

PLANNING & ZONING COMMISSION



Robb Parish
Commission Chair
p&z@ci.moscow.id.us

Regular Meeting
~Agenda~

Mike Ray
Staff Liaison
208.883.7008

<https://www.ci.moscow.id.us/581/Agendas-and-Minutes>

Wednesday
February 24, 2021

7:00 PM

Council Chambers
206 E 3rd Street

WELCOME AND ATTENDANCE

REGULAR AGENDA

1. Approval of February 10, 2021 Minutes (ACTION ITEM)

PROPOSED ACTIONS: 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 resident city for the record and limit your remarks to three minutes.)

3. Approval of Reasoned Statement of Relevant Criteria and Standards (ACTION ITEM)

Proposal for Rezone and Preliminary Plat for Property Generally Located at the 1700 Block of Mix Road in the Area of City Impact - LUP2021-0001 and LUP2021-0002

1. Proposed rezone of a 13.31-acre area of land located at 1700 Mix Road in within the Area of City Impact from the Agriculture/Forestry (AF) Zone to the Farm Ranch (FR) Zone.
2. Proposed preliminary subdivision plat of a 13.31-acre area of land located at 1700 Mix Road in within the Area of City Impact to create four (4) lots ranging from 3.00 acres to 3.61 acres in size, referred to as the Harvest Hills Short Plat.

PROPOSED ACTIONS: 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. Final Review of Public Art Lighting Draft Ordinance (ACTION ITEM)

With the installation of the recent public art project, there has been some discussion amongst Staff regarding the lighting of public art in the City. Currently the majority of lighting is required to be full cut-off with up-lighting only permitted in certain circumstances. The Art Department has requested that the Commission review the current lighting ordinance to see if there's a possibility of providing an exemption from the full cut-off requirement for public art. The Commission conducted a special meeting on January 11, 2021 and reviewed different lighting options at the Helioterra public art installation. The Commission then directed Staff to prepare an ordinance amending the lighting code to allow up-lighting for public art and the public hearing has been scheduled for March 10, 2021.

PROPOSED ACTION: Discuss the final draft ordinance and provide staff further direction if necessary.

NOTICE: Moscow 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.

REPORTS

1. Transportation Commission meeting report.

ANNOUNCEMENTS**UPCOMING EVENTS/MEETINGS**

1. Next Planning & Zoning Commission regular meeting is scheduled for March 10, 2021.

ADJOURN

NOTICE: Moscow 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



Robb Parish
Commission Chair
p&z@ci.moscow.id.us

Regular Meeting ~Minutes~

Mike Ray
Staff Liaison
208.883.7008

<https://www.ci.moscow.id.us/457/Planning-Zoning-Commission>

**Wednesday
February 10, 2021**

7:00 PM

**Council Chambers
206 E Third Street**

The meeting was called to order at 7:00 PM

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

MEMBERS ABSENT: Scott Gropp

OTHERS: Maureen Laflin (virtual)

STAFF: Jennifer Fleischman, Mike Ray

REGULAR AGENDA

1. Approval of January 11, 2021 and January 13, 2021 Minutes (ACTION ITEM)

Hamilton moved for approval of the minutes as presented, seconded by Beebe. Vote by Acclamation; Ayes: Unanimous (7). Nays: None. Abstentions: None. Motion carried.
Note: McClure was absent for approval of minutes.

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 resident city for the record and limit your remarks to three minutes.

None.

3. Public Hearing: Proposal for Rezone and Preliminary Plat for Property Generally located at the 1700 Block of Mix Road in the Area of City Impact – LUP2021-0001 and LUP2021-0002 (ACTION ITEM)

1. Proposed rezone of a 13.31-acre area of land located at 1700 Mix Road in within the Area of City Impact from the Agriculture/Forestry (AF) Zone to the Farm Ranch (FR) Zone.

2. Proposed preliminary subdivision plat of a 13.31-acre area of land located at 1700 Mix Road in within the Area of City Impact to create four (4) lots ranging from 3.00 acres to 3.61 acres in size, referred to as the Harvest Hills Short Plat.

The subject property is within the Moscow Area of City Impact. The City of Moscow Planning and Zoning Commission will make a recommendation to the Latah County Board of County Commissioners regarding this matter.

Ray presented the applications for a preliminary subdivision plat and rezone request as described above. The subject property is located a little over a quarter (1/4) mile north of the City limits. The proposed subdivision is adjacent to a railroad right of way along the east side of the property. There was discussion regarding whether the railroad has been abandoned and/or vacated by the railroad company that owns it.

Public Hearing opened at 7:15 PM

Scott Becker (Moscow), applicant's representative, spoke to the inquiries raised about the railroad right of way that is adjacent to the proposed subdivision. He said that the railroad has not been completely vacated at this time. He suggested that once the owners vacated it, half would be awarded to property on the east and half to the property on the west. There was some discussion about why Mix Road is winding on its way north. McClure continued the discussion about the abandoned railroad and whether it could be further developed in the future to make a bike trail. Becker indicated that the railroad is still currently owned by the railroad company, and only portions of it have been vacated.

Mauri Knott (Moscow), Latah County Planning & Building, clarified that the portion adjacent to the subject property is one of the only pieces that have not yet been vacated. There was continued discussion about a possible northern bike trail.

Public Hearing closed at 7:22 PM

Hamilton moved to recommend approval of the Rezone request to Latah County with no conditions, seconded by Wilson. Vote by Acclamation; Ayes: Unanimous (8). Nays: None. Abstentions: None. Motion carried.

Hamilton moved to recommend approval of the Preliminary Subdivision Plat to Latah County with the three conditions as recommended by Staff, seconded by Wilson. Vote by Acclamation; Ayes: Unanimous (8). Nays: None. Abstentions: None. Motion carried.

Hamilton moved to direct Staff to prepare the Reasoned Statements of Relevant Criteria and Standards for both the Rezone and the Preliminary Plat applications, seconded by Nelsen. Vote by Acclamation; Ayes: Unanimous (8). Nays: None. Abstentions: None. Motion carried.

4. Public Art Lighting Draft Ordinance (ACTION ITEM)

With the installation of the recent public art project, there has been some discussion amongst Staff regarding the lighting of public art in the City. Currently the majority of lighting is required to be full cut-off with up-lighting only permitted in certain circumstances. The Art Department has requested that the Commission review the current lighting ordinance to see if there's a possibility of providing an exemption from the full cut-off requirement for public art. The Commission conducted a special meeting on January 11, 2021 and reviewed different lighting options at the Helioterra public art installation. The Commission then directed Staff to prepare an ordinance amending the lighting code to allow up-lighting for public art.

Ray reviewed the history of the Public Art Lighting draft ordinance with the Commissioners as described above. The term 'government' in the ordinance text refers to all state, local, and federal governments. The Commission requested that Staff notice the draft ordinance for Public Hearing at the next available meeting.

5. FY2022 Commission Budget (ACTION ITEM)

The FY2022 budget process is underway and the Commission will need to submit their request.

Ray presented the draft budget for the Commissioners to review which included funds for professional development and continuing education activities. There was discussion about how the funds could be used in the future, included the remaining FY2021 funds.

McClure moved to accept the proposed budget, seconded by Reese. Vote by Acclamation; Ayes: Unanimous (8). Nays: None. Abstentions: None. Motion carried.

REPORTS

1. Transportation Commission Meeting

The next Transportation Commission meeting is scheduled to occur in two weeks, with the latest meeting being cancelled.

ANNOUNCEMENTS

Parish was invited to attend the Sustainable Environment Commission meeting, but was unable to attend. He will report to the other Commissioners after attending the next meeting.

Ray gave an update on the number of Land Use Permit and Building Permit applications that the City has received, and also spoke of the upcoming City planning projects.

UPCOMING EVENTS/MEETINGS

Next regular meeting is scheduled for February 24th, 2021.

The meeting adjourned at 7:43 PM

Robb Parish, 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 A THIRTEEN POINT THREE ONE (13.31) ACRE AREA OF LAND LOCATED AT THE 1700 BLOCK OF MIX ROAD WITHIN THE AREA OF CITY IMPACT OF THE CITY OF MOSCOW, IDAHO.

WHEREAS, the applicant filed an application for a Rezone and Preliminary Plat in the Moscow Area of City Impact on January 14, 2021; and

WHEREAS, this matter came before the Moscow Planning and Zoning Commission during a duly noticed public hearing on February 10, 2021; 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, the Moscow Area of City Impact Agreement, and other applicable development regulations.
2. Per the Moscow Area of City Impact Agreement with Latah County, the Moscow Planning and Zoning Commission is to conduct one hearing and forward a recommendation on to Latah County.
3. The subject property is a thirteen point three one (13.31) acre area of land located at the 1700 Block of Mix Road.
4. The subject property is currently undeveloped and being utilized as agricultural property.
5. The subject property primarily surrounded by agricultural land and rural residential properties.
6. Within the 2019 Moscow Comprehensive Plan, which has been adopted within the Area of City Impact, the subject property is currently designated as Rural and Agriculture.
7. According to the 2019 Comprehensive Plan, Rural and Agriculture designated areas are intended to,

“allow continued use for agricultural purposes with allowances for limited residential development at very low densities. Lands with this designation should be preserved for agricultural use and development should be directed to areas in closer proximity to the City where municipal utilities are available and land can be efficiently developed and

serviced. Areas shown as Agriculture on the Future Land Use Plan are outside of the 10-year growth area (refer to Chapter 5, Public Utilities, Services, and Growth Capacity) and beyond the area for which the City is prepared to provide adequate facilities and services during the horizon of this Plan. Generally, these are found around the periphery of the City and throughout the Area of City Impact. The residential development options allow septic/well and septic/public water (where applicable and warranted) at very low densities, consistent with the intended agricultural character. Appropriate current zones for lands with this designation are Agriculture/ Forestry (AF) and Farm, Ranch, and Outdoor Recreation (FR)."

8. The subject property and surrounding adjacent properties are currently zoned Agriculture/Forestry (AF). Numerous properties located to the northeast adjacent to Highway 95 are within the Suburban Residential (SR).
9. The applicant is proposing to rezone the 13.31-acre area from the Agriculture/Forestry (AF) Zone to the Farm Ranch and Outdoor Recreation (FR) Zone.
10. According to the City of Moscow Zoning Code, the purpose of the FR Zoning District is:

"intended to permit current agricultural, outdoor recreation and other open land uses to be maintained and at the same time to set minimum standards for the development of similar new uses in order that this open zoning district be protected against spasmodic, disorderly and indiscriminate development until such time as another appropriate use of the land in this zoning district has been determined. It is also intended that newly annexed areas of the City be placed in this classification until land use studies determine the character and appropriate use of such areas."
12. Uses permitted within the FR Zone include single family dwellings, market and community gardens, group child care facilities, public parks and recreation facilities, and bed and breakfast inns.
13. The subject property has property frontage on Mix Road which is designated as a collector which transitions to minor arterial adjacent to the subject property. Mix Road is developed as a 24-foot-wide paved roadway two travel lanes and minimal gravel shoulders on both sides.
14. Since the proposed subdivision has street frontage along Mix Road, an additional 10 feet of right-of-way dedicated for future roadway expansion is recommended by the Engineering Department, as well as street frontage improvements.

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 2019 Comprehensive Plan Land Use Designation of Rural and Agriculture.
2. **The proposed rezone would provide for the logical and orderly location of land uses and community services and facilities.** The proposed SR Zone is compatible with the surrounding land uses which are primarily agricultural or rural residential in character.
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 surrounding uses and lot sizes and will create a logical and orderly zoning configuration for the subject area. The adjacent properties in all directions are all primarily agricultural and residential.
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 neighborhood 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 Mix Road, which can adequately serve any proposed development allowed in the RR Zone. Currently there is insufficient public utility services in the area and the Commission finds that annexation should not be required at this time.

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 thirteen point three one (13.31) acre property from the Agriculture Forestry (AF) Zone to the Farm Ranch (FR) Zone to Latah County with no conditions.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF MOSCOW this
____ day of _____, 2021.

Robb Parish, 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 A REQUEST FOR THE REZONE OF A THIRTEEN POINT THREE ONE (13.31) ACRE AREA OF LAND LOCATED AT THE 1700 BLOCK OF MIX ROAD WITHIN THE AREA OF CITY IMPACT OF THE CITY OF MOSCOW, IDAHO.

WHEREAS, the applicant filed an application for a Preliminary Plat in the Moscow Area of City Impact on January 14, 2021; and

WHEREAS, this matter came before the Moscow Planning and Zoning Commission during a duly noticed public hearing on February 10, 2021; 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 1999 Comprehensive Plan, City of Moscow Zoning Ordinance, the Local Land Use Planning Act, the Moscow Area of City Impact Agreement, and other applicable development regulations.
2. Per the Moscow Area of City Impact Agreement with Latah County, the Moscow Planning and Zoning Commission is to conduct one hearing and forward a recommendation on to Latah County.
3. The subject property is a thirteen point three one (13.31) acre area of land located at the 1700 Block of Mix Road.
4. The subject property is currently undeveloped and being utilized as agricultural property.
5. The subject property primarily surrounded by agricultural land and rural residential properties.
6. Within the 2019 Moscow Comprehensive Plan, which has been adopted within the Area of City Impact, the subject property is currently designated as Rural and Agriculture.
7. According to the 2019 Comprehensive Plan, Rural and Agriculture designated areas are intended to,

“allow continued use for agricultural purposes with allowances for limited residential development at very low densities. Lands with this designation should be preserved for agricultural use and development should be directed to areas in closer proximity to the City where municipal utilities are available and land can be efficiently developed and

serviced. Areas shown as Agriculture on the Future Land Use Plan are outside of the 10-year growth area (refer to Chapter 5, Public Utilities, Services, and Growth Capacity) and beyond the area for which the City is prepared to provide adequate facilities and services during the horizon of this Plan. Generally, these are found around the periphery of the City and throughout the Area of City Impact. The residential development options allow septic/well and septic/public water (where applicable and warranted) at very low densities, consistent with the intended agricultural character. Appropriate current zones for lands with this designation are Agriculture/ Forestry (AF) and Farm, Ranch, and Outdoor Recreation (FR)."

8. The subject property and surrounding adjacent properties are currently zoned Agriculture/Forestry (AF). Numerous properties located to the northeast adjacent to Highway 95 are within the Suburban Residential (SR).
9. The applicant is proposing to rezone the 13.31-acre area from the Agriculture/Forestry (AF) Zone to the Farm Ranch and Outdoor Recreation (FR) Zone.
10. According to the City of Moscow Zoning Code, the purpose of the FR Zoning District is intended to,
"intended to permit current agricultural, outdoor recreation and other open land uses to be maintained and at the same time to set minimum standards for the development of similar new uses in order that this open zoning district be protected against spasmodic, disorderly and indiscriminate development until such time as another appropriate use of the land in this zoning district has been determined. It is also intended that newly annexed areas of the City be placed in this classification until land use studies determine the character and appropriate use of such areas."
12. Uses permitted within the FR Zone include single family dwellings, market and community gardens, group child care facilities, public parks and recreation facilities, and bed and breakfast inns.
13. The applicant is proposing to subdivide the existing 13.31-acre area to create four lots ranging from 3.00 acres to 3.61 acres in size, referred to the Harvest Hills Short Plat.
14. The proposed lots will remain in Latah County and will be served by well and septic systems.
15. The northernmost lot is proposed to have a driveway approach from Mix Road and the three southern lots are proposed to share a driveway approach from Mix Road.
16. All proposed lots meet the minimum lot size for the FR Zone which is 3 acres and also the minimum lot width which is 125 feet.
17. The subject property has property frontage on Mix Road which is designated as a collector which transitions to minor arterial adjacent to the subject property. Mix Road is developed as a 24-foot-wide paved roadway two travel lanes and minimal gravel shoulders on both sides.
18. Since the proposed subdivision has street frontage along Mix Road, an additional 10 feet of right-of-way dedicated for future roadway expansion is recommended by the Engineering Department, as well as street frontage improvements.
19. On the City's Thoroughfare Plan a future minor arterial street is planned to extend east/west through the subject property from Mix Road and ultimately connect to Highway 95. The 13.31-acre subject property is part of a larger 58.84-acre parcel, which will leave a 45.53-acre remnant property to the south of the proposed subdivision. Since the remnant property to south will likely include the extension of City utilities and annexation, the Commission recommends that the

east/west street be dedicated and constructed as part of the development of the remnant property. Additionally, the Commission does not feel that a minor arterial street is warranted for this segment and is therefore recommending that the street be dedicated and constructed to a collector street standard in the future.

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. **This plat is not contradictory to the Moscow Comprehensive Plan.** The proposed preliminary plat is consistent with the underlying 2019 Comprehensive Plan Land Use Designation of Rural and Agriculture.
2. **This plat is compatible with the Moscow Zoning Ordinance.** The proposed preliminary plat is consistent with and in conformance with the requirements and provisions of the Farm Ranch (FR) Zone.
3. **This plat is compatible with the Moscow Subdivision Ordinance.** The proposed preliminary plat is consistent and in conformance with the general requirements of the Moscow Subdivision Ordinance. With the recommended dedication of an additional 10 feet of road right-of-way along Mix Road and frontage improvements, the future extension of the roadway to a collector standard is feasible.
4. **This plat is considerate of the natural features of the subject land.** The proposed preliminary plat provides for development of the subject property in conformance and consideration of the natural contours of the subject property.
5. **This plat is not expected to place an undue burden on public services and infrastructure, and does not pose an apparent threat to the public health, safety or welfare.** The subject property has direct access to Mix Road, which is a minor arterial. The applicant will be required to obtain proper approval for water and sewer to the subject property.

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 preliminary plat request for the thirteen point three one (13.31) acre property to Latah County with three conditions:

1. The applicant shall dedicate an additional 10 feet of right-of-way along the full frontage of the property adjacent to Mix Road to provide 35 feet of width east of the existing centerline of Mix Road to meet the existing collector street standard.
2. The applicant shall construct public frontage improvements along Mix Road in accordance with the City of Moscow Standard Construction Drawings and Specifications.
3. The applicant shall enter into a development agreement which allows for the deferral of the following items until the development of the remaining 45.53 acres:

- i. The dedication and construction of a collector street that would extend in the east/west direction from Mix Road to the eastern property boundary at an alignment that would allow for the future connection to Highway 95.
- ii. The dedication of public parkland required for the proposed subdivision and the remaining 45.53 acres.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF MOSCOW this
____ day of _____, 2021.

Robb Parish, Chair
Planning and Zoning Commission

ORDINANCE NO. 2021 -

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 AMENDMENT OF THE OUTDOOR LIGHTING CODE TO ALLOW LIGHTING FOR PUBLIC ART; 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, 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 4, Chapter 6, Section 9 be amended as follows:

...

Sec. 6-9. Outdoor Lighting.

A. Purpose.

...

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

1. Temporary Use Exemptions

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

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

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

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

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

2. Other Exemptions

a. Federal facilities and State and Federal highways.

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

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

d. Public Art Lighting. Lighting used for the illumination of government owned freestanding public art displays, so long as the source of illumination is not visible from any adjoining street or property and the maximum lumen output does not exceed thirteen thousand (13,000) lumens in non-residential Zoning Districts and eight thousand (8,000) lumens in Residential Zoning Districts.

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

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

...

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 _____, 2021.

Bill Lambert, Mayor

ATTEST:

Laurie M. Hopkins, City Clerk