



MEMO

TO: Planning and Zoning Commission

FROM: Sheila DeSchaaf, Planner II

DATE: January 11, 2010

SUBJECT: Increase in Maximum Building Height

Background

On September 24, 2009 the Payson Town Council voted unanimously to direct staff to prepare possible amendments to the Unified Development Code (UDC) to increase the maximum allowable height of buildings in multifamily and commercial zoning districts. Since that time public meetings have been held by the Green Valley Redevelopment Commission, Design Review Board, Housing Advisory Commission and this Commission. Public input has been encouraged before the Planning & Zoning Commission in October, November and December. A link for public input has been available on the Town of Payson website for many weeks. To date input has been mixed with comments about the proposed change being both favorable and unfavorable.

At this fourth meeting on the proposed amendments, staff has prepared a rough draft of possible code amendments for discussion and possible action based upon input received to date.

Analysis

The proposed amendment is based upon a graduated approval process for increased building height, staff review for buildings slightly taller, Planning & Zoning Commission being able to grant additional height, and the Town Council having approval authority over those projects seeking the greatest increase in height.

The UDC currently allows for buildings up to a maximum of 45 feet in height in certain areas either as of right or with an approved conditional use permit. Under the amendments drafted, buildings up to 45 feet would be allowed, subject to staff and Design Review Board approval in multifamily, commercial and industrial zoning districts.

If a project exceeds the 45' maximum height provisions, the Planning & Zoning Commission could grant relief up to 25% over the stated maximum (56.25') through the same process as conditional use permits, but with more stringent public noticing and application submittal

requirements. Any person aggrieved by approval or denial of a decision of the Commission would still be able to appeal this decision to the Town Council.

Any project seeking approval for building heights over what can be granted by staff or the Planning & Zoning Commission would be required to apply for rezoning of the site under the Planned Area Development provisions of the UDC.

Staff Recommendation

If acceptable to the Commission, staff recommends that the Planning & Zoning Commission forward the draft amendments to the Town Council either as submitted or as modified by the Commission at this meeting. If significant refinement of the draft is desired by the Commission, staff recommends no formal action be taken (do not send forward to Council) to allow additional time for changes that would again be brought back to the Commission at a future meeting date.

Suggested Motion:

“I move the Planning & Zoning Commission recommend to the Town Council approval of the amendments to the maximum building height as drafted.”

15-02-003 General Development Standards and Zoning Provisions

The following shall apply to all zoning districts, unless otherwise specifically stated in this Code:

A. General Development Standards

1. Structures and Uses - All structures shall be used only for purposes compatible with the district in which they are located, and shall meet the following requirements:

a. The authorization of a particular class of structure or use in a designated district as specified in this Code is prohibited in all other districts unless specifically allowed in that district. A use that is not permitted in that district shall not be considered as an accessory use in that district. The determination of whether or not a use is specifically designated shall be determined by the Zoning Administrator.

~~b. Buildings shall not exceed 35 feet in height above grade except as provided for below:~~

~~(1) Buildings in C1, C2, C3 and PAD zoning districts may be up to 45 feet above grade so long as the building has no more than 3 stories and has no more than a height of 35 feet of habitable or occupiable space.~~

~~(2) Buildings in R2, R3, M-1 and M-2 zoning districts, including those having a PAD overlay, may be up to 45 feet above grade so long as the building has no more than 3 stories and has no more than a height of 35 feet of habitable or occupiable space with a conditional use permit. *111~~

b. Building Height:

(1) Buildings in Single Family Residential (R1) zoning districts and upon any portion of property within 75' of Single Family Residential zoned property, regardless of zoning district, shall not exceed 35 feet in height.

(2) Buildings in Multifamily (R2, R3), Commercial (C1, C2, C3) and Industrial (M-1, M-2) zoning districts shall not exceed 45 feet in height, except as provided in (3) and (4) below.

(3) Buildings in Multifamily (R2, R3), Commercial (C1, C2, C3) and Industrial (M-1, M-2) zoning districts may petition the Planning & Zoning Commission for a 25% increase in the maximum allowed building height in accordance with Section 15-09-017 Alternate Standards – Building Height.

(4) Building height within Planned Area Developments (PAD) shall be limited by the approved PAD plan and narrative, and shall address the factors noted in Section 15-09-017A.4.

a. **Planned Area Developments approved prior to the effective date of these changes shall be subject to the provisions in place on the date of approval of the ordinance approving such PAD. Changes to building heights within these previously approved PAD's may only be requested through the provisions of Section 15-09-017 or with a new Planned Area Development application.**

15-09-017 Alternate Standards

A. Building Height

1. The Conditional Use Permit process shall apply to requests for allowances under this section, except as provided in 2-5 below.
2. Additional Application Requirements. Additional submittal information may be imposed upon applications for consideration under this section. Submittal of scaled models, 3-D electronic models, and additional information showing relationship to surroundings may be required for application at the determination of the Community Development Director.
3. Additional Noticing Requirements. Newspaper notices for all hearings under these provisions shall be a Display Ad and shall cover not less than 1/8 page.
4. In addition to Section 15-09-004.C - Standards of Review, applicants requesting approval of projects under this section shall address the following:
 - a. visual impact of additional building height upon ridge lines/sky lines, view sheds, as well as light and shadow impacts
 - b. height/elevation of the building(s) relative to the center line of adjacent roadways, properties and other structures
 - c. preservation of native vegetation
 - d. scale of adjacent development
 - e. elimination of legal non-conforming uses, slum, or blight
 - f. privacy of adjacent property owners
 - g. distance of the proposed building from the edge of the property
 - h. community benefits derived from the additional height
 - i. location & size of parcel
5. The Commission, in considering applications for development under this section, may weigh the above factors and may allow, conditionally allow, or deny any application based upon these factors.

B. Reserved

15-11 Definitions

Building Height – Building height is calculated by measuring the difference within the footprint of a structure between the highest point of natural grade within the building footprint and the highest vertical portion of the building.

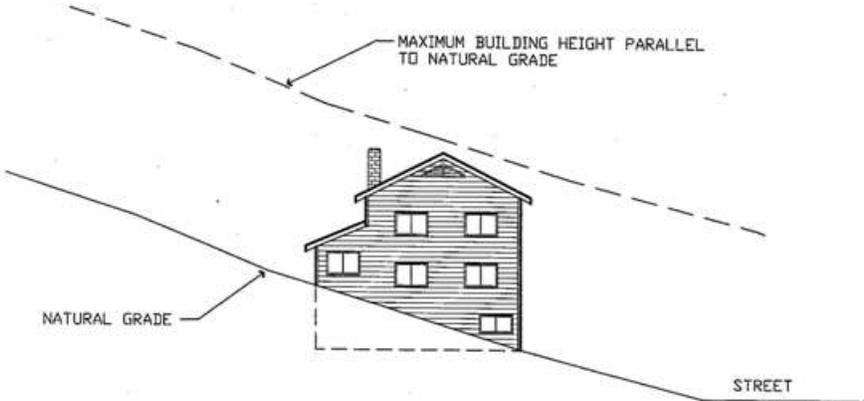


Exhibit C

Zoning District Designation	Administrative approval (Staff)	Conditional approval (P&Z)	Rezoning approval (Council)
R1	35'	n/a	n/a
Within 75' of R1	35'	n/a	n/a
R2, R3, C1, C2, C3, M1, M2	45'	56.25'	n/a
PAD	n/a	n/a	Per approved PAD Plan & Narrative

Note: Properties within the Airport Overlay District are subject to these provisions and to Section 15-02-015C-Airport Zone Height Limitations, whichever is more restrictive.