

CITY OF MERIDIAN ORDINANCE NO. 23-2037

BY THE CITY COUNCIL:

**BORTON, CAVENER, HOAGLUN,
OVERTON, PERREAULT, STRADER**

AN ORDINANCE AMENDING UNIFIED DEVELOPMENT CODE SECTION 11-2A-2, TABLE 11-2A-2, CONCERNING ALLOWED USES IN RESIDENTIAL DISTRICTS; AMENDING UNIFIED DEVELOPMENT CODE SECTION 11-3A-3(A) CONCERNING ACCESS TO STREETS; AMENDING UNIFIED DEVELOPMENT CODE SECTION 11-3C-6, TABLE 11-3C-6, CONCERNING REQUIRED PARKING SPACES FOR RESIDENTIAL USE; AMENDING UNIFIED DEVELOPMENT CODE SECTION 11-4-3-2 CONCERNING ARTS, ENTERTAINMENT OR RECREATION FACILITY SPECIFIC USE STANDARDS; AMENDING UNIFIED DEVELOPMENT CODE SECTION 11-4-3-10 CONCERNING DRINKING ESTABLISHMENT SPECIFIC USE STANDARDS; AMENDING UNIFIED DEVELOPMENT CODE SECTION 11-4-3-27(B) CONCERNING SITE DESIGN REQUIREMENTS FOR MULTI-FAMILY DEVELOPMENTS; AMENDING UNIFIED DEVELOPMENT CODE SECTION 11-4-3-27(C) CONCERNING ALTERNATIVE COMPLIANCE TO OPEN SPACE STANDARDS FOR MULTIFAMILY DEVELOPMENTS; AMENDING UNIFIED DEVELOPMENT CODE SECTION 11-4-3-41 CONCERNING VERTICALLY INTEGRATED RESIDENTIAL PROJECT SPECIFIC USE STANDARDS; AMENDING UNIFIED DEVELOPMENT CODE SECTION 11-5A-3(F) CONCERNING REQUEST FOR CITY COUNCIL REVIEW; AMENDING UNIFIED DEVELOPMENT CODE SECTION 11-5A-4 CONCERNING ADMINISTRATIVE PROCESS; AMENDING UNIFIED DEVELOPMENT CODE SECTION 11-5A-6 CONCERNING PUBLIC HEARING PROCESS; AMENDING UNIFIED DEVELOPMENT CODE SECTION 11-5A-7 CONCERNING CITY COUNCIL REVIEW PROCESS; AMENDING UNIFIED DEVELOPMENT CODE SECTION 11-5B-5, TABLE 11-5B-5, CONCERNING ALTERNATIVE COMPLIANCE; AMENDING UNIFIED DEVELOPMENT CODE SECTION 11-5B-5(E) CONCERNING ALTERNATIVE COMPLIANCE REQUIRED FINDINGS; AMENDING UNIFIED DEVELOPMENT CODE SECTION 11-5B-6(E) CONCERNING CONDITIONAL USE FINDINGS; AMENDING UNIFIED DEVELOPMENT CODE SECTION 11-6C-3(D) CONCERNING COMMON DRIVEWAYS STANDARDS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Unified Development Code is the official zoning ordinance for the City of Meridian and provides an opportunity to better support the Comprehensive Plan and provide a tool that is relevant and contemporary to the needs of the City; and,

WHEREAS, the City Council of the City of Meridian deems it to be in the best interest of the health, safety and welfare of its citizens to incorporate changes to the Unified Development Code.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MERIDIAN, IDAHO:

Section 1. That Unified Development Code section 11-2A-2, Table 11-2A-2, be amended as follows:

TABLE 11-2A-2
ALLOWED USES IN THE RESIDENTIAL DISTRICTS

Use	R-2	R-4	R-8	R-15	R-40
Arts, entertainment or recreation facility, outdoors ¹	-	-	C	C	C
Cemetery ¹	-	C	C	C	C
Church or place of religious worship ¹	-	-	C	C	C
Civic, social or fraternal organizations ¹	-	-	C	C	C
Daycare center ¹	-	C	C	P	P
Daycare, family ¹	- <u>A</u>	A	A	A	C
Daycare, group ¹	-	C	C	P	P
Direct sales ³	A	A	A	A	A
Dwelling, secondary ¹	A	A	A	A	A
Dwelling, single-family attached	-	C	P	P	P
Dwelling, single-family detached	P	P	P	P	A/C
Dwelling, townhouse	-	C	P	P	C
Dwelling, two-family duplex	-	C	P	P	C
Education institution, private ¹	-	C	C	C	C
Education institution, public ¹	-	C	C	P/C	P/C
Home, manufactured or mobile subdivision	-	-	C	C	C
Home occupation, accessory use ¹	A	A	A	A	A
Laundromat ¹	-	-	-	A	A/C
Live/work residential project ¹	-	-	-	C	C
Manufactured home park	-	-	-	C	-
Multifamily development ^{1, 2}	-	-	-	C	C
Nursing or residential care facility ¹	-	-	C	C	C
Parking facility	-	-	-	-	C
Parks, public and private	P	P	P	P	P
Personal service	-	-	-	-	A
Professional service	-	-	-	-	A
Public, infrastructure	C	C	C	C	C
Public or quasi-public use ¹	-	-	C	C	C
Public utility, minor	P	P	P	P	P

Recreational vehicle park	-	-	-	-	C
Restaurant ¹	-	-	-	-	A
Self-service storage facility, residential ¹	-	-	-	C	C
Storage facility, outside ¹	A	A	A	A	A
Storage facility, self-service ¹	A	A	A	A	A
Vertically integrated residential project ¹	-	-	-	C	C
Wireless communication facility ¹	P/C	P/C	P/C	P/C	P/C
Wireless communication facility, amateur radio antenna ¹	A/C	A/C	A/C	A/C	A/C

Notes:

¹ Indicates uses that are subject to specific use standards in accord with chapter 4 of this title.

² Multifamily dwellings may be allowed in the R-4 and R-8 Land Use Districts when included in a planned unit development (PUD).

³ Subject to the home occupation, accessory use standards set forth in section 11-4-3-21 of this title.

Section 2. That Unified Development Code section 11-3A-3(A) be amended as follows:

11-3A-3. - Access to streets.

A. The following standards shall apply to any use and/or property that takes direct access to an arterial and/or collector roadway. Prior to any new, expanded, or extended use or development of the property:

1. Where access to a local street is available, the applicant shall reconfigure the site circulation plan to take access from such local street.
2. Where access to a local street is not available, the property owner shall be required to grant cross-access/ingress-egress ~~easements~~ to adjoining properties, either by recorded easement or as a note on a recorded final plat. This standard is intended to apply primarily to nonresidential properties, but may extend to residential properties where the use is anticipated to change to a nonresidential use.
3. All subdivisions must provide local street access to any use that currently takes direct access from an arterial or collector street.

Section 3. That Unified Development Code section 11-3C-6, Table 11-3C-6, be amended as follows:

TABLE 11-3C-6
REQUIRED PARKING SPACES FOR RESIDENTIAL USE

Use And Form	Number Of Bedrooms (Per Unit)	Required Parking Spaces ¹
Dwelling, duplex and dwelling, single-family (detached, attached, townhouse)	1/2	2 per dwelling unit; at least 1 in an enclosed garage, other space may be enclosed or a minimum 10-foot by 20-foot parking pad ²
	3/4	4 per dwelling unit; at least 2 in an enclosed garage, other spaces may be enclosed or a minimum 10-foot by 20-foot parking pad ²
	5+	6 per dwelling unit; at least 3 in an enclosed garage, other spaces may be enclosed or a minimum 10-foot by 20-foot parking pad ²
	Studio	1 per dwelling unit
Dwelling, multifamily ^{3, 4, 5} (triplex, fourplex, apartments, etc.)	1	1.5 per dwelling unit; at least 1 in a covered carport or garage
	2	2 per dwelling unit; at least 1 in a covered carport or garage
	3	3 per dwelling unit; at least 1 in a covered carport or garage
	4+	3 per dwelling unit; at least 2 in a covered carport or garage
	Guest spaces	1 per 10 dwelling units
Dwelling, secondary	1	As set forth above for single-family dwellings as determined by the total number of bedrooms on the property
Nursing and residential care facility	1	0.5 per bed
Vertically integrated residential ⁴	Studio/1	1 per dwelling unit
	2/3	1.5 per dwelling unit
	4+	2 per dwelling unit

Notes:

¹ The size of the garage ~~or carport~~ required for dwelling units shall be measured by exterior dimensions and shall be at least ten (10) feet by twenty (20) feet for a one-space garage ~~or carport~~

and 20 feet by 20 feet for a two-space garage or carport. All other required parking shall meet the required stall and drive aisle dimensions in UDC Table 11-3C-5.

² The parking pad shall be measured from edge of sidewalk or edge of paved travel lane (public street, private street, or alley) where no sidewalk exists. For alley accessed properties the parking pad is not required in front of the garage if the garage is located at the five-foot setback to the rear property line; the required parking pad must be provided along the side of the garage unless equivalent off-street parking, as determined by the Director, is provided in accord with Section 11-3C-5, Table 11-3C-5 of this Article.

³ For condominium projects, the required number of parking spaces shall be determined by the Director based on the proposed development. If the proposed development is similar to a single-family development, such standards shall apply. If the proposed development is similar to a multifamily apartment complex, such standards shall apply.

⁴ The required number of parking spaces for the residential portion of a vertically integrated project shall be in addition to that required for nonresidential uses as listed in subsection B of this section.

⁵ The required number of parking spaces associated with a nonresidential structure approved as an amenity for a multi-family development (i.e., clubhouse, fitness center, etc.) shall be exempt from the parking standards required for nonresidential uses as listed in subsection B.

Section 4. That Unified Development Code section 11-4-3-2 be amended as follows:

11-4-3-2. - Arts, entertainment or recreation facility, indoors and outdoors.

A. General standards.

1. All outdoor recreation areas and structures that are not fully enclosed shall maintain a minimum setback of one hundred (100) feet from any abutting residential districts. The playing areas of golf courses, including golf tees, fairways, and greens, are an exception to this standard.
2. No outdoor event or activity center shall be located within fifty (50) feet of any property line and shall operate only between the hours of 6:00 a.m. and 11:00 p.m.
3. Accessory uses including, but not limited to, retail, equipment rental, restaurant and drinking establishments, may be allowed if designed to serve patrons of the use only.
4. Outdoor speaker systems shall comply with section 11-3A-13, "outdoor speaker systems", of this title.

B. Additional standards for swimming pools. Any outdoor swimming pool shall be completely enclosed within a six-foot nonscalable fence that meets the requirements of the building code in accord with title 10, chapter 1, of this Code.

C. Additional standards for outdoor stage or musical venue. Any use with a capacity of one hundred (100) seats or more or within one thousand (1,000) feet of a residence or a residential district shall be subject to approval of a conditional use permit.

- D. Outdoor lighting, including lighted fields, designed for the site shall comply with section 11-3A-11, "outdoor lighting," of this title. These standards may be modified through the approval of a conditional use permit.

Section 5. That Unified Development Code section 11-4-3-10 be amended as follows:

11-4-3-10. - Drinking establishment.

- A. The facility shall comply with all Idaho Code regulations regarding the sale, manufacturing, or distribution of alcoholic beverages.
- B. ~~The If a d~~Drinking establishments or expansion of such uses shall not be is located within three hundred (300) feet of a property used for a church or any other place of worship, or any public or private education institution, it may be allowed with the approval of the decision-making body set forth in Chapter 5 of this title. ~~nor shall the drinking establishment be located within one thousand (1,000) feet of an adult entertainment establishment,; provided, that this limitation shall not apply to any duly licensed premises that at the time of licensing did not come within the restricted area but subsequent to licensing came therein; the expansion of an existing establishment may be allowed with the approval of a conditional use permit as set forth in section 11-5B-6 of this title.~~
- C. ~~nor shall the~~A drinking establishment shall not be located within one thousand (1,000) feet of an adult entertainment establishment, as defined in Chapter 1, Article A. "definitions," of this Title; ~~For properties abutting a residential district, no outside activity or event shall be allowed on the site, except in accord with chapter 3, article E, "temporary use requirements", of this title.~~
- D. For properties abutting a residential district, no outside activity or event shall be allowed on the site, except in accord with chapter 3, article E, "temporary use requirements", of this title. At a minimum, one (1) parking space shall be provided for every two hundred fifty (250) square feet of gross floor area. Upon any change of use for an existing building or tenant space, a detailed parking plan shall be submitted that identifies the available parking for the overall site that complies with the requirements of this Title.
- E. At a minimum, one (1) parking space shall be provided for every two hundred fifty (250) square feet of gross floor area. Upon any change of use for an existing building or tenant space, a detailed parking plan shall be submitted that identifies the available parking for the overall site that complies with the requirements of this title.

Section 6. That Unified Development Code section 11-4-3-27(B) be amended as follows:

B. *Site design.*

1. Residential Bbuildings shall provide a minimum setback of ten (10) feet unless a greater setback is otherwise required by this title and/or Title 10 of this Ccode. Building setbacks shall take into account windows, entrances, porches and patios, and how they impact adjacent properties.

2. All on-site service areas, outdoor storage areas, waste storage, disposal facilities, and transformer and utility vaults shall be located in an area not visible from a public street, or shall be fully screened from view from a public street.
3. A minimum of eighty (80) square feet of private, usable open space shall be provided for each unit. This requirement can be satisfied through porches, patios, decks, and/or enclosed yards. Landscaping, entryway and other accessways shall not count toward this requirement. In circumstances where strict adherence to such standard would create inconsistency with the purpose statements of this section, the Director may consider an alternative design proposal through the alternative compliance provisions as set forth in Section 11-5B-5 of this Title.
4. For the purposes of this section, vehicular circulation areas, parking areas, and private usable open space shall not be considered common open space.
5. No recreational vehicles, snowmobiles, boats or other personal recreation vehicles shall be stored on the site unless provided for in a separate, designated and screened area.
6. The parking shall meet the requirements set forth in Chapter 3, "Regulations Applying To All Districts", of this Title.
7. Developments with twenty (20) units or more shall provide the following:
 - a. A property management office.
 - b. A maintenance storage area.
 - c. A central mailbox location, including provisions for parcel mail, that provide safe pedestrian and/or vehicular access.
 - d. A directory and map of the development at an entrance or convenient location for those entering the development.

Section 7. That Unified Development Code section 11-4-3-27(C) be amended as follows:

C. Common open space design requirements.

1. The total baseline land area of all qualified common open space shall equal or exceed ten (10) percent of the gross land area for multi-family developments of five (5) acres or more. When multi-family is approved concurrently with single-family, the minimum open space requirements in Section 11-3G-3 shall apply to the gross land area of entire development.
2. All common open space shall meet the following standards:
 - a. The development plan shall demonstrate that the open space has been integrated into the development as a priority and not for the use of land after all other

elements of the development have been designed. Open space areas that has been given priority in the development design have:

- (1) Direct pedestrian access;
- (2) High visibility;
- (3) Comply with Crime Prevention through Environmental Design (CTED) standards; and
- (4) Support a range of leisure and play activities and uses. Irregular shaped, disconnected or isolated open spaces shall not meet this standard.

- b. Open space shall be accessible and well connected throughout the development. This quality can be shown with open spaces that are centrally located within the development, accessible by pathway and visually accessible along collector streets or as a terminal view from a street.
- c. The open space promotes the health and well-being of its residents. Open space shall support active and passive uses for recreation, social gathering and relaxation to serve the development.

3. Alternative compliance is available for the standards listed in subsections (C)1 and (C)2 above, if a project has a unique targeted demographic; utilizes other place-making design elements in Old-Town or mixed-use future land use designations with collectively integrated and shared open space areas.

~~3.4.~~ All multi-family projects over twenty (20) units shall provide at least one (1) common grassy area integrated into the site design allowing for general activities by all ages. This area may be included in the minimum required open space total. Projects that provide safe access to adjacent public parks or parks under a common HOA, without crossing an arterial roadway, are exempt from this standard.

- a. Minimum size of common grassy area shall be at least five thousand (5,000) square feet in area. This area shall increase proportionately as the number of units increase and shall be commensurate to the size of the multi-family development as determined by the decision-making body. Where this area cannot be increased due to site constraints, it may be included elsewhere in the development.

~~4.5.~~ In addition to the baseline open space requirement, a minimum area of outdoor common open space shall be provided as follows:

- a. One hundred fifty (150) square feet for each unit containing five hundred (500) or less square feet of living area.
- b. Two hundred fifty (250) square feet for each unit containing more than five hundred (500) square feet and up to one thousand two hundred (1,200) square feet of living area.
- c. Three hundred fifty (350) square feet for each unit containing more than one thousand two hundred (1,200) square feet of living area.

~~5.6.~~ Common open space shall be not less than four hundred (400) square feet in area, and shall have a minimum length and width dimension of twenty (20) feet.

~~6.7.~~ In phased developments, common open space shall be provided in each phase of the development consistent with the requirements for the size and number of dwelling units.

~~7.8.~~ Unless otherwise approved through the conditional use process, common open space areas shall not be adjacent to collector or arterial street buffers unless separated from the street by a berm or constructed barrier at least four (4) feet in height, with breaks in the berm or barrier to allow for pedestrian access.

~~8.9.~~ Buffer(s): One hundred (100) percent of the landscape buffer along collector streets and fifty (50) percent of the landscape buffer along arterial streets that meet the enhanced buffer requirements below may count towards the required baseline open space.

- a. Enhanced landscaping as set forth in Article 11-3B, Landscaping Requirements;
- b. Multi-use pathways;
- c. Enhanced amenities with social interaction characteristics;
- d. Enhanced context with the surroundings.

Section 8. That Unified Development Code section 11-4-3-41 be amended as follows:

- A. A vertically integrated residential project shall be a structure that contains at least two (2) stories.
- B. A minimum of twenty-five (25) percent of the gross floor area of a vertically integrated project shall be residential dwelling units, outdoor patio space on the same floor as a residential unit may count towards this requirement.
- C. A minimum of ten (10) percent of the gross floor area of a vertically integrated project shall be used for nonresidential uses as specified in subsection E below.
- D. The minimum building footprint for a detached vertically integrated residential project shall be two thousand four hundred (2,400) square feet.
- E. The allowed nonresidential uses in a vertically integrated project include: arts, entertainment or recreation facility; artist studio; civic, social or fraternal organizations; daycare facility; drinking establishment; education institution; financial institution; healthcare or social assistance; industry, craftsman; laundromat; nursing or residential care facility; personal or professional service; public or quasi-public use; restaurant; retail; or other uses that may be considered through the conditional use permit process.

- F. None of the required parking shall be located in the front of the structure.
- G. A minimum of fifty (50) square feet of private, usable open space shall be provided for each residential dwelling unit. This requirement can be satisfied through porches, patios, decks, and/or enclosed yards. Landscaping, entryway and other accessways shall not count toward this requirement. ~~In circumstances where strict adherence to such standard would create inconsistency with the purpose statements of this section,~~ The Director may consider an alternative design proposal through the alternative compliance provisions as set forth in Section 11-5B-5 of this Title.

Section 9. That Unified Development Code section 11-5A-3 be amended as follows:

11-5A-3. - Application process.

A. *Purpose.* The purpose of this section is to outline the general application process for a permit or decision under provisions of this title.

B. *Application requirements.*

1. All persons making application for permits and decisions in accord with this title shall submit an application to the Director on forms approved by the Planning and Zoning Commission and provided by the Planning Department.
2. Prior to the commencement of any substantive changes to the application requirements, the Director shall submit the changes to the Planning and Zoning Commission to be considered as an agenda item at a noticed hearing.

C. *Determination of completeness.*

1. An application shall contain all information deemed necessary by the Director to determine if the proposed permit or action will comply with the requirements of the applicable district or development regulation.
2. Upon receipt of a complete application, the city will issue a notice of application acceptance and completion.
3. The Director shall assign a file number and begin processing the application once the application is deemed complete.

D. *Fee.* All complete applications shall be accompanied by a filing fee in an amount established by city ordinance or resolution.

E. *Resubmitted.* No application that has been denied by the Director, the commission, or the Council shall be resubmitted, in substantially the same form for the same use, within one (1) year from the date of denial. The Director may waive the one-year requirement and accept a new application, where the subject property is affected by amendments to the comprehensive plan or to this title.

- F. Request for City Council review. The City Council may be asked to review any decision of the Director or the commission by an applicant, any ~~party of a record~~ affected person, or a City Council member through the provisions set forth in section 11-5A-7, "City Council review process," of this article.

Section 10. That Unified Development Code section 11-5A-4(A) be amended as follows:

11-5A-4. - Administrative process.

- A. For purposes of this section, ~~"parties of record"~~ "affected person" shall include (1) the applicant, (2) property owners of record within one hundred (100) feet of the exterior boundary of the application property, and (3) any person ~~who, in writing, specifically requests such status as to a particular application with a bona fide interest in real property that may be affected by a land use decision pertaining to the applicant's request, provided that the person requests, in writing, such status.~~

- B. Where the process specified by section 11-5A-2, ~~T~~table 11-5A-2 of this article is administrative with public notice.

1. Prior to submittal of an application, the applicant shall hold a neighborhood meeting in accord with subsection 11-5A-6C of this article, except that notice of such neighborhood meeting shall be provided to all property owners of record within one hundred (100) feet of the exterior boundary of the application property.
2. Upon submission of a complete application, the community development director or designee shall review such application and shall:
 - a. Prepare a final decision of denial, which decision shall be supported by written findings of fact and conclusions of law in accord with Idaho Code § 67-6519; or
 - b. Prepare a final decision of approval, which decision shall be supported by written findings of fact and conclusions of law in accord with Idaho Code § 67-6519 and shall set forth any and all conditions of approval.
3. The community development director or designee shall provide to the applicant notice of the final decision.
4. The community development director or designee shall provide to ~~parties of record~~ affected persons notice of the final decision and notice of the opportunity and time within which to seek City Council review of such decision pursuant to section 11-5A-7 of this article.

- C. Where the process specified by section 11-5A-2, table 11-5A-2 of this article is administrative.

1. Upon submission of a complete application, the community development director or designee shall review such application and shall:

- a. Prepare a final decision of denial, which decision shall be supported by written findings of fact and conclusions of law in accord with Idaho Code § 67-6519;
 - b. Prepare a final decision of approval, which decision shall be supported by written findings of fact and conclusions of law in accord with Idaho Code § 67-6519 and shall set forth any and all conditions of approval; and/or
 - c. Convene the design professionals committee to provide recommendations on an administrative design review application and/or an alternative compliance request related to an administrative review application.
2. The community development director or designee shall provide to the applicant notice of the final decision.

Section 11. That Unified Development Code section 11-5A-6(G) be amended as follows:

G. Public hearing.

1. The City Council and/or Planning and Zoning Commission shall conduct the public hearing in accord with the procedures set forth in title 1 of this Code.
2. If the decision-making body (see section 11-5A-2, table 11-5A-2 of this article) finds that it does not have sufficient information to make a decision, it may continue the public hearing. The decision-making body may also choose to conduct a study session with all ~~parties of record~~ affected persons to address questions and issues related to the application.
3. The decision-making body (see section 11-5A-2, table 11-5A-2 of this article) may require or recommend conditions of approval that it deems necessary to protect the public health, safety, and welfare and/or to prevent undue adverse impacts on surrounding properties.
4. After the conduct of the public hearing, the Planning and Zoning Commission may recommend approval, recommend denial, approve, approve with conditions, or deny the application request; the City Council may approve, approve with conditions, or deny the application request.
5. The decision-making body (see section 11-5A-2, table 11-5A-2 of this article) action shall be made within seventy (70) days after receiving all information to make a decision. For applications where the commission is acting as a recommending body, the commission shall forward its recommendation to the Council within seventy (70) days.
6. The decision-making body (see ~~S~~section 11-5A-2, Table 11-5A-2 of this ~~A~~article) shall provide the applicant written findings of fact and conclusions of law in accord with I.C. 67-6519 and 67-6535 stating the reasons for the decision reached. Conditions of approval shall be attached to the written decision or recommendation.

~~{7. Reserved.}~~

8. ~~7.~~ If revised plans are required by Director, Commission or Council, the applicant shall provide those fifteen (15) days prior to the scheduled hearing for review and approval. If plans are not received within the established timeframe, the project may be continued to extend the review period.

Section 12. That Unified Development Code section 11-5A-7 be amended as follows:

11-5A-7. - City Council review process.

- A. Request for City Council review of a decision of the Director or the Planning and Zoning Commission concerning the administration of this title may be made by an applicant, the Director, or ~~a party of record~~ an affected person.
- B. All requests for review shall be filed in writing with the department within fifteen (15) days after the written decision is issued. The request shall include the following information:
 - 1. The decision being requested for review;
 - 2. The name and address of the person requesting the review and their interest in the matter; and
 - 3. The specific grounds upon which the request is made.
- C. All requests for review of the action of the Director or commission, shall require a de novo public hearing before the City Council as set forth in Section 11-5A-6 of this article to reach a decision to uphold or overrule the action.
- D. By simple majority vote, the City Council may uphold or overrule the decision.
 - 1. In the case of consideration of a decision of the Director:
 - a. If the action is overruled, the City Council shall issue a written decision and send the matter back to the Director for action consistent with the City Council's decision.
 - b. If the action of the Director is upheld, the City Council shall issue a written decision stating the decision and the reasons for the decision.
 - 2. In the case of consideration of a decision of the commission, if the decision is overruled, the Council shall issue findings consistent with the decision.
- E. A request for City Council review stays all proceedings in furtherance of the action unless the Director certifies to the Council or commission, after notice of the request is filed, that by reason of facts stated in the application, a stay would in the Director's opinion cause imminent peril to life and property. In such cases, proceedings shall not

be stayed other than by a restraining order which may be granted by the Council or court based on an application, with notice showing due cause.

- F. Within ten (10) days, after a decision has been rendered by the City Council, the Director shall send a copy of the written decision to the individual requesting the City Council review and the applicant, as may be applicable.

Section 13. That Unified Development Code section 11-5B-5, Table 11-5B-5, be amended as follows:

TABLE 11-5B-5
ALTERNATIVE COMPLIANCE

Permit	Section
Common driveway	11-6C-3
Common open space and site amenity requirements	11-3G
Fence requirements	11-3A-7
Height maximum in Commercial Districts	11-2B-3
Height maximum in Industrial Districts	11-2C-3
Height maximum in TN-C District	11-2D-5
Landscape buffer for wireless communication facilities	11-4-3-430E
Landscape requirements	11-3B
Landscaping for base of freestanding sign	11-3D-8
Lighting standards for pathway along State Highway 55	11-3H-4C3
Multifamily private usable open space standards	11-4-3-27B3
Noise abatement standards	11-3H-4D
Outdoor lighting requirements	11-3A-11
Parking and loading plan requirements	11-3C-5
Parking requirements	11-3C-6
Private street standards	11-3F-4
Projecting sign allowance	11-3D-8E and F

Sign location in the O-T District	11-3D-5
Structure and site design review standards	11-3A-19
<u>Vertically integrated residential project private usable open space standards</u>	<u>11-4-3-41G</u>

Section 14. That Unified Development Code section 11-5B-5(E) be amended as follows:

E. *Required findings.* In order to grant approval for an alternative compliance application, the ~~Director~~ decision-making body shall determine the following:

1. Strict adherence or application of the requirements are not feasible; or
2. The alternative compliance provides an equal or superior means for meeting the requirements; and
3. The alternative means will not be materially detrimental to the public welfare or impair the intended uses and character of surrounding properties.

Section 15. That Unified Development Code section 11-5B-6E be amended as follows:

E. *Findings.* The commission or City Council, as applicable, shall base its determination on the conditional use permit request upon the following:

1. That the site is large enough to accommodate the proposed use and meet all the dimensional and development regulations in the district in which the use is located.
2. That the proposed use will be harmonious with the Meridian Comprehensive Plan and in accord with the requirements of this title.
3. That the design, construction, operation and maintenance will be compatible with other uses in the general neighborhood and with the existing or intended character of the general vicinity and that such use will not adversely change the essential character of the same area.
4. That the proposed use, if it complies with all conditions of the approval imposed, will not adversely affect other property in the vicinity.
5. That the proposed use will be served adequately by essential public facilities and services such as highways, streets, schools, parks, police and fire protection, drainage structures, refuse disposal, water, and sewer.
6. That the proposed use will not create excessive additional costs for public facilities and services and will not be detrimental to the economic welfare of the community.
7. That the proposed use will not involve activities or processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.

8. That the proposed use will not result in the destruction, loss or damage of a natural, scenic or historic feature considered to be of major importance.
9. Additional findings for the alteration or extension of a nonconforming use:
 - a. That the proposed nonconforming use does not encourage or set a precedent for additional nonconforming uses within the area; and
 - b. That the proposed nonconforming use is developed to a similar or greater level of conformity with the development standards as set forth in this title as compared to the level of development of the surrounding properties.

Section 16. That Unified Development Code section 11-6C-3(D) be amended as follows:

D. Common Driveways.

1. *Maximum Dwelling Units Served.* Common driveways shall serve a maximum of four (4) dwelling units. In no case shall more than three (3) dwelling units be located on one (1) side of the driveway.
2. *Width standards.* Common driveways shall be a minimum of twenty (20) feet in width, unless a greater width is required by the City Engineer. All common driveways shall be on a common lot.
3. *Maximum length.* Common driveways shall be a maximum of one hundred fifty (150) feet in length or less, unless otherwise approved by the Meridian City Fire Department.
4. *Improvement standards.* Common driveways shall be paved with a surface with the capability of supporting fire vehicles and equipment.
5. *Abutting properties.* All properties that abut a common driveway shall take access from the driveway; however, if an abutting property has the required minimum street frontage, that property is not required to take access from the common driveway. In this situation, the abutting property's driveway shall be on the opposite side of the shared property line; away from the common driveway. Solid fencing adjacent to common driveways shall be prohibited, unless separated by a minimum five-foot wide landscaped buffer planted with shrubs, lawn or other vegetative groundcover.
6. *Turning radius.* Common driveways shall be straight or provide a twenty-eight-foot inside and forty-eight-foot outside turning radius.
7. *Depictions.* For any plats using a common driveway, the setbacks, fencing, building envelope, landscaping and orientation of the lots and structures shall be shown on the preliminary plat and/or as an exhibit with the final plat application.
8. *Ingress and egress Easement.* ~~A p~~Perpetual ingress/egress easement shall be required either by a recorded easement or as a note on a recorded final plat. ~~filed with the Ada~~

~~County Recorder, which shall~~ The easement or plat note shall include a requirement for maintenance of a paved surface capable of supporting fire vehicles and equipment.

9. *Alternative compliance.* The Director may approve or recommend approval of alternative design or construction standards when the applicant can demonstrate that the proposed overall design meets or exceeds the intent of the required standards of this section and shall not be detrimental to the public health, safety, and welfare.

Section 17. That all other provisions of the Unified Development Code remain unchanged.

Section 18. That this ordinance shall be effective immediately upon its passage and publication.

PASSED by the City Council of the City of Meridian, Idaho, this 3rd day of October, 2023.

APPROVED by the Mayor of the City of Meridian, Idaho, this 3rd day of October, 2023.

APPROVED:

ATTEST:

Robert E. Simison, Mayor

Chris Johnson, City Clerk

CERTIFICATION OF SUMMARY:

William L.M. Nary, City Attorney of the City of Meridian, Idaho, hereby certifies that the summary below is true and complete and upon its publication will provide adequate notice to the public.

William L.M. Nary

SUMMARY OF CITY OF MERIDIAN ORDINANCE NO.: 23-2037

An Ordinance amending Unified Development Code section 11-2A-2, Table 11-2A-2, concerning allowed uses in residential districts; amending Unified Development Code section 11-3A-3(A) concerning access to streets; amending Unified Development Code section 11-3C-6, Table 11-3C-6, concerning required parking spaces for residential use; amending Unified Development Code section 11-4-3-2 concerning arts, entertainment or recreation facility specific use standards; amending Unified Development Code section 11-4-3-10 concerning drinking establishment specific use standards; amending Unified Development Code section 11-4-3-27(B) concerning site design requirements for multi-family developments; amending Unified Development Code section 11-4-3-27(C) concerning alternative compliance to open space standards for multifamily developments; amending Unified Development Code section 11-4-3-41 concerning vertically integrated residential project specific use standards; amending Unified Development Code section 11-5A-3(F) concerning request for City Council review; amending Unified Development Code section 11-5A-4 concerning administrative process; amending Unified Development Code section 11-5A-6 concerning public hearing process; amending Unified Development Code section 11-5A-7 concerning City Council review process; amending Unified Development Code section 11-5B-5, Table 11-5B-5, concerning alternative compliance; amending Unified Development Code section 11-5B-5(E) concerning alternative compliance required findings; amending Unified Development Code section 11-5B-6(E) concerning conditional use findings; amending Unified Development Code section 11-6C-3(D) concerning common driveways standards; and providing an effective date. A full text of this ordinance is available for inspection at City Hall, City of Meridian, 33 East Broadway Avenue, Meridian, Idaho.