

ORDINANCE 2023-14

**CITY OF KUNA, IDAHO
ZONING ORDINANCE AMENDMENT**

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

- **MAKING CERTAIN FINDINGS; AND**
- **AMENDING SUBSECTION 2, SECTION 6, CHAPTER 1, TITLE 5 OF KUNA CITY CODE BY THE ADDITION OF “PUBLIC UTILITY LOT” TO THE “LOT TYPES” DEFINITION; AND BY THE ADDITION OF “PUBLIC UTILITY LOT” AS AN EXCLUSION TO THE “SUBDIVISION” DEFINITION; AND**
- **AMENDING SECTION 3, CHAPTER 3, TITLE 5 OF KUNA CITY CODE AMENDING THE OFFICIAL HEIGHT AND AREA STANDARDS TABLE BY ADDING A TECHNICAL ADDITION; AND**
- **ADDING SECTION 5, CHAPTER 16, TITLE 5 OF KUNA CITY CODE PROVIDING FOR PUBLIC UTILITY LOT SPLITS; AND**
- **PROVIDING A SEVERABILITY CLAUSE; AND**
- **DIRECTING THE CITY CLERK; AND**
- **PROVIDING AN EFFECTIVE DATE.**

Section 1: 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 _____, 2023, as required by Sections 67-6511 and 67-6509, Idaho Code, made findings (approved by the Commission on _____, 2023) 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 Kuna City Council, pursuant to public notice as required by law, held a public hearing on _____, 2023, on the Legislative Proposal for Amendments to the Kuna Zoning 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 _____, 2023) and determined that the legislative proposal for amendments to the Kuna Zoning Regulations be approved; and

- 1.4 It is necessary that 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 Subsection 2, Section 6, Chapter 1 of Title 5 Kuna City Code is hereby amended to read as follows:

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.

ACCESSORY DWELLING UNIT: A temporary dwelling unit that is incidental and subordinate to the principal use of the premises, and does not alter the essential characteristic of the use.

ACCESSORY USE OR STRUCTURE: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

- A. *CARRIAGE HOUSE:* A small building usually near a large residence or part of an estate, used for keeping coaches, carriages, or other vehicles - also called coach house.
- B. *IN-LAW QUARTERS:* A self-contained accommodation within or built onto a house, suitable for an elderly parent; this can be a simple remodeling of a bedroom and bath. Ideally, in-law quarters can be a complex attached studio or a completely separate structure on the grounds of the main house.

AMERICANS with DISABILITIES ACT (ADA): The Americans with Disabilities Act (ADA) gives civil rights protections to individuals with disabilities that are like those provided to individuals on the basis of race, sex, national origin and religion. It guarantees equal opportunity for individuals with disabilities in employment, public accommodations, transportation, state and local government services, and telecommunications.

AGRICULTURE: The use of land for farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the produce; provided, however, that:

- A. The operation of any such accessory uses shall be secondary to that of normal agricultural activities.
- B. The feeding or sheltering of animals or poultry in penned enclosures in the agriculture or residential R-2 zoning districts shall be separated a minimum one hundred (100) feet distance from a residence or residential zoning district, whichever distance is greater. Agriculture does not include the operation or maintenance of a commercial stockyard or feed yard where large numbers of livestock are fed concentrated feeds particularly for the purpose of fattening the market.

AGRI-TAINMENT: An income-generating farm enterprise operated for the enjoyment and education of the public. Possible events (but not limited to): Bed and breakfast; pick-your-own/local-grocery-sale; hayrides; maze (hay, corn or Sudan); pumpkin patch; orchard tours; petting zoo; general store; workshops and seminars; festivals; camps; trails; cabins; picnic; barnyard olympics; museums; and games.

AGRITOURISM: Agricultural uses, such as farms, ranches, and vineyards that, through promotion and advertising, facilities and activities, seek to attract visitors, guests or vacationers.

AIRPORT: Any runway, land area or other facility designed or used either publicly or privately by any person for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie down areas, hangars and other necessary buildings.

ALLEY: A public right-of-way with an improved driving surface intended to provide a secondary means of transportation circulation access. An alleyway shall be a minimum width of twenty (20) feet, measured from the adjoining property lines. Substandard alley widths and alley driveways entrances shall be improved to the city's and ACHD's standards as a condition of a zoning or subdivision land use application.

ALTER: To change; make or become different.

AMUSEMENT CENTER (indoor/outdoor): Facility or location with amusement rides, games, play areas and other activities; offering entertainment or games of skill to the general public for a fee. This use includes but not limited to, a coin-controlled amusement devices commonly known as: Baseball, football, pinball amusements, pool tables, miniature golf course, bowling alley or driving ranges.

ANIMAL SHELTER: A facility which cares for strays and other homeless pets and seeks to find permanent homes for them.

APPLIANCE REPAIR: The reconditioning of inoperable household appliances, including refrigerators, washing machines, dishwashers, or similar appliances.

AQUACULTURE: The propagation, rearing and harvesting of aquatic organisms in controlled or selected environments, and the subsequent processing, packing and marketing.

AQUARIUM: A facility where aquatic exhibits are displayed.

ARBORETUM: A place where many kinds of trees and shrubs are grown for exhibition or study.

ARCHERY RANGE: An outdoor facility that may include buildings or structures used for target practice with bows and arrows.

AREA OF CITY IMPACT: The Kuna area of impact is defined as that unincorporated land mass which lies contiguous to the City of Kuna, having as its closest boundary to the city, the city limits of Kuna, as they now exist or as they may be altered by future annexation of land to the City of Kuna.

ART GALLERY: An establishment that conducts the display and/or retail sale of artwork and may include studio facilities for creation of artistic works.

ART STUDIO: An artist's workroom and is limited to the creation of artistic works, but not including the use of a blast furnace or kiln larger than one hundred twenty (120) volts.

ASPHALT PLANT: A facility where paving asphalt is prepared (see "*BATCH PLANT*").

ASSISTED LIVING: Communities designed to provide residents with assistance with basic ADLs (activities of daily living) such as bathing, grooming, dressing, medication assistance and/or reminders, etc. Assisted living communities differ from nursing homes in that they do not offer complex medical services.

AUCTION SALES: The sale of items to the highest bidder.

AUDITORIUM: An area of the theater, concert hall, or other public building in which the audience sits or is used for public gatherings.

AUTOMOBILE DETAILING: A building or premises used for the following:

- A. *Wash related:* Shampooing of carpets, hand washing, cleaning and polishing.
- B. *Accessories related:* Addition of special parts or equipment such as window tint, running boards, bicycle racks, exterior lights, appliques, sound systems, minor air brush painting, or similar treatments.

AUTOMOBILE MAINTENANCE: Any commercial establishment designed or used for the maintenance of automobiles only. Maintenance shall be limited to tune-ups, oil changes, lubrication, smog check, brake and muffler repair and maintenance, the sale and repair of tire, or other similar routine maintenance functions. Automobile maintenance does not include brake, muffler, and/or tire repair as principal uses.

AUTOMOBILE PAINT/BODY SHOP: A facility for collision repair services including body, frame or fender straightening or repair, and painting of vehicles in an appropriate paint booth.

AUTOMOBILE REPAIR: A commercial establishment designed or used for the repair of passenger and light duty vehicles.

AUTOMOBILE REPAIR SHOP: A location designed or used for the repair of automobiles, including mechanical repair, maintenance, engine or transmission replacement or overhaul, and upholstery, but not paint nor bodywork.

Exception: An owner may repair his/her automobile (including engine or transmission repair) provided the owner is limited to working on one (1) automobile at a time. When the automobile is not being worked on, it, and any parts and equipment shall be enclosed, or screened from the view of any street, and the vehicle shall not to be parked upon a street.

AUTOMOBILE SALE/RENTAL: The use of any building, land area, or other premises principally for the display, sale, rental, lease and/or financing of new or used passenger and light duty vehicles and may include vehicle preparation, warranty, or repair work conducted as an accessory use.

AUTOMOTIVE, MANUFACTURED HOME, TRAVEL TRAILER AND FARM IMPLEMENT REPAIR: The repair, rebuilding or reconditioning of motor vehicles, manufactured homes, travel trailers and farm implements or parts thereof, including collision service, painting and steam cleaning of vehicles.

AUTOMOTIVE, MANUFACTURED HOME, TRAVEL TRAILER AND FARM IMPLEMENT SALES: The sale or rental of new and used motor vehicles, manufactured homes,

travel trailers or farm implements, but not including repair work except incidental warranty repair of same, to be displayed and sold on the premises.

BABYSITTING: The act of caring for children for compensation while the parents or usual guardians are absent. If it is performed in the child's own home or all the children are of relation to each other, this definition shall not be restricted as to the number of children. If performed in the babysitter's home for children who are not all of relations, this definition of babysitting shall be restricted to three (3) children, not any of whom are related. Babysitting is further defined as being performed on a sporadic basis and not on a regular basis. It is not to be confused with the definition of a "*CHILD CARE FACILITY*".

BAKERY or BAKED GOODS STORE: A facility in which bread or cakes are created and sold on-site.

BANK and/or CREDIT UNION/SAVINGS AND LOANS: A financial establishment that invests money deposited by customers, pays it out when required, makes loans at interest, and/or exchanges currency.

BANQUET FACILITY: An establishment, which is rented by individuals or groups to accommodate private functions including, but not limited to, banquets, weddings, anniversaries and other similar celebrations. Such a use may or may not include:

- A. Kitchen facilities for the preparation or catering of food;
- B. The sale of alcoholic beverages for on-premises consumption, only during scheduled events and not open to the general public; and
- C. Outdoor gardens or reception facilities.

BARBER SHOP: A business which offers haircuts as its primary service.

BASEMENT: A dwelling unit all or partly underground but having at least one-half of its height below the average level of the adjoining ground.

BATCH PLANT: A manufacturing facility for the production of concrete or asphalt.

BEAUTY PARLOR: A facility, which offers personal service and hygienic treatment including massage, manicure, hair styling, facials and other day spa activities. Also see "*PERSONAL SERVICES*".

BED AND BREAKFAST FACILITY: A type of hotel providing overnight accommodations and breakfast food service. If designed to accommodate twelve (12) or fewer guests, it shall be considered a type of boarding or rooming house rather than a hotel.

BEEKEEPER: A person who keeps honey bees for the purposes of securing commodities such as honey, beeswax, pollen; pollinating fruits and vegetables; raising queens and bees for sale to other farmers; and/or for purposes satisfying natural scientific curiosity.

BEER AND WINE PRODUCTION: An establishment where beer and wine is produced commercially.

BEVERAGE BOTTLING PLANT: A facility in which nonalcoholic beverages are bottled and distributed to retailers or wholesalers for resale on or off the premises, including the mechanized assembly line production of such goods. The term does not include a brewery or any other facility for the bottling of alcoholic beverages.

BICYCLE SHOP: A small business specializing in bicycle sale, repair/maintenance and parts.

BIOMASS: Plant material used for production of such things as fuel alcohol and nonchemical fertilizers. Biomass sources may be plants grown especially for that purpose or waste products from livestock, harvesting, milling, or from agricultural production or processing.

BLOCK: A group of lots, tracts or parcels within well defined boundaries, usually streets.

BOARDING HOUSE: A dwelling or part thereof, other than a hotel, motel or restaurant, where meals and/or lodging are provided for compensation for three (3) or more unrelated persons where no cooking or dining facilities are provided in the individual rooms.

BOOKSTORE: An establishment where literature is sold.

BOTANICAL GARDEN: A public and/or private facility for the demonstration and observation of the cultivation of flowers, fruits, vegetables or ornamental plants.

BOWLING ALLEY: An establishment that devotes more than fifty (50) percent of its gross floor area to bowling lanes, equipment and playing area.

BUILDING: Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels or property of any kind.

BUILDING, ACCESSORY: A subordinate building detached from, but located on the same lot as the principal building, the use of which is incidental and accessory to that of the main building or use.

BUILDING, HEIGHT: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the top of building walls for gable, hip and gambrel roofs.

BUILDING MATERIAL, SALES AND SERVICES: See "HOME IMPROVEMENT CENTER".

BUILDING, PRINCIPAL: A building in which is conducted the main or principal use of the lot on which said building is situated.

BUILDING SETBACK LINE: An imaginary line established by the zoning regulations of this title that requires all buildings to be set back a certain distance from lot lines.

BUILDING SITE: An area proposed or provided and improved by grading, filling, excavation or other means for erecting pads for buildings.

CABINET SHOP/MANUFACTURING: An establishment where cabinets are produced for commercial purposes.

CALL CENTER: A telephone service facility set-up to handle a large number of (usually) both inbound and outbound calls.

CAMPGROUND: A premises upon which two (2) or more parking sites are located, established or maintained for occupancy for a tent, or other shelter arrangements or devices, recreational vehicle space or a seasonal cabin.

CAR WASH: The use of a site for washing and cleaning of passenger vehicles, recreational vehicles or other light duties equipment. Industrial car wash services are more mechanical

facilities for washing, waxing, and vacuuming of automobiles, heavy trucks and buses. Self-service car washes are facilities in which the customer provides labor and where no self-propelled wash racks are provided.

CARETAKER UNIT: A habitable dwelling unit, usually secondary, established in conjunction with and subordinate to a single-family dwelling unit. The term shall include guesthouse, granny flat, and carriage house or garage apartment.

CARNIVAL/CIRCUS: A temporary outdoor amusement activity at which amusement systems are placed in addition to food and other entertainment.

CATERER: A business that provides for the preparation, storage and delivery of food and food utensils for off-premises consumption.

CELL TOWER/TELECOMMUNICATIONS: The transmission of signals over long distances through antennas and satellites, mounted on elevated structures.

CEMETERY: Land used or intended to be used for the burial of the human or animal dead and dedicated for cemetery purposes, including crematories, mausoleums and mortuaries if operated in connection with and within the boundaries of such cemetery for which perpetual care and maintenance is provided.

CHANGE OF USE: Whenever a use on a property or structure is expanded or enlarged, or substantial refurbishment of a parking lot.

CHILD CARE FACILITIES: Any home, structure, or place where nonmedical care, protection or supervision is regularly provided to children under twelve (12) years of age, for periods less than twenty-four (24) hours per day, while the parents or guardians are not on the premises. Any facility providing child care is required to have a special use permit and a State of Idaho basic day care license. There are three (3) types of child care facilities:

- A. *Home child care* : A child care facility which provides care for six (6) or fewer children throughout the day.
- B. *Group child care*: A child care facility which provides care for seven (7) to twelve (12) children throughout the day.
- C. *Child care center*: A child care facility which provides care for more than thirteen (13) children throughout the day. It should be noted that, in determining the type of child care facility that is being operated, the total number of children cared for during the day and not the number of children at the facility at any one time is determinative.

CHURCH: A structure used for worship by the public.

CITY: City of Kuna, Ada County, Idaho.

CITY AUTHORITY: The legally designated city authority of the City of Kuna, Ada County, Idaho, or its authorized representative or the city council.

CLINIC: A building used for the care, diagnosis and treatment of sick, ailing, infirm or injured persons, and those who are in need of medical and surgical attention, but which building does not provide board, room or regular hospital care and services.

CLUBHOUSE: A building or portion thereof or premises owned or operated by an organized association of persons for a social, literary, political, educational or recreational

purpose primarily for the exclusive use of members and their guests but still not including any organization, group or association, the principal activity of which is to render a service usually and ordinarily carried on as a business.

COMMENCEMENT OF CONSTRUCTION: The construction of the first permanent structure on a site as approved or off-site improvements intended to primarily benefit said site. On-site improvements include such things as: the pouring of slab or footings, the installation of pilings, the construction of columns or any other work beyond excavation. Off-site improvements include such things as: installing major infrastructure improvements, payment of prepaid sewer hookup or LID EDUs, sewer lines, water lines, pressurized irrigation lines, well stations, lift stations, pump stations, roads, and other utilities intended to serve the site. Permanent construction does not include land preparation, such as clearing, grading, and filling or excavation for a basement, footings, piers, or foundations or the erection of temporary forms.

COMMISSION: The city planning and zoning commission.

COMMUNITY CENTER: A place where people can meet for social, educational or recreational activities. Also, referred to as grange or assembly hall.

COMMUNITY COMMERCIAL: Community commercial refers to the general commercial land uses with a community-wide and regional focus; featuring: Large-scale commercial buildings, automotive dealerships, drive-through restaurants, large footprint retail stores, and similar type land uses appropriate for highway and arterial frontages.

COMMUNITY/URBAN GARDEN: A shared green space which is planned, designed, built and maintained by some community members for the use and enjoyment of the entire community. Community gardens may be solely used to raise food for gardeners and/or the surrounding community, a decorative formal garden, an educational or rehabilitative facility.

COMPREHENSIVE FUTURE LAND USE MAP: A map showing the present and future land use designation.

COMPREHENSIVE PLAN: A plan or any portion thereof, adopted by the council including such things as the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, major transportation, parks, schools and other community facilities.

CONDOMINIUM: A type of multifamily housing in which individuals own the dwelling units. They also own in common the halls, stairways, grounds and other areas that are used by all of the residents. Units may be connected vertically, horizontally or in combination. Each dwelling unit shall be treated as a separate entity for the purposes of sewer and water connection fees.

CONTIGUOUS HOUSING: Two (2) or more dwelling units designed for individual ownership with the dwelling units combined into a single structure. Structures which rest on land that is deeded with the dwelling unit are generally defined as townhouses or row houses. Structures which contain two (2) or more dwelling units but whose ownership consists of only the space inside, with the remainder of the structure being undivided common interest, are generally defined as condominiums.

CONTRACTOR'S STORAGE YARD: A facility where a contractor stores materials and equipment.

CONVENIENCE STORE (not to include fuel pumps): A small retail establishment, usually located within or associated with another use, that offers for sale convenience goods, such as prepackaged food items, tobacco, periodicals, and other household goods.

COPY CENTER: A facility for the custom reproduction of written or graphic materials on a custom order basis for individuals or businesses. Typical processes include, but are not limited to, photocopying, blueprint, and facsimile sending and receiving, but not including offset printing.

COUNCIL: The city council.

Cross reference(s)—See title 1, chapter 6 of this Code.

COUNTY RECORDER: The Office of Ada County Recorder.

COVENANT: A written promise or pledge.

CULVERT: A drain that channels water under a bridge, street, road or driveway.

DAIRY PRODUCTS PROCESSING: A facility for processing raw milk into dairy consumer products.

DATA PROCESSING FACILITY: Facilities where electronic data is processed by employees, including, without limitation, data entry, storage, conversion or analysis, maintenance or compiling of documents, subscription and credit card transaction processing, telephone sales and order collection, mail order and catalog sales, and mailing list preparation.

DEDICATION: The voluntary setting apart of land or interest in land for use by the public by ordinance, resolution or entry in the official minutes as by the recording of a plat. Dedicated land becomes public land upon the acceptance by the city.

DELICATESSEN: A store selling cold cuts, cheeses, a variety of salads usually from a counter or section within supermarket or grocery store at which a range of foods are available.

DENSITY: A unit of measurement. The number of dwelling units per acre of land.

- A. *Gross density:* The number of dwelling units per acre of total land to be developed, including public right-of-way.
- B. *Net density:* The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses, excluding public right-of-way.

DEVELOPER: Authorized agent(s) of a subdivider or the subdivider himself.

DIRECTOR: The planning and zoning director.

DISABLED VEHICLE: Any motor vehicle not in an operative condition or not currently licensed, parked on any street or alley, or motor vehicle parts and accessories left on a street or alley for a period of two (2) consecutive weeks.

DISPATCH CENTER: A form of logistics, as used in the taxi courier, or service delivery industries and the emergency services, whereby clients are matched to vehicles according to the order in which the client and the proximity of vehicles to each clients' pick-up locations.

DISTILLERY: Where beer, wine and alcoholic beverages are brewed.

DISTRIBUTION CENTER: A warehouse, or a complex of warehouses, with each building containing a minimum of seventy-two thousand (72,000) square feet, having a minimum overhead clearance of twenty-four (24) feet within the building, with dock-high loading doors either in a depressed dock well or at a flat truck apron, and with no drop ceiling constructed within the building outside of accessory office area.

DOG/CAT GROOMING: A facility which provides a service for looking after the coat or nails of dogs or cats by brushing, clipping or cleaning the animal.

DRIVE-IN RESTAURANT: A restaurant designed to accommodate patrons in their automobiles.

DRIVE-IN THEATER: An area in which accommodates the patrons a service of watching plays and other dramatic performances from their automobiles.

DRIVE-THROUGH BUSINESS: A type of service provided by a business that allows customers to purchase products without leaving their vehicles. Such business may include: Banks, pharmacies, restaurants or smoke shops.

DRIVEWAY: A minor private way used by vehicles and pedestrians or used for common access to multifamily dwelling facilities.

DRY-CLEANER: A facility where fabrics are cleaned with substantially nonaqueous, organic solvents and where the floor area utilized for dry-cleaning equipment or dry-cleaning processes shall not exceed one thousand eight hundred (1,800) square foot, limitation shall not include public areas, office space or space devoted to clothing storage racks and devices.

DRY-CLEANING PLANT: An industrial facility where fabrics are cleaned with substantially nonaqueous, organic solvents or by conventional washing, also, where fabric may be dyed.

DUSTLESS MATERIALS: Hard surfaces used for driveways, loading and parking including, but not limited to, concrete, asphalt, pavers and bricks.

DWELLING, DUPLEX: A building designed to be or which is occupied by two (2) independent family units and shall include a single-family residence in which an apartment or separate living facility has been provided.

DWELLING, MULTIFAMILY: A dwelling consisting of three (3) or more dwelling units including townhouses and condominiums with varying arrangements of entrances and party walls.

DWELLING, SINGLE-FAMILY: A dwelling consisting of a single dwelling unit only separated from other dwelling units by open space.

DWELLING UNIT: Space within a dwelling comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing and toilet facilities, all used by only one (1) family and its household employees.

EASEMENT: Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of the property.

EMERGENCY CARE FACILITY/CLINIC: Medical or dental offices which provide professional services more than eighty-four (84) hours per week, or which have designated facilities for providing emergency medical care to the general public without appointment. An

"emergency care facility", in contrast to a "hospital", does not provide overnight care or boarding of patients.

ENERGY SYSTEM, PRODUCTION THROUGH RENEWABLE SOURCES: Any facility or installation such as a windmill, hydroelectric unit or solar collecting or concentrating array, which is designed and intended to produce energy from natural forces such as wind, water, sunlight, or geothermal heat, or from biomass.

ENGINEER: Any person who is licensed in the state to practice professional engineering.

EQUIPMENT SALES/RENTAL/SERVICE: The sale, rental or service of equipment with a gross unloaded weight of three thousand (3,000) pounds or more and vehicles with gross unloaded weight of eight thousand five hundred (8,500) pounds or more. Construction or heavy such as front end loader, dump trucks and other commercial vehicles.

EXHIBITION HALL: A facility to display items of interest to the public.

FAIRGROUNDS: The ground upon which fairs or exhibitions are held.

FAMILY: A person living alone or two (2) or more persons living together as a single housekeeping unit in a dwelling unit as distinguished from a group occupying a boarding house, lodging house, motel or hotel.

FARMER'S MARKET: A building or open area in which stalls or sales areas are set aside, rented, or otherwise provided for use by individuals, tenants, or businesses engaged in the sale of vegetables, fruits, or other agricultural products.

FEED LOT: A lot or parcel on which livestock are fed intensively in order to fatten for market. This definition does not include short-term holding pens for auction facilities or meatpacking establishments.

FEED STORE: A retail sales facility where grain and other foodstuffs for animals and livestock is sold, including other implements and goods related to agricultural processes, but not including farm machinery.

FINANCIAL SERVICE: Any business whose primary service is the exchange of currency, including banks, credit unions, but excluding retail sales and offices.

FISH FARM: An area devoted to the cultivation of fish and other seafood for commercial sale.

FLORIST: A business that sells and arranges cut flowers or potted plants.

FLOWERING GARDEN: A plot of ground where the cultivation of flowering plants is provided.

FOOD PROCESSING: A facility in which food for human consumption is produced in its final form, such as candy, baked goods, dairy products and/or ice cream, and the food is distributed to retailers or wholesalers for resale on or off the premises. The term does not include beverage processing which uses any mechanized assembly line production, the killing or processing of animals and animal waste, nor a restaurant preparing food for consumption by patrons on the premises or for takeout or delivery.

FRATERNITY/SORORITY/DORMITORY/RESIDENTIAL HALL: A dwelling or part thereof, consisting of sleeping quarters or entire buildings primarily providing sleeping and residential quarters for large numbers of people; often boarding school, college or university students.

FREIGHT TERMINAL: An area and building(s) where cargo is stored and where railroad cars, aircraft, and/or trucks, (including tractors and trailer units), load and unload cargo for transshipment or distribution on a regular basis, and which may include facilities for the temporary storage of loads prior to shipment and facilities for the maintenance of transport vehicles.

FUNERAL HOME: A business that provides burial and funeral services for the deceased and their families this may include burial or cremation, viewings, wakes, and funeral services are sometimes held.

FURNITURE RESTORATION/REFINISHING: An establishment that provides a service to restore, renew, revive or re-establish furniture.

FURNITURE SHOP: A retail facility which provides a service for the sale of movable articles as tables, chairs, desks or cabinets, required for use or ornament in a house, office or the like.

GARAGE, SERVICE STATION: Buildings and premises where gasoline, propane, oil, grease, batteries, tires and motor vehicle accessories may be supplied and dispensed at retail, and where, in addition, the following services may be rendered and sales made:

- A. Sales and service of spark plugs, batteries and distributor parts.
- B. Tire servicing and repair, but not recapping or regrooving.
- C. Replacement of mufflers and tailpipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease retainers, wheel bearings, mirrors and the like.
- D. Radiator cleaning and flushing.
- E. Washing, polishing and sale of washing and polishing materials.
- F. Greasing and lubrication.
- G. Providing and repairing fuel pumps, oil pumps and lines.
- H. Minor servicing and repair of carburetors.
- I. Adjusting and repairing brakes.
- J. Minor motor adjustment not involving removal of the head or crankcase or racing the motor.
- K. Sales of convenience goods for service station customers, as accessory and incidental to principal operations.
- L. Provisions of road maps and other informational material to customers; provisions of restroom facilities.
- M. Warranty maintenance and safety inspections.

Uses permissible at a service station do not include major mechanical and bodywork, straightening of body parts, painting, welding, storage of automobiles not in operating condition or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in filling stations. A filling station is not a repair garage or a body shop.

GARDEN APARTMENT: A living unit located at ground level on a property that is usually landscaped. Although the term garden apartment is often used loosely to describe any first floor apartment such as one in a high-rise or basement, a true garden apartment has no household above it. Garden apartments are not vertically stacked, but rather horizontally spread out in an open area that may have a courtyard.

GARDENING: The act of cultivating or tending a garden.

GIFT SHOP: An establishment that sells miscellaneous articles appropriate as gifts.

GOLF COURSE: A facility providing private or public golf on a tract of land laid out with at least nine (9) holes for playing a game of golf and improved with tees, greens, fairways and hazards. A golf course may include a clubhouse, restrooms, driving range and shelters as accessory uses. A golf course may provide additional services customarily furnished such as swimming, outdoor recreation, and related retail sales that may include a restaurant and cocktail lounge if approved as part of the required special use permit.

GOVERNING BODY: The City Council of the City of Kuna, Idaho.

GRAZING/FARM ANIMALS: Animals commonly associated with a farm or performing work in an agricultural setting. These animals shall include members of the equine family (horse, mules), bovine family (cows, bulls), sheep, poultry (chicken, turkeys), fowl (duck, geese), swine (including potbellied pigs), goats, llamas, alpacas, and other animals associated with a farm, ranch or stable operations.

GROCERY STORE: A business located in a building or in a portion of a building which is segregated physically or spatially from the rest of the building or other retail sales departments, which sells or displays food and other goods for retail sales and has six thousand (6,000) square feet of floor space, exclusive of warehouse, restrooms and office areas.

GROUP HOME: A private residence designed or converted to serve as a non-secure home for unrelated persons who share a common characteristic. In the United States, the term most often refers to a home designed for those in need of social assistance, and who are usually deemed incapable of living alone or without proper supervision. People who live in such a group home may be developmentally disabled, recovering from alcohol or drug addiction, abused or neglected youths, youths with behavioral or emotional problems, and/or youths with criminal records. A group home differs from a halfway house in that it is not restricted to recovering addicts or convicted criminals, and residents usually are encouraged or required to take an active role in the maintenance of the household.

HALFWAY HOUSE: A dwelling generally to allow people to begin the process of re-integration with society, while still providing monitoring and support. Some halfway houses are meant solely for re-integration of persons who have been recently released from prison or jail, others are meant for people with chronic mental health disorders, and others are for people with substance abuse issues.

HANDICRAFT: The production of personal or household items from materials, such as cloth, lace, wool, wood, glass, metal, leather, and similar materials, but not food items, which are either made to order or which involve considerable handwork. The term does not include cabinet making, cabinet assembly or the use of mechanized assembly line production.

HEALTH/ATHLETIC CLUB: An establishment that provides exercise facilities such as running, jogging, aerobics, weight lifting, court sports, and swimming, as well as, locker rooms, showers, massage room, saunas, and related accessory uses.

HEALTH AUTHORITY: Central district health department or the state department of health and welfare that has jurisdictional authority.

HIGHWAY: A street designated as a highway by an appropriate state or federal agency.

HOME IMPROVEMENT CENTER: A facility for the sale of home, lawn and garden supplies, tools, and construction materials such as brick, lumber and other similar materials, and includes small equipment rental.

HOME OCCUPATION: An activity, profession, or craft carried on entirely within a residence by the occupants, which activity is clearly incidental to the use of said residence as a dwelling and does not change the residential character thereof, is conducted in such a manner as to not give any outward appearance of a business in the ordinary meaning of the term, so located and conducted that the average neighbor, under normal circumstances, would not be aware of its existence other than for a nameplate as permitted, and which does not infringe upon the rights of neighboring residents to enjoy a peaceful occupancy of their homes.

HOSPITAL: An establishment providing physical or mental health services, inpatient or overnight accommodations, and medical or surgical care of the sick or injured.

HOTEL or MOTEL and APARTMENT HOTEL: A building in which lodging or boarding and lodging are provided and offered to the public for compensation. As such, it is open to the public in contradistinction to a boarding house, rooming house, lodging house or dormitory which is herein separately defined.

IMPOUND YARD: A lot or parcel where vehicles are held or stored on a temporary basis.

IMPROVEMENT: Any alteration to the land or other physical construction associated with subdivision and building site developments.

INCINERATION OF GARBAGE, DEAD ANIMALS OR REFUSE: A facility which burns garbage, dead animals or refuse to ashes.

INFILL: Any vacant lot or parcel within a developed area of the city, where at least eighty (80) percent of the land within a three hundred-foot radius of the site has been developed, and where water, sewer, streets, schools and fire protection have already been developed and are provided.

INSTITUTION: Building and/or land designed to aid individuals in need of mental, therapeutic, rehabilitative counseling, or other correctional services.

JUNK: Any old rags, sacks, bottles, cans, papers, metals, automobiles, trucks, machinery or bicycles which are collected, bought, sold, or otherwise dealt in, after being dismantled or taken apart, or other articles commonly known as "junk".

JUNK BUILDINGS, JUNK SHOPS, JUNKYARDS: Any land, property, structure, building or combination of the same, on which junk is stored or processed.

KENNEL, DOG; COMMERCIAL: Any place of business for the care of dogs, including, but not limited to, the boarding, grooming, breeding, training or selling of dogs.

KITCHEN: Any room principally used intended or designed to be used for cooking or the preparation of food. The presence of a range or oven, or utility connections suitable for servicing a range or oven, shall normally be considered as establishing a kitchen.

LABORATORY:

- A. *RESEARCH:* A facility for scientific laboratory research in technology-intensive fields. Examples include: Biotechnology, pharmaceuticals, genetics, plastics, polymers, resins, coatings, fibers, fabrics, films, heat transfer, and radiation research facilities.
- B. *SUPPORT:* A facility for scientific laboratory analysis of natural resources, medical resources, and manufactured materials. The scientific analysis is generally performed for an outside customer, to support the work of that customer. This category includes: Environmental laboratories for the analysis of air, water and soil; medical or veterinary laboratories for the analysis of blood, tissue, or other human medical or animal products. Forensic laboratories for analysis of evidence in support of law enforcement agencies would also be included in this category.

LANDING STRIP: A runway without normal air base or airport facilities.

LARGE-SCALE DEVELOPMENT: A subdivision, the size of which consists of fifty (50) or more lots or dwelling units.

LAUNDROMAT: A facility where patrons wash, dry, or dry-clean clothing or other fabrics in machines operated by the patron.

LIBRARY: A public, nonprofit facility in which literary, musical, artistic, or reference materials such as, but not limited to, books, manuscripts, computers, recordings, or films are kept for the use by or loaning to patrons for purpose of study, reference and recreation.

LIQUOR STORE: An establishment engaged in the sale of alcoholic beverages for off-premises consumption.

LIVESTOCK SALES: The sale of nondomestic animals through an agreed upon transaction.

LIVING FACILITIES: Any building or building complex used or maintained to provide living quarters, and which may also provide nursing services.

- A. *ASSISTED LIVING:* Communities designed to provide residents with assistance with basic ADLs (activities of daily living) such as bathing, grooming, dressing, medication assistance and/or reminders, etc. Assisted living communities differ from nursing homes in that they don't offer complex medical services.
- B. *BOARDING/ROOMING HOUSE:* A dwelling or part thereof, other than a hotel, motel or restaurant, where meals and/or lodging are provided for compensation for three (3) or more unrelated persons where no cooking or dining facilities are provided in the individual rooms.

- C. *CARETAKER*: A habitable dwelling unit, usually secondary, established in conjunction with and subordinate to a single-family dwelling unit. The term shall include guest house, granny flat, carriage house or garage apartment.
- D. *FRATERNITY/SORORITY/DORMITORY/RESIDENTIAL HALL*: A dwelling or part thereof, consisting of sleeping quarters or entire buildings primarily providing sleeping and residential quarters for large numbers of people; often boarding school, college or university students.
- E. *GARDEN APARTMENT*: A living unit located at ground level on a property that is usually landscaped. Although the term garden apartment is often used loosely to describe any first floor apartment such as one in a high-rise or basement, a true garden apartment has no household above it. Garden apartments are not vertically stacked, but rather horizontally spread out in an open area that may have a courtyard.
- F. *GROUP HOME*: A private residence designed or converted to serve as a nonsecure home for unrelated persons who share a common characteristic. In the United States, the term most often refers to a home designed for those in need of social assistance, and who are usually deemed incapable of living alone or without proper supervision. People who live in such a group home may be developmentally disabled, recovering from alcohol or drug addiction, abused or neglected youths, youths with behavioral or emotional problems, and/or youths with criminal records. A group home differs from a halfway house in that it is not restricted to recovering addicts or convicted criminals, and also in that residents usually are encouraged or required to take an active role in the maintenance of the household, such as by performing chores to help manage a budget.
- G. *HALFWAY HOUSE*: (also known as: Recovery house or sober house) A dwelling generally to allow people to begin the process of re-integration with society, while still providing monitoring and support. Some halfway houses are meant solely for re-integration of persons who have been recently released from prison or jail, others are meant for people with chronic mental health disorders, and others are for people with substance abuse issues.
- H. *NURSING HOME*: (also known as: Skilled nursing unit (SNU), care home, rest home) A facility providing a type of care of residents: It is a place of residence for people who require constant nursing care and have significant deficiencies with activities of daily living. Residents include the elderly and younger adults with physical or mental disabilities. Residents in a skilled nursing facility may also receive physical, occupational, and other rehabilitative therapies following an accident or illness.
- I. *SENIOR HOUSING*: A broad term that is used to describe any type of living facilities that are maintained for the use of people who have reaches the age of retirement. There are different types of senior housing, with each type designed to meet the needs of seniors in various states of health and with different levels of activity.
- J. *SHELTER* or *TEMPORARY HOME*: A facility that provides temporary housing.

LOADING SPACE, OFF-STREET: Space logically and conveniently located for bulk pick-ups and deliveries, scaled to delivery vehicles expected to be used and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

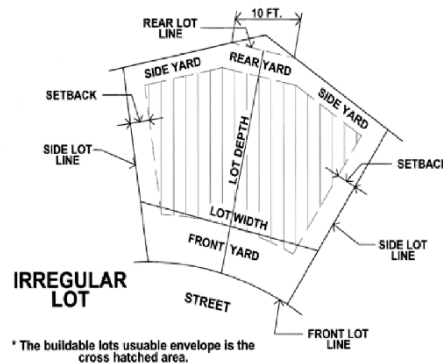
Cross reference(s)—See chapter 9 of this title.

LOCKSMITH: A facility or person who provides a service in making or repairing locks.

LODGING HOUSE: See definition of *DWELLING, ROOMING HOUSE (BOARDING HOUSE, LODGING HOUSE, and DORMITORY)*.

LOT: For the purpose of this title, a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot must meet current zoning frontage requirements on an improved public street, and consists of:

- A. **Lot area:** The area of any lot shall be determined exclusive of streets, highways, alleys, roads, irrigation easements or other rights-of-way.
- B. **Lot coverage:** The area of a zoning lot which is occupied by the principal building, buildings or accessory buildings and the horizontally projected area of the lot. The ratio is expressed as a percentage. This includes the total area of the lot covered by the roof of any enclosed or unenclosed building, including eaves and overhangs.
- C. **Lot depth:** The mean horizontal distance between the front and the rear lot lines. Where the lot is irregular and the lot lines converge, the rear lot line shall be deemed to be a line at a point where the side lot lines are not less than ten (10) feet apart. If the rear side yards converge on an irregular shaped lot without establishing a rear yard setback - then a rear yard will need to be established for purposes of determining lot depth. This is accomplished by constructing a line that intersects the rear side yard lot lines, and parallel to the lot's front yard setback line, with a minimum distance separation of ten (10) feet (see illustration below). Once the rear yard is established by this means the lot's true depth can be established by measuring perpendicularly from the centerline of the building's front yard setback line (BSL) to the centerline of the established rear yard setback. Once the lot width and the true lot depth are known the buildable lot usable envelop can be determined.



Illustrated by: Troy Beharlin
City of Kuna, Idaho
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- D. **Lot frontage:** The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under the definition of "YARD" in this section.

- E. *Lot Line, front*: The property line dividing a lot from a public or private street and from which the required front setback has been measured.

LOT, FLAG: A lot in the shape of a flag on a pole or similar design. A flag lot shall have a minimum frontage of thirty (30) feet on a public street and the house front shall face the street frontage unless the design review committee grants an exception to that orientation.

LOT, INTERIOR: A lot with only one (1) frontage on a street.

LOT LINES: Property lines bounding the lot.

LOT, MINIMUM AREA OF: The area of a lot is computed exclusive of any portion of the right-of-way of any public or private street.

LOT OF RECORD: A lot which is part of a subdivision recorded in the office of the county recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

LOT SPLIT: The dividing of the original tract of land to create no more than three (3) parcels.

LOT TYPES: Terminology used in this title with reference to lots is as follows:

- A. *Corner lot*: A lot located at the intersection of two (2) or more streets.
- B. *Interior lot*: A lot with only one (1) frontage on a street.
- C. *Through lot*: A lot other than a corner lot with frontage on more than one (1) street. Through lots abutting two (2) streets may be referred to as double frontage lots.
- D. *Reversed frontage lot*: A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.
- E. *Public Utility Lot*: A lot that exclusively contains public and private physical infrastructure which is a physical component of an integrated public or private system which provides water, sewer, irrigation, natural gas electrical grid and or telecommunication service to the public.

LUMBERYARD: An area and structures used for the storage, distribution, and sale of finished or rough-cut lumber and lumber products.

MANUFACTURED HOME: A structure constructed according to HUD manufactured home construction and safety standards, transportable in one (1) or more sections, which: a) in the traveling mode, is eight (8) body feet or more in width or is forty (40) body feet or more in length; or b) when erected on-site, is one thousand (1,000) or more square feet in size; and c) is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities; and d) includes the plumbing, heating, air conditioning, and electrical systems contained therein; provided, however, that such term shall include any structure which meets all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of housing and urban development and complies with the standards established under 42 USC 5401.

MANUFACTURED HOME, TRAVEL TRAILER, AND FARM IMPLEMENT REPAIR: The repair, rebuilding or reconditioning of motor vehicles, manufactured homes, travel trailers and

farm implements or parts thereof, including collision service, painting, and steam cleaning of vehicles.

MANUFACTURED HOME, TRAVEL TRAILER AND FARM IMPLEMENT SALES: The sale or rental of new and used motor vehicles, manufactured homes, travel trailers or farm implements, but not including repair work except incidental warranty repair of same, to be displayed and sold on the premises.

MANUFACTURED HOME LOT or MANUFACTURED HOME SPACE: A plot of ground within a manufactured home park designated for the accommodation of one (1) single manufactured home and for the exclusive use of its occupants.

MANUFACTURED HOME PARK: Any site or tract of land under single ownership, upon which two (2) or more manufactured home dwellings are parked, including any roadway, building, structure, vehicle or enclosure used or intended for use as a part of the facilities of such park.

MANUFACTURED HOME STAND PAD: That part of an individual lot which has been reserved for the placement of one manufactured home unit.

MANUFACTURING, EXTRACTIVE: Any mining, quarrying, excavating, processing, storing, separating, cleaning or marketing of any mineral natural resource.

MANUFACTURING, GENERAL: Establishments engaged in the manufacture of projects for final use or consumption. This usually involves the secondary processing, fabrication, or assembly of semi-finished projects from a primary manufacturing industry. If applicable, the site may be subject to proper health permits and air quality evaluation based on the governing jurisdictions review.

MANUFACTURING, HEAVY: Manufacturing, processing, assembling, storing, testing and similar industrial uses which are generally major operations and extensive in character; require large sites, open storage and service areas, extensive services and facilities, ready access to regional transportation; and normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution and water pollution, but not beyond the district boundary.

MANUFACTURING, LIGHT: Manufacturing or other industrial uses which are usually controlled operations; relatively clean, quiet and free of objectionable or hazardous elements such as smoke, noise, odor or dust; operating and storing within enclosed structures; and generating little industrial traffic and no nuisances.

MARINE SALES/RENTAL: Display and sale or rental of new or used boats, jet skis, wave runners or other marine vessels and trailers, and incidental uses to marine activities.

MASSAGE THERAPY/ESTABLISHMENT: An establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, or similar professional person licensed by the state. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa, or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

MAUSOLEUM: A building containing above ground tombs.

MEAT MARKET: The commercial establishment which retails or wholesales meat products.

MEAT PROCESSING FACILITY (wild game): A "no-kill" facility which processes and prepares wild game meats for consumption by private person(s). Such facilities are designed for the temporary storage, preparation, treatment and packaging of wild game meats not intended for retail or wholesale distribution or commercial sales. Such facilities are subject to state and local standards for bio-hazardous waste storage and disposal.

MEATPACKING PLANT: A facility which processes and prepares the meat of animals for market. This facility is designed to accommodate the confinement and slaughtering of live animals and may include packing, treating, storage, or sale of the product on the premises. Also referred to as slaughterhouse.

MIXED-USE CITY CENTER: The mixed-use city center land use designation includes land uses that are located in or close to the historic downtown area and the city center; also known as the central business district (CBD). This area will capitalize on the character of the downtown and it's improving walkable grid system; allowing for a variety of land uses and configurations. Housing or office use may be located within the same structure.

MIXED-USE GENERAL: The mixed-use general land use designation is associated with a land or parcel or combination of parcels that are planned and developed together; which may include: residential, commercial, office and technical uses, a variety of building types and densities, common open space variations, clustered development and recreational facilities.

MONUMENT: Any permanent marker either of concrete, stone, galvanized iron pipe or iron or steel rods, used to identify any tract, parcel, lot or street lines, as specified in IC § 50-1303.

MORTUARY: A place where dead bodies are kept prior to burial or cremation.

MOTORHOME, RECREATIONAL VEHICLE, TRAVEL TRAILER or CAMPER: Any vehicle or structure constructed in such a manner as to permit occupancy thereof as temporary living quarters for recreation or vacation purposes, so designed that it is or may be mounted on wheels and used as a conveyance on highways and streets and propelled or drawn by its own or other motor power.

MOTORHOME, TRAVEL TRAILER, CAMPER or CAMPGROUND PARK: A premises upon which two (2) or more parking sites are located, established, or maintained for occupancy by recreational vehicles, tents, other shelter arrangements or devices, or cabins for a temporary recreation or vacation usage for revenue.

MUSEUM: A building in which objects of historical, scientific, artistic or cultural interest are stored and exhibited.

NEIGHBORHOOD CENTER: A neighborhood center is an appropriate place for churches, small-scale commercial buildings, civic buildings and parks. In addition, these areas accommodate higher density housing; encouraging a mix of uses under one (1) roof, such as, the placement of a residential use over a retail use.

NEIGHBORHOOD DISTRICT: Neighborhood districts reflect the residential areas located just outside the neighborhood center that forms a soft edge between one neighborhood and another. Neighborhood districts can be characterized as residential housing within the core of a close-knit, mixed density community.

NONCONFORMING USE: A building, structure or use of land existing at the time of the effective date hereof, and which does not conform to the regulations of the district in which it is situated as of December 1977.

NON-PROFIT ORGANIZATION: Any person(s), partnership, association, corporation, or other group whose activities are conducted for unselfish, civic or humanitarian motives, or for the benefit of others, and not for the gain of any private individual or group.

NURSERY, PLANT MATERIALS: Land, building, structure or combination thereof for the storage, cultivation, transplanting of live trees, shrubs or plants offered for retail sale on the premises including products used for gardening or landscaping. Also referred to as greenhouse.

NURSING HOME (also known as: skilled nursing unit (SNU), care home, rest home): A facility providing a type of care of residents. It is a place of residence for people who require constant nursing care and have significant deficiencies with activities of daily living. Residents include the elderly and younger adults with physical or mental disabilities. Residents in a skilled nursing facility may also receive physical, occupational, and other rehabilitative therapies following an accident or illness.

OFFICE: The business of administrative, professional or clerical operations, including administrative governmental functions or mortgage companies. Uses incidental, such as medical and dental testing and diagnostic services, are permitted in conjunction with medical and dental offices.

OFFICE (HOME OCCUPATION): A business within a dwelling in which there is no more than one (1) customer coming or going from the dwelling at any time.

OFFICE, TEMPORARY REAL ESTATE SUBDIVISION SALES: Temporary sales office within a subdivision to market the homes for sale. Must not exceed two (2) years.

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.

ORCHARD/TREE CROP: A piece of land planted with fruit trees or trees grown for the use of wood products or produce.

ORIGINAL LOT, TRACT OR PARCEL OF LAND: A lot or tract as recorded on any plat or record on file in the office of the county recorder or any unplatted contiguous parcel of land held in one (1) ownership and of record at the effective date hereof.

OWNERSHIP: The individual, firm, association, syndicate, partnership or corporation having any interest in the land to be subdivided.

PARK MANAGEMENT: The person, or persons, who owns or has charge, care or control of the manufactured home park.

PARK STREET: The street that affords principal means of access to individual manufactured home lots or auxiliary buildings.

PARKING SPACE: An improved usable space for the parking of motor-driven vehicles, other than large vehicles, in a public or private parking area or a building. Parking spaces shall

have one hundred eighty (180) square feet of surface area constructed of an all-weather surface area that has been approved by the city engineer, and/or other public agencies with jurisdiction.

PARKING SPACE, OFF-STREET: For the purpose of this title, an off-street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley, and maneuvering room, but shall be located totally outside of any street or alley right-of-way.

Cross reference(s)—See chapter 9 of this title.

PAWNSHOPS and MOTOR VEHICLE PAWNSHOPS: Any business that loans money on deposit of personal property or deals in the purchase or possession of personal property on condition of selling the same back again to the pledger or depositor, or loans or advances money on personal property by taking chattel mortgage security thereon, and takes or receives such personal property. This does not include federal/state licensed lending institutions.

PAYDAY LOANS/CHARTER INSTITUTIONS: A monetary loan provided to borrowers that must be paid in full when the borrowers receive their next pay check. The loan amounts granted are fairly small and are based on how much money the borrower grosses each pay period.

PEDESTRIAN PATHWAY: A pathway which is not adjacent to a public street and improved for the use of pedestrian traffic.

PERFORMANCE BOND or SURETY BOND: A financial guarantee by a subdivider or developer with the city in the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the agreement.

PERMIT or LICENSE: A written permit issued by the city authority permitting the manufactured home park to operate under this title, and shall include extensions, alterations and constructions within the manufactured home park.

PERSON: The definition of "PERSON" is set forth in section 1-3-2 of this Code and such definition shall apply to this title.

PERSONAL SERVICES: Any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, watch repair, barbershops, beauty parlors and similar activities.

PHARMACY: A facility which provides a service where medical drugs are dispensed and sold.

PLANETARIUM: A domed building in which images of stars, planets and constellations are projected for public entertainment or education.

PLANNED UNIT DEVELOPMENT: An area of land in which a variety of residential, commercial and industrial uses under single ownership or control is developed for the purpose of selling individual lots or estates and are accommodated in a preplanned environment with more flexible standards, such as lot sizes and setbacks.

Cross reference(s)—See chapter 7 of this title.

PLANT OR TREE FARM: A plant or tree covered area managed as a business enterprise that makes continuous production of timber possible.

PLAT: The drawing, mapping or planning of a subdivision, cemetery, town site or other tract of land or a replatting of such, including certifications, descriptions and approvals:

- A. *Preliminary plat*: The first formal presentation by drawings of a proposed subdivision; and
- B. *Final plat*: The final and formal presentation by drawings of an approved subdivision development, the original and one (1) copy of which is filed with the county clerk and recorder.

POULTRY/FOWL: Domestic birds, such as chicken, turkey, ducks, or geese, raised for meat, eggs or gardening purposes.

POWER PLANT: A facility that converts one (1) or more energy sources, including but not limited to, water powers, fossil fuels, nuclear power, or solar power into electrical energy or stream. Any plant facility and equipment for the purposes of producing, generating, transmitting, delivering or furnishing electricity for the production of power.

PRESCHOOL, DAYCARE CENTER FOR CHILDREN: See definition of *CHILD CARE FACILITIES*.

PROFESSIONAL ACTIVITIES: The use of offices and related spaces for such professional services as are provided by medical practitioners, lawyers, architects and engineers, and similar professions.

PUBLIC SERVICE FACILITY: Buildings, power plants and substations, water treatment plants and pumping stations, sewage disposal and pumping plants, and other structures, except public utility structures erected, constructed, altered, operated by municipal or other governmental agency, for the purpose of furnishing electrical, gas, rail transport, communication, public water and sewage services.

PUBLIC USES: Public parks, schools, administrative and cultural buildings and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

PUBLIC UTILITY STRUCTURES: Any underground public utility facility; any utility poles, wires, anchors, guys and other supporting devices, including appurtenant electrical equipment and hardware.

QUASI-PUBLIC: A use conducted by, or a facility or structure owned or operated by, nonprofit, religious, or institution that provides educational, cultural, recreational, religious, or other similar type of public services under private ownership or control.

QUASI-PUBLIC USE: Churches, Sunday schools, parochial schools, colleges, hospitals and other facilities of an educational, religious, charitable, philanthropic or nonprofit nature.

RECREATIONAL VEHICLE, MOTORHOME, and TRAVEL TRAILER or CAMPER: See definition of *MOTORHOME, RECREATIONAL VEHICLE, TRAVEL TRAILER or CAMPER*.

RECREATIONAL VEHICLE PARK: A premises upon which two (2) or more parking sites are located, established, or maintained for occupancy by recreational vehicles for temporary use for recreation or vacation purposes.

RECYCLE/COLLECTION BINS: An enclosed bin used to temporarily hold recyclable items for designated pick-ups.

RECYCLING CENTER/STAGING AREA: An establishment that is not a junkyard and in which recoverable resource materials, such as paper products, glassware, and metal cans, are collected, sorted, flattened, crushed, or bundled within a completely enclosed structure prior to shipment to others who use such resource materials to manufacture new products.

RECYCLING PLANT: A facility where recyclable materials are reprocessed from their waste form into new products and/or raw materials.

RENDERING PLANT: A facility where the process of deriving lard from animal carcass is conducted.

REPAIR SERVICE: A business that engages in repair of various items including but not limited to computers, electronic devices, lawnmowers, small appliances, small engines, watches and clocks.

RESEARCH ACTIVITIES: Research, development and testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation and engineering.

RESEARCH AND DEVELOPMENT BUSINESS: A business that engages in research, or research and development, of innovative ideas in technology-intensive fields.

RESEARCH AND DEVELOPMENT FACILITY: A use engaged in research and development, testing, assembly, repair, and manufacturing in the following industries: biotechnology, pharmaceuticals, medical instrumentation or supplies, communications and information technology, electronics and instrumentation, and computer hardware and software. Office, warehousing, wholesaling, and distribution of the finished products produced at the site are allowed as part of this use if the use falls within the above listed industries.

RESERVE STRIP: A strip of land between a partial street and adjacent property, which is reserved or held in public ownership for future street extension or widening.

RETAIL SALES AND SERVICE: The sale, service and on-premises incidental production or assembly of general merchandise to the general public for direct use or consumption, but not including the sale to another business for resale purposes.

RIDING SCHOOL (ACADEMY) or STABLE: Any place that has available for hire, boarding, and/or riding instruction, any horse, pony, donkey, mule, or burro, or similar animal; or any place that regularly buys, sells, or trains the above animals, including a small racetrack, trotting track, or rodeo.

RIGHT-OF-WAY: A strip of land dedicated for use as a public way. In addition to the roadway, it normally includes streets, sidewalks, irrigation, curbs, lawn strips, lighting, drainage facilities and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, bridges and other public utilities or service areas.

ROADSIDE STAND: A temporary structure designed or used for the display or sale of agricultural and related products, the majority of which have been grown on adjacent land.

RURAL CLUSTER: Rural cluster development is a concept intended to provide means of locating residents in proposed subdivision in closer proximity to one another to minimize infrastructure expenditure and maximize conservation of open space. Clustering residences in a conservation subdivision does not mean an overall higher density, but simply refers to the way lots are laid out in a subdivision design. Lot sizes may feature any range of acreage, but typically

a large parcel of open space is created in the subdivision layout that is treated differently than individual private lots.

SALES, WHOLESALE: The sale of products, to anyone other than the end user of the products, for resale.

SANITARY LANDFILL: An area or site where waste is isolated from the surrounding environment until it is safe.

SEAT: For purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each twenty-four (24) linear inches of benches, pews or space for loose chairs.

SENIOR HOUSING: A broad term that is used to describe any type of living facilities that are maintained for the use of people who have reached the age of retirement. There are different types of senior housing, with each type designed to meet the needs of seniors in various states of health and with different levels of activity.

SERVICE BUILDING: A building housing toilet facilities for men and women, with slop water closet and laundry facilities and with separate bath or shower accommodations and such other facilities as may be required under this title.

SETBACK LINE: A line established by these zoning regulations, generally parallel with and measured from the lot line, defining the limits of a yard in which no building or structure may be located above ground, except as may be provided in said regulations.

SEWER CONNECTION: The connection consisting of all pipes, fittings and appurtenances from the drain outlet of the manufactured home, residences, commercial or industrial buildings to the corresponding sewer main line tee of the sewage system serving the manufactured home park, residential, commercial or industrial buildings.

SEWER RISER PIPE: That portion of the sewer lateral which extends vertically to the ground elevation and terminates at each manufactured home lot.

SEXUAL ORIENTED BUSINESS: An establishment or business primarily or substantially intended to appeal to the prurient interests of patrons, owners or workers, including, but not limited to, adult book, video and/or amusement stores, adult entertainment facilities, adult motels and adult spas.

- A. ***Adult book, video and/or amusement store:*** An establishment or business having "sexual devices" and/or printed, recorded or electronic images, such as, but not limited to, magazines, books, pictures, photographs, videos, films or digital media that are characterized or distinguished from other similar media because of their emphasis on matter depicting, describing or relating to "specific sexual activities" or "specified anatomical areas" as a substantial or significant portion of its inventory, stock or sales.
- B. ***Adult entertainment facility:*** An establishment or business providing, allowing or presenting "specific sexual activities" or "specified anatomical areas" in a live format, or providing, allowing or presenting matter depicting, describing or relating to "specific sexual activities" or "specified anatomical areas" via some presentation media.
- C. ***Adult motel:*** An establishment or business that offers rooms for rent for time periods shorter than twenty-four (24) hours and/or provides printed, recorded electronic images, such as,

but not limited to, magazines, books, pictures, photographs, videos, films or digital media that are characterized or distinguished from other similar media because of their emphasis on matter depicting, describing or relating to "specific sexual activities" or "specified anatomical areas".

- D. *Adult spa*: An establishment or business providing a steam bath, sauna, hot tub or other bathing facilities, and/or providing "rub down" or other type of massage services performed by a person not licensed as a massage therapist by the State of Idaho.
- E. *Entity*: Any corporation, partnership, limited liability company, association, organization or other legal entity not a natural person.
- F. *Performance activity*: Any act or series of acts by one (1) or more persons intended to entertain, entice or arouse any of the performers or any other person. Such activities include, but are not limited to: Stripping, dancing, modeling and giving massage services.
- G. *Sexual device*: A device or object designed or used primarily to provide direct sexual stimulation to the male or female genitals or anus.
- H. *Specific sexual activities*: Any act containing or producing: Human genitals, male or female, in a state of sexual stimulation or arousal; human, masturbation, sexual intercourse, oral sex, anal sex, or any other sexual act; touching, fondling or manipulating male or female genitals, the pubic region, buttocks or female breast.
- I. *Specified anatomical areas*: Human genitals, pubic region, buttocks or the female breast below a point immediately above the areola, and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SHELTER or TEMPORARY HOME: A facility that provides temporary housing.

SHOOTING RANGE (Indoor): The use of a structure for discharging of firearms for the purposes of target practice or temporary competitions.

SHOOTING RANGE (Outdoor): The use of land for discharging of firearms for the purposes of target practice, skeet and trap shooting, mock war games, or temporary competitions.

SHOP FOR BUILDING CONTRACTOR: Shop facilities for a person or entity engaged in the construction business.

SIDEWALK: That portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic.

SIGNS:

AUTOMATED SIGN: Any sign or part of a sign that changes physical position by any movements or rotation that gives the visual impression of such movement.

BANNER SIGN: A sign constructed of fabric or paper that is supported along the sides by staples, tape, wire, ropes, strings, or other similar materials. Governmental flags or emblems shall not be considered banner signs.

CABINET SIGN: A sign that contains all the text and/or logo symbols within a single enclosed cabinet and may or may not be illuminated.

CITY ENTRY SIGN: A permanent sign identifying the City of Kuna or a particular district. No business advertising is permitted on city entry signage.

COMMUNITY EVENTS: Events sponsored by the city, chamber of commerce, school district, a church/religious institution, or non-profits that has a city approved site within Kuna city limits.

CONSTRUCTION SIGN: A temporary sign providing information about future development or current construction on a site and the parties involved.

DIGITAL SIGN: A changeable copy sign that uses a matrix of illumination elements, such as light emitting diodes (LED), liquid crystal display (LCD), plasma display, individual light bulbs, or other digital or analog electronic media to display or project copy which can be modified by electronic processes.

DIRECTIONAL SIGN: A temporary sign used to provide directional information for businesses, new subdivisions or buildings under construction or property for sale which is to be, or is being, developed pursuant to any approved application before the city.

FEATHER FLAG SIGN: A lightweight fabric that flows easily in the wind, and is attached to an aluminum pole. The pole can either be inserted into the ground or can be connected to a solid base.

FREE-HANGING SIGNBOARD: A sign attached underneath a canopy, awning or colonnade.

FREESTANDING SIGN: A single- or multiple-faced sign, supported from the ground by one (1) or more columns, uprights or braces, and not affixed to a building. Freestanding signs may be a pole or monument sign.

GRADE: The finished elevation or level of the ground at the base of sign.

GRAND OPENING SIGN: A temporary sign indicating a new business or new management informing public.

HEIGHT OF SIGN: The vertical distance measured from the highest point of the sign and/or support structure to the finished grade of the ground and/or supporting structure.

ILLUMINATION: A sign lighted by or exposed to artificial lighting either by artificial lighting or in the sign or directed toward the sign.

MONUMENT SIGN: A freestanding sign with a solid base, including rock signs and which incorporate architectural features which complement the sign construction. Pole-type supports are not permitted for monument signs, unless enclosed within the monument sign structure.

MURAL: A painting, other than a business advertising sign, on the outside wall of a building approved by the City's arts commission.

NONCONFORMING SIGN: A sign and its supporting structure which does not conform to all or part of the provisions of this chapter at the time of adoption.

OFF-PREMISES SIGN: Signs located on a separate parcel or a separate site from the place where the product, service, activity or business is located.

ON-PREMISES SIGN: Signs located on the same parcel or a site as the place where the product, service, activity or business is located.

POLE SIGN: A sign mounted on a freestanding pole or supported by one (1) or more poles that are not enclosed as in a monument sign structure.

PORTABLE SIGN: Any sign not designated to be permanently attached to a building or anchored to the ground such as A-frame sign, yard signs and sandwich boards intended to allow for business identification and other advertising promoted by the business.

READER BOARD: A sign or portion of a sign designated as visual display board, in which a wide variety of subjects, including advertising for products or services, travel, news or event information is displayed. Reader boards contains simple block letters that are physically manipulated to change the message.

REAL ESTATE SIGN: A temporary sign that relates to the sale, rental or lease of property or buildings, or construction activities on a site.

ROOF SIGN: A sign erected on a roof or parapet of a building. Signs mounted on mansard facades, eaves and architectural projections such as canopies or marquees shall not be considered to be roof.

SIGN AREA: The actual area of the sign face/copy, not including supporting structures.

SIGN FACE: The area or display surface used for the message.

SHOPPING CENTER: A "shopping center" is a group of commercial establishments, planned, developed, owned and/or managed as a unit related in location, size and type of shops to the trade area the unit serves. Shopping centers shall provide services for a neighborhood or for the community.

TEMPORARY SIGN: A nonpermanent sign intended for use for a limited period of time, as regulated within this chapter.

WALL SIGN: A sign mounted flat against and projecting less than fourteen (14) inches from, or painted on the wall of a building or structure with the exposed face of the sign in a plane parallel to the face of said wall.

WINDOW SIGN: A sign affixed to the interior or exterior of a window or placed immediately behind a window pane and may be viewed from the exterior of the building. This excludes merchandise in a window display.

YARD SIGN: A temporary sign made typically of plastic, fold-over cardboard or poster type material which are attached to the ground with wire or wooden stakes.

SINGLE-FAMILY RESIDENCE: A building designed for and used exclusively for residence purposes by one (1) family. This definition shall include a single trailer not located in a trailer court.

SLAUGHTERHOUSE: See definition of "**MEATPACKING PLANT**".

SPECIAL USE: A special use permitted within a district, other than a principally permitted use, requiring a special use permit and approval of the planning and zoning commission. Special uses permitted in each district are listed in the official schedule of district regulations.

Cross reference(s)—See section 5-3-2 of this title.

SPORTS ARENA: A place or building for contests or shows; such as, theater, musical performances, or sporting events.

STANDARD: Shall be the specifications as specified in this title or as officially adopted by the city.

STATE: The State of Idaho.

STORAGE FACILITY: An area which provides a short-term or long-term parking or storage of patron items inside or outside of the business.

STORY: That part of a building between the surface of a floor and the ceiling immediately above it.

STREET: A right-of-way which provides vehicular and pedestrian access to adjacent properties, the dedication of which has been officially accepted. The term "street" also includes the terms highway, thoroughfare, parkway, road, avenue, boulevard, lane, place and other such terms.

- A. *Alley:* A minor street providing secondary access at the back or side of a property otherwise abutting a street.
- B. *Minor:* A street that has the primary purpose of providing access to abutting properties.
- C. *Collector:* A street designated on the comprehensive land use map for the purpose of carrying traffic from minor streets to other collector streets and/or arterial streets.
- D. *Arterial:* A street designated on the comprehensive land use map for the purpose of carrying fast and/or heavy traffic.
- E. *Private:* A street that is not accepted for public use or maintenance that provides vehicular and pedestrian access.
- F. *Loop:* A minor street with both terminal points on the same street of origin.
- G. *Cul-de-sac:* A street connected to another street at one (1) end only and provided with a turnaround space at its terminus.
- H. *Frontage:* A minor street, parallel to and adjacent to an arterial street to provide access to abutting properties.
- I. *Partial:* A dedicated right-of-way providing only a portion of the required street width, usually along the edge of a subdivision or tract of land.

STRUCTURE: Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, structures include buildings, manufactured homes, walls, fences and billboards.

STUDIO; DANCE, MUSIC, VOICE: A facility where persons study the performing arts.

SUBDIVIDER: A subdivider shall be deemed to be the individual, firm, corporation, partnership, association, syndicate, trust or other legal entity that executes the application and initiates proceedings for the subdivision of land in accordance with the provisions of this Code. The subdivider need not be the owner of the property; however, he shall be an agent of the owner or have sufficient proprietary rights in the property to represent the owner.

SUBDIVISION: The result of an act of dividing an original lot, tract or parcel of land into more than three (3) parts for the purpose of transfer of ownership or development; which shall

also include the dedication of a public street and the addition to, or creation of, a cemetery. However, this Code shall not apply to any of the following:

- A. An adjustment of lot lines as shown on a recorded plat which does not reduce the area, frontage, width, depth or building setback lines of each building site below the minimum zoning requirements, and does not change the original number of lots in any block of the recorded plat;
- B. An allocation of land in the settlement of an estate of a decedent or a court decree for the distribution of property;
- C. The unwilling sale of land as a result of legal condemnation as defined and allowed in the Idaho Code;
- D. Widening of existing streets to conform to the comprehensive plan;
- E. The acquisition of the street rights-of-way by a public agency in conformance with the comprehensive plan; and
- F. The exchange of land for the purpose of straightening property boundaries which does not result in the change of the present land usage.
- G. A Public Utility Lot.

SUPPLY YARDS: A commercial establishment storing and offering for sale building supplies, street supplies, coal, heavy equipment, feed and grain, and similar goods.

SURVEYOR: Any person who is licensed in the state as a public land surveyor to do professional surveying.

SWAP MEET: Also known as a "flea market" means a building or open area in which stalls or sales areas are set aside, rented or otherwise provided for use by individuals, tenants or businesses engaged in retail trade. The sale of merchandise may include secondhand items, specialty items, hand crafted items and home-grown products.

TATTOO/BODY PIERCING PARLOR: An establishment for a tattoo artist and/or body piercer to perform a service to apply permanent decorative body art; typically learned via apprenticeship under an established artist. Properly equipped parlors shall have biohazard containers for any objects that have come into contact with blood or bodily fluids, sharps container for old needles, and an autoclave for sterilizing tools.

TAVERN/BAR/LOUNGE/NIGHTCLUB: A place where the sale and service of alcoholic beverages are sold by the drink, where meals are not required.

TAXIDERM: A facility where the art of stuffing the skins of animals to appear life-like is practiced.

TERMINAL TRUCK YARD: A facility for the receipt, transfer, short-term storage and dispatching of goods transported by truck. Included in the use type would be express and other mail and package distribution facilities, including such facilities operated by the U.S. Post Office.

THEATER: A building or part of a building used to show motion pictures or for drama, dance, musical, or other like performances.

TIRE RECAPPING: A facility in which provides service to restore a used tire of a motor vehicle to useable condition by bonding new rubber onto the worn tread and lateral surface.

TOWNHOUSE or ROW HOUSE: Two (2) or more contiguous dwelling units designed to be independently owned and occupied which are connected by a lot line wall or party wall, each unit having separate water, sewer, electricity, heating and communication supplies.

TRAINING FACILITY: A private or public establishment that provides training and instruction for law enforcement, security companies, military, fire safety, and accessory facilities including but not limited to, dining and overnight accommodations, accommodations, classrooms, indoor/outdoor shooting range, motor course, and fire suppression simulations. This may include tactical training for private individuals.

TRUCK MAINTENANCE: Any commercial establishment designed or used for the maintenance of trucks. Maintenance shall be limited to tune-ups, oil changes, lubrication, smog check, wheel alignments, detailing and minor warranty work, minimal waste disposal, brake repair (but not as a principal use), or other similar routine maintenance functions.

TRUCK STOP: A commercial facility which may provide a service station, rest (parking), store often with ready-made food, and other services to motorists and truck drivers.

TRUCK WASH: A facility for washing commercial vehicles.

USE: The purpose, for which land or a building is designated, arranged or intended or for which it is occupied or maintained, let or leased.

UTILITIES: Installations for conducting water, sewage, gas, electricity, television, irrigation, stormwater and similar facilities providing service to and used by the public.

VARIANCE: A variance is a modification of the requirements of the zoning regulations as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, height of buildings, or other ordinance provisions affecting the size or shape of a structure or the size of lots. A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon a showing of undue hardship because of characteristics of the site and that the variance is not in conflict with the public interest.

Cross reference(s)—See chapter 11 of this title.

VEHICLE: Shall include, but not be limited to, automobile, truck, motorcycle, recreational vehicle, personal recreation item or as otherwise defined in IC § 49-123 which includes every device in, upon, or by which any person or property is or may be transported or drawn (e.g., travel trailers) upon a public highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

VEHICLE, COMMERCIAL: Any currently licensed and operable motor vehicle with a gross vehicle weight rating over twenty-six thousand (26,000) pounds and as defined by IC § 49-123.

VEHICLE EMISSIONS TESTING: A measurement performed on motor vehicles, required by Idaho law and Idaho Department of Environmental Quality [DEQ] compliances, to prevent issuing valid vehicle registration if an excessive amount of waste fumes are produced during typical use.

VETERINARY ANIMAL HOSPITAL OR CLINIC: A place used for the care, grooming, diagnosis and treatment of sick, ailing, infirm or injured animals, and those who are in need of

medical or surgical attention, and may include overnight accommodations on the premises for the treatment, observation and/or recuperation. It may also include boarding that is incidental to the primary activity.

VICINITY MAP: A 300-scale drawing which sets forth by dimensions or other means the relationship of the proposed development to other nearby developments or landmarks and community facilities and services within the general area in order to better locate and orient the area in question.

WALKWAY: A public way, five (5) feet or more in width, for pedestrian use only, whether or not along the side of a road.

WAREHOUSE: An enclosed structure for the storage of goods for distribution or transfer to another location.

WATER CONNECTION: The connection consisting of all pipes, fittings and appurtenances from the water riser pipe to the water inlet pipe of the distribution system within the manufactured home.

WATER RISER PIPE: That portion of the water supply system serving the manufactured home park that extends vertically to the ground elevation and terminates at a designated point at each manufactured home lot.

WIND TURBINE/MILL/FARM: A rotary device that extracts energy from wind. If the mechanical energy is used directly by machinery, such as for pumping water, cutting lumber or grinding stones, the machine is called a windmill. If the mechanical energy is instead converted to electricity, the machine is called a wind generator wind turbine, wind turbine generator (WTG), wind energy converter (WEC), or aero generator. Grouping these units in the same location used for production of electric power is called a windfarm. A large wind farm may consist of a few dozen to several hundred individual wind turbines, and cover an extended area of hundreds of square miles, but the land between the turbines maybe used for agricultural or other purposes.

WOOD PROCESSING: A facility that provides a production of forest product, such as pulp and paper, construction materials, and tall oil. Paper engineering is a subfield of wood processing.

WRECKING YARD: Any premises used for the storage, dismantling or sale of either used motor vehicles, trailers or machinery.

YARD: A required open space, other than a court, unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general ground level of the graded lot upward; provided, accessories, ornaments and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

- A. *Yard, front:* A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.
- B. *Yard, rear:* A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of principal buildings.
- C. *Yard, interior side:* A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

D. *Yard, street side:* A yard extending from the principal building to the secondary street that adjoins the lot between the lines establishing the front and rear yards.

ZONING PERMIT: A document issued by the director authorizing the uses of land and structures, and the characteristics of the uses.

Section 3: That Section 3, Chapter 3 of Title 5 Kuna City Code is hereby amended to read as follows:

MINIMUM YARD AND SQUARE FOOTAGE REQUIREMENTS

Zoning District	Maximum Height	Recommended Minimum Street Frontage*	Front Yard Setback On A Local Road	Front Yard Setback On An Arterial Or Collector Street	Rear Yard Setback	Interior Side Yard Setback	Street Side Yard Setback	Maximum Lot Coverage	Minimum Lot Size
A	45'	0**	20' from lot line	30'	30'	10' from lot line	15'	90%	5 acres
R-2	35'	120'	20'	30'*****	15'	5'	20'	40%	20,000 sq ft
R-4	35'	66'	20'	30'*****	15'	5'	20'	40%	6,600 sq ft*
R-6	35'	45'	20'	30'*****	15'	5'	20'	40%	4,500 sq ft*
R-8	35'	40'	20'	30'*****	15'	5'	20'	40%	3,300 sq ft
R-12	40'	40'	20'	30'*****	15'	5'	20'	60%	2,200 sq ft
R-20	40'	40'	20'	30'*****	15'	5'	20'	60%	1,300 sq ft
O	35'	0**	20'	0	30'	5'	20'	80% DR	2,000 sq ft
C-1	35'	0**	15'	0	5'	0	10'	100% DR	2,000 sq ft
C-2	60'	0**	0	0	0	0	0	100% DR	1,300 sq ft
C-3	60'	0**	0	0	0	0	0	100% DR	1,300 sq ft
CBD	80'**	0**	0	0	0	0	0	100% DR	1,000 sq ft
M-1	100'	0**	0	0	0	0	0	100% DR	5,000 sq ft
M-2/M-3	100'	0**	0	0	0	0	0	100% DR	5,000 sq ft
P	60'	0**	0	0	0	0	0	100% DR	400 sq ft

Notes:

The city has discontinued the R-1, R-3, and R-5 zones and converted these discontinued zones to the following: R-1 see R-2; R-3 see R-4; and R-5 see R-6. The M-3 zone, which is limited to mining uses, has been consolidated with the M-2 zone.

The terms property owner, applicant, controller and developer are used interchangeably.

* The city encourages creativity in the design of its subdivisions; the Planning and Zoning Director may allow the reduction of the street frontage and minimum lot size recommendation after reviewing the entire subdivision plat, which shall consider the overall layout of streets and lots.

** It is presumed the parcel's street frontage will be of a sufficient width to accommodate the placement of a driveway entrance for those uses fronting on a street where they have driveway access.

*** Building heights above sixty (60) feet, and especially habitable spaces located above that height, may require the procuring of special safety equipment or fire apparatus.

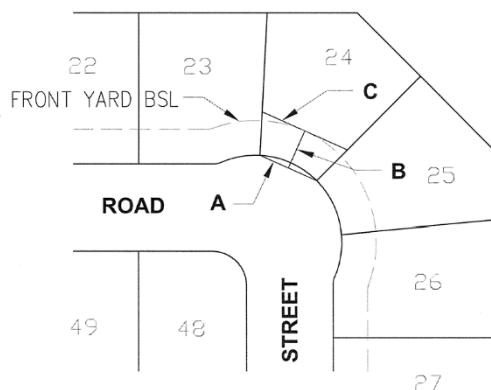
**** Residential access to a functionally classified roadway is limited.

***** There shall be no minimum lot size that applies to a public utility lot. Public utility lots will not be subject to setbacks.

A. *For all residential districts:*

1. The developer shall provide an additional two (2) feet of distance separation from the designated interior yard setback for each additional story above the second level floor.
2. When a lot's side property boundaries are not parallel or the lot has an odd configuration that casts doubt on its capacity to meet the city's lot width requirements for a given zone - the city staff will measure the lot width at the front yard setback to determine whether it meets this requirement by way of the following process:

- 1- FIND THE CENTER POINT OF LINE 'A'
- 2- DRAW LINE 'B' PERPENDICULAR TO THE CENTER POINT OF LINE 'A'.
- 3 - EXTEND THE PERPENDICULAR LINE 'B' TO A POINT WHERE IT WILL INTERSECT THE BUILDING'S FRONT YARD SETBACK LINE (BSL) AS IT HAS BEEN ESTABLISHED FOR THE PARTICULAR ZONE.
- 4 - AT THE INTERSECTION OF THE BSL AND LINE 'B' DRAW A PERPENDICULAR LINE TO EACH SIDE YARD PROPERTY LOT LINE (LINE 'C').
- 5 - MEASURE THE LENGTH OF LINE 'C'.
- 6 - DOES LINE 'C' MEET, OR EXCEED THE LOT FRONTAGE REQUIREMENT FOR THE ZONE?



Illustrated by: Troy Behunin
City of Kuna, Idaho
January 13, 2011

3. Flag lots require a minimum thirty-foot of street frontage.

4. The front yard setback may be reduced to fifteen (15) feet for the residential living area or side entry designed garage; however, a street facing garage entrance shall be located a minimum twenty (20) feet beyond the sidewalk or sidewalk easement.
5. Certain structures and projections are permitted within the required yard setback area, unless their placement there would interfere with building code provisions. Items permitted there include: Cornices, canopies, eaves or other like projections, which do not increase the volume of space enclosed by the building as determined by the director, in consultation with the building official. None of these items shall project into a designated side yard more than two (2) feet or extend to within three (3) feet of a property line. It should be noted, that even though certain structures or projections are permitted within the yard setback, they are likely not permitted within an easement or right-of-way. The developer should be aware not to encroach upon these property demarcations when extending or projecting the building's footprint.
6. Exterior steps or stairs shall not project into the designated side yard setback.
7. No portion of a residential dwelling structure shall extend into the front yard setback.
8. Deleted by Ord. No. 2012-18.
9. Setbacks are usually measured from the property line; however, if a public sidewalk is placed upon private property by way of a public easement - the private property side edge of the sidewalk shall serve as the beginning of the setback line for establishing the yard setback.
10. Zero lot line: A developer may place a residence on a property line between lots, provided that an approved variance is obtained and they can reconcile the necessary distance separation requirements for adjoining buildings through firewall assembly, sprinkler systems or other distance separation abatement measures as approved by the city building official. Additionally, the developer will need to vacate any existing side yard utility easement with the city engineer's consent so the building is not located within an easement. The foregoing of a side yard utility easement means the developer will need to find a way to provide for utility continuation (if necessary) by means of an alternative route with the city engineer's approval. Finally, the developer would need to develop the land through the city's planned unit development process (PUD) as that is the only viable zoning mechanism available to modify zoning setback requirements.

B. For all residential and/or commercial districts:

1. The term "maximum lot coverage" as defined in this title: The term "maximum lot coverage" assumes the developer will address all of the required onsite development functions necessary to support the development as a feature of lot coverage requirements. These functions include: On-site parking; landscaping; building separation distances; travel aisle widths; solid waste collection device placement; easements; sidewalks; walkways; internal streets; irrigation, water and waste water systems; lawns; lighting; drainage facilities; parks; open spaces;

public dedications; service areas and other land use support functions requiring physical space.

2. The director has administrative authority to modify side or rear setback requirements and height restrictions by up to twenty (20) percent with the planning and zoning commission's concurrence, provided building or fire code separation distances and other development requirements are not compromised by that action.
3. When a commercial and/or industrial use abuts a residential zoning district, the yard setback requirements shall be the same as required in the adjacent residential district. When residents are located in commercial or industrial zones, the yard setbacks are the same as required for the R-4 residential zoning district.
4. Odd lot size or topographical dimensional issues: The director will determine how to address area and setback requirements for odd shaped lots and land with topographical issues.
5. The term "commencement of construction": The construction of the first permanent structure on a site as approved or off-site improvements intended to primarily benefit said site. On-site improvements include such things as: The pouring of slab or footings; the installation of pilings; the construction of columns or any other work beyond excavation. Off-site improvements include such things as: Installing major infrastructure improvements, sewer lines, water lines, pressurized irrigation lines, well stations, lift stations, pump stations, roads; and other utilities intended to serve the site. Permanent construction does not include land preparation, such as clearing, grading and filling or excavation for a basement, footings, piers or foundations or the erection of temporary forms.
6. Land use violation: The city shall not accept land use plans or time extension requests, if prior to their submission, the city has advised the property owner, or their representative, of an illegal or improper land use action or activity on the subject parcel, and in the interim, it has not been addressed to the city's satisfaction.

Section 4: That Chapter 16 of Title 5, Kuna City Code is hereby amended by the addition thereto of a new Section 5 to read as follows:

5-16-5: - Public Utility Lot Split:

- A. Purpose: A public utility lot split is the dividing of a lot, tract or parcel of land for the purpose of creating a public utility lot as defined in KCC § 5-1-6. The burden shall be on the property owner to provide evidence to the director that the public utility lot will exclusively contain public and/or a private physical infrastructure structure which is a physical component of an interrelated public or private system which provides water, sewer, irrigation, natural gas, electrical grid and/or telecommunication service to the public.

B. The owner of the lot, tract or parcel of land and the utility provider, who will be the owner of the public utility lot, shall file a joint application for a public utility lot division with the director. At a minimum, the application shall contain the following information:

1. Names, mailing and email addresses and phone numbers of applicants; and
2. Legal description of the original lot, tract or parcel of land and the proposed Public Utility Lot; and
3. Affidavits of legal interests; and
4. The construction drawings and specifications of the infrastructure to be constructed on the public utility lot (“Subject Infrastructure”) for the director’s and city engineer’s review; with sufficient information about the locations, nature and volume of the interrelated public or private system, which the Subject Infrastructure will be providing water, sewer, irrigation, natural gas, electrical grid and or telecommunication service to the public; and
5. Proof that the utility provider applicant owns physical infrastructure systems which provides water, sewer, irrigation, natural gas, electrical grid and/or telecommunication service to the public.

Section 5: Severability Provision

5.1 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 6: Directing the City Clerk

6.1 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 7: Effective Date

7.1 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 50-901 A, Idaho Code, may be published.

ADOPTED this _____ day of _____, 2023.

CITY OF KUNA

Joe L. Stear, Mayor

ATTEST:

Chris Engels, City Clerk