

**MINUTES**  
**REGULAR MEETING OF THE SANDPOINT CITY COUNCIL**  
**October 19, 2016**

**G-1. PUBLIC HEARING – MODIFICATIONS TO SANDPOINT CITY CODE TITLES 6, 9 AND 10**

**Mayor Rognstad** announced that the purpose for the public hearing is to hear public testimony on the modifications to Sandpoint City Code Titles 6, 9 and 10. The proposed modifications will add a definition of footprint; establish changes in lost line procedures; allow NAVD88 for purposes of establishing high water mark; clarify house number signs in residential zones; clarify bicycle parking requirements; abolish maximum surface parking for industrial zones; add tree house and play structure to definition of accessory building; update Business District section with current zoning; establish a height for fences in front of primary structure; and establish libraries as conditional use within Residential and MUR zones. The Planning Commission has recommended approval. In accordance with Idaho Code, notice of this public hearing was published in the Bonner County Daily Bee on September 28, 2016.

Planning and Economic Development Director Aaron Qualls noted that they received a recommendation from the Pedestrian and Bicycle Advisory Committee that adds a standard for and more distance between bicycle racks. He explained to **Councilman Eddy** that the reason play structures and tree houses are included as an accessory building or use is because there a couple of permanent tree houses in town that are not addressed in City Code. They are referred to as an accessory dwelling in other communities.

**Mayor Rognstad** asked whether the Planning and Zoning Commission considered a transparent fence higher than four feet. Mr. Qualls explained that, in order to retain the objectives and goals of the Sandpoint Comprehensive Plan, it clarifies that fences over four feet shall not be allowed in front of the primary façade, regardless of setback, in residential zones. The Commission did not consider transparent fences in front of the facade. You can still have a maximum height of a seven-foot fence in side and rear yards with no permit required.

**Councilman Camp** raised concern that play structures and tree houses were included within the definition of accessory building or use. He felt this was overregulating these types of structures. Aaron Qualls explained that a permit was not required for those structures less than 200 square feet. Play structures and tree houses would have to adhere to accessory building setbacks. The setback would be based from the edge of the structure to the property line. The setback is five feet from the rear or side, but it can be constructed closer, as long as they are maintained through a maintenance easement. There are height requirements in residential and multi-family zones, with 35 feet maximum. They would have to adhere to height restriction, as well. City staff brought this issue to the Planning and Zoning Commission for clarity and to consider setbacks. Staff has received a couple of complaints on these types of structures.

**The Mayor advised that the hearing would be conducted in compliance with the following rules of procedure:** Before persons testify at public hearings, they are to fill out the signup sheet available at the front of Council chambers and hand deliver to staff. If you

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desire, you may note your objection, approval or comment on the form provided. If you wish to comment during the public hearing, please come to the microphone and state your name and whether you reside within the City limits. Please limit your comments to no more than three minutes. Testimony shall directly address the subject at hand and shall not be personally derogatory nor shall it be personally directed at any individual, organization or business. Members of the Council may ask questions of persons who testify. If they do so, it will be only for the purpose of clarifying information. Once the public hearing portion of this meeting is closed, there will be no further opportunity for public input on the proposal. The Council will then discuss among themselves the testimony they have heard and what, if anything, they may propose as a result of this hearing. Those testifying should clearly indicate their name. You are not required to state your residence address but whether you reside within the City limits.

**The Mayor opened the public hearing to accept testimony. No one testified.**

**Mayor Rognstad closed the public hearing.**

**Councilman Snedden moved** that the City Council, after consideration of the criteria and relevant standards of *Idaho Code and Sandpoint City Code*, **APPROVE** the proposed amendments to Titles 6, 9 and 10 of Sandpoint City Code.

This decision is based on the following:

1. Particular consideration has been given to the effects of these proposed changes upon the health, safety and welfare of the residents and the delivery of services by any political subdivision providing services, including school districts, within the City of Sandpoint.
2. Staff has followed the notice procedures applicable to zone changes contained in Idaho Code 67-6511 and Sandpoint City Code Title 9, Chapter 9.
3. The proposed amendments are in accordance with the goals and policies of the Sandpoint Comprehensive Plan.

**Councilman Eddy seconded the motion.**

**Councilman Camp moved to amend** to delete play structures and tree houses from definitions for Accessory Building or Use under Title 9, Chapter 1, Section 3. **Councilman Eddy seconded the motion.**

A roll call vote of Council resulted as follows:

|                         |        |
|-------------------------|--------|
| Councilwoman Ruehle     | Absent |
| Councilman Aitken       | Yes    |
| Councilman Snedden      | Yes    |
| Councilman Camp         | Yes    |
| Councilwoman Williamson | Yes    |

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Councilman Eddy

Yes

**The motion passed by a unanimous vote of Council present.**

DRAFT

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF SANDPOINT, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; AMENDING TITLES 6, 9 and 10, SANDPOINT CITY CODE; UPDATING THE BUSINESS DISTRICT SECTION WITH CURRENT ZONING; DEFINING BUILDING FOOTPRINT; ESTABLISHING A HEIGHT FOR FENCES IN FRONT OF THE PRIMARY FAÇADE; PROVIDING THAT HOUSE TRAILERS AND RECREATIONAL VEHICLES SHALL NOT BE USED FOR HUMAN HABITATION; ESTABLISHING LIBRARIES AS A CONDITIONAL USE IN THE RESIDENTIAL AND MIXED USE RESIDENTIAL ZONES; ALLOWING NAVD88 FOR PURPOSES OF ESTABLISHING THE HIGH WATER MARK; CLARIFYING BICYCLE PARKING REQUIREMENTS; ABOLISHING MAXIMUM SURFACE PARKING FOR INDUSTRIAL ZONES; CLARIFYING HOUSE NUMBER SIGNS IN RESIDENTIAL AREAS; ESTABLISHING CHANGES IN LOT LINE PROCEDURES; PROVIDING THAT THESE PROVISIONS SHALL BE DEEMED SEVERABLE AND THAT REMAINING SECTIONS OF SANDPOINT CITY CODE SHALL NOT BE AFFECTED BY A FINDING THAT THESE PROVISIONS ARE UNLAWFUL OR UNENFORCEABLE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS: Consistency is important in the application of Sandpoint City Code provisions;

WHEREAS: Certain aspects of the current Sandpoint City Code do not allow for this consistency;

WHEREAS: The Sandpoint Mayor and City Council find it in the public interest to amend the Sandpoint City Code so as to maintain the Code's currency;

WHEREAS: It is necessary to regulate aspects of development to protect the health, safety, welfare and character of a community;

WHEREAS: The Mayor and City Council have deemed it to be in the public interest to update certain code sections pertaining to development; and

WHEREAS: Duly-noticed public hearings were held before the Sandpoint Planning and Zoning Commission and the City Council pertaining to such amendments.

NOW THEREFORE, be it ordained by the Mayor and City Council of the City of Sandpoint:

**Section 1:** Statement of Purpose

The purpose of these amendments is to provide clarification of the existing provisions of the City of Sandpoint Planning Code.

**Section 2:** That Title 6, Chapter 1, Section 11 be hereby amended to read as follows:

As used in this chapter, all those areas within the city limits currently, or as hereafter may be within a-zoned commercial-~~D~~ or industrial zone.

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**Section 3:** That Title 9, Chapter 1, Section 3: Definitions be hereby amended to add the following:

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.

**Section 4:** That Section Title 9, Chapter 1, Section 3 be hereby amended as follows:

ACCESSORY BUILDING OR USE: A subordinate building or use, which is located on the same ~~lot~~ 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.

**Section 5:** That Title 9, Chapter 1, Section 4-J be hereby amended to read as follows:

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 (1') 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 non-industrial 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 non-industrial 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 (1') 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 (1') setback along the street bordering the rear yard but may be allowed to the rear yard height of seven feet (7').

**Section 6:** That Title 9, Chapter 1, Section 5-I be hereby amended to read as follows:

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I. ~~No house trailer or recreational vehicle shall be used for human habitation occupy on any lot or part of a lot parcel in any residential zone., except in such areas thereof as may be designated for trailer courts.~~

**Section 7:** That Title 9, Chapter 4, Section 1-2 be hereby amended to add the following:

Libraries; permitted with a Conditional Use Permit (C)

**Section 8:** That Title 9, Chapter 4, Section 1-3-B-6-a (Paragraph 2) be hereby amended to read as follows:

- a. 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 B6, artificial high water marks 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).

**Section 9:** That Title 9, Chapter 4, Section 2-2 be hereby amended to add the following:

Libraries; permitted with a Conditional Use Permit (C)

**Section 10:** That Title 9, Chapter 5, Section 16-B be hereby amended to read as follows:

B. ~~All nonresident parking facilities with more than twenty (20) parking spaces shall provide the equivalent of one such parking space for every twenty (20) parking spaces included in the facility, for the temporary storage of bicycles. Said space for bicycle storage shall provide a convenient and sturdy rack or bar to which bicycles can be attached to prevent theft. This requirement may be waived by the commission if it can be demonstrated that due to location or predominant use of the parking facility, such bicycle space would not be reasonably utilized.~~ 4 bicycle spaces for every twenty (20) parking spaces included in the facility, for the temporary storage of bicycles. Space for bicycle storage shall be designed to accommodate bikes parked parallel to the rack and support bicycles upright by their frame at 2 points of contact. The minimum distance between side-by-side racks should be 36 inches or greater. The minimum distance between end-to-end racks should be 60 inches or greater. Racks shall be permanently anchored into a hard surface. Bicycle spaces shall be located within 50 feet of the building entrance and well lit.

**Section 11:** That Title 9, Chapter 5, Section 17 (below requirements table) be hereby amended to read as follows:

When mixed uses exist, the parking facilities shall be the sum of the requirements for the various uses computed separately. Parking spaces for other permitted or conditional uses not listed in this section shall be determined by the public works director.

For every six (6) non-required bicycle parking spaces created within any commercial or industrial zone which adhere to the standards set forth in section 16 of this chapter

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“Design Standards”, motor vehicle parking space requirements may be reduced by one (1) space; up to a maximum of two (2) off-street parking spaces.

**Section 12:** That Title 9, Chapter 5, Section 17-F, be hereby amended as follows:

F. Industrial: Values shall be held as minimum ~~and maximum~~ allowable quantities:

**Section 13:** That Title 9, Chapter 6, Section 1, be hereby amended to read as follows:

A. House Numbers: ~~The following shall be allowed: 1. Signs not exceeding one square foot in area and illuminated only by the reflector method, placed back of the building line, and so erected that the light source is not visible from outside of the premises. and 2. In any residence A residential zone a sign bearing only the house number and the name of the occupant shall be allowed within any residential zone. 3. In residence B and C zones, a sign bearing the house number and the name of the occupant of a building or indicating the existence of an enterprise permitted on the premises.~~

B. Announcement Signs: ~~Signs not exceeding twelve (12) square feet in area and illuminated only by the reflector method, placed back of the building line, and so erected that the light source is not visible from outside the premises shall be permitted. In residence B and C zones the following shall be allowed:~~

~~1. A sign advertising only the sale, rental or lease of the building or premises on which it is maintained.~~

~~2. An announcement sign or bulletin board for the use of a public, charitable or religious institution occupying the premises.~~

~~3. An advertising sign in connection with a lawfully maintained nonconforming use.~~

C. B. Advertising Signs: Such signs ~~1. 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 non conforming or is approved through the conditional use permit process. See Sandpoint City Code Title 8, Chapter 5 “Sign Code”. in the following zones: D, ER and E zones.~~

~~2. Shall be limited to advertising the goods sold or services rendered on the premises.~~

~~3. Shall conform to the height restriction for structures of the zone in which it is placed.~~

**Section 14:** That Title 10, Chapter 2, Section 5-B be hereby amended to read as follows:

B. An adjustment to the boundary lines of existing platted lots may be allowed by recordation of a plat, or record of survey, with deed, or other document acceptable to the city following review and approval of the planning director so long as each portion of the lots as described in the document meet the minimum lot size of the underlying zone.

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Where the applicant chooses to utilize recordation of a Plat procedure, the fees associated with a Short Plat application will apply.

**Section 15:** Repeal and Severability

- A. That any provisions of the *Sandpoint City Code* found to be inconsistent with this Ordinance be and the same is hereby repealed.
- B. Should any provision of this ordinance be deemed unlawful or unconstitutional, such finding shall not effect the remaining provisions of this ordinance.

**Section 16:** Effective Date

This Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

PASSED BY THE CITY COUNCIL as an ordinance of the City of Sandpoint on this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Shelby Rognstad, Mayor

\_\_\_\_\_  
Attest: Maree Peck, City Clerk

SUMMARY OF ORDINANCE NO. \_\_\_\_\_  
Various Planning and Zoning Code Changes

AN ORDINANCE OF THE CITY OF SANDPOINT, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; AMENDING TITLES 6, 9 and 10, SANDPOINT CITY CODE; UPDATING THE BUSINESS DISTRICT SECTION WITH CURRENT ZONING; DEFINING BUILDING FOOTPRINT; ESTABLISHING A HEIGHT FOR FENCES IN FRONT OF THE PRIMARY FAÇADE; PROVIDING THAT HOUSE TRAILERS AND RECREATIONAL VEHICLES SHALL NOT BE USED FOR HUMAN HABITATION; ESTABLISHING LIBRARIES AS A CONDITIONAL USE IN THE RESIDENTIAL AND MIXED USE RESIDENTIAL ZONES; ALLOWING NAVD88 FOR PURPOSES OF ESTABLISHING THE HIGH WATER MARK; CLARIFYING BICYCLE PARKING REQUIREMENTS; ABOLISHING MAXIMUM SURFACE PARKING FOR INDUSTRIAL ZONES; CLARIFYING HOUSE NUMBER SIGNS IN RESIDENTIAL AREAS; ESTABLISHING CHANGES IN LOT LINE PROCEDURES; PROVIDING THAT THESE PROVISIONS SHALL BE DEEMED SEVERABLE AND THAT REMAINING SECTIONS OF SANDPOINT CITY CODE SHALL NOT BE AFFECTED BY A FINDING THAT THESE PROVISIONS ARE UNLAWFUL OR UNENFORCEABLE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

SECTION 1 provides a Statement of Purpose; SECTIONS 2 through 14 amend various chapters of City Code Titles 6, 9 and 10, pertaining to Business District, Zoning, and Land Subdivisions; SECTION 15, provides for severability and repeal of conflicting provisions; and SECTION 16 provides for publication and an effective date.

The full Ordinance is on file with the Sandpoint City Clerk and will be promptly provided during regular business hours to any citizen on personal request.

Dated the \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Maree Peck, City Clerk

Publication Date: \_\_\_\_\_

**STATEMENT OF LEGAL ADVISER**

I, Scot R. Campbell, legal adviser for the City of Sandpoint, Idaho, have examined the foregoing summary of Sandpoint Ordinance No. \_\_\_\_\_ and find it to be a true and complete summary of said ordinance that provides adequate notice to the public of the contents thereof.

\_\_\_\_\_  
Scot R. Campbell, City Attorney