

ORDINANCE 2011 - 09

AN ORDINANCE OF CITY OF KUNA, IDAHO, AMENDING TITLE 5, "ZONING REGULATIONS" OF CHAPTER 5, "PERFORMANCE STANDARDS", AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Staff has had ongoing discussions have been held by 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 of Chapter 5 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 5 entitled, "PERFORMANCE STANDARDS" is amended as follows:

**CHAPTER 5
PERFORMANCE STANDARDS**

SECTION:

- 5-5-1: Purpose
- 5-5-2: Supplemental General Provisions
- 5-5-3: Provisions for Commercial, Residential and Industrial Uses
- 5-5-4: Provisions for Unique Land Uses
- 5-5-5: Regulations for Fences, Walls and Hedges
- 5-5-6: Improvements Required

5-5-1: **PURPOSE**

The purpose of performance standards is to set specific conditions for various uses, classification of uses or areas where problems are frequently encountered. **(Ord. 230, 12-7-1977)**

5-5-2: **SUPPLEMENTAL GENERAL PROVISIONS**

In addition to all other regulations as specified in this title, the following provisions shall be adhered to:

- A. *Conversion of a residential dwelling to increase the number of dwelling units:* Residential dwellings may be reconstructed to increase the number of dwelling units, provided the property's yard dimensions and lot area will continue to meet the residential district's standards. The floor area for each dwelling unit [where applicable] shall not fall below that required for the zoning district or be out of compliance with fire or building codes. Additionally, the number of dwelling units created through a conversion process shall not exceed the zoning districts density threshold. The conversion process shall be in compliance with all other relevant City codes and ordinances. *(KCC 5-3-4-4:D)*

- B. *Temporary buildings*: Temporary buildings, construction trailers, equipment and materials used in connection with a construction project are permitted in any zoning district during the period the construction work is in progress but not to exceed the accompanying building permit's time limitation. These temporary items shall be removed upon completion of the construction work to the City's satisfaction. Storage of the aforementioned items, beyond the completion date of the project shall require a zoning permit authorized by both the Planning and Zoning Commission and the director. *(KCC 5-3-4-4:E) (Ord. 625, 12-16-2002)*
- C. *Temporary business locations*: A temporary business may be established for those enterprises locating at one site continuously for more than thirty (30) days but less than three (3) years. Temporary businesses may be located in a commercial, office, industrial, or public zone with the two-thirds (2/3) vote of the City Council, subject to certain provisions including annual review. Businesses eligible for this consideration include: coffee stand, seasonal roadside stands, seasonal greenhouses, food vendor, seasonal food vendor, campaign headquarters and other similar uses that are not permanently attached to the ground, and determined to be appropriate by the City Council. The temporary use shall be submitted for design review. *(KCC 5-3-4-4:F)*
1. A forty dollar (\$40.00) fee must be submitted with applications for businesses that are located temporarily for less than ninety (90) days.
 2. A one hundred dollar (\$100.00) fee must be submitted with applications for businesses that are located temporarily for more than ninety (90) days. An annual renewal from date of acceptance is required.
 - a. A fifty dollar (\$50.00) renewal fee must be submitted with renewal application.
 - b. Two (2) renewals may be allowed in one year increments with City Council's approval. Some site improvements may be required at City Council's discretion. *(Ord. 2007-02, 2-20-2007)*
- D. *Parking and storage of certain vehicles*: Automotive vehicles, motor homes or trailers of any kind or type with expired license plates shall not be parked or stored in any residential zoning district, other than in a completely enclosed building carport or outside the yard setback area, behind an approved solid fence with a minimum height of five feet (5'). *(KCC 5-3-4-4:G)*

1. *Definitions*:

BOAT: Any watercraft that might be drawn by or carried by a passenger car, truck, or tractor.

MOTOR HOME: A motor vehicle built on passenger car, truck, tractor, or bus chassis and designed to serve as self-contained living quarters.

PRIMARY RESIDENT: A person who owns, rents or leases and currently resides on the property.

RECREATIONAL CAMPER OR CAMPING TRAILER: Furnished equipment drawn by or carried by a passenger car, truck, or tractor and may be used as a dwelling space when parked.

RECREATIONAL EQUIPMENT TRAILER: A transport vehicle designed to be hauled by a passenger vehicle, truck or tractor for the purpose of conveying off road vehicles, motorcycles, snowmobiles or other recreational vehicles.

RECREATIONAL VEHICLE: Any vehicle, such as a camper, trailer or motor home, used for traveling or recreational activities.

2. *Public street:* Any recreational trailer, camping trailer, motor home, recreational equipment trailer, boat or any other kind of recreational vehicle with current registration shall not be parked or stored on any public street for more than seventy-two (72) hours.
3. *Front yard:* No more than one recreational vehicle and one boat or one equipment trailer may be stored in the driveway of a residential property if currently registered and owned by the primary resident of the property. A recreation vehicle stored in the driveway shall not extend into the sidewalk area or the public right-of-way.
4. *Side or rear yard:* No more than one of each type of recreational vehicles may be parked in the side or rear yard of a property.
5. *Recreational vehicle use for habitation purposes:* A recreational vehicle (RV) of any kind is prohibited for use as a residential dwelling unit, unless located in an approved RV park and its placement there compliant with fire and building code regulations. An RV may be placed in a residential zoning district, according to the zone's yard setback requirements, and used as a residential dwelling for not more than seven (7) days with the review and approval by the City and other agencies of jurisdiction. The interval between temporary RV placement outside an approved RV park shall be a minimum thirty (30) days. *(KCC 5-3-4-4:H) (Ord. 641, 6-23-2003; amd. Ord. 654, 10-6-2003)*

E. *Required trash areas:* All trash and/or garbage collection areas for commercial, industrial and multifamily residential users shall be enclosed on at least three (3) sides by a solid wall or fence of at least four feet (4') in height or within an enclosed building or structure. Adequate vehicular access to and from such area or areas for collection of trash and/or garbage as determined by the director shall be provided.

F. *Development close to airport or runway:* The placement of residential, commercial, office or industrial buildings and their supporting uses in a zoning district shall be restricted within an airport or landing strip air space approach area according to airspace separation distance standards established by the Idaho Transportation Department Division of Aeronautics, Federal Aviation Administration and other agencies with jurisdiction. *(KCC 5-3-4-4:I) (Ord. 570, 6-11-2001)*

G. *Neighborhood delivery and collection box units:* Neighborhood delivery and collection box units (NDCBU) are required for all apartment complexes four (4) units or larger. All commercial development with more than three (3) suites will be required to install NDCBUs. Costs associated with the purchase and installation of all NDCBUs will be the responsibility of the developer. *(Ord. 625, 12-16-2002; amd. Ord. 654, 10-6-2003)*

5-5-3: **PROVISIONS FOR COMMERCIAL, RESIDENTIAL AND INDUSTRIAL USES**

No land or building in any district shall be used or occupied in any manner creating dangerous, injurious, noxious or otherwise objectionable conditions which could adversely affect the surrounding areas or adjoining premises, except that any use permitted by this title may be undertaken and maintained if acceptable measures and safeguards to reduce dangerous and objectionable conditions to acceptable limits as established by the following performance requirements are met:

A. *Fire hazards:* Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate firefighting and fire prevention equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible in the uniform fire code and the national safety foundation publications.

B. *Radioactivity or electrical disturbances:* No activity shall emit harmful radioactivity at any point, or electrical disturbance adversely affecting the operation of any equipment at any point other than that of the creator of

such disturbance, except that the above ban on electrical disturbances shall not apply to public service facilities.

- C. *Noise*: Objectionable noise as determined by the planning and zoning commission which is due to volume, frequency or beat shall be muffled or otherwise controlled. Air raid sirens and related apparatus used solely for public purposes are exempt from this requirement.
- D. *Vibration*: No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.
- E. *Air pollution*: Air pollution shall be subject to the requirements and regulations established by the health authority.
- F. *Glare*: No direct or reflected glare shall be permitted which is visible from any property outside a manufacturing district or from any street.
- G. *Erosion*: No erosion, by man, wind or water, shall be permitted which will carry objectionable substances onto neighboring properties.
- H. *Water pollution*: Water pollution shall be subject to the requirements and regulations established by the health authority.
- I. *Enforcement provisions*: The director, prior to the issuance of a zoning permit, may require the submission of statements and plans indicating the manner in which dangerous and objectionable elements involved in processing and in equipment operations are to be eliminated or reduced to acceptable limits and tolerances. The planning and zoning commission will make final determination if the plans are acceptable.
- J. *Measurement procedures*: Methods and procedures for the determination of the existence of any dangerous and objectionable elements shall conform to applicable standard measurement procedures published by the American Standards Institute, New York; the Manufacturing Chemists' Association, Inc., Washington, D.C.; the United States bureau of mines; and the health authority.
- K. *Junk*: The collection of objectionable items such as those listed in the definition of "junk" as set forth in section 5-1-6-2 of this title. **(Ord. 570, 6-11-2001)**

5-5-4: **PROVISIONS FOR UNIQUE LAND USES**

Certain unique land uses pose special problems that may have detrimental influences on surrounding land uses. The following performance standards for such unique land uses shall be adhered to in addition to all other provisions in this title:

- A. *Accessory building*: An accessory building shall not be located in the front yard setback area of the lot's primary building or placed closer than five feet (5') from any side or rear yard setback area. *(KCC 5-3-4-4:J)*
- B. *Agriculture (buffer area)*: A buffer area shall be maintained as an untilled filler strip or in natural vegetation for placement between the tilled ground and the normal high water elevation of any surface water areas, according to the chart schedules. *(KCC 5-3-4-4:K)*

Average Slope Of Land Between Tilled Land And Normal High <u>Water Elevation (Percent)</u>	Width Of Strip Between Tilled Land And Normal High Water Elevation (Feet Along <u>Surface Of Ground</u>)
0 — 4	20
5 — 9	50
10 — 14	90
15 and over	110

1. Will be maintained to minimize soil erosion, sedimentation, contamination and nutrient enrichment of ground and surface water.
- C. *Animal clinic, animal hospital, veterinary office, animal shelter and kennel:* These types of animal care facilities shall be located in the appropriate zoning district, a minimum distance of 300 feet from residences, hotels and motels and similar type uses. The director may modify this distance separation standard if the animals are completely housed in soundproof structures that effectively screen them from the aforementioned uses and provided that action is in keeping with the City’s animal control ordinance. (KCC 5-3-4-4:L)
- D. *Animal Commercial feedlots, meatpacking, processing plant, distribution center, freight terminal, incineration, bottling plant, rendering plant and slaughterhouse facilities:* These types of facilities and associated operations shall be located in the appropriate zoning district, a minimum distance of 600 feet from any residence or residential zoning district. These facilities shall have a minimum setback of thirty feet (30') from any property line and be designed and located with consideration for noise and odor impacts upon the surrounding properties. (KCC 5-3-4-4:M)
- E. *The storage of bulk flammable liquids and gases for resale, fuel yard and explosive storage:* These type of storage facilities shall be located in the appropriate zoning district at least 600 feet from any residential district, residences, public or quasi public facility, religious institution, hotels and motels. (KCC 5-3-4-4:N)
1. Will be erected subject to the approval of the fire chief.
 2. Will have suitable loading and unloading spaces and off-street parking facilities subject to the approval of the fire chief.
- F. *Chemicals, pesticide, fertilizer storage and manufacturing:* Storage and manufacturing facilities shall be located in the appropriate zoning district at least 300 feet from residential districts and residential uses located in the zone. The facilities shall meet the permitting agencies’ health and safety standards. (KCC 5-3-4-4:O)
- G. *Contractor’s yard, lumberyard and supply yard:* The yard shall be located in the appropriate zoning district, a minimum distance of 300 feet from any residence and surrounded on all sides by a properly constructed, and City approved, 6-foot high solid fence or masonry wall. (KCC 5-3-4-4:P)
- H. *Drive-in restaurant:*

1. Will be enclosed on the property line with landscaping and fencing, except for ingress and egress, to prevent trash from moving onto other properties.
 2. Will have a six-foot (6') high sight obscuring fence along the property lines that adjoin a residence.
 3. Will provide for adequate trash receptacles.
 4. Will avoid the direction of night-lighting toward any residence.
- I. *Filling, grading, lagooning, dredging or other earthmoving activity:*
1. Will result in the smallest amount of bare ground exposed for the shortest time feasible.
 2. Will provide temporary ground cover, such as mulch.
 3. Will use diversions, silting, basins, terraces and other methods to trap sediment.
 4. Will provide lagooning in such a manner as to avoid creation of fish trap conditions.
 5. Will not restrict a floodway, channel or natural drainage-way.
 6. Will construct and stabilize sides and bottom of cuts, fills, channels and artificial watercourses to prevent erosion or soil failure.
 7. Will not have below grade elevation except for drainage-ways within fifty feet (50') of any lot line or public right-of-way.
 8. Will restore topsoil or loam to a depth of not less than four inches (4").
- J. *Natural resources, mineral extraction, processing and storage (pertaining to gravel pits, rock quarries, sand and clay pits and other natural resources extracted for commercial gain):* These types of operations shall be sited and permitted in the M-3 zoning district, according to the permitting agencies' health and safety standards. The operator shall submit a reclamation strategy to the City as part of the permitting process, with provisions for setting aside a sufficient layer of overburden to be placed timely over subterranean waters exposed through such activity. *(KCC 5-3-4-4:Q) (Ord. 570, 6-11-2001)*
- K. *Home occupation:* Authorized home occupations are permitted in any dwelling unit subject to the following provisions:
1. *Home occupations permitted:* Home occupations include, but are not limited to, the following:
 - a. Artists, authors, sculptors.
 - b. Home office for outside salesperson, not to include retail sales or personal visits.
 - c. Dressmakers, seamstresses, and tailors.
 - d. Family daycare homes.
 - e. Home crafts, and instruction in arts and crafts, limited to not more than four (4) participants.
 - f. Music or dancing teachers, provided that the instruction shall be limited to four (4) pupils at one time, except for occasional groups. **(Ord. 2007-02, 2-20-2007)**
 2. *Home occupations not permitted:*
 - a. Auto repair, minor or major.
 - b. Cabinet shop.
 - c. Gift shop.
 - d. Painting of vehicles, trailers or boats.
 - e. Photo developing, retail.
 3. *Use limitations:* An occupation which does not comply with the following criteria shall not be deemed a "home occupation":
 - a. Not more than one person, other than members of a family residing on the premises, shall be engaged in such occupation.
 - b. The use of the dwelling unit shall be clearly incidental and subordinate to its occupants.

- c. No outdoor storage shall be permitted.
 - d. No visible signs.
 - e. There shall be no other exterior indication of the home occupation.
 - f. No home occupation shall be conducted in such a manner, and/or no materials or mechanical equipment shall be used which will be detrimental to the residential use of said residence or cause a nuisance to surrounding residences because of vibration, noise, dust, smoke, odor, interference with radio or television reception, or other factors.
 - g. Any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front or side yard.
 - h. The home occupation shall not involve the use of commercial vehicles for delivery of materials to or from the premises.
 - i. The occupation shall be conducted only in the dwelling unit and not in a building which is detached from the dwelling unit unless a conditional use permit is obtained.
 - j. The occupation shall not generate more than ten (10) vehicle trips to and from the premises daily.
4. *Special use permit required:* The following home occupations may be permitted upon issuance of a special use permit by the planning and zoning commission:
- a. Conduct a home occupation in an accessory building.
 - b. Swimming classes in a home pool.
 - c. Barber and beauty shops.
 - d. Photographer.
5. *Determine valid home occupation:* The following criteria shall be used by the commission to determine a valid home occupation:
- a. Conditions of subsections K:3:a through K:3:j of this section.
 - b. The area of the necessary building used shall be no larger than one-fourth (1/4) of the gross area of one floor of the dwelling.
 - c. Swimming instructions shall be limited to four (4) pupils per class, between the hours of eight o'clock (8:00) A.M. and six o'clock (6:00) P.M.
- L. *Outdoor storage of commercial and industrial type materials:* These storage materials shall be screened from the view of adjoining residences and/or residentially zoned districts and relying on the City's Design Review Committee or the Planning and Zoning Commission for screening evaluation purposes. The outdoor storage of these materials is prohibited within the front yard setback area. *(KCC 5-3-4-4:R)*
- M. *Riding stables, arenas and schools:* Equestrian related facilities shall be located in the appropriate zoning district a minimum 100 feet from any residence and set back a distance of thirty feet (30') from any property line. These facilities and their supporting areas shall be sited on the property with consideration for noise and odor impact upon the adjoining properties. *(KCC 5-3-4-4:S)(Ord. 570, 6-11-2001)*
- N. *Rifle, pistol and archery range:* These sporting facility uses shall be located in the appropriate zoning districts and designed with a backstop that meets City approval. Outdoor facilities shall be designed to avoid a line of fire that is directed towards any residence or business within a 1-mile range or other distance separation that meets City approval and sporting standards. *(KCC 5-3-4-4:T)*
- O. *Sanitary landfill:* A sanitary landfill shall be located in the appropriate zoning district and separated from residential zoning districts and/or residential uses, a minimum distance of 1,320 feet [1/4 mile] and the actual

site location determined after review of site plans and pertinent analysis by the approving authorities. (KCC 5-3-4-4:U)

- P. *Wrecking yard, junkyard, vehicle salvage storage yard and impound yard:* These yards shall be located in the appropriate zoning districts and separated from residential zoning districts and/or residential uses a minimum distance of 600 feet. These yards will be completely enclosed by a 6-foot high sight obscuring fence and sited in such a fashion as not to be seen from any public right-of-way. The physical location of these type uses shall be determined by the approving authorities' evaluation of site plans and other health and safety factors. (KCC 5-3-4-4:V)
1. Will be completely enclosed by a solid six-foot (6') high sight obscuring fence.
 2. Will not result in the storage of automobile, junk or salvage material that is visible from any public right-of-way.
 3. Will not result in the storage of automobiles that exceed the height of the fence.
- E. Will have such landscaping that is appropriate with the surrounding area. (**Ord. 230, 12-7-1977; amd. Ord. 570, 6-11-2001**)
- Q. *Power Transmission:* Power lines transmitting 230 Kilovolts [kV] of electrical energy up to 500 kV shall be centered within an 800-foot wide utility easement; power lines transmitting greater than 500 kV of electrical power shall be centered in a 1,320-foot wide utility easement. No residential dwelling shall be placed within 400 feet of a 230 to 500 kV power line or 660 feet of a 500 to 800 kV power line. Distance separations for other habitable structures shall be determined on a case by case basis. (KCC 5-3-4-4:W)

5-5-5: **REGULATIONS FOR FENCES, WALLS AND HEDGES**

- A. *Permit required:* It is unlawful for any person to construct or replace a fence upon any property within the City limits without first having applied for and obtained a building permit to do so and without thereafter complying with all the provisions of said permit with the exception of normal maintenance.
- B. *Fences on rights-of-way or easements:* Fences may be permitted to be constructed on public rights-of-way and easements subject to the sidewalk and vision clearance restrictions set forth herein. Permission to construct fences on rights-of-way shall be obtained from the City Council and ACHD or appropriate agency. Upon notification from the City, it is the property owner's responsibility to remove fences from public rights-of-way or easements, at the owner's expense, should the City need to utilize any right-of-way or easement for maintenance or construction of any public facility or improvements or it is determined to be in the best interest of the City, or in the opinion of the City, the fence creates a safety hazard. Fences which constitute structures as defined under this section shall not be permitted upon public rights-of-way or easements.
- C. *General requirements:* For the purposes of this section, wall, latticework, screens, hedges and planting shall be considered fences and shall be built and maintained in compliance with the provisions herein.
1. Electric fences and barbed wire fences are prohibited within the City except in those instances where it can be demonstrated to the building official that the use is solely for the containment of animals kept in compliance with City animal control regulations and the fence is not located on the public right-of-way. The building official shall have the authority to revoke authorization for an electric fence or barbed wire fence upon declaration of a finding by him that such fence would be detrimental to public health, safety or welfare or would be potentially injurious to persons, properties or improvements in the vicinity.

2. Barbed wire may be permitted in commercial or industrial zones when used as the top section for security fences, provided barbed wires are a minimum of seventy-two inches (72") above grade and do not project over public right-of-way .
3. No fence shall be permitted in the sidewalk area or in a location which may impair the construction of sidewalks.
4. In the event any fence restricts access to or use of established rights-of-way and easements, it shall be the fence owner's responsibility, at his expense, to provide access upon demand of the City or other entitled party.
5. Any fence that exceeds six feet (6') in height must have a special permit.
6. Any fence which restricts access to any utility meter or fire hydrant shall provide a way of access through the fence by hand gate.
7. Vision clearance for fences at street and alley intersections shall be as defined in subsection 5-5-2:A of this Chapter. **(Ord. 453, 9-3-1996)**
8. All fence heights must be measured from existing sidewalk or proposed sidewalk.

D. *Residential districts:*

1. *Interior lots:* Solid or closed non-vision fences to a height of thirty-six inches (36"), or open vision fences to a height of forty-eight inches (48") may be built within the front yard setback to the inside of the existing sidewalk or to the inside of the proposed future sidewalk with a license agreement from the Ada County Highway District, or other appropriate agency who controls use of the public rights-of-way. A fence of seventy-two inches (72") in height may be built behind the front dwelling setback along the property boundary. See *illustration 1* attached to the ordinance codified herein and available for inspection in the office of the City clerk.
2. *Corner lots:* Solid or closed non-vision fences to a height of thirty-six inches (36"), or open vision fences to a height of forty-eight inches (48") may be built within the front dwelling and street side yard setback to the inside of the right-of-way line with a license agreement from Ada County highway district, or other appropriate agency who controls use of the public right-of-way. A fence of seventy-two inches (72") in height may be built along the side property lines adjacent to an interior lot from the front dwelling setbacks. See *illustration 2* attached to the ordinance codified herein and available for inspection in the office of the City clerk.
3. *Back-to-back corner lots:* Where two (2) corner lots are back-to-back, with no vehicle access to the roadway adjacent to the side yard of either home, the side yard fence may be solid, or open to a maximum height of seventy-two inches (72"), except within the clear vision sight triangle as identified in subsection 5-5-2A of this Chapter. See *illustration 3* attached to the ordinance codified herein and available for inspection in the office of the City Clerk. **(Ord. 524, 1-24-2000)**

- E. *Commercial or industrial districts:* Fences adjacent to residential areas must be sight obscuring. Fences not to exceed eight feet (8') in height may be located or maintained on any property line except within vision clearance areas. In the case of security fences, when a barbed wire top section is utilized, the 8-foot maximum height limitation may be exceeded by up to thirty inches (30") only by the barbed wire security top section.

Open vision fences to a height of six feet (6') may be built out to the inside of the property line, provided no barbed wire or other security top section is utilized and fences comply with vision clearance requirements for fences to be located at intersections. **(Ord. 453, 9-3-1996)**

F. *Pathway/greenbelt fencing:*

1. Pathway fencing is required.
2. In order to design for crime prevention, the following design standards will be followed:
 - a. The use of "see-through" fencing is required, as it provides better visibility from adjacent homes or buildings. If solid fencing is used, it may not exceed four feet (4') in height. Wrought iron, a vinyl 4-foot solid with 2-foot lattice, or equal quality fence is preferred.
 - b. All pathway fencing shall be constructed prior to the issuance of building permits for the subdivision. **(Ord. 2007-02, 2-20-2007)**

G. *Fences required for sight obstruction:*

1. Certain uses are declared and others may be declared in the future by the City to possess characteristics that require sight obstruction in order to preclude damage, hazard, nuisance or other detriment to public health, safety or welfare, or to prevent a materially injurious situation to property or improvements in a given vicinity.
2. Sight obscuring fences, where required by provision of this subsection, shall be of dense coniferous planting or climbing varieties of non-deciduous vines on permanently installed aluminum mesh fencing or solid non-vision type fencing of such design and material that retains its attractiveness with nominal maintenance.
3. The following uses are declared to require sight obscuring fences: junkyards, wrecking yards, equipment or vehicle salvage storage yards, trailer parks, auction blocks, lumberyards, RV parks, sanitary landfills, recycling collection stations and temporary recycling collection stations, and any other uses determined to be similar in nature to the preceding uses. **(Ord. 2007-02A, 7-17-2007)**

H. *Abatement of unlawful fences:* The following fences are declared unlawful nuisances and shall be subject to the enforcement provisions of title 8, chapter 1 of this code.

1. Any fence constructed or maintained which is in whole or in part weak, unsafe, or constructed of broken, unsightly, inferior or old worn material of an inflammable nature which may impair the value of the adjoining land.
2. Any fence constructed or maintained for the purpose of maliciously annoying the owners or occupants of adjoining property.
3. Any fence not constructed or maintained in accordance with this section. **(Ord. 2007-02, 2-20-2007)**

5-5-6: **IMPROVEMENTS REQUIRED**

Improvements required according to this title shall be provided whenever a use on a property or structure is expanded or enlarged, or substantial refurbishment of a parking lot.

A. *Scope of requirement(s):* Site improvements shall be made to a property when the following situations occur:

1. Whenever a use on a property or structure is expanded or enlarged, or substantial refurbishment of a parking lot, the entire property or structure shall be subject to all provisions of this code, after the passage of this section. Exceptions may be granted at the discretion of the Planning and Zoning Commission. **(Ord. 694, 8-17-2004)**

Ordinance Section 2. 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 3. 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 of these provisions, will, nonetheless, continue in force as law.

Ordinance Section 4. 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 20th day of December, 2011

CITY COUNCIL OF THE CITY OF KUNA
Ada County, Idaho

J. SCOTT DOWDY, MAYOR
CITY OF KUNA

ATTEST:

BRENDA BINGHAM, CITY CLERK
CITY OF KUNA