



CITY OF Caldwell, Idaho

Planning & Zoning

HEARING REVIEW APPLICATION

Type of Review Requested (check all that apply)

- Annexation
- Appeal/Amendment
- Comprehensive Plan Map Change
- De-Annexation
- Ordinance Amendment
- Rezone
- Special Use Permit
- Subdivision- Preliminary Plat
- Subdivision- Final Plat
- Subdivision- Short Plat
- Time Extension
- Variance
- Other _____

STAFF USE ONLY:	
File number(s):	<u>OA-18-03</u>
Project name:	_____
Date filed:	_____ Date complete: _____
Related files:	_____

Subject Property Information

Address: N/A Parcel Number(s): _____
 Subdivision: _____ Block: _____ Lot: _____ Acreage: _____ Zoning: _____
 Prior Use of the Property: N/A
 Proposed Use of the Property: N/A

Applicant Information:

Applicant Name: City of Caldwell Phone: 208-455-3021
 Address: 621 Cleveland City: Caldwell State: ID Zip: 83606
 Email: Bbillingsley@cityofcaldwell.com Cell: _____
 Owner Name: N/A Phone: _____
 Address: _____ City: _____ State: _____ Zip: _____
 Email: _____ Cell: _____
 Agent Name: (e.g., architect, engineer, developer, representative) _____
 Address: N/A City: _____ State: _____ Zip: _____
 Email: _____ Cell: _____

Authorization

Print applicant name: Brian Billingsley
 Applicant Signature: Brian B. Date: 9-18-18

**BILL NO. 46
ORDINANCE NO. 3176**

AN ORDINANCE ENACTED BY THE CALDWELL CITY COUNCIL AMENDING VARIOUS ARTICLES, SECTIONS, SUBSECTIONS AND TABLES IN THE “CALDWELL ZONING ORDINANCE,” FOUND IN CHAPTER 10 OF THE CALDWELL CITY CODE; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS, AND PARTS THEREOF IN CONFLICT HEREWITH.

BE IT ORDAINED by the Mayor and Council of the City of Caldwell, County of Canyon, State of Idaho, following duly noticed hearings before the Planning & Zoning Commission, on October 9, 2018; and the City Council on November 5, 2018:

Section 1. That Chapter 10, Article 2, Section 10-02-02 of the Caldwell City Code, entitled “Land Use Schedule,” respectively, shall be amended as follows (*NOTE: only the added, deleted or amended items are shown in the table below – all other unaffected items listed in the current version of the Caldwell City Code shall remain in said table; the unaffected items have simply not been included for purposes of this ordinance*):

10-02-02: LAND USE SCHEDULE:

TABLE 1
LAND USE SCHEDULE

P=Permitted use S=Special use	RS-1	RS-2	R-1	R-2	R-3	C-1	C-2	C-3	C-4	M-1	M-2	I-P	A-D	C-D	H-D
Residential-Commercial															
<u>Garage/Yard Sale</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>									<u>P</u>	

Section 2. That Chapter 10, Article 2, Section 10-02-09 of the Caldwell City Code, governing home occupations, be amended, as follows:

10-02-09: HOME OCCUPATIONS:

...

(4) Home occupation permit applications shall meet all of the following home occupation standards to be considered eligible for approval of issuance of a home occupation permit:

...

I. ~~No portion of any garage or accessory building shall be occupied by a home occupation, except that storage of merchandise, goods, and/or equipment may be permitted in these areas with the consent of the fire department.~~ Garages and/or accessory buildings may be occupied by a home occupation if they meet the following standards:

1. No more than 50% of the total gross area of the garage may be utilized for the home occupation.

2. No more than 200 square feet of total area of accessory structure(s) may be utilized for the home occupation.

...

Section 3. That Chapter 10, Article 3, Section 10-03-11 of the Caldwell City Code, governing Definitions be amended, as follows:

...

10-03-11: DEFINITIONS:

For the purpose of this chapter, certain terms are defined as set forth herein. All words in the present tense include the future tense. The plural includes the singular, and all words in the singular include the plural unless the nature of construction of the sentence indicates otherwise. The word "shall" means something is mandatory.

...

GARAGE/YARD SALE: All general sales, open or advertised to the public, conducted from or on a residential premises (single-family, duplexes or apartments), in any residential zone for the purpose of disposing of tangible personal property. Said sale includes situations in which more than five (5) specific items tangible to a personal property are to be sold. Personal property is property which is owned, utilized, and maintained by an individual or members of his or her residence and acquired in the normal course of living in or maintaining a residence. Merchandise, whether new or used, purchased for resale at a garage sale or obtained by consignment for sale at a garage sale is prohibited. See Chapter 6, Article 15 of Caldwell City Code for additional requirements regarding Garage/Yard Sales.

...

Section 4. That Chapter 10, Article 12, Section 10-12-04 of the Caldwell City Code, governing use standards within the City Center Zoning District, be amended as follows:

...

10-12-04: USE STANDARDS:

(1) Applicability: The use standards established in this section shall apply to the development of all principal permitted, temporary and special uses. The following regulations are the minimum standards of development. Additional standards may be applied in accord with specific use permit requirements or other regulations of this article. All exterior improvements for said standards (including but not limited to signage, awnings, etc.) shall be continually maintained in a state of good appearance, security, safety and repair throughout their life. Maintenance shall be such that the improvement continues to conform to any conditions imposed by this article, any building/sign permit or any applicable special use permits. Nothing in this code shall relieve the owner or user of any improvement or owner of property on which the improvement is located from maintaining said improvement in a safe condition, a state of good repair and an aesthetically pleasing condition.

...

Section 5. All ordinances, resolutions, orders or parts thereof in conflict herewith are hereby repealed, rescinded and annulled.

Section 6. This ordinance shall be in full force and in effect from and after its passage, approval and publication, according to law.

Section 7. This ordinance is hereby declared to be severable. If any portion of this ordinance is declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purposes of the ordinance before the declaration of partial invalidity.

PASSED BY THE COUNCIL OF THE CITY OF CALDWELL, IDAHO, this 5th day of November, 2018.

APPROVED BY THE MAYOR OF THE CITY OF CALDWELL, IDAHO, this 5th day of November, 2018.

ATTEST:

Garret Nancolas, Mayor

Debbie Geyer, City Clerk

DRAFT