

Payson City Planning Commission Staff Report, December 12, 2018

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 changes necessary to ensure compliance with Utah Code.

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. A public hearing is required prior to the Planning Commission forwarding a recommendation to the City Council. The public hearing notice has been posted in the 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 ordinance amendments are proposed for consideration by the Planning Commission and City Council.

Several of the proposed amendments were discussed with the Planning Commission on November 14, 2018. Following a review, the Planning Commission remanded the proposed amendments back to staff for further review. The sections that have been added or revised are highlighted below.

Title 19, Zoning Ordinance

1. Section 19.6.7.4, Page 34 – Staff is suggesting the text be amended to include “up to” the maximum density of each RMF Zone.
2. Section 19.6.10, Page 50 – Staff has included a cross reference to Chapter 19.23, Special Needs Housing for additional permitted or conditional uses allowed in the PO-1, Professional Office Zone.

3. Section 19.6.15, Pages 67 and 68 – Staff is proposing a reduction in the setback requirements and an increase in the allowable lot coverage in the BPD, Business Park Development Zone. Staff is also requesting to prohibit storage unit businesses in the Business Park.
4. Section 19.6.16, Pages 70 and 71 – Staff is proposing a reduction in the setback requirements in the I-1, Light Industrial Zone. Furthermore, staff is recommending that the ordinance allowing staff to reduce setbacks be removed, with the exception of storage unit projects, which can be built on the property line (fortress style). Staff is also requesting to increase the lot coverage area of parcels in the industrial zone.
5. Section 19.6.17, Pages 74 and 75 – Similar to the proposed changes to the I-1 Zone, staff is proposing changes to the setback requirements and lot coverage provisions in the I-2, Heavy Industrial Zone.
6. Section 19.6.25, Pages 95 - 97 – Staff is proposing new text to clarify flag lot requirements and permitted uses.
7. Section 19.8.4.1, Page 144 – Staff is proposing to remove the exceptions to constructing a permanent building.
8. Section 19.9.4, Page 154 – Staff is including clarification that human habitation is limited to the living area of each dwelling.
9. Chapter 19.28, Pages 238, 239, and 242 – Staff is proposing new definitions and amendments to definitions listed in the definition chapter of the ordinance.
10. As a note, there are sections in Title 19, Zoning Ordinance that relate to performance guarantees. Any changes made in Title 20, Subdivision Ordinance will also need to be reflected in the Zoning Ordinance.

Title 20, Subdivision Ordinance

1. Various sections – Several years ago, Utah Code was amended to refer to the approving body as the “land use authority” instead of the city council. This change allows each municipality to determine the individual or board that will take final action on a land use application. This change is proposed throughout the document. Staff also made various grammatical, capitalization, and formatting changes.
2. Various sections – The requirements outlined in Title 20, Subdivision Ordinance are often applied to projects that do not involve subdividing property (i.e. site plan, boundary line adjustment, zone change); therefore, staff is proposing to change the applicable references to “development” or “developing”, as applicable.
3. Section 20.8.6, Page 5 – Staff is proposing to remove the provisions for joint hearings.
4. Section 20.9.2, Page 6 – Staff is proposing the planning commission act as the land use authority for plat amendments that do not involve the vacation of a street, right-of-way, or easement. Moreover, staff is proposing some general cleanup to the text, including clarification in terminology (i.e. boundary line adjustment) and references to Utah Code.
5. Section 20.10.13, Page 17 – Phasing of development projects is addressed in another section of the ordinance (20.11.6); therefore, this section will be removed.
6. Chapter 20.11, Pages 17–20 – The following changes are proposed in this chapter: (1) Concept plan review is an option for applicants to receive input from city staff early in the process; however, a concept plan should not be required. Staff is proposing to remove the strict requirement (shall) of submitting a concept plan. (2) Not all subdivisions or developments are reviewed and approved by the City Council; therefore, staff is suggesting the text be changed to clarify the approving board (i.e. land use authority). (3) To streamline the approval process, staff is proposing to eliminate the review of the final plats by the planning commission. (4) Staff has also moved the section on development agreements from Chapter 20.30, Assurance for Completion and Maintenance of Improvements to Chapter 20.11, Approval and Appeals Processes. (5) Add requirement for secondary point of access with each phase.
7. Section 20.16.3, Page 27 – Staff is proposing to remove the requirement for staff to send report regarding all concept plans to the planning commission.
8. Section 20.16.5, Page 28 – Concept plans are strongly encouraged, but not necessarily required before the preparation of a preliminary plan or final plat; therefore, staff is suggesting to remove text that would suggest a concept plan is required.
9. Chapter 20.17, Page 28 – Staff has modified the second paragraph to include a list of ordinances and regulations rather than a run-on sentence. Minor changes to the hierarchical order of the list of ordinances, plans, and studies.
10. Section 20.17.7, Page 30 – Utah Code requires notification be sent to any affected canal companies within 30 days of receiving a land use application; therefore, staff is proposing changes to this section.
11. Section 20.18.2, Page 33 – Chapter 20.10, Planned Residential Developments allow for modified setbacks; therefore, this section should reflect the possibility of modified setbacks.
12. Section 20.18.7, Page 34 – Staff is proposing text to clarify that no debris and waste can be left on any lot or parcel in the city.

13. Section 20.18.8, Page 34 – Staff is proposing to remove the requirement for fire department review for fences within a certain distance from fire hydrants.
14. Section 20.18.9, Page 34 – To ensure access to waterways, it is proposed that no obstructions be allowed within 20 feet of the bank or historic high water mark.
15. Section 20.19.2, Pages 35 and 36 – Staff is proposing to remove the text that would discourage a grid street network.
16. Section 20.26.1, Page 45 – Staff is proposing to amend this section to ensure that applicants are required to improve recreation areas consistent with the master plan.
17. Section 20.26.6, Page 46 – Acquisition of land is the purview of the city council; therefore, this paragraph is proposed to be removed from the ordinance.
18. Chapter 20.27, Page 46 – Staff is proposing to expand this section to ensure natural features are designed as an amenity to the development (i.e. wetlands, rivers, streams).
19. Section 20.28.1, Page 47 – Staff is requesting to remove reference to the number of copies needed for review.
20. Section 20.28.4, Page 49 – The following amendments are proposed: (1) require cross-sections on slopes; and (2) require review of project drawings by the Development Review Committee.
21. Section 20.28.6, Page 50 – Staff is requesting to remove the requirement to provide written documents to the applicant following the planning commission meeting. FYI – This information is available to the applicant upon request.
22. Chapter 20.29, Page 51 – Staff is requesting to remove reference to the number of copies needed for review. Furthermore, it is proposed that the ordinance be amended to remove the requirements for the planning commission to review and comment on the final plat.
23. Section 20.29.4, Page 51 – Staff is proposing to remove the timeframe for review of a land use application.
24. Section 20.29.6, Page 52 – The name of the gas company has changed; therefore, staff is proposing an amendment to this section.
25. Chapter 20.30, Pages 52–56 – To ensure compliance with Utah Code, staff is proposing amendments to the performance guarantee regulations and adding “in-lieu of” provisions.
26. Chapter 20.31 – This chapter needs to be amended to ensure consistency with the changes made to Chapter 20.30. Staff would suggest the planning commission direct staff to make these changes and bring them back at the next meeting. At this time, staff is proposing changes to the performance guarantee amount (110%) and to require a slurry seal, rather than 1” asphalt overlay.

Standard Specifications and Standard Plans

Staff is proposing amendments to the Standard Specifications and Standard Plans, including the name of the document (Development Guidelines). The City Engineer and Development Engineer are requesting approval of the Payson City Development Guidelines that outline the general improvement requirements of Payson City utility and service departments. In accordance with Utah Code, these standards are considered land use ordinances and must be adopted consistent with regulations of state statute and city ordinance.

Recommendation

The Planning Commission, 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 Payson City. The Planning Commission may recommend approval, approval with modifications, or denial 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 Planning Commission may also remand the proposed amendments back to staff for further consideration and amendment.

Amendments to the development ordinances are legislative matters and the Planning Commission and City Council are not obligated to approve any amendment. Any recommendation of the Planning Commission should include findings that indicate reasonable conclusions for the recommendation. If the City Council chooses to amend the development ordinances, the amendment shall be completed by ordinance.