

Payson City Planning Commission Staff Report, October 26, 2016

Review of Amendments to Title 19, Zoning Ordinance and Title 20, Subdivision Ordinance

Type of Request:	Legislative
Staff Action:	Preparation of Staff Report and Supporting Documentation
Planning Commission:	Recommendation to City Council
City Council:	Approval or Denial (Legislative Action)

Background

On occasion, changes in development practices, new land use goals of the City Council or other appropriate circumstances result in the need to update or revise the development ordinances of the City. Staff generally compiles several potential amendments until a pressing issue arises at which time the proposed amendments are prepared for review by the Planning Commission and City Council. In this instance, the proposed ordinance amendments included staff suggestions and changes that would benefit applicants for development approval.

Often referred as the development ordinances, Title 19, Zoning Ordinance and Title 20, Subdivision Ordinance were adopted by the City Council as implementation tools to achieve the goals outlined in the Payson City General Plan. These land use and development regulations identify appropriate locations for various uses of land, establish proper construction standards, and provide procedures to manage growth and development. Implementation of these standards will ensure the desirable aspects of existing development are protected and the overall vision of the community is realized. While it is important for the regulations to be consistent and stable, it is equally important to review the regulations on a regular basis to ensure that the contents will accomplish the desired outcome in a constantly changing development environment.

Analysis

The authority for municipalities to adopt ordinances to guide development can be found in §10-9a Utah Code Annotated. Development ordinances are also influenced by federal laws and case law. It is the role of staff to ensure that any proposed amendments are consistent with the provisions of state and federal statute and all levels of case law. That said, despite the many laws and provisions that guide the creation of development ordinances, the City Council is granted a great deal of deference to enact development regulations tailored specifically for our community. The following list of ordinance amendments is proposed for consideration by the Planning Commission and City Council.

Title 19, Zoning Ordinance

1. Section 19.5.5, Page 19 – Staff is proposing to include a new section to address road and street standards and clarify the responsibilities of the applicant in the construction of transportation facilities.
2. Section 19.6.7, Pages 34-37 – Staff has been working on proposed amendments to the R-MF, Multi-Family Residential Zone to accommodate the densities included in the recently adopted South Meadows Specific Area Plan. Staff has included a copy of the current regulations of the R-MF Zone and would like to have a discussion with the Planning Commission about densities, design, and project amenities.
3. Section 19.6.8.6, Page 39 – During the review of a recently approved residential development, staff noticed the setback requirements in the RMO-1 Overlay Zone are inconsistent with the setbacks in the R-2-75, Residential Zone. Staff is proposing a minor change to ensure the setback requirements of the overlay zone and the underlying zones are consistent.
4. Sections 19.6.14.14 (S-1 Zone); 19.6.15.2 (BPD Zone); 19.6.20.2 (CT Zone); and 19.6.20.13 (CT Zone), Pages 56-57 (S-1 Zone); 59 (BPD Zone); 75-76 (CT Zone); and 78-79 (CT Zone) – Staff is proposing minor amendments to clarify the title and types of day care facilities allowed in commercial zones.
5. Section 19.6.29.16, Pages 112-113 – Staff is proposing amendments to the MH-2, Mountain and Hillside Zone to accommodate private on-site utility systems for single family dwellings constructed on legal lots of record.
6. Section 19.15.3.5, Pages 180-181- Staff is proposing to amend the size requirements for real estate signs for large master planned commercial projects.

7. Chapter 19.28, Pages 228 and 230 – Staff is proposing minor changes to the definition of Adult Day Care Facility and Child Care Center to be consistent with Utah Code.

Appendix A, Non-Residential Land Use Categories

Staff is proposing to amend the classification of commercial daycare to indicate commercial child care center to be consistent with the term used in Utah Code.

Title 20, Subdivision Ordinance

1. Section 20.12.1.3, Page 21 – To ensure consistent requirements for courtesy notices throughout the Subdivision Ordinance, staff is proposing to modify the distance required for courtesy notice mailings.

Recommendation

The Planning Commission will need to review the proposed amendments and forward a recommendation to the City Council for their consideration. The Planning Commission may recommend approval, approval with conditions, or denial of the proposed amendments to the development ordinances of the Payson City Municipal Code. If additional changes are necessary, the Planning Commission may remand the proposed amendments back to staff for further consideration and amendment.

Amendments to the development ordinances are legislative matters and the City Council is not obligated to approve any amendment. The Planning Commission should include reasonable findings in any recommendation forwarded to the City Council.