

Payson City Council Staff Report, July 19, 2017

Review of Amendments to Title 19, Zoning Ordinance; Title 20, Subdivision Ordinance; and the Standard Specifications and Standard Plans

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 land use 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 include staff suggestions, changes that would benefit applicants for development approval, and amendments requested by the City Council.

Often referred to as the land use ordinances or 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.

Adoption of the proposed ordinance amendments requires a recommendation from the Planning Commission and approval by the City Council. Public hearings are required prior to forwarding a recommendation and making a final decision. On June 28, 2017, the Planning Commission, following a public hearing, forwarded a recommendation of approval to the City Council for the proposed amendments to Title 19, Zoning Ordinance, Title 20, Subdivision Ordinance, and the Standard Specification and Standard Plans. The public hearing notice has been posted in appropriate locations and advertised in the newspaper for a minimum of fourteen (14) days. Amendments to the land use ordinances can affect many parcels throughout the city and mailing notice to all property owners potentially affected by these amendments is impractical; therefore, courtesy notices are not required for this request.

Analysis

The authority for municipalities to adopt ordinances to guide development can be found in §10-9a Utah Code Annotated. Land use 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 City Council.

Title 19, Zoning Ordinance

1. Section 19.2.8, Page 6 – At the direction of the City Council, staff is proposing to modify the land use ordinances to eliminate the second public hearing for land use applications. Utah Code only requires one public hearing for land use applications and it is proposed that the required public hearing be conducted by the Planning Commission. In other words, the City Council will not be required to conduct a public hearing before final action is taken on several land use applications.
2. Section 19.6.4.2, Page 22 – Staff is proposing to allow an accessory apartment as a permitted use in the A-5, Agricultural Zone.

3. Section 19.6.5.2, Page 27 – Staff is proposing to allow an accessory apartment as a permitted use in the R-1-A, Residential-Agriculture Zone.
4. Section 19.6.6.2, Page 30 – Staff is proposing to allow accessory apartments as a permitted use in the conventional residential zoning districts.
5. Section 19.6.7.17, Page 38 (RMF Zone) – See #1 above.
6. Section 19.6.8 (attached document) – Staff has received a request to amend the requirements of the RMO-1, Two-Family Residential Overlay Zone to accommodate Planned Residential Communities as a permitted use in the RMO-1 Zone and to establish residential design standards. The applicant will be in attendance at the meeting to explain the proposed amendments.
7. Section 19.6.9, Pages 43-44 – As indicated in #10 below, staff is proposing new regulations for accessory apartments. If the City Council is inclined to approve the new regulations, there is no longer a need for the RMO-A, Accessory Living Unit Overlay Zone.
8. Section 19.6.31.4; Section 19.6.31.5; and Section 19.6.31.6, Pages 125, 126, and 129 (P-C Zone) – See #1 above.
9. Section 19.8.3.5, Page 137 (Site Plans) – See #1 above.
10. Section 19.9.21, Page 155 – Staff is proposing to remove the provisions for casitas. Additional living quarters within a single family dwelling will be address in the proposed Accessory Apartment ordinance (see new Section 19.9.22 below).
11. New Section 19.9.21, Page 155 – Staff is proposing regulations for second kitchens within various dwelling units and structures in the residential zones.
12. New Section 19.9.22, Pages 155-157 – Staff is proposing new regulations to allow an accessory apartment as a permitted use in the residential and agricultural zones. An accessory apartment may be approved by staff if all requirements of the Section are satisfied. This section of the code will replace the RMO-A, Accessory Living Unit Overlay Zone.
13. Section 19.12.5 and Section 19.12.6, Pages 162 and 163 (Annexations) – See #1 above.
14. Section 19.13.4 and Section 19.13.5, Page 168 (Conditional Use Permit) – See #1 above.
15. Section 19.17.3, Page 198 (Cellular Towers) – See #1 above.
16. Section 19.28.2, Pages 232, 236, and 237-238 – Definitions for the terms *accessory apartment*, *family*, and *kitchen* have been added to support other regulations proposed by staff. Staff is also proposing to remove the definitions of *casita* and *guest house* on Pages 234 and 237.

Title 20, Subdivision Ordinance

1. Chapter 20.8, Page 4 – Similar to the proposed amendments to the Zoning Ordinance, staff is proposing to modify the land use ordinances to eliminate the second public hearing for land use applications.
2. Section 20.8.5 and Section 20.8.7, Page 5 – See #1 above.
3. Section 20.11.3, Page 18 – See #1 above.
4. Section 20.11.5, Page 18 – See #1 above.
5. Section 20.28.7 and Section 20.28.8, Page 49 – See #1 above.
6. Section 20.29.2, Page 50 – Staff is proposing to add a signature block for the City Attorney on the Final Plat/Mylar.
7. Section 20.29.3, Page 51 – See #1 above.

Standard Specification and Standard Plans

1. The Utah State Legislature recently clarified, by law, that development specifications and standards are land use ordinances and subject to the public review process. Therefore, any proposed amendments to the Standard Specifications and Standard Plans of Payson City must receive a recommendation by the Planning Commission and approval by the City Council. The Public Works Department is proposing to include additional information in the Standard Specifications and Standards Plan related to the trench detail, specifically the width of the trench and materials (i.e. fill, road base, asphalt) required in utility trenches.

Recommendation

The City Council, following a public hearing to receive public input, will need to determine if the proposed amendments are consistent with the land use goals and objectives of the Payson City General Plan. The City Council will need to approve, amend and approve, or deny the proposed amendments to Title 19, Zoning Ordinance, Title 20,

Subdivision Ordinance, and the Standard Specifications and Standard Plans of the Payson City Municipal Code. The City Council may also remand the proposed amendments back to the Planning Commission or 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. Any decision of the City Council should include findings that indicate reasonable conclusions for the decision. If the City Council chooses to amend the development ordinances, the amendment shall be completed by ordinance.