**Planning Commission Staff Report**

**August 28, 2024**

**Project Name:**

Ordinance Text Amendments to Chapter 13 Appendix A of the Payson City Code

**Applicants:**

Francis Ash

Payson City Staff

**Location:**

City Wide

**Applicability:**

Land uses within zones

**Attachments:**

DRAFT Appendix A – Land Use Categories

**REQUEST**

Francis Ash on behalf of Somber Sun Art Collective and Payson City Staff are requesting a recommendation of approval from the planning commission for the proposed changes to Title 13, Appendix A – Land Use Categories, of the Payson City Code. This proposal identifies various suggested changes for uses throughout the non-residential zones of Payson City.

**BACKGROUND AND PROJECT DESCRIPTION**

Appendix A – Land Use Categories was adopted on December 16, 2020. Since its most recent adoption Appendix A. There have been two amendments to the Land Use Categories.

The applicant Francis Ash has requested tattoos and body art to be a “P”, Permitted use in the CC-1 zone. Staff has used this applicant request to do an additional review of the Appendix A document. After staff review it has been suggested that various uses throughout various zones be modified for approval or removal from the various non-residential zones (see attached Draft Appendix A – Land Use Categories document).

The planning commission may recommend approval of all the proposed amendments. Alternatively, the commission may also recommend modifications to the requested changes by accepting some changes and rejecting others or the planning commission may recommend denial of all the proposed amendments.

**APPROVAL PROCESS**

Amending Title 13 of the Payson City Code is a legislative decision of the city council after a public hearing by the planning commission. Staff seeks a recommendation of approval to amend Title 13, Appendix A – Land Use Categories of the Payson City Code.

The planning commission may recommend approval, denial or approval with changes. Regardless of the recommendation the request will be forwarded to the city council for a final decision.

If the planning commission is of the opinion that some or all of this request is untimely or incomplete they may remand those items back to staff for further review. If this step is taken, then it is advised that the planning commission provide guidance to staff on what should be further reviewed and/or researched.

Upon review and acceptance of the proposed changes by city council. Appendix

A will be officially modified to include the approved changes.

**ANALYSIS**

The proposed amendments to Title 13, Appendix A – Land Use Categories would be applicable in all non-residential zones throughout the city as identified in the modified Appendix A document. In making a recommendation, the planning commission will want to consider whether these changes are appropriate in the suggested zones on a city-wide basis.

Requested amendments include the following (see attached DRAFT Appendix A – Land Use Categories document for more detail).

**FINDINGS**

* The city code Title 13 Zoning is necessary to be amended from time to time to better meet the intents and purposes of the city general plan
* The city code Title 13 Zoning is necessary to be amended from time to time to better meet the land use development patterns of the community, and to further identify additional uses, locations and definitions to language within the code.
* The proposed amendments are consistent with the intent of the existing Payson City Code and State Code.

**RECOMMENDATION**

After a thorough review of the proposed amendments to Title 13, Appendix A – Land Use Categories of the Payson City Code, relating to lands uses within non-residential zones, staff recommends the Planning Commission forward a positive recommendation to the City Council for the adoption of the proposed amendments.

Following a public hearing to receive public comment, the planning commission may do the following for each land use application being considered:

1. Forward a positive recommendation that the City Council adopt the proposed amendments to Title 13, Appendix A – Land Use Categories of the Payson City Code, related to lands uses within non-residential zones, based upon the staff’s report and above findings.
2. Forward a positive recommendation that the City Council adopt the proposed amendments to Title 13, Appendix A – Land Use Categories of the Payson City Code, related to lands uses within non-residential zones, with the recommended additions, modifications and/or changes and based upon the staff’s report and the above findings.
3. Remand the request back to staff for further review or to provide additional information. This action should be taken if it is determined that there is not enough information provided by the applicant and staff for the planning commission to make a well-informed recommendation.
4. Recommend denial of the proposal. This action should only be taken if the planning commission feels as if the various requests are inappropriate and the commission cannot come to an agreement on how to modify the requested proposed amendments.

The recommendation of the planning commission should include findings that indicate reasonable conclusions for the recommendation.