

PLANNING & ZONING COMMISSION



Wendy McClure
Commission Chair

~Agenda~

Mike Ray
Staff Liaison

p&z@ci.moscow.id.us

208.883.7008

<http://id-moscow.civicplus.com/agendacenter>

Wednesday
November 13, 2019

7:00 PM

Council Chambers
206 E 3rd Street

Call to order

1. Approval of minutes from October 23, 2019 [ACTION ITEM]

ACTION: Approve minutes as presented; approve minutes with amendments; or provide staff further direction.

2. Public Comment

(Time limit 15 minutes. Members of the Public may speak to the Commission regarding matters NOT on the Agenda nor currently pending before the Planning and Zoning Commission. Please state your name and address for the record and limit your remarks to three minutes.)

3. Final Review of Draft Ordinance Regarding Manufactured Home and RV Parks [ACTION ITEM]

The Commission has been discussing amending the Mobile Home and RV Park chapters of the City Code in order to remove the 6-month stay limitation for RVs and allow modular buildings within mobile home parks. After review of the existing mobile home park ordinances, it was determined that the codes should be updated to be consistent with Idaho State Code. The City Attorney has reviewed the draft Ordinance and has made minor modifications throughout.

ACTION: Review the draft ordinance regarding changes to the Mobile Home and RV Park chapters of the City Code and provide Staff further direction as deemed necessary.

4. Review of Draft Sign Code Tables [ACTION ITEM]

The Supreme Court Case, Reed vs. Town of Gilbert, in 2015 clarified when municipalities may impose content-based restrictions on signage. There are various places within the Sign Code which apply content-based restrictions and need to be amended to comply with the Supreme Court's ruling. Staff has started to convert portion of the sign code into table format and will review the progress with the Commission.

ACTION: Review the draft Sign Code tables and provide Staff further direction as deemed necessary.

5. Continuing Education

ACTION: Discuss the next continuing education topic and provide staff further direction if necessary.

6. Transportation Commission Meeting Report

ACTION: Receive report and provide staff further direction if necessary.

7. Announcements

ACTION: Read any correspondence received and provide staff further direction if necessary.

Adjourn

NOTICE: Moscow City Council Commission meetings can be televised, videotaped and/or recorded. Individuals attending the meeting who require special assistance to accommodate physical, hearing, or other impairments, please contact the City Clerk, at (208) 883-7015 or TDD 883-7019, as soon as possible so that arrangements may be made.

PLANNING & ZONING COMMISSION



Wendy McClure
Commission Chair

~Meeting Minutes~
October 23, 2019

Mike Ray
Staff Liaison

p&z@ci.moscow.id.us

208.883.7008

<http://id-moscow.civicplus.com/agendacenter>

The meeting was called to order at 7:00 p.m.

MEMBERS PRESENT: Wendy McClure, Chair; Scott Gropp, Joel Hamilton, Connie Kimmel, Mike Nelsen, Robb Parish, Nels Reese, Victoria Seever, Dennis Wilson

MEMBERS ABSENT: None

ALSO IN ATTENDANCE: Mike Ray, Anne Peterson

1. Approval of minutes from September 25, 2019 [ACTION ITEM]

Seever moved approval of the minutes as present, seconded by Parish. Motion carried by acclamation with Hamilton abstaining.

2. Public Comment

None.

3. Public Hearing: Legislative Amendment of Title 4, Chapter 3 to Allow Accessory Dwelling Units to have Separate Electric and Water Meters [ACTION ITEM]

The Zoning Code currently requires that the electrical and water service for ADUs shall be extended from the primary dwelling on the property. There have been instances recently where the electrical service has been required to be upgraded in the primary dwelling at a substantial cost in order to extend electricity to the ADU. The Commission is proposing to eliminate this requirement.

Public hearing opened at 7:06 and closed immediately due to no one being present to testify. Gropp asked if gas and sewer can be separate for ADUs.

Parish moved to recommend approval of the amendment, seconded by Wilson. Motion carried unanimously by acclamation.

4. Public Hearing: Legislative Amendment of Title 4, Chapter 6 Regarding an Amendment to Eliminate the Covered Parking Space Requirement for Single-Family and Two-Family Dwellings and an Amendment to the Off-Street Parking Requirements for Miniature Golf Facilities. [ACTION ITEM]

There is a provision of the off-street parking section of the Zoning Code that requires one of the required off-street parking spaces for single-family and two-family dwellings to be covered or located in a place on the property which could be covered in the future. This requirement is unique to Moscow and has historically presented some challenges with certain projects through the years. The Commission is proposing to eliminate this requirement. Additionally, staff is recommending a change to the required parking for miniature golf facilities from 4 spaces per hole to 1.5 spaces per hole.

Public hearing opened at 7:08 and closed immediately due to no one being present to testify. Hamilton moved to recommend approval of the amendment, seconded by Wilson. Motion carried unanimously by acclamation.

5. Transportation Commission Meeting Report

Hamilton said the main agenda item from the last meeting was cancelled and the next meeting will be November 14th.

Parish commented that on a recent trip to southern California he noticed that the center of all bike lanes were painted solid green which made them much more visible, and approaching intersections the paint transitioned to green/white hash lines. Commissioners agreed that ongoing paint maintenance would certainly be a larger consideration here than in California.

Parish reported on the great turnout at the Airport Runway Opening event and applauded the coordination required by Pullman/Moscow, UI/WSU, and Latah/Whitman counties to make twenty years' work come to fruition.

6. Continuing Education Video Presentation (Item heard after adjournment)

Take-aways the second half of the video entitled, *Living Tiny Legally Part 1* included:

- Small-lot development is one method for providing in-fill, urban redevelopment, and affordable housing.
- Tiny homes as a second dwelling unit on an established lot creates affordable housing because all the infrastructure is already there.
- Health and safety standards are important considerations for daily habitability. ANSI standards require fire egress windows, for example.
- Although tiny homes on wheels are licensed as recreational vehicles, cities can define them differently within zoning and building codes.
- Tiny home subdivisions only make sense if the developer can make the land cost, infrastructure expenses and actual building costs pencil out for a profit.

Commission discussion of the entire video

Tiny homes generally run 200-300sf in comparison with Moscow's ADU maximum of 600sf. Parish said the current ADU ordinance could be a good place to begin the tiny home discussion. McClure thought tiny home in-fill without the need for expanded infrastructure was a good way to provide more affordable housing. Ray commented that when people refer to "affordable housing", most are typically thinking about home ownership. However, there are many affordable rental options in town such as apartments. There was discussion about how RVs, mobile homes, etc. are taxed or licensed but no one knew the specifics in Idaho. Reese commented that Moscow's climate would also be a consideration in terms of heating and not having use of outdoor space during many months of the year, or changing your lifestyle to spend most of your time somewhere other than at home. Reese thought the current ADU ordinance provided the same opportunities. Ray suggested the Commission may want to discuss the current code restriction on RVs (anything on wheels) anywhere except in approved RV parks. Kimmel mentioned that the housing study recently done by PEP includes information about tiny homes and suggested it would be interesting for the Commission to review. Seever expressed concern about seeing tiny homes pop up in backyards all over town. Commissioners remained interested in continuing the discussion and learning whether there's much local market demand. Ray said staff field inquiries a few times per year.

7. Announcements

None.

The meeting adjourned at 7:18 p.m.

Wendy McClure, Chair

ORDINANCE NO. 2019 -

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 6, CHAPTERS 2, 3, AND 4, REGARDING AMENDMENTS TO THE MOBILE HOME PARKS AND RECREATION VEHICLE PARKS CHAPTERS; 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 current Mobile Home Park Regulations detailed in Moscow City Code Title 6, Chapters 2 and 3 and Recreational Vehicle Park Regulations detailed in Moscow City Code, Title 6, Chapter 4 have not been updated since 1981; and

WHEREAS, there have been numerous updates to Federal and State regulations regarding manufactured homes, mobile homes, and recreational vehicles that necessitate updating the City code; and

WHEREAS, the current structure of having different chapters for new mobile home parks and existing mobile home parks is confusing and creates redundant language; and

WHEREAS, the City wishes to consolidate the two (2) mobile home park chapters for ease of use and to eliminate redundancy; and

WHEREAS, the City wishes to provide more affordable housing opportunities by allowing modular homes within manufactured home parks and eliminating the 6-month stay limit for recreational vehicles; and

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

WHEREAS, on _____, the 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 6, Chapter 2 be amended as follows:

...

Sec. 2-1. Title.

This Chapter shall be known and designated as the "~~New-MobileManufactured~~ Home Park Chapter" of the City. The standards contained herein shall apply to all ~~new-mobile-manufactured~~

home parks developed after the effective date of this Chapter and the future expansion of existing ~~mobile-manufactured~~ home parks. Manufactured home parks in existence prior to the effective date of this Chapter shall be subject to Moscow City Code Title 6, Section 2-9+0: Standards for Existing Manufactured Home Parks, and other portions of this Chapter as applicable.

Sec. 2-2. Statement of Purpose.

Realizing that the ~~mobile-manufactured~~ home is becoming an integral part of the nation's housing supply, and realizing that safe housing and a pleasant environment for the residents of the City is of prime concern to the Council, this Chapter is provided for the following purposes:

- A. To provide for the orderly placement of ~~mobile-manufactured~~ homes in ~~mobile-manufactured~~ home parks within the City and the area of City impact.
- B. To maintain a consistency of building codes and housing standards within the City.
- C. To maintain property values throughout the City.
- D. To safeguard the health, safety and environment of residents of ~~mobile-manufactured~~ home developments through adequate regulation.
- E. To allow a greater choice of housing alternatives for residents of the City.
- F. To provide for adequate traffic circulation and open space within ~~mobile-manufactured~~ home developments.

Sec. 2-3. Definitions.

As used in this Chapter, unless the context otherwise indicates:

- A. *Accessory Parking Area.* A common enclosed area set aside for the parking and storage of vehicles and mobile units accessory to everyday life. Such units may include, but are not limited to, motor homes, travel trailers, pickup campers, boats, motorcycles and other similar items.
- B. *Accessory Structure.* A structure intended for other than dwelling purposes that is within a ~~mobile-manufactured~~ home park. Such a structure would include, but not be limited to, storage areas, laundry facilities, recreation halls, maintenance shops, etc.
- C. *Application, ~~Mobile-Manufactured~~ Home Park.* Required form provided by the City to be completed and submitted to the City along with accompanying maps and other information.
- D. *Building.* Any structure having a roof ~~building for the complete enclosure of persons or property of any kind upon real property~~, but excluding all forms of vehicles even though immobilized.
- ~~E. *Building Code for Mobile Homes.* Provides for the standards for construction of mobile homes as adopted in the Idaho Advisory Building Code as adopted by the State of Idaho.~~
- EF. *Building Codes.* The latest edition of any building code as currently adopted by the Council.
- FG. *Building Permits.* A written form of permission to develop or alter structures placed on real property or its appurtenances constructed to the standards provided for in the Building Code, Moscow City Code, and any applicable state and federal regulations.
- GH. *Buffer Zone.* The area immediately within the external property lines of any ~~mobile-manufactured~~ home park which is intended as an open transitional area between the ~~mobile-manufactured~~ home development and adjacent land uses.
- HI. *Construction Permit.* An official certificate issued by the City granting permission, after all final plans are approved, to start construction (roads, utilities, site preparation, etc.) on the development of a ~~mobile-manufactured~~ home park.

- IJ. Existing Manufactured Home Parks. Any manufactured home parks that are in existence at the time this Chapter is adopted.
- J. Manufactured Home.— ~~a~~A structure, constructed after June 15, 1976, in accordance with the HUD manufactured home construction and safety standards, and is transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width or is forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, except that such term shall include any structure which meets all the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the ~~s~~Secretary of ~~h~~Housing and ~~u~~Urban ~~d~~Development and complies with the standards established under 42 U.S.C. ~~s~~Section 5401 et seq.
- JK. Manufactured Home Park. A tract of land under single ownership developed for the purpose of providing rental space for manufactured homes, mobile homes, or modular homes on individual lots and for accessory structures to serve the residents within its confines.
- JKL. Mobile Home (Relocatable Housing). A factory-assembled structure or structures generally constructed prior to June 15, 1976, and equipped with the necessary service connections and made so as to be readily movable as a unit or units on their own running gear and designed to be used as a dwelling unit or units with or without a permanent foundation. A mobile home shall meet the requirements set forth in Idaho Code Title 39, Chapter 41, as amended from time to time by the State Legislature. ~~A detached single family dwelling unit or a dwelling unit for use as a component in a two family or multi family structure with all of the following characteristics:~~
- ~~— 1. Designed for long term occupancy, containing complete sleeping accommodations, toilet facilities, bath facilities, kitchen facilities, with plumbing and electrical connections provided for connection to an outside system.~~
 - ~~— 2. Designed to be transported after fabrication on its own wheels, or on a flatbed or other trailer or detachable wheels.~~
 - ~~— 3. Built to arrive at the site where it is to be occupied as a dwelling unit complete, including major appliances, and ready for occupancy, except for minor and incidental unpacking and assembly operations, location on foundation supports or integration into a prepared structure.~~
 - ~~4. Meets the requirements set forth in Idaho Code Title 39, Chapter 41, as amended from time to time by the State Legislature.~~
- K. Mobile Home, Double Wide or Triple Wide. A mobile home consisting respectively of two (2) or three (3) sections combined horizontally or stacking vertically at the site to form a single dwelling, while still retaining their individual chassis for possible future movement.
- L. Mobile Home Park. A tract of land under single ownership developed for the purpose of providing rental space for parking mobile homes on individual lots and for accessory structures to serve the residents within its confines.
- M. Mobile Home, Single Wide. A transportable structure which is at least ten (10) feet in width and over thirty two (32) feet in length, built on a chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities.

~~N. *Mobile Home Stand.* That part of an individual lot in a mobile home park which has been reserved for the placement of a mobile home. Stand shall be constructed of concrete as required by the administrative authority.~~

~~ML. *Modular Home.* Any building or building component, other than a manufactured or mobile home, that is of closed construction and is either entirely or substantially prefabricated or assembled at a place other than the building site.~~

~~NMO. *Park Operator's Permit.* A written form of permission by the Director of Community Development Department City upon approval of satisfactory completion of development and after final inspection is made and approved before occupancy is allowed on any completed phase of development.~~

~~ONP. *Recreation Area.* Space within a mobile-manufactured home park having open area and/or recreational equipment to be used for the leisure activities of residents of the development.~~

~~QPO. *Setback.* The area between the property or lot line and the line beyond which buildings may legally be located.~~

~~QPR. *Setback Front.* The distance from the property or lot line on a private or public right-of-way to the building line. When the lot does not adjoin a private or public right-of-way, any side of the lot may be designated as the "front."~~

~~RQS. *Setback Rear.* The setback from the property or lot line on the opposite side of the lot from the front setback. For a triangular shaped lot, the setback shall be measured from a line ten feet (10') ~~feet~~ in length within the lot which is parallel to the front lot line, or parallel to the chord of a curved front lot line.~~

~~SRT. *Setback Side.* The setbacks from the property line or lot lines remaining after the front and rear setbacks have been determined.~~

~~TSU. *Space ~~Occupancy~~ Installation Permit.* A written form of permission issued by the Director of Community Development Department City to the mobile-manufactured home park owner or operator to permit a mobile-manufactured home to be placed on a mobile home stand manufactured home space within in a mobile-manufactured home park. Space ~~occupancy~~ installation permit gives approval that the mobile home can be occupied at that particular site.~~

~~TV. *Structure.* That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.~~

~~VUW. *Utilities.* Basic public service facilities such as water lines, sewer lines, natural gas lines, electric power lines, telephone wires and community television antenna lines.~~

~~WVX. *Yard.* Open, unoccupied space in front, rear or side on the same lot with a building.~~

Sec. 2-4. Application Procedure for Mobile-Manufactured Home Development

The following is the application procedure for the development of mobile-manufactured home parks in the City. A person wishing to make application for a mobile-manufactured home park should contact the City Director of Community Development Department Zoning Administrator ~~or his or her designee~~ to determine the regulations and requirements for such a development. A conference between the applicant and appropriate City staff will be scheduled.

- A. To provide clarification of the entire mobile-manufactured home park development process;
- B. To allow the City staff to express their professional views about the proposed site;
- C. To review adequacy of utilities for the development; and
- D. To clarify public utility and other development policies of the City.

Sec. 2-5. Application and Preliminary Plans.

The applicant shall submit to the City an application on the form prescribed by the City and ~~one (1) paper copy along with one (1) digital copy (in PDF format) at least five (5) complete sets~~ of preliminary plans to the Zoning Administrator to the City Director of Community Development for consideration by the Planning and Zoning Commission at least twenty (20) days prior to the meeting at which such plans will be considered. The application and preliminary plans shall include at least the following:

A. Application:

1. Name, address of developer and names of principal professional personnel involved in plan preparation.
2. Legal description of development site.
3. Area of proposed development measured in acres and square feet.
4. Percentage of total area to be set aside for use in common or recreation.
5. Number of spaces or lots intended for development.
6. Any intentions for phasing the project, along with a description of the proposed phases.

B. Preliminary Plans:

1. A drawing to scale of not less than one inch (1") ~~inch~~ to fifty feet (50') ~~feet~~, showing all land uses in the periphery of the development and all public and private roads within three hundred feet (300') ~~feet~~ of the development. Development area to be distinctly shown on the above-mentioned drawings.
2. A topographical map showing existing and final contours and drainage systems through the development, with maximum contour intervals of five feet (5') ~~feet~~, extending not less than one hundred fifty feet (150') ~~feet~~ beyond the boundaries of the development area.
3. Tentative patterns of streets, bikeways and walkways, showing width and separation of same, and their relationship to similar facilities outside the boundaries of the proposed development, including sizing. Proposed street names shall be shown.
4. Location and specific nature of open area and playground equipment, if any.
5. Location of all existing and proposed structures within the development.
6. Location and precise nature of buffer area and its contents.
7. A conceptual plan of landscaping indicating type (trees, shrubs, ground cover) and general extent of plantings and a statement regarding the proposed maintenance program.
8. Tentative location of lots or spaces and location of major areas intended for use in common.
9. Any other details specifically requested to be shown at the preliminary conference.

C. The preliminary plans will shall be submitted to the City to be examined for conformance to this Chapter ~~by the Director of Community Development~~ before being scheduled on the agenda of the Planning and Zoning Commission. ~~The Director of Community Development will submit the preliminary plans for comment to the City Engineer, the Fire Chief, and the City building official at least fifteen (15) days prior to the scheduled meeting before the Planning and Zoning Commission. City staff comments will be provided within ten (10) days from the date they are provided copies of the development plans.~~ If the plans are in conformance with this Chapter, they will be submitted to the Planning and Zoning Commission along with comments from City staff. The Planning and Zoning Commission will review the plans and will approve or disapprove the plans, approve the plans conditionally or request modification of the plans within sixty (60) days after the first meeting at which they

are considered. ~~Plans recommended for approval will be forwarded to the Council for their review.~~

Sec. 2-6. Final Plans.

- A. The final plans ~~will~~shall include detailed drawings on all physical developments of the park development and any other requirements determined during the approval process of the preliminary plans. Within a year after the Planning and Zoning Commission approval of the preliminary plans, the applicant shall submit one (1) paper copy along with one (1) digital copy (in PDF format)~~five (5) copies~~ of the final plans to the ~~Director of Community Development Department~~Zoning Administrator twenty (20) days before the scheduled meeting of the Planning and Zoning Commission. ~~The Director of Community Development shall submit copies of the final plans to the City Engineer, the Fire Chief and the building officials fifteen (15) days prior to consideration before the Planning and Zoning Commission, allowing ten (10) days for staff review.~~ Final plans will be checked for conformance with the concepts presented and approved in the preliminary plans, the requirements of this Chapter and City standards before submitting the final plans to the Planning and Zoning Commission for its approval. ~~If the Planning and Zoning Commission finds the final plans to be in conformance with the approved preliminary plans, the plans will be approved and forwarded to the Council.~~ The final plan shall include:
1. A survey by a licensed surveyor indicating exterior boundary, public rights-of-way, lot sizes, easements, recreation area and any other information required by the City Engineer;
 2. Construction plans prepared by a licensed engineer indicating alignment and grade for water, sanitary sewer, storm sewer and streets;
 3. Parking location and layout;
 4. Street lighting layout;
 5. Space numbering;
 6. Fire protection plan; content determined by the ~~Director of Community Development~~Fire MarshallCity;
 7. Landscaping plan (including species and placement of planted materials):
 - a. At least one (1) tree per every mobile-manufactured home unit.
 - b. Trees and other plantings shall conform to size standards established in the "American Standards for Nursery Stock."
 - c. All common areas and lots not utilized for structures, parking or other landscaping shall be covered by turf or other vegetative ground cover.
- B. Before occupancy permits are issued, ~~record-built drawings of all construction~~construction drawings prepared by a licensed engineer will be submitted to the City Engineer.

Sec. 2-7. Permits.

The following permits shall be required for mobile-manufactured home parks:

- A. Construction Permit: Issued by the ~~Director of Community Development~~City upon approval of all final plans by the ~~Council-Planning and Zoning Commission~~ or authorized by the Director of Community Development Department to start construction on a mobile-manufactured home park.
- B. Park Operator's Permit: To be issued by the ~~Director of Community Development Department~~City upon approval of satisfactory completion of development and after final

inspection is made and approved before occupancy is allowed on any completed phase of development.

- C. ~~Space~~ Occupancy Installation Permit~~;~~. Issued to the park owner before the siting or re-siting of a manufacturedmobile home on specific lot ~~and mobile home stand in within a manufacturedmobile~~ home park. Used to determine that mobile home location~~locating~~ on a given site meets all required codes; approved site and manufactured mobile home will be issued a certificate of occupancy.
- D. Plumbing Permit~~;~~. Issued to owner of manufacturedmobile home to cover connection of unit into park water and sewer system.
- E. Electrical Permit~~;~~. Issued to owner of manufacturedmobile home to cover connection of unit to park electrical system.
- F. Gas Permit~~;~~. Issued to owner of manufacturedmobile home to cover connection of gas to manufacturedmobile home unit.
- G. Building Permit~~;~~. Issued to cover construction of any structure within the park and is issued to the owner of the structure.

Sec. 2-8. Fees.

Fees for permits will be established by resolution of the Council.

Sec. 2-9. Standards for Mobile-~~Manufactured~~ Home Parks. Development; Size, Lot Size and Setbacks.

A. Bulk and Dimensional Standards

1. New or Expanded Manufactured Home Parks

- a. Minimum site size: five (5) acres.
- b. Minimum manufactured home Llot size (min.): three thousand six hundred (3,600) sq. ft.
- c. Minimum Setbacks (min.):
 - i1. Front: ten feet (10')-ft.
 - ii2. Sides and rear: five feet (5') ft.
 - iii3. Side unit with main entrance: ten feet (10')-ft.
- d. Minimum space between units, including accessory structures: ten feet (10')-ft.
- e. Maximum Llot coverage (including awnings) (max.): seventy percent (70%).
- f. Unwalled carports may be located within a required front setback if located not closer than four feet (4')-feet to the curb or edge of the street; however, no fencing, screening, wall or plantings shall be permitted in the setback which might interfere with a driver's view of the street.

2. Existing Manufactured Home Parks

- a. Minimum site size: None specified.
- b. Minimum manufactured home lot size: None specified.
- c. Minimum Setbacks:
 - i1. Front: None, ~~seas~~ long as no part of any manufactured home encroaches upon any part of a walkway or park street.
 - ii2. Sides and rear: five feet (5').
 - iii3. Side unit with main entrance: ten feet (10').
- d. Minimum space between units, including accessory structures: ten feet (10').
- e. Maximum lot coverage: seventy percent (70%).

Sec. 2-10. — Phase Development.

If the developer wishes to phase the construction of the development, at least one half (1/2) of the required thirty-five (35) units or five (5) acres, whichever is less, and the required accessory facilities shall be completed prior to being issued an operator's permit. The City may require bonding for the remaining portions of the phased development. Bonding would cover the cost of providing roads, sidewalks, street lighting, accessory structures and other parts of the unfinished portion of the mobile home park.

Sec. 2-11.B. Recreation Area.

—A common recreation area(s) shall be provided in each ~~mobile~~manufactured home park consisting of no less than four percent (4%) or ten thousand (10,000) square feet, whichever is greater, of the gross land area. This area shall be exclusive of all lot and buffer areas and shall be developed with turf and trees to accommodate both active and passive recreation. If this requirement is to be met by several separate areas, one (1) area must be ten thousand (10,000) square feet in size and the remaining recreation areas shall be left to the discretion of the developer.

Sec. 2-12C. Buffer Area.

—All ~~mobile~~manufactured home lot lines and all structures within a ~~mobile~~manufactured home park shall be set back a minimum of fifteen feet (15') ~~feet~~ from the property line of the development. The need for a buffer area shall be determined by the Planning and Zoning Commission. If the Planning and Zoning Commission determines a need for a buffer area, a sight obscuring fence or evergreen hedge at least six feet (6') ~~feet~~ in height shall be maintained within the rear and side buffer areas. Such fence or hedge across the front of the development shall be set back at least ten feet (10') ~~feet~~ from the front property line. The remainder of the buffer area will be landscaped as determined in the development plan submitted to the Planning and Zoning Commission.

Sec. 2-13.D. Streets and Roads.

—The general layout of a ~~mobile~~manufactured home development shall provide not only adequate circulation space within its confines, but shall also integrate with any existing or planned street pattern in the general area of the development. Public street dedication may be required if needed to provide proper integration with existing or planned streets. All dedicated streets shall be constructed in accordance with the City of Moscow street standards as adopted by resolution of the Council to City width and construction standards. The developer of a ~~mobile~~manufactured home park may be required to improve any right-of-way to which the development is adjacent, to City standards. All street names shall be approved by the Planning and Zoning Commission.

Sec. 2-14E. Private Streets.

—Private streets within a ~~mobile~~manufactured home park shall be constructed to a minimum of four inch (4") ~~inch~~ aggregate base and a minimum of three inches (3") ~~inches~~ of bituminous pavement with curbs on both sides and sidewalk on one (1) side. Plans for traffic circulation within the area and the size of the development shall be considered before the Planning and Zoning Commission. Private streets shall be a minimum of ~~forty-three-six feet (4036')~~ feet in width with parking on both sides, ~~thirty-two~~twenty-eight feet (3228') ~~feet~~ with parking on one (1) side and ~~twenty-seven feet (27'20')~~ feet when no parking is provided. Dead-end streets shall be limited to a length of six hundred ~~and sixty feet (660')~~ feet and the cul-de-sac shall have a minimum radius of ~~forty-ninety-six feet (4096')~~ feet.

Sec. 2-15F. Walkways.

— Pedestrian walkways ~~shall be~~ four ~~feet (4')-feet~~ in width ~~and~~ shall be provided along one (1) side of street frontage in ~~mobilemanufactured~~ home parks and shall be constructed to City standards. Walkways connecting interior facilities in the ~~mobilemanufactured~~ home park shall also be constructed to City standards of four ~~feet (4')-feet~~ in width. Walkways ~~will-shall~~ be provided from the ~~mobilemanufactured~~ home unit to the street or interior walkway system and shall be built to a minimum of two ~~feet (2')-feet~~ or wider.

Sec. 2-16G. Lighting.

— Street lighting shall be provided by the developers of all ~~mobilemanufactured~~ home developments affected by this Chapter. Such lighting shall utilize a mercury vapor or high pressure sodium light or another lighting system approved by the City Engineer. Lighting shall be provided at a minimum intensity of one-half (1/2) candle foot at all places along the private streets. Along public streets, the street light requirements shall meet the standards set forth in the Code.

Sec. 2-17H. Parking.

~~A1. A minimum of two (2) off-street parking spaces per unit shall be required within a mobilemanufactured home park and parking spaces shall be located adjacent to the mobilemanufactured home site where possible, but not further than one hundred fifty feet (150')-feet from the identified site. A parking space shall be at least nine feet (9') in width and twenty feet (20') in depth consist of three hundred (300) gross square feet of area and shall be paved.~~

~~B2. Additional off-street parking at a rate of one (1) parking space per three (3) manufactured home spaces shall be provided for guest and visitor parking. A minimum of one (1) additional space beyond the two (2) required spaces shall be required and shall be provided for mobile home parks on adjacent streets or in a parking lot.~~

~~C. An accessory parking and storage area for recreation vehicles, boats and similar equipment shall be provided at a rate of one (1) space per fifteen (15) mobile home spaces in mobile home parks. This accessory parking area shall be enclosed by a fence six feet (6') feet in height and with security lighting provided at one-half (1/2) candle foot for this accessory parking area.~~

Sec. 2-18I. Utilities.

— All ~~mobilemanufactured~~ home developments shall be served by City water and sewer and shall be developed and constructed to City standards. The water, sewer and electrical systems within the development and all individual hookups shall be installed in accordance to City standards.

Sec. 2-19J. Refuse Handling. All refuse collection locations shall be approved by the City Sanitation Department.

~~A. The storage, collection and disposal of refuse in mobile home parks shall be conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution.~~

- ~~B. All refuse shall be stored in flytight, watertight, rodent proof containers, which shall be located not more than one hundred fifty feet (150') feet from any mobile home lot. Containers shall be provided in sufficient number and capacity to properly store all refuse.~~
- ~~C. Refuse collection stands shall be provided for all refuse containers. Such container stands shall be so designed as to prevent the containers from being tipped, to minimize spillage and container deterioration and to facilitate cleaning around them.~~

~~Sec. 2-20.~~ Space Numbering.

~~Each lot in a mobilemanufactured home development shall be conspicuously marked with the proper lot number that will provide identification of that site. Such numbering shall be subject to approval of the Director of Community Development comply with current Building and Fire Code requirements.~~

~~Sec. 2-21L.~~ Skirting.

~~All mobilemanufactured homes placed within the City shall, within sixty (60) days of their installation, except in cases of inclement weather, shall be completely skirted between the bottom of the unit and the ground with a material harmonious in color and texture with the exterior of the mobilemanufactured home.~~

Sec. 2-2210. Responsibilities of Park ManagementOwner.

- A. The operator-owner of a mobilemanufactured home park shall operate the park in compliance with this Chapter and regulations issued hereunder and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.
- B. The park management-owner shall notify park occupants of all applicable provisions of this Chapter and inform them of their duties and responsibilities under this Chapter and regulations issued hereunder.
- C. The park management-owner shall be responsible for obtaining all necessary permits required by this Chapter for placement and replacement of each mobilemanufactured home on its stand and the installation of all utility connections. An occupancy certificate for the mobilemanufactured home will not be issued until proper inspections have been ~~completed~~made by the Director of Community Development. ~~A mobilemanufactured home shall not be occupied for dwelling purposes until an occupancy certificate has been issued by the CityDirector of Community Development. An occupancy certificate will not be issued for a mobile home not meeting the standards adopted by the State Code.~~
- ~~D. An office shall be maintained on all mobile home park premises which allows residents to contact the management at least on a forty (40) hour per week basis.~~

Sec. 2-2311. Park Areas for Nonresidential Uses.

- A. No part of any park shall be used for nonresidential purposes, except such uses that are required for the direct servicing and well being of park residents and for the management and maintenance of the park.
- B. Nothing contained in this Section shall be deemed as prohibiting the sale of a mobilemanufactured home located in and connected to the pertinent utilities.

Sec. 2-1224. Violation of Provisions; Operations Suspension.

- A. Whenever, upon inspection of any mobilemanufactured home park, the ~~Director of Community Development~~City finds that conditions or practices exist which are in violation of any provision of this Chapter, or the park operator's permit for the development or any other regulation adopted pursuant thereto, the ~~Director of Community Development~~City shall give notice which shall:
1. Be in writing;
 2. Include a statement of the reason for its issuance;
 3. Allow a reasonable time for the performance of any act it requires;
 4. Be served upon the owner or owner's agent when a copy thereof has been sent by certified or regular mail to the owner or owner's agent's last known address, or when the owner or owner's agent has been served with such notice by any other method authorized or required by the laws of this state; and
 5. Contain an outline of remedial action, which, if taken, will effect compliance with the provisions of this Chapter and with regulations adopted pursuant thereto.
- B. At the end of the specified time period, the ~~Director of Community Development~~City shall reinspect such mobilemanufactured home park and, if such conditions or practices have not been corrected, the ~~Director of Community Development~~City shall take legal action to have the mobilemanufactured home park operator's permit revoked and have the mobilemanufactured home park cease operation or have the City hire or contract for remedial action to correct the problem and bill the park operator-owner for these costs or put a lien on his property.
- C. Any person, whose mobilemanufactured home park has received notice their mobilemanufactured home park operator's permit will be revoked unless certain conditions or practices at the mobilemanufactured home park are corrected, may request a hearing on the matter before the Council. The mobilemanufactured home park owner/operator has thirty (30) days to appeal the ruling of the ~~Director of Community Development~~DepartmentCity and to file an appeal with the Council.
- D. The filing of the request for a hearing shall operate as a stay of notice of suspension. Under receipt of such petition, the Council shall set the time and place for such a hearing and shall give the petitioner notice thereof. At such hearing, the petitioner shall be given the opportunity to be heard, and to show why such notice should be modified or withdrawn. The hearing shall be commenced no later than thirty (30) days after the day on which the petition was filed; provided, upon application of the petitioner, the date of the hearing may be postponed for a reasonable time beyond such thirty (30) day period when it is felt that the petitioner has submitted good and sufficient reasons for postponement.
- E. After such hearing, the Council shall make findings as to compliance with the provisions of this Chapter and regulations issued thereunder and shall issue orders in writing sustaining, modifying or withdrawing the notice which shall be served in a manner prescribed in this Code. Upon a failure to comply with the order sustaining or modifying a notice, the operation of the mobilemanufactured home park affected by the order shall be stopped or corrective action taken by the City and charged to the park operator-owner. The proceedings at such a hearing, including the findings and decisions of the Council, together with a copy of every notice and order related thereto, shall be entered as a matter of public record of the Council, but the transcript of the proceedings need not be transcribed unless judicial review of the decision is sought as provided by laws of this state.

- F. When the ~~Director of Community Development Department~~City finds an emergency exists which requires immediate action to protect the public health, ~~he or she~~the City may, without notice of hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as ~~he or she may~~deemed necessary to meet the emergency, including the suspension of operation and the revoking of the park operator's permit. Notwithstanding any other provisions of this Chapter, such order as directed shall comply therewith immediately, but upon petition to the Council, shall be afforded a hearing as soon as possible.

Sec. 2-~~25~~13. Variances.

Variances may be permitted as set forth in the Zoning Code.

Sec. 2-~~26~~14. Appeals.

Any person whose application for a ~~mobile~~manufactured home development under this Chapter has been denied, may, within ten (10) days after the date on which the application was denied, appeal to the Council under the procedure provided in this Chapter. A hearing on the matter will be scheduled within sixty (60) days of the date of the appeal being filed.

Sec. 2-~~27~~15. Violations; Penalties.

Any person violating any of the provisions of this Chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined pursuant to this Code and the Idaho Code. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. The City may also use any civil remedies available to gain compliance with this Chapter.

Sec. 2-~~28~~16. Nonconforming Uses.

Any existing park which does not meet the standards of this Chapter shall be considered a nonconforming use. Any existing parks that become nonconforming uses at the time this Chapter is adopted may continue to operate unless the use shall be terminated for a period of one hundred eighty (180) days. If such use is terminated for more than one hundred eighty (180) days, the use cannot be reestablished unless it is brought into conformance with this Chapter. Any expansion of a nonconforming ~~mobile~~manufactured home park shall be developed to the requirements and standards of this Chapter, unless said requirements are technically unfeasible. The determination as to whether the requirements of this Chapter would be technically unfeasible shall be made by the Planning and Zoning Commission.

Sec. 2-17. Phase Development.

Phasing shall be permitted subject to the approval of the Planning and Zoning Commission.

Sec. 2-18. Modular Homes.

Modular homes which have been inspected and approved by the Idaho Division of Building Safety and which contain the appropriate modular insignia shall be permitted within manufactured home parks.

Sec. 2-29. Parks Annexed Into the City.

~~—This Section shall apply to mobile home parks in proximity to, or within the area of City impact of the City.~~

- ~~A. Any mobile home park (or portion of such park) developed after the effective date of this Chapter shall be required to comply with all standards and requirements of this Chapter within ninety (90) days after said park is annexed into the City.~~
- ~~B. Any mobile home park developed prior to the effective date of this Chapter shall be required to comply with the permit provisions of this Chapter and the standards of Ordinance No. 1381, within six (6) months after the date of annexation.~~

Sec. 2-30. — Other Regulations.

- ~~A. The standards contained in Ordinance No. 1381 shall continue to apply to mobile home parks (or portions thereof) established prior to August 25, 1972.~~
- ~~B. The standards contained in Ordinance No. 1221 shall continue to apply to mobile home parks (or portions thereof) developed between August 25, 1972 and the effective date of this Chapter.~~

SECTION 2: That Moscow City Code Title 6, Chapter 3 be repealed. ~~amended~~ as follows:

Sec. 3-1. — Purpose.

~~— The purpose of this Chapter shall be to promote the health, safety and general welfare of the inhabitants of the older mobile home parks in existence prior to August 25, 1972, and to require the owners to meet the standards set forth herein no later than September 1, 1979.~~

Sec. 3-2. — Code Sections Adopted.

~~— Standards, definitions, and procedures established in Title 6, Chapter 2, of this Code shall apply to this Chapter except where it is clear by context that such are inapplicable.~~

Sec. 3-3. — Required Separation Between Mobile Homes.

- ~~A. Each mobile home stand shall not cover more than one-third (1/3) of the area of the mobile home lot. Every mobile home space shall abut on a driveway or public street or an approved sidewalk system. Such spaces shall be defined on the Park Plan. Mobile home units shall be so parked that the minimum space distance between the nearest portion of the mobile home unit and/or its accessory building is not less than ten feet (10') from an adjacent unit and/or accessory building. There shall be an open space of not less than five feet (5') from the exterior boundary of the mobile home park.~~

Sec. 3-4. — Required Setbacks, Buffer Strips and Screening.

- ~~A. All mobile home units shall be located at least five feet (5') from any park property boundary line abutting upon a public street or highway and at least five feet (5') from other property boundary lines.~~
- ~~B. No part of any mobile home unit shall encroach upon any part of a walkway or park street.~~
- ~~C. All mobile home parks located adjacent to industrial or commercial land uses except farm land shall be provided with at least six foot (6') screening such as fences or evergreen growth along the property boundary line separating the park and such adjacent nonresidential uses.~~

Sec. 3-5. — Park Street System.

- ~~A. General Requirements: All mobile home parks shall be provided with safe and convenient vehicular access from abutting streets or roads to each mobile home lot. Alignment and gradient shall be properly adapted to topography.~~
- ~~B. Access, Street Parking and Internal Streets: All mobile home parks shall meet the standards of parking lot requirements set forth in Code Section 5-1-5(E); each park owner shall construct and maintain off-street parking within the mobile home park area a minimum of one and one-half (1 1/2) parking spaces times the number of mobile home units in the park.~~
- ~~C. Required Illumination of Park Street Systems: All parks shall be furnished with lighting units so spaced and equipped with luminaries placed at such mounting heights as will provide, as approved by the City, levels of illumination for the safe movement of pedestrians and vehicles at night. Such systems must be shown on the mobile home park plan.~~
- ~~D. Street Construction and Design Standards: All streets shall be maintained in an acceptable manner as approved by the City.~~

~~Sec. 3-6. Walks.~~

- ~~A. General Requirements: All parks shall be provided with safe, convenient, all season pedestrian access of adequate width for intended use, durable and convenient to maintain, between the individual homes, the park streets and all community facilities provided for park residents. Sudden changes in alignment and gradient shall be avoided.~~
- ~~B. Sidewalk System: Shall be subject to the approval of the City and have the capability of providing acceptable emergency access.~~

~~Sec. 3-7. Water Supply.~~

~~General Requirements: An accessible, adequate, safe and potable supply of water shall be provided in each mobile home park. Where a public supply of water is available, connection shall be made thereto and its supply used exclusively.~~

~~Sec. 3-8. Water Distribution System.~~

~~The water supply system of the mobile home park shall conform to the standards required by the City as approved by the Council.~~

~~Sec. 3-9. Sewage Disposal.~~

~~An adequate and safe sewerage system shall be provided in all mobile home parks for conveying and disposing of all sewage in conformance to the standards required by the City as approved by the Council.~~

~~Sec. 3-10. Electrical Distribution System.~~

~~Every park shall contain an electrical wiring system which complies to the standards required by the City as approved by the Council.~~

~~Sec. 3-11. General Requirements.~~

~~The requirements of this Section shall apply to service buildings, recreation buildings and other community service facilities such as:~~

- ~~A. Management offices, repair shops, and storage areas.~~
- ~~B. Sanitary facilities.~~
- ~~C. Laundry facilities.~~

~~D. Indoor recreation areas.~~

~~E. Commercial uses supply essential goods and services for the exclusive use of park occupants.
— All of which must comply with all Federal, State, City and local codes.~~

~~Sec. 3-12. Fire Protection.~~

~~— The mobile home park area shall be subject to the rules and regulations of the City, as approved by the City and the Fire Chief. Each owner of a mobile home park shall provide on their mobile home park plan a fire protection system, which must be developed and submitted to the City and the Fire Chief for approval.~~

~~Sec. 3-13. Responsibilities of Park Owners and Occupants.~~

~~— The park occupants shall comply with all applicable requirements of this Chapter and regulations issued hereunder and shall maintain their mobile home lots, facilities and equipment, in good repair and in a clean and sanitary condition. The owner shall develop a set of park rules and regulations which shall be distributed to each mobile home occupant.~~

~~Sec. 3-14. Fees.~~

~~— The City shall establish certain fees for inspections which shall be effective from and after approval by resolution duly adopted at a regular meeting of the City Council.~~

~~— Said inspection fees shall include but not be limited to:~~

~~A. Permit for installation and tie down and occupancy inspection.~~

~~B. Plumbing.~~

~~C. Electrical.~~

~~— All inspection and requirements shall be made in accordance with this Code and amendments thereto from time to time.~~

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

~~Sec. 43-1. Title.~~

This Chapter shall be known and designated as the "Recreational Vehicle Park and Campgrounds Chapter" of this Code, and shall apply to all recreational vehicle parks and campgrounds developed after the adoption of this Chapter.

~~Sec. 43-2. Statement of Purpose.~~

Realizing that there is an identifiable need to provide locations in the City for the Traveling Public to park recreational vehicles or the placement of tents, this Chapter is provided to permit the development of recreational parks and campgrounds.

~~Sec. 43-3. Definitions.~~

A. *Accessory Structure.* A subordinate building or structure, the use of which is incidental to the use of a recreational vehicle park such as a structure intended as a permanent residence for the park operator owner of such structures as storage buildings, laundry, restrooms and shower facilities, recreation halls, maintenance shops, etc.

B. *Application, Recreational Vehicle (RV) Park.* Standard form provided by the City to be completed and submitted to the City along with accompanying maps, plans and other requested information.

- C. *Buffer Zone*. The area immediately within the external property lines of any recreational vehicle park which is intended as an open transitional area between the recreational vehicle development and adjacent land uses.
- D. *Building*. Any structure having a roof ~~built for the complete enclosure of persons or property or any kind of real property~~, but excluding all forms of vehicles even though immobilized.
- E. *Construction Permit*. An official certificate issued by the City granting permission after all final plans are approved to start construction (roads, utilities, site preparation, etc.) on the development of a recreational vehicle park.
- F. *Recreational Vehicle*. A vehicle type unit ~~previously primarily~~ designed as temporary living quarters for recreational, camping or travel use, which either has its own motor power or is mounted on or drawn by another vehicle. The basic entities are: camping trailer, motor home, travel trailer or fifth wheel camper, ~~and~~ truck camper, and park model recreational vehicle, and are defined as follows:
 1. *Camping Trailer*. A vehicular portable unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by ~~another vehicle~~ and unfold at the campsite to provide temporary living quarters for recreational, camping or travel use.
 2. *Motor Home*. A vehicular unit designed to provide temporary living quarters for recreational, camping or travel use built on or permanently attached to a self propelled motor vehicle chassis cab or van which is an integral part of the completed vehicle.
 3. *Travel Trailer or Fifth Wheel Camper*. A vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use and of such size or weight as not to require special highway movement permits when drawn by a motorized vehicle, and with a living area of less than two hundred twenty (220) square feet, excluding built in equipment and bath and toilet rooms.
 4. *Truck Camper*. A portable unit constructed for recreational, camping or travel use, consisting of a floor and sides, designed to be loaded onto and unloaded from the bed of a pickup truck.
 5. *Park Model Recreational Vehicle*. A recreational vehicle that is designed to provide temporary accommodations for recreational, camping or seasonal use, is built on a single chassis, was originally mounted on wheels, has a gross trailer area not exceeding four hundred (400) square feet in the set-up mode, and is certified by its manufacturer as complying with the American National Standards Institute (ANSI) A119.5 Standard for Recreational Park Trailers, and includes park models, park trailers and recreational park trailers.
- G. *Tent*. A collapsible structure, primarily constructed of fabric, with a floor area of no more than two hundred (200) square feet designed to provide temporary living quarters for recreational, camping or travel use.
- H. *Recreational Vehicle (RV) Park*. Any lot of land upon which two (2) or more recreational vehicle spaces are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters.

Sec. 4.4. — Principles for Development.

- ~~A. Recreational vehicle parks and campgrounds are permitted in the Motor Business (MB) Zoning District or the General Business Zoning District as a permitted use; and in the University (U) Zoning District, the Multiple Family Residential (R-4) Zoning District, and the Agriculture/Forestry (AF) Zoning District through the issuance of a Special Use Permit.~~

- ~~B. In evaluating a proposal the Planning and Zoning Commission may require the applicant to demonstrate that the recreational vehicle park will not generate traffic conditions that would be a hazard to pedestrians or motorists in the neighborhood in which it is located.~~

Sec. ~~43-45~~. Preliminary Development Plans.

Any person wishing to make application for a recreational vehicle park and campground should contact the City to determine the regulations and requirements for such a development. A conference between the applicant and the appropriate staff will be scheduled:

- A. To provide clarification of the recreational vehicle park development process;
- B. To review adequacy of utilities for the development; and
- C. To clarify public utilities and other development policies of the City.

Sec. ~~43-56~~. Applications and Preliminary Plans.

The applicant shall submit to the City, an application on the form prescribed by the City, and one (1) paper copy along with one (1) digital copy (in PDF format) at least five (5) complete sets of preliminary plans to the City for consideration by the Planning and Zoning Commission, at least twenty-one (21) days prior to the meeting at which such plans will be considered. The application and preliminary plans shall include at least the following:

- A. Application:
 - 1. Name, address of developer and names of principal professional personnel involved in plan preparation;
 - 2. Legal description of development site;
 - 3. Area of proposed development measured in acres and square feet;
 - 4. Percentage of total area to be set aside for use in common or recreation;
 - 5. Number of spaces or lots intended for development; and
 - 6. Any intentions for phasing the project, along with a description of the proposed phases.
- B. Preliminary Plans:
 - 1. A drawing to scale of not less than one inch (1") to fifty feet (50') showing all land uses on the periphery of the development and all public and private roads within three hundred feet (300') of the development drawings;
 - 2. A topographical map showing existing and final contours and drain systems through the development, with maximum contour intervals of five feet (5'), extending not less than one hundred fifty feet (150') beyond the boundaries of the development area; this requirement may be waived by the City Engineer;
 - 3. Tentative patterns of streets, bikeways and walkways, showing width and separation of same, and their relationship to similar facilities outside the boundaries of the proposed development, including sizing. Proposed street names shall be shown;
 - 4. Location and specific nature of open areas and playground equipment, if any;
 - 5. Location of all existing and proposed structures within the development;
 - 6. Location and precise nature of buffer area and its contents;
 - 7. A conceptual plan of landscaping, indicating type (trees, shrubs, ground cover) and general extent of plantings, and a statement regarding the proposed maintenance program;
 - 8. Tentative location of lots or spaces and location of major areas intended for use in common; and
 - 9. Any other details specifically requested to be shown at the preliminary conference.

The preliminary plans will be submitted twenty-one (21) days prior to consideration before the Planning and Zoning Commission. The City will submit the preliminary plans for comment to the City Engineer, the Fire ~~Chief-Marshall~~ and ~~the City Community Development Department~~ designated City Staff at least fifteen (15) days prior to the scheduled meeting before the Planning and Zoning Commission. Staff comments will be provided within ten (10) days from the date they are provided copies of the development plans. The plans will be forwarded along with comments from the City ~~s~~Staff to the Planning and Zoning Commission. The Planning and Zoning ~~e~~Commission will review the plans and will approve or disapprove the plans, within forty-five (45) days after the first meeting at which they are considered.

If the preliminary plans are found to be in substantial compliance with requirements for final plans, the Planning and Zoning Commission may waive the final plan review.

Sec. ~~43-67~~. —Final Plans.

The final plan will include detailed drawings on all physical developments of the park development and any other requirements determined during the approval process of the preliminary plans. Within a year after the Planning and Zoning Commission approval of the preliminary plans, the applicant shall submit to the City one (1) paper copy along with one (1) digital copy (in PDF format) five (5) copies of the final plans ~~to the City~~, twenty (20) days before the scheduled meeting of the Planning and Zoning Commission. Final plans will be checked for conformance with the concepts presented and approved in the preliminary plans, the requirements of this Chapter and City standards before submitting the final plans to the Planning and Zoning Commission for its approval. If the Planning and Zoning Commission finds the final plans to be in conformance with the approved preliminary plans, the plans will be approved. The decision of the Planning and Zoning Commission may be appealed to the Council within seven (7) days of adoption of findings of fact. ~~An appeal may be made by the applicant, by any person affected by the proposal, or by any member of the Council.~~ The provisions of Code Section 4-8-6 shall apply to appeals to the Council of decisions by the Planning and Zoning Commission on recreational vehicle park applications. ~~The final plans shall include:~~

- A. Construction plans prepared by a licensed engineer indicating alignment and grade for water, sanitary sewer, storm sewer and streets; this requirement may be waived or modified by the City Engineer;
- B. Parking location and layout;
- C. Street lighting layout;
- D. Space numbering;
- E. Fire protection plan; content determined by the City; and
- F. Landscaping plan. The placement of landscaping shall be left to the discretion of the owner or operator of the recreational vehicle park. In order to create a park-like setting and promote privacy for the users of the recreational vehicle park, however, the following standards shall apply:
 - 1. At least one (1) canopy tree of one point five inch (1.5") ~~inch~~ caliper and two (2) shrubs a minimum of ~~12~~twelve inches (12") in height per every two (2) recreational vehicle sites; and
 - 2. All common areas and lots not utilized for structures, parking or other landscaping shall be covered by turf or other vegetative ground cover.

Before occupancy is permitted, record ~~drawings~~ drawings prepared by a licensed engineer of all public improvement construction will be submitted to the City Engineer.

Sec. ~~43-78~~. —Approvals.

Construction of recreational vehicle park improvements shall not commence until final plans have been approved by the Planning and Zoning Commission. All improvements shall be constructed in accordance with approved final plans before the recreational vehicle park may be occupied.

Sec. ~~43-89~~. —Fees.

Fees for permits will be established by resolution from time to time by the Council.

Sec. ~~43-910~~. Standards for Recreational Vehicle Parks and Campgrounds.

- A. Minimum space size shall be forty feet by twenty feet (40' x 20'); however, up to forty percent (40%) of the spaces may be a minimum of twenty-five feet by twenty feet (25' x 20').
- B. Design of spaces shall be such that minimum space between recreational vehicles is ten feet (10').
- C. Toilet facilities and potable water shall be provided in all campgrounds and in all recreational vehicle parks that allow tents or recreational vehicles which are not self-contained.
- D. Common open space will be provided for each space in the park. This area shall be exclusive of all setback areas and shall be developed with turf and trees. The size of the open spaces shall be left to the discretion of the developer.
- E. Trash receptacles shall be provided, and shall be located no further than one hundred fifty feet (150') away from any recreational vehicle or campground space.

Sec. ~~43-101~~. Streets.

Internal private streets shall be a minimum of twenty-eight feet (28') (including a twenty foot [20']-~~feet~~ surface and four foot [4']-~~feet~~ shoulders) in width for two (2)-way streets and twenty feet (20') (including a twelve foot [12'] surface and four foot [4'] shoulders) for one- (1) way streets, with a minimum of three-quarters inch (3/4") processed rock, six inches (6") in depth. Minimum outside radius of all curves in streets shall be forty feet (40').

Sec. ~~43-112~~. Setbacks and Buffer Yards.

Setbacks and buffer yards shall be required to provide a physical and/or visual buffer to eliminate potential land use conflicts. Setbacks or buffer yards shall be required as follows:

- A. Adjoining Public Streets÷ Portions of a recreational vehicle park that adjoin public streets shall have a B buffer yard, as defined in Code Section 4-~~6~~-9, except in such areas required for access and/or a vision clearance triangle. Portions of a public right-of-way may be used as a part of the buffer yard at the discretion of the City;
- B. Adjacent to Residential and Industrial Uses÷ Portions of a recreational vehicle park that adjoin a residential or industrial use shall have a minimum setback of ten feet (10') from the property line and shall have a six foot (6') high, sight-obscuring fence located within the setback area. Utility lines and outlets may be located within the setback area.
- C. Adjoining Undeveloped Land÷ Portions of a recreational vehicle park that adjoin undeveloped land shall have an 'A' buffer yard, as defined in Code Section 4-6-9, except in such areas required for access and/or a vision clearance triangle.

Sec. ~~43-123~~. Sewage Holding Tank.

A sewage holding tank for self-contained recreational vehicles shall be provided within the recreational vehicle park or the park ~~operator-owner~~ shall provide or have provided a pumping service from the recreational vehicles into a sewage tank truck.

Sec. ~~43-134~~. Lighting.

Street lights along the public right-of-way shall be provided by the developers of the recreational vehicle park as required by the City Engineer ~~and the Code~~. Lighting of RV park and campground internal roads and/or pedestrian paths may be required by the Planning and Zoning Commission as dictated by the size, layout and scale of the development and in accordance with the Outdoor Lighting Section of the Zoning Code.

Sec. ~~43-145~~. Utilities.

All recreational vehicle parks and campgrounds with access to City sewer and/or water shall be served by such. In recreational vehicle parks and campgrounds served by private streets, a utility easement may be required by the City. In those that have no access to City sewer and water, septic systems and wells are permissible subject to Idaho State Health District approval.

Sec. ~~43-156~~. Length of Stay in Recreational Vehicle Park.

Maximum length of occupancy of spaces within the RV park shall be as follows:

- A. Persons occupying vehicles with total hookups, including sewer, water and electricity, shall be permitted to occupy an RV park space year-round. However, all recreational vehicles must be owner occupied and the owner/operator of the RV park shall not obtain recreational vehicles for the purpose of renting them out. not occupy any RV park space for a period exceeding one hundred eighty (180) days in any 12-month period, nor shall the cumulative occupancy by such persons of different RV park spaces anywhere in the facility exceed a total of one hundred eighty (180) days in any 12-month period.
- B. Persons occupying tents or vehicles with less than total hookup capacity shall not occupy any RV park space for a period exceeding fourteen (14) days in any twelve (12)-month period, nor shall the cumulative occupancy by such persons of different RV park spaces anywhere in the facility exceed a total of fourteen (14) days in any twelve (12)-month period.

Sec. ~~43-167~~. Responsibilities of the Recreational Vehicle Park ManagementOwner.

- A. The ~~operator-owner~~ of a recreational vehicle park shall operate in compliance with this Chapter and regulations issued hereunder and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and a clean and sanitary condition.
- B. The park ~~management-owner~~ shall notify park occupants of all applicable provisions of this Chapter and inform them of their duties and responsibilities under this Chapter and regulations issued hereunder as applicable.

Sec. ~~43-178~~. Violation of Provisions; Operations Suspension.

Whenever, upon inspection of any recreational vehicle park, the City finds that conditions or practices exist which are in violation of any provision of this Chapter, or the park operator's permit for the development, or any other regulation adopted pursuant thereto, the City shall give notice which shall:

- A. Be in writing;
- B. Include a statement of reasons for its issuance;

- C. Allow a reasonable time for the performance of any act it requires;
- D. Be served upon the owner or owner's agent when a copy thereof has been sent by certified or regular mail to owner's last known address or when owner has been served with such notice by any other method authorized or required by the laws of this State; and
- E. Contain an outline of remedial action, which, if taken, will effect compliance with the provisions of this Chapter and with regulations adopted pursuant thereto.

At the end of the specified period of time, the City shall reinspect such recreational vehicle park and, if such conditions or practices have not been corrected, take legal action to have the recreational vehicle park operator's permit revoked and the recreational vehicle park cease operation, or have City take remedial action to correct the problem and bill the park ~~operator-owner~~ for these costs or put a lien on ~~operator's-the owner's~~ property.

Any person whose recreational vehicle park has received notice that their recreational vehicle park operator's permit will be revoked unless certain conditions or practices at the recreational vehicle park are corrected, may request a hearing on the matter before the Council. The recreational vehicle park owner/operator has thirty (30) days to appeal the ruling of the City and to file an appeal with the Council. The filing of the request for a hearing shall operate as a stay of notice and of suspension. Under receipt of such petition, the Council shall set a time and place for such hearing and shall give the petitioner notice thereof. At such hearing, the petitioner shall be given the opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced no later than thirty (30) days after the day on which the petition was filed; provided that upon application of the petitioner, the date of the hearing may be postponed for a reasonable time beyond such thirty (30) days period when it is felt that the petitioner has submitted good and sufficient reasons for postponement.

After such hearing, the Council shall make findings as to compliance with the provisions of this Chapter and regulations issued thereunder, shall issue orders in writing sustaining, modifying or withdrawing the notice which shall be served in a manner prescribed in this Code. Upon failure to comply with the order sustaining or modifying a notice, the operation of the recreational vehicle park affected by the order shall be stopped or corrective action taken by the City and charged to the park ~~operator-owner~~. The proceedings at such hearing, including the findings and decisions of the Council, together with a copy of every notice and order related thereto, shall be entered as a matter of public record of the Council, but the transcript of the proceedings need not be transcribed unless judicial review of the decision is sought as provided by the laws of this State.

When the City finds an emergency exists which requires immediate action to protect the public health, it may, without notice of hearing, issue an order reciting the existence of such emergency and requiring that such action be taken as deemed necessary to meet the emergency, including the suspension of operation and the revoking of the park operator's permit. Notwithstanding any other provisions of this Chapter, such order as directed shall comply therewith immediately, but upon petition to the Council, shall be afforded a hearing as soon as possible. The provisions of this Section shall be applicable to such hearing and order issued thereafter.

Sec. ~~43-189~~. Waivers.

The applicant may petition the Planning and Zoning Commission to waive or modify requirements of these regulations. The applicant must demonstrate to the satisfaction of such Commission that there are special or extraordinary circumstances particular to his/her proposal such that strict application of these regulations would impose undue hardship or not meet with the intent of this Chapter. The applicant must further demonstrate that the waiver or modification will

not result in any adverse impacts on the users of the development, adjacent properties, nor the general public.

Sec. ~~43-1920~~. Appeals.

Any person whose application for a recreational vehicle park development under this Chapter has been denied may, within ten (10) days after the date on which the application was denied, appeal to the Council under the procedure provided in Code Section 6-4-18 herein. A hearing on the matter will be scheduled within sixty (60) days of the date of the appeal being filed.

Sec. ~~43-201~~. Violations; Penalties.

Any person, firm or corporation violating any of the provisions of this Chapter shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined pursuant to this Code and the Idaho Code. Each day such violation is permitted to continue shall constitute a separate offense and shall be punishable as such. The City may also use any civil remedies available to gain compliance with this Chapter.

...

SECTION 4: SEVERABILITY. Provisions of this Ordinance shall be deemed severable and the invalidity of any provision of this Ordinance shall not affect the validity of remaining provisions. The remaining sections of Title 6 shall be in full force and effect.

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

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

PASSED by the City Council and APPROVED by the Mayor this _____ day of _____, 2019.

Bill Lambert, Mayor

ATTEST:

Laurie M. Hopkins, City Clerk