

ORDINANCE 2011 - 13

AN ORDINANCE OF CITY OF KUNA, IDAHO, AMENDING TITLE 5, "ZONING REGULATIONS" OF CHAPTER 10, "SIGNS" 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's recently updated comprehensive land use plan [Plan]; and

WHEREAS, it is deemed to be in the best interest of the city of Kuna to amend its Chapter 10 Title 5 zoning code, which had its last major update in 2001; 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 10 entitled, "SIGNS" is amended as follows:

**CHAPTER 10
SIGNS**

SECTIONS

- 5-10-1: Intent
- 5-10-2: Public Signs Excluded
- 5-10-3: General Requirements for All Signs and Districts
- 5-10-4: Measurement of Sign Area
- 5-10-5: Permitted Signs
- 5-10-6: Special Permitted Signs
- 5-10-7: Sign Setback Requirements
- 5-10-8: Violations

5-10-1: INTENT

The purpose of this chapter is to promote and protect the public health, welfare and safety by regulating existing and proposed outdoor advertising, outdoor advertising signs and outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, and preserve the scenic and natural beauty of designated areas. It is further intended to reduce sign or advertising distraction and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, provide more open space, curb the deterioration of the natural environment and enhance community development.

5-10-2: PUBLIC SIGNS EXCLUDED

For the purpose of this title, "sign" does not include signs erected and maintained pursuant to and in discharge of any governmental function, or required by any law, ordinance or governmental regulation.

(Ord. 230, 12-7-77)

5-10-3: **GENERAL REQUIREMENTS FOR ALL SIGNS AND DISTRICTS**

The regulations contained in this section shall apply to all signs and all use districts:

- A. Any illuminated sign or lighting device shall employ only light emitting a light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating or moving light or lights. In no event shall an illuminated sign or lighting device be placed or directed to permit the beams and illumination therefore to be directed or beamed upon a public thoroughfare, highway, sidewalk or adjacent premises to cause glare or reflection that may constitute a traffic hazard or nuisance.
- B. No sign shall employ any parts or elements which revolve, rotate, whirl, spin or otherwise make use of motion to attract attention. Subsections A and B of this Section shall not apply to any sign performing a public service function indicating time, temperature, stock market quotations or similar services.
- C. All writing, fittings and materials used in the construction, connection and operation of electrically illuminated signs shall be in accordance with the provisions of the local Electric Code in effect.
- D. *Projecting signs:* No projecting sign of any type shall extend outward from the building's façade more than three feet (3'). *(See KCC 5-3-4-8:A)*
- E. *Roof signs:* No sign shall be placed on the roof of any building, except those signs whose supporting structure is screened so it appears to be a continuation of the building's façade. *(See KCC 5-3-4-8:B)*
- F. No portable or temporary sign shall be placed on the front or face of a building or on any premises, except as herein provided.
- G. No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners or other similar moving devices. Such devices, as well as strings of lights, shall not be used for the purpose of advertising or attracting attention when not part of a sign.
- H. No sign erected or maintained in the window of a building visible from any public or private street or highway, shall occupy more than 20 percent of the window surface.
- I. No sign of any classification shall be installed, erected or attached in any form, shape or manner to a fire escape or any door or window giving access to any fire escape.
- J. All signs hung and erected shall be plainly marked with the name of the person responsible for maintaining the sign.
(Ord. 230, 12-7-1977)
- K. Should any sign be or become unsafe or be in danger of falling, the owner thereof or the person maintaining the same, shall upon receipt of written notice from the director proceed at once to put such sign in a safe and secure condition or remove the sign.
(Ord. 230, 12-7-1977; amd. Ord. 570, 6-11-2001)
- L. No sign shall be placed in any public right-of-way except publicly owned signs, such as traffic control signs and directional signs. Signs directing and guiding traffic and parking on private property but bearing no advertising matter shall be permitted on any property.

M. Signs along interstate and primary highways shall conform to Idaho Transportation Department (ITD) regulations.

(Ord. 230, 12-7-1977)

5-10-5: **PERMITTED SIGNS**

The following signs may be permitted upon the issuance of a zoning certificate by the director:

- A. The placement of any freestanding sign (on or off-premise) requires the applicant to acquire a zoning certificate and submit the sign for design review; additionally, the applicant may need to obtain a special use permit to install the signage.
- B. *Advertisizing signs:* Signs advertising the sale, lease or rental of the premises upon which the sign is located, shall not exceed twelve (12) square feet in area, except in all residential districts where the area of the sign shall not be more than six (6) square feet. *(See KCC 5-3-4-8:C)*
- C. Professional nameplates not to exceed four (4) square feet in area.
- D. Signs denoting the name and address of the occupants of the premises, not to exceed two (2) square feet in area.
- E. Temporary signs not exceeding fifty (50) square feet in area announcing special public or institutional events, the erection of a building, the architect, the builders or contractors may be erected for a period of sixty (60) days plus the construction period.
- F. On-premises wall signs pertaining to a nonconforming use shall be permitted on the same premises of such use provided the area of such sign does not exceed twelve (12) square feet.
- G. Political signs provided such signs shall not be posted in any place or in any manner that is destructive to public property upon posting or removal. No political sign shall be posted in a public right-of-way nor shall any such sign be posted on a utility pole. No political sign shall be posted more than sixty (60) days before an election.

All candidates for public office, their campaign committees, or other persons responsible for the posting on public property of campaign material shall remove such material within two (2) weeks following Election Day.

(Ord. 570, 6-11-2001)

- H. In a commercial or manufacturing district, each business shall be permitted up to three (3) flat or wall on-premises signs; one sign per each side of the building, for the proposed business. Projection of wall signs shall not exceed two feet (2') measured from the face of the main building. The sign may have an area equivalent to one and a half (1½) square feet of sign area for each linear-foot of building width, or part of a building occupied by such enterprise, but each sign shall not exceed a maximum area of 100 square feet.

(Ord. 2007-02, 2-20-2007)

- I. *Off-premise signage:* In the commercial and manufacturing districts, two (2) off-premise signs may be installed per land parcel with a total area (per sign) not to exceed 600 square feet. The maximum signage area of a single off-premise sign per land parcel shall be 1,200 square feet. Off-premise signage shall be spaced a

minimum of 200 feet from one another along the road frontage. No off-premise signage is allowed within the highway overlay district other than on property zoned commercial. Only one off-premise sign is allowed per land parcel in the highway overlay district - see KCC 5-2A-5:N. Off-premise signs shall conform to the zoning district's yard and height regulations except a sign intended to be viewed from an elevated roadway may extend up to twenty feet (20') above the highest point of the elevated roadway, unless its placement at such a height poses a health or safety concern. (See KCC 5-3-4-8:D)

J. *Freestanding on premise sign less than 30 feet in height:* A freestanding on-premise sign less than thirty feet (30') in height with a maximum sign area of 100 square feet may be installed to serve a group of business establishments, provided it is placed no closer than ten feet (10') to any street right-of-way or adjoining lot line. The applicant shall acquire a sign permit to install the freestanding on-premise sign. There shall be only one freestanding sign for each building regardless of the number of businesses located in that building. (See KCC 5-3-4-8:E)

K. *Large establishment freestanding sign:* Large retail establishments may have only one freestanding sign on each street frontage. (See KCC 5-3-4-8:F and KCC 5-4-7-1:G:1)

(Ord. 570, 6-11-2001)

5-10-6: **SPECIAL PERMITTED SIGNS**

The following signs may be allowed upon the issuance of a special use permit by the Planning and Zoning Commission:

(Ord. 426, 4-4-1995)

A. Signs or bulletin boards customarily incidental to places of worship, libraries, museums, social clubs or societies, which signs or bulletin boards shall not exceed fifteen (15) square feet in area and which shall be located on the premises of such institution.

B. *Subdivision advertizing:* Any sign advertising a commercial enterprise, including real estate developers or subdividers, in a district zoned residential shall not exceed twelve (12) square feet in area and shall advertise only the names of the owners, trade names, products sold and/or the business or activity conducted on the premises where such sign is located. Signage installed along a residential subdivision's street frontage for advertizing purposes shall be limited to the installation of two (2) in ground signs that do not exceed twelve (12) square feet in area or ten feet (10') in height and through acquisition of a special use permit. The signs shall advertise only the names of the owners, trade names, products sold and/or the business or activity conducted on the premises where such sign is located. The signs shall be maintained in good condition and removed when 95 percent of the subdivision's lots have been sold. (KCC 5-3-4-8:G)

(Ord. 230, 12-7-1977)

C. *Freestanding on-premise signage more than thirty feet (30') in height:* A freestanding on-premise sign over thirty feet (30') in height with a maximum sign area of 100 square feet may be installed to serve a group of business establishments, provided it is placed no closer than ten feet (10') to any street right-of-way or adjoining lot line through acquisition of a special use permit. There shall be only one freestanding sign for each building, regardless of the number of businesses located in that building. (KCC 5-3-4-8:H)

D. *Billboards:* Billboards are limited to the A, C-2, C-3, M-1 and M-2 zoning districts and permitted there by way of a special use permit. Billboards within the City's overlay districts are limited to on-premise signage, except in certain commercial zones where they may be off-premise, but limited to one off-premise sign [to include

billboards] per land parcel. Billboards are also subject to height, area and setback requirements. A nonconforming billboard is subject to an amortization schedule as a means of extinguishing the use or bringing it into compliance with current signage standards. The City considers any sign with more than 200 square feet of surface area a billboard. (KCC 5-3-4-8:I)

(Ord. 426, 4-4-1995)

5-10-7: **SIGN SETBACK REQUIREMENTS**

- A. On and off-premises signage shall conform to the applicable yard and height regulations for the zoning district in which they are permitted, unless otherwise noted. On and off-premise signage shall not be erected between the property line and the yard setback requirements of the zoning district. No on-premises signage shall be placed in a residential zone within ten feet (10') of a side or rear yard lot line or the established road right-of-way. A residential district on-premise sign with up to fifty feet (50') of sign surface area may be placed at the required yard setback, however, for every two (2) square feet the on-premise sign exceeds the 50-foot surface area, it shall be placed back an additional 1-foot distance from the required setback. The largest surface area an on-premise sign may have in a residential zone is 180 square feet, located a distance of sixty-five feet (65') back from the zone's yard setback. (KCC 5-3-4-8:J)
- B. Bulletin type signage boards may be placed on church, school or other public, religious or educational institutional property in residential zones, provided they are placed a minimum ten feet (10') from the established road right-of-way and the placement does not obstruct traffic visibility at a road intersection. (KCC 5-3-4-8:K)

(Ord. 230, 12-7-1977)

5-10-8: **VIOLATIONS**

In case any sign shall be installed, erected, constructed or maintained in violation of any of the terms of this chapter, the director shall recommend to the Council that action be taken to remedy the violation. Political signs posted in violation of this chapter are subject to removal by the Council five (5) days after written notice of the violation.

(Ord. 570, 6-11-2001)

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