

PLANNING & ZONING COMMISSION



Wendy McClure
Chair

~Agenda~

Mike Ray
Staff Liaison

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

**Wednesday, February 13,
2019**

7:00 PM

**Council Chambers
206 E. 3rd St.**

WELCOME AND ATTENDANCE

REGULAR AGENDA

Approval of Minutes from January 23, 2019

2. **Public Comment and Response to Previous Comments (limited to 10 minutes)**

Members of the public may speak to the Commission regarding matters NOT on the agenda or currently pending before the commission. Please state your name and address for the record and limit your remarks to three (3) minutes.

3. **Review of 6-Month Stay Limitation for Recreational Vehicles**

The Community Development Department received a letter from Mr. Gary Lester, requesting that the Commission review and potentially remove the 6-month stay limitation for Recreational Vehicles within the City. The Commission discussed this item at the January 9, 2019 meeting and will continue to discuss the issue.

PROPOSED ACTIONS: Discuss the current 6-month limitation for Recreational Vehicles and provide Staff further direction as deemed necessary.

4. **Updates to the Floodplain Ordinance**

Recent changes to the National Flood Insurance Program have necessitated updates to be made to the City's floodplain ordinance. Staff has been working with FEMA to identify which updates are required, which have been put into a draft ordinance.

PROPOSED ACTIONS: Review the draft floodplain ordinance and provide Staff further direction as deemed necessary.

5. Subdivision Code Review

Staff has conducted research on different subdivision types allowed within other jurisdictions for the Commission's review.

PROPOSED ACTIONS: Review the research on subdivision types and provide Staff further direction as deemed necessary.

REPORTS

1. Transportation Commission Meeting Report

ANNOUNCEMENTS

ADJOURN

NOTICE: Moscow City Council and committee meetings are 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~
January 23, 2019

Mike Ray
Staff Liaison

p&z@ci.moscow.id.us

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

208.883.7008

The meeting was called to order at 7:00 PM.

MEMBERS PRESENT: Robb Parish, Vice Chair; Scott Gropp, Wendy McClure (via phone), Mike Nelsen, Nels Reese, Victoria Seever, Dennis Wilson

MEMBERS ABSENT: Joel Hamilton, Kurt Obermayr

ALSO IN ATTENDANCE: Mike Ray, Anne Peterson, Gina Taruscio (for Brandy Sullivan)

1. Approval of minutes from January 9, 2019

Wilson moved approval of the minutes as presented.

RESULT:	ACCEPTED BY ACCLAMATION [UNANIMOUS]
MOVER:	Wilson
SECONDER:	Seever

2. Correspondence

None.

3. Transportation Commission Meeting Report

No report.

4. Public Comment

Parish acknowledged the legitimate and serious concerns raised by Chuck Bond at the last meeting regarding the impact the Identity Moscow has made to surrounding property owners. Commissioners had asked staff to conduct some follow up and Ray reported on his outreach to the Identity property managers who said they'd discuss the fence idea with Bond. Staff also reviewed the parking mitigation plan which allows the City to provide input to the covenants and leasing communication to help future tenants gain a better understanding of the parking limitations. Reese said since the complaint was made he has watched the area more closely to better understand some of the issues.

Chuck Bond, 626 N Moore, reported that no one from Identity has reached out to him yet. He appreciated staff's effort but didn't believe revised marketing information would prevent students from renting at Identity nor from bringing cars to Moscow. He wondered what else the Commission planned for resolution to his issues. Parish said the Commission will continue advocating for change to the marketing language and would check on all other conditions placed upon the developer at the time of approval. He expressed optimism that solutions would be identified. Bond believes Identity tenants will park where they want regardless of what the marketing and leasing information says and reiterated that a fence was the best alternative to stem at least part of the problem. Parish thanked Bond again for his input which he said was very instructive to the Commission.

5. Public Hearing: Proposed Update to the City of Moscow Comprehensive Plan

Ray provided an extensive presentation covering the culmination of the Commission's work on the Comprehensive Plan over the past couple of years. The only question from Commissioners was whether digital access is covered within the public utilities section and Ray said the fiber network is included within the Economic Development section.

Parish opened the public hearing at 7:58 pm.

Nils Peterson, 841 Travois, thanked the Commission and others for adding the new section on climate change. He said the existing "20 by 20" effort is reaching its end so he hoped the City Council, in acting on this Comprehensive Plan, will also charge commissions with the task of creating a new climate action plan for the City.

Kathy Dawes, 1018 East E Street, asked if the homelessness problem in Moscow was addressed within the Plan. Ray said the goal of providing a variety of housing types available to all demographics was included in Chapter 2.

Hearing no further testimony, Parish closed the public hearing at 8:02 pm. Commissioners had no additional comments or questions. Reese moved to forward the proposed changes to City Council with the Commission's recommendation for approval.

RESULT:	APPROVED BY ACCLAMATION [UNANIMOUS]
MOVER:	Reese
SECONDER:	Seever

The meeting adjourned at 8:03 p.m.

Robb Parish, Vice Chair

Abiel Mobile Home Community Request to Remove Six-Month Limit on RV Stay

Property Address: 603 West Palouse River Drive, Moscow, Idaho
Applicant: Gary T. Lester, Manager, Abiel Mobile Home Community LLC
1032 Juliene Way, Moscow, Idaho 83843
208-301-1446; glester@ecoanalysts.com

November 23, 2018

Dear Planning and Zoning Commission:

In August 2018 the City of Moscow Planning and Zoning Commission recently granted Abiel Mobile Home Community, LLC permission to fill all empty spaces with RV's. During the meeting we briefly discussed the 6-month stay limit for RV's in the park and during that discussion some questions were brought up as to the origin of that statute, intent, and there seemed to be a willingness of the Board to revisit that topic and discuss further.

Since the approval was granted to allow RV's into my park, I have upgraded, inspected and permitted the electrical meter panels at all 11 empty lots in Loop 1 and I have inspected all sewer connections to make sure they are functional. As an experiment I landscaped one lot (space 45) by excavating and then installing fresh sod. That space is now filled with an RV and we have 10 spaces left to fill.

There have been several additional inquiries for RV's, though none have committed yet. The most exciting that happened was an inquiry from a woman coming to the area (WSU professor) who wanted to move a tiny home into the park. She indicated she liked the spaces and the park but needed to set it in one place longer than the - month period, so she took it elsewhere (see attached email thread for reference).

I believe if we can remove the 6-month stay limit on RV's we could address some people's concerns about staying in the park. We could also potentially get one or more tiny homes to settle in and once we have one in there I think more will follow. If you recall me mentioning this at the hearing, Latah County recently revised their RV park zoning regulations this year and there is no limit on length of stay in an RV park, so there is good local precedent to do this within City limits, too.

To alleviate any concerns regarding allowing vagrants into the park, we are quite stringent on who can enter and stay in our park. Alliance Home Management screens tenants for criminal history, rental history, credit history, and proof of reliable and adequate income. We have good rules and regulations for conduct in the park, so any undesirable behaviors or tenants are dealt with appropriately, up to and including removal from the park. As we fill the empty spaces with RV's or tiny homes, we intend to tap into the recent trends we are seeing: students, retirees, and young professionals (Millennials) who seem to desire smaller accommodations and close community relationships.

I look forward to speaking with the Commission about this topic.

Very truly yours,

A handwritten signature in cursive script, reading "Amy T. Testa". The signature is written in dark ink and is positioned above the printed name.

Owner, Abiel Mobile Home Community

ORDINANCE NO. 2019 -

AN ORDINANCE OF THE CITY OF MOSCOW, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE AMENDMENT OF MOSCOW CITY CODE TITLE 4, CHAPTER 5, ;
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,

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 5 be amended as follows:

Sec. 5-1. Statutory Authorization, Findings of Fact, Purpose and Objectives.

- A. Statutory Authorization: The Legislature of the State of Idaho, in Idaho Code Sections 46-1020 through 46-1024, authorized local government units to adopt a floodplain map and floodplain management ordinance that identifies floodplains and that sets forth minimum development requirements in floodplains that are designed to promote the public health, safety, and general welfare of its citizenry.
- B. Findings of Fact:
 - 1. The flood hazard areas of the City of Moscow are subject to periodic inundation which could result in the loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
 - 2. These flood losses are caused by structures development in flood hazard areas, which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages, and by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities.
 - 3. Local government units have the primary responsibility for planning, adoption, and enforcement of land use regulations to accomplish proper floodplain management.
- C. Statement of Purpose: It is the purpose of this ~~Ordinance~~ Chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:
 - 1. Protect human life, health, and property;
 - 2. Minimize expenditure of public money for costly flood control projects;
 - 3. Minimize the need for rescue and emergency services associated with flooding and generally undertaken at the expense of the general public;
 - 4. Minimize prolonged business interruptions;

5. Minimize damage to public facilities and utilities such as water purification and sewage treatment plants, water and gas mains, electric, telephone and sewer lines, streets, and bridges located in Special Flood Hazard Areas floodplains;
 6. Help maintain a stable tax base by providing for the sound use and development of Special Flood Hazard Areas flood-prone areas;
 7. Ensure that potential buyers are notified that property is in an area of special flood hazards; and
 8. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.
- D. Objectives and Methods of Reducing Flood Losses: In order to accomplish its purpose, this Ordinance Chapter includes methods and provisions to:
1. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion.
 2. Require that development that is vulnerable to floods, including structures and facilities necessary for the general health, safety and welfare of citizens, be protected against flood damage at the time of initial construction;
 3. Preserve and restore natural flood plains, stream channels, and natural protective barriers, which carry and store flood waters;
 4. Control the filling, grading, dredging, and other development which may increase flood damage or erosion; and
 5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or that may increase flood hazards to other lands.

Sec. 5-2. Definitions.

Unless specifically defined below or in Chapter 1, Title 1 of Moscow City Code (MCC), words or phrases used in this Chapter shall be interpreted so as to give them the meaning they have in common usage and to give this Chapter its most reasonable application.

- A. *Accessory (Appurtenant) Structure.* A structure which is attached to or detached from and is subordinate to a principal residential or non-residential structure on the same parcel and which serves a purpose customarily incidental to the principal structure.
- B. *Appeal.* A request for review of the Floodplain Administrator's interpretation of provisions of this Ordinance or request for a variance.
- C. *Area Of Shallow Flooding.* A designated Zone AO, AH, AR/AO or AR/AH (or VO) on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. ~~A designated AO or AH zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet (1-3'); a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.~~
- D. *Area Of Special Flood Hazard.* The land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. Zone designation on maps always includes the letters A or V. Also known as the Special Flood Hazard Area (SFHA).

- E. *Base Flood*. The flood having a one percent (1%) chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood". ~~Designation on maps always includes the letters A or V.~~
- F. *Base Flood Elevation (BFE)*. The computed elevation to which flood water is anticipated to rise during the "Base Flood". ~~The Base Flood Elevation (BFE) is depicted on the FIRM to the nearest foot and in the FIS to the nearest point one foot (.1').~~
- G. *Basement*. ~~Any area of the building having its floor sub-grade - i.e., below ground level - on all sides. The computed elevation to which flood water is anticipated to rise during the "Base Flood". The Base Flood Elevation (BFE) is depicted on the FIRM to the nearest foot and in the FIS to the nearest point one foot (.1').~~
- H. *Building*. See "Structure."
- HI. *Development*. Any man-made change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures, or the construction of additions or substantial improvements to buildings, structures or accessory structures; the placement of mobile homes; mining, dredging, filling, grading, paving, excavation or drilling operations; and the deposition or extraction of materials; specifically including the construction of dikes, berms and levees. ~~The term "development" does not include the operation, cleaning, maintenance or repair of any ditch, canal, lateral, drain, diversion structure or other irrigation or drainage works that is performed or authorized by the owner thereof, pursuant to lawful rights and obligations.~~
- IJ. *Federal Emergency Management Agency (FEMA)*. The agency with the overall responsibility for administering the National Flood Insurance Program.
- JK. *Flood Or Flooding*.
1. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - 1 a. The overflow of inland or tidal waters;~~;~~ ~~or~~
 - 2 b. The unusual and rapid accumulation of runoff of surface waters from any source;~~;~~ ~~or~~
 - 3 c. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.~~Mudflow;~~ ~~or~~
 42. Collapse or subsidence of land along the shore of a lake or similar body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (1)(a) of this definition.~~that result in a flood as defined above.~~
- KL. *Flood Insurance Rate Map (FIRM)*. An official map of a community, issued by the Federal Insurance Administration, delineating both the areas of special flood hazards and ~~or~~ the risk premium zones applicable to the community.
- LM. *Flood Insurance Study (FIS)*. An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards. Also known as a flood elevation study.~~A compilation and presentation of flood risk data for specific~~

~~watercourses, lakes, and coastal flood hazard areas within a community. The FIS report contains detailed flood elevation data in flood profiles and data tables.~~

N. Floodplain. Any land area susceptible to being inundated by water from any source. See "Flood or flooding."

O. Floodplain Administrator. The community official designated by title to administer and enforce the floodplain management regulations.

P. Floodplain Management. The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

Q. Floodplain Management Regulations. Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance and erosion control ordinance) and other application of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

MR.—Flood Proofing. Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

NS. Flood Protection Elevation (FPE). As defined in Idaho Code Section 46-1021(7), an elevation that shall correspond to the elevation of the one percent (1%) chance annual flood (base flood elevation or BFE), plus any increased flood elevation due to floodway encroachment, plus any required freeboard. The flood protection elevation for the City of Moscow is equal to BFE plus two feet (2') of freeboard; the freeboard accounts for any flood elevation increases due to floodway encroachment as shown in the community's Flood Insurance Study.

OT. Floodway. See Regulatory Floodway.

PU. Freeboard. A factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams and the hydrologic effects of urbanization in a watershed.

V. Functionally Dependent Use. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

QW. Highest Adjacent Grade (HAG). The highest natural elevation of the ground surface prior to construction, adjacent to the proposed walls of a structure. ~~Refer to the FEMA Elevation Certificate for HAG related to building elevation information.~~

RX. Historic Structure. A structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or to a district preliminarily determined by the Secretary to qualify as a registered historic district.

3. Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or

4. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:

a. By an approved state program as determined by the Secretary of the Interior, or

b. Directly by the Secretary of the Interior in states without approved programs.

~~SY.~~ *Lowest Adjacent Grade.* The lowest point of the ground level next to the structure. ~~Refer to the FEMA Elevation Certificate for LAG related to building elevation information.~~

~~TZ.~~ *Lowest Floor.* The lowest floor ~~to of~~ the lowest enclosed area (including basement) ~~used for living purposes, which includes working, storage, cooking and eating, or recreation, or any combination thereof. This includes any floor that could be converted to such a use including a basement or crawl space.~~ An unfinished or flood resistant enclosure, ~~used~~ usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a structure's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Chapter. ~~The lowest floor is a determinate for the flood insurance premium for a building, home or business.~~

~~UAA.~~ *Manufactured Home.* A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "Manufactured Home" does not include a "Recreational Vehicle".

~~VBB.~~ *Manufactured Home Park Or Subdivision.* A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

~~WCC.~~ *Mean Sea Level.* For purposes of the National Flood Insurance program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which Base Flood Elevations shown on a community's FIRM are referenced.

~~XDD.~~ *New Construction.* For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial Flood Insurance Rate Map or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures. ~~Structures for which the "start of construction" commenced on or after the effective date of this Ordinance.~~

~~YEE.~~ *Recreational Vehicle.* A vehicle that is:

1. Built on a single chassis;
2. Four hundred (400) square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

~~ZFF.~~ *Regulatory Floodway.* The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

~~AAGG.~~ *Start Of Construction.* Includes substantial improvement and means the date the development permit was issued, provided the actual start of construction, repair,

reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the placement of a manufactured home on a foundation or the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not the alteration affects the external dimensions of a building.

BBHH. Structure. A walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

CCII. Substantial Damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of its market value before the damage occurred.

DD. Substantial Improvement. Any Reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The market value of the structure should be:

1. The appraised value of the structure prior to the start of the initial repair or improvement; or
2. In the case of damage, the value of the structure prior to the damage occurring. ~~This term includes structures which have incurred "substantial damage", regardless of the actual amount of repair work performed.~~

The term does not include either:

- a. A project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications, which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
- b. Any Alteration of a Historic Structure provided that the alteration will not preclude the structure's continued designation as a Historic Structure.

EE. Variance. A grant of relief by the governing body from a requirement of this Ordinance.

FF. Violation. The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required by the community's floodplain management ordinance is presumed to be in violation until such time as that documentation is provided. To remedy a violation means to bring the structures or other development into full or partial compliance with State or local regulations or, if this is not possible, to reduce the impacts of its non-compliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provision of this Ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

GG. *Water Surface Elevation.* The height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other specified datum) of floods of various magnitudes and frequencies in the flood plains of costal or riverine areas.

Sec. 5-3. General Provisions.

- A. Lands to which this Chapter Applies: This Chapter shall apply to all areas of Special Flood Hazards within the jurisdiction of the City of Moscow.
- B. Basis for Establishing the Areas of Special Flood Hazard: The following Flood Insurance Studies and their accompanying Flood Insurance Rate Maps and any revisions thereto as recognized by the Federal Insurance Administration ~~and/or the Federal Emergency Management Agency~~ are hereby adopted by reference and declared to be part of this Chapter: ~~1) "Flood Insurance Study, City of Moscow, Idaho, Latah County revised April 15, 2002.";~~ and ~~2) "Flood Insurance Study, Latah County, revised April 15, 2002.~~ Copies of ~~thisese~~ studies and maps are kept on file with the Moscow Community Development Department. Upon recommendation from the Planning and Zoning Commission, the Council may from time to time amend the development regulations and areas of special flood hazard by ordinance.
- C. Penalties for Noncompliance: No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Chapter and other applicable regulations. Violation of the provisions of this Chapter by failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a violation and shall be prosecuted in accordance with MCC Title 4, Chapter 11. Nothing herein contained shall prevent the City of Moscow from taking such other lawful actions as is necessary to prevent or remedy any violation.
- D. Abrogation and Greater Restrictions: This Chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- E. Interpretation: In the interpretation and application of this Chapter, all provisions shall be:
 - 1. Considered as minimum requirements;
 - 2. Liberally construed in favor of the governing body; and
 - 3. Deemed neither to limit nor repeal any other powers granted by state statutes.
- F. Warning and Disclaimer of Liability: The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Chapter shall not create liability on the part of the City, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made hereunder.
- G. This Chapter is hereby declared to be severable. Should any portion of this Chapter be declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purpose(s) of this Chapter before the declaration of partial invalidity.

Sec. 5-4. Administration.

A. Establishment of Development Permit:

1. Development Permit Required. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in MCC Section 4-5-3(B). The permit shall be for all structures including manufactured homes, as set forth in the "Definitions" above, and for all development including fill and other activities, also as set forth in the "Definitions."
2. Application for Development Permit. Application for a development permit shall be made on forms furnished by the Zoning Administrator and shall include:
 - a. Plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in questions; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing;
 - b. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
 - c. Elevation in relation to mean sea level to which any structure has been flood-proofed;
 - d. Certification by a registered professional engineer or architect that the flood-proofing methods of any nonresidential structure meet the flood proofing criteria in MCC Section 4-5-5(B)(2); and
 - e. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.

B. Designation of the ~~Zoning Floodplain~~ Administrator: The ~~Zoning Administrator~~ Community Development Director or designee is hereby appointed to administer and implement this ~~Ordinance-Chapter~~ by granting or denying development permit applications in accordance with its provisions.

C. Duties and Responsibilities of the Zoning Administrator: Duties of the Zoning Administrator shall include, but not be limited to:

1. Permit Review.
 - a. Review all development permits to determine that the permit requirements of this Chapter have been satisfied.
 - b. Review all development permits to determine that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required.
 - c. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of MCC Section 4-5-5(C)(1) are met.
2. Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with MCC Section 4-5-3(B), BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Zoning Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer MCC Sections 4-5-5(B), SPECIFIC STANDARDS, and 4-5-5(C), FLOODWAYS.
3. Information to be Obtained and Maintained.
 - a. Where base flood elevation data is provided through the Flood Insurance Study or required as in MCC Section 4-5-4(C)(2), obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

- b. For all new or substantially improved flood-proofed structures:
 - (1) verify and record the actual elevation (in relation to mean sea level), and
 - (2) maintain the flood-proofing certifications required in MCC Section 4-5-4(A)(2)(d).
- c. Maintain for public inspection all records pertaining to the provisions of this ~~Ordinance~~ Chapter.
4. Alteration of Watercourses.
 - a. Notify adjacent communities and the state coordinating agency prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
 - b. Require that ~~the flood carrying capacity maintenance is provided~~ within the altered or relocated portion of said watercourse is maintained so that the flood carrying capacity is not diminished.
5. Interpretation of FIRM Boundaries. Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in MCC Section 4-5-4(D)6.
6. Base Flood Elevation Changes. Base Flood Elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, the Floodplain Administrator shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data in accordance with Volume 44 Code of Federal Regulations Section 65.3. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.
7. Notification. Notify the Federal Insurance Administrator in writing of acquisition by means of annexation, incorporation or otherwise, of additional areas of jurisdiction.

Sec. 5-5. Provisions for Flood Hazard Reduction.

- A. General Standards: In all areas of special flood hazards, the following standards are required:
 1. ~~Subdivision Standards~~ Development
 - a. All ~~subdivision development proposals~~ shall be consistent with the need to minimize flood damage.
 - b. All subdivision preliminary plats/development plans shall include the mapped flood hazard zones from the effective FIRM.
 - c. Base flood elevation data shall be generated and/or provided for ~~subdivision proposals and all other~~ proposed development, including manufactured home parks and subdivisions, greater than fifty (50) lots or five (5) acres, whichever is less.
 - d. All ~~development subdivisions~~ shall have public utilities and facilities such as sewer, gas, electric and water systems located and constructed to minimize flood damage.
 - e. All ~~development subdivisions~~ shall have adequate drainage provided to reduce exposure to flood hazards.
 2. Construction Standards.

a. All new construction and substantial improvements of an existing structure, ~~including a structure that has been substantially damaged~~, shall be constructed with materials and utility equipment resistant to flood damage.

b. All new construction and substantial improvements of an existing structure, ~~including a structure that has been substantially damaged~~, shall be constructed using methods and practices that minimize flood damage.

c. All new construction and substantial improvements of an existing structure, ~~including a structure that has been substantially damaged~~, shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

d. Enclosed Spaces / Crawl-spaces. All new construction or substantial improvements of an existing structure, ~~including a structure that has been substantially damaged~~, that includes a fully enclosed area located below the lowest floor formed by the foundation and other exterior walls and used solely for parking, access, or storage and subject to flooding shall be designed to be an unfinished or flood resistant enclosure. The enclosure shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater. Designs for complying with this requirement must be certified by a licensed professional engineer or architect or meet the following minimum criteria:

i. Provide a minimum of two (2) openings with a total net area of not less than

(a) One (1) square inch for every square foot of enclosed area ~~subject to flooding~~;

(b) The bottom of all openings shall be no higher than one foot (1') above the higher of the exterior or interior grade or floor immediately below the opening;

(c) Openings may be equipped with screens, louvers, valves or other coverings or devices, provided they permit the automatic flow of floodwater in both directions without manual intervention.

ii. To comply with the "Lowest Floor" criteria of this ~~OrdinanceChapter~~, the unfinished or flood resistant enclosure shall only be used for parking of vehicles, ~~limited storage of maintenance equipment used in connection with the premises~~, or entry to the elevated area.

iii. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

iv. For crawlspace foundation types, construction must follow the guidelines in FEMA TB 11-01, Crawlspace Construction for Structures Located in Special Flood Hazard Areas: National Flood Insurance Program Interim Guidance, specifically:

(a) Below grade crawlspaces are prohibited at sites where the velocity of floodwaters exceed five feet (5') per second;

(b) Interior grade of the crawlspace below the BFE must not be more than two feet (2') below the lowest adjacent exterior grade (LAG);

(c) Height of the below grade crawlspace, measured from the lowest interior grade of the crawlspace to the ~~bottom of the floor joist~~ top of the foundation wall must not exceed four feet (4') at any point;

(d) Shall contain an adequate drainage system that removes floodwaters from the interior area of the crawlspace.

3. Utilities.

a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

b. New and replacement sanitary sewage system shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and

c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

d. Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

4. Storage of Material and Equipment.

a. Placement, storage or processing of materials that are in time of flooding buoyant, flammable, explosive or could be injurious to human, animal or plant life is prohibited.

b. Storage of other materials or equipment may be allowed if not subject to major damage by floods and if firmly anchored to prevent flotation or readily removable from the area within the time available after flood warning.

5. Review of Building Permits. Where elevation data is not available either through the Flood Insurance Study or from another authoritative source, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, and other relevant information, where available. Failure to elevate at least two feet (2') above grade in these zones may result in higher insurance rates.

B. Specific Standards: In all areas of special flood hazards where base flood elevation data has been provided as set forth in MCC Section 4-5-3(B), Basis for Establishing the Areas of Special Flood Hazard or MCC Section 4-5-4(C)(2), Use of Other Base Flood Data, the following provisions are required:

1. Residential Construction.

New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, constructed at or above the Flood Protection Elevation. If solid foundation perimeter walls are used to elevate a structure, openings sufficient to facilitate the unimpeded movement of flood waters shall be provided in accordance with the construction standards in MCC Section 4-5-5(A)(2)(d).

2. Nonresidential Construction. New construction and substantial improvement of any non-residential structure must be flood-proofed if the new construction or improvement is not elevated. The structure, together with attendant utility and sanitary facilities, shall:

a. Be flood-proofed to one foot (1') above the Flood Protection Elevation, so that the structure is watertight with walls substantially impermeable to the passage of water.

b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in MCC Section 4-5-4(C)(3)(b).

d. Nonresidential structures that are elevated, not flood-proofed, must meet the same standards for space below the lowest floor as described in MCC Section 4-5-5(A)(2)(d).

3. Manufactured Homes. All manufactured homes to be placed, substantially improved, or which have incurred substantial damage within ~~zoning district A-E~~ the SFHA shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the Flood Protection Elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of MCC Section 4-5-5(A)(2)(c) to resist flotation, collapse and lateral movement.
4. Recreational vehicles in all areas of Special Flood Hazard, must either:
 - a. Be on site for fewer than one hundred eighty (180) consecutive days, or
 - b. Be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions, or
 - c. Meet all the requirements for "New Construction" Manufactured Home installation, including the anchoring and elevation requirements.
5. Accessory Structures. Relief from the elevation or dry flood-proofing standards may be granted for an accessory structure containing no more than fifteen hundred (1,500) square feet. Such a structure must be certified by a registered professional engineer or architect that the structure meets or exceeds the following standards:
 - a. It shall not be used for human habitation;
 - b. The accessory structure shall be used solely for parking and/or storage ~~of limited items which can readily be removed from the building in the event of a flood warning;~~
 - c. It shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters;
 - d. It shall be firmly anchored to prevent flotation;
 - e. Services such as electrical and heating equipment shall be elevated or flood-proofed to or above the Flood Protection Elevation; and
 - f. It shall meet the opening requirements of MCC Section 4-5-5(A)(2)(d).
- C. Floodways: The following provisions shall apply in a floodway:
 1. A proposed project in the regulatory floodway: ~~must undergo an encroachment review to determine its effect on flood flows. An encroachment analysis must include:~~
 - a. ~~Determination and documentation that the filling, grading or construction of a structure will not obstruct flood flows and will not cause an increase in flood heights upstream or adjacent to the project site;~~
 - b. ~~Determination and documentation that grading, excavation, channel improvements, bridge and culvert replacements that remove an obstruction, do not cause increases in downstream flood flows;~~
 - ea. Must be Certificationcertified and documentation by a licensed professional engineer or architect in a hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed project will not result in any increase in flood levels within the community during the occurrence of the base flood discharge~~a rise in flood heights;~~
 - eb. The Administrator may make the encroachment determination for minor projects, such as projects that do not increase the natural grade (e.g., paving a driveway or parking lot at existing grade, open fences and small isolated obstructions such as a mailbox or telephone pole).
 2. Upon demonstrating that there are no alternatives, the applicant may propose an encroachment in the floodway that will cause an increase in the base flood elevation ~~in excess~~

~~of the allowable level,~~ provided that the applicant obtain a Conditional Letter of Map Revision from FEMA before the development can be approved and permitted.

Sec. 5-6. Variance and Appeal Procedures.

- A. Variances: Procedures regarding variances are governed by MCC Section 4-8-3.
- B. Criteria for Variances within the Special Flood Hazard Area:
1. Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a small or irregularly shaped lot contiguous to and surrounded by lots with existing structures constructed below the base flood level. As the lot size increases the technical justification required for issuing the variance increases.
 2. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.
 3. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 4. Variances may be issued upon;
 - a. A showing by the applicant of good and sufficient cause;
 - b. A determination that failure to grant the variance would result in increased flood heights, additional threats to public safety, extraordinary public expense, creation of nuisances, causation of fraud on or victimization of the public, or conflict with existing local laws and ordinances.
 - c. Limited circumstances, where functionally dependent uses are needed, provided that the structure is protected by methods that minimize flood damages during the base flood and there are no additional threats to public safety.
 - d. For the repair, rehabilitation or restoration of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
 5. Variances pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods.
- C. Variance Decision: The decision to either grant or deny a variance shall be in writing and shall set forth the reasons for such approval and denial. The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance. If the variance is granted, the property owner shall be put on notice along with the written decision that the permitted building will have its lowest floor below the Flood Protection Elevation and that the cost of flood insurance likely will be commensurate with the increased flood damage risk.
- D. Appeals: The Board of Adjustment shall hear and decide appeals from the interpretations of the Zoning Administrator. Procedures regarding appeals are governed by MCC Section 4-8-2 and 4-10-8. The Board of Adjustment shall consider the following in ruling on an appeal: All technical evaluations, all relevant factors, standards specified in other sections of this Ordinance, including:
1. The danger that materials may be swept onto other lands with potential for the injury of others;
 2. The danger to life and property due to flooding or erosion damage;

3. The susceptibility of the proposed facility and its contents to flood damage and the effects of such damage on the individual landowner;
 4. The importance of the services provided by the proposed facility to the community;
 5. The necessity of the facility to a waterfront location, where applicable;
 6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 7. The compatibility of the proposed use with existing and anticipated development;
 8. The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
 9. The safety of access to the property in times of flooding for ordinary and emergency vehicles;
 10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
 11. The cost of providing government services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, and streets and bridges.
- E. Appeal Decision: The Board of Adjustment decision on appeal shall be in writing and shall set out the facts, technical information and the legal basis for the decision.

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 _____, 2019.

Bill Lambert, Mayor

ATTEST:

Laurie M. Hopkins, City Clerk

	Min cluster lot size
Longmont, CO	•3,000 square feet per lot. •At least 10 acres for the entire subdivision.
Leavenworth, WA	6,000 square feet. However, that 6,000 square feet can be reduced further up to a maximum of 50 percent (i.e., 3,000 square feet) with the remainder of the project site maintained as areas required to provide the necessary streets, utilities, public services, undeveloped lands, open space, and areas dedicated for use as public or private areas such as parks, playgrounds, other passive or scenic recreational areas, or for the conservation and protection of critical areas.

Seattle, WA	Two acres, excluding any environmentally critical area. One additional detached single-family structure may be permitted if the development includes one or more of the following facilities open to the surrounding community: a. Usable open space and other recreational facilities approved by the Director; b. Community center; and c. Child care facility
Driggs, Idaho	2 units per acre, 9,000 SF

Whitefish, MT	1 acre minimum, 2 acres maximum
Chelan County, WA	At least two buildable lots and one open space lot. See table 1 below.
Rainier, WA	2 acres

Table 1

Zoning District	RR2.5
Minimum Required Acres (Zoning Minimum x 151%)	3.76
Required 70% Open Space	$(3.76 \times 70\%) = 2.63$
Minimum Number of Buildable Lots (Min. Acres x Zoning Density)	$(3.76/2.5) = 1.5$ rounds to 2
Incentive Density Increase for Public Benefit Features up to 200%	N/A

Types of housing permitted	Min lot size
•Lots of 5,000 sq. ft. or more: one-family or two-family dwelling, as allowed by the applicable zoning district. •Lots of less than 5,000 sq. ft: one-family dwelling.	40 feet wide
None stated.	The minimum lot size for the zoning district shall be divided into the gross area of the project size to ascertain the maximum number of lots that can be created through the use of this procedure

Only single family units permitted	None stated.
Single and two-family dwellings	75'

None stated.	None stated.
None stated.	None stated.
Single Family Dwellings only	Depends on underlying zoning district

RR5	RR10
7.55	15.1
5.285	10.57
$(7.55/5) \times 150\% = 2.26$ rounds to 3	3
$(7.55/5) \times 200\% = 3.02$ rounds to 4	4

Min front setback	Min side setback
•15 feet from back of sidewalk to house, exclusive of unenclosed porches and bay windows. •10 feet to unenclosed porches or bay windows. •20 feet from back of sidewalk to a garage door facing the street.	Corner lots: The side setback facing the street shall be the same as the required front setback. A 10-foot minimum separation distance shall be maintained between adjacent principal dwelling structures. A 6-foot minimum separation distance shall be maintained between all other structures on adjacent lots.
None stated.	None stated.

No dwelling shall be less than 5' from any property line. To provide a sense of privacy and to mitigate the effects of shadows between structures located more than 100 feet from the lot line of a Cluster Development, the required separation between structures in the Cluster Development shall vary depending on the design of the facing facades as follows: a. Walls of interior facades that do not have a principal entrance shall be at least 10 feet apart at any point. b. A principal entrance to a structure shall be at least 15 feet from the nearest interior facade that does not have a principal entrance. c. A principal entrance to a structure shall be at least 20 feet from the nearest interior facade with a principal entrance. The Director may increase the minimum required yards or require alternate spacing or placement of structures in order to: • Preserve or enhance topographical conditions. • Enhance the relationship with adjacent uses and the layout of the project. • Promote green stormwater infrastructure and other measures to reduce stormwater runoff; or maintain a compatible scale and design with the surrounding community	None stated.
20'	20'

None stated.	None stated.
None stated.	None stated.
Setbacks of the reduced sized Cluster Development lots may use the next higher intensity zone setback standards.	None stated.

RR20	AC
30.2	15.1
21.14	10.57
3	3
4	4

Min rear setback	Max Block Length	Landscape buffer
• From alley right-of-way to an alley facing garage door = 6 feet with 20 foot wide alley; • All other structures = 15 feet.	600 feet	A 30-foot landscaped buffer shall be established along any boundary of a cluster subdivision that abuts existing one-family residential uses and public rights-of-way to establish a visual screen between the adjacent uses. This perimeter buffer shall be in addition to required building setbacks.
None stated.	None stated.	None stated.

25' setback from rear lot line.	None stated.	None stated.
20'	None stated.	None stated.

None stated.	None stated.	None stated.
None stated.	None stated.	None stated.
None stated.	None stated.	None stated.

FC
30.2
21.14
3
4

Table 2
Public Benefit Feature
i. Additional Open Space: to be preserved and maintained for its scenic value, recreation, conservation, or habitat purposes 3% of gross land (for a total of 73% of gross land in open space) 6% of gross land 9% of gross land 12% of gross land 15% of gross land
ii. Road Design: provides interconnectivity to surrounding parcels

iii. Open Space, Wildlife and Vegetation Enhancement: habitat management or planting plan approved by community development and meeting the standards of Washington State Department of Fish and Wildlife. Habitat corridor connectivity must be included to receive full credit

iv. Greenbelt, at least 20' wide, developed and maintained through the building lots (nonopen space). May abut adjacent open space. Must be designated easement which may be maintained as landscape or enhanced with native plants and features

v. Optional public benefit features, not addressed above, may be proposed by the applicant and shall be considered for approval by the Chelan County administrator or hearing examiner when consistent with the intent of the comprehensive plan, shoreline master program or subarea plan

vi. Agricultural productions, maintained on the majority of the open space

Open Space Preservation

At least 30 percent of the property shown on the subdivision plat shall be preserved as common open space.

- Of that area, at least three-fourths shall be designed as contiguous, common open space.
- Common open space shall be organized, and pedestrian connections to such open space provided, so that:
 - a. At least 35 percent of all lots in a cluster subdivision shall be platted adjacent to designated common open space (an "open space frontage lot");
 - b. For each lot that is not an open space frontage lot, the walking distance between such lot and a portion of the common open space, measured along street frontages or pedestrian walkways, shall not exceed 1,320 feet (one-quarter mile).

This tract of land shall be held in reserve as permanent open space (or other identified area) and shall not be used as a residential building lot or encroached upon in any manner not approved in the plat application approval.

None stated.

Open space: for projects 10 acres or more: 20% minimum.

Lot coverage: 50% max, not to exceed 10,000 sf. The minimum width for any required open space is 100 feet. Exceptions may be granted by the city for elements such as trail easements and linear parks.

Where the Idaho Department of Fish & Game designates an animal migration corridor on the property, they must be consulted as to the appropriate width of the corridor.

On sites less than 40 acres, no more than one pod of development is allowed, and the remaining open space must be contiguous. Where multiple roads serve a property, additional pods of development may be approved where they improve the protection of the key site resources by reducing the intrusion of development into the site. Required open space must adjoin any neighboring areas of dedicated open space or other protected natural areas.

The following are considered primary open space areas and must be the first areas reserved as required open space:

1. Land whose elevation is lower than 2 feet above the elevation of the 100-year flood as defined by FEMA;
2. Land within 100 feet of any wetland (as defined by United States Code of Federal Regulations 40 CFR, Parts 230-233 and Part 22), and isolated wetlands or areas of special concern identified by state or local rule;
3. Slopes above 25% of at least 5,000 square feet contiguous area; and 4. Any state-designated wildlife corridor.

The following are considered secondary open space areas and must be included as required open space once the primary open space areas are exhausted:

1. Significant natural features and scenic views such as ridgelines, open vistas across meadows or fields, river or stream views;
2. Specific wildlife or habitat protection areas listed in the Comprehensive Plan, including, but not limited to:
 - Sharp-tailed grouse breeding habitat;
 - Songbird/raptor breeding and wintering habitat;

An area of open space must be preserved greater than the area to be developed. This area shall meet the following design standards: •Stormwater management facilities may be acceptable provided they are incorporated as a natural feature. •The preservation of important natural elements such as a meadow, a grove of trees or wildlife corridor, a stream or other water body, a hillside, an area of riparian resource or other natural feature shall be given highest priority. •The preservation of important historic elements, when present, such as prime farmland, historic, archaeological or cultural features listed (or eligible to be listed) on national, state or local registers should be incorporated. •Existing trees and significant vegetation shall be maintained unless an alternative landscaping plan is submitted and approved.
All zoning districts are required to have a minimum of 70% open space. <i>See table 1 below for more detail.</i> For additional density, various public benefit features may be incorporated. See table 2 below.
Yards shall be required for structures within a Cluster Development. Remaining lands within the Cluster Development not intended for residential uses or infrastructure requirements shall be placed in a separate tract with common ownership as an active or passive park for the benefit of the owners or future owners within that Cluster Development.

Density Increase Allowed (No Fractional Increase)
10%
20%
30%
40%
50%
5%

5%

5%

10%

10%

Other

Zero lot line development. The side setback on one side of the house may be reduced to zero for a grouping of cluster lots sharing a common street frontage, subject to the following requirements:

- The side setback reduction shall not apply to the side building setback adjacent to a street or to lots that are not part of the zero lot line cluster lot project.
- A 10-foot minimum separation distance shall be maintained between adjacent principal dwelling structures.
- An easement between adjacent property owners for maintenance shall be required if the sidewall or eaves of one house is closer than 4 feet to the adjacent property line.
- If the side wall of the house is 3 feet or less from the property line, windows or other openings that allow for visibility into the side yard of the adjacent lot are not allowed. Windows or other openings that do not allow visibility into the side yard of the adjacent lot, such as a translucent window, are allowed.
- To the maximum extent feasible, two-family dwellings on cluster lots shall be sited on corner lots, with the primary entrance to each dwelling unit facing a different street.

None stated.

None stated.

None stated.

None stated.

None stated.

Lot coverage shall not exceed fifty percent (50%).

Link
https://library.municode.com/co/longmont/codes/code_of_ordinances?nodeId=PTIICOR_TIT15LADECO_CH15.07SUIMST_15.07.040CLLOSU
https://www.codepublishing.com/WA/Leavenworth/html/Leavenworth17/Leavenworth1716.html#17.16.060

https://library.municode.com/wa/seattle/codes/municipal_code?nodeId=TIT23LAUSCO_SUBTITLE_IIILAUSRE_CH23.44RESIMI_SUBCHAPTER_IICOUS_23.44.024CLHOPLDE

http://www.driggsidaho.org/use_images/pz/ldc_all_ch_1-15-10-9-18x.pdf

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[https://www.codepublishing.com/
WA/Rainier/html/Rainier18/
Rainier18164.html](https://www.codepublishing.com/WA/Rainier/html/Rainier18/Rainier18164.html)

	Min Lot size	Min Lot width
Kirkland , WA	None Stated.	None Stated.
Olympia, WA	2,500 sf	35'
Spokane, WA	1/2 acre (21,780 sf) total	None.

Bellingham, WA	None. Cottages may be located on a separate lot or several units may be located on a common parcel.	None Stated.
Ashland, OR	2,500 sf to 3,750 sf per dwelling, depending on zoning district	None Stated.

Setbacks	Max unit size	Max FAR
Front: 20' Other: 10'	1,500 sf	0.35
front-20' Side-3' Rear-10'	First story, including garage, cannot exceed 800 sf. Two story structures shall not exceed 1,600 in size.	None Stated.
Street: 15' Side/Rear: Average of 10', Min of 5'. Building Setbacks: 10' of seperation between all buildings within the cluster	More than 50% of units should be 650 sf or less. Less than 50% of units should 1,000 sf or more	None Stated.

Front: 10' Street: 10' Side: 5'	No structure shall be larger than 1,000 square feet, and no single floor area shall be larger than 600 sf	0.4
None Stated.	Cottages shall be no larger than 1000sq.ft. and at least 75% of the cottages shall be less than 800sq.ft.	0.35

Development Denisty	Parking Requirements
Min: 4, Max: 24 Max cluster: 12 untis	Units under 700 square feet: 1 space per unit. Units between 700 – 1,000 square feet: 1.5 spaces per unit. Units over 1,000 square feet: 2 spaces per unit. Must be provided on the subject property.
At least 4, but no more than 12 per courtyard	At least 50% of on-street parking shall be accommodated in a shared lot
Min lot density: 6 units per lot. Max lot density: 12 units per acre	None Stated.

Min of 4 dwellings and Max 8 dwellings in a single development	Each dwellings shall provide at least one on-site parking space. Parking should be consolidated in areas not less than 4 spaces. Parking shall be screened from the public street by landscape feature or fence
Min: 3, Max: 12	Units less than 800 sq. ft. - 1 space/unit. Units greater than 800 square feet and less than 1000 square feet -1.5 spaces/unit. Units greater than 1000 square feet - 2.00 spaces/unit. Retirement complexes for seniors 55-years or greater - One space per unit.

Lot coverage	Height	Common Open Space
50% (this includes all impervious surfaces)	25'-27'	400 sf per unit. •Each area of common open space shall be in one contiguous and usable piece with a minimum dimension of 20 feet on all sides. •Land located between dwelling units and an abutting right-of-way or access easement greater than 21' in width may not serve as required common open space, unless the area is reserved as a separate tract, and does not contain pathways leading to individual units or other elements that detract from its appearance and function as a shared space for all residents. •Required common open space may be divided into no more than two separate areas per cluster of dwelling units. •Common open space shall be located in a centrally located area and be easily accessible to all dwellings within the development. •Fences may not be located within required open space areas. •Landscaping located in common open space areas shall be designed to allow for easy access and use of the space by all residents, and to facilitate maintenance needs. •Where feasible, existing mature trees should be retained. Unless the shape or topography of the site precludes the ability to locate units adjacent to the common open space, the following standards must be met: a) The open space shall be located so that it will be surrounded by cottages or two/three-unit homes on at least two sides; b) At least 50 percent of the units in the development shall abut a common open space. A cottage is considered to
None Stated.	25'	450 sf per unit
None Stated.	None Stated.	None Stated.

A minimum of 60% of the site area shall be in landscaping for pervious materials (including pervious paving and green roofs)	25'	500 sf per dwelling. All units shall have access to shared open space
Porous solid surfaces in parking areas and walkways are encouraged.	25'	20% of total lot area shall be open space. 200 sf of private space is required

Design Guidelines	Other
<u>Orientation of Dwelling Units:</u> Dwellings within a cottage housing development should be oriented to promote a sense of community, both within the development, and with respect to the larger community, outside of the cottage project. A cottage development should not be designed to “turn its back” on the surrounding neighborhood. •Where feasible, each dwelling unit that abuts a common open space shall have a primary entry and/or covered porch oriented to the common open space. •Each dwelling unit abutting a public right-of-way (not including alleys) shall have an inviting facade, such as a primary or secondary entrance or porch, oriented to the public right-of-way. If a dwelling unit abuts more than one public right-of way, the City shall determine to which right-of-way the inviting facade shall be oriented.	Each unit must have a covered porch with a min area of 64 sf per unit and min dimension of 7' on all sides.
None Stated.	None Stated.
None Stated.	None Stated.

Cottage housing developments should architecturally blend into existing neighborhoods through careful attention to the design of the units, open spaces, parking and landscaping. Well proportioned cottage houses, with porches, small gardens, varied roof lines and dormers can fit comfortably into surrounding neighborhoods of older, detached homes. 1. Building: a. Buildings should employ variety in orientation, design, and layout between cottages while maintaining a similar character to help distinguish units and support a neighborhood feel. 12 b. Cottages should reflect common neighborhood design features such as porches, dormers, gables, and architectural detailing. c. Changes in materials and colors to add visual interest and character to the development are encouraged. 2. Site Design a. Provide small private open spaces in conjunction with a large shared open space. b. Provide generous use of landscape structures such as trellises, gate houses, decks, patios, and raised beds to provide plenty of usable outdoor space with a variety of environments. Use planting materials and elements such as fencing to unify the overall site design. c. Shared driveways are preferred. d. Walkways should connect all dwelling units to the shared open space and consolidated parking and should utilize pervious materials.	None Stated.
None Stated.	None Stated.

Links

<http://www.kirklandwa.gov/Assets/Planning/Planning+PDFs/draft+cottage+amend.p>

<file:///C:/Users/lcarlson/Downloads/Cottage%20Housing%20Zoning%20and%20Phasing.pdf>

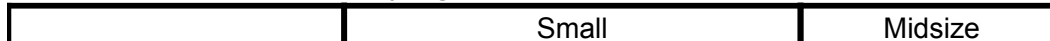
<https://static.spokanecity.org/documents/bcc/commissions/plan-commission/meeting-documents/2016/03/23/2016-03-04-cottage-housing-overview.pdf>

<http://faculty.wvu.edu/~zaferan/369-infill-toolkit.pdf>

[http://www.ashland.or.us/SIB/files/
Cottage_Housing_Ordinance_3147_signed.pdf](http://www.ashland.or.us/SIB/files/Cottage_Housing_Ordinance_3147_signed.pdf)

	Development size	Max unit size
Gwinnett County, GA	7 acres total. Single Family (large lots): 9,500 sf, single family (medium lots): 7,500-9,499 sf, Single family (small lots): 5,000-7,499 sf. Townhouse or villa: 2,000-5,999 sf	600 sf ("efficiency" to 1,450 sf (4-bedroom))
Orenco Village, Hillsboro, OR	6,800 sf minimum to 10,000 sf maximum. If under 7,500 sf, can only be residential. If over 7,500 sf, can be residential and commercial.	None stated.
Taylorsville, NC	None stated.	None stated.
Ennis, MT	None stated.	None stated.
Colorado Springs, CO	Any size, but each development size had different land use percentages.	None stated.

Land Use Mix Chart - Colorado Springs, CO



Size (Gross Acres)	2 - 39.99 Acres	40 - 79.99 Acres
Single-family detached housing, two-family dwelling units	50% minimum	40% minimum
Multi-family housing and townhouses	5% minimum	10% minimum
Open space/parks ¹ / plaza/square/courtyard ²	5% minimum	10% minimum
Civic use or commercial (including office, retail, and industrial)	Optional	5% minimum

Density	Land Use Mix
8-10 d.u. per acre. Can increase density if more than the minimum common area is provided	•Residential Uses: min- 70%, max: 100% •Civic Uses: min-0%, max: 15% •Commercial/Retail or office: min- 0%, max: 15%
None stated.	None stated.
5-10 units per acre	A blend of housing types such as single family, twin home, and town houses
The maximum permitted residential density, calculated as the number of dwelling units per acre, and intensity of nonresidential use, calculated as permitted floor area ratio (FAR), shall not exceed or be less than that specified for the underlying zoning district by a factor of more than fifty percent (50%).	None stated.
For detached single-family dwelling and two-family lots, lot coverage for principal and accessory structures shall not exceed sixty percent (60%)	See Chart Below

Large

80 Acres And Larger
30% minimum
15% minimum
15% minimum
5% minimum

Max height	Front setback	Side Setback	Rear Setback
•Residential: 35' •Civic or commercial: 45'	5-15 feet	5-15'	20'
None stated.	None stated.	None stated.	None stated.
Same as underlying district (this is an overlay zone)	10 feet to porch 15 feet to house 18 feet to garage	5-7 feet	15-20 feet
Same as underlying district (this is an overlay zone)	None stated.	None stated.	None stated.
None stated.	•Single Family: 10' •Townhouses: 0-10' •Multi-Family: 0-15' •Live/Work: 0-10' •Office: 0-10' •Neighborhood •Commercial: 0-10'	Side yard setbacks shall allow enough space for extension of service utility lines to structures. Where a zero foot (0') side yard setback is used for a garage, the other side setback must be a minimum of five feet (5').	None specified

Max Impervious surface	Common Open Space
80%	21-25% common area = +0.4 dwellings/acre 26-30% common area = +0.8 dwellings/acre 31-35% common area = +1.2 dwellings/acre Over 35% common area=+1.6 dwellings/acre
None stated.	None stated.
None stated.	Common spaces may be in the form of a pocket park, plaza, courtyard, landscape feature, water fountains and features, greenbelts, and trail connections. Usuable open space must be no less than 15% of the project size.
None stated.	None stated.
None stated.	See Chart below

Parking	Garages
•Non-residential: 1/400 sf •Residential: 1.5 per d.u. Parking must be located on the side or rear of principal buildings and screens from residential districts. Front yard parking is prohibited.	None stated.
None stated.	Must either be detached at located behind the dwelling, further from the street than the primary plane of the rear elevation OR located within the mass of the dwelling with the garage doors on the rear elevation
None stated.	None stated.
Parking and loading areas shall be consistent with the comprehensive plan and shall be placed behind buildings and screened from public streets and surrounding properties.	None stated.
On site parking areas shall be located to the rear or side of the buildings. Parking lots located on the side of buildings shall be screened from the street by a wall or landscaping achieving a minimum of thirty six inches (36") in height. Parking lots shall not abut street intersections, excluding alleys.	None stated.

Porches	Misc. Requirements
None stated.	None stated.
Front or wrap-around. Shall be a minimum of 80 sf with a minimum depth of 5'. Covered by a balcony or roof. Must be Elevated or seperated from front yard by railing or fence.	None stated.
Covered and open front porches comprising of at least 50% of the front elevation (not including the garage), in no case being less than 15 feet in length is required.	The same land uses and housing types shall front each other or shall front open space. Entry ways must connect directly to sidewalks. Roofs must have a 5/12 pitch or greater.
None stated.	None stated.
Front porches on primary residential units shall be included for all one- and two-family homes. The minimum depth of the porch shall be five feet (5') of unobstructed space at the narrowest point and the minimum area shall be fifty (50) square feet. A second story area above a first story porch that encroaches into a build-to zone may be constructed as a balcony, but shall not be roofed or enclosed, except with a porch railing or porch wall. Porch walls, which may be opaque, and porch railings shall not exceed forty two inches (42") in height.	None stated.

Link
https://www.gwinnettcountry.com/static/departments/planning/unified_development_ordinance/pdf/UDO_Title2.pdf
http://qcode.us/codes/hillsboro/view.php?topic=12-12_62-12_62_300&frames=on
https://www.sterlingcodifiers.com/codebook/m_index.php?book_id=841
https://sterlingcodifiers.com/codebook/index.php?book_id=855&section_id=599148