

**CITY OF MERIDIAN ORDINANCE NO. 21-1925**

**BY THE CITY COUNCIL:**

**BERNT, BORTON, CAVENER,  
HOAGLUN, PERREAULT, STRADER**

**AN ORDINANCE AMENDING TITLE 1, CHAPTER 7, SECTION 10, OF THE MERIDIAN CITY CODE, REGARDING THE PROCEDURE FOR A REQUEST FOR RECONSIDERATION OF A LAND USE DECISION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS;** the Mayor and City Council are empowered to make land use decisions on behalf of the City pursuant to Title 67, Chapter 65 of the Idaho Code (Local Land Use Planning Act) and Title 11 of the Meridian City Code (Unified Development Code); and

**WHEREAS;** Meridian City Code 1-7-10 establishes the procedure to request reconsideration of a final decision of the City Council on a land use decision; and

**WHEREAS;** clarification is necessary to assure that service and notice is properly filed and processed with the appropriate City Department;

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

**Section 1:** That Title 1, Chapter 7, Section 10 is hereby amended as follows:

1-7-10: PROCEDURE FOR REQUEST FOR RECONSIDERATION:

A. Pursuant to Idaho Code 67-6535 (Local Land Use Planning Act), regarding a request for reconsideration of a City Council land use decision, the following procedure must be strictly followed:

1. After final approval of the findings of facts, conclusions of law, decision, and order, ~~the appellant, who may be~~ any applicant or affected person, as defined by Idaho Code, may request reconsideration of the final decision of the City Council, in accordance with the provisions of this section.

2. Such request must be in writing and filed by personal service to the City Clerk within fourteen (14) days of the final approval. Failure to timely or personally serve the City Clerk shall be a valid basis for summary denial of the request without consideration by City Council. The party filing the request for reconsideration shall provide a copy of the request to the City Community Development Department and City Attorney's Office

3. The request must identify specific deficiencies in the decision for which reconsideration is sought.

4. If the request is timely and properly filed, by the applicant or affected person, and meets the requirement of identifying specific deficiencies in the land use decision, the City ~~Council~~ Clerk shall schedule the request to be heard considered at a regularly scheduled meeting of the City Council.

5. The City Clerk shall provide to the party filing the request for reconsideration notice of the date, time, and place of the meeting at which City Council will consider the request ~~will be provided to appellant when the request will be scheduled to be considered.~~

6. In considering the request for reconsideration, City Council shall take no ~~No additional new~~ evidence or testimony, but shall confine its decision to the record as it relates to the written request ~~will be allowed at the City Council meeting.~~

~~7. At the City Council meeting, Following consideration of the request, the Council shall consider the written request and may affirm, reverse, or modify its decision, after compliance with the applicable procedural standards. 8. If necessary, the or Council may direct a new public hearing on the decision and all the procedures and notices that are necessary will be done prior to a new public hearing.~~

97. Within sixty (60) days of the City Clerk's receipt of the request for reconsideration, the City Attorney shall prepare, and the City Clerk shall provide to the party requesting reconsideration, ~~a written decision on shall be provided to the appellant within sixty (60) days of the request.~~

**Section 2.** That all ordinances, resolutions, orders, or parts thereof or in conflict with this ordinance are hereby voided.

**Section 3.** That this ordinance shall be effective immediately upon its passage and publication.

**PASSED** by the City Council of the City of Meridian, Idaho, this \_\_\_\_ day of March, 2021.

**APPROVED** by the Mayor of the City of Meridian, Idaho, this \_\_\_\_ day of \_\_March, 2021.

**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.

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William L. M. Nary, City Attorney

**SUMMARY OF CITY OF MERIDIAN ORDINANCE NO. 21-1925**

An ordinance amending Title 1, Chapter 7, Section 10, of the Meridian City Code, regarding the procedure for a request for reconsideration of a land use decision; and providing an effective date.