

## ***Payson City Planning Commission Staff Report, March 25, 2020***

### **Amendments to: Title 19, Zoning Ordinance, including Appendix A Title 20, Subdivision Ordinance Payson City Development Guidelines**

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 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 land use 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.

#### **Title 19, Zoning Ordinance**

1. Section 19.2.12 (see Project Expiration attachment) – Staff is proposing to modify the process to terminate inactive land use applications. (Section 20.11.12 Termination of Projects will also need to be amended).
2. Section 19.3.9, Page 12 – Staff is proposing a new section to outline the requirements for non-municipal utility systems within the city boundaries.
3. Section 19.6.4.14, Pages 24 and 25 – It is proposed that the landscaping requirements for agricultural lots and parcels in the A-5, Agriculture and A-5-H, Annexation Holding Zone be amended to address the location and type of landscape treatments required before issuance of an occupancy permit.

4. Section 19.6.7, Pages 37 and 39 – Staff is requesting clarification the requirements of the RMF, Multi-Family Residential Zones, specifically on how the open space requirement is calculated, the design of storm water basins, and the amount of brick and stone required.
5. Section 19.6.8 (RMO-1 Overlay); 19.6.21 (HD-O Overlay); 19.6.22 (HR-O Overlay); 19.6.24 (AGP-O Overlay); 19.6.25 (I-O Overlay); 19.6.26 (AD-O Overlay); and 19.6.27 (TS-O Overlay) – Staff is proposing to remove “zone” from the overlay references.
6. Various Sections (see Lot Coverage attachment) – Staff is proposing amendments to the lot coverage and landscaping requirements of the non-residential zones.
7. Section 19.6.11.6 (see CC-1 Accessory Structure Setbacks attachment) – Staff is proposing to amend the setbacks for accessory buildings in the CC-1 Zone.
8. Section 19.6.23 (FP-O Overlay) – With the recent adoption of Title 24, Flood Damage Prevention ordinance, the Floodplain Overlay can be repealed and removed from Title 19, Zoning Ordinance.
9. Section 19.15.6 (see Page 14 of PO-1 Project Sign attachment) – An applicant has request the planning commission and city council amend the sign ordinance to allow off-premise projects signs in the PO-1, Professional Office Zone.

#### Title 19, Appendix A

1. Staff is proposing various changes to the *Utilities* category to further clarify the types of uses allowed in the non-residential zones and how they should be processed (i.e. permitted, conditional).

#### Title 20, Subdivision Ordinance

1. Section 20.17.13.3, Pages 30 and 31 – Staff is proposing different landscaping requirements for agricultural lots in the A-5, Agriculture and A-5-H, Annexation Holding Zone.
2. Section 20.34.2, Page 56 – Staff is proposing amendments to this section to be consistent with Utah Code and other sections of City Code.

#### Payson City Development Guidelines

The public works departments and the engineering department are requesting changes to the address the following:

1. Add a new Section 12 to address requirements for garbage containers.
2. Add a Utility Disclaimer to the guidelines notifying the applicants, engineers, and contractors that the location, size and condition of all utilities and infrastructure must be field verified.

#### Discussion Items

The following are some topics staff would like to discuss with the planning commission that may require additional amendments to the land use ordinances:

- Projections into setbacks
- Conditional use permits
- Street trees
- Street grid

#### **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 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 land use 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.