AN ORDINANCE OF THE CITY OF MOSCOW, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE AMENDMENT OF MOSCOW CITY CODE TITLE 4, CHAPTERS 2, CHAPTER 3, CHAPTER 11 AND CHAPTER 12; PROVIDING FOR THE DEFINITION OF ACCESSORY GARDEN, COMMUNITY GARDEN AND MARKET GARDEN; PROVIDING FOR THE ALLOWANCE OF ACCESSORY GARDENS, COMMUNITY GARDENS AND MARKET GARDENS WITHIN ALL ZONING DISTRICTS; PROVIDING FOR THE ESTABLISHMENT OF SPECIFIC USE STANDARDS FOR MARKET AND COMMUNITY GARDENS; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE BE DEEMED SEVERABLE; AND PROVIDING FOR THIS ORDINANCE TO BE IN FULL FORCE AND EFFECT FROM THE DATE OF ITS PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the promotion of local food production has become an issue of national, state and local significance; and

WHEREAS, local food production can increase access to healthy food options, reduce the environmental impacts of food distribution and transportation, and increase food security and affordability; and

WHEREAS, the allowance of urban agricultural activities within the City of Moscow provides for the productive use of underutilized lands that may not be appropriate for other uses and development; and

WHEREAS, the allowance of urban agriculture activities will provide economic opportunity and strengthen the local economy; and

WHEREAS, on June 12th, 2013 the Planning and Zoning Commission conducted a public hearing upon the amendments contained herein and recommended approval to the City Council; and

WHEREAS, on August 19th, 2013 City Council conducted a public hearing and considered and adopted the amendments contained herein.

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

SECTION 1: That Moscow City Code Title 4, Chapter 11 be amended as follows:

... Sec. 11-9 Definitions:

... B. Unless otherwise specified, all distances shall be measured horizontally.
1. **Accessory Building.** A subordinate building, the use of which is incidental to the use of the main building on the same lot.

2. **Accessory Structure.** Any structure attached to or located adjacent to a home, or on the same lot, including awnings, steps, porches, carports, garages, and storage buildings. An accessory structure shall be considered “detached” if located more than two feet (2') from the principal/primary structure.

3. **Accessory Use.** A minor or second use for which a lot, structure or building is designed or employed in conjunction with but subordinate to its primary use. The term is synonymous with "secondary use."

4. **Affected Person.** A person who shows to the City, by a preponderance of evidence, that such person has an interest which may be adversely affected by the issuance or denial of a permit authorizing development or by a decision of the City.

5. **Alley.** A passageway open to public travel which affords generally a secondary means of vehicular access to abutting lots and is not intended for general traffic circulation.

6. **Alterations.** A change or rearrangement of the structural parts of existing facilities, or an enlargement by extending the sides or increasing the height or depth, or the moving from one location to another. In buildings for business, commercial, industrial or similar uses, the installation or rearrangement of partitions affecting more than one-third (1/3) of a single floor area shall be considered an alteration.

7. **Antenna Tower.** A structure to house or hold a device which transmits or receives television, radio, or telephone communications but excluding those which are used as accessory to a residential use.

8. **Automobile Service Station** (See Gasoline Station).

9. **Basement.** That portion of a building partly underground and having at least one-half (1/2) of its height more than five feet (5') below the adjoining finish grade.

10. **Bed and Breakfast Inn.** A building occupied by its owner in which lodging and breakfast or meals are provided for not more than six (6) roomers for compensation on less than a weekly basis.

11. **Bedroom.** A room within an apartment unit other than a living room, kitchen, bathroom, eating area or utility room which may be used for sleeping purposes.

12. **Billboard** (See Sign).

13. **Boarding House.** A building occupied by its owner in which not more than six (6) roomers, lodgers and/or boarders are housed or fed for compensation on a weekly or longer basis.

14. **Building Area.** The total ground coverage of a building or structure which provides shelter measured from the outside of its external walls or supporting members or from a point four feet (4') in from the outside edge of a cantilevered roof, whichever covers the greatest area.

15. **Building.** "Building" means any structure having a roof, but excluding all forms of vehicles even though immobilized. When a use is required to be within a building, or where special authority granted pursuant to this Zoning Code requires that a use shall be within an entirely enclosed building, then the term "building" means one so designed and constructed that all exterior walls of the structures shall be solid from the ground to the roof line, and shall contain no openings except for windows and doors which are designed so that they may be closed.
16. **Building Height.** The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point on the roof or parapet wall.

17. **Building Line.** The line of that face or corner or part of a building nearest the property line.

18. **Building Site.** The total horizontal area within the property lines excluding external streets, public or private.

19. **Carport.** A structure to house or protect motor vehicles owned or operated by the occupants of the main building which is open to the weather for at least forty percent (40%) of the total area of its sides.

20. **Clinic.** A building designed and used for the medical, dental and surgical diagnosis and treatment of patients under the care of doctors and nurses.

21. **Club.** An incorporated or unincorporated association of persons organized for a social, educational, literary or charitable purpose. Property occupied by a club shall be deemed to be semi-private in character and shall be subject to the regulations governing public buildings and places, excluding groups organized primarily to render a service which is normally considered a business.

22. **Commercial Use.** An activity maintaining a display of goods, merchandise or services, for sale or involving a rental fee.

23. **Commercial Vehicle.** A motor vehicle used for purposes other than a family car, such as a taxi, delivery or service vehicle.

24. **Conditional Use.** "Conditional use" means a use permitted in one or more zoning district as defined by this Zoning Code but which, because of characteristics peculiar to such use, or because of size, technological processes or equipment, or because of the exact location with reference to surroundings, streets and existing improvements or demands upon public facilities, requires a special degree of control to make uses consistent with and compatible to other existing or permissible uses in the same zoning district(s).

25. **Conditional Use Permit.** "Conditional Use Permit" means the documented evidence of authority granted by the Board of Adjustment to locate a conditional use at a particular location.

26. **Court.** An open, unoccupied space other than a yard, on the same lot with a building or buildings and which is bounded on two (2) or more sides by such buildings or building, including the open space in a house, court or apartment, providing access to the units thereof.

27. **Day Care Facility.** Any business, place of business or establishment which provides Day Care. This definition includes any Premises, location, play area, playground, organization, institution, partnership, school, home, residence, dwelling, group home, foster home, place or facility whether such business or concern calls itself a mini school, kindergarten, nursery, pre-school, club, cooperative, mother's-day-out, learning center or any other business whose activity is the same or substantially similar to a Day Care operation or concern.

   a. The definition of Day Care Facility shall not include:

      (1) Any institution, school or facility operated by or under the direction of the State of Idaho by any agency or political subdivision of the State of Idaho or by any other public body or public entity.
(2) Any elementary, junior high, or high school licensed and designated as such by the State of Idaho.

(3) Any medical or hospital facility operated pursuant to license issued by the State of Idaho.

b. There shall be four classifications of Day Care Facility:

   (1) Family Day Care Facility: A Day Care Facility providing Day Care for five (5) or fewer children;

   (2) Group Day Care Facility: A Day Care Facility providing Day Care for six (6) to twelve (12) children;

   (3) Small Day Care Facility: A Day Care Facility providing Day Care for thirteen (13) to twenty (20) children; and

   (4) Large Day Care Facility: A Day Care Facility providing Day Care for twenty-one (21) or more children.

(5) The number of children in each of the above classifications (1) through (4) may be increased with the addition of school-aged children (first grade and up) from 3:00 p.m. until 6:00 p.m. on weekdays, and on teacher work days, and on snow days, without affecting the classification level.


29. Dwelling, Single Family. A detached building or manufactured home designed for, and occupied exclusively by, one (1) family. The classification “single family dwelling” shall include any home in which eight (8) or fewer unrelated mentally and/or physically handicapped or elderly persons reside; and which is supervised. Resident staff, if employed, need not be related to each other or to any of the mentally or physically handicapped or elderly persons residing in the home. No more than two (2) such staff shall reside in the dwelling at any one time.

30. Dwelling, Townhouse. A structure which contains three (3) or more attached single family dwelling units that share a single common wall and where each unit is located upon a separate platted lot to allow for individual sale.

31. Dwelling, Twinhome. A structure which contains two (2) attached single family dwelling units that share a single common wall and where each unit is located upon a separate platted lot to allow for individual sale.

32. Dwelling, Two Family. A building containing two (2) kitchens and designed to be occupied by two (2) families living independently of each other.

33. Dwelling, Multi-Family. A building designed to house three (3) or more families living independently of each other and having one yard in common.

34. Dwelling Unit. A building or portion thereof providing complete housekeeping facilities for one family. The term "dwelling" shall not be deemed to include motel, hotel, tourist home, bed and breakfast inn, or boarding house.

35. Established Grade. The high point of the sidewalk at the front or side lot line as established by the City.

36. Family.

   a. For purposes of this “family” definition:

      (1) “related” shall mean persons related by blood, marriage, adoption, and/or guardianship or other duly authorized relationship, and
(2) "family" shall not mean any society, club, fraternity, sorority, association, lodge, federation, bed and breakfast inn, boarding house, residential rental unit, or other like use or organization, and
(3) there shall be no more than one (1) "family" per dwelling unit, unless otherwise permitted by this Code.
(4) "living together as a single housekeeping unit" shall mean where all occupants of the dwelling unit enjoy a common right to use the entire dwelling, despite informal arrangements among members to designate certain areas as individual sleeping spaces, and where such persons share household living arrangements, including, but not limited to, rental or mortgage payments, utility payments, groceries, chores, maintenance of the premises, and common sanitary, living, and cooking supplies and/or facilities.
(5) "related by blood" shall mean persons related in any combination of the following: parents, step-parents, children, step-children, siblings, step-siblings, half-siblings, uncles, aunts, nephews, nieces, grandparents, grandchildren, great grandparents, great grandchildren, and first cousins.
b. One (1) or more related persons living together as a single housekeeping unit in a dwelling unit; or
c. not more than four (4) persons living together as a single housekeeping unit in a dwelling unit, when one (1) or more of them is not related to any other person in such dwelling unit; or
d. two (2) persons who are not related and any number of additional persons related to either of such two (2) unrelated persons, as long as all persons are living together as a single housekeeping unit in such dwelling unit; or
e. eight (8) or fewer unrelated mentally and/or physically handicapped or elderly persons reside; and which is supervised. Resident staff, if employed, need not be related to each other or to any of the mentally or physically handicapped or elderly persons residing in the home. No more than two (2) such staff shall reside in the dwelling at any one (1) time.
37. Floor Area. The sum of the gross horizontal areas of the floors of a building or buildings, measured from the exterior faces of exterior walls and from the center line of division walls. Floor area shall include: basement space, elevator shafts and stairwells at each floor, mechanical equipment rooms or attic spaces with headroom of seven feet (7') six inches (6") exterior steps or stairs, terraces, breezeways and open spaces.
38. Fraternity, Sorority Or Student Cooperative. A building occupied by and maintained exclusively for students affiliated with an academic or professional college or university, or other recognized institution of higher learning and regulated by such institution.
39. Functional Open Space. Land within a development which is permanently reserved as open space, free from permanent structures, useful for recreational or social use by the residents of the development, or others; such space shall not include streets, roadways or parking areas.
40. Garage, Private. An enclosed space for the storage of one or more private vehicles for residents of the premises.
41. Garage, Public. A building or portion thereof designed and used for the storage, rental, repair or servicing of motor vehicles or boats, as a business.
42. Garden, Accessory. The use of land for growing of produce and/or plants, that is accessory to a permitted principal use, and where the produce from the garden is primarily
grown for the consumption and use, or donation, by the person(s) residing or employed upon
the subject property. Accessory Gardens may include the keeping of animals and fowl as
permitted by this Code. On-site retail sales are not permitted in association with Accessory
Gardens unless specifically permitted under this Code.

43. Garden, Community. The collective use of land for growing of produce and/or plants,
conducted by a group of people, where the site is commonly divided into plots that
individuals may rent for the season, where the produce or plant materials grown upon the
site are intended for consumption, use, or donation by the person(s) cultivating the land. On­
site retail sales are not permitted in association with Community Gardens unless specifically
permitted under this Code.

44. Garden, Market. The use of land for growing of produce and/or plants that are
conducted by a single individual, or a group of individuals, where the produce or plant
materials grown upon the site are intended to be sold for consumption by others. Market
Gardens may include the keeping of animals and fowl as permitted by this Code. On-site
retail sales are not permitted in association with Market Gardens unless specifically
permitted under this Code.

4245. Gasoline Station. Any area of land, including the structures thereon, that is used
for the sale of gasoline or other motor fuels, oils, lubricants, and auto accessories and which
may or may not include washing, lubricating, or other minor servicing, but no painting
operation.

4346. Guest House. A detached structure, being an accessory to a single family dwelling
with not more than two (2) bedrooms, having no kitchen facilities, and which shall be used
and/or designed for use primarily by guests and/or servants for sleeping quarters only.

4447. Habitable Floor. Any floor usable for living purposes, which includes working,
sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for
storage purposes is not a "habitable floor."

4548. Home (Rest, Convalescent, Guest, For The Aged). "Rest home," "convalescent
home," "guest home" and "home for the aged" mean a home operated similarly to a boarding
house but not restricted to any number of guests or guest rooms and the operator of which is
licensed by the State to give special care and supervision to his or her charges, and in which
nursing, dietary and other personal services are furnished to convalescents, invalids and aged
persons, but in which homes are kept no persons suffering from a mental sickness, mental
disease, disorder or ailment, or from a contagious or communicable disease, and in which
homes are performed no surgery, maternity or other primary treatments such as are
customarily provided in sanitariums or hospitals, and in which no persons are kept or served
who normally would be admitted to a mental hospital.

4649. Home, Retirement. A place of residence for several families or individuals in
apartment like quarters, rented or condominium, which may feature services to retired
persons such as limited nursing facilities, minimum maintenance living accommodations,
and recreation programs and facilities.

4750. Hospital. An establishment which provides accommodations, facilities and
services over a continuous period of twenty-four (24) hours or more, for observation,
diagnosis and care, of two (2) or more individuals, not related by blood or marriage to the
operator, who are suffering from illness, injury, deformity or abnormality, or from any
condition requiring obstetrical, medical or surgical services.
4851. **Hotel.** Any building or portion thereof containing six (6) or more rooms that are rented, or hired out to be occupied or which are occupied for sleeping purposes for compensation, whether the compensation be paid directly or indirectly. A central kitchen and dining room and accessory shops and services catering to the general public can be provided. Not included are institutions housing persons under legal restraint or requiring medical attention or care.

4952. **Institution, Educational.** A college or university supported by public or private funds, tuitions, contributions or endowments, giving advanced academic instructions as approved by the State Board of Education or by a recognized accrediting agency, excluding pre-school, elementary and junior or senior high schools, and trade and commercial schools; including fraternity and sorority houses.

5053. **Junk Yard.** A lot, land or structure, or part thereof, used for the collecting, storage and sale of waste paper, rags, glass, plastic, scrap metal or discarded material, or for the collecting, dismantling, storage, salvaging or sale of parts of machinery or vehicles not in running condition.

5154. **Kennel, Commercial.** Any lot or building in which four (4) or more dogs and/or cats are kept commercially for board or propagation or treatment.

5255. **Kitchen.** Any rooms used or intended or designed to be used for cooking and/or preparation of food.

5356. **Large Retail Establishment.**

a. A single retail establishment; or any combination of retail establishments in a single building with shared private off-street parking (such as a shopping mall); or any combination of retail establishments in separate and abutting buildings which are planned, constructed, and/or managed as a single property with shared private off-street parking (such as a shopping center); and

b. Which is greater than forty thousand (40,000) square feet of gross floor area.

5457. **Lot.** A lot, in the meaning of this Zoning Code, is a single tract of land, no matter how legally described, whether by metes and bounds and/or by lot or lots and block designation as in a recorded plat, which at the time of applying for a building permit is designated by its owner or developer as the tract to be used, developed or built upon as a unit of land under single ownership or control and assigned to the particular use for which the building permit is being secured and having frontage on or access to a public street.

5558. **Lot Area.** The total horizontal area within the boundary lines of a lot, excluding areas of dedicated and prescriptive public or railroad rights-of-way. The lot area shall include all utility easements and any flag pole portion of a flat lot.

5659. **Lot, Corner.** A lot at the junction of and fronting on two (2) or more intersecting streets.

5760. **Lot, Depth.** The mean dimension of the lot from the front street line to the rear line.

5861. **Lot, Flag.** A lot with access provided to the part of the lot designated for use as a building site by a narrow corridor.

5962. **Lot, Interior.** A lot fronting on one (1) street.

6063. **Lot, Through.** A lot fronting on two (2) streets that do not intersect on the parcel’s lot lines.
**Lot, Width.** The dimension of the lot line at the street, or in an irregular shaped lot the dimension across the lot at the building line, or in a corner lot the narrow dimension of the lot at a street or building line.

**Manufactured Home.** A structure as defined by Idaho Code Section 39-4105(14) and which meets the following additional standards:

- a. The manufactured home shall be multisectional and enclose a space of not less than one thousand (1,000) square feet; and
- b. The manufactured home shall be placed on an excavated and backfilled foundation and enclosed at the perimeter such that the home is located not more than twelve inches (12”) above grade; and
- c. The manufactured home shall have a pitched roof of at least three feet (3’) in vertical rise for each twelve feet (12’) in horizontal run; and
- d. The manufactured home shall have any exterior siding and roofing material which is approved by the City for site-built homes; and
- e. The manufactured home shall not be permitted within an area defined as a historic district under Section 67-4607, Idaho Code.

**Manufacturing, Light.** The manufacturing, compounding, treatment, processing, assembling, packaging, or testing of goods or equipment.

**Manufacturing, Heavy.** The extraction, processing or treatment of raw materials, or the manufacturing, compounding, treatment, processing, assembling, packaging, testing, handling, or storage of explosive or radioactive materials or products.

**Mean Depth.** The mean depth of a lot is the depth of such lot measured on a line approximately perpendicular to the fronting street and midway between the side lines of such lot.

**Motel.** A motel is a building or buildings, detached or in connected units or designed as a single structure, the units of which are used as individual sleeping or dwelling units, each having its own private toilet facilities and may or may not have its own kitchen facilities, and are designed primarily for the accommodation of transient travelers. Accommodations for trailers are not included. This term includes tourist court, motor hotel, motor lodge, cabin court, motor inn and similar names.

**Motorized Vehicle.** A motor driven conveyance capable of carrying one or more passengers.

**Nonconforming Building Use.** The use of a building or structure which was a lawful use at the time this Zoning Code was passed but which use, because of the passage of this Zoning Code, does not conform to the regulations of the zoning district in which the use exists.

**Nonconforming Use.** A use which lawfully occupied a building or land at the time this Zoning Code becomes effective and which does not conform with the use regulations of the zoning district in which it is located.

**Off-Street Parking.** Parking facilities for motor vehicles on other than a public street or alley.

**Open Space.** Any part of a lot unobstructed from the ground upward.

**Parking Area Or Lot.** An off-street parking facility designed for more than four (4) parking spaces.
Parking Space. Any use authorized or permitted along or in conjunction with another use in a specified district and subject to the limitations or the regulations of such use district.

Planned Unit Development (PUD). The PUD is characterized by a unified site design for a number of housing units and/or other buildings where clustering of buildings and utilization of open space will allow for enhanced land use. Through a PUD, a development maybe planned as a unit and the density of use may be calculated on the basis of the entire project, rather than on a lot by lot basis. Individual uses and structures in a PUD need not comply with specific building locations, height, building size, floor area, lot size and open space requirements of the underlying basic zone provided that requirements set forth herein are complied with, and the development as a whole is harmonious with the community, particularly adjacent land uses.

Principal Use. The primary or predominant use(s) to which a property is or may be devoted.

Professional Offices. Offices maintained and used as a place of business conducted by persons engaged in the healing arts for human beings, such as doctors and dentists (but wherein no overnight care for patients is given), and by engineers, attorneys, architects, accountants and other persons providing services utilizing training in and knowledge of the mental discipline as distinguished from training in occupations requiring mere skill or manual dexterity or the handling of commodities.

Public Utility. A public service corporation performing some public service and subject to special governmental regulations, or a governmental agency performing similar public services, the services by either of which are paid for directly by the recipients thereof. Such services shall include, but are not limited to, water supply, electric power, gas and transportation for persons and freight.

Recreation Facilities, Community and/or Noncommercial. Facilities such as rod and gun clubs and shooting ranges, swimming pools, athletic clubs, golf and country clubs, for the use of the general public or provided for and by members of semi-private corporations.

Residential Rental Unit. A residential dwelling unit not occupied by its owner(s) in which no more than six (6) roomers are housed for compensation on a weekly or longer basis and which is not a fraternity, sorority, student cooperative or tourist home.

Retail Establishment. A commercial establishment or enterprise engaged in the sale of goods or products which may include in-person purchase by the consumer at the location at which the goods or products are stored, or any other purchase and pick-up/delivery arrangement whereby the purchaser is the intended consumer and where the purchase is not made intentionally for the purpose of resale or distribution.

Riding Academy. Any establishment where horses are kept for riding, driving or stabling for compensation or as an accessory use in the operation of a club, association, ranch or similar establishment.

Roomer. Lodger or boarder occupying a rented room in private home or rooming house.

Rooming House. Same as "Boarding House."

School. An institution of learning which offers instruction in several branches of learning and study required to be taught in the public schools by the Idaho State Board of
Education including elementary, junior or senior high, including public, private and parochial and also including preschool and kindergarten.

8588. School, Commercial. A program whereby instruction is given to pupils in arts, crafts or trades and operated as a commercial enterprise.

8689. Self-Service Storage Facility. A building or buildings consisting of individual, small, self-contained units, and the majority of the units being less than five hundred (500) square feet in area, that are leased or owned for the storage of business or household goods.

8790. Setback, Yard Requirements. The distance that buildings or uses must be removed from their lot lines. Setbacks shall be measured, where applicable, from proposed or actual public or private street right-of-way lines.

8891. Sign. A presentation, display, or representation of words or letters, or of a figure, design, picture, painting, color pattern, logo, emblem, symbol, trademark or other representation so as to give notice, advertise, call attention to, or identify an entity.

8992. Service Building. A building housing communal toilet, laundry and other sanitary facilities necessary for the health and convenience of trailer court occupants.

9093. Special Use. "Special use" means a use permitted in one or more zones as defined by this Zoning Code but which, because of characteristics peculiar to such use, or because of size, technological processes or equipment, or because of the exact location with reference to surroundings, streets and existing improvements or demands upon public facilities, requires a special degree of control to make uses consistent with and compatible to other existing or permissible uses in the same zoning district(s). Special uses are distinguished from conditional uses by their potential impact on the entire community as opposed to a specific neighborhood, and are therefore judged for compliance with the Moscow Comprehensive Plan by Board of Adjustment.

9194. Special Use Permit. "Special Use Permit" means the documented evidence of authority granted by the Board of Adjustment to locate a Special use at a particular location.

9295. Street. A public thoroughfare which affords the principal means of access to abutting properties.

9396. Structure. A combination of materials constructed and erected permanently on the ground or attached to something having a permanent location on the ground. Not included are residential fences three feet (3') or less in height, retaining walls, rockeries and similar improvements of a minor character three feet (3') or less in height.

9497. Structure, Temporary. Not having or requiring permanent attachment to the ground, or involving structures which have no required permanent attachment to the ground.

9598. Studio Apartment. A zero (0) bedroom apartment with a separate kitchenette and with a bathroom.

9699. Tourist Home. A private residence having not more than three (3) rooms for hire to transients for only sleeping accommodations and whose trade is seasonal in character.

97100. Use. The purpose land, a building or a structure now serves or for which it is occupied, maintained, arranged, designed or intended.

98101. Use District. A portion or portions of the City designated on the Moscow Zoning Map as one or more of the categories listed and described in this Zoning Code.

99102. Use Mixed. Two (2) or more different uses of the same land, buildings or structures. When a development of land, buildings or structures has mixed use the less restrictive requirements will apply, unless the requirements are especially stated.
100103. Used Car Lot. Any place outside a building where two (2) or more automobiles are offered for sale or are displayed.

101104. Variance. A variance is the means by which an adjustment is made in the application of the specific regulations of this Zoning Code to a particular piece of property which, because of special circumstances applicable to it, is deprived of privileges commonly enjoyed by other properties in the same zoning district or vicinity, and which adjustment remedies disparity in privileges.

102105. Warehouse. A building used primarily for the storage of goods and materials.

103106. Yard. An open unoccupied space in front, rear or side on the same lot with a building or proposed building.

104107. Yard, Front. An open unoccupied space extending from thirty inches (30") above the general ground level at the principal street line to the nearest point of the wall of the main building on the lot and including the full width of the lot to its side lines. For front yards that abut a Local Residential Street, as designated upon the Thoroughfare Plan within the City’s Comprehensive Plan, the front yard shall be measured from the building lot side of the public sidewalk to the nearest point of the wall of the main building on the lot. In such cases where sidewalks do not exist in front of a building lot, the Zoning Administrator shall determine the point of measurement of the front yard based upon the location of adjacent principal structures, the likelihood of future sidewalk installation, and the anticipated location of such future sidewalk.

105108. Yard, Rear. An open unoccupied space extending from thirty inches (30") the general level of the ground at the rear lot line to the nearest point of the wall of the main building and including the full width of the lot to its side lines.

106109. Yard, Service. An open area, usually paved, with access to a street to allow vehicular access to a building or use for purposes of loading or unloading equipment, freight, livestock or people.

107110. Yard Street Side. On a corner lot, an open unoccupied space extending from thirty inches (30") above the general ground level at the secondary street line to the nearest point of the wall of the main building on the lot and including the full length of the lot from the principal street line to the rear lot line.

108111. Yard, Side. An open unoccupied space extending from thirty inches (30") above the general ground level on the lot from the side yard line to the nearest point of the wall of the main building and extending from the front yard to the rear yard. Any lot line not a rear lot line or a front lot line shall be considered a side lot line.

... 

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

... 

Sec. 2-2 Agriculture/Forestry Zoning District (AF):

... 

B. Permitted Principal Uses and Structures

1. Agriculture, including the raising, harvesting, and selling of crops; on-site storage of grain and seed; the raising and sale of livestock or poultry; dairying and sale of dairy products; and other similar agricultural, horticultural, or animal husbandry uses, excluding feedlots with more than twenty (20) animals.
2. Accessory building and uses normal and incidental to the buildings and uses permitted, including dwellings for persons engaged for farm or forestry labor provided such dwelling units are located on the farm owned or operated by the employer.
3. Forestry, including the raising, harvesting, and sale of timber and other forest products.
4. Small sawmills operated as a short-term or subsidiary use on farms or woodlots.
5. Home occupations.
7. Family day care facility and group day care facility.
8. Bed and breakfast inn.
10. Residential Rental Unit, with the conditions that adequate off-street parking be provided and that the use will not change the character of the neighborhood.
11. Type I Accessory Home Occupations.

SECTION 3: That Moscow City Code Title 4, Chapter 2 be amended as follows:

Sec. 2-3 Farm, Ranch and Outdoor Recreation Zoning District (FR):

B. Permitted Principal Uses and Structures
   1. One (1) single family dwelling per lot.
   2. Growing and harvesting field, tree or brush crops, Market Gardens, Community Gardens and Accessory Gardens including on-site retail sales.
   3. Hatching, raising and marketing poultry, provided no building pertaining to this use shall be closer than fifty feet (50') to any property line.
   4. Horse, cattle, goat and sheep pastures and enclosures.
   5. Public parks and public recreation facilities.
   6. Plant nurseries and greenhouses provided that all sales are of produce grown on site.
   7. Group day care facility.
   8. Keeping of animals and fowl as permitted by this Code.

C. Permitted Accessory Uses and Structures:
   1. Barns and other accessory structures commonly associated with farming, ranching or outdoor recreation.
   2. Temporary sales stands for the sale of farm and ranch products.
   3. Private garages designed to accommodate no more than four vehicles.
   4. Parking lots for uses permitted in the FR zoning district.
   5. Family day care facility.
   6. Uses, buildings and structures that utilize electricity and/or water and are accessory to a single family or duplex residence shall be serviced by the same electrical and/or water meter as the single family or duplex residence.
   7. Type I Accessory Home Occupations.

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

...
Sec. 2-4 Suburban Residential Zoning District (SR):

B. Permitted Principal Uses and Structures. In the SR zoning district the following uses only are permitted and as hereinafter specifically provided and allowed by this Chapter, subject to the off-street parking requirements and the general provisions and exceptions set forth in this Zoning Code:

1. Single family dwelling.
2. Market Garden, Community Garden, Accessory Garden subject to the Specific Use Standards of this Code.
3. Any principal use or structure permitted in the single family R-1 classification.

C. Permitted Accessory Uses and Structures: In the SR zoning district only the following accessory uses are permitted and as hereinafter specifically provided and allowed by this Chapter, subject to the general provisions and exceptions set forth in this Zoning Code.

Any accessory use or structure permitted in the single family R-1 zoning district.

D. Conditional Uses:

1. Pasturage of horses, cattle, goats and sheep, subject to the grant of a conditional use permit. In evaluating a proposal, the applicant must demonstrate to the Board of Adjustment that the following standards are or will be met:
   a. Provision of at least one half (1/2) acre of adequately fenced open area per animal.
   b. No building pertaining to this use shall be located closer than fifty feet (50') to the nearest property line.
   c. Suitability of the physical characteristics of the property, including shape, topography, soils and drainage, for the intended use.
   d. Levels of noise, odor and other potential impacts of the proposed use will not be a nuisance to neighboring properties.
   Upon application of any neighboring property owner, the Board of Adjustment may reconsider any conditional use permit issued pursuant to this subsection and, if the evidence shows that such pasturage of livestock is causing a nuisance, may revoke the conditional use permit. Hearing procedure shall be the same as those applied to issuance of the original conditional use permit.

2. Barbed wire and other fences constructed in a manner that, without special consideration to the specific location and site characteristics, may be hazardous to persons.

1. Retail sales associated with a Market Garden, Community Garden or Accessory Garden.

32. Type II Accessory Home Occupations.
43. Small day care facility.
54. Antenna towers.
65. Bed and breakfast inn.
76. Boarding house.
87. Churches, convents, monasteries, synagogues, mosques and other similar places of worship and religious practice.

98. Libraries, galleries and museums which are open to visitation by the general public during regular, established business hours.

109. Residential Rental Unit, with the conditions that adequate off-street parking be provided and that the use will not change the character of the neighborhood.
SECTION 5: That Moscow City Code Title 4, Chapter 2 be amended as follows:

Sec. 2-5 Low Density, Single Family Residential Zoning District (R-1):

B. Permitted Principal Uses and Structures
   1. One (1) single family dwelling per lot.
   2. Public parks and recreation facilities, provided, however, that any service yard located within said park shall be maintained no closer than fifty feet (50') to a property line of an adjoining residence of a street frontage.
   3. Group day care facility.
   4. Market Garden, Community Garden, Accessory Garden subject to the Specific Use Standards of this Code.

C. Permitted Accessory Uses and Structures:
   1. Private garages and workshops not to exceed one thousand (1,000) square feet.
   2. Private noncommercial green houses from which no products are sold to the public.
   3. Family day care facility.
   4. Parking lots for nonresidential uses permitted in the R-1 zoning district.
   5-4. Uses, buildings and structures that utilize electricity and/or water and are accessory to a single family or duplex residence shall be serviced by the same electric and/or water meter as the single family or duplex residence.
   6. Type I Accessory Home Occupations.
   6. Keeping of animals and fowl as permitted by this Code.

D. Conditional Uses:
   1. Type II Accessory Home Occupations.
   2. Small day care facility.
   3. Large day care facility if within three hundred feet (300') of an elementary school.
   4. Churches, convents, monasteries, synagogues and mosques and other similar places of worship and religious practice.
   5. Noncommercial private recreation facilities, including golf courses.
   6. Accessory living quarters serving as a guest house or domestic servant quarters.
   7. Antenna towers.
   8. Boarding House, with the conditions that adequate off-street parking be provided and that the use will not change the character of the neighborhood.
   9. Bed and Breakfast Inn, limited to a maximum of two (2) bedrooms, with the conditions that adequate off-street parking be provided and that the use will not change the character of the neighborhood.
   10. Schools, commercial schools and educational facilities.
   11. Libraries, galleries and museums which are open to visitation by the general public during regular, established business hours.
   12. Residential Rental Unit, with the conditions that adequate off-street parking be provided and that the use will not change the character of the neighborhood.
   13. Retail sales associated with a Market Garden, Community Garden or Accessory Garden.
SECTION 6: That Moscow City Code Title 4, Chapter 2 be amended as follows:

...

Sec. 2-6 Moderate Density, Single Family Residential Zoning District (R-2):

...

B. Permitted Principal Uses and Structures

Permitted Principal Uses and Structures:

1. One (1) single family dwelling per lot.
2. Public parks and recreation facilities, provided, however, that any service yard located within said park shall be maintained no closer than fifty feet (50’) to a property line of an adjoining residence or a street frontage.
3. Group day care facility.
4. Market Garden, Community Garden, Accessory Garden subject to the Specific Use Standards of this Code.

C. Permitted Accessory Uses and Structures:

1. Private garages and workshops not to exceed one thousand (1,000) square feet.
2. Private noncommercial green houses from which no products are sold to the public.
3. Family day care facility.
4. Parking lots for nonresidential uses permitted in the R-2 zoning district.
5. Uses, buildings and structures that utilize electricity and/or water and are accessory to a single family or duplex residence shall be serviced by the same electric and/or water meter as the single family or duplex residence.
6. Type I Accessory Home Occupations.
7. Keeping of animals and fowl as permitted by this Code.

D. Conditional Uses:

1. Type II Accessory Home Occupations.
2. Small day care facility.
3. Large day care facility if within three hundred feet (300’) of an elementary school.
4. Churches, convents, monasteries, synagogues and mosques and other similar places of worship and religious practice.
5. Noncommercial private recreation facilities, including golf courses.
6. Accessory living quarters serving as a guest house or domestic servant quarters.
7. Antenna towers.
8. Boarding House, with the conditions that adequate off-street parking be provided and that the use will not change the character of the neighborhood.
9. Bed and Breakfast Inn, limited to a maximum of two (2) bedrooms, with the conditions that adequate off-street parking be provided and that the use will not change the character of the neighborhood.
10. Schools, commercial schools and educational institutions.
11. Libraries, galleries and museums which are open to visitation by the general public during regular, established business hours.
12. Residential Rental Unit, with the conditions that adequate off-street parking be provided and that the use will not change the character of the neighborhood.
13. Retail sales associated with a Market Garden, Community Garden or Accessory Garden.

...
SECTION 7: That Moscow City Code Title 4, Chapter 2 be amended as follows:

... Sec. 2-7 Medium Density Residential Zoning District (R-3):

B. Permitted Principal Uses and Structures
   1. Single family dwelling.
   2. Two (2) family dwelling.
   3. Twinhome dwelling.
   4. Townhouse dwelling, subject to the Specific Use Standards of Chapter 12 of this Code.
   5. Public parks and recreation facilities, provided, however, that any service yard located
      within said park shall be maintained no closer than fifty feet (50') to a property line or a street
      frontage.
   6. Noncommercial private recreation facilities, including golf courses.
   7. Group day care facility or small day care facility.
   8. Market Garden, Community Garden, Accessory Garden subject to the Specific Use
      Standards of this Code.

C. Permitted Accessory Uses and Structures:
   1. Private garages and workshops not to exceed one thousand (1,000) square feet.
   2. Private noncommercial greenhouses from which no products are sold to the public.
   3. Family day care facility.
   4. Parking lots for uses permitted in the R-3 Zoning District.
   5. Uses, buildings and structures that utilize electricity and/or water and are accessory to a
      single family or duplex residence shall be serviced by the same electric and/or water meter as
      the single family or duplex residence.
   6. Type I Accessory Home Occupations.
   7. Keeping of animals and fowl as permitted by this Code.

D. Conditional Uses:
   1. Type II Accessory Home Occupations.
   2. Large day care facility.
   3. Accessory living quarters serving as a guest house or domestic servant quarters.
   4. Antenna towers.
   5. Boarding House, with the conditions that adequate off-street parking be provided and
      that the use will not change the character of the neighborhood.
   6. Bed and Breakfast Inn, limited to a maximum of two (2) bedrooms with the conditions
      that adequate off-street parking be provided and that the use will not change the character of
      the neighborhood.
   7. Schools, commercial schools and educational institutions.
   8. Churches, convents, monasteries, synagogues, mosques and other similar places of
      worship and religious practice.
   9. Libraries, galleries and museums which are open to visitation by the general public
      during regular, established business hours.
   10. Residential Rental Unit, with the conditions that adequate off-street parking be provided
       and that the use will not change the character of the neighborhood.
   11. Retail sales associated with a Market Garden, Community Garden or Accessory Garden.

...
SECTION 8: That Moscow City Code Title 4, Chapter 2 be amended as follows:

Sec. 2-8 Multiple Family Residential Zoning District (R-4):

B. Permitted Principal Uses and Structures

1. Single family dwelling.
2. Two (2) family dwelling.
3. Twinhome dwelling.
4. Townhouse dwelling, subject to the Specific Use Standards of Chapter 12, of this Code.
5. Multiple family dwelling.
6. Public parks and recreation facilities, provided, however, that any service yard located within said park shall be maintained no closer than fifty feet (50') to a property line or a street frontage.
7. Non-commercial private recreation facilities, including golf courses.
8. Bed and breakfast inn.
10. Group day care facility, small day care facility, or large day care facility.
11. Professional offices not exceeding two thousand (2,000) gross square feet of floor area, and which are structurally in harmony with adjoining residential buildings.
12. Mobile Home Parks which comply with Title 6 of the Code.
13. Residential Rental Unit, with the conditions that adequate off-street parking be provided and that the use will not change the character of the neighborhood.

D. Conditional Uses:

1. Type II Accessory Home Occupations.
2. Mortuaries, crematories, hospitals and similar commercial services deemed to be essential to the community.
3. Fraternity, sorority, and cooperative houses.
4. Motels, not including restaurants or food service.
5. Antenna towers.
6. Schools, commercial schools and educational facilities.
7. Churches, convents, monasteries, synagogues, mosques and other similar places of worship and religious practice.
8. Libraries, galleries and museums which are open to visitation to the general public during regular, established business hours.
9. Retail sales associated with a Market Garden, Community Garden or Accessory Garden.

SECTION 9: That Moscow City Code Title 4, Chapter 3 be amended as follows:

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

B. Permitted Principal Uses and Structures
1. Single family dwelling.
2. Two family dwelling.
3. Twinhome dwelling.
4. Townhouse dwelling, subject to the Specific Use Standards of Chapter 12 of this Code.
5. Multiple family dwelling.
6. Establishments that provide clerical, professional, or other skilled services and which do not involve substantial fabrication, repair, or sale of goods. Examples of such uses include, but are not limited to, the offices of professionals such as doctors, lawyers, accountants, counselors, architects, and engineers; insurance and business consultant offices; lending and financial institutions; administrator's offices; beauty and barber shops; and graphic artist and photographic studios.
7. Bed and breakfast inn.
8. Boarding house.
9. Public parks and recreation facilities; provided, however, that any service yard located within said park shall be maintained no closer than fifty feet (50') to a property line of an adjoining residence or a street frontage.
10. Noncommercial, private recreation facilities, including golf courses.
11. Group day care facility, small day care facility, or large day care facility.
13. Residential Rental Unit.
14. Market Garden, Community Garden, Accessory Garden including retail sales.

C. Permitted Accessory Uses and Structures:
1. Private garages and workshops. Such structures shall not exceed two (2) stories, or a maximum of twenty feet (20') in height above mean finished grade. Private garages and workshops accessory to single family dwellings shall not exceed one thousand (1,000) square feet.
2. Private noncommercial greenhouses from which no sales are made to the public.
3. Retail sales, provided the commodities sold are a normal incidental function of the principal use and are sold within a building on the premises. Examples of such permitted retail sales include but are not limited to the sale of glasses at an optometrist's office and hair care products at a hair salon.
43. Family day care facility.

54. Uses, buildings and structures that utilize electricity and/or water and are accessory to a single family or duplex residence shall be serviced by the same electric and/or water meter as the single family or duplex residence.

5. Keeping of animals and fowl as permitted by this Code.

SECTION 10: That Moscow City Code Title 4, Chapter 3 be amended as follows:

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

B. Permitted Principal Uses and Structures

1. Residential uses, including Residential Rental Unit, provided that any dwellings located on the ground floor shall be located behind commercial uses in a manner that will not interrupt commercial frontage.

2. Retail sales and personal services conducted wholly within an enclosed building, including restaurants, but limited to sale of goods and services to the household consumer. Excluded from this Zoning District are dealers in large commodities such as automobiles, appliances, furniture, and other goods of similar nature or character.

3. Establishments that provide clerical, professional, or other skilled services which do not involve substantial fabrication. Examples of such uses include but are not limited to the offices of professionals such as doctors, lawyers, accountants, counselors, architects, and engineers; insurance and business consultant offices; administrator's offices; beauty and barber shops; and graphic and photographic studios.

4. Group day care facility or small day care facility.

5. Community or neighborhood center operated by an agency of local government.

6. Parking facilities for uses permitted within the NB Zoning District.

7. Churches, convents, monasteries, synagogues and mosques.

8. Market Garden, Community Garden, Accessory Garden including retail sales.

C. Permitted Accessory Uses and Structures: Family day care facility.

D. Conditional Uses:

1. Large day care facility.

2. Uses involving the assembly, treatment, processing, or fabrication of consumer products to be sold at retail on the premises. Such uses shall not utilize a structure which exceeds one thousand (1,000) square feet of gross floor area. No operation conducted on the premises shall constitute a public nuisance beyond the property lines by reason of smoke, fumes, odor, steam, gasses, vibration, noise, hazards or other causes.

3. Schools, commercial schools and educational institutions, with specific consideration given to traffic, parking, safety and nuisance issues, as well as cumulative impacts of and proximity to existing schools, commercial schools and educational institutions in the vicinity.

SECTION 11: That Moscow City Code Title 4, Chapter 3 be amended as follows:

Sec. 3-4 Research, Technology and Office Zoning District (RTO):
C. Permitted Accessory Uses and Structures: In an RTO Zoning District, only the following uses are permitted as accessory uses and as hereinafter specially provided and allowed by this Chapter:
1. Off-street parking lots and structures providing parking for uses within the RTO Zoning District.
2. Indoor storage of products produced in the RTO Zoning District.
3. Cafeterias.
4. Retail sales in support of the intent, purposes and permitted uses of the RTO Zoning District.
5. Accessory Gardens.

SECTION 12: That Moscow City Code Title 4, Chapter 3 be amended as follows:

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

B. Permitted Principal Uses and Structures
1. Retail establishments excluding firms selling bulky items, such as building materials, mobile homes, trailers, boats and heavy equipment and excluding Large Retail Establishments, Categories 1 and 2.
2. Professional, financial, business and medical offices, and any enterprise rendering professional or personal services.
3. Repair shops for commodities, such as household appliances, bicycles, and shoes.
4. Eating and drinking establishments catering primarily to on-premise consumers; entertainment, dancing and recreation establishments, including restaurants, bars, theaters, video arcades, dance halls and physical fitness centers.
5. Printing and publishing houses, including newspaper publishing.
6. Lodges, private clubs, and fraternal societies.
7. Churches, synagogues, mosques, governmental offices, libraries, museums, art galleries, police and fire stations, and similar public or private institutions.
8. Residential uses, including Residential Rental Unit, provided that dwellings located on the ground floor are located behind commercial uses in a manner that they will not interrupt commercial frontage.
9. Public utility installations relating directly to local distribution of services, including switching and transmission stations, but not including warehouses and service yards.
10. Publicly and privately owned and operated off-street parking facilities if open to the public; however, any such area shall not be used as a sales or storage area for mobile homes, trailers, boats or heavy-duty equipment.
11. Drive-up windows associated with financial institutions.
13. Market Garden, Community Garden, Accessory Garden including retail sales, provided that all sales are of produce grown on-site.
SECTION 13: That Moscow City Code Title 4, Chapter 3 be amended as follows:

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

B. Permitted Principal Uses and Structures

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

SECTION 14: That Moscow City Code Title 4, Chapter 3 be amended as follows:

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

B. Permitted Principal Uses and Structures

1. Retail enterprises dispensing food or commodities including on-premise sales, sales requiring delivery of goods, and drive-up facilities such as shopping centers and malls, grocery stores, gasoline service stations, sales lots for automobiles, mobile homes, trailers, boats and heavy duty equipment, and building material stores and yards (except concrete or asphalt batch or mixing plants).
2. Professional, financial, business and medical offices, and any enterprise rendering professional or personal services.
3. Repair shops.
4. Eating, drinking, entertainment, dancing and recreation establishments, including restaurants, bars, theaters, video arcades, dance halls and physical fitness center.
5. Printing and publishing houses, including newspaper publishing.
6. Lodges, private clubs, and fraternal societies.
7. Churches, synagogues, mosques, governmental offices, libraries, parks, museums, art galleries, police and fire stations and similar public or private institutions.
8. Residential uses, including Residential Rental Unit, but only where reviewed and approved as an integral part of a Planned Unit Development in accordance with Chapter 7 of this Zoning Code.
9. Public utility installations relating directly to local distribution of services including switching and transmission stations and accessory warehouse and service yards.
10. Public off-street parking facilities, whether publicly or privately owned or operated.
11. Hotels and motels.
12. Kennels, commercial and noncommercial, provided that all run areas shall be paved with one and one-half inches (1 1/2") of concrete or other impervious material and completely surrounded by an eight foot (8’) solid wall or architectural fence.
13. Laundries, laundromats and dry cleaning services.
14. Administrative or research establishments.
15. Self-service storage facilities.
16. Recreational vehicle parks and campgrounds subject to the approval process and development standards of Code Title 6, Chapter 4.
17. Market Garden, Community Garden, Accessory Garden including retail sales.

SECTION 15: That Moscow City Code Title 4, Chapter 3 be amended as follows:

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

B. Permitted Principal Uses and Structures
   1. Any manufacturing, processing, assembling, research, wholesale or storage use, excepting those uses listed as conditional or special uses in Code Section 4 3 8(D) or Code Section 4 3 8(E).
   2. Railroad yard and freight stations, trucking and motor freight stations and facilities.
   3. Public and public utility service buildings, structures and uses.
   4. Automobile, truck, and heavy equipment service stations and garages.
   5. Gasoline service stations.
   7. Public off-street parking facilities, whether publicly or privately owned or operated.
   8. Market Garden, Community Garden, Accessory Garden including retail sales.

SECTION 16: That Moscow City Code Title 4, Chapter 3 be amended as follows:

Sec. 3-9 Urban Mixed Commercial Zoning District (UMC):

B. Permitted Principal Uses and Structures
   1. Retail establishments excluding firms selling bulky items, such as building materials, mobile homes, trailers, boats and heavy equipment and large retail establishments.
2. Professional, financial, business and medical offices, administrative, and any enterprise rendering professional or personal services.
3. Research and development establishments including limited associated light manufacturing that is conducted entirely within an enclosed building and which does not constitute a nuisance to adjacent properties.
4. Vertically mixed-use development, where residential uses are located above or behind ground floor commercial uses.
5. Eating and drinking establishments including wineries, breweries, bakeries and other food product production with on-site retail sales.
6. Entertainment, dancing and recreation establishments, including restaurants, bars, theaters, video arcades, art studios, dance halls and physical fitness centers.
8. Public parks, plazas and similar public community and recreation facilities.
9. Printing and publishing houses, including newspaper publishing.
10. Governmental offices, libraries, museums, art galleries, police and fire stations, and similar public or private institutions.
11. Family day care facility, group day care facility, small day care facility.
12. Public utility installations relating directly to local distribution of services, including switching and transmission stations, but not including warehouses and service yards.
13. Publicly and privately owned and operated off-street parking facilities; however, any such area shall not be used as a sales or storage area for mobile homes, trailers, boats or heavyduty equipment.
14. Market Garden, Community Garden, Accessory Garden including retail sales.

SECTION 17: That Moscow City Code Title 4, Chapter 12 be amended as follows:

Sec. 12-5 Market Garden and Community Garden Specific Use Standards:
A. Applicability and Purpose. These standards shall apply to Market Garden and Community Garden uses where such uses are located within SR, R-1, R-2, R-3 and R-4 Zoning Districts, and shall serve as guidelines where such uses are considered as a Conditionally Permitted Use. These standards are intended to reduce the potential for adverse impacts to adjacent residential uses and to mitigate potential nuisances.
B. Specific Standards.
1. Permitted accessory structures. Hoop houses, green houses, sheds and other minor accessory structures without permanent foundations and of less than one thousand (1,000) square feet in size shall be permitted in association with the operation of a permitted Market or Community Garden use. If the associated Market or Community Garden use ceases, such structures shall be removed from the property.
2. Hours of Operation.
a. Operation of Market and Community Gardens shall be limited to sunrise or 7 AM local time, whichever is earlier, and must end at sunset or 9 PM local time, whichever is later. Operation shall be defined as people engaged in the operation of the use present upon the site.

b. Where permitted, retail sales shall be limited to the hours of 8:00 AM to 7:00 PM local time.

c. Use of motorized equipment shall be limited to 7:00 AM to 9:00 PM local time.

d. The pickup of produce by those who have purchased shares, such as a Community Supported Agriculture (CSA), shall be permitted during daylight hours and shall not be considered retail sales.

3. Lighting. Exterior and interior lighting use associated with the operation of a Market or Community Garden shall be limited and shall not result in light trespass or glare upon adjacent residential uses.

4. Use of Machinery: The use of motorized equipment and machinery shall be limited to typical residential scale equipment, except that larger equipment may be used on an infrequent basis during spring and fall preparation activities.

5. General Nuisance Prohibition. Operation of Market and Community Gardens shall be conducted in a manner so as to limit dust, noise, drainage, overspray of chemicals, or smells that would constitute a public nuisance.

6. Signage. Signage advertising and/or identifying a permitted Market or Community Garden use shall be allowed as provided within the City Sign Code.

7. Keeping of Animals. The keeping of animal and fowl in association with a Market Garden shall be permitted per the animal regulations of City Code.

8. Off-Street Parking. In order to preserve the residential character of neighborhoods, no off-street parking shall be required for Market and Community Gardens. Any off-street parking provided for Market and Community Gardens shall be limited in nature and shall not be fully improved or paved. Grassed or small graveled seasonal parking areas shall be permitted.

9. Exceedance of Standards. These standards may be exceeded with approval of a Conditional Use Permit.

SECTION 18: SEVERABILITY. Provisions of this Ordinance shall be deemed severable and the invalidity of any provision of this Ordinance shall not affect the validity of remaining provisions. The remaining sections of Title 4 shall be in full force and effect.

SECTION 19: EFFECT ON OTHER ORDINANCES. Where the definitions contained in this Ordinance are in conflict with relevant portions of the City of Moscow, Idaho, Municipal Code, the definitions contained within those portions of the Moscow Municipal Code will be unaffected until such time, if any, as they are amended to be consistent with this Ordinance.

SECTION 20: EFFECTIVE DATE. This Ordinance shall be effective upon its passage, approval, and publication according to law.
PASSED by the City Council and APPROVED by the Mayor this 19 day of August, 2013.

ATTEST:

Stephanie Kalasz, City Clerk

Nancy Chaney, Mayor