

2025 Code Amendments

Cheat Sheet for Chapter 10, Article 2

1. Changed the main title of the article in order to locate all code requirements that are applicable to all zoning districts in one central location
2. Section 10-02-02
 - Deleted the land use schedule as all new land use schedules have been created for each individual zoning district type (residential, commercial, industrial, etc.) and relocated into Article 5,6,7,8,9.
 - Added new provisions Addressing to Access to Streets
3. Section 10-02-3
 - Deleted the height, lot line setback and lot dimension schedule as new ones have been created for each individual zoning district type (residential, commercial, industrial, etc.) and relocated into Article 5,6,7,8,9.
 - Added new provisions addressing Noxious Uses
4. Section 10-02-04
 - Relocated all regulations for Accessory Buildings, Structures and Uses to Chapter 10, Article 12: Specific Use Provisions as these are specific to the “land use” and not necessarily applicable to all zoning districts.
 - Added new provisions addressing property and building maintenance
5. Section 10-02-05
 - Amended section title to Off-Street Parking Standards
 - Refer to individual sheet addressing Parking Amendments. (attached)
6. Section 10-02-06
 - Amended section title to Sign Regulations
 - Rewrote the entire sign regulations to come into compliance with “Content Neutral” signage requirements as determined by prior land use case law.
7. Section 10-02-07
 - Made minor updates to the fencing regulations for clarity
8. Section 10-02-09
 - Relocated all regulations for Home Occupations into Chapter 10, Article 12: Specific Use Provisions as these are specific to the “land use” and not necessarily applicable to all zoning districts.
 - Relocated all regulations pertaining to Landscaping, Buffering and Screening from Chapter 10, Article 7 into this article and made significant amendments. Please refer to individual sheet address Landscaping (attached)
9. Section 10-02-10
 - Relocated all regulations for Daycares into Chapter 10, Article 12: Specific Use Provisions as these are specific to the “land use” and not necessarily applicable to all zoning districts.

- Relocated all regulations pertaining to the Caldwell Tree Ordinance from Chapter 10, Article 8 into this section.

10. Section 10-02-11

- Relocated all regulations for Wireless Communication Facilities into Chapter 10, Article 12: Specific Use Provisions as these are specific to the “land use” and not necessarily applicable to all zoning districts.
- Deleted section as it is no longer being used

11. Section 10-02-12

- Deleted section as it is no longer being used and was repealed in 2008.

12. Section 10-02-13

- Relocated all regulations for Temporary Uses into Chapter 10, Article 12: Specific Use Provisions as these are specific to the “land use” and not necessarily applicable to all zoning districts.
- Deleted section as it is no longer being used

13. Section 10-02-14

- Relocated all regulations for Development Standards for New Public Schools into Chapter 10, Article 12: Specific Use Provisions as these are specific to the “land use” and not necessarily applicable to all zoning districts.
- Deleted section as it is no longer being used

14. Section 10-02-15

- Relocated all regulations for Land Use Regulations for Animals into Chapter 10, Article 12: Specific Use Provisions as these are specific to the “land use” and not necessarily applicable to all zoning districts.
- Deleted section as it is no longer being used

2025 Code Amendments

Cheat Sheet for 10-02-09 – Landscaping & Buffering

1. Moved into Article 2 from Article 7 as landscaping is applicable throughout the City
2. Amend the applicability section to be triggered when an addition exceeds 25% of the existing structure or 1,000 square feet, whichever is less (meant for those individual parcels that need to have new codes applied but were not previously triggered under current code).
3. Allow smaller projects (less than 2 acres) to have landscape plans drawn up by someone who is NOT a license landscape architect (intended to help provide some monetary relief for the smaller projects)
4. Updated Planting requirements:
 - a. Require at least 75% of the trees and shrubs to be rated as “low water” or “moderate water” usage
 - b. Formalize use of Treasure Valley Tree Selection Guide
 - c. Modify groundcover to be min. 70% grass to 20% with a max. of 50%; other 50% shall be landscape beds for trees, shrubs, other vegetative groundcover.
 - d. Modify min. size of shrubs to be based on “spread” versus pot size
 - e. Clarify that some type of vertical barrier is needed around all landscape beds
5. Open Space Standards:
 - a. Update required amount of qualified open space based on average lot sizes:

Overall Average Lot Size (in Square Feet)	Percentage of gross land to be reserved as Qualified Open Space
6,000 and below	10.0
6,000–7,499	8.0
<u>6,001 - 11,999</u>	<u>8.0</u>
7,500–8,999	6.0
9,000–11,999	5.0
12,000 and over	4.0 6.0
<u>Developments where all lots are a minimum 1 acre in size</u>	<u>One common open space lot at least ¼ acre (10,890 square feet) in size.</u>

- b. Require min. tree planting within common open space areas (1/5k)
 - c. Require that main open space area is constructed within the first 2 phases of development
 - d. Increase min. qualified open space for PUDs from 10% to 15%
 - e. Clarify and update what areas/types of open space are qualified
 - i. Allow 50% of street buffers along collectors and arterials to count
 - ii. Allow stormwater areas to count IF subterranean and covered in grass (sand/gravel pits would not count)
 - f. Require that all open space is connected via 5’ neighborhood pathways
6. Street Buffers:

- a. Update and clarify measuring point of street buffers
- b. Simplify buffer table so that each buffer is based off general roadway classification:

Type Of Roadway	Buffer Width Along Each Side of a Roadway
Local or nonclassified streets (does not include access easements, alleys, or driveways) ¹	10/15 ² feet
Collectors	20 feet
Arterials	25 feet
State Highways, US Highways, and Interstates	35 feet
Footnotes: 1. Local or nonclassified streets internal to any subdivision or development in an RS-1, RS-2, R-1, R-2, R-3 Zone or internal to any subdivision or development that is wholly residential in use, are not required to provide the ten foot (10') wide street landscape buffer. 2. A fifteen (15) foot wide landscape street buffer is required adjacent to local streets for multi-family development that is directly across the street from existing single-family residential dwellings.	

- c. Require additional landscape amenities along key corridors (rocks and boulders, undulating berms, decorative walls, etc.)
- d. Require additional groundcover types along the highway and interstate

7. Land Use Buffers

- a. Overhaul entire subsection to remove some complexity
- b. General clean-up of language
- c. Require both evergreen and deciduous trees in land use buffers to ensure some screening throughout the year
- d. Require all commercial uses to install a minimum 20' buffer adjacent to any residential use;
- e. Require all industrial uses to install a minimum 30' buffer adjacent to any residential use and 20' adjacent to any commercial use;
- f. Require all development within Special Purpose districts to install a minimum 10' buffer adjacent to any residential use;
- g. Buffer widths within Urban Core districts will be based upon type of use proposed (residential, commercial, industrial, etc)

8. Pathway Landscaping:

- a. Reformat for more logical flow up information and standards
- b. Rename pathway types from micro, major, and public to Neighborhood, Community, and Regional, respectively
- c. Clarify tree requirement along pathways
- d. Clean up language throughout

9. Parking Lot and Building Façade Landscaping:

- a. Propose new language for street facing building façade landscaping (new standards) – min. 3' wide with at least one 3 gallon shrub for every 3 linear feet of foundation

- b. Include new language for perimeter parking lot landscaping – min. 5' in width around all vehicular use areas to include trees, shrubs, and groundcover (help buffer adjacent properties from parking areas)
10. Created a new specific “Screening” section to dictate how to screen outdoor mechanical areas, large auxiliary equipment, and general outdoor storage areas (solid fencing only, no chainlink)
11. Waterwise Landscaping:
- a. Expand on existing singular paragraph in landscape code
 - b. Propose new standards to allow for waterwise/drought tolerant landscaping where the City desires this to occur
 - c. Require trees still but change groundcover type to be boulders, two types of rock minimum, and native plant material when waterwise landscaping is used in a required use buffer
12. General clean-up of other sections as needed.

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Cheat Sheet for 10-02-0 – Off-Street Parking

1. General grammatical and formatting clean-ups
2. Provide for a true Applicability section that was previously missing
3. Update the min. driveway space dimensions (10' x 25') to match proposed garage setback – for the purpose of addressing consistent issue of vehicle overhanging sidewalks and driveways not being wide enough to accommodate modern vehicles
4. Clarify all paving and surfacing requirements (i.e. note that parking above the minimum in M-1, M-2, & I-P zones may be exempt from the paving requirement)
5. Allow for off-street parking facilities of agricultural and related uses within the RS-1 and RS-2 zones to be constructed with an all-weather surface instead of asphalt paving
6. EV Parking:
 - a. Update required amount to be 5% once more than 25 spaces are proposed
 - b. Require EV stalls for nonresidential and multi-family development instead of only commercial
 - c. Require that EV spaces be located a min. of 50' from any combustible structure at Fire's request
7. Required number of spaces:
 - a. Simplified requirements to include general guidelines of all commercial uses to be 1/500 or all industrial/manufacturing uses to be 1/2000 square feet of gross floor area
 - b. Maintained some specifics in the existing table including residential uses:
 - i. Single-family is still 2 per dwelling
 - ii. Updated Multi-family to be per bedroom and include guest parking:

<u>Multi-family dwellings (triplex and up)</u>	<u>1.0 per Studio unit</u> <u>1.5 per 1- and 2-bedroom unit</u> <u>2 per 3+ bedroom unit</u> <u>Guest Parking – 1 per 10 units, but in no case shall there be less than 1 guest parking space.</u>	<u>Required spaces plus 20%</u>
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- iii. Cleaned-up table to reduce number of specific uses listed and make needed changes based on other code sections

8. Bicycle Parking:
 - a. Update required number to better reflect needed amount and simplify requirement to be a general 10% of vehicles spaces unless at a school and then require 1 bicycle rack for every 20 students.

ARTICLE 2

ZONING DISTRICT REGULATIONS AND STANDARDS APPLICABLE TO ALL ZONING DISTRICTS

SECTION:

10-02-01: General Regulations

10-02-02: ~~Land Use Schedule~~ Access and Connectivity

10-02-03: ~~Height, Lot Line Setback And Lot Dimension Schedule~~ Noxious Uses

10-02-04: ~~Accessory Buildings, Structures, And Uses~~ Property and Building Maintenance

10-02-05: Off-Street Parking, ~~Loading, And Pedestrian Amenity~~ Standards

10-02-06: Sign Schedule Regulations

10-02-07: Fencing Regulations

10-02-08: Nonconforming Uses

10-02-09: ~~Home Occupations~~ Landscaping, Buffering and Screening

10-02-10: ~~Daycares~~ Caldwell Tree Ordinance

10-02-11: ~~Wireless Communications~~ Facilities

10-02-12: ~~Steunenberg Residential Historic District~~ 1 (Rep. by Ord. 2755, 9-22-2008)

10-02-13: ~~Temporary Use Merchants, Transient Merchants, Mobile Food Units, And Special Events~~

10-02-14: ~~Development Standards For New Public Schools~~

10-02-15: ~~Land Use Regulations For Animals~~

Notes

- 1 1. See subsections ~~10-01-03(1)E3 and 10-01-04(3)C~~ of this chapter.

10-02-01: GENERAL REGULATIONS:

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

(2) ~~RS-1, RS-2, R-1, And R-2 Zones: In RS-1, RS-2, R-1, and R-2 Zones, only one principal structure or building may be built upon a single development site, parcel or lot, except as it may be otherwise specified in this article and/or as part of a planned unit development. The following zones, without having a planned unit development, are allowed to have more~~

than one principal structure or building upon a single development site, parcel or lot: R-3, T-N, C-1, C-2, C-3, C-4, M-1, M-2, I-P, A-D, C-D, C-C, and H-C.

~~—(3) Uses: More than one classification of uses (residential, commercial, or industrial) and more than one use within these use classifications (example: bakery, food store, restaurant, retail store) shall be permitted on a lot or parcel within the same building (or different buildings), in any zoning district and/or without a planned unit development application approval, if the proposed individual uses are permitted uses or special uses. In the case of a proposed special use, such application should proceed through the standard procedures of a special use permit application.~~

~~—(4) Business Permit: Any person establishing, operating, or carrying on any permitted and/or accessory use in a commercial, industrial, and/or mixed use zoning district shall first obtain a business permit from the Planning and Zoning Department prior to establishing, operating, or carrying on such use. When a business name, occupant or owner changes, the business owner is responsible for obtaining from, and completing and submitting to, the Planning and Zoning Department an application for a business permit. The Planning and Zoning Department shall, upon receipt of such application and any applicable fees as established by City Council through resolution, issue a business permit for display in a conspicuous place upon the premises after confirming the business address with the Mapping Department and confirming that the business is an allowed land use in the zoning district in which the business is located and/or that the business is a legally nonconforming land use. Once the permit has been issued, the Planning and Zoning Department will furnish the permit information to the Building Department, Fire Department, Water Department, Mapping Department and City Clerk.~~

~~(5) Residential Uses In Nonresidential And Mixed-Use Zones: Residential uses in nonresidential and mixed-use zones shall have the same requirements as set forth in the R-3 Zone. This includes, but is not limited to, requirements for setbacks, frontages, lot size and dimensions, signage, and fencing. (Ord. 3102, 9-5-2017; Ord. 3245, 3-2-2020)~~

10-02-02: ACCESS AND CONNECTIVITY:

(1) Purpose: The purpose of this Section is to support the City's access and connectivity goals by providing comfortable walking, cycling, transit and other active modes of transportation in new development and the redevelopment of property.

(2) Applicability: Unless otherwise stated in this Code, all development of vacant land, all construction of new structures, all modification of existing structures, and the Subdivision of Land, and developments on parcels shall comply with the standards of this Section.

(3) General Requirements:

The following standards shall apply unless otherwise waived by the City Council. The intent of these standards is to provide safe and convenient access for bicyclists, pedestrians, and vehicles to and from perimeter streets, parks, schools, public transit facilities, public and private institutions to the maximum extent practicable; and to provide safe and convenient

access for bicyclists and pedestrians to and from existing and proposed pathways and trails existing or designated on a Subdivision Plat, or other adopted City plans.

1. Access to Streets and Neighboring Properties:

The following standards apply to any use and/or property that takes direct access to an arterial and/or collector roadway. Prior to any new, expanded, or extended use or development of the property:

(A) Where access to a public street is available, the applicant shall reconfigure the site circulation plan to take access from such public street.

(B) Where access to a local street is not available, the property owner shall be required to grant cross-access/ingress-egress to adjoining properties, either by recorded easement or as a note on a recorded final plat.

(C) All subdivisions must provide local street access to any use that currently takes direct access from an arterial or collector street.

(D) Except for designated collectors and arterial streets, allow individuals traveling within a development or subdivision, and to and from properties adjacent to that land, without accessing the collector or arterial street network.

2. Safe Routes and Connectivity to Schools:

Residential and multi-family subdivisions and/or developments within the “walk zone” of a school or where no walk zone map exists, within a 1 ½ mile radius of a school, shall provide safe and well-designed routes and crossings for children to bike or walk from their home to school. Such routes shall include:

(A) The shortest and safest routes.

(B) Level, ADA accessible sidewalks with minimum cross slope where sidewalks cross driveways. Sidewalk widths shall be determined by the functional classification of the street.

(C) Curb ramps in accordance with the latest ADA design standards.

(D) Pathways that connect to schools where needed.

(E) Crosswalk and/or protected crosswalks, as required by the city.

10-02-03: NOXIOUS USES:

No area or structure in any district shall be used or occupied in any manner creating dangerous, injurious, noxious or hazardous conditions to the surrounding areas.

(1) Fire Hazard: Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate firefighting and fire prevention equipment and by such safety devices as are normally used in the handling of any such materials. Such hazards shall be kept removed from adjacent activities to a distance that is compatible with

the potential danger involved as specified in the International Fire Code, and the National Fire-Protection Association publications.

(2) Radioactivity or Electrical Disturbance: No activity shall emit harmful radioactivity at any point, or electrical disturbance adversely affecting the operation of any equipment at any point other than that of the creator of such disturbance, as regulated by the Idaho Radiation Control Regulations and the Idaho Department of Environmental Quality (IDEQ).

(3) Air Pollution: Air pollution shall be subject to the requirements and regulations established by the Idaho Department of Environmental Quality (IDEQ).

(4) Erosion: No erosion shall be permitted that will carry objectionable substances onto neighboring properties in accordance with this code and in accordance with the Idaho State Erosion and Sediment Control Standards.

(5) Hazardous Materials: All hazardous material storage must comply with the regulations and standards of the Fire Department and the adopted Fire Codes.

(6) Enforcement: Violation of this section shall constitute a nuisance and shall be enforceable under Chapter 7, Article 11 of this code. Violations of 10-02-03 may also be enforceable under 10-03-13 of this chapter.

10-02-04: PROPERTY AND BUILDING MAINTENANCE:

(1) Purpose: This subsection shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare, to ensure protection of property values, and to preserve the character and integrity of the city.

(2) Applicability: These provisions shall apply to all existing residential and non-residential structures and all existing premises and constitute minimum requirements and standards for such premises and structures.

(3) Responsibility: The owner and/or occupant of the structure or premises shall maintain the structures and the premises in compliance with the requirements of this section.

A. Vacant Lots: Every owner of any vacant lot has the duty to keep the lot clean and free from garbage, litter, standing water, debris, parked motor vehicles other than those parked in a lawfully existing parking or loading facility, and all things causing the property to be detrimental to the public health, safety, welfare or to the aesthetics of the neighborhoods and properties in the vicinity.

B. Exterior Property Maintenance: All exterior property and premises shall be maintained in a clean, safe, and sanitary condition and free of trash, debris, junk, surface hazards, weeds, or other nuisances.

C. Sidewalk Maintenance: The owner and/or occupant of any building or premises shall be responsible for keeping all adjacent sidewalks, walkways and similar right of way areas maintained free from nuisances and hazardous conditions, including weeds, trash, debris, snow and ice.

D. Fences: All fences shall be maintained structurally sound and in good condition and repair in accordance with this chapter.

E. Exterior Structure Maintenance: All exterior surfaces, including but not limited to, doors, doors and window frames, cornices, porches, trim, balconies, siding, decks, and similar shall be maintained in good condition.

F. Exterior Wood Surfaces: Exterior wood surfaces shall be protected from the elements and decay by painting or other protective covering or treatment approved by Planning and Zoning.

G. Siding and Masonry Joints: All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained, weather resistant and watertight.

H. Metal Surfaces: All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

I. Exterior Walls: All exterior walls shall be free from holes, breaks, chipping paint, and loose or rotting materials; and maintained weatherproof and properly surface-coated where required to prevent deterioration.

J. Decorative Features and Overhang Extensions: All cornices, trim, wall facings, and similar decorative features shall be maintained in good repair with proper anchorage and in safe condition. All overhang extensions including, but not limited to, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and condition.

K. Compliance with Design Guidelines and Standards: All property shall be maintained in compliance with this chapter and with any adopted design guidelines, standards and provisions for the specific district.

L. Failure to Maintain; Unlawful. No owner of a property or structure shall, by willful action or willful neglect, fail to provide sufficient and reasonable care, maintenance and upkeep to such property or structure, including the maintenance and upkeep to areas within the public right-of-way, that are, by virtue of other codes and ordinances, the responsibility of the property owner to maintain. For the purposes of this section, maintenance and upkeep shall include but not be limited to keeping exterior surfaces of the building compliant with design guidelines. All sites and areas around the building shall be kept free of debris, garbage, weeds, and free from dead or dying trees or landscaping or any other condition that constitutes a nuisance or other violation of the City Code. Maintenance shall also mean continuing compliance with all the conditions and standards of this chapter, including any special conditions of a permit, land use entitlement, development agreement, or design review approval given by the city or the design review commission.

10-02-05: OFF-STREET PARKING, LOADING, AND PEDESTRIAN AMENITY STANDARDS:

(1) Purpose: The purpose of these regulations is to:

~~A. Allow flexibility in addressing vehicle parking, loading, and access issues.~~

~~BA. Provide regulations and standards for adequate off street parking and loading facilities which does not impede the flow of traffic or delay emergency response time on both private property and public right-of-way and mitigate impacts on surrounding properties.~~

~~C. Ensure that off street parking, loading, and access demands associated with new development will be met without adversely affecting other nearby land uses and surrounding neighborhoods.~~

~~D. Enhance the appearance of residential, commercial, business, institutional, and industrial development.~~

~~EB. Address the needs of pedestrians, bicyclists, and users of public transit by providing amenities that promote nonautomotive forms of transportation.~~

(2) General Provisions: ~~The off street parking and off street loading provisions of this section shall apply as follows:~~

A. Applicability: This full article shall apply in the following situations unless otherwise noted:

1. All subdivisions and/or developments.
2. Special use permits.
3. Rezoning, annexations, or simple lot splits.
4. New construction of principal structures and additions or accessory structures that exceed twenty-five (25) percent of the gross floor area of the principal structure or one thousand (1,000) square feet, whichever is less.
5. Reconstruction or expansion of parking facilities.
6. Change of use, as determined by the Director or their designee.
7. Establishment of new uses, buildings, or structures on properties that have been vacant or without a tenant for a period exceeding twelve (12) consecutive months.
8. Exterior building renovations and routine maintenance and upkeep are excluded.

~~New Buildings And Uses: Accessory off street parking and loading facilities and pedestrian amenities shall be provided as required by the regulations of this section for all buildings and structures erected and all uses of land established in each district after the effective date hereof.~~

~~—B. Expansion Of A Use: When the intensity of use of any building, structure, or premises shall be increased through the addition of dwelling units, gross floor area, seating capacity, or other units of measurement in the amounts specified herein, requiring parking or loading facilities, such additional parking and loading facilities as required herein shall be provided.~~

~~—C. Change In Use: Whenever the existing use of a building or structure shall hereafter be changed to a new use, parking or loading facilities shall be provided as required only to the extent by which the requirements for the new use would exceed those for the existing use.~~

~~—D. Reduction In Parking Spaces: Accessory off street parking and loading facilities in existence on the effective date hereof and located on the same lot as the building or use served shall not hereafter be reduced below, or if already less than, shall not be further reduced below the requirements for a similar new building or use under the provisions of this chapter.~~

~~—E. Expansion In Parking: Accessory off street parking in existence on the effective date hereof and located on the same lot as the building or use served shall not hereafter be expanded above, or if already more than, shall not be further expanded above the requirements for a similar new building or use under the provisions of this section. An existing parking lot may be expanded to an adjacent parcel of land without a special use permit.~~

~~—F. Existing Land Or Buildings: Nothing in this section shall be deemed to prevent the voluntary establishment of off street parking or loading facilities to serve any existing use of land or buildings, provided that adherence to all regulations governing the location, design, and operation of such facilities is met.~~

GB. Driveway And Garage Parking Space Requirements: Parking spaces on a driveway located in front of a garage shall be calculated toward the minimum parking space requirements and parking spaces in the garage shall also be calculated toward the minimum parking space requirements. These spaces shall be a minimum of ten feet (10') wide (per space) and a minimum of twenty-five feet (25') deep, measured from the back of sidewalk where applicable.

HC. Off Street Parking (Driveways):

1. Off-street parking shall only be allowed on an established driveway or parking lot. Established driveways must contain an approved approach/curb cut from an alley or a street. Established driveways shall consist of concrete or asphalt, and shall not consist of gravel, lawn, grass or sod.

2. Driveways shall be paved a minimum of forty feet (40') into the site as measured from the back edge of the sidewalk or edge of the roadway where no sidewalk exists for commercial and industrial properties. Driveways for residential properties/uses shall be a minimum of ten feet (10') wide (per space) and paved a minimum of twenty-five feet (25') into the site as measured from the back edge of the sidewalk or edge of the roadway where no sidewalk exists for residential properties.

3. A minimum of one established driveway should be installed on any residential site, when at all possible, as off street parking is the preferred method of parking. ~~There is no maximum to the number of established driveways on a property.~~ Spacing, sizing, number, and design specifications and standards for an approach/curb cut is determined by the

Engineering Department. An established driveway should be a minimum of eight feet (8') wide.

4. Off-street parking shall also follow all requirements as listed in ~~section 10-02-04 of this article 12 of this chapter~~ for parking of accessory uses.

~~D.~~ Handicapped Parking: Handicapped accessible parking shall be required as by State and Federal regulations.

~~E.~~ Site Plan Required: A site plan shall be submitted with every application that includes a use for a building permit for any building or use that is required to provide off street parking. The plan shall accurately designate the dimensions of the required parking spaces, ~~access~~ drive aisles, and driveways approaches to/from right-of-way or other points of ingress/egress. The proposed parking lot and perimeter landscaping shall comply with the requirements of article ~~72~~ of this chapter and shall also be depicted on the site plan, where applicable. All ~~parking site~~ plans shall be reviewed by the Fire Department for compliance with the Fire Code.

(3) Off-Street Parking: Off-street parking facilities ~~for vehicles~~ shall be provided in accordance with the following general standards:

A. Use: Off street parking facilities required ~~herein as accessory to uses~~ subject to this chapter shall be solely for the parking of passenger vehicles of patrons, occupants, or employees unless shared parking is approved. ~~If bus transportation is provided for patrons, occupants, or employees of a specific establishment, additional off street parking or loading spaces for each bus which will be parked or loaded on the premises shall be provided in compliance with the terms of this chapter.~~

B. Computation: When determination of the number of off-street parking spaces required by this chapter results in a requirement of a fractional space, any fraction of one-half (1/2) or less may be disregarded while a fraction in excess of one-half (1/2) shall be rounded up and counted as one parking space.

C. Shared Parking Lots: Off street parking facilities for separate uses may be provided collectively if:

1. The total number of required spaces (minimum and maximum) for each use is provided;

2. The location of said spaces adheres to all regulations herein;

3. There is an existing shared parking and ingress/egress easement on the shared parking lot, and/or;

4. A formal shared parking agreement between users/property owners is provided to Planning and Zoning at the time of building permit application.

~~the total number of spaces so provided meets minimum and maximum spacing requirements for each such use, and provided that all regulations governing location of accessory parking spaces, in relation to the use served, are adhered to.~~

D. Repair And Service: No vehicle repair work or service of any kind shall be permitted in conjunction with any parking facilities.

E. EV (Electric Vehicle) Parking Spaces: All new ~~commercial~~non-residential and multi-family residential construction or ~~commercial~~ additions shall provide designated parking spaces with provided Level 2 electrical hook-ups for electric vehicles. The spaces shall be designated for EV's only; any spaces designated as accessible EV stalls do not count towards the minimum number required as outlined below. The number of required EV parking spaces shall be determined as follows:

1. New construction or additions that requires less than twenty five (25) parking spaces shall be exempt from this requirement.

2. New construction or additions that requires more than twenty five (25) to one hundred (25-100) parking spaces shall provide a minimum of one (1) EV parking spaces equal to five percent (5%) of the total number of spaces installed. For example, if 100 spaces are required, a minimum of five (5) EV parking spaces shall be required, totaling 105 spaces. Where a fraction of a space is required, round to the nearest whole number.

3. Where physically feasible, all EV parking spaces shall be located a minimum of fifty (50) feet from any combustible structure. New construction or additions that requires more than one hundred (100) parking spaces shall provide a minimum of two (2) EV parking spaces.

F. Size: Except for parallel parking spaces, a required off street parking space shall be at least nine feet (9') in width and at least twenty feet (20') in length, exclusive of access drives or aisles, ramps, columns, or office or work areas, etc. As an exception, that standard parking stall lengths may be reduced from 20 feet to 18 feet when the adjacent sidewalk or landscaping is increased by two feet (2') above the minimum requirement, a two foot (2') overhang at the front of an eighteen foot (18') long off street parking space is allowed over a landscape buffer area to give a total of twenty feet (20') in length provided that all ADA access requirements are maintained for walkway widths and accessibility and other pedestrian walkway requirements are still maintained. Enclosed parking spaces shall have a vertical clearance of at least seven feet (7'). Handicapped parking spaces shall meet State and Federal size regulations. Parking stall dimensions and aisle dimensions shall conform to the following specifications in table ~~31~~ of this section, notwithstanding the exception provision noted in this subsection:

TABLE ~~31~~

PARKING LOT DIMENSIONS

Parking Angle	Stall Width	Parking Stall Length	Aisle Width ¹
0° - 15°	9'	23'	11'
16° - 37°	9'	20'	11'
38° - 57°	9'	20'	13'
58° - 74°	9'	20'	18'
75° - 90°	9'	20'	24'

Notes:

1. All aisle widths for aisles that serve as fire access roads shall be a minimum of 20 feet in width unless additional width is required by Fire Code. Final determination regarding fire access roads shall be by the City Fire Marshal.

G. Surfacing: All vehicular use areas, including parking stalls, drive aisles/lanes, driveways, and driveway approaches, required open off street parking areas and the minimum required parking spaces, including the stall area, aisle area, and entire area of all driving lanes, driveways, driving areas and all driveway entrances, for new construction and complete remodels only, shall be improved to the following standards:

1. Bituminous concrete (asphalt) is permitted in all zoning districts and shall have at least a nine inch (9") compacted aggregate base and a minimum thickness of two inches (2") of surface coverage. Any areas of parking designated as a "high traffic lane", which is intended to serve ~~fire apparatus~~, garbage trucks, school buses, mail delivery trucks, etc., shall have at least a ten inch (10") compacted base and a minimum thickness of three inches (3") of surface coverage.

2. Portland cement concrete is permitted in all zoning districts and shall have at least a four inch (4") compacted aggregate base and a minimum thickness of six inches (6") of surface coverage.

3. ~~The parking surfaces of industrial off street parking facilities located within the M-1, M-2 and I-P Zoning Districts and which are not adjacent to any of the following: a residential zoning district, an arterial roadway, and/or a collector roadway, may be constructed with an all-weather surface defined as a minimum of eight inches (8") of subbase (typically pit run gravel) and a minimum of two inches (2") of base course material (typically 3/4 inch minus crushed gravel). All weather surfaces must be capable of supporting a minimum vehicle load of seventy five thousand (75,000) pounds. Should a development in the M-1, M-2 and I-P Zones choose to pave, the surfacing requirements as listed in subsections (3)G1 and (3)G2 of this section shall be adhered to. All parking above and beyond the minimum code requirements for industrial uses located within the M-1, M-2, and I-P Zoning Districts, are not subject to the surfacing requirements listed in subsections (3)G1 and (3)G2 if fully screened from the public right-of-way and any adjacent properties with a sight obscuring fence. As an alternative, these facilities may be constructed with an all-weather surface defined as a minimum of eight inches (8") of subbase (typically pit run gravel) and a minimum of two inches (2") of base course material (typically 3/4 inch minus crushed gravel).~~

4. Porous and permeable parking lot surfaces (excluding gravel, road mix and similar) are permitted in any zoning district with the consent of the City Engineer and ~~Planning and Zoning~~ Community Development Director. The applicant shall submit cross section plans to the City and receive written permission from both officials prior to construction.

5. In all zoning districts, any vehicular use area utilized for emergency access shall be engineered and constructed to be capable of supporting a minimum vehicle load of eighty thousand (80,000) pounds.

6. The off street parking facility surfaces of agricultural and related uses located within the RS-1 and RS-2 Zoning Districts, may be constructed with an all-weather surface defined as a minimum of eight inches (8") of subbase (typically pit run gravel) and a minimum of two inches (2") of base course material (typically 3/4 inch minus crushed gravel) at the approval of the Director and the Engineering Department. Should a development in these districts choose to pave, the surfacing requirements as listed in subsections (3)G1 and (3)G2 of this section shall be adhered to. Any other agricultural or related uses in other districts may be permitted to use an all-weather surface as approved by the Director through an Alternative Method of Compliance application.

H. Screening And Landscaping: All newly constructed ~~or expanded, reconstructed or resurfaced~~ parking lots shall comply with the landscaping provisions listed in article ~~27~~ of this chapter. All ~~regular maintenance re-striped of~~ parking lots ~~(re-striping or regular resurfacing)~~ are exempt from complying with the landscaping provisions of this chapter if ~~previously legal non-conforming. Any existing landscaping/screening shall be maintained. that change the configuration of the parking stalls shall comply with the interior landscape planter islands provisions listed in section 10-07-09 of this chapter.~~

I. Lighting: ~~All off-street parking areas shall comply with the lighting standards in Article 4 of this chapter (10-04-10). Any lighting used to illuminate off street parking areas shall be directed away from residential properties.~~ The Planning and Zoning Commission may, on petition of neighboring residential property owners or tenants, and after a public hearing, require that such lighting be reduced in intensity, height, changed in duration, or turned off after certain hours. In making this decision on any such petition, the Planning and Zoning Commission shall take into consideration the reasonable requirements of the user of the parking area involved. The Planning and Zoning Commission's decision may be appealed to the City Council through the public hearing appeal process.

J. Required Spaces:

1. Residential uses shall be parked at the noted ratios in Table 4 below or as noted within the Specific Use Provisions (10-12) for the applicable use.

2. Unless otherwise specified below or within the Specific Use Provisions (10-12), all nonresidential uses (excluding industrial/manufacturing) shall provide one (1) off-street parking space for every five hundred (500) square feet of gross floor area and shall not exceed one (1) space for every two hundred (200) square feet of gross floor area.

3. Unless otherwise specified below, all industrial/manufacturing uses shall provide one (1) off street parking space for every two thousand (2,000) square feet of gross floor area and shall not exceed one (1) space for every five hundred (500) square feet of gross floor area.

~~4. The minimum and maximum number of off street parking spaces accessory to designated uses shall be provided as required in table 4 of this section. Uses in a strip mall, business center, commercial or industrial subdivision or similar may count all parking spaces located within the development for their use provided business hours do not overlap. For instance, a space, used as a church on Sundays in a complex filled with professional offices, may count all of the parking spaces in the complex toward its use on Sundays if the professional offices are closed on Sundays, thereby eliminating the need for the church to install an entire parking lot just for the church. Parking requirements in this section shall not compromise State and Federal handicap parking regulations. Land uses listed in section 10-02-02 of this article and not listed in table 4 of this section shall be governed with the parking standards for the general use category (i.e. nonresidential, industrial, etc.) or shall be determined by the Director, listed with an asterisk (*).~~

5. The ~~Planning and Zoning~~ Director has the authority to reduce the minimum or increase the maximum number of parking stalls required by up to fifty percent (50%). These shall be decided on a case-by-case basis and shall be dependent on the ultimate use of the property, existing parking in the area, and other pertinent factors. Reductions to the minimum parking or bicycle parking requirements or increases to the maximum parking requirements greater than fifty percent (50%) may take place through either special use permit approval, a variance approval, or a planned unit development approval, whichever may be most applicable.

TABLE 42

Land Use	Minimum Number of Parking Spaces	Maximum Number of Parking Spaces
All agriculture uses*	1.0 for every 500 square feet of floor area	1.0 for every 200 square feet of floor area
Residential:		
<u>Accessory Dwelling Unit</u>	0	<u>1.0 per dwelling unit</u>
Manufactured and mobile homes	1.0 per dwelling unit	2.0 per dwelling unit
Single-family and two-family dwellings	2.0 per dwelling unit	3.0 per dwelling unit
<u>Dwelling - Live / Work</u>	<u>Residential - 1 per dwelling</u> <u>Nonresidential use - per use</u>	<u>Residential - 3 per dwelling</u>
<u>Dwelling - Cottage Courts</u>	1.0 per dwelling	

<u>Dwelling – Townhouse</u>	<u>2.0 per dwelling</u>	
Three-family through multi-family dwellings	1.5 per dwelling unit	2.0 per dwelling unit
<u>Multi-family dwellings (triplex and up)</u>	<u>1.0 per Studio unit</u> <u>1.5 per 1- and 2-bedroom unit</u> <u>2 per 3+ bedroom unit</u> <u>Guest Parking – 1 per 10 units, but in no case shall there be less than 1 guest parking space.</u>	<u>Required spaces plus 20%</u>
<u>Residential-commercial:</u>		
<u>Bed and breakfast</u>	<u>1.0 per bed</u>	<u>1.25 per bed</u>
Convalescent home, nursing home, assisted living facility	0.75 per bed	1.5 per bed
<u>Dormitory, fraternity/sorority house</u>	<u>0.75 per bed</u>	<u>1.75 per bed</u>
<u>Homeless shelter, rooming/boarding house</u>	<u>0.25 per bed</u>	<u>0.75 per bed</u>
<u>Lodging – Bed and Breakfast</u>	<u>1.0 per bed</u>	<u>1.25 per bed</u>
Nursing home, residential care facility, assisted living facility	0.75 per bed	1.5 per bed
<u>Commercial-automotive:</u>		
<u>Nonresidential Uses:</u>		
Body shop, repair services	2.0 per service bay	3.0 per service bay
<u>Airport terminal</u>	<u>1.0 for every 250 square feet of floor area</u>	<u>1.0 for every 100 square feet of floor area</u>
<u>Automotive – Car wash</u>	<u>2.0 stacking spaces per service bay and/or 1.0 per employee</u>	<u>3.0 stacking spaces per service bay and/or 2.0 per employee</u>
<u>Arts, Entertainment, and Recreation – Indoor</u>	<u>1.0 per 250 square feet of gross floor area</u>	<u>1.0 per 150 square feet of gross floor area</u>
<u>Arts, Entertainment, and Recreation – Outdoor</u>	<u>1.0 per 500 square feet of gross floor area</u>	<u>1.0 per 250 square feet of gross floor area</u>
<u>Automotive – Gas/service station</u>	<u>1.0 per fuel pump</u>	<u>2.0 per fuel pump</u>
Car <u>Automotive – Rental lot</u>	<u>1.0 per rental vehicle, plus 1 space for every 2500 square feet of office floor area</u>	<u>1.0 per rental vehicle, plus 1 space for every 1200 square feet of office floor area</u>
<u>Automotive – Storage</u>	<u>1.0 space per 250 square feet of office space</u>	

<u>Automotive – Wrecking yard, Junkyard</u>	<u>1.0 for every 250 square feet of office space</u>	<u>1.0 for every 150 square feet of office space</u>
<u>Church, Place of Worship</u>	<u>1.0 for every 4.0 seats</u>	<u>1.0 for every 3.0 seats</u>
<u>Community Center</u>	<u>1.0 for every 250 square feet of floor area</u>	
<u>Drinking Establishment – Liquor; Brewery, Cidery, Winery, and Distillery</u>	<u>1.0 for every 200 square feet of floor area</u>	<u>1.0 for every 100 square feet of floor area</u>
<u>Car wash</u>	<u>2.0 stacking spaces per service bay</u>	<u>3.0 stacking spaces per service bay</u>
<u>Gas/service station</u>	<u>1.0 per fuel pump</u>	<u>2.0 per fuel pump</u>
<u>Sales, new and used</u>	<u>1.0 for every sales vehicle, plus 1 space for every 200 square feet of floor area, plus 1 space for every employee</u>	<u>1.0 for every sales vehicle, plus 1 space for every 100 square feet of floor area, plus 1 space for every employee</u>
<u>Commercial-medical:</u>	<u>1.0 for every 300 square feet of floor area</u>	<u>1.0 for every 75 square feet of floor area</u>
<u>Fitness facility</u>	<u>1.0 for every 250 square feet of floor area</u>	<u>1.0 for every 150 square feet of floor area</u>
<u>Funeral home</u>	<u>1.0 for every 150 square feet</u>	<u>1.0 for every 75 square feet</u>
<u>Hospital</u>	<u>1.25 per bed</u>	<u>2.0 per bed</u>
<u>Industry – uses that include large outdoor yards (i.e. Asphalt plant, cement and concrete production, monument production, recycling operation, sand and gravel yard, landfill, etc.)</u>	<u>1.0 for every 500 square feet of office space, plus 1 space for each employee on the largest shift</u>	
<u>Laboratory/research</u>	<u>1.0 for every 400 square feet of floor area</u>	<u>1.0 for every 250 square feet of floor area</u>
<u>Medical equipment sales</u>	<u>1.0 for every 500 square feet of floor area</u>	<u>1.0 for every 350 square feet of floor area</u>
<u>Commercial-retail:</u>	<u>1.0 for every 350 square feet of floor area</u>	<u>1.0 for every 200 square feet of floor area</u>
<u>Big box retail</u>	<u>1.0 for every 250 square feet of floor area</u>	<u>1.0 for every 100 square feet of floor area</u>
<u>Equipment rental and sales</u>	<u>1.0 for every 500 square feet of floor area, plus 1 space for every 2,500 square feet of outdoor display</u>	<u>1.0 for every 300 square feet of floor area, plus 1 space for every 2,000 square feet of outdoor display</u>
<u>Flea market</u>	<u>1.0 for every 200 square feet of floor area</u>	<u>1.0 for every 100 square feet of floor area</u>

Grocery store	1.0 for every 300 square feet of floor area	1.0 for every 150 square feet of floor area
Lumberyard	1.0 for every 1,000 square feet of floor area	1.0 for every 700 square feet of floor area
Shopping center, shopping mall	1.0 for every 300 square feet of floor area	1.0 for every 150 square feet of floor area
Commercial service:	1.0 for every 400 square feet of floor area	1.0 for every 250 square feet of floor area
Auction establishment	1.0 for every 150 square feet of floor area	1.0 for every 75 square feet of floor area
Park	3.0 per acre	8.0 per acre
Personal Services – Barber/beauty shop	1.0 for every chair	1.5 for every chair
Funeral home	1.0 for every 150 square feet	1.0 for every 75 square feet
Health club/fitness facility	1.0 for every 250 square feet of floor area	1.0 for every 150 square feet of floor area
Hotel, motel	1.0 for every room	1.5 for every room
Restaurants, all – Full Service	1.0 for every 4.0 seats 1.0 for every 250 square feet	1.0 for every 2.5 seats 1.0 for every 100 square feet
Restaurant – Limited Service	1.0 for every 400 square feet	1.0 for every 200 square feet
Retail Sales – Automotive, new and used	1.0 for every sales vehicle, plus 1 space for every 200 square feet of floor area	1.0 for every sales vehicle, plus 1 space for every 100 square feet of floor area
Theater	1.0 for every 3.0 seats	1.0 for every 2.0 seats
Commercial miscellaneous:		
Adult entertainment business, bar with live entertainment, dance hall	1.0 for every 200 square feet of floor area	1.0 for every 100 square feet of floor area
Arts and crafts shows	1.0 for every 350 square feet of floor area	1.0 for every 200 square feet of floor area
Bar, no entertainment	1.0 for every 300 square feet of floor area	1.0 for every 150 square feet of floor area
Club or lodge	1.0 for every 5.0 seats	1.0 for every 3.0 seats
Industrial manufacturing:	1.0 for every 1,000 square feet of floor area	1.0 for every 300 square feet of floor area
Aircraft repair and service	1.0 for every 2,000 square feet of floor area	1.0 for every 1,000 square feet of floor area
Asphalt plant, cement and concrete production, monument production, recycling operation, sand and gravel yard	1.0 for every 400 square feet of office space, plus 1 space for shift every 6,000 square feet of outdoor work and storage area	1.0 for every 250 square feet of office space, plus 1 space for every 3,000 square feet of outdoor work and storage area

Industrial storage:	1.0 for every 2,000 square feet of floor area	1.0 for every 500 square feet of floor area
Automotive wrecking yard, junkyard	1.0 for every 500 square feet of office space, plus 1.0 for every 15,000 square feet of lot area	1.0 for every 250 square feet of office space, plus 1.0 for every 7,000 square feet of lot area
Contractor's shop and yard, terminal/truck yard	1.0 for every 400 square feet of office space, plus 1.0 for every 10,000 square feet of work and storage area	1.0 for every 250 square feet of office space, plus 1.0 for every 2,500 square feet of work and storage area
Sanitary landfill	1.0 for every 400 square feet of office space, plus 1 space for every 20,000 square feet of lot area	1.0 for every 250 square feet of office space, plus 1.5 spaces for every 10,000 square feet of lot area
Public and semipublic:		
Airport terminal, community center	1.0 for every 250 square feet of floor area	1.0 for every 100 square feet of floor area
Cemetery	1.0 for every 400 square feet of office space	1.0 for every 250 square feet of office space
Church	1.0 for every 4.0 seats	1.0 for every 3.0 seats
Golf course	4.0 for every hole	8.0 for every hole
Hangar, helipad	1.0 for every aircraft space	2.0 for every aircraft space
Library, public facility/building, public administrative office	1.0 for every 400 square feet of floor area	1.0 for every 200 square feet of floor area
Park or recreational facility	3.0 per acre	8.0 per acre
School - Post Secondary, college	8.0 for every classroom/assembly area and 2.0 spaces for every room used for administration	15.0 for every classroom/assembly area and 3.0 spaces for every room used for administration
School, elementary and middle Primary	1.0 for every 500 square feet of classroom and office/administration space	1.0 for every 300 square feet of classroom and office/administration space
School, high Secondary	1.0 for every 350 square feet of classroom and office/administration space	1.0 for every 150 square feet of classroom and office/administration space
Wireless communications facility	1.0 for every tower	2.0 for every tower
Zoo	1.0 for every 2,000 500 square feet of lot exhibit area	1.0 for every 1,000 square feet of lot area

K. Parking Lot Maintenance: All parking lots, regardless of surface type, shall be maintained on a regular basis to ensure that all striping and curb paintings are visible; all parking and fire lane signage is readable and in good repair; and all parking lots are free from any potholes deemed to be unsafe or any other safety hazards. Parking lots with unsafe potholes or surfaces and/or signs in a state of disrepair, faded striping or curb painting or any other safety hazard shall be repaired within the time frame given in the notification requesting such repairs. Notifications shall be made via the process outlined in section 10-03-13 of this chapter.

L. Required Off Street Parking Areas: Required off-street parking areas, including driveways, are to be used for parking only. Automobile sales, storage, and other uses are prohibited with the exception of temporary and/or seasonal uses which are subject to appropriate permitting and/or licensing.

M. Vehicles For Sale: With the exception of approved auto sales lots, it shall be prohibited and unlawful to maintain or place vehicles on another's property for the purpose of sale.

N. Areas Not Designated For Vehicle Parking: Cars, trucks, trailers, boats, boat trailers, and recreational vehicles shall not be parked in required setbacks, on unimproved parking areas, or areas not designed for vehicle parking.

O. Commercial Vehicles And Trailers: Commercial vehicles and trailers shall not be parked, stored, or left unattended in residentially zoned areas whether on public or private property except while engaged in construction or any other permitted activities.

P. Advertising Vehicles: It shall be unlawful for any person to stand or park a vehicle within any right of way for the purpose of advertising said vehicle for sale, lease, and/or rent. Any violation of this section may result in enforcement action as outlined in section 09-07-19 of this code.

Q. If bus transportation is provided for patrons, occupants, or employees of a specific establishment, additional off-street parking or loading spaces for each bus which will be parked or loaded on the premises shall be provided in compliance with the terms of this chapter.

~~—(4) Drive Through Windows: A business with a drive through window shall be subject to the following:~~

~~—A. Exterior trash receptacles shall be provided to prevent the scattering of litter.~~

~~—B. All drive through window lanes shall be separated by curb from the parking lot's interior driveways.~~

~~—C. Any exterior speaker/microphone system shall be arranged and/or screened to prevent objectionable noise impact on adjoining properties.~~

~~—D. At least three (3) loading spaces (a total of 55 feet in length) shall be provided from the exterior speaker/microphone system. The loading spaces shall not be designed in any~~

manner that would interfere with off street parking spaces, aisle area, and/or any portion of the driving lane and driveway entrance.

~~— E. All exterior seating/play areas shall be separated from a drive-through with a four foot (4') tall fence.~~

~~(5)(4)~~ Off Street Loading: Off street loading spaces accessory to designated uses shall be provided as follows:

A. Location: All required loading spaces shall be located on the same lot as the use served. All vehicle loading spaces which abut a residential ~~district~~ or use and/or abut an intervening alley separating a residential ~~district~~ or use from a commercial or industrial district or use shall be completely screened by building walls, or a solid fence, wall, or any combination thereof, not less than eight feet (8') nor more than ten feet (10') in height. No loading space shall be located in a required front or side yard adjoining a street.

B. Access: Each required off-street loading space shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement.

C. Surfacing: All open off-street loading spaces shall be improved with a ten inch (10") compacted aggregate base and a minimum thickness of three inches (3") of bituminous concrete.

D. Utilization: Space allocated to any off-street loading space shall not be used to satisfy the parking space requirements for any off-street parking facilities or portions thereof.

E. Off Street Loading Space Requirements:

1. The minimum number of off-street loading spaces accessory to commercial uses shall be: One loading space for buildings containing ten thousand (10,000) to one hundred thousand (100,000) square feet of gross-floor area, plus one additional loading space for each additional one hundred thousand (100,000) square feet of gross floor area or major fraction thereof.

TABLE 5

COMMERCIAL LOADING DIMENSIONS

Floor Area Of Establishments (Square Feet)	Required Loading Spaces	Required Size (Feet)	Minimum Clearance (Feet)
10,000 to 99,999	1	12 x 50	14
100,000 to 199,999	2	12 x 50	14
200,000 to 299,999	3	12 x 50	14
300,000 and above	4	12 x 50	14

2. The minimum number of off-street loading spaces accessory to industrial uses shall be in accordance with the following schedule in table 6 of this subsection:

TABLE 6

INDUSTRIAL LOADING DIMENSIONS

Floor Area Of Establishments (Square Feet)	Required Loading Spaces	Required Size (Feet)	Minimum Clearance (Feet)
10,000 to 19,999	1	12 x 50	14
20,000 to 49,999	2	12 x 50	14
50,000 to 99,999	3	12 x 50	14
100,000 and above	4	12 x 50	14

~~(6)(5) Pedestrian Amenities~~ Bicycle Parking:

A. ~~Bicycle Parking~~ Required Spaces:

1. ~~Required Spaces: One (1) bicycle parking spaces for every ten (10) vehicle spaces proposed shall be required are required for all uses unless a different ratio is deemed appropriate by Planning and Zoning. Except that public and private education facilities shall provide one (1) bicycle space for every twenty (20) students, most use categories in all newly constructed developments to encourage the use of bicycles by providing safe and convenient places to park bicycles. Bicycle parking shall be provided by the following selected residential, commercial, industrial, and public uses listed in table 7 of this subsection: (Ord. 2738, 7-7-2008; Ord. 2805, 11-2-2009)~~

TABLE 7

BICYCLE PARKING SPACES

Land Use	Bicycle Parking Spaces Required
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Residential:	-	-
- Multi-family residential	-	1 space for every 2 units
Residential-commercial:	-	-
- Daycare center	-	1 space for every 20 children
- Dormitories, — fraternity/sorority house	-	1 space for every 2 beds
- Rooming/boarding house, group home, convalescent home/nursing home/assisted living facility	-	1 space for every 4 beds
Commercial:	-	-
- All automotive uses	-	5 percent of the number of automobile spaces
- All medical uses	-	10 percent of the number of automobile spaces
- All retail, service, and miscellaneous uses (excluding parking lots and parking garages)	-	15 percent of the number of automobile spaces
Industrial:	-	-
- All manufacturing and storage uses	-	5 percent of the number of automobile spaces
Public and semipublic:	-	-
- Church, community center, park or recreational facility, zoo	-	15 percent of the number of automobile spaces
- Library, museum	-	20 percent of the number of automobile spaces
- Preschool, 6 children or greater	-	1 space for every 30 children
- Public administrative office	-	25 percent of the number of automobile spaces
- Public facility building	-	10 percent of the number of automobile spaces
- School, public or private	-	1 space for every 30 students

2. Computation: When determination of the number of bicycle parking spaces required by this section results in a requirement of a fractional space, any fraction of one-half (1/2) or less may be disregarded while a fraction in excess of one-half (1/2) shall be counted as one parking space.

3. Bicycle Parking Standards:

(A) Residential and residential-commercial bicycle parking must be:

- i. Provided by racks or lockers approved by the planning and zoning director.
- ii. Centrally located on the site or equitably dispersed throughout the site.
- iii. Covered (between 7 and 10 feet in height).
- iv. Illuminated.

v. Racks or lockers will not be required if the property owner provides at least one bicycle parking space in all dwelling units or dormitory units.

(B) Commercial, industrial, and public and semipublic bicycle parking must be:

i. Provided by racks or lockers approved by ~~the~~ planning and zoning ~~director~~.

ii. Within the following distance of the main entrance of a building:

1) Building with one main entrance: Within one hundred feet (100') of the main entrance as measured along the most direct pedestrian route.

2) Building with more than one main entrance: Bicycle parking must be located along all facades with an entrance, and within one hundred feet (100') of at least one main entrance as measured along the most direct pedestrian route.

3) Uses with more than one primary building: Bicycle parking must be located within one hundred feet (100') of a main entrance as measured along the most direct pedestrian access route.

iii. Illuminated. (Ord. 2738, 7-7-2008)

~~iv. (Rep. by Ord. 2865, 6-20-2011)~~

iv. Two feet by six feet (2' x 6') in area. Aisles must be at least five feet (5') wide.

B. Public Transportation:

1. Public transportation facilities shall be required when requested by the local mass transit jurisdiction in the following situations:

(A) Commercial subdivision(s) and/or development(s).

(B) Industrial subdivision(s) and/or development(s).

(C) Special use permits.

(D) Multi-family dwelling subdivision(s) and/or development(s).

(E) Planned unit developments.

(F) Manufactured home parks.

(G) Rezones.

10-02-06: SIGN REGULATIONS:

10-02-06-1: Purpose, Definitions and Terms

10-02-06-2: General Provisions

10-02-06-3: Exempted Signs

10-02-06-4: Prohibited Signs

10-02-06-5: Approval of Sign Plans

10-02-06-6: Size, Height, and Measurement Computation

10-02-06-7: RS-1, RS-2, R-1, R-2, R-3, and T-N Districts; Sign Schedule

10-02-06-8: C-1, C-2, C-3, C-4, H-C, M-1, M-2, I-P Districts; Sign Schedule

10-02-06-9: D-CC, D-CB Districts; Sign Schedule

10-02-06-10: A-D, C-D, H-D, P-D Districts, Sign Schedule

10-02-06-11: Temporary Signs

10-02-06-12: Design Standards

10-02-06-13: Abandoned Signs

10-02-06-14: Enforcement

10-02-06-1: PURPOSE, DEFINITIONS AND TERMS:

~~(1) Purpose: The city of Caldwell sign regulations are intended to achieve the following objectives:~~

~~A. To promote a healthy economy by permitting businesses and the community to inform and direct the general public through the use of signs on buildings and sites.~~

~~B. To encourage an attractive visual environment for businesses and the community.~~

~~C. To protect and enhance the physical appearance of the community:~~

~~1. Assuring the appropriate design, architectural scale and placement of signs;~~

~~2. Assuring that signs are placed in an orderly and attractive manner on a building or site;~~

~~3. Assuring that the amount of information on the sign is legible and achieves the intended purpose.~~

~~D. To ensure public safety along public roadways within the city by regulating the size and number of signs and assuring that all signs are in safe and appropriate locations.~~

~~E. To provide necessary, yet reasonable and appropriate, signage for all residential, institutional, industrial, and business uses in the community.~~

~~F. To establish and enforce a reasonable procedure for the eventual removal of nonconforming and/or abandoned signs.~~

~~G. To ensure that the maintenance of signs continues throughout the life and display of the sign.~~

(1) Purpose: The purpose of this section is to regulate the size, color, illumination, movement, materials, location, height and condition of all signs placed on private property for exterior observation, thus ensuring the protection of property values and the character of various neighborhoods; to eliminate signs that create potential hazards to motorists, pedestrians, and property; to eliminate clutter and preserve and improve the aesthetic values, economic prosperity, and visual qualities of Caldwell by setting requirements for the size, color, illumination, movement, materials, location, height, and condition of all signs. The city does not intend to have content-based restrictions or content-based enforcement.

(2) Definitions: See section 10-01-10 of this code for all definitions related to signs/signage.

10-02-06-2: GENERAL PROVISIONS:

The following shall apply to signs in all zoning districts:

(1) Permits required. No person shall construct, erect, enlarge, alter, or relocate any sign, or install electrical parts, wiring, or illumination in or upon a sign regulated by this article, until all required permits have been obtained, including, but not limited to, sign permits, business license, building permits, electrical permits, mechanical permits, plumbing permits, and any other permit required by federal, state, or local law.

(2) Special Use Permits. Any situation that involves increasing the square footage or height of a sign above code allowances, reducing the required distance a sign is set back from a property line or right of way line, increasing the maximum number of signs allowed on a property, ~~roof signage, allowing a sign that is not permitted within a zoning district,~~ or allowing illuminated signs in a zone where illumination is not permitted may be granted only upon the successful completion of a Special Use Permit and in accordance with this section.

(3) Conformity, permit required. No person shall erect, construct, enlarge, alter, repair, move, improve, convert, equip, use, or maintain any sign, or cause or permit the same to be done, in violation of any provision of this chapter or a permit issued hereunder. These regulations apply to both commercial and noncommercial signage.

(4) Architectural Compatibility. The number, area, and height of signs as outlined in this section are intended to be maximum standards which do not necessarily ensure architectural compatibility. Therefore, in addition to the enumerated maximum standards, the city shall give consideration to a sign's relationship to the overall appearance of the subject property as well as the surrounding area.

~~(5) Landscaping: All permanent freestanding and monument signs shall be landscaped in accordance with the requirements listed in the landscaping ordinance. The required landscaped area shall be equal to or exceed the total square footage area of the face of one side of the sign(s).~~

(6) Materials and Appearance. It is the intent of this section to encourage interesting, creative, readable, effective, uncluttered, and well-maintained signage. Sign materials and appearance shall be complementary to the building architecture and colors. All signs shall

be professionally made or purchased from a retail / wholesale establishment store or sign company.

~~(7) Religious, Charitable, Educational Or Other Signs: Religious, charitable, educational or other signs determined to be similar (specifically excluding all home occupation signage and home occupations) not exceeding one square foot in area for each three (3) linear feet of frontage of the main building on the principal street shall be allowed within residential districts, provided no sign shall exceed thirty-two (32) square feet in area. Such signs may be externally illuminated and shall comply with all requirements of this article. Internal illumination and/or electronic reader boards would require special use permit approval.~~

(8) Stricter standards prevail. Nothing in this chapter is intended, nor shall be construed, to permit the erection, construction, enlargement, alteration, or maintenance of any sign at any place or in any manner unlawful under any other federal, state, or local law. When any part of this chapter conflicts with another provision of federal, state, or local law, the provision that establishes the stricter standard shall control.

(9) Severability Clause. If any section, subsection, sentence, clause, word or phrase of this section is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this section and will continue in full force and effect.

(10) Placement restrictions.

A. No signs (whether permanent or temporary) shall be placed within any utility or access easement, public right-of-way or projected future right-of-way area as determined by the city engineer (unless specifically authorized by this chapter or approved by city council), or within any vision triangle. When erected in conformance with this chapter, it shall not be placed in such a manner as to obstruct free and clear vision of users of the right of way, or have colors or patterns which interfere, obscure or conflict with any authorized traffic sign, signal or traffic control device.

B. No sign of any kind, except public traffic directing devices, public utility signs or safety signs, shall be placed within or project over any, vision triangle, property line or "Right of way area", which for purposes of this article, shall be defined as follows: Improved or unimproved public property owned by, dedicated to, or deeded to, the public or for the public's use, or future public property planned for future public use, for the purpose of providing vehicular, pedestrian and other public use and includes the land between the right of way lines whether improved or unimproved and comprises the following, at a minimum: pavement, shoulders, curbs, gutters, sidewalks, parking areas, lawns and ground located between the curb and detached sidewalks.

C. Setbacks In All Districts: Unless otherwise noted in this article, the minimum setback shall be three feet (3') from the property line, which shall include the footings, base, and all parts of the sign. The setback is ~~measured from the back of a public sidewalk~~. ~~If no public sidewalk exists the setback shall be measured from the property line.~~ In those cases where roadway widening is planned and officially approved, the future property line / right-of-way shall be established as the setback for signage placement.

D. Signs taller than three feet (3') shall not be located within any vision triangle, regardless of any property line or right-of-way line.

E. Freestanding Pole Signs: Freestanding pole signs, where permitted, shall have a minimum setback from all property lines of thirty feet (30') and shall have a minimum separation distance of one thousand feet (1,000'). This measurement shall include signs along both sides of the roadway and not only the signage along the side of the roadway where the sign is proposed to be installed.

(11) Sign permit issuance; compliance required. ~~The Planning and Zoning Department does not require sign permits for any signs. The requirement for sign permits for signs is solely regulated by the Building Department and applicable City building codes relating to permits for signage.~~ No sign permit will be issued for any property and/or business without an existing structure, a valid business license, and a valid building permit, or certificate of zoning compliance for an allowed use within the applicable district.

(12) Attachment. All signs shall be attached in accordance with the manufacturer's specifications, the registered design professional, or the sign contractor, whichever is applicable and the most stringent.

(13) Corner Lots. On corner lots, each lot line abutting an existing street shall be considered separate frontage.

(14) Pole Signs: Pole coverings shall be required on all new pole signs.

(15) Sign Alterations. Except for signs not regulated by this section, sign alterations that increase sign face square footage shall require conformance to this article.

(16) Sign Maintenance and Repair. All signs, regardless of type, shall be continually maintained in a state of good appearance, security, safety and repair throughout their life. Maintenance shall be such that the signage continues to conform to any conditions imposed by this article, the sign permit or any applicable special use permits. Nothing in this Code shall relieve the owner or user of any sign or owner of property on which a sign is located from maintaining the sign in a safe condition, a state of good repair and an aesthetically pleasing condition.

(17) ~~Name Or~~ Home Occupation Signs. Regardless of zoning district, one sign is permitted per dwelling unit where a home occupation permit has been issued. The sign shall not be more than three (3) square feet in area, shall be unlighted, and shall be attached flush to the building.

(18) Lighting: All lighting shall be installed, operated, and maintained to be harmonious and appropriate in appearance with the existing and intended character of the general vicinity and shall not change the essential character of the same area; and the lighting shall not be disturbing or shine upon existing or future neighboring uses.

(19) Portable Or Temporary Signs. Portable signs or temporary signs cannot be used as permanent signage unless indicated otherwise herein.

(20) Display Of Merchandise. Display of merchandise does not count as signage and is permitted on site provided all merchandise is not within or over any public "right-of-way

area", as defined in this chapter, or within or over any vision triangle area and all merchandise is in a clean, neat, safe, operable condition.

~~(21) Easements: Signs may be placed within easements, provided the applicant coordinates sign placement with the appropriate utility service or agency having authority over the easement. It shall be understood that any required maintenance or repair within the easement shall take place regardless of any potential damage, displacement or destruction to the sign that may result as a consequence of any maintenance or repair necessary within the easement. Sign repair or replacement shall not be the responsibility of the utility or the City or any other agency having authority over the easement nor shall the utility or the City or any other agency having authority over the easement be held liable for any damage to the sign due to utility maintenance or repair or any other maintenance or repair necessary within the easement. Property owners may be required to sign and have notarized a statement, as prepared by the City, indicating as much.~~

(22) Removal Of Signs. Any signs, in any zoning district, placed illegally within a public right-of-way, right-of-way area, or vision triangle area or that are presenting an immediate vehicular or pedestrian safety hazard, may be removed and disposed of by city staff, with or without notification. Illegal temporary signs placed on private property may be removed and disposed of by city staff, with or without notification.

10-02-06-3: EXEMPTED SIGNS:

(1) These signs are exempted by this Code and may be permitted in a public right-of-way upon authorization through the City Traffic Commission:

- A. Public regulation and information signs.
- B. Curb addresses and private street numbers.
- C. Signs erected by ~~of~~ public service companies for the purpose of safety.

~~D. Public Signs: Signs erected by government agencies or utilities, including traffic, utility, safety, railroad crossing, identification, and informational signs for public facilities and any signs erected by the authority having jurisdiction. Traffic, directional, warning, or information signs authorized by the controlling public agency.~~

- E. Official notices issued by any court, public agency, or officer.
- F. Signs required by local, state or federal law.

(2) These signs are exempted by this code but are not permitted within or over a public right of way and must follow all vision triangle regulations:

~~A. Security and Warning Signs: Signs regulating the use of the premises, such as "no trespassing", "no hunting", "no soliciting", or other safety warning signs placed on private property. No trespassing and warning signs. Trespassing, private drive, or other safety warning signs placed on private property.~~

- B. Flags of any country, state or unit of local government.

C. Flagpoles.

~~D. Political signs, provided such signs shall be posted no more than sixty (60) days prior to an election and removed within ten (10) days following election day and shall not be destructive to public property upon posting or removal. Further, prior to placement of any political signage on any private property, permission from the private property owner shall be obtained. No electric political signs shall be allowed in residential districts.~~

E. Internal traffic directional signs, less than three (3) square feet in size.

~~F. Construction signs, provided that such signs are erected no more than thirty (30) days prior to the construction, confined to the site of construction, and removed within ten (10) days of completion of the entire project.~~

G. Holiday decorations and signs of a decorative nature, incidental and commonly associated with any national, local or religious holiday.

H. ~~Picket signs, provided they are hand carried. Signs being carried by people.~~

I. Handicap parking space signs in accordance with federal law.

J. Private Drive Signs: Signs installed on private property for private drives and not exceeding two (2) square feet in area.

K. Any sign consistent with this section as deemed appropriate by the ~~planning and zoning~~ director.

10-02-06-4: PROHIBITED SIGNS:

(1) The following signs are specifically prohibited unless indicated otherwise:

A. Pole signs, except for freeway-oriented pole signs in accordance with this section.

B. ~~Roof Supported Signs: Any sign which is erected above the roofline of a building or structure and which receives any or all of its support from such roof. Roof and roof-supported signs.~~

C. Wall signs that extend above the parapet wall.

D. Temporary signs placed within landscaped areas on commercial, industrial, public, semi-public, or institutional properties, or otherwise placed into the ground.

E. Any sign which blocks the Americans with disabilities act (ADA) minimum width required for handicap accessibility on a public sidewalk.

F. Mechanically moving signs or other display with actual mechanical motion powered by natural, manual, mechanical, electrical or other means, including but not limited to searchlights, beacons, strobe lights, streamers, spinners, pennant strings, scintillating lights, and similar lights.

G. Dynamic signage, which includes moving, revolving, intermittent, oscillating, animated, or flashing signs.

H. Inflatable signs and other permanent objects which are inflated, including but not limited to balloons and blimps. Balloons may be permitted in temporary non-commercial situations; for instance, they are permitted for special occasions at a residence.

I. Signs Imitating Warning Signal: No sign shall display intermittent lights resembling the flashing lights customarily used in traffic signals or in police, fire, ambulance, or rescue vehicles, nor shall any sign use the words "stop", "danger", or any other word, phrase, symbol, or character in a manner that might mislead or confuse a vehicle driver.

J. Signs which by reason of size, location, movement, coloring, or manner of illumination, imitate, or resemble, or may be confused with, or be construed as a traffic control sign, traffic control signal or device, or the light of a police, fire, ambulance, or rescue vehicles, or the light of other emergency or radio equipment vehicle.

K. Simulated Traffic Signs and Obstructions: Any sign which may be confused with, or obstruct the view of, any authorized traffic sign or signal, obstruct the sight-distance triangle at any road intersection or extend into the public right-of-way.

L. Signs Within Street or Highway Rights Of Way: Except as herein provided, no sign whatsoever, whether temporary or permanent, except traffic signs and signals and information signs erected by the controlling public agency, are permitted within any street or highway right of way. Signs within a street or highway right of way are subject to immediate removal and disposal by city staff without notification.

M. Signs Attached To Trees, Utility Poles, Traffic Signage Poles, Or Streetlight Poles: Signs shall not be attached to any trees or branches unless said trees or branches are completely on private property and are outside of any street landscape buffer area or right of way area. Signs shall not be attached to any utility poles, power poles, telephone poles, traffic signage poles such as stop sign poles or street name sign or the like, or streetlight poles whatsoever. Any such signage may be removed and disposed of by city staff at any time, with or without notification. Posters, Handbills and Miscellaneous Signs: Posters, handbills and other miscellaneous signs which are visible from a public way and are tacked, pasted, taped or otherwise affixed in a similar manner to or upon trees, light poles, electric poles, fences, hydrants, bridges, or other similar structures, except for signs on private property in order to prevent trespassing and to head warnings.

N. Display of items for sale within any landscape area or required parking area.

O. Signs Attached To Fences; Exception: Multiple signs shall not be attached to a fence. Only one permanent or one temporary sign may be securely attached to a fence, per street frontage and/or per alley frontage, such that there is no more than one sign on a fence's street or alley frontage. No trespassing and warning signs, directional and traffic signs, and temporary construction signs are exempt from this provision.

P. Signs Attached to Trailers or Vehicles:-Signs attached to a trailer or vehicle that is permanently parked along a public highway or street, or otherwise within the right-of-way.

Q. Highly Reflective and Fluorescent Signs made wholly or partially of highly reflective material unless required by the Caldwell fire department.

R. Signs On Benches and Shelters: Exception: Signs on benches and shelters that have been constructed/placed by or through the approval of the public transit or city authority after following the sign permitting process. Such bench/shelter signage shall be flat, professionally prepared signs permanently fastened to back support/rests or walls or painted directly on the surface. Signage may not be chained, tied, propped upon or otherwise affixed except as stated previously. Illegally attached signage or signage placed by someone other than the public transit or city authority shall be removed and disposed of by city staff. Signage on benches located in city golf courses is permitted inasmuch as golf course signage requirements allow it and all such signage is coordinated through the golf course.

S. ~~Dilapidated Signs: Any sign which is in whole or in part weak, unsafe, unstable or constructed of broken, unsightly, inferior, torn, faded, peeling, old or worn materials or that is any form of disrepair.~~ Dilapidated, Deteriorated, or Unsightly Signs.

T. ~~Signs With Irrelevant Messages: Any sign which pertains to a time, event or purpose which no longer applies.~~ Abandoned Signs.

U. Rotating Signs.

V. Sandwich Board / A-frame / Wheeled Signs, except as otherwise stated in this section or within this chapter.

W. Pennant strings, streamers, spinners, propellers, search lights and other similar mechanically moving signs.

X. Any sign in violation of this chapter.

Y. Any sign in violation of local, state, or federal law over which the city exercises jurisdiction.

Z. Any sign whose permit or approval has not been obtained or whose permit or approval is expired.

10-02-06-5: APPROVAL OF SIGN PLANS:

(1) When a sign permit or site plan is submitted to the City for, it shall be accompanied by a complete comprehensive sign plan showing the following on the subject property:

A. The location of all existing or proposed signs on the property.

B. The sign type, height, area, and setback of each existing and proposed signs on the property.

C. A conceptual rendering of each proposed sign on the property.

D. Renderings or photos of existing signs on the property.

- E. Building elevations showing any wall signs.
- F. All other information as required on the sign checklist.

10-02-06-6: SIZE, HEIGHT, AND MEASUREMENT COMPUTATION:

(1) Sign Face Area:

A. Panel or Cabinet Signs. In the case of panel or cabinet type signs, the sign face shall include the entire area of the sign panel, cabinet or face substrate upon which the sign copy is displayed or illustrated, but not open space between separate panels or cabinets.

B. Painted Signs, Individual Letters, or Graphic Elements. In the case of signs painted on a building, or individual letters or graphic elements affixed to a building or structure, the sign face shall comprise the sum of the geometric figures or combination of regular geometric figures drawn closest to the edge of the letters or separate graphic elements comprising the sign copy, but not the open space between separate groupings of sign copy on the same building or structure.

C. In the case of sign copy enclosed within a painted or illuminated border or displayed on a background contrasting in color with the color of the building or structure, the sign face shall comprise the area within the contrasting background, or within the painted or illuminated border.

D. Awnings, Canopy and Marquees: When graphics or sign copy is incorporated into an awning, canopy or marquee, the sign area is determined by computing the area of a standard imaginary geometric shape or combination of shapes drawn around the sign copy area or graphics. When the ends of awnings, canopies or marquees are parallel and contain graphics or sign copy, only one side is counted in addition to the sign face area on the front.

(2) Sign Height:

A. Sign height is measured from the ground underneath the sign to the highest point of the sign and any vertical projection thereof, including its support columns. If the ground under the sign slopes, the height shall be measured from the average grade under the sign itself.

10-02-06-7: RS-1, RS-2, R-1, R-2, R-3, T-N DISTRICTS; SIGN SCHEDULE:

All signage in the RS-1, RS-2, R-1, R-2, R-3, C-1, A-D, C-D, and H-D Districts shall not be permitted above the roofline of the tallest building it serves, unless approved through a special use permit.

A. ~~RS-1, RS-2, and R-1 districts:~~

~~1. Permitted signs: Animated reader board or changeable copy signs as incorporated into the business sign, freestanding (post) signs, hanging and suspended signs, monument signs, and subdivision entry signs subject to the provisions listed below:~~

~~(A) One permanent freestanding (post) business sign, or hanging and suspended sign identifying any permitted use or special use, other than a residential use or home occupation, shall be permitted per street frontage. Each sign shall not exceed twelve (12) square feet in area and may be externally illuminated. A sign permit is required prior to installation.~~

~~(B) Freestanding (post) business signage or hanging and suspended sign signage in these districts may be expanded to twenty four (24) square feet in area and/or may be internally illuminated through a special use permit. A sign permit is required prior to installation.~~

~~(C) One permanent freestanding (post) sign or hanging and suspended sign identifying any use defined as public and/or semipublic in section 10-02-02, table 1 of this article shall be permitted per street frontage. Each sign shall not exceed twenty four (24) square feet in area and may be externally illuminated. These signs may be expanded to thirty six (36) square feet in area and/or may be internally illuminated through a special use permit. A sign permit is required prior to installation.~~

~~(D) One permanent freestanding (post) sign or hanging or suspended sign identifying any public or private elementary or secondary school shall be permitted per street frontage. Each sign shall not exceed fifty (50) square feet in area, unless approved through a special use permit. The sign may be externally or internally illuminated. One permanent freestanding (post) sign or hanging or suspended sign identifying any religious facility shall be permitted per street frontage. Each sign shall not exceed thirty two (32) square feet in area, unless approved through a special use permit. The sign may be externally or internally illuminated. A sign permit is required prior to installation.~~

~~(E) One animated reader board or changeable copy sign per building may be permitted only when it is used in conjunction with, and as a part of, a business sign identifying a permitted use or an approved special use and shall not exceed twenty four (24) square feet in area. One animated reader board or changeable copy sign per building may be permitted only when it is used in conjunction with, and as a part of a use defined as public and/or semipublic in section 10-02-02, table 1 of this article and shall not exceed thirty six (36) square feet in area. Such signage shall be approved through a special use permit in these districts prior to installation. A sign permit is required prior to installation. Stand alone animated reader boards or changeable copy signs are prohibited, excepting that a changeable copy sign may be allowed as a stand alone sign provided all of the temporary sign requirements are met as outlined in subsection (9) of this section. A sign permit is required prior to installation.~~

~~—(F) One subdivision entry sign or monument sign may be placed at each entrance of a subdivision, shall not exceed thirty-two (32) square feet, and may be externally illuminated. A sign permit is required prior to installation.~~

~~—B. R-2, R-3, and C-1 districts:~~

~~—1. Permitted signs: Animated reader board or changeable copy signs as incorporated into the business sign, window signs, awning signs, directory signs, freestanding (post) signs, hanging and suspended signs, monument signs, projecting signs, subdivision entry signs, and wall signs subject to the provisions listed below:~~

~~—(A) One permanent freestanding (post), hanging and suspended, projecting or directory sign identifying a permitted or special use, other than a single-family dwelling or home occupation, is permitted per street frontage. Each sign shall not exceed thirty-six (36) square feet in area, and may be externally illuminated. One permanent freestanding (post) sign or hanging or suspended sign identifying any public or private elementary or secondary school shall be permitted per street frontage. Each sign shall not exceed fifty (50) square feet in area, unless approved through a special use permit. Signs identifying any public or private elementary or secondary school may be externally or internally illuminated. A sign permit is required prior to installation.~~

~~—(B) Freestanding (post), hanging and suspended, projecting and directory business signage in these districts may be expanded to fifty (50) square feet in area and/or may be internally illuminated through a special use permit. A sign permit is required prior to installation.~~

~~—(C) One animated reader board or changeable copy sign per building may be permitted only when it is used in conjunction with, and as a part of, a business sign identifying a permitted or approved special use and shall not exceed thirty-six (36) square feet in area. Such signage shall be approved through a special use permit in these districts prior to installation. A sign permit is required prior to installation. Stand alone animated reader boards or changeable copy signs are prohibited, excepting that a changeable copy sign may be allowed as a stand-alone sign provided all of the temporary sign requirements are met as outlined in subsection (9) of this section.~~

~~—(D) Wall signs affixed to a building are permitted on nonresidential uses. Multiple signs are permitted, but the total signage area shall not exceed twenty percent (20%) of the total wall square footage upon which the sign(s) is placed. Wall signs in these districts may be externally illuminated. Sign permits are required prior to installation.~~

~~—(E) One subdivision entry sign or monument sign may be placed at each entrance of a subdivision or business park, the actual signage area (exclusive of the monument portion of the structure) shall not exceed one hundred (100) square feet, and may be externally illuminated in a residential development or externally or internally illuminated in a commercial development or a mixed use development. Sign permits are required prior to installation.~~

~~— (F) One awning sign may be permitted per street frontage. The awning sign shall be located completely on the awning valance. Awnings shall be a minimum of eight feet (8') above sidewalk grade. Awning valances shall have an eighteen inch (18") maximum height. Sign permits are required prior to sign and awning installation.~~

~~— 2. Window signs are permitted in any window with street or alley frontage. There are no minimum or maximum requirements for window signs.~~

(1) Single-Family & Two-Family Residential Property:

A. All single-family and two-family residential properties located in RS-1, RS-2, R-1, and T-N zoning districts are permitted signs, not to exceed six (6) square feet in total sign area per road frontage. Signs may be freestanding, mounted to a permanent building, or displayed in a window. The maximum height of any sign on properties with single-family and two-family residential uses is four (4) feet.

(2) Non-Residential Uses in Residential Zone:

A. Freestanding Signs: One (1) permanent freestanding monument sign shall be permitted per street frontage on property used for non-residential uses. Each sign shall not exceed twenty-four (24) square feet in area and may be externally illuminated. These signs may be expanded to thirty-two (32) square feet in area and/or may be internally illuminated through a special use permit. A sign permit is required prior to installation. The maximum height is fifteen (15) feet. In no case shall a permitted sign or specially permitted sign be taller than the roofline of the tallest building it serves.

B. Electronic Message Centers or Changeable Copy Signs: One electronic message center or changeable copy sign may be permitted on properties with permitted non-residential uses, only when it is used in conjunction with, and as a part of, a permitted monument sign. The electronic message center or changeable copy sign portion shall not exceed twenty - five (25) percent of the permitted square footage of the monument sign. All EMC signs shall have automatic dimming controls, either by photocell (hardwired) or via software settings, in order to bring the EMC lighting level at night down to a level acceptable as specified in this section.

1. EMC signs shall have a minimum display time of eight (8) seconds. The transition time between messages and/or message frames is limited to three (3) seconds and these transitions may employ fade, dissolve, and/or other transition effects.

C. Building Signs:

1. Building signs (wall, hanging, suspended and projecting signs) signs affixed to a building wall or facade are permitted for properties with permitted non-residential uses. Multiple signs are permitted, but the total signage area shall not exceed ten percent (10%) of the area of the wall / façade in elevation view upon which the sign(s) are placed. Wall signs in these districts may be externally illuminated.

2. Hanging, suspended and projecting signs which allow the sign to swing shall not exceed sixteen (16) square feet.

3. Building signs shall not extend more than eighteen (18) inches out from the wall or structure to which they are attached, with the exception of projecting signs, which may project out a maximum of twenty-four inches.

4. Hanging, suspended and projecting signs shall have a minimum clearance beneath the sign is twelve feet (12').

5. Sign permits are required prior to installation.

(3) Residential Subdivisions, Apartment Complexes, Multi-Family Developments, and Condominium Complexes:

A. One subdivision entry sign or monument sign may be placed at each entrance of a subdivision, shall not exceed thirty-two (32) square feet, and may be externally illuminated. A sign permit is required prior to installation. One sign may be placed on each side of any entry road into the subdivision, complex, or development. The applicant shall choose between freestanding monument signs or wall signs that are placed upon a decorative entry wall structure. Signs shall not exceed thirty-two (32) sixty (60) square feet in area and fifteen feet (15') in height and may be externally illuminated.

B. Building Signs:

1. Building signs (wall, hanging, suspended and projecting signs) signs affixed to a building wall or facade are permitted for amenity buildings (clubhouses, community centers/buildings, and similar) within subdivisions, complexes or multi-family developments. Multiple signs are permitted, but the total signage area shall not exceed ten percent (10%) of the area of the wall / façade in elevation view upon which the sign(s) are placed. Wall signs in these districts may be externally illuminated.

2. Hanging, suspended and projecting signs which allow the sign to swing shall not exceed sixteen (16) square feet.

3. Building signs shall not extend more than eighteen (18) inches out from the wall or structure to which they are attached, with the exception of projecting signs, which may project out a maximum of twenty-four inches.

4. Hanging, suspended and projecting signs shall have a minimum clearance beneath the sign of twelve feet (12').

5. Sign permits are required prior to installation.

C. Other directional, incidental and/or accessory signs are also permitted to be located within the subdivision, complex or multi-family development. Such directional, incidental and/or accessory signs shall not exceed six (6) square feet in sign area and eight (8) feet in height (if freestanding).

D. Sign permits are required prior to installation.

10-02-06-8: C-1, C-2, C-3, C-4, H-C, M-1, M-2, I-P DISTRICTS; SIGN SCHEDULE:

All signage in the C-2, C-3, M-1, M-2 and I-P Districts shall not exceed fifty feet (50') in height, unless approved through a special use permit.

All signage in the C-4 District shall not exceed ninety feet (90') in height, unless approved through a special use permit. Except, signs located within the APO-1 overlay shall in no case exceed eighty feet (80') in height.

C-1 districts:

—1. Permitted signs: Animated reader board or changeable copy signs as incorporated into the business sign, window signs, awning signs, directory signs, freestanding (post) signs, hanging and suspended signs, monument signs, projecting signs, subdivision entry signs, and wall signs subject to the provisions listed below:

—(A) One permanent freestanding (post), hanging and suspended, projecting or directory sign identifying a permitted or special use, other than a single family dwelling or home occupation, is permitted per street frontage. Each sign shall not exceed thirty-six (36) square feet in area, and may be externally illuminated. One permanent freestanding (post) sign or hanging or suspended sign identifying any public or private elementary or secondary school shall be permitted per street frontage. Each sign shall not exceed fifty (50) square feet in area, unless approved through a special use permit. Signs identifying any public or private elementary or secondary school may be externally or internally illuminated. A sign permit is required prior to installation.

—(B) Freestanding (post), hanging and suspended, projecting and directory business signage in these districts may be expanded to fifty (50) square feet in area and/or may be internally illuminated through a special use permit. A sign permit is required prior to installation.

—(C) One animated reader board or changeable copy sign per building may be permitted only when it is used in conjunction with, and as a part of, a business sign identifying a permitted or approved special use and shall not exceed thirty-six (36) square feet in area. Such signage shall be approved through a special use permit in these districts prior to installation. A sign permit is required prior to installation. Stand alone animated reader boards or changeable copy signs are prohibited, excepting that a changeable copy sign may be allowed as a stand alone sign provided all of the temporary sign requirements are met as outlined in subsection (9) of this section.

—(D) Wall signs affixed to a building are permitted on nonresidential uses. Multiple signs are permitted, but the total signage area shall not exceed twenty percent (20%) of the total wall square footage upon which the sign(s) is placed. Wall signs in these districts may be externally illuminated. Sign permits are required prior to installation.

—(E) One subdivision entry sign or monument sign may be placed at each entrance of a subdivision or business park, the actual signage area (exclusive of the monument portion of the structure) shall not exceed one hundred (100) square feet, and may be externally illuminated in a residential development or externally or internally illuminated in a

commercial development or a mixed use development. Sign permits are required prior to installation.

~~— (F) One awning sign may be permitted per street frontage. The awning sign shall be located completely on the awning valance. Awnings shall be a minimum of eight feet (8') above sidewalk grade. Awning valances shall have an eighteen inch (18") maximum height. Sign permits are required prior to sign and awning installation.~~

~~— 2. Window signs are permitted in any window with street or alley frontage. There are no minimum or maximum requirements for window signs.~~

C 2, C 3, C 4, M 1, M 2, and I P districts:

~~— 1. Permitted signs: Animated reader board, awning signs, changeable copy signs, directory signs, freestanding (post) signs, hanging and suspended signs, monument signs, pole signs, projecting signs, rotating signs, subdivision entry signs, wall signs, and window signs subject to the provisions listed below:~~

~~— (A) Freestanding (post) permanent business, directory, hanging and suspended, pole, projecting, and rotating signs identifying a permitted or special use permit are allowed. The overall square footage of the signage is determined by the length of the street frontage. The gross surface area of all signs on a lot (excluding wall signs, window signs, awning signs, animated reader boards, changeable copy signs, subdivision entry signs and monument signs) shall not exceed one times the linear feet of street frontage of such lot. One sign is permitted on a site for every eighty feet (80') of street frontage. Such signage may be externally or internally illuminated and sign permits are required prior to installation.~~

~~— (B) Wall signs affixed to a building are permitted on nonresidential uses. Multiple signs are permitted, but the total signage area of wall signs shall not exceed forty percent (40%) of the total wall square footage upon which the sign(s) is placed. Wall signs in these districts may be externally or internally illuminated. Sign permits are required prior to installation.~~

~~— (C) One animated reader board or changeable copy sign may be permitted per street frontage only when it is used in conjunction with, and as a part of, a business sign identifying a permitted or approved special use and shall not exceed forty eight (48) square feet in area per animated reader board or changeable copy sign. Sign permits are required prior to installation. Stand alone animated reader board signs or changeable copy signs are prohibited, excepting that a changeable copy sign may be allowed as a stand alone sign provided all of the temporary sign requirements are met as outlined in subsection (9) of this section.~~

~~— (D) A billboard or off premises sign may be permitted only in these districts upon the successful completion of a special use permit. Billboards shall be set back at least thirty feet (30') from all property lines. Sign permits are required prior to installation.~~

Exceptions:

~~1. The city of Caldwell may provide permanent off premises signage for the following purposes: highlighting landmarks and entry points to downtown or specific districts; highlighting the history of Caldwell; providing maps and geographical information; on central locations, listing businesses within the city of Caldwell for advertising purposes; and providing a designated place for posting fliers, posters for upcoming events, and public notices. Such signage shall be placed on city property, shall have to receive approval from city council prior to placement, and shall be owned, operated, and maintained by and through the city of Caldwell.~~

~~2. Billboards located along I 84 freeway, and federal or state highways that meet the required separation distances as listed in Section 10-02-06(2)S of this chapter shall be outright permitted.~~

~~(E) One subdivision entry sign or monument sign may be placed at each entrance of a subdivision or business park, the actual signage area (exclusive of the monument portion of the structure) shall not exceed two hundred (200) square feet, and may be externally or internally illuminated. Sign permits are required prior to installation.~~

~~(F) One awning sign may be permitted per street frontage. The awning sign shall be located completely on the awning valance. Awnings shall be a minimum of eight feet (8') above sidewalk grade. Awning valances shall have an eighteen inch (18") maximum height. Sign permits are required prior to sign and awning installation.~~

~~(G) Window signs are permitted in any window with street or alley frontage. There are no minimum or maximum requirements for window signs.~~

(1) Single-Family & Two-Family Residential Property:

A. All single-family and two-family residential properties are permitted signs not to exceed six (6) square feet in total sign area per road frontage. Signs may be freestanding, mounted to a permanent building or displayed in a window. The maximum height of any sign on properties with single-family and two-family residential uses is four (4) feet.

(2) Non-Residential Uses:

A. One (1) permanent freestanding monument sign is permitted per street frontage on any commercial, industrial, or public property. If a property has frontage that exceeds three hundred (300) lineal feet on any given roadway, one (1) additional sign on such frontage is permitted. Unless otherwise regulated by specific reference herein, the area and height above grade of any freestanding sign shall not exceed the amounts listed in Table 1 below.

1. In the case of a property designated as a shopping center or planned industrial or business park, additional freestanding monument signs shall be permitted for each vehicular entrance to the property. The permitted sign area for these additional freestanding signs shall be sixty (60) percent of the sign area permitted by Table 10-02-06-8. Sign height shall be in conformance with 10-02-06-8.

Table 10-02-06-8: Freestanding Monument Signs on Nonresidential Properties

	Zoning Districts^{1,2}				
Roadway	C-1	C-2 and C-3	C-4	H-C	M-1, M-2, I-P
<u>Private or local road</u>	<u>Max. 24 sq. ft.</u> <u>Max. 10' high</u>	<u>Max. 24 sq. ft.</u> <u>Max. 15' high</u>	<u>Max. 24 sq. ft.</u> <u>Max. 15' high</u>	<u>Max. 24 sq. ft.</u> <u>Max. 15' high</u>	<u>Max. 24 sq. ft.</u> <u>Max. 15' high</u>
<u>Minor Collector</u>	<u>Max. 32 sq. ft.</u> <u>Max. 15' high</u>	<u>Max. 32 sq. ft.</u> <u>Max. 20' high</u>	<u>Max. 32 sq. ft.</u> <u>Max. 20' high</u>	<u>Max. 32 sq. ft.</u> <u>Max. 20' high</u>	<u>Max. 32 sq. ft.</u> <u>Max. 25' high</u>
<u>Minor Arterial</u>	<u>Max. 32 sq. ft.</u> <u>Max. 15' high</u>	<u>Max. 32 sq. ft.</u> <u>Max. 20' high</u>	<u>Max. 48 sq. ft.</u> <u>Max. 20' high</u>	<u>Max. 48 sq. ft.</u> <u>Max. 25' high</u>	<u>Max. 48 sq. ft.</u> <u>Max. 25' high</u>
<u>Major Collector</u>	<u>Max. 48 sq. ft.</u> <u>Max. 20' high</u>	<u>Max. 48 sq. ft.</u> <u>Max. 25' high</u>	<u>Max. 48 sq. ft.</u> <u>Max. 25' high</u>	<u>Max. 48 sq. ft.</u> <u>Max. 30' high</u>	<u>Max. 48 sq. ft.</u> <u>Max. 30' high</u>
<u>Major Arterial</u>	<u>Max. 48 sq. ft.</u> <u>Max. 20' high</u>	<u>Max. 48 sq. ft.</u> <u>Max. 25' high</u>	<u>Max. 48 sq. ft.</u> <u>Max. 25' high</u>	<u>Max. 48 sq. ft.</u> <u>Max. 30' high</u>	<u>Max. 48 sq. ft.</u> <u>Max. 35' high</u>
<u>Frontage along Hwy 55, Hwy 20/26 or I-84</u>	<u>Max. 60 sq. ft.</u> <u>Max. 40' high</u>	<u>Max. 60 sq. ft.</u> <u>Max. 40' high</u>	<u>Max. 60 sq. ft.</u> <u>Max. 40' high</u>	<u>Max. 60 sq. ft.</u> <u>Max. 40' high</u>	<u>Max. 60 sq. ft.</u> <u>Max. 40' high</u>
Footnote:					
¹ In no case shall a sign be higher than 25' when adjacent to a residential neighborhood.					
² Signs may be internally or externally illuminated, except signs that are adjacent to a residential neighborhood or residential use shall be externally illuminated only.					

B. Electronic Message Center (EMC) or Changeable Copy Signs:

1. One (1) electronic message center or changeable copy sign may be permitted only when it is used in conjunction with, and as a part of, a permitted freestanding monument sign. The electronic message center or changeable copy sign portion shall not exceed twenty – five (25) percent of the permitted square footage of the monument sign. Such signage shall be approved through a special use permit in these districts prior to installation. A sign permit is required prior to installation.

2. All EMC signs shall have automatic dimming controls, either by photocell (hardwired) or via software settings, in order to bring the EMC lighting level at night down to a level acceptable as specified in this section.

(A) In the C-1 zones, EMC signs shall have a minimum display time of eight (8) seconds. The transition time between messages and/or message frames is limited to three (3) seconds and these transitions may employ fade, dissolve, and/or other transition effects.

(B) In all other commercial and industrial zones, all EMC display features and functions are permitted, with the exception of flashing, which is prohibited, and full motion video or film display via an electronic file imported into the EMC software and streamed in real time into the EMC is al prohibited, unless permitted by special use permit.

C. Freestanding Freeway-Oriented Pole Signs (Billboards):

1. One (1) freestanding freeway-oriented pole sign may be permitted only on commercial, industrial, public, semi-public or institutional lots or parcels located within five-hundred feet (500') of the I-84 Interstate.

2. Freestanding freeway-oriented pole signs shall be set back at least thirty feet (30') from all property lines and shall have a minimum separation distance of one thousand three hundred twenty feet (1,320'). This measurement shall include signs along both sides of the interstate and not only the signage along the side of the interstate where the sign is proposed to be installed.

3. Freestanding freeway-oriented pole signs are limited to a maximum square footage of six-hundred seventy-two (672) square feet and a maximum height of fifty feet (50').

4. If the freestanding freeway-oriented pole sign is located adjacent to street frontage other than the I-84 Interstate, the freestanding freeway-oriented pole sign shall count towards the number of freestanding monument signs permitted along the frontage. Where a property is only permitted one (1) freestanding monument sign along a street frontage, and the property owner desires to install a freestanding freeway-oriented pole sign, a special use permit is required.

5. Sign permits are required prior to installation.

D. Building Signs:

1. Building signs include all wall, hanging, suspended, and projecting signs.

2. Building signs affixed to a building are permitted on properties used for commercial, industrial, public, semi-public or institutional purposes. Multiple signs are permitted, but the total signage area shall not exceed twenty percent (20%) of the total wall square footage upon which the sign(s) is placed. Wall signs in these districts may be externally illuminated.

(A) Hanging, suspended and projecting signs which allow the sign to swing shall not exceed sixteen (16) square feet.

(B) Hanging, suspended, and projecting signs shall have a minimum clearance beneath the sign is twelve (12) feet.

(C) All signage types listed in subsection E above count towards the overall maximum square footage of signs.

(D) Building signs shall not extend above the top of the building wall upon which they are mounted

(E) Building signs shall not extend more than eighteen (18) inches out from the wall or structure to which they are attached, with the exception of projecting signs, which may project out a maximum of twenty-four inches.

(F) Sign permits are required prior to the installation of any sign.

E. Awning Signs:

1. One awning sign may be permitted per street frontage. The awning sign shall be located completely on the awning valance. Content may be affixed or applied to the face or side surfaces of an awning or backlit awning, provided the copy area of any sign copy does not exceed twenty (20) percent of the overall awning square footage. Awnings shall be a minimum of eight feet (8') above sidewalk grade. Awning valances shall have an eighteen inches (18") maximum height.

F. Window Signs:

1. Window signs are permitted in any window with street or alley frontage. Window signs shall not occupy more than twenty-five (25) percent of the window area on each building façade for security purposes.

G. Vehicle Signs at Car Lots:

1. One small flag of no more than one (1) square foot in area may be attached to vehicles on display for sale or rent at vehicle sales and service establishments. Such flag must be no higher than two feet (2') above the height of the vehicle as if it were displayed at grade level.

(3) Residential Subdivisions, Apartment Complexes, Multi-Family Developments, and Condominium Complexes:

A. One sign may be placed on each side of any entry road into the subdivision, complex, or development. The applicant shall choose between freestanding monument signs or wall signs that are placed upon a decorative entry wall structure. Signs shall not exceed one hundred (100) square feet in area and twenty feet (20') in height and may be externally illuminated.

10-02-06-9: D-CC, D-CB DISTRICTS; SIGN SCHEDULE:

(1) See Article 8 of this chapter for sign requirements applicable to the downtown districts.

10-02-06-10: A-D, C-D, H-D, PD DISTRICTS; SIGN SCHEDULE:

A-D, C-D, and H-D districts:

~~1. Permitted signs: Animated reader board, awning signs, changeable copy signs, directory signs, freestanding (post) signs, hanging and suspended signs, monument signs, projecting signs, subdivision entry signs, window signs, and wall signs subject to the provisions listed below:~~

~~——(A) Freestanding (post) permanent business, directory, hanging and suspended and projecting signs identifying a permitted or special use permit are allowed. The overall square footage of the signage is determined by the length of the street frontage. The gross surface area of all signs on a lot shall not exceed one half (0.5) times the linear feet of street frontage of such lot (excluding wall signs, window signs, awning signs, animated reader~~

boards, changeable copy signs, subdivision entry signs and monument signs). One sign is permitted on a site for every one hundred feet (100') of street frontage. Such signage may be externally or internally illuminated and sign permits are required prior to installation.

~~—— (B) Wall signs affixed to a building are permitted on nonresidential uses. Multiple signs are permitted, but the total signage area of wall signs shall not exceed ten percent (10%) of the total wall square footage facing a street. Wall signs in these districts may be externally or internally illuminated. Sign permits are required prior to installation.~~

~~—— (C) One animated reader board or changeable copy sign may be permitted per street frontage only when it is used in conjunction with, and as a part of, a business sign identifying a permitted or approved special use and shall not exceed thirty-two (32) square feet in area per animated reader board or changeable copy sign. Sign permits are required prior to installation. Stand alone animated reader board signs or changeable copy signs are prohibited, excepting that a changeable copy sign may be allowed as a stand alone sign provided all of the temporary sign requirements are met as outlined in subsection (9) of this section.~~

~~—— (D) One subdivision entry sign or monument sign may be placed at each entrance of a subdivision or business park, shall not exceed forty-eight (48) square feet, and may be externally or internally illuminated. Sign permits are required prior to installation.~~

~~—— (E) One awning sign may be permitted per street frontage. The awning sign shall be located completely on the awning valance. Awnings shall be a minimum of eight feet (8') above sidewalk grade. Awning valances shall have an eighteen inch (18") maximum height. Sign permits are required prior to sign and awning installation.~~

~~—— (F) Window signs are permitted in any window with street or alley frontage. There are no minimum or maximum requirements for window signs.~~

(1) Single-Family & Two-Family Residential Property:

A. All single-family and two-family residential properties located in the RS-1, RS-2 and R-1 zoning districts are permitted signs not to exceed six (6) square feet in total sign area per road frontage. Signs may be freestanding, mounted to a permanent building or displayed in a window. The maximum height of any sign on properties with single-family and two-family residential uses is four (4) feet.

(2) Nonresidential Uses:

A. Freestanding Monument Signs:

1. The overall square footage of the signage shall not exceed the provisions specified in Table 2 below.

2. One sign is permitted on a site for every one-hundred foot (100') of street frontage.

3. Such signage may be externally or internally illuminated.

4. An increase in sign height of up to fifty feet (50') within the A-D may be requested by special use permit. In no case shall a permitted sign or specially permitted sign be taller than the roofline of the tallest building it serves.

5. Sign permits are required prior to installation.

Table 10-02-06-10: Freestanding Monument Signs on Nonresidential Properties				
	<u>Zoning Districts^{1,2}</u>			
<u>Roadway</u>	<u>C-D</u>	<u>H-D</u>	<u>A-D</u>	<u>P-D</u>
<u>Private or local road</u>	<u>Max. 24 sq. ft. Max. 10' high</u>	<u>Max. 24 sq. ft. Max. 15' high</u>	<u>Max. 24 sq. ft. Max. 15' high</u>	<u>Max. 24 sq. ft. Max. 15' high</u>
<u>Minor Collector</u>	<u>Max. 32 sq. ft. Max. 15' high</u>	<u>Max. 32 sq. ft. Max. 20' high</u>	<u>Max. 32 sq. ft. Max. 20' high</u>	<u>Max. 32 sq. ft. Max. 20' high</u>
<u>Minor Arterial</u>	<u>Max. 32 sq. ft. Max. 15' high</u>	<u>Max. 32 sq. ft. Max. 20' high</u>	<u>Max. 48 sq. ft. Max. 25' high</u>	<u>Max. 48 sq. ft. Max. 25' high</u>
<u>Major Collector³</u>	<u>Max. 48 sq. ft. Max. 20' high</u>	<u>Max. 48 sq. ft. Max. 25' high</u>	<u>Max. 48 sq. ft. Max. 30' high</u>	<u>Max. 48 sq. ft. Max. 30' high</u>
<u>Major Arterial³</u>	<u>Max. 48 sq. ft. Max. 20' high</u>	<u>Max. 48 sq. ft. Max. 25' high</u>	<u>Max. 48 sq. ft. Max. 30' high</u>	<u>Max. 48 sq. ft. Max. 30' high</u>
<u>Frontage along Hwy 55, Hwy 20/26 or I-84</u>	<u>Max. 60 sq. ft. Max. 40' high</u>	<u>Max. 60 sq. ft. Max. 40' high</u>	<u>Max. 60 sq. ft. Max. 40' high</u>	<u>Max. 60 sq. ft. Max. 40' high</u>
Table Footnotes:				
¹ In no case shall a sign be higher than 25' when adjacent to a residential use.				
² Signs may be internally or externally illuminated, except signs that are adjacent to a residential neighborhood or residential use shall be externally illuminated only.				
³ Signs may be increased to a height of 50' for governmental, airport, institutional or other similar use with a special use permit.				

B. Electronic Message Centers or Changeable Copy Signs:

1. One (1) electronic message center or changeable copy sign may be permitted on properties with permitted non-residential uses, only when it is used in conjunction with, and as a part of, a permitted monument sign. The electronic message center or changeable copy sign portion shall not exceed twenty-five (25) percent of the permitted square footage of the monument sign.

2. All EMC signs shall have automatic dimming controls, either by photocell (hardwired) or via software settings, in order to bring the EMC lighting level down at night.

3. EMC signs shall have a minimum display time of eight (8) seconds. The transition time between messages and/or message frames is limited to three (3) seconds and these transitions may employ fade, dissolve, and/or other transition effects. Except that when EMC signs are adjacent to an arterial or major collector roadway, all EMC display features and functions are permitted, with the exception of flashing, which is prohibited, and full motion video or film display via an electronic file imported into the EMC software and streamed in real time into the EMC is also prohibited, unless permitted by special use permit.

C. Freestanding Freeway-Oriented Pole Signs:

1. One (1) freestanding freeway-oriented pole sign may be permitted only on commercial, industrial, public, semi-public or institutional lots or parcels located within five-hundred feet (500') of the I-84 Interstate.

2. Freestanding freeway-oriented pole signs shall be set back at least thirty feet (30') from all property lines and shall have a minimum separation distance of one thousand feet (1,000'). This measurement shall include signs along both sides of the interstate and not only the signage along the side of the interstate where the sign is proposed to be installed.

3. Freestanding freeway-oriented pole signs are limited to a maximum square footage of six-hundred seventy-two (672) square feet and a maximum height of fifty feet (50').

4. If the freestanding freeway-oriented pole sign is located adjacent to street frontage other than the I-84 Interstate, the freestanding freeway-oriented pole sign shall count towards the number of freestanding monument signs permitted along the frontage. Where a property is only permitted one (1) freestanding monument sign along a street frontage, and the property owner desires to install a freestanding freeway-oriented pole sign, a special use permit is required.

5. Sign permits are required prior to installation.

D. Building Signs:

1. Building signs (wall, hanging, suspended and projecting signs) signs affixed to a building wall or facade are permitted for properties with permitted non-residential uses. Multiple signs are permitted, but the total signage area shall not exceed ten percent (10%) of the area of the wall / façade in elevation view upon which the sign(s) are placed. Wall signs in these districts may be externally illuminated.

2. Hanging, suspended and projecting signs which allow the sign to swing shall not exceed sixteen (16) square feet.

3. Building signs shall not extend more than eighteen (18) inches out from the wall or structure to which they are attached, with the exception of projecting signs, which may project out a maximum of twenty-four inches.

4. Hanging, suspended and projecting signs shall have a minimum clearance beneath the sign is twelve feet (12').

5. Sign permits are required prior to installation.

E. Awning Signs:

1. One awning sign may be permitted per street frontage. The awning sign shall be located completely on the awning valance. Content may be affixed or applied to the face or side surfaces of an awning or backlit awning, provided the copy area of any sign copy does not exceed twenty (20) percent of the overall awning square footage. Awnings shall be a minimum of eight feet (8') above sidewalk grade. Awning valances shall have an eighteen

inch (18") maximum height. Sign permits are required prior to sign and awning installation.

F. Window Signs:

1. Window signs are permitted in any window with street or alley frontage. Window signs shall not occupy more than twenty-five (25) percent of the window area on each building façade for security purposes.

(3) Residential Subdivisions, Apartment Complexes, Multi-Family Developments, and Condominium Complexes:

A. One entry sign may be placed on each side of any entry road into the subdivision, complex, or development. The applicant shall choose between freestanding monument signs or wall signs that are placed upon a decorative entry wall structure. Signs shall not exceed sixty (60) square feet in area and fifteen feet (15') in height and may be externally illuminated.

B. Other directional, incidental and/or accessory signs are also permitted to be located within the subdivision, complex or multi-family development. Such directional, incidental and/or accessory signs shall not exceed six (6) square feet in sign area and eight (8) feet in height (if freestanding).

C. A sign permit is required prior to installation.

10-02-06-10: TEMPORARY SIGNS:

Requirements and regulations for temporary signs apply to all zoning districts in the city, including the city center zoning district. Temporary signs shall be regulated as follows:

~~— A. Types: Temporary signs shall be limited to only the following: banners, yard signs, plywood signs, certain changeable copy signs, and portable signs.~~

~~— 1. Animated reader boards and changeable copy signs are not permitted as temporary signs; rather, they are only permitted as permanent signs if, and only if, they are incorporated into the regular business sign as part of the post, pole, wall or monument sign following the requirements for the underlying zoning district. They are not allowed on their own, separate from the regular business sign. They are prohibited as stand alone signs.~~

~~— (A) Excepting that one changeable copy sign per business may be permitted as a stand alone sign provided that all of the following criteria are met:~~

~~— i. There shall be no more than one stand alone changeable copy sign per business.~~

~~— ii. The face of a stand alone changeable copy sign cannot exceed twenty-four (24) square feet in area.~~

~~— iii. A stand alone changeable copy sign cannot be internally illuminated or animated in any way nor capable of having any type of electrical functions.~~

— iv. A stand alone changeable copy sign must adhere to all other requirements of temporary signs.

— v. Portable changeable copy signs, regardless of what is being advertised be it real estate for lease, sale or rent; goods and/or services either wholesale or retail; and/or any type of event, that are transportable with wheels, trailers or similar that have a thickness of more than one inch (1") are prohibited.

— B. Illumination: Temporary signs shall not be illuminated.

— C. Number: Temporary signs shall be limited to three (3) per business, regardless of the type of temporary sign, meaning that a property may have up to three (3) of any of the following at any one given time: a banner, a yard sign, a plywood sign, certain changeable copy signs or a portable sign.

— 1. Excepting that more than one temporary banner sign is allowed in instances where businesses sell/provide goods and services for more than one franchise and each franchise requires its own banner sign.

— D. Size: Temporary signs shall not exceed twenty four (24) square feet in area.

— E. Right Of Way Areas: Temporary signs are not allowed in any right of way area and are subject to removal and disposal by city staff. However, the area between the curb and a detached sidewalk shall not count toward right of way area for purposes of this article and temporary signs may be placed in said area provided all other provisions of this article are adhered to.

— F. Banner Signs: Banner signs shall comply with the following provisions in addition to all other provisions for temporary signs:

— 1. Banner signs must be professionally prepared and maintained in a neat, clean, repaired condition.

— 2. Banner signs that are tattered, torn or in disrepair or allowed to blow freely shall not be allowed under any circumstances and shall be removed immediately.

— 3. One banner sign may count as a permanent business sign provided it meets all of the requirements for permanent signage for the zoning district in which it is located and provided a sign permit has been obtained.

— G. Temporary Signs Pertaining To Certain Events: Temporary signs pertaining to events of civic, philanthropic, educational or religious organizations, are permitted provided said signs are placed no more than fifteen (15) days prior to the beginning of and removed within seven (7) days after the end of the event. Said signs do not count against the one allowed temporary sign for the business or dwelling. Said temporary signs may be placed off premises. Said temporary signs must comply with all other requirements for temporary signs.

— H. Temporary Sign Placement:

~~—1. Temporary signs shall be placed on the property of the business which is being advertised. Off premises temporary signs are not permitted, unless specifically stated otherwise in this article.~~

~~—2. The five foot (5') wide sidewalk area shall always remain free of all temporary signage.~~

~~—3. Temporary signs shall not be placed at locations which impede the vision or travel of vehicular traffic or pedestrian traffic.~~

~~—4. Temporary signs shall not be placed within ten feet (10') of a street corner or pedestrian ramp.~~

~~—5. Any temporary sign placed illegally may be removed by city staff with or without notification.~~

~~—I. Temporary Sign Construction:~~

~~—1. Temporary signs shall have no moving parts.~~

~~—2. Temporary signage shall be designed, prepared and constructed by a professional (e.g., architect, building designer, landscape architect, interior designer, or others whose principal business is the design, manufacture, or sale of signs) or others capable of producing professional results.~~

~~—(10) Permits: (Rep. by Ord. 2865, 6-20-2011)~~

~~—(11) Real Estate Signs: Requirements for real estate signage apply to all zoning districts within the city, including the city center zoning district, and are as follows:~~

~~—A. Real estate signs advertise property and/or buildings on property that are for sale, lease, rent or trade.~~

~~—B. Real estate signs do not require a permit.~~

~~—C. Real estate signs must be located on the lot or building that is for sale, lease or rent and must be placed completely on or within the property being advertised.~~

~~—D. Real estate signs may remain on the property until said property has been sold, leased, traded, or rented at which time all real estate signage must be immediately removed.~~

~~—E. One real estate sign is allowed per street frontage.~~

~~—F. Real estate signs are prohibited from being placed:~~

~~—1. On any site or property other than what is being sold, leased, rented or traded.~~

~~—2. In any right of way or right of way area, except that placement in the area between the curb and a detached sidewalk is allowed for real estate signs, including real estate open house signs and directional real estate signs.~~

- ~~— 3. On anything located in right of way or right of way area.~~
- ~~— 4. On park/transit/public benches or shelters.~~
- ~~— 5. On telephone, power or utility poles.~~
- ~~— 6. On street or traffic light poles.~~
- ~~— 7. On street or traffic sign poles.~~
- ~~— 8. On trailers or vehicles permanently parked along public highways or streets.~~
- ~~— 9. Off premises, except as outlined in subsection (11)G of this section.~~

~~— G. Off premises real estate signs or off premises directional real estate signs are prohibited unless approval has been obtained through the special use permit process, except that off premises real estate open house signs shall be allowed provided the signs are not in any right of way area, the signs comply with all vision triangle rules, the signs do not exceed six (6) square feet in area and the signs are not displayed permanently but are put up and taken down on a daily basis; and excepting that off premises directional real estate signs shall be allowed provided: the signs are not in any right of way area; the signs comply with all vision triangle rules; the signs do not exceed four feet (4') in height; the signs are no larger than four (4) square feet in area; the signs only state "property for sale" with an arrow and no other information including agent name, agency name, phone number or address listed on the sign; and, there shall only be one off premises directional real estate sign allowed per street corner.~~

~~— H. A developed or developing subdivision or development is permitted one real estate sign per street frontage in the street landscape buffer area/common lot to advertise the subdivision or development as a whole.~~

(1) Signs that meet the standards of this subsection are exempt from the standards for permanent signs and are not counted in the total square footage of signage allowed on any particular property or site. Signs that do not meet the standards of this subsection are subject to the standards for permanent signage.

(2) Banners in Residential Zones: In all residential zones, banners are not permitted on sites with houses, duplexes and attached houses. Exception: banners for holidays, religious commemoration, and special family events.

(3) Banners in the T-N Zone: Banners of any kind are prohibited within the T-N zone, except as otherwise specified in (5) below.

(4) In the commercial, industrial and special purpose districts, one banner no larger than thirty-two (32) square feet in size is permitted per property, or, on a multi-use property, per storefront.

(5) Banner in Lieu of Permanent Wall Sign: One (1) wall banner is allowed per storefront in lieu of a permanent wall sign, only while the permanent wall sign is being

fabricated. The maximum size of the temporary wall banner is thirty-two (32) square feet and may only be displayed for a maximum of ninety (90) days.

(6) Temporary signs shall not be internally or externally illuminated.

(7) For the purposes of this section, multifamily apartments and multifamily developments are considered commercial.

10-02-06-12: DESIGN STANDARDS:

(1) All signs shall use quality materials that emulate the buildings on the site.

(2) Signs must be harmonious with the building scale and shall not visually dominate the structure to which it belongs or call undue attention to itself.

(3) Monument signs shall include a minimum base height of 25 percent (25%) of the signs total height and include quality materials, such as brick, stone, and/or stucco, and shall be of colors that emulate the principal building.

(4) Landscaping: All permanent freestanding ~~and monument~~ signs shall be landscaped in accordance with the requirements listed in the landscaping ordinance. The minimum required landscaped area for each permanent freestanding/monument sign shall be equal to or exceed the total square footage area of the face of one side of the sign(s).

(5) Illumination: Where illumination of signs is permitted, the following standards shall apply:

A. Lighting for signs shall not create a hazardous glare for pedestrians or motorists either in a public street or on any private premises.

B. The light source, whether internal to the sign or external, shall be shielded from view. This requirement is not intended to preclude the use of diffused exposed neon.

C. Sign illumination for externally illuminated signs shall have lighting fixtures or luminaires that are fully shielded that do not allow light or glare to shine above the horizontal plane of the top of the sign or onto any public right-of-way or adjoining property.

D. No electronic ~~reader board~~ message center sign shall be erected without a light detector/photocell by which the sign's brightness can be dimmed when ambient light conditions darken.

~~E. An electronic reader board sign shall maintain a minimum hold time of one second for each individual frame for on-premises displays.~~

~~F. An electronic reader board sign shall maintain a minimum hold time of eight (8) seconds for each individual frame for off-premises (billboard) displays.~~

G. A sign in any district may be illuminated at night. Signs that are illuminated at night may not exceed a maximum luminance level of seven hundred fifty (750) cd/m² or Nits, regardless of illumination method.

(6) Design, Preparation and Construction: All signage, including temporary signage, shall be designed, prepared and constructed by a professional (e.g., architect, building designer, landscape architect, interior designer, or others whose principal business is the design, manufacture, or sale of signs) or others capable of producing professional results.

(7) Nonconforming Signs: Any permanent sign existing at the time of the enactment of this section which does not conform to its provisions, but which was originally erected in accordance with previously adopted regulations shall be deemed a legal nonconforming sign. Such a sign, if properly maintained, may be continued under the following conditions:

A. Whenever a nonconforming sign has been damaged to more than one-half (1/2) of its replacement value, it shall be totally removed, not be repaired or replaced.

B. Whenever a nonconforming sign has been structurally altered, relocated or replaced, it shall immediately conform to the provisions of this chapter.

10-02-06-13: NONCONFORMING AND ABANDONED SIGNS:

(1) Nonconforming Signs:

Any permanent sign existing at the time of the enactment of this section which does not conform to its provisions but which was originally erected in accordance with previously adopted regulations shall be deemed a legal nonconforming sign. Such a sign, if properly maintained, may be continued under the following conditions:

A. Whenever a nonconforming sign has been damaged to more than one-half (1/2) of its replacement value, it shall be totally removed, not be repaired or replaced.

B. Whenever a nonconforming sign has been structurally altered, relocated or replaced, it shall immediately conform to the provisions of this chapter.

(2) Abandoned Signs:

A. Abandoned Nonconforming Sign: Except as otherwise provided in this code, any sign located on property which pertains to a use which no longer applies to that property and that has been continuously vacant for a period of time exceeding six (6) months shall be deemed as abandoned. A nonconforming abandoned sign is prohibited and shall be immediately removed upon notice by the city or brought into full compliance by the owner of the sign or owner of the property.

B. Abandoned Conforming Sign: Except as otherwise provided in this code, any sign located on property which pertains to a use which no longer applies to that property and that has been continuously vacant for a period of time exceeding six (6) months should be deemed as abandoned. A conforming abandoned sign structure may remain, but all sign content should be removed. Such sign structures must be maintained in an aesthetically pleasing manner.

10-02-06-14: ENFORCEMENT:

(1) The ~~planning and zoning~~ director and/or his/her duly authorized representatives are authorized and directed to enforce all the provisions of this ~~article~~ section. Said director and/or representatives may enter at reasonable times any building, structure or premises in the city to make an inspection of a sign, its structural and electrical connections and ensure compliance with any provisions of this article, including repair or structural alteration for safety of signs which present a hazard to the public. City staff is authorized to immediately remove any signs located in the right of way or vision triangle area without notification.

(2) Violations shall be handled through the process outlined in section ~~10-03-13~~ 10-03-10 of this chapter, with the option of being prosecuted for a misdemeanor as set forth in ~~10-01-09~~ this chapter and at the discretion of the ~~planning and zoning~~ director.

10-02-07: FENCING REGULATIONS:

(1) Purpose: To establish standards for the placement of fences.

(2) General Provisions:

A. For the purposes of this section, walls, latticework, and screening materials shall be considered ~~to be~~ fences (and shall be used interchangeably) and shall be built and maintained in compliance with the provisions herein. Landscaping, shrubs, plants, etc., are not considered fences and do not need to comply with the provisions contained in this section but must comply with all provisions contained in articles ~~7 and 8~~ 2 of this chapter. Fence posts, gates, and other fencing materials installed on a property shall also be in compliance with the provisions herein, including but not limited to height, setback, and material.

B. No fence shall be constructed or installed in any zoning district without conforming to these regulations, except those within the C-C City Center Zoning District which has its own fencing regulations as noted in Article 10 section 10-12-04 of this chapter, ~~without conforming to these regulations~~. Additionally, fencing within a designated historic district must comply with all the fencing regulations as listed in this section, as well as complying with all fencing regulations as required in chapter 2, article 17 of this Code (Caldwell Historic Preservation Commission).

C. Fences shall be built entirely upon the property they are intended to serve.

D. Fences built across or on easements must allow access to the entitled parties of the easements for maintenance purposes. Should maintenance by entitled parties of said easements result in damage or dislocation of fences, the owner of the property on which said fence is located, at his/her expense, shall be responsible for any repairs or reconstruction of said fences.

E. The property owner shall be responsible for keeping fences structurally sound so as to not endanger life, property or become a nuisance and for keeping fences free from

advertising (except for that advertising which is allowed under section 10-02-06 of this article), ~~and~~ prohibited signage as per the sign ordinance, and graffiti.

F. Fencing over three feet (3') in height ~~should~~shall not be allowed, placed, erected, or constructed in any "vision triangle" as defined below.

1. "Vision triangle": Defined as measuring from the intersection of the edges of two (2) adjacent roadways forty feet (40') along each roadway and connecting the two (2) points with a straight line. The edge of the roadway shall be defined as the curb or where the curb would be if no curb is installed. Driveways are not considered roadways for this definition.

G. The International Building Code requires building permits for some fences and/or walls. See the Building ~~Department~~ Safety Division for permit requirements.

H. Fences are not required anywhere in the City except as may be ~~necessary~~required for sight obstruction and/or screening. Certain uses may be declared by the City to possess characteristics such that sight obstruction and screening is required to prevent damage, hazard, nuisance, or other detriment to the public health, safety, or welfare.

1. The following uses, at the discretion of the Planning and Zoning Community Development Director, may be declared as requiring a sight ~~obstructing~~obscuring fence, unless otherwise specifically required elsewhere in this chapter:

(A) Automotive uses (automotive storage, repair, etc.).

(B) Industrial uses.

(C) Junkyard.

(D) Recycling operation.

(E) Sanitary landfill.

(F) Storage businesses.

(G) Wrecking/salvage yard.

(H) Outdoor Storage.

(I) Other uses not specifically listed above but determined by the Planning and Zoning Community Development Director to be similar in nature to the aforementioned uses.

2. Requirements for sight ~~obstructing~~obscuring fences:

(A) Shall be solid or nonvision.

(B) The solid or nonvision portion shall be no less than six feet (6') and no more than eight (8) feet in height, as measured from the ground on which the fence is to be placed.

(C) Shall completely obscure from outside view the use requiring site obstruction.

I. While the City generally prohibits the placement of fencing in public right-of-way areas along residential zones, fencing that is placed in a public right-of-way in a residentially zoned area, whether intentionally or accidentally, is subject to the following conditions whether the fencing is placed in existing or future public right-of-way areas when in residential zones:

1. Fencing shall be removed by and at the property owner's expense within five (5) days of a request by the City to remove said fencing;

2. Fencing can be removed by the City after the five (5) day deadline has expired, without the property owner's permission and without compensation to the property owner, and with or without notification, as necessary for utility or right-of-way maintenance/improvements for any existing or future public right-of-way area.

(3) Prohibited Fencing:

A. Electric, concertina, barbed or razor wire fences in all zoning districts shall be prohibited excepting:

1. Livestock containment areas for horses or other permitted farm animals in any zoning district may utilize electric or barbed wire fences.

2. Commercial and industrial zoning districts may utilize electric, concertina, barbed or razor wire fencing, but only as the top section of the fence. The beginning of said top section must be at least six feet (6') above grade. This exclusion shall not apply along the front property line and the side property lines within twenty feet (20') of the front property line for all properties fronting a minor or major arterial roadway.

3. Public correctional or penal facilities are exempted from this prohibition regardless of the zoning district in which they reside.

B. Fencing Materials: The following materials shall not be utilized for fencing:

1. Boxes.

2. Sheet or corrugated metal.

3. Broken or decaying wood.

4. Broken masonry blocks.

5. Sheets of plywood.

6. Cinder blocks.

7. Hubcaps.

8. Tires

9. Other unsightly materials as determined by the ~~Planning and Zoning~~ Director.

C. Fencing shall not be allowed within a street landscape buffer area as listed in subsection 10-02-09-7 10-07-08(9) of this chapter unless approved by the Director.

D. Decorative corrugated metal may be used as fencing material on a case-by-case basis as determined by the ~~Planning and Zoning~~ Director. To be considered for approval it must meet the following standards:

1. The fencing is not ~~visible from~~ facing a public roadway, and

2. If located within any residential zone or abutting a residential zoned property, all exposed edges along the top and outer sides of the decorative corrugated metal fence must be dressed so that no sharp edges are exposed.

(4) Zoning District Standards:

A. Residential districts (RS-1, RS-2, R-1, R-2, R-3), ~~and~~ College District (C-D), and residential uses in all other districts (unless specifically stated otherwise):

1. Interior Lots:

(A) Front Yard Property Line And Setback Area:

i. Open fencing height: Maximum four feet (4'), notwithstanding height limitations in vision triangle areas.

ii. Solid fencing height: Maximum three feet (3').

iii. Setback: Five feet (5') from an existing curb with no sidewalk or flush along the edge of an existing sidewalk.

(B) Interior Side And Rear Property Line And Setback Area:

i. Open fencing height: Maximum six feet (6') along the rear property line and the side property line. Except that, as the fence runs along the side property line, once it reaches twenty feet (20') from the front property line, the maximum height is four feet (4'), notwithstanding height limitations in vision triangle areas.

ii. Solid fencing height: Maximum six feet (6') along the rear property line and the side property line. Except that, as the fence runs along the side property line, once it reaches twenty feet (20') from the front property line, the maximum height is three feet (3').

iii. Setback: No setback from either the side or the rear property line.

2. Corner Lots:

(A) Front Yard Property Line And Setback Area:

i. Open fencing height: Maximum four feet (4'), notwithstanding height limitations in vision triangle areas.

ii. Solid fencing height: Maximum three feet (3').

iii. Setback: Five feet (5') from an existing curb with no sidewalk or flush along the edge of an existing sidewalk.

(B) Interior Side And Rear Property Line And Setback Area:

i. Open fencing height: Maximum six feet (6') along the rear property line and the interior side property line. Except that, as the fence runs along the side property line, once it reaches twenty feet (20') from the front property line, the maximum height is four feet (4'), notwithstanding height limitations in vision triangle areas.

ii. Solid fencing height: Maximum six feet (6') along the rear property line and the interior side property line. Except that, as the fence runs along the interior side property line, once it reaches twenty feet (20') from the front property line, the maximum height is three feet (3').

iii. Setback: No setback from either the side or the rear property line.

(C) Side Property Line And Setback Area Adjoining A Street: Fencing shall comply with the following standards either subsections (4)A2(C)i and (4)A2(C)ii of this section together or shall follow subsections (4)A2(C)iii and (4)A2(C)iv of this section together:

i. Open ~~and solid~~ fencing height: Maximum four feet (4') along the side property line, notwithstanding height limitations in vision triangle areas, and;

ii. Setback: Five feet (5') from ~~an existing curb with no sidewalk or flush along the edge of an existing~~ back of an existing sidewalk or property line with no sidewalk.

Or:

iii. Open and solid fencing height: Maximum six feet (6') ~~along the side property line,~~ notwithstanding height limitations in vision triangle areas, and;

iv. Setback: Ten feet (10') from back of an existing sidewalk or property line ~~an existing curb with no sidewalk and five feet (5') from the edge of an existing sidewalk.~~

3. Maximum Height: For purposes of this section, maximum height is above the grade as measured at the point/line upon which the fence shall sit, and includes lattices and berms. Additional height shall be allowed for arbors, arches and/or other architectural appurtenances extending over gates and/or other entryways, as well as gateposts, said appurtenances and gateposts not exceeding eight feet (8') maximum height.

B. Commercial, industrial, public, and institutional districts (C-1, C-2, C-3, C-4, M-1, M-2, I-P, A-D, H-D, P-D):

1. Interior and corner lots:

(A) All Yard Property Lines And Setback Areas:

i. Open or solid fencing height: Maximum eight feet (8'), notwithstanding height limitations in vision triangle areas.

ii. Setback: Front setback shall be equal to the required width of the landscape buffer for the property as listed in subsection 10-07-08(3) of this chapter. No other setbacks are required.

C. Steunenberg residential historical district:

1. Interior lots:

(A) Front Yard Property Line And Setback Area:

i. Open fencing height: Maximum four feet (4'), notwithstanding height limitations in vision triangle areas.

ii. Solid fencing: Maximum three feet (3').

iii. Setback: Five feet (5') from an existing curb with no sidewalk or flush along the edge of an existing sidewalk.

(B) Side And Rear Property Line And Setback Area:

i. Open fencing height: Maximum six feet (6') along the rear property line and the side property line. Except that, as the fence runs along the side property line, once it reaches twenty feet (20') from the front property line, the maximum height is four feet (4'), notwithstanding height limitations in vision triangle areas.

ii. Solid fencing height: Maximum six feet (6') along the rear property line and the side property line. Except that, as the fence runs along the side property line, once it reaches twenty feet (20') from the front property line, the maximum height is three feet (3').

iii. Setback: No setback from either the side or the rear property line.

2. Corner lots:

(A) Front Yard Property Line And Setback Area:

i. Open fencing height: Maximum four feet (4'), notwithstanding height limitations in vision triangle areas.

ii. Solid fencing: Maximum three feet (3').

iii. Setback: Five feet (5') from an existing curb with no sidewalk or flush along the edge of an existing sidewalk.

(B) Interior Side And Rear Property Line And Setback Area:

i. Open fencing height: Maximum six feet (6') along the rear property line and the interior side property line. Except that, as the fence runs along the interior side property line, once it reaches twenty feet (20') from the front property line, the maximum height is four feet (4'), notwithstanding height limitations in vision triangle areas.

ii. Solid fencing height: Maximum six feet (6') along the rear property line and the interior side property line. Except that, as the fence runs along the interior side property line, once it reaches twenty feet (20') from the front property line, the maximum height is three feet (3').

iii. Setback: No setback from either the side or the rear property line.

(C) Side Property Line And Setback Area Adjoining A Street:

i. Open and solid fencing height: Maximum four feet (4') along the side property line, notwithstanding height limitations in vision triangle areas.

ii. Setback: Five feet (5') from an existing curb with no sidewalk or flush along the edge of an existing sidewalk.

Or:

iii. Open and solid fencing height: Maximum six feet (6') along the side property line, notwithstanding height limitations in vision triangle areas.

iv. Setback: Ten feet (10') from an existing curb with no sidewalk and five feet (5') from the edge of an existing sidewalk.

3. Chainlink fencing, as well as vinyl fencing, shall be prohibited within the Steunenberg residential historic district. Existing fences of these materials may remain, but no new construction of chainlink or vinyl fencing shall be permitted to occur. When an existing chainlink or vinyl fence needs to be repaired, such repairs may include a replacement of the existing materials, but no new sections of the prohibited chainlink or vinyl may be added.

4. Any fence installed after December 1, 2019, which fence has street frontage, shall be installed so that the "finished" or "good" side of the fence faces the exterior of the property.

(5) Nonconforming Fences:

A. Fences which are nonconforming for any reason, but were in place prior to the adoption date hereof, may continue if maintained in good condition and repair and provided they do not impede the safety of motorists or otherwise present a hazard. Safety and/or hazardous issues shall be remedied immediately.

B. Fences constructed or erected after the adoption date hereof that do not comply with the standards as listed in this section shall immediately be removed. Prior to any removal, the property owner shall be afforded an opportunity for a hearing before the council; said hearing must be requested within seven (7) days of receipt of a notice of order to remove a fence and shall follow the public hearing process. Failure to request such a hearing will result in the property owner immediately removing the fence.

C. A property owner that wishes to construct a new fence, ~~which such that said new fence~~ would be noncompliant with the standards as listed in this section, may obtain

approval through an Administrative Determination from the Director. request a variance and shall follow variance procedures as established in section 10-03-05 of this chapter.

D. Any person or corporation, whether owner, lessee, principal agent, employee or otherwise, who violates any of the provisions of this section or permits any such violation or fails to comply with any of the requirements approved under this section shall be guilty of a misdemeanor statute contained in section 18-113, Idaho Code. Each day's continued violation shall constitute a separate additional violation. Upon conviction of any violation of any of the provisions of this section, such person shall be punished by a fine of not more than three hundred dollars (\$300.00) for each day's separate offense or by imprisonment of not more than thirty (30) days, or a combination of fine and imprisonment. (~~Ord. 2748, 10-10-2008; Ord. 2805, 11-2-2009; Ord. 2911, 9-4-2012; Ord. 2939, 10-21-2013; Ord. 2967, 7-21-2014; Ord. 3010, 11-16-2015; Ord. 3065, 9-19-2016; Ord. 3102, 9-5-2017; Ord. 3176, 11-5-2018; Ord. 3253, 3-2-2020~~)

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LANDSCAPING, BUFFERING, AND SCREENING

ARTICLE 7

CALDWELL LANDSCAPING ORDINANCE

SECTION:

~~10-07-01: Definitions~~

~~10-072-029-1: Purpose and Applicability~~

~~10-072-039-2: Landscape Plan Preparation, Requirements And Submittal~~

~~10-072-049-3: General Landscape Criteria And Installation Practices~~

~~10-072-059-4: Common Open Space Requirements And Standards~~

~~10-072-069-5: Landscape Maintenance Street Landscape Buffers~~

~~10-072-079-6: Vision Triangle Buffers Between Different Land Uses~~

~~10-072-089-7: Street Landscape Buffers Pathway Landscaping Standards~~

~~10-072-09-8: Parking Lot Landscaping~~

~~10-072-109-9: Buffers Between Different Land Uses Screening~~

~~10-02-09-10: Waterwise Landscaping Standards~~

~~10-02-09-11: Landscape Maintenance~~

~~10-072-09-121: Pathway Landscaping Standards Vision Triangles~~

~~10-072-09-132: Irrigation~~

~~10-072-09-143: Landscaping In Stormwater Areas~~

~~10-07-14: Alternative Methods Of Compliance~~

~~10-072-09-15: Certificate Of Occupancy Or Compliance Landscape Bonding~~

~~10-07-16: Landscape Plan Design Review~~

~~10-072-09-167: Violation, Penalty, Enforcement And Compliance~~

~~10-072-09-178: Appeals~~

~~10-07-01: DEFINITIONS:~~

~~For the purpose of this article, certain terms are defined as set forth herein. As used in this article, masculine, feminine or neutral gender and the singular or plural number shall each be deemed to include the others wherever and whenever the context so dictates. The word "shall", "will" or "must" is always mandatory; the word "may" is permissive; and the word "should" indicates that which is recommended but not required.~~

~~APPLICANT: See definition of Controller.~~

~~—BARK/WOOD CHIPS: A medium sized solid material made by cutting, or chipping, larger pieces of wood and/or bark. Must be a minimum size of two inches (2").~~

~~—BERM: An earthen mound designed to screen undesirable views and/or to decrease noise.~~

~~—BOISE RIVER CORRIDOR: Land in proximity to the Boise River as it flows through Caldwell. The corridor extends outward a distance of one hundred fifty feet (150') from the banks' high water mark. Landscaping plans for projects within this corridor are subject to landscape plan design review.~~

~~—BOULDER AND ROCK SLAB: A rock possessing an overall surface area greater than one square foot. These large rocks are not considered hardscape materials and may be used for landscape purposes.~~

~~—BUFFER: A combination of physical space and vertical elements, including, but not limited to, trees, shrubs, berms, fences, and/or walls that separate and screen incompatible land uses from one another.~~

~~—CALIPER: See section 10-08-01, "Definitions", of this chapter.~~

~~—CERTIFICATE OF COMPLIANCE: Official certificate issued by the planning and zoning department for mobile food units and/or for a project that does not require a building permit, but does have planning and zoning requirements as per the zoning ordinance, and such issuance signifies that said project conforms to all provisions of city ordinances, codes and policies related to planning and zoning requirements. Not applicable to internal or city projects.~~

~~—CERTIFICATE OF OCCUPANCY: See section 12-01-17 of this code.~~

—CITY CENTER ZONING DISTRICT: Downtown Caldwell (see article 12 of this chapter). The city center zoning district shall have its own landscaping requirements.

—CLASS 1, 2, AND 3 TREES: Classes of trees listed in section 10-08-02 of this chapter. Class 1 trees are usually small and ornamental; class 2 trees are appropriate for street planning and are medium to large in size and shape; class 3 trees are large and require considerable amounts of open space.

—COMMON LOT: A platted lot separate from individual building lots, owned in common, generally provided for the shared use of property owners or tenants and is maintained by the controller or a homeowners' or business owners' association.

—CONTROLLER: Every person or association (owner, agent, tenant, occupant, contractor, developer and/or lessee) who exercises care, custody and control of real property, to include that abutting a right of way upon which a public tree or shrub is located. As applied to the subdivision or development process, the controller is understood to be the property owner, association or person representing the property owner's interest with responsibility for abiding by the city's standards, rules, regulations, policies, codes and ordinances. A person or entity who is applying to the city for a license, certification or permit.

—DEVELOPMENT: Any project or use of land, regardless of zone, that will require a certificate of compliance, certificate of occupancy, special use permit, subdivision plat or a planned unit development.

—DOWNTOWN: The city center zoning district (see article 12 of this chapter). The city center zoning district shall have its own landscaping requirements.

—DRIP LINE: A boundary of the soil surface delineated by the branch spread of a single plant or a group of plants.

—DRY LANDSCAPING: The use of a combination of various types of hardscape, boulders, rock slabs and/or vegetation not requiring irrigation, or requiring very minimal irrigation, to cover a required landscaping area and only allowed in instances where city water is being utilized for irrigation or the property does not have a surface irrigation water right or viable delivery point or a private irrigation system is being utilized.

—FOR FEE CONTRACTOR: A person who engages in the care and maintenance of landscape and trees. This individual shall be licensed and certified according to the provisions identified in section 10-08-02 of this chapter.

—FRONTAGE: The width of the property at the front of the lot as measured along the street frontage. The width of the property fronting a public street. Regarding corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage. Frontage shall also mean any property line which abuts an existing or proposed public street.

—GATEWAY STREET/MAJOR ENTRANCE AREAS: (1) Both sides of Blaine Street from the easterly side of the city center district (12th Avenue) to the intersection where Blaine Street and Cleveland Boulevard merge;

~~—(2) Both sides of Cleveland Boulevard from the easterly side of the city center district (12th Avenue) to Homedale Road;~~

~~—(3) Both sides of 21st Avenue between Franklin Road and Cleveland Boulevard;~~

~~—(4) Both sides of 10th Avenue south of I-84 to the northerly side of the city center district (railroad tracks).~~

~~—HARDSCAPE MATERIAL: Stone, rock, gravel, lava rock or other similar materials. For purposes of this article, boulder and rock slab are not considered hardscape materials; rather, they are considered accent and safety landscape features (see definition of Boulder And Rock Slab).~~

~~—INDIAN CREEK CORRIDOR: Land in proximity to Indian Creek as it flows through Caldwell. The corridor extends outward a distance of one hundred fifty feet (150') from the banks' high water mark. Any portion of a piece of property that exists within the one hundred fifty feet (150') from the banks' high water mark classifies the entire piece of property as existing completely within the Indian Creek corridor and thus having to comply with all rules relating to development within the Indian Creek corridor. Landscaping plans submitted within this corridor are subject to landscape plan design review.~~

~~—LANDSCAPE, LANDSCAPING AND LANDSCAPING AREA: The installation and permanent maintenance of an area with trees, shrubs, lawn and vegetative and/or nonvegetative ground cover, hardscape, boulders, rock slabs, Xeriscape and/or dry landscaping.~~

~~—LANDSCAPE PLANTER ISLANDS: Interior parking lot landscape islands encased in curbing material installed to provide visual relief from the expanse of asphalt, while protecting the landscape from vehicular injury.~~

~~—MAINTENANCE: Watering, weeding, pruning, mowing, litter removal, pest control, and the removal or repair of items needed to maintain a neat, well kept, orderly, living, healthy landscape appearance.~~

~~—MAJOR PATHWAY: A pathway required in all subdivisions or developments that contain any type of residential dwellings that provides external, public pedestrian connectivity to and from and through the subdivision and/or development and is for the use of the general public as well as the residents of the subdivision or development and their guests.~~

~~—MICRO PATHWAY: Any pathway within a subdivision or development meant to provide internal pedestrian connectivity and meant only for the residents of the subdivision or development and their guests (not meant for general public use).~~

~~—MULCH: A protective covering placed around plants to prevent the evaporation of moisture, the freezing of roots and the growth of weeds.~~

~~—NATURAL AREA: An area that possesses unimproved natural features that include existing wetlands, rock outcroppings, ponds and creeks, or groves of trees left undeveloped in their natural state.~~

—NUISANCE: Any condition or use of the premises which is detrimental to the premises of others or which causes, or tends to cause, material diminution in the value of other premises in the neighborhood or which creates a condition tending to promote blight and deterioration, invites plundering, creates fire or traffic hazards, constitutes an unattractive nuisance, creates a harbor for rodents or insects or otherwise is injurious to the health, safety and general welfare of the inhabitants of the city.

—PERSON: Any person, firm, partnership, corporation, association, company or organization of any kind.

—PHASED DEVELOPMENT: The developing or subdividing of a lot, tract or parcel of land in phases or the controller's development, redevelopment, subdivision or resubdivision of contiguous parcels.

—PLANT: Any tree, shrub, lawn or other vegetative ground cover that is not poisonous, toxic or otherwise a nuisance.

—PRUNING: The removal of plant parts, dead or alive, in a careful and systematic manner so as not to damage other parts of the plant or the tree as a whole.

—PUBLIC RIGHT OF WAY: Improved or unimproved public property owned by, dedicated to, or deeded to, the public or for the public's use, for the purpose of providing vehicular, pedestrian and other public use. Right of way is utilized for placement of streets, alleys, sidewalks, trees, parkways, lawn, public utilities, cut and fill slopes, and open space. Right of way is acquired in keeping with the roadway's functionality as listed on the Canyon County functionally classified roadway map or any functional class/street highway master plans adopted by the city of Caldwell.

—PUBLICLY DEDICATED: All Caldwell citizens have access to publicly dedicated areas. Areas that are cordoned as to limit public access, such as a gated community, do not meet this public dedication definition.

—SHRUB: A multiple stemmed, woody plant whose height at maturity is between three (3) and fifteen feet (15').

—SOFTSCAPE MATERIALS: Bark, wood chips, mulch, and similar materials.

—STREET TREE LIST: The list of acceptable trees located within the public right of way (see section 10-08-02 of this chapter).

—STREETS: Highways, roads, alleys and bridges, dedicated, purchased or otherwise acquired for the public, including the unimproved or unused portion thereof, maintained and open to use by the public, including sidewalks, parkways and special tree planting easements adjacent to a street granted by property owners.

—SUBDIVISION: See definition of "subdivision" in chapter 11 of this code.

—TREE: A woody perennial plant usually having one main stem or trunk and many branches; it usually exceeds fifteen feet (15') in height at maturity.

~~—UTILITY EASEMENT: An easement established for the placement of sewer, water and/or other utility conveyances such as gas, cable and telephone.~~

~~—VEHICLES: Vehicles include the following:~~

~~Motor Vehicles: Self-propelled devices used for transportation of people or goods over land surfaces and licensed as a motor vehicle.~~

~~Off Road Vehicles: Those designed for use on a variety of nonimproved surfaces and including dune buggies and all-terrain vehicles, snowmobiles, trail bikes, mopeds, and motor bikes.~~

~~Passenger Vehicles: Those with no more than two (2) axles and/or four (4) wheels, not more than four thousand five hundred (4,500) pounds in gross weight, and designed primarily for the transport of persons.~~

~~Recreational Vehicles: Those with a vehicular type portable structure without permanent foundation that can be towed, hauled, or driven and primarily designed as temporarily living accommodation for recreational, camping, and travel use and including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.~~

~~Trailers: Structures standing on wheels, towed or hauled by another vehicle, and used for short term human occupancy, carrying of materials, goods, or objects, or as temporary offices.~~

~~—VISION TRIANGLE: A protected vision area established to ensure that drivers have an unobstructed view as they come upon a driveway access, alleyway or intersection. Measuring from the projected intersection of the roadway edge a distance of forty feet (40') along each roadway edge and connecting the two (2) points with a straight line defines the boundaries of a vision triangle at the intersection of two (2) roads.~~

~~—WEEDS: Undesirable plant growth that is unkempt, unsightly, deleterious and/or injurious to the public. Weeds include noxious weeds, grasses, unkempt bushes and any plant meeting this description. The Canyon County weed control department keeps a list of weeds that are considered noxious.~~

~~—XERISCAPE: Nontraditional water conservation landscaping or dry landscaping permitted as a landscape substitute. (Ord. 2661, 1-7-2008; Ord. 2755, 9-22-2008; Ord. 2805, 11-2-2009; Ord. 2865, 6-20-2011; Ord. 3010, 11-16-2015)~~

10-072-029-1: PURPOSE AND APPLICABILITY:

(1) Purpose: To promote landscaping and tree installation and maintenance and to preserve and protect riparian, wetland, and wildlife areas in the eCity of Caldwell that will improve community livability, protect property values, preserve the quality of life, and improve the city's general appearance, economic viability, and environmental health. (Ord. 2661, 1-7-2008)

(2) ~~Application~~Applicability: This full article shall apply in the following situations, unless otherwise noted:

- A. Residential subdivisions and/or developments. ~~{Ord. 2755, 9-22-2008}~~
- B. Commercial subdivision(s) and/or development(s).
- C. Industrial subdivision(s) and/or development(s).
- D. Special use permits. ~~{Ord. 2661, 1-7-2008}~~
- E. Subdivisions and/or developments with riparian, wetlands, and/or wildlife areas. ~~{Ord. 2661, 1-7-2008; Ord. 2755, 9-22-2008}~~
- F. All mixed-use subdivision(s) and/or development(s). ~~{Ord. 2755, 9-22-2008}~~
- G. Planned unit developments.
- H. Manufactured home developments ~~parks~~. ~~{Ord. 2661, 1-7-2008; Ord. 2755, 9-22-2008}~~
- I. Rezones, annexations, or simple lot splits. ~~{Ord. 3156, 7-16-2018}~~
- J. New construction of principal structures, exterior remodeling, exterior renovation, complete rebuilds, and additions or accessory structures that exceed twenty-five (25) percent of the gross floor area of the principal structure or one thousand (1,000) square feet, whichever is less.
- K. Change of use, as determined by the Director or their designee. ~~{Ord. 2967, 7-21-2014}~~
- L. Establishment of new Uses, buildings, or structures on properties that have been vacant or without a tenant for a period exceeding twelve (12) consecutive months. ~~{Ord. 3102, 9-5-2017}~~
- M. Reconstruction or expansion of landscaping or parking facilities and infrastructure.
- N. Exterior building renovations and routine maintenance and upkeep are excluded from the requirements of this section.

10-072-039-2: LANDSCAPE PLAN PREPARATION, REQUIREMENTS, AND SUBMITTAL:

(1) Plan Preparation:

- A. Landscaping plans shall be prepared by a landscape architect, a landscape designer, or a qualified nursery person.
- B. Landscape plans shall be stamped by a licensed landscape architect for all projects over two (2) acres in size.

(2) Plan Requirements:

A. Detailed plan shall be at a scale no smaller than one inch equals fifty feet (1" = 50'). (Ord. 2661, 1-7-2008)

B. Plans shall be submitted in accordance with the requirements as determined by the Planning and Zoning Department and shall include all data and information as specified on the appropriate applications and/or checklists as necessary to assure the fullest presentation of facts. The Director or their assignees shall have the authority to require any additional information or data necessary to aid in understanding and reviewing the application. If off street parking and/or bicycle parking is applicable or required, the following must be shown:

~~— 1. All required individual parking and bicycle parking and loading spaces with typical dimensions.~~

~~— 2. A note listing the required number of parking spaces and bicycle parking spaces.~~

~~— 3. A note listing the provided number of parking spaces and bicycle parking spaces. The provided number of parking spaces and bicycle parking spaces shall equal or exceed the required number of parking spaces and bicycle parking spaces. (Ord. 2805, 11-2-2009)~~

~~— 4. Circulation area required to serve the parking spaces with typical dimensions.~~

~~— C. Note indicating the presence, or lack thereof, of existing trees, shrubs, etc.~~

~~— D. Approximate size and type of any existing trees, shrubs, etc., that will remain, if any.~~

~~— E. Note indicating the presence, or lack thereof, of existing structures and whether or not said structures will remain.~~

~~— F. Location of major pathways with width and type of paving identified.~~

~~— G. Location of micro pathways with width and type of paving identified.~~

~~— H. Five foot (5') wide landscape strips on each side of the major and micro pathways clearly identified with types, number and placement of trees, shrubs, vegetative and nonvegetative ground cover.~~

~~— I. All open space clearly delineated (using hatching, shading, coloring, etc.) so it is readily identifiable.~~

~~— J. Percentage of open space in relationship to the gross area of the project through note form.~~

~~— K. Location and types of equipment proposed for recreational use.~~

~~— L. Location and types of new structures for recreational use (i.e., gazebos, water features, playhouses, picnic areas, etc.).~~

~~— M. Location of school bus stop areas within a common lot or common easement.~~

~~— N. Location and width of all street landscape buffers, parking landscaping areas, landscaped buffers between different uses.~~

~~— O. Location and description of other landscape improvements including, but not limited to, earth berms, walls, trash enclosures, specialty lighting, required and fences (include type, and color of new fencing material, height of new fence and location of any new fencing to be placed on the project). If there is existing fencing on the project, indicate whether or not the existing fencing will remain. If the existing fencing is to remain, indicate the type and color of the existing fencing material, height of the existing fence and location of the existing fence.~~

~~— P. Locations, descriptions, types and numbers of landscaping products to be installed in all landscaping areas.~~

~~— Q. Note indicating the type of irrigation system and its water source.~~

~~— R. Plant legend, to include the botanical and common name of all proposed plants and their location, quantity, spacing and size and installation detail of all landscape material.~~

~~— S. Note indicating that certification must be provided to the city that all of the trees or plants installed are free from disease and are not toxic, poisonous or otherwise a nuisance.~~

~~— T. Note or detail regarding the landscaping and/or weed maintenance of all irrigation, drainage and utility easements and/or rights of way.~~

~~— U. Location of riparian, wildlife and/or jurisdictional wetlands with a summary of the method(s) of preserving said areas.~~

~~— V. Riparian habitat management plan with an approval letter of said plan from all stakeholder agencies.~~

~~— W. Wildlife preservation and mitigation plan with an approval letter of said plan from all stakeholder agencies.~~

~~— (3) Plan Submittal:~~

~~— A. One eight and one half by eleven (8 1/2 x 11) copy and one eleven by seventeen (11 x 17) copy.~~

~~— B. Completed and signed landscaping plan application. (Ord. 2661, 1-7-2008)~~

~~(4)(3) Plan Modifications: Once the landscaping plan has been approved by planning and zoning department staff or through a public hearing process, no modifications can be made to the plan nor can field changes be made without first submitting a site plan/landscape plan review application, along with the revised landscaping plan and a detailed explanation of the requested modification(s). Approved changes to the landscape plan must be documented prior to issuance of a certificate of occupancy or certificate of compliance, whichever is applicable. (Ord. 2805, 11-2-2009)~~

10-072-049-3: GENERAL LANDSCAPE CRITERIA AND INSTALLATION PRACTICES:

(1) Tree Planting: All tree planting shall be based on the “Treasure Valley Tree Selection Guide.” ~~city's "arboricultural standards and specifications guide" available from the city forester.~~

(2) Selection From List: ~~All~~ At least seventy-five percent (75%) of the proposed trees and shrubs shall be rated as “low water” or “moderate water” demand with trees selected from the list of species outlined in the publication titled “Treasure Valley Tree Selection Guide” provided in subsections 10-08-02(13), (14) and (15) of this chapter. Any deviations from this list must be approved by the Planning and Zoning staff. ~~The appropriate class of trees and shrubs shall be chosen dependent upon the location of the plants (i.e., along streets or sidewalks, in parking lots, below overhead power lines, along utility easements, etc.).~~

(3) Prohibited Plant Material: Prohibited plant material shall include any that is considered poisonous, toxic, or otherwise poses a nuisance. The plants listed as Trees Not Permitted for Rights-of-Way Property Planting in the Treasure Valley Tree Selection Guide are prohibited from being planted along any street or within any parking lot

(4) Substitution: Use of artificial plants or carpeting cannot substitute for required landscape plant material. ~~(Ord. 2661, 1-7-2008)~~

(5) ~~Primary And Dominant Landscape Materials and Groundcover for areas outside of public rights-of-way (see 10-02-09-11(1)A for right-of-way requirements): Primary and dominant landscape material shall be grass; A combination of materials such as bark, wood chips, stone, rock, gravel, and lava rock is limited to twenty-five percent (25%) maximum coverage. Boulders and rock slabs cannot be placed in public rights-of-way. (Ord. 3156, 7-16-2018)~~

A. The number of trees and tree spacing shall be in compliance with each subsection of this Article (10-02-09) including, but not limited to, all required landscape buffers, common open spaces, right-of-way, and pathway landscaping.

1. Except, within the APO-1 overlay zone, the minimum tree planting requirement is not applicable to minimize conflicts with aircraft and airport operations. For each tree that would have been required, two (2) additional shrubs shall be required as mitigation.

B. Turf grass/sod as a groundcover shall be a minimum of 20% coverage but shall not exceed 50% coverage area of required landscaped areas and required open space areas; native grasses requiring minimal irrigation are encouraged. Areas utilized for play/sports fields or other utilitarian purposes are exempt from this requirement.

C. Shrubs, perennials, native grasses, and other vegetative groundcover besides turf grass shall constitute a minimum of 50% of required landscape areas. Areas utilized for play/sports fields or other utilitarian purposes are exempt from this requirement. Non-vegetative materials, such as decorative rock, bark, and perma-bark, shall not count towards the minimum landscape requirement.

D. Boulders and rock slabs are prohibited in public rights-of-way, but are encouraged within the landscape buffer areas on private property.

E. If the location of any utility facility, utility easement, or service area required by adopted City or utility provider standards prevents the location of trees, shrubs, or other landscaping in locations required by this Section, the applicant shall be required to install an equivalent number of trees, shrubs, or landscaping in other landscaped areas of the site.

(6) Minimum Plant Sizes at time of planting:

Planting Type	Minimum Size at Time Planting	Minimum Height at Time of Planting
Evergreen trees		6 to 7 foot height minimum
Ornamental trees	2 inch caliper minimum	
Shade trees	2 inch caliper minimum	
Woody Shrubs	3 gallon pot minimum	
Perennials	2 gallon pot minimum	

Alternative plant standards may be considered through the submission of an Alternative Methods of Compliance Application.

(7) Standards Met: All plant material installed pursuant to this article shall meet or exceed the minimum Federal standards as regulated by ANSI Z60.1, American standard for nursery stock.

(8) Placement Prohibited: The placement of impermeable plastic weed barrier under mulch is prohibited.

(9) Mulch: Organic mulch, such as bark, permabark, or other soil aids, shall be applied and maintained in all planting areas at a minimum two-inch depth, for moisture retention, weed control and soil temperature moderation. Rock mulch is prohibited in required landscape beds unless specifically approved through the Alternative Methods of Compliance (10-03-16) process. (Ord. 2661, 1-7-2008)

(10) Protective Devices: Vertical curbing shall be provided around all planting areas that border driveways, parking lots, and other vehicle use areas, including, but not limited to, street landscape buffers, perimeter landscaping, and landscape planter islands. The curbing shall be a minimum six inch (6") vertical concrete curb and include a concrete gutter pan. Planting edge protection shall be required between property lines and planting areas to ensure landscape material and water run-off remains on-site. (Ord. 3010, 11-16-2015)

(11) Wash Off: Facilities constructed for water and drainage purposes shall be designed so that no soil, bark, mulch, or other similar materials shall be allowed to wash off the landscape area.

(12) Construction Within The Tree's Drip Line:

A. Impervious surfaces like sidewalks should be set back from the tree trunk equal to its diameter at maturity plus five feet (5'), with the exception of parking lot planting islands.

B. Grade changes greater than six inches (6") are prohibited within the drip line.

C. A simple fence or barrier that encloses the entire area beneath the tree canopy should be installed prior to commencing construction activity to reduce damage to a tree's root system. (Ord. 2661, 1-7-2008)

(13) Utilities, Easements and Service Areas:

A. Only Class 1 trees ~~as identified in subsection 10-08-02(14) of this chapter~~ may be planted below or within ten (10) lateral feet of any overhead utility wire.

B. All trees shall be planted outside of any underground utility easement unless written approval has been obtained from the easement holder.

C. Underground utilities installed by means of trenching shall be placed outside of any existing tree's drip line. Underground utilities installed by means of tunneling may be installed within the tree's drip line, provided the tunneling occurs a minimum of three feet (3') below existing grade.

D. Excavation in the soil within one foot (1') of the tree's roots is prohibited unless appropriate measures are taken to prevent the exposed soil from drying out.

E. Roots of a tree shall not be damaged by compacting or filling on or around the base of the tree.

F. If existing trees that are scheduled to be retained as part of the landscaping plan are severely damaged during the construction phase, they shall be replaced in accordance with the Tree Preservation and Mitigation section ~~10-08-02~~ of this chapter (10-02-10).

(14) Landscaping Around Signs:

A. The square footage of the landscaped area shall be equal to or in excess of the square footage of one side of the sign face.

B. Two (2) shrubs shall be installed on each side of the sign at a minimum.

C. The remaining area shall be completely covered with a mixture of vegetative or nonvegetative ground cover to include grass, flowers, mulch, vines, etc.

(15) Landscaping In And Around Riparian, Wetland, And Wildlife Areas:

A. Riparian, wetland, and wildlife areas in all developments and/or subdivisions shall be surveyed and determined. In written form, the appropriate agencies (i.e., Idaho Fish and Game and U.S. Army Corps of Engineers) shall confirm the results of the survey.

B. Stream crossings in riparian, wetland, and wildlife areas shall be constructed with design features that permit passage underneath of both aquatic and terrestrial species of

fish and wildlife during all anticipated flow levels. There shall be no net loss of wildlife habitat.

C. All identified jurisdictional wetland areas shall be restored to a functioning condition, including planting with species appropriate to the site, and shall be maintained in a functioning condition. There shall be no net loss of wetland function.

D. A mitigation plan for any unavoidable impacts to fish and wildlife resulting from developments and/or subdivisions shall be developed and shall be incorporated into homeowners' or business owners' covenants. The following elements, at a minimum, shall be included in the mitigation plan:

1. Introduction/description of the property and surrounding area. This shall include a description of the existing natural resource values present, wildlife commonly found in and near the project and habitat types. Included shall be estimates of the quantity and quality of the various habitats found on the property as well as mapping of existing vegetation (habitat). Aquatic species and habitat should be included if streams are present. It should also include the scope of the mitigation plan (i.e., if it covers the entire project or just a particular phase). In the case of projects in high value wildlife habitat, and to provide objective and measurable pre-project wildlife values, a habitat evaluation procedure should be conducted for key species. Include goals and objectives of the mitigation.

2. Assessment of potential impacts. This shall include anticipated impacts, both direct and indirect, resulting from the development.

3. Proposed actions to avoid, reduce, compensate for, and mitigate impacts. Include on site and off site mitigation necessary to achieve no net loss of wildlife values.

4. Description of net impacts after mitigation is implemented. Include a description of unavoidable impacts and those impacts that have been minimized.

5. Time line for implementing all mitigation actions.

6. Monitoring to ensure effectiveness of mitigation actions and long-term operations and maintenance to ensure mitigation lasts in perpetuity. There shall be actions described in the plan that ensure that mitigation actions are permanent (e.g., easements) and continue in perpetuity (e.g., habitat improvement). Recourse for failed mitigation efforts should be identified.

E. Approval letters, regarding mitigation plans for riparian, wetland and wildlife areas, from all stakeholder agencies shall be obtained and submitted to the Planning and Zoning Department prior to approval of any construction drawings. (Ord. 3156, 7-16-2018)

(16) Performance Bonding: See 10-03-17 for Planning's performance bonding requirements and standards.

10-072-059-4: COMMON OPEN SPACE REQUIREMENTS AND STANDARDS:

(1) Requirements for residential subdivisions, mixed-use subdivisions and/or developments that contain residential dwellings, regardless of zoning district, unless otherwise noted herein (see Chapter 10-14 of this code for Multi-Family Development open space requirements): For Residential Subdivisions And/Or Developments, Regardless Of Zone, And For Any Mixed Use Subdivisions Or Developments That Contain Residential Dwellings:

A. The percentage of gross land area to be designated as qualified common open space shall be based upon the overall average residential lot size as follows:

~~Overall Average Lot~~

~~Size (Square Feet)~~

~~Percentage Of Gross Land To Be Reserved As Open Space~~

~~Below 6,000~~

~~10.0~~

~~6,000 - 7,499~~

~~8.0~~

~~7,500 - 8,999~~

~~6.0~~

~~9,000 - 11,999~~

~~5.0~~

~~12,000 and over~~

~~4.0~~

<u>Overall Average Lot Size (in Square Feet)</u>	<u>Percentage of gross land to be reserved as Qualified Open Space</u>
<u>6,000 and below</u>	<u>10.0</u>
<u>6,001 - 11,999</u>	<u>8.0</u>
<u>12,000 and over</u>	<u>6.0</u>
<u>Developments where all lots are a minimum 1 acre in size</u>	<u>One common open space lot at least ¼ acre (10,890 square feet) in size.</u>

B. Within common open space areas, one (1) tree per every 5,000 square feet of area shall be required. At least 50% of the required trees shall be Class II or Class III trees to supply shade for users.

C. Common open space areas are established for use by the subdivision's or development's occupants and guests, but not for the general public living outside the subdivision or development, unless the common open space has public easements running through it that make it publicly dedicated or the land has been dedicated for public purpose. ~~{Ord. 2661, 1-7-2008}~~

D. The main/largest common open space area and proposed amenity/amenities shall be constructed and/or installed within the first two phases of the subject development to ensure compliance with the minimum qualified open space requirements OR install a minimum of 50% of the required open space area within the first two phases of development, whichever is greater in area.

~~E.~~ Common open space will not be required for subdivisions or developments containing fewer than eleven (11) residential dwelling units unless they are part of a phased development or located in the Indian Creek corridor or the Boise River corridor. ~~{Ord. 2661, 1-7-2008; Ord. 2755, 9-22-2008}~~

F. Common open space should promote the health and well-being of its residents. Open space shall support active and passive uses for recreation, social gathering, and relaxation to serve the development.

(2) Open Space Requirements For Multi-Family Subdivision And Planned Unit Developments:

A. At least ~~ten~~fifteen percent (~~15~~15%) of a ~~multi-family subdivision's or~~ planned unit development's gross land area shall be designated as qualified common open space.

B. These common open space areas are established for use by the subdivision's or development's occupants and guests, but not for the general public living outside the subdivision or development, unless the common open space has public easements running through it that make it publicly dedicated or the land has been dedicated for public purpose. ~~{Ord. 2661, 1-7-2008}~~

C. In addition to the minimum common open space requirements of this article, refer to 10-13 for more specific open space and amenity requirements for Planned Unit Developments.

(3) Requirements For Commercial, Industrial, and Institutional C-1, C-2, C-3, C-4, I-P, M-1, M-2, H-D, C-D, And A-D Zones:

A. No common open space shall be required unless specifically identified in Site Design Standards article (10-05) or when the subdivision or development is either wholly or partially residential in use, in a residential zone, or is a ~~multi-family subdivision or~~ planned unit development in which case requirements as listed under ~~subsections (1) and (2) of~~

~~this article section would apply (see Chapter 10-14 of this code for Multi-Family Development open space requirements). (Ord. 2755, 9-22-2008)~~

~~B. Additionally, all other landscaping requirements as referenced in this article shall apply unless stated otherwise. (Ord. 2661, 1-7-2008; Ord. 2755, 9-22-2008)~~

~~(4) Criteria For Common Open Space:~~

~~A. Nonqualifying Open Space:~~

~~1. Street right of way areas, areas dedicated for future right-of-way purposes, or islands/medians/roundabouts in the right-of-way.~~

~~— 2. Areas dedicated for future right of way purposes.~~

~~— 3. Stormwater retention/detention areas. Irregular shaped, disconnected, or isolated landscape areas.~~

~~— 4. Islands/medians at project entrances.~~

~~— 5. Islands/medians/roundabouts throughout the project.~~

~~6. Riparian, wetland, and wildlife areas (as determined by the appropriate jurisdictional agency); floodway areas; or public utility, drainage, and irrigation easements.~~

~~— 7. Street landscape buffers. (Ord. 2661, 1-7-2008)~~

~~— 8. (Rep. by Ord. 2805, 11-2-2009)~~

~~— 9. Floodway areas.~~

~~— 10. Drainage easements and/or rights of way.~~

~~— 11. Irrigation easements and/or rights of way.~~

~~— 12. Utility easements. (Ord. 2661, 1-7-2008)~~

~~B. Qualifying Open Space: Anything other than what is listed as nonqualifying open space as approved by the city's landscape plan reviewer including, but not limited to, the following items: (Ord. 2805, 11-2-2009)~~

~~1. Open park areas of at least one thousand five hundred (1,500) square feet in size, if integrated into the development as a priority and incorporates pedestrian access, placemaking components, thoughtful design, or similar concepts.~~

~~2. Community gardens.~~

~~3. Ponds or water features.~~

~~4. Plazas.~~

~~5. Additions to a public park or other public open space area.~~

6. Clubhouse, fitness facilities, enclosed bike storage, picnic areas, swimming pool, play areas, other general recreational/amenity facilities.

7. Buffers between differing land uses.

8. 50% of required landscape street buffers along collector and arterial streets when landscaped to minimum standards. Additional street landscape buffer width over and above the required street landscape buffering.

9. All pathways and associated landscaping (if constructed to minimum City standards). Micro pathways (paved or porous surfaced portions and landscaped portion). (Ord. 2661, 1-7-2008)

— 10. Major pathways (paved or porous surfaced portions and landscaped portions). (Ord. 2805, 11-2-2009)

— 10. Stormwater retention/detention areas (including underground seepage beds in open space areas) when vegetated with grass, do not include any slopes over 3:1 ratio, and are located within a large enough common area to include any required trees and shrubbery based upon the size of the common area.

C. Location Of Open Space:

1. Common open spaces shall be located and designated as common lots platted for common open space purposes when within a platted subdivision. If the project is not a platted subdivision, the common open space must be located within a recorded permanent landscape easement.

2. Location of open space shall be integrated into the development as a priority and not for the use of remnant land after all other elements of the development have been designed; irregular shaped, disconnected, or isolated open spaces shall not meet this standard and will not be considered qualified open space. Open space areas that have been given priority in the development design have:

(a) Direct pedestrian access;

(b) Placemaking components;

(c) High visibility;

(d) Thoughtful design that preserves community culture;

(e) Support a range of leisure and play activities and uses; and

(f) Support Crime Prevention through Environmental Design (CPTED) principles:

(i) Natural Surveillance: Design the environment to maximize visibility, making it easier for people to see and be seen. This can be achieved through features like well-placed windows, adequate lighting, and visually accessible open spaces;

- (ii) Environmental Design: Consider the layout, design, and aesthetics of open spaces to create a sense of community, identity, and place;
- (iii) Natural Access Control: Control and channel the flow of people through a space to create a sense of ownership and territoriality. Use elements like fences, gates, and landscaping to guide movement and deter unauthorized access;
- (iv) Maintenance and Management: Keep the open space area well-maintained and clean to signal that it is cared for and monitored. Neglected or poorly maintained areas can attract criminal activity.

3. Common open space shall be required to be interconnected within a subdivision or development by means of five foot (5') wide neighborhood pathways with a five foot (5') wide strip of landscaping on each side of the pathway for a total of fifteen feet (15') minimum, to be located within a common lot if part of a platted subdivision or within a recorded permanent landscape easement if not part of a platted subdivision. The neighborhood pathways and accompanying landscaping strips count towards the minimum required common open space.

D. Minimum Required Landscaping For Open Space:

~~1. Lawn, either seed or sod.~~ Groundcover and tree requirements shall be as listed in section 10-02-09-3(5) above unless specifically noted otherwise in this section (10-02-09-4).

~~— 2. Combination of trees, shrubs and vegetative and nonvegetative ground cover.~~

~~3.2.~~ Areas for active playground purposes shall be designed to minimize injury to children and shall comply with all adopted and applicable building codes.

~~4.3.~~ Common open space should be suitably improved for its intended use, except that existing natural features such as wetlands, rock outcroppings, ponds, creeks, groves of trees and other naturally occurring features may be left unimproved and undeveloped in their natural state unless the applicable agency requires improvements/clean-up of the area.

~~— E. Connectivity Of Common Open Space:~~

~~— 1. Common open space shall be required to be connected within a subdivision or development by means of five foot (5') wide paved or porous micro pathways with a five foot (5') wide strip of landscaping on each side of the paved or porous surface for a total of fifteen feet (15'), to be located within a common lot if part of a platted subdivision or within a recorded permanent landscape easement if not part of a platted subdivision.~~

~~— 2. The micro pathways and accompanying landscaping strips count towards the required common open space.~~

~~F.E.~~ Americans With Disabilities Act:

1. Landscape areas shall not interfere with pedestrian sidewalk access or pose impediments to those who are disabled or infirm.
2. Landscape buffering and screening devices shall not be constructed to impede or eliminate the pedestrian's ability to access any abutting development.
3. If landscaping creates a continuous perimeter barrier, sufficient pathways shall be provided through the landscaping every six hundred sixty feet (660') unless there are physical barriers like a canal or a cliff that prevent the construction of such access.
4. Any landscape application that may limit access shall be called out so that an appropriate remedy may be found. (Ord. 2661, 1-7-2008)

10-072-069-5: LANDSCAPE MAINTENANCE STREET LANDSCAPE BUFFERS:

(1) Applicability:

A. Street landscape buffers shall be required along all subdivision and/or development boundaries that have frontage on any public right-of-way, with the exception of alleys.

B. Street landscape buffers shall, when platted as a common lot, be owned and maintained by either a homeowners' or business owners' association. In cases where a homeowners' or business owners' association is dissolved and the City subsequently abates any nuisance on any common area owned and/or maintained by said association, the cost of said abatement shall be distributed to all property owners within the subdivision.

C. Street landscape buffers not platted as a common lot shall be placed in a recorded permanent landscape easement and shall be maintained in dedication format by a specified controller, homeowners', or business owners' association.

D. Street landscape buffers are not intended to impede or conflict with driveway or entrance access requirements and shall follow any vision triangle restrictions and/or requirements.

E. Placement of street landscape buffers shall not negate, substitute for, or replace a property's zoning frontage requirement as per section 10-02-03 of this chapter. The zoning frontage requirements as per section 10-02-03 of this chapter shall be met regardless of, and separate from, the placement of common lots or easements.

F. The placement of a landscape buffer into a platted common lot that is located between a street and a corner lot may change the status of the corner lot to an interior lot, provided the landscape buffer is a minimum of ten feet (10') wide and runs the entire length of the lot.

(2) Location:

A. Street landscape buffers shall be located on private property outside of and beyond the street right of way unless the property owner has met the following criteria and

obtained an approved license agreement from the City or other applicable agency with jurisdiction:

1. Future expansion of the right-of-way is not anticipated or planned; and
2. The buffer width located on the private property is a minimum of ten (10) feet outside of any public utility easement or at least fifty (50) percent of the required buffer width, whichever is larger; and
3. The subject site is constrained preventing the placement of the full buffer width without significant impact to the development; and
4. The unimproved right-of-way area is a minimum width to allow healthy vegetation and does not impede any public utility, utility easement, or public use of the right-of-way;

B. Street landscape buffers located outside the public-right-of-way shall be located within a platted common lot when the project is a platted residential subdivision of eleven (11) or more buildable lots. In all other circumstances, street landscape buffers may be located within a recorded permanent landscape easement, pursuant to (1)C above.

C. The measuring point for the street landscape buffer width shall be measured ~~associated with attached sidewalks shall be~~ from the property line and not the back of sidewalk or curb.

D. If the City Engineer approves of a sidewalk location outside of the public right-of-way, then the required street landscape buffer width may include the sidewalk width.

E. Entrances into residential subdivisions or developments:

1. Entrance buffers on each side of all entrances shall be required.

2. Entrance buffers shall be placed adjacent to the developable lots.

3. Entrance buffers shall be placed in a common platted lot if a subdivision or placed in a recorded perpetual landscape easement if not a subdivision.

4. Entrance buffers shall be the length of the first developable lot's side property line closest to the street entrance.

5. Entrance buffers shall be a minimum width of fifteen feet (15').

6. Entrance buffers shall meet all the vision triangle requirements and shall be landscaped so as to not impede public safety.

7. Entrance buffers shall be landscaped with trees, vegetative and nonvegetative ground cover consistent with section 10-02-09-3 above.

F. Street landscape buffers located along arterials, state highways, and interstate frontages of residential subdivisions and/or developments shall include undulating berms of at least two (2) feet in height but shall not exceed eight (8) feet in height. As an exception

to subsection (9) below, solid style fences are permitted on the top of the berm provided the combination of a berm and fence shall not exceed a maximum height of eight feet (8'). Fencing shall not exceed six feet (6') in height and berms shall not exceed a 3:1 slope.

1. Exception: Berms located in street landscape buffers within state highway and interstate rights-of-way shall meet all berm requirements of Idaho transportation department.

G. There is no minimum or maximum berm height for subdivisions or developments located within the commercial, industrial, institutional districts, and Highway Corridor district unless: the subdivision or development is wholly includes residential uses and has frontage along an arterial, State Highway or Interstate, or includes a use that has been deemed to require berming, in which case subsection (2)F of this section applies.

H. Within the T-N and Downtown Districts, berming is prohibited unless there is frontage on State Highways or the Interstate, in which case subsection (2)F of this section applies.

(3) Buffer Sizes:

<u>Type Of Roadway</u>	<u>Buffer Width Along Each Side Of A Roadway</u>
<u>Local, residential, or nonclassified streets (does not include access easements, alleys, driveways, and/or private streets which do not have a buffer requirement)¹</u>	<u>10/15² feet</u>
<u>Collectors</u>	<u>20 feet</u>
<u>Arterials</u>	<u>25 feet</u>
<u>State Highways, US Highways, and Interstates</u>	<u>35 feet</u>

Footnotes:

1. Local, residential, or nonclassified streets internal to any subdivision or development in an RS-1, RS-2, R-1, R-2, R-3 Zone or internal to any subdivision or development that is wholly residential in use, are not required to provide the ten foot (10') wide street landscape buffer.
2. A fifteen (15) foot wide landscape street buffer is required adjacent to local streets for multi-family development that is directly across the street from existing single-family residential dwellings.

(4) Buffer Width Reduction: Buffer width reductions not to exceed 50% of the required buffer width, may be granted at the discretion of the Director based upon existing conditions, lot size, right-of-way requirements, topography, and geography of the site. Buffer width reductions shall not be granted based upon financial or economic reasons and shall not result in a buffer less than ten (10) feet in width, except for infill parcels of less than three (3) acres in size. In this instance, landscape buffer widths may be reduced to less than ten (10) feet so long as there is a minimum of eight (8) feet to accommodate any Class II or Class III trees. Appeals of the Director's decision may be made to the City Council.

(5) Required Landscaping And Improvements Within The Street Buffers:

A. Mixture of trees, shrubs, lawn, vegetative and nonvegetative ground cover so that the entire buffer area is covered as follows (standard requirements of 10-02-09-3 also apply):

1. Tree Density: A minimum density of one (1) tree per twenty-five (25) linear feet for Class I trees; A minimum density of one (1) tree per thirty-five (35) linear feet for Class II trees is required. Class III trees are prohibited within landscape street buffers except as noted for buffers along the Interstate (see subsection (12) below).

(A) No more than 40% of the required trees shall be of the same tree species.

(B) No more than 50% of the required trees shall be Class I trees, unless such trees are located where overhead power lines prohibit the use of taller trees.

2. For residential (see Article 10-14 for multi-family residential requirements) and commercial developments, turf grass as a groundcover shall not exceed 50% of the buffer area.

3. For residential and commercial developments, shrubs, flowers, and other vegetative groundcover besides turf grass shall constitute a minimum of 50% of required landscape areas.

4. In all cases, the minimum shrub density within street buffers shall be one (1) shrub per five (5) linear feet of buffer area.

5. Boulders and rock slabs are prohibited in any public rights-of-way but may be utilized within buffers outside of any right-of-way.

6. For the C-4 zoning district, industrial, and institutional developments, the minimum groundcover requirements outlined above are required unless waterwise landscaping is proposed and all standards are met (see section 10-02-09-10 below). Waterwise landscaping may be utilized in other districts or circumstances for required street buffers if approval is obtained through the Alternative Methods of Compliance process (10-03-16).

7. See subsection (11) below for buffer requirements adjacent to State and U.S. Highways and subsection (12) below for buffer requirements adjacent to the Interstate.

(6) Placement and Installation of Trees:

A. Trees and shrubs should be grouped together for visual aesthetics, but may be spaced evenly if additional screening is desired or required.

B. Vision triangles, signage, driveways, and above grade clearance shall all be accounted for when placing trees and shrubs.

C. Trees shall not be spaced closer than eighty percent (80%) of the average mature width of the trees.

D. Curbing to Protect Trees: All planting areas that border driveways, parking lots and other vehicle use areas shall be protected by curbing, wheel stops, or other protective devices located a minimum of 30 inches from all tree trunks.

E. If any utility, irrigation or drainage easement precludes trees required by this Section, the width of the required buffer shall be increased to accommodate the required trees.

F. The planning and zoning staff, in consultation with the city forester, is authorized to review and approve species and spacing variables in buffering areas to assure these factors are accommodated.

(7) Parking And Vehicle Display Allowed: Vehicles are prohibited from parking within the street landscape buffer area, but vehicles may be displayed as part of the business owner's advertising scheme with permission from the planning and zoning department obtained through an Administrative Determination application and shall comply with all specific use requirements as outlined in 10-12-03-30.

(8) Impervious Surfaces Allowed In The Street Buffer Area:

A. Curb cuts, driveways, signs, fire hydrants, mailboxes, telephone poles, light poles, flagpoles, and walkways.

B. Other types of impervious surfaces not listed are discouraged and are subject to approval on a case-by-case basis.

(9) Fences: Neither solid style fencing nor chain-link fencing shall be allowed within the street landscape buffer but may be placed at the interior edge of the buffer to separate the development area from the street buffer. If a fence is existing and in good condition, deviation from this standard may be approved by the Director or their designee.

(10) Additional Amenities: Additional street landscape amenities are encouraged (rocks and boulders, undulating berms, etc.) and may be required, as determined by and at the discretion of the director, along key gateway corridor streets or along major entrance areas to the City.

(11) Additional Requirements for Buffers Along State & U.S. Highways:

A. All parcels, in any zone, that have frontage along State/U.S. Highways shall install a thirty-five foot (35') wide street landscape buffer that may contain a detached sidewalk and accompanying landscaping if no sidewalk or pathway exists but is identified in the transportation master plan or pathways master plan.

B. Sidewalks within these buffers shall meet the following requirements:

1. Shall be detached from any roadway unless required to be attached by Idaho Transportation Department or the City of Caldwell Engineering department.

2. Shall be on a flat surface that is ADA accessible and is not sloped, bermed, or hilly such that ADA accessibility is hindered.

3. Shall be a minimum of ten (10) feet wide (unless an alternative is approved by the Engineering department) and paved the full width meeting surfacing and cross section standards for sidewalks, as per the city engineering department.

C. The associated landscaping shall meet the following requirements:

1. Both sides of the sidewalk shall be landscaped unless the sidewalk is required to be attached.

2. Berms and/or decorative walls shall be incorporated into the buffer landscaping with slopes not to exceed 3:1 or wall heights above three (3) feet, as determined by the landscape plan designer and subsequently reviewed and approved by the city's landscape plan reviewer.

3. Vegetative and nonvegetative ground cover shall comply with 10-02-09-3 and shall be a combination of the following: trees, native grass mix, emergent mix, turf, shrubs, rocks, permabark, bark or similar, and/or flowers, and shall include the following additional landscape elements:

(A) Tree density per subsection (5) above;

(B) One boulder for every seventy-five (75) linear feet of frontage;

(C) A minimum shrub density of one (1) shrub for every four (4) linear feet of frontage;

(D) Groupings of vegetative ground cover, trees, and boulders may be determined by the landscape designer so long as the entire landscaped area is covered with the items as listed above.

4. Streetlights along State/U.S. Highways shall comply with all Idaho Transportation Department (ITD) requirements. If ITD does not have a requirement at the time of buffer construction, streetlights shall be installed per the Caldwell Engineering supplemental specifications.

5. If located outside of public right-of-way, the sidewalk/pathway shall be dedicated as a public access easement, allowing for general public use and access for any maintenance the City may opt to perform, and but shall be owned, operated, and maintained in accordance with 10-2-09-11(1).A.

(12) Additional Requirements for Buffers Along the Interstate:

A. All parcels, in any zone, that have frontage along the Interstate shall install a thirty-five foot (35') wide landscape buffer, outside of ITD right-of-way, upon development.

B. The landscape buffer shall contain the following items:

1. A mixture of evergreen and deciduous trees so that at least fifty percent (50%) of the proposed trees are evergreen; Class I deciduous trees do not count towards the minimum tree count but may be utilized above and beyond the minimum amount.

2. If part of a nonresidential development, tree density shall be one (1) tree per thirty five (35) linear feet of frontage.

3. If part of a residential development, tree density shall be such that trees touch within five (5) years of planting to ensure adequate visual and acoustic screening. The submitted landscape plan shall depict compliance with this standard.

4. Vegetative groundcover shall comply with 10-02-09-3 but also include boulder rock groupings (minimum two boulders) for every one-hundred (100) feet of linear frontage.

5. Berming may be required in instances where the interstate is significantly higher than the subject property to bring the visual and acoustic benefits of the landscape buffer further above grade. If required, the berm shall not exceed 3:1 slope.

~~—(1) Responsibility: The controller, a homeowners' or business owners' association is responsible for maintaining all landscaping and screening devices within a subdivision and/or development and/or the subject property. (Ord. 2805, 11-2-2009)~~

~~—(2) Maintenance: All landscaping and screening devices shall be maintained in an attractive, safe and healthy manner. Trees and/or shrubs located on controller's private property, within right of way or right of way area adjacent to controller's private property and/or having any portion of the trees and/or shrubs on controller's private property growing onto, within, over or under any right of way or right of way area adjacent to the controller's private property shall be maintained as follows: trees and/or shrubs shall not interfere with or impede any irrigation, drainage, or stormwater system, whether private or public, and shall be removed immediately to prevent any such interference or impediment; trees and/or shrubs presenting a safety hazard to the public shall be removed immediately; trees and/or shrubs shall be trimmed back and up such that no portion of trees and/or shrubs shall be within a ten foot (10') vertical height of any sidewalk and/or unimproved right of way, and a fourteen foot (14') vertical height of any street or alley; all vegetation and foliage shall be trimmed such that no portion of any vegetation or foliage grows over or onto any public sidewalk. Property with landscape areas littered with weeds or trash, where plant material (including, but not limited to, grass, trees, and/or shrubs) is dying or dead, where ponds or water features are growing moss or algae, and/or where trees and/or shrubs are not being maintained as noted above shall be considered in violation of this article and subject to city planning and zoning code enforcement and any other applicable penalties under this code. (Ord. 3010, 11-16-2015)~~

~~—(3) Condition Kept: All properties, and the right of way or right of way area adjacent to properties, shall be kept in a hazard free, neat, orderly, and clean condition. Required and voluntary landscaping and landscaping areas shall be maintained in a healthy manner. Dead or dying landscape (including, but not limited to, grass, trees, and/or shrubs), weeds, trash, rubbish, and litter shall be removed immediately from all required and voluntary landscaping and landscaping areas, as well as all right of way and right of way areas adjacent to properties. Any item on property, as well as right of way and right of way areas adjacent to property, that presents a safety hazard, vision obstruction to vehicular or pedestrian traffic, and/or impediment to any private or public irrigation, drainage or stormwater system shall be removed immediately. (Ord. 2911, 9-4-2012)~~

~~—(4) Tree Grates: Tree grates located within a public right of way must be widened as necessary to accommodate the growing tree trunk and prevent tree girdling.~~

~~—(5) Damaged Plant Materials: Dead plant materials or plant materials exhibiting evidence of insect pests, disease or damage shall immediately be treated or replaced.~~

~~—(6) Removal Of Weeds: Weeds shall be mowed, removed or otherwise safely mitigated on a minimum monthly basis. At a minimum, the monthly mitigation shall take place each month from April through October. The mitigation shall take place more frequently if necessary to prevent a nuisance condition.~~

~~—(7) City Inspections: Periodic city inspections of all landscape plans approved after the adoption of this article may take place to assure compliance. (Ord. 2661, 1-7-2008)~~

~~—(8) Enforcement: Any violation of this article may result in a code enforcement action as outlined in section 10-03-13 of this chapter. Further the city of Caldwell has the right to declare a property a nuisance and assume or contract maintenance work required to achieve compliance with this article. In such instances the nuisance abatement process shall be followed as outlined in chapter 7, article 11 of this code and associated expenses shall be levied and assessed in accordance with said nuisance abatement process. (Ord. 2805, 11-2-2009)~~

~~—(9) Fire Safety Landscape Issues:~~

~~—A. Dead and dying landscape shall be removed. The removal process shall adhere to all requirements of this code.~~

~~—B. Permission for any burning of dry vegetation or other refuse must be obtained from Caldwell fire department.~~

~~—C. Mature trees on unpaved lots shall be limbed upward to a height of approximately six feet (6') above ground level to protect the tree in the event of a grass fire.~~

~~—D. Areas that have slopes nine percent (9%) or greater shall have a fire defensive zone between the structures and vegetative areas. The fire defensive zone area shall be determined by the Caldwell fire department.~~

~~—E. Addresses on buildings and street name signs shall not be blocked or occluded by landscape material.~~

~~—F. Landscape material shall neither visually obscure nor physically impede access to fire appliances including hydrants, fire sprinkler connections, post indicator valves (for sprinkler shutoffs), etc. (Ord. 2661, 1-7-2008)~~

~~—G. Tree branches or limbs shall be trimmed to a height of seventeen feet (17') above the roadways to lessen damage to fire apparatus and to be consistent with article 8 of this chapter; this height limit shall also apply to fire lanes located on private property. (Ord. 2865, 6-20-2011)~~

~~—H. Large bushes and/or trees shall not be planted directly outside of windows thereby impeding a person's ability to use them for fire escape purposes or reduce the Caldwell fire department's ability to rely upon them for fire or rescue purpose.~~

~~—I. Low profile landscaping shall be applied within a three-foot (3') radius of all fire hydrants in accordance with uniform fire code. Acceptable landscape includes mowed grass and mulch products. Landscape shall be placed in proximity to fire hydrants to create an adequate fire viewshed. (Ord. 2661, 1-7-2008)~~

10-072-079-6: VISION TRIANGLE BUFFERS BETWEEN DIFFERENT LAND USES:

(1) Purpose: The requirements of this section are intended to mitigate potential and anticipated incompatibilities between adjoining but differing land uses to ensure uses are properly protected and provide for an appropriate buffer to conduct permitted uses without causing or being subject to adverse impacts.

(2) Applicability: Landscape use buffers may be required for new development, a change of use, or the expansion/intensification of an existing use on any parcel sharing a contiguous lot line with a differing zoning district and/or land use as outlined in subsection (4) below. Differing uses located on the same parcel may require a landscape use buffer at the discretion of the Planning and Zoning Department. See Article 10-14 for all Multi-Family Residential buffer requirements when adjacent to other residential uses.

(3) Required Buffer Materials:

A. Mixture of evergreen and deciduous trees (Class 1 and 2 trees only) that touch within five (5) years of planting so that screening and buffering occurs throughout the calendar year. Tree canopies that will not touch within five (5) years must be supplemented with additional materials such as tall columnar evergreen shrubs, or other qualifying screening materials. The submitted landscape plan shall depict compliance with this requirement.

B. Mixture of shrubs, lawn, vegetative, and nonvegetative ground cover so that the entire buffer width area is covered as follows:

1. A minimum of 50% of the required buffer area shall be covered in shrubs, flowers, and other vegetative groundcover besides turf grass that includes a ratio of one (1) shrub per six (6) linear feet of buffer area.

2. Waterwise landscaping (10-02-09-10) may be used for industrial districts/uses at the discretion of the Director when the property does not abut a residential use of any type.

C. In addition to landscaping, a solid wall and/or fence may be required where existing or proposed land uses cannot be adequately screened with plant materials. Chainlink fencing with or without slats does not qualify as screening material except in the C-4, M-2, and I-P zoning districts when adjacent to a nonresidential use and slats are included in the chainlink fence. Chainlink fencing may be allowed in the A-D zone consistent with FAA regulations.

D. The installation of landscape and screen material shall not prohibit or impair a pedestrian's access to an abutting development where existing pedestrian facilities exist or are planned.

(4) Minimum Buffer Widths Between Land Uses:

A. Residential Districts/Uses:

1. Regardless of zoning district, residential uses are not required to provide a landscape use buffer unless specified elsewhere in Chapter 10 of Caldwell City Code. Except, a minimum fifteen-foot (15') buffer is required to be located in the residential development if an adjacent nonresidential development/use (excluding non-annexed agricultural properties) was established prior to these regulations and does not have a land use buffer. If the adjacent nonresidential use includes any perimeter landscaping, only the remaining width is required to satisfy this buffer requirement. Landscaping shall include vegetative and nonvegetative groundcover consistent with the landscaping requirements outlined in subsection (3) above.

2. See 10-14 for all multi-family buffer requirements.

B. Commercial Uses:

1. A minimum twenty-foot (20') buffer is required adjacent to any residential use;

2. No buffer is required adjacent to other nonresidential uses.

C. Industrial Uses:

1. A minimum thirty-foot (30') buffer is required adjacent to any residential use;

2. A minimum twenty-foot (20') buffer is required adjacent to any nonindustrial use (a nonresidential use that is not an industrial use);

3. No buffer is required adjacent to other industrial uses.

D. Special Purpose Districts (A-D, C-D, H-D, P-D):

1. A minimum ten-foot (10') buffer is required for a nonresidential/institutional use adjacent to any residential use;

2. No buffer is required between residential uses nor between institutional or nonresidential uses.

E. Projects located in Urban Core Districts (T-N, C-C, and CB-D):

1. No buffer is required within the C-C, and CB-D.

2. Buffer widths in the T-N and H-C districts shall be based upon the proposed uses as determined by the proposed use. Therefore, if a commercial use is proposed, the buffer requirements of subsection (4)B shall apply, if an industrial use is proposed, the buffer requirements of subsection (4)C shall apply, etc.;

3. Residential uses in the T-N and H-C districts are not required to provide a land use buffer. However, the Applicant may split a required buffer across an area between residential and nonresidential land uses so long as all other required buffer widths are also accommodated for.

(5) Notes Regarding Buffer Widths:

A. If a street separates differing land uses, the public street and any required street buffers shall act as the required land use buffer.

B. If the adjacent landowner has provided a portion of the required buffer width and landscaping requirements, the Applicant only needs to provide the remaining width and requirements (if any) to satisfy the buffer requirement.

C. If an irrigation/drainage easement or irrigation/drainage right of way exists between the differing uses, the controller only needs to provide the remaining width and landscaping requirements (if any) to satisfy this buffer requirement. All required landscape buffer improvements (i.e. required trees) would need to be placed outside of any irrigation/drainage easement or right-of-way.

D. The buffer area shall be placed in a common lot if the project is within a platted subdivision and within any residential zone, or shall be located within a recorded, permanent landscaping easement if not platted or if located within any other zone besides a residential zone. The buffer area shall be operated and maintained by the controller, a homeowners' association, or business owners' association in accordance with 10-02-09-11(1).A.

E. Buffer width reductions may be granted at the discretion of the Director based upon existing conditions, lot size, right of way requirements, topography, and geography of the site. Buffer width reductions shall not be granted based upon financial or economic reasons and shall not be reduced to a width that impedes healthy tree growth.

~~(1) Purpose Of The Vision Triangle: To prevent sight obstructions that include any hedge, tree, shrubbery, fence, signage or wall that interfere with driver vision.~~

~~(2) Observation Of Vision Triangle Standards:~~

~~A. All vision triangles located at controlled (signalized) or uncontrolled roadway intersections.~~

~~B. Idaho transportation department's (ITD) vision triangle standards shall apply to all state highways located within the city's jurisdiction.~~

~~(3) Parameters Of Vision Triangle:~~

~~A. Vision triangles shall be measured from the projected intersection of the lip of gutter a distance of forty feet (40') along each roadway edge, and connecting the two (2) points with a straight line. This measuring approach defines the boundaries of a vision triangle at the intersection of two (2) roads.~~

~~—B. As a roadway is enlarged or constructed, the vision triangle will accommodate the new boundaries.~~

~~—C. The creation and maintenance of a vision triangle is governed by state statute [1](#).~~

~~—(4) Intersection Of Roadways With Driveways And Alleyways:~~

~~—A. The boundaries of a vision triangle at the intersection of a road with a driveway or alleyway are defined by measuring from the intersection of the roadway and the edge of the driveway or alleyway twenty feet (20') along the roadway and ten feet (10') along the driveway or alleyway connecting the two (2) points with a straight line.~~

~~—(5) Intersection Of Road And Railroad:~~

~~—A. The vision triangle at the intersection of railroads and street crossings shall be forty feet (40') along the railroad property line and forty feet (40') along the roadway edge and connecting the two (2) points with a straight line.~~

~~—(6) Items Prohibited Or Limited Within The Vision Triangle:~~

~~—A. The planting of trees in the vision triangle is prohibited. (Ord. 2661, 1-7-2008)~~

~~—B. All trees existing in the right of way shall be pruned to a minimum height of ten feet (10') above the ground or sidewalk surface and fourteen feet (14') above the adjacent roadway surface or be removed. (Ord. 3065, 9-19-2016)~~

~~—C. Maximum height of any berm or vegetative ground cover shall be three feet (3') at maturity.~~

~~—D. No fences may be installed on a berm.~~

~~—E. No fences higher than three feet (3') are permitted.~~

~~—F. No structures or objects higher than three feet (3') are permitted, except publicly placed traffic devices.~~

~~—G. No signs taller than three feet (3') are permitted, except publicly placed traffic directing devices. (Ord. 2661, 1-7-2008)~~

Notes

~~[1](#) 1.IC 49-221.~~

~~10-072-089-7: STREET LANDSCAPE BUFFERS PATHWAY LANDSCAPING STANDARDS:~~

~~(1) Applicability:~~

~~A. Pathway landscaping standards contained in this section shall apply to all pathways (Neighborhood, Community, and Regional).~~

~~B. Regional Pathways and Community Pathways shall be required as depicted in the applicable master plan and where the Planning and Zoning department determines~~

connectivity with existing, proposed, or planned pathway segments is needed through new subdivisions and/or developments, regardless of the zoning district.

C. All pathway landscaping part of this section shall be owned and maintained by either a homeowners' or business owners' association (unless dedicated to the City in accord with subsection (6)D below). In cases where a homeowners' or business owners' association is dissolved and the City subsequently abates any nuisance on any common area owned and/or maintained by said association, the cost of said abatement shall be distributed to all property owners within the subdivision.

(2) Community Pathway Requirements:

A. Eight feet (8') wide.

B. Required width paved with either asphalt or concrete.

C. ADA accessible.

D. A community pathway is required in all residential subdivisions/developments, regardless of the zoning district, and in any subdivision/development that contains any residential dwellings. The pathway shall connect with existing, proposed, planned or possible future pathways in adjoining developments, regardless of the zoning district. The community pathway requirement may be waived if there is no possibility of adjacent connectivity in the form of an existing, proposed, planned or possible future pathway or sidewalk. A community pathway is not required in commercial or industrial subdivisions and/or developments unless there is clear potential for connection to an existing or future pathway segment.

E. A minimum five foot (5') wide landscape buffer shall be provided along both sides of any community pathway. The pathway, then, shall be a total width of eighteen feet (18') consisting of eight feet (8') of paved surface and five feet (5') of landscaping on either side of the paved surface, unless otherwise approved through an Alternative Methods of Compliance application (10-03-16).

F. Requirements for the community pathway landscape buffer:

1. A combination of trees, shrubs, lawn or other vegetative or nonvegetative ground cover so that the entire pathway landscape buffer area on both sides of the paved surface is completely covered.

2. Minimum of fifteen (15) shrubs for every one hundred (100) linear feet.

3. Minimum of one Class 1 or Class 2 tree for every forty (40) linear feet.

4. No evergreen or class 3 trees (large trees) shall be planted within the pathway landscape buffer.

5. All trees and shrubs within the pathway landscape buffer shall be of low or moderate water usage.

G. Unless otherwise approved by the City, all community pathways shall have a public access easements located over the full width of the pathway and pathway landscaping noted herein (via plat note or separate easement instrument number), allowing for general public use of the pathways. All community pathways and pathway landscape buffers shall be owned, operated, and maintained by a homeowners' or business owners' association or similar in accordance with 10-02-09-11(1).A.

(3) Neighborhood Pathway Requirements:

A. Five feet (5') wide.

B. Required width paved with either asphalt or concrete ~~or porous~~.

C. ADA accessible.

D. Shall be placed in the subdivision or development to provide pedestrian connectivity between common open space areas within the subdivision or development.

E. All other pathways in a subdivision or development, besides the regional or community pathways, shall be classified as neighborhood pathways.

F. A minimum five foot (5') wide landscape buffer shall be provided along both sides of any neighborhood pathway located within a subdivision or development. The pathway, then, shall be a total width of fifteen feet (15') consisting of five feet (5') of paved surface and five feet (5') of landscaping on either side of the paved surface, unless otherwise approved through an Alternative Methods of Compliance application (10-03-16).

G. Required plants for the neighborhood pathway landscape buffer:

1. A combination of trees, shrubs, lawn or other vegetative or nonvegetative ground cover so that the entire pathway landscape buffer area on both sides of the paved surface is completely covered.

2. Minimum of fifteen (15) shrubs for every one hundred (100) linear feet.

3. No evergreen or Class 3 trees (large trees) shall be planted within the pathway landscape buffer unless part of a larger common open space area.

H. All neighborhood pathways and associated landscape buffers shall be owned, operated, and maintained by a homeowners' or business owners' association or similar.

(4) Pathway Fencing Requirements:

A. Fences are not required along any major or micro pathways.

(5) Regional Pathway Requirements:

A. General Purpose:

1. Provide safe transportation routes for pedestrians and cyclists.

2. Increase recreational opportunities within the community and connect these opportunities to the pathway and bike route system.

3. Increase public access to the Boise River, Lake Lowell and Indian Creek corridors, public facilities, and neighboring cities.

4. Help create a pleasant urban environment.

5. Provide consistent standards for pathway development.

B. Dedication And Construction Of Public Pathways As A Condition Of Development Approval: The following standards and criteria shall apply in all zoning districts when a public pathway is required on property per any City master plan:

1. Dedication:

(A) On any land use application involving the subdivision of land, right of way for public pathways shall be designated on the final plat. The right of way shall be listed as a "public pathway" on the final plat.

(B) All other land use applications not involving the subdivision of land, but where dedication of a public pathway is required, shall designate an easement to the city prohibiting development from taking place within the easement and providing for public pathway construction, maintenance, and use.

(C) Inclusion of a regional pathway within a development satisfies the requirement for a major pathway; construction of both types of pathways is not required.

2. Construction of Pathway:

(A) The construction of a regional pathway is required in any instance where a land use application for a subdivision plat, planned unit development, short plat, special use permit, or building permit is taking place. In instances where construction of a regional pathway is required, the construction may be delayed until after final plat or certificate of occupancy approval subject to the applicant filing security of performance in accordance with section 11-04-07 of this code.

(B) The regional pathway may be allowed the flexibility to veer off the route proposed in the applicable master plan, if approved by the City.

C. Regional Pathway Standards:

1. ADA: The construction of public pathways shall comply with the standards of the Americans with disabilities act of 1990 and any adopted amendments thereto.

2. Pathway Width: Regional pathways shall be a minimum width of ten (10) feet.

3. Surface: Regional pathways shall be constructed using materials as described below:

(A) Asphalt surfaces: Shall have a minimum depth of two inches (2") of bituminous concrete surface course on top of six inches (6") of aggregate base course set on top of geotextile fabric.

(B) Concrete surfaces: Shall have a minimum depth of four inches (4") of concrete on top of four inches (4") of aggregate base course.

4. Connectivity: All newly established developments, including, but not limited to, subdivisions, new construction, and changes in use, that are adjacent to an existing or planned regional pathway segment, shall provide at least one connection to the regional pathway for every six hundred (600) linear feet of pathway frontage. The exact location shall be approved by the Planning and Zoning Director or assigned staff, with consultation from other City departments. Regional pathways shall connect to major and minor pathways where applicable.

5. Signage: Wayfinding and directional signage shall be installed when a regional pathway is built. The proposed signage shall be approved by the Planning and Zoning Department.

6. Fencing: Regional pathways may have fencing installed along one or both sides of the pathway. If proposed, fencing shall adhere to the following standards:

(A) Shall be located as near as possible to the interior far edge of the required landscape buffers.

(B) Pathway fencing is prohibited adjacent to a public park unless Police or Fire require it for life/safety reasons. If fencing is proposed adjacent to a private park/common open space area, breaks in the fence shall be required for pedestrian access.

(C) Fence Height: Fencing may be open or semi-open vision up to six feet (6') in height. Semi-open vision fencing includes up to four (4) feet of solid fencing with the remaining fencing being open vision, not to exceed a total of six (6) feet in height. Solid fencing may be used if it does not exceed four feet (4') in height.

D. Public Pathway Acceptance: The City of Caldwell will assume maintenance and control of the public pathway only upon dedication and the City's acceptance for maintenance, similar to its responsibilities for other publicly maintained highways. The acceptance of a dedication and the acceptance of a public pathway for maintenance should be established by City Council order and is recommended when:

1. The applicant requests the City assume responsibility.

2. The public pathway lies within the easement or right-of-way granted to the City for the construction of the pathway.

3. The public pathway has been constructed to the City's standards and accepted by the Parks and Recreation Superintendent.

E. Regional Pathway Landscaping Standards:

1. Both sides of the pathway shall be landscaped and irrigated.
 2. Landscaping width shall be a minimum ten feet (10') on each side of the pathway for a total of twenty feet (20') of landscaped area. However, because the pathway may meander, the landscape designer may choose to meander the ten feet (10') of landscaping on each side down to a minimum of five feet (5') on one side provided that the overall minimum width of twenty feet (20') total of landscaping is provided at all points along the pathway.
 3. Nonvegetative ground cover is prohibited.
 4. Vegetative ground cover shall be used and shall be a combination of all of the following: native grass mix, emergent mix, and/or turf; shrubs; and flowers.
 5. Trees shall be chosen from the Treasure Valley Tree Selection Guide, or as approved by the Landscape Plan Reviewer, and shall be a minimum combined ratio of three (3) Class 2 trees and one Class 3 tree.
 6. There shall be a minimum of one tree for every fifty (50) linear feet of pathway area.
 7. There shall be one trash receptacle and park bench provided for every six hundred (600) linear feet of pathway area, and one streetlight for every one hundred fifty (150) linear feet of pathway area. Said trash receptacles and park benches shall be selected from those allowed under subsection 10-08 of this chapter. Said streetlights shall meet all the requirements listed under subsection 10-08 of this chapter.
 8. Groupings may be determined by the landscape designer so long as the entire pathway landscaped area is covered with the required items as listed above.
 9. In the event irrigation water is not available to the site, alternative landscaping methods may be approved by the Planning and Zoning Department and the Parks and Recreation Superintendent.
 10. All landscaping maintenance shall adhere to the requirements of 10-02-09-11 of this article.
 11. All regional pathways and landscape buffers shall be outside of any type of easements for irrigation districts, Boise Project Board Of Control, or Bureau of Reclamation unless written permission from said entity has been specifically granted for said pathway or pathway landscaping.
- (6) Indian Creek Pathway And Boise River Pathway Landscaping Requirements:
- A. All parcels, in any zoning district, that are in the "Indian Creek corridor", as defined in section 10-01-10 of this article shall install a pathway and accompanying pathway landscaping upon development. If permitted by the Planning and Zoning Director, Alternative Methods of Compliance may be utilized to reduce some of the requirements of this subsection to account for existing conditions, the location of the corridor in relation to relative improvements and public amenities, and other similar instances.

B. The pathway shall meet the following requirements:

1. Shall be meandering.
2. Shall be ten feet (10') wide.
3. Shall be concrete paved in twenty foot (20') long sections.
4. Shall have a row of red brick placed at the end of each concrete section; said row of red brick shall be sixteen inches (16") wide from edge of brick to edge of brick.
5. Shall be located within one hundred fifty feet (150') of the top of bank.

C. The pathway landscaping shall meet the following requirements:

1. Both sides of the pathway shall be landscaped.
2. Landscaping width shall be a minimum fifteen feet (15') on each side of the pathway for a total of thirty feet (30') of landscaped area. However, because the pathway is meandering the landscape designer may choose to meander the fifteen feet (15') of landscaping on each side down to a minimum of five feet (5') on one side provided that the overall minimum width of thirty feet (30') total of landscaping is provided at all points along the pathway.
3. Nonvegetative ground cover other than mulch (or similar) is prohibited, for the health of trees and shrubs.
4. Vegetative ground cover shall be used and shall be a combination of all of the following: native grass mix, emergent mix, and/or turf; shrubs; and flowers.
5. Trees shall be chosen from the list of Class 1 or Class 2 trees in the Treasure Valley Tree Selection Guide, or as approved by the landscape design review committee, and shall be a minimum combined ratio of two (2) Class 1 trees and one Class 2 tree.
6. One boulder for every forty (40) linear feet of pathway area may be incorporated into the landscaping.
7. There shall be a minimum of one tree for every forty (40) linear feet of pathway area.
8. There shall be one trash receptacle provided for every two hundred (200) linear feet and one streetlight and park bench for every one hundred (100) linear feet of pathway area. Said trash receptacles and park benches shall be selected from those allowed under subsection 10-08 of this chapter. Said streetlights shall meet all the requirements listed under subsection 10-08 of this chapter.
9. Groupings of trees and vegetative groundcover may be determined by the landscape designer so long as the entire pathway landscaped area is covered with the required items as listed above.

10. The pathway and pathway landscaping shall have a public access easements located over the full width of the pathway and pathway landscaping noted herein (via plat note or separate easement instrument number), allowing for general public use, and shall be owned by a homeowners' or business owners' association or similar, and may be maintained by the City.

~~(1) Location:~~

~~— A. Street landscape buffers shall be located on private property outside of and beyond the street right of way. (Ord. 2661, 1-7-2008)~~

~~— B. Street landscape buffers shall be located within a platted common lot when the project is a platted subdivision and when located within an RS-1, RS-2, R-1, R-2, or R-3 zone. Street landscape buffers shall be located within a recorded permanent landscape easement when the project is not a subdivision or when the project is located in any zone other than those zones listed above in the previous sentence. (Ord. 2755, 9-22-2008)~~

~~— C. The measuring point for the street landscape buffer width associated with attached sidewalks shall be from the property line and not the sidewalk or curb.~~

~~— D. The buffer width associated with detached sidewalks may be measured from the front of curb when it can be demonstrated there is no opportunity for expansion of the street section within the right of way. (Ord. 2661, 1-7-2008)~~

~~— E. The required street landscape buffer width for principal arterial roadways only may include the sidewalk width, if the following requirements are satisfied: (Ord. 3010, 11-16-2015)~~

~~— 1. The sidewalks shall be detached.~~

~~— 2. The sidewalks shall be on a flat surface that is ADA accessible and is not sloped, meandering, bermed or hilly such that ADA accessibility is hindered.~~

~~— 3. An easement shall be provided allowing for general public use of the sidewalks and access for the city for any maintenance the city may opt to perform.~~

~~— 4. Existing transit stops shall not be separated from the normal walkway. (Ord. 2982, 2-2-2015)~~

~~— F. The area dedicated for right of way purpose is not credited toward the street landscape buffer width. Road dedication for right of way purposes is in addition to street buffer dedication requirements. All rights of way areas not occupied by streets, curb, gutter, sidewalk, or pedestrian amenities shall be completely covered with grass and shall be maintained by the property owner adjacent to said rights of way areas. All rights of way areas shall be maintained in a weed free and dust free manner. (Ord. 3065, 9-19-2016)~~

~~— G. Entrances into residential subdivisions or developments: (Ord. 2755, 9-22-2008)~~

~~— 1. Entrance buffers on each side of all entrances shall be required.~~

~~— 2. Entrance buffers shall be placed adjacent to the developable lots.~~

~~—3. Entrance buffers shall be placed in a common platted lot if a subdivision or placed in a recorded perpetual landscape easement if not a subdivision.~~

~~—4. Entrance buffers shall be the length of the first developable lot's side property line closest to the street entrance.~~

~~—5. Entrance buffers shall be a minimum width of fifteen feet (15').~~

~~—6. Entrance buffers shall meet all the vision triangle requirements and shall be landscaped so as to not impede public safety.~~

~~—7. Entrance buffers shall be landscaped with vegetative or nonvegetative ground cover, flowers or shrubs.~~

~~—H. Street landscape buffers located along arterials, state highways, and interstate frontages of residential subdivisions and/or developments shall include undulating berms of at least two (2) feet in height but shall not exceed eight (8) feet in height. As an exception to subsection (9) below, solid style fences are permitted on the top of the berm provided the combination of a berm and fence shall not exceed a maximum height of eight feet (8'). Within the eight foot (8') maximum, fencing shall not exceed six feet (6') in height and berms shall not exceed a 3:1 slope five feet (5') in height. Exception: Berms located in street landscape buffers along within state highways and interstate rights-of-way shall meet all berm requirements of Idaho transportation department. (Ord. 2661, 1-7-2008)~~

~~—I. There is no minimum or maximum berm height for subdivisions or developments located within a C-1, C-2, C-3, C-4, M-1, M-2, I-P, C-D, H-D, or A-D zone, unless subdivision or development is wholly residential in use in which case subsection (1)H of this section applies, although this does not preclude all applicable safety rules and regulations and the rules applicable to the vision triangle. (Ord. 2755, 9-22-2008)~~

~~—(2) Applicability:~~

~~—A. Street landscape buffers shall be required along all subdivision and/or development boundaries that have frontage on a classified public roadway. (Ord. 2661, 1-7-2008)~~

~~—B. Street landscape buffers shall when platted as a common lot, be owned and maintained by either a homeowners' or business owners' association. (Ord. 2755, 9-22-2008)~~

~~—C. Street landscape buffers not platted as a common lot shall be placed in a recorded permanent landscape easement and shall be maintained in dedication format by a specified controller, homeowners' or business owners' association. (Ord. 2661, 1-7-2008; Ord. 2755, 9-22-2008)~~

~~—D. Street landscape buffers are not intended to impede or conflict with driveway or entrance access requirements and shall follow any vision triangle restrictions and/or requirements.~~

~~—E. Placement of street landscape buffers into either platted common lots or recorded permanent landscape easements shall not negate, substitute for, or replace a property's~~

zoning frontage requirement as per section 10-02-03 of this chapter. The zoning frontage requirements as per section 10-02-03 of this chapter shall be met regardless of, and separate from, the placement of common lots or easements. (Ord. 2661, 1-7-2008)

— F. The placement of a landscape buffer into a platted common lot that is located between a street and a corner lot may change the status of the corner lot to an interior lot, provided the landscape buffer is a minimum of ten feet (10') wide and runs the entire length of the interior lot. (Ord. 3156, 7-16-2018)

— (3) ~~Buffer Sizes:~~

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Type Of Roadway	Buffer Width Along Each Side Of A Roadway
Local, residential, or nonclassified streets (does not include access easements, alleys, driveways, and/or private streets which do not have a buffer requirement) ¹	10 feet
Minor, major or urban collectors	15 feet
Minor arterials	20 feet
Major or principal arterials	25 feet
State Highway 20/26, State Highway 55, I-84	30 feet

(Ord. 3010, 11-16-2015)

— A. Local, residential or nonclassified streets internal to any subdivision or development in an RS-1, RS-2, R-1, R-2, R-3 Zone or internal to any subdivision or development that is wholly residential in use, are not required to have the ten foot (10') wide street landscape buffer.

— (4) ~~Buffer Width Reduction:~~ Buffer width reductions may be granted at the discretion of the City's landscape plan reviewer based upon existing conditions, lot size, right-of-way requirements, topography, and geography of the site. Buffer width reductions shall not be granted based upon financial or economic reasons. Appeals to the landscape plan reviewer's decision may be made to the Council following the public hearing. (Ord. 2805, 11-2-2009)

— (5) ~~Required Landscaping And Improvements Within The Street Buffers:~~

— A. Mixture of trees, shrubs, lawn, vegetative and nonvegetative ground cover so that the entire buffer area is covered. A minimum of seventy percent (70%) of the buffer area shall be covered with a turf-type grass. For new plantings, grass sod installation is required. Seeding, hydro-seeding, or similar methods shall not be allowed. (Ord. 3156, 7-16-2018)

— B. Minimum tree density equivalent to one tree per thirty-five (35) linear feet of buffer area.

~~—C. Minimum shrub density equivalent to one shrub per seven (7) linear feet of buffer area. (Ord. 2661, 1-7-2008)~~

~~—D. Dry landscaping may be utilized if the property does not have an irrigation water right and meets the following conditions: the site is zoned either M-2 (Heavy Industrial) or I-P (Industrial Park), the site is not located within the Indian Creek corridor, the site is not located within the Boise River corridor, and the site is not located along an arterial and/or collector roadway. When dry landscaping is utilized there shall be no shrub or vegetation requirement. Rather the entire buffer width area shall be covered with a combination of trees, hardscape, boulders and rock slabs with a minimum of one boulder per thirty five (35) linear feet of buffer area, a minimum of two (2) different types of rock ground cover and a minimum of one tree for every fifty (50) linear feet of buffer area. Required boulders, rocks and trees may be grouped according to the landscape plan designer. Trees must be selected from the Class 2 tree list in article 8 of this chapter or approved by the City Forester if not on the tree list. Trees shall further be selected based upon limited requirements for watering. (Ord. 3156, 7-16-2018)~~

~~—E. The construction of public sidewalks are required as part of the street landscape buffer. Sidewalks shall meet the requirements per the currently adopted Idaho Standards for Public Works Construction (ISPWC) as modified by the City of Caldwell supplemental specifications to the ISPWC. The requirement to construct sidewalk(s) may be waived by the City Engineer and Planning and Zoning Director for the following reasons: limited possibility of sidewalk continuation in the area, scope of the project, existing conditions, topography and geography of the site. Appeals to the City Engineer and Planning and Zoning Director's decision shall be heard following the public hearing requirements set forth in subsection 10-03-03(2) of this chapter. (Ord. 3065, 9-19-2016)~~

~~—(6) Tree And Shrub Spacing:~~

~~—A. Trees and shrubs may be grouped together or spaced evenly as desired.~~

~~—B. Vision triangles, signage, driveways, and above grade clearance shall all be accounted for when actually placing trees and shrubs.~~

~~—C. Trees shall not be spaced closer than eighty percent (80%) of the average mature width of the trees.~~

~~—D. The planning and zoning staff, in consultation with the city forester, is authorized to review and approve species and spacing variables in buffering areas to assure these factors are accommodated. (Ord. 2661, 1-7-2008)~~

~~—(7) Parking And Vehicle/Merchandise Display Allowed: Vehicles are prohibited from parking within the street landscape buffer area, but vehicles and other merchandise may be displayed as part of the business owner's advertising scheme with permission from the planning and zoning department. (Ord. 2805, 11-2-2009)~~

~~—(8) Impervious Surfaces Allowed In The Street Buffer Area:~~

~~—A. Curb cuts, driveways, signs, fire hydrants, mailboxes, telephone poles, light poles, flagpoles, and walkways.~~

~~—B. Other types of impervious surfaces not listed are discouraged and are subject to approval on a case by case basis.~~

~~—C. Development features, including, but not limited to, patios, may be extended into the street buffer area provided compensation of a like amount of dedicated landscape area is provided elsewhere. (Ord. 2661, 1-7-2008)~~

~~—(9) Fences: Fences shall not be allowed within the street landscape buffer. (Ord. 2967, 7-21-2014)~~

~~—(10) Additional Amenities: Additional street landscape amenities may be required, as determined by and at the discretion of the planning and zoning director, in gateway street/major entrance areas. (Ord. 2661, 1-7-2008; Ord. 2967, 7-21-2014)~~

~~—(11) Buffers Along Highway 20/26 And Highway 55:~~

~~—A. All parcels, in any zone, that have frontage along Highway 20/26 or Highway 55 shall install a thirty foot (30') wide street landscape buffer, that shall contain a detached sidewalk and accompanying sidewalk landscaping, upon development.~~

~~—B. All landscaping plans for the street landscape buffer area along Highway 20/26 or Highway 55 shall be subject to review and approval by the landscape plan design review committee.~~

~~—C. The sidewalk shall meet the following requirements: (Ord. 2755, 9-22-2008; Ord. 2967, 7-21-2014)~~

~~—1. Shall be detached. (Ord. 3010, 11-16-2015)~~

~~—2. Shall be on a flat surface that is ADA accessible and is not sloped, bermed, or hilly such that ADA accessibility is hindered.~~

~~—3. Shall be eight feet (8') wide and paved the full width meeting surfacing and cross section standards for sidewalks as per the city engineering department.~~

~~—4. Shall be dedicated as a public access easement, allowing for general public use of the sidewalk and access to the city for any maintenance the city may opt to perform, and shall be owned, operated and maintained by a homeowners' or business owners' association.~~

~~—D. The sidewalk landscaping shall meet the following requirements:~~

~~—1. Both sides of the sidewalk shall be landscaped. (Ord. 2755, 9-22-2008; Ord. 2967, 7-21-2014)~~

~~—2. Berms shall be periodically incorporated into the landscaping with slopes determined by the landscape plan designer and subsequently approved by the city's landscape plan reviewer. (Ord. 2805, 11-2-2009; Ord. 2967, 7-21-2014)~~

~~—3. Landscaping width shall be a minimum of eleven feet (11') on each side of the sidewalk for a total of twenty-two feet (22') of landscaping width area. (Ord. 3010, 11-16-2015)~~

~~—4. (Rep. by Ord. 2805, 11-2-2009)~~

~~—5. Vegetative and nonvegetative ground cover shall be used shall be a combination of the following: native grass mix, emergent mix, turf, shrubs, rocks, permabark, bark or similar, and/or flowers (Ord. 2805, 11-2-2009; Ord. 2967, 7-21-2014)~~

~~—6. One boulder for every seventy-five (75) linear feet of frontage.~~

~~—7. Minimum of one class 1 or class 2 tree for every fifty (50) linear feet of frontage.~~

~~—8. Minimum of ten (10) shrubs for every fifty (50) linear feet of frontage.~~

~~—9. Groupings of vegetative ground cover, trees, and boulders may be determined by the landscape designer so long as the entire sidewalk landscaped area is covered with the items as listed above.~~

~~—10. There shall be one streetlight provided for every two hundred (200) linear feet of frontage. Said streetlights shall meet all streetlight requirements as listed in subsection 10-12-05(14)B of this chapter.~~

~~—11. The sidewalk landscaped area shall be dedicated as a public access easement, allowing for general public use of the landscaped area and access for the City for any maintenance the City may opt to perform, and shall be owned, operated, and maintained by a homeowners' or business owners' association. (Ord. 2755, 9-22-2008; Ord. 2967, 7-21-2014)~~

10-072-09-8: PARKING LOT AND BUILDING FACADE LANDSCAPING:

(1) Required: Landscaping shall be required for all surface parking lots containing 12 or more spaces, including vehicle sales lots, as described in this section. For those lots containing fewer than ~~six~~twelve (~~6~~12) spaces, the number/size of planter islands shall be determined at the discretion of the Director. ~~(Ord. 3102, 9-5-2017)~~

(2) Interior Parking Lot Landscaping Requirements:

A. Landscaping Locations and Planter Size:

1. Linear grouping of parking spaces shall not exceed twelve (12) in a row, without the installation of an interior landscape planter island.
2. Terminal planter islands shall be provided at the ends of rows of parking to protect parked vehicles and confine moving traffic to aisles and driveways.
3. Planter islands shall be a minimum of eight (8) feet in width for Class II and Class III trees and ten (10) feet in width for Class I trees, and shall be at least equal to the length of the adjacent parking spaces. Dimensions are measured inside of curbs.

B. Internal Parking Lot Planting Standards:

1. Each interior planter island that serves a single row of parking spaces shall have at least one (1) ~~Class III~~ tree and interior planter island that serves a double row of parking spaces shall have at least two (2) ~~Class II~~ trees.
2. All planter islands shall also be covered with low shrubs or a combination of low shrubs (less three feet in height at maturity), flowers, native grasses, or other vegetative groundcovers. Turf grass shall be prohibited in parking lot planter islands if the planter island is less than six (6) feet in width. If utilized in planter islands wider than six (6) feet in width, turf grass shall cover no more than 50% of the parking lot planter area. Evergreens are prohibited in planter islands.
3. ~~Class I trees shall only be allowed where a larger class of tree would create conflicts with overhead utility lines.~~
4. 3. Deciduous shade trees shall be pruned to a minimum height of eight feet above the adjacent parking areas. Evergreen trees are prohibited in interior planters.

C. Lighting: Light poles and fixtures shall be located outside of landscape planter islands, landscape buffers or swales that contain required trees.

D. Piped irrigation shall be provided to landscape planter islands, unless approved through the Alternative Methods of Compliance process when no irrigation is available, dry landscaping is utilized. (Ord. 2805, 11-2-2009)

E. Trees located within parking lot planter island shall be pruned to a minimum height of eight (8) feet above the parking areas.

F. All planter islands/beds utilized for parking shall be installed with minimum 6" curbing to protect the planting and adjacent driving surface and/or pedestrian ways from groundcover tracking.

G. Up to fifty (50) percent of the required amount of interior planter islands landscaping may be reallocated to the entranceways or perimeter of the general parking lot area if the placement of the islands seriously encumbers the parking lot and traffic circulation functions, or in cases involving small or oddly configured land parcels. (Ord. 2661, 1-7-2008)

H. In the C-4, A-D, Industrial, and Special Purpose zoning districts, waterwise landscaping may be utilized. See section 10-02-09-10 for those requirements.

(3) Perimeter Parking Lot Landscaping Requirements:

A. All off-street parking lots/parking areas, drive aisles, and other vehicular use areas shall install a perimeter landscape buffer along the property line.

B. Perimeter Parking Lot Planting Standards:

1. The width of the perimeter buffer shall be a minimum of five (5) feet in width to accommodate the healthy growth of the required trees.
2. Buffer shall contain a minimum of one (1) tree per 40 linear feet of perimeter buffer.
3. Buffer shall contain a minimum of one (1) shrub per five (5) linear feet of perimeter buffer.
4. Buffer groundcover shall not exceed 20% turf grass coverage due to prevalence of over-watering non-permeable surfaces adjacent to landscaped areas less than eight (8) feet in width.
5. Groundcover in the perimeter buffer shall consist of decorative rock, permabark, rock mulch, or additional shrubs/flowers above code requirements so that the entire buffer area is covered.

(4) Building Façade Landscape Requirements:

A. All street-facing building elevations, except for those in the downtown zoning districts, shall have landscaping around the perimeter of the façade, except those portions of the buildings that provide access for pedestrians to the building. Landscaping shall comply with the following standards:

1. The landscaped area shall be at least three (3) feet wide and shall not impede the passage of pedestrians on the adjacent sidewalk.
2. There shall be at least one three (3) gallon shrub for every three (3) feet of linear foundation.
3. Additional ground cover plants shall fully cover the remainder of the landscaped area.

10-072-109-9: BUFFERS BETWEEN DIFFERENT LAND USES SCREENING:

(1) Purpose: To establish requirements to conserve, protect, and promote healthy, attractive, and safe environments and minimize adverse impacts of less desirable uses and functions of development.

(2) Applicability: This section shall apply to the installation of all new service equipment, waste storage, utility vaults, ancillary outdoor storage, and similar activities when visible from a residential use, public street, pathway, parking area, or other public space.

(3) Standards:

A. All on-site service areas, outdoor storage areas, waste storage, disposal facilities, and transformer and utility vaults shall be located in an area not visible from public roadways and public spaces or shall be fully screened from view via solid fencing or landscaping, or a combination thereof, to the height of the equipment to be screened.

B. Roof-mounted mechanical equipment shall be screened from view so as not to be visible from the far side of any adjacent public right-of-way with the use of parapet walls or other enclosure materials.

C. Large auxiliary equipment including, but not limited to, generators shall be placed in locations where they will be least intrusive in terms of noise, appearance, and odors for neighboring properties. If required by the Planning and Zoning Director, these types of equipment may be required to be screened with solid fencing and/or landscaping or the combination thereof.

D. Chainlink fencing without slats is prohibited as a screening material. Chainlink fencing with slats is prohibited as a screening material except in the Industrial zoning districts or between industrial uses, when not part of a required street buffer.

E. Solid, sight obscuring fencing shall be of similar style, material, and color as any principal building located on the parcel, as determined by the Director.

~~—(1) Purpose: Buffer applications are intended to minimize differences in land use activity that may arise due to noise, dirt, litter, glare of lights, aesthetics, creativity, and/or other reasons.~~

~~—(2) Required Buffer Materials:~~

~~—A. Mixture of evergreen and deciduous trees (class 1 and 2 trees only).~~

~~—B. Mixture of shrubs, lawn, vegetative, and nonvegetative ground cover so that the entire buffer width area is covered. (Ord. 2661, 1-7-2008)~~

~~—C. Trees shall be spaced at thirty-five foot (35') intervals. Shrubs shall be spaced at two (2) to eight foot (8') intervals depending upon individual plant spacing requirements. (Ord. 2755, 9-22-2008)~~

~~—D. The installation of landscape and screen material shall not prohibit or impair a pedestrian's access to abutting development.~~

~~—(34) Land Use Intensity Table For Determining Buffer Widths Between Land Uses:~~

~~—A. The following table is intended to provide a general classification of land use intensities for commonly proposed development activity as a means to determine buffer widths between land uses. The minimum buffer widths will be calculated based upon the classification of the proposed land use and the adjoining land use. If a land use is not listed below, the planning and zoning director shall determine its level of land use intensity based upon common characteristics with one of the classes below:~~

~~Class I:~~

~~Bed and breakfast~~

~~Cemeteries~~

~~Duplexes~~

~~Espresso/pastry shop~~

~~Golf courses~~

~~Manufactured homes~~

~~Parks~~

~~R-S-1, R-S-2, R-1 and R-2 zones~~

~~Single-family homes~~

~~Vacant land zoned R-S-1, R-S-2, R-1 or R-2~~

~~Class II:~~

~~Childcare centers~~

~~Church~~

~~Elementary schools~~

~~Libraries~~

~~Multi-family dwellings~~

~~Nurseries, greenhouses~~

~~R-3, C-D, C-C and H-D zones~~

~~Residential office~~

~~Senior centers~~

~~Vacant land zoned R-3, C-D, C-C or H-D~~

~~Class III:~~

~~C-1 zone~~

~~High schools~~

~~Medical and professional offices~~

~~Middle schools~~

~~Personal services~~

~~Quasi-public uses~~

~~Vacant land zoned C-1~~

~~Class IV:~~

~~Building supply outlet~~

~~C-2, C-3 and C-4 zones~~

~~Grocery stores~~

~~Hotel/motel~~

~~Indoor manufacturing~~

~~Parking garages~~

~~Restaurants~~

~~Retail stores and services~~

~~Storage facilities~~

~~Vacant land zoned C-2, C-3 or C-4~~

~~Warehouses~~

~~Class V:~~

~~Agricultural usage~~

~~Airport~~

~~Contractor's storage yard~~

~~Dairy product processing~~

~~Fairgrounds~~

~~Grain storage~~

~~Heavy manufacturing~~

~~M-1, M-2, I-P and A-D zones~~

~~Other industrial uses~~

~~Processing plants~~

~~Recycling~~

~~Truck and tractor repair~~

~~Vacant land zoned M-1, M-2, I-P or A-D~~

~~Warehousing~~

~~Wholesaling~~

~~Wrecking yard~~

~~(4) Minimum Buffer Widths:~~

	Intensity Class Of Adjacent Use					
	I	II	III	IV	V	
Intensity	I	0	10	10	15	20
Class Of	II	10	0	10	15	20
Proposed	III	10	10	0	15	20
Use	IV	15	15	15	0	15
	V	20	20	20	15	0

~~(5) Notes Regarding Buffer Widths:~~

~~A. Buffer widths are shown in feet.~~

~~B. Buffer widths apply to contiguous land uses.~~

~~C. Example: If the intensity class of the proposed use is II, and the proposed use property is adjacent to an intensity class of V, then the required buffer will be twenty feet (20').~~

~~D. If a street separates varying intensity land uses, the applicant may count the width of the required street landscape buffer towards the width of the buffer between differing uses. The largest required width of the two is applicable. If an alley separates varying intensity land uses, the entire width of the required buffer between land uses is applicable.~~

~~E. If the adjacent landowner has provided a portion of the required width and landscaping requirements, the controller only needs to provide the remaining width and requirements (if any) to satisfy this buffer requirement.~~

~~F. If an irrigation/drainage easement or irrigation/drainage right of way exists between the differing uses, the controller only needs to provide the remaining width and landscaping requirements (if any) to satisfy this buffer requirement. All improvements would need to take place outside of any irrigation/drainage easement or right of way. (Ord. 2661, 1-7-2008)~~

~~G. The buffer area shall be placed in a common lot if the project is within a platted subdivision and within any residential zone, or located within a recorded, permanent landscaping easement if not platted or if located within any other zone besides a residential zone. The buffer area shall be operated and maintained by the controller, a homeowners' or business owners' association. (Ord. 2661, 1-7-2008; Ord. 2755, 9-22-2008)~~

~~H. Buffer width reductions may be granted at the discretion of the city's landscape plan reviewer based upon existing conditions, lot size, right of way requirements, topography, and geography of the site. Buffer width reductions shall not be granted based upon financial or economic reasons. (Ord. 2805, 11-2-2009)~~

~~—(6) Commercial And Industrial Containers: Commercial and industrial containers (i.e., trash dumpsters) shall be screened from rights of way by the installation of substantial sight obscuring landscape, fence or stone wall material that completely obscures the container year round. (Ord. 2661, 1-7-2008)~~

10-02-09-10: WATERWISE LANDSCAPING STANDARDS:

(1) Purpose: To establish standards to conserve, protect, and promote water consciousness for specific landscape areas in the City of Caldwell and help reduce the amount of area that requires heavy water usage.

(2) Applicability: This section shall apply only in those areas of City code that specifically refer to this section. Additional applicability may be determined by the Director at the time of application submittal and at the request of the Applicant on a case-by-case basis.

(3) Standards:

1. The minimum tree requirements of each section shall be maintained unless an alternative is approved through the Alternative Methods of Compliance application (10-03-16).

2. Boulders and/or rock slabs (located outside of any right-of-way) shall be placed at a ratio of one per thirty-five (35) linear feet for street buffers.

3. Three types of groundcover shall be utilized for buffer areas (street buffer or land use buffer): two types of decorative rock with a native plant material or a combination of rock, native grasses, and wild flowers that require minimal to no irrigation.

4. At least one (1) boulder shall be placed in each parking lot planter island.

5. A minimum of two (2) types of decorative rock shall be utilized in parking lot planter islands and perimeter landscape beds. Native grasses that do not require watering are encouraged to be utilized within the perimeter landscaping.

6. Additional waterwise groundcover options may be utilized if the Applicant provides evidence the groundcover is equal to or greater than the requirements of this section including but not limited to, decorative walls/architectural screens, public amenities, pedestrian scale amenities, dry creeks, etc.

10-02-09-11: LANDSCAPE MAINTENANCE:

(1) Responsibility: The controller, a homeowners' or business owners' association is responsible for maintaining all landscaping and screening devices within a subdivision and/or development and/or the subject property. In cases where a homeowners' or business owners' association is dissolved and the City subsequently abates any nuisance on any common area owned and/or maintained by said association, the cost of said abatement shall be distributed to all property owners within the subdivision.

A. Rights-of-way: All rights of way areas not occupied by streets, curb, gutter, sidewalk, or pedestrian amenities shall be landscaped with grass/sod and shall exclude trees unless

approved by the City; decorative rock may be used but shall not exceed 50% of the right-of-way area. This area shall be maintained by the property owner adjacent to said rights of way areas or as described directly above. All rights of way areas shall be maintained in a weed and dust free manner.

(2) Maintenance: All landscaping and screening devices shall be maintained in an attractive, safe and healthy manner. Trees and/or shrubs located on controller's private property, within right of way or right of way area adjacent to controller's private property and/or having any portion of the trees and/or shrubs on controller's private property growing onto, within, over or under any right of way or right of way area adjacent to the controller's private property shall be maintained as follows: trees and/or shrubs shall not interfere with or impede any irrigation, drainage, or stormwater system, whether private or public, and shall be removed immediately to prevent any such interference or impediment; trees and/or shrubs presenting a safety hazard to the public shall be removed immediately; trees and/or shrubs shall be trimmed back and up such that no portion of trees and/or shrubs shall be within a ten foot (10') vertical height of any sidewalk and/or unimproved right of way, and a fourteen-foot (14') vertical height of any street or alley; all vegetation and foliage shall be trimmed such that no portion of any vegetation or foliage grows over or onto any public sidewalk. Property with landscape areas littered with weeds or trash, where plant material (including, but not limited to, grass, trees, and/or shrubs) is dying or dead, where ponds or water features are growing moss or algae, and/or where trees and/or shrubs are not being maintained as noted above shall be considered in violation of this article and subject to city planning and zoning code enforcement and any other applicable penalties under this code.

(3) Condition Kept: All properties, and the right of way or right of way area adjacent to properties, shall be kept in a hazard free, neat, orderly, and clean condition. Required and voluntary landscaping and landscaping areas shall be maintained in a healthy manner. Dead or dying landscape (including, but not limited to, grass, trees, and/or shrubs), weeds, trash, rubbish, and litter shall be removed immediately from all required and voluntary landscaping and landscaping areas, as well as all right of way and right of way areas adjacent to properties. Any item on property, as well as right of way and right of way areas adjacent to property, that presents a safety hazard, vision obstruction to vehicular or pedestrian traffic, and/or impediment to any private or public irrigation, drainage or stormwater system shall be removed immediately.

(4) Tree Grates: Tree grates located within a public right of way must be widened as necessary to accommodate the growing tree trunk and prevent tree girdling.

(5) Damaged Plant Materials: Dead plant materials or plant materials exhibiting evidence of insect pests, disease or damage shall immediately be treated or replaced.

(6) Removal Of Weeds: Weeds shall be mowed, removed or otherwise safely mitigated on a minimum monthly basis. At a minimum, the monthly mitigation shall take place each month from April through October. The mitigation shall take place more frequently if necessary to prevent a nuisance condition.

(7) City Inspections: Periodic city inspections of all landscape plans approved after the adoption of this article may take place to ensure compliance.

(8) Enforcement: Any violation of this article may result in a code enforcement action as outlined in section 10-03-130 of this chapter. Further the City of Caldwell has the right to declare a property a nuisance and assume or contract maintenance work required to achieve compliance with this article. In such instances the nuisance abatement process shall be followed as outlined in chapter 7, article 11 of this code and associated expenses shall be levied and assessed in accordance with said nuisance abatement process.

(9) Fire Safety Landscape Standards:

A. Dead and dying landscape shall be removed. The removal process shall adhere to all requirements of this code.

B. Permission for any burning of dry vegetation or other refuse must be obtained from Caldwell Fire Department.

C. Mature trees on unpaved lots shall be limbed upward to a height of approximately six feet (6') above ground level to protect the tree in the event of a grass fire.

D. Areas that have slopes nine percent (9%) or greater shall have a fire defensive zone between the structures and vegetative areas. The fire defensive zone area shall be determined by the Caldwell Fire Department.

E. Addresses on buildings and street name signs shall not be blocked or occluded by landscape material.

F. Landscape material shall neither visually obscure nor physically impede access to fire appliances including hydrants, fire sprinkler connections, post indicator valves (for sprinkler shutoffs), etc.

G. Tree branches or limbs shall be trimmed to a height of fourteen feet (14') above the roadways to lessen damage to fire apparatus and to be consistent with article 2 of this chapter; this height limit shall also apply to fire lanes located on private property.

H. Large bushes and/or trees shall not be planted directly outside of windows thereby impeding a person's ability to use them for fire escape purposes or reduce the Caldwell fire department's ability to rely upon them for fire or rescue purposes.

I. Low profile landscaping shall be applied within a three-foot (3') radius of all fire hydrants in accordance with uniform fire code. Acceptable landscape includes mowed grass and mulch products. Landscape shall be placed in proximity to fire hydrants to create an adequate fire viewshed.

10-072-09-124: PATHWAY LANDSCAPING STANDARDS-VISION TRIANGLES:

(1) Purpose Of The Vision Triangle: To prevent sight obstructions that include any hedge, tree, shrubbery, fence, signage or wall that interfere with driver vision.

(2) Applicability Of Vision Triangle Standards:

A. All vision triangles located at controlled (signalized) or uncontrolled roadway intersections, shared/common driveways, alleyways, and nonresidential driveway connections to roadways.

B. Idaho transportation department's (ITD) vision triangle standards shall apply to all state highways located within the city's jurisdiction.

(3) Parameters Of Vision Triangle:

A. Vision triangles shall be measured from the projected intersection of the lip of gutter a distance of forty feet (40') along each roadway edge, and connecting the two (2) points with a straight line. This measuring approach defines the boundaries of a vision triangle at the intersection of two (2) roads.

B. As a roadway is enlarged or constructed, the vision triangle will accommodate the new boundaries.

C. The creation and maintenance of a vision triangle is governed by state statute (IC 49-221).

(4) Intersection Of Roadways With Driveways And Alleyways:

A. The boundaries of a vision triangle at the intersection of a road with a common and/or nonresidential driveway or alleyway are defined by measuring from the intersection of the roadway and the edge of the driveway or alleyway twenty feet (20') along the roadway and ten feet (10') along the driveway or alleyway connecting the two (2) points with a straight line.

B. The vision triangle requirements of this section do not apply to private driveways onto local streets. However, any tree(s) planted along any property line abutting or adjoining a street shall be setback at least ten (10) feet from the back of sidewalk, or edge of pavement where no sidewalk exists, to preserve safe sight lines. Private driveways for residential lots and their setback to public roadway intersections (i.e. driveways on corner lots) shall also comply with all City of Caldwell Engineering Department requirements.

(5) Intersection Of Road And Railroad:

A. The vision triangle at the intersection of railroads and street crossings shall be forty feet (40') along the railroad property line and forty feet (40') along the roadway edge and connecting the two (2) points with a straight line.

(6) Items Prohibited Or Limited Within The Vision Triangle:

A. The planting of trees in the vision triangle is prohibited. (Ord. 2661, 1-7-2008)

B. All trees existing in the right of way shall be pruned to a minimum height of ten feet (10') above the ground or sidewalk surface and ~~fourteen~~ ~~seventeen~~ feet (147') above the adjacent roadway surface or be removed. (Ord. 3065, 9-19-2016)

C. Maximum height of any berm, vegetative ground cover, fencing, walls, signs (except publicly placed traffic directing devices), or any other structure as herein defined shall be no more than three feet (3') above finished grade at maturity.

D. No fences or walls may be installed on a berm within a vision triangle.

~~—(1) Application: Pathway requirements and pathway landscaping standards shall apply to all pathways, major or micro, as well as to the pathways connecting subdivisions or developments together or to the connection of a subdivision or development and other destination points.~~

~~—(2) Major Pathway Requirements:~~

~~—A. Eight feet (8') wide.~~

~~—B. Required width paved with either asphalt or concrete or porous.~~

~~—C. ADA accessible. (Ord. 2661, 1-7-2008)~~

~~—D. Shall meander through the subdivision or development to provide pedestrian connectivity through the subdivision and development and to and from adjoining developments and/or subdivisions. (Ord. 2755, 9-22-2008)~~

~~—E. A major pathway is required in all residential subdivisions/developments, regardless of the zoning district, and in any subdivision/development that contains any residential dwellings, and shall connect with existing, proposed, planned or possible future major pathways in adjoining residential subdivisions/developments, regardless of the zoning district. The major pathway requirement may be waived if there is no possibility of adjacent connectivity in the form of an existing, proposed, planned or possible future pathway or a sidewalk. The major pathway is not required in commercial or industrial subdivisions and/or developments. (Ord. 2661, 1-7-2008; Ord. 2755, 9-22-2008)~~

~~—F. A minimum five foot (5') wide landscape buffer shall be provided along both sides of any major pathway located within a subdivision or development. The major pathway, then, shall be a total width of eighteen feet (18') consisting of eight feet (8') of paved surface and five feet (5') of landscaping on either side of the paved surface.~~

~~—G. Requirements for the major pathway landscape buffer:~~

~~—1. A combination of trees, shrubs, lawn or other vegetative or nonvegetative ground cover so that the entire pathway landscape buffer area on both sides of the paved surface is completely covered.~~

~~—2. Minimum of fifteen (15) shrubs equivalent to every one hundred (100) linear feet. Shrubs must be maintained to be no more than three feet (3') in height.~~

~~—3. Minimum of one class 1 or class 2 tree equivalent to every forty (40) linear feet.~~

~~—4. No evergreen or class 3 trees (large trees) shall be planted within the pathway landscape buffer. (Ord. 2661, 1-7-2008)~~

~~— H. All major pathways shall be dedicated as public access easements, allowing for general public use of the pathways, to be owned, operated and maintained by a homeowners' or business owners' association or similar. All major pathway landscape buffers shall be owned, operated, and maintained by a homeowners' or business owners' association or similar but do not need to be dedicated as public access easements. (Ord. 2755, 9-22-2008)~~

~~— (3) Micro Pathway Requirements:~~

~~— A. Five feet (5') wide.~~

~~— B. Required width paved with either asphalt or concrete or porous.~~

~~— C. ADA accessible.~~

~~— D. Shall be placed in the subdivision or development to provide pedestrian connectivity between common open space areas within the subdivision or development.~~

~~— E. All other pathways in a subdivision or development, besides the major pathways, shall be classified as micro pathways.~~

~~— F. A minimum five foot (5') wide landscape buffer shall be provided along both sides of any micro pathway located within a subdivision or development. The micro pathway, then, shall be a total width of fifteen feet (15') consisting of five feet (5') of paved surface and five feet (5') of landscaping on either side of the paved surface.~~

~~— G. Shall only be required in residential subdivisions or developments.~~

~~— H. Required plants for the micro pathway landscape buffer:~~

~~— 1. A combination of trees, shrubs, lawn or other vegetative or nonvegetative ground cover so that the entire pathway landscape buffer area on both sides of the paved surface is completely covered.~~

~~— 2. Minimum of fifteen (15) shrubs equivalent to every one hundred (100) linear feet.~~

~~— 3. Shrubs must be maintained to be no more than three feet (3') in height.~~

~~— 4. No evergreen or class 3 trees (large trees) shall be planted within the pathway landscape buffer. (Ord. 2661, 1-7-2008)~~

~~— I. All micro pathways and micro pathway landscape buffers shall be owned, operated, and maintained by a homeowners' or business owners' association or similar. (Ord. 2755, 9-22-2008)~~

~~— (4) Pathway Fencing Requirements:~~

~~— A. Fences are not required along any major or micro pathways. (Ord. 2661, 1-7-2008)~~

~~— (5) Indian Creek Pathway And Pathway Landscaping Requirements:~~

~~— A. All parcels, in any zoning district, that are in the "Indian Creek corridor", as defined in section 10-07-01 of this article shall install a pathway and accompanying pathway landscaping upon development.~~

~~— B. The pathway shall meet the following requirements:~~

~~— 1. Shall be meandering.~~

~~— 2. Shall be ten feet (10') wide.~~

~~— 3. Shall be concrete paved in twenty foot (20') long sections.~~

~~— 4. Shall have a row of red brick placed at the end of each concrete section; said row of red brick shall be sixteen inches (16") wide from edge of brick to edge of brick.~~

~~— 5. Shall be located within one hundred fifty feet (150') of the top of bank.~~

~~— C. The pathway landscaping shall meet the following requirements:~~

~~— 1. Both sides of the pathway shall be landscaped.~~

~~— 2. Landscaping width shall be a minimum fifteen feet (15') on each side of the pathway for a total of thirty feet (30') of landscaped area. However, because the pathway is meandering the landscape designer may choose to meander the fifteen feet (15') of landscaping on each side down to a minimum of five feet (5') on one side provided that the overall minimum width of thirty feet (30') total of landscaping is provided at all points along the pathway.~~

~~— 3. Nonvegetative ground cover is prohibited.~~

~~— 4. Vegetative ground cover shall be used and shall be a combination of all of the following: native grass mix, emergent mix, and/or turf; shrubs; and flowers. (Ord. 2755, 9-22-2008)~~

~~— 5. Trees shall be chosen from the list of class 1 or class 2 trees in article 8 of this chapter, or as approved by the landscape design review committee, and shall be a minimum combination of two (2) class 1 trees and one class 2 tree. (Ord. 2805, 11-2-2009)~~

~~— 6. One boulder for every forty (40) linear feet of pathway area may be incorporated into the landscaping.~~

~~— 7. There shall be a minimum of one tree for every forty (40) linear feet of pathway area.~~

~~— 8. There shall be one trash receptacle provided for every two hundred (200) linear feet and one streetlight and park bench for every one hundred (100) linear feet of pathway area. Said trash receptacles and park benches shall be selected from those allowed under subsection 10-12-05(8)A2 of this chapter. Said streetlights shall meet all the requirements listed under subsection 10-12-05(14)B of this chapter.~~

~~—9. Groupings may be determined by the landscape designer so long as the entire pathway landscaped area is covered with the required items as listed above.~~

~~—10. The pathway and pathway landscaping shall be dedicated as public access easements, allowing for general public use, and shall be owned by a homeowners' or business owners' association or similar, and shall be maintained by the city. (Ord. 2755, 9-22-2008)~~

~~—(6) Public Pathway And Landscaping Requirements:~~

~~—A. General Purpose:~~

~~—1. Provide safe transportation routes for pedestrians and cyclists.~~

~~—2. Increase recreational opportunities within the community and connect these opportunities to the pathway and bike route system.~~

~~—3. Increase public access to the Boise River, Lake Lowell and Indian Creek corridors, public facilities, and neighboring cities.~~

~~—4. Help create a pleasant urban environment.~~

~~—5. Provide consistent standards for pathway development.~~

~~—B. Dedication And Construction Of Public Pathways As A Condition Of Development Approval: The following standards and criteria shall apply in all zoning districts when a public pathway is required on property per the pathways and bike routes master plan:~~

~~—1. Dedication:~~

~~—(A) On any land use application involving the subdivision of land, right of way for public pathways shall be designated on the final plat. The right of way shall be listed as a "public pathway" on the final plat.~~

~~—(B) All other land use applications not involving the subdivision of land, but where dedication of a public pathway is required, shall designate an easement to the city prohibiting development from taking place within the easement and providing for public pathway construction, maintenance, and use.~~

~~—2. Construction:~~

~~—(A) The construction of a public pathway is required in any instance where a land use application for a subdivision plat, planned unit development, short plat, special use permit, or building permit is taking place. In instances where construction of a public pathway is required, the construction may be delayed until after final plat or certificate of occupancy approval subject to the applicant filing security of performance in accordance with section 11-04-07 of this code.~~

~~—(B) The public pathway may be allowed the flexibility to veer off the route proposed in the pathways and bike routes master plan.~~

—C. Public Pathway Standards:

—1. ADA: The construction of public pathways shall comply with the standards of the Americans with disabilities act of 1990 and any adopted amendments thereto.

—2. Pathway Width: Public pathways shall be built at the width prescribed in table 5 of the pathways and bike routes master plan.

—3. Surface: Public pathways shall be constructed using materials recommended in table 5 of the pathways and bike routes master plan.

—(A) Asphalt surfaces: Shall have a minimum depth of two inches (2") of bituminous concrete surface course on top of six inches (6") of aggregate base course set on top of geotextile fabric.

—(B) Concrete surfaces: Shall have a minimum depth of four inches (4") of concrete on top of four inches (4") of aggregate base course.

—(C) Natural surfaces: Shall only be approved by the Pathways and Bike Routes Committee.

—4. Connectivity: All newly established developments, including, but not limited to, subdivisions, new construction, and changes in use, shall provide at least one connection to the public pathway for every six hundred (600) linear feet of pathway frontage. The exact location shall be approved by the Planning and Zoning Director or assigned staff, with consultation from other City departments. Public pathways shall connect to major and minor pathways.

—5. Signage: Wayfinding and directional signage shall be installed when a public pathway is built. The applicant shall follow the adopted signage policy. (Ord. 2848, 2-7-2011)

—6. Fencing: All public pathways are required to have fencing installed along both sides of the pathway and shall be located as near as possible to the far edge of the required landscape buffers. Fencing shall be open vision up to six feet (6') in height. Solid fencing may be used if it does not exceed four feet (4') in height, which includes the height of any trellises or other open vision fencing placed on the top of a solid fence. (Ord. 3156, 7-16-2018)

—D. Public Pathway Acceptance: The City of Caldwell will assume maintenance and control of the public pathway only upon dedication and the City's acceptance for maintenance, similar to its responsibilities for other publicly maintained highways. The acceptance of a dedication and the acceptance of a public pathway for maintenance should be established by City Council order and is recommended when:

—1. The applicant requests the City assume responsibility.

—2. The public pathway lies within the easement or right of way granted to the City for the construction of the pathway.

~~—3. The public pathway has been constructed to the City's standards.~~

~~—E. Public Pathway Landscaping:~~

~~—1. Both sides of the pathway shall be landscaped and irrigated.~~

~~—2. Landscaping width shall be a minimum ten feet (10') on each side of the pathway for a total of twenty feet (20') of landscaped area. However, because the pathway may meander, the landscape designer may choose to meander the ten feet (10') of landscaping on each side down to a minimum of five feet (5') on one side provided that the overall minimum width of twenty feet (20') total of landscaping is provided at all points along the pathway.~~

~~—3. Nonvegetative ground cover is prohibited.~~

~~—4. Vegetative ground cover shall be used and shall be a combination of all of the following: native grass mix, emergent mix, and/or turf; shrubs; and flowers. (Ord. 2848, 2-7-2011)~~

~~—5. Trees shall be chosen from the list of Class 2 or Class 3 trees in article 8 of this chapter, or as approved by the Landscape Design Review Committee, and shall be a minimum combination of three (3) Class 2 trees and one Class 3 tree. (Ord. 3102, 9-5-2017)~~

~~—6. There shall be a minimum of one tree for every fifty (50) linear feet of pathway area.~~

~~—7. There shall be one trash receptacle and park bench provided for every six hundred (600) linear feet of pathway area, and one streetlight for every one hundred fifty (150) linear feet of pathway area. Said trash receptacles and park benches shall be selected from those allowed under subsection 10-12-05(8)A2 of this chapter. Said streetlights shall meet all the requirements listed under subsection 10-12-05(14)B of this chapter.~~

~~—8. Groupings may be determined by the landscape designer so long as the entire pathway landscaped area is covered with the required items as listed above.~~

~~—9. In the event irrigation water is not available to the site, alternative landscaping methods may be approved by the Planning and Zoning Department. (Ord. 2848, 2-7-2011)~~

~~—10. All landscaping maintenance shall be the responsibility of the property owner abutting the pathway and shall be kept in an attractive, safe and healthy manner. Trees and/or shrubs located on controller's private property, within right-of-way, or right-of-way area adjacent to controller's private property and/or having any portion of the trees and/or shrubs on controller's private property growing onto, within, over or under any right-of-way or right-of-way area adjacent to the controller's private property shall be maintained as follows: trees and/or shrubs shall not interfere with or impede any irrigation, drainage, or stormwater system, whether private or public, and shall be removed immediately to prevent any such interference or impediment; trees and/or shrubs presenting a safety hazard to the public shall be removed immediately; trees and/or shrubs shall be trimmed back and up such that no portion of trees and/or shrubs shall be~~

~~within a ten foot (10') vertical height of any sidewalk and/or unimproved right-of-way, and a fourteen foot (14') vertical height of any street or alley; all vegetation and foliage shall be trimmed such that no portion of any vegetation or foliage grows over or onto any public pathway. Property with landscape areas littered with weeds or trash, where plant material (including, but not limited to, grass, trees, and/or shrubs) is dying or dead, where ponds or water features are growing moss or algae, and/or where trees and/or shrubs and/or grasses are not being maintained as noted above shall be considered in violation of this article and subject to City Planning and Zoning Code enforcement and any other applicable penalties under this Code. (Ord. 3102, 9-5-2017)~~

~~— F. General Provisions:~~

~~— 1. Waiver: Applicants subject to the provisions of this subsection shall be exempt from building a major pathway as listed in subsection (2) of this section.~~

~~— 2. Open Space: Dedication and construction of a public pathway, including the landscaping area around the pathway, shall count towards the qualifying open space requirements per subsection 10-07-05(4)B of this article.~~

~~— 3. Restrictions: All public pathways and public pathways landscape buffers shall be outside of any type of easements for irrigation districts, Boise Project Board Of Control or bureau of reclamation unless written permission from said entity has been specifically granted for said pathway or pathway landscaping. (Ord. 2848, 2-7-2011)~~

~~10-027-09-132: IRRIGATION:~~

~~(1) Automatic Pressurized Irrigation System: All wet landscaped areas shall be equipped with a pressurized irrigation pump station and an automatic pressurized irrigation system built to Caldwell municipal irrigation district (CMID) standards utilizing the existing surface or well irrigation water right (if one exists) except as follows: (Ord. 2805, 11-2-2009)~~

~~A. Private ownership, operation, and maintenance of an irrigation system is allowed in the following instances and only with strict adherence to the following conditions:~~

~~Instances:~~

~~1. Residential development or subdivisions, regardless of the zoning district, less than three (3) gross or two (2) irrigable acres in size; or (Ord. 2755, 9-22-2008)~~

~~2. All development or subdivisions, regardless of zoning district and other than any type of residential, having less than twenty- six thousand (26,000) square feet of irrigable landscaped area (which includes all landscaping as required by this article and any additional voluntary landscaping for the entire property involved in the development or subdivision); or (Ord. 2805, 11-2-2009)~~

~~3. Any development and/or subdivision, regardless of zoning district, unable to obtain a continuous irrigation water supply consistent with CMID standards. In this~~

instance, private ownership, maintenance and operation shall be mandatory until such time that said continuous supply is obtainable; (Ord. 2755, 9-22-2008)

4. The district of any public school can submit a request to the city engineer to construct, operate, and maintain a private pressurized irrigation system for the site regardless of size of area to be irrigated. The city engineer has the authority to approve or deny this request. (Ord. 3049, 5-2-2016)

Conditions:

1. City plan review and inspection fees, as set by city council, shall be required for private systems for all portions required to be built in accordance with CMID specifications;

2. Mains are sized and service connections installed in accordance with CMID specifications;

3. The property is obligated by its owner to a deferral agreement stipulating to participation in a local improvement district for construction of and connection to a regional pressurized irrigation system at the time a main becomes available and/or feasible and the subsequent dedication of said main(s) at the time of connection to said regional pressurized irrigation system. (Ord. 2755, 9-22-2008)

(2) Construction Of Irrigation System: The automatic pressurized irrigation system shall be owned, operated and maintained by the applicable government irrigation entity except as provided in subsection (1)A of this section. The irrigation entity shall review and approve the construction drawings for the irrigation system prior to construction. Actual construction of the irrigation system shall be reviewed and approved by the irrigation entity prior to final plat approval or issuance of a certificate of occupancy. (Ord. 2661, 1-7-2008; Ord. 2755, 9-22-2008)

(3) Watering Purposes: All new developments or subdivisions shall rely upon a nonpotable water source for all irrigation and watering purposes and shall construct and dedicate to the city pressure irrigation facilities in compliance with city and Caldwell municipal irrigation district (CMID) standards and requirements except as provided for in subsection (1)A of this section. (Ord. 2755, 9-22-2008)

(4) Use Of City Water For Irrigation: In the event a property does not possess a surface or well irrigation water right and/or does not have access to surface or well water and has provided satisfactory evidence to the public works director/city engineer of such lack of water right, or access, dry landscaping (as reviewed and approved by the planning and zoning department) may be utilized for all required and voluntary landscaped areas. Additionally, in the event a property does not possess a surface or well irrigation water right or in the instance of a hardship, the development, subdivision, project or parcel may use city water for irrigation purposes, under the conditions noted below in subsections (4)A and (4)B of this section. An application for approval to use city water for irrigation purposes shall have to be submitted to and processed by the water department superintendent. The application is approved or denied on a case by case basis by the public

works director/city engineer. All properties within the boundaries of Caldwell lateral irrigation district and Caldwell municipal irrigation district must connect to pressure irrigation if it is deemed available by the applicable irrigation district.

A. Use Of Potable Municipal Water For Irrigation: Potable municipal water may be used for irrigation purposes only if one or more of the following conditions are met:

1. Irrigation water or the point of delivery is not available or located within two hundred fifty feet (250') of commercial or industrial developments, with less than ten thousand (10,000) irrigable square feet, or for single-family residential lots, where irrigation water or the point of delivery is not available or located within one hundred feet (100') of the property in question.

2. The irrigation water system cannot be physically extended as determined by the appropriate irrigation district.

3. The property in question does not have, and has not had for any of the past three (3) years, an irrigation water right and cannot obtain one from the irrigation district by which the property is bounded. Said irrigation district must certify to the city that such a right is not available and cannot be provided.

4. When due to physical health or ability, the operation of the gravity irrigation system has become too difficult to manage, a written letter explaining the hardship case shall be attached to the application for consideration. Hardship cases are mutually approved on a case by case basis by the public works director/city engineer and water department superintendent.

5. Connection to the existing gravity/surface irrigation water exceeds two thousand five hundred dollars (\$2,500.00) for commercial lots and one thousand dollars (\$1,000.00) for residential lots. Public works director/city engineer and water department superintendent shall grant mutual approval.

6. Recurring flooding of dwellings causing damage and unfavorable conditions is evident and demonstrated to the city public works director/city engineer and water department superintendent.

B. Conditions Of Approval: When connection to potable municipal water for irrigation purposes is granted, the following conditions must be met and the property owner agrees that:

1. If a property is reliant upon city water for irrigation purposes and the property owner has the opportunity to connect to a pressurized irrigation system, that connection shall take place. If this occurs, lock out devices approved by the city water department shall be installed and inspected by the water department to ensure that city water is no longer used during the irrigation season.

2. Any connection to the potable water system for irrigation shall be made in compliance with city and Caldwell municipal irrigation district standards, including the use of an approved backflow prevention assembly, and must be approved by the city engineer.

3. Inspection of the installation of the Caldwell municipal irrigation district approved backflow assembly shall be completed by the water department.

4. The property shall be obligated by its owner to enter into a deferral agreement stipulating participation in a local improvement district for construction of and connection to a regional pressurized irrigation system.

5. When connection to the regional pressure irrigation system becomes available, the property shall be connected to said regional system by and at the cost of the property owner.

6. The property owner shall agree to retain any and all irrigation water rights for the subject property.

7. Backflow assemblies shall be tested upon installation by a state certified backflow assembly tester with test results submitted to the water department within seven (7) calendar days of testing.

8. Backflow assemblies must be inspected every twelve (12) months and results submitted to the water department within seven (7) calendar days of testing. (Ord. 2928, 6-3-2013)

(5) Use Of Shallow Irrigation Wells: In the event a property does not possess a surface or well irrigation water right and is denied permission to utilize city water for irrigation purposes, shallow irrigation wells may be used. Said shallow irrigation wells may also be used as necessary to supplement surface water rights in order to meet supply needs compliant with city and Caldwell municipal irrigation district standards.

A. If rights for shallow irrigation wells cannot be obtained after proven diligent effort and submitted written documentation of said effort, and following case by case approval by the city engineer and the planning and zoning department director, a dry landscaping plan will have to be prepared and submitted to the planning and zoning department for approval.

B. A permit shall be obtained from Idaho department of water resources for all shallow irrigation wells.

C. Installation of shallow irrigation wells shall not create any contamination to the soils, stormwater, drainage water or groundwater.

(6) Design Of Systems: Design of irrigation systems shall follow the requirements of the applicable government irrigation entity that shall own, operate and maintain said system.

(7) Facilities Location:

A. Pump Stations: Pump stations shall be located in a platted common lot (if in a platted subdivision) and a recorded perpetual easement to the city of Caldwell, said easement encompassing convenient maintenance access to said pump station. The lot shall be owned and maintained by a homeowners' or business owners' association. The pump station itself shall be maintained and operated by the government irrigation entity.

B. Main Lines: All irrigation main lines shall be located on private property with the exception of those placed at street crossings. Multi-lot irrigation main lines shall be located in easements according to city and irrigation district requirements to enable Caldwell municipal irrigation district to operate and maintain said lines. Such an agreement would be subject to city engineer and city council approval. All work within public right of way must meet city standards as determined by the city engineer.

C. Irrigation Wells: Irrigation wells shall be located within a platted common lot or a recorded permanent perpetual easement. The placement of well locations may be subject to IDWR and IDEQ approval.

D. Conveyance Facilities: Conveyance facilities within or adjacent to the subject property, including irrigation supply lines, boxes, and diversion structures, shall be located outside of public right of way. (Ord. 2661, 1-7-2008)

~~10-027-09-143~~: LANDSCAPING IN STORMWATER AREAS:

(1) All stormwater areas shall be landscaped with landscaping materials suitable to the type of stormwater facility. Said landscaping shall not interfere with the operation or maintenance of any stormwater devices. (~~Ord. 2755, 9-22-2008~~)

~~10-07-14~~: ALTERNATIVE METHODS OF COMPLIANCE:

~~—(1) Purpose: It is recognized by the city of Caldwell that the landscaping requirements cannot anticipate all landscape situations. It is also recognized that there may be landscape applications or solutions which are in keeping with the spirit and intent of the landscape regulations but were not anticipated in a specific regulation. Therefore, the planning and zoning department may allow for alternative compliance to encourage creative landscaping pursuits or to resolve other issues that cannot comply with this article.~~

~~—(2) Conditions Of Alternative Compliance Consideration:~~

~~—A. Site conditions are such that full compliance is impossible or impractical due to the nature of the topography, soil, existing structures or other constraints including lack of water.~~

~~—B. The site space is limited or the lot is unusual in shape.~~

~~—C. The street landscape buffer requirement or buffer between differing uses requirement cannot be met due to conditions that impede the practicality of the requirement.~~

~~—D. The alternative compliance proposal enhances the environment or safety beyond what might be achieved through compliance with standard requirements.~~

~~—E. Another regulatory agency, possessing jurisdictional authority over landscape matters, requires design standards that meet or exceed the city's requirements or sets~~

them aside. To apply this alternative, the controller will have to provide information to substantiate another agency's policy and authority.

~~—(3) Requirements For Submitting For Alternative Compliance Consideration:~~

~~—A. Statement of the requirement needing modification.~~

~~—B. Statement of the condition(s) in this section that provides a basis for relief from the standard requirement.~~

~~—C. Statement of how the proposed alternative may meet or exceed the standard requirement or serve in lieu of the requirement.~~

~~—D. Conceptual landscape plan illustrating the proposed method of alternative compliance.~~

~~—(4) Allowing Alternative Methods Of Compliance: The planning and zoning director has the authority to allow alternative methods of compliance when the circumstances warrant such consideration.~~

~~—(5) Case By Case Basis: The alternative compliance process is not intended to establish a precedent that others may rely upon for approval basis, rather each request will be considered on a case_by_case basis.~~

~~—(6) Variance: In the event the controller cannot meet the standards of this article, nor offers an alternative compliance proposal, which in the judgment of the planning and zoning director is equal to or better than the standard compliance or as it may be modified by another agency's requirement, the controller shall abide by this article's standards. The controller may seek a variance in accordance with the procedures found in section 10-03-05 of this chapter. (Ord. 2661, 1-7-2008)~~

10-027-09-15: CERTIFICATE OF OCCUPANCY OR COMPLIANCE LANDSCAPE BONDING:

(1) Refer to 10-03-17 for all Performance Bonding requirements including those for all required landscaping improvements. Issuance Of Certificate Of Occupancy Or Compliance: All required landscaping and site features, as per the landscaping ordinance, development agreement, and/or conditions placed upon the application, must be installed prior to issuance of a permanent certificate of occupancy or compliance.

~~—A. Except that property that is developed with any portion of it being a residential subdivision, regardless of the zoning district, shall have all required landscaping and site amenities associated with the subdivision approval and the applicable phase as per the landscaping ordinance, development agreement, and/or conditions placed upon the application, installed and completed prior to the city engineer's signature on the final plat for said phase. In the event said installation is not possible due to weather related or other accepted circumstances as approved by the planning and zoning department, a financial guarantee may be established through the city's financial guarantee process for subdivisions as outlined in section 11-04-07 of this code.~~

~~—(2) Extension Of Time For Compliance:~~

~~—A. The building official in cooperation with the planning and zoning director or his/her authorized designee, may issue a temporary certificate of occupancy or the planning and zoning department may issue a temporary certificate of compliance (whichever is applicable) for a specified time period, not to exceed two hundred ten (210) days when, due to weather related or other accepted circumstances as approved by the planning and zoning department, the landscaping or other required site amenities cannot be completed. (Ord. 2805, 11-2-2009)~~

~~10-07-16: LANDSCAPE PLAN DESIGN REVIEW:~~

~~—(1) Authority: Idaho Code title 67 authorizes the establishment of development standards (see section 67-6518).~~

~~—(2) Purpose: Landscape plan design review is intended to improve the character of the Indian Creek corridor and the Boise River corridor, protect property rights and values, protect the city's important environmental features and ensure that the general appearance of site improvements are consistent with city goals.~~

~~—(3) Application: Landscape plan design review shall apply to all land use and building permit applications in the Indian Creek corridor and the Boise River corridor. (Ord. 2661, 1-7-2008)~~

~~—(4) Membership: The landscape plan design review committee shall be comprised of the planning and zoning director, the senior planner, the parks department supervisor, and the assistant city engineer or the city engineer. (Ord. 2911, 9-4-2012)~~

~~—(5) Criteria: The landscape plan design review committee will review the landscaping plan according to this article, article 8 of this chapter and other city provisions. The landscaping plan will be reviewed with the intent of enhancing and protecting the appearance of the Indian Creek corridor and Boise River corridor. The following items shall be evaluated:~~

~~—A. Completeness of the landscaping plan.~~

~~—B. Strategy to preserve healthy, existing trees and shrubs, if any.~~

~~—C. Types of trees and shrubs to be planted.~~

~~—D. Condition of the sidewalk, curb and gutter.~~

~~—E. Types of vegetative and nonvegetative ground cover.~~

~~—F. Presentation of any lawn areas, common open space areas, play areas and/or pathways.~~

~~—G. Buffering and screening devices.~~

- H. ~~Relationship of the landscaping to proposed or existing structures.~~
- I. ~~Condition and placement of driveway accesses.~~
- J. ~~Landscape care and maintenance strategy.~~
- K. ~~Type and source of irrigation.~~
- L. ~~Vision triangle.~~
- M. ~~Trash receptacle screening.~~
- N. ~~Parking lot design and lighting, if new.~~
- O. ~~Condition of parking lot and lighting, if existing.~~
- P. ~~Placement of structures such that no structures are placed along the banks in such a fashion as to cover the water bodies.~~
- Q. ~~No permanent structures, support systems or impediments are placed on the banks of Indian Creek and the Boise River below their high water marks as has been determined by controlling agencies.~~
- R. ~~Preservation of riparian, wetland and wildlife areas and appropriate mitigation plans as approved by jurisdictional agencies. (Ord. 2661, 1-7-2008)~~

10-027-09-167: VIOLATION, PENALTY, ENFORCEMENT AND COMPLIANCE:

(1) ~~Violation, penalties, and enforcement are outlined in 10-03-10 of this Chapter, and compliance procedures are found throughout this article. (Ord. 2661, 1-7-2008)~~

10-027-09-178: APPEALS:

(1) ~~All decisions related to the landscape plan review and approvals/denials may be appealed portions of this article are appealable to the city council provided the controller exercises that right by filing an appeal application and applicable fee for a public hearing to be conducted through the city's public hearing process, or according to any provisions noted in the various sections of this article. (Ord. 2805, 11-2-2009)~~

10-02-10: CALDWELL TREE ORDINANCE:

10-02-10-01: Statement of Value

10-02-10-02: Purpose

10-02-10-03: Applicability

10-02-10-04: Standards

10-02-10-05: Jurisdiction
10-02-10-06: Duties and Powers Of The City Forester
10-02-10-07: Controller Responsibilities
10-02-10-08: Nuisances Designated
10-02-10-09: Nuisance Abatement
10-02-10-10: Damaging, Destroying or Topping Of Public Trees And Shrubs
10-02-10-11: Private Tree Service Fee Licensing and Certification
10-02-10-12: Licensee Responsibility
10-02-10-13: Permit Procedures for Individuals
10-02-10-14: Violations and Penalties
10-02-10-15: Tree Preservation and Mitigation
10-02-10-16: Planting Specifications
10-02-10-17: Recommended Street Tree List
10-02-10-18: Shrub
10-02-10-19: Not to Be Planted In Right-Of-Way
10-02-10-20: Dutch Elm Disease

10-02-10-01: STATEMENT OF VALUE:

The City of Caldwell has historically understood the value of community trees. Trees mitigate air pollution, improve water quality, conserve energy, reduce soil erosion, produce oxygen, calm our senses, enhance property values and beautify our surroundings. Healthy, strategically placed trees are valuable assets to the community of Caldwell.

10-02-10-02: PURPOSE:

(1) The City of Caldwell finds trees and shrubs are very important elements of the environment, providing many benefits. This article is intended to encourage the preservation, expansion, protection and proper maintenance of the city's trees and shrubs.

(2) This article establishes code regulations and standards necessary to ensure that the city continues to realize the benefits provided by the community forest. It is not intended to resolve or regulate disputes over trees on private property that do not affect general public safety. This article is enacted to:

A. Promote the general welfare of the city by establishing and maintaining the maximum amount of tree canopy coverage provided by trees.

B. Preserve and enhance the city's environmental, economic, social character and beauty through the appropriate selection of trees and shrubs.

C. Protect public safety, health and welfare.

D. Encourage site and utility planning, building and development practices to prevent indiscriminate removal or destruction of trees and avoid unnecessary disturbance to trees within the city and its Area of Impact by applying tree care standards contained in ANSI A300 standards. Reduce adverse impacts of land disturbing activities such as runoff from impervious surfaces, soil erosion and sedimentation pollution.

E. Maintain trees in a healthy, non-hazardous condition through application of tree care standards contained in ANSI A300.

F. Establish and maintain appropriate species diversity and age classes in order to provide a stable and sustainable community forest.

G. Establish a process by which trees are to be planted, pruned and removed.

H. Regulate those who engage in tree and shrub services.

I. Implement the goals and objectives of the city's Comprehensive Plan.

J. Educate the public about the protection and preservation of trees and shrubs.

10-02-10-03: APPLICABILITY:

(1) This article shall apply to any public tree and all trees and shrubs located in the public right of way as well as to those trees and shrubs located in public parks, parkways and other city property and on public and private property that have been declared to be a public nuisance.

(2) This article shall also apply to all aspects of the construction development and redevelopment process involving the planting, retaining or removing of trees and the associated care and custody of trees during that process. Further, this Article shall apply to all for-fee arborist services performed on any tree within the city, whether public or private.

10-02-10-04: STANDARDS:

The City Council will adopt by resolution mandatory standards governing planting, pruning, removal, care and maintenance of public trees and shrubs, including those of the ANSI A300 standards.

10-02-10-05: JURISDICTION:

The City Forester shall manage and regulate the planting, maintenance, protection, removal and replacement of all public trees within the city limits.

10-02-10-06: DUTIES AND POWERS OF THE CITY FORESTER:

The City Forester is authorized to:

(1) Develop, support and maintain a Community Forestry Management Plan.

(2) Maintain a Community Forestry budget to be contained within, but as a separate division of the Caldwell Parks and Recreation Department. The city may expend funds to plant, maintain or remove trees in accordance with the provisions of this article, the Community Forestry Management Plan and existing policies.

(3) Oversee the city's arborist licensing and certification program and the supervision of commercial tree and shrub care management.

(4) Develop a permitting program for fee and non-fee tree work, to include procedures for the approval and control of topping practices, and the planting and removal of public shrubs and trees.

(5) Establish and maintain an inventory of all public trees.

(6) Approve, deny, suspend or revoke tree or shrub work licenses or permits issued by the city.

(7) Inspect and approve any public tree/shrub work performed in the city.

(8) Observe symptoms of plant diseases, make diagnoses and prescribe treatment.

(9) Administer a program of public outreach and education relating to Community Forestry and the planting and the care of trees.

10-02-10-07: CONTROLLER RESPONSIBILITIES:

Every Controller, as defined in section 10-01-10 of this article, shall be responsible for the following:

(1) Requirements and Permits: Meeting all of the requirements and obtaining all the permits necessary for work done on or adjacent to the public right of way as described in this article.

(2) Care And Maintenance: Care and maintenance of public trees and shrubs located in the public right of way adjacent to the Controller's private real property, including the following activities or actions:

A. Removal and replacement of public trees or removal of those portions of public trees, including tree stumps, declared to be a public nuisance or requested to be removed by the city or affected utilities located within the public right of way. Such action shall be coordinated with the City Forester.

B. As part of the city's tree permitting process, whenever a public tree or shrub is removed, the controller shall replace it, if deemed necessary by the City Forester, within two (2) weeks of the removal date, with a tree from the approved list as shown in section 10-08-18 and further approval from the city forester. Selection of species shall be from the Tree Selection Guide. The replacement tree shall be a minimum one and one-half inches to

three inches (1 ½ - 3") minimum #1 quality tree as verified by the City Forester. A fine of four hundred dollars (\$400.00) per tree to be replaced may be assessed if said trees are not planted within the required two (2) week time period, unless the replacement period has been extended for good cause shown (example of good cause shown: the ground is frozen solid).

C. When a public tree is removed after approval by the City Forester, a fee in lieu of planting shall be required if the tree is not replaced. The City Forester shall determine if the tree must be replaced or if a fee in lieu of planting may be paid. The fee shall be set by the resolution of the City Council and monies collected shall be placed in a tree replacement fund to be used for maintenance or acquisition of public trees.

D. Pruning of public trees and shrubs and portions of private trees and shrubs that encroach upon right of way or right of way area. The branches of public and private trees and shrubs that overhang sidewalks and/or unimproved right of way must be pruned to provide ten feet (10') of vertical clearance. Tree branches of either public or private trees that overhang the street must be pruned to provide fourteen feet (14') of vertical clearance. All pruning shall be done in accordance with ANSI A300 standards.

Should either a public or private tree or shrub be out of compliance with either the ten foot (10') sidewalk vertical clearance or the fourteen foot (14') street vertical clearance such that a safety hazard is presented or any type of utility or street maintenance is impeded, city personnel have the authority to prune said noncompliant tree or shrub, without permission from the property owner, provided all pruning takes place on or within public right of way or right of way area and provided that the portions being trimmed are hanging over or within public right of way or right of way area. Utility providers shall trim or cut trees in public rights of way according to ANSI A300 part 1, pruning standards.

Shrubs in the right-of-way must be pruned below three feet (3') due to vision obstruction occurring when the public, (wheelchair included), animals, and children are using the sidewalk adjacent to the right of way. The sight vision triangle setback for trees or shrubs at intersections must be adhered to for the same reason.

E. Control of pests injurious to public right of way trees and shrubs adjacent to controller's real property.

F. Control of pest infestations on private trees and shrubs located on the controller's private real property.

(3) Maintenance Methods: Maintenance of trees and shrubs by:

A. Clearing: The controller is responsible for removing all trees, shrubs and vegetative work derived debris relating to private trees, shrubs and vegetation from the street, sidewalk and parkway by sunset on the day on which the work is done unless street closure is authorized. This requirement includes immediate removal of any private fallen trees or tree limbs from private trees that fall into any public right of way area. Failure to immediately remove private fallen trees or tree limbs from private trees that have fallen

into any public right of way area shall constitute a nuisance and may be abated as such by the city in any manner provided by law.

B. Standards: Care and maintenance of public trees and shrubs shall be governed in part by the city's arboricultural specifications and ANSI A300 standards.

C. Leaf and Debris Removal: Tree debris and leaves from public trees that fall in the public streets shall be the city's responsibility to remove. Tree debris and leaves from either private or public trees that fall onto property located between a property line and the street edge or curb, as well as leaves raked into the street shall be the adjoining controller's responsibility to remove.

D. Removal of Public Trees and Shrubs: It is the policy of the city that public trees and shrubs shall not be removed without written authorization of the city forester and the planning and zoning department.

E. Basis for Tree and Shrub Removal: Permits will be granted for tree and shrub removal based on any of the following criteria:

1. The tree or shrub is diseased or is an alternate host of a significant disease.
2. The tree or shrub is harboring injurious insects or pathogens and may present a danger to the city's community forest.
3. The tree or shrub is dying or near dead and/or poses a public safety hazard.
4. The tree or shrub interferes with overhead utility lines and creates a public safety hazard. In this instance the utility provider's standards will be relied upon for assessment purposes.
5. The tree or shrub causes sight obstruction in the vision triangle that cannot be resolved (see section 10-07-07).
6. Any other removal criteria deemed appropriate by the city forester. Note: There is no charge for tree and shrub removal permits.

A. Removal of Trees or Shrubs on Private Property Impacting Public Property: A person engaging in the removal of any tree, shrub or portion thereof that may fall or fall on or in the public right of way must first obtain a permit from the City Forester and must call Digline at (208) 342-1585 before removal. If it is apparent that the removal of a tree or shrub from private land may fall and cause injury to person or public property, the property owner or their agent must give the city police and fire department twenty-four (24) hours' notice prior to removal unless there is an imminent danger imposed by its continued presence.

B. Tree Removal and Trimming Permit Required: Prior to engaging in the removal or replacement of trees or shrubs, to include trimming, cutting and pruning in the public rights of way, the controller must first obtain a tree removal permit from the City Forester, and must call Digline at (208) 342-1585 before removal or planting. The City Forester or other staff representative will inspect the work for compliance; all removal costs shall be at

the applicant's expense. A fine of four hundred dollars (\$400.00) shall be assessed to the controller/applicant and a fine of four hundred dollars (\$400.00) shall be assessed to the company that performed the removal and/or trimming if a permit was not first obtained from the City Forester prior to removal and/or trimming and if the company was not on the city's approved list of companies allowed to trim and/or remove trees and/or shrubs.

C. Any person authorized to remove live or dead trees, shrubs or other vegetation from the city parks or along the streets and alleys of the city or within public right of way shall do so in such a way that no tree stump or main root system remains above ground but to a depth of eight inches (8") below the ground surface. After excavation or grinding, the ground shall be restored to a smooth and level surface. Any required grinding of a stump shall be completed within two (2) weeks of tree removal.

D. Replacing Trees and Shrubs; Selection Criteria: Selection and location of required replacement trees and shrubs shall be based on the city's arboricultural standards and specifications guide. It shall also be based upon other applicable city standards regarding the placement of said trees and shrubs. Refer to the Tree Selection Guide for tree selection.

E. Provide water sufficient to keep trees and shrubs located on public right of way in a healthy, growing condition.

(4) Damage To Sidewalk and Surrounding Area by The Roots of Private or Public Trees or Shrubs: All trees or shrubs growing close to the sidewalk have the potential to raise or cause a disconnection in the sidewalk. Should the sidewalk or curb raise, or disconnection occur, consideration will be given to modifying the sidewalk's placement to accommodate tree or shrubbery growth on a case by case basis. The decision to modify the sidewalk shall be made in consultation with the city engineer and city forester.

The failure of the controller to respond to a request to remove said trees and shrubs and repair said sidewalk shall result in abatement as outlined in this article and/or assessment of an additional four hundred dollar (\$400.00) fine over and above any fines assessed through the abatement process.

10-02-10-08: NUISANCES DESIGNATED:

The following are hereby declared public nuisances:

(1) Any tree, shrub or other plant, which by reason of location or condition constitutes an imminent danger to the health, safety or welfare of the general public; harbors pathogens or injurious insects which reasonably may be expected to injure or harm other trees or shrubs; obstructs the free passage of pedestrian or vehicular traffic or obstructs a streetlight or traffic control device; and/or obstructs the view in the vision triangle, including alley trees that fall in the public nuisance section. Also, the roots of any tree or shrub that interferes with or causes the surface of the street, curb or sidewalk in public right of way to be upheaved or disturbed.

(2) Any tree suspected of having Dutch elm disease or fungus organisms known by the scientific names of Graphium ulmi, Ceratostomella ulmi and/or Ceratocystis ulmi, elm bark beetles, Scolytus multistriatus or Hylurgopinus rufipes; any standing elm tree infected with

Dutch elm disease or which harbors elm bark beetles; and any dead elm tree or part thereof, including logs, stumps, or other elm material from which the bark has been removed.

(3) The city's agents have the authority to enter onto private property where there is reasonable cause to believe that there is a tree, shrub or other plant located there that is a public nuisance; furthermore, said agents have the authority to reasonably mark said tree, shrub or other plant for ease of identification.

(4) Any public or private tree infected by an insect, pest or disease which is determined by the City Forester to pose a health threat to any other public or private tree. An example is sudden oak death disease.

10-02-10-09: NUISANCE ABATEMENT:

(1) Any public nuisance as designated within this section located on either city owned or private property or public right of way shall be abated in a technique as approved by the City Forester and in accordance with the abatement process outlined in this section and section 07-11-05 of the Caldwell City Code.

(2) Public Nuisance Considered an Immediate Threat: The City Forester or the Director or his/her authorized designee is empowered to cause the immediate abatement of any public nuisance as designated within this section determined to be a threat to any person or property.

(3) If the City Forester determines that disposal of the wood, branches and soil from removal or pruning of a nuisance tree is required to complete abatement, such disposal shall be done. All costs associated with the disposal of material from the public right of way shall be the responsibility of the property owner.

10-02-10-10: DAMAGING, DESTROYING OR TOPPING OF PUBLIC TREES AND SHRUBS:

It is unlawful for any person to:

(1) Damage, mutilate or destroy any public tree and/or shrub.

(2) Store or place, or cause to be stored or placed, oil, gasoline, chemicals (such as herbicides), and other materials which are harmful to trees and shrubs around or near public trees, shrubs and other vegetation.

(3) Attach a potentially harmful device or structure (such as a tree house or sign) to a public tree unless otherwise authorized by the City Forester.

(4) Spill or dump substances, whether liquid or solid, which are toxic to persons, animals, trees, shrubs and vegetative matter.

(5) Make excavations in the soil within the tree's root zone, from the trunk to the edge of the dripline.

(6) Damage a public tree by the practice of "topping", except trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where

other pruning practices are impractical may be exempt from this provision based on the City Forester's determination.

(7) **Compensatory Payments:** In the event any person removes, destroys or damages any public tree except as otherwise required by law, that person shall be required to replace such tree with a tree(s) of equivalent dollar value on public property, unless otherwise determined by the City Forester. The value of a tree shall be determined by the city forester in accordance with accepted plant appraisal methods as set forth in the 9th edition or the most current edition of The Guide for Plant Appraisal, published by the International Society of Arboriculture or the same as amended from time to time.

If no suitable location exists in the vicinity of the tree removed or if the replacement tree(s) is of lesser value, the person causing the tree to be removed shall make a compensatory payment to the City of Caldwell equal to the difference in value between the tree removed and any replacement tree(s).

Any public tree that is determined by the City Forester to be damaged, but not sufficiently to justify its removal, shall be considered to be devalued. The amount of devaluation shall be paid to the city by the person causing the damage. Compensatory payments shall be paid into a fund established for that purpose and restricted to use for the community forestry programs. Nothing in this article shall prohibit the City of Caldwell from negotiating agreements with other governmental entities regarding penalties and compensatory payment for removal, damage or destruction of public trees.

10-02-10-11: PRIVATE TREE SERVICE FEE LICENSING AND CERTIFICATION:

(1) **License Required:** It is unlawful for any person to engage in the business of planting, pruning, or removing a public tree or shrub for a fee without being licensed and certified as required by this section.

(2) **Arborist Contractor's License:** Any person engaged in the Arborist business for fee shall obtain a license from the City Forester. The license stipulates that the contractor, or one or more employees, be certified, and the certified individual(s) be on the site when arboricultural practices are being done. It is required that the contractor's insurance extends to all employees while they are conducting arborist work within city limits.

(3) **Arborist Certification:** An arborist certification is required of any individual who personally performs arboricultural services or procedures allowed under this section for a fee, unless that person is working under the direct supervision of a certified arborist. The City Forester shall approve or deny the applicant's permit based upon the possession of a valid arborist certification. The arborist certification is acquired through the International Society of Arboriculture testing program or other certification process acceptable to the City Forester. The applicant shall submit to an examination of his or her practical skills at the discretion of the City Forester in accordance with ANSI A300 standards.

A. License Application Procedures:

1. **Application for License:** Application for an arborist contractor's license shall be sought from the City Forester on a city form and accompanied by proof of an appropriate

liability and workman's compensation insurance when applicable. The City Forester shall approve or deny the application within seven (7) days, based upon the following criteria:

(A) The applicant has not been convicted of a violation of this section within the preceding two (2) years.

(B) The applicant shows proof that he or she has obtained a valid arborist certification, or that the applicant is currently employing a holder of a valid arborist certification.

2. Denial of License: The City Forester may deny or revoke a license application if the applicant's arboricultural practices are inconsistent with ANSI A300 or ISA standards.

3. License or Certification Issuance: The City Forester shall forward the approved arborist license and certification to the City Clerk, who shall issue the license to the applicant upon payment of a fee as set by resolution of the Caldwell City Council.

B. License Terms and Renewal: The arborist contractor's license and certification shall be valid for the calendar year in which it was issued and will expire on December 31.

1. Filing A Renewed Application with The City Forester: The applicant may renew the arborist contractor's license upon showing proof of and workman's compensation insurance when applicable, a current arborist certification and payment of the appropriate fees.

2. Valid Certification Mandatory: The arborist certification period of validation must coincide with the contractor license period of validation.

C. License Fees: License fees shall be established by the resolution of Caldwell City Council.

D. License Insurance Coverage: Applications for an arborist contractor's license shall be accompanied by proof of insurance acceptable to the City Forester showing the applicant has a policy of liability and property damage listing the City of Caldwell as an additional insured. Workman's compensation insurance with policy limits equal to or greater than the minimum designated by council resolution, which complies with requirements set forth in Idaho Code Title 6, Chapter 9. The policy is to remain in full force and effect during the term of the license. Compliance with OSHA regulations.

10-02-10-12: LICENSEE RESPONSIBILITY:

All licensees shall be responsible for ensuring that the work performed is in compliance with the provisions of this section. All licensees shall:

(1) Utilize safety measures and equipment to protect workers and the public as prescribed by law and ANSI A300 standards.

(2) Obtain required permits for tree and shrub removal.

(3) Comply with all applicable city, county, state and federal laws.

(4) Comply with the city's specifications and ANSI A300 standards for tree planting, pruning, removal, root pruning and cultural maintenance practices; including dead limbs that are considered a public nuisance.

(5) The branches of public and private trees and shrubs that overhang sidewalks and/or unimproved right of way must be pruned to provide ten feet (10') of vertical clearance. Tree branches of either public or private trees that overhang the street must be pruned to provide fourteen feet (14') of vertical clearance. Should either a public or private tree or shrub be out of compliance with either the ten foot (10') sidewalk vertical clearance or the fourteen foot (14') street vertical clearance such that a safety hazard is presented, or any type of utility or street maintenance is impeded; the limbs must be pruned to meet these clearances.

(6) License Transfer or Refund: Licenses granted pursuant to this section shall not be transferable, nor shall any license be refundable.

(7) License Suspension/Revocation: The City Forester may suspend or revoke any license when the licensee commits one or more of the following acts:

- A. Violation of any provision of this section.
- B. Knowingly conspiring with another person to permit one's license or certification to be used by such other person unless employed by the licensee.
- C. Acting as an agent, partner, and associate or in any other capacity with another person in an attempt to evade the provisions of this article.

(8) Appeal Procedures: When a license is suspended, revoked, or denied, the applicant may appeal that action according to the provisions outlined in this section.

A. Such appeal shall be filed in writing with a fee set by the City Council and submitted to the Director within ten (10) days from the date of notification by the City Forester's ruling.

B. The appeal shall be heard by the City Council and the appellant shall be delayed until the decision is rendered. The decision of the City Council shall be final.

10-02-10-13: PERMIT PROCEDURES FOR INDIVIDUALS:

(1) General Procedures: Individuals and for fee licensees shall abide by the following permit procedures:

- A. There shall be no charge for a tree or shrub planting or removal permit.
- B. Each application for a planting permit shall designate the species and variety of public tree proposed prior to issuance of a permit. The City Forester shall designate the location of the planting.
- C. In addition to a tree work permit, a right of way permit as obtained from the City Engineering Department may be required for any work that will impact the free and full use of any street or alley. Should a tree be planted in conflict with the provisions of this

code, it shall be lawful for the City Forester to remove or cause the removal of same. The cost to remove may be charged to the person responsible for the planting. In addition to obtaining a permit, individuals must call Digline at (208) 342-1585 before planting or removal.

D. Upon inspection the City Forester may issue a permit, if required, and impose such terms and conditions as may be appropriate and necessary under the specific circumstances of the work.

(2) Permit Application Procedures:

A. Planting, Pruning, Trimming, disease/pest abatement, or Removal: Application for a permit to do public tree work consisting of planting, pruning, trimming, root pruning, disease/pest abatement or removal shall be submitted on a form supplied by the City Forester. Refer to section 10-08-18 of this code for the recommended tree list and section 10-08-20 for the not to be planted in right of way.

B. Tree Topping: A special permit is required from the City Forester for tree topping.

10-02-10-14: VIOLATIONS AND PENALTIES:

Damage or destruction of a public tree or shrub by any person, except as lawfully stated herein shall cause said tree or shrub to be replaced according to the tree mitigation standards noted herein, section 10-02-10.

(1) Intentional interference with the City Forester in the performance of his or her duties is unlawful and is a misdemeanor, punishable pursuant to this code and Idaho Code.

(2) Failure to perform tree services in compliance with accepted and established arboricultural standards and specifications guide of the city shall be a misdemeanor. Any person convicted of a violation of this subsection shall be fined pursuant to this code and Idaho Code.

(3) Failure to comply with the permitting and licensing provisions of this article shall be a misdemeanor. Any person(s) convicted of a violation of this subsection shall be fined not to exceed three hundred dollars (\$300) or be imprisoned in the Canyon County Jail for a period not to exceed six (6) months or by both such fine and imprisonment, pursuant to this code and Idaho Code.

(4) In addition to any criminal penalties that may be imposed, the city may pursue civil penalties and restitution for actual damages as set for in this code.

10-02-10-15: TREE PRESERVATION AND MITIGATION:

(1) Tree Retainage Credit: Trees retained as part of a development may count toward the required landscape, provided the tree(s) intended for retainage are not prohibited within the subject area. No credit shall be provided for trees retained in rights of way nor may any tree located there be removed as part of a development pursuit without prior city approval. Trees prohibited by this article may remain as part of a development/redevelopment process without credit. Primary consideration for what

species of trees to remain would be; are they listed as suitable for growing indicated in the Tree Selection Guide.

(2) Tree Preservation Credit: The planning and zoning department, in cooperation with the City Forester, may allow the development's required number of parking spaces to be reduced by up to fifteen percent (15%) to accommodate the preservation of existing trees with a caliper of four inches (4") or greater. Parking space reduction credit must correlate to the number of trees salvaged by that process. Parking space requirements are quantified according to the type of land use listed in the Caldwell zoning ordinance. A request for parking space reduction must be made in writing to planning and zoning at the time of parking/landscaping plan submittal.

(3) Tree Replacement Process (Mitigation): Any tree four inches (4") or greater in caliper that is removed during development shall be replaced with a one and one-half inch (1 ½ ") to three-inch (3") caliper tree, rated as a #1 quality tree and as verified by the City Forester. Selection of what species to replace will come from the Tree Selection Guide. If there is not enough room on the subject site to replace the caliper inch of trees that were removed, the developer will contribute a dollar amount equal to the corresponding caliper inch of trees to a Tree Bank for future tree planting. The city may choose which park, cemetery, or site is most in need of trees.

(4) Exceptions:

A. If the tree is removed because it poses a health or safety hazard, the tree will not need to be replaced, provided the City Forester determines a replacement tree installed at the same location poses a similar risk.

B. Trees required to be removed by another governmental agency of jurisdiction need no mitigation. The applicant will need to provide information to substantiate another agency's tree removal requirement.

C. The removal of a tree regardless of circumstances shall be replaced with equivalent to a one and one-half inch (1½ ") to three-inch (3") caliper tree, rated as a #1 quality tree and as verified by the City Forester.

10-02-10-16: PLANTING SPECIFICATIONS:

The City Forester is hereby empowered to make rules and regulations to govern planting of trees within the city to include replacement trees. These regulations shall govern specifications and placement for planting trees and restrictions on species of trees to be planted in the city.

(1) Permit Required: No person or owner shall plant any tree within the public right of way until the city forester has issued a permit. Applications for tree planting shall be filed with the City Forester. Such trees must be of the type and variety permitted by the street tree list. The City Forester shall approve each tree for suitability, as well as resistance to disease and pests. Any application denied by the City Forester shall be returned to the applicant with reason for refusal. The applicant is free to file a new application or an

amended application when the issue(s) identified have been resolved or they may appeal the denial.

(2) Permit Content: The tree planting permit shall include the type, size, and variety of tree permitted. The permit will identify the specific site location of the tree.

(3) Planting Criteria: The City Forester shall provide the applicant with the type of species that are permitted in various areas for planting, spacing information and minimum tree well sizes for trees planted in paved areas upon request.

(4) Variance from Street Tree List: Variance from the Tree Selection Guide may be granted by the City Forester if that action does not conflict with the city's interest.

10-02-10-17: RECOMMENDED STREET TREE LIST:

Recommended Street Tree List Representing Class 2 and Class 3 Trees: Please refer to the Tree Selection Guide to determine the best tree for your planting site.

(1) Class I Trees: Small trees generally not reaching more than 25-30' in height. These trees shall be planted under power lines or small planting areas. For an understanding of tree placement requirements beneath overhead utilities or associated with underground utilities in proximity to trees. Parkway width is recommended to be four (4') minimum. Refer to section 10-08-20 for a list of trees not to be planted in the parkway or right of way.

(2) Class II Trees: Medium sized trees planted for street tree (right- of-way) and general landscape uses. Growing to heights from thirty (30') to forty feet (40') with similar canopy spread. Parkway width recommended six (6') minimum. Refer to section 10-08-20 for a list of trees not to be planted in the parkway or right of way.

(3) Class III Trees: Long lived trees that attain large height and trunk diameter that may be utilized for street tree use, provided the area is large enough to accommodate them. Attaining heights varying from forty (40') to one hundred feet (100') with a canopy spread extending thirty-five (35') to eighty feet (80') in width. Parkway width recommended ten (10') minimum. Refer to section 10-08-20 for a list of trees not to be planted in the parkway or right of way.

(4) Evergreen Trees: Evergreen trees can pose a sight vision problem for vehicles, pedestrians, bicyclists and are not recommended for use as a parkway or right of way tree. Fruit and nut bearing trees are not suitable as a street or right of way tree due to the fruit dropping, staining sidewalks and pedestrian safety from slipping on the fruit or nuts.

(5) Placement Under Power Lines: Class I trees generally grow to a maximum height of 25-30' with a 15-30' width and are the best tree to use under power lines. Check with the proper city department to determine where underground utilities are located. Refer to section 10-08-20 for a list of trees not to be planted in the parkway or right-of-way.

(6) This is by no means a complete list of trees that could be planted in the public right of way. The City Forester will review requests for the placement of any other species upon request.

10-02-10-18: SHRUBS:

Proposed shrubbery species will be evaluated for growth potential. Most shrubs available from landscape nurseries will be acceptable for planting purposes, if they grow to a maximum height of three (3'). Shrubs in the right of way must be pruned to a maximum height of three feet (3') due to vision obstruction occurring when the public (wheelchair included), animals, children, etc. use the sidewalk. The sight vision triangle must be adhered to at intersections for the same reasons.

10-02-10-19: NOT TO BE PLANTED IN RIGHT OF WAY:

Please see the Tree Selection Guide at tvcanopy.net/tree-selection-guide for the list of trees not suitable for planting in any public right of way in the City of Caldwell. Certain trees exhibit characteristics including but not limited to extreme insect or disease susceptibility, soft or brittle wood and/or limited cold and heat hardiness. Such problems often lead to excessive maintenance costs, hazards to other trees and potential public safety hazards. Class I and Class III trees are not allowed in the City of Caldwell right of way unless planter width is ten feet (10') or wider. Conifers and shrub plantings over three feet (3') are not allowed in the City of Caldwell right of way.

10-02-10-20: DUTCH ELM DISEASE:

(1) When Dutch Elm Disease is found to exist in or on trees on public property or in public right of way, the trees shall be removed as provided in subsection (2) of this section.

(2) When Dutch Elm Disease is found to exist in or on trees on privately owned property, after notice has been served upon the owner of the premises, it shall thereupon become the duty of the owner, or his agent, or occupant or person having custody and control of the property to cause such tree to be removed and destroyed under the direction and supervision of the City Forester. In lieu thereof, it shall be abated through the abatement process as outlined in section 10-08-10 of this code.

(3) Whenever an elm tree is found to be infected with Dutch Elm Disease, the City Forester may order, at his/her sole discretion, all elms within a radius of one thousand feet (1,000') to be treated after first giving public notice by publication once in a newspaper of general circulation in the city setting forth the area to be treated and the time said treating is to be done, at least twenty-four (24) hours before treating restricting parking in the affected area. Additionally, written notice shall be mailed to all property owners within the affected one-thousand-foot (1,000') radius at least five (5) days prior to treatment. When such notice has been given and parking restrictions placed in effect, the city shall not allow any claim for damage caused by the treatment to any vehicle.

(4) It shall be unlawful for any person to give, sell, or offer for sale as firewood any part of a diseased tree of any species of elm, zelkova or planera.