

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KUNA, IDAHO, CREATING AND AUTHORIZING A DESIGN REVIEW COMMITTEE TO REVIEW DESIGN REVIEW APPLICATIONS; AMENDING VARIOUS PROVISIONS OF CHAPTER 2 “ZONING DISTRICTS ESTABLISHED; PURPOSE:” AND CHAPTER 4 “DESIGN REVIEW OVERLAY DISTRICT (DR);” OF TITLE 5 OF THE KUNA CITY CODE; AND DELETING ZONING DISTRICT(S) NOT CURRENTLY FOUND IN THE KUNA CITY CODE, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, discussions have been held by the Kuna Planning & Zoning Commission and the Kuna City Council about instituting a new committee called the Design Review Committee to review applications under the City’s design review ordinances; and

WHEREAS, properly noticed public hearings have been held before the Commission and the Council; and

WHEREAS, this amendment complies with the Kuna Comprehensive Plan; and

WHEREAS, it is deemed to be in the best interest of the City of Kuna to create a new design review committee and modify Chapter 4, Title 5 of the Kuna City Code accordingly.

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

SECTION 1. A new Chapter 3, Title 2 of the Kuna City Code, titled “Design Review Committee” shall read as follows:

**CHAPTER 3
DESIGN REVIEW COMMITTEE**

2-3-1 COMMITTEE CREATED, MEMBERSHIP, QUALIFICATIONS:

The design review committee shall function on behalf of the planning and zoning commission and city council. The committee shall be composed of seven (7) voting members. Members shall be appointed by the mayor and confirmed by the city council. Members of the committee shall be appointed with proper representation from such fields as architecture, landscape architecture, business, engineering, and a citizen at large. The zoning director, upon consent of the city clerk, may seek assistance from other such employees of the city as is necessary to fulfill the duties of the design review committee.

2-3-2 TERMS OF OFFICE, VACANCIES:

The members of the committee shall take office as of the date of their appointment, confirmation, and qualification. The term of the appointment shall be for three (3)

years. No person shall serve more than three (3) full consecutive terms (nine years). All members shall be eligible for reappointment. In the event of a vacancy of a position on the committee, the mayor shall appoint a new member, with the consent of the city council, for the balance of the unexpired term.

2-3-3 ORGANIZATION, RULES, RECORDS AND MEETINGS:

The committee shall elect a chairman from its membership and shall adopt the public hearing procedures as outlined in subsections 1-6-8 of this code. The committee shall designate its meeting date for each calendar month; after which time, unless a holiday occurs on that date, the meeting shall be rescheduled to the next regularly scheduled meeting date. At least one regular meeting shall be held each month for not less than nine (9) months in a year. A majority of voting members of the committee shall constitute a quorum.

The chairman shall designate a secretary to keep the minutes of all official meetings. All meetings shall be open to the public. Minutes shall be typed by the city clerk or designee, with copies approved at the next regularly scheduled meeting. All committee documents shall be made available to the public subject to the public records laws.

2-3-4 DUTIES, JURISDICTION, AND AUTHORITY:

It shall be the responsibility of the committee to protect property rights and values, enhance important environmental features of the city, and to ensure that the general appearance of buildings and structures, along with development of the land, shall not impair or preclude the orderly and harmonious development of the community.

The committee shall review all development proposals within the design review district. Within this district, the committee, with input from the zoning director, shall regulate landscaping and beautification laws, review building design, and review site planning, signs, grading, development. This includes, but is not limited to, the regulation and restriction of the type of building, number of stories, size of building, construction, reconstruction, alteration, repair, or use of buildings and structures. The committee shall ensure compliance with the requirements of the respective design review overlay districts, city of Kuna comprehensive plan, and relevant ordinances.

2-3-5 CONFLICT OF INTEREST:

The city council shall provide that the area and interest within its jurisdiction are broadly represented on the design review committee. A member or employee of the council, commission or committee shall not participate in any proceeding or action when the member or employee or his employer, business partner, business associate or any person related to him/her by affinity or consanguinity within the second degree has an economic interest in the procedure or action. Any actual or potential interest in any proceeding shall be disclosed at or before any meeting at which the action is being heard or considered. A knowing violation of this section shall be a misdemeanor.

SECTION 2. Sections of Chapter 2 and Chapter 4, title 5 of the Kuna City Code, titled “Zoning Districts Established; Purpose” and “Design Review Overlay District (DR)”, respectively, shall be amended to read as follows:

5-2-2: ZONING DISTRICTS ESTABLISHED; PURPOSE:

E. Miscellaneous:

Limited Office District (L-0): The purpose of the L-O district is to permit the establishment of groupings of professional, research, executive, administrative, accounting, clerical, stenographic and similar uses. Research uses shall not involve heavy testing operations of any kind. Because such uses are generally large generators of traffic, this district must have direct access and egress to an arterial or collector thoroughfare. The L-O district is also designed to act as a buffer between other more intense nonresidential uses and high density residential uses, and is thus a transitional district.

Design Review Overlay District (DR): The purpose of the Dr district is to guide the general appearance of buildings and improvements to achieve the objectives of the comprehensive plan or other development plans as adopted by the council. The DR district is superimposed over other districts ¹. (Ord. 230, 12-7-1977)

The design review ~~board~~ committee shall ~~consist of members of the planning and zoning commission. (1985 Code)~~ function on behalf of the planning and zoning commission and city council.

Public District (P): The purpose of the P district is to permit the establishment of public service facilities and lands such as schools, parks, greenbelt, cemeteries, administrative and cultural buildings. (Ord. 450A, 9-2-1997)

5-4-3 EFFECT OF OTHER PROVISIONS:

If any provision of this chapter is found to be in conflict with any other provision of any zoning, building, fire safety or health ordinance or other provision of this code, the provision which establishes the higher and/or more restrictive design standard shall prevail. However, in order to foster rehabilitation of older districts and comply with unforeseen future needs of the overlay districts, the Director, DR Committee, or Commission may, at ~~its~~ their discretion, suspend or relax some or all requirements found in this code, if the Director, DR Committee, or Commission determines a particular site, setting, or use to be of historical significance.

5-4-5 DESIGN REVIEW OVERLAY DISTRICTS:

A. Area of District: The design review overlay district encompasses the entire city limits including any land annexed into the city after the date of adoption hereof.

- B. Proposed Developments: Any proposed development located within the design review overlay district shall be harmonious with and in accordance with the general objectives and with any specific objective of the comprehensive plan.
- C. Areas of Development: There are ~~seven~~ six (7) (6) specifically defined areas of development within the design review overlay district. The general purpose of each of those areas is described below. Any development which meets the criteria for design review, as set forth in this chapter, that is not within the specific areas described below, shall be required to comply with the general requirements of this chapter and not the specific requirements for the OTCBD, CBD, C, M, LO, P and MA:
- ~~1.~~ ~~OLD TOWN CENTRAL BUSINESS DISTRICT (OTCBD): The purpose of the OTCBD District is to accommodate and encourage further intensification of the historical city center in accord with the Kuna Comprehensive Plan. The intent of the OTCBD District is to delineate a centralized activity center and to encourage its renewal, revitalization and growth as the public, quasi-public, cultural, financial and recreational center of the City. Public and quasi-public uses integrated with general business to establish a truly urban city center.~~
 - ~~2.~~ ~~1.~~ CENTRAL BUSINESS DISTRICT (CBD): The purpose of the CBD district is to accommodate and encourage further expansion and renewal in the historic core business area of the community. A variety of business, institutional, public, quasi-public, cultural, residential and other related uses are encouraged in an effort to provide the mix of activities necessary to establish a truly urban character. (Ord. 456, 1-6-1998)
 - ~~3.~~ ~~2.~~ COMMERCIAL (C):
 - a) Neighborhood Business District (C1): The purpose of the C1 district is to permit the establishment of convenience business uses which tend to meet the daily needs of the residents of an immediate neighborhood. Such districts shall be strategically located with access to a collector thoroughfare. Marginal strip development shall be prohibited.
 - b) Area Business District (C2): The purpose of the C2 district is to permit the establishment of general business uses that are larger in scale than a neighborhood business and smaller in scale than a central business district. Activities in this district are often large space users and the customers using such facilities generally do not make frequent purchases. Shopping centers will be the predominant building approach. Strip development shall be prohibited. This district shall be located on arterial thoroughfares.
 - c) Service Business District (C3): The purpose of the C3 district is to permit the establishment of areas for highway and service business uses only. This district is specifically designed in clusters to service the motoring public. This district is generally associated with interchange areas along the major limited access highways. (Ord. 230, 12-7-1977)

4. 3. MANUFACTURING (M):
 - a) Light Manufacturing District (M1): The purpose of the M1 district is to encourage the development of manufacturing and wholesale business establishments which are clean, quiet and free of hazardous or objectionable elements such as noise, odor, dust, smoke or glare; operate entirely within enclosed structures and generate little industrial traffic. Research activities are encouraged. This district is further designed to act as a transitional use between heavy manufacturing uses and other less intense business and residential uses.
 - b) Heavy Manufacturing District (M2): The purpose of the M2 district is to encourage the development of major manufacturing, processing, warehousing, and major research and testing operations. These activities require extensive community facilities and reasonable access to arterial thoroughfares.
5. 4. LIMITED OFFICE (LO): The purpose of the LO district is to permit the establishment of groupings of professional, research, executive, administrative, accounting, clerical, stenographic and similar uses. Research uses shall not involve heavy testing operations of any kind. Because such uses are generally large generators of traffic, this district must have direct access and egress to an arterial or collector thoroughfare. The LO district is also designed to act as a buffer between other more intense nonresidential uses and high density residential uses, and is thus a transitional use.
6. 5. PUBLIC (P): The purpose of the P district is to permit the establishment of public service facilities and lands such as schools, parks, greenbelt, cemeteries, administrative and cultural buildings.
7. 6. MAJOR ARTERIAL ROADWAY (MA): Any road designated as a principal arterial on the Kuna Comprehensive Plan and/or Ada County long range highway and street map and/or any freeway or expressway. Where any parcel lies within more than one development area described above, the entire parcel shall be considered to be within the development area with the more restrictive requirements. However, the development of a parcel located within more than one development area may be permitted using the criteria from each respective district provided the design review board determines that the more restrictive criteria is not compromised and that the development is in harmony with the adjacent properties.

5-4-6 DESIGN REQUIREMENTS, OBJECTIVES AND CONSIDERATIONS:

- A. General Objectives And Considerations: The following apply to the entire design review overlay district including the ~~OTCBD~~, CBD, C, M, LO, P, and MA. Additional requirements for the ~~OTCBD~~, CBD, C, M, LO, P, and MA are set forth in subsections C through G of this section and, to the extent there is a conflict with this section, the specific requirements for the ~~OTCBD~~, CBD, C, M, LO, P, and MA shall control. The objectives are separated into two (2) sections: site design and building design. Specific aspects of design should be examined to determine whether the proposed development will provide a

desirable environment for its occupants as well as for its neighbors, and whether, aesthetically, the composition, materials, textures and colors meet the intent of this chapter. The following shall be considered in reviewing the application:

1. Site Design Objectives: The site plan design shall minimize the impact of traffic on adjacent streets; provide for safe pedestrian access and use; and provide appropriate, safe vehicle parking, by showing:
 - a) The functional relationship of the structures and the site in relation to its surroundings;
 - b) The impact and effect of the site development plan on traffic conditions on contiguous streets and adjoining properties or neighborhoods;
 - c) The site layout with respect to separation or integration of vehicular, pedestrian and bicycle traffic patterns;
 - d) The arrangement and adequacy of off street parking facilities relative to access points, building location and total site development to prevent traffic conflict or congestion;
 - e) The location, arrangement and dimensions of truck loading ramps, docks, and bays and vehicle service facilities;
 - f) The access, parking lot, and interior roadway illumination plans and hours of operation;
 - g) The required driver, pedestrian and bicycle sight distance requirements of the project and their relationship to adjacent streets, driveways and properties;
 - h) The coordination of the site development with planned right of way alignments, acquisitions and street improvements;
 - i) The graphic delineation of traffic circulation patterns to avoid confusion, congestion and conflicts;
 - j) The continued maintenance of traffic, parking and lighting systems;
 - k) The protection of views and vistas in relation to urban design and aesthetic considerations; and
 - l) The provision of safe pedestrian and bicycle connections between neighborhoods and commercial areas.
2. Site Landscaping: The site landscaping shall minimize impact on adjacent properties through the proper use of screening with sound and sight buffers, and unsightly areas shall be concealed or screened and the design review board shall consider:
 - a) The location, height, and materials of walls, fences, hedges and screen plantings to ensure harmony with adjacent development;
 - b) The location and type of new plantings, with due regard to preservation of specimen and landmark trees, and to maintenance of all plantings;
 - c) The provision of screen plantings or other screening methods reasonably required to conceal outdoor storage areas, trash receptacles, service areas, truck loading areas, utility buildings and other unsightly developments;
 - d) The design and use of open spaces and parks; and

- e) The permanent maintenance of all landscaped areas and fencing.
3. Site Grading and Drainage: The on site grading and drainage shall be designed so as to maximize land use benefits and to minimize off site impact and provide for slope and soil stabilization to prevent erosion and the City Engineer shall consider & approve at construction:
- a) The existing and proposed grading relative to soil removal, fill work, retainage, soil stabilization, erosion control on the site and the adjacent terrain and streets, and adoption of the development to the existing site contours;
 - b) The planting of ground covers or shrubbery to prevent dust, to stabilize soils and embankments and to control erosion;
 - c) Existing and proposed storm drainage-ways, canals, floodway and floodplains relative to flow or alignment alterations, containment and endangerment of health; and
 - d) The maintenance of floodway, floodplains, drainage-ways, channels, culverts, head gates, canals, and soils.
4. Utilities: Utility service systems shall not detract from building or site design. Cable, electrical, and telephone service systems shall be installed underground. All roof mounted mechanicals shall be completely screened from view through the use of a parapet wall when utilizing a flat roof design or shall be enclosed within the building when utilizing a roof design other than a flat roof. "Screened from view" shall mean "not visible" at the same level or elevation of the parapet wall (e.g., the perspective generally as shown on an elevation plan);
5. Building Design:
- a) Building Mass: The mass of the building shall be reviewed for its relationship with existing development in the immediate surrounding area and with the allowed use proposed by the applicant.
 - b) Proportion of Building: The height to width relationship of new structures shall be compatible and consistent with the architectural character of the area and proposed use.
 - c) Relationship of Openings in the Buildings: Openings in the building shall provide interest through the use of such features as balconies, bays, porches, covered entries, overhead structures, awnings, changes in building facade and roofline alignment, to provide shadow relief. Avoid monotonous flat planes.
 - d) Relationship of Exterior Materials: The Planning & Zoning Commission shall determine the appropriateness of materials as they relate to building mass, shadow relief, and existing area development. Use of color to provide blending of materials with the surrounding area and building use, and the functional appropriateness of the proposed building design as it relates to the proposed use shall be considered.
- B. Architectural Requirements, Building Materials, Fence and Deck/Patio Materials, Colors, And Architectural Appurtenance Height Limitation: Unless

specified as prohibited herein, materials listed in this section are allowed. If a material proposed for construction is not listed in this section it shall be upon the discretion of the zoning director, the Planning & Zoning, and/or the city council, whichever the case may be, to determine the appropriateness of such material.

1. Exterior walls and soffits:

- a) Wood: cedar (clear) and redwood (clear). Log siding and wood shingles are permitted for accent only. Synthetic board and bat sidings are permitted as accents only. Plywood is prohibited.
- b) Fiber cement;
- c) Masonite: horizontal lap only, maximum six inch (6") reveal;
- d) Textured tilt up concrete with accent reveals;
- e) Textured pour in place concrete with accent reveals;
- f) Masonry: brick, natural rock/stone, synthetic stone, decorative block. Smooth face block for accent only;
- g) Stucco: planer change required, additional accents shall be incorporated through the use of other material(s);
- h) EIFS (Exterior Insulation Finish System-Stucco): permitted for accent only. Additional accents required through the use of other materials;
- i) Additional encouraged material: exposed beams, fabric awnings, cornices/dentils, shutters, dormers, cupolas, columns;
- j) Metal: metal siding shall be anodized, shall have a concealed fastener system, shall have a silicon polyester finish or equivalent, and shall include special design treatments to enhance its appearance. These treatments may include brick or masonry wainscot treatments along exterior walls and accent colored metals. Surface treatment is preferred. Metal siding is prohibited on the portion of any building facing a road. This includes sections within the front facade that may be perpendicular to the road but within the face of the building oriented towards the road. A waiver of this subsection on metal siding may be allowed where the applicant shows that the metal is architecturally compatible with surrounding buildings; is architecturally compatible with other nonmetal buildings in the city; and is attractively landscaped, designed, and situated, to eliminate the stark utilitarian look intended to be prevented by this subsection. In addition to the metal siding prohibition listed in this subsection B1k, metal siding shall be prohibited in the ~~OTCBD~~ and CBD design review overlay district areas.

2. Roofs:

- a) Wood shakes/shingles;
- b) Architectural grade textured composition shingles;
- c) Tile: cementitious, clay;
- d) Slate;
- e) Metal; standing seam, batten seam (concealed fasteners required);
- f) Flat roof specification: single ply, built up (both non-reflective).

3. Fences:
 - a) Vinyl: integral color required;
 - b) Block (with columns);
 - c) Brick (with columns);
 - d) Wrought iron;
 - e) Or equal quality fence;
 - f) Cedar, fir and similar high maintenance and/or unsightly fencing shall not be permitted.
4. Decks and patios:
 - a) Concrete (stamped finish and smooth finish);
 - b) Brick pavers;
 - c) Wood-polymer composite lumber;
 - d) Wood (pressure treated, redwood).
5. Colors:
 - a) Earthen tones are encouraged.
 - b) Flat or low gloss finishes are encouraged.
 - c) Roof mounted mechanicals, all vents protruding through the roof, and similar features shall be painted so as to match the color of the roof (if not screened).
 - d) Exposed metal flashing or trim will be anodized or painted to blend with the exterior colors of the building.
6. Architectural appurtenance height restrictions: All spires, poles, antennas, steeples, towers, and any other such structures shall be limited to a maximum of forty feet (40') within the DDA and TDA and thirty five feet (35') in all other locations. Additional height may be permitted if a conditional use permit is approved by the city council.

~~C. OLD TOWN CENTRAL BUSINESS DISTRICT: OTCBD (shown on exhibit A-1):~~

- ~~1. Purpose: To provide a compact downtown business center supported by the comprehensive goals of the city.~~
- ~~2. Architectural Character:~~
 - ~~a) Height: Height of buildings shall comply with Section 5-3-3 of the KCC.~~
 - ~~b) Ground Floor Requirements: The ground floor (street level) of new buildings shall accommodate pedestrian friendly elements. The design should accommodate a variety of potential uses that may not be contemplated at the time of construction. Any use must meet the requirements set forth in Section 5-3-2 of the KCC.~~
 - ~~c) Other Floor Options: The design should accommodate the ground floor uses. Any use must meet the requirements set forth in Section 5-3-2 of the KCC except that apartments on floors other than the ground floor shall be a permitted use.~~
 - ~~d) Orientation: Shall be designed so that at least seventy percent (70%) of the building's ground level, street facing facades are constructed to abut and be oriented to a public sidewalk or plaza.~~

- ~~e) Accessibility: Shall be visually and physically accessible to the pedestrian at the sidewalk or plaza level.~~
 - ~~f) Facade: All buildings shall include a "storefront" on the ground floor consisting of a minimum of fifty percent (50%) glass. Floors above the main floor shall have a minimum of twenty five percent (25%) glass. The front of any building is the facade that fronts upon any street. Exceptions may be granted for feasibility or aesthetic reasons.~~
 - ~~g) Exterior Surfaces: The exterior vertical surface of a building shall be designed to minimize the environmental impacts such as glare, reflected heat, and wind. High quality non-reflective architectural materials are particularly encouraged.~~
 - ~~h) Building Entries: Building entries facing a street shall be recessed a minimum of four feet (4'). Exceptions may be permitted if another building entry design feature can meet the intent of this requirement and is approved by the Planning & Zoning Commission.~~
 - ~~i) Detailing: Architectural detailing shall be an important consideration for design approval. Attention to detail in architectural elements shall include, but is not limited to, walls, pilasters, parapets, cornices, columns, windows, doors, awnings, exterior lighting, ledges, eaves, colors and materials.~~
 - ~~j) Horizontal Lines: Parapets shall be used to vary long horizontal lines exceeding fifty feet (50').~~
 - ~~k) Other: Such other non-conflicting architectural detailing, materials and colors as set forth in this chapter.~~
- ~~3. Setbacks and Lot Coverage: To the extent the setback and lot coverage requirements set forth below conflict with Section 5-3-3 of the KCC, the setback requirements below shall control:~~
- ~~a) Front building setbacks from the property line, zero.~~
 - ~~b) Side building setbacks, zero.~~
 - ~~c) Structures shall not have a continuous face(s) longer than fifty feet (50') inclusive of adjoining structures.~~
 - ~~d) When a building is located at the intersection of two (2) streets, the distance between the face of the building and the back of curb shall meet ACHD standards for adequate sight visibility.~~
 - ~~e) Front and street side setbacks shall be for pedestrian amenities and the city encourages joint efforts between adjoining property owners. Suggested amenities include: public art, landscape treatment, seating, flowers/shrubs/all tree displays in movable planters, outdoor dining, plazas, streetscape extension and bike racks.~~
 - ~~f) Lot coverage by the footprint of the structure shall be 100% with a DR.~~
- ~~4. Parking:~~
- ~~a) Off street parking shall be behind buildings. If the parcel is developed as a parking lot, a landscape buffer shall be provided between the parking lot and any street. Additional landscaping~~

~~may be required. Limited parking potential in the OTCBD may allow for reduced parking ratios where there is access to public or shared parking.~~

~~b) Provide on street parking along Main Street, 4th Street, 2nd Street.~~

~~c) Shared parking shall be encouraged.~~

~~d) Must comply with Chapter 5-9 of the KCC.~~

~~5. Landscaping and Streetscape: All landscaping shall comply with the landscape requirements contained in Chapter 5-17 of the KCC.~~

~~6. Lighting:~~

~~a) Outside lighting should be minimal, and downtown businesses are encouraged to rely on ambient lighting provided by street lights for the safe illumination of the sidewalk area.~~

~~b) Low wattage lighting may be used to highlight an entryway provided no glare is cast out onto the sidewalk. Merchants are also encouraged to illuminate window displays and interior spaces provided that no glare is cast onto the sidewalk area.~~

~~c) Flashing or strobe type lighting is prohibited.~~

~~d) Street Lighting: Lamp street lighting is encouraged.~~

~~7. Windows: Street level windows are required of all structures, including the sides of structures occupying corner lots. Windows shall begin at least two feet above the sidewalk and may extend vertically to the top of the first level. Street level windows shall be designed to engage the pedestrian and invite visual inspection of the interior of the establishment as well as to view displays of merchandise. As such, a maximum of ten percent of the window area (each pane to be calculated individually) may be taken up by opaque signage of any kind. Stenciled signage or other signage types that allow visual penetration through the lettering is encouraged. Reflective glazing is expressly prohibited. Windows may be recessed to allow patrons to view displays out of the pedestrian flow. Bay windows may extend into the right-of-way (sidewalk area) with the applicable permit. Upper level windows shall be appropriately framed by architectural features of the structure consistent with historic treatment in the downtown area. Unframed windows of any kind are not permitted.~~

~~8. Sidewalks: Sidewalks must be constructed in compliance with Chapter 7-1 of the KCC and the Kuna Comprehensive Plan (bike path plan).~~

~~D. C. REQUIREMENTS IN ALL COMMERCIAL, PUBLIC, MAJOR ARTERIAL ROADWAY DISTRICTS (CBD, C, LO, P and MA) EXCEPT THE OTCBD.~~

~~1. Architectural Character:~~

~~a) Height: Height of buildings shall comply with Section 5-3-3 of the KCC.~~

~~b) Ground Floor Requirements: The ground floor (street level) of new buildings shall accommodate pedestrian friendly elements. The design should accommodate a variety of potential uses that may not be contemplated at the time of construction. Any use~~

must meet the requirements set forth in Section 5-3-2 of the KCC.

- c) Other Floor Options: The design should accommodate the ground floor uses as listed in subsection D2b of this section. Any use must meet the requirements set forth in Section 5-3-2 of the KCC, except that apartments on floors other than the ground floor shall be a permitted use.
- d) Orientation: Shall be designed so that at least seventy percent (70%) of the building's ground level, street facing facades are constructed to abut and be oriented to a public sidewalk or plaza.
- e) Accessibility: Shall be visually and physically accessible to the pedestrian at the sidewalk or plaza level.
- f) Exterior Surfaces: The exterior vertical surface of a building shall be designed to minimize the environmental impacts such as glare, reflected heat and wind. High quality non-reflective architectural materials are particularly encouraged.
- g) Building Entries: Each principal building on a site shall have clearly defined, highly visible customer entrances, extending from the front of the building, and facing the front of the building, and featuring no less than three of the following:
 - Canopies or Porticos
 - Overhangs
 - Recesses/projections
 - Arcades
 - Raised corniced parapets over the door
 - Peaked roof forms or arches
 - Architectural details such as tile work and moldings which are integrated into the building structure and design
 - Integral planters or wing walls that incorporate landscaped areas and/or places for sitting
 - Outdoor patios
 - Display windows

Where additional stores will be located in the principal building, each such store shall have at least one exterior customer entrance, which shall conform to the above requirements.

- h) Detailing: Architectural detailing shall be an important consideration for design approval. Attention to detail in architectural elements shall include, but is not limited to, walls, pilasters, parapets, cornices, columns, windows, doors, awnings, exterior lighting, ledges, eaves, colors and materials.
- i) Other: Such other non-conflicting architectural detailing, materials and colors as set forth in this chapter.
- j) Roofs: Roofs shall have no less than two of the following features:
 - Parapets concealing flat roofs and rooftop equipment such as HVAC units from public view. The average

height of such parapets shall not exceed 15 percent (15%) of the height of the supporting wall and such parapets shall not at any point exceed one-third of the height of the supporting wall. Such parapets shall feature three-dimensional cornice treatment.

- Overhanging eaves, extending no less than three feet past the supporting walls.
 - Sloping roofs that do not exceed the average height of the supporting walls. No roof slope shall be less than 3 inches vertical rise for every 1 foot of horizontal run and less than or equal to 1 foot of vertical rise for every 1 foot of horizontal run.
 - Three or more roof slope planes.
- k) Materials and Colors: Predominant exterior building materials shall be durable, high quality materials, including, without limitation:
- Brick
 - Wood
 - Sandstone
 - Other native stone
 - Tinted, textured concrete masonry units
 - Other materials as deemed appropriate by the Planning and Zoning Commission

Façade colors shall be low reflectance, subtle, neutral or earth-tone colors. Building trim and accent areas may feature brighter colors. Predominant exterior building materials should not include the following:

- Tilt-up concrete panels
 - Pre-fabricated steel panels
- l) Facades:
- 1) Facades greater than 50 feet in length, measured horizontally, shall incorporate wall plane projections of recesses having a depth of at least three percent (3%) of the length of the façade extending as least (20%) of the length of the façade.
 - 2) Ground floor facades that face public streets, with the exception of the side opposite the main entrance, shall have arcades, display windows, entry areas, awnings, or other such features along no less than 60 percent (60%) of their horizontal length.
 - 3) Building facades must include a repeating pattern that shall include no less than three of the elements listed below (at least one of these elements shall repeat horizontally). All elements shall repeat at intervals of no more than 20 feet, either horizontally or vertically.
 - Color Change
 - Texture Change

- Material change
 - Expression of architectural or structural bay through a change in plane no less than 12 inches in width, such as an offset, reveal, or projecting rib.
2. Setbacks and Lot Coverage: To the extent the setback and lot coverage requirements set forth below conflict with Section 5-3-3 of the KCC, the setback requirements below shall control:
 - a) When a building is located at the intersection of two (2) streets, the distance between the face of the building and the back of curb shall meet ACHD and/or ITD standards for adequate sight visibility.
 - b) Front and street side setbacks shall be for pedestrian amenities and the city encourages joint efforts between adjoining property owners. Suggested amenities include: public art, landscape treatment, seating, flowers/shrubs/all tree displays in movable planters, outdoor dining, plazas, streetscape extension and bike racks.
 - c) Lot coverage by the footprint of the structure shall comply with Section 5-3-3 of the KCC.
 - d) Structures shall be visually tied to adjoining structures. Examples of methods to visually tie such structures together include screening walls, facade walls, courtyards and landscaping.
 3. Landscaping and Streetscape: All landscaping shall comply with the landscape requirements contained in Chapter 5-17 of the KCC.
 4. Windows: Street level windows are required of all structures, including the sides of structures occupying corner lots. Windows shall begin at least two feet above the sidewalk and may extend vertically to the top of the first level. Street level windows shall be designed to engage the pedestrian and invite visual inspection of the interior of the establishment as well as to view displays of merchandise. As such, a maximum of ten percent of the window area (each pane to be calculated individually) may be taken up by opaque signage of any kind. Stenciled signage or other signage types that allow visual penetration through the lettering is encouraged. Reflective glazing is expressly prohibited. Windows may be recessed to allow patrons to view displays out of the pedestrian flow. Bay windows may extend into the right-of-way (sidewalk area) with the applicable permit. Upper level windows shall be appropriately framed by architectural features of the structure consistent with historic treatment in the downtown area. Unframed windows of any kind are not permitted.
 5. Sidewalks: Sidewalks shall comply with Chapter 7-1 of the KCC and the Kuna Comprehensive Plan (bike path plan).
 6. Planning Considerations: In reviewing an application pursuant to this chapter, the Planning & Zoning Director, DR Committee, or Commission shall consider public restrooms; Locations should be sought which are safe and convenient for public use. Suitable

locations include public parking areas and sites adjacent to , or within, private development.

~~E.~~ D. CENTRAL BUSINESS DISTRICT: CBD:

1. Purpose: To accommodate and encourage further expansion and renewal in the historic core business area of the community. A variety of business, institutional, public, quasi-public, cultural, residential and other related uses are encouraged in an effort to provide the mix of activities necessary to establish a truly urban character.
2. Parking:
 - a) Off street parking shall be behind buildings. If the parcel is developed as a parking lot, a landscape buffer shall be provided between the parking lot and any street. Additional landscaping may be required.
 - b) Provide on street parking.
 - c) Shared parking shall be encouraged.
 - d) Off street public parking areas may be required. Where these facilities occur adjacent to existing residential development, a continuous six foot (6') high masonry wall with landscape treatment or a separate landscape barrier will be required to mitigate sound and visual impact. Safe pedestrian and bicycle connections between the residential neighborhood and the off street parking area should be provided if feasible.
 - e) Shall comply with Chapter 5-9 of the KCC.
3. Lighting:
 - a) Outside lighting should be minimal, and downtown businesses are encouraged to rely on ambient lighting provided by street lights for the safe illumination of the sidewalk area.
 - b) Low wattage lighting may be used to highlight an entryway provided no glare is cast out onto the sidewalk. Merchants are also encouraged to illuminate window displays and interior spaces provided that no glare is cast onto the sidewalk area.
 - c) Flashing or strobe type lighting is prohibited.
 - d) Street Lighting: Lamp street lighting is encouraged.
 - e) Shall comply with Section 6-4-2N of the KCC.

~~F.~~ E. LIMITED OFFICE: LO:

1. Purpose: To permit the establishment of groupings of professional, research, executive, administrative, accounting, clerical, stenographic and similar uses. Research uses shall not involve heavy testing operations of any kind. Because such uses are generally large generators of traffic, this district must have direct access and egress to an arterial or collector thoroughfare. The LO district is also designed to act as a buffer between other more intense nonresidential uses and high density residential uses, and is thus a transitional use.
2. Parking:
 - a) Shared parking shall be encouraged.
 - b) Off street public parking areas may be required. Where these facilities occur adjacent to existing residential development, a continuous six foot (6') high masonry wall with landscape

treatment or a 10' separate landscape barrier will be required to mitigate sound and visual impact. Safe pedestrian and bicycle connections between the residential neighborhood and the off street parking area should be provided if feasible.

c) Shall comply with Chapter 5-9 of the KCC.

3. Lighting:

a) Outside lighting should be minimal, and businesses are encouraged to rely on ambient lighting provided by street lights for the safe illumination of the sidewalk area.

b) Low wattage lighting may be used to highlight an entryway provided no glare is cast out onto the sidewalk.

c) Flashing or strobe type lighting is prohibited.

d) Shall comply with Section 6-4-2N of the KCC.

~~G.~~ F. COMMERCIAL: C1, C2, C3:

1. Purpose:

a) Neighborhood Business District (C1): The purpose of the C1 district is to permit the establishment of convenience business uses which tend to meet the daily needs of the residents of an immediate neighborhood. Such districts shall be strategically located with access to a collector thoroughfare. Marginal strip development shall be prohibited.

b) Area Business District (C2): The purpose of the C2 district is to permit the establishment of general business uses that are larger in scale than a neighborhood business and smaller in scale than a central business district. Activities in this district are often large space users and the customers using such facilities generally do not make frequent purchases. Shopping centers will be the predominant building approach. Strip development shall be prohibited. This district shall be located on arterial thoroughfares.

c) Service Business District (C3): The purpose of the C3 district is to permit the establishment of areas for highway and service business uses only. This district is specifically designed in clusters to service the motoring public. This district is generally associated with interchange areas along the major limited access highways.

2. Parking:

a) Shared parking shall be encouraged.

b) Off street public parking areas may be required. Where these facilities occur adjacent to existing residential development, a continuous six foot (6') high masonry wall with landscape treatment or a 10' separate landscape barrier will be required to mitigate sound and visual impact. Safe pedestrian and bicycle connections between the residential neighborhood and the off street parking area should be provided where feasible.

c) Shall comply with Chapter 5-9 of the KCC.

3. Lighting:

- a) Outside lighting should be minimal, and businesses are encouraged to rely on ambient lighting provided by street lights for the safe illumination of the sidewalk area.
- b) Low wattage lighting may be used to highlight an entryway.
- c) Flashing or strobe type lighting is prohibited.
- d) Shall comply with Section 6-4-2N of the KCC.

H. G. MANUFACTURING: M1, M2:

1. Purpose:
 - a) Light Manufacturing District (M-1): The purpose of the M-1 district is to encourage the development of manufacturing and wholesale business establishments which are clean, quiet and free of hazardous or objectionable elements such as noise, odor, dust, smoke or glare; operate entirely within enclosed structures and generate little industrial traffic. Research activities are encouraged. This district is further designed to act as a transitional use between heavy manufacturing uses and other less intense business and residential uses.
 - b) Heavy Manufacturing District (M-2): The purpose of the M-2 district is to encourage the development of major manufacturing, processing, warehousing, and major research and testing operations. These activities require extensive community facilities and reasonable access to arterial thoroughfares.
2. Exterior Surfaces: The exterior vertical surface of a building shall be designed to minimize the environmental impacts such as glare, reflected heat and wind. High quality non-reflective architectural materials are particularly encouraged.
3. Detailing: Architectural detailing shall be an important consideration for design approval. Attention to detail in architectural elements shall include, but is not limited to: walls, pilasters, parapets, cornices, columns, windows, doors, awnings, exterior lighting, ledges, eaves, colors and materials.
4. Other: Such other non-conflicting architectural detailing, materials and colors as set forth in this chapter.
5. Parking: Parking shall comply with Chapter 5-9 of the KCC.
6. Landscaping and Streetscape: All landscaping shall comply with the landscape requirements contained in Chapter 5-17 of the KCC.
7. Lighting:
 - a) Shall comply with Section 6-4-2N of the KCC.
 - b) Flashing or strobe type lighting is prohibited.
8. Sidewalks: Sidewalks must comply with Chapter 7-1 of the KCC and the Kuna Comprehensive Plan (bike path plan).

I. H. PUBLIC: P:

1. Purpose: To permit the establishment of public service facilities and lands such as schools, parks, greenbelt, cemeteries, administrative and cultural buildings.
2. Parking:
 - a) Shared parking shall be encouraged.

3. Tenant wall sign applications made pursuant to the requirements of an approved master sign plan application and this code.
- B. ~~Planning & Zoning Commission~~ DR Committee Review: All applications which are not subject to administrative review. The ultimate decision of whether an administrative review or ~~Planning & Zoning Commission~~ DR Committee review will be required shall be determined by the zoning director.

5-4-11: APPEALS:

- A. Appeal of Zoning Director Decisions: An applicant may appeal any final decision on an Administrative Review application by the zoning director or any final decision on a DR Committee Review to the Planning & Zoning Commission. The appealing party shall file a written notice of appeal stating specifically the decision(s) to be reviewed by the Commission and the grounds for the appeal with the zoning director before five o'clock (5:00) P.M. of the tenth calendar day, or the next business day following the tenth calendar day should the tenth day fall on a weekend or holiday, after the final decision or determination has been made by the zoning director. The basis of the appeal shall include at a minimum the following:
1. Name, mailing address, and telephone number of the appealing party.
 2. Date and subject matter of the final decision(s) being appealed.
 3. Applicable city code provisions the appealing party designates as relevant to the decision and/or appeal.
 4. Any perceived hardships the appealing party claims are a result of the final decision(s) being appealed.
 5. Every reason the final decision(s) being appealed is claimed to be in error.

Hearings before the Commission on such appeals ~~from director decisions~~ shall be scheduled in accordance with Article 5-1A of the KCC and shall be a de novo review of the decision.

- B. Appeal of Planning & Zoning Commission Decisions: An applicant, or the zoning director, may appeal any final decision on a Planning & Zoning Commission Review or a Commission decision on appeal from a final decision of the zoning director to the city council. The appealing party shall file a written notice of appeal stating specifically the decision(s) to be reviewed by the Council and the grounds for appeal with the city clerk before five o'clock (5:00) P.M. of the tenth calendar day, or the next business day following the tenth calendar day should the tenth day fall on a weekend or holiday, after the final decision or determination has been made by the Commission. The notice of appeal shall contain at a minimum the same information enumerated in subsection A, above. A hearing shall be scheduled before the city council no later than thirty (30) days after the notice of appeal is filed with the city clerk. The hearing shall not be a public hearing and shall be limited to a review of the record created before the Commission and argument from the appealing party. Following the hearing, the Council may, by majority vote of the full council, sustain the Commission decision in whole or in part, reverse the Commission decision in whole or in part, add or remove conditions to the Commission decision, or any combination of these

actions. Within ten (ten) days of a written decision by the Council, the zoning director shall send a copy of such decision to the appealing party.

5-4-14: MODIFICATIONS:

After approval of a design review application, the applicant may request a modification(s) to the approved development plans or conditions. Such request shall be made upon an application form and shall be determined pursuant to the standards set forth in this chapter:

A. Administrative Approvals: The zoning director is authorized to approve minor modifications as specified below:

1. Modifications proposed for any development application processed as an administrative design review in accordance with Section 5-4-8 of the KCC.
2. Minor relocation of building pads or dwelling units due to conditions such as unanticipated topography, road alignment or easements; provided that the modification does not significantly alter the site design in terms of parking layouts, vehicular circulation, landscape design and other similar components of the development plans provided ordinance requirements are still met.
3. An increase or decrease in a proposed setback provided ordinance requirements are still met.
4. A change in building design relating to items such as materials, colors, window and door locations and mechanical units, provided the design remains essentially the same as that previously approved by the design review board.
5. A minor modification to a recreation area or open space design, but not elimination or a significant reduction.
6. A minor change to landscape design/plant material changes.
7. A minor change to parking lot/site plan.

B. ~~Planning & Zoning Commission~~ DR Committee Design Review Action: The following modifications shall require an approval from the ~~Planning & Zoning Commission~~ DR Committee:

1. Any change that may impact an adjoining residential neighborhood.
2. Any requests that in the opinion of the zoning director would significantly alter the design of the site and/or building(s).
3. A request to change or delete a condition of approval established by the ~~Planning & Zoning Commission~~ DR Committee.

5-4-15: RESTRICTIONS ON OTHER REQUIRED DOCUMENTS:

No building or zoning permits shall be issued to any applicant from within the DR district until the design review application has been specifically approved in writing by the ~~Planning & Zoning Commission~~ DR Committee and is in full compliance with this code.

SECTION 3. This Ordinance shall become effective after its adoption and publication as required by law.

ADOPTED this _____ day of _____, 2008.

APPROVED:

J. SCOTT DOWDY, MAYOR

ATTEST:

LYNDA BURGESS, CITY CLERK