

ORDINANCE 2011 – 15

AN ORDINANCE OF CITY OF KUNA, IDAHO, AMENDING TITLE 5, “ZONING REGULATIONS” OF CHAPTER 17, “LANDSCAPE REQUIREMENTS” 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 17 Title 5 zoning code, 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 17 entitled, “LANDSCAPE REQUIREMENTS” is amended as follows:

CHAPTER 17
LANDSCAPE REQUIREMENTS

SECTIONS

- 5-17-1: General Provisions; Intent and Purpose
- 5-17-2: Definitions
- 5-17-3: Landscape Plan Required
- 5-17-4: Existing Vegetation
- 5-17-5: Prohibited Materials
- 5-17-6: Installation and Minimum Standards
- 5-17-7: Maintenance
- 5-17-8: Completion Time
- 5-17-9: Curbing
- 5-17-10: Berms
- 5-17-11: Irrigation Required
- 5-17-12: Buffer Areas; Common Lots
- 5-17-13: Landscape Buffer Width based on Roadway Classification
- 5-17-14: Landscape Buffer Widths for Pathways, Walkways, Building and Parking Lots
- 5-17-15: Landscape Buffer Vegetative Density
- 5-17-16: Tree Species Mix
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- 5-17-18: Landscaped Commercial Strips
- 5-17-19: Alternate Methods of Compliance
- 5-17-20: Landscaping within Right-of-Way
- 5-17-21: Storm Water Detention
- 5-17-22: Inspections

- 5-17-23: Open Space Location for Subdivisions
- 5-17-24: Common Open Space; Maintenance
- 5-17-25: Responsibility
- 5-17-26: Submittal Requirements

5-17-1: **GENERAL PROVISIONS; INTENT AND PURPOSE**

- A. To promote landscaping in the city of Kuna that will improve community livability, preserve the quality of life, and enhance the aesthetic quality, economic viability, and environmental health of the City.

5-17-2: **DEFINITIONS**

BERM: An earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.

BUFFER: A landscape buffer is a combination of physical space and vertical elements; including, but not limited to: trees, shrubs, berms, fences and/or walls that separate and screen incompatible land uses from one another. A common lot is a lot that is separate from individual building lots. Landscape coverage shall be comprised of 100 percent organic materials, thus, no gravel or hardscape materials may substitute for landscape purposes. The landscape shall be supported by a non-potable irrigation source, unless the public works director determines surface waters are not available for this irrigating purpose. All subdivision landscape buffers and open space areas shall be placed on a common lot, owned and maintained by the subdivision homeowner's association (HOA) or business owner's association (BOA), the City shall not maintain nonpublic common lots. Landscape buffers associated with new residential development, located outside a subdivision, shall be the property owner's responsibility. *(KCC 5-3-4-10:A)*

CALIPER: A measurement of the diameter of the trunk of a deciduous tree. The caliper of the trunk shall be measured six inches (6") above the ground for all trees up to and including four inch (4") caliper size, and twelve inches (12") above the ground for larger sizes.

COMMON LOT: A lot separate from individual building lots. All street buffers, buffers between incompatible land uses, and open space must be on a common lot, owned and maintained by all residents or business owners within a subdivision.

(Ord. 2006-100, 12-19-2006)

5-17-3: **LANDSCAPE PLAN REQUIRED**

A landscape plan is required for the following including, but not limited to, all commercial, industrial, office, and multi-family development, redevelopment, additions, special use permit, design review, preliminary plat or a change in use. A landscape plan is also required for all common lots in all subdivisions. A preliminary landscape plan review is recommended prior to submission for all developments. The landscape plan shall be drawn to scale (no smaller than one inch equals thirty feet (30')) and shall indicate the following:

- A. Boundaries, property lines, and dimensions;
- B. Existing trees and vegetation identified by species and size;
- C. The location and design of areas to be landscaped;
- D. The location and labels for all proposed plants;

- E. Plant lists or schedules with the botanical and common name, quality, and spacing the size of all proposed landscape materials at the time of planting;
- F. Location and description of other landscape improvements, such as earth berms, walls, fences, screens, sculptures, fountains, paved areas, or general amenities such as playground equipments, etc.; and
- G. Planting and installation details as necessary to ensure conformance with all required standards. **(Ord. 2006-100, 12-19-2006)**

5-14-7: **EXISTING VEGETATION**

- A. *Retention of existing trees:* Existing trees shall be retained unless removal is approved in writing by the City. Where trees are approved by the City to be removed from the project site (or from abutting rights-of-way), replacement of all trees with an acceptable species is required. Acceptable replacement shall be greater in size or equal to the size of the tree(s) removed.

Example: An acceptable replacement for a 6-inch caliper tree could be either a new 6-inch caliper tree or two (2) 3-inch caliper trees.

In all cases, planting within public rights-of-way shall be with approval from the public and/or private entities owning the property.

- B. *Damage during construction:* Existing trees or shrubs that are retained shall be protected from damage to bark, branches, or roots during construction. Any damaged tree or shrub shall be replaced in accordance with section 5-17-7 of this chapter.
- C. *Minimum landscaping:* Existing vegetation which is to be retained can be used to satisfy the minim required landscaping (staff approval required).
(Ord. 2006-100, 12-19-2006)

5-17-5: **PROHIBITED MATERIALS**

No required landscape areas shall include artificial trees, plants, or any carpeting designed as a vegetative substitute. **(Ord. 2006-100, 12-19-2006)**

5-17-6: **INSTALLATION AND MINIMUM STANDARDS**

- A. Accepted nursery standards and practices shall be followed in the planting and maintenance of landscaped areas.
- B. Soil and slope stabilization must result after landscape installation.
- C. Root barriers shall be installed for all new trees planted adjacent to existing or proposed public or private sidewalks and paving.
- D. The minimum acceptable size for deciduous trees shall be 2-inch caliper, balled and burlapped.
- E. The minimum acceptable size for evergreen trees shall be six to seven feet (6'-7') balled and burlapped.

F. All landscaped areas adjacent to vehicular areas are to be protected with an approved curbing material (staff approval required). **(Ord. 2006-100, 12-19-2006)**

5-17-8: **COMPLETION TIME**

The zoning administrator may authorize a delay in the completion of planting during the months of November, December, January, February and March due to weather conditions, if a surety bond for 110 percent of the cost of installation and materials is provided to the City. **(Ord. 2006-100, 12-19-2006)**

5-17-9: **CURBING**

All planting areas that border driveways, parking lots, and other vehicle use areas shall be protected by curbing, wheel stops, or other approved protective devices. **(Ord. 2006-100, 12-19-2006)**

5-17-10: **BERMS**

Three to one (3:1) maximum slopes are recommended for berms. Grass that requires mowing shall not be used on slopes steeper than three to one (3:1). **(Ord. 2006-100, 12-19-2006)**

The height of berms and fences employed as a landscape application shall be measured from the elevation of the final grade of the adjacent roadway (measured at the centerline) to the top of the proposed berming/fencing and not exceed City height standards. **(KCC 5-3-4-10:B)**

5-17-11: **IRRIGATION REQUIRED**

An underground automatic irrigation system is required for all developments.

A. *Requirements:* All required landscaped areas must:

1. Be provided with an automatic underground irrigation system;
2. Provide an appropriate backflow prevention device; and
3. Provide full 100 percent coverage.

B. *Sprinklers:*

1. Wherever feasible, sprinkler heads irrigating lawn or other high water demand landscape areas shall be circuited so that they are on a separate zone or zones from those irrigating trees, shrubbery or other reduced water demand areas.
2. Sprinkler heads shall be placed as required to reduce direct overthrow onto non-pervious areas (walks, drives, etc.).
3. The use of low trajectory spray nozzles is encouraged in order to reduce the effect of wind velocity on the spray system.

C. *Maintenance:* Maintain all irrigation systems to ensure proper operation and water conservation. **(Ord. 2006-100, 12-19-2006)**

5-17-12: **BUFFER AREAS; COMMON LOTS**

A. *Materials:*

1. All buffer areas shall be comprised of, but not limited to, a mix of evergreen and deciduous trees, shrubs, and ground cover in which evergreen plant materials comprise a minimum of 60 percent of the total plant material used.
2. Height requirements shall be accomplished with plant material with a fence or decorative wall.

3. The required buffer area shall result in an effective barrier within three (3) years and be maintained such that 60 percent or more of the vertical surface is closed and prevents the passage of vision through it.
4. Chainlink fencing, with slats or otherwise, and cedar fencing is prohibited for screening.

B. *Major roadways:* New residential development shall be buffered through landscape applications from the adjoining collectors, arterials, or highways according to the City's landscape requirements, to protect residents from roadway activity. This buffer shall be placed on an individual lot, an easement or in a common open space. The buffer area shall be owned and maintained by a homeowners' association or business association. Landscape buffers associated with new residential development, located outside a subdivision, shall be the property owner's responsibility. Landscape placed within the public right-of-way shall not be credited towards buffer area requirements. *(KCC 5-3-4-10:B)*

C. *Common area landscapes:* New residential subdivision common area landscapes shall be comprised of the following:

1. Lawn, either seed or sod.
2. A minimum of one deciduous shade tree per 1,000 square feet of site.

D. *Design considerations for residential developments:*

1. For design flexibility, half of the required shade trees may be substituted on a two to one (2:1) basis with ornamental and evergreen trees.
2. Buffer areas should include a variety of species, arranged to create varied and attractive views. Fences, walls, and berms may be used. Height changes, offset angles, different materials, and other design techniques are required so as to create variety.

(Ord. 2006-100, 12-19-2006)

5-17-13: LANDSCAPE BUFFER WIDTH BASED ON ROADWAY CLASSIFICATION

Landscape buffer widths intended to separate public right-of-way from land uses are determined based on the City's adopted "2030 Functional Classified Roadmap" and corresponding street typologies identified in Kuna City code "Subdivision Regulation Design Standard Specifications" found at KCC 6-3-4, various landscape buffering provisions found at KCC 5-17, and buffer requirements found at KCC 5-3-4-10:E. Ada County Highway District's [ACHD] street typologies also serve as a basis for establishing landscape buffer widths; the street typologies are identified in KCC 5-3-4-10:D.

A. *Road Classifications and accompanying right-of-way widths (ROW) *:*

Expressway, Highway or Entryway Corridor:	160' to 260' ROW
Mobility Arterial:	122' to 128' ROW
Residential Arterial:	97' ROW
Section Line Road:	97' to 128' ROW
Town Center Collector:	88' ROW
Residential Neighborhood Arterial:	80' ROW
Industrial Collector:	74' ROW
Mid-Mile Section Road:	74' to 88' ROW
Residential Collector:	69' ROW
Industrial/Commercial Street:	66' ROW
Quarter Section Road:	57' to 69' ROW
Town Center Local:	61' ROW
Commercial Local:	53' ROW

Residential Local:	51' ROW
Minor Local Street**:	42' to 50' ROW

* These road classification standards are considered minimum design standards and may be increased for a given roadway at ACHD or ITD's request.

** The planning and zoning commission may allow a reduction in the minor street width [below forty-two feet (42')] if the street does not accommodate through traffic movement. Kuna's minimum road width in all zoning districts is thirty-six feet (36') measured from back of curb. The City Council may consider exceptions to this standard on a case by case basis. (See KCC 5-3-4-10:D)

B. *The landscape buffer requirements for these noted road classifications and the accompanying land uses is as follows: (KCC 5-3-4-10:E:1-7)*

1. *Expressway, Highway or Entryway Corridor landscape buffer requirements for residential zones:* A developer initiating residential development along these type of roadways shall install a minimum 50-foot wide landscape and screened buffer area located outside the public right-of-way the length of the development's road frontage in accordance with the provisions of KCC 5-2A-7:D. The buffered area shall contain a 10-foot wide concrete sidewalk placed in a public use easement that is separated a minimum of fifteen feet (15') from the property line. The developer shall acquire permits from ITD, ACHD or the city of Kuna and provide year-round care and maintenance of the land strip lying between the edge of the road pavement and the property line along the subject property frontage. The developer shall employ noise abatement measures to the City's satisfaction for purposes of deflecting traffic noise by installation of a berm or wall that is a minimum ten feet (10') higher than the centerline of the highway, expressway or entryway corridor roadway within the 50-foot residential landscaped buffer. (See KCC 5-2A-8 for details) All landscaping shall comply with the landscape requirements contained in KCC 5-17.
2. *Expressway, Highway or Entryway Corridor landscape buffer requirements for commercial, office and industrial:* Developers initiating commercial, office or industrial development along these types of roadways shall install a minimum 30-foot wide landscaped buffer area located outside of the public right-of-way the length of the development's road frontage in accordance with the provisions of KCC 5-2A-7:C. The buffered area shall contain a 10-foot wide concrete sidewalk placed in a public use easement that is separated a minimum of fifteen feet (15') from the property line. The developer shall acquire permits from ITD, ACHD or the city of Kuna and provide year-round care and maintenance of the landscape strip lying between the edge of the road pavement and the property line along the subject property frontage. All landscaping shall comply with the landscape requirements contained in KCC 5-17.
3. *Mobility Arterial, Residential Arterial, Residential Neighborhood Arterial and Section Line Road - landscape buffer requirements:* The landscape buffer width shall be twenty to thirty feet (20'-30') from the property line for these type of roadways as determined by the director, Design Review Committee, or Planning and Zoning Commission based upon land use action, development intensity, visual impacts, surrounding conditions and topography. A person initiating development or redevelopment adjacent to these types of roadways shall install an 8-foot wide detached sidewalk along the accompanying property frontage. The sidewalk shall be located within the public right-of-way and separated from the vertical curb [or its alignment] by a 4 to 8-foot wide irrigated and landscaped planter strip. The requirement for a planter strip is in addition to the installation of the landscape buffer.
4. *Town Center Collector, Industrial Collector and Mid-Mile Section Road - landscape buffer requirements:* The landscape buffer width shall be a minimum twenty feet (20') from the property line for these types of roadways. A person initiating development or redevelopment on these types of roadways shall install an 8-foot wide detached sidewalk along the accompanying property frontage. The sidewalk shall be located

within the public right-of-way and separated from the public vertical curb [or its alignment] by a 4 to 8-foot wide irrigated and landscaped planter strip. The requirement for a planter strip is in addition to the installation of the landscape buffer.

5. *Industrial or Commercial Street and/or Commercial, Office or Industrial Land uses abutting a public roadway - landscape buffer requirements (applies to all commercial, office and industrial development):* The landscape buffer width shall be twenty to thirty feet (20'-30') for new commercial, office or industrial development and redevelopment occurring along the industrial or commercial street, as determined by the director, Design Review Committee, or Planning and Zoning Commission based upon land use action, development intensity, visual impacts, surrounding conditions and topography. This landscape buffer standard shall also apply to new commercial, office or industrial type land uses fronting along a roadway - regardless of the street classification, unless otherwise stated in this chapter. A person initiating development or redevelopment along these types of roadways shall install an 8-foot wide detached sidewalk along the accompanying property frontage. The sidewalk shall be located within the public right-of-way and separated from the public vertical curb [or its alignment] by a 4 to 8-foot wide irrigated and landscaped planter strip. The requirement for a planter strip is in addition to the installation of the landscape buffer.
6. *Residential Collector and Quarter Section Road - landscape buffer requirements:* The landscape buffer width shall be fifteen feet (15') along the residential collector and quarter section road frontage. A person initiating development or redevelopment along these types of roadways shall install a 5-foot wide detached sidewalk along the accompanying property frontage. The sidewalk shall be located within the public right-of-way and separated from the public vertical curb [or its alignment] by a 4 to 8-foot wide irrigated and landscaped planter strip. The requirement for a planter strip is in addition to the installation of the landscape buffer.
7. *Town Center Local, Commercial Local, Residential Local and Minor Local Street – landscape buffer requirements [these are considered nonfunctional streets]:* There is no requirement to install a landscape buffer along these types of roadways; however there may be an obligation to install a landscaped planter strip. The provisions of KCC 6-4-2:Q require persons initiating development or redevelopment on these type of streets to install a 5-foot wide attached or detached sidewalk, except where the average street lot frontage for the block is more than 100 feet in width, in which instance a sidewalk is only required on one side of the street, unless the director determines there is an overriding health or safety concern that would require sidewalk placement on both sides of the street. Additionally, ACHD has a minor local street section whose application affords the placement of a sidewalk on one side of the street, unless there is an overriding consideration requiring sidewalk placement on both sides of the street. If the sidewalk is detached it shall be accompanied by a non-potable irrigated landscape strip that is a minimum of four feet (4') in width.

C. *Related transportation considerations:*

1. *Sidewalk Placement and Construction:* The placement of a sidewalk outside the public right-of-way requires City approval and installation within a public easement. Sidewalks shall be constructed to be in compliance with the Americans with Disabilities Act (ADA) accessibility guidelines found in Section 504 of the Rehabilitation Act. (See KCC 5-3-4-10:F)
2. *Stormwater considerations:* Vertical curb and gutter shall be installed on all functionally classified streets. Rolled curbing and gutter shall be installed on all non-functionally classified streets. The use of drainage swales for stormwater conveyance purposes in lieu of curb and gutter is prohibited within the Kuna City limits, unless necessary to preserve a historical drainage right that would be impeded by the swale's removal as determined by the City engineer – see KCC 6-4-2(C). (See KCC 5-3-4-10:G)

5-17-14: **LANDSCAPED BUFFER WIDTHS FOR PATHWAYS, WALKWAYS, BUILDINGS AND PARKING LOTS**

- A. *Pathway or Pedestrian Walkway – landscape buffer requirements:* Residential and commercial development pathways and pedestrian walkways shall be centered in a public easement, which is at least ten feet (10') in width. The pathway surface shall be a minimum five feet (5') in width and constructed of an impervious surface that is acceptable to the City engineer and in compliance with Americans with Disabilities Act (ADA) accessibility guidelines found in Section 504 of the Rehabilitation Act. (See KCC 5-3-4-10:E:8)

- B. *Greenbelt Pathway – landscape buffer requirements:* Greenbelt pathways shall be a minimum ten feet (10') wide and located within a 30-foot wide public easement. These pathways shall be constructed of a material in keeping with the Americans with Disabilities Act (ADA) accessibility guidelines found in Section 504 of the Rehabilitation Act. Greenbelt pathways located along water bodies shall be placed on one side or the other of the water feature in such a fashion as to provide an uninterrupted pathway alignment and be separated from the water body by the installation of fencing constructed consistent with the fencing standards found in KCC 6-4-2:E. Where possible, the greenbelt pathway shall connect with other pathways. (See KCC 5-3-4-10:E:9)

- C. *Building Development - landscape buffer requirements:* A landscape buffer planter strip shall be provided between all building development and public rights-of-way. The landscaped buffer planter strip shall contain a minimum of one shade tree and five (5) shrubs for every thirty-five feet (35') of street frontage, two (2) ornamental or two (2) evergreen trees may be substituted for one shade tree. (See KCC 5-3-4-10:E:10)

- D. *Parking Lot Landscape – landscape buffer requirements - see KCC 5-3-4-7:F and KCC 5-3-4-10:H.*

Note: Width of required buffer may be determined based on surrounding conditions, land use, topography, etc.
(Ord. 2006-100, 12-19-2006)

5-17-15: **LANDSCAPE BUFFER VEGETATIVE DENSITY**

All required landscape buffers shall be planted with trees and shrubs, lawn, or other vegetative ground cover, with the following plants per 100 linear feet: two (2) shade trees, three (3) evergreen trees, and twelve (12) shrubs. Each required shade tree may be substituted with two (2) flowering/ornamental trees, provided that not more than 50 percent of the shade trees are substituted.

(Ord. 2006-100, 12-19-2006)

5-17-16: **TREE SPECIES MIX**

When more than ten (10) trees are to be planted to meet the requirements of these guidelines, a mix of species shall be provided. The number of species to be planted shall vary according to the overall number of trees required to be planted. Species shall be planted in proportion to the required mix.

<i>Required Number Of Trees</i>	<i>Minimum Number Of Species</i>
11 - 20	2
21 - 30	3
31 - 40	4
41 +	5

(Ord. 2006-100, 12-19-2006)

5-17-17: **MINIMUM PLANT SIZES**

The following are minimum plant sizes for all required landscaping for residential, commercial and industrial areas:

- A. *Shade trees*: 2-inch caliper minimum.
- B. *Ornamental trees*: 2-inch caliper minimum.
- C. *Evergreen trees*: 6 to 7-foot height minimum.
- D. *Woody shrubs*: Two (2) gallon pot minimum.

(Ord. 2006-100, 12-19-2006)

5-17-18: **LANDSCAPED COMMERCIAL STRIPS**

- A. *Building development landscaped strips*: Landscaped strips shall be provided between all building development and public rights-of-way to lend continuity among different architectural styles, screen unsightly views, establish a pleasing view for motorists, and create a safe and pleasant corridor for pedestrians.
 - 1. The landscaped strip shall contain one shade tree and five (5) shrubs for every thirty-five feet (35') of street frontage. Two (2) ornamental or two (2) evergreen trees may be substituted for one shade tree.
- B. *Parking lot landscape buffer requirements*: An irrigated landscaped buffer shall be installed when a parking lot is located adjacent to a public right-of-way. The developer shall provide a 10-foot wide landscape buffer between the right-of-way and the parking lot and plant this area with a minimum of one shade tree and five (5) shrubs per thirty-five linear feet (35') of street frontage, excluding driveway openings. (KCC 5-3-4-7:D)

(Ord. 2006-100, 12-19-2006)

5-17-19: **ALTERNATE METHODS OF COMPLIANCE**

- A. *Conditions*: The planning director or the director's designee shall have authority to vary on a case by case basis the required landscaping where an alternative requirement would address unique site conditions and allow design flexibility while still serving the intent of the landscape ordinance. Requests for use of alternative landscaping schemes are justified only when one or more of the following conditions apply:
 - 1. The site involves space limitations or unusually shaped parcels;
 - 2. Topography, soil, vegetation, or other site conditions are such that full compliance is impossible or impractical;
 - 3. Due to a change of use of an existing site, the required buffer width is larger than can be provided; and
 - 4. Safety considerations are involved.
- B. *Request for alternative method of compliance*: The applicant must provide the City with a written request if an alternative method of compliance is proposed. The request shall state which requirement as set forth within this section is to be modified, what project conditions stated within subsection A of this section justify using the proposed alternative, and how the proposed alternative equals or exceeds said requirement.

(Ord. 2006-100, 12-19-2006)

5-17-20: **LANDSCAPING WITHIN RIGHT-OF-WAY**

- A. The distance separation from the edge of the roadway pavement to the curb or its alignment, where there is a separation, requires a landscape treatment - see KCC 6-4-2:S. A distance separation of less than ten feet (10') from the edge of pavement to the public curb or its alignment requires an approved landscape treatment to

include a non-potable irrigation source located underground. A distance separation greater than ten feet (10') from edge of pavement to the public curb or its alignment requires the remaining right-of-way area to be improved with a rock application treatment acceptable to the City and the transportation authority with jurisdiction. (See 5-3-4-10:E:3)

- B. Landscaping placed in the public rights-of-way shall not be credited towards buffer area requirements. (KCC 5-3-4-10:B and KCC 5-17-12:B)

(Ord. 2006-100, 12-19-2006)

5-17-21: **STORM WATER DETENTION**

Storm water swales may be incorporated into the buffer. Other stormwater detention and retention facilities shall not be permitted in the street buffer. **(Ord. 2006-100, 12-19-2006)**

5-17-22: **INSPECTIONS**

All landscaping required by this chapter will be subject to periodic inspections by city officials to determine compliance or to investigate complaints made against the property. **(Ord. 2006-100, 12-19-2006)**

5-17-23: **OPEN SPACE LOCATION FOR SUBDIVISIONS**

The common open spaces shall be located on a common lot. Common open space shall be grouped contiguously with open space from adjacent subdivisions or phases whenever feasible. **(Ord. 2006-100, 12-19-2006)**

5-17-24: **COMMON OPEN SPACE; MAINTENANCE**

Land shown on the final plat as common open space may be conveyed to the City (if the City agrees to accept conveyance). In lieu of public dedication, it must be conveyed to an owners' association for the purpose of owning and maintaining the common area and improvements thereon. **(Ord. 2006-100, 12-19-2006)**

5-17-25: **RESPONSIBILITY**

The property owner is responsible for the maintenance of all landscaping and screening devices required by this chapter. **(Ord. 2006-100, 12-19-2006)**

5-17-26: **SUBMITTAL REQUIREMENTS**

The following items are required to apply for alternative compliance (Note: If a project is being submitted as a planned development, a separate application for alternative compliance is not required):

- A. A written request for alternative compliance shall be submitted to the Planning and Zoning Commission prior to submittal of the development application. The request shall state:
1. The ordinance requirements that are proposed to be modified;
 2. The project conditions which justify the proposed alternative; and
 3. How the proposed alternative meets or exceeds the intent of said requirement.
- B. A conceptual site plan and other information as necessary to illustrate the proposed method of alternative compliance. **(Ord. 2006-100, 12-19-2006)**

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