

## *Payson City Planning Commission Staff Report, February 24, 2021*

### **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

#### **Background**

On occasion, either changes in Utah State Code or previously unforeseen development challenges will necessitate a change to Payson City land use ordinances. Title 19 (Zoning), Title 20 (Subdivision), and the Payson City Development Guidelines are land use ordinances adopted by the city council to guide development in Payson so that it matches both the short- and long-term goals for our community as outlined in the General Plan. While it is important for development regulations to be consistent and stable, it is also important to address any changes that may make existing regulations ineffective or obsolete. As Payson continues to grow, these challenges will arise and staff will work with regulatory boards and the public to make adjustments to Payson's land use ordinances as needed.

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 as required by city ordinance.

#### **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, case law, and new development challenges that arise. 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. Although staff typically guide the process of drafting amendments to Payson City ordinances, it is ultimately the decision of the governing legislative body (i.e., the city council) to ratify and enact these changes. The following ordinance amendments are proposed for consideration by the planning commission and city council.

#### Title 19, Zoning Ordinance

1. General amendments:
  - a. Section 19.2.7, Pages 5-6: Remove time limit for sending courtesy notices for land use applications.
  - b. Chapter 19.3 (General Provisions) and Section 19.24.14 (City Beautification), Pages 11-12 and 234: Change performance guarantee figures and timelines to match requirements in state code.
  - c. Section 19.3.4, Pages 11-12: Change timing for completion of asphalt slurry seal.
  - d. Chapter 19.5, Pages 17-18: Update the chapter to ensure consistency with the recently adopted Transportation Master Plan.

- e. Sections 19.6.5.2 and 19.6.5.3, Page 26: Remove option for ranch or farm employee housing in the R-1-A, Residential-Agriculture Zone. This option is still available on the A-5, Agriculture Zone where there are larger farming operations.
  - f. Section 19.6.7.7, Page 34: Address the minimum public street frontage and square footage of single-family lots in the RMF Multi-family Residential Zone.
  - g. Section 19.6.8.12, Page 42: Clarify that density in the RMO-1 Two-family Residential Overlay is a maximum number and can be changed by the City Council on individual projects if desired.
  - h. Section 19.15.7 (Outdoor Advertising – Billboards), Page 199: Add the P-C, Planned Community Zone to the eligible zones for billboards; increase height of sign, and remove requirement for payment for height increases.
2. Remove references to density bonuses for the following sections:
    - a. Section 19.6.3.3, Page 20
    - b. Sections 19.6.28.4 and 19.6.28.15 (MH-1, Mountain and Hillside Zone), Pages 101 and 105
    - c. Sections 19.6.29.4.1 and 19.6.29.15 (MH-2, Mountain and Hillside Zone), Pages 109 and 113
    - d. Section 19.6.30.4 (GCD, Golf Course Development Zone), Page 117
    - e. Section 19.10.1 (Planned Residential Developments), Page 169
  3. Remove references to alleys and private roads for the following sections:
    - a. Section 19.6.5.5 (R-1-A, Residential-Agriculture Zone), Page 27
    - b. Section 19.6.6.3 (Conventional Residential Zones), Page 30
    - c. Section 19.6.7.6 (RMF, Multi-Family Residential Zone), Page 34
    - d. Sections 19.6.8.5 and 19.6.8.14 (RMO-1 Residential Overlay), Pages 40 and 47
    - e. Section 19.6.10.5 (PO-1, Professional Office Zone), Page 49
    - f. Section 19.6.14.5 (S-1, Special Highway Service Zone), Page 61
    - g. Section 19.6.15.6 (BPD, Business Park Development Zone), Page 66
    - h. Section 19.6.16.5 (I-1, Light Industrial Zone), Page 69
    - i. Section 19.6.17.5 (I-2, Heavy Industrial Zone), Page 73
    - j. Section 19.6.20.5 (CT Transition Zones), Page 83
    - k. Section 19.6.25.3 (I-O, Infill Overlay), Page 91
    - l. Sections 19.6.27.7, 19.6.27.9, 19.6.27.10, and 19.6.27.13 (TS-O, Transit Station Overlay), Pages 96-99
    - m. Section 19.6.30.5 (GCD Zone), Page 117
    - n. Section 19.6.31.8 (P-C, Planned Community Zone), Page 126
    - o. Section 19.6.35.17 (MU-1, Mixed Use Overlay), Page 145
    - p. Chapter 19.28 (Definitions - #53), Pages 244-245
  4. Remove regulations for recreational vehicle parking for the following sections:
    - a. Section 19.6.7.14 (RMF, Multi-Family Residential Zone), Page 36
    - b. Section 19.6.28.6.4 (MH-1, Mountain and Hillside Zone), Page 103
    - c. Section 19.6.29.6.4 (MH-2, Mountain and Hillside Zone), Page 110
    - d. Section 19.6.30.6.4 (GCD Zone), Page 118
    - e. Section 19.6.33.5 (Senior Housing Facility Overlay), Page 136

Title 19, Appendix A

1. Request to add *nonprofit distribution center (i.e. food pantries)* as a permitted use in the CC-1, Central Commercial and GC-1, General Commercial Zones.

Title 20, Subdivision Ordinance

1. Chapter 20.10, Pages 6-16: Remove density bonus language from PRD ordinance and establish minimum lot sizes and frontages.
2. Sections 20.19.1 and 20.19.2.2, Pages 35-36: Remove references to private roads.

3. Section 20.19.12, Pages 38-39: Remove reference to ally intersections.
4. Sections 20.23.1 and 20.25.1, Pages 43-44: Remove references to alleys and private roads.
5. Chapter 20.30, Pages 54-56: Change performance guarantee figures and timelines to match requirements in state code.

#### Payson City Development Guidelines

1. Update details in the Payson City Power and Light Electrical Construction Standard Specifications. The highlighted sections have added, modified or deleted text from the currently adopted March 2019 version of the document.
2. Add backflow water detail

#### Discussion Items

1. Review of setbacks on the side of the property where the driveway is located.
2. Discuss issues with current regulations addressing portable storage containers.

#### **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 of 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.