

Chapter 2

**ZONING DISTRICTS**

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**Sec. 2-1. Establishment of Zoning Districts.**

Pursuant to the policies contained in this Zoning Code and the Plan, the City is divided into zoning districts as depicted upon the Moscow Zoning Map which is hereby adopted and made a part of this Title and Ordinance, as though fully set out herein. Zoning districts depicted on the Moscow Zoning Map shall correspond to the zoning districts established by this Zoning Code.

(Ord. 2018-07, 05/21/2018)

**Sec. 2-2. Adoption of Moscow Zoning Map.**

The original of the Moscow Zoning Map, signed by the Mayor, attested by the Clerk, and kept in the office of the City Engineer, shall serve as the true record of zoning district boundaries of the City. A copy shall be retained by the Clerk. Provisions shall be made on the Moscow Zoning Map for notation of changes to zoning district boundaries. Change notations shall be initialed by the Mayor upon the original Moscow Zoning Map.

(Ord. 2018-07, 05/21/2018)

**Sec. 2-3. Rules for Determination of Zoning Districts.**

Where uncertainty exists as to the classification or boundaries of zoning districts as shown on the Moscow Zoning Map, the following rules shall apply:

- A. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;
- B. Boundaries indicated as approximately following lot lines shall be construed as following such lot lines;
- C. Boundaries indicated as approximately following City limits shall be construed as following such City limits;
- D. Boundaries indicated as parallel to or extensions of features indicated in subsections A through C herein shall be so construed.
- E. Distances not specifically indicated on the Moscow Zoning Map shall be determined by the scale of the map.
- F. When physical or cultural features existing on the ground are at variance with those shown on the Moscow Zoning Map, or in other circumstances not covered by subsections A through E herein, the zoning district boundaries shall be determined in a manner consistent with the purposes of this Zoning Code.
- G. Where a district boundary line appearing on the Moscow Zoning Map divides a platted lot which was in single ownership at the time of passage of this Chapter, the requirements of the less restrictive zoning district shall apply to the whole thereof, provided that such extension shall not include any part of such lot more than thirty (30) feet beyond a zoning district boundary line.
- H. If the zoning district of any property as indicated on the Moscow Zoning Map should conflict with a textual description, the Moscow Zoning Map shall prevail.
- I. If the zoning of a parcel of land is not shown on the Moscow Zoning Map, the parcel of land shall be deemed to be zoned FR, Farm, Ranch, Outdoor Recreation Zoning District.
- J. All land hereafter annexed to the City shall be classified FR, Farm, Ranch, Outdoor Recreation Zoning District,

pending study, public hearing and specific zoning district classification.  
(Ord. 2018-07, 05/21/2018)

**Sec. 2-4. District Purposes.**

A. Agriculture/Forestry Zoning District (AF).

Purpose: The purpose of the Agriculture/Forestry (AF) zoning district is to foster agriculture and forestry land uses while providing for limited, low-density residential land uses which will not conflict with farm and forest practices nor place inappropriate demands on rural public services nor promote the indiscriminate conversion of farm and forest land to other uses.

B. Farm, Ranch, and Outdoor Recreation Zoning District (FR).

Purpose: This classification is intended to permit current agricultural, outdoor recreation and other open land uses to be maintained and at the same time to set minimum standards for the development of similar new uses in order that this open zoning district be protected against spasmodic, disorderly and indiscriminate development until such time as another appropriate use of the land in this zoning district has been determined. It is also intended that newly annexed areas of the City be placed in this classification until land use studies determine the character and appropriate use of such areas.

C. Suburban Residential Zoning District (SR).

Purpose: This classification is to create and protect a permanent single family residential neighborhood at a very low density. Where properly located and controlled, specified rural uses, including pasturage of livestock, may be allowed. Because large areas are contained within lots in this zoning district, the demand for parking is to be satisfied by spaces located entirely on private property. Public improvements are to be designed to serve the rural, low

intensity uses permitted in this zoning district; for this reason and because some uses permitted in the SR zoning district may not be compatible with more intensive zoning districts, the following conditions shall apply to the designation of land in the SR zoning district.

1. Local streets developed to a reduced standard specially applicable in the SR zoning district shall not provide primary access to development with a higher density than permitted in the SR zoning district.

2. The minimum size of an SR zoning district shall be ten (10) acres.

3. The SR zoning district shall be located only in areas specifically designated A or A/LR on the Comprehensive Plan Map. Because the SR zoning district may interfere with higher density, more efficient land use, it should be applied where such interference would be unlikely, such as in areas primarily rural in character and not close to schools, public facilities and shopping areas. The SR zoning district should not be applied where the reduced street standards permitted would interfere with present or future transportation needs for the area in which the SR zoning district is proposed.

4. After zoning and development of land in the SR zoning district occurs, changes from this zoning district can only take place concurrently with or after redevelopment of streets and utilities to standards applicable in the proposed zoning district for which the person is applying.

D. Low Density, Single Family Residential Zoning District (R-1).

Purpose: The R-1 zoning district is a low density residential zone appropriate where the following circumstances are present:

1. Single family dwellings predominate in the area.

2. The physical character of the area does not lend it to more intense development, either by virtue of irregular topography, restricted access, division of the land into subdivision lots of a size greater than the minimum lot size required by this zoning district, or the application of the Plan policies to the land in question.

E. Moderate Density, Single Family Residential Zoning District (R-2).

Purpose: The R-2 zoning district is a moderate density residential zone appropriate where the following circumstances are present:

1. Single family dwellings predominate.
2. The terrain is not harshly irregular and smaller lot sizes can be accommodated without extensive earthwork.
3. Utilities and other public facilities are adequate for the densities allowed.
4. Existing lot development patterns and policies embodied in the Plan will also guide application of this zoning district.

F. Medium Density Residential Zoning District (R-3).

Purpose: The R-3 zoning district provides for an increase over the density allowed by the R-2 zoning district by permitting different types of housing construction. It is appropriate where activity levels are moderate, terrain permits construction of somewhat larger structures, and where public systems and neighborhood facilities can accommodate a greater intensity of land use as guided by the Comprehensive Plan.

G. Multiple Family Residential Zoning District (R-4).

Purpose: The R-4 zoning district provides for the most intense residential land uses permitted in the community. It is to be applied where activity levels are high and adequate public facilities are available, especially near the University of Idaho campus or the City Central Business Zoning District.

Adequate transportation access should be given high priority in determining the appropriate location for R-4 zoning districts.

H. Residential/Office Zoning District (RO).

Purpose: The RO Zoning District is a moderately intensive zone including both offices and high density housing. It serves as a transitional Zoning District between residential Zoning Districts and commercial or industrial Zoning Districts. The RO Zoning District is appropriately applied in the following circumstances:

1. On the perimeter of commercial or industrial districts where they abut residential land uses;
2. Where transportation network use is greater than desirable for lower density residential uses;
3. Where landforms create sites which are reasonably accessible by transportation systems and which are buffered from nearby residential areas; and
4. Where the development patterns in a neighborhood will allow development of moderate intensity to occur without producing adverse visual impact or harm to the transportation network.

I. Neighborhood Business Zoning District (NB).

Purpose: The NB Zoning District is the lowest intensity commercial Zoning District permitted within the City. It is intended to apply to areas of less than two (2) acres, where commercial services may be provided in convenient locations serving adjoining residential neighborhoods rather than the community as a whole. The commercial services permitted are those where traffic generation, access requirements, impacts of lighting, neighborhood need for services, and noise production will be compatible with residential uses. The NB Zoning District is appropriately applied in the following circumstances:

1. Where local commercial facilities will serve the everyday needs of a limited neighborhood area;
  2. Where activity levels associated with small scale office development can be accommodated or tolerated by surrounding land uses and existing public services;
  3. Where a neighborhood core is identified which is easily accessible by pedestrian or vehicular circulation; and
  4. Where such commercial development will result in minimal interference with residential uses in the vicinity of the NB Zoning District.
- J. Research, Technology and Office Zoning District (RTO).  
Purpose: The RTO Zoning District is intended to create a high quality professional environment for research, technology, office and other primary job industries to be established within the City of Moscow. This Zoning District is appropriate where adequate infrastructure is available and where neighboring land uses will enhance, or not detract from, the intent and uses of the RTO Zoning District. The RTO Zoning District should be located adjacent to or in close proximity to arterial or collector streets.
- K. Central Business Zoning District (CB).  
Purpose: The principal purpose of the CB Zoning District is to provide a location for groups of compatible commercial uses having the common characteristic of not involving more than incidental and minimal assembly, fabrication or storage of commodities; for example, establishments dispensing retail commodities, and those providing professional and personal services to the individual. The CB Zoning District is the most intensive commercial Zoning District. To promote pedestrian use, unbroken, street-level, commercial frontage is encouraged in this Zoning District.
- L. General Business Zoning District (GB).  
Purpose: The principal purpose of the GB Zoning District is to provide for the location and grouping of compatible retail enterprises having the common characteristics of dispensing commodities, providing professional services or providing personal services to the individual, but which do not involve more than incidental or limited assembly, fabrication or storage of commodities. The GB Zoning District is appropriately applied in the following circumstances:
1. On the periphery of the CB Zoning District where retail uses are appropriate yet the distance to community parking facilities indicates a need for on-site parking.
  2. At dispersed commercial centers where the grouping of retail and office uses is appropriate to serve community or regional needs.
- M. Motor Business Zoning District (MB).  
Purpose: The MB Zoning District is intended to provide for the location and grouping of compatible uses having similar operation as they involve enterprises which depend primarily on the transient motor vehicle-based trade. By concentrating such uses the City intends to increase public convenience when utilizing such services and, within the regulation, to allow such activities to render the maximum service.
- N. Industrial Zoning District (I).  
Purpose: The I Zoning District is designed to encourage sound industrial development in the City by providing a protective environment primarily for such development.
- O. Urban Mixed Commercial Zoning District (UMC).  
Purpose: The principal purpose of the UMC Zoning District is to provide a location for urban mixed development including a range of compatible commercial uses such as retail, eating

and drinking, and hospitality establishments, professional and personal service uses, as well as residential uses. The UMC Zoning District is intended to promote the urban development form, promote a mixture of commercial and residential land uses. This Zoning District is appropriately applied in close proximity to the Central Business District and the downtown area where the urban form of development is appropriate and intensity of allowed commercial land uses can be accommodated.

P. University Zoning District (U).

Purpose: The purpose of the University Zoning District is to create a district that will protect and maintain the university environment, and provide for the location and grouping of compatible uses found on or in close proximity to the University of Idaho Campus.

(Ords. 97-12, 04/07/97; 97-14, 04/07/97; 97-33, 11/03/97; 98-15, 04/20/98; 98-13, 04/20/98; 98-18, 06/01/98; 2003-24, 11/17/2003; 2005-07, 02/07/2005; 2005-27, 08/15/2005; 2005-33, 12/19/2005; 2006-03, 02/07/2006; 2006-20, 11/06/2006; 2007-11, 09/17/2007; 2008-22, 10/20/2008; 2010-10, 06/07/2010; 2010-24, 11/15/2010; 2011-11, 08/15/2011; 2011-15, 09/19/2011; 2013-05, 04/01/2013; 2013-15, 08/19/2013; 2013-16, 10/21/2013; 2014-06, 05/19/2014; 2014-16, 10/06/2014; 2014-19, 11/17/2014; 2015-04, 03/02/2015; 2015-06, 04/06/2015; 2015-07, 05/04/2015; 2015-11, 07/06/2015; 2015-12, 08/03/2015; 2018-07, 05/21/2018)

**Sec. 2-5. Overlay and Specific Plan Districts.**

A. General Provisions.

Overlay and Specific Plan Districts. All land within the City shall be assigned a base zoning district established in Section 4-2-1. In addition, some lands may be designated one or more overlay district. Where a property is assigned an overlay district, both sets of regulations apply, with those of overlay controlling in case of conflict between the two. An overlay district may apply additional requirements or allow

exceptions to the standard regulations of the base zone.

B. Legacy Crossing Overlay Zoning District (LCO).

1. Purpose. With the retraction of historic agricultural industrial uses from the downtown area and in special consideration of its unique and sensitive characteristics, the City finds that redevelopment within the LCO area requires an increased level of review to ensure the logical and orderly redevelopment and provision of public services within the LCO area.

2. Relationship to Underlying Zoning. It is the intent of the LCO that the underlying zoning district designation shall specify the permitted land uses within the LCO and the LCO review process shall be contained to the review of design of proposed development within the LCO.

3. Development Review. Prior to the issuance of any building permit for a new principal structure, or for a substantial improvement (as defined by this Code) to any existing principal structure, all development proposals within the LCO shall be reviewed for conformance with the LCO Design Guidelines, as duly adopted by Resolution of the Council, in accordance with the provisions of this Section.

4. Development Review Process. Review of a proposed LCO development shall consist of three (3) stages: a Pre-application Meeting; a Preliminary LCO Development Review; and a Final LCO Development Review.

a. Pre-application Meeting. The pre-application meeting is intended to provide the opportunity to identify and discuss the conformance of the proposed development concept with the underlying zoning designation and the intents, purposes and requirements of the LCO Design Guidelines, and to provide an informal review opportunity of a proposed development prior to

substantial design investment by the applicant.

i. Required Pre-application Meeting Materials. The applicant shall provide concept plans which show the proposed development, including a concept site plan, building elevations, and the number, floor area, and proposed use of all proposed structures and land areas of the development site. Such plans shall be of adequate scale, resolution and detail to provide the Zoning Administrator with adequate information to assess the conformance of proposed development to the LCO Design Guidelines.

ii. Upon completion of the Pre-application Meeting, the Zoning Administrator shall provide the applicant with comments and suggestions for any recommended amendments and/or modifications to the development concept for use in further development of the application.

b. Preliminary Development Review.

i. Preliminary LCO Development Application Materials. Prior to review by the Planning and Zoning Commission, the applicant shall submit five (5) copies the following development application materials to the Zoning Administrator:

(a) A development site plan that includes all the following:

(i) Property boundary lines and individual lot lines of each parcel which is to be created for separate ownership;

(ii) Existing and proposed grade plan in two foot (2') maximum contour intervals of the development site and extending a minimum of twenty feet (20') outside the development site;

(iii) The location of all buildings and all off-street parking areas;

(iv) The location of all planned and existing

thoroughfares and walks, their widths and nature of their improvements, and whether they are to be public or private;

(v) The location of easements for water lines, fire hydrants, sewer and storm sewer lines, and other utilities;

(vi) Areas to be conveyed, dedicated, reserved or used for parks, playgrounds or any other public use;

(vii) Landscaping and tree planting plans including the location of existing trees and shrubs which are to be retained;

(viii) Any other details deemed necessary during the Pre-application Meeting to demonstrate conformance with the LCO Design Guidelines.

(b) Elevation drawings of all proposed structures including a description of proposed building materials and all proposed land uses including a computation of total square footages dedicated to the proposed uses; and

(c) Lighting and signage plans.

ii. All submitted plans shall be drawn to a standard engineer's or architect's scale and may contain multiple categories of the above-listed information on any one (1) plan drawing, provided that such plan drawing represents all information in an accurate and readily identifiable manner. Plans shall contain information and detail as necessary to determine compliance with applicable codes, and to determine conformance with the LCO Design Guidelines and intent of this Section.

iii. Determination of Completeness. Upon receipt of the Preliminary Review submission from Applicant, the Zoning Administrator shall distribute the proposed development plans to the appropriate development review parties for review

and comment upon the proposed development plans. Upon determination that the application materials are complete and in substantial conformance with applicable City standards and requirements, the Zoning Administrator shall schedule the Preliminary LCO Development Application for review by the Planning and Zoning Commission.

iv. Preliminary Review Public Comment Period. Prior to the Preliminary Review by the Commission, notice of the proposed development shall be published in the paper of record and posted upon the subject property. Such notice shall describe the nature of the proposed development, the location where materials relating to the proposed development may be viewed, and provide fifteen (15) calendar days from the date of publication and posting for written comments regarding the proposed development to be submitted to the Zoning Administrator. All written comments received by the Zoning Administrator shall be included with the preliminary review materials for the Commission's consideration.

v. Preliminary Development Review Process. The Preliminary Review shall be conducted by the Commission as a regular agenda item. The Commission shall evaluate the conformance of the proposed development with the LCO Design Guidelines and may give approval of the proposed development, or approval subject to required modifications or conditions, or may deny the development proposal. All decisions of the Commission shall be based upon the criteria established within the LCO Design Guidelines. If the proposed development will include Conditionally Permitted Uses or require a Variance, the Commission shall serve as the hearing body for the proposed Conditional Use or Variance in

conjunction with the Preliminary Review.

vi. Appeal of the Preliminary Decision. The decision of the Commission relative to a proposed LCO development may be appealed to the Council by the applicant or by any affected person, as defined by this Code, in accordance with this Code.

vii. Duration of Preliminary Approval. Preliminary approval of a LCO development proposal shall expire eighteen (18) months following the date of approval by the Commission and shall be automatically null and void on such date unless final approval has been granted prior to such time.

c. Final Review. The final review process is intended to provide an opportunity to review the final development plans for conformance with the intent of the Preliminary Development Review approval.

i. Final LCO Development Application Review Materials. The applicant shall provide five (5) copies of the proposed final LCO development plans to the Zoning Administrator not less than twenty-one (21) days in advance of the meeting of the Commission at which the proposed final development plans shall be reviewed. The final LCO development plan submission shall include final version of all materials required for the Preliminary development review, in addition to the following items:

(a) Evidence of clear title to any lands to be conveyed or reserved for parks, scenic ways, playgrounds, schools, public buildings, or other public purposes;

(b) Final plans for location of water, sewer, drainage and all other utilities, and plans for street improvements and grading;

(c) A final phasing plan; and

(d) Any proposed development agreements, deed restrictions, or other commitments necessary to assure compliance with the proposed final LCO development plan.

ii. Final LCO Development Review Process. If the proposed final LCO development plan is substantially similar to the LCO development plan application submitted to the Commission for preliminary approval and, if it adequately incorporates all required conditions or modifications, it may be considered as a regular agenda item at a meeting of the Commission. The Commission may grant final approval, may grant final approval with minor modifications or conditions, or may deny the application if it is not in substantial conformance with the preliminary approval and/or conditions of preliminary review approval. Phased building permits and construction shall be allowed in accordance to phasing plans presented and approved within the original approval.

iii. Appeal of the Final Decision. The decision of the Commission relative to a proposed LCO development final approval may be appealed to the Council by the applicant or by any affected person, as defined by this Code, in accordance with this Code.

iv. Duration of Final LCO Development Approval. If building permits required for the approved LCO development are not obtained within twenty-four (24) months following the date of final approval by the Commission, such LCO development final approval shall be immediately revoked and shall be automatically null and void on such date. Within twenty four (24) months following the date of LCO development final approval by the Commission, the applicant of such LCO development may request one (1) extension of not more than twelve (12) months from the date of the request for extension. The request for extension

shall be reviewed and approved or denied by the Commission. No further extension shall be granted.

d. LCO Project Amendment. After final approval of a LCO Development, the Zoning Administrator shall administer the permitting and development review process for the project. The Zoning Administrator shall be allowed to approve minor amendments to the project that do not substantively alter the intent and considerations, or specific conditions of the Commission's project approval. If the Zoning Administrator finds that the proposed amendment substantively alters the intent and considerations, or specific conditions of the Commission's approval, the proposed amendment shall be consider by the Commission as a regular agenda item.

(Ord. 2012-09, 06/04/2012; 2018-07, 05/21/2018)