

Payson City Planning Commission Staff Report, March 8, 2017

Review of Amendments to Title 19, Zoning 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 19.6.7, Pages 34-39 – The City Council recently approved amendments to the RMF, Multi-Family Residential Zone to accommodate the densities included in the South Meadows Area Specific Plan. Although the amendments were approved, it was suggested that staff compare the proposed amenities with those required by other cities. Staff has reviewed other ordinances and has discussed the proposed amenities with applicants and developers. Based on these discussions, staff is proposing additional changes to the RMF Zone, including changes to the setback requirements and project amenities.
2. Section 19.12.7, Page 160 – Staff is proposing to clarify the requirement for annexation petitioners to participate in the connection of existing dwellings to Payson City utilities and providing other municipal services.
3. Section 19.12.13, Pages 162-163 – Staff is suggesting this Section be modified to indicate the City Council as the authority to approve amendments to the annexation agreement. As proposed, petitioners of the annexation and property owners within the annexation area will be given an opportunity to provide comment on any proposed amendments; however, the petitioners will not be required to approve the proposed amendments and sign the addendum.
4. Section 19.23.6.4, Page 210 – Staff has received an application from BNH Properties LLC (Byron Bastian and Brett Herbst) to amend Section 19.23.6.4 to increase the allowable density calculations for assisted living centers and other special needs housing facilities. The applicants have provided supporting documentation for this amendment (attached hereto).

Title 20, Subdivision Ordinance

Staff is not proposing amendments to Title 20, Subdivision Ordinance at this time. The public hearing notice did not include amendments to Title 20, Subdivision Ordinance; therefore, any request to amend this ordinance would need to be postponed until proper notice is provided.

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 modifications, or denial of the proposed amendments to Title 19, Zoning Ordinance 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.