

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 frontage. A 10 foot setback allowance shall be approved when setback areas are developed as a civic space identified in subsection 9-2-1- 6E of this chapter.	Buildings shall be constructed to the property line along their primary frontage. A 10 foot setback allowance shall be approved when setback areas are developed as a civic space identified in subsection 9-2-1-6E of this chapter.	Buildings shall be constructed to the property line along their primary frontage. A 10 foot setback allowance shall be approved when setback areas are developed as a civic space identified in subsection 9-2-1-6E of this chapter.

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

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

9-2-1-5: - Building Height:

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

**TABLE 3
BUILDING HEIGHT**

	Commercial A	Commercial B	Commercial C
Minimum number of floors ¹	2	2	2
Maximum height	35 feet	35 feet	35 feet

<p>Maximum height when structured parking or a residential component is included in building footprint</p>	<p>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.</p>	<p>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.</p>	<p>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.</p>
<p>Maximum height adjacent to residential zone</p>	<p>Maximum height of any portion of a structure within 50 feet of a residential zoning district line shall be 35 feet.</p>		

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)