

Planning Commission Staff Report

May 11, 2022



Land Use Regulations:

Zoning Ordinance
Subdivision Ordinance
Development Guidelines

Type of Request:

Legislative

Action Required:

- Planning Commission
 - Recommendation to City Council
- City Council
 - Approval or Denial

REQUEST

Request to amend the land use regulations that include updates to ensure consistency among city requirements, compliance with Utah Code, updated notice requirements, and code modifications to support new development.

BACKGROUND AND PROJECT DESCRIPTION

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 regulations 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 necessary to ensure compliance with Utah Code, and code modifications to support new development.

Often referred to as the land use ordinances or development ordinances, the Zoning Ordinance, Subdivision Ordinance, and the Development Guidelines 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.

APPROVAL PROCESS

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. Notice of the proposed amendments have been sent to the affected entities outlined in Utah Code.

EVALUATION

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.

Zoning Ordinance

1. Sections 19.2.1, 19.2.2, 19.2.7, and 19.2.8, Multiple Pages – Similar to the Subdivision Ordinance,
2. Sections 19.6.15.11, 19.6.15.13, and 19.6.15.15, Pages 67 and 68 – Staff is proposing to make the following changes to the BPD, Business Park Development Zone: 1) increase the allowable lot coverage; 2) provide clarification on the design requirements; and 3) provide additional guidance on required landscaped areas.
3. Section 19.6.25.8, Page 91 – To maintain consistency in notice requirements, staff is proposing to remove the 250' notice requirement from the I-O Overlay.
4. Section 19.12.3, Page 171 – Utah Code requires property owners in the unincorporated area within ½ mile of the annexation be notified of the public hearing. Additionally, the requirement for stamped addressed envelopes is addressed in another section so staff is proposing to remove duplicate text.
5. Section 19.12.6, Page 173 – As mentioned above, the noticing distance for unincorporated properties has increased from ¼ mile to ½ mile. This amendment will ensure consistency with Utah Code.

Subdivision Ordinance

1. Chapter 20.2, Page 1 – Utility availability and connection to infrastructure systems should be considered at the time of annexation. Staff is proposing to clarify the types of provisions that should be considered at the different stages of land use and development.
2. Section 20.5.1, Page 3 – Providing additional clarification that Payson City does not get involved with private property disputes.
3. Chapter 20.8, Sections 20.8.3, 20.8.4, 20.8.5, 20.8.6, and 20.12.1, Multiple Pages – Staff is proposing amendments to the public hearing and public notice requirements to be consistent with Utah Code.
4. Section 20.10.4.4, Pages 8 and 9 – It is proposed that alternate setbacks be allowed under certain circumstances in a Planned Residential Development (PRD).
5. Section 20.15.2, Pages 16, 17 and 18 – The requirements for utility and infrastructure review are provided in the Payson City Development Guidelines. Staff is proposing to remove any duplicate references and inconsistent information from the Subdivision Ordinance.
6. Section 20.23.2, Page 35 – The city council recently amended the Development Guidelines to increase the depth of sidewalks to 6" of concrete. This change is proposed to ensure consistency in the land use regulations.
7. Chapter 20.25, Page 36 – Notice is provided to the private utility providers during the staff review process; therefore, the additional notification referenced in this section is no longer needed.
8. Section 20.28.3, Page 40 – It is proposed that courtesy notices be prepared by staff, instead of the applicant. As a result, the stamped addressed envelopes and mailing list are no longer a submittal requirement.
9. Section 20.28.4, Pages 40 and 41 – The city council has adopted Development Guidelines that address specific engineering and construction regulations. Staff is proposing to remove any duplicate references and inconsistent information from the Subdivision Ordinance.
10. Section 20.29.8, Page 43 – Staff is proposing to remove any unnecessary timeframes in the City Code.

Payson City Development Guidelines

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

1. Require As-Built drawings to be delivered to Payson City prior to final acceptance and release of performance guarantee.
2. Update specifications for site plan view, grading and drainage plan details, pre- and post-discharge rates, power line trench location and conduit/fill, pre-construction meeting details, survey limitations, culinary water valve and meter requirements, update references to standard plans, velocity calculations for gravity sewers, changes to storm water pipe and basin requirements, retaining walls, geotechnical requirements, street vertical curve design, CBU (mailbox) locations, secondary access points and access management, pavement requirements, trash receptacle calculations, and driveway curbs. Refer to attached document for complete list and amendment details.
3. Update of utility and infrastructure standard details (Section 16).

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.