

That Chapter 10, Article 9, of the Caldwell City Code is hereby REPEALED AND REPLACED WITH THE FOLLOWING:

ARTICLE 9

SPECIAL PURPOSE ZONING DISTRICTS

SECTION:

10-09-01: General Regulations

10-09-02: Districts

10-09-03: Uses

10-09-04: Bulk and Dimensional Standards

10-09-05: Density Allowances

10-09-06: Development Options

10-09-01: GENERAL REGULATIONS:

(1) Applicability: The zoning district regulations and standards established in this section shall apply to all special purpose zoning districts established in this section, unless specifically stated otherwise in a specific article in this chapter.

10-09-02: DISTRICTS:

(1) Intent:

Caldwell's special purpose zoning districts are primarily intended to accommodate public, quasi-public and institutional uses such as colleges, universities, vocational educational facilities, healthcare institutions, government facilities, airports, and similar uses, and allow for their expansion in a planned manner while protecting the surrounding neighborhoods. The districts are meant to be flexible to allow for supporting uses and ancillary uses that serve the principal uses.

(2) District Map Symbol / Names:

The city's special purpose zoning districts are listed below. Changes have been made to the H-D district name, which has no impact on a property owners current land use entitlements or property rights.

When this zoning and development code refers to "institutional and public districts", "airport district", "college district", "hospital/healthcare district" or "public district", or to "A-D", "C-D", "H-D" or "P-D" districts, it is referring to these districts.

Zoning Map Symbol	Old District Name	New District Name
A-D	Airport District	Airport District
C-D	College District	College District
H-D	Hospital District	Healthcare District
P-D	Public District	Public District

(3) District Purpose Statements:

A. A-D ZONE: The purpose of the airport district is to provide areas by zoning procedures in accordance with the comprehensive plan that create an environment for developing the facilities necessary or desirable for the safe, efficient, convenient and economical operation of the Caldwell Executive Airport or any other similar airport. The zone accommodates non-noise sensitive manufacturing, industrial and commercial uses that provide support for airport operations and services to airport users, while protecting the public interest and investment.

B. C-D ZONE: The purpose of this zone is to provide areas by zoning procedures in accordance with the comprehensive plan that create, preserve and enhance areas adjacent to college education facilities by allowing for residential, commercial, industrial, and related establishments that compliment and support the college facilities. Uses are to be

restricted to those primarily required by educational users and providers including, but not limited to teaching, housing, research, libraries, athletic recreation and competitions, public gathering facilities, performing arts, general shopping and retail, healthcare, research activities, and complementary uses appropriate to the zone.

C. H-D ZONE: The purpose of this zone is to provide areas by zoning procedure in accordance with the comprehensive plan that provide medical and healthcare services to the city and to the surrounding area. Hospital and healthcare campuses are primary users within this zone, with ancillary medical and healthcare support services also permitted.

D. P-D ZONE: The purpose of this zone is to provide areas by zoning procedure in accordance with the comprehensive plan that accommodates public and quasi-public land uses. The intent of this zoning category is to allow for necessary civic uses in the community, such as public schools, post offices, public (federal, state, city and county) buildings, parks and recreation facilities, public open space, public utility yards and similar uses.

10-09-03: USES:

(1) Purpose: This section sets forth the permitted and specially permitted uses Caldwell's special purpose zoning districts. For Overlay Zoning Districts, see Chapter 10, Article 11.

(2) Explanation and Key to Land Use Table Abbreviations:

A. Permitted Uses (P): A "P" in a cell indicates that a use is allowed by right in the respective zoning district. Permitted uses are subject to all other applicable regulations of this zoning ordinance.

B. Administrative Development Review (ADR): An "ADR" in a cell indicates the use is allowed by right but requires the submission of an Administrative Review application and the issuance of a Certificate of Zoning Compliance prior to submission of building permits and the commencement of any construction.

C. Special Use Permit (SUP). A "SUP" in a cell indicates that the use is allowed in the respective zoning district only if reviewed and approved as a special use, by the commission or hearing examiner in accordance with the special use permit procedures of this chapter. A "SUP/C" in a cell indicates that the use is allowed in the respective zoning district only after the commission or hearing examiner has reviewed and forwarded a recommendation to City Council, and if it is then reviewed and approved as a special use by the City Council.

1. Special uses are subject to all other applicable regulations of this chapter.

2. The "SUP" or "SUP/C" designation in a given district does not constitute an authorization or assurance that such use will be permitted. Rather, each special use permit application shall be evaluated as to its probable effect on adjacent properties and

surrounding areas, among other factors, and may be approved, approved with conditions, or denied pursuant to the procedures in Section 10-03-04, Special Use Permits.

D. Uses Accessory to the Principal Use (A). An “A” in a cell indicates the land use is permitted only as an accessory land use to an approved principal use only.

E. Temporary Use Only (TUP). A “TUP” in any cell indicates that the use is only permitted as a temporary use only. Temporary use permits may be required in accordance with Section 10-12-03-34.

F. Specific Use Provisions (*). A “*” in any cell indicates that regardless of whether a use is allowed by right, or as a special use, temporary use, or accessory use, additional standards may be applicable to the use. Refer to Chapter 10, Article 12 of this chapter for Specific Use Provisions.

G. Uses Not Allowed. An empty cell indicates that the use is not allowed in the respective zoning district.

(3) Classification of New and Unlisted Uses:

A. If a proposed use of property is not specifically listed in this table, the use shall be prohibited unless the Director, upon the request of an applicant, determines that a proposed use not listed in this table, is equivalent to a listed permitted or special use. In making the decision, the Director shall consider the following:

1. The impacts on public services and activities associated with the proposed use are substantially similar to those of 1 or more of the uses listed in the applicable base districts as allowed;
2. The proposed use shall not involve a higher level of activity or density than 1 or more of the uses listed in the applicable base districts as allowed;
3. The proposed use is consistent with the purpose of the district in which the use is proposed to be located; and
4. The proposed use is in substantial conformance with the goals and objectives of the Comprehensive Plan.
5. The Director may also use past precedent, case law, and legal opinion in making the determination.
6. When considering a use that is not listed in the use table, the Director shall also determine whether additional use-specific standards are necessary.

B. If the Director denies an application for such a requested use, the applicant shall have the right, within the period of ten (10) days from the date of such disapproval, to appeal the Director’s decision to the City Council. The decision of the City Council shall be final.

(4) Mix of Uses:

A. More than one classification of uses and more than one use within these use classifications shall be permitted on a lot or parcel within the same building (or different buildings), in the special purpose districts without a planned unit development application approval, if the proposed individual uses are permitted uses or special uses.

B. More than one principal structure or building, without having a planned unit development, are allowed upon a single development site, with the exception of a site utilized for single family residential.

C. In the case of a proposed special use, such application should proceed through the standard procedures of a special use permit application.

(5) Land Use Schedule:

Table 10-09-03: Land Use Table – Special Purpose Districts ^{6,11}				
Land Uses	A-D	C-D	H-D	P-D
Accessory Buildings and Uses *	P	P	P	P
Adult Business*				
Agriculture, General	P	P	P	P
Aircraft Repair and Service	P			
Airplane / Helicopter Hanger	P			
Airport / Airport Terminal	P			
Ambulance Service	P	SUP	P	P
Amusement Centers		SUP	SUP	SUP
Animal Shelter		SUP	SUP	
Artist Studio / Gallery *		SUP	SUP	
Arts, Entertainment and Recreation Facilities (Indoor) *		P	SUP	
Arts, Entertainment and Recreation Facilities (Outdoor) *		SUP ⁸	SUP ⁸	SUP ⁸
Auction House		SUP	SUP	
Automotive – Body Shop				
Automotive – Car Wash *	SUP			
Automotive – Gas / Service Station (standalone) *	SUP			
Automotive – Rental Lot	SUP			
Automotive – Repair Services *				
Automotive – Storage (Indoor Only)	SUP			
Automotive – Storage (Outdoor)	SUP			
Automotive – Tow Yard				
Bail Bond Use				
Brewery – Large Scale *		SUP	SUP	
Brewery – Small Scale *		P	P	
Cemetery				P

Church / Places of Religious Worship *		P	P	
Clinic / Hospital – Large Animal		SUP	SUP	
Clinic / Hospital – Small Animal		P	P	
Club / Lodge		P		
Commercial Dairy				
Commercial Kennel		SUP	P	
Community Center (private)		SUP	SUP	P
Community Center (public)		P	P	P
Community Garden		P	P	P
Condominiums	Any permitted project may go through the condo plat process. See Definition of Condominium in Section 10-01-10			
Conference / Convention Center		SUP		P
Contractor's Shop with Storage Yard *	SUP			SUP
Cottage Industries *		P	P	
Crematorium		SUP	SUP	
Dance Hall / Night Club		SUP	SUP	
Daycare/Preschool – In- Home – Family/Group (12 or <)*		P	P	P
Daycare/Preschool – Center (13 or >)*		P	P	P
Distillery – Large Scale *				
Distillery – Small Scale *		SUP	SUP	
Donation Containers or Pods *	A	A	A	A
Dormitory		P	P	
Drinking Establishments – Liquor*		SUP	SUP	
Dwelling – Accessory Dwelling Unit (ADU) *		P ¹	P ¹	P ¹
Dwelling – Caretaker		ADR	ADR	ADR
Dwelling – Group Home / Residence (8 or < residents)		P	P	P ¹⁵
Dwelling – Group Home/Residence (9 or > residents)		SUP	SUP	P ¹⁵
Dwelling – Live / Work		P	P	P ¹⁵
Dwelling – Manufactured Home		SUP	SUP	P ¹⁵
Dwelling – Mobile Home*				
Dwelling – Cottage Courts / Housing		P	P	P ¹⁵
Dwelling – Single Family; Detached		P	P	P ¹⁵
Dwelling – Townhouse (3 or < attached)		P	P	P ¹⁵
Dwelling – Townhouse (4 or > attached)		P	P	P ¹⁵
Dwelling – Two-Family (Duplex)		P	P	P ¹⁵
Dwelling – Multifamily (Triplex)		P	P	P ¹⁵
Dwelling – Multifamily (Fourplex)		P	P	P ¹⁵
Dwelling – Multi Family Apartments (Large Scale)		SUP	SUP	P ^{9,10, 15}
Dwelling – Multi Family Apartments (Small Scale)		P ^{9,10}	P ^{9,10}	P ^{9,10, 15}
Dwelling – Transitional Home		SUP	SUP	SUP
Elevated Pedestrian Walkways *	ADR	ADR	ADR	ADR

Equipment Repair & Service – Large *	SUP			
Equipment Repair & Service – Small *	SUP	SUP	SUP	
Equipment Repair & Service – Household *	SUP	SUP	SUP	
Event Center *	<u>SUP</u>	P	P	P
Farmstand – Off-Site		SUP	SUP	
Farmstand – On-Site	SUP	P	P	
Farmer’s Market		P	P	P
Financial Institution	SUP	P	SUP	
Financial Institution (with drive-through) *	SUP	P	SUP	
Fitness Facility – Large		<u>SUP</u>	<u>SUP</u>	
Fitness Facility – Small		P	P	
Flea Market		SUP	SUP	
Flex Space *	SUP		SUP	
Food Bank / Soup Kitchen		P	P	P
Food Stand		P	P	
Fraternity / Sorority House		P		
Frozen Food Locker Facility	SUP			
Funeral Home		SUP	P	
Greenhouse – Commercial		P	SUP	P
Helipad	P	SUP	P	SUP
Hospital		SUP	P	SUP
Industry – Craftsman / Artisan	SUP	<u>SUP</u>		
Industry – Fireworks				
Industry – Light Industrial	SUP			
Industry – Medium Industrial	SUP			
Industry – Heavy Industrial*				
Industry – Animal Slaughterhouse				
Industry – Information / Data Centers *	SUP			
Industry – Storage Silo (accessory)				
Industry – Trucking / Terminal Yard	SUP			
Industry – Warehouse and Distribution Facility	SUP			
Industry – Warehouse and Storage (General)	SUP			
Industry – Warehouse and Storage (Hazardous)				
Laboratory – Medical / Dental	SUP	SUP	P	
Laboratory – Research / Scientific Testing	SUP	SUP	P	
Landscaping Business		<u>SUP</u>	SUP	
Library		P	P	P
Lodging – Bed and Breakfast Inns		P	P	
Lodging – Boutique Hotel	SUP	P	P	P
Lodging – Hotel	SUP	SUP	SUP	P
Lodging – Long-Term Hotel (extended stay)	SUP	SUP	SUP	P
Lodging – Motel	SUP	SUP	SUP	P

Manufactured Home Communities / Developments*		<u>P</u>		P ¹⁵
Mixed Use – Small Scale (single building – vertical)		P	P	P
Mixed Use – Large Scale (vertical or horizontal)		P ^{9,10}	P ^{9,10}	P ^{9,10}
Mobile Food Unit *		P	P	P
Mobile Food Unit Parks / Courts *	SUP	SUP	SUP	P
Mortuary		SUP	P	
Museum	SUP	P	P	P
Nursing and Residential Care Facility		SUP	P	
Offices – (Medical / Dental / Healthcare)		SUP	P	P
Outdoor Storage * (accessory)	A			A
Parking Garage – Private	P	P	P	P
Parking Garage – Public	P	P	P	P
Parking Lot – Accessory (Private)	P	P	P	P
Parking Lot – Public	P	P	P	P
Parking Lot – Stand Alone (Private)	SUP	SUP	SUP	SUP
Pawnshop				
Payday Loan & Title Loan Establishments				
Pedestrian Tunnel				SUP
Personal Services		P	P	
Professional Services		P	P	
Public Administrative Offices	P	P	P	P
Public Facility / Building	P	<u>SUP</u>	P	P
Public Utility Yard	P	SUP	SUP	P
Recreational Vehicle (RV) Parks *	SUP			SUP ¹⁵
Research & Development Facility	SUP	P	P	
Restaurant – Full Service	P	P	P	
Restaurant – Limited Service	P	P	P	
Restaurant – Snack and Nonalcoholic Beverage Bars	P	P	P	
Retail Sales – Boutique (< 5,000 sq. ft.)	P ¹²	P ¹²	P ¹²	
Retail Sales – Limited (5,001 – 10,000 sq. ft.)	P ¹²	P ¹²	P ¹²	
Retail Sales – Semi-Limited (10,001 – 30,000 sq. ft.)	P ¹²	P ¹²	P ¹²	
Retail Sales – General (30,001 – 80,000 sq. ft.)		SUP	SUP	
Retail Sales – Big Box (80,001 – 200,000 sq. ft.)		SUP	SUP	
Retail Sales – Automotive (New) *				
Retail Sales – Automotive (Used) *				
Retail Sales – Convenience Store	P ¹²	P ¹²	P ¹²	
Retail Sales – Convenience Store w/gas	SUP	SUP	SUP	
Retail Sales – Fireworks (Temporary Stands)		P ¹³	P ¹³	
Retail Sales – Fireworks (Permanent)				
Retail Sales – Large Equipment Sales and Rental *				
Retail Sales – Liquor Store		SUP	SUP	

Retail Sales – Nursery				
Retail Sales – Recreational Vehicles *				
Retail Sales – Sales Lots*				
Retail Sales – Secondhand / Thrift Stores		SUP	SUP	
Retail Sales – Shopping Center		SUP	SUP	SUP
Retail Sales – Shopping Mall				
Retail Sales – Tire Shop				
Retail Sales – Tobacco / Vape Shop *		SUP	SUP	
Retail Sales – Truck Sales (Commercial/Freight) *				
Riding School (Academy) or Stable				
Rooming / Boarding House		P	P	P
Schools – Commercial	ADR	P	SUP	SUP
Schools – Post Secondary (private)		P	SUP	SUP
Schools – Post Secondary (public) *		P	SUP	P
Schools – Primary and Secondary (private)		P	SUP	SUP
Schools – Primary and Secondary (public) *		P	SUP	P
Security Guard Quarters	A	A	A	A
Shelter – Day		P	P	P
Shelter – Homeless (overnight)		SUP	SUP	P
Shooting Range (indoor) *				
Shooting Range (outdoor) *				P ¹⁴
Storage Facility– Self Service (indoor)		SUP	SUP	
Storage Facility – Self Service (traditional)				
Tattoo / Body Piercing Studio		SUP	SUP	
Taxidermy Shop				
Temporary Uses	See Section 10-12-03-34			
Therapy / Rehabilitation Facility		SUP	P	
Transit Station (passenger)	P	P	P	P
Truck Stop	SUP			P
U-Pick Farm				P
Vineyard				
Wholesale Sales – General				
Wholesale Sales – Nursery				
Winery / Cidery *		SUP	SUP	
Winetasting Establishment *		P	P	
Wireless Communication Facility – Large Scale *		SUP	SUP	SUP
Wireless Communication Facility – Small Scale *	ADR	ADR	ADR	ADR
Zoo				P

Table Footnotes:

¹ Accessory dwelling units are only permitted in conjunction with an existing legal single family detached homes and when in compliance with the Accessory Use section of this code.

² Permitted only if located at major intersections of arterial or collector roadways or along highway frontages, or as part of an approved Planned Unit Development.

³ Must be located at “major intersections” of arterial or collector roadways, along highway frontages, or approved as part of a Planned Unit Development.

⁴ Permitted when accessory to a legal conforming winery or cidery, otherwise a Special User Permit shall be required.

⁵ All uses must be permitted or specially permitted uses. Where a specially permitted use is proposed, a Special Use Permit shall be required.

⁶ Design characteristics for building placement, scale and massing, transitions and density shall be in compliance with this chapter and in conformance with the comprehensive plan.

⁷ Drive-in or Drive-Through Services require an Administrative Site Plan Review.

⁸ Drive-In theaters require a Special Use Permit.

⁹ Non-residential uses shall be located adjacent to and fronting arterial or major collector roadways with residential uses located behind. In vertical mixed-use buildings, nonresidential “active uses” shall be located on the street level with residential or office uses located above. A Special Use Permit may be obtained to allow for office use on the street level. In mixed-use, all uses are considered primary uses of the land and shall be either a permitted use or a specially permitted use approved through the special use permit process or through a planned unit development process.

¹⁰ Multifamily residential is permitted when part of a “mixed use – large scale” land use. Residential land uses shall occupy no more than 40% of the total cumulative gross square footage of all buildings. In vertical mixed-use buildings, nonresidential “active uses” shall be located on the street level with residential or office uses located above. A Special Use Permit may be obtained to allow for office use on the street level.

¹¹ Outdoor storage shall comply with Section 10-12-03-29

¹² Retail sales with gasoline / service station requires a special use permit and shall comply with Section 10-12-03-8.

¹³ Permitted as a temporary fireworks stand only. Must obtain fireworks stand permit from City Clerk's Office.

¹⁴ Only permitted as a public facility for public safety.

¹⁵ Only permitted if project is done in partnership with a public agency.

10-09-04: BULK AND DIMENSIONAL STANDARDS:

This section contains the requirements for lot size and coverage, scale and massing, and setbacks for all types of development. These standards may be further limited or modified by other applicable sections of this chapter. Some uses are subject to use-specific standards or overlay district requirements that impose stricter requirements than set forth in this subsection.

Table 10-09-4: Bulk and Dimensional Standards – Special Purpose Districts⁴

Lot Size and Coverage	A-D	C-D	H-D	P-D
Interior Lot; Minimum Area (sq. ft.) ⁵	0	0	0	0
Corner Lot; Minimum Area (sq. ft.) ⁵	0	0	0	0
Minimum Lot Width / Frontage (ft.)	0	0	0	0
Scale and Massing	A-D¹	C-D	H-D	P-D
Maximum Building Height (ft.)	See footnote 1	None	None	None
Setbacks	A-D	C-D²	H-D²	P-D
Garage Setback; Minimum (ft.)	0	20	20	0
Front Living Area Setback; Minimum (ft.)	n/a	15	15	n/a
Interior Side Yard Setback; Minimum (ft.)	0	5	5	0
Street Side Yard Setback; Minimum (ft.)	0	15	15	0
Rear Yard Setback; Minimum (ft.)	0	10	10	0

Table Footnotes:

¹New buildings and structures located within the airport district shall comply with height restrictions listed in form 7460 issued by federal aviation administration.

² Newly constructed buildings in the college district and healthcare district that are adjacent to the boundary of a residentially zoned property shall be set back an additional 6 inches for every additional 1 foot of building height in excess of 25 feet for the side, street side, and rear yard setbacks.

⁴ Public land uses located in zoning districts other than the P-D (public) shall be permitted to utilize the same height, setback and area requirements as permitted in the P-D (public) zone.

⁵ Residential lots that are part of a final plat may reduce the minimum required lot area by up to 10% if the required densities (dwelling units per gross acre) are met for the underlying zone. If the lots are less than the minimum required lot size, this footnote does not apply.

10-09-05: DENSITY ALLOWANCES:

The density allowances set forth below are applicable to all special purpose zoning districts where residential is permitted and are based on the place type land use designations within the City of Caldwell Comprehensive Plan.

Table 10-06-05: Density Allowance – All Commercial Districts

Comprehensive Plan Land Use Designation	Compatible Zoning Districts	Minimum Density	Maximum Density	Density Bonus	
Neighborhood 2	R-1, R-2, C-1, P-D	2 du/ac	8 du/ac	Up to 12 du/ac ¹	
Neighborhood 3	R-2, R-3, C-1, C-2, P-D	4 du/ac	20 du/ac	Up to 25 du/ac ¹	
Urban Neighborhood	R-1, R-2, C-1, T-N, P-D	4 du/ac	10 du/ac	Up to 16 du/ac ¹	
Community Center	R-2, R-3, C-1, C-2, C-3, H-C, P-D	8 du/ac	15 du/ac	Up to 25 du/ac ¹	
Mixed Use Center	R-3, C-2, C-3, C-4, H-C, P-D	10 du/ac	25 du/ac	Up to 40 du/ac ¹	
Employment Center	C-1, C-2, C-3, C-4, M-1, M-2, I-P, A-D, P-D, H-C	Residential not permitted within the Employment Center place type			
Special Purpose	A-D, C-D, H-D, P-D	Residential uses may be permitted based on the zoning district. Densities shall be calculated based on the nearest place type.			
Table Footnotes:					
¹ See Section 10-03-18 of this chapter for Density Bonus Program criteria and requirements.					

10-05-06: DEVELOPMENT OPTIONS:

Different development options are offered in districts where residential uses are permitted. These options are available to accommodate a variety of community and lifestyle choices. The options described in this section may be used at the property owner's election.

(1) Standard Conventional Development:

"Standard Conventional development" is any development that is not part of an approved density bonus program, conservation development, planned unit development or master planned community. All regulations and provisions of the code are applicable

(2) Density Bonus Program Development:

The density bonus program development option is applicable only within the C-D and H-D where residential is permitted. It offers additional density if a project meets certain criteria. The density bonus program standardizes how additional density is awarded and creates standards that are more evenly enforced throughout the city. The program addresses unique goals and desired development types in different parts of the city.

Property owners may select which components are most relevant to their project in order to achieve a certain level of density increase. Density increases are given based on a scoring matrix in accordance with 10-03-18 of this chapter.