

**ORDINANCE NO. 2020-23  
CITY OF KUNA  
ZONING ORDINANCE AMENDMENT**

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

- **MAKING CERTAIN FINDINGS; AND**
- **AMENDING SUBSECTION 2 OF SECTION 6, CHAPTER 1, TITLE 5  
ADDING DEFINITIONS ASSOCIATED WITH SIGNAGE; AND**
- **REPEALING CHAPTER 10 OF TITLE 5; AND**
- **AMENDING TITLE 5 BY THE ADDITION OF A NEW CHAPTER 10;  
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 June 9, 2020, as required by Sections 67-6511 and 67-6509, Idaho Code, made findings (approved by the Commission on June 9, 2020) 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 August 18, 2020, 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 August 18, 2020) 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:** Subsection 2 of Section 6, Article 2, Chapter 1 of Title 5 Kuna City Code be and the same is hereby amended to read as follows:

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

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

*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 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.

**Section 3:** Chapter 10 of Title 5 Kuna City Code be and the same is hereby repealed.

**Section 4:** Title 5 Kuna City Code be and the same is hereby amended by the addition thereto of a new Chapter 10 to read as follows:

**5-10-1: INTENT:**

The purpose of this chapter is to promote and protect the public health, welfare and safety by regulating existing and proposed signage. It is intended to protect property values, create an attractive community, while encouraging creative, readable, uncluttered and well-maintained signage. It is further intended to reduce sign or advertising distraction and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signage.

**5-10-2: APPLICABILITY:**

A. *All signs:* Signs shall not be erected or maintained in any district as established by the zoning ordinance except those signs specifically set forth in this chapter. No sign shall be placed within a vision triangle (KCC 5-3-1:E.5), nor shall any sign be placed a minimum of five (5) feet from any public right-of-way and all site property lines, unless otherwise noted in this chapter.

- B. *Historical Signage*: Existing signs pertaining to any business within the design review overlay district which business is found by the planning and zoning director to be of local historical significance are exempt from the provisions of this chapter.
- C. *Undefined or unclassified signs*: To determine applicable regulations for any sign not specifically defined herein, the planning and zoning director shall use a definition or classification within this title which most closely defines or classifies any such sign.
- D. *Materials and appearance*: Sign materials and appearance shall be complementary to the building's architecture colors.
- E. *Change of face/copy*: A permit shall not be required for a change of face and/or copy on any sign, repainting, cleaning or other normal maintenance or repair of a sign or sign structure for which a permit has previously been issued in accordance with this code, provided that the cabinet and/or structure is not altered.
- F. When any part of this chapter conflicts with another provision of federal, state or local law, the provision that establishes the stricter standard shall control.
- G. All signs shall be subject to approval by the planning and zoning director, unless otherwise noted within this chapter.

### **5-10-3: PROCESS:**

Application required: For projects requiring administrative approval, the applicant shall submit a sign application. It shall be unlawful for any person to erect, construct, enlarge, move or convert any sign in the city, or cause the same to be done, without the approval of a sign application.

- A. The application and fees, shall be submitted to the planning and zoning director on forms provided by the planning department.
- B. The planning and zoning director shall apply standards listed in this chapter to review the sign permit request.
- C. The City Engineer shall review the proposed location of the sign to ensure the sign does not impede any easements.

### **5-10-5: REQUIREMENTS FOR SPECIFIC SIGN TYPES:**

The regulations contained in this section shall apply to all signs used within any district:

#### A. Digital Signs:

1. Digital signs may be permitted as part of a monument sign and shall be prohibited in all other types of signs if the city determines the sign does not comply with the following:

- a. The lighting shall be harmonious with and in accordance with the general objectives, or with any specific objective of chapter 4 of this title;
  - b. The lighting shall be installed, operated and maintained to be harmonious and appropriate in appearance with the existing and intended character of the general vicinity and shall not change the essential character of the area; and
  - c. The lighting shall not be intrusive to existing or future neighboring uses.
2. All digital signs that utilize light to create change may change frame content through dissolve, fade or scroll features only. No sign shall be operated in a manner which the sign, sign structure, design or pictorial segment of the sign shows full animation, glowing, flashing, rotating content, or otherwise create an illusion of movement, except for single color text only message displays scrolling or traveling across the sign area.
  3. The signs shall only change frame content not more than every eight (8) seconds. The change of content must change immediately within a period of less than one (1) second.
  4. Based on brightness measured in NIT (an illuminative brightness measurement equivalent to one (1) candela per square meter measured perpendicular to the rays of the source); digital signs that utilize light to change frames shall contain an auto dimmer allowing for no more than five thousand (5,000) NIT illumination between sunrise and sunset and up to one-hundred (100) NIT illumination between sunset and sunrise.
  5. The digital sign portion of any sign should be constructed in a manner in which it is subordinate to the overall design of the sign. The digital sign portion of any sign shall not exceed twenty-five (25) percent of the face of any sign.
  6. Where more than one (1) sign is allowed, only one (1) sign may contain a digital sign.
  7. The addition of a digital sign to any nonconforming sign is prohibited.

B. Free-Hanging Signs:

1. Free-hanging signs shall not exceed eight (8) square feet, nor shall any such sign extend beyond the porch or canopy to which it is attached.
2. A minimum distance of seven (7) feet six (6) inches shall be required between a walkway or required front yard and the lowest part of any free-hanging sign.

C. Monument Signs:

1. Single-tenant buildings which are not within the central business district (CBD district), the monument signs shall not exceed eight (8) feet in height and the sign area shall not exceed seventy (70) square feet per side.

2. Single-tenant buildings which are within the CBD district, the monument signs shall not exceed five (5) feet in height with a maximum sign area of forty (40) square feet.
3. Multi-tenant buildings which are not within the CBD district or within a "shopping center", the monument signs shall not exceed twenty (20) feet at the highest point and the sign area shall not exceed one hundred fifty (150) square feet per side.
4. Multi-tenant buildings which are within the CBD district, the monument signs shall not exceed seven (7) feet in height with a maximum sign area of sixty (60) square feet. There shall only be one (1) freestanding monument sign for each building regardless of the number of businesses located in that building.
5. A "Shopping Center" located on a site less than twenty (20) acres shall be allowed one monument sign per abutting street. "Shopping centers" located on a site twenty (20) acres or greater shall be allowed two (2) signs per classified roadway.
  - a. "Shopping center" signs adjacent to a roadway not designated as a state highway shall not exceed twenty (20) feet in height and one hundred fifty (150) square feet per side.
  - b. "Shopping center" signs adjacent to roadways designated as a state highway shall not exceed thirty (30) feet in height and two hundred (200) square feet per side.
  - c. If the "shopping center" has a single address, the address shall be located on the monument sign and shall be a size that is readable from the street.
  - d. Any single-tenant building within a shopping center shall be permitted one (1) monument sign. The height of any such sign shall not Exceed eight (8) feet in height. The sign area shall not exceed seventy (70) square feet per side.
6. Residential subdivisions may be permitted one (1) monument sign on each side of any entry road into a subdivision, or within the landscape median if approved by ACHD and the planning and zoning director.
  - a. Subdivision monument signs shall not exceed seven (7) feet in height and the sign area shall not exceed sixty (60) square feet per side.
  - b. Subdivision monument signs shall comply with clear vision sight triangle standards under KCC 5-3-1: E.
  - c. No residential subdivision monument sign shall contain electronic message centers (EMCs).
7. The minimum distance between monument signs on a single parcel, shall be one hundred (100) feet.
8. No monument sign shall be any closer than fifty (50) feet from a monument sign, or other freestanding sign, on an adjacent property.

9. Monument signs are permitted to be double-faced.

D. Pole Signs.

1. *Pole sign (on-premises and less than thirty (30) feet in height):* A freestanding sign (on-premises and up to thirty (30) feet in height) with a maximum sign area of one hundred (100) square feet may be installed to serve a group of business establishments, provided it is placed no closer than ten (10) feet to any street right-of-way or adjoining lot line. There shall be only one (1) freestanding sign for each site, regardless of the number of businesses located in that building or on location.
2. *Pole signs (on-premises and more than thirty (30) feet in height):* A freestanding sign (on-premises and over thirty (30) feet in height) with a maximum sign area of one hundred (100) square feet may be installed to serve a group of business establishments, provided it is placed no closer than ten (10) feet to any street right-of-way or adjoining lot line through acquisition of a special use permit. There shall be only one (1) freestanding sign for each site, regardless of the number of businesses located in that building or location, unless it is a corner lot in which case you may have one (1) freestanding sign per street

E. Billboard Signs:

*Billboard signage:* Billboards are limited to the A, M-1 and M-2 zoning districts and permitted there by way of a special use permit.

1. The city considers any sign with more than two hundred (200) square feet of surface area a billboard sign, no billboard sign shall exceed six-hundred (600) total square feet.
2. Billboard signs shall conform to the zoning district's yard and height regulation.
3. Billboard signs within the highway overlay district are not allowed regardless of the zoning district.
4. A nonconforming billboard sign may change the face of the signage only. Any other alterations or upgrades requires the billboard signage to be brought into compliance with current signage standards.

F. Portable Advertising Signs (on-premises):

1. Commercial portable advertising signs (on-premises):
  - a. One (1) portable advertising sign (on-premises) shall be permitted per business. Except that, if the business abuts more than one (1) street it shall be permitted one (1) portable advertising sign (on-premises) per street that it abuts as long as the signs are a minimum of seventy-five (75) feet apart.

- b. Portable advertising sign (on-premises), except for feather flag signs, shall be a maximum of sixteen (16) square feet along roadways with three (3) or less travel lanes and twenty-four (24) square feet along roadways with more than three (3) travel lanes.
  - c. Portable advertising sign (on-premises), shall only be permitted on the parcel where the business is located, or on the adjacent sidewalk (as described below in subsection d), and shall not be permitted on any other parcel except that any multi-tenant site shall have the sign on the site and not on any other site.
  - d. Portable advertising sign (on-premises), on a public sidewalk abutting the business's parcel may be permitted if a minimum of five (5) feet of unobstructed walkway, or ADA required minimum width/aisle, remains for pedestrians. The sign shall be located so as to not interfere with the flow of pedestrians.
  - e. If a feather flag sign is used as a portable advertising sign (on-premises), the maximum height shall be twelve (12) feet and maximum width shall be four (4) feet.
  - f. Vendors and temporary merchants shall comply with all portable advertising sign (on-premises) requirements. However, any such sign shall be allowed only for the length of time that the vendor or temporary merchant is in operation.
  - g. The display of all portable advertising signs (on-premises) shall be limited to the hours of operation associated with the advertising business; all signs shall be displayed and removed daily.
2. Residential subdivision portable advertising signs (*on-premises*):
- a. Signage installed along a residential subdivision's street frontage for advertising purposes shall be limited to the installation of four (4) in ground signs.
  - b. Signs shall not exceed twelve (12) square feet in area and ten (10) feet in height.
  - c. Signs shall only advertise the names of owners, trade names, products sold and/or the business or activity conducted on the premises where such sign is located.
  - d. If a feather flag sign is used as a portable advertising sign (on-premises) the maximum height shall be twelve (12) feet and maximum width shall be four (4) feet.
  - e. Signs shall be removed when ninety-five (95) percent of the subdivision's lots have been sold.
3. The sign, copy and materials shall be maintained and kept in good condition and repair to guard against decay, fading, unsafe and poorly maintained signs.

G. Directional Signs (off-premises):

1. Commercial Directional Signs (off-premises):

- a. Shall only be permitted for businesses which are not located on any street designated as an arterial street on the Street Circulation Map in the Kuna Comprehensive Plan.
- b. Portable directional signs (off-premises) are allowed only when a change in direction is required to lead customers to the business site.
- c. Portable directional signs (off-premises) shall be a maximum of two and one-half (2½) feet in height and four (4) square feet along roadways with three (3) or less travel lanes and three (3) feet in height and six (6) square feet along roadways with more than three (3) travel lanes.
- d. Portable directional signs (off-premises) on a public sidewalk may be permitted if ADA required minimum width/aisle, remains for pedestrians of unobstructed walkway. The sign shall be located to not interfere with the flow of pedestrians.

2. Residential Subdivision Directional Sign (off-premises):

- a. Shall not exceed twelve (12) square feet in area.
- b. Shall advertise only the names of the owners, trade names, products sold and/or the business or activity conducted within the subdivision.
- c. Residential Subdivision Directional signs (off-premises) shall be removed when ninety-five (95) percent of the subdivision's lots have been sold.

3. The sign, copy and materials shall be maintained and kept in good condition and repair to guard against decay, fading, unsafe and/or poorly maintained signs.

4. No portable directional sign (off-premises) shall have any exclusive right to any location within a public right-of-way, nor shall any sign be permitted to be placed within any congested area where the signage might impede or inconvenience the public, nor shall any sign be placed within a vision triangle (KCC 5-3-1:E.5). For the purpose of this paragraph, the judgment of the planning department, or ACHD official, or ITD official, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public is impeded or inconvenienced.

5. Portable directional signs (off-premises) shall not be illuminated or animated.

6. All portable directional signs (off-premises) placed on property not of applicant's ownership shall have property owner's written permission.

#### H. Signs on City-Owned Property:

No person shall erect a sign upon any property owned or controlled by the city without first having procured prior written permission from the planning and zoning director.

#### I. Sign Illumination:

1. The city must find that any illuminated sign permitted under the specific regulations within this article is designed such that brightness levels are controlled to assure a soft, subtle effective light in accordance with other city regulations intended to create and maintain the Kuna architecture theme, while encouraging energy efficient lighting.
2. Floodlighting is permitted only through the use of incandescent and high-pressure sodium light sources. Floodlights are required to face downward and be fully shielded.
3. Exposed neon is permitted when used to create the sign letter(s) or as an architectural element as part of the sign design. A clear covering may be permitted for protection of the neon element.
4. Halo illumination is permitted.
5. Metal halide is not permitted as a light source for signage.
6. Internal illumination is permitted.

#### J. Wall Signs:

1. For wall signs within commercial and industrial districts, the total area shall not exceed ten percent (10%) of the area of the building face to which it is attached. The total square footage of allowed wall signage may be split into multiple signs; however, no business shall have more than three signs per side of the building.
2. Projection of parallel signage shall not exceed a maximum of twelve (12) inches from the face of the building.
3. Projection of perpendicular signage shall not exceed a maximum of two (2) feet measured from the face of the main building and minimum distance of seven (7) feet six (6) inches shall be required between public rights-of-way or required front yard and the bottom of sign.
4. No wall sign shall extend above a structure's roof line.

K. Permitted Temporary Signs: Written city approval shall not be required for the temporary signs as described and regulated within this subsection unless otherwise noted. Additionally, signs listed under "prohibited signs" of this chapter are also prohibited as temporary signs.

1. *Banner signs:* Banner signs used for limited timeframe promotions of special events, grand openings, or sales of products or services. Said banner signs shall be securely attached to a building, structure or similar permanent fixture and shall not be permitted to be displayed for more than thirty (30) consecutive calendar days with a minimum of sixty (60) consecutive days between placements. Banner signs may be placed on temporary posts inserted into the ground, but posts must be placed in a fashion and location approved by city staff. No banner sign shall exceed thirty-two (32) square feet. If a banner sign is desired beyond thirty (30) days a sign application shall be submitted to the planning and zoning director for administrative determination.
2. *Construction signs:* Shall be placed on the construction site only between the time that a development application has been filed with the city and final issuance of certificate of occupancy. Contractors' signs may include banks, realtors, subcontractors, etc., and shall not exceed sixteen (16) square feet, except that thirty-two (32) square feet may be permitted along state highways, unless legally required by governmental contract to be larger, and seven (7) feet shall be the maximum height.
3. *Event signs:* Community events signs shall be permitted for a maximum of thirty (30) days in any calendar year. No requirement within this article shall apply to temporary community event signs; except however, no temporary community event sign shall block ADA accessible sidewalk requirements or violate the sight visibility triangle of any intersection as determined by ACHD or planning and zoning director. (See chapter 3 of this title, subsection 1.E (5) for clear sight triangle standards.)
4. *Government signs:* Government or other legally required posters, notices or signs.
5. *Grand Opening signs:* All signs, except for prohibited signs as regulated in this chapter, are allowed for a grand opening of a new business or enterprise or for a grand opening for a business or enterprise under new management for a maximum period of sixty (60) calendar days.
6. *Holiday signs:* Temporary signs commemorating and/or recognizing a holiday as defined herein, shall be allowed during the time the holiday is typically recognized. Holiday signs shall not advertise a business, product or service. No requirement within this article shall apply to temporary holiday signs; except however, no temporary holiday sign shall block ADA accessible sidewalk requirements or violate the sight visibility triangle of any intersection as determined by ACHD or planning and zoning director (See chapter 3 of this title, subsection 1.E.(5) for clear sight triangle standards.)
7. *Political signs:* Political signs, freestanding or wall sign providing information relating to a local, state or national election, shall not be posted in any place or in any manner that is destructive to public property upon posting or removal. No political sign shall be posted in public rights-of-way, on public property, nor shall any such sign be posted on a utility or regulatory pole. No political sign shall be posted more than sixty (60) days before an election. All candidates for public office, their campaign committees, or other persons

responsible for the posting a sign or campaign material shall remove such material within two (2) weeks following election day.

8. *Real Estate signs (on and off-premises)*: On and off-premises signs used for real estate open houses. Said signs shall not exceed six (6) square feet, shall only be used during the open house, and shall be removed immediately after the open house.
  9. *Subdivision Advertising signs*: Signage installed along a residential subdivision's street frontage for advertising purposes shall be limited to the installation of eight (8) in ground signs that do not exceed twelve (12) square feet in area or ten (10) feet in height. The signs shall advertise only the names of the owners, trade names, products sold and/or the business or activity conducted on the premises where such sign is located. The signs shall be maintained in good condition and removed when ninety-five (95) percent of the subdivision's lots have been sold.
  10. *Temporary wall sign (in lieu of permanent wall sign)*: A business identification banner, or similar sign, is allowed on a temporary basis, not to exceed one hundred twenty (120) days, during approval and construction of any wall sign for a new business. Said sign shall not be larger than the wall sign that would be permitted per this title, shall only be located on the face of the building where the wall sign would be permitted per this title, and shall be removed when the permanent sign is installed. Subject to approval by an administrative determination by the planning and zoning director.
  11. *Temporary sign (in lieu of permanent monument sign)*: A business identification A-frame, sandwich board or similar sign, is allowed on a temporary basis, not to exceed one hundred twenty (120) days, during approval and construction of any monument sign for a new business. Said sign shall not be larger than the monument sign that would be permitted per this title and shall be removed immediately when the permanent sign is installed. Subject to approval by an administrative determination by the planning and zoning director.
- L. Exempt Signs: The provisions and requirements of this chapter shall not apply to the following signs, except that no sign shall block ADA accessible sidewalk requirements or the sight vision area of an intersection as determined in chapter 3 of this title. Signs contained in this section are not subject to approval by the planning and zoning director:
1. *Address numbers*: Numbers and letters for address identification.
  2. *City entry signs*: Signage identifying City of Kuna or a particular district. Permanent city entry sign shall require a building permit and electrical permit.
  3. *Directional signs*: Shall not exceed six (6) square feet in area.
  4. *Drive thru menu board signs*: A wall or freestanding sign that lists the foods or other products available at drive through facilities.

5. *Door signs*: Door signs identifying the business, business hours, emergency phone numbers, shall be permitted up to a maximum of two (2) square feet.
6. *Emergency service signs*: Signs for emergency services such as police services, emergency rooms, fire departments, hospitals, etc.
7. *Flag signs*: The flag of the government or noncommercial institution.
8. *Flag sign (commercial)*: The flag of a commercial institution, except that no more than one (1) flag is permitted per business, the flag shall not exceed twenty (20) square feet in surface area, shall be left loose to fly in the breeze and shall be a maximum of fifteen (15) feet in height.
9. *Fuel island canopy signs*: Signs affixed to, mounted on or painted on a fuel island canopy.
10. *Interior signs*: Signs located in the interior of any building or within an enclosed lobby or court of any building or group of buildings, which signs are designed and located to be viewed exclusively by patrons such use or uses.
11. *Memorial signs*: Memorial signs or tablets, names or buildings and dates of erection of a building or structure.
12. *Name plate signs (professional)*: Professional nameplates not to exceed four (4) square feet in area.
13. *Neon window signs*: A sign containing glass tube lighting in which a gas and phosphorus are used in combination to create a colored light. Neon Signs shall be no larger than four (4) square feet. No more than two (2) neon window signs per street frontage shall be allowed.
14. *Person signs*: Signs worn or held by a person while walking the public ways of the city.
15. *Public convenience signs*: Signs not exceeding six (6) square feet in area, erected for the convenience of the public, such as signs identifying restrooms, public telephones, pathways and similar features or facilities.
16. *Seasonal decorations*: Reasonable seasonal decorations within the appropriate holiday season. Displays shall be removed at the end of the public holiday season within 10 calendar days.
17. *Traffic or other municipal signs (signs required by law)*: Temporary or permanent traffic signals, railroad crossings signs, legal notices, and temporary emergency or non-advertising signs.
18. *Utility company signs*: Signs of public utility companies indicating danger or which show the location of utility facilities.

19. *Warning signs*: Nonilluminated or externally illuminated, "no trespassing", "no parking", "no dumping" and other warning signs located on the lot to which the sign is appurtenant and not exceeding six (6) square feet.
  20. *Window signs*: Window signs are exempt as long as the total window covered does not exceed thirty (30) percent of the total window area of all windows facing public streets.
- M. Prohibited signs: The following signs and attention attracting devices shall be prohibited within the city, except as may otherwise be specifically stated within this subsection. These signs and other attention attracting devices are subject to removal by the city at the owner's or user's sole expense:
1. Any sign which blocks the Americans with Disabilities Act (ADA) minimum width required for handicap accessibility on a public sidewalk.
  2. Bubble machines except for grand openings and community events.
  3. Chasing lights, except as may be approved by the city as an integral part of a building or structure, and except for grand openings, community events and seasonal events.
  4. Polyurethane and polyvinyl chloride (PVC) style inflatable balloons and blimps, larger than twenty-four (24) inches in diameter, except for grand openings and community events.
  5. Reader board signs in excess of twenty (20) square feet.
  6. Roof signs.
  7. Searchlights, beacons, strobe lights, scintillating lights, and similar lights except for grand openings and community events.
  8. Signs which imitate or resemble an official traffic sign or signals.
  9. Signs which by reason of their size, location, movement, content, coloring or illumination that may be confused with or construed as a traffic control sign, the light of an emergency vehicle, radio equipment vehicle, or signs which obstruct the visibility of any traffic or street sign.
  10. Signs and posters that are tacked, pasted, taped or otherwise affixed in a similar manner upon walls of buildings, trees, poles, posts, fences, hydrants, bridges or other like structures.
  11. No sign shall be installed, erected or attached to a fire escape or door or window giving access to a fire escape.
  12. Signs in violation of this title.

13. Signs in violation of local, state, or federal law over which the city exercises jurisdiction.
  14. Any sign whose permit or approval has expired.
- N. Art Installations: All art installations including but not limited to sculptures, fountains, mosaics and murals shall be exempt from the provisions and requirements of this chapter provided that art does not incorporate advertising or identification.
1. No art installation shall block ADA accessible sidewalk requirements or the sight vision area of an intersection as determined in chapter 3 of this title.
  2. Art installations are subject to approval by the City of Kuna Art Commission.

**5-10-5: MEASUREMENT OF SIGNAGE:**

- A. The sign area shall be measured as follows:
1. The sign area shall be computed as the actual area of a sign face/copy (calculated as height multiplied by width, or 3.14 multiplied by radius squared, etc.)
  2. In the case of individually applied lettering on walls, the area shall be computed by drawing straight lines to enclose the extremities of the letters or numbers.
  3. Support structures of the sign shall not be included in calculating the sign area, but shall be included in the measurement of the height of the sign.
- B. The height of all signs shall be measured from the top edge of the sign and/or support structure to the finished grade of the ground below the sign and/or supporting structure.
1. Signs located on a mound, berm, or other raised area for the sole purpose of increasing the height of the sign, the height of the mound, berm or other raised area shall be included in the height of the sign.
  2. Upon planning and zoning director's administrative determination approval, architectural elements used above any sign area may be excluded from the maximum height measurement if it is determined that said architectural elements add to the character of the sign and do not create an overbearing appearance in relation to the sign, building and area.

**5-10-6: SIGN APPROVAL PROCEDURE:**

- A. *Approval:* The planning and zoning director shall make an administrative determination and provide the applicant a written letter stating the reasons for the decision reached and if any, conditions of approval.

B. *Maintenance*: It shall be the responsibility of the property owner to continually maintain any and all signs on his/her property. The sign, copy and materials shall be maintained and kept in good condition to guard against fading, decay, unsafe and poorly maintained signs. Should any sign be or become unsafe or be in danger of falling, the owner thereof or the person maintaining the sign shall proceed at once to put such sign in a safe and secure condition or remove the sign.

Maintenance shall be such that the signage continues to conform to any conditions imposed by this section, the sign permit or any applicable special use permits. Nothing in this Code shall relieve the owner or user of any sign or owner of property on which a sign is located from maintaining the sign in a safe condition and state of good repair.

C. *Inspections*: The planning and zoning director, or the director's designee may inspect, at any time deemed necessary, any sign regulated by this chapter to ensure that such sign conforms to this chapter and all other ordinances of the city.

1. All signs requiring a footing shall obtain a building permit and inspection(s) prior to the pouring of any concrete or covering of any footing. All requests for building permits and inspections shall be made directly to the building department.
2. All signs containing electrical connections shall be required to obtain an electrical permit and inspection(s). All requests for electrical permits and inspections shall be made directly to the building department.

It is the responsibility of the sign contractor and/or sign applicant to ensure that full compliance is met with all requirements. Failure to comply may result in the removal, replacement and/or alteration of the noncompliant signs at the sole expense of the contractor and/or sign permit applicant.

#### **5-10-7: APPEAL:**

Any person aggrieved by the decision of the planning and zoning director may appeal the decision of the director within twenty (20) days after the written decision has been rendered by filing with the director a notice of appeal specifying the grounds upon which the appeal is being taken. The director shall transmit to the planning and zoning commission all papers constituting a record upon which the action appealed from was taken. The planning and zoning commission, after notice to the applicant, shall consider the appeal in a regularly scheduled public meeting. An appeal fee shall be required for an appeal. The planning and zoning commission's decision is final.

#### **5-10-8: NONCONFORMING SIGNS:**

A. A "Nonconforming Sign" is a sign and its supporting structure which does not conform to all or part of the provisions of the chapter, and;

1. Was in existence and lawfully erected prior to the effective date of this chapter; and

2. Was in existence and lawfully located and used in accordance with the provisions of the prior ordinance applicable thereto, or which was considered legally nonconforming thereunder, and has since been in continuous or regular use; or
  3. Was in existence, located, and used on the premises at the time it was annexed into the city limits or included in the City's area of impact and has been in regular and continuous use.
- B. Any nonconforming sign and its supporting structure, which is destroyed, damaged, dilapidated or deteriorated, may be replaced or repaired providing:
1. The new sign does not have a nonconforming feature that the original did not have; and
  2. The new sign does not exceed the size of the original sign; and
  3. A nonconforming sign is not expanded or changed; and
  4. A sign permit for the replacement or repair is issued within six (6) months of the date of the damage. The planning and zoning director may approve requests for extensions within the original six (6) months.
- C. No sign or supporting structure which is lawfully reproduced, repaired, or renovated as a nonconforming sign shall be increased in area or height.
- D. Changing of a nonconforming sign's face/copy is permitted in all cases.
- E. Relocation: Notwithstanding any other provision of this chapter, any legally existing nonconforming sign may be relocated on the same lot or tract of land, if the sign is required to be removed from its present location due to no fault of the owner. Such relocation of the sign shall be placed, insomuch as possible, to the original location of the sign.

**5-10-9: VARIANCE:**

If an owner or applicant desires to obtain a variance from the provisions in this subsection, it shall not be treated as variance pursuant to the provisions of KCC 5-11-4 of this title and the procedure for such variance shall not be governed by the aforementioned section. The special procedure for variances from this subsection shall be as follows:

- A. The owner or applicant shall file an application for a sign variance with the planning and zoning director or assignee, which application shall be provided by the City.
- B. Upon receipt of the sign variance application, the assignee shall review each application on a case-by-case basis to determine if the application is appropriate.
- C. Upon hearing the request for the sign variance, the director shall either approve, deny, or approve with conditions, the application for sign variance. No written findings of fact will be

required but a written decision shall be sent to the applicant and to any party requesting written notification of the decision at the hearing.

- D. Appeal: Any aggrieved party may appeal the decision of the director directly to the planning and zoning commission pursuant to section 5-11-2 of this title. Written notice of an appeal of the director's decision should be filed along with a nonrefundable fee to be established by resolution of the city council, with the city clerk within twenty (20) days after the decision of the director.

**5-10-10: VIOLATIONS:**

Any sign installed, erected, constructed or maintained in violation of any of the terms of this chapter shall be subject to penalties set forth in KCC 1-4-1. Nothing herein contained shall prevent the council or any other public official from taking such lawful actions as is necessary to restrain or prevent any violation of this chapter.

**Section 5: Severability Provision**

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**

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**

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 18<sup>th</sup> day of August, 2020.

CITY OF KUNA



Joe L. Stear, Mayor

ATTEST:



Chris Engels, City Clerk



**ORDINANCE NO. 2020-23  
CITY OF KUNA  
ZONING ORDINANCE AMENDMENT**

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

- **MAKING CERTAIN FINDINGS; AND**
- **AMENDING SUBSECTION 2 OF SECTION 6, CHAPTER 1, TITLE 5 ADDING DEFINITIONS ASSOCIATED WITH SIGNAGE; AND**
- **REPEALING CHAPTER 10 OF TITLE 5; AND**
- **AMENDING TITLE 5 BY THE ADDITION OF A NEW CHAPTER 10; AND**
- **PROVIDING A SEVERABILITY CLAUSE; AND**
- **DIRECTING THE CITY CLERK; AND**
- **PROVIDING AN EFFECTIVE DATE.**

The full text of this ordinance is available at the City Clerk’s Office, Kuna City Hall, 751 W. 4<sup>th</sup> Street, Kuna, Idaho 83634 or on the City of Kuna website; [www.KunaCity.ID.gov](http://www.KunaCity.ID.gov).

THE FOREGOING SUMMARY IS APPROVED for publication this 18<sup>th</sup> day of August, 2020 by the City Council of the City of Kuna.

CITY OF KUNA, a Municipal Corporation  
of Idaho



\_\_\_\_\_  
Joe L. Stear, Mayor

ATTEST:

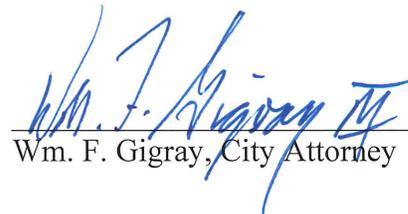
  
\_\_\_\_\_  
Chris Engels, City Clerk



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I have reviewed the foregoing summary and believe that it provides a true and complete summary of Ordinance No. 2020-23 and that the summary provides adequate notice to the public of the contents of this ordinance.

DATED this 18<sup>th</sup> day of August, 2020.

  
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Wm. F. Gigray, City Attorney

PUBLISHED: August 26<sup>th</sup>, 2020