



CITY OF STAR
LAND USE STAFF MEMO

TO: Mayor & Council
FROM: City of Star Planning Department
MEETING DATE: **December 17, 2024 PUBLIC HEARING**
RE: Municipal Code Text Amendment

APPLICANT

City of Star

REQUEST

The following Sections of the Star Municipal Code will be reviewed for amendment:

- **TITLE 3: HEALTH AND SANITATION** CHAPTER 1, NUISANCES. ADD SNOW REMOVAL AND OTHER SIDEWALK AND ROADWAY MAINTENANCE REGULATIONS.
- **TITLE 8: UNIFIED DEVELOPMENT CODE** CHAPTER 1, ARTICLE E, DEFINITIONS, SUBSECTION 1 ARTS, ENTERTAINMENT AND RECREATION FACILITIES. REMOVE FITNESS CLUBS FROM THE USES SPECIFIED. ADD DEFINITION OF HEALTH AND FITNESS CLUBS; CHAPTER 3, ZONING DISTRICT STANDARDS, ARTICLE A, SUBSECTION 3 USES WITHIN ZONING DISTRICT, ADD HEALTH AND FITNESS CLUB USE; CHAPTER 4, ARTICLE A, PERFORMANCE STANDARDS, SUBSECTION 13, PATHWAYS, ADD LANGUAGE FROM NEW PATHWAY MASTER PLAN; CHAPTER 5, SPECIFIC USE STANDARDS, SUBSECTION ADD HEALTH AND FITNESS CLUBS STANDARDS.
- **TITLE 10: FLOOD CONTROL** CHAPTER 1, SUBSECTION 4E, UPDATE FLOODPLAIN VARIANCE PROCEDURES.

APPLICATION REQUIREMENTS, NOTICING & MEETINGS

Legal Notice Published

November 30, 2024

ZONING ORDINANCE STANDARDS

1-1-3: Amendments

Any ordinance amending the city code shall set forth the title, chapter and section number of the section or sections to be amended, and this shall constitute sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this city code. All such amendments or revisions by ordinance shall be immediately forwarded to the codifiers, and the said ordinance material shall be prepared for insertion in its proper place in each copy of this city code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of the city code.

8-1B-5: UNIFIED DEVELOPMENT CODE TEXT AMENDMENTS:

A. Unified Development Code Amendment Initiated by A Property Owner: The applicant shall complete a pre-application conference with the administrator prior to submittal of an application for a unified development code text amendment. An application and fees shall be submitted to the administrator on forms provided by the city.

B. Unified Development Code Amendment Initiated by the City: The city may initiate a code amendment with public notice as required herein.

C. Required Findings: In order to grant a text amendment to this unified development code, the council shall review the proposed text amendment at a public hearing and make the following findings:

1. The text amendment complies with the applicable provisions of the comprehensive plan;
2. The text amendment shall not be materially detrimental to the public health, safety, and welfare; and
3. The text amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city including.

PROPOSED CODE AMENDMENTS

The following proposed Municipal Code amendments are submitted to Council for review and decision.

TITLE 3 HEALTH AND SANITATION

3-1-2: Definitions

For purposes of this chapter, the following definitions shall apply; and any words or phrases not defined in this section should be given their ordinary, commonly understood and accepted meanings:

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.**

(Ord. 9, 6-2-1998; amd. 2006 Code)

3-1-3: Public Nuisances Declared Unlawful

It is unlawful for any person to create, cause, maintain or knowingly allow to exist a public nuisance on any premises or real property which the person owns, rents, leases, occupies or has charge or possession of in the city.

3-1-4: Responsible Party.

- A. Where a nuisance exists upon property that is vacant, abandoned, and/or uninhabited, the owner of record, as reflected on the most recent assessment roll, shall be presumed to be responsible for creating, causing, committing, maintaining, and/or allowing such nuisance. Such owner of record shall be subject to any and all penalties imposed as set forth herein**

and shall be responsible for payment of any and all costs incurred in abating the nuisance. The owner of record shall bear the burden of rebutting this presumption.

B. Where a general nuisance is created by personal property on any portion of a public sidewalk, the owner of the personal property, if such owner can be identified, shall be presumed to be responsible for creating, causing, committing, maintaining, and/or allowing such nuisance. It is also unlawful for any person to create, cause, allow or commit any nuisance upon any public-right-of-way or infrastructure including sidewalks, streets, gutters or storm drains.

TITLE 8: UNIFIED DEVELOPMENT CODE

8-1E-1: TERMS DEFINED:

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.

8-3A-3: USES WITHIN ZONING DISTRICTS

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

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>

8-4A-13: PATHWAYS:

ADD ADDITIONAL LANGUAGE FROM NEWLY ADOPTED PATHWAY MASTER PLAN

TITLE 10: FLOOD CONTROL

10-1-4: Administration

10-1-4 E.3 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.

STAFF REVIEW FOR COUNCIL

Staff has provided Council with redlined highlights of the sections of the municipal code proposed for revision. The proposed revisions are a result of Staff review of the existing Titles, and input from the Star Police Chief, Star Fire District and the City Engineer.

Staff has provided Council with the following information:

- 1. Redlined Sections from each Title being revised.**