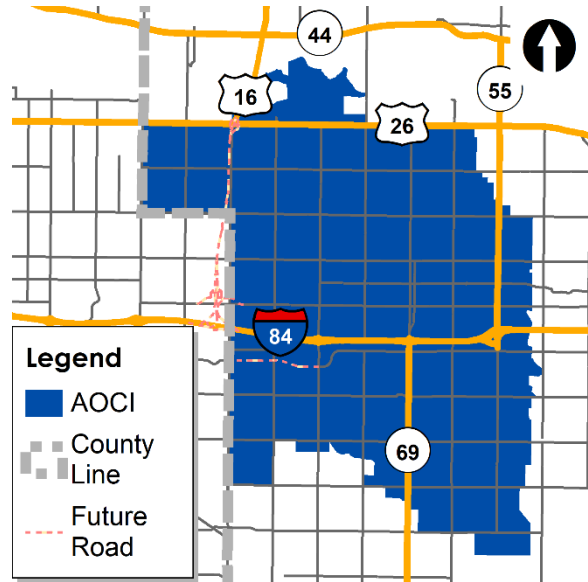


STAFF REPORT
COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: 8/18/2020
TO: Mayor & City Council
FROM: Bill Parsons, Current Planning Supervisor
208-884-5533
SUBJECT: H-2020-0072
2020 UDC Text Amendment
LOCATION: City wide



I. PROJECT DESCRIPTION

The Meridian Planning Division has applied for a Unified Development Code (UDC) text amendment to update certain sections of the City's Code (UDC) as follows:

- Code Enforcement and Penalties in Chapter 1;
- Specific Use Standards in Chapter 4;
- Public Hearing Process in Chapter 5; and the
- Subdivision Design and Improvement Standards in Chapter 6.

II. APPLICANT INFORMATION

A. Applicant:

City of Meridian Planning Division
33 E. Broadway Ave, Suite #102
Meridian, ID 83642

III. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Notification published in newspaper	6/26/2020	7/31/2020
Notification mailed to property owners within 300'	NA	NA
Applicant posted public hearing notice sign on site	NA	NA
Nextdoor posting	6/23/2020	7/28/2020

IV. COMPREHENSIVE PLAN ANALYSIS ([Comprehensive Plan](#))

A. Comprehensive Plan Text (<https://www.meridiancity.org/compplan>):

3.01.01B - Update the Comprehensive Plan and Unified Development Code as needed to accommodate the community's needs and growth trends.

Many of the requested code changes below reflect the desire of the Community to have a more transparent and inclusive process to address the current growth trend. Other changes are requested by Code Enforcement to clarify procedural processes in the code and close “loopholes” to improve enforcement of the code.

3.04.01B – Maintain and update the Unified Development Code and Future Land Use Map to implement the provisions of the Comprehensive Plan.

The UDC changes are tracked through-out the year to ensure the code remains current. The proposed changes are the first round of changes to address some of the concerns brought up throughout the previous year, primarily related to the planning process. A second round of UDC changes are envisioned later this year, after coordination and vetting through the UDC Focus Group.

V. UNIFIED DEVELOPMENT CODE ANALYSIS ([UDC](#))

In accord with Meridian City Code 11-5, the Planning Division has applied to amend the text of the Unified Development Code (UDC). For purposes of this application, both the Planning Division and the Code Enforcement Division have work closely to compile a host of changes and combine them into one application. Staff believes these changes are fairly straight-forward and largely administrative in nature; related to process primarily and not development improvement requirements. **NOTE: Code Enforcement changes are first in the table and pertain to Chapter 1 of the UDC.**

The text amendment includes updates to multiple sections and the addition of new provisions that pertain to the following:

- Code Enforcement and Penalties in Chapter 1;
- Specific Use Standards in Chapter 4;
- Public Hearing Process in Chapter 5; and the
- Subdivision Design and Improvement Standards in Chapter 6. And other miscellaneous sections to improve the administration of the code.

Exhibit VII below includes a table of the requested changes/additions and supporting commentary explaining the purpose of the change to the UDC. Many of these changes have been vetted with City Council before the application submittal and the draft changes were shared with the UDC Focus Group and others to solicit feedback. As of the print deadline of this report, Staff received one email from one of the members of the UDC Focus Group pertaining to the submittal timeframes for public testimony (see public record).

In summary, Staff believes the changes proposed with this application will make the implementation and use of the UDC more understandable, useable and enforceable, while greatly improving the transparency and efficiency of the planning and development process.

VI. DECISION

A. Staff:

Staff recommends approval of the proposed text amendment to the UDC based on the analysis provided in Section IV and V, modifications in Section VII and the Findings of Fact and Conclusions of Law listed in Section VIII.

B. The Meridian Planning & Zoning Commission heard this item on July 16, 2020. At the public hearing, the Commission voted to recommend approval of the subject ZOA request.

1. Summary of Commission public hearing:

- a. In favor: Planning Division
- b. In opposition: None
- c. Commenting: None
- d. Written testimony: Laren Bailey, Sally Reynolds and Dave Yorgason
- e. Staff presenting application: Bill Parsons
- f. Other Staff commenting on application: None

2. Key issue(s) of public testimony:

- a. None

3. Key issue(s) of discussion by Commission:

- a. Staff report and agency comment deadlines
- b. Placement of public hearing signs
- c. Review of common driveway standards with phase 2
- d. Review of parking standards with phase 2
- e. Plan for communicating to the public the timeline for receiving written testimony
- f. Keeping the timeframes of written testimony to 1 day instead of 2 days as proposed in the submitted written testimony

4. Commission change(s) to Staff recommendation:

- a. None

5. Outstanding issue(s) for City Council:

- a. None

C. City Council:

Enter Summary of City Council Decision.

VII. EXHIBITS

A. Table of Proposed Text Changes

Proposed UDC Text Amendments			
UDC Section	Topic	Reason for Change	Proposed Change
11-1-11	Code Enforcement	Code Enforcement would like to clarify some of the grey areas or close loop-holes in various sections of code.	<p>11-1-11: CODE ENFORCEMENT:</p> <p>A. Duty To Enforce:</p> <ol style="list-style-type: none"> 1. It shall be the duty of the Community Development Director or designee to interpret this title. 2. It shall be the duty of the Code Enforcement Division of the Police Department to enforce the regulations of this title, as set forth in this section. Code Enforcement Officers may call upon the services of the Planning, Fire, Parks or other appropriate City departments to assist in enforcement. 3. It is the intent of this title to place the obligation of complying with its requirements upon the owner, occupier or other person responsible for the condition of the land and buildings within the scope of this title. <p>B. Investigation:</p> <ol style="list-style-type: none"> 1. The Code Enforcement Officer shall investigate any structure or use which he or she reasonably believes does not comply with the standards and requirements of this title. 2. If, after investigation, it is determined that the standards or requirements of this title have been violated, a Code Enforcement Officer shall serve a notice of violation upon the owner, tenant or other person responsible for the condition. The notice of violation shall state separately each standard or requirement violated; shall state what corrective action, if any, is necessary to comply with the standards or requirements; and shall set a reasonable time for compliance. The notice shall state that any further violation may result in criminal prosecution and/or civil penalties. 3. The Code Enforcement Officer will record all efforts made to effect service in person or by mail as part of their investigative report. Methods of service shall be by any of the following: <ol style="list-style-type: none"> a. Personal service upon such owner, occupier, or person in charge or control of the property; or b. Regular mail to such owner, occupier, or person in charge or control of the property, at the address shown on the last available assessment roll, or as otherwise known; or c. Posting such notice and order at a conspicuous place on the property and publishing one notice in the official newspaper of the City that the property has been posted in accordance with this chapter and ordering the owner, occupier, or person in charge or control of the property to remedy the violation by the given date. (Ord. 19-1823, 7-9-2019)
11-1-11 Cont.	Code Enforcement		<p>C. Extension Of Compliance Date:</p> <ol style="list-style-type: none"> 1. The Community Development Director or designee may grant a reasonable extension of time for compliance with any notice or order, whether pending or final, upon finding that substantial progress toward compliance has been made and that the public will not be adversely affected by the extension. Such extension of time shall not exceed one hundred eighty (180) days. 2. An extension of time may be revoked by the Community Development Director or designee if it is shown that any of the following are true: (Ord. 05-1170, 8-30-2005, eff. 9-15-2005; amd. Ord. 12-1514, 5-16-2012, eff. 5-21-2012) <ol style="list-style-type: none"> a. The conditions at the time the extension was granted have changed. (Ord. 05-1170, 8-30-2005, eff. 9-15-2005) b. The Code Enforcement Officer determines that a party is not performing corrective actions as agreed and so notifies the Community Development Director or designee, or (Ord. 05-1170, 8-30-2005, eff. 9-15-2005; amd. Ord. 12-1514, 5-16-2012, eff. 5-21-2012) c. If the extension creates an adverse effect on the public. The date of revocation shall then be considered as the compliance date. (Ord. 05-1170, 8-30-2005, eff. 9-15-2005) <p>BD. Revocation Of Conditional Use Permit:</p> <ol style="list-style-type: none"> 1. A conditional use permit may be revoked or modified by the City Council, upon notice and hearing, for breach or violation of any condition of approval or limitation of the permit. 2. If the City Council decides to revoke a conditional use permit, either on its own action or upon complaint to the City Council, the Council shall notify the permit holder of its intention to revoke the permit and provide the permit holder with the opportunity to contest the revocation at a public hearing before the City Council. 3. Fifteen (15) days' prior notice of the hearing shall be given to the permit holder and all property owners within three hundred feet (300') of the boundaries of the land for which the permit was issued. 4. The City Council shall make findings of fact and conclusions of law supporting its decision to revoke the conditional use permit. If the Council does not decide to revoke the permit, no findings of fact and conclusions of law shall be made.

11-1-11 Cont.	Code Enforcement		<p>C6. Revocation, Modification, Or Denial Of Accessory Use Permit:</p> <ol style="list-style-type: none"> 1. An accessory use permit may be revoked or modified by the Director upon a finding of breach or violation of any condition of approval or limitation of the permit. An accessory use permit application may be denied by the Director upon a finding that the proposed use cannot or will not be conducted in compliance with applicable specific use standards. The Director shall provide the permit holder written notice of the revocation, modification, or denial, and shall provide the permit holder with information regarding the opportunity to appeal such action. 2. The permit holder or applicant may appeal the Director's revocation, modification, or denial of an accessory use permit. Such appeal shall be made in writing, shall state the reasons for such appeal, and shall be delivered to the City Clerk via U.S. mail or in person within fourteen (14) days of such revocation, modification, or denial. Upon receipt of such written appeal, the City Clerk shall schedule a public hearing on the appeal at a City Council meeting within thirty (30) days. The Clerk shall provide fifteen (15) days' notice of the hearing to the permit holder or applicant and all property owners within three hundred feet (300') of the boundaries of the land for which the permit was issued. 3. Following public hearing on the appeal, City Council shall affirm, modify, or reverse the Director's action and shall issue written findings supporting such decision. The City Council's decision on such appeal shall be a final decision. (Ord. 18-1762, 1-23-2018)
11-1-12	Penalties	Code Enforcement would like to clarify some of the grey areas or close loop-holes in various sections of code.	<p>11-1-12: PENALTIES:</p> <p>A. A violation of the provisions of this title is declared a misdemeanor. Any person violating or failing to comply with any of the provisions of this title shall be subject to criminal prosecution and upon conviction shall be fined in a sum not exceeding one thousand dollars (\$1,000.00) or be imprisoned for a term not exceeding six (6) months or be both fined and imprisoned. Each day of noncompliance with any of the provisions of this title shall constitute a separate offense. A violation of, or failure to comply with, any provision of this title shall be unlawful. Any person violating or failing to comply with any of the provisions of this title shall be subject to the following penalties:</p> <ol style="list-style-type: none"> 1. A first conviction of a violation or failure to comply with a provision of this title shall be an infraction punishable by a fine of twenty-five dollars (\$25.00) plus court costs. 2. A second conviction, within a period of five (5) years, of a violation or failure to comply with a provision of this title shall be an infraction punishable by a fine of fifty dollars (\$50.00) plus court costs. 3. A third or subsequent conviction, within a period of five (5) years, of a violation of or failure to comply with a provision of this title shall be a misdemeanor. 4. The failure to pay a fine for an infraction penalty assessed pursuant to this section shall be a misdemeanor. <p>Each day of noncompliance with any of the provisions of this title shall constitute a separate offense.</p>
11-4-3-38	Specific land use name change - Vehicles Sales/Rental/Service	Consistency with use name in Allowed Use tables (Ch. 2). Today, the name of this land use in Chapter 2 includes vehicle service; add to name in specific use standards (Ch. 4).	11-4-3-38: Vehicle Sales or Rental and Service:
11-5A-6D2a	Public Hearing posting requirements for Council Review daycares and other similar. Accessory Use applications	Instead of 4' x 4' which seems to be overkill, require 18" x 24" for "smaller" applications.	<p>a. Conditional use permit applications for daycare, group; <u>city council review of accessory uses in residential districts</u>; and annexation, preliminary plat, variance, rezone, and comprehensive plan amendment applications for properties of land less than three (3) <u>two (2)</u> acres in size: The applicant shall post a sign consisting of one 11-inch by 17-inch one (1) 18-inch by 24-inch piece of paper mounted to a rigid surface of at least equal size, or other material stating the name of the applicant, a statement concerning the proposed development, and the date, time and location of the public hearing.</p>
11-5A-6C	Invite property owners from further away to neighborhood meetings & hold the meeting no closer than 10 days before submittal	The public wants to be involved earlier in the project development process so their voice can be better considered in design, particularly for residential projects. Five days does not really provide much opportunity for an applicant to consider feedback from the neighbors to potentially incorporate into their plans before submittal.	<p>C. Neighborhood Meetings:</p> <ol style="list-style-type: none"> 1. Applicants for applications requiring a public hearing are required to hold a neighborhood meeting to provide an opportunity for public review of the proposed project prior to the submittal of an application, except a neighborhood meeting is not required for city council review, a vacation, and/or short plat. 2. Notice of the neighborhood meeting shall be provided to all property owners of record within three-hundred five hundred <u>feet (3500)</u> of the exterior boundary of the application property. Notice of the meeting shall be either hand delivered or mailed to the recipients. 3. Notice of the meeting shall be provided at least five (5) days prior to the meeting. The meeting shall be held not more than three (3) months or less than five ten (510) <u>ten (510)</u> days prior to the submittal of an application. 4. <u>The neighborhood meeting shall be held on a Monday, Tuesday, Wednesday, or Thursday (excluding holidays), and the meeting shall start between 6:00 p.m. and 8:00 p.m.</u> 5. <u>The neighborhood meeting must be held at a location within five (5) miles of the proposed project site, or at Meridian city hall.</u>

11-5A-6E	Similar to 11-5A-6C - notice property owners for public hearings within 500'		<p>E. Mailing And Publishing Of The Public Hearing Notice:</p> <p>1. Legal Notice: At least fifteen (15) days prior to the public hearing, the city shall publish a notice of the time and place and a summary of the application in the official newspaper of general circulation in Ada County.</p> <p>2. Radius Notice:</p> <p>a. Time Of Notice: At least fifteen (15) days prior to the public hearing, the city shall send a notice by first class mail of the time and place, and a summary of the application to property owners or purchasers of record (as listed in the current records of the Ada County assessor) owning property within three-hundred five hundred feet (3500') of the property being considered.</p> <p>b. Notice Extended: The noticing shall be extended to property owners within one thousand feet (1,000') of the external property boundaries for heavy industries and wireless communication facilities.</p> <p>c. Notice To Properties Farther From External Boundaries: The director may determine, or other applications provided for in this title may require, that notices be sent to property owners or purchasers of record whose properties are farther than three hundred feet (300') or one thousand feet (1,000') from the external boundaries of the property <u>than those listed herein</u>.</p>
11-5A-6H (NEW SECTION)	Timeline and Standards for Receiving Public Testimony	The City is receiving a lot of information, from the public applicant and other agencies, late in the process. To ensure written testimony is received in a timely manner to be considered by the decision making body, a deadline for submittal is needed.	H. <u>Written Testimony:</u> Written testimony submitted for inclusion in the record of any public hearing shall be submitted to the city clerk by noon on the day prior to the day on which the public hearing is scheduled.
11-6C-3B4	Subdivision street lengths and names	To clear up the intent of restricting dead-end street lengths to 500'.	<p>B. Streets:</p> <p>4. <u>Cul-De-Sacs: Terminal Cul-De-Sacs and Dead End Streets:</u></p> <p>a. No streets or series of streets that ends in a cul-de-sac or a dead end shall be longer than five hundred feet (500') except as allowed in subsection b of this section.</p> <p>b. The City Council may approve a dead end street up to seven hundred fifty feet (750') in length where <u>an emergency access is proposed; or where</u> there is a physical barrier such as a steep slope, railroad tracks, <u>an arterial roadway,</u> or a large waterway that prevents <u>or makes impractical</u> extension; and where a pedestrian connection is provided from the street to an adjacent existing or planned pedestrian facility.</p> <p>c. Cul-de-sac streets may serve a maximum of thirty (30) dwelling units.</p> <p>d. The length of a cul-de-sac street shall be measured from the near edge of the right of way to the center of the turnaround.</p>

VIII. FINDINGS

1. UNIFIED DEVELOPMENT CODE TEXT AMENDMENTS: (UDC 11-5B-3E)

Upon recommendation from the Commission, the Council shall make a full investigation and shall, at the public hearing, review the application. In order to grant a text amendment to the Unified Development Code, the Council shall make the following findings:

A. The text amendment complies with the applicable provisions of the comprehensive plan;

The Commission finds that the proposed UDC text amendment complies with the applicable provisions of the Comprehensive Plan. Please see Comprehensive Plan Policies and Goals, Section IV, of the Staff Report for more information.

B. The text amendment shall not be materially detrimental to the public health, safety, and welfare; and

The Commission finds that the proposed zoning ordinance amendment will not be detrimental to the public health, safety or welfare if the changes to the text of the UDC are approved as submitted. It is the intent of the text amendment to further the health, safety and welfare of the public.

C. 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, but not limited to, school districts.

The Commission finds that the proposed zoning ordinance amendment does not propose any significant changes to how public utilities and services are provided to developments. All City departments, public agencies and service providers that currently review applications will continue to do so. Please refer to any written or oral testimony provided by any public service provider(s) when making this finding.