

BILL NO. 28
ORDINANCE NO. 2748

AN ORDINANCE ENACTED BY THE CALDWELL CITY COUNCIL AMENDING THE CALDWELL ZONING ORDINANCE BY AMENDING SECTION 10-02-07 CONCERNING FENCING REGULATIONS AND AMENDING SECTION 10-02-06 CONCERNING SIGNS; 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:

Section 1. Existing Section 10-02-07 of the Caldwell City Code, concerning fencing regulations, is hereby deleted in its entirety.

Section 2. There is hereby enacted a new Section 10-02-07 of the Caldwell City Code, concerning fencing regulations, as follows:

Section 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, lattice work, and screens 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 Section 10-02-07 but must comply with all provisions contained in Section 10-07 and Section 10-08 of City Code.
- B. No fence shall be constructed or installed in any zoning district, except the “C-C” City Center zoning district which has its own fencing regulations as noted in Section 10-12-04, 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 Section 02-17 of City Code.
- 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 maintained and structurally sound so as to not endanger life, property or become a nuisance and for keeping fences in a repaired, structurally sound, stable, neat and clean condition free from advertising, prohibited signage as per the sign ordinance and graffiti.
- F. Nothing over three (3) feet in height shall ever be allowed, placed, erected, constructed or planted in any vision triangle(s) with the exception of City signage as required for street names, traffic direction and public safety. Trees are prohibited within the vision triangle area.

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.
- G. International Building Code requires building permits for some fences and/or walls. See the Building Department for permit requirements.
- H. Required Fences: Fences are not required anywhere in the City except as may be necessary for sight obstruction. Certain uses may be declared by the City to possess characteristics such that sight obstruction 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 Director, may be declared as requiring a sight-obstructing fence:
 - a. Wrecking/salvage yard
 - b. Storage businesses
 - c. Junkyard
 - d. Sanitary landfill
 - e. Recycling operation
 - f. Other uses not specifically listed above but determined by the Planning and Zoning Director to be similar in nature to the aforementioned uses.
 2. Requirements for Sight-obstructing fences:
 - a. Shall be solid or nonvision
 - b. The solid or nonvision portion shall be no less than six feet (6’) 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, fencing that is placed in a public right-of-way, whether intentionally or accidentally, is subject to the following conditions whether the fencing is placed in existing or future public right-of-way areas:
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-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 wires 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 (6) feet above grade.

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

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

(4) Zoning District Standards:

A. Residential Districts (RS-1, RS-2, R-1, R-2, R-3) and College District (C-D)

1. Interior Lots

a. Front Yard Property Line and Setback Area:

- (1) Open Fencing Height – Maximum four feet (4'), notwithstanding height limitations in vision triangle areas.
- (2) Solid Fencing Height – Maximum three feet (3').
- (3) 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:

- (1) 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.
- (2) 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').
- (3) Setback – No setback from either the side or the rear property line.

2. Corner Lots

a. Front Yard Property Line and Setback Area:

- (1) Open Fencing Height – Maximum four feet (4'), notwithstanding height limitations in vision triangle areas.
- (2) Solid Fencing Height – Maximum three feet (3').

- (3) 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:

- (1) 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.
- (2) 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').
- (3) Setback – No setback from either the side or the rear property line.

c. Side Property Line and Setback Area Adjoining a Street:

Fencing shall follow either (1) and (2) together or shall follow (3) and (4) together:

- (1) Open and Solid Fencing Height – Maximum four feet (4') along the side property line, notwithstanding height limitations in vision triangle areas.
- (2) Setback – Five feet (5') from an existing curb with no sidewalk or flush along the edge of an existing sidewalk.

OR:

- (3) Open and Solid Fencing Height – Maximum six feet (6') along the side property line, notwithstanding height limitations in vision triangle areas.
- (4) Setback – Ten feet (10') from 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, and Institutional Districts (C-1, C-2, C-3, C-4, M-1, M-2, I-P, A-D, H-D)

1. Interior and Corner Lots

a. All Yard Property Lines and Setback Areas:

- (1) Open or Solid Fencing Height – Maximum eight feet (8'), notwithstanding height limitations in vision triangle areas.
- (2) Setback – No setback.

C. Steunenberg Residential Historical District

1. Interior Lots

b. Front Yard Property Line and Setback Area:

- (1) Open Fencing Height – Maximum four feet (4'), notwithstanding height limitations in vision triangle areas.
- (2) Solid Fencing – Maximum three feet (3').
- (3) 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:

- (1) 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.
- (2) 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').
- (4) Setback – No setback from either the side or the rear property line.

2. Corner Lots

a. Front Yard Property Line and Setback Area:

- (1) Open Fencing Height – Maximum four feet (4'), notwithstanding height limitations in vision triangle areas.
- (2) Solid Fencing – Maximum three feet (3').
- (3) 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:

- (1) 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.
- (2) 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').
- (4) Setback – No setback from either the side or the rear property line.

c. Side Property Line and Setback Area Adjoining a Street:

- (1) Open and Solid Fencing Height – Maximum four feet (4') along the side property line, notwithstanding height limitations in vision triangle areas.
- (2) Setback – Five feet (5') from an existing curb with no sidewalk or flush along the edge of an existing sidewalk.

(5) Nonconforming Fences:

- A. Fences which are nonconforming for any reason, but were in place prior to the adoption date of this ordinance, 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 of this ordinance that do not comply with the standards as listed in Section 10-02-07 herein 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 such that said new fence would be non-compliant with the standards as listed in Section 10-02-07 herein may request a variance and shall follow variance procedures as established in Section 10-03-05 of City Code.
- D. Any person or corporation, whether owner, lessee, principal agent, employee or otherwise, who violates any of the provisions of this article or permits any such violation or fails to comply with any of the requirements approved under this article 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 article, 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.

Section 3. Section 10-02-06 of the Caldwell City Code, concerning sign regulations, is hereby revised as follows:

10-02-06: SIGN SCHEDULE:

- (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 insure 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. Provide necessary, yet reasonable and appropriate, signage for all residential, institutional, industrial, and business uses in the community.
- F. Establish and enforce a reasonable procedure for the eventual removal of non-conforming signs.

(2) GENERAL PROVISIONS

- A. No sign of any kind shall be erected within the public right-of-way, unless specifically authorized by this Chapter or approved by the City Council. 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 colors or patterns which interfere, obscure or conflict with any authorized traffic sign, signal or traffic control device.
- B. No ~~business~~ sign of any kind, except public traffic directing devices, public utility signs or safety signs, shall be placed within or project over any:
 - 1. Utility Easement.
 - ~~2. Side or rear yard landscape buffer.~~
 - 3. Vision triangle.
 - 4. Property line.
 - 5. Right-of-way line as determined by the Planning and Zoning Director or City Engineer 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. Any signs, in any zoning district, placed illegally within a public right-of-way or vision triangle area, may be removed and disposed of by City staff, without or without notification. ~~All signs shall comply with guidelines for removal and mitigation of traffic sight obstructions listed in Section 10-07-07 of the City Code.~~
- D. In those cases where roadway widening is planned and officially approved, the future right-of-way shall be established as the setback for signage placement.
- E. One name sign or one home occupation sign is permitted ~~for each per dwelling unit, and business unit.~~ One name sign is permitted per business unit. The name sign or home occupation sign shall not be more than three (3) square feet in area, shall be unlighted, and shall be attached flush to the building. A sign permit is required for such signage.
- F. The minimum sign setback may be reduced administratively and maximum sign height ~~restriction~~ may be increased administratively by the Planning and Zoning Director, following the process outlined in Section 10-03-02(6) of City Code, when the request does not exceed 25% of the requirement.
- G. Any situation that involves increasing the square footage or height of a sign, reducing the distance a sign is setback 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.

H. Sign Height: Unless otherwise mentioned in this Chapter, all signs constructed after the adoption date of this Ordinance shall comply with the following height requirements:

1. All signage in the C-2, C-3, C-4, M-1, M-2 and I-P districts shall not exceed the maximum building height permitted in the underlying zoning classification.
2. 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 roof line of the tallest building it serves.

I. Setbacks: Unless otherwise mentioned in this Chapter, all signs constructed after the adoption date of this Ordinance shall comply with the following setbacks:

1. In all districts, no part of the sign, including the footing, shall be located closer than five feet (5') to any property line ~~or~~ and right-of-way line. Permanent signage may be placed within a ~~front yard~~ street landscape buffer provided that it meets all provisions of this Article.

J. Landscaping: All permanent freestanding 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).

K. On corner lots, each lot line abutting a street shall be considered separate frontage.

L. Portable signs or temporary signs cannot be used as permanent signage.

~~M. One (1) temporary freestanding sign advertising the sale of undeveloped property is permitted per street frontage. Each sign shall not exceed 32 square feet in area.~~

N. M. Pole coverings shall be required on all new pole signs.

(3) EXEMPTED SIGNS: Except as otherwise provided, the following signs shall not be subject to the provisions of this section:

A. These signs are exempted by City Code, do not require a sign permit, and may be permitted in a public right-of-way upon authorization through the City Traffic Commission:

1. Public regulation and informational signs.
2. Curb addresses.
3. Signs of public service companies for the purpose of safety.
4. Public interest signs authorized by the City Council.
5. Traffic, directional, warning, or information signs authorized by the controlling public agency.
6. Official notices issued by any court, public agency, or officer.

B. These signs are exempted by City Code, do not require a sign permit, but are not permitted within a public right-of-way:

1. No Trespassing and Warning Signs: Trespassing, private drive, or other safety warning signs placed on private property.
- ~~2. Names of buildings and subdivisions and date of erection.~~
3. Flags of any country, state or unit of local government.
4. Flagpoles.
5. Political Signs.
- ~~6. Address Signs.~~ Signs listing rules for construction for subdivisions/developments under construction.
- ~~7. Temporary signs in compliance with Section 9 of this Article.~~

~~8. Miscellaneous Small Signs: Signs with an area not exceeding three square feet and located within 10 feet of an entrance of a building.~~

~~9. Real estate signs indicating that the property is for sale, lease, or rent.~~

~~10. Temporary signs.~~

11. Internal traffic directional signs.

12. Any sign consistent with this Article as deemed appropriate by the Planning and Zoning Director.

(4) PROHIBITED SIGNS: The following signs are specifically prohibited:

- A. 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.
- B. 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 removal and disposal by city staff.
- C. Signs shall not be attached to ~~a tree, branch, utility poles, or another sign that is in a public right-of-way.~~ 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 or street light poles whatsoever. Signs shall not be attached to any signage located in any public right-of-way.
- D. Signs shall not be attached to a fence. ~~Real estate,~~ No trespassing and warning signs, directional and traffic signs, and temporary construction signs are exempt from this provision.
- E. Attention-getting devices such as balloons, spinners, streamers and similar devices or ornamentation except in conjunction with a carnival, special ~~temporary~~ events, or the grand opening of a new business establishment are allowed but only for a period not to exceed the lesser of sixty (60) consecutive days or length of the carnival, special event or grand opening event.
- F. Any sign which is erected above the roof line of a building or structure and which receives any or all of its support from such roof.
- G. Signs attached to a trailer or vehicle that is permanently parked along a public highway or street.
- H. Highly Reflective and Fluorescent Signs: Signs made wholly or partially of highly reflective material unless required by the Caldwell Fire Department.
- I. Signs on ~~park/transit~~ benches and shelters unless the benches and shelters have been established specifically for public transportation use and have been constructed/placed by or through 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.

(5) SCHEDULE

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 are subject to the provisions listed below:
 - a. ~~One (1) temporary freestanding sign advertising the sale, lease or rental of the property on which it is located is permitted per street frontage. Each sign shall not exceed six (6) square feet in area.~~
 - b. One (1) 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 12 square feet in area and may be externally illuminated. A sign permit is required prior to installation.
 - c. Freestanding (post) business signage or hanging and suspended sign signage in these districts may be expanded to 24 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 (1) 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 twelve (12) 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.
 - e. One (1) subdivision entry sign or monument sign may be placed at each entrance of a subdivision, shall not exceed 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, special event signs, subdivision entry signs, and wall signs are subject to the provisions listed below:
 - a. ~~One (1) temporary freestanding or wall sign advertising the sale, lease or rental of the property on which it is located is permitted per street frontage. Each sign shall not exceed 16 square feet in area.~~
 - b. One (1) permanent freestanding (post), business sign 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 20 square feet in area, and may be externally illuminated. A sign permit is required prior to installation.
 - c. Freestanding (post), hanging and suspended, projecting and directory business signage in these districts may be expanded to 40 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 (1) 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 an approved a permitted or approved special use and shall not exceed 16 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 readers boards or changeable copy signs are prohibited.
 - e. Wall signs affixed to a building are permitted on non-residential uses. Multiple signs are permitted, but the total signage area shall not exceed 10% of the total wall square footage facing a street. Wall signs in these districts may be externally illuminated. Sign permits are required prior to installation.
 - f. One (1) subdivision entry sign or monument sign may be placed at each entrance of a subdivision or business park, shall not exceed 48 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.
 - g. One (1) special event sign may be permitted per street frontage, in addition to other allowed signage in these districts, for allowable special events on the premises. Special event signs are only allowed on the premises to advertise a special event being held on the premises and are allowed for a maximum of five (5) consecutive days and shall not exceed ten (10) square feet in area. Sign permits are required prior to placement.
 - h. One (1) awning sign may be permitted per street frontage. The awning sign shall be located completely on the awning valance. The maximum sign area is fifty percent (50%) of the area of the valance front. 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 frontage. There is a maximum of one (1) sign per window. There are no maximum size requirements for window signs. Sign permits are required prior to placement.

C. 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, special event signs, subdivision entry signs, wall signs, and window signs ~~are~~ subject to the provisions listed below:
 - a. ~~One (1) temporary freestanding or wall sign advertising the sale, lease or rental of the property on which it is located is permitted per street frontage. Each sign shall not exceed 32 square feet in area.~~
 - b. 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 (1) times the lineal feet of street frontage of such lot. One sign is permitted on a site for every 80 feet of street frontage. ~~Freestanding signs~~ Such signage may be externally or internally illuminated and sign permits are required prior to installation.

- c. Wall signs affixed to a building are permitted on non-residential uses. Multiple signs are permitted, but the total signage area of wall signs shall not exceed 15% 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.
- d. One (1) 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.
- e. A billboard or off-premise sign may be permitted only in these districts upon the successful completion of a special use permit. No more than one billboard or off-premise sign shall be permitted per parcel and a billboard shall be set back at least 30 feet from all property lines. Sign permits are required prior to installation.
- f. One (1) subdivision entry sign or monument sign may be placed at each entrance of a subdivision or business park, shall not exceed 72 square feet, and may be externally or internally illuminated. Sign permits are required prior to installation.
- g. One (1) awning sign may be permitted per street frontage. The awning sign shall be located completely on the awning valance. The maximum sign area is fifty percent (50%) of the area of the valance front. 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.
- h. One (1) special event sign may be permitted per street frontage, in addition to other allowed signage in these districts, for allowable special events on the premises. Special event signs are only allowed on the premises to advertise a special event being held on the premises and are only allowed for a maximum of five (5) consecutive days and shall not exceed twenty (20) square feet in area. Sign permits are required prior to placement.
- i. Window signs are permitted in any window with street frontage. There is a maximum of one (1) sign per window. There are no maximum size requirements for window signs. Sign permits are required prior to placement.

D. C-C District

- 1. See Section 10-12-04 of this Chapter.

E. 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, special event signs, subdivision entry signs, window signs, and wall signs are subject to the provisions listed below:
 - a. ~~One (1) temporary freestanding or wall sign advertising the sale, lease or rental of the property on which it is located is permitted per street frontage. Each sign shall not exceed 32 square feet in area.~~
 - b. 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 lineal 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 100-feet of street frontage. ~~Freestanding signs~~ Such signage may be externally or internally illuminated and sign permits are required prior to installation.

- c. Wall signs affixed to a building are permitted on non-residential uses. Multiple signs are permitted, but the total signage area of wall signs shall not exceed 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.
- d. One (1) 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.
- e. One (1) 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.
- f. One (1) awning sign may be permitted per street frontage. The awning sign shall be located completely on the awning valance. The maximum sign area is fifty percent (50%) of the area of the valance front. 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. One (1) special event sign may be permitted per street frontage, in addition to other allowed signage in these districts, for allowable special events on the premises. Special event signs are only allowed on the premises to advertise a special event being held on the premises and are only allowed for a maximum of five (5) consecutive days and shall not exceed twenty (20) square feet in area. Sign permits are required prior to placement.
- h. Window signs are permitted in any window with street frontage. There is a maximum of one (1) sign per window. There are no maximum size requirements for window signs. Sign permits are required prior to placement.

(6) SIGN STANDARDS

- A. Height Measurements: The height of a sign shall be measured from the ground, adjacent to the sign, to the top of the sign and support structure. If the ground under the sign slopes, the height shall be measured from the average grade under the sign itself.
- B. Area Measurement: The sign area is calculated by determining the number of square feet of the smallest rectangle(s) within which a sign face can be enclosed. In determining the area of an individual sign that has more than one face, the single sign face with the greatest area shall be used. The total sign area is the sum of all individual sign areas. Wall signage does not count towards the total allowable sign area calculated on a parcel of land.
- C. Setbacks: Setbacks shall be measured from interior property lines or rights-of-way lines. Signs taller than three (3) feet shall not be located within the vision triangle.

D. Wall Signs: All signs that are attached to a building must be located on a building face that has a street frontage. The Planning and Zoning Director may make exceptions to this requirement in circumstances where the purpose and intent of this ordinance is maintained and where the orientation of the public entrance to a building is such that the sign would not have sufficient visibility from a public right-of-way to provide adequate identification to the business or use.

E. Illumination: Where illumination of signs is permitted, the following standards shall apply:

1. Lighting for signs shall not create a hazardous glare for pedestrians or motorists either in a public street or on any private premises.
2. 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.
3. Sign illumination for externally illuminated signs shall utilize focused light fixtures 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.
4. No electronic reader board sign shall be erected without a light detector/photocell by which the sign's brightness can be dimmed when ambient light conditions darken.
5. An electronic reader board sign shall maintain a minimum hold time of one second for each individual frame for on-premise displays.
6. An electronic reader board sign shall maintain a minimum hold time of eight seconds for each individual frame for off-premise (billboard) displays.

F. Design, Preparation and Construction: All 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.

G. Signage Allowed in a Street Landscape Buffer or Street Landscape Buffer Area:

1. Public regulation and information signs as authorized by the controlling public agency.
2. Curb addresses.
3. Signs of public service companies for the purpose of safety as authorized by the public service company.
4. Public interest signs authorized by the City Council.
5. Traffic, directional, warning, or information signs authorized by the controlling public agency.
6. Official notices issued by any court, public agency, or officer.
7. Monument signs.
8. Freestanding (post) signs.
9. Pole signs.
10. Directory signs.
11. Subdivision entry signs.
12. Real estate signs.

(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 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.

(8) 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 two (2) years shall be deemed as abandoned. A non-conforming 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 two (2) years shall be deemed as abandoned. A conforming abandoned sign structure may remain. Such signs must be maintained in an aesthetically pleasing manner.

(9) TEMPORARY SIGNS: Requirements and regulations for temporary signs apply to all zoning districts in the City with the exception of the City Center zoning district. Temporary signs shall be regulated as follows:

- A. Temporary signs shall be limited to professionally prepared banners, ~~special event signs~~, yard signs, ~~property sale signs~~, professionally designed plywood 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 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.
- B. Temporary signs shall not be illuminated. ~~Temporary signs shall not exceed the maximum size requirement listed in the underlying zoning district.~~
- C. Temporary signs shall be limited to one per ~~street frontage business or dwelling~~. Temporary signs shall only be allowed for a maximum of ninety (90) days per calendar year. Temporary signs shall be permitted to be erected for a total of ninety days per calendar year as follows:
 - 1. ~~One (1) period of ninety (90) days;~~
 - 2. ~~Two (2) periods of forty five (45) days;~~
 - 3. ~~Three (3) periods of thirty (30) days; or~~
 - 4. ~~Four (4) periods of twenty one (21) days.~~
- D. ~~The maximum height of a temporary freestanding sign is five (5) feet. Temporary signs shall not exceed three feet (3') in height nor three feet (3') in width.~~
- E. No temporary signage is allowed in any street landscape buffer or street landscape buffer area.

- F. 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 towards 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.
- G. Banner signs are the only temporary sign that is allowed for more than ninety (90) days in a calendar year with the following provisions:
 - 1. A specific banner sign is allowed for thirty (30) consecutive days and then must be replaced with a new and different banner sign for a total of four (4) different banner signs, each not exceeding thirty (30) consecutive days in one calendar year, with no more than four (4) different banner signs in one (1) calendar year.
 - 2. Banner signs must be professionally prepared and maintained in a neat, clean, repaired condition.
 - 3. 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.
 - 4. Banner signs do not have a maximum height or width requirement, but they must be placed directly on the building and not attached to any poles, posts, trees, other signs or anything else other than the building.
 - 5. Banner signs are limited to one (1) per business.

(10) PERMITS

- A. No person shall erect, alter, place or replace any permanent or temporary sign, as herein defined, without first obtaining a permit therefore from the Building Department, except those signs exempted from this permitting requirement by Section 3 of this Article.
- B. Filing of Permit. All applications for permits as specified above, shall be filed with the Building Department, upon forms furnished by the Department, and shall be accompanied by plans, to scale, showing the area of the sign, the position of the sign in relation to lot lines and rights-of-way, the position of the sign in relation to adjoining buildings or structures, the location of the building, structure or lot to which the sign is to be erected, the method of illumination, if any, and such other information as the Building Officer or Planning and Zoning Director may require to assure full compliance with this Ordinance.
- C. Schedule of Fees. The building permit fee for erecting, altering, or replacing signs, shall follow the fee schedule approved by resolution of the Caldwell City Council.
- D. Limitation. Should the work authorized by a permit granted under this Ordinance not have commenced within twelve (12) months, or if the authorized work is suspended or abandoned for a period of twelve (12) months after the time of commencing, then and in that event, the permit shall become null and void and a new permit shall be required before any work may continue.

(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 (1) 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 including the area between the curb and a detached sidewalk
3. On anything located in right-of-way or right-of-way area
4. Park/transit/public benches or shelters
5. Telephone, power or utility poles
6. Street or traffic light poles
7. Street or traffic sign poles
8. On trailers or vehicles permanently parked along public highways or streets
9. Off premises
10. Fences

G. Off-premise real estate signs or off-premise directional real estate signs are prohibited unless approval has been obtained through the special use permit process.

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.

(44) (12) DEFINITIONS: For the purposes of these regulations, a sign shall include any device that is intended to identify, inform, direct or advertise, and may be represented by words, letters, figures, symbols and/or other characterizations, insignia, or devices. Signs shall further be classified by the following definitions:

- A. Abandoned Sign: A sign that no longer identifies or advertises a business, lessee, service, owner, product, or activity currently existing on the property for which the sign is intended to refer.
- B. Animated Reader Board Sign: Any sign which uses continuous, or nearly continuous movement, an intermittent or sequential flashing of the light source, or other visual change, which is clearly intended to depict action, create a special effect or scene, or otherwise attract attention.
- C. Awning or Canopy Sign: A sign that is mounted, painted, or attached to an awning, canopy, or marquee.
- D. Banner Sign: Any sign of lightweight fabric or similar material with no enclosing framework, that is mounted to a building or other structure at one or more edges, but not including those representing a nation, state or other officially recognized public body or institution, or any legitimate public purpose. Banner signs are temporary signs.
- E. Billboard: Any sign, regardless of size, used to direct attention to, or to provide directions to, a business, commodity, service, any real estate for lease, sale or rent, or entertainment conducted, sold, or offered at a any location other than the premises on which the sign is located. Also known as an off-premise sign.
- F. Business Sign: A sign that directs attention to a business or profession conducted, or to a commodity or service sold, offered, or manufactured, or to an entertainment offered on the premises.

- G. Changeable Copy Sign: A sign, such as a bulletin board or public announcement device, where the message or graphics is not permanently affixed to the structure, framing or background, where the message may be replaced periodically, either manually, mechanically or electronically, and provided such sign does not constitute an animated or flashing sign as defined above.
- H. Directory Sign: A sign that is compatible with the design theme of the development, may include multiple tenants, and is located at the entrance of the development.
- I. Freestanding (Post) Sign: A sign supported from the ground or any non-movable sign not affixed to a building.
- J. Hanging and Suspended Signs: A sign that is used to help define entries and identify business names to pedestrians. They are small and hang over the building entry if the appropriate clearance is provided.
- K. Illuminated Sign: A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.
- L. Monument Sign: A sign that is made entirely of marble, granite, stone, concrete, or similar material with a continuous at-grade base, unattached to a pole, and independent of any structure. Supporting elements, including bases, may not exceed three feet in height and are included in measurement of sign height. Supporting elements, including bases, shall be constructed with materials that are architecturally compatible with the principle structure.
- M. Name Plate: A permanent, fixed-copy sign indicating only the name, address and/or profession of the resident or residents, or the name and/or address of the site or building user(s).
- N. Nonconforming Sign: A sign which was erected legally, but no longer complies with subsequently enacted sign restrictions and regulations.
- O. Permanent Sign: A name, identification, description, display, illustration or ~~device~~ device which is intended for a period of display in excess of ninety days. Any sign that is not considered a temporary sign, a portable sign or a real estate sign within this Ordinance shall be considered permanent.
- P. Portable Sign: Any sign designed to be transported, not permanently attached to the ground or other permanent structure, including, but not limited to:
1. Signs with wheels, either attaché or removed on site;
 2. Signs with transportable chassis or support constructed without wheels;
 3. Signs designed to be transported by trailer on wheels or manually.
 4. A-frame, sandwich-board signs.
 5. Signs on balloons and umbrellas.
 6. Animated reader board signs and changeable copy signs not incorporated into the regular business signage on a pole, post or monument. Stand-alone animated reader board signs and stand-alone changeable copy signs.
- Q. Pole Sign: A sign that is intended to communicate with people in automobiles. The sign structure is typically located on a single pole, but other types of supports may be used.
- R. Projecting Sign: A sign other than a wall sign that projects from and is supported by the wall of a building or structure.
- S. Public Regulation and Information Sign: A sign erected by a public authority, or by a public service organization granted permission by a public authority, within a public right-of-way, or on private

property when required by law, and intended to control traffic, direct, identify or inform the public, or provide a needed public service as determined by the rules and regulations of the sponsoring public authority.

- T. Rotating Sign: A sign in which the sign itself or any portion of the sign moves in a revolving or similar manner.
- U. Special Event Sign: A temporary, portable or banner sign, designed and placed to draw attention to a special event or promotion of limited duration.
- V. Subdivision Entry Sign: A sign that identifies the name of a residential, industrial, or commercial subdivision. This sign is usually a monument sign placed near a vehicular entrance or a wall sign placed on a community facility of the development.
- W. Temporary Sign: A sign which is designed to be used only for a limited period of time, as regulated in this Chapter, and is not, nor intended to be, permanently attached to a building, structure, or the ground.
- X. Wall Sign: A sign erected parallel to the surface of a wall or other vertical or nearly vertical surface of a structure, and not extending more than what is necessary for the construction and support of that affixed wall sign. A wall sign also includes any signage, advertising, murals, etc. painted directly on the surface of any wall.
- Y. Window Sign: A sign affixed to a window, including windows within doors or any sign sufficiently near the inside of a window as to make such sign clearly and or intentionally visible, and easily read, by motorists and pedestrians outside of the building. A sign that is painted or mounted onto a windowpane, or that is hung directly inside a window, solely for the purpose or effect of identifying any premises from the sidewalk or street.
- Z. Sign: Any object, device, display, type of material, or structure, or part thereof, situated outdoors or indoors, that is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or project images. Excludes national or state flags, window displays (but not window signs) or official announcements or signs of government.

Section 4. All ordinances, resolutions, orders or parts thereof in conflict herewith are hereby repealed, rescinded and annulled.

Section 5. This ordinance shall be in full force and in effect from and after its passage, approval and publication, according to law.

Section 6. 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 AND ADOPTED BY THE COUNCIL OF THE CITY OF CALDWELL, IDAHO,
this _____ day of _____, 2008.

APPROVED BY THE MAYOR OF THE CITY OF CALDWELL, IDAHO,
this _____ day of _____, 2008.

ATTEST:

Garret Nancolas, Mayor

Debbie Geyer, City Clerk