

ORDINANCE NO. 413-2025
(AMENDING THE STAR CITY MUNICIPAL CODE)

AN ORDINANCE OF THE CITY OF STAR, ADA AND CANYON COUNTIES, IDAHO AMENDING TITLES 3, 8 & 10 OF THE STAR CITY MUNICIPAL CODE, UPDATING HEALTH AND SANITATION DEFINITION TO ADD SNOW REMOVAL, REVISING DEFINITIONS AND SPECIFIC USES FOR FITNESS CLUBS, AND UPDATING THE FLOODPLAIN VARIANCE PROCSS, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Star, Idaho, is a municipal corporation organized and operating under the laws of the State of Idaho, and

WHEREAS, the City of Star, Idaho, has the authority to make and amend all such ordinances not inconsistent with the laws of the state of Idaho as may be expedient to maintain the peace, good government and welfare of the city and its trade, commerce and industry, and

WHEREAS, the City of Star, Idaho, seeks to update and streamline its city codes;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF STAR, IDAHO, AS FOLLOWS:

SECTION 1. Sections 2 and 4 of Title 3, Chapter 1, Health and Sanitation Section are hereby amended as follows:

3-1-2: Definitions

PUBLIC NUISANCE: A condition or use of property which is harmful or injurious to, or creates a danger of harm or injury to, the health, safety or welfare of members of the public. The term "public nuisance" is further defined so as to include, by way of example:

1. A condition or use of premises or property which creates a fire hazard or any traffic or safety hazard to members of the public.
2. A condition or use of premises or property which allows the growth of weeds, grasses, bushes or other plant life to such a size (over 1 foot in height) and, in such condition as to cause, or reasonably threaten to cause, a fire hazard because of their dried and unkempt conditions, or a safety hazard because they obstruct sight at intersections or other points at which driveways, lanes or highways come together, or a health hazard because they provide nesting areas for rodents, vermin and/or insects, or the growth of weeds to such a size or in such condition as to interfere with the free and comfortable use of adjacent and neighboring premises and property. "Weeds" are defined as undesirable and nonuseful plant growth, but shall not include noxious weeds as defined in Idaho Code section 22-2402(12).
3. A condition of snow or ice on any public sidewalk, including private driveway access, abutting or adjoining any privately owned premises.

3-1-4: Snow Removal from Sidewalks

Property owners and/or occupants shall keep sidewalks adjacent to their property reasonably free of snow and ice.

SECTION 2. Title 8, Chapter 1E, Section 1, Terms Defined, is hereby amended as follows:

ARTS, ENTERTAINMENT AND RECREATION FACILITIES: The use of a site or facility for entertainment, spectator sports or recreational activities. The use includes, but is not limited to amusement parks, motion picture and performing arts theaters, racetracks, sports fields, golf courses, ~~fitness clubs~~, museums, zoos, marinas, bowling, video and other games and amusements. For wedding and corporate events see events center.

SECTION 3. Title 8, Chapter 3A, Section 3, Uses Within Zoning Districts, is hereby amended as follows:

8-3A-3: USES WITHIN ZONING DISTRICTS

| ZONING DISTRICT USES | | | | | | | | | | | | |
|---|-----------------|-------------------|-----------------|-------------------|-----------------|-------------------|-------------------|-----------------|-------------------|-----------------|-------------------|-------------------|
| USES | A | RR | R | CBD | C-1 | C-2 | LO | LI | PS | MU | RC | |
| Arts, entertainment, recreation facility ¹ | C | N C | N | P C | C | P C | P C | C | P C | C | P C | P C |
| <u>Health and Fitness Clubs</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>N</u> | <u>C</u> | <u>C</u> | <u>C</u> |

SECTION 4. Title 8, Chapter 4B, Section 3, Required Number of Off-Street Parking Spaces, is hereby amended as follows:

8-4B-3: REQUIRED NUMBER OF OFF-STREET PARKING SPACES:

| COMMERCIAL | |
|---|---|
| Health clubs, spas, and weight reduction salons | 1 per 250 square feet of gross floor area. <u>Or as otherwise required with conditional use permit</u> |

SECTION 5. Title 10, Chapter 1, Section 4, Flood Control, is hereby amended as follows:

10-1-4: Administration

E. Variance Procedures:

1. The City Council, hereinafter referred to as the "appeal board", shall hear and decide requests for variances from the requirements of this chapter.
2. Variances may be issued for:
 - a. The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure;
 - b. Functionally dependent facilities, if determined to meet the definition as stated in section 10-1-2, provided provisions of subsections E8b, E8c, and E8d have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety; or
 - c. Any other type of development, provided it meets the requirements of this section.
3. In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter, and:
 - a. The danger that materials may be swept onto other lands to the injury of others;
 - b. The danger to life and property due to flooding or erosion damage;
 - c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - d. The importance of the services provided by the proposed facility to the community;
 - e. The necessity to the facility of a waterfront location as defined under section 10-1-2 as a functionally dependent facility, where applicable;
 - f. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - g. The compatibility of the proposed use with existing and anticipated development;
 - h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - i. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - j. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - k. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
 - l. Variances as interpreted in the national flood insurance program are based on the general zoning law principle that they pertain to a physical piece of property; variances are not personal in nature and do not pertain to the structure, its

inhabitants, economic or financial circumstances. Variances primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare. The applicant shall carefully review FEMA’s Floodplain Management Bulletin entitled “Variances and the National Flood Insurance Program” (FEMA P-993 / July 2014). This document is available from City Staff.

SECTION 6: This Ordinance shall be published once in full and shall take effect and be in force from and after its passage, approval, and publication.

DATED this _____ day of _____, 2025.

CITY OF STAR, IDAHO

ATTEST:

Trevor Chadwick, Mayor

Shelly Tilton, City Clerk