

ORDINANCE NO. 2005 -

AN ORDINANCE OF THE CITY OF MOSCOW, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE AMENDMENT OF MOSCOW CITY CODE TITLE 4, CHAPTERS 3, 4 AND 6 TO ALLOW SCHOOLS, COMMERCIAL SCHOOLS AND/OR EDUCATIONAL INSTITUTIONS BY CONDITIONAL USE PERMIT IN CERTAIN COMMERCIAL AND SPECIAL ZONING DISTRICTS; CLARIFYING THAT THE UNIVERSITY (U) ZONING DISTRICT INCLUDES EDUCATIONAL INSTITUTIONS; ADDING AN OFF-STREET PARKING REQUIREMENT FOR EDUCATIONAL INSTITUTIONS; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE BE DEEMED SEVERABLE; AND PROVIDING FOR THIS ORDINANCE TO BE IN FULL FORCE AND EFFECT FROM THE DATE OF ITS PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, responsible community planning decisions help preserve and enhance the way of life in Moscow; and

WHEREAS, education is of great import to this community; and

WHEREAS, “schools,” “commercial schools” and “educational institutions”, as defined by the City Zoning Code, are allowed by Conditional Use Permit in certain residential zoning districts; and

WHEREAS, the Council has determined it to be in its best interest to allow “schools,” “commercial schools” and “educational institutions” in certain commercial and special zoning districts; and

WHEREAS, such “schools,” “commercial schools” and “educational institutions,” as defined in the Zoning Code, may be permitted as conditional uses in the Neighborhood Business (NB) Zoning District, the General Business (GB) Zoning District, and the Motor Business (MB) Zoning District; and

WHEREAS, “commercial schools,” as defined in the Zoning Code, may be permitted as conditional uses in the Research, Technology and Office (RTO) Zoning District; and

WHEREAS, “commercial schools” and “educational institutions,” as defined in the Zoning Code, may be permitted as conditional uses in the Central Business (CB) Zoning District; and

WHEREAS, Council believes that the Conditional Use Permit process will allow for appropriate public input in order to determine the suitability of a “school,” “commercial school” and “educational institution” within the respective Zoning Districts; and

WHEREAS, Council believes it in the best interest of the community at large, to require off-street parking for education institutions, except in the University (U) Zoning District.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MOSCOW, IDAHO, AS FOLLOWS:

SECTION 1: That Moscow City Code Title 4, Chapter 3 be amended as follows:

Sec. 3-2. Residential/Office Zoning District (RO).

D. Conditional Uses:

1. Schools, commercial schools and educational institutions with specific consideration given to traffic, parking, safety and nuisance issues. Cumulative impacts of and proximity to other, existing schools, commercial schools and educational institutions shall also be considered.

Sec. 3-3. Neighborhood Business Zoning District (NB).

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D. Conditional Uses:

1. Large day care facility.
2. Uses involving the assembly, treatment, processing, or fabrication of consumer products to be sold at retail on the premises. Such uses shall not utilize a structure which exceeds one thousand (1,000) square feet of gross floor area. No operation conducted on the premises shall constitute a public nuisance beyond the property lines by reason of smoke, fumes, odor, steam, gasses, vibration, noise, hazards or other causes.
3. Schools, commercial schools and educational institutions, with specific consideration given to traffic, parking, safety and nuisance issues.

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Sec. 3-4 Research, Technology and Office Zoning District (RTO):

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D. Conditional Uses:

- 1.—Commercial schools directly associated with research and technology business and sharing building space with such a business. Cumulative impacts of and proximity to other, existing commercial schools shall also be considered.

DE. Special Uses:

Retail sales directly related to a permitted use in the RTO Zoning District conducted at a higher level of intensity than an accessory use.

EF. Limitations On Uses:

1. The following standards are or will be met:
 - a. Noise. At the property line the sound pressure level of noise radiated from a facility shall conform to the requirements of the Code.

b. All uses and related commercial activities shall be conducted wholly and entirely within an enclosed building, except for parking and loading areas, outdoor dining areas for eating and drinking establishments, and outdoor play areas necessary for day care facilities.

2. Uses specifically not permitted within the RTO Zoning District, include, but are not limited to, the following:

- a. Automotive wrecking, repair, sales or storage.
- b. Concrete mixing plants.
- c. Drive-up windows.
- d. Residential uses.
- e. Uses involving the use of machinery out of doors that generate significant noise, dust or odors.
- f. Motels, hotels and recreational vehicle parks.
- g. Self-service storage, ware-houses, except as a secondary use for the storage of products produced in the RTO Zoning District only.
- h. Bulk storage or sale of fertilizers, chemicals, or petroleum products.
- i. Rock crushing and extraction.
- j. Medical offices engaged primarily in the delivery of health care.
- k. Sale of building materials, hay, grain and bulk garden supplies.
- l. Sanitary landfill, composting or incineration.
- m. Slaughterhouse, animal rendering plant.
- n. Bulk storage of fireworks or other explosive materials.
- o. Tannery.
- p. Transit or trucking terminal.
- q. Construction businesses.
- r. Laundry businesses.
- s. All other heavy manufacturing uses not previously specified.

FG. Lot Requirements: None specified.

GH. Minimum Yard Requirements:

1. Front - Every lot in the RTO Zoning District shall have a front yard of not less than twenty-five feet (25') which shall be landscaped with trees, shrubs and ground cover.

2. Side and Rear - When adjacent to R-1, R-2, R-3 or R-4 Zoning Districts, twenty feet (20') or equivalent to the height of the building, whichever is greater.

HI. Required Open Space: None specified.

IJ. Maximum Height of Structures: Sixty-five feet (65').

JK. Signs: Pursuant to Moscow Sign Code.

Sec. 3-5. Central Business Zoning District (CB).

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B. Permitted Principal Uses and Structures:

1. Retail sales enterprises, excluding firms selling bulky items, such as building materials, mobile homes, trailers, boats and heavy equipment.

2. Professional, financial, business and medical offices, and any enterprise rendering professional or personal services.

3. Repair shops for commodities, such as household appliances, bicycles, and shoes.
4. Eating and drinking establishments catering primarily to on-premise consumers; entertainment, dancing and recreation establishments, including restaurants, bars, theaters, video arcades, dance halls and physical fitness centers.
5. Printing and publishing houses, including newspaper publishing.
6. Lodges, private clubs, and fraternal societies.
7. ~~Commercial schools, c~~hurches, synagogues, mosques, governmental offices, libraries, museums, art galleries, police and fire stations, and similar public or private institutions.
8. Residential uses, provided that dwellings located on the ground floor are located behind commercial uses in a manner that they will not interrupt commercial frontage.
9. Public utility installations relating directly to local distribution of services, including switching and transmission stations, but not including warehouses and service yards.
10. Publicly and privately owned and operated off-street parking facilities if open to the public; however, any such area shall not be used as a sales or storage area for mobile homes, trailers, boats or heavy-duty equipment.
11. Drive-up windows associated with financial institutions.

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D. Conditional Uses:

1. Hotels and motels.
2. Mortuaries.
3. Drive-up windows other than those permitted under Code Section 4-3-5(B)(11).
4. Automobile sales.
5. Establishments providing prepared food primarily for take-out or delivery.
6. Gasoline service stations and car washes. These uses shall be subject to detailed review of traffic access and circulation plans.
7. Group day care facility, small day care facility, or large day care facility.
8. Commercial schools and educational institutions, with specific consideration given to traffic, parking, and nuisance issues, as well as impact to availability of retail and office uses, especially at street level. Applications for educational institutions shall be accompanied by a detailed, written description of plans, expectations, and potential for future expansion of the proposed educational institution. Cumulative impacts of and proximity to other, existing commercial schools and educational institutions shall also be considered.

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Sec. 3-6. General Business Zoning District (GB).

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B. Permitted Principal Uses and Structures:

1. Retail sales enterprises, excluding firms selling bulky items such as building materials, mobile homes, trailers, boats and heavy equipment.

2. Professional, financial, business and medical offices, and any enterprise rendering professional or personal services.
3. Repair shops for commodities such as household appliances, bicycles, and shoes.
4. Eating and drinking establishments catering primarily to on-premise consumers, entertainment, dancing and recreation establishments, including restaurants, bars, theaters, video arcades, dance halls and physical fitness centers.
5. Printing and publishing houses, including newspaper publishing.
6. Lodges, private clubs, and fraternal societies.
7. ~~Commercial schools, c~~Churches, synagogues, mosques, governmental offices, libraries, museums, art galleries, police and fire stations, and similar public or private institutions.
8. Public utility installations relating directly to local distribution of services including switching and transmission stations, but not including warehouses and service yards.
9. Public off-street parking facilities, whether publicly or privately owned or operated; provided that any such area shall not be used as a sales or storage area for mobile homes, trailers, boats or heavy duty equipment.
10. Health care facilities, including hospitals and nursing homes.
11. Hotels and motels.
12. Recreational vehicle parks and campgrounds subject to the approval process and development standards of Code Title 6, Chapter 4.

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D. Conditional Uses:

1. Mortuaries.
2. Drive-up windows.
3. Automobile sales.
4. Residential uses.
5. Establishments providing pre-pared food primarily for take-out or delivery.
6. Gasoline service stations and car washes. These uses shall be subject to detailed review of traffic access and circulation plans.
7. Group day care facility, small day care facility, or large day care facility.
8. Schools, commercial schools and educational institutions, with specific consideration given to traffic, parking, safety and nuisance issues. Cumulative impacts of and proximity to other, existing schools, commercial schools and educational institutions shall also be considered.

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Sec. 3-7. Motor Business Zoning District (MB).

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B. Permitted Principal Uses and Structures:

1. Retail enterprises dispensing food or commodities including on-premise sales, sales requiring delivery of goods, and drive-up facilities such as shopping centers and malls, grocery stores, gasoline service stations, sales lots for automobiles,

mobile homes, trailers, boats and heavy duty equipment, and building material stores and yards (except concrete or asphalt batch or mixing plants).

2. Professional, financial, business and medical offices, and any enterprise rendering professional or personal services.

3. Repair shops.

4. Eating, drinking, entertainment, dancing and recreation establishments, including restaurants, bars, theaters, video arcades, dance halls and physical fitness center.

5. Printing and publishing houses, including newspaper publishing.

6. Lodges, private clubs, and fraternal societies.

7. ~~Commercial schools,~~ churches, synagogues, mosques, governmental offices, libraries, parks, museums, art galleries, police and fire stations and similar public or private institutions.

8. Residential uses, but only where reviewed and approved as an integral part of a Planned Unit Development in accordance with Chapter 7 of this Zoning Code.

9. Public utility installations relating directly to local distribution of services including switching and transmission stations and accessory warehouse and service yards.

10. Public off-street parking facilities, whether publicly or privately owned or operated.

11. Hotels and motels.

12. Kennels, commercial and noncommercial, provided that all run areas shall be paved with one and one-half (1 1/2) inches of concrete or other impervious material and completely surrounded by an eight (8) foot solid wall or architectural fence.

13. Laundries, laundromats and dry cleaning services.

14. Administrative or research establishments.

15. Self-service storage facilities.

16. Recreational vehicle parks and campgrounds subject to the approval process and development standards of Code Title 6, Chapter 4.

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D. Conditional Uses:

1. Family day care facility, group day care facility, small day care facility, or large day care facility.

2. Warehouses (that are not accessory to a permitted use) and wholesale uses. In evaluating a proposal, the applicant must demonstrate to the Board of Adjustment that anticipated levels of traffic from heavy vehicles and potential noise, dust, and odors are compatible with uses located in the vicinity of the proposal.

3. ~~Schools, commercial schools and educational institutions, with specific consideration given to traffic, parking, safety and nuisance issues, as well as impact to retail and commercial office uses. Applications for educational institutions shall be accompanied by a detailed, written description of plans, expectations and potential for future expansion of the proposed educational institution. Cumulative impacts of and proximity to other, existing schools, commercial schools and educational institutions shall also be considered.~~

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Sec. 3-8. Industrial Zoning District (I).

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D. Conditional Uses:

1. Dwelling for a caretaker or watchman employed on the premise.
2. Retail, office, or service uses.
3. Family day care facility, group day care facility, small day care facility, or large day care facility, provided the facility provides day care services only to children of persons employed at the site.
4. Commercial schools related to or supportive of industrial uses. Cumulative impacts of and proximity to other, existing commercial schools shall also be considered.

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SECTION 2: That Moscow City Code Title 4, Chapter 4 be amended as follows:

Sec. 4-1. University Zoning District (U).

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B. Permitted Uses: In the University zoning district, the following types of uses are permitted as hereinafter provided and allowed by this Chapter and are subject to the general provisions and exceptions set forth in this Zoning Code:

1. Schools, commercial schools and educational institutions.

~~1.2.~~ Dormitories, fraternity and sorority houses on University owned land, and apartment and other residences that are owned by the University.

~~2.3.~~ Bookstores, student unions, theaters, recreation facilities for participatory and spectator recreation, both indoor and outdoor, that are the normal part of the University and are subject to the rules and regulations of the University administration. Commercial activities shall be prohibited from locating in this zoning district except those directly related to the University, the University's technology transfer mission, or the operation of Student Union Buildings; commercial uses incident to public events such as athletic events, performances and the like, occurring on or in University facilities; commercial uses incident to operation of the University golf course; and commercial events, such as trade shows, fairs or exhibitions, of one week or less duration.

~~3.4.~~ College-University administration offices, teaching facilities, research facilities, technology transfer facilities, libraries, farm and farm buildings, that are a part of the University and subject to the rules and regulations of the University administration.

4.5. Warehouses, maintenance buildings, utility structures, and other similar facilities that are the normal part of the University and are subject to the rules and regulations of the University and the University administration.

6. Recreational vehicle parks and campgrounds subject to the approval process and development standards of Code Title 6, Chapter 4.

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SECTION 3: That Moscow City Code Title 4, Chapter 6 be amended as follows:

Sec. 6-5 Off Street Parking Requirements.

E. Off-street Parking Schedule:

Parking spaces required for designated uses in all zoning districts except the Central Business (CB) Zoning District (in which off-street parking is ~~not~~ required only for commercial schools and educational institutions, as defined in this Zoning Code and in which case such parking must be provided outside of the CB Zoning District and not to include publicly owned parking) are established as follows:

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5. Minimum Number of Parking Spaces Required by use of building or site:

<i>Use of Building or Site</i>	<i>Minimum Number of Parking Spaces Required</i>
Residential:	
Single family dwelling	2 per dwelling unit
Two family dwelling	2 per dwelling unit or 1 per bedroom for any two family dwelling containing three or more bedrooms and providing direct vehicular access between the parking and a designated arterial or collector street
Multi-family dwelling (3 or more units)	
One bedroom or studio apt.	1.25 per dwelling unit
Two bedroom	1.75 per dwelling unit

Three or more bedroom	.75 per bedroom or 1 per bedroom for any multifamily dwelling containing three or more bedrooms and providing direct vehicular access between the parking and a designated arterial or collector street
Elderly housing project	1 per 2 dwelling units
Fraternities & Sororities	1 per 2 occupants
Commercial:	
Retail uses not otherwise specified and personal services:	
If less than 5,000 sq. ft.	1 per 400 sq. ft.

If 5,000 to 25,000 sq. ft.	10 plus 1 per 400 sq. ft. in excess of 5,000 sq. ft.
If over 25,000 sq. ft.	60 plus 1 per 300 sq. ft. in excess of 25,000 sq. ft.
Retail stores handling bulky merchandise (furniture, appliances, farm machinery, and plumbing, heating and building supplies) and other services and repair	1 per 800 sq. ft.
Restaurants, bars and lounges	
If less than 4,000 sq. ft.	1 per 200 sq. ft.
If 4,000 sq. ft. or more	20 plus 1 per 100 sq. ft. in excess of 4,000 sq. ft.
Dance Halls	1 per 100 sq. ft.
Auto courts, motels and hotels	1 per unit
Theaters	1 per 4 seats
Bowling Alleys	6 per lane
Medical and dental clinics	1 per 200 sq. ft.
Banks, business and professional offices with on-site customer services	1 per 400 sq. ft.
Offices not providing on-site customer service	1 per employee or 1 per 800 s. ft., whichever is greater
Warehouses and storage	1 per two employees on maximum work shift

Wholesale establishments	1 per 2 employees on maximum work shift plus 1 per 500 s. ft. of sales or office area
Manufacturing, research, assembling, all industries	1 per 2 employees on maximum testing and processing, work shift, but not less than 1 per each 800 sq. ft.
Churches, auditoriums and similar enclosed assembly places	1 per 3 seats or 60 inches of pew, or 40 sq. ft. for assembly
Mortuaries	1 per 75 sq. ft. used for assembly
Stadiums, sports arenas and similar open assembly areas	1 per 8 seats and 1 for each 100 sq. ft. of assembly space without fixed seats
Hospitals	1 per bed
Nursing homes, convalescent homes, sanitariums, rest homes	1 per 3 beds
Libraries	1 per 500 sq. ft.
Day care facilities	1.25 per employee or staff member
Schools:	
Kindergarten, elementary and junior high	1 per employee and faculty member
High schools <u>*</u>	1 per employee, <u>and</u> faculty member, <u>and support staff</u> plus 1 per each 8 students
Commercial schools <u>*</u>	1 per 1.5 students at maximum attendance <u>employee, faculty member and support staff plus 1 per each 5 students</u>

<u>Educational Institutions, except where located in the University (U) Zoning District *</u>	<u>1 per employee, faculty member, and support staff plus 1 per each 5 students</u>
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*Exempt from having to meet minimum number of off-street parking spaces, if requirement would result in 5 or fewer such spaces.

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SECTION 4: SEVERABILITY. Provisions of this Ordinance shall be deemed severable and the invalidity of any provision of this Ordinance shall not affect the validity of remaining provisions. The remaining sections of Title 4 shall be in full force and effect.

SECTION 5: EFFECT ON OTHER ORDINANCES. Where the definitions contained in this Ordinance are in conflict with relevant portions of the City of Moscow, Idaho, Municipal Code, the definitions contained within those portions of the Moscow Municipal Code will be unaffected until such time, if any, as they are amended to be consistent with this Ordinance.

SECTION 6: EFFECTIVE DATE. This Ordinance shall be effective upon its passage, approval, and publication according to law.

PASSED by the City Council and APPROVED by the Mayor this _____ day of _____, 2005.

Marshall H. Comstock, Mayor

ATTEST:

Stephanie Kalasz, City Clerk