaces in excess of ten (10), one space for compact cars may be provided.
3. Each compact car parking space shall be marked for such use.

(Ord. No. 1432, § 2, 9-17-2025)

9-5-15: Minimum and Maximum Surface Parking Space Requirements:

A: Table 1: Required Parking by Land Use

Type of Use		Parking Spaces Required
A.	Residential outside of Exempt Area: Values shall be held as the minimum:	
	Accessory dwelling units	1 for each unit
	Apartments, duplexes, townhouses or multi-family dwellings over 1,200 square feet of living space per unit	1.4 for each unit
	Apartments, duplexes, townhouses or multi-family dwellings equal to or under 1,200 square feet of living space per unit	1 for each unit
	Boarding, lodging, or rooming house	1 for each sleeping room
	Cottage developments in accordance with chapter 4 of this title	1 for each unit
	Detached single-family homes with more than 3 bedrooms	2 for each unit
	Detached single-family homes with 3 bedrooms or less	1 for each unit
	Group homes	2 for each unit
B.	Residential within Exempt Area	
	Any residential land use	1 for every 1000 sf, not to exceed 1.5 for each unit
C.	Commercial: Values shall be held as the minimum. The maximum amount of parking spaces allowed shall be no more than 20 percent above the minimum requirement. Structured parking shall be exempt from the parking maximum requirements.	
	Banks, financial institutions and similar uses	1 for every 500 square feet of floor area
	Bowling alleys	2 for each alley
	Dance floors, skating rinks	1 for every 500 square feet of floor area
	Dining rooms, restaurants, taverns, nightclubs, etc.	1 for every 300 square feet of floor area
	Funeral parlors, mortuaries	1 for every 100 square feet of floor area open to the public
	Hostels	1 for every 4 beds
	Hotels, motels	1 space for each room or unit; plus, as required for accessory uses, such as restaurants, meeting halls, etc.
	Medical or dental clinics	1 for every 500 square feet of floor area of examination, treatment, office, and waiting rooms
	Offices, public or professional administration and services	1 for every 500 square feet of floor area

	Retail sales and services of large items, such as appliances, furniture and equipment	1 for every 800 square feet of floor area
	Retail stores	1 for every 350 square feet of floor area
	Service stations providing repair, public garages	1 for each 2 gasoline pumps and 2 for each service bay
	All other types of business or commercial uses permitted in any Commercial Zone	1 for each 350 square feet of floor area
D.	Entertainment and Recreation: Values shall be held as the minimum. The maximum amount of parking spaces allowed shall be no more than 20 percent above the minimum requirement. Structured parking shall be exempt from the parking maximum requirements:	
	Auditoriums, sport arenas, theaters and similar uses	1 for each 5 seats; 20 inches of bench shall be considered 1 seat
	Fitness centers	1 for every 400 square feet of floor area
	Private clubs or lodges	1 for every 350 square feet of floor area
	Swimming pools, public or community clubs	1 for each 5 persons' capacity plus 1 for each 4 seats or 1 for each 30 square feet of floor area used for seating purposes, whichever is greater
E.	Institutional: Values shall be held as the minimum:	
	Churches and other places of religious assembly	1 for each 5 seats; 20 inches of bench shall be considered 1 seat
	Hospitals	1 for each bed
	Libraries, museums, art galleries	1 for each 500 square feet of floor area
	Sanatoriums, homes for the aged, nursing homes, children's homes and similar uses	1 for each 2 beds
F.	Schools (Public, Private Or Parochial): Values shall be held as the minimum:	
	Business, technical and trade schools	1 for each 2 students
	Colleges, universities	1 for each 4 students
	Elementary, high schools	1 for every teacher and employee, 1 for every 4 students normally enrolled that are over the legal driving age, and 1 for every 4 seats in auditoriums, gymnasiums or stadiums. Parking spaces provided for the school may be considered as parking for the public assembly areas
	Kindergartens, daycares, childcare centers, nursery schools and similar uses	Where the number of children plus employees is less than 13, 2 off-street parking spaces shall be provided. Where the number of children is equal to or greater than 13, 1 off-street parking space for each 5 children or a fraction thereof shall be provided
G.	Industrial: Values shall be held as minimum:	

	All types of manufacturing, storage, wholesale and freight uses permitted in any Industrial District	1 for each 1,000 square feet of floor area

Parking spaces for other permitted or conditional uses not listed in this section shall be determined by the planning director.

B. Bicycle Spaces: All nonresident parking facilities with more than twenty (20) parking spaces shall provide the equivalent of one (1) bicycle space for every five (5) parking spaces included in the facility for the temporary storage of bicycles. Space for bicycle storage shall be designed in accordance with the bicycle parking standards adopted by city council resolution.

(Ord. No. 1432, § 2, 9-17-2025)

9-5-16: Parking Credits:

A. Bicycle Parking: For every six (6) nonrequired bicycle parking spaces created within any Commercial or Industrial Zone which adhere to the standards set forth in this chapter, motor vehicle parking space requirements may be reduced by one space; up to a maximum of two (2) off-street parking spaces.

B. Motorcycle Parking: For every two (2) motorcycle parking spaces provided for any multifamily, commercial or industrial project, the number of standard vehicle spaces may be reduced by one space up to a maximum of two (2) spaces. Motorcycle parking spaces must be at least four feet (4') wide and ten feet (10') deep with a minimum of ten feet (10') of backup space provided. Backup space shall be on private property within an access aisle or other area not otherwise designated as a parking space.

C. Affordable Housing Deed Restrictions: The minimum parking space requirements for developments that contain a deed restriction for affordable housing shall be reduced by twenty percent (20%). Such development must adhere to the following standards:

1. At least fifty percent (50%) of the units must be deed restricted to provide for affordable rental housing.

2. At a minimum, the deed restriction must accommodate households making less than eighty percent (80%) of area median income according to the Department of Housing and Urban Development (HUD). Such accommodation must provide affordable units such that no more than forty percent (40%) of tenant household income shall go towards the payment of rent. The deed restriction must remain in effect for a minimum of ten (10) years.

3. Applicants awarded this credit must submit annual reports verifying the standards above to remain in good standing of this provision.

(Ord. No. 1432, § 2, 9-17-2025)

9-5-17: Loading Areas:

A. The required number of loading spaces are as follows:

Gross Floor Area (Square Feet)	Quantity	Type
14,000—36,000	1	A
36,001—60,000	2	A

60,001—100,000	2 1	A B
For each additional 75,000 or fraction thereof	1	B

B. The size of off-street loading spaces shall not be less than the following, exclusive of access platform and loading area:

Type A spaces:	Length	35 feet
	Width	12 feet
	Height clearance	15 feet
Type B spaces:	Length	65 feet
	Width	12 feet
	Height clearance	15 feet

C. Convenient access to loading spaces shall be provided and shall not be less than twelve feet (12') in width.

D. Loading spaces may be located in required yards, providing such space is not roofed.

E. Loading spaces shall be located entirely on the property they are intended to serve.

(Ord. No. 1432, § 2, 9-17-2025)

9-5-18: In Lieu Parking Fees:

A. Purpose: The purpose of these provisions is to allow development to satisfy the off-street parking requirements by making in lieu payments into a special dedicated fund the city will use to develop parking.

B. Goals: The in-lieu program is voluntary and has the following goals:

1. To creatively reduce parking requirements;
2. To reduce the cost of development by reducing the funds required for building and maintenance of parking lots;
3. To facilitate the construction and improvement of public parking;
4. To improve urban design;
5. To encourage shared parking; and
6. To support historic preservation.

C. Definitions:

IN LIEU PAYMENT: A onetime optional payment made to the city Parking Improvement Fund fulfilling all or part of the parking requirements for development.

PARKING IMPROVEMENT FUND: A special dedicated fund to collect revenue from in lieu parking payments. Revenue collected is used to improve general public parking in the city, to purchase or lease land for public parking, to improve, create, or expand city parking facilities, and to offset administrative expenses.

D. Applicability: These provisions may be utilized in lieu of providing parking in the following situations:

1. New residential development within the parking exempt area as defined in City Code 9-5-1-F, Exemptions.

2. Non-residential development and residential development outside the exempt area as defined in City Code 9-5-1-F, Exemptions.

3. Non-residential development within the exempt area shall be exempt from this section.

4. A Parking Demand Analysis, as established in City Code 9-5-1-E, Parking Demand Analysis, shall not be eligible to determine the required number of parking spaces for the purposes of establishing an in lieu payment.

E. Payment Calculation: The parking requirements set forth in the Parking Code may be satisfied in whole or in part by the payment of a nonrefundable parking in lieu fee of an amount set by city council resolution, which may be amended from time to time to approximate changes in costs of implementing the Parking Improvement Fund.

F. Parking Fund Use: The "Parking Improvement Fund", a dedicated fund, is hereby created to receive revenue from in lieu payments. The fund shall be used to provide and enhance public parking facilities, including buying or leasing land, constructing parking facilities, offsetting administrative expenses directly related to managing the account and the construction of facilities, coordinating parking planning, and erecting signage.

G. Limitations: In the event an application for development outside of the parking exempt area that requires a site plan review permit or a conditional use permit, as established in Title 9, City Code, intends to satisfy more than fifty percent (50%) of the parking requirement by payment of parking in lieu fees, such application shall require review and approval of the planning commission as part of the development application review. Public notice of the development application shall reference the parking reduction sought. Any such request for parking may be denied or reduced if the planning commission finds that permitting such request would have an adverse impact on the surrounding area or neighborhood.

(Ord. No. 1432, § 2, 9-17-2025)

CHAPTER 6 SIGN CODE

9-6-1: Purpose and Authority:

The purpose of this chapter is to establish standards for the fabrication, erection and use of signs, symbols, markings and advertising devices within the city. These standards are desired to protect and promote the public welfare, health and safety of persons within the community and to aid in the development and promotion of business and industry by providing sign regulations which encourage aesthetic creativity, effectiveness and flexibility in the design and use of such devices without creating detriment to the general public and are adopted in accordance with that authority granted in Idaho Code section 67-6518 (1980) and the general police powers of the city. As used herein, the term "building inspector" shall refer to the city's building official or their designee; the term "planning administrator" shall refer to the city's planning director or their designee.

Notwithstanding anything herein to the contrary, noncommercial copy may be substituted for commercial copy on any lawful sign structure.

(Ord. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

9-6-2: Short Title; Citation:

This chapter shall be known as the SIGN CODE of the city of Sandpoint and may be so cited and shall be referred to herein as the sign code.

(Ord. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

9-6-3: Permit Required:

It is unlawful to erect, construct, reconstruct, or alter, any "sign" as defined in this chapter without first obtaining a sign permit from the building inspector. All applications for sign permits shall be accompanied by plans, designs, specifications or drawings stating specifically all dimensions, animations, if any, lighting, colors and plan of installation stating clearances and setbacks. The city building inspector or planning administrator shall have the authority to refuse a sign permit for any sign which does not comply with the requirements of this chapter.

(Ord. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

9-6-4: Definitions:

ABANDONED SIGN, ON PREMISES: A sign which no longer advertises a bona fide business, lessor, owner, product or activity conducted or product available on the premises where such sign is displayed.

ARCHITECTURAL BLADE: A roof sign or projecting sign with no visible legs or braces designed to look as though it could have been part of the building structure, rather than something suspended from or standing on the building.

ARCHITECTURAL PROJECTION: Any projection not intended for occupancy, which includes signs, canopies, or marquees.

AREA OF SIGN: The area of all faces of the sign within a perimeter which forms the outside shape including any frame, forms an integral part of the display, but excluding the necessary supports or uprights on which the sign may be placed. If the sign consists of more than one section or module, all areas will be totaled. Where poster panels or bulletins are installed back to back, both faces are considered as area.

BACKGROUND AREA: The entire area of a sign on which copy could be placed, as opposed to the copy area, where copy is in fact posted or painted.

BANNER: A long, narrow flag or pennant hung over a street or entrance with no advertising copy.

BANNER SIGN: A sign composed of flexible material and securely attached at all four (4) corners to the primary structure of the business.

BUILDING CODE: The building code in effect for the city of Sandpoint.

BUILDING COMPLEX: A building or group of buildings within a single architectural plan and/or parcel of property housing two (2) or more commercial units of operation and providing common facilities or utilities, such as shopping centers, professional office buildings, etc.

BUILDING FACE OR WALL: All window and wall area of a building in one plane or elevation.

BUILDING FRONTAGE: The linear width of a building facing the right-of-way or the linear length of the right-of-way facing the building, whichever is smaller.

CANOPY, MARQUEE OR AWNING: A permanent rooflike shelter extending from part or all of a building face over a public right-of-way and constructed of any suitable weather resistant material.

CANOPY, MARQUEE OR AWNING SIGN: Any such sign attached to or constructed in or on a canopy, marquee or awning. For the purpose of this sign code, the square footage of a canopy sign shall be determined by the smallest square or rectangle that will enclose the copy area so long as any lighting below the canopy is shielded and down directed so the canopy does not appear illuminated. The amount of signage on an awning shall be limited to the lesser of thirty-five (35) square feet per individual tenant space or twenty-five percent (25%) of the total area of the awning. Awning signs shall not be allowed above the first story of a building.

CHANGEABLE COPY SIGN (Manual): A sign on which copy or sign panels may be changed manually in the field, such as boards with changeable letters or changeable pictorial panels.

CHANGING SIGN (Automatic): An electronically or electrically controlled sign, message center or reader board, where different copy changes are shown on the same location.

COMMERCIAL/INDUSTRIAL PARK: A planned, coordinated development of a tract of land with two (2) or more separate industrial or commercial buildings. Such development is planned, designed, constructed, and managed on an integrated and coordinated basis.

CONSTRUCTION SIGN: A temporary sign identifying a building or construction site and the architects, engineers, financial institutions, contractors and suppliers involved.

COPY: The wording on a sign surface.

ELECTRONIC SIGN: Includes those displaying time and temperature and also refers to digital or video displays or any sign that contains dynamically generated digital content.

FEATHER FLAG: A temporary, freestanding sign attached on one side to a pole or staff driven into the ground for support, or having a crossbar base suitable for standing or weighting the sign securely on a hard surface. The sign face may be vertical or vertically tapered and consist of a loose polyknit or semirigid membrane. This definition includes, but is not limited to, those advertising mechanisms referred to as blade, feather, feather sail, message, sun blade, swooper, teardrop, wind flag, banner, or sign.

FLASHING SIGN: Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source.

FREESTANDING SIGN: A sign erected on a freestanding frame, mast or pole and not attached to any building.

HEIGHT OF SIGN: The vertical distance measured from the adjacent street grade or upper surface of the street curb to the highest point of said sign. Elevated roadways shall not be used to measure height.

INTERNALLY LIGHTED SIGN: A sign which is wholly or partially illuminated by an internal light source from which source light passes through the display surface to the exterior of the sign.

MURAL: A pictorial display without advertising copy on the exterior wall of a building.

MURAL SIGN: A wall painting or design that may include graphics, illustrations or symbols that represent the on site business use or name but shall be limited in its allowed sign area to only such numbers, letters, logos or trademarks that represent or identify the business or use occupying the building on which the mural sign appears.

NEON SIGN: Any sign or portion of a building illuminated or outlined by tubes using electrically stimulated neon or other gas.

NONCONFORMING SIGN: Any advertising structure or sign which was lawfully erected and maintained prior to the effective date hereof, or is located in newly annexed territory, and which does not conform to all applicable provisions of this chapter as it may be amended from time to time.

OFF PREMISES SIGN OR OFF SITE SIGN: Any sign that relates to or advertises products, services or uses at, or directs persons to, a different premises from where the sign is installed.

ON PREMISES SIGN: A sign calling attention to any business, product or activity conducted or produced on the property where such sign is located, or identifying the premises upon which such sign is located.

PERMANENT SIGN: Any sign other than a temporary sign.

PORTABLE SIGN: Any sign not permanently attached to the ground or building, including sandwich type signs, sidewalk or curb signs.

PREMISES: An area of land with its appurtenances and building which, because of its unity of use, is one unit of real estate.

PROJECTING SIGN: A sign, other than a wall sign, which is attached to and projects from a structure or building face.

ROOF SIGN: Any sign erected upon, against or directly above a roof or on top of or above the parapet of a building.

SIGN: Any identification, description, illustration, symbol, statue or device, illuminated or nonilluminated, which is visible from any public place designed to advertise, identify or convey information, including any landscape where letters or numbers are used for the purpose of directing the public's attention to a product or location, with the exception of window displays and flags of any state or nation. For the purpose of removal, sign shall also include all sign structures.

TEMPORARY SIGN: A sign which is not permanently affixed and is in place for thirty (30) days or less.

WALL SIGN: A sign painted on, attached to or erected against a wall of a building with the face parallel to the building wall and extending not more than one foot therefrom.

(Ord. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

9-6-5: Impairment of Traffic and Rights-of-Way:

In addition to other requirements of the zoning code and sign code, all signs, including signs inside windows, shall comply with the following conditions:

A. No sign shall be erected at the intersection of any street(s) in such a manner as to obstruct the free and clear vision of pedestrians and vehicular traffic or at any location where, by reason of the position, shape, color, words, phrases or symbols, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device.

B. No sign shall be erected or maintained which, by use of lights, illumination, or sound, creates an unduly distracting or hazardous condition to a motorist, pedestrian or the general public.

(Ord. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

9-6-6: Sign Districts:

For the purpose of determining allowable sizes, numbers, materials, placement and other requirements for restrictions on signs as set forth in this chapter, the city shall be divided into sign districts as follows:

A. Downtown Overlay District: Businesses included within the downtown overlay district are those which front upon any street that is part of the boundary and all businesses located within the area encompassed by the boundaries, which shall be defined as:

Starting at Superior Street and First Avenue, then west to Third Avenue, north to Lake Street, then west to Boyer Avenue, north to Highway 2, then east to Sixth Avenue, north to Alder Street, east to Short Avenue, north to Larch Street, east to Fifth Avenue, north one thousand four hundred and ten feet (1,410') then east to the city border and returning south along the city border, then east across Sand Creek along the southern border of the water treatment facility, south along Lake Pend Oreille around city beach to Highway 95 as it enters Sandpoint, then west to the point of beginning.

B. Sand Creek Sign Overlay District: Any business within the downtown overlay district set forth above that has frontage on both Sand Creek and one of the following streets: Lake Street, First Avenue, Cedar

Street, Second Avenue, Poplar Street, Third Avenue, Larch Street, and Fifth Avenue, including those parcels south of the trestle bridge that crosses Fifth Avenue.

1. Standards: The downtown overlay district shall apply. In addition, those businesses within the Sand Creek overlay district that have dual building frontage shall be allowed one additional wall sign facing Sand Creek as provided below:

    a. Prohibited Signs: Signs prohibited in this chapter as listed in section 9-6-13 of this chapter retain prohibition.

    b. Sign Size: Buildings utilizing the additional signage allowance are limited to twenty percent (20%) of the building's Sand Creek facing facade or four hundred (400) square feet, whichever is less. In the case of a mural sign, only the letters and numbers making up the business name shall be counted as sign area.

    c. Illumination: Signs may be illuminated through downlit illumination, halo illumination, or may utilize internal illumination when not composed of a single flat panel display.

C. Special Standards For Buildings That Span The Width of Sand Creek: Given the distinct visual prominence of enclosed buildings that span the width of Sand Creek, the following special standards for signage shall apply to ensure that signage is presented in such a way that will limit "visual noise" and will preserve the historical nature of town as stated in the comprehensive plan:

1. Prohibited Signs: Signs prohibited in this chapter as listed in section 9-6-13 of this chapter retain prohibition. A single banner may be allowed west of the thread of Sand Creek and within one hundred feet (100') of the nearest street curb, subject to the provisions set forth in the "portable signs" section. Banners are otherwise prohibited. A-frame signs are allowed subject to section 9-6-12 of this chapter.

2. Sign Sizes: A maximum of two hundred (200) square feet of total sign area is allowed west of the thread of Sand Creek and within one hundred feet (100') of the nearest street curb. Directory signage totaling no more than two hundred (200) square feet, which may be double sided, is allowed within seventy feet (70') of the southbound shoulder lane of Highway 95.

3. Window Signs: Window signs are limited as follows:

    a. Lettering or symbols to be no greater than one-half (½) of window height.

    b. Lettering or symbols to be spaced uniformly and allowed only in ground floor windows.

    c. Lettering or symbols to be of one color.

    d. Lettering to be uniform font size.

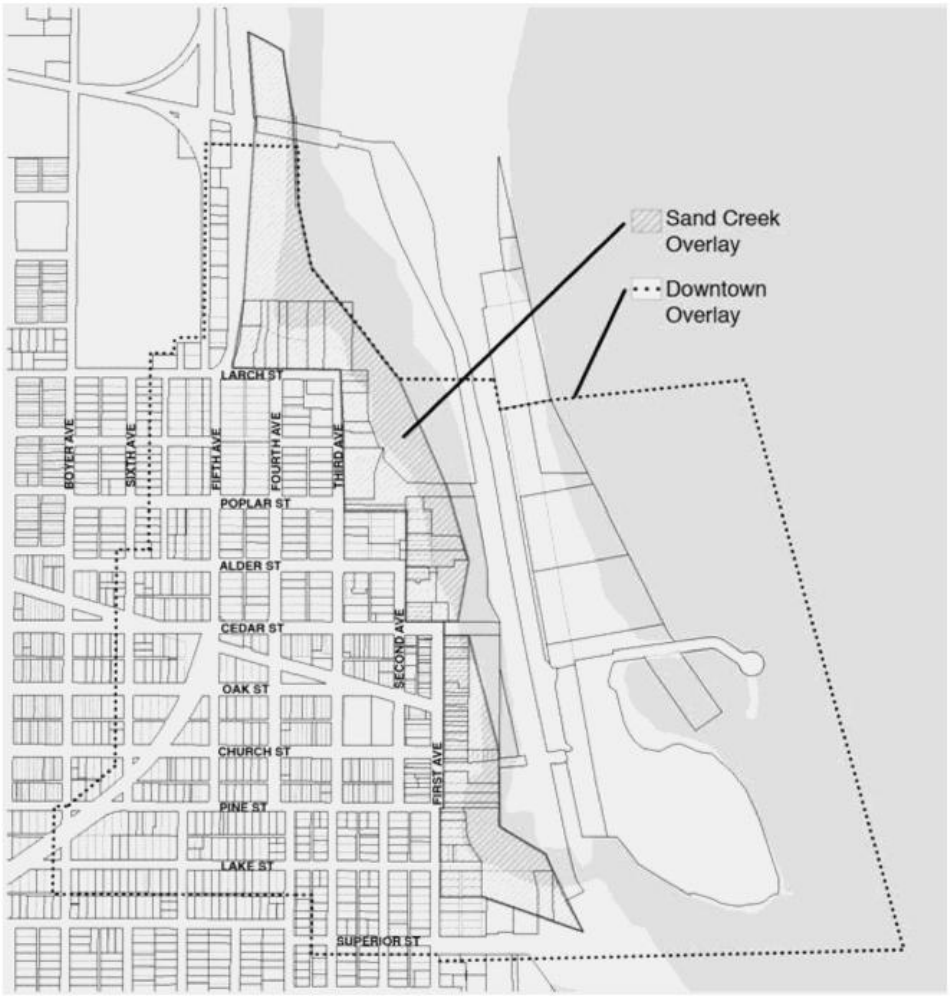
    e. Signage to be categorical in content, as examples: coffee, food, drink, gallery, restaurants, artisans, shopping, dining, gelato, burgers, barbecue, jewelry, furniture, etc.

    f. Lettering or symbols to be made of permanent durable vinyl or other such product that will withstand UV rays, and to be removed when faded and not legible.

4. Signage Representing Use of Building: Signage representing the use of the building is allowed, subject to other provisions in this chapter, sign size notwithstanding.

D. General Sign District: All the area within the corporate limits of the city where signs are a permitted use pursuant to the zoning ordinances of the city, excepting the downtown and Sand Creek overlay districts.

E. Sign District Map:



(Ord. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

9-6-7: Materials and Construction:

A. Materials: Signs may be constructed of durable materials such as painted, stained or carved wood, brick or stone, plastics or polymers, glass or metal, provided metal signs shall not be pointed on their edges creating a safety hazard and shall be treated to prevent reflective glare.

B. Support Structures: Exposed metal support structures for signs, including, but not limited to, posts, poles and sign sides or edges, must be faced or covered with wood, brick or stone, or painted. The planning administrator must approve the color and material.

C. Exposed Neon: Exposed neon may be used only in one of the following ways: inside a building window, provided the total area of all signs does not exceed ten (10) square feet and which shall be included in the total sign area; as an accent on exterior wall signs, provided the total square footage of the neon may not exceed ten percent (10%) of the total area of the sign (neon square footage shall be determined by the smallest square or rectangle that will enclose the area of the neon); or not more than two (2) vacancy/no vacancy signs for each motel or hotel, not to exceed ten (10) square feet and which shall be included in the total sign area.

D. Banner Frame: Businesses wishing to utilize banner material for permanent signage will be required to install a frame around the outside edge of the banner. The frame may be of metal, wood, or other material in order to provide an attractive and durable border to such sign. Any existing permanent signs using banner material shall be required to install such frame within one year of the adoption of this section. If not used for permanent signage, the provisions of section 9-6-12 of this chapter shall apply to number, size, and location of any banner sign.

E. Compliance With Certain Regulations Required: All signs shall be Underwriters Laboratory (UL) approved, except for signs typically not requiring UL approval, such as wood signs that are indirectly lighted. All other signs shall comply with the most current printing of the national electrical code/international building code. Drawings of all signs showing size, location, color and other information as deemed necessary by the city building inspector or planning administrator must be submitted prior to receiving a sign permit. All plans for freestanding or roof signs as allowed by this chapter shall be submitted with the signature and stamp of a licensed engineer unless otherwise waived by the city building inspector. The engineer's review of a sign structure, if required, shall include, but not be limited to, the effects of wind, seismic forces, allowable stresses, combined loads, overturning movement from lateral forces, and the stresses of wire or rope and their fastenings.

F. Bracing Systems: Signs and sign structures shall be designed and constructed to resist wind and seismic forces as specified in this section. All bracing systems shall be designed and constructed to transfer lateral forces to the foundations. For signs on buildings, the dead and lateral loads shall be transmitted through the structural frame of the building to the ground in such a manner as not to overstress any of the elements thereof.

G. Supports: The supports for all signs or sign structures shall be placed in and upon private property and shall be securely built, constructed and erected in conformance with the requirements of this chapter.

H. Setbacks: No projecting sign, canopy, or marquee shall extend from a building to a point beyond eighteen inches (18") from the back of the adjacent street curb, nor shall it be lower than eight feet (8') above the sidewalk from which they overhang. For freestanding sign standards, see section 9-6-11 of this chapter.

(Ord. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

9-6-8: Sign Sizes:

All signs shall be proportioned in size to the building on which they are to be mounted or which contains the business they are advertising, and the total square footage for all signs shall be limited based on primary entrance frontage as follows:

A. General Sign District: Two and one-half (2½) square feet of sign area for each linear foot of building frontage up to a maximum of one hundred fifty (150) square feet of total sign area, unless adjusted as hereinafter provided.

B. Downtown Overlay District: Two (2) square feet of sign area for each linear foot of building frontage up to a maximum of one hundred twenty-five (125) square feet of total sign area, unless adjusted as hereinafter provided.

C. Sand Creek Overlay District: See subsection 9-6-6B of this chapter.

D. Square Footage Penalty: A square footage penalty equal to fifty percent (50%) shall be imposed and deducted from the total square footage allowable for each internally lighted wall, projecting or freestanding sign, that utilizes white, off white, light gray, yellow, or cream for the background or noncopy portions of a sign, except when used as the background for reader board or changeable copy

signs as permitted by subsection 9-6-13I and where the area utilized for internally lit changeable copy cannot exceed fifty percent (50%) of the business's allowed sign area.

E. Nonconforming Business Use: Any business use located within a residential zone of the city that is considered legally nonconforming or is approved through a conditional use permit process shall be subject to the sign areas as set forth in subsection B of this section for the downtown overlay district.

(Ord. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

9-6-9: Master Sign Program:

A. Approval of a master sign program will allow flexibility with regard to sign area, number, location, or height of permitted signage to the extent that the master sign program will enhance the overall development. Approval of a master sign program will allow for an increase of up to twenty-five percent (25%) in overall sign area.

1. Applicability: The approval of a master sign program shall be required whenever any of the following circumstances exist or whenever an applicant requests the approval of a master sign program:

    a. Three (3) or more separate tenant spaces are to be created on the same parcel; or

    b. A single building has multiple tenant spaces where each tenant space does not have a clearly defined street facing business presence (tenant spaces may be located behind or above other businesses); and

    c. The planning administrator determines that a master sign program is needed because of special project characteristics (e.g., the size of proposed signs, limited site visibility, a business within a business, the location of the site relative to major transportation routes).

2. Approval Authority: The planning administrator may approve a master sign program through the granting of a sign permit for a master sign program.

3. Application Requirements: A sign permit application for a master sign program shall include all information and materials required by the department. Information to be submitted should include:

    a. Proposed signage types.

    b. Proposed signage locations.

    c. Breakdown of sign area allowed each tenant.

4. Standards: A master sign program shall comply with the following standards:

    a. The program shall comply with the purpose of this chapter and underlying standards for the sign district.

    b. The program shall accommodate future revisions that may be required because of changes in use or tenants.

5. Revisions To Master Sign Programs: Revisions to a master sign program may be approved by the planning administrator with a standard sign permit if the intent of the original approval is not affected. Revisions that would substantially deviate from the original approval shall require the approval of a new master sign program.

(Ord. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

9-6-10: Number of Signs:

A. The maximum number of signs for each business shall be two (2) for each street frontage. In no case shall a business be allowed more than two (2) permanent signs on one side of a building. Those businesses that fall within the Sand Creek overlay district may also be allowed one additional wall sign facing Sand Creek, subject to the standards set forth in subsection 9-6-6B of this chapter.

(Ord. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

9-6-11: Freestanding Signs:

A. Number Allowed; General Regulations: Only one freestanding sign may be allowed for each single- or multi-tenant building, which shall be constructed of durable materials, shall not exceed ten feet (10') in height from grade to the top of the sign or supporting structure, whichever is higher, shall not encroach on any public right-of-way, and shall comply with all other applicable design and construction standards as set forth in this chapter; and further provided that single or double tenant signs shall not exceed twenty-five (25) square feet.

B. Setback: All freestanding signs located within the city limits shall be set back in accordance with the proposed height of the sign (e.g., a 6 foot tall sign requires a 6 foot setback) provided that signs which are less than five feet (5') in height shall observe a setback of no less than five feet (5'), measured from the property line to the nearest point of the support structure or sign face. Freestanding signs may encroach within the setback up to eighteen inches (18") from the property line when:

   1. Not illuminated with the exception of downlighting;

   2. No more than five feet (5') in height; and

   3. Plans are submitted with the signature and stamp of a licensed engineer. The engineer's review shall include, but not be limited to, the effects of wind, seismic forces, allowable stresses, combined loads, overturning movement from lateral forces, and the stresses of wire or rope and their fastenings.

C. Height: Freestanding signs may extend to a height of no more than ten feet (10') from grade to the top of the sign or supporting structure, whichever is higher. Other signs, including wall signs, shall not extend above the roofline of the building containing the business it advertises, exclusive of false fronts.

D. Landscaping: The ground area around the base of all freestanding signs shall be landscaped, providing that the building inspector and planning administrator may exempt freestanding signs from this requirement where it is demonstrated by the applicant that the landscaping would unduly interfere with pedestrian or vehicle traffic.

E. Commercial/Industrial Park Entrance Signs: For separate buildings in close proximity or on individual lots within a commercial/industrial park, this provision allows one freestanding entrance sign, not to exceed fifty (50) square feet for the complex or park. Signs must be located at the entry of the commercial/industrial park or primary access and shall abide by clear vision triangle specifications set by state law. One double sided sign per street abutting the perimeter of the park is allowed. Signs may not exceed the maximum height established for freestanding signs within the same zoning district and may not be internally lighted. External lighting that is concealed and focused downward onto the sign is permitted. Space may be made available on the entry sign for each tenant and/or lot in the park. Applications for entrance signs shall stipulate who will be responsible for installation and maintenance.

(Ord. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

9-6-12: Portable Signs (A-Frames and Banners):

In addition to the number of signs allowed according to street frontage, all businesses shall be allowed one A-frame or banner, subject to the following requirements:

A. General Requirements:

1. Placement of portable signs shall only be allowed following issuance of a portable sign permit. Such permits will be exclusive to the permittee's location and business name. Transfer of the portable sign to another location or change in the business name will require amendment of the sign permit.

2. All portable signs shall be constructed of solid and durable materials, and no lighting or reflective materials shall be used.

3. All signs permitted herein are subject to the maintenance, repair, and removal provisions set forth in sections 9-6-17 and 9-6-18 of this chapter.

4. The planning administrator, building inspector, fire chief, police chief and/or public safety officer of the city of Sandpoint may cause the immediate and permanent removal, without notice, of any portable sign found to be in violation of any provision of this code, including, but not limited to, permitting requirements or placement in the public right-of-way in a manner that encroaches into the pedestrian travel zone, is unsafe, or blocks or impedes access.

B. A-Frame Signs:

1. Businesses within the same building may share the use of a single A-frame, but in no case shall a single business be allowed to advertise on more than one A-frame sign. Minimum spacing between A-frame signs for multi-tenant buildings shall be one hundred feet (100'); this spacing may be reduced to fifty feet (50') upon approval by the planning administrator.

2. For those A-frame signs placed in the right-of-way, each face of the A-frame shall be no wider than two feet (2'), and no taller than three feet (3'), including any sign frame. An A-frame placed on private property may differ in dimensions, but in no case shall each face be greater than six (6) square feet.

3. Any person or business placing an A-frame upon the public right-of-way in conformance with this section shall execute a hold harmless agreement by which the person or business placing such A-frame sign accepts any and all liability for damages of any nature suffered by anyone as a result of the placement or maintaining of such sign and further shall agree to hold the city harmless from and indemnify the city for any such claims for damages.

4. All A-frame signs shall be suitably anchored, weighted or designed to be resistant to the weather conditions; shall not begin more than four inches (4") above the sidewalk; shall be required to be removed at the end of each business day; and shall not be displayed during the nonbusiness hours of the commercial use such signs advertise. Signs with wheels which can be rolled into place are prohibited.

5. All A-frame signs placed within the right-of-way shall be located immediately abutting the building containing the business advertised thereon, and may not encroach into the pedestrian travel zone as defined in subsection 7-2-2C of this code. Should the width of the existing sidewalk not allow for the placement of a sign that would not encroach into this zone, the business owner may request an exception from the planning administrator and building inspector to allow a single face A-frame sign, not to exceed six (6) square feet in size, to be placed so as to securely lean against the building.

If not located within the right-of-way, the A-frame sign shall be located so as to not interfere with pedestrian movement on any private pedestrian path or sidewalk and shall not be placed so as to prevent the use of any required parking spaces, interfere with persons exiting their vehicles, or restrict the turning movements of vehicles within a parking area.

C. Banners:

1. Standards: All businesses will be allowed the option of utilizing a twelve (12) square foot banner as a portable sign set forth above. Such banner must be securely attached at all four (4) corners to the primary structure of the business and maintained in good repair in accordance with the provisions set forth in section 9-6-17 of this chapter.

2. Special Event Banners: A special event banner permit may be obtained for a single event for businesses that are set back from a street fifty feet (50) or more and subject to the size restrictions set forth below. Special event banners may not be used concurrently with another banner and are only allowed for a seventy-two (72) hour period. Additionally, special event banner permits shall not be issued to a business more than once per month. The size of banners shall be restricted by linear business frontage as follows:

Building Frontage(Linear Feet)	Banner Size(Square Feet)
100—150	50
150—200	100
Over 200	300

(Ord. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

9-6-13: Permitted and Prohibited Signs:

A. Permitted Signs:

1. House Numbers: Signs not exceeding one square foot in area illuminated only by the reflector method and bearing only the house number and the name of the occupant shall be allowed within any residential zone.

2. Advertising Signs: Such signs shall be a permitted use only in the commercial or industrial zones or for any business use located within a residential zone that is considered legally nonconforming or is approved through the conditional use permit process.

B. The following shall be prohibited in all districts:

1. Moving Appurtenances: Moving mechanical or electrical appurtenances attached to a sign or otherwise intended to attract attention to a sign.

2. Interference With Visibility of Traffic Device: Any sign located so as to conflict with the clear and obvious appearance of public devices controlling public traffic.

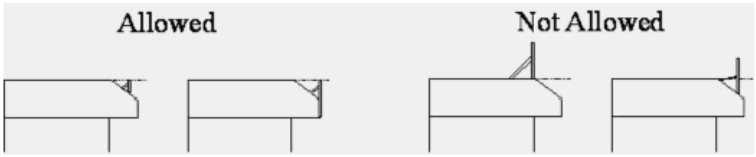
3. Rotating Beacon Lights: Rotating beacon lights used above or attached to any sign structure, sign or building.

4. Flashing, Moving Signs: Animated, rotating, flashing signs or signs which have moving parts.

5. Portable Signs With Wheels: Portable signs with wheels which can be rolled onto the sidewalk or street right-of-way and signs which are supported by a heavy weight at the base which can be rolled into place. Design standards for allowed portable signs are set forth in section 9-6-12 of this chapter.

6. Off Premises Signs: "Off premises signs", defined as signs for advertising or identification of a business which is not located on the same premises as the business, excepting directional and informational signs placed by governmental agencies.
7. Neon Signs: Neon signs or valances, unless otherwise allowed in this chapter.
8. Feather Flags: Feather flags.
9. Reader Board; Changeable Copy Signs: Reader board or changeable copy signs, provided that one such nonelectronic sign shall be allowed for:
    a. Businesses where the primary business function is as a venue for changing entertainment or events.
    b. Movie theaters.
    c. Businesses with convention facilities that qualify for liquor licenses under the statutes of the state.
    d. Schools or churches, provided that those located within or abutting a residential district may not be internally lit.

    Not more than two (2) such nonelectronic signs shall be allowed for gasoline service stations, provided that the only changeable copy shall be fuel prices.
10. Electronic Signs: Any existing electronic signs that are legally nonconforming at the time of passage hereof, except those signs that have been granted historic status as set forth herein, shall have until March 31, 2022, to come into compliance with the provisions of this sign code.
11. Roof Signs: Roof signs erected at the peak or that extend above the highest point of a building.



(Ord. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

9-6-14: Vehicle Mounted Commercial Signs:

A. All vehicle mounted commercial signs shall be permanently affixed, painted, magnetically applied or otherwise mounted upon a vehicle and shall not project more than eighteen inches (18") above the surface to which they are attached; and any sign which is mounted upon the roof, hood or trunk of a vehicle and which projects above such surface upon which it is mounted shall not exceed two (2) square feet in area per face.

B. The primary purpose of any vehicle upon which a vehicle mounted commercial sign is affixed must be to serve a useful function in the transportation or conveyance of persons or commodities from one place to another, including transportation to and from work, and such intermittent delays and stops as are customary in the routine conduct of the business or activity for which the transportation or conveyance occurs.

C. No vehicle upon which a vehicle mounted commercial sign is affixed may be parked on any lot or public right-of-way for the primary purpose of directing or attracting the attention of the public to a building, institution, product, organization, event or location offered or existing elsewhere except as provided for below.

D. Banner signs displayed on vehicles shall be subject to the regulations contained in subsection 9-6-7D of this chapter.

E. Vehicle mounted signs used in connection with a special event are exempted from the requirements of this section for only the twenty-four (24) hour period just preceding and during the term of the special event. Upon the conclusion of the special event, such signs must either be dismantled, moved to a location where the sign is not visible from public rights of way or made to comply with the provisions of this section. For the purposes of this subsection, the term "special event" shall mean a parade, circus, fair, carnival, festival or other similar event that is intended to or likely to attract substantial numbers of persons and is different in character from the customary or usual activities generally associated with the property upon which the special event is to occur.

F. Vehicle mounted political signs pertaining to a specific election are exempted from the requirements of this section.

G. This section shall not apply to signs that are being transported for installation.

(Ord. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

9-6-15: Exempted Signs:

The following signs shall be exempted from the provisions of this sign code, providing that they meet the requirements set forth in this section. Signs that exceed the stated area allowances shall be subject to the same permit requirements as otherwise set forth in this title.

A. All signs erected in a public right-of-way by a public agency controlling or directing traffic shall be exempt from the provisions of this chapter.

B. Political signs pertaining to a specific election which must be removed within five (5) days after the election by the candidate or property owner who placed the sign.

C. Real estate signs of less than four (4) square feet of sign area located within the building setback areas not occupying any portion of the public right-of-way.

D. Construction signs announcing the construction of a building or project naming owners, contractors, subcontractors, lending institutions, and architects, not to exceed one sign of thirty-five (35) square feet for each street frontage of the building frontage. Said sign shall be removed upon occupancy of the building for which the sign was intended.

E. Flags, either official or historical, of any state or nation.

F. Any sign inside a building, window, or on a door, except flashing, animated or rotating signs visible from outside the building. The total percentage of coverage for signs on or within windows and doors shall not exceed thirty-five percent (35%).

G. Owner identification or occupant identification signs for residential structures, private warning signs and "For Sale" or "For Rent" signs, none of which may exceed two (2) square feet.

H. Murals, as defined in this chapter. All requests for murals shall be reviewed by the arts commission and the planning administrator, with their recommendation forwarded to city council for approval on consent calendar. The responsibility for review shall fall to the planning and zoning commission in the event there is no active arts commission appointed.

I. Kiosks provided by the chamber of commerce, downtown business association and other nonprofit organizations that typically list local community events. A kiosk with space to list community events, locations of community buildings and a list of local businesses keyed to a location map may be permitted at the discretion of the planning commission. Business and property owners adjoining the

parcel under consideration shall be notified of such request. Said notice shall inform such owners that 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. Said permit approval shall be based on compliance with the following:

1. Safe and adequate vehicular and nonvehicular access to the kiosk;
2. Kiosk layout and design which reflects an intent to notify visitors and residents of community events; and
3. Use of durable materials on the kiosk.

The combined total for all signs within any one kiosk shall not be more than one hundred (100) square feet. Kiosks shall be placed within a landscaped area. Each entrance to the city shall have a designated area for these signs. Locations throughout the downtown core may also be selected for smaller kiosks (up to fifty (50) square feet each) serving the same purposes as above. All signs advertising a specific event shall be immediately removed at the conclusion of the event unless extended in writing by the planning administrator.

J. Signs stating the name of a housing complex of ten or more dwelling units, provided that the sign does not exceed twenty-five (25) square feet. Freestanding signs shall be placed within a landscaped area and shall be approved by the planning administrator.

K. Signs which are exclusively intended to direct pedestrian and vehicular traffic to entrances, exits, drive-up lanes, etc., smaller than three (3) square feet, with no advertising.

L. One directory sign per entrance for multi-tenant buildings that does not exceed three (3) square feet. A larger directory sign size, with a maximum area of six (6) square feet may be allowed upon approval by the city planning and zoning commission.

M. Portable signs or banners, when used by churches, charities, and other similar nonprofit institutions or governmental entities for the purpose of announcing benefit or emergency programs occurring within the church or institution, such as weekly free meals or cold weather shelters. Such signs must adhere to the standards set forth in section 9-6-12 of this chapter and may only be in place on the same premises and on the days such programs are taking place.

N. Integral decorative or architectural features of buildings, including building names and dedication dates, or works of art, so long as such features or works do not contain letters or numbers (except in case of building names and dedication dates). Signs for building names shall be in harmony with the architecture of the building and are not to exceed twelve feet (12') in letter height.

O. Public works of art that contain letters/numbers if approved by the Sandpoint arts commission.

(Ord. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

9-6-16: Nonconforming Signs:

A. A "nonconforming sign" is any advertising structure or sign which was lawfully erected and maintained prior to the effective date hereof, or is located in newly annexed territory, and which does not conform to all applicable provisions of this chapter as it may be amended from time to time.

B. All nonconforming signs which are nonconforming due to exposed metal support poles, structures or edges, background color, or material, or because of design or construction standards, are allowed to remain as long as they advertise a bona fide business. However, in the event there is a change in the type of business, a request is made for a land use permit to change the use of the property, or a building permit is obtained for work involving any exterior building changes or building replacement or modifications to a site(s) upon which

nonconforming signs exist, then all nonconforming signs on the subject site shall be removed or modified to comply with all the provisions of this chapter. A sign which does not conform to the provisions of this chapter shall not be structurally altered, relocated, or replaced unless it is immediately brought into compliance. In addition, all temporary and/or A-frame signs not meeting the provisions of this chapter shall be removed within thirty (30) days of the passage of this chapter. Flashing or rotating signs shall comply with the provisions of this chapter within sixty (60) days of its passage. In cases where removal of a nonconforming sign is required and would create an extreme hardship or substantial loss to the owner, as demonstrated by the owner, the owner then agrees to a reasonable time frame for the eventual removal of the nonconforming sign. This provision shall not apply to nonconforming signs illegally erected, those which pose a public safety hazard, or temporary, portable or off premises sign.

C. In certain cases nonconforming signs may be given a historic status. All requests for historic sign status shall be reviewed by the historic commission and the planning administrator, with their recommendation forwarded to city council for approval on consent calendar. The responsibility for review shall fall to the planning and zoning commission in the event there is no active historic commission appointed. Independent consideration of each request will be given, and the applicant shall address each of the criteria below:

1. At least fifty (50) years old or attached to a building which is on the national register of historic places.
2. On premises sign.
3. Unique in design and enhances the cultural, historical, nostalgic, or aesthetic quality of the city.
4. Structurally safe.

Once designated, historic signs are deemed in compliance with this chapter regardless of their size, material, colors or location. Decisions to grant historic status to a sign shall be made on a case by case basis, according to the criteria above. The granting of historic status for a sign shall not be considered as establishing a binding precedent to grant other historic status designations.

D. Notwithstanding the provisions of subsection B of this section, all signs that are nonconforming only because of the setback requirements set forth in subsection 9-6-11B of this chapter are hereby not required to move, provided they are not located on public right-of-way, in which case they are required to move in compliance with subsection 9-6-11B of this chapter.

(Ord. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

9-6-17: Maintenance and Repair:

Every sign, including, but not limited to, those signs for which permits are required or for which no permits or permit fees are required, shall be maintained in a safe, presentable and good structural material condition at all times, including the repair or replacement of defective parts, painting, repairing, cleaning and other acts required for the maintenance of said sign. The building inspector shall require compliance with all standards of this provision. If the sign is not made to comply with adequate safety and maintenance standards, the planning administrator shall require its removal in accordance with this provision.

(Ord. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

9-6-18: Removal and Disposition of Signs:

A. Abandoned Signs: Except as otherwise provided in this chapter, any sign which is located on property which becomes vacant and unoccupied for a period of two (2) months or more, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such

business, shall not be deemed abandoned unless the property remains vacant for a period of six (6) months or more. Any sign which no longer, for a period of three (3) consecutive months, advertises goods, products, services or facilities available to the public, shall be deemed to have been abandoned. Abandoned signs shall be removed by the owner of the premises on which the sign is located. Signs that are conforming under the provisions of this chapter as to location, size, etc., but no longer advertise a bona fide business may, with the approval of the property owner/tenant and the planning administrator of the city, have the message or sign copy covered with paint or other material as approved by the planning administrator. In the event the property owner refuses to cover a conforming sign that no longer advertises a bona fide business and is deemed to be abandoned, the remaining provisions of this section shall be enforced.

B. Dangerous or Defective Signs: No persons shall maintain or permit to be maintained on any premises owned or controlled by him, any sign which is in a dangerous or defective condition. Any such sign shall be removed or repaired by the owner of the premises or the owner of the sign. Upon failure of the owners to remove or repair a dangerous or defective sign, the building inspector shall proceed as described in subsection C of this section.

C. Removal of Signs: The building inspector shall cause to be removed any sign that endangers the public safety such as an abandoned, dangerous or materially, electrically or structurally defective sign. The building inspector shall prepare a notice which shall describe the sign and specify the violation involved and which shall state if the sign is not removed or the violation is not corrected within twenty (20) days, the sign shall be removed in accordance with the provisions of this section.

All notices mailed by the building inspector shall be sent by certified mail. Any time periods provided in this section shall be deemed to commence on the date of the mailing of the certified mail. The notice shall be mailed to the owner of the property on which the sign is located, the owner of the sign and the occupant of the property. If any such person is unknown or cannot be found, notice shall be mailed to such person's last known address, if any, and posted on the sign or on the premises.

Any person having an interest in the sign or the property may appeal the determination of the building inspector ordering removal or compliance by filing a written notice of appeal with the city planning and zoning commission within ten (10) days after receipt of the notice. Notwithstanding the above, in cases of emergency, the planning administrator and/or building inspector may cause the immediate removal of a dangerous or defective sign without notice.

D. Disposal of Signs; Costs: Any sign removed by the building inspector pursuant to the provisions of this section, shall become the property of the city and may be disposed of in any manner deemed appropriate. The cost of removal of the sign by the city shall be considered a debt owed to the city by the owner of the sign and the owner of the property, and may be recovered in an appropriate court action by the city. The costs of removal shall include any and all incidental expenses incurred by the city in connection with the sign's removal.

When it is determined by the building inspector that said sign would cause an imminent danger to the public safety, and contact cannot be made with a sign owner or building owner, no written notice shall have to be served. In this emergency situation, the building inspector may correct the danger, all costs being charged to the sign owner and property owner.

If it shall be necessary for the building inspector to remove a sign pursuant to the provisions hereof, and it should be practicable to sell or salvage any material derived in the aforesaid removal, he may sell the same at private or public sale at the best price obtainable and shall keep an account of the proceeds thereof. Such proceeds, if any, shall be used to offset the costs of removal to be charged to the sign owner or property owner. Any excess cost over and above such costs and the cost of the removal shall be levied as an assessment against the property on which the sign is located, by the city council, certified to the auditor and collected as any other assessment by the city. Should the proceeds exceed the costs, the excess shall be paid to the owner of the premises from which said sign was removed or to the owner of said sign, whenever claim thereof is established.

(Ord. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

9-6-19: Appeals:

Appeals from decisions made by the planning administrator shall be made to the city planning and zoning commission. Appeals from the provisions or enforcement of this chapter shall be made as provided in title 9, chapter 9 of this code.

(Ord. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

9-6-20: Penalty:

Any person violating any provision of this chapter shall be guilty of an infraction and shall be punished in accordance with the provisions of section 1-4-1 of this code, and a separate offense shall be deemed to be committed for each day during or which a violation occurs or continues.

(Ord. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

CHAPTER 7 NONCONFORMING BUILDINGS AND USES

9-7-1: Intent:

It is the intent of this chapter and of the city council to permit and allow nonconforming uses to continue until they are removed or terminated.

(Ord. 1229, 4-21-2010)

9-7-2: Avoidance of Undue Hardship:

To avoid undue hardship, nothing in this title shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment hereof and upon which a valid building permit exists.

(Ord. 716, 7-21-1980)

9-7-3: Nonconforming Uses of Structures, Land:

If a lawful use involving individual structures, or of a structure and land in combination, exists at the effective date of adoption or amendment hereof that would not be allowed in the district under the terms of this title, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. Nonconforming Use Change: Any nonconforming use of a structure or structure and land may, upon the issuance of a nonconforming use permit by the city, be changed to another nonconforming use; provided, that the city shall find that all of the following conditions are met:

   1. That the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use.

   2. That there is no increase in noise, odor, glare, outside storage, vibration or other nuisance causing disturbance.

3. In permitting such changes, the city may require appropriate conditions or safeguards in accordance with other provisions of this title and the conditional use permit provisions including, but not limited to, placement of signs and lighting, landscaping and screening, dedication and/or improvement of public rights of way, and hours of operation.

B. Conformance To Regulations of Zone: Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations for the zone, and the nonconforming use may not thereafter be resumed.

C. Use Discontinued or Abandoned: When a nonconforming use of a structure, or structure and land in combination, is discontinued or abandoned for more than two (2) years (except when government action impedes access to the premises), the structure, or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the zone in which it is located.

D. Voluntary Removal of Structure: Where nonconforming use status applies to a structure and land in combination, voluntary removal of the structure shall eliminate the nonconforming status of the land.

E. Expansion Allowance for Nonconforming Structures: Structures that become nonconforming due to the adoption or amendment of this code shall be entitled to a onetime expansion allowance so long as the cubic expansion conforms to all other provisions of this code.

(Ord. 1232, 5-19-2010)

9-7-4: Repairs, Maintenance and Restoration:

A. On any nonconforming structure, or portion of a structure containing a nonconforming use, work may be done on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing; provided, that the cubic content existing when it became nonconforming shall not be increased. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety upon order of such official.

B. The restoration of a building destroyed by no fault of the owner shall be permitted, and such building may be reconstructed upon the issuance of a nonconforming use permit, as stated in subsection 9-7-3A of this chapter.

(Ord. 716, 7-21-1980)

9-7-5: Uses Under Conditional Use Provisions:

Any use which is permitted as a conditional use in a zone under the terms of this title shall not be deemed a nonconforming use in such zone during compliance with the terms of the conditional use permit.

(Ord. 716, 7-21-1980; amd. 1983 Code)

9-7-6: Issuance of Nonconforming Use Permit:

A nonconforming use permit will be issued by the city to all nonconforming uses which were in existence on the effective date of the zoning ordinance or any subsequent rezoning or other amendment thereto which makes such use nonconforming. This permit will include, but not be limited to, the following information:

A. Name and address of owner.

B. Legal description.

C. Type of use.

D. Square feet of building space.

E. Square feet of land area.

F. Number of employees.

G. Hours of operation.

H. Number of deliveries.

I. Location of all loading areas.

J. Sign area and location.

K. Number of parking spaces.

Any change in a nonconforming use shall require the issuance of a new nonconforming use permit. In any residential zone, or property adjacent to a residential zone, nonconforming use permits shall be processed under the rules and regulations as a conditional use permit.

(Ord. 1229, 4-21-2010)

CHAPTER 9 ZONING ADMINISTRATION

9-9-1: Purpose:

The following procedures have been adopted pursuant to and consistent with Idaho Code title 50, and title 67, chapter 65. These provisions are intended to provide procedures that assure due process of law when applying for, but not limited to, the following:

A. Annexation;

B. Comprehensive plan change;

C. Conditional use permit;

D. Rezone;

E. Subdivision;

F. Variance.

All applications concerning annexations, comprehensive plan changes, rezones, or subdivisions shall first be considered by the planning commission and then by the city council. Conditional use permits and variances shall be considered by the planning commission only, except as provided for elsewhere in this chapter.

(Ord. 1061, 10-17-2001)

9-9-2: Applications Required:

All matters concerning annexations, comprehensive plan changes, conditional use permits, rezones, subdivisions, or variances within the city limits or the area of city impact shall be presented to the planning commission, or the planning commission and city council, as required in this chapter, for consideration and approval or denial. Applications shall be made upon an application form furnished by the planning department.

(Ord. 1061, 10-17-2001)

9-9-3: Application and Deposit Fees:

Applicable fees shall be paid at time of filing a completed application. Application and deposit fees shall be set from time to time by resolution duly passed and adopted by the city council. Said fees shall be in addition to any other costs incurred in the processing of said application and subsequent actions complying with the statutes of the state or the Sandpoint code. Said costs shall include, but not be limited to, costs of mailing, postage, certifications and other costs, which shall be itemized by the city and paid by the applicant upon receipt of a statement for the same.

(Ord. 842, 6-15-1987)

9-9-4: Application Procedures:

A. All applications for planning and zoning matters must be completed in full and presented to the planning department in the city hall five (5) weeks prior to the next regular meeting date of the planning commission.

B. An application review meeting with the planning director is required prior to the consideration of a proposal by the planning commission.

C. Once a completed application has been submitted to the planning department, the following procedures shall take place:

    1. The application will be placed on the agenda for the next regular planning commission meeting; or

    2. A forty (40) day period may be required by the planning department to assess the application and, if necessary, request additional information from the applicant. Any additional information requested shall be provided by the applicant within one hundred twenty (120) days of the request, and before the application is placed on the agenda for the regular planning commission meeting.

(Ord. 842, 6-15-1987)

9-9-5: Public Hearing Procedures:

A. The planning commission shall hold at least one public hearing in which interested persons shall have an opportunity to be heard. At least fifteen (15) days prior to the hearing, notice of the time and place and a summary of the proposal shall be published in the official newspaper or paper of general circulation within the jurisdiction.

In the case of annexations, comprehensive plan changes, conditional use permits, rezones, subdivisions, and variances, notice shall also be provided to property owners within the land being considered; within three hundred feet (300') of the external boundaries of the land being considered; and within any additional areas that may be substantially impacted by the proposal as determined by the planning commission.

When notices are required to be sent to two hundred (200) or more property owners, the notice of public hearing published in the paper shall be considered adequate in lieu of mailed notices.

B. Conduct of public hearing before the planning commission or city council as a hearing agency, and maintenance of records.

    1. Order of Public Hearing: Public hearings shall follow the order of events set forth below:

        a. Explanation of subject of the hearing by city staff.

        b. Presentation by applicant.

c. Testimony from audience in favor and/or against proposal.

d. Questioning of involved parties by the hearing agency.

e. Closure of oral testimony from applicant.

f. Discussion of hearing subject among hearing agency members. Questions may also be directed to city staff during this period.

g. Conclusion of hearing process.

2. Rules of Procedures:

a. No person shall be permitted to testify or speak before the hearing agency at a public hearing unless such person has signed his name and written his residential address on sign up sheets to be provided by the city. This rule shall not apply to staff or technical witnesses directed by the chairperson to give evidence or information to the hearing agency.

b. No person shall be permitted to speak before the hearing agency at a public hearing until such person is recognized by the chairperson.

c. All public hearing proceedings shall be recorded electronically or stenographically and all persons speaking at such public hearings shall speak before a microphone in such a manner as will assure that the recorded testimony or remarks will be accurate and complete.

d. At the commencement of the public hearing, the hearing agency shall establish a time limit to be observed by all speakers. The time limit shall be established depending on the number of speakers who sign up for each public hearing and shall apply only to the speaker's comments.

e. The hearing agency may suspend or amend any one or more of these rules by vote of one-half (½) plus one of the number of members of the hearing agency then in attendance.

3. Standards for Oral Testimony: Oral testimony made at a public hearing shall comply with the following standards:

a. Testimony shall directly address the subject at hand.

b. Testimony shall not be repetitious with other entries into the record.

c. Testimony shall not be personally derogatory.

d. Testimony shall comply with time restrictions established by the hearing agency.

If oral testimony fails to comply with the aforementioned standards, the chairperson may declare such testimony out of order and require it to cease.

4. Standards for Written Testimony: Written testimony to be admitted at a public hearing shall comply with the following standards:

a. Written testimony containing more than two (2) standard, single-spaced typewritten pages must be submitted at least five (5) days prior to the date of the pertinent public hearing.

b. Written testimony shall include the signature and address of the submitter.

c. Written testimony shall address the issue at hand.

d. Written testimony shall not be personally derogatory.

e. Written testimony of less than two (2) standard, single-spaced pages may be submitted at the public hearing. The chairperson may require an oral reading of such written testimony if the chairperson deems it beneficial.

If written testimony fails to comply with the aforementioned standards, the chairperson may declare such testimony inadmissible.

5. Records Maintained: The city clerk shall maintain records of all public meetings in the following manner:

    a. Transcribable verbatim recordings of the proceedings shall be maintained in conformance with Idaho Code 50-907.

    b. Originals of written submittals to the hearing record and copies of applications shall be maintained in conformance with Idaho Code 50-907.

    c. Minutes which catalog the occurrences at the public hearing shall be maintained as required by applicable sections of the Idaho Code.

6. Copies of Official Records; Availability: Copies of material submitted for inclusion in the official record of a public hearing shall be available to interested parties upon payment of charges established by the city clerk for research and duplicating.

(Ord. 842, 6-15-1987; Ord. 1061, 10-17-2001)

9-9-6: Planning Commission Action and Notification:

Conditional use permits and variances may be granted only upon findings by the planning commission that the proposal meets all of the following criteria:

A. Conditional Use Permit Procedures:

1. Grant of Permit: A conditional use permit may be granted to an applicant if the proposed use is listed in the Sandpoint Code as a conditional use, and if it is not in conflict with the comprehensive plan.

2. Application: Application for a conditional use permit shall be made to the planning department as provided for in this chapter.

3. Contents of Application: A conditional use permit request shall not be heard by the planning commission unless and until an application for a conditional use permit has been submitted to the planning department and the planning commission containing the following:

    a. Name, address and telephone number of the applicant.

    b. Legal description of the property.

    c. Proof of ownership.

    d. Signature of legal title holder approving the application.

    e. The name and addresses of all adjoining property owners within three hundred feet (300') of the external boundaries of the subject property, provided on a separate sheet of labels.

    f. A vicinity map at the scale of one hundred feet to the inch (1" = 100') showing the current land segregations and existing land use within three hundred feet (300') of the subject property.

    g. Eight (8) copies of the following plans (suggested scale: 1" = 20'):

        (1) Site plans showing the location and dimensions of all building setbacks, road frontage, curb cuts, circulation patterns, loading service areas, parking, sidewalks, landscaped areas, signs, lighting, easements, utilities and drainage

patterns and listing the total open space area, impervious surfaces, lot size and total building floor area.

(2) Floor plans, elevations - front, side and rear - and property lines and roof line dimensions.

(3) Narrative stating the previous use of the site and intended use to include hours of operation, number of employees, system for delivery of materials and nature of business.

h. A narrative statement demonstrating in what ways the request conforms or does not conform to the following standards:

(1) Will, in fact, constitute a conditional use as established on the official schedule of regulations for the zoning district involved.

(2) Will be harmonious with and in accordance with the general objectives, or with any specific objective of the comprehensive plan and/or applicable sections of the Sandpoint Code.

(3) Will be designed, constructed, operated and maintained to be harmonious and appropriate with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.

(4) Will not be hazardous or disturbing to existing neighboring uses.

(5) Will be served adequately by essential public services and utilities such as highways, streets, police and fire protection, drainage systems, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service or utility.

(6) Will not create excessive additional requirements at public cost for public services and utilities and will not be detrimental to the economic welfare of the community.

(7) Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reasons of traffic, noise, smoke, fumes, glare or odors.

(8) Will have vehicular approaches to the property which shall be designed so as not to create an interference with traffic on surrounding public roads.

(9) Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

4. Compliance Required: A conditional use permit shall not be granted or denied unless the planning commission makes specific findings of fact based directly on the particular evidence presented to it as to whether the above-mentioned standards and conditions have been met by the applicant.

5. Supplementary Conditions and Safeguards: In granting any conditional use, the planning commission or city council may prescribe appropriate conditions, bonds and safeguards in conformity with this section. Violations of such conditions, bonds or safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this section.

6. Action By The Planning Commission: Upon granting of a special use permit, conditions may be attached to a conditional use permit including, but not limited to, the following:

    a. Minimizing adverse impact on other development.

    b. Controlling the sequence and timing of development.

    c. Controlling the duration of development.

    d. Assuring that development is maintained properly.

    e. Designating the exact location and nature of development.

    f. Requiring the provision for on-site or off-site public facilities or services.

    g. Requiring more restrictive standards than those generally required in an ordinance.

    Prior to granting a special use permit, studies may be required of the social, economic, fiscal and environmental effects of the proposed special use. A conditional use permit shall not be considered as establishing a binding precedent to grant other conditional use permits. A conditional use permit is not transferable from one parcel of land to another.

7. Commencement of Work: The proposed work shall commence within one year following the date of planning commission or city council approval of the conditional use permit and shall be diligently pursued or said approval and permit shall be rendered automatically null, void and of no right or recourse.

8. Payment of Fees: An application shall not be processed until all required fees are paid in full.

B. Variance Permit Procedures:

1. Recommendations: The planning commission may recommend in specific cases such variance from the terms of this code as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the terms and provisions of the Sand point Code would result in unnecessary hardship. No nonconforming use of neighboring lands, structures or buildings in the same district and no permitted or nonconforming uses of lands, structures or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience of profit, but only where strict application of the provisions of this Code would result in unnecessary hardship.

2. Supplementary Conditions and Safeguards: Under no circumstances shall the planning commission or city council consider a request for variance after issuance of a building permit or grant a variance to allow a use not permissible under the terms of this code in the district involved for any use expressly or by implication prohibited by the terms of said ordinance in said district. Upon hearing a variance request, the planning commission may prescribe appropriate conditions and safeguards in conformity with applicable ordinances. Violation of such conditions or safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of such ordinances.

3. Contents of Application: A variance from the terms of this code shall not be heard by the planning commission unless and until an application for a variance is submitted to the planning department and the planning commission containing the following:

    a. Address, name and telephone number of applicant.

    b. Legal description of the property.

    c. Description of nature of variance requested, consisting of:

(1) The names and addresses of all adjoining property owners within three hundred feet (300') of the subject property, listed on a separate sheet of labels.

(2) A copy of a preliminary title report or title insurance policy for the proposed site.

(3) A vicinity map at the scale of one hundred feet to the inch (1" = 100') showing the property owners and existing land use within three hundred feet (300') of the proposed site.

(4) Nine (9) copies of a site plan drawn to scale which shows the property under consideration, location of all improvements and the specific information concerning the requested variance.

(5) A narrative statement demonstrating that the requested variance conforms to the following standards:

(A) That special conditions and circumstances exist which are peculiar to the land, structures or buildings in the same district.

(B) That a literal interpretation of the applicable sections of this code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this code.

(C) That special considerations, conditions and circumstances do not result from actions or desires of the applicant, and,

(D) That granting the variance requested will not confer on the applicant any special privileges that are denied by this code to other land, structures or buildings in the same district.

4. Action By The Planning Commission: A variance shall not be granted or denied unless the planning commission makes specific findings of fact and conclusions as to whether the above mentioned standards and conditions have been met by the applicant.

5. Commencement of Work: The proposed work shall commence within one year following the date of planning commission or city council approval of the variance or said approval and permit shall be rendered automatically null, void and of no right or recourse.

6. Payment of Fees: An application shall not be processed until all required fees are paid in full.

C. Notification: Upon granting or denying an application for a conditional use permit or variance, the planning director shall notify the applicant in writing of the planning commission decision and shall specify the following:

1. The applicable sections of this code and standards used in evaluating the application.

2. The reasons for approval or denial based upon compliance or noncompliance with the established criteria and findings of fact for which the action was taken.

3. The conditions of approval, if any, which the applicant may take to obtain a permit.

The planning director shall transmit the record of the planning commission's action to the city council within five (5) days after the public hearing.

(Ord. 842, 6-15-1987; amd. Ord. 1386, 4-21-2021)

9-9-7: Time Limit for Planning Commission Actions:

The planning commission shall act on an application within sixty (60) days of filing. The planning commission may continue the public hearing or table an application for not more than thirty (30) days or until their next regular meeting, whichever comes first, at which time a decision shall be made to approve, conditionally approve or deny the application. A longer period of time not to exceed six (6) months may be required when climatic conditions make it necessary to delay the planning commission's decision. In such event, notice shall be provided as specified herein.

(Ord. 842, 6-15-1987)

9-9-8: Effective Date of Planning Commission Decision:

The planning commission's decision shall not become effective until the ten (10) day appeal period has lapsed. No building or other permit shall be issued during this period.

(Ord. 842, 6-15-1987)

9-9-9: Planning Commission Recommendation and City Council Action:

A. Following the hearing for annexations, comprehensive plan changes, zone changes, and subdivisions, the planning commission shall take one of the following actions:

   1. The planning commission shall make a recommendation to the city council at the first regular council meeting following the planning commission's hearing. The recommendation shall state specifically on what grounds or statutes said recommendation is based; or

   2. The commission shall postpone consideration of the application to consult with its advisors and staff to make a recommendation to the city council within forty (40) days after such hearing.

B. The city council shall review the recommendation and information presented by the planning commission at the first regular council meeting, or a special council meeting called for that purpose, following the planning commission's hearing. Public hearings in the case of annexations, comprehensive plan changes, zone changes and subdivisions shall be held according to Idaho Code 67-6509(b) and as provided by this chapter. The city council shall then take one of the following actions:

   1. Concur with the recommendation of the planning commission if said commission's finding is deemed accurate and correct and grant the application, and, where action requires an ordinance to be adopted by the city council, proceed according to Idaho Code section 50-902.

   2. Postpone consideration of the application to consult with the planning commission and its advisors and staff so that, within forty (40) days, after hearing the planning commission's recommendation, the application shall be approved, conditionally approved, or denied.

   3. Deny the application.

C. If the city council declines to follow the recommendation of the planning commission, the council shall provide, in writing to the planning commission, within fifteen (15) days following the decision, its findings of fact and conclusions by which the recommendation was not followed.

D. Upon granting or denying an application, the city council shall specify the following:

   1. The applicable sections of this code and standards used in evaluating the application.

   2. The findings of fact and conclusions for approval or denial.

3. The actions, if any, that the applicant may take to obtain a permit.

E. Within 15 days of the decision of the city council, said council shall provide the applicant with written notice of the action taken on the request.

F. If no action is taken by the city council within forty (40) days of hearing the recommendation of the planning commission or a specified delay has not been agreed upon by the applicant, the application shall be deemed approved.

(Ord. 1061, 10-17-2001)

9-9-10: Appeals:

A. Appeal From Planning Commission Decision:

1. Notice of Appeal: An affected person aggrieved by the decision of the planning commission may file a written notice of appeal with the planning department or city council. Such notice must be filed within ten (10) business days after the planning commission's decision and shall clearly state the basis on which such person is an affected person as defined in Idaho Code 67-6521, and the grounds for appeal. An appeal from an action of the planning commission shall automatically stay the issuance of a building or other permit until such appeal has been decided by the city council.

2. Fees for Appeal: The fees for an appeal from the planning commission's decision shall be set at the discretion of the city council by resolution duly passed and adopted by the city council.

3. Public Hearing On Appeal: The city council shall hold a public hearing on an appeal pursuant to the procedures as provided in this chapter at a regularly scheduled city council meeting, or at a special meeting called for that purpose.

B. Appeal From City Council Decision: The decision by the city council shall constitute the final decision. An affected person aggrieved by the decision may, within twenty-eight (28) days of the decision rendered, seek judicial review of the council decision under the procedures provided in Title 67, Chapter 65, Idaho Code.

(Ord. 842, 6-15-1987; Ord. 1365, 7-3-2019)

9-9-11: Development Agreements:

A. Purpose: A development agreement (the "agreement") is a discretionary tool to be used by the planning commission (the "commission") and city council (the "council"). The agreement will allow a change in the zoning for a specific project, with a specific use, to be developed on property in an area which may not be appropriate for all uses permitted outright or conditionally within the proposed zone. Approval of the agreement, pursuant to this section, would permit the proposed use, with conditions, within the proposed zone.

B. When Permitted or Required: An agreement may be permitted or required at the discretion of the commission or council when considering a request for a rezone. An agreement when permitted or required, shall be initiated through one of the following methods:

1. On request by the developer;

2. On recommendation of the planning director (the "director"); or

3. As required by the commission or council.

a. The council or commission may require that an agreement be executed prior to allowing a particular project to proceed. An agreement may be formulated when approval of the rezone

would permit uses within that zone which may not be appropriate to the area, but the specific project presented may have a value to the community which could otherwise be allowed through the use of an agreement.

b. In the event, during the rezoning process, the council or the commission determines that an agreement should be considered;

(1) The commission shall retain jurisdiction of the matter until its recommendation concerning the agreement is given to the council. The commission shall defer consideration of the rezone and set a time limit for submittal of the agreement. The commission shall then proceed as specified in this section.

(2) In the event of a determination by the council that an agreement should be drafted, the council shall remand the matter back to the commission for consideration. The council may give specific direction to the commission as part of the remand.

(3) In the event of subsections 9-9-11B3b1 and b2 above, all time limits required by the Sandpoint Code may be stayed, upon affirmative vote of the commission or council.

C. Form of Agreement: The agreement shall be in a form as required by the director and shall, as a condition of consideration by the director, commission or city council, include all of the following:

1. An affidavit by the owner of the property agreeing to submission of the use and property for an agreement.
2. The legal description of the property in question.
3. The specific present use or uses of the property in question.
4. The permitted or conditional use desired and the proposed zone.
5. A concept plan for the property as provided by this chapter. In addition to those items required by this chapter, the concept plan shall include but not be limited to:
   a. A description of the density allowed and requested.
   b. Maximum height, size, and location of all the structures proposed.
6. The construction schedule, including the projected occupancy date.
7. Type and color of materials used.
8. A statement acknowledging that failure to comply with the agreement shall constitute a consent to rezone the property to the pre-existing zone or; in the case of the pre-existing zone being an initial zone at annexation, a zone deemed appropriate by the commission and council.
9. Any other information as requested by the council, commission, or director.

D. Approval of The Agreement:

1. The agreement may be approved at the sole discretion of the council after a public hearing. The public hearing shall follow the public hearing procedures of this chapter.
2. The commission or council may revise the agreement by adding to it conditions, terms, duties, or obligations to the agreement.
3. The agreement must be approved by the council as a resolution, only after approval of the agreement by the city attorney.

E. Procedure After Approval of The Agreement: Following approval of the agreement by the city council, the full agreement shall be recorded in the Bonner County Recorder's office, Bonner County, Idaho, at the expense

of the developer. The agreement shall run with the land and shall be considered continuing obligations of the owner, co-owners or subsequent owners of the property. Use of the property and compliance with the agreement shall be reviewed and approved by the director prior to the issuance of an occupancy permit.

F. Duty To Comply With Agreement: Each owner, co-owner or subsequent owner of property which is subject to an agreement adopted pursuant to this section shall comply with the agreement.

G. Modification of Agreement:

1. The agreement may be modified only after public hearing by the council.

2. No modification of the agreement may allow a use or condition on the property that is not permitted within the zone.

H. Amendment or Termination of Agreement Upon Breach:

1. In the event of a breach of the agreement by the developer, or the developer's successor in interest, the agreement may be amended or terminated by the council without the consent of the breaching party. Such amendment or termination shall take place after a public hearing in compliance with the public hearing procedures of this chapter, at which time testimony shall be taken to resolve the issue with the agreement.

2. Upon termination of the agreement, following the public hearing the property shall, upon an affirmative vote of the council, revert to the pre-existing zone, or in the case of the pre-existing zone being an initial zone at annexation, a zone deemed appropriate by the commission and council. All uses of the property which are not consistent with such pre-existing zone following termination of the agreement shall cease. The owner of the property may apply for a conditional use for the property if such use is conditional within such pre-existing zone after compliance with the terms of this chapter.

I. Enforcement of Agreement: The agreement may be enforced by the council through any means deemed to be appropriate, including, but not limited to, specific enforcement injunctive relief, damages or criminal penalty for violation of this section. The enforcement options available to the council shall be considered cumulative.

(Ord. 910, 11-18-1991)

CHAPTER 10 AREA OF CITY IMPACT

9-10-1: Purpose:

Idaho Code section 67-6526 requires that the governing board of the city adopt by ordinance a map identifying an area of city impact within the unincorporated area of the county surrounding said city.

(Ord. 959, 11-29-1994)

9-10-2: Consideration:

The following factors were considered by the planning and zoning commission and the city council in identifying the area of city impact for Sandpoint, Bonner County, Idaho:

A. Trade area;

B. Geographical factors;

C. Areas that can be reasonably expected to be annexed to the city in the future;

D. Areas where extension of city services are possible and reasonable;

E. Areas where growth is occurring or growth is anticipated to occur;

F. Areas in which to encourage or discourage particular types of growth and development and that which the city may want some form of control over in the future.

(Ord. 959, 11-29-1994)

9-10-3: Geographic Area of City Impact:

The official adopted geographic area of city impact is shown in section 9-10-8 of this chapter. All parcels of land lying within the area of city impact as delineated by Section 9-10-8 shall be subject to the provisions of this chapter.

(Ord. 958, 11-29-1994)

9-10-4: Comprehensive Plan:

The Comprehensive Plan and subsequent amendments thereof as officially adopted by Bonner County shall apply to the unincorporated portion of Bonner County, lying within the area of city impact for the city.

(Ord. 958, 11-29-1994)

9-10-5: Zoning and Subdivision Ordinances:

The Zoning and Subdivision Ordinances and subsequent amendments thereto as officially adopted by Bonner County, shall apply to the unincorporated portion of Bonner County, lying within the area of city impact.

(Ord. 958, 11-29-1994)

9-10-6: Review and Comment:

Any request for development, zone change, conditional use permit, variance or subdivision in the unincorporated portion of Bonner County lying within the area of city impact shall be referred to the planning and zoning commission and city council of the city for review and comment. The city shall have a forty (40) day period within which to respond to any request set forth above. If the city does not respond within forty (40) days, the city forfeits its right to comment on the request and processing shall continue under the County's administration.

(Ord. 958, 11-29-1994)

9-10-7: Administrative Jurisdiction:

The administrative jurisdictions of plans and ordinances which apply to the area of city impact delineated by the map incorporated herein shall be the duty of Bonner County, which shall apply the same plans and ordinances for the unincorporated areas of the County lying within the areas of city impact as those areas lying outside the area of city impact.

(Ord. 959, 11-29-1994)

9-10-8: Legal Description and Map:

The area of city impact within the area of Bonner County, Idaho, is particularly described in ordinance 1130 on file in the city and also set forth on the map in that ordinance, which map shall be in effect until amended or modified as allowed by law. This map is attached as exhibit A to ordinance 1130 and incorporated herein by this reference.

(Ord. 1130, 2-16-2005)

CHAPTER 11 HOME OCCUPATION REGULATIONS

9-11-1: Purpose; Intent:

The city recognizes the need for some citizens to use their place of residence for limited nonresidential activities. However, the city also believes that the need to protect the integrity and character of its residential areas is of paramount concern. The home occupation regulations are the means used to blend these two (2) desires. The home occupation regulations seek to balance the need of some individuals to work at home with rights of other individuals to enjoy the residential character of their neighborhood and their private property. Further, the purpose of the home occupation regulations is to protect the health, safety, and welfare of neighborhood residents and the preservation of the neighborhood as a comfortable place for the people who live there.

(Ord. 1009, 6-22-1998)

9-11-2: Applicability:

The regulations set forth for home occupations shall apply to all residential dwelling units or residential accessory structures, irrespective of the zoning district. Should a residential use in the commercial zoning district fail to meet the conditions necessary to qualify as a home occupation, it is then considered a full commercial business and must comply with all regulations covering commercial establishments.

These regulations do not apply to land uses which require conditional use permits in residential zones which must go through a separate conditional use permit review process. Clinics, doctors' offices, hospitals, health care practitioners, hair or beauty salons, real estate offices, animal hospitals, kennels, automobile repair service, body shops, restaurants, warehousing and other similar uses are not considered home occupations and are not permitted to operate as such in any residential zone.

(Ord. 1009, 6-22-1998)

9-11-3: Performance Standards:

Home occupations in any zoning district where permitted shall be subject to the following performance standards:

A. Location: A home business shall be carried on wholly within the principal building, provided that inside storage and/or minor assembly associated with the home occupation may also occur within an accessory structure. No home business nor any storage of goods, materials, or products connected with a home business shall be allowed outside of the principal building or accessory structure and there shall be no commercial on premises sales in connection with such home occupation.

B. Number: More than one home business at the residence may be permitted provided the total effect of all occupations shall not exceed the performance standards for home occupations.

C. Size: No more than thirty-five percent (35%) of the gross floor area of the principal dwelling unit may be used for home business(es). There is no restriction placed upon the usable area within an accessory structure provided no other activity besides inside storage and/or minor assembly activity is occurring and performance standards relating to maintaining residential character can still be met.

D. Residency: A home business must be conducted by persons who reside in the dwelling unit. No person who does not reside on the premises shall engage in the business and be located on the premises.

E. Restricted Materials: No toxic, explosive, flammable, combustible, corrosive, etiologic, radioactive or other restricted materials in excess of those levels allowed by the current edition of the fire code in effect in the city of Sandpoint shall be used or stored on the site.

F. Maintaining Residential Character: The business shall be conducted in a manner which will not alter the normal residential character of the premises by exterior alteration of the property, expansion of parking, construction, creation of a separate entrance, the use of color, materials, lighting, signs (other than on the applicant's vehicle), exterior storage of materials, garbage, goods or merchandise, or by the emission of sound, electric interference, vibration, dust, glare, heat, smoke, odors or liquids.

G. Signs: There shall be no signs other than those permitted in the applicable zoning district.

H. Business Traffic: Home occupations shall not impose any additional business traffic (i.e., traffic recruited to travel to or from the business) on the surrounding neighborhood. This requirement excludes occasional deliveries and any business or personal errands by the owner of the home occupation.

I. Vehicles: Vehicles associated with the home occupation which are rated by the manufacturer for a maximum gross weight in excess of ten thousand (10,000) pounds gross weight shall not be operated out of the premises or park on the property or adjacent streets. No more than one vehicle used in the business may be parked on the premises or operated out of the premises.

J. Parking: The home business shall not displace or impede the use of required parking spaces for the primary dwelling unit.

K. Applicable Codes: Structures must meet city building, construction, fire and land use regulations.

L. Motor Vehicle Related Home Businesses: Office only activities for motor vehicle related home businesses may be allowed.

(Ord. 1075, 12-18-2002)

9-11-4: Home Occupation Registration:

All home occupations wishing to operate within the city limits shall complete and submit a home business registration form. Approval of said registration form shall constitute as a home occupation permit.

A. Issuance and Terms of Permit: The planning director, or his or her designee, may issue a home occupation permit that complies with the provisions of this chapter, on forms prescribed by the city council. Anyone applying for permission to operate a home occupation acknowledges and agrees to operate the home occupation in accordance with the performance standards contained in this chapter.

B. Fees: Any fee and/or fee schedule associated with a home occupation permit shall be set from time to time by resolution of the city council.

C. Revocation of Permit: The zoning enforcement officer may revoke a home occupation permit and/or recommend assessment of fines as specified in this chapter, for reasons including, but not limited to:

1. Failure to comply with "notice to cease nonpermitted home occupation activity".

2. Any change in use or any change in extent of use, area of the dwelling unit being used, or mechanical or electrical equipment being used that is different from that specified in the granted home occupation permit form that is not first cleared and approved by the building official.
3. Any change in use, or any change in extent of use, area of the dwelling unit being used, or mechanical or electrical equipment being used which violates any of the provisions of this chapter.

(Ord. 1009, 6-22-1998)

9-11-5: Notice to Cease Nonpermitted Activity:

Should the zoning enforcement officer, at any time during the period in which a home occupation is in operation, receive a written complaint, and after conducting an investigation, find that the operation, or a portion thereof of such home occupation is in violation of the provisions of this chapter and/or the terms and conditions subject thereto, the zoning enforcement officer shall serve a notice, by certified mail, return receipt, to cease activities conducted in violation of the home occupations regulations. Such notice shall be headed "NOTICE TO CEASE NONPERMITTED HOME OCCUPATION ACTIVITY", shall contain a description of the property, shall describe the ordinance section(s) violated, shall specify the penalty provisions of this chapter, shall specify how they can remedy the violation and shall specify the appeal process contained in this chapter.

(Ord. 1009, 6-22-1998)

9-11-6: Appeals:

Appeals of administrative decisions made under the Home Occupation Regulations shall be made to the city council as specified in Section 9-9-10 of this Title.

(Ord. 1009, 6-22-1998)

9-11-7: Penalty:

A. Violations: Violations of the Home Occupation Regulations may include the following, as well as those specified in Section 1-4-1 of this code:

Revocation of the permit;

Suspension of permit eligibility for a period not to exceed one year;

Assessment of costs to enforce compliance.

B. Administrative Civil Penalty: Any person(s) who violates an order of the city or who fails to comply with any provision of this chapter shall be liable to the city for a civil penalty. The amount of such civil penalty shall not exceed three hundred dollars ($300.00) per violation. Each day upon which a violation occurs or continues shall constitute a separate violation.

C. Judicial Proceedings: Following entry of any order by the city with respect to the violation of this chapter, the city may commence an action for appropriate legal and/or equitable relief in the appropriate local court and the city shall be entitled to its costs and reasonable attorney fees in the event the city is the prevailing party.

(Ord. 1009, 6-22-1998)

9-11-8: Sunset Clause:

All home occupations in existence prior to the adoption date of this chapter shall come into conformance with the provisions contained within this chapter within five (5) years.

(Ord. 1009, 6-22-1998)

CHAPTER 12 AIRPORT OVERLAY ZONE DISTRICT

9-12-1: Purpose:

It is the purpose of the Airport Overlay Zone District to restrict the height of structures and objects of natural growth, and otherwise regulate the use of property, in the vicinity of the Sandpoint Airport by: creating the appropriate zones and establishing the boundaries thereof; providing for changes in the restrictions and boundaries of such zones; define certain terms used herein; reference the Airport's FAR Part 77 Airspace; provide for enforcement; and impose penalties. It is hereby found that an aviation hazard endangers the lives and the property of users of the airport, as well as the property and the occupants of land in the vicinity of the airport. An aviation hazard reduces the size of the area available for landing, takeoff and maneuvering of aircraft, and thus diminishes or impairs the utility of the airports and the public investment therein.

Accordingly, it is declared that:

A. The airport fulfills an essential community purpose;

B. The creation or establishment of an aviation hazard is a public nuisance and will injure the region served by the airport;

C. The encroachment of noise sensitive or otherwise incompatible land uses within certain areas as set forth herein endangers the health, safety, and welfare of the owners, occupants, or users of the land;

D. It is necessary in the interest of the public health, safety, and general welfare that the creation of aviation hazards be prevented; and

E. Joint cooperation between all governing boards having jurisdiction within or adjoining the airport hazard areas is encouraged as a mechanism to prevent aviation hazards.

(Ord. 1037, 4-19-2000; amd. Ord. 1040, 7-18-2000; Ord. 1369, 12-18-2019)

9-12-2: Definitions:

See section 9-1-3 of this title for the definitions of the following terms used in this chapter:

Airport.

Airport elevation.

Hazard to air navigation.

Height.

Nonprecision instrument runway.

Person.

Precision instrument runway approach zone.

Primary surface.

Runway.

Visual runway.

(Ord. 1044, 10-18-2000)

9-12-3: Airport Overlay Zones:

In order to carry out the provisions of this chapter, there are hereby created and established certain zones for existing and future planned airport conditions as they apply to the Sandpoint airport. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive limitation. The various zones are hereby established and defined as follows:

A. Utility Runway Nonprecision Instrument Approach Zones: The inner edge of this approach zone coincides with the width of the primary surface and is five hundred feet (500') wide. The approach zone expands outward uniformly to a width of two thousand feet (2,000') at a horizontal distance five thousand feet (5,000') from the primary surface, its center line being the continuation of the center line of the runway.

B. Transitional Zones: These zones are hereby established as the area beneath the transitional surfaces.

C. Horizontal Zone: The horizontal zone is hereby established by swinging arcs of five thousand feet (5,000') radii from the center of each end of the primary surface of each runway, and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

D. Conical Zone: The conical zone is hereby established as the area that commences at the periphery of the horizontal zone and extends outward there from the horizontal distance of four thousand feet (4,000'). The conical zone does not include the precision instrument approach zones and the transitional zones.

E. Inner Critical Zone (ICZ): Rectangular in shape and centered about the extended runway centerline. The width of the inner critical zone is two thousand feet (2,000') and extends a horizontal distance of five thousand feet (5,000') from each end of the primary surface.

F. Lateral Safety Zone (LSZ): An area extending one thousand feet (1,000') either side of runway centerline and including the area between the ends of the primary surface(s) used to enhance the protection of people and property on the ground.

G. Runway Protection Zone (RPZ): The RPZ is an area off each runway end, is trapezoidal in shape and centered about the extended runway centerline. The inner width of the RPZ is five hundred feet (500'). The outer width of the RPZ is seven hundred feet (700'). The length of the RPZ is one thousand feet (1,000'), beginning two hundred feet (200') from each end of the runway.

(Ord. 1037, 4-19-2000; amd. Ord. 1369, 12-18-2019)

9-12-4: Height Limitations:

Except as otherwise provided in this chapter, no structure shall be erected, altered, or maintained and no tree shall be allowed to grow, in any zone created by this chapter to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones as follows:

A. Utility Runway Nonprecision Instrument Approach Zones: Slopes outward twenty feet (20') horizontally for each one foot vertically beginning at the end of and at the same airport elevation as the primary surface and extending to a horizontal distance of five thousand feet (5,000') along the extended runway center line.

B. Transitional Zones: Slopes outward seven (7) feet horizontally for each one foot vertically beginning at the sides of and at the same elevation as the primary surface and the approach zones, and extending to a height of one hundred fifty feet (150') above the airport elevation, which is two thousand one hundred twenty-seven feet (2,127') above mean sea level. In addition to the foregoing, there are established height limits sloping outward seven feet (7') horizontally for each one foot vertically beginning at the sides of and at the same elevation as the approach zones, and extending to the intersection with the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, height limits sloping outward seven feet (7') for each one foot vertically shall be maintained beginning at the sides of and at the same elevation as the approach surface, and extending to a horizontal distance of five thousand feet (5,000') measured at ninety degree (90°) angles to the extended runway center line.

C. Horizontal Zone: One hundred fifty feet (150') above the airport elevation or a height of two thousand two hundred seventy-seven feet (2,277') above mean sea level.

D. Conical Zone: Slopes outward twenty feet (20') horizontally for each one foot vertically beginning at the periphery of the horizontal zone and at one hundred fifty feet (150') above the airport elevation and extending to a height of three hundred fifty feet (350') above the airport elevation.

E. Conflicting Limitations: Where an area is covered by more than one height limitation, the more restrictive limitation shall prevail.

F. Excepted Height Limitations: Nothing in this chapter shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to forty-five feet (45') above the surface of the land if all applicable zone height restrictions can otherwise be met.

(Ord. 1037, 4-19-2000)

9-12-5: Use Restrictions:

A. Notwithstanding any other provisions of this chapter, no use may be made of land or water within any overlay zone established by this chapter in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport or otherwise in any way create a hazard or endanger the landing, takeoff or maneuvering of aircraft intending to use the Sandpoint Airport.

B. No change shall be made in the use of land and no structure or tree shall be erected, altered, allowed to grow or be maintained in any zone hereby created unless in conformance with this chapter.

C. No use or structure shall be established that would allow the creation of a "hazard to air navigation", as defined, or permit a nonconforming use, structure or tree to become a greater hazard to air navigation than the hazard was on the effective date of this chapter or any amendments thereto.

D. Rezoning of property within the overlay of the inner critical zone and lateral safety zone after the effective date of this chapter that would allow for any increase in population density, including the allowance of single-family homes, nursing homes, multi-family developments, apartments, condominiums, mobile home parks, schools, libraries, churches, outdoor spectator sports, parks, playgrounds or amphitheaters will not be allowed.

E. Disclosure Statement: Fair disclosure statement shall be provided to any applicant for conditional use permits, variances, preliminary and final plats, lot line adjustments, planned unit developments or zone changes within the inner critical zone or the lateral safety zone. Further, the fair disclosure statement shall serve to notify prospective buyers of property near airports that subject property is subject to the provisions of this chapter and lies within the inner critical zone or the lateral safety zone and under the Airport's FAR Part 77 Airspace. As such, it may be necessary to clear and keep clear the airspace of any portions of buildings, structures, or improvements of any and all kinds, and of trees, vegetation, or other objects. The fair disclosure statement shall also notify applicant for permit or prospective buyers that they may be exposed to potentially impactive levels of aircraft overflight, including, but not limited to, noise, vibration, fumes, dust, fuel or fuel particles, and other effects that may be caused by normal aircraft operations in and around airports. Before a permit shall issue, the applicant shall sign the fair disclosure statement and the fair disclosure statement will be recorded in the deed records of the county. Upon the applicant's refusal, the city shall acknowledge that the applicant was made aware of the above-described impacts. Such statement shall be recorded in the deed records of the county. Nothing stated herein is meant to provide pilots, crews, owners of aircraft, or any other person protection from liability for negligence committed on their part.

F. Within The Runway Protection Zone (RPZ): Notwithstanding nonconforming structures in existence on the effective date of this chapter, uses allowed in this zone are limited to cropland and open space.

(Ord. 1037, 4-19-2000; amd. Ord. 1040, 7-18-2000; Ord. 1369, 12-18-2019)

9-12-6: Nonconforming Uses:

A. The regulations prescribed by this chapter shall not be construed to require the removal, lowering or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date of this chapter, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this chapter, and is diligently pursued. Provided further, that nothing contained herein shall restrict or otherwise interfere with the use of North Boyer Avenue by vehicular traffic.

B. Notwithstanding the preceding provision of this section, the owner of any existing, nonconforming structure shall not object to the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Bonner County Commissioners and subsequently required by the Sandpoint Planning Commission to indicate the presence of such airport hazards to the operators of aircraft in the vicinity of the airport. Notice of intent to require markers and lights on any nonconforming structure shall be provided to the property owner by the Bonner County Commissioners. Such markers and lights shall also be installed and maintained at the expense of the Bonner County Commissioners.

1. The owner of any existing nonconforming tree(s) located off airport property shall negotiate, when requested, with the Bonner County Commissioners to mitigate said airport hazard by one or any combination of the following means:

    a. Voluntary removal of the tree(s) by the property owner.

    b. Removal of the tree(s) by the Bonner County Commissioners, upon purchase of said tree(s) and/or land containing said tree(s).

    c. Purchase of a navigation easement by the Bonner County Commissioners for the purposes of preventing airport obstructions through means determined necessary by the Bonner County Commissioners.

    d. Marking and lighting of the tree(s) by the Bonner County Commissioners to indicate the presence of such obstacles to the operators of aircraft.

2. Grant funding should be investigated to accomplish any of the above options. Any nonconforming tree(s) on Sandpoint Airport property shall be removed upon the recommendation of the Federal Aviation Administration.

C. Nonconforming uses are subject to the provisions for nonconforming uses as set forth generally in this chapter.

(Ord. 1037, 4-19-2000)

9-12-7: Variances:

A. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this chapter, may apply to the planning commission for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Additionally, no application for variance to the requirements of this chapter may be considered by the planning commission unless a copy of the application has been furnished to the Sandpoint Airport Board for advice as to the aeronautical effects of the variance. If the Airport Board does not respond to the application within fifteen (15) days after receipt, the planning commission may act on its own to grant or deny said application.

B. However, a tree or structure of less than forty-five feet (45') of vertical height above the ground is permitted in the horizontal and conical zones or in any approach and transitional zones beyond a horizontal distance of four thousand two hundred feet (4,200') from each end of the runway except when such tree or structure, because of terrain, land contour or topographic features, would extend above the height limit prescribed for the respective zone.

C. Any variance granted may, if such action is deemed advisable to effectuate the purpose of this chapter and be reasonable in the circumstance, be so conditioned as to require the owner of the structure or tree in question to install, operate and maintain thereon such markers and lights as may be deemed necessary by the Bonner County Airport Commission or other appropriate agencies as necessary to indicate to pilots the presence of a "hazard to air navigation", as defined.

D. Variance applications required by this Chapter are to be submitted by applicant to the Bonner County Airport Commission for its review and recommendation, and subsequently to the Sandpoint Planning Department for review by the:

1. Federal Aviation Administration for review and recommendation;

2. Other appropriate agencies as necessary; and

3. Sandpoint Planning Commission for its review and final decision.

(Ord. 1037, 4-19-2000; amd. Ord. 1040, 7-18-2000)

9-12-8: Conflicting Regulations:

Where there exists a conflict between any of the regulations or limitations prescribed in this chapter and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land or any other matter, the more stringent limitation or requirement shall apply.

(Ord. 1037, 4-19-2000)

9-12-9: Appeals:

Any person aggrieved, or any taxpayer affected, by any decision of the planning commission in the administration of this chapter, may appeal to the city council in accordance with the procedures noted in Section 9-9-10 of this Title.

(Ord. 1037, 4-19-2000)

9-12-10: Amending the Official Zoning Map:

Pursuant to section 9-14-2 of this title, the official zoning map of the city is hereby amended as shown on the hereby adopted official supplement zoning map on file in the office of the city clerk.

(Ord. 1037, 4-19-2000)

9-12-11: Penalty:

Any person violating any provision of this chapter shall be guilty of a misdemeanor and shall be punished in accordance with the provisions of section 1-4-1 of this code, and a separate offense shall be deemed to be committed for each day during or which a violation occurs or continues.

(Ord. 1037, 4-19-2000)

CHAPTER 13 MOBILE HOME PARKS/TRAILER COACH COURTS

9-13-1: Zoning of Mobile Home Parks/Trailer Coach Courts:

Every mobile home park/trailer coach court hereafter constructed shall be regulated by the following provisions of this chapter.

(Ord. 1236, 6-23-2010)

9-13-2: Definitions:

DEPENDENT TRAILER COACH: One which does not have a water closet and a bathtub or shower.

INDEPENDENT TRAILER COACH: One that has a water closet and a bathtub or shower.

LOCAL ADMINISTRATIVE AUTHORITIES: The individual official(s), board, department or agency established and authorized by a state, county, city or other political subdivision created by law to administer and enforce the provisions of the local codes and ordinances as adopted or amended.

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

MOBILE HOME SPACE/TRAILER COACH SPACE: A plot of ground within a mobile home park/trailer coach court designated for the accommodation of one mobile home/trailer coach.

MOBILE HOME/TRAILER COACH: A vehicle without means of self-propulsion, but licensable as a conveyance on public streets or highways, and which is constructed to permit occupancy as a dwelling or sleeping place for one or more persons.

SERVICE BUILDING: A building housing communal toilet, laundry and other sanitary facilities necessary for the health and convenience of the trailer occupants.

(Ord. 1236, 6-23-2010)

9-13-3: Site Selection:

A. Location: The site must not be: 1) close to swamps or other potential breeding places for insects or rodents; 2) subject to flooding, fire or safety hazards; 3) exposed to chronic nuisances, such as noise, smoke, fumes and odors. The site should be bounded on at least one side by a public street or highway.

B. Topography: The topography must be favorable to good site drainage, minimum grading, trailer placement, and ease of maintenance. Initial site grades exceeding eight percent (8%) or rock formation close to the surface, are likely to cause high development costs. Sparsely wooded sites providing shade trees are often advantageous.

C. Availability of Utilities: The site must be readily accessible to public utilities, including water, sewerage and electricity.

D. Necessary Land Area: The area of the mobile home/trailer coach court must be sufficient in size to accommodate: 1) the number of mobile home/trailer coach spaces desired; 2) roads and parking areas for motor vehicles; 3) service areas, buildings and playgrounds; 4) on site utilities where public utilities are not available.

(Ord. 1236, 6-23-2010)

9-13-4: Site Improvements:

The physical improvements of the site must be arranged to provide:

A. A convenient means of pedestrian and vehicular access to each mobile home/trailer coach space, parking areas, and accessory buildings.

B. An adequate supply of potable water.

C. A safe method of sewage disposal.

D. Electrical service for lighting and power.

E. Diversion of surface water away from buildings, mobile home/trailer coach spaces, service and recreational areas, and its disposal from the site.

(Ord. 1236, 6-23-2010)

9-13-5: Site Planning:

A plan of the proposed mobile home/trailer coach court must be developed for approval of the commission indicating the layout of mobile home/trailer coach spaces, roads, walks, service buildings, service areas, utilities and necessary grading.

Determination must be made in the initial planning stage on the number of dependent and independent mobile home/trailer coaches to be accommodated.

A. Mobile Home/Trailer Coach Space Sizes: Each mobile home/trailer coach space must be not less than one thousand two hundred fifty (1,250) square feet in area and should be at least twenty-five feet (25') wide.

B. Spacing of Trailers: The minimum spacing between mobile homes/trailer coaches and buildings must be:

1. Side to side spacing, fifteen feet (15'); end to end spacing, ten feet (10) (space between end of mobile home/trailer bodies, not chassis).

2. No mobile home/trailer should be located closer than twenty-five feet (25') from the right-of-way line of a main highway, or ten feet (10') from the mobile home/trailer coach court property line.

C. Roads, Walks and Parking Areas:

1. General Circulation: Safety and convenience must be a major consideration in the layout of roads, walks and parking areas within the mobile home/trailer coach court. All roads must be continuous.

2. Servicing: Suitable vehicular access for firefighting equipment, delivery of fuel, removal of garbage and refuse, and for other necessary services must be provided. Minimum service distances as required by local regulations or accepted practice must control.

3. Width of Roads and Parking Areas:

Main Access Roads	Excluding Parking
Two-lane	20 feet

4. Parking Area: The same number of motor vehicle parking spaces must be provided as the number of mobile home/trailer coach spaces. These must be provided in special parking areas.

5. Walks: The mobile home/trailer park walk system must include a walk from the entrance of each mobile home/trailer to service facilities.

Width of Walks	
Public walks (minimum)	4 feet
Entrance walks (from public walk to mobile home/trailer door)	2 feet

D. Service Buildings: Each mobile home/trailer coach court must be provided with one or more service buildings containing the requisite number of plumbing fixtures and other service equipment. The service buildings must conform in general to the following requirements:

1. Location: The building should be located not more than two hundred feet (200') from any dependent mobile home/trailer coach space.

2. Construction: The materials and methods used in the construction of service buildings must conform to local building codes for buildings of this nature[2]. It must have an interior finish which is moisture resistant and can be easily cleaned. All rooms of service buildings must be ventilated and all exterior openings provided with screens.

[2]See title 8, chapter 1 of this code.

3. Facilities: Separate men's and women's toilet rooms must be provided and distinctly marked. These rooms must be separated by a sound resistant wall. A vestibule or screen wall must be provided to prevent direct view into the toilet rooms when exterior doors are open.

    a. Plumbing Fixtures: Every mobile home/trailer coach court must provide adequate toilet and laundry facilities. In no instance should there be less than one laundry unit (laundry tray or washing machine); one water closet, one lavatory and one shower for women; and one water closet, one lavatory and one shower for men. A slop water closet (water closet with seat removed) must be provided in each service building.

The slop water closet should be in a separate room of the service building with a single direct opening to the outside.

The facilities listed above will accommodate any number of independent mobile home/trailer coaches, and up to ten (10) dependent mobile home/trailer coaches. One water closet must be provided for each sex for every ten (10) additional dependent mobile home/trailer coaches. (Urinals for men may be substituted for ⅓ of these water closets.)

One lavatory must be provided for each sex for every ten (10) additional dependent mobile home/trailer coaches; and one shower or bathtub for each sex for every twenty (20) additional dependent mobile home/trailer coaches. A laundry unit must be provided for every twenty (20) additional mobile home/trailer coach spaces.

All water closets and bathtubs or showers for women, and all water closets and bathtubs for men must be located in separate compartments, with self-closing doors. Gang type shower compartments may be used for men. Individual shower stalls must be approximately three feet by three feet (3' × 3'). Showers for women must have a dressing compartment with stool or bench. The room containing the laundry units must be separated from the toilet rooms, and have an exterior entrance only.

All plumbing installations shall conform to the local plumbing code.

    b. Electrical: All electrical installations shall conform to the local electrical code.

    c. Heating: Heating facilities capable of maintaining a temperature of seventy degrees Fahrenheit (70°F) in cold weather should be provided.

    d. Hot Water: Facilities should provide for the continuous supply of three (3) to five (5) gallons of hot water per mobile home/trailer coach space. Hot water at a temperature of about one hundred eighty degrees Fahrenheit (180°F) should be provided for clothes washing equipment.

E. Laundry Drying Facilities: Mechanical laundry drying equipment or laundry drying yards must be provided. Laundry drying machines must be located in service buildings. Where laundry drying yards are used, they must be located convenient to service buildings and have an area of approximately fifty (50) square feet per mobile home/trailer coach space.

F. Refuse Collection: Refuse must be stored in flytight and rodentproof containers. Each coach space will require from four (4) to six (6) gallons of refuse storage capacity per day. Refuse container stations, where used, should be located a maximum of two hundred feet (200') from any mobile home/trailer coach space and preferably not more than one hundred fifty feet (150').

G. Recreation Areas: At least one hundred (100) square feet per mobile home/trailer coach space must be made available in one or more areas for recreational uses. These areas should be located so as to be free of traffic hazards.

(Ord. 1236, 6-23-2010)

9-13-6: Site Engineering:

Grading and drainage must be performed so that water will drain away from mobile home/trailer coach spaces, buildings, service and recreational areas, and off the site in a manner which will provide reasonable freedom from erosion. Walks, driveways and retaining walls must be so constructed as not to interfere with drainage.

A. Slopes of Mobile Home/Trailer Spaces, Roads, Walks and Service Areas:

1. Mobile home/trailer coach spaces must be graded toward abutting roadway to prevent surface water drainage across adjacent coach spaces. Grading under mobile homes/trailers must be provided to prevent puddling of water.

2. Where swales for the carriage of stormwater are needed between the mobile home/trailer coach space and the roadway, they must be of a shallow type, generally not to exceed eight inches (8") in depth, to permit the parking of the trailer without damage to the undercarriage.

3. The following minimum and maximum slope values will usually give satisfactory results:

	Minimum Percent	Maximum Percent
Roads	0.50	8
Walks	0.50	10
Recreation areas and laundry drying yards	0.50	4
Sodded and planted areas	1.00	10
Grade of coach space	0.50	5

B. Construction of Roads, Parking Areas, Walks and Service Areas:

1. Roads and Parking Areas: Roads must be constructed of concrete or macadam or of gravel, crushed stone, sand-clay, slag or other locally available suitable materials, with a light bituminous surface treatment, oil coating or other dust preventive material. Roads must be crowned at center to shed water to drainage facilities.

2. Walks: Walks must be constructed of concrete, macadam, gravel, fine stone, cinders or other materials providing a stable footing. Stepping stones may be used from main walks to trailers.

3. Recreation Areas and Laundry Drying Yards: Surfacing may be natural ground cover, sand-clay or other suitable local materials.

(Ord. 1236, 6-23-2010)

CHAPTER 14 ZONING DISTRICTS, MAP

9-14-1: Zoning Districts Designated:

For the purpose of this title, the city shall be and is hereby divided into zoning districts as follows:

Zone commercial A	Commercial zone
Zone commercial B	Commercial zone
Zone commercial C	Commercial zone

Zone MUR	Mixed use residential zone
Zone IG	Industrial general zone
Zone IBP	Industrial business park zone
Zone ITP	Industrial technology park zone
Zone RS	Residence zone
Zone RM	Residence zone
	Watershed protection zone
Zone RR-1	Rural residential zone
Zone RR-2	Rural residential zone
Zone AO	Airport overlay zone

(Ord. 1263, 12-29-2011; amd. Ord. 1305, 10-15-2014)

9-14-2: Zoning Map:

A. Zoning classification and zoning districts shall be, and the same are hereby established for all real property lying within the city, and all real property is hereby zoned or rezoned and zoning classification is hereby established for all property lying within the city in accordance with and pursuant to the official zoning map and the legal descriptions hereinafter referenced.

B. The official zoning map depicting the zoning classifications for the real property located within the city, adopted and made a part hereof by reference, is hereby declared to be the official zoning map of the city and does hereby create, zone, rezone and/or reestablish zoning classification and the boundaries surrounding each zoning district for all real property lying within the city.

C. The legal description of the boundary line surrounding each zoning district within the city is established in writing in proper legal description form and filed in the office of the city clerk. Said description shall be certified by the mayor and the city clerk and at least three (3) certified copies shall be kept on file in the office of the city clerk. Copies of the same shall be provided to all members of the public and all interested parties upon request.

D. The official zoning map hereby adopted and made a part hereof by reference shall be certified by the mayor and city clerk upon the adoption of said map and this section and the same shall be recorded with the county recorder of Bonner County, Idaho, and shall become a part of the official records of Bonner County, and of the official records of the city. Copies of the same shall be made available to the general public and all interested parties upon request. An official map and at least three (3) certified copies thereof shall be kept on file and filed with the office of the city clerk.

E. Upon adoption hereof, said map shall be referred to as the official zoning map of the city unless and until further amended or modified by appropriate legal ordinance and shall constitute the legal evidence of the existing zoning classification for each, every, any and all parcels of real property located within the city.

F. The boundaries of the zones shall be established and clearly marked upon the zoning map as adopted in this chapter; provided, that public hearings shall be held by the city council before establishment and approval of said zones.

(Ord. 1236, 6-23-2010)

CHAPTER 15 TELECOMMUNICATIONS FACILITIES

9-15-1: Purpose:

A. The provisions of this chapter are intended to ensure that telecommunications facilities are located, installed, maintained and removed in a manner that:

1. Minimizes the number of antenna towers throughout the community;
2. Encourages the collocation of telecommunications facilities;
3. Encourages the use of existing buildings, light or utility poles, or other structures for antenna mounting and discourages construction of new antenna towers;
4. Ensures that telecommunications facilities are located and designed to minimize visual impact on the surroundings; and
5. Ensures that regulation of telecommunications facilities does not have the effect of prohibiting the provision of telecommunications services, does not unreasonably discriminate among functionally equivalent providers of such services, and allows the provision of adequate area coverage by such services.

(Ord. 1342, 1-18-2017)

9-15-2: Provisions:

A. Conflicting Standards: In the event that other standards of this title conflict with standards in this chapter, unless otherwise indicated the most restrictive shall prevail.

B. Definitions:

ANTENNA: Any device that transmits and/or receives radio waves, microwaves, or other electromagnetic radiation for voice, data or video communications purposes including, but not limited to, television, AM/FM radio, microwave, cellular telephone and similar forms of communications.

ANTENNA ARRAY: A single or group of antenna elements and associated mounting hardware, transmission lines, or other appurtenances which share a common attachment device such as a mounting frame or mounting support structure for the sole purpose of transmitting or receiving electromagnetic waves.

COLLOCATION: The placement of one or more antenna(s) on an antenna support structure or the placement of an antenna on an antenna tower on which one or more antennas are already located.

COMMISSION: The federal communications commission ("FCC").

HOST MOUNTED SUPPORT STRUCTURE: Any structure or building not constructed primarily for the purpose of supporting an antenna but that supports an antenna as a secondary or accessory use (e.g., streetlights; traffic light structures; sign structures; or water towers).

LATTICE TOWER: An antenna tower characterized by a framework of lateral or diagonal cross members that stabilize the tower.

PERSONAL WIRELESS SERVICE: Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services.

PERSONAL WIRELESS SERVICE FACILITIES: Facilities for the provision of personal wireless services.

ROOF MOUNTED FACILITIES: Any facility installed on either the roof or side of a building.

SMALL CELLS: Compact wireless base stations containing their own transceiver equipment and function like cells in a mobile network but provide a smaller coverage area than traditional macrocells. Small cells will meet the two (2)

parameters in subsections 1 and 2 of this definition. For purposes of these definitions, volume is a measure of the exterior displacement, not the interior volume of the enclosures. Antennas or equipment concealed from public view in or behind an otherwise approved structure or concealment are not included in calculating volume.

1. Small Cell Antenna: Each antenna shall be no more than three (3) cubic feet in volume.
2. Small Cell Equipment: Each equipment enclosure shall be no larger than seventeen (17) cubic feet in volume.

Associated conduit, mounting bracket or extension arm, electric meter, concealment, telecommunications demarcation box, ground based enclosures, battery backup power systems, grounding equipment, power transfer switch, and cutoff switch may be located outside the primary equipment enclosure(s) and are not included in the calculation of equipment volume.

SUPPORT STRUCTURE: A structure that is designed for supporting the installation of one or more antennas (e.g., a tower; roof mount; mounts attached to a utility pole).

TELECOMMUNICATIONS FACILITIES OR FACILITIES: Any antenna towers, support structures, antennas and their ancillary facilities that are used to provide commercial wireless communications or telecommunications services.

TEMPORARY ANTENNA TOWER: An antenna tower established for the purpose of providing telecommunications services on a temporary basis for a special event or to temporarily replace an antenna tower while it is being repaired.

TOWER: Any structure built for the sole or primary purpose of supporting one or more antennas that are used to provide commercial telecommunications services.

TOWER HEIGHT: The vertical distance measured from the base of the tower structure at grade to the highest point of the structure including the antenna.

VISUAL IMPACT MITIGATION: Technology that minimizes the visual impact of telecommunications facilities by camouflaging, disguising, screening, and/or blending into the surrounding environment. Examples of visual impact mitigation include, but are not limited to, facilities disguised as trees, flagpoles, bell towers, and architecturally screened roof mounted antennas.

C. Applicability:

1. The telecommunications facility regulations of this section apply to all telecommunications facilities used to provide commercial telecommunications services, except those associated solely with the following, which are exempt:
    a. Safety services provided by public agencies (e.g., police and fire); and
    b. Any facilities that state or federal law prohibits local government from regulating (e.g., satellite television receiving dishes).
2. Any public lands and agencies exemption from compliance with zoning in state law does not apply to private entities utilizing publicly owned lands.

D. Prohibited Locations and Support Structure Types:

1. The following locations and support structures are not permitted:
    a. Lattice and guyed tower support structures for telecommunications facilities.

E. Permitted Locations:

1. Collocation On Nonconforming Existing Support Structures: Support structures for telecommunications facilities on the effective date hereof that do not comply with the regulations of this section are deemed nonconforming structures.

2. Collocation On Legal Existing Support Structures: New telecommunications facilities collocated on support structures in existence on the effective date hereof are permitted in all zoning districts, subject to compliance with other applicable standards of this section.

3. New Roof Mounted or Host Mounted Support Structures: New telecommunications facilities located on roof mounted or host mounted support structures are permitted in all zoning districts, subject to compliance with other applicable standards of this section.

4. New Ground Mounted Support Structures: New ground mounted support structures for telecommunications facilities are permitted in IG, IBP, ITP, CA, CB and CC zoning districts, subject to compliance with other applicable standards of this section.

F. Code Compliance: All facilities shall at all times comply with all applicable federal, state and local building codes, electrical codes, fire codes and any other code related to public health and safety.

G. Safety: The structural design for all support structures must be certified by a professional structural engineer licensed to practice in the state of Idaho. The drawings shall meet the currently adopted building codes in accordance with section 8-1-1, "Building Codes Adopted", of this code.

H. Building Permit Required: A building permit, unless waived by the Sandpoint building department, must be obtained prior to the installation of any telecommunications facility.

I. Telecommunications Facility Development Permit: A telecommunications facility development permit shall contain the following information:

1. Construction drawings showing the proposed method of installation. Drawings shall be stamped by a licensed engineer and meet the currently adopted building codes in accordance with section 8-1-1, "Building Codes Adopted", of this code;

2. The manufacturer's recommended installations, if any; and

3. A diagram to scale showing the location of the telecommunications facility, property and setback lines, easements, power lines, all structures, and any required buffering and screening.

J. Development Standards:

1. Schedule: The following standards apply to telecommunications facilities:

Support Type	Permitted Zones	Permitted Height	Setback	Screening	Visual Impact Mitigation	CUP
Existing support structures	Existing location	Existing height	Existing setback	n/a	n/a	n/a
Roof mounted support structures	All zoning districts	Not to exceed the zoning district height limit	n/a	Not required	Required[1]	Yes[2]
Host mounted support structures	All zoning districts	5 feet above host structure	n/a	Not required	Required	Yes

	IG, IBP, ITP	Not to exceed the zoning district height limit	From property line: building setbacks of zone for both tower and equipment enclosure[3]	Required	Required	Yes
Ground mounted support	CA, CB, CC	Support structure and antenna together may not exceed 35 feet	From property line: building setbacks of zone for both tower and equipment enclosure[3]	Required	Required	Yes

Notes:
1. Antennas under ten (10) square feet in surface area are allowed on roof mounted support structures without having to meet visual impact mitigation standards for roof mounted facilities, so long as the support structure does not exceed the tallest element of the building to which it is attached.
2. CUP required when total antenna surface area for all antennas exceeds ten (10) square feet.
3. See subsection M, "Residential Zone Setback", of this section.

2. Screening:

   a. Telecommunications facilities located above ground in or directly adjacent to RS, RM, RR-1, RR-2, MUR, CA, CB, CC zones shall be surrounded by a minimum six foot (6') high decorative wall constructed of brick, stone, or textured concrete block. Telecommunications facilities in all other zones shall be surrounded by a minimum six foot (6') high wall or solid or slatted fence.

   b. The area around the perimeter of ground telecommunications facilities shall be landscaped unless the planning commission determines otherwise.

3. Visual Impact Mitigation:

   a. Antenna Towers:

      (1) Antenna towers shall be painted a neutral color consistent with the natural or built environment of the subject site and the surrounding area unless otherwise required by the FAA or any other state or federal agency having such authority.

      (2) Antenna towers shall be constructed in a manner that is visually compatible with the surrounding built environment.

   b. Roof Mounted Facilities: Facilities mounted on the roof of buildings must be visually incorporated into the building or background by the use of architectural elements, color, screening or other methods.

c. Host Mounted Support Structures:

(1) Telecommunications facilities mounted on other structures not constructed for the primary purpose of supporting telecommunication services must be either fully concealed within the host structure or camouflaged to appear to be an integral part of the host structure.

d. Ground Mounted Equipment Enclosures: Aboveground equipment enclosures that are used in or adjacent to residential and commercial zones must be designed with exterior facade materials of masonry, stucco, or beveled siding and be constructed in a manner that is visually compatible with the surrounding environment.

e. Antennas and Cables: When visible, antennas and cables shall be of a color identical to or closely compatible with that of the structure to which they are attached unless otherwise required by the FAA or any applicable state or federal agency.

K. Lighting: Telecommunications facilities may not be artificially illuminated except as required by FAA regulations. All other outdoor lighting must meet the standards in title 8, chapter 10, "Outdoor Lighting", of this code.

L. Signage: Identification and contact information is permitted on one wall or fence mounted sign not exceeding four (4) square feet in area per site. Other signage may not be located on telecommunications facilities, unless required by the FCC or FAA.

M. Residential Zone Setback:

1. Antenna towers shall be separated from the property line of any adjacent property zoned RS, RM, RR-1, RR-2, or MUR at least a distance equal to the height of the antenna tower or one hundred feet (100'), whichever is greater.

N. Noise Reduction:

1. Noise generating equipment shall be sound buffered by means of baffling, barriers, or other suitable means and shall conform to section 5-2-6, "Noise", of this code.

O. Modification and Removal:

1. Modification or Removal of Nonconforming Telecommunications Facilities: Nonconforming telecommunications facilities being demolished or rebuilt must conform to chapter 7, "Nonconforming Buildings and Uses", of this title.

2. Removal of Telecommunications Facilities:

a. Providers must notify the city in writing when a telecommunications facility is no longer being utilized. Any facilities that are not utilized for the provision of telecommunication services for a continuous period of six (6) months or more will be considered abandoned. All abandoned facilities must be removed within six (6) months of abandonment. If a facility is not removed within six (6) months, the city is authorized to remove the facility at the landowner's expense.

b. Where multiple users share a support structure, the nonoperational antenna and equipment enclosure must be removed. Any necessary shared facilities may be retained until all users have terminated the utilization of the support structure.

P. Third Party Review: Adequate review of applications, particularly for new ground mounted support structures, may require the city to retain consultants or other third party assistance to review an application. In such an event, the applicant must reimburse the city for the reasonable actual costs incurred by the city for retention of consultants or other third parties prior to issuance of any applicable permit. The city must provide a written scope and cost proposal to the provider for approval prior to the city entering into an agreement with a third party.

Q. Exceptions:

1. Applicability: In the event that standards of this section cannot be met by an applicant, and there exists no feasible alternative to providing adequate service by any provider for a particular geographic area, the applicant may apply for conditional use approval in accordance with subsection 9-9-6A, "Conditional Use Permit Procedures", of this title.

2. Review and Submittal Requirements: Prior to submitting an application for conditional use approval in accordance with subsection 9-9-6A of this title, the applicant must request in writing a preapplication conference with the planning department. The purpose of the preapplication conference is to acquaint the participants with the applicable requirements of this section. A conditional use application must provide documentation demonstrating evidence of all the following:

   a. Telecommunications services by any provider are not adequate within a specific geographic area, and cannot be made available unless a new telecommunications facility is built or erected in a manner or location contrary to the standards of this section;

   b. Location on buildings or other structures is not possible because:

      (1) No existing or proposed structures adequate to support the proposed antenna are located within the geographic area required to meet the applicant's engineering and service requirements; or

      (2) Property owners or owners of existing structures for smaller scale installations are unwilling to accommodate the applicant's needs; or

      (3) The applicant demonstrates that there are other factual and verifiable limiting factors that render rooftops and other sites or monuments unsuitable for location of telecommunications facilities; and

   c. Collocation on existing support structures is not possible because:

      (1) Existing or approved support structures are not of sufficient height to meet the applicant's engineering and service requirements and a combination of smaller scale facilities will not enable adequate service delivery; or

      (2) Existing or approved support structures do not have sufficient structural strength to support the proposed antenna and related equipment and cannot be reinforced to provide sufficient structural strength; or

      (3) The proposed antenna would cause electromagnetic interference with antenna on existing or approved support structures, or the antenna on existing or approved support structures would cause interference with the proposed antenna; or

      (4) The applicant demonstrates that there are other factual and verifiable limiting factors that render existing or approved structural supports for telecommunications facilities unsuitable for collocation.

R. Affirmative Duty To Keep City Informed: All telecommunications service providers having facilities in the jurisdiction of the city shall file with the zoning administrator an annual written statement due by the end of the calendar year verifying continued use of each of their facilities in the city's jurisdiction as well as continued compliance with the state and federal agency regulations. All telecommunications service providers having telecommunications facilities in the jurisdiction of the city shall be required to report in writing to the zoning administrator any change in the status of their operations. Change in status shall include, but is not limited to, the following:

1. Change in or loss of license from the FCC to operate.

2. Receipt of notice of failure to comply with the regulations of any other authority having jurisdiction over the business or facility.
3. Change in ownership of the company that owns the telecommunications facilities or that provides telecommunications services.
4. Loss or termination of lease with the property owner or the owner of the telecommunications facilities.
5. Abandonment of a facility or nonuse of a facility for a period of six (6) months or longer.

(Ord. 1342, 1-18-2017)

TITLE 9 ZONING

Chapter 1: General Zoning Provisions
Chapter 2: Zoning Administration
Chapter 3: Commercial Zones
Chapter 4: Industrial Zones
Chapter 5: Residential Zones
Chapter 6: Off-street Parking
Chapter 7: Sign Code
Chapter 8: Home Occupations
Chapter 9: Mobile Homes / Trailer Coach Courts
Chapter 10: Telecommunications Facilities
Chapter 11: Area of Impact
Chapter 12: Airport Overlay Zone
Chapter 13: Historic Preservation Code and Overlay Zone

CHAPTER 1 GENERAL ZONING PROVISIONS

9-1-1: Short Title:

This title shall be known and designated as the Zoning Ordinance of the City of Sandpoint, Idaho.

(Ord. 180, 2-5-1941)

9-1-2: Purpose:

A. The mayor and city council have determined, and do hereby determine, that for the purpose of promoting the health, safety, morals and general welfare of the citizens of Sandpoint; to lessen congestion in the streets thereof; to better secure its citizens from the dangers of conflagration, panic and other dangers; to provide adequate light and air for its inhabitants; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate and make adequate for transportation, water, sewerage, schools, parks and other public requirements; to encourage the most appropriate use of land in the city; to make adequate provision for the future construction and repair of buildings in the city; and to provide safety measures for traffic on its streets by limiting the distance from street lines of buildings hereafter constructed, it is to the best interests of the city, its property owners, and all persons concerned to provide a zoning ordinance and to carry out the powers delegated to the city under the provisions of the Idaho Code.

B. Carry out the intent and purposes of the “Local Land Use Planning Act”, Idaho Code §67-6501 et seq., as amended;

C. Carry out the policies of the comprehensive plan by classifying and regulating the uses of property and structures within the incorporated areas of the City of Sandpoint;

D. Establish zoning districts within the City of Sandpoint in accord with the comprehensive plan in conformance with Idaho Code §67-6511;

E. Provide standards for the orderly growth and development of the City of Sandpoint. As required by Idaho Code 67-6511, such standards include, but are not limited to, those regulating:

1. The height, number of stories, size, design, construction, reconstruction, alteration, repair, or location of structures.

2. Size, minimum lot dimensions, landscape buffers, size of required yards, and density and/or intensity of residential, commercial and industrial properties;

3. The use of structures and properties.

F. Ensure the most appropriate use of properties, including preservation of historic resources consistent with Idaho Code §67-4601 et seq;

G. Protect property rights and enhance property values;

H. Provide a method of administration and prescribe penalties for the violations of regulations hereafter described as authorized by the constitution and laws of the State of Idaho; and

I. Protect and promote the heath, safety, and general welfare.

9-1-3: Applicability:

A. The regulations of this title shall apply and govern development and use of all properties within the corporate limits of the City of Sandpoint. No person or public agency shall construct, alter, move, or change the use of a structure or undertake any development unless:

1. The proposed use, structure, development, or division of property complies with this title.

2. Any required approval is first obtained as provided by chapter 2 “Zoning Administration”, of this title, and any applicable conditions of approval are satisfied.

B. Nothing in this title shall eliminate the need for obtaining any other required permits, including but not limited to, building permits, public infrastructure permits, or any permit, approval, or entitlement required by other titles of this code, other political subdivisions of the State of Idaho, or agencies of the State of Idaho.

9-1-4: ~~General Provisions~~ Zoning Districts Designated:

For the purpose of this title, the city shall be and is hereby divided into zoning districts as shown in Table 9-1-1, Zoning Districts of Sandpoint.

Table 9-1-1: Zoning Districts of Sandpoint			
Zoning District Name	**Abbreviation**	**Basic Zone Description**	**Code Location**
Community Commercial	CC	Commercial	Chapter 3
Neighborhood Commercial	NC	Commercial	Chapter 3
Downtown Core	DC	Commercial	Chapter 3
Downtown Outer Core	DOC	Commercial	Chapter 3
Parks and Open Space Zone	POS	Parks	Chapter 3
Industrial General Zone	IG	Industrial	Chapter 4
Industrial Business Park Zone	IBP	Industrial	Chapter 4
Industrial Technology Park Zone	ITP	Industrial	Chapter 4
Residential Single-Family Zone	RS	Residential low density	Chapter 5
Residential Multi-Family	RM	Residential medium to high density	Chapter 5
Rural Residential One Zone	RR-1	Residential large lot	Chapter 5
Rural Residential Two Zone	RR-2	Residential large lot	Chapter 5

Airport Overlay Zone	AO	Airport protection	Chapter 12
Historic Preservation Overlay Zone	HPO	Historic preservation	Chapter 13

9-1-5: Zoning Map:

A. Zoning classification and zoning districts shall be, and the same are hereby established for all real property lying within the city, and all real property is hereby zoned or rezoned and zoning classification is hereby established for all property lying within the city in accordance with and pursuant to the official zoning map and the legal descriptions hereinafter referenced.

B. The official zoning map depicting the zoning classifications for the real property located within the city, adopted and made a part hereof by reference, is hereby declared to be the official zoning map of the city and does hereby create, zone, rezone and/or reestablish zoning classification and the boundaries surrounding each zoning district for all real property lying within the city.

~~C~~. ~~The legal description of the boundary line surrounding each zoning district within the city is established in writing in proper legal description form and filed in the office of the city clerk. Said description shall be certified by the mayor and the city clerk and at least three (3) certified copies shall be kept on file in the office of the city clerk. Copies of the same shall be provided to all members of the public and all interested parties upon request.~~

~~D~~C. The official zoning map hereby adopted and made a part hereof by reference shall be certified by the mayor and city clerk upon the adoption of said map and this section and the same shall be recorded with the county recorder of Bonner County, Idaho, and shall become a part of the official records of Bonner County, and of the official records of the city. Copies of the same shall be made available to the general public and all interested parties upon request. An official map and at least three (3) certified copies thereof shall be kept on file and filed with the office of the city clerk.

~~E~~D. Upon adoption hereof, said map shall be referred to as the official zoning map of the city unless and until further amended or modified by appropriate legal ordinance and shall constitute the legal evidence of the existing zoning classification for each, every, any and all parcels of real property located within the city.

~~F~~E. The boundaries of the zones shall be established and clearly marked upon the zoning map as adopted in this chapter; ~~provided, that public hearings shall be held by the city council before establishment and approval of said zones~~.

9-1-6: Permitted Land Uses

A. Table of Permitted Land Uses: Table 9-1-2 lists all the land use types and all zoning districts where the land use type is permitted (P), permitted with approval of a Conditional Use Permit (C), or permitted as an accessory land use (A) to a principal land use. Land uses not listed shall be prohibited.

B. Overlay Zoning Districts: Regardless of whether Table 9-1-2 lists a land use as either permitted (P), conditionally permitted (C), or accessory (A), the land use shall be further regulated, including prohibited, in any applicable overlay zoning district.

C. Additional requirements: In addition to the requirements of Table 9-1-2, requirements for specific land uses are listed within Chapter 9-3 Commercial Zoning Districts, Chapter 9-4 Industrial Zoning Districts, Chapter 9-5 Residential Zoning Districts, Chapter 9 Mobile Home Parks/Trailer Coach Courts, Chapter 12 Airport Overlay Zone District, and Chapter 13 Historic Preservation Code.

D. Accessory use: An accessory use, unless otherwise permitted in this Code, shall not commence and no accessory structure shall be constructed without a principal use first being lawfully established on the subject site.

E. Determination of similar uses: Uses that are similar in nature to one or more permitted land uses, as determined by the director, may be permitted.

Table 9-1-2: Permitted Land Uses (This table is in excel format for ease of editing and will be incorporated into final draft upon final review. It has been prepared for review as a stand-alone table)

9-1-~~3~~7: 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".

ABATE: To repair, replace, remove, destroy, or otherwise remedy a condition by such means and in such manner and to such an extent as the Director shall determine is necessary in the interest of the general health, safety, and welfare of the community.

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.

CERTIFICATE OF APPROPRIATENESS: A permit, issued by the Arts, Culture, and Historic Preservation Commission that verifies proposed work on a historic property or development within a historic district is suitable and won't negatively impact its historic significance.

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.)

DATA CENTER: A data center is a centralized physical facility that houses IT infrastructure – such as servers, storage systems, and networking equipment – to process, store, and distribute digital information.

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.

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: A building, including modular housing, containing two (2) dwelling units with a common wall located on a single lot.

DWELLING, SINGLE-FAMILY ATTACHED: A single-family dwelling attached to another single-family 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.

GROSS BUILDING AREA: The total area of all floors of a building, measured from the exterior face of outer walls, including but not limited to basements, mezzanines, and stairwells. It represents the total footprint of all enclosed~~, habitable~~ spaces.

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.

HOSTEL: A form of low-cost, short-term shared sociable lodging where guests can rent a bed, usually a bunk bed in a dormitory and sometimes with some private rooms.

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 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 that does not meet the minimum lot width or area requirements of the district in which it is located. Such lot may be utilized for those uses permitted within its zoning district if all other requirements of this title are met. 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.

MANUFACTURED HOUSING: A dwelling unit manufactured off site to federal Housing and Urban Development (HUD) standards, built to be used for permanent residential occupancy, to be set on a permanent foundation and conforming to the applicable building code.

MIXED USE BUILDING: A building that contains a portion devoted to non-residential uses and a portion devoted to residential uses.

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 purpose~~s. A structure similar to a manufactured home, but built to a mobile home code prior to June 15, 1976, the date of enactment of the federal manufactured housing and safety standards act (HUD code).

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~~ BUILDING: A ~~dwelling unit~~ building manufactured off site to International Residential Code (IRC) or the International Building Code (IBC) standards, 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.

NUISANCE: Any condition or use of the premises which is detrimental to the premises of others or which causes, or tends to cause, material diminution in the value of other premises in the neighborhood or which creates a condition tending to promote blight and deterioration, invites plundering, creates fire or traffic hazards, constitutes an unattractive nuisance, creates a harbor for rodents or insects or otherwise is injurious to the health, safety and general welfare of the inhabitants of the city. This shall include all nuisances on private property, and nuisances situated on public property adjacent to or contiguous with private property including sidewalks, parking areas, areas behind curbs, and property to the center of alleys and ditches.

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.

PARK MODEL RV: Also known as Recreational Park Trailers, a Park Model RV is a type of recreational vehicle designed and intended to provide temporary living quarters for recreation, for long-term or seasonal placement rather than frequent travel.

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.

RECREATIONAL VEHICLE: A vehicular type unit designed to American National Standards Institute (ANSI) standards primarily designed as temporary quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle.

RESPONSIBLE PARTY: Any person whom the citing official determines is responsible for causing, maintaining, permitting, or allowing a violation of this zoning code. The term responsible person includes but is not limited to: any person who has an ownership or possessory interest in real or personal property; any agent thereof with actual or apparent authority, possession or control of real or personal property; or any other person who creates, maintains, permits or allows a violation of this code.

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 and permit whereby the ~~planning department~~ City shall review the site plans, building elevations, 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.~~ in order to make findings that the use and configuration of development on property meets the stated purposes and standards of the zoning district, inclusive of any overlay zones, is contextually consistent within the area of development, does not inhibit implementation of the comprehensive plan, provides for the necessary public facilities associated with the development, and is consistent with city council adopted design guidelines.

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)

9-1-~~4~~8: General Provisions Applicable to All Zones:

A. Boundary Lines: All streets, alleys and railroad rights of way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such alleys, streets or railroad rights of way. Where the centerline of a street or alley serves as a district boundary, the zoning of such street or alley to the centerline, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property.

B. Permitted Uses Conformance with Zoning: No building or structure shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used for any purpose other than is permitted in the district in which the building or land is located.

~~1. All permitted uses requiring a building permit shall be subject to an administrative Site Plan Review with the following exceptions:~~

~~a) Residential dwellings of less than four (4) units on a conforming lot. This does not include substandard original lots of record that are further regulated in Section 9-4-6; and~~

~~b) Expansion of a commercial or industrial building which increases building size by less than two thousand (2,000) square feet where the finished structure will be permitted outright. This exemption does not apply to subsequent expansions.~~

~~2. Site Plan Review Requirements:~~

~~a) Notice. A development of four (4) or more dwelling units shall require notice to adjoining landowners. The notice shall provide at least fifteen (15) days for comments on the application.~~

~~b) Expiration. A Site Plan shall be valid for one (1) year from the date of approval. If no building permit for construction of the approved structure(s), has been issued within one (1) year, the site plan approval will expire. An extension of up to one (1) year may be applied for and approved for good cause by city staff. The application for extension must be provided to city staff prior to the one (1) year expiration of the site plan. If the site plan does not proceed within the one-year timeframe or the extension timeline, if applicable, it shall be considered null and void and a new site plan application shall be required.~~

~~Good cause shall include on-going activity related to the site plan including environmental remediation, corresponding land use action, or similar reasons.~~

~~c) Submittal. Submittals for an administrative site plan review are the same as required by Section 9-9-6-3 a through g.~~

~~d) Appeal. Any interested party may appeal to the planning commission from a site plan review or design review determination. An appeal shall be submitted in writing within fifteen (15) days after the determination and shall list each issue for appeal with specificity. The planning commission shall only consider issues properly appealed and shall exclude issues which are subject to a different appellate procedure, e.g., the local land use planning act, or which are not eligible for modification or waiver, such as items contained in a development agreement. Nothing in this provision shall preclude the planning director from referring issues regarding a proposal to the planning commission for the benefit of its advice.~~

C. ~~Open Space~~Setbacks: The minimum ~~yards or other open spaces~~ setbacks~~,~~ ~~including lot areas per family required by this title for each and every building existing or for any building hereafter erected,~~ ~~shall not be encroached upon or considered as yard or open space requirements for any other building.~~ shall remain clear from the ground to the sky unobstructed except as exempted herein.

D. One Building Per Lot: Every building hereafter erected or structurally altered to provide dwelling units shall be located on a "lot" as herein defined and in no case shall there be more than one such building on one lot unless otherwise provided in this title.

E. Public Access/Gated Communities: No building shall be constructed or erected upon a lot or parcel of land which does not abut upon a public street or have permanent easement for access to a public street~~., which easement shall have a minimum width of twenty-five feet (25') unless an easement of lesser width was on record prior to the effective date hereof. The public works director may require additional easement to provide for pedestrian access.~~ Gated communities are not permitted, unless otherwise established in an overlay district or Planned Unit Development.

F. Construction Started Prior To Effective Date Hereof: Nothing in this title shall be deemed to require any change in the plans, construction or designated use of any building upon which actual construction was lawfully begun prior to the effective date hereof and upon which building actual construction has been diligently carried on; and, provided further, that such building shall be completed within one year.

G. Annexation: Any area annexed to the city shall, upon such annexation, be automatically classified "unzoned" until otherwise zoned.

H. ~~Visibility~~Fence Standards: No wall, fence or shrubbery shall unreasonably obstruct or interfere with traffic visibility. A fence or wall shall be placed no closer than one foot to the current or future

sidewalk location, and otherwise may be located on a property line. Earth mounding or any other similar method shall not be used to raise fence height, unless the fence is adjacent to an arterial, state highway, or industrial or commercially zoned property. The following regulations apply to fences:

1. On all ~~nonindustrial~~ commercial and residentially- zoned lots:

    a. In the required front ~~yard~~ setback, fences and walls shall be allowed to a maximum height of three (3') feet, unless the fence is comprised of 30% opacity (e.g. picket fence), in which case the maximum height of the fence shall be four feet (4').

    b. In the required side and rear ~~yards~~ setbacks, fences and walls shall be allowed to a maximum height of seven feet (7'), with the exception that rear fences abutting a commercially zoned property that contains a structure with ground or wall-mounted air handling or similar mechanical equipment emitting noise, the maximum height shall not exceed ten feet (10').

    c. Within residential zones, fences over four feet (4') shall not be allowed in front of the primary facade, regardless of setback

    d. No barbed wire, or razor-wire fencing is permitted on any residential or commercially zoned property. Chain link is allowed within the rear ~~yards~~ setbacks of residentially and commercially-zoned property to a maximum height of four (4') feet.

2. On ~~nonindustrial~~ commercial and residentially- zoned corner lots:

    a. In the required front yard setback, fences and walls shall be allowed to a maximum height of four feet (4').

    b. On street facing side yards, fences and walls shall be limited to maximum height of four feet (4') for a ~~depth~~ distance of not less than twenty feet (20') from the front property line. Fences beyond the required ~~front yard~~ twenty foot ~~depth~~ distance from the front property line shall ~~maintain the~~ be set back a minimum of one foot ~~setback~~ from the side property line, but shall be allowed to ~~the seven-foot (7') maximum rear yard height~~ a maximum height of seven feet.

    c. Clear vision triangle shall be maintained.

3. On double frontage commercial and residentially-zoned lots:

    a. In cases where a lot extends the full depth of a block between two (2) parallel streets, fences shall maintain ~~the~~ a one foot setback along the street bordering the rear ~~yard~~ setback but may be allowed ~~to the rear yard~~ in the rear setback at a height of seven feet (7').

4. On industrially-zoned property:

    a. No chain-link fencing that is visible from the public right-of-way is permitted on any industrially zoned property.

    b. No barbed-wire or razor-wire fencing is permitted on any industrially zoned property.

(Ord. 1263, 12-29-2011; Ord. 1336, 11-2-2016; Ord. No. 1413, § 2, 12-20-2023)

9-1-~~5~~9: Accessory Uses and Buildings~~, Regulations~~:

A. General Regulations for Accessory Uses and Buildings. Accessory uses and buildings, except as otherwise permitted in this title, shall be subject to the following regulations:

~~A~~1.. Where an accessory building is structurally attached to a main building it shall be subject to, and must conform ~~to~~ with all regulations of this title applicable to the main building.

~~B~~2. An accessory building may not be located nearer than five feet (5') to any interior lot line and not nearer than five feet (5') to the rear lot line.

~~C~~3. ~~An accessory building shall not be erected prior to the establishment or construction of the principal use of a building~~ An accessory use, unless otherwise permitted in this code, shall not commence and no accessory structure shall be constructed without a principal use first being lawfully established on the subject site, provided however that the construction of both the principal and accessory structures can be built simultaneously.

~~D~~4. No house trailer or recreational vehicle shall be used for human habitation on any parcel in any zone.

B. Additional Standards for Specific Accessory Use and Structures.

1. Urban Agricultural: the cultivation of fruits, flowers, and eggs are subject to the following provisions:

   a. Chickens:

      1. The production of eggs and keeping of chickens shall only be allowed as an accessory use to a single-family detached dwelling.

      2. A maximum of eight chickens are permitted on any single property containing a single-family dwelling. Roosters are prohibited.

      3. Chicken coops shall not be attached to residential buildings.

   b. Gardens, Vegetables, Fruits and Flowers: The cultivation and storage of vegetables, plants, flowers is an allowed as an accessory use to any principal use and is permitted on vacant lots in all zoning districts for personal consumption. Produced products may be sold off-site but not on-site.

2. Home Occupations: A home occupation shall be allowed as a permitted accessory use in all zoning districts, provided the home occupation complies with the regulations contained in chapter 8 of this title.

3. Household Pets: A maximum of four household pet dogs shall be permitted per dwelling unit. Household pets kept in aquariums, terrariums and cages shall not be limited in number, shall be clearly incidental and accessory to the residential use and shall not be permitted for commercial purposes.

4. Flag Poles: Standalone flag poles are permitted on any lot in the City at the maximum height established in the zoning district within which the lot containing the flag pole is located.

5. Yard and Garage Sales: Yard and/or garage sales are limited to no more than two per calendar year per residentially zoned lot containing the yard or garage. Yard and/or garage sales shall not be permitted on vacant property.

6. Neighborhood Amenities: Lemonade, snow cones or similar children's stands, little free libraries and similar sharing outposts, are permitted on any lot whose zone allows for residential uses provided they are not located within the public right-of-way. Lemonade, snow cones, or similar children's stands are permitted for a maximum of 60-days per calendar year.

7. Outdoor Displays, Sales, and Services: Outdoor displays, storage, sales, service, and minor entertainment ~~are regulated.~~ may be permitted provided that they meet the following:

    a. All nonancillary booths, stalls, carts, or other equipment for outdoor display, sales, service or minor entertainment require approval of a conditional use permit. All such uses which are ancillary to the primary use shall be allowed if identified as a permitted land use type within the zone district of the subject property. Customary, seasonal uses such as holiday sales of Christmas trees and fireworks are excluded from this requirement.

    b. All authorized outdoor displays, sales, service or minor entertainment shall take~~s~~ place on private property with the written consent of the property owner ~~or agent of said property, or on public property with consent from the city~~.

    c. No display, sales, service or minor entertainment blocks the required pedestrian walkways. A clear area with a minimum width of five feet (5') shall be left between the street and the building entry or exit. All booths, stalls, carts, or other equipment for outdoor display, sales, service or minor entertainment at the close of business each day shall be removed or immobilized and secured so as to prevent it from becoming a public safety hazard, nuisance or security risk.

    d. Outdoor displays or storage shall not exceed twenty percent (20%) of the retail floor area of the primary business.

8. Food Trucks:

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

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

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

9. General Standards: Accessory Food Trucks shall comply with the following standards in Table 9-1-3:

Table 9-1-3: Accessory Uses – Food Truck Regulations and Standards	
Category	Standard
Use Type	Accessory Food Trucks are permitted only as an accessory use to a lawfully established principal use on the same lot and shall not constitute a principal food service use
Licensing and Compliance	Each Accessory Food Truck shall comply with all applicable city, state, and federal licensing, health, and safety requirements and shall obtain a City business license pursuant to Title 3, Chapter 11.
Relationship to Principal Use	The Accessory Food Truck shall be incidental to and customarily associated with the principal use on the site. Accessory Food Trucks not incidental or customarily associated with the principal use shall require Conditional Use Permit approval.
Property Owner Authorization	Written authorization from the property owner approving use of the site and the approved location of the Accessory Food Truck shall be maintained on-site and made available to the City upon request.
Parking – Required Spaces	An Accessory Food Truck and associated equipment, seating, or displays shall not occupy required parking spaces necessary to meet minimum parking requirements for the principal use, except that an Accessory Food Truck may be permitted to use the parking spaces on a residential lot when the food truck is being used for a function on that lot.
Parking – Off-Hours Use	Required parking spaces may be utilized only when the Accessory Food Truck operates outside the business hours of the principal use, except that this provision does not apply to an Accessory Food Truck on a residential lot when the food truck is being used for a function on that lot.
Circulation	Accessory Food Trucks shall not obstruct drive aisles, fire lanes, loading areas, or designated pedestrian or bicycle circulation routes.
Location	Accessory Food Trucks shall not be located within required setbacks, required landscaping areas, access easements, or the public right-of-way (unless permitted through a Special Event Permit). All service and customer activity shall occur entirely on private property (unless permitted through a Special Event Permit), except that an Accessory Food Truck may be permitted to use the required setbacks on a residential lot when the food truck is being used for a function on that lot.
Drive-Through Service	Motorized vehicle drive-through service is prohibited.
Hours of Operation Near Residential	When located within one hundred (100) feet of a residentially zoned lot, hours of operation shall be limited to between 6:00 a.m. and 10:00 p.m. An Accessory Food Truck shall not operate on a residential lot for more than 24 hours; the operation shall be for a single, discrete function.
Noise	Accessory Food Trucks shall not emit amplified sound.

Number Allowed	One Accessory Food Truck per lot is permitted. Up to two Accessory Food Trucks on a lot may be approved through a Conditional Use Permit.
Duration	Accessory Food Trucks shall not operate as a permanent or year-round use unless approved through a Conditional Use Permit. In no case shall an Accessory Food Truck operate on a residential lot for more than 24 hours in a 12-month period.
Food Truck Courts	Food Truck Courts and multi-vendor food truck operations are not permitted under this section and shall be regulated as a principal use where expressly allowed.

(1958 Code; amd. Ord. 627, 7-10-1978; Ord. 734, 9-15-1980; 1983 Code; Ord. 1336, 11-2-2016; Ord. 1386, 4-21-2021)

9-1-~~6~~10: Continuance of Existing Uses:

Nothing herein shall prevent the continuance of the present occupancy or lawful use of any existing building, except as may be necessary for the safety of life and property and except as provided in chapter ~~7~~ 2 of this title.

(1958 Code)

~~**9-1-7: Additional Provisions:**~~

~~The city council hereby declares that it is the intention that this title does not repeal any existing laws in regard to fire limits, sanitation or otherwise.~~

~~(1958 Code)~~

9-1-~~8~~11: Accessory Dwelling Unit Regulations:

A. Purpose and Intent: This provision provides standards for accessory dwelling units to detached single-family dwellings. These standards are intended to encourage diversity in housing types and provide for smaller, more diverse, and often more affordable housing choices that are compatible with existing neighborhoods.

B. Requirements for All Accessory Dwelling Units: All accessory dwelling units must meet the following requirements when they are the result of converting existing living area, attic, basement, or garage; adding floor area; constructing a detached accessory dwelling unit on a site with an existing primary dwelling unit, attached primary dwelling unit, or manufactured home; or constructing a new primary dwelling unit, attached primary dwelling unit, or manufactured home with an internal or detached accessory dwelling unit:

   1. Maximum Allowed: Maximum of one, site-built, accessory dwelling unit, either detached or attached, is allowed per parcel.

2. Conversion of Primary Dwelling Structure: In cases where an existing primary dwelling structure is to be converted to a secondary dwelling unit or partially converted to create a secondary dwelling unit within the structure, the area designated for the secondary dwelling unit must be brought up to current Title 8 provisions subject to the review and approval of the building official.

3. Location of Entrances: Only one entrance may be located on the facade of the primary dwelling unit, attached primary dwelling unit, or manufactured home facing the street, unless the primary dwelling unit, attached primary dwelling unit, or manufactured home contained additional entrances before the accessory dwelling unit was created. An exception to this regulation would be entrances that do not have access from the ground such as entrances from balconies or decks.

4. Parking: Parking for the main residential structure must meet the requirements of chapter 5 of this title.

. Maximum Size: The size of any accessory dwelling unit attached or detached may be no more than nine hundred (900) square feet and may include only one bedroom.

C. Creation of Accessory Dwelling Units Through Addition of Floor Area: Accessory dwelling units created through the addition of floor area to the primary dwelling unit must meet the following requirements:

1. Exterior Finish Materials: The exterior finish material must be the same or visually match the type, size, and placement of the exterior finish material of the primary dwelling unit, attached primary dwelling unit or manufactured home.

D. Detached Accessory Dwelling Units: Detached accessory dwelling units must meet the following requirements:

1. Setbacks: Detached accessory dwelling units above a permitted garage will be calculated based on the setbacks for detached garages. In all other cases, the accessory dwelling unit must be at least:

a. Situated behind the primary dwelling.

b. All accessory dwelling units shall comply with the setbacks for accessory structures required by the base zoning district in which it is located.

E. Non-Conforming Accessory Dwelling Units: That portion of a single- family residence which meets the definition and intent of an accessory dwelling unit which was in existence prior to November 19, 2008, may continue in existence without conformance to zoning provisions, provided the unit complies with the minimum requirements of the Title 8 and a valid certificate of occupancy for the use is obtained. All other provisions related to non-conforming structures and uses, as provided in this title, shall apply to accessory dwelling units.

(Ord. 1346, 8-16-2017; amd. Ord. 1386, 4-21-2021)

9-1-12: Measurements and Exceptions:

A. Exceptions to setbacks:

i. Stand-alone flag poles may be located within setback areas but shall not be closer that one foot from any property line in a residential zone

ii. Minor features such as eaves, chimneys, water collection cisterns, air conditioning units, bay windows, uncovered balconies, covered side and rear entryway door overhangs, uncovered patios, decks, walkways, areas for parking, and civic space may extend into the required setbacks.

iii. Exceptions to setbacks may be established in overlay zoning districts, or in Planned Unit Developments.

B. Units of Measurement: All units of measure are feet, unless otherwise provided.

C. Building Height Method of Measurement:: Building height is measured as the vertical distance from the average ~~preexisting~~ finished grade ~~point of the portion of the lot covered by the building~~ at the curb, sidewalk, or ~~at the~~ ~~fronting~~ property line at the primary frontage, whichever is higher, ~~building wall~~ to the top of the cornice, parapet, or peak of a pitched roof, or mansard roof ridge line.~~, measured to the highest point of the roof peak. For the purposes of these regulations, is defined as the ground level elevation at the primary frontage street that existed prior to any site preparation related to, or incorporated into, any proposed new development, In cases where site work such as retaining wall or an earth berm is utilized to create finished grades higher in elevation than preexisting grade, then preexisting grade shall be used to determine height.~~

C. Features Not included in Building Height: Excluded in maximum height are the following features: bell towers, spires, steeples, chimneys, cupolas, screened elevator and mechanical equipment enclosures, and similar features incorporated into the building design that are not intended or used for human occupancy. Such features of buildings that extend above the maximum building height shall not exceed the maximum height by more than 10 feet, provided that any rooftop equipment shall be stepped back from the fronting façade at a one foot to one foot ratio: for every foot in height, the mechanical equipment shall be stepped back from the fronting façade by one foot.

D. Special Heights for Features on Historic Buildings: The height of an historic building undergoing restoration may exceed the building height maximum up to the documented historic height, provided such increase is first approved by the Arts, Culture, and Historic Preservation Commission in accordance with any locally adopted historic preservation codes, as applicable.

CHAPTER 2 ZONING ADMINISTRATION

9-2-1: Purpose and Authority:

A. Purpose: The purpose of this Chapter is to describe the organization, powers, duties of the offices and governing bodies responsible for administration of Title 9, Zoning. The following procedures have been adopted pursuant to and consistent with Idaho Code title 50, and title 67, chapter 65. This chapter provides procedures and requirements for the preparation, filing, and processing of the land use permit applications and approvals required by this code, identified in Table 9-2-1 (Permits and Approvals), below. This section establishes

whether public notice and pre-submittal activities are required, the role of the City review and decision-making bodies, and whether public hearings are required during each process.

B. Authority for Land Use and Zoning Decisions: Table 9-2-2 (Review Authority), below, identifies the review authority responsible for reviewing and making decisions on each type of application or approval required by this code.

C. Director Decision-Making: The duties and responsibilities of the Director may be formally delegated to City officials in subordinate positions to the Director.

9-2-2 Required Permits and Approvals

Paths for review and approval generally fall within one of two types. Refer to Table 9-2-1, Required Permits and Approvals, to identify each approval or application type. Each of the permits and/or approvals are required as further described in Table 9-2-1, below.

Table 9-2-1 Required Permits and Approvals

Name of Permit/Approval	***Code Chapter/Sectio***	***Applicability of Permit***
Land Use Permits and Approvals		
Conditional Use Permit	9-2-7	A Conditional Use Permit is required to authorize proposed land uses specified by Chapters 1, 2,3, and 4 as being allowable in the applicable zone, subject to the approval of a Conditional Use Permit
Site Plan Review Permit	9-2-8	A Site Plan Review Permit is required for construction and development activities identified in Section 9-2-8, Site Plan Review Permit, subject to the exemptions established in that section.
Certificate of Appropriateness	9-13-6	A Certificate of Appropriateness is intended to protect structures, improvements, natural features, and objects, of historic significance including but not limited to, areas of architectural, cultural, economic, historic, political, and social importance from any alteration, demolition, or removal which would have an adverse effect thereon.
Variance	9-2-8	A Variance may be requested to allow an adjustment from any of the development standards required by this code. A Variance shall not be used to approve a change to the allowance or not of any land use within any zone.
Sign Permit	9-7-1	A Sign Permit is required to allow the installation or remodeling of a sign.
Home Occupation Permit	9-8	A Home Occupation Permit is required to allow for home occupations that are conducted within a dwelling located in a residential zone, and are clearly incidental and secondary to the use of the dwelling for residential purposes and compatible with surrounding residential uses as specified in Chapter 9-8.

Zoning Compliance Review	9-2	A Zoning Compliance Review is a review of Building Permit, Grading, or other construction permit applications, or home occupation and/or business license permits and is required to verify a proposed land use or structure complies with the list of activities allowed in the applicable zone and the development standards applicable to the use or structure.

Legislative Actions and Approvals

Comprehensive Plan Change	9-2-12	A Comprehensive Plan Change is a modification or addition of policy or land use category.
Zoning Text Change	9-2-10	A Zoning Text Change is a modification or addition of language or regulations within the Zoning Ordinance.
Rezone	9-2-10	A Rezone is a reclassification of one or more properties from one zone district to another. A site-specific rezone shall be considered a quasi-judicial action and shall adhere to the requirements of Idaho Code 67-6535.
Overlay District	9-2-10	An Overlay District is a zoning tool that adds a layer of specific regulations to an existing zoning area.
Historic Preservation Designation	9-13	Designation of a property by the City as either an Historic Landmark or within an Historic District.
Development Agreement	9-2-11	A Development Agreement is a written commitment between the city and one or more property owners concerning the use or development of land, entered into as a condition of rezoning property, as established by Idaho Code 67-6511, et seq.

Note: Planned Unit Developments are subject to requirements in Title 10, Land Subdivisions, of the Sandpoint City Code.

Table 9-2-2 Review Authority				
		Role of Review Authority[1]		
Type of Permit/Approval	**Code Section**	**Director**	**Planning and Zoning Commission**	**Council**
Land Use Permits and Approvals				
Conditional Use Permits	9-2-8	Analysis	Decision	Appeal
Site Plan Review Permits[2,4]	9-2-8	Decision	Appeal	Appeal
Certificates of Appropriateness	9-13-5	Arts, Culture, and Historic Preservation Commission instead of Director	Appeal	Appeal
Variances	9-2-8	Analysis	Decision	Appeal
Sign Permits	9-7	Issuance	Appeal	Appeal
Home Occupation Permits	9-8	Issuance	Appeal	Appeal
Zoning Compliance Review	9-2-8	Decision	Appeal	Appeal
Legislative Actions and Approvals				
Comprehensive Plan Change	9-2-12	Recommend	Recommend	Decision
Zoning Text Change	9-2-12	Recommend	Recommend	Decision
Rezoning	9-2-12	Recommend	Recommend	Decision
Overlay Zone District[3]	9-2-12	Recommend	Recommend	Decision

Historic Preservation Designation	9-13	Analysis	Recommend[3]	Decision
Development Agreement	9-2-11	Analysis	Recommend	Decision

1 "Recommend" means that the review authority makes a recommendation to a higher decision-making body; "Decision" means that the review authority makes the final decision on the permit; "Appeal" means that the review authority may consider and decide upon appeals of an earlier decision-making body, in compliance with section 9-2-6 (Appeals); "Analysis" means that the review authority presents a detailed explanation and examination of the request with a special focus on policy and code compliance and significance of the action.

2 The Director may defer action and refer the request to the Planning and Zoning Commission for consideration and final action.

3. May require Arts, Culture, and Historic Preservation Commission review and/or action prior to action by the Planning and Zoning Commission in conformance with Chapter 13, Historic Preservation Code.

4. A Site Plan and Design Review Permit may be combined into a conditional use permit when a conditional use permit is also required for the same project, pursuant to the regulations in section 9-2-2, and pursuant to Idaho Code 67-6522.

9-2-3: Permit Application Filing, Fees, and Initial Processing:

A. Purpose: The purpose of this section is to provide uniform application processing procedures for land use permits and decisions identified in this chapter. These procedures are intended to apply to applications made by non-city officials. Legislative actions initiated by the Director, Planning and Zoning Commission, City Council, or, in the case of historic preservation overlay zones, the Arts, Culture, and Historic Preservation Commission shall be exempt from these procedures, and shall be processed in accordance with section 9-2-10, Legislative Actions.

B. Application Preparation and Filing

1. Pre-application conference: A prospective applicant is encouraged to request a pre-application conference with the director before completing and filing a land use permit application. The purpose of this conference is to generally:

   a) Inform the applicant of city requirements as they apply to the proposed project;

   b) Review the city's review process, possible project alternatives, or modifications, and

   c) Identify information and materials that the city will require with the application, and any necessary technical studies and information necessary to complete reviews on the project's potential impacts on utility, roadway, and other infrastructure.

2. Application contents: Each application for a permit, or amendment, identified in Table 9-1, or other matter pertaining to this title shall be filed with the department on a city application form, together with all required fees and/or deposits and all other information and materials specified in the department handout for the specific type of application and/or as specified by the director.

3. Eligibility for filing:

a) The application shall be signed by the property owner of record or by an authorized agent.

b) Authorized agents shall provide written authorization signed by the property owner. Such authorization may have to include corporate resolutions or operating resolutions identifying that the signatory has such authorization.

4. Report by expert consultants: The city may require of the applicant, at the applicant's sole expense, evidence and clarification as may be necessary to establish that the proposed development will conform to the applicable regulations and standards specific in this code.

5. Multiple permit applications:

a) Concurrent filing: An application for a development project that requires the filing of more than one application (e.g. zoning map amendment and a conditional use permit, etc.) shall file all related applications concurrently, together with all application fees required by section 9-2-3-C (Application Fees), below, unless the concurrent filing requirements are waived by the director.

b) Combining of applications: Where practical, the combining of related permit types will be permitted at the discretion of the director for the purposes of reducing redundancy in permitting (e.g. combining Site Plan Review Permit into a Conditional Use Permit when both are required by this code, and where submittal requirements and findings for approval overlap). In such cases, only one application and one application fee shall be required (the higher of the fees), however the application is required to include a statement identifying which applications are being combined. The combining of applications shall have no effect on the permit expiration or validity as established in 9-2-3, below.

C. Application Fees

1. Fee Schedule: The city council shall establish a schedule of fees for the processing of applications required by this code, hereinafter referred to as the fee schedule. The fee schedule may be evaluated and/or amended as often as deemed necessary by the city council.

2. Projects subject to time and materials charges.

a) Projects that do not fit any category in the fee schedule or which are otherwise extraordinary may be charged on a time and materials basis at the director's sole discretion.

b) Staff time required on a project, post entitlement, and not part of another formal application (e.g. final plat, conditional use permit, etc.) will be recovered on a time and materials basis at the director's sole discretion.

c) The fees specified in the fee schedule reflect standard processing time. Projects requiring excessive review time will be recovered on a time and materials basis.

3. Timing of payment

a) Applications shall not be deemed complete, and processing shall not commence on any application until all required fee or deposits have been paid.

b) Failure to timely pay supplemental requests for payment or required fees and/or deposits shall be a basis for postponement of any permit or other requested entitlement, notwithstanding any other provisions of this code.

4. Refunds and withdrawals

a) No refund due to denial shall be allowed.

b) In the case of a withdrawal, the Director shall have the discretion to authorize a partial refund based upon the pro-rated costs to date and the status of the application at the time of withdrawal.

D. Application Initial Processing

1. Review for completeness: The Director shall review each application for completeness and accuracy before it is accepted as being complete and officially filed. Within 30 calendar days of application filing, the applicant shall be informed in writing, either that the application is complete and has been accepted for processing, or that the application is incomplete and that additional information, specified by the Director, shall be provided. The Director's review of any information resubmitted by the applicant shall be accomplished with another 30-day period of review for completeness. The Director's determination of completeness is an application that:

a) Is in the required application form required by the City's website;

b) Contains all the information required including supporting documentation;

c) Contains any additional information determined by the Director as required at a pre-application conference, or as may be necessary to determine project conformance to all applicable policies and regulations;

d) Contains documentation as may be required by the project's size, or complexity, as determined by the Director, in order to evaluate potential impacts of the proposed development on the surrounding neighborhood, or the City's transportation system, utility, or other public services, or systems; and

e) Is accompanied by the fee established for the type of application(s) being submitted.

2. Referral of application to agencies: At the discretion of the Director, or where otherwise required by this code or state or federal law, an application may be referred to any public agency that may be affected by or may have an interest in the proposed project.

3. Referral of application to interested parties and/or adjacent properties: An application will be referred to adjacent property owners or interested parties in accordance with applicable state laws. The Director shall have the discretion of refer any application to any interested party and/or adjacent or nearby property owner even if not required by state law.

E. Withdrawal of Application: An application shall be deemed withdrawn, and review terminated if:

1. The applicant requests that the application be withdrawn; or

2. The applicant fails to respond or resubmit revised plans, reports, or correspondence to the Director for more than 90 days following a request from the Director. The Director may extend the response period for good cause shown by the applicant.

F. Burden of Proof: The burden of proof to establish the evidence in support of the required finding(s) for any permit or approval in compliance with this code is the responsibility of the applicant.

G. Concurrent processing: Multiple applications for the same project shall be processed concurrently, and shall be reviewed, and approved or denied by the highest review authority designated by the code for any of the applications (i.e., a project for which applications for a Zoning Map amendment and a Conditional Use Permit are filed shall have both applications decided by the Council, instead of the Planning and Zoning Commission acting upon the Conditional Use Permit as otherwise required by Table 9.2)

(Ord. 842, 6-15-1987)

9-2-4: Permit and Approval Implementation, Time Limits, Expirations and Extensions

A. Purpose: This section provides requirements for implementation of the permits or approvals required by this code, including time limits and procedures for approving extensions of time.
B. Conformance to approved plans:
   1. Compliance: All work performed under a building permit for which project drawings and plans were approved under a land use permit either by the director, planning and zoning commission or city council, shall be in compliance with the approved drawings and plans, and any conditions of approval imposed by the applicable review authority.
   2. Changes: Changes to an approved permit or other approval shall only be approved by the original approval authority through a new application, processed in accordance with this chapter, except that changes to an approved permit or other approval may be authorized by the Director only if the changes:
      A. Are consistent with all applicable provisions of the code and the spirit and intent of the original approval; and
      B. Do not involve a feature of the project that was a basis for conditions of approval for the project, a specific consideration by the approval authority, or involve any expansion or intensification of the use or structure.
C. Effective Dates of Permits: The effective dates of permits and approvals issued under this chapter shall be as shown in table 9-2-3 (Permit and Approval Effective date, Expiration and Validity). Permits and approvals requiring a written decision shall have an effective date 15 days after the written decision, to allow for the appeal process, as established in 9-2-6. The written decision, if required, shall be completed within thirty (30) days of action by the review authority.
D. Effective dates of plan amendments, zoning changes, and development agreements: Council actions to adopt or amend the Comprehensive Plan, Zoning Ordinance or Official Zoning Map (rezoning), or a development agreement shall become effective on the actual date the decision is rendered by the Council, as shown in Table 9-2-3 (Permit and Approval Effective date, Expiration and Validity), unless otherwise specified in the development agreement.
E. Expiration and validity of permits or approvals:

1. Approvals run with the land: Unless otherwise stated for a specific type of permit, application, or decision under this code, or unless otherwise stated on the permit or approval document, permits, approvals and approvals with conditions under this code run with the land and are not affected by changes in ownership, tenancy, or the form of ownership or tenancy of the property. Subsequent owners and tenants of the property have the same rights and obligations with respect to the permit, approval, or decisions as the initial applicant.
2. Expiration: Unless otherwise indicated, the term of an approval shall be as shown in Table 9-2-3 (Permit and Approval Effective Date, Expiration and Validity), below, unless the property owner has taken action to initiate construction of improvements (including the installation of utilities), initiate the allowed use or activity, or taken actions to use the authority granted in that permit or approval prior to its expiration, as further described in sub-section 3, below.

Table 9-2-3: Permit and Approval Effective Date, Expiration and Validity

Type of Approval	Effective Date	Expiration and Period of Validity
Conditional Use Permit	Written decision plus 15 days	2 years from effective date
Site Plan Review Permit	Written decision plus 15 days	2 years from effective date
Certificate of Appropriateness	Date approval is issued	2 years from effective date
Variance	Written decision plus 15 days	2 years from effective date
Sign Permit	Date approval is issued	Same expiration as a building permit, if any, or if no building permit required, 1 year from date of issuance
Home Occupation Permit	Date approval is issued	Same expiration as Business License, expires at the end of each calendar year
Zoning Compliance Review	Date approval is issued	Same expiration date as the companion permit the clearance was issued for (e.g building permit)
Comprehensive Plan Change	Date approval is issued	Do not expire
Zoning Text Change	Date approval is issued	Do not expire
Rezone	Date approval is issued, or written decision plus 15 days for site-specific rezones	Do not expire

Development Agreement	Date approval is issued, or as established in the agreement	As set forth in the development agreement

F. Implementation required: All permits and approvals shall comply with the following expiration provisions:
   1. To ensure continued compliance with the provisions of this code, the permit or approval shall be implemented in compliance with the timeframes established in Table 9-2-3, above, or the permit or approval shall expire and be deemed void, unless an extension is approved by the applicable review authority, in compliance with 9-2-3 subsection H, Time Extensions, below.
   2. A permit or approval shall be implemented before its expiration. The permit or approval shall not be deemed implemented until the applicant has:
      a) Actually implemented the allowed land use, in its entirety, on the subject property in compliance with the conditions of approval; or
      b) Obtained a building permit and continuous on-site construction activity including pouring of foundations, installation of utilities, or other substantial improvement has commenced and diligently pursued toward completion; or
      c) Obtained a Grading Permit or Public Infrastructure Permit and has completed a significant amount of on-site grading and/or utility work, as determined by the Public Works Director, in preparation for the work described subparagraph ii, above, and
      d) Met all of the applicable requirements as determined by the Director.

G. Effect of expiration: Where the permit or approval has expired and/or has been deemed void:
   1. No further action is needed by the city;
   2. No further reliance may be placed on the previously approved permit or approval;
   3. The applicant shall have no rights previously granted under the permit or approval;

H. Time Extensions: All requests for time extensions shall comply with the following:
   1. The Director shall have the authority to extend the period specified in Table 9-2-3 (Permit and Approval Effective Date, Expiration and Validity), for up to an additional one-year. The director may instead refer the matter to the Planning and Zoning Commission for review and final decision.
   2. The applicant's written request for an extension of time shall be on file with the department before expiration of the permit or approval, together with the required filing/application fee.
      a) A public hearing is not required for a director's decision on an extension of time. However, the Commission shall conduct a public hearing in compliance with chapter 9-2-5 on a referral from the director.
      b) The filing of written extension request shall suspend the actual expiration of the permit or approval until the extension request has been acted upon by the director.
      c) Building or grading permits shall not be issued in compliance with the permit or approval during the period of suspension.
      d) No permit or approval shall be extended past a maximum of three years following the original effective date. Any request for extensions in excess of three years from the permit or approval effective date shall instead require the filing of a new application in accordance with section 9-2-2, above.

3. An extension of the permit or approval may be granted only if the applicable review authority first finds that there have been no changes in the Comprehensive Plan, zoning code, or city development policy, that would preclude the review authority from making the findings upon which the original approval was based.

9-2-5: Nonconforming Provisions

A. Purpose: This section provides regulations for nonconforming land uses, and structures that were lawful before adoption, or amendment of this code, but which would be prohibited, regulated, or restricted differently under the current regulations of this code.
B. Intent: In order to limit the number and extent of nonconforming uses, and structures created by adoption of this code, it is the city's intent to generally allow nonconformities to continue until they are removed, but not to encourage their long-term survival. It is further the intent of this section that nonconformities shall not be altered, enlarged, expanded, extended, moved, or reestablished after abandonment or discontinuance or restored after involuntary destruction, except in conformance with this chapter.
C. Proof of nonconformity: The property owner has the burden to prove the claim of nonconformity and the related protected status that comes with that claim as specified in this section. The property owner shall provide sufficient evidence to the satisfaction of the director that the subject property is a legal nonconformity as specified in this section. The City is not responsible for proving the absence of legal nonconformity. The director's determination of legal nonconformity shall be appealable in compliance with section 9-2-6: Appeals.
D. Restrictions on nonconforming uses: A legal nonconforming land use, as that term is defined in this chapter, may be continued, including transfers of ownership; provided that their continuation shall comply with the requirements of this section, provided below. See also, section F (residential exceptions), below, for exceptions regarding certain residential uses and structures.
    1. Change of ownership: Change of management, ownership, or tenancy of a nonconforming use shall not affect its nonconforming status; provided that the use and intensity of use, determined by the director, does not increase.
    2. Additional development: Additional development of any property on which a nonconforming use exists shall require that all new uses be in compliance with the applicable provisions of this code.
    3. Conversion of a nonconforming use: If a nonconforming use is converted to a conforming use, no nonconforming use may be resumed.
    4. Changes to a nonconforming use: A nonconforming use shall not be established or replaced by another nonconforming use, nor shall any nonconforming use be expanded or changed, except as provided for in this section.
    5. Replacement land use within single and multi-tenant structures: A nonconforming use whether operating in a single-tenant or multi-tenant structure may only be replaced by a conforming use or a non-conforming use that is the same or similar to the previous nonconforming use within the tenant space, provided not more than 180-days has passed since the cessation of the previous nonconforming use, and further provided the replacement non-conforming use does not create an increase in intensity of the land use.
E. Restrictions on nonconforming structures: A legal nonconforming structure, as that term is defined in this chapter, may be continued, including transfers of ownership; provided that their

continuation shall comply with the requirements of this section, provided below. See also, section F (residential exceptions), below, for exceptions regarding certain residential uses and structures.

1. Alteration: Nonconforming structures shall not be altered so as to increase the difference between the existing conditions and the development standards specified in the regulations for the zone in which the structure is located.
2. Moving or enlargement: Nonconforming structures shall not be moved or enlarged unless the new location or enlargement shall conform to the current development standards for the zone in which the structure is located.
3. Ordinary maintenance and repairs: Nonconforming structures may undergo ordinary maintenance and repairs.

F. Residential exemptions: An involuntarily damaged or destroyed nonconforming single-or multi-family dwelling unit may be reconstructed or replaced with a new structure with the same footprint (including pre-existing nonconforming setbacks and/or lot coverage), height, and number of dwelling units, in compliance with the current Building and Fire Code requirements and otherwise in compliance with the provisions of this code.

G. Loss of nonconforming status:

1. Termination by discontinuance: If a nonconforming use is discontinued for a continuous period of 180 or more consecutive calendar days, the use shall lose its legal nonconforming status, and the continued use of the property shall be required to be in compliance with the applicable provisions of this code.
2. Termination by destruction: Nonconforming status shall terminate if a nonconforming structure or a conforming structure occupied by a nonconforming use, is involuntarily damaged or destroyed as a result of an accident or by fire, flood, or other act of nature, except as provided in section F (residential exemptions), above, and except as follows.
3. 50 percent or less: If the cost of repairing or replacing the damaged portion of the structure is 50 percent or less of the appraised value of the structure immediately before the damage, the structure may be restored to no more than the same size and use, and the use continued, if the restoration is started within one-year of the date of damage and can be completed within two years following initiation of the restoration.
4. Exceeds 50 percent: If the cost of repairing or replacing the damaged portion of the structure exceeds 50 percent of the appraised value of the structure immediately before the damage, or the structure is voluntarily razed or is required to be razed, the structure shall not be restored except in full compliance with the applicable regulations for the zone in which it is located and the nonconforming use shall not be resumed.
5. All appraised values referred to in this section shall be determined by a licensed appraiser and confirmed by the building official. Estimates of repairing or replacing the damaged portion of the structure for purposes of this section shall be made by or shall be reviewed and approved by the building official and shall be based on the minimum cost of construction in compliance with the building code.

H. Effect of conditional use permit requirements

1. Absence of a conditional use permit: A use lawfully existing without the approval of a conditional use permit that would be required by this code shall be deemed conforming only to the extent of its previous lawful use (e.g. maintaining the same site area boundaries, hours of operation, etc). Any expansion of the use in size or hours of operation would require the approval of a conditional use permit.

2. Previous conditional use permit: A use that was authorized by a conditional use permit but is not allowed by this code in its current location may continue, but only in compliance with the original conditional use permit and any associated conditions of approval.

9-2-6: Public Hearings

A. Purpose: This section provides procedures for public hearings required by this code. When a public hearing is required, advance notice of the hearing shall be given, and the hearing shall be conducted, in accordance with this section.

B. Notice of hearing: when this code requires a noticed public hearing before a decision on a permit, or for another matter, the public shall be provided notice of the hearing in compliance with Idaho State Code and as required by this section.

1. Content of notice: Notice of a public hearing shall include all the following information, as applicable:
   a) Hearing information. The date, time, and place of the hearing, and the name of the review authority, and the phone number, street address, and website of the Department, where an interested person could call or visit to obtain additional information.
   b) Project information. The city's filing number (application number) and project name, if any, and the name of the applicant; a general explanation of the matter to be considered, and a general description, in text and/or diagram, of the location of the property that is the subject of the hearing.
2. Method of notice: Notice of a public hearing required by this chapter for a permit, amendment, appeal, or other approval shall be given as follows.
   a) Mailing. Notices shall be mailed or delivered at least 15 calendar days before the scheduled hearing to the following:
      i. Project site owners and the applicant, including the owner's authorized agent, if any.
      ii. Local agencies expected to provide roads, schools, environmental review, or other essential facilities or services to the property which is the subject of the application, whose ability to provide those facilities and services may be significantly affected.
      iii. All owners of real property, as shown on the latest adopted tax roll of the county, located within a radius of a minimum of 300 feet of the exterior boundaries of the parcel (lot) that is the subject of the hearing. The director shall have the authority to extend the radius of the notice at the director's sole discretion. Notice for structures taller than 100 feet shall adhere to additional notice provisions established in state law.
      iv. Any person who has filed a written request for notice with the director.
      v. Any other person whose property might, in the judgment of the director, be affected by the proposed project.
   b) Alternative to mailing. If the number of property owners to whom notice would be mailed in compliance with subsection (a) above is more than 200, the notice of public hearing published in a newspaper of general circulation, as set forth in subsection (c), below, shall be considered adequate in lieu of mailed notices.

c) Publication and posting. Notice shall be published at least once in a newspaper of general circulation in the city at least 15-days before the scheduled hearing. Additionally, notice shall be posted at least 15-days before the scheduled hearing in at least one public place within the city in addition to one on the project site.

d) Additional notice: In addition to the types of notice required above, the director may provide any additional notice with content or using a distribution method (e.g. posting on the city's website, using another newspaper, social media, television or radio stations serving the City for use as a public service announcement) as the director deems is necessary or desirable.

C. Time and place of hearing: the hearing shall be held at the date, time, and place for which notice was given.

D. Continued hearing. Any hearing may be continued from time to time without further notice; provided, the chair of the hearing body announces the date, time, and place to which the hearing will be continued before the adjournment or recess of the hearing.

E. Action and Notice of Decision

1. The applicable decision-making body shall consider the application, relevant support materials, staff report, and any evidence and public comments from the public hearing.
2. The applicable decision-making body shall approve, approve with conditions, or deny the application based on applicable review criteria listed in the application-specific procedures.
3. The review authority may announce a tentative decision and defer their action on a final decision until appropriate findings and/or conditions have been prepared.
4. Written notice of decision. Following a decision on an application, the review authority shall produce a written decision accompanied by a reasoned statement which shall contain applicable findings, conditions of approval, and procedure for appeal, if any, and any information as required by Idaho Code 67-6535.

9-2-7: Appeals

A. Purpose: This section establishes procedures for the appeal and calls for review of determinations and decisions rendered by the director, planning and zoning commission, and if applicable to land use applications, the arts, culture and historic preservation commission.

B. Zoning code administration and interpretation: The following determinations and actions of the director, department staff, and the arts, culture and historic preservation commission may be appealed to the planning and zoning commission and then to city council:

1. Interpretations: Any determination on the meaning or applicability or the regulations contained in this code that are believed to be in error, and cannot be resolved with the director; and
2. Enforcement actions. Any enforcement action filed in compliance with section 9-2-9 (violations, enforcement, and penalties).
3. Planning permit and approval decisions.
   a) Director's decisions. Any decision of the director may be appealed to the arts, culture, and historic preservation commission or the planning and zoning commission, as applicable.
   b) Arts, Culture and Historic preservation commission decisions. Any applicable decision of the arts, culture, and historic preservation commission may be appealed to the planning and zoning commission.

c) Planning and zoning commission decisions. Any decision of the planning and zoning commission may be appealed to the city council.

C. Filing and processing appeals:
1. Eligibility: An appeal may be filed by any aggrieved person, except that in the case of a decision that followed a public hearing, an appeal may only be filed by a person who, in person or through a representative, appeared at the public hearing in connection with the decision being appealed, or who otherwise informed the City in writing of the nature of their concerns before the hearing. Additionally, any action or decision by the arts, culture, and historic preservation commission, planning and zoning commission, or director may be appealed by a city council member acting as an individual.
2. Timing and form of appeal.
a) The appeal shall be filed with the city clerk within 15 days following the actual date the decision was rendered, or date the written decision was approved, as applicable, identified in section 9-2-3 and table 9-3.
b) The pertinent facts and the basis for the appeal shall include, at a minimum, the specific grounds for the appeal, where there was an error or abuse of discretion by the review authority in the consideration and action on the matter being appealed, and/or where the decision was not supported by the evidence on the record.
c) Appeals shall be accompanied by the filing fee identified in the fee schedule.
d) Once an appeal is filed, any action on the associated project is suspended until the appeal is processed and a final decision is rendered by the applicable review authority.

D. Report and schedule of hearing:
1. When an appeal has been filed, the director shall prepare a report on the matter, including all of the application materials in question, and schedule the matter for a public hearing by the appropriate review authority, identified in section 9-2-3 and table 9-3.
2. Notice of the hearing shall be provided, and the hearing shall be conducted, incompliance with section 9-2-6 (Public Hearings).
3. Any interested party may appear and be heard regarding the appeal.

E. Decision
1. In deciding an appeal the review authority considering the appeal shall not hear or consider any evidence of any kind other than the evidence received from the previous review authority, or any argument on the merits of the case other than that contained in the notice of appeal, unless it sets the matter for hearing before itself (e.g. de novo hearing), as provided for in this chapter, and gives the same notice of hearing as is required in compliance with section 9-2-6 (public hearings).
2. In the event of a tie vote by the review authority on an appeal, the decision being appealed shall stand.
3. A decision of the planning and zoning commission is final and effective after 5:00 pm on the 15th day following the date the written decision is rendered, when no appeal to the decision has been filed in compliance with this section.

9-2-8: Zoning and Land Use Permits

A. Compliance with chapter required: Building or grading permits or certificates of occupancy shall not be issued until the requirements of this chapter have been met.
B. Conditional Use Permit:

1. Purpose: In the various zones, certain land use are permitted, subject to the granting of a conditional use permit. The purpose of a conditional use permit is to provide a process for reviewing land uses that may be appropriate in the applicable zone, but whose effects on a site and surroundings cannot be determined before being proposed for a specific site. Because of their characteristics, these land uses require special consideration so that they may be located properly with respect to the objectives of this title and with respect to their effects on surrounding properties.
2. Applicability and when required: A Conditional Use Permit is required to authorize proposed land uses specified by Chapters 2, 3, and 4 as being allowable in the applicable zone, subject to the approval of a Conditional Use Permit, as further identified in Table 9-1.
3. Procedures:
   a. Application Filing: An application for a CUP shall be filed in accordance with the procedures established in section 9-2-2 (Application Filing, Fees, and Initial Processing).
   b. Review: All applications for a conditional use permit shall be reviewed by the Director to ensure compliance with all applicable requirements of this code.
   c. Hearing Required: The CUP shall be set for public hearing before the planning and zoning commission, as established in section 9-2-6 (Public Hearings).
4. Findings and Decision:
   a. An application for a Conditional Use Permit shall be approved by the review authority established in section 9-2-3 only after first making the following findings that the proposed use:
      i. Is consistent with the Comprehensive Plan;
      ii. Will constitute a conditional use authorized in the subject zone;
      iii. Complies with all other applicable provisions of this code and the municipal code;
      iv. Will be designed, situated, sized, and whose operating characteristics will be compatible with the ~~existing and~~ planned future land uses in the vicinity ~~and will not change the essential character of the surrounding area~~;
      v. Is located on a site that is:
         1. Physically suitable in terms of design, location, operating characteristics, shape, size, topography, and the provision of public and emergency vehicle (e.g. medical and fire) access and public services and utilities;
         2. Served by streets and pedestrian and bike pathways adequate in width and improvement to carry the quantity of vehicle and pedestrian and bike traffic the proposed use would likely generate;
      vi. Will not be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of such proposed use;
      vii. Will be served adequately by essential public facilities and services including, streets, storm drain systems, potable water facilities, sanitary sewer facilities, police and fire protection;
      viii. Will not be detrimental to the economic welfare of the community;
      ix. Will not involve uses, activities, processes, materials, equipment or conditions of operation that will cause unreasonable production of traffic, noise, smoke, fumes, glare, odors or other forms of pollution;
      x. Will have vehicular approaches to the property so designed as not to create a detrimental interference with traffic on surrounding public or private streets, or adversely affect the pedestrian environment, and;

xi. Will provide a safe, convenient, and efficient network that minimizes conflicts between pedestrians, bicyclists, and vehicular traffic by creating a network that includes sidewalks, pathways, and landscaping that promotes and supports active transportation.

5. Tentative Decision Allowed: The review authority is not required but may announce a tentative decision and defer their action on a final decision until appropriate findings and/or conditions have been prepared.
6. Written Notice of Decision. Following a decision on an application for a Conditional Use Permit, within 30 calendar days, the review authority shall produce a written decision and reasoned statement that that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, and factual information contained in the record. The written decision shall contain applicable findings, upon which the decision was made, the conditions of approval (if any), and procedure for appeal.
7. Combined Conditional Use Permit and Site Plan Review Permit: When a development requiring a Conditional Use Permit also requires a Site Plan Review Permit, pursuant to 9-2-7-B (Site Plan Review Permit), below, the applications may be combined pursuant to 9-2-2 (Application Filing, Fees, and Initial Processing); provided however that the findings for a Site Plan Review Permit shall also be made prior to approval.
8. Conditions of Approval: The Planning and Zoning Commission may, after review of the application and public hearing, require the applicant to meet any specific conditions of approval deemed necessary to protect the public health, safety, and general welfare and environment of the community, and any conditions deemed reasonable and necessary to ensure that the approval will comply with the findings required by section 9-2-7 (4)(A). Such conditions are not limited to, but may include:
   a. Limitations on the hours of operation of the use;
   b. Additional landscaping and building beautification;
   c. Additional or reduced (while maintaining required minimums) off-street parking or transportation improvements;
   d. Increased setbacks from property lines.
9. Shall be Implemented Before Expiration: A Conditional Use Permit shall be implemented prior to its expiration, as set forth in section 9-2-3, above.

C. Site Plan Review Permit
   1. Purpose: The purpose of the Site Plan Review Permit is to provide an efficient process for the review of construction and development projects by combining public facilities capacities review, site and landscaping plan, and architectural design review into one permit prior to the building permit process.
   2. Intent: The intent of the Site Plan Review Permit is to ensure that all approved development:
      a. Promotes the orderly development of the city in compliance with the goals, objectives, and policies of the Comprehensive Plan, applicable master plans, and the standards specified in this code;
      b. Respects the physical and environmental characteristics of the site;
      c. Ensures safe and convenient access and circulation for pedestrians and vehicles;

d. Ensures adequate provision of utilities consistent with adopted City policies and regulations;
e. Exemplifies the best professional high quality design practices through consistency with the City's design standards and guidelines, which may be amended from time to time.
f. Allows for and encourages individual identity for specific uses and structures;
g. Encourages the maintenance of a distinct neighborhood and/or community identity;
h. Minimizes undesirable visual impacts by preventing inappropriate designs or development;
i. Ensures development of a City having "image and character", which terms shall include beauty, fitness, harmony, quality, and spaciousness;
j. Maintains and increases the desirability of other properties within the vicinity for the uses for which they are zoned;
k. Prevents unsightliness which causes a decrease in the value of surrounding properties;
l. Results in the maintenance or improvement, or both, of the properties so that improvements on neighboring sites are not discouraged with the result that properties degenerate resulting in an accompanying deterioration of conditions;
m. Prevents the decline in the taxable value of real property in the vicinity and the cost of municipal services to these properties;
n. Helps to ensure that the property values within the vicinity of new and modified development retain their stability;
o. Provides standards that result in the maintenance or improvement, or both, of surrounding properties so that improvements are not discouraged with the result that properties degenerate resulting in an accompanying deterioration of conditions; and
p. It is not a purpose or intent of this code to control architectural character so rigidly that individual initiative is stifled in the design of any particular structure. Rather, it is the purpose and intent of this code that any control exercised be necessary to achieve the overall objectives of this chapter, various overlay districts, and the Comprehensive Plan.

3. Applicability and When Required: Before the issuance of a Building Permit or ground disturbance permit (such as a Grading Permit or Public Infrastructure Permit), a Site Plan Review Permit shall be required for all of the following construction or development activities:
   a. All structures requiring a building permit to accommodate any of the land use activities specific to any zone, except for those specified in subsection b (exemptions), below.
   b. Exemptions: The following are exempt from the requirement for a Site Plan Review Permit, unless located within an Overlay District that establishes the requirement:
      i. A Single-family detached dwelling, a single family-attached dwelling (duplex), or a triplex, and any addition thereto;
      ii. Expansion of a commercial or industrial building which increases the size of the building by less than 2,000 square feet;
      iii. An accessory structure or accessory dwelling unit;
      iv. Any fence, wall or other dividing structure in any zone erected in compliance with this code.
      v. Any temporary structure, as defined in the building codes.
      vi. Any minor repairs.
      vii. Parking lot revisions, including re-striping of parking lots.
4. Procedures

a. Application filing: An application for a Site Plan Review Permit shall be filed in accordance with the procedures established in section 9-2-2.
b. Review: All applications for a Site Plan Review Permit shall be reviewed by the Director to ensure compliance with all applicable requirements of this code.

5. Findings and Decision: An application for a Site Plan Review Permit shall be approved by the review authority established in section 9-2-3 only after making the following findings that the project will:
   a. Be allowed within the subject zone;
   b. Be designed efficiently such that the project will not be detrimental to the public health, safety, or general welfare, and not detrimental to adjacent property;
   c. Be served adequately by essential public facilities and services including, streets, storm drain systems, potable water facilities, sanitary sewer facilities, police and fire protection;
   d. Will provide a safe, convenient, and efficient network that minimizes conflicts between pedestrians, bicyclists, and vehicular traffic by creating a network that includes sidewalks, pathways, and landscaping that promotes and supports active transportation;
   e. Include architectural design and functional plan of the structure(s) and related improvements that are of reasonable aesthetic quality and compatible with adjacent developments;
   f. Be designed such that the project's site plan, structures, and architectural design include the following:
      i. Compliance with this City Code Title 9, this Chapter, and all other applicable City regulations and policies;
      ii. Compatibility in color, material, and composition of the exterior elevations to neighboring visible structures;
      iii. Compliance with the standards in any applicable City-adopted Design or Historic Guidelines;
      iv. Appropriate exterior lighting which provides for public safety and is not of a nature that will constitute a nuisance to adjacent properties, and which is compliant with the City's Dark Sky regulations (Title 8);
6. Written Notice of Decision: The review authority shall produce a written decision and reasoned statement that that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, and factual information contained in the record. The written decision shall contain applicable findings, upon which the decision was made, the conditions of approval (if any), and procedure for appeal.

D. Variances
1. Purpose: The purpose of a variance is to provide limited relief from the requirements of Title 9, Zoning, where strict application of the code would result in undue hardship preventing the use of land otherwise allowed by this code. A variance is a modification of the bulk and placement requirements of the ordinance as to lot size, lot coverage, width, depth, front setbacks, side setbacks, rear setbacks, parking space requirements, height of buildings, or other ordinance provision affecting the size or shape of a structure or the placement of the structure upon lots. A variance shall not be granted to allow a land use not permissible under the provisions of this code.

2. Applicability and When Required: A variance is required for any property owner seeking relief from the strict application of the bulk and placement requirements of this code.
3. Procedures:

a. Application filing: An application for a variance shall be filed in accordance with the procedures in 9-2-2.
b. Review: All applications for a variance shall be reviewed by the Director to ensure compliance with all applicable requirements of this code.

4. Findings and Decision: An application for a variance shall be approved by the review authority established in section 9-2-3 only after making the following findings:
    a. The strict enforcement of the provisions of this code creates an undue hardship to the property owner; however, economic feasibility shall not be considered an undue hardship;
    b. The variance is necessary because of the unique size, shape, topography, or location of the subject property;
    c. The subject property is deprived, by the provisions of this code, of rights and privileges enjoyed legally by other properties in the vicinity and under an identical zone;
    d. The need for the variance is not the result of actions of the applicant or property owner;
    e. The variance does not create health or safety hazards;
    f. The variance does not relieve an applicant or property owner from any procedural provisions of this code;
    g. The variance does not relieve an applicant or property owner from any standard or provision that specifically states the no variance from such standard or provision is permitted;
    h. The variance does not relieve an applicant or property owner from conditions established from a prior permit;
        i. the variance does not allow establishment of a use that is not otherwise permitted in the zoning district in which the subject property is located; and
        ii. the variance is the minimum necessary to grant relief to the applicant.
5. Written Notice of Decision: The review authority shall produce a written decision and reasoned statement that that explains the criteria and standards considered relevant, states the relevant facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, and factual information contained in the record. The written decision shall contain applicable findings, upon which the decision was made, the conditions of approval (if any), and procedure for appeal.

E. Zoning Compliance Reviews:
1. Purpose: Zoning compliance reviews is a procedure used by the city to verify that a proposed land use or structure complies with the list of activities allowed in the applicable zone and the development standards applicable to the use or structure.
2. Applicability: A zoning compliance review shall be required at the time of the Director's review of any of the following:
    a. Building permit, grading permit or other construction permit: A zoning clearance shall be obtained before the city issues a new or modified building permit, grading permit, or other construction related permit;
    b. Business license or home occupation permit: A zoning clearance shall be obtained before the city issues a business license or a home occupation permit.

3. Review Procedure: The Director shall issue the Zoning Compliance Review approval after first determining that the request complies with all Title 9 (Zoning) regulations applicable to the proposed use or structure.
4. Form of Approval: The approval may be in the form of a stamp, signature, or other official notification on approved plans, a letter to the applicant, or other certification, approval in permitting software, other certification, at the discretion of the director.

9-2-9: Violations, Enforcement and Penalties

A. Purpose, Authority and Scope:
   1. This chapter seeks to ensure that the director and police chief are authorized to take such steps as are necessary, including civil or criminal litigation, to abate, penalize, or prevent the use of any unlawful structure, use, or lot. Appropriate actions and proceedings may be taken at law or in equity to prevent any violation of this code, to prevent or rectify illegal subdivisions, to prevent unlawful construction and use of buildings, structures, or premises, to recover damages, to restrain, correct, or abate a violation, or to prevent illegal occupancy of a building, structure or premises, and these remedies shall be in addition to the penalties described below;
   2. This section provides for an administrative remedy for any violation of this Tite 9, chapters 1-13 of this code, including continuing violations related to any provisions of this Title 9, chapters 1-13 of this code;
   3. In any case where any building or structure is erected, constructed, reconstructed, altered, converted or maintained or any building, structure or land is used in violation of this title, as determined by the planning director, his/her designee or a code compliance officer or otherwise other proper legal authorities of the city, that authority may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy or use of said building, structure, or land, or to prevent any illegal act, conduct, business or use in or about such building, structure or land. In exercising enforcement authority, the city representative shall follow any specific remedial/enforcement sections listed in relevant chapters of this title or, in their absence, adhere to the provisions of this section specifically;
   4. The planning director and their designees, including code compliance officers in the police department, are designated enforcement officials with full authority to investigate, issue notices of violation, issue administrative citations, and secure remedies, including but not limited to injunctive relief, for any violation of title 9 of this code;
   5. Remedies may be exercised in place of, or in addition to, any other administrative, criminal, civil, or equitable remedy allowed by law.
B. Definitions: See title 9, chapter 1 for definitions. In addition, for the purposes of this chapter, the term “violation” shall mean a violation of any provision of this title 9 (zoning code).
C. Violations and Penalties:
   1. It shall be unlawful for any “responsible party(ies)” (defined as any person or persons, landowner, tenant or lessee, subdivider, builder, corporation or other legal entity using or occupying premises) to cause, allow, maintain or permit a violation of this code on any property within the City of Sandpoint.
   2. No responsible party shall construct, use, or occupy any building, structure, or improvement

upon real property or subdivide land in violation of this code, or contrary to the terms or conditions imposed on a permit or approval obtained in furtherance of this code.

3. The responsible part(ies) who commits, allows, participates in, assists in, or maintains such violation shall be found guilty of such a violation.
4. Additionally, any use which is established, operated, erected, moved, altered, enlarged, or maintained contrary to the zoning ordinance, excepting approved nonconforming uses and structures, is unlawful and a public nuisance, and may be abated in compliance with this chapter.
5. A separate offence occurs each day or portion of a day during which a violation is committed or continued. Violations of this code also include, but are not limited to:
6. Using land, buildings, structures, or premises contrary to the provisions of this code;
    a. Obtaining a permit or approval under this code through submitting inaccurate or misleading information, or through making inaccurate or misleading statements at a public hearing, regarding the proposed development, the conditions of the land on which the proposed development is located, or conditions on adjacent parcels;
    b. Obstructing or removing any public notice required to be posted or otherwise given under this code;
    c. Submitting for recording with Bonner County Recorder and Record of Survey or Subdivision Plat that has not been approved under this code;
    d. Failing to meet all the requirements of the development permit or approval;

D. Notice of Violation and Order to Abate: Upon the awareness of any violation of any of the provisions of this title the planning director, his/her designee, or, a code compliance officer shall serve notice of such violation and order to abate on the person committing or permitting the same, or if neither is to be found within the city, by mailing a copy to the responsible person or his/her agent at his/her last known address, by regular mail and if such violation has not ceased within such reasonable length of time as the planning director, or his/her designee, or, a code compliance officer may determine, he/she will take action as may be necessary to terminate the violation as specified below. The planning director, or his/her designee, or, a code compliance officer may pursue a written code-compliance agreement with the responsible party to identify a specific timeframe for remedying a violation. Failure to receive any notice does not affect the validity of the proceedings conducted under this section.

E. Corrective Action: If such violation has not ceased within such reasonable length of time as the planning director, or, his/her designee, or a code compliance officer may determine, then the planning director, or his/her designee or a code compliance officer shall take such action as may be necessary to terminate the violation. This may infer initial issuance of a citation, solicitation of assistance from other local authorities, abatement of a nuisance, posting of some type of cease and desist or stop work order, withholding a certificate of occupancy or building permit, etc., or pursuit of legal remedies.

F. Penalties: Any person or corporation, whether owner, lessee, principal agent, employee or otherwise, who violates any of the provisions of this chapter or permits any such violation or fails to comply with any of the requirements approved under this chapter shall be subject to administrative citations, fines, and/or imprisonment up to, but not exceeding, the maximum penalties set forth in Idaho Code section 50-302, as amended. Either or both such fines and imprisonment may be imposed. Each day's continued violation shall constitute a separate additional violation.

G. General Enforcement Provisions:

1. Procedure For Service:
    a. Unless otherwise provided, service of a notice of violation that is required by this section may be made by delivery of a copy to the responsible person or his/her agent, or if neither is to be found within the city, by mailing a copy to the responsible person or his/her agent at his/her last known address, by regular mail. Service by mail shall be deemed complete upon mailing. The citing official must, in writing in the case file along with his/her signature, declare the date of mailing or delivery. Failure to receive any notice does not affect the validity of the proceedings conducted under this section.
    b. Unless otherwise provided, service of any other document or notice, such as an administrative citation, required by this section, other than the first notice of violation, may be made by delivery of a copy to the responsible person or his/her agent, or if neither is to be found within the city, by certified mail. Service by certified mail shall be deemed complete upon mailing. The citing official must, in writing in the case file along with his/her signature, declare the date of mailing or delivery, together with the acknowledgment of receipt, signed by the person responsible or his/her agent, if one is obtained. Failure to receive any notice does not affect the validity of the proceedings conducted under this section.
2. Responsibility of Cited Party: Upon service of a notice of violation and order to abate, the person responsible shall comply with said notice and order to remedy the violation within the time specified. Upon service of an administrative citation, the person responsible shall pay the assessed fines and remedy the violation
3. Content of Notice of Violation and Order to Abate: A notice of violation and order to abate shall contain all of the following information:
    a. The location of the violation and the date the violation was first detected. The date of service of the first violation warning, as set forth in subsection D1 of this section, shall be deemed to be the date the violation was first detected, for purposes of this section;
    b. The city code section violated and a description of the violation;
    c. The action required to correct the violation and the date by which such action must be completed;
    d. The consequences of failing to correct the violation, and;
    e. The name and signature of the citing official.

H. Procedure for Enforcement:
1. A notice of violation and order to abate shall be issued for all code violations and shall ordinarily provide thirty (30) days to correct the violation. At the discretion of the citing official and based on immediate dangers to health or safety, a shorter time for correction may be set forth in the notice of violation. Maximum time to correct the violation shall be at the discretion of the citing official and shall be based in part on any immediate dangers to health or safety. The notice of violation shall list the amount of the fine and/or abatement remedies that the City will undertake that will be imposed if there is no compliance with said notice of violation.
2. The City may pursue the use of a written code-compliance agreement, on a form approved by the City Attorney, with the responsible party documenting the timeframe (if other than 30-days) for remedying the violation.
3. An Administrative Citation may be issued for all code violations that have not been corrected within the timeframe identified in the notice of violation and order to abate and/or code-compliance agreement. All Administrative Citations shall include the applicable

Administrative Fines, as provided for in this section.

I. Remedies:
   1. Notice of Violation and Order to Abate Satisfied: If the citing official determines that all violations specified in the notice of violation and order to abate have been corrected within the time set forth in the notice, no further action under this section shall be taken against the responsible party regarding the violations.
   2. Failure To Comply with Notice of Violation and Order to Abate: If the responsible party fails to fully comply with the notice of violation and order and/or code-compliance agreement to abate within the timeframe specified, the citing official may issue an administrative citation as provided in this section. The issuance of the administrative citation does not alleviate or negate the responsible party's obligation to fully comply with the notice of violation and order to abate.
   3. Abatement: The City may recover the cost of abatement as allowed under Idaho state code 50-1008 as a lien upon the property or as a City tax for costs incurred in the abatement or cleanup.

J. Content Of Administrative Citation: An administrative citation shall contain all of the following information:
   1. The location of the violation and the date the violation was first detected. The date of service of the notice of violation and order to abate, as set forth in subsection (D)3 of this section, shall be deemed to be the date the violation was first detected, for purposes of this section.
   2. The code section violated and a description of the violation.
   3. An outline of the violation notices issued, and the time frames given within said violation notices and/or code-compliance agreement with the responsible party.
   4. The amount of the fine imposed for the violation as well as the time frame within which said fine shall be paid and place of payment for said fine.
   5. An order prohibiting another occurrence of the code violation.
   6. A description of the administrative citation review process, including the time within which to contest the administrative citation and the place from which to obtain an administrative hearing request form to contest the administrative citation.
   7. The name and signature of the citing official.

K. Administrative Fines:
   1. For any violation of this chapter the administrative fine shall be three hundred dollars ($300.00) per day for five (5) days for each day's continued violation. After the first five days of administrative fines, the fine increases to one thousand hundred dollars ($1000.00) per day. Such fines are in additional to other/subsequent violations occurring within a twelve (12) month period.
   2. Because a new and separate offense occurs under section 9-2-C of this chapter each day during which a violation of any provision or requirement of this code is committed, continued, or permitted, the citing official shall assess fines according to the schedule set forth in subsection G of this section for each day from the date for which compliance was directed in the notice of violation until the date the violation is fully corrected as determined by the citing official or until the maximum fine amount is reached, whichever comes first, subject to the tolling provisions of subsection (L) of this section.
   3. Administrative fines assessed for failing to fully comply with any notice of violation or administrative citation is a debt owed to the city.

L. Payment Of Administrative Fine: Except as provided in subsections (J) through (L) of this section, the administrative fine shall be paid to the city within thirty (30) days from the date of service of the administrative citation. If, after a hearing requested pursuant to subsection (J) through (L) of this section, the Planning and Zoning Commission determines that the administrative citation should be canceled, the administrative fine shall be refunded.

M. Request For Administrative Hearing: Any responsible person to whom an administrative citation is issued may contest the citation by:
   1. Completing an administrative hearing request form and returning it to the city;
   2. Providing a complete and current mailing address for service of papers, including notices on the responsible party, by mail; and
   3. Depositing with the City, the amount of the administrative fine stated in the administrative citation as of the date of its issuance.

N. Administrative Hearing Procedures:
   1. Request for Hearing: The City must receive a completed administrative hearing request form and the amount of the administrative fine required under subsection (J)(3) of this section within thirty (30) days from the date of service of the administrative citation. If both items are not received within the required time frame, the responsible party waives the right to a hearing.
   2. Notice of Hearing: The citing official shall serve notice on the person requesting the hearing of the time and place of the hearing at least seven (7) days before the date of the hearing. The citing official shall serve any documentation, other than the administrative citation, that the citing official has submitted or will submit to the Planning and Zoning Commission or City Council, as applicable, on the person requesting the hearing at least five (5) days before the date of the hearing. Service shall be in accordance with subsection (D(1)(A) of this section.

O. Time For Administrative Hearing: Only after an administrative hearing request form is received by the city within the required period and the responsible person requesting the hearing has deposited the amount required under subsection (J)(3) of this section, shall the city set the date and time for the administrative hearing. The hearing shall be set for a date not less than fifteen (15) days, but no more than sixty (60) days, after the date of filing the administrative hearing request form. The timely filing of an administrative hearing request form pursuant to this section shall toll the further accrual of administrative fines under subsection (H) of this section, and no additional administrative fines shall accrue after the date of such filing during the pendency of the administrative hearing.

P. Request For Continuance Of Hearing: The responsible party requesting a hearing may request one continuance, which shall be granted if deemed reasonable by the city. The city may also continue the hearing at its own discretion.

Q. Planning and Zoning Commission Conducts Hearing: The Planning and Zoning Commission shall be the entity conducting the administrative hearing.

R. Procedures At Administrative Hearing: Administrative hearings are not public hearings and are informal. Formal rules of evidence and discovery do not apply. Each party shall have the opportunity to present evidence in support of that party's case and to cross examine witnesses. The city bears the burden of proof at an administrative hearing to establish a violation of this Title 9 of this code. The administrative citation and any additional reports submitted by the citing official shall constitute evidence of the facts contained in those documents. The Planning and Zoning Commission must use preponderance of evidence as the standard of review in

deciding the issues.

S. Failure To Attend Administrative Hearing: If the responsible party fails to attend the scheduled hearing, the hearing will proceed without the responsible party, and the responsible party shall be deemed to have waived the right to an administrative hearing.

T. Decision of the Planning and Zoning Commission

1. Issuance Of Decision: No later than thirty (30) days after the date on which the administrative hearing concludes, the Planning and Zoning Commission shall issue a written decision. The decision shall set forth the reasons for the decision.
2. Administrative Citation: The Planning and Zoning Commission shall issue a written decision to uphold or cancel the administrative citation. If the Planning and Zoning Commission upholds the administrative citation, the city shall retain the fine deposited by the responsible party. If the Planning and Zoning Commission upholds the administrative citation and the fine has not been deposited because advance deposit has been waived by the city on the grounds of hardship or otherwise, the Planning and Zoning Commission shall specify in the decision a payment schedule for the fine. If the Planning and Zoning Commission cancels the administrative citation, any fine deposited with the city shall be refunded.
3. Administrative Order: With regard to the Planning and Zoning Commission's decision, it shall be entitled "administrative order". The Planning and Zoning Commission shall make findings within the administrative order regarding the existence of the violation(s) specified in the notices of violation and administrative citation, and regarding whether the responsible party took the required corrective action within the time period set forth in the notices. If the Planning and Zoning Commission concludes that the violation continues to exist, the administrative order shall set forth a schedule for correction. The administrative order shall set a deadline for compliance with its terms. If the Planning and Zoning Commission determines that the violation(s) set forth in the notices of violation did not exist, or that the violation(s) was (were) timely corrected, all proceedings regarding the violation(s) shall immediately cease and the administrative citations shall be canceled. If the Planning and Zoning Commission cancels the administrative citation, any fine deposited with the city shall be refunded.
4. Administrative Costs: The Planning and Zoning Commission may assess against the responsible party administrative costs for any violation found to exist, or for any violation that was not timely corrected. The administrative costs include any and all costs incurred by the city in connection with administrative hearings pertaining to the violation, including, but not limited to, investigation costs, staffing costs for preparing and conducting the administrative hearing, and costs for all inspections necessary to enforce the notices of violation, administrative citation and the administrative order. The administrative order shall specify the date by which the costs must be paid to the city.
5. Appeals to City Council of an Administrative Order: Any party that is the subject of an administrative order, as established in subsection Q(3), shall have the right to appeal such order to the City Council. Such appeal shall adhere to the provisions of subsection K. Decisions of the City are final.

U. Administrative Hearing Application Fee: The city council shall by resolution establish an application fee to be paid by the person seeking an administrative appeal hearing.

V. Late Payment Charges: Any person who fails to pay to the city on or before the due date any administrative fine imposed pursuant to the provisions of this section shall be liable for the

payment of late payment charges in the amount of fifty percent (50%) of the administrative fine payable to the city over and above the original fine.

W. Failure To Comply With Administrative Order: Failure to comply with an administrative order after it becomes final is a misdemeanor. Filing a criminal misdemeanor action does not preclude the city from using any other legal remedy available to gain compliance with the administrative order.

9-2-10 Legislative Actions

A. Purpose: This section provides procedures for the amendment of the Comprehensive Plan, the Zoning Ordinance, or the Official Zoning Map (Rezone). This section also provides for the establishment or amendment of an overlay zoning district.

B. Initiation: In the case of the Comprehensive Plan, the Zoning Ordinance, the Official Zoning Map (rezone), or the creation of an overlay zone or amendment to any of the aforementioned may be initiated by the City Council, the Planning and Zoning Commission, or Director, or as follows:
   1. Amendments may also be initiated by the filing of an amendment application with the Department by the owner(s) or authorized agent(s)/representative(s) or property owner(s) for which an amendment is sought. If the property is under multiple ownership, all owners or their authorized agents/representatives shall join in filing the application.
   2. Historic Preservation Overlay Zone Districts may also be initiated by the Arts, Culture, and Historic Preservation Commission, as further described in subsection (I) (overlay zone districts), below.

C. Application Processing, Notice, and Hearings: All applications shall be processed in compliance with the procedures and requirements in section 9-2-2 (Permit Application Filing, Fees, and Initial Processing). Legislative actions initiated by the Director, Planning and Zoning Commission, Arts, Culture and Historic Preservation Commission, or City Council, shall be exempt from the procedures of section 9-2-2.

D. Notice and Hearings: The Planning and Zoning Commission and Council each shall conduct one or more public hearings in compliance with section 9-2-6 (public hearings), regarding any Comprehensive Plan amendment, Zoning Ordinance amendment, Official Zoning Map amendment (rezoning), or creation or amendment of any overlay zone.

E. Planning and Zoning Commission's Action: On all legislative actions provided for in this chapter, the Planning and Zoning Commission shall forward a written recommendation, and reasons for the recommendation, to the City Council whether to approve, approve in modified form, or deny the request, based on the findings identified in section 9-2-10 (G), below.

F. Council's Action: On all legislative actions provided for in this chapter, upon receipt of the Commission's recommendation, the Council shall approve, approve in modified form, or deny the request, based on the findings identified in section 9-2-10 (G), below.

G. Findings and Decision: An amendment to the Comprehensive Plan, the Zoning ordinance, or the official Zoning Map (rezoning) may be approved only if all of the following findings are made, as applicable to the type of action:
   1. Findings for Comprehensive Plan Amendments:
      a) The Amendment is internally consistent with all other provisions of the Comprehensive Plan;
      b) The amendment will not be detrimental to the public interest, health, safety, and convenience or welfare of the City;

c) The affected site is physically suited in terms of design, location, shape, size, operating characteristics, and the provision of pubic and emergency vehicle (e.g. fire and medical) access and public services and utilities (e.g. fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment and disposal, etc.) to ensure that the proposed or anticipated uses and/or development will not endanger, jeopardize, or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located.

2. Findings for Zoning Ordinance and Official Zoning Map Amendments (rezoning):
   a) The amendment is consistent with the Comprehensive Plan;
   b) The amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City.
   c) The amendment is internally consistent with other applicable provisions of this title.
   d) Additional finding for amendments to the Official Zoning Map (rezoning): The affected site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of pubic and emergency vehicle (e.g. fire and medical) access and public services and utilities (e.g. fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment and disposal, etc.) to ensure that the requested zone designation or change and the proposed or anticipated uses and/or development will not endanger, jeopardize, or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located.
3. Additional Findings for the creation or amendment of an overlay zone district: The creation of an overlay zoning district or amendment meets the criteria for the relevant overlay zoning district established in subsection (I)(Overlay Zoning Districts), below.

H. Effective Dates: Effective dates for legislative actions shall be as set forth in section 9-2-3, Permit or Approval Implementation, Time Limits, Expirations, and Extensions.

I. Overlay Zoning Districts:
1. Purpose: Overlay Zoning districts are established to provide additional or more restrictive requirements for the specific type of overlay area that are superimposed upon the those of the base zone or underlying zone. Overlay zones address special land use, character, or environmental considerations unique to the property or its surroundings. The specific regulations governing an overlay zoning district may reside outside of this chapter and within the chapter that establishes the overlay zoning district.
2. Applicability and General Provisions: Properties within an overlay zone are subject to the requirements and regulations of both the base zone and the overlay zone. Properties located within multiple overlay zones shall comply with the requirements of each overlay zone. Where the standards or provisions of the overlay and base zone are different or in conflict, the more restrictive standards shall apply. In some cases, the uses vary from the base zone and the overlay zone. In such cases, the overlay zone shall govern. Overlay districts may prohibit land uses that may otherwise be allowed in the base zone.
3. Overlay Zoning Districts and the Zoning Map: All overlay zoning districts shall be delineated as an overlay on the Official Zoning Map of the City of Sandpoint. The boundary of the overlay district shall be shown and the short name for the specific overlay zone shall be listed. All overlay districts shall be listed in the table of zone districts in chapter 9-1, General Provisions, of this code.

4. Content Requirements/Criteria: An overlay zoning district is required to identify the following elements: purpose of the overlay, relevant definitions, the boundary, land uses permitted, land use restrictions, design standards, special permits (if any) required to implement the overlay, the procedures for filing and obtaining permits, appeals procedures, and enforcement provisions. The overlay shall be one of the following types, which shall be articulated in its purpose, and shall meet the following criteria:
    a) Sensitive Lands Overlay Districts: Sensitive lands overlay districts are intended to protect unique environmental features and systems within the city from the impacts of development, or to protect the public health and safety by including additional restrictions on development in or near areas where necessary and permitted activities may create additional risks to the public. The Sensitive Lands Overlay district shall meet at least one of the following criteria:
        i. Includes sensitive environmental areas or systems or portions of systems that need additional protection from the impacts of development in order to retain healthy environmental functions or to protect a unique environmental feature within the city; or
        ii. Includes lands in or around an area where needed and permitted activities may create additional risks to public health and safety unless additional restrictions on the location and type of development or permitted human occupancy of those lands is subject to additional regulations.
    b) Character Overlay Districts: Character overlay are intended to maintain the unique character of specific areas. A character overlay district is usually applied to neighborhoods or areas with certain identifiable attributes embodied in architecture, urban design, geography, or history. Character overlays shall meet at least one of the following criteria:
        i. Has a distinctive character with identifiable attributes embodied in architecture, use, development patterns, or history that make it a unique and integral part of the city's identity;
        ii. Has a recognizable neighborhood identity and a definable physical character that may have a high artistic value or physical proximity to downtown or the Historic Preservation Overlay Zone that makes the area's conservation significant to the city's history and function.
    c) Historic Preservation Overlay Districts: Historic preservation overlays are intended to promote the educational, cultural, and economic welfare of the public by engaging in a comprehensive program of historic preservation to promote, preserve, and protect historic buildings, structures, sites, monuments, streets, squares, and /or neighborhoods that serve as visual reminders of the historical, archeological , educational, and cultural heritage of Sandpoint. It is further the purpose and intent of a historic overlay district for the social, economic, and environmental advantages of the city to promote the use and conservation of such property and to encourage new buildings and developments that will be harmonious with the existing historical, archeological, architectural educational, and cultural buildings, structures, sites, streets, open spaces, and neighborhoods. The buildings, sites, structures, and objects of a Historic Preservation Overlay District shall meet one of the following two criteria:
        i. Historical or Cultural Importance:

1. Has significant character, interest, or value as part of the development, heritage, or cultural characteristics of the city, state, or nation;
2. Is associated with the life of a person significant in the past;
3. Is the site of an historic event with significant effect upon society;
4. Exemplifies the cultural, political, economic, social, educational, or historic heritage of the community;
5. By being part of or related to a street, square, park, or other distinctive area, should be developed or preserved according to a plan based on historic, cultural, or architectural motif; or
6. Owing to its unique location or singular physical characteristics, represents an established and familiar visual feature of the neighborhood, community, or city.

ii. Architectural Importance:

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

5. Establishment Requirements: An overlay district shall be established in conformance with the provisions of this chapter for amendments to the Official Zoning Map, specified above, and in compliance with additional procedural requirements unique to each overlay set forth in applicable chapters dedicated to such overlays (e.g airport, historic preservation chapters).

9-2-11: Development Agreements:

A. Purpose: A development agreement ("agreement") is a discretionary tool to be used by the Planning and Zoning Commission (the "Commission") and City Council (the "Council"). The agreement will allow a change in the zoning for a specific project, with a specific use, to be developed on property in an area which may not be appropriate for all uses permitted outright or conditionally within the proposed zone. Approval of the agreement, pursuant to this section, would permit the proposed use, with conditions, within the proposed zone.

B. When Permitted or Required: An agreement may be permitted or required at the discretion of the Commission or Council when considering a request for a rezone. An agreement when permitted or required, shall be initiated through one of the following methods:

1. On request by the developer;
2. On recommendation of the Planning Director (the "Director"); or
3. As required by the Commission or Council.

C. The Council or Commission may require that an agreement be executed prior to allowing a particular project to proceed. An agreement may be formulated when approval of the rezone would permit uses within that zone which may not be appropriate to the area, but the specific

project presented may have a value to the community which could otherwise be allowed using an agreement. In the event, during the rezoning process, the Council or the Commission determines that an agreement should be considered;

1. The Commission shall retain jurisdiction of the matter until its recommendation concerning the agreement is given to the Council. The Commission shall defer consideration of the rezone and set a time limit for submittal of the agreement. The Commission shall then proceed as specified in this section.
2. In the event of a determination by the Council that an agreement should be drafted, the Council shall remand the matter back to the Commission for consideration. The Council may give specific direction to the Commission as part of the remand.
3. When consideration of a development agreement proceeds under subsection C(1) or C(2), applicable time limits required by the Sandpoint City Code may be stayed upon an affirmative vote of the Commission or Council..

D. Form of Agreement: The agreement shall be in a form as required by the Director and shall, as a condition of consideration by the Director, Commission or City Council, include all of the following:

1. An affidavit by the owner of the property agreeing to submission of the use and property for an agreement.
2. The legal description of the property in question.
3. The specific present use or uses of the property in question.
4. The permitted or conditional use desired and the proposed zone.
5. A concept plan for the property as provided by this chapter. In addition to those items required by this chapter, the concept plan shall include but not be limited to:
    a. A description of the density allowed and requested.
    b. Maximum height, size, and location of all the structures proposed.
    c. The construction schedule, including the projected occupancy date.
    d. Type and color of materials used.
    e. A statement acknowledging that failure to comply with the agreement shall constitute a consent to rezone the property to the pre-existing zone or; in the case of the pre-existing zone being an initial zone at annexation, a zone deemed appropriate by the commission and council.
    f. Any other information as requested by the council, commission, or director.

E. Approval of The Agreement:

1. The agreement may be approved at the sole discretion of the Council after a public hearing. The public hearing shall follow the public hearing procedures of this chapter.
2. The Commission or Council may revise the agreement by adding to it conditions, terms, duties, or obligations to the agreement.

3. The agreement must be approved by the Council as a resolution, only after approval (as to form) of the agreement by the City Attorney.

F. Procedure After Approval of The Agreement: Following approval of the agreement by the City Council, the full agreement shall be recorded in the Bonner County Recorder's office, Bonner County, Idaho, at the expense of the developer. The agreement shall run with the land and shall be considered continuing obligations of the owner, co-owners or subsequent owners of the property. Use of the property and compliance with the agreement shall be reviewed and approved by the Director prior to the issuance of an occupancy permit.

G. Duty To Comply With Agreement: Each owner, co-owner or subsequent owner of property which is subject to an agreement adopted pursuant to this section shall comply with the agreement.

H. Modification of Agreement:

1. The agreement may be modified only after public hearing by the council.

2. No modification of the agreement may allow a use or condition on the property that is not permitted within the zone.

I. Amendment or Termination of Agreement Upon Breach:

1. In the event of a breach of the agreement by the developer, or the developer's successor in interest, the agreement may be amended or terminated by the council without the consent of the breaching party. Such amendment or termination shall take place after a public hearing in compliance with the public hearing procedures of this chapter, at which time testimony shall be taken to resolve the issue with the agreement.

2. Upon termination of the agreement, following the public hearing the property shall, upon an affirmative vote of the council, revert to the pre-existing zone, or in the case of the pre-existing zone being an initial zone at annexation, a zone deemed appropriate by the commission and council. All uses of the property which are not consistent with such pre-existing zone following termination of the agreement shall cease. The owner of the property may apply for a conditional use for the property if such use is conditional within such pre-existing zone after compliance with the terms of this chapter.

J. Enforcement of Agreement: The agreement may be enforced by the council through any means deemed to be appropriate, including, but not limited to, specific enforcement injunctive relief, damages or criminal penalty for violation of this section. The enforcement options available to the council shall be considered cumulative.

(Ord. 910, 11-18-1991)

CHAPTER 3 COMMERCIAL ZONING DISTRICTS

The City of Sandpoint is divided into four commercial zoning districts identified on the zoning map as community commercial (CC), neighborhood commercial (NC), downtown outer core (DOC) and downtown core (DC). These zone districts implement the City's Comprehensive Plan land use designations of Mixed Use Corridor, Neighborhood Mixed Use, and Downtown.

The following principles serve as the foundation for the commercial ~~A, B and C~~ zone~~s~~:

A. Efficient use of land and services.

B. A mix of land uses which strengthen opportunities for economic vitality and support pedestrian activity as well as housing opportunities.

C. Provide for community gathering places and pedestrian/visitor amenities.

D. Establish a distinct storefront character associated with the downtown core area.

E. Provide transitions to adjacent neighborhoods and commercial areas.

F. Maintain and enhance the area's character through design guidelines.

G. Encourage multi-family residential development in compact, pedestrian friendly patterns.

H. Managed parking in the Downtown Core and Outer Core Zones to maximize parking efficiency.

9-3-1: Community Commercial ~~A, B and C~~ Zone~~s~~ Purpose and Applicability:

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

The purpose of the~~se~~ community commercial zone~~s~~ is to foster and strengthen economic vitality in ~~Sandpoint's commercial areas~~Sandpoint by providing for nodes of higher-intensity and larger-scale commercial development at the entrances of the City at Highway 2, where employment opportunities and services are convenient to the community as a whole and travelers and commuters along Highway 2. This zone is intended to implement the Mixed-Use Corridor land use designation of the City's Comprehensive Plan. ~~while respecting and enhancing the special character of the existing development in the downtown core area. The downtown is a compact assembly of storefront buildings, short walkable blocks, mixed uses, pedestrian amenities, and consolidated on and off-street parking. The community's commercial character is especially vulnerable to intrusion from incompatible uses and physical development practices which are inconsistent with the historical fabric. The purpose of these zones is to establish requirements for building and site design for new development and for the significant modification of existing developments within the commercial areas. The city's downtown, designated as commercial A is so important and significant to the city, that it justifies a special set of regulations designed to protect and enhance its character in light of new development. Considerable opportunity for new infill development adjacent to existing neighborhoods lies north of this area and is designated as the commercial B zone. The commercial C zone represents a lower intensity commercial area serving adjacent neighborhoods and residents and preserving the scale of the built environment by restricting height limits. The following principles serve as the foundation for the community commercial A, B and C zones:~~

~~A. Efficient use of land and services.~~

~~B. A mix of land uses which strengthen opportunities for economic vitality and support pedestrian activity as well as housing opportunities.~~

~~C. Provide for community gathering places and pedestrian/visitor amenities.~~

~~D. Establish a distinct storefront character associated with the downtown core area~~

E. Provide transitions to adjacent neighborhoods and commercial areas

F. Maintain and enhance the area's character through design guidelines.

G. Encourage residential development above ground floor

H. Encourage structured parking in commercial areas.

Unless otherwise stated herein, these standards apply to all new buildings, additions, and exterior alterations visible from a public street, alley, or public space within the community commercial zone district; the permitting applicability for such is further addressed in Chapter 2, Zoning Administration.

(Ord. 1236, 6-23-2010)

9-3-1-21: Zone as Regulation District-Specific Use Standards for the Community Commercial Zone:

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

(Ord. 1236, 6-23-2010)

9-2-1-3: Use Limitations:

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

A. Permitted Uses: The land uses listed in table 1 9-2 of this section chapter 1 are permitted in the community commercial A, B and C zone areas as identified and subject to the provisions of this chapter. Certain land uses have additional restrictions as specified in notes to table 19-2 of this section and as specified below.

B. Determination of Similar Land Uses: Uses that are similar in nature to one or more permitted uses, as determined by the planning director after consulting the current edition of "The North American Industry Classification System" code, may be permitted within the boundary of the commercial A, B and C zones.

TABLE 1
USES PERMITTED IN THE COMMERCIAL ZONES

	Commercial A	Commercial B	Commercial C
Commercial:			
Art and craft galleries	Yes	Yes	Yes
Banks and financial institutions	Restricted[4]	Restricted[4]	Restricted[4]
Commercial storage	Restricted[3]	Restricted[3]	Restricted[3]

Daycare	Yes	Yes	Yes
Entertainment facilities (theaters, clubs, movies)	Restricted[5]	Restricted[5]	Restricted[5]
Hotels, hostels and lodges, and motels	Yes	Yes	Yes
Laundromats and dry cleaners (no dry cleaning using perchloroethylene solvent permitted)	Yes	Yes	Yes
Manufacturing ancillary to a storefront retail sales and services outlet (see section 9-2-1-9 of this chapter for limitations)	Yes	Yes	Yes
Medical and dental services including hospitals, clinics and associated laboratories, pharmacies, optometrists, veterinarians and similar medical uses	Restricted[4]	Restricted[4]	Restricted[4]
Offices	Yes	Yes	Yes
Personal and professional services (e.g., hair salons, day spas, barbershops, tailors, shoe repair, nail salon, tanning salon, watch and jewelry repair, package wrapping/copying/sending services, and similar uses)	Yes	Yes	Yes
Restaurants, catering, taverns, prepared food services for on site consumption, retail bakeries, candy/ice cream shops (food production allowed in conjunction with retail)	Restricted[4]	Restricted[4]	Restricted[4]
Retail trade and services	Restricted[4, 5]	Restricted[4, 5]	Restricted[4, 5]
Vehicle, agricultural and industrial equipment sales	Restricted[2, 7]	Restricted[2, 7]	Restricted[2, 8]
Wholesale	Yes	Yes	Yes
Public/institutional:			
Clubs, fraternities, sororities, lodges and similar uses	Yes	Yes	Yes
Government offices and facilities, including courthouses	Restricted[4]	Restricted[4]	Restricted[4]
Libraries, museums, concert halls, auditoriums, community center, and similar uses	Yes	Yes	Yes
Outdoor bandstand, amphitheater, pavilion	Yes	Yes	Yes
Private utilities	Yes	Yes	Yes
Public parking lots and garages (see chapter 5 of this title, standards for off-street parking areas)	Yes	Yes	Yes
Public parks, squares, greens, and recreation facilities	Yes	Yes	Yes
Religious institutions and places of worship	Yes	Yes	Yes
Schools, public and private	Yes	Yes	Yes
Visitors centers and information services	Restricted[4]	Yes	Yes
Residential:			

~~Detached single-family residences~~	~~Prohibited~~	~~Prohibited~~	~~Prohibited~~
~~Two-family dwellings (duplexes)~~	~~Restricted[6]~~	~~Restricted[6]~~	~~Restricted[6]~~
~~Single-family attached (townhouses)~~	~~Yes~~	~~Yes~~	~~Yes~~
~~Dwellings within a commercial or other nonresidential structure (e.g., residence occupying an upper floor of a retail store)~~	~~Yes~~	~~Yes~~	~~Yes~~
~~Accessory dwellings which existed on the effective date hereof~~	~~Yes~~	~~Yes~~	~~Yes, new units also permitted~~
~~Multi-family residential~~	~~Restricted[1]~~	~~Restricted[1]~~	~~Yes~~
~~Residential care homes and facilities~~	~~Yes~~	~~Yes~~	~~Yes~~
~~Bed and breakfast inns~~	~~Yes~~	~~Yes~~	~~Yes~~

~~Notes:~~

~~1. Residential uses are permitted on upper stories above ground floor nonresidential use, on ground floors behind storefront space, or integrated into a mixed use structure where design is consistent with the storefront character.~~

~~2. Subject to conditional use permit provisions as provided in this code.~~

~~3. Enclosed in building and on upper stories only.~~

~~4.a. In the commercial A zone: Drive-through uses are subject to approval through conditional use permit, drive-through fast food use is prohibited.~~

~~b.In the commercial B zone: Drive-through fast food services and/or those using order amplification are subject to an approved conditional use permit and are prohibited within one hundred fifty feet (150) of any residential zone.~~

~~c. In the commercial C zone: Drive-through fast food services and/or those using order amplification are permitted adjacent to Highway 2 with an approved conditional use permit. Drive-throughs within one hundred fifty feet (150') of a residential zone are prohibited.~~

~~5. Adult use limitation: Commercial establishments are restricted to having less than a twenty-five percent (25%) of gross floor area of its stock in trade offering for sale for any form of consideration any one or more of the following:~~

~~a. Books, magazines, periodicals or other printed matter, or films, motion pictures, photographs, slides, videocassettes or other visual representations which are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or~~

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

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

~~7. Fully enclosed in building.~~

~~8. Limited to 12 passenger vehicles.~~

B. Craft Manufacturing: Craft manufacturing is only permitted when occurring in conjunction with another permitted retail, service, or restaurant use. The craft manufacturing use shall not occupy the storefront location. The craft manufacturing use in combination with the retail, service, or restaurant use shall not exceed 15,000 square feet and shall be fully enclosed within a building.

C. Outdoor displays: All land uses within the community commercial zone district shall be wholly conducted indoors, except for nurseries and as provided for in chapter 9-1-9, Accessory Uses and Buildings.

D. In the community commercial zone no more than ten percent (50%) of primary lot frontage shall be developed with surface parking. For the purpose of this provision, "primary lot frontage" shall be defined as the liner frontage along the primary street having a depth of fifteen feet (15').

E. Nurseries and greenhouses shall be limited to a maximum of 15,000 square feet

(Ord. 1301, 6-4-2014)

9-3-1-~~42~~: ~~Building Setbacks~~ District-Specific Design and Development Standards for the Community Commercial Zone:

A. Purpose: Development standards regulate the physical layout and design of development to ensure protection of health, safety, welfare, and quality of life within Sandpoint. These standards address the physical relationship between development and adjacent properties, public streets, neighborhoods, districts, and the natural environment, in order to implement the Comprehensive Plan.

B. Intent: The design and development standards in this section are intended to promote high-quality, context sensitive development across Sandpoint's Community Commercial zone. These standards emphasize flexibility in building form, site layout, and architectural expression to accommodate a wide range of commercial, residential, institutional, and mixed-use development types, particularly along arterial roadways and State Highway 2. These standards are intentionally less prescriptive than those applicable to the Downtown Core and Downtown Outer Core zones and are not intended to replicate historic downtown building forms or materials.

~~**TABLE 2**~~
~~**BUILDING SETBACKS**~~

	~~**Commercial A**~~	~~**Commercial B**~~	~~**Commercial C**~~
~~Minimum front, rear and side yard setback~~	~~See subsection 9-2-1-6B5 of this chapter~~	~~0 feet~~	~~0 feet~~
~~Maximum front setback~~	~~0 feet~~	~~0 feet~~	~~0 feet~~
	~~Buildings shall be constructed to the property line along their primary frontage. A 10 foot setback allowance shall be~~	~~Buildings shall be constructed to the property line along their primary frontage. A 10 foot setback allowance shall be~~	~~Buildings shall be constructed to the property line along their primary frontage. A 10 foot setback allowance~~

	~~approved when setback areas are developed as a civic space identified in subsection 9-2-1- 6E of this chapter.~~	~~approved when setback areas are developed as a civic space identified in subsection 9-2-1-6E of this chapter.~~	~~shall be approved when setback areas are developed as a civic space identified in subsection 9-2-1-6E of this chapter.~~
	~~An additional 15 foot setback for areas developed as a civic space will require approval through the CUP process.~~	~~An additional 15 foot setback for areas developed as a civic space will require approval through the CUP process.~~	~~An additional 15 foot setback for areas developed as a civic space will require approval through the CUP process.~~
~~Setback from residential zone~~	~~When a building or group of buildings abuts upon a residential lot, a yard shall be provided abutting the lot, such yard having a width of not less than 10 feet. There shall be a rear yard with a depth of not less than 20 feet when no dedicated alley or public way exists at the rear of the commercial lot. The rear yard may be used for off-street parking and loading as provided in this title.~~		

C. Development Standards for Community Commercial Zone

Table 9-3-1: Development Standards for Community Commercial Zone

Standard	**Requirement**
Lots	
Minimum lot area	3,500 sq. ft.[1]
Minimum lot width	25 ft.
Maximum lot coverage	100%
Building placement	
Minimum front setback	0 ft.
Maximum front setback	20 ft.
Minimum building frontage at the front setback	50% of lot width
Minimum side setback	0 ft.
Minimum rear setback	0 ft.
Side setback next to a residential zone	10 ft.
Rear setback next to a residential zone	10 ft.
Building height	
Maximum height	45 ft.

[1] No lot may be created that prevents development consistent with CC standards, including access, parking, vehicle and pedestrian circulation, and landscaping requirements.

Table 9-3-2 Other standards applicable to the Community Commercial Zone

Topic	**Code section**
General provisions	9-1
District-specific standards	9-3-1
Standards for all commercial districts	9-3-4
Off-street parking	9-6
Signs	9-7

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

~~**9-2-1-5: Building Height:**~~

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

~~**TABLE 3**~~
~~**BUILDING HEIGHT**~~

	~~**Commercial A**~~	~~**Commercial B**~~	~~**Commercial C**~~
~~Minimum number of floors[1]~~	~~2~~	~~2~~	~~2~~
~~Maximum height~~	~~35 feet~~	~~35 feet~~	~~35 feet~~
~~Maximum height when structured parking or a residential component is included in~~	~~65 feet when residential use represents 50 percent of floor area exceeding 35 feet or when 50 percent of building footprint is developed with structured parking.~~	~~55 feet when residential use represents 100 percent of floor area exceeding 35 feet or when 51 percent of required parking is incorporated into the structure.~~	~~45 feet when residential use represents 100 percent of floor area exceeding 35 feet or when 51 percent of required parking is incorporated into the structure.~~

~~building footprint~~			
~~Maximum height adjacent to residential zone~~	~~Maximum height of any portion of a structure within 50 feet of a residential zoning district line shall be 35 feet.~~		

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

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

~~A. Height Increase for Buildings Containing Residences or Structured Parking: Habitable floor area utilizing exemption to maximum height outlined in table 3 of this section shall be developed in a stepped fashion with all enclosed portions of structures along street frontage exceeding thirty-five feet (35') set back from lower portions of the structure by the following:~~

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

~~Setbacks shall not apply to unenclosed porches or balconies.~~

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

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

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

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

D. Building Size, Bulk, Scale and Mass:

1. New buildings and additions shall be designed to reduce perceived bulk and mass through building articulation, modulation, variation in plane, the use of multiple building volumes, where visible from public streets or public spaces.
2. Compatibility with existing adjacent and nearby development may be achieved through various proportional relationships to existing nearby structures, including visual breaks, site planning strategies, the same or similar roof design, building mass and/or materials. Replication of the form or size of existing adjacent or nearby development is not required.

E. Building Orientation: If an entry is oriented to a parking lot, it diminishes activity from the street and implies that auto access takes precedence. Therefore, buildings shall be oriented toward their primary street frontage and located within the maximum front setback. Orientation and design of all new building or additions shall be reinforced through the observation of the following standards:

1. Primary Entrance: ~~Buildings have their primary entrance(s) oriented to their primary frontage. Building entrances may include entrances to individual units, lobby entrances, entrances oriented to pedestrian plazas, or breezeway/courtyard entrances to a cluster of spaces~~. Buildings shall provide a clearly identifiable primary entrance that is oriented toward a public street, pedestrian plaza, courtyard, or primary pedestrian circulation route that includes a minimum of an 8-foot-wide sidewalk connecting the primary entrance to the public right of way. All staircases to upper floors shall be enclosed and shall provide for natural lighting and ventilation if not conditioned space.
2. Where development on a lot includes multiple buildings, at least one building shall have its entrance on a public street, and each additional building shall provide a clearly identifiable primary entrance either facing the street or facing an internal pedestrian space between buildings, provided a direct pedestrian connection is also provided to a public sidewalk.
3. Corner Building Entrances: ~~Corner building entrances shall be designed in cases where the building is located on a corner lot. Alternatively, a building entrance may be located away from the corner when the building corner is beveled or incorporates other detailing to reduce the angular appearance of the building at the street corner~~. Where development is on a corner lot, buildings shall face both frontages with entrances, architectural articulation and/or building orientation that emphasizes the corner condition. A corner entrance is encouraged but not required where building form, or site design provide an equivalent emphasis on the street intersection.
4. Secondary Entrance: A building may have a secondary entrance facing ~~a~~ the side or rear ~~yard~~ of a lot when a direct pedestrian walkway is provided between the building entrance and the street right-of-way. Secondary entrances may be utilized to serve parking areas, provided pedestrian connectivity between the building entrance and the street right-of-way is emphasized. Any exterior staircase used for a secondary entrances shall be covered and integrated into the building design.
5. ~~Off-Street Parking~~ Location of Off-street Parking: ~~Off-street parking, driveways and other vehicular access shall not be placed between a building and the street. On corner lots, buildings and their entrances shall be oriented to the street corner as feasible.~~ Off-street parking, driveways, and vehicular access areas shall not be located between a building and

its primary street frontage. Off-street parking maybe located between a building and a secondary or side street frontage, provided that:

a) The building is oriented to the designated primary street frontage;

b) A continuous pedestrian pathway connects the primary building entrance and the public sidewalk; and

c) Views of the parking areas from the public right-of-way are minimized through landscaping, screening, or site design features that maintain a pedestrian oriented streetscape appearance.

~~5. Commercial A Zone: In the commercial A zone, at least fifty percent (50%) of the width of the lot is occupied by a building at the front setback.~~

~~6. Accessibility: There shall be provided one zero-step entrance to each building from an accessible path at the front, side, or rear of each building. All the first floor interior doors (including bathrooms) shall provide at least thirty-two inches (32") of clear passage~~.

6. Surface Parking: Parking areas ~~of more than thirty (30) abutting spaces~~ shall be divided into areas of no more than ~~thirty (30)~~ 30 abutting spaces. Division between areas of 30 or more spaces may be by a building, internal landscaped area with a minimum width of five feet (5'), or ~~landscaped multimodal way~~ paved pathway having a minimum width of five feet (5').

F. Storefront Design: ~~All buildings shall contribute toward the storefront character and visual relationships of existing buildings. The building shall be designed in a way that will reduce the massive scale and uniform and impersonal appearance and will provide visual interest consistent with the community's identity, character, and scale. The following architectural features should be used along the street frontage building elevations, as applicable. Minor deviation from the following features may be authorized at the discretion of the planning director so long as the spirit of this code is maintained:~~ Buildings shall incorporate pedestrian-oriented design features appropriate to the land use and context, as follows:

~~1. Buildings should have consistent spacing of similar shaped windows with trim or other decorative molding on all building stories.~~

~~2. Large display windows should be employed on ground floor storefronts. Display windows should be framed to visually separate the ground floor from the second floor.~~

~~3. All buildings with a flat roof should have a decorative cornice at the top of the building; or eaves, when the building is designed with a pitched roof.~~

~~4. Cornices or changes in material can be used to differentiate the ground floor of buildings that have commercial uses from the upper floor(s) that may have offices or residential uses. Ground floor facades should utilize cornices, signs, awnings, exterior lighting, display windows and entry insets.~~

~~5. Facades greater than fifty feet (50') in length shall incorporate recesses and projections with a minimum four foot (4') differentiation along at least twenty percent (20%) of the length of the facades. Window awnings, arches, or columns must total at least sixty percent (60%) of the facade length abutting the street.~~

~~6. Structures abutting Sand Creek are required to incorporate design features that enhance the visual interest and pedestrian interface with the water frontage such as patios, decks and expanses of glass that draw pedestrian interest. Additionally, HVAC, garbage and recycling bins and other similar ancillary equipment shall be buffered through a fence, wall or other similar device so as to strengthen the visual appeal from the waterfront.~~

1. Building Frontage Occupancy: Buildings shall occupy a minimum portion of the primary street frontage, as established in Table 9-3-1 in order to reinforce commercial intensity, the pedestrian realm along all streets, and efficient use of commercially zoned property. Frontage occupancy may be satisfied through one or more buildings.~~, provided they collectively address the primary street frontage, as follows~~:

    ~~a. Commercial A Zone: Buildings shall occupy a minimum of 70% of the length of the primary street frontage, measured along the front building façade within the maximum front setback.~~

    ~~b. Commercial B Zone: Buildings shall occupy a minimum of 50% of the length of the primary street frontage, measured along the front building façade within the maximum front setback.~~

    ~~c. Commercial C Zone: Buildings shall occupy a minimum of forty 40% of the length of the primary street frontage, measured along the front building façade within the maximum front setback.~~

2. Pedestrian-Oriented Ground Floor Design: Ground-floor commercial facades fronting a public street shall incorporate pedestrian-oriented design features appropriate to the building's use and context. These features may include, but are not limited to:

    a. Transparent windows or glazing that allows views into active interior spaces;

    b. Clearly identifiable pedestrian entrances oriented towards the public street, plaza, or primary pedestrian route;

    c. Architectural articulation, material changes, or recesses that provide visual interest at the pedestrian level;

    d. Weather protection elements such as awnings, canopies, or recessed entries where appropriate.

3. Transparency/Fenestration: Ground-floor commercial facades are required to incorporate a minimum of 50 % transparent glazing along street-facing elevations, particularly in areas of pedestrian activity.

4. Façade Length and Articulation: Street facing facades greater than fifty feet (50') in length shall incorporate visual breaks, at least every 25 feet, through changes in plane, materials, fenestration, or building modules to reduce perceived scale.

5. Rooflines and Upper-floor Differentiation: Buildings with multiple stories shall provide a visual distinction between the ground floor and upper floors through changes in materials, articulation, fenestration, and horizontal elements, or other architectural techniques.

6. Ground-floor residential: Ground-floor residential units are required to include pedestrian-oriented design by utilizing stoops, porches, landscaped setbacks, or other design features that provide a transition between the public sidewalk and private living space.

7. Waterfront frontages: In addition to the standards in subsection 9-2-4-3, Special Standards for Properties Adjacent to Sand Creek, buildings abutting Sand Creek shall incorporate design features that enhance visual interest, pedestrian engagement, and connectivity to the water, such as patios, decks, walkways, and windows. Mechanical equipment, refuse areas, and service functions visible from the creek or public paths shall be screened or buffered to maintain visual quality along the waterfront.

G. Building Materials: ~~The exterior finish material on all facades shall be limited to stone, brick and/or finished wood. Materials other than those listed are a deviation which may be authorized by the planning director.~~ Exterior materials shall be durable, high-quality, and appropriate to the building's use, scale, and location. Contemporary architectural materials are permitted, if façades incorporate articulation, transparency, and human-scale detailing where visible from public spaces.

1. ~~In circumstances where other materials are proposed, such as stucco, characteristics such as scale and proportion, form, architectural detailing, height, color and texture shall be utilized to ensure that the proposed material is compatible with surrounding buildings and the character of the commercial area.~~

2. ~~Building materials shall not create glare. Highly reflective materials shall not be permitted.~~

3. ~~Clear glass windows shall be used for commercial storefront display windows and doors. Ground floor window shall be defined as glass, either fixed or opening windows. Windows cannot be covered permanently on the interior by more than twenty percent (20%). Opaque or severely site obscuring windows will not be permitted.~~

4. ~~Architectural treatment, similar to that provided to the front facade shall be provided to the sides and rear of the building to mitigate any negative view from any location off site and any public area (e.g., parking lots, walkways, etc.) on site. Windows and doors shall be defined with detail elements such as frames, sills, and lintels, and placed to visually establish and define the building stories and establish human scale and proportion.~~

5. ~~Exposed unfinished concrete, concrete block, or monotonous walls of concrete or corrugated metal shall not be permitted as a finished exterior.~~

1. Permitted Materials: A wide range of exterior materials may be used, including but not limited to masonry including individually set brick and stone, wood, architectural metal panels, architectural concrete, glass, and stucco, provided such materials meet the standards of this section. ~~Accent materials that do not comprise the primary material greater than 50% on any façade can include but are not limited to fiber cement, exposed unfinished concrete and concrete masonry units, and weathered steel.~~

2. Secondary or Accent Materials (limited use to 50% or less on any facade):

a) Exposed, unfinished concrete and concrete masonry units;

b) Fiber cement;

c) Weathered steel

3. Prohibited Materials and Finishes: The following are prohibited as finished exterior materials where visible from public areas:

a) Exposed unfinished concrete or concrete masonry units when used as the primary building material;

b) Raw or unfinished metal siding, other than as accent materials or panels; however corrugated metal may be permitted where it is factory-finished, articulated, and integrated as an intentional architectural material rather than a utilitarian surface;

c) Highly repetitive or monotonous wall treatments lacking articulation;

d) Mirrored or reflective glazing;

e) Galvanized metal.

2. Glare and Reflectivity: Exterior materials and glazing shall not create excessive glare visible from public rights-of-way or adjacent properties. Highly reflective or mirrored materials are prohibited.

3. Fenestration and Transparency: Where ground-floor commercial uses front a public street, facades shall incorporate windows, glazing, or other design features that establish a visual relationship between interior spaces and the public realm. Window coverage, tinting, or screening may be permitted where appropriate to the building's use, provided the façade does not present a blank or visually inactive appearance.

4. Façade Treatment and Visibility: Primary street-facing facades shall incorporate materials, articulation, and detailing to break up exterior façade elements that are consistent with the scale of surrounding buildings. Secondary façades visible from public streets, parking areas, walkways, or other public spaces shall incorporate material variation, fenestration, or architectural detailing sufficient to avoid the appearance of unfinished or utilitarian building surfaces. Identical architectural treatment on all building facades is not required.

5. Material Transitions: Material transitions shall occur at logical building breaks, such as changes in plane, floor level, or architectural elements. Material transitions should be considered thoughtfully to enhance appropriate proportions, building form, and mass.

~~6. Prohibited Materials and Finishes: The following are prohibited as finished exterior materials where visible from public areas:~~

~~a. Exposed unfinished concrete or concrete masonry units when used as the primary building material;~~

~~b. Raw or unfinished metal siding, other than as accent materials or panels; however corrugated metal may be permitted where it is factory-finished, articulated, and integrated as an intentional architectural material rather than a utilitarian surface;~~

~~c. Highly repetitive or monotonous wall treatments lacking articulation;~~

d. ~~Mirrored or reflective glazing~~

~~E. Civic Spaces: Civic spaces serve as informal gathering places for socializing, resting and enjoyment of the area, and contribute to a walkable environment. Each civic space shall be open to the thoroughfare or street by incorporating at least one access to the thoroughfare or street. Each building with street frontage shall include two (2) or more of the following features. Civic spaces may be provided within the public right-of-way when approved by the local jurisdiction having authority. The following shall be considered civic spaces for incorporation into the building design:~~

~~1. A plaza or courtyard next to the building entrance.~~

~~2. Sitting space (i.e., dining area, benches, or ledges) between the building entrance and the sidewalk.~~

~~3. A building canopy, awning, or similar weather protection, with a minimum four foot (4') projection over the sidewalk or other pedestrian space.~~

~~4. Public art as approved by the Sandpoint art commission~~.

H. Civic and Pedestrian Spaces: Civic and pedestrian spaces contribute to walkability, social interaction, and visual interest within commercial areas. Such spaces are encouraged where appropriate to the scale, land use, and context of development, particularly along pedestrian-oriented streets and mixed-use corridors. Provision of civic or pedestrian space is required and may be provided in a variety of forms appropriate to the development context, as follows:

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

9-3-2: Neighborhood Commercial Zone Purpose and Applicability:

The purpose of this zone is to accommodate neighborhood scale mixed use activity, neighborhood corners and transitions from residential neighborhoods to more intense or larger scale downtown and community commercial districts. Infill commercial and residential intensification are supported and surrounded by directly adjacent existing neighborhoods in order to provide for the convenience of daily services at a scale that resembles the neighborhoods and areas they serve.

While any of the commercial establishments may be community serving, its scale is smaller than the more focused nodes of higher intensity commercial districts. It is distinguished from community commercial zone primarily in scale, pedestrian orientation, and intensity of development, as provided for in the following regulations. This zone is intended to implement the Mixed-Use Neighborhood land use designation of the City's Comprehensive Plan specifically in transitions between residential neighborhoods and commercial centers.

Unless otherwise stated herein, these standards apply to all new buildings, additions, and exterior alterations visible from a public street, alley, or public space within the Neighborhood Commercial Zone Districts; the permitting applicability for such is further addressed in Chapter 2, Zoning Administration.

9-3-2-1: District-Specific Use Standards for the Neighborhood Commercial Zone

A. Permitted Uses: The land uses listed in table 9-2 of chapter 1 are permitted in the neighborhood commercial zone as identified and subject to the provisions of this chapter. Certain land uses have additional restrictions as specified in notes to table 9-2 and as specified below.

B. Craft Manufacturing: Craft manufacturing is only permitted when occurring in conjunction with another permitted retail, service, or restaurant use. The craft manufacturing use shall not occupy the storefront location. The craft manufacturing use in combination with the retail, service, or restaurant use shall not exceed 4,000 square feet.

C. Outdoor displays: All land uses within the community commercial zone district shall be wholly conducted indoors, except as provided for in chapter 9-1-9, Accessory Uses and Buildings.

D. Nurseries and greenhouses shall be limited to a maximum of 5,000 square feet and nurseries are required to be accompanied by a building on the lot.

9-3-2-2: District-Specific Design and Development Standards for the Neighborhood Commercial Zone:

2. Purpose: Development standards regulate the physical layout and design of development to ensure protection of the health, safety, welfare, and quality of life within Sandpoint. These standards address the physical relationship between development and adjacent properties, public streets, neighborhoods, districts, and the natural environment, in order to implement the Comprehensive Plan.

3. Intent: The design and development standards in this section are intended to promote high-quality, context sensitive development across Sandpoint's Neighborhood Commercial zone. These standards emphasize compatibility with adjacent residential neighborhoods.

4. Development Standards for Neighborhood Commercial Zone

Table 9-2-3: Development Standards for Neighborhood Commercial Zone

Standard	**Requirement**

Lots	
Minimum lot area	1500 sf[1]
Minimum lot width	15 ft
Maximum lot coverage	90%
Building placement	
Minimum front setback	0 ft for commercial, 5 ft for residential if residential is on ground floor
Maximum front setback	Commercial:15 ft. if civic space is provided; Residential: 15 ft
Minimum building frontage at the front setback	50% of lot width
Minimum side setback	0 ft.
Minimum rear setback	0 ft.
Side setback next to a residential zone	5 ft.
Rear setback next to a residential zone	10 ft.
Building height	
Maximum height	40 ft

[1] No lot may be created that prevents development consistent with NC standards, including access, parking, vehicle and pedestrian circulation, and landscaping requirements.

Table 9-2-4 Other standards applicable to the Neighborhood Commercial Zone

Topic	**Code section**
General provisions	9-1
District-specific standards	9-3-1
Standards for all commercial districts	9-3-4
Off-street parking	9-6
Signs	9-7

5. Building Size, Bulk, Scale and Mass:

1. The maximum building footprint shall not exceed 3500 square feet, and the maximum commercial gross floor area shall not exceed 3500 square feet.
2. Buildings are encouraged to incorporate traditional residential form with pitched rooflines, gables porches, decks, landscaping and civic space, and buildings over two stories are encouraged to utilize a step back from the ground level façade.
3. All staircases to upper floors shall be enclosed and shall provide for natural lighting and ventilation if not conditioned space.

6. Building Orientation: If an entry is oriented to a parking lot, it diminishes activity from the street and implies that auto access takes precedence. Therefore, buildings shall be oriented toward their primary street frontage and located within the maximum front setback. Orientation and design of all new building or additions shall be reinforced through the observation of the following standards:
   1. Primary Entrance: Buildings shall provide a clearly identifiable primary entrance that is oriented toward a public street, pedestrian plaza, courtyard, or primary pedestrian circulation route that includes a minimum of an 8-foot-wide sidewalk connecting the primary entrance to the public right of way. All staircases to upper floors shall be enclosed and shall provide for natural lighting and ventilation if not conditioned space.

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

      For commercial uses none of the lot frontage shall be developed with surface parking spaces. For the purpose of this provision, " lot frontage" shall be defined as the linear frontage along the primary street having a depth of fifteen feet (15').

   ~~2.~~ Corner Building Entrances: Where development is on a corner lot, buildings ~~shall~~ may face both frontages with entrances, architectural articulation and/or building orientation that emphasizes the corner condition. A corner entrance is encouraged but not required where building form, or site design provide an equivalent emphasis on the street intersection. Civic space and landscape walls, fencing, artistic features, or plantings may be used on the secondary frontage to enhance intersection and corner condition.

   ~~3.~~ Secondary Entrance: A building may have a secondary entrance facing the side or rear of a lot when a direct pedestrian walkway is provided between the building entrance and the street right-of-way. Secondary entrances may be utilized to serve parking areas, provided pedestrian connectivity between the building entrance and the street right-of-way is emphasized.

   ~~4.~~ Alley vehicular access and parking preferred. Off-street parking, driveways, and vehicular access areas shall not be located between a building and its primary street frontage. Off-street parking maybe located between a building and a secondary or side street frontage, provided that:

a. The building is oriented to the designated primary street frontage;

b. A continuous pedestrian pathway connects the primary building entrance and the public sidewalk; and

c. Views of the parking areas from the public right-of-way are minimized through landscaping, screening, or site design features that maintain a pedestrian oriented streetscape appearance.

~~5. Surface Parking: Parking areas shall be divided into areas of no more than 30 abutting spaces. Division between areas of 30 or more spaces may be by a building, internal landscaped area with a minimum width of five feet (5'), or paved pathway having a minimum width of five feet (5').~~

~~7.~~ Storefront Design: Buildings shall incorporate pedestrian-oriented design features appropriate to the land use and context, as follows:

~~a.~~ Building Frontage Occupancy: Buildings shall occupy a minimum portion of the primary street frontage, as established in Table 9-3-1 in order to reinforce commercial intensity, the pedestrian realm along all streets, and efficient use of commercially zoned property. Frontage occupancy may be satisfied through one or more buildings.

~~b.~~ Pedestrian-Oriented Ground Floor Design: Ground-floor commercial facades fronting a public street shall incorporate pedestrian-oriented design features appropriate to the building's use and context. These features may include, but are not limited to:

a) Transparent windows or glazing that allows views into active interior spaces;

b) Clearly identifiable pedestrian entrances oriented towards the public street, plaza, or primary pedestrian route;

c) Architectural articulation, material changes, or recesses that provide visual interest at the pedestrian level;

d) Weather protection elements such as awnings, canopies, or recessed entries where appropriate.

~~c.~~ Transparency/Fenestration: Ground-floor commercial facades are required to incorporate a minimum of ~~50~~ 25 % transparent glazing along street-facing elevations~~, particularly in areas of pedestrian activity.~~

~~d.~~ Façade Length and Articulation: Street facing facades greater than fifty feet (50') in length shall incorporate visual breaks, at least every 25 feet, through changes in plane, materials, fenestration, or building modules to reduce perceived scale.

~~e.~~ Rooflines and Upper-floor Differentiation: Buildings with multiple stories shall provide a visual distinction between the ground floor and upper floors through changes in materials, articulation, fenestration, and horizontal elements, or other architectural techniques.

~~f.~~ Ground-floor residential: Ground-floor residential units are required to include pedestrian-oriented design by utilizing stoops, porches, landscaped setbacks, or other design features that provide a transition between the public sidewalk and private living space.

~~g.~~ Waterfront frontages: In addition to the standards in subsection 9-3-4-3, Special Standards for Properties Adjacent to Sand Creek, buildings abutting Sand Creek shall incorporate design features that enhance visual interest, pedestrian engagement, and connectivity to the water, such as patios, decks, walkways, and windows. Mechanical equipment, refuse areas, and service functions visible from the creek or public paths shall be screened or buffered to maintain visual quality along the waterfront.

~~8.~~ Building Materials: Exterior materials shall be durable, high-quality, and appropriate to the building's use, scale, and location. Contemporary architectural materials are permitted, provided that façades incorporate articulation, transparency, and human-scale detailing where visible from public spaces.

~~a.~~ Permitted Materials: A wide range of exterior materials may be used, including but not limited to masonry including individually set brick and stone, wood, architectural metal panels, architectural concrete, glass, and stucco, provided such materials meet the standards of this section. ~~Accent materials that do not comprise the primary material greater than 50% on any façade can include but are not limited to fiber cement, exposed unfinished concrete and concrete masonry units, and weathered steel.~~

~~b.~~ Secondary or Accent Materials (limited use to 50% or less on any facade):

a) Exposed, unfinished concrete and concrete masonry units;

b) Fiber cement;

c) Weathered steel

~~c.~~ Prohibited Materials and Finishes: The following are prohibited as finished exterior materials where visible from public areas:

a) Exposed unfinished concrete or concrete masonry units when used as the primary building material;

b) Raw or unfinished metal siding, other than as accent materials or panels; however corrugated metal may be permitted where it is factory-finished, articulated, and integrated as an intentional architectural material rather than a utilitarian surface;

c) Highly repetitive or monotonous wall treatments lacking articulation;

d) Mirrored or reflective glazing;

e) Galvanized metal.

~~d.~~ Glare and Reflectivity: Exterior materials and glazing shall not create excessive glare visible from public rights-of-way or adjacent properties. Highly reflective or mirrored materials are prohibited.

~~e.~~ Fenestration and Transparency: Where ground-floor commercial uses front a public street, facades shall incorporate windows, glazing, or other design features that establish a visual relationship between interior spaces and the public realm. ~~Window coverage, tinting, or screening may be permitted where appropriate to the building's use, provided the façade does not present a blank or visually inactive appearance.~~

~~f.~~ Façade Treatment and Visibility: Primary street-facing facades shall incorporate materials, articulation, and detailing to break up exterior façade elements that are consistent with the scale of surrounding buildings. Secondary façades visible from public streets, parking areas, walkways, or other public spaces shall incorporate material variation, fenestration, or architectural detailing sufficient to avoid the appearance of unfinished or utilitarian building surfaces. Identical architectural treatment on all building facades is not required.

~~g.~~ Material Transitions: Material transitions shall occur at logical building breaks, such as changes in plane, floor level, or architectural elements. Material transitions should be considered thoughtfully to enhance appropriate proportions, building form, and mass.

~~h. Prohibited Materials and Finishes: The following are prohibited as finished exterior materials where visible from public areas:~~

a) ~~Exposed unfinished concrete or concrete masonry units when used as the primary building material;~~

b) ~~Raw or unfinished metal siding, other than as accent materials or panels; however corrugated metal may be permitted where it is factory-finished, articulated, and integrated as an intentional architectural material rather than a utilitarian surface;~~

c) ~~Highly repetitive or monotonous wall treatments lacking articulation;~~

d) ~~Mirrored or reflective glazing~~;

~~9.~~ Civic and Pedestrian Spaces: Civic and pedestrian spaces contribute to walkability, social interaction, and visual interest within commercial areas. Such spaces are encouraged where appropriate to the scale, land use, and context of development, particularly along pedestrian-oriented streets and mixed-use corridors. Provision of civic or pedestrian space is required and may be provided in a variety of forms appropriate to the development context, as follows:

~~a.~~ Design Guidance/Function: Where provided, civic or pedestrian spaces shall:

a) Be accessible from a public street, sidewalk, trail, or pedestrian circulation route; and

b) Be designed to support pedestrian comfort and gathering.

~~b.~~ Location: Civic and pedestrian spaces may be located:

a) Adjacent to building entrances;

b) Within setbacks or courtyards;

c) Along pedestrian corridors internal to the site such as between buildings;

~~c.~~ Examples of Civic and Pedestrian Spaces:

a) Plazas, courtyards, or forecourts adjacent to building entrances;

b) Outdoor seating areas, stoops, benches, or landscaped gathering spaces;

~~10.~~ Pedestrian pathways with amenities such as seating, lighting, (and/or) landscaping.

9-3-3: Downtown Core and Downtown Outer Core Zone Purpose and Applicability:

The purpose and intent of these zones is to protect and reinforce the historic commercial character of Sandpoint's Downtown, which developed as a compact, pedestrian-oriented

commercial district shaped by railroad, timber, and waterfront activity, and remains a defining element of the community's identity. The downtown is a compact assembly of storefront buildings, short walkable blocks, mixed uses, pedestrian amenities, and consolidated on and off-street parking. The existing character is especially vulnerable to intrusion from incompatible uses and physical development practices which are inconsistent with the historical fabric. The city's downtown, zoned Downtown Core (DC) and Downtown Outer Core (DOC), is so important and significant to the city, that it justifies a special set of regulations designed to protect and enhance its character. These standards are intentionally created in order to protect the unique historic character of Sandpoint's downtown and to encourage development, re-development, and design that reinforces this area as the City's main cultural and activity center. These zones implement the Downtown land use designation of the City's Comprehensive Plan. These standards are intended to:

1. Establish a defined Downtown that is distinct from other commercial areas in that it serves as the city center, provides for community gathering places and pedestrian/visitor amenities, and is the center of activity, a unique destination for goods and services, and is the primary iconic image that stands for Sandpoint.
2. Ensure that new development, redevelopment, and significant exterior alterations are compatible with the established historic character of downtown, without requiring replication of historic architectural styles;
3. Promote land development that belongs downtown.
4. Maintain a continuous, active street frontage with strong storefront character, and a distinct storefront character associated with the Downtown Core;
5. Reinforce traditional building scale, massing, and façade rhythm found in Sandpoint's historic downtown;
6. Encourage residential development with appropriate frontage facades to enhance and support downtown as the City's primary gathering and activity space.
7. Promote durable materials, fine-grained detailing, and pedestrian-scale design appropriate to Sandpoint's climate and setting.

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

9-3-3-1: District-Specific Use Standards for the Downtown Core and Downtown outer Code Zones

A. Permitted Uses: The land uses listed in table 9-2 of chapter 1 are permitted in the Downtown Core and Downtown Outer Core zones as identified and subject to the provisions of this chapter. Certain land uses have additional restrictions as specified in notes to table 9-2 and as specified below.

B. Craft Manufacturing: Craft manufacturing is only permitted when occurring in conjunction with another permitted retail, service, or restaurant use. The craft manufacturing use shall not occupy the storefront location. The craft manufacturing use in combination with the retail, service, or restaurant use shall not exceed 4,000 square feet.

C. Outdoor displays: All land uses within the Downtown Core and Downtown Outer Core zones district shall be wholly conducted indoors, except as provided for in chapter 9-1-9, Accessory Uses and Buildings.

D. In the Downtown Core and Downtown Outer Core zones no portion of primary lot frontage shall be developed with surface parking.

E. No outdoor nurseries are permitted in the Downtown Core or Downtown Outer Core Zones.

9-3-3-2: District-Specific Design and Development Standards for the Downtown Core and Downtown Outer Core Zones:

Table 9-3-5 Development Standards for Downtown Core and Downtown Outer Core Zones

Standard	**Requirement**
Lots	
Minimum lot area	No minimum
Minimum lot width	15 ft.
Maximum lot coverage	100%
Building placement	
Minimum front setback	0 ft.
Maximum front setback	15 ft. if civic space is provided
Minimum building frontage at the front setback	Not applicable due to maximum side setbacks
Minimum side setback	0 ft.
Maximum side setback	DC: 0 ft. DOC: 10 ft
Minimum rear setback	0 ft.
Side setback next to a residential zone	10 ft.
Rear setback next to a residential zone	20 ft.
Building height	

Maximum height[3]	DC: 45 ft (outside historic overlay zone, 40 ft (within historic overlay zone); DOC: 55 ft.

[1] No lot may be created that prevents development consistent with DC and DOC standards, including access, parking, vehicle and pedestrian circulation, and landscaping requirements.

[2] The rear setback area may be used for parking

[3] The height of an historic building undergoing restoration (located within the Downtown Core) may exceed the building height maximum up to the documented historic height, provided such increase is first approved by the Arts, Culture, and Historic Preservation Commission in accordance with any locally adopted historic preservation codes, as applicable.

Table 9-3-6 Other standards applicable to the Downtown Core and Downtown Outer Core Zones

Topic	**Code section**
General provisions	9-1
District-specific standards	9-3-3
Standards for all commercial districts	9-3-4
Off-street parking	9-6
Signs	9-7

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

1. General Intent: The standards for additions to existing buildings are intended to allow continued reinvestment and adaptive reuse while ensuring that additions remain subordinate to the original structures. Additions shall respect the scale, massing, and character-defining features of the existing building, remain visually secondary from the public realm, and be clearly identifiable as contemporary construction. These standards balance flexibility with the need to preserve the integrity and legibility of historic buildings within the Downtown Core and Downtown Outer Core Zones. Where conflicts exist between these standards and the standards more specific to Historic Preservation Overlay, the standards of the Overlay zone shall prevail for applicable properties.
2. Location and Massing: Additions shall be located:
    i. At the rear of the building; or
    ii. Vertical additions shall not exceed floor-to-floor heights consistent with the existing structure.

B. Standards for New Construction

1. General Intent: The standards for new construction are intended to ensure that new buildings contribute positively to the historic downtown by reinforcing established patterns of scale, massing, storefront design, and façade rhythm. New construction is expected to be compatible with the surrounding historic context without replicating historic architectural styles or creating a false sense of history. Contemporary design is encouraged where it respects traditional downtown proportions, materials, and pedestrian-oriented forms.
2. Building Form and Massing: New buildings shall reflect the traditional downtown pattern by including:
    a) Continuous streetwalls;
    b) Vertically proportioned facades;
    c) Clear distinction between base ~~podium~~, upper floors, and roofline;
    d) Building scale consistent with adjacent historic structures along the block face;
    e) A ~~base podium height of between 12 feet and 16 feet~~ minimum of 12-foot clear first floor height
3. Ground Floor Storefronts: Ground floor street facades for non-residential development shall be pedestrian oriented and include:
    a) Clear display windows;
    b) Recessed or clearly-defined entries;
    c) A visual separation between ground floor and upper floors; and
    d) A Minimum of 70% of the ground floor façade between 2 feet and 10 feet above sidewalk grade shall consist of clear glazing;
4. Ground Floor Residential Facade (Applicable to the Downtown Outer Core Zone only): Ground-floor facades for residential uses at the ground floor shall be pedestrian oriented and include:
    a) A visual separation between ground floor and upper floors;
    b) Entrances marked by a taller mass above such as within a volume that protrudes from the rest of the building surface;
    c) Entrances accented by special architectural elements such as columns, overhanging roofs, awnings; or
    d) Entrances indicated by recessed entry or recessed bay in the façade, or entrances sheltered by projecting canvas or fabric awning or permanent architectural canopy utilizing materials from the primary building.
    e) Exterior staircases shall not be used for primary entrances to second floors in the Downtown Core.
    f) All staircases to upper floors shall be enclosed and shall provide for natural lighting and ventilation if not conditioned space.

5. Building Base Treatment: A base treatment is a horizontal articulation of the lower part of a building facades design that serves to establish a human scale for pedestrian users and aesthetically ties a building to the ground. New buildings are required to include base treatments to street facing facades and are encouraged to include them on all sides of buildings that are visible from streets or public areas at one of the following scales and including the following treatments:

    a) ~~At the scale of the pedestrian,~~ With a base treatment created at the base of the wall between 9 inches and six feet tall;

    b) At the scale of the building, with no less than 50% of the ground floor visibly articulated to read as a base that anchors the building to the ground.

    c) A horizontal projection (or visible thickening) of the wall surface, which may be accompanied by a change of material and/or color;

    d) A heavier design treatment, such as a darker color and/or stronger, more permanent material for the base portion of the face than for portions above;

    e) A horizontal architectural line or feature at or below the top of the first or second story such as a belt or course or secondary cornice separating the first two floors, a ground level gallery recessed into the building volume.

    f) Stucco is prohibited as a base treatment material.

6. Windows and Façade Rhythm: New buildings shall reflect the traditional downtown pattern by including:

    a) Upper-story windows shall be vertically proportioned and arranged in a consistent rhythm.

    b) All window openings shall be set back from the face of the façade to create a shadow reveal and visual texture across the façade.

    c) Mirrored or reflective glazing are prohibited on primary façades; spandrel glass may be used where necessary for fire separation at floor lines, or on elements such as stair towers which must be proportionately installed.

    d) Blank wall segments on primary street-facing façades shall not exceed twenty feet (20') in length.

    e) Unifying architectural approaches to window patterns such as aligning windows by using common sill or header lines.

7. Rear Facades Visible from the Public Realm: Rear façades that are visible from a public street, alley, parking area, trail, or public open space shall incorporate materials, fenestration, and articulation consistent with the intent of this section. Blank walls, unfinished materials, and utilitarian back-of-house treatments are prohibited where rear façades are visible from the public realm.

8. Rooflines: New buildings shall reflect the traditional downtown pattern by including:

    a) A streetwall height massing element, such as a cap or cornice is required. Examples of acceptable streetwall height massing elements include but are not

limited to: cornices, canopies, and shaped parapets, which can be coupled with faced depth offsets.

C. Rooftop mechanical equipment shall be fully screened from public view and shall comply with the applicable building-height and rooftop-equipment setback provisions of Section 9-1-12.

1. Materials and Finishes: Exterior building materials within the Downtown Core and Downtown Outer Core Zones shall reinforce the historic commercial character of downtown Sandpoint through the use of durable, authentic materials that reflect the community's development as a railroad, timber, and waterfront town. Materials shall convey visual depth, texture, and permanence and shall not create a false or incompatible architectural character, by adhering to the following:

    a) Primary Street-Facing Materials: The following materials are preferred and encouraged for use on primary street-facing façades and shall comprise the predominant exterior materials at the ground floor and along principal elevations:

        i. Individually set stone, brick, or masonry including articulated masonry with visible coursing, lintels, sills, and recessed openings;

        ii. Visible trim, corner boards, and window detailing shall be provided to maintain material depth and articulation

        iii. Heavy timber or steel, when used structurally or as an expressed architectural element, including columns, beams, canopies, arcades, and storefront framing

    b) Secondary and Accent Materials (Limited Use to 40% or less): The following materials may be used in a secondary or accent role and shall not constitute the predominant material on a primary street-facing façade:

        i. Stone, when used for base courses, foundations, trim, or accent elements;

        ii. High-quality fiber cement siding, permitted only on upper stories or secondary façades; however, use of fiber cement siding on primary street-facing façades may be approved only where the applicant demonstrates compatibility with adjacent or nearby historic buildings and compliance with the intent of this section:

        iii. Board dimensions, profiles, and reveals shall be consistent with traditional wood siding;

        iv. Large-format panels, smooth sheet applications, or contemporary panelized systems ~~are prohibited in amounts exceeding 25% of the primary facade~~;

        v. ~~Visible trim, corner boards, and window detailing shall be provided to maintain material depth and articulation~~.

vi. Dimensional wood siding, including horizontal lap, shiplap, or vertical board-and-batten profiles consistent with historic commercial construction

c) Use of Stucco (Restricted to no more than 40 percent): Stucco shall not be used as a primary street-facing façade material. Stucco may be permitted only when:

i. Used above the ground floor or as a limited accent material;

ii. Designed with substantial detailing, articulation, and trim consistent with historic commercial buildings;

iii. ~~Demonstrated to be compatible with adjacent or nearby historic materials~~;

iv. Smooth, flat, or minimally detailed stucco façades are prohibited.

d) Prohibited Materials on Primary Street-facing Façades: The following materials are prohibited on primary street-facing façades:

i. Vinyl siding or trim;

ii. Galvanized metal;

iii. Imitation stone, brick, or wood veneers in excess of 10 percent of the façade square footage;

iv. Mirrored, reflective, or smoked glazing;

v. Large-format panel systems lacking visible articulation or depth.

e) Material Transition and Consistency:

i. Changes in exterior materials shall occur at logical building breaks, such as changes in plane, floor lines, or architectural elements;

ii. Abrupt or arbitrary material transitions that disrupt façade rhythm or visual coherence are prohibited;

iii. Materials used on secondary façades shall be consistent with and subordinate to those used on primary façades.

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

a) Permitted Awning and Canopy Types:

i. Retractable fabric awnings, including traditional sloped or shed-style awnings;

ii. Fixed metal or wood canopies, when architecturally integrated with the building, including horizontal metal canopies supported by rods, chains, or brackets;

iii. Solar shading on upper floors is permitted at a overhang of no more than 36 inches.

b) Location and Placement:

i. Awnings and canopies shall be located at the ground-floor storefront level and over individual storefront bays or entries.

ii. Awnings shall be aligned with window and door openings.

iii. Awnings and canopies shall not obscure architectural details, transom windows, or cornices, pilasters, or decorative masonry.

c) Projection, Clearance and Slope:

i. Awnings and canopies at the ground floor shall project a minimum of four feet (4') from the building façade, subject to public right-of-way limitations.

ii. Sloped fabric awnings shall have a maximum slope of forty-five degrees (45°)

iii. Flat canopies shall be horizontal or near-horizontal in appearance.

d) Color and Design:

i. Awning and canopy colors shall be compatible with the building façade and surrounding streetscape.

ii. Highly saturated, fluorescent, or visually busy patterns are prohibited.

iii. Solid colors or simple striping are preferred.

iv. Awnings shall reinforce storefront rhythm and shall not visually dominate the façade.

e) Illumination:

i. Internally illuminated awnings or canopies are prohibited.

ii. External illumination may be permitted where light sources are shielded, illumination is warm in color temperature, and lighting does not create glare or visual clutter.

f) Signage on Awnings:

i. Signage on awnings shall adhere to all applicable provisions of the sign regulations of this Title;

ii. Text placed on the vertical valance only; and

iii. Lettering or logos shall not be placed on sloped or curved portions of awnings.

(Ord. 1301, 6-4-2014)

9-3-~~1 7~~4: Special Standards Applicable to All Commercial Zone Districts

9-3-4-1: Special Standards for Buildings with Footprint Exceeding Fifteen Thousand (15,000) Square Feet:

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

A. ~~Circulation Amenities: A safe and landscaped multimodal circulation system shall be provided on site which connects to public streets and neighborhoods. Multimodal pathways within the development shall be differentiated from driving surfaces through a change in materials. At least one substantial amenity as described in subsection 9-2-1-6E of this chapter shall be provided for every two thousand five hundred (2,500) square feet of structure footprint.~~ Circulation Amenities: A safe and landscaped multimodal circulation system shall be provided on site which connects to public streets and neighborhoods. Multimodal pathways within the development shall be differentiated from driving surfaces through a change in materials. At least one substantial pedestrian amenity shall be provided for every two thousand five hundred (2,500) square feet of structure footprint. Qualifying amenities include publicly accessible plazas or courtyards, sheltered seating areas, public art installations, and comparable improvements approved by the review authority.

B. Facades and Exterior Walls Including Sides and Backs: The building shall be designed in a way that will reduce the massive scale and uniform and impersonal appearance and will provide visual interest consistent with the community's identity, character, and scale. Architectural treatment, similar to that provided to the front facade shall be provided to the sides and rear of the building to mitigate any negative view from any location off site and any public area (e.g., parking lots, walkways, etc.) on site.

C. Roofs: The roof design shall include architectural features that contribute to the visual interest at the pedestrian scale and reduce the massive scale of large buildings. Roof features shall complement the architectural and visual character of adjoining neighborhoods. Roofs shall have the appearance of two (2) or more roof planes either through architectural features or engineered design. Parapet walls shall be architecturally treated to avoid a plain, monotonous look. Roofs shall be lightly colored or vegetative.

D. Building Design: All buildings shall provide a direct unencumbered multimodal connection to an abutting street. All buildings shall be designed so that parking is not located along the primary street of the building. Nonmotorized parking shall be permitted along the primary facade of the building. A buffer with a minimum width of eight feet (8') will be maintained between parking areas and all bike trails and public sidewalks. Building entrance(s), windows, roof snow drop areas, and other movable building features shall have an appropriate setback so as not to interfere with the safe movement of pedestrians and cyclists.

B. CUP Design Deviations: Design of larger structures inherently presents additional challenges in design. Accordingly, deviations from the underlying zoning district's design standards shall be permitted at the discretion of the approval authority provided the findings for approval can be made.

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~~E. Adaptability for Reuse/Compartmentalization: The building design shall include specific elements for adaptation for multi-tenant reuse. Such elements may include, but are not limited to, compartmentalized construction, including plumbing, electrical service, heating, ventilation, and air conditioning. The building design shall also allow for: the interior subdivision of the structure into separate tenancies; facades that readily adapt to multiple entrances and adapt to entrances on all but one side of the building; parking lot schemes that are shared by establishments or are linked by safe and functional pedestrian connections; landscaping schemes that complement the multiple entrance design; and other elements of design which facilitate the multi-tenant reuse of the building and site.~~

~~F. Applications: Applications shall include a renewal plan that will afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the structure in the event of closure or relocation by the original occupant. Such plan will be approved if the city finds that:~~

~~1. A sound and adequate plan exists for said redevelopment; and~~

~~2. The plan affords maximum opportunity for rehabilitation or redevelopment of the structure by both private enterprise and the municipality; and~~

~~3. The renewal plan provides a maintenance plan for normal repairs and upkeep of property, including, but not limited to, building, parking lot and surfacing, landscaping, signage, and elimination of "ghost signage".~~

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

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

(Ord. 1301, 6-4-2014)

9-3-~~1-8~~4-2: Special Standards for Parking and Loading Areas:

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

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

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

Ground floors of parking garages abutting public right-of-way shall consist entirely of office or retail space excluding drive aisles. ~~Building d~~Design standards ~~articulated~~ established in the applicable zone district shall apply to all parking structures.

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

(Ord. 1236, 6-23-2010)

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

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

~~1. Light manufacturing is only allowed when occurring in conjunction with a permitted retail or service use that is in the storefront location.~~

~~2. Maximum floor area devoted to light manufacturing is limited to four thousand (4,000) square feet in any individual establishment. Through the issuance of a conditional use permit, the maximum square footage may be increased, but shall not exceed fifteen thousand (15,000) square feet.~~

~~3. The light manufacturing operations shall be fully enclosed within a building and will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reasons of traffic, noise, smoke, fumes, glare or odors.~~

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

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

~~2. All authorized outdoor displays, sales, service or minor entertainment takes place on private property with the written consent of the owner or agent of said property, or on public property with consent from the city.~~

~~3. No display, sales, service or minor entertainment blocks the required pedestrian walkways. A clear area with a minimum width of five feet (5') shall be left between the street and the building entry or exit.~~

~~4. All booths, stalls, carts, or other equipment for outdoor display, sales, service or minor entertainment at the close of business each day shall be removed or immobilized and secured so as to prevent it from becoming a public safety hazard, nuisance or security risk.~~

~~5. Outdoor displays or storage shall not exceed twenty percent (20%) of the retail floor area of the primary business.~~

(Ord. 1236, 6-23-2010)

9-3-~~1-10~~4-3: Special Standards for Properties Adjacent to Sand Creek:

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

B. Definitions:

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

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

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

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

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

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

1. Issuance of a Conditional Use Permit;

2. Notification and approval of all applicable State and Federal regulations; and,
3. Compliance with the Sandpoint Stormwater Ordinance.

F. Permanent, fixed art features larger than four (4) square feet in area and six feet (6') in height shall comply with the provisions of Section E.

G. The Conditional Use Permit process shall recognize Sand Creek is a natural, environmental feature of major importance that shall remain protected. Development shall be commensurate with the physical characteristics of Sand Creek and protect fish, wildlife, recreation resources, and avoid undue water and air pollution. An effective vegetative buffer upland of the applicable high-water mark (AHWM or OHWM) shall be incorporated as one method of protection, unless determined impractical by an Idaho licensed professional engineer or licensed landscape architect, whereby alternative(s) of equal effectiveness and/or a combination thereof shall be provided.

H. The city shall notify applicable federal and state agencies of proposed construction on properties adjacent to Sand Creek.

I. City issued permits shall be conditioned accordingly to support best management practices and compliance with applicable local, state and federal laws and guidelines, including, but not limited to, erosion and sediment control; riparian areas; wetlands; water quality; and fish, wildlife and plant habitats.

(Ord. 1392, 3-16-2022)

9-3-5: Parks and Open Space Zone Purpose and Applicability

The purpose of the Parks and Open Space (POS) Zone is to protect publicly owned parks and open spaces as places for recreation, community gathering, public access, and environmental stewardship. Parks and open spaces serve a purpose distinct from the City's other commercial zones. They may accommodate organized events, admission-based activities, concessions, recreation facilities, and other revenue-generating activities, while their primary function remains public recreation and open space. This zone implements the Parks and Open Space land use designation of the City's Comprehensive Plan. Its standards are intended to:

1. Preserve publicly owned land for parks, recreation, and open space;
2. Provide for a range of park and recreation facilities, programs, and events that serve residents and visitors;
3. Accommodate commercial activities that support or are compatible with the public use and function of a park or open space;
4. Protect public access to parks, trails, shorelines, and recreation facilities, subject to reasonable management of facilities and events;
5. Protect natural features, habitat, and water quality, and account for site-specific environmental conditions; and
6. Ensure that buildings, parking, utilities, and other improvements are designed and located to support the long-term public use of the property and are compatible with surrounding areas.

The POS Zone applies to land designated POS on the City's official zoning map. Public ownership alone does not establish POS zoning. The development standards of this section apply to new development, additions, and alterations within the POS Zone as specified in the sections that follow, whether undertaken by the public owner or by another party with its authorization. Placement of the POS Zone in this chapter does not make the use or development standards of other commercial zones applicable to POS-zoned land unless this title expressly provides otherwise.

9-3-5-1 District Specific Use Standards for the Parks and Open Space Zone

Permitted Uses: The land uses listed in table 9-2 of chapter 1 are permitted in the Parks and Open Space zone as identified and subject to the provisions of this chapter. Certain land uses are permitted only as components of authorized special events or as part of City-authorized license or lease agreements in a park or recreation facility.

9-3-5-2: District-Specific Design and Development Standards for the Parks and Open Space Zone:

Table 9-3-5 Development Standards for Parks and Open Space Zone

Standard	**Requirement**
Lots	
Minimum lot area	No minimum
Minimum lot width	No minimum
Maximum lot coverage	100%
Building placement[1]	
Minimum front setback	10 ft.
Maximum front setback	No maximum
Minimum side setback	10 ft.
Maximum side setback	No maximum
Minimum rear setback	10 ft.
Side setback next to a residential zone	10 ft.
Rear setback next to a residential zone	20 ft.
Building height	
Maximum height[2]	Same as abutting zone

[1]Building setbacks shall be measured from the applicable property boundary. When a building is located within an exclusive lease area approved by the public property owner, the front, side, and rear setbacks shall be measured from the boundaries of the approved lease area rather than from the boundaries of the larger parcel or park. The

required setback from a residential zone shall continue to be measured from the boundary of the residential zone. Modification of a lease boundary shall not create or increase a nonconformity.

[2]When a park or open space abuts multiple zones, the zone with the most frontage adjacent to the park area in which the building is being considered for development will be used to determine the maximum building height.

Table 9-3-6 Other standards applicable to the Parks and Open Space Zone

Topic	**Code section**
General provisions	9-1
District-specific standards	9-3-1
Standards for all commercial districts	9-3-4
Off-street parking	9-6
Signs	9-7

A. Relationship to Adopted Plans: Development shall be generally consistent with any City-adopted park, recreation, open-space, waterfront, facility, or site master plan applicable to the property. An adopted plan may guide the location and design of improvements but shall not authorize a use or development that is otherwise prohibited by this title.

B. Public Purpose: Development within the POS Zone shall preserve the property's principal function as a publicly accessible park, recreation facility, or open space. Buildings, facilities, leases, concessions, admission-based events, and commercial activities may be permitted when they support, activate, manage, fund, or are otherwise compatible with the recreational, cultural, educational, environmental, or community-gathering functions of the property.

C. Site Design: Buildings and other improvements shall be located and designed to

1. Maintain functional and visually identifiable public access to the park or open space;
2. Preserve significant natural features and environmentally sensitive areas to the extent practicable;
3. Provide safe and convenient pedestrian and bicycle connections;
4. Minimize conflicts among pedestrians, bicycles, vehicles, service activities, and recreation uses;
5. Locate parking, loading, refuse collection, mechanical equipment, and utility areas so they do not unnecessarily dominate prominent park entrances, shorelines, trails, or public gathering areas; and
6. Minimize unreasonable effects on adjacent residential property, including noise, glare, lighting spillover, and loss of privacy.

D. Parking and Vehicle Access: Parking requirements should be based on the demonstrated needs of the park or facility rather than a conventional use-by-use commercial parking ratio. Shared parking, public parking, on-street parking, bicycle parking, seasonal demand, and event-management plans may be considered in determining compliance with Chapter 9-6.

E. Residential Compatibility: Where a new principal building, parking area, loading area, refuse enclosure, mechanical equipment, or outdoor activity area is located adjacent to a residential zone, landscaping, screening, setbacks, lighting controls, operational limitations, or other measures shall be provided as necessary to mitigate reasonably anticipated effects on neighboring property.

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

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

~~(Ord. 1305, 10-15-2014)~~

~~**9-2-2-1: Purpose:**~~

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

~~A. Accommodate mixed use buildings with neighborhood serving retail, service, and other uses on the ground floor and residential units above the nonresidential space;~~

~~B. Encourage development that exhibits the physical design characteristics of pedestrian oriented, storefront style shopping streets; and~~

~~C. Promote the health and well being of residents by encouraging physical activity, alternative transportation, and greater social interaction.~~

~~(Ord. 1305, 10-15-2014)~~

~~**9-2-2-2: Definitions:**~~

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

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

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

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

(Ord. 1305, 10-15-2014)

9-2-2-3: Allowed Uses:

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

TABLE 1
MIXED USE RESIDENTIAL LAND USE REGULATIONS

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

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

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

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

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

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

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

(Ord. 1305, 10-15-2014)

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

All permitted uses in the mixed use residential district must be conducted within completely enclosed buildings, unless otherwise expressly authorized. This requirement does not apply to off-street parking or loading areas, automated teller machines, or outdoor seating areas that are located between the primary building facade and the street. Commercial delivery within alleys that abut a residential zone shall be prohibited from eight o'clock (8:00) p.m. to eight o'clock (8:00) a.m.

(Ord. 1305, 10-15-2014)

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

A. All commercial floor space provided on the ground floor of a mixed use building must have a minimum floor to floor height of twelve feet (12').

B. All commercial floor space provided on the ground floor of a mixed use building must contain the following minimum floor area:

1. At least eight hundred (800) square feet or twenty-five percent (25%) of the lot area, whichever is greater, on lots with street frontage of less than fifty feet (50'); or

2. At least twenty percent (20%) of the lot area on lots with fifty feet (50') of street frontage or more.

(Ord. 1305, 10-15-2014)

9-2-2-7: Lot Area:

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

(Ord. 1305, 10-15-2014)

9-2-2-8: Lot Coverage:

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

(Ord. 1305, 10-15-2014)

9-2-2-9: Building Height:

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

A. Exceptions to the maximum height:

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

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

(Ord. 1305, 10-15-2014)

9-2-2-10: Setbacks:

A. The entire building facade must abut street side property lines or be located within ten feet (10') of such property lines. Front building facade setbacks between ten feet (10') and twenty feet (20') are permitted only when the setback area is developed as a civic space.

B. No setbacks are required in the mixed use residential district, except when property zoned as mixed use residential abuts property zoned as residential, in which case the minimum side and rear setbacks required in the mixed use residential district shall be the same as required for a residential use on the abutting residentially zoned lot. When commercial use occurs adjacent to any residential use, screening of adjacent property lines, utilizing a minimum six foot (6') solid wood or equivalent fence, excluding vinyl or chainlink, shall be provided and maintained in good condition to reduce the trespass of noise and other related business activity.

(Ord. 1305, 10-15-2014)

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

A. As prescribed in chapter 5 of this title.

B. No off-street parking is required for nonresidential uses in the mixed use residential district, unless such uses exceed two thousand (2,000) square feet of gross floor area, in which case off-street parking must be provided in accordance with city standards for the floor area in excess of two thousand (2,000) square feet.

C. Off-street parking spaces must be located to the rear or side of the principal building and otherwise screened so as not to be visible from public right-of-way or residential zoning districts. Locating parking between the building and the street shall be prohibited, except when associated with detached single-family residential development.

(Ord. 1305, 10-15-2014)

9-2-2-12: Window Standards:

A. For new commercial construction, a minimum of sixty percent (60%) of the street facing building facade between two feet (2') and eight feet (8') in height must be comprised of clear windows that allow views of indoor space or product display areas.

B. The bottom of any window or product display window used to satisfy the transparency standard may not be more than three and one-half feet (3.5') above the adjacent sidewalk.

C. Product display windows used to satisfy these requirements must have a minimum height of four feet (4').

(Ord. 1305, 10-15-2014)

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

A. Buildings must have a primary entrance facing a public sidewalk. Entrances at building corners may be used to satisfy this requirement.

B. Building entrances may include doors to individual shops or businesses, lobby entrances, entrances to pedestrian oriented plazas, or courtyard entrances to a cluster of shops or businesses.

(Ord. 1305, 10-15-2014)

9-2-2-14: Driveway Access:

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

(Ord. 1305, 10-15-2014)

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

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

A. Building Size, Bulk, Scale, and Mass: New buildings or additions shall either be similar in size and height, or, if larger, be articulated and subdivided proportionally to the mass and scale of other structures on the same block.

B. Building Orientation: If an entry is oriented to a parking lot, it diminishes activity from the street and implies that auto access takes precedence. Orientation and design of all new building or additions shall be reinforced through the observation of the following standards:

1. Primary Entrance: Buildings have their primary entrance(s) oriented to their primary frontage. Building entrances may include entrances to individual units, lobby entrances, entrances oriented to pedestrian plazas, or breezeway/courtyard entrances to a cluster of spaces.

2. Corner Building Entrances: On corner lots, buildings and their entrances shall be oriented to the street corner. Alternatively, a building entrance may be located away from the corner when the building corner is beveled or incorporates other detailing to reduce the angular appearance of the building at the street corner.

3. Secondary Entrance: A building may have a secondary entrance facing a side yard when a direct pedestrian walkway is provided between the building entrance and the street right-of-way.

4. Off-Street Parking: Off-street parking, driveways and other vehicular access shall not be placed between a building and the street.

5. Surface Parking: Parking areas of more than ten (10) abutting spaces shall be divided into areas of no more than ten (10) spaces. Division may be by a building, internal landscaped area with a minimum width of five feet (5') or landscaped multimodal way having a minimum width of five feet (5').

C. Storefront Design: All buildings shall contribute toward the storefront character and visual relationships of existing buildings. New buildings shall be designed in a way that will reduce the massive scale and uniform and impersonal appearance and provide visual interest consistent with the community's identity, character, and scale. The following architectural features should be used along the street frontage building elevations, as applicable. Minor deviation from the following features may be authorized at the discretion of the planning director so long as the spirit of this code is maintained:

1. Buildings should have consistent spacing of similar shaped windows with trim or other decorative molding on all building stories.

2. Large display windows should be employed on ground floor storefronts. Display windows should be framed to visually separate the ground floor from the second floor.

3. All buildings with a flat roof should have a decorative cornice at the top of the building (or eaves, when the building is designed with a pitched roof).

4. Cornices or changes in material can be used to differentiate the ground floor of buildings that have commercial uses from the upper floor(s) that may have offices or residential uses. Ground floor facades should utilize cornices, signs, awnings, exterior lighting, display windows and entry insets.

5. Facades greater than fifty feet (50') in length shall incorporate recesses and projections with a minimum four foot (4') differentiation along at least twenty percent (20%) of the length of the facade.

D. Building Materials: The exterior finish material on all facades shall be limited to stone, brick and/or finished wood. Materials other than those listed are a deviation which may be authorized by the planning director.

1. In circumstances where other materials are proposed, such as stucco, characteristics such as scale and proportion, form, architectural detailing, height, color and texture shall be utilized to ensure that the proposed material is compatible with surrounding buildings and the character of the commercial area.

2. Building materials shall not create glare. Highly reflective materials shall not be permitted.

3. Clear glass windows shall be used for commercial storefront display windows and doors. Ground floor windows shall be defined as glass, either fixed or opening, windows. Windows cannot be covered permanently on the interior by more than twenty percent (20%). Opaque or severely site obscuring windows will not be permitted.

4. Architectural treatment similar to that provided to the front facade shall be provided to the sides and rear of the building to mitigate any negative view from any location off site and any public area (e.g., parking lots, walkways, etc.) on site. Windows and doors shall be defined with detail elements such as frames, sills, and lintels, and placed to visually establish and define the building stories and establish human scale and proportion.

5. Exposed unfinished concrete, nonarchitectural concrete block, or monotonous walls of concrete or corrugated metal shall not be permitted as a finished exterior.

E. Civic Spaces: Civic spaces serve as informal gathering places for socializing, resting and enjoyment of the area and contribute to a walkable environment. Each civic space shall be open to the thoroughfare or street by incorporating at least one access to the thoroughfare or street. Each building with street frontage shall include two (2) or more of the following features. Civic spaces may be provided within the public right-of-way when approved by the local jurisdiction having authority. The following shall be considered civic spaces for incorporation into the building design:

1. A plaza or courtyard next to the building entrance.

2. Sitting space (i.e., dining area, benches, or ledges) between the building entrance and the sidewalk.

3. A building canopy, awning, or similar weather protection, with a minimum four foot (4') projection over the sidewalk or other pedestrian space.

4. Public art, as approved by the Sandpoint arts commission.

(Ord. 1305, 10-15-2014)

CHAPTER 4 INDUSTRIAL ZONING DISTRICTS

9-4-1: Description of Industrial Zoning Districts:

This chapter provides regulations applicable to development and new land uses in the industrial zoning districts established by ordinance 1252. The purposes of individual industrial zoning districts are as follows:

A. IG (Industrial General) District: The IG district is intended for lands appropriate for light and medium manufacturing and industrial activities with direct access to major transportation routes, such as arterial roads, air and rail service. The IG district allows a wide range of manufacturing and industrial uses, which generate little traffic from tourists and the general public and are consistent with the Sandpoint comprehensive plan. Commercial uses are

generally limited to accessory sales of goods produced on site. Residential use is very limited, with a single caretaker unit per property permitted.

B. IBP (Industrial Business Park) District: The IBP district is intended for master planned business and industrial parks in campus like settings. This district is suitable for administrative and professional offices, research and development parks, limited distribution, light and medium manufacturing, and assembly operations. Commercial and residential uses are generally permitted, although design standards mirroring the downtown commercial areas will apply in an effort to develop the area in alignment with the CA-4 definition of the comprehensive plan. CA-4 areas are to become vibrant secondary centers of commercial, office, and residential development, serving as neighborhood hubs for residents in neighboring districts. The IBP zoning district is consistent with the land use category of the Sandpoint comprehensive plan in areas generally south of Baldy Mountain Road.

C. ITP (Industrial Technology Park) District: The ITP district is intended for lands suitable for technology production and development, such as data centers, medical imaging processing, business incubators, biotechnology, software development, engineering, and similar technology related industry. Sites appropriate for this designation should have readily available utilities and fiber optic availability and be characterized by large contiguous properties. The ITP district is consistent with the Sandpoint comprehensive plan.

(Ord. 1252, 4-20-2011)

9-4-2: Definitions:

ADULT ENTERTAINMENT BUSINESS: Any adult bookstore, adult motion picture arcade, adult motion picture theater, cabaret, sexual encounter center, or any other business or establishment that offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, but not including those uses or activities, the regulation of which is preempted by state law.

BUSINESS SUPPORT SERVICES: A subcategory of commercial land use that permits establishments primarily engaged in rendering services to other business establishments on a fee or contract basis, such as advertising and mailing; building maintenance; personnel and employment services; management and consulting services; protective services; equipment rental and leasing; photo finishing; copying and printing; travel; office supply; and similar services.

INDUSTRIAL SERVICES: Establishments providing industrial services to individuals or businesses. This classification includes dry cleaning plants; metal, machine, and welding shops; and similar business engagements in custom fabrication and repair.

MANUFACTURING, HEAVY: An establishment engaged in manufacturing, assembling, fabricating, packaging or other industrial processing of products, primarily from extracted or raw materials, or the bulk storage and handling of such products and materials. In addition, any use or activity which requires a significant amount of on site hazardous chemical storage shall be classified under this land use. Heavy manufacturing shall include any packaging of the product being manufactured on site. Examples include, but are not limited to, the production of the following: using chemical reactions to turn raw materials, such as coal, oil, salt, acids or chemical blends, into a variety of products for other secondary industries; foundries, forge shops, open air welding, and other intensive metal fabrication facilities.

MANUFACTURING, LIGHT: The manufacturing, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, mixing, packaging including bottling and canning of such products, and incidental storage, sales, and distribution of such products. The assembling or packaging shall not produce noise, vibration, hazardous waste materials, or particulate that create significant negative impacts to adjacent land uses. Odors produced on site shall not negatively affect other businesses or properties in the area. Examples of assembling include, but are not limited to, the production of the following: clothes; furniture; pharmaceuticals; hardware; toys; mechanical components; electric or electronic components; vehicle assembly; and computer software. Examples of packaging include facilities for bottling beverages, canning and wrapping foods, and boxing electronic components.

MANUFACTURING, MEDIUM: The manufacturing of products from processed or unprocessed materials and the bulk storage and handling of such products, where the finished product is noncombustible and nonexplosive. These activities do not necessitate the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process. This manufacturing may produce noise, vibrations, illumination, or particulate that is perceptible to adjacent land users but is not offensive or obnoxious. Odors produced on site shall not have a material negative effect on other businesses or properties in the area. This use shall include any packaging of the product being manufactured on site. Examples include, but are not limited to, the production of the following: glass products made from manufactured glass; food and beverages; candy and other confectionery products; computer hardware; products made from rubber, plastic, or resin; converted paper and cardboard products; fabricated metal products made from semifinished metals.

(Ord. 1252, 4-20-2011)

9-4-3: Allowed Uses and Permit Requirements:

~~A. Permitted Land Uses: The land uses allowed by this zoning ordinance in industrial zoning districts are identified in table 1 of this section as:~~

~~1. "Permitted" land uses are indicated by a "P". Permitted land uses are allowed on a property without discretion by the city, subject to compliance with all applicable provisions of this code.~~

~~2. "Conditionally permitted" land uses are indicated by a "C" and are allowed only with the approval of a conditional use permit (section 9-9-6 of this title). These uses are subject to all applicable provisions of this chapter, as are permitted uses. However, the city has discretion to approve, approve with conditions, or deny a conditional use permit application. The decision on a conditional use permit is based upon the circumstances of an individual case and the criteria in section 9-9-6 of this title.~~

Permitted Uses: The land uses listed in table 9-1-2 of chapter 1 are permitted in the Industrial zones as identified and subject to the provisions of this chapter. Certain land uses have additional restrictions as specified in notes to table 9-1-2 and as specified below.

~~B. Uses Not Permitted or Not Listed: Land uses not permitted are those indicated by a "-" on the table. Land uses not listed on the tables are not allowed, except by the determination of the planning director, who will consider whether the use is similar to a permitted use after consulting the current edition of the North American industry classification system code.~~

C. Regulations for Specific Uses: Where a column in the following tables includes a reference to a section number or footnote, regulations in the referenced section or footnote apply to the use. However, provisions in other sections of this zoning ordinance or this code may also apply, along with the current adopted version of the international building code, international residential code and applicable sections of the uniform fire code and national fire protection association standards.

D. Ancillary Uses: Ancillary uses are those secondary activities associated with a primary land use directly associated with and supporting said primary permitted or conditionally permitted land use. Ancillary uses and activities typically require a minor portion of the square footage or space in a business premises, impose no additional impacts on land use patterns, building design, parking requirements, or outdoor storage. Examples of ancillary uses include, but are not limited to, small factory stores associated with an active manufacturing plant, on site childcare facilities, etc.

TABLE 1
INDUSTRIAL DISTRICT LAND USE REGULATIONS

Use permitted P
Conditional use permit C
Not permitted -

Use	Zoning District			Additional Regulations
	IG[5]	IBP	ITP	
Commercial, offices and financial institutions:				
Banks	-	-	-	
Data centers, medical imaging processing, business incubators, software development, engineering and similar technology related industry	-	P	P	
Office, government	-	P*	P	* New construction shall comply with all design requirements outlined in section 9-3-5-1 of this chapter
Office, medical and dental	-	P*	-	* New construction shall comply with all design requirements outlined in section 9-3-5-1 of this chapter
Office, sales, administrative, business, professional	P*	P**	P*	* When associated with a permitted use in the zone** New construction shall comply with all design requirements outlined in section 9-3-5-1 of this chapter
Research and development	P	P	P	
Retail sales	P*	P**	P*	* When associated with permitted use in zone** New construction shall comply with all design requirements of section 9-3-5-1 of this chapter
Education and training:				

— Child daycare center when on site and servicing employeesduring their work hours	P	P	P	
— School, college or university (private)	-	P	C	
— School, vocational or technical	C	P	P	
Entertainment and recreation related:				
Adult entertainment business	P*	-	-	* Prohibited within 1,000' of a residential zone or the centerline of Baldy Mountain Road, and having a 500' separation from like business
— Athletic club	-	P	-	
— Community and/or recreation center, stadium or arena	-	P	-	
Food service:				
— Cafeteria for employee dining and catering services	P	P	P	
— Drive-through sales (retail or with any food service)	-	-	-	
— Grocery or convenience store	-	P*	P*	* New construction shall comply with all design requirements outlined in section 9-3-5-1 of this chapter
— Restaurant, counter service	-	P*	P*	* New construction shall comply with all design requirements outlined in section 9-3-5-1 of this chapter
— Restaurant, table service	-	P*	P*	* New construction shall comply with all design requirements outlined in section 9-3-5-1 of this chapter
General service:				
— Aircraft hangars	P	-	P	
— Auction (indoor)	-	P	-	
— Business support services	-	P	P	
— Equipment rental (outdoor)	-	P	-	
— Hotel/motel	-	P*	-	* New construction shall comply with all design requirements outlined in section 9-3-5-1 of this chapter
— Mini/self-storage	P	C	-	
Health and veterinary services:				
— Ambulance service	-	P	-	
— Animal hospital	-	P	-	
— Animal kennel	P	C	-	
— Emergency medical care	-	P	-	
— Hospital	-	P	-	
Industry and manufacturing:				
— Light	P	P	P	See note 1

— Medium	P	P	C	See note 1
— Heavy	-	-	-	
— Aquaculture <1 acre per business	P	-	P	
— Cogeneration and other energy production	P	C	C	
— Industrial services	P	-	-	
— Industry and manufacturing with outdoor processing or unenclosed storage of raw materials	P	-	-	
— Laboratory	P	P	P	
— Material resource recovery facility (MRRF)	C	-	-	See section 9-3-5-2 of this chapter
— Operation of slaughterhouse, glue factory, tannery or similar operations with more than 2 employees during any shift	-	-	-	
— Scrap and salvage operation	C	-	-	
— Wholesale, storage and distribution, including bulk tank storage of liquids	P	C	-	
Public, quasi-public, and assembly:				
— Church or other place of worship	-	P	-	
— Clubs, fraternities, sororities, lodges and similar uses	P	P	P	
— Corporation yard	P	C	-	
— Public safety facility	P	P	P	
— Utilities, public or quasi-public utilities	P	C	C	
Transportation and communication:				
— Airport	P	-	-	
— Antenna or communication facility	P*	P*	C	* See airport overlay restrictions
— Helipad	P	P*	-	* Hospital/medical use
— Moving and drayage service	P	P	-	
— Parking facility, nonresidential	P	C	-	
— Private transportation service	C	C	-	
— Transit station or terminal	C	P	-	
— Truck stop	-	-	-	
Vehicle sales and service:				
— Automobile and vehicles major repair and sales	P	-	-	
— Large truck and machinery - sales and leasing	P	-	-	
— Service station	C	C	-	
— Vehicle storage or impound yard	P	-	-	See note 3
Other uses:				
— Accessory use, nonresidential	P	P	P	

~~- Building or landscape material sales~~	~~P~~	~~C~~	~~-~~	
~~- Contractor's yard~~	~~P~~	~~C~~	~~-~~	
~~- Homeless shelter~~	~~-~~	~~-~~	~~-~~	
~~- Residential~~	~~-~~	~~P~~	~~-~~	~~See note 4~~
~~Residential caretaker unit~~	~~P*~~	~~P~~	~~P*~~	~~See note 2*~~ ~~Residential use is prohibited within the footprint of the airport overlay zone~~

~~Notes:~~
~~1. Uses meeting the "manufacturing and assembly, light and medium" definitions shall include biotechnology, software/hardware development, electronics, and similar technologies, along with artist studios.~~
~~2. Only 1 residential caretaker unit shall be permitted per property. The unit shall be located within a principal building on the site and/or completely screened. The maximum size of a caretaker unit is limited to one thousand (1,000) square feet.~~
~~3. No vehicle may be stored or displayed on any vacant site or at any vacant commercial/industrial location except when approved as part of an auto dealership or vehicle storage or impound yard.~~
~~4. Residential uses are permitted on upper stories above ground floor nonresidential use, or on ground floors behind storefront space.~~
~~5. Permitted IBP uses are allowed in the IG zone four hundred feet (400') north of the centerline of Baldy Mountain Road. Section 9-3-5 of this chapter shall be applicable to development in this area.~~

~~(Ord. 1252, 4-20-2011)~~

9-4-4: General Development Regulations:

All new development, subdivisions, establishment of new land uses, and alterations to existing land uses, structures and site improvements, shall be designed and constructed in compliance with the regulations in table 2 of this section, except those activities and land uses specified in other sections. Additional zoning ordinance regulations may apply as referenced in the tables, as well as other code regulations, city standards, specifications and details, or regulations of another local agency or special district.

TABLE 2
INDUSTRIAL DISTRICT DEVELOPMENT REGULATIONS

Regulations *** All figures are minimums measured from property lines and in linear feet, unless otherwise indicated**	**Zoning District**			**Applicable Sections and Footnotes**
	IG	IBP	ITP	

Site planning				
Maximum lot coverage	75%	75%	75%	Lot coverage up to 90% allowed when utilizing 15% pervious surface (green roof, pervious pavement, etc.) approved by public works director
Lot area (for new subdivisions only)	1 acre	-	-	See note 1
Lot dimensions				
Minimum width/frontage	60'	60'	60'	
Minimum depth	60'	60'	60'	
Landscape areas				
Along any frontage abutting a roadway	15'	15'	15'	
Along interior property lines:				
Adjacent to residential zoning district	15'	15'	15'	
Between buildings and vehicle aisles/parking	0	5' along elevations facing a roadway or providing the primary entry to a tenant space; 5' in other areas where parking or a drive aisle is adjacent to a building; 0' in loading or service areas not visible from a roadway	5' along elevations facing a roadway or providing the primary entry to a tenant space; 5' in other areas where parking or a drive aisle is adjacent to a building; 0' in loading or service areas not visible from a roadway	
Buildings				
Minimum front and street side yard setback	25'	25'*	25'	* See section 9-3-5-1 of this chapter for design standards setback

				restrictions for specific uses
Interior side and rear yard setback	5'	5'	5'	
Adjacent to residential zoning district setback	25' plus 1' setback for each 1' of building height over 35'			
Rear yard setback abutting roadway	15'	15'	15'	
Maximum building footprint for retail, commercial or office use	-	25,000 sq. ft.*	25,000 sq. ft.*	* CUP allowance for larger
Building height limits	45', 65' when building sits greater than 200' from exterior boundary of IG zone*	45'*	45'*	* Airport overlay zone limitations may apply

Note:
1. Parcels within an integrated development may vary from the minimum lot size and dimensions, with recordation of cross easements to guarantee access and common maintenance of all parking and landscape areas.
A. Minimum Requirements: No use either specifically authorized herein or any other use shall be carried on in a manner which will emit loud noises of sufficient volume to be disturbing at a distance of three hundred feet (300') from the edge of property lines, nor shall the emission of excessive smoke, steam or other view obscuring or air polluting substance be allowed.
B. Parking Areas: All parking areas shall be hard surfaced and should be of sufficient size to provide off-street parking for all employees, customers and vehicles used in such operation in accordance with chapter 6 of this title.
C. Storage: All storage of waste material and machinery shall be either within closed buildings or surrounded by a solid board or metal fence not less than ten feet (10') in height. Such fencing may be surrounded by natural plants or vegetation, and no such storage areas shall take place within twenty-five feet (25') of the street or street to railway intersection.

(Ord. 1252, 4-20-2011)

9-4-5: Specific Regulations:

9-4-5-1: Building Design Standards for New Office, Commercial and Retail Construction:

Design requirements applicable to certain new construction in the industrial zones. (See section 9-4-3, notes to table 1 of this chapter.)

The design guidelines in this section 9-4-5-1 are intended to provide human scale design, while affording flexibility to use a variety of building styles. These guidelines shall be applied to all new construction for uses identified in section 9-4-3, notes to table 1 of this chapter.

(Ord. 1252, 4-20-2011)

9-4-5-1-1: Building Orientation:

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

A. Primary Entrance: Buildings have their primary entrance(s) oriented to their primary frontage. Building entrances may include entrances to individual units, lobby entrances, entrances oriented to pedestrian plazas, or breezeway/courtyard entrances to a cluster of spaces.

B. Secondary Entrance: A building may have a secondary entrance facing a side yard when a direct pedestrian walkway is provided between the building entrance and the street right-of-way.

C. Vehicular Access: Off-street parking, driveways and other vehicular access shall not be placed between a building's primary facade and the street.

D. Accessibility: There shall be provided one zero-step entrance to each building from an accessible path at the front, side, or rear of each building. All the first floor interior doors (including bathrooms) shall provide at least thirty-two inches (32") of clear passage.

E. Surface Parking: Parking areas of more than thirty (30) spaces shall be divided into areas of no more than thirty (30) spaces. Division may be by a building, internal landscaped street, or landscaped multimodal way having a total width of fifteen feet (15').

(Ord. 1252, 4-20-2011)

9-4-5-1-2: Storefront Design:

The following architectural features should be used along the street frontage building elevations, as applicable. Minor deviation from the following features may be authorized at the discretion of the planning director, so long as the spirit of this code is maintained.

A. Buildings should have consistent spacing of similar shaped windows with trim or other decorative molding on all building stories.

B. Large display windows should be employed on ground floor storefronts. Display windows should be framed to visually separate the ground floor from the second floor.

C. All buildings with a flat roof should have a decorative cornice at the top of the building; or eaves, when the building is designed with a pitched roof.

D. Cornices or changes in material can be used to differentiate the ground floor of buildings that have commercial uses from the upper floor(s) that may have offices or residential uses. Ground floor facades should utilize cornices, signs, awnings, exterior lighting, display windows and entry insets.

E. Facades greater than fifty feet (50') in length shall incorporate recesses and projections with a minimum four foot (4') differentiation along at least twenty percent (20%) of the length of the facade. Window awnings, arches, or columns must total at least sixty percent (60%) of the facade length abutting the street.

F. Maximum front setback for commercial, retail and office construction shall be ten feet (10').

(Ord. 1252, 4-20-2011)

9-4-5-1-3: Building Materials:

A. Building materials shall not create glare. Highly reflective materials shall not be permitted.

B. Clear glass windows shall be used for storefront windows and doors. Ground floor window shall be defined as glass, either fixed or opening windows. Windows shall not be covered permanently on the interior by more than twenty percent (20%). Opaque or severely site obscuring windows will not be permitted.

C. Architectural treatment, similar to that provided on the front facade shall be provided to the sides and rear of the building to mitigate any negative view from any location off site and any public area (e.g., parking lots, walkways, etc.) on site. Windows and doors shall be defined with detail elements, such as frames, sills, and lintels, and placed to visually establish and define the building stories and establish human scale and proportion.

(Ord. 1252, 4-20-2011)

9-4-5-1-4: Civic Spaces:

Civic spaces serve as informal gathering places for socializing, resting and enjoyment of the area, and contribute to a walkable environment. Each civic space shall be open to the thoroughfare or street by incorporating at least one access to the thoroughfare or street. Each building with street frontage shall include two (2) or more of the following features. Civic spaces may be provided within the public right-of-way when approved by the local jurisdiction having authority. The following shall be considered civic spaces for incorporation into the building design:

A. A plaza or courtyard next to the building entrance.

B. Sitting space (i.e., dining area, benches, or ledges) between the building entrance and the sidewalk.

C. A building canopy, awning, or similar weather protection, with a minimum four-foot (4') projection over the sidewalk or other pedestrian space.

D. Public art as approved by the Sandpoint ~~art commission~~ Arts, Culture, and Historic Preservation Commission.

(Ord. 1252, 4-20-2011)

9-4-5-1-5: Special Standards for Parking and Loading Areas:

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

B. Frontage Parking: In no case shall more than ten percent (10%) of primary lot frontage be developed with surface parking. For the purpose of this provision, primary lot frontage shall be defined as the linear frontage along the primary street having a depth of fifteen feet (15').

C. Parking Garages: Ground floors of commercial parking garages abutting public right-of-way shall consist entirely of office or retail space excluding drive isles. Building design standards articulated in this section 9-4-5-1 shall apply to all parking structures.

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

(Ord. 1252, 4-20-2011)

9-4-5-1-6: Special Standards for Buildings with Footprint Exceeding twenty-five thousand (25,000) Square Feet:

Buildings with greater than a twenty-five thousand (25,000) square foot building footprint require a conditional use permit and shall adhere to the following:

A. Circulation Amenities: A safe and landscaped multimodal circulation system shall be provided on site which connects to public streets and neighborhoods. Multimodal pathways within the development shall be differentiated from driving surfaces through a change in materials. At least one substantial amenity, as described in section 9-4-5-1-4 of this chapter, shall be provided for every two thousand five hundred (2,500) square feet of structure footprint.

B. Facades and Exterior Walls, Including Sides and Backs: The building shall be designed in a way that will reduce the massive scale and uniform and impersonal appearance and will provide visual interest consistent with the community's identity, character, and scale. Architectural treatment, similar to that provided to the front facade, shall be provided to the sides and rear of the building to mitigate any negative view from any location off site and any public area (e.g., parking lots, walkways, etc.) on site.

C. Roofs: The roof design shall include architectural features that contribute to the visual interest at the pedestrian scale and reduce the massive scale of large buildings. Roof features shall complement the architectural and visual character of adjoining neighborhoods. Roofs shall have the appearance of two (2) or more roof planes either through architectural features or engineered design. Parapet walls shall be architecturally treated to avoid a plain, monotonous look. Roofs shall be lightly colored, vegetative or photovoltaic.

D. Building Design: All buildings shall provide a direct unencumbered multimodal connection to an abutting street. All buildings shall be designed so that parking is not located along the primary street of the building. Nonmotorized parking shall be permitted along the primary

facade of the building. A buffer with a minimum width of eight feet (8') will be maintained between parking areas and all bike trails, pedestrianways and public sidewalks. Building entrance(s), windows, roof snow drop areas, and other movable building features shall have an appropriate setback so as not to interfere with the safe movement of pedestrians and cyclists.

E. Adaptability for Reuse/Compartmentalization: The building design shall include specific elements for adaptation for multi-tenant reuse. Such elements may include, but are not limited to, compartmentalized construction, including plumbing, electrical service, heating, ventilation, and air conditioning. The building design shall also allow for: the interior subdivision of the structure into separate tenancies; facades that readily adapt to multiple entrances and adapt to entrances on all but one side of the building; parking lot schemes that are shared by establishments or are linked by safe and functional pedestrian connections; landscaping schemes that complement the multiple entrance design; and other elements of design which facilitate the multi-tenant reuse of the building and site.

F. Renewal Plan: Applications shall include a renewal plan that will afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the structure in the event of closure or relocation by the original occupant. Such plan will be approved if the city finds that:

1. A sound and adequate plan exists for said redevelopment; and
2. The plan affords maximum opportunity for rehabilitation or redevelopment of the structure by both private enterprise and the municipality; and
3. The renewal plan provides a maintenance plan for normal repairs and upkeep of property, including, but not limited to, building, parking lot and surfacing, landscaping, signage, and elimination of "ghost signage".

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

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

(Ord. 1252, 4-20-2011)

9-4-5-2: Material Resource Recovery Facility (MRRF):

The purpose of this section is to ensure that the establishment of a material resource recovery facility (MRRF) does not adversely impact land uses in the vicinity of the facility. The intent is to minimize land use conflicts and integrate the MRRF with the surrounding area.

A. Type of Resource Materials: The facility shall only handle source separated recyclable materials and incoming solid waste. An MRRF shall not be conducted as a garbage transfer station and shall not collect, process, or sort any raw or wet garbage. Any incoming waste not recycled or recovered shall be transported to an authorized landfill within forty-eight (48) hours.

B. Sorting: Materials shall be sorted only within an entirely enclosed building. Delivery doors shall be located on building walls away from potential or existing noise sensitive land uses.

C. Outdoor Storage: Height, setbacks, screening, baled, paletted, or otherwise consolidated materials stored outdoors shall be stacked no higher than sixteen feet (16') and placed no closer than seventy-five feet (75') to any front property line. Outdoor storage shall be located out of view from public streets and highways, or completely screened by a solid masonry wall.

D. Maintenance: The property owner shall undertake adequate measures to ensure that the site is free of wind blown debris at all times. The property owner shall be responsible for clean up of any wind blown debris on or off site from incoming/outgoing vehicles or outdoor storage.

(Ord. 1252, 4-20-2011)

CHAPTER 5 RESIDENTIAL ZONING DISTRICTS

9-5-1: Residential Single-Family (RS) Zone:

9-5-1-1: 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; Ord. No. 1436, § 2, 2-18-2026)

9-5-1-2: 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.~~

Permitted Uses: The land uses listed in table 9-1-2 of chapter 1 are permitted in the Residential Single Family zone as identified and subject to the provisions of this chapter. Certain land uses have additional restrictions as specified in notes to table 9-1-2 and as specified below.

~~The following regulations shall apply:~~

~~P Permitted use~~
~~C Conditional use[1]~~
~~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
Duplex on a single lot	N
Cottage housing in accordance with section 9-4-7 of this chapter	P[3]
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
Residential (located on original substandard lots of record):	
Single-family dwellings	P[2]
Duplex on a single lot	N
Attached housing (two or three units)	P[2]
Nonresidential:	
Cemeteries	C
Churches and accessory buildings used for religious teachings	C
Community centers, nonmunicipally owned	N
Daycare, including homeschooling:	
Home (6 or less - home occupation)	P
Group (7—12)	N
Daycare facilities (13+)	N
Fire stations	N
Home occupations	P
Kennels; commercial or private, even as a home occupation	N
Libraries	C
Municipally owned facilities	P
Other uses not specifically listed	N
Parks or playgrounds:	
Private	C

~~— Public~~	~~P~~
~~— Police stations~~	~~N~~
~~— Public utility facilities~~	~~P~~
~~— Recreation buildings, nonmunicipally owned~~	~~N~~
~~— Schools, public or private, except those schools of vocational nature which operate similarly to a retail business where a product or products may be purchased on the premises~~	~~C~~

~~Notes:~~
~~1. Any use legally established as a permitted use now subject to conditional use approval shall be subject to conditional use approval to expand such use.~~
~~2. Subject to standards set forth for development of residential original substandard lots of record, SCC 9-4-6.~~
~~3. Subject to standards set forth for cottage housing development.~~

(Ord. 1263, 12-29-2011; amd. Ord. 1281, 5-15-2013; Ord. 1336, 11-2-2016; Ord. 1353, 6-6-2018; Ord. No. 1436, § 2, 2-18-2026)

9-5-1-3: 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 Setbacks: Each lot shall have a front setback of not less than twenty feet (20') in depth from front lot line, except as follows:

a. Porches: Unenclosed front porches may encroach into the front 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.

4. Side 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. Street Side Setback: 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:

(1) Detached garages on interior lots shall have a side setback of no less than three feet (3').

(2) Garages accessed from a street side lot line 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 lot line

(3) 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.

(4) Garages accessed from an alley shall adhere to the street side setback as established above in 4a.

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.

5. Rear Setbacks: Each lot shall have a rear 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.

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., 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).

C. Lot Coverage and Impervious Surface:

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

D. Building Height:

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:

Table 9-5-1 RS Lot Coverage and building height

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

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 eighteen feet (18') in height;

b. Cantilevers, covered porches, decks, breezeways, or other projections whose covering or structure support exceeds eighteen feet (18'); and

c. Any vertical building element, such as walls, gables, dormers, roof extensions, or architectural projections, whose highest point exceeds eighteen feet (18').

3. 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. Garage 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

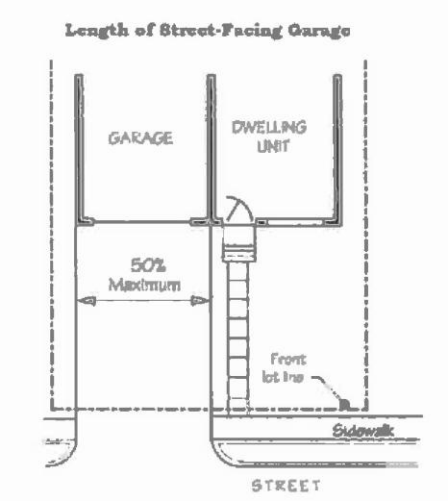
d. Enhance public safety by discouraging garages from blocking views of the street from inside the residence.

2. Applicability: The regulations of this subsection E apply to all attached or detached garages in the residential single-family zone.

3. Standards:

a. Any garage wall with entrance facing the street may be up to fifty percent (50%) of the width of the street facing unit façade. (See Figure 1 of this section.)

Figure 1



b. Garages shall be recessed, or may be flush to the primary facade when the primary facade contains an unenclosed porch having a depth of seven feet (7') or greater and occupying a minimum of twenty-five percent (25%) of the linear primary structure facade. No portion of a garage may protrude past the front of the primary façade of the dwelling unit.

c. Garages walls greater than twelve feet (12') in height 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:

(1) Dormers;

(2) Gables;

(3) Covered porch entries;

(4) Pillars or posts;

(5) Eaves;

(6) Offsets in building face or roof (minimum of sixteen inches (16"));

(7) Window trim;

(8) Bay windows;

(9) Balconies;

(10) An alternative feature providing for visual relief.

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 thirty-seven and one-half (37.5) feet in the residential single-family zone.

f. Second floor windows facing abutting residential lots shall utilize appropriate glass block or opaque glass, or clerestory windows to maintain privacy of adjacent residential property.

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.~~ 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 the applicable accessory-use and accessory-building regulations in Section 9-1-9 and the development standards of the applicable residential zone. Any nonconforming structure remains subject tto Section 9-2-5. 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, provided the expansion complies with all other standards of this section.

F. Main Entrance 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. 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 (1) street frontage, the applicant may choose on which frontage to meet the standards.

3. Standards:

a. Location: At least one (1) main entrance for each structure must:

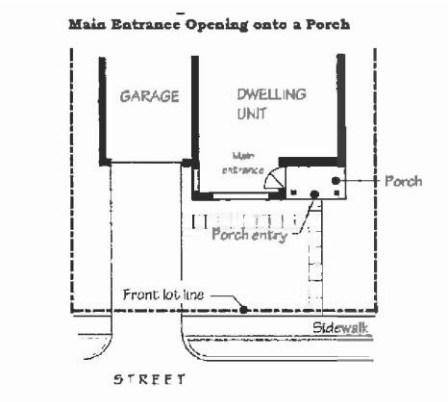
(1) Either:

(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 Façade Design Standards:

1. Purpose: These standards:

a. Together with the main entrance and garage standards, ensure that there is a visual connection between the living area of the residence and the street;

b. Enhance public safety by allowing people to survey their neighborhood from inside their residences; and

c. Provide a more pleasant pedestrian environment by preventing large expanses of blank facades along streets.

2. 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. 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. 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:

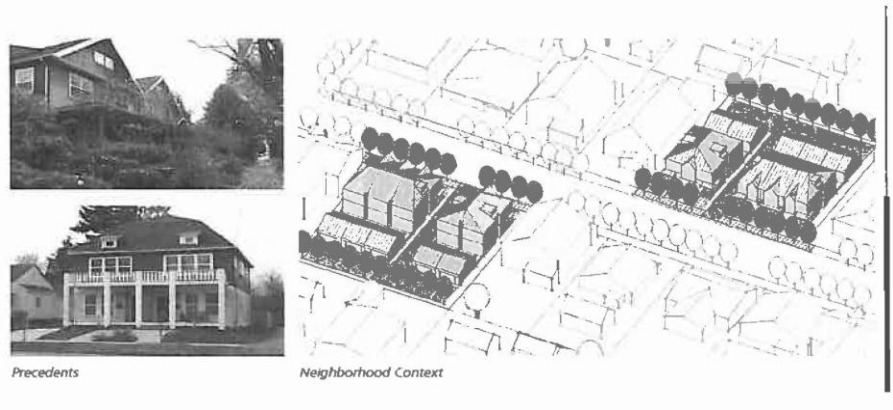
(A) Interior (Noncorner) Lots: On interior lots the side building setback on the side containing the common wall is reduced to zero. The reduced setback applies to all buildings on the lot and extends along the full length of the lot line that contains the common or abutting wall. The side building setback 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; Ord. No. 1436, § 2, 2-18-2026)

9-5-2: Residential Multi-Family (RM) Zone:

9-5-2-1: 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; Ord. No. 1436, § 2, 2-18-2026)

9-5-2-2: 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[1]~~
~~N Not permitted~~

Permitted Uses: The land uses listed in table 9-2 of chapter 1 are permitted in the Residential Single Family zone as identified and subject to the provisions of this chapter. Certain land uses have additional restrictions as specified in notes to table 9-2 and as specified below.

~~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~~
~~Clubs, lodges, fraternal organizations, when not operated for profit~~	~~P~~
~~Cottage housing~~	~~P[3]~~
~~Duplex~~	~~P~~
~~Gated communities~~	~~N~~
~~Manufactured homes subject to following provisions, conditions and regulations:~~	~~P[4]~~
~~A. The manufactured home shall be multi-sectional, unless sited in a recognized, existing or newly created manufactured housing community.~~	

B. The manufactured home shall be placed on an excavated and backfilled foundation and enclosed at the perimeter in such a manner that the home is located not more than 12 inches above grade.	
C. In addition to the provisions of subsection A of this use, a manufactured home shall be subject to any development standard, architectural requirements and minimum size requirements to which a conventional single-family residential dwelling on the same lot would be subjected.	
Multi-family dwellings:	
7 units or less	P
8 units or more	C
Short term rentals subject to the licensing requirements set forth in title 3, chapter 12 of this Code	P
Single-family dwellings, private garages, and such outbuildings as may be incidental thereto. Such outbuildings shall not be used, occupied or equipped for a permanent dwelling or guesthouse and not more than 1 dwelling shall occupy 1 lot, except as otherwise provided for in this title	P
Nonresidential:	
Cemeteries	C
Churches and accessory buildings used for religious teachings	C
Community centers, nonmunicipally owned	C
Community garden. No commerce/retail sales permitted on site	P
Daycare, including homeschooling:	
Home (6 or less - home occupation)	P
Group (7—12)	C
Daycare facilities (13+)	C
Fire stations	N
Home occupations	P
Kennels; commercial or private, even as a home occupation	N
Libraries	C
Neighborhood eatery. Performance standards that apply to neighborhood eatery uses in this zone consist of, but are not limited to, the following criteria:	C
A. The premises must be owner occupied.	
B. Entrances shall be located along the primary street frontage.	
C. Hours of operation between 7:00 a.m.—10:00 p.m.	
D. Delivery times shall be limited to hours of operation.	
Municipally owned facilities	P
Other uses not specifically listed	N
Parks or playgrounds:	
Private	C
Public	P
Police stations	N
Public utility facilities	C
Recreation buildings, nonmunicipally owned	N

~~Schools, public or private, except those schools of vocational nature which operate similarly to a retail business where a product or products may be purchased on the premises~~	~~C~~

~~Notes:~~
~~1. Any use legally established as a permitted use now subject to conditional use approval shall be subject to conditional use approval to expand such use.~~
~~2. Subject to standards set forth for the standards for development of residential original substandard lots of record.~~
~~3. Subject to standards set forth for cottage housing development.~~
~~4. The recognized, existing communities within the RM Zone at the time of adoption hereof include the 6-unit Lines Mobile Home Park located at the southeast corner of Division Avenue and Church Street and the 16-unit Wikiup Mobile Home Park located on the east side of Florence Avenue between Fir and Larch Streets.~~

~~(Ord. 1263, 12-29-2011; amd. Ord. 1281, 5-15-2013; Ord. 1336, 11-2-2016; Ord. 1353, 6-6-2018; Ord. No. 1436, § 2, 2-18-2026)~~

9-5-2-3: Development Standards:

A. Lot Areas: Every individual dwelling erected shall be on a lot having an area of not less than three thousand and five hundred (3,500) square feet and frontage on a public street of not less than twenty-five feet (25') and shall have a width of not less than 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**
Permitted use:			
An additional 1,775 square feet of area, and an additional 12.5 feet, but no more than 130 feet of frontage	1	0-4,999	25
	2	5,000	37.5
	3	6,775	50
	4	8,550	62.5
	5	10,325	75
	6	12,100	87.5
	7	13,875	100
	8	15,650	112.5
Conditional use:			
	9	17,425	125

	10	19,200	130
	11	20,975	130
	12+	+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 Setbacks: Each lot shall have a front setback of not less than fifteen feet (15') in depth from front lot line, except as follows:
    a. Porches: Unenclosed front porches shall be setback 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. Street facing garages shall not be permitted on lots with less than thirty-seven and one-half feet (37.5') of frontage on a public street.
4. Side 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 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. 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:

(1) Detached garages on interior lots shall have a side setback of no less than three feet (3').

(2) Garages accessed from a street side lot line 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 lot line.

(3) 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.

(4) Garages accessed from an alley shall adhere to the street side setback as established above in 4a and 4b.

5. Rear Setbacks: Each lot shall have a rear 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.

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).

C. Impervious Surface:

1. Purpose: 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. Impervious Surface: Each lot upon which a dwelling, private garage or other outbuilding is constructed shall have a maximum impervious surface, including building footprint, of seventy percent (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:

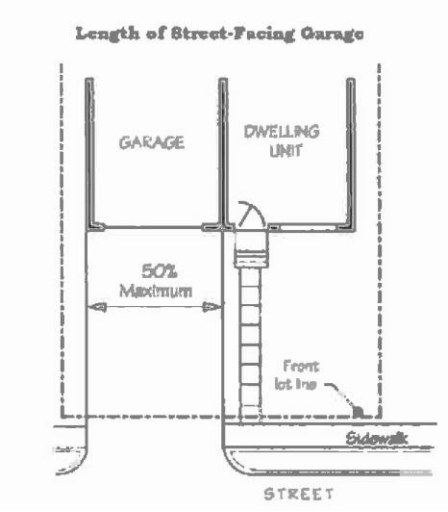
a. Chimneys, flagpoles, satellite receiving dishes, roof mounted solar panels and other similar items may extend above the height limit, as long as they do not exceed five feet (5') above the top of the highest point of the roof.

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

E. Garage 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. Applicability: The regulations of this subsection E apply to all attached or detached garages in the residential multi-family zone.
3. Standards:
    a. Any garage wall with entrance facing the street may be up to fifty percent (50%) of the width of the street facing unit façade. (See Figure 1 of this section.)

Figure 1



    b. Garages shall be recessed or may be flush to the primary façade when the primary facade contains an unenclosed porch having a depth of seven feet (7') or greater and occupying a minimum of twenty-five percent (25%) of the linear primary structure facade. No portion of a garage may protrude past the front of the primary façade of the dwelling unit.
    c. Garage walls greater than twelve feet (12') in height 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:

(1) Dormers;

(2) Gables;

(3) Covered porch entries;

(4) Pillars or posts;

(5) Eaves;

(6) Offsets in building face or roof (minimum of sixteen inches (16"));

(7) Window trim;

(8) Bay windows;

(9) Balconies;

(10) 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 thirty-seven and one-half (37.5) feet in the residential multi-family zone.

f. Second floor windows facing abutting residential lots shall utilize appropriate glass block or opaque glass, or clerestory windows to maintain privacy of adjacent residential property.

g. 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.~~ In the residential multifamily 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 the applicable accessory-use and accessory-building regulations in Section 9-1-9 and the development standards of the applicable residential zone. Any nonconforming structure remains subject tto Section 9-2-5. 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 provided the expansion complies with all other standards of this section.

F. Main Entrance 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. 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 (1) street frontage, the applicant may choose on which frontage to meet the standards.

3. Standards:

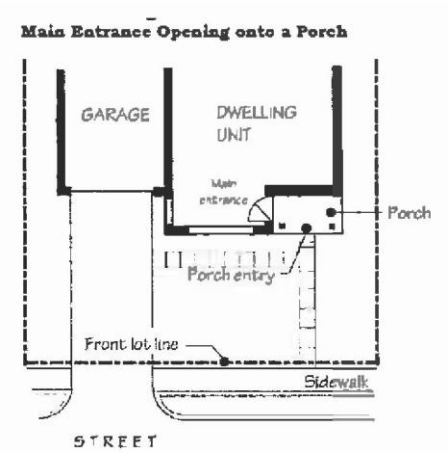
a. Location: At least one (1) main entrance for each structure must:

(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 Facade Design Standards:

1. Purpose: These standards:

   a. Together with the main entrance and garage standards, ensure that there is a visual connection between the living area of the residence and the street;

   b. Enhance public safety by allowing people to survey their neighborhood from inside their residences; and

   c. Provide a more pleasant pedestrian environment by preventing large expanses of blank facades along streets.

2. 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. 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.

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 (1) 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 surface (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 (1) 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 (1) 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 (1) 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.

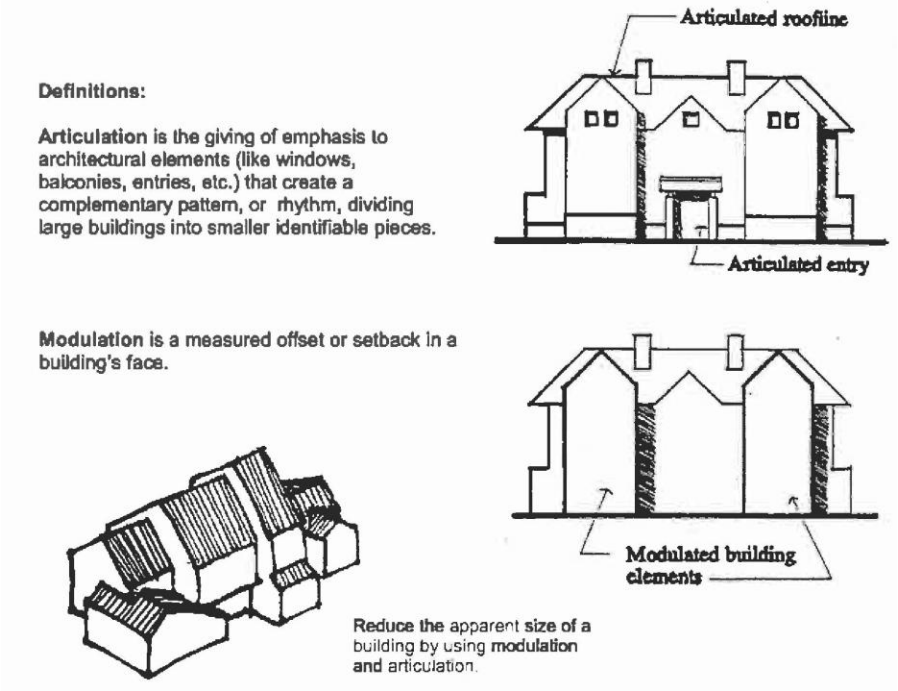
    b. Buildings shall incorporate architectural details that will provide visual interest at a human scale. At least three (3) of the following shall be utilized:

        (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.



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 (1) of the following methods:

(1) Expression of structure, such as post, column, or pilaster.

(2) Variation of material.

b. Chain link 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 (1) 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; Ord. No. 1436, § 2, 2-18-2026)

9-5-3: 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.

9-5-4: Rural Residential RR-1 Zone:

Permitted Uses: The land uses listed in table 9-1-2 of chapter 1 are permitted in the Rural Residential-1 zone as identified and subject to the provisions of this chapter. Certain land uses have additional restrictions as specified in notes to table 9-1-2 and as specified below.

~~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.)~~

~~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:~~

Table 9-5-3 RR-1 fairground event length and attendance thresholds

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%) 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; Ord. No. 1436, § 2, 2-18-2026)

9-5-5: 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 (1) family has a live in tenant, the raising of livestock for noncommercial purposes providing the livestock density does not exceed one (1) animal for parcels of land totaling one (1) acre or three (3) animals per two (2) acres and one (1) 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%) 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. No. 1436, § 2, 2-18-2026)

9-5-6: Standards for Development of Residential Substandard Original Lots of Record:

9-5-6-1: 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 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').

(Ord. 1263, 12-29-2011; Ord. No. 1436, § 2, 2-18-2026)

9-5-6-2: Use Regulations:

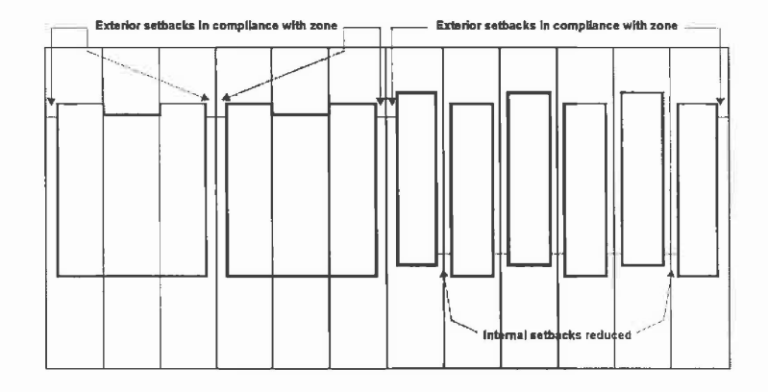
Permitted land uses and building types shall be as set forth in this chapter.

(Ord. 1263, 12-29-2011; Ord. No. 1436, § 2, 2-18-2026)

9-5-6-3: Development Standards:

A. Setbacks in the RS zone:
    1. Front Setbacks: The front setback for livable space and porches shall be allowed as provided in the RS zone.

2. Street side setbacks: Street side yard setbacks shall be ten feet (10') for livable space and porches and twenty-five feet (25') for parking.
3. Interior Side Setbacks (between structures in a common development): Interior side setbacks shall be in accordance with the 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.
    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').
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.





6. Rear Setbacks: Rear setbacks shall be as required by the RS zoning district.
7. Garage: A single-story, detached garage, a maximum of five hundred (500) square feet, accessed off an alley, may have a side setback of three feet (3').

(Ord. 1263, 12-29-2011; Ord. No. 1436, § 2, 2-18-2026)

9-5-6-4: Building Height:

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

B. In the RS zone, new structures on substandard lots shall not exceed twenty-five feet (25') or two (2) stories, whichever is lower.

(Ord. 1263, 12-29-2011; Ord. No. 1436, § 2, 2-18-2026)

9-5-6-5: 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 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.

(Ord. 1263, 12-29-2011; Ord. No. 1436, § 2, 2-18-2026)

Ord. No. 1436, § 2, adopted Feb. 18, 2026, renumbered the former § 9-4-6-7 as § 9-4-6-5 and enacted a new § 9-4-6-5 as set out herein. The historical notation has been retained with the amended provisions for reference purposes.

9-5-6-6—9-4-6-10: Reserved:

Ord. No. 1436, § 2, adopted Feb. 18, 2026, repealed §§ 9-4-6-6—9-4-6-10, which pertained to various residential zoning district provisions and derived from Ord. 1263, 12-29-2011.

9-5-7: Cottage Housing:

9-5-7-1: Purpose and Intent:

This provision provides standards for cottage housing within residential zones. These standards are intended to provide opportunities for a variety of housing choices including the need for more smaller, more diverse, and often, more affordable housing choices. Providing for a variety of housing types also encourages innovation and diversity in housing design and site development, while ensuring compatibility with surrounding single-family residential development.

(Ord. 1263, 12-29-2011)

9-5-7-2: Conflicting Standards:

In the event that other standards of this title conflict with standards in this provision, the standards within this provision shall prevail.

(Ord. 1263, 12-29-2011)

9-5-7-3: Existing Dwellings:

An existing detached single-family dwelling that is incorporated into a cottage housing development as a residence and is nonconforming with respect to the standards of this section shall be permitted to remain on a site used for a cottage housing development and shall count as one of the allowed units. However, the extent of the noncompliance may not be increased unless the proposed change is determined by the planning director to be consistent in character, scale and design with the cottage housing development. An existing dwelling may be replaced with cottage units consistent with this section.

(Ord. 1263, 12-29-2011)

9-5-7-4: Housing Types Defined:

CARRIAGE UNIT: A dwelling unit, not to exceed eight hundred (800) square feet in gross floor area, located above a garage structure in a cottage housing development.

COTTAGE HOUSING: A tract of land under single ownership or unified control developed with four (4) to twenty-four (24) detached dwelling units (each unit no larger than one thousand (1,000) square feet) arranged on at least two (2) sides of a commonly owned courtyard/common area. Parking space is also commonly owned. Cottage housing development may or may not be condominiums.

(Ord. 1263, 12-29-2011; amd. Ord. 1345, 7-19-2017)

9-5-7-5: Area Allowances:

A. Cottage housing meeting the requirements of this section is allowed in zoning areas RS and RM.

(Ord. 1263, 12-29-2011)

9-5-7-6: Density Standards:

The following density standards shall apply to cottage housing developments:

A. Cottages (including carriage units) may be built at up to two (2) units per single-family home allowed in the underlying zone. For example, if the minimum lot size for a single-family home in a zone is five thousand (5,000) square feet, a cottage development of four (4) units could be constructed on a ten thousand (10,000) square foot lot (5,000/2)* 4 = 10,000.

B. Existing single-family dwellings will count toward total units.

C. Minimum units: Four (4).

D. Maximum units: Twenty four (24).

E. Carriage house units may be built on top of a common garage, when the garage is located adjacent to the common open area. No more than twenty-five percent (25%) of the total number of units may be located above a common garage.

(Ord. 1263, 12-29-2011; Ord. 1345, 7-19-2017)

9-5-7-7: Cottage Housing Dispersion Requirement:

The dispersion requirement is designed to disallow cottage developments from clustering in any one area so that housing diversity is retained.

A. In the RS Zone, developments containing cottage/carriage homes may not be located closer than seven hundred fifty feet (750') to another development approved under the provisions of this section.

(Ord. 1263, 12-29-2011)

9-5-7-8: Community Buildings and Community Space in Cottage Developments:

Community buildings and community space are encouraged in cottage developments.

A. Community buildings or space shall be clearly incidental in use and size to the dwelling units.

B. Building height for community buildings shall be no taller than the height restrictions for the underlying zone. Building heights and roof standards for cottage units shall apply per section 9-4-7-10 of this chapter.

C. Where the community space is located above another common structure, such as a detached garage or storage building, buildings heights and roof standards for carriage units shall apply (see section 9-4-7-10 of this chapter).

D. Community buildings must be located on the same site as the cottage housing development, and be commonly owned by the residents.

(Ord. 1263, 12-29-2011)

9-5-7-9: Access and Parking:

The intent of these access and parking standards is to minimize the visual impact of vehicles and parking areas for residents of the cottage housing development and adjacent properties and to provide for adequate off-street parking for cottage housing developments.

A. Minimum Number of Off-Street Parking Spaces:

1. The minimum number of parking spaces shall be one per dwelling unit.

B. Parking Design: The intent of these parking design standards is to create unobtrusive parking, by screening and disguising parking structures and spaces from surrounding properties, including screening by architectural design and/or vegetation, and by minimizing the number of contiguous spaces.

1. Parking areas or common garages shall be limited to no more than five (5) contiguous spaces separated by a minimum of five feet (5') of sidewalk, landscaping, or open space.

2. Shared detached garage structures may not exceed five (5) garage doors per building and a total of one thousand six hundred (1,600) square feet. Carriage units located above these parking structures shall not be factored into this square footage.
3. Parking shall be separated from the common open area, adjacent properties, and public streets by landscaping and/or architectural screening. Solid board fencing shall not be allowed as an architectural screen. Exception: One parking structure may be adjacent to the common open area, if carriage house units are placed on top and the garage includes architectural features to make it look consistent with the units and community assets.
4. Parking shall be set back a minimum of twenty-five feet (25') from a public street.
5. The design of garages and carports, including rooflines, shall be similar to and compatible with that of the dwelling units within the cottage housing development.
6. Parking located between or adjacent to structures, shall be located to the rear of the structure and served by an alley or driveway.

(Ord. 1263, 12-29-2011)

9-5-7-10: Cottage Housing Design Standards and Guidelines:

A. Cottage Size: Setting a unit size helps ensure that the overall size of cottages remains small and causes less visual impact than standard sized single-family dwellings, particularly given the increased density of cottage dwellings, and to provide variety in cottage housing developments through a mixture of building sizes and footprints.
   1. The total floor area of each cottage shall not exceed one thousand (1,000) square feet. The total square foot area of a cottage dwelling unit may not be increased. A note shall be placed on the title to the property for the purpose of notifying future property owners that any increase in the total square footage of a cottage is prohibited for the life of the cottage or duration of city cottage regulations.
   2. The footprint of each cottage shall not exceed eight hundred (800) square feet.
   3. There shall be no minimum size requirements for the individual units.
   4. The second floor area cannot exceed seventy-five percent (75%) of the first floor area.
   5. Cottage areas that do not count toward the gross floor area or footprint calculations are:
      a. Interior spaces with a ceiling height of six feet (6') or less, such as in a second floor area under the slope of the roof;
      b. Unheated storage space located under the main floor of the cottage;
      c. Basements;
      d. Attached unenclosed porches;
      e. The first two hundred (200) square feet of an attached enclosed porch (square footage utilized for attached porches beyond two hundred (200) square feet shall be counted toward total square footage allowance for each cottage);

f. Garages or carports; or

g. Architectural projections (i.e., bay windows, fireplaces or utility closets) no greater than twenty-four inches (24") in depth and six feet (6') in width.

h. The planning director may approve other exemptions similar in nature provided the intent of this section is met.

B. Cottage Height and Roof Standards:

1. A cottage shall have a gable roof or a hipped roof. Dormers are allowed.

2. Maximum height of cottage units with a minimum roof slope of six to twelve (6:12) shall be twenty-five feet (25'), subject to all parts of the roof above fourteen feet (14') shall be pitched.

3. Maximum height shall be eighteen feet (18') for cottages without a roof slope of six to twelve (6:12) and for all accessory structures.

4. Deviation from the roof standards may be considered through the CUP process.

C. Orientation of Dwelling Units: Dwellings within a cottage housing development should be oriented to promote a sense of community, both within the development, and with respect to the larger community, outside of the cottage project. A cottage development should not be designed to "turn its back" on the surrounding neighborhood.

1. Each dwelling unit shall be oriented toward a common open area, and sixty-five percent (65%) of the units shall abut the common open area.

2. Lots in a cottage housing development are not required to abut a public street.

3. Each facade facing a public street (not including alleys) shall have at least two (2) of the following enhancements: secondary entrance, porch, bay window, or other architectural enhancement approved by the planning director that is oriented to the public street in order to prevent a blank, monotonous wall facing the street and surrounding neighborhood.

D. Cottage Setbacks:

1. The minimum setbacks between all structures and exterior property lines (including cottages, parking structures and community buildings) in a cottage housing development shall be ten feet (10'). Eaves may project into the required setback up to eighteen inches (18").

2. Cottage units abutting an external street shall use the front yard setback requirements for the zone they are within in order to determine how far the unit must be set back from the public right-of-way.

3. No part of any structure in a cottage housing development (including, but not limited to, cottages, parking structures, and community buildings) shall be more than one hundred fifty feet (150'), as measured by the shortest clear and open route, from legally compliant fire department vehicle access.

E. Fencing and Screening: The intent of internal decorative fencing and screening is to delineate private yards and screen parking structures, community assets and unit walls. A cottage housing development shall internally be an open community sharing common areas.

1. Decorative fencing may be used for delineating private yards.
2. Fencing or shrubbery may be used to screen parking areas, community assets, and unit walls.
3. Fencing and shrubbery used for fencing may not exceed thirty-six inches (36") in height, except directly adjacent to a parking structure or as allowed in subsection E.5. of this section.
4. Chainlink fencing shall not be allowed. Solid fencing is allowed on the exterior boundary, except bordering an external street.
5. Rear yards not bordering an external street may be delineated using solid fencing and may not exceed four feet (4') in height.

F. Required Common Open Space: Common open space should provide a sense of openness, visual relief, and community for cottage developments. The space must be outside of wetlands, streams and their buffers, and developed and maintained to provide for passive and/or active recreational activities for the residents of the development.

1. There shall be a minimum of four hundred (400) square feet of common open space per cottage.
2. Each area of common open space shall be in one contiguous and usable piece with a minimum dimension of twenty feet (20') on all sides.
3. Land located between dwelling units and an abutting right-of-way or access easement greater than twenty-one feet (21') in width may not serve as required common open space, unless the area is reserved as a separate tract, and does not contain pathways leading to individual units or other elements that detract from its appearance and function as a shared space for all residents.
4. Required common open space may be divided into no more than two (2) separate areas per development.
5. Common open space shall be located in a centrally located area and be easily accessible to all dwellings within the development.
6. Landscaping located in common open space areas shall be designed to allow for easy access and use of the space by all residents, and to facilitate maintenance needs. Where feasible, existing mature trees should be retained.
7. Unless the shape or topography of the site precludes the ability to locate units adjacent to the common open space, the following standards must be met:
    a. The open space shall be located so that it will be surrounded by cottages or two/three-unit homes on at least two (2) sides;
    b. At least fifty percent (50%) of the units in the development shall abut a common open space. A cottage is considered to "abut" an area of open space if there is no structure between the unit and the open space.
        (1) Surface water management facilities shall be limited within common open space areas. Conventional stormwater collection and conveyance tools, such as flow control and/or water quality vaults are permitted if located underground.

G. Carriage Units Within Cottage Projects: Carriage units may be included within a cottage housing development. Design of these units should be compatible with that of the cottages included in the project.

1. The maximum size of a carriage unit shall be eight hundred (800) square feet.
2. Carriage units, including roof, shall be no taller than thirty-feet (30').
3. Carriage units shall not have roofs less steep than four to twelve (4:12).

H. Variation In Unit Sizes, Building and Site Design: Cottage projects should establish building and site design that promotes variety and visual interest that is compatible with the character of the surrounding neighborhood.

1. Projects should include a mix of unit sizes within a single development.
2. Proposals are encouraged to provide a variety of building styles, features and site design elements within cottage housing communities. Dwellings with the same combination of features and treatments should not be located adjacent to each other.

I. Private Open Space:

1. Each cottage shall have a minimum of three hundred (300) square feet of private, contiguous usable open space adjacent to each dwelling unit, for the exclusive use of the cottage resident.

J. Pedestrian Flow Through Development: Pedestrian connections shall link all buildings to the public right-of-way, common open space and parking areas.

K. Exterior Design Standards for Cottages: This subsection K is intended to ensure cottage design is based on a coherent architectural concept, to ensure cottages possess architectural finish, to ensure they contribute positively to the architectural character of the neighborhood, and to provide flexibility in design and contrast among individual cottages while assuring attention to design amenities.

1. Character Compatibility: Cottage housing developments shall utilize building and site design that promotes variety and visual interest and that is compatible with the character of the surrounding neighborhood.
2. Variety In Building and Site Design: Cottage housing developments shall avoid the repetitive use of the same combination of building size, styles, features, and site design elements within the entire residential development and between adjacent dwellings. Dwellings with the same combination of features and treatments shall not be located adjacent to each other.
3. Site Design Requirements: The overall site design for all common areas must include a minimum of five (5) points from the following table:

Table 9-5-4 ~~SITE DESIGN OF COMMON AREAS~~ Cottage Housing common-area site design points
(Minimum Of 5 Points)

Mixture of grass areas and garden areas	3 points
Incorporate additional site and architectural features such as special paving, ornamental gate and/or fence, seating, functional accent lighting, artwork near entry, and/or special landscape treatment with seasonal	1 point per type of feature

color, flowering trees, and trees with interesting bark or branching structure	

4. Exterior Design Requirements: No blank walls are allowed, and each cottage in a cottage housing development must be designed to include a minimum of thirty-four (34) points from the following table, including the specified minimum number of points from each category:

Table 9-5-5 Cottage Housing minimum exterior design points by category

Totals by category as determined by tables below:	
Facade	Minimum of 12 points
Roof	Minimum of 8 points
Windows and doors	Minimum of 10 points
Landscaping and groundwork	Minimum of 4 points

Table 9-5-6 Cottage housing exterior design features and point values

Facade (minimum of 12 points):	
Stucco, cedar shingle siding, board and batten, or horizontal lap siding (wood or hardiplank. Exposed siding must be between 4 inches and 7 inches in width)	4 points
Change of plane of front elevation	3 points
Architectural detailing on porch railings and posts	2 points
Decorative gable vents	2 points
Exterior stonework, masonry, stone, rock, cultured, stone, woodwork, or brickwork	2 points
Gable detailing	2 points
Gable detailing on porch roof	2 points
3-tone paint on exterior walls trim and roof	2 points
Bay window	1 point
Roof (minimum of 8 points):	
Architectural metal roof (must be commercial quality with hidden fasteners)	3 points
Architectural shingle roof	3 points
Gable dormer (shall not also be used for gabled porch roof or porch roof overhang)	3 points
Gabled or modified porch roof	3 points
Porch roof overhang to cover stairs (shall not also be used for a change of plane of front facade or as a gable dormer or gabled porch roof)	2 points
Roof brackets	2 points
Soffit detailing (exposed rafter tail painted or decoratively cut; soffit finished in shiplap or similar treatment)	2 points
Rooftop cupola	1 point

Windows and doors (minimum of 10 points):	
Mullioned windows (minimum of 2)	3 points
Skylights or clerestory windows	3 points
Window placement offset for privacy	3 points
Decorative window(s) on front facade	2 points
Front door lights or sidelights, glass front doors, transoms, glass borders, or split front door	2 points
Window trim (must include cornice molding, jamb molding, and sill for all windows)	2 points
Front door trim (must have cornice molding, parting bead, and plinth blocks)	1 point
Landscaping and groundwork for each cottage's private area (minimum of 4 points):	
Architectural fence around cottage (not less than 2, or more than 3 feet high)	2 points
Front yard landscaping (must include at least 1 dozen perennial bushes and/or trees native to the area or tolerant of local climate conditions. Landscaping does not include lawns)	2 points
Incorporate additional architectural features such as special paving, ornamental gate and/or fence, seating, planter boxes or pots, functional accent lighting, artwork near entry, and/or special landscape treatment with seasonal color, flowering trees, and trees with interesting bark or branching structure	1 point per type of feature

(Ord. 1263, 12-29-2011)

CHAPTER 6 OFF-STREET PARKING AND LOADING FACILITIES[1]

9-6-1: General Provisions:

A. Off-Street Parking and Loading Spaces Provided: No building or structure shall be erected, substantially altered (requiring a building permit), or its use changed unless permanently maintained off-street parking and loading spaces have been provided in accordance with the provisions of this chapter.

B. Additional Parking After Enlargement up to Fifty Percent (50%) in Floor Area: Whenever a building or structure is enlarged up to fifty percent (50%) in floor area, number of employees, seating capacity, number of dwelling units, or otherwise, to create a need for an increase in the number of

[1]Editor's note(s)—(Ord. No. 1432, § 2, adopted Sept. 17, 2025, amended ch. 5 in its entirety to read as herein set out. Former ch. 5, §§ 9-5-1—9-5-18, pertained to similar subject matter, and derived from Ord. 1360, adopted Dec. 5, 2018.

parking and loading spaces, additional parking and loading spaces shall be provided on the basis of the enlargement or change.

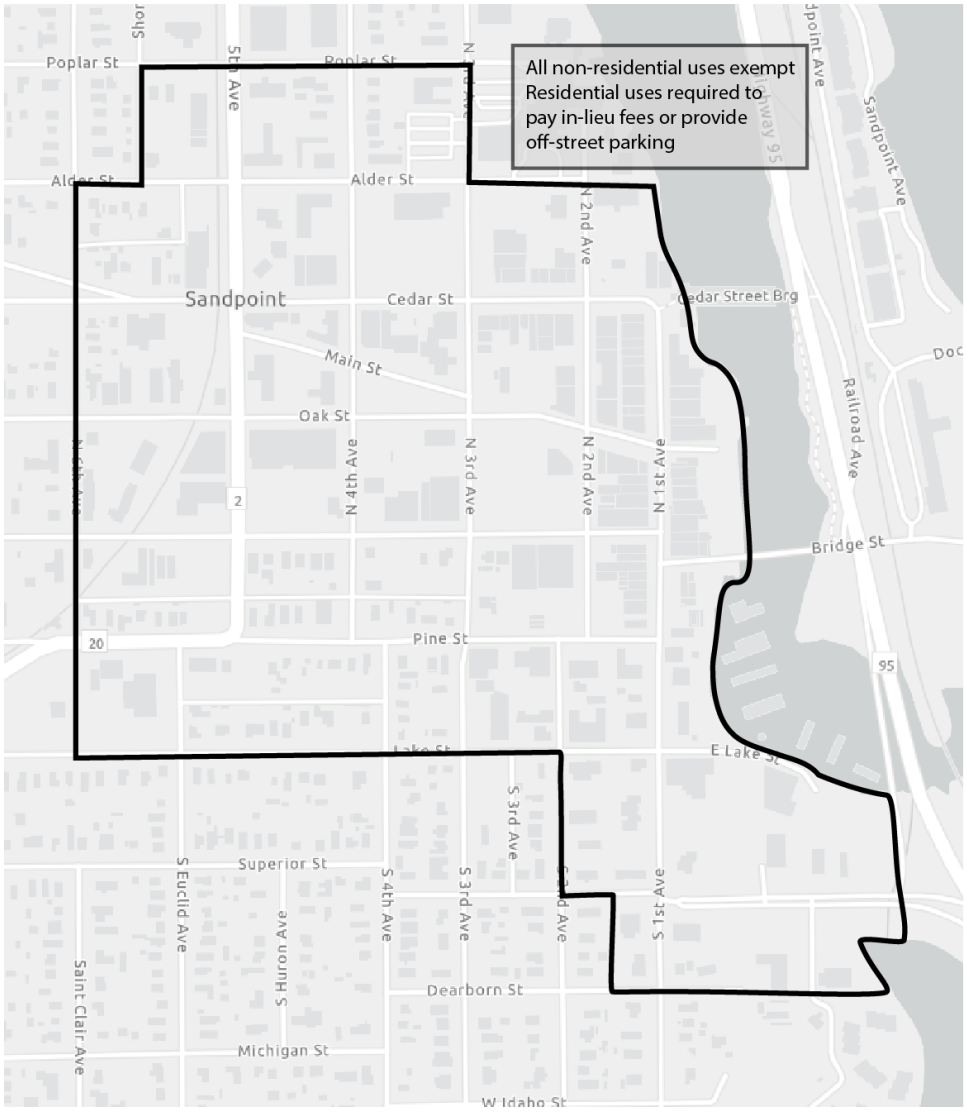
C. Additional Parking After Enlargement Greater than Fifty Percent (50%) in Floor Area: Whenever a building or structure is enlarged greater than fifty percent (50%) in floor area, number of employees, seating capacity, number of dwelling units, or otherwise, to create the need for an increase in the number of parking and loading spaces, such additional spaces must be provided on the basis of the enlargement or change and shall be developed in accordance with the screening and landscaping provisions of this chapter.

D. Additional Parking After Change in Use or Occupancy: Whenever a building or structure has a change in use or occupancy that would increase the number of spaces being required, such additional spaces shall be provided on the basis of the change.

E. Parking Demand Analysis: Minimum or maximum parking space requirements may be reduced or expanded by the relevant permit approval authority, either the planning director, planning and zoning commission, or city council upon completion of a parking demand analysis demonstrating the actual demands of the project are less than the minimum or more than the maximum requirements of this code. A parking demand analysis must be prepared by a registered professional traffic engineer licensed in the State of Idaho and must include analysis of multimodal transportation and proximity to transit.

F. Exemptions: Non-residential development within the boundary depicted on the map in subsection G below is exempt from the parking minimum and location requirements of this chapter. Residential development within the boundary as shown in subsection G below is exempt from the parking minimum and location requirements of this chapter, provided in-lieu payments are made pursuant to City Code 9-6-18, In Lieu Parking Fees.

G. Map of Exempted Area: Map of exempted minimum parking space requirements per subsection F of this section:



H. For the purposes of this chapter, an alley is not a public street.

(Ord. No. 1432, § 2, 9-17-2025)

9-6-2: Location of Parking Spaces:

The following regulations shall govern the location of off-street parking spaces and areas:

A. Parking spaces for all residential dwelling units with a density of less than ten (10) units per acre must be located on the same site as the use which they are intended to serve.

B. Parking spaces for apartments, dormitories, or similar residential uses with a density of greater than ten (10) units per acre must be located not more than three hundred feet (300') from the principal use.

C. Parking spaces for commercial, industrial or institutional uses must be located not more than one thousand feet (1,000') from the principal use.

(Ord. No. 1432, § 2, 9-17-2025)

9-6-3: Shared Parking Reduction:

A. Shared Parking or Parking Facilities Approval: Subject to compliance with other applicable requirements of City Code, relevant permit approval authority, either the planning director, planning and zoning commission, or city council, may approve shared development or use of parking facilities for two (2) or more uses if:

   1. A convenient pedestrian connection between the properties or uses exists; and

   2. The properties are within one thousand feet (1,000') of each other.

B. Parking Requirements; Hours: Where the uses to be served by shared parking do not overlap their hours of operation, the property owner or owners must provide parking stalls equal to the greater of the applicable individual parking requirements. Where a use change occurs within the development causing an overlapping of use hours, parking requirements must be reassessed. For the purposes of this provision, residential parking use hours shall be from five o'clock (5:00) p.m. to sixty thirty-o'clock (6:30) a.m. daily.

C. Parking Space Reduction: Where the uses to be served by shared parking have overlapping hours of operation, the relevant permit approval authority, either the planning director, planning and zoning commission, or city council, may approve a reduction of the total required parking spaces if the reduction is supported by a parking demand analysis performed by a registered professional traffic engineer licensed in the State of Idaho.

D. Documentation Required: Prior to establishing shared parking or any use to be served thereby, the property owner or owners must file with the county recorder's office or its successor agency, a written agreement approved by the planning director providing for the shared parking use. A copy of the written agreement must be retained by the planning director in the project file. The agreement must be recorded on the title records of each affected property.

(Ord. No. 1432, § 2, 9-17-2025)

9-6-4: Access and Maneuvering Area:

A. Any parking area must be designed in such a manner that any vehicle entering or leaving the parking area from or onto a public or private street must be traveling in a forward motion. Development of six (6) or fewer units on a site, including single-family, duplexes, multi-family dwellings, and accessory dwelling units, are exempt from this requirement.

B. Driveways shall be located so that any obstructions do not prevent adequate sight distance between a vehicle stopped at the edge of the right of way and any approaching vehicle or pedestrian on the adjacent street. The required sight triangle shall be determined using the guidance of "A Policy on Geometric Design of Highways and Streets" (Green Book), published by the American Association of State Highway and Transportation Officials (latest edition), or another method approved by the city engineer or public works director.

C. All maneuvering areas, ramps, access drives, etc., must be provided on the property on which the parking facility is located; however, if such facility adjoins an alley, such alley may be used as a maneuvering area.

(Ord. No. 1432, § 2, 9-17-2025)

9-6-5: Minimum Distance and Setbacks:

No portion of any parking facility shall obstruct the sight triangle of an adjacent street or driveway access, as determined by an analysis using the guidance of "A Policy on Geometric Design of Highways and Streets" (Green Book) published by the American Association of State Highway and Transportation Officials (latest edition), or another method approved by the city engineer or public works director.

(Ord. No. 1432, § 2, 9-17-2025)

9-6-6: Surfacing:

A. Hard surfacing of all parking facilities shall be required. All hard surfacing must comply with all other applicable provisions of City Codes, including the Stormwater Management Code.

B. Hard surfacing, for the purposes of this chapter, shall be defined as asphalt pavement, concrete pavement, or as otherwise determined by the city engineer or public works director.

C. All hard surfacing must be completed before a certificate of occupancy is issued. In the event that hard surfacing cannot be timely completed due to inclement weather, the city may issue a temporary certificate of occupancy if an agreement secured by a bond or other security acceptable to the city in an amount of one hundred fifty percent (150%) of the costs of the hard surfacing is provided to the city. In the event a cash security is provided, no interest shall accrue to the party providing the cash. All agreements must include such terms as may be reasonable under the circumstances, including a requirement that the paving be completed within six (6) months of the agreement and, if not, that the city, in the city's sole discretion, use the security to complete the hard surfacing.

D. Driveways and parking facilities abutting a public right of way shall include hard surfacing from the edge of right of way to the parking facility. Driveway approaches within the public right of way shall be constructed pursuant to City Code 7-3-9, New Construction of Curbs, Gutters and Drainage Appurtenances, and city standard details.

E. If a parking facility is accessed from a public alley, a minimum of twelve (12) feet in width of the alley shall be constructed with hard surfacing for the entire length of the alley between the adjacent public streets at either end of the alley. The driveway approaches accessing either end of the alley on the adjacent public streets shall be constructed pursuant to City Code 7-3-9, New Construction of Curbs, Gutters and Drainage Appurtenances, and city standard details. Hard surfacing of alleys shall be included, as needed, in an approved stormwater management plan that meets the requirements of City Code Title 11, Chapter 3, Stormwater Management Ordinance, as determined by the public works director.

F. Exceptions to hard surfacing requirement of parking facilities:

1. Within the Industrial General (IG) Zone, the hard-surfacing requirement may be waived, with the exception that, for the first twenty-five (25) feet on private property from the right-of-way, the width of the driveway shall be hard surfaced.
2. A detached single-family home, with or without an ADU, or a duplex, with or without an ADU, that is not accessed from a street or is accessed from an alley shall be exempted from the hard-surfacing requirement. Any residential development of greater intensity shall be required to adhere to the hard surfacing requirements.

G. Construction and the repaving of parking facilities must be in accordance with the Stormwater Management Ordinance, Title 11, Chapter 3, of this code.

(Ord. No. 1432, § 2, 9-17-2025)

9-6-7: Maintenance:

A. The owner of property used for parking and/or loading shall maintain the facility in accordance with good practice without holes and free of all snow, dust, trash and other debris.

B. Failure to keep the parking facility surfaces reasonably clean of snow and debris, failure to keep storm catch basins properly clean and functioning, and failure to remove and replace dead plant material or to remove noxious weeds shall be specifically included in the term "failure to maintain the facility in accordance with good practice" and shall be deemed a violation of this title and therefore subject to the penalties as established.

C. The city shall not be responsible for maintenance, repair, upkeep, or reconstruction of any parking facility located on private property or any hard surfacing of alleys required by City Code 9-5-6, Surfacing.

(Ord. No. 1432, § 2, 9-17-2025)

9-6-8: Lighting:

A. Any parking area which is intended to be used during non-daylight hours shall be properly illuminated in accordance with the regulations set forth below and in the Outdoor Lighting provisions of Title 8, City Code.

B. Any lights used to illuminate a parking lot must be so arranged as to reflect the light away from the adjoining property.

C. Parking area lighting must be designed to provide the minimum lighting necessary to ensure adequate vision in parking areas while avoiding glare and direct illumination of adjacent properties or streets. All parking area lighting requirements must also apply to interior drives and other areas on the property used by vehicles.

1. Lighting Fixtures: All lighting fixtures providing illumination for parking lots must direct light downward (in keeping with Illuminating Engineering Society of North America, IESNA, standards).
2. Maximum Mounting Height: The maximum mounting height for all parking lot illuminating light fixtures shall be twenty feet (20').

3. Timers Required: Lighting must be on a timer or utilize photocells which turns off all unnecessary lights when the lot is not in use to reduce glare in the surrounding neighborhoods and to save energy.

(Ord. No. 1432, § 2, 9-17-2025)

9-6-9: Wheel Blocks:

A. Whenever a parking space extends to a property line, wheel blocks or other suitable devices must be installed to prevent any part of a parked vehicle from extending beyond the property line, assuming a 24-inch vehicle overhang from the vehicle-side face of the wheel block.

B. Where parking spaces abut sidewalks or walkways, wheel blocks shall be provided to prevent vehicle overhang on the sidewalk or walkway. Wheel blocks shall be placed so that the distance between vehicle-side face of the wheel block and the opposite side of the sidewalk or walkway is at least seven (7) feet.

C. Whenever wheel blocks are used, the parking space depth, as specified under Design and Dimensional Standards, section 5 of this chapter, shall be measured from the vehicle-side face of the wheel block.

D. Whenever any obstruction greater than eight (8) inches in height, including walls or fences, is located directly adjacent to a parking space, wheel blocks shall be provided at least two (2) feet from the obstruction, and the "stall depth from curb edge", ~~as shown under column D in the chart provided in section 5 of this chapter~~ identified as dimension D in Table 9-6-1, shall be measured from the vehicle-side face of the wheel block.

(Ord. No. 1432, § 2, 9-17-2025)

9-6-10: Signs:

A. The entrances and exits to the parking area must be clearly marked.

B. Parking areas having more than one aisle or driveway must have directional signs or markings in each driveway or aisle.

C. Parking area directional signs must have a maximum size of four (4) square feet.

(Ord. No. 1432, § 2, 9-17-2025)

9-6-11: Striping:

All parking areas shall be striped with minimum four inches (4") wide white striping, meeting the dimensional standards of City Code 9-6-14, Design and Dimensional Standards.

(Ord. No. 1432, § 2, 9-17-2025)

9-6-12: Screening and/or Landscaping:

A. Parking Area Minimum Landscaping: A minimum of ten percent (10%) of paved parking area must be landscaped.

B. Slopes and other areas between a parking area and sidewalks, street rights-of-way or property lines must be landscaped with a minimum five foot (5') buffer containing grass, hardy shrubs, trees or evergreen ground cover and must be maintained in a consistent condition acceptable to the city. A minimum of fifty percent (50%) of the required buffer yard must be made up of hardy shrubs, fifty percent (50%) of which shall be evergreen and shall reach a height of four feet (4') within five (5) years. The five foot (5') buffer may be reduced when at least five feet (5') of landscaped area exists between the sidewalk and curb. Dead landscaping must be replaced. It shall be a violation of this chapter if an owner fails to replace dead landscaping with the same or other landscaping approved by the city within one month of notification by the city or as is seasonably acceptable.

C. Proximity Standards: Whenever a parking area providing more than ten (10) vehicle spaces is located in or adjacent to a residential district, dwelling unit, school, hospital, church or other institution for human care, it must be effectively screened on all sides abutting any such property by a five foot (5') buffer area with an acceptably designed wall, fence or planting screen. Alternatively, the buffer area may be reduced to three feet (3') if a decorative screen fence is erected with evergreen shrubs of at least two (2) gallon size planted at the base. Such fence, wall or planting screen must not be less than four feet (4') nor more than six feet (6') in height and maintained in good condition. The space between such fence, wall or planting screen, and the lot line of the adjoining premises in any residential district must be landscaped with grass, hardy shrubs, or evergreen ground cover and maintained in good condition. In the event that terrain or other natural features are such that the erection of such fence, walls or planting screen will not serve the intended purpose, the planning director may waive specifically this requirement.

D. Parking Facilities Abutting Street Right-of-Way: Parking facilities which abut a street right-of-way must provide one street tree for every twenty-five feet (25') of property abutting such right-of-way. Should the planting of such a street tree be physically unfeasible, the public works director may require suitable landscaping abutting the street right-of-way.

E. Material and Planting Requirements: Parking area landscaping must consist of, but not be limited to, a mix of deciduous trees, evergreen shrubs, and ground cover. Tree species must be of the types listed on the "City of Sandpoint approved street tree list" (as adopted by resolution), or approved by the urban forester. All trees must be planted with a minimum 1.5-inch caliper. All interior planting beds must have a minimum dimension of six feet (6') at the narrowest point with a soil depth appropriate for the trees selected.

F. Parking Area Between Twenty (20) and Thirty (30) Spaces: One tree for every ten (10) parking spaces or the larger fraction thereof must be provided.

G. Parking Areas Exceeding Thirty (30) Spaces: The following additional regulations apply:

1. Parking areas must include a minimum fifteen foot (15') landscaped buffer from residential zones and be divided into smaller areas interconnected by landscaped aisles to reduce vehicle speed and protect pedestrians. No parking space shall be more than sixty feet (60') from a

landscaped area, and there must be at least one tree for each three hundred (300) square feet of required landscape area.

2. Required shade trees must be of such species and canopy to provide a minimum of thirty percent (30%) canopy cover of the parking area at maturity. Eligible tree canopy must be directly over parking area.

3. A timed and automated irrigation system shall be provided for all required landscaping and maintained in a workmanlike manner.

H. Parking Area Directional Signs: Parking area not visible from streets must have clearly visible directional signs approved during the site plan review process.

I. Screening Equipment; Noise: Mechanical equipment, utility facilities, and garbage containers must be screened in such a manner so as not to be visible from abutting residential property owners. A fence may be used to provide this screening. Mechanical equipment creating noise must be placed as far from residential uses as practical and in keeping with access and maintenance requirements, and must have noise buffering if placed in the vicinity of residential uses.

J. Snow Storage: Areas for snow storage must be designated in site plans and provided for in development or redevelopment of property.

K. Pedestrian Access: Parking areas must be designed so that pedestrian and automobile patrons have a clearly marked path from each business entrance to the nearest sidewalk to each adjacent street. This pedestrian path shall meet the requirements for an accessible route as described in the latest edition of the ADA Standards for Accessible Design of the Americans with Disabilities Act.

L. Exemptions:

1. Single-Family Residential: Single-family and duplex residential off-street parking areas are exempt from this subsection.

2. Auto and Vehicle Dealers: Auto and vehicle dealers are exempt from providing landscaping within the interior of the sales and display area.

3. Landscaping Requirement Modifications: Landscaping requirements may be modified by the planning director for a specific site when soil or slope limitations make strict adherence impractical, when safety considerations are involved, especially in the clear vision triangle.

4. Industrial General Zone: Parking areas within the Industrial General Zone shall only be required to adhere to the requirements of subsection A of this section, "Parking Area Minimum Landscaping."

5. Existing Parking Areas: Expansions of existing parking areas shall not be exempt.

(Ord. No. 1432, § 2, 9-17-2025)

9-6-13: Accessible Parking Spaces:

All parking facilities must provide accessible parking spaces as required by the ADA Standards for Accessible Design of the Americans With Disabilities Act.

(Ord. No. 1432, § 2, 9-17-2025)

9-6-14: Design and Dimensional Standards:

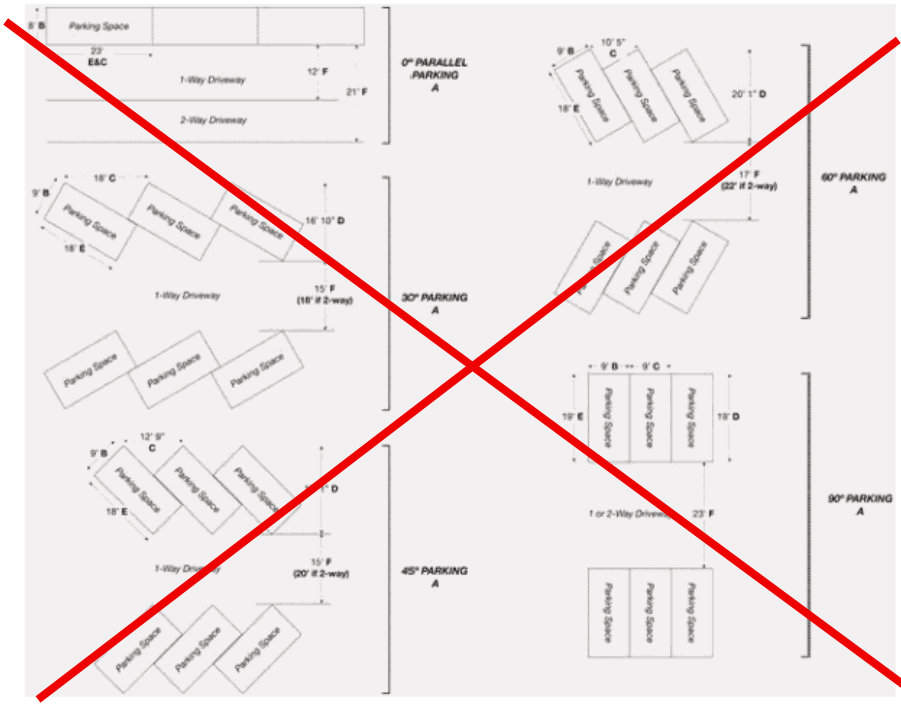
A. All parking facilities must be designed to city standards. Plans for parking facilities are required prior to construction and shall indicate ingress, egress, grade, drainage facilities, location of all plantings, base and surface materials.

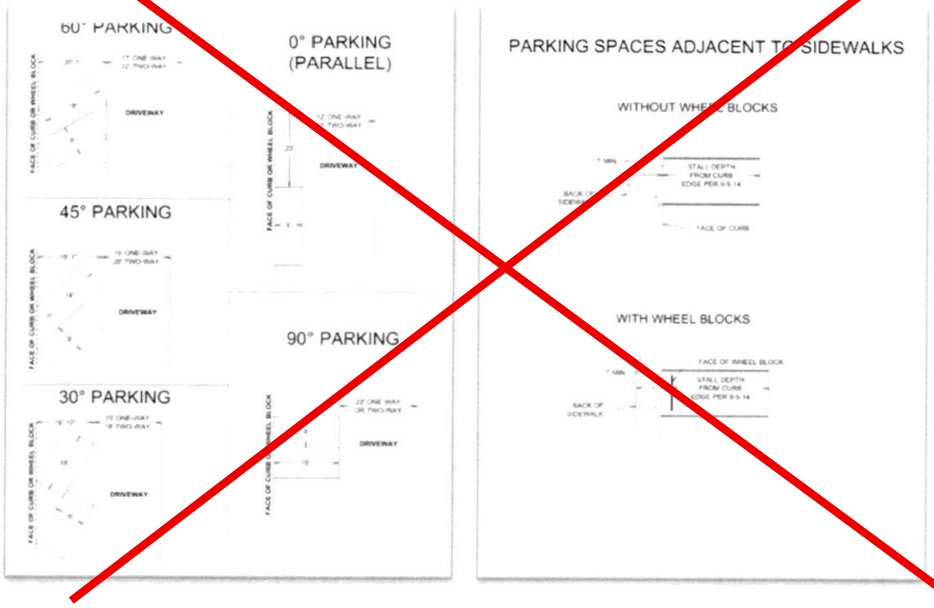
B. Minimum Standards: Letters in the following chart are referenced in subsection C of this section, Diagram, Parking Space Minimum Design and Dimensions (For Standard Vehicles). Off-street parking spaces must be provided in accordance with the following minimum standards:

Table 9-6-1 Parking design and dimensional standards - standard and compact vehicles

Parking Angle A	Parking Space Width B	Curb Length Per Stall C	Stall Depth From Curb Edge D	Parking Space Depth E	1-Way Driveway Width F	2-Way Driveway Width F
For standard vehicles:						
0°	8 feet	23 feet	8 feet	23 feet	12 feet	21 feet
30°	9 feet	18 feet	16 feet, 10 inches	18 feet	15 feet	18 feet
45°	9 feet	12 feet, 9 inches	19 feet, 1 inch	18 feet	15 feet	20 feet
60°	9 feet	10 feet, 5 inches	20 feet, 1 inch	18 feet	17 feet	22 feet
90°	9 feet	9 feet	19 feet	19 feet	23 feet	23 feet
For compact vehicles:						
0°	7 feet, 6 inches	18 feet	7 feet, 6 inches	18 feet	12 feet	21 feet
30°	7 feet, 6 inches	15 feet	14 feet	15 feet	15 feet	18 feet
45°	7 feet 6 inches	10 feet, 7 inches	15 feet, 11 inches	15 feet	15 feet	20 feet
60°	7 feet, 6 inches	8 feet, 8 inches	16 feet, 9 inches	15 feet	15 feet	22 feet
90°	7 feet, 6 inches	7 feet, 6 inches	15 feet	15 feet	23 feet	23 feet

C. Diagram, Parking Space Minimum Design and Dimensions ~~(For Standard Vehicles)~~:


0° PARALLEL PARKING
A
1-Way Driveway
2-Way Driveway
Parking Space
30° PARKING
A
45° PARKING
A
60° PARKING
A
90° PARKING
A
1 or 2-Way Driveway

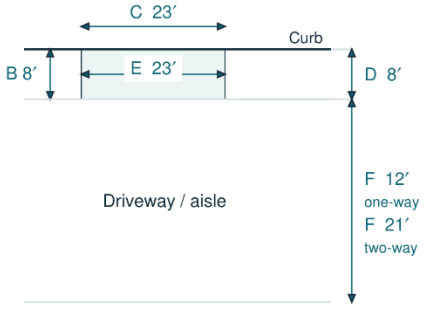

60° PARKING
0° PARKING
(PARALLEL)
45° PARKING
90° PARKING
30° PARKING
DRIVEWAY
PARKING SPACES ADJACENT TO SIDEWALKS
WITHOUT WHEEL BLOCKS
WITH WHEEL BLOCKS

CITY OF SANDPOINT / OFF-STREET PARKING

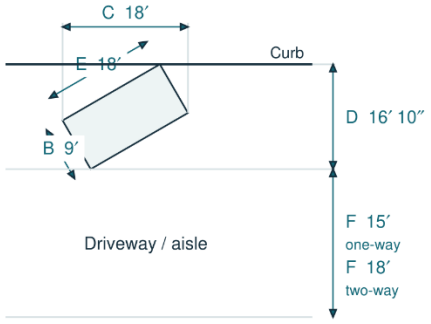
Standard vehicle parking dimensions

Each arrow shows what to measure. Letters match the dimensional standards table.

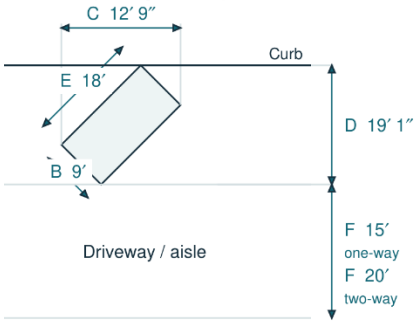
A 0° / Parallel parking



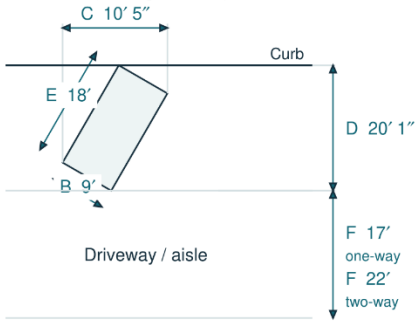
A 30° / Angled parking



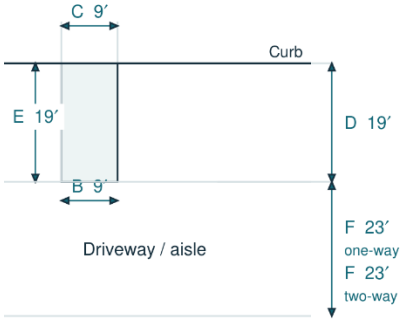
A 45° / Angled parking



A 60° / Angled parking



A 90° / Perpendicular parking



Measurement key

- A Parking angle, measured from curb
- B Parking space width, across the stall
- C Curb length per stall
- D Stall depth from curb edge, measured perpendicular to curb
- E Parking space depth, along the stall
- F Driveway / aisle width

Use the one-way or two-way F value as applicable.

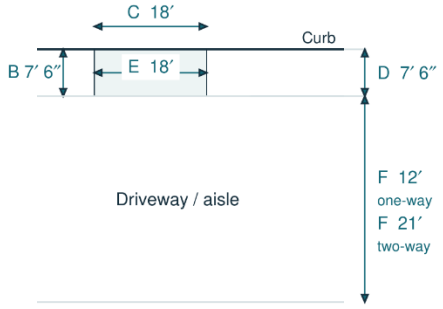
Minimum dimensions • Plan views • Illustrations not to scale 1

CITY OF SANDPOINT / OFF-STREET PARKING

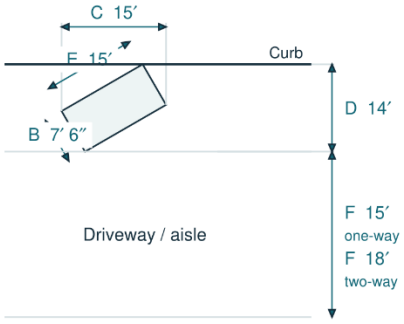
Compact vehicle parking dimensions

Each arrow shows what to measure. Letters match the dimensional standards table.

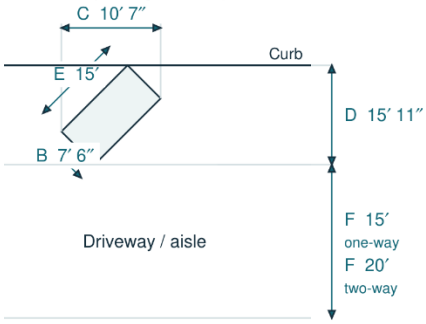
A 0° / Parallel parking



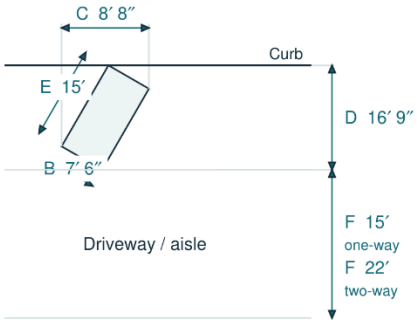
A 30° / Angled parking



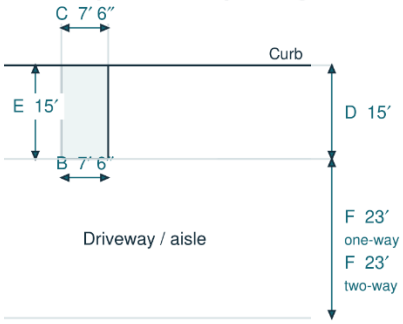
A 45° / Angled parking



A 60° / Angled parking



A 90° / Perpendicular parking



Measurement key

- A Parking angle, measured from curb
- B Parking space width, across the stall
- C Curb length per stall
- D Stall depth from curb edge, measured perpendicular to curb
- E Parking space depth, along the stall
- F Driveway / aisle width

Use the one-way or two-way F value as applicable.

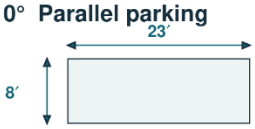
Minimum dimensions • Plan views • Illustrations not to scale 2

CITY OF SANDPOINT / OFF-STREET PARKING

Curb, wheel-block & sidewalk details

Measure stall depth from the curb face or the vehicle-side face of a wheel block.

0° Parallel parking



Aisle: 12′ one-way / 21′ two-way

30° Angled parking



E Along stall: 18′ | B Width: 9′

Aisle: 15′ one-way / 18′ two-way

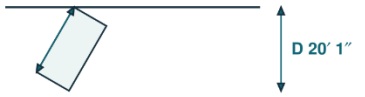
45° Angled parking



E Along stall: 18′ | B Width: 9′

Aisle: 15′ one-way / 20′ two-way

60° Angled parking



E Along stall: 18′ | B Width: 9′

Aisle: 17′ one-way / 22′ two-way

90° Perpendicular parking

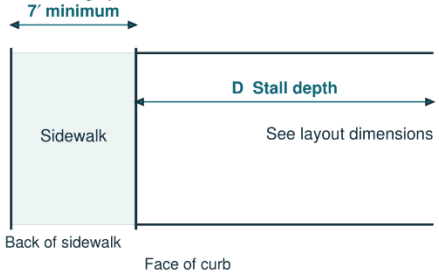


E Along stall: 19′ | B Width: 9′

Aisle: 23′ one-way / 23′ two-way

Without wheel blocks

Plan view • Parking space beside sidewalk

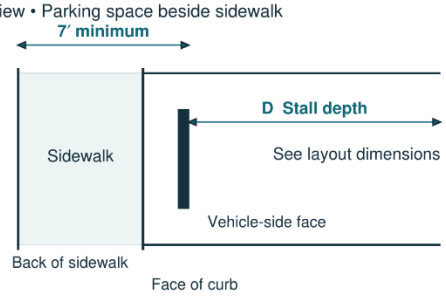


Stall depth begins at the face of curb.

7′ is measured to the curb / wheel-block face.

With wheel blocks

Plan view • Parking space beside sidewalk



Stall depth begins at the vehicle-side face of the wheel block.

7′ is measured to the curb / wheel-block face.

Dimension references

B = width across stall; E = depth along stall.

D = stall depth from curb edge, perpendicular to curb.

Read with the parking standards and wheel-block rules.

Standard vehicles • Dimensions are minimums • Illustrations not to scale 2

D. Additional Standards for Compact Car Parking:

1. If the total number of required parking spaces is less than ten (10), no compact car spaces shall be provided.

2. If the total number of required parking spaces equals ten (10), then one parking space may be for compact cars. For each four (4) spaces in excess of ten (10), one space for compact cars may be provided.
3. Each compact car parking space shall be marked for such use.

(Ord. No. 1432, § 2, 9-17-2025)

9-6-15: Minimum and Maximum Surface Parking Space Requirements:

A: ~~Table 1:~~ Required Parking by Land Use

Table 9-6-2 Required Parking by Land Use

Type of Use		Parking Spaces Required
A.	Residential outside of Exempt Area: Values shall be held as the minimum:	
	Accessory dwelling units	1 for each unit
	Apartments, duplexes, townhouses or multi-family dwellings over 1,200 square feet of living space per unit	1.4 for each unit
	Apartments, duplexes, townhouses or multi-family dwellings equal to or under 1,200 square feet of living space per unit	1 for each unit
	Boarding, lodging, or rooming house	1 for each sleeping room
	Cottage developments in accordance with chapter 4 of this title	1 for each unit
	Detached single-family homes with more than 3 bedrooms	2 for each unit
	Detached single-family homes with 3 bedrooms or less	1 for each unit
	Group homes	2 for each unit
B.	Residential within Exempt Area	
	Any residential land use	1 for every 1000 sf, not to exceed 1.5 for each unit
C.	Commercial: Values shall be held as the minimum. The maximum amount of parking spaces allowed shall be no more than 20 percent above the minimum requirement. Structured parking shall be exempt from the parking maximum requirements.	
	Banks, financial institutions and similar uses	1 for every 500 square feet of floor area
	Bowling alleys	2 for each alley
	Dance floors, skating rinks	1 for every 500 square feet of floor area
	Dining rooms, restaurants, taverns, nightclubs, etc.	1 for every 300 square feet of floor area
	Funeral parlors, mortuaries	1 for every 100 square feet of floor area open to the public
	Hostels	1 for every 4 beds

	Hotels, motels	1 space for each room or unit; plus, as required for accessory uses, such as restaurants, meeting halls, etc.
	Medical or dental clinics	1 for every 500 square feet of floor area of examination, treatment, office, and waiting rooms
	Offices, public or professional administration and services	1 for every 500 square feet of floor area
	Retail sales and services of large items, such as appliances, furniture and equipment	1 for every 800 square feet of floor area
	Retail stores	1 for every 350 square feet of floor area
	Service stations providing repair, public garages	1 for each 2 gasoline pumps and 2 for each service bay
	All other types of business or commercial uses permitted in any Commercial Zone	1 for each 350 square feet of floor area
D.	Entertainment and Recreation: Values shall be held as the minimum. The maximum amount of parking spaces allowed shall be no more than 20 percent above the minimum requirement. Structured parking shall be exempt from the parking maximum requirements:	
	Auditoriums, sport arenas, theaters and similar uses	1 for each 5 seats; 20 inches of bench shall be considered 1 seat
	Fitness centers	1 for every 400 square feet of floor area
	Private clubs or lodges	1 for every 350 square feet of floor area
	Swimming pools, public or community clubs	1 for each 5 persons' capacity plus 1 for each 4 seats or 1 for each 30 square feet of floor area used for seating purposes, whichever is greater
E.	Institutional: Values shall be held as the minimum:	
	Churches and other places of religious assembly	1 for each 5 seats; 20 inches of bench shall be considered 1 seat
	Hospitals	1 for each bed
	Libraries, museums, art galleries	1 for each 500 square feet of floor area
	Sanatoriums, homes for the aged, nursing homes, children's homes and similar uses	1 for each 2 beds
F.	Schools (Public, Private Or Parochial): Values shall be held as the minimum:	
	Business, technical and trade schools	1 for each 2 students
	Colleges, universities	1 for each 4 students
	Elementary, high schools	1 for every teacher and employee, 1 for every 4 students normally enrolled that are over the legal driving age, and 1 for every 4 seats in auditoriums, gymnasiums or stadiums. Parking spaces provided for the school may be considered as parking for the public assembly areas

	Kindergartens, daycares, childcare centers, nursery schools and similar uses	Where the number of children plus employees is less than 13, 2 off-street parking spaces shall be provided. Where the number of children is equal to or greater than 13, 1 off-street parking space for each 5 children or a fraction thereof shall be provided
G.	Industrial: Values shall be held as minimum:	
	All types of manufacturing, storage, wholesale and freight uses permitted in any Industrial District	1 for each 1,000 square feet of floor area

Parking spaces for other permitted or conditional uses not listed in this section shall be determined by the planning director.

B. Bicycle Spaces: All nonresident parking facilities with more than twenty (20) parking spaces shall provide the equivalent of one (1) bicycle space for every five (5) parking spaces included in the facility for the temporary storage of bicycles. Space for bicycle storage shall be designed in accordance with the bicycle parking standards adopted by city council resolution.

(Ord. No. 1432, § 2, 9-17-2025)

9-6-16: Parking Credits:

A. Bicycle Parking: For every six (6) nonrequired bicycle parking spaces created within any Commercial or Industrial Zone which adhere to the standards set forth in this chapter, motor vehicle parking space requirements may be reduced by one space; up to a maximum of two (2) off-street parking spaces.

B. Motorcycle Parking: For every two (2) motorcycle parking spaces provided for any multifamily, commercial or industrial project, the number of standard vehicle spaces may be reduced by one space up to a maximum of two (2) spaces. Motorcycle parking spaces must be at least four feet (4') wide and ten feet (10') deep with a minimum of ten feet (10') of backup space provided. Backup space shall be on private property within an access aisle or other area not otherwise designated as a parking space.

C. Affordable Housing Deed Restrictions: The minimum parking space requirements for developments that contain a deed restriction for affordable housing shall be reduced by twenty percent (20%). Such development must adhere to the following standards:

1. At least fifty percent (50%) of the units must be deed restricted to provide for affordable rental housing.

2. At a minimum, the deed restriction must accommodate households making less than eighty percent (80%) of area median income according to the Department of Housing and Urban Development (HUD). Such accommodation must provide affordable units such that no more than forty percent (40%) of tenant household income shall go towards the payment of rent. The deed restriction must remain in effect for a minimum of ten (10) years.

3. Applicants awarded this credit must submit annual reports verifying the standards above to remain in good standing of this provision.

(Ord. No. 1432, § 2, 9-17-2025)

9-6-17: Loading Areas:

A. The required number of loading spaces are as follows:

Table 9-6-3 Required loading spaces by gross floor area

Gross Floor Area (Square Feet)	Quantity	Type
14,000—36,000	1	A
36,001—60,000	2	A
60,001—100,000	2 1	A B
For each additional 75,000 or fraction thereof	1	B

B. The size of off-street loading spaces shall not be less than the following, exclusive of access platform and loading area:

Table 9-6-4 Minimum dimensions for Type A and Type B loading spaces

Type A spaces:	Length	35 feet
	Width	12 feet
	Height clearance	15 feet
Type B spaces:	Length	65 feet
	Width	12 feet
	Height clearance	15 feet

C. Convenient access to loading spaces shall be provided and shall not be less than twelve feet (12') in width.

D. Loading spaces may be located in required yards, providing such space is not roofed.

E. Loading spaces shall be located entirely on the property they are intended to serve.

(Ord. No. 1432, § 2, 9-17-2025)

9-6-18: In Lieu Parking Fees:

A. Purpose: The purpose of these provisions is to allow development to satisfy the off-street parking requirements by making in lieu payments into a special dedicated fund the city will use to develop parking.

B. Goals: The in-lieu program is voluntary and has the following goals:

1. To creatively reduce parking requirements;

2. To reduce the cost of development by reducing the funds required for building and maintenance of parking lots;
3. To facilitate the construction and improvement of public parking;
4. To improve urban design;
5. To encourage shared parking; and
6. To support historic preservation.

C. Definitions:

IN LIEU PAYMENT: A onetime optional payment made to the city Parking Improvement Fund fulfilling all or part of the parking requirements for development.

PARKING IMPROVEMENT FUND: A special dedicated fund to collect revenue from in lieu parking payments. Revenue collected is used to improve general public parking in the city, to purchase or lease land for public parking, to improve, create, or expand city parking facilities, and to offset administrative expenses.

D. Applicability: These provisions may be utilized in lieu of providing parking in the following situations:

1. New residential development within the parking exempt area as defined in City Code 9-6-1-F, Exemptions.
2. Non-residential development and residential development outside the exempt area as defined in City Code 9-6-1-F, Exemptions.
3. Non-residential development within the exempt area shall be exempt from this section.
4. A Parking Demand Analysis, as established in City Code 9-6-1-E, Parking Demand Analysis, shall not be eligible to determine the required number of parking spaces for the purposes of establishing an in lieu payment.

E. Payment Calculation: The parking requirements set forth in the Parking Code may be satisfied in whole or in part by the payment of a nonrefundable parking in lieu fee of an amount set by city council resolution, which may be amended from time to time to approximate changes in costs of implementing the Parking Improvement Fund.

F. Parking Fund Use: The "Parking Improvement Fund", a dedicated fund, is hereby created to receive revenue from in lieu payments. The fund shall be used to provide and enhance public parking facilities, including buying or leasing land, constructing parking facilities, offsetting administrative expenses directly related to managing the account and the construction of facilities, coordinating parking planning, and erecting signage.

G. Limitations: In the event an application for development outside of the parking exempt area that requires a site plan review permit or a conditional use permit, as established in Title 9, City Code, intends to satisfy more than fifty percent (50%) of the parking requirement by payment of parking in lieu fees, such application shall require review and approval of the planning commission as part of the development application review. Public notice of the development application shall reference the parking reduction sought. Any such request for parking may be denied or reduced if

the planning commission finds that permitting such request would have an adverse impact on the surrounding area or neighborhood.

(Ord. No. 1432, § 2, 9-17-2025)

CHAPTER 7 SIGN CODE

9-7-1: Purpose and Authority:

The purpose of this chapter is to establish standards for the fabrication, erection and use of signs, symbols, markings and advertising devices within the city. These standards are desired to protect and promote the public welfare, health and safety of persons within the community and to aid in the development and promotion of business and industry by providing sign regulations which encourage aesthetic creativity, effectiveness and flexibility in the design and use of such devices without creating detriment to the general public and are adopted in accordance with that authority granted in Idaho Code section 67-6518 (1980) and the general police powers of the city. As used herein, the term "building inspector" shall refer to the city's building official or their designee; the term "planning administrator" shall refer to the city's planning director or their designee.

Notwithstanding anything herein to the contrary, noncommercial copy may be substituted for commercial copy on any lawful sign structure.

(Ord. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

9-7-2: Short Title; Citation:

This chapter shall be known as the SIGN CODE of the city of Sandpoint and may be so cited and shall be referred to herein as the sign code.

(Ord. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

9-7-3: Permit Required:

It is unlawful to erect, construct, reconstruct, or alter, any "sign" as defined in this chapter without first obtaining a sign permit from the building inspector. All applications for sign permits shall be accompanied by plans, designs, specifications or drawings stating specifically all dimensions, animations, if any, lighting, colors and plan of installation stating clearances and setbacks. The city building inspector or planning administrator shall have the authority to refuse a sign permit for any sign which does not comply with the requirements of this chapter.

(Ord. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

9-7-4: Definitions:

ABANDONED SIGN, ON PREMISES: A sign which no longer advertises a bona fide business, lessor, owner, product or activity conducted or product available on the premises where such sign is displayed.

ARCHITECTURAL BLADE: A roof sign or projecting sign with no visible legs or braces designed to look as though it could have been part of the building structure, rather than something suspended from or standing on the building.

ARCHITECTURAL PROJECTION: Any projection not intended for occupancy, which includes signs, canopies, or marquees.

AREA OF SIGN: The area of all faces of the sign within a perimeter which forms the outside shape including any frame, forms an integral part of the display, but excluding the necessary supports or uprights on which the sign may be placed. If the sign consists of more than one section or module, all areas will be totaled. Where poster panels or bulletins are installed back to back, both faces are considered as area.

BACKGROUND AREA: The entire area of a sign on which copy could be placed, as opposed to the copy area, where copy is in fact posted or painted.

BANNER: A long, narrow flag or pennant hung over a street or entrance with no advertising copy.

BANNER SIGN: A sign composed of flexible material and securely attached at all four (4) corners to the primary structure of the business.

BUILDING CODE: The building code in effect for the city of Sandpoint.

BUILDING COMPLEX: A building or group of buildings within a single architectural plan and/or parcel of property housing two (2) or more commercial units of operation and providing common facilities or utilities, such as shopping centers, professional office buildings, etc.

BUILDING FACE OR WALL: All window and wall area of a building in one plane or elevation.

BUILDING FRONTAGE: The linear width of a building facing the right-of-way or the linear length of the right-of-way facing the building, whichever is smaller.

CANOPY, MARQUEE OR AWNING: A permanent rooflike shelter extending from part or all of a building face over a public right-of-way and constructed of any suitable weather resistant material.

CANOPY, MARQUEE OR AWNING SIGN: Any such sign attached to or constructed in or on a canopy, marquee or awning. For the purpose of this sign code, the square footage of a canopy sign shall be determined by the smallest square or rectangle that will enclose the copy area so long as any lighting below the canopy is shielded and down directed so the canopy does not appear illuminated. The amount of signage on an awning shall be limited to the lesser of thirty-five (35) square feet per individual tenant space or twenty-five percent (25%) of the total area of the awning. Awning signs shall not be allowed above the first story of a building.

CHANGEABLE COPY SIGN (Manual): A sign on which copy or sign panels may be changed manually in the field, such as boards with changeable letters or changeable pictorial panels.

CHANGING SIGN (Automatic): An electronically or electrically controlled sign, message center or reader board, where different copy changes are shown on the same location.

COMMERCIAL/INDUSTRIAL PARK: A planned, coordinated development of a tract of land with two (2) or more separate industrial or commercial buildings. Such development is planned, designed, constructed, and managed on an integrated and coordinated basis.

CONSTRUCTION SIGN: A temporary sign identifying a building or construction site and the architects, engineers, financial institutions, contractors and suppliers involved.

COPY: The wording on a sign surface.

ELECTRONIC SIGN: Includes those displaying time and temperature and also refers to digital or video displays or any sign that contains dynamically generated digital content.

FEATHER FLAG: A temporary, freestanding sign attached on one side to a pole or staff driven into the ground for support, or having a crossbar base suitable for standing or weighting the sign securely on a hard surface. The sign face may be vertical or vertically tapered and consist of a loose polyknit or semirigid membrane. This definition includes, but is not limited to, those advertising mechanisms referred to as blade, feather, feather sail, message, sun blade, swooper, teardrop, wind flag, banner, or sign.

FLASHING SIGN: Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source.

FREESTANDING SIGN: A sign erected on a freestanding frame, mast or pole and not attached to any building.

HEIGHT OF SIGN: The vertical distance measured from the adjacent street grade or upper surface of the street curb to the highest point of said sign. Elevated roadways shall not be used to measure height.

INTERNALLY LIGHTED SIGN: A sign which is wholly or partially illuminated by an internal light source from which source light passes through the display surface to the exterior of the sign.

MURAL: A pictorial display without advertising copy on the exterior wall of a building.

MURAL SIGN: A wall painting or design that may include graphics, illustrations or symbols that represent the on site business use or name but shall be limited in its allowed sign area to only such numbers, letters, logos or trademarks that represent or identify the business or use occupying the building on which the mural sign appears.

NEON SIGN: Any sign or portion of a building illuminated or outlined by tubes using electrically stimulated neon or other gas.

NONCONFORMING SIGN: Any advertising structure or sign which was lawfully erected and maintained prior to the effective date hereof, or is located in newly annexed territory, and which does not conform to all applicable provisions of this chapter as it may be amended from time to time.

OFF PREMISES SIGN OR OFF SITE SIGN: Any sign that relates to or advertises products, services or uses at, or directs persons to, a different premises from where the sign is installed.

ON PREMISES SIGN: A sign calling attention to any business, product or activity conducted or produced on the property where such sign is located, or identifying the premises upon which such sign is located.

PERMANENT SIGN: Any sign other than a temporary sign.

PORTABLE SIGN: Any sign not permanently attached to the ground or building, including sandwich type signs, sidewalk or curb signs.

PREMISES: An area of land with its appurtenances and building which, because of its unity of use, is one unit of real estate.

PROJECTING SIGN: A sign, other than a wall sign, which is attached to and projects from a structure or building face.

ROOF SIGN: Any sign erected upon, against or directly above a roof or on top of or above the parapet of a building.

SIGN: Any identification, description, illustration, symbol, statue or device, illuminated or nonilluminated, which is visible from any public place designed to advertise, identify or convey information, including any landscape where letters or numbers are used for the purpose of directing the public's attention to a product or location, with the exception of window displays and flags of any state or nation. For the purpose of removal, sign shall also include all sign structures.

TEMPORARY SIGN: A sign which is not permanently affixed and is in place for thirty (30) days or less.

WALL SIGN: A sign painted on, attached to or erected against a wall of a building with the face parallel to the building wall and extending not more than one foot therefrom.

(Ord. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

9-7-5: Impairment of Traffic and Rights-of-Way:

In addition to other requirements of the zoning code and sign code, all signs, including signs inside windows, shall comply with the following conditions:

A. No sign shall be erected at the intersection of any street(s) in such a manner as to obstruct the free and clear vision of pedestrians and vehicular traffic or at any location where, by reason of the position, shape, color, words, phrases or symbols, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device.

B. No sign shall be erected or maintained which, by use of lights, illumination, or sound, creates an unduly distracting or hazardous condition to a motorist, pedestrian or the general public.

(Ord. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

9-7-6: Sign Districts:

For the purpose of determining allowable sizes, numbers, materials, placement and other requirements for restrictions on signs as set forth in this chapter, the city shall be divided into sign districts as follows:

A. Downtown Overlay District: Businesses included within the downtown overlay district are those which front upon any street that is part of the boundary and all businesses located within the area encompassed by the boundaries, which shall be defined as:

Starting at Superior Street and First Avenue, then west to Third Avenue, north to Lake Street, then west to Boyer Avenue, north to Highway 2, then east to Sixth Avenue, north to Alder Street, east to Short Avenue, north to Larch Street, east to Fifth Avenue, north one thousand four hundred and ten feet (1,410') then east to the city border and returning south along the city border, then east across Sand Creek along the southern border of the water treatment facility, south along Lake Pend Oreille around city beach to Highway 95 as it enters Sandpoint, then west to the point of beginning.

B. Sand Creek Sign Overlay District: Any business within the downtown overlay district set forth above that has frontage on both Sand Creek and one of the following streets: Lake Street, First Avenue, Cedar Street, Second Avenue, Poplar Street, Third Avenue, Larch Street, and Fifth Avenue, including those parcels south of the trestle bridge that crosses Fifth Avenue.

1. Standards: The downtown overlay district shall apply. In addition, those businesses within the Sand Creek overlay district that have dual building frontage shall be allowed one additional wall sign facing Sand Creek as provided below:

a. Prohibited Signs: Signs prohibited in this chapter as listed in section 9-7-13 of this chapter retain prohibition.

b. Sign Size: Buildings utilizing the additional signage allowance are limited to twenty percent (20%) of the building's Sand Creek facing facade or four hundred (400) square feet, whichever is less. In the case of a mural sign, only the letters and numbers making up the business name shall be counted as sign area.

c. Illumination: Signs may be illuminated through downlit illumination, halo illumination, or may utilize internal illumination when not composed of a single flat panel display.

C. Special Standards For Buildings That Span The Width of Sand Creek: Given the distinct visual prominence of enclosed buildings that span the width of Sand Creek, the following special standards for signage shall apply to ensure that signage is presented in such a way that will limit "visual noise" and will preserve the historical nature of town as stated in the comprehensive plan:

1. Prohibited Signs: Signs prohibited in this chapter as listed in section 9-7-13 of this chapter retain prohibition. A single banner may be allowed west of the thread of Sand Creek and within one hundred feet (100') of the nearest street curb, subject to the provisions set forth in the "portable signs" section. Banners are otherwise prohibited. A-frame signs are allowed subject to section 9-6-12 of this chapter.

2. Sign Sizes: A maximum of two hundred (200) square feet of total sign area is allowed west of the thread of Sand Creek and within one hundred feet (100') of the nearest street curb. Directory signage totaling no more than two hundred (200) square feet, which may be double sided, is allowed within seventy feet (70') of the southbound shoulder lane of Highway 95.

3. Window Signs: Window signs are limited as follows:

a. Lettering or symbols to be no greater than one-half (½) of window height.

b. Lettering or symbols to be spaced uniformly and allowed only in ground floor windows.

c. Lettering or symbols to be of one color.

d. Lettering to be uniform font size.

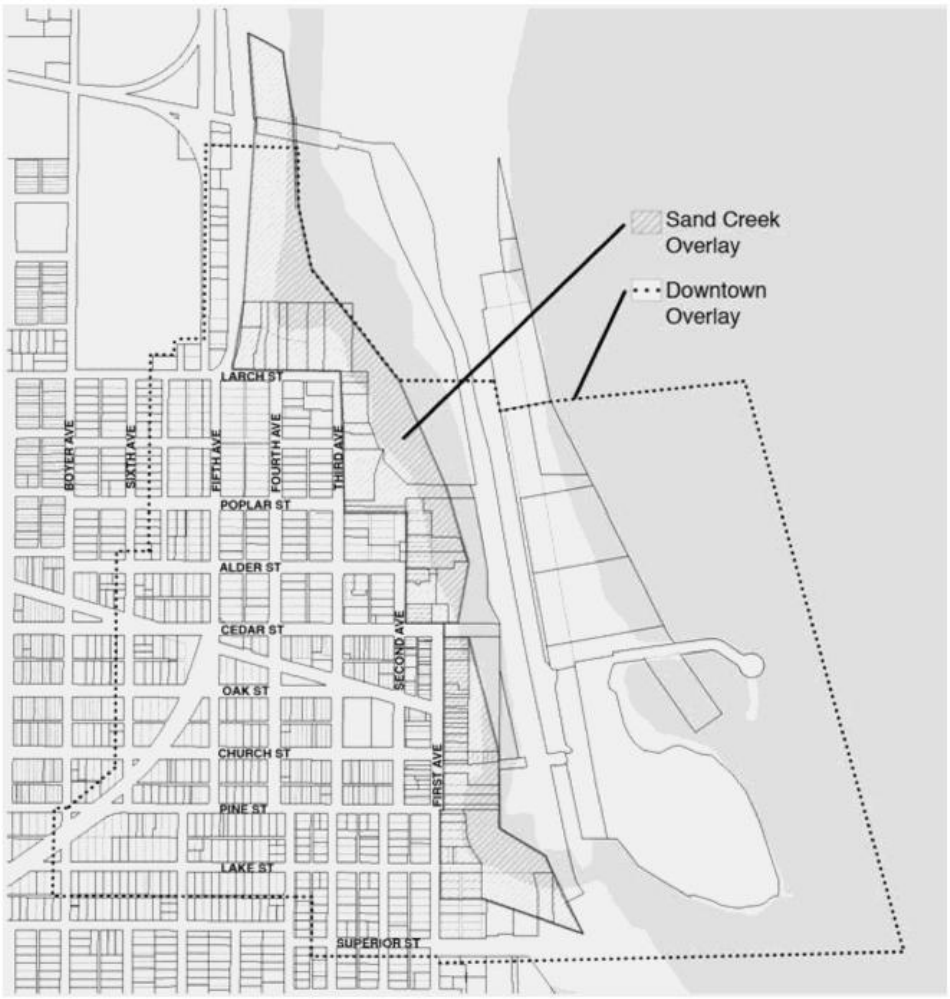
e. Signage to be categorical in content, as examples: coffee, food, drink, gallery, restaurants, artisans, shopping, dining, gelato, burgers, barbecue, jewelry, furniture, etc.

f. Lettering or symbols to be made of permanent durable vinyl or other such product that will withstand UV rays, and to be removed when faded and not legible.

4. Signage Representing Use of Building: Signage representing the use of the building is allowed, subject to other provisions in this chapter, sign size notwithstanding.

D. General Sign District: All the area within the corporate limits of the city where signs are a permitted use pursuant to the zoning ordinances of the city, excepting the downtown and Sand Creek overlay districts.

E. Sign District Map:



(Ord. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

9-7-7: Materials and Construction:

A. Materials: Signs may be constructed of durable materials such as painted, stained or carved wood, brick or stone, plastics or polymers, glass or metal, provided metal signs shall not be pointed on their edges creating a safety hazard and shall be treated to prevent reflective glare.

B. Support Structures: Exposed metal support structures for signs, including, but not limited to, posts, poles and sign sides or edges, must be faced or covered with wood, brick or stone, or painted. The planning administrator must approve the color and material.

C. Exposed Neon: Exposed neon may be used only in one of the following ways: inside a building window, provided the total area of all signs does not exceed ten (10) square feet and which shall be included in the total sign area; as an accent on exterior wall signs, provided the total square footage of the neon may not exceed ten percent (10%) of the total area of the sign (neon square footage shall be determined by the smallest square or rectangle that will enclose the area of the neon); or not more than two (2) vacancy/no vacancy signs for each motel or hotel, not to exceed ten (10) square feet and which shall be included in the total sign area.

D. Banner Frame: Businesses wishing to utilize banner material for permanent signage will be required to install a frame around the outside edge of the banner. The frame may be of metal, wood, or other material in order to provide an attractive and durable border to such sign. Any existing permanent signs using banner material shall be required to install such frame within one year of the adoption of this section. If not used for permanent signage, the provisions of section 9-7-12 of this chapter shall apply to number, size, and location of any banner sign.

E. Compliance With Certain Regulations Required: All signs shall be Underwriters Laboratory (UL) approved, except for signs typically not requiring UL approval, such as wood signs that are indirectly lighted. All other signs shall comply with the most current printing of the national electrical code/international building code. Drawings of all signs showing size, location, color and other information as deemed necessary by the city building inspector or planning administrator must be submitted prior to receiving a sign permit. All plans for freestanding or roof signs as allowed by this chapter shall be submitted with the signature and stamp of a licensed engineer unless otherwise waived by the city building inspector. The engineer's review of a sign structure, if required, shall include, but not be limited to, the effects of wind, seismic forces, allowable stresses, combined loads, overturning movement from lateral forces, and the stresses of wire or rope and their fastenings.

F. Bracing Systems: Signs and sign structures shall be designed and constructed to resist wind and seismic forces as specified in this section. All bracing systems shall be designed and constructed to transfer lateral forces to the foundations. For signs on buildings, the dead and lateral loads shall be transmitted through the structural frame of the building to the ground in such a manner as not to overstress any of the elements thereof.

G. Supports: The supports for all signs or sign structures shall be placed in and upon private property and shall be securely built, constructed and erected in conformance with the requirements of this chapter.

H. Setbacks: No projecting sign, canopy, or marquee shall extend from a building to a point beyond eighteen inches (18") from the back of the adjacent street curb, nor shall it be lower than eight feet (8') above the sidewalk from which they overhang. For freestanding sign standards, see section 9-6-11 of this chapter.

(Ord. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

9-7-8: Sign Sizes:

All signs shall be proportioned in size to the building on which they are to be mounted or which contains the business they are advertising, and the total square footage for all signs shall be limited based on primary entrance frontage as follows:

A. General Sign District: Two and one-half (2½) square feet of sign area for each linear foot of building frontage up to a maximum of one hundred fifty (150) square feet of total sign area, unless adjusted as hereinafter provided.

B. Downtown Overlay District: Two (2) square feet of sign area for each linear foot of building frontage up to a maximum of one hundred twenty-five (125) square feet of total sign area, unless adjusted as hereinafter provided.

C. Sand Creek Overlay District: See subsection 9-7-6B of this chapter.

D. Square Footage Penalty: A square footage penalty equal to fifty percent (50%) shall be imposed and deducted from the total square footage allowable for each internally lighted wall, projecting or freestanding sign, that utilizes white, off white, light gray, yellow, or cream for the background or noncopy portions of a sign, except when used as the background for reader board or changeable copy signs as permitted by subsection 9-6-13I and where the area utilized for internally lit changeable copy cannot exceed fifty percent (50%) of the business's allowed sign area.

E. Nonconforming Business Use: Any business use located within a residential zone of the city that is considered legally nonconforming or is approved through a conditional use permit process shall be subject to the sign areas as set forth in subsection B of this section for the downtown overlay district.

(Ord. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

9-7-9: Master Sign Program:

A. Approval of a master sign program will allow flexibility with regard to sign area, number, location, or height of permitted signage to the extent that the master sign program will enhance the overall development. Approval of a master sign program will allow for an increase of up to twenty-five percent (25%) in overall sign area.

1. Applicability: The approval of a master sign program shall be required whenever any of the following circumstances exist or whenever an applicant requests the approval of a master sign program:

a. Three (3) or more separate tenant spaces are to be created on the same parcel; or

b. A single building has multiple tenant spaces where each tenant space does not have a clearly defined street facing business presence (tenant spaces may be located behind or above other businesses); and

c. The planning administrator determines that a master sign program is needed because of special project characteristics (e.g., the size of proposed signs, limited site visibility, a

business within a business, the location of the site relative to major transportation routes).

2. Approval Authority: The planning administrator may approve a master sign program through the granting of a sign permit for a master sign program.

3. Application Requirements: A sign permit application for a master sign program shall include all information and materials required by the department. Information to be submitted should include:

   a. Proposed signage types.

   b. Proposed signage locations.

   c. Breakdown of sign area allowed each tenant.

4. Standards: A master sign program shall comply with the following standards:

   a. The program shall comply with the purpose of this chapter and underlying standards for the sign district.

   b. The program shall accommodate future revisions that may be required because of changes in use or tenants.

5. Revisions To Master Sign Programs: Revisions to a master sign program may be approved by the planning administrator with a standard sign permit if the intent of the original approval is not affected. Revisions that would substantially deviate from the original approval shall require the approval of a new master sign program.

(Ord. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

9-7-10: Number of Signs:

A. The maximum number of signs for each business shall be two (2) for each street frontage. In no case shall a business be allowed more than two (2) permanent signs on one side of a building. Those businesses that fall within the Sand Creek overlay district may also be allowed one additional wall sign facing Sand Creek, subject to the standards set forth in subsection 9-7-6B of this chapter.

(Ord. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

9-7-11: Freestanding Signs:

A. Number Allowed; General Regulations: Only one freestanding sign may be allowed for each single- or multi-tenant building, which shall be constructed of durable materials, shall not exceed ten feet (10') in height from grade to the top of the sign or supporting structure, whichever is higher, shall not encroach on any public right-of-way, and shall comply with all other applicable design and construction standards as set forth in this chapter; and further provided that single or double tenant signs shall not exceed twenty-five (25) square feet.

B. Setback: All freestanding signs located within the city limits shall be set back in accordance with the proposed height of the sign (e.g., a 6 foot tall sign requires a 6 foot setback) provided that signs which are less than five feet (5') in height shall observe a setback of no less than five feet (5'),

measured from the property line to the nearest point of the support structure or sign face. Freestanding signs may encroach within the setback up to eighteen inches (18") from the property line when:

1. Not illuminated with the exception of downlighting;
2. No more than five feet (5') in height; and
3. Plans are submitted with the signature and stamp of a licensed engineer. The engineer's review shall include, but not be limited to, the effects of wind, seismic forces, allowable stresses, combined loads, overturning movement from lateral forces, and the stresses of wire or rope and their fastenings.

C. Height: Freestanding signs may extend to a height of no more than ten feet (10') from grade to the top of the sign or supporting structure, whichever is higher. Other signs, including wall signs, shall not extend above the roofline of the building containing the business it advertises, exclusive of false fronts.

D. Landscaping: The ground area around the base of all freestanding signs shall be landscaped, providing that the building inspector and planning administrator may exempt freestanding signs from this requirement where it is demonstrated by the applicant that the landscaping would unduly interfere with pedestrian or vehicle traffic.

E. Commercial/Industrial Park Entrance Signs: For separate buildings in close proximity or on individual lots within a commercial/industrial park, this provision allows one freestanding entrance sign, not to exceed fifty (50) square feet for the complex or park. Signs must be located at the entry of the commercial/industrial park or primary access and shall abide by clear vision triangle specifications set by state law. One double sided sign per street abutting the perimeter of the park is allowed. Signs may not exceed the maximum height established for freestanding signs within the same zoning district and may not be internally lighted. External lighting that is concealed and focused downward onto the sign is permitted. Space may be made available on the entry sign for each tenant and/or lot in the park. Applications for entrance signs shall stipulate who will be responsible for installation and maintenance.

(Ord. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

9-7-12: Portable Signs (A-Frames and Banners):

In addition to the number of signs allowed according to street frontage, all businesses shall be allowed one A-frame or banner, subject to the following requirements:

A. General Requirements:

1. Placement of portable signs shall only be allowed following issuance of a portable sign permit. Such permits will be exclusive to the permittee's location and business name. Transfer of the portable sign to another location or change in the business name will require amendment of the sign permit.
2. All portable signs shall be constructed of solid and durable materials, and no lighting or reflective materials shall be used.

3. All signs permitted herein are subject to the maintenance, repair, and removal provisions set forth in sections 9-7-17 and 9-7-18 of this chapter.

4. The planning administrator, building inspector, fire chief, police chief and/or public safety officer of the city of Sandpoint may cause the immediate and permanent removal, without notice, of any portable sign found to be in violation of any provision of this code, including, but not limited to, permitting requirements or placement in the public right-of-way in a manner that encroaches into the pedestrian travel zone, is unsafe, or blocks or impedes access.

B. A-Frame Signs:

1. Businesses within the same building may share the use of a single A-frame, but in no case shall a single business be allowed to advertise on more than one A-frame sign. Minimum spacing between A-frame signs for multi-tenant buildings shall be one hundred feet (100'); this spacing may be reduced to fifty feet (50') upon approval by the planning administrator.

2. For those A-frame signs placed in the right-of-way, each face of the A-frame shall be no wider than two feet (2'), and no taller than three feet (3'), including any sign frame. An A-frame placed on private property may differ in dimensions, but in no case shall each face be greater than six (6) square feet.

3. Any person or business placing an A-frame upon the public right-of-way in conformance with this section shall execute a hold harmless agreement by which the person or business placing such A-frame sign accepts any and all liability for damages of any nature suffered by anyone as a result of the placement or maintaining of such sign and further shall agree to hold the city harmless from and indemnify the city for any such claims for damages.

4. All A-frame signs shall be suitably anchored, weighted or designed to be resistant to the weather conditions; shall not begin more than four inches (4") above the sidewalk; shall be required to be removed at the end of each business day; and shall not be displayed during the nonbusiness hours of the commercial use such signs advertise. Signs with wheels which can be rolled into place are prohibited.

5. All A-frame signs placed within the right-of-way shall be located immediately abutting the building containing the business advertised thereon, and may not encroach into the pedestrian travel zone as defined in subsection 7-2-2C of this code. Should the width of the existing sidewalk not allow for the placement of a sign that would not encroach into this zone, the business owner may request an exception from the planning administrator and building inspector to allow a single face A-frame sign, not to exceed six (6) square feet in size, to be placed so as to securely lean against the building.

If not located within the right-of-way, the A-frame sign shall be located so as to not interfere with pedestrian movement on any private pedestrian path or sidewalk and shall not be placed so as to prevent the use of any required parking spaces, interfere with persons exiting their vehicles, or restrict the turning movements of vehicles within a parking area.

C. Banners:

1. Standards: All businesses will be allowed the option of utilizing a twelve (12) square foot banner as a portable sign set forth above. Such banner must be securely attached at all four (4) corners to the primary structure of the business and maintained in good repair in accordance with the provisions set forth in section 9-7-17 of this chapter.
2. Special Event Banners: A special event banner permit may be obtained for a single event for businesses that are set back from a street fifty feet (50) or more and subject to the size restrictions set forth below. Special event banners may not be used concurrently with another banner and are only allowed for a seventy-two (72) hour period. Additionally, special event banner permits shall not be issued to a business more than once per month. The size of banners shall be restricted by linear business frontage as follows:

Table 9-7-1 Special event banner size by building frontage

Building Frontage(Linear Feet)	Banner Size(Square Feet)
100—150	50
150—200	100
Over 200	300

(Ord. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

9-7-13: Permitted and Prohibited Signs:

A. Permitted Signs:

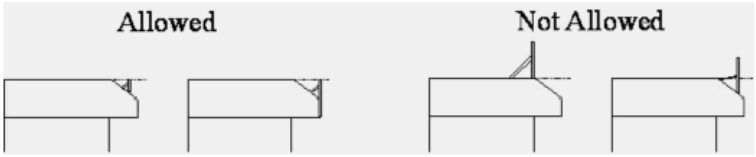
1. House Numbers: Signs not exceeding one square foot in area illuminated only by the reflector method and bearing only the house number and the name of the occupant shall be allowed within any residential zone.
2. Advertising Signs: Such signs shall be a permitted use only in the commercial or industrial zones or for any business use located within a residential zone that is considered legally nonconforming or is approved through the conditional use permit process.

B. The following shall be prohibited in all districts:

1. Moving Appurtenances: Moving mechanical or electrical appurtenances attached to a sign or otherwise intended to attract attention to a sign.
2. Interference With Visibility of Traffic Device: Any sign located so as to conflict with the clear and obvious appearance of public devices controlling public traffic.
3. Rotating Beacon Lights: Rotating beacon lights used above or attached to any sign structure, sign or building.
4. Flashing, Moving Signs: Animated, rotating, flashing signs or signs which have moving parts.
5. Portable Signs With Wheels: Portable signs with wheels which can be rolled onto the sidewalk or street right-of-way and signs which are supported by a heavy weight at the base which can be rolled into place. Design standards for allowed portable signs are set forth in section 9-7-12 of this chapter.

6. Off Premises Signs: "Off premises signs", defined as signs for advertising or identification of a business which is not located on the same premises as the business, excepting directional and informational signs placed by governmental agencies.
7. Neon Signs: Neon signs or valances, unless otherwise allowed in this chapter.
8. Feather Flags: Feather flags.
9. Reader Board; Changeable Copy Signs: Reader board or changeable copy signs, provided that one such nonelectronic sign shall be allowed for:
    a. Businesses where the primary business function is as a venue for changing entertainment or events.
    b. Movie theaters.
    c. Businesses with convention facilities that qualify for liquor licenses under the statutes of the state.
    d. Schools or churches, provided that those located within or abutting a residential district may not be internally lit.

    Not more than two (2) such nonelectronic signs shall be allowed for gasoline service stations, provided that the only changeable copy shall be fuel prices.
10. Electronic Signs: Any existing electronic signs that are legally nonconforming at the time of passage hereof, except those signs that have been granted historic status as set forth herein, shall have until March 31, 2022, to come into compliance with the provisions of this sign code.
11. Roof Signs: Roof signs erected at the peak or that extend above the highest point of a building.



(Ord. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

9-7-14: Vehicle Mounted Commercial Signs:

A. All vehicle mounted commercial signs shall be permanently affixed, painted, magnetically applied or otherwise mounted upon a vehicle and shall not project more than eighteen inches (18") above the surface to which they are attached; and any sign which is mounted upon the roof, hood or trunk of a vehicle and which projects above such surface upon which it is mounted shall not exceed two (2) square feet in area per face.

B. The primary purpose of any vehicle upon which a vehicle mounted commercial sign is affixed must be to serve a useful function in the transportation or conveyance of persons or commodities from one place to another, including transportation to and from work, and such intermittent delays and

stops as are customary in the routine conduct of the business or activity for which the transportation or conveyance occurs.

C. No vehicle upon which a vehicle mounted commercial sign is affixed may be parked on any lot or public right-of-way for the primary purpose of directing or attracting the attention of the public to a building, institution, product, organization, event or location offered or existing elsewhere except as provided for below.

D. Banner signs displayed on vehicles shall be subject to the regulations contained in subsection 9-7-7D of this chapter.

E. Vehicle mounted signs used in connection with a special event are exempted from the requirements of this section for only the twenty-four (24) hour period just preceding and during the term of the special event. Upon the conclusion of the special event, such signs must either be dismantled, moved to a location where the sign is not visible from public rights of way or made to comply with the provisions of this section. For the purposes of this subsection, the term "special event" shall mean a parade, circus, fair, carnival, festival or other similar event that is intended to or likely to attract substantial numbers of persons and is different in character from the customary or usual activities generally associated with the property upon which the special event is to occur.

F. Vehicle mounted political signs pertaining to a specific election are exempted from the requirements of this section.

G. This section shall not apply to signs that are being transported for installation.

(Ord. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

9-7-15: Exempted Signs:

The following signs shall be exempted from the provisions of this sign code, providing that they meet the requirements set forth in this section. Signs that exceed the stated area allowances shall be subject to the same permit requirements as otherwise set forth in this title.

A. All signs erected in a public right-of-way by a public agency controlling or directing traffic shall be exempt from the provisions of this chapter.

B. Political signs pertaining to a specific election which must be removed within five (5) days after the election by the candidate or property owner who placed the sign.

C. Real estate signs of less than four (4) square feet of sign area located within the building setback areas not occupying any portion of the public right-of-way.

D. Construction signs announcing the construction of a building or project naming owners, contractors, subcontractors, lending institutions, and architects, not to exceed one sign of thirty-five (35) square feet for each street frontage of the building frontage. Said sign shall be removed upon occupancy of the building for which the sign was intended.

E. Flags, either official or historical, of any state or nation.

F. Any sign inside a building, window, or on a door, except flashing, animated or rotating signs visible from outside the building. The total percentage of coverage for signs on or within windows and doors shall not exceed thirty-five percent (35%).

G. Owner identification or occupant identification signs for residential structures, private warning signs and "For Sale" or "For Rent" signs, none of which may exceed two (2) square feet.

H. Murals, as defined in this chapter. All requests for murals shall be reviewed by the arts commission and the planning administrator, with their recommendation forwarded to city council for approval on consent calendar. The responsibility for review shall fall to the planning and zoning commission in the event there is no active arts commission appointed.

I. Kiosks provided by the chamber of commerce, downtown business association and other nonprofit organizations that typically list local community events. A kiosk with space to list community events, locations of community buildings and a list of local businesses keyed to a location map may be permitted at the discretion of the planning commission. Business and property owners adjoining the parcel under consideration shall be notified of such request. Said notice shall inform such owners that 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. Said permit approval shall be based on compliance with the following:

1. Safe and adequate vehicular and nonvehicular access to the kiosk;
2. Kiosk layout and design which reflects an intent to notify visitors and residents of community events; and
3. Use of durable materials on the kiosk.

The combined total for all signs within any one kiosk shall not be more than one hundred (100) square feet. Kiosks shall be placed within a landscaped area. Each entrance to the city shall have a designated area for these signs. Locations throughout the downtown core may also be selected for smaller kiosks (up to fifty (50) square feet each) serving the same purposes as above. All signs advertising a specific event shall be immediately removed at the conclusion of the event unless extended in writing by the planning administrator.

J. Signs stating the name of a housing complex of ten or more dwelling units, provided that the sign does not exceed twenty-five (25) square feet. Freestanding signs shall be placed within a landscaped area and shall be approved by the planning administrator.

K. Signs which are exclusively intended to direct pedestrian and vehicular traffic to entrances, exits, drive-up lanes, etc., smaller than three (3) square feet, with no advertising.

L. One directory sign per entrance for multi-tenant buildings that does not exceed three (3) square feet. A larger directory sign size, with a maximum area of six (6) square feet may be allowed upon approval by the city planning and zoning commission.

M. Portable signs or banners, when used by churches, charities, and other similar nonprofit institutions or governmental entities for the purpose of announcing benefit or emergency programs occurring within the church or institution, such as weekly free meals or cold weather shelters. Such signs must adhere to the standards set forth in section 9-7-12 of this chapter and may only be in place on the same premises and on the days such programs are taking place.

N. Integral decorative or architectural features of buildings, including building names and dedication dates, or works of art, so long as such features or works do not contain letters or

numbers (except in case of building names and dedication dates). Signs for building names shall be in harmony with the architecture of the building and are not to exceed twelve feet (12') in letter height.

O. Public works of art that contain letters/numbers if approved by the Sandpoint arts commission.

(Ord. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

9-7-16: Nonconforming Signs:

A. A "nonconforming sign" is any advertising structure or sign which was lawfully erected and maintained prior to the effective date hereof, or is located in newly annexed territory, and which does not conform to all applicable provisions of this chapter as it may be amended from time to time.

B. All nonconforming signs which are nonconforming due to exposed metal support poles, structures or edges, background color, or material, or because of design or construction standards, are allowed to remain as long as they advertise a bona fide business. However, in the event there is a change in the type of business, a request is made for a land use permit to change the use of the property, or a building permit is obtained for work involving any exterior building changes or building replacement or modifications to a site(s) upon which nonconforming signs exist, then all nonconforming signs on the subject site shall be removed or modified to comply with all the provisions of this chapter. A sign which does not conform to the provisions of this chapter shall not be structurally altered, relocated, or replaced unless it is immediately brought into compliance. In addition, all temporary and/or A-frame signs not meeting the provisions of this chapter shall be removed within thirty (30) days of the passage of this chapter. Flashing or rotating signs shall comply with the provisions of this chapter within sixty (60) days of its passage. In cases where removal of a nonconforming sign is required and would create an extreme hardship or substantial loss to the owner, as demonstrated by the owner, the owner then agrees to a reasonable time frame for the eventual removal of the nonconforming sign. This provision shall not apply to nonconforming signs illegally erected, those which pose a public safety hazard, or temporary, portable or off premises sign.

C. In certain cases nonconforming signs may be given a historic status. All requests for historic sign status shall be reviewed by the historic commission and the planning administrator, with their recommendation forwarded to city council for approval on consent calendar. The responsibility for review shall fall to the planning and zoning commission in the event there is no active historic commission appointed. Independent consideration of each request will be given, and the applicant shall address each of the criteria below:

1. At least fifty (50) years old or attached to a building which is on the national register of historic places.

2. On premises sign.

3. Unique in design and enhances the cultural, historical, nostalgic, or aesthetic quality of the city.

4. Structurally safe.

Once designated, historic signs are deemed in compliance with this chapter regardless of their size, material, colors or location. Decisions to grant historic status to a sign shall be made on a case by case basis, according to the criteria above. The granting of historic status for a sign shall not be considered as establishing a binding precedent to grant other historic status designations.

D. Notwithstanding the provisions of subsection B of this section, all signs that are nonconforming only because of the setback requirements set forth in subsection 9-7-11B of this chapter are hereby not required to move, provided they are not located on public right-of-way, in which case they are required to move in compliance with subsection 9-7-11B of this chapter.

(Ord. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

9-7-17: Maintenance and Repair:

Every sign, including, but not limited to, those signs for which permits are required or for which no permits or permit fees are required, shall be maintained in a safe, presentable and good structural material condition at all times, including the repair or replacement of defective parts, painting, repairing, cleaning and other acts required for the maintenance of said sign. The building inspector shall require compliance with all standards of this provision. If the sign is not made to comply with adequate safety and maintenance standards, the planning administrator shall require its removal in accordance with this provision.

(Ord. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

9-7-18: Removal and Disposition of Signs:

A. Abandoned Signs: Except as otherwise provided in this chapter, any sign which is located on property which becomes vacant and unoccupied for a period of two (2) months or more, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business, shall not be deemed abandoned unless the property remains vacant for a period of six (6) months or more. Any sign which no longer, for a period of three (3) consecutive months, advertises goods, products, services or facilities available to the public, shall be deemed to have been abandoned. Abandoned signs shall be removed by the owner of the premises on which the sign is located. Signs that are conforming under the provisions of this chapter as to location, size, etc., but no longer advertise a bona fide business may, with the approval of the property owner/tenant and the planning administrator of the city, have the message or sign copy covered with paint or other material as approved by the planning administrator. In the event the property owner refuses to cover a conforming sign that no longer advertises a bona fide business and is deemed to be abandoned, the remaining provisions of this section shall be enforced.

B. Dangerous or Defective Signs: No persons shall maintain or permit to be maintained on any premises owned or controlled by him, any sign which is in a dangerous or defective condition. Any such sign shall be removed or repaired by the owner of the premises or the owner of the sign. Upon failure of the owners to remove or repair a dangerous or defective sign, the building inspector shall proceed as described in subsection C of this section.

C. Removal of Signs: The building inspector shall cause to be removed any sign that endangers the public safety such as an abandoned, dangerous or materially, electrically or structurally defective sign. The building inspector shall prepare a notice which shall describe the sign and specify the violation involved and which shall state if the sign is not removed or the violation is not corrected within twenty (20) days, the sign shall be removed in accordance with the provisions of this section.

All notices mailed by the building inspector shall be sent by certified mail. Any time periods provided in this section shall be deemed to commence on the date of the mailing of the certified mail. The notice shall be mailed to the owner of the property on which the sign is located, the owner of the sign and the occupant of the property. If any such person is unknown or cannot be found, notice shall be mailed to such person's last known address, if any, and posted on the sign or on the premises.

Any person having an interest in the sign or the property may appeal the determination of the building inspector ordering removal or compliance by filing a written notice of appeal with the city planning and zoning commission within ten (10) days after receipt of the notice. Notwithstanding the above, in cases of emergency, the planning administrator and/or building inspector may cause the immediate removal of a dangerous or defective sign without notice.

D. Disposal of Signs; Costs: Any sign removed by the building inspector pursuant to the provisions of this section, shall become the property of the city and may be disposed of in any manner deemed appropriate. The cost of removal of the sign by the city shall be considered a debt owed to the city by the owner of the sign and the owner of the property, and may be recovered in an appropriate court action by the city. The costs of removal shall include any and all incidental expenses incurred by the city in connection with the sign's removal.

When it is determined by the building inspector that said sign would cause an imminent danger to the public safety, and contact cannot be made with a sign owner or building owner, no written notice shall have to be served. In this emergency situation, the building inspector may correct the danger, all costs being charged to the sign owner and property owner.

If it shall be necessary for the building inspector to remove a sign pursuant to the provisions hereof, and it should be practicable to sell or salvage any material derived in the aforesaid removal, he may sell the same at private or public sale at the best price obtainable and shall keep an account of the proceeds thereof. Such proceeds, if any, shall be used to offset the costs of removal to be charged to the sign owner or property owner. Any excess cost over and above such costs and the cost of the removal shall be levied as an assessment against the property on which the sign is located, by the city council, certified to the auditor and collected as any other assessment by the city. Should the proceeds exceed the costs, the excess shall be paid to the owner of the premises from which said sign was removed or to the owner of said sign, whenever claim thereof is established.

(Ord. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

9-7-19: Appeals:

Appeals from decisions made by the planning administrator shall be made to the city planning and zoning commission. Appeals from the provisions or enforcement of this chapter shall be made as provided in title 9, chapter 2 of this code.

(Ord. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

9-7-20: Penalty:

Any person violating any provision of this chapter shall be guilty of an infraction and shall be punished in accordance with the provisions of ~~section 1-4-1~~ Section 1-4-1 and Section 9-2-9 of this cCode, and a separate offense shall be deemed to be committed for each day during or which a violation occurs or continues.

(Ord. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

~~**CHAPTER 7 NONCONFORMING BUILDINGS AND USES**~~

~~**9-7-1: Intent:**~~

~~It is the intent of this chapter and of the city council to permit and allow nonconforming uses to continue until they are removed or terminated.~~

~~(Ord. 1229, 4-21-2010)~~

~~**9-7-2: Avoidance of Undue Hardship:**~~

~~To avoid undue hardship, nothing in this title shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment hereof and upon which a valid building permit exists.~~

~~(Ord. 716, 7-21-1980)~~

~~**9-7-3: Nonconforming Uses of Structures, Land:**~~

~~If a lawful use involving individual structures, or of a structure and land in combination, exists at the effective date of adoption or amendment hereof that would not be allowed in the district under the terms of this title, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:~~

~~A. Nonconforming Use Change: Any nonconforming use of a structure or structure and land may, upon the issuance of a nonconforming use permit by the city, be changed to another nonconforming use; provided, that the city shall find that all of the following conditions are met:~~

~~1. That the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use.~~

~~2. That there is no increase in noise, odor, glare, outside storage, vibration or other nuisance causing disturbance.~~

~~3. In permitting such changes, the city may require appropriate conditions or safeguards in accordance with other provisions of this title and the conditional use permit provisions including, but not limited to, placement of signs and lighting, landscaping and screening, dedication and/or improvement of public rights of way, and hours of operation.~~

B. Conformance To Regulations of Zone: Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations for the zone, and the nonconforming use may not thereafter be resumed.

C. Use Discontinued or Abandoned: When a nonconforming use of a structure, or structure and land in combination, is discontinued or abandoned for more than two (2) years (except when government action impedes access to the premises), the structure, or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the zone in which it is located.

D. Voluntary Removal of Structure: Where nonconforming use status applies to a structure and land in combination, voluntary removal of the structure shall eliminate the nonconforming status of the land.

E. Expansion Allowance for Nonconforming Structures: Structures that become nonconforming due to the adoption or amendment of this code shall be entitled to a onetime expansion allowance so long as the cubic expansion conforms to all other provisions of this code.

(Ord. 1232, 5-19-2010)

9-7-4: Repairs, Maintenance and Restoration:

A. On any nonconforming structure, or portion of a structure containing a nonconforming use, work may be done on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing; provided, that the cubic content existing when it became nonconforming shall not be increased. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety upon order of such official.

B. The restoration of a building destroyed by no fault of the owner shall be permitted, and such building may be reconstructed upon the issuance of a nonconforming use permit, as stated in subsection 9-7-3A of this chapter.

(Ord. 716, 7-21-1980)

9-7-5: Uses Under Conditional Use Provisions:

Any use which is permitted as a conditional use in a zone under the terms of this title shall not be deemed a nonconforming use in such zone during compliance with the terms of the conditional use permit.

(Ord. 716, 7-21-1980; amd. 1983 Code)

9-7-6: Issuance of Nonconforming Use Permit:

A nonconforming use permit will be issued by the city to all nonconforming uses which were in existence on the effective date of the zoning ordinance or any subsequent rezoning or other amendment thereto which makes such use nonconforming. This permit will include, but not be limited to, the following information:

A. Name and address of owner.

B. Legal description.

C. Type of use.

D. Square feet of building space.

E. Square feet of land area.

F. Number of employees.

G. Hours of operation.

H. Number of deliveries.

I. Location of all loading areas.

J. Sign area and location.

K. Number of parking spaces.

Any change in a nonconforming use shall require the issuance of a new nonconforming use permit. In any residential zone, or property adjacent to a residential zone, nonconforming use permits shall be processed under the rules and regulations as a conditional use permit.

(Ord. 1229, 4-21-2010)

CHAPTER 9 ZONING ADMINISTRATION

9-9-1: Purpose:

The following procedures have been adopted pursuant to and consistent with Idaho Code title 50, and title 67, chapter 65. These provisions are intended to provide procedures that assure due process of law when applying for, but not limited to, the following:

A. Annexation;

B. Comprehensive plan change;

C. Conditional use permit;

D. Rezone;

E. Subdivision;

F. Variance.

All applications concerning annexations, comprehensive plan changes, rezones, or subdivisions shall first be considered by the planning commission and then by the city council. Conditional use permits and variances shall be considered by the planning commission only, except as provided for elsewhere in this chapter.

(Ord. 1061, 10-17-2001)

9-9-2: Applications Required:

All matters concerning annexations, comprehensive plan changes, conditional use permits, rezones, subdivisions, or variances within the city limits or the area of city impact shall be presented to the planning commission, or the planning commission and city council, as required in this chapter, for consideration and approval or denial. Applications shall be made upon an application form furnished by the planning department.

(Ord. 1061, 10-17-2001)

9-9-3: Application and Deposit Fees:

Applicable fees shall be paid at time of filing a completed application. Application and deposit fees shall be set from time to time by resolution duly passed and adopted by the city council. Said fees shall be in addition to any other costs incurred in the processing of said application and subsequent actions complying with the statutes of the state or the Sandpoint code. Said costs shall include, but not be limited to, costs of mailing, postage, certifications and other costs, which shall be itemized by the city and paid by the applicant upon receipt of a statement for the same.

(Ord. 842, 6-15-1987)

9-9-4: Application Procedures:

A. All applications for planning and zoning matters must be completed in full and presented to the planning department in the city hall five (5) weeks prior to the next regular meeting date of the planning commission.

B. An application review meeting with the planning director is required prior to the consideration of a proposal by the planning commission.

C. Once a completed application has been submitted to the planning department, the following procedures shall take place:

1. The application will be placed on the agenda for the next regular planning commission meeting; or

2. A forty (40) day period may be required by the planning department to assess the application and, if necessary, request additional information from the applicant. Any additional information requested shall be provided by the applicant within one hundred twenty (120) days of the request, and before the application is placed on the agenda for the regular planning commission meeting.

(Ord. 842, 6-15-1987)

9-9-5: Public Hearing Procedures:

A. The planning commission shall hold at least one public hearing in which interested persons shall have an opportunity to be heard. At least fifteen (15) days prior to the hearing, notice of the time

and place and a summary of the proposal shall be published in the official newspaper or paper of general circulation within the jurisdiction.

In the case of annexations, comprehensive plan changes, conditional use permits, rezones, subdivisions, and variances, notice shall also be provided to property owners within the land being considered; within three hundred feet (300') of the external boundaries of the land being considered; and within any additional areas that may be substantially impacted by the proposal as determined by the planning commission.

When notices are required to be sent to two hundred (200) or more property owners, the notice of public hearing published in the paper shall be considered adequate in lieu of mailed notices.

B. Conduct of public hearing before the planning commission or city council as a hearing agency, and maintenance of records.

1. Order of Public Hearing: Public hearings shall follow the order of events set forth below:

a. Explanation of subject of the hearing by city staff.

b. Presentation by applicant.

c. Testimony from audience in favor and/or against proposal.

d. Questioning of involved parties by the hearing agency.

e. Closure of oral testimony from applicant.

f. Discussion of hearing subject among hearing agency members. Questions may also be directed to city staff during this period.

g. Conclusion of hearing process.

2. Rules of Procedures:

a. No person shall be permitted to testify or speak before the hearing agency at a public hearing unless such person has signed his name and written his residential address on sign up sheets to be provided by the city. This rule shall not apply to staff or technical witnesses directed by the chairperson to give evidence or information to the hearing agency.

b. No person shall be permitted to speak before the hearing agency at a public hearing until such person is recognized by the chairperson.

c. All public hearing proceedings shall be recorded electronically or stenographically and all persons speaking at such public hearings shall speak before a microphone in such a manner as will assure that the recorded testimony or remarks will be accurate and complete.

d. At the commencement of the public hearing, the hearing agency shall establish a time limit to be observed by all speakers. The time limit shall be established depending on the number of speakers who sign up for each public hearing and shall apply only to the speaker's comments.

e. The hearing agency may suspend or amend any one or more of these rules by vote of one-half (½) plus one of the number of members of the hearing agency then in attendance.

3. Standards for Oral Testimony: Oral testimony made at a public hearing shall comply with the following standards:

a. Testimony shall directly address the subject at hand.

b. Testimony shall not be repetitious with other entries into the record.

c. Testimony shall not be personally derogatory.

d. Testimony shall comply with time restrictions established by the hearing agency.

If oral testimony fails to comply with the aforementioned standards, the chairperson may declare such testimony out of order and require it to cease.

4. Standards for Written Testimony: Written testimony to be admitted at a public hearing shall comply with the following standards:

a. Written testimony containing more than two (2) standard, single-spaced typewritten pages must be submitted at least five (5) days prior to the date of the pertinent public hearing.

b. Written testimony shall include the signature and address of the submitter.

c. Written testimony shall address the issue at hand.

d. Written testimony shall not be personally derogatory.

e. Written testimony of less than two (2) standard, single-spaced pages may be submitted at the public hearing. The chairperson may require an oral reading of such written testimony if the chairperson deems it beneficial.

If written testimony fails to comply with the aforementioned standards, the chairperson may declare such testimony inadmissible.

5. Records Maintained: The city clerk shall maintain records of all public meetings in the following manner:

a. Transcribable verbatim recordings of the proceedings shall be maintained in conformance with Idaho Code 50-907.

b. Originals of written submittals to the hearing record and copies of applications shall be maintained in conformance with Idaho Code 50-907.

c. Minutes which catalog the occurrences at the public hearing shall be maintained as required by applicable sections of the Idaho Code.

6. Copies of Official Records; Availability: Copies of material submitted for inclusion in the official record of a public hearing shall be available to interested parties upon payment of charges established by the city clerk for research and duplicating.

(Ord. 842, 6-15-1987; Ord. 1061, 10-17-2001)

9-9-6: Planning Commission Action and Notification:

Conditional use permits and variances may be granted only upon findings by the planning commission that the proposal meets all of the following criteria:

A. Conditional Use Permit Procedures:

1. Grant of Permit: A conditional use permit may be granted to an applicant if the proposed use is listed in the Sandpoint Code as a conditional use, and if it is not in conflict with the comprehensive plan.

2. Application: Application for a conditional use permit shall be made to the planning department as provided for in this chapter.

3. Contents of Application: A conditional use permit request shall not be heard by the planning commission unless and until an application for a conditional use permit has been submitted to the planning department and the planning commission containing the following:

a. Name, address and telephone number of the applicant.

b. Legal description of the property.

c. Proof of ownership.

d. Signature of legal title holder approving the application.

e. The name and addresses of all adjoining property owners within three hundred feet (300') of the external boundaries of the subject property, provided on a separate sheet of labels.

f. A vicinity map at the scale of one hundred feet to the inch (1" = 100') showing the current land segregations and existing land use within three hundred feet (300') of the subject property.

g. Eight (8) copies of the following plans (suggested scale: 1" = 20'):

(1) Site plans showing the location and dimensions of all building setbacks, road frontage, curb cuts, circulation patterns, loading service areas, parking, sidewalks, landscaped areas, signs, lighting, easements, utilities and drainage patterns and listing the total open space area, impervious surfaces, lot size and total building floor area.

(2) Floor plans, elevations - front, side and rear - and property lines and roof line dimensions.

(3) Narrative stating the previous use of the site and intended use to include hours of operation, number of employees, system for delivery of materials and nature of business.

h. A narrative statement demonstrating in what ways the request conforms or does not conform to the following standards:

(1) Will, in fact, constitute a conditional use as established on the official schedule of regulations for the zoning district involved.

(2) Will be harmonious with and in accordance with the general objectives, or with any specific objective of the comprehensive plan and/or applicable sections of the Sandpoint Code.

(3) Will be designed, constructed, operated and maintained to be harmonious and appropriate with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.

(4) Will not be hazardous or disturbing to existing neighboring uses.

(5) Will be served adequately by essential public services and utilities such as highways, streets, police and fire protection, drainage systems, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service or utility.

(6) Will not create excessive additional requirements at public cost for public services and utilities and will not be detrimental to the economic welfare of the community.

(7) Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reasons of traffic, noise, smoke, fumes, glare or odors.

(8) Will have vehicular approaches to the property which shall be designed so as not to create an interference with traffic on surrounding public roads.

(9) Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

4. Compliance Required: A conditional use permit shall not be granted or denied unless the planning commission makes specific findings of fact based directly on the particular evidence presented to it as to whether the above-mentioned standards and conditions have been met by the applicant.

5. Supplementary Conditions and Safeguards: In granting any conditional use, the planning commission or city council may prescribe appropriate conditions, bonds and safeguards in conformity with this section. Violations of such conditions, bonds or safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this section.

6. Action By The Planning Commission: Upon granting of a special use permit, conditions may be attached to a conditional use permit including, but not limited to, the following:

a. Minimizing adverse impact on other development.

b. Controlling the sequence and timing of development.

c. Controlling the duration of development.

d. Assuring that development is maintained properly.

e. Designating the exact location and nature of development.

f. Requiring the provision for on-site or off-site public facilities or services.

g. Requiring more restrictive standards than those generally required in an ordinance.

Prior to granting a special use permit, studies may be required of the social, economic, fiscal and environmental effects of the proposed special use. A conditional use permit shall not be considered as establishing a binding precedent to grant other conditional use permits. A conditional use permit is not transferable from one parcel of land to another.

7. Commencement of Work: The proposed work shall commence within one year following the date of planning commission or city council approval of the conditional use permit and shall be diligently pursued or said approval and permit shall be rendered automatically null, void and of no right or recourse.

8. Payment of Fees: An application shall not be processed until all required fees are paid in full.

B. Variance Permit Procedures:

1. Recommendations: The planning commission may recommend in specific cases such variance from the terms of this code as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the terms and provisions of the Sand point Code would result in unnecessary hardship. No nonconforming use of neighboring lands, structures or buildings in the same district and no permitted or nonconforming uses of lands, structures or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience of profit, but only where strict application of the provisions of this Code would result in unnecessary hardship.

2. Supplementary Conditions and Safeguards: Under no circumstances shall the planning commission or city council consider a request for variance after issuance of a building permit or grant a variance to allow a use not permissible under the terms of this code in the district involved for any use expressly or by implication prohibited by the terms of said ordinance in said district. Upon hearing a variance request, the planning commission may prescribe appropriate conditions and safeguards in conformity with applicable ordinances. Violation of such conditions or safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of such ordinances.

3. Contents of Application: A variance from the terms of this code shall not be heard by the planning commission unless and until an application for a variance is submitted to the planning department and the planning commission containing the following:

a. Address, name and telephone number of applicant.

b. Legal description of the property.

c. Description of nature of variance requested, consisting of:

(1) The names and addresses of all adjoining property owners within three hundred feet (300') of the subject property, listed on a separate sheet of labels.

(2) A copy of a preliminary title report or title insurance policy for the proposed site.

(3) A vicinity map at the scale of one hundred feet to the inch (1" = 100') showing the property owners and existing land use within three hundred feet (300') of the proposed site.

(4) Nine (9) copies of a site plan drawn to scale which shows the property under consideration, location of all improvements and the specific information concerning the requested variance.

(5) A narrative statement demonstrating that the requested variance conforms to the following standards:

(A) That special conditions and circumstances exist which are peculiar to the land, structures or buildings in the same district.

(B) That a literal interpretation of the applicable sections of this code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this code.

(C) That special considerations, conditions and circumstances do not result from actions or desires of the applicant, and,

(D) That granting the variance requested will not confer on the applicant any special privileges that are denied by this code to other land, structures or buildings in the same district.

4. Action By The Planning Commission: A variance shall not be granted or denied unless the planning commission makes specific findings of fact and conclusions as to whether the above mentioned standards and conditions have been met by the applicant.

5. Commencement of Work: The proposed work shall commence within one year following the date of planning commission or city council approval of the variance or said approval and permit shall be rendered automatically null, void and of no right or recourse.

6. Payment of Fees: An application shall not be processed until all required fees are paid in full.

C. Notification: Upon granting or denying an application for a conditional use permit or variance, the planning director shall notify the applicant in writing of the planning commission decision and shall specify the following:

1. The applicable sections of this code and standards used in evaluating the application.

2. The reasons for approval or denial based upon compliance or noncompliance with the established criteria and findings of fact for which the action was taken.

3. The conditions of approval, if any, which the applicant may take to obtain a permit.

The planning director shall transmit the record of the planning commission's action to the city council within five (5) days after the public hearing.

(Ord. 842, 6-15-1987; amd. Ord. 1386, 4-21-2021)

9-9-7: Time Limit for Planning Commission Actions:

The planning commission shall act on an application within sixty (60) days of filing. The planning commission may continue the public hearing or table an application for not more than thirty (30) days or until their next regular meeting, whichever comes first, at which time a decision shall be made to approve, conditionally approve or deny the application. A longer period of time not to exceed six (6) months may be required when climatic conditions make it necessary to delay the planning commission's decision. In such event, notice shall be provided as specified herein.

(Ord. 842, 6-15-1987)

9-9-8: Effective Date of Planning Commission Decision:

The planning commission's decision shall not become effective until the ten (10) day appeal period has lapsed. No building or other permit shall be issued during this period.

(Ord. 842, 6-15-1987)

9-9-9: Planning Commission Recommendation and City Council Action:

A. Following the hearing for annexations, comprehensive plan changes, zone changes, and subdivisions, the planning commission shall take one of the following actions:

1. The planning commission shall make a recommendation to the city council at the first regular council meeting following the planning commission's hearing. The recommendation shall state specifically on what grounds or statutes said recommendation is based; or

2. The commission shall postpone consideration of the application to consult with its advisors and staff to make a recommendation to the city council within forty (40) days after such hearing.

B. The city council shall review the recommendation and information presented by the planning commission at the first regular council meeting, or a special council meeting called for that purpose, following the planning commission's hearing. Public hearings in the case of annexations, comprehensive plan changes, zone changes and subdivisions shall be held according to Idaho Code 67-6509(b) and as provided by this chapter. The city council shall then take one of the following actions:

1. Concur with the recommendation of the planning commission if said commission's finding is deemed accurate and correct and grant the application, and, where action requires an ordinance to be adopted by the city council, proceed according to Idaho Code section 50-902.

2. Postpone consideration of the application to consult with the planning commission and its advisors and staff so that, within forty (40) days, after hearing the planning commission's recommendation, the application shall be approved, conditionally approved, or denied.

3. Deny the application.

C. If the city council declines to follow the recommendation of the planning commission, the council shall provide, in writing to the planning commission, within fifteen (15) days following the decision, its findings of fact and conclusions by which the recommendation was not followed.

D. Upon granting or denying an application, the city council shall specify the following:

1. The applicable sections of this code and standards used in evaluating the application.

2. The findings of fact and conclusions for approval or denial.

3. The actions, if any, that the applicant may take to obtain a permit.

E. Within 15 days of the decision of the city council, said council shall provide the applicant with written notice of the action taken on the request.

F. If no action is taken by the city council within forty (40) days of hearing the recommendation of the planning commission or a specified delay has not been agreed upon by the applicant, the application shall be deemed approved.

(Ord. 1061, 10-17-2001)

9-9-10: Appeals:

A. Appeal From Planning Commission Decision:

1. Notice of Appeal: An affected person aggrieved by the decision of the planning commission may file a written notice of appeal with the planning department or city council. Such notice must be filed within ten (10) business days after the planning commission's decision and shall clearly state the basis on which such person is an affected person as defined in Idaho Code 67-6521, and the grounds for appeal. An appeal from an action of the planning commission shall automatically stay the issuance of a building or other permit until such appeal has been decided by the city council.

2. Fees for Appeal: The fees for an appeal from the planning commission's decision shall be set at the discretion of the city council by resolution duly passed and adopted by the city council.

3. Public Hearing On Appeal: The city council shall hold a public hearing on an appeal pursuant to the procedures as provided in this chapter at a regularly scheduled city council meeting, or at a special meeting called for that purpose.

B. Appeal From City Council Decision: The decision by the city council shall constitute the final decision. An affected person aggrieved by the decision may, within twenty-eight (28) days of the decision rendered, seek judicial review of the council decision under the procedures provided in Title 67, Chapter 65, Idaho Code.

(Ord. 842, 6-15-1987; Ord. 1365, 7-3-2019)

9-9-11: Development Agreements:

A. Purpose: A development agreement (the "agreement") is a discretionary tool to be used by the planning commission (the "commission") and city council (the "council"). The agreement will allow a change in the zoning for a specific project, with a specific use, to be developed on property in an area which may not be appropriate for all uses permitted outright or conditionally within the proposed zone. Approval of the agreement, pursuant to this section, would permit the proposed use, with conditions, within the proposed zone.

B. When Permitted or Required: An agreement may be permitted or required at the discretion of the commission or council when considering a request for a rezone. An agreement when permitted or required, shall be initiated through one of the following methods:

1. On request by the developer;

2. On recommendation of the planning director (the "director"); or

3. As required by the commission or council.

a. The council or commission may require that an agreement be executed prior to allowing a particular project to proceed. An agreement may be formulated when approval of the rezone would permit uses within that zone which may not be appropriate to the area, but the specific project presented may have a value to the community which could otherwise be allowed through the use of an agreement.

b. In the event, during the rezoning process, the council or the commission determines that an agreement should be considered;

(1) The commission shall retain jurisdiction of the matter until its recommendation concerning the agreement is given to the council. The commission shall defer consideration of the rezone and set a time limit for submittal of the agreement. The commission shall then proceed as specified in this section.

(2) In the event of a determination by the council that an agreement should be drafted, the council shall remand the matter back to the commission for consideration. The council may give specific direction to the commission as part of the remand.

(3) In the event of subsections 9-9-11B3b1 and b2 above, all time limits required by the Sandpoint Code may be stayed, upon affirmative vote of the commission or council.

C. Form of Agreement: The agreement shall be in a form as required by the director and shall, as a condition of consideration by the director, commission or city council, include all of the following:

1. An affidavit by the owner of the property agreeing to submission of the use and property for an agreement.

2. The legal description of the property in question.

3. The specific present use or uses of the property in question.

4. The permitted or conditional use desired and the proposed zone.

5. A concept plan for the property as provided by this chapter. In addition to those items required by this chapter, the concept plan shall include but not be limited to:

   a. A description of the density allowed and requested.

   b. Maximum height, size, and location of all the structures proposed.

6. The construction schedule, including the projected occupancy date.

7. Type and color of materials used.

8. A statement acknowledging that failure to comply with the agreement shall constitute a consent to rezone the property to the pre-existing zone or; in the case of the pre-existing zone being an initial zone at annexation, a zone deemed appropriate by the commission and council.

9. Any other information as requested by the council, commission, or director.

D. Approval of The Agreement:

1. The agreement may be approved at the sole discretion of the council after a public hearing. The public hearing shall follow the public hearing procedures of this chapter.

2. The commission or council may revise the agreement by adding to it conditions, terms, duties, or obligations to the agreement.

3. The agreement must be approved by the council as a resolution, only after approval of the agreement by the city attorney.

E. Procedure After Approval of The Agreement: Following approval of the agreement by the city council, the full agreement shall be recorded in the Bonner County Recorder's office, Bonner County, Idaho, at the expense of the developer. The agreement shall run with the land and shall be considered continuing obligations of the owner, co-owners or subsequent owners of the property. Use of the property and compliance with the agreement shall be reviewed and approved by the director prior to the issuance of an occupancy permit.

F. Duty To Comply With Agreement: Each owner, co-owner or subsequent owner of property which is subject to an agreement adopted pursuant to this section shall comply with the agreement.

G. Modification of Agreement:

1. The agreement may be modified only after public hearing by the council.

2. No modification of the agreement may allow a use or condition on the property that is not permitted within the zone.

H. Amendment or Termination of Agreement Upon Breach:

1. In the event of a breach of the agreement by the developer, or the developer's successor in interest, the agreement may be amended or terminated by the council without the consent of the breaching party. Such amendment or termination shall take place after a public hearing in compliance with the public hearing procedures of this chapter, at which time testimony shall be taken to resolve the issue with the agreement.

2. Upon termination of the agreement, following the public hearing the property shall, upon an affirmative vote of the council, revert to the pre-existing zone, or in the case of the pre-

~~existing zone being an initial zone at annexation, a zone deemed appropriate by the commission and council. All uses of the property which are not consistent with such pre-existing zone following termination of the agreement shall cease. The owner of the property may apply for a conditional use for the property if such use is conditional within such pre-existing zone after compliance with the terms of this chapter.~~

~~I. Enforcement of Agreement: The agreement may be enforced by the council through any means deemed to be appropriate, including, but not limited to, specific enforcement injunctive relief, damages or criminal penalty for violation of this section. The enforcement options available to the council shall be considered cumulative.~~

~~(Ord. 910, 11-18-1991)~~

CHAPTER 8 HOME OCCUPATION REGULATIONS

9-8-1: Purpose; Intent:

The city recognizes the need for some citizens to use their place of residence for limited nonresidential activities. However, the city also believes that the need to protect the integrity and character of its residential areas is of paramount concern. The home occupation regulations are the means used to blend these two (2) desires. The home occupation regulations seek to balance the need of some individuals to work at home with rights of other individuals to enjoy the residential character of their neighborhood and their private property. Further, the purpose of the home occupation regulations is to protect the health, safety, and welfare of neighborhood residents and the preservation of the neighborhood as a comfortable place for the people who live there.

(Ord. 1009, 6-22-1998)

9-8-2: Applicability:

The regulations set forth for home occupations shall apply to all residential dwelling units or residential accessory structures, irrespective of the zoning district. Should a residential use in the commercial zoning district fail to meet the conditions necessary to qualify as a home occupation, it is then considered a full commercial business and must comply with all regulations covering commercial establishments.

These regulations do not apply to land uses which require conditional use permits in residential zones which must go through a separate conditional use permit review process. Clinics, doctors' offices, hospitals, health care practitioners, hair or beauty salons, real estate offices, animal hospitals, kennels, automobile repair service, body shops, restaurants, warehousing and other similar uses are not considered home occupations and are not permitted to operate as such in any residential zone.

(Ord. 1009, 6-22-1998)

9-8-3: Performance Standards:

Home occupations in any zoning district where permitted shall be subject to the following performance standards:

A. Location: A home business shall be carried on wholly within the principal building, provided that inside storage and/or minor assembly associated with the home occupation may also occur within an accessory structure. No home business nor any storage of goods, materials, or products connected with a home business shall be allowed outside of the principal building or accessory structure and there shall be no commercial on premises sales in connection with such home occupation.

B. Number: More than one home business at the residence may be permitted provided the total effect of all occupations shall not exceed the performance standards for home occupations.

C. Size: No more than thirty-five percent (35%) of the gross floor area of the principal dwelling unit may be used for home business(es). There is no restriction placed upon the usable area within an accessory structure provided no other activity besides inside storage and/or minor assembly activity is occurring and performance standards relating to maintaining residential character can still be met.

D. Residency: A home business must be conducted by persons who reside in the dwelling unit. No person who does not reside on the premises shall engage in the business and be located on the premises.

E. Restricted Materials: No toxic, explosive, flammable, combustible, corrosive, etiologic, radioactive or other restricted materials in excess of those levels allowed by the current edition of the fire code in effect in the city of Sandpoint shall be used or stored on the site.

F. Maintaining Residential Character: The business shall be conducted in a manner which will not alter the normal residential character of the premises by exterior alteration of the property, expansion of parking, construction, creation of a separate entrance, the use of color, materials, lighting, signs (other than on the applicant's vehicle), exterior storage of materials, garbage, goods or merchandise, or by the emission of sound, electric interference, vibration, dust, glare, heat, smoke, odors or liquids.

G. Signs: There shall be no signs other than those permitted in the applicable zoning district.

H. Business Traffic: Home occupations shall not impose any additional business traffic (i.e., traffic recruited to travel to or from the business) on the surrounding neighborhood. This requirement excludes occasional deliveries and any business or personal errands by the owner of the home occupation.

I. Vehicles: Vehicles associated with the home occupation which are rated by the manufacturer for a maximum gross weight in excess of ten thousand (10,000) pounds gross weight shall not be operated out of the premises or park on the property or adjacent streets. No more than one vehicle used in the business may be parked on the premises or operated out of the premises.

J. Parking: The home business shall not displace or impede the use of required parking spaces for the primary dwelling unit.

K. Applicable Codes: Structures must meet city building, construction, fire and land use regulations.

L. Motor Vehicle Related Home Businesses: Office only activities for motor vehicle-related home businesses may be allowed.

(Ord. 1075, 12-18-2002)

9-8-4: Home Occupation Registration:

All home occupations wishing to operate within the city limits shall ~~complete and submit~~ obtain a ~~home~~ business ~~registration form~~ license. Approval of said ~~registration form~~ business license shall ~~constitute as a~~ serve as the home occupation permit.

A. Issuance and Terms of Permit: The ~~planning director, or his or her designee,~~ City may issue a home occupation permit that complies with the provisions of this chapter, on forms prescribed by the city ~~council~~ clerk. Anyone applying for permission to operate a home occupation acknowledges and agrees to operate the home occupation in accordance with the performance standards contained in this chapter.

B. Fees: Any fee and/or fee schedule associated with a home occupation permit shall be set from time to time by resolution of the city council.

C. Revocation of Permit: The ~~zoning enforcement officer~~ City may revoke a home occupation permit and/or recommend assessment of fines as specified in Chapter 9-2-9 (Violations, Enforcement and Penalties) of this Title 9. ~~this chapter, for reasons including, but not limited to:~~

~~1. Failure to comply with "notice to cease nonpermitted home occupation activity".~~

~~2. Any change in use or any change in extent of use, area of the dwelling unit being used, or mechanical or electrical equipment being used that is different from that specified in the granted home occupation permit form that is not first cleared and approved by the building official.~~

~~3. Any change in use, or any change in extent of use, area of the dwelling unit being used, or mechanical or electrical equipment being used which violates any of the provisions of this chapter.~~

D. Expiration and Period of Validity: A Home Occupation Permit is only valid within the timeframe of the valid business license for the same business. The Home Occupation Permit shall expire with the expiration of the business license for the same business.

(Ord. 1009, 6-22-1998)

~~**9-11-5: Notice to Cease Nonpermitted Activity:**~~

~~Should the zoning enforcement officer, at any time during the period in which a home occupation is in operation, receive a written complaint, and after conducting an investigation, find that the operation, or a portion thereof of such home occupation is in violation of the provisions of this chapter and/or the terms and conditions subject thereto, the zoning enforcement officer shall serve a notice, by certified mail, return receipt, to cease activities conducted in violation of the home occupations regulations. Such notice shall be headed "NOTICE TO CEASE NONPERMITTED HOME OCCUPATION ACTIVITY", shall contain a description of the property, shall describe the ordinance section(s) violated, shall specify the penalty provisions of this chapter, shall specify how they can remedy the violation and shall specify the appeal process contained in this chapter.~~

~~(Ord. 1009, 6-22-1998)~~

~~**9-11-6: Appeals:**~~

~~Appeals of administrative decisions made under the Home Occupation Regulations shall be made to the city council as specified in Section 9-9-10 of this Title.~~

~~(Ord. 1009, 6-22-1998)~~

~~**9-11-7: Penalty:**~~

~~A. Violations: Violations of the Home Occupation Regulations may include the following, as well as those specified in Section 1-4-1 of this code:~~

~~Revocation of the permit;~~

~~Suspension of permit eligibility for a period not to exceed one year;~~

~~Assessment of costs to enforce compliance.~~

~~B. Administrative Civil Penalty: Any person(s) who violates an order of the city or who fails to comply with any provision of this chapter shall be liable to the city for a civil penalty. The amount of such civil penalty shall not exceed three hundred dollars ($300.00) per violation. Each day upon which a violation occurs or continues shall constitute a separate violation.~~

~~C. Judicial Proceedings: Following entry of any order by the city with respect to the violation of this chapter, the city may commence an action for appropriate legal and/or equitable relief in the appropriate local court and the city shall be entitled to its costs and reasonable attorney fees in the event the city is the prevailing party.~~

~~(Ord. 1009, 6-22-1998)~~

~~**9-11-8: Sunset Clause:**~~

~~All home occupations in existence prior to the adoption date of this chapter shall come into conformance with the provisions contained within this chapter within five (5) years.~~

(Ord. 1009, 6-22-1998)

CHAPTER 9 MOBILE HOME PARKS/TRAILER COACH COURTS

9-9-1: Zoning of Mobile Home Parks/Trailer Coach Courts:

Every mobile home park/trailer coach court hereafter constructed shall be regulated by the following provisions of this chapter.

(Ord. 1236, 6-23-2010)

9-9-2: Definitions:

DEPENDENT TRAILER COACH: One which does not have a water closet and a bathtub or shower.

INDEPENDENT TRAILER COACH: One that has a water closet and a bathtub or shower.

LOCAL ADMINISTRATIVE AUTHORITIES: The individual official(s), board, department or agency established and authorized by a state, county, city or other political subdivision created by law to administer and enforce the provisions of the local codes and ordinances as adopted or amended.

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

MOBILE HOME SPACE/TRAILER COACH SPACE: A plot of ground within a mobile home park/trailer coach court designated for the accommodation of one mobile home/trailer coach.

MOBILE HOME/TRAILER COACH: A vehicle without means of self-propulsion, but licensable as a conveyance on public streets or highways, and which is constructed to permit occupancy as a dwelling or sleeping place for one or more persons.

SERVICE BUILDING: A building housing communal toilet, laundry and other sanitary facilities necessary for the health and convenience of the trailer occupants.

(Ord. 1236, 6-23-2010)

9-9-3: Site Selection:

A. Location: The site must not be: 1) close to swamps or other potential breeding places for insects or rodents; 2) subject to flooding, fire or safety hazards; 3) exposed to chronic nuisances, such as noise, smoke, fumes and odors. The site should be bounded on at least one side by a public street or highway.

B. Topography: The topography must be favorable to good site drainage, minimum grading, trailer placement, and ease of maintenance. Initial site grades exceeding eight percent (8%) or rock formation close to the surface, are likely to cause high development costs. Sparsely wooded sites providing shade trees are often advantageous.

C. Availability of Utilities: The site must be readily accessible to public utilities, including water, sewerage and electricity.

D. Necessary Land Area: The area of the mobile home/trailer coach court must be sufficient in size to accommodate: 1) the number of mobile home/trailer coach spaces desired; 2) roads and parking areas for motor vehicles; 3) service areas, buildings and playgrounds; 4) on site utilities where public utilities are not available.

(Ord. 1236, 6-23-2010)

9-9-4: Site Improvements:

The physical improvements of the site must be arranged to provide:

A. A convenient means of pedestrian and vehicular access to each mobile home/trailer coach space, parking areas, and accessory buildings.

B. An adequate supply of potable water.

C. A safe method of sewage disposal.

D. Electrical service for lighting and power.

E. Diversion of surface water away from buildings, mobile home/trailer coach spaces, service and recreational areas, and its disposal from the site.

(Ord. 1236, 6-23-2010)

9-9-5: Site Planning:

A plan of the proposed mobile home/trailer coach court must be developed for approval of the commission indicating the layout of mobile home/trailer coach spaces, roads, walks, service buildings, service areas, utilities and necessary grading.

Determination must be made in the initial planning stage on the number of dependent and independent mobile home/trailer coaches to be accommodated.

A. Mobile Home/Trailer Coach Space Sizes: Each mobile home/trailer coach space must be not less than one thousand two hundred fifty (1,250) square feet in area and should be at least twenty-five feet (25') wide.

B. Spacing of Trailers: The minimum spacing between mobile homes/trailer coaches and buildings must be:

1. Side to side spacing, fifteen feet (15'); end to end spacing, ten feet (10) (space between end of mobile home/trailer bodies, not chassis).

2. No mobile home/trailer should be located closer than twenty-five feet (25') from the right-of-way line of a main highway, or ten feet (10') from the mobile home/trailer coach court property line.

C. Roads, Walks and Parking Areas:

1. General Circulation: Safety and convenience must be a major consideration in the layout of roads, walks and parking areas within the mobile home/trailer coach court. All roads must be continuous.

2. Servicing: Suitable vehicular access for firefighting equipment, delivery of fuel, removal of garbage and refuse, and for other necessary services must be provided. Minimum service distances as required by local regulations or accepted practice must control.

3. Width of Roads and Parking Areas:

Table 9-9-1 Mobile Home Park main access road width

Main Access Roads	Excluding Parking
Two-lane	20 feet

4. Parking Area: The same number of motor vehicle parking spaces must be provided as the number of mobile home/trailer coach spaces. These must be provided in special parking areas.
5. Walks: The mobile home/trailer park walk system must include a walk from the entrance of each mobile home/trailer to service facilities.

Table 9-9-2 Mobile home park walkway widths

Width of Walks	
Public walks (minimum)	4 feet
Entrance walks (from public walk to mobile home/trailer door)	2 feet

D. Service Buildings: Each mobile home/trailer coach court must be provided with one or more service buildings containing the requisite number of plumbing fixtures and other service equipment. The service buildings must conform in general to the following requirements:

1. Location: The building should be located not more than two hundred feet (200') from any dependent mobile home/trailer coach space.
2. Construction: The materials and methods used in the construction of service buildings must conform to local building codes for buildings of this nature[2]. It must have an interior finish which is moisture resistant and can be easily cleaned. All rooms of service buildings must be ventilated and all exterior openings provided with screens.
3. Facilities:
    a. Separate men's and women's toilet rooms must be provided and distinctly marked. These rooms must be separated by a sound resistant wall. A vestibule or screen wall must be provided to prevent direct view into the toilet rooms when exterior doors are open.
    b. Plumbing Fixtures: Every mobile home/trailer coach court must provide adequate toilet and laundry facilities. In no instance should there be less than one laundry unit (laundry tray or washing machine); one water closet, one lavatory and one shower for women; and one water closet, one lavatory and one shower for men. A slop water closet (water closet with seat removed) must be provided in each service building.
    c. The slop water closet should be in a separate room of the service building with a single direct opening to the outside.
    d. The facilities listed above will accommodate any number of independent mobile home/trailer coaches, and up to ten (10) dependent mobile home/trailer coaches. One water closet must be provided for each sex for every ten (10) additional

[2]See title 8, chapter 1 of this code.

dependent mobile home/trailer coaches. (Urinals for men may be substituted for ⅓ of these water closets.)

e. One lavatory must be provided for each sex for every ten (10) additional dependent mobile home/trailer coaches; and one shower or bathtub for each sex for every twenty (20) additional dependent mobile home/trailer coaches. A laundry unit must be provided for every twenty (20) additional mobile home/trailer coach spaces.

f. All water closets and bathtubs or showers for women, and all water closets and bathtubs for men must be located in separate compartments, with self-closing doors. Gang type shower compartments may be used for men. Individual shower stalls must be approximately three feet by three feet (3' × 3'). Showers for women must have a dressing compartment with stool or bench. The room containing the laundry units must be separated from the toilet rooms, and have an exterior entrance only.

g. All plumbing installations shall conform to the local plumbing code.

h. Electrical: All electrical installations shall conform to the local electrical code.

i. Heating: Heating facilities capable of maintaining a temperature of seventy degrees Fahrenheit (70°F) in cold weather should be provided.

j. Hot Water: Facilities should provide for the continuous supply of three (3) to five (5) gallons of hot water per mobile home/trailer coach space. Hot water at a temperature of about one hundred eighty degrees Fahrenheit (180°F) should be provided for clothes washing equipment.

E. Laundry Drying Facilities: Mechanical laundry drying equipment or laundry drying yards must be provided. Laundry drying machines must be located in service buildings. Where laundry drying yards are used, they must be located convenient to service buildings and have an area of approximately fifty (50) square feet per mobile home/trailer coach space.

F. Refuse Collection: Refuse must be stored in flytight and rodentproof containers. Each coach space will require from four (4) to six (6) gallons of refuse storage capacity per day. Refuse container stations, where used, should be located a maximum of two hundred feet (200') from any mobile home/trailer coach space and preferably not more than one hundred fifty feet (150').

G. Recreation Areas: At least one hundred (100) square feet per mobile home/trailer coach space must be made available in one or more areas for recreational uses. These areas should be located so as to be free of traffic hazards.

(Ord. 1236, 6-23-2010)

9-9-6: Site Engineering:

Grading and drainage must be performed so that water will drain away from mobile home/trailer coach spaces, buildings, service and recreational areas, and off the site in a manner which will provide

reasonable freedom from erosion. Walks, driveways and retaining walls must be so constructed as not to interfere with drainage.

A. Slopes of Mobile Home/Trailer Spaces, Roads, Walks and Service Areas:

1. Mobile home/trailer coach spaces must be graded toward abutting roadway to prevent surface water drainage across adjacent coach spaces. Grading under mobile homes/trailers must be provided to prevent puddling of water.

2. Where swales for the carriage of stormwater are needed between the mobile home/trailer coach space and the roadway, they must be of a shallow type, generally not to exceed eight inches (8") in depth, to permit the parking of the trailer without damage to the undercarriage.

3. The following minimum and maximum slope values will usually give satisfactory results:

Table 9-9-3 Mobile home park minimum and maximum grades

	Minimum Percent	Maximum Percent
Roads	0.50	8
Walks	0.50	10
Recreation areas and laundry drying yards	0.50	4
Sodded and planted areas	1.00	10
Grade of coach space	0.50	5

B. Construction of Roads, Parking Areas, Walks and Service Areas:

1. Roads and Parking Areas: Roads must be constructed of concrete or macadam or of gravel, crushed stone, sand-clay, slag or other locally available suitable materials, with a light bituminous surface treatment, oil coating or other dust preventive material. Roads must be crowned at center to shed water to drainage facilities.

2. Walks: Walks must be constructed of concrete, macadam, gravel, fine stone, cinders or other materials providing a stable footing. Stepping stones may be used from main walks to trailers.

3. Recreation Areas and Laundry Drying Yards: Surfacing may be natural ground cover, sand-clay or other suitable local materials.

(Ord. 1236, 6-23-2010)

CHAPTER 10 TELECOMMUNICATIONS FACILITIES

9-10-1: Purpose:

A. The provisions of this chapter are intended to ensure that telecommunications facilities are located, installed, maintained and removed in a manner that:

1. Minimizes the number of antenna towers throughout the community;
2. Encourages the collocation of telecommunications facilities;
3. Encourages the use of existing buildings, light or utility poles, or other structures for antenna mounting and discourages construction of new antenna towers;
4. Ensures that telecommunications facilities are located and designed to minimize visual impact on the surroundings; and
5. Ensures that regulation of telecommunications facilities does not have the effect of prohibiting the provision of telecommunications services, does not unreasonably discriminate among functionally equivalent providers of such services, and allows the provision of adequate area coverage by such services.

(Ord. 1342, 1-18-2017)

9-10-2: Provisions:

A. Conflicting Standards: In the event that other standards of this title conflict with standards in this chapter, unless otherwise indicated the most restrictive shall prevail.

B. Definitions:

ANTENNA: Any device that transmits and/or receives radio waves, microwaves, or other electromagnetic radiation for voice, data or video communications purposes including, but not limited to, television, AM/FM radio, microwave, cellular telephone and similar forms of communications.

ANTENNA ARRAY: A single or group of antenna elements and associated mounting hardware, transmission lines, or other appurtenances which share a common attachment device such as a mounting frame or mounting support structure for the sole purpose of transmitting or receiving electromagnetic waves.

COLLOCATION: The placement of one or more antenna(s) on an antenna support structure or the placement of an antenna on an antenna tower on which one or more antennas are already located.

COMMISSION: The federal communications commission ("FCC").

HOST MOUNTED SUPPORT STRUCTURE: Any structure or building not constructed primarily for the purpose of supporting an antenna but that supports an antenna as a secondary or accessory use (e.g., streetlights; traffic light structures; sign structures; or water towers).

LATTICE TOWER: An antenna tower characterized by a framework of lateral or diagonal cross members that stabilize the tower.

PERSONAL WIRELESS SERVICE: Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services.

PERSONAL WIRELESS SERVICE FACILITIES: Facilities for the provision of personal wireless services.

ROOF MOUNTED FACILITIES: Any facility installed on either the roof or side of a building.

SMALL CELLS: Compact wireless base stations containing their own transceiver equipment and function like cells in a mobile network but provide a smaller coverage area than traditional macrocells. Small cells will meet the two (2) parameters in subsections 1 and 2 of this definition. For purposes of these

definitions, volume is a measure of the exterior displacement, not the interior volume of the enclosures. Antennas or equipment concealed from public view in or behind an otherwise approved structure or concealment are not included in calculating volume.

1. Small Cell Antenna: Each antenna shall be no more than three (3) cubic feet in volume.
2. Small Cell Equipment: Each equipment enclosure shall be no larger than seventeen (17) cubic feet in volume.

Associated conduit, mounting bracket or extension arm, electric meter, concealment, telecommunications demarcation box, ground based enclosures, battery backup power systems, grounding equipment, power transfer switch, and cutoff switch may be located outside the primary equipment enclosure(s) and are not included in the calculation of equipment volume.

SUPPORT STRUCTURE: A structure that is designed for supporting the installation of one or more antennas (e.g., a tower; roof mount; mounts attached to a utility pole).

TELECOMMUNICATIONS FACILITIES OR FACILITIES: Any antenna towers, support structures, antennas and their ancillary facilities that are used to provide commercial wireless communications or telecommunications services.

TEMPORARY ANTENNA TOWER: An antenna tower established for the purpose of providing telecommunications services on a temporary basis for a special event or to temporarily replace an antenna tower while it is being repaired.

TOWER: Any structure built for the sole or primary purpose of supporting one or more antennas that are used to provide commercial telecommunications services.

TOWER HEIGHT: The vertical distance measured from the base of the tower structure at grade to the highest point of the structure including the antenna.

VISUAL IMPACT MITIGATION: Technology that minimizes the visual impact of telecommunications facilities by camouflaging, disguising, screening, and/or blending into the surrounding environment. Examples of visual impact mitigation include, but are not limited to, facilities disguised as trees, flagpoles, bell towers, and architecturally screened roof mounted antennas.

C. Applicability:

1. The telecommunications facility regulations of this section apply to all telecommunications facilities used to provide commercial telecommunications services, except those associated solely with the following, which are exempt:
    a. Safety services provided by public agencies (e.g., police and fire); and
    b. Any facilities that state or federal law prohibits local government from regulating (e.g., satellite television receiving dishes).
2. Any public lands and agencies exemption from compliance with zoning in state law does not apply to private entities utilizing publicly owned lands.

D. Prohibited Locations and Support Structure Types:

1. The following locations and support structures are not permitted:

a. Lattice and guyed tower support structures for telecommunications facilities.

E. Permitted Locations:

1. Collocation On Nonconforming Existing Support Structures: Support structures for telecommunications facilities on the effective date hereof that do not comply with the regulations of this section are deemed nonconforming structures.

2. Collocation On Legal Existing Support Structures: New telecommunications facilities collocated on support structures in existence on the effective date hereof are permitted in all zoning districts, subject to compliance with other applicable standards of this section.

3. New Roof Mounted or Host Mounted Support Structures: New telecommunications facilities located on roof mounted or host mounted support structures are permitted in all zoning districts, subject to compliance with other applicable standards of this section.

4. New Ground Mounted Support Structures: New ground mounted support structures for telecommunications facilities are permitted in IG, IBP, ITP, CA, CB and CC zoning districts, subject to compliance with other applicable standards of this section.

F. Code Compliance: All facilities shall at all times comply with all applicable federal, state and local building codes, electrical codes, fire codes and any other code related to public health and safety.

G. Safety: The structural design for all support structures must be certified by a professional structural engineer licensed to practice in the state of Idaho. The drawings shall meet the currently adopted building codes in accordance with section 8-1-1, "Building Codes Adopted", of this code.

H. Building Permit Required: A building permit, unless waived by the Sandpoint building department, must be obtained prior to the installation of any telecommunications facility.

I. Telecommunications Facility Development Permit: A telecommunications facility development permit shall contain the following information:

1. Construction drawings showing the proposed method of installation. Drawings shall be stamped by a licensed engineer and meet the currently adopted building codes in accordance with section 8-1-1, "Building Codes Adopted", of this code;

2. The manufacturer's recommended installations, if any; and

3. A diagram to scale showing the location of the telecommunications facility, property and setback lines, easements, power lines, all structures, and any required buffering and screening.

J. Development Standards:

1. Schedule: The following standards apply to telecommunications facilities:

Table 9-10-1 Telecommunications facility development standards

Support Type	Permitted Zones	Permitted Height	Setback	Screening	Visual Impact Mitigation	CUP

Existing support structures	Existing location	Existing height	Existing setback	n/a	n/a	n/a
Roof mounted support structures	All zoning districts	Not to exceed the zoning district height limit	n/a	Not required	Required[1]	Yes[2]
Host mounted support structures	All zoning districts	5 feet above host structure	n/a	Not required	Required	Yes
	IG, IBP, ITP	Not to exceed the zoning district height limit	From property line: building setbacks of zone for both tower and equipment enclosure[3]	Required	Required	Yes
Ground mounted support	~~CA, CB, CC~~ DC, DOC, CC	Support structure and antenna together may not exceed 35 feet	From property line: building setbacks of zone for both tower and equipment enclosure[3]	Required	Required	Yes

Notes:
1. Antennas under ten (10) square feet in surface area are allowed on roof mounted support structures without having to meet visual impact mitigation standards for roof mounted facilities, so long as the support structure does not exceed the tallest element of the building to which it is attached.
2. CUP required when total antenna surface area for all antennas exceeds ten (10) square feet.
3. See subsection M, "Residential Zone Setback", of this section.

2. Screening:

a. Telecommunications facilities located above ground in or directly adjacent to RS, RM, RR-1, RR-2, ~~MUR, CA, CB, CC~~ NC, DC, DOC, and CC zones shall be surrounded by a

minimum six foot (6') high decorative wall constructed of brick, stone, or textured concrete block. Telecommunications facilities in all other zones shall be surrounded by a minimum six foot (6') high wall or solid or slatted fence.

b. The area around the perimeter of ground telecommunications facilities shall be landscaped unless the planning commission determines otherwise.

3. Visual Impact Mitigation:

a. Antenna Towers:

(1) Antenna towers shall be painted a neutral color consistent with the natural or built environment of the subject site and the surrounding area unless otherwise required by the FAA or any other state or federal agency having such authority.

(2) Antenna towers shall be constructed in a manner that is visually compatible with the surrounding built environment.

b. Roof Mounted Facilities: Facilities mounted on the roof of buildings must be visually incorporated into the building or background by the use of architectural elements, color, screening or other methods.

c. Host Mounted Support Structures:

(1) Telecommunications facilities mounted on other structures not constructed for the primary purpose of supporting telecommunication services must be either fully concealed within the host structure or camouflaged to appear to be an integral part of the host structure.

d. Ground Mounted Equipment Enclosures: Aboveground equipment enclosures that are used in or adjacent to residential and commercial zones must be designed with exterior facade materials of masonry, stucco, or beveled siding and be constructed in a manner that is visually compatible with the surrounding environment.

e. Antennas and Cables: When visible, antennas and cables shall be of a color identical to or closely compatible with that of the structure to which they are attached unless otherwise required by the FAA or any applicable state or federal agency.

K. Lighting: Telecommunications facilities may not be artificially illuminated except as required by FAA regulations. All other outdoor lighting must meet the standards in title 8, chapter 10, "Outdoor Lighting", of this code.

L. Signage: Identification and contact information is permitted on one wall or fence mounted sign not exceeding four (4) square feet in area per site. Other signage may not be located on telecommunications facilities, unless required by the FCC or FAA.

M. Residential Zone Setback:

1. Antenna towers shall be separated from the property line of any adjacent property zoned RS, RM, RR-1, RR-2, or MUR at least a distance equal to the height of the antenna tower or one hundred feet (100'), whichever is greater.

N. Noise Reduction:

1. Noise generating equipment shall be sound buffered by means of baffling, barriers, or other suitable means and shall conform to section 5-2-6, "Noise", of this code.

O. Modification and Removal:

1. Modification or Removal of Nonconforming Telecommunications Facilities: Nonconforming telecommunications facilities being demolished or rebuilt must conform to chapter 7, "Nonconforming Buildings and Uses", of this title.

2. Removal of Telecommunications Facilities:

a. Providers must notify the city in writing when a telecommunications facility is no longer being utilized. Any facilities that are not utilized for the provision of telecommunication services for a continuous period of six (6) months or more will be considered abandoned. All abandoned facilities must be removed within six (6) months of abandonment. If a facility is not removed within six (6) months, the city is authorized to remove the facility at the landowner's expense.

b. Where multiple users share a support structure, the nonoperational antenna and equipment enclosure must be removed. Any necessary shared facilities may be retained until all users have terminated the utilization of the support structure.

P. Third Party Review: Adequate review of applications, particularly for new ground mounted support structures, may require the city to retain consultants or other third party assistance to review an application. In such an event, the applicant must reimburse the city for the reasonable actual costs incurred by the city for retention of consultants or other third parties prior to issuance of any applicable permit. The city must provide a written scope and cost proposal to the provider for approval prior to the city entering into an agreement with a third party.

Q. Exceptions:

1. Applicability: In the event that standards of this section cannot be met by an applicant, and there exists no feasible alternative to providing adequate service by any provider for a particular geographic area, the applicant may apply for conditional use approval in accordance with ~~subsection 9-9-6A~~ chapter 9-2, ~~"Conditional Use Permit Procedures"~~, of this title.

2. Review and Submittal Requirements: Prior to submitting an application for conditional use approval in accordance with ~~subsection 9-9-6A~~ chapter 9-2 of this title, the applicant must request in writing a preapplication conference with the planning department. The purpose of the preapplication conference is to acquaint the participants with the applicable requirements of this section. A conditional use application must provide documentation demonstrating evidence of all the following:

a. Telecommunications services by any provider are not adequate within a specific geographic area, and cannot be made available unless a new telecommunications facility is built or erected in a manner or location contrary to the standards of this section;

b. Location on buildings or other structures is not possible because:

(1) No existing or proposed structures adequate to support the proposed antenna are located within the geographic area required to meet the applicant's engineering and service requirements; or

(2) Property owners or owners of existing structures for smaller scale installations are unwilling to accommodate the applicant's needs; or

(3) The applicant demonstrates that there are other factual and verifiable limiting factors that render rooftops and other sites or monuments unsuitable for location of telecommunications facilities; and

c. Collocation on existing support structures is not possible because:

(1) Existing or approved support structures are not of sufficient height to meet the applicant's engineering and service requirements and a combination of smaller scale facilities will not enable adequate service delivery; or

(2) Existing or approved support structures do not have sufficient structural strength to support the proposed antenna and related equipment and cannot be reinforced to provide sufficient structural strength; or

(3) The proposed antenna would cause electromagnetic interference with antenna on existing or approved support structures, or the antenna on existing or approved support structures would cause interference with the proposed antenna; or

(4) The applicant demonstrates that there are other factual and verifiable limiting factors that render existing or approved structural supports for telecommunications facilities unsuitable for collocation.

R. Affirmative Duty To Keep City Informed: All telecommunications service providers having facilities in the jurisdiction of the city shall file with the zoning administrator an annual written statement due by the end of the calendar year verifying continued use of each of their facilities in the city's jurisdiction as well as continued compliance with the state and federal agency regulations. All telecommunications service providers having telecommunications facilities in the jurisdiction of the city shall be required to report in writing to the zoning administrator any change in the status of their operations. Change in status shall include, but is not limited to, the following:

1. Change in or loss of license from the FCC to operate.
2. Receipt of notice of failure to comply with the regulations of any other authority having jurisdiction over the business or facility.
3. Change in ownership of the company that owns the telecommunications facilities or that provides telecommunications services.
4. Loss or termination of lease with the property owner or the owner of the telecommunications facilities.
5. Abandonment of a facility or nonuse of a facility for a period of six (6) months or longer.

(Ord. 1342, 1-18-2017)

CHAPTER 11 AREA OF CITY IMPACT

9-11-1: Purpose:

Idaho Code section 67-6526 requires that the governing board of the city adopt by ordinance a map identifying an area of city impact within the unincorporated area of the county surrounding said city.

(Ord. 959, 11-29-1994)

9-11-2: Consideration:

The following factors were considered by the planning and zoning commission and the city council in identifying the area of city impact for Sandpoint, Bonner County, Idaho:

A. Trade area;

B. Geographical factors;

C. Areas that can be reasonably expected to be annexed to the city in the future;

D. Areas where extension of city services are possible and reasonable;

E. Areas where growth is occurring or growth is anticipated to occur;

F. Areas in which to encourage or discourage particular types of growth and development and that which the city may want some form of control over in the future.

(Ord. 959, 11-29-1994)

9-11-3: Geographic Area of City Impact:

The official adopted geographic area of city impact is shown in section 9-11-8 of this chapter. All parcels of land lying within the area of city impact as delineated by Section 9-11-8 shall be subject to the provisions of this chapter.

(Ord. 958, 11-29-1994)

9-11-4: Comprehensive Plan:

The Comprehensive Plan and subsequent amendments thereof as officially adopted by Bonner County shall apply to the unincorporated portion of Bonner County, lying within the area of city impact for the city.

(Ord. 958, 11-29-1994)

9-11-5: Zoning and Subdivision Ordinances:

The Zoning and Subdivision Ordinances and subsequent amendments thereto as officially adopted by Bonner County, shall apply to the unincorporated portion of Bonner County, lying within the area of city impact.

(Ord. 958, 11-29-1994)

9-11-6: Review and Comment:

Any request for development, zone change, conditional use permit, variance or subdivision in the unincorporated portion of Bonner County lying within the area of city impact shall be referred to the planning and zoning commission and city council of the city for review and comment. The city shall have a forty (40) day period within which to respond to any request set forth above. If the city does not respond within forty (40) days, the city forfeits its right to comment on the request and processing shall continue under the County's administration.

(Ord. 958, 11-29-1994)

9-11-7: Administrative Jurisdiction:

The administrative jurisdictions of plans and ordinances which apply to the area of city impact delineated by the map incorporated herein shall be the duty of Bonner County, which shall apply the same plans and ordinances for the unincorporated areas of the County lying within the areas of city impact as those areas lying outside the area of city impact.

(Ord. 959, 11-29-1994)

9-11-8: Legal Description and Map:

The area of city impact within the area of Bonner County, Idaho, is particularly described in ordinance 1130 on file in the city and also set forth on the map in that ordinance, which map shall be in effect until amended or modified as allowed by law. This map is attached as exhibit A to ordinance 1130 and incorporated herein by this reference.

(Ord. 1130, 2-16-2005)

CHAPTER 12 AIRPORT OVERLAY ZONE DISTRICT

9-12-1: Purpose:

It is the purpose of the Airport Overlay Zone District to restrict the height of structures and objects of natural growth, and otherwise regulate the use of property, in the vicinity of the Sandpoint Airport by: creating the appropriate zones and establishing the boundaries thereof; providing for changes in the restrictions and boundaries of such zones; define certain terms used herein; reference the Airport's FAR Part 77 Airspace; provide for enforcement; and impose penalties. It is hereby found that an aviation

hazard endangers the lives and the property of users of the airport, as well as the property and the occupants of land in the vicinity of the airport. An aviation hazard reduces the size of the area available for landing, takeoff and maneuvering of aircraft, and thus diminishes or impairs the utility of the airports and the public investment therein.

Accordingly, it is declared that:

A. The airport fulfills an essential community purpose;

B. The creation or establishment of an aviation hazard is a public nuisance and will injure the region served by the airport;

C. The encroachment of noise sensitive or otherwise incompatible land uses within certain areas as set forth herein endangers the health, safety, and welfare of the owners, occupants, or users of the land;

D. It is necessary in the interest of the public health, safety, and general welfare that the creation of aviation hazards be prevented; and

E. Joint cooperation between all governing boards having jurisdiction within or adjoining the airport hazard areas is encouraged as a mechanism to prevent aviation hazards.

(Ord. 1037, 4-19-2000; amd. Ord. 1040, 7-18-2000; Ord. 1369, 12-18-2019)

9-12-2: Definitions:

See section 9-1-3 of this title for the definitions of the following terms used in this chapter:

Airport.

Airport elevation.

Hazard to air navigation.

Height.

Nonprecision instrument runway.

Person.

Precision instrument runway approach zone.

Primary surface.

Runway.

Visual runway.

(Ord. 1044, 10-18-2000)

9-12-3: Airport Overlay Zones:

In order to carry out the provisions of this chapter, there are hereby created and established certain zones for existing and future planned airport conditions as they apply to the Sandpoint airport. An area

located in more than one of the following zones is considered to be only in the zone with the more restrictive limitation. The various zones are hereby established and defined as follows:

A. Utility Runway Nonprecision Instrument Approach Zones: The inner edge of this approach zone coincides with the width of the primary surface and is five hundred feet (500') wide. The approach zone expands outward uniformly to a width of two thousand feet (2,000') at a horizontal distance five thousand feet (5,000') from the primary surface, its center line being the continuation of the center line of the runway.

B. Transitional Zones: These zones are hereby established as the area beneath the transitional surfaces.

C. Horizontal Zone: The horizontal zone is hereby established by swinging arcs of five thousand feet (5,000') radii from the center of each end of the primary surface of each runway, and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

D. Conical Zone: The conical zone is hereby established as the area that commences at the periphery of the horizontal zone and extends outward there from the horizontal distance of four thousand feet (4,000'). The conical zone does not include the precision instrument approach zones and the transitional zones.

E. Inner Critical Zone (ICZ): Rectangular in shape and centered about the extended runway centerline. The width of the inner critical zone is two thousand feet (2,000') and extends a horizontal distance of five thousand feet (5,000') from each end of the primary surface.

F. Lateral Safety Zone (LSZ): An area extending one thousand feet (1,000') either side of runway centerline and including the area between the ends of the primary surface(s) used to enhance the protection of people and property on the ground.

G. Runway Protection Zone (RPZ): The RPZ is an area off each runway end, is trapezoidal in shape and centered about the extended runway centerline. The inner width of the RPZ is five hundred feet (500'). The outer width of the RPZ is seven hundred feet (700'). The length of the RPZ is one thousand feet (1,000'), beginning two hundred feet (200') from each end of the runway.

(Ord. 1037, 4-19-2000; amd. Ord. 1369, 12-18-2019)

9-12-4: Height Limitations:

Except as otherwise provided in this chapter, no structure shall be erected, altered, or maintained and no tree shall be allowed to grow, in any zone created by this chapter to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones as follows:

A. Utility Runway Nonprecision Instrument Approach Zones: Slopes outward twenty feet (20') horizontally for each one foot vertically beginning at the end of and at the same airport elevation as the primary surface and extending to a horizontal distance of five thousand feet (5,000') along the extended runway center line.

B. Transitional Zones: Slopes outward seven (7) feet horizontally for each one foot vertically beginning at the sides of and at the same elevation as the primary surface and the approach zones, and extending to a height of one hundred fifty feet (150') above the airport elevation, which is two thousand one hundred twenty-seven feet (2,127') above mean sea level. In addition to the foregoing, there are established height limits sloping outward seven feet (7') horizontally for each one foot vertically beginning at the sides of and at the same elevation as the approach zones, and extending to the intersection with the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, height limits sloping outward seven feet (7') for each one foot vertically shall be maintained beginning at the sides of and at the same elevation as the approach surface, and extending to a horizontal distance of five thousand feet (5,000') measured at ninety degree (90°) angles to the extended runway center line.

C. Horizontal Zone: One hundred fifty feet (150') above the airport elevation or a height of two thousand two hundred seventy-seven feet (2,277') above mean sea level.

D. Conical Zone: Slopes outward twenty feet (20') horizontally for each one foot vertically beginning at the periphery of the horizontal zone and at one hundred fifty feet (150') above the airport elevation and extending to a height of three hundred fifty feet (350') above the airport elevation.

E. Conflicting Limitations: Where an area is covered by more than one height limitation, the more restrictive limitation shall prevail.

F. Excepted Height Limitations: Nothing in this chapter shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to forty-five feet (45') above the surface of the land if all applicable zone height restrictions can otherwise be met.

(Ord. 1037, 4-19-2000)

9-12-5: Use Restrictions:

A. Notwithstanding any other provisions of this chapter, no use may be made of land or water within any overlay zone established by this chapter in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport or otherwise in any way create a hazard or endanger the landing, takeoff or maneuvering of aircraft intending to use the Sandpoint Airport.

B. No change shall be made in the use of land and no structure or tree shall be erected, altered, allowed to grow or be maintained in any zone hereby created unless in conformance with this chapter.

C. No use or structure shall be established that would allow the creation of a "hazard to air navigation", as defined, or permit a nonconforming use, structure or tree to become a greater hazard to air navigation than the hazard was on the effective date of this chapter or any amendments thereto.

D. Rezoning of property within the overlay of the inner critical zone and lateral safety zone after the effective date of this chapter that would allow for any increase in population density, including the allowance of single-family homes, nursing homes, multi-family developments, apartments, condominiums, mobile home parks, schools, libraries, churches, outdoor spectator sports, parks, playgrounds or amphitheaters will not be allowed.

E. Disclosure Statement: Fair disclosure statement shall be provided to any applicant for conditional use permits, variances, preliminary and final plats, lot line adjustments, planned unit developments or zone changes within the inner critical zone or the lateral safety zone. Further, the fair disclosure statement shall serve to notify prospective buyers of property near airports that subject property is subject to the provisions of this chapter and lies within the inner critical zone or the lateral safety zone and under the Airport's FAR Part 77 Airspace. As such, it may be necessary to clear and keep clear the airspace of any portions of buildings, structures, or improvements of any and all kinds, and of trees, vegetation, or other objects. The fair disclosure statement shall also notify applicant for permit or prospective buyers that they may be exposed to potentially impactive levels of aircraft overflight, including, but not limited to, noise, vibration, fumes, dust, fuel or fuel particles, and other effects that may be caused by normal aircraft operations in and around airports. Before a permit shall issue, the applicant shall sign the fair disclosure statement and the fair disclosure statement will be recorded in the deed records of the county. Upon the applicant's refusal, the city shall acknowledge that the applicant was made aware of the above-described impacts. Such statement shall be recorded in the deed records of the county. Nothing stated herein is meant to provide pilots, crews, owners of aircraft, or any other person protection from liability for negligence committed on their part.

F. Within The Runway Protection Zone (RPZ): Notwithstanding nonconforming structures in existence on the effective date of this chapter, uses allowed in this zone are limited to cropland and open space.

(Ord. 1037, 4-19-2000; amd. Ord. 1040, 7-18-2000; Ord. 1369, 12-18-2019)

9-12-6: Nonconforming Uses:

A. The regulations prescribed by this chapter shall not be construed to require the removal, lowering or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date of this chapter, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this chapter, and is diligently pursued. Provided further, that nothing contained herein shall restrict or otherwise interfere with the use of North Boyer Avenue by vehicular traffic.

B. Notwithstanding the preceding provision of this section, the owner of any existing, nonconforming structure shall not object to the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Bonner County Commissioners and subsequently required by the Sandpoint Planning Commission to indicate the presence of such airport hazards to the operators of aircraft in the vicinity of the airport. Notice of intent to require markers and lights on any nonconforming structure shall be provided to the property owner by the Bonner County Commissioners. Such markers and lights shall also be installed and maintained at the expense of the Bonner County Commissioners.

1. The owner of any existing nonconforming tree(s) located off airport property shall negotiate, when requested, with the Bonner County Commissioners to mitigate said airport hazard by one or any combination of the following means:
    a. Voluntary removal of the tree(s) by the property owner.
    b. Removal of the tree(s) by the Bonner County Commissioners, upon purchase of said tree(s) and/or land containing said tree(s).
    c. Purchase of a navigation easement by the Bonner County Commissioners for the purposes of preventing airport obstructions through means determined necessary by the Bonner County Commissioners.
    d. Marking and lighting of the tree(s) by the Bonner County Commissioners to indicate the presence of such obstacles to the operators of aircraft.
2. Grant funding should be investigated to accomplish any of the above options. Any nonconforming tree(s) on Sandpoint Airport property shall be removed upon the recommendation of the Federal Aviation Administration.

C. Nonconforming uses are subject to the provisions for nonconforming uses as set forth generally in this chapter.

(Ord. 1037, 4-19-2000)

9-12-7: Variances:

A. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this chapter, may apply to the planning commission for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Additionally, no application for variance to the requirements of this chapter may be considered by the planning commission unless a copy of the application has been furnished to the Sandpoint Airport Board for advice as to the aeronautical effects of the variance. If the Airport Board does not respond to the application within fifteen (15) days after receipt, the planning commission may act on its own to grant or deny said application.

B. However, a tree or structure of less than forty-five feet (45') of vertical height above the ground is permitted in the horizontal and conical zones or in any approach and transitional zones beyond a horizontal distance of four thousand two hundred feet (4,200') from each end of the runway except when such tree or structure, because of terrain, land contour or topographic features, would extend above the height limit prescribed for the respective zone.

C. Any variance granted may, if such action is deemed advisable to effectuate the purpose of this chapter and be reasonable in the circumstance, be so conditioned as to require the owner of the structure or tree in question to install, operate and maintain thereon such markers and lights as may be deemed necessary by the Bonner County Airport Commission or other appropriate agencies as necessary to indicate to pilots the presence of a "hazard to air navigation", as defined.

D. Variance applications required by this Chapter are to be submitted by applicant to the Bonner County Airport Commission for its review and recommendation, and subsequently to the Sandpoint Planning Department for review by the:

1. Federal Aviation Administration for review and recommendation;
2. Other appropriate agencies as necessary; and
3. Sandpoint Planning Commission for its review and final decision.

(Ord. 1037, 4-19-2000; amd. Ord. 1040, 7-18-2000)

9-12-8: Conflicting Regulations:

Where there exists a conflict between any of the regulations or limitations prescribed in this chapter and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land or any other matter, the more stringent limitation or requirement shall apply.

(Ord. 1037, 4-19-2000)

9-12-9: Appeals:

Any person aggrieved, or any taxpayer affected, by any decision of the planning commission in the administration of this chapter, may appeal to the city council in accordance with the procedures noted in Section 9-9-10 of this Title.

(Ord. 1037, 4-19-2000)

9-12-10: Amending the Official Zoning Map:

Pursuant to section 9-~~14-~~2 of this title, the official zoning map of the city is hereby amended as shown on the hereby adopted official supplement zoning map on file in the office of the city clerk.

(Ord. 1037, 4-19-2000)

9-12-11: Penalty:

Any person violating any provision of this chapter shall be guilty of a misdemeanor and shall be punished in accordance with the provisions of section 1-4-1 of this code, and a separate offense shall be deemed to be committed for each day during or which a violation occurs or continues.

(Ord. 1037, 4-19-2000)

CHAPTER 13 HISTORIC PRESERVATION CODE

9-13-1 Purpose and Applicability:

A. Purpose:

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

B. Applicability: This code shall apply to all properties within any locally designated historic district and/or locally designated individual properties or landmarks.

9-13-2 Definitions:

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

ALTERATION: An "alteration" shall mean:

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

CERTIFICATE OF APPROPRIATENESS: A permit, issued by the Arts, Culture, and Historic Preservation Commission that verifies proposed work on a historic property or development within a historic district is suitable and won't negatively impact its historic significance.

CITY: City of Sandpoint.

COMMISSION: the Arts, Culture and Historic Preservation Commission of the City of Sandpoint, unless otherwise stated. Also abbreviated as ACHP Commission.

CONTRIBUTING PROPERTY: A property that significantly contributes to the historical character of an existing or potential National Historic-eligible historic district, when considering the historical integrity of a district. A property is contributing because: a) it was present during the period of significance, and possesses historic integrity reflecting its character at that time or is capable of yielding information about the period, or b) it individually meets the National Register eligibility criteria. For inventory purposes, "primary" shall be used synonymously with "contributing".

CHARACTER-DEFINING FEATURE(S): The essential physical characteristics of a historical resource that convey its historical significance, as described by the National Parks Service. Such features may include but are not limited to the building material, window and door placement and design, architectural arrangement, massing, roof form, texture, paint, and may be identified in a historical resource survey or otherwise determined by the ACHP Commission.

DESIGNATED HISTORIC PROPERTY: Property locally designated under this chapter, as well as the National Register of Historic Places, as a historic property.

ELIGIBLE PROPERTY: A property that meets the criteria to be listed on the National Register of Historic Places.

EXTERIOR FEATURE: The architecture, size, location, type, style, kind, texture, design, general arrangement and/or material of a building, site, structure or object including, but not limited to, windows, doors, exterior light fixtures, roofs, signs, appurtenant fixtures, and fencing, all as visible from public right of way.

HISTORIC INTEGRITY: The ability of a resource to convey its significance through retention of aspects including: location, design, setting, materials, workmanship, feeling and association, as espoused by the National Park Service.

HISTORIC PRESERVATION: The identification, evaluation, recordation, documentation, curation, acquisition, management, protection, restoration, rehabilitation, stabilization, maintenance, interpretation, conservation, and education of buildings, structures, objects, districts, areas, and sites significant in the history, architecture, archaeology or culture of Sandpoint, the state or nation.

HISTORIC BUILDING/PROPERTY/HISTORICAL RESOURCE: The City has identified resources that are important to Sandpoint's architectural, cultural, economic, historic, political, and social heritage, known as historical resources. Any building, structure, object, district, area, or site that is significant in the history, architecture, archaeology or culture of Sandpoint or that has made a significant contribution to the prehistory of the region, shall be considered a historic building/property/historical resource if it is locally designated in accordance with the provisions of this chapter, and is:

a. Included in the National Register of Historical Places; or

b. Included within the boundaries of a Historic Overlay Zone of the City, or

c. Is an individual landmark as stated in 9-13-2.

LOCAL HISTORIC DISTRICT: Any area designated as such by ordinance which includes or encompasses such buildings, sites, structures, or objects as the city may determine to be appropriate for historic

preservation. Such local district (or districts) need not be a single enclosed area nor do the areas or sites have to be contiguous to constitute a district. A district may include contributing, noncontributing, or undeveloped properties.

NEW CONSTRUCTION: Construction or installation of an entire structure, whether primary, secondary or accessory.

NONCONTRIBUTING PROPERTY: A property within an existing or potential historic district that does not meet the criteria for a contributing building. A property may be noncontributing because: a) it was not present during the period of significance; b) due to alterations, disturbances, additions, or other changes, it no longer possesses historic integrity reflecting its character at that time or is incapable of yielding important information about the period; or, c) it does not individually meet the national registry eligibility criteria, however, a resources does not have to be individually eligible to be considered contributing to a district. A noncontributing building, site, structure, or object that is within a historic district remains subject to this article. For inventory purposes, "noncontributing" has been designated through a survey and a formal hearing process.

OBJECT (FOR PURPOSES OF DESIGNATION): A construction primarily artistic in nature or relatively small in scale and simply constructed, such as a statue, milepost, or sign.

ORDINARY REPAIRS: The maintenance or repair of any exterior feature of any building or structure in an historical district, or of any historic property or landmark which does not involve a change in design, material, color or outer appearance thereof.

PERIOD OF SIGNIFICANCE: The length of time when a property or district was associated with important events, activities, or persons, or attained the characteristics which qualify it for national register listing. Period of significance usually begins with the date when significant activities or events began giving the property its historic significance; this is often but not always a date of construction.

PRESERVATION: The act or process of applying measures necessary to sustain the existing form, integrity, and materials of a historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. New exterior additions are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical and plumbing systems and other code required work such as improvements for compliance with Americans with Disabilities Act (ADA) to make properties functional is appropriate within a preservation project. Exterior additions should be sympathetic to the significant elements of the historic property.

PUBLIC SAFETY ACTION: Any measure of construction, alteration, stabilization, or demolition of a historic resource necessary to correct or abate the unsafe or dangerous condition of any structure which such condition has been declared unsafe or dangerous by the Chief Building Official or Fire Chief.

RECONSTRUCTION: The act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving building, site, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location.

REHABILITATION: The act or process of making possible a new use for a property through repair, alterations, and additions using in-kind materials while preserving those portions or features which convey its historical, cultural, or architectural values.

RESTORATION: The act or process of accurately depicting the forms, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the historic period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code required work to make properties functional is appropriate within a restoration project.

RESOURCE RECORD: A form that catalogs the age, style, contributing or noncontributing classification, address, location, photograph, date of inventory, name of surveyor, building permit history and other relevant information as may be acquired or required by the director or commission for a building, site, structure, or object.

SECRETARY OF THE INTERIOR'S STANDARDS FOR REHABILITATION: Standards that were written pursuant to federal law to ensure that work on historic buildings is done in such a manner which preserves the historical integrity of the building. For further information refer to the "Secretary of The Interior's Standards For The Treatment Of Historic Properties With Guidelines For Preserving, Rehabilitating, Restoring And Reconstructing Historic Buildings".

SITE (FOR PURPOSES OF DESIGNATION): Location of a significant event, a pre-contact or historic occupation or activity, or a building or structure, whether standing, ruined or vanished, where the location itself possesses historic, cultural or archaeological value regardless of the value of any existing structures.

SITE IMPROVEMENTS: A modification to the grounds of a property not including the buildings or accessory buildings. Such improvements may include, but are not limited to: fences, walls, greenhouses, storage sheds, outdoor light fixtures, patios, decks, porches, landscape features, steps or pavement.

STRUCTURE (FOR PURPOSES OF DESIGNATION): A functional construction made for purposes other than creating shelter, such as, but not limited to, a bridge, canal, or man-made waterfront; and 2 (For All Other Purposes): Anything constructed or erected which requires permanent location on the ground or is attached to something having location on the ground. Structures may include, but are not limited to, buildings, platforms, framework, antennas, and prefabricated sheds or other structures.

SURVEY FORM: See Resource Record, above.

TEMPORARY FEATURES: Items that are erected or displayed for a limited amount of time, not to exceed one hundred eighty (180) days at any one time unless otherwise approved by the Director, which may include, but are not limited to: sidewalk cafe tables, fences, chairs, planters, umbrellas, and bicycle racks.

TEMPORARY STRUCTURES: A structure with or without a foundation that is erected for a limited amount of time, not to exceed one hundred eighty (180) days at any one time unless otherwise approved by the Director, which may include, but is not limited to, playhouses and play equipment, mobile buildings and carport/canopy structures.

9-13-3 Designation of Local Historic District

The City may establish by ordinance one or more local historic preservation districts within the City using the criteria and procedures set forth in Title 9, Chapter 2, Section 10, Legislative Actions, and the regulations set forth below.

A. Establishment of a Local Historic District: The City may establish by ordinance one or more historic preservation districts, as a zoning overlay district, provided that any historic district shall not be designated until a minimum of one of the following criteria has been established:

1. Historical or Cultural Importance:

   a) The district has significant character, interest, or value as part of the development, heritage, or cultural characteristics of the city, state, or nation;

   b) The district is associated with the life of a person significant in the past;

   c) The district is the site of an historic event with significant effect upon society;

   d) The district exemplifies the cultural, political, economic, social, educational, or historic heritage of the community;

   e) The district should be part of or related to a street, square, park, or other distinctive area, should be developed or preserved according to a plan based on historic, cultural, or architectural motif; or

   f) Owing to its unique location or singular physical characteristics of the district, represents an established and familiar visual feature of the neighborhood, community, or city.

B. Architectural Importance:

1. The district portrays the environment in an era of history characterized by a distinctive architectural style;

   a) The district embodies those distinguishing characteristics of an architectural-type or engineering specimen;

   b) The district is the work of a designer, architect, or craftsman whose individual work has significantly influenced the development of the city, state, or nation; or

   c) The district contains elements of design, detail, materials, or craftsmanship that represent a significant innovation.

C. Archeological Importance:

1. The district has yielded or may be likely to yield information important in pre-contact or history; or

2. The district contains or is likely to contain physical remains, such as relics, monuments, or symbols, of past human life and activities.

D. Commission Research and Report on Proposed District:

1. The Commission, whether by its own initiative or upon request of the City Council, or upon request of one or more property owners in the area of a proposed local historic district, may recommend the designation of one or more local districts.

2. Prior to recommending designation the Commission shall make a survey of the historical, architectural, archaeological, and cultural significance of the buildings, structures, features, sites, or surroundings included in any such proposed local historic district based on the historical, architectural, and archaeological criteria established in this section. For the purposes of creating an historic district in downtown, the Arts, Culture, and Historic

Preservation Plan, the surveys referenced therein, and its appendices adopted by City Council in 2018 shall satisfy the requirement of a survey.

3. Thereafter, the Commission shall prepare a report containing recommendations concerning the area or areas to be included in the proposed local historic district or districts.
4. Transmittal of Report to Planning and Zoning Commission: Copies of the report shall be transmitted to the Planning and Zoning Commission for their review and recommendation to City Council through the public hearing process outlined in Title 9, Chapter 2, Section 10 of this code for legislative actions and overlay districts.
5. Notice Requirements of the public hearing before the Planning and Zoning Commission: In addition to the noticing requirements for adoption of overlay districts in Chapter Title 9, Chapter 2, Section 10, notice of the time, place, and purpose of the hearing shall be provided at least fifteen (15) calendar days prior to the hearing by one publication in a newspaper of general circulation in the city, and written notice of the hearing shall be given to the owners of all properties, as well as occupants of the properties if different from the owners, to be included in the local district or districts at least fifteen (15) calendar days prior to the hearing.

9-13-4 Designation of Local Historic Landmarks:

Historic Landmarks shall be designated by ordinance and in accordance with the following criteria and procedural requirements:

A. The building, site, structure, or object proposed for such designation may be so designated on the following criteria: historical, architectural, archeological, and cultural significance; suitability for preservation or restoration; educational value; cost of acquisition, restoration, maintenance, operation, or repair; possibilities for adaptive or alternative use of the property; appraised value; and the administrative and financial responsibility of any person or organization willing to underwrite all or a portion of such costs. In addition, it must meet the criteria established for inclusion in the National Register of Historic Places.

B. The Commission, either on its own initiative or upon the request of the City Council, or upon the request of owner of the property proposed to be designated, may recommend the designation of a historic landmark. Prior to recommending the designation, the Commission shall conduct studies, research, and investigations based on the relevant criteria listed in subsection (1) of this section. Thereafter, the Commission shall prepare a report containing recommendations concerning the historic landmark proposed to be designated and a draft of the designating ordinance to be presented to the Planning and Zoning Commission and City Council for consideration during a public hearing(s) before each body. The report of the Commission shall include comments regarding the suitability of the historic landmark for preservation or restoration.

C. For each designated individual historic landmark, demolition or removal shall be subject to Section 9-13-5(N). Demolition, removal, material alteration, and remodeling shall be subject to the applicable Certificate of Appropriateness requirements and exemptions of Section 9-13-5. The designating ordinance shall also provide guidelines for a suitable sign or marker on or near the historic landmark indicating that the property has been so designated.

D. For properties both designated as a historic landmark and located within a local historic district, the portion of this chapter pertaining to the districts, takes precedence over the waiting period for demolition, material alteration, remodeling, or removal of the structure.

E. The City Council shall hold a public hearing on the designating ordinance, after having given written notice to the owners and occupants of the property. Notice of the time, place, and purpose of the hearing shall be provided at least fifteen (15) calendar days prior to the hearing by one publication in a newspaper of general circulation in the City, and written notice of the hearing shall be given to the owners of all properties, as well as occupants of the properties if different from the owners, that are the subject of the landmark at least fifteen (15) calendar days prior to the hearing

F. Following such public hearing, the City Council may act on the designating ordinance.

G. Upon passage of the designating ordinance, the owners and occupants of each designated historic landmark shall be given written notification of said designation by the City Council, and one copy of the designating ordinance shall be filed in the office of the county recorder of Bonner County, Idaho, by the city clerk.

H. The city clerk shall give notice of such designation to the tax assessor of Bonner County, Idaho.

9-13-5 Permits Required:

A. Purpose and Intent:

1. The purpose of the Certificate of Appropriateness is to promote the public health, safety, and welfare through the preservation of historical resources, and thereby safeguard the city's heritage as embodied and reflected in its resources; carry out the goals and policies of the Comprehensive Plan; enhance and preserve property values; protect and enhance the city's attractiveness to tourists and visitors; stabilize areas of the city and preserve varied and harmonious architectural styles reflecting phases of the city's history; promote and encourage continued private ownership and utilization of such structures; foster civic and neighborhood pride and sense of identity based on the recognition and use of historic resources; and promote the enjoyment and use of historic resources appropriate for the education and recreation of the people of Sandpoint.

2. It is the intent of the Certificate of Appropriateness to implement the Comprehensive Plan and policies related to historic preservation by protecting structures, improvements, natural features, and objects of known or potential historic significance from alteration or demolition that would have an adverse effect thereon.

B. Applicability and When Required: A Certificate of Appropriateness shall be required for all of the following activities:

1. No exterior feature as defined herein above in subsection 9-13-3 of any building, site structure or object, including all appurtenant features, nor aboveground utility structure nor any type of outdoor advertising sign shall be erected, altered, restored, moved, or demolished within a local historic district or any local landmark until after an application for a Certificate of Appropriateness has been submitted to the Department and approved as set forth table 9-13-1 of this Chapter, unless exempted from this requirement, as established in subsection 9-13-6 (5), below.

2. A certificate of Appropriateness is required whether or not a building permit is required, and a Certificate of Appropriateness must be granted in all cases before an applicant can obtain any other permit. (IC 67-4608).

C. Initial Identification: As part of the application process for a Certificate of Appropriateness, the planning staff shall confirm the contributing or non-contributing classification of the property based upon the survey records.

D. All applicable permits, as established in Title 9, Chapter 2, Zoning Administration, shall be required in addition to a Certificate of Appropriateness, unless otherwise herein stated.

Table 9-13-1 Certificate of Appropriateness review requirements

Reason for Certificate of Appropriateness	Arts, Culture, and Historic Preservation Commission Review	Staff Level Review	No CA Required
Deviation from Historic Design Standards or Guidelines	X		
Exterior Alterations (includes windows and doors, exterior materials, etc.)	X		
Demolition or Relocation	X		
New Construction	X		
Interior Alterations			X
New Sign (Structure)		X	
Sign Face/Copy Change		X	
Window Signage		X	
Aboveground Utility Structures	X		
Ordinary Repairs			X
Landscaping		X	
Maintenance			X
Public Safety Actions		X	
Change in zoning classification/rezone (IC 67-4609)	X		

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

1. Interior arrangement of any building or structure or any interior features or fixtures;

2. Temporary structures and features that do not remain in existence for a time period greater than 45-days in any consecutive twelve (12) month period.

3. An action that does not require a Certificate of Appropriateness as identified in table 9-14-1.

4. Ordinary Repairs as defined in 9-13-3, above: Nothing in this Chapter shall be construed to prevent the ordinary maintenance or repair of any exterior feature of any building or structure in an historical district, or of any historic property or landmark which does not involve a change in design, material, color or outer appearance thereof.
5. Public Safety Actions as defined in 9-13-3, above.
6. Any exterior modification approved through a state or federal approval.

F. Application Requirements:

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

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

H. Notice of Public Hearing: Except for those Certificates of Appropriateness approved at the staff level, prior to approval or denial of a Certificate of Appropriateness requiring action by the Commission a public hearing shall be held, notice shall be posted on the premises not less than seven (7) calendar days prior to the meeting and notice shall be mailed to the applicant, the property owners and residents within three hundred feet (300') of the exterior boundary of the parcel under consideration, a minimum of fifteen (15) days prior to the public hearing.

I. Findings and Decision: An application for a Certificate of Appropriateness shall be approved only after first making the following findings:

1. Findings for Alterations: A decision in regard to Certificates of Appropriateness for alterations shall be based on the following findings as applicable to that property or request and as they relate to historic preservation:

a) That the request is consistent with the Secretary of the Interior's Standards for Rehabilitation and guidelines for rehabilitating historic buildings;

b) That the request is consistent with City of Sandpoint adopted historic preservation guidelines, if any;

c) That the request supports the goals, policies, and action items of the City of Sandpoint's Comprehensive Plan and any relevant plan, such as the Arts, Culture, and Historic Preservation Plan, referenced therein;

d) That based on the adopted guidelines or the Secretary of the Interior's standards and guidelines mentioned above, the request will not be incongruous with the historical, architectural, educational, or cultural aspects of the local district;

e) That the request complies with the dimensional standards and other applicable requirements of Title 9 of this Code including but not limited to setbacks, height restrictions and parking requirements, unless the Commission finds that modifying these standards is necessary to protect the overall character of the local district and to comply with any adopted guideline.

J. Findings for Demolition or Relocation: In order to approve a Certificates of Appropriateness for demolition or a relocation request, at least three out of the following five findings shall be made:

1. That the building, site, structure, or object is not classified as contributing within the local district as stated on a survey form not greater than ten years old on file in the planning and zoning department;
2. That the building, site, structure, or object cannot reasonably meet national, state, or local criteria for designation as a historic property;
3. That the demolition of the building, site, structure, or object would not have an adverse impact on the character of the district and/or the adjacent properties and/or would not put the district at risk of losing historical status;
4. That the owner has reasonably demonstrated that rehabilitation of the building, site, structure, or object would not be economically practical, realistic, or viable based on review of the information required in subsection 9-13-6(6)(2), above;
5. That plans have been submitted to the City to redevelop the property if the demolition proceeds and such plans will have a positive effect on the district and/or adjacent properties. The size, scale, use, materials, and/or overall design of the project may be considered as qualities for producing a positive effect that furthers the purpose of the district.

K. Findings for Change in Zoning Classification: A decision in regard to Certificates of Appropriateness for a change in zoning classification/rezone shall be based on the following findings:

1. That the request supports the City of Sandpoint's Comprehensive Plan, and any relevant plan referenced therein;
2. That the request will be congruous with the historical, architectural, archaeological, educational, or cultural significance of the local district;

3. There will be no significant effect on the exterior of the resource.

L. Findings for New Construction (for New Construction within a Local Historic District): A decision in regard to Certificates of Appropriateness for new construction shall be based on the findings in 9-13-6 (9)(A), above, and the following findings:

1. Review of Building Mass: The mass of the building shall be reviewed for its relationship to other buildings within the local historic district, and shall be compatible and consistent with the predominant building mass within the local district;
2. Proportion Of Building Facades: The height to width relationship shall be compatible and consistent with the predominant architectural character of the local historic district;
3. Design Interest: The exterior of the building shall provide architectural relief and design detailing compatible with the architectural character of the local historic district;
4. Appropriateness of Materials: The materials shall be compatible with the materials of other buildings within the local historic district.
5. Retention of Authenticity: The building is not attempting to create a false sense of history.
6. In applications where a Conditional Use Permit and/or a Site Plan Review Permit is required, as established in Chapter 2, Section 2-8, Zoning and Land Use Permits, requisite findings for such permits shall also be required.

M. Maintenance and Repair Required - Demolition by Neglect:

1. Any property located within the district shall be preserved by the owner, or such other persons as may have legal custody or control of the property, against decay and deterioration, and free from unreasonable structural defects. The owner or person having legal custody and control of the property shall repair such resource if it is found to have one or more of the following defects, or other defects that in the judgment of commission has a detrimental effect on the historical characteristics of the property or district:
   a) The deterioration of exterior walls or other vertical supports;
   b) The deterioration of roofs or other horizontal members;
   c) The deterioration of external chimneys;
   d) The deterioration or removal of exterior finishes or fenestration;
   e) The ineffective waterproofing of exterior walls, roofs and foundations including broken windows or doors; and
   f) The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition or conditions.
2. If the commission makes a preliminary determination that a resource is being demolished by neglect, it shall direct the Building Official to notify the owner(s) of the resource of this preliminary determination, stating the reasons therefore, and shall give the owner of record 45 days from the date of mailing such notice to commence work to correct the specific defects as determined by the commission.

3. If the owner(s) fail to commence work within the time allotted as evidenced by the issuance of a building permit (if required) and certificate of appropriateness, commission shall notify the owner(s) in writing to appear at a public hearing before the commission at a date, time, and place to be specified in the notice, which shall be mailed at least 28 days before the hearing. The commission shall also notify in writing adjacent property owners of such a hearing. The commission shall receive evidence on the issue of whether the subject resource should be repaired, and the owner(s) may present evidence in rebuttal thereto. If, after such hearing, the commission determines that the resource is being demolished by neglect, it shall inform the Director who may initiate code enforcement actions in accordance with the regulations set forth in chapter 2, Zoning Administrastion.

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

1. The purpose of this subsection is to further the purposes of the Comprehensive Plan, the Arts, Culture and Historic Preservation Plan, and this Chapter to preserve historic buildings which are important to the architectural and historical significance of Sandpoint. It is further the purpose of this subsection to afford the City, interested persons, historical societies or organizations the opportunity to acquire or arrange for preservation of such structures.

2. Prior to demolishing or removing a structure designated as a historic property or landmark or located within a district, 180-days' written notice of the proposed demolition shall be given before a building permit or Certificate of Appropriateness to demolish or remove the structure is issued. Notice shall involve the following:

   a) Prior to the issuance of a building permit to demolish/demolition permit, the notice shall be published in a newspaper of general circulation at least two times.

   b) The first notice shall be published no later than fifteen (15) days after the application for a permit to demolish is filed and the final notice shall be published approximately fifteen (15) days prior to the date of demolition or removal.

3. Negotiation to avoid Demolition: During this six (6) month period, the staff and/or the Commission, may negotiate with the owner of the property and with any other parties in an effort to find a means of preserving the property. Such negotiations may include relocation to a new site, or inducements to interested third parties to purchase the property for the purpose of preserving it.

O. Building Code Exemptions:

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

2. A historic building or structure shall comply with the provisions regarding historic buildings of the adopted edition of the International Existing Building Code (IEBC) relating to their repair, alteration, relocation and change of occupancy.

P. Penalties: Any person who violates any provision of this Chapter shall be subject to the penalties and remedies as provided in Title 9, Chapter 2 (Zoning Administration).

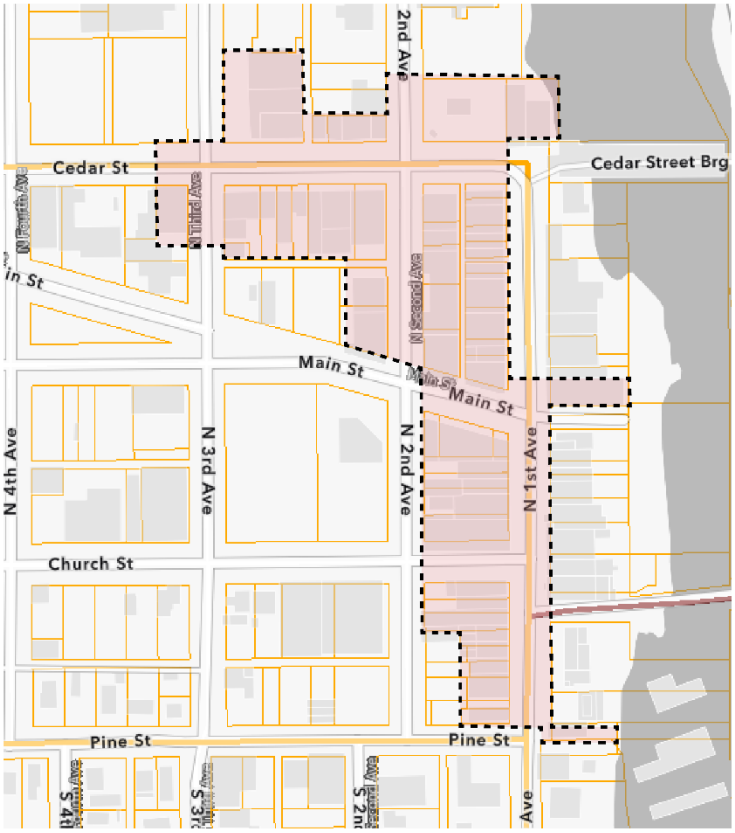
9-13-6: Downtown Sandpoint Historic Preservation Overlay Zone District (HHPHP – D)

A. Purpose and Applicability:

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

2. Applicability: The Downtown Sandpoint Historic Preservation Overlay District applies to the following area as shown in Figure 9-13 (1).

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



B. Governing Structure: The legislature of the State of Idaho (pursuant to chapter 46, title 67, Idaho Code) has declared the engagement in a comprehensive program of historic preservation to be public policy and in the public interest for all levels of government in the state. This Chapter 13 and Chapter 2 of this Sandpoint City Code Title 9 provides for the creation of historic

preservation overlay districts and is applied to the Downtown Sandpoint Historic Preservation Overlay District as of the date of its creation. This subsection codifies and promulgates the provisions contained in Title 9, Chapter 2 of this Code (Zoning Administration), Title 9, Chapter 13 of this Code (Historic Preservation Code), and Title 2, Chapter 10 of this Code (Boards and Commissions) pertaining to the Arts, Culture, and Historic Preservation Commission.

C. Definitions: The definitions contained in 9-1-2 and 9-13-3 shall apply to the Downtown Sandpoint Historic Preservation Overlay District.

D. Permit Required: All land use actions and development activity within the boundaries of the district, including the modification of any structure or new development, or demolition, as defined and established in 9-13-3, above, shall first require the issuance of a Certificate of Appropriateness pursuant to 9-13-6, above, unless exempt.

E. Standards Apply: The following design standards shall apply within the district boundaries to the modification of any structure or new development as defined and established in 9-13-3 (Definitions), above. These standards are in addition to the design standards contained in the underlying zone located in Chapter 3.

1. Basic Standards: The Secretary of the Interior's Standards for Rehabilitation shall provide the basic direction for review of improvements affecting properties within the district.
2. Standards for Existing Buildings (Maintenance and Improvements):
   a) General Intent: The standards for existing buildings are intended to preserve and reinforce the architectural character, materials, and defining features of buildings that contribute to the historic downtown environment. Regular maintenance, repair, and sensitive improvements are encouraged to extend the life of existing structures while retaining the elements that give downtown Sandpoint its distinctive identity. These standards prioritize preservation over replacement and seek to prevent incremental alterations that erode historic character over time.
   b) Preservation Priority: Existing buildings shall be maintained, repaired, and improved in a manner that preserves their defining architectural features and historic character. Repair and restoration shall be prioritized over replacement wherever feasible.
3. Character-defining Features: The following elements shall be preserved and maintained where they exist:
   a) Historic storefront configurations, including recessed entries and display windows;
   b) Original window openings, proportions, and rhythms;
   c) Masonry, stone, wood, and metal architectural detailing;
   d) Cornices, parapets, pilasters, belt courses, and decorative brickwork.
4. Inappropriate alterations: The following are prohibited for existing buildings:
   a) Covering historic materials with non-historic cladding;
   b) Reducing or infilling original window openings;
   c) Replacing historic windows with vinyl or incompatible window systems;
   d) Removing or obscuring defining architectural features.

~~CHAPTER 14 ZONING DISTRICTS, MAP~~

~~9-14-1: Zoning Districts Designated:~~

~~For the purpose of this title, the city shall be and is hereby divided into zoning districts as follows:~~

~~Zone commercial A~~	~~Commercial zone~~
~~Zone commercial B~~	~~Commercial zone~~
~~Zone commercial C~~	~~Commercial zone~~
~~Zone MUR~~	~~Mixed use residential zone~~
~~Zone IG~~	~~Industrial general zone~~
~~Zone IBP~~	~~Industrial business park zone~~
~~Zone ITP~~	~~Industrial technology park zone~~
~~Zone RS~~	~~Residence zone~~
~~Zone RM~~	~~Residence zone~~
	~~Watershed protection zone~~
~~Zone RR-1~~	~~Rural residential zone~~
~~Zone RR-2~~	~~Rural residential zone~~
~~Zone AO~~	~~Airport overlay zone~~

~~(Ord. 1263, 12-29-2011; amd. Ord. 1305, 10-15-2014)~~

~~9-14-2: Zoning Map:~~

~~A. Zoning classification and zoning districts shall be, and the same are hereby established for all real property lying within the city, and all real property is hereby zoned or rezoned and zoning classification is hereby established for all property lying within the city in accordance with and pursuant to the official zoning map and the legal descriptions hereinafter referenced.~~

~~B. The official zoning map depicting the zoning classifications for the real property located within the city, adopted and made a part hereof by reference, is hereby declared to be the official zoning map of the city and does hereby create, zone, rezone and/or reestablish zoning classification and the boundaries surrounding each zoning district for all real property lying within the city.~~

~~C. The legal description of the boundary line surrounding each zoning district within the city is established in writing in proper legal description form and filed in the office of the city clerk. Said description shall be certified by the mayor and the city clerk and at least three (3) certified copies shall be kept on file in the office of the city clerk. Copies of the same shall be provided to all members of the public and all interested parties upon request.~~

~~D. The official zoning map hereby adopted and made a part hereof by reference shall be certified by the mayor and city clerk upon the adoption of said map and this section and the same shall be recorded with the county recorder of Bonner County, Idaho, and shall become a part of the official records of Bonner County, and of the official records of the city. Copies of the same shall be made available to the general public and all interested parties upon request. An official map and at least three (3) certified copies thereof shall be kept on file and filed with the office of the city clerk.~~

~~E. Upon adoption hereof, said map shall be referred to as the official zoning map of the city unless and until further amended or modified by appropriate legal ordinance and shall constitute the legal evidence of the existing zoning classification for each, every, any and all parcels of real property located within the city.~~

~~F. The boundaries of the zones shall be established and clearly marked upon the zoning map as adopted in this chapter; provided, that public hearings shall be held by the city council before establishment and approval of said zones.~~

~~(Ord. 1236, 6-23-2010)~~

TITLE 9 ZONING

Chapter 1: General Zoning Provisions
Chapter 2: Zoning Administration
Chapter 3: Commercial Zones
Chapter 4: Industrial Zones
Chapter 5: Residential Zones
Chapter 6: Off-street Parking
Chapter 7: Sign Code
Chapter 8: Home Occupations
Chapter 9: Mobile Homes / Trailer Coach Courts
Chapter 10: Telecommunications Facilities
Chapter 11: Area of Impact
Chapter 12: Airport Overlay Zone
Chapter 13: Historic Preservation Code and Overlay Zone

CHAPTER 1 GENERAL ZONING PROVISIONS

9-1-1: Short Title:

This title shall be known and designated as the Zoning Ordinance of the City of Sandpoint, Idaho.

(Ord. 180, 2-5-1941)

9-1-2: Purpose:

A. The Mayor and City Council have determined, and do hereby determine, that for the purpose of promoting the health, safety, morals and general welfare of the citizens of Sandpoint; to lessen congestion in the streets thereof; to better secure its citizens from the dangers of conflagration, panic and other dangers; to provide adequate light and air for its inhabitants; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate and make adequate for transportation, water, sewerage, schools, parks and other public requirements; to encourage the most appropriate use of land in the city; to make adequate provision for the future construction and repair of buildings in the city; and to provide safety measures for traffic on its streets by limiting the distance from street lines of buildings hereafter constructed, it is to the best interests of the city, its property owners, and all persons concerned to provide a zoning ordinance and to carry out the powers delegated to the city under the provisions of the Idaho Code.

B. Carry out the intent and purposes of the “Local Land Use Planning Act”, Idaho Code §67-6501 et seq., as amended;

C. Carry out the policies of the Comprehensive Plan by classifying and regulating the uses of property and structures within the incorporated areas of the City of Sandpoint;

D. Establish zoning districts within the City of Sandpoint in accord with the Comprehensive Plan in conformance with Idaho Code §67-6511;

E. Provide standards for the orderly growth and development of the City of Sandpoint. As required by Idaho Code 67-6511, such standards include, but are not limited to, those regulating:

1. The height, number of stories, size, design, construction, reconstruction, alteration, repair, or location of structures.

2. Size, minimum lot dimensions, landscape buffers, size of required yards, and density and/or intensity of residential, commercial and industrial properties;

3. The use of structures and properties.

F. Ensure the most appropriate use of properties, including preservation of historic resources consistent with Idaho Code §67-4601 et seq;

G. Protect property rights and enhance property values;

H. Provide a method of administration and prescribe penalties for the violations of regulations hereafter described as authorized by the constitution and laws of the State of Idaho; and

I. Protect and promote the health, safety, and general welfare.

9-1-3: Applicability:

A. The regulations of this title shall apply and govern development and use of all properties within the corporate limits of the City of Sandpoint. No person or public agency shall construct, alter, move, or change the use of a structure or undertake any development unless:

1. The proposed use, structure, development, or division of property complies with this title.

2. Any required approval is first obtained as provided by chapter 2 “Zoning Administration”, of this title, and any applicable conditions of approval are satisfied.

B. Nothing in this title shall eliminate the need for obtaining any other required permits, including but not limited to, building permits, public infrastructure permits, or any permit, approval, or entitlement required by other titles of this code, other political subdivisions of the State of Idaho, or agencies of the State of Idaho.

9-1-4: Zoning Districts Designated:

For the purpose of this title, the city shall be and is hereby divided into zoning districts as shown in Table 9-1-1, Zoning Districts of Sandpoint.

Table 9-1-1: Zoning Districts of Sandpoint			
Zoning District Name	**Abbreviation**	**Basic Zone Description**	**Code Location**
Community Commercial	CC	Commercial	Chapter 3
Neighborhood Commercial	NC	Commercial	Chapter 3
Downtown Core	DC	Commercial	Chapter 3
Downtown Outer Core	DOC	Commercial	Chapter 3
Parks and Open Space Zone	POS	Parks	Chapter 3
Industrial General Zone	IG	Industrial	Chapter 4
Industrial Business Park Zone	IBP	Industrial	Chapter 4
Industrial Technology Park Zone	ITP	Industrial	Chapter 4
Residential Single-Family Zone	RS	Residential low density	Chapter 5
Residential Multi-Family	RM	Residential medium to high density	Chapter 5
Rural Residential One Zone	RR-1	Residential large lot	Chapter 5
Rural Residential Two Zone	RR-2	Residential large lot	Chapter 5

Airport Overlay Zone	AO	Airport protection	Chapter 12
Historic Preservation Overlay Zone	HPO	Historic preservation	Chapter 13

9-1-5: Zoning Map:

A. Zoning classification and zoning districts shall be, and the same are hereby established for all real property lying within the city, and all real property is hereby zoned or rezoned and zoning classification is hereby established for all property lying within the city in accordance with and pursuant to the official zoning map and the legal descriptions hereinafter referenced.

B. The official zoning map depicting the zoning classifications for the real property located within the city, adopted and made a part hereof by reference, is hereby declared to be the official zoning map of the city and does hereby create, zone, rezone and/or reestablish zoning classification and the boundaries surrounding each zoning district for all real property lying within the city.

C. The official zoning map hereby adopted and made a part hereof by reference shall be certified by the Mayor and City Clerk upon the adoption of said map and this section and the same shall be recorded with the County Recorder of Bonner County, Idaho, and shall become a part of the official records of Bonner County, and of the official records of the city. Copies of the same shall be made available to the general public and all interested parties upon request. An official map and at least three (3) certified copies thereof shall be kept on file and filed with the office of the City Clerk.

D. Upon adoption hereof, said map shall be referred to as the official zoning map of the city unless and until further amended or modified by appropriate legal ordinance and shall constitute the legal evidence of the existing zoning classification for each, every, any and all parcels of real property located within the city.

E. The boundaries of the zones shall be established and clearly marked upon the zoning map as adopted in this chapter.

9-1-6: Permitted Land Uses:

A. Table of Permitted Land Uses: Table 9-1-2 lists all the land use types and all zoning districts where the land use type is permitted (P), permitted with approval of a Conditional Use Permit (C), or permitted as an accessory land use (A) to a principal land use. Land uses not listed shall be prohibited.

B. Overlay Zoning Districts: Regardless of whether Table 9-1-2 lists a land use as either permitted (P), conditionally permitted (C), or accessory (A), the land use shall be further regulated, including prohibited, in any applicable overlay zoning district.

C. Additional requirements: In addition to the requirements of Table 9-1-2, requirements for specific land uses are listed within Chapter 9-3 Commercial Zoning Districts, Chapter 9-4 Industrial Zoning Districts, Chapter 9-5 Residential Zoning Districts, Chapter 9 Mobile Home Parks/Trailer Coach Courts, Chapter 12 Airport Overlay Zone District, and Chapter 13 Historic Preservation Code.

D. Accessory use: An accessory use, unless otherwise permitted in this Code, shall not commence and no accessory structure shall be constructed without a principal use first being lawfully established on the subject site.

E. Determination of similar uses: Uses that are similar in nature to one or more permitted land uses, as determined by the Director, may be permitted.

Table 9-1-2: Permitted Land Uses

Table 9-1-2: Permitted Land Uses

P= Permitted C=Conditional Use Permit required A = Accessory Blank Cell = use prohibited

	Commercial					Industrial			Residential			
Land Use Types	**CC**	**NC**	**DC**	**DOC**	**POS**	**IG**	**IBP**	**ITP**	**RS**	**RM**	**RR1**	**RR2**
Residential												
Single-Family Detached		P							P	P	P	P
Duplex (two-family)		P							P	P		
Townhouse (single-family attached)		P		P						P		
Multi-Family	P	P	P[1]	P						P		
Cottage Housing		P							P[3]	P[3]		
Manufactured Housing									P[2]	P[2]		
Mobile Home Parks										P[2]		
Gated Communities												
Short Term Rental	P	P	P	P					P	P	P	P
Assisted Living / Residential Care Facility	P	P		P								
Caretaker unit associated with another land use	P	P	P[1]	P	P	P	P	P				
Homeless Shelter												
Residential Land Use Type Notes: 1) Residential uses permitted on upper floors 2) The manufactured home shall be subject to the design and development standards of the RS and/or RM Zone District 3) Subject to the special development standards for Cottage Housing												
Commercial												
Retail sales, including art and craft galleries	P[2]	P[1,2,11]	P[2]	P[2]	P[12]							
Catering /Food Production	P	P		P		P	P	P				
Nurseries, greenhouses	P[11]	P[11]			P		P[11]	P[11]				
Restaurants, Bars, Taverns, Pubs, Wine Bars, Tap Rooms	P	P	P	P								
Ancillary food and beverage service / prepared food services for onsite	P	P	P	P								

consumption in conjunction with retail sales												
Ancillary retail sales, food service / tap rooms / wine bar / prepared food services for onsite or off-site consumption in conjunction with manufacturing, production, and/ or wholesale					P[12]	P	P	P				
Drive-through restaurants / drive-through food/beverage service of any kind	C[10]	C[9]										
Cigar Lounge, Hookah Lounge	P		P	P								
Food Truck Court[7]				C	P[12]	C	C	C				
General Offices	P	P	P	P		P	P	P				
Medical Office (medical / dental), health clinics, medical-related laboratories, optometrists and similar uses.	P	P	P	P			P	P				
Banks / Financial Institutions	P[4]		P[4]	P[4]								
Personal services including such uses as hair salons, barbershops, day spas, massage establishments, nail salons, tanning salons, health salons, tailors, shoe repair, watch and jewelry repair, packaging/mail/document management services, laundry, dry-cleaning, and similar uses	P	P	P	P								
Hotels, lodging, hostels, Bed and Breakfast Inns	P	P	P	P								
Recreational Vehicle Park					P						P	
Fitness studios, instructional dance / sports / athletics, gyms or clubs, indoor commercial recreation such as swimming, bowling, skating rinks, carousels, drama or theater, shooting ranges, and similar uses	P	P[1]	P	P	P[12]		P	P				
Outdoor bandstands / pavilions, outdoor commercial recreation such as carousels, skating rinks, theater, and similar uses	C	C	P	P	P[12]							
Entertainment (theaters, nightclubs, etc.)	P[2]		P[2]	P[2]								
Adult entertainment business						P[8]						
Daycare Facility	P	P	P	P		P[13]	P[13]	P[13]	C	C	C	C
Animal Hospitals, Veterinary Services	P	P		P		P	P	P				
Kennels						P	P					
Auction House (indoor)							P					
Vehicle sales	C[5]											

Consumer services including such uses as miscellaneous repair, equipment sales / rental, carpentry or custom woodworking / furniture shop, and trades offices with shops	P[6]					P	P	P				
Gas Stations, Car Washing, Electric Vehicle Charging Stations	P					P	P	P				
Vehicle repair / service	P					P	P	P				
Private Parking Lot/ Garage/ Structure/ Limo Service/ Bus Terminal						C	C					
Commercial Storage						P						
Craft manufacturing (e.g. woodworking, glass or metal work) in conjunction with storefront retail, instructional service, or restaurant / food service, bar, pub, tavern, tap room, or wine bar	P[6, 11]	P[6,11]		P[6, 11]								

Commercial Land Use Type Notes:
1) Limited in size to no greater than 3,000 square feet
2) Adult use limitation: Adult oriented nightclubs, entertainment or premises offering erotic dancing or display are prohibited. Unarmed combat as defined by section 54-402 of Idaho Code is prohibited
3) Drive-through not permitted
4) Drive-throughs permitted only with approval of a CUP
5) Limited to twelve vehicles unless fully enclosed in a building
6) Fully enclosed in a building
7) Food Truck Courts are defined as having three or more food trucks on any lot. Fewer than three food trucks on a lot is considered an accessory land use, regulated under section 9-1-9: Accessory uses and buildings
8) Prohibited to be located within 1,000 feet of any residential zone or the centerline of Baldy Mountain Road. This land use shall be at least 500 feet from any other adult entertainment business.
9) No amplified sound systems for ordering; drive-through fast food uses are prohibited.
10) Shall be located a minimum of 150 feet from any residential zone and the drive-through shall allow ordering from pedestrians and bicyclists; drive-through fast food uses are prohibited.
11) Subject to additional use limitations specified in the individual zone district regulations
12) When operated by a vendor with an approved contract authorized by the City
13) Child daycare center when on site and servicing employees during their work hours

Industrial												
Light Manufacturing						P	P	P				
Medium Manufacturing						P	P	P				
Heavy Manufacturing						P						
Research and Development						P	P	P				
Warehousing						P						
Material resource recovery facility (MRRF)						C						
Recycling collection / processing facilities						P	P	P				
Contractor Yard						P	P	P				
Cogeneration and other energy production						P	C	C				
Retail landscape supplies						P	P	P				
Outdoor Storage						P	P	P				
Data Centers (as a standalone facility)												

Data Centers (as a component of another land use, building, or facility)						P[1]	P[1]	P[1]				
Auto Impoundment / Towing Yard						P	P	P				
Private Utility Corporation Yards						P	P	P			C	C
Aircraft Hangar						P		P				
Airport						P						
Helipad						P	P					
Moving and drayage service						P	P					
Scrap and Salvage operation						C						
Slaughterhouse, glue factory, tannery, or similar use												
Industrial Land Use Type Notes: 1) No Data Center as a component of another land use, building, or facility shall exceed 5,000 sf in size.												
Public / Civic / Institutional												
Clubs, Fraternities, sororities, lodges and similar uses	P	P	P	P		P	P	P				
Schools (vocational/private /public, etc.)	P	P	P	P		C	P	P	C	C	C	C
Hospitals	C											
Places of Worship	P	P	P	P			P				C	C
Parks / Open Space / Athletic Fields / Recreation Facilities / Community Center	P	P	P	P	P							
Stadium, arena, concert hall, amphitheater					P		P					
Libraries, Museums	P	P	P	P	P				P	P	P	P
Visitor Centers	P			P	P							
Cemeteries									P			
Crematories, mortuaries						P	P					
Government administrative offices, including courthouses		P	P	P	P							
Public safety facilities and offices	P	P	P	P							C	C
Public Parking Lots/Garages/Structures			P	P	P							
Ambulance Service	P			P		P	P					
Fairground facilities (barns, exhibit buildings, food facilities, storage buildings, indoor or outdoor arenas, accessory buildings)											P[1]	
1. A Conditional Use Permit shall be required per thresholds established in Table 9-5-3												
Accessory Uses												
Accessory Food Truck[3]	A	A	A	A		A	A	A				

Daycare (family home daycare 7 or less children)	A	A	A	A					A	A	A	A
ADU	A	A	A	A					A	A	A	A
Urban Agriculture	A	A	A	A	A				A	A	A	A
Yard and Garage Sales	A	A		A					A	A	A	A
Home Occupations	A	A	A	A					A	A	A	A
Outdoor Entertainment	A	A	A	A	A	A	A	A	A	A	A	A
	A	A	A	A								
Electric Vehicle Charging	A	A	A	A	A	A	A	A	A	A	A	A
Energy System (solar and/or wind)	A	A	A	A	A	A	A	A	A	A	A	A
Household Pets	A	A	A	A	A	A	A	A	A	A	A	A
Recreation Facility (home)	A	A	A	A					A	A	A	A
Short Term Rental	A	A	A	A					A	A	A	A
Neighborhood Amenities	A	A	A	A					A	A	A	A
Nurseries, greenhouses	A	A		A			A	A				

Accessory Land Use Type Notes

1) An accessory use, unless otherwise permitted by this code, shall not commence and no accessory structure shall be constructed without a principal use first being lawfully established on a site.

2) Includes buildings or structures in connection with the principal use or required by the owners, residents, or operators of the use for the normal and usual conduct of the use or maintenance of buildings and grounds.

3) An Accessory Food Truck shall be incidental to and customarily associated with the principal use on the site. Accessory Food Trucks not incidental or customarily associated with the principal use shall require a Conditional Use Permit, unless located within an Industrial Zone in which case no Conditional Use Permit is required.

4) Subject to the provisions of Chapter 1 distinguishing and limiting non-ancillary outdoor displays, sales and services and requiring a Conditional Use Permit

9-1-7: 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".

ABATE: To repair, replace, remove, destroy, or otherwise remedy a condition by such means and in such manner and to such an extent as the Director shall determine is necessary in the interest of the general health, safety, and welfare of the community.

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.

CERTIFICATE OF APPROPRIATENESS: A permit, issued by the Arts, Culture, and Historic Preservation Commission that verifies proposed work on a historic property or development within a historic district is suitable and won't negatively impact its historic significance.

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 and Zoning 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.)

DATA CENTER: A data center is a centralized physical facility that houses IT infrastructure – such as servers, storage systems, and networking equipment – to process, store, and distribute digital information.

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.

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: A building, including modular housing, containing two (2) dwelling units with a common wall located on a single lot.

DWELLING, SINGLE-FAMILY ATTACHED: A single-family dwelling attached to another single-family 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.

GROSS BUILDING AREA: The total area of all floors of a building, measured from the exterior face of outer walls, including but not limited to basements, mezzanines, and stairwells. It represents the total footprint of all enclosed spaces.

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.

HOSTEL: A form of low-cost, short-term shared sociable lodging where guests can rent a bed, usually a bunk bed in a dormitory and sometimes with some private rooms.

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 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 that does not meet the minimum lot width or area requirements of the district in which it is located. Such lot may be utilized for those uses permitted within its zoning district if all other requirements of this title are met. Residential development of substandard original lots of record is subject to section 9-5-6 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.

MANUFACTURED HOUSING: A dwelling unit manufactured off site to federal Housing and Urban Development (HUD) standards, built to be used for permanent residential occupancy, to be set on a permanent foundation and conforming to the applicable building code.

MIXED USE BUILDING: A building that contains a portion devoted to non-residential uses and a portion devoted to residential uses.

MOBILE HOME: A structure similar to a manufactured home, but built to a mobile home code prior to June 15, 1976, the date of enactment of the federal manufactured housing and safety standards act (HUD code).

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 BUILDING: A building manufactured off site to International Residential Code (IRC) or the International Building Code (IBC) standards, built to be used for permanent 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 non-precision instrument approach procedure has been approved or planned.

NUISANCE: Any condition or use of the premises which is detrimental to the premises of others or which causes, or tends to cause, material diminution in the value of other premises in the neighborhood or which creates a condition tending to promote blight and deterioration, invites plundering, creates fire or traffic hazards, constitutes an unattractive nuisance, creates a harbor for rodents or insects or otherwise is injurious to the health, safety and general welfare of the inhabitants of the city. This shall include all nuisances on private property, and nuisances situated on public property adjacent to or contiguous with private property including sidewalks, parking areas, areas behind curbs, and property to the center of alleys and ditches.

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.

PARK MODEL RV: Also known as Recreational Park Trailers, a Park Model RV is a type of recreational vehicle designed and intended to provide temporary living quarters for recreation, for long-term or seasonal placement rather than frequent travel.

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.

RECREATIONAL VEHICLE: A vehicular type unit designed to American National Standards Institute (ANSI) standards primarily designed as temporary quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle.

RESPONSIBLE PARTY: Any person whom the citing official determines is responsible for causing, maintaining, permitting, or allowing a violation of this zoning code. The term responsible person includes but is not limited to: any person who has an ownership or possessory interest in real or personal property; any agent thereof with actual or apparent authority, possession or control of real or personal property; or any other person who creates, maintains, permits or allows a violation of this code.

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 and permit whereby the City shall review the site plans, building elevations, maps and other studies in order to make findings that the use and configuration of development on property meets the stated purposes and standards of the zoning district, inclusive of any overlay zones, is contextually consistent within the area of development, does not inhibit implementation of the Comprehensive Plan, provides for the necessary public facilities associated with the development, and is consistent with City Council adopted design guidelines.

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)

9-1-8: General Provisions Applicable to All Zones:

A. Boundary Lines: All streets, alleys and railroad rights of way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon

such alleys, streets or railroad rights of way. Where the centerline of a street or alley serves as a district boundary, the zoning of such street or alley to the centerline, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property.

B. Permitted Uses-Conformance with Zoning: No building or structure shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used for any purpose other than is permitted in the district in which the building or land is located.

C. Setbacks: The minimum setbacks shall remain clear from the ground to the sky unobstructed except as exempted herein.

D. One Building Per Lot: Every building hereafter erected or structurally altered to provide dwelling units shall be located on a "lot" as herein defined and in no case shall there be more than one such building on one lot unless otherwise provided in this title.

E. Public Access/Gated Communities: No building shall be constructed or erected upon a lot or parcel of land which does not abut upon a public street or have permanent easement for access to a public street. Gated communities are not permitted, unless otherwise established in an overlay district or Planned Unit Development.

F. Construction Started Prior To Effective Date Hereof: Nothing in this title shall be deemed to require any change in the plans, construction or designated use of any building upon which actual construction was lawfully begun prior to the effective date hereof and upon which building actual construction has been diligently carried on; and, provided further, that such building shall be completed within one year.

G. Annexation: Any area annexed to the city shall, upon such annexation, be automatically classified "unzoned" until otherwise zoned.

H. Fence Standards: No wall, fence or shrubbery shall unreasonably obstruct or interfere with traffic visibility. A fence or wall shall be placed no closer than one foot to the current or future sidewalk location, and otherwise may be located on a property line. Earth mounding or any other similar method shall not be used to raise fence height, unless the fence is adjacent to an arterial, state highway, or industrial or commercially zoned property. The following regulations apply to fences:

1. On all commercial and residentially- zoned lots:

    a. In the required front setback, fences and walls shall be allowed to a maximum height of three (3’) feet, unless the fence is comprised of 30% opacity (e.g. picket fence), in which case the maximum height of the fence shall be four feet (4').

    b. In the required side and rear setbacks, fences and walls shall be allowed to a maximum height of seven feet (7'), with the exception that rear fences abutting a commercially zoned property that contains a structure with ground or wall-mounted air handling or similar mechanical equipment emitting noise, the maximum height shall not exceed ten feet (10’).

    c. Within residential zones, fences over four feet (4') shall not be allowed in front of the primary facade, regardless of setback

d. No barbed wire, or razor-wire fencing is permitted on any residential or commercially zoned property. Chain link is allowed within the rear setbacks of residentially and commercially-zoned property to a maximum height of four (4') feet.

2. On commercial and residentially- zoned corner lots:

a. In the required front yard setback, fences and walls shall be allowed to a maximum height of four feet (4').

b. On street facing side yards, fences and walls shall be limited to maximum height of four feet (4') for a distance of not less than twenty feet (20') from the front property line. Fences beyond the required twenty-foot distance from the front property line shall be set back a minimum of one foot from the side property line but shall be allowed to a maximum height of seven feet.

c. Clear vision triangle shall be maintained.

3. On double frontage commercial and residentially-zoned lots:

a. In cases where a lot extends the full depth of a block between two (2) parallel streets, fences shall maintain one foot setback along the street bordering the rear yard but may be allowed to the rear yard height of seven feet (7').

4. On industrially-zoned property:

a. No chain-link fencing that is visible from the public right-of-way is permitted on any industrially zoned property.

b. No barbed-wire or razor-wire fencing is permitted on any industrially zoned property.

(Ord. 1263, 12-29-2011; Ord. 1336, 11-2-2016; Ord. No. 1413, § 2, 12-20-2023)

9-1-9: Accessory Uses and Buildings:

A. General Regulations for Accessory Uses and Buildings. Accessory uses and buildings, except as otherwise permitted in this title, shall be subject to the following regulations:

1. Where an accessory building is structurally attached to a main building it shall be subject to, and must conform with all regulations of this title applicable to the main building.

2. An accessory building may not be located nearer than five feet (5') to any interior lot line and not nearer than five feet (5') to the rear lot line.

3. An accessory use, unless otherwise permitted in this code, shall not commence and no accessory structure shall be constructed without a principal use first being lawfully established on the subject site, provided however that the construction of both the principal and accessory structures can be built simultaneously.

4. No house trailer or recreational vehicle shall be used for human habitation on any parcel in any zone.

B. Additional Standards for Specific Accessory Use and Structures.

1. Urban Agricultural: the cultivation of fruits, flowers, and eggs are subject to the following provisions:

a) Chickens:

i. The production of eggs and keeping of chickens shall only be allowed as an accessory use to a single-family detached dwelling.

ii. A maximum of eight chickens are permitted on any single property containing a single-family dwelling. Roosters are prohibited.

iii. Chicken coops shall not be attached to residential buildings.

b) Gardens, Vegetables, Fruits and Flowers: The cultivation and storage of vegetables, plants, flowers is an allowed as an accessory use to any principal use and is permitted on vacant lots in all zoning districts for personal consumption. Produced products may be sold off-site but not on-site.

2. Home Occupations: A home occupation shall be allowed as a permitted accessory use in all zoning districts, provided the home occupation complies with the regulations contained in chapter 8 of this title.

3. Household Pets: A maximum of four household pet dogs shall be permitted per dwelling unit. Household pets kept in aquariums, terrariums and cages shall not be limited in number, shall be clearly incidental and accessory to the residential use and shall not be permitted for commercial purposes.

4. Flag Poles: Standalone flag poles are permitted on any lot in the City at the maximum height established in the zoning district within which the lot containing the flag pole is located.

5. Yard and Garage Sales: Yard and/or garage sales are limited to no more than two per calendar year per residentially zoned lot containing the yard or garage. Yard and/or garage sales shall not be permitted on vacant property.

6. Neighborhood Amenities: Lemonade, snow cones or similar children's stands, little free libraries and similar sharing outposts, are permitted on any lot whose zone allows for residential uses provided they are not located within the public right-of-way. Lemonade, snow cones, or similar children's stands are permitted for a maximum of 60-days per calendar year.

7. Outdoor Displays, Sales, and Services: Outdoor displays, storage, sales, service, and minor entertainment may be permitted provided that they meet the following:

a) All nonancillary booths, stalls, carts, or other equipment for outdoor display, sales, service or minor entertainment require approval of a Conditional Use Permit. All such uses which are ancillary to the primary use shall be allowed if identified as a permitted land use type within the zone district of the subject property. Customary, seasonal uses such as holiday sales of Christmas trees and fireworks are excluded from this requirement.

b) All authorized outdoor displays, sales, service or minor entertainment shall take~~s~~ place on private property with the written consent of the property owner.

c) No display, sales, service or minor entertainment blocks the required pedestrian walkways. A clear area with a minimum width of five feet (5') shall be left between the street and the building entry or exit. All booths, stalls, carts, or other equipment for outdoor display, sales, service or minor entertainment at the close of business each day shall be removed or immobilized and secured so as to prevent it from becoming a public safety hazard, nuisance or security risk.

d) Outdoor displays or storage shall not exceed twenty percent (20%) of the retail floor area of the primary business.

8. Food Trucks:

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

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

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

d) General Standards: Accessory Food Trucks shall comply with the following standards in Table 9-1-3:

Table 9-1-3: Accessory Uses – Food Truck Regulations and Standards	
Category	Standard
Use Type	Accessory Food Trucks are permitted only as an accessory use to a lawfully established principal use on the same lot and shall not constitute a principal food service use
Licensing and Compliance	Each Accessory Food Truck shall comply with all applicable city, state, and federal licensing, health, and safety requirements and shall obtain a City business license pursuant to Title 3, Chapter 11.
Relationship to Principal Use	The Accessory Food Truck shall be incidental to and customarily associated with the principal use on the site. Accessory Food Trucks not incidental or customarily associated with the principal use shall require Conditional Use Permit approval.
Property Owner Authorization	Written authorization from the property owner approving use of the site and the approved location of the Accessory Food Truck shall be maintained on-site and made available to the City upon request.
Parking – Required Spaces	An Accessory Food Truck and associated equipment, seating, or displays shall not occupy required parking spaces necessary to meet minimum parking requirements for the principal use, except that an Accessory

	Food Truck may be permitted to use the parking spaces on a residential lot when the food truck is being used for a function on that lot.
Parking – Off-Hours Use	Required parking spaces may be utilized only when the Accessory Food Truck operates outside the business hours of the principal use, except that this provision does not apply to an Accessory Food Truck on a residential lot when the food truck is being used for a function on that lot.
Circulation	Accessory Food Trucks shall not obstruct drive aisles, fire lanes, loading areas, or designated pedestrian or bicycle circulation routes.
Location	Accessory Food Trucks shall not be located within required setbacks, required landscaping areas, access easements, or the public right-of-way (unless permitted through a Special Event Permit). All service and customer activity shall occur entirely on private property (unless permitted through a Special Event Permit), except that an Accessory Food Truck may be permitted to use the required setbacks on a residential lot when the food truck is being used for a function on that lot.
Drive-Through Service	Motorized vehicle drive-through service is prohibited.
Hours of Operation Near Residential	When located within one hundred (100) feet of a residentially zoned lot, hours of operation shall be limited to between 6:00 a.m. and 10:00 p.m. An Accessory Food Truck shall not operate on a residential lot for more than 24 hours; the operation shall be for a single, discrete function.
Noise	Accessory Food Trucks shall not emit amplified sound.
Number Allowed	One Accessory Food Truck per lot is permitted. Up to two Accessory Food Trucks on a lot may be approved through a Conditional Use Permit.
Duration	Accessory Food Trucks shall not operate as a permanent or year-round use unless approved through a Conditional Use Permit. In no case shall an Accessory Food Truck operate on a residential lot for more than 24 hours in a 12-month period.
Food Truck Courts	Food Truck Courts and multi-vendor food truck operations are not permitted under this section and shall be regulated as a principal use where expressly allowed.

(1958 Code; amd. Ord. 627, 7-10-1978; Ord. 734, 9-15-1980; 1983 Code; Ord. 1336, 11-2-2016; Ord. 1386, 4-21-2021)

9-1-10: Continuance of Existing Uses:

Nothing herein shall prevent the continuance of the present occupancy or lawful use of any existing building, except as may be necessary for the safety of life and property and except as provided in chapter 2 of this title.

(1958 Code)

9-1-11: Accessory Dwelling Unit Regulations:

A. Purpose and Intent: This provision provides standards for accessory dwelling units to detached single-family dwellings. These standards are intended to encourage diversity in housing types and provide for smaller, more diverse, and often more affordable housing choices that are compatible with existing neighborhoods.

B. Requirements for All Accessory Dwelling Units: All accessory dwelling units must meet the following requirements when they are the result of converting existing living area, attic, basement, or garage; adding floor area; constructing a detached accessory dwelling unit on a site with an existing primary dwelling unit, attached primary dwelling unit, or manufactured home; or constructing a new primary dwelling unit, attached primary dwelling unit, or manufactured home with an internal or detached accessory dwelling unit:

1. Maximum Allowed: Maximum of one, site-built, accessory dwelling unit, either detached or attached, is allowed per parcel.

2. Conversion of Primary Dwelling Structure: In cases where an existing primary dwelling structure is to be converted to a secondary dwelling unit or partially converted to create a secondary dwelling unit within the structure, the area designated for the secondary dwelling unit must be brought up to current Title 8 provisions subject to the review and approval of the Building Official.

3. Location of Entrances: Only one entrance may be located on the facade of the primary dwelling unit, attached primary dwelling unit, or manufactured home facing the street, unless the primary dwelling unit, attached primary dwelling unit, or manufactured home contained additional entrances before the accessory dwelling unit was created. An exception to this regulation would be entrances that do not have access from the ground such as entrances from balconies or decks.

4. Parking: Parking for the main residential structure must meet the requirements of chapter 5 of this title.

. Maximum Size: The size of any accessory dwelling unit attached or detached may be no more than nine hundred (900) square feet and may include only one bedroom.

C. Creation of Accessory Dwelling Units Through Addition of Floor Area: Accessory dwelling units created through the addition of floor area to the primary dwelling unit must meet the following requirements:

1. Exterior Finish Materials: The exterior finish material must be the same or visually match the type, size, and placement of the exterior finish material of the primary dwelling unit, attached primary dwelling unit or manufactured home.

D. Detached Accessory Dwelling Units: Detached accessory dwelling units must meet the following requirements:

1. Setbacks: Detached accessory dwelling units above a permitted garage will be calculated based on the setbacks for detached garages. In all other cases, the accessory dwelling unit must be at least:

    a. Situated behind the primary dwelling.

    b. All accessory dwelling units shall comply with the setbacks for accessory structures required by the base zoning district in which it is located.

E. Non-Conforming Accessory Dwelling Units: That portion of a single- family residence which meets the definition and intent of an accessory dwelling unit which was in existence prior to November 19, 2008, may continue in existence without conformance to zoning provisions, provided the unit complies with the minimum requirements of the Title 8 and a valid certificate of occupancy for the use is obtained. All other provisions related to non-conforming structures and uses, as provided in this title, shall apply to accessory dwelling units.

(Ord. 1346, 8-16-2017; amd. Ord. 1386, 4-21-2021)

9-1-12: Measurements and Exceptions:

A. Exceptions to setbacks:
   i. Stand-alone flag poles may be located within setback areas but shall not be closer that one foot from any property line in a residential zone
   ii. Minor features such as eaves, chimneys, water collection cisterns, air conditioning units, bay windows, uncovered balconies, covered side and rear entryway door overhangs, uncovered patios, decks, walkways, areas for parking, and civic space may extend into the required setbacks.
   iii. Exceptions to setbacks may be established in overlay zoning districts, or in Planned Unit Developments.

B. Units of Measurement: All units of measure are feet, unless otherwise provided.

C. Building Height Method of Measurement:: Building height is measured as the vertical distance from the average finished grade at the curb, sidewalk, or property line at the primary frontage, whichever is higher, to the top of the cornice, parapet, or peak of a pitched roof or mansard roof ridge line.

C. Features Not included in Building Height: Excluded in maximum height are the following features: bell towers, spires, steeples, chimneys, cupolas, screened elevator and mechanical equipment enclosures, and similar features incorporated into the building design that are not intended or used for human occupancy. Such features of buildings that extend above the maximum building height shall not exceed the maximum height by more than 10 feet, provided that any rooftop equipment shall be stepped back from the fronting façade at a one foot to one foot ratio: for every foot in height, the mechanical equipment shall be stepped back from the fronting façade by one foot.

D. Special Heights for Features on Historic Buildings: The height of an historic building undergoing restoration may exceed the building height maximum up to the documented historic height,

provided such increase is first approved by the Arts, Culture, and Historic Preservation Commission in accordance with any locally adopted historic preservation codes, as applicable.

CHAPTER 2 ZONING ADMINISTRATION

9-2-1: Purpose and Authority:

A. Purpose: The purpose of this Chapter is to describe the organization, powers, duties of the offices and governing bodies responsible for administration of Title 9, Zoning. The following procedures have been adopted pursuant to and consistent with Idaho Code title 50, and title 67, chapter 65. This chapter provides procedures and requirements for the preparation, filing, and processing of the land use permit applications and approvals required by this code, identified in Table 9-2-1 (Permits and Approvals), below. This section establishes whether public notice and pre-submittal activities are required, the role of the City review and decision-making bodies, and whether public hearings are required during each process.

B. Authority for Land Use and Zoning Decisions: Table 9-2-2 (Review Authority), below, identifies the review authority responsible for reviewing and making decisions on each type of application or approval required by this code.

C. Director Decision-Making: The duties and responsibilities of the Director may be formally delegated to City officials in subordinate positions to the Director.

9-2-2 Required Permits and Approvals:

Paths for review and approval generally fall within one of two types. Refer to Table 9-2-1, Required Permits and Approvals, to identify each approval or application type. Each of the permits and/or approvals are required as further described in Table 9-2-1, below.

Table 9-2-1 Required Permits and Approvals

Name of Permit/Approval	***Code Chapter/Section***	***Applicability of Permit***
Land Use Permits and Approvals		
Conditional Use Permit	9-2-8	A Conditional Use Permit is required to authorize proposed land uses specified by Chapters 1, 2,3, and 4 as being allowable in the applicable zone, subject to the approval of a Conditional Use Permit
Site Plan Review Permit	9-2-8	A Site Plan Review Permit is required for construction and development activities identified in Section 9-2-8, Site Plan Review Permit, subject to the exemptions established in that section.
Certificate of Appropriateness	9-13-5	A Certificate of Appropriateness is intended to protect structures, improvements, natural features, and objects, of historic significance including but not limited to, areas of architectural, cultural, economic, historic, political, and social importance from any alteration, demolition, or removal which would have an adverse effect thereon.
Variance	9-2-8	A Variance may be requested to allow an adjustment from any of the development standards required by this code. A Variance shall not be used to approve a change to the allowance or not of any land use within any zone.
Sign Permit	9-7-83	A Sign Permit is required to allow the installation or remodeling of a sign.
Home Occupation Permit	9-8	A Home Occupation Permit is required to allow for home occupations that are conducted within a dwelling located in a residential zone, and are clearly incidental and secondary to the use of the dwelling for residential purposes and compatible with surrounding residential uses as specified in Chapter 8.

Zoning Compliance Review	9-2	A Zoning Compliance Review is a review of Building Permit, Grading, or other construction permit applications, or home occupation and/or business license permits and is required to verify a proposed land use or structure complies with the list of activities allowed in the applicable zone and the development standards applicable to the use or structure.

Legislative Actions and Approvals

Comprehensive Plan Change	9-2-10	A Comprehensive Plan Change is a modification or addition of policy or land use category.
Zoning Text Change	9-2-10	A Zoning Text Change is a modification or addition of language or regulations within the Zoning Ordinance.
Rezone	9-2-10	A Rezone is a reclassification of one or more properties from one zone district to another. A site-specific rezone shall be considered a quasi-judicial action and shall adhere to the requirements of Idaho Code 67-6535.
Overlay District	9-2-10	An Overlay District is a zoning tool that adds a layer of specific regulations to an existing zoning area.
Historic Preservation Designation	9-2-10 and 9-13	Designation of a property by the City as either an Historic Landmark or within an Historic District.
Development Agreement	9-2-11	A Development Agreement is a written commitment between the city and one or more property owners concerning the use or development of land, entered into as a condition of rezoning property, as established by Idaho Code 67-6511, et seq.

Note: Planned Unit Developments are subject to requirements in Title 10, Land Subdivisions, of the Sandpoint City Code.

Table 9-2-2 Review Authority

		Role of Review Authority[1]		
Type Of Permit/Approval	**Code Section**	**Director**	**Planning and Zoning Commission**	**Council**
Land Use Permits And Approvals				
Conditional Use Permits	9-2-8	Analysis	Decision	Appeal
Site Plan Review Permits[2,4]	9-2-8	Decision	Appeal	Appeal
Certificates Of Appropriateness	9-13-5	Arts, Culture, and Historic Preservation Commission instead of Director	Appeal	Appeal
Variances	9-2-8	Analysis	Decision	Appeal
Sign Permits	9-7	Issuance	Appeal	Appeal
Home Occupation Permits	9-8	Issuance	Appeal	Appeal
Zoning Compliance Review	9-2-8	Decision	Appeal	Appeal
Legislative Actions And Approvals				
Comprehensive Plan Change	9-2-10	Recommend	Recommend	Decision
Zoning Text Change	9-2-10	Recommend	Recommend	Decision
Rezoning	9-2-10	Recommend	Recommend	Decision
Overlay Zone District[3]	9-2-10	Recommend	Recommend	Decision
Historic Preservation Designation	9-13	Analysis	Recommend[3]	Decision
Development Agreement	9-2-11	Analysis	Recommend	Decision

1 "Recommend" means that the review authority makes a recommendation to a higher decision-making body; "Decision" means that the review authority makes the final decision on the permit; "Appeal" means that the review authority may consider and decide upon appeals of an earlier decision-making body, in compliance with section 9-2-7 (Appeals); "Analysis" means that the review authority presents a detailed explanation and examination of the request with a special focus on policy and code compliance and significance of the action.

2 The Director may defer action and refer the request to the Planning and Zoning Commission for consideration and final action.

3. May require Arts, Culture, and Historic Preservation Commission review and/or action prior to action by the Planning and Zoning Commission in conformance with Chapter 13, Historic Preservation Code.

4. A Site Plan and Design Review Permit may be combined into a Conditional Use Permit when a Conditional Use Permit is also required for the same project, pursuant to the regulations in section 9-2-8, Combined Conditional Use Permit and Site Plan Review Permit and pursuant to Idaho Code 67-6522.

9-2-3: Permit Application Filing, Fees, and Initial Processing:

A. Purpose: The purpose of this section is to provide uniform application processing procedures for land use permits and decisions identified in this chapter. These procedures are intended to apply to applications made by non-city officials. Legislative actions initiated by the Director, Planning and Zoning Commission, City Council, or, in the case of historic preservation overlay zones, the Arts, Culture, and Historic Preservation Commission shall be exempt from these procedures, and shall be processed in accordance with section 9-2-10, Legislative Actions.

B. Application Preparation and Filing

1. Pre-application conference: A prospective applicant is encouraged to request a pre-application conference with the Director before completing and filing a land use permit application. The purpose of this conference is to generally:

   a) Inform the applicant of city requirements as they apply to the proposed project;

   b) Review the city's review process, possible project alternatives, or modifications, and

   c) Identify information and materials that the city will require with the application, and any necessary technical studies and information necessary to complete reviews on the project's potential impacts on utility, roadway, and other infrastructure.

2. Application contents: Each application for a permit, or amendment, identified in Table 9-2-1, or other matter pertaining to this title shall be filed with the department on a city application form, together with all required fees and/or deposits and all other information and materials specified in the department handout for the specific type of application and/or as specified by the Director.

3. Eligibility for filing:

   a) The application shall be signed by the property owner of record or by an authorized agent.

b) Authorized agents shall provide written authorization signed by the property owner. Such authorization may have to include corporate resolutions or operating resolutions identifying that the signatory has such authorization.

4. Report by expert consultants: The city may require of the applicant, at the applicant's sole expense, evidence and clarification as may be necessary to establish that the proposed development will conform to the applicable regulations and standards specific in this code.

5. Multiple permit applications:

a) Concurrent filing: An application for a development project that requires the filing of more than one application (e.g. zoning map amendment and a Conditional Use Permit, etc.) shall file all related applications concurrently, together with all application fees required by section 9-2-3-C (Application Fees), below, unless the concurrent filing requirements are waived by the Director.

b) Combining of applications: Where practical, the combining of related permit types will be permitted at the discretion of the Director for the purposes of reducing redundancy in permitting (e.g. combining Site Plan Review Permit into a Conditional Use Permit when both are required by this code, and where submittal requirements and findings for approval overlap). In such cases, only one application and one application fee shall be required (the higher of the fees), however the application is required to include a statement identifying which applications are being combined. The combining of applications shall have no effect on the permit expiration or validity as established in 9-2-4.

C. Application Fees

1. Fee Schedule: The City Council shall establish a schedule of fees for the processing of applications required by this code, hereinafter referred to as the fee schedule. The fee schedule may be evaluated and/or amended as often as deemed necessary by the City Council.

2. Projects subject to time and materials charges.

a) Projects that do not fit any category in the fee schedule or which are otherwise extraordinary may be charged on a time and materials basis at the Director's sole discretion.

b) Staff time required on a project, post entitlement, and not part of another formal application (e.g. final plat, Conditional Use Permit, etc.) will be recovered on a time and materials basis at the Director's sole discretion.

c) The fees specified in the fee schedule reflect standard processing time. Projects requiring excessive review time will be recovered on a time and materials basis.

3. Timing of payment

a) Applications shall not be deemed complete, and processing shall not commence on any application until all required fee or deposits have been paid.

b) Failure to timely pay supplemental requests for payment or required fees and/or deposits shall be a basis for postponement of any permit or other requested entitlement, notwithstanding any other provisions of this code.

4. Refunds and withdrawals

a) No refund due to denial shall be allowed.

b) In the case of a withdrawal, the Director shall have the discretion to authorize a partial refund based upon the pro-rated costs to date and the status of the application at the time of withdrawal.

D. Application Initial Processing

1. Review for completeness: The Director shall review each application for completeness and accuracy before it is accepted as being complete and officially filed. Within 30 calendar days of application filing, the applicant shall be informed in writing, either that the application is complete and has been accepted for processing, or that the application is incomplete and that additional information, specified by the Director, shall be provided. The Director's review of any information resubmitted by the applicant shall be accomplished with another 30-day period of review for completeness. The Director's determination of completeness is an application that:

a) Is in the required application form required by the City's website;

b) Contains all the information required including supporting documentation;

c) Contains any additional information determined by the Director as required at a pre-application conference, or as may be necessary to determine project conformance to all applicable policies and regulations;

d) Contains documentation as may be required by the project's size, or complexity, as determined by the Director, in order to evaluate potential impacts of the proposed development on the surrounding neighborhood, or the City's transportation system, utility, or other public services, or systems; and

e) Is accompanied by the fee established for the type of application(s) being submitted.

2. Referral of application to agencies: At the discretion of the Director, or where otherwise required by this code or state or federal law, an application may be referred to any public agency that may be affected by or may have an interest in the proposed project.

3. Referral of application to interested parties and/or adjacent properties: An application will be referred to adjacent property owners or interested parties in accordance with applicable state laws. The Director shall have the discretion of refer any application to any interested party and/or adjacent or nearby property owner even if not required by state law.

E. Withdrawal of Application: An application shall be deemed withdrawn, and review terminated if:

1. The applicant requests that the application be withdrawn; or

2. The applicant fails to respond or resubmit revised plans, reports, or correspondence to the Director for more than 90 days following a request from the Director. The Director may extend the response period for good cause shown by the applicant.

F. Burden of Proof: The burden of proof to establish the evidence in support of the required finding(s) for any permit or approval in compliance with this code is the responsibility of the applicant.

G. Concurrent processing: Multiple applications for the same project shall be processed concurrently, and shall be reviewed, and approved or denied by the highest review authority designated by the code for any of the applications (i.e., a project for which applications for a Zoning Map amendment and a Conditional Use Permit are filed shall have both applications decided by the Council, instead of the Planning and Zoning Commission acting upon the Conditional Use Permit as otherwise required by Table 9-2-2)

(Ord. 842, 6-15-1987)

9-2-4: Permit and Approval Implementation, Time Limits, Expirations and Extensions:

A. Purpose: This section provides requirements for implementation of the permits or approvals required by this code, including time limits and procedures for approving extensions of time.

B. Conformance to approved plans:
   1. Compliance: All work performed under a building permit for which project drawings and plans were approved under a land use permit either by the Director, Planning and Zoning Commission or City Council, shall be in compliance with the approved drawings and plans, and any conditions of approval imposed by the applicable review authority.
   2. Changes: Changes to an approved permit or other approval shall only be approved by the original approval authority through a new application, processed in accordance with this chapter, except that changes to an approved permit or other approval may be authorized by the Director only if the changes:
      A. Are consistent with all applicable provisions of the code and the spirit and intent of the original approval; and
      B. Do not involve a feature of the project that was a basis for conditions of approval for the project, a specific consideration by the approval authority, or involve any expansion or intensification of the use or structure.

C. Effective Dates of Permits: The effective dates of permits and approvals issued under this chapter shall be as shown in table 9-2-3 (Permit and Approval Effective date, Expiration and Validity). Permits and approvals requiring a written decision shall have an effective date 15 days after the written decision, to allow for the appeal process, as established in 9-2-7. The written decision, if required, shall be completed within thirty (30) days of action by the review authority.

D. Effective dates of plan amendments, zoning changes, and development agreements: Council actions to adopt or amend the Comprehensive Plan, Zoning Ordinance or Official Zoning Map (rezoning), or a development agreement shall become effective on the actual date the decision is rendered by the Council, as shown in Table 9-2-3 (Permit and Approval Effective date, Expiration and Validity), unless otherwise specified in the development agreement.

E. Expiration and validity of permits or approvals:

1. Approvals run with the land: Unless otherwise stated for a specific type of permit, application, or decision under this code, or unless otherwise stated on the permit or approval document, permits, approvals and approvals with conditions under this code run with the land and are not affected by changes in ownership, tenancy, or the form of ownership or tenancy of the property. Subsequent owners and tenants of the property have the same rights and obligations with respect to the permit, approval, or decisions as the initial applicant.
2. Expiration: Unless otherwise indicated, the term of an approval shall be as shown in Table 9-2-3 (Permit and Approval Effective Date, Expiration and Validity), below, unless the property owner has taken action to initiate construction of improvements (including the installation of utilities), initiate the allowed use or activity, or taken actions to use the authority granted in that permit or approval prior to its expiration, as further described in sub-section 3, below.

Table 9-2-3: Permit And Approval Effective Date, Expiration And Validity

Type Of Approval	Effective Date	Expiration and Period of Validity
Conditional Use Permit	Written decision plus 15 days	2 years from effective date
Site Plan Review Permit	Written decision plus 15 days	2 years from effective date
Certificate of Appropriateness	Date approval is issued	2 years from effective date
Variance	Written decision plus 15 days	2 years from effective date
Sign Permit	Date approval is issued	Same expiration as a building permit, if any, or if no building permit required, 1 year from date of issuance
Home Occupation Permit	Date approval is issued	Same expiration as Business License, expires at the end of each calendar year
Zoning Compliance Review	Date approval is issued	Same expiration date as the companion permit the clearance was issued for (e.g building permit)
Comprehensive Plan Change	Date approval is issued	Do not expire
Zoning Text Change	Date approval is issued	Do not expire
Rezone	Date approval is issued, or written decision plus 15 days for site-specific rezones	Do not expire
Development Agreement	Date approval is issued, or as established in the agreement	As set forth in the development agreement

F. Implementation required: All permits and approvals shall comply with the following expiration provisions:
   1. To ensure continued compliance with the provisions of this code, the permit or approval shall be implemented in compliance with the timeframes established in Table 9-2-3, above, or the permit or approval shall expire and be deemed void, unless an extension is approved by the applicable review authority, in compliance with 9-2-4, Time Extensions.
   2. A permit or approval shall be implemented before its expiration. The permit or approval shall not be deemed implemented until the applicant has:
      a) Actually implemented the allowed land use, in its entirety, on the subject property in compliance with the conditions of approval; or
      b) Obtained a building permit and continuous on-site construction activity including pouring of foundations, installation of utilities, or other substantial improvement has commenced and diligently pursued toward completion; or
      c) Obtained a Grading Permit or Public Infrastructure Permit and has completed a significant amount of on-site grading and/or utility work, as determined by the Public Works Director, in preparation for the work described subparagraph ii, above, and
      d) Met all of the applicable requirements as determined by the Director.

G. Effect of expiration: Where the permit or approval has expired and/or has been deemed void:
   1. No further action is needed by the city;
   2. No further reliance may be placed on the previously approved permit or approval;
   3. The applicant shall have no rights previously granted under the permit or approval;

H. Time Extensions: All requests for time extensions shall comply with the following:
   1. The Director shall have the authority to extend the period specified in Table 9-2-3 (Permit and Approval Effective Date, Expiration and Validity), for up to an additional one-year. The Director may instead refer the matter to the Planning and Zoning Commission for review and final decision.
   2. The applicant's written request for an extension of time shall be on file with the department before expiration of the permit or approval, together with the required filing/application fee.
      a) A public hearing is not required for a Director's decision on an extension of time. However, the Commission shall conduct a public hearing in compliance with Section 9-2-6 on a referral from the Director.
      b) The filing of written extension request shall suspend the actual expiration of the permit or approval until the extension request has been acted upon by the Director.
      c) Building or grading permits shall not be issued in compliance with the permit or approval during the period of suspension.
      d) No permit or approval shall be extended past a maximum of three years following the original effective date. Any request for extensions in excess of three years from the permit or approval effective date shall instead require the filing of a new application in accordance with section 9-2-3.
   3. An extension of the permit or approval may be granted only if the applicable review authority first finds that there have been no changes in the Comprehensive Plan, zoning code, or city development policy, that would preclude the review authority from making the findings upon which the original approval was based.

9-2-5: Nonconforming Provisions:

A. Purpose: This section provides regulations for nonconforming land uses, and structures that were lawful before adoption, or amendment of this code, but which would be prohibited, regulated, or restricted differently under the current regulations of this code.

B. Intent: In order to limit the number and extent of nonconforming uses, and structures created by adoption of this code, it is the city's intent to generally allow nonconformities to continue until they are removed, but not to encourage their long-term survival. It is further the intent of this section that nonconformities shall not be altered, enlarged, expanded, extended, moved, or reestablished after abandonment or discontinuance or restored after involuntary destruction, except in conformance with this chapter.

C. Proof of nonconformity: The property owner has the burden to prove the claim of nonconformity and the related protected status that comes with that claim as specified in this section. The property owner shall provide sufficient evidence to the satisfaction of the Director that the subject property is a legal nonconformity as specified in this section. The City is not responsible for proving the absence of legal nonconformity. The Director's determination of legal nonconformity shall be appealable in compliance with section 9-2-7 Appeals.

D. Restrictions on nonconforming uses: A legal nonconforming land use, as that term is defined in this chapter, may be continued, including transfers of ownership; provided that their continuation shall comply with the requirements of this section, provided below. See also, section F (residential exceptions), below, for exceptions regarding certain residential uses and structures.

   1. Change of ownership: Change of management, ownership, or tenancy of a nonconforming use shall not affect its nonconforming status; provided that the use and intensity of use, determined by the Director, does not increase.
   2. Additional development: Additional development of any property on which a nonconforming use exists shall require that all new uses be in compliance with the applicable provisions of this code.
   3. Conversion of a nonconforming use: If a nonconforming use is converted to a conforming use, no nonconforming use may be resumed.
   4. Changes to a nonconforming use: A nonconforming use shall not be established or replaced by another nonconforming use, nor shall any nonconforming use be expanded or changed, except as provided for in this section.
   5. Replacement land use within single and multi-tenant structures: A nonconforming use whether operating in a single-tenant or multi-tenant structure may only be replaced by a conforming use or a non-conforming use that is the same or similar to the previous nonconforming use within the tenant space, provided not more than 180-days has passed since the cessation of the previous nonconforming use, and further provided the replacement non-conforming use does not create an increase in intensity of the land use.

E. Restrictions on nonconforming structures: A legal nonconforming structure, as that term is defined in this chapter, may be continued, including transfers of ownership; provided that their continuation shall comply with the requirements of this section, provided below. See also, section F (residential exceptions), below, for exceptions regarding certain residential uses and structures.

1. Alteration: Nonconforming structures shall not be altered so as to increase the difference between the existing conditions and the development standards specified in the regulations for the zone in which the structure is located.
2. Moving or enlargement: Nonconforming structures shall not be moved or enlarged unless the new location or enlargement shall conform to the current development standards for the zone in which the structure is located.
3. Ordinary maintenance and repairs: Nonconforming structures may undergo ordinary maintenance and repairs.

F. Residential exemptions: An involuntarily damaged or destroyed nonconforming single-or multi-family dwelling unit may be reconstructed or replaced with a new structure with the same footprint (including pre-existing nonconforming setbacks and/or lot coverage), height, and number of dwelling units, in compliance with the current Building and Fire Code requirements and otherwise in compliance with the provisions of this code.

G. Loss of nonconforming status:
1. Termination by discontinuance: If a nonconforming use is discontinued for a continuous period of 180 or more consecutive calendar days, the use shall lose its legal nonconforming status, and the continued use of the property shall be required to be in compliance with the applicable provisions of this code.
2. Termination by destruction: Nonconforming status shall terminate if a nonconforming structure or a conforming structure occupied by a nonconforming use, is involuntarily damaged or destroyed as a result of an accident or by fire, flood, or other act of nature, except as provided in section F (residential exemptions), above, and except as follows.
3. 50 percent or less: If the cost of repairing or replacing the damaged portion of the structure is 50 percent or less of the appraised value of the structure immediately before the damage, the structure may be restored to no more than the same size and use, and the use continued, if the restoration is started within one-year of the date of damage and can be completed within two years following initiation of the restoration.
4. Exceeds 50 percent: If the cost of repairing or replacing the damaged portion of the structure exceeds 50 percent of the appraised value of the structure immediately before the damage, or the structure is voluntarily razed or is required to be razed, the structure shall not be restored except in full compliance with the applicable regulations for the zone in which it is located and the nonconforming use shall not be resumed.
5. All appraised values referred to in this section shall be determined by a licensed appraiser and confirmed by the Building Official. Estimates of repairing or replacing the damaged portion of the structure for purposes of this section shall be made by or shall be reviewed and approved by the Building Official and shall be based on the minimum cost of construction in compliance with the building code.

H. Effect of Conditional Use Permit requirements
1. Absence of a Conditional Use Permit: A use lawfully existing without the approval of a Conditional Use Permit that would be required by this code shall be deemed conforming only to the extent of its previous lawful use (e.g. maintaining the same site area boundaries, hours of operation, etc). Any expansion of the use in size or hours of operation would require the approval of a Conditional Use Permit.
2. Previous Conditional Use Permit: A use that was authorized by a Conditional Use Permit but is not allowed by this code in its current location may continue, but only in compliance with the original Conditional Use Permit and any associated conditions of approval.

9-2-6: Public Hearings:

A. Purpose: This section provides procedures for public hearings required by this code. When a public hearing is required, advance notice of the hearing shall be given, and the hearing shall be conducted, in accordance with this section.

B. Notice of hearing: when this code requires a noticed public hearing before a decision on a permit, or for another matter, the public shall be provided notice of the hearing in compliance with Idaho State Code and as required by this section.

1. Content of notice: Notice of a public hearing shall include all the following information, as applicable:
   a) Hearing information. The date, time, and place of the hearing, and the name of the review authority, and the phone number, street address, and website of the Department, where an interested person could call or visit to obtain additional information.
   b) Project information. The city's filing number (application number) and project name, if any, and the name of the applicant; a general explanation of the matter to be considered, and a general description, in text and/or diagram, of the location of the property that is the subject of the hearing.
2. Method of notice: Notice of a public hearing required by this chapter for a permit, amendment, appeal, or other approval shall be given as follows.
   a) Mailing. Notices shall be mailed or delivered at least 15 calendar days before the scheduled hearing to the following:
      i. Project site owners and the applicant, including the owner's authorized agent, if any.
      ii. Local agencies expected to provide roads, schools, environmental review, or other essential facilities or services to the property which is the subject of the application, whose ability to provide those facilities and services may be significantly affected.
      iii. All owners of real property, as shown on the latest adopted tax roll of the county, located within a radius of a minimum of 300 feet of the exterior boundaries of the parcel (lot) that is the subject of the hearing. The Director shall have the authority to extend the radius of the notice at the Director's sole discretion. Notice for structures taller than 100 feet shall adhere to additional notice provisions established in state law.
      iv. Any person who has filed a written request for notice with the Director.
      v. Any other person whose property might, in the judgment of the Director, be affected by the proposed project.
   b) Alternative to mailing. If the number of property owners to whom notice would be mailed in compliance with subsection (a) above is more than 200, the notice of public hearing published in a newspaper of general circulation, as set forth in subsection (c), below, shall be considered adequate in lieu of mailed notices.
   c) Publication and posting. Notice shall be published at least once in a newspaper of general circulation in the city at least 15-days before the scheduled hearing. Additionally, notice shall be posted at least 15-days before the scheduled hearing in at least one public place within the city in addition to one on the project site.

d) Additional notice: In addition to the types of notice required above, the Director may provide any additional notice with content or using a distribution method (e.g. posting on the city's website, using another newspaper, social media, television or radio stations serving the City for use as a public service announcement) as the Director deems is necessary or desirable.

C. Time and place of hearing: the hearing shall be held at the date, time, and place for which notice was given.

D. Continued hearing. Any hearing may be continued from time to time without further notice; provided, the chair of the hearing body announces the date, time, and place to which the hearing will be continued before the adjournment or recess of the hearing.

E. Action and Notice of Decision
   1. The applicable decision-making body shall consider the application, relevant support materials, staff report, and any evidence and public comments from the public hearing.
   2. The applicable decision-making body shall approve, approve with conditions, or deny the application based on applicable review criteria listed in the application-specific procedures.
   3. The review authority may announce a tentative decision and defer their action on a final decision until appropriate findings and/or conditions have been prepared.
   4. Written notice of decision. Following a decision on an application, the review authority shall produce a written decision accompanied by a reasoned statement which shall contain applicable findings, conditions of approval, and procedure for appeal, if any, and any information as required by Idaho Code 67-6535.

9-2-7: Appeals:

A. Purpose: This section establishes procedures for the appeal and calls for review of determinations and decisions rendered by the Director, Planning and Zoning Commission, and if applicable to land use applications, the arts, culture and historic preservation Commission.

B. Zoning code administration and interpretation: The following determinations and actions of the Director, department staff, and the arts, culture and historic preservation Commission may be appealed to the Planning and Zoning Commission and then to City Council:
   1. Interpretations: Any determination on the meaning or applicability or the regulations contained in this code that are believed to be in error, and cannot be resolved with the Director; and
   2. Enforcement actions. Any enforcement action filed in compliance with section 9-2-9 (violations, enforcement, and penalties).
   3. Planning permit and approval decisions.
      a) Director's decisions. Any decision of the Director may be appealed to the arts, culture, and historic preservation Commission or the Planning and Zoning Commission, as applicable.
      b) Arts, Culture and Historic preservation Commission decisions. Any applicable decision of the arts, culture, and historic preservation Commission may be appealed to the Planning and Zoning Commission.
      c) Planning and Zoning Commission decisions. Any decision of the Planning and Zoning Commission may be appealed to the City Council.

C. Filing and processing appeals:

1. Eligibility: An appeal may be filed by any aggrieved person, except that in the case of a decision that followed a public hearing, an appeal may only be filed by a person who, in person or through a representative, appeared at the public hearing in connection with the decision being appealed, or who otherwise informed the City in writing of the nature of their concerns before the hearing. Additionally, any action or decision by the arts, culture, and historic preservation Commission, Planning and Zoning Commission, or Director may be appealed by a City Council member acting as an individual.
2. Timing and form of appeal.
    a) The appeal shall be filed with the City Clerk within 15 days following the actual date the decision was rendered, or date the written decision was approved, as applicable.
    b) The pertinent facts and the basis for the appeal shall include, at a minimum, the specific grounds for the appeal, where there was an error or abuse of discretion by the review authority in the consideration and action on the matter being appealed, and/or where the decision was not supported by the evidence on the record.
    c) Appeals shall be accompanied by the filing fee identified in the fee schedule.
    d) Once an appeal is filed, any action on the associated project is suspended until the appeal is processed and a final decision is rendered by the applicable review authority.

D. Report and schedule of hearing:
1. When an appeal has been filed, the Director shall prepare a report on the matter, including all of the application materials in question, and schedule the matter for a public hearing by the appropriate review authority, identified in section 9-2-2 and table 9-2-2.
2. Notice of the hearing shall be provided, and the hearing shall be conducted, in compliance with section 9-2-6 Public Hearings.
3. Any interested party may appear and be heard regarding the appeal.

E. Decision
1. In deciding an appeal the review authority considering the appeal shall not hear or consider any evidence of any kind other than the evidence received from the previous review authority, or any argument on the merits of the case other than that contained in the notice of appeal, unless it sets the matter for hearing before itself (e.g. de novo hearing), as provided for in this chapter, and gives the same notice of hearing as is required in compliance with section 9-2-6 (public hearings).
2. In the event of a tie vote by the review authority on an appeal, the decision being appealed shall stand.
3. A decision of the Planning and Zoning Commission is final and effective after 5:00 pm on the 15th day following the date the written decision is rendered, when no appeal to the decision has been filed in compliance with this section.

9-2-8: Zoning and Land Use Permits:

A. Compliance with chapter required: Building or grading permits or certificates of occupancy shall not be issued until the requirements of this chapter have been met.

B. Conditional Use Permit:
1. Purpose: In the various zones, certain land use are permitted, subject to the granting of a Conditional Use Permit. The purpose of a Conditional Use Permit is to provide a process for reviewing land uses that may be appropriate in the applicable zone, but whose effects on a site and surroundings cannot be determined before being proposed for a specific site.

Because of their characteristics, these land uses require special consideration so that they may be located properly with respect to the objectives of this title and with respect to their effects on surrounding properties.

2. Applicability and when required: A Conditional Use Permit is required to authorize proposed land uses specified by Chapters 2, 3, and 4 as being allowable in the applicable zone, subject to the approval of a Conditional Use Permit, as further identified in Table 9-1-2.
3. Procedures:
   a. Application Filing: An application for a CUP shall be filed in accordance with the procedures established in section 9-2-3 (Application Filing, Fees, and Initial Processing).
   b. Review: All applications for a Conditional Use Permit shall be reviewed by the Director to ensure compliance with all applicable requirements of this code.
   c. Hearing Required: The CUP shall be set for public hearing before the Planning and Zoning Commission, as established in section 9-2-6 (Public Hearings).
4. Findings and Decision:
   a. An application for a Conditional Use Permit shall be approved by the review authority established in section 9-2-2 and Table 9-2-2 only after first making the following findings that the proposed use:
      i. Is consistent with the Comprehensive Plan;
      ii. Will constitute a conditional use authorized in the subject zone;
      iii. Complies with all other applicable provisions of this code and the municipal code;
      iv. Will be designed, situated, sized, and whose operating characteristics will be compatible with the planned future land uses in the vicinity;
      v. Is located on a site that is:
         1. Physically suitable in terms of design, location, operating characteristics, shape, size, topography, and the provision of public and emergency vehicle (e.g. medical and fire) access and public services and utilities;
         2. Served by streets and pedestrian and bike pathways adequate in width and improvement to carry the quantity of vehicle and pedestrian and bike traffic the proposed use would likely generate;
      vi. Will not be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of such proposed use;
      vii. Will be served adequately by essential public facilities and services including, streets, storm drain systems, potable water facilities, sanitary sewer facilities, police and fire protection;
      viii. Will not be detrimental to the economic welfare of the community;
      ix. Will not involve uses, activities, processes, materials, equipment or conditions of operation that will cause unreasonable production of traffic, noise, smoke, fumes, glare, odors or other forms of pollution;
      x. Will have vehicular approaches to the property so designed as not to create a detrimental interference with traffic on surrounding public or private streets, or adversely affect the pedestrian environment, and;
      xi. Will provide a safe, convenient, and efficient network that minimizes conflicts between pedestrians, bicyclists, and vehicular traffic by creating a network that includes sidewalks, pathways, and landscaping that promotes and supports active transportation.

5. Tentative Decision Allowed: The review authority is not required but may announce a tentative decision and defer their action on a final decision until appropriate findings and/or conditions have been prepared.
6. Written Notice of Decision. Following a decision on an application for a Conditional Use Permit, within 30 calendar days, the review authority shall produce a written decision and reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the Comprehensive Plan, relevant ordinance and statutory provisions, and factual information contained in the record. The written decision shall contain applicable findings, upon which the decision was made, the conditions of approval (if any), and procedure for appeal.
7. Combined Conditional Use Permit and Site Plan Review Permit: When a development requiring a Conditional Use Permit also requires a Site Plan Review Permit, pursuant to 9-2-8-C (Site Plan Review Permit), below, the applications may be combined pursuant to 9-2-3 (Application Filing, Fees, and Initial Processing); provided however that the findings for a Site Plan Review Permit shall also be made prior to approval.
8. Conditions of Approval: The Planning and Zoning Commission may, after review of the application and public hearing, require the applicant to meet any specific conditions of approval deemed necessary to protect the public health, safety, and general welfare and environment of the community, and any conditions deemed reasonable and necessary to ensure that the approval will comply with the findings required by section 9-2-8 Conditional Use Permit findings. Such conditions are not limited to, but may include:
    a. Limitations on the hours of operation of the use;
    b. Additional landscaping and building beautification;
    c. Additional or reduced (while maintaining required minimums) off-street parking or transportation improvements;
    d. Increased setbacks from property lines.
9. Shall be Implemented Before Expiration: A Conditional Use Permit shall be implemented prior to its expiration, as set forth in section 9-2-4, above.

C. Site Plan Review Permit
    1. Purpose: The purpose of the Site Plan Review Permit is to provide an efficient process for the review of construction and development projects by combining public facilities capacities review, site and landscaping plan, and architectural design review into one permit prior to the building permit process.
    2. Intent: The intent of the Site Plan Review Permit is to ensure that all approved development:
        a. Promotes the orderly development of the city in compliance with the goals, objectives, and policies of the Comprehensive Plan, applicable master plans, and the standards specified in this code;
        b. Respects the physical and environmental characteristics of the site;
        c. Ensures safe and convenient access and circulation for pedestrians and vehicles;
        d. Ensures adequate provision of utilities consistent with adopted City policies and regulations;
        e. Exemplifies the best professional high quality design practices through consistency with the City's design standards and guidelines, which may be amended from time to time.

f. Allows for and encourages individual identity for specific uses and structures;
g. Encourages the maintenance of a distinct neighborhood and/or community identity;
h. Minimizes undesirable visual impacts by preventing inappropriate designs or development;
i. Ensures development of a City having “image and character”, which terms shall include beauty, fitness, harmony, quality, and spaciousness;
j. Maintains and increases the desirability of other properties within the vicinity for the uses for which they are zoned;
k. Prevents unsightliness which causes a decrease in the value of surrounding properties;
l. Results in the maintenance or improvement, or both, of the properties so that improvements on neighboring sites are not discouraged with the result that properties degenerate resulting in an accompanying deterioration of conditions;
m. Prevents the decline in the taxable value of real property in the vicinity and the cost of municipal services to these properties;
n. Helps to ensure that the property values within the vicinity of new and modified development retain their stability;
o. Provides standards that result in the maintenance or improvement, or both, of surrounding properties so that improvements are not discouraged with the result that properties degenerate resulting in an accompanying deterioration of conditions; and
p. It is not a purpose or intent of this code to control architectural character so rigidly that individual initiative is stifled in the design of any particular structure. Rather, it is the purpose and intent of this code that any control exercised be necessary to achieve the overall objectives of this chapter, various overlay districts, and the Comprehensive Plan.

3. Applicability and When Required: Before the issuance of a Building Permit or ground disturbance permit (such as a Grading Permit or Public Infrastructure Permit), a Site Plan Review Permit shall be required for all of the following construction or development activities:
   a. All structures requiring a building permit to accommodate any of the land use activities specific to any zone, except for those specified in subsection b (exemptions), below.
   b. Exemptions: The following are exempt from the requirement for a Site Plan Review Permit, unless located within an Overlay District that establishes the requirement:
      i. A Single-family detached dwelling, a single family-attached dwelling (duplex), or a triplex, and any addition thereto;
      ii. Expansion of a commercial or industrial building which increases the size of the building by less than 2,000 square feet;
      iii. An accessory structure or accessory dwelling unit;
      iv. Any fence, wall or other dividing structure in any zone erected in compliance with this code.
      v. Any temporary structure, as defined in the building codes.
      vi. Any minor repairs.
      vii. Parking lot revisions, including re-striping of parking lots.
4. Procedures
   a. Application filing: An application for a Site Plan Review Permit shall be filed in accordance with the procedures established in section 9-2-3.
   b. Review: All applications for a Site Plan Review Permit shall be reviewed by the Director to ensure compliance with all applicable requirements of this code.

5. Findings and Decision: An application for a Site Plan Review Permit shall be approved by the review authority established in section 9-2-3 only after making the following findings that the project will:
   a. Be allowed within the subject zone;
   b. Be designed efficiently such that the project will not be detrimental to the public health, safety, or general welfare, and not detrimental to adjacent property;
   c. Be served adequately by essential public facilities and services including, streets, storm drain systems, potable water facilities, sanitary sewer facilities, police and fire protection;
   d. Will provide a safe, convenient, and efficient network that minimizes conflicts between pedestrians, bicyclists, and vehicular traffic by creating a network that includes sidewalks, pathways, and landscaping that promotes and supports active transportation;
   e. Include architectural design and functional plan of the structure(s) and related improvements that are of reasonable aesthetic quality and compatible with adjacent developments;
   f. Be designed such that the project's site plan, structures, and architectural design include the following:
      i. Compliance with this City Code Title 9, this Chapter, and all other applicable City regulations and policies;
      ii. Compatibility in color, material, and composition of the exterior elevations to neighboring visible structures;
      iii. Compliance with the standards in any applicable City-adopted Design or Historic Guidelines;
      iv. Appropriate exterior lighting which provides for public safety and is not of a nature that will constitute a nuisance to adjacent properties, and which is compliant with the City's Dark Sky regulations (Title 8);
6. Written Notice of Decision: The review authority shall produce a written decision and reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the Comprehensive Plan, relevant ordinance and statutory provisions, and factual information contained in the record. The written decision shall contain applicable findings, upon which the decision was made, the conditions of approval (if any), and procedure for appeal.

D. Variances
   1. Purpose: The purpose of a variance is to provide limited relief from the requirements of Title 9, Zoning, where strict application of the code would result in undue hardship preventing the use of land otherwise allowed by this code. A variance is a modification of the bulk and placement requirements of the ordinance as to lot size, lot coverage, width, depth, front setbacks, side setbacks, rear setbacks, parking space requirements, height of buildings, or other ordinance provision affecting the size or shape of a structure or the placement of the structure upon lots. A variance shall not be granted to allow a land use not permissible under the provisions of this code.
   2. Applicability and When Required: A variance is required for any property owner seeking relief from the strict application of the bulk and placement requirements of this code.
   3. Procedures:
   a. Application filing: An application for a variance shall be filed in accordance with the procedures in 9-2-3.

b. Review: All applications for a variance shall be reviewed by the Director to ensure compliance with all applicable requirements of this code.

4. Findings and Decision: An application for a variance shall be approved by the review authority established in section 9-2-3 only after making the following findings:
   a. The strict enforcement of the provisions of this code creates an undue hardship to the property owner; however, economic feasibility shall not be considered an undue hardship;
   b. The variance is necessary because of the unique size, shape, topography, or location of the subject property;
   c. The subject property is deprived, by the provisions of this code, of rights and privileges enjoyed legally by other properties in the vicinity and under an identical zone;
   d. The need for the variance is not the result of actions of the applicant or property owner;
   e. The variance does not create health or safety hazards;
   f. The variance does not relieve an applicant or property owner from any procedural provisions of this code;
   g. The variance does not relieve an applicant or property owner from any standard or provision that specifically states the no variance from such standard or provision is permitted;
   h. The variance does not relieve an applicant or property owner from conditions established from a prior permit;
      i. the variance does not allow establishment of a use that is not otherwise permitted in the zoning district in which the subject property is located; and
      ii. the variance is the minimum necessary to grant relief to the applicant.
5. Written Notice of Decision: The review authority shall produce a written decision and reasoned statement that that explains the criteria and standards considered relevant, states the relevant facts relied upon, and explains the rationale for the decision based on the applicable provisions of the Comprehensive Plan, relevant ordinance and statutory provisions, and factual information contained in the record. The written decision shall contain applicable findings, upon which the decision was made, the conditions of approval (if any), and procedure for appeal.

E. Zoning Compliance Reviews:
1. Purpose: Zoning Compliance Reviews is a procedure used by the city to verify that a proposed land use or structure complies with the list of activities allowed in the applicable zone and the development standards applicable to the use or structure.
2. Applicability: A zoning compliance review shall be required at the time of the Director's review of any of the following:
   a. Building permit, grading permit or other construction permit: A zoning clearance shall be obtained before the city issues a new or modified building permit, grading permit, or other construction related permit;
   b. Business license or Home Occupation Permit: A zoning clearance shall be obtained before the city issues a business license or a Home Occupation Permit.
3. Review Procedure: The Director shall issue the Zoning Compliance Review approval after first determining that the request complies with all Title 9 (Zoning) regulations applicable to the proposed use or structure.

4. Form of Approval: The approval may be in the form of a stamp, signature, or other official notification on approved plans, a letter to the applicant, or other certification, approval in permitting software, other certification, at the discretion of the Director.

9-2-9: Violations, Enforcement and Penalties:

A. Purpose, Authority and Scope:
   1. This chapter seeks to ensure that the Director and Police Chief are authorized to take such steps as are necessary, including civil or criminal litigation, to abate, penalize, or prevent the use of any unlawful structure, use, or lot. Appropriate actions and proceedings may be taken at law or in equity to prevent any violation of this code, to prevent or rectify illegal subdivisions, to prevent unlawful construction and use of buildings, structures, or premises, to recover damages, to restrain, correct, or abate a violation, or to prevent illegal occupancy of a building, structure or premises, and these remedies shall be in addition to the penalties described below;
   2. This section provides for an administrative remedy for any violation of this Title 9, chapters 1-13 of this code, including continuing violations related to any provisions of this Title 9, chapters 1-13 of this code;
   3. In any case where any building or structure is erected, constructed, reconstructed, altered, converted or maintained or any building, structure or land is used in violation of this title, as determined by the Planning Director, his/her designee or a code compliance officer or otherwise other proper legal authorities of the city, that authority may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy or use of said building, structure, or land, or to prevent any illegal act, conduct, business or use in or about such building, structure or land. In exercising enforcement authority, the city representative shall follow any specific remedial/enforcement sections listed in relevant chapters of this title or, in their absence, adhere to the provisions of this section specifically;
   4. The Planning Director and their designees, including code compliance officers in the Police Department, are designated enforcement officials with full authority to investigate, issue notices of violation, issue administrative citations, and secure remedies, including but not limited to injunctive relief, for any violation of title 9 of this code;
   5. Remedies may be exercised in place of, or in addition to, any other administrative, criminal, civil, or equitable remedy allowed by law.

B. Definitions: See title 9, chapter 1 for definitions. In addition, for the purposes of this chapter, the term “violation” shall mean a violation of any provision of this title 9 (zoning code).

C. Violations and Penalties:
   1. It shall be unlawful for any “responsible party(ies)” (defined as any person or persons, landowner, tenant or lessee, subdivider, builder, corporation or other legal entity using or occupying premises) to cause, allow, maintain or permit a violation of this code on any property within the City of Sandpoint.
   2. No responsible party shall construct, use, or occupy any building, structure, or improvement upon real property or subdivide land in violation of this code, or contrary to the terms or conditions imposed on a permit or approval obtained in furtherance of this code.
   3. The responsible party or parties who commits, allows, participates in, assists in, or

maintains such violation shall be found guilty of such a violation.

4. Additionally, any use which is established, operated, erected, moved, altered, enlarged, or maintained contrary to the zoning ordinance, excepting approved nonconforming uses and structures, is unlawful and a public nuisance, and may be abated in compliance with this chapter.
5. A separate offense occurs each day or portion of a day during which a violation is committed or continued. Violations of this code also include, but are not limited to:
6. Using land, buildings, structures, or premises contrary to the provisions of this code;
   a. Obtaining a permit or approval under this code through submitting inaccurate or misleading information, or through making inaccurate or misleading statements at a public hearing, regarding the proposed development, the conditions of the land on which the proposed development is located, or conditions on adjacent parcels;
   b. Obstructing or removing any public notice required to be posted or otherwise given under this code;
   c. Submitting for recording with Bonner County Recorder and Record of Survey or Subdivision Plat that has not been approved under this code;
   d. Failing to meet all the requirements of the development permit or approval;

D. Notice of Violation and Order to Abate: Upon the awareness of any violation of any of the provisions of this title the Planning Director, his/her designee, or, a code compliance officer shall serve notice of such violation and order to abate on the person committing or permitting the same, or if neither is to be found within the city, by mailing a copy to the responsible person or his/her agent at his/her last known address, by regular mail and if such violation has not ceased within such reasonable length of time as the Planning Director, or his/her designee, or, a code compliance officer may determine, he/she will take action as may be necessary to terminate the violation as specified below. The Planning Director, or his/her designee, or, a code compliance officer may pursue a written code-compliance agreement with the responsible party to identify a specific timeframe for remedying a violation. Failure to receive any notice does not affect the validity of the proceedings conducted under this section.

E. Corrective Action: If such violation has not ceased within such reasonable length of time as the Planning Director, or, his/her designee, or a code compliance officer may determine, then the Planning Director, or his/her designee or a code compliance officer shall take such action as may be necessary to terminate the violation. This may include initial issuance of a citation, solicitation of assistance from other local authorities, abatement of a nuisance, posting of some type of cease and desist or stop work order, withholding a certificate of occupancy or building permit, etc., or pursuit of legal remedies.

F. Penalties: Any person or corporation, whether owner, lessee, principal agent, employee or otherwise, who violates any of the provisions of this chapter or permits any such violation or fails to comply with any of the requirements approved under this chapter shall be subject to administrative citations, fines, and/or imprisonment up to, but not exceeding, the maximum penalties set forth in Idaho Code section 50-302, as amended. Either or both such fines and imprisonment may be imposed. Each day's continued violation shall constitute a separate additional violation.

G. General Enforcement Provisions:
   1. Procedure For Service:
      a. Unless otherwise provided, service of a notice of violation that is required by this section may be made by delivery of a copy to the responsible person or his/her agent, or

if neither is to be found within the city, by mailing a copy to the responsible person or his/her agent at his/her last known address, by regular mail. Service by mail shall be deemed complete upon mailing. The citing official must, in writing in the case file along with his/her signature, declare the date of mailing or delivery. Failure to receive any notice does not affect the validity of the proceedings conducted under this section.

b. Unless otherwise provided, service of any other document or notice, such as an administrative citation, required by this section, other than the first notice of violation, may be made by delivery of a copy to the responsible person or his/her agent, or if neither is to be found within the city, by certified mail. Service by certified mail shall be deemed complete upon mailing. The citing official must, in writing in the case file along with his/her signature, declare the date of mailing or delivery, together with the acknowledgment of receipt, signed by the person responsible or his/her agent, if one is obtained. Failure to receive any notice does not affect the validity of the proceedings conducted under this section.

2. Responsibility of Cited Party: Upon service of a notice of violation and order to abate, the person responsible shall comply with said notice and order to remedy the violation within the time specified. Upon service of an administrative citation, the person responsible shall pay the assessed fines and remedy the violation

3. Content of Notice of Violation and Order to Abate: A notice of violation and order to abate shall contain all of the following information:

a. The location of the violation and the date the violation was first detected. The date of service of the Notice of Violation and Order to Abate issued under subsection D shall be deemed the date the violation was first detected for purposes of this section;

b. The city code section violated and a description of the violation;

c. The action required to correct the violation and the date by which such action must be completed;

d. The consequences of failing to correct the violation, and;

e. The name and signature of the citing official.

H. Procedure for Enforcement:

1. A notice of violation and order to abate shall be issued for all code violations and shall ordinarily provide thirty (30) days to correct the violation. At the discretion of the citing official and based on immediate dangers to health or safety, a shorter time for correction may be set forth in the notice of violation. Maximum time to correct the violation shall be at the discretion of the citing official and shall be based in part on any immediate dangers to health or safety. The notice of violation shall list the amount of the fine and/or abatement remedies that the City will undertake that will be imposed if there is no compliance with said notice of violation.

2. The City may pursue the use of a written code-compliance agreement, on a form approved by the City Attorney, with the responsible party documenting the timeframe (if other than 30-days) for remedying the violation.

3. An Administrative Citation may be issued for all code violations that have not been corrected within the timeframe identified in the notice of violation and order to abate and/or code-compliance agreement. All Administrative Citations shall include the applicable Administrative Fines, as provided for in this section.

I. Remedies:

1. Notice of Violation and Order to Abate Satisfied: If the citing official determines that all

violations specified in the notice of violation and order to abate have been corrected within the time set forth in the notice, no further action under this section shall be taken against the responsible party regarding the violations.

2. Failure To Comply with Notice of Violation and Order to Abate: If the responsible party fails to fully comply with the notice of violation and order and/or code-compliance agreement to abate within the timeframe specified, the citing official may issue an administrative citation as provided in this section. The issuance of the administrative citation does not alleviate or negate the responsible party's obligation to fully comply with the notice of violation and order to abate.
3. Abatement: The City may recover the cost of abatement as allowed under Idaho state code 50-1008 as a lien upon the property or as a City tax for costs incurred in the abatement or cleanup.

J. Content Of Administrative Citation: An administrative citation shall contain all of the following information:
   1. The location of the violation and the date the violation was first detected. The date of service of the notice of violation and order to abate, as set forth in subsection D of this section, shall be deemed to be the date the violation was first detected, for purposes of this section.
   2. The code section violated and a description of the violation.
   3. An outline of the violation notices issued, and the time frames given within said violation notices and/or code-compliance agreement with the responsible party.
   4. The amount of the fine imposed for the violation as well as the time frame within which said fine shall be paid and place of payment for said fine.
   5. An order prohibiting another occurrence of the code violation.
   6. A description of the administrative citation review process, including the time within which to contest the administrative citation and the place from which to obtain an administrative hearing request form to contest the administrative citation.
   7. The name and signature of the citing official.

K. Administrative Fines:
   1. For any violation of this chapter the administrative fine shall be three hundred dollars ($300.00) per day for five (5) days for each day's continued violation. After the first five days of administrative fines, the fine increases to one thousand dollars ($1,000.00) per day. Such fines are in addition to other/subsequent violations occurring within a twelve (12) month period.
   2. Because a new and separate offense occurs under section 9-2-9, daily separate-offense provision, of this chapter each day during which a violation of any provision or requirement of this code is committed, continued, or permitted, the citing official shall assess fines according to the schedule set forth in subsection K of this section for each day from the date for which compliance was directed in the notice of violation until the date the violation is fully corrected as determined by the citing official or until the maximum fine amount is reached, whichever comes first, subject to the tolling provisions of subsection O of this section.
   3. Administrative fines assessed for failing to fully comply with any notice of violation or administrative citation is a debt owed to the city.

L. Payment Of Administrative Fine: Except as otherwise provided by the administrative hearing and decision provisions of this section, the administrative fine shall be paid to the city within thirty

(30) days from the date of service of the administrative citation. If, after a hearing requested pursuant to subsection M, the Planning and Zoning Commission determines that the administrative citation should be canceled, the administrative fine shall be refunded.

M. Request For Administrative Hearing: Any responsible person to whom an administrative citation is issued may contest the citation by:
   1. Completing an administrative hearing request form and returning it to the city;
   2. Providing a complete and current mailing address for service of papers, including notices on the responsible party, by mail; and
   3. Depositing with the City, the amount of the administrative fine stated in the administrative citation as of the date of its issuance.

N. Administrative Hearing Procedures:
   1. Request for Hearing: The City must receive a completed administrative hearing request form and the amount of the administrative fine required under subsection M(3) within thirty (30) days from the date of service of the administrative citation. If both items are not received within the required time frame, the responsible party waives the right to a hearing.
   2. Notice of Hearing: The citing official shall serve notice on the person requesting the hearing of the time and place of the hearing at least seven (7) days before the date of the hearing. The citing official shall serve any documentation, other than the administrative citation, that the citing official has submitted or will submit to the Planning and Zoning Commission or City Council, as applicable, on the person requesting the hearing at least five (5) days before the date of the hearing. Service shall be in accordance with the service procedures in subsection G(1).

O. Time For Administrative Hearing: Only after an administrative hearing request form is received by the city within the required period and the responsible person requesting the hearing has deposited the amount required under subsection M(3), shall the city set the date and time for the administrative hearing. The hearing shall be set for a date not less than fifteen (15) days, but no more than sixty (60) days, after the date of filing the administrative hearing request form. The timely filing of an administrative hearing request form pursuant to this section shall toll the further accrual of administrative fines under subsection K, and no additional administrative fines shall accrue after the date of such filing during the pendency of the administrative hearing.

P. Request For Continuance Of Hearing: The responsible party requesting a hearing may request one continuance, which shall be granted if deemed reasonable by the city. The city may also continue the hearing at its own discretion.

Q. Planning and Zoning Commission Conducts Hearing: The Planning and Zoning Commission shall be the entity conducting the administrative hearing.

R. Procedures At Administrative Hearing: Administrative hearings are not public hearings and are informal. Formal rules of evidence and discovery do not apply. Each party shall have the opportunity to present evidence in support of that party's case and to cross examine witnesses. The city bears the burden of proof at an administrative hearing to establish a violation of this Title 9 of this code. The administrative citation and any additional reports submitted by the citing official shall constitute evidence of the facts contained in those documents. The Planning and Zoning Commission must use preponderance of evidence as the standard of review in deciding the issues.

S. Failure To Attend Administrative Hearing: If the responsible party fails to attend the scheduled hearing, the hearing will proceed without the responsible party, and the responsible party shall be deemed to have waived the right to an administrative hearing.

T. Decision of the Planning and Zoning Commission
   1. Issuance Of Decision: No later than thirty (30) days after the date on which the administrative hearing concludes, the Planning and Zoning Commission shall issue a written decision. The decision shall set forth the reasons for the decision.
   2. Administrative Citation: The Planning and Zoning Commission shall issue a written decision to uphold or cancel the administrative citation. If the Planning and Zoning Commission upholds the administrative citation, the city shall retain the fine deposited by the responsible party. If the Planning and Zoning Commission upholds the administrative citation and the fine has not been deposited because advance deposit has been waived by the city on the grounds of hardship or otherwise, the Planning and Zoning Commission shall specify in the decision a payment schedule for the fine. If the Planning and Zoning Commission cancels the administrative citation, any fine deposited with the city shall be refunded.
   3. Administrative Order: With regard to the Planning and Zoning Commission's decision, it shall be entitled "administrative order". The Planning and Zoning Commission shall make findings within the administrative order regarding the existence of the violation(s) specified in the notices of violation and administrative citation, and regarding whether the responsible party took the required corrective action within the time period set forth in the notices. If the Planning and Zoning Commission concludes that the violation continues to exist, the administrative order shall set forth a schedule for correction. The administrative order shall set a deadline for compliance with its terms. If the Planning and Zoning Commission determines that the violation(s) set forth in the notices of violation did not exist, or that the violation(s) was (were) timely corrected, all proceedings regarding the violation(s) shall immediately cease and the administrative citations shall be canceled. If the Planning and Zoning Commission cancels the administrative citation, any fine deposited with the city shall be refunded.
   4. Administrative Costs: The Planning and Zoning Commission may assess against the responsible party administrative costs for any violation found to exist, or for any violation that was not timely corrected. The administrative costs include any and all costs incurred by the city in connection with administrative hearings pertaining to the violation, including, but not limited to, investigation costs, staffing costs for preparing and conducting the administrative hearing, and costs for all inspections necessary to enforce the notices of violation, administrative citation and the administrative order. The administrative order shall specify the date by which the costs must be paid to the city.
   5. Appeals to City Council of an Administrative Order: Any party that is the subject of an administrative order, as established in subsection T(3), shall have the right to appeal such order to the City Council. Such appeal shall be processed in accordance with Section 9-2-7. Decisions of the City are final.

U. Administrative Hearing Application Fee: The City Council shall by resolution establish an application fee to be paid by the person seeking an administrative appeal hearing.

V. Late Payment Charges: Any person who fails to pay to the city on or before the due date any administrative fine imposed pursuant to the provisions of this section shall be liable for the payment of late payment charges in the amount of fifty percent (50%) of the administrative fine payable to the city over and above the original fine.

W. Failure To Comply With Administrative Order: Failure to comply with an administrative order after it becomes final is a misdemeanor. Filing a criminal misdemeanor action does not preclude

the city from using any other legal remedy available to gain compliance with the administrative order.

9-2-10 Legislative Actions:

A. Purpose: This section provides procedures for the amendment of the Comprehensive Plan, the Zoning Ordinance, or the Official Zoning Map (Rezone). This section also provides for the establishment or amendment of an overlay zoning district.
B. Initiation: In the case of the Comprehensive Plan, the Zoning Ordinance, the Official Zoning Map (rezone), or the creation of an overlay zone or amendment to any of the aforementioned may be initiated by the City Council, the Planning and Zoning Commission, or Director, or as follows:
    1. Amendments may also be initiated by the filing of an amendment application with the Department by the owner(s) or authorized agent(s)/representative(s) or property owner(s) for which an amendment is sought. If the property is under multiple ownership, all owners or their authorized agents/representatives shall join in filing the application.
    2. Historic Preservation Overlay Zone Districts may also be initiated by the Arts, Culture, and Historic Preservation Commission, as further described in subsection (I) (overlay zone districts).
C. Application Processing, Notice, and Hearings: All applications shall be processed in compliance with the procedures and requirements in section 9-2-3 (Permit Application Filing, Fees, and Initial Processing). Legislative actions initiated by the Director, Planning and Zoning Commission, Arts, Culture and Historic Preservation Commission, or City Council, shall be exempt from the procedures of section 9-2-3.
D. Notice and Hearings: The Planning and Zoning Commission and Council each shall conduct one or more public hearings in compliance with section 9-2-6 (public hearings), regarding any Comprehensive Plan amendment, Zoning Ordinance amendment, Official Zoning Map amendment (rezoning), or creation or amendment of any overlay zone.
E. Planning and Zoning Commission's Action: On all legislative actions provided for in this chapter, the Planning and Zoning Commission shall forward a written recommendation, and reasons for the recommendation, to the City Council whether to approve, approve in modified form, or deny the request, based on the findings identified in section 9-2-10 (G), below.
F. Council's Action: On all legislative actions provided for in this chapter, upon receipt of the Commission's recommendation, the Council shall approve, approve in modified form, or deny the request, based on the findings identified in section 9-2-10 (G), below.
G. Findings and Decision: An amendment to the Comprehensive Plan, the Zoning ordinance, or the official Zoning Map (rezoning) may be approved only if all of the following findings are made, as applicable to the type of action:
    1. Findings for Comprehensive Plan Amendments:
        a) The Amendment is internally consistent with all other provisions of the Comprehensive Plan;
        b) The amendment will not be detrimental to the public interest, health, safety, and convenience or welfare of the City;
        c) The affected site is physically suited in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g. fire and medical) access and public services and utilities (e.g. fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment and disposal, etc.) to ensure that the proposed or anticipated uses

and/or development will not endanger, jeopardize, or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located.

2. Findings for Zoning Ordinance and Official Zoning Map Amendments (rezoning):
   a) The amendment is consistent with the Comprehensive Plan;
   b) The amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City.
   c) The amendment is internally consistent with other applicable provisions of this title.
   d) Additional finding for amendments to the Official Zoning Map (rezoning): The affected site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of publsuic and emergency vehicle (e.g. fire and medical) access and public services and utilities (e.g. fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment and disposal, etc.) to ensure that the requested zone designation or change and the proposed or anticipated uses and/or development will not endanger, jeopardize, or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located.
3. Additional Findings for the creation or amendment of an overlay zone district: The creation of an overlay zoning district or amendment meets the criteria for the relevant overlay zoning district established in subsection (I)(Overlay Zoning Districts), below.

H. Effective Dates: Effective dates for legislative actions shall be as set forth in section 9-2-4, Permit or Approval Implementation, Time Limits, Expirations, and Extensions.

I. Overlay Zoning Districts:
1. Purpose: Overlay Zoning districts are established to provide additional or more restrictive requirements for the specific type of overlay area that are superimposed upon those of the base zone or underlying zone. Overlay zones address special land use, character, or environmental considerations unique to the property or its surroundings. The specific regulations governing an overlay zoning district may reside outside of this chapter and within the chapter that establishes the overlay zoning district.
2. Applicability and General Provisions: Properties within an overlay zone are subject to the requirements and regulations of both the base zone and the overlay zone. Properties located within multiple overlay zones shall comply with the requirements of each overlay zone. Where the standards or provisions of the overlay and base zone are different or in conflict, the more restrictive standards shall apply. In some cases, the uses vary from the base zone and the overlay zone. In such cases, the overlay zone shall govern. Overlay districts may prohibit land uses that may otherwise be allowed in the base zone.
3. Overlay Zoning Districts and the Zoning Map: All overlay zoning districts shall be delineated as an overlay on the Official Zoning Map of the City of Sandpoint. The boundary of the overlay district shall be shown and the short name for the specific overlay zone shall be listed. All overlay districts shall be listed in the table of zone districts in chapter 9-1, General Provisions, of this code.
4. Content Requirements/Criteria: An overlay zoning district is required to identify the following elements: purpose of the overlay, relevant definitions, the boundary, land uses permitted, land use restrictions, design standards, special permits (if any) required to implement the overlay, the procedures for filing and obtaining permits, appeals procedures, and enforcement provisions. The overlay shall be one of the following types, which shall be articulated in its purpose, and shall meet the following criteria:

a) Sensitive Lands Overlay Districts: Sensitive lands overlay districts are intended to protect unique environmental features and systems within the city from the impacts of development, or to protect the public health and safety by including additional restrictions on development in or near areas where necessary and permitted activities may create additional risks to the public. The Sensitive Lands Overlay district shall meet at least one of the following criteria:
   i. Includes sensitive environmental areas or systems or portions of systems that need additional protection from the impacts of development in order to retain healthy environmental functions or to protect a unique environmental feature within the city; or
   ii. Includes lands in or around an area where needed and permitted activities may create additional risks to public health and safety unless additional restrictions on the location and type of development or permitted human occupancy of those lands is subject to additional regulations.

b) Character Overlay Districts: Character overlay districts are intended to maintain the unique character of specific areas. A character overlay district is usually applied to neighborhoods or areas with certain identifiable attributes embodied in architecture, urban design, geography, or history. Character overlays shall meet at least one of the following criteria:
   i. Has a distinctive character with identifiable attributes embodied in architecture, use, development patterns, or history that make it a unique and integral part of the city's identity;
   ii. Has a recognizable neighborhood identity and a definable physical character that may have a high artistic value or physical proximity to downtown or the Historic Preservation Overlay Zone that makes the area's conservation significant to the city's history and function.

c) Historic Preservation Overlay Districts: Historic preservation overlays are intended to promote the educational, cultural, and economic welfare of the public by engaging in a comprehensive program of historic preservation to promote, preserve, and protect historic buildings, structures, sites, monuments, streets, squares, and /or neighborhoods that serve as visual reminders of the historical, archeological , educational, and cultural heritage of Sandpoint. It is further the purpose and intent of a historic overlay district for the social, economic, and environmental advantages of the city to promote the use and conservation of such property and to encourage new buildings and developments that will be harmonious with the existing historical, archeological, architectural educational, and cultural buildings, structures, sites, streets, open spaces, and neighborhoods. The buildings, sites, structures, and objects of a Historic Preservation Overlay District shall meet one of the following two criteria:
   i. Historical or Cultural Importance:
      1. Has significant character, interest, or value as part of the development, heritage, or cultural characteristics of the city, state, or nation;
      2. Is associated with the life of a person significant in the past;
      3. Is the site of an historic event with significant effect upon society;
      4. Exemplifies the cultural, political, economic, social, educational, or historic heritage of the community;

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

ii. Architectural Importance:

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

5. Establishment Requirements: An overlay district shall be established in conformance with the provisions of this chapter for amendments to the Official Zoning Map, specified above, and in compliance with additional procedural requirements unique to each overlay set forth in applicable chapters dedicated to such overlays (e.g airport, historic preservation chapters).

9-2-11: Development Agreements:

A. Purpose: A development agreement ("agreement") is a discretionary tool to be used by the Planning and Zoning Commission (the "Commission") and City Council (the "Council"). The agreement will allow a change in the zoning for a specific project, with a specific use, to be developed on property in an area which may not be appropriate for all uses permitted outright or conditionally within the proposed zone. Approval of the agreement, pursuant to this section, would permit the proposed use, with conditions, within the proposed zone.

B. When Permitted or Required: An agreement may be permitted or required at the discretion of the Commission or Council when considering a request for a rezone. An agreement when permitted or required, shall be initiated through one of the following methods:

1. On request by the developer;
2. On recommendation of the Planning Director (the "Director"); or
3. As required by the Commission or Council.

C. The Council or Commission may require that an agreement be executed prior to allowing a particular project to proceed. An agreement may be formulated when approval of the rezone would permit uses within that zone which may not be appropriate to the area, but the specific project presented may have a value to the community which could otherwise be allowed using an agreement. In the event, during the rezoning process, the Council or the Commission determines that an agreement should be considered;

1. The Commission shall retain jurisdiction of the matter until its recommendation concerning the agreement is given to the Council. The Commission shall defer consideration of the

rezone and set a time limit for submittal of the agreement. The Commission shall then proceed as specified in this section.

2. In the event of a determination by the Council that an agreement should be drafted, the Council shall remand the matter back to the Commission for consideration. The Council may give specific direction to the Commission as part of the remand.
3. When consideration of a development agreement proceeds under subsection C(1) or C(2), applicable time limits required by the Sandpoint City Code may be stayed upon an affirmative vote of the Commission or Council.

D. Form of Agreement: The agreement shall be in a form as required by the Director and shall, as a condition of consideration by the Director, Commission or City Council, include all of the following:

1. An affidavit by the owner of the property agreeing to submission of the use and property for an agreement.
2. The legal description of the property in question.
3. The specific present use or uses of the property in question.
4. The permitted or conditional use desired and the proposed zone.
5. A concept plan for the property as provided by this chapter. In addition to those items required by this chapter, the concept plan shall include but not be limited to:
   a. A description of the density allowed and requested.
   b. Maximum height, size, and location of all the structures proposed.
   c. The construction schedule, including the projected occupancy date.
   d. Type and color of materials used.
   e. A statement acknowledging that failure to comply with the agreement shall constitute a consent to rezone the property to the pre-existing zone or; in the case of the pre-existing zone being an initial zone at annexation, a zone deemed appropriate by the Commission and Council.
   f. Any other information as requested by the Council, Commission, or Director.

E. Approval of The Agreement:

1. The agreement may be approved at the sole discretion of the Council after a public hearing. The public hearing shall follow the public hearing procedures of this chapter.
2. The Commission or Council may revise the agreement by adding to it conditions, terms, duties, or obligations to the agreement.
3. The agreement must be approved by the Council as a resolution, only after approval (as to form) of the agreement by the City Attorney.

F. Procedure After Approval of The Agreement: Following approval of the agreement by the City Council, the full agreement shall be recorded in the Bonner County Recorder's office, Bonner County, Idaho, at the expense of the developer. The agreement shall run with the land and shall

be considered continuing obligations of the owner, co-owners or subsequent owners of the property. Use of the property and compliance with the agreement shall be reviewed and approved by the Director prior to the issuance of an occupancy permit.

G. Duty To Comply With Agreement: Each owner, co-owner or subsequent owner of property which is subject to an agreement adopted pursuant to this section shall comply with the agreement.

H. Modification of Agreement:

1. The agreement may be modified only after public hearing by the Council.

2. No modification of the agreement may allow a use or condition on the property that is not permitted within the zone.

I. Amendment or Termination of Agreement Upon Breach:

1. In the event of a breach of the agreement by the developer, or the developer's successor in interest, the agreement may be amended or terminated by the Council without the consent of the breaching party. Such amendment or termination shall take place after a public hearing in compliance with the public hearing procedures of this chapter, at which time testimony shall be taken to resolve the issue with the agreement.

2. Upon termination of the agreement, following the public hearing the property shall, upon an affirmative vote of the Council, revert to the pre-existing zone, or in the case of the pre-existing zone being an initial zone at annexation, a zone deemed appropriate by the Commission and Council. All uses of the property which are not consistent with such pre-existing zone following termination of the agreement shall cease. The owner of the property may apply for a conditional use for the property if such use is conditional within such pre-existing zone after compliance with the terms of this chapter.

J. Enforcement of Agreement: The agreement may be enforced by the Council through any means deemed to be appropriate, including, but not limited to, specific enforcement injunctive relief, damages or criminal penalty for violation of this section. The enforcement options available to the Council shall be considered cumulative.

(Ord. 910, 11-18-1991)

CHAPTER 3 COMMERCIAL ZONING DISTRICTS

The City of Sandpoint is divided into four commercial zoning districts identified on the zoning map as Community Commercial (CC), Neighborhood Commercial (NC), Downtown Outer Core (DOC) and Downtown Core (DC). These zone districts implement the City's Comprehensive Plan land use designations of Mixed Use Corridor, Neighborhood Mixed Use, and Downtown.

The following principles serve as the foundation for the commercial zone:

A. Efficient use of land and services.

B. A mix of land uses which strengthen opportunities for economic vitality and support pedestrian activity as well as housing opportunities.

C. Provide for community gathering places and pedestrian/visitor amenities.

D. Establish a distinct storefront character associated with the Downtown Core area.

E. Provide transitions to adjacent neighborhoods and commercial areas.

F. Maintain and enhance the area's character through design guidelines.

G. Encourage multi-family residential development in compact, pedestrian friendly patterns.

H. Managed parking in the Downtown Core and Outer Core Zones to maximize parking efficiency.

9-3-1: Community Commercial Zone Purpose and Applicability:

The purpose of the Community Commercial zone is to foster and strengthen economic vitality in Sandpoint by providing for nodes of higher-intensity and larger-scale commercial development at the entrances of the City at Highway 2, where employment opportunities and services are convenient to the community as a whole and travelers and commuters along Highway 2. This zone is intended to implement the Mixed-Use Corridor land use designation of the City's Comprehensive Plan.

Unless otherwise stated herein, these standards apply to all new buildings, additions, and exterior alterations visible from a public street, alley, or public space within the Community Commercial zone district; the permitting applicability for such is further addressed in Chapter 2, Zoning Administration.

(Ord. 1236, 6-23-2010)

9-3-1-1: District-Specific Use Standards for the Community Commercial Zone:

A. Permitted Uses: The land uses listed in table 9-1-2 are permitted in the Community Commercial zone as identified and subject to the provisions of this chapter. Certain land uses have additional restrictions as specified in notes to table 9-1-2 and as specified below.

B. Craft Manufacturing: Craft manufacturing is only permitted when occurring in conjunction with another permitted retail, service, or restaurant use. The craft manufacturing use shall not

occupy the storefront location. The craft manufacturing use in combination with the retail, service, or restaurant use shall not exceed 15,000 square feet and shall be fully enclosed within a building.

C. Outdoor displays: All land uses within the Community Commercial zone district shall be wholly conducted indoors, except for nurseries and as provided for in Section 9-1-9, Accessory Uses and Buildings.

D. In the Community Commercial zone no more than ten percent (10%) of primary lot frontage shall be developed with surface parking. For the purpose of this provision, "primary lot frontage" shall be defined as the linear frontage along the primary street having a depth of fifteen feet (15').

E. Nurseries and greenhouses shall be limited to a maximum of 15,000 square feet

(Ord. 1301, 6-4-2014)

9-3-1-2: District-Specific Design and Development Standards for the Community Commercial Zone:

A. Purpose: Development standards regulate the physical layout and design of development to ensure protection of health, safety, welfare, and quality of life within Sandpoint. These standards address the physical relationship between development and adjacent properties, public streets, neighborhoods, districts, and the natural environment, in order to implement the Comprehensive Plan.

B. Intent: The design and development standards in this section are intended to promote high-quality, context sensitive development across Sandpoint's Community Commercial zone. These standards emphasize flexibility in building form, site layout, and architectural expression to accommodate a wide range of commercial, residential, institutional, and mixed-use development types, particularly along arterial roadways and State Highway 2. These standards are intentionally less prescriptive than those applicable to the Downtown Core and Downtown Outer Core zones and are not intended to replicate historic downtown building forms or materials.

C. Development Standards for Community Commercial Zone

Table 9-3-1: Development Standards for Community Commercial Zone

Standard	**Requirement**
Lots	
Minimum lot area	3,500 sq. ft.[1]
Minimum lot width	25 ft.
Maximum lot coverage	100%
Building placement	
Minimum front setback	0 ft.

Maximum front setback	20 ft.
Minimum building frontage at the front setback	50% of lot width
Minimum side setback	0 ft.
Minimum rear setback	0 ft.
Side setback next to a residential zone	10 ft.
Rear setback next to a residential zone	10 ft.
Building height	
Maximum height	45 ft.

[1] No lot may be created that prevents development consistent with CC standards, including access, parking, vehicle and pedestrian circulation, and landscaping requirements.

Table 9-3-2 Other standards applicable to the Community Commercial Zone

Topic	**Code section**
General provisions	9-1
District-specific standards	9-3-1
Standards for all commercial districts	9-3-4
Off-street parking	9-6
Signs	9-7

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

D. Building Size, Bulk, Scale and Mass:

1. New buildings and additions shall be designed to reduce perceived bulk and mass through building articulation, modulation, variation in plane, the use of multiple building volumes, where visible from public streets or public spaces.

2. Compatibility with existing adjacent and nearby development may be achieved through various proportional relationships to existing nearby structures, including visual breaks, site planning strategies, the same or similar roof design, building mass and/or materials. Replication of the form or size of existing adjacent or nearby development is not required.

E. Building Orientation: If an entry is oriented to a parking lot, it diminishes activity from the street and implies that auto access takes precedence. Therefore, buildings shall be oriented toward

their primary street frontage and located within the maximum front setback. Orientation and design of all new buildings or additions shall be reinforced through the observation of the following standards:

1. Primary Entrance: Buildings shall provide a clearly identifiable primary entrance that is oriented toward a public street, pedestrian plaza, courtyard, or primary pedestrian circulation route that includes a minimum of an 8-foot-wide sidewalk connecting the primary entrance to the public right of way. All staircases to upper floors shall be enclosed and shall provide for natural lighting and ventilation if not conditioned space.
2. Where development on a lot includes multiple buildings, at least one building shall have its entrance on a public street, and each additional building shall provide a clearly identifiable primary entrance either facing the street or facing an internal pedestrian space between buildings, provided a direct pedestrian connection is also provided to a public sidewalk.
3. Corner Building Entrances: Where development is on a corner lot, buildings shall face both frontages with entrances, architectural articulation and/or building orientation that emphasizes the corner condition. A corner entrance is encouraged but not required where building form, or site design provide an equivalent emphasis on the street intersection.
4. Secondary Entrance: A building may have a secondary entrance facing the side or rear of a lot when a direct pedestrian walkway is provided between the building entrance and the street right-of-way. Secondary entrances may be utilized to serve parking areas, provided pedestrian connectivity between the building entrance and the street right-of-way is emphasized. Any exterior staircase used for a secondary entrance shall be covered and integrated into the building design.
5. Off-street parking, driveways, and vehicular access areas shall not be located between a building and its primary street frontage. Off-street parking may be located between a building and a secondary or side street frontage, provided that:
    a) The building is oriented to the designated primary street frontage;
    b) A continuous pedestrian pathway connects the primary building entrance and the public sidewalk; and
    c) Views of the parking areas from the public right-of-way are minimized through landscaping, screening, or site design features that maintain a pedestrian oriented streetscape appearance.
6. Surface Parking: Parking areas shall be divided into areas of no more than 30 abutting spaces. Division between areas of 30 or more spaces may be by a building, internal landscaped area with a minimum width of five feet (5'), or paved pathway having a minimum width of five feet (5').

F. Storefront Design: Buildings shall incorporate pedestrian-oriented design features appropriate to the land use and context, as follows:

1. Building Frontage Occupancy: Buildings shall occupy a minimum portion of the primary street frontage, as established in Table 9-3-1 in order to reinforce commercial intensity, the pedestrian realm along all streets, and efficient use of commercially zoned property. Frontage occupancy may be satisfied through one or more buildings.

2. Pedestrian-Oriented Ground Floor Design: Ground-floor commercial facades fronting a public street shall incorporate pedestrian-oriented design features appropriate to the building's use and context. These features may include, but are not limited to:
    a. Transparent windows or glazing that allows views into active interior spaces;
    b. Clearly identifiable pedestrian entrances oriented towards the public street, plaza, or primary pedestrian route;
    c. Architectural articulation, material changes, or recesses that provide visual interest at the pedestrian level;
    d. Weather protection elements such as awnings, canopies, or recessed entries where appropriate.
3. Transparency/Fenestration: Ground-floor commercial facades are required to incorporate a minimum of 50 % transparent glazing along street-facing elevations, particularly in areas of pedestrian activity.
4. Façade Length and Articulation: Street facing facades greater than fifty feet (50') in length shall incorporate visual breaks, at least every 25 feet, through changes in plane, materials, fenestration, or building modules to reduce perceived scale.
5. Rooflines and Upper-floor Differentiation: Buildings with multiple stories shall provide a visual distinction between the ground floor and upper floors through changes in materials, articulation, fenestration, and horizontal elements, or other architectural techniques.
6. Ground-floor residential: Ground-floor residential units are required to include pedestrian-oriented design by utilizing stoops, porches, landscaped setbacks, or other design features that provide a transition between the public sidewalk and private living space.
7. Waterfront frontages: In addition to the standards in subsection 9-3-4-3, Special Standards for Properties Adjacent to Sand Creek, buildings abutting Sand Creek shall incorporate design features that enhance visual interest, pedestrian engagement, and connectivity to the water, such as patios, decks, walkways, and windows. Mechanical equipment, refuse areas, and service functions visible from the creek or public paths shall be screened or buffered to maintain visual quality along the waterfront.

G. Building Materials: Exterior materials shall be durable, high-quality, and appropriate to the building's use, scale, and location. Contemporary architectural materials are permitted, if façades incorporate articulation, transparency, and human-scale detailing where visible from public spaces.
    1. Permitted Materials: A wide range of exterior materials may be used, including but not limited to masonry including individually set brick and stone, wood, architectural metal panels, architectural concrete, glass, and stucco, provided such materials meet the standards of this section.
    2. Secondary or Accent Materials (limited use to 50% or less on any façade):
        a) Exposed, unfinished concrete and concrete masonry units;
        b) Fiber cement;

c) Weathered steel

3. Prohibited Materials and Finishes: The following are prohibited as finished exterior materials where visible from public areas:

   a) Exposed unfinished concrete or concrete masonry units when used as the primary building material;

   b) Raw or unfinished metal siding, other than as accent materials or panels; however corrugated metal may be permitted where it is factory-finished, articulated, and integrated as an intentional architectural material rather than a utilitarian surface;

   c) Highly repetitive or monotonous wall treatments lacking articulation;

   d) Mirrored or reflective glazing;

   e) Galvanized metal.

4. Glare and Reflectivity: Exterior materials and glazing shall not create excessive glare visible from public rights-of-way or adjacent properties. Highly reflective or mirrored materials are prohibited.

5. Fenestration and Transparency: Where ground-floor commercial uses front a public street, facades shall incorporate windows, glazing, or other design features that establish a visual relationship between interior spaces and the public realm. Window coverage, tinting, or screening may be permitted where appropriate to the building's use, provided the façade does not present a blank or visually inactive appearance.

6. Façade Treatment and Visibility: Primary street-facing facades shall incorporate materials, articulation, and detailing to break up exterior façade elements that are consistent with the scale of surrounding buildings. Secondary façades visible from public streets, parking areas, walkways, or other public spaces shall incorporate material variation, fenestration, or architectural detailing sufficient to avoid the appearance of unfinished or utilitarian building surfaces. Identical architectural treatment on all building facades is not required.

7. Material Transitions: Material transitions shall occur at logical building breaks, such as changes in plane, floor level, or architectural elements. Material transitions should be considered thoughtfully to enhance appropriate proportions, building form, and mass.

H. Civic and Pedestrian Spaces: Civic and pedestrian spaces contribute to walkability, social interaction, and visual interest within commercial areas. Such spaces are encouraged where appropriate to the scale, land use, and context of development, particularly along pedestrian-oriented streets and mixed-use corridors. Provision of civic or pedestrian space is required and may be provided in a variety of forms appropriate to the development context, as follows:

1. Design Guidance/Function: Where provided, civic or pedestrian spaces shall:

   a. Be accessible from a public street, sidewalk, trail, or pedestrian circulation route; and

   b. Be designed to support pedestrian comfort and gathering.

2. Location: Civic and pedestrian spaces may be located:

   a. Adjacent to building entrances;

b. Within setbacks or courtyards;

c. Along pedestrian corridors internal to the site such as between buildings;

3. Examples of Civic and Pedestrian Spaces:

a. Plazas, courtyards, or forecourts adjacent to building entrances;

b. Outdoor seating areas, stoops, benches, decks, patios, or other landscaped gathering spaces;

c. Pedestrian pathways with amenities such as seating, lighting, (and/or) landscaping.

9-3-2: Neighborhood Commercial Zone Purpose and Applicability:

The purpose of this zone is to accommodate neighborhood scale mixed use activity, neighborhood corners and transitions from residential neighborhoods to more intense or larger scale downtown and Community Commercial districts. Infill commercial and residential intensification are supported and surrounded by directly adjacent existing neighborhoods in order to provide for the convenience of daily services at a scale that resembles the neighborhoods and areas they serve. While any of the commercial establishments may be community serving, its scale is smaller than the more focused nodes of higher intensity commercial districts. It is distinguished from Community Commercial zone primarily in scale, pedestrian orientation, and intensity of development, as provided for in the following regulations. This zone is intended to implement the Mixed-Use Neighborhood land use designation of the City's Comprehensive Plan specifically in transitions between residential neighborhoods and commercial centers.

Unless otherwise stated herein, these standards apply to all new buildings, additions, and exterior alterations visible from a public street, alley, or public space within the Neighborhood Commercial Zone Districts; the permitting applicability for such is further addressed in Chapter 2, Zoning Administration.

9-3-2-1: District-Specific Use Standards for the Neighborhood Commercial Zone:

A. Permitted Uses: The land uses listed in table 9-1-2 of chapter 1 are permitted in the Neighborhood Commercial zone as identified and subject to the provisions of this chapter. Certain land uses have additional restrictions as specified in notes to table 9-1-2 and as specified below.

B. Craft Manufacturing: Craft manufacturing is only permitted when occurring in conjunction with another permitted retail, service, or restaurant use. The craft manufacturing use shall not occupy the storefront location. The craft manufacturing use in combination with the retail, service, or restaurant use shall not exceed 4,000 square feet.

C. Outdoor displays: All land uses within the Neighborhood Commercial zone district shall be wholly conducted indoors, except as provided for in Section 9-1-9, Accessory Uses and Buildings.

D. Nurseries and greenhouses shall be limited to a maximum of 5,000 square feet and nurseries are required to be accompanied by a building on the lot.

9-3-2-2: District-Specific Design and Development Standards for the Neighborhood Commercial Zone:

A. Purpose: Development standards regulate the physical layout and design of development to ensure protection of the health, safety, welfare, and quality of life within Sandpoint. These standards address the physical relationship between development and adjacent properties, public streets, neighborhoods, districts, and the natural environment, in order to implement the Comprehensive Plan.

B. Intent: The design and development standards in this section are intended to promote high-quality, context sensitive development across Sandpoint's Neighborhood Commercial zone. These standards emphasize compatibility with adjacent residential neighborhoods.

C. Development Standards for Neighborhood Commercial Zone

Table 9-3-3: Development Standards for Neighborhood Commercial Zone

Standard	**Requirement**
Lots	
Minimum lot area	1,500 sf[1]
Minimum lot width	15 ft
Maximum lot coverage	90%
Building placement	
Minimum front setback	0 ft for commercial, 5 ft for residential if residential is on ground floor
Maximum front setback	Commercial:15 ft. if civic space is provided; Residential: 15 ft
Minimum building frontage at the front setback	50% of lot width
Minimum side setback	0 ft.
Minimum rear setback	0 ft.
Side setback next to a residential zone	5 ft.
Rear setback next to a residential zone	10 ft.
Building height	
Maximum height	40 ft

[1] No lot may be created that prevents development consistent with NC standards, including access, parking, vehicle and pedestrian circulation, and landscaping requirements.

Table 9-3-4 Other standards applicable to the Neighborhood Commercial Zone

Topic	Code section
General provisions	9-1
District-specific standards	9-3-2
Standards for all commercial districts	9-3-4
Off-street parking	9-6
Signs	9-7

D. Building Size, Bulk, Scale and Mass:

1. The maximum building footprint shall not exceed 3,500 square feet, and the maximum commercial gross floor area shall not exceed 5,000 square feet.
2. Buildings are encouraged to incorporate traditional residential form with pitched rooflines, gables porches, decks, landscaping and civic space, and buildings over two stories are encouraged to utilize a step back from the ground level façade.
3. All staircases to upper floors shall be enclosed and shall provide for natural lighting and ventilation if not-conditioned space.

E. Building Orientation: If an entry is oriented to a parking lot, it diminishes activity from the street and implies that auto access takes precedence. Therefore, buildings shall be oriented toward their primary street frontage and located within the maximum front setback. Orientation and design of all new buildings or additions shall be reinforced through the observation of the following standards:

1. Primary Entrance: Buildings shall provide a clearly identifiable primary entrance that is oriented toward a public street, pedestrian plaza, courtyard, or primary pedestrian circulation route that includes a minimum of an 8-foot-wide sidewalk connecting the primary entrance to the public right of way. All staircases to upper floors shall be enclosed and shall provide for natural lighting and ventilation if not-conditioned space. Where development on a lot that includes multiple buildings, at least one building shall have its entrance on a public street, and each additional building shall provide a clearly identifiable primary entrance either facing the street, alley or facing an internal pedestrian space between buildings, provided a direct pedestrian connection is also provided to a public sidewalk. For commercial uses none of the lot frontage shall be developed with surface parking spaces. For the purpose of this provision, " lot frontage" shall be defined as the linear frontage along the primary street having a depth of fifteen feet (15').
2. Corner Building Entrances: Where development is on a corner lot, buildings may face both frontages with entrances, architectural articulation and/or building orientation that emphasizes the corner condition. A corner entrance is encouraged but not required where building form, or site design provide an equivalent emphasis on the street intersection. Civic space and landscape walls, fencing, artistic features, or plantings may be used on the secondary frontage to enhance intersection and corner condition.

3. Secondary Entrance: A building may have a secondary entrance facing the side or rear of a lot when a direct pedestrian walkway is provided between the building entrance and the street right-of-way. Secondary entrances may be utilized to serve parking areas, provided pedestrian connectivity between the building entrance and the street right-of-way is emphasized.
4. Alley vehicular access and parking preferred. Off-street parking, driveways, and vehicular access areas shall not be located between a building and its primary street frontage. Off-street parking maybe located between a building and a secondary or side street frontage, provided that:
    a) The building is oriented to the designated primary street frontage;
    b) A continuous pedestrian pathway connects the primary building entrance and the public sidewalk; and
    c) Views of the parking areas from the public right-of-way are minimized through landscaping, screening, or site design features that maintain a pedestrian oriented streetscape appearance.

F. Storefront Design: Buildings shall incorporate pedestrian-oriented design features appropriate to the land use and context, as follows:

1. Building Frontage Occupancy: Buildings shall occupy a minimum portion of the primary street frontage, as established in Table 9-3-3 in order to reinforce commercial intensity, the pedestrian realm along all streets, and efficient use of commercially zoned property. Frontage occupancy may be satisfied through one or more buildings.
2. Pedestrian-Oriented Ground Floor Design: Ground-floor commercial facades fronting a public street shall incorporate pedestrian-oriented design features appropriate to the building's use and context. These features may include, but are not limited to:
    a) Transparent windows or glazing that allows views into active interior spaces;
    b) Clearly identifiable pedestrian entrances oriented towards the public street, plaza, or primary pedestrian route;
    c) Architectural articulation, material changes, or recesses that provide visual interest at the pedestrian level;
    d) Weather protection elements such as awnings, canopies, or recessed entries where appropriate.
3. Transparency/Fenestration: Ground-floor commercial facades are required to incorporate a minimum of 25% transparent glazing along street-facing elevations.
4. Façade Length and Articulation: Street facing facades greater than fifty feet (50') in length shall incorporate visual breaks, at least every 25 feet, through changes in plane, materials, fenestration, or building modules to reduce perceived scale.
5. Rooflines and Upper-floor Differentiation: Buildings with multiple stories shall provide a visual distinction between the ground floor and upper floors through changes in materials, articulation, fenestration, and horizontal elements, or other architectural techniques.

6. Ground-floor residential: Ground-floor residential units are required to include pedestrian-oriented design by utilizing stoops, porches, landscaped setbacks, or other design features that provide a transition between the public sidewalk and private living space.
7. Waterfront frontages: In addition to the standards in subsection 9-3-4-3, Special Standards for Properties Adjacent to Sand Creek, buildings abutting Sand Creek shall incorporate design features that enhance visual interest, pedestrian engagement, and connectivity to the water, such as patios, decks, walkways, and windows. Mechanical equipment, refuse areas, and service functions visible from the creek or public paths shall be screened or buffered to maintain visual quality along the waterfront.

G. Building Materials: Exterior materials shall be durable, high-quality, and appropriate to the building's use, scale, and location. Contemporary architectural materials are permitted, provided that façades incorporate articulation, transparency, and human-scale detailing where visible from public spaces.

1. Permitted Materials: A wide range of exterior materials may be used, including but not limited to masonry including individually set brick and stone, wood, architectural metal panels, architectural concrete, glass, and stucco, provided such materials meet the standards of this section.
2. Secondary or Accent Materials (limited use to 50% or less on any facade):
    a) Exposed, unfinished concrete and concrete masonry units;
    b) Fiber cement;
    c) Weathered steel
3. Prohibited Materials and Finishes: The following are prohibited as finished exterior materials where visible from public areas:
    a) Exposed unfinished concrete or concrete masonry units when used as the primary building material;
    b) Raw or unfinished metal siding, other than as accent materials or panels; however corrugated metal may be permitted where it is factory-finished, articulated, and integrated as an intentional architectural material rather than a utilitarian surface;
    c) Highly repetitive or monotonous wall treatments lacking articulation;
    d) Mirrored or reflective glazing;
    e) Galvanized metal.
4. Glare and Reflectivity: Exterior materials and glazing shall not create excessive glare visible from public rights-of-way or adjacent properties. Highly reflective or mirrored materials are prohibited.
5. Fenestration and Transparency: Where ground-floor commercial uses front a public street, facades shall incorporate windows, glazing, or other design features that establish a visual relationship between interior spaces and the public realm.
6. Façade Treatment and Visibility: Primary street-facing facades shall incorporate materials, articulation, and detailing to break up exterior façade elements that are consistent with the

scale of surrounding buildings. Secondary façades visible from public streets, parking areas, walkways, or other public spaces shall incorporate material variation, fenestration, or architectural detailing sufficient to avoid the appearance of unfinished or utilitarian building surfaces. Identical architectural treatment on all building facades is not required.

7. Material Transitions: Material transitions shall occur at logical building breaks, such as changes in plane, floor level, or architectural elements. Material transitions should be considered thoughtfully to enhance appropriate proportions, building form, and mass.

H. Civic and Pedestrian Spaces: Civic and pedestrian spaces contribute to walkability, social interaction, and visual interest within commercial areas. Such spaces are encouraged where appropriate to the scale, land use, and context of development, particularly along pedestrian-oriented streets and mixed-use corridors. Provision of civic or pedestrian space is required and may be provided in a variety of forms appropriate to the development context, as follows:

1. Design Guidance/Function: Where provided, civic or pedestrian spaces shall:

a) Be accessible from a public street, sidewalk, trail, or pedestrian circulation route; and

b) Be designed to support pedestrian comfort and gathering.

2. Location: Civic and pedestrian spaces may be located:

a) Adjacent to building entrances;

b) Within setbacks or courtyards;

c) Along pedestrian corridors internal to the site such as between buildings;

3. Examples of Civic and Pedestrian Spaces:

a) Plazas, courtyards, or forecourts adjacent to building entrances;

b) Outdoor seating areas, stoops, benches, or landscaped gathering spaces;

I. Pedestrian pathways with amenities such as seating, lighting, (and/or) landscaping.

9-3-3: Downtown Core and Downtown Outer Core Zone Purpose and Applicability:

The purpose and intent of these zones is to protect and reinforce the historic commercial character of Sandpoint's Downtown, which developed as a compact, pedestrian-oriented commercial district shaped by railroad, timber, and waterfront activity, and remains a defining element of the community's identity. The downtown is a compact assembly of storefront buildings, short walkable blocks, mixed uses, pedestrian amenities, and consolidated on and off-street parking. The existing character is especially vulnerable to intrusion from incompatible uses and physical development practices which are inconsistent with the historical fabric. The city's downtown, zoned Downtown Core (DC) and Downtown Outer Core (DOC), is so important and significant to the city that it justifies a special set of regulations designed to protect and enhance its character. These standards are intentionally created in order to protect the unique historic character of Sandpoint's downtown and to encourage development, re-development, and design that reinforces this area as the City's main cultural and activity center. These zones implement the Downtown land use designation of the City's Comprehensive Plan. These standards are intended to:

1. Establish a defined Downtown that is distinct from other commercial areas in that it serves as the city center, provides for community gathering places and pedestrian/visitor amenities, and is the center of activity, a unique destination for goods and services, and is the primary iconic image that stands for Sandpoint.
2. Ensure that new development, redevelopment, and significant exterior alterations are compatible with the established historic character of downtown, without requiring replication of historic architectural styles;
3. Promote land development that belongs downtown.
4. Maintain a continuous, active street frontage with strong storefront character, and a distinct storefront character associated with the Downtown Core;
5. Reinforce traditional building scale, massing, and façade rhythm found in Sandpoint's historic downtown;
6. Encourage residential development with appropriate frontage facades to enhance and support downtown as the City's primary gathering and activity space.
7. Promote durable materials, fine-grained detailing, and pedestrian-scale design appropriate to Sandpoint's climate and setting.

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

9-3-3-1: District-Specific Use Standards for the Downtown Core and Downtown Outer Core Zones:

A. Permitted Uses: The land uses listed in table 9-1-2 of chapter 1 are permitted in the Downtown Core and Downtown Outer Core zones as identified and subject to the provisions of this chapter. Certain land uses have additional restrictions as specified in notes to table 9-1-2 and as specified below.

B. Craft Manufacturing: Craft manufacturing is only permitted when occurring in conjunction with another permitted retail, service, or restaurant use. The craft manufacturing use shall not occupy the storefront location. The craft manufacturing use in combination with the retail, service, or restaurant use shall not exceed 4,000 square feet.

C. Outdoor displays: All land uses within the Downtown Core and Downtown Outer Core zones district shall be wholly conducted indoors, except as provided for in Section 9-1-9, Accessory Uses and Buildings.

D. In the Downtown Core and Downtown Outer Core zones no portion of primary lot frontage shall be developed with surface parking.

E. No outdoor nurseries are permitted in the Downtown Core or Downtown Outer Core Zones.

9-3-3-2: District-Specific Design and Development Standards for the Downtown Core and Downtown Outer Core Zones:

Table 9-3-5 Development Standards for Downtown Core and Downtown Outer Core Zones

Standard	Requirement
Lots	
Minimum lot area	No minimum
Minimum lot width	15 ft.
Maximum lot coverage	100%
Building placement	
Minimum front setback	0 ft.
Maximum front setback	15 ft. if civic space is provided
Minimum building frontage at the front setback	Not applicable due to maximum side setbacks
Minimum side setback	0 ft.
Maximum side setback	DC: 0 ft. DOC: 10 ft
Minimum rear setback	0 ft.
Side setback next to a residential zone	10 ft.
Rear setback next to a residential zone	20 ft.
Building height	
Maximum height[3]	DC: 40 ft. DOC: 55 ft.

[1] No lot may be created that prevents development consistent with DC and DOC standards, including access, parking, vehicle and pedestrian circulation, and landscaping requirements.

[2] The rear setback area may be used for parking

[3] The height of an historic building undergoing restoration (located within the Downtown Core) may exceed the building height maximum up to the documented historic height, provided such increase is first approved by the Arts, Culture, and Historic Preservation Commission in accordance with any locally adopted historic preservation codes, as applicable.

Table 9-3-6 Other standards applicable to the Downtown Core and Downtown Outer Core Zones

Topic	Code section

General provisions	9-1
District-specific standards	9-3-3
Standards for all commercial districts	9-3-4
Off-street parking	9-6
Signs	9-7

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

1. General Intent: The standards for additions to existing buildings are intended to allow continued reinvestment and adaptive reuse while ensuring that additions remain subordinate to the original structures. Additions shall respect the scale, massing, and character-defining features of the existing building, remain visually secondary from the public realm, and be clearly identifiable as contemporary construction. These standards balance flexibility with the need to preserve the integrity and legibility of historic buildings within the Downtown Core and Downtown Outer Core Zones. Where conflicts exist between these standards and the standards more specific to Historic Preservation Overlay, the standards of the Overlay zone shall prevail for applicable properties.

2. Location and Massing: Additions shall be located:

   a. At the rear of the building; or

   b. Vertical additions shall not exceed floor-to-floor heights consistent with the existing structure.

B. Standards for New Construction

1. General Intent: The standards for new construction are intended to ensure that new buildings contribute positively to the historic downtown by reinforcing established patterns of scale, massing, storefront design, and façade rhythm. New construction is expected to be compatible with the surrounding historic context without replicating historic architectural styles or creating a false sense of history. Contemporary design is encouraged where it respects traditional downtown proportions, materials, and pedestrian-oriented forms.

2. Building Form and Massing: New buildings shall reflect the traditional downtown pattern by including:

   a. Continuous streetwalls;

   b. Vertically proportioned facades;

   c. Clear distinction between base, upper floors, and roofline;

   d. Building scale consistent with adjacent historic structures along the block face;

   e. A minimum of 12-foot clear first floor height

3. Ground Floor Storefronts: Ground floor street facades for non-residential development shall be pedestrian oriented and include:

a. Clear display windows;

b. Recessed or clearly-defined entries;

c. A visual separation between ground floor and upper floors; and

d. A Minimum of 70% of the ground floor façade between 2 feet and 10 feet above sidewalk grade shall consist of clear glazing;

4. Ground Floor Residential Facade (Applicable to the Downtown Outer Core Zone only): Ground-floor facades for residential uses at the ground floor shall be pedestrian oriented and include:

a. A visual separation between ground floor and upper floors;

b. Entrances marked by a taller mass above such as within a volume that protrudes from the rest of the building surface;

c. Entrances accented by special architectural elements such as columns, overhanging roofs, awnings; or

d. Entrances indicated by recessed entry or recessed bay in the façade, or entrances sheltered by projecting canvas or fabric awning or permanent architectural canopy utilizing materials from the primary building.

e. Exterior staircases shall not be used for primary entrances to second floors in the Downtown Core.

f. All staircases to upper floors shall be enclosed and shall provide for natural lighting and ventilation if not conditioned space.

5. Building Base Treatment: A base treatment is a horizontal articulation of the lower part of a building facades design that serves to establish a human scale for pedestrian users and aesthetically ties a building to the ground. New buildings are required to include base treatments to street facing facades and are encouraged to include them on all sides of buildings that are visible from streets or public areas at one of the following scales and including the following treatments:

a. With a base treatment created at the base of the wall between 9 inches and six feet tall;

b. At the scale of the building, with no less than 50% of the ground floor visibly articulated to read as a base that anchors the building to the ground.

c. A horizontal projection (or visible thickening) of the wall surface, which may be accompanied by a change of material and/or color;

d. A heavier design treatment, such as a darker color and/or stronger, more permanent material for the base portion of the face than for portions above;

e. A horizontal architectural line or feature at or below the top of the first or second story such as a belt or course or secondary cornice separating the first two floors, a ground level gallery recessed into the building volume.

f. Stucco is prohibited as a base treatment material.

6. Windows and Façade Rhythm: New buildings shall reflect the traditional downtown pattern by including:
    a. Upper-story windows shall be vertically proportioned and arranged in a consistent rhythm.
    b. All window openings shall be set back from the face of the façade to create a shadow reveal and visual texture across the façade.
    c. Mirrored or reflective glazing are prohibited on primary façades; spandrel glass may be used where necessary for fire separation at floor lines, or on elements such as stair towers which must be proportionately installed.
    d. Blank wall segments on primary street-facing façades shall not exceed twenty feet (20') in length.
    e. Unifying architectural approaches to window patterns such as aligning windows by using common sill or header lines.
7. Rear Facades Visible from the Public Realm: Rear façades that are visible from a public street, alley, parking area, trail, or public open space shall incorporate materials, fenestration, and articulation consistent with the intent of this section. Blank walls, unfinished materials, and utilitarian back-of-house treatments are prohibited where rear façades are visible from the public realm.
8. Rooflines: New buildings shall reflect the traditional downtown pattern by including:
    a. A streetwall height massing element such as a cap or cornice is required. Examples of acceptable streetwall height massing elements include but are not limited to: cornices, canopies, and shaped parapets, which can be coupled with faced depth offsets.
    b. Rooftop mechanical equipment shall be fully screened from public view and shall comply with the applicable building-height and rooftop-equipment setback provisions of Section 9-1-12.
9. Materials and Finishes: Exterior building materials within the Downtown Core and Downtown Outer Core Zones shall reinforce the historic commercial character of downtown Sandpoint through the use of durable, authentic materials that reflect the community's development as a railroad, timber, and waterfront town. Materials shall convey visual depth, texture, and permanence and shall not create a false or incompatible architectural character, by adhering to the following:
    a. Primary Street-Facing Materials: The following materials are preferred and encouraged for use on primary street-facing façades and shall comprise the predominant exterior materials at the ground floor and along principal elevations:
        i. Individually set stone, brick, or masonry including articulated masonry with visible coursing, lintels, sills, and recessed openings;
        ii. Visible trim, corner boards, and window detailing shall be provided to maintain material depth and articulation;
        iii. Heavy timber or steel, when used structurally or as an expressed architectural element, including columns, beams, canopies, arcades, and storefront framing

b. Secondary and Accent Materials (Limited Use to 40% or less): The following materials may be used in a secondary or accent role and shall not constitute the predominant material on a primary street-facing façade:

   i. Stone, when used for base courses, foundations, trim, or accent elements;

   ii. High-quality fiber cement siding, permitted only on upper stories or secondary façades; however, use of fiber cement siding on primary street-facing façades may be approved only where the applicant demonstrates compatibility with adjacent or nearby historic buildings and compliance with the intent of this section:

   iii. Board dimensions, profiles, and reveals shall be consistent with traditional wood siding;

   iv. Large-format panels, smooth sheet applications, or contemporary panelized systems;

   v. Visible trim, corner boards, and window detailing shall be provided to maintain material depth and articulation.

   vi. Dimensional wood siding, including horizontal lap, shiplap, or vertical board-and-batten profiles consistent with historic commercial construction.

c. Use of Stucco (Restricted to no more than 40%): Stucco shall not be used as a primary street-facing façade material. Stucco may be permitted only when:

   i. Used above the ground floor or as a limited accent material;

   ii. Demonstrated to be compatible with adjacent or nearby historic materials;

   iii. Smooth, flat, or minimally detailed stucco façades are prohibited.

d. Prohibited Materials on Primary Street-facing Façades: The following materials are prohibited on primary street-facing façades:

   i. Vinyl siding or trim;

   ii. Galvanized metal;

   iii. Imitation stone, brick, or wood veneers in excess of 10 percent of the façade square footage;

   iv. Mirrored, reflective, or smoked glazing;

   v. Large-format panel systems lacking visible articulation or depth.

e. Material Transition and Consistency:

   i. Changes in exterior materials shall occur at logical building breaks, such as changes in plane, floor lines, or architectural elements;

   ii. Abrupt or arbitrary material transitions that disrupt façade rhythm or visual coherence are prohibited;

   iii. Materials used on secondary façades shall be consistent with and subordinate to those used on primary façades.

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

    a) Permitted Awning and Canopy Types:

        i. Retractable fabric awnings, including traditional sloped or shed-style awnings;

        ii. Fixed metal or wood canopies, when architecturally integrated with the building, including horizontal metal canopies supported by rods, chains, or brackets;

        iii. Solar shading on upper floors is permitted at a overhang of no more than 36 inches.

    a) Location and Placement:

        i. Awnings and canopies shall be located at the ground-floor storefront level and over individual storefront bays or entries.

        ii. Awnings shall be aligned with window and door openings.

        iii. Awnings and canopies shall not obscure architectural details, transom windows, or cornices, pilasters, or decorative masonry.

    b) Projection, Clearance and Slope:

        i. Awnings and canopies at the ground floor shall project a minimum of four feet (4') from the building façade, subject to public right-of-way limitations.

        ii. Sloped fabric awnings shall have a maximum slope of forty-five degrees (45°)

        iii. Flat canopies shall be horizontal or near-horizontal in appearance.

    c) Color and Design:

        i. Awning and canopy colors shall be compatible with the building façade and surrounding streetscape.

        ii. Highly saturated, fluorescent, or visually busy patterns are prohibited.

        iii. Solid colors or simple striping are preferred.

        iv. Awnings shall reinforce storefront rhythm and shall not visually dominate the façade.

    d) Illumination:

        i. Internally illuminated awnings or canopies are prohibited.

        ii. External illumination may be permitted where light sources are shielded, illumination is warm in color temperature, and lighting does not create glare or visual clutter.

e) Signage on Awnings:

i. Signage on awnings shall adhere to all applicable provisions of the sign regulations of this Title;

ii. Text placed on the vertical valance only; and

iii. Lettering or logos shall not be placed on sloped or curved portions of awnings.

(Ord. 1301, 6-4-2014)

9-3-4: Special Standards Applicable to All Commercial Zone Districts:

9-3-4-1: Special Standards for Buildings with Footprint Exceeding Fifteen Thousand (15,000) Square Feet:

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

A. Circulation Amenities: A safe and landscaped multimodal circulation system shall be provided on site which connects to public streets and neighborhoods. Multimodal pathways within the development shall be differentiated from driving surfaces through a change in materials. At least one substantial pedestrian amenity shall be provided for every two thousand five hundred (2,500) square feet of structure footprint. Qualifying amenities include publicly accessible plazas or courtyards, sheltered seating areas, public art installations, and comparable improvements approved by the review authority.

B. Facades and Exterior Walls Including Sides and Backs: The building shall be designed in a way that will reduce the massive scale and uniform and impersonal appearance and will provide visual interest consistent with the community's identity, character, and scale. Architectural treatment, similar to that provided to the front facade shall be provided to the sides and rear of the building to mitigate any negative view from any location off site and any public area (e.g., parking lots, walkways, etc.) on site.

C. Roofs: The roof design shall include architectural features that contribute to the visual interest at the pedestrian scale and reduce the massive scale of large buildings. Roof features shall complement the architectural and visual character of adjoining neighborhoods. Roofs shall have the appearance of two (2) or more roof planes either through architectural features or engineered design. Parapet walls shall be architecturally treated to avoid a plain, monotonous look. Roofs shall be lightly colored or vegetative.

D. Building Design: All buildings shall provide a direct unencumbered multimodal connection to an abutting street. All buildings shall be designed so that parking is not located along the primary street of the building. Nonmotorized parking shall be permitted along the primary facade of the building. A buffer with a minimum width of eight feet (8') will be maintained between parking areas and all bike trails and public sidewalks. Building entrance(s), windows, roof snow drop areas, and other movable building features shall have an appropriate setback so as not to interfere with the safe movement of pedestrians and cyclists.

E. CUP Design Deviations: Design of larger structures inherently presents additional challenges in design. Accordingly, deviations from the underlying zoning district’s design standards shall be

permitted at the discretion of the approval authority provided the findings for approval can be made.

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

(Ord. 1301, 6-4-2014)

9-3-4-2: Special Standards for Parking and Loading Areas:

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

Ground floors of parking garages abutting public right-of-way shall consist entirely of office or retail space excluding drive aisles. Design standards established in the applicable zone district shall apply to all parking structures.

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

(Ord. 1236, 6-23-2010)

9-3-4-3: Special Standards for Properties Adjacent to Sand Creek:

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

B. Definitions:

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

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

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

C. Buildings shall be setback a minimum of twenty-five feet (25') from the AHWM. Where an AHWM does not exist, buildings shall be setback a minimum of twenty-five feet (25') from the OHWM. The requirements and elevations of Title 8, Chapter 3 - Flood Damage Prevention and Control may be more restrictive. Property owners are prohibited from performing site improvements and/or

disturbing ground, including, but not limited to, grading, clearing, or grubbing without first obtaining a permit with the city, as described herein.

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

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

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

F. Permanent, fixed art features larger than four (4) square feet in area and six feet (6') in height shall comply with the provisions of Section E.

G. The Conditional Use Permit process shall recognize Sand Creek is a natural, environmental feature of major importance that shall remain protected. Development shall be commensurate with the physical characteristics of Sand Creek and protect fish, wildlife, recreation resources, and avoid undue water and air pollution. An effective vegetative buffer upland of the applicable high-water mark (AHWM or OHWM) shall be incorporated as one method of protection, unless determined impractical by an Idaho licensed professional engineer or licensed landscape architect, whereby alternative(s) of equal effectiveness and/or a combination thereof shall be provided.

H. The city shall notify applicable federal and state agencies of proposed construction on properties adjacent to Sand Creek.

I. City issued permits shall be conditioned accordingly to support best management practices and compliance with applicable local, state and federal laws and guidelines, including, but not limited to, erosion and sediment control; riparian areas; wetlands; water quality; and fish, wildlife and plant habitats.

(Ord. 1392, 3-16-2022)

9-3-5: Parks and Open Space Zone Purpose and Applicability:

The purpose of the Parks and Open Space (POS) Zone is to protect publicly owned parks and open spaces as places for recreation, community gathering, public access, and environmental stewardship. Parks and open spaces serve a purpose distinct from the City's other commercial zones. They may accommodate organized events, admission-based activities, concessions, recreation facilities, and other revenue-generating activities, while their primary function remains public recreation and open space. This zone implements the Parks and Open Space land use designation of the City's Comprehensive Plan. Its standards are intended to:

1. Preserve publicly owned land for parks, recreation, and open space;

2. Provide for a range of park and recreation facilities, programs, and events that serve residents and visitors;
3. Accommodate commercial activities that support or are compatible with the public use and function of a park or open space;
4. Protect public access to parks, trails, shorelines, and recreation facilities, subject to reasonable management of facilities and events;
5. Protect natural features, habitat, and water quality, and account for site-specific environmental conditions; and
6. Ensure that buildings, parking, utilities, and other improvements are designed and located to support the long-term public use of the property and are compatible with surrounding areas.

The POS Zone applies to land designated POS on the City's official zoning map. Public ownership alone does not establish POS zoning. The development standards of this section apply to new development, additions, and alterations within the POS Zone as specified in the sections that follow, whether undertaken by the public owner or by another party with its authorization. Placement of the POS Zone in this chapter does not make the use or development standards of other commercial zones applicable to POS-zoned land unless this title expressly provides otherwise.

9-3-5-1 District Specific Use Standards for the Parks and Open Space Zone:

Permitted Uses: The land uses listed in table 9-1-2 of chapter 1 are permitted in the Parks and Open Space zone as identified and subject to the provisions of this chapter. Certain land uses are permitted only as components of authorized special events or as part of City-authorized license or lease agreements in a park or recreation facility.

9-3-5-2: District-Specific Design and Development Standards for the Parks and Open Space Zone:

Table 9-3-7 Development Standards for Parks and Open Space Zone

Standard	**Requirement**
Lots	
Minimum lot area	No minimum
Minimum lot width	No minimum
Maximum lot coverage	100%
Building placement[1]	
Minimum front setback	10 ft.
Maximum front setback	No maximum
Minimum side setback	10 ft.
Maximum side setback	No maximum

Minimum rear setback	10 ft.
Side setback next to a residential zone	10 ft.
Rear setback next to a residential zone	20 ft.
Building height	
Maximum height[2]	Same as abutting zone

[1]Building setbacks shall be measured from the applicable property boundary. When a building is located within an exclusive lease area approved by the public property owner, the front, side, and rear setbacks shall be measured from the boundaries of the approved lease area rather than from the boundaries of the larger parcel or park. The required setback from a residential zone shall continue to be measured from the boundary of the residential zone. Modification of a lease boundary shall not create or increase a nonconformity.

[2]When a park or open space abuts multiple zones, the zone with the most frontage adjacent to the park area in which the building is being considered for development will be used to determine the maximum building height.

Table 9-3-8 Other standards applicable to the Parks and Open Space Zone

Topic	Code section
General provisions	9-1
District-specific standards	9-3-5
Standards for all commercial districts	9-3-4
Off-street parking	9-6
Signs	9-7

A. Relationship to Adopted Plans: Development shall be generally consistent with any City-adopted park, recreation, open-space, waterfront, facility, or site master plan applicable to the property. An adopted plan may guide the location and design of improvements but shall not authorize a use or development that is otherwise prohibited by this title.

B. Public Purpose: Development within the POS Zone shall preserve the property's principal function as a publicly accessible park, recreation facility, or open space. Buildings, facilities, leases, concessions, admission-based events, and commercial activities may be permitted when they support, activate, manage, fund, or are otherwise compatible with the recreational, cultural, educational, environmental, or community-gathering functions of the property.

C. Site Design: Buildings and other improvements shall be located and designed to

1. Maintain functional and visually identifiable public access to the park or open space;
2. Preserve significant natural features and environmentally sensitive areas to the extent practicable;
3. Provide safe and convenient pedestrian and bicycle connections;
4. Minimize conflicts among pedestrians, bicycles, vehicles, service activities, and recreation uses;
5. Locate parking, loading, refuse collection, mechanical equipment, and utility areas so they do not unnecessarily dominate prominent park entrances, shorelines, trails, or public gathering areas; and
6. Minimize unreasonable effects on adjacent residential property, including noise, glare, lighting spillover, and loss of privacy.

D. Parking and Vehicle Access: Parking requirements should be based on the demonstrated needs of the park or facility rather than a conventional use-by-use commercial parking ratio. Shared parking, public parking, on-street parking, bicycle parking, seasonal demand, and event-management plans may be considered in determining compliance with Chapter 9-6.

E. Residential Compatibility: Where a new principal building, parking area, loading area, refuse enclosure, mechanical equipment, or outdoor activity area is located adjacent to a residential zone, landscaping, screening, setbacks, lighting controls, operational limitations, or other measures shall be provided as necessary to mitigate reasonably anticipated effects on neighboring property.

CHAPTER 4 INDUSTRIAL ZONING DISTRICTS

9-4-1: Description of Industrial Zoning Districts:

This chapter provides regulations applicable to development and new land uses in the industrial zoning districts established by ordinance 1252. The purposes of individual industrial zoning districts are as follows:

A. IG (Industrial General) District: The IG district is intended for lands appropriate for light and medium manufacturing and industrial activities with direct access to major transportation routes, such as arterial roads, air and rail service. The IG district allows a wide range of manufacturing and industrial uses, which generate little traffic from tourists and the general public and are consistent with the Sandpoint Comprehensive Plan. Commercial uses are generally limited to accessory sales of goods produced on site. Residential use is very limited, with a single caretaker unit per property permitted.

B. IBP (Industrial Business Park) District: The IBP district is intended for master planned business and industrial parks in campus like settings. This district is suitable for administrative and professional offices, research and development parks, limited distribution, light and medium manufacturing, and assembly operations. Commercial and residential uses are generally

permitted, although design standards mirroring the downtown commercial areas will apply in an effort to develop the area in alignment with the CA-4 definition of the Comprehensive Plan. CA-4 areas are to become vibrant secondary centers of commercial, office, and residential development, serving as neighborhood hubs for residents in neighboring districts. The IBP zoning district is consistent with the land use category of the Sandpoint Comprehensive Plan in areas generally south of Baldy Mountain Road.

C. ITP (Industrial Technology Park) District: The ITP district is intended for lands suitable for technology production and development, such as data centers, medical imaging processing, business incubators, biotechnology, software development, engineering, and similar technology related industry. Sites appropriate for this designation should have readily available utilities and fiber optic availability and be characterized by large contiguous properties. The ITP district is consistent with the Sandpoint Comprehensive Plan.

(Ord. 1252, 4-20-2011)

9-4-2: Definitions:

ADULT ENTERTAINMENT BUSINESS: Any adult bookstore, adult motion picture arcade, adult motion picture theater, cabaret, sexual encounter center, or any other business or establishment that offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, but not including those uses or activities, the regulation of which is preempted by state law.

BUSINESS SUPPORT SERVICES: A subcategory of commercial land use that permits establishments primarily engaged in rendering services to other business establishments on a fee or contract basis, such as advertising and mailing; building maintenance; personnel and employment services; management and consulting services; protective services; equipment rental and leasing; photo finishing; copying and printing; travel; office supply; and similar services.

INDUSTRIAL SERVICES: Establishments providing industrial services to individuals or businesses. This classification includes dry cleaning plants; metal, machine, and welding shops; and similar business engagements in custom fabrication and repair.

MANUFACTURING, HEAVY: An establishment engaged in manufacturing, assembling, fabricating, packaging or other industrial processing of products, primarily from extracted or raw materials, or the bulk storage and handling of such products and materials. In addition, any use or activity which requires a significant amount of on site hazardous chemical storage shall be classified under this land use. Heavy manufacturing shall include any packaging of the product being manufactured on site. Examples include, but are not limited to, the production of the following: using chemical reactions to turn raw materials, such as coal, oil, salt, acids or chemical blends, into a variety of products for other secondary industries; foundries, forge shops, open air welding, and other intensive metal fabrication facilities.

MANUFACTURING, LIGHT: The manufacturing, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, mixing, packaging including bottling and canning of such products, and incidental storage, sales, and distribution of such products. The assembling or packaging shall not produce noise, vibration, hazardous waste materials, or particulate that create significant negative impacts to adjacent land uses. Odors produced on site shall not negatively affect other businesses or properties in the area. Examples of assembling include, but are

not limited to, the production of the following: clothes; furniture; pharmaceuticals; hardware; toys; mechanical components; electric or electronic components; vehicle assembly; and computer software. Examples of packaging include facilities for bottling beverages, canning and wrapping foods, and boxing electronic components.

MANUFACTURING, MEDIUM: The manufacturing of products from processed or unprocessed materials and the bulk storage and handling of such products, where the finished product is noncombustible and nonexplosive. These activities do not necessitate the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process. This manufacturing may produce noise, vibrations, illumination, or particulate that is perceptible to adjacent land users but is not offensive or obnoxious. Odors produced on site shall not have a material negative effect on other businesses or properties in the area. This use shall include any packaging of the product being manufactured on site. Examples include, but are not limited to, the production of the following: glass products made from manufactured glass; food and beverages; candy and other confectionery products; computer hardware; products made from rubber, plastic, or resin; converted paper and cardboard products; fabricated metal products made from semifinished metals.

(Ord. 1252, 4-20-2011)

9-4-3: Allowed Uses and Permit Requirements:

Permitted Uses: The land uses listed in table 9-1-2 of chapter 1 are permitted in the Industrial zones as identified and subject to the provisions of this chapter. Certain land uses have additional restrictions as specified in notes to table 9-1-2 and as specified below.

9-4-4: General Development Regulations:

All new development, subdivisions, establishment of new land uses, and alterations to existing land uses, structures and site improvements, shall be designed and constructed in compliance with the regulations in table 9-4-1, except those activities and land uses specified in other sections. Additional zoning ordinance regulations may apply as referenced in the tables, as well as other code regulations, city standards, specifications and details, or regulations of another local agency or special district.

Table 9-4-1 Industrial District Development Regulations

Regulations * All figures are minimums measured from property lines and in linear feet, unless otherwise indicated	**Zoning District**			**Applicable Sections and Footnotes**
	IG	IBP	ITP	
Site planning				
Maximum lot coverage	75%	75%	75%	Lot coverage up to 90% allowed when utilizing 15% pervious

				surface (green roof, pervious pavement, etc.) approved by Public Works Director
Lot area (for new subdivisions only)	1 acre	-	-	See note 1
Lot dimensions				
Minimum width/frontage	60'	60'	60'	
Minimum depth	60'	60'	60'	
Landscape areas				
Along any frontage abutting a roadway	15'	15'	15'	
Along interior property lines:				
Adjacent to residential zoning district	15'	15'	15'	
Between buildings and vehicle aisles/parking	0	5' along elevations facing a roadway or providing the primary entry to a tenant space; 5' in other areas where parking or a drive aisle is adjacent to a building; 0' in loading or service areas not visible from a roadway	5' along elevations facing a roadway or providing the primary entry to a tenant space; 5' in other areas where parking or a drive aisle is adjacent to a building; 0' in loading or service areas not visible from a roadway	
Buildings				
Minimum front and street side yard setback	25'	25'*	25'	* See section 9-4-5-1 of this chapter for design standards setback restrictions for specific uses
Interior side and rear yard setback	5'	5'	5'	

Adjacent to residential zoning district setback	25' plus 1' setback for each 1' of building height over 35'			
Rear yard setback abutting roadway	15'	15'	15'	
Maximum building footprint for retail, commercial or office use	-	25,000 sq. ft.*	25,000 sq. ft.*	* CUP allowance for larger
Building height limits	45', 65' when building sits greater than 200' from exterior boundary of IG zone*	45'*	45'*	* Airport overlay zone limitations may apply

Note:
1. Parcels within an integrated development may vary from the minimum lot size and dimensions, with recordation of cross easements to guarantee access and common maintenance of all parking and landscape areas.
A. Minimum Requirements: No use either specifically authorized herein or any other use shall be carried on in a manner which will emit loud noises of sufficient volume to be disturbing at a distance of three hundred feet (300') from the edge of property lines, nor shall the emission of excessive smoke, steam or other view obscuring or air polluting substance be allowed.
B. Parking Areas: All parking areas shall be hard surfaced and should be of sufficient size to provide off-street parking for all employees, customers and vehicles used in such operation in accordance with chapter 5 of this title.
C. Storage: All storage of waste material and machinery shall be either within closed buildings or surrounded by a solid board or metal fence not less than ten feet (10') in height. Such fencing may be surrounded by natural plants or vegetation, and no such storage areas shall take place within twenty-five feet (25') of the street or street to railway intersection.

(Ord. 1252, 4-20-2011)

9-4-5: Specific Regulations:

9-4-5-1: Building Design Standards for New Office, Commercial and Retail Construction:

The standards of Section 9-4-5-1 apply to new office, commercial, and retail construction in the industrial zoning districts. These standards are intended to provide human-scale design while allowing flexibility in architectural styles.

(Ord. 1252, 4-20-2011)

9-4-5-1-1: Building Orientation:

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

A. Primary Entrance: Buildings have their primary entrance(s) oriented to their primary frontage. Building entrances may include entrances to individual units, lobby entrances, entrances oriented to pedestrian plazas, or breezeway/courtyard entrances to a cluster of spaces.

B. Secondary Entrance: A building may have a secondary entrance facing a side yard when a direct pedestrian walkway is provided between the building entrance and the street right-of-way.

C. Vehicular Access: Off-street parking, driveways and other vehicular access shall not be placed between a building's primary facade and the street.

D. Accessibility: There shall be provided one zero-step entrance to each building from an accessible path at the front, side, or rear of each building. All the first floor interior doors (including bathrooms) shall provide at least thirty-two inches (32") of clear passage.

E. Surface Parking: Parking areas of more than thirty (30) spaces shall be divided into areas of no more than thirty (30) spaces. Division may be by a building, internal landscaped street, or landscaped multimodal way having a total width of fifteen feet (15').

(Ord. 1252, 4-20-2011)

9-4-5-1-2: Storefront Design:

The following architectural features should be used along the street frontage building elevations, as applicable. Minor deviation from the following features may be authorized at the discretion of the Planning Director, so long as the spirit of this code is maintained.

A. Buildings should have consistent spacing of similar shaped windows with trim or other decorative molding on all building stories.

B. Large display windows should be employed on ground floor storefronts. Display windows should be framed to visually separate the ground floor from the second floor.

C. All buildings with a flat roof should have a decorative cornice at the top of the building; or eaves, when the building is designed with a pitched roof.

D. Cornices or changes in material can be used to differentiate the ground floor of buildings that have commercial uses from the upper floor(s) that may have offices or residential uses. Ground floor facades should utilize cornices, signs, awnings, exterior lighting, display windows and entry insets.

E. Facades greater than fifty feet (50') in length shall incorporate recesses and projections with a minimum four foot (4') differentiation along at least twenty percent (20%) of the length of the facade. Window awnings, arches, or columns must total at least sixty percent (60%) of the facade length abutting the street.

F. Maximum front setback for commercial, retail and office construction shall be ten feet (10').

(Ord. 1252, 4-20-2011)

9-4-5-1-3: Building Materials:

A. Building materials shall not create glare. Highly reflective materials shall not be permitted.

B. Clear glass windows shall be used for storefront windows and doors. Ground floor window shall be defined as glass, either fixed or opening windows. Windows shall not be covered permanently on the interior by more than twenty percent (20%). Opaque or severely site obscuring windows will not be permitted.

C. Architectural treatment, similar to that provided on the front facade shall be provided to the sides and rear of the building to mitigate any negative view from any location off site and any public area (e.g., parking lots, walkways, etc.) on site. Windows and doors shall be defined with detail elements, such as frames, sills, and lintels, and placed to visually establish and define the building stories and establish human scale and proportion.

(Ord. 1252, 4-20-2011)

9-4-5-1-4: Civic Spaces:

Civic spaces serve as informal gathering places for socializing, resting and enjoyment of the area, and contribute to a walkable environment. Each civic space shall be open to the thoroughfare or street by incorporating at least one access to the thoroughfare or street. Each building with street frontage shall include two (2) or more of the following features. Civic spaces may be provided within the public right-of-way when approved by the local jurisdiction having authority. The following shall be considered civic spaces for incorporation into the building design:

A. A plaza or courtyard next to the building entrance.

B. Sitting space (i.e., dining area, benches, or ledges) between the building entrance and the sidewalk.

C. A building canopy, awning, or similar weather protection, with a minimum four-foot (4') projection over the sidewalk or other pedestrian space.

D. Public art as approved by the Sandpoint Ars, Culture, and Historic Preservation Commission.

(Ord. 1252, 4-20-2011)

9-4-5-1-5: Special Standards for Parking and Loading Areas:

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

B. Frontage Parking: In no case shall more than ten percent (10%) of primary lot frontage be developed with surface parking. For the purpose of this provision, primary lot frontage shall be defined as the linear frontage along the primary street having a depth of fifteen feet (15').

C. Parking Garages: Ground floors of commercial parking garages abutting public right-of-way shall consist entirely of office or retail space excluding drive isles. Building design standards articulated in this section 9-4-5-1 shall apply to all parking structures.

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

(Ord. 1252, 4-20-2011)

9-4-5-1-6: Special Standards for Buildings with Footprint Exceeding twenty-five thousand (25,000) Square Feet:

Buildings with greater than a twenty-five thousand (25,000) square foot building footprint require a Conditional Use Permit and shall adhere to the following:

A. Circulation Amenities: A safe and landscaped multimodal circulation system shall be provided on site which connects to public streets and neighborhoods. Multimodal pathways within the development shall be differentiated from driving surfaces through a change in materials. At least one substantial amenity, as described in section 9-4-5-1-4 of this chapter, shall be provided for every two thousand five hundred (2,500) square feet of structure footprint.

B. Facades and Exterior Walls, Including Sides and Backs: The building shall be designed in a way that will reduce the massive scale and uniform and impersonal appearance and will provide visual interest consistent with the community's identity, character, and scale. Architectural treatment, similar to that provided to the front facade, shall be provided to the sides and rear of the building to mitigate any negative view from any location off site and any public area (e.g., parking lots, walkways, etc.) on site.

C. Roofs: The roof design shall include architectural features that contribute to the visual interest at the pedestrian scale and reduce the massive scale of large buildings. Roof features shall complement the architectural and visual character of adjoining neighborhoods. Roofs shall have the appearance of two (2) or more roof planes either through architectural features or engineered design. Parapet walls shall be architecturally treated to avoid a plain, monotonous look. Roofs shall be lightly colored, vegetative or photovoltaic.

D. Building Design: All buildings shall provide a direct unencumbered multimodal connection to an abutting street. All buildings shall be designed so that parking is not located along the primary street of the building. Nonmotorized parking shall be permitted along the primary facade of the building. A buffer with a minimum width of eight feet (8') will be maintained between parking areas and all bike trails, pedestrian pathways and public sidewalks. Building entrance(s), windows, roof snow drop areas, and other movable building features shall have an appropriate setback so as not to interfere with the safe movement of pedestrians and cyclists.

E. Adaptability for Reuse/Compartmentalization: The building design shall include specific elements for adaptation for multi-tenant reuse. Such elements may include, but are not limited to, compartmentalized construction, including plumbing, electrical service, heating,

ventilation, and air conditioning. The building design shall also allow for: the interior subdivision of the structure into separate tenancies; facades that readily adapt to multiple entrances and adapt to entrances on all but one side of the building; parking lot schemes that are shared by establishments or are linked by safe and functional pedestrian connections; landscaping schemes that complement the multiple entrance design; and other elements of design which facilitate the multi-tenant reuse of the building and site.

F. Renewal Plan: Applications shall include a renewal plan that will afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the structure in the event of closure or relocation by the original occupant. Such plan will be approved if the city finds that:

1. A sound and adequate plan exists for said redevelopment; and
2. The plan affords maximum opportunity for rehabilitation or redevelopment of the structure by both private enterprise and the municipality; and
3. The renewal plan provides a maintenance plan for normal repairs and upkeep of property, including, but not limited to, building, parking lot and surfacing, landscaping, signage, and elimination of "ghost signage".

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

H. Exemptions: Government offices, courthouses, libraries, museums, community centers, and hospitals are exempt from the required Conditional Use Permit requirement of this section but shall conform to all other standards identified in this section.

(Ord. 1252, 4-20-2011)

9-4-5-2: Material Resource Recovery Facility (MRRF):

The purpose of this section is to ensure that the establishment of a material resource recovery facility (MRRF) does not adversely impact land uses in the vicinity of the facility. The intent is to minimize land use conflicts and integrate the MRRF with the surrounding area.

A. Type of Resource Materials: The facility shall only handle source separated recyclable materials and incoming solid waste. An MRRF shall not be conducted as a garbage transfer station and shall not collect, process, or sort any raw or wet garbage. Any incoming waste not recycled or recovered shall be transported to an authorized landfill within forty-eight (48) hours.

B. Sorting: Materials shall be sorted only within an entirely enclosed building. Delivery doors shall be located on building walls away from potential or existing noise sensitive land uses.

C. Outdoor Storage: Height, setbacks, screening, baled, paletted, or otherwise consolidated materials stored outdoors shall be stacked no higher than sixteen feet (16') and placed no closer than seventy-five feet (75') to any front property line. Outdoor storage shall be located out of view from public streets and highways, or completely screened by a solid masonry wall.

D. Maintenance: The property owner shall undertake adequate measures to ensure that the site is free of wind blown debris at all times. The property owner shall be responsible for clean up of any wind blown debris on or off site from incoming/outgoing vehicles or outdoor storage.

(Ord. 1252, 4-20-2011)

CHAPTER 5 RESIDENTIAL ZONING DISTRICTS

9-5-1: Residential Single-Family (RS) Zone:

9-5-1-1: 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; Ord. No. 1436, § 2, 2-18-2026)

9-5-1-2: Use Regulations:

Permitted Uses: The land uses listed in table 9-1-2 of chapter 1 are permitted in the Residential Single Family zone as identified and subject to the provisions of this chapter. Certain land uses have additional restrictions as specified in notes to table 9-1-2 and as specified below.

(Ord. 1263, 12-29-2011; amd. Ord. 1281, 5-15-2013; Ord. 1336, 11-2-2016; Ord. 1353, 6-6-2018; Ord. No. 1436, § 2, 2-18-2026)

9-5-1-3: 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 Setbacks: Each lot shall have a front setback of not less than twenty feet (20') in depth from front lot line, except as follows:

   a. Porches: Unenclosed front porches may encroach into the front 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.

4. Side 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. Street Side Setback: 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:

(1) Detached garages on interior lots shall have a side setback of no less than three feet (3').

(2) Garages accessed from a street side lot line 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 lot line

(3) 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.

(4) Garages accessed from an alley shall adhere to the street side setback as established above in 4a.

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.

5. Rear Setbacks: Each lot shall have a rear 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.

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., 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).

C. Lot Coverage and Impervious Surface:

1. Purpose: 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. Maximum Impervious Surface: Each lot upon which a dwelling, garage or other accessory structure is constructed shall have a maximum impervious surface (including

building footprint and surfaces such as driveways, walkways, patios, and parking areas) of 70% of the lot size.

D. Building Height:

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:

Table 9-5-1 RS Lot Coverage and building height

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

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 eighteen feet (18') in height;

b. Cantilevers, covered porches, decks, breezeways, or other projections whose covering or structure support exceeds eighteen feet (18'); and

c. Any vertical building element, such as walls, gables, dormers, roof extensions, or architectural projections, whose highest point exceeds eighteen feet (18').

3. 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. Garage 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

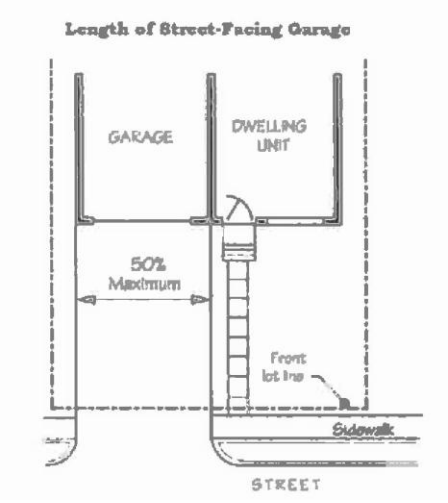
d. Enhance public safety by discouraging garages from blocking views of the street from inside the residence.

2. Applicability: The regulations of this subsection E apply to all attached or detached garages in the residential single-family zone.

3. Standards:

a. Any garage wall with entrance facing the street may be up to fifty percent (50%) of the width of the street facing unit façade. (See Figure 1 of this section.)

Figure 1



b. Garages shall be recessed, or may be flush to the primary facade when the primary facade contains an unenclosed porch having a depth of seven feet (7') or greater and occupying a minimum of twenty-five percent (25%) of the linear primary structure facade. No portion of a garage may protrude past the front of the primary façade of the dwelling unit.

c. Garages walls greater than twelve feet (12') in height 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:

(1) Dormers;

(2) Gables;

(3) Covered porch entries;

(4) Pillars or posts;

(5) Eaves;

(6) Offsets in building face or roof (minimum of sixteen inches (16"));

(7) Window trim;

(8) Bay windows;

(9) Balconies;

(10) An alternative feature providing for visual relief.

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 thirty-seven and one-half (37.5) feet in the residential single-family zone.

f. Second floor windows facing abutting residential lots shall utilize appropriate glass block or opaque glass, or clerestory windows to maintain privacy of adjacent residential property.

4. Existing Detached Garages:

a. 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 the applicable accessory-use and accessory-building regulations in Section 9-1-9 and the development standards of the applicable residential zone. Any nonconforming structure remains subject tto Section 9-2-5. 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, provided the expansion complies with all other standards of this section.

F. Main Entrance 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. 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 (1) street frontage, the applicant may choose on which frontage to meet the standards.

3. Standards:

a. Location: At least one (1) main entrance for each structure must:

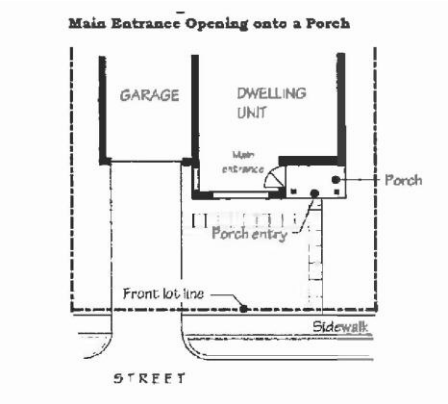
(1) Either:

(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 Façade Design Standards:

1. Purpose: These standards:

a. Together with the main entrance and garage standards, ensure that there is a visual connection between the living area of the residence and the street;

b. Enhance public safety by allowing people to survey their neighborhood from inside their residences; and

c. Provide a more pleasant pedestrian environment by preventing large expanses of blank facades along streets.

2. 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. 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. 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:

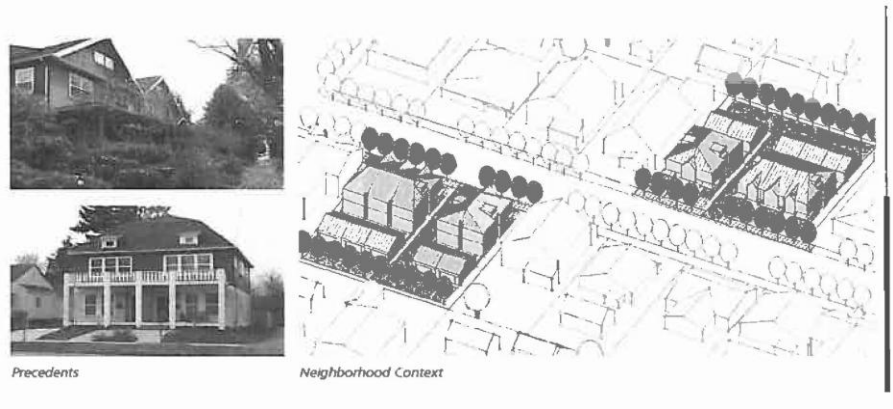
(A) Interior (Noncorner) Lots: On interior lots the side building setback on the side containing the common wall is reduced to zero. The reduced setback applies to all buildings on the lot and extends along the full length of the lot line that contains the common or abutting wall. The side building setback 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; Ord. No. 1436, § 2, 2-18-2026)

9-5-2: Residential Multi-Family (RM) Zone:

9-5-2-1: 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; Ord. No. 1436, § 2, 2-18-2026)

9-5-2-2: Use Regulations:

Permitted Uses: The land uses listed in table 9-1-2 of chapter 1 are permitted in the Residential Multifamily zone as identified and subject to the provisions of this chapter. Certain land uses have additional restrictions as specified in notes to table 9-1-2 and as specified below.

9-5-2-3: Development Standards:

A. Lot Areas: Every individual dwelling erected shall be on a lot having an area of not less than three thousand and five hundred (3,500) square feet and frontage on a public street of not less than twenty-five feet (25') and shall have a width of not less than 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:

Table 9-5-2 Area Increases Per Unit

	Units	**Lot Size**	**Minimum Road Frontage**
Permitted use:			
An additional 1,775 square feet of area, and an additional 12.5 feet, but no more than 130 feet of frontage	1	0-4,999	25
	2	5,000	37.5
	3	6,775	50
	4	8,550	62.5
	5	10,325	75
	6	12,100	87.5
	7	13,875	100
	8	15,650	112.5
Conditional use:			
	9	17,425	125
	10	19,200	130
	11	20,975	130
	12+	+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 Setbacks: Each lot shall have a front setback of not less than fifteen feet (15') in depth from front lot line, except as follows:

   a. Porches: Unenclosed front porches shall be setback 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. Street facing garages shall not be permitted on lots with less than thirty-seven and one-half feet (37.5') of frontage on a public street.

4. Side 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 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. 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:

      (1) Detached garages on interior lots shall have a side setback of no less than three feet (3').

      (2) Garages accessed from a street side lot line 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 lot line.

(3) 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.

(4) Garages accessed from an alley shall adhere to the street side setback as established above in 4a and 4b.

5. Rear Setbacks: Each lot shall have a rear 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.

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).

C. Impervious Surface:

1. Purpose: 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. Impervious Surface: Each lot upon which a dwelling, private garage or other outbuilding is constructed shall have a maximum impervious surface, including building footprint, of seventy percent (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. Garage 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

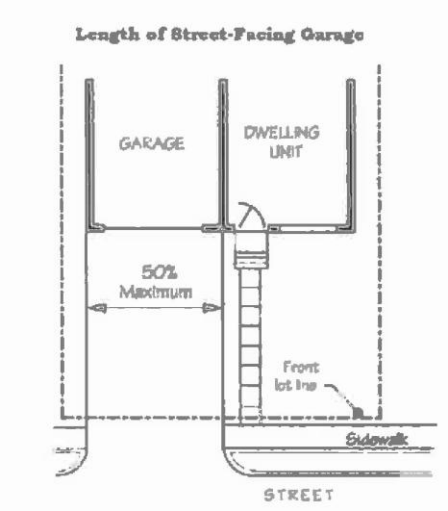
d. Enhance public safety by discouraging garages from blocking views of the street from inside the residence.

2. Applicability: The regulations of this subsection E apply to all attached or detached garages in the residential multi-family zone.

3. Standards:

a. Any garage wall with entrance facing the street may be up to fifty percent (50%) of the width of the street facing unit façade. (See Figure 1 of this section.)

Figure 1



b. Garages shall be recessed or may be flush to the primary façade when the primary facade contains an unenclosed porch having a depth of seven feet (7') or greater and occupying a minimum of twenty-five percent (25%) of the linear primary structure facade. No portion of a garage may protrude past the front of the primary façade of the dwelling unit.

c. Garage walls greater than twelve feet (12') in height 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:

(1) Dormers;

(2) Gables;

(3) Covered porch entries;

(4) Pillars or posts;

(5) Eaves;

(6) Offsets in building face or roof (minimum of sixteen inches (16"));

(7) Window trim;

(8) Bay windows;

(9) Balconies;

(10) 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 thirty-seven and one-half (37.5) feet in the residential multi-family zone.

f. Second floor windows facing abutting residential lots shall utilize appropriate glass block or opaque glass, or clerestory windows to maintain privacy of adjacent residential property.

g. Existing Detached Garages:

(1) In the residential multifamily 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 the applicable accessory-use and accessory-building regulations in Section 9-1-9 and the development standards of the applicable residential zone. Any nonconforming structure remains subject tto Section 9-2-5. 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 provided the expansion complies with all other standards of this section.

F. Main Entrance 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. 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 (1) street frontage, the applicant may choose on which frontage to meet the standards.

3. Standards:

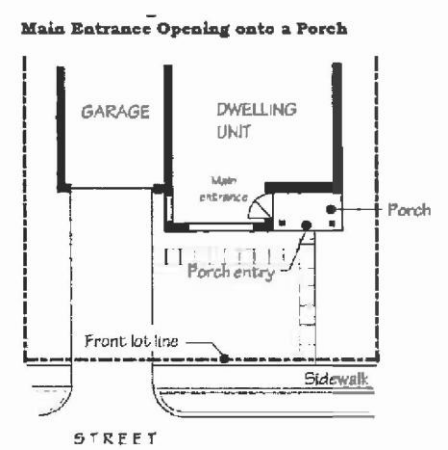
a. Location: At least one (1) main entrance for each structure must:

(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 Facade Design Standards:

1. Purpose: These standards:

a. Together with the main entrance and garage standards, ensure that there is a visual connection between the living area of the residence and the street;

b. Enhance public safety by allowing people to survey their neighborhood from inside their residences; and

c. Provide a more pleasant pedestrian environment by preventing large expanses of blank facades along streets.

2. 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. 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.

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 (1) 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 surface (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 (1) 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 (1) 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 (1) 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.

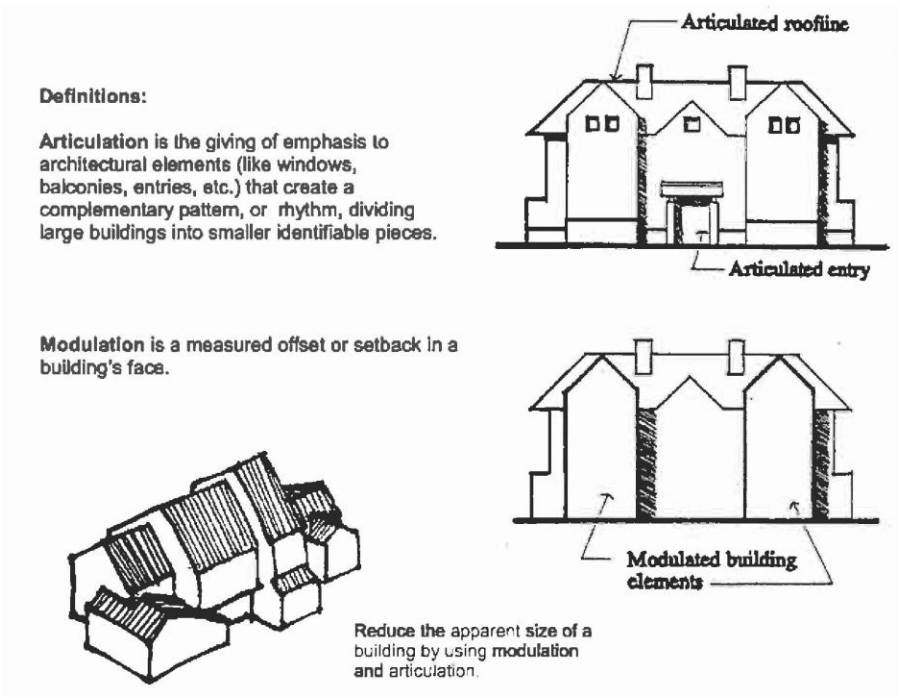
b. Buildings shall incorporate architectural details that will provide visual interest at a human scale. At least three (3) of the following shall be utilized:

(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.



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 6 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 (1) of the following methods:

      (1) Expression of structure, such as post, column, or pilaster.

      (2) Variation of material.

   b. Chain link 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 (1) or more of the standards listed above. All requests for waivers shall be heard and decided by the Planning and Zoning 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; Ord. No. 1436, § 2, 2-18-2026)

9-5-3: 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.

9-5-4: Rural Residential RR-1 Zone:

Permitted Uses: The land uses listed in table 9-1-2 of chapter 1 are permitted in the Rural Residential-1 zone as identified and subject to the provisions of this chapter. Certain land uses have additional restrictions as specified in notes to table 9-1-2 and as specified below.

Table 9-5-3 RR-1 fairground event length and attendance thresholds

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%) 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; Ord. No. 1436, § 2, 2-18-2026)

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

Permitted Uses: The land uses listed in table 9-1-2 of chapter 1 are permitted in the Rural Residential-2 zone as identified and subject to the provisions of this chapter. Certain land uses have additional restrictions as specified in notes to table 9-1-2 and as specified below.

A. 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%) 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. No. 1436, § 2, 2-18-2026)

9-5-6: Standards for Development of Residential Substandard Original Lots of Record:

9-5-6-1: 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 9-1-7 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 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').

(Ord. 1263, 12-29-2011; Ord. No. 1436, § 2, 2-18-2026)

9-5-6-2: Use Regulations:

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

(Ord. 1263, 12-29-2011; Ord. No. 1436, § 2, 2-18-2026)

9-5-6-3: Development Standards:

A. Setbacks in the RS zone:

1. Front Setbacks: The front setback for livable space and porches shall be allowed as provided in the RS zone.

2. Street side setbacks: Street side yard setbacks shall be ten feet (10') for livable space and porches and twenty-five feet (25') for parking.

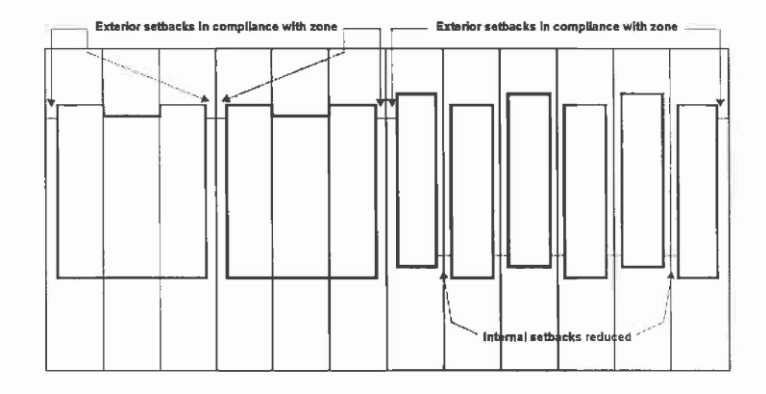
3. Interior Side Setbacks (between structures in a common development): Interior side setbacks shall be in accordance with the RS zone, unless one of the following is applied:

a. Common Lot Line Attached Units in the RS zone: Up to three (3) units may be attached at the common lot lines.

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').

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.





6. Rear Setbacks: Rear setbacks shall be as required by the RS zoning district.

7. Garage: A single-story, detached garage, a maximum of five hundred (500) square feet, accessed off an alley, may have a side setback of three feet (3').

(Ord. 1263, 12-29-2011; Ord. No. 1436, § 2, 2-18-2026)

9-5-6-4: Building Height:

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

B. In the RS zone, new structures on substandard lots shall not exceed twenty-five feet (25') or two (2) stories, whichever is lower.

(Ord. 1263, 12-29-2011; Ord. No. 1436, § 2, 2-18-2026)

9-5-6-5: Parking:

A. Each dwelling shall be provided with off-street parking in accordance with Chapter 6 of this title.

B. Vehicular access and parking shall be provided according to the following standards:

1. Parking accessed via alleys is 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.

(Ord. 1263, 12-29-2011; Ord. No. 1436, § 2, 2-18-2026)

Ord. No. 1436, § 2, adopted Feb. 18, 2026, renumbered the former § 9-4-6-7 as § 9-4-6-5 and enacted a new § 9-4-6-5 as set out herein. The historical notation has been retained with the amended provisions for reference purposes.

9-5-7: Cottage Housing:

9-5-7-1: Purpose and Intent:

This provision provides standards for cottage housing within residential zones. These standards are intended to provide opportunities for a variety of housing choices including the need for smaller, more diverse, and often more affordable housing choices. Providing for a variety of housing types also encourages innovation and diversity in housing design and site development, while ensuring compatibility with surrounding single-family residential development.

(Ord. 1263, 12-29-2011)

9-5-7-2: Conflicting Standards:

In the event that other standards of this title conflict with standards in this provision, the standards within this provision shall prevail.

(Ord. 1263, 12-29-2011)

9-5-7-3: Existing Dwellings:

An existing detached single-family dwelling that is incorporated into a cottage housing development as a residence and is nonconforming with respect to the standards of this section shall be permitted to remain on a site used for a cottage housing development and shall count as one of the allowed units. However, the extent of the noncompliance may not be increased unless the proposed change is determined by the Planning Director to be consistent in character, scale and design with the cottage housing development. An existing dwelling may be replaced with cottage units consistent with this section.

(Ord. 1263, 12-29-2011)

9-5-7-4: Housing Types Defined:

CARRIAGE UNIT: A dwelling unit, not to exceed eight hundred (800) square feet in gross floor area, located above a garage structure in a cottage housing development.

COTTAGE HOUSING: A tract of land under single ownership or unified control developed with four (4) to twenty-four (24) detached dwelling units (each unit no larger than one thousand (1,000) square feet) arranged on at least two (2) sides of a commonly owned courtyard/common area. Parking space is also commonly owned. Cottage housing development may or may not be condominiums.

(Ord. 1263, 12-29-2011; amd. Ord. 1345, 7-19-2017)

9-5-7-5: Area Allowances:

A. Cottage housing meeting the requirements of this section is allowed in zoning areas RS and RM.

(Ord. 1263, 12-29-2011)

9-5-7-6: Density Standards:

The following density standards shall apply to cottage housing developments:

A. Cottages (including carriage units) may be built at up to two (2) units per single-family home allowed in the underlying zone. For example, if the minimum lot size for a single-family home in a zone is five thousand (5,000) square feet, a cottage development of four (4) units could be constructed on a ten thousand (10,000) square foot lot (5,000/2)* 4 = 10,000.

B. Existing single-family dwellings will count toward total units.

C. Minimum units: Four (4).

D. Maximum units: Twenty four (24).

E. Carriage house units may be built on top of a common garage, when the garage is located adjacent to the common open area. No more than twenty-five percent (25%) of the total number of units may be located above a common garage.

(Ord. 1263, 12-29-2011; Ord. 1345, 7-19-2017)

9-5-7-7: Cottage Housing Dispersion Requirement:

The dispersion requirement is designed to disallow cottage developments from clustering in any one area so that housing diversity is retained.

A. In the RS Zone, developments containing cottage/carriage homes may not be located closer than seven hundred fifty feet (750') to another development approved under the provisions of this section.

(Ord. 1263, 12-29-2011)

9-5-7-8: Community Buildings and Community Space in Cottage Developments:

Community buildings and community space are encouraged in cottage developments.

A. Community buildings or space shall be clearly incidental in use and size to the dwelling units.

B. Building height for community buildings shall be no taller than the height restrictions for the underlying zone. Building heights and roof standards for cottage units shall apply per section 9-5-7-10 of this chapter.

C. Where the community space is located above another common structure, such as a detached garage or storage building, building heights and roof standards for carriage units shall apply (see section 9-5-7-10 of this chapter).

D. Community buildings must be located on the same site as the cottage housing development, and be commonly owned by the residents.

(Ord. 1263, 12-29-2011)

9-5-7-9: Access and Parking:

The intent of these access and parking standards is to minimize the visual impact of vehicles and parking areas for residents of the cottage housing development and adjacent properties and to provide for adequate off-street parking for cottage housing developments.

A. Minimum Number of Off-Street Parking Spaces:

1. The minimum number of parking spaces shall be one per dwelling unit.

B. Parking Design: The intent of these parking design standards is to create unobtrusive parking, by screening and disguising parking structures and spaces from surrounding properties, including screening by architectural design and/or vegetation, and by minimizing the number of contiguous spaces.

1. Parking areas or common garages shall be limited to no more than five (5) contiguous spaces separated by a minimum of five feet (5') of sidewalk, landscaping, or open space.

2. Shared detached garage structures may not exceed five (5) garage doors per building and a total of one thousand six hundred (1,600) square feet. Carriage units located above these parking structures shall not be factored into this square footage.

3. Parking shall be separated from the common open area, adjacent properties, and public streets by landscaping and/or architectural screening. Solid board fencing shall not be allowed as an architectural screen. Exception: One parking structure may be adjacent to the common open area, if carriage house units are placed on top and the garage includes architectural features to make it look consistent with the units and community assets.

4. Parking shall be set back a minimum of twenty-five feet (25') from a public street.

5. The design of garages and carports, including rooflines, shall be similar to and compatible with that of the dwelling units within the cottage housing development.

6. Parking located between or adjacent to structures, shall be located to the rear of the structure and served by an alley or driveway.

(Ord. 1263, 12-29-2011)

9-5-7-10: Cottage Housing Design Standards and Guidelines:

A. Cottage Size: Setting a unit size helps ensure that the overall size of cottages remains small and causes less visual impact than standard sized single-family dwellings, particularly given the increased density of cottage dwellings, and to provide variety in cottage housing developments through a mixture of building sizes and footprints.

1. The total floor area of each cottage shall not exceed one thousand (1,000) square feet. The total square foot area of a cottage dwelling unit may not be increased. A note shall be placed on the title to the property for the purpose of notifying future property owners that any increase in the total square footage of a cottage is prohibited for the life of the cottage or duration of city cottage regulations.
2. The footprint of each cottage shall not exceed eight hundred (800) square feet.
3. There shall be no minimum size requirements for the individual units.
4. The second floor area cannot exceed seventy-five percent (75%) of the first floor area.
5. Cottage areas that do not count toward the gross floor area or footprint calculations are:
    a. Interior spaces with a ceiling height of six feet (6') or less, such as in a second floor area under the slope of the roof;
    b. Unheated storage space located under the main floor of the cottage;
    c. Basements;
    d. Attached unenclosed porches;
    e. The first two hundred (200) square feet of an attached enclosed porch (square footage utilized for attached porches beyond two hundred (200) square feet shall be counted toward total square footage allowance for each cottage);
    f. Garages or carports; or
    g. Architectural projections (i.e., bay windows, fireplaces or utility closets) no greater than twenty-four inches (24") in depth and six feet (6') in width.
    h. The Planning Director may approve other exemptions similar in nature provided the intent of this section is met.

B. Cottage Height and Roof Standards:

1. A cottage shall have a gable roof or a hipped roof. Dormers are allowed.
2. Maximum height of cottage units with a minimum roof slope of six to twelve (6:12) shall be twenty-five feet (25'), subject to all parts of the roof above fourteen feet (14') shall be pitched.
3. Maximum height shall be eighteen feet (18') for cottages without a roof slope of six to twelve (6:12) and for all accessory structures.
4. Deviation from the roof standards may be considered through the CUP process.

C. Orientation of Dwelling Units: Dwellings within a cottage housing development should be oriented to promote a sense of community, both within the development, and with respect to the larger community, outside of the cottage project. A cottage development should not be designed to "turn its back" on the surrounding neighborhood.

1. Each dwelling unit shall be oriented toward a common open area, and sixty-five percent (65%) of the units shall abut the common open area.

2. Lots in a cottage housing development are not required to abut a public street.

3. Each facade facing a public street (not including alleys) shall have at least two (2) of the following enhancements: secondary entrance, porch, bay window, or other architectural enhancement approved by the Planning Director that is oriented to the public street in order to prevent a blank, monotonous wall facing the street and surrounding neighborhood.

D. Cottage Setbacks:

1. The minimum setbacks between all structures and exterior property lines (including cottages, parking structures and community buildings) in a cottage housing development shall be ten feet (10'). Eaves may project into the required setback up to eighteen inches (18").

2. Cottage units abutting an external street shall use the front yard setback requirements for the zone they are within in order to determine how far the unit must be set back from the public right-of-way.

3. No part of any structure in a cottage housing development (including, but not limited to, cottages, parking structures, and community buildings) shall be more than one hundred fifty feet (150'), as measured by the shortest clear and open route, from legally compliant fire department vehicle access.

E. Fencing and Screening: The intent of internal decorative fencing and screening is to delineate private yards and screen parking structures, community assets and unit walls. A cottage housing development shall internally be an open community sharing common areas.

1. Decorative fencing may be used for delineating private yards.

2. Fencing or shrubbery may be used to screen parking areas, community assets, and unit walls.

3. Fencing and shrubbery used for fencing may not exceed thirty-six inches (36") in height, except directly adjacent to a parking structure or as allowed in subsection E.5. of this section.

4. Chainlink fencing shall not be allowed. Solid fencing is allowed on the exterior boundary, except bordering an external street.

5. Rear yards not bordering an external street may be delineated using solid fencing and may not exceed four feet (4') in height.

F. Required Common Open Space: Common open space should provide a sense of openness, visual relief, and community for cottage developments. The space must be outside of wetlands, streams and their buffers, and developed and maintained to provide for passive and/or active recreational activities for the residents of the development.

1. There shall be a minimum of four hundred (400) square feet of common open space per cottage.

2. Each area of common open space shall be in one contiguous and usable piece with a minimum dimension of twenty feet (20') on all sides.

3. Land located between dwelling units and an abutting right-of-way or access easement greater than twenty-one feet (21') in width may not serve as required common open space, unless the area is reserved as a separate tract, and does not contain pathways leading to individual units or other elements that detract from its appearance and function as a shared space for all residents.

4. Required common open space may be divided into no more than two (2) separate areas per development.

5. Common open space shall be located in a centrally located area and be easily accessible to all dwellings within the development.

6. Landscaping located in common open space areas shall be designed to allow for easy access and use of the space by all residents, and to facilitate maintenance needs. Where feasible, existing mature trees should be retained.

7. Unless the shape or topography of the site precludes the ability to locate units adjacent to the common open space, the following standards must be met:

   a. The open space shall be located so that it will be surrounded by cottages or two/three-unit homes on at least two (2) sides;

   b. At least fifty percent (50%) of the units in the development shall abut a common open space. A cottage is considered to "abut" an area of open space if there is no structure between the unit and the open space.

      (1) Surface water management facilities shall be limited within common open space areas. Conventional stormwater collection and conveyance tools, such as flow control and/or water quality vaults are permitted if located underground.

G. Carriage Units Within Cottage Projects: Carriage units may be included within a cottage housing development. Design of these units should be compatible with that of the cottages included in the project.

1. The maximum size of a carriage unit shall be eight hundred (800) square feet.

2. Carriage units, including roof, shall be no taller than thirty feet (30').

3. Carriage units shall not have roofs less steep than four to twelve (4:12).

H. Variation In Unit Sizes, Building and Site Design: Cottage projects should establish building and site design that promotes variety and visual interest that is compatible with the character of the surrounding neighborhood.

1. Projects should include a mix of unit sizes within a single development.

2. Proposals are encouraged to provide a variety of building styles, features and site design elements within cottage housing communities. Dwellings with the same combination of features and treatments should not be located adjacent to each other.

I. Private Open Space:

1. Each cottage shall have a minimum of three hundred (300) square feet of private, contiguous usable open space adjacent to each dwelling unit, for the exclusive use of the cottage resident.

J. Pedestrian Flow Through Development: Pedestrian connections shall link all buildings to the public right-of-way, common open space and parking areas.

K. Exterior Design Standards for Cottages: This subsection K is intended to ensure cottage design is based on a coherent architectural concept, to ensure cottages possess architectural finish, to ensure they contribute positively to the architectural character of the neighborhood, and to provide flexibility in design and contrast among individual cottages while assuring attention to design amenities.

1. Character Compatibility: Cottage housing developments shall utilize building and site design that promotes variety and visual interest and that is compatible with the character of the surrounding neighborhood.

2. Variety In Building and Site Design: Cottage housing developments shall avoid the repetitive use of the same combination of building size, styles, features, and site design elements within the entire residential development and between adjacent dwellings. Dwellings with the same combination of features and treatments shall not be located adjacent to each other.

3. Site Design Requirements: The overall site design for all common areas must include a minimum of five (5) points from the following table:

Table 9-5-4 Cottage Housing common-area site design points (Minimum Of 5 Points)

Mixture of grass areas and garden areas	3 points
Incorporate additional site and architectural features such as special paving, ornamental gate and/or fence, seating, functional accent lighting, artwork near entry, and/or special landscape treatment with seasonal color, flowering trees, and trees with interesting bark or branching structure	1 point per type of feature

4. Exterior Design Requirements: No blank walls are allowed, and each cottage in a cottage housing development must be designed to include a minimum of thirty-four (34) points from the following table, including the specified minimum number of points from each category:

Table 9-5-5 Cottage Housing minimum exterior design points by category

Totals by category as determined by tables below:	
Facade	Minimum of 12 points
Roof	Minimum of 8 points
Windows and doors	Minimum of 10 points
Landscaping and groundwork	Minimum of 4 points

Table 9-5-6 Cottage housing exterior design features and point values

Facade (minimum of 12 points):	

Stucco, cedar shingle siding, board and batten, or horizontal lap siding (wood or hardiplank. Exposed siding must be between 4 inches and 7 inches in width)	4 points
Change of plane of front elevation	3 points
Architectural detailing on porch railings and posts	2 points
Decorative gable vents	2 points
Exterior stonework, masonry, stone, rock, cultured, stone, woodwork, or brickwork	2 points
Gable detailing	2 points
Gable detailing on porch roof	2 points
3-tone paint on exterior walls trim and roof	2 points
Bay window	1 point
Roof (minimum of 8 points):	
Architectural metal roof (must be commercial quality with hidden fasteners)	3 points
Architectural shingle roof	3 points
Gable dormer (shall not also be used for gabled porch roof or porch roof overhang)	3 points
Gabled or modified porch roof	3 points
Porch roof overhang to cover stairs (shall not also be used for a change of plane of front facade or as a gable dormer or gabled porch roof)	2 points
Roof brackets	2 points
Soffit detailing (exposed rafter tail painted or decoratively cut; soffit finished in shiplap or similar treatment)	2 points
Rooftop cupola	1 point
Windows and doors (minimum of 10 points):	
Mullioned windows (minimum of 2)	3 points
Skylights or clerestory windows	3 points
Window placement offset for privacy	3 points
Decorative window(s) on front facade	2 points
Front door lights or sidelights, glass front doors, transoms, glass borders, or split front door	2 points
Window trim (must include cornice molding, jamb molding, and sill for all windows)	2 points
Front door trim (must have cornice molding, parting bead, and plinth blocks)	1 point
Landscaping and groundwork for each cottage's private area (minimum of 4 points):	
Architectural fence around cottage (not less than 2, or more than 3 feet high)	2 points
Front yard landscaping (must include at least 1 dozen perennial bushes and/or trees native to the area or tolerant of local climate conditions. Landscaping does not include lawns)	2 points

Incorporate additional architectural features such as special paving, ornamental gate and/or fence, seating, planter boxes or pots, functional accent lighting, artwork near entry, and/or special landscape treatment with seasonal color, flowering trees, and trees with interesting bark or branching structure	1 point per type of feature

(Ord. 1263, 12-29-2011)

CHAPTER 6 OFF-STREET PARKING AND LOADING FACILITIES[1]

9-6-1: General Provisions:

A. Off-Street Parking and Loading Spaces Provided: No building or structure shall be erected, substantially altered (requiring a building permit), or its use changed unless permanently maintained off-street parking and loading spaces have been provided in accordance with the provisions of this chapter.

B. Additional Parking After Enlargement up to Fifty Percent (50%) in Floor Area: Whenever a building or structure is enlarged up to fifty percent (50%) in floor area, number of employees, seating capacity, number of dwelling units, or otherwise, to create a need for an increase in the number of parking and loading spaces, additional parking and loading spaces shall be provided on the basis of the enlargement or change.

C. Additional Parking After Enlargement Greater than Fifty Percent (50%) in Floor Area: Whenever a building or structure is enlarged greater than fifty percent (50%) in floor area, number of employees, seating capacity, number of dwelling units, or otherwise, to create the need for an increase in the number of parking and loading spaces, such additional spaces must be provided on the basis of the enlargement or change and shall be developed in accordance with the screening and landscaping provisions of this chapter.

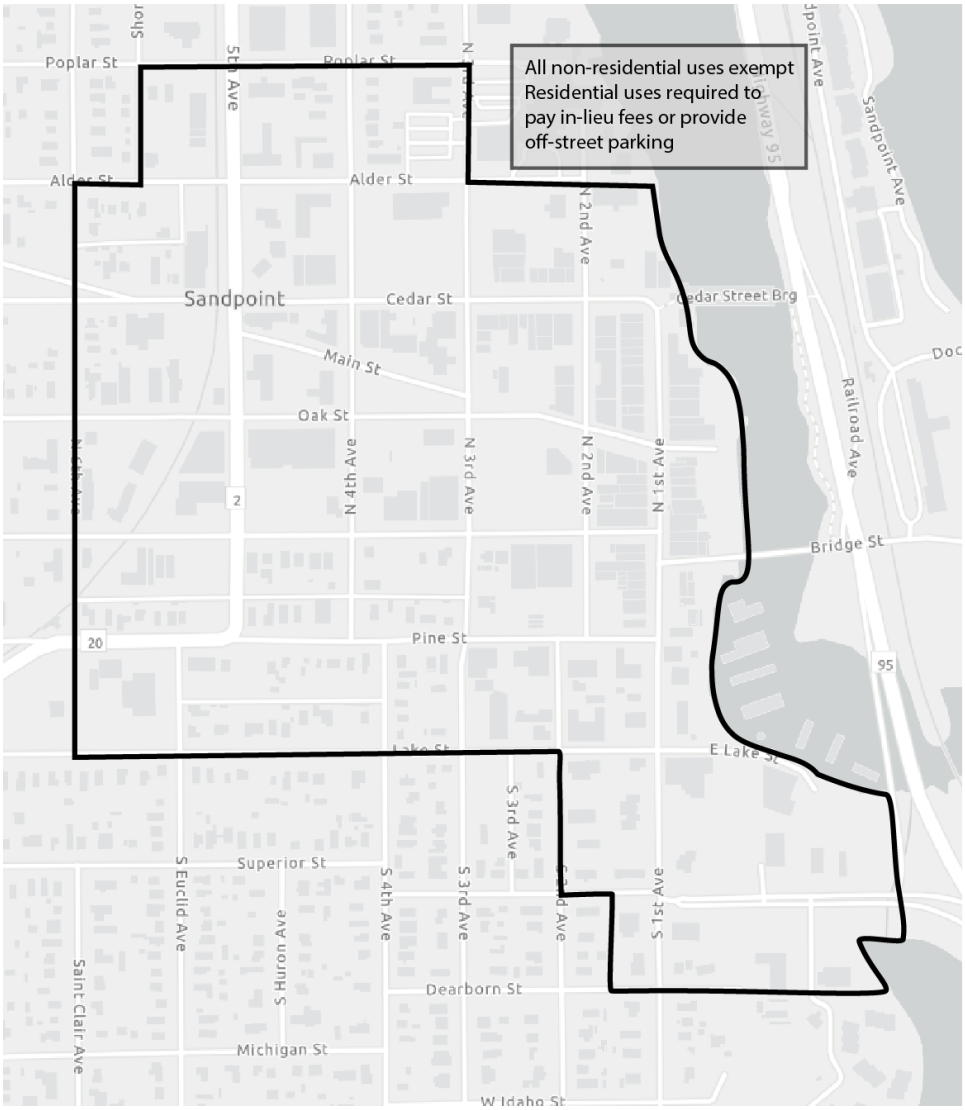
D. Additional Parking After Change in Use or Occupancy: Whenever a building or structure has a change in use or occupancy that would increase the number of spaces being required, such additional spaces shall be provided on the basis of the change.

E. Parking Demand Analysis: Minimum or maximum parking space requirements may be reduced or expanded by the relevant permit approval authority, either the Planning Director, Planning and Zoning Commission, or City Council upon completion of a parking demand analysis demonstrating the actual demands of the project are less than the minimum or more than the maximum requirements of this code. A parking demand analysis must be prepared by a registered professional traffic engineer licensed in the State of Idaho and must include analysis of multimodal transportation and proximity to transit.

[1]Editor's note(s)—(Ord. No. 1432, § 2, adopted Sept. 17, 2025, amended ch. 5 in its entirety to read as herein set out. Former ch. 5, §§ 9-5-1—9-5-18, pertained to similar subject matter, and derived from Ord. 1360, adopted Dec. 5, 2018.

F. Exemptions: Non-residential development within the boundary depicted on the map in subsection G below is exempt from the parking minimum and location requirements of this chapter. Residential development within the boundary as shown in subsection G below is exempt from the parking minimum and location requirements of this chapter, provided in-lieu payments are made pursuant to City Code 9-6-18, In Lieu Parking Fees.

G. Map of Exempted Area: Map of exempted minimum parking space requirements per subsection F of this section:



H. For the purposes of this chapter, an alley is not a public street.

(Ord. No. 1432, § 2, 9-17-2025)

9-6-2: Location of Parking Spaces:

The following regulations shall govern the location of off-street parking spaces and areas:

A. Parking spaces for all residential dwelling units with a density of less than ten (10) units per acre must be located on the same site as the use which they are intended to serve.

B. Parking spaces for apartments, dormitories, or similar residential uses with a density of greater than ten (10) units per acre must be located not more than three hundred feet (300') from the principal use.

C. Parking spaces for commercial, industrial or institutional uses must be located not more than one thousand feet (1,000') from the principal use.

(Ord. No. 1432, § 2, 9-17-2025)

9-6-3: Shared Parking Reduction:

A. Shared Parking or Parking Facilities Approval: Subject to compliance with other applicable requirements of City Code, relevant permit approval authority, either the Planning Director, Planning and Zoning Commission, or City Council, may approve shared development or use of parking facilities for two (2) or more uses if:

1. A convenient pedestrian connection between the properties or uses exists; and

2. The properties are within one thousand feet (1,000') of each other.

B. Parking Requirements; Hours: Where the uses to be served by shared parking do not overlap their hours of operation, the property owner or owners must provide parking stalls equal to the greater of the applicable individual parking requirements. Where a use change occurs within the development causing an overlapping of use hours, parking requirements must be reassessed. For the purposes of this provision, residential parking use hours shall be from five o'clock (5:00) p.m. to sixty thirty-o'clock (6:30) a.m. daily.

C. Parking Space Reduction: Where the uses to be served by shared parking have overlapping hours of operation, the relevant permit approval authority, either the Planning Director, Planning and Zoning Commission, or City Council, may approve a reduction of the total required parking spaces if the reduction is supported by a parking demand analysis performed by a registered professional traffic engineer licensed in the State of Idaho.

D. Documentation Required: Prior to establishing shared parking or any use to be served thereby, the property owner or owners must file with the County Recorder's office or its successor agency, a written agreement approved by the Planning Director providing for the shared parking use. A copy of the written agreement must be retained by the Planning Director in the project file. The agreement must be recorded on the title records of each affected property.

(Ord. No. 1432, § 2, 9-17-2025)

9-6-4: Access and Maneuvering Area:

A. Any parking area must be designed in such a manner that any vehicle entering or leaving the parking area from or onto a public or private street must be traveling in a forward motion. Development of six (6) or fewer units on a site, including single-family, duplexes, multi-family dwellings, and accessory dwelling units, are exempt from this requirement.

B. Driveways shall be located so that any obstructions do not prevent adequate sight distance between a vehicle stopped at the edge of the right of way and any approaching vehicle or pedestrian on the adjacent street. The required sight triangle shall be determined using the guidance of "A Policy on Geometric Design of Highways and Streets" (Green Book), published by the American Association of State Highway and Transportation Officials (latest edition), or another method approved by the City Engineer or Public Works Director.

C. All maneuvering areas, ramps, access drives, etc., must be provided on the property on which the parking facility is located; however, if such facility adjoins an alley, such alley may be used as a maneuvering area.

(Ord. No. 1432, § 2, 9-17-2025)

9-6-5: Minimum Distance and Setbacks:

No portion of any parking facility shall obstruct the sight triangle of an adjacent street or driveway access, as determined by an analysis using the guidance of "A Policy on Geometric Design of Highways and Streets" (Green Book) published by the American Association of State Highway and Transportation Officials (latest edition), or another method approved by the City Engineer or Public Works Director.

(Ord. No. 1432, § 2, 9-17-2025)

9-6-6: Surfacing:

A. Hard surfacing of all parking facilities shall be required. All hard surfacing must comply with all other applicable provisions of City Codes, including the Stormwater Management Code.

B. Hard surfacing, for the purposes of this chapter, shall be defined as asphalt pavement, concrete pavement, or as otherwise determined by the City Engineer or Public Works Director.

C. All hard surfacing must be completed before a certificate of occupancy is issued. In the event that hard surfacing cannot be timely completed due to inclement weather, the city may issue a temporary certificate of occupancy if an agreement secured by a bond or other security acceptable to the city in an amount of one hundred fifty percent (150%) of the costs of the hard surfacing is provided to the city. In the event a cash security is provided, no interest shall accrue to the party providing the cash. All agreements must include such terms as may be reasonable under the circumstances, including a requirement that the paving be completed within six (6) months of the agreement and, if not, that the city, in the city's sole discretion, use the security to complete the hard surfacing.

D. Driveways and parking facilities abutting a public right of way shall include hard surfacing from the edge of right of way to the parking facility. Driveway approaches within the public right of way shall be constructed pursuant to City Code 7-3-9, New Construction of Curbs, Gutters and Drainage Appurtenances, and city standard details.

E. If a parking facility is accessed from a public alley, a minimum of twelve (12) feet in width of the alley shall be constructed with hard surfacing for the entire length of the alley between the adjacent public streets at either end of the alley. The driveway approaches accessing either end of the alley on the adjacent public streets shall be constructed pursuant to City Code 7-3-9, New

Construction of Curbs, Gutters and Drainage Appurtenances, and city standard details. Hard surfacing of alleys shall be included, as needed, in an approved stormwater management plan that meets the requirements of City Code Title 11, Chapter 3, Stormwater Management Ordinance, as determined by the Public Works Director.

F. Exceptions to hard surfacing requirement of parking facilities:

1. Within the Industrial General (IG) Zone, the hard-surfacing requirement may be waived, with the exception that, for the first twenty-five (25) feet on private property from the right-of-way, the width of the driveway shall be hard surfaced.

2. A detached single-family home, with or without an ADU, or a duplex, with or without an ADU, that is not accessed from a street or is accessed from an alley shall be exempted from the hard-surfacing requirement. Any residential development of greater intensity shall be required to adhere to the hard surfacing requirements.

G. Construction and the repaving of parking facilities must be in accordance with the Stormwater Management Ordinance, Title 11, Chapter 3, of this code.

(Ord. No. 1432, § 2, 9-17-2025)

9-6-7: Maintenance:

A. The owner of property used for parking and/or loading shall maintain the facility in accordance with good practice without holes and free of all snow, dust, trash and other debris.

B. Failure to keep the parking facility surfaces reasonably clean of snow and debris, failure to keep storm catch basins properly clean and functioning, and failure to remove and replace dead plant material or to remove noxious weeds shall be specifically included in the term "failure to maintain the facility in accordance with good practice" and shall be deemed a violation of this title and therefore subject to the penalties as established.

C. The city shall not be responsible for maintenance, repair, upkeep, or reconstruction of any parking facility located on private property or any hard surfacing of alleys required by City Code 9-6-6, Surfacing.

(Ord. No. 1432, § 2, 9-17-2025)

9-6-8: Lighting:

A. Any parking area which is intended to be used during non-daylight hours shall be properly illuminated in accordance with the regulations set forth below and in the Outdoor Lighting provisions of Title 8, City Code.

B. Any lights used to illuminate a parking lot must be so arranged as to reflect the light away from the adjoining property.

C. Parking area lighting must be designed to provide the minimum lighting necessary to ensure adequate vision in parking areas while avoiding glare and direct illumination of adjacent properties or streets. All parking area lighting requirements must also apply to interior drives and other areas on the property used by vehicles.

1. Lighting Fixtures: All lighting fixtures providing illumination for parking lots must direct light downward (in keeping with Illuminating Engineering Society of North America, IESNA, standards).
2. Maximum Mounting Height: The maximum mounting height for all parking lot illuminating light fixtures shall be twenty feet (20').
3. Timers Required: Lighting must be on a timer or utilize photocells which turn off all unnecessary lights when the lot is not in use to reduce glare in the surrounding neighborhoods and to save energy.

(Ord. No. 1432, § 2, 9-17-2025)

9-6-9: Wheel Blocks:

A. Whenever a parking space extends to a property line, wheel blocks or other suitable devices must be installed to prevent any part of a parked vehicle from extending beyond the property line, assuming a 24-inch vehicle overhang from the vehicle-side face of the wheel block.

B. Where parking spaces abut sidewalks or walkways, wheel blocks shall be provided to prevent vehicle overhang on the sidewalk or walkway. Wheel blocks shall be placed so that the distance between vehicle-side face of the wheel block and the opposite side of the sidewalk or walkway is at least seven (7) feet.

C. Whenever wheel blocks are used, the parking space depth, as specified under Design and Dimensional Standards (Section 9-6-14 / Table 9-6-1) shall be measured from the vehicle-side face of the wheel block.

D. Whenever any obstruction greater than eight (8) inches in height, including walls or fences, is located directly adjacent to a parking space, wheel blocks shall be provided at least two (2) feet from the obstruction, and the "stall depth from curb edge", identified as dimension D in Table 9-6-1, shall be measured from the vehicle-side face of the wheel block.

(Ord. No. 1432, § 2, 9-17-2025)

9-6-10: Signs:

A. The entrances and exits to the parking area must be clearly marked.

B. Parking areas having more than one aisle or driveway must have directional signs or markings in each driveway or aisle.

C. Parking area directional signs must have a maximum size of four (4) square feet.

(Ord. No. 1432, § 2, 9-17-2025)

9-6-11: Striping:

All parking areas shall be striped with minimum four inches (4") wide white striping, meeting the dimensional standards of City Code 9-6-14, Design and Dimensional Standards.

(Ord. No. 1432, § 2, 9-17-2025)

9-6-12: Screening and/or Landscaping:

A. Parking Area Minimum Landscaping: A minimum of ten percent (10%) of paved parking area must be landscaped.

B. Slopes and other areas between a parking area and sidewalks, street rights-of-way or property lines must be landscaped with a minimum five foot (5') buffer containing grass, hardy shrubs, trees or evergreen ground cover and must be maintained in a consistent condition acceptable to the city. A minimum of fifty percent (50%) of the required buffer yard must be made up of hardy shrubs, fifty percent (50%) of which shall be evergreen and shall reach a height of four feet (4') within five (5) years. The five foot (5') buffer may be reduced when at least five feet (5') of landscaped area exists between the sidewalk and curb. Dead landscaping must be replaced. It shall be a violation of this chapter if an owner fails to replace dead landscaping with the same or other landscaping approved by the city within one month of notification by the city or as is seasonably acceptable.

C. Proximity Standards: Whenever a parking area providing more than ten (10) vehicle spaces is located in or adjacent to a residential district, dwelling unit, school, hospital, church or other institution for human care, it must be effectively screened on all sides abutting any such property by a five foot (5') buffer area with an acceptably designed wall, fence or planting screen. Alternatively, the buffer area may be reduced to three feet (3') if a decorative screen fence is erected with evergreen shrubs of at least two (2) gallon size planted at the base. Such fence, wall or planting screen must not be less than four feet (4') nor more than six feet (6') in height and maintained in good condition. The space between such fence, wall or planting screen, and the lot line of the adjoining premises in any residential district must be landscaped with grass, hardy shrubs, or evergreen ground cover and maintained in good condition. In the event that terrain or other natural features are such that the erection of such fence, walls or planting screen will not serve the intended purpose, the Planning Director may waive specifically this requirement.

D. Parking Facilities Abutting Street Right-of-Way: Parking facilities which abut a street right-of-way must provide one street tree for every twenty-five feet (25') of property abutting such right-of-way. Should the planting of such a street tree be physically unfeasible, the Public Works Director may require suitable landscaping abutting the street right-of-way.

E. Material and Planting Requirements: Parking area landscaping must consist of, but not be limited to, a mix of deciduous trees, evergreen shrubs, and ground cover. Tree species must be of the types listed on the "City of Sandpoint approved street tree list" (as adopted by resolution), or approved by the urban forester. All trees must be planted with a minimum 1.5-inch caliper. All interior planting beds must have a minimum dimension of six feet (6') at the narrowest point with a soil depth appropriate for the trees selected.

F. Parking Area Between Twenty (20) and Thirty (30) Spaces: One tree for every ten (10) parking spaces or the larger fraction thereof must be provided.

G. Parking Areas Exceeding Thirty (30) Spaces: The following additional regulations apply:

1. Parking areas must include a minimum fifteen foot (15') landscaped buffer from residential zones and be divided into smaller areas interconnected by landscaped aisles to reduce vehicle

speed and protect pedestrians. No parking space shall be more than sixty feet (60') from a landscaped area, and there must be at least one tree for each three hundred (300) square feet of required landscape area.

2. Required shade trees must be of such species and canopy to provide a minimum of thirty percent (30%) canopy cover of the parking area at maturity. Eligible tree canopy must be directly over parking area.

3. A timed and automated irrigation system shall be provided for all required landscaping and maintained in a workmanlike manner.

H. Parking Area Directional Signs: Parking area not visible from streets must have clearly visible directional signs approved during the site plan review process.

I. Screening Equipment; Noise: Mechanical equipment, utility facilities, and garbage containers must be screened in such a manner so as not to be visible from abutting residential property owners. A fence may be used to provide this screening. Mechanical equipment creating noise must be placed as far from residential uses as practical and in keeping with access and maintenance requirements, and must have noise buffering if placed in the vicinity of residential uses.

J. Snow Storage: Areas for snow storage must be designated in site plans and provided for in development or redevelopment of property.

K. Pedestrian Access: Parking areas must be designed so that pedestrian and automobile patrons have a clearly marked path from each business entrance to the nearest sidewalk to each adjacent street. This pedestrian path shall meet the requirements for an accessible route as described in the latest edition of the ADA Standards for Accessible Design of the Americans with Disabilities Act.

L. Exemptions:

1. Single-Family Residential: Single-family and duplex residential off-street parking areas are exempt from this subsection.

2. Auto and Vehicle Dealers: Auto and vehicle dealers are exempt from providing landscaping within the interior of the sales and display area.

3. Landscaping Requirement Modifications: Landscaping requirements may be modified by the Planning Director for a specific site when soil or slope limitations make strict adherence impractical, when safety considerations are involved, especially in the clear vision triangle.

4. Industrial General Zone: Parking areas within the Industrial General Zone shall only be required to adhere to the requirements of subsection A of this section, "Parking Area Minimum Landscaping."

5. Existing Parking Areas: Expansions of existing parking areas shall not be exempt.

(Ord. No. 1432, § 2, 9-17-2025)

9-6-13: Accessible Parking Spaces:

All parking facilities must provide accessible parking spaces as required by the ADA Standards for Accessible Design of the Americans With Disabilities Act.

(Ord. No. 1432, § 2, 9-17-2025)

9-6-14: Design and Dimensional Standards:

A. All parking facilities must be designed to city standards. Plans for parking facilities are required prior to construction and shall indicate ingress, egress, grade, drainage facilities, location of all plantings, base and surface materials.

B. Minimum Standards: Letters in the following chart are referenced in subsection C of this section, Diagram, Parking Space Minimum Design and Dimensions (For Standard Vehicles). Off-street parking spaces must be provided in accordance with the following minimum standards:

Table 9-6-1 Parking design and dimensional standards - standard and compact vehicles

Parking Angle A	Parking Space Width B	Curb Length Per Stall C	Stall Depth From Curb Edge D	Parking Space Depth E	1-Way Driveway Width F	2-Way Driveway Width F
For standard vehicles:						
0°	8 feet	23 feet	8 feet	23 feet	12 feet	21 feet
30°	9 feet	18 feet	16 feet, 10 inches	18 feet	15 feet	18 feet
45°	9 feet	12 feet, 9 inches	19 feet, 1 inch	18 feet	15 feet	20 feet
60°	9 feet	10 feet, 5 inches	20 feet, 1 inch	18 feet	17 feet	22 feet
90°	9 feet	9 feet	19 feet	19 feet	23 feet	23 feet
For compact vehicles:						
0°	7 feet, 6 inches	18 feet	7 feet, 6 inches	18 feet	12 feet	21 feet
30°	7 feet, 6 inches	15 feet	14 feet	15 feet	15 feet	18 feet
45°	7 feet 6 inches	10 feet, 7 inches	15 feet, 11 inches	15 feet	15 feet	20 feet
60°	7 feet, 6 inches	8 feet, 8 inches	16 feet, 9 inches	15 feet	15 feet	22 feet
90°	7 feet, 6 inches	7 feet, 6 inches	15 feet	15 feet	23 feet	23 feet

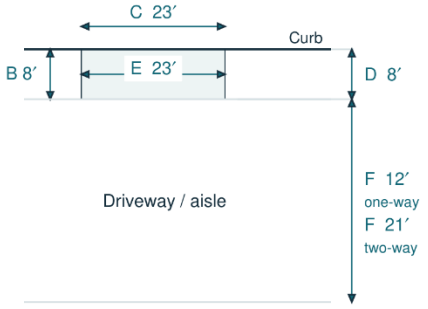
C. Diagram, Parking Space Minimum Design and Dimensions:

CITY OF SANDPOINT / OFF-STREET PARKING

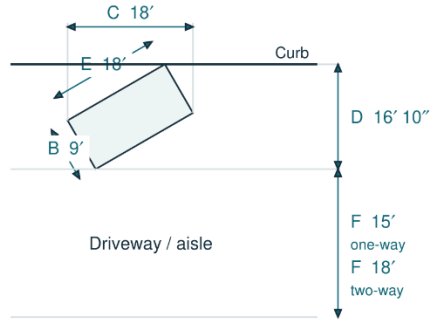
Standard vehicle parking dimensions

Each arrow shows what to measure. Letters match the dimensional standards table.

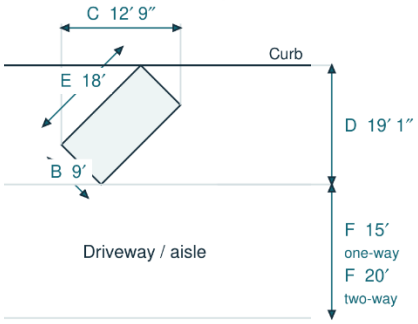
A 0° / Parallel parking



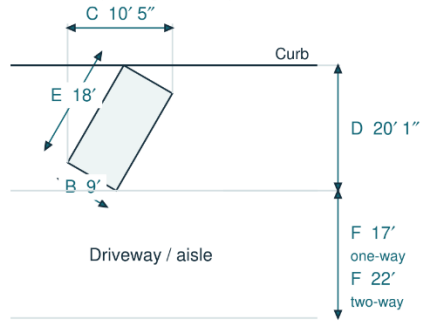
A 30° / Angled parking



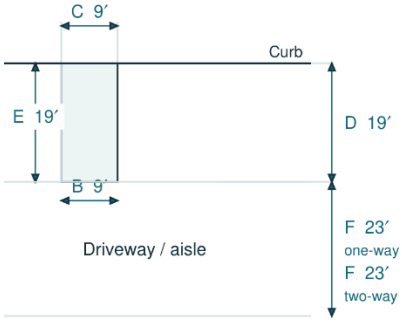
A 45° / Angled parking



A 60° / Angled parking



A 90° / Perpendicular parking



Measurement key

- A Parking angle, measured from curb
- B Parking space width, across the stall
- C Curb length per stall
- D Stall depth from curb edge, measured perpendicular to curb
- E Parking space depth, along the stall
- F Driveway / aisle width

Use the one-way or two-way F value as applicable.

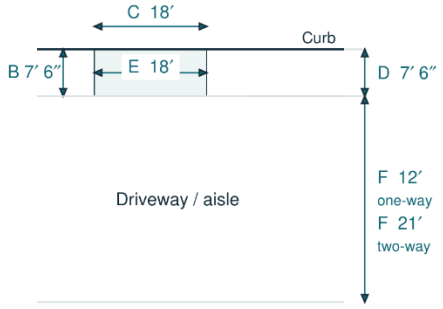
Minimum dimensions • Plan views • Illustrations not to scale 1

CITY OF SANDPOINT / OFF-STREET PARKING

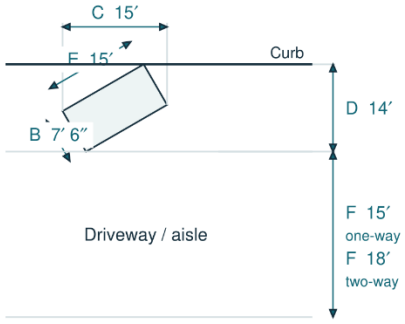
Compact vehicle parking dimensions

Each arrow shows what to measure. Letters match the dimensional standards table.

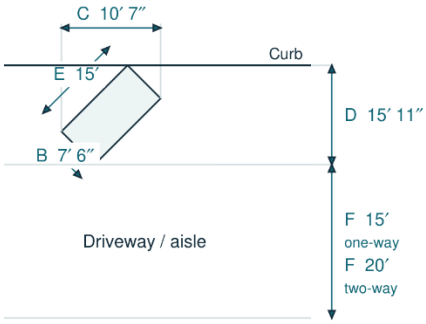
A 0° / Parallel parking



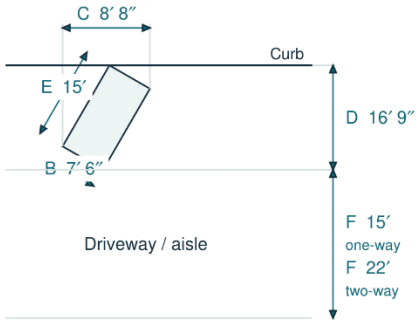
A 30° / Angled parking



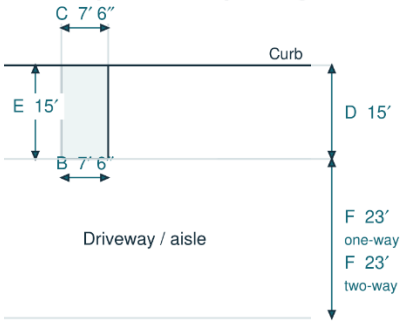
A 45° / Angled parking



A 60° / Angled parking



A 90° / Perpendicular parking



Measurement key

A	Parking angle, measured from curb
B	Parking space width, across the stall
C	Curb length per stall
D	Stall depth from curb edge, measured perpendicular to curb
E	Parking space depth, along the stall
F	Driveway / aisle width

Use the one-way or two-way F value as applicable.

Minimum dimensions • Plan views • Illustrations not to scale

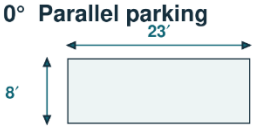
2

CITY OF SANDPOINT / OFF-STREET PARKING

Curb, wheel-block & sidewalk details

Measure stall depth from the curb face or the vehicle-side face of a wheel block.

0° Parallel parking



Aisle: 12′ one-way / 21′ two-way

30° Angled parking



E Along stall: 18′ | B Width: 9′

Aisle: 15′ one-way / 18′ two-way

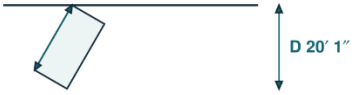
45° Angled parking



E Along stall: 18′ | B Width: 9′

Aisle: 15′ one-way / 20′ two-way

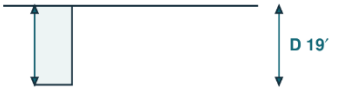
60° Angled parking



E Along stall: 18′ | B Width: 9′

Aisle: 17′ one-way / 22′ two-way

90° Perpendicular parking

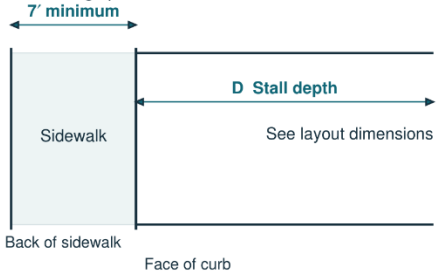


E Along stall: 19′ | B Width: 9′

Aisle: 23′ one-way / 23′ two-way

Without wheel blocks

Plan view • Parking space beside sidewalk

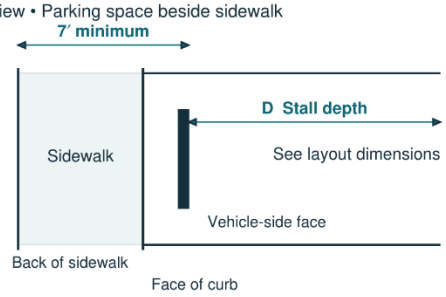


Stall depth begins at the face of curb.

7′ is measured to the curb / wheel-block face.

With wheel blocks

Plan view • Parking space beside sidewalk



Stall depth begins at the vehicle-side face of the wheel block.

7′ is measured to the curb / wheel-block face.

Dimension references

B = width across stall; E = depth along stall.

D = stall depth from curb edge, perpendicular to curb.

Read with the parking standards and wheel-block rules.

Standard vehicles • Dimensions are minimums • Illustrations not to scale 2

D. Additional Standards for Compact Car Parking:

1. If the total number of required parking spaces is less than ten (10), no compact car spaces shall be provided.

2. If the total number of required parking spaces equals ten (10), then one parking space may be for compact cars. For each four (4) spaces in excess of ten (10), one space for compact cars may be provided.
3. Each compact car parking space shall be marked for such use.

(Ord. No. 1432, § 2, 9-17-2025)

9-6-15: Minimum and Maximum Surface Parking Space Requirements:

A: Required Parking by Land Use

Table 9-6-2 Required Parking by Land Use

Type of Use		Parking Spaces Required
A.	Residential outside of Exempt Area: Values shall be held as the minimum:	
	Accessory dwelling units	1 for each unit
	Apartments, duplexes, townhouses or multi-family dwellings over 1,200 square feet of living space per unit	1.4 for each unit
	Apartments, duplexes, townhouses or multi-family dwellings equal to or under 1,200 square feet of living space per unit	1 for each unit
	Boarding, lodging, or rooming house	1 for each sleeping room
	Cottage developments in accordance with Section 9-5-7, Cottage Housing	1 for each unit
	Detached single-family homes with more than 3 bedrooms	2 for each unit
	Detached single-family homes with 3 bedrooms or less	1 for each unit
	Group homes	2 for each unit
B.	Residential within Exempt Area	
	Any residential land use	1 for every 1000 sf, not to exceed 1.5 for each unit
C.	Commercial: Values shall be held as the minimum. The maximum amount of parking spaces allowed shall be no more than 20 percent above the minimum requirement. Structured parking shall be exempt from the parking maximum requirements.	
	Banks, financial institutions and similar uses	1 for every 500 square feet of floor area
	Bowling alleys	2 for each alley
	Dance floors, skating rinks	1 for every 500 square feet of floor area
	Dining rooms, restaurants, taverns, nightclubs, etc.	1 for every 300 square feet of floor area
	Funeral parlors, mortuaries	1 for every 100 square feet of floor area open to the public
	Hostels	1 for every 4 beds

	Hotels, motels	1 space for each room or unit; plus, as required for accessory uses, such as restaurants, meeting halls, etc.
	Medical or dental clinics	1 for every 500 square feet of floor area of examination, treatment, office, and waiting rooms
	Offices, public or professional administration and services	1 for every 500 square feet of floor area
	Retail sales and services of large items, such as appliances, furniture and equipment	1 for every 800 square feet of floor area
	Retail stores	1 for every 350 square feet of floor area
	Service stations providing repair, public garages	1 for each 2 gasoline pumps and 2 for each service bay
	All other types of business or commercial uses permitted in any Commercial Zone	1 for each 350 square feet of floor area
D.	Entertainment and Recreation: Values shall be held as the minimum. The maximum amount of parking spaces allowed shall be no more than 20 percent above the minimum requirement. Structured parking shall be exempt from the parking maximum requirements:	
	Auditoriums, sport arenas, theaters and similar uses	1 for each 5 seats; 20 inches of bench shall be considered 1 seat
	Fitness centers	1 for every 400 square feet of floor area
	Private clubs or lodges	1 for every 350 square feet of floor area
	Swimming pools, public or community clubs	1 for each 5 persons' capacity plus 1 for each 4 seats or 1 for each 30 square feet of floor area used for seating purposes, whichever is greater
E.	Institutional: Values shall be held as the minimum:	
	Churches and other places of religious assembly	1 for each 5 seats; 20 inches of bench shall be considered 1 seat
	Hospitals	1 for each bed
	Libraries, museums, art galleries	1 for each 500 square feet of floor area
	Sanatoriums, homes for the aged, nursing homes, children's homes and similar uses	1 for each 2 beds
F.	Schools (Public, Private Or Parochial): Values shall be held as the minimum:	
	Business, technical and trade schools	1 for each 2 students
	Colleges, universities	1 for each 4 students
	Elementary, high schools	1 for every teacher and employee, 1 for every 4 students normally enrolled that are over the legal driving age, and 1 for every 4 seats in auditoriums, gymnasiums or stadiums. Parking spaces provided for the school may be considered as parking for the public assembly areas

	Kindergartens, daycares, childcare centers, nursery schools and similar uses	Where the number of children plus employees is less than 13, 2 off-street parking spaces shall be provided. Where the number of children is equal to or greater than 13, 1 off-street parking space for each 5 children or a fraction thereof shall be provided
G.	Industrial: Values shall be held as minimum:	
	All types of manufacturing, storage, wholesale and freight uses permitted in any Industrial District	1 for each 1,000 square feet of floor area

Parking spaces for other permitted or conditional uses not listed in this section shall be determined by the Planning Director.

B. Bicycle Spaces: All nonresident parking facilities with more than twenty (20) parking spaces shall provide the equivalent of one (1) bicycle space for every five (5) parking spaces included in the facility for the temporary storage of bicycles. Space for bicycle storage shall be designed in accordance with the bicycle parking standards adopted by City Council resolution.

(Ord. No. 1432, § 2, 9-17-2025)

9-6-16: Parking Credits:

A. Bicycle Parking: For every six (6) nonrequired bicycle parking spaces created within any Commercial or Industrial Zone which adhere to the standards set forth in this chapter, motor vehicle parking space requirements may be reduced by one space; up to a maximum of two (2) off-street parking spaces.

B. Motorcycle Parking: For every two (2) motorcycle parking spaces provided for any multifamily, commercial or industrial project, the number of standard vehicle spaces may be reduced by one space up to a maximum of two (2) spaces. Motorcycle parking spaces must be at least four feet (4') wide and ten feet (10') deep with a minimum of ten feet (10') of backup space provided. Backup space shall be on private property within an access aisle or other area not otherwise designated as a parking space.

C. Affordable Housing Deed Restrictions: The minimum parking space requirements for developments that contain a deed restriction for affordable housing shall be reduced by twenty percent (20%). Such development must adhere to the following standards:

1. At least fifty percent (50%) of the units must be deed restricted to provide for affordable rental housing.

2. At a minimum, the deed restriction must accommodate households making less than eighty percent (80%) of area median income according to the Department of Housing and Urban Development (HUD). Such accommodation must provide affordable units such that no more than forty percent (40%) of tenant household income shall go towards the payment of rent. The deed restriction must remain in effect for a minimum of ten (10) years.

3. Applicants awarded this credit must submit annual reports verifying the standards above to remain in good standing of this provision.

(Ord. No. 1432, § 2, 9-17-2025)

9-6-17: Loading Areas:

A. The required number of loading spaces are as follows:

Table 9-6-3 Required loading spaces by gross floor area

Gross Floor Area (Square Feet)	Quantity	Type
14,000—36,000	1	A
36,001—60,000	2	A
60,001—100,000	2 1	A B
For each additional 75,000 or fraction thereof	1	B

B. The size of off-street loading spaces shall not be less than the following, exclusive of access platform and loading area:

Table 9-6-4 Minimum dimensions for Type A and Type B loading spaces

Type A spaces:	Length	35 feet
	Width	12 feet
	Height clearance	15 feet
Type B spaces:	Length	65 feet
	Width	12 feet
	Height clearance	15 feet

C. Convenient access to loading spaces shall be provided and shall not be less than twelve feet (12') in width.

D. Loading spaces may be located in required yards, providing such space is not roofed.

E. Loading spaces shall be located entirely on the property they are intended to serve.

(Ord. No. 1432, § 2, 9-17-2025)

9-6-18: In Lieu Parking Fees:

A. Purpose: The purpose of these provisions is to allow development to satisfy the off-street parking requirements by making in lieu payments into a special dedicated fund the city will use to develop parking.

B. Goals: The in-lieu program is voluntary and has the following goals:

1. To creatively reduce parking requirements;

2. To reduce the cost of development by reducing the funds required for building and maintenance of parking lots;
3. To facilitate the construction and improvement of public parking;
4. To improve urban design;
5. To encourage shared parking; and
6. To support historic preservation.

C. Definitions:

IN LIEU PAYMENT: A onetime optional payment made to the city Parking Improvement Fund fulfilling all or part of the parking requirements for development.

PARKING IMPROVEMENT FUND: A special dedicated fund to collect revenue from in lieu parking payments. Revenue collected is used to improve general public parking in the city, to purchase or lease land for public parking, to improve, create, or expand city parking facilities, and to offset administrative expenses.

D. Applicability: These provisions may be utilized in lieu of providing parking in the following situations:

1. New residential development within the parking exempt area as defined in City Code 9-6-1-F, Exemptions.
2. Non-residential development and residential development outside the exempt area as defined in City Code 9-6-1-F, Exemptions.
3. Non-residential development within the exempt area shall be exempt from this section.
4. A Parking Demand Analysis, as established in City Code 9-6-1-E, Parking Demand Analysis, shall not be eligible to determine the required number of parking spaces for the purposes of establishing an in lieu payment.

E. Payment Calculation: The parking requirements set forth in the Parking Code may be satisfied in whole or in part by the payment of a nonrefundable parking in lieu fee of an amount set by City Council resolution, which may be amended from time to time to approximate changes in costs of implementing the Parking Improvement Fund.

F. Parking Fund Use: The "Parking Improvement Fund", a dedicated fund, is hereby created to receive revenue from in lieu payments. The fund shall be used to provide and enhance public parking facilities, including buying or leasing land, constructing parking facilities, offsetting administrative expenses directly related to managing the account and the construction of facilities, coordinating parking planning, and erecting signage.

G. Limitations: In the event an application for development outside of the parking exempt area that requires a site plan review permit or a Conditional Use Permit, as established in Title 9, City Code, intends to satisfy more than fifty percent (50%) of the parking requirement by payment of parking in lieu fees, such application shall require review and approval of the Planning and Zoning Commission as part of the development application review. Public notice of the development application shall reference the parking reduction sought. Any such request for parking may be

denied or reduced if the Planning and Zoning Commission finds that permitting such request would have an adverse impact on the surrounding area or neighborhood.

(Ord. No. 1432, § 2, 9-17-2025)

CHAPTER 7 SIGN CODE

9-7-1: Purpose and Authority:

The purpose of this chapter is to establish standards for the fabrication, erection and use of signs, symbols, markings and advertising devices within the city. These standards are desired to protect and promote the public welfare, health and safety of persons within the community and to aid in the development and promotion of business and industry by providing sign regulations which encourage aesthetic creativity, effectiveness and flexibility in the design and use of such devices without creating detriment to the general public and are adopted in accordance with that authority granted in Idaho Code section 67-6518 (1980) and the general police powers of the city. As used herein, the term "Building Inpsector" shall refer to the city's Building Official or their designee; the term "Planning Director" shall refer to the city's Planning Director or their designee.

Notwithstanding anything herein to the contrary, noncommercial copy may be substituted for commercial copy on any lawful sign structure.

(Ord. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

9-7-2: Short Title; Citation:

This chapter shall be known as the SIGN CODE of the city of Sandpoint and may be so cited and shall be referred to herein as the sign code.

(Ord. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

9-7-3: Permit Required:

It is unlawful to erect, construct, reconstruct, or alter, any "sign" as defined in this chapter without first obtaining a sign permit from the Building Inpsector. All applications for sign permits shall be accompanied by plans, designs, specifications or drawings stating specifically all dimensions, animations, if any, lighting, colors and plan of installation stating clearances and setbacks. The city Building Inpsector or Planning Director shall have the authority to refuse a sign permit for any sign which does not comply with the requirements of this chapter.

(Ord. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

9-7-4: Definitions:

ABANDONED SIGN, ON PREMISES: A sign which no longer advertises a bona fide business, lessor, owner, product or activity conducted or product available on the premises where such sign is displayed.

ARCHITECTURAL BLADE: A roof sign or projecting sign with no visible legs or braces designed to look as though it could have been part of the building structure, rather than something suspended from or standing on the building.

ARCHITECTURAL PROJECTION: Any projection not intended for occupancy, which includes signs, canopies, or marquees.

AREA OF SIGN: The area of all faces of the sign within a perimeter which forms the outside shape including any frame, forms an integral part of the display, but excluding the necessary supports or uprights on which the sign may be placed. If the sign consists of more than one section or module, all areas will be totaled. Where poster panels or bulletins are installed back to back, both faces are considered as area.

BACKGROUND AREA: The entire area of a sign on which copy could be placed, as opposed to the copy area, where copy is in fact posted or painted.

BANNER: A long, narrow flag or pennant hung over a street or entrance with no advertising copy.

BANNER SIGN: A sign composed of flexible material and securely attached at all four (4) corners to the primary structure of the business.

BUILDING CODE: The building code in effect for the city of Sandpoint.

BUILDING COMPLEX: A building or group of buildings within a single architectural plan and/or parcel of property housing two (2) or more commercial units of operation and providing common facilities or utilities, such as shopping centers, professional office buildings, etc.

BUILDING FACE OR WALL: All window and wall area of a building in one plane or elevation.

BUILDING FRONTAGE: The linear width of a building facing the right-of-way or the linear length of the right-of-way facing the building, whichever is smaller.

CANOPY, MARQUEE OR AWNING: A permanent rooflike shelter extending from part or all of a building face over a public right-of-way and constructed of any suitable weather resistant material.

CANOPY, MARQUEE OR AWNING SIGN: Any such sign attached to or constructed in or on a canopy, marquee or awning. For the purpose of this sign code, the square footage of a canopy sign shall be determined by the smallest square or rectangle that will enclose the copy area so long as any lighting below the canopy is shielded and down directed so the canopy does not appear illuminated. The amount of signage on an awning shall be limited to the lesser of thirty-five (35) square feet per individual tenant space or twenty-five percent (25%) of the total area of the awning. Awning signs shall not be allowed above the first story of a building.

CHANGEABLE COPY SIGN (Manual): A sign on which copy or sign panels may be changed manually in the field, such as boards with changeable letters or changeable pictorial panels.

CHANGING SIGN (Automatic): An electronically or electrically controlled sign, message center or reader board, where different copy changes are shown on the same location.

COMMERCIAL/INDUSTRIAL PARK: A planned, coordinated development of a tract of land with two (2) or more separate industrial or commercial buildings. Such development is planned, designed, constructed, and managed on an integrated and coordinated basis.

CONSTRUCTION SIGN: A temporary sign identifying a building or construction site and the architects, engineers, financial institutions, contractors and suppliers involved.

COPY: The wording on a sign surface.

ELECTRONIC SIGN: Includes those displaying time and temperature and also refers to digital or video displays or any sign that contains dynamically generated digital content.

FEATHER FLAG: A temporary, freestanding sign attached on one side to a pole or staff driven into the ground for support, or having a crossbar base suitable for standing or weighting the sign securely on a hard surface. The sign face may be vertical or vertically tapered and consist of a loose polyknit or semirigid membrane. This definition includes, but is not limited to, those advertising mechanisms referred to as blade, feather, feather sail, message, sun blade, swooper, teardrop, wind flag, banner, or sign.

FLASHING SIGN: Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source.

FREESTANDING SIGN: A sign erected on a freestanding frame, mast or pole and not attached to any building.

HEIGHT OF SIGN: The vertical distance measured from the adjacent street grade or upper surface of the street curb to the highest point of said sign. Elevated roadways shall not be used to measure height.

INTERNALLY LIGHTED SIGN: A sign which is wholly or partially illuminated by an internal light source from which source light passes through the display surface to the exterior of the sign.

MURAL: A pictorial display without advertising copy on the exterior wall of a building.

MURAL SIGN: A wall painting or design that may include graphics, illustrations or symbols that represent the on site business use or name but shall be limited in its allowed sign area to only such numbers, letters, logos or trademarks that represent or identify the business or use occupying the building on which the mural sign appears.

NEON SIGN: Any sign or portion of a building illuminated or outlined by tubes using electrically stimulated neon or other gas.

NONCONFORMING SIGN: Any advertising structure or sign which was lawfully erected and maintained prior to the effective date hereof, or is located in newly annexed territory, and which does not conform to all applicable provisions of this chapter as it may be amended from time to time.

OFF PREMISES SIGN OR OFF SITE SIGN: Any sign that relates to or advertises products, services or uses at, or directs persons to, a different premises from where the sign is installed.

ON PREMISES SIGN: A sign calling attention to any business, product or activity conducted or produced on the property where such sign is located, or identifying the premises upon which such sign is located.

PERMANENT SIGN: Any sign other than a temporary sign.

PORTABLE SIGN: Any sign not permanently attached to the ground or building, including sandwich type signs, sidewalk or curb signs.

PREMISES: An area of land with its appurtenances and building which, because of its unity of use, is one unit of real estate.

PROJECTING SIGN: A sign, other than a wall sign, which is attached to and projects from a structure or building face.

ROOF SIGN: Any sign erected upon, against or directly above a roof or on top of or above the parapet of a building.

SIGN: Any identification, description, illustration, symbol, statue or device, illuminated or nonilluminated, which is visible from any public place designed to advertise, identify or convey information, including any landscape where letters or numbers are used for the purpose of directing the public's attention to a product or location, with the exception of window displays and flags of any state or nation. For the purpose of removal, sign shall also include all sign structures.

TEMPORARY SIGN: A sign which is not permanently affixed and is in place for thirty (30) days or less.

WALL SIGN: A sign painted on, attached to or erected against a wall of a building with the face parallel to the building wall and extending not more than one foot therefrom.

(Ord. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

9-7-5: Impairment of Traffic and Rights-of-Way:

In addition to other requirements of the zoning code and sign code, all signs, including signs inside windows, shall comply with the following conditions:

A. No sign shall be erected at the intersection of any street(s) in such a manner as to obstruct the free and clear vision of pedestrians and vehicular traffic or at any location where, by reason of the position, shape, color, words, phrases or symbols, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device.

B. No sign shall be erected or maintained which, by use of lights, illumination, or sound, creates an unduly distracting or hazardous condition to a motorist, pedestrian or the general public.

(Ord. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

9-7-6: Sign Districts:

For the purpose of determining allowable sizes, numbers, materials, placement and other requirements for restrictions on signs as set forth in this chapter, the city shall be divided into sign districts as follows:

A. Downtown Overlay District: Businesses included within the downtown overlay district are those which front upon any street that is part of the boundary and all businesses located within the area encompassed by the boundaries, which shall be defined as:

Starting at Superior Street and First Avenue, then west to Third Avenue, north to Lake Street, then west to Boyer Avenue, north to Highway 2, then east to Sixth Avenue, north to Alder Street, east to Short Avenue, north to Larch Street, east to Fifth Avenue, north one thousand

four hundred and ten feet (1,410') then east to the city border and returning south along the city border, then east across Sand Creek along the southern border of the water treatment facility, south along Lake Pend Oreille around city beach to Highway 95 as it enters Sandpoint, then west to the point of beginning.

B. Sand Creek Sign Overlay District: Any business within the downtown overlay district set forth above that has frontage on both Sand Creek and one of the following streets: Lake Street, First Avenue, Cedar Street, Second Avenue, Poplar Street, Third Avenue, Larch Street, and Fifth Avenue, including those parcels south of the trestle bridge that crosses Fifth Avenue.

1. Standards: The downtown overlay district shall apply. In addition, those businesses within the Sand Creek overlay district that have dual building frontage shall be allowed one additional wall sign facing Sand Creek as provided below:

a. Prohibited Signs: Signs prohibited in this chapter as listed in section 9-7-13 of this chapter retain prohibition.

b. Sign Size: Buildings utilizing the additional signage allowance are limited to twenty percent (20%) of the building's Sand Creek facing facade or four hundred (400) square feet, whichever is less. In the case of a mural sign, only the letters and numbers making up the business name shall be counted as sign area.

c. Illumination: Signs may be illuminated through downlit illumination, halo illumination, or may utilize internal illumination when not composed of a single flat panel display.

C. Special Standards For Buildings That Span The Width of Sand Creek: Given the distinct visual prominence of enclosed buildings that span the width of Sand Creek, the following special standards for signage shall apply to ensure that signage is presented in such a way that will limit "visual noise" and will preserve the historical nature of town as stated in the Comprehensive Plan:

1. Prohibited Signs: Signs prohibited in this chapter as listed in section 9-7-13 of this chapter retain prohibition. A single banner may be allowed west of the thread of Sand Creek and within one hundred feet (100') of the nearest street curb, subject to the provisions set forth in the "portable signs" section. Banners are otherwise prohibited. A-frame signs are allowed subject to section 9-7-12 of this chapter.

2. Sign Sizes: A maximum of two hundred (200) square feet of total sign area is allowed west of the thread of Sand Creek and within one hundred feet (100') of the nearest street curb. Directory signage totaling no more than two hundred (200) square feet, which may be double sided, is allowed within seventy feet (70') of the southbound shoulder lane of Highway 95.

3. Window Signs: Window signs are limited as follows:

a. Lettering or symbols to be no greater than one-half (½) of window height.

b. Lettering or symbols to be spaced uniformly and allowed only in ground floor windows.

c. Lettering or symbols to be of one color.

d. Lettering to be uniform font size.

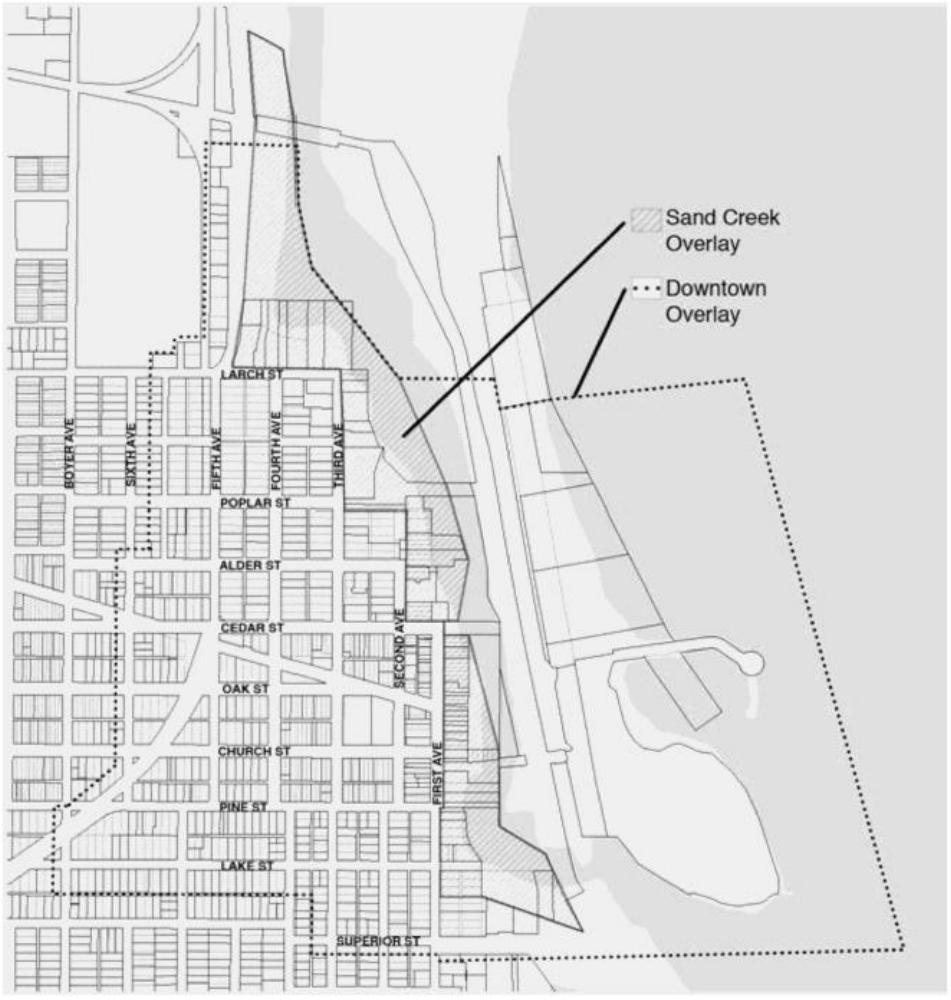
e. Signage to be categorical in content, as examples: coffee, food, drink, gallery, restaurants, artisans, shopping, dining, gelato, burgers, barbecue, jewelry, furniture, etc.

f. Lettering or symbols to be made of permanent durable vinyl or other such product that will withstand UV rays, and to be removed when faded and not legible.

4. Signage Representing Use of Building: Signage representing the use of the building is allowed, subject to other provisions in this chapter, sign size notwithstanding.

D. General Sign District: All the area within the corporate limits of the city where signs are a permitted use pursuant to the zoning ordinances of the city, excepting the downtown and Sand Creek overlay districts.

E. Sign District Map:



(Ord. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

9-7-7: Materials and Construction:

A. Materials: Signs may be constructed of durable materials such as painted, stained or carved wood, brick or stone, plastics or polymers, glass or metal, provided metal signs shall not be pointed on their edges creating a safety hazard and shall be treated to prevent reflective glare.

B. Support Structures: Exposed metal support structures for signs, including, but not limited to, posts, poles and sign sides or edges, must be faced or covered with wood, brick or stone, or painted. The Planning Director must approve the color and material.

C. Exposed Neon: Exposed neon may be used only in one of the following ways: inside a building window, provided the total area of all signs does not exceed ten (10) square feet and which shall be included in the total sign area; as an accent on exterior wall signs, provided the total square footage of the neon may not exceed ten percent (10%) of the total area of the sign (neon square footage shall be determined by the smallest square or rectangle that will enclose the area of the neon); or not more than two (2) vacancy/no vacancy signs for each motel or hotel, not to exceed ten (10) square feet and which shall be included in the total sign area.

D. Banner Frame: Businesses wishing to utilize banner material for permanent signage will be required to install a frame around the outside edge of the banner. The frame may be of metal, wood, or other material in order to provide an attractive and durable border to such sign. Any existing permanent signs using banner material shall be required to install such frame within one year of the adoption of this section. If not used for permanent signage, the provisions of section 9-7-12 of this chapter shall apply to number, size, and location of any banner sign.

E. Compliance With Certain Regulations Required: All signs shall be Underwriters Laboratory (UL) approved, except for signs typically not requiring UL approval, such as wood signs that are indirectly lighted. All other signs shall comply with the most current printing of the national electrical code/international building code. Drawings of all signs showing size, location, color and other information as deemed necessary by the city Building Inpsector or Planning Director must be submitted prior to receiving a sign permit. All plans for freestanding or roof signs as allowed by this chapter shall be submitted with the signature and stamp of a licensed engineer unless otherwise waived by the city Building Inpsector. The engineer's review of a sign structure, if required, shall include, but not be limited to, the effects of wind, seismic forces, allowable stresses, combined loads, overturning movement from lateral forces, and the stresses of wire or rope and their fastenings.

F. Bracing Systems: Signs and sign structures shall be designed and constructed to resist wind and seismic forces as specified in this section. All bracing systems shall be designed and constructed to transfer lateral forces to the foundations. For signs on buildings, the dead and lateral loads shall be transmitted through the structural frame of the building to the ground in such a manner as not to overstress any of the elements thereof.

G. Supports: The supports for all signs or sign structures shall be placed in and upon private property and shall be securely built, constructed and erected in conformance with the requirements of this chapter.

H. Setbacks: No projecting sign, canopy, or marquee shall extend from a building to a point beyond eighteen inches (18") from the back of the adjacent street curb, nor shall it be lower than eight feet (8') above the sidewalk from which they overhang. For freestanding sign standards, see section 9-7-11 of this chapter.

(Ord. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

9-7-8: Sign Sizes:

All signs shall be proportioned in size to the building on which they are to be mounted or which contains the business they are advertising, and the total square footage for all signs shall be limited based on primary entrance frontage as follows:

A. General Sign District: Two and one-half (2½) square feet of sign area for each linear foot of building frontage up to a maximum of one hundred fifty (150) square feet of total sign area, unless adjusted as hereinafter provided.

B. Downtown Overlay District: Two (2) square feet of sign area for each linear foot of building frontage up to a maximum of one hundred twenty-five (125) square feet of total sign area, unless adjusted as hereinafter provided.

C. Sand Creek Overlay District: See subsection 9-7-6B of this chapter.

D. Square Footage Penalty: A square footage penalty equal to fifty percent (50%) shall be imposed and deducted from the total square footage allowable for each internally lighted wall, projecting or freestanding sign, that utilizes white, off white, light gray, yellow, or cream for the background or noncopy portions of a sign, except when used as the background for reader board or changeable copy signs as permitted by subsection 9-7-13(I)and where the area utilized for internally lit changeable copy cannot exceed fifty percent (50%) of the business's allowed sign area.

E. Nonconforming Business Use: Any business use located within a residential zone of the city that is considered legally nonconforming or is approved through a Conditional Use Permit process shall be subject to the sign areas as set forth in subsection B of this section for the downtown overlay district.

(Ord. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

9-7-9: Master Sign Program:

A. Approval of a master sign program will allow flexibility with regard to sign area, number, location, or height of permitted signage to the extent that the master sign program will enhance the overall development. Approval of a master sign program will allow for an increase of up to twenty-five percent (25%) in overall sign area.

1. Applicability: The approval of a master sign program shall be required whenever any of the following circumstances exist or whenever an applicant requests the approval of a master sign program:

a. Three (3) or more separate tenant spaces are to be created on the same parcel; or

b. A single building has multiple tenant spaces where each tenant space does not have a clearly defined street facing business presence (tenant spaces may be located behind or above other businesses); and

c. The Planning Director determines that a master sign program is needed because of special project characteristics (e.g., the size of proposed signs, limited site visibility, a business within a business, the location of the site relative to major transportation routes).

2. Approval Authority: The Planning Director may approve a master sign program through the granting of a sign permit for a master sign program.

3. Application Requirements: A sign permit application for a master sign program shall include all information and materials required by the department. Information to be submitted should include:

a. Proposed signage types.

b. Proposed signage locations.

c. Breakdown of sign area allowed each tenant.

4. Standards: A master sign program shall comply with the following standards:

a. The program shall comply with the purpose of this chapter and underlying standards for the sign district.

b. The program shall accommodate future revisions that may be required because of changes in use or tenants.

5. Revisions To Master Sign Programs: Revisions to a master sign program may be approved by the Planning Director with a standard sign permit if the intent of the original approval is not affected. Revisions that would substantially deviate from the original approval shall require the approval of a new master sign program.

(Ord. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

9-7-10: Number of Signs:

A. The maximum number of signs for each business shall be two (2) for each street frontage. In no case shall a business be allowed more than two (2) permanent signs on one side of a building. Those businesses that fall within the Sand Creek overlay district may also be allowed one additional wall sign facing Sand Creek, subject to the standards set forth in subsection 9-7-6B of this chapter.

(Ord. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

9-7-11: Freestanding Signs:

A. Number Allowed; General Regulations: Only one freestanding sign may be allowed for each single- or multi-tenant building, which shall be constructed of durable materials, shall not exceed ten feet (10') in height from grade to the top of the sign or supporting structure, whichever is higher, shall not encroach on any public right-of-way, and shall comply with all other applicable design and

construction standards as set forth in this chapter; and further provided that single or double tenant signs shall not exceed twenty-five (25) square feet.

B. Setback: All freestanding signs located within the city limits shall be set back in accordance with the proposed height of the sign (e.g., a 6 foot tall sign requires a 6 foot setback) provided that signs which are less than five feet (5') in height shall observe a setback of no less than five feet (5'), measured from the property line to the nearest point of the support structure or sign face. Freestanding signs may encroach within the setback up to eighteen inches (18") from the property line when:

1. Not illuminated with the exception of downlighting;
2. No more than five feet (5') in height; and
3. Plans are submitted with the signature and stamp of a licensed engineer. The engineer's review shall include, but not be limited to, the effects of wind, seismic forces, allowable stresses, combined loads, overturning movement from lateral forces, and the stresses of wire or rope and their fastenings.

C. Height: Freestanding signs may extend to a height of no more than ten feet (10') from grade to the top of the sign or supporting structure, whichever is higher. Other signs, including wall signs, shall not extend above the roofline of the building containing the business it advertises, exclusive of false fronts.

D. Landscaping: The ground area around the base of all freestanding signs shall be landscaped, providing that the Building Inpsector and Planning Director may exempt freestanding signs from this requirement where it is demonstrated by the applicant that the landscaping would unduly interfere with pedestrian or vehicle traffic.

E. Commercial/Industrial Park Entrance Signs: For separate buildings in close proximity or on individual lots within a commercial/industrial park, this provision allows one freestanding entrance sign, not to exceed fifty (50) square feet for the complex or park. Signs must be located at the entry of the commercial/industrial park or primary access and shall abide by clear vision triangle specifications set by state law. One double sided sign per street abutting the perimeter of the park is allowed. Signs may not exceed the maximum height established for freestanding signs within the same zoning district and may not be internally lighted. External lighting that is concealed and focused downward onto the sign is permitted. Space may be made available on the entry sign for each tenant and/or lot in the park. Applications for entrance signs shall stipulate who will be responsible for installation and maintenance.

(Ord. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

9-7-12: Portable Signs (A-Frames and Banners):

In addition to the number of signs allowed according to street frontage, all businesses shall be allowed one A-frame or banner, subject to the following requirements:

A. General Requirements:

1. Placement of portable signs shall only be allowed following issuance of a portable sign permit. Such permits will be exclusive to the permittee's location and business name.

Transfer of the portable sign to another location or change in the business name will require amendment of the sign permit.

2. All portable signs shall be constructed of solid and durable materials, and no lighting or reflective materials shall be used.

3. All signs permitted herein are subject to the maintenance, repair, and removal provisions set forth in sections 9-7-17 and 9-7-18 of this chapter.

4. The Planning Director, Building Inpsector, Fire Chief, Police Chief and/or public safety officer of the city of Sandpoint may cause the immediate and permanent removal, without notice, of any portable sign found to be in violation of any provision of this code, including, but not limited to, permitting requirements or placement in the public right-of-way in a manner that encroaches into the pedestrian travel zone, is unsafe, or blocks or impedes access.

B. A-Frame Signs:

1. Businesses within the same building may share the use of a single A-frame, but in no case shall a single business be allowed to advertise on more than one A-frame sign. Minimum spacing between A-frame signs for multi-tenant buildings shall be one hundred feet (100'); this spacing may be reduced to fifty feet (50') upon approval by the Planning Director.

2. For those A-frame signs placed in the right-of-way, each face of the A-frame shall be no wider than two feet (2'), and no taller than three feet (3'), including any sign frame. An A-frame placed on private property may differ in dimensions, but in no case shall each face be greater than six (6) square feet.

3. Any person or business placing an A-frame upon the public right-of-way in conformance with this section shall execute a hold harmless agreement by which the person or business placing such A-frame sign accepts any and all liability for damages of any nature suffered by anyone as a result of the placement or maintaining of such sign and further shall agree to hold the city harmless from and indemnify the city for any such claims for damages.

4. All A-frame signs shall be suitably anchored, weighted or designed to be resistant to the weather conditions; shall not begin more than four inches (4") above the sidewalk; shall be required to be removed at the end of each business day; and shall not be displayed during the nonbusiness hours of the commercial use such signs advertise. Signs with wheels which can be rolled into place are prohibited.

5. All A-frame signs placed within the right-of-way shall be located immediately abutting the building containing the business advertised thereon, and may not encroach into the pedestrian travel zone as defined in subsection 7-2-2C of this code. Should the width of the existing sidewalk not allow for the placement of a sign that would not encroach into this zone, the business owner may request an exception from the Planning Director and Building Inpsector to allow a single face A-frame sign, not to exceed six (6) square feet in size, to be placed so as to securely lean against the building.

If not located within the right-of-way, the A-frame sign shall be located so as to not interfere with pedestrian movement on any private pedestrian path or sidewalk and shall not be placed so as to prevent the use of any required parking spaces, interfere with persons exiting their vehicles, or restrict the turning movements of vehicles within a parking area.

C. Banners:

1. Standards: All businesses will be allowed the option of utilizing a twelve (12) square foot banner as a portable sign set forth above. Such banner must be securely attached at all four (4) corners to the primary structure of the business and maintained in good repair in accordance with the provisions set forth in section 9-7-17 of this chapter.

2. Special Event Banners: A special event banner permit may be obtained for a single event for businesses that are set back from a street fifty feet (50) or more and subject to the size restrictions set forth below. Special event banners may not be used concurrently with another banner and are only allowed for a seventy-two (72) hour period. Additionally, special event banner permits shall not be issued to a business more than once per month. The size of banners shall be restricted by linear business frontage as follows:

Table 9-7-1 Special event banner size by building frontage

Building Frontage(Linear Feet)	Banner Size(Square Feet)
100—150	50
150—200	100
Over 200	300

(Ord. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

9-7-13: Permitted and Prohibited Signs:

A. Permitted Signs:

1. House Numbers: Signs not exceeding one square foot in area illuminated only by the reflector method and bearing only the house number and the name of the occupant shall be allowed within any residential zone.

2. Advertising Signs: Such signs shall be a permitted use only in the commercial or industrial zones or for any business use located within a residential zone that is considered legally nonconforming or is approved through the Conditional Use Permit process.

B. The following shall be prohibited in all districts:

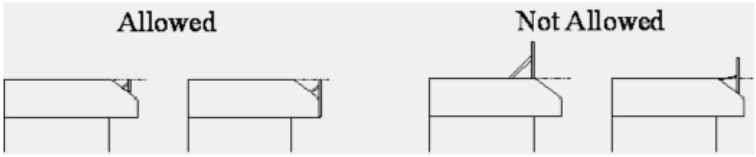
1. Moving Appurtenances: Moving mechanical or electrical appurtenances attached to a sign or otherwise intended to attract attention to a sign.

2. Interference With Visibility of Traffic Device: Any sign located so as to conflict with the clear and obvious appearance of public devices controlling public traffic.

3. Rotating Beacon Lights: Rotating beacon lights used above or attached to any sign structure, sign or building.

4. Flashing, Moving Signs: Animated, rotating, flashing signs or signs which have moving parts.
5. Portable Signs With Wheels: Portable signs with wheels which can be rolled onto the sidewalk or street right-of-way and signs which are supported by a heavy weight at the base which can be rolled into place. Design standards for allowed portable signs are set forth in section 9-7-12 of this chapter.
6. Off Premises Signs: "Off premises signs", defined as signs for advertising or identification of a business which is not located on the same premises as the business, excepting directional and informational signs placed by governmental agencies.
7. Neon Signs: Neon signs or valances, unless otherwise allowed in this chapter.
8. Feather Flags: Feather flags.
9. Reader Board; Changeable Copy Signs: Reader board or changeable copy signs, provided that one such nonelectronic sign shall be allowed for:
    a. Businesses where the primary business function is as a venue for changing entertainment or events.
    b. Movie theaters.
    c. Businesses with convention facilities that qualify for liquor licenses under the statutes of the state.
    d. Schools or churches, provided that those located within or abutting a residential district may not be internally lit.

    Not more than two (2) such nonelectronic signs shall be allowed for gasoline service stations, provided that the only changeable copy shall be fuel prices.
10. Electronic Signs: Any existing electronic signs that are legally nonconforming at the time of passage hereof, except those signs that have been granted historic status as set forth herein, shall have until March 31, 2022, to come into compliance with the provisions of this sign code.
11. Roof Signs: Roof signs erected at the peak or that extend above the highest point of a building.



(Ord. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

9-7-14: Vehicle Mounted Commercial Signs:

A. All vehicle mounted commercial signs shall be permanently affixed, painted, magnetically applied or otherwise mounted upon a vehicle and shall not project more than eighteen inches (18") above the surface to which they are attached; and any sign which is mounted upon the roof, hood or

trunk of a vehicle and which projects above such surface upon which it is mounted shall not exceed two (2) square feet in area per face.

B. The primary purpose of any vehicle upon which a vehicle mounted commercial sign is affixed must be to serve a useful function in the transportation or conveyance of persons or commodities from one place to another, including transportation to and from work, and such intermittent delays and stops as are customary in the routine conduct of the business or activity for which the transportation or conveyance occurs.

C. No vehicle upon which a vehicle mounted commercial sign is affixed may be parked on any lot or public right-of-way for the primary purpose of directing or attracting the attention of the public to a building, institution, product, organization, event or location offered or existing elsewhere except as provided for below.

D. Banner signs displayed on vehicles shall be subject to the regulations contained in subsection 9-7-7D of this chapter.

E. Vehicle mounted signs used in connection with a special event are exempted from the requirements of this section for only the twenty-four (24) hour period just preceding and during the term of the special event. Upon the conclusion of the special event, such signs must either be dismantled, moved to a location where the sign is not visible from public rights of way or made to comply with the provisions of this section. For the purposes of this subsection, the term "special event" shall mean a parade, circus, fair, carnival, festival or other similar event that is intended to or likely to attract substantial numbers of persons and is different in character from the customary or usual activities generally associated with the property upon which the special event is to occur.

F. Vehicle mounted political signs pertaining to a specific election are exempted from the requirements of this section.

G. This section shall not apply to signs that are being transported for installation.

(Ord. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

9-7-15: Exempted Signs:

The following signs shall be exempted from the provisions of this sign code, providing that they meet the requirements set forth in this section. Signs that exceed the stated area allowances shall be subject to the same permit requirements as otherwise set forth in this title.

A. All signs erected in a public right-of-way by a public agency controlling or directing traffic shall be exempt from the provisions of this chapter.

B. Political signs pertaining to a specific election which must be removed within five (5) days after the election by the candidate or property owner who placed the sign.

C. Real estate signs of less than four (4) square feet of sign area located within the building setback areas not occupying any portion of the public right-of-way.

D. Construction signs announcing the construction of a building or project naming owners, contractors, subcontractors, lending institutions, and architects, not to exceed one sign of thirty-five (35) square feet for each street frontage of the building frontage. Said sign shall be removed upon occupancy of the building for which the sign was intended.

E. Flags, either official or historical, of any state or nation.

F. Any sign inside a building, window, or on a door, except flashing, animated or rotating signs visible from outside the building. The total percentage of coverage for signs on or within windows and doors shall not exceed thirty-five percent (35%).

G. Owner identification or occupant identification signs for residential structures, private warning signs and "For Sale" or "For Rent" signs, none of which may exceed two (2) square feet.

H. Murals, as defined in this chapter. All requests for murals shall be reviewed by the arts Commission and the Planning Director, with their recommendation forwarded to City Council for approval on consent calendar. The responsibility for review shall fall to the Planning and Zoning Commission in the event there is no active arts Commission appointed.

I. Kiosks provided by the chamber of commerce, downtown business association and other nonprofit organizations that typically list local community events. A kiosk with space to list community events, locations of community buildings and a list of local businesses keyed to a location map may be permitted at the discretion of the Planning and Zoning Commission. Business and property owners adjoining the parcel under consideration shall be notified of such request. Said notice shall inform such owners that 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. Said permit approval shall be based on compliance with the following:

   1. Safe and adequate vehicular and nonvehicular access to the kiosk;

   2. Kiosk layout and design which reflects an intent to notify visitors and residents of community events; and

   3. Use of durable materials on the kiosk.

   The combined total for all signs within any one kiosk shall not be more than one hundred (100) square feet. Kiosks shall be placed within a landscaped area. Each entrance to the city shall have a designated area for these signs. Locations throughout the Downtown Core may also be selected for smaller kiosks (up to fifty (50) square feet each) serving the same purposes as above. All signs advertising a specific event shall be immediately removed at the conclusion of the event unless extended in writing by the Planning Director.

J. Signs stating the name of a housing complex of ten or more dwelling units, provided that the sign does not exceed twenty-five (25) square feet. Freestanding signs shall be placed within a landscaped area and shall be approved by the Planning Director.

K. Signs which are exclusively intended to direct pedestrian and vehicular traffic to entrances, exits, drive-up lanes, etc., smaller than three (3) square feet, with no advertising.

L. One Directory sign per entrance for multi-tenant buildings that does not exceed three (3) square feet. A larger Directory sign size, with a maximum area of six (6) square feet may be allowed upon approval by the city Planning and Zoning Commission.

M. Portable signs or banners, when used by churches, charities, and other similar nonprofit institutions or governmental entities for the purpose of announcing benefit or emergency

programs occurring within the church or institution, such as weekly free meals or cold weather shelters. Such signs must adhere to the standards set forth in section 9-7-12 of this chapter and may only be in place on the same premises and on the days such programs are taking place.

N. Integral decorative or architectural features of buildings, including building names and dedication dates, or works of art, so long as such features or works do not contain letters or numbers (except in case of building names and dedication dates). Signs for building names shall be in harmony with the architecture of the building and are not to exceed twelve feet (12') in letter height.

O. Public works of art that contain letters/numbers if approved by the Sandpoint arts Commission.

(Ord. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

9-7-16: Nonconforming Signs:

A. A "nonconforming sign" is any advertising structure or sign which was lawfully erected and maintained prior to the effective date hereof, or is located in newly annexed territory, and which does not conform to all applicable provisions of this chapter as it may be amended from time to time.

B. All nonconforming signs which are nonconforming due to exposed metal support poles, structures or edges, background color, or material, or because of design or construction standards, are allowed to remain as long as they advertise a bona fide business. However, in the event there is a change in the type of business, a request is made for a land use permit to change the use of the property, or a building permit is obtained for work involving any exterior building changes or building replacement or modifications to a site(s) upon which nonconforming signs exist, then all nonconforming signs on the subject site shall be removed or modified to comply with all the provisions of this chapter. A sign which does not conform to the provisions of this chapter shall not be structurally altered, relocated, or replaced unless it is immediately brought into compliance. In addition, all temporary and/or A-frame signs not meeting the provisions of this chapter shall be removed within thirty (30) days of the passage of this chapter. Flashing or rotating signs shall comply with the provisions of this chapter within sixty (60) days of its passage. In cases where removal of a nonconforming sign is required and would create an extreme hardship or substantial loss to the owner, as demonstrated by the owner, the owner then agrees to a reasonable time frame for the eventual removal of the nonconforming sign. This provision shall not apply to nonconforming signs illegally erected, those which pose a public safety hazard, or temporary, portable or off premises sign.

C. In certain cases nonconforming signs may be given a historic status. All requests for historic sign status shall be reviewed by the historic Commission and the Planning Director, with their recommendation forwarded to City Council for approval on consent calendar. The responsibility for review shall fall to the Planning and Zoning Commission in the event there is no active historic Commission appointed. Independent consideration of each request will be given, and the applicant shall address each of the criteria below:

1. At least fifty (50) years old or attached to a building which is on the national register of historic places.
2. On premises sign.
3. Unique in design and enhances the cultural, historical, nostalgic, or aesthetic quality of the city.
4. Structurally safe.

Once designated, historic signs are deemed in compliance with this chapter regardless of their size, material, colors or location. Decisions to grant historic status to a sign shall be made on a case-by-case basis, according to the criteria above. The granting of historic status for a sign shall not be considered as establishing a binding precedent to grant other historic status designations.

D. Notwithstanding the provisions of subsection B of this section, all signs that are nonconforming only because of the setback requirements set forth in subsection 9-7-11B of this chapter are hereby not required to move, provided they are not located on public right-of-way, in which case they are required to move in compliance with subsection 9-7-11B of this chapter.

(Ord. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

9-7-17: Maintenance and Repair:

Every sign, including, but not limited to, those signs for which permits are required or for which no permits or permit fees are required, shall be maintained in a safe, presentable and good structural material condition at all times, including the repair or replacement of defective parts, painting, repairing, cleaning and other acts required for the maintenance of said sign. The Building Inpsector shall require compliance with all standards of this provision. If the sign is not made to comply with adequate safety and maintenance standards, the Planning Director shall require its removal in accordance with this provision.

(Ord. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

9-7-18: Removal and Disposition of Signs:

A. Abandoned Signs: Except as otherwise provided in this chapter, any sign which is located on property which becomes vacant and unoccupied for a period of two (2) months or more, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business, shall not be deemed abandoned unless the property remains vacant for a period of six (6) months or more. Any sign which no longer, for a period of three (3) consecutive months, advertises goods, products, services or facilities available to the public, shall be deemed to have been abandoned. Abandoned signs shall be removed by the owner of the premises on which the sign is located. Signs that are conforming under the provisions of this chapter as to location, size, etc., but no longer advertise a bona fide business may, with the approval of the property owner/tenant and the Planning Director of the city, have the message or sign copy covered with paint or other material as approved by the Planning Director. In the event the property owner refuses to cover a conforming sign that no longer advertises a bona fide

business and is deemed to be abandoned, the remaining provisions of this section shall be enforced.

B. Dangerous or Defective Signs: No persons shall maintain or permit to be maintained on any premises owned or controlled by him, any sign which is in a dangerous or defective condition. Any such sign shall be removed or repaired by the owner of the premises or the owner of the sign. Upon failure of the owners to remove or repair a dangerous or defective sign, the Building Inpsector shall proceed as described in subsection C of this section.

C. Removal of Signs: The Building Inpsector shall cause to be removed any sign that endangers the public safety such as an abandoned, dangerous or materially, electrically or structurally defective sign. The Building Inpsector shall prepare a notice which shall describe the sign and specify the violation involved and which shall state if the sign is not removed or the violation is not corrected within twenty (20) days, the sign shall be removed in accordance with the provisions of this section.

All notices mailed by the Building Inpsector shall be sent by certified mail. Any time periods provided in this section shall be deemed to commence on the date of the mailing of the certified mail. The notice shall be mailed to the owner of the property on which the sign is located, the owner of the sign and the occupant of the property. If any such person is unknown or cannot be found, notice shall be mailed to such person's last known address, if any, and posted on the sign or on the premises.

Any person having an interest in the sign or the property may appeal the determination of the Building Inpsector ordering removal or compliance by filing a written notice of appeal with the city Planning and Zoning Commission within ten (10) days after receipt of the notice. Notwithstanding the above, in cases of emergency, the Planning Director and/or Building Inpsector may cause the immediate removal of a dangerous or defective sign without notice.

D. Disposal of Signs; Costs: Any sign removed by the Building Inpsector pursuant to the provisions of this section, shall become the property of the city and may be disposed of in any manner deemed appropriate. The cost of removal of the sign by the city shall be considered a debt owed to the city by the owner of the sign and the owner of the property, and may be recovered in an appropriate court action by the city. The costs of removal shall include any and all incidental expenses incurred by the city in connection with the sign's removal.

When it is determined by the Building Inpsector that said sign would cause an imminent danger to the public safety, and contact cannot be made with a sign owner or building owner, no written notice shall have to be served. In this emergency situation, the Building Inpsector may correct the danger, all costs being charged to the sign owner and property owner.

If it shall be necessary for the Building Inpsector to remove a sign pursuant to the provisions hereof, and it should be practicable to sell or salvage any material derived in the aforesaid removal, he may sell the same at private or public sale at the best price obtainable and shall keep an account of the proceeds thereof. Such proceeds, if any, shall be used to offset the costs of removal to be charged to the sign owner or property owner. Any excess cost over and above such costs and the cost of the removal shall be levied as an assessment against the property on which the sign is located, by the City Council, certified to the auditor and collected as any other assessment by the city. Should the proceeds exceed the costs, the excess shall be paid to the owner of the premises from which said sign was removed or to the owner of said sign, whenever claim thereof is established.

(Ord. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

9-7-19: Appeals:

Appeals from decisions made by the Planning Director shall be made to the city Planning and Zoning Commission. Appeals from the provisions or enforcement of this chapter shall be made as provided in title 9, chapter 2 of this code.

(Ord. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

9-7-20: Penalty:

Any person violating any provision of this chapter shall be guilty of an infraction and shall be punished in accordance with the provisions of Section 1-4-1 and Section 9-2-9 of this Code, and a separate offense shall be deemed to be committed for each day during which a violation occurs or continues.

(Ord. 1300, 6-4-2014; amd. Ord. 1381, 12-2-2020)

CHAPTER 8 HOME OCCUPATION REGULATIONS

9-8-1: Purpose; Intent:

The city recognizes the need for some citizens to use their place of residence for limited nonresidential activities. However, the city also believes that the need to protect the integrity and character of its residential areas is of paramount concern. The home occupation regulations are the means used to blend these two (2) desires. The home occupation regulations seek to balance the need of some individuals to work at home with rights of other individuals to enjoy the residential character of their neighborhood and their private property. Further, the purpose of the home occupation regulations is to protect the health, safety, and welfare of neighborhood residents and the preservation of the neighborhood as a comfortable place for the people who live there.

(Ord. 1009, 6-22-1998)

9-8-2: Applicability:

The regulations set forth for home occupations shall apply to all residential dwelling units or residential accessory structures, irrespective of the zoning district. Should a residential use in the commercial zoning district fail to meet the conditions necessary to qualify as a home occupation, it is then considered a full commercial business and must comply with all regulations covering commercial establishments.

These regulations do not apply to land uses which require Conditional Use Permits in residential zones which must go through a separate Conditional Use Permit review process. Clinics, doctors' offices, hospitals, health care practitioners, hair or beauty salons, real estate offices, animal hospitals, kennels, automobile repair service, body shops, restaurants, warehousing and other similar uses are not considered home occupations and are not permitted to operate as such in any residential zone.

(Ord. 1009, 6-22-1998)

9-8-3: Performance Standards:

Home occupations in any zoning district where permitted shall be subject to the following performance standards:

A. Location: A home business shall be carried on wholly within the principal building, provided that inside storage and/or minor assembly associated with the home occupation may also occur within an accessory structure. No home business nor any storage of goods, materials, or products connected with a home business shall be allowed outside of the principal building or accessory structure and there shall be no commercial on premises sales in connection with such home occupation.

B. Number: More than one home business at the residence may be permitted provided the total effect of all occupations shall not exceed the performance standards for home occupations.

C. Size: No more than thirty-five percent (35%) of the gross floor area of the principal dwelling unit may be used for home business(es). There is no restriction placed upon the usable area within an accessory structure provided no other activity besides inside storage and/or minor assembly activity is occurring and performance standards relating to maintaining residential character can still be met.

D. Residency: A home business must be conducted by persons who reside in the dwelling unit. No person who does not reside on the premises shall engage in the business and be located on the premises.

E. Restricted Materials: No toxic, explosive, flammable, combustible, corrosive, etiologic, radioactive or other restricted materials in excess of those levels allowed by the current edition of the fire code in effect in the city of Sandpoint shall be used or stored on the site.

F. Maintaining Residential Character: The business shall be conducted in a manner which will not alter the normal residential character of the premises by exterior alteration of the property, expansion of parking, construction, creation of a separate entrance, the use of color, materials, lighting, signs (other than on the applicant's vehicle), exterior storage of materials, garbage, goods or merchandise, or by the emission of sound, electric interference, vibration, dust, glare, heat, smoke, odors or liquids.

G. Signs: There shall be no signs other than those permitted in the applicable zoning district.

H. Business Traffic: Home occupations shall not impose any additional business traffic (i.e., traffic recruited to travel to or from the business) on the surrounding neighborhood. This requirement excludes occasional deliveries and any business or personal errands by the owner of the home occupation.

I. Vehicles: Vehicles associated with the home occupation which are rated by the manufacturer for a maximum gross weight in excess of ten thousand (10,000) pounds gross weight shall not be operated out of the premises or park on the property or adjacent streets. No more than one vehicle used in the business may be parked on the premises or operated out of the premises.

J. Parking: The home business shall not displace or impede the use of required parking spaces for the primary dwelling unit.

K. Applicable Codes: Structures must meet city building, construction, fire and land use regulations.

L. Motor Vehicle Related Home Businesses: Office only activities for motor vehicle-related home businesses may be allowed.

(Ord. 1075, 12-18-2002)

9-8-4: Home Occupation Registration:

All home occupations wishing to operate within the city limits shall obtain a business license. Approval of said business license shall serve as the Home Occupation Permit.

A. Issuance and Terms of Permit: The City may issue a Home Occupation Permit that complies with the provisions of this chapter, on forms prescribed by the City Clerk. Anyone applying for permission to operate a home occupation acknowledges and agrees to operate the home occupation in accordance with the performance standards contained in this chapter.

B. Fees: Any fee and/or fee schedule associated with a Home Occupation Permit shall be set from time to time by resolution of the City Council.

C. Revocation of Permit: The City may revoke a Home Occupation Permit and/or recommend assessment of fines as specified in Section 9-2-9 (Violations, Enforcement and Penalties).

D. Expiration and Period of Validity: A Home Occupation Permit is only valid within the timeframe of the valid business license for the same business. The Home Occupation Permit shall expire with the expiration of the business license for the same business.

(Ord. 1009, 6-22-1998

CHAPTER 9 MOBILE HOME PARKS/TRAILER COACH COURTS

9-9-1: Zoning of Mobile Home Parks/Trailer Coach Courts:

Every mobile home park/trailer coach court hereafter constructed shall be regulated by the following provisions of this chapter.

(Ord. 1236, 6-23-2010)

9-9-2: Definitions:

DEPENDENT TRAILER COACH: One which does not have a water closet and a bathtub or shower.

INDEPENDENT TRAILER COACH: One that has a water closet and a bathtub or shower.

LOCAL ADMINISTRATIVE AUTHORITIES: The individual official(s), board, department or agency established and authorized by a state, county, city or other political subdivision created by law to administer and enforce the provisions of the local codes and ordinances as adopted or amended.

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

MOBILE HOME SPACE/TRAILER COACH SPACE: A plot of ground within a mobile home park/trailer coach court designated for the accommodation of one mobile home/trailer coach.

MOBILE HOME/TRAILER COACH: A vehicle without means of self-propulsion, but licensable as a conveyance on public streets or highways, and which is constructed to permit occupancy as a dwelling or sleeping place for one or more persons.

SERVICE BUILDING: A building housing communal toilet, laundry and other sanitary facilities necessary for the health and convenience of the trailer occupants.

(Ord. 1236, 6-23-2010)

9-9-3: Site Selection:

A. Location: The site must not be: 1) close to swamps or other potential breeding places for insects or rodents; 2) subject to flooding, fire or safety hazards; 3) exposed to chronic nuisances, such as noise, smoke, fumes and odors. The site should be bounded on at least one side by a public street or highway.

B. Topography: The topography must be favorable to good site drainage, minimum grading, trailer placement, and ease of maintenance. Initial site grades exceeding eight percent (8%) or rock formation close to the surface, are likely to cause high development costs. Sparsely wooded sites providing shade trees are often advantageous.

C. Availability of Utilities: The site must be readily accessible to public utilities, including water, sewerage and electricity.

D. Necessary Land Area: The area of the mobile home/trailer coach court must be sufficient in size to accommodate: 1) the number of mobile home/trailer coach spaces desired; 2) roads and parking areas for motor vehicles; 3) service areas, buildings and playgrounds; 4) on site utilities where public utilities are not available.

(Ord. 1236, 6-23-2010)

9-9-4: Site Improvements:

The physical improvements of the site must be arranged to provide:

A. A convenient means of pedestrian and vehicular access to each mobile home/trailer coach space, parking areas, and accessory buildings.

B. An adequate supply of potable water.

C. A safe method of sewage disposal.

D. Electrical service for lighting and power.

E. Diversion of surface water away from buildings, mobile home/trailer coach spaces, service and recreational areas, and its disposal from the site.

(Ord. 1236, 6-23-2010)

9-9-5: Site Planning:

A plan of the proposed mobile home/trailer coach court must be developed for approval of the Commission indicating the layout of mobile home/trailer coach spaces, roads, walks, service buildings, service areas, utilities and necessary grading.

Determination must be made in the initial planning stage on the number of dependent and independent mobile home/trailer coaches to be accommodated.

A. Mobile Home/Trailer Coach Space Sizes: Each mobile home/trailer coach space must be not less than one thousand two hundred fifty (1,250) square feet in area and should be at least twenty-five feet (25') wide.

B. Spacing of Trailers: The minimum spacing between mobile homes/trailer coaches and buildings must be:

1. Side to side spacing, fifteen feet (15'); end to end spacing, ten feet (10) (space between end of mobile home/trailer bodies, not chassis).

2. No mobile home/trailer should be located closer than twenty-five feet (25') from the right-of-way line of a main highway, or ten feet (10') from the mobile home/trailer coach court property line.

C. Roads, Walks and Parking Areas:

1. General Circulation: Safety and convenience must be a major consideration in the layout of roads, walks and parking areas within the mobile home/trailer coach court. All roads must be continuous.

2. Servicing: Suitable vehicular access for firefighting equipment, delivery of fuel, removal of garbage and refuse, and for other necessary services must be provided. Minimum service distances as required by local regulations or accepted practice must control.

3. Width of Roads and Parking Areas:

Table 9-9-1 Mobile Home Park main access road width

Main Access Roads	Excluding Parking
Two-lane	20 feet

4. Parking Area: The same number of motor vehicle parking spaces must be provided as the number of mobile home/trailer coach spaces. These must be provided in special parking areas.

5. Walks: The mobile home/trailer park walk system must include a walk from the entrance of each mobile home/trailer to service facilities.

Table 9-9-2 Mobile home park walkway widths

Width of Walks	
Public walks (minimum)	4 feet
Entrance walks (from public walk to mobile home/trailer door)	2 feet

D. Service Buildings: Each mobile home/trailer coach court must be provided with one or more service buildings containing the requisite number of plumbing fixtures and other service equipment. The service buildings must conform in general to the following requirements:

1. Location: The building should be located not more than two hundred feet (200') from any dependent mobile home/trailer coach space.

2. Construction: The materials and methods used in the construction of service buildings must conform to local building codes for buildings of this nature[2]. It must have an interior finish which is moisture resistant and can be easily cleaned. All rooms of service buildings must be ventilated and all exterior openings provided with screens.

3. Facilities:

a. Separate men's and women's toilet rooms must be provided and distinctly marked. These rooms must be separated by a sound resistant wall. A vestibule or screen wall must be provided to prevent direct view into the toilet rooms when exterior doors are open.

b. Plumbing Fixtures: Every mobile home/trailer coach court must provide adequate toilet and laundry facilities. In no instance should there be less than one laundry unit (laundry tray or washing machine); one water closet, one lavatory and one shower for women; and one water closet, one lavatory and one shower for men. A slop water closet (water closet with seat removed) must be provided in each service building.

c. The slop water closet should be in a separate room of the service building with a single direct opening to the outside.

d. The facilities listed above will accommodate any number of independent mobile home/trailer coaches, and up to ten (10) dependent mobile home/trailer coaches. One water closet must be provided for each sex for every ten (10) additional dependent mobile home/trailer coaches. (Urinals for men may be substituted for ⅓ of these water closets.)

e. One lavatory must be provided for each sex for every ten (10) additional dependent mobile home/trailer coaches; and one shower or bathtub for each sex for every twenty (20) additional dependent mobile home/trailer coaches. A laundry unit must be provided for every twenty (20) additional mobile home/trailer coach spaces.

[2]See title 8, chapter 1 of this code.

f. All water closets and bathtubs or showers for women, and all water closets and bathtubs for men must be located in separate compartments, with self-closing doors. Gang type shower compartments may be used for men. Individual shower stalls must be approximately three feet by three feet (3' × 3'). Showers for women must have a dressing compartment with stool or bench. The room containing the laundry units must be separated from the toilet rooms, and have an exterior entrance only.

g. All plumbing installations shall conform to the local plumbing code.

h. Electrical: All electrical installations shall conform to the local electrical code.

i. Heating: Heating facilities capable of maintaining a temperature of seventy degrees Fahrenheit (70°F) in cold weather should be provided.

j. Hot Water: Facilities should provide for the continuous supply of three (3) to five (5) gallons of hot water per mobile home/trailer coach space. Hot water at a temperature of about one hundred eighty degrees Fahrenheit (180°F) should be provided for clothes washing equipment.

E. Laundry Drying Facilities: Mechanical laundry drying equipment or laundry drying yards must be provided. Laundry drying machines must be located in service buildings. Where laundry drying yards are used, they must be located convenient to service buildings and have an area of approximately fifty (50) square feet per mobile home/trailer coach space.

F. Refuse Collection: Refuse must be stored in flytight and rodentproof containers. Each coach space will require from four (4) to six (6) gallons of refuse storage capacity per day. Refuse container stations, where used, should be located a maximum of two hundred feet (200') from any mobile home/trailer coach space and preferably not more than one hundred fifty feet (150').

G. Recreation Areas: At least one hundred (100) square feet per mobile home/trailer coach space must be made available in one or more areas for recreational uses. These areas should be located so as to be free of traffic hazards.

(Ord. 1236, 6-23-2010)

9-9-6: Site Engineering:

Grading and drainage must be performed so that water will drain away from mobile home/trailer coach spaces, buildings, service and recreational areas, and off the site in a manner which will provide reasonable freedom from erosion. Walks, driveways and retaining walls must be so constructed as not to interfere with drainage.

A. Slopes of Mobile Home/Trailer Spaces, Roads, Walks and Service Areas:

1. Mobile home/trailer coach spaces must be graded toward abutting roadway to prevent surface water drainage across adjacent coach spaces. Grading under mobile homes/trailers must be provided to prevent puddling of water.

2. Where swales for the carriage of stormwater are needed between the mobile home/trailer coach space and the roadway, they must be of a shallow type, generally

not to exceed eight inches (8") in depth, to permit the parking of the trailer without damage to the undercarriage.

3. The following minimum and maximum slope values will usually give satisfactory results:

Table 9-9-3 Mobile home park minimum and maximum grades

	Minimum Percent	Maximum Percent
Roads	0.50	8
Walks	0.50	10
Recreation areas and laundry drying yards	0.50	4
Sodded and planted areas	1.00	10
Grade of coach space	0.50	5

B. Construction of Roads, Parking Areas, Walks and Service Areas:

1. Roads and Parking Areas: Roads must be constructed of concrete or macadam or of gravel, crushed stone, sand-clay, slag or other locally available suitable materials, with a light bituminous surface treatment, oil coating or other dust preventive material. Roads must be crowned at center to shed water to drainage facilities.

2. Walks: Walks must be constructed of concrete, macadam, gravel, fine stone, cinders or other materials providing a stable footing. Stepping stones may be used from main walks to trailers.

3. Recreation Areas and Laundry Drying Yards: Surfacing may be natural ground cover, sand-clay or other suitable local materials.

(Ord. 1236, 6-23-2010)

CHAPTER 10 TELECOMMUNICATIONS FACILITIES

9-10-1: Purpose:

A. The provisions of this chapter are intended to ensure that telecommunications facilities are located, installed, maintained and removed in a manner that:

1. Minimizes the number of antenna towers throughout the community;

2. Encourages the collocation of telecommunications facilities;

3. Encourages the use of existing buildings, light or utility poles, or other structures for antenna mounting and discourages construction of new antenna towers;

4. Ensures that telecommunications facilities are located and designed to minimize visual impact on the surroundings; and

5. Ensures that regulation of telecommunications facilities does not have the effect of prohibiting the provision of telecommunications services, does not unreasonably discriminate among functionally equivalent providers of such services, and allows the provision of adequate area coverage by such services.

(Ord. 1342, 1-18-2017)

9-10-2: Provisions:

A. Conflicting Standards: In the event that other standards of this title conflict with standards in this chapter, unless otherwise indicated the most restrictive shall prevail.

B. Definitions:

ANTENNA: Any device that transmits and/or receives radio waves, microwaves, or other electromagnetic radiation for voice, data or video communications purposes including, but not limited to, television, AM/FM radio, microwave, cellular telephone and similar forms of communications.

ANTENNA ARRAY: A single or group of antenna elements and associated mounting hardware, transmission lines, or other appurtenances which share a common attachment device such as a mounting frame or mounting support structure for the sole purpose of transmitting or receiving electromagnetic waves.

COLLOCATION: The placement of one or more antenna(s) on an antenna support structure or the placement of an antenna on an antenna tower on which one or more antennas are already located.

COMMISSION: The Federal Communications Commission ("FCC").

HOST MOUNTED SUPPORT STRUCTURE: Any structure or building not constructed primarily for the purpose of supporting an antenna but that supports an antenna as a secondary or accessory use (e.g., streetlights; traffic light structures; sign structures; or water towers).

LATTICE TOWER: An antenna tower characterized by a framework of lateral or diagonal cross members that stabilize the tower.

PERSONAL WIRELESS SERVICE: Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services.

PERSONAL WIRELESS SERVICE FACILITIES: Facilities for the provision of personal wireless services.

ROOF MOUNTED FACILITIES: Any facility installed on either the roof or side of a building.

SMALL CELLS: Compact wireless base stations containing their own transceiver equipment and function like cells in a mobile network but provide a smaller coverage area than traditional macrocells. Small cells will meet the two (2) parameters in subsections 1 and 2 of this definition. For purposes of these definitions, volume is a measure of the exterior displacement, not the interior volume of the enclosures. Antennas or equipment concealed from public view in or behind an otherwise approved structure or concealment are not included in calculating volume.

1. Small Cell Antenna: Each antenna shall be no more than three (3) cubic feet in volume.

2. Small Cell Equipment: Each equipment enclosure shall be no larger than seventeen (17) cubic feet in volume.

Associated conduit, mounting bracket or extension arm, electric meter, concealment, telecommunications demarcation box, ground based enclosures, battery backup power systems, grounding equipment, power transfer switch, and cutoff switch may be located outside the primary equipment enclosure(s) and are not included in the calculation of equipment volume.

SUPPORT STRUCTURE: A structure that is designed for supporting the installation of one or more antennas (e.g., a tower; roof mount; mounts attached to a utility pole).

TELECOMMUNICATIONS FACILITIES OR FACILITIES: Any antenna towers, support structures, antennas and their ancillary facilities that are used to provide commercial wireless communications or telecommunications services.

TEMPORARY ANTENNA TOWER: An antenna tower established for the purpose of providing telecommunications services on a temporary basis for a special event or to temporarily replace an antenna tower while it is being repaired.

TOWER: Any structure built for the sole or primary purpose of supporting one or more antennas that are used to provide commercial telecommunications services.

TOWER HEIGHT: The vertical distance measured from the base of the tower structure at grade to the highest point of the structure including the antenna.

VISUAL IMPACT MITIGATION: Technology that minimizes the visual impact of telecommunications facilities by camouflaging, disguising, screening, and/or blending into the surrounding environment. Examples of visual impact mitigation include, but are not limited to, facilities disguised as trees, flagpoles, bell towers, and architecturally screened roof mounted antennas.

C. Applicability:

1. The telecommunications facility regulations of this section apply to all telecommunications facilities used to provide commercial telecommunications services, except those associated solely with the following, which are exempt:

   a. Safety services provided by public agencies (e.g., police and fire); and

   b. Any facilities that state or federal law prohibits local government from regulating (e.g., satellite television receiving dishes).

2. Any public lands and agencies exemption from compliance with zoning in state law does not apply to private entities utilizing publicly owned lands.

D. Prohibited Locations and Support Structure Types:

1. The following locations and support structures are not permitted:

   a. Lattice and guyed tower support structures for telecommunications facilities.

E. Permitted Locations:

1. Collocation On Nonconforming Existing Support Structures: Support structures for telecommunications facilities on the effective date hereof that do not comply with the regulations of this section are deemed nonconforming structures.

2. Collocation On Legal Existing Support Structures: New telecommunications facilities collocated on support structures in existence on the effective date hereof are permitted in all zoning districts, subject to compliance with other applicable standards of this section.
3. New Roof Mounted or Host Mounted Support Structures: New telecommunications facilities located on roof mounted or host mounted support structures are permitted in all zoning districts, subject to compliance with other applicable standards of this section.
4. New Ground Mounted Support Structures: New ground mounted support structures for telecommunications facilities are permitted in IG, IBP, ITP, CA, CB and CC zoning districts, subject to compliance with other applicable standards of this section.

F. Code Compliance: All facilities shall at all times comply with all applicable federal, state and local building codes, electrical codes, fire codes and any other code related to public health and safety.

G. Safety: The structural design for all support structures must be certified by a professional structural engineer licensed to practice in the state of Idaho. The drawings shall meet the currently adopted building codes in accordance with section 8-1-1, "Building Codes Adopted", of this code.

H. Building Permit Required: A building permit, unless waived by the Sandpoint building department, must be obtained prior to the installation of any telecommunications facility.

I. Telecommunications Facility Development Permit: A telecommunications facility development permit shall contain the following information:

1. Construction drawings showing the proposed method of installation. Drawings shall be stamped by a licensed engineer and meet the currently adopted building codes in accordance with section 8-1-1, "Building Codes Adopted", of this code;
2. The manufacturer's recommended installations, if any; and
3. A diagram to scale showing the location of the telecommunications facility, property and setback lines, easements, power lines, all structures, and any required buffering and screening.

J. Development Standards:

1. Schedule: The following standards apply to telecommunications facilities:

Table 9-10-1 Telecommunications facility development standards

Support Type	Permitted Zones	Permitted Height	Setback	Screening	Visual Impact Mitigation	CUP
Existing support structures	Existing location	Existing height	Existing setback	n/a	n/a	n/a
Roof mounted support structures	All zoning districts	Not to exceed the zoning	n/a	Not required	Required[1]	Yes[2]

		district height limit				
Host mounted support structures	All zoning districts	5 feet above host structure	n/a	Not required	Required	Yes
	IG, IBP, ITP	Not to exceed the zoning district height limit	From property line: building setbacks of zone for both tower and equipment enclosure[3]	Required	Required	Yes
Ground mounted support	DC, DOC, CC	Support structure and antenna together may not exceed 35 feet	From property line: building setbacks of zone for both tower and equipment enclosure[3]	Required	Required	Yes

Notes:
1. Antennas under ten (10) square feet in surface area are allowed on roof mounted support structures without having to meet visual impact mitigation standards for roof mounted facilities, so long as the support structure does not exceed the tallest element of the building to which it is attached.
2. CUP required when total antenna surface area for all antennas exceeds ten (10) square feet.
3. See subsection M, "Residential Zone Setback", of this section.

2. Screening:

   a. Telecommunications facilities located above ground in or directly adjacent to RS, RM, RR-1, RR-2, NC, DC, DOC, and CC zones shall be surrounded by a minimum six foot (6') high decorative wall constructed of brick, stone, or textured concrete block. Telecommunications facilities in all other zones shall be surrounded by a minimum six foot (6') high wall or solid or slatted fence.

   b. The area around the perimeter of ground telecommunications facilities shall be landscaped unless the Planning and Zoning Commission determines otherwise.

3. Visual Impact Mitigation:

    a. Antenna Towers:

        (1) Antenna towers shall be painted a neutral color consistent with the natural or built environment of the subject site and the surrounding area unless otherwise required by the FAA or any other state or federal agency having such authority.

        (2) Antenna towers shall be constructed in a manner that is visually compatible with the surrounding built environment.

    b. Roof Mounted Facilities: Facilities mounted on the roof of buildings must be visually incorporated into the building or background by the use of architectural elements, color, screening or other methods.

    c. Host Mounted Support Structures:

        (1) Telecommunications facilities mounted on other structures not constructed for the primary purpose of supporting telecommunication services must be either fully concealed within the host structure or camouflaged to appear to be an integral part of the host structure.

    d. Ground Mounted Equipment Enclosures: Aboveground equipment enclosures that are used in or adjacent to residential and commercial zones must be designed with exterior facade materials of masonry, stucco, or beveled siding and be constructed in a manner that is visually compatible with the surrounding environment.

    e. Antennas and Cables: When visible, antennas and cables shall be of a color identical to or closely compatible with that of the structure to which they are attached unless otherwise required by the FAA or any applicable state or federal agency.

K. Lighting: Telecommunications facilities may not be artificially illuminated except as required by FAA regulations. All other outdoor lighting must meet the standards in title 8, chapter 10, "Outdoor Lighting", of this code.

L. Signage: Identification and contact information is permitted on one wall or fence mounted sign not exceeding four (4) square feet in area per site. Other signage may not be located on telecommunications facilities, unless required by the FCC or FAA.

M. Residential Zone Setback:

1. Antenna towers shall be separated from the property line of any adjacent property zoned RS, RM, RR-1, RR-2, or MUR at least a distance equal to the height of the antenna tower or one hundred feet (100'), whichever is greater.

N. Noise Reduction:

1. Noise generating equipment shall be sound buffered by means of baffling, barriers, or other suitable means and shall conform to section 5-2-6, "Noise", of this code.

O. Modification and Removal:

1. Modification or Removal of Nonconforming Telecommunications Facilities: Nonconforming telecommunications facilities being demolished or rebuilt must conform to Section 9-2-5, Nonconforming Provision.

2. Removal of Telecommunications Facilities:

   a. Providers must notify the city in writing when a telecommunications facility is no longer being utilized. Any facilities that are not utilized for the provision of telecommunication services for a continuous period of six (6) months or more will be considered abandoned. All abandoned facilities must be removed within six (6) months of abandonment. If a facility is not removed within six (6) months, the city is authorized to remove the facility at the landowner's expense.

   b. Where multiple users share a support structure, the nonoperational antenna and equipment enclosure must be removed. Any necessary shared facilities may be retained until all users have terminated the utilization of the support structure.

P. Third Party Review: Adequate review of applications, particularly for new ground mounted support structures, may require the city to retain consultants or other third party assistance to review an application. In such an event, the applicant must reimburse the city for the reasonable actual costs incurred by the city for retention of consultants or other third parties prior to issuance of any applicable permit. The city must provide a written scope and cost proposal to the provider for approval prior to the city entering into an agreement with a third party.

Q. Exceptions:

1. Applicability: In the event that standards of this section cannot be met by an applicant, and there exists no feasible alternative to providing adequate service by any provider for a particular geographic area, the applicant may apply for conditional use approval in accordance with the Conditional Use Permit provisions of Section 9-2-8.

2. Review and Submittal Requirements: Prior to submitting an application for conditional use approval in accordance with chapter 9-2 of this title, the applicant must request in writing a preapplication conference with the Planning Department. The purpose of the preapplication conference is to acquaint the participants with the applicable requirements of this section. A conditional use application must provide documentation demonstrating evidence of all the following:

   a. Telecommunications services by any provider are not adequate within a specific geographic area, and cannot be made available unless a new telecommunications facility is built or erected in a manner or location contrary to the standards of this section;

   b. Location on buildings or other structures is not possible because:

      (1) No existing or proposed structures adequate to support the proposed antenna are located within the geographic area required to meet the applicant's engineering and service requirements; or

      (2) Property owners or owners of existing structures for smaller scale installations are unwilling to accommodate the applicant's needs; or

(3) The applicant demonstrates that there are other factual and verifiable limiting factors that render rooftops and other sites or monuments unsuitable for location of telecommunications facilities; and

c. Collocation on existing support structures is not possible because:

(1) Existing or approved support structures are not of sufficient height to meet the applicant's engineering and service requirements and a combination of smaller scale facilities will not enable adequate service delivery; or

(2) Existing or approved support structures do not have sufficient structural strength to support the proposed antenna and related equipment and cannot be reinforced to provide sufficient structural strength; or

(3) The proposed antenna would cause electromagnetic interference with antenna on existing or approved support structures, or the antenna on existing or approved support structures would cause interference with the proposed antenna; or

(4) The applicant demonstrates that there are other factual and verifiable limiting factors that render existing or approved structural supports for telecommunications facilities unsuitable for collocation.

R. Affirmative Duty To Keep City Informed: All telecommunications service providers having facilities in the jurisdiction of the city shall file with the zoning administrator an annual written statement due by the end of the calendar year verifying continued use of each of their facilities in the city's jurisdiction as well as continued compliance with the state and federal agency regulations. All telecommunications service providers having telecommunications facilities in the jurisdiction of the city shall be required to report in writing to the zoning administrator any change in the status of their operations. Change in status shall include, but is not limited to, the following:

1. Change in or loss of license from the FCC to operate.
2. Receipt of notice of failure to comply with the regulations of any other authority having jurisdiction over the business or facility.
3. Change in ownership of the company that owns the telecommunications facilities or that provides telecommunications services.
4. Loss or termination of lease with the property owner or the owner of the telecommunications facilities.
5. Abandonment of a facility or nonuse of a facility for a period of six (6) months or longer.

(Ord. 1342, 1-18-2017)

CHAPTER 11 AREA OF CITY IMPACT

9-11-1: Purpose:

Idaho Code section 67-6526 requires that the governing board of the city adopt by ordinance a map identifying an area of city impact within the unincorporated area of the county surrounding said city.

(Ord. 959, 11-29-1994)

9-11-2: Consideration:

The following factors were considered by the Planning and Zoning Commission and the City Council in identifying the area of city impact for Sandpoint, Bonner County, Idaho:

A. Trade area;

B. Geographical factors;

C. Areas that can be reasonably expected to be annexed to the city in the future;

D. Areas where extension of city services are possible and reasonable;

E. Areas where growth is occurring or growth is anticipated to occur;

F. Areas in which to encourage or discourage particular types of growth and development and that which the city may want some form of control over in the future.

(Ord. 959, 11-29-1994)

9-11-3: Geographic Area of City Impact:

The official adopted geographic area of city impact is shown in section 9-11-8 of this chapter. All parcels of land lying within the area of city impact as delineated by Section 9-11-8 shall be subject to the provisions of this chapter.

(Ord. 958, 11-29-1994)

9-11-4: Comprehensive Plan:

The Comprehensive Plan and subsequent amendments thereof as officially adopted by Bonner County shall apply to the unincorporated portion of Bonner County, lying within the area of city impact for the city.

(Ord. 958, 11-29-1994)

9-11-5: Zoning and Subdivision Ordinances:

The Zoning and Subdivision Ordinances and subsequent amendments thereto as officially adopted by Bonner County, shall apply to the unincorporated portion of Bonner County, lying within the area of city impact.

(Ord. 958, 11-29-1994)

9-11-6: Review and Comment:

Any request for development, zone change, Conditional Use Permit, variance or subdivision in the unincorporated portion of Bonner County lying within the area of city impact shall be referred to the Planning and Zoning Commission and City Council of the city for review and comment. The city shall have a forty (40) day period within which to respond to any request set forth above. If the city does not respond within forty (40) days, the city forfeits its right to comment on the request and processing shall continue under the County's administration.

(Ord. 958, 11-29-1994)

9-11-7: Administrative Jurisdiction:

The administrative jurisdictions of plans and ordinances which apply to the area of city impact delineated by the map incorporated herein shall be the duty of Bonner County, which shall apply the same plans and ordinances for the unincorporated areas of the County lying within the areas of city impact as those areas lying outside the area of city impact.

(Ord. 959, 11-29-1994)

9-11-8: Legal Description and Map:

The area of city impact within the area of Bonner County, Idaho, is particularly described in ordinance 1130 on file in the city and also set forth on the map in that ordinance, which map shall be in effect until amended or modified as allowed by law. This map is attached as exhibit A to ordinance 1130 and incorporated herein by this reference.

(Ord. 1130, 2-16-2005)

CHAPTER 12 AIRPORT OVERLAY ZONE DISTRICT

9-12-1: Purpose:

It is the purpose of the Airport Overlay Zone District to restrict the height of structures and objects of natural growth, and otherwise regulate the use of property, in the vicinity of the Sandpoint Airport by: creating the appropriate zones and establishing the boundaries thereof; providing for changes in the restrictions and boundaries of such zones; define certain terms used herein; reference the Airport's FAR Part 77 Airspace; provide for enforcement; and impose penalties. It is hereby found that an aviation hazard endangers the lives and the property of users of the airport, as well as the property and the occupants of land in the vicinity of the airport. An aviation hazard reduces the size of the area available for landing, takeoff and maneuvering of aircraft, and thus diminishes or impairs the utility of the airports and the public investment therein.

Accordingly, it is declared that:

A. The airport fulfills an essential community purpose;

B. The creation or establishment of an aviation hazard is a public nuisance and will injure the region served by the airport;

C. The encroachment of noise sensitive or otherwise incompatible land uses within certain areas as set forth herein endangers the health, safety, and welfare of the owners, occupants, or users of the land;

D. It is necessary in the interest of the public health, safety, and general welfare that the creation of aviation hazards be prevented; and

E. Joint cooperation between all governing boards having jurisdiction within or adjoining the airport hazard areas is encouraged as a mechanism to prevent aviation hazards.

(Ord. 1037, 4-19-2000; amd. Ord. 1040, 7-18-2000; Ord. 1369, 12-18-2019)

9-12-2: Definitions:

See section 9-1-7 of this title for the definitions of the following terms used in this chapter:

Airport.

Airport elevation.

Hazard to air navigation.

Height.

Nonprecision instrument runway.

Person.

Precision instrument runway approach zone.

Primary surface.

Runway.

Visual runway.

(Ord. 1044, 10-18-2000)

9-12-3: Airport Overlay Zones:

In order to carry out the provisions of this chapter, there are hereby created and established certain zones for existing and future planned airport conditions as they apply to the Sandpoint Airport. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive limitation. The various zones are hereby established and defined as follows:

A. Utility Runway Nonprecision Instrument Approach Zones: The inner edge of this approach zone coincides with the width of the primary surface and is five hundred feet (500') wide. The approach zone expands outward uniformly to a width of two thousand feet (2,000') at a horizontal distance five thousand feet (5,000') from the primary surface, its center line being the continuation of the center line of the runway.

B. Transitional Zones: These zones are hereby established as the area beneath the transitional surfaces.

C. Horizontal Zone: The horizontal zone is hereby established by swinging arcs of five thousand feet (5,000') radii from the center of each end of the primary surface of each runway, and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

D. Conical Zone: The conical zone is hereby established as the area that commences at the periphery of the horizontal zone and extends outward there from the horizontal distance of four thousand feet (4,000'). The conical zone does not include the precision instrument approach zones and the transitional zones.

E. Inner Critical Zone (ICZ): Rectangular in shape and centered about the extended runway centerline. The width of the inner critical zone is two thousand feet (2,000') and extends a horizontal distance of five thousand feet (5,000') from each end of the primary surface.

F. Lateral Safety Zone (LSZ): An area extending one thousand feet (1,000') either side of runway centerline and including the area between the ends of the primary surface(s) used to enhance the protection of people and property on the ground.

G. Runway Protection Zone (RPZ): The RPZ is an area off each runway end, is trapezoidal in shape and centered about the extended runway centerline. The inner width of the RPZ is five hundred feet (500'). The outer width of the RPZ is seven hundred feet (700'). The length of the RPZ is one thousand feet (1,000'), beginning two hundred feet (200') from each end of the runway.

(Ord. 1037, 4-19-2000; amd. Ord. 1369, 12-18-2019)

9-12-4: Height Limitations:

Except as otherwise provided in this chapter, no structure shall be erected, altered, or maintained and no tree shall be allowed to grow, in any zone created by this chapter to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones as follows:

A. Utility Runway Nonprecision Instrument Approach Zones: Slopes outward twenty feet (20') horizontally for each one foot vertically beginning at the end of and at the same airport elevation as the primary surface and extending to a horizontal distance of five thousand feet (5,000') along the extended runway center line.

B. Transitional Zones: Slopes outward seven (7) feet horizontally for each one foot vertically beginning at the sides of and at the same elevation as the primary surface and the approach zones, and extending to a height of one hundred fifty feet (150') above the airport elevation, which is two thousand one hundred twenty-seven feet (2,127') above mean sea level. In addition to the foregoing, there are established height limits sloping outward seven feet (7') horizontally for each one foot vertically beginning at the sides of and at the same elevation as the approach zones, and extending to the intersection with the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, height limits sloping outward seven feet (7') for each one foot vertically shall be maintained beginning at

the sides of and at the same elevation as the approach surface, and extending to a horizontal distance of five thousand feet (5,000') measured at ninety degree (90°) angles to the extended runway center line.

C. Horizontal Zone: One hundred fifty feet (150') above the airport elevation or a height of two thousand two hundred seventy-seven feet (2,277') above mean sea level.

D. Conical Zone: Slopes outward twenty feet (20') horizontally for each one foot vertically beginning at the periphery of the horizontal zone and at one hundred fifty feet (150') above the airport elevation and extending to a height of three hundred fifty feet (350') above the airport elevation.

E. Conflicting Limitations: Where an area is covered by more than one height limitation, the more restrictive limitation shall prevail.

F. Excepted Height Limitations: Nothing in this chapter shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to forty-five feet (45') above the surface of the land if all applicable zone height restrictions can otherwise be met.

(Ord. 1037, 4-19-2000)

9-12-5: Use Restrictions:

A. Notwithstanding any other provisions of this chapter, no use may be made of land or water within any overlay zone established by this chapter in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport or otherwise in any way create a hazard or endanger the landing, takeoff or maneuvering of aircraft intending to use the Sandpoint Airport.

B. No change shall be made in the use of land and no structure or tree shall be erected, altered, allowed to grow or be maintained in any zone hereby created unless in conformance with this chapter.

C. No use or structure shall be established that would allow the creation of a "hazard to air navigation", as defined, or permit a nonconforming use, structure or tree to become a greater hazard to air navigation than the hazard was on the effective date of this chapter or any amendments thereto.

D. Rezoning of property within the overlay of the inner critical zone and lateral safety zone after the effective date of this chapter that would allow for any increase in population density, including the allowance of single-family homes, nursing homes, multi-family developments, apartments, condominiums, mobile home parks, schools, libraries, churches, outdoor spectator sports, parks, playgrounds or amphitheaters will not be allowed.

E. Disclosure Statement: Fair disclosure statement shall be provided to any applicant for Conditional Use Permits, variances, preliminary and final plats, lot line adjustments, planned unit developments or zone changes within the inner critical zone or the lateral safety zone. Further, the fair disclosure statement shall serve to notify prospective buyers of property near airports that subject property is subject to the provisions of this chapter and lies within the inner critical zone or

the lateral safety zone and under the Airport's FAR Part 77 Airspace. As such, it may be necessary to clear and keep clear the airspace of any portions of buildings, structures, or improvements of any and all kinds, and of trees, vegetation, or other objects. The fair disclosure statement shall also notify applicant for permit or prospective buyers that they may be exposed to potentially impactive levels of aircraft overflight, including, but not limited to, noise, vibration, fumes, dust, fuel or fuel particles, and other effects that may be caused by normal aircraft operations in and around airports. Before a permit shall issue, the applicant shall sign the fair disclosure statement and the fair disclosure statement will be recorded in the deed records of the county. Upon the applicant's refusal, the city shall acknowledge that the applicant was made aware of the above-described impacts. Such statement shall be recorded in the deed records of the county. Nothing stated herein is meant to provide pilots, crews, owners of aircraft, or any other person protection from liability for negligence committed on their part.

F. Within The Runway Protection Zone (RPZ): Notwithstanding nonconforming structures in existence on the effective date of this chapter, uses allowed in this zone are limited to cropland and open space.

(Ord. 1037, 4-19-2000; amd. Ord. 1040, 7-18-2000; Ord. 1369, 12-18-2019)

9-12-6: Nonconforming Uses:

A. The regulations prescribed by this chapter shall not be construed to require the removal, lowering or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date of this chapter, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this chapter, and is diligently pursued. Provided further, that nothing contained herein shall restrict or otherwise interfere with the use of North Boyer Avenue by vehicular traffic.

B. Notwithstanding the preceding provision of this section, the owner of any existing, nonconforming structure shall not object to the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Bonner County Commissioners and subsequently required by the Sandpoint Planning and Zoning Commission to indicate the presence of such airport hazards to the operators of aircraft in the vicinity of the airport. Notice of intent to require markers and lights on any nonconforming structure shall be provided to the property owner by the Bonner County Commissioners. Such markers and lights shall also be installed and maintained at the expense of the Bonner County Commissioners.

1. The owner of any existing nonconforming tree(s) located off airport property shall negotiate, when requested, with the Bonner County Commissioners to mitigate said airport hazard by one or any combination of the following means:

    a. Voluntary removal of the tree(s) by the property owner.

    b. Removal of the tree(s) by the Bonner County Commissioners, upon purchase of said tree(s) and/or land containing said tree(s).

    c. Purchase of a navigation easement by the Bonner County Commissioners for the purposes of preventing airport obstructions through means determined necessary by the Bonner County Commissioners.

d. Marking and lighting of the tree(s) by the Bonner County Commissioners to indicate the presence of such obstacles to the operators of aircraft.

2. Grant funding should be investigated to accomplish any of the above options. Any nonconforming tree(s) on Sandpoint Airport property shall be removed upon the recommendation of the Federal Aviation Administration.

C. Nonconforming uses are subject to the provisions for nonconforming uses as set forth generally in this chapter.

(Ord. 1037, 4-19-2000)

9-12-7: Variances:

A. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this chapter, may apply to the Planning and Zoning Commission for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Additionally, no application for variance to the requirements of this chapter may be considered by the Planning and Zoning Commission unless a copy of the application has been furnished to the Sandpoint Airport Board for advice as to the aeronautical effects of the variance. If the Airport Board does not respond to the application within fifteen (15) days after receipt, the Planning and Zoning Commission may act on its own to grant or deny said application.

B. However, a tree or structure of less than forty-five feet (45') of vertical height above the ground is permitted in the horizontal and conical zones or in any approach and transitional zones beyond a horizontal distance of four thousand two hundred feet (4,200') from each end of the runway except when such tree or structure, because of terrain, land contour or topographic features, would extend above the height limit prescribed for the respective zone.

C. Any variance granted may, if such action is deemed advisable to effectuate the purpose of this chapter and be reasonable in the circumstance, be so conditioned as to require the owner of the structure or tree in question to install, operate and maintain thereon such markers and lights as may be deemed necessary by the Bonner County Airport Commission or other appropriate agencies as necessary to indicate to pilots the presence of a "hazard to air navigation", as defined.

D. Variance applications required by this Chapter are to be submitted by applicant to the Bonner County Airport Commission for its review and recommendation, and subsequently to the Sandpoint Planning Department for review by the:

1. Federal Aviation Administration for review and recommendation;

2. Other appropriate agencies as necessary; and

3. Sandpoint Planning and Zoning Commission for its review and final decision.

(Ord. 1037, 4-19-2000; amd. Ord. 1040, 7-18-2000)

9-12-8: Conflicting Regulations:

Where there exists a conflict between any of the regulations or limitations prescribed in this chapter and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land or any other matter, the more stringent limitation or requirement shall apply.

(Ord. 1037, 4-19-2000)

9-12-9: Appeals:

Any person aggrieved, or any taxpayer affected, by any decision of the Planning and Zoning Commission in the administration of this chapter, may appeal to the City Council in accordance with the procedures noted in Section 9-2-7 of this Title.

(Ord. 1037, 4-19-2000)

9-12-10: Amending the Official Zoning Map:

Pursuant to section 9-2 of this title, the official zoning map of the city is hereby amended as shown on the hereby adopted official supplement zoning map on file in the office of the City Clerk.

(Ord. 1037, 4-19-2000)

9-12-11: Penalty:

Any person violating any provision of this chapter shall be guilty of a misdemeanor and shall be punished in accordance with the provisions of section 1-4-1 of this code, and a separate offense shall be deemed to be committed for each day during or which a violation occurs or continues.

(Ord. 1037, 4-19-2000)

CHAPTER 13 HISTORIC PRESERVATION CODE

9-13-1 Purpose and Applicability:

A. Purpose:

1. The legislature of the State of Idaho (pursuant to Chapter 46, Title 67, Idaho Code) has declared the engagement in a comprehensive program of historic preservation to be public policy and in the public interest for all levels of government in the state.
2. The purpose of this Historic Preservation Code is to promote the educational, cultural, and economic welfare of the City by engaging in a comprehensive program of historic preservation to promote, preserve, and protect historic buildings, structures, sites, and monuments which serve as visible reminders of the historical, archaeological, architectural, educational, and cultural heritage of the city.

3. It is the further purpose of this Historic Preservation Code to allow for the social and historical advantages of the City to promote the use and conservation of such property; to stabilize and improve property values in local historic districts; to encourage new buildings and developments that will be harmonious with the existing historical, archeological, and architectural structures, sites, and monuments.
4. It is further the purpose of this Historic Preservation Code to protect the history, architecture, ecology, scenic attributes that are threatened by the social and economic pressures that manifest through land use changes. Such protection through a special historic preservation district shall encourage harmony and compatibility in the planning of new buildings and development in keeping with the district's historic character.

B. Applicability: This code shall apply to all properties within any locally designated historic district and/or locally designated individual properties or landmarks.

9-13-2 Definitions:

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

ALTERATION: An "alteration" shall mean:

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

CERTIFICATE OF APPROPRIATENESS: A permit, issued by the Arts, Culture, and Historic Preservation Commission that verifies proposed work on a historic property or development within a historic district is suitable and won't negatively impact its historic significance.

CITY: City of Sandpoint.

COMMISSION: the Arts, Culture and Historic Preservation Commission of the City of Sandpoint, unless otherwise stated. Also abbreviated as ACHP Commission.

CONTRIBUTING PROPERTY: A property that significantly contributes to the historical character of an existing or potential National Historic-eligible historic district, when considering the historical integrity of a district. A property is contributing because: a) it was present during the period of significance, and possesses historic integrity reflecting its character at that time or is capable of yielding information

about the period, or b) it individually meets the National Register eligibility criteria. For inventory purposes, “primary” shall be used synonymously with “contributing”.

CHARACTER-DEFINING FEATURE(S): The essential physical characteristics of a historical resource that convey its historical significance, as described by the National Park Service. Such features may include but are not limited to the building material, window and door placement and design, architectural arrangement, massing, roof form, texture, paint, and may be identified in a historical resource survey or otherwise determined by the ACHP Commission.

DESIGNATED HISTORIC PROPERTY: Property locally designated under this chapter, as well as the National Register of Historic Places, as a historic property.

ELIGIBLE PROPERTY: A property that meets the criteria to be listed on the National Register of Historic Places.

EXTERIOR FEATURE: The architecture, size, location, type, style, kind, texture, design, general arrangement and/or material of a building, site, structure or object including, but not limited to, windows, doors, exterior light fixtures, roofs, signs, appurtenant fixtures, and fencing, all as visible from public right of way.

HISTORIC INTEGRITY: The ability of a resource to convey its significance through retention of aspects including: location, design, setting, materials, workmanship, feeling and association, as espoused by the National Park Service.

HISTORIC PRESERVATION: The identification, evaluation, recordation, documentation, curation, acquisition, management, protection, restoration, rehabilitation, stabilization, maintenance, interpretation, conservation, and education of buildings, structures, objects, districts, areas, and sites significant in the history, architecture, archaeology or culture of Sandpoint, the state or nation.

HISTORIC BUILDING/PROPERTY/HISTORICAL RESOURCE: The City has identified resources that are important to Sandpoint’s architectural, cultural, economic, historic, political, and social heritage, known as historical resources. Any building, structure, object, district, area, or site that is significant in the history, architecture, archaeology or culture of Sandpoint or that has made a significant contribution to the prehistory of the region, shall be considered a historic building/property/historical resource if it is locally designated in accordance with the provisions of this chapter, and is:

a. Included in the National Register of Historical Places; or

b. Included within the boundaries of a Historic Overlay Zone of the City, or

c. Is an individual landmark as stated in 9-13-2.

LOCAL HISTORIC DISTRICT: Any area designated as such by ordinance which includes or encompasses such buildings, sites, structures, or objects as the city may determine to be appropriate for historic preservation. Such local district (or districts) need not be a single enclosed area nor do the areas or sites have to be contiguous to constitute a district. A district may include contributing, noncontributing, or undeveloped properties.

NEW CONSTRUCTION: Construction or installation of an entire structure, whether primary, secondary or accessory.

NONCONTRIBUTING PROPERTY: A property within an existing or potential historic district that does not meet the criteria for a contributing building. A property may be noncontributing because: a) it was not

present during the period of significance; b) due to alterations, disturbances, additions, or other changes, it no longer possesses historic integrity reflecting its character at that time or is incapable of yielding important information about the period; or, c) it does not individually meet the National Registry eligibility criteria, however, a resource does not have to be individually eligible to be considered contributing to a district. A noncontributing building, site, structure, or object that is within a historic district remains subject to this article. For inventory purposes, “noncontributing” has been designated through a survey and a formal hearing process.

OBJECT (FOR PURPOSES OF DESIGNATION): A construction primarily artistic in nature or relatively small in scale and simply constructed, such as a statue, milepost, or sign.

ORDINARY REPAIRS: The maintenance or repair of any exterior feature of any building or structure in an historical district, or of any historic property or landmark which does not involve a change in design, material, color or outer appearance thereof.

PERIOD OF SIGNIFICANCE: The length of time when a property or district was associated with important events, activities, or persons, or attained the characteristics which qualify it for national register listing. Period of significance usually begins with the date when significant activities or events began giving the property its historic significance; this is often but not always a date of construction.

PRESERVATION: The act or process of applying measures necessary to sustain the existing form, integrity, and materials of a historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. New exterior additions are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical and plumbing systems and other code required work such as improvements for compliance with Americans with Disabilities Act (ADA) to make properties functional is appropriate within a preservation project. Exterior additions should be sympathetic to the significant elements of the historic property.

PUBLIC SAFETY ACTION: Any measure of construction, alteration, stabilization, or demolition of a historic resource necessary to correct or abate the unsafe or dangerous condition of any structure which such condition has been declared unsafe or dangerous by the Chief Building Official or Fire Chief.

RECONSTRUCTION: The act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving building, site, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location.

REHABILITATION: The act or process of making possible a new use for a property through repair, alterations, and additions using in-kind materials while preserving those portions or features which convey its historical, cultural, or architectural values.

RESTORATION: The act or process of accurately depicting the forms, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the historic period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code required work to make properties functional is appropriate within a restoration project.

RESOURCE RECORD: A form that catalogs the age, style, contributing or noncontributing classification, address, location, photograph, date of inventory, name of surveyor, building permit history and other

relevant information as may be acquired or required by the Director or Commission for a building, site, structure, or object.

SECRETARY OF THE INTERIOR'S STANDARDS FOR REHABILITATION: Standards that were written pursuant to federal law to ensure that work on historic buildings is done in such a manner which preserves the historical integrity of the building. For further information refer to the "Secretary of The Interior's Standards For The Treatment Of Historic Properties With Guidelines For Preserving, Rehabilitating, Restoring And Reconstructing Historic Buildings".

SITE (FOR PURPOSES OF DESIGNATION): Location of a significant event, a pre-contact or historic occupation or activity, or a building or structure, whether standing, ruined or vanished, where the location itself possesses historic, cultural or archaeological value regardless of the value of any existing structures.

SITE IMPROVEMENTS: A modification to the grounds of a property not including the buildings or accessory buildings. Such improvements may include, but are not limited to: fences, walls, greenhouses, storage sheds, outdoor light fixtures, patios, decks, porches, landscape features, steps or pavement.

STRUCTURE (FOR PURPOSES OF DESIGNATION): A functional construction made for purposes other than creating shelter, such as, but not limited to, a bridge, canal, or man-made waterfront; and 2 (For All Other Purposes): Anything constructed or erected which requires permanent location on the ground or is attached to something having location on the ground. Structures may include, but are not limited to, buildings, platforms, framework, antennas, and prefabricated sheds or other structures.

SURVEY FORM: See Resource Record, above.

TEMPORARY FEATURES: Items that are erected or displayed for a limited amount of time, not to exceed one hundred eighty (180) days at any one time unless otherwise approved by the Director, which may include, but are not limited to: sidewalk cafe tables, fences, chairs, planters, umbrellas, and bicycle racks.

TEMPORARY STRUCTURES: A structure with or without a foundation that is erected for a limited amount of time, not to exceed one hundred eighty (180) days at any one time unless otherwise approved by the Director, which may include, but is not limited to, playhouses and play equipment, mobile buildings and carport/canopy structures.

9-13-3 Designation of Local Historic District:

The City may establish by ordinance one or more local historic preservation districts within the City using the criteria and procedures set forth in Title 9, Chapter 2, Section 10, Legislative Actions, and the regulations set forth below.

A. Establishment of a Local Historic District: The City may establish by ordinance one or more historic preservation districts, as a zoning overlay district, provided that any historic district shall not be designated until a minimum of one of the following criteria has been established:

   1. Historical or Cultural Importance:

      a) The district has significant character, interest, or value as part of the development, heritage, or cultural characteristics of the city, state, or nation;

      b) The district is associated with the life of a person significant in the past;

c) The district is the site of an historic event with significant effect upon society;

d) The district exemplifies the cultural, political, economic, social, educational, or historic heritage of the community;

e) The district should be part of or related to a street, square, park, or other distinctive area, should be developed or preserved according to a plan based on historic, cultural, or architectural motif; or

f) Owing to its unique location or singular physical characteristics of the district, represents an established and familiar visual feature of the neighborhood, community, or city.

B. Architectural Importance:

1. The district portrays the environment in an era of history characterized by a distinctive architectural style;

a) The district embodies those distinguishing characteristics of an architectural-type or engineering specimen;

b) The district is the work of a designer, architect, or craftsman whose individual work has significantly influenced the development of the city, state, or nation; or

c) The district contains elements of design, detail, materials, or craftsmanship that represent a significant innovation.

C. Archeological Importance:

1. The district has yielded or may be likely to yield information important in pre-contact or history; or

2. The district contains or is likely to contain physical remains, such as relics, monuments, or symbols, of past human life and activities.

D. Commission Research and Report on Proposed District:

1. The Commission, whether by its own initiative or upon request of the City Council, or upon request of one or more property owners in the area of a proposed local historic district, may recommend the designation of one or more local districts.

2. Prior to recommending designation the Commission shall make a survey of the historical, architectural, archaeological, and cultural significance of the buildings, structures, features, sites, or surroundings included in any such proposed local historic district based on the historical, architectural, and archaeological criteria established in this section. For the purposes of creating an historic district in downtown, the Arts, Culture, and Historic Preservation Plan, the surveys referenced therein, and its appendices adopted by City Council in 2018 shall satisfy the requirement of a survey.

3. Thereafter, the Commission shall prepare a report containing recommendations concerning the area or areas to be included in the proposed local historic district or districts.

4. Transmittal of Report to Planning and Zoning Commission: Copies of the report shall be transmitted to the Planning and Zoning Commission for their review and recommendation to City Council through the public hearing process outlined in Title 9, Chapter 2, Section 10 of this code for legislative actions and overlay districts.

5. Notice Requirements of the public hearing before the Planning and Zoning Commission: In addition to the noticing requirements for adoption of overlay districts in Chapter Title 9, Chapter 2, Section 10, notice of the time, place, and purpose of the hearing shall be provided at least fifteen (15) calendar days prior to the hearing by one publication in a newspaper of general circulation in the city, and written notice of the hearing shall be given to the owners of all properties, as well as occupants of the properties if different from the owners, to be included in the local district or districts at least fifteen (15) calendar days prior to the hearing.

9-13-4 Designation of Local Historic Landmarks:

Historic Landmarks shall be designated by ordinance and in accordance with the following criteria and procedural requirements:

A. The building, site, structure, or object proposed for such designation may be so designated on the following criteria: historical, architectural, archeological, and cultural significance; suitability for preservation or restoration; educational value; cost of acquisition, restoration, maintenance, operation, or repair; possibilities for adaptive or alternative use of the property; appraised value; and the administrative and financial responsibility of any person or organization willing to underwrite all or a portion of such costs. In addition, it must meet the criteria established for inclusion in the National Register of Historic Places.

B. The Commission, either on its own initiative or upon the request of the City Council, or upon the request of owner of the property proposed to be designated, may recommend the designation of a historic landmark. Prior to recommending the designation, the Commission shall conduct studies, research, and investigations based on the relevant criteria listed in subsection (1) of this section. Thereafter, the Commission shall prepare a report containing recommendations concerning the historic landmark proposed to be designated and a draft of the designating ordinance to be presented to the Planning and Zoning Commission and City Council for consideration during a public hearing(s) before each body. The report of the Commission shall include comments regarding the suitability of the historic landmark for preservation or restoration.

C. For each designated individual historic landmark, demolition or removal shall be subject to Section 9-13-5(N). Demolition, removal, material alteration, and remodeling shall be subject to the applicable Certificate of Appropriateness requirements and exemptions of Section 9-13-5. The designating ordinance shall also provide guidelines for a suitable sign or marker on or near the historic landmark indicating that the property has been so designated.

D. For properties both designated as a historic landmark and located within a local historic district, the portion of this chapter pertaining to the districts, takes precedence over the waiting period for demolition, material alteration, remodeling, or removal of the structure.

E. The City Council shall hold a public hearing on the designating ordinance, after having given written notice to the owners and occupants of the property. Notice of the time, place, and purpose of the hearing shall be provided at least fifteen (15) calendar days prior to the hearing by one publication in a newspaper of general circulation in the City, and written notice of the hearing shall be given to the owners of all properties, as well as occupants of the properties if different from the owners, that are the subject of the landmark at least fifteen (15) calendar days prior to the hearing

F. Following such public hearing, the City Council may act on the designating ordinance.

G. Upon passage of the designating ordinance, the owners and occupants of each designated historic landmark shall be given written notification of said designation by the City Council, and one copy of the designating ordinance shall be filed in the office of the County Recorder of Bonner County, Idaho, by the City Clerk.

H. The City Clerk shall give notice of such designation to the Tax Assessor of Bonner County, Idaho.

9-13-5 Permits Required:

A. Purpose and Intent:

1. The purpose of the Certificate of Appropriateness is to promote the public health, safety, and welfare through the preservation of historical resources, and thereby safeguard the city's heritage as embodied and reflected in its resources; carry out the goals and policies of the Comprehensive Plan; enhance and preserve property values; protect and enhance the city's attractiveness to tourists and visitors; stabilize areas of the city and preserve varied and harmonious architectural styles reflecting phases of the city's history; promote and encourage continued private ownership and utilization of such structures; foster civic and neighborhood pride and sense of identity based on the recognition and use of historic resources; and promote the enjoyment and use of historic resources appropriate for the education and recreation of the people of Sandpoint.

2. It is the intent of the Certificate of Appropriateness to implement the Comprehensive Plan and policies related to historic preservation by protecting structures, improvements, natural features, and objects of known or potential historic significance from alteration or demolition that would have an adverse effect thereon.

B. Applicability and When Required: A Certificate of Appropriateness shall be required for all of the following activities:

1. No exterior feature as defined herein above in subsection 9-13-2 of any building, site structure or object, including all appurtenant features, nor aboveground utility structure nor any type of outdoor advertising sign shall be erected, altered, restored, moved, or demolished within a local historic district or any local landmark until after an application for a Certificate of Appropriateness has been submitted to the Department and approved as set forth table 9-13-1 of this Chapter, unless exempted from this requirement, as established in subsection 9-13-5(E), Exemptions from the requirement to obtain a Certificate of Appropriateness.

2. A Certificate of Appropriateness is required whether or not a building permit is required, and a Certificate of Appropriateness must be granted in all cases before an applicant can obtain any other permit. (IC 67-4608).

C. Initial Identification: As part of the application process for a Certificate of Appropriateness, the planning staff shall confirm the contributing or non-contributing classification of the property based upon the survey records.

D. All applicable permits, as established in Title 9, Chapter 2, Zoning Administration, shall be required in addition to a Certificate of Appropriateness, unless otherwise herein stated.

Table 9-13-1 Certificate of Appropriateness review requirements

Reason for Certificate of Appropriateness	Arts, Culture, and Historic Preservation Commission Review	Staff Level Review	No CA Required
Deviation from Historic Design Standards or Guidelines	X		
Exterior Alterations (includes windows and doors, exterior materials, etc.)	X		
Demolition or Relocation	X		
New Construction	X		
Interior Alterations			X
New Sign (Structure)		X	
Sign Face/Copy Change		X	
Window Signage		X	
Aboveground Utility Structures	X		
Ordinary Repairs			X
Landscaping		X	
Maintenance			X
Public Safety Actions		X	
Change in zoning classification/rezone (IC 67-4609)	X		

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

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

F. Application Requirements:

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

G. Application Initial Processing: Applications for Certificates of Appropriateness shall be filed in accordance with the provisions of Section 9-2-3: Permit Application Filing, Fees, and Initial Processing. In addition, all applications requiring Commission review and approval in accordance with Table 9-13-1 shall be referred to the Commission upon being deemed complete.

H. Notice of Public Hearing: Except for those Certificates of Appropriateness approved at the staff level, prior to approval or denial of a Certificate of Appropriateness requiring action by the Commission a public hearing shall be held, notice shall be posted on the premises not less than seven (7) calendar days prior to the meeting and notice shall be mailed to the applicant, the property owners and residents within three hundred feet (300') of the exterior boundary of the parcel under consideration, a minimum of fifteen (15) days prior to the public hearing.

I. Findings and Decision: An application for a Certificate of Appropriateness shall be approved only after first making the following findings:
   1. Findings for Alterations: A decision in regard to Certificates of Appropriateness for alterations shall be based on the following findings as applicable to that property or request and as they relate to historic preservation:
      a) That the request is consistent with the Secretary of the Interior’s Standards for Rehabilitation and guidelines for rehabilitating historic buildings;
      b) That the request is consistent with City of Sandpoint adopted historic preservation guidelines, if any;
      c) That the request supports the goals, policies, and action items of the City of Sandpoint’s Comprehensive Plan and any relevant plan, such as the Arts, Culture, and Historic Preservation Plan, referenced therein;

d) That based on the adopted guidelines or the Secretary of the Interior's standards and guidelines mentioned above, the request will not be incongruous with the historical, architectural, educational, or cultural aspects of the local district;

e) That the request complies with the dimensional standards and other applicable requirements of Title 9 of this Code including but not limited to setbacks, height restrictions and parking requirements, unless the Commission finds that modifying these standards is necessary to protect the overall character of the local district and to comply with any adopted guideline.

J. Findings for Demolition or Relocation: In order to approve a Certificate of Appropriateness for demolition or a relocation request, at least three out of the following five findings shall be made:

1. That the building, site, structure, or object is not classified as contributing within the local district as stated on a survey form not greater than ten years old on file in the Planning Department;
2. That the building, site, structure, or object cannot reasonably meet national, state, or local criteria for designation as a historic property;
3. That the demolition of the building, site, structure, or object would not have an adverse impact on the character of the district and/or the adjacent properties and/or would not put the district at risk of losing historical status;
4. That the owner has reasonably demonstrated that rehabilitation of the building, site, structure, or object would not be economically practical, realistic, or viable based on review of the information required in Section 9-13-5, Application Requirements for demolition/relocation, above;
5. That plans have been submitted to the City to redevelop the property if the demolition proceeds and such plans will have a positive effect on the district and/or adjacent properties. The size, scale, use, materials, and/or overall design of the project may be considered as qualities for producing a positive effect that furthers the purpose of the district.

K. Findings for Change in Zoning Classification: A decision in regard to Certificates of Appropriateness for a change in zoning classification/rezone shall be based on the following findings:

1. That the request supports the City of Sandpoint's Comprehensive Plan, and any relevant plan referenced therein;
2. That the request will be congruous with the historical, architectural, archaeological, educational, or cultural significance of the local district;
3. There will be no significant effect on the exterior of the resource.

L. Findings for New Construction (for New Construction within a Local Historic District): A decision in regard to Certificates of Appropriateness for new construction shall be based on the findings in 9-13-5(I)(1), above, and the following findings:

1. Review of Building Mass: The mass of the building shall be reviewed for its relationship to other buildings within the local historic district, and shall be compatible and consistent with the predominant building mass within the local district;
2. Proportion Of Building Facades: The height to width relationship shall be compatible and consistent with the predominant architectural character of the local historic district;
3. Design Interest: The exterior of the building shall provide architectural relief and design detailing compatible with the architectural character of the local historic district;
4. Appropriateness of Materials: The materials shall be compatible with the materials of other buildings within the local historic district.
5. Retention of Authenticity: The building is not attempting to create a false sense of history.
6. In applications where a Conditional Use Permit and/or a Site Plan Review Permit is required, as established in Chapter 2, Section 2-8, Zoning and Land Use Permits, requisite findings for such permits shall also be required.

M. Maintenance and Repair Required - Demolition by Neglect:

1. Any property located within the district shall be preserved by the owner, or such other persons as may have legal custody or control of the property, against decay and deterioration, and free from unreasonable structural defects. The owner or person having legal custody and control of the property shall repair such resource if it is found to have one or more of the following defects, or other defects that in the judgment of Commission has a detrimental effect on the historical characteristics of the property or district:
   a) The deterioration of exterior walls or other vertical supports;
   b) The deterioration of roofs or other horizontal members;
   c) The deterioration of external chimneys;
   d) The deterioration or removal of exterior finishes or fenestration;
   e) The ineffective waterproofing of exterior walls, roofs and foundations including broken windows or doors; and
   f) The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition or conditions.
2. If the Commission makes a preliminary determination that a resource is being demolished by neglect, it shall direct the Building Official to notify the owner(s) of the resource of this preliminary determination, stating the reasons therefor, and shall give the owner of record 45 days from the date of mailing such notice to commence work to correct the specific defects as determined by the Commission.
3. If the owner(s) fail to commence work within the time allotted as evidenced by the issuance of a building permit (if required) and Certificate of Appropriateness, Commission shall notify the owner(s) in writing to appear at a public hearing before the Commission at a date, time, and place to be specified in the notice, which shall be mailed at least 28 days before the hearing. The Commission shall also notify in writing adjacent property owners of such a hearing. The Commission shall receive evidence on the issue of whether the subject resource

should be repaired, and the owner(s) may present evidence in rebuttal thereto. If, after such hearing, the Commission determines that the resource is being demolished by neglect, it shall inform the Director who may initiate code enforcement actions in accordance with the regulations set forth in chapter 2, Zoning Administration.

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

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

O. Building Code Exemptions:

1. In order to promote the preservation and restoration of historic properties within the City, a historic property, or structure within a historic district may be exempted from the application of such standards contained in the building codes if, upon recommendation from the Historic Preservation Commission, it shall be determined such application would otherwise prevent or seriously hinder the preservation or restoration of said historic property or structure; provided, that the restored building or structure will be no more hazardous, based on life safety, fire safety, and sanitation standards, than the existing building, as determined by the Chief Building Official.
2. A historic building or structure shall comply with the provisions regarding historic buildings of the adopted edition of the International Existing Building Code (IEBC) relating to their repair, alteration, relocation and change of occupancy.

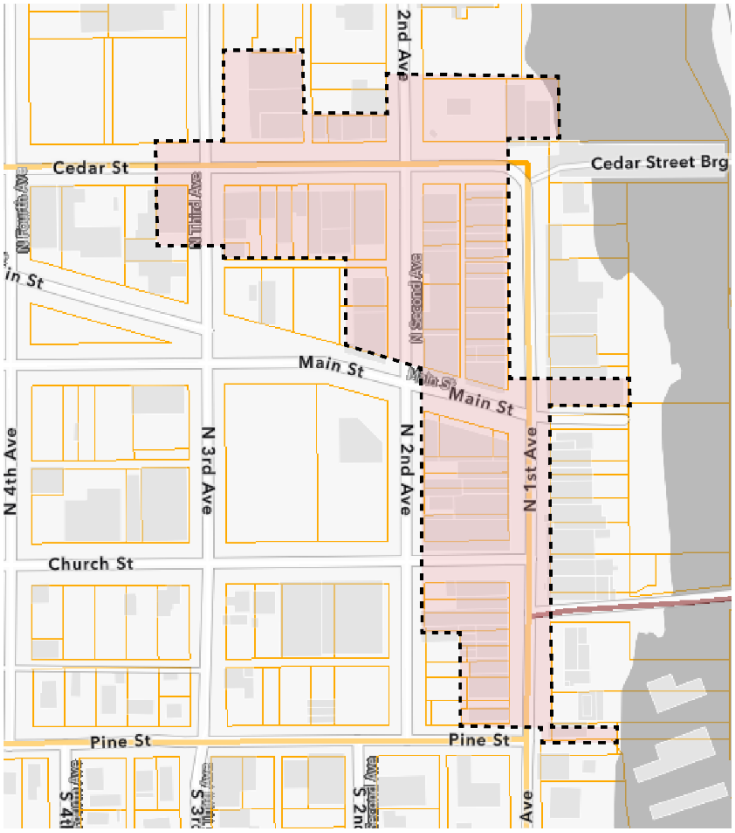
P. Penalties: Any person who violates any provision of this Chapter shall be subject to the penalties and remedies as provided in Title 9, Chapter 2 (Zoning Administration).

9-13-6: Downtown Sandpoint Historic Preservation Overlay Zone District (HP – D):

A. Purpose and Applicability:

1. Purpose: The Downtown Sandpoint Historic Preservation Overlay District, also known by the abbreviation (HP-D), is established to promote the preservation and rehabilitation of historic buildings in the downtown area and to provide for new infill construction consistent with the character of the district. The Downtown Sandpoint Historic Preservation Overlay District is a means to recognize the defined area as a community asset that has historical and architectural attributes worthy of protection and preservation.
2. Applicability: The Downtown Sandpoint Historic Preservation Overlay District applies to the following area as shown in Figure 9-13 (1).

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



B. Governing Structure: The legislature of the State of Idaho (pursuant to chapter 46, title 67, Idaho Code) has declared the engagement in a comprehensive program of historic preservation to be public policy and in the public interest for all levels of government in the state. This Chapter 13 and Chapter 2 of this Sandpoint City Code Title 9 provide for the creation of historic preservation overlay districts and is applied to the Downtown Sandpoint Historic Preservation Overlay District as of the date of its creation. This subsection codifies and promulgates the provisions contained in Title 9, Chapter 2 of this Code (Zoning Administration), Title 9, Chapter 13 of this Code (Historic Preservation Code), and Title 2, Chapter 10 of this Code (Boards and Commissions) pertaining to the Arts, Culture, and Historic Preservation Commission.

C. Definitions: The definitions contained in 9-1-7 and 9-13-2 shall apply to the Downtown Sandpoint Historic Preservation Overlay District.
D. Permit Required: All land use actions and development activity within the boundaries of the district, including the modification of any structure or new development, or demolition, as defined and established in 9-13-2, above, shall first require the issuance of a Certificate of Appropriateness pursuant to 9-13-5, above, unless exempt.
E. Standards Apply: The following design standards shall apply within the district boundaries to the modification of any structure or new development as defined and established in Section 9-13-2 (Definitions), above. These standards are in addition to the design standards contained in the underlying zone located in Chapter 3.
    1. Basic Standards: The Secretary of the Interior's Standards for Rehabilitation shall provide the basic direction for review of improvements affecting properties within the district.
    2. Standards for Existing Buildings (Maintenance and Improvements):
        a) General Intent: The standards for existing buildings are intended to preserve and reinforce the architectural character, materials, and defining features of buildings that contribute to the historic downtown environment. Regular maintenance, repair, and sensitive improvements are encouraged to extend the life of existing structures while retaining the elements that give downtown Sandpoint its distinctive identity. These standards prioritize preservation over replacement and seek to prevent incremental alterations that erode historic character over time.
        b) Preservation Priority: Existing buildings shall be maintained, repaired, and improved in a manner that preserves their defining architectural features and historic character. Repair and restoration shall be prioritized over replacement wherever feasible.
    3. Character-defining Features: The following elements shall be preserved and maintained where they exist:
        a) Historic storefront configurations, including recessed entries and display windows;
        b) Original window openings, proportions, and rhythms;
        c) Masonry, stone, wood, and metal architectural detailing;
        d) Cornices, parapets, pilasters, belt courses, and decorative brickwork.
    4. Inappropriate alterations: The following are prohibited for existing buildings:
        a) Covering historic materials with non-historic cladding;
        b) Reducing or infilling original window openings;
        c) Replacing historic windows with vinyl or incompatible window systems;
        d) Removing or obscuring defining architectural features.