

2025 Code Amendments

Cheat Sheet for Chapter 10, Article 6

1. Relocated all provisions for Recreational Vehicle Parks from Article 6 into Chapter 10, Article 12: Specific Use Provisions.
2. Moved all regulations applicable to all commercial districts (C-1, C-2, C-3, C-4, H-C) zones from various articles in the code into a central location within this Article.
3. Section 10 -06 -01
 - a. Created a general applicability statement that the article is applicable to all commercial zones.
4. Section 10 -06-02
 - a. Create a section explaining the intent of commercial zones
 - b. Created a matrix table indicating the existing zoning map symbol and district name, and the new district names. This has no impact on the current land use entitlements, zoning, or property rights. It is just changing the district name.
 - c. Relocated the zoning purpose statements from 10-01-03 and made amendments to the statements to better describe what is allowed within the zoning districts.
5. Section 10-06-03
 - a. Created a section to describe the Acronyms used in the land use table to describe permitted uses, specially permitted uses, administrative development site review, uses that are only permitted as an accessory use, uses only allowed as a temporary use, uses that are subject to specific use provisions in addition to general code requirements, uses not allowed, how to classify uses, and the mix of uses allowed.
 - b. Changed the code to not allow more than one principal building to be built on a site if the parcel is utilized for or containing single family residential.
6. Table 10-06-03 (Major Highlights)
 - a. Created a new land use table that is specific just to the commercial districts. The table takes into consideration the consolidation of some land uses into a main category but also makes amendments based on the new comprehensive plan, inconsistencies in the code, and council feedback.
 - b. Combined some land uses into a single category as they are the same level of intensity, and split out some land use designations because they can potentially have varying levels of intensity that need to be zoned and regulated differently. Some of key note are listed below.
 - c. Uses such as bowling alleys, indoor sports courts, indoor golf, laser tag, indoor movie theaters, performing arts theaters, etc. have been combined under “Arts, Entertainment and Recreation (indoors)”. Also created specific use provisions within Chapter 10, Article 12 to provide criteria for the use on a site or parcel.

- d. Uses such as golf courses, miniature golf, outdoor theaters, etc. have been combined under “Arts, Entertainment and Recreation (outdoors)”. However, a footnote was added that movie theaters would always require a special use permit due to the noise that it could create. Also created specific use provisions within Chapter 10, Article 12 to provide criteria for the use on a site or parcel.
- e. “Veterinary Clinic/Hospital” was split into two separate land uses, one for large animals (horses, sheep, etc.), and one for small animals (dogs, cats) under the title of “Clinic/Hospital – Large Animal” and “Clinic/Hospital – Small Animal”.
- f. “Community Center” was split into “Community Center (private)” and “Community Center (public)”
- g. “Mixed Use” was split into two separate land uses, “Mixed Use – Small Scale” which is a single building with a mix of uses (example: retail/restaurant on bottom, offices and/or residential on upper floors) and “Mixed Use – Large Scale” which is multiple buildings on a single site with different uses (example: single development site with commercial along the frontage and residential behind or multiple buildings with retail/restaurant on bottom floor and office and/or residential type uses above). Also created specific use provisions within Chapter 10, Article 12 to provide criteria for the use on a site or parcel and to ensure that if residential is part of a mixed-use project in a nonresidential zone, that the residential cannot take up more than 40% of the project.
- h. The existing code had restaurants split into three categories “Drive In”, “No Drive Through” and “Drive Through” restaurants. We felt it was important to split restaurants into categories based on the “type” of restaurant. Therefore, restaurants were split into essentially three categories; “Restaurant – Full Service”, “Restaurant – Limited Service”, and “Restaurant – Snack and Nonalcoholic Beverage Bars”. These definitions match with the North American Industry Classification System which groups business into industries based on the type of economic activity they perform and also ensures similar businesses are grouped together. Restaurant – Full Service are sit-down restaurants, Restaurant – Limited Service would be fast food restaurants, sandwich shops, pizza parlors, buffets, and other fast-casual restaurants. Restaurants – Snack and Nonalcoholic Beverage Bars would include ice cream and yogurt shops, coffee shops, juice shops, soda shops, and similar. We have created “Specific Use Provisions” within Chapter 10, Article 12 for Drive Throughs to ensure the impact is addressed.
- i. The existing code had a ton of land uses for Retail Sales, but many were regulated the same in the land use chart or have the same level of intensity. A better way to regulate the impacts of retail is through the size of the facility. Therefore, we have split retail into four (4) main categories but still have left some specific retail uses separate such as liquor stores, nurseries, sales lots, thrift stores, etc. to in order to address the individual impacts on surrounding neighborhoods. The four (4) main categories of retail are:

Retail Sales – Boutique (< 5,000 sq. ft.)

Retail Sales – Limited (5,001 – 10,000 sq. ft.)

Retail Sales – Semi-Limited (10,001 – 30,000 sq. ft.)

Retail Sales – General (30,001 – 80,000 sq. ft.)

- j. The existing code had emergency shelters lumped under “homeless shelters”. We have split “Emergency Shelters” out into its own separate category as they need to be regulated differently. Emergency shelters are things like facilities for survivors of domestic violence, and due to the nature of the shelter and the privacy required in their location, these types of shelters need to be outright permitted so that they remain anonymous.
- k. Split “Wireless Communication Facility” into two categories of “Large Scale” and “Small Scale”. Although we definitely want wireless opportunities within our community, the large scale wireless facility are not always appropriate in areas like downtown or in historic districts. Also created specific use provisions within Chapter 10, Article 12 to provide criteria for the use on a site or parcel.
- l. Combined uses such as driver’s education land uses, and similar under “Schools – Commercial”. All schools that don’t fit into the category of colleges, universities, etc. would fall into this category.
- m. Changed accessory dwelling units to a permitted use for all single-family homes so long as they meet all setbacks, etc.
- n. Industry land uses were changed to match definitions. The industry land uses break them into categories of actual intensity of the industrial use instead of the current code where it has a “general manufacturing” land use. This allows us to regulate the intensity of the industrial use differently. The criteria for what is include in the intensity was captured from the North American Industry Classification System which groups business into industries based on the type of economic activity they perform and also ensures similar businesses are grouped together, but also takes into consideration fire and life safety and building codes.
- o. An “Industry – Fireworks” specific land use was created to indicate this is prohibited in all zones.
- p. “Industry – Grain/Crop Storage Silo was changed to “Industry – Storage Silo” to address other types of silos, like concrete silos.
- q. Broke existing land use of “Industry – Warehouse and Storage” into two categories to capture the differences between nonhazardous storage and hazardous storage.
- r. Combined medical, dental and healthcare clinics into one land use category under “Offices – Medical/Dental/Healthcare”.
- s. Combined land uses like tanning salons, spas, beauty salons, locksmiths, photography studios, etc. into a “Personal Services” category. Intensity of uses are very similar and most of them had the same allowances in the existing land use tables.
- t. Combined Corporate Offices and Offices; Business, Professional land uses in the current code into one category of “Professional Services”.
- u. Better defined that the outdoor storage land use is accessory and not a primary use of just a storage lot.
- v. Added a new land use for “Pedestrian Tunnel” as this has been a more frequent conversation with some projects and our code currently does not address this.

- w. Added a new land use for “Lodging – Boutique Hotels”, which are much smaller scale and feel and more appropriate in certain zones than a standard large hotel.
- x. Added new land use type for “Lodging – Long-Term Hotel (extended stay)” as there is a difference in the intensity, look and feel of an extended stay hotel vs. a standard hotel.
- y. Added a new land use type for “Community Gardens”.
- z. Added a new land use type for “Correctional / Detention Facilities”
- aa. Added a new land use for “Distillery” which is a type of manufacturing facility. Broke it into two categories for large and small. The reason this is split out from other “Industry” land uses is because sometimes they will have tasting rooms.
- bb. Added a new land use for Dwelling – Caretaker.
- cc. Made “Donation containers and storage pods” a temporary use in the residential zone instead of a use that would be allowed more on a permanent basis. Also created specific use provisions within Chapter 10, Article 12 to provide criteria for the use on a site or parcel.
- dd. Created a new land use type for “Dwelling – Live/Work”. This allows for someone to live upstairs and run a business downstairs. However, there are specific criteria to allow for this that is captured in the footnotes of the table.
- ee. Changed the code to not allow manufactured homes and mobile homes in commercial zones.
- ff. We have added a new land use type for “Flex Space”. Flex space is smaller units that allow retail sales or office in the front, and some type of light manufacturing or artisan industry in the back. These are very popular for entrepreneurs just starting out that cannot afford to build a brick and mortar building yet until they build up clientele but can lease a small space to produce their goods. Very minimal impact is involved with flex space. Also created specific use provisions within Chapter 10, Article 12 to provide criteria for the use on a site or parcel.
- gg. Added a new land use for “Mobile Food Unit Parks/Courts”. Also created specific use provisions within Chapter 10, Article 12 to provide criteria for the use on a site or parcel.
- hh. Added a new land use for retail sale of Fireworks to help make people aware of the requirements that retail sales of fireworks are only allowed as a temporary use.
- ii. Added a new land use for “Retail Sales – Sales Lots” to address sales of larger items like storage sheds, tiny homes, modular buildings, etc. that have not previously been addressed in the code. Also created specific use provisions within Chapter 10, Article 12 to provide criteria for the use on a site or parcel.
- jj. Created a new land use “Shelter – Day”. This would address any future needs for a facility that could provide services to low income or homeless to have shelter, take a shower, obtain services, etc.
- kk. Added a new land use for U-Pick Farms.
- ll. Added important and critical footnotes into the land use table.

7. Section 10-06-4

- a. Added new introductory statement of the purpose of the subsection.
- b. Made minor text changes to correct errors or add information that was missing from the code but has been enforced in that manner.
- c. Subsection (3): Changed the way setbacks are measured within the commercial districts and that they should be measured from the property line and not the back of sidewalk.
- d. Subsection (4): Amended the language for projections to be more in line with the building code and for ease of understanding.

8. Table 10-06-04

- a. Changed the height within the C-1 and C-2 zones within the table to increase by 5'. This does not actually change the height of the structures; it is just changing how we measure the height. The current code measured to the average height of the roof, where this new change says you measure the height of the roof to the highest point of the roof. This will more accurately get you the correct height.
- b. Reduced the front yard setback from 20' to 10' within the C-1 zone. This is because we are proposing buildings be built closer to the street, with parking to the side or behind the buildings.
- c. Reduced the rear yard setbacks minimally within the C-1 zone to allow for those parking lots to be placed in the rear yard.
- d. Reduced side yard setbacks by one (1) foot, from 6' to 5'. These are typical side yard setback requirements in most land use tables.
- e. Clarified footnote #2 to define what "immediately adjacent" means.

9. Section 10-06-05

- a. Added a new density section to the code. The existing code had a reference back to the comprehensive plan so adding the section into the code would allow better ease of finding the criteria but also provides an area to make certain conditions within the code.
- b. Densities would only be applicable to a mixed-use project, where permissible within the zoning district as listed under Mixed Use – Small Scale (single building – vertical) * and Mixed Use – Large Scale (vertical or horizontal) *, which is only within the H-C zone.

10. Section 10-06-06

- a. Added new section that specifies the requirements for different development options, provides reference to standard conventional development and what that means.
- b. Provides reference to the density bonus program which is only permitted in the H-C zoning designation.

ARTICLE 6
COMMERCIAL DISTRICTS

SECTION:

10-06-01: General Regulations

10-06-02: Districts

10-06-03: Uses

10-06-04: Bulk and Dimensional Standards

10-06-05: Development Options

10-06-01: GENERAL REGULATIONS:

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

(2) Residential Uses in Nonresidential Zones: Residential uses in nonresidential zones shall have the same requirements as set forth in the R-3 Zone.

10-06-02: DISTRICTS:

(1) Intent:

Caldwell's five (5) commercial zoning districts are primarily intended to permit development of property for the full range of market driven commercial uses needed to serve the citizens of the Caldwell and surrounding areas. The districts, while distinct, permit a variety of shopping and service opportunities

(2) District Map Symbol / Names:

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

When this zoning and development code refers to "commercial" zoning districts or "C" or "H-C" districts, it is referring to these districts.

Old Zoning Map Symbol	Old District Name	New Zoning Map Symbol	New District Name
C-1	Neighborhood Commercial	C-1	Neighborhood Commercial
C-2	Community Commercial	C-2	Community Commercial
C-3	Service Commercial	C-3	<u>General Commercial</u>

C-4	Freeway Commercial	C-4	<u>Service Commercial</u>
H-C	Highway Corridor	H-C	<u>Mixed-Use/ Regional Commercial</u>

(3) District Purpose Statements:

A. C-1 ZONE: The purpose of ~~the neighborhood commercial~~ this zone is to provide areas by zoning procedures in accordance with the comprehensive plan that ~~provide local commercial service needs located at select places at the perimeter of low density residential neighborhoods and in conjunction with the policies of the comprehensive plan.~~ accommodate small-scale, low-intensity retail, restaurant, office, and service-oriented businesses that serve the day-to-day needs of nearby residential neighborhoods.

B. C-2 ZONE: The purpose of ~~the community commercial~~ this zone is to provide areas by zoning procedures in accordance with the comprehensive plan that ~~establish distinct zones regulated to fulfill general shopping, retail, and professional needs in conjunction with policies of the comprehensive plan.~~ accommodate businesses which provide convenient goods and services to a daytime work population as well as the residents of surrounding neighborhoods.

C. C-3 ZONE: The purpose of ~~the service commercial~~ this zone is to provide areas by zoning procedures in accordance with the comprehensive plan that ~~provide suitable areas where activities of a service nature which are more intensive in character than in other commercial zones and, which may be semi-industrial in character, may be carried out in conjunction with the policies of the comprehensive plan.~~ accommodates a wide variety of retail, personal service, office, restaurant, and other commercial service uses, primarily within and along Caldwell's major corridors that primarily serve the city and the region.

D. C-4 ZONE: The purpose of ~~the freeway commercial~~ this zone is to provide areas by zoning procedures in accordance with the comprehensive plan that ~~establish zones, which are in conjunction with the policies in the comprehensive plan, in the vicinity of freeway interchanges and frontage access roads for the purpose of providing travel related services to highway users.~~ where activities of a commercial service nature are carried out. Uses within this zone may be more intensive in character than in other commercial zones and may include some semi-industrial uses.

E. H-C ZONE: The purpose of the H-C (highway corridor) this zone is to create, preserve and enhance key areas along a highway corridor which are highly visible or transitional in nature by developing, maintaining and expanding highway-oriented commercial uses, limited light industrial uses, educational uses, offices and high density residential uses. provide areas by zoning procedures in accordance with the comprehensive plan that accommodates more intense commercial activity serving the commercial needs of the city of Caldwell and the region than what may be provided within the C-3 zone. This zone would allow for a heterogeneous mix of uses, including major retail centers, large-scale office parks, medical centers, wholesale businesses, and highway oriented commercial businesses. Uses within this zone are intended to be more mixed-use in nature and have frontage or access off of major arterial or collector roadways.

10-06-03: USES:

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

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

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

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

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

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

2. The "SUP" or "SUP/C" designation in a given district does not constitute an authorization or assurance that such use will be permitted. Rather, each special use permit application shall be evaluated as to its probable effect on adjacent properties and surrounding areas, among other factors, and may be approved, approved with conditions, or denied pursuant to the procedures in Section 10-03-04, Special Use Permits.

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

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

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

D. Uses Not Allowed. An empty cell indicates that the use is not allowed in the respective zoning district, unless otherwise specified elsewhere in this chapter.

(3) Classification of New and Unlisted Uses:

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

1. The impacts on public services and activities associated with the proposed use are substantially similar to those of 1 or more of the uses listed in the applicable base districts as allowed;

2. The proposed use shall not involve a higher level of activity or density than 1 or more of the uses listed in the applicable base districts as allowed;

3. The proposed use is consistent with the purpose of the district in which the use is proposed to be located; and

4. The proposed use is in substantial conformance with the goals and objectives of the Comprehensive Plan.

5. The Director may also use past precedent, case law, and legal opinion in making the determination.

6. When considering a use that is not listed in the use table, the Director shall also determine whether additional use-specific standards are necessary.

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

(4) Mix of Uses:

A. More than one classification of uses (~~residential, commercial, 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 in the special purpose districts without a planned unit development application approval, if the proposed individual uses are permitted uses or special uses, unless otherwise specified within the specific use provisions for a mixed-use development.

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

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

(5) Land Use Schedule:

**Table 10-06-03:
Land Use Schedule for Commercial Districts (C-1, C-2, C-3, C-4, H-C)^{2,4,6,7}**

P = Permitted
A = Permitted as an Accessory Use to a Legal Primary Use
ADR = Requires Administrative Site/Development Review
SUP = Requires a Special Use Permit
SUP/C = Requires a Special Use Permit at City Council Level
TUP = Permitted as a Temporary Use with a Temporary Use Permit
Blank Cell = Not Permitted
* = Land Use is subject to Special Use Provisions

Land Uses	C-1	C-2	C-3	C-4	H-C
Accessory Buildings and Uses *	P	P	P	P	P
Adult Business*					
Agriculture, General ¹¹	P	P	P	P	P
Aircraft Repair and Service					
Airplane / Helicopter Hanger		SUP	SUP	SUP	
Airport / Airport Terminal					
Ambulance Service	P	P	P	P	P
Amusement Centers		SUP	SUP	SUP	SUP
Animal Shelter			SUP	P	P
Artist Studio / Gallery *	P	P	P		P
<u>Arts, Entertainment and Recreation Facilities (Indoor) *</u>	SUP	P	P	P	P
<u>Arts, Entertainment and Recreation Facilities (Outdoor) *</u>	SUP	SUP	P ³	P ³	SUP P ³
Auction House			SUP	SUP	SUP
Automotive – Body Shop ⁸		SUP	SUP	SUP	P
Automotive – Car Wash *	SUP	P	P	P	P
Automotive – Gas / Service Station (standalone) *	SUP	P	P	P	P
Automotive – Rental Lot		P	P	P	SUP
Automotive – Repair Services * ⁸		SUP	P	P	P
Automotive – Storage (Indoor Only)		SUP	P-SUP	SUP P	
Automotive – Storage (Outdoor)		SUP	SUP	SUP	
Automotive – Tow Yard			SUP	SUP	
Bail Bond Use			SUP	P	
Brewery – <u>Large Scale</u> *		SUP	P	P	P
Micro Brewery – <u>Small Scale</u> *	SUP P	P	P	SUP	P
Cemetery					SUP
Church / Places of Religious Worship *	P	P	P		P
Veterinary Clinic / Hospital – <u>Large Animal</u>		SUP	P	P	P
Veterinary Clinic / Hospital – <u>Small Animal</u>	SUP P	P	P		P
Club / Lodge	SUP	P	P		SUP
Commercial Dairy					
Commercial Kennel		P	P	P	P
Community Center (<u>private</u>)	SUP	SUP	SUP	SUP	SUP

Land Uses	C-1	C-2	C-3	C-4	H-C
Community Center (<u>public</u>)	SUP	SUP P	SUP P	SUP	SUP P
<u>Community Garden</u>	P	P			P
<u>Condominiums</u>	Any permitted project may go through the condo plat process. See Definition of Condominium in Section 10-01-10				
Conference / <u>Convention</u> Center		SUP	SUP		SUP
Contractor's Shop with Storage Yard *			SUP	SUP	P
<u>Correctional / Detention Facility</u>					
Crematorium		SUP	SUP	<u>SUP</u>	
Dance Hall / Night Club		SUP	SUP		<u>SUP</u>
Daycare/Preschool – In- Home – Family/Group (12 or <) *	P	P	P	P	P
Daycare/Preschool – Center (13 or >) *	P	P	P	P	SUP P
<u>Distillery – Large Scale *</u>				P	<u>SUP</u>
<u>Distillery – Small Scale *</u>		<u>SUP</u>	<u>SUP</u>		P
Donation Containers or <u>Storage</u> Pods *	P A	P A	P A	P A	
Dormitory ⁸					<u>SUP</u> ⁸
Drinking Establishments – Liquor*		SUP	SUP	<u>SUP</u>	SUP
Dwelling – Accessory Dwelling Unit (ADU) *	SUP ¹	SUP ¹	SUP ¹	SUP ¹	SUP ¹
<u>Dwelling – Caretaker</u>	A	A	A	A	A
Dwelling – Group Home / Residence (8 or < residents)					
Dwelling – Group Home/Residence (9 or > residents)					
<u>Dwelling – Live / Work</u> ¹²	P	P			P
Dwelling – Single Family – Manufactured Home	SUP	SUP	SUP	SUP	
Dwelling – Single Family – Mobile Home	SUP	SUP	SUP	SUP	
Dwelling – Transitional Home	SUP				SUP
Skyway/skybridge/skywalk <u>Elevated Pedestrian Walkways *</u>	ADR	ADR	ADR	ADR	ADR
Equipment Repair & Service – Large *			SUP	SUP	
Equipment Repair & Service – <u>Small *</u>		SUP P	P		P
Equipment Repair & Service – <u>Household *</u>		SUP	P		P
Event Center *	SUP	<u>SUP</u>	P	SUP	SUP
Farmstand – Commercial <u>Off-Site</u>	SUP <u>TUP</u>	P <u>TUP</u>	P <u>TUP</u>	P <u>TUP</u>	P <u>TUP</u>
Farmstand – Personal <u>On-Site</u>	A	A	A	A	A
Farmer's Market	<u>SUP</u>				
Financial Institution	SUP	P	P		P
Financial Institution (with drive-through) *	SUP	P	P		P
Health Club / Fitness Facility – <u>Large</u>	P	P	P	P	P
Studio – art, dance, music, voice, gymnastics, karate <u>Fitness Facility – Small</u>	P	P	P	P	P
Flea Market		SUP	SUP	<u>SUP</u>	
<u>Flex Space *</u>	P	P	P	P	P

Land Uses	C-1	C-2	C-3	C-4	H-C
Food Bank / Soup Kitchen	SUP	P SUP	P		
Food Stand	P	P	P	P	P
Fraternity / Sorority House ⁸		SUP	SUP		
Frozen Food Locker <u>Facility</u>		P	P	P	
Funeral Home	<u>SUP</u>	P	P	SUP P	SUP
Greenhouse – Commercial ⁸	<u>SUP</u>	P	P	P	P
Helipad		SUP	SUP	SUP	
Hospital	<u>SUP</u>	SUP	SUP	<u>SUP</u>	P
<u>Industry – Craftsman / Artisan</u>	<u>ADR</u>	<u>ADR</u>	<u>ADR</u>	<u>ADR</u>	<u>ADR</u>
<u>Industry – Light Industrial⁸</u>			P	P	SUP
<u>Industry – Medium Industrial</u>				SUP	
<u>Industry – Heavy Industrial*</u>					
Industry – Animal Slaughterhouse					
Industry – Information / <u>Data Centers</u> *					
<u>Industry – Fireworks</u>					
Industry – Grain/Crop <u>Storage Silo</u> (accessory)				SUP	P
Industry – Trucking / Terminal Yard			SUP	<u>SUP</u>	
Industry – Warehouse and Distribution Facility				SUP	
Industry – Warehouse and Storage (General)			<u>SUP</u>	<u>SUP</u>	SUP
<u>Industry – Warehouse and Storage (Hazardous)</u>					
Laboratory – Medical / Dental ⁸	<u>SUP</u>	SUP	P	P	SUP
Laboratory – Research / <u>Scientific Testing</u>				P	P SUP
Landscaping Business		SUP	P <u>ADR</u>	<u>ADR</u>	P <u>ADR</u>
Library	SUP P	SUP P	SUP P	P	SUP P
Lodging – Bed and Breakfast Inns					SUP
<u>Lodging – Boutique Hotel</u>		P	P	P	P
Lodging – Hotel		P SUP	P	P	P
<u>Lodging – Long-Term Hotel (extended stay)</u>		<u>SUP</u>	P	P	P
Lodging – Motel		P	P	P	SUP
Manufactured Home Park <u>Communities / Developments*</u>	SUP	SUP	SUP	SUP	
Mixed Use – <u>Small Scale (single building – vertical)*</u>					P ¹⁰
Mixed Use – <u>Large Scale (vertical or horizontal)*</u>					P ¹⁰
Mobile Food Unit *	P TUP	P TUP	P TUP	P TUP	P TUP
<u>Mobile Food Unit Parks / Courts *</u>		P	P		<u>SUP</u>
Mortuary		P SUP	P	SUP P	SUP
Museum	SUP P	SUP P	SUP P	SUP P	SUP P
Nursing and Residential Care Facility	SUP P	SUP	SUP		
Offices – (Medical / Dental / Healthcare)	SUP P	SUP P	P	P	P
Outdoor Storage; Accessory*			SUP	<u>SUP</u>	
Parking Garage – Private	SUP	SUP	P	P	SUP P

Land Uses	C-1	C-2	C-3	C-4	H-C
Parking Garage – Public	P	P	P	P	SUP P
Parking Lot – Accessory (Private)	P	P	P	P	SUP P
Parking Lot – Public	P	P	P	P	SUP P
Parking Lot – Stand Alone (Private)	SUP	SUP	SUP	SUP	SUP
Pawnshop		SUP	P		
Payday Loan & Title Loan Establishments		SUP/C	SUP/C		
<u>Pedestrian Tunnel</u>				SUP	SUP
<u>Personal Services</u>	P	P	P	P	P
Professional Services	P	P	P	P	P
Public Administrative Offices	SUP P	P	P	SUP P	P
Public Facility / Building	SUP	SUP P	SUP P	SUP P	SUP P
Public Utility Yard			SUP	SUP	SUP
Recreational Vehicle (RV) Parks *			SUP	SUP	SUP
Research & Development <u>Facility</u>			SUP	SUP	SUP
<u>Restaurant – Full Service</u>	P	P	P	P	P
<u>Restaurant – Limited Service</u>	P	P	P	P	P
<u>Restaurant – Snack and Nonalcoholic Beverage Bars</u>	P	P	P		P
<u>Retail Sales – Boutique (< 5,000 sq. ft.)</u>	P	P	P	P	P
<u>Retail Sales – Limited (5,001 – 10,000 sq. ft.)</u>	P	P	P	P	P
<u>Retail Sales – Semi-Limited (10,001 – 30,000 sq. ft.)</u>	SUP ⁵	P	P	P	P
<u>Retail Sales – General (30,001 – 80,000 sq. ft.)</u>		P	P	P	P
<u>Retail Sales – Big Box (80,001 – 200,000 sq. ft.)</u>		P	P	P	P
<u>Retail Sales – Automotive (New) *</u>		P	P SUP	SUP	SUP
<u>Retail Sales – Automotive (Used) *</u>		SUP	P	SUP	SUP
<u>Retail Sales – Fireworks (Temporary Stands)</u>	P ⁹	P ⁹	P ⁹	P ⁹	P ⁹
<u>Retail Sales – Fireworks (Permanent)</u>					
<u>Retail Sales – Large Equipment Sales and Rental *</u>					SUP
<u>Retail Sales – Liquor Store</u>		SUP	SUP	SUP	SUP
<u>Retail Sales – Nursery</u>	SUP ¹¹	P SUP ¹¹	P	P	P
<u>Retail Sales – Recreational Vehicles *</u>		SUP	P	SUP	SUP
<u>Retail Sales – Sales Lots*</u>			P SUP	SUP	SUP
<u>Retail Sales – Secondhand / Thrift Stores</u>		SUP	P SUP		
<u>Retail Sales – Shopping Center</u>		SUP	SUP	SUP P	P
<u>Retail Sales – Shopping Mall</u>		SUP	SUP	SUP	P
<u>Retail Sales – Tire Repair / Sales Store Shop</u>		P	P	P	P
<u>Retail Sales – Tobacco / Vape Shop *</u>		SUP	P		
<u>Retail Sales – Truck Sales (Commercial/Freight) *</u>					
<u>Retail Sales Store w/ Gasoline</u>	SUP	P SUP	P	P	P
<u>Riding School (Academy) or Stable</u>					
<u>Rooming / Boarding House</u>		P	SUP		SUP
<u>Schools – Commercial</u>	P	P	P	P	P
<u>Schools – Post Secondary (private)</u>	SUP	SUP	SUP	SUP	P SUP

Land Uses	C-1	C-2	C-3	C-4	H-C
Schools – Post Secondary (public) *	SUP	SUP	SUP	SUP	P
Schools – Primary and Secondary (private)	SUP	SUP	SUP	SUP	P SUP
Schools – Primary and Secondary (public) *	SUP	SUP	SUP	SUP	P
Security Guard Quarters	SUP A	P A	P A	P A	P A
<u>Shelter – Day</u>	SUP	SUP	SUP		SUP
<u>Shelter – Emergency</u>	P	P	P	P	
Shelter – Homeless (overnight)		SUP	SUP	SUP	
Shooting Range (indoor) *			SUP	SUP	
<u>Shooting Range (outdoor) *</u>					
Storage Facility– Self Service (indoor)		SUP/C	SUP/C	SUP/C	SUP/C
Storage Facility – Self Service (traditional)		SUP/C	SUP/C	SUP/C	SUP/C
Swimming Pool (Public)					
Tattoo Parlor / Body Piercing Studio		SUP	P	P	P
Taxidermy Shop		SUP	P	P	P
Temporary Uses	See Section 10-12-03-34				
Therapy / Rehabilitation Facility	P	P	P	P	P
Transit Station (passenger)		SUP	P	P	P
Truck Stop		SUP	P SUP	P	SUP
<u>U-Pick Farm</u>	A	A			
Vineyard					
<u>Wholesale Sales – General</u>				SUP	SUP
Wholesale Sales – Nursery	SUP	P SUP ¹¹	P	P	P SUP ¹¹
Winery / Brewery Cider ^y *		SUP	P	P	P
Winetasting Establishment *	P	P	P	P	P
Wireless Communication Facility – Large Scale *	SUP	SUP	SUP	SUP	SUP
<u>Wireless Communication Facility – Small Scale *</u>	ADR	ADR	ADR	ADR	ADR
Zoo	SUP	SUP	SUP	SUP	SUP

Table Footnotes:

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

²Design characteristics for building placement, scale and massing, transitions and density shall be in compliance with this chapter and in conformance with the comprehensive plan.

³Drive-In theaters require a Special Use Permit.

⁴Outdoor storage shall comply with Section 10-12-03-29

⁵ Must be located on the intersection of arterial and major collector roadways or front on a highway.

⁶All Drive through establishments must meet the requirements of Chapter 10, Article 12

⁷All Establishments serving alcohol must comply with the requirements of Chapter 10, Article 12.

⁸Shall be permitted as an accessory use to an existing public school/educational facility school –primary and secondary (public) or school – post secondary (public).

⁹The retail sale of fireworks at a temporary fireworks stand requires a fireworks permit to be obtained through the City Clerk's office.

¹⁰See 10-12-03-25 for mixed use specific use provisions.

¹¹In no way does the preclude any landowner from claiming an agricultural exemption for growing crops in accordance with Idaho Code.

¹²The area designated for the work component must be located on the ground level and occupy not less than twenty-five (25) percent, and no more than fifty (50) percent of the total gross floor area of the live/work unit. Uses for the work component are limited to permitted or specially permitted uses (required special use permit) within the base zoning district.

10-06-04: BULK AND DIMENSIONAL STANDARDS:

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

(1) Setback Reduction: The minimum setback provisions may be reduced with a Director's administrative determination in accordance with Section ~~10-01-02 (4)~~, ~~10-01-02-3~~, a variance approval, or a planned unit development approval, whichever may be most applicable.

(2) New Construction: All new construction shall comply with the current ~~height, setback, and area schedule~~ bulk and dimensional standard schedule in effect at the time the building permit was filed, excluding alternative setback, height, and/or area schedule requirements as approved through a planned unit development, Development Agreement, or other Planning application.

(3) Setback Measurements: ~~Front and street side yard setbacks are measured from back of sidewalk or the property line where there is no adjacent sidewalk. All other setbacks are the distance between a building's outermost edge of the outermost foundation wall and the lot line.~~ All setbacks shall be measured from the lot / property lines. Regardless of the noted setbacks in each section, in no case shall new construction be placed within any public right-of-way or utility easement unless express permission has been granted by the applicable agency/jurisdiction.

(4) Projections:

~~Structures within and projections into required yard areas are only permitted (and may be permitted on a case-by-case basis in easements under the conditions specified below), as specified below, and shall not be considered to be obstructions or included in the setback requirements unless otherwise specified:~~

~~— A. Cornices, canopies, eaves, or other projections which do not increase the volume of space enclosed by the building; provided, however, that none of these shall project into any required side yard more than two feet (2') and any required rear yard more than five feet (5') from the property line nor shall they project into any required recorded or nonrecorded easement or easement area unless the utility has given written permission for such projection to take place nor shall they project into any existing or future right-of-way or right-of-way area unless written permission for such projection to take place has been given by the City. Projections within the R-1, R-2, and R-3 Residential Zones which increase the volume of habitable space enclosed by a residential structure may encroach into the~~

~~front setback area no more than five feet (5'). This shall not be applicable to garages or any other uninhabitable areas that are part of the residential structure.~~

~~—B. Exterior steps or stairs shall not project into required side yards or into any required recorded or nonrecorded easement or easement area unless the utility or agency having jurisdiction over the easement has given written permission for such projection or into any existing or future right-of-way or right-of-way area unless written permission for such projection to take place has been given by the City. No part of the building except unenclosed porches, shall extend into the front setback area. Said unenclosed porches shall be set back a minimum of fifteen feet (15'). No part of the building whatsoever, including cornices, canopies, eaves, foundations, footings, air conditioning units, etc., shall extend into any required recorded or nonrecorded easement or easement area unless the utility or agency having jurisdiction over the easement has given written permission for such projection to take place nor shall any part of the building project into any existing or future right-of-way or right-of-way area unless written permission for such projection to take place has been given by the City.~~

A. No part of the building whatsoever, including cornices, canopies, eaves, foundations, stairs, steps, footings, air conditioning units, etc., shall extend into any recorded or nonrecorded easement or easement area, nor any existing or future right-of-way or right-of-way area unless the utility or agency having jurisdiction over the easement or right-of-way has given written permission for such projection to take place;

B. Should a structure be found to be in nonconformance with this article, the following shall apply:

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

2. Structure can be removed by the City or utility 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 areas or easements. Furthermore, City or utility shall not be responsible for any damage caused to structure during the process of removal;

3. Property owners shall sign and have notarized a statement prepared by the City acknowledging the above items.

(5) Dimensional Standard Table:

The allowances set forth below are applicable to all commercial zoning districts. All minimum standards shall be met, along with compliance with maximum densities as specified in 10-06-05.

Table 10-06-04: Bulk and Dimensional Standards – Commercial Districts					
Minimum Lot Size	C-1	C-2	C-3	C-4	H-C
Interior Lot Area (sq. ft.)	0	0	0	0	0
Corner Lot Area (sq. ft.)	0	0	0	0	0
Minimum Lot Frontage (ft.)	0	0	0	0	0
Scale and Massing	C-1	C-2	C-3	C-4	H-C
Maximum Building Height (ft.) ^{1, 2}	45 <u>35</u>	None <u>55</u>	None	None	65
Setbacks	C-1	C-2	C-3	C-4	H-C
Front Yard Setback; Minimum (ft.) ³	20 <u>10</u>	0	0	0	10
Front Yard Setback; Maximum (ft.)					15 ⁴
Interior Side Yard Setback; Minimum (ft.)	6 <u>5</u>	0	0	0	0
Street Side Yard Setback; Minimum (ft.)	15	0	0	0	10
Rear Yard Setback; Minimum (ft.)	15 <u>20</u>	0	0	0	0
Table Footnotes: ¹ The maximum height may be exceeded by special use permit approval. ² Regardless of the zoning district, if a new <u>mixed-use, multi-family, or non-residential</u> structure is being built immediately adjacent to a single-family residence or a duplex , the maximum height of the new structure shall be 25' <u>30'</u> unless allowed to exceed such maximum height by special use permit approval. <u>For the purposes of this section, immediately adjacent to shall mean within one hundred fifty (150) feet, as measured from structure to structure.</u> ³ Building setback only—off-street parking areas may require a different setback than those listed. See section 10-02-05 for all off-street parking requirements and 10-02-09 for parking lot landscaping requirements. ⁴ Maximum building setback from internal local streets applicable when utilizing a mixed-use building that includes residential uses. ⁵ Public land uses outlined in the applicable land use schedule located in zoning districts other than the P-D (public) zone shall be permitted to utilize the same height, setback, and area requirements as permitted in the P-D (public) zone.					

10-06-05: DENSITY ALLOWANCES:

The density allowances set forth below are applicable to all commercial zoning districts where residential is permitted within this chapter and are based on the place types within the City of Caldwell Comprehensive Plan.

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

			-	-	-	-
<u>Comprehensive Plan Land Use Designation</u>	<u>Compatible Zoning Districts</u>	<u>Minimum Density</u>	<u>Maximum Density</u>	<u>Density Bonus</u>		
<u>Community Center</u>	<u>R-2, R-3, C-1, C-2, C-3, H-C, P-D</u>	<u>8 du/ac</u>	<u>15 du/ac</u>	<u>Up to 25 du/ac¹</u>		
<u>Mixed Use Center</u>	<u>R-3, C-2, C-3, C-4, H-C, P-D</u>	<u>10 du/ac</u>	<u>25 du/ac</u>	<u>Up to 40 du/ac¹</u>		
<u>Table Footnotes:</u>						
¹ See Section 10-03-18 of this chapter for Density Bonus Program criteria and requirements.						

10-06-06: DEVELOPMENT OPTIONS:

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

(1) Standard Conventional Development:

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

(2) Density Bonus Program Development:

A. The density bonus program development option is applicable when a mixed-use project with residential is proposed with an H-C zoning designation. It offers additional density if a project meets certain criteria. The density bonus program standardizes how additional density is awarded and creates standards that are more evenly enforced throughout the city. The program addresses unique goals and desired development types in different parts of the city.

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