

**ORDINANCE 2011 - 04**

**AN ORDINANCE OF CITY OF KUNA, IDAHO, AMENDING TITLE 5, "ZONING REGULATIONS" OF CHAPTER 1, "GENERAL ZONING PROVISIONS", AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, Staff has had ongoing discussions with the Kuna City Council about keeping the City's zoning regulations current and useful; and

WHEREAS, this text amendment is in agreement with the spirit and intent of Kuna Comprehensive Plan; and

WHEREAS, it is deemed to be in the best interest of the city of Kuna to amend Chapter 1 Title 5, which had its last major update in 2007; and

WHEREAS, this zoning amendment is pursued in accordance with KCC 5-13, "ZONING AMENDMENTS"; and

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KUNA, IDAHO that:

**Ordinance Section 1.** Title 5 Chapter 1 Section 6-1 entitled, "MEANINGS OF TERMS OR WORDS" is amended as follows:

**5-1-6-2: MEANINGS OF TERMS OR WORDS**

*For the meanings of zoning terms or words not found in Kuna City Code 5-1-6-2, the City staff shall rely upon The Latest Illustrated Book of Development Definitions by Moskowitz and Lindbloom for interpretation purposes.*

**AGRICULTURE:** The use of land for farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the produce; provided, however, that:

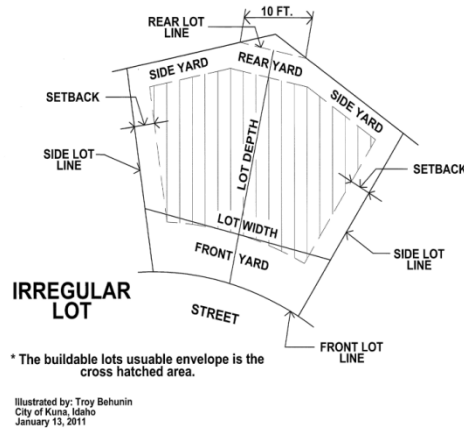
- A. The operation of any such accessory uses shall be secondary to that of normal agricultural activities.
- B. The feeding or sheltering of animals or poultry in penned enclosures in the agriculture or residential R-2 zoning districts shall be separated a minimum 100 feet distance from a residence or residential zoning district, whichever distance is greater. Agriculture does not include the operation or maintenance of a commercial stockyard or feed yard where large numbers of livestock are fed concentrated feeds particularly for the purpose of fattening for market. *(KCC 5-3-4-1:A)*

**ALLEY:** An alley is a public right-of-way with an improved driving surface intended to provide a secondary means of transportation circulation access. An alleyway shall be a minimum width of twenty feet (20'), measured from the adjoining property lines. Substandard alley widths, driveway entrances and surfaces shall be improved to the City's and ACHD's standards as a condition of a zoning or subdivision land use application. *(KCC 5-3-4-1:B)*

**LOT:** For the purpose of this title, a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot must meet current zoning frontage requirements on an improved public street, and consists of:

- A. **Lot Area:** The area of any lot shall be determined exclusive of streets, highways, alleys, roads, irrigation easements or other rights of way.

- B. *Lot Coverage*: The area of a zoning lot which is occupied by the principal building, buildings or accessory buildings and the horizontally projected area of the lot. The ratio is expressed as a percentage. This includes the total area of the lot covered by the roof of any enclosed or unenclosed building, including eaves and overhangs.
- C. *Lot Depth*: The mean horizontal distance between the front and the rear lot lines. Where the lot is irregular and the lot lines converge, the rear lot line shall be deemed to be a line at a point where the side lot lines are not less than ten feet (10') apart.
- D. *Establishing lot depth on an irregular shaped lot without a defined rear yard*: If side yards converge at the rear of an irregular shaped lot without establishing a rear yard setback – then a rear yard will need to be established for purposes of determining lot depth. This is accomplished by constructing a line that intersects the side yard lot lines, and parallel to the lot's front yard setback line, and assuming a parallel line may be constructed. The intersection line shall be constructed with a minimum distance separation of ten feet (10') (see illustration below). Once the rear yard is established by this means the lots' true depth can be established by measuring perpendicularly from the centerline of the building's front yard setback line (BSL) to the centerline of the established rear yard setback. Once the lot width and the lot depth are known, the buildable lot usable envelop can be determined. (KCC 5-3-4-1:C)



- E. *Lot Frontage*: The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under the definition of "Yard" in this section.

**LOT, FLAG**: A lot in the shape of a flag on a pole or similar design. A flag lot shall have a minimum frontage of thirty feet (30') on a public street and the house front shall face the street frontage unless the Design Review Committee or the Planning and Zoning Commission grant an exception to that orientation. (KCC 5-3-4-1:D)

**PARKING SPACE**: An improved usable space for the parking of motor driven vehicles, other than large vehicles, in a public or private parking area or a building. Parking spaces shall have 180 square feet of surface area engineered and constructed of an all-weather surface area that has been approved by the City engineer, and/or other public agencies with jurisdiction. (KCC 5-3-4-1:E)

*WALKWAY*: A public way, five feet (5') or more in width, for pedestrian use only, whether or not located along side of a road. (KCC 5-3-4-1:F)

*YARD*: A required open space, other than a court, unoccupied and unobstructed by any structure or portion of a structure from three feet (3') above the general ground level of the graded lot upward; provided, accessories, ornaments and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility. (KCC 5-3-4-1:G)

- A. *Yard, Front*: A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.
- B. *Yard, Rear*: A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of principal buildings.
- C. *Yard, Interior Side*: A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.
- D. *Yard, Street Side*: A yard extending from the principal building to the secondary street that adjoins the lot between the lines establishing the front and rear yards.

*ZONING PERMIT*: A document issued by the director authorizing the uses of land and structures, and the characteristics of the uses.

**(Ord. 230, 12-7-1977; amd. 1985 Code; Ord. 330, 8-1-1989; Ord. 360, 9-3-1991; Ord. 438, 2-20-1996; Ord. 470, 3-18-1997; Ord. 495, 4-23-1998; Ord. 554, 12-11-2000; Ord. 548, 6-11-2001; Ord. 570, 6-11-2001; Ord. 614, 6-19-2002; Ord. 681, 6-1-2004; Ord. 682, 8-3-2004; Ord. 684, 8-3-2004; Ord. 694, 8-17-2004; Ord. 697, 10-19-2004)**

**Ordinance Section 2.** Title 5 Chapter 1A entitled, "ARTICLE A. APPLICATION PROCEDURE FOR ALL ZONING APPLICATIONS" is amended as follows:

CHAPTER 1A  
GENREAL ZONING PROVISIONS  
**ARTICLE A. APPLICATION PROCEDURES FOR ALL ZONING APPLICATIONS**

**5-1A-2: APPLICATION REQUIREMENTS AND FEES**

- A. *Application requirements*: All persons making an application for permits and other matters herein referred to shall be required to submit to the director an application on forms provided by the Planning and Zoning Department and accompanied by an application fee as set forth in subsection E of this section.
- B. *Neighborhood meeting*: The applicant or owner shall conduct a neighborhood meeting prior to submittal of an application for comprehensive plan amendments, variances, special uses, zoning ordinance and map amendments, expansions or extensions of nonconforming uses, and subdivisions.
  - 1. It shall be the sole duty of the applicant to provide written notice to all property owners or purchasers of record owning property within the radius required in section 5-6-6 of this title of the exterior boundary of the application property. Notice of a neighborhood meeting shall be in addition to, and not in lieu of, mailed radius notices already required by this title.
  - 2. The purpose of the neighborhood meeting shall be to review the proposed project.

3. The meeting shall be on a weekend between ten o'clock (10:00) A.M. and seven o'clock (7:00) P.M. or on a weekday between six o'clock (6:00) P.M. and eight o'clock (8:00) P.M. The meeting shall not be on a holiday, a holiday weekend, or the day before a holiday or holiday weekend.
  4. The meeting shall be held at one of the following locations:
    - a. On the subject property;
    - b. At the nearest available public meeting place including, but not limited to, fire station, library, or community center; or
    - c. At an office space with suitable meeting facilities if such facilities are within a one mile radius of the nearest public meeting place.
  5. The neighborhood meeting shall be conducted prior to acceptance of the application. The neighborhood meeting shall not be conducted more than two (2) months prior to acceptance of the application.
  6. The application materials shall include a written verification of the neighborhood meeting (form provided by city of Kuna). The applicant is responsible for providing minutes from the neighborhood meeting; that describe any concerns or topics that were addressed.
- C. *Date of application acceptance:* The date of application acceptance shall be the date the applicant submits to the Planning and Zoning Department the final required information including the application fee.
- D. *Hearings:* A public hearing, if required, shall be held no later than sixty (60) days after the date of application acceptance.
- E. *Fees:* The council shall, by resolution, establish fees for all zoning applications or petitions authorized by this title, zoning certificates, and comprehensive plan amendments.
- F. *Resubmittal:* No application that has been denied by the director, the commission, or the Council shall be resubmitted, in the same form for the same use, within one year from the date of denial. The director may waive the one year requirement and accept a new application, where the subject property is affected by amendments to the applicable comprehensive plan or to this title.

**(Ord. 2006-43, 6-6-2006)**

**Ordinance Section 3. Higher Standard.** Should this Chapter contain language that suggests different standards of application or competing assessments; the more restrictive language shall be relied upon for interpretive purpose.

**Ordinance Section 4. Severability.** If some provision of the law or certain application of these provisions are found to be unconstitutional. The remaining provisions, or the remaining applications or these provisions, will, nonetheless, continue in force as law.

**Ordinance Section 5. Full Force and Effect.** This Ordinance shall be in full force and effective from and after its passage, approval and publication as required by law.

CITY OF KUNA  
ADOPTED this 20<sup>th</sup> day of December, 2011.

CITY COUNCIL OF THE CITY OF KUNA  
Ada County, Idaho

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J. SCOTT DOWDY, MAYOR  
CITY OF KUNA

ATTEST:

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BRENDA BINGHAM, CITY CLERK  
CITY OF KUNA