

**ORDINANCE NO. 2019-44
CITY OF KUNA
ZONING ORDINANCE AMENDMENT**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KUNA:

- **MAKING CERTAIN FINDINGS, PURPOSES AND ORDINANCE ENACTMENT HISTORY; AND**
- **REPEALING SECTION 20, ARTICLE A, CHAPTER 2, TITLE 4 KUNA CITY CODE; AND**
- **AMENDING AND REDESIGNATING SECTIONS 21 THROUGH 38, ARTICLE A, CHAPTER 2 OF TITLE 4 KUNA CITY CODE; AND**
- **AMENDING SUBSECTION 2 OF SECTION 6, CHAPTER 1, TITLE 5 KUNA CITY CODE MAKING A TECHNICAL CORRECTION TO THE DEFINITION OF “OPEN SPACE”; AND**
- **AMENDING SECTION 5, CHAPTER 5 OF TITLE 5 KUNA CITY CODE MAKING TECHNICAL CORRECTIONS REGARDING THE GENERAL REQUIREMENTS OF FENCE REGULATIONS; AND**
- **REPEALING SECTION 4, CHAPTER 6, TITLE 5 KUNA CITY CODE; AND**
- **AMENDING AND REDESIGNATING SECTIONS 4, 5, 6, 7, 8, AND 9 OF CHAPTER 6 OF TITLE 5 KUNA CITY CODE; AND**
- **AMENDING SECTIONS 2, 4, 6, 10, 12, AND 20, CHAPTER 17, TITLE 5 OF KUNA CITY CODE MAKING TECHNICAL CHANGES TO DESIGN REQUIREMENTS AND ADDING REQUIREMENTS FOR RESIDENTIAL OPEN SPACE; AND**
- **AMENDING SECTION 2, CHAPTER 4 OF TITLE 6 KUNA CITY CODE PROVIDING FOR A CHANGE IN THE TEXT DESIGNATION FOR DEFINITIONS UPON WHICH CITY STAFF CAN RELY AND MAKING A TECHNICAL CORRECTION REGARDING THE MEASUREMENT OF FENCE HEIGHT AND LOCATION OF FENCING; AND**
- **PROVIDING A SEVERABILITY CLAUSE; AND**
- **DIRECTING THE CITY CLERK; AND**
- **PROVIDING AN EFFECTIVE DATE.**

Section 1: The City Council findings: The City Council makes the following findings of its authority, purpose and the history of the enactment of this ordinance:

- 1.1 The City of Kuna, Idaho is a municipal corporation organized and operating under the laws of the state of Idaho and is authorized under the provisions of 67-6511, Idaho Code, to establish within its jurisdiction one or more zones or zoning districts where appropriate which zoning districts and zoning ordinances are established and codified in Title 5 of the Kuna City Code and are known and cited as the Kuna Zoning Regulations; and
- 1.2 The Planning and Zoning Commission of the City, pursuant to public notice as required by law, held a public hearing on October 8, 2019, as required by Sections 67-6511 and 67-6509, Idaho Code, and made a recommendation of approval by the Commission on

- October 8, 2019 where it was recommended to the Mayor and Council that this legislative proposal for amendments to the Kuna Zoning Regulations be approved; and
- 1.3 The Kuna City Council, pursuant to public notice as required by law, held a public hearing on October 23, 2019, and October 30, 2019 on the Legislative Proposal for Amendments to the Kuna Building, Zoning and Subdivision Regulations, as required by Sections 67-6511 and 67-6509, Idaho Code, and in accordance with the provisions of Kuna City Code Section 5-1A-7 the City Council has made findings (approved on _____) and determined that the legislative proposal for amendments to the Kuna Zoning Regulations be approved; and
- 1.4 It is necessary that the City Council adopt this Ordinance, as required by Section 67-6511(2) Idaho Code and Kuna City Code § 5-1A-7G, to complete the process of implementing the decision of the Kuna City Council to adopt and enact the legislative proposal for amendments to the Kuna Zoning Regulations.

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

Section 2: That Section 20, Article A, Chapter 2 of Title 4 Kuna City Code be and the same is hereby repealed.

Section 3: Sections 21 through 38, Article A, Chapter 2 of Title 4 Kuna City Code are hereby amended to read as follows:

4-2A-20: - STORAGE:

- A. General Requirements: A fenced area shall be provided for each manufactured home park for the storage of accessory items such as boats, vacation trailers, campers and related equipment owned by park residents. Such items shall be stored in the storage area and not be parked beside the manufactured home. The storage area shall contain a minimum of sixty (60) square feet per manufactured home space. The required fence shall be six feet (6') high, sight obscuring and contain a lockable gate.
- B. Permanent Storage Building: In addition to the above, one permanent storage building containing a minimum of thirty-two (32) square feet of floor area shall be provided by the owner of the manufactured home park development for each manufactured home space. The building height shall not be less than seven feet (7') nor more than nine feet (9'). It shall have a minimum setback of fifteen feet (15') from adjacent manufactured home spaces and from any public street or highway right of way.

4-2A-21: - WALKS:

- A. General Requirements: All parks shall be provided with safe, convenient, all-season pedestrian access of adequate width for intended use, durable and convenient to maintain, between individual manufactured homes, the park streets and all community facilities provided for park residents. Sudden changes in alignments and gradients shall be avoided.

- B. Individual Walks: All manufactured home stands shall be connected to common walks, to paved streets and to paved driveways or parking spaces connecting to a paved street. Such individual walks shall have a minimum width of three feet (3').

4-2A-22: - MANUFACTURED HOME STANDS:

The owner or developer of a manufactured home park development shall provide a manufactured home stand for each space. The area of the manufactured home stand shall be improved to provide adequate support for the placement and tie-down of the manufactured home, thereby securing the superstructure against uplift, sliding, rotation and overturning. The manufactured home stand shall not heave, shift or settle unevenly under the weight of the manufactured home due to frost action, inadequate drainage, vibration or other forces acting on the structure.

4-2A-23: - WATER SUPPLY:

- A. Water Distribution System: The park shall use city water and shall be in compliance with the provisions of [title 7](#), chapter 5 of this code. The water supply system of the manufactured home park shall have one meter and shall be connected by pipes to all manufactured homes, buildings and other facilities requiring water by the manufactured home park owner or developer. All water piping, fixtures and other equipment shall be constructed and maintained in accordance with state and local regulations and shall be of a type and in locations approved by the city. The water piping system shall not be connected with non-potable or questionable water supplies and shall be protected against the hazards of backflow or back siphonage. The system shall be so designed and maintained as to provide a pressure of not less than thirty-five (35) pounds per square inch under normal operating conditions at service buildings and other locations requiring potable water supply and be of the size required by the city. The water distribution system shall be designed by a registered Idaho professional engineer. The plans and specifications for the water system shall be submitted for review and written approval by the division of environmental quality (DEQ) prior to construction. All water service lines and connections shall be installed and maintained in accordance with the rules and regulations of the state department of labor and industrial services, plumbing division.
- B. Fire Hydrants: Fire hydrants shall be installed and maintained in accordance with safe standards for fire protection and shall not be located more than four hundred fifty feet (450') from any manufactured home stand. All water mains in the manufactured home park which serve fire hydrants shall not be less than six inches (6") in diameter.
- C. Individual Water Riser Pipes and Connections: Individual water riser pipes shall be located within the confined area of the manufactured home stand at a point where the water connection will approximate a vertical position. Water riser pipes shall extend at least four inches (4") above ground elevation. The pipe shall be at least three-quarter inch (3/4") in diameter. The water outlet shall be capped when a manufactured home does not occupy the lot. Adequate provisions shall be made to prevent freezing of

service lines, valves and riser pipes and to protect risers from heaving and thawing actions of ground during freezing weather. Surface drainage shall be diverted from the location of the riser pipe.

4-2A-24: - SEWAGE DISPOSAL:

- A. General Requirements: All plumbing in the manufactured home park shall comply with state and local plumbing laws and regulations and must connect to the public sewer of the city and shall conform to all applicable ordinances, rules and regulations of the city.
- B. Sewer Mains: All sewer mains shall be constructed in accordance with the rules and regulations of the Idaho public works division. Mains shall not be less than eight inches (8") in diameter with manholes located no more than three hundred feet (300') apart. All mains shall terminate in a manhole. Cleanouts shall not be allowed except on individual service lines. The sewage disposal system shall be designed by a registered Idaho professional engineer. The plans and specifications for the sewage disposal system shall be submitted for review and written approval by the division of environmental quality (DEQ) prior to construction. All sewage disposal lines and connections shall be installed and maintained in accordance with the rules and regulations of the state department of labor and industrial services, plumbing division.
- C. Individual Sewer Connections: The connection of each manufactured home, building or other facility requiring sewer to the manufactured home park sewer mains shall be provided by the manufactured home park owner or developer. Each manufactured home stand shall be provided with at least a four-inch (4") diameter sewer riser pipe. The sewer riser pipe shall be so located on each stand that the sewer connection to the manufactured home drain outlet will approximate a vertical position. The sewer connection (see definition of sewer connection) ^[1] shall be laid with a minimum drop of one-quarter inch (1/4") slope per foot. The sewer connection shall consist of one pipe line only without any branch fittings. All joints shall be watertight. All materials used for sewer connections shall be semirigid, corrosive resistant, absorbent and durable. The inner surface shall be smooth. Provision shall be made for plugging the sewer riser pipe when a manufactured home does not occupy the lot. Surface drainage shall be diverted away from the riser. The rim of the riser pipe shall extend at least four inches (4") above ground elevation.

4-2A-25: - PLUMBING WITHIN MANUFACTURED HOMES:

All plumbing within each manufactured home shall conform to the minimum standards of the state and local regulations and laws. All plumbing within the manufactured home park shall comply with state and local plumbing standards of the state and local regulations and laws, as well as the city.

4-2A-26: - ELECTRICAL DISTRIBUTION SYSTEM:

- A. General Requirements: Every park shall contain an electrical wiring system consisting of wiring, fixtures, equipment and appurtenances which shall be installed and

maintained in accordance with applicable codes and regulations governing such systems.

- B. Power Distribution Lines: Main power lines shall be installed underground and must comply with all local and state requirements. All direct burial conductors or cable shall comply with all state and local regulations, with a minimum buried distance of eighteen inches (18") below the ground surface and specially designed for the purpose. Such conductors shall be located not less than one foot (1') radial distance from water, sewer, gas or communication lines.
- C. Individual Electrical Connections: The electrical connection for each individual manufactured home shall be provided by the manufactured home park owner or developer and shall conform to the requirements of the electrical code of the state of Idaho.
- D. Required Grounding: All exposed noncurrent-carrying metal parts of manufactured homes and all other equipment shall be grounded by means of an approved grounding conductor with branch circuit conductors or other approved method of grounded metallic wiring. The neutral conductor shall not be used as an equipment ground for manufactured homes or other equipment.

4-2A-27: - SERVICE BUILDINGS AND OTHER COMMUNITY SERVICE FACILITIES:

- A. General Requirements: The requirements of this section shall apply to all service buildings, recreation buildings and other community service facilities, including, but not limited to, management offices, repair shops, storage areas, sanitary facilities, laundry facilities, indoor recreation areas and commercial uses supplying essential goods or services for the exclusive use of park occupants.
- B. Service Buildings: Every manufactured home park that accepts or accommodates dependent manufactured homes shall provide adequate flush-type toilet fixtures and laundry facilities. In no instance shall there be less than one laundry unit, two (2) water closets, one lavatory and one shower or bathtub for women and one shower or bathtub for men. The foregoing listed facilities shall be the minimum required facilities to accommodate up to twenty (20) dependent manufactured homes. One additional water closet for each sex shall be provided for every ten (10) additional dependent manufactured homes. (Urinals may be substituted for 1/3 of the additional water closets.) One additional lavatory for each sex shall be provided for every ten (10) additional dependent coaches, and one additional shower or bathtub for each sex for every twenty (20) additional dependent coaches. Dependent manufactured homes shall be parked not more than two hundred feet (200') from the service buildings. There shall be one laundry tray for every twenty (20) dependent manufactured home spaces. One shall be located at least fifteen feet (15') or more from any manufactured home space.
- C. Structural Requirements for Service Building and Service Facilities: All structures and buildings shall conform to all applicable ordinances, rules and regulations of the state

and city code. All portions of the structure shall be properly protected from destructive elements. Exterior portions shall be of such materials and be so constructed and protected as to prevent entrance or penetration of moisture and weather.

D. Sanitary and Laundry Facilities: All sanitary and laundry facilities shall:

1. Have resistant walls extending to the ceiling between male and female sanitary facilities. Walls and partitions around showers, bathtubs, lavatories and other plumbing fixtures shall be constructed of dense, nonabsorbent, waterproof material or covered with moisture resistant material.
2. Have at least one window or skylight facing directly to the outdoors. The minimum aggregate gross area of windows for each required room shall be not less than ten percent (10%) of floor space served by them. Such openings shall be adequately screened.
3. Have at least one window which can be easily opened, or a mechanical device which will adequately ventilate the room. Such opening or openings shall be adequately screened, to prevent insect infiltration.

E. Toilets: Toilets shall be located in separate compartments equipped with self-closing doors. Shower stalls shall be of the individual type. The rooms shall be screened to prevent direct view of the interior when the exterior doors are open.

F. Illumination of Service Buildings: Illumination levels shall be maintained as follows:

1. Laundry room work area: forty (40) foot-candles.
2. Toilet room, in front of mirrors: forty (40) foot-candles.

G. Hot and Cold Water: Hot and cold water shall be furnished to every lavatory, sink, bathtub, shower and laundry fixture, and cold water shall be furnished to every water closet and urinal.

H. Heating Facilities: Heating facilities shall be maintained at a temperature of seventy degrees Fahrenheit (70;deg;F) during cold weather, and shall supply a minimum of three (3) gallons of hot water per hour per manufactured home space during time of peak demand.

I. Outdoor Fireplace Facilities: All barbecue pits, fireplaces, stoves, incinerators and cooking shelters and the like shall be so located, constructed, maintained and used as to minimize fire hazards and smoke nuisance both on the property on which used and on neighboring property. No open fire shall be permitted except in facilities provided. No open fire shall be left unattended. No fuel shall be used or material burned which emits dense smoke or objectionable odors.

4-2A-28: - REFUSE HANDLING:

The storage, collection and disposal of refuse in the manufactured home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution. All refuse shall be stored in fly tight, watertight, rodent proof containers, which shall be located not more than one hundred fifty feet (150') from any manufactured home lot. Containers shall be provided in sufficient number and capacity to properly store all refuse and shall conform to the state and local minimum health standards. Refuse collection stands shall be provided for all refuse containers. Such container stands shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration and to facilitate cleaning around them or as set forth by state and local garbage collection regulations. All refuse containing garbage shall be collected at least once a week.

4-2A-29: - INSECT AND RODENT CONTROL:

Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform with the requirements and regulations of the state of Idaho, department of agriculture. Parks shall be maintained free of accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests. Storage areas shall be so maintained as to prevent rodent harborage. Lumber, pipe and other building material shall be stored at least one foot (1') aboveground. Where the potential for insect and rodent infestation exists, all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials. The growth of brush, weeds and grass shall be controlled to prevent harborage of noxious insects. Parks shall be so maintained as to prevent the growth of noxious and unsightly weeds, and those which could be injurious to health. Open areas as well as areas about and under the manufactured home shall be maintained free of heavy undergrowth of any description.

4-2A-30: - FUEL SUPPLY AND STORAGE:

- A. Natural Gas System: Natural gas piping systems shall, where natural gas is available, be installed and maintained by the manufactured home park owner or developer in accordance with applicable codes and regulations governing such systems. The hookup for each system shall be provided by the manufactured home park owner or developer at the manufactured home stand. Each manufactured home lot provided with piped gas shall have an approved manual shut-off valve installed upstream of the gas outlet. The outlet shall be equipped with an approved cap to prevent accidental discharge of gas when the outlet is not in use.
- B. Liquefied Petroleum Gas System: Liquefied petroleum gas systems shall be devices to relieve excessive pressures and shall be arranged so that the discharge terminates at a safe location. They shall be provided with safety devices to relieve excessive pressures and shall be arranged so that the discharge terminates at a safe location. They shall have at least one accessible means for shutting off gas. Such means shall be located outside the manufactured home and shall be maintained in effective operating condition. All LPG piping outside of the manufactured home shall be well supported and protected

against mechanical injury. Undiluted liquefied petroleum gas in liquid form shall not be conveyed through piping equipment and systems in manufactured homes. Liquefied petroleum gas containers installed on a manufactured home lot shall be securely but not permanently fastened to prevent accidental overturning. Such containers shall not be less than five (5) nor more than two hundred (200) U.S. gallons gross capacity. No liquefied petroleum gas vessel shall be stored or located inside or beneath any storage cabinet, carport, manufactured home or any other structure, unless such installations are approved by the city council and placed fifteen feet (15') or more from any adjacent lot line.

- C. Fuel Oil Supply Systems: All fuel oil supply systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems. All piping from outside fuel storage tanks or cylinders to manufactured homes shall be permanently installed and securely fastened in place. All fuel oil storage tanks or cylinders shall be securely fastened in place and shall not be located inside or beneath any manufactured home or less than five feet (5') from any manufactured home exit. Storage tanks located in areas subject to traffic shall be protected against physical damage.

4-2A-31: - FIRE PROTECTION:

Manufactured home parks shall be kept free of litter, rubbish and other flammable materials. Portable fire extinguishers rated for class B and C fires shall be kept in service buildings. Their capacity shall not be less than two and one-half (2 1/2) pounds. Fires shall be made only in stoves and other equipment intended for such purposes. Fire hydrants shall be located within four hundred fifty feet (450') of any manufactured home, service building or other structure in the park. The manufactured home park shall be subject to the city fire prevention codes ¹¹¹ and authority.

4-2A-32: - RESPONSIBILITIES OF PARK MANAGEMENT:

The person to whom a permit for a manufactured home park is issued shall operate the park in compliance with this article and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition. The park management shall notify park occupants of all applicable provisions of this article and inform them of their duties and responsibilities under this article. The park management shall be present during and supervise and be responsible for the placement of each manufactured home on its manufactured home pad and shall, prior to occupancy of any manufactured home, obtain a certificate of occupancy from the public works director. The park management shall maintain a register containing the names of all park occupants identified by lot number or street address. Such register shall be available to any authorized person inspecting the park. Fire extinguishers for class B and C fires shall be kept at each service building and community service facility and maintained in good working condition.

4-2A-33: - RESPONSIBILITIES OF PARK OCCUPANTS:

- A. General Requirements: Every park occupant shall comply with all applicable ordinances, regulations and rules of the city and shall maintain his manufactured home lot, manufactured home, its facilities and equipment in good repair and in a clean and sanitary condition. Manufactured homes shall be subject to all building, electrical, plumbing, water and sewer codes and requirements.
- B. Installation of Utility Connections: Each park occupant shall be responsible for proper installation of all utility connections in accordance with the instructions of the park management, and all applicable ordinances, regulations and rules of the city.
- C. Garbage and Trash Disposal: Every park occupant shall comply with the provisions of section 8-1-5 of this code and shall also store and dispose of all his rubbish and garbage in a clean, sanitary and safe manner. The garbage container shall be rodent proof, insect proof and watertight.
- D. Pets: Pets shall be prohibited to run at large or to commit any nuisance within the limits of any manufactured home lot. Owners of any animals shall be subject to all applicable provisions of this code relating to dog or animal control ^[1].
- E. Skirting, Porches and Awnings: Skirting, porches, awnings and other additions shall be installed only if permitted and approved by the park management. When installed, they shall be maintained in good repair. The space immediately underneath a manufactured home shall be used for storage only if permitted by the park management. If permitted, the following conditions shall be satisfied:
 - 1. The storage area shall be provided with a base of impervious material.
 - 2. Stored items shall be located so as not to interfere with the underneath inspection of the manufactured home.
 - 3. The storage area shall be enclosed by skirting.

4-2A-34: - CONFLICTING PROVISIONS; SEVERABILITY CLAUSE:

- A. In any case where a provision of this article is found to be in conflict with a provision of any other ordinance or code of the city, existing on the effective date of this article, the provision which, in the judgment of the city council, establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.
- B. If any section, subsection, paragraph, sentence, clause or phrase of this article should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this article which shall remain in full force and effect; and to this end the provisions of this article are hereby declared to be severable.

4-2A-35: - NONCONFORMING MANUFACTURED HOME PARKS:

Any manufactured home park which is in existence at the date of the passage of this article shall not be subject to provisions of this article; provided, however, that if any manufactured home park is enlarged, added to or extended after the passage of this article, the entire manufactured home park shall be subject to the provisions of this article.

4-2A-36: - PENALTIES:

Penalties for failure to comply with the provisions of this article or failure to comply with any of its requirements shall constitute a misdemeanor. A separate offense shall be deemed committed for each day such violation shall continue. The manufactured home owner, manufactured home tenant, manufactured home park owner, park manager, or any other person who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense. Each offense may be punished by a fine of up to three hundred dollars (\$300.00). Nothing herein contained shall prevent the council or any other public official or private citizen from taking such lawful action as is necessary to restrain or prevent any violation of this article or of the Idaho Code.

4-2A-37: - TREES:

The manufactured home park owner or developer shall plant at least one tree for every two (2) lots in the manufactured home development.

Section 4: That Subsection 2 of Section 6, Chapter 1 of Title 5 Kuna City Code be and the same is hereby amended to read as follows:

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

For the meanings of zoning terms or words not found in Kuna City Code 5-1-6-2, the city staff shall rely upon the latest A Planners Dictionary, edited by Michael Davidson and Fay Dolnick, American Planning Association and Planning Advisory Service, for interpretation purposes.

OPEN SPACE: An area substantially open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, water areas, swimming pools and tennis courts, and other recreational facilities that the planning and zoning commission deems permissible. Streets, private parking areas, structures for habitation, buffer areas along classified roads, endcaps, and the like shall not be included.

Section 5: That Section 5, Chapter 5 of Title 5 Kuna City Code be and the same is hereby amended to read as follows:

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

- A. *Permit required:* It is unlawful for any person to construct or replace a fence upon any property within the city limits without first having applied for and obtained a building

permit to do so and without thereafter complying with all the provisions of said permit with the exception of normal maintenance.

- B. *Fences on rights-of-way or easements:* Fences may be permitted to be constructed on public rights-of-way and easements subject to the sidewalk and vision clearance restrictions set forth herein. Permission to construct fences on rights-of-way shall be obtained from the city council and ACHD or appropriate agency. Upon notification from the city, it is the property owner's responsibility to remove fences from public rights-of-way or easements, at the owner's expense, should the city need to utilize any right-of-way or easement for maintenance or construction of any public facility or improvements or if it is determined to be in the best interest of the city, or in the opinion of the city, the fence creates a safety hazard. Fences which constitute structures as defined under this section shall not be permitted upon public rights-of-way or easements.
- C. *General requirements:* For the purposes of this section, wall, latticework, screens, hedges and planting shall be considered fences and shall be built and maintained in compliance with the provisions herein.
1. Electric fences and barbed wire fences are prohibited within the city except in those instances where it can be demonstrated to the building official that the use is solely for the containment of animals kept in compliance with city animal control regulations and the fence is not located on the public right-of-way. The building official shall have the authority to revoke authorization for an electric fence or barbed wire fence upon declaration of a finding by him that such fence would be detrimental to public health, safety or welfare or would be potentially injurious to persons, properties or improvements in the vicinity.
 2. Barbed wire may be permitted in commercial or industrial zones when used as the top section for security fences, provided barbed wires are a minimum of seventy-two (72) inches above grade and do not project over public right-of-way.
 3. No fence shall be permitted on the sidewalk or in a location which may impair the construction of sidewalks.
 4. In the event any fence restricts access to or use of established rights-of-way and easements, it shall be the fence owner's responsibility, at his expense, to provide access upon demand of the city or other entitled party.
 5. Any fence that exceeds six (6) feet in height must have an approved waiver according to KCC 5-5-5-I.
 6. Any fence which restricts access to any utility meter or fire hydrant shall provide a way of access through the fence by a hand gate and remain unlocked.
 7. Vision clearance for fences at street and alley intersections shall be as defined in subsection 5-5-2.A of this chapter.

8. All fence heights shall be measured from the base of the fence to the highest point.

D. *Residential districts:*

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

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

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

F. *Pathway/greenbelt fencing:*

1. Pathway fencing is required.
2. In order to design for crime prevention, the following design standards will be followed:

- a. The use of "see-through" fencing is required, as it provides better visibility from adjacent homes or buildings. If solid fencing is used, it may not exceed four (4) feet in height. Wrought iron, a vinyl four-foot solid with two-foot lattice, or equal quality fence is preferred.
- b. All pathway fencing shall be constructed prior to the issuance of building permits for the subdivision.

G. Fences required for sight obstruction:

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

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

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

I. Waiver: If an owner or applicant desires to obtain a waiver from the provisions in this subsection of this title. The special procedure for a waiver from this subsection shall be as follows:

1. The owner or applicant shall file an application for a fence waiver with the city planning and zoning director or their designee. The application shall be provided by the city.

2. Upon receipt of the fence waiver application, staff shall review each application on a case-by-case basis using the following criteria:
 - a. *Setback requirements* waiver shall consider the safety and clear-vision sight triangle standards (see KCC 5-3-1) to determine if the application is appropriate.
 - b. *Height of fence* waiver shall only be considered when the grade between two lots has a difference of two (2) feet or more and the request is made by the owner of the lower of the two properties.
 3. Upon hearing the request for the fence waiver, the planning and zoning director shall either approve, deny, or approve with conditions, the application for a fence waiver. No written findings of fact will be required but a written decision shall be sent to the applicant and to any party requesting written notification of the decision.
- J. *Appeal*: Any aggrieved party may appeal the decision of the planning and zoning director directly to the planning and zoning commission pursuant to section 5-11-2 of this title. Written notice of an appeal of the director's decision should be filed along with a nonrefundable fee to be established by resolution of the city council, with the city clerk within twenty (20) days after the decision of the director.

Section 6: That Section 4, Chapter 6 of Title 5 Kuna City Code be and the same is hereby repealed.

Section 7: That Sections 4, 5, 6, 7, 8 and 9 of Chapter 6 of Title 5 Kuna City Code be and the same are hereby amended to read as follows:

5-6-4: - SUPPLEMENTARY CONDITIONS AND SAFEGUARDS:

In granting any special use, the planning and zoning commission may prescribe appropriate conditions, bonds and safeguards in conformity with this title. Violations of such conditions, bonds or safeguards, when made a part of the terms under which the special use is granted, shall be deemed a violation of this title.

5-6-5: - PROCEDURE FOR HEARING NOTICE:

Prior to granting a special use permit, at least one (1) public hearing in which interested persons shall have an opportunity to be heard shall be held. At least fifteen (15) days prior to the hearing, notice of the time and place and a summary of the proposal shall be published in the official newspaper or paper of general circulation within the jurisdiction. Notice may also be made available to other newspapers, radio and television stations serving the jurisdiction for use as a public service announcement. Notice shall also be provided to property owners and residents within three hundred (300) feet of the external boundaries of the land being considered, and any additional area that may be substantially impacted by the proposed special use as determined by the commission. When notice is required to two hundred (200) or more property owners or residents, in lieu of the mailing notice, two (2) additional hearing notices shall be provided.

5-6-6: - ACTION BY COMMISSION:

Within thirty (30) days after the public hearing, the planning and zoning commission shall either approve; conditionally approve; or disapprove the applications as presented. If the application is approved or approved with modifications, the commission shall direct the planning and zoning director to issue a special use permit listing the specific conditions specified by the commission for approval.

- A. Upon granting a special use permit, conditions may be attached to a special use permit including, but not limited to those:
 - 1. Minimizing adverse impact on other development;
 - 2. Controlling the sequence and timing of developments;
 - 3. Controlling the duration of the development;
 - 4. Assuring that development is maintained properly;
 - 5. Designating the exact location and nature of the development;
 - 6. Requiring the provision for on-site or off-site public facilities or services;
 - 7. Requiring more restrictive standards than those generally required in an ordinance.
- B. Prior to granting a special use permit, studies may be required of the social, economic, fiscal and environmental effects of the proposed special use. A special use permit shall not be considered as establishing a binding precedent to grant other special use permits. A special use permit is not transferable from one parcel of land to another.
- C. Prior to granting or denying an application, the commission shall specify:
 - 1. The ordinance and standards used in evaluating the application;
 - 2. The reasons for approval or denial; and
 - 3. The actions, if any, that the applicant could take to obtain a permit.
- D. The applicant or any affected person who appeared in person or in writing before the commission may appeal the decision of the commission to the council, provided the appeal is submitted to the council within fifteen (15) days from receipt of notification of the commission's action.

5-6-7: - NOTIFICATION TO APPLICANT:

Within ten (10) days after a decision has been rendered, the planning and zoning director or their designee shall provide the applicant with written notice of the action on the request.

5-6-8: - APPEAL TO COUNCIL:

Upon receipt of an appeal from the action of the planning and zoning commission, the city council shall set a hearing date to consider all information, testimony and commission's minutes of the public hearing to reach a decision to uphold, conditionally uphold or overrule the commission by a favorable vote of one-half plus one (1) of the full council.

5-6-9: - HARDSHIP CASES:

The planning and zoning commission may grant a special use permit for retail business use in any residential zone upon a showing that, due to extreme hardship resulting from the physical disability of the applicant, it is impractical for the applicant to operate his or her business elsewhere. No such special use permit shall be granted unless the following conditions have been found to exist:

- A. The applicant has a physical disability which prevents the applicant from traveling to a business location outside of his or her residential premises, and there does not exist adequate public transportation for such purpose.
- B. All of the standards set forth in section 5-6-3 of this chapter, except subsection 5-6-3.A of this chapter, have been satisfied.

Any special use permit so granted shall be personal to the applicant and shall not run with the land, shall not be transferable, and shall terminate when the applicant ceases to do business at the location stated in the permit or when adequate public transportation is available, whichever occurs first. The grant or denial of an application for a special use permit hereunder shall be subject to appeal by any interested party pursuant to section 5-6-9 of this chapter.

Section 8: That Section 2, 4, 6, 10, 12, and 20 Chapter 17 of Title 5 Kuna City Code be and the same are hereby amended to read as follows:

5-17-2: - DEFINITIONS:

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 one hundred (100) percent organic materials, thus, hardscape materials may not substitute for landscape purposes. All landscaping 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.

5-17-4: - 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 six-inch (6") caliper tree could be either a new six-inch (6") caliper tree or two (2), three-inch (3") 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 minimum required landscaping (staff approval required).

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. Ada County Highway District (ACHD) requires continuous root barriers for planter strips proposed to be less than eight (8) feet in width with trees. ACHD does not allow trees to be planted in a planter strip less than six (6) feet wide.
- D. The minimum acceptable size for deciduous trees shall be two-inch caliper, balled and burlapped, with wire baskets, twine and rope removed from the top half of the ball after being placed in the ground.
- E. The minimum acceptable size for evergreen trees shall be six (6) feet, balled and burlapped, with wire baskets, twine and rope removed from the top half of the ball after being placed in the ground.
- F. The minimum acceptable size for woody shrubs is a two (2) Gallon pot.
- G. All landscaped areas adjacent to vehicular areas are to be protected with an approved curbing material (staff approval required).

5-17-10: - BERMS:

- A. Four to one (4:1) maximum slopes are allowed for berms.
- B. The height of berms and fences employed as a landscape application shall be measured from the base of the fence to the highest point.

5-17-12: - BUFFER AREAS; COMMON LOTS; OPEN SPACE:

A. Materials:

- 1. All buffer areas shall be comprised of, but not limited to, a mix of evergreen and deciduous trees, shrubs and groundcover in which evergreen plant materials comprise a minimum of sixty (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 sixty (60) percent or more of the vertical surface is closed and prevents the passage of vision through it.
- 4. Chain-link fencing, with slats or otherwise is prohibited for screening in or adjacent to residential areas.

- 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 rights-of-way shall not be credited towards buffer area requirements.

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

- 1. Lawn, either seed or sod.
 - a. All required buffers along classified roads shall be planted with sod.
 - b. Interior end caps, open spaces, and other approved areas may be planted with seed with prior approval from the planning and zoning director or their designee. All seeded areas shall be mature at time of inspection request.
- 2. A minimum of one (1) deciduous shade tree per eight hundred (800) square feet of site.

3. 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.
4. 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 to encourage creative variety.

D. Design requirements for open space:

1. Open space is required for all residential developments* in accordance with the following tables:

a.

Proposed No. of Dwellings Units	Total % of Required Open Space
1 - 6	Exempt

Proposed Number of Dwellings/Units	Total % of Required Open Space** & ***
7-50	7.00%
51-100	7.50%
101-150	8.00%
151-200	8.50%
201-250	9.00%
251-300	9.50%
301-350	10.00%
351-400	10.50%
401-450	11.00%
451-500	11.50%
501-550	12.00%
551+	12.50%

Example 1 - 340 dwellings = 10.00% open space.

Example 2 - 723 dwellings would be 12.5% required open space.

* The open space table above does not apply to planned unit developments. See KCC 5-7-11.

** A portion of the storm retention pond may be considered open space on a case by case basis, if it is determined there is a useable area of a minimum of two (2) feet from the bottom of the retention pond.

*** A school site is considered open space

E. Design options for Commercial Development:

1. Mulching: Mulch shall be used in all required planting areas. With prior approval, mulches may be organic, including but not limited to bark, soil aid, or rock products, such as "perma-bark" or similar products. Use of mulch, organics or rock, as the

exclusive ground cover in required planting areas is prohibited. Mulch may not total more than thirty five percent (35%) of all ground cover. Pea gravel, drain rock, road base gravel, or similar products shall not be considered mulch. All mulch shall be confined by a concrete curb or other approved edging method to prevent mulch migrating to adjacent surfaces. If rock mulch is used, a weed barrier fabric shall be used beneath the rock. Plastic weed barriers that are impermeable are prohibited as they restrict water and oxygen to the plants. If approved by the City engineer, mulch used in stormwater facilities may not float. See size requirements for rock below in E-2, of this section.

2. Vegetation Coverage: Required landscape areas shall be at least seventy percent (70%) covered with vegetation at maturity, installing mulch under and/or around all shrubs and trees.

F. *Alternative method of compliance:*

1. Water Conserving Design: in order to qualify for water conserving designs, the applicant shall demonstrate the following:
 - a. The design includes water conserving trees, shrubs, boulders, rocks and other ground covers.
 - b. The design includes plants that can thrive in climates with approximately ten (10) to twelve inches (12") of annual rainfall.
 - c. Lawn and turf areas shall not comprise more than fifty five percent (55%) of the total landscaped areas and shall consist of water conserving grasses, including, but not limited to, Buffalo Grass, Blue Gamma Grass, Compact Fescue, Zerilawn, and/or Rhyzomotuous Tall Fescue.
 - d. Herbaceous and/or perennial ground cover shall be drought tolerant and able to withstand dry conditions once established. As a guide, refer to the recommended plants in the city of Boise parks and recreation department "Water Conservation Guidelines".
 - e. Boulders, rocks and/or other materials to be used as sod substitutes shall be at least a minimum size approved by the design review committee on a case by case basis. Pea gravel, drain rock, road base gravel, or similar products shall not be used.
2. Vegetation Coverage: An exception to F-1-b listed above may be approved by the planning and zoning director for water conserving designs that meet both standards listed below:
 - a. The design incorporates a variety of water conserving trees, water conserving shrubs, boulders, rocks, decorative walls and/or permeable hardscape materials such as pavers and flagstones; and

- b. Required landscape areas shall be at least forty percent (40%) covered with vegetation at maturity.

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 (10) feet 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 (10) feet from edge of pavement to the public curb or its alignment may allow the remaining right-of-way area to be improved with a rock, or other application treatment acceptable to the planning and zoning director and the transportation authority with jurisdiction.
- B. Landscaping placed in the public rights-of-way shall not be credited towards buffer area requirements (KCC 5-17-12: B).

Section 9: That Section 2, Chapter 4 of Title 6 Kuna City Code be and is hereby amended to read as follows:

6-4-2: - REQUIRED PUBLIC IMPROVEMENTS:

Every subdivider as part of the final subdivision platting process shall be required to install the following public and other improvements in accordance with the conditions and specifications as follows:

Note: for amendment purposes, subdivider and developer are intended to be interchangeable words.

For the meanings of subdivision terms or words not found in Kuna City Code section 5-1-6-2, the city staff shall rely upon the latest *A Planners Dictionary*, edited by Michael Davidson and Fay Dolnick, American Planning Association and Planning Advisory Service, for interpretation purposes.

- A. *Bicycle lanes:* A subdivision shall feature bicycle lanes along its roadways to accommodate bicycle enthusiasts. Sidewalks shall not substitute for bicycle lanes, rather the bike lane shall be included as a feature of the street section or located in a separate easement. Bike lane specifications shall be according to city and ACHD standards.
- B. *Cell towers:* Cell tower placement is subject to the provisions of the city's wireless communication facilities ordinance.
- C. *Curb and gutter:* Vertical curb and gutter shall be installed on functionally classified collector and arterial streets. The street's functionality shall be determined based on the

city's adopted functionally classified roadmap. Other street classifications may feature rolled or vertical curbs, and supporting stormwater devices.

The use of drainage swales for stormwater conveyance in lieu of curb and gutter is prohibited unless necessary to preserve a historical drainage right that would be impeded by the swale's removal as determined by the city engineer. There shall be no mixing of irrigation drainage water and road runoff water. All construction shall be in accordance with Idaho Standards for Public Work Construction [ISPWC] or other standards established by the city engineer or Public Works Director.

- D. *Driveway and other approaches*: Driveway and other approaches' curb cuts shall be installed according to the city, ITD and ACHD's access management standards. Driveway and other approach placement, alignment, width and apron features shall be designed and constructed
- E. According to standards established by the authority with jurisdictional over the subject roadway. The width of driveways and other approaches that are installed in office, commercial and industrial zoning districts, where the city's zoning does not establish a minimum lot width standard, shall be constructed wide enough to accommodate commercially designed driveway entrances accessing the street frontage. All curb returns shall be constructed with a twenty-eight-foot minimum curb return radius.
- F. *Fencing*: Fencing shall be installed according to KCC 5-5-5. The subdivision shall feature permanent fencing along its outer perimeter with the exception of those portions of its perimeter that feature common open space or park area accessible from the street. The fencing that is placed next to an arterial or collector road shall be punctuated with a minimum three (3) feet of parallel fencing offset, every two hundred fifty (250) linear feet [maximum] to minimize the monotony of the fence's facade. Fences shall be measured from base of fence to the highest point and permanent in nature and maintenance free. Fencing shall be constructed of metal, rock or vinyl materials with an approved post hole footing. Chain-link fencing is not permitted in a subdivision, except for school related purposes. The school authority may rely upon a powder coated or vinyl coated chain-link type fencing for security related purposes. Architecturally designed cedar fences up to 6 feet with metal posts may be allowed with administrative determination approval from planning and zoning director or public works director. Applicant must submit a drawing or sketch with material and concept clearly depicted. Ditch or irrigation fencing shall be determined with input from the irrigation surveyor. Fencing placed along a subdivision's internal pathways shall be of a see-through type construction to minimize tunneling effects and provide for pedestrian safety. If fencing is used in combination with a landscaped berm, the fence may be placed on the berm.
- G. *Fire hydrants*: Subdivision fire hydrants shall be installed in such a manner as to meet the city and fire district's water supply requirements and according to standards established for the type of fire hydrant installed and the accompanying waterline connection(s). Fire hydrants shall be installed at locations identified by the Kuna Rural Fire District and shown on all of the final approved construction drawings and record drawings. Fire hydrants shall be operable prior to any combustible materials being

brought on the subdivision property. Fire hydrants shall be painted bright red [or other prescribed color] and the steamer connection must meet fire district requirements. Where there is the possibility a fire hydrant is susceptible to collision potential, the subdivider may be directed to install bollards for its safekeeping.

- H. *Flag lot*: Residential subdivision flag lots shall be developed via a common private driveway access that connects with a public street. The driveway shall not extend more than one hundred fifty (150) feet from the public street right-of-way. A common [or shared] driveway shall be relied upon to access the lots contained within the flag lot configuration, with a maximum of three (3) contiguous lots contained within a flag lot. A cross-access driveway agreement qualifying the methods of common driveway care and maintenance responsibility shall be recorded with each lot of the flag lot. The pole portion of the flag lot shall front on the street a minimum thirty (30) feet. The driveway access shall be centered on the pole portion of the flag lot and designed and constructed with a minimum twenty-foot-wide curb cut to include a concrete apron. The common driveway shall be constructed of a material approved by the city engineer. The flag lot is subject to street frontage improvements. The area of the flag lot pole is exclusive of each lot's minimum square footage. Each flag lot shall meet the zoning conditions of the underlying zone. Structure(s) placed on the flag lot shall face the public street and be setback a minimum of twenty (20) feet from edge of driveway. Commercial flag lots shall be evaluated on a case by case basis.
- I. *Greenbelt pathways*: Greenbelts pathways are required to be installed at developer's expense within the subdivision to: mitigate land incompatibilities that arise between the subdivision property and the adjoining highways, waterbodies, railroad rights-of-way, transmission lines and other like features; or as shown on the recreation and pathways master plan, as adopted by the city council. Greenbelt pathways are subject to design review. Subdivision plats shall show the location of greenbelt pathways. These pathways shall be a minimum ten (10) feet wide and located within a thirty-foot wide public easement. The city council may accept a pathway that is nine (9) feet wide, upon making findings that this width is not a safety hazard and it is in the interests of the city to allow the narrower pathway width. The greenbelt pathway shall feature lighting bollards at appropriate distances, directional signage and landscape consisting of trees, bushes and other organic materials to include an irrigation source. The greenbelt pathway shall feature park benches, vistas at appropriate locations and be marked with mileage indicators for sport and safety purposes. These pathways shall be constructed of a material in keeping with the Americans with Disabilities Act (ADA) accessibility guidelines. Greenbelt pathways located along waterbodies shall be placed on one (1) side or the other of the water feature in such a fashion as to provide an uninterrupted pathway alignment and be separated from the waterbody by the installation of fencing constructed consistent with the fencing standards found in Kuna City Code subsection 6-4-2.E. If there are trees located along the waterbody, these shall be reviewed by the city forester for preservation purpose. Where possible, the greenbelt pathway shall connect with other pathways.

Section 10: Severability Provision

- 10.1 This ordinance is hereby declared to be severable. Should any portion of this ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purpose(s) of the ordinance before the declaration of partial invalidity.

Section 11: Directing the City Clerk

- 11.1 The City Clerk is directed to file, this Ordinance in the official records of the City and to provide a conformed copy to the, Planning and Zoning Director.

Section 12: Effective Date

- 12.1 This Ordinance shall take effect and be in force from and after its passage, approval, and publication as required by law and at the discretion of the City Clerk and In lieu of publication of the entire ordinance, a summary thereof in compliance with Section 50-901A, Idaho Code, may be published.

ADOPTED this 21st day of January, 2020.

CITY OF KUNA

Joe L. Stear, Mayor

ATTEST:

Chris Engels, City Clerk