

187 **6.4 PUBLIC HEARING – Proposed amendments to Title 19, Zoning Ordinance; Title 20,**  
188 **Subdivision Ordinance; and the Standard Specifications and Standard Plans (7:56 p.m.)**  
189

190 **MOTION: Commissioner Hiatt – To open the public hearing for 6.4.** Motion seconded by  
191 Commissioner Hiatt. Those voting yes: Kirk Beecher, Taresa Hiatt, Harold Nichols, Blair Warner.  
192 The motion carried.  
193

194 Staff Presentation:

195 Jill Spencer stated the Utah State Legislature clarified that construction standards are land use  
196 documents and have to go through the same process as any land use document. The city street  
197 supervisor has one change.  
198

199 Standard Specifications and Standard Plans

200 Kent Fowden stated the amendment is specific to trench restoration and trench opening. The change  
201 is to have more control on settlement and conditions of trenches after they have been opened. It is  
202 specific to everything above the pipe zone and most is covered in APWA. This addendum takes it  
203 one step further giving more control over the materials going back into the trench. Staff is trying to  
204 accomplish a more permanent repair. There have been some instances of super saturated materials  
205 going into the trench with no way to compact or test it. The T patch is covered to a point. We can  
206 get the asphalt surface restoration but can't control the natural materials going back into the trench.  
207

208 Commissioner Beecher suggested requiring a saw cut at the edge and call it out on the drawing,  
209 show a minimum depth on the asphalt or match existing, state the minimum wanted on the road  
210 base, and a detailed picture. They won't look at the specs so it should be in both places. Flow fill  
211 needs to be defined. Also show the compaction minimums on the detail.  
212

213 Kent Fowden stated he will reference the detail on the drawing and reference the standards and  
214 APWA.  
215

216 Title 19 – Zoning Ordinance, Public Hearings

217 Jill Spencer stated currently the ordinance requires a public hearing before the planning commission  
218 and then the city council for a final decision. The Utah Code only requires one public hearing. Staff  
219 proposes one public hearing with the planning commission to streamline the process. The proposal  
220 includes several areas in the city code that need to be changed. There will still be two process that  
221 will require a public hearing with both the planning commission and city council. It doesn't restrict  
222 the city council from accepting public comment at their meetings, but notices will not be sent. If the  
223 commission receives concerning information from the public, an item can be remanded back to  
224 staff.  
225

226 Title 19 – Zoning Ordinance, Accessory Apartments

227 Daniel Jensen stated the current accessory apartment ordinance has been in place for years. There  
228 continues to be an increase in the number of accessory apartments but not an increase in  
229 applications to establish those. Currently there is a legislative process with the RMO-A Overlay.  
230 Staff is proposing to amend the ordinance to be a permitted use with an administrative process. The  
231 definition of an accessory apartment is a living area inside a single-family dwelling that is  
232 subordinate to the dwelling. The idea is that the home still retains its character as a single-family  
233 dwelling. Occupancy for an accessory apartment is defined differently from a duplex. With a duplex

any family lives upstairs or downstairs and may not be the property owner. An accessory apartment is more restricted with living area inside the house. The primary unit is the homeowner and family with the homeowner having at least 50% ownership on the title. The apartment is capped at a maximum of two adults and minor children and are not related to the home owner. The requirements include the following:

- Accessory apartments are allowed in all residential zones if the requirements are met.
- The home looks like a single-family home with one driveway and one front door and is owner occupied.
- Four off-street, hard-surfaced parking spaces are required.
- Interior access is maintained throughout the house.
- The apartment cannot be in an accessory structure.
- A separate access to the apartment would be located on the side or rear of the home with a paved access to the parking area and the street.
- Items that are not permitted include front yard parking, paving two side yards.
- There is no minimum lot size; but if the home can't meet the requirements, then it won't qualify for an apartment.
- The number of kitchens is capped at two in the entire home. The current ordinance banned second kitchens but wasn't enforced. A certificate of present condition is recorded against the property stating it is a single-family home.
- Separate utilities are not allowed.
- The intent is to improve neighborhoods by requiring homeowner responsibility.

Feedback from the public showed the public doesn't know if an accessory apartment will be allowed when purchasing a property. The process is costly, time consuming, and a hassle you'd rather avoid. The outcome was uncertain, and the requirements were inconsistent. The administrative process saves time and money for the city and the applicant, removes barriers to compliance, and the applicant knows the rules from the beginning. The purpose encourages ownership occupancy and longevity, empowers home buyers, facilitates the legal use of the property, targets code enforcement on violators, improves safety and quality of housing, and protects neighborhood integrity. Staff is hoping to curtail illegal conversions. The apartment runs with the owner and not the property. Apartments are nice because they can expand and retract. Insurance companies might not cover a home when an illegal apartment is established so we want a process that is easy.

Section 19.9.22.6 is a provision for nonconformity that requires evidence that established an apartment for those currently in place. If the homeowner can't meet the burden of proof, they would be required to meet the current ordinance. If property was purchased as an investment to rent the upstairs separate from the downstairs, it would be a duplex if legally established. If not legally established, they would have to meet the legal requirements.

(Commissioner Cowan excused. Commissioner Warner conducting. (8:33 p.m.)

Joel Wright stated he has lived in Payson about 1.5 years. As a new homeowner he wanted to help his sister and use their basement as a rental. He contacted the city and received similar guidelines as being proposed today. Duplexes are a hit and miss. Sometimes it works out and other times it is denied. He finished the basement a year ago and wanted to ensure they did it legally. Accessory apartments were in limbo and ordinance changes weren't made. Neighbors added apartments and

finished basements illegally. There is a need for accessory apartments. Over the last six months, houses weren't being built fast enough and rent was outrageous. He now has renters. Rentals are a really great thing and help younger and older families. There are families out there who want to do this legally and provide affordable housing. He doesn't think some of his neighbors realize he has renters. Accessory apartments provide necessary housing.

Daniel Jensen stated the proposed ordinance gives flexibility for owners to live in either area of the home. As written, there would be a second address that would be removed if the home became ineligible for the apartment any longer. The proposed ordinance also removes the casitas from the code. The application fee was about \$500 plus the stamped envelopes. It didn't come with a guarantee and was time consuming. Some reasons for denial included there were too many cars and people, residents moved into single-family areas and wanted to maintain that style, and parcels were not kept up. The accessory apartment fee hasn't been set but maybe \$75 or \$100. The applicant will submit an application with a site plan and floor plan showing it meets all the criteria before they pay the fee. Also the off-street parking spaces must be available for parking and not storage. With the enforcement provision, it is a misdemeanor C.

Jill Spencer stated the RMO Overlay was adopted about five years ago, and the city has processed about six applications with two being denied. With those applications, the city got a really good feel of what is important to the city and residents as well as how it affects the community. One application had a large addition without any building permits and had to be converted back to a single-family home. Residents in these areas have stated that they purchased property in a single-family neighborhood and want it to remain a single-family neighborhood. Staff has done a lot of work reviewing previous minutes, reviewing other city ordinances, and talking with residents. Staff feels it needs to be administrative.

#### Title 20 Subdivision Ordinance

Daniel Jensen stated this amendment adds planned residential communities to the RMO-1 Overlay Zone as a permitted use. The difference between a planned residential community and single-family lots is common space is encouraged instead of individual parcels. It follows the same amount of required area, which is 60% of the underlying zone. Setbacks are consistent with a single-family home. Design standards are being added. The proposal includes many standards consistent in the South Meadows Specific Area Plan. Architectural features include porches, columns, window groupings, gables, dormers, roof pitches, wall variations, stone, masonry, stucco, and materials wrapping around the sides. The current ordinance doesn't address these items. This is an infill tool for infill projects. The amendments include aesthetics and creating a safe community. It requires homes to engage with the surrounding areas.

#### Public Comments:

Jerry Robinson stated as an architect, people approached him about designing communities in Springville, Payson, and other places. One thing he wanted to accomplish is what this ordinance allows including a place with gathering areas and open space. There are a lot of homes in communities where the garages are dominant. The standards require a roof pitch, trees, large columns, wrapping materials, and window groupings. The same form is not allowed on both sides of a duplex. The results will be great. The density is the same with more standards and more flexibility.

**MOTION: Commissioner Beecher – To close the public hearing.** Motion seconded by Commissioner Hiatt. Those voting yes: Kirk Beecher, Taresa Hiatt, Harold Nichols, Blair Warner. The motion carried.

**MOTION: Commissioner Beecher – To recommend to the city council to modify the ordinances for land use, eliminate the second public hearing in most cases with a couple of items that still having a public hearing and with the planning commission holding the public hearing. To recommend to the city council the accessory apartment as outlined and modified by staff in all the residential and agricultural areas. To recommend to the city council the accessory living unit in all those areas covered as presented by staff and the removal of the casitas from the provisions and the second kitchens as part of the grouping to be included and including definitions. To recommend to the city council the other recommendations to Code 19 including annexations, conditional use permits, and cellular towers, which were minor changes or corrections. To recommend removal of the RMO-A Overlay Zone and replace it with the accessory apartment ordinance, and all of the definitions.** Motion seconded by Commissioner Nichols. Those voting yes: Kirk Beecher, Taresa Hiatt, Harold Nichols, Blair Warner. The motion carried.

**MOTION: Commissioner Beecher – To recommend to the city council approval of the modifications to the Subdivision Ordinance as outlined by staff, which includes zoning ordinances, accessory living units, information about other things. Essentially mirroring all the items in Title 19 making both match and be congruous together along with the signature block for the city attorney on the final plat.** Motion seconded by Commissioner Hiatt. Those voting yes: Kirk Beecher, Taresa Hiatt, Harold Nichols, Blair Warner. The motion carried.

**MOTION: Commissioner Beecher – To recommend to the city council the addition of a standard drawing to the Standards and Specifications and Plans for the repair of city streets for trenching with the additional modification recommended by the planning commission for additional details on the drawing to match the current specifications.** Motion seconded by Commissioner Nichols. Those voting yes: Kirk Beecher, Taresa Hiatt, Harold Nichols, Blair Warner. The motion carried.

**MOTION: Commissioner Beecher – To add the RMO-1 Overlay Zone to the Planned Residential Community only with the design recommendations and additional specifications that would make it a pleasant and pleasing addition to the city.** Motion seconded by Commissioner Hiatt. Those voting yes: Kirk Beecher, Taresa Hiatt, Harold Nichols, Blair Warner. The motion carried.

## 7. Commission and Staff Reports (9:32 p.m.)

Project updates will be out in a few days.

Commercial Recycling – Staff mentioned commercial recycling to the city manager because he attends the Economic Board meetings. Staff will follow up with him. Businesses receive credits with recyclable materials.

## 8. Adjournment