

PRELIMINARY, DRAFT

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, CHAPTER 3, 4 AND 11 TO ALLOW SCHOOLS, COMMERCIAL SCHOOLS AND EDUCATIONAL FACILITIES BY CONDITIONAL USE PERMIT IN THE NEIGHBORHOOD BUSINESS (NB) ZONING DISTRICT, CENTRAL BUSINESS (CB) ZONING DISTRICT, GENERAL BUSINESS (GB) ZONING DISTRICT, AND THE MOTOR BUSINESS (MB) ZONING DISTRICT; ALLOWING COMMERCIAL SCHOOLS BY CONDITIONAL USE PERMIT IN THE INDUSTRIAL (I) ZONING DISTRICT; CLARIFYING THAT THE UNIVERSITY (U) ZONING DISTRICT INCLUDES EDUCATIONAL INSTITUTIONS; AMENDING THE DEFINITION OF EDUCATIONAL INSTITUTIONS; REGULARIZING LANGUAGE REGARDING PLACES OF WORSHIP; 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 preserve and enhance the way of life in Moscow; and

WHEREAS, education is of great import in the community; and

WHEREAS, schools, commercial schools and educational institutions 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, shall be permitted as conditional uses in the Neighborhood Business (NB) Zoning District, the Central Business (CB) Zoning District, the General Business (GB) Zoning District, and the Motor Business (MB) Zoning Districts; and

WHEREAS, the definition of “educational institution” in the Zoning Code should be amended to clarify that the status of accreditation of such an institution does not alone determine whether the college or university is an “educational institution”; and

WHEREAS, language in the respective Zoning Districts referring to places of worship has been amended to be consistent with similar language in residential Zoning Districts within the Zoning Code; 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 or educational institution within the respective Zoning Districts;

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. 3-3. 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.

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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,~~ churches, convents, monasteries, synagogues, mosques and other similar places of worship and religious practice, 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. Schools, commercial schools and educational institutions.

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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,~~ Churches, convents, monasteries, synagogues, mosques and other similar places of worship and religious practice, 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-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. Schools, commercial schools, educational institutions.

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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, convents, monasteries, synagogues, mosques and other similar places of worship and religious practice, 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.
1. Hotels and motels.
2. 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.

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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.

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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.
 2. Dormitories, fraternity and sorority houses on University owned land, and apartment and other residences that are owned by the University.
 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.
 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.
 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 11 be amended as follows:

Sec. 11-9. Definitions.

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B. Unless otherwise specified, all distances shall be measured horizontally.

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47. *Institution, Educational.* A college or university supported by public or private funds, tuitions, contributions or endowments, giving advanced academic instructions such as instructions approved by the State Board of Education or those approved by a recognized accrediting agency, excluding pre-school, elementary and junior or senior high schools, and trade and commercial schools.; ~~including fraternity and sorority houses.~~

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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