

PLANNING & ZONING COMMISSION



Wendy McClure
Commission Chair

~Agenda~

Mike Ray
Staff Liaison

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208.883.7008

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

Wednesday
November 4, 2020

7:00 PM

Council Chambers
206 E 3rd Street

Call to order

1. Approval of minutes from October 14, 2020 [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. Approval of Reasoned Statement of Relevant Criteria and Standards [ACTION ITEM]:

Proposal for Comprehensive Plan Land Use Designation and Zoning Designation for an approximately 150 Acre Property Proposed to be Annexed into the City of Moscow and Located Directly West of Highway 95 and South of the Current City Limits Boundary: LUP2020-0023:

1. Comprehensive Plan Land Use Designation amendment from a combination of Auto-Urban Commercial, High-Density Residential, Auto-Urban Residential, and Rural and Agricultural to the Auto-Urban Commercial designation.
2. Rezoning of the subject property from the Agriculture Forestry (AF) Zone to the Motor Business (MB) Zone.

ACTION: Review the draft Relevant Criteria and Standards documents and approve the documents; or approve the documents with modifications; or provide Staff further direction as deemed necessary.

4. Review of Draft Sign Code [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 completed a draft ordinance to convert portion of the sign code into table format and will review the progress with the Commission.

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

5. Transportation Commission Meeting Report [ACTION ITEM]:

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

6. Announcements [ACTION ITEM]:

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 14, 2020

Mike Ray
Staff Liaison

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McClure called the meeting to order at 7:00 PM

MEMBERS PRESENT: Wendy McClure, Chair; Joel Hamilton (virtual), Michael Nelsen, Robb Parish (virtual), Nels Reese, Victoria Seever, Dennis Wilson

MEMBERS ABSENT: Rich Beebe, Scott Gropp

STAFF IN ATTENDANCE: Jennifer Fleischman, Sandra Kelly, Mike Ray

1. Approval of Minutes from September 23, 2020

Reese moved for approval of the minutes, seconded by Nelsen. Vote by Acclamation: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

2. Public Comment

None.

3. Public Hearing: Proposal for Comprehensive Plan Land Use Designation and Zoning Designation for an approximately 150 Acre Property Proposed to be Annexed into the City of Moscow and Located Directly West of Highway 95 and South of the Current City Limits Boundary: LUP2020-0023

1. *Comprehensive Plan Land Use Designation amendment from a combination of Auto-Urban Commercial, High-Density Residential, Auto-Urban Residential, and Rural and Agricultural to the Auto-Urban Commercial designation.*

2. *Rezoning of the subject property from the Agriculture Forestry (AF) Zone to the Motor Business (MB) Zone.*

Ray presented the application as indicated above, reminding that the Commission makes a recommendation to City Council of the appropriate zone and Comprehensive Plan designation prior to annexation. Imagery of the proposed site was shown, going into detail about the different zoning and land use areas in question. Ray explained what an Auto-Urban Commercial designation is intended for as well as a Motor Business Zone's intended use in the City of Moscow. He gave a quick overview of the planned realignment of Highway 95 and the City's Capital Improvement Plan which includes the extension of sanitary sewer and water mains to be constructed in 2021. Ray mentioned a plan to prevent "islands" of Latah County land if the property was annexed into the city, providing details about the particular problematic locations and what work is currently being done to address this.

Reese inquired whether it was a burden for the water and sewer lines to be extended and the City does not have an issue with it as it is part of the current Capital Improvement Plan.

McClure opened the public hearing at 7:13 PM

Jana Schultheis (applicant), Pullman, spoke about Schweitzer Engineering Laboratories' (SEL) desire and need to expand their facilities. She clarified that there is not currently a set project for this parcel of property, but this purchase and annexation request is set to be utilized within the next few years. Parish asked the applicant if the Motor Business (MB) zoning designation would give SEL enough flexibility for potential future uses and Schultheis agreed that MB is the desired zoning designation.

Rick Beebe, Moscow, spoke in favor of the proposal. Mr. Beebe mentioned a desire to grow and expand Moscow further with 300 acres directly west of SEL's property. Beebe asked that the Commission consider this plan when deliberating on the SEL annexation and rezone request.

Karl Tyler, Missoula MT, spoke in favor of SEL's request.

Jennifer Tengono, Moscow, spoke neutrally in representation of Karl Tyler's estate. Asked that information regarding utilities and access points to the adjacent properties be included in the Commission's recommendation to City Council.

McClure closed the public hearing at 7:26 PM

Reese and McClure were in favor of the Rezone and Land Use Designation for SEL's property. Parrish spoke with concern about the public hearing comments and requested information regarding a recommendation considering adjacent properties. Ray suggested that those conditions would be more appropriately addressed during the annexation hearing before City Council. Hamilton and Seever echoed their approval of the proposed requests.

Parrish moved for approval of the Comprehensive Plan Land Use Designation as recommended by Staff, seconded by Seever. Vote by Acclamation: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

Reese moved for approval of the Rezone as recommended by Staff, seconded by Wilson. Vote by Acclamation: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

Parrish motioned to direct Staff to prepare the Reasoned Statement of Relevant Criteria and Standards for both the Comprehensive Plan Land Use Designation and Rezone, seconded by Nelsen. Vote by Acclamation: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

5. Review of Draft Sign Code

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 completed a draft ordinance to convert portion of the sign code into table format and will review the progress with the Commission.

Ray reviewed the draft Sign Code as presented in previous meetings, with the updated changes as requested in the last meeting. He provided some clarification to the Commissioners about what signs would fall under the different sections.

Commission discussed increasing the number of temporary signs allowable on residential properties to three (3). It was decided to increase the number to (3) three signs per residential property in the code. Some more clarification occurred in regards to the consecutive period for temporary signs in non-residential areas. Discussion around making the code clearer in that section as well as the commercial uses section.

Ray reviewed the updated changes for temporary signs in the City right-of-way and asked for recommendations in regards to sign size for institutional uses in residential zones. Commissioners agreed

with Staff's suggestion to include a larger sign allowance of 32sf per freestanding or monument sign for institutional uses within residential zones, as well as the opportunity to increasing to 48sf with a Conditional Use Permit. After Staff makes the proposed changes, the draft code will be reviewed by the Legal Department and ready for final review at the December meeting.

4. Transportation Commission Meeting Report

Transportation Commission met on October 8 and discussed changes to the Transportation Commission City Code and Street Standards. Next meeting is scheduled for November 12.

5. Announcements

- Next regularly meeting is November 4, with a tentative field trip for the Public Art Lighting ordinance review scheduled for 6:00 PM at the north couplet.
- Last 2020 meeting scheduled for December 9.

The meeting adjourned at 8:10 PM

Wendy McClure, Chair

**BEFORE THE PLANNING AND ZONING COMMISSION
OF THE CITY OF MOSCOW, COUNTY OF LATAH,
STATE OF IDAHO**

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS REGARDING A REQUEST FOR THE REZONE OF AN APPROXIMATELY ONE-HUNDRED FIFTY (150) ACRE AREA OF LAND PROPOSED TO BE ANNEXED INTO THE CITY OF MOSCOW AND LOCATED DIRECTLY WEST OF HIGHWAY 95 AND SOUTH OF THE CURRENT CITY LIMITS BOUNDARY FROM THE AGRICULTURE FORESTRY (AF) ZONE TO THE MOTOR BUSINESS (MB) ZONE.

WHEREAS, the applicant filed an application for Annexation, Comprehensive Plan Land Use Designation, and Rezone on September 11, 2020; and

WHEREAS, this matter came before the Moscow Planning and Zoning Commission during a duly noticed public hearing on October 14, 2020; and

WHEREAS, having reviewed the application, including all exhibits entered, and having considered the issues presented by the applicant and the opponents:

THE PLANNING AND ZONING COMMISSION OF THE CITY OF MOSCOW, IDAHO, AFTER DUE DELIBERATION AND CONSIDERATION, HEREBY CONCLUDES:

I. RELEVANT FACTS AND CONCLUSIONS

1. The Planning and Zoning Commission considered the request pursuant to the City of Moscow 2019 Comprehensive Plan, City of Moscow Zoning Ordinance, the Local Land Use Planning Act, and other applicable development regulations.
2. The subject property is an approximately 150-acre property proposed to be annexed into the City of Moscow and located directly west of Highway 95 and south of the current City Limits boundary.
3. Under Idaho Code, prior to the annexation of the property within the City, the Planning and Zoning Commission is required to review the subject property and provide the City Council with a recommendation regarding the appropriate future land use designation and zoning designation to be applied to the subject property upon annexation.
4. The subject property is actively being used for agricultural production and is surrounded by primarily agricultural land to the west and the south, manufactured home parks and Idaho Transportation Department's service yard to the north, and a commercial business park to the northeast. Commercial uses to the east include Early Bird Building Supply, Wasankari Construction, Germer Construction, Primeland Cooperative, Bonkerz Play Center, Dale's Boats, Mundy's Welding, and also various residential uses.

5. Within the 2019 Moscow Comprehensive Plan, the subject property is currently designated as Auto-Urban Commercial, High-Density Residential, Auto-Urban Residential, and Rural and Agricultural.
6. The applicant has concurrently proposed to change the Comprehensive Plan land use designation to the Auto-Urban Commercial designation.
7. According to the 2019 Comprehensive Plan, Auto-Urban Commercial designated areas are intended to,

“Provide for commercial services and developments that are motor vehicle oriented or those which require large amounts of land. These areas should be located adjacent to existing commercial developments and along major arterials where the vehicle traffic can be accommodated. Developments within these designations should be required to provide significant landscaping which would be applied to enhancing areas along the street edge, screening parking lots, and buffering adjacent uses. Such areas are most appropriately zoned Motor Business (MB).”
8. The subject property and adjacent properties immediately to the west, south, and some properties to the east are located in Latah County and are currently zoned Agriculture/Forestry (AF).
9. The properties to the east which are commercial are within the Motor Business (MB) or Industrial (I) Zones, and properties to the north within the City are primarily zoned MB. The City’s west Palouse River Drive Playfields property to the northwest is located within the Farm Ranch and Outdoor Recreation (FR) Zone.
10. The applicant is proposing to rezone the subject property from the Agriculture/Forestry (AF) Zone to the Motor Business (MB) Zone.
11. According to the City of Moscow Zoning Code, the purpose of the MB Zoning District is:

“provide for the location and grouping of compatible uses having similar operation as they involve enterprises which depend primarily on the transient motor vehicle-based trade. By concentrating such uses the City intends to increase public convenience when utilizing such services and, within the regulation, to allow such activities to render the maximum service.”
12. Uses permitted within the MB Zone include retail enterprises, offices, eating and drinking establishments, printing and publishing houses, religious institutions, residential uses, hotels and motels, off-street parking facilities, kennels, storage facilities, laundromats, and light manufacturing.
13. The subject property has property frontage along Highway 95. Highway 95 is designated as a National Highway and is developed as a 24-foot-wide paved roadway with northbound and southbound travel lanes and minimal gravel shoulders on both sides.
14. As part of the City’s Capital Improvement Plan, sanitary sewer is proposed to be extended approximately 1600 feet further south of the nearest main location which is near the South Fork Palouse River Bridge. Water mains will be extended approximately 400 feet further south down the old US95 right-of-way and both utilities will terminate approximately 1600 feet south of the South Fork Palouse River Bridge. The design for the project should be completed this fall and the project should go out to bid early spring. It is anticipated that the utilities will be extended in the summer of 2021.

15. The applicant conducted a neighborhood meeting with affected property owners within 600 feet of the subject property on September 10, 2020 to discuss the proposal.

BASED ON THE ABOVE RELEVANT FACTS AND CONCLUSIONS, THE PLANNING AND ZONING COMMISSION OF THE CITY OF MOSCOW HEREBY FINDS THE FOLLOWING RELEVANT CRITERIA AND STANDARDS:

II. RELEVANT CRITERIA AND STANDARDS

1. **The proposed rezone is consistent with Comprehensive Plan goals, objectives, and implementation actions.** The proposed rezone is consistent with the proposed 2019 Comprehensive Plan Land Use Designation of Auto-Urban Commercial.
2. **The proposed rezone would provide for the logical and orderly location of land uses and community services and facilities.** The proposed MB Zone is a continuation of the current zoning designation of property adjacent to the north, northeast, and east. The proposed zoning and uses are consistent with the surrounding area and will not unduly burden the neighborhood of public infrastructure.
3. **The uses expected to occur as a result of the rezone will be compatible with the surrounding area.** The proposed zoning is consistent with adjacent zoning districts and will create a logical and orderly zoning configuration for the subject area. The adjacent properties in along the Highway 95 corridor are all primarily commercial except for a few residential properties located within the MB Zone on the west side of the highway.
4. **The size, type, and density of development expected to occur as a result of the rezone will not place an undue burden upon delivery of services provided by any political subdivision within the planning jurisdiction.** The proposed zoning and uses are suitable for the area and will not unduly burden the area of public infrastructure.
5. **The size, type, and density of development expected to occur as a result of the rezone can be adequately served by the existing transportation network, public facilities and services.** The subject property has street access via Highway 95, which can adequately serve any proposed development allowed in the MB Zone. As part of the City's Capital Improvement Plan, sanitary sewer and water mains will be extended approximately 1600 feet to the south of the South Fork Palouse River Bridge. It is anticipated that the utilities will be extended in the summer of 2021.

III. DECISION

Based on the above Reasoned Statement of Relevant Criteria, the Planning and Zoning Commission of the City of Moscow recommends approval of the rezone request for the approximately one-hundred fifty (150) acre property from the Agriculture Forestry (AF) Zone to the Motor Business (MB) Zone with no conditions.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF MOSCOW this
____ day of _____, 2020.

Wendy McClure, Chair
Planning and Zoning Commission

**BEFORE THE PLANNING AND ZONING COMMISSION
OF THE CITY OF MOSCOW, COUNTY OF LATAH,
STATE OF IDAHO**

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS REGARDING THE REVIEW OF AN APPROXIMATELY ONE-HUNDRED FIFTY (150) ACRE AREA OF LAND PROPOSED TO BE ANNEXED INTO THE CITY OF MOSCOW AND LOCATED DIRECTLY WEST OF HIGHWAY 95 AND SOUTH OF THE CURRENT CITY LIMITS BOUNDARY.

WHEREAS, the applicant filed an application for Annexation, Comprehensive Plan Land Use Designation, and Rezone on September 11, 2020; and

WHEREAS, this matter came before the Moscow Planning and Zoning Commission during a duly noticed public hearing on October 14, 2020; and

WHEREAS, having reviewed the application, including all exhibits entered, and having considered the issues presented by the applicant and the opponents:

**THE PLANNING AND ZONING COMMISSION OF THE CITY OF MOSCOW, IDAHO,
AFTER DUE DELIBERATION AND CONSIDERATION, HEREBY CONCLUDES:**

I. RELEVANT FACTS AND CONCLUSIONS

1. The Planning and Zoning Commission considered the request pursuant to the City of Moscow 2019 Comprehensive Plan, City of Moscow Zoning Ordinance, the Local Land Use Planning Act, and other applicable development regulations.
2. The subject property is an approximately 150-acre property proposed to be annexed into the City of Moscow and located directly west of Highway 95 and south of the current City Limits boundary.
3. Under Idaho Code, prior to the annexation of property within the City, the Planning and Zoning Commission must conduct a public hearing and make a recommendation to the City Council as to the appropriate land use designation and zoning designation to be applied to the property upon annexation.
4. The subject property is actively being used for agricultural production and is surrounded by primarily agricultural land to the west and the south, manufactured home parks and Idaho Transportation Department's service yard to the north, and a commercial business park to the northeast. Commercial uses to the east include Early Bird Building Supply, Wasankari Construction, Germer Construction, Primeland Cooperative, Bonkerz Play Center, Dale's Boats, Mundy's Welding, and also various residential uses.
5. Within the 2019 Moscow Comprehensive Plan, the subject property is currently designated as Auto-Urban Commercial, High-Density Residential, Auto-Urban Residential, and Rural and Agricultural.

6. The applicant has proposed to change the Comprehensive Plan land use designation to the Auto-Urban Commercial designation.
7. According to the 2019 Comprehensive Plan, Auto-Urban Commercial designated areas are intended to,
“Provide for commercial services and developments that are motor vehicle oriented or those which require large amounts of land. These areas should be located adjacent to existing commercial developments and along major arterials where the vehicle traffic can be accommodated. Developments within these designations should be required to provide significant landscaping which would be applied to enhancing areas along the street edge, screening parking lots, and buffering adjacent uses. Such areas are most appropriately zoned Motor Business (MB).”
8. The subject property and adjacent properties immediately to the west, south, and some properties to the east are located in Latah County and are currently zoned Agriculture/Forestry (AF).
9. The properties to the east which are commercial are within the Motor Business (MB) or Industrial (I) Zones, and properties to the north within the City are primarily zoned MB. The City’s west Palouse River Drive Playfields property to the northwest is located within the Farm Ranch and Outdoor Recreation (FR) Zone.
10. The subject property has property frontage along Highway 95. Highway 95 is designated as a National Highway and is developed as a 24-foot-wide paved roadway with northbound and southbound travel lanes and minimal gravel shoulders on both sides.
11. As part of the City’s Capital Improvement Plan, sanitary sewer is proposed to be extended approximately 1600 feet further south of the nearest main location which is near the South Fork Palouse River Bridge. Water mains will be extended approximately 400 feet further south down the old US95 right-of-way and both utilities will terminate approximately 1600 feet south of the South Fork Palouse River Bridge. The design for the project should be completed this fall and the project should go out to bid early spring. It is anticipated that the utilities will be extended in the summer of 2021.
12. The applicant conducted a neighborhood meeting with affected property owners within 600 feet of the subject property on September 10, 2020 to discuss the proposal.
13. Based upon the availability of public services, constructed adjacent roadway, access and surrounding land use patterns, the Commission concludes that it is appropriate for the property to be designated as AU-C upon annexation into the City of Moscow.

BASED ON THE ABOVE RELEVANT FACTS AND CONCLUSIONS, THE PLANNING AND ZONING COMMISSION OF THE CITY OF MOSCOW HEREBY FINDS THE FOLLOWING RELEVANT CRITERIA AND STANDARDS:

II. RELEVANT CRITERIA AND STANDARDS

1. **The proposed Comprehensive Plan amendment is consistent with Comprehensive Plan goals, objectives, and implementation actions.** The proposed and existing Auto-Urban Commercial designation for the subject property is consistent with the purposes, goals, objectives and policies of the Comprehensive Plan and is consistent with the surrounding properties, as well as the surrounding land use and development patterns.

2. **The proposed Comprehensive Plan amendment would provide for the logical and orderly location of land uses, community services and facilities.** The Commission finds that the proposed designation of AU-C is logical and harmonious with the surrounding land uses and development, and is consistent with the land use designations of the surrounding property to the northeast and east of the subject property.
3. **The uses expected to occur as a result of the Comprehensive Plan amendment will be compatible with the surrounding area.** The zoning districts that are consistent with the AU-C designation exist within the current City Limits boundary to the north, northeast, and east. The adjacent properties to the north and east are primarily commercial.
4. **The size, type, and density of development expected to occur as a result of the Comprehensive Plan amendment will not place an undue burden upon delivery of services provided by any political subdivision within the planning jurisdiction.** The proposed designation is suitable for the area and will not unduly burden the neighborhood of public infrastructure. The subject property has direct access, via national highway, as well as sufficient and available public utility services to meet the needs of existing and future development. As part of the City's Capital Improvement Plan, sanitary sewer and water mains will be extended approximately 1600 feet to the south of the South Fork Palouse River Bridge. It is anticipated that the utilities will be extended in the summer of 2021.
5. **The proposed Comprehensive Plan amendment is deemed to be appropriate in consideration of changing conditions within the community that are not reflected within the current Comprehensive Plan (such as new development or re-development, land use patterns and/or trends, traffic patterns and/or volume, market demands, community vision and/or needs, capital improvements, or new or revised City plans).** The Commission finds that the land use patterns within the immediate vicinity of the subject property have been transitioning into more Auto-Urban Commercial uses. The Auto-Urban Commercial land use designation is consistent with commercial properties adjacent to the north, northeast, and east and a portion of the subject property is already within the Auto-Urban Commercial designation. The proposed change would increase the size of the Auto-Urban Commercial designation upon the subject property.

III. DECISION

Based on the above Reasoned Statement of Relevant Criteria, the City of Moscow Planning and Zoning Commission recommends approval of the proposed Comprehensive Plan Land Use Designation change request for the approximately one-hundred fifty (150) acre property from the combination of Auto-Urban Commercial, High-Density Residential, Auto-Urban Residential, and Rural and Agricultural designations to the Auto-Urban Commercial designation with no conditions.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF MOSCOW this _____ day of _____, 2020.

Wendy McClure, Chair
Planning and Zoning Commission

ORDINANCE NO. 2020 -

AN ORDINANCE OF THE CITY OF MOSCOW, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE AMENDMENT OF MOSCOW CITY CODE TITLE 4, CHAPTER 6; PROVIDING FOR THE CONVERSION OF PORTIONS OF THE SIGN CODE FROM NARRATIVE TO TABLE FORMAT; PROVIDING FOR 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 Moscow Sign Code is currently in narrative format and the City wishes to convert portions of the code to table format for a consistency, side by side comparison of standards for each zoning district, and a more compact and user-friendly document due to the reduction of redundant language;

WHEREAS, the Code provides standards to protect the public health, safety, welfare, and promotes traffic safety by following the established standards; and

WHEREAS, the standards contained herein provide clear and understandable requirements that enable the fair and consistent application of the Code; and

WHEREAS, the 2015 United States Supreme Court Ruling, *Reed v. Town of Gilbert*, clarified when municipalities may impose content-based restrictions on speech; and

WHEREAS, the City wishes to ensure that the City's sign regulations recognize free speech rights by regulating signs in a content-neutral manner; and

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 6 be amended as follows:

...

Sec. 6-7. Moscow Sign Code.

A. Intents and Purposes.

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

1. To promote planned and organized signage for each zoning district.
2. To give all businesses and institutions an equal opportunity within zoning districts to have signage that will help people find the services they need.
3. To prevent the cluttered effect caused by the number of signs, and to prevent overly-intrusive signage though business corridors and within neighborhoods.
4. To ensure that pedestrians and motorists are protected from injury and damage which may be caused by the distractions and obstructions of overly-intrusive or improperly placed signs.

Further, it is the intent and purpose of this Sign Code to provide a reasonable balance between

the right of business or institution to identify and promote itself with signs and the right of the public to be protected from the potential negative visual impacts and safety hazards which may result from the unrestricted proliferation of signs.

5. To prevent favoring of commercial speech over non-commercial speech or any favoring of any particular non-commercial message over any other non-commercial message.

6. ~~To regulate political campaign signage in a reasonable and practical manner which is politically neutral and which is in accordance with local, State, and Federal law and regulations.~~ To recognize free speech rights by regulating signs in a content-neutral manner.

B. Sign Definitions.

1. *Awning*: A shelter supported entirely from the exterior wall of a building, that is constructed of canvas or other cloth type material stretched over a frame.

2. *Awning Sign*: A sign which is attached to or part of an awning. An awning sign shall be regulated as a wall sign unless it qualifies as another type of sign.

3. *Billboard*: ~~A free-standing sign controlled by M.C.C. 4-6-13(R)(1)(g). A permanent sign on which space is leased or rented to display a message not affiliated with the use of the property and regulated by Section L below.~~

4. *Building Identification Sign*: A sign which is limited to providing the name of the onsite building it is identifying, the address and date of establishment of the building and other similar information which does not advertise for or identify any particular business or activity operating in the building.

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

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

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

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

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

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

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

12. *Marquee Sign*: A sign which is attached to or part of a marquee. A marquee sign shall be regulated as a wall sign unless it qualifies as another type of sign.

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

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

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

~~15. Off-premise Sign: A sign relating, through its message and content, to a business activity, use, product, or service not available on the premises upon which the sign is erected.~~

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

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

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

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

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

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

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

C. Signs Permitted Upon Issuance of a Sign Permit.

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

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

D. Exempt Signs.

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

1. Governmental signs. Signs installed by or on behalf of federal, state, county, or city government for the protection of the public health, safety, and general welfare, including but not limited to the following:

a. Emergency and warning signs necessary for public safety or civil defense;

b. Traffic and/or wayfinding signs erected and maintained by an authorized public agency;

c. Signs required to be displayed by law;

d. Signs showing the location of public facilities including public and private hospitals and emergency medical services;

e. Any sign, posting, notice, or similar sign placed by or required by a governmental agency in carrying out its responsibility to protect the public health, safety, and general welfare.

2. Names and addresses of buildings, stained glass windows, and dates of building construction.

3. Signs of public utility companies indicating danger or which serve as an aid to public safety which show the location of underground utilities.

4. Changes to the face or copy of changeable copy signs, digital signs, electronic message signs, provided such changes do not change the material or appearance of the sign as originally permitted by the City.

5. The normal repair and maintenance (painting, repainting, cleaning, etc.) of conforming or legal nonconforming signs that does not involve structural alteration of the sign or supporting structure.

6. Sculptures, fountains, mosaics, murals, public art, and design features which do not otherwise constitute a sign.

7. "No trespassing," "no parking," "private" signs identifying essential public needs (i.e. restrooms, entrance, exit, telephone, etc.) and other information warning signs.

8. Publicly approved non-illuminated interpretive signs, historical signs, memorial signs, or tablets displayed by a governmental agency.

9. Interior Signs. Signs or displays located entirely inside of a building and located at least three (3) feet away from transparent doors and windows.

10. Non-visible Signs. Signs which are not visible beyond the boundaries of the lot or parcel upon which they are located, or from any public right-of-way.

11. Temporary signs except as required in Section I below.

1. All Zoning Districts:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

E. Prohibited Signs.

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

21. Signs prohibited in the public right-of-way: No sign, sign structure or part thereof except for public traffic and highway signs, shall be located within any public right-of-way, except as explicitly provided in this Sign Code. A sign may project or be suspended over a public right-of-way only in the CB and UMC Zoning District and subject to the following:

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

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

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

d. No sign, sign structure, or part thereof shall impede free ingress and egress from any door, window, or exit required by building and/or fire code regulations.

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

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

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

F. Nonconforming Signs.

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

2. The following nonconformity regulations shall supersede those of M.C.C. 4-1-8 only for the purpose of regulating nonconforming signs:

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

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

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

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

iv. Expanded, moved or relocated.

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

G. Parks and Recreation Facility Identification Signs.

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

H. Subdivision Entrance / Identification Signs.

Entrance and identification signs to subdivisions, PUDs, or other similar land development projects ~~identifying the name of such subdivision project are permitted subject to the issuance of a Conditional Use Permit~~ are permitted subject to sign regulations of the Zoning District in which the development is located within.

I. Temporary ~~and Special Event~~ Signs.

Temporary signs may be permitted in accordance with the following standards.

1. Residential Zoning Districts.

a. A maximum of six (6) square feet of total area per sign shall be permitted on private property.

b. A maximum of three (3) signs are permitted per lot, except as provided within Section c below.

c. There shall be no limit on the number of temporary signs displayed on private property during the time period between sixty (60) days preceding the first day of primary, election or vote for office or ballot measure and seven (7) days following the day of final election or vote for office or ballot measure.

d. Non-residential uses shall be permitted to display more than two (2) temporary signs and/or temporary signs which exceed the six (6) square foot limitation, but are required to obtain a temporary sign permit which may be displayed for one (1) consecutive period not to exceed forty-five (45) days per year, except as provided within Section c above.

2. Commercial Zoning Districts.

a. A maximum of thirty-two (32) square feet of total area per sign shall be permitted on private property.

b. A maximum of one (1) sign is permitted per lot, except as provided within Section c and d below.

c. There shall be no limit on the number of temporary signs displayed on private property during the time period between sixty (60) days preceding the first day of primary, election or vote for office or ballot measure and seven (7) days following the day of final election or vote for office or ballot measure.

d. More than one (1) temporary sign and/or temporary signs which exceed the thirty-two (32) square foot limitation are required to obtain a temporary sign permit, and may be displayed for one (1) consecutive period not to exceed forty-five (45) days per year, except as provided within Section c above.

3. Temporary Signs in the City Right-of-Way. Temporary signs shall be permitted in the City right-of-way, subject to the following standards.

- a. A maximum of six (6) square feet to total sign area and a maximum height of three (3) feet shall be permitted per sign.
 - b. A maximum of six (6) signs are permitted per event for which the signs are advertising.
 - c. A maximum of one (1) sign is permitted per street intersection.
 - d. Temporary signs may only be displayed during the day of the event and must be removed within two (2) hours after the event has taken place.
 - e. The sign is entirely outside of the roadway and one (1) foot away from the curb.
 - f. The sign does not obstruct the sidewalk and shall maintain at least four (4) contiguous feet of unobstructed pedestrian access.
 - g. The sign does not obstruct pedestrian or wheelchair access from the sidewalk to transit stops, ADA parking spaces, ADA access ramps, or building exits including fire escapes.
 - h. The sign shall not be placed upon any City property or City owned or maintained structure in the public right-of-way including but not limited to, street sign, traffic control device, utility pole, hydrant, fence, lamp post, guardrail, tree, or other vegetation.
- Temporary and special event signs for any permitted use may be displayed for a consecutive period not to exceed fifteen (15) days, for a maximum of thirty (30) days per year with the exception of "Grand Opening" type banners which may be displayed for a period not to exceed sixty (60) days. Only one (1) "Grand Opening" type banner shall be permitted for the life of the business. A subsequent "Grand Opening" type banner may be permitted when business ownership has transferred to another owner.

J. Murals.

Artistic murals which are determined by the Zoning Administrator to be permitted as wall signs
~~Wall signs which use decorative artistry as their most prominent feature to attract attention~~
 may be permitted to exceed the maximum allowable size subject to the issuance of a Conditional Use Permit.

K. Historically Significant Signs.

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

L. Billboards.

1. Billboards shall only be permitted in the Motor Business (MB) and Industrial (I) Zoning Districts and shall be subject to the following restrictions:

- a. Shall only be placed on a lot that is at least two thousand five hundred (2,500) square feet in size or on a lot that was recognize by the City as building lot prior to the enactment date of this Sign Code;
- b. Shall be located on property within fifty feet (50) of U.S. Highway 95 or State Highway 8 right-of-way;
- c. Shall be spaced no closer than one thousand five hundred feet (1,500') of another billboard sign;
- d. Shall not exceed three hundred (300) square feet per facing with no more than two (2) facings that intersect at no greater than a one hundred thirty-five degree (135°) angle (a tri-action sign shall be considered as one which has more than two (2) facings);
- e. Shall not exceed twenty-five feet (25') in height;
- f. The source of illumination shall be external and not directly visible from any location on any adjacent lot or right-of-way; and

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

L. Political Campaign Signs:

1. Placement of Political Campaign Signs in Zoning Districts:

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

~~a. Residential Zoning Districts. A maximum of six (6) square feet of total area per Political Campaign Sign shall be permitted on private property.~~

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

2. Posting and Removal:

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

3. Removal by City:

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

M. Off-premise Signs.

Off-premise signs shall only be permitted on lots within the Motor Business (MB) and Industrial (I) Zoning Districts and shall be subject to the sign regulations of the Zoning District in which the lot is located within. Billboards are a type of off-premise sign and are regulated by Section L above.

MN. Sign Area/ Size Calculations.

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

2. For any sign designed or intended to be readily and routinely changed, the sign face area shall include the entire area within which any design elements could be placed, plus any frame or material, texture, writing, symbols, logos, or color, framework or structure, together with any other form of display that is part of or attracts attention to the sign, or is used to differentiate the sign face from the structure upon which it is placed.

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

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

O. Permitted Signs in Residential Zoning Districts.

Permitted Signs in Residential Zones			
NON-RESIDENTIAL USES	AF and FR	SR, R-1, R-2, R-3	R-4
Freestanding Signs			
Maximum sf	20 sf ⁷	20 sf ⁷	32 sf ⁷
Maximum height	10 ft	10 ft	10 ft
Number of signs permitted	1 per each lot street frontage	1 per each lot street frontage	1 per each lot street frontage
Setback from property line	None	None	None
Minimum clearance above driveway (if applicable)	14 ft	14 ft	14 ft
Monument Signs			
Maximum sf	20 sf	20 sf	32 sf
Maximum height	10 ft	10 ft	10 ft
Number of signs permitted	1 per each lot street frontage	1 per each lot street frontage	1 per each lot street frontage
Projecting Signs			
Maximum sf	12 sf	12 sf	12 sf
Clearance from grade to sign bottom	8 ft	8 ft	8 ft
Clearance from driveway grade to sign bottom	14 ft	14 ft	14 ft
Number of signs permitted	1 per lot	1 per lot	1 per lot
Suspended Signs			
Maximum sf	12 sf	12 sf	12 sf
Clearance from grade to sign bottom	8 ft	8 ft	8 ft
Clearance from driveway grade to sign bottom	14 ft	14 ft	14 ft
Number of signs permitted	1 per lot	1 per lot	1 per lot
Wall Signs			
Total sf	1 sf times the length of the wall in feet, each wall calculated separately	1 sf times the length of the wall in feet, each wall calculated separately	1 sf times the length of the wall in feet, each wall calculated separately
Other Standards			
Illumination	External illumination only; however, no strobe lights, flashing lights, rotary lights, or beacons shall be permitted and the source of illumination shall not be visible from any adjoining street or property.	External illumination only; however, no strobe lights, flashing lights, rotary lights, or beacons shall be permitted and the source of illumination shall not be visible from any adjoining street or property.	External illumination only; however, no strobe lights, flashing lights, rotary lights, or beacons shall be permitted and the source of illumination shall not be visible from any adjoining street or property.

P. Permitted Signs in Commercial Zoning Districts.

Permitted Signs in Commercial Zones				
	RO and NB	CB, UMC, and GB	MB and I	RTO and U
Freestanding Signs				
Maximum sf	32 sf ⁷	120 sf	100 sf ¹	64 sf
Maximum height	10 ft	25 ft	25 ft	10 ft
Number of signs permitted	1 per each lot street frontage	1 per each lot street frontage	1 per each 300 ft of lot street frontage or fraction thereof	1 per each lot street frontage
Setback from property line	None	None	5 ft for support structure	None
Minimum clearance above driveway (if applicable)		14 ft	14 ft	
Monument Signs				
Maximum sf	32 sf	32 sf	24 sf if within 10 ft of right-of-way ² 60 sf if beyond 10 ft of right-of-way ⁴	64 sf
Maximum height	10 ft	10 ft	4 ft if within 10 ft of right-of-way ³ 15 ft if beyond 10 ft of right-of-way	10 ft
Number of signs permitted	1 per each lot street frontage	1 per each lot street frontage	1 per each 200 ft of lot street frontage or fraction thereof	1 per each lot street frontage
Projecting Signs				
Maximum sf		50 sf	50 sf	
Clearance from grade to sign bottom	8 ft	8 ft	8 ft	8 ft
Clearance from driveway grade to sign bottom	14 ft	14 ft	14 ft	14 ft
Number of signs permitted		1 per business, profession, institution, organization, or enterprise		
Suspended Signs				
Maximum sf		12 sf	12 sf	
Clearance from grade to sign bottom	8 ft	8 ft	8 ft	8 ft
Clearance from driveway grade to sign bottom	14 ft	14 ft	14 ft	14 ft
Number of signs permitted		1 per business, profession, institution, organization, or enterprise		
Roof Signs				
Maximum sf	NP	NP	80	NP
Number of signs permitted	NP	NP	1	NP
Wall Signs				
Total sf	1 sf times the length of the wall in feet, each wall calculated separately	3 sf times the length of the wall in feet, each wall calculated separately	3 sf times the length of the wall in feet, each wall calculated separately	1 sf times the length of the wall in feet, each wall calculated separately

	RO and NB	CB, UMC, and GB	MB and I	RTO and U
Portable Signs⁵				
Maximum size				
Sandwich Board Signs	3 ft in width, 4ft in height	3 ft in width, 4ft in height	3 ft in width, 4ft in height	NP
Freestanding Banner Signs	NP	NP	13 ft in height, 24 sf in size	NP
Number of signs permitted	1 sign per business or entity	1 sign per business or entity	1 sign per each 100 ft of lot frontage. At least 1 sign shall be allowed per each lot street frontage and business. No more than 3 signs shall be permitted for any single lot frontage	NP
Dynamic Display Signs⁶				
Permitted Locations		GB only	MB and I	
Maximum Sign Area Per Building Lot		150 sf per building lot	150 sf per building lot	
Maximum Single Dynamic Display Sign Size		50 sf	100 sf	
Other Standards				
Illumination	External illumination only; however, no strobe lights, flashing lights, rotary lights, or beacons shall be permitted and the source of external illumination shall not be visible from any adjoining street or property.	Internal or external illumination; however, no strobe lights, flashing lights, rotary lights, or beacons shall be permitted and the source of external illumination shall not be visible from any adjoining street or property.	Internal or external illumination; however, no strobe lights, flashing lights, rotary lights, or beacons shall be permitted and the source of external illumination shall not be visible from any adjoining street or property.	External illumination only; however, no strobe lights, flashing lights, rotary lights, or beacons shall be permitted and the source of external illumination shall not be visible from any adjoining street or property.

NOTES

¹ Plus ten (10) square feet for each entity in excess of one (1) advertised on the sign and located on the lot, to a maximum increase of one hundred (100) square feet for such additional entities, plus one-half (1/2) square foot for each one (1) square foot of landscaping to a maximum increase of one hundred (100) square feet for such landscaping; provided that no such sign shall contain greater than three hundred (300) square feet of sign area.

² Plus twelve (12) square feet if a minimum of fifty (50) square feet of landscaping is provided around the base of the sign.

³ Except that a monument sign not greater than three feet (3') in width may be allowed a maximum height of eight feet (8').

⁴ Plus thirty (30) square feet if a minimum of one hundred (100) square feet of landscaping is provided around the base of the sign.

⁵ Subject to Portable Sign Standards within Section 4-3-4 of this Zoning Code

⁶ Subject to Dynamic Display Sign Standards within Section 4-3-4 of this Zoning Code

⁷ Institutional uses are permitted to have thirty-two (32) square feet in size, and up to forty-eight (48) square feet through the approval of a Conditional Use Permit

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

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

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

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

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

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

- ~~6. No roof sign or portable sign shall be permitted.~~
- ~~7. A projecting or suspended sign shall maintain a minimum clearance of eight feet (8') to the ground below or fourteen feet (14') if over a driveway.~~
- ~~8. No projecting sign shall exceed a height of thirty inches (30") above the building wall.~~

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

- ~~1. A maximum of one (1) monument or freestanding sign per lot street frontage.~~
- ~~2. No monument or freestanding sign shall exceed twenty (20) square feet in size, nor ten feet (10') in height identifying a permitted institutional, public service, or utility facility located on the lot.~~
- ~~3. No monument or freestanding sign shall exceed four (4) square feet in size identifying a permitted commercial use located on the lot.~~
- ~~4. Signs may be externally illuminated only; no strobe lights, flashing lights, rotary lights, or beacons shall be permitted, and the source of illumination shall not be visible from any adjoining street or property.~~
- ~~5. The total area of wall signs on a building wall shall not exceed one (1) square foot times the length in feet of the wall; each wall calculated separately.~~
- ~~6. No roof sign or portable sign shall be permitted.~~
- ~~7. A projecting or suspended sign shall maintain a minimum clearance of eight feet (8') to the ground below or fourteen feet (14') if over a driveway.~~
- ~~8. No projecting signs shall exceed a height of thirty inches (30") above the building wall.~~

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

- ~~1. A maximum of one (1) monument or freestanding sign on each lot street frontage.~~
- ~~2. No monument or freestanding sign shall exceed thirty two (32) square feet in size nor ten feet (10') in height.~~
- ~~3. The total area of wall signs on a building wall shall not exceed one (1) square foot times the length in feet of the wall; each wall calculated separately.~~
- ~~4. Signs may be externally illuminated only; no strobe lights, flashing lights, rotary lights, or beacons shall be permitted, and the source of any illumination shall not be visible from any adjoining street or property.~~
- ~~5. No roof sign or portable sign shall be permitted.~~
- ~~6. A projecting or suspended sign shall maintain a minimum clearance of eight feet (8') to the ground below or fourteen feet (14') if over a driveway.~~
- ~~7. No projecting sign shall exceed a height of thirty inches (30") above the building wall.~~

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

- ~~1. A maximum of one (1) monument or freestanding sign on each lot street frontage.~~
- ~~2. No monument or freestanding sign shall exceed sixty four (64) square feet in size nor ten feet (10') in height.~~
- ~~3. The total area of wall signs on a building wall shall not exceed one (1) square foot times the length in feet of the wall; each wall calculated separately.~~
- ~~4. Signs may be externally illuminated only; no strobe lights, flashing lights, rotary lights, or beacons shall be permitted, and the source of illumination shall not be visible from any adjoining street or property.~~
- ~~5. No roof sign or portable sign shall be permitted.~~
- ~~6. A projecting or suspended sign shall maintain a minimum clearance of eight feet (8') to the ground below or fourteen feet (14') if over a driveway.~~
- ~~7. No projecting sign shall exceed a height of thirty inches (30") above the building wall.~~

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

- ~~1. A maximum of either one (1) freestanding sign or one monument sign on each lot street frontage.~~
- ~~2. No freestanding sign shall exceed one hundred twenty (120) square feet in size not twenty-five feet (25') in height.~~
- ~~3. Any freestanding sign erected over a driveway shall maintain a minimum clearance of fourteen feet (14') to the driveway surface.~~
- ~~4. A maximum of one (1) projecting sign and one (1) suspended sign per business, profession, institution, organization or enterprise on each lot street frontage. No projecting sign shall exceed fifty (50) square feet in size, nor shall it exceed a height of thirty inches (30") above the building wall.~~
- ~~5. No suspended sign shall exceed twelve (12) square feet in size.~~
- ~~6. A projecting or suspended sign shall maintain a minimum clearance of eight feet (8') to the ground below or fourteen feet (14') if over a driveway.~~
- ~~7. No projecting sign shall exceed a height of thirty inches (30") above the building wall.~~
- ~~8. The total area of wall signs on a building wall shall not exceed three (3) square feet times the length in feet of the wall, each wall calculated separately.~~
- ~~9. Signs may be internally or externally illuminated, however, no strobe lights, flashing lights, rotary lights, or beacons shall be permitted and the source of illumination shall not be visible from any adjoining street or property.~~
- ~~10. No roof sign shall be permitted.~~
- ~~11. Portable Signs as permitted in Section T of this Sign Code.~~

~~S. Permitted Signs in the MB and "I" Zoning Districts.~~

- ~~1. Freestanding Signs:~~
 - ~~a. No freestanding sign shall be allowed to overhang the public right-of-way.~~
 - ~~b. No upright, brace, pole, or other part of a sign support structure erected or constructed after the enactment date of this Sign Code, shall be closer than five feet (5') to the public right-of-way.~~
 - ~~c. Except as provided in paragraph M.C.C. 4-6-13(S)(1)(g) below, no freestanding sign shall contain greater than one hundred (100) square feet of sign area, plus ten (10) square feet for each entity in excess of one (1) advertised on the sign and located on the lot, to a maximum increase of one hundred (100) square feet for such additional entities, plus one-half (1/2) square foot for each one (1) square foot of landscaping to a maximum increase of one hundred (100) square feet for such landscaping; provided that no such sign shall contain greater than three hundred (300) square feet of sign area. Any sign utilizing the above-mentioned landscaping bonus shall have such landscaping situated at or near the base of the sign in such a manner as to buffer the visual impact of the sign structure to passers by along the street frontage. The signage landscaping shall be in addition to any other required landscaping and consist of groundcover (such as bark chips, river rock, mulch, etc.) plus trees and shrubs or trees and perennials which will achieve one hundred percent (100%) coverage within ten (10) years of planting. Annual plantings, ivy and turf may be included provided that they do not cover in excess of fifteen percent (15%) of the landscaped area.~~
 - ~~d. No freestanding sign shall exceed twenty-five feet (25') in height.~~
 - ~~e. Any freestanding sign erected over a driveway must maintain a minimum clearance of fourteen feet (14') from the bottom of the sign to the driveway surface.~~

~~f. Except for signs permitted by M.C.C. 4-6-13(S)(1)(g) below the total number of freestanding signs on each lot street frontage shall be limited to one (1) per each three hundred feet (300') of lot street frontage or additional part thereof; however, no freestanding sign shall be permitted on any lot created after the enactment date of this Sign Code that has less than two thousand five hundred (2,500) square feet of lot area.~~

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

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

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

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

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

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

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

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

~~2. Monument Signs.~~

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

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

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

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

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

~~3. Projecting and Suspended Signs~~

- ~~a. No projecting sign shall exceed fifty (50) square feet in size and no suspended sign shall exceed twelve (12) square feet in size.~~
- ~~b. No projecting sign shall exceed a height of thirty inches (30") above the building wall.~~
- ~~c. A projecting or suspended sign shall maintain a minimum clearance of eight feet (8') from the bottom of the sign to the ground below it, or a minimum of fourteen feet (14') if the ground below is a driveway.~~
- ~~d. A maximum of one (1) projecting sign and one (1) suspended sign per business, enterprise, profession, institution, or organization on each lot street frontage.~~
- ~~4. Roof Signs:~~
 - ~~a. A maximum of one (1) roof sign, not to exceed eighty (80) square feet in size, per building.~~
 - ~~b. No roof sign shall exceed twenty-five feet (25') in height above the ground.~~
- ~~5. Wall Signs:~~

~~The total area of wall signs on a building wall shall not exceed three (3) square feet times the length in feet of the wall, each wall calculated separately.~~
- ~~6. Portable Signs as permitted in Section T of this Sign Code.~~
- ~~7. Illumination:~~

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

Q. Portable Sign Standards.

- 1. Portable Signs located in the Central Business (CB) and Urban Mixed Commercial (UMC) Zoning Districts.
 - a. Materials shall be solid and durable, and there shall be no lighting.
 - b. Location:
 - i. Portable Signs may be located on private property or the public right-of-way.
 - ii. Portable Signs shall be directly in front of the business they serve.
 - iii. A minimum clear width of at least six feet (6') shall be maintained on public right-of-way for the safe movement of pedestrians, and the location shall be subject to the approval of the City Engineer.
 - c. Anchoring. Portable Signs shall be suitably anchored, weighted or designed to be resistant to the wind and shall be removed from public right-of-way at the end of each business day and shall not be displayed during the non-business hours of the commercial use such signs advertise.
 - d. Hold Harmless Agreement. Any person or business placing a Portable Sign upon the public right-of-way in conformance with this Section shall execute an agreement by which the person or business placing such Portable Sign accepts any and all liability for damages of any nature suffered by anyone as a result of the placement or maintaining of such Portable Sign and further shall agree to hold the City harmless from and indemnify the City for any such claims for damages.
- 2. Portable Signs located in the General Business (GB) and Motor Business (MB) Zoning Districts.
 - a. Materials shall be solid and durable, and there shall be no lighting.
 - b. Anchoring. Portable Signs shall be suitably anchored, weighted or designed to be resistant to the wind.

c. Portable Signs shall not be placed upon public right-of-way and shall not present a visual sight obstruction upon adjacent streets, as determined by the City Engineer. Where the physical development or other special circumstances of the property prohibit the placement of Portable Signs upon private property, Portable Signs may be allowed upon the adjacent public right-of-way upon the issuance of an encroachment permit from the agency having jurisdiction over said public right-of-way.

d. All Portable Signs shall be removed at the end of each business day and shall not be displayed during the non-business hours of the commercial use such signs advertise.

e. Portable Signs displayed within private parking lots (such as malls or shopping centers) that are not oriented toward and readily visible from adjacent public streets shall not be regulated by this Sign Code.

f. Portable Signs that are tattered, torn, or in a state of disrepair are prohibited.

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

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

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

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

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

d. Location:

i. Portable Signs shall be directly in front of the business they serve.

ii. A minimum clear width of at least six feet (6') shall be maintained on public right-of-way for the safe movement of pedestrians, and the location shall be subject to the approval of the City Engineer.

e. Anchoring. Portable Signs shall be suitably anchored, weighted or designed to be resistant to the wind and shall be removed from public right-of-way at the end of each business day and shall not be displayed during the non-business hours of the commercial use such signs advertise.

f. Hold Harmless Agreement. Any person or business placing a Portable Sign upon the public right-of-way in conformance with this Section shall execute an agreement by which the person or business placing such Portable Sign accepts any and all liability for damages of any nature suffered by anyone as a result of the placement or maintaining of such Portable Sign and further shall agree to hold the City harmless from and indemnify the City for any such claims for damages.

2. General Business (GB) and Motor Business (MB) Zoning Districts. Portable Signs shall be permitted in the General Business (GB) and Motor Business (MB) Zoning Districts subject to the following restrictions:

a. Maximum number permitted shall be no more than one (1) Portable Sign per each one hundred feet (100') of lot frontage. At least one (1) Portable Sign shall be allowed per each lot street frontage. No more than three (3) Portable Signs shall be permitted for any single lot frontage.

b. Maximum Size:

i. Sandwich Board Signs: Four feet (4') in height and three feet (3') in width.

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

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

The total Dynamic Display Sign area shall not exceed one hundred fifty (150) square feet per building lot.
 3. Maximum Single Dynamic Display Sign Size. No single Dynamic Display Sign shall exceed one hundred (100) square feet in size within the Motor Business (MB) and Industrial (I) Zoning Districts, or fifty (50) square feet within the General Business (GB) Zoning District.
 4. Dynamic Display Sign Messaging. Dynamic Display Signs shall not include any illumination or image which moves continuously, appears to be in motion or has any moving or animated parts or video displays or broadcasts. No Dynamic Display Sign shall include any illumination which is flashing or moving, except as allowed for transition between images or displays. Dynamic display shall not use blinking, bursting, distorting, flashing, oscillating, rotating, shimmering, sparkling, streaming, tracing, traveling text, and/or twinkling effects that imitates or interferes with the effectiveness of any official traffic control device or which otherwise impedes the safe and efficient flow of traffic.
 5. Hold Time.

Dynamic display shall not change or move more often than once every eight (8) seconds.
 - ~~6. Transitions.~~

~~Transition from one (1) image or display to the next image or display shall be accomplished in two (2) seconds or less. Fading, scrolling, and/or dissolving effects may be used as part of such transition.~~
 - ~~76.~~ Other Sensory Measures. Dynamic Display Signs shall not emit or utilize any sound or smell that is capable of being detected.
 - ~~87.~~ Display Malfunctions.

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

98. Brightness.

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

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

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

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

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

110. Nonconformities.

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

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

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

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

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

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

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

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

...

SECTION 2: 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 3: 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 4: 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 _____, 2020.

Bill Lambert, Mayor

ATTEST:

Laurie M. Hopkins, City Clerk