

Chapter 6

SUPPLEMENTARY REGULATIONS

- Sec. 6-1:** Accessory Building Setbacks
- Sec. 6-2:** Off-Street Parking Requirements
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Sec. 6-1. Accessory Building Setbacks.

Detached accessory buildings shall comply with all minimum yard requirements applicable to the principal building with the following exceptions:

- A. Detached accessory buildings greater than two hundred (200) square feet in size may encroach into the required rear yard provided that:
 - 1. they be set back a minimum of five feet (5') from the rear lot line;
 - 2. they occupy not more than fifty percent (50%) of the area of the required rear yard;
 - 3. the maximum height of such structures shall be as follows:
 - a. A building with a sloped roof shall have a top plate line not to exceed fourteen feet (14'), and the maximum height of the building shall be the maximum height permitted for a building in the Zone. Dormers may be allowed to exceed fourteen feet (14') provided they do not occupy more than fifty percent (50%) of the length of the wall, each wall measured separately.
 - b. A building with a flat roof (that is, a building with a slope less than 2:12) shall not exceed fourteen feet (14') in height.
- B. Detached accessory buildings two hundred (200) square feet or less may

encroach into the required rear and side yards provided that:

- 1. the building shall not exceed twelve feet (12') in height; and
 - 2. roof drainage is contained on-site.
- C. Accessory buildings and structures attached to a principal building shall observe all yard restrictions applicable to the principal building.
(Ord. 97-33, 11/3/97; 2010-08, 05/17/2010; 2015-06, 04/06/2015)

Sec. 6-2. Off-Street Parking Requirements.

- A. General Provisions: The general provisions for off-street parking and loading are as follows:
 - 1. The provision and maintenance of off-street parking and loading spaces is a continuing obligation of the property owner. No building permit will be issued until plans are presented to the City which show property that is and will remain available for exclusive use as off-street parking and loading space. The subsequent use of property for which the building permit is issued is subject to a condition of continued satisfaction of the requirements of this Section.
 - 2. A building permit shall be obtained before the construction of any off-street parking or loading areas, or before the expansion of any existing off-street parking or loading areas, commences. A Certificate of Occupancy will be issued only upon completion of all improvements required herein or a temporary and conditional occupancy permit may be issued upon the property owner entering a written agreement insuring the completion of all required improvements within a reasonable period of time, which in no event shall be longer than six (6) months after issuance of the temporary and conditional certificate of occupancy. In the event that the property owner requires additional time, the Zoning Administrator may authorize an

extension up to an additional six (6) months. Fees for plan review and inspection may be established from time to time by the Council by resolution for parking areas not associated with a structure requiring a building permit.

3. Application of Off-Street Parking and Loading Requirements:

a. General: Unless otherwise expressly stated, the parking regulations of this Section shall apply to all districts and all uses within zoned and unzoned areas.

b. New Structure or Use: Unless otherwise expressly stated, at the time a new structure is erected upon a parcel, or a new use is established on a previously undeveloped parcel, off-street parking shall be provided in accordance with the provisions of this Section.

c. Change in Use: Unless otherwise expressly stated, when the use of the property changes, additional off-street parking must be provided to serve the new use only when the number of parking spaces required for the new use exceeds by more than ten percent (10%) the number of spaces required for the lawful use that most recently occupied the building, based upon the Off-Street Parking Schedule of this Section. In other words, a one hundred ten percent (110%) “credit” is given to the most recent lawful use of the property for the number of parking spaces that would be required under this Section, regardless of whether such spaces are actually provided. Any new spaces that are required shall be provided in accordance with the provisions of this Section. When the number of parking spaces required for the new use exceeds (by more than ten percent [10%]) the number of spaces required for the use that most recently occupied the property, additional parking spaces are required only to make up the difference between the

amount of parking required for the previous use and the amount of parking required for the new use, based on the standards of this Section.

d. Expansion or Enlargement: Unless otherwise expressly stated, whenever an existing building or use is enlarged or expanded to include additional dwelling units, floor area, seating capacity, employees, or other units of measurement used for establishing off-street parking requirements, the provisions of this Section shall apply. In the case of enlargements or expansions triggering requirements for additional parking, additional off-street parking spaces are required only to serve the enlarged or expanded area, not the entire building or use. There is no requirement to address lawfully existing parking deficits. Additional off-street parking spaces are required only when existing development is enlarged or expanded in any way that results in more than a ten percent (10%) increase in the total number of off-street parking spaces required for the development, based upon the provisions of this Section..

e. Other Parking Areas: All new parking areas or additions to existing parking areas, whether or not their construction is required by the Off-Street Parking Schedule, shall be constructed in accordance with the provisions of this Section.

f. Alterations: Alterations may be made to parking lots where such alterations are made in conformance with the provisions of this Section. Alterations may be made to nonconforming lots where there is no reduction in the number of parking spaces provided; or there may be a reduction in the number of spaces where the alterations are directed toward bringing the parking area into compliance with the landscaping and/or design requirements of this Section.

g. Maintenance: Routine maintenance of parking facilities shall be permitted and no building permit shall be required for such maintenance.

4. The required number of parking spaces shall be available for the parking of passenger automobiles for residents, customers, patrons, and employees and shall be in addition to spaces used for storage of vehicles or materials, or for the parking of vehicles used in conducting the business or use.

5. A plan, drawn to scale, indicating how the off-street parking and loading requirements are to be met, shall accompany an application for a building permit. Such plan shall show all elements necessary to determine that the requirements of this Section are being met, including the following:

a. Individual parking and loading spaces.

b. Circulation area necessary to serve spaces.

c. Access to streets and property to be served.

d. Curb cuts.

e. Areas reserved for landscaping, types of plants and any other materials or improvements required for landscaping.

f. Dimensions, continuity and substance of fencing or other types of screening.

g. Grading, surfacing, drainage and subgrading details.

h. Obstacles, if any, to parking and traffic circulation in the finished parking area.

i. Specifications for signs, bumper guards and markings to identify individual spaces.

j. Traffic control devices and signage.

k. Other pertinent details.

6. Design requirements for parking lots:

a. Parking lots and their associated driveways and vehicle maneuvering areas shall have plant mix

asphaltic concrete of two inch (2") thickness with six inches (6") of crushed rock base, or Portland cement concrete of four inch (4") thickness with four inch (4") crushed rock base surfaces, or an alternative surface of similar durability and utility, approved by the City Engineer. These standards are designed for passenger vehicles and may not support heavy truck traffic and/or loading.

b. Parking lots and required interior landscaping shall be contained by a curb which is at least four inches (4") high and which is set back a minimum of two feet (2') from the property line and from exterior landscaping, except where the parking spaces are provided for single family dwellings.

c. Individual parking spaces shall be permanently marked to allow users to adequately identify the required individual spaces, except where the spaces are provided for single family or two (2) family dwellings.

d. Parking lots and spaces shall be designed such that their use will not require backing movements or other maneuvering within a street right of way. Parking spaces provided for single family and two (2) family dwellings are exempt from this requirement, unless the street being accessed is a designated arterial street. The continuation, alteration, expansion, relocation, reconstruction, or replacement of a single or a two (2) family dwelling, for which the parking requires backing or maneuvering within a designated arterial street right-of-way, shall be allowed where such situation existed prior to May 1, 2003, notwithstanding the nonconformity regulations of this Zoning Code. Additional parking required as a result of the expansion, alteration, reconstruction, or replacement of any such two (2) family dwelling shall meet the parking design standards required at

the time of the building permit application. Where backing movements are proposed within an alley right-of-way, a sidewalk with a minimum width of three feet (3') shall be provided adjacent to the parking lot between the parking lot and the use served by the parking lot.

e. Parking lots and spaces shall be designed such that a vehicle shall not be required to cross another parking space to gain access to a required parking space (tandem configuration) except for parking spaces serving single-family, two (2) family, twinhome, and townhouse dwellings. Tandem parking may be allowed for multi-family dwellings under the following conditions:

i. The purpose of the parking design is to provide enclosed garages for the multi-family dwelling resident use;

ii. The tandem parking spaces (the parking space within the garage and in front of the garage) are assigned and furnished for use by the occupants of a single-family dwelling unit without separate, additional compensation; and

iii. No more than fifty percent (50%) of the required parking may be provided in a tandem configuration.

f. Service drives to off-street parking areas shall be designed to provide maximum safety for vehicles and pedestrians. Multi-family, commercial and institutional use buildings shall provide a sidewalk connecting the public street to the building entrance. Where multiple street frontages exist, only one (1) such sidewalk connection shall be required to be provided from one (1) street frontage. Where multiple buildings exist within the same development site and there exists vehicular access from one (1) parking area to another, only one (1) such sidewalk connection per building shall be required to be

provided from one (1) street frontage. Where any such sidewalk is interrupted by a driveway or traffic aisle, a pedestrian crosswalk shall be clearly marked on the driving and walking surface. The number of service drives shall be limited to the minimum that will accommodate anticipated traffic. Minimum width of service drives, including alleys where used for backing or other maneuvering in parking lots, shall be in accordance with traffic aisle widths provided in Figure 1.

g. Parking areas with one hundred fifty (150) or more spaces shall include pedestrian walkways or other such facilities to ensure the safe passage of pedestrian traffic through the parking area.

7. Each off-street parking space shall be designed to conform to the City Parking Lot Standards, as set forth in Figure 1 (following Section 4-6-5 D).

In an R-1 zoning district, if the required off-street parking for a single family dwelling is not provided in a garage or carport, then such space shall be so located that at a future date, it may be covered by a garage structure in accordance with the provisions of this Zoning Code and the City Code. In all other zoning districts, if the required off-street parking for a single-family dwelling or a two (2) family dwelling is not provided in a garage or carport, then at least one (1) such space per dwelling unit shall be so located that at a future date it may be covered by a garage structure in accordance with the provisions of this Zoning Code and the City Code.

B. Location: Off-street parking spaces for single and two (2) family dwellings shall be located on the same lot or on a lot adjacent to the use to be served. For all other uses, the Zoning Administrator may approve off-street parking spaces not located on the same lot or on a lot adjacent to the use to be served. The distance between an off-

street parking space and/or lot and the use the parking is to serve shall be measured as the safe walking distance from the nearest parking space and/or lot to the nearest point of the use it is to serve. The maximum distance between the parking space and/or lot and the use it is to serve shall be as follows:

1. For all residential uses other than single and two (2) family dwellings, two hundred fifty feet (250').
2. For uses other than those specified above, five hundred feet (500').

C. Special Circumstances: Deviations from the parking standards stated herein may be allowed in the following instances: (1) joint use, and (2) on appeal, uses not specified.

1. Joint Use: The Zoning Administrator may authorize the joint use of parking spaces and/or lots, provided:

a. The applicant demonstrates that there is no substantial conflict between the principal operating hours of the building, structure or use for which the joint use of parking spaces and/or lots is proposed.

b. The parking spaces and/or lots for such proposed joint use is not farther than five hundred feet (500') from any building it is to serve.

c. Up to eighty-five percent (85%) of the parking spaces and/or lots required by this Section for primarily "nighttime" uses such as theaters, bowling alleys, bars, restaurants and related uses, may be supplied by certain other types of buildings or uses herein referred to as "daytime" uses such as banks, offices, retail personal service shops, clothing, food, furniture, manufacturing or wholesale and related uses.

d. Up to eighty-five percent (85%) of the parking spaces and/or lots

required by this Section for primarily "daytime" uses may be supplied by "nighttime" uses.

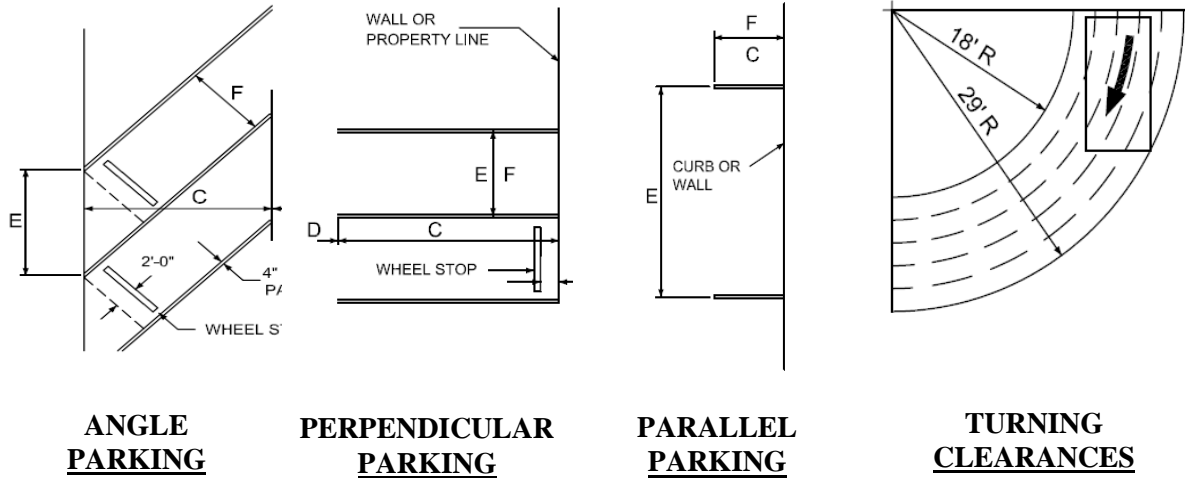
e. Up to one hundred percent (100%) of the parking spaces and/or lots required by this Section for a church or for an auditorium incidental to a public or parochial school, may be supplied by the off-street parking spaces and/or lots provided by uses primarily of a "daytime" nature.

f. The parties concerned in the joint use of off-street parking spaces and/or lots shall submit a written agreement for such joint use in a form to be recorded, which shall be approved by the City Attorney as to form and content. Such agreement, when approved by the Zoning Administrator as conforming to the provisions of this Section, shall be recorded in the office of the Latah County Recorder and copies thereof filed with the Clerk.

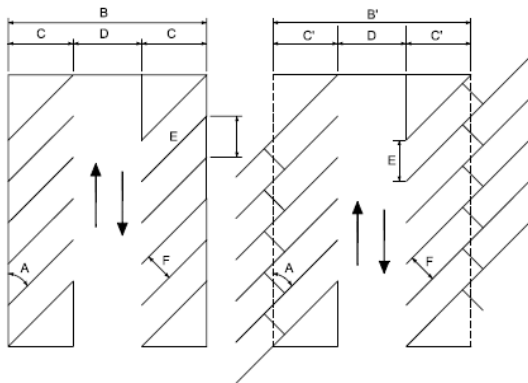
2. Uses Not Specified: In the case of a use not specifically mentioned in this Section, the requirements for off-street parking spaces and/or lots shall be determined by the City. Such determination shall be based upon the requirements for uses which have similar parking demand-generating characteristics. The determination of the City may be appealed to the Board of Adjustment by an aggrieved person.

D. Mixed Use: In the case of mixed uses, the total requirements for the various uses shall be computed separately. Off-street parking spaces and/or lots for such uses shall not be considered for joint use. Total requirements for off-street parking spaces shall be the sum of the requirements for the various uses.

**FIGURE 1
CITY OF MOSCOW
PARKING LOT STANDARDS**

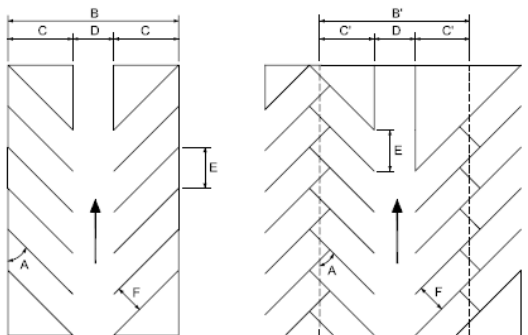


Two-Way Traffic



A PARKING ANGLE	B PARKING SECTION WIDTH	C PARKING BANK WIDTH	D TRAFFIC AISLE WIDTH	E CURB LENGTH PER CAR	F CAR STALL WIDTH	B' PARKING SECTION WIDTH	C' PARKING BANK WIDTH
TWO WAY TRAFFIC STANDARD VEHICLES							
0°	36'	8'	20'	23'	8'		
45°	58'	19'	20'	12'	8.5'	51'	15.5'
60°	80'	20'	20'	9.8'	8.5'	55'	17.5'
90°	64'	20'	24'	9'	9'		
TWO WAY TRAFFIC COMPACT VEHICLES							
0°	35'	7.5'	20'	15'	8'		
45°	52'	16'	20'	10.6'	8'	47'	13.3'
60°	54'	16.8'	20'	8.7'	8'	50'	14.9'
90°	50'	15'	20'	7.5'	8'		

One-Way Traffic



ONE WAY TRAFFIC STANDARD VEHICLES							
0°	28'	8'	12'	23'	8'		
45°	50'	19'	12'	12'	8.5'	43'	15.5'
60°	55'	20'	15'	9.8'	8.5'	50'	17.5'
ONE WAY TRAFFIC COMPACT VEHICLES							
0°	27'	7.5'	12'	15'	7.5'		
45°	44'	16'	12'	10.6'	7.5'	39'	13.3'
60°	49'	16.8'	15'	8.7'	7.5'	45'	14.9'

E. Off-Street Parking Schedule: Parking spaces required for designated uses in all zoning districts, except within Section 4-6-5(E)(4) below, are established as follows:

1. Compact Spaces: An allowance of thirty-five percent (35%) of the total number of spaces required may be identified and used as compact car spaces. These spaces shall be conveniently located and provided with adequate signage.
2. Fractional Requirements: Fractional requirements shall require one (1) space.
3. Area Calculation: Except as otherwise indicated, area measurements are given in gross floor area. Restroom

facilities and areas used for storage may be excluded from the floor area calculation.

4. Specific Zone Exemptions: The following zoning districts have off-street parking requirements specific to each respective zone and are not required to meet Section 4-6-5(E)(6) below; however, all other provisions of Section 4-6-5 shall apply.

a. Central Business (CB) Zoning District: Off-street parking is not required within the CB Zoning District.

b. Urban Mixed Commercial Zoning District Required Off-Street Parking:

- i. Minimum Required.

Use of Building or Site	Minimum Number of Automobile Parking Spaces Required
Residential Uses	50% of the minimum parking required by this Code
Hotels	1 per room
Convention/Meeting Spaces	1 per 10 fixed seats and 1 per each 100 sf of assembly space without fixed seating
Office, Retail, and Other Uses	No minimum parking specified

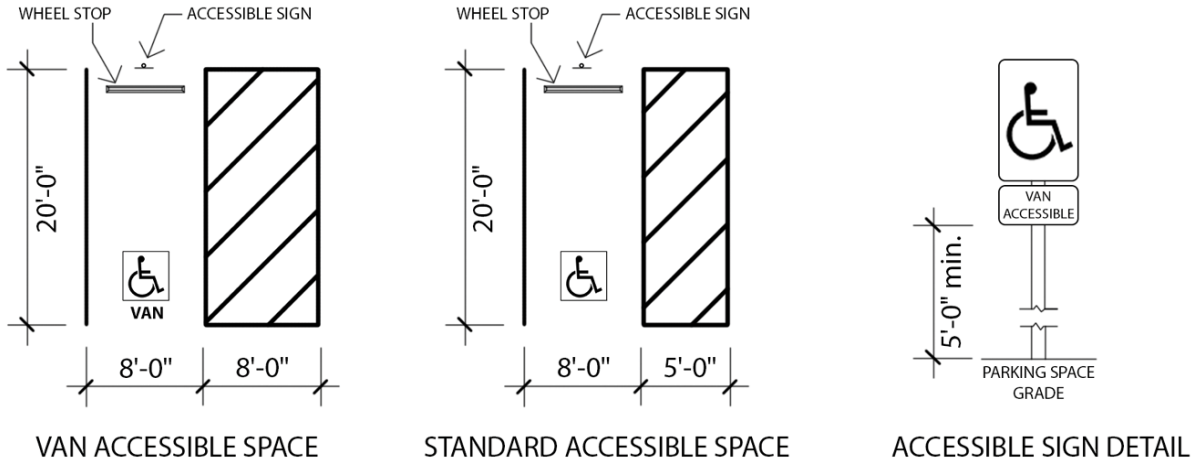
ii. Maximum Allowed Off-Street Parking. The maximum allowed off-street surface parking shall be limited to no more than one hundred percent (100%) of the minimum parking required as specified within the minimum required parking table of Section 4-6-5(E)(6) of this Code. Parking within parking structures or placed under structures shall not be counted toward the maximum allowed off-street parking limitation.

c. University Zoning District. Off-street parking is not required within the U Zoning District since the University of Idaho manages parking on campus through the Parking and Transportation Services Department.

5. Accessibility: Where off-street parking is required for multi-family residential, commercial, or institutional uses, accessible parking and access shall be provided in accordance with the most recent standards promulgated by the American National Standards Institute (ANSI) and the most recently adopted building code. The van accessible space detail, standard accessible space detail, accessible sign detail, and the number of accessible spaces required are shown in Figure 2 below. The most recently adopted ANSI and building code requirements shall take precedence over Figure 2 in the circumstance where there are differing standards.

FIGURE 2

ACCESSIBILITY STANDARDS



Total Number of Parking Spaces	Minimum Number of Required Accessible Parking Spaces	Minimum Number of Required Van Accessible Spaces
1 to 25	1	1
26 to 50	2	1
51 to 75	3	1
76 to 100	4	1
101 to 150	5	1
151 to 200	6	1
201 to 300	7	1
301 to 400	8	1
401 to 500	9	2
501 to 1000	2 percent of total	1/8 of total minimum accessible spaces
1001 and over	20, plus 1 for each 100, or fraction thereof, over 1000	

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

RESIDENTIAL USES	Minimum Number of Automobile Parking Spaces Required ²
<i>Dwellings in Residential Zones</i>	
Single Family (up to 4 unrelated individuals)	2 per du, plus 1 per bedroom in excess of 4 bedrooms
Two Family	2 per du, plus 1 per bedroom in excess of 4 bedrooms
Twinhome	2 per dwelling unit
Townhouse	2 per dwelling unit
Single Family (up to 6 unrelated individuals)	2 per du, plus 1 per bedroom in excess of 4 bedrooms
Multiple Family (3 or more units)	Studio or one bedroom: 1.25 per du Two bedroom: 1.75 per du Three or more bedroom: 0.75 per bedroom
Mobile Home Parks	2 per mobile home
<i>Group Living</i>	
Boarding House (occupied by owner, up to 6 boarders)	2 per du, plus 1 per bedroom in excess of 4 bedrooms
Dormitories	1 per 2 occupants based upon anticipated max occupancy
Fraternity, Sorority, and Cooperative Houses	1 per 2 occupants based upon anticipated max occupancy
<i>Accessory Uses</i>	
Accessory Dwelling Unit	1 in addition to principal structure requirements
NON-RESIDENTIAL USES	Minimum Number of Automobile Parking Spaces Required ²
<i>Agricultural Uses</i>	
Agriculture, Animal Production	None Required
Agriculture, Crop Production	None Required
Animals and Fowl (as permitted by City Code Title 10)	None Required
Animal Slaughtering and Processing	None Required
Gardens (Market and Community) no on-site retail sales	None Required
With on-site retail sales	None Required
Sawmills	None Required
<i>Amusement and Recreation Facilities</i>	
Archery/Shooting Ranges (indoor only)	1.5 per firing lane
Bowling Centers	6 per lane
Dance Halls	1 per 100 sf
Fitness Centers	1 per 300 sf
Golf Courses and Country Clubs	4 per hole
Miniature Golf Facilities	4 per hole
Movie Theaters	1 per 4 seats
Riding Stables	1 per 3 stalls
Stadiums and Sports Arenas (Ice/Roller Rinks, Gymnasiums, Ballfields)	1 per 8 seats, plus 1 per 100 sf of assembly space without fixed seats ³
<i>Animal-Related Business</i>	
Veterinary Services	1 per 200 sf

Pet Care Services	1 per 400 sf
Financial, Technology, and Professional Services	
Agencies, Brokerages and Other Insurance Related Activities	1 per 400 sf
Broadcasting Studios	1 per 400 sf
Business, Professional, Political, Social Advocacy, Grantmaking, and Similar Organizations	1 per 400 sf
Commercial Banking, Savings Institutions, and Credit Unions	1 per 400 sf
Construction Contractor Services	1 per 400 sf of office space
Data Processing, Hosting, and Related Services	1 per 400 sf
Professional, Scientific, and Technical Services	1 per 400 sf
Publishing Industries (except Internet)	1 per 400 sf
Real Estate Services	1 per 400 sf
Securities, Commodity Contracts, and Other Financial Investments	1 per 400 sf
Software Publishers	1 per 400 sf
Food and Beverage Service	
Coffee/Espresso Stand	1 per 200 sf
Drinking Places (Alcoholic Beverages)	1 per 200 sf
Restaurants	1 per 200 sf
Manufacturing	
Beverage Manufacturing	1 per 1,000 sf
Manufacturing, Heavy	
Manufacturing, Light	
Aerospace Product and Parts Manufacturing	
Computer and Electronic Product Manufacturing	
Electrical Equipment, Appliance, and Component Manufacturing	
Medical Equipment and Supplies Manufacturing	
Pharmaceutical and Medicine Manufacturing	
Public/Institutional Uses	
Antenna Towers (<i>new</i>)	1 stall per site
Co-Location	None Required
Cemeteries	None Required
Child Day Care Services	
<i>Family, 5 or fewer children</i>	2 per child care facility
<i>Group, 6 to 12 children</i>	2 per child care facility plus the loading zone requirements of Section 4-3-4. D.
<i>Small, 13 to 20 children</i>	3 per facility plus the loading zone requirements of Section 4-3-4. D.
<i>Large, 21 or more children</i>	4 per facility plus the loading zone requirements of Section 4-3-4. D.
Civic and Social Organizations	1 per 4 seats or 100 inches of bench seating, plus 1 per 100 square feet of open assembly area

Community/Neighborhood Center	1 per 4 seats or 100 inches of bench seating, plus 1 per 100 square feet of open assembly area
Correctional Institutions	1 per each 6 beds
Educational Services	Kindergarten, Elementary & Middle Schools: 2 spaces per classroom and 1 for every 8 seats in largest assembly area; High Schools: 5 spaces per classroom and 1 for every 8 seats in largest assembly area;
Fairgrounds	1 per 8 seats and 1 per 100 sf of assembly space without fixed seats
Funeral Homes and Funeral Services	1 per 75 sf used for assembly
Government Office Buildings	1 per 400 sf
Health Care Services (Ambulatory)	1 per 200 sf
Hospitals	1 per bed
Museums and Art Galleries	1 per 500 sf
Nursing and Residential Care Facilities	1 per 3 beds
Public Parks & Recreational Facilities (operated by local government)	1 per 8 seats and 1 per 100 sf of assembly space without fixed seats ³
Public Service and Utility Facilities	None Required
Religious Facilities	1 per 4 seats or 100 inches of bench seating, plus 1 per 100 square feet of open assembly area
Telecommunications Services	1 per 400 sf
Retail and Personal Services	
Consumer Goods Rental	1 per 400 sf
Laundries and Drycleaners	1 per 400 sf
Personal Care Services	1 per 400 sf
Retail Sales (excluding 4411 & 444)	1 per 400 sf; 1 per 800 sf for retail stores handling bulky merchandise (furniture, appliances, etc.)
Large Retail Establishment	
Storage Services	
Self-Storage Facilities	1 per 300 sf of sales or office area
Warehouses/Wholesale Uses	1 per 2,000 sf
Temporary Uses¹	
None Required	
Vehicles and Equipment	
Automobile and RV Dealers	1 per 800 sf
Automotive Repair and Maintenance	
Building Material Sales & Garden Equipment/Supplies	
Commercial and Industrial Machinery and Equipment Repair and Maintenance	
Electronic and Precision Equipment Repair and Maintenance	
Gas Stations	
Heavy Equipment Sales (mobile homes, farm equipment)	
Parking Lots and Garages	None Required
Personal and Household Goods Repair and Maintenance	1 per 800 sf
Railroad Yards and General Freight Trucking	1 per 2 employees on maximum work shift, but not less than 1 per 1,000 sf

Rental and Leasing Services	1 per 800 sf
Scrap Yards/Material Recycling ¹	1 per 300 sf of sales or office area
Visitor Accommodations	
Bed and Breakfast	0.5 per bedroom
Hotels and Motels	1 per sleeping room
RV Parks and Campgrounds	1 per each trailer/tent or RV space

NOTES	
<p>¹ Or applicant provide parking survey and summary to document peak on-street parking demand for the neighborhood for Zoning Administrator and/or Board of Adjustment determination that adequate parking is available.</p>	
<p>² Exemptions to minimum off-street parking requirements in CB, UMC, and U Zones. See Section 4-6-5(E)(4)</p>	
<p>³ Or as determined by the Zoning Administrator, in consideration of operating characteristics of the use</p>	

** Exempt from having to meet minimum number of off-street parking spaces, if requirement would result in five (5) or fewer such spaces.

7. Bicycle Parking Incentive: The total number of required automobile parking spaces for all uses other than single family and two (2) family dwellings may be reduced by ten percent (10%) if bicycle parking is provided in accordance with the following standards:

a. Required Bicycle Spaces: The total number of bicycle parking spaces must be equal to four (4) times the total number of reduced automobile parking spaces.

b. Approved Bicycle Rack Types. All required bicycle parking support racks shall be of the ‘A’, inverted ‘U’ or modified ‘U’ (or equivalent) style, or a bicycle locker or other storage device which;

i. support[s] the bicycle in an upright position by the bicycle frame in a minimum of two (2) locations;

ii. prevent[s] the wheel of the bicycle from tipping over; and

iii. enable[s] the locking of the frame and one (1) or both wheels.

All bike racks or bike lockers shall be securely anchored in the ground. Nothing within this Section is intended to preclude opportunities for creative and

artistic bicycle racks that meet the bicycle support and locking requirements contained herein.

c. Bicycle Rack Location and Lighting. Bicycle racks shall be placed as close to the primary building entrance(s) as possible in a convenient location that is clearly visible and well lit for ease of use and to provide protection against vandalism and theft. Bicycle racks should not be placed so as to block an entrance or inhibit pedestrian flow in or out of a building.

d. Bicycle Rack Sheltering. No less than twenty-five percent (25%) of bicycle racks serving commercial or institutional uses, and no less than fifty percent (50%) of bicycle racks serving multi-family residential uses, shall be placed under building overhangs, awnings, free-standing shelter structures, or similar structures that protect the entire bicycle parking space from precipitation.

e. Bicycle Rack Spacing and Area. The minimum bicycle parking space shall be twenty four inches (24”) wide by seventy two inches (72”) long. Spacing between bicycle racks shall be no less than forty eight inches (48”). Where multiple rows of bicycle racks are installed, a center access aisle of no less than forty eight inches (48”) shall be provided. Bicycle racks shall be placed no closer

than twenty four (24”) from any adjacent building wall or other obstruction.

F. Landscaping Requirements:

1. Purpose: The purpose of these landscaping requirements is to promote the general welfare of the public by: reducing noise levels and glare; filtering stormwater runoff; reducing the urban heat island effect; filtering vehicular emissions; stabilizing soils to help with erosion and flood control; providing shade to users of the parking lots; promoting safety by directing traffic circulation; promoting attractive off-street vehicular parking areas in the City; and protecting and improving the appearance, character and value of the surrounding properties and neighborhoods. This objective is to be accomplished by providing external landscape buffers between parking areas and adjoining land uses and by providing landscape islands in the interior of parking lots. Native plantings and xeriscaping are encouraged for water savings, reduced maintenance, reduction in fertilizers and pesticides, increased pollination, and a reduction in yard waste.

2. Application: Landscaping is required as herein described for all off-street parking lots containing five (5) or more parking spaces.

3. Placement of Landscaping in Off-Street Parking Lots:

a. Required Exterior Landscaping: Landscaping shall be provided between off-street parking lots and abutting public rights-of-way and adjacent properties. The buffer strip in which the landscaping is provided shall be a minimum of three feet (3’) in width and shall contain:

i. One (1) tree of one and one-half inch (1.5”) caliper every forty (40) lineal feet

ii. One (1) shrub of at least one (1) gallon in size for perennial and at least two (2) gallons in size for deciduous or evergreen, every six feet (6’). Such shrubs, upon maturity, shall provide visual relief of a minimum of three feet (3’) in

height and fifty percent (50%) shall be evergreen.

iii. Consideration shall be given to the selection of trees and shrubs that at maturity do not present vehicular sight obstructions at driveway / street intersections.

b. Required Interior Landscaping: Parking lots containing thirty (30) or more parking spaces shall include interior landscaping. Multiple parking lots on a single property are counted separately for the purpose of interior landscaping. The Zoning Administrator may determine that parking lots that are separate, but connected by travel aisles, may still be counted separately for the purpose of interior landscaping requirements. Interior parking lot landscaping shall be in the form of landscaped islands that comply with the following requirements:

i. Landscape islands shall have a minimum width of eight feet (8’), as measured inside of perimeter curbing, and a length equivalent to the adjacent parking spaces.

ii. There shall be one (1) island for every twelve (12) parking spaces, evenly distributed in the parking lot.

iii. The landscape islands shall be protected by curbing and shall contain:

(a) One (1) tree of one and one-half inch (1.5”) caliper;

(b) Low shrubs of at least one (1) gallon in size for perennial and at least two (2) gallons in size for deciduous or evergreen; and

(c) Vegetative ground cover.

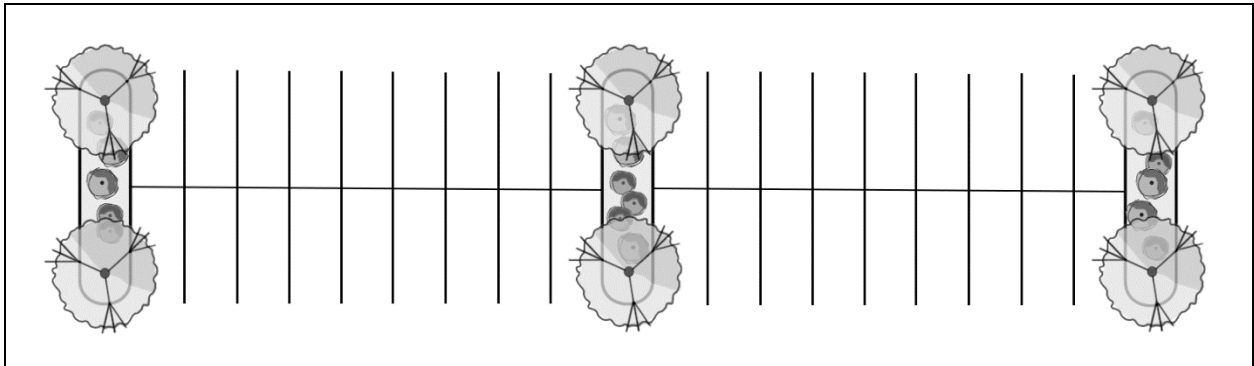
iv. Landscape islands adjacent to a double row of parking spaces, as shown in Figure 3 below, shall contain two (2) trees of one and one-half inch (1.5”) caliper.

v. Consideration shall be given to the selection of trees and shrubs that at maturity will not interfere with parking lot lighting or present vehicular sight obstructions.

vi. The Zoning Administrator may authorize the relocation of a parking lot tree to another parking lot landscape area if such tree is deemed to interfere with parking lot lighting or vehicular sight distances.

(Ord. 97-11, 4/7/97; 97-33, 11/3/97; 2003-10; 04/21/2003; 2005-07, 02/07/2005; 2005-33, 12/19/2005; 2006-19; 11/06/06; 2014-05, 05/19/2014; 2017-05, 05/15/2017; 2018-07, 05/21/2018)

FIGURE 3



Sec. 6-3. Loading Requirements.

Each off-street loading space shall measure not less than thirty feet (30') by twelve feet (12'), shall have an unobstructed height of fourteen feet (14') and six inches (6"), shall be made permanently available for such purposes, and shall be surfaced, improved and maintained as required in Section 4-6-6 of this Title.

Table of Minimum Standards: Required loading spaces shall conform with the standards in the following table:

Department stores, freight terminals, hospitals, sanitariums, industrial or manufacturing establishments, retail or wholesale stores or storage warehouses, or any similar use which has, or is intended to have, ten thousand (10,000) square feet or more, shall provide truck loading or unloading berths as follows. Required number of berths by square feet of aggregate gross floor area.

Ten thousand (10,000) to fifteen thousand (15,000). One (1) berth.

Sixteen thousand (16,000) to thirty-nine thousand nine hundred ninety-nine (39,999). Two (2) berths.

Forty thousand (40,000) to sixty-five thousand (65,000). Three (3) berths.

For each additional sixteen thousand (16,000). One (1) additional berth.

Auditoriums, convention or exhibit halls, sports arenas, hotels, office buildings, restaurants or similar uses which have, or are intended to have, an aggregate gross floor area of forty thousand (40,000) square feet or more, shall provide truck loading or unloading berths as follows. Required number of berths by square feet of aggregate gross floor area:

Forty thousand (40,000) to fifty-nine thousand (59,000). One (1) berth.

Sixty thousand (60,000) to ninety-nine thousand nine hundred ninety-nine (99,999). Two (2) berths.

One hundred thousand (100,000) to one hundred sixty thousand (160,000). Three (3) berths.

For each additional sixty thousand (60,000). One (1) additional berth.

Sec. 6-4. <RESERVED>

(Ord. 2010-24, 11/15/2010; 2018-07, 05/21/2018)

Sec. 6-5. Buffer Yard Requirements.

- A. Purpose: The purposes of this Section establishing standard buffer yard requirements are to provide a visual buffer between uses of different intensity, to reduce erosion and storm-water runoff, to protect property values, and to eliminate potential land use conflicts by mitigating adverse impacts from dust, odor, litter, noise, glare, lights, signs, buildings or parking areas.
- B. Buffer yards required: Buffer yards shall be provided in accordance with the provisions of this section whenever any use, development, or modification to use or development is being reviewed under this Zoning Code.
- C. Table of Required Buffer Yards: Table 1 titled "Required Buffer Yards Between Zoning Districts" is hereby adopted as part of this Section (see page following). The letter designation in Table 1 refers to the buffer yard standards established in Figure 2 (see page following).
- D. Buffer Yard Standards: Buffer yard requirements vary depending on the intensity of both the zoning district of the proposed use and its neighbors. Three different standards, A, B, and C, are hereby established to accommodate the range of buffer yard needs. Buffer yards shall conform to the minimum standards provided in Figure 2.
- E. Location: All required buffer yards shall be located on the perimeter of a lot or parcel upon which the development occurs and shall extend from lot line to lot line, or in an alternative location if the applicant demonstrates that it will provide an equivalent or superior buffering effect between uses. Buffer yards shall not be located on any portion of a public or private street, dedicated right-of-way or vision clearance triangle.
- F. Plant Size: The minimum size of plants at the time of planting shall be as follows:
1. Canopy trees - One and one-half inch (1.5") caliper.
 2. Understory trees - four feet (4') in height.
 3. Shrubs –
 - a. deciduous - fifteen inches (15") in height.
 - b. evergreen - twelve inches (12") in height.
 4. Evergreen trees - three feet (3') in height.
- G. Existing Vegetation: Existing trees and other vegetation may be used in combination for buffering if they are healthy and will satisfy the requirements of this section.
- H. Fences and Berms:
1. A fence provided to meet the requirements of a "C" buffer yard shall be solid, view obscuring, and constructed of natural materials and/or masonry, and shall be at least six feet (6') in height.
 2. If a landscaped berm at least three feet (3') in height is provided in a "B" buffer yard, plantings provided at the "A" buffer yard level will satisfy the buffer yard requirement.
 3. If a landscaped berm at least three feet (3') in height is provided in a "C" buffer yard, no fencing shall be required.
- I. Arterial Streets: Where an arterial street separates the incompatible uses requiring a buffer yard, then if a "C" buffer yard would normally be required, a "B" buffer yard will satisfy the requirement; and if a "B" buffer yard would normally be required, an "A" buffer yard will satisfy the requirement.
- J. Preparation of Buffer Yard Plan: Whenever buffering is required, a buffer yard plan, which may be incorporated into any other site plan required to be submitted under this Zoning Code, shall be prepared showing the approximate location, height, size and type of all plantings, fences and berms, and irrigation systems.

Table 1
Required Buffer Yards
Between Zoning Districts

zone of proposed use

zone of adjacent property		FR	SR		R-1	R-2	R-3	R-4	RO	BN	RTO	CB	GB	MB	I	U	
	FR							A	A	A	A	B	B	B	B		
	SR							A	A	A	A	B	B	C	C		
	R-1							B	A	B	B	B	B	C	C		
	R-2							A	A	A	A	B	B	B	C		
	R-3							A	A	A	A	B	B	B	C		
	R-4				A	A				A	A	B	B	B	C		
	RO				A	A	A						A	A	C		
	BN	A	A		A	A	A	A								A	
	RTO		A		A	A	A	A								A	
	CB	A	B		B	B	B	B	A							A	
	GB	A	B		B	B	B	B	A							A	
	BN	A	B		B	B	B	B	A							A	
	I	A	B		B	B	B	B	B	A	A						
U																	

No buffer yard required if space is blank

Figure 2

Standard Buffer Yards

REQUIRED PLANT UNITS / 100'

2 Canopy Trees



4 Understory Trees



6 Shrubs



At least 4 of these plantings shall be evergreens.



A

100'

Lower Intensity Use

12'



Higher Intensity Use

Bufferyard width may be reduced to a minimum of ten feet (10') where an irrigation system is installed providing a convenient and reliable source of water to all portions of the bufferyard so reduced in width.

REQUIRED PLANT UNITS / 100'

4 Canopy Trees



6 Understory Trees



8 Shrubs



At least 6 of these plantings shall be evergreens.



B

100'

Lower Intensity Use

14'



Higher Intensity Use

Bufferyard width may be reduced to a minimum of ten feet (10') where an irrigation system is installed providing a convenient and reliable source of water to all portions of the bufferyard so reduced in width.

REQUIRED PLANT UNITS / 100'

2 Canopy Trees



3 Understory Trees



12 Shrubs



At least 8 of these plantings shall be evergreens.



C

100'

Lower Intensity Use

16'



Higher Intensity Use

Fence

Bufferyard width may be reduced to a minimum of ten feet (10') where an irrigation system is installed providing a convenient and reliable source of water to all portions of the bufferyard so reduced in width.

K. Time of Completion: All buffering required by this section shall be installed prior to occupancy or commencement of use. A zoning certificate shall be issued only upon completion of all improvements required herein or upon receipt of appropriate financial commitment (subject to the approval of the City Attorney as to form and content) insuring the completion of all required improvements within a reasonable period of time, which in no event shall be longer than twelve (12) months after issuance of the zoning certificate.

L. Maintenance of Required Buffer Yards: The maintenance of buffer yards required by this section is a continuing obligation of the property owner. The use of property for which a zoning certificate is issued shall be conditional upon the continued satisfaction of the requirements of this section.
(Ord. 2018-07, 05/21/2018)

Sec. 6-6. Required Garbage Dumpster Areas.

Industrial, commercial and multiple family residential developments shall provide on-site locations to be reserved and utilized for the storage of dumpsters adequate in number and capacity to serve the development. Garbage dumpster areas shall be located such that they do not encroach upon any required parking stalls, do not interfere with vehicle maneuvering, and do not require service trucks to be stopped within street travel lanes (other than alleys).
(Ord. 97-33, 11/3/97; 2018-07, 05/21/2018)

Sec. 6-7. Moscow Sign Code.

A. Intents and Purposes.
It is the intent and purpose of this Sign Code to promote the health, safety and welfare of the residents and visitors of the City and to promote visual appeal by regulating and controlling the type, size, location, height, and placement of signs for the following reasons:

1. To promote planned and organized signage for each zoning district.
2. To give all businesses and institutions an equal opportunity within zoning districts to have signage that will help people find the services they need.
3. To prevent the cluttered effect caused by the number of signs, and to prevent overly-intrusive signage though business corridors and within neighborhoods.
4. To ensure that pedestrians and motorists are protected from injury and damage which may be caused by the distractions and obstructions of overly-intrusive or improperly placed signs. Further, it is the intent and purpose of this Sign Code to provide a reasonable balance between the right of business or institution to identify and promote itself with signs and the right of the public to be protected from the potential negative visual impacts and safety hazards which may result from the unrestricted proliferation of signs.
5. To prevent favoring of commercial speech over non-commercial speech or any favoring of any particular non-commercial message over any other non-commercial message.
6. To regulate political campaign signage in a reasonable and practical manner which is politically neutral and which is in accordance with local, State, and Federal law and regulations.

B. Sign Definitions.

1. Awning: A shelter supported entirely from the exterior wall of a building, that is constructed of canvas or other cloth type material stretched over a frame.
2. Awning Sign: A sign which is attached to or part of an awning. An awning sign shall be regulated as a wall sign unless it qualifies as another type of sign.
3. Billboard: A free standing sign controlled by M.C.C. 4-6-13(R)(1)(g).
4. Building Identification Sign: A sign which is limited to providing the

name of the onsite building it is identifying, the address and date of establishment of the building and other similar information which does not advertise for or identify any particular business or activity operating in the building.

5. Canopy: A shelter or roof-like cover supported by either a building and/or poles from the ground.

6. Canopy sign: A sign that is part of or attached to the face of a canopy with the face of the sign in a plane parallel to the canopy. A canopy sign shall be regulated as a wall sign unless it qualifies as another type of sign.

7. Dynamic Display Sign. A sign that is capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means. A sign that accurately displays only current time, date, and temperature and which does not contain any copy or commercial message within the dynamic display portion of the sign and which does not exceed ten (10) square feet in size shall not be considered a Dynamic Display Sign for purposes of this Sign Code.

8. Entity: A business, industry, profession, person, institution, organization, enterprise, commodity, service, assemblage, place, subdivision, solicitation, or request for aid.

9. Freestanding Sign: A sign supported primarily by uprights, braces or poles in or upon the ground.

10. Institutional Sign: A sign which advertises an on-site service or function having primarily governmental, social, educational, or religious purposes.

11. Marquee: A permanent, roof-like structure attached to and extending beyond the wall of a building to attract attention to and provide shelter for the main entry (or entries) of a building.

12. Marquee Sign: A sign which is attached to or part of a marquee. A marquee sign shall be regulated as a

wall sign unless it qualifies as another type of sign.

13. Monument Sign: A sign mounted on top of a ground base, such that there is direct contact or not more than twenty-four inches (24") between the bottom of the sign face and the base of the sign for at least one-half the length of the base.

14. Mural: Any artistic display painted directly onto a wall which does not otherwise qualify as a sign. Any such artistic display which qualifies as a sign shall be regulated as a wall sign.

15. Political Campaign Sign: A temporary outdoor sign associated with a candidate for public office or with a ballot measure, not including general political positions or issues.

16. Portable Sign: Any sign not attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A-frames or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or printed on vehicles parked or visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

17. Projecting Sign: A sign which projects by length or width (not thickness) from and is supported entirely by a wall, canopy, eave, parapet, or marquee.

18. Roof Sign: A sign erected upon or over the top of a roof. A roof sign shall not include a sign located on a mansard roof if the sign is integrated with the roof design. For the purpose of this Sign Code, a sign that is architecturally integrated into a mansard roof shall be classified as a wall sign.

19. Sign: A presentation, display, or representation of words or letters, or of as figure, design, picture, painting, color pattern, logo, emblem, symbol, trademark or other representation so as

to give notice, advertise, call attention to, or identify any entity.

20. Suspended Sign: A sign hanging down or projecting downward from a canopy, eave, awning or other similar projection.

21. Temporary Sign: A sign requiring no structural ground or building support, and displayed solely for temporary and short-term announcement, message, or advertisement or for land or building sale, rent, or lease.

22. Wall Sign: A sign that is part of or attached to, a building wall, window, parapet, eave, or door, that does not otherwise qualify as a projected sign.

C. Signs Permitted Upon Issuance of a Sign Permit.

1. No sign shall be erected, put into place, relocated, enlarged, structurally altered, or illuminated without issuance of a sign permit, unless explicitly exempted herein.

2. A non-commercial message of any type may be substituted for any duly permitted or allowed commercial or non-commercial message without any additional approval, permitting, or fee, provided that: (a) the sign structure or mounting device is legal, without consideration of content; and (b) the property owner has consented to the substitution of such message.

D. Exempt Signs.

Any sign which does not require a permit and which is allowed in addition to other permitted signage, but which must comply with other applicable regulations of this Sign Code are as follows:

1. All Zoning Districts:

a. A directional, warning, street, building identification, traffic control, informational, utility location identification or temporary special event sign which is displayed by or on behalf of federal, state, county, or city government;

b. A public utility sign identifying locations of underground utilities or warning of hazardous utilities;

c. A parking lot entry, exit, traffic directional or parking sign which does not contain any form of advertisement for or identification of an entity.

d. Political Campaign Signs in accordance with this Sign Code.

2. FR, SR, R-1, R-2, and R-3 Zoning Districts:

One (1) sign per lot street frontage noticing the lot on which the sign is posted for sale or lease. No such sign shall exceed six (6) square feet in size.

3. R-4, RO and NB Zoning Districts:

One (1) sign per lot street frontage noticing the lot on which the sign is posted for sale or lease. No such sign shall exceed nine (9) square feet in size.

4. RTO, "U", CB, UMC and GB Zoning Districts:

One (1) sign per lot street frontage noticing the lot on which the sign is posted for sale or lease. No such sign shall exceed twelve (12) square feet in size.

5. AF, MB and "T" Zoning Districts:

One (1) sign per lot street frontage noticing the lot on which the sign is posted for sale or lease. No such sign shall exceed thirty-two (32) square feet in size.

6. CB, GB, UMC and MB Zoning Districts:

A sign placed in or on a window or door provided that the total sign area in or on the window or door not exceed twenty-five percent (25%) of the window or door, in which case the sign shall be counted as a wall sign.

E. Prohibited Signs.

1. Portable Signs, as defined in this Sign Code, are prohibited in all zoning districts, except as permitted in Section T of this Sign Code.

2. Signs prohibited in the public right-of-way: No sign, sign structure or part thereof except for public traffic and highway signs, shall be located within

any public right-of-way, except as explicitly provided in this Sign Code. A sign may project or be suspended over a public right-of-way only in the CB and UMC Zoning District and subject to the following:

a. No sign, sign structure, foundation or part thereof shall be located in the ground, attached to or painted upon any structure, utility pole, bridge, or any other appurtenance within the public right-of-way.

b. No sign, sign structure or part thereof shall project closer than two feet (2') from any curb nor closer than four feet(4') from any built road, street, or alley which has no curb.

c. No sign, sign structure, or part thereof shall maintain less than ten feet (10') to the ground below it or not less than fourteen feet (14') if the surface below is a driveway.

d. No sign shall be located within the street intersection vision triangle of vehicular operators as described in Idaho Code Section 49-221, except as explicitly allowed thereby.

e. A sign which does not conform to all relevant provisions of this Sign Code and which is located in or projects or is suspended over a public right-of-way may be removed by the City of Moscow at any time pursuant to Article XII, Section 2 of the Idaho Constitution, and Sections 50-301 and 50-314 of Idaho Code.

3. A Dynamic Display Sign, except as specifically permitted within the Motor Business (MB), General Business (GB) and Industrial (I) Zoning Districts and subject to the standards contained in this Sign Code.

F. Nonconforming Signs.

1. Purpose: The eventual elimination of existing signs that are not in conformity with the provisions of this Sign Code is as important as the regulation of new signs.

2. The following nonconformity regulations shall supersede those of

M.C.C. 4-1-8 only for the purpose of regulating nonconforming signs:

a. Any existing sign that was legally permitted prior to the enactment date of this Sign Code is deemed to be a legally permitted sign under this Sign Code for a period of five (5) years. After five (5) years from the enactment date of this Sign Code, said nonconforming sign, unless it is brought into compliance with the requirements of this Sign Code, may not be:

i. Replaced, including replacement of the sign face or any part thereof, except with a conforming sign;

ii. Changed except for signs specifically designed to be readily and routinely changed in words, letters, or numbers;

iii. Structurally altered to extend the useful life of any part of the sign or the sign structure; and

iv. Expanded, moved or relocated.

b. Any entity with a nonconforming sign on a lot or property may not add additional signage of the entity until every sign of that entity on that lot or property is brought into conformance with this Sign Code.

G. Parks and Recreation Facility Identification Signs.

Any sign which identifies a public park or recreation facility on site and does not advertise any other use or entity may be permitted in any zoning district only where such sign does not exceed eight feet (8') in height as measured from the grade of the adjacent public street; five feet (5') in width; twenty-four (24) square feet in area; and is set back from the right-of-way at least five feet (5'). Such signs shall not be installed over a walkway, driveway or roadway and shall comply with all other Sign and Zoning Code requirements. Only one (1) such sign shall be permitted per six hundred (600) lineal feet of street frontage or fraction thereof.

H. Subdivision Entrance / Identification Signs.

Entrance and identification signs to subdivisions or other similar land development projects identifying the name of such subdivision project are permitted subject to the issuance of a Conditional Use Permit.

I. Temporary and Special Event Signs.

Temporary and special event signs for any permitted use may be displayed for a consecutive period not to exceed fifteen (15) days, for a maximum of thirty (30) days per year with the exception of “Grand Opening” type banners which may be displayed for a period not to exceed sixty (60) days. Only one (1) “Grand Opening” type banner shall be permitted for the life of the business. A subsequent “Grand Opening” type banner may be permitted when business ownership has transferred to another owner.

J. Murals.

Wall signs which use decorative artistry as their most prominent feature to attract attention may be permitted to exceed the maximum allowable size subject to the issuance of a Conditional Use Permit.

K. Historically Significant Signs.

Signs which an applicant can demonstrate as having significant historical value to a neighborhood or to the community at large may be repaired and/or relocated, regardless of applicable zoning district and nonconformity regulations, subject to the issuance of a Conditional Use Permit.

L. Political Campaign Signs.

1. Placement of Political Campaign Signs in Zoning Districts.

Political Campaign Signs may be posted on private property in the City with the permission of the owner or lessee or their agent(s) or representative(s) in accordance with the following:

a. Residential Zoning Districts.

A maximum of six (6) square feet of

total area per Political Campaign Sign shall be permitted on private property.

b. Commercial Zoning Districts.

A maximum of thirty two (32) square feet of total area per Political Campaign Sign shall be permitted on private property with the permission of the owner or lessee or their agent(s) or representative(s). Every Political Campaign Sign exceeding thirty two (32) square feet of total area shall comply with regulations applicable to the respective Commercial Zoning District in this Sign Code.

2. Posting and Removal.

No Political Campaign Sign shall be posted more than sixty (60) days preceding the first day of primary, election or vote for the office or ballot measure with which such is associated. Every Political Campaign Sign shall be removed within seven (7) days following the day of final election or vote for the office or ballot measure with which it is associated.

3. Removal by City.

Political Campaign Signs which do not comply with this Subsection may be removed by the City and held until retrieved by the candidate and/or representative of the campaign or ballot measure with which they are associated.

M. Sign Area/ Size Calculations.

1. The area of a sign shall be determined by calculating the area within the smallest rectangle that encloses the outermost edges of the sign face, or any combination of the areas of all such rectangles enclosing the outermost edges of each sign face module, plus any frame work or structure, texture, writing, symbols, logos, or color, and any other form of display that is part of or attracts attention to the sign, or is used to differentiate the sign face from the structure upon which it is placed.

2. For any sign designed or intended to be readily and routinely changed, the sign face area shall include the entire

area within which any design elements could be placed, plus any frame or material, texture, writing, symbols, logos, or color, framework or structure, together with any other form of display that is part of or attracts attention to the sign, or is used to differentiate the sign face from the structure upon which it is placed.

3. The area of two (2) sided or double faced signs shall be calculated using only one (1) sign facing, provided that the intersection of the two (2) sign facings forms not greater than a one hundred thirty-five degree (135°) angle; further provided that when the intersection of the two sign facings forms greater than one hundred thirty-five degree (135°) angle, the sign area shall be calculated as the sum of the areas of both sign facings.

4. The area of a sign that contains greater than two (2) sign facings shall be calculated as the sum of the areas of all the sign facings.

N. Permitted Signs in the AF and FR Zoning Districts.

1. City owned entrance, welcome, and identification signs.

2. A maximum of thirty-two (32) square feet of total sign area, identifying a permitted institutional, public service, utility facility or commercial use located on the lot.

3. A maximum of one (1) freestanding sign on each lot street frontage.

4. No freestanding sign shall exceed twenty (20) square feet in size or ten feet (10') in height.

5. Signs may be externally illuminated only; no strobe lights, flashing lights, rotary lights, or beacons shall be permitted, and the source of any illumination shall not be visible from any adjoining street or property.

6. No roof sign or portable sign shall be permitted.

7. A projecting or suspended sign shall maintain a minimum clearance of

eight feet (8') to the ground below or fourteen feet (14') if over a driveway.

8. No projecting sign shall exceed a height of thirty inches (30") above the building wall.

O. Permitted Signs in the SR, R-1, R-2 and R-3 Zoning Districts.

1. A maximum of one (1) monument or freestanding sign per lot street frontage.

2. No monument or freestanding sign shall exceed twenty (20) square feet in size, nor ten feet (10') in height identifying a permitted institutional, public service, or utility facility located on the lot.

3. No monument or freestanding sign shall exceed four (4) square feet in size identifying a permitted commercial use located on the lot.

4. Signs may be externally illuminated only; no strobe lights, flashing lights, rotary lights, or beacons shall be permitted, and the source of illumination shall not be visible from any adjoining street or property.

5. The total area of wall signs on a building wall shall not exceed one (1) square foot times the length in feet of the wall; each wall calculated separately.

6. No roof sign or portable sign shall be permitted.

7. A projecting or suspended sign shall maintain a minimum clearance of eight feet (8') to the ground below or fourteen feet (14') if over a driveway.

8. No projecting signs shall exceed a height of thirty inches (30") above the building wall.

P. Permitted signs in the R-4, RO and NB Zoning Districts.

1. A maximum of one (1) monument or freestanding sign on each lot street frontage.

2. No monument or freestanding sign shall exceed thirty-two (32) square feet in size nor ten feet (10') in height.

3. The total area of wall signs on a building wall shall not exceed one (1) square foot times the length in feet of

the wall; each wall calculated separately.

4. Signs may be externally illuminated only; no strobe lights, flashing lights, rotary lights, or beacons shall be permitted, and the source of any illumination shall not be visible from any adjoining street or property.

5. No roof sign or portable sign shall be permitted.

6. A projecting or suspended sign shall maintain a minimum clearance of eight feet (8') to the ground below or fourteen feet (14') if over a driveway.

7. No projecting sign shall exceed a height of thirty inches (30") above the building wall.

Q. Permitted Signs in the RTO and "U" Zoning Districts.

1. A maximum of one (1) monument or freestanding sign on each lot street frontage.

2. No monument or freestanding sign shall exceed sixty-four (64) square feet in size nor ten feet (10') in height.

3. The total area of wall signs on a building wall shall not exceed one (1) square foot times the length in feet of the wall; each wall calculated separately.

4. Signs may be externally illuminated only; no strobe lights, flashing lights, rotary lights, or beacons shall be permitted, and the source of illumination shall not be visible from any adjoining street or property.

5. No roof sign or portable sign shall be permitted.

6. A projecting or suspended sign shall maintain a minimum clearance of eight feet (8') to the ground below or fourteen feet (14') if over a driveway.

7. No projecting sign shall exceed a height of thirty inches (30") above the building wall.

R. Permitted Signs in the CB, UMC and GB Zoning Districts.

1. A maximum of either one (1) freestanding sign or one monument sign on each lot street frontage.

2. No freestanding sign shall exceed one hundred twenty (120) square feet in size not twenty-five feet (25') in height.

3. Any freestanding sign erected over a driveway shall maintain a minimum clearance of fourteen feet (14') to the driveway surface.

4. A maximum of one (1) projecting sign and one (1) suspended sign per business, profession, institution, organization or enterprise on each lot street frontage. No projecting sign shall exceed fifty (50) square feet in size, nor shall it exceed a height of thirty inches (30") above the building wall.

5. No suspended sign shall exceed twelve (12) square feet in size.

6. A projecting or suspended sign shall maintain a minimum clearance of eight feet (8') to the ground below or fourteen feet (14') if over a driveway.

7. No projecting sign shall exceed a height of thirty inches (30") above the building wall.

8. The total area of wall signs on a building wall shall not exceed three (3) square feet times the length in feet of the wall, each wall calculated separately.

9. Signs may be internally or externally illuminated, however, no strobe lights, flashing lights, rotary lights, or beacons shall be permitted and the source of illumination shall not be visible from any adjoining street or property.

10. No roof sign shall be permitted.

11. Portable Signs as permitted in Section T of this Sign Code.

S. Permitted Signs in the MB and "T" Zoning Districts.

1. Freestanding Signs:

a. No freestanding sign shall be allowed to overhang the public right-of-way.

b. No upright, brace, pole, or other part of a sign support structure erected or constructed after the enactment date of this Sign Code, shall

be closer than five feet (5') to the public right-of-way.

c. Except as provided in paragraph M.C.C. 4-6-13(S)(1)(g) below, no freestanding sign shall contain greater than one hundred (100) square feet of sign area, plus ten (10) square feet for each entity in excess of one (1) advertised on the sign and located on the lot, to a maximum increase of one hundred (100) square feet for such additional entities, plus one-half (1/2) square foot for each one (1) square foot of landscaping to a maximum increase of one hundred (100) square feet for such landscaping; provided that no such sign shall contain greater than three hundred (300) square feet of sign area. Any sign utilizing the above-mentioned landscaping bonus shall have such landscaping situated at or near the base of the sign in such a manner as to buffer the visual impact of the sign structure to passers by along the street frontage. The signage landscaping shall be in addition to any other required landscaping and consist of groundcover (such as bark chips, river rock, mulch, etc.) plus trees and shrubs or trees and perennials which will achieve one hundred percent (100%) coverage within ten (10) years of planting. Annual plantings, ivy and turf may be included provided that they do not cover in excess of fifteen percent (15%) of the landscaped area.

d. No freestanding sign shall exceed twenty-five feet (25') in height.

e. Any freestanding sign erected over a driveway must maintain a minimum clearance of fourteen feet (14') from the bottom of the sign to the driveway surface.

f. Except for signs permitted by M.C.C. 4-6-13(S)(1)(g) below the total number of freestanding signs on each lot street frontage shall be limited to one (1) per each three hundred feet (300') of lot street frontage or additional part thereof; however, no freestanding sign shall be permitted on

any lot created after the enactment date of this Sign Code that has less than two thousand five hundred (2,500) square feet of lot area.

g. An additional freestanding sign (billboard) may be permitted to exceed one hundred (100) square feet of sign area, exclusive of increases for multiple entities or landscaping, provided such freestanding sign meets the following requirements:

i. it is on a lot that is at least two thousand five hundred (2,500) square feet in size or on a lot that was recognize by the City as building lot prior to the enactment date of this Sign Code;

ii. it is located on property within fifty feet (50) of U.S. Highway 95 or State Highway 8 right-of-way;

iii. it be spaced no closer than one thousand five hundred feet (1,500') of another sign permitted by this paragraph M.C.C. 4-6-13(S)(1)(g);

iv. it not exceed three hundred (300) square feet per facing with no more than two (2) facings that intersect at no greater than a one hundred thirty-five degree (135°) angle (a tri-action sign shall be considered as one which has more than two (2) facings);

v. it not exceed twenty-five feet (25') in height;

vi. if illuminated, the source of illumination be external and not directly visible from any location on any adjacent lot or right-of-way.

vii. it maintain a minimum clear distance of eight feet (8') from the bottom of the sign to the ground below it or a minimum of fourteen feet (14') if the ground below is a driveway.

2. Monument Signs.

a. A monument sign located within ten feet (10') of a street right-of-way shall not exceed twenty-four (24) square feet in size plus twelve (12) square feet if a minimum of fifty (50) square feet of landscaping is provided around the base of the sign.

b. A monument sign located within ten feet (10') of a street right-of-way shall not exceed four feet (4') in height, except that a monument sign not greater than three feet (3') in width may be allowed a maximum height of eight feet (8').

c. A monument sign located beyond ten feet (10') from a street right-of-way shall not exceed sixty (60) square feet in size plus thirty (30) square feet if a minimum of one hundred (100) square feet of landscaping is provided around the base of the sign. The signage landscaping shall be in addition to any other required landscaping and consist of groundcover (bark chips, river rock, mulch, etc.) plus trees and shrubs or trees and perennials which achieve one hundred percent (100%) coverage within ten (10) years of planting. Annual plantings, ivy and turf may be included provided that they do not cover in excess of thirty percent (30%) of the landscaped area.

d. A monument sign located beyond ten feet (10') from a street right-of-way shall not exceed fifteen feet (15') in height.

e. The total number of monument signs on each lot street frontage shall be limited to the greater of the following: one (1) per lot street frontage of fifty feet (50') or more or one (1) on each two hundred feet (200') of lot street frontage or additional part thereof.

3. Projecting and Suspended Signs

a. No projecting sign shall exceed fifty (50) square feet in size and no suspended sign shall exceed twelve (12) square feet in size.

b. No projecting sign shall exceed a height of thirty inches (30") above the building wall.

c. A projecting or suspended sign shall maintain a minimum clearance of eight feet (8') from the bottom of the sign to the ground below it, or a

minimum or fourteen feet (14') if the ground below is a driveway.

d. A maximum of one (1) projecting sign and one (1) suspended sign per business, enterprise, profession, institution, or organization on each lot street frontage.

4. Roof Signs.

a. A maximum of one (1) roof sign, not to exceed eighty (80) square feet in size, per building.

b. No roof sign shall exceed twenty-five feet (25') in height above the ground.

5. Wall Signs.

The total area of wall signs on a building wall shall not exceed three (3) square feet times the length in feet of the wall, each wall calculated separately.

6. Portable Signs as permitted in Section T of this Sign Code.

7. Illumination.

Signs may be internally or externally illuminated; no strobe lights, flashing lights, rotary lights, or beacons shall be permitted, and the source of any illumination shall not be visible from any adjoining street or property.

T. Permitted Portable Signs. Portable Signs shall be permitted as follows:

1. Central Business (CB) and Urban Mixed Commercial (UMC) Zoning District. Portable Signs shall be permitted within the Central Business (CB) and Urban Mixed Commercial (UMC) Zoning Districts on private property and on public right-of-way and shall be subject to the following restrictions:

a. Maximum number permitted shall be one (1) Portable Sign per each one hundred feet (100') of building frontage. At least one (1) Portable Sign shall be permitted for each building.

b. Maximum size shall be four feet (4') in height, and three feet (3') in width.

c. Materials shall be solid and durable, and there shall be no lighting.

- d. Location:
 - i. Portable Signs shall be directly in front of the business they serve.
 - ii. A minimum clear width of at least six feet (6') shall be maintained on public right-of-way for the safe movement of pedestrians, and the location shall be subject to the approval of the City Engineer.
 - e. Anchoring. Portable Signs shall be suitably anchored, weighted or designed to be resistant to the wind and shall be removed from public right-of-way at the end of each business day and shall not be displayed during the non-business hours of the commercial use such signs advertise.
 - f. Hold Harmless Agreement. Any person or business placing a Portable Sign upon the public right-of-way in conformance with this Section shall execute an agreement by which the person or business placing such Portable Sign accepts any and all liability for damages of any nature suffered by anyone as a result of the placement or maintaining of such Portable Sign and further shall agree to hold the City harmless from and indemnify the City for any such claims for damages.
2. General Business (GB) and Motor Business (MB) Zoning Districts. Portable Signs shall be permitted in the General Business (GB) and Motor Business (MB) Zoning Districts subject to the following restrictions:
- a. Maximum number permitted shall be no more than one (1) Portable Sign per each one hundred feet (100') of lot frontage. At least one (1) Portable Sign shall be allowed per each lot street frontage. No more than three (3) Portable Signs shall be permitted for any single lot frontage.
 - b. Maximum Size:
 - i. Sandwich Board Signs: Four feet (4') in height and three feet (3') in width.

- ii. Freestanding Banner Signs: Thirteen feet (13') in height and twenty four (24) square feet in size.
 - c. Portable Signs shall be constructed of solid and durable materials and shall not include lighting or reflective materials.
 - d. Portable Signs shall be suitably anchored, weighted or designed to be resistant to the wind.
 - e. Portable Signs shall not be placed upon public right-of-way and shall not present a visual sight obstruction upon adjacent streets, as determined by the City Engineer. Where the physical development or other special circumstances of the property prohibit the placement of Portable Signs upon private property, Portable Signs may be allowed upon the adjacent public right-of-way upon the issuance of an encroachment permit from the agency having jurisdiction over said public right-of-way.
 - f. All Portable Signs shall be removed at the end of each business day and shall not be displayed during the non-business hours of the commercial use such signs advertise.
 - g. Portable Signs displayed within private parking lots (such as malls or shopping centers) that are not oriented toward and readily visible from adjacent public streets shall not be regulated by this Sign Code.
 - h. Portable Signs that are tattered, torn, or in a state of disrepair are prohibited.
- U. Dynamic Display Signs. Dynamic Display Signs shall be permitted as follows:
1. Permitted Locations.

Dynamic Display Signs shall be permitted only within the Motor Business (MB), General Business (GB), and Industrial (I) Zoning Districts, subject to the standards contained herein.
 2. Maximum Dynamic Display Sign Area Per Building Lot.

The total Dynamic Display Sign area shall not exceed one hundred fifty (150) square feet per building lot.

3. Maximum Single Dynamic Display Sign Size. No single Dynamic Display Sign shall exceed one hundred (100) square feet in size within the Motor Business (MB) and Industrial (I) Zoning Districts, or fifty (50) square feet within the General Business (GB) Zoning District.

4. Dynamic Display Sign Messaging. Dynamic Display Signs shall not include any illumination or image which moves continuously, appears to be in motion or has any moving or animated parts or video displays or broadcasts. No Dynamic Display Sign shall include any illumination which is flashing or moving, except as allowed for transition between images or displays. Dynamic display shall not use blinking, bursting, distorting, flashing, oscillating, rotating, shimmering, sparkling, streaming, tracing, traveling text, and/or twinkling effects.

5. Hold Time.

Dynamic display shall not change or move more often than once every eight (8) seconds.

6. Transitions.

Transition from one (1) image or display to the next image or display shall be accomplished in two (2) seconds or less. Fading, scrolling, and/or dissolving effects may be used as part of such transition.

7. Other Sensory Measures. Dynamic Display Signs shall not emit or utilize any sound or smell that is capable of being detected.

8. Display Malfunctions.

The Dynamic Display Sign owner shall stop all dynamic display within twenty four (24) hours following receipt of notice from the City that the Dynamic Display Sign is malfunctioning or is otherwise not in compliance with the standards of this Sign Code.

9. Brightness.

a. Dynamic Display Signs shall not exceed a maximum illumination of eight thousand (8,000) nits (candelas per square meter) during daylight hours or more than five hundred (500) nits during nighttime hours (sunset to sunrise), as measured from the Dynamic Display Sign's face when such Sign is set at full white display.

b. In addition to the illumination limits herein, no Dynamic Display Sign shall result in an increase of more than three tenths (0.3) of one foot candle above existing ambient light levels utilizing the following procedure:

Within a time period of at least thirty (30) minutes past sunset and (30) minutes prior to sunrise on the same night, an ambient light first reading shall be taken using an appropriate foot candle meter while the subject Dynamic Display Sign is off or is displaying all black display. Such first reading shall be taken with the light meter aimed directly at the Dynamic Display Sign at a distance which shall be equal to the square root of the Dynamic Display Area multiplied by one hundred (100) (i.e., $[\text{SQRT}(\text{sign area in sq. ft.} \times 100)]$). A second reading from the same location as the first reading shall be taken in the same manner as the first reading while the subject Dynamic Display Sign is displaying full white display. The difference between the two readings shall not exceed three tenths (0.3) of one foot candle.

c. Dynamic Display Signs shall be equipped with automatic dimming technology that automatically adjusts the Dynamic Display Area's brightness, based on ambient light conditions.

10. No Interference with Traffic Control Devices. No Dynamic Display Sign shall obscure or interfere with the effectiveness of any official traffic sign, device, or signal, as determined by the City Engineer.

11. Nonconformities.

a. Dynamic Display Signs in place on the date of adoption of this Dynamic Display Signs subsection shall comply with all the operational standards of this subsection to the extent that is technically feasible when considering the operational control capabilities of such existing Dynamic Display Sign.

b. A Dynamic Display Sign in place on the date of adoption of this Dynamic Display Sign subsection which is designed and intended to display only text messages that do not fit completely within the display area at one time (e.g., scrolling messages, serially displayed messages, etc.) and which do not contain any graphic images, may scroll or display portions of a message that is statically displayed for a duration of no less than one (1) second, if such is done in a consistent and predictable manner that does not result in flashing of the display.

c. An existing Dynamic Display Sign that does not meet the structural requirements of this Dynamic Display Sign subsection may continue as a nonconforming sign, subject to the regulation of non-conforming signs in this Sign Code.

V. Internally Illuminated Signs. No internally illuminated sign shall exceed the following illumination standards:

1. No internally illuminated sign shall exceed a maximum illumination of eight thousand (8,000) nits (candelas per square meter) during local daylight hours (sunrise to sunset) or more than five hundred (500) nits during local nighttime hours (sunset to sunrise), as measured from the internally illuminated sign's face.

2. In addition to the illumination limits in this illuminated sign subsection, no internally illuminated sign shall cause an increase of more than three tenths (0.3) of one foot candle above existing ambient light

levels when measured utilizing the following procedure:

Within a time period of at least thirty (30) minutes past sunset and thirty (30) minutes prior to sunrise on the same night, an ambient light first reading shall be taken using an appropriate foot candle meter while the subject sign is off. Such first reading shall be taken with the light meter aimed directly at the subject sign at a distance which shall be equal to the square root of the illuminated sign area multiplied by one hundred (100) (i.e., $\sqrt{\text{sign area in sq. ft.} \times 100}$). A second reading from the same location as the first reading shall be taken in the same manner while the subject sign is illuminated. The difference between the two readings shall not exceed three tenths (0.3) of one foot candle.

3. Internally illuminated signs shall be equipped with automatic dimming technology that automatically adjusts the display portions' brightness, based on ambient light conditions.

(Ord. 2006-05, 02/21/06; 2009-01, 01/20/2009; 2009-10, 05/18/2009; 2012-16, 08/06/2012; 2012-19, 09/04/2012; 2013-02, 02/04/2013; 2016-08; 07/18/2016; 2018-07, 05/21/2018)

Sec. 6-8. Fences

A. Fences may be constructed after obtaining a permit from the City. All fences shall comply with the following standards:

1. Fences within all Zoning Districts, except for the Industrial (I) Zoning District, shall not exceed six feet (6') in height, except fences located on school grounds, public parks, public utility facilities, and similar public facilities. Fences shall not exceed eight feet (8') in height within the Industrial (I) Zoning District.

2. Fences within the FR, SR, R-1, R-2, R-3, R-4, RO, and NB Zoning Districts shall comply with the following standards:

a. Fences constructed within required front yards shall not exceed three feet (3') in height for solid

fences, and four feet six inches (4' 6") in height for open fences where the posts and material constitute not more than sixty percent (60%) of the fence area.

b. Solid fences installed on top of, or within five feet (5') of fill-retaining walls located at a rear, side, or street side property line shall not exceed a height of six feet (6') minus one-half (1/2) the elevation difference between the high and low sides of the wall.

3. Fences shall not be allowed within the Urban Mixed Commercial (UMC) Zoning District except for the following exceptions:

a. Open fences not to exceed four feet (4') in height, or solid fences or masonry walls not to exceed three feet (3') in height, where located around outdoor seating and dining areas, private yard areas and similar spaces in front of the principal structure.

b. Solid fences not to exceed six feet (6') in height where used to screen trash and/or recycling receptacles, private rear yard areas, and similar spaces to the side or behind the principal structure.

c. Fences and/or masonry walls not to exceed three feet (3') in height where used to screen off-street parking facilities.

4. Fences shall be set back a minimum of one foot (1') from adjacent public sidewalks, or six feet (6') from the back of the street curb if no sidewalk exists.

5. Fences located within the street intersection sight triangle shall be constructed in accordance with the City Standard Construction Specifications and drawings as adopted by the Council.

6. Any fence proposed to be located within the public right-of-way shall require the issuance of an encroachment agreement.

7. Barbed wire fences or other fences constructed in a manner that may be hazardous to persons or animals are

prohibited in all Zoning Districts except for the Industrial (I) District. Barbed wire fences within the Industrial (I) Zoning District may be permitted where necessary for security and where all portions of the barbed wire are located no less than six feet (6') above the ground level.

(Ord. 2001-3, 02/05/01; 2005-04, 01/18/2005; 2010-24, 11/15/2010; 2014-16, 10/06/2014; 2018-07, 05/21/2018)

Sec. 6-9. Outdoor Lighting.

A. Purpose.

The purposes of this Chapter are to provide standards for outdoor lighting to minimize detriment to adjoining property owners and the public while maintaining adequate outdoor lighting for security and safety, and to promote energy conservation, the preservation of the night sky, and nighttime enjoyment of properties within the City.

B. Applicability.

The provisions of this Section shall apply to outdoor lighting which exists or is installed, replaced or modified after the effective date of this Section.

C. Definitions.

1. *Floodlight*: An outdoor lighting fixture, luminaire or lamp that incorporates a reflector or refractor to concentrate the light output in a particular direction and area.

2. *Full Cut-off or Fully-Shielded*: An outdoor lighting fixture, shielded or constructed in such a manner that all light emitted by the light fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal.

3. *Height of Luminaire*: The vertical distance from the ground surface directly below the centerline of the luminaire to the lowest part of the lamp.

4. *Installation*: The placement of an outdoor light fixture where none currently exists.

5. *Lamp*: A generic term for an artificial light source (to be distinguished from the whole assembly or luminaire) or an object commonly referred to as “bulb.”

6. *Light*: The form of radiant energy acting on the retina of the eye.

7. *Light Fixture*: The assembly that houses, holds, or supports the lamp and/or the lamp(s). The light fixture may include all or some of the following: a housing, a mounting bracket or pole socket, lamp holder, light pole, ballast, a reflector or mirror, and/or refractor or lens.

8. *Light Trespass*: The shining of light produced by a luminaire beyond the boundaries of the property upon which such luminaire is located.

9. *Lumen*: A unit of luminous flux where one (1) footcandle is one (1) lumen per square foot. For the purposes of this Chapter, the lumen output values shall be the initial lumen output ratings of a lamp.

10. *Luminaire*: A light fixture and lamp or lamps.

11. *Modification*: The replacement, relocation, or change in height of an outdoor light fixture.

12. *Opaque*: Opaque means that a material does not transmit light from an internal illumination source.

13. *Outdoor Lighting*: The illumination of an outside area or object not within a building by a luminaire.

14. *Partially shielded*: A luminaire that incorporates a translucent barrier, in and around the lamp, which allows some light to pass through the barrier while concealing the light source. Additionally the lamp is shielded in such a manner that less than ten percent (10%) of the light emitted directly from the lamp or indirectly from the light fixture is projected at angles above the horizontal.

15. *Replacement*: The substitution of an existing light fixture with another light fixture.

16. *Uplighting*: A luminaire directed to shine light rays above the horizontal plane.

D. Allowable Outdoor Lighting.

1. General Standards.

All outdoor lighting within the City shall be full cut-off and designed, installed and maintained in order to prevent light trespass upon adjacent property or a public street, unless otherwise specifically allowed by this Chapter. Outdoor lighting existing as of the adoption date of this Section and which does not comply with the full cut-off and trespass requirements regulations herein shall be made compliant with such within twenty (20) years from the adoption date of this Section.

2. Height Standards.

No luminaire shall exceed the height specified for each Zoning District and described as the distance between grade at base of the supporting pole or structure to the top of the luminaire unless otherwise specified herein:

a. SR, R-1, R-2, R-3: fifteen feet (15')

b. AF, FR, R-4, R-O, NB, RTO: twenty feet (20')

c. CB, GB, MB, I: twenty-five feet (25')

d. U: thirty-five feet (35')

3. Residential Zoning District Outdoor Lighting Standards.

a. All outdoor lighting on property within residential Zoning Districts of the City shall be full cut-off with the following exceptions:

i. All luminaires with a maximum output of four hundred (400) lumens, regardless of number of lamps may be left unshielded or partially shielded, provided that such luminaire has an opaque top or is under an opaque structure.

ii. Freestanding luminaires with a maximum output of one thousand (1,000) lumens, regardless of number of lamps provided the lamp is

partially shielded, the luminaire has an opaque top, or it is located under an opaque structure.

iii. Partially shielded, wall-mounted luminaires located below an eave with a maximum output of two thousand (2,000) lumens. Examples of lamp types of two thousand (2000) lumens and less are:

- (a) 100 Watt Standard Incandescent
- (b) 15 Watt Cool White Fluorescent
- (c) 15 Watt Compact Fluorescent
- (d) 18 Watt Low Pressure Sodium

iv. An angled spot or floodlight, provided that the luminaire is not directed more than twenty-five degrees (25°) in any direction from a vertical line—drawn from the center of the lamp to the surface directly below it.

v. A partially shielded floodlight equipped with a timer that allows illumination only between dusk and 11:00 p.m. local time.

vi. A luminaire activated by a motion sensor where such luminaire:

- (a) Emits light only for a maximum of five (5) minutes per activation when activated;
- (b) Is not triggered by activity off the property upon which such luminaire is located.

vii. Lighting of communication and/or navigation towers required by law or regulation other than by their Code.

b. Every freestanding luminaire within single family and two (2) family Residential Zoning Districts of the City shall be placed at a height equal to or less than the sum of $H=(D/3)+3$, where D is the distance in feet to the side and rear property lines from the closest point of the lamp and not to exceed the maximum height requirements otherwise specified in this Chapter, with the following exceptions:

i. A freestanding luminaire for a parking lot associated with an institutional facility or any use other than a single or two (2) family residential and which is approved as part of a Conditional Use Permit, Special Use Permit, or Planned Unit Development and which is set back from the side and rear property lines a distance no less than the height of the luminaire.

ii. Municipal outdoor lighting, as otherwise regulated by this Chapter.

iii. Public parks, Recreation Facilities and athletic field outdoor lighting, as otherwise regulated by this Chapter.

iv. A freestanding luminaire installed to illuminate a driveway or alley at its intersection with a street may be placed up to the street right-of-way line, subject to the height limitations of Section (D)(2) herein.

4. Non-Residential Zoning District Outdoor Standards.

All outdoor lighting in Zoning Districts other than Residential within the City shall be full cut-off with the following exceptions:

a. Lighting of communication and/or navigation towers required by law or regulation other than by their Code.

b. Lighting of public spaces and public rights of way within the Central Business Zoning District on the University of Idaho campus in its historic district provided the outdoor lighting is partially shielded and does not trespass on residential properties.

5. Municipal Outdoor Lighting.

All outdoor lighting on property owned or managed by the City shall be full cut-off unless otherwise allowed herein.

a. All existing streetlights owned, operated, or leased by the City and not in compliance with this Section at the time of adoption of this Section shall be made to be compliant with this

Section within twenty (20) years or subject to the City of Moscow Street Light Replacement and Retrofit Plan as approved by Council.

b. All newly installed streetlights owned, operated, or leased by the City within Residential Zoning Districts and along street frontage of those properties directly adjacent to Residential Zoning Districts shall not exceed thirty feet (30') in height except as required for City street intersections with traffic signals.

6. Outdoor Sign Lighting: All outdoor sign lighting, placement, and use, shall be regulated by Section 4-6-13 of this Code.

7. Public Parks, Recreation Facilities, and Athletic Field Lighting.

a. All newly installed outdoor lighting in a public park, a recreation facility, or a ball field shall be full cut-off and not trespass on to adjoining property.

b. Repair, replacement, or other modification of an existing non-compliant public park, recreational facility, athletic field or similar outdoor lighting system which meets or exceeds fifty percent (50%) of the replacement cost of the system, as valued on the effective date of this Chapter, shall be repaired, replaced, or modified so as to be in conformance within the current standards established herein. For purposes of this subsection, "system" shall mean the entirety of a coordinated grouping of luminaires necessary to provide outdoor lighting for the desired use(s) of a public park, recreational facility, and/or ball field. If no such repair, replacement or other modification occurs to result in compliance with this Chapter within twenty (20) years from the effective date of this Chapter, any such non-compliant lighting shall be replaced or modified with compliant lighting within twenty (20) years from the effective date of this Chapter.

E. Exemptions. The following outdoor lighting may be exempted from the provisions of this Chapter by the Zoning Administrator:

1. Temporary Use Exemptions

a. Outdoor lighting needed during construction projects, provided that reasonable mitigation measures are taken, such as partial shielding or placement of luminaires at an angle to minimize light trespass.

b. Search lights for the purpose of special event advertising, provided that such outdoor lighting shall not exceed three (3) consecutive days and for not more than five (5) such events per business per year.

c. Seasonal outdoor lighting decorations utilizing low-wattage or low-voltage incandescent lamps shall be permitted for public festivals, celebrations, and the observance of holidays except where such creates a nuisance.

d. All temporary emergency lighting needed by a governmental body, franchise, or agency to respond to an emergency.

e. Special event lighting on the University of Idaho campus.

2. Other Exemptions

a. Federal facilities and State and Federal highways.

b. Swimming Pool and Fountain Lighting. Underwater lighting used for the illumination of swimming pools and fountains is exempt from the lamp type and shielding standards provided herein, though it must conform to all other provisions of this Ordinance.

c. Flagpole uplighting for flags of government entities, provided that the lit flagpole is set back a minimum of twenty feet (20') from any property line, does not cause light trespass, and the maximum lumen output does not exceed thirteen thousand (13,000) lumens in non-residential Zoning Districts and eight thousand (8,000) lumens in Residential Zoning Districts.

d. Lighting on or for telecommunications or antenna towers or antenna support structures or any related elements thereof which is required by the Federal Aviation Administration or any other State or Federal agency having such authority.

3. Variance

The Zoning Administrator may accept application to the Board of Adjustment for a Variance from the requirements of this Section, subject to the provisions of Section 8-3 of this Code.

(Ord. 2005-03, 01/18/2005; 2010-24, 01/15/2010; 2018-07, 05/21/2018)