# Title 19 Zoning Ordinance

19.1 Title, Authority and Purpose
19.2 Administration and Procedures
19.3 General Provisions
19.4 Off-Street Parking Requirements
19.5 Streets Master Plan
19.6 Establishment of Zoning Districts
19.7 Relationship to Subdivision Ordinance
19.8 Commercial Development, Site Plans
19.9 Supplementary Provisions
19.10 Planned Residential Developments
19.11 Temporary Uses
19.12 Annexation
19.13 Conditional Use Permits
19.14 Non-Conforming Uses
19.15 Signs and Outdoor Advertising
19.16 Home Occupations
19.17 Cellular and Low Power Towers
19.18 Condominiums
19.19 Manufactured Housing
19.20 (Reserved)
19.21 Relocation of Buildings, Placement of Manufactured Housing
19.22 Development Agreements
19.23 Special Needs Housing (7-5-06)
19.24 City Beautification
19.25 Enforcement and Penalties
19.26 Appeal of Zoning Decisions
19.27 Fee Schedule
19.28 Definitions

## Chapter 19.1
## Title, Authority and Purpose

19.1.1 Title
19.1.2 Authority
19.1.3 Purpose and Intent
19.1.4 Conflicting Provisions Repealed
19.1.5 Illegal Uses Prohibited
19.1.6 Savings Clause, Severability
19.1.7 Penalty
19.1.8 Intended to be Consistent With General Plan

### 19.1.1 Title

This land use ordinance shall be known as Title 19, Zoning Ordinance and may be so cited and pleaded. This land use ordinance may also be referred to herein as the Zoning Ordinance, Ordinance or Title. (1-18-06)

### 19.1.2 Authority

This ordinance has been prepared and adopted in accordance with and through the authority of §10-9a-501 et. seq. Utah Code Annotated 1953, as amended. The Payson City Council hereby exercises all authority granted by the Utah Code for zoning purposes. (1-18-06)

By authority of these police powers and as the entity enabled to govern the use of land within the municipality, Payson City is hereby authorized to issue any legal documentation, notice, certificates of present condition, notice of compliance and non-compliance, building permits, development approval and any other provisions necessary to carry out the regulations of this Title. This includes the ability to record any appropriate documentation against the property to ensure compliance with the requirements herein. (2-7-07)

### 19.1.3 Purpose and Intent

The purpose of this Ordinance is to promote the health, safety, morals, convenience, order, prosperity, and general welfare of the citizens of Payson City. It is the intent of this ordinance to:

1. Encourage and facilitate the orderly growth and development of Payson City.
2. Secure economy in municipal expenditures, and to facilitate adequate provision of transportation, water, sewerage, parks, schools, and other public services.
3. Lessen congestion on the streets, prevent overcrowding of the land, and provide adequate light and air.
4. Secure safety from fires, floods, and other natural hazards and dangers.
5. Protect and improve property values.
6. Protect and stabilize the tax base of the City.
7. Promote attractive, planned and well managed development.
8. Create conditions favorable to prosperity, civic activities, and recreational, educational, and cultural opportunities. (7-6-05)

### 19.1.4 Conflicting Provisions Repealed

All ordinances, resolutions, or parts thereof in conflict with the provisions of this Ordinance are hereby repealed insofar as they conflict with the provisions set forth in this Ordinance, with the exception that a Planned Residential Development approved in accordance with Chapter 20.10 of the Payson City Subdivision Ordinance need not be consistent with the density and configuration requirements of this Ordinance.

All of Title 19 entitled Revised Zoning Ordinance of Payson City, Utah adopted April 4, 1961, together with all subsequent amendments is hereby repealed to become effective concurrent with the effective date of this Ordinance.

**19.1.5 Illegal Uses Prohibited**

Any building or use of land or any construction thereon which was not authorized by or under Title 19, Zoning Ordinance of Payson City, Utah, as set forth in the Zoning Ordinance of Payson City, Utah, adopted April 4, 1961, including all subsequent amendments thereto, as passed by the City Council, or which is illegal under such ordinance, shall remain unauthorized and illegal unless expressly authorized or permitted in the provisions of this Ordinance.

**19.1.6 Savings Clause, Severability**

The provisions of this Ordinance shall be construed to promote the purposes of this Ordinance and fulfillment of the Payson City General Plan. Every effort is made to avoid possible conflict with the laws of the United States, the State of Utah, Utah County, Payson City, and any other legal limitation. If any section, provision, sentence or clause of this Ordinance is declared unconstitutional, illegal or improper by a court of competent jurisdiction, such determination shall not impair the validity of the remainder of this Ordinance, which shall remain in full force and effect.

It is not the intent of this Ordinance to repeal, abrogate, annul, or in any way impair or interfere with any existing ordinance, law, statute, resolution, code, regulation, standard, or other provision of law except those that are specifically repealed under the terms of this Ordinance. In the case of conflict between this ordinance and any other ordinance, law, statute, resolution, code, regulation, standard, or other provision of law, the more restrictive of the two shall apply unless otherwise provided herein.

**19.1.7 Penalty**

Any person, firm, or corporation violating any of the provisions of this Ordinance shall be guilty of a Class C misdemeanor.

**19.1.8 Intended to be Consistent with General Plan**

This Ordinance is intended to be consistent with the Payson City General Plan in every way. Further, a significant purpose of this Ordinance is to serve as an implementation tool for the realization of the General Plan. Alterations and amendments to the General Plan Text or General Plan Land Use Map shall be consistent with §10-9a-401 et. seq. Utah Code Annotated, 1953, as amended. (1-18-06)

The General Plan shall be deemed an advisory guide when reviewing applications for development and as a basis for land use decisions. Annexed property and proposals for rezoning land should be consistent with the intent of the General Plan. Properties included in the A-5-H, Annexation Holding Zone will be considered consistent with the provisions of the General Plan. The A-5-H Zone is intended to provide a link between the existing rural development and more intense development anticipated by a specific plan. (9-1-10)

# Chapter 19.2
# Administration and Procedures

19.2.1 Preparation and Adoption
19.2.2 Zoning Map
19.2.3 Role of City Council
19.2.4 Establishment of Planning Commission
19.2.5 Board of Adjustment
19.2.6 Payson City Staff
19.2.7 Notice Requirements and Public Hearings
19.2.8 Amendments to Zoning Ordinance and Map
19.2.9 Relationship to Other Ordinances
19.2.10 Land Use Applications
19.2.11 Land Use Approval Expiration
19.2.12 Termination of Application
19.2.13 Vested Rights & Constitutional Takings Issues
19.2.14 Temporary Regulations

**19.2.1 Preparation and Adoption**
This Ordinance has been prepared and adopted in accordance with the provisions of §10-9a-501 et. seq. Utah Code Annotated 1953, as amended. This Ordinance was prepared under the direction of the Planning Commission who held a public hearing and following a recommendation from the Planning Commission, adopted by the City Council following a public hearing. (1-18-06)

**19.2.2 Zoning Map**
The Planning Commission has held a public hearing, prepared and recommended, and the City Council, following a public hearing, has adopted the official Payson City Zoning Map that identifies the zoning districts within the City. (7-6-05)

Where uncertainty exists with respect to the boundaries of various zoning districts, an interpretation of the zoning district boundary shall be determined using the following criteria:

1. Where indicated boundaries on the Zoning Map are approximately street center lines, the street center line shall be construed to be the zone boundary.
2. Where the indicated boundaries are approximately lot lines, the lot lines shall be construed to be the zone boundary.
3. Where land has not been subdivided into lots and blocks, the zone boundaries shall be determined by use of the scale of measurement shown on the map.
4. Where the indicated boundaries are approximately canals, water courses or bodies, or other clearly defined natural boundaries, the centerlines of the canal or water course, or the edge of other clearly defined natural boundaries shall be construed to be the zone boundary.
5. Where other uncertainty exists, the Planning Commission shall provide interpretation of the map. The interpretation of the Planning Commission may be appealed in writing to the City Council for a zone boundary interpretation. (7-6-05)

The official Zoning Map can be found in the office of the City Recorder and in the Development Services Department. If the Zoning Map is amended in accordance with the requirements found in Section 19.2.8 herein, all previous Zoning Maps are no longer in effect for the purpose of identifying zoning district boundaries.

**19.2.3 Role of City Council**
The Payson City Council shall adopt the Zoning Ordinance in accordance with §10-9a-501 et. seq. Utah Code Annotated 1953, as amended. Unless otherwise delegated herein, or by another Payson City ordinance or resolution, all final decisions regarding this Ordinance shall be by a majority vote of the City Council. As it relates to this Ordinance, the City Council shall have the following powers and duties:

1. To adopt the Zoning Ordinance and Zoning Map.
2. To initiate amendments to the text of the Zoning Ordinance and alteration of the Zoning Map.
3. To render, or appoint a hearing officer to render, a determination, pursuant to the provisions of Section 2.14.010 et. seq. of the Payson City Code, if an applicant asserts a deprivation of, or has been subject to, a taking of property without just compensation or asserts some other invalidity by the passage of this Ordinance.
4. To establish a fee schedule by resolution for applications for development approval, zoning district amendments and all other approvals, permits and licenses required by this Ordinance.
5. To approve, approve with conditions, remand back to the Planning Commission for further review, or deny land use applications. (4-15-15)

**19.2.4 Establishment of Planning Commission** (6-1-11)
There is hereby established a Payson City Planning Commission hereinafter referred to as the Planning Commission or Commission. The organization of the Planning Commission shall be consistent with §10-

9a-301 et. seq. Utah Code Annotated 1953, as amended, and the provisions of this Section.
The Planning Commission shall be an advisory body to the City Council in making decisions pertaining to land use and development. To carry out these duties, the Planning Commission shall have the authorities granted by §10-9a of Utah Code Annotated and this Title. As it relates to this Title, the Planning Commission shall have the following powers and duties:

1. To prepare, or cause to be prepared, the Zoning Ordinance and Zoning Map, and all proposed amendments to the Zoning Ordinance or Zoning Map, and issue a recommendation to the City Council regarding this Ordinance or Zoning Map, or amendments to this Ordinance or Zoning Map.
2. To review and make recommendations to the City Council on applications for development approval, conditional use permits, site plans, signs, or other proposals subject to this Ordinance.
3. To adopt bylaws, policies, procedures and regulations for the conduct of Planning Commission duties, meetings, voting, and review of applications, provided that they are approved by the City Council before taking effect.

The members of the Planning Commission shall be residents of Payson and appointed by the Mayor with the advice and consent of the City Council. In organizing the Planning Commission the Mayor and City Council shall ensure:

1. The Planning Commission is composed of seven (7) members assigned to terms of four (4) years staggered so that no more than two (2) Planning Commissioners shall be appointed in a single year due to the expiration of terms. Existing Planning Commissioners may be re-appointed by the Mayor with the advice and consent of the City Council.
2. The Mayor shall place, or cause to be placed, an advertisement in the Payson Chronicle and the Payson City newsletter mailed with the utility bill indicating the number of Planning Commission positions open and the qualifications desired and required for Planning Commissioners. The advertisement shall be placed in the newspaper no later than March 1 of each year and give Payson residents no less than two (2) weeks to submit applications.
3. Members of the Governing Body will review the applications for Planning Commissioners and give advice to the interview panel as to who should be selected to be interviewed. The Mayor, the City Councilmember assigned to the Development Services Department, the City Manager and the Development Services Director shall constitute the interview panel for Planning Commission applicants. Following the interview process, the Mayor shall present the name or names of potential Planning Commissioners to the City Council for their advice and consent.

   Unless a Planning Commissioner notifies the City of their intention to continue serving on the Planning Commission by submitting an application, existing Planning Commissioners will not be interviewed for reappointment. The City Council reserves the right to reject any and all applications and to have the Planning Commission positions re-advertised.
4. Appointment of Planning Commission members shall occur at the first meeting of the City Council in April, or as soon thereafter as deemed necessary by the City Council to appoint qualified applicants.
5. The Planning Commission shall elect a Chair and a Vice Chair at the first meeting of April who shall be in charge of all proceedings necessary to preserve the order and integrity of Planning Commission meetings. (8-6-14)

If a Planning Commissioner is unable to complete a term, the Mayor, with the advice and consent of the City Council, shall appoint a replacement to serve until the first meeting in April of the City Council. At the first meeting in April of the City Council, the Planning Commissioner shall be replaced in accordance the provisions of this Section.

Following a showing of just cause such as conflict of interest, lack of attendance, or misuse of information, an individual may be removed from the Planning Commission by a majority vote of the City Council.

**19.2.5 Establishment of Board of Adjustment**

19.2.5.1 Standard of Review

There is hereby established an appeal authority named the Payson City Board of Adjustment, also known as the Board of Adjustment or Board. The organization of the Board of Adjustment shall be consistent with §10-9a-701 et. seq. Utah Code Annotated 1953, as amended. The Board of Adjustment is organized to provide for just and fair treatment in the administration of the Zoning

Ordinance, and to ensure that substantial justice is done. Unless otherwise noted herein, the Board of Adjustment shall hear all appeals to the provisions of this Title. The Board of Adjustment shall have the powers and duties expressly granted in §10-9a-701 et. seq. Utah Code Annotated 1953, as amended. (1-18-06)

The members of the Board shall be appointed by the Mayor of Payson City with the advice and consent of the City Council. In organizing the Board of Adjustment, the Mayor and City Council shall ensure:

1. That the Board is composed of five (5) members assigned to terms of five (5) years so the term of one member expires each year. Existing Board Members may be re-appointed by the City Council.
2. Appointment of the Board of Adjustment members shall occur annually at the first meeting of the City Council in April, or as soon thereafter as deemed necessary by the City Council to appoint qualified applicants.
3. That the Board elects a Chair person and a Vice Chairperson at the first meeting of the Board following the April appointment who shall be in charge of all proceedings necessary to preserve the order and integrity of Board meetings.
4. If a Board Member is unable to complete a term, the Mayor, with the advice and consent of the City Council, shall appoint a replacement to serve the remainder of the unexpired term of the Board Member whose office is vacant.
5. The Board of Adjustment shall establish rules by which the Board shall be governed. None of the rules of the Board of Adjustment shall be in conflict with State or City statute.

Following a showing of just cause such as conflict of interest, lack of attendance, or misuse of information, the Mayor with the advice and consent of the City Council may remove any Board Member. The City Council may take action to remove a member of the Board for just cause if the Mayor is unwilling to remove the Board Member. (7-6-05)

**19.2.5.1 Standard of Review**

The Payson City Council hereby ordains that the Standard of Review for the Payson Board of Adjustment shall be on the established record rather than a de novo review. The Board of Adjustment shall have access to all minutes, recordings, staff reports and other information in order to establish such record. (2-7-07)

**19.2.6 Payson City Staff**

The Development Services Department is the primary staff to the City Council, Planning Commission and Board of Adjustment in regard to the Zoning Ordinance. The Development Services Director shall be the director of the department and shall ensure all administrative duties of this Ordinance are completed. The director may assign other department staff to aid the City Council, Planning Commission and Board of Adjustment as appropriate. The department secretary shall act as the secretary to the Planning Commission and Board of Adjustment including such duties as preparing agendas and taking minutes of their meetings.

The City Council, Planning Commission, and Board of Adjustment may also request the assistance of other appropriate City staff such as the City Engineer, department superintendents and others as deemed necessary.

**19.2.7 Notice Requirements and Public Hearings**

All notice requirements and public hearing notice requirements shall satisfy State law and Payson City ordinances and resolutions. The public notice shall contain ample information to allow the general public to determine what action is being proposed, a short description of the proposal, the time, date, and location of the public hearing, and where additional information, if any, may be obtained. Any action which requires a public hearing by State law, Payson City resolution or ordinance, or the provisions of this ordinance shall be noticed in the following manner:

1. The notice shall be posted in at least three (3) public places within Payson City or on the official Payson City website at least fourteen (14) days prior to the date of the public hearing. (7-6-05)
2. The notice shall be published in a newspaper having general circulation within Payson City at least fourteen (14) days prior to the date of the public hearing. The publication date, not the date of submission to the newspaper, must satisfy the fourteen (14) day notice requirement. (7-6-05)
3. For any notice required by State law or Payson City ordinance or resolution, the applicant shall be responsible to prepare and provide stamped addressed envelopes to be mailed to owners of property within five hundred (500) feet, unless otherwise indicated herein or in another land use ordinance of Payson City, as listed on the latest tax assessment roles of Utah County, no less than seven (7) days prior to the public hearing. (3-17-10)

Any costs associated with the provision of the notice requirements herein shall be the responsibility of the proponent of the request. If notice given under authority of this Section is not challenged as provided by State law, notice is considered adequate and proper.

**19.2.8 Amendments to Zoning Ordinance and Map**

The City Council may amend the number, shape, boundary, or area of any zoning district. The City Council may also amend any regulation or other provisions of a zoning district. The amendments may only occur in accordance with the following procedure.

Any person, including staff, the Planning Commission or City Council, seeking an amendment to the Zoning Ordinance or Zoning Map shall submit to the Planning Commission, on forms provided by Payson City, the following:

1. A description of the specific amendment to the Zoning Ordinance or Zoning Map. In the case of an amendment to the Zoning Map, the applicant shall submit a legal description of the property included in the proposed amendment. (11-6-02)
2. The reason and justification for the proposed amendment and how the proposed amendment would further the purpose and intent of the Zoning Ordinance, and how the proposed amendment is consistent with the Payson City General Plan.
3. Supporting documentation, maps, studies and any other information which would allow the City Council to make a well informed decision.
4. The payment of the appropriate fee in accordance with the Payson City fee schedule.

Upon receipt by the Planning Commission of the proposed amendment, the Planning Commission shall hold a public hearing in accordance with Section 19.2.7 herein. Following the public hearing, the Planning Commission shall forward a recommendation to the City Council on the proposed amendment.

The City Council shall hold a public hearing on the proposed amendment in accordance with Section 19.2.7 herein. The City Council may approve, amend and approve, remand the proposed amendment back to the Planning Commission for further review, or deny the proposed amendment.

**19.2.9 Relationship to other Ordinances and Agreements**

This Ordinance is intended to be consistent with all other laws, ordinances and resolutions of Payson City, specifically including the following:

1. The Payson City General Plan and General Plan Map.
2. Title 20 of the Payson City Code, also known as the Subdivision Ordinance.
3. Title 21 of the Payson City Code, also known as the Sensitive Lands Ordinance.
4. The Payson City Standard Specifications and Standard Plans. (11-5-14)
5. Annexation and Development Agreements approved by the City Council
6. Specific project guidelines or restrictive covenants. (9-3-03)

**19.2.10 Land Use Applications**

A land use application shall be required for all proposed development reviewed under this Title including additions to existing buildings and temporary uses. All land use applications are available from the Development Services Department. The City is not obligated to act on any application that is not complete or does not contain all of the information required herein. (4-15-15)

Any application for a subdivision shall also satisfy the applicable requirements of Title 20, Subdivision Ordinance. Review of zoning requirements and subdivision approval may be completed concurrently.

The use or development of property may not commence until all necessary approvals, permits, and licenses have been issued in accordance with the provisions of this Title and all required fees have been paid by the applicant. (4-15-15)

A concept plan shall not be considered an application for development approval. For the purposes of this Title, a complete application shall be deemed to include, at a minimum, the following information:

1. A signed and completed application(s) form(s) together with payment of appropriate fees in accordance with Chapter 19.27 herein.
2. All relevant information required by this Title in written form.
3. A complete description of the proposal and an indication of what approval(s) are necessary.
4. Any information necessary for the City Council to make reasonable conclusions and a well-informed decision. (8-7-02)

**19.2.11 Land Use Approval Expiration** (4-15-15)
Land use approvals are granted in accordance with current building codes, existing infrastructure capacities, desirable development patterns, and other factors that are subject to change over time. Therefore, in order to ensure that projects proceed in a timely manner and consistent with current laws, regulations, and development standards, project approval expiration timeframes have been established.

| Land Use Approval | Expiration / Time Period Approval is Valid | Milestone for Completion |
|---|---|---|
| Preliminary Plan | 18 months (timeline begins day of Land Use Authority's approval) | Engineered improvement plans approved by City. |
| Final Plat | 12 months (timeline begins day of Land Use Authority's approval) | City approved plat is recorded in the Utah County Recorder's office. |
| Plat Amendment | Preliminary and Final – same as subdivision expirations & milestones listed above | |
| Conditional Use Permit (CUP) | Once conditions of approval are completed, the Permit is valid for life of the property. CUP reviewable upon complaint with revocation possible for failure to comply with CUP conditions. | Conditions of approval completed within 12 months of Land Use Authority's decision. |
| Site Plan | 24 months (timeline begins day the City Engineer stamps final plans) | Building permit issued for construction. |
| Phased Site Plans | 12 months (timeline begins day of Land Use Authority's approval) | Engineered improvement plans / site plan approved by City. |
| Alteration of Non-Conforming Use | Same as Site Plan expirations and milestones listed above. | |
| Property Line Adjustment | Once approved and recorded, valid for life of the property. | City approved documents and/or surveys recorded at County Recorder's Office within 12 months |
| Variance | No expiration – Valid for life of the property | |

**19.2.12 Termination of Application**
An application requiring action by the City Council, Planning Commission, Board of Adjustment or staff may be terminated by the Planning Commission due to lack of progress, a period of inactivity, or lack of response by the applicant. In order to terminate a project file, the following procedures apply:

1. A project may be terminated immediately following a written request to do so by the applicant.
2. If the City pursues termination, written notification shall be sent to the applicant of record giving the applicant thirty (30) days to reply to the notice of pending termination.
   a. If an applicant responds to the request and agrees to the termination, the item will be forwarded to the Planning Commission for action. In this case a written statement from the applicant must be placed in the project file.
   b. If an applicant fails to respond to the request within thirty (30) days, staff will prepare a record of notification and forward the information to the Planning Commission for action.
3. If an applicant chooses to activate an application, the following shall apply:
   a. The applicant shall provide a written action plan that identifies timeframes and specific actions that will be taken to complete the review process. A six (6) month administrative extension will be provided to implement the action plan. (4-15-15)
   b. If the applicant fails to provide an action plan or if the applicant fails to adhere to the actions identified in the action plan, the application will be forwarded to the Planning Commission for consideration of termination without further notice.
   c. The Planning Commission may, but is not obligated to, extend this deadline upon request by the applicant. (4-15-15)
4. Any request to reinstate the application will be forwarded to the City Council for consideration. (4-15-15)

The Planning Commission will make the final decision in relation to project termination. If an applicant, or another applicant seeking approval of the same project, desires to continue once the project has been terminated in accordance with the regulations of this Section, the applicant shall be required to submit a new application and shall satisfy

all requirements in place at the time of resubmission, including the payment of review fees. (2-7-07)

**19.2.13 Vested Rights & Constitutional Takings Issues**

In order to provide certainty and predictability in the development approval process, the City Council, pursuant to Section 2-14-010 et. seq. of the Payson City Code, has developed a procedure for considering and evaluating vested rights claims made under Utah law as amendments are made to this Ordinance from time to time. This procedure may include the processing of consent agreements for the settlement of disputes pertaining to vested rights or other legal claims arising from this Ordinance.

**19.2.14 Temporary Regulations**

In accordance with §10-9a-504 Utah Code Annotated 1953, as amended, the City Council may, without a public hearing, enact ordinances establishing temporary zoning regulations for any part or all of the area within the municipality. (1-18-06)

The City Council shall establish a period of limited effect for the temporary regulations, not to exceed six (6) months.

# Chapter 19.3
# General Provisions (7-1-15)

19.3.1 Building Permits and Plats Required
19.3.2 Permits to Comply with Zoning Standards
19.3.3 Certificate of Occupancy & Zoning Compliance
19.3.4 Upgrades to Existing Utility Services
19.3.5 Assurance for Improvements
19.3.6 Public Works Inspections
19.3.7 Dedication and Acceptance of Property
19.3.8 Licensed Contractors, Surveyors, and Engineers

### 19.3.1 Building Permits and Plats Required

No building or structure shall be constructed, reconstructed, altered, or moved, nor shall the use of land be changed, except after the issuance of a permit by the Development Services Department. Furthermore, no building lot or parcel of ground shall be filled, excavated, or otherwise structurally altered without an excavation permit from the Engineering and Building departments.

All applications for building permits shall be accompanied by a site plan drawn to scale showing the actual dimensions of the lot to be built upon, the size and setbacks of existing buildings, proposed buildings and existing buildings on adjacent property or such other information as may be deemed necessary by the Building Inspector, City Engineer, City Planner, or Zoning Administrator for the enforcement of this Title.

The staff, Planning Commission or City Council may require, at the applicant's expense, a legal description; professional survey; title report showing ownership, easements, right-of-ways, or similar encumbrances; contour map; and any other information deemed necessary to enforce the terms of this Title.

Except as noted herein, prior to issuance of a building permit for any lot or parcel, the applicant must complete all improvements required to serve the proposed structure including curb, gutter and sidewalk and upgrades to any existing utility connections.

### 19.3.2 Permits to Comply with Zoning Standards

A permit shall not be issued or granted for the construction or alteration of any building or structure, or for the moving of any building onto a lot or parcel, or for a change in the use of a building or structure, or for a change in the use of land if the construction, alteration, moving, or change in use would result in a violation of any provision of this Title. Furthermore, sewer, water, or electrical utility facilities shall not be installed to serve any premises if any use of the lot or parcel will be in violation of this Title.

### 19.3.3 Certificate of Occupancy & Zoning Compliance

It shall be unlawful to use or occupy any building, structure or parcel of land until a Certificate of Occupancy and Zoning Compliance has been issued for the building, structure or parcel by Payson City. It shall also be unlawful to allow any use that is not consistent with the requirements of this Title following the issuance of a Certificate of Occupancy and Zoning Compliance.

The Certificate of Occupancy and Zoning Compliance may be issued upon completion of all of the requirements of this Title and any and all other laws and ordinances recognized by Payson City and a final inspection of the building, structure or parcel by the Development Services Department.

Failure to obtain a Certificate of Occupancy and Zoning Compliance, or changing the intensity of use or number of occupants shall be a Class C misdemeanor. Occupancy of any building for which there is no Certificate of Occupancy and Zoning Compliance may be declared a nuisance and shall be abated as such.

### 19.3.4 Infrastructure Improvements and Upgrades to Existing Utility Services

For residential construction, curb, gutter, sidewalk and all other required infrastructure must be completed prior to the issuance of a building permit for the following actions:

1. The construction of a new dwelling unit.
2. An addition to an existing dwelling unit of twenty-five (25) percent or more of the existing square footage.
3. The construction of an attached or detached garage, or an accessory building larger than three hundred fifty (350) square feet.

For parcels upon which a residential structure already exists, Payson City will cover the costs associated with the installation of asphalt tie-in from the existing roadway to the curb and gutter.

It is the intention of this ordinance to ensure that curb, gutter, and sidewalk is installed with new construction projects to improve the overall storm water system and enhance the city-wide pedestrian network. The City Engineer will review each request and determine the benefits and potential impacts of the installation of roadway improvements on properties in the vicinity. If it is determined the installation of the roadway improvements will negatively impact adjacent properties, the City Engineer may recommend the City Council defer the installation of improvements until such time the potential negative impacts can be mitigated. The recommendation of the City Engineer to defer the installation of improvements must be based on the following criteria:

1. The installation of curb, gutter, and sidewalk will create storm drainage flooding and erosion problems to adjacent parcels or property in the vicinity.
2. The installation will create an island of curb, gutter, and sidewalk (single lot improvements) that will cause unnecessary flooding to adjoining parcels.
3. The project costs will cause an unreasonable financial burden on the property owner to complete the improvements. For the purposes of this Section, an unreasonable financial burden shall be defined as improvement costs (i.e. curb, gutter, and sidewalk) that are greater than fifty (50) percent of the project costs (i.e. residential addition, garage, accessory building).

The City Council may, but is not obligated to, defer the installation of improvements. Any deferral must be approved by means of a Deferral Agreement signed by Payson City and property owner(s) and recorded in the office of the Utah County Recorder. Improvements associated with new multi-family projects or lots within a recorded subdivision shall not be deferred.

The roadway improvements for all non-residential construction shall comply with the provisions of Chapter 19.8 of this Title.

Notwithstanding the provisions of this Section, a building permit may be issued prior to the installation of curb, gutter and sidewalk provided:

1. The parcel in question is more than three hundred (300) feet from any existing curb, gutter and sidewalk and is not included in the original block system of the Townsite Survey of 1919, which is generally located between 700 North and 800 South and 700 East and 800 West.
2. The parcel is at least one acre in size and capable of being subdivided in accordance with the provisions of the Payson City development ordinances.
3. The owner(s) of property agree to install curb, gutter and sidewalk at such time the parcel is further developed or improvements are extended to within three hundred (300) feet of the parcel.
4. A Deferral Agreement shall be signed by the owner(s) of property and recorded in the office of the Utah County Recorder.

As part of the issuance of a building permit for an existing building, the applicant may be required to upgrade some or all of the existing utility services and place any overhead power lines underground. Upgrades shall be required if the Superintendent of the Public Works Department determines:

1. The utility service is more than ten (10) years old.
2. The utility service is not sufficient to serve the proposed use.
3. The service is in poor condition.
4. It is likely that other improvements will damage the existing service.
5. That existing power service is provided overhead and the power lines need to be placed underground.
6. The existing power transformer will need to be upgraded to provide adequate power service.
7. The proposed subdivision cannot be provided with adequate service from the existing fire hydrant(s).

The Superintendent of any Public Works Department may waive the required upgrade if:

1. It is determined that the existing service is sufficient to serve the proposed use.
2. The existing service is found to be in good condition.
3. It is determined that a planned construction project will cause the lateral to be replaced.
4. The power line cannot be provided underground in a practical manner.
5. The fire hydrant is found to have been insufficient prior to the approval of the development project. In this circumstance the City will be required to upgrade the hydrant.

In the case of a legal non-conforming lot of record, or a residential subdivision of three lots or less along an existing public street, improvements are not required to be completed until the footing and foundation of the dwelling is completed. No inspections beyond those required for footing and foundation will be completed until all improvements are installed, including, but not limited to utilities, meters, curb, gutter, sidewalk, and the asphalt tie-in.

In the case of inclement weather, an additional building permit may be issued by the Development Services Department to continue residential construction of a dwelling located on an existing public street if:

1. The asphalt batch plants have been closed for the winter season.
2. The applicant submits a cash bond equal to one hundred fifty (150) percent of the estimated cost, as approved by the City Engineer, of the installation of curb, gutter, sidewalk, asphalt tie-in and proper filling of utility trenching.
   a. If the applicant completes the improvements within six (6) weeks of the spring opening of the asphalt batch plants, the cash bond will be refunded to the applicant. The date of the opening of the batch plants will be posted in the Development Services Department.
   b. If the applicant does not complete the improvements within six (6) weeks of the spring opening of the asphalt batch plants, the cash bond may be forfeited to Payson City and the City will complete the improvements.
3. All utilities to serve the dwelling have been extended to at least the private property line and the utility trenching has been filled with temporary asphalt (cold patch).

**19.3.5 Assurance for Improvements**

The City Council shall require the applicant to post an acceptable guarantee at the time of development approval for any improvements regulated by this Title. The estimated amount, reviewed and approved by the City Engineer, shall be sufficient to assure to the municipality the satisfactory construction, installation, and dedication of the required improvements. The amount of the guarantee shall be equal to one hundred and twenty (120) percent of the estimated cost of the required improvements as determined by the City Engineer.

The posting of guarantees are in lieu of actual construction and are therefore established for the benefit of and to insure to the public at large and as such are not to be used for satisfying contractor or mechanics liens or other unrelated obligations. The performance guarantee shall comply with all statutory requirements and shall be satisfactory to the City Attorney as to form, sufficiency, and manner of execution as set forth by the City Attorney.

The period within which required improvements must be completed shall be specified by the City Council upon development approval and shall be incorporated in the guarantee. The City Council may, given a valid reason, extend the completion date set forth in such guarantee for a maximum period of one additional year. The City Council may at any time during the period of such guarantee accept a substitution of principal or sureties.

The performance guarantee must be provided prior to recordation of a Final Plat, except as provided herein. The City Council may approve a request to delay the submission of the performance guarantee provided the applicant satisfies the following:

1. The property included in the subdivision is located along an existing public street containing required infrastructure.
2. A performance guarantee shall be provided prior to commencement of any construction, including excavation and grading.
3. A building permit will not be issued for new construction until the required improvements are installed by the applicant, and inspected and approved by Payson City.
4. A Deferral Agreement and Release shall be signed by the owner(s) of property and recorded in the office of the Utah County Recorder.
5. The deferral process does not waive or modify any other regulations of this Title, including the requirements of Chapter 19.8 herein.

**19.3.6 Public Works Inspections**

Any improvements that require a performance guarantee in accordance with this Title are subject to payment of a public works inspection fee for the inspection and approval of the required improvements consistent with Chapter 19.27 herein.

Each applicant for development approval required by this Title to construct, reconstruct, or complete major resurfacing of any roadway shall submit in cash an amount equal to one hundred twenty (120) percent of the City Engineer's approved estimate for the cost of completing a final one (1) inch asphalt overlay in accordance with the Standard Specifications and

Standard Plans. Following the construction of at least ninety (90) percent of the structures in the development or a period of two years from the initial placement of asphalt, whichever occurs first, the applicant shall complete the one (1) inch asphalt overlay. Following the installation and acceptance of the overlay, the cash bond will be released. If the applicant fails to complete the overlay within sixty (60) days after the issuance of a Certificate of Occupancy for more than ninety (90) percent of the structures in the development, the City shall use the cash bond to complete the overlay.

**19.3.7 Dedication and Acceptance of Property**

Any dedication of property shall be first accepted by a motion of the City Council at a regular meeting of the Council. The conveyance of the property shall be completed by Warranty Deed indicating all liens, encumbrances and other stipulations.

Prior to the dedication of any property to Payson City and acceptance of the dedication by the City Council, all assessments and taxes, including farmland assessments (also known as roll-back or greenbelt taxes), shall have been paid in full. This applies to the dedication of streets and other rights-of-way, parks and other open space, and any other dedication intended for use by the public.

**19.3.8 Licensed Contractors, Surveyors, and Engineers**

All applicants for development approval will use contractors, surveyors, and engineers licensed in the State of Utah to satisfy the regulations of this Title. Failure of applicants to use experienced and professional assistance to prepare the information required for development approval can lead to unnecessarily challenging and unproductive situations. All the improvements required herein shall be completed by a licensed contractor.

# Chapter 19.4
# Off-Street Parking

19.4.1 Purpose
19.4.2 Parking for Non-Conforming Uses
19.4.3 Parking Spaces Required – General (2-7-07)
19.4.4 Parking Spaces Required – Unique Situations (2-7-07)
19.4.5 Handicapped Parking Spaces Required
19.4.6 General Provisions
19.4.7 Design and Construction Standards
19.4.8 Landscaping
19.4.9 Maintenance
19.4.10 Reduction in Parking Standards
19.4.11 Request for Further Reduction or Waiver
19.4.12 Considerations for Commercial Zones

### 19.4.1 Purpose

The purpose for off-street parking requirements is to provide adequate parking for the intended use of a parcel while eliminating the need to park in the public right-of-way. The number of off-street parking spaces required in connection with any particular land use is set forth in this Chapter. (2-7-07)

Every building, structure, improvement, and use shall provide permanent, maintained off-street parking as specified in this Chapter. The parking shall be a continuing obligation of the property owner as long as the use continues. It shall be unlawful for a landowner to eliminate required off-street parking unless otherwise provided on the parcel and approved by the City.

### 19.4.2 Parking for Non-Conforming Uses

Any use of property that, on the effective date of this Chapter or of any subsequent amendment, is non-conforming only with the regulations relating to off-street parking facilities may continue in the same manner, provided that parking facilities shall not be further reduced. However, an applicant may be required to increase or improve the off-street parking over a period of time in accordance with Chapter 19.14 herein. (3-5-03)

### 19.4.3 Parking Spaces Required – General (2-7-07)

Off-street parking shall be provided as follows for all new buildings and structures, or enlargement of any existing buildings or structures. Furthermore, all new businesses are subject to the provisions of this Chapter. If the required parking stalls as calculated using the following standards end in a fraction, the standard shall be rounded up to the next whole number. If more than one use is proposed or exists in a structure, the required number of parking stalls shall be calculated using the proportionate square footage of each use in the structure. (7-6-05)

1. Amusement Centers, Recreation Centers, Reception Centers, Health Clubs and Spas, and similar uses: One parking space for every two hundred (200) feet of floor space.
2. Automobile Repair Facilities: Four (4) parking spaces per service bay or one (1) parking space for each eight hundred (800) feet of floor space, whichever is greater.
3. Bars, Liquor Stores or Taverns: One (1) space for every two hundred (200) feet of floor space.
4. Bed and Breakfast, or Inn: Two (2) parking spaces for tenants and one (1) space for each guest room.
5. Business Office: One (1) parking space for each three hundred (300) square feet of floor area.
6. Car Wash: Two (2) parking spaces plus at least three (3) stacking spaces per washing bay.
7. Churches: One (1) parking space for each one hundred (100) feet of floor space.
8. Day Care Center: One parking space per six (6) people based on the maximum allowable occupancy.
9. Gas Stations: One (1) parking space for every two hundred (200) feet of floor space. Pumping areas are not to be included in the parking calculation.
10. Government Buildings: One parking space for every four hundred (400) feet of floor space.
11. Grocery Stores, Drugs Stores, Convenience Stores: One (1) parking space per two hundred (200) feet of floor space.
12. Hospitals: One parking space for each four hundred (400) feet of floor space.
13. Hotel/Motel: Two (2) parking spaces plus one (1) parking space for each sleeping unit. If the Hotel/Motel has conference rooms, the City Council may require additional off-street parking.
14. Manufacturing: (1) parking space for every four hundred (400) feet of floor space plus parking for office uses, consistent with # 5 herein.
15. Warehousing: (1) parking space for every one thousand (1000) feet of warehousing space plus parking for any other uses such as manufacturing and office space as calculated herein. (11-6-02)
16. Mortuaries: One (1) parking space for each one hundred (100) feet of floor space.
17. Movie Theaters: One parking space for every four (4) seats.

18. Nursing Home or Convalescent Center: One (1) parking space for each employee and one (1) space for each five (5) beds.
19. Personal Services, Barber Shops, Beauty Shops, Travel Agencies: One (1) parking space for every two hundred (200) feet of floor space.
20. Professional Offices, Medical and Dental Offices: One (1) parking space for every two hundred (200) feet of floor space.
21. Restaurants: One (1) space for each four (4) seats plus three stacking spaces for restaurants with drive-up windows.
22. Retail Sales, Furniture, Appliances, Hardware: One (1) space for each six hundred (600) feet of floor space.
23. Residential: Two (2) parking spaces per unit plus visitor parking where appropriate.
24. Schools, Elementary: Two (2) parking spaces for each classroom.
25. Schools, Secondary, Higher Education: One parking space for each employee and one (1) space for every four (4) students (calculated at occupancy of the facility).

If a use not indicated above is proposed, the amount of off-street parking may be determined by the City Council following a recommendation from staff.

### 19.4.4 Parking Spaces Required – Unique Situations (2-7-07)

19.4.4.1 Parking for Multi-Tenant Buildings
19.4.4.2 Parking for Automobiles Sales
19.4.4.3 Parking for Call Centers

#### 19.4.4.1 Parking for Multi-Tenant Buildings

It will be the responsibility of the applicant for development approval to provide adequate off-street parking for the project. Due to the unique nature of multi-tenant buildings, the off-street parking requirements will be determined as follows:

1. Parking must be identified for each portion of the structure that could be used for business activities prior to occupancy by any business; and
2. The number of stalls required by the most intensive parking requirement of the uses allowed in the zoning district that could be accommodated in the structure; or
3. If the tenants have been identified, the number of parking stalls required by 19.4.3 herein; or
4. The applicant has obtained written approval to use adjacent parking areas where patrons are not required to cross a public street;

As tenants fill various spaces, the requirements of 19.4.3 can be satisfied using any parking spaces available on the site provided the use of these spaces will not result in a violation of the off-street parking requirements when the building is full. If the building owner allows one tenant to use more space that initially intended, it may limit the potential users in the remainder of the structure. Therefore, the building owner should choose tenants in consideration of the building as a whole.
In order to ensure adequate parking and reduce friction between business owners, the City may require the owner of a multi-tenant building to identify and reserve space for a particular business. (2-7-07)

#### 19.4.4.2 Parking for Automobile Sales

The applicant must demonstrate that ample employee and patron parking is available without parking on the public street or on adjacent property. The vehicle display area for the parking of automobiles for sale will be limited to ensure that employee and patron parking is provided first. The applicant shall submit a parking plan that indicates the following:

1. There shall be one (1) employee parking stall for each two hundred (200) square feet of indoor floor area; and
2. There shall be one (1) employee parking stall for each twenty (20) outdoor vehicle display spaces; and
3. There shall be one (1) customer parking stall for each twenty (20) outdoor vehicle display spaces.
4. If the business includes a service center, the applicant must provide on-site parking consistent with the regulations of Section 19.4.3 herein.

After the employee and patron parking has been provided, the remainder of the parking space is available for the parking of vehicles for sale. If the parking needs of the business increase or parking on a public street or adjacent property is commonplace, the applicant may be required to reduce the amount of parking area available for parking of automobiles for sale. (2-7-07)

**19.4.4.3 Parking for Call Centers**

Each call center is required to provide enough parking to accommodate one (1) parking stall for each employee during the highest employee volume shift of the business including administrative employees. The employer will be required to provide a business plan that indicates how employees will park during shift changes such as varying starting times, gaps in the shift schedule or other means to ensure adequate parking. Automobiles may not be parked in the setback areas of the parcel. If the parking needs of the business increase or parking on a public street or adjacent properties is commonplace, the applicant may be required to make internal adjustments to accommodate parking such as identifying additional parking or reducing the number of employees. (2-7-07)

**19.4.5 Handicapped Parking Spaces Required**

Any building which is required to have adaptations in accordance with the building code adopted by the City Council or the Americans with Disabilities Act (ADA) shall also provide handicapped parking stalls as indicated below. These provisions are a minimum standard and may be increased or decreased by the City Council to meet the specific needs of the proposed use.

| Total Parking Spaces Required | Handicapped Spaces |
|---|---|
| 1-25 | 1 |
| 26-50 | 2 |
| 51-75 | 3 |
| 76-100 | 4 |
| 101-150 | 5 |
| 151-200 | 6 |
| 201-300 | 7 |
| 301-400 | 8 |
| 401-500 | 9 |
| 501-999 | 2% of total spaces |
| Over 1000 | 20 spaces + 1 per each 100 |

The handicapped parking stalls shall be identified by typical handicap symbols and should be placed in areas that are most convenient to the entrance of the structure. Each parking stall shall satisfy the minimum size standards in accordance with Section 19.4.6 herein and shall provide an additional five (5) foot loading zone which is directly accessible to a hard surfaced walkway. One van accessible space with an eight (8) foot loading zone shall be required for each eight (8) handicapped spaces provided. The unloading zones shall be clearly marked by diagonal striping four (4) inches wide and six (6) inches apart. (7-6-05)

**19.4.6 General Provisions**

The following general provisions apply to all off-street parking requirements of this Chapter.

1. The location of off-street parking facilities shall be as follows, and shall not be located within the public right-of-way:
   a. For single family, duplex, and multi-family residential dwellings, required parking shall be located on the same lot as the building that they are required to serve.
   b. For all other uses, including commercial and industrial uses, required parking shall be located on the same lot or on an abutting lot. In no case shall required parking be located across a public street without written approval of the City Council.
   c. If parking is located on a lot or parcel under different ownership, a perpetual easement must be recorded in the office of the Utah County Recorder prior to final approval.
   d. In all residential zones, required off-street parking shall not be located in a required setback, unless it can be demonstrated to the City Engineer that off-street parking cannot be provided without the requested encroachment and will not obstruct the clear view area, as defined by this Title, or impede safe backing and circulation for adjacent properties. (9-18-13)
   e. Tandem parking will not be allowed to satisfy the requirements found herein.
2. Any lights provided or required to illuminate a parking area shall be arranged in a manner that will reflect light away from adjacent properties.
3. The City Council may approve the joint use of a parking lot or facility provided that the applicant can show that conflict between the different users can be effectively eliminated. For instance, willing parties such as a church and a commercial business may share parking facilities if typical heavy use parking times allow. Any arrangement to share parking must be recorded in the office of the Utah County Recorder.
4. In commercial or industrial zones, the owners of several businesses may be allowed to work together to provide off-street parking in a lot or structure. Participants must be able to adequately show agreements to the City Council for long term maintenance and ownership.
5. Construction plans for any parking lot or parking structure, or the expansion of any lot or structure shall be submitted to the City for review and comment and may be approved by staff. A

parking lot or structure may be approved as part of the project approval. (9-18-13)

6. If any use is approved to be expanded to an extent that the parking does not satisfy the requirements herein, the applicant may be required to provide additional off-street parking. (3-5-03)

**19.4.7 Design and Construction Standards**

All parking lots or structures shall satisfy the following minimum standards for design of parking stalls and construction standards. For graphic illustration, please refer to the Payson City Standard Specifications and Standard Plans available from the Development Services Department. The basic design standards include:

1. All parking lots and parking structures shall be hard surfaced with asphalt or concrete. The materials shall be approved by the City Engineer and be capable of handling the anticipated size and weight of vehicles, including public safety vehicles.
2. Each parking lot shall be surrounded by a concrete curb, or other border approved by the City Engineer to ensure the life of the surface and to limit the access to approved ingress and egress.
3. All parking spaces shall have minimum dimensions of eight and one half (8½) feet by eighteen (18) feet.
4. Backing space in parking areas shall have a minimum depth of twenty four (24) feet.
5. Except for parallel parking spaces, parking stalls designed at less than a ninety (90) degree angle to the travel lanes of a roadway shall be allowed for one-way traffic only. (7-6-05)
6. Parking shall be designed to avoid backing onto a public street. If an applicant is unable to do so, staff may approve parking that backs onto a public street. Staff may choose to forward the request to the City Council for a final decision. (9-18-13)
7. Provision of adequate public safety access, emergency lanes and turning movements for all public safety vehicles and fire apparatus shall be provided. (7-6-05)
8. Sub-grade parking shall be reviewed for access and safety, and must be approved by the City Council following a recommendation from City staff.
9. A parking structure shall be reviewed for access and safety and must be approved by the City Council following a recommendation from City staff and shall not be located within thirty feet of any property line, or in any clear view area required by this Ordinance. (3-5-03)
10. Parking areas shall be striped to identify parking stalls and circulation patterns. (3-5-03)

**19.4.8 Landscaping**

Any parking lot designed to provide ten (10) or more parking spaces shall be required to provide no less than ten (10) percent landscaping within the boundaries of the parking lot. The landscaping plan shall be approved by the City Council and shall include an automatic sprinkling system.

The setback area of any parking structure shall be landscaped. A landscaping plan shall be approved by the City Council and shall include an automatic sprinkling system. (7-6-05)

The landscaping shall consist of grass, trees, shrubs and other attractive plant materials. The landscaping shall include a border to separate the plants from the parking lot to protect the planting area.

**19.4.9 Maintenance**

All parking lots and structures shall be maintained and kept free of garbage and debris. Striping of parking stalls shall be kept in a manner that allows each stall to be identified. Potholes, cracks, and other damage to the surface shall be repaired in a timely manner.

**19.4.10 Reduction in Parking Standards**

An applicant may apply to the City Council for a reduction in the amount of required parking spaces. The applicant must clearly demonstrate that the required number of parking stalls is unnecessary for the proposed use and any possible future use of the building. Any request which lowers the amount of parking stalls by more than twenty (20) percent shall not be approved by the City Council. (3-5-03)

**19.4.11 Request for Further Reduction or Waiver**

If, after the exhaustion of all other remedies, an applicant is unable to satisfy the off-street parking requirements of this Chapter, the applicant may request approval of an atypical conditional use permit in accordance with Chapter 19.13 herein. (1-18-06)

For the purposes of this Section, exhaustion of all other remedies shall include the following:

1. The applicant is unable to satisfy the off-street parking requirements on the premises by eliminating both non-essential structures and

landscaping that could provide space for the required off-street parking.

2. For commercial and industrial purposes, the applicant has explored the option of the joint use of a parking lot or facility in accordance with Sections 19.4.5 (3) or (4) herein.
3. A reduction of required parking spaces in accordance with Section 19.4.9 herein has been approved by the City Council and it is determined that the parking requirements still cannot be satisfied.

In granting the special exception, the City Council shall consider traffic circulation patterns, safety concerns, clear view areas, width of the street and the effect the special exception will have on adjacent property owners. (7-6-05)

**19.4.12 Considerations for Commercial Zones**

The following list pertains to parking in the CC-1, GC-1, PO-1 and S-1 Zones of Payson City:

1. It shall be unlawful for the owner of any commercial business to restrict, reserve or designate parking within a public right-of-way or in publicly owned parking areas.
2. Due to the parking constraints in the CC-1 Zone, the City Council may allow the off-street parking requirements of this Chapter to be satisfied in public parking areas.
3. In all commercial zones, the City Council may designate a specific location for any residential parking allowed by the City Council in accordance Chapter 19.13 herein. (3-5-03)

# Chapter 19.5
# Street Master Plan

19.5.1 Preparation of Street Master Plan and Map
19.5.2 Permits to Conform with Street Master Plan
19.5.3 Relationship to Subdivision Plat Approval
19.5.4 Relationship to Trails Master Plan

### 19.5.1 Preparation of Street Master Plan and Map

The Planning Commission shall prepare, with assistance from the City Engineer and Streets Superintendent, a Street Master Plan for Payson City indicating the proposed location of all arterial and collector streets as defined in the Standard Specifications and Standard Plans, along with any other street deemed necessary or appropriate by the City Council. The City Council shall review and approve the Street Master Plan and construction of any streets shall be in conformance with the Street Master Plan to the extent allowed by law. (11-5-14)

### 19.5.2 Permits to Conform with Street Master Plan

Permits for any building or structure, or any part thereof shall not be issued on any land located within the proposed street right-of-way shown on the Street Master Plan unless each of the following can be shown:

1. The applicant will be denied a substantial property right observed by other property owners within the same district.
2. The applicant can show an alternative street pattern that will satisfy, in every way, the original intent of the Street Master Plan including, but not limited to, circulation, safety, service provision, and access to adjacent properties.
3. The interests of the property owner outweigh the need of the City and the citizens at large to have the road constructed in the planned location.

### 19.5.3 Relationship to Development Approval

A development layout may not be filed with the City nor recorded in the office of the Utah County Recorder until it has been submitted and reviewed by appropriate City staff and, if deemed necessary by the City Council, for consistency with the Street Master Plan.

All applicants for development approval shall be able to demonstrate how traffic from the proposed development will circulate into the traffic pattern of the City. The City may require, at the applicant's expense, a detailed traffic analysis in order to justify any assumptions made by an applicant for subdivision approval. (1-23-08)

At a minimum, each applicant for development approval will be required to construct or extend a road network that will:

1. Provide a safe, efficient and convenient traffic circulation pattern.
2. Provide adequate access to all adjacent properties and eliminate the potential for landlocked parcels.
3. Extend adequate infrastructure to provide municipal services.
4. Create a circulation system that will provide adequate public safety and emergency access to protect both human life and the built environment.

The roadway network must be provided regardless of whether the proposed development is classified as commercial, industrial or residential development. Failure to demonstrate that the provisions above have been satisfied may result in the denial of development approval. (1-23-08)

### 19.5.4 Relationship to Trails Master Plan

In all zones, permits for any building or structure, or any part thereof shall not be issued on any land proposed to be set aside for a public trail unless the trail is constructed by the applicant or each of the following can be shown:

1. The applicant will be denied a substantial property right enjoyed by other property owners within the same district.
2. The applicant can show an alternative solution for the proposed trail that will allow in every way, the original intent of the Trails Master Plan including, but not limited to, circulation, safety, service provision, and access to adjacent properties.
3. The interests of the property owner outweigh the need of the City and the citizens at large to have the trail constructed in the planned location. (12-19-01)

All trails intended to be dedicated to Payson City in accordance with the Trails Element of the Payson City General Plan shall be constructed in a manner consistent with the Standard Specifications and Standard Plans of the City. Any development located near a public trail may be required to provide a concrete or asphalt connection to the trail system in the most practical location. (11-5-14)

When a connection to a public trail is required, the connection area shall be wide enough to provide appropriate fencing, attractive landscaping, and any necessary utilities. At a minimum, the trail connection area shall be twenty (20) feet wide. (1-23-08)

# Chapter 19.6
# Establishment of Zoning Districts

19.6.1 Purpose of Zoning Districts
19.6.2 Zoning Map
19.6.3 Relationship of Title to Other Ordinances and Plans (4-15-15)
19.6.4 A-5 Agricultural Zone
19.6.5 R-1-A Residential-Agriculture Zone
19.6.6 Conventional Residential Zones (2-19-14)
19.6.7 R-MF Multi-Family Residential Zone
19.6.8 RMO-1 Two-Family Residential Overlay Zone
19.6.9 RMO-A Accessory Living Unit Overlay Zone
19.6.10 PO-1 Professional Office Zone
19.6.11 CC-1 Central Commercial Zone
19.6.12 CAP Commercial, Arts and Parks (1-18-06)
19.6.13 GC-1 General Commercial Zone
19.6.14 S-1 Special Highway Service Zone
19.6.15 BPD Business Park Development (11-4-15)
19.6.16 I-1 Light Industrial Zone
19.6.17 I-2 Heavy Industrial Zone
19.6.18 R&D Research and Development Zone
19.6.19 NC-1 Neighborhood Commercial Zone (5-2-07)
19.6.20 CT Commercial Transition Zone
19.6.21 HD-O Historic District Overlay Zone
19.6.22 HR-O Historic Residential Overlay Zone
19.6.23 FP-O Floodplain Overlay Zone
19.6.24 AGP-O Agriculture Preservation Overlay Zone
19.6.25 I-O In-fill Overlay Zone
19.6.26 AD-O Accessory Dwelling Overlay Zone (7-5-06)
19.6.27 TS-O Transit Station Overlay Zone (10-1-08)
19.6.28 MH-1 Mountain and Hillside Zone (7-19-00)
19.6.29 MH-2 Mountain and Hillside Zone (2-16-05)
19.6.30 GCD Golf Course Development Zone (2-7-07)
19.6.31 P-C Planned Community Zone (8-17-11)
19.6.32 PRZ Planned Reclamation Zone (8-7-13)

### 19.6.1 Purpose of Zoning Districts

In order to accomplish the purposes of this Title, the City Council has divided the City into various zoning districts in accordance with §10-9a-401 et. seq. Utah Code Annotated, 1953, as amended. After due and careful consideration of quantities of land needed for each use, suitability of land for various uses, and the probable future conditions of the City, zoning is established according to Sections 19.6.4 through 19.6.32 which are also indicated on the official Zoning Map adopted by the City Council. (1-18-06)

The uses listed as permitted, conditional, or accessory uses, respectively, and no others, are allowed in each zone. If a desired use is not listed in the zone, an applicant may attempt to amend the ordinance to allow the desired use. Any amendment to the Zoning Ordinance or the Zoning Map shall occur in accordance with Section 19.2.8 herein.

The uses listed in the A-5, PO-1, CC-1, GC-1, S-1, I-1, I-2 and R&D Zones are listed as major headings only. Specific land use categories in these zones can be identified by referring to the chart attached hereto as Appendix A – Non-Residential Land Use Categories. (1-18-06)

### 19.6.2 Zoning Map

The Zoning Map is a graphic representation of the zoning districts of Payson City. Any necessary interpretation of the map shall occur in accordance with Section 19.2.2 herein. The official Zoning Map can be found in the office of the City Recorder and in the Development Services Department. If the Zoning Map is amended in accordance with the requirements found in Section 19.2.8 herein, all previous Zoning Maps are no longer in effect for the purpose of identifying zone district boundaries.

### 19.6.3 Relationship of Title to Other Ordinances and Plans (4-15-15)

19.6.3.1 Payson City General Plan
19.6.3.2 Appendix A – Non-Residential Land Use Categories
19.6.3.3 Planned Residential Development (PRD)
19.6.3.4 Specific Plans

#### 19.6.3.1 Payson City General Plan (4-15-15)

The Payson City General Plan is the primary document the City uses to guide and regulate the use of land within its boundaries. Notwithstanding Section 19.1.8 and Section 19.2.9, the provisions of this Title are intended to implement the objectives and goals of the General Plan. All projects regulated by this Title will be reviewed for consistency with the General Plan.

#### 19.6.3.2 Appendix A – Non-Residential Land Use Categories

Appendix A is a supplement to Title 19, Zoning Ordinance and identifies land uses allowed in the non-residential zones of Payson City. It is anticipated that Appendix A will be consistent with §10-9a, Land Use Development and Management Act of Utah Code Annotated and other applicable statutes and laws.

In the event a use is proposed that is not specifically listed therein, an applicant may request a review of the proposed use by the land use committee. It is the applicant's responsibility to demonstrate the use is consistent with the purpose and zone characteristics and other land uses allowed in the zoning district.

The land use committee must conclude that the use is consistent with the purpose and characteristics of the zone and provide written findings to the City Council. If the proposed use is found to be consistent, staff will process the application as a permitted use. Staff will complete the amendment process as soon thereafter as practicable to include the use in Appendix A to ensure compliance with State and local regulations. The land use committee is not obligated to approve the request and no precedent is set by other approvals. The land use committee comprises of the Mayor, a member of the Planning Commission, City Manager, a member of the Development Services Department, and a representative of the Chamber of Commerce.

**19.6.3.3 Planned Residential Development (PRD)**

A project approved in accordance with Chapter 20.10 of Title 20, Subdivision Ordinance shall take precedence over the requirements of this Chapter. A Planned Residential Development (PRD) may have smaller lot sizes, lot widths, lot frontage, lot coverage, or other exceptions pursuant to a density bonus approved by the City Council. A PRD is allowed at the discretion of the City Council if the applicant can demonstrate that an alternative development layout is preferable to a traditional development layout. Therefore, if approved, a PRD and the approved lot arrangement, whether consistent with this Chapter or not, will take precedence over the requirements found herein.

Any requirements of this Title not specifically waived by the City Council shall remain in full effect as found herein.

**19.6.3.4 Specific Plans** (4-15-15)

A specific plan is a document designed to implement the goals and policies of the General Plan. Specific plans may contain detailed development standards, distribution of land uses, infrastructure requirements, and implementation measures for the development of a specific geographic area. Although it is the intention of the City Council for specific plans to maintain consistency with the provisions of this Title, there may be occasions when amendments to this Title create inconsistencies between a Specific Plan and this Title. In such an instance, the Specific Plan shall prevail unless adherence to the specific plan would be illegal or result in an unsafe condition.

**19.6.4 A-5 Agriculture Zone** (12-19-01)

19.6.4.1 Purpose and Zone Characteristics
19.6.4.2 Permitted, Conditional and Accessory Uses
19.6.4.3 Lot Area
19.6.4.4 Lot Width
19.6.4.5 Lot Frontage
19.6.4.6Lots Created Prior to Adoption of Ordinance
19.6.4.7 Setback Requirements
19.6.4.8 Projections into Setbacks
19.6.4.9 Building Height Requirements
19.6.4.10 Distance between Buildings
19.6.4.11 Permissible Lot Coverage
19.6.4.12 Parking, Loading and Access
19.6.4.13 Project Plan Approval
19.6.4.14 Other Requirements
19.6.4.15 Annexation Holding Zone (A-5-H) (4-21-10)

*19.6.4.1 Purpose and Zone Characteristics*
The A-5 Agriculture Zone is established to provide areas within the City where agricultural pursuits can be encouraged and supported. Uses permitted in the zone, in addition to agriculture, should be incidental thereto and should not change or inhibit the basic agricultural character of the zone.

In accordance with Chapter 19.12 of this Title and Section 19.6.4.15 of this Chapter, the City Council may assign the Annexation Holding Zone (A-5-H) to all or a portion of an annexation area with the intention of maintaining the existing character of the area until additional studies and analysis are completed through the master planning process. (4-21-10)

*19.6.4.2 Permitted, Conditional and Accessory Uses*
The permitted, conditional and accessory uses for the A-5, Agriculture Zone are indicated below. It should be noted that land uses in the A-5-H Zone are limited to the residential permitted, conditional and accessory uses of this Section. In other words, the non-residential uses as outlined in Appendix A – Non-Residential Land Use Categories are not allowed unless the area has been master planned to accommodate those uses and the appropriate zoning has been assigned. (5-16-12)

*Permitted Uses – Residential*
The following land use types are permitted uses in the Agriculture Zone. Unless specifically listed, any other use is not a permitted use in the zone. Uses listed as conditional or accessory uses are allowed in the zone only in accordance with the criteria established in this ordinance.

1. Agriculture and horticulture (2-19-14)
2. Keeping of animals pursuant to Title 6
3. Single family dwellings – detached
4. Public or private utilities and rights-of-way
5. Parks and recreational facilities
6. Subdivisions pursuant to:
   a. Section 19.6.4.15 herein
   b. Title 20 of the Payson Municipal Code
   c. §10-9a-605 of Utah Code Annotated (2-19-14)
7. Residential facilities for the elderly or persons with a disability in accordance with §10-9a-516 of Utah Code Annotated, 1953, as amended. (2-19-14)

*Conditional Uses – Residential*
The following land use types are allowed as conditional uses in the A-5 Agriculture Zone. Unless specifically listed, any other use is not allowed as a conditional use in the zone. Each conditional use must be reviewed and approved in accordance with Chapter 19.13 of this ordinance.

1. Ranch or farm employee dwellings (limited to one unit per ten (10) acres of land area which must be reviewed and renewed every three (3) years)
2. Cellular and low power towers pursuant to Chapter 19.17 herein (2-19-14)
3. Water storage facilities, drinking or irrigation
4. Cemetery grounds and facilities (2-19-14)
5. Religious buildings and structures
6. Educational facilities unless otherwise addressed in State Statute (2-7-07)
7. Public or private utility maintenance facilities (2-19-14)

*Accessory Uses – Residential*
The following land use types are allowed as accessory uses in the A-5 Agriculture Zone. Unless specifically listed, any other use is not allowed as an accessory use in the zone. Any accessory use must be clearly incidental to a permitted or conditional use of the property. Accessory uses are not allowed without the approval of a permitted or conditional use of the parcel unless otherwise noted in this Section.

1. Agricultural buildings as defined in Chapter 19.28 (2-19-14)
2. Garages - detached
3. Stands for selling goods and products produced on the premises as a permitted or conditional use in the zone
4. Home occupations in accordance with Title 4

*Non-Residential Uses*
Specific non-residential uses in the A-5 Zone can be identified by referring to the chart attached hereto as Appendix A – Non-Residential Land Use Categories.

The chart will specify whether each use is a permitted, conditional or accessory use. Unless specifically listed, any other use is not a permitted use in the zone. (10-1-08)

*19.6.4.3 Lot Area*

Each dwelling in the A-5 Agriculture Zone shall be on a separate lot containing not less than five (5) acres, except that ranch or farm employee housing may be on a smaller parcel in conjunction with a bona fide agricultural use at a ratio of one (1) unit per ten (10) acres that must be reviewed and approved every three (3) years, or unless otherwise approved as part of a Planned Residential Development (PRD) in accordance with Chapter 20.10.

Additional acreage may be required to ensure eligibility with the greenbelt provisions of the Utah Farmland Assessment Act. The applicant must consult with the Utah County Greenbelt Specialist to demonstrate compliance with the Act. (2-20-13)

The minimum lot area requirement for utility uses, as allowed by this Title, is three thousand five hundred (3,500) square feet. (6-1-11)

*19.6.4.4 Lot Width*

Each lot in the A-5 Agriculture Zone shall have a minimum width of two hundred (200) feet for all of the area within the required front setback of the zone.

*19.6.4.5 Lot Frontage*

Each lot in the A-5 Agriculture Zone shall abut a public street, or private street if approved by the City Council, for a minimum distance of two hundred (200) feet.

Parcels created for utility uses must maintain at least forty (40) feet of frontage along a public street or approved private street. The City Council may reduce or waive the frontage requirement provided the applicant can demonstrate that perpetual access to the parcel and utility uses has been secured. (6-1-11)

*19.6.4.6 Lots Created Prior to Adoption of Ordinance/Annexation*

Lots or parcels of land which were created prior to the adoption and application of this zone (December 19, 2001) or prior to annexation shall not be denied the issuance of a building permit for the construction of one (1) single family dwelling solely on the reason of non-conformance with the parcel size requirements of this Chapter. A building permit must be obtained and all requirements of the appropriate building code must be satisfied. (4-21-10)

It shall be the burden of the applicant to demonstrate that the parcel legally existed and was recorded in the office of the Utah County Recorder prior to December 19 of 2001 or annexation of the property. (4-21-10)

*19.6.4.7 Setback Requirements*

The following minimum setback requirements shall apply in the A-5 Agriculture Zone. Each setback is measured from the property line of the lot or parcel.

1. Front setback - Each lot or parcel in the A-5 Zone shall have a minimum front setback of twenty-five (25) feet.
2. Side setback - Each lot or parcel in the A-5 Zone, unless otherwise noted below, shall have a minimum side setback of eight (8) feet.
   a. Side setback for corner lot – Each corner lot or parcel in the A-5 Zone shall have a minimum setback of twenty (20) feet along the public street on the side of the lot not being used as the front setback.
   b. Side setback for driveway - Each side setback, when used for access to a garage, carport, or parking area shall have a minimum setback of twelve (12) feet and shall be hard surfaced.
   c. Side setback for accessory building - The side setback for any permitted accessory building shall be five (5) feet except when:
   d. The accessory building is located on a corner lot the structure shall satisfy (a) above.
   e. The accessory building(s) houses animals or poultry then the structure shall have a minimum side setback of fifty (50) feet and be located no less than one hundred (100) feet from any dwelling unit.
3. Rear setback - Each lot or parcel in the A-5 Zone shall have a minimum rear setback of twenty-five (25) feet.
   a. Rear setback for accessory building - An accessory building shall be located at least five (5) feet from the rear property line provided it is not used to house animals or poultry, or the lot is not a double-sided lot (a lot that has a street both in front and in rear). (3-5-03)
      I. Accessory buildings that house animals or poultry shall have a minimum rear setback of fifty (50) feet and be located no less than one hundred (100) feet from any dwelling unit.
      II. A double-sided lot requires the full twenty-five (25) foot rear setback.

*19.6.4.8 Projections into Setbacks*

The following structures may project into a required setback upon the completion of a survey to accurately determine the property line:

1. Fences and walls in conformance with all applicable City ordinances and resolutions.
2. Landscaping and irrigation systems.
3. Necessary appurtenances for utility service.
4. Cornices, eaves, sills, buttresses, awnings, planter boxes or other similar architectural features may project up to four (4) feet into any required front or rear setback or up to two (2) feet into a side setback.
5. Porches, decks, and other structures as specified in Section 19.9.22 herein. (6-1-11)

*19.6.4.9 Building Height Requirements*

A primary building or structure may not exceed thirty-five (35) feet in height, nor be lower than ten (10) feet in height, except that accessory buildings may not exceed eighteen (18) feet in total height unless it can be shown that the building or structure must be higher to accommodate a bona fide agricultural use. (5-16-12)

Exceptions from the building height requirements are limited to the following:

1. Religious structures in accordance with the criteria listed in Chapter 19.13 herein
2. Cellular and low power towers in accordance with Chapter 19.17 and overhead utility facilities
3. Wind generating facilities (3-17-10)

*19.6.4.10 Distance Between Buildings*

The distance between any accessory building and any dwelling shall not be less than three (3) feet. Accessory buildings that house animals or poultry shall have a minimum side setback of fifty (50) feet and be located no less than one hundred (100) feet from any dwelling unit. (7-7-10)

*19.6.4.11 Permissible Lot Coverage*

The sum total of all buildings, structures, and impervious material on any parcel in the A-5 Zone shall not be greater than twenty (20) percent of the total area of the parcel. (4-15-15)

*19.6.4.12 Parking, Loading and Access*

Each lot or parcel in the A-5 Zone shall have on the lot or parcel two off-street parking spaces for each dwelling unit. The spaces shall be hard surfaced with asphalt or concrete and be accessed from a public road by a driveway designed and constructed consistent with the adopted fire code. (4-21-10)

*19.6.4.13 Project Plan Approval*

Any request for project plan approval in the A-5 Zone is subject to any and all applicable City resolutions and ordinances including the Subdivision Ordinance, Standard Specifications and Standard Plans, and the Payson City General Plan. (11-5-14)

*19.6.4.14 Other Requirements*

The following requirements are in addition to the requirements found in this Chapter, the General Provisions or Supplementary Provisions of this ordinance, or any other applicable resolution or ordinance.

1. Signs - The following signs, and no others, are allowed in the A-5 Zone:
   a. Name plates not exceeding two (2) square feet in area to identify the name and address of the occupant.
   b. One sign advertising the sale of agricultural products produced on the parcel not to exceed four (4) square feet in area.
2. Landscaping – Prior to issuance of a Certificate of Occupancy and thereafter, all areas within twenty five (25) feet of the main building, except driveways, walkways, patios, porches, and other similar hard surfaced areas shall be maintained with suitable landscaping of plants, shrubs, trees, grass and similar landscaping materials. The remaining portions of the property must be maintained in accordance with Chapter 19.24 of this Title and the adopted fire code. (4-21-10)
   a. For the purposes of this requirement, landscaping shall mean complete erosion control and elimination of noxious weeds. Xeriscape is acceptable landscaping provided weed barrier fabric is installed and complete erosion control and elimination of noxious weeds is accomplished. The installation of permanent sprinkler or irrigation systems is required when necessary to sustain planted areas. (8-17-11)
   b. In the event of inclement weather the landscaping cannot be completed prior to issuance of a Certificate of Occupancy the applicant may post a performance guarantee to ensure the completion of improvements. The guarantee shall be a sum, no less than the amount specified in the Payson City Fee Schedule, in the form of a cash bond or irrevocable letter of credit. The performance guarantee shall not have a duration that exceeds six (6) months. (8-17-11)
3. Trash, junk, and other debris - No trash, used materials, unsightly storage of any kind, or non-licensed or abandoned vehicles shall be stored in

an open area. All such materials shall be enclosed in a building or, if deemed to not be injurious to adjacent properties and appropriate by the City, behind a sight obscuring fence. (7-19-00)

*19.6.4.15 Annexation Holding Zone (A-5-H)*

The provisions of this Section are a supplement to the zoning requirements of the A-5, Agriculture Zone. Development of property in the A-5-H Zone must be consistent with the regulations of Section 19.6.4 herein. Unlike the other zoning districts included in this Title, the A-5-H Holding Zone is not intended to establish the long term land use pattern for properties included in the district. Rather, the purpose and intent of the A-5-H Zone is to provide zoning regulations to govern the use of land following annexation and prior to intensification of land use. (6-1-11)

In accordance with Chapter 19.12 of this Title, a specific plan and other studies may be required before annexation. In some instances the City Council may determine it is appropriate to delay the preparation of these studies in order to expedite the annexation process or to broaden the master planning efforts of the City. In these instances, the City Council may choose to annex the property and designate all or a portion of the area as a Holding Zone until a specific plan and associated studies are completed.

The City Council has determined that the most effective method to realize the appropriate land development pattern is to maintain the existing characteristics generally associated with annexed areas until a specific plan is prepared that identifies the long term development pattern of a defined geographical area. Parcels designated as A-5-H Holding Zone are subject to the following:

1. Concurrent with approval of an annexation, the details of the A-5-H Zone and the responsibilities of all parties will be established by the City Council and included in an annexation agreement recorded against all properties included in the annexation. The agreement, among other items will include timing of installation of improvements, connection of existing structures to utilities, and satisfaction of the provisions of the agreement between Strawberry Electric Service District and Payson City in regards to electrical service.
2. Until a specific plan or development proposal is prepared and adopted by the City Council, development in the annexation area is limited to the following:
   a. Each original parcel included in the annexation petition is entitled to a single (one-time) division into two separate parcels. Each parcel must satisfy the requirements of the A-5 Zone.
   b. The provision of infrastructure, access and other typical development improvements will be addressed in a development agreement. While some project improvements may be delayed until more intense development occurs, life safety issues such as fire protection, emergency access, and applicable building codes must be addressed prior to the issuance of any building permit in the subdivision.
   c. Because the nature of the A-5-H Zone is to avoid development patterns that may be inconsistent with a future specific plan, zone change applications submitted prior to approval of a specific plan are discouraged.
   d. To protect future rights-of-way, utility corridors and to ensure proper development patterns, Payson City has the authority to modify the location of proposed structures in any annexed area.
   e. Municipal services such as, but not limited to, garbage collection and snow removal may be provided by other entities if it can be demonstrated that the provision of services would be inefficient or cost prohibitive to Payson City. (9-1-10)
3. Payson City recognizes that intermittent development (i.e. improvement of lots of record, structure additions, construction of detached garages or outbuildings) may be proposed before the infrastructure studies are completed and a specific plan is adopted. Such intermittent development of property will require connection to Payson City utility systems consistent with the regulations of the Standard Specifications and Standard Plans of Payson City. Depending on the situation and location of the property, Payson City may allow the following exceptions until more development occurs in the annexed area:
   a. *Power Services.* Payson City reserves the right to provide electrical service to all properties within the boundaries of Payson. Therefore, the Payson power system will need to be expanded to allow connection of all existing and proposed structure(s). The Payson Power Department will determine the appropriate method to provide these services, which may include extension of overhead power lines to provide service on a temporary basis, installation of underground facilities to accommodate future growth in the area, or

authorize other utility companies to provide electrical service.

b. *Drinking Water.* The installation of a private drinking water well may or may not be allowed in the A-5-H Zone. A cost analysis will need to be prepared by a licensed engineer, at the expense of the property owner or applicant, that identifies the cost of extending the Payson City water system to the subject property in relation to the costs associated with drilling and installing a water well. Following review of the analysis, the Public Works Director will determine the appropriate means for provision of drinking water. If connection to the Payson City water system is required, the regulations of Title 10, Water Ordinance must be satisfied. The regulations of the Utah Division of Water Rights and the Utah County Health Department must be satisfied if the City determines the installation of a well is acceptable. (2-19-14)

c. *Irrigation Water.* The property owner will need to provide information regarding the availability of irrigation water to maintain the property. If a secondary system is available, the applicant may not be required to extend the Payson City pressurized irrigation system until additional development occurs. If connection to the Payson City pressurized irrigation system is required, the regulations of Title 10, Water Ordinance must be satisfied.

d. *Wastewater Service.* Septic tanks may be allowed if the Public Works Director determines that extension of wastewater services is not feasible or cost effective. Installation of a septic tank will be completed in accordance with the regulations of the Utah County Health Department and located in an area that will allow for connection of the structure(s) to the wastewater main line in the future. Connection to the Payson City wastewater system must satisfy the regulations of Title 12, Sewer and Wastewater Ordinance of the Payson City Municipal Code.

e. *Roadway Improvements.* The installation of curb, gutter and sidewalk and connection to city utilities as required in association with lot of record development and the requirements of Section 19.3.1 may be modified and/or delayed unless the parcel is located near existing systems.

f. *Fees.* The connection and impact fees will need to be submitted prior to connection to the utility systems of Payson City.

g. *Timing of Connection.* The property owner will be responsible to connect to and utilize Payson City utility systems when the system(s) are within three hundred (300) feet of the property, unless otherwise indicated in an annexation agreement.

4. *Agricultural Uses and Buildings.* Agricultural activities must be conducted in accordance with sound agricultural practices and all agricultural buildings must satisfy the adopted building code, unless otherwise exempted by Utah Code.

5. Concurrent with the approval and adoption of a specific plan, the Payson City General Plan will be amended to indicate land uses consistent with the specific plan prepared for the annexation area.

6. The A-5-H Zone classification may be removed from the annexed area following adoption of a specific plan, development proposal or assignment of the appropriate zoning. Once the holding zone classification is removed, the unique regulations of this Section no longer apply and all regulations of the adopted development ordinances must be satisfied.

**19.6.5 R-1-A Residential-Agriculture Zone**

19.6.5.1 Purpose and Zone Characteristics
19.6.5.2 Permitted, Conditional and Accessory Uses
19.6.5.3 Lot Area
19.6.5.4 Lot Width
19.6.5.5 Lot Frontage
19.6.5.6 Lots Created Prior to Adoption of Ordinance
19.6.5.7 Setback Requirements
19.6.5.8 Projections into Setbacks
19.6.5.9 Building Height Requirements
19.6.5.10 Distance Between Buildings
19.6.5.11 Permissible Lot Coverage
19.6.5.12 Parking, Loading and Access
19.6.5.13 Project Plan Approval
19.6.5.14 Other Requirements

*19.6.5.1 Purpose and Zone Characteristics*
The R-1-A Residential-Agriculture Zone is established to provide areas within the City where agricultural pursuits can be encouraged and supported. Uses permitted in the zone, in addition to agriculture, should be incidental thereto and should not change or inhibit the basic agricultural character of the zone. Rezoning of land in the R-1-A Zone should be accomplished in an orderly manner to avoid undue and inefficient extension of City infrastructure, and "leap-frog" development patterns.

*19.6.5.2 Permitted, Conditional and Accessory Uses*
*Permitted Uses*
The following land use types are permitted uses in the Residential-Agriculture Zone. Unless specifically listed, any other use is not a permitted use in the zone. Uses listed as conditional or accessory uses are allowed in the zone only in accordance with the criteria established in this ordinance.

1. Agriculture and horticulture (2-19-14)
2. Keeping of animals pursuant to Title 6
3. Single family dwellings – detached
4. Municipal governmental facilities (9-1-10)
5. Public or private utilities and rights-of-way
6. Parks and recreational facilities
7. Subdivisions pursuant to Title 20
8. Residential facilities for the elderly or persons with a disability in accordance with §10-9a-516 of Utah Code Annotated, 1953, as amended. (2-19-14)

*Conditional Uses*
The following land use types are allowed as conditional uses in the Residential-Agriculture Zone. Unless specifically listed, any other use is not allowed as a conditional use in the zone. Each conditional use must be reviewed and approved in accordance with Chapter 19.13 of this ordinance.

1. Cellular and low power towers pursuant to Chapter 19.17 herein
2. Ranch or farm employee dwellings (limited to one unit per ten (10) acres of land area which must be reviewed and renewed every three (3) years)
3. Water storage facilities, drinking or irrigation
4. Cemetery grounds and facilities
5. Religious buildings and structures
6. Educational facilities unless otherwise addressed in State Statute (2-7-07)
7. Resorts and group camps
8. Golf courses
9. Public or private utility maintenance facilities (9-1-04)

*Accessory Uses*
The following land use types are allowed as accessory uses in the Residential-Agriculture Zone. Unless specifically listed, any other use is not allowed as an accessory use in the zone. Any accessory use must be clearly incidental to a permitted or conditional use of the property. Accessory uses are not allowed without the approval of a permitted or conditional use of the parcel unless otherwise noted in this Section.

1. Garages - detached
2. Storage facilities for products, machinery and equipment as an accessory use to a permitted or conditional use in the zone
3. Buildings used for the confinement or protection of animals used as a permitted or conditional use in the zone
4. Stands for selling goods and products produced on the premises as a permitted or conditional use in the zone
5. Home occupations in accordance with Title 4

*19.6.5.3 Lot Area*
Each dwelling in the Residential-Agriculture Zone shall be on a separate lot containing not less than one (1) acre, except that ranch or farm employee housing may be on a smaller parcel in conjunction with a bona fide agricultural use at a ratio of one (1) unit per ten (10) acres that must be reviewed and approved every three (3) years, or unless otherwise approved as part of a Planned Residential Development (PRD) in accordance with Chapter 20.10.

The minimum lot area requirement for utility uses, as allowed by this Title, is three thousand five hundred (3,500) square feet. (6-1-11)

*19.6.5.4 Lot Width*
Each lot in the Residential-Agriculture Zone shall have a minimum width of one hundred fifty (150) feet for all of the area within the required front setback of the zone.

*19.6.5.5 Lot Frontage*
Each lot in the Residential-Agriculture Zone shall abut a public street, or private street if approved by the City Council, for a minimum distance of one hundred fifty (150) feet.

If the lot or parcel is located on an approved curve radius or cul-de-sac, the frontage requirement may be reduced to one hundred (100) feet, provided that the width requirement is satisfied at the front setback line. (5-2-07)

Parcels created for utility uses must maintain at least forty (40) feet of frontage along a public street or approved private street. The City Council may reduce or waive the frontage requirement provided the applicant can demonstrate that perpetual access to the parcel and utility uses has been secured. (6-1-11)

*19.6.5.6 Lots Created Prior to Adoption of Ordinance*
Lots or parcels of land which were created prior to the adoption and application of this zone (January 1983) shall not be denied the issuance of a building permit for the construction of one (1) single family dwelling solely on the reason of non-conformance with the parcel size requirements of this Chapter. A building permit must be obtained and all requirements of the appropriate building code must be satisfied.

It shall be the burden of the applicant to demonstrate that the parcel legally existed and was recorded in the office of the Utah County Recorder prior to January of 1983.

*19.6.5.7 Setback Requirements*
The following minimum setback requirements shall apply in the Residential-Agriculture (R-1-A) Zone. Each setback is measured from the property line of the lot or parcel.

1. Front setback - Each lot or parcel in the R-1-A Zone shall have a minimum front setback of fifty (50) feet.
2. Side setback - Each lot or parcel in the R-1-A Zone, unless otherwise noted below, shall have a minimum side setback of twenty (20) feet.
    a. Side setback for corner lot – Each corner lot or parcel in the R-1-A Zone shall have a minimum setback of twenty (20) feet along the public street on the side of the lot not being used as the front setback.
    b. Side setback for driveway - Each side setback, when used for access to a garage, carport, or parking area shall have a minimum setback of twenty (20) feet and shall be hard surfaced.
    c. Side setback for accessory building - The side setback for any permitted accessory building shall be five (5) feet except when:
        I. The accessory building is located on a corner lot the structure shall satisfy (2) (a) above.
        II. The accessory building(s) houses animals or poultry then the structure shall have a minimum side setback of fifty (50) feet and be located no less than one hundred (100) feet from any dwelling unit.
3. Rear setback - Each lot or parcel in the R-1-A Zone shall have a minimum rear setback of twenty-five (25) feet.
    a. Rear setback for accessory building - An accessory building shall be located at least five (5) feet from the rear property line provided it is not used to house animals or poultry, or the lot is not a double-sided lot (a lot that has a street both in front and in rear). (3-5-03)
        I. Accessory buildings that house animals or poultry shall have a minimum rear setback of fifty (50) feet and be located no less than one hundred (100) feet from any dwelling unit.
        II. A double-sided lot requires the full twenty-five (25) foot rear setback.

*19.6.5.8 Projections into Setbacks*
The following structures may project into a required setback upon the completion of a survey to accurately determine the property line:
1. Fences and walls in conformance with all applicable City ordinances and resolutions.
2. Landscaping and irrigation systems.
3. Necessary appurtenances for utility service.
4. Cornices, eaves, sills, buttresses, awnings, planter boxes or other similar architectural features may project up to four (4) feet into any required front or rear setback or up to two (2) feet into a side setback.
5. Patios, decks, and other structures as specified in Section 19.9.22 herein. (6-1-11)

*19.6.5.9 Building Height Requirements*
A primary building or structure may not exceed thirty-five (35) feet in height, nor be lower than ten (10) feet in height, except that accessory buildings may not

exceed eighteen (18) feet in total height unless it can be shown that the building or structure must be higher to accommodate a bona fide agricultural use. (5-16-12)

Exceptions from the building height requirements are limited to the following:

1. Religious structures in accordance with the criteria listed in Chapter 19.13 herein
2. Cellular and low power towers in accordance with Chapter 19.17 and overhead utility facilities
3. Wind generating facilities (3-17-10)

*19.6.5.10 Distance Between Buildings*

The distance between any accessory building and any dwelling shall not be less than three (3) feet. Accessory buildings that house animals or poultry shall have a minimum side setback of fifty (50) feet and be located no less than one hundred (100) feet from any dwelling unit. (7-7-10)

*19.6.5.11 Permissible Lot Coverage*

The sum total of all buildings, structures, and impervious material on any parcel in the R-1-A Zone shall not be greater than twenty (20) percent of the total area of the parcel. (4-15-15)

*19.6.5.12 Parking, Loading and Access*

Each lot or parcel in the R-1-A Zone shall have on the lot or parcel two off-street parking spaces for each dwelling unit. The spaces shall be hard surfaced with asphalt or concrete and be accessed from a public road by a hard surfaced, composed of asphalt or concrete, drive approach.

*19.6.5.13 Project Plan Approval*

Any request for project plan approval in the R-1-A Zone is subject to any and all applicable City resolutions and ordinances including the Subdivision Ordinance, Standard Specifications and Standard Plans, and the Payson City General Plan.

*19.6.5.14 Other Requirements*

The following requirements are in addition to the requirements found in this Chapter, the General Provisions or Supplementary Provisions of this ordinance, or any other applicable resolution or ordinance.

1. Signs - The following signs, and no others, are allowed in the R-1-A Zone:
   a. Name plates not exceeding two (2) square feet in area to identify the name and address of the occupant.
   b. One sign advertising the sale of agricultural products produced on the parcel not to exceed four (4) square feet in area.
2. Landscaping – Prior to issuance of a Certificate of Occupancy and thereafter, all open areas between the public street, including the planter strip, and the front line of the main building, except driveways, walkways, patios, porches, and other similar hard surfaced areas shall be maintained with suitable landscaping of plants, shrubs, trees, grass and similar landscaping materials. (4-16-08)
   a. If a dwelling is located on a corner lot, all areas of the front and side setback areas between the public street, including the planter strip, and the dwelling shall be landscaped with suitable plants, shrubs, trees, grass and similar landscaping materials.
   b. During the seasonal period, generally between November 1 through April 1, when the City pressurized irrigation system is shut off and the landscaping cannot be completed prior to issuance of a Certificate of Occupancy the applicant must post a performance guarantee. The guarantee shall be a sum, no less than the amount specified on the Payson City Fee Schedule as amended from time to time by resolution of the City Council in the form of a cash bond or an irrevocable letter of credit. The performance guarantee shall not extend beyond June 1 following the seasonal period the bond is posted. Landscaping not completed by June 1 will be turned over to the City Attorney's Office for legal remedies, which may include the forfeit of all or a portion of the posted bond. (4-16-08)
   c. For the purposes of this requirement, landscaping shall mean complete erosion control, elimination of noxious weeds, and the installation of an automatic sprinkler system. Xeriscape is acceptable landscaping provided weed barrier fabric is installed and complete erosion control and elimination of noxious weeds is accomplished. (8-17-11)
3. Trash, junk, and other debris - No trash, used materials, unsightly storage of any kind, or non-licensed or abandoned vehicles shall be stored in an open area. All such materials shall be enclosed in a building or, if deemed to not be injurious to adjacent properties and appropriate by the City, behind a sight obscuring fence. (7-19-00)

**19.6.6 Conventional Residential Zoning Districts (2-19-14)**

19.6.6.1 Purpose and Zone Characteristics
19.6.6.2 Permitted, Conditional and Accessory Uses
19.6.6.3 Lot Configuration
19.6.6.4 Lots Created Prior to Adoption of Ordinance
19.6.6.5 Setback Requirements
19.6.6.6 Projections into Setbacks
19.6.6.7 Building Height Requirements
19.6.6.8 Parking, Loading and Access
19.6.6.9 Project Plan Approval
19.6.6.10 Other Requirements

*19.6.6.1 Purpose and Zone Characteristics*
The residential zoning districts are established to preserve and enhance quality of living in residential neighborhoods, to regulate structures and uses which may affect the character or desirability of residential areas, to encourage a variety of dwelling types and locations and a range of population densities consistent with the Payson City General Plan, and to ensure adequate light, air, privacy and open space.

Because many of the characteristics of the single family zones are similar and it is the intention of this Chapter to create a harmonious transition between adjacent zoning districts, the provisions of the primarily single family zoning districts have been combined in this Chapter. Proper implementation of this Chapter will result in a variety of lot sizes and housing options, while maintaining consistent qualities and amenities in the various zoning districts.

*19.6.6.2 Permitted, Conditional and Accessory Uses*
*Permitted and Conditional Uses*
The permitted and conditional uses in the residential zoning districts are identified in the chart below. Unless specifically listed, any other use is not a permitted use in the zone. Uses listed as conditional or accessory uses are allowed in the zone only in accordance with the criteria established in this ordinance.

| LAND USE | ZONING DISTRICTS | | | | | | |
|---|---|---|---|---|---|---|---|
| | R-1-20 | R-1-15 | R-1-12 | R-1-10 | R-1-9 | R-1-75 | R-2-75 |
| Single family – detached | P | P | P | P | P | P | P |
| Two family dwellings – if approved as an RMO-1 Overlay Zone | | | | | P | P | P |
| Residential facilities for the elderly or persons with a disability in accordance with Chapter 19.23 | P | P | P | P | P | P | P |
| Religious buildings and structures | C | C | C | C | C | C | C |
| Schools (public, private and quasi-public) | C | C | C | C | C | C | C |
| Municipal government facilities | P | P | P | P | P | P | P |
| Parks and recreation facilities (public) | P | P | P | P | P | P | P |
| Parks and recreation facilities (private) | C | C | C | C | C | C | C |
| Water storage facilities, drinking or irrigation | C | C | C | C | C | C | C |
| Cemetery grounds and facilities | P | P | P | | | | |
| Public or private utility rights-of-way | P | P | P | P | P | P | P |
| Public or private utility maintenance facilities | C | C | C | C | C | C | C |
| Subdivisions pursuant to Title 20 | P | P | P | P | P | P | P |

*Accessory Uses*
The following land use types are allowed as accessory uses in the residential zoning districts. Unless specifically listed, any other use is not allowed as an accessory use in the zone. Any accessory use must be clearly incidental to a

permitted or conditional use of the property. Accessory uses are not allowed without the approval of a permitted or conditional use of the parcel unless otherwise noted in this Section.

1. Accessory buildings (i.e. carport, garage, outbuilding)
2. Storage facilities for machinery and equipment as an accessory use to a permitted or conditional use in the zone and only behind the dwelling unit. The accessory building shall not be larger than ten (10) percent of the total area of the lot or parcel and must meet all setback requirements.
3. Except as legal non-conforming uses, accessory structures for the confinement or protection of animals are not permitted, other than incidental shelter for pets as allowed in Title 6 of the Payson City Municipal Code.
4. Home occupations pursuant to Title 4 of the Payson Municipal Code

*19.6.6.3 Lot Configuration*

Each dwelling shall be on a separate lot and configured and maintain the required lot area, lot width, lot frontage and setbacks as indicated below:

| | ZONING DISTRICTS | | | | | | |
|---|---|---|---|---|---|---|---|
| | R-1-20 | R-1-15 | R-1-12 | R-1-10 | R-1-9 | R-1-75 | R-2-75 |
| Lot area | 20,000 | 15,000 | 12,000 | 10,000 | 9,000 | 7,500 | 7,500 |
| Lot area (utility uses) | 3,500 | 3,500 | 3,500 | 3,500 | 3,500 | 3,500 | 3,500 |
| Lot width | 100’ | 100’ | 100’ | 100’ | 90’ | 75’ | 75’ |
| Lot frontage | 100’ | 100’ | 100’ | 100’ | 90’ | 75’ | 75’ |
| Lot frontage (utility uses) | 40’ | 40’ | 40’ | 40’ | 40’ | 40’ | 40’ |
| Max. lot coverage | 40% | 40% | 40% | 45% | 50% | 50% | 50% |

Each lot or parcel shall abut a public street, or private street if approved by the City Council, and must maintain the minimum lot width and lot frontage requirements as indicated in the above table. The lot width and lot frontage shall be maintained within the required front setback of the zone, unless otherwise approved as part of a Planned Residential Development (PRD) in accordance with Chapter 20.10 of the Payson Municipal Code or as part of an approved overlay zone.

If the lot or parcel is located on an approved curve radius or cul-de-sac, the width requirement may be reduced as indicated in the chart to the right, provided the requirement is satisfied at the front setback line.

| ZONE | MEASUREMENT (at front setback) |
|---|---|
| R-1-20 | 80’ |
| R-1-15 | 80’ |
| R-1-12 | 80’ |
| R-1-10 | 80’ |
| R-1-9 | 80’ |
| R-1-75 | 65’ |
| R-2-75 | 65’ |

Parcels created for utility uses must maintain at least forty (40) feet of frontage along a public street or approved private street. The City Council may reduce or waive the frontage requirement for utility uses provided the applicant can demonstrate that perpetual access to the parcel and utility uses has been secured.

*19.6.6.4 Lots Created Prior to Adoption of Ordinance*

Lots or parcels of land which were created prior to the adoption and application of the zoning districts (January 1983) shall not be denied the issuance of a building permit for the construction of one (1) single family dwelling solely on the reason of non-conformance with the parcel size requirements of this Chapter. A building permit must be obtained and all requirements of the appropriate development ordinances and building code must be satisfied. It shall be the burden of the applicant to demonstrate that the parcel legally existed and was recorded in the office of the Utah County Recorder prior to January of 1983.

*19.6.6.5 Setback Requirements*

Each setback is measured from the property line of the lot or parcel. It is the responsibility of the property owner to ensure the property lines are accurately identified and easily recognized for inspection by the City.

| SETBACKS | ZONING DISTRICTS | | | | | | |
|---|---|---|---|---|---|---|---|
| | R-1-20 | R-1-15 | R-1-12 | R-1-10 | R-1-9 | R-1-75 | R-2-75 |
| Front setback | 25’ | 25’ | 25’ | 25’ | 25’ | 25’ | 25’ |
| Side setback (interior) | 8’ | 8’ | 8’ | 8’ | 8’ | 8’ | 8’ |
| Side setback (corner) – along the public street on the side of the lot not used as the front setback | 20’ | 20’ | 20’ | 20’ | 20’ | 20’ | 20’ |
| Side setback (driveway) – when used for access to a garage, carport, or parking area | 12’ | 12’ | 12’ | 12’ | 12’ | 12’ | 12’ |
| Side setback (accessory structure) – interior/corner measurements | 5’/20’ | 5’/20’ | 5’/20’ | 5’/20’ | 5’/20’ | 5’/20’ | 5’/20’ |
| Rear setback | 25’ | 25’ | 25’ | 25’ | 25’ | 25’ 15’corner | 25’ 15’corner |
| Rear setback (accessory structure) – interior/double sided lot | 5’/25’ | 5’/25’ | 5’/25’ | 5’/25’ | 5’/25’ | 5’/25’ 15’corner | 5’/25’ 15’corner |
| Distance between structures | 3’ | 3’ | 3’ | 3’ | 3’ | 3’ | 3’ |

Accessory buildings and structures that house animals or poultry must maintain the minimum setback requirements as outlined in Title 6, Animal Control Ordinance.

*19.6.6.6 Projections into Setbacks*

The following structures may project into a required setback upon the completion of a survey to accurately determine the property line:

1. Fences and walls in conformance with all applicable City ordinances and resolutions.
2. Landscaping and irrigation systems.
3. Necessary appurtenances for utility service.
4. Cornices, eaves, sills, buttresses, awnings, planter boxes or other similar architectural features may project up to four (4) feet into any required front or rear setback or up to two (2) feet into a side setback.
5. Patios, decks, and other structures as specified in Section 19.9.22 herein.

*19.6.6.7 Building Height Requirements*

A primary building or structure may not exceed thirty-five (35) feet in height, nor be lower than ten (10) feet in height, except that accessory buildings may not exceed eighteen (18) feet in total height unless it can be shown that the building or structure must be higher to accommodate a bona fide agricultural use.

Exceptions from the building height requirements are limited to the following:

1. Religious structures in accordance with the criteria listed in Chapter 19.13 herein
2. Cellular and low power towers in accordance with Chapter 19.17 and overhead utility facilities
3. Wind generating facilities

*19.6.6.8 Parking, Loading and Access*

Each lot or parcel shall have on the lot or parcel two (2) off-street parking spaces for each dwelling unit. The spaces shall satisfy the requirements of Chapter 19.4, be hard surfaced with asphalt or concrete, and be accessed from a public road by a hard surfaced, composed of asphalt or concrete, driveway or access.

*19.6.6.9 Project Plan Approval*

Any request for project plan approval in the residential zones is subject to any and all applicable City resolutions and ordinances including the Subdivision Ordinance, Standard Specifications and Standard Plans, and the Payson City General Plan. (11-5-14)

*19.6.6.10 Other Requirements*

The following requirements are in addition to the requirements found in this Chapter, the General Provisions or Supplementary Provisions of this ordinance, or any other applicable resolution or ordinance.

1. Signs - Signs are permitted in accordance with Chapter 19.15 herein.

2. Landscaping – Prior to issuance of a Certificate of Occupancy and thereafter, all open areas between the public street, including the planter strip, and the front line of the main building, except driveways, walkways, patios, porches, and other similar hard surfaced areas shall be maintained with suitable landscaping of plants, shrubs, trees, grass and similar landscaping materials.
   a. If a dwelling is located on a corner lot, all areas of the front and side setback areas between the public street, including the planter strip, and the dwelling shall be landscaped with suitable plants, shrubs, trees, grass and similar landscaping materials.
   b. During the seasonal period, generally between November 1 through April 1, when the City pressurized irrigation system is shut off and the landscaping cannot be completed prior to issuance of a Certificate of Occupancy the applicant must post a performance guarantee to ensure completion of the landscaping. The guarantee shall be a sum, no less than the amount specified on the Payson City Fee Schedule as amended from time to time by resolution of the City Council, in the form of a cash bond or an irrevocable letter of credit. The performance guarantee shall not extend beyond June 1 following the seasonal period the guarantee is posted. Landscaping not completed by June 1 will be turned over to the City Attorney's Office for legal remedies, which may include the forfeit of all or a portion of the posted guarantee.
   c. For the purposes of this requirement, landscaping shall mean complete erosion control, elimination of noxious weeds, and the installation of an automatic sprinkler system. Xeriscape is acceptable landscaping provided weed barrier fabric is installed and complete erosion control and elimination of noxious weeds is accomplished.
3. Trash, junk, and other debris - No trash, used materials, unsightly storage of any kind, or non-licensed or abandoned vehicles shall be stored in an open area. All such materials shall be enclosed in a building or, if deemed to not be injurious to adjacent properties and appropriate by the City, behind a sight obscuring fence.

**19.6.7 R-MF Multi-Family Residential Zone**

19.6.7.1 Purpose and Zone Characteristics
19.6.7.2 Permitted, Conditional and Accessory Uses
19.6.7.3 Minimum Project Area
19.6.7.4 Project Density Calculation
19.6.7.5 Open Space
19.6.7.6 Project Width
19.6.7.7 Project Frontage
19.6.7.8 Setback and Build-To-Line Requirements
19.6.7.9 Projections into Setbacks
19.6.7.10 Building Height Requirements
19.6.7.11 Distance between Buildings
19.6.7.12 Permissible Lot Coverage
19.6.7.13 Parking, Loading and Access
19.6.7.14 Project Plan Approval
19.6.7.15 Other Requirements

*19.6.7.1 Purpose and Zone Characteristics*
The R-MF Multi-Family Residential Zone is established to provide areas within the City for multi-family dwellings designed to be compatible with surrounding uses. The R-MF Zone is intended to have limited commercial services including ground level retail and commercial businesses and home occupations. Rezoning to the R-MF Zone should be carefully reviewed to ensure compatibility with existing development and neighborhoods.

Planned Residential Developments in accordance with Chapter 20.10 of the Subdivision Ordinance are not permitted. Applicants for project approval in the R-MF Zone are eligible for a density bonus in accordance with the guideline of this Chapter. (3-21-01)

*19.6.7.2 Permitted, Conditional and Accessory Uses*
*Permitted Uses*
The following land use types are permitted uses in the R-MF Multi-Family Residential Zone. Unless specifically listed, any other use is not a permitted use in the zone. Uses listed as conditional or accessory uses are allowed in the zone only in accordance with the criteria established in this ordinance.

1. Multi-family dwellings
2. Retirement Centers
3. Public or private utility rights-of-way
4. Parks and recreational facilities
5. Subdivisions pursuant to Title 20
6. Keeping of animals pursuant to Title 6 (9-1-04)

*Conditional Uses*
The following land use types are allowed as conditional uses in the R-MF Multi-Family Residential Zone. Unless specifically listed, any other use is not allowed as a conditional use in the zone. Each conditional use must be reviewed and approved in accordance with Chapter 19.13 of this ordinance.

1. Water storage facilities, drinking or irrigation
2. Religious buildings and structures
3. Educational facilities unless otherwise addressed in State Statute (2-7-07)
4. Residential facilities for the elderly or persons with a disability in accordance with State law (2-19-14)
5. Public and private utility maintenance facilities

*Accessory Uses*
The following land use types are allowed as accessory uses in the R-MF Multi-Family Residential Zone. Unless specifically listed, any other use is not allowed as an accessory use in the zone. Any accessory use must be clearly incidental to a permitted or conditional use of the property. Accessory uses are not allowed without the approval of a permitted or conditional use of the parcel unless otherwise noted in this Section.

1. Storage facilities for machinery and equipment as an accessory use to a permitted or conditional use in the zone and only behind the dwelling units. The accessory building shall be constructed of essentially the same materials as the main residential buildings or structures.
2. Except as a legal non-conforming use, accessory structures for the housing of animals or poultry is not permitted, other than incidental shelter for pets as allowed in Title 6.
3. Home occupations pursuant to Title 4

*19.6.7.3 Minimum Project Area*
Each development project in the R-MF Multi-Family Residential Zone shall be located on a parcel containing not less than five (5) acres.

*19.6.7.4 Project Density Calculation*
Multi-family development projects may be granted up to fifteen (15) units per acre, provided that all of the requirements of this Section including, but not limited to, lot coverage, setback, and parking have been satisfied.

A multi-family development project may be granted up to twenty (20) units per acre, provided that all of the requirements of this Section including, but not limited to, lot coverage, setback, and parking have been satisfied and City Council determines that the amenities

incorporated into the development proposal are sufficient to acquire the density bonus. Payson City may allow additional dwelling units in exchange for amenities including, but not limited to building architecture and design, open space and recreation facilities, environmental preservation, and accommodation of moderate income housing. (7-7-10)

*19.6.7.5 Open Space*
Each project shall contain at least thirty (30) percent open space exclusive of buildings, parking, drainage areas, and other structures. In order to attain adequate open space, an applicant may consider higher structures, underground parking or parking structures. (1-23-08)

*19.6.7.6 Project Width*
Each project in the R-MF Multi-Family Residential Zone shall have a minimum width of two hundred (200) feet for all of the area within the required front setback of the zone.

*19.6.7.7 Project Frontage*
Each project in the R-MF Multi-Family Residential Zone shall abut a public street, or private street if approved by the City Council, for a minimum distance of two hundred (200) feet.

*19.6.7.8 Setback and Build-To-Line Requirements*
The following minimum setback and build-to-line requirements shall apply in the R-MF Multi-Family Residential Zone. Each setback or build-to-line is measured from the property line of the lot or parcel.

1. Front setback - Each building or structure in the R-MF Zone shall have a minimum front setback of thirty (30) feet. (4-15-15)
2. Side setback - Each building or structure in the R-MF Zone, unless otherwise noted below, shall have a minimum side setback of twenty (20) feet.
   a. Side setback for corner lot - Each corner lot or parcel in the R-MF Zone shall have a minimum setback of twenty-five (25) feet along the public street on the side of the lot not being used as the front setback.
   b. Side setback for driveway - Each side setback, when used for access to a garage, carport, or parking area shall have a minimum setback of twenty (20) feet and shall be hard surfaced.
   c. Side setback for accessory building - The side setback for any permitted accessory building shall have a minimum side setback of twenty (20) feet.
3. Rear setback - Each building or structure in the R-MF Zone shall have a minimum rear setback of thirty (30) feet.
   a. Rear setback for accessory building - An accessory building shall be at least twenty (20) feet from the rear property line. (3-5-03)
4. The land use authority may impose a build-to-line that represents the distance from the property line that a structure will be constructed. The build-to-line may be imposed on any side of the structure. The build-to-line may be imposed in order to reduce the parking adjacent to the street, improve aesthetics of the site, or for circulation purposes. The imposition of a build-to-line does not reduce the amount of required off-street parking or landscaping. (4-15-15)

*19.6.7.9 Projections into Setbacks*
The following structures may project into a required setback upon the completion of a survey to accurately determine the property line:
1. Fences and walls in conformance with all applicable City ordinances and resolutions.
2. Landscaping and irrigation systems.
3. Necessary appurtenances for utility service.
4. Cornices, eaves, sills, buttresses, awnings, planter boxes or other similar architectural features may project up to four (4) feet into any required front or rear setback or up to two (2) feet into a side setback.

*19.6.7.10 Building Height Requirements*
With the exception of an accessory structure, the allowable building height restrictions are a function of the density allowed in the R-MF Zone, the regulations of the adopted fire code, and the ability of the Fire Department to provide effective fire protection as determined by the Fire Chief. Regardless of height, each structure in the R-MF Zone must satisfy the regulations of the adopted fire code which may require an appropriate internal and external fire sprinkler system. (2-7-07)

An accessory structure in the R-MF Zone may not exceed eighteen (18) feet in total height as defined in Chapter 19.28 herein. (5-16-12)

*19.6.7.11 Distance between Buildings*
The distance between any residential building or structure and any other residential building or structure shall not be less than twenty (20) feet.

The distance between any accessory building and any residential building or structure shall not be less than

ten (10) feet, unless the accessory building is attached to the building or structure.

*19.6.7.12 Permissible Lot Coverage*
The sum total of all buildings, structures, and impervious material on any parcel in the R-MF Zone shall not be greater than forty (40) percent of the total area of the parcel. (4-15-15)

*19.6.7.13 Parking, Loading and Access*
Each unit in the R-MF Zone shall have on the premises two off-street parking spaces, one of which shall be covered. Additionally, there shall be one (1) guest parking space for each four (4) dwelling units. The spaces shall be hard surfaced with asphalt or concrete and be accessed from a public road by a hard surfaced, composed of asphalt or concrete, drive approach. Each applicant must demonstrate the following:

1. The off-street parking structures shall have architectural treatments that are consistent with the features of the primary structures including, but not limited to roof pitch, roofing materials, and colors. The orientation of the parking should be interior where possible with the primary structures along the outside edges of the project.
2. Each applicant seeking density above the base density of the zone (15 units per acre) shall provide enclosed garages as follows:
   a. 15.1-16 units per acre: 1 enclosed garage unit for every ten (10) units.
   b. 16.1-17 units per acre: 1 enclosed garage unit for every eight (8) units.
   c. 17.1 units and above: 1 enclosed garage unit for every five (5) units. (1-23-08)

Each project may also have a recreational vehicle parking area not to exceed two thousand (2,000) square feet per acre of the project secured by a six (6) foot sight obscuring fence. The recreational vehicle parking area may be placed in the rear or side setback area of the project.

The parking requirements found listed above represent the minimum and maximum parking requirements. Any additional parking, beyond that required above, must be approved by the City Council due to a loss in the amount of landscaping in the project.

*19.6.7.14 Project Plan Approval*
Any request for project plan approval in the R-MF Zone is subject to any and all applicable City resolutions and ordinances including the Subdivision Ordinance, Standard Specifications and Standard Plans, and the Payson City General Plan. Specifically, project plans will be reviewed for consistency with the applicable regulations of Chapter 19.8 herein and Title 20, Subdivision Ordinance. (11-5-14)

Each applicant shall first submit a Concept Plan of the proposed development. Following review of the Concept Plan and after receiving staff comments, the applicant may prepare a Preliminary Development Plan and Construction Plans in accordance with Chapter 20.28 of the Subdivision Ordinance. The Planning Commission and City Council will hold a public hearing to receive input about the Preliminary Development Plan. Notice of the public hearing will be in accordance with Section 19.2.7 herein. Following a public hearing the Planning Commission will forward a recommendation to approve, approve with conditions, or deny the Preliminary Development Plan. (2-7-07)

After receiving a recommendation from the Planning Commission, the City Council will hold a public hearing to receive input about the Preliminary Development Plan. Notice of the public hearing will be in accordance with Section 19.2.7 herein. Following the public hearing the City Council may approve, amend and approve, approve with conditions, remand the proposed development back to the Planning Commission for further review, or deny the application for Preliminary Plan approval. (2-7-07)

Following approval of the Preliminary Development Plan by the City Council, the applicant may prepare the Final Development Plan. After their review, the City Council may approve, amend and approve, approve with conditions, or deny the application for Final Plat approval. The City Council, at their discretion, may approve the Preliminary Development Plan and the Final Plat concurrently. A copy of the Final Development Plan will be included in the Planning Commission packet for their review prior to final review by the City Council. (2-7-07)

*19.6.7.15 Other Requirements*
The following requirements are in addition to the requirements found in this Chapter, the General Provisions or Supplementary Provisions of this ordinance, or any other applicable resolution or ordinance.

1. Signs - The following signs, and no others, are allowed in the R-MF Zone:
   a. Development entrance signs not exceeding thirty-six (36) square feet in area to identify the project. The entrance signs are limited in height to six (6) feet and must be approved at the time of development approval. (2-7-07)

2. Landscaping - All open areas not covered by residential buildings or structures, parking, or permitted accessory structures shall be attractively landscaped and maintained. Each Multi-Family project shall submit a complete landscaping and irrigation system plan. The initial landscaping plan shall include at least one (1) tree for every two (2) dwelling units, half of which shall be coniferous evergreen trees. The coniferous trees shall be at least eight (8) feet in height and the deciduous trees shall be at least two (2) inches in caliper. Additionally, there shall be no less than one shrub of five (5) gallon size for each two (2) dwelling units. All other landscaped grounds must contain grass or other ground cover approved on the landscaping plan. The landscaping plan is an essential part of the project and the project shall not be approved prior to approval of the landscaping plan.
3. Project amenities - Each development approved in the R-MF Zone shall include appropriate amenities for the residents of the project. Because each project will be different in nature, the amenities are likely to be different. As a general rule, there shall be picnic areas with tables and barbecue areas, active recreation areas with sport courts, shuffleboard, swimming pools, tennis courts, playgrounds, clubhouses etc., and passive recreation (lawn) areas. The amount of amenities required shall be in proportion to the proposed number of units in the development.
   a. Projects with less than ten (10) units shall furnish picnic areas with tables and barbecue areas.
   b. Projects with ten (10) to thirty (30) units shall furnish:
      i. One (1) picnic area with tables and barbecue areas for every ten (10) residential units.
      ii. A sport court with at least five hundred (500) square feet or shuffleboard for retirement facilities.
      iii. One (1) playground complete with equipment.
   c. Projects with thirty (30) to fifty (50) units shall furnish:
      i. One (1) picnic area with tables and barbecue areas for every ten (10) residential units.
      ii. A sport court with at least five hundred (500) square feet or shuffleboard for retirement facilities.
      iii. Two (2) playgrounds complete with equipment.
      iv. A clubhouse used for gatherings of residents not less than seven hundred and fifty (750) square feet in size complete with restrooms.
      v. Architecturally compatible storage units for no less than twenty five (25) percent of the residential units for use exclusively by residents of the project. (9-1-04)
   d. Projects with more than fifty (50) units shall furnish:
      i. One picnic area with tables and barbecue areas for every ten (10) residential units.
      ii. A sport court with at least five hundred (500) square feet or shuffleboard deck for retirement facilities.
      iii. Three (3) playgrounds complete with equipment.
      iv. A clubhouse used for gatherings of residents not less than seven hundred and fifty (750) square feet in size complete with restrooms.
      v. Either a regulation size tennis court or a sub-surface swimming pool no less than twenty (20) feet by forty (40) feet in size.
      vi. Architecturally compatible storage units for no less than twenty five (25) percent of the residential units for use exclusively by residents of the project.
      vii. An architecturally compatible enclosed garage for no less than twenty five (25) percent of the residential units. (9-1-04)
      viii. All required covered parking must be designed consistent with the roof pitch of the primary structures using the same roofing materials as the primary structures. (1-18-06)
4. Trash, junk, and other debris - No trash, used materials, unsightly storage of any kind, or non-licensed or abandoned vehicles shall be stored in an open area. All such materials shall be enclosed in a building or, if deemed to not be injurious to adjacent properties and appropriate by the City, behind a sight obscuring fence. (7-19-00)
5. Fencing standards - Multi-Family projects shall be fenced on at least three sides by a six (6) foot sight obscuring fence unless it can be demonstrated that the fence is unnecessary to make the proposed project compatible with the surrounding area. All fencing in multi-family projects shall have decorative features and shall be constructed primarily of masonry materials. The use of chain link, vinyl, and wood products will be limited to internal areas that are not visible from the exterior of the project and located in low traffic areas. (1-18-06)

## 19.6.8 RMO-1 Two-Family Residential Overlay Zone

19.6.8.1 Purpose and Overlay Zone Characteristics
19.6.8.2 Permitted, Conditional and Accessory Uses
19.6.8.3 Lot Area
19.6.8.4 Lot Width
19.6.8.5 Lot Frontage
19.6.8.6 Setback Requirements
19.6.8.7 Projections into Setbacks
19.6.8.8 Building Height Requirements
19.6.8.9 Distance between Buildings
19.6.8.10 Permissible Lot Coverage
19.6.8.11 Parking, Loading and Access
19.6.8.12 Project Plan Approval
19.6.8.13 Other Requirements

*19.6.8.1 Purpose and Overlay Zone Characteristics*
The RMO-1 Two-Family Residential Overlay Zone is established to provide areas within the City for two-family dwellings designed to be compatible with surrounding uses. The RMO-1 Zone is intended to have very limited commercial services including home occupations. Application for use of the RMO-1 Overlay Zone should be carefully reviewed to ensure compatibility with existing development and neighborhoods. The RMO-1 Overlay Zone may be approved by the City Council in the R-1-9, R-1-75, and R-2-75 Zones.

*19.6.8.2 Permitted, Conditional and Accessory Uses*
*Permitted Uses*
The following land use types are permitted uses in the RMO-1 Two-Family Residential Overlay Zone. Unless specifically listed, any other use is not a permitted use in the overlay zone. Uses listed as conditional or accessory uses are allowed in the overlay zone only in accordance with the criteria established in this Chapter.

1. Single family dwellings
2. Two-family dwellings (duplex and twin homes)
3. Public or private utility rights-of-way
4. Parks and recreational facilities
5. Subdivisions pursuant to Title 20
6. Keeping of animals pursuant to Title 6 (8-7-02)

*Conditional Uses*
The following land use types are allowed as conditional uses in the RMO-1 Two-Family Residential Overlay Zone. Unless specifically listed, any other use is not allowed as a conditional use in the overlay zone. Each conditional use must be reviewed and approved in accordance with Chapter 19.13 of this ordinance.

1. Water storage facilities, drinking or irrigation
2. Religious buildings and structures
3. Educational facilities unless otherwise addressed in State Statute (2-7-07)
4. Residential facilities for the elderly or persons with a disability in accordance with State law (2-19-14)
5. Public or private utility maintenance facilities (8-7-02)

*Accessory Uses*
The following land use types are allowed as accessory uses in the RMO-1 Two-Family Residential Overlay Zone. Unless specifically listed, any other use is not allowed as an accessory use in the overlay zone. Any accessory use must be clearly incidental to a permitted or conditional use of the property. Accessory uses are not allowed without the approval of a permitted or conditional use of the parcel unless otherwise noted in this Section.

1. Storage facilities for machinery and equipment as an accessory use to a permitted or conditional use in the zone and only behind the dwelling units.
2. Except as a legal non-conforming use, accessory structures for the housing of animals or poultry is not permitted, other than incidental shelter for pets as allowed in Title 6.
3. Home occupations pursuant to Title 4.

*19.6.8.3 Lot Area*
*Twin Home (separate ownership)*
Each twin home unit in the RMO-1 Residential Overlay Zone shall be located on a lot or parcel no less than sixty (60) percent of the minimum lot size for the underlying zone in which the twin home units will be constructed. Therefore, the minimum lot size shall apply for the following zones:

| Zone | Single Family Minimum Lot Size | Twin Home Minimum Lot Size |
|---|---|---|
| R-1-9 | 9,000 square feet | 5,400 sq. ft. per unit |
| R-1-75 | 7,500 square feet | 4,500 sq. ft. per unit |
| R-2-75 | 7,500 square feet | 4,500 sq. ft. per unit |

*Duplex (single ownership)*
Each duplex structure, two living units under single ownership, shall be located on a lot or parcel equal to one hundred and twenty (120) percent of the minimum lot size requirement for the underlying zone. Therefore, each duplex shall meet the following area requirements:

| Zone | Single Family Minimum Lot Size | Duplex Minimum Lot Size |
|---|---|---|
| R-1-9 | 9,000 square feet | 10,800 sq. ft. |
| R-1-75 | 7,500 square feet | 9,000 sq. ft. |
| R-2-75 | 7,500 square feet | 9,000 sq. ft. |

*19.6.8.4 Lot Width*
*Twin Home (separate ownership)*
Each twin home lot in the RMO-1 Residential Overlay Zone shall have a minimum width equal to fifty (50) feet for each lot or parcel for all of the area within the required front setback of the zone.

*Duplex (single ownership)*
Each duplex lot in the RMO-1 Residential Overlay Zone shall have a minimum width equal to one hundred (100) feet within the required front setback of the zone.

*19.6.8.5 Lot Frontage*
*Twin Home (separate ownership)*
Each twin home lot in the RMO-1 Residential Overlay Zone shall abut a public street, or private street if approved by the City Council, for a minimum distance of fifty (50) feet for each lot or parcel.

*Duplex (single ownership)*
Each duplex lot in the RMO-1 Residential Overlay Zone shall abut a public street, or private street if approved by the City Council, for a minimum distance equal to one hundred (100) feet.

*19.6.8.6 Setback Requirements*
The following minimum setback requirements shall apply in the RMO-1 Residential Overlay Zone. Each setback is measured from the property line of the lot or parcel.

1. Front setback - Each lot or parcel in the RMO-1 Zone shall have a minimum front setback of twenty-five (25) feet.
2. Side setback - Each lot or parcel in the RMO-1 Zone, unless otherwise noted below, shall have a minimum side setback of eight (8) feet.
   a. Side setback for corner lot - Each corner lot or parcel in the RMO-1 Zone shall have a minimum setback on all areas of road frontage of twenty-five (25) feet.
   b. Side setback for driveway - Each side setback, when used for access to a garage, carport, or parking area shall have a minimum setback of twelve (12) feet and shall be hard surfaced.
   c. Side setback for accessory building - The side setback for any permitted accessory building shall be a minimum of five (5)feet.
3. Rear setback - Each lot or parcel in the RMO-1 Zone shall have a minimum rear setback of twenty-five (25) feet.
   a. Rear setback for accessory building - An accessory building may not be located less than five (5) feet from the rear property line.

*19.6.8.7 Projections into Setbacks*
The following structures may project into a required setback upon the completion of a survey to accurately determine the property line:
1. Fences and walls in conformance with all applicable City ordinances and resolutions.
2. Landscaping and irrigation systems.
3. Necessary appurtenances for utility service.
4. Cornices, eaves, sills, buttresses, awnings, planter boxes or other similar architectural features may project up to four (4) feet into any required front or rear setback or up to two (2) feet into a side setback.
5. Patios, decks, and other structures as specified in Section 19.9.22 herein. (6-1-11)

*19.6.8.8 Building Height Requirements*
A primary building or structure may not exceed thirty-five (35) feet in height, nor be lower than ten (10) feet in height, except that accessory buildings may not exceed eighteen (18) feet in total height unless it can be shown that the building or structure must be higher to accommodate a bona fide agricultural use. (5-16-12)

*19.6.8.9 Distance between Buildings*
The distance between any residential building or structure and any accessory building shall not be less than three (3) feet. (5-16-12)

*19.6.8.10 Permissible Lot Coverage*
The sum total of all buildings and structures on any parcel in the RMO-1 Overlay Zone shall not be greater than forty (40) percent of the total area of the parcel.

*19.6.8.11 Parking, Loading and Access*
Each unit in the RMO-1 Overlay Zone shall have on the premises two off-street parking spaces, one of which shall be covered. The spaces shall be hard surfaced with asphalt or concrete and be accessed from a public road by a hard surfaced, composed of asphalt or concrete, drive approach.

*19.6.8.12 Project Plan Approval*
Any request for project plan approval in the RMO-1 Overlay Zone is subject to any and all applicable City resolutions and ordinances including the Subdivision Ordinance, Standard Specifications and Standard Plans, and the Payson City General Plan. (11-5-14)

Use of the RMO-1 Overlay Zone is a request for increased intensity in the permitted uses of the underlying zone. Therefore, any applicant for use of the RMO-1 understands and acknowledges that the development rights on the subject property are those found in the underlying zone until, and unless,

approved to use the RMO-1 Overlay Zone. The applicant further understands and acknowledges that denial for the use of the RMO-1 shall not constitute a takings claim in that the applicant shall not be denied the ability to use the property in accordance with the underlying zone.

The RMO-1 Residential Overlay Zone may be employed in the R-1-9, R-1-75, and R-2-75 zones. Approval for the use of the RMO-1 Overlay Zone shall be processed in the same manner as a zone change in accordance with Section 19.2.8 herein, with the exception that approval for the use of the RMO-1 Residential Overlay Zone need not be shown on the Zoning Map.

In order to gain approval for the use of the RMO-1 Overlay Zone, applicants should be willing to present a Concept Plan showing the proposed project. If the use of the RMO-1 Overlay Zone is approved, the applicant will be required to present complete project plans including infrastructure construction plans. Should the applicant choose, the project plans and approval for use of the RMO-1 Overlay Zone can be processed concurrently provided that the applicant acknowledges that all review fees must be paid in full, are non-refundable, and that approval of the RMO-1 Overlay Zone lies at the discretion of the City Council and may not be approved.

Unless otherwise specified by the City Council, approval of the overlay zone shall be valid for one year. If substantial construction of the proposed structure has not been completed, the approval for use of the overlay zone shall be null and void.

*19.6.8.13 Other Requirements*

The following requirements are in addition to the requirements found in this Chapter, the General Provisions or Supplementary Provisions of this ordinance, or any other applicable resolution or ordinance.

1. Signs - The following signs, and no others, are allowed in the RMO-1 Overlay Zone:
   a. Name plates not exceeding two (2) square feet in area to identify the name and address of the occupant.
2. Landscaping - Each lot or parcel shall be completely landscaped except those areas used for buildings or parking. The landscaping shall be maintained using an automatic sprinkling system and shall be completed prior to issuance of a Certificate of Occupancy. (12-6-00)
3. Trash, junk, and other debris - No trash, used materials, unsightly storage of any kind, or non-licensed or abandoned vehicles shall be stored in an open area. All such materials shall be enclosed in a building or, if deemed to not be injurious to adjacent properties and appropriate by the City, behind a sight obscuring fence. (7-19-00)
4. Design Guidelines - Approval for the use of the RMO-1 Residential Overlay Zone indicates that the proposed use can be compatible with surrounding uses. Therefore, the City Council may require that certain design guidelines be employed in the project so that the project is compatible. The design guidelines may include, but are not limited to, architectural controls, colors, materials, building mass, innovative design of buildings and access, and any other features deemed appropriate by the City Council.
5. Underlying zoning - Unless otherwise allowed in this Chapter, all requirements of the underlying zone must be satisfied prior to project plan approval or issuance of a building permit.

### 19.6.9 RMO-A Accessory Living Unit Overlay Zone (5-16-12)

19.6.9.1 Purpose and Zone Characteristics
19.6.9.2 Accessory Living Unit Defined
19.6.9.3 Scope and Application
19.6.9.4 Project Plan Approval
19.6.9.5 Building Alterations
19.6.9.6 Required Improvements
19.6.9.7 Zoning Considerations

*19.6.9.1 Purpose and Zone Characteristics*
The RMO-A, Accessory Living Unit Overlay Zone is established to conserve and protect the residential atmosphere and character of established neighborhoods and to maintain desirable, attractive, and safe places to live throughout the community. Moreover, these regulations are intended to protect the investment made by adjacent landowners as well as provide a safe living environment for the residents of the structure.

*19.6.9.2 Accessory Living Unit Defined*
For the purposes of this Section, accessory living unit shall be defined as a second living unit within a single family dwelling which is accessory to the single family dwelling and is an architectural and integral part of the single family dwelling. No more than one (1) accessory living unit shall be allowed in each single family dwelling.

*19.6.9.3 Scope and Application*
When deemed appropriate and if the applicable provisions of this Section are satisfied, the City Council may approve an accessory living unit in any zone where single family dwellings are permitted. These provisions do not change the regulations of the underlying zoning districts, but are an addition or overlay to those regulations. The scope of these provisions apply only to an accessory living unit in a single family dwelling and all other provisions of the development ordinances of Payson City remain applicable, unless otherwise noted herein.

*19.6.9.4 Project Plan Approval*
An accessory living unit requires the approval of an overlay zone which is a legislative action of the City Council. Approval for the use of the RMO-A Overlay Zone shall be processed in the same manner as a zone change in accordance with Section 19.2.8 herein, with the exception that approval for the use of the overlay zone need not be shown on the Zoning Map.

Use of the RMO-A Overlay Zone is a request for increased intensity in the permitted uses of the underlying zone. The City Council is not obligated to approve the overlay zone and denial of the use of the overlay zone will not result in a constitutional taking because the owner of the single family dwelling will be allowed to use the property in accordance with the provisions of the underlying zoning district.

*19.6.9.5 Building Alterations*
The accessory living unit shall be designed so that, to the degree reasonably feasible, the appearance of the structure remains that of a single family residence, including retention and enhancement of landscaping. The materials used for any exterior improvements must be similar in character to traditional materials evident in the neighborhood.

A building permit must be obtained for all applicable building alterations associated with the accessory living unit. Prior to the approval, the Payson City Building Inspector will conduct, at the expense of the applicant, an inspection of the single family dwelling and determine if any alterations are necessary to preserve the health and safety of the inhabitants of the structure. All alterations considered necessary to preserve the health and safety of the inhabitants must be consistent with the adopted building and fire codes and completed prior to occupancy of the accessory living unit. (8-6-14)

*19.6.9.6 Required Improvements*
The following are the minimum required improvements that must accompany the request for an accessory living unit:

1. There must be at least two (2) hard surfaced, off-street parking spaces for each residential unit.
2. Existing utility laterals and service connections will need to be inspected and upgraded as deemed appropriate by the utility provider.
3. Curb, gutter, and sidewalk must be installed along the frontage of the parcel. Replacement and/or repair of existing curb, gutter and sidewalk may be required.
4. The address for each unit must be clearly visible from a public street.
5. Proper exiting from each unit must be independently provided and must not depend upon the residents of the second unit. In other words, if the second unit is in a basement, the residents in the basement must be able to independently exit the structure from an exit that cannot be locked by the residents on the ground floor.

*19.6.9.7 Zoning Considerations*
Accommodation of an accessory living unit will not generally result in exterior modification of the structure

or the building site. Therefore, items such as setbacks, height, coverage and other zoning considerations are often not applicable. However, there are certain items that must be addressed in connection with the additional unit.

1. The off-street parking requirements may need to be accommodated in a setback area. However, the applicant must demonstrate every attempt was made to accommodate parking outside of the setback areas to preserve the character of the neighborhood including landscaping and streetscape.
2. The exterior of the property shall be maintained free of weeds, junk, solid waste or other materials constituting a violation of the Payson City Municipal Code.
3. Approval for an accessory living unit shall be recorded with the Utah County Recorder's Office, including any special conditions of approval to guarantee compliance with the approval.
4. The applicant shall satisfy any conditions imposed by the City Council associated with the accessory living unit and shall agree to deed restrict the property in a manner that if the conditions are not satisfied at any future date, approval of the accessory living unit will be deemed null and void and use of the structure will be limited to a single family dwelling.

**19.6.10 PO-1 Professional Office Zone**

19.6.10.1 Purpose and Zone Characteristics
19.6.10.2 Permitted, Conditional and Accessory Uses
19.6.10.3 Lot Area
19.6.10.4 Lot Width
19.6.10.5 Lot Frontage
19.6.10.6 Setback Requirements
19.6.10.7 Projections into Setbacks
19.6.10.8 Building Height Requirements
19.6.10.9 Distance between Buildings
19.6.10.10 Permissible Lot Coverage
19.6.10.11 Parking, Loading and Access
19.6.10.12 Project Plan Approval
19.6.10.13 Other Requirements
19.6.10.14 Footprint Lots (9-3-08)

*19.6.10.1 Purpose and Zone Characteristics*
The PO-1 Professional Office Zone is established to provide areas within the City for hospitals and other medical services, office buildings and other professional services. The PO-1 Zone is intended to have limited commercial and retail services directly related to the primary use of the zone. Rezoning to the PO-1 Zone should be carefully reviewed to ensure compatibility with existing development and neighborhoods.

*19.6.10.2 Permitted, Conditional and Accessory Uses*
Specific uses in the PO-1 Zone can be identified by referring to the chart attached hereto as Appendix A – Non-Residential Land Use Categories. The chart will specify whether each use is a permitted, conditional or accessory use. Unless specifically listed, any other use is not a permitted use in the zone. (10-1-08)

*19.6.10.3 Lot Area*
The minimum parcel size allowed in the PO-1 Zone shall be one half (1/2) acre and shall be in single ownership or single control.

*19.6.10.4 Lot Width*
Each parcel in the PO-1 Zone shall maintain a width no less than one hundred (100) feet in the required front setback area.

*19.6.10.5 Lot Frontage*
Each parcel in the PO-1 Zone shall abut a public street, or private street if approved by the City Council, for a minimum distance of one hundred (100) feet.

*19.6.10.6 Setback Requirements*
The following minimum setback requirements shall apply in the PO-1 Zone. Each setback is measured from the property line of the lot or parcel.

1. Front setback - Each lot or parcel in the PO-1 Zone shall have a minimum front setback of twenty five (25) feet.
2. Side setback - Each lot or parcel in the PO-1 Zone, unless otherwise noted below, shall have a minimum side setback of ten (10) feet.
   a. Side setback for corner lot - Each corner lot or parcel in the PO-1 Zone shall have a minimum setback on all areas of road frontage of twenty (20) feet.
   b. Side setback for driveway - Each side setback, when used for access to a garage, carport, or parking area shall have a minimum setback of twenty (20) feet and shall be hard surfaced.
   c. Side setback for accessory building - The side setback for any permitted accessory building shall have a minimum side setback of fifteen (15) feet.
   d. Any structure in the PO-1 Zone that exceeds thirty five (35) feet in height shall maintain a twenty (20) foot side setback.
3. Rear setback - Each lot or parcel in the PO-1 Zone shall have a minimum rear setback of twenty (20) feet.
   a. Rear setback for accessory building - An accessory building shall be at least fifteen (15) feet from the rear property line. (2-7-07)

*19.6.10.7 Projections into Setbacks*
The following structures may project into a required setback upon the completion of a survey to accurately determine the property line:

1. Fences and walls in conformance with all applicable City ordinances and resolutions.
2. Landscaping and irrigation systems.
3. Necessary appurtenances for utility service.
4. Patios, as defined in Chapter 19.28 herein, may be extended into a side or rear setback area but must be at least five (5) feet from the property line. (2-7-07)
5. Decks, as defined in Chapter 19.28 herein, may be extended into a rear setback area but must be at least fifteen (15) feet from the property line and satisfy all other setback requirements. (2-7-07)
6. Cornices, eaves, sills, buttresses, awnings, planter boxes or other similar architectural features may project up to four (4) feet into any required front or rear setback or up to two (2) feet into a side setback.
7. Patio covers may be extended into a rear setback area but must be at least fifteen (15) feet from the property line. A patio cover may also extend into a

side setback area but must be at least five (5) feet from the property line. If a patio cover is enclosed, the structure shall satisfy all setback requirements. (2-7-07)

8. In order to provide safe and environmentally controlled passages for patients and employees traveling between buildings on a hospital campus, the City Council may approve enclosed hallways or breezeways that connect two or more buildings. The enclosed hallways or breezeways shall satisfy all adopted building and fire codes. (9-3-08)

*19.6.10.8 Building Height Requirements*

A primary building or structure may not exceed thirty-five (35) feet in height, nor be lower than ten (10) feet in height, unless reviewed and approved by the Fire Chief, in accordance with the adopted building and fire codes. Accessory structures may not exceed eighteen (18) feet in total height as defined in Chapter 19.28 herein. (5-16-12)

*19.6.10.9 Distance between Buildings*

The distance between any building or structure and any other building shall not be less than twenty (20) feet, unless the accessory building is attached to the building or structure.

*19.6.10.10 Permissible Lot Coverage*

The sum total of all buildings, structures, and impervious material on any parcel in the PO-1 Zone shall not be greater than sixty (60) percent of the total area of the parcel. (4-15-15)

*19.6.10.11 Parking, Loading and Access*

Each project in the PO-1 Zone shall satisfy the off-street parking requirements found in Chapter 19.4 herein. The spaces shall be hard surfaced with asphalt or concrete and be accessed from a public road by a hard surfaced, composed of asphalt or concrete, drive approach.

*19.6.10.12 Project Plan Approval*

Any request for project plan approval in the PO-1 Zone is subject to any and all applicable City resolutions and ordinances including the Subdivision Ordinance, Standard Specifications and Standard Plans, and the Payson City General Plan. (11-5-14)

Projects in the PO-1 Zone will be reviewed and approved in accordance with Chapter 19.8, Commercial Development, Site Plans, herein.

*19.6.10.13 Other Requirements*

The following requirements are in addition to the requirements found in this Chapter, the General Provisions or Supplementary Provisions of this ordinance, or any other applicable resolution or ordinance.

1. Signs - Signs are allowed in the PO-1 Zone in accordance with Chapter 19.15 herein.
2. Landscaping - Each lot or parcel shall be completely landscaped except those areas used for buildings or parking. Each project application shall be accompanied by a complete landscaping plan detailing the types and sizes of planting materials to be used. The landscaping shall be maintained using an automatic sprinkling system and shall be completed prior to issuance of a Certificate of Occupancy.
3. Trash, junk, and other debris - No trash, used materials, unsightly storage of any kind, or non-licensed or abandoned vehicles shall be stored in an open area. All such materials shall be enclosed in a building or, if deemed appropriate by the City, behind a sight obscuring fence.
4. Design Guidelines - The City Council may require specific design guidelines be employed in the project. The design guidelines may include, but are not limited to, architectural controls, colors, materials, building mass, innovative design of buildings and access, and any other features deemed appropriate by the City Council. The design guidelines apply to all structures in a development including accessory structures. (2-16-05)
5. No dust, odor, smoke, vibration, intermittent light, glare, or noise shall be emitted which is discernible beyond the premises, except for normal traffic movements.

*19.6.10.14 Footprint Lots* (9-3-08)

The creation of a lot consisting of the footprint of an existing or proposed building (a footprint lot) may be permitted in Professional Office Zone (PO-1) notwithstanding the minimum lot size requirement of that zone, if the following conditions are met:

1. The footprint lot is created from a larger parcel that meets all of the zoning requirements of the zone in which it is located (the Original Parcel).
2. All parking areas and access on the Original Parcel (not a part of a footprint lot) shall be made available for the common use and enjoyment of the owners of all footprint lots unless they are clearly marked on the plat as limited or reserved for a specific use or owner.
3. Prior to the approval of any footprint lot(s), the owner of the Original Parcel must demonstrate that there is adequate space on the Original Parcel to meet the maximum potential parking requirements based on all existing buildings and assuming that

each footprint lot will be built to the maximum gross building size as shown on the plat.

4. The use of the shared parking area on the Original Parcel is subject to Covenants, Conditions & Restrictions (CC&Rs) and a note to this effect is included in the plat. A shared parking agreement shall be signed by the owners of the Original Parcel and the footprint lot(s) and recorded in the office of the Utah County Recorder.
5. All of the footprint lots and the Original Parcel are treated as one parcel for purposes of determining allowable signage and drive accesses.
6. The entire building shall be constructed within the footprint lot. The height of the building will be determined by the regulations of the zoning ordinance.
7. The Original Parcel and all of the footprint lots shall all be included together as part of one preliminary and one final plat.
8. All buildings located on footprint lots shall comply with the setbacks that would ordinarily be required from the boundaries of the Original Parcel. No additional setbacks from the boundaries of the footprint lot shall be required.
9. Unless otherwise specified herein, all development ordinances and requirements shall apply to development on the footprint lots and common area as if they were not separate lots.
10. The footprint lot shall be measured from the buildings foundation wall and shall extend out from the foundation to include any permanent building components that extend beyond the buildings foundation such as (but not limited to), roof lines, attached canopies, pop-outs, vestibules, etc.
11. All landscaping requirements of the zone must be met by the footprint owner.
12. Each structure on a footprint lot shall have separate utility connections and meters. Ownership, maintenance and payment obligations shall be the responsibility of the footprint owner. Proper easements must be established for all private and public utility services. A utility maintenance agreement between the Original Parcel owner and the Footprint owner may be required.
13. The owner of the Original Parcel may add additional footprint lots to the site only by complying with all of the regulations of the zoning ordinance, this section and the building and fire codes. The original parking and access plan may be changed by the owner of the Original Parcel as long as their required number of parking spaces does not decrease, the access plan is safe and the changes are approved by the city council.

**19.6.11 CC-1 Central Commercial Zone**

19.6.11.1 Purpose and Zone Characteristics
19.6.11.2 Permitted, Conditional and Accessory Uses
19.6.11.3 Lot Area
19.6.11.4 Lot Width
19.6.11.5 Lot Frontage
19.6.11.6 Setback and Build-To-Line Requirements
19.6.11.7 Projections into Setbacks
19.6.11.8 Building Height Requirements
19.6.11.9 Distance between Buildings
19.6.11.10 Permissible Lot Coverage
19.6.11.11 Parking, Loading and Access
19.6.11.12 Project Plan Approval
19.6.11.13 Other Requirements
19.6.11.14 Parcels Constricted by Land Constraints

*19.6.11.1 Purpose and Zone Characteristics*
The CC-1 Central Commercial Zone is established to provide areas within the City where retail and service uses can be established. The CC-1 Central Commercial Zone is the heart of the commercial industry for the City. The zone allows for a variety of commercial and retail uses and limited residential uses. Rezoning to the CC-1 Zone should be carefully reviewed to ensure protection of the existing zone and business district.

*19.6.11.2 Permitted, Conditional and Accessory Uses*
Specific uses in the CC-1 Zone can be identified by referring to the chart attached hereto as Appendix A – Non-Residential Land Use Categories. The chart will specify whether each use is a permitted, conditional or accessory use. Unless specifically listed, any other use is not a permitted use in the zone. (10-1-08)

A commercial presence must be provided along the public right-of-ways. When it can be demonstrated that a commercial business will benefit from the partial use of the building for non-commercial activities (i.e. light manufacturing, distribution, assembly), no more than seventy five (75) percent of the overall building space may be used for non-commercial uses. (7-7-10)

Second story and higher or basement residential units are allowed in commercial buildings as a permitted use. All residential units shall satisfy the regulations of the adopted building code and fire code and the applicable regulations of the AD-O, Accessory Dwelling Overlay Zone herein. Residential units may be limited by the amount of parking available. (7-7-10)

*19.6.11.3 Lot Area*
There is no minimum lot area requirement in the CC-1 Zone.

*19.6.11.4 Lot Width*
There shall be no minimum width requirement in the CC-1 Zone, except that any parcel smaller in width than the average of the parcels on that block shall be reviewed and approved by the City Council. If the Council finds that the width is inefficient or undesirable, the Council may require that the massing, uses, and other design characteristics be compatible with surrounding uses.

*19.6.11.5 Lot Frontage*
There shall be no frontage requirement in the CC-1 Zone, except that any parcel with less frontage than the average of the parcels on that block shall be reviewed and approved by the City Council. If the Council finds that the frontage is inefficient or undesirable, the Council may require that the massing, uses, and other design characteristics be compatible with surrounding uses.

*19.6.11.6 Setback and Build-To-Line Requirements*
The following minimum setback requirements and build-to-line requirements shall apply in the CC-1 Zone. Each setback is measured from the property line of the lot or parcel. (4-15-15)

1. Front setback - Each lot or parcel in the CC-1 Zone shall have a minimum front setback of ten (10) feet.
2. Side setback - There is no side setback in the CC-1 Zone provided that each building satisfies the building and fire codes in effect at the time of approval and issuance of a Certificate of Occupancy, except as follows:
   a. Side setback for structures constructed adjacent to residentially zoned areas - The side setback for structures constructed adjacent to residentially zoned areas shall be a minimum of ten (10) feet.
   b. Side setback for corner lot - Each corner lot or parcel in the CC-1 Zone shall have a minimum setback on all areas of road frontage of ten (10) feet.
   c. Side setback for driveway - Each side setback, when used for access to a garage, carport, or parking area shall have a minimum setback of twenty (20) feet and shall be hard surfaced.
   d. Side setback for accessory building - The side setback for any permitted accessory building shall have a minimum side setback of fifteen (15) feet.
3. Rear setback - Each lot or parcel in the CC-1 Zone shall have a minimum rear setback of twenty (20) feet unless it can be clearly demonstrated to the

City Council that a structure could be placed nearer the property line without causing a negative impact on adjacent property owners.

a. Rear setback for accessory building – The rear setback for an accessory building shall be no less than fifteen (15) feet of the rear property line. (3-5-03)

4. The land use authority may impose a build-to-line that represents the distance from the property line that a structure will be constructed. The build-to-line may be imposed on any side of the structure. The build-to-line may be imposed in order to reduce the parking adjacent to the street, improve aesthetics of the site, or for circulation purposes. The imposition of a build-to-line does not reduce the amount of required off-street parking or landscaping. (4-15-15)

*19.6.11.7 Projections into Setbacks*

The following structures may project into a required setback upon the completion of a survey to accurately determine the property line:

1. Fences and walls in conformance with all applicable City ordinances and resolutions.
2. Landscaping and irrigation systems.
3. Necessary appurtenances for utility service.
4. Patios, as defined in Chapter 19.28 herein, may be extended into a side or rear setback area but must be at least five (5) feet from the property line. (2-7-07)
5. Decks, as defined in Chapter 19.28 herein, may be extended into a rear setback area but must be at least fifteen (15) feet from the property line and satisfy all other setback requirements. (2-7-07)
6. Cornices, eaves, sills, buttresses, awnings, planter boxes or other similar architectural features may project up to four (4) feet into any required front or rear setback or up to two (2) feet into a side setback.
7. Patio covers may be extended into a rear setback area but must be at least fifteen (15) feet from the property line. A patio cover may also extend into a side setback area but must be at least five (5) feet from the property line. If a patio cover is enclosed, the structure shall satisfy all setback requirements. (2-7-07)

Following review of any proposed project that contains an existing structure, aesthetic improvements similar to those listed in subsections 1 and 2 immediately listed above may be allowed to encroach into the front setback area or public right-of-way at the discretion of the Development Services Director, and after written approval based on, but not necessarily limited to, the following conditions:

1. No permanent structure may be erected in the public right-of-way.
2. The aesthetic improvement may not impede pedestrian or vehicular safety.
3. The property owner is willing to accept all liability in relation to the aesthetic improvement.
4. The aesthetic improvement does not have the effect of enlarging the enclosed area of the building.
5. The request shall be reviewed by all appropriate staff members and the alteration shall satisfy all conditions of staff.
6. If the improvement is adjacent to a roadway owned by an entity other than Payson City, the applicant will need to obtain approval from that entity.

The Development Services Director is under no obligation to approve the request upon review of the proposed aesthetic improvement and no precedent is set by any approval or denial of such a request. (9-3-03)

*19.6.11.8 Building Height Requirements*

A primary building or structure may not exceed thirty-five (35) feet in height, nor be lower than ten (10) feet in height, unless reviewed and approved by the Fire Chief, in accordance with the adopted building and fire codes. Accessory structures may not exceed eighteen (18) feet in total height as defined in Chapter 19.28 herein. (5-16-12)

*19.6.11.9 Distance between Buildings*

The distance between any building or structure shall satisfy the requirements of the building and fire codes in place at the time of approval and Certificate of Occupancy. This is in no way meant to eliminate the use of zero lot line development.

*19.6.11.10 Permissible Lot Coverage*

The sum total of all buildings, structures, and impervious material on any parcel in the CC-1 Zone shall not be greater than eighty (80) percent of the total area of the parcel. (4-15-15)

*19.6.11.11 Parking, Loading and Access*

Each project in the CC-1 Zone shall satisfy the off-street parking requirements found in Chapter 19.4 herein. The spaces shall be hard surfaced with asphalt or concrete and be accessed from a public road by a hard surfaced, composed of asphalt or concrete, drive approach.

Loading and unloading areas shall be located in an area that can be secured from public access. Further,

loading and unloading shall not occur on a public street.

*19.6.11.12 Project Plan Approval*
Any request for project plan approval in the CC-1 Zone is subject to any and all applicable City resolutions and ordinances including the Subdivision Ordinance, Standard Specifications and Standard Plans, and the Payson City General Plan. (11-5-14)

Projects in the CC-1 Zone will be reviewed and approved in accordance with Chapter 19.8, Commercial Development, Site Plans, herein.

*19.6.11.13 Other Requirements*
The following requirements are in addition to the requirements found in this Chapter, the General Provisions or Supplementary Provisions of this ordinance, or any other applicable resolution or ordinance.

1. Signs - Signs are allowed in the CC-1 Zone in accordance with Chapter 19.15 herein. Signs in specific areas of the CC-1 Zone may be subject to additional review as determined by the City Council. (3-5-03)
2. Landscaping - Each lot or parcel shall be completely landscaped except those areas used for buildings or parking. Each project application shall be accompanied by a complete landscaping plan detailing the types and sizes of planting materials to be used. The landscaping shall be maintained using an automatic sprinkling system and shall be completed prior to issuance of a Certificate of Occupancy.
3. Trash, junk, and other debris - No trash, used materials, unsightly storage of any kind, or non-licensed or abandoned vehicles shall be stored in an open area. All such materials shall be enclosed in a building or, if deemed appropriate by the City, behind a sight obscuring fence.
4. Design Guidelines - The City Council may require specific design guidelines be employed in the project. The design guidelines may include, but are not limited to, architectural controls, colors, materials, building mass, innovative design of buildings and access, and any other features deemed appropriate by the City Council. The design guidelines apply to all structures in a development including accessory structures. (2-16-05)
5. No dust, odor, smoke, vibration, intermittent light, glare, or noise shall be emitted which is discernible beyond the premises, except for normal traffic movements.

*19.6.11.14 Parcels Constricted by Land Constraints*
In order to effectively utilize existing infrastructure and promote commercial use on existing parcels within the CC-1 Zone, any project that cannot comply with the requirements on this Section concerning parking, access, landscaping or other constraints based on lot size, location, or configuration will be reviewed on a case by case basis. If the applicant can show that the project will be consistent and compatible with surrounding uses and will not negatively impact the purposes and objectives of the CC-1 Zone or adjacent property owners, the Fire Chief and Development Services Director will review and may approve the project. There shall be a two (2) week review period to receive input from the Planning Commission and City Council prior to a determination being made by the Fire Chief and Development Services Director. The Fire Chief and Development Services Director are under no obligation to approve the request to modify the regulations herein and no precedent is set by any approval or denial of such a request. (3-5-03)

This Section in not intended to relieve the applicant from complying with any and all other requirements of this ordinance or any law, code, ordinance or resolution of Payson City. (8-16-00)

**19.6.12 CAP Commercial, Arts and Preservation** (1-18-06)

19.6.12.1 Purpose and Zone Characteristics
19.6.12.2 Permitted, Conditional and Accessory Uses
19.6.12.3 Lot Area, Width and Frontage
19.6.12.4 Setback and Build-To-Line Requirements
19.6.12.5 Projections into Setbacks
19.6.12.6 Building Height Requirements
19.6.12.7 Distance between Buildings
19.6.12.8 Parking, Loading and Access
19.6.12.9 Project Plan Approval
19.6.12.10 Other Requirements
19.6.12.11 Parcels Constricted by Land Constraints
19.6.12.12 Building Renovation, Demolition and Reconstruction
19.6.12.13 Relationship with Main Street and other Historic Preservation Programs

*19.6.12.1 Purpose and Zone Characteristics*
The CAP Commercial, Arts and Preservation Zone is established to create an environment where historic preservation, building restoration, and viable commercial activities can co-exist in a positive manner. In order to accomplish the development goals supported by the City Council for this district, it is recognized that building renovations will need to occur so that the structures can accommodate the latest technological advances. Furthermore, public and private infrastructure will need to be updated to provide efficient and effective municipal services. All of this work must be completed while maintaining a business friendly atmosphere. Obviously public/private cooperation is critical and all funding opportunities must be explored.

*19.6.12.2 Permitted, Conditional and Accessory Uses*
Specific uses in the CAP Zone can be identified by referring to the chart attached hereto as Appendix A – Non-Residential Land Use Categories. The chart will specify whether each use is a permitted, conditional or accessory use. Unless specifically listed, any other use is not a permitted use in the zone. (10-1-08)

*19.6.12.3 Lot Area, Width and Frontage*
There is no minimum lot area, width or frontage requirements in the CAP Zone, except that all other regulations of this Title can be satisfied (i.e. clear view areas).

*19.6.12.4 Setback and Build-To-Line Requirements*
The following minimum setback requirements and build-to-line requirements shall apply in the CAP Zone. Each setback is measured from the property line of the lot or parcel. (4-15-15)

1. Front setback – There are no front setback requirements in the CAP Zone. However, all structures shall provide ample space for necessary public utility easements.
2. Side setback - There is no side setback in the CAP Zone provided that each building satisfies the building and fire codes in effect at the time of approval and issuance of a Certificate of Occupancy, except as follows:
   a. Side setback for structures constructed adjacent to residentially zoned areas - The side setback for structures constructed adjacent to residentially zoned areas shall be a minimum of ten (10) feet.
   b. Side setback for corner lot - Each corner lot or parcel in the CAP Zone shall have a minimum setback on all areas of road frontage of ten (10) feet.
   c. Side setback for driveway - Each side setback, when used for access to a garage, carport, or parking area shall have a minimum setback of twenty (20) feet and shall be hard surfaced.
3. Rear setback - Each lot or parcel in the CAP Zone shall have a minimum rear setback of ten (10) feet unless it can be clearly demonstrated to the City Council that a structure could be placed nearer the property line without causing a negative impact on adjacent property owners.
4. The land use authority may impose a build-to-line that represents the distance from the property line that a structure will be constructed. The build-to-line may be imposed on any side of the structure. The build-to-line may be imposed in order to reduce the parking adjacent to the street, improve aesthetics of the site, or for circulation purposes. The imposition of a build-to-line does not reduce the amount of required off-street parking or landscaping. (4-15-15)

*19.6.12.5 Projections into Setbacks*
The following structures may be erected on or projected into any required setback:
1. Fences, railings and walls in conformance with all applicable City ordinances and resolutions.
2. Landscaping features.
3. Necessary appurtenances for utility service.
4. Awnings, cornices, eaves, planter boxes, sills, or other similar architectural features that do not impede pedestrian or vehicular circulation.

Following review of any proposed project that contains an existing structure, aesthetic improvements may be

allowed to encroach into the public right-of-way at the discretion of the Development Services Director, and after written approval based on, but not necessarily limited to, the following conditions:

1. No permanent structure may be erected in the public right-of-way.
2. The aesthetic improvement may not impede pedestrian or vehicular safety.
3. The property owner is willing to accept all liability in relation to the aesthetic improvement.
4. The aesthetic improvement does not have the effect of enlarging the enclosed area of the building.
5. The request shall be reviewed by all appropriate staff members and the alteration shall satisfy all conditions of staff.
6. If the improvement is adjacent to a roadway owned by an entity other than Payson City, the applicant will need to obtain approval from that entity.

The Development Services Director is under no obligation to approve the request upon review of the proposed aesthetic improvement and no precedent is set by any approval or denial of such a request.

*19.6.12.6 Building Height Requirements*
A primary building or structure may not exceed thirty-five (35) feet in height, nor be lower than ten (10) feet in height, unless reviewed and approved by the Fire Chief, in accordance with the adopted building and fire codes. Accessory structures may not exceed eighteen (18) feet in total height as defined in Chapter 19.28 herein. (5-16-12)

*19.6.12.7 Distance between Buildings*
The distance between any building or structure shall satisfy the requirements of the building and fire codes in place at the time of a request for development approval. This is in no way meant to eliminate the use of zero lot line development.

*19.6.12.8 Parking, Loading and Access*
Each project in the CAP Zone shall satisfy the off-street parking requirements found in Chapter 19.4 herein. The spaces shall be hard surfaced with asphalt or concrete and be accessed from a public road by a hard surfaced, composed of asphalt or concrete, drive approach.

Whenever practical, loading and unloading areas shall be located in an area that can be secured from public access and shall not occur on a public street.

*19.6.12.9 Project Plan Approval*
Any request for project plan approval in the CAP Zone is subject to any and all applicable City resolutions and ordinances including the Subdivision Ordinance, Standard Specifications and Standard Plans, and the Payson City General Plan. (11-5-14)

Projects in the CAP Zone will be reviewed and approved in accordance with Chapter 19.8, Commercial Development, Site Plans, herein.

*19.6.12.10 Other Requirements*
The following requirements are in addition to the requirements found in this Chapter, the General Provisions or Supplementary Provisions of this ordinance, or any other applicable resolution or ordinance.

1. Signs are allowed in the CAP Zone in accordance with Chapter 19.15 herein. Signs in the CAP Zone may be subject to additional review, such as review by the Utah State Historic Architect as determined by the City Council.
2. Each lot or parcel shall be completely landscaped except those areas used for buildings or parking. Each project application shall be accompanied by a complete landscaping plan detailing the types and sizes of planting materials to be used. The landscaping shall be maintained using an automatic sprinkling system and shall be completed prior to issuance of a Certificate of Occupancy.
3. No trash, used materials, unsightly storage of any kind, or non-licensed or abandoned vehicles shall be stored anywhere in the CAP Zone.
4. Each project in the CAP Zone is subject to the design criteria adopted by the City Council. The design guidelines include, but are not limited to, architectural controls, colors, materials, building mass, innovative design of buildings and access, and any other features deemed appropriate by the City Council.
5. No dust, odor, smoke, vibration, intermittent light, glare, or noise shall be emitted which is discernible beyond the premises, except for normal traffic movements.

*19.6.12.11 Parcels Constricted by Land Constraints*
In order to effectively utilize existing infrastructure and promote commercial use on existing parcels within the CAP Zone, any project that cannot comply with the requirements on this Section concerning parking, access, landscaping or other constraints based on lot size, location, or configuration will be reviewed on a case by case basis. If the applicant can show that the project will be consistent and compatible with surrounding uses and will not negatively impact the purposes and objectives of the CAP Zone or adjacent

property owners, the Fire Chief and Development Services Director will review and may approve the project. There shall be a two (2) week review period to receive input from the Planning Commission and City Council prior to a determination being made by the Fire Chief and Development Services Director. The Fire Chief and Development Services Director are under no obligation to approve the request to modify the regulations herein and no precedent is set by any approval or denial of such a request.

This Section in not intended to relieve the applicant from complying with any and all other requirements of this ordinance or any law, code, ordinance or resolution of Payson City.

*19.6.12.12 Building Renovation, Demolition and Reconstruction*

Due to age, lack of appropriate maintenance, access requirements, or to encourage a safe environment, it may become necessary to significantly renovate or possibly even demolish and reconstruct buildings in the CAP Zone. However these practices shall be conducted in a manner that reflects the unique historic elements of the district. Each structure shall satisfy the design guidelines established for the district, with special attention given to the following:

1. The architectural features shall be incorporated on all sides of the structure.
2. All utility appurtenances shall be hidden, screened, or at the very least painted to blend into the design of the building.
3. Each structure shall satisfy all regulations of the adopted building (conservation) and fire codes, even if improvements to adjacent structures are required.
4. Whenever the primary use of a structure changes from a use that is no longer permitted or from a non-conforming use, the structure shall be modified to satisfy the design guidelines of the zoning district. (1-18-06)

*19.6.12.13 Relationship with Main Street and other Historic Preservation Programs*

The City Council may authorize the assistance of other entities to aid in the preservation, renovation, and improvement of the CAP Zone. The regulations of this Title are intended to complement the efforts of these entities. Some, but not necessarily all of these groups include:

1. The Main Street Program
2. The Utah Pioneer Communities Program
3. The Certified Local Government Program

During the review process for any project in the CAP Zone, the regulations and requirements of these programs shall be considered and implemented into project approval. Some of these regulations may include project signage, color usage, lighting features, road regulatory signs, and other specific project details beyond basic building design. (1-18-06)

**19.6.13 GC-1 General Commercial Zone**

19.6.13.1 Purpose and Zone Characteristics
19.6.13.2 Permitted, Conditional and Accessory Uses
19.6.13.3 Lot Area
19.6.13.4 Lot Width
19.6.13.5 Lot Frontage
19.6.13.6 Setback and Build-To-Line Requirements
19.6.13.7 Projections into Setbacks
19.6.13.8 Building Height Requirements
19.6.13.9 Distance between Buildings
19.6.13.10 Permissible Lot Coverage
19.6.13.11 Parking, Loading and Access
19.6.13.12 Project Plan Approval
19.6.13.13 Other Requirements

*19.6.13.1 Purpose and Zone Characteristics*
The GC-1 General Commercial Zone is established to provide areas within the City where general retail and service uses can be established. The GC-1 General Commercial Zone is located along the major transportation and circulation routes of the City. The zone allows for a variety of commercial and retail uses. Rezoning to the GC-1 Zone should be carefully reviewed to ensure protection of the existing zone and business district.

*19.6.13.2 Permitted, Conditional and Accessory Uses*
Specific uses in the GC-1 Zone can be identified by referring to the chart attached hereto as Appendix A – Non-Residential Land Use Categories. The chart will specify whether each use is a permitted, conditional or accessory use. Unless specifically listed, any other use is not a permitted use in the zone. (10-1-08)

A commercial presence must be provided along the public right-of-ways. When it can be demonstrated that a commercial business will benefit from the partial use of the building for non-commercial activities (i.e. light manufacturing, distribution, assembly), no more than seventy five (75) percent of the overall building space may be used for non-commercial uses. (7-7-10)

*19.6.13.3 Lot Area*
There is no minimum lot area requirement in the GC-1 Zone.

*19.6.13.4 Lot Width*
There shall be no minimum width requirement in the GC-1 Zone, except that any parcel smaller in width than the average of the parcels on that block shall be reviewed and approved by the City Council. If the Council finds that the width is inefficient or undesirable, the Council may require that the massing, uses, and other design characteristics be compatible with surrounding uses.

*19.6.13.5 Lot Frontage*
There shall be no frontage requirement in the GC-1 Zone, except that any parcel with less frontage than the average of the parcels on that block shall be reviewed and approved by the City Council. If the Council finds that the frontage is inefficient or undesirable, the Council may require that the massing, uses, and other design characteristics be compatible with surrounding uses.

*19.6.13.6 Setback and Build-To-Line Requirements*
The following minimum setback and build-to-line requirements shall apply in the GC-1 Zone. Each setback is measured from the property line of the lot or parcel.

1. Front setback - Each lot or parcel in the GC-1 Zone shall have a minimum front setback of ten (10) feet.
2. Side setback - There is no side setback in the GC-1 Zone provided that each building satisfies the building and fire codes in effect at the time of approval and issuance of a Certificate of Occupancy, except as follows:
   a. Side setback for structures constructed adjacent to residentially zoned areas – The side setback for structures constructed adjacent to residentially zoned areas shall be a minimum of ten (10) feet.
   b. Side setback for corner lot - Each corner lot or parcel in the GC-1 Zone shall have a minimum setback on all areas of road frontage of ten (10) feet.
   c. Side setback for driveway - Each side setback, when used for access to a garage, carport, or parking area shall have a minimum setback of twenty (20) feet and shall be hard surfaced.
   d. Side setback for accessory building - The side setback for any permitted accessory building shall have a minimum side setback of fifteen (15) feet.
3. Rear setback - Each lot or parcel in the GC-1 Zone shall have a minimum rear setback of twenty (20) feet unless it can be clearly demonstrated to the City Council that a structure could be placed nearer the property line without causing a negative impact on adjacent property owners.
   a. Rear setback for accessory building – The rear setback for an accessory building shall be no less than fifteen (15) feet of the rear property line. (3-5-03)

4. The land use authority may impose a build-to-line that represents the distance from the property line that a structure will be constructed. The build-to-line may be imposed on any side of the structure. The build-to-line may be imposed in order to reduce the parking adjacent to the street, improve aesthetics of the site, or for circulation purposes. The imposition of a build-to-line does not reduce the amount of required off-street parking or landscaping. (4-15-15)

*19.6.13.7 Projections into Setbacks*

The following structures may project into a required setback upon the completion of a survey to accurately determine the property line:

1. Fences and walls in conformance with all applicable City ordinances and resolutions.
2. Landscaping and irrigation systems.
3. Necessary appurtenances for utility service.
4. Patios, as defined in Chapter 19.28 herein, may be extended into a side or rear setback area but must be at least five (5) feet from the property line. (2-7-07)
5. Decks, as defined in Chapter 19.28 herein, may be extended into a rear setback area but must be at least fifteen (15) feet from the property line and satisfy all other setback requirements. (2-7-07)
6. Cornices, eaves, sills, buttresses, awnings, planter boxes or other similar architectural features may project up to four (4) feet into any required front or rear setback or up to two (2) feet into a side setback.
7. Patio covers may be extended into a rear setback area but must be at least fifteen (15) feet from the property line. A patio cover may also extend into a side setback area but must be at least five (5) feet from the property line. If a patio cover is enclosed, the structure shall satisfy all setback requirements. (2-7-07)

Following review of any proposed project that contains an existing structure, aesthetic improvements similar to those listed in subsections 1 and 2 immediately listed above may be allowed to encroach into the front setback area or public right-of-way at the discretion of the Development Services Director, upon review by appropriate staff members, and after written approval based on, but not necessarily limited to, the following conditions:

1. No permanent structure may be erected in the public right-of-way.
2. The aesthetic improvement may not impede pedestrian or vehicular safety.
3. The property owner is willing to accept all liability in relation to the aesthetic improvement.
4. The aesthetic improvement does not have the effect of enlarging the enclosed area of the building.
5. The request shall be reviewed by all appropriate staff members and the alteration shall satisfy all conditions of staff.
6. If the improvement is adjacent to a roadway owned by an entity other than Payson City, the applicant will need to obtain approval from that entity.

The Development Services Director is under no obligation to approve the request upon review of the proposed aesthetic improvement and no precedent is set by any approval or denial of such a request. (9-3-03)

*19.6.13.8 Building Height Requirements*

A primary building or structure may not exceed thirty-five (35) feet in height, nor be lower than ten (10) feet in height, unless reviewed and approved by the Fire Chief, in accordance with the adopted building and fire codes. Accessory structures may not exceed eighteen (18) feet in total height as defined in Chapter 19.28 herein. (5-16-12)

*19.6.13.9 Distance between Buildings*

The distance between any building or structure shall satisfy the requirements of the building and fire codes in place at the time of approval and Certificate of Occupancy. This is in no way meant to eliminate the use of zero lot line development.

*19.6.13.10 Permissible Lot Coverage*

The sum total of all buildings, structures, and impervious material on any parcel in the GC-1 Zone shall not be greater than eighty (80) percent of the total area of the parcel. (4-15-15)

*19.6.13.11 Parking, Loading and Access*

Each project in the GC-1 Zone shall satisfy the off-street parking requirements found in Chapter 19.4 herein. The spaces shall be hard surfaced with asphalt or concrete and be accessed from a public road by a hard surfaced, composed of asphalt or concrete, drive approach.

Loading and unloading areas shall be located in an area that can be secured from public access. Further, loading and unloading shall not occur on a public street.

*19.6.13.12 Project Plan Approval*

Any request for project plan approval in the GC-1 Zone is subject to any and all applicable City resolutions and ordinances including the Subdivision Ordinance,

Standard Specifications and Standard Plans, and the Payson City General Plan. (11-5-14)

Projects in the GC-1 Zone will be reviewed and approved in accordance with Chapter 19.8, Commercial Development, Site Plans, herein.

*19.6.13.13 Other Requirements*

The following requirements are in addition to the requirements found in this Chapter, the General Provisions or Supplementary Provisions of this ordinance, or any other applicable resolution or ordinance.

1. Signs - Signs are allowed in the GC-1 Zone in accordance with Chapter 19.15 herein.
2. Landscaping - Each lot or parcel shall be completely landscaped except those areas used for buildings or parking. Each project application shall be accompanied by a complete landscaping plan detailing the types and sizes of planting materials to be used. The landscaping shall be maintained using an automatic sprinkling system and shall be completed prior to issuance of a Certificate of Occupancy.
3. Trash, junk, and other debris - No trash, used materials, unsightly storage of any kind, or non-licensed or abandoned vehicles shall be stored in an open area. All such materials shall be enclosed in a building or, if deemed appropriate by the City, behind a sight obscuring fence.
4. Design Guidelines - The City Council may require specific design guidelines be employed in the project. The design guidelines may include, but are not limited to, architectural controls, colors, materials, building mass, innovative design of buildings and access, and any other features deemed appropriate by the City Council. The design guidelines apply to all structures in a development including accessory structures. (2-16-05)
5. Buildings larger than forty thousand (40,000) square feet - Any building larger than forty thousand (40,000) square feet in the GC-1 zone shall be designed to have main entrances on at least two sides of the building, preferably front and back. This requirement is intended to produce a more attractive building on all sides, not just the front, and to improve traffic flow.
6. No dust, odor, smoke, vibration, intermittent light, glare, or noise shall be emitted which is discernible beyond the premises, except for normal traffic movements.

**19.6.14 S-1 Special Highway Service Zone**

19.6.14.1 Purpose and Zone Characteristics
19.6.14.2 Permitted, Conditional and Accessory Uses
19.6.14.3 Lot Area
19.6.14.4 Lot Width
19.6.14.5 Lot Frontage
19.6.14.6 Setback and Build-To-Line Requirements
19.6.14.7 Projections into Setbacks
19.6.14.8 Building Height Requirements
19.6.14.9 Distance between Buildings
19.6.14.10 Minimum Lot Coverage
19.6.14.11 Parking, Loading and Access
19.6.14.12 Project Plan Approval
19.6.14.13 Massing of Buildings
19.6.14.14 Transition into Residential Areas
19.6.14.15 Design Guidelines and Motif
19.6.14.16 Landscaping of Freeway Frontage
19.6.14.17 Other Requirements

*19.6.14.1 Purpose and Zone Characteristics*
The S-1 Special Highway Service Zone is established to provide high intensity commercial areas which generate significant commercial tax base revenue for the community. The S-1 Zone is typically located near freeway intersections and along the major transportation and circulation routes of the City. The zone allows for a variety of large scale commercial, service and retail uses. Rezoning to the S-1 Zone should be carefully reviewed to ensure protection of the existing zone and business district and maximize the generation of sales tax revenues. (10-1-08)

The intention of the S-1 Zone of Payson City is to attract large scale commercial uses with structures greater than thirty thousand (30,000) square feet in size. Smaller commercial uses must be approved by the staff or City Council after finding that the proposed use will not have a detrimental impact on the ability of large scale commercial users to provide services in the general vicinity.

It is imperative to have good traffic circulation, appropriate and attractive landscaping, and buildings that relate to one another in scale and design. (10-1-08)

*19.6.14.2 Permitted, Conditional and Accessory Uses*
Specific uses in the S-1 Zone can be identified by referring to the chart attached hereto as Appendix A – Non-Residential Land Use Categories. The chart will specify whether each use is a permitted, conditional or accessory use. Unless specifically listed, any other use is not a permitted use in the zone. (5-2-07)

*19.6.14.3 Lot Area*
The minimum project area requirement in the S-1 Zone is one (1) acre, except for parcels created prior to the adoption of this ordinance.

*19.6.14.4 Lot Width*
The minimum width requirement in the S-1 Zone shall be one hundred (100) feet for all of the area located in the required front setback area, except for parcels created prior to the adoption of this ordinance. Regardless of the adoption date, if the Council finds that the width is inefficient or undesirable, the Council may require that the massing, uses, and other design characteristics be compatible with surrounding uses.

*19.6.14.5 Lot Frontage*
All parcels in the S-1 Zone shall abut a public street, or a private street if approved by the City Council, for at least one hundred (100) feet, except for parcels created prior to the adoption of this ordinance. Regardless of the adoption date, if the Council finds that the frontage is inefficient or undesirable, the Council may require that the massing, uses, and other design characteristics be compatible with surrounding uses. (3-5-03)

*19.6.14.6 Setback and Build-To-Line Requirements*
The following minimum setback and build-to-line requirements shall apply in the S-1 Zone. Each setback is measured from the property line of the lot or parcel.

1. Front setback – Each lot or parcel in the S-1 Zone shall have a minimum front setback of twenty (20) feet.
2. Side setback - There is no side setback in the S-1 Zone provided that each building satisfies the building and fire codes in effect at the time of approval and issuance of a Certificate of Occupancy, except as follows:
   a. Side setback for structures constructed adjacent to residentially zoned areas – The side setback for structures constructed adjacent to residentially zoned areas shall be a minimum of ten (10) feet.
   b. Side setback for corner lot - Each corner lot or parcel in the S-1 Zone shall have a minimum setback on all areas of road frontage of twenty (20) feet.
   c. Side setback for driveway - Each side setback, when used for access to a garage, carport, or parking area shall have a minimum setback of twenty-four (24) feet and shall be hard surfaced with curb and gutter on both sides.
   d. Side setback for accessory building - The side setback for any permitted accessory building

shall have a minimum side setback of fifteen (15) feet.

3. Rear setback - Each lot or parcel in the S-1 Zone shall have a minimum rear setback of ten (10) feet, unless it can be clearly demonstrated to the City Council that a structure could be placed nearer the property line without causing a negative impact on adjacent property owners.
   a. Rear setback for accessory building – The rear setback for an accessory building shall be no less than fifteen (15) feet of the rear property line. (3-5-03)
4. The land use authority may impose a build-to-line that represents the distance from the property line that a structure will be constructed. The build-to-line may be imposed on any side of the structure. The build-to-line may be imposed in order to reduce the parking adjacent to the street, improve aesthetics of the site, or for circulation purposes. The imposition of a build-to-line does not reduce the amount of required off-street parking or landscaping. (4-15-15)

*19.6.14.7 Projections into Setbacks*

The following structures may project into a required setback upon the completion of a survey to accurately determine the property line:

1. Fences and walls in conformance with all applicable City ordinances and resolutions.
2. Landscaping and irrigation systems.
3. Necessary appurtenances for utility service.
4. Patios, as defined in Chapter 19.28 herein, may be extended into a side or rear setback area but must be at least five (5) feet from the property line. (2-7-07)
5. Decks, as defined in Chapter 19.28 herein, may be extended into a rear setback area but must be at least fifteen (15) feet from the property line and satisfy all other setback requirements. (2-7-07)
6. Cornices, eaves, sills, buttresses, awnings, planter boxes or other similar architectural features may project up to four (4) feet into any required front or rear setback or up to two (2) feet into a side setback.
7. Patio covers may be extended into a rear setback area but must be at least fifteen (15) feet from the property line. A patio cover may also extend into a side setback area but must be at least five (5) feet from the property line. If a patio cover is enclosed, the structure shall satisfy all setback requirements. (2-7-07)

*19.6.14.8 Building Height Requirements*

A primary building or structure may not exceed thirty-five (35) feet in height, nor be lower than ten (10) feet in height, unless reviewed and approved by the Fire Chief, in accordance with the adopted building and fire codes. (3-5-03)

*19.6.14.9 Distance between Buildings*

The distance between any building or structure shall satisfy the requirements of the building code in place at the time of approval and Certificate of Occupancy. This is in no way meant to eliminate the use of zero lot line development.

*19.6.14.10 Minimum Lot Coverage*

The sum total of all buildings, structures and parking on any parcel in the S-1 Zone shall not be less than sixty (60) percent of the total area of the parcel, except in accordance with Section 19.6.16.13 herein.

*19.6.14.11 Parking, Loading and Access*

Each project in the S-1 Zone shall satisfy the off-street parking requirements found in Chapter 19.4 herein. The spaces shall be hard surfaced with asphalt or concrete and be accessed from a public road by a hard surfaced, composed of asphalt or concrete, drive approach.

Loading and unloading areas shall be located in an area that can be secured from public access. Further, loading and unloading shall not occur on a public street.

*19.6.14.12 Project Plan Approval*

Any request for project plan approval in the S-1 Zone is subject to any and all applicable City resolutions and ordinances including the Subdivision Ordinance, Standard Specifications and Standard Plans, and the Payson City General Plan. (11-5-14)

Projects in the S-1 Zone will be reviewed and approved in accordance with Chapter 19.8, Commercial Development, Site Plans, herein.

*19.6.14.13 Massing of Buildings*

Buildings larger than thirty thousand (30,000) square feet are permitted uses in the S-1 Zone. No building with less than thirty thousand (30,000) square feet shall be constructed in the S-1 Zone unless approved by the staff or City Council in accordance with Chapter 19.8 of the Payson City Zoning Ordinance, except structures allowed in the transition into residential areas in accordance with Section 19.6.16.14 herein. Any building with less than thirty thousand (30,000) square feet may be denied on the basis that it is not consistent with the development goals of Payson City.

*19.6.14.14 Transition into Residential Areas*

In order to encourage a transition from the heavy commercial uses of the S-1 Zone into the residential

neighborhoods that surround the zone, any portion of a development within three hundred (300) feet of the zone district line may be limited to land uses that are more compatible with residential uses. Structures allowed in the transition area of the S-1 Zone include the following. (10-1-08)

*Permitted Uses*

1. Professional and business services as defined in Appendix A in single story above grade buildings no greater than six thousand (6,000) square feet in size (10-1-08)
2. Commercial day care and pre-school facilities
3. Restaurants with no drive through facilities
4. Financial, insurance and real estate services, not to include banks, credit unions, bonding companies, pawn shops or lending (cash) stores (2-16-05)

*Conditional Uses*

1. Retail and personal service businesses no greater than two thousand five hundred (2,500) square feet in size (9-1-04)
2. Restaurants with drive through facilities (11-5-14)

In order to promote compatibility between the S-1 Zone and any other zoning district, the staff or City Council, as the case may be, may require special conditions including but not limited to the following:

1. Limited business hours, or hours of operation.
2. Restrictions on lighting, emissions, noise, and other potential impacts.
3. Design and placement of structures and improvements on the development site.
4. Appropriate screening through fencing, landscaping, building design, or any combination of the fencing, landscaping or building design. (9-1-04)

*19.6.14.15 Design Guidelines and Motif*

The Payson City Council encourages the use of a turn-of-the-century design motif for all structures in the S-1 Zone. The Payson City staff shall have on file a design guideline booklet that has been reviewed and approved by the City Council. The booklet shall provide graphic illustrations of the architecture, colors, materials, and general design of the desired buildings in the S-1 Zone. Failure to satisfy the standards of the design guidelines may result in the denial of any proposed project.

*19.6.14.16 Landscaping of Freeway Frontage*

Parcels located adjacent to Interstate 15 shall work with the Utah Department of Transportation to provide attractive and appropriate landscaping of the frontage area. The applicant shall provide a complete landscaping plan approved by the Utah Department of Transportation prior to project approval. The Utah Department of Transportation approval shall include information about perpetual maintenance of the landscaping. The landscaping shall be installed prior to issuance of a Certificate of Occupancy and a Payson City business license. (12-19-01)

*19.6.14.17 Other Requirements*

The following requirements are in addition to the requirements found in this Chapter, the General Provisions or Supplementary Provisions of this ordinance, or any other applicable resolution or ordinance.

1. Signs - Signs are allowed in the S-1 Zone in accordance with Chapter 19.15 herein. The City Council may impose stricter sign regulations as part of any development in the S-1 Zone. Furthermore, the signs shall satisfy the design guideline booklet for the S-1 Zone. (3-5-03)
2. Landscaping - Each lot or parcel shall be completely landscaped except those areas used for buildings or parking. Each project application shall be accompanied by a complete landscaping plan detailing the types and sizes of planting materials to be used. The landscaping shall be maintained using an automatic sprinkling system and shall be completed prior to issuance of a Certificate of Occupancy.

   The landscaping plan shall be prepared using trees, shrubs, turf, and ground cover appropriate for the climatic zone of Payson City. There shall be a minimum of one tree with no less than a two (2) inch caliper for every two hundred (200) square feet of landscaped area.

   Parking areas shall contain landscaping space equal to no less than ten (10) percent of the total parking area. The landscaping space shall be enclosed by a protective curb and shall be properly maintained.
3. Trash, junk, and other debris - No trash, used materials, unsightly storage of any kind, or non-licensed or abandoned vehicles shall be stored in an open area. All such materials shall be enclosed in a building or, if deemed appropriate by the City, behind a sight obscuring fence.
4. Design Guidelines – In addition to the design guideline booklet for the S-1 Zone, the City Council may require specific design guidelines be employed in the project. The design guidelines may include, but are not limited to, architectural controls, colors, materials, building mass, innovative design of buildings and access, and any

other features deemed appropriate by the City Council. The design guidelines apply to all structures in a development including accessory structures. (2-16-05)

5. Buildings larger than forty thousand (40,000) square feet - Any building larger than forty thousand (40,000) square feet in the S-1 Zone shall be designed to have main entrances on at least two sides of the building, preferably front and back. This requirement is intended to produce a more attractive building on all sides, not just the front, and to improve traffic flow.
6. No dust, odor, smoke, vibration, intermittent light, glare, or noise shall be emitted which is discernible beyond the premises, except for normal traffic movements.

## 19.6.15 BPD – Business Park Development Zone
**(11-4-15)**

19.6.15.1 Purpose and Zone Characteristics
19.6.15.2 Permitted, Conditional, Accessory, and Prohibited Uses
19.6.15.3 Project Plan Approval
19.6.15.4 Project Area and Parcel Size
19.6.15.5 Lot Width
19.6.15.6 Lot Frontage
19.6.15.7 Setback Requirements
19.6.15.8 Projections into Setbacks
19.6.15.9 Building Height Requirements
19.6.15.10 Distance between Buildings
19.6.15.11 Lot Coverage
19.6.15.12 Parking, Loading and Access
19.6.15.13 Building Placement and Design
19.6.15.14 Storage Areas and Fencing
19.6.15.15 Landscaping
19.6.15.16 Other Requirements

*19.6.15.1 Purpose and Zone Characteristics*

The BPD Business Park Development Zone is established to promote business and employment opportunities to strengthen the economic vitality of the community. The zoning district is intended to provide an aesthetically attractive environment for, and conducive for, the location of offices, light industrial activities, research and development businesses, and related uses in a well-planned architecturally controlled setting. Development will consist of attractively designed buildings and landscaping to create a park-like setting, and land uses that promote the public health, safety, and general welfare of the community. Business activities that create considerable air, ground or water pollution, noise, vibrations or other undesirable impacts are expressly prohibited.

*19.6.15.2 Permitted, Conditional, Accessory, and Prohibited Uses*

The permitted, conditional, and accessory uses in the BPD Zone may be subject to any stricter requirements included in a development agreement approved by the City Council for an industrial development.

*Permitted Uses*

The following land use types are permitted uses in the BPD Zone. Unless specifically listed, any other use is not a permitted use in the zone. Uses listed as conditional or accessory uses are allowed in the zone only in accordance with the criteria established in this ordinance.

1. Light manufacturing, including fabricating, processing, testing, assembling, packaging, and manufacturing of products from previously prepared materials
2. Wholesale distribution of goods, products, cargo, and materials
3. Food processing, canning, and packaging
4. Professional, business, and administrative offices
5. Research offices and laboratories
6. Catalog sales and call centers
7. Computer software and hardware development
8. Communications offices and facilities such as recording and sound studios, motion picture companies, and broadcasting studios
9. Automotive, power-sports, and recreational vehicle sales
10. Industrial products sales including sale of machinery, equipment, special trade tools, welding supplies, machine parts, store fixtures, and electrical supplies inside of an enclosed building
11. Indoor recreational facilities for such sports as gymnastics, martial arts, soccer, basketball, and skating. These facilities may be used for instruction, practice, and competitions. Health and fitness clubs are specifically excluded.
12. Public and private parks and trails
13. Public or private utility rights-of-way

*Conditional Uses*

The following land use types are allowed as conditional uses in the BPD Zone. Unless specifically listed, any other use is not allowed as a conditional use in the zone. Each conditional use must be reviewed and approved in accordance with Chapter 19.13 of this ordinance.

1. Restaurants, food courts, and cafes when planned as part of a project to provide service to workers
2. Indoor equipment storage and rental businesses accessory to a permitted use located on the premises
3. Dining, daycare, and recreational facilities, as well as professional services such as copying centers, shipping offices, and computer services
4. Public transit stations
5. Public or private utility maintenance facilities

*Accessory Uses*

The following land use types are allowed as accessory uses in the BPD Zone. Unless specifically listed, any other use is not allowed as an accessory use in the zone. Any accessory use must be clearly incidental to a permitted or conditional use on the premises. Accessory uses are not allowed without the approval of

a permitted or conditional use of the parcel unless otherwise noted in this Section.

1. Accessory facilities to package, store and distribute products made on-site
2. Indoor storage and maintenance facilities for machinery and equipment
3. Pavilions, break rooms, fitness facilities and other gathering areas intended for use by employees
4. The growing of crops, flowers, and nursery plants in a manner that allows land to be used in a productive manner prior to development of the land. Slaughter houses, feed yards and other intensive agricultural uses are not allowed.

*Prohibited Uses*
To achieve the goals of the BPD Zone, the following land uses are expressly prohibited on property included in the zoning district.

1. Any outdoor manufacturing, testing, processing or similar activities
2. Outdoor storage, except as provided herein
3. Automotive and machinery repair
4. Salvage and wrecking yards
5. On-site hazardous substance processing and handling or hazardous waste treatment and storage facilities

*19.6.15.3 Project Plan Approval*
A request for project plan approval in the BPD Zone is subject to any and all applicable City resolutions and ordinances including, but not limited to, the Payson City General Plan, Zoning Ordinance, Subdivision Ordinance, and the Standard Specifications and Standard Plans. Projects that include permitted uses will be reviewed and approved in accordance with Chapter 19.8, Commercial Development, Site Plans, herein. Each conditional use must be reviewed and approved in accordance with Chapter 19.13 of this Title.

It is uncommon for parcels in the BPD Zone to be improved in phases. When a development proposal does not include the entire parcel, the City may require a conceptual layout for the entire parcel to address building layout, access, drainage, lot coverage, building orientation, and other development factors that apply to the overall development.

*19.6.15.4 Project Area and Parcel Size*
The minimum project area for the creation of a new business park is twenty (20) acres. Furthermore, each individual parcel in the BPD Zone shall contain at least two (2) acres. The parcel size requirement is not intended to restrict condominium units within a multi-tenant building or project.

*19.6.15.5 Lot Width*
The minimum width requirement in the BPD Zone shall be one hundred (100) feet for all of the area located in the required front setback area.

*19.6.15.6 Lot Frontage*
All parcels in the BPD Zone shall abut a public street, or a private street if approved by the City Council, for at least one hundred (100) feet.

*19.6.15.7 Setback Requirements*
The following minimum setback requirements shall apply in the BPD Zone. Each setback is measured from the property line of the lot or parcel.

1. Front setback - Each lot or parcel in the BPD Zone shall have a minimum front setback of thirty (30) feet.
   a. Accessory structures shall be farther from the property line than the front of the primary structure and the street facing side of the primary structure on a corner lot.
2. Side setback - Each parcel in the BPD Zone shall have a minimum side setback of thirty (30) feet.
   a. Side setback for corner lot - Each corner lot or parcel in the BPD Zone shall have a minimum setback on all areas of road frontage of thirty (30) feet.
   b. Side setback for accessory building - The side setback for any permitted accessory building shall have a minimum side setback of twenty (20) feet.
3. Rear setback - Each lot or parcel in the BPD Zone shall have a minimum rear setback of thirty (30) feet.
   a. Rear setback for accessory building - An accessory building shall be at least twenty (20) feet from the rear property line.

*19.6.15.8 Projections into Setbacks*
The following structures and features may project into a required setback upon the completion of a survey to accurately determine the property line:
1. Fences and walls in conformance with all applicable City ordinances and resolutions.
2. Landscaping and irrigation systems.
3. Necessary appurtenances for utility service.
4. Cornices, eaves, sills, buttresses, awnings, fire escapes, uncovered stairways and landings, planter boxes or other similar architectural features may project up to four (4) feet into any required front

or rear setback or up to two (2) feet into a side setback.

*19.6.15.9 Building Height Requirements*
A primary building or structure may not exceed thirty-five (35) feet in height, unless reviewed and approved by the Building Inspector and Fire Chief in accordance with the adopted building and fire codes. Accessory structures may not exceed twenty-five (25) feet in height nor be taller than the primary building.

*19.6.15.10 Distance between Buildings*
The distance between any building or structure and any other building or structure shall be at least twenty (20) feet.

*19.6.15.11 Lot Coverage*
The sum total of all buildings, structures and parking on any parcel in the BPD Zone shall not exceed sixty (60) percent of the total area of the parcel.

*19.6.15.12 Parking, Loading and Access*
Each project in the BPD Zone shall satisfy the off-street parking requirements found in Chapter 19.4 herein. The spaces shall be hard surfaced with asphalt or concrete and be accessed from a public road by a hard surfaced access.

Loading areas shall be located at the rear or side of the building and shall not occur on a public street. Loading areas shall be recessed, screened, or otherwise designed to buffer this use from public view and adjacent properties. Additional screening methods shall be implemented for projects visible from major transportation facilities, including freeways, highways, and transit corridors.

*19.6.15.13 Building Placement and Design*
The location and design of all buildings shall provide the following:

1. Architectural features on at least forty (40) percent of the front of the building and include features that accentuate public entrances to the building.
2. A balance of building proportion and scale, recognizing all structures on the development site and adjacent properties.
3. Building design shall be clean and simple. Continuous building wall surfaces shall be relieved with variations of wall planes, materials, textures, and colors.
4. Exterior building materials, including all accessory structures, shall be high quality for suitability, permanence, and durability. Acceptable materials include:
   a. Architecturally treated tilt-up concrete
   b. Split face or scored block
   c. Brick or brick veneers
   d. Architectural metal panels
   e. Glass
5. Office buildings should contain multiple stories, where possible.
6. The primary color of each building will be complementary to surrounding buildings and not create a visually distractive environment.
7. Buildings along Interstate 15 and other major transportation facilities (i.e. commuter rail) must incorporate architectural features on the exterior walls facing these facilities to avoid the back of the building appearance.
8. Cooling towers, mechanical equipment, propane tanks, and other unsightly items which could have an adverse effect upon the aesthetics of the building and adjacent properties will be allowed only if adequately enclosed or screened so as to be an integral part of the architectural design of the building.

*19.6.15.14 Storage Areas and Fencing*
Except as noted below, all business activities shall be conducted entirely within a building, except for loading and unloading and vehicle parking. Materials, supplies, equipment, finished or unfinished products, personal items such as boats and recreational vehicles, or similar articles shall not be stored in any area on a site except inside an enclosed building or behind a visual barrier to screen such areas from the view of the public and adjoining properties. Storage of discarded, second-hand or salvage material outside any building or visual barrier is prohibited.

When an applicant can demonstrate that outdoor storage is necessary and will not negatively impact the project, adjoining properties, or the overall appearance of the business area, outdoor storage may be approved. The applicant must demonstrate, to the satisfaction of the Development Services Director, that screening, security, access, and other issues related to outdoor storage have been properly addressed. Approved storage areas are limited to twenty five (25) percent of the site and must be at least one hundred (100) feet behind the building line and screened from public view.

In order to establish a park-like setting, fences are highly discouraged. When an applicant can demonstrate that a fence is absolutely necessary, the quality and materials used for the fence shall complement the design of the primary structure and amenities on the site.

*19.6.15.15 Landscaping*

Appropriate landscaping shall be implemented to create and maintain a park-like setting. In addition to the landscaping requirements of Chapter 19.8 herein, the following standards must be incorporated into the landscape design of the site.

1. A bermed landscaped area in width of at least twelve (12) feet shall be provided and maintained along the right-of-way line of dedicated streets. The landscaping area should include a combination of shrubs, grasses, perennials, and trees. Planting materials shall be suitable for the site conditions and irrigated with an automatic underground sprinkling system. Use of drought tolerant vegetation is encouraged.
2. The site shall consist of not less than twenty (20) percent landscaping and/or developed open space, which open space may consist of undisturbed native vegetation or water features.
3. At least five (5) percent of the site must be in formal developed landscaping with no less than 2,000 square feet in area and oriented towards the main entrance and public right-of-way. Xeriscape design and water conservation materials are encouraged.
4. All uses which adjoin a public street will also provide a landscape corridor of trees, planted no more than thirty (30) feet on center. Such landscaping shall not obscure the clear view area for traffic and pedestrians at the intersection of streets or driveways.
5. Undeveloped portions of the property set aside for future expansion or additional development shall be maintained in accordance with Chapter 19.24 herein.

*19.6.15.16 Other Requirements*

The following requirements are in addition to the requirements found in this Chapter, the General Provisions or Supplementary Provisions of this ordinance, or any other applicable resolution or ordinance.

1. Signs are allowed in the BPD Zone in accordance with Chapter 19.15 herein.
2. No trash, garbage or waste material, used materials, unsightly storage of any kind, or non-licensed or abandoned vehicles or equipment shall be kept, stored, or allowed to accumulate on any portion of the site except in an approved bin or contained within an enclosed structure appropriately screened from view.
3. Projects may be required to provide landscaped passive or active open space areas for use by employees. These areas may contain picnic tables, pavilions, athletic equipment for use during work breaks, and other appropriate amenities. The type of amenities and amount of open space will be proportionate to the size of the project and determined using factors such as number of employees and hours of operation.

**19.6.16 I-1 Light Industrial Zone**

19.6.16.1 Purpose and Zone Characteristics
19.6.16.2 Permitted, Conditional and Accessory Uses
19.6.16.3 Lot Area
19.6.16.4 Lot Width
19.6.16.5 Lot Frontage
19.6.16.6 Setback Requirements
19.6.16.7 Projections into Setbacks
19.6.16.8 Building Height Requirements
19.6.16.9 Distance between Buildings
19.6.16.10 Lot Coverage
19.6.16.11 Parking, Loading and Access
19.6.16.12 Project Plan Approval
19.6.16.13 Storage Units
19.6.16.14 Other Requirements

*19.6.16.1 Purpose and Zone Characteristics*
The I-1 Light Industrial Zone is established to provide areas within the City for manufacturing, processing, and warehousing of goods and materials. The I-1 Zone is typically located west of Interstate 15. The zone allows for limited commercial and service uses.

*19.6.16.2 Permitted, Conditional and Accessory Uses*
The permitted, conditional, and accessory uses in the I-1 Light Industrial Zone may be subject to any stricter requirements included in a development agreement approved by the City Council for an industrial development. (3-5-03)

Specific uses in the I-1 Zone can be identified by referring to the chart attached hereto as Appendix A – Non-Residential Land Use Categories. The chart will specify whether each use is a permitted, conditional or accessory use. Unless specifically listed, any other use is not a permitted use in the zone. (10-1-08)

*19.6.16.3 Lot Area*
The minimum lot area requirement in the I-1 Zone is one half (1/2) acre, except for parcels created prior to the adoption of this ordinance.

*19.6.16.4 Lot Width*
The minimum width requirement in the I-1 Zone shall be one hundred (100) feet for all of the area located in the required front setback area, except for parcels created prior to the adoption of this ordinance. Regardless of the adoption date, if the Council finds that the width is inefficient or undesirable, the Council may require that the massing, uses, and other design characteristics be compatible with surrounding uses.

*19.6.16.5 Lot Frontage*
All parcels in the I-1 Zone shall abut a public street, or a private street if approved by the City Council, for at least one hundred (100) feet, except for parcels created prior to the adoption of this ordinance. Regardless of the adoption date, if the Council finds that the frontage is inefficient or undesirable, the Council may require that the massing, uses, and other design characteristics be compatible with surrounding uses. (3-5-03)

*19.6.16.6 Setback Requirements*
The following minimum setback requirements shall apply in the I-1 Zone. Each setback is measured from the property line of the lot or parcel.

1. Front setback - Each lot or parcel in the I-1 Zone shall have a minimum front setback of thirty (30) feet.
2. Side setback - Each parcel in the I-1 Zone shall have a minimum side setback of thirty (30) feet.
   a. Side setback for corner lot - Each corner lot or parcel in the I-1 Zone shall have a minimum setback on all areas of road frontage of thirty (30) feet.
   b. Side setback for driveway - Each side setback, when used for access to a garage, carport, or parking area shall have a minimum setback of thirty (30) feet and shall be hard surfaced.
   c. Side setback for accessory building - The side setback for any permitted accessory building shall have a minimum side setback of twenty (20) feet.
3. Rear setback - Each lot or parcel in the I-1 Zone shall have a minimum rear setback of thirty (30) feet.
   a. Rear setback for accessory building - An accessory building shall be at least twenty (20) feet from the rear property line.

Following review of any proposed project, the setbacks for the I-1, Light Industrial Zone may be modified, upon written approval of the City Engineer, Building Official and Fire Chief, if the modified setbacks will improve the layout of the proposed development and allow for more appropriate safety provision. Upon review of a request to reduce a setback, the following issues must be considered:

1. The setbacks may not be reduced on projects that are adjacent to another zoning designation or could have negative impact on adjacent properties.
2. The applicant shall obtain written approval from the public and private utility providers to encroach the setback area.
3. The setbacks may not reduce or eliminate the public utility easement area unless written

permission is granted from the adjoining property owner to place the additional public utility easement area on their property. If the public utility easement cannot be provided on the adjoining property, the City Engineer, Building Official and Fire Chief may consider alternate locations for the public utility easement. The preparation of all necessary documentation and recordation fees are the responsibility of the party seeking the reduction. (10-1-08)

4. The relocation of any utility facilities, fencing or other physical features of the site to accommodate the development proposal is the responsibility of the applicant. (2-7-07)

The City Engineer, Building Official and Fire Chief are under no obligation to approve the request to modify the setbacks of this Chapter and no precedent is set by any approval or denial of such a request. (3-5-03)

*19.6.16.7 Projections into Setbacks*
The following structures may project into a required setback upon the completion of a survey to accurately determine the property line:

1. Fences and walls in conformance with all applicable City ordinances and resolutions.
2. Landscaping and irrigation systems.
3. Necessary appurtenances for utility service.
4. Patios, as defined in Chapter 19.28 herein, may be extended into a side or rear setback area but must be at least five (5) feet from the property line. (2-7-07)
5. Decks, as defined in Chapter 19.28 herein, may be extended into a rear setback area but must be at least fifteen (15) feet from the property line and satisfy all other setback requirements. (2-7-07)
6. Cornices, eaves, sills, buttresses, awnings, planter boxes or other similar architectural features may project up to four (4) feet into any required front or rear setback or up to two (2) feet into a side setback.
7. Patio covers may be extended into a rear setback area but must be at least fifteen (15) feet from the property line. A patio cover may also extend into a side setback area but must be at least five (5) feet from the property line. If a patio cover is enclosed, the structure shall satisfy all setback requirements. (2-7-07)

*19.6.16.8 Building Height Requirements*
A primary building or structure may not exceed thirty-five (35) feet in height, nor be lower than ten (10) feet in height, unless reviewed and approved by the Fire Chief, in accordance with the adopted building and fire codes. Accessory structures may not exceed eighteen (18) feet in total height as defined in Chapter 19.28 herein. (5-16-12)

*19.6.16.9 Distance between Buildings*
The distance between any building or structure and any other building or structure shall be at least twenty (20) feet.

*19.6.16.10 Lot Coverage*
The sum total of all buildings, structures and impervious material on any parcel in the I-1 Zone shall not exceed sixty (60) percent of the total area of the parcel. (4-15-15)

*19.6.16.11 Parking, Loading and Access*
Each project in the I-1 Zone shall satisfy the off-street parking requirements found in Chapter 19.4 herein. The spaces shall be hard surfaced with asphalt or concrete and be accessed from a public road by a hard surfaced, composed of asphalt or concrete, drive approach.

Loading and unloading areas shall be located in an area that can be secured from public access. Further, loading and unloading shall not occur on a public street.

*19.6.16.12 Project Plan Approval*
Any request for project plan approval in the I-1 Zone is subject to any and all applicable City resolutions and ordinances including the Subdivision Ordinance, Standard Specifications and Standard Plans, and the Payson City General Plan. (11-5-14)

Projects in the I-1 Zone will be reviewed and approved in accordance with Chapter 19.8, Commercial Development, Site Plans, herein.

*19.6.16.13 Storage Units*
Storage units are a permitted use in the I-1, Light Industrial Zone. However, the following requirements apply to all storage unit developments:

1. There shall be at least ten (10) storage units in each storage unit project and each project shall be located along a public street.
2. There shall be interior space adjacent to the public street dedicated to office, retail, service or another permitted or conditional use allowed in this Chapter which is not a storage unit or used as office space for the storage unit business. The amount of office, retail or service use shall be the greater of:
   i. Seventy five (75) percent of the frontage area along a public street.

ii. A floor area ratio of one (1) square foot of office, retail or service space for every one thousand (1,000) square feet of storage area.
iii. A minimum of two thousand (2,000) square feet. (1-23-08)

3. In no case shall any storage unit be used for human habitation or the housing of animals.
4. No business activity of any kind may be transacted from within a storage unit. (1-18-06)
5. A caretaker facility may be allowed as a conditional use when the City Council determines the following:
   a. The dwelling unit is necessary for security purposes and not used to simply obtain approval of a rental unit.
   b. The dwelling unit must be attached to or located within the principal use, and not have a total square footage that exceeds one-thousand (1,000) square feet or ten percent (10%) of the total area of the building square footage on the site, whichever is less.
   c. The design of the structure must satisfy the Design Guidelines adopted by the City Council.
   d. The dwelling unit will not be rented or leased, but may be considered part of compensation for caretaker services for the principle use.
   e. The dwelling unit must be incidental to and only a minor part of the principle use.
   f. Occupancy of the dwelling unit is limited to one (1) family.
   g. The dwelling unit will contain only one (1) kitchen.
   h. The structure will not be a manufactured dwelling unit.
   i. At least two (2) parking spaces must be dedicated for the caretaker facility. The City Council may require covered parking.
   j. If the storage unit facility has more than two hundred fifty (250) storage units and the owner/applicant can demonstrate that an additional on-site living quarter is necessary because of the size of the project and the additional unit will significantly improve the safety and security measures of the project, the City Council may approve a conditional use permit to allow an additional on-site living quarter. In no case shall the number of on-site living quarters exceed two (2) units or eliminate the business space required in #2 above.
   k. The caretaker unit(s) shall not be used to replace security devices such as automatic gates, security cameras, or site lighting.
   l. Any person occupying a caretaker facility shall submit evidence of compliance with this section upon request of the City.

*19.6.16.14 Other Requirements*

The following requirements are in addition to the requirements found in this Chapter, the General Provisions or Supplementary Provisions of this ordinance, or any other applicable resolution or ordinance.

1. Signs - Signs are allowed in the I-1 Zone in accordance with Chapter 19.15 herein.
2. Landscaping - Each lot or parcel shall be completely landscaped except those areas used for buildings or parking. Each project application shall be accompanied by a complete landscaping plan detailing the types and sizes of planting materials to be used. The landscaping shall be maintained using an automatic sprinkling system and shall be completed prior to issuance of a Certificate of Occupancy. On larger parcels, an alternative method of landscaping may be presented to the City Council for their consideration and approval.
3. Trash, junk, outside storage and other debris - No trash, used materials, unsightly storage of any kind, or non-licensed or abandoned vehicles shall be stored in an open area. All such materials shall be enclosed in a building or, if deemed appropriate by the City, behind a sight obscuring fence.
4. Design Guidelines - The City Council may require specific design guidelines be employed in the project. The design guidelines may include, but are not limited to, architectural controls, colors, materials, building mass, innovative design of buildings and access, and any other features deemed appropriate by the City Council. The design guidelines apply to all structures in a development including accessory structures. (2-16-05)
5. Buildings larger than forty thousand (40,000) square feet - Any building larger than forty thousand (40,000) square feet in the I-1 Zone shall be designed to have main entrances on at least two sides of the building, preferably front and back. This requirement is intended to produce a more attractive building on all sides, not just the front, and to improve traffic flow.
6. Open Space - Industrial developments one (1) acre or larger may be required to provide landscaped passive or active open space areas for use by employees. These areas may contain picnic tables, pavilions, athletic equipment for use during work breaks, and other appropriate amenities. The type of amenities and amount of open space will be proportionate to the size of the project and

determined using factors such as number of employees and hours of operation. In an industrial park, property owners may work together to provide open space areas. (9-1-04)

**19.6.17 I-2 Heavy Industrial Zone**

19.6.17.1 Purpose and Zone Characteristics
19.6.17.2 Permitted, Conditional and Accessory Uses
19.6.17.3 Lot Area
19.6.17.4 Lot Width
19.6.17.5 Lot Frontage
19.6.17.6 Setback Requirements
19.6.17.7 Projections into Setbacks
19.6.17.8 Building Height Requirements
19.6.17.9 Distance between Buildings
19.6.17.10 Lot Coverage
19.6.17.11 Parking, Loading and Access
19.6.17.12 Project Plan Approval
19.6.17.13 Other Requirements

*19.6.17.1 Purpose and Zone Characteristics*
The I-2 Heavy Industrial Zone is established to provide areas within the City for manufacturing, processing, warehousing, and fabrication of goods and materials. These uses are not compatible with residential uses and should be placed in appropriate locations and protected from residential encroachment. (3-5-03)

*19.6.17.2 Permitted, Conditional and Accessory Uses*
Specific uses in the I-2 Zone can be identified by referring to the chart attached hereto as Appendix A – Non-Residential Land Use Categories. The chart will specify whether each use is a permitted, conditional or accessory use. Unless specifically listed, any other use is not a permitted use in the zone. (10-1-08)

*19.6.17.3 Lot Area*
The minimum lot area requirement in the I-2 Zone is one (1) acre.

*19.6.17.4 Lot Width*
The minimum width requirement in the I-2 Zone shall be one hundred (100) feet for all of the area located in the required front setback area.

*19.6.17.5 Lot Frontage*
All parcels in the I-2 Zone shall abut a public street, or private street if approved by the City Council, for at least one hundred (100) feet. (3-5-03)

*19.6.17.6 Setback Requirements*
The following minimum setback requirements shall apply in the I-2 Zone. Each setback is measured from the property line of the lot or parcel.

1. Front setback - Each lot or parcel in the I-2 Zone shall have a minimum front setback of forty (40) feet.
2. Side setback - Each parcel in the I-2 Zone shall have a minimum side setback of thirty (30) feet.
   a. Side setback for corner lot - Each corner lot or parcel in the I-2 Zone shall have a minimum setback on all areas of road frontage of thirty (30) feet.
   b. Side setback for driveway - Each side setback, when used for access to a garage, carport, or parking area shall have a minimum setback of thirty (30) feet and shall be hard surfaced.
   c. Side setback for accessory building - The side setback for any permitted accessory building shall have a minimum side setback of twenty (20) feet.
3. Rear setback - Each lot or parcel in the I-2 Zone shall have a minimum rear setback of thirty (30) feet.
   a. Rear setback for accessory building - An accessory building shall be at least twenty (20) feet from the rear property line. (3-5-03)

Following review of any proposed project, the setbacks for the I-2, Heavy Industrial Zone may be modified, upon written approval of the City Engineer, Building Official and Fire Chief, if the modified setbacks will improve the layout of the proposed development and allow for more appropriate safety provision. Upon review of a request to reduce a setback, the following issues must be considered:

1. The setbacks may not be reduced on projects that are adjacent to another zoning designation or could have negative impact on adjacent properties.
2. The applicant shall obtain written approval from the public and private utility providers to encroach the setback area.
3. The setbacks may not reduce or eliminate the public utility easement area unless written permission is granted from the adjoining property owner to place the additional public utility easement area on their property. The preparation of all necessary documentation and recordation fees are the responsibility of the party seeking the reduction.
4. The relocation of any utility facilities, fencing or other physical features of the site to accommodate the development proposal is the responsibility of the applicant. (2-7-07)

The City Engineer, Building Official and Fire Chief are under no obligation to approve the request to modify the setbacks of this Chapter and no precedent is set by any approval or denial of such a request. (3-5-03)

*19.6.17.7 Projections into Setbacks*
The following structures may project into a required setback upon the completion of a survey to accurately determine the property line:

1. Fences and walls in conformance with all applicable City ordinances and resolutions.
2. Landscaping and irrigation systems.
3. Necessary appurtenances for utility service.
4. Patios, as defined in Chapter 19.28 herein, may be extended into a side or rear setback area but must be at least five (5) feet from the property line.
5. Decks, as defined in Chapter 19.28 herein, may be extended into a rear setback area but must be at least fifteen (15) feet from the property line and satisfy all other setback requirements. (2-7-07)
6. Cornices, eaves, sills, buttresses, awnings, planter boxes or other similar architectural features may project up to four (4) feet into any required front or rear setback or up to two (2) feet into a side setback.
7. Patio covers may be extended into a rear setback area but must be at least fifteen (15) feet from the property line. A patio cover may also extend into a side setback area but must be at least five (5) feet from the property line. If a patio cover is enclosed, the structure shall satisfy all setback requirements. (2-7-07)

*19.6.17.8 Building Height Requirements*
A primary building or structure may not exceed thirty-five (35) feet in height, nor be lower than ten (10) feet in height, unless reviewed and approved by the Fire Chief, in accordance with the adopted building and fire codes. Accessory structures may not exceed eighteen (18) feet in total height as defined in Chapter 19.28 herein. (5-16-12)

*19.6.17.9 Distance between Buildings*
The distance between any building or structure and any other building or structure shall at least twenty (20) feet.

*19.6.17.10 Lot Coverage*
The sum total of all buildings, structures and impervious material on any parcel in the I-2 Zone shall not exceed seventy (70) percent of the total area of the parcel. (4-15-15)

*19.6.17.11 Parking, Loading and Access*
Each project in the I-2 Zone shall satisfy the off-street parking requirements found in Chapter 19.4 herein. The spaces shall be hard surfaced with asphalt or concrete and be accessed from a public road by a hard surfaced, composed of asphalt or concrete, drive approach.

Loading and unloading areas shall be located in an area that can be secured from public access. Further, loading and unloading shall not occur on a public street.

*19.6.17.12 Project Plan Approval*
Any request for project plan approval in the I-2 Zone is subject to any and all applicable City resolutions and ordinances including the Subdivision Ordinance, Standard Specifications and Standard Plans, and the Payson City General Plan. (11-5-14)

Projects in the I-2 Zone will be reviewed and approved in accordance with Chapter 19.8, Commercial Development, Site Plans, herein.

*19.6.17.13 Other Requirements*
The following requirements are in addition to the requirements found in this Chapter, the General Provisions or Supplementary Provisions of this ordinance, or any other applicable resolution or ordinance.

1. Signs - Signs are allowed in the I-2 Zone in accordance with Chapter 19.15 herein.
2. Landscaping - Each lot or parcel shall be completely landscaped except those areas used for buildings or parking. Each project application shall be accompanied by a complete landscaping plan detailing the types and sizes of planting materials to be used. The landscaping shall be maintained using an automatic sprinkling system and shall be completed prior to issuance of a Certificate of Occupancy. On larger parcels, an alternative method of landscaping may be presented to the City Council for their consideration and approval.
3. Trash, junk, storage and other debris - No trash, used materials, unsightly storage of any kind, or non-licensed or abandoned vehicles shall be stored in an open area. All such materials shall be enclosed in a building or, if deemed appropriate behind the City, by a sight obscuring fence.
4. Design Guidelines - The City Council may require specific design guidelines be employed in the project. The design guidelines may include, but are not limited to, architectural controls, colors, materials, building mass, innovative design of buildings and access, and any other features deemed appropriate by the City Council. The design guidelines apply to all structures in a development including accessory structures. (2-16-05)
5. Open Space - Industrial developments one (1) acre or larger may be required to provide landscaped passive or active open space areas for use by employees. These areas may contain picnic tables, pavilions, athletic equipment for use during work

breaks, and other appropriate amenities. The type of amenities and amount of open space will be proportionate to the size of the project and determined using factors such as number of employees and hours of operation. In an industrial park, property owners may work together to provide open space areas. (9-1-04)

**19.6.18 R&D Research and Development Zone**

19.6.18.1 Purpose and Zone Characteristics
19.6.18.2 Permitted, Conditional and Accessory Uses
19.6.18.3 Lot Area
19.6.18.4 Lot Width
19.6.18.5 Lot Frontage
19.6.18.6 Setback and Build-To-Line Requirements
19.6.18.7 Projections into Setbacks
19.6.18.8 Building Height Requirements
19.6.18.9 Distance between Buildings
19.6.18.10 Permissible Lot Coverage
19.6.18.11 Parking, Loading and Access
19.6.18.12 Project Plan Approval
19.6.18.13 Other Requirements

*19.6.18.1 Purpose and Zone Characteristics*
The R&D Research and Development Zone is established to provide areas within the City for campus, park-like settings for research and development activities. The zone allows for limited commercial and service uses.

*19.6.18.2 Permitted, Conditional and Accessory Uses*
Specific uses in the R&D Zone can be identified by referring to the chart attached hereto as Appendix A – Non-Residential Land Use Categories. The chart will specify whether each use is a permitted, conditional or accessory use. Unless specifically listed, any other use is not a permitted use in the zone. (10-1-08)

*19.6.18.3 Lot Area*
The minimum lot area requirement in the R&D Zone is five (5) acres.

*19.6.18.4 Lot Width*
The minimum width requirement in the R&D Zone shall be two hundred (200) feet for all of the area located in the required front setback area.

*19.6.18.5 Lot Frontage*
All parcels in the R&D Zone shall abut a public street for at least two hundred (200) feet.

*19.6.18.6 Setback and Build-To-Line Requirements*
The following minimum setback and build-to-line requirements shall apply in the R&D Zone. Each setback is measured from the property line of the lot or parcel.

1. Front setback - Each lot or parcel in the R&D Zone shall have a minimum front setback of thirty (30) feet. (4-15-15)
2. Side setback - Each parcel in the R&D Zone shall have a minimum side setback of thirty (30) feet.
   a. Side setback for corner lot - Each corner lot or parcel in the R&D Zone shall have a minimum setback on all areas of road frontage of thirty (30) feet.
   b. Side setback for driveway - Each side setback, when used for access to a garage, carport, or parking area shall have a minimum setback of thirty (30) feet and shall be hard surfaced.
   c. Side setback for accessory building - The side setback for any permitted accessory building shall have a minimum side setback of twenty (20) feet.
3. Rear setback - Each lot or parcel in the R&D Zone shall have a minimum rear setback of thirty (30) feet.
   a. Rear setback for accessory building - An accessory building shall be at least twenty (20) feet from the rear property line. (3-5-03)
4. The land use authority may impose a build-to-line that represents the distance from the property line that a structure will be constructed. The build-to-line may be imposed on any side of the structure. The build-to-line may be imposed in order to reduce the parking adjacent to the street, improve aesthetics of the site, or for circulation purposes. The imposition of a build-to-line does not reduce the amount of required off-street parking or landscaping. (4-15-15)

*19.6.18.7 Projections into Setbacks*
The following structures may project into a required setback upon the completion of a survey to accurately determine the property line:

1. Fences and walls in conformance with all applicable City ordinances and resolutions.
2. Landscaping and irrigation systems.
3. Necessary appurtenances for utility service.
4. Patios, as defined in Chapter 19.28 herein, may be extended into a side or rear setback area but must be at least five (5) feet from the property line. (2-7-07)
5. Decks, as defined in Chapter 19.28 herein, may be extended into a rear setback area but must be at least fifteen (15) feet from the property line and satisfy all other setback requirements. (2-7-07)
6. Cornices, eaves, sills, buttresses, awnings, planter boxes or other similar architectural features may project up to four (4) feet into any required front or rear setback or up to two (2) feet into a side setback.
7. Patio covers may be extended into a rear setback area but must be at least fifteen (15) feet from the property line. A patio cover may also extend into a

side setback area but must be at least five (5) feet from the property line. If a patio cover is enclosed, the structure shall satisfy all setback requirements. (2-7-07)

*19.6.18.8 Building Height Requirements*
A primary building or structure may not exceed thirty-five (35) feet in height, nor be lower than ten (10) feet in height, unless reviewed and approved by the Fire Chief. Accessory structures may not exceed eighteen (18) feet in total height as defined in Chapter 19.28 herein. (5-16-12)

*19.6.18.9 Distance between Buildings*
The distance between any building or structure and any other building or structure shall at least twenty (20) feet.

*19.6.18.10 Permissible Lot Coverage*
The sum total of all buildings, structures and impervious material on any parcel in the R&D Zone shall not exceed fifty (50) percent of the total area of the parcel. (4-15-15)

*19.6.18.11 Parking, Loading and Access*
Each project in the R&D Zone shall satisfy the off-street parking requirements found in Chapter 19.4 herein. The spaces shall be hard surfaced with asphalt or concrete and be accessed from a public road by a hard surfaced, composed of asphalt or concrete, drive approach.

Loading and unloading areas shall be located in an area that can be secured from public access. Further, loading and unloading shall not occur on a public street.

*19.6.18.12 Project Plan Approval*
Any request for project plan approval in the R&D Zone is subject to any and all applicable City resolutions and ordinances including the Subdivision Ordinance, Standard Specifications and Standard Plans, and the Payson City General Plan. (11-5-14)

Projects in the R&D Zone will be reviewed and approved in accordance with Chapter 19.8, Commercial Development, Site Plans, herein.

*19.6.18.13 Other Requirements*
The following requirements are in addition to the requirements found in this Chapter, the General Provisions or Supplementary Provisions of this ordinance, or any other applicable resolution or ordinance.

1. Signs - Signs are allowed in the R&D Zone in accordance with Chapter 19.15 herein.
2. Landscaping - Each lot or parcel shall be completely landscaped except those areas used for buildings or parking. Each project application shall be accompanied by a complete landscaping plan detailing the types and sizes of planting materials to be used. The landscaping shall be maintained using an automatic sprinkling system and shall be completed prior to issuance of a Certificate of Occupancy. On larger parcels, an alternative method of landscaping may be presented to the City Council for their consideration and approval. The R&D Zone is intended to be a campus or park-like setting.
3. Trash, junk, storage and other debris - No trash, used materials, unsightly storage of any kind, or non-licensed or abandoned vehicles shall be stored in an open area. All such materials shall be enclosed in a building or, if deemed appropriate by the City, behind a sight obscuring fence.
4. Design Guidelines - The City Council may require specific design guidelines be employed in the project. The design guidelines may include, but are not limited to, architectural controls, colors, materials, building mass, innovative design of buildings and access, and any other features deemed appropriate by the City Council. The design guidelines apply to all structures in a development including accessory structures. (2-16-05)

**19.6.19 NC-1 Neighborhood Commercial Zone (5-2-07)**

19.6.19.1 Purpose and Zone Characteristics
19.6.19.2 Permitted, Conditional and Accessory Uses
19.6.19.3 Lot Area
19.6.19.4 Lot Width
19.6.19.5 Lot Frontage
19.6.19.6 Setback and Build-To-Line Requirements
19.6.19.7 Projections into Setbacks
19.6.19.8 Building Height Requirements
19.6.19.9 Permissible Lot Coverage
19.6.19.10 Parking, Loading and Access
19.6.19.11 Project Plan Approval
19.6.19.12 Other Requirements
19.6.19.13 Parcels Constricted by Land Constraints

*19.6.19.1 Purpose and Zone Characteristics*
The NC-1 Neighborhood Commercial Zone is established to provide areas within the City where limited commercial uses conducive to residential uses can be integrated into predominantly residential areas. The hours of operation, noise generated by business activities, emissions, parking, and lighting are all primary concerns in the zone.

Rezoning to the NC-1 Zone should be carefully reviewed to ensure protection of the existing neighborhoods and residential uses. Some, but not necessarily all of the items that will be considered by the Planning Commission and City Council in the determination of a zone change include:

1. Whether the proposed use would be more appropriate in another commercial zone or would serve to undermine the intention of other commercial zoning districts.
2. The impact the commercial use would have on the circulation pattern of the neighborhood.
3. The impact of the commercial use on the infrastructure in the general vicinity.
4. The use of the NC-1 Zone should not be granted simply to avoid compliance with any other development regulation or to simply appease a landowner who should be operating a commercial business in a more appropriate location.
5. The effect anticipated at the rezone stage is intended to the maximum impact the project will have on the neighborhood. Additional structures, subdivision of property and other development approvals will be strictly limited and only if it can be shown that the additional approval will serve to reduce impact on the neighborhood.
6. The configuration of the NC-1 Zone must complement the residential character of the neighborhood. In some instances the zone will be very compact and located in the heart of residential development and in other locations the area may be larger along an arterial road.

*19.6.19.2 Permitted, Conditional and Accessory Uses*
The following uses are allowed in the NC-1 Zone. If a use is not listed below, the use is not allowed in the zone. The uses listed are meant to be specific and narrowly defined. If there is any question of whether the use is appropriate, the applicant will be required to process a Zoning Ordinance amendment in conjunction with the request.

1. Business and management consulting services
2. Travel agencies and arrangement services
3. Insurance and real estate services
4. Art, crafts and hobby stores
5. Local government structures
6. Florists
7. Gifts and souvenirs shops
8. Beauty and barber services
9. Health spas
10. Physician and dental services
11. Chiropractic, massage therapy and osteopath
12. Legal services and adoption agencies
13. Accounting, auditing and bookkeeping
14. Interior design studios, not to include warehousing
15. Structures for fruit, vegetable, and flower sales (10-1-08)

In order to maintain the residential character of the area, the following uses are expressly prohibited:
1. Subdivision of property is not a permitted use in the zone
2. Drive-up windows

*19.6.19.3 Lot Area*
There is no minimum lot area requirement in the NC-1 Zone. However, the parcel must be large enough to accommodate required off-street parking, building setbacks, landscaping, lot improvements and other development regulations. The maximum project area in the NC-1 Zone is one (1) acre.

*19.6.19.4 Lot Width*
There shall be no minimum width requirement in the NC-1 Zone, except that any parcel smaller in width than the average of the parcels on that block shall be reviewed and approved by the City Council. If the Council finds that the width is insufficient or undesirable, the Council may require that the massing, uses, and other design characteristics be compatible with surrounding uses.

*19.6.19.5 Lot Frontage*
There shall be no frontage requirement in the NC-1 Zone, except that any parcel with less frontage than the average of the parcels on that block shall be reviewed and approved by the City Council. If the Council finds that the frontage is insufficient or undesirable, the Council may require that the massing, uses, and other design characteristics be compatible with surrounding uses.

*19.6.19.6 Setback and Build-To-Line Requirements*
The following minimum setback and build-to-line requirements shall apply in the NC-1 Zone. Each setback is measured from the property line of the lot or parcel. (4-15-15)

1. Front setback - Each lot or parcel in the NC-1 Zone shall have a minimum front setback of twenty five (25) feet.
2. Side setback – Each lot or parcel in the NC-1 Zone shall have a minimum side setback of fifteen (15) feet except as follows:
   a. Side setback for structures constructed adjacent to residentially uses shall be a minimum of twenty (20) feet.
   b. Side setback for corner lot - Each corner lot or parcel in the NC-1 Zone shall have a minimum setback on the non-frontage side of twenty (20) feet.
   c. Side setback for driveway - Each side setback, when used for access to a parking area shall have a minimum setback of twenty (20) feet and shall be hard surfaced.
3. Rear setback - Each lot or parcel in the NC-1 Zone shall have a minimum rear setback of twenty (20) feet.
4. The land use authority may impose a build-to-line that represents the distance from the property line that a structure will be constructed. The build-to-line may be imposed on any side of the structure. The build-to-line may be imposed in order to reduce the parking adjacent to the street, improve aesthetics of the site, or for circulation purposes. The imposition of a build-to-line does not reduce the amount of required off-street parking or landscaping. (4-15-15)

*19.6.19.7 Projections into Setbacks*
The following structures may project into a required setback upon the completion of a survey to accurately determine the property line:
1. Fences and walls in conformance with applicable City ordinances and resolutions.
2. Landscaping and irrigation systems.
3. Necessary appurtenances for utility service.
4. Cornices, eaves, sills, buttresses, awnings, planter boxes or other similar architectural features may project up to four (4) feet into any required front or rear setback or up to two (2) feet into a side setback.

*19.6.19.8 Building Requirements, Massing and Scale*
A primary building or structure may not exceed thirty-five (35) feet in height, nor be lower than ten (10) feet in height. Buildings shall reflect the character of the neighborhood in terms of massing and scale, specifically with immediately adjacent structures. For instance, where single story structures exist, a commercial use should be conducted in a single story structure. Where a mixture of buildings heights and sizes exist, the commercial structure shall provide a transition between the various building scales.

An accessory structure in the NC-1 Zone may not exceed eighteen (18) feet in total height as defined in Chapter 19.28 herein. (5-16-12)

*19.6.19.9 Permissible Lot Coverage*
The sum total of all buildings, structures, and impervious material on any parcel in the NC-1 Zone shall not be greater than sixty (60) percent of the total area of the parcel. (4-15-15)

*19.6.19.10 Parking, Loading and Access*
Each project in the NC-1 Zone shall satisfy the off-street parking requirements found in Chapter 19.4 herein. The spaces shall be hard surfaced with asphalt or concrete and be accessed from a public road by a hard surfaced, composed of asphalt or concrete, drive approach.

*19.6.19.11 Project Plan Approval*
Projects in the NC-1 Zone will be reviewed and approved in accordance with Chapter 19.8, Commercial Development, Site Plans, herein.

Any request for project plan approval in the NC-1 Zone is subject to any and all applicable City resolutions and ordinances including the Subdivision Ordinance, Standard Specifications and Standard Plans, and the Payson City General Plan. (11-5-14)

*19.6.19.12 Other Requirements*
The following requirements are in addition to the requirements found in this Chapter, the General Provisions or Supplementary Provisions of this ordinance, or any other applicable resolution or ordinance.
1. Signs – Signs shall not distract from the residential character of the area. Sign size, lighting and

location must be compatible with surrounding uses. All signs must be consistent with the regulations of Chapter 19.15 herein.

2. Landscaping - Each lot or parcel shall be completely landscaped except those areas used for buildings or parking. Each project application shall be accompanied by a complete landscaping plan detailing the types and sizes of planting materials to be used. The landscaping shall be maintained using an automatic sprinkling system and shall be completed prior to issuance of a Certificate of Occupancy.
3. Accessory structures are not allowed in the NC-1 Zone. Outdoor storage is not allowed and commercial uses shall be wholly conducted within an enclosed building.
4. Trash, junk, and other debris - No trash, used materials, unsightly storage of any kind, or non-licensed or abandoned vehicles are allowed on site.
5. Design Guidelines - The City Council may require specific design guidelines be employed in the project. The design guidelines may include, but are not limited to, architectural controls, colors, materials, building mass, innovative design of buildings and access, and any other features deemed appropriate by the City Council. The design guidelines apply to all structures in a development including accessory structures.
6. No dust, odor, smoke, vibration, intermittent light, glare, or noise shall be emitted which is discernible beyond the premises, except for normal traffic movements.

*19.6.19.13 Parcels Constricted by Land Constraints*

In order to effectively protect the residential character of the surrounding area, any project that cannot comply with the requirements on this Section concerning parking, access, landscaping or other constraints based on lot size, location, or configuration will not be allowed.

**19.6.20 CT Commercial Transition Zone**

19.6.20.1 Purpose and Zone Characteristics
19.6.20.2 Permitted, Conditional and Accessory Uses
19.6.20.3 Lot Area
19.6.20.4 Lot Width
19.6.20.5 Lot Frontage
19.6.20.6 Setback and Build-To-Line Requirements
19.6.20.7 Projections into Setbacks
19.6.20.8 Building Height Requirements
19.6.20.9 Distance between Buildings
19.6.20.10 Parking, Loading and Access
19.6.20.11 Project Plan Approval
19.6.20.12 Massing of buildings
19.6.20.13 Transition into Residential Areas
19.6.20.14 Design Guidelines and Motif
19.6.20.15 Landscaping of Freeway Frontage
19.6.20.16 Other Requirements

*19.6.20.1 Purpose and Zone Characteristics*
The CT Transition Zone is established to create an appropriate progression between heavy commercial uses near the Interstate 15 interchanges in the City and the less intensive commercial, industrial and residential uses just beyond the properties with heavy commercial viability. The zone allows for a variety of commercial, service, retail, light industrial, and residential uses. As a mixed use zone, careful consideration of compatibility is critical in the CT Zone.

The intention of the CT Zone of Payson City is to allow properties to be developed in a manner that allows property owners and the City Council to determine the appropriate uses that will support the heavy commercial uses while transitioning into industrial and residential areas. The CT Zone allows mixed use developments and encourages creative solutions to typically incompatible land uses.

Characteristics of the CT Zone include attractive building design and landscaping, proper pedestrian and vehicular circulation and structures that relate to one another in scale and design features.

Rezone to any CT Zone is limited by the following factors:

1. The property proposed for rezoning must be included in the S-1, Special Highway Service Zone prior to the rezone request.
2. The applicant for a zone change to any CT Zone will be required to indicate the proposed use of the property proposed for rezoning. The applicant will be required to sign a development agreement that solidifies the anticipated use of the property proposed to be rezoned, design guidelines, densities and any other appropriate items. Failure to develop the property as agreed upon in the development agreement may result in rezoning the property to the S-1 Zone at the discretion of the City Council.
3. The applicant must be able to demonstrate how the proposed use of the parcel will promote a transition from the intensive commercial uses in the S-1 Zone to the surrounding zones, existing development and proposed development.
4. The City Council may require rezoning to be consistent with the land use designation of the General Plan.
5. A parcel may be rezoned into more than one of the Commercial Transition Zones if the arrangement would create a better transition area between the S-1 Zone and surrounding zones.

*19.6.20.2 Permitted, Conditional and Accessory Uses*
The City Council may allow existing uses, including agricultural pursuits and animal rights, to continue in any CT Zone provided the City Council finds that the continuation of the use will not negatively impact current or future uses of surrounding parcels. However, any right to such use shall be relinquished upon the issuance of a building permit for the subject lot or parcel.

The CT Zone is a mixed use zone that will accommodate a variety of land uses. In order to accommodate the various uses in the mixed use zone, the CT Zone has been separated into three distinct categories to provide the appropriate transition between the S-1, Special Highway Service Zone and the less intensive surrounding zones. The CT-1 Zone addresses commercial transitions, the CT-2 Zone addresses industrial transitions, and the CT-3 Zone addresses residential transitions.

An applicant seeking a zone change to one of the CT Zones must designate the specific category being requested.

In order to clarify and define the allowable uses, the permitted, conditional and accessory uses for commercial, industrial and residential development, except as noted above, have been listed separately.

*CT-1 Commercial Transition*
*Permitted Commercial Uses*
The following commercial land uses are permitted uses in the CT-1 Zone. Unless specifically listed, any other use is not a permitted commercial use in the zone. Uses listed as conditional or accessory commercial uses are

allowed in the zone only in accordance with the criteria established in this Title. Each of the following permitted commercial uses is subject to the provisions of Chapter 19.8 of the Zoning Ordinance.

1. General commercial retail sales and services including:
   a. Antique and art shops
   b. Clothing, shoes and other apparel shops
   c. Computer sales and services
   d. Floral and gift shops
   e. Office supplies
   f. Recreational vehicle sales
   g. Sporting goods
2. Restaurants and fast food
3. Hotels and motels
4. Automobile dealerships
5. Recreational or amusement commercial businesses including but not to allow sexually oriented businesses:
   a. Bowling alleys
   b. Indoor shooting ranges
   c. Miniature golf courses
   d. Sports bars (limited to alcoholic distribution of beer only and in accordance state regulations)
   e. Tennis courts and racquet clubs
   f. Roller skating rinks
   g. Gymnasiums and recreation centers
   h. Dance halls
6. Personal and professional services including:
   a. Beauty and barber services
   b. Engineering or architectural offices
   c. Laundromats and dry cleaning
   d. Reception centers and mortuaries
   e. Travel agencies
   f. Medical and health care offices
   g. Legal offices
   h. Financial, insurance and real estate offices
7. Educational facilities and services including daycare businesses
8. Uses allowed in Section 19.6.16.14 as transitional uses
9. Public or private utility rights-of-way

*Conditional Commercial Uses*

The following commercial land use types are allowed as conditional uses in the CT-1 Zone. Unless specifically listed, any other use is not allowed as a commercial conditional use in the zone. Each conditional use must be reviewed and approved in accordance with Chapter 19.13 of this Title.

1. Service and gasoline stations if it can be shown that environmental issues (ground water and air quality) and safety issues can be addressed
2. Grocery stores
3. Bars, saloons, and taverns
4. Large scale commercial buildings or strip malls if it can be shown that the development will not have a negative impact on surrounding uses or traffic circulation
5. Hardware stores if it can be shown that the development will not have a negative impact on surrounding uses or traffic circulation
6. Public or private utility maintenance facilities

*Accessory Commercial Uses*

The following commercial land use types are allowed as accessory uses in the CT-1 Zone. Unless specifically listed, any other use is not allowed as a commercial accessory use in the zone. Any accessory use must be clearly incidental to a permitted or conditional use of the property. Accessory uses are not allowed without the approval of a permitted or conditional use of the parcel unless otherwise noted in this Section.

1. Storage facilities for machinery and equipment as an accessory use to a permitted or conditional use
2. Trailer rental intended for moving typical household goods or small office equipment

*CT-2 Industrial Transition*

*Permitted Industrial Uses*

The following industrial land uses are permitted uses in the CT-2 Zone. Unless specifically listed, any other industrial use is not a permitted use in the zone. Uses listed as conditional or accessory industrial uses are allowed in the zone only in accordance with the criteria established in this Title. Each of the following permitted industrial uses is subject to the provisions of the I-1, Light Industrial Zone found in Chapter 19.6 of this Title.

1. Light industrial uses as defined in Chapter 19.28 herein in structures less than fifteen thousand (15,000) square feet.
2. Office buildings

*Conditional Industrial Uses*

The following industrial land use types are allowed as conditional uses in the CT-2 Zone. Unless specifically listed, any other use is not allowed as an industrial conditional use in the zone. Each conditional use must be reviewed and approved in accordance with Chapter 19.13 of this Title.

1. Light industrial uses as defined in Chapter 19.28 herein in structures larger than fifteen thousand (15,000) square feet if it can be shown that the development will not have a negative impact on surrounding uses or traffic circulation
2. Storage units if it can be shown that the development will not have a negative impact on surrounding uses or traffic circulation
3. Equipment storage and rental businesses
4. Public or private utility maintenance facilities

*Accessory Industrial Uses*
The following industrial land use types are allowed as accessory uses in the CT-2 Zone. Unless specifically listed, any other use is not allowed as an industrial accessory use in the zone. Any accessory use must be clearly incidental to a permitted or conditional use of the property. Accessory uses are not allowed without the approval of a permitted or conditional use of the parcel unless otherwise noted in this Section.

1. Storage facilities for machinery and equipment as an accessory use to a permitted or conditional use

*CT-3 Residential Transition*
*Permitted Residential Uses*
Residential uses are not the primary focus of the CT Zone, but may be appropriate in some instances as a transition from heavy commercial uses into residential areas. The following residential land uses are permitted uses in the CT-3 Zone. Unless specifically listed, any other residential use is not a permitted use in the zone. Uses listed as conditional or accessory residential uses are allowed in the zone only in accordance with the criteria established in this Title. Each of the following permitted residential uses is subject to the provisions found in Chapter 19.6 of this Title.

1. Less than five (5) second story or higher residential units when approved with retail commercial on the main level of the structure

*Conditional Residential Uses*
The following residential land use types are allowed as conditional uses in the CT-3 Zone. Unless specifically listed, any other use is not allowed as a residential conditional use in the zone. Each conditional use must be reviewed and approved in accordance with Chapter 19.13 of this Title. Each commercial use in the CT-3 Zone will be required to satisfy the applicable requirements of Chapter 19.6.10 herein.

1. Multi-family dwellings when it can be shown that the development will not have a negative impact on surrounding uses or traffic circulation and the residential units will serve to transition from heavy commercial uses into residential areas
2. One (1) resident apartment for caretakers of a commercial or industrial business

*Accessory Residential Uses*
The following residential land use types are allowed as accessory uses in the CT-3 Zone. Unless specifically listed, any other use is not allowed as a residential accessory use in the zone. Any accessory use must be clearly incidental to a permitted or conditional use of the property. Accessory uses are not allowed without the approval of a permitted or conditional use of the parcel unless otherwise noted in this Section.

1. Storage facilities for maintenance of the residential open space and amenities

*19.6.20.3 Lot Area*
The minimum project area requirement in the CT Zone is one (1) acre, except for parcels created prior to the adoption of this ordinance.

*19.6.20.4 Lot Width*
The minimum width requirement in the CT Zone shall be one hundred (100) feet for all of the area located in the required front setback area, except for parcels created prior to the adoption of this ordinance. Regardless of the adoption date, if the Council finds that the width is inefficient or undesirable, the Council may require that the massing, uses, and other design characteristics be compatible with surrounding uses.

*19.6.20.5 Lot Frontage*
All parcels in the CT Zone shall abut a public street, or a private street if approved by the City Council, for at least one hundred (100) feet, except for parcels created prior to the adoption of this ordinance. Regardless of the adoption date, if the Council finds that the frontage is inefficient or undesirable, the Council may require that the massing, uses, and other design characteristics be compatible with surrounding uses.

*19.6.20.6 Setback and Build-To-Line Requirements*
The following minimum setback and build-to-line requirements shall apply in the CT Zone. Each setback is measured from the property line of the lot or parcel.

1. Front setback – Each lot or parcel in the CT Zone shall have a minimum front setback of twenty (20) feet.
2. Side setback – Each lot or parcel in the CT Zone shall have a minimum side setback of twenty (20) feet, except that where the CT Zone is adjacent to a residential zone the minimum side setback shall

be thirty (30) feet. The side setback may be reduced if it can be shown that the reduction in the setback will improve the development layout and all regulations of the adopted building and fire codes can be satisfied. However, in no case shall the side setback requirement be reduced when the proposed structure is adjacent to another zoning district.

3. Side setback for accessory building - The side setback for any permitted accessory building shall be fifteen (15) feet.
4. Rear setback - Each lot or parcel in the CT Zone shall have a minimum rear setback of thirty (30) feet.
5. Rear setback for accessory building – The rear setback for an accessory building shall be fifteen (15) feet.
6. The land use authority may impose a build-to-line that represents the distance from the property line that a structure will be constructed. The build-to-line may be imposed on any side of the structure. The build-to-line may be imposed in order to reduce the parking adjacent to the street, improve aesthetics of the site, or for circulation purposes. The imposition of a build-to-line does not reduce the amount of required off-street parking or landscaping. (4-15-15)

*19.6.20.7 Projections into Setbacks*

The following structures may project into a required setback upon the completion of a survey to accurately determine the property line:

1. Fences and walls in conformance with all applicable City ordinances and resolutions.
2. Landscaping and irrigation systems.
3. Necessary appurtenances for utility service.
4. Patios, as defined in Chapter 19.28 herein, may be extended into a side or rear setback area but must be at least five (5) feet from the property line. (2-7-07)
5. Decks, as defined in Chapter 19.28 herein, may be extended into a rear setback area but must be at least fifteen (15) feet from the property line and satisfy all other setback requirements. (2-7-07)
6. Cornices, eaves, sills, buttresses, awnings, planter boxes or other similar architectural features may project up to four (4) feet into any required front or rear setback or up to two (2) feet into a side setback.
7. Patio covers may be extended into a rear setback area but must be at least fifteen (15) feet from the property line. A patio cover may also extend into a side setback area but must be at least five (5) feet from the property line. If a patio cover is enclosed, the structure shall satisfy all setback requirements. (2-7-07)

*19.6.20.8 Building Height Requirements*

A primary building or structure may not exceed thirty-five (35) feet in height, nor be lower than ten (10) feet in height, unless reviewed and approved by the Fire Chief, in accordance with the adopted building and fire codes.

*19.6.20.9 Distance between Buildings*

The distance between any building or structure shall satisfy the requirements of the building code in place at the time of approval and issuance of a Certificate of Occupancy.

*19.6.20.10 Parking, Loading and Access*

Each project in the CT Zone shall satisfy the off-street parking requirements found in Chapter 19.4 herein. The spaces shall be hard surfaced with asphalt or concrete and be accessed from a public road by a hard surfaced, composed of asphalt or concrete, drive approach.

Loading and unloading areas shall be located in an area that can be secured and screened from public view and access. Loading and unloading shall not occur on a public street.

*19.6.20.11 Project Plan Approval*

Any request for project plan approval in the CT Zone is subject to any and all applicable City resolutions and ordinances including the Subdivision Ordinance, Standard Specifications and Standard Plans, and the Payson City General Plan. (11-5-14)

Commercial projects in the CT Zone will be reviewed and approved in accordance with Chapter 19.8, Commercial Development, Site Plans, herein. Industrial and residential projects will be review and approved in accordance with the applicable sections of Chapter 19.6 herein.

*19.6.20.12 Massing of Buildings*

Buildings and structures will be reviewed in the context of surrounding uses and structures. Each building or structure shall be compatible, in terms of massing, with surrounding structures.

*19.6.20.13 Transition into Residential Areas*

In order to encourage a transition from the heavy commercial uses of the S-1 Zone into the less intensive uses surrounding the S-1 Zone, any parcel in the CT Zone may be limited by the City Council to land uses that are more compatible with the less intensive uses.

Within three hundred (300) feet of the zone boundary with any zone other than the S-1 Zone, the City Council may limit the uses to the following transitional uses:

*Permitted Uses*

1. Professional office buildings no greater than two thousand five hundred (2,500) square feet in size
2. Day care and pre-school facilities
3. Restaurants with no drive through facilities
4. Personal and professional services including, or determined by the City Council to be closely similar to:
   a. Beauty and barber services
   b. Engineering or architectural offices
   c. Laundromats and dry cleaning
   d. Reception centers and mortuaries
   e. Travel agencies
   f. Medical and health care offices
   g. Legal offices
5. Financial, insurance and real estate offices

*Conditional Uses*

1. Retail businesses no greater than two thousand five hundred (2,500) square feet in size

In order to promote compatibility between the CT Zone and any residential zone, the staff or City Council, as the case may be, may require special conditions including but not limited to the following:

1. Limited business hours, or hours of operation.
2. Restrictions on lighting, emissions, noise, and other potential impacts.
3. Appropriate screening through fencing, landscaping, building design, or any combination of the fencing, landscaping or building design.

*19.6.20.14 Design Guidelines and Motif*

The Payson City Council may impose design guidelines or a design motif for any development in the CT Zone. The design guidelines or design motif should be consistent and compatible with surrounding land uses and development. Failure to satisfy the standards of the design guidelines or design motif may result in the denial of any proposed project. The design guidelines apply to all structures in a development including accessory structures. (2-16-05)

*19.6.20.15 Landscaping of Freeway Frontage*

Parcels located adjacent to Interstate 15 shall work with the Utah Department of Transportation to provide attractive and appropriate landscaping of the frontage area. The applicant shall provide a complete landscaping plan approved by the Utah Department of Transportation prior to project approval. The Utah Department of Transportation approval shall include information about perpetual maintenance of the landscaping. The landscaping shall be installed prior to issuance of a Certificate of Occupancy and a Payson City business license.

*19.6.20.16 Other Requirements*

The following requirements are in addition to the requirements found in this Chapter, the General Provisions or Supplementary Provisions of this Title, or any other applicable resolution or ordinance.

1. Signs - Signs are allowed in the CT Zone in accordance with Chapter 19.15 herein. However, because there are several transition zones, signs in the CT-1 Zone shall be consistent with the requirements of the S-1 Zone, the signs in the CT-2, Zone shall be consistent with the requirements of the I-1, Zone and only signs allowed in residential zones shall be allowed in the CT-3 Zone. The City Council may impose stricter sign regulations as part of any development in the CT Zone. (2-16-05)
2. Landscaping - Each lot or parcel shall be completely landscaped except those areas used for buildings or parking. Each project application shall be accompanied by a complete landscaping plan detailing the types and sizes of planting materials to be used. The landscaping shall be maintained using an automatic sprinkling system and shall be completed prior to issuance of a Certificate of Occupancy.

   The landscaping plan shall be prepared using trees, shrubs, turf, and ground cover appropriate for the climatic zone of Payson City. There shall be a minimum of one tree with no less than a two (2) inch caliper for every five hundred (500) square feet of landscaped area. Parking areas shall contain landscaping space equal to no less than ten (10) percent of the total parking area. The landscaping space shall be enclosed by a protective curb and shall be properly maintained.
3. Trash, junk, and other debris - No trash, used materials, unsightly storage of any kind, or non-licensed or abandoned vehicles shall be stored in an open area. All such materials shall be enclosed in a building or, if deemed appropriate by the City, behind a sight obscuring fence.
4. Design Guidelines – The City Council may require that specific design guidelines be employed in the project if it can be reasonably shown that the materials, colors, or elevations of the buildings could have a significant impact on the existing or future atmosphere of the area, and to improve compatibility. The design guidelines may include,

but are not limited to, architectural controls, colors, materials, building mass, innovative design of buildings and access, and any other features deemed appropriate by the City Council.

5. No dust, odor, smoke, vibration, intermittent light, glare, or noise shall be emitted which is discernible beyond the premises, except for normal traffic movements.

## 19.6.21 HD-O Historic District Overlay Zone

19.6.21.1 Purpose and Objectives
19.6.21.2 Issuance of Licenses and Permits
19.6.21.3 Review of Applications for Compatibility
19.6.21.4 Relationship to Official Historical Sites
19.6.21.5 Guidelines for Historical Preservation and Code Compliance
19.6.21.6 Zone Area Requirements
19.6.21.7 Permitted, Conditional, and Accessory Uses

*19.6.21.1 Purpose and Objectives*
The purpose and objectives of the HD-O Historic District Overlay Zone include, but are not limited to, the following:

1. To preserve the historic and cultural heritage of the City.
2. To encourage reinvestment and maintenance of historic areas.
3. To stabilize and enhance property values.
4. To foster community pride.
5. To educate the public about the City's past.
6. To promote new development that will enhance and protect the existing structures.
7. To promote tourism and economic development and redevelopment.
8. To strengthen the economy and improve the quality of life.

*19.6.21.2 Issuance of Licenses and Permits*
Licenses and permits shall not be issued for the construction or alteration of any building or structure, or the relocation of a building onto a lot, or for the change of the use in any land, building, or structure if the construction, alteration, moving, or change in use would be a violation of any of the provisions of this Chapter.

*19.6.21.3 Review of Applications for Compatibility*
Any proposed rezone to the HD-O Zone shall be reviewed by the Planning Commission and City Council for compatibility with the purposes and objectives of the zone. Using the zone to simply avoid compliance with any building code or any federal, state, county or local law, shall not be approved.

Approval for use of the HD-O Zone shall be completed in accordance with Section 19.2.8 herein. Likewise, repeal of the HD-O Zone shall be completed in accordance with Section 19.2.8 herein.

*19.6.21.4 Relationship to Official Historical Sites*
Properties located in the HD-O Zone are not necessarily listed as official historical sites by the City, State, or any Historical Society. Further, the buildings located in the HD-O Zone are not necessarily "historic" buildings as defined by age, but could be buildings constructed to simulate a "historic period" or building type.

*19.6.21.5 Guidelines for Historical Preservation and Code Compliance*
The guidelines found in this Section are in addition to, and do not necessarily take the place of any other adopted ordinance or resolution of Payson City, Utah County, the State of Utah, and the United States Government.

The Payson City Council may adopt any ordinance or resolution that will help property owners satisfy the provisions of this Section. The Council may also adopt the Uniform Conservation Code for areas that have been designated as an HD-O Zone.

*19.6.21.6 Zone Area Requirements*
Each HD-O Zone shall contain no less than one (1) full City block.

*19.6.21.7 Permitted, Conditional, and Accessory Uses*
Each HD-O Zone may be different in nature, focus and scope, and thus the permitted, conditional, and accessory uses shall be determined on a case by case basis by the City Council.

In order to determine the allowable uses, each application for a Historic District Overlay Zone shall include, at a minimum, the following information:

1. The area proposed to be included in the zone.
2. The reason for use of the zone in accordance with one or more of the criteria found in Section 19.6.23.1 herein.
3. Proposals for special requirements of the zone including architectural controls, materials, uses, themes, or other similar ideas.
4. Proposals for any boards, owners associations, review panels, or special approval procedures.
5. Any other information that will assist the Planning Commission and City Council to determine appropriate characteristics and controls leading to the success of the proposal.
6. Proposed setback, width, frontage, parcel size and other requirements of the zone.

**19.6.22 HR-O Historic Residential Overlay Zone**

19.6.22.1 Purpose and Objectives
19.6.22.2 Issuance of Licenses and Permits
19.6.22.3 Review of Applications for Compatibility
19.6.22.4 Relationship to Official Historical Sites
19.6.22.5 Guidelines for Historical Preservation
19.6.22.6 Zone Area Requirements
19.6.22.7 Permitted, Conditional, and Accessory Uses
19.6.22.8 Parcel Requirements

*19.6.22.1 Purpose and Objectives*
The purpose and objectives of the HR-O Historic Residential Overlay Zone include, but are not limited to, the following:

1. To preserve historic and cultural heritage.
2. To encourage reinvestment and maintenance of historic homes.
3. To stabilize and enhance property values.
4. To foster community pride.
5. To educate the public about the City's past.

*19.6.22.2 Issuance of Licenses and Permits*
Licenses and permits shall not be issued for the alteration of any building or structure, or the relocation of a building onto a lot, or for the change of the use in any land, building, or structure if the alteration, moving, or change in use would be a violation of any of the provisions of this Chapter.

*19.6.22.3 Review of Applications for Compatibility*
Any proposed use of the HR-O Zone shall be reviewed by the Planning Commission and City Council for compatibility with the purposes and objectives of the zone. Applications for use of the zone to simply avoid compliance with any building code or any federal, state, county or local law shall not be approved.

Approval for use of the HR-O Zone shall be completed in accordance with Section 19.2.8 herein. Likewise, repeal of the HR-O Zone shall be completed in accordance with Section 19.2.8 herein.

*19.6.22.4 Relationship to Official Historical Sites*
Properties located in the HR-O Zone should be listed as official historical sites by the City, State, or Historical Society. Further, the buildings located in the HR-O Zone should be defined as "historic" buildings as defined by the following criteria:

1. It is at least fifty (50) years old.
2. It is virtually intact as originally constructed, except for appropriate maintenance and repairs, with limited alterations.
3. It is associated with events of historic nature in Payson City, Utah County, the State of Utah, the United States, or any Indian Nation.

*19.6.22.5 Guidelines for Historical Preservation*
The guidelines found in this Section are in addition to, and do not necessarily take the place of any other adopted ordinance or resolution of Payson City, Utah County, the State of Utah, and the United States Government.

The Payson City Council may adopt any ordinance or resolution that will help property owners satisfy the provisions of this Section. The Council may also adopt the Uniform Conservation Code for areas that have been designated as an HR-O Zone.

*19.6.22.6 Zone Area Requirements*
Each HR-O Zone may be as small as a single home, but may include several homes.

*19.6.22.7 Permitted, Conditional, and Accessory Uses*
*Permitted Uses*
The following uses, and no others are permitted uses in the HR-O Zone:

1. Single family dwellings
2. Apartments, boarding houses, or condominium units (limited to the existing historic structures)
3. Bed and breakfast establishments
4. Museums

*Conditional Uses*
The following uses, and no others are conditional uses in the HR-O Zone:

1. Restaurants, provided there is ample parking and the use is compatible with surrounding uses.
2. Antique and other specialty shops.

*Accessory Uses*
The following uses, and no others are accessory uses in the HR-O Zone:

1. Enclosed storage facilities, only when implemented as an accessory use to a permitted or conditional use as defined in this Section.

*19.6.22.8 Parcel Requirements*
The parcel requirements are the same as those listed in the underlying zone, unless the parcel qualifies as an existing and legal non-conforming use.

**19.6.23 FP-O Floodplain Overlay Zone**

19.6.23.1 Purpose and Intent
19.6.23.2 Permitted Uses
19.6.23.3 Official Floodplain Overlay Map
19.6.23.4 Disclaimer of Liability
19.6.23.5 Development Standards
19.6.23.6 Specific Definitions
19.6.23.7 Alteration of Watercourses
19.6.23.8 Variance Procedure
19.6.23.9 Provisions for Flood Hazard Reduction
19.6.23.10 Subdivision Proposals
19.6.23.11 Floodway

*19.6.23.1 Purpose and Intent*
In accordance with §10-9a-501 Utah Code Annotated, 1953, as amended, the FP-O Floodplain Overlay Zone has been established to provide an environment in and around flood plains which will protect the natural environment, human life and minimize property losses. (1-18-06)

Regulations in this zone shall be in addition to the regulations established under the provisions of the underlying zone. Property within the FP-O Zone shall be developed only in conformance with the provisions of this Section. The flood hazard areas of Payson City are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

It is the purpose of this Section to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions. This Section shall apply to all areas of special flood hazards within the jurisdiction of Payson City and any areas of special flood hazard identified by the Federal Emergency Management Agency. (7-6-05)

This Section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this Section and any other law, ordinance, resolution, easement, covenant, or deed restriction conflict or overlap, the regulation that imposes the more stringent restrictions shall prevail. (7-6-05)

*19.6.23.2 Permitted Uses*
Uses permitted in the FP-O Zone are those permitted in the underlying zone except that all uses involving construction of permanent buildings or structures, or placement of fill materials shall require the issuance of a Conditional Use Permit in accordance with Chapter 19.13 herein. All uses established in the FP-O Zone shall meet the conditions and standards set forth in this Section using the following as criteria for any conditions:

1. The proposal conforms to the legislative intent of this Section. (7-6-05)
2. All proposals for new construction or for substantial improvements to existing structures in the FP-O Zone must be adequately protected against flood damage, designed (or modified) and anchored to prevent floatation, collapse, or lateral movement of the structure. All construction methods and practices utilized will be designed to minimize potential flood damage. (7-6-05)
3. New construction or improvements to existing water supply systems will be designed to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood water. (7-6-05)
4. New construction or substantial improvements of existing structures in the area of special flood hazards shall have the lowest floor (including basements) elevated to, or above, the level of the one hundred (100) year flood. (7-6-05)
5. Fill or encroachments within the designated floodway will not impair ability to carry and discharge the water resulting from the one hundred (100) year flood, except where the effect on flood heights is fully offset by stream improvements. (7-6-05)
6. Any use, placement of any structure, or any other modification of the floodway shall be consistent with the regulations of the Federal Emergency Management Agency. (7-6-05)

*19.6.23.3 Official Flood Plain Overlay Map*
The FP-O applies to all lands within the City that have been shown as being located within the boundaries of the floodplain on the Official Zone Map of the City or on the Flood Insurance Rate Map prepared by the Federal Emergency Management Agency. It is reasonable to assume that the precise location of the one hundred (100) year floodplain is subject to change overtime. Therefore, it is hereby stated that it is the intention of the City Council by enacting the regulations of this Section to protect the one hundred (100) year floodplain. The boundaries of the floodplain shall be determined by scaling distances on the Official Zone Map, which is subject to change upon the presentation of new or more accurate data. Where interpretation is needed as to the exact location of the boundaries of the floodplain, the Planning Commission shall make the necessary interpretation. Any person contesting the location of the

zone boundary shall be given a reasonable opportunity to present technical evidence. (7-6-05)

*19.6.23.4 Disclaimer of Liability*
The degree of flood protection required by this Section is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or flood heights may be increased by manmade or natural causes, such as bridge and culvert openings restricted by debris.

This Section does not imply that areas outside of the boundaries of the floodplain or land uses permitted within such zones will be free from flooding or flood damages. Further, this Section shall not create liability on the part of the City or any officer or employee for any flood damages that result from reliance on this Section or any administrative decision lawfully made hereunder. (7-6-05)

*19.6.23.5 Development Standards*
All construction within floodplain boundaries shall comply with City standards as established by the City Council. Any development in the FP-O Zone shall satisfy the following requirements: (7-6-05)

1. Uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities are prohibited.
2. Uses vulnerable to floods, including facilities which serve the uses, shall be protected against flood damage at the time of initial construction.
3. Alteration of the natural floodplain, stream channels, and natural protective barriers, which help accommodate or channel flood waters is not permitted.
4. The construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas are prohibited.

A development permit shall be obtained before construction or development begins within any area of special flood hazard. Application for a development permit shall be made on forms furnished by the Development Services Department and may include, but is not limited to:

1. Plans drawn to scale showing the nature, location, dimensions, and elevations of the area in question.
2. Existing and proposed structures, fill, storage of materials, and drainage facilities.
3. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures.
4. Certification by a registered professional engineer or architect that the flood-proofing methods for any non-residential structure meet adequate flood criteria. (7-6-05)
5. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

When base flood elevation data has not been provided, staff shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from any Federal, State, or other source as criteria for requiring that new construction, substantial improvements, or other developments are reviewed properly.

*19.6.23.6 Specific Definitions*
The following definitions are specific to this Section:

1. Area of special flood hazard means the land in the floodplain subject to a one (1) percent or greater chance of flooding in any given year.
2. Base flood means the flood having a one (1) percent chance of being equaled or exceeded in any given year.
3. Development means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.
4. Flood insurance study means the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, and the water surface elevation of the base flood. (7-6-05)
5. Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor.
6. New construction means structures for which the start of construction commenced on or after the effective date of this Section.
7. Substantial improvement means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure.

*19.6.23.7 Alteration of Watercourses*
Prior to any alteration of a watercourse, the City shall, at the applicant's expense:

1. Notify the Federal Emergency Management Agency, adjacent communities and the Utah Office of Comprehensive Emergency Management Agency prior to any alteration or relocation of a watercourse. (7-6-05)
2. Require that maintenance is provided within the altered or relocated portion of the watercourse so that the flood capacity is not diminished. (7-6-05)

*19.6.23.8 Variance Procedure*
The Board of Adjustment shall hear and decide appeals and request for variances when it is alleged there is an error in any requirement, decision, or determination made by staff in the enforcement or administration of this Section.

The Board of Adjustment shall consider statutory regulations of variances listed the Utah Code Annotated, all technical evaluations, all relevant factors, standards specified in this Section, and: (7-6-05)

1. The danger that materials may be swept onto other lands to the injury of others.
2. The danger to life and property due to flooding or erosion damage.
3. The susceptibility of the proposed structure and its contents to flood damage and the effect of such damage on the individual owners.
4. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.
5. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
6. The safety of access to the property in times of flood for ordinary and emergency vehicles.
7. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected on site.
8. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, streets and bridges.

Upon consideration of these factors and the purposes of this Section, the Board of Adjustment may attach conditions to the granting of variances as it deems necessary to further the purposes of this Section. Staff shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Emergency Management Agency.

Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

Variances shall only be issued upon a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship to the applicant, and a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public.

*19.6.23.9 Provisions for Flood Hazard Reduction.*
In all areas of special flood hazards, the following standards are required:

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure and capable of resisting the hydrostatic and hydrodynamic loads.
2. All manufactured homes must be elevated and anchored to resist floatation, collapse or lateral movement and capable of resisting the hydrostatic and hydrodynamic loads. Methods of anchoring may include, but are not limited to use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
3. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
4. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
7. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

*19.6.23.10 Subdivision Proposals*

All subdivision proposals shall be consistent with the need to minimize flood damage, have public utilities and facilities such as sewer, gas electrical, and water systems located and constructed to minimize flood damage, and base flood elevation data shall be provided for subdivision proposals and other proposed development which contain five (5) or more acres. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage. New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated to or above the base flood elevation.

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to the level of the base flood elevation.

*19.6.23.11 Floodways*

Located within areas of special flood hazard are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provision shall apply:

1. Encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge are prohibited.

## 19.6.24 AGP-O Agriculture Protection Overlay Zone

19.6.24.1 Purpose and Objectives
19.6.24.2 Issuance of Licenses and Permits
19.6.24.3 Review of Rezonings for Compatibility
19.6.24.4 Right to Farm Provisions
19.6.24.5 Zone Area Requirements
19.6.24.6 Permitted, Conditional, and Accessory Uses
19.6.24.7 Parcel Requirements

*19.6.24.1 Purpose and Objectives*
The purpose and objectives of the AGP-O Agricultural Protection Overlay Zone include, but are not limited to, the following:

1. To preserve agricultural areas and uses
2. To protect agriculture from development
3. To maintain a rural atmosphere in the community

*19.6.24.2 Issuance of Licenses and Permits*
Licenses and permits shall not be issued for the construction or alteration of any building or structure, or the relocation of a building onto a lot, or for the change of the use in any land, building, or structure if the construction, alteration, moving, or change in use would encroach upon, or inhibit agricultural pursuits.

*19.6.24.3 Review of Rezonings for Compatibility*
Any proposed rezone to the AGP-O Zone shall be reviewed by the Planning Commission and City Council for compatibility with the purposes and objectives of the zone.

Rezoning to the AGP-O Zone shall be completed in accordance with Section 19.2.8 herein. Likewise, repeal of the AGP-O Zone shall be completed in accordance with Section 19.2.8 herein.

*19.6.24.4 Right to Farm Provisions*
Properties located in the AGP-O Zone are entitled to certain right to farm provisions. These provisions include the following:

1. Any property located within five hundred (500) feet of an AGP-O Zone proposed to be developed shall provide information about how the proposed development will affect existing agriculture.
2. It is hereby a policy of the City that complaints of normal smells, dust, hours of operation, and similar ordinary agricultural uses shall be discarded unless it can be shown that the agriculture in the area has become unusual since approval of the development.
3. Residential developments along the borders of the AGP-O Zone shall be discouraged.

*19.6.24.5 Zone Area Requirements*
Each AGP-O Zone shall contain no less than ten (10) acres. (3-21-01)

*19.6.24.6 Permitted, Conditional, and Accessory Uses*
The following uses, and no others, are permitted uses in the AGP-O Zone:

1. Agriculture and forestry
2. Keeping of animals pursuant to Title 6
3. Single family dwellings - detached
4. Public or private utility rights-of-way
5. Parks and recreational facilities (8-7-02)

*Conditional Uses*
The following list of land use types are allowed as conditional uses in the AGP-O Zone. Unless specifically listed, any other use is not allowed as a conditional use in the zone. Each conditional use must be reviewed and approved in accordance with Chapter 19.13 of this ordinance.

1. Agricultural support facilities
2. Ranch or farm employee dwellings (limited to one unit per ten (10) acres of land area which must be reviewed and renewed every three (3) years)
3. Water storage facilities, drinking or irrigation
4. Public or private utility maintenance facilities

*Accessory Uses*
The following list of land use types are allowed as accessory uses in the AGP-O Zone. Unless specifically listed, any other use is not allowed as an accessory use in the zone. Any accessory use must be clearly incidental to a permitted or conditional use of the property.

1. Garages - detached
2. Storage facilities for products, machinery and equipment as an accessory use to a permitted or conditional use in the zone
3. Buildings used for the confinement or protection of animals used as a permitted or conditional use in the zone
4. Stands for selling goods and products produced on the premises as a permitted or conditional use in the zone

*19.6.24.7 Parcel Requirements*
The parcel requirements are the same as those listed in the underlying zone, unless the parcel qualifies as an existing and legal non-conforming use.

**19.6.25 I-O Infill Overlay Zone**

19.6.25.1 Purpose and Objectives
19.6.25.2 Review of Applications for Compatibility
19.6.25.3 Guidelines for Neighborhood Preservation
19.6.25.4 Zone Area Requirements
19.6.25.5 Permitted, Conditional, and Accessory Uses
19.6.25.6 Duration
19.6.25.7 Structure Placement
19.6.25.8 Special Considerations

*19.6.25.1 Purpose and Objectives*
Payson City encourages infill development that is compatible and consistent with existing uses, provided that adequate infrastructure is in place to serve any proposed development. The purpose and objectives of the I-O Infill Overlay Zone include, but are not limited to, the following:

1. To allow the orderly development of the established areas of the community.
2. To encourage reinvestment and maintenance of existing neighborhoods.
3. To stabilize and enhance property values.
4. To foster community pride.
5. To promote new development that will enhance and protect the existing structures.
6. To strengthen the economy and improve the quality of life. (9-1-04)

Use of the I-O Infill Overlay Zone is a request for increased intensity in the permitted uses of the underlying zone. Therefore, any applicant for use of the I-O Infill Overlay Zone understands and acknowledges that the development rights on the subject property are those found in the underlying zone until, and unless, approved to use the I-O Infill Overlay Zone, at which time the regulations found in this Chapter may be applied. The applicant further understands and acknowledges that denial for the use of the I-O Infill Overlay Zone shall not constitute a takings claim in that the applicant shall not be denied the ability to use the property in accordance with the underlying zone.

The I-O Infill Overlay Zone may be utilized in the R-1-10, R-1-9, R-1-75, and R-2-75 zones. Approval for the use of the I-O Infill Overlay Zone shall be processed in the same manner as a zone change in accordance with Section 19.2.8 herein, with the exception that approval for the use of the I-O Infill Overlay Zone need not be shown on the Zoning Map.

*19.6.25.2 Review of Rezoning for Compatibility*
Any application for use of the I-O Infill Overlay Zone shall be reviewed by the Planning Commission and City Council for compatibility with the purposes and objectives of the overlay zone. ***Applications for the purpose of using the overlay zone to simply avoid compliance with this ordinance, or any building code or any federal, state, county or local law, shall not be approved.***

*19.6.25.3 Guidelines for Neighborhood Preservation*
Use of the I-O, Infill Overlay Zone to create a flag lot is highly discouraged in any location where the use of a cul-de-sac would result in a more efficient land use pattern, better emergency access, connectivity, proper installation of infrastructure, and increased harmony in the neighborhood. It is the responsibility of the applicant to demonstrate that a flag lot is preferable to a cul-de-sac. (1-18-06)

The guidelines found in this Section are in addition to, and do not necessarily take the place of any other adopted ordinance or resolution of Payson City, Utah County, the State of Utah, and the United States Government. Each request for the use of the I-O Infill Overlay Zone shall be reviewed separately and judged on its own merits. ***The intention of the zone is to allow for infill development that is compatible with existing uses***.

*19.6.25.4 Zone Area Requirements*
Each I-O Infill Overlay Zone will differ in size from a single lot or parcel, to several lots or parcels.

*19.6.25.5 Permitted, Conditional, and Accessory Uses*
Each I-O Infill Overlay Zone may be different in nature, focus and scope, and thus the permitted, conditional, and accessory uses shall be determined on a case by case basis by the City Council. ***However, residential development is limited to single family homes in the I-O Infill Overlay Zone except as noted in Section 19.6.25.8 herein.***

Each application for an I-O Infill Overlay Zone shall include, at a minimum, the following information:

1. The lots or parcels proposed to be included in the zone.
2. The reason for the zone change request in accordance with one or more of the criteria found in Section 19.6.25.1 herein.
3. Proposals for special requirements of the zone including architectural controls, materials, uses, massing, or other similar ideas.
4. A detailed explanation of how the proposed use will be compatible and consistent with the existing neighborhood.

5. Any other information that will assist the Planning Commission and City Council determine appropriate characteristics and controls leading to the success of the proposal.
6. Proposed setback, width, frontage, parcel size and other requirements of the zone.

*19.6.25.6 Duration*
Unless otherwise specified by the City Council, approval of the overlay zone shall be valid for one year. If substantial construction of the proposed structure has not been completed, the approval for use of the overlay zone shall be null and void.

*19.6.25.7 Structure Placement*
Because each request for use of the I-O Infill Overlay Zone is unique, the placement of structures will need to be reviewed on a case by case basis. However, there are several placement issues that need to be adhered to in the placement of any structure in the I-O Infill Overlay Zone:

1. *Setbacks* – Each structure in the I-O Infill Overlay Zone shall satisfy the setback requirements of the underlying zone except that the front setback for a flag lot shall be measured at the point where the access (flag pole) connects to the remaining area (flag portion) of the parcel.
2. *Frontage* – The front of each residential structure approved for use of an I-O Infill Overlay Zone shall face the public right-of-way from which the access is obtained. When possible, each residential structure shall be situated in a manner as to be seen from the public right-of-way from which the access is obtained.
3. *Public Safety* – Access for flag lots shall be at least twenty (20) feet in width and shall be hard surfaced using asphalt or concrete and shall be unobstructed for use by public safety vehicles at all times. Each flag lot shall provide an adequate turn around for public safety vehicles. Each residential structure will be identified at the entrance from the public right-of-way from which access is obtained by a carriage light that includes the address of the residential structure. Furthermore, the Fire Chief or Police Chief may impose additional requirements if deemed necessary to provide proper protection of a flag lot. (5-16-12)
4. *Public Utilities* – A public utility easement shall be recorded around the perimeter of the parcel. All utilities outside of the public right-of-way are the ownership and maintenance responsibility of the property owner. (9-1-04)

*19.6.25.8 Special Considerations*
Due to the unique circumstances in the established areas of the community, the following considerations are applicable only in the I-O Infill Overlay Zone:

1. Each applicant for the use of the I-O Infill Overlay Zone shall provide notice of the request to the owners of property within two hundred fifty (250) feet, in any direction of the proposed project, except when property is intended to be subdivided in accordance with Title 20, Subdivision Ordinance wherein the notification provisions of Title 20 shall apply. (2-7-07)
2. Parcel improvements including curb, gutter and sidewalk and infrastructure upgrades may be reduced or waived by the City Council following a recommendation from the City Engineer. The City Council is under no obligation to reduce or waive the infrastructure requirements of the City.
3. If it can be shown that a parcel is not suitable for the construction of additional dwellings that are compatible with surrounding uses, and the parcel could have beneficial use, an acceptable accessory structure other than a single-family dwelling may be allowed by the Planning Commission and City Council. All structures in the I-O Infill Overlay Zone must be compatible with surrounding development. Design requirements and other conditions may be placed upon any application to reduce the potential for adverse impact on the existing neighborhood. (3-21-01)
4. Access to any structure within an I-O, Infill Overlay Zone shall be approved by the Fire Chief. At a minimum, the access shall be at least twenty (20) feet in width and hard surfaced with concrete or asphalt. (11-5-14)
5. In order to encourage infill development the City Council may, but is not obligated to, utilize the following incentives for applicants that have received approval for the use of the I-O, Infill Overlay Zone:
   a. Modification of timing requirements for the installation of curb, gutter, and sidewalk to allow access to the parcel prior to the installation of curb, gutter and sidewalk. The City Council shall determine when the improvements shall be installed, but in no case shall the applicant be issued a Certificate of Occupancy until all improvements are completed.
   b. Increase the number of dwelling units, including the allowance of multi-family units to offset the additional costs associated with infill development if:

i. The proposed development includes the updating of existing structures and facilities through significant exterior and interior renovation, provision of off-street parking, or general improvement of neighborhood appearance (on-site or off-site). (1-18-06)
ii. The increase would allow reinvestment in the established areas of the community and would be compatible with surrounding uses.
iii. The existing infrastructure is capable of handling the proposed increase in density. (9-1-04)

## 19.6.26 AD-O Accessory Dwelling Overlay Zone (7-5-06)

19.6.26.1 Purpose and Objectives
19.6.26.2 Legislative Deference
19.6.26.3 Review for Applicability
19.6.26.4 Zoning Regulations and Uses
19.6.26.5 Duration
19.6.26.6 Special Considerations

*19.6.26.1 Purpose and Objectives*

Payson City encourages the effective use of property in all commercial zones in the community. In some instances due to accessibility, poor commercial space or the need for more consistent clientele there may be some limited opportunities for residential development in the commercial zones of the City. When an applicant is able to demonstrate the need for residential dwellings and that the dwellings will not inhibit the primary objectives of the commercial zone, use of the AD-O Overlay Zone may be granted by the City Council. The objectives of the AD-O Accessory Dwelling Overlay Zone include, but are not limited to, the following:

1. To allow the owners of existing commercial buildings with building space not conducive to commercial uses to use the space for residential purposes. (3-4-09)
2. To allow residential uses on second story or higher levels or in the basement areas of commercial structures where proper accessibility and exiting is a challenge.
3. To encourage reinvestment and maintenance of existing commercial structures which contain ineffective commercial space. (3-4-09)
4. To enhance commercial property values and broaden the market for existing commercial structures.
5. When an applicant is able to demonstrate that it is appropriate, it may be acceptable to locate accessory apartments in newly constructed buildings under certain circumstances. However, the residential uses must be ancillary to the commercial use of the structure. Furthermore, all residential uses in new commercial structures shall be located on second story or higher levels. (3-4-09)
6. Each applicant seeking approval for use of the overlay zone must demonstrate that the residential use will not inhibit or restrict potential or necessary redevelopment of the site. (3-4-09)
7. An accessory dwelling unit will not be allowed if it can be shown that a structure is not suitable for the construction of an accessory dwelling. (3-4-09)

Use of the AD-O Accessory Dwelling Overlay Zone is a request for increased intensity in the permitted uses of the underlying zone. Applicants for use of the AD-O Overlay Zone are hereby notified that the development rights on the subject property are those found in the underlying zone until, and unless, approval to use the AD-O Overlay Zone is granted by the City Council. Denial of a request to use the AD-O Overlay Zone will not constitute a takings claim because the applicant will not be denied the ability to use the property in accordance with the underlying zone.

The AD-O Accessory Dwelling Overlay Zone may be utilized in the commercial zones of Payson City including the CC-1, Central Commercial Zone; GC-1, General Commercial Zone; S-1, Special Highway Services Zone; NC-1, Neighborhood Commercial, and the CAP, Commercial, Arts and Parks Zone. Approval for the use of the AD-O Overlay Zone shall be processed in the same manner as a zone change in accordance with Section 19.2.8 herein, with the exception that approval for the use of the AD-O Overlay Zone need not be shown on the Zoning Map. (5-2-07)

*19.6.26.2 Legislative Deference*

Use of the AD-O Overlay Zone is a legislative decision of the City Council. The City Council is under no obligation to approve the use of the overlay zone and may deny the request for any debatable reason. Furthermore, there is no precedent established by any decision of the City Council in relation to use of the AD-O Overlay Zone.

*19.6.26.3 Review for Applicability*

In addition to the objectives identified in Section 19.6.28.1 above, each application for use of the AD-O Overlay Zone shall be reviewed by the Planning Commission and City Council for applicability with the purposes and objectives of the underlying zone to ensure that residential uses will not inhibit the primary land use goals of the zoning district. (3-4-09)

*19.6.26.4 Zoning Regulations and Uses*

The property in the commercial zones of the City is intended primarily for retail sales tax generation and to provide other commercial services. Therefore, any residential use must be clearly ancillary to the primary, or commercial, use of the building. Use of the AD-O Overlay Zone will not be allowed on any parcel that contains a non-conforming use of the underlying zone. Accessory dwellings that impede commercial purposes should not be approved.

If the City Council determines that an accessory dwelling will not negatively impact the primary

objectives of the underlying zone, the City Council may allow use of the AD-O Overlay Zone. The guidelines found in this Section are in addition to, and do not necessarily take the place of any other adopted ordinance or resolution of Payson City, Utah County, the State of Utah, and the United States Government.

The uses allowed in the AD-O Overlay Zone include the following:

1. Second story or higher (above grade) or basement (below grade) residential dwelling units provided the residential use of the structure has a floor area ratio of 2:1 (two (2) square feet of commercial space for every square foot of residential space).
2. Each accessory dwelling must maintain a private kitchen area and a private bathroom facility which is separated from the commercial area. (3-4-09)
3. Incidental storage areas for residents must be located within the structure and will be included in the 2:1 commercial use/residential use ratio calculation. Outdoor storage is not permitted. (3-4-09)

Each application for an AD-O Overlay Zone shall include, at a minimum, the following information:

1. The structures or parcels proposed to be included in the zone.
2. The reason for the zone change request in accordance with one or more of the criteria found in Section 19.6.28.1 herein.
3. Proposals for special requirements of the zone including architectural controls, materials, uses, massing, or other similar ideas.
4. A detailed explanation of how the proposed use will be compatible and consistent with the uses in the general vicinity. (3-4-09)
5. Any other information that will assist the Planning Commission and City Council in determining appropriate characteristics and controls leading to the success of the proposal. (3-4-09)
6. The applicant must demonstrate that the residential use is the only appropriate use for the space occupied by the accessory apartment.

*19.6.26.5 Duration*

Unless otherwise specified by the City Council, approval of the overlay zone shall be valid for one year. The City Council may require the applicant to obtain approval on an annual basis which the City Council is not obligated to approve. If substantial construction of the proposed accessory dwelling has not been completed within one year, the approval for use of the overlay zone shall be null and void.

Compliance with the regulations of the overlay zone and the conditions of the City Council will be monitored by review of a recorded Certificate of Present Condition in the office of the Utah County Recorder. The City maintains the right to enter the premises approved for use of the AD-O Overlay Zone to inspect and ensure that the provisions of the Certificate remain intact. (3-4-09)

*19.6.26.6 Special Considerations*

The following issues must be appropriately addressed by each applicant for use of the AD-O Overlay Zone:

1. Residential uses must be clearly incidental and ancillary to the commercial uses of the building. Therefore, in order to occupy the residential space in a commercial building, all of the following must apply:
   a. The commercial space of the building must be completed and ready to occupy.
   b. The residential space may not exceed the floor area ratio established in Section 19.6.28.4 herein.
   c. The parking required in this Section shall not reduce the parking available or impede patron parking for the commercial portion of the structure.
2. Access to each dwelling unit is critical. The following access regulations must be satisfied:
   a. All access to the residential units shall be kept unobstructed for use by public safety personnel at all times.
   b. The access for the residential structure shall not be the same access as used for the commercial business, nor shall it be on the same side of the structure unless it can be shown that the residential access will have no detrimental effect on the current or future commercial business.
3. The owner of each residential unit shall obtain approval for an address and conform to any regulations of the United States Postal Service. The address shall be posted in a location approved by the public safety providers of Payson City.
4. Each residential unit shall have, at a minimum, private kitchen, bathroom and sleeping quarters.
5. All applicable local, state and federal habitation standards established for minimum size of living spaces must be satisfied. (3-4-09)
6. Each residential unit must be assigned parking spaces that do not interfere with the primary purposes of the zoning district. An applicant must be able to demonstrate or create adequate parking for both the commercial uses of the structure and

each additional dwelling unit in accordance with Chapter 19.4 herein.

7. Each structure that contains an accessory structure shall satisfy the provisions of the adopted building and fire codes.

**19.6.27 TS-O Transit Station Overlay Zone** (10-1-08)

19.6.27.1 Purpose and Objectives
19.6.27.2 Establishment
19.6.27.3 Transit Station Boundaries
19.6.27.4 Use Regulations
19.6.27.5 Density
19.6.27.6 Street Standards
19.6.27.7 Streetscapes
19.6.27.8 Sidewalk and Pedestrian Circulation
19.6.27.9 Parking Requirements
19.6.27.10 Architectural, Building and Site Design Standards
19.6.27.11 Open Space Requirements
19.6.27.12 Landscaping Standards
19.6.27.13 Lighting Standards
19.6.27.14 Sign Regulation
19.6.27.15 Development Plan

*19.6.27.1 Purpose and Objectives*

The Transit Station Overlay Zone is established to promote transit-oriented development in areas that are generally located within an approximate ½ mile of transit stations or rapid transit stations.

The Transit Station Overlay Zone shall consist of a Transit Community Station located near an existing or future commuter rail transit stop, bus rapid transit, light rail, or other mass transit modes of transportation in the City as set forth on the General Plan map. The Transit Station Overlay Zone is intended to work as an incentive to create a high density residential mixed-use and pedestrian friendly neighborhood with an effort to include freeway service and a unique transit service environment. The purposes and objectives of the overlay zone are as follows and these purposes and objectives shall be considered pursuant to any rezone request or use of the overlay zone:

1. Permit and support higher development densities to encourage the utilization of mass transit, and alternative modes of transportation other than the automobile.
2. Allow for mixed land uses which contain a flexible arrangement of residential, commercial and mixed-use developments, while adopting detailed urban development standards to ensure compatibility between the uses and pedestrian activity.
3. Minimize distances between destinations by providing for a number of conveniences and uses, which are compatible with one another and which are within an approximate ½ mile walking distance of each other, (i.e., home to office, home to retail service, or office to retail service).
4. Promote pedestrian-friendly design and architectural structuring that encourages walking and bicycling.
5. Reduce transportation spending and increase housing through the lessening of transportation development and maintenance costs.
6. Decrease auto dependency by providing alternative methods of transportation, and provide planning methods which take into consideration those who prefer not to drive or own an automobile.
7. Create and enhance cultural use areas that promote neighborhood and local social activities.
8. Integrate open spaces, plazas, courtyards and pocket parks and connect these areas to all other uses in the station Zone and continue on into the existing community of Payson.
9. Provide for a development plan that has economic viability, where the City will benefit from the project as a whole in the form of sales tax generation, private investment and the creation of new jobs by the extension of the rapid commuter rail line and potentially light rail lines, bus rapid transit lines or trolley service into the City.
10. Allow for greater flexibility in street and road infrastructure features that distinguish the area as unique and create a distinctive ambiance to the development.
11. Create a connection over I-15 to the established areas and areas of interest in Payson. Provide a visual and physical connection between East and West.

*19.6.27.2 Establishment*

The Transit Station Overlay Zone is a use designation applied in addition to the established underlying zoning Zone currently in place. However, it is unique to a specific area within the City. The Transit Station Overlay Zone shall be designated on the official Zoning Map by affixing the suffix "TSOZ" in parenthesis after the underlying zoning in which the overlay is located, i.e., S-1 (TSOZ). The regulations of the Transit Station Overlay Zone may modify or override the regulations of the underlying zone.

*19.6.27.3 Transit Station Boundaries*

The Payson City Commuter Rail Station Community located within the Transit Station Overlay Zone is a small area development. The Community Plan and project within an approximate 1/2 mile radius of the proposed transit station site shall contain a mix of compact but compatible uses. The multiple uses in this station community consist primarily of multi-family, commercial, retail, office, and mixed uses. The highest development densities within the overlay zone area shall be allowed within this station community. All land

uses are to be pedestrian oriented and well-connected to open spaces, parks, plazas and social gathering areas. A large multi-transit station hub will be located within the station community. This station is also intended to serve the light industrial and commercial work-force in and around the City. Transit riders served by this transit station will primarily be going to, or coming from work. It will be necessary to serve the area with improved pedestrian network systems for safe walking, and it will be vital for this station to accommodate a park-and-ride lot and additional transportation opportunities. It may also benefit some of the large businesses in the area to serve their transit riders with shuttles.

*19.6.27.4 Use Regulations*

1. *Permitted principal uses*. Principal uses permitted in the Transit Station Overlay Zone are those permitted by the provisions of the underlying zone.
2. *Permitted accessory uses.* Accessory uses permitted in the Transit Station Overlay Zone shall be the same as for the underlying zone.
3. *Uses.* Uses allowed in the Transit Station Overlay Zone are listed below. Those uses identified as "permitted" are allowed by right provided that they comply with all other requirements of this Chapter, and all other requirements of the development ordinances of Payson City. Uses identified as "conditional" are to be approved by the Planning Commission and City Council pursuant to the standards and procedures for conditional uses set forth in Chapter 19.13, and shall comply with all other applicable requirements of this Title. Permitted and Conditional Uses in the Transit Station Overlay Zone are the same as those in the underlying zone, and in addition the uses shown in the applicable tables below. Uses not specifically listed in this Section or in the underlying zone shall not be allowed.

**Permitted Uses**

1. Permitted principal uses (see above)
2. Banks, credit unions without drive-up service windows integrated into a multi-tenant structure.
3. Bed and breakfast establishments
4. Farmers market
5. Retail establishments up to 30,000 square feet
6. Hotel and motel
7. Medical and dental offices
8. Mixed-use development, including high density residential
9. Municipal facilities and services
10. Office, professional and service businesses
11. Restaurants and outdoor dining
12. Park and Ride lots
13. Parking structures
14. Produce and flower stands
15. Transit station structures and facilities
16. Recreational facilities (indoor and outdoor)

**Conditional Uses (within ¼ mile radius)**

1. Auditorium or stadium
2. Club or service organization
3. Drive-up automated teller machines
4. Health & fitness facility
5. Liquor store
6. Off-site parking
7. Restaurant (drive-through)

*19.6.27.5 Density*

The following density requirements shall apply to all residential uses in the applicable Transit Station Overlay Zone. The Payson Transit Station Overlay Zone shall allow for a minimum of fifteen (15) units per acre of residential density with a maximum of twenty five (25) units per acre on the gross acreage. The actual density allowed pursuant to any development application shall be subject to the approval of the development plan by the Planning Commission and City Council.

*19.6.27.6 Street Standards*

All streets developed and maintained within the Transit Station Overlay Zone development shall be developed to technical standards established by the City for the class of street being constructed. However, in instances where the developer can show that, due to severe topography, security requirements, or other special circumstances, that dedication or development to City standards is impractical or undesirable, the City Council, after receiving recommendation from the Planning Commission, may approve modified street standards as part of the final development plan, which may include a reduced street width to facilitate the walkable community.

*19.6.27.7 Streetscapes*

Building line frontages contribute to the public streetscape and therefore are subject to more regulation than the rest of the lot. Buildings shall be placed as close to the street space as possible with orientation to the pedestrian.

Park strips are required on all streets, except alleys, within each right-of-way. Within commercial areas, park strips shall serve the purpose of allowing for quick stops and shopping. In residential areas, park strips

shall serve as buffers between pedestrian walkways and streets.

Alleys and interior block spaces are encouraged and may be allowed in residential areas. Alleys serve as alternate routes to garages and loading docks that are unseen by the public and therefore contribute to a pedestrian-friendly environment. The private, interior portions of the lots (toward the alley) allow commercial operators to utilize these spaces as efficient working environments unseen by the public and allow residents to have private and semi-private (for apartment and condominium buildings) gardens and courtyards. Alleys are to be the primary access to garages.

*19.6.27.8 Sidewalk and Pedestrian Circulation*

Convenient pedestrian circulation systems shall be provided to minimize pedestrian-auto conflicts, and shall be provided continuously throughout each use integrated into the development plan. Pedestrian walkways shall connect building entrances to each other and connect sidewalks and public streets to existing or planned transit stops. Pedestrian crosswalks shall be clearly discernable and have a different color and texture, and material from the adjacent pavement/concrete utilized for vehicular circulation.

*19.6.27.9 Parking Requirements*

In order to encourage transit-oriented development throughout the community, maximum-parking requirements should be reduced. Parking within the Transit Station Overlay Zone shall be shared parking areas or multi-level parking structures as necessary. The following requirements shall apply to all uses allowed in the Transit Station Overlay Zone:

1. Multi-family uses must provide one (1) parking space for every dwelling unit plus 0.5 parking space(s) for each additional bedroom after the first. A maximum of 2 parking spaces is permitted for each multi-family unit.
2. A maximum of three (3) parking spaces per 1,000 square feet of office and retail space is permitted.
3. On-street parking is permitted and encouraged, and shall be included in the total development required parking calculations. On-street parking shall be included in the required parking calculations for a use or structure which fronts, and is adjacent to the on-street parking stall.
4. Ingress and egress for parking lots shall be from side streets for commercial uses, and from alleys for residential uses.
5. A parking lot or garage may not be adjacent to or opposite a street intersection, nor may any portion of a parking lot front an arterial street without specific City approval.
6. A developer may request a reduction in the number of parking spaces by City approval, providing that the developer submit information as to the forecasted trips generated in contrast to what is forecasted for transit ridership. Requests for a reduction in parking spaces shall be reviewed by the City Council.
7. Tandem parking spaces for all single-family residential attached, residential duplex, and residential townhouse units are permitted. Tandem parking may be used at feasible multi-family developments when the use of tandem parking spaces can be assigned to individual units, and can be under the control of single households.
8. Parking structures are encouraged as a way to maximize usable land as well as consolidate parking lots and surface lots. Structures should provide for shared parking. Parking structures should also be located away from the immediate streetscape. Options for placement include: center of block, aboveground, below ground, and alley access sites.
9. Parking structures shall include pedestrian walkways and connections to continuous pedestrian paths/sidewalks.
10. Parking structures shall be architecturally integrated or designed in accordance with the same theme as the entire community or to adjacent main buildings.
11. Blank facades and solid walls at grade are not permitted.
12. In addition to the parking requirements listed above, the Planning Commission and City Council shall determine, based upon proximity to the transit facilities, site planning and other considerations any additional parking to be provided by the applicant based upon density, types of uses and appropriate exaction limits in order to ensure that the area covered by the Transit Station Overlay Zone provides an appropriate number of parking spaces required by the appropriate transit facility.

*19.6.27.10 Architectural, Building and Site Design Standards*

A variety of architectural features and building materials is encouraged to give each building or group of buildings a distinct character.

1. *Height.* New structures within the boundaries of a Transit Station Overlay Zone shall be no more than four (4) stories for all structures. An increase to the

maximum height requirement for a structure may be granted by the City Council.

2. *Building Facades and Entry Ways.*
   a. All buildings must provide a main entrance on the façade of a building nearest to and facing a street that connects to the transit station, a walkway to the transit station or the particular uses on the street.
   b. Building facades must be aesthetically interesting and pleasing and should avoid a uniform building style.
   c. Architectural style, colors and materials shall be compatible throughout the community and shall include varied window shapes and rooflines to provide for a varied and interesting architectural look.
   d. The style and materials shall complement the surrounding environment and not detract from any visual corridor views.
   e. The architectural features, materials and articulation shall be continuous along all sides visible from any street or pedestrian path including all alley ways. The following is a list of encouraged, but non-inclusive, architectural features:
      i. Cornices
      ii. Pediment entry
      iii. Columns and pillars
      iv. Overhang
      v. Window molding and varied window sizes and shapes
      vi. Recessed fenestration
      vii. Portico
      viii. Porte-cochere
      ix. The use of varied building materials to offset the entry ways to residential and commercial uses.
   f. The front façade of all principle buildings shall face onto the street, and not be oriented toward a parking lot or parking structure.
   g. Porches, roof overhangs, hooded front doors, and other architectural façade elements shall define the front entrance to all principle structures.
   h. For commercial, retail, and office buildings, a minimum of fifty (50) percent of the front façade on the ground floor shall be transparent, consisting of true window or door opening allowing views into and out of the interior of the building.
   i. Planters and window boxes for flowers and climbing vines are required as building façade enhancement features.
   j. Rooflines with visible ornamental features are required. Features may include cornices and parapets. They should demonstrate a commonsense recognition of the climate by utilizing appropriate pitch, drainage, and materials in order to provide visual coherence to the Transit Station Overlay Zone.
3. *Massing:* Buildings should have a visually distinct base that creates a welcoming environment for pedestrians. The lowest level of the building should have more mass and bulk in order to be clearly delineated and scaled.

*19.6.27.11 Open Space Requirements*

The development plan shall provide at least fifteen percent (15%) of the total development area for usable open space purposes. Included, as part of the open space requirement can be pocket parks, mini parks, courtyards, and landscaped social gather areas. Non-landscaped gathering areas such as plazas and fountain areas shall count toward this open space requirement. Each open space shall provide for at least three (3) of the following six (6) conditions through its design, placement, or provisions:

1. Public art
2. Sitting areas (i.e. stairs, planter boxes, benches, or chairs)
3. Food (either through immediate restaurants, eateries, vendors, or stores)
4. Furniture
5. Water features
6. Natural light of at least 4-hours of exposure

Design of the open space shall be provided by the applicant and is subject to final review and approval by the Planning Commission and City Council.

*19.6.27.12 Landscaping Standards*

Overall composition and location of landscaping shall complement the scale of the development and its surroundings. In general, larger, well-placed contiguous planting areas shall be preferred to smaller, disconnected areas. The following site landscaping standards shall apply to all new development and all landscaping shall be subject to review and final approval by the Planning Commission and City Council and any applicant for development shall provide a complete landscaping plan.

1. Street trees shall be provided on all street frontages, at a minimum of one (1) tree for every twenty (20) feet of public or private right-of-way. Street trees may be clustered and need not be evenly spaced. Trees should preferably be placed between the sidewalk and curb in a landscaped strip, or in tree wells installed in paved pedestrian path, at least eight (8) feet in diameter.

2. A minimum of twenty (20) percent of a residential, office or public/semi-public development site shall be landscaped. Decorative pavement within a public plaza, excluding sidewalks, may account for one-third of the landscaping provided to meet this requirement. Outdoor play areas may be considered as open space up to one-half of the landscaping provided to meet this requirement.

*19.6.27.13 Lighting Standards*

Street lighting shall be provided along all streets and alleys. Moreover, smaller pedestrian grade lights, as opposed to fewer high-intensity lights, shall be utilized. Streetlights shall be installed on both sides of the street with spacing no greater than seventy-five (75) feet per fixture. Street lighting design shall meet the minimum standards developed by the Illumination Engineering Society. Materials and equipment chosen for lighting fixtures should be durable and weather well. Appropriate lighting is desirable for nighttime visibility, crime deterrence, and decoration; however, lighting that is too bright or intense creates glare, hinders night vision, and creates light pollution is prohibited. Therefore, all lighting shall be shielded to prevent up-lighting and light escape. A standard list of approved lighting fixture choices will be available as approved by the City.

*19.6.27.14 Sign Regulation*

A comprehensive sign program is required for any development in the Transit Station Overlay Zone that establishes a uniform sign theme. Signs shall share a common style (e.g., size, shape, material). In the mixed-use area, all signs shall be wall signs, cantilever signs, 'A' frames, or in the form of awnings. Cantilever signs shall be mounted perpendicular to the building face and shall not exceed eight (8) square feet. Billboards, banners, and pole signs are not permitted. Window signs will be allowed under the conditions that they only cover twenty-five (25) percent of the window area. Signage shall be subject to approval of the Planning Commission and City Council and shall be set forth in the site plan request.

*19.6.27.15 Development Plan*

A development plan is to be prepared for the Transit Station Overlay Zone area at the time that the land is proposed for development or at the time of a zoning request whichever is appropriate. The plan may modify the boundaries of the overlay zone as authorized by the City Council and shall provide for the physical design of the Transit Station Overlay Zone area relative to public improvements, development standards, design criteria, and public incentives. The development plan shall consist of the following:

1. Existing land uses, property ownership, development character and the relative character of existing uses within ½ mile of the proposed transit station.
2. Analysis of potential impacts to existing infrastructure, including a traffic study.
3. A preliminary and final development plan for Planning Commission and City Council review and approval showing the station community and project boundaries, building placement, parking, pedestrian and bicycle paths, plazas, social gathering centers, and building elevations. Such preliminary site plan shall comply with all other sections of the City Code and is subject to approval by the Planning Commission and the City Council.
4. An implementation and phasing timetable.

**19.6.28 MH-1 Mountain and Hillside Zone (7-19-00)**

19.6.28.1 Purpose, Intent and Objectives
19.6.28.2 Applicability
19.6.28.3 Permitted, Conditional and Accessory Uses
19.6.28.4 Permitted Density, Width and Frontage
19.6.28.5 Setback Requirements
19.6.28.6 Circulation and Access, Roads
19.6.28.7 Landscaping and Vegetation
19.6.28.8 Design Guidelines (2-16-05)
19.6.28.9 Building Considerations
19.6.28.10 Project Lighting
19.6.28.11 Height Requirements, Fire Issues
19.6.28.12 Wildlife Protection and Preservation
19.6.28.13 Ridgeline Protection
19.6.28.14 Viewshed Protection
19.6.28.15 Clustering and Placement of Structures (2-16-05)
19.6.28.16 Provision of Utilities (2-16-05)
19.6.28.17 Protection of Dedicated Open Space or Preservation Areas (2-16-05)
19.6.28.18 Other Requirements

*19.6.28.1 Purpose, Intent and Objectives*
It is a finding of the Payson City Council that development in mountainous areas or on hillsides requires additional guidance and consideration than typical urban or suburban development. The purpose of this Chapter is to provide adequate development standards to address the unique environmental, geologic, and aesthetic characteristics of present and future development in the mountainous and hillside areas of Payson City. In general, property assigned the MH-1, Mountain and Hillside Zone should be protected in its natural state and serve to preserve the natural features of the area with limited development. (2-16-05)

It is the intention of the City Council to control the development pattern in mountainous and hillside areas so that development is safe, efficient, and compatible with natural and built surroundings. The objectives of the MH-1 Zone include, but are not limited to the following:

1. To protect and preserve unique and valuable characteristics of the natural environment.
2. To limit residential density and allow development only in appropriate locations.
3. To create efficient and practical development patterns in sensitive terrain.
4. To promote new development that is compatible with natural surroundings.
5. To minimize excavation and disturbance of natural terrain and vegetation.
6. To avoid inappropriate lighting, colors, reflective materials, and other disturbances of the natural environment experience.
7. To avoid development becoming the primary feature of the mountainous and hillside areas.
8. To use creative and unique development standards to address unusual circumstances and challenges.
9. To encourage the use of appropriate materials compatible and consistent with mountain or hillside development. (2-16-05)

Applicants proposing development in the MH-1 Zone must be aware that development proposals in the zone may be reviewed by not only Payson City, but also other stakeholders. Other organizations that may review, at the discretion of the City Council, proposed development include, but are not limited to:

1. The United States Forest Service
2. The Bureau of Land Management
3. Army Corps of Engineers
4. Utah Department of Natural Resources
5. Utah County, Utah
6. Utah County, Utah Search and Rescue
7. Elk Ridge City, Utah
8. Santaquin City, Utah
9. Strawberry Electric Service District
10. Strawberry Water Users Association
11. Highline Canal Company (2-16-05)

Due to the location and environmental considerations, development in the MH-1 Zone is likely to be carefully reviewed for environmental impact during the development review process. Areas such as the Nebo Loop National Scenic Byway, Payson Canyon, and "P" Mountain are valuable for their aesthetics and natural terrain. If it cannot be clearly shown that a proposed development will not have a detrimental effect on the environment, geologic hazards, or aesthetic characteristics of the area, the proposed development will be denied.

*19.6.28.2 Applicability*
Generally, the location of the MH-1 Zone includes the following although the City Council may include any appropriate area in the MH-1 Zone:

1. Parcels located south of the intersection of Canyon Road and 600 East at the north portal of the Nebo Loop National Scenic Byway. The MH-1 Zone is not established to encourage annexation and subsequent development in Payson Canyon, rather annexation should be for preservation efforts only.
2. Parcels located south and west of Gladstan Golf Course.

3. Parcels located higher in elevation than the "P" on "P" Mountain.
4. Inaccessible parcels of property that would require significant road cut and fill practices, extensive utility extension, slopes visible from great distances, areas of faulting and poor soils, and other highly sensitive visual and environmental areas. (2-16-05)

It is the intention of the City Council that the requirements of this Chapter be consistent with the provisions of Title 20 Subdivision Ordinance and Title 21 Sensitive Lands Ordinance. However, if inconsistencies between this Chapter and either/both Title 20 or Title 21 are found, the requirement applying the stricter standard shall apply.

*19.6.28.3 Permitted, Conditional, and Accessory Uses*
*Permitted Uses*
The following land use types are permitted uses in the MH-1, Mountain and Hillside Zone. Unless specifically listed, any other use is not a permitted use in the zone. Uses listed as conditional or accessory uses are allowed in the zone only in accordance with the criteria established in this ordinance.

1. Agriculture and forestry
2. Single family dwellings – detached
3. Single family dwellings – attached
4. Public or private utility rights-of-way
5. Parks and recreational facilities
6. Subdivisions pursuant to Title 20
7. Keeping of animals pursuant to Title 6
8. Residential care facilities for the elderly and persons with a disability in accordance with Chapter 19.23 herein. (8-7-02)

*Conditional Uses*
The following land use types are conditional uses in the MH-1, Mountain and Hillside Zone. Unless specifically listed, any other use is not a conditional use in the zone. Uses listed as conditional uses must be reviewed and approved in accordance with the criteria established in Chapter 19.13 of this ordinance.

1. Water storage facilities either drinking or irrigation
2. Resorts and group camps
3. Golf courses
4. Public or private utility maintenance facilities (7-6-05)

*Accessory Uses*
Given the nature of the area included in the MH-1 Zone, it is possible that some property owners will desire to have an accessory structure without the construction of a primary structure or in conjunction with a permitted use. However, an accessory structure will not be allowed without the construction of a primary structure or in conjunction with a permitted use. Each accessory structure shall be constructed in a manner that satisfies all regulations of this Chapter including the use of materials and colors, access, fencing, and other requirements. (2-16-05)

The following land use types are accessory uses in the MH-1, Mountain and Hillside Zone. Unless specifically listed, any other use is not an accessory use in the zone. An accessory use must be clearly incidental to a permitted or conditional use of the property. Accessory uses are not allowed without the approval of a permitted or conditional use of the parcel unless otherwise noted in this Section.

1. Storage facilities (non-commercial) for machinery and equipment as an accessory use to a permitted or conditional use in the zone, not to include storage units.

*19.6.28.4 Permitted Density, Width and Frontage*
Residential development in the MH-1 Zone is strictly limited to avoid overcrowding of land in sensitive areas. In general, development is discouraged in these areas. Developments in the MH-1 Zone shall not exceed one (1) unit per ten (10) acres unless a density bonus in conjunction with a Planned Residential Development is approved by the City Council. Each development in the zone will be unique to protect or take advantage of the unique characteristics of the site. There are no lot size requirements except that all provisions of the adopted development ordinances must be satisfied including those that may limit lot sizes. Planned Residential Developments (PRD) are encouraged in accordance with Chapter 20.10 of the Subdivision Ordinance. However, the amenities for a density bonus only include the following:

1. Attempts to minimize the visual and environmental impact of the proposed development.
2. Attempts to use appropriate development features such as wooden street signs, screening of development structures, satellite public safety facilities, and the like.
3. Incorporation of trails, recreational facilities, and other publicly available features.
4. Other development features found by the City Council to enhance the natural features adjacent to or included in the development project. (2-16-05)

The width of individual lots may vary according to the development layout and design. Regulations for

adequate fire protection, access, environmental protection and other layout considerations will determine lot width. (7-6-05)

Each development in the MH-1 Zone shall obtain primary access from a publicly owned and maintained street. Specific frontage requirements on the public street shall be determined on an individual case by case basis. Multiple development proposals shall not obtain access from a single private access from a publicly owned and maintained street. (2-16-05)

*19.6.28.5 Setback Requirements*

Setbacks may vary in individual developments, however, the following setback standards must be satisfied by each proposed development in the MH-1 Zone.

1. Setback from the Nebo Loop Scenic Byway – No structure shall be located less than one hundred (100) feet from the Nebo Loop Scenic Byway except traffic regulatory signs and development entrance features.
2. Setback from publicly maintained street – No structure shall be located less than twenty-five (25) feet from any publicly maintained street.
3. Setback from other structures - Each structure shall be a minimum of twenty (20) feet from any other structure.
4. Setback from river, stream, spring, or well – No structure shall be located less than two hundred (200) feet or the minimum distance indicated in a source protection plan from any river, stream, spring, or well.
5. Setback from geologic hazard – No structure shall be located in any area deemed to present a geologic hazard.
6. Setback from ridgeline – No structure shall be located in a ridgeline protection area as defined in this Chapter.
7. Setback from viewshed – No structure shall be located in a viewshed protection area as defined in this Chapter.

*19.6.28.6 Circulation and Access, Roads*

19.6.28.6.1 Roads and Access
19.6.28.6.2 Curb and Sidewalk
19.6.28.6.3 Bridges
19.6.28.6.4 Parking

Circulation and access are important considerations in the MH-1 Zone. Developments are likely to be low density, rural developments. Emergency response in these areas is critical due to location and terrain. Applicants and the City must work together to reach an agreement on adequate and appropriate circulation and access. If adequate and appropriate circulation and access for safety, provision of services, protection of the natural environment and other access issues cannot be achieved, the development will not be approved.

*19.6.28.6.1 Roads and Access*

The design requirements for roadways and access facilities in the MH-1 Zone may vary according to topography, the number of units, the types of units, location to public safety facilities and other considerations. However, in no case shall the road width within any development be less than twenty-eight (28) feet. Furthermore, turn around facilities and backing areas for public safety vehicles, snow removal vehicles, and other oversize vehicles will be required in logical and appropriate areas as determined in coordination with the City Engineer, Fire Chief and Police Chief. In accordance with Title 20, Subdivision Ordinance, each development will be required to have at least two points of ingress and egress for more than ten (10) residential units or ten (10) equivalent residential units. (2-16-05)

If approved by the City Council, developments may incorporate private roads, but at least one access to the proposed development must be from a publicly maintained road. All private roads must satisfy all design standards of public streets with the exception of width as addressed herein. (2-16-05)

In the event of very steep slopes, the City Engineer may require grade separated travel lanes to reduce the amount of cut and fill in the MH-1 Zone. Other ideas and considerations intended to provide safe, proper and effective traffic circulation that will result in more environmentally friendly road construction may be reviewed by the City Council during the review process. (2-16-05)

*19.6.28.6.2 Curb and Sidewalk*

Curb in the MH-1 Zone may be a rolled curb thirty (30) inches wide designed to satisfy the storm drainage requirements of Payson City. Sidewalks are not required in the MH-1 Zone, but are allowed. However, each development must include a pedestrian plan for safe and convenient pedestrian movement. Sidewalks, trails, paths, or any combination may be used to satisfy this requirement. (2-16-05)

*19.6.28.6.3 Bridges*

Bridges in the MH-1 Zone shall be avoided where possible. If bridges are found necessary, bridge design shall incorporate natural materials where possible. For

instance, bridge rails shall be constructed of wood rather than steel beams. Applicants are responsible for approval of bridges from the Utah Department of Natural Resources, The U.S. Department of the Interior, Army Corps of Engineers, and any other regulatory body.

*19.6.28.6.4 Parking*
To ensure proper traffic circulation and safety, there shall be no parking on the street in the MH-1 Zone. Therefore, each development will provide adequate off-street parking for anticipated guests and visitors, together with parking for recreational vehicles, service vehicles and other vehicles. (2-16-05)

*19.6.28.7 Landscaping and Vegetation*

19.6.28.7.1 Preservation of Existing Vegetation
19.6.28.7.2 Introduction of New Vegetation
19.6.28.7.3 Landscaping Limitations

Landscaping and existing vegetation are primary concerns in the MH-1 Zone. It is the intention of Payson City to encourage landscaping and vegetation that is natural and native to the surrounding environment. Each building site plan in the MH-1 Zone shall include a landscaping plan that indicates the number and size of trees and shrubs to be planted, lawn and turf areas, and irrigation plans. Plans found to be inappropriate for the reasons of wasting water, destruction of the natural environment, introduction of species that could threaten native vegetation, or other justifiable reason will be denied by the City. Each landscaping plan shall be reviewed by a member of the American Society of Landscape Architects to ensure that the plan is appropriate for the specific location in terms of planting materials, introduction of species, climate, drought tolerance, fire resistance and other applicable considerations. If development of the site will affect the ability of the existing vegetation to receive water, the plan must include a method of watering the existing vegetation. (2-16-05)

*19.6.28.7.1 Preservation of Existing Vegetation*
Where possible, efforts must be made to protect existing vegetation. Applications for excavation permits in the MH-1 Zone must be accompanied by a limits of disturbance (LOD) preservation plan indicating the extent of disturbance. The LOD shall be limited to the minimum area necessary to construct a structure and provide adequate fire protection, together with an entrance to the structure no wider than twenty-four (24) feet. Protective fencing shall be installed at the edges of the LOD to protect the remainder of the site from disturbance and erosion. Disturbance beyond the area indicated on the LOD may result in revocation of any development permit. At a minimum, disturbance beyond the area indicated on the LOD will be mitigated by the replacement of vegetation by the applicant.

*19.6.28.7.2 Introduction of New Vegetation*
Any vegetation introduced on any parcel shall be approved by the City. The City shall review the proposed introduction to determine if the proposed vegetation is appropriate for the location. The vegetation should be native to the area and not present a threat to existing native vegetation. The City may hire, at the applicant's expense, a botanist or other appropriate professional to determine the effect of the proposed vegetation introduction.

*19.6.28.7.3 Landscaping Limitations*
Lawn and turf areas shall be limited to the extent possible. Each building site plan shall include a landscaping plan indicating all lawn and turf areas. The introduction of plant species that could threaten native vegetation will not be allowed.

*19.6.28.8 Design Guidelines*

19.6.28.8.1 Acceptable Materials
19.6.28.8.2 Fencing Considerations
19.6.28.8.3 Three Hundred Sixty Degree Architecture
19.6.28.8.4 Project Details (2-16-05)

*19.6.28.8.1 Acceptable Materials*
Developments in the MH-1 Zone are proposed in an area that is unique and in the case of Payson Canyon, nationally significant as evidenced by the establishment of the Nebo Loop National Scenic Byway. In order to preserve the critical nature of development in areas designated MH-1, more specific development standards will be enforced. Developments in the MH-1 Zone shall use appropriate materials and colors throughout the development. (2-16-05)

Materials acceptable for construction in the MH-1 Zone include only the following:

1. Logs, timber and wood siding (not to include wood simulated vinyl or aluminum, or masonite siding)
2. Rock and stone
3. Wood simulated masonry siding, not to exceed fifty (50) percent of the total exterior of the structure (2-16-05)
4. Stucco not to exceed twenty five (25) percent of the total exterior of the structure (2-16-05)
5. Cedar shake shingles, must satisfy fire code

6. Asphalt shingles, architecturally compatible with the design of the structure and rated for the specific climate (2-16-05)
7. Concrete or slate tiles
8. Corrugated metal (roofing only)
9. Aluminum or vinyl flashing may be used around doorways, windows, and eaves only.
10. Brick structures are not allowed. (2-16-05)

Colors acceptable for construction in the MH-1 Zone include only the following unless it can be shown that other colors will blend in a particular location:

1. Muted earth tones
2. Dark green or brown accents
3. Roofing materials must be gray, green, brown or tan (7-6-05)

*19.6.28.8.2 Fencing Considerations* (2-16-05)
In general, fencing of any type is highly discouraged in the MH-1 Zone. Fencing can inhibit the free movement of wildlife, cause the removal of mature trees and other native vegetation, and contribute to difficulty of access for fire protection. Any development in the MH-1 Zone should result in a partnership with the natural environment, not an attempt to alter the natural setting. However, if fencing is proposed, a fencing plan shall be submitted for review and the following guidelines should be considered:

1. Wherever possible, fencing materials shall be natural and consistent with products found in the vicinity. For instance, log rail fences should be used in wooded areas.
2. Fencing should be flexible to avoid the removal of native trees and shrubs rather that follow strict property lines. If the exact identification of property lines is important to the property owner, the location of the fence should be surveyed or identified using global positioning (GPS) and the boundaries of the adjoining properties should be adjusted to preserve as much of the natural setting as possible.
3. All fences in the MH-1 Zone shall be reviewed by the Utah Division of Wildlife Resources (DWR). Protection of migration routes, feeding and watering travel routes and other modifications suggested by DWR shall be incorporated into the fencing plan.
4. Payson City will not be responsible for trespass, damage or other action by the public enemy. Appropriate municipal efforts to protect private property notwithstanding, property owners in the MH-1 Zone should realize the isolated location and access challenges of public safety entities. While fencing is often thought to reduce criminal activity, it is the experience of Payson City that fencing has very little effect on such actions. Therefore, claims for fencing needs for protection are not necessarily a reason to install fencing.

*19.6.28.8.3 Three Hundred Sixty Degree Architecture*
Due to the visibility and sensitive nature of the property in the MH-1 Zone, all structures shall incorporate three hundred sixty degree architecture. In other words, the architectural details included on the façade of the structure will be incorporated into the design of the other exterior walls of the structure. (7-6-05)

*19.6.28.8.4 Project Details*
Project details such as community mailbox units, street lighting, road identification and regulatory signs, pavilions, entry signs, security gates, and all other details should be consistent with the design theme of the project and the surrounding natural environment. Specific details for all project features will need to be provided to the City for review and approval. (2-16-05)

*19.6.28.9 Building Considerations*

19.6.28.9.1 Screening of Development
19.6.28.9.2 Structures built to Complement Natural Topography
19.6.28.9.3 Engineered Plans

*19.6.28.9.1 Screening of Development*
The area included in the MH-1 Zone is visually sensitive. It is a finding of the City Council that these areas remain, as much as possible, in a natural state. All structures in the MH-1 Zone will be hidden from view from major transportation corridors to the extent possible. In areas where natural screening is unavailable, the development shall provide natural screening for the development through the use of trees, berming, and other acceptable methods. Clustering of units will be required if there is a possibility of hiding units from public view. Additionally, all utility facilities must be screened from public view.

*19.6.28.9.2 Structures built to Complement Natural Topography*
Structures shall be designed to complement the natural topography. Excessive grading, cuts and fills should be avoided. Structures should blend into the environment

not stand out or be obvious. Primary pitch lines of the structure must be parallel to the primary slope of the surrounding mountains and hills. The use of reflective materials, such as glass, should be kept to a minimum in the design of the structure. (2-16-05)

*19.6.28.9.3 Engineered Plans*
The topography, soils, snow load, and other building considerations vary greatly in the areas designated as MH-1.-Therefore, the foundation, snow load and other structural details for all structures built in the MH-1 Zone shall be designed by a registered engineer and include the stamp of the engineer. (2-16-05)

*19.6.28.10 Project Lighting*
Project lighting in the MH-1 Zone shall complement the development through the use of appropriate materials and colors. Streetlights should be hooded and direct light toward the ground to avoid light spillage into sensitive areas. Light poles should be no higher than is necessary to provide safety and should be a color that will blend into the surrounding environment. All undue lighting shall be eliminated from the development. (2-16-05)

*19.6.28.11 Height Requirements, Fire Issues*
No structure in the MH-1 Zone shall exceed thirty-five (35) feet unless approved by the Fire Chief. The Fire Chief shall also be hereby empowered to regulate the height or location of any structure in order to provide adequate fire protection. Furthermore, structures shall not be constructed where the roofline extends above the natural ridgeline as defined in Title 21, Sensitive Lands Ordinance and the regulations of this Chapter. (2-16-05)

Each development or individual structure in the MH-1 Zone shall satisfy the regulations of the Payson City Wildland Interface Zone administered by the Payson City Fire Department. Any special considerations will be included in a development agreement approved by the City Council. (2-16-05)

*19.6.28.12 Wildlife Considerations*
Each development in the MH-1 Zone shall provide evidence, approved by the Utah Department of Natural Resources, that the proposed development will not be detrimental to wildlife in the area proposed for development. If wildlife mitigation is required, it shall be the sole responsibility of the applicant. Payson City will require that all suggestions of the Department of Natural Resources be satisfied.

*19.6.28.13 Ridgeline Protection*
Developments in the MH-1 Zone are not permitted to encroach upon any prominent ridgeline. For the purposes of this Chapter, ridgeline protection areas shall consist of prominent ridgelines that are highly visible from any major roadway classified as collector or greater in intensity. A ridgeline shall also include the crest of any ridgeline and the land located within one hundred (100) feet horizontally (map distance) on either side of the crest.

*19.6.28.14 Viewshed Protection*
Developments in the MH-1 Zone are not permitted to encroach upon any viewshed area. Because the area covered by the MH-1 Zone is diverse, the viewshed area shall be determined by the staff and the applicant on a case by case basis. Once the viewshed area has been determined, the applicant will propose ways to protect the viewshed through the placement of structures, the use of color and materials, enhancement through vegetation, clustering, screening, or other appropriate methods. If the applicant and staff are unable to agree upon the viewshed area, the applicant may request that the City Council make a final determination.

*19.6.28.15 Clustering and Placement of Structures*
Clustering of development through the use of a Planned Residential Development (PRD) as allowed in Title 20, Subdivision Ordinance is generally recommended and may be required by the City Council to achieve the objectives of this Chapter. The base density for any PRD within the MH-1 Zone shall be in accordance with the density requirements of Section 19.6.28.4 of this Chapter. An applicant for development approval may be granted up to a twenty-five (25) percent density bonus above the base density in a manner consistent with Chapter 20.10 of the Subdivision Ordinance. Whether proposed by the applicant or required by the City Council, clustering of development shall lead to satisfaction of the following objectives in addition to the objectives required by Title 20:

1. Clustering will further the policies and objectives of this Chapter, such as providing more open space, preserving existing trees and vegetation coverage, and preserving sensitive environmental areas such as stream corridors, slide areas, wetlands, wildlife habitat, and steep slopes.
2. The architecture, height, building materials, building colors, and other design features of the development blend with the surrounding natural landscape.

The placement of structures on any lot must be approved by Payson City. Staff shall determine the location of each structure concentrating on the issues cited in this Chapter, the geotechnical report prepared

for the development, the visual impact of the structure, and other general site considerations. If an applicant is in disagreement with the location determined by staff, the applicant may appeal the decision to the City Council whose decision shall be final. (2-16-05)

*19.6.28.16 Provision of Utilities* (2-16-05)
Payson City is under no obligation to provide drinking water, pressurized irrigation, wastewater disposal, solid waste collection, or any other public utility service to any property located within the MH-1 Zone. Furthermore, each property owner will be required to provide, at their own expense, the utility services necessary to properly serve any and all structures in the development. Individual wells, water tanks, septic tanks, privies, and other internal or project specific utility services are subject to the regulations of all development ordinances of Payson City.

*19.6.28.17 Protection of Dedicated Open Space or Preservation Areas* (2-16-05)
Development in accordance with the provisions of this Chapter will result in the dedication of open space or undeveloped preservation areas. It is the objective of the Section to ensure that these areas remain unaltered and as intended in the establishment of this Chapter and the creation of the open space or preservation area in perpetuity. Therefore, prior to the approval of any development in accordance with the provisions of this Chapter, the applicant for development approval shall prepare an open space conservation plan. The open space conservation plan shall be submitted prior to approval of any development proposal and shall be in addition to any other requirements of any development ordinance of Payson City. At a minimum, the open space conservation plan shall include the following:

1. A legal description of each parcel proposed to be preserved as open space, park land, or otherwise left in its natural state.
2. The proposed ownership of the open space or park land.
3. The proposed method to ensure that the open space or park land will remain in its intended state in perpetuity which may include one or more of the following:
   a. A deed restriction upon the property indicating the allowable uses of the property. The deed shall be recorded in the office of the Utah County Recorder.
   b. A conservation easement in favor of Payson City or another qualified not for profit agency approved by Payson City indicating the allowable uses of the property. The conservation easement shall be recorded in the office of the Utah County Recorder.
   c. Dedication of ownership to Payson City or another recipient approved by Payson City.
   d. Dedication or recordation of a conservation easement in favor of a qualified land trust or other organization approved by Payson City.
4. A maintenance plan for the open space or park land. The maintenance plan will need to include:
   a. The anticipated needs for and proposed method of perpetual maintenance of the open space or park land including fencing, irrigation, restoration, fire protection, and any other issue determined by the City Council to be a maintenance concern.
   b. The proposed funding mechanism necessary to complete proper maintenance of the open space or park land.

In an effort to protect dedicated open space or preservation areas, it is anticipated that more than one of the strategies listed above may be employed by the applicant.

*19.6.28.18 Other Requirements*
All applications for development approval, building permit, or other improvement of property in the MH-1 Zone shall satisfy all applicable requirements of Title 19, Zoning Ordinance, Title 20, Subdivision Ordinance, Title 21, Sensitive Lands Ordinance, and all other development ordinances of Payson City. (2-16-05)

An applicant for development approval in the MH-1 Zone may be required to submit additional information in order for the Planning Commission and City Council to make well-informed decisions. The cost of these additional studies is the responsibility of the applicant. Staff will make an effort to inform the applicant of any additional studies as early in the development process as possible. (2-16-05)

## 19.6.29 MH-2 Mountain and Hillside Zone (2-16-05)

19.6.29.1 Purpose, Intent and Objectives
19.6.29.2 Applicability
19.6.29.3 Permitted, Conditional and Accessory Uses
19.6.29.4 Permitted Density, Width and Frontage
19.6.29.5 Setback Requirements
19.6.29.6 Circulation and Access, Roads
19.6.29.7 Landscaping and Vegetation
19.6.29.8 Design Guidelines
19.6.29.9 Building Considerations
19.6.29.10 Project Lighting
19.6.29.11 Height Requirements, Fire Issues
19.6.29.12 Wildlife Protection and Preservation
19.6.29.13 Ridgeline Protection
19.6.29.14 Viewshed Protection
19.6.29.15 Clustering and Structure Placement
19.6.29.16 Provision of Utilities
19.6.29.17 Protection of Dedicated Open Space or Preservation Areas
19.6.29.18 Other Requirements

*19.6.29.1 Purpose, Intent and Objectives*

It is a finding of the Payson City Council that development in mountainous areas or on hillsides requires additional guidance and consideration than typical urban or suburban development. The purpose of this Chapter is to provide adequate development standards to address the unique environmental, geologic, and aesthetic characteristics of present and future development in the mountainous and hillside areas of Payson City while allowing the use of private property to establish a development pattern that is consistent with the objectives of this Chapter.

Unlike the MH-1, Mountain and Hillside Zone which is created to limit development to protect or preserve the natural environment, the MH-2 Zone anticipates development of the property in the MH-2 Zone that is in harmony with and may even enhance the natural surroundings in the vicinity. Rather than strictly limiting the density and discouraging development, the intent of the MH-2 Zone is to regulate the development pattern to produce an attractive and appropriate result. However, many similarities between the two zones exist. Similar to the MH-1 Zone, it is the intention of the City Council to control the development pattern in mountainous and hillside areas so that development is safe, efficient, and compatible with natural and built surroundings. The objectives of the MH-2 Zone include, but are not limited to the following:

1. To protect and preserve unique and valuable characteristics of the natural environment.
2. To encourage appropriate development with appropriate densities, design and character in proper locations.
3. To create efficient and practical development patterns in sensitive terrain.
4. To promote new development that is compatible with natural surroundings.
5. To minimize excavation and disturbance of natural terrain and vegetation.
6. To avoid inappropriate lighting, colors, reflective materials, and other disturbances of the natural environment experience.
7. To avoid development becoming the primary feature of the mountainous and hillside areas.
8. To use creative and unique development standards to address unusual circumstances and challenges.
9. To encourage the use of appropriate materials that is compatible and consistent with mountain or hillside development.

Applicants proposing development in the MH-2 Zone must be aware that development proposals in the zone may be reviewed by not only Payson City, but also other stakeholders. Other organizations that may review, at the discretion of the City Council, proposed development include, but are not limited to:

1. The United States Forest Service
2. The Bureau of Land Management
3. Army Corps of Engineers
4. Utah Department of Natural Resources
5. Utah County, Utah
6. Utah County, Utah Search and Rescue
7. Elk Ridge City, Utah
8. Santaquin City, Utah
9. Strawberry Electric Service District
10. Strawberry Water Users Association
11. Highline Canal Company

Due to the location and environmental considerations, development in the MH-2 Zone is likely to receive a high amount of scrutiny in the development review process. Areas such as the Nebo Loop National Scenic Byway, Payson Canyon and “P” Mountain are valuable for their aesthetics and natural terrain. If it cannot be clearly shown that a proposed development will not have a detrimental effect on the environment, geologic hazards, or aesthetic characteristics of the area, the proposed development will be denied.

*19.6.29.2 Applicability*

The location of the MH-2 Zone generally includes the following although the City Council may include any appropriate area in the MH-2 Zone:

1. Readily accessible and developable parcels located south of the intersection of Canyon Road and 600 East at the north portal of the Nebo Loop National Scenic Byway.
2. Readily accessible and developable parcels located above the Highline Canal on the east, west and south sides of the City.
3. Readily accessible and developable parcels located west and south of Goosenest Drive south of the intersection with Salem Canal Road.
4. Readily accessible and developable parcels located near Gladstan Golf Course.

It is the intention of the City Council that the requirements of this Chapter be consistent with the provisions of Title 19, Zoning Ordinance; Title 20, Subdivision Ordinance; and Title 21, Sensitive Lands Ordinance; and all other development ordinances of Payson City. However, if inconsistencies between this Chapter and either/both Title 20 or Title 21 are found, the requirement applying the stricter standard shall apply.

*19.6.29.3 Permitted, Conditional, and Accessory Uses*
*Permitted Uses*
The following land use types are permitted uses in the MH-2, Mountain and Hillside Zone. Unless specifically listed, any other use is not a permitted use in the zone. Uses listed as conditional or accessory uses are allowed in the zone only in accordance with the criteria established in this ordinance.

1. Agriculture and forestry
2. Single family dwellings – detached
3. Single family dwellings – attached
4. Public or private utility rights-of-way
5. Subdivisions pursuant to Title 20
6. Keeping of animals pursuant to Title 6
7. Residential care facilities for the elderly and persons with a disability in accordance with Chapter 19.23 herein.

*Conditional Uses*
The following land use types are conditional uses in the MH-2, Mountain and Hillside Zone. Unless specifically listed, any other use is not a conditional use in the zone. Uses listed as conditional uses must be reviewed and approved in accordance with the criteria established in Chapter 19.13 of this ordinance.

1. Hotel, motel, lodges and similar nightly rental units, not to include continuous occupancy for more than seven (7) consecutive days.
2. Conference and convention centers
3. Golf courses
4. Restaurants, only when associated with a hotel, motel, lodge, bed and breakfast, conference or convention center or golf course
5. Bed and breakfast establishments provided:
   a. The owner resides within the business.
   b. Occupancy is limited to seven (7) consecutive days or less.
   c. There are five (5) or fewer rental units within the business.
   d. The structure will maintain a residential appearance.
   e. Adequate off-street parking can be accommodated on the site.
   f. The business will obtain and maintain a valid tax identification number, commercial cooking facilities, and a current business license.
   g. The structure may not be used as a boarding house, or rental units for more than seven (7) consecutive days. If it can be demonstrated that the structure is or has been used as a boarding house, long term rental units or any similar use, the City Council may revoke any license to operate the bed and breakfast establishment.
6. Time share units when approved as a condominium project consistent with the density requirements herein.
7. Gift shops, only when associated with a hotel, motel, lodge, bed and breakfast, conference or convention center or golf course
8. Seasonal access cabins and vacation homes
9. Parks and recreational facilities
10. Ranch or farm housing for bona fide agricultural uses limited to one (1) residential unit with no more than six (6) total residents per one hundred (100) acres
11. Public or private utility maintenance facilities (7-6-05)

*Accessory Uses*
Given the nature of the area included in the MH-2 Zone, it is possible that some property owners will desire to have an accessory structure without the construction of a primary structure or in conjunction with a permitted use. However, an accessory structure will not be allowed without the construction of a primary structure or in conjunction with a permitted use. Each accessory structure shall be constructed in a manner that satisfies all regulations of this Chapter including the use of materials and colors, access, fencing, and other requirements.

The following land use types are accessory uses in the MH-2, Mountain and Hillside Zone. Unless specifically

listed, any other use is not an accessory use in the zone. An accessory use must be clearly incidental to a permitted or conditional use of the property. Accessory uses are not allowed without the approval of a permitted or conditional use of the parcel unless otherwise noted in this Section.

1. Garages – detached
2. Storage facilities (non-commercial) for machinery and equipment as an accessory use to a permitted or conditional use in the zone, not to include commercial storage units.

*19.6.29.4 Permitted Density, Width and Frontage*

19.6.29.4.1 Residential Density
19.6.29.4.2 Allowable Units for Nightly Rental Establishments
19.6.29.4.3 Size Limitations for Non-Residential Structures other than Nightly Rental Establishments

*19.6.29.4.1 Residential Density*
Residential developments in the MH-2 Zone shall not exceed one (1) unit per acre unless a density bonus in conjunction with a Planned Residential Development is approved by the City Council. Each development in the zone will be unique to protect or take advantage of the unique characteristics of the site. A great deal of flexibility will be given to an applicant for development approval in relation to individual parcel size provided that the applicant is able to demonstrate that the size of the parcels are compatible with the natural features and topography of the property, undue crowding of any portion of the property will not occur, the visual impact of the development is appropriately addressed, and all provisions of the adopted development ordinances are satisfied including those that may limit lot sizes. Planned Residential Developments (PRD) are encouraged in accordance with Chapter 20.10 of the Subdivision Ordinance. However, the amenities for a density bonus only include the following:

1. Attempts to minimize the visual and environmental impact of the proposed development.
2. Attempts to use appropriate development features such as wooden street signs, screening of development structures, satellite public safety facilities, and other amenities fitting of the specific development site. (7-6-05)
3. Incorporation of trails, recreational facilities, and other publicly available features.
4. Other development features found by the City Council to enhance the natural features adjacent to or included in the development project.

The width of individual lots may vary according to the development layout and design. Regulations for adequate fire protection, access, environmental protection and other layout considerations will be considered in the determination of lot width. (7-6-05)

*19.6.29.4.2 Allowable Units for Nightly Rental Establishments*
With the exception of a bed and breakfast business which is further regulated by this Chapter, the number of nightly rental units allowed in the MH-2 Zone shall be calculated by multiplying the total number of acres in the proposed development by three (3). For instance, if a nightly rental establishment is situated on a ten (10) acre parcel, the applicant for development approval may be allowed to construct a structure with up to thirty (30) rental units. All design requirements of this Chapter shall apply to the construction of any nightly rental establishment. (7-6-05)

*19.6.29.4.3 Size Limitations for Non-Residential Structures other than Nightly Rental Establishments*
Non-residential structures other than nightly rental establishments shall be limited to no more than ten thousand (10,000) square feet per acre. Each story of a multi-story structure shall be included in the size limitation of the structure. (7-6-05)

*19.6.29.5 Setback Requirements*
Setbacks may vary in individual developments, however, the following setback standards must be satisfied by each proposed development in the MH-2 Zone.

1. Setback from the Nebo Loop Scenic Byway – A structure shall not be located less than one hundred (100) feet from the Nebo Loop National Scenic Byway except traffic regulatory signs and development entrance features.
2. Setback from streets – A structure shall not be located less than twenty-five (25) feet from any publicly maintained street.
3. Setback from other structures - Each structure shall be a minimum of twenty (20) feet from any other structure.
4. Setback from river, stream, spring, well or other water course – A structure shall not be located less than two hundred (200) feet or the minimum distance indicated in a source protection plan from any river, stream, spring, well or other water course.
5. Setback from geologic hazard – A structure shall not be located in any area deemed to present a geologic hazard.

6. Setback from ridgeline – A structure shall not be located in a ridgeline protection area as defined in this Chapter.
7. Setback from viewshed – A structure shall not be located in a viewshed protection area as defined in this Ordinance or Title 21, Sensitive Lands Ordinance.
8. The side setback from any property line will be at least ten (10) feet. (7-6-05)

*19.6.29.6 Circulation and Access, Roads*

19.6.29.6.1 Roads and Access
19.6.29.6.2 Curb and Sidewalk
19.6.29.6.3 Bridges
19.6.29.6.4 Parking

Circulation and access are important considerations in the MH-2 Zone. Developments are likely to be low density, rural developments. Emergency response in these areas is critical due to location and terrain. Applicants and the City must work together to reach an agreement on adequate and appropriate circulation and access. If adequate and appropriate circulation and access for safety, provision of services, protection of the natural environment and other access issues cannot be achieved, the development will not be approved.

*19.6.29.6.1 Roads and Access*
The design requirements for roadways and access facilities in the MH-2 Zone may vary according to topography, the number of units, the types of units, location to public safety facilities and other considerations. However, in no case shall the road width within any development be less than twenty-eight (28) feet. Furthermore, turn around facilities and backing areas for public safety vehicles, snow removal vehicles, and other oversize vehicles will be required in logical and appropriate areas as determined in coordination with the City Engineer, Fire Chief and Police Chief. In accordance with Title 20, Subdivision Ordinance, each development will be required to have at least two points of ingress and egress for more than ten (10) residential units or ten (10) equivalent residential units.

If approved by the City Council, developments may incorporate private roads, but at least one access to the proposed development must be from a publicly maintained road. All private roads must satisfy all design standards of public streets with the exception of width as addressed herein.

In the event of very steep slopes, the City Engineer may require grade separated travel lanes to reduce the amount of cut and fill in the MH-2 Zone. Other ideas and considerations intended to provide safe, proper and effective traffic circulation that will result in more environmentally friendly road construction may be reviewed by the City Council during the review process.

*19.6.29.6.2 Curb and Sidewalk*
Curb in the MH-2 Zone may be a rolled curb thirty (30) inches wide designed to satisfy the storm drainage requirements of Payson City. Sidewalks are required where appropriate in the MH-2 Zone, but may be eliminated in some instances if it can be shown that sidewalks would be detrimental to environmental protection or would distract from the natural setting. However, each development must include a pedestrian plan for safe and convenient pedestrian movement. Sidewalks, trails, paths, or any combination may be used to satisfy this requirement.

*19.6.29.6.3 Bridges*
Bridges in the MH-2 Zone shall be avoided where possible. If bridges are found necessary, bridge design shall incorporate natural materials where possible. For instance, bridge rails shall be constructed of wood rather than steel beams. Applicants are responsible for approval of bridges from the Utah Department of Natural Resources, The U.S. Department of the Interior, Army Corps of Engineers, and any other regulatory body.

*19.6.29.6.4 Parking*
To ensure proper traffic circulation and safety, there shall be no parking on the street in the MH-2 Zone. Therefore, each development will provide adequate off-street parking for anticipated guests and visitors, together with parking for recreational vehicles, service vehicles and other vehicles.

*19.6.29.7 Landscaping and Vegetation*

19.6.29.7.1 Preservation of Existing Vegetation
19.6.29.7.2 Introduction of New Vegetation
19.6.29.7.3 Landscaping Limitations

Landscaping and existing vegetation are primary concerns in the MH-2 Zone. It is the intention of Payson City to encourage landscaping and vegetation that is natural and native to the surrounding environment. Each building site plan in the MH-2 Zone shall include a landscaping plan that indicates the number and size of trees and shrubs to be planted, lawn and turf areas, and irrigation plans. Plans found to be inappropriate for the reasons of wasting water, destruction of the natural environment, introduction of

species that could threaten native vegetation, or other justifiable reason will be denied by the City. Each landscaping plan shall be reviewed by a member of the American Society of Landscape Architects to ensure that the plan is appropriate for the specific location in terms of planting materials, introduction of species, climate, drought tolerance, fire resistance and other applicable considerations. If development of the site will affect the ability of the existing vegetation to receive water, the plan must include a method of watering the existing vegetation.

*19.6.29.7.1 Preservation of Existing Vegetation*
Where possible, efforts must be made to protect existing vegetation. Applications for excavation permits in the MH-2 Zone must be accompanied by a limits of disturbance (LOD) preservation plan indicating the extent of disturbance. The LOD shall be limited to the minimum area necessary to construct a structure and provide adequate fire protection, together with an entrance to the structure no wider than twenty-four (24) feet. Protective fencing shall be installed at the edges of the LOD to protect the remainder of the site from disturbance and erosion. Disturbance beyond the area indicated on the LOD may result in revocation of any development permit. At a minimum, disturbance beyond the area indicated on the LOD will be mitigated by the replacement of vegetation by the applicant.

*19.6.29.7.2 Introduction of New Vegetation*
Any vegetation introduced on any parcel shall be approved by the City. The City shall review the proposed introduction to determine if the proposed vegetation is appropriate for the location. The vegetation should be native to the area and not present a threat to existing native vegetation. The City may hire, at the applicant's expense, a botanist or other appropriate professional to determine the effect of the proposed vegetation introduction.

*19.6.29.7.3 Landscaping Limitations*
Lawn and turf areas shall be limited to the extent possible. Each building site plan shall include a landscaping plan indicating all lawn and turf areas.

The introduction of plant species that could threaten native vegetation will not be allowed.

*19.6.29.8 Design Guidelines*

19.6.29.8.1 Minimum Dwelling Size
19.6.29.8.2 Acceptable Materials
19.6.29.8.3 Fencing Considerations
19.6.29.8.4 Three Hundred Sixty Degree Architecture
19.6.29.8.5 Project Details

*19.6.29.8.1 Minimum Dwelling Size*
In order to generate the revenue necessary to provide municipal services in a more difficult terrain, the Payson City Council finds that it is necessary to establish a minimum dwelling size for residential structures in the MH-2 Zone.

Each single family dwelling in the MH-2 Zone shall include at least three thousand (3,000) square feet of finished floor space. Each multi-family dwelling in the MH-2 Zone shall include at least two thousand five hundred (2,500) square feet of finished floor space. (7-6-05)

*19.6.29.8.2 Acceptable Materials*
Developments in the MH-2 Zone are proposed in an area that is unique and in the case of Payson Canyon, nationally significant as evidenced by the establishment of the Nebo Loop National Scenic Byway. In order to preserve the critical nature of development in areas designated MH-2, more specific development standards will be enforced. Developments in the MH-2 Zone shall use appropriate materials and colors throughout the development.

Materials acceptable for construction in the MH-2 Zone include only the following:

1. Logs, timber and wood siding (not to include wood simulated vinyl or aluminum, or masonite siding)
2. Rock and stone
3. Wood simulated masonry siding, not to exceed fifty (50) percent of the total exterior of the structure
4. Stucco not to exceed twenty five (25) percent of the total exterior of the structure
5. Cedar shake shingles, must satisfy fire code
6. Asphalt shingles, architecturally compatible with the design of the structure and rated for the specific climate
7. Concrete or slate tiles
8. Corrugated metal (roofing only)
9. Aluminum or vinyl flashing may be used around doorways, windows, and eaves only
10. Brick structures may only be allowed if it can be demonstrated that the brick structure is consistent the mountainous setting desired by Payson City (7-6-05)

Colors acceptable for construction in the MH-2 Zone include only the following unless it can be shown that other colors will blend in a particular location:

1. Muted earth tones
2. Dark green or brown accents
3. Roofing materials must be gray, green, brown or tan (7-6-05)

*19.6.29.8.3 Fencing Considerations*

In general, fencing of any type is highly discouraged in the MH-2 Zone. Fencing can inhibit the free movement of wildlife, cause the removal of mature trees and other native vegetation, and contribute to difficulty of access for fire protection. Any development in the MH-2 Zone should result in a partnership with the natural environment, not an attempt to alter the natural setting. However, if fencing is proposed, a fencing plan shall be submitted for review and the following guidelines should be considered:

1. Wherever possible, fencing materials shall be natural and consistent with products found in the vicinity. For instance, log rail fences should be used in wooded areas.
2. Fencing should be flexible to avoid the removal of native trees and shrubs rather that follow strict property lines. If the exact identification of property lines is important to the property owner, the location of the fence should be surveyed or identified using global positioning (GPS) and the boundaries of the adjoining properties should be adjusted to preserve as much of the natural setting as possible.
3. All fences in the MH-2 Zone shall be reviewed by the Utah Division of Wildlife Resources (DWR). Protection of migration routes, feeding and watering travel routes and other modifications suggested by DWR shall be incorporated into the fencing plan.
4. Payson City will not be responsible for trespass, damage or other action by the public enemy. Appropriate municipal efforts to protect private property notwithstanding, property owners in the MH-2 Zone should realize the isolated location and access challenges of public safety entities. While fencing is often thought to reduce criminal activity, it is the experience of Payson City that fencing has very little effect on such actions. Therefore, claims for fencing needs for protection are not necessarily a reason to install fencing.

*19.6.29.8.4 Three Hundred Sixty Degree Architecture*

Due to the visibility and sensitive nature of the property in the MH-2 Zone, all structures shall incorporate three hundred sixty degree architecture. In other words, the architectural details included on the façade of the structure will be incorporated into the design of the other exterior walls of the structure. (7-6-05)

*19.6.29.8.5 Project Details*

Project details such as community mailbox units, street lighting, road identification and regulatory signs, pavilions, entry signs, security gates, and all other details should be consistent with the design theme of the project and the surrounding natural environment. Specific details for all project features will need to be provided to the City for review and approval.

*19.6.29.9 Building Considerations*

19.6.29.9.1 Screening of Development
19.6.29.9.2 Structures built to Complement Natural Topography
19.6.29.9.3 Engineered Plans

*19.6.29.9.1 Screening of Development*

The area included in the MH-2 Zone is visually sensitive. It is a finding of the City Council that these areas remain, as much as possible, in a natural state. All structures in the MH-2 Zone will be hidden from view from major transportation corridors to the extent possible. In areas where natural screening is unavailable, the development shall provide natural screening for the development through the use of trees, berming, and other acceptable methods. Clustering of units will be required if there is a possibility of hiding units from public view. Additionally, all utility facilities must be screened from public view.

*19.6.29.9.2 Structures built to Complement Natural Topography*

Structures shall be designed to complement the natural topography. Excessive grading, cuts and fills should be avoided. Structures should blend into the environment not stand out or be obvious. Primary pitch lines of the structure must be parallel to the primary slope of the surrounding mountains and hills. The use of reflective materials, such as glass, should be kept to a minimum in the design of the structure.

*19.6.29.9.3 Engineered Plans*

The topography, soils, snow load, and other building considerations vary greatly in the areas designated as MH-2. Therefore, the foundation, snow load and other structural details for all structures built in the MH-2 Zone shall be designed by a registered engineer and include the stamp of the engineer.

*19.6.29.10 Project Lighting*
Project lighting in the MH-2 Zone shall complement the development through the use of appropriate materials and colors. Streetlights should be hooded and direct light toward the ground to avoid light spillage into sensitive areas. Light poles should be no higher than is necessary to provide safety and should be a color that will blend into the surrounding environment. All undue lighting shall be eliminated from the development.

*19.6.29.11 Height Requirements, Fire Issues*
No structure in the MH-2 Zone shall exceed thirty-five (35) feet unless approved by the Fire Chief. The Fire Chief shall also be hereby empowered to regulate the height or location of any structure in order to provide adequate fire protection. Furthermore, structures shall not be constructed where the roofline extends above the natural ridgeline as defined in Title 21, Sensitive Lands Ordinance and the regulations of this Chapter.

Each development or individual structure in the MH-2 Zone shall satisfy the regulations of the Payson City Wildland Interface Zone administered by the Payson City Fire Department. Any special considerations will be included in a development agreement approved by the City Council.

*19.6.29.12 Wildlife Considerations*
Each development in the MH-2 Zone shall provide evidence, approved by the Utah Department of Natural Resources, that the proposed development will not be detrimental to wildlife in the area proposed for development. If wildlife mitigation is required, it shall be the sole responsibility of the applicant. Payson City will require that all suggestions of the Department of Natural Resources be satisfied.

*19.6.29.13 Ridgeline Protection*
Developments in the MH-2 Zone are not permitted to encroach upon any prominent ridgeline. For the purposes of this Chapter, ridgeline protection areas shall consist of prominent ridgelines that are highly visible from any major roadway classified as collector or greater in intensity. A ridgeline shall also include the crest of any ridgeline and the land located within one hundred (100) feet horizontally (map distance) on either side of the crest.

*19.6.29.14 Viewshed Protection*
Developments in the MH-2 Zone are not permitted to encroach upon any viewshed area. Because the area covered by the MH-2 Zone is diverse, the viewshed area shall be determined by the staff and the applicant on a case by case basis. Once the viewshed area has been determined, the applicant will propose ways to protect the viewshed through the placement of structures, the use of color and materials, enhancement through vegetation, clustering, screening, or other appropriate methods. If the applicant and staff are unable to agree upon the viewshed area, the applicant may request that the City Council make a final determination.

*19.6.29.15 Clustering and Placement of Structures*
Clustering of development through the use of a Planned Residential Development (PRD) as allowed in Title 20, Subdivision Ordinance is generally recommended and may be required by the City Council to achieve the objectives of this Chapter. The base density for any PRD within the MH-2 Zone shall be in accordance with the density requirements of Section 19.6.29.4 of this Chapter. An applicant for development approval may be granted up to a twenty-five (25) percent density bonus above the base density in a manner consistent with Chapter 20.10 of the Subdivision Ordinance. Whether proposed by the applicant or required by the City Council, clustering of development shall lead to satisfaction of the following objectives in addition to the objectives required by Title 20:

1. Clustering will further the policies and objectives of this Chapter, such as providing more open space, preserving existing trees and vegetation coverage, and preserving sensitive environmental areas such as stream corridors, slide areas, wetlands, wildlife habitat, and steep slopes.
2. The architecture, height, building materials, building colors, and other design features of the development blend with the surrounding natural landscape.

The placement of structures on any lot must be approved by Payson City. Staff shall determine the location of each structure concentrating on the issues cited in this Chapter, the geotechnical report prepared for the development, the visual impact of the structure, and other general site considerations. If an applicant is in disagreement with the location determined by staff, the applicant may appeal the decision to the City Council whose decision shall be final.

*19.6.29.16 Provision of Utilities*
Each project in the MH-2 Zone shall be required to connect to all Payson City public utility services with the exception of pressurized irrigation. Connection to public utility services shall be consistent with the requirements of Title 19, Zoning Ordinance and Title 20, Subdivision Ordinance. Individual wells, water

tanks, septic tanks, privies, and other internal or project specific utility services are not allowed.

*19.6.29.17 Protection of Dedicated Open Space or Preservation Areas*

Development in accordance with the provisions of this Chapter will result in the dedication of open space or undeveloped preservation areas. It is the objective of the Section to ensure that these areas remain unaltered and as intended in the establishment of this Chapter and the creation of the open space or preservation area in perpetuity. Therefore, prior to the approval of any development in accordance with the provisions of this Chapter, the applicant for development approval shall prepare an open space conservation plan. The open space conservation plan shall be submitted prior to approval of any development proposal and shall be in addition to any other requirements of any development ordinance of Payson City. At a minimum, the open space conservation plan shall include the following:

1. A legal description of each parcel proposed to be preserved as open space, park land, or otherwise left in its natural state.
2. The proposed ownership of the open space or park land.
3. The proposed method to ensure that the open space or park land will remain in its intended state in perpetuity which may include one or more of the following:
    a. A deed restriction upon the property indicating the allowable uses of the property. The deed shall be recorded in the office of the Utah County Recorder.
    b. A conservation easement in favor of Payson City or another qualified not for profit agency approved by Payson City indicating the allowable uses of the property. The conservation easement shall be recorded in the office of the Utah County Recorder.
    c. Dedication of ownership to Payson City or another recipient approved by Payson City.
    d. Dedication or recordation of a conservation easement in favor of a qualified land trust or other organization approved by Payson City.
4. A maintenance plan for the open space or park land. The maintenance plan will need to include:
    a. The anticipated needs for and proposed method of perpetual maintenance of the open space or park land including fencing, irrigation, restoration, fire protection, and any other issue determined by the City Council to be a maintenance concern.
    b. The proposed funding mechanism necessary to complete proper maintenance of the open space or park land.

In an effort to protect dedicated open space or preservation areas, it is anticipated that more than one of the strategies listed above may be employed by the applicant.

*19.6.29.18 Other Requirements*

All applications for development approval, building permit, or other improvement of property in the MH-2 Zone shall satisfy all applicable requirements of Title 19, Zoning Ordinance, Title 20, Subdivision Ordinance, Title 21, Sensitive Lands Ordinance, and all other development ordinances of Payson City.

An applicant for development approval in the MH-2 Zone may be required to submit additional information in order for the Planning Commission and City Council to make well-informed decisions. The cost of these additional studies is the responsibility of the applicant. Staff will make an effort to inform the applicant of any additional studies as early in the development process as possible.

**19.6.30 GCD Golf Course Development Zone**
**(2-7-07)**

19.6.30.1 Purpose, Intent and Objectives
19.6.30.2 Applicability and Minimum Project Size
19.6.30.3 Permitted, Conditional and Accessory Uses
19.6.30.4 Permitted Density, Width and Frontage
19.6.30.5 Setback Requirements
19.6.30.6 Circulation and Access, Roads
19.6.30.7 Landscaping and Vegetation
19.6.30.8 Design Guidelines
19.6.30.9 Building Considerations
19.6.30.10 Project Lighting
19.6.30.11 Height Requirements, Fire Issues
19.6.30.12 Special Golf Course Considerations
19.6.30.13 Ridgeline Protection
19.6.30.14 Viewshed Protection
19.6.30.15 Placement of Structures
19.6.30.16 Provision of Utilities
19.6.30.17 Dedicated Open Space
19.6.30.18 Other Requirements

*19.6.30.1 Purpose, Intent and Objectives*
It is a finding of the Payson City Council that residential development near Gladstan Golf Course requires additional guidance and consideration than typical development. The purpose of this Section is to provide adequate development standards to address the unique characteristics of placing residential dwellings near a municipal golf course.

It is the intention of the City Council to encourage a development pattern that is safe, efficient, and compatible with the operation of a golf course. The objectives of the GCD Zone include, but are not limited to the following:

1. To enhance and gain benefit from the unique and desirable characteristics of property located adjacent to a golf course.
2. To encourage housing that will support the golf course in terms of daytime play, but only in proper locations.
3. To create efficient and practical development patterns adjacent to the golf course.
4. To promote new development that is compatible with the operation of a municipal golf course.
5. To avoid inappropriate lighting, colors, reflective materials, and other development features that could result in disturbance of the golfing experience at a golf course.
6. To avoid development becoming the primary feature of the golf course area rather than the course itself.
7. To use creative and unique development standards to address unusual circumstances and challenges.
8. To encourage the use of appropriate materials compatible and consistent with the surrounding natural environment and the operation of the golf course.

Due to the location and unique golf course environment, development in the GCD Zone will be reviewed for impact on golf course operations. If it cannot be clearly shown that a proposed development will not have a detrimental effect on the environment or characteristics of the golf course, the proposed development will be denied.

*19.6.30.2 Applicability and Minimum Project Size*
Generally, the location of the GCD Zone includes property immediately adjacent and partially surrounded by the Gladstan Golf Course. However, the golf course is located in an environmentally sensitive area where high density housing may not be appropriate. Therefore, in reaching a decision of whether or not a zone change is appropriate, the Planning Commission and City Council will consider, at a minimum, the following:

1. The presence of any geologic hazard including landslide potential, steep slope, collapsible or expandable soils, wetlands or other similar vulnerability.
2. The physical impact the development will have on ball flight, interference, and general playability of the golf course.
3. The visual impact the development will have on the views and vistas from the golf course.
4. The visual impact on hillsides and ridgelines created by road cuts, rooflines, lighting, and other development items.
5. Proper transportation facility to provide access for residents, guests and emergency personnel.
6. Adequate infrastructure to provide efficient municipal services to the project site.

The minimum project size in the GCD Zone is three (3) acres. Therefore, any rezone application to the GCD Zone must include at least three (3) contiguous acres. Existing parcels less than three (3) acres in size are not eligible for the GCD Zone.

Each project in the GCD Zone shall be consistent with the provisions of Title 20 Subdivision Ordinance and Title 21 Sensitive Lands Ordinance. However, if inconsistencies between this Chapter and either/both Title 20 or Title 21 are found, the requirement applying the stricter standard shall apply.

*19.6.30.3 Permitted, Conditional, and Accessory Uses*
*Permitted Uses*
The following land use types are permitted uses in the GCD, Golf Course Development Zone. Unless specifically listed, any other use is not a permitted use in the zone. Uses listed as conditional or accessory uses are allowed in the zone only in accordance with the criteria established in this Title.

1. Single family dwellings – detached
2. Two, three and four family dwellings – attached
3. Public or private utility rights-of-way
4. Accessory recreational amenities
5. Subdivisions pursuant to Title 20
6. Animals pursuant to Title 6 – indoor only

*Conditional Uses*
The following land use types are conditional uses in the GCD Zone. Unless specifically listed, any other use is not a conditional use in the zone. Uses listed as conditional uses must be reviewed and approved in accordance with the criteria established in Chapter 19.13 of this ordinance.

1. Water storage facilities either drinking or irrigation
2. Private recreational facilities
3. Public or private utility maintenance facilities

*Accessory Uses*
The following land use types are accessory uses in the GCD Zone. Unless specifically listed, any other use is not an accessory use in the zone. An accessory use must be clearly incidental to a permitted or conditional use of the property. Accessory uses are not allowed without the approval of a permitted or conditional use of the parcel unless otherwise noted in this Section.

1. Storage facilities (non-commercial) for machinery and equipment as an accessory use to a permitted or conditional use in the zone, not to include storage units.

*19.6.30.4 Permitted Density, Width and Frontage*
Residential development in the GCD Zone is strictly limited to areas where development can enhance the golf course without interfering with play. Each development in the zone will be designed to complement the golf course and take advantage of the unique characteristics of the site.

Each development in the GCD Zone may be allowed, but is not required, to have up to ten (10) units per acre unless a density bonus is granted by the City Council in accordance with Chapter 20.10 of the Subdivision Ordinance. The amenities allowed for a density bonus shall be limited to the following:

1. Significant attempts to minimize the visual and environmental impact of the proposed development on the views of the natural surroundings as well as the visual character of the golf course.
2. Significant attempts to minimize the potential impact on the operation of the golf course or the golf experience of the patrons.
3. Attempts to use appropriate development features that will complement the golf course such as wrought iron fencing, consistent landscaping themes and screening of development structures.
4. Incorporation of recreational facilities for residents of the development.
5. Voluntary improvements to Gladstan Golf Course that are listed on the capital improvements plan of the golf course.

Individual ownership of residential units is highly encouraged. The width of individual lots may vary according to the development layout and design. Regulations for adequate fire protection, access, environmental protection and other layout considerations will determine lot width.

Each development in the GCD Zone shall obtain primary access from a publicly owned and maintained street. Specific frontage requirements on the public street shall be determined on an individual case by case basis. Multiple development proposals shall not obtain access from a single private access from a publicly owned and maintained street.

*19.6.30.5 Setback Requirements*
Setbacks may vary in individual developments, however, the following setback standards must be satisfied by each proposed development in the GCD Zone.

1. Setback from the Gladstan Golf Course – Structures shall not be located less than fifty (50) feet from any area in play of the golf course.
2. Setback from publicly maintained street – Structures shall be located less than twenty-five (25) feet from any publicly maintained street or less than twenty (20) feet of a private street.
3. Setback from other structures - Each structure shall be a minimum of twenty (20) feet from any other structure.
4. Setback from river, stream, spring, or well – Structures shall not be located less than two hundred (200) feet or the minimum distance

indicated in a source protection plan from any river, stream, spring, or well.

5. Setback from geologic hazard – Structures shall not be located in any area deemed to present a geologic hazard.
6. Setback from ridgeline – Structures shall not be located in a ridgeline protection area as defined in this Chapter.
7. Setback from viewshed – Structures shall not be located in a viewshed protection area as defined in this Chapter.

*19.6.30.6 Circulation and Access, Roads*

19.6.30.6.1 Roads and Access
19.6.30.6.2 Curb and Sidewalk
19.6.30.6.3 Bridges
19.6.30.6.4 Parking

Due to the configuration and general characteristics of the golf course, circulation and access are important considerations in the GCD Zone. Emergency response in these areas is critical due to location and lack of ample access. Applicants and the City must work together to reach an agreement on adequate and appropriate circulation and access. If adequate and appropriate circulation and access for safety, provision of services, protection of the natural environment and other access issues cannot be achieved, the development will not be approved.

*19.6.30.6.1 Roads and Access*

The design requirements for roadways and access facilities in the GCD Zone may vary according to topography, access constraints near the golf course and other considerations. However, in no case shall the road width within any development be less than thirty (30) feet. Furthermore, turn around facilities and backing areas for public safety vehicles, snow removal vehicles, and other oversize vehicles will be required in logical and appropriate areas as determined in coordination with the City Engineer, Fire Chief and Police Chief. In accordance with Title 20, Subdivision Ordinance, each development will be required to have at least two points of ingress and egress for more than ten (10) residential units or ten (10) equivalent residential units.

If approved by the City Council, developments may incorporate private roads, but at least one access to the proposed development must be from a publicly maintained road. All private roads must satisfy all design standards of public streets with the exception of width as addressed herein.

In the event of very steep slopes, the City Engineer may require grade separated travel lanes to reduce the amount of cut and fill in the GCD Zone. Other ideas and considerations intended to provide safe, proper and effective traffic circulation that will result in more environmentally friendly road construction may be reviewed by the City Council during the review process.

*19.6.30.6.2 Curb and Sidewalk*

Curb in the GCD Zone may be a rolled curb thirty (30) inches wide designed to satisfy the storm drainage requirements of Payson City. Sidewalks are not required in the GCD Zone, but are allowed. Each development must include a pedestrian plan for safe and convenient pedestrian movement. Sidewalks, trails, paths, or any combination may be used to satisfy this requirement. In particular, the plan should consider the possibility of errant golf shots, interruption of golfing activities, and inadvertent wandering into the play of golf.

*19.6.30.6.3 Bridges*

Bridges in the GCD Zone shall be avoided where possible. If bridges are found necessary, bridge design shall incorporate natural materials where possible. For instance, bridge rails shall be constructed of wood rather than steel beams. Applicants are responsible for approval of bridges from the Utah Department of Natural Resources, The U.S. Department of the Interior, Army Corps of Engineers, and any other regulatory body.

*19.6.30.6.4 Parking*

To ensure proper traffic circulation and safety, there shall be no parking on the street in the GCD Zone. Therefore, each development will provide adequate off-street parking for anticipated guests and visitors, together with parking for recreational vehicles, service vehicles and other vehicles.

*19.6.30.7 Landscaping and Vegetation*

19.6.30.7.1 Preservation of Existing Vegetation
19.6.30.7.2 Introduction of New Vegetation
19.6.30.7.3 Landscaping Limitations
19.6.30.7.4 Entire Area to be Landscaped

Landscaping and existing vegetation are primary concerns in the GCD Zone. It is the intention of Payson City to encourage landscaping that is consistent with and complementary to the golf course vegetation. In order to protect the operation of the golf course, trees that could interfere with play should be planted in alternative locations, grasses should not be invasive

varieties that could harm the turf of the course, and other landscaping considerations should be reviewed and approved by the golf course superintendent. Each building site plan in the GCD Zone shall include a landscaping plan that indicates the number and size of trees and shrubs to be planted, lawn and turf areas and varieties, and irrigation plans. Plans found to be inappropriate due to interference with the operation of the golf course, introduction of species that could threaten the vegetation of the course, or other justifiable reason will be denied by the City.

*19.6.30.7.1 Preservation of Existing Vegetation*
Where possible, efforts must be made to protect desirable existing vegetation. This is not intended to allow an applicant to avoid appropriate landscaping, but rather retain some of the more attractive native species such as Gamble Oak, oak brush, Mountain Maple, and a variety of shrubs. Native grass, cheat grass and other invasive ground cover is not desirable vegetation and should be replaced with an appropriate ground cover. The City may require a limits of disturbance (LOD) preservation plan indicating the extent of anticipated disturbance. The LOD shall be limited to the minimum area necessary to construct a structure and provide adequate fire protection, together with an entrance to the structure no wider than twenty-four (24) feet. Protective fencing shall be installed at the edges of the LOD to protect the remainder of the site from disturbance and erosion. Disturbance beyond the area indicated on the LOD may result in revocation of any development permit.

*19.6.30.7.2 Introduction of New Vegetation*
Any vegetation introduced on any parcel shall be approved by the City. The City shall review the proposed introduction to determine if the proposed vegetation is appropriate for the location and will not have detrimental impact on the golf course.

*19.6.30.7.3 Landscaping Limitations*
When lawn and turf areas extend to the edge of the golf course, water considerations, mow lines, and other limitations may be introduced by the City. Furthermore, Payson City shall approve the placement and trimming schedule of trees that could impact the operation of the golf course.

*19.6.30.7.4 Entire Area to be Landscaped*
All areas of the development shall be appropriately landscaped, except those areas used for structures or visitor parking prior to the issuance of any Certificate of Occupancy.

*19.6.30.8 Design Guidelines*

19.6.30.8.1 Acceptable Materials
19.6.30.8.2 Fencing Considerations
19.6.30.8.3 Three Hundred Sixty Degree Architecture
19.6.30.8.4 Project Details

*19.6.30.8.1 Acceptable Materials*
Developments in the GCD Zone are proposed in an area where land values have been greatly enhanced by the investment of Payson City in a golfing facility. Therefore, it is appropriate for the City to expect that housing around the golf course will be of the highest quality and reflect the atmosphere created by the golf course. In order to ensure the retention of these high property values, more specific development standards will be enforced. Developments in the GCD Zone shall use appropriate materials and colors throughout the development.

Materials acceptable for construction in the GCD Zone include only the following:

1. Brick structures are highly encouraged
2. Timber and wood siding (not to include wood simulated vinyl or aluminum, or masonite siding)
3. Rock and stone
4. Wood simulated masonry siding, not to exceed fifty (50) percent of the total exterior of the structure
5. Stucco not to exceed twenty five (25) percent of the total exterior of the structure
6. Cedar shake shingles that satisfy fire code or concrete or slate tile roofs that are architecturally compatible with the design of the structure and rated for the specific climate
7. Aluminum or vinyl flashing may be used around doorways, windows, and eaves only.

Colors acceptable for construction in the GCD Zone include only the following unless it can be shown that other colors will blend in a particular location:

1. Muted earth tones
2. Dark green or brown accents
3. Roofing materials must be gray, brown or tan

*19.6.30.8.2 Fencing Considerations*
In general, fencing of any type is highly discouraged in the GCD Zone. Fencing can inhibit the open atmosphere of the golf course, cause the removal of mature trees and other native vegetation, and contribute to difficulty of access for fire protection. Any development in the GCD Zone should result in a

partnership with the golf course, not an attempt to remove residents from the golf course setting. However, if fencing is proposed, a fencing plan shall be submitted for review and the following guidelines should be considered:

1. Fencing materials are limited to wrought iron with concrete or stone pillars.
2. Fencing should be flexible to avoid the removal of native trees and shrubs rather that follow strict property lines. If the exact identification of property lines is important to the property owner, the location of the fence should be surveyed or identified using global positioning (GPS) and the boundaries of the adjoining properties should be adjusted to preserve as much of the natural setting as possible.
3. Payson City will not be responsible for trespass, damage or other action by the public enemy. Residents choosing to live adjacent to a golf course are, or should be, aware of the nature of public facilities. Appropriate municipal efforts to protect private property notwithstanding, the applicant shall prepare documentation for each property owner to acknowledge the inherent risks of damage and trespass near a public golf facility.
4. Netting or screening along fairways will not be permitted. Therefore, dwellings should be situated far enough from potential ball flights to avoid damage. If necessary and appropriate, vegetation may be used to screen homes from errant golf shots.

*19.6.30.8.3 Three Hundred Sixty Degree Architecture*

Due to the visibility of the dwellings and given the fact that most dwellings will back onto the golf course, all structures shall incorporate three hundred sixty degree architecture. In other words, the architectural details included on the façade of the structure will be incorporated into the design of the other exterior walls of the structure.

*19.6.30.8.4 Project Details*

Project details such as community mailbox units, street lighting, road identification and regulatory signs, pavilions, entry signs, security gates, and all other details should be consistent with the design theme of the project and satisfy the applicable provisions of this Section. Specific details for all project features will need to be provided to the City for review and approval.

*19.6.30.9 Building Considerations*

19.6.30.9.1 Screening of Development
19.6.30.9.2 Structures built to Compliment Golf Course
19.6.30.9.3 Engineered Plans

*19.6.30.9.1 Screening of Development*

Development in the GCD Zone will visually impact the golf course. During the development review process, each development will be reviewed for visual impact on the golf course from strategic locations such as tee boxes and greens. When necessary to preserve a view shed or aesthetic feature of the golf course, project screening through appropriate vegetation, placement of dwellings and other structures, or other appropriate solutions will be incorporated into the design of the project. All utility facilities must be screened from public view.

*19.6.30.9.2 Structures built to Complement the Golf Course*

All structures in the GCD Zone are expected to complement the golf course and reflect the increased land values created by their location near the golf course. Although each project will have specific design elements, there are several architectural considerations that must be employed in each development in the zone including, but not limited to:

1. Window orientation must be sensitive to golf ball flight paths and account for errant shots.
2. Playgrounds, swimming pools, and other public gathering areas should be placed away from greens, fairways, and tee boxes to reduce interference with golf play.
3. Wrought iron fencing shall be installed along all common property with the golf course limiting pedestrian, children, animals and other access to the golf course to avoid conflict with golf play.
4. Each development shall have an active homeowners association that will ensure that homeowners maintain adequate insurance to cover potential damage from errant golf shots.
5. Through the imposition of appropriate legal documentation, Payson City shall be held harmless from any damage to structures or property resulting from typical golfing activities.
6. Protective netting along the golf course will not be allowed. Structures should be carefully placed to avoid damage and screening should be accomplished with heavy landscaping and other aesthetically pleasing methods.

*19.6.30.10 Project Lighting*
Project lighting in the GCD Zone shall complement the golf course and shall not be placed in a location where the lighting may distract golfers or interfere with play. All lighting elements shall be compatible with the architectural features of the primary structures in the development through the use of appropriate materials and colors.

*19.6.30.11 Height Requirements, Fire Issues*
Structures shall not exceed thirty-five (35) feet unless approved by the Fire Chief. The Fire Chief shall also be hereby empowered to regulate the height or location of any structure in order to provide adequate fire protection. Furthermore, structures shall not be constructed where the roofline extends above the natural ridgeline as defined in Title 21, Sensitive Lands Ordinance.

*19.6.30.12 Special Golf Course Considerations*
The proximity to the golf course raises several issues for residents to who choose to live in this location. It is the responsibility, and will be required in each development agreement, of the developer to inform the prospective residents of these and other identified issues. Some, but certainly not all, of these concerns include:

1. Residents will not be allowed to walk onto the golf course to play golf or for exercise purposes. Payson City does not extend golfing privileges to any development adjacent to the course and walking on the course during even early morning or late afternoon hours can be hazardous.
2. Residents living near the golf course are subject to the same restrictions during the off-season as members of the general public in relation to snow machines, sleds or other recreational mechanisms. Damage to sprinkling systems, surfaces of greens and other golf course features can occur without knowledge of the person causing the damage.
3. Pets are not allowed on the golf course. Furthermore, dogs shall not be kenneled or kept in locations adjacent to the course where barking could interfere with play.
4. The golf course is not an extended yard of those living adjacent to the course. Residents shall not use the course for play area, picnicking, landscaping, or any other activities typical in private yard areas.
5. Golf play can begin early and end late in the day. It is important for residents in the zone to realize that it may be possible to hear the speaker system at the clubhouse during early morning and late evening hours.
6. Maintenance of the golf course can occur at almost any time day or night. In some instances, maintenance continues throughout the night and into the morning hours. Unless the noise or odors are excessive and unnecessary, Payson City will not respond to complaints of noise, smells, or other activities associated with the normal maintenance of the golf course.
7. Any special considerations will be included in a development agreement approved by the City Council.

*19.6.30.13 Ridgeline Protection*
Developments in the GCD Zone are not permitted to encroach upon any prominent ridgeline. For the purposes of this Chapter, ridgeline protection areas shall consist of prominent ridgelines that are highly visible from any major roadway classified as collector or greater in intensity. A ridgeline shall also include the crest of any ridgeline and the land located within one hundred (100) feet horizontally (map distance) on either side of the crest.

*19.6.30.14 Viewshed Protection*
Development review in the GCD Zone must be particularly sensitive to the protection of the viewshed areas created by the golf course and those that make the golf course such a unique facility. Because the area covered by the GCD Zone is diverse, the viewshed area shall be determined by the staff and the applicant on a case by case basis. Once the viewshed area has been determined, the applicant will propose ways to protect the viewshed through the placement of structures, the use of color and materials, enhancement through vegetation, clustering, screening, or other appropriate methods. If the applicant and staff are unable to agree upon the viewshed area, the applicant may request that the City Council make a final determination.

*19.6.30.15 Placement of Structures*
Payson City reserves the right to alter the placement of any structures on a development plan if it can be demonstrated that the alternative placement will result in a development layout that is more consistent with the objectives of the golf course. Clustering of development through the use of a Planned Residential Development (PRD) as allowed in Title 20, Subdivision Ordinance is generally recommended and may be required by the City Council to achieve the objectives of this Chapter. Whether proposed by the applicant or required by the City Council, clustering of development shall lead to satisfaction of the following objectives in addition to the objectives required by Title 20; clustering must further the policies and objectives of this Chapter, such as providing a more

pleasing golf experience, preservation of open space, existing trees and vegetation coverage, and preserving sensitive environmental areas such as stream corridors, slide areas, wetlands, wildlife habitat, and steep slopes.

Placement may be altered due to the findings of the geotechnical report prepared for the development, the visual impact of the structure, and other general site considerations. If an applicant is in disagreement with the location determined by staff, the applicant may appeal the decision to the City Council whose decision shall be final.

*19.6.30.16 Provision of Utilities* (2-16-05)
Payson City is under no obligation to provide drinking water, pressurized irrigation, wastewater disposal, solid waste collection, or any other public utility service to any property located within the GCD Zone. Furthermore, each property owner will be required to provide, at their own expense, the utility services necessary to properly serve any and all structures in the development. Individual wells, water tanks, septic tanks, privies, and other internal or project specific utility services are subject to the regulations of all development ordinances of Payson City.

*19.6.30.17 Dedicated Open Space*
Development in accordance with the provisions of this Chapter may result in the dedication of open space or undeveloped preservation areas. It is the objective of the Section to ensure that these areas remain unaltered and as intended in the establishment of this Chapter and the creation of the open space or preservation area in perpetuity. Therefore, prior to the approval of any development that contains open space in accordance with the provisions of this Chapter, the applicant for development approval shall prepare an open space conservation plan. The open space conservation plan shall be submitted prior to approval of any development proposal and shall be in addition to any other requirements of any development ordinance of Payson City. At a minimum, the open space conservation plan shall include the following:

1. A legal description of each parcel proposed to be preserved as open space, park land, or otherwise left in its natural state.
2. The proposed ownership of the open space or park land.
3. The proposed method to ensure that the open space or park land will remain in its intended state in perpetuity which may include one or more of the following:
    a. A deed restriction upon the property indicating the allowable uses of the property. The deed shall be recorded in the office of the Utah County Recorder.
    b. A conservation easement in favor of Payson City or another qualified not for profit agency approved by Payson City indicating the allowable uses of the property. The conservation easement shall be recorded in the office of the Utah County Recorder.
    c. Dedication of ownership to Payson City or another recipient approved by Payson City.
    d. Dedication or recordation of a conservation easement in favor of a qualified land trust or other organization approved by Payson City.
    e. A maintenance plan for the open space or park land. The maintenance plan will need to include:
    f. The anticipated needs for and proposed method of perpetual maintenance of the open space or park land including fencing, irrigation, restoration, fire protection, and any other issue determined by the City Council to be a maintenance concern.
    g. The proposed funding mechanism necessary to complete proper maintenance of the open space or park land.

In an effort to protect dedicated open space or preservation areas, it is anticipated that more than one of the strategies listed above may be employed by the applicant.

*19.6.30.18 Other Requirements*
All applications for development approval, building permit, or other improvement of property in the GCD Zone shall satisfy all applicable requirements of Title 19, Zoning Ordinance, Title 20, Subdivision Ordinance, Title 21, Sensitive Lands Ordinance, and all other development ordinances of Payson City.

An applicant for development approval in the GCD Zone may be required to submit additional information in order for the Planning Commission and City Council to make well-informed decisions. The cost of these additional studies is the responsibility of the applicant. Staff will make an effort to inform the applicant of any additional studies as early in the development process as possible.

**19.6.31 P-C Planned Community Zone (8-17-11)**

19.6.31.1 Purpose and Zone Characteristics
19.6.31.2 Zone Area
19.6.31.3 Master Development Agreement
19.6.31.4 P-C Zone Development Approval Process
19.6.31.5 P-C Zone Plan
19.6.31.6 Community Plan
19.6.31.7 Subdivision Approvals
19.6.31.8 Development Standards
19.6.31.9 Amendments
19.6.31.10 Permitted Uses
19.6.31.11 Interim Uses

*19.6.31.1 Purpose and Zone Characteristics*
In recognition of the desirability of holistic long-range planning for larger properties, the P-C, Planned Community Zone establishes a process for landowners and the City to work together to determine and plan the potential capacity, intensity, and general types of uses early in the planning process for large-scale developments, while allowing flexibility to respond to changes in market forces and technology over long build-out periods, with provision for allowance of interim uses, such as agriculture. The P-C Zone is established to facilitate development that:

1. Establishes neighborhoods that provide a variety of housing types and that also provide ready access to facilities for the social, religious, educational, and recreational needs of the residents;
2. Establishes parks, trails, open space, recreational facilities, and civic facilities to provide recreational opportunities, gathering places, cultural opportunities, and government services to residents;
3. Where market conditions permit, provides employment centers and other employment opportunities balanced over time with appropriate residential uses; and
4. Where market conditions permit, establishes mixed-use centers at appropriate locations to meet the needs of residents within close proximity to their homes, with suitable design to shorten auto trips and facilitate walking, biking, and transit use.

*19.6.31.2 Zone Area*
Each P-C Zone designation shall be applied only to an area of at least 500 acres. Each landowner application for P-C Zone designation shall be made by a single owner of property at least 500 acres in size, or contiguous land parcels of 500 acres or more owned by multiple owners combined by such owners for zoning, planning, and development purposes for a common community development proposal. Notwithstanding the foregoing, owners of property that is already zoned as P-C Zone who also owns contiguous property may apply to expand such P-C Zone by applying for rezoning of such contiguous property as P-C Zone and for amendment of any previously adopted P-C Zone Plan, if any, to accommodate such additional property, regardless of the size of the additional acreage.

*19.6.31.3 Master Development Agreement*
Payson City and all applicants for P-C Zone designation shall become parties to a Master Development Agreement or Annexation Agreement for the entire area proposed to be designated as P-C Zone at or before the time the P-C Zone designation is approved by the City Council. The Master Development Agreement or Annexation Agreement shall specify the entitlements of residential units and square footage for nonresidential uses and the infrastructure and services, or adequate assurance of provision thereof, to be provided before development (other than development permitted under Section 19.6.31.11 entitled "Interim Uses") may occur. The properly executed Master Development Agreement or Annexation Agreement shall be recorded in the records of the Utah County Recorder and shall create benefits and obligations which run with the land.

*19.6.31.4 P-C Zone Development Approval Process*
For uses other than existing or interim uses specified in Section 19.6.31.11, development within the P-C Zone will require a series of plans to be prepared and submitted for approval. The purpose of this process is to establish the development plans for property within the P-C Zone while recognizing the large-scale nature of the development and the need for and benefits of integrated planning combined with long-term flexibility. The process is outlined as follows:

1. Zoning: The first step is the zoning of the property as P-C Zone, which is initiated by property owner application or by Payson City. Zoning shall occur in accordance with, or concurrent with approval of, the Master Development Agreement or Annexation Agreement. The procedure for zoning of the property shall occur consistent with the policies and procedures of this Title.
2. P-C Zone Plan: A P-C Zone Plan is required to be submitted concurrent with or subsequent to application for designation of property as P-C Zone, for approval concurrent with such designation of the property. The P-C Zone Plan establishes, for the entire P-C Zone area, the development program, a unifying system of open space, and land envelopes for the locations of conceptual land use designations (e.g., mixed-use centers, residential areas, recreational areas,

employment areas, and other proposed use areas). The P-C Zone Plan shall include the total residential dwelling units and total floor area square footage or acreage of nonresidential uses for the P-C Zone Plan area.

3. Community Plan: Following approval of a P-C Zone Plan, a Community Plan may be submitted for the entire P-C Zone Plan area, or any portion of a P-C Zone Plan area that has or will have a common or independent land use pattern, street system, open space system or other infrastructure system. A Community Plan may be approved at any time concurrent with or following approval of a P-C Zone Plan. Each Community Plan shall establish the circulation and open space networks and shall designate with more specificity the allowed land uses for the community. Each Community Plan shall also establish the infrastructure and services required for development of the community to the degree of detail appropriate to the size and nature of the proposed community. The Community Plan shall include Development Standards specific to that Community Plan.
4. Subdivision Plat, Site Plan, etc.: Prior to construction of any improvements on land within a P-C Zone, the developer must comply with any subdivision, condominium, building permit, or similar submittal requirements contained in the Payson City Code, unless waived by the City Council as noted hereafter in 19.6.31.7.

Prior to completion of steps 1-3 above, public notices shall be provided in accordance with Section 19.2.7, and public hearings shall be held. For step 4, applications and approvals shall be processed in accordance with the applicable section(s) of the Payson City Code. The P-C Zone planning and approval process is summarized in a table at the end of Section 19.6.31.

*19.6.31.5 P-C Zone Plan*

A P-C Zone Plan shall be submitted for review and recommendation by the Planning Commission and approval by the City Council for an entire area that is designated as a P-C Zone area. The plan shall govern development within the P-C Zone Plan area, as set forth in this Section 19.6.31. The following information shall be provided by the applicant for a P-C Zone Plan:

1. Name of planned development;
2. Names, addresses and phone numbers of applicant(s) and owner(s);
3. P-C Zone Plan area parcel location, legal description, acreage, boundary, scale and north arrow;
4. A land use table showing the number of dwelling units and areas of the various nonresidential land uses (in floor area square footage or acreage) proposed in the P-C Zone Plan area;
5. Major existing land uses, roads, waterways, utilities, easements and floodplain boundary;
6. Adjacent parcels, owners, owners' addresses, and existing uses;
7. Topography and significant features on or adjacent to the property;
8. Envelopes for the locations of conceptual land use designations (e.g., mixed-use centers, residential areas, employment areas, major open space); and
9. Other aspects of the development program for the property as desired by the applicant.

The information shall be submitted on one or more dated 24" x 36" sheets and on one or more 11" x 17" reduced copies of each page. An applicant may submit the required information and documentation electronically as the City directs. The City may require additional information to be submitted as necessary to evaluate the application due to site-specific conditions.

The Planning Commission shall hold a public hearing to review a proposed P-C Zone Plan and make a recommendation to the City Council. The Planning Commission and City Council shall review a P-C Zone Plan for consistency with the standards, requirements, and purposes of this zone. The City Council shall hold a public hearing and may reject an application, or approve it with or without conditions. Approval of the P-C Zone Plan vests the entitlement to develop the P-C Zone Plan area property in accordance with the P-C Zone Plan, subject to all related Development Agreements, subject to any infrastructure and service requirements, and in accordance with the procedures set forth in this Section 19.6.31. The landowner(s) shall be entitled to but not required to construct the number of dwelling units and the square footage of nonresidential uses as reflected in the P-C Zone Plan.

*19.6.31.6 Community Plan*

One or more Community Plans may be submitted at any time to the Planning Commission for review and recommendation and to the City Council for approval. A Community Plan may include an entire P-C Zone Plan area or a portion thereof. A Community Plan must be submitted for each area to be developed, although all Community Plans for the various portions of the P-C Zone Plan area need not be submitted or developed simultaneously. A Community Plan may also address issues related to areas adjacent to, but not within, the P-C Zone, if those areas contain elements expedient for establishing connections to infrastructure,

transit, nearby open lands, public improvements, or adjacent communities.

The Community Plan shall be submitted on one or more dated 24" x 36" sheets and on one or more reduced 11" x 17" sheets and shall show the following:

1. Name of community;
2. Names, addresses and phone numbers of applicant(s) and owner(s);
3. Community location, acreage, general legal description, boundary, scale and north arrow,
4. Location of land use designations (mixed-use centers, residential areas, and/or employment areas), boundaries, and acreage;
5. A table showing the number of dwelling units, gross open space acreage, and floor area square footage of the various nonresidential land uses;
6. A master vehicular, pedestrian, and bicycle circulation system plan showing collector level and larger roadways and major pedestrian and bicycle routes;
7. Existing and proposed waterways and water bodies, major utilities and easements, floodplain boundaries, and flood control facilities;
8. Existing surface improvements to be retained, improved or removed;
9. Adjacent parcels, owners, and uses;
10. Topography and significant features on or adjacent to the property, including any man-made or natural hazards along with areas of special interest and special environmental value;
11. Open space plan that provides general description and approximate locations of major open space;
12. Existing and proposed major infrastructure systems (including water, sanitary sewer, storm drainage, and collector and larger street improvements), service adequacy analysis, and infrastructure required for development of the Community Plan area to a level of detail sufficient to provide adequate assurances that all of the required infrastructure and services will be provided;
13. Common area and open space maintenance provisions;
14. Design guidelines and mechanisms for review, approval, and enforcement of such design guidelines, which mechanisms may include the use of one or more owners' associations;
15. Proposed site specific Development Standards; and
16. Other information as needed and consistent with the level of detail corresponding to a given Community Plan.

An applicant may submit the required information and documentation electronically as the City directs. The City may require additional information to be submitted as necessary to evaluate the application due to site-specific conditions.

The Planning Commission shall hold a public hearing to review a proposed Community Plan and make a recommendation to the City Council. The City Council shall hold a public hearing and may reject an application, or approve it with or without conditions. The Planning Commission and City Council shall review a Community Plan for (i) consistency with the standards, requirements, and purposes of this zone, (ii) capability of the proposed master circulation system and other infrastructure to adequately serve the community which is the subject of the Community Plan, (iii) general consistency with the approved P-C Zone Plan, (iv) compatibility of adjacent uses, and (v) whether there are satisfactory proposed mechanisms for funding needed infrastructure and governmental services. Approval of the Community Plan vests the entitlement to develop the Community Plan area in accordance with the Community Plan, subject to the terms of all related Development Agreements, subject to any infrastructure and service requirements, and in accordance with the procedures set forth in this Section 19.6.31; provided, however, that no such condition of approval or requirement may limit, restrict, or abridge the vested development rights granted in the Master Development Agreement or any earlier Development Agreement. The applicant shall be entitled but shall not be required to construct the maximum number of dwelling units and the square footage of nonresidential uses as reflected in the Community Plan.

*19.6.31.7 Subdivision Approvals*

Prior to commencing development, a developer within the P-C Zone shall comply with any applicable requirements set forth in Title 20. Any required subdivision or other submittals under Title 20 may be submitted simultaneously with the Community Plan. Notwithstanding the foregoing, in acting on requests for approval of an application under the P-C Zone development approval process, to the extent permitted by applicable law, and if the City Council finds that such action is appropriate to further the intent and purposes of this zone, the City Council may waive any limitations on intensity of use, use restrictions and limitations, development standards or similar limitations on development or construction contained in other portions of the Payson City Code, in which case the developer shall comply with the requirements approved as part of the P-C Zone development approval process rather than with the waived requirements of the City Code. In the case of a conflict between other requirements of City Code and the

provisions of this Section 19.6.31 or any approvals thereunder, the latter shall control.

*19.6.31.8 Development Standards*

A Community Plan application must include proposed Development Standards. Development within a P-C Zone will be governed by the Development Standards. The Planning Commission shall review each application and make a recommendation to the City Council. The City Council may reject an application, or approve it with or without conditions. The Planning Commission and City Council shall review proposed Development Standards for (i) consistency with the standards, requirements, and purposes of this Chapter as set forth herein, (ii) consistency with the applicable approved P-C Zone Plan and Community Plan, (iii) avoidance of incompatible adjacent uses and significant risks to health or safety; (iv) consistency with good planning practice; (v) and adequate provision to ensure a well-planned, high-quality, and aesthetically pleasing community environment.

Specific standards for location, compatibility, types, and spatial arrangement of specific uses within a Community Plan shall be proposed by the applicant as part of a Development Standards application and shall be subject to the Development Standards review and approval processes described herein. The City Council may disapprove or modify a proposed standard during the Development Standards approval process if the City Council finds that the proposed standard or use (i) is inconsistent with the criteria established in this Ordinance for approval of Development Standards; (ii) is not appropriate at a particular location due to incompatibility with other surrounding existing or approved uses; (iii) is not supported by sufficient capital facilities or demonstrated ability to fund and provide all necessary public facilities and services; or (iv) is clearly contrary to the health, safety, or general welfare of the citizens of Payson City.

The Development Standards shall address (at a minimum) the following:

1. Minimum lot dimensions and areas;
2. Minimum yard requirements and restrictions;
3. Building placement restrictions;
4. Building height restrictions;
5. Parking, driveways and access;
6. Streets and alleys;
7. Walkways, trails and long term open space;
8. Permitted, prohibited, and conditional uses;
9. Other use restrictions; and
10. Other items required by the City Council.

The applicant may propose in the Development Standards that specifically identified standards or requirements of the City Code be waived, modified, or overridden with respect to the property subject to the Development Standards, and approval of such proposed Development Standards shall constitute waiver, modification, or overriding as set forth in the approved Development Standards.

*19.6.31.9 Amendments*

Modifications to a P-C Zone Plan or Community Plan may occur by application of the master developer in accordance with the following amendment process:

1. <u>Major Amendments</u>: Major amendments will be processed in the same manner as the original P-C Zone Plan or Community Plan. Major amendments are modifications that change the intent of the P-C Zone Plan or Community Plan such as:
   a. Those that increase or significantly reallocate residential density and nonresidential intensity beyond what is contemplated by the P-C Zone Plan or Community Plan;
   b. Those that materially reduce the amount of land dedicated to parks, trails, community use space, natural areas, or public facilities as shown on the approved P-C Zone Plan or Community Plan; or
   c. Material modifications to Development Standards contained in a Community Plan.
2. <u>Minor Amendments</u>: Minor amendments are accomplished administratively by the Development Services Director. The Development Services Director's decision may be appealed by the applicant to the City Council. Minor amendments include simple modifications to text or exhibits, including any amendments that are not major amendments. Minor amendments may include:
   a. Minor changes in the conceptual location of streets, public improvements, parks, open space, or infrastructure;
   b. Minor modification of land use boundaries; and
   c. Interpretations that facilitate or streamline the approval of unlisted uses similar in nature and impact to listed uses.

*19.6.31.10 Permitted Uses*

The following uses shall be permitted in the P-C Zone if consistent with the land use designations and Development Standards of an approved Community Plan (or if permitted under Section 19.6.31.11 entitled "Interim Uses"), if conducted in compliance with the standards and requirements of the P-C Zone, and, where City Council review is required hereunder, if found by the City Council to be in compliance with the

standards and requirements set forth for approval hereunder:

1. Residential uses of all types on a range of lot or parcel sizes, including, without limitation, single-family detached; single-family attached; multi-family residential; town homes; loft and mother-in-law apartments; residential units above ground floor retail, commercial, or office uses; condominiums; and group homes as allowed by law; and any accessory structures or uses which are ancillary to any of the foregoing;
2. Retail, service, office, hotel, restaurant, day care, medical care, long-term care, entertainment, and all other commercial and similar governmental uses of any type;
3. Public uses, quasi-public uses, and civic uses;
4. Mixes of permitted uses (including, without limitation, office/commercial, office/residential, and retail/residential) within individual structures, including home-based businesses that otherwise comply with the City Code;
5. Open space, including, without limitation, landscaped areas and areas in natural vegetation, agricultural areas, golf courses, parks, trails, reservoirs and recreational areas and facilities;
6. Industrial;
7. Utility and transportation facilities and systems, including water and sewer treatment and transmission facilities; and
8. Agricultural uses.

The above permitted uses are subject to the P-C Zone Plan and Community Plan review and approval requirements and standards in this ordinance and the requirements of other applicable City ordinances.

*19.6.31.11 Interim Uses*

Existing legal uses and new legal agricultural uses are permitted to continue prior to approval of a Community Plan for the area in which the uses occur and may continue subsequent to approval of a Community Plan if so permitted under the Community Plan. Prior to approval of a Community Plan for an area, agricultural uses within that area shall be governed by the provisions of the A-5 zone, except that new residential uses shall not be allowed prior to the approval of a Community Plan for an area.

***P-C Zone Planning and Approval Process – Next Page***

***P-C Zone Planning and Approval Process***

| Approval Step | Scale (Area Covered by Application) | What is Described and Approved | Approval Level |
|---|---|---|---|
| STEP 1 | | | |
| Zoning | Total land area to be zoned P-C. | Land area to be zoned; Master Development Agreement or Annexation Agreement. | Planning Commission public hearing and recommendation; City Council public hearing and approval |
| STEP 2 | | | |
| P-C Zone Plan | Total land area zoned P-C. | Development program, a unifying system of open space, and envelopes for the locations of conceptual land use designations. A land use table outlining number of dwelling units and square feet of nonresidential development. | Planning Commission public hearing and recommendation; City Council public hearing and approval |
| STEP 3 | | | |
| Community Plan | All or any portion of the P-C Zone Plan area that has a common land use pattern, street system, open space system or other infrastructure system. | A land use table outlining number of dwelling units and square feet of nonresidential development; circulation system; open space plan; land uses; Development Standards. | Planning Commission public hearing and recommendation; City Council public hearing and approval |
| STEP 4 | | | |
| Subdivision plat, site plan, etc. | One or more phases of development. | As required by Titles 19 and 20. | As required by Titles 19 and 20. |

**19.6.32 PRZ, Planned Reclamation Zone** (8-7-13)

19.6.32.1 Purpose and Zone Characteristics
19.6.32.2 Permitted, Conditional and Accessory Uses
19.6.32.3 Project Standards and Reclamation Plan
19.6.32.4 Specific Development Plan
19.6.32.5 Building Height Requirements
19.6.32.6 Distance between Buildings
19.6.32.7 Parking, Loading and Access
19.6.32.8 Project Plan Approval
19.6.32.9 Other Requirements

*19.6.32.1 Purpose and Zone Characteristics*
The Planned Reclamation Zone is established to provide areas within the City suitable for development and operation of non-hazardous solid waste landfills, composting facilities, mining processes, and other high impact uses, provided there is an acceptable reclamation plan and timeframe to rehabilitate the land to a stable and productive condition. Land uses must be developed and maintained in a manner to prevent, to the extent possible, potential negative impacts on the natural environment and properties within the City. (11-5-14)

These uses are not compatible with residential uses, and potentially non-residential uses, and should be placed in appropriate locations and protected from encroachment of development that would be adversely impacted by their operation. (11-5-14)

*19.6.32.2 Permitted, Conditional and Accessory Uses*
The following land use types are permitted uses in the PRZ Zone. Unless specifically listed, any other use is not allowed in the zone. Uses listed as conditional or accessory uses are allowed in the zone only in accordance with the criteria established in this ordinance.

*Permitted Uses*
1. Municipal solid waste, and construction and demolition waste landfills (11-5-14)
2. Organic composting (clean green waste only)
3. Recycling collection, sorting, storage, and shipping preparation
4. Agricultural uses including grazing and livestock raising, but not to include feed lots, rendering plants, or slaughterhouses
5. Public or private utility rights-of-way

*Conditional Uses*
The following land use types are allowed as conditional uses in the PRZ Zone. Unless specifically listed, any other use is not allowed as a conditional use in the zone. Each conditional use must be reviewed and approved in accordance with Chapter 19.13 of this ordinance.

1. Commercial solid waste, and construction and demolition waste landfills (11-5-14)
2. Open pit extraction and crushing of earth materials (11-5-14)
3. Cellular and low power towers
4. Alternative energy generation facilities
5. Designated gun ranges, shooting areas and gun clubs

*Accessory Uses*
The following land use types are allowed as accessory uses in the PRZ Zone. Unless specifically listed, any other use is not allowed as an accessory use in the zone. Any accessory use must be clearly incidental to a permitted or conditional use of the property. Accessory uses are not allowed without the approval of a permitted or conditional use of the parcel unless otherwise noted in this Section.

1. Maintenance buildings
2. Agricultural storage buildings
3. Truck scales
4. Restroom facilities

*19.6.32.3 Project Plan Approval*
Any request for project plan approval in the Planned Reclamation Zone is subject to any and all applicable City resolutions and ordinances including the Subdivision Ordinance, Standard Specifications and Standard Plans, and the Payson City General Plan. Additionally, all projects in the Planned Reclamation Zone will be reviewed and approved in accordance with the applicable provisions of Chapter 19.8, Commercial Development, Site Plans, herein.

Permitted uses will be reviewed and approved by staff. Staff may defer the review and approval of the project to the City Council. Conditional uses must be processed in accordance with Chapter 19.13 herein.

The location of buildings, height, design, setbacks, and other similar zoning requirements will be reviewed by use and on a case by case basis. Staff is authorized to determine the most appropriate layout of the project. The decision of staff may be appealed to the City Council. (11-5-14)

*19.6.32.4 Project Standards and Reclamation Plan*
Every project in the Planned Reclamation Zone shall include a generalized land use plan prepared in

accordance with the provisions of this section. The land use plan shall include, at a minimum, the following:

1. An ownership plat map.
2. A vicinity map indicating ownership and existing or proposed uses within five hundred (500) feet of the proposed project.
3. The location and extent of any mining, grading or other surface disturbance.
4. The location of all roadways and access to the project site (on-site and off-site), water courses, lakes, existing utility facilities, drainage ways and other prominent features.
5. The proposed land use for the property and any anticipated future use (i.e. surface mining to be later used as a landfill).
6. The proposed timeframe for the anticipated land use prior to any reclamation activities.
7. The project initiation date and time measurements or milestones to determine if the reclamation plan will be implemented on schedule.

A detailed reclamation plan that sets forth the process of rehabilitation and provides details of how and when reclamation will be accomplished shall also be submitted that includes, at a minimum, the following:

1. The existing condition of the project site displayed in photographs and on a detailed map with surveyed contour lines prepared in increments not more than two (2) feet.
2. The anticipated topography, landscaping, features and other improvements that indicate how the property will appear following reclamation.
3. If a lake or pond will be created, the protection measures implemented to eliminate ground water pollution, improper seepage, potential flood damage and proper environmental protections.
4. Calculations of the volume of excavation and fill necessary for operations and reclamation.
5. Identification of the volume of excavation material that will be removed on a weekly or monthly basis.
6. A drawing to scale depicting the height in feet of any proposed landfill in proportion to and in relationship to existing natural buffers and the ground elevation (cross-section intervals). A landfill shall be visually screened from a public road or street to the extent reasonably possible.
7. The method of financial assurance for the implementation of the reclamation plan. This may be accomplished through a cash bond, irrevocable line of credit, gross profit set aside or any other arrangement acceptable to the City Council.

The City Council following a review of the above data along with any potential environmental concerns shall set the time for the completion of all landfill and/or surface mining activities. (11-5-14)

*19.6.32.5 Specific Development Plan*

Following a review and implementation of the land use plan, the applicant will prepare a specific development plan for review by staff and the designated land use authority. At a minimum, the specific development plan will include the following:

1. A scale drawing of the site including adjacent property and location of all buildings and existing and proposed land uses within five hundred (500) feet of the proposed project.
2. The location of proposed and existing surface and subsurface mining and landfill areas located on the site including type and quantity of materials proposed to be handled at each area.
3. The location and condition of abutting roads and proposed principal route to and from the site and the location of on-site roads to serve areas of activity and points of ingress and egress at the site. An inspection of the principal routes is required to determine if the roadway conditions are adequate to handle the weight and frequency of the proposed truck traffic. The City Council may require existing roadways to be upgraded prior to operation, maintained by applicant during operation, and/or repaired once the operation concludes.
4. The type and location of buffers including permanent open spaces and retention of vegetation cover.
5. A storm drainage plan capable of handling the twenty four (24) hour, one hundred (100) year storm event. If deemed appropriate by the City Engineer, a project plan may be approved that does not require curb, gutter and sidewalk, but in all cases, proper management of storm water must be addressed. (7-1-15)
6. The specific topography of the area including contours at not more than two (2) feet, easements and all prominent features.
7. Existing and proposed land use plan, including the identification of any excavated portions of the site.
8. A time schedule for start and completion of the project and the implementation schedule for project reclamation.
9. All provisions for erosion control.
10. Final grading plans with surveyed contour lines prepared in increments not more than two (2) feet.

*19.6.32.6 Parking, Loading and Access*
Each project in the Planned Reclamation Zone shall satisfy the off-street parking requirements found in Chapter 19.4 herein, if applicable. Due to the very nature of the uses in the zone, off-street parking and access on the site may change throughout the duration of the operation. Therefore, the location, number, and design of the parking area will be considered on a project by project basis and the City Council may allow non-traditional surface materials for the parking areas and on-site access. Access within the project site is subject to the regulations of the Payson Fire Department and the adopted fire code.

Loading and unloading areas shall be located in an area that can be separated from public access. Further, loading and unloading shall not occur on a public street. (11-5-14)

*19.6.32.7 Provision of Utilities*
It is likely that these uses will be located in an area that does not have access to municipal services or the proposed use does not necessitate the need for municipal services. The City Council may, but is not obligated to, modify or waive the utility requirements of Payson City. At a minimum, each project in the Planned Reclamation Zone shall demonstrate the following:

1. Adequate facilities for fire suppression. If fire hydrants that satisfy the spacing, flow and volume requirements of Payson City are not available, individual custom suppression systems must be incorporated into the project design for all flammable structures consistent with the adopted fire code.
2. Adequate sanitary relief facilities. The provision of drinking water, restrooms and protection from adverse weather conditions must be provided for anticipated employees and patrons. If water and sewer services are not available at the project site, information about portable facilities and the ongoing maintenance of the facilities must be submitted by the applicant.
3. Emergency communication facilities. Telephones, radios or other communication facilities must be available for emergency communications.

*19.6.32.8 Project Signage*
Projects in the Planned Reclamation Zone are not subject to the signage provisions of Chapter 19.15 of this Title. Instead, each project plan shall include a sign package that adequately addresses the following:

1. Site identification. One (1) monument sign immediately adjacent to the main access point to the site from a public street shall be installed. The sign shall include the address, contact information for the owner/operator, and hours of operation.
2. Way finding. Each project shall include adequate way finding signs to allow patrons and public safety providers to navigate the site during both daylight and nighttime hours.
3. Caution signs. If the operation of the applicant's business is hazardous or could bring harm to the public, adequate warning, caution and emergency contact signs shall be placed in conspicuous locations.

*19.6.32.9 Landscaping*
The City may require the frontage along any public street be landscaped in a manner that creates an attractive entry to the business and provides adequate screening. If required, a landscaping plan including details of the types and sizes of planting materials will need to be submitted. The applicant will need to demonstrate how the landscaping will be maintained, including access to a water source.

The parcels included in the PRZ Zone are located in the Wildland Urban Interface area and is prone to wildland fires. To protect existing and future land uses from fire, the Fire Chief may impose setback restrictions and use limitations and/or require improved defensible spaces, fuel breaks and other safety measures to prevent or defend the area from fire. (11-5-14)

*19.6.32.10 Open Pit Extraction of Earth Products* (11-5-14)
This section is intended to provide for the extraction of earth products using surface mining methods, for stockpiling mined materials, and for the placement of overburden and leftover earth materials in mining waste dumps, while protecting the environment, the rights of neighboring property owners, and roads and other public facilities from unusual wear or damage. Sites having a valid, current permit at the time of passage of this ordinance shall be completed according to the terms of such permit and any bonding agreements appurtenant thereto. Any expansion of pits, waste dumps, storage pits or operation areas beyond the existing permit is subject to all provisions of this Section.

All operations and rehabilitation shall comply with the following requirements:

1. A land use plan and specific development plan as described herein must be prepared and submitted for review and approval.
2. An accurate reclamation plan must be submitted for review and approval that indicates the topography, utilities, roads and structures on the site after completing the excavation and restoration of the pit.
3. Only the portion of the parcel covered by the required rehabilitation bond may be disturbed or involved in the extraction process.
4. The standards for rehabilitating the site shall be:
   a. The side walls of a pit or mound shall be smoothed and evenly contoured, and the floor of a pit or top of a mound shall be flattened and leveled.
   b. Mounds of fill shall not remain after rehabilitation of an extraction operation, except for mounds around utility poles. Mounds may be permitted in conjunction with a mine waste dump.
   c. Impoundments, pits, and ponds, must be approved as part of a post mining land use and reclamation plan by the Public Works Director. Natural drainage patterns should be restored or realigned whenever possible.
   d. No slope shall be steeper than the critical angle of repose (e.g. 33 degrees for gravel deposits).
   e. All disturbed areas shall be covered with not less than a one-inch thick layer of topsoil, reseeded with a hardy plant species, and the hardy plant species shall be established with sufficient concentration of vegetation to screen at least twenty five (25) percent of the exposed surface from view.
5. The operator shall place clearly identifiable survey markers on the outer boundaries of the bonded area and shall maintain such until the bond is released by Payson City. The City Council may request an annual on-site investigation and report of the Public Works Director to determine whether the terms of the grading plan, reclamation plan and bond agreement are being met.
6. Dust generated in the extraction and processing of the earth products shall be kept under control by the operator by keeping the extraction area, main roads in the pit, and loaded trucks, watered down. Placing berms or landscape screening for protection from the prevailing winds, and other suitable measures, may also be used. Any unpaved access road to the pit from the paved road system shall be maintained by the pit operator for dust control by watering down the access road surface or placing dust inhibiting material on the surface of the access road.
7. All cuts and fills shall be set back from the property boundary and from the boundary of the approved bonded extraction site a distance of at least fifteen (15) feet; except that when a bonded extraction boundary crosses a property line, extraction may take place through the property line.
8. The pit and/or extraction operation shall not constitute a nuisance according to the Payson Municipal Code or Utah Code.
9. The following items must be submitted for review and approval by the Public Works Director:
   a. An accurate travel route site plan for the operation that includes designated travel routes to and from the extraction site in relation to the major transportation system that will be used to transport the material. Verification of the status of all public roads utilized for the haul routes shall be required from all agencies with jurisdiction over the roads. The operator shall require that all material haul vehicles coming to and leaving the extraction site use the designated travel routes, and shall submit a travel route enforcement plan.
   b. A traffic analysis which includes the estimated trips per day coming to and leaving the extraction point on the various travel routes. This analysis shall include the vehicle type and average weight per vehicle both to and from the extraction point.
   c. A travel route roads analysis, prepared and signed by a Utah licensed engineer, detailing the integrity, vehicle volume capacity, weight capacity, pavement thickness and quality, sub-base thickness and quality, and other features of the travel route roads and appurtenant facilities, and the anticipated effects on such roads and facilities resulting from the use of the travel routes both during the operation as well as upon completion of the extraction process, including a comparison of the current vehicular traffic at the current rate of growth with the proposed increased vehicular traffic generated by the extraction operation at the proposed rate of growth and its effects on the current and expected life of the road structures before failure is eminent. The analysis shall establish that the designated travel routes have the durability and capacity sufficient to accommodate the additional vehicular traffic generated by the extraction site, both during the operation as well as upon completion of

the extraction process, or, if the analysis shows that the designated travel routes are not sufficient, the analysis shall specify the road improvements which are required to make the roads sufficient. The travel route roads analysis may be waived, in writing, by the Public Works Director, if the Director determines that sufficient data exists to confirm that the designated travel route roads have the durability and capacity sufficient to accommodate the additional vehicular traffic generated by the extraction site, both during the operation as well as upon completion of the extraction process.

d. If the travel route roads analysis shows, or the Public Works Director determines, that the designated travel route roads are insufficient, the application shall not be approved until the deficient roads are improved to the required durability and capacity standards, at the applicant's expense, or the applicant has entered into an agreement with the entity having jurisdiction of the deficient roads to address the deficient roads, which may include the posing of a cash bond based on an engineered estimated cost for the construction and restoration of the roads and appurtenant facilities.

10. Financial assurance must be provided to ensure the site is rehabilitated consistent with the approved reclamation plan. The bonding requirements may be satisfied by submission of a properly executed Reclamation Contract for Surety under the Mining Operations requirements as found in Utah Code or by providing a bond and bond agreement that includes the following requirements:
    a. A cash or surety bond in the amount of $3,000 per acre, in 2014 dollars, with an increase of four (4) percent per annum for each year after 2014, or such larger amount as the Public Works Director determines if required to rehabilitate the site, shall be posted by the applicant and property owner to guarantee compliance with the provisions of this section. A violation of this section, or of the rehabilitation bond agreement, shall be sufficient grounds for forfeiture of the bond to Payson City. If the bond is over the minimum bond amount per acre and the owner disputes the cost of reclamation set by the Public Works Director, the City Council may determine the cost and set the bond amount, upon appeal by the owner or applicant.
    b. The maximum term of the bond shall be seven (7) years, after which time the bond amount shall be reevaluated based on inflation, the current costs of rehabilitation, and the amount of rehabilitation or excavation that has occurred during the elapsed time.
    c. Any bond shall be accompanied by an agreement among Payson City, the applicant, and the property owner wherein the City agrees to return the bond at the completion of work if the standards of this section have been met, and the applicant and property owner agree that the bond shall be forfeited in the event of noncompliance and to permit the City to enter upon the land to close operations and rehabilitate the excavated or filled areas. The agreement does not need to include the property owner for lands owned by the federal government.
    d. Rehabilitation of the site shall be completed on or before the earliest to occur of the following dates: (i) six months prior to the date of termination or expiration of the rehabilitation bond, (ii) one year after the date of cessation of operations, (iii) one year after the last date that any earth product materials are extracted from the site, (iv) December 31st of any year in which a business license has not been issued by Payson City for such operations, and (v) December 31st of any year in which a valid Payson City zoning compliance permit is not in effect for the operation.
    e. Notwithstanding the forfeiture of the bond, the applicant and the property owner shall retain individual responsibility to fully comply with this ordinance, the terms of the permits issued thereunder, and the balance of any expense not covered by the bond to rehabilitate the property.

*19.6.32.11 Other Requirements*

The following requirements are in addition to the requirements found in this Chapter, the General Provisions or Supplementary Provisions of this ordinance, or any other applicable resolution or ordinance.

1. All project operations are subject to the provisions of federal, state and local laws including, but not limited to, air quality permits, drainage abatement, erosion control, mine safety, and the issuance of a business license. (11-5-14)
2. Scavenging shall not be permitted.
3. The operator shall be responsible for the control and proper disposal of incidental litter by providing fencing or other physical barriers as

necessary and by policing the site at approved intervals.

4. The operator shall be responsible for the control of rodents and insects.

# Chapter 19.7
# Relationship to Subdivision Ordinance

19.7.1 Relationship to the Subdivision Ordinance
19.7.2 More Strict Ordinances to Apply
19.7.3 Satisfaction of Zoning Requirements not to be construed as subdivision approval.
19.7.4 Improper Subdivisions

**19.7.1 Relationship to the Subdivision Ordinance**
The Zoning Ordinance is a companion ordinance to the Subdivision Ordinance both created and adopted to assist the City in the fulfillment of the General Plan and to provide for orderly development patterns.

**19.7.2 More Strict Ordinance to Apply**
When the Zoning Ordinance and Subdivision Ordinance are in conflict, the more strict or protective ordinance shall apply, except that in the case of Planned Residential Developments (PRD's), the Subdivision Ordinance shall take precedent in all inconsistent issues.

**19.7.3 Satisfaction of Zoning Ordinance Not to be Construed as Subdivision Approval**
Satisfaction of the requirements of the Zoning Ordinance will not be construed as subdivision approval. Each proposed subdivision must satisfy the requirements of the Subdivision Ordinance, Title 20.

**19.7.4 Improper Subdivisions**
Any land divided into two or more parcels within Payson City without satisfying each requirement of this ordinance and Title 20, Subdivision Ordinance shall be considered null and void. Each division of land shall not be recorded in the office of the Utah County Recorder until the requirements of this ordinance and Title 20, Subdivision Ordinance have been satisfied and the plat of the subdivision has been signed by the Mayor of Payson City.

If an improper subdivision of land is recorded in the office of the Utah County Recorder, it will not be recognized by Payson City, and Payson City will consider the owner(s) of the parcel as joint tenants and the title to the property merged. Payson City shall not be held liable for improper subdivisions and shall not be obligated to grant any development approval on improperly subdivided parcels. (12-19-01)

# Chapter 19.8
# Commercial and Industrial Development

19.8.1 Purpose and Intent
19.8.2 Relationship to Other Sections Herein and Other Approvals
19.8.3 Approval Process
19.8.4 Development Improvements
19.8.5 Commercial and Industrial General Design Elements
19.8.6 Assurances for Completion of Improvements
19.8.7 Appeal Procedure

## 19.8.1 Purpose and Intent

The purpose of this Chapter is to define the requirements, approval process, design elements and appeals process for commercial, industrial, manufacturing, research and development projects and site plans. It is the intention of this Chapter to provide an efficient, yet thorough development review and allow the applicant to obtain approval of a building permit in a timely manner.

## 19.8.2 Relationship to Other Sections Herein and Other Approvals

Each commercial, industrial, manufacturing, or research and development project reviewed under this Chapter is also subject to the requirements of the zone in which the proposed project is located. Except as approved in accordance with Section 19.6.26 herein, no residential use shall be allowed in a new commercial structure or a non-conforming residential structure that has been converted into a commercial use.

Any commercial or industrial development may be subject to more specific development and improvement standards approved by the City Council. In the case of conflict, the stricter of either this Chapter or the specific development standards will apply. More specific development regulations include, but are not limited to:

1. The Payson City Business Park Guidelines and Development Standards
2. The Economic Development Area Plan
3. The Redevelopment Area Plan
4. The Main Street Program as approved by the City Council for historic downtown Payson
5. Project development agreements approved by the City Council
6. Payson City Business License Ordinance

## 19.8.3 Approval Process

19.8.3.1 Applicability (1-6-16)
19.8.3.2 Complete Application and Review Fees
19.8.3.3 Submission of Business Statement
19.8.3.4 Administrative Site Plan Review
19.8.3.5 Planning Commission and City Council Review
19.8.3.6 Development Agreement (9-1-04)

### 19.8.3.1 Applicability (1-6-16)

The site plan review process is established to help ensure that new development and improvements for existing properties will be consistent with the Payson City General Plan, adopted ordinances and standards, and will contribute to the overall health, safety and general welfare of Payson City. To that end, site plan review shall be required for:

1. All new commercial and industrial development;
2. All new additions to existing sites which increase the floor area of the premises by more than twenty (20) percent or increase the original floor area of the premises by over twenty (20) percent when combined with one (1) or more previous expansions;
3. Any change of use or intensity of an existing use on the site.
4. A site that contains an existing structure that has been vacant for a continuous period in excess of one (1) year.
5. Any significant change proposed after site plan approval has been granted by the land use authority.

Any construction activities not in conformance with an approved commercial site plan shall be considered a violation of this Title. Any building permit issued shall ensure that development is undertaken and completed in conformity with the plans as approved which will be reviewed to ensure that all alterations will result in compliance with all building and fire code regulations and satisfaction of all provisions of the Payson City development ordinances including, but not limited to the following:

1. Roadway improvements along all frontage areas of a public right-of-way to include curb, gutter and sidewalk.
2. Landscaping consistent with the provisions of this Chapter.
3. Utility service lateral upgrades where determined necessary.
4. Access delineation or limitation as needed to improve vehicular safety.

5. Accommodation of storm water generated on the project site.
6. Adherence to any design guidelines established by the Payson City Council.
7. Accommodation or identification of adequate off-street parking.

The City Council may choose to enter into a Deferred Improvement Agreement with the property owner to establish a schedule and guarantees for the installation of required improvements. At a minimum, the agreement shall include a description of required improvements, time frame for completion, and remedies to ensure completion of improvements. The agreement shall be recorded in the office of the Utah County Recorder and shall run with the land. (1-6-16)

**19.8.3.2 Complete Application and Review Fees**

Each applicant for review of a site plan shall submit a complete application form available from the Development Services Department and submit payment of the associated development review fee(s) in accordance with the adopted fee schedule resolution of Payson City. The application shall include a title report that indicates any covenants, declarations, easements, right-of-ways, dedications, or other similar encumbrances that must be accommodated or addressed prior to improvement of the property. (4-15-15)

**19.8.3.3 Submission of Business Statement**

Any applicant subject to the provisions of this Chapter must submit a business statement that provides detail about the anticipated business activities, the expected number of employees, demonstration of zoning compliance, future expansion plans, and any other information that can be used to ensure proper review. The business statement should represent both the immediate and anticipated future business practices and will be reviewed regularly to ensure that the business complies with the business statement. Future uses may be limited to those indicated in the business statement. (2-7-07)

**19.8.3.4 Administrative Site Plan Review**

Any proposed commercial, industrial, manufacturing, or research and development building or site plan may be approved administratively by City staff in accordance with all local, state, and federal laws, ordinances, and resolutions provided the use of the structure(s) is a permitted use in the zoning district. On large commercial projects, staff will provide information to the Planning Commission and City Council at their regular meetings regarding the proposed site plan, building locations and, if known, types of businesses. (1-23-08)

Any project determined by staff likely to have a significant impact on traffic, environmental quality, lighting, compatibility of uses, or the health, safety, or general welfare of the surrounding properties, property values, or residents shall be submitted to the Planning Commission and City Council for their review. The Planning Commission may recommend and the City Council may hold a public hearing on any proposed commercial or industrial development in any zone of Payson City.

**19.8.3.5 Planning Commission and City Council Review**

The following list represents development approvals that will not be processed administratively. The developments must receive a recommendation from the Planning Commission following a public hearing with at least a fourteen (14) day notice, and approval from the City Council following a public hearing with at least a fourteen (14) day notice.

1. Subdivisions of land. All subdivisions are approved by the City Council in accordance with Title 20, Subdivision Ordinance.
2. Any project determined by staff likely to have a significant impact on traffic, environmental quality, lighting, compatibility of uses, or the health, safety, or general welfare of the surrounding properties, property values, or residents.
   a. Any project determined by staff likely to have significant impact on the surrounding properties, property values, or residents shall be submitted to the Planning Commission for review and recommendation. The Planning Commission recommendation will be presented to the City Council for final approval.
   b. The City Council may choose to schedule a public hearing on any project likely to have significant impact on the surrounding properties, property values, or residents. (1-23-08)

**19.8.3.6 Development Agreement**

In accordance with Chapter 19.22 of this Title, the City Council may choose to enter into a development agreement to clarify the obligations of Payson City and the applicant for development approval. If a development agreement is deemed necessary by the City Council, failure by the applicant to enter into a

development agreement may be grounds for denial of the development proposal. (1-6-16)

**19.8.4 Development Improvements**

19.8.4.1 Permanent Building Required, Exceptions

The nature of commercial and industrial developments creates a situation where each project is unique and the approval process is dissimilar. For instance, some developments require the division of land into separate ownership and other projects are intended to remain in the ownership of a single entity. Regardless of the approval process and ownership status, the development improvements required to provide effective municipal services is constant. These standards have been established in part in this Title, but are primarily included in Title 20, Subdivision Ordinance. Therefore, each commercial project will be reviewed for compliance with this Title and the applicable regulations of Title 20, Subdivision Ordinance including, but not limited to, the following:

1. Chapter 20.15 Review and Regulations for Impact on Public Infrastructure. The provisions of this Chapter ensure that adequate public facilities are available to serve the project and that the impact on the public infrastructure will be addressed.
2. Chapter 20.17 Improvement, Design and Layout Considerations. This Chapter is intended to ensure that drainage, pedestrian facilities, design standards, landscaping, and other site considerations are included in the project plan.
3. Chapter 20.18 Lot Improvements and Arrangement. This Chapter addresses typical zoning and development issues such as lot configuration, grading, fencing, and utility easements.
4. Chapter 20.19 Road and Streets. The circulation and transportation needs of the development are addressed in this Chapter of the Subdivision Ordinance.
5. Chapter 20.20 Drainage and Storm Sewers. This Chapter provides regulations for storm drainage, accommodation of upstream drainage and impact on downstream users. Lot to lot drainage concerns are also addressed.
6. Chapter 20.21 Water Facilities. The location and size of water infrastructure, the transfer of adequate water and fire protection are included in the regulations of this Chapter.
7. Chapter 20.22 Sewer Facilities. This Chapter ensures that wastewater is appropriately collected and transported to the wastewater treatment plant.
8. Chapter 20.23 Sidewalks, Curbs, Trails and Paths. This Chapter provides regulations for the improvements necessary for the construction of sidewalks, trails and other pedestrian facilities.
9. Chapter 20.24 Electrical Facilities. This Chapter provides the information necessary for the Payson City Power Department to provide power services to the development in a manner that satisfies the requirements of the department.
10. Chapter 20.25 Other Utilities. This Chapter ensures coordination with the private utility providers to serve the development and obtain the necessary easements.
11. Chapter 20.28 Preliminary Plan and Construction Drawings. The information for a Preliminary Plan is similar to the information needed for a site plan application. The construction drawings will indicate the location and size of infrastructure together with all construction details of the project.

In addition to the requirements of this Title and Title 20, Subdivision Ordinance, each commercial or industrial development may, as applicable, be required to satisfy the following provisions:

1. Title 21, Sensitive Lands Ordinance.
2. The Standard Specifications and Standard Plans of Payson City. (11-5-14)
3. If a commercial or industrial development is located in an area that contains a proposed trail or parkway, the site plan shall incorporate the proposed amenities into the development plan.
4. Any parcel located adjacent to a road owned, operated and maintained by the Utah Department of Transportation, Utah County or the United States will be required to have the access and circulation for the parcel approved in writing by the entity with proper jurisdiction.
5. In specific locations, an applicant for site plan approval may be required to obtain approval in writing from other entities and Payson City such as private utility providers, irrigation companies, health department or appropriate federal, state, county and local jurisdictional bodies. Nothing in this Title shall be construed to eliminate the need for an applicant for site plan approval to obtain the proper licenses, permits, and other approvals to legally operate a business.
6. Access may be limited to commercial and industrial sites adjacent to arterial or collector status roads and shall be approved by the City Engineer unless the commercial or industrial site is located along a state road in which case the access shall be approved by the Utah Department of Transportation.

**19.8.4.1 Permanent Building Required, Exceptions**

It is the intention of Payson City to locate commercial and industrial businesses in the community that are stable and are expected to become part of the fabric of the City. Therefore, each commercial and industrial business is required to be housed on a permanent masonry foundation with the following exceptions:

1. Temporary or transient businesses in accordance with Title 4, Business License Ordinance of Payson City.
2. If it can be demonstrated to the City Council that a permanent building is not an essential part of the business operation.

**19.8.5 Commercial and Industrial General Design Elements**

19.8.5.1 Description, Purpose and Intent
19.8.5.2 Site Planning
19.8.5.3 Parking and Circulation
19.8.5.4 Building Architecture
19.8.5.5 Landscaping
19.8.5.6 Accessory Design Elements

The commercial and industrial design elements serve to enhance the built environment in the most visible and active areas of the community. A predictable and organized development pattern accomplishes more than just improved aesthetics. The design elements create a cohesive development pattern, improve traffic flow, provide safeguards for patrons, and encourage attractive buildings and landscaping.

These elements are intended to be consistent with Chapter 19.15, Signs and Outdoor Advertising herein. Harmonized signage reduces visual clutter and allows each business to be readily identified without confusion or blockage of sight lines.

**19.8.5.1 Description, Purpose and Intent**

For more than one hundred and fifty years, the community has been shaped by the location of major thoroughfares and the built environment. Over time both of these defining elements have significantly transformed, but remain critical in the development pattern of the City. The construction of Interstate 15 has pulled from the central commercial core of historic Main Street and extended commercial corridors to the high volume interchanges on north Main Street and 800 South. The traditional State Route 198 entering from the east through Salem City and exiting the community heading south toward Santaquin City continues to serve as an important commercial corridor. Industrial development encouraged west of Interstate 15 by the General Plan is reasonably separated from current residential development, but encroachment of incompatible land uses are a concern.

The purpose of these design elements is to link these areas together with effective transportation patterns, architectural cohesiveness, appropriate land use transitions, and a balance of the architectural heritage and modern design of the built environment. Together, the existing and anticipated structures will retain and create the fabric of the City. Transitions between zoning districts and architectural styles should seem natural and rational. Finally, the design elements will provide mechanisms to blend the commercial and industrial development into the primarily residential nature of the City.

The intention of this Section includes an effort to determine the appropriate amount of area in each commercial and industrial zone to serve the City now and in the future, and the desirable amount of each commercial use. Other intentions include an effort to avoid congestion, create a healthy business environment with ample competition but lack of over-saturation, and to improve the quality of life for the residents of the community by balancing the tax base, providing employment opportunities, and a variety of retail options. In order to accomplish these intentions, this Section provides general elements for all commercial and industrial development in the City.

**19.8.5.2 Site Planning**

As a development site plan is created, there are many considerations that should be incorporated including, but not limited to, the following:

*1. Consideration of the surrounding area character and development pattern.*

Each site plan must be created that accounts for existing development in terms of architecture, access and compatible land uses. The plan will accommodate the general topography, physical attributes, and other elements that may be unique to the surrounding area and create appealing gathering places that will attract patrons and other businesses thus increasing the viability of the area. Views, mature trees, riparian habitat, streams and other waterways, and similar features unique to the area will be preserved and incorporated.

New buildings, or exterior renovations to existing structures, shall be designed to relate in size, scale and massing with surrounding development. Building materials, height, architectural time period, and other design features must be elements incorporated into the development site.

*2. Site Characteristics*

A site plan must be created that accounts for existing development in terms of architecture, access and compatible land uses. The plan will accommodate topography, physical attributes, and other elements that may be unique to the development site and create interesting development features and improve the aesthetics of the site. Some of these attributes may include existing trees, streams and waterways, slopes, and historical structures. Rather than remove these attributes as obstacles in the development process, they may be required to be incorporated as amenities in the development.

Building design shall be consistent in size, scale and massing with surrounding or anticipated development. Quality materials, architectural motif and other design considerations must be found to be compatible with surrounding development or the anticipated future design elements of the vicinity.

a. Structures that are historic or otherwise distinctive by age, cultural significance or unique architectural style will be preserved and incorporated into development proposals.
b. Buildings will be designed to take advantage of planned or existing amenities such as parks, trails, open space and water features. High activity areas such as restaurant dining areas or major pedestrian routes should be oriented to create a connection between the amenity and the project.
c. Development of sloped properties will generally follow the natural contours of the land. Terraced parking lots, stepped building pads and larger setbacks will be used to preserve the general shape of natural landforms and minimize grade differentials with adjacent streets and adjoining properties.

*3. Land Use Transition*

Structures and development activities will be located and designed to avoid the creation of nuisances, hazards and other potential impacts on adjoining properties, particularly residential properties. Each development that borders, or is within five (500) hundred feet of, another zoning district shall be required to provide a use transition plan indicating the measures that will be incorporated to minimize potential impacts on the existing or anticipated future development pattern. At a minimum, the use transition plan will take the following items into consideration:

a. Activities that may create noise, traffic or odors will be eliminated to the extent possible. Any of these activities that are imperative to the development proposal and allowed by this Title will be located in an area that will minimize the impact on surrounding properties and uses.
b. Loading areas, access and circulation facilities, trash and storage areas, and other appurtenances will be located as far as practicable from adjacent properties and in particular from residential development. If the location of a loading and service area adjacent to a residential area cannot be avoided, the residential area shall be separated by a concrete or block wall a minimum of six (6) feet in height. The loading and service area shall not have light spillage onto the residential property. Loading and unloading shall satisfy the noise ordinance of Payson City.
c. To maintain the existing residential environment, commercial and industrial development adjacent to residential uses shall incorporate masonry walls, landscaping, berms, building orientation and activity limitations (i.e. limited hours of operation, lighting, etc.) or other methods to create a separation between residential and non-residential uses. Each applicant must demonstrate to the satisfaction of the City that the methods integrated will effectively mitigate potential negative impacts. (8-5-09)
d. Window orientation in non-residential buildings will preclude a direct line of sight into adjacent residential private yards or open spaces within one hundred (100) feet.
e. In order to provide a visual barrier between commercial and residential uses, evergreen trees should be planted no further apart than thirty (30) feet on center, depending on species, to screen parking lots and large commercial building walls.
f. When commercial or industrial buildings back onto common open space areas, the rear setback area will be landscaped to function with the open space where possible.
g. When adjacent uses can mutually benefit from connection rather than separation, applicable connective elements such as walkways, common landscape areas, building orientation, public safety cross connection, and unfenced property lines should be employed and are strongly

encouraged. Likewise, public non-motorized trails may be an appropriate use in the transition area. (9-1-04)

*4. Building Placement*

Buildings should generally be oriented parallel to streets or access ways and, with some exceptions, should be placed as close to the street as established setbacks allow so that buildings, rather than parking lots, define the street edge. A build-to-line may be imposed that represents the distance from the property line that a structure may be constructed.

a. Parking lots dominating the street edge are not desirable. Development proposals will be designed to either place the structures near the street edge or a significant landscaped area along the street edge will need to be provided.
b. Blank walls or loading areas will not face public streets. Elevations facing public streets will incorporate design features consistent with the motif approved for the development.
c. Multiple buildings in a single project must be designed to create a positive functional relationship. The scale and mass of the buildings will relate and take into consideration pedestrian links, visual continuity, and shared improvements such as parking lots and access. In all instances, the design of the project will avoid the creation of repetitive buildings in a "barrack-like" setting. Often, a link can be accomplished through the use of a trellis, colonnade or other open structures.
d. Buildings and, in particular, buildings along transit routes should have entrances oriented toward bus stops or rail stations for convenient access to the buildings by transit passengers.
e. Make open space area useable. On sites of five (5) acres or more, open space areas will be grouped into larger, prominent landscape areas rather than equally distributing the open space into areas of low impact such as building peripheries, minimal side yard setbacks, behind a structure, storm drainage facilities or areas of little impact to the public view. Instead, the project open space should be used for activities such as eating areas, public trails, and gathering spaces.
f. Projects will use the space between buildings and recognize the importance of spaces between buildings as meaningful areas of the site. These spaces will have clear, usable shapes that are not simply left over areas between buildings.
g. Loading facilities will not be allowed to be located at the front of the building where it is difficult to appropriately screen the facilities from view. Such facilities are more appropriate at the rear of the site where special screening may not be required. Loading facilities will not be accessed from public parking areas.

*5. Developments Traversed by Non-Motorized Trail*

Any trail indicated on the Trails Master Plan of Payson City shall be incorporated into the development design and appropriate vehicular and pedestrian separations or crossing shall be provided. All trails intended to be dedicated to Payson City in accordance with the Trails Element of the Payson City General Plan shall be constructed in a manner consistent with the Standard Specifications and Standard Plans of the City. Any development located near a public trail may be required to provide a concrete or asphalt connection to the trail system in the most practical location. (11-5-14)

**19.8.5.3 Parking and Circulation**

A properly functioning parking lot is a benefit for the property owner, tenants, and customers. A parking lot needs to allow customers and deliveries to reach the site, circulate through the parking lot, and exit the site easily. Clear, easy to understand circulation should be designed into the project to allow drivers and pedestrians to move through the site without confusion.

The requirements in this Section apply to all parking lots for commercial and industrial use. It is intended that the requirements of this Section complement the standards set forth in Chapter 19.4 herein. If any two requirements are inconsistent the stricter of the two requirements shall govern.

*1. General Requirements*

Parking and circulation standards are intended to create safe, efficient and predictable movement of traffic throughout a development site. The following issues will be addressed for each commercial or industrial project:

a. Parking lots will be accessed from streets that have been designated for commercial purposes. Access to commercial or industrial development directly from streets designated for residential purposes may not be allowed.
b. Entry drives, or access to projects from public streets, into a large commercial or industrial development (100 or more parking stalls) will include a minimum six (6) foot wide landscaped median to separate incoming and outgoing traffic and textured paving such as stamped concrete or brick work to generate visual interest at entry points to the development.

c. Entry drives, or access to projects from public streets, will align with access to projects on the opposite side of a street or entrance to other businesses on site. Entry drives will also be coordinated with existing or planned median openings.
d. Shared parking lots for large commercial projects are encouraged where appropriate. Parking areas will be designed with cross connections so that a vehicle is not required to enter a public street to move between locations within the same parking area. The minimum parking stall requirements of Chapter 19.4 will need to be satisfied for each business.
e. Drop-off locations, where the vehicle is removed from the flow of traffic, will be located near the entry to major buildings and plaza areas for projects that include more than one hundred thousand (100,000) square feet of enclosed space. This area may be used for drop-off areas for public transit functions. These areas shall be identified through design elements, such as stamped concrete, and curbing to delineate the drop-off location.
f. Large parking areas will be divided into a series of connected smaller lots using raised landscape planters at least six (6) feet wide. The raised landscape planter may include, and is required for all parking lots with more than two hundred (200) parking stalls, a walkway provided there is at least three (3) feet of landscaping on each side of the walkway. The landscape planters will be included in the calculation of the ten (10) percent minimum parking lot landscaping in accordance with Chapter 19.4 herein.
g. Access to parking lots shall be located as far from intersections, and access to other developments, as practicable to ensure that adequate automobile stacking space is provided and safe turning lanes are created.
h. Wherever possible, multiple access points for a project shall be at least two hundred (200) feet apart and at least one hundred (100) feet from the intersection of two public streets. The access points should align with the access points across each public street from the project. When the required spacing is not possible, the access shall be as far from the intersection as practicable. (8-5-09)
i. Projects that generate more average daily vehicle trips than ten (10) equivalent residential units shall provide two (2) points of ingress and egress. Furthermore, commercial and industrial developments shall not limit access to adjacent properties anticipated to contain commercial or industrial development. The circulation pattern for adjacent non-residential properties and accommodation for all utilities shall be incorporated into the project design. (8-5-09)
j. The number of access points to a project may be limited after considering the traffic circulation pattern and traffic volume of the street, and in accordance with the limited access requirements of Title 20, Subdivision Ordinance. Furthermore, all access points shall be at least twenty (20) feet from the property line, unless the access points are shared by adjoining property owners.
k. The first parking stall which is perpendicular to an entry drive or the first aisle juncture that forms an intersection must be at least twenty-five (25) feet back from the entry to the site to provide adequate queuing distance from the entrance to the site. With larger centers, significantly more setback area may be required. (8-5-09)
l. Parking areas shall be designed to provide adequate fire access, fire lanes and turning movements for fire apparatus and all public safety vehicles and equipment. Large parking areas with more than one hundred (100) parking stalls shall provide police and ambulance parking near the entrance to the building.

*2. Patron Accommodation*

On site automobile parking and circulation systems should be convenient and understandable to the users. Each parking area shall address the following considerations:

a. Each parking area will be designed with a hierarchy of circulation: Major access drives from the public street with no parking; major internal circulation drives with limited or no parking; and aisles for direct access to parking spaces. Small projects may need to combine components of the hierarchy.
b. Parking areas will include directional signs, where appropriate, to improve traffic circulation. Directional signs shall be consistent with Chapter 19.15 herein.

*3. Delivery Vehicles*

Truck routes should provide easy access to the loading and service areas of the site. Negative impacts on adjoining properties by loading and service areas and associated activities shall be addressed. The following design elements will be included for all areas used by delivery vehicles:

a. Service vehicle traffic will be separated from the main customer circulation paths by providing separate access to loading areas.
b. Loading and service areas will be designed to avoid interference with circulation or parking, and to permit trucks to fully maneuver on the property without backing from or onto a public street.
c. Delivery vehicles will use streets designated for commercial purposes. Delivery vehicles will not use street designated for use as residential streets.
d. Delivery vehicles, trailers, and other automobiles shall not be placed in parking areas for the purpose of advertising. All delivery vehicles shall be parking in loading and service areas.

*4. Pedestrian and Bicycle Circulation*

Safe and convenient facilities and means of access will be provided for pedestrians and bicyclists. Each development design will address the following:

a. In large projects with more than one hundred thousand (100,000) square feet of enclosed space, pedestrian walkways will be provided through parking areas. Clearly defined pedestrian access should be provided from transit stations and bus stops.
b. The overall project design shall be in compliance with the requirements of the Americans with Disabilities Act (ADA).
c. Pedestrian crossings will be offset from the parking lot surface using methods such as patterned concrete, diagonal striping, raised crossings, or brick work. Projects will connect interior pedestrian facilities to the public sidewalk and/or trail system adjacent to the development.

*5. Service, Storage and Solid Waste Facilities*

Providing adequate service facilities is critical to the efficient functioning of buildings. These facilities also present the greatest challenge in preventing nuisances such as noise, odor, and visual problems in the future. Each development proposal will include the following:

a. A service yard used for loading and storage activities will be generally located where the activities will not create a nuisance for adjacent uses. It must be demonstrated that the service yard is directly related to and clearly incidental to the primary use of the property. Service yards will not be used for items such as salvage yards, or the long term storage of refuse, non-functioning vehicles, machinery or equipment.
    i. Service yards will include provisions for loading, trash containers, storage areas, utility cabinets, utility meters, etc.
    ii. Service yards, storage areas, and all areas for storage of maintenance equipment or vehicles will be enclosed or completely screened from view from outside the service yard or area. Screening may include walls, buildings, landscaping, berming or appropriate combinations thereof. The screening method must be consistent with the design features of the development.
    iii. Service yards will be located and designed for easy access by service vehicles and for convenient access by each tenant. The yards will be located to minimize circulation conflicts with other site uses and may not create a nuisance for adjacent uses.
    iv. Service yards should not be located adjacent to residential areas. If the location of a service yard adjacent to a residential area cannot be avoided, the residential area shall be separated by a concrete or block wall a minimum of six (6) feet in height. The service yard shall not have light spillage onto the residential property.
b. Adequate provisions will be included for storing the anticipated number of garbage containers for the development in a manner that does not create a nuisance for adjacent uses and in an area that will allow efficient collection by Payson City.
    i. The location of trash containers will be indicated on the Site Plan for the development and approved by the Payson City Solid Waste Department.
    ii. All trash and garbage containers will be stored in an approved enclosure unless containers are stored in an approved service yard.
    iii. All garbage containers will have a solid cover to reduce odors and reduce blowing debris.
    iv. Trash enclosures will provide convenient access for each tenant of the project and should not be blocked by parking spaces.
    v. Trash containers should be located away from residential uses and will not create a nuisance for adjacent property owners.
    vi. Trash enclosures will be constructed of masonry materials or materials that reflect the architecture of the primary structures in the development and include screening gates to conceal the garbage container(s). Chain link fencing with vinyl slats may be used for the access gate of the enclosure,

but will not be used on the remaining three sides of the enclosure. The trash containers will be placed on a concrete pad with an apron that extends no less than ten (10) feet in front of the enclosure to prevent pavement damage from collection vehicles. (6-1-11)

vii. Trellis or other architectural covers over an enclosure are encouraged to reduce wind-blown litter and reduce the number of birds, animals and rodents rummaging through the garbage. If an enclosure is located adjacent to a public street or a residential area a trellis or architectural cover will be required.

c. Adequate loading spaces including docks will be designed to avoid becoming a nuisance to surrounding properties.
   i. Loading and delivery areas will not be located in a required setback area.
   ii. Loading areas will not be visible from public streets. All screening will be consistent with the design of the structures in the development. Highly concentrated landscaping may be used as a screen if it can be demonstrated that the screening will be appropriate in all climatic seasons.
   iii. Delivery vehicles with refrigerators or that are anticipated to idle for an extended period of time may not be parked adjacent to any residential area beyond the time needed to load or unload the vehicle. In all cases, the delivery vehicle must satisfy the noise ordinance of Payson City.

d. Provisions will be made for storage needs of occupants of the development. Outdoor storage and outdoor promotional displays must be approved by Payson City in accordance with the standards set forth in this Section.
   i. Outdoor storage will only occur within approved storage areas and must be permanently screened from public view. Storage areas will be located behind a sight obscuring fence, no less than six (6) feet in height, constructed of materials used to construct the primary structures in the development. Chain link fencing is not allowed for screening of storage areas.
   ii. Screening materials and fencing used for storage areas should include architectural features used on the primary structures in the project. The storage area should appear as part of the overall development and not as an afterthought.
   iii. Parking or loading areas may not be used for outdoor storage.
   iv. If an outdoor promotional display area is approved by Payson City for seasonal items such as nursery and landscaping materials, Christmas tree lots, or other approved temporary uses in accordance with Chapter 19.11 herein, the area shall be kept tidy, clean, and free of refuse and garbage.

e. Utility equipment and mechanical appurtenances will not be visible from public view. Mechanical equipment will be located and operated in a manner that does not disturb adjacent occupants and will be screened from public view. The screening materials will be consistent with the design of the project.
   i. All mechanical equipment such as compressors, air conditioners, antennas, pumps, heating and ventilating equipment, emergency generators, chillers, water tanks, stand pipes, satellite dishes and communication equipment, and any other equipment for the building will be concealed from view of public streets and neighboring properties.
   ii. Mechanical equipment should not be located on the roof of a structure unless the equipment can be hidden by building elements that are designed to screen the equipment as an integral part of the building design.

**19.8.5.4 Building Architecture**

If enacted in a particular zone, all developments shall satisfy the design elements and standards adopted by the City. Design requirements may include restrictions on building size, colors, styles, lighting, and other design criteria. The Design Standards for the Payson City Business Park shall be followed for any development in the park.

If specific design standards have not been imposed by the City Council, all developments shall be reviewed for compatibility with surrounding uses in respect to building size, traffic circulation, massing, uses, colors, lighting and any other appropriate design review. Each applicant for site plan review will submit a colors and materials board together with a color rendition of all proposed structures for review and approval in accordance with this Title.

**19.8.5.5 Landscaping**

Landscaped areas are used to frame and soften structures, to define site functions, to enhance the quality of the environment, and to screen undesirable views. Landscaping should express the three

dimensions of the project and should continue patterns of landscaping in the surrounding area.

*1. General Landscaping Standards*

Landscaping should complement the buildings and surroundings to make a positive contribution to the aesthetics and function of both the specific site and the area. The following characteristics will need to be addressed in the design of each commercial or industrial project:

a. Landscaped areas should generally incorporate planting utilizing a three tiered system; 1) grasses and groundcovers; 2) shrubs and vines; and 3) trees. Landscape design and construction should emphasize drought tolerant landscaping where possible.
b. All areas not covered by approved buildings and structures or required parking, must be completely landscaped and maintained using an automatic irrigation system.
c. Landscaping will be in scale with the structures in the development and be of appropriate size at maturity to accomplish the intended design goal.
d. Landscaping around the entire base of buildings is encouraged to soften the edge between the parking lot and the structure. The landscaping should be accented at entrance areas to provide focus to the entry way.
e. Plant materials will be placed in a manner that avoids interference with project lighting or restriction of access to emergency apparatus such as fire hydrants or fire alarm boxes. Landscaping should preserve the clear view area defined in this Title.
f. Planting areas will be protected from vehicular and pedestrian encroachment by raised planting surfaces or the use of curbs.
g. Plants in containers or planter boxes are encouraged for areas adjacent to store fronts along walkways provided that the containers or planter boxes do not obstruct pedestrian or vehicular circulation.
h. Vines and climbing plants integrated upon buildings, trellises, and perimeter walls are not only attractive, but also help discourage graffiti and are encouraged in appropriate areas.
i. Existing mature trees, riparian corridors, and view sheds should be preserved and incorporated into the project landscaping.
j. Storm drainage facilities should be incorporated into the landscape design and appear to be a part of the overall project.
k. Each project will incorporate landscaping and roadway improvements such as sidewalks and lighting along all public streets to provide a canopy and streetscape design consistent with the improvement plans and goals of Payson City.
l. Connective elements such as pathways, trellis, and planting materials should be included in the landscaping plan rather than hardscape connections.
m. All required landscaping must be properly maintained. Assurances for proper watering, replacement of dead planting materials, weeding, fertilization and other typical maintenance activities will be provided by each applicant for a commercial or industrial project.

*2. Perimeter and Internal Project Landscaping*

The following guidelines are minimum parameters for project landscaping. Landscaping should be provided to frame buildings and to separate the buildings from the surrounding pavements. Parking areas should be landscaped to minimize summer glare and heat build-up and to generally reduce the negative impacts associated with large areas of paving. The perimeter of the site should be landscaped to provide parking lot screening, a buffer for adjacent uses, and an attractive view from the street. A complete landscaping plan is considered part of an application for Site Plan review and shall include:

a. All applicable requirements of this Section and any specific zoning regulations of Chapter 19.6 herein.
b. The types and sizes of all planting materials along with plans for an automatic underground irrigation system. The irrigation system will be designed to prevent runoff and overspray.
c. A minimum of one evergreen tree no less than eight (8) feet in height or deciduous tree with no less than one and one half (1½) inch caliper for every four hundred (400) square feet of land not covered by an approved building or required parking. Each plan should include a variety of planting materials and a mixture of evergreen and deciduous trees. (2-20-13)
   i. The number of trees required may be reduced if the applicant is willing to plant larger shade trees or more mature evergreen trees rather than decorative trees.
   ii. The number of trees in the industrial zones may be reduced to one tree per six hundred (600) square feet of land not covered by an approved building or required parking. (2-20-13)
d. A minimum of one five gallon or larger shrub for every four hundred (400) of land not covered by an approved building or required parking. (2-20-13)

i. The number of shrubs in the industrial zones may be reduced to one shrub per six hundred (600) square feet of land not covered by an approved building or required parking. (2-20-13)

e. All areas not covered by an approved building, required parking, trees or shrubs shall be covered by grass or another acceptable ground cover such as bark, wood chips, or decorative rocks. Dirt, weeds and similar materials are not considered acceptable ground cover.

f. No species of trees or large shrub should be planted under overhead lines or over underground utilities if its natural growth may interfere with the installation or maintenance of any public or private utility.

g. Planting areas should be at least six (6) feet wide and located within a raised planting area protected by concrete curbing. In order to provide a separation between businesses a perimeter landscape planter at least six (6) feet wide on each parcel will be included when a site adjoins other commercial or industrial uses. Likewise, when commercial or industrial uses are located adjacent to a residential use, a landscape area at least ten (10) feet wide will be included on the landscaping plan.

h. The placement of trees in the development to create a canopy, especially in parking areas and along public streets.

i. At the discretion of Payson City, and at the expense of the applicant, the landscaping plan may be reviewed by a licensed landscaped architect to ensure consistency with this Chapter and appropriateness of the planting materials in relation to the local climatic environment.

*3. Parking Lot Landscaping and Screening*

Landscaping to improve aesthetics, reduce thermal islands, and provide areas of shade for vehicles within parking areas is required in accordance with Chapter 19.4 of this Title. Required parking lot landscaping and screening of parking areas that is encouraged may be achieved using the following methods:

a. Parking areas will include landscaping that accents the importance of the driveways from the street, frames the major circulation aisles, and highlights pedestrian pathways. Driveways should have visual cues for drivers such as distinctive landscaping or directional signs. Parking lot landscaping will be consistent with the requirements of Chapter 19.4 herein.

b. Large canopy trees and shade trees are highly encouraged in parking areas.

c. The installation of masonry walls, approximately four (4) feet in height, consisting of stone, patterned concrete, brick, or other similar types of solid masonry materials.

d. Shrubs planted close together to grow into a dense hedge or living wall approximately four (4) feet in height.

**19.8.5.6 Accessory Design Elements**

There are accessory design elements that serve to provide details that create a pleasing and attractive project. When properly included in the design of the development, these details will improve the experience for patrons, employees, and visitors to the site.

*1. Project Furniture and Fixtures*

Outdoor furniture and fixtures should be compatible with the project architecture and should be carefully considered as integral elements of the project design.

a. Outdoor furniture and fixtures such as lighting, trellises, raised planters, benches, newspaper racks, bus stops, telephone booths, fencing etc. are integral elements of the project and landscape design, and will be included in and shown on all site and landscape plans. Newspaper racks will be consolidated into a single unit to reduce visual clutter.

b. The outdoor furniture will be compatible with the design, including colors of the primary structure. The furniture will be located so that it will not conflict with the circulation patterns of the site.

c. All traffic regulatory and directional signs shall incorporate design and scale into the appearance and placement of the sign. The sign post shall be decorative and promote the design features of the project. The sign shall be an appropriate size to fit the scale of the intended purpose. (9-1-04)

*2. Walls and Fences*

Walls and fences are generally used for security purposes and to screen areas from public view. If a wall or fence is not used as a site planning tool to accomplish the intentions of this Chapter, the wall or fence should not be constructed.

a. The height of the wall or fence should be as low as possible while performing the intended screening or security function.

b. Walls viewed from the street or parking areas should be designed to blend with the architecture of the project through the use of similar materials and colors.

c. Landscaping shall be used in combination with walls and fences to soften the otherwise blank surfaces.
d. When security fencing is required, it should be a combination of solid walls with pillars and offsets, or short solid wall segments and segments with simple wrought iron grill work.
e. Walls and fences should be offset every one hundred (100) feet and architecturally designed to reduce monotony. Landscape pockets along the wall should be provided at regular intervals.
f. Except in industrial zones, chain link fence is not allowed. Furthermore, chain link fencing is not encouraged in industrial zones.
g. Walls and fences will be painted and properly maintained at all times.

*3. Project Lighting*

Lighting levels should be sufficient for the safety of site occupants and visitors, but should not spill onto adjacent properties. All project lighting shall be consistent with the regulations of the Payson City Power Department. A lighting plan is considered part of an application for Site Plan review and shall address the following:

a. A complete electrical plan, prepared by a licensed electrical engineer, will be submitted for review by the Payson Power Department for compliance with the Standard Specifications and Standard Plans of Payson City. (11-5-14)
b. Lighting will be provided in all loading, storage, and circulation areas.
c. All project lighting shall be directional lighting that guides light onto the project site without light pollution onto adjacent properties. The light source from a light fixture should not be visible from off-site.
d. Lighting in parking areas will be located to assure adequate light levels and avoid the displacement of required landscaping.
e. The lighting fixtures on the building and throughout the development will complement the project architecture in relation to color and design style.
f. Each project will provide street lighting consistent with the street lighting requirements of Payson City.
g. Roof lights, wall washes, lighted roof panel, internally illuminated awnings, and other methods of lighting buildings are discouraged.

*4. Flags, Lights, and Other Advertising Devices*

All promotional and advertising devices are subject to the regulations of Chapter 19.15 of this Title. A sign package must be submitted to staff for review prior to ordering or authorizing the manufacturing of any advertising device, and prior to the installation of any advertising device the sign package for the development must be approved by Payson City. The sign package will be reviewed for project-wide consistency, how project signage will complement the architectural features of the development, and if the signage is overly distractive to the traveling public in the highest traffic volume areas of the community. Flags (non-organizational or insignia), neon lighting and lighting that distract from the architectural features of the project are highly discouraged and may not be allowed.

*5. Address Indicators*

Each business shall maintain a separate address approved by the Development Services Director. The address shall be displayed on a prominent area of the building and should be back-lit or composed of a highly reflective material for easy public safety recognition. The address indicators shall be uniform throughout a project in terms of size, color and location. (7-6-05)

*6. Newspaper, Real Estate, Trade Leaflet and other Similar Distribution Racks*

Prior to the placement of a newspaper, real estate, trade leaflet or other similar distribution rack, the owner of the rack shall obtain a permit from the Development Services Department. Before approval for placement of the rack is granted, the Development Services Department shall ensure that the following issues are appropriately addressed:

a. The rack shall be placed on private property and shall not be located in any public right-of-way or within any clear view area.
b. The owner of the rack shall provide written permission from the property owner for the placement of each rack on the premises and specifically where each rack may be placed.
c. The owner of the rack must acknowledge, by signature on the application, the requirement to clean the general vicinity on a daily basis removing all paraphernalia that has been discarded by patrons.
d. If it can be documented that the area has not been cleaned for a period of more than forty eight (48) consecutive hours, the rack may be removed by the City and the permit may be revoked. If the rack is removed, the rack will be impounded for the period of one (1) week or until the owner of the rack retrieves the rack from the City whichever is sooner. If the rack is not retrieved within one (1) week, disposal of the rack by the City may occur.

e. Any rack placed in the public right-of-way or placed on private property without a permit issued by the Development Services Department is subject to removal, impoundment, and disposal by the City. The City will make a good faith effort to contact the owner based upon the information provided on the rack or the paraphernalia placed within the rack.

The City is not obligated to approve the request to locate newspaper, real estate, trade leaflet, or other similar distribution racks in any location if it is determined that there is an overabundance of racks in a particular location, the racks are inconsistent with the objectives of the development, the racks are adjacent to or near residential properties, or the racks may cause unsafe driving practices for patrons frequenting the racks. (7-6-05)

**19.8.6 Assurances for Completion of Improvements**

The applicant shall post a performance guarantee in the form of a cash bond or irrevocable line of credit at the time of development approval for all improvements, project amenities (i.e. fencing, trails, playground equipment, clubhouse or other buildings owned in common and required project landscaping), and any other items specifically included in a Development Agreement between the City and the applicant for development approval. The estimated amount shall be reviewed by the City Engineer and shall be sufficient to assure to the municipality the satisfactory construction, installation, and dedication of the uncompleted portion of required improvements and completion of project landscaping. The amount of the guarantee shall be equal to one hundred and twenty (120) percent of the estimated cost of the required improvements, amenities and project landscaping as determined by the City Engineer. (1-23-08)

The posting of guarantees are in lieu of actual construction and are therefore established for the benefit of and to insure to the public at large. As such the guarantee shall not to be used for satisfying contractor or mechanics liens or other unrelated obligations. The performance guarantee shall comply with all statutory requirements and shall be satisfactory to the City Attorney as to form, sufficiency, and manner of execution as set forth by the City Attorney.

The period within which required improvements must be completed shall be one (1) year unless otherwise specified by the City Council upon development approval and shall be incorporated in the guarantee. The City Council may, given a valid reason, extend the completion date set forth in such guarantee for a maximum period of one additional year. The City Council may at any time during the period of such guarantee accept a substitution of principal or sureties.

All projects that require a performance guarantee in accordance with this ordinance are subject to payment of a public works inspection fee for the inspection and approval of the required improvements consistent with Chapter 19.27 herein. (9-1-04)

**19.8.7 Appeal Procedure**

Any applicant or person aggrieved by any application processed under this Chapter shall appeal the decision to the City Council within fourteen (14) days of the decision.

# Chapter 19.9
# Supplementary Provisions

19.9.1 Purpose and Intent
19.9.2 Requirements to be Met on One Lot or Parcel
19.9.3 Sale or Lease of Required Lot Space Prohibited
19.9.4 Each Dwelling or Building on a Zoned Lot
19.9.5 Clear View Areas
19.9.6 Drainage
19.9.7 Transfer of Adequate Water
19.9.8 Pollution Prevention
19.9.9 Concessions in Public Parks and Playgrounds
19.9.10 Lots to be Improved Prior to Issuance of Permit
19.9.11 Driveway Location
19.9.12 Public Benches on Public or Private Property
19.9.13 Fences and Walls
19.9.14 Ancillary Structures
19.9.15 Contact with the County Health Department
19.9.16 Detached Garages and Accessory Structures
19.9.17 Back-lit Addresses
19.9.18 Adequate Public Facilities (9-1-04)
19.9.19 Historical Locations (2-16-05)
19.9.20 Easements (2-16-05)
19.9.21 Casitas (2-7-07)

**19.9.1 Purpose and Intent**
The intent of this Chapter is to provide for several miscellaneous land development standards that are applicable in all zones. The requirements of this Chapter shall be in addition to development standards contained within the various zones. Where the provisions of this Chapter may be in conflict with other provisions of this ordinance the more stringent shall prevail.

**19.9.2 Requirements to be met on One Lot or Parcel**
All required yards, setbacks and other requirements shall be situated on the same lot as the building or structure to which it applies. No required yard, area, or other open space around a building or use which is needed to comply with the area, setback, or open space requirements of this ordinance shall be considered as providing the required area, yard, setback, or open space for any other building or use.

**19.9.3 Sale or Lease of Required Lot Space Prohibited**
The space needed to meet the area, frontage, width, coverage, off-street parking, frontage on a public street, or other requirement of this ordinance for a lot or building may not be sold or leased.

**19.9.4 Each Dwelling or Building on a Zoned Lot**
Only one single family dwelling shall be located and maintained on a zoning lot. Multi-family dwellings shall be located and maintained on a zoning lot in accordance with 19.6 herein.

Additionally, each dwelling for which a Certificate of Occupancy is required shall be constructed upon a permanent concrete foundation.

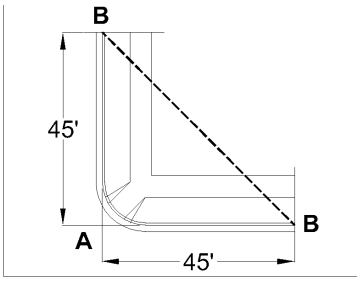
**19.9.5 Clear View Areas**

19.9.5.1 Clear View Area
19.9.5.2 Special Concerns, Safety Concerns

In order to promote safe vehicular movement and improve pedestrian safety, clear view zones at all street intersections and railroad crossings are hereby established.

*19.9.5.1 Clear View Area*
The purpose of this Section is to establish minimum acceptable vision clearance standards for motorist and pedestrian safety at vehicular access points along streets. (2-19-14)

The clear view area is a triangular area formed by the perpendicular intersection (A) of the curb face at the corner, or property lines on parcels without curb, and two points (B) measuring forty-five (45) feet down each curb face, or property line on parcels without curb, as indicated in the diagram below. (2-19-14)




1. On property at any corner formed by intersecting streets or which lie adjacent to railroad tracks, it shall be unlawful for the owner or occupant to install, set out, maintain or to permit the installation or maintenance of any sign, fence, hedge, tree, shrubbery, natural growth, building, construction or other obstructions in a clear view area, unless expressly allowed by this Title. (2-19-14)

2. Drive approaches providing access to a public street must be positioned to maintain visual clearance at the intersection. (2-19-14)
3. Planting of shrubs and landscaping materials is permitted in the clear view area, but shall not exceed thirty-six (36) inches in height, measured from the top back of curb. To maintain visual clearance at intersections, trees are not allowed in the clear view area. (2-19-14)
4. On-street parking is not allowed alongside the clear view area. (2-19-14)
5. Fencing within the clear view area must satisfy the regulations of Section 19.9.13 of this Title. (2-19-14)

If the road has a stop sign at the relevant intersection, the clear view area may be reduced by the City Engineer. The clear view area should not be less than twenty five (25) feet in residential zones. (12-6-00)

In the CC-1, Central Commercial Zone, due to the historic nature of the zone, the clear view area may be reduced, or eliminated, by the City Engineer if it can be shown that safe vehicular circulation can be accomplished. In order to provide safe vehicular circulation, the City Engineer may require remedies such as, but not limited to no parking zones, and appropriate road regulatory signs. (12-6-00)

*19.9.5.2 Special Concerns, Safety Concerns*

There may be unique circumstances, due to topography, road alignment, or other physical feature that could cause a safety hazard even if the requirements of this Section are satisfied. In those circumstances, the City Engineer may require additional provisions to eliminate the safety concern. These provisions could include, but are not limited to, removal of all trees, shrubs, fences, and other obstructions for a distance determined to create a safe intersection. Likewise, in unique situations, the City Engineer may determine that the intersection is safe with fewer restrictions than those required by this Section. The City Engineer may consult with other members of the staff such as the Police Chief, Street Superintendent, and Fire Chief in making such a determination. (12-6-00)

**19.9.6 Drainage**

Surface water from rooftops shall not be allowed to drain onto adjacent lots or streets, except after written agreement between the two parties. In order to prevent impediment in the storm drain system, no alteration of the public right-of-way shall occur without the written consent of the Payson City Streets Superintendent including the placement of gravel, concrete or asphalt. (12-19-01)

**19.9.7 Transfer of Adequate Water**

No building permit shall be issued in any zone without first conveying to the City adequate water rights in accordance with Title 10, Water Ordinance, if applicable. (3-5-03)

**19.9.8 Pollution Prevention**

Any use shall be prohibited which emits or discharges gasses, fumes, or other pollutants into the atmosphere in amounts that exceed the standards as prescribed by the Utah State Air Conversation Board, the Board of Health, or such appropriate body as may be appointed by the City Council. Any use shall also be prohibited which emits or discharges liquids or solid material onto the soil or water in amounts which result in pollutants entering any water or drainage system in amounts exceeding the standards prescribed by the Utah State Water Pollution Control Board or the State Board of Health.

**19.9.9 Concessions in Public Parks and Playgrounds**

Concessions, including but not limited to, amusement devices, recreational buildings, and refreshment stands, may be permitted in a park or playground owned by a public agency when approved by the City Council. (3-5-03)

**19.9.10 Lots to be Improved Prior to Issuance of Permit**

No building permit shall be issued for the construction of a dwelling or commercial or industrial structure which is to be located on a lot or parcel outside of an approved subdivision or large scale development unless the lot or parcel is fully improved. If an extension of time is given to put in any of the improvements, the applicant shall post a performance guarantee in the form of a cash bond or an irrevocable line of credit. The performance guarantee shall be in an amount equal to one hundred and twenty (120) percent of the cost estimate approved by the City Engineer. (12-6-00)

**19.9.11 Driveway Location**

Driveways shall be located as far from the intersection of two roads as practicable. Any driveway in the clear view area must be approved by the City Engineer after a determination that access cannot be derived in any other practical manner. (3-5-03)

**19.9.12 Public Benches on Public or Private Property**

Public benches may be located on public or private property when approved under a conditional use by the City Council after receiving a recommendation from the Planning Commission. Approval shall be subject to the following:

1. The benches shall be located at an approved bus stop.
2. Only one bench shall be permitted per bus stop.
3. No public hazard or nuisance is created.
4. No bench shall be located closer than fifty (50) feet from an intersection or twenty (20) feet from a driveway approach or ingress or egress to a parking lot.
5. No bench shall be located on or within one (1) foot of a sidewalk.
6. No bench shall be closer than two (2) feet from the back of a curb and gutter or no closer than two (2) feet from the street where no curb exists.
7. The maximum height of a bench shall be three (3) feet and the maximum length shall be eight (8) feet.
8. The bench shall be permanently connected to the ground.
9. Bench covers may be installed over a bench to protect the bench from the environmental factors as long as the walls are of tempered glass or plastic meeting the requirements of the building code and the roof does not exceed twelve (12) feet in height or extend lower than eight (8) feet. Corners may be of wood or metal as long as they are not more than four (4) inches wide.
10. The bench must have proof of liability insurance of not less than $100,000.
11. The bench shall be maintained in good repair at all times by the owner as determined by the Building Official.
12. Benches that are improperly located, damaged, in disrepair, or determined to be unsafe shall be repaired or removed within 24 hours of notification from the Building Official. Benches that are not removed as required above shall be removed by the City at the owner's expense.
13. The city may revoke a conditional use permit for a bench if it finds that it interferes with other desired city uses of the location, or is objectionable for any other reason.

### 19.9.13 Fences and Walls

*General Provisions and Guidelines*

Some regulations apply to all fences and walls within Payson City regardless of zone or location including:

1. In order to ensure correct placement to establish accurate property lines, avoid conflict with public utilities, and reduce conflict between adjacent property owners, a fence permit issued by the Development Services Department must be obtained prior to the placement of any fence or wall. (1-18-06)
2. A fence or wall, or any portion thereof shall not be installed in a manner that would restrict access to utility meters, electrical devices and other utility appurtenances. Adequate clearance must be provided around electrical utility boxes in accordance with the Electrical Construction Standard Specifications of Payson City. (8-6-14)
3. A fence or wall, or any portion thereof, shall not be constructed within three (3) feet of a fire hydrant. If construction of a fence or wall requires a notch to accommodate a fire hydrant, the fence shall be installed at a forty five (45) degree angle beginning three (3) feet from the hydrant and angling outward to avoid a ninety (90) degree corner on the fence or wall that may result in the kinking of a fire hose. (7-6-05)
4. Fences or walls may not be used for advertising purposes or for the display of advertising with the following exceptions:
   a. Advertising panels may be attached to outfield or perimeter fencing on athletic fields.
   b. The name of a business or address may be incorporated into the materials used to construct the fence or wall but shall not be separately attached to the fence or wall. (7-6-05)

*Residential Zones*

Any fence or wall found to obstruct the view of vehicular traffic shall be removed or modified to mitigate the obstruction to the satisfaction of the Code Enforcement Officer. In all other instances, no fence, wall, living fence or similar device extending into or enclosing all or part of the front setback shall be constructed or maintained at a height greater than forty-two (42) inches, unless the fence is chain link or another open mesh fence. The fence must remain non-sight obscuring (defined as at least seventy (70) percent open space when viewed from either side of the fence) and shall not exceed sixty (60) inches in height. The permitted height of any fence, wall, living fence or similar sight obscuring device situated within any other portion of a lot shall be six (6) feet, except where the vision of an adjacent driveway may be affected. (7-19-00)

Any fence that may affect the vision of an adjacent driveway shall satisfy the following conditions.

1. The fence shall not be sight obscuring and shall be constructed of chain link or other similar material and be no less than seventy (70) percent open space; or,
2. The fence shall be terminated no less than twenty (20) feet in each direction from the front corner of the lot adjacent to the effected driveway thus forming a line of sight triangle; or,
3. The fence shall be no more than forty-two (42) inches in height at a point no less than twenty (20) feet in each direction from the front corner of the lot adjacent to the effected driveway thus forming a line of sight triangle; or,
4. The owner of the effected driveway may, in writing, waive the fencing restrictions for the adjacent lot, provided that it can be shown that the backing of vehicles can be accomplished in a safe manner.

Applicants requesting a fence greater than six (6) feet in height must receive a conditional use permit in accordance with Chapter 19.13 herein. Minimum fence height for multi-family units is six (6) feet.

It shall be unlawful for any person to erect or to maintain any barbed wire, concertina or razor wire, or electric fence in any residential zone, unless required by federal, state, or local statute for protection purposes. (9-1-04)

*Non-Residential Zones*
Fences, walls, and living fences may be constructed in non-residential zones up to six (6) feet high. Fence alignment may be at the back of sidewalk. All commercial areas on corner lots shall meet the clear view of intersecting street criteria as defined in Section 19.9.5.

The provisions of this section shall not apply to:

1. Residential zones where the back property line of lots or developed property is adjacent to arterial roads or major highways, six (6) foot high visual barrier fences are allowed on the back property line along the road or highway right-of-way, and may be required at the discretion of the City Council as condition of site plan approval.
2. Fences required by state law to surround or enclose public utility installations, hazardous areas, public schools or other public buildings.
3. Other fences such as sports court enclosures or patio enclosures in the front, side or rear yards may be approved by the City Council, if the fence does not create a hazard or violation of other ordinances.
4. Temporary construction fences that are installed to protect the public from injury during construction or to maintain security for the development which is under construction. Temporary construction fences must be removed as soon as construction is finished. A permit will be required before installation.

All fences and walls shall be constructed of substantial material and the design and construction shall be consistent with the quality of dwellings and other improvements within the surrounding area. It shall be unlawful for any person to erect or to maintain any barbed wire, concertina or razor wire, or electric fence in any residential zone or along or adjacent to any public street in the City, unless required by federal, state, or local statute for protection purposes. (9-1-04)

Before commencing construction, plans for all fences, living fences and walls shall be submitted to and approved by the Development Services Department.
Where, in the opinion of the City staff, a proposed fence, living fence or wall does not conform to the above criteria, the Development Services Department shall refer the application to the City Council for action. The City Council shall have the authority to reverse, affirm or modify any decision of the Development Services Department.

### 19.9.14 Ancillary Structures

19.9.14.1 Construction Trailers and Residential Sales Offices
19.9.14.2 Portable Storage Containers
19.9.14.3 Portable Carports
19.9.14.4 Regulations Specific to Non-Residential Areas

It shall be unlawful to place any structure on any lot or parcel of land in the area regulated by this Title and to use the structure for human habitation, storage or any other purpose unless otherwise authorized in this Title. Ancillary structures include, but are not limited to recreational vehicles, camping trailers, storage structures, manufactured housing, and temporary sales displays. Manufactured housing or recreational vehicles used for human habitation may only be placed within a licensed mobile home park or in a vacation vehicle court. (11-3-10)

#### 19.9.14.1 Construction Trailers and Temporary Residential Sales Offices (11-3-10)

A permit is required for construction trailers and temporary residential sales offices. The applicant

must submit a complete application form and payment of all fees in accordance with Chapter 19.27 herein. When permitted under this Section, structures shall satisfy the following regulations:

1. The use of the structure shall comply with the regulations of the zone in which it is located.
2. The structure shall be connected to the water, sewer, and electric system of the City, as applicable. The applicant shall be responsible for all costs associated with extension of and connection to the utility systems.
3. The structure shall be secured to the earth to prevent displacement due to seismic or wind forces.
4. The structure and location shall conform to the adopted building codes and setback requirements as set forth in this Title. The structure shall not be located on any residential lot that is under construction for a residential dwelling.
5. Adequate off-street parking shall be provided in accordance with Chapter 19.4 herein. (2-20-13)
6. The structure shall not be used for human habitation, except when approved to be located in a licensed mobile home park or a vacation vehicle court.
7. The applicant shall obtain approval at least annually, or at any time the construction trailer is relocated. Each time a construction trailer is moved, inspections must be completed and all fees for placement of a temporary structure must be paid. (11-3-10)
8. The temporary sales office must be removed from the site or the model home when the subdivision is more than eighty (80) percent developed or has been occupied as a temporary sales office for three (3) years whichever occurs first. An applicant may request an extension of a temporary sales office. The request will be reviewed by the Development Services Director in consideration of impact on the existing dwellings in the development, the appropriateness of the temporary sales office in a residential area, and traffic flow generated by the temporary sales office. (2-20-13)
9. A temporary sales office or model home may not be used as a general real estate office, construction management office, or an off-site sales office. (2-20-13)

**19.9.14.2 Portable Storage Containers** (11-3-10)

In residential zones, one (1) portable storage container as defined in Chapter 19.28 may be used temporarily for construction, renovation or moving, provided a building permit has been issued for the construction related activity. The container may be allowed on-site for up to one (1) year with a valid building permit and cannot be placed more than thirty (30) days before the activity and must be removed within thirty (30) days after completion. (5-16-12)

Storage containers in non-residential areas must be used solely for transportation or shipment of goods and products and should not be used for principal business operations. Containers cannot be used as a permanent structure or an appendage to a permanent structure. The City Council, or designee, may, but is not obligated to approve long term storage of goods in non-residential zoning districts. If allowed, the City Council will establish the location, number, appearance and timeframe in which the storage containers will be allowed.

All containers shall be maintained in good repair and placed on-site in a location that will not eliminate required parking space or public safety access. Vertical stacking is prohibited in all zones except for businesses licensed to sell containers. Storage facilities shall not be used for human habitation.

Containers used in association with a licensed fireworks business, donation center, or other non-profit collection center are exempt from these regulations.

**19.9.14.3 Portable Carports** (11-3-10)

A permit must be obtained from the Development Services Department prior to the installation of portable carports. When permitted under this Section, structures shall satisfy the following regulations:

1. The parcel upon which the structure is placed must have an authorized primary structure. (2-20-13)
2. Portable carports must satisfy the minimum zoning requirements (i.e. setbacks, permissible lot coverage, height) of the underlying zone, with the following exceptions:
   a. The structure may be placed as near as three (3) feet of the property line, provided the structure is not placed on a permanent foundation.
   b. The structure may be placed adjacent to and fastened to a primary structure on the site.
3. The structure shall not be placed in a location that would obscure the address indicator of the primary structure. (2-20-13)

4. The structure shall not be placed in a location that would inhibit the provision of public safety services. (2-20-13)
5. Installation of portable carports shall satisfy the wind shear and tie down requirements of the adopted building code.
6. Storm water run-off from the structure must be retained on-site by the permit holder.
7. If the structure is located within a public utility or private easement, the structure must be relocated upon request by the holder of the easement and must adhere to all provisions of the applicable easement.
8. The cover shall be maintained in good condition. Any tears, fraying, or other damage to the cover may be cause for removal of the structure. (2-20-13)

**19.9.14.4 Regulations Specific to Non-Residential Areas**

Temporary structures for commercial purposes may be allowed for not more than one year, provided that a building permit has been issued for the construction of a permanent structure. In order to qualify for the use of a temporary structure to operate a business during construction, the applicant shall satisfy the following: (2-7-07)

1. Site plan approval for the construction of a permanent building must be granted in accordance with the provisions of Chapter 19.8 herein.
2. The building plans for the permanent structure must be submitted, reviewed and approved by the Building Department. In order to satisfy the provisions of this Section, the building permit must be issued and all fees paid.
3. A business license to operate the business must be obtained by the applicant.
4. Construction must commence within thirty (30) days of the placement of the temporary structure. Failure to begin construction on the permanent structure may result in revocation of the business license and Payson City may pursue any legal action to remove the temporary structure. (2-7-07)

**19.9.15 Contact with the County Health Department**

The applicant for any project that requires approval from or inspections by the Utah County Health Department shall make appropriate contact with the Utah County Health Department. Appropriate contact shall be evidenced by a written letter of approval from the Utah County Health Department. (12-19-01)

**19.9.16 Detached Garages and Accessory Structures**

All detached garages and other accessory structures shall not be constructed closer to the front property line than the primary structure. Furthermore, all detached garages and other accessory structures must satisfy all applicable requirements of this Title specifically including setback requirements. (9-3-03)

**19.9.17 Back-lit Addresses**

The numbers or letters indicating the address of any residential unit must satisfy the requirements of the adopted building code and shall be clearly visible at all times including nighttime hours. The numbers or letters should be back-lit or of a highly reflective nature, contrast with the underlying color, and be readable from the public right-of-way at all times. (7-6-05)

**19.9.18 Adequate Public Facilities**

Projects that may have a significant impact on any infrastructure system of Payson City may be required to submit an adequate public facilities report in accordance with the regulations of Chapter 20.15 of Title 20, Subdivision Ordinance. The City Engineer shall determine when a report is necessary and the extent of the report. In particular, large users such as religious buildings and educational structures will be required to submit an adequate public facilities report. (9-1-04)

**19.9.19 Historical Locations**

When a development governed by this Title is proposed in a location that is determined by the City Council to have historical significance, the City Council may require that a monument be erected indicating the historical significance of the site. The monument is expected to complement the other project details and should be constructed of quality materials. The face plate should be engraved brass surrounded by masonry materials that either reflect the history of the site or are consistent with materials used in the construction of the primary structures in the development. (2-16-05)

**19.9.20 Easements**

Utility facilities anticipated to provide service to structures that are not located on the property where the facilities are located or are anticipated to traverse a parcel of private property shall be located in an easement dedicated for the purpose of providing utility service. The easement shall grant ample access for maintenance and necessary upgrades to the facility.

Payson City is not obligated to provide, secure,

purchase or otherwise ensure that easements across private property are obtained by an applicant for subdivision approval. When an easement is recorded in favor of Payson City, the easement shall be recorded in the office of the Utah County Recorder and include access for maintenance and necessary upgrades of the City utility. (2-16-05)

**19.9.21 Casitas**

If a casita satisfies the criteria established in this Section and the definition in Chapter 19.28 of this Title, the living quarter shall not be considered a separate unit, but rather an extension of a single family dwelling and as long as all other requirements of the applicable development ordinances can be satisfied, a casita is allowed in any location where a single family dwelling is allowed.

In order to qualify as a casita, the structure containing the casita must be a single family dwelling and the following limitations will apply:

1. Casitas are only allowed in developments expressly approved by the City Council to contain casitas. The allowance of casitas shall be included in the development agreement for the project.
2. The casita shall not have a separate mailing address, mail box or post office box.
3. The casita shall not have separate utility services.
4. The casita shall not have separate kitchen or laundry facilities.
5. Temporary guest parking must be provided, but a separate parking structure such as a carport or garage is not allowed for the casita.

Each applicant for approval of a casita shall record a Certificate of Present Condition indicating the existence of a casita as a short term living quarter attached to a single family dwelling. Transformation of a casita into a separate dwelling unit is a violation of this Title and is subject to the remedies and penalties listed in Chapter 19.25 herein. (2-7-07)

**19.9.22 Projections into Setbacks (6-1-11)**

The following structures may project into the setback area, provided the following requirements are satisfied.

1. Decks, as defined in Chapter 19.28 herein, may extend five (5) feet into the front setback or project to fifteen (15) feet from the rear property line.
2. Patios, as defined in Chapter 19.28 herein, may extend into a side or rear setback area but must be at least five (5) feet from the property line.
3. Porches, as defined in Chapter 19.28 herein, may extend five (5) feet into the front or rear setback area.
4. Patio covers may be extended into a rear setback area but must be at least fifteen (15) feet from the property line. A patio cover may also extend into a side setback area but must be at least five (5) feet from the property line. If a patio cover is enclosed, the structure shall satisfy all setback requirements.

To encourage preservation of existing dwellings and promote reinvestment in established neighborhoods, the City may reduce the front setback to fifteen (15) feet to accommodate a porch as defined herein. The request must satisfy the following requirements:

1. The porch must be part of the overall house design and extend at least one-third (1/3) of the width of the dwelling or twelve (12) feet whichever is less.
2. The porch must be elevated above the sidewalk grade a minimum of eighteen (18) inches.
3. The new portion of the dwelling shall be architecturally compatible with the primary structure, using similar exterior materials and colors.
4. Covered parking areas (i.e. garages, carports) must be clearly secondary to front porches, setting back further than the porch.

The City is not obligated to approve the request to reduce the front setback for lots that must maintain a coving line, and for projections that may reduce the visibility of driveways and other clear view areas. Furthermore, a survey may be required to accurately determine property lines and setback compliance.

# Chapter 19.10
# Planned Residential Developments

19.10.1 Subdivision Ordinance to Dictate
19.10.2 Planned Unit Developments

### 19.10.1 Subdivision Ordinance to Dictate

The City Council may, following a recommendation from the Planning Commission, approve a Planned Residential Development (PRD). In many cases, the development pattern of the PRD will not be consistent with the requirements of the Zoning Ordinance. In such a case, the Subdivision Ordinance shall dictate.

Furthermore, a PRD allows a flexible development layout and density bonuses in return for desirable amenities. If a PRD is approved by the City Council, it shall not be considered a spot zone, nor be required to obtain a zone change.

### 19.10.2 Planned Unit Developments

Planned Unit Developments are similar in nature to Planned Residential Developments and shall take precedence of this ordinance as well. Any requirements of this Title not specifically waived by the City Council shall remain in full effect as found herein. (1-18-06)

# Chapter 19.11
# Temporary Uses

19.11.1 Purpose and Intent
19.11.2 Permitted Temporary Uses
19.11.3 Application for Temporary Uses
19.11.4 Approval Process
19.11.5 Sales Tax

### 19.11.1 Purpose and Intent
The following regulations are provided to accommodate certain uses that are temporary or seasonal in nature.

### 19.11.2 Permitted Temporary Uses
Subject to the provisions of this Chapter, certain uses may be permitted on a temporary basis in any zone when approved by the Development Services Director or designee. Temporary uses may include, but will not be limited to:

1. Large-scale special events, such as carnivals, circuses, concerts, outdoor entertainment and similar events
2. Christmas tree sales lots
3. Fireworks stands
4. Rummage or yard sales
5. Political rallies
6. Seasonal fruit, vegetable, and flower stands
7. Flavored shaved ice stands (7-6-05)

### 19.11.3 Application for Temporary Uses
Prior to the establishment of any temporary use, an application for a temporary use permit shall be submitted to and approved by the Development Services Director or authorized representative. The application shall contain the following information: (2-20-13)

1. A description of the proposed use.
2. A description of the property to be used, rented, or leased for the temporary use, including all information necessary to accurately portray the property.
3. Sufficient information to determine the yard requirements, sanitary facilities, and availability of parking space to service the proposed use.
4. The payment of the appropriate fee in accordance with the Payson City fee schedule. (3-5-03)

### 19.11.4 Approval Process
The Development Services Director, or designee, may approve the application provided:

1. That the proposed use is listed as a permitted temporary use.
2. That the proposed use will not create excessive traffic hazards or other unsafe conditions in the area, and that if traffic control is required, it will be provided at the expense of the applicant.
3. That the proposed use shall occupy the site for a period not to exceed thirty (30) days with the following exceptions:
   a. Christmas tree lots shall not exceed forty (40) days.
   b. Seasonal fruit, vegetable, and flower stands shall not exceed ninety (90) days.
   c. Flavored shaved ice stands may operate between the 1st day of May through the last day of September (150 days). The applicant shall indicate on the application the intended length of operation. (6-20-07)
4. That the applicant will have sufficient liability insurance for the requested use or event.
5. That the applicant shall provide for, at their expense, the restoration of the site to its original condition including clean-up and replacement of facilities as may be necessary.
6. The application includes acknowledgement and approval from the property owner, if other than the applicant. (3-5-03)

Requests for a temporary use not listed herein or a proposed use which characteristics are not in compliance with the provisions of this Chapter must be considered by the City Council. (2-20-13)

In granting approval, the City Council may attach additional conditions as they deem appropriate to ensure the use will not create any negative impacts to persons or property. The City Council may also require a bond to insure that necessary clean-up or restoration work will be performed. (2-20-13)

Any person aggrieved or affected by a decision of the Development Services Director, or designee, in denying a temporary use permit may appeal to the City Council in writing within ten (10) days after notice of the decision is given. The decision of the City Council shall be final. (2-20-13)

### 19.11.5 Sales Tax
All temporary uses are responsible for the appropriate sales taxes in accordance with State and Federal law. (12-19-01)

# Chapter 19.12
# Annexation

19.12.1 Purpose and Intent
19.12.2 Consistency with General Plan
19.12.3 Application Procedure
19.12.4 Acceptance or Denial of Annexation Petition
19.12.5 Approval Process for Accepted Petitions
19.12.6 Notification Requirements for Accepted Petitions
19.12.7 General Annexation Guidelines
19.12.8 Financial Review
19.12.9 Water Requirements for Annexations
19.12.10 Electric Requirements, Consent to Serve
19.12.11 Zoning Designation or Specific Plan
19.12.12 Staff Report and Recommendation
19.12.13 Annexation Agreement
19.12.14 Recordation of Annexation
19.12.15 Appeals and Other Costs of Annexation
19.12.16 Review Fees
19.12.17 Annexation Petitions Initiated by Payson City (4-21-10)

### 19.12.1 Purpose and Intent

The purpose of this Chapter is to provide a process for extension of the Payson City corporate limits through annexation. The process will allow the City Council, staff and citizens of the community to carefully consider the effect of any proposed annexation and provide a method to mitigate potential negative impacts.

It is the intent of this ordinance to conduct annexation proceedings in accordance with Utah Code and in particular §10-2-401 et. seq. of the Utah Code, and any other applicable federal, state, or local laws governing municipal extension. If there is any conflict between this Chapter and the provisions of the Utah Code, the provisions of the Utah Code shall dictate. When amendments are made to the Utah Code they shall cause like amendments to this Chapter. The requirements of this Chapter are supplementary and in addition to those found in the Utah Code.

For the purposes of this Chapter, the proponent, petitioner, applicant, or developer shall be defined as those persons who have signed the annexation petition in favor of annexing their real property to Payson City. Reference to the singular shall include plural when appropriate.

### 19.12.2 Consistency with General Plan

All annexations should be consistent with the Payson City General Plan. If the proponent of an annexation proposes an annexation that is inconsistent with the General Plan, the proponent may be required to submit an application for an amendment to the Payson City General Plan that would allow the proposed annexation to be consistent. The applicant will be required to pay all fees associated with a General Plan amendment in addition to the fees required for review of the proposed annexation. (9-1-10)

The process for a General Plan amendment may be completed concurrently with review of the proposed annexation provided that the requirements for each process are completely satisfied. Public hearings on annexations and General Plan amendments shall be held separately with the General Plan amendment public hearing occurring prior to the hearing on the proposed annexation.

Consistency with the General Plan includes all elements of the plan including, but not limited to, the Land Use Element, Transportation Element, Trails Element, Open Space Element, and any other element adopted as part of the General Plan. (9-18-13)

### 19.12.3 Application Procedure

The proponent for annexation shall make application on a form provided by the City and pay all applicable fees prior to any review by staff, the Planning Commission or the City Council. The application shall include, at a minimum, the following information:

1. An ownership plat map from the Utah County Recorder's Office showing all property owners in the City within five hundred (500) feet of the proposed annexation and ¼ mile of the annexation in the unincorporated area of Utah County. Except as required by Utah State statute, if the petition is accepted for further review, the applicant shall provide pre-addressed stamped envelopes with the names of all property owners in the City within five hundred (500) of the proposed annexation and property owners within ¼ mile of the annexation in the unincorporated area of Utah County. (9-1-10)
2. Signatures from the owners of real property located in the area proposed for annexation that covers a majority of the private land and is equal in value to at least one third 1/3 of the value of all private property, as shown by the latest tax assessment rolls of Utah County, in the proposed annexation.

3. An accurate map prepared by a licensed surveyor of the area proposed for annexation suitable for recordation in the office of the Utah County Recorder.
4. Documentation for conveyance of water rights, public rights-of-way, streets, and other dedications required by this Chapter or other federal, state, or local laws or ordinances.
5. An agreement to observe and obey all applicable laws, ordinances, and resolutions recognized by Payson City.
6. The proposed zoning designation of the area to be annexed or an indication that a Specific Plan will be prepared in accordance with Section 19.12.11.1 herein for the area proposed to be annexed. If a specific plan has not been adopted for the annexation petition area it may be zoned A-5-H, Annexation Holding Zone and allow a specific plan to be prepared prior to or at the time of development approval. (9-18-13)

**19.12.4 Acceptance or Denial of Annexation Petition**

Once an applicant has completed the application procedure in accordance with Section 19.12.3, the petition will be reviewed by the City Council within fourteen (14) days. The fourteen (14) day notice period shall not begin until the petition has been deemed complete by the Development Services Director in accordance with Section 19.12.3 herein. An incomplete petition will not be presented to the City Council for review. (9-18-13)

At the time of petition review, the City Council shall determine if a specific plan and infrastructure study should be required prior to annexation or if the studies may be delayed and completed prior to development. (4-21-10)

After acceptance for further review by the City Council and if a specific plan is not in place for the annexation area, the Planning Commission may recommend the appropriateness of accepting the annexation with an A-5-H, Annexation Holding Zone designation and allow a specific plan to be completed after annexation or at the time of development. The Planning Commission may also recommend the petitioner complete a specific plan for the area, prior to annexation. (4-21-10)

If the petition for annexation is not accepted for further review, the proponent is eligible for a partial refund in accordance with the fee resolution of Payson City. Denial of a petition for annexation will have the effect of ending any further review of the proposed annexation. In order to have the land annexed into Payson City, the applicant will need to re-submit the proposed annexation as a new petition and satisfy each of the requirements of this Chapter including the payment of all review fees. (9-18-13)

If a petitioner sells, transfers, or otherwise disposes of some or all of the property in an annexation petition, the City Council may choose to deny the annexation petition and require the new owner to submit a new petition including the payment of fees and preparation of a Specific Plan. (2-16-05)

Annexation is a municipal legislative decision. If the City Council takes action to deny a petition for annexation, there will be no appeal process.

**19.12.5 Approval Process for Accepted Petitions**

All petitions accepted for future review shall comply with the following procedures:

1. Staff will review the petition and generate a list of items needed to complete the review of the proposed annexation. An applicant may appeal, to the City Council, the need for particular information at a regular meeting of the City Council. (9-1-10)
2. Once staff has received all of the information requested, staff shall prepare a recommendation to present to the Planning Commission. The recommendation should be based on the requirements of this Chapter and any other information that would mitigate negative impacts of the annexation. (9-18-13)
3. The Planning Commission shall determine whether the proposed annexation petition is consistent with the Payson City General Plan and review the proposed zoning designation or Specific Plan.
4. After reviewing the information provided by staff, the Planning Commission shall forward a recommendation to approve, approve with conditions or deny the proposed annexation petition.
5. The City Recorder shall schedule a public hearing before the City Council with at least fourteen (14) day notice. The notice requirements of Section 19.12.6 herein shall be satisfied prior to holding the public hearing. (9-1-10)
6. The City Council shall review the recommendation of the Planning Commission, along with the petition for annexation and any other relevant information. The City Council shall determine if the petition satisfies the requirements of this Chapter and ensure that all

review fees have been paid. The City Council shall also determine whether the proposed annexation petition is consistent with the Payson City General Plan and/or specific plan, if required. Following the review of the petition, the City Council shall approve the annexation petition, approve the petition based on the satisfaction of certain conditions, remand the petition back to the Planning Commission for further review, or deny the petition for annexation. (4-21-10)

Annexations are legislative matters and the City is not required to approve any petition for annexation, regardless of location, even if the proponent of an annexation is prepared to comply with all provisions required for annexation. At any point in the approval process the City Council may deny the petition for annexation by notifying the applicant in writing. (9-18-13)

If a petition for annexation is denied by the City Council, the proponent of the annexation shall be required to submit a new application and pay all associated fees in order to have the petition reviewed again by the staff and the City Council. (9-18-13)

**19.12.6 Notification Requirements for Accepted Petitions**

Following acceptance of an annexation petition by the City Council, notice will be provided to all affected entities within the annexation area. The notice shall inform all entities that their property is included in a recently filed annexation petition, and shall include the date of the filing, the names of the petitioners and a description of the area proposed for annexation. The applicant shall provide pre-addressed stamped envelopes complete with the names of each property owner as shown on the latest Utah County tax assessment rolls for this notice. (9-18-13)

Prior to the public hearing before the City Council, the City shall provide notice, in accordance with §10-2-406 of Utah Code. The notice shall appear in a newspaper having general circulation in Payson City prior to the hearing and the notice shall be posted at the City Center. (9-18-13)

Courtesy notice of the public hearing shall be mailed to property owners in the City within five hundred (500) feet of the proposed annexation and those owners in the unincorporated area located within ¼ mile of the area to be annexed. The applicant shall provide pre-addressed stamped envelopes complete with the names of each property owner as shown on the latest Utah County tax assessment rolls. The City will prepare the letter and mail the notices to each property owner. (4-21-10)

The notice shall contain the place, time and date of the public hearing on the proposed annexation along with a general description of the area proposed to be annexed. The notice shall state that public input will be accepted at the hearing and how to contact the City to obtain additional information.

**19.12.7 General Annexation Guidelines**

There are several annexation guidelines that applicants should be aware of prior to submission of a petition for annexation. Some of these guidelines are dictated by State statute and others are policy of Payson City. In any instance, the following guidelines shall be reviewed upon submission of each annexation petition.

1. An annexation that would create, or have the effect of creating, an unincorporated island or peninsula, as defined in State statute will not be approved. (12-19-01)
2. Existing uses, including animal rights, agricultural uses, and other land uses may be allowed following annexation, unless the use is deemed inappropriate to the proposed zoning classification or the land use designation indicated on the specific plan. (9-18-13)
3. The petitioner for an annexation shall be financially responsible to ensure that all existing structures are served by Payson City services, including solid waste removal, prior to any development approval. (3-5-03)
4. In order to complete a review that is meaningful and identifies the need for the entire area, each annexation should contain no less than one hundred (100) acres. Unless otherwise approved by the City Council, the specific plan shall encompass no less than one hundred (100) acres. If the City has prepared a specific plan that identifies the future development pattern and infrastructure needs of the area, or if Payson City deems the annexation area critical to achieve the land use and economic development goals of the City, the minimum acreage recommendation may be modified or waived. (4-21-10)

**19.12.8 Financial Review**

There are financial factors that should be considered with each annexation. For instance, following annexation, Payson City is responsible for

maintaining roadways and providing services within the annexation area. To fully understand the financial impacts of a proposed annexation, the City may require the applicant to prepare a financial analysis of the annexation for consideration by the City Council. At a minimum, the financial analysis should include:

1. An analysis of the tax consequences to residents of the area proposed for annexation, current residents of Payson City, and Utah County. The analysis shall include sufficient information to determine the fiscal impact of the proposed annexation taking into consideration City service provision. (9-18-13)
2. Identification of the anticipated demand on City provided facilities and services for the area to be annexed. These services include, but are not limited to, drinking water, pressurized irrigation, waste water, transportation facilities, drainage, emergency services provision, solid waste disposal, potential students and distances to public schools, and parks and recreation. (9-18-13)
3. Information about the impact the annexation will have on the Capital Improvements Program (CIP). The information should indicate whether the proposed annexation will advance or inhibit the completion of the CIP. The proponent shall also indicate the proposed timing of capital improvements and how the services will be financed. (9-18-13)

**19.12.9 Water Requirements for Annexations**

Each proponent of an annexation shall mitigate the water concerns prior to approval of the proposed annexation. The City Council reserves the right to evaluate any water rights proposed for transfer to the City, and refuse to accept any right, if it is determined that the quantity, quality or ability to transfer the water is in question.

1. Prior to development approval or connection to municipal services, each proponent of an annexation will be required to complete the transfer of adequate water, including changing the point of diversion for current and future use into the name of Payson City. The amount of water transferred shall be determined by zoning district and be consistent with the regulations of Title 10, Water Ordinance of the Payson City Code. (4-21-10)
2. The City Council may waive or modify the water rights requirement, dependent upon proposed usage, for any land owned by federal, state, county, or local municipal governments.
3. Water may be used for agriculture, or any other appropriate use, upon the land being annexed provided that an agreement acceptable to the City Council has been reached between the proponent of an annexation and the City.
4. A petitioner for annexation is required to identify and resolve all conflict with private irrigation lines that may traverse the area proposed for annexation. (8-7-02)

**19.12.10 Electric Requirements, Consent to Serve**

The proponent of an annexation will be required to mitigate, including payment of any fee or reimbursement, any concerns and issues brought forward by the Strawberry Electric Service District or other electric service provider. Evidence that these concerns have been addressed may be evidenced by a signed consent to serve agreement between Payson City and the Strawberry Electric Service District. The consent agreement must hold harmless Payson City from any future payment of fees or reimbursement.

All applicants seeking approval of an annexation petition will be required to satisfy the obligations of an agreement reached between Payson City and the Strawberry Electric Service District dated March 25, 1998. Any costs associated with the satisfaction of the obligations in the agreement will be the responsibility of the proponent of the proposed annexation. (8-7-02)

**19.12.11 Zoning Designation or Specific Plan**

19.12.11.1 Specific Plan
19.12.11.2 Items to be Included in Specific Plan

When land is annexed into the City it shall be given a zoning designation and possibly included in a proposed Specific Plan. In general, zoning should be consistent with surrounding zoning that would allow uses similar to those already in existence prior to the annexation. In all cases, zoning should be consistent with the Payson City General Plan. Annexations may include more than one zoning district if appropriate. The City Council may assign zoning to the proposed annexation or accept the applicant's zoning proposal. (9-1-10)

Previous zoning designated by Utah County or another municipality will no longer be valid. All previous development approvals, that are not

consistent with the Payson City General Plan, may be disregarded by the City Council to the extent allowed by law. It will be the responsibility of the petitioner for annexation to provide information about outstanding building permits, existing home occupations, and any other previous approvals that may inhibit the goals of the Payson City General Plan and an orderly development pattern. (9-18-13)

*19.12.11.1 Specific Plan*
The City Council may require a specific plan for any area proposed for annexation. The specific plan shall be as detailed as deemed appropriate by the City Council given the size and scope of the proposed annexation. If the City Council adopts a specific plan, the density approved in the specific plan together with any other specific requirements of the City Council shall be followed in the development of the area annexed into Payson City. (9-18-13)

The zoning designation of the area shall be indicated on the Zoning Map as being a specific plan and shall reference the file number of the adopted specific plan. Unless expressly indicated in the specific plan or an annexation agreement, development of the area annexed shall satisfy all requirements of the development ordinances of Payson City including, but not limited to, the Zoning Ordinance, Subdivision Ordinance, Sensitive Lands Ordinance, and the Standard Specifications and Standard Plans of Payson City. (11-5-14)

Following implementation of a specific plan and in order to eliminate the potential of non-conforming uses of property included in a specific plan area, the City Council may choose to require the applicant to obtain a zone change consistent with the requirements of Section 19.2.8 herein. The zone change will indicate the underlying zoning of each parcel included in the Specific Plan. (9-18-13)

*19.12.11.2 Items to be Included in Specific Plan*
If the City Council requires the preparation of a specific plan, the plan will need to include, at a minimum, the following information: (4-21-10)

1. The condition of existing infrastructure including water lines, sewer lines, power lines, roadway improvements, roadway surface condition, drainage facilities and other infrastructure providing municipal type services to the area proposed for annexation. The report should include information about the ownership of the facilities and the proposed future ownership and maintenance.
2. An infrastructure analysis indicating the ability of Payson City to provide municipal services to the area included in the Specific Plan or the upgrades to the infrastructure systems of Payson City necessary to provide municipal services.
3. Anticipated use of the property in the Specific Plan including the primary use, connection to trails, parks and public spaces, churches and schools, government facilities, open space, land use transition areas and other land use considerations.
4. A complete geotechnical report when deemed appropriate due to potential seismic activity, landslide potential, floodplain or risk of flooding, steep slopes, high water table, wetland areas, poor soil structure or other geologic hazard. (2-7-07)
5. If a land use study and/or infrastructure analysis has been completed for the annexation area and paid for by Payson City, the petitioner shall reimburse the City the proportionate share of the cost of the study. The proportionate share will be determined by the total acres of the study area and the total acres of the annexation petition. (9-18-13)

**19.12.12 Staff Report and Recommendation**
Upon receipt of all information required by this Chapter and any additional information requested by the staff, Planning Commission, or City Council, staff will complete a review of the proposed annexation and render a report to the City Council. The report will include the findings of the staff in regard to the accuracy of the information provided by the applicant, consistency with the General Plan and other City ordinances, and provide recommendations that would be beneficial in the formation of a decision regarding the proposed annexation. If necessary, staff will prepare an annexation agreement for review by the City Council. The City Council may request changes in the annexation agreement prior to formulating a decision regarding the proposed annexation. If a change is proposed, the applicant will be contacted in regards to the proposed changes. (9-18-13)

**19.12.13 Annexation Agreement**
The City Council may require the annexation petitioners to enter into an annexation agreement specifying the terms and conditions of the annexation. Each annexation agreement will be based on a site-specific basis and the elements of the agreement may, and probably will, differ on each annexation. Because each annexation agreement may differ, each annexation will be processed on a case

by case basis with no precedent set by previous annexation agreements. (9-18-13)

The items listed below are issues that may be addressed in the annexation agreement, but is not necessarily a complete list of items that may be addressed by the City Council or staff.

1. A description of the property complete with a legal description and amount of acreage that shall be depicted on a plat drawn to scale in a manner and on a medium that can be recorded in the office of the Utah County Recorder. (9-18-13)
2. The designated zoning district and proposed project density. The City Council may require actual density to be indicated in the annexation agreement as well as proposed development layout and proposed provision of services. The circulation pattern for the area and alignment of other City services will be indicated to the approval of the City Council. However, approval of an annexation shall not be considered development approval. Following annexation approval, each applicant shall be required to complete the development approval process. (9-18-13)
3. Indicate areas proposed for trails, open space and recreation areas. The agreement will specify ownership of these areas and proposed maintenance arrangements. If the annexation area includes an area that requires unusual fire prevention measures as an open space area, the agreement will indicate specific measures that will be taken to minimize potential fire hazard. (9-18-13)
4. Include the documentation for conveyance of water rights, public right-of-ways streets, and other dedications required by this Chapter or other federal, state, or local laws or ordinances. (9-18-13)
5. Based on the land use inventory, specify which existing uses will be allowed to continue after annexation. (9-18-13)
6. Identify the responsibilities of applicant, petitioners, and property owners in providing municipal services for existing structures. (9-18-13)
7. The City Council may impose any other appropriate requirements in the annexation agreement that will mitigate potential impacts to Payson City.
8. Ratify any outstanding obligations and coordination with other entities. (9-18-13)

These are in no way intended to be the only items that will be reviewed at annexation and the City Council may include any conditions or requirements which, in their judgment, are necessary or desirous prior to approving the proposed annexation. (9-18-13)

Each annexation agreement shall be signed by the Mayor of Payson City, upon ratification by the City Council, and the proponent(s) of the annexation. By signing the annexation agreement, all parties agree to uphold the provisions of the agreement as written. Amendments to the annexation agreement may be completed only if agreed to in writing by the parties of the agreement. (9-18-13)

Should the proponent of an annexation default on any provisions of the agreement, the City may pursue appropriate legal action to enforce the provisions of the agreement, including revocation of the annexation and disconnection from the City. (9-18-13)

In the event that an annexation agreement is not required, the following standards will apply to the properties included in the annexation:

1. The City Council will identify the zoning designation of the property at the time of annexation approval.
2. A specific plan, consistent with the requirements herein, shall be prepared prior to any zone change to accommodate more intense development within the annexation area. If consulting services are necessary, the property owners in the annexation area will be required to reimburse Payson City a proportionate share of the cost of the specific plan at the time each property owner develops its parcel(s).
3. Existing uses in the annexation area may continue, unless otherwise specified by the City Council at the time of annexation. Following annexation, all land uses, including the keeping of animals, must comply with the ordinances, resolutions and policies of Payson City. If a property owner can demonstrate that a use legally existed prior to annexation, the City council may, but is not obligated to, allow the use to continue as a non-conforming use until the property is further developed.
4. Animals must be kept in accordance with Title 6, Animal Control Ordinance and the property owner is responsible to maintain the animals in a manner that does not create a nuisance as defined in the Payson Municipal Code.
5. Existing structures shall connect to municipal utility services when the utility service(s) is within three hundred (300) feet of the existing

structure or when the parcel on which the structure is located is developed. (9-18-13)

**19.12.14 Recordation of Annexation**
If the proposed annexation is approved by the City Council, the annexation plat and the annexation agreement shall be recorded in the office of the Utah County Recorder. Prior to recordation, the final local entity plat must be reviewed by the Utah County Surveyor. Any review and/or recording fees shall be the responsibility of the proponent of the annexation. (9-18-13)

**19.12.15 Appeals and Other Costs of Annexation**
The proponent of an annexation shall agree to pay any and all Payson City costs related to the annexation proceedings including appeals, reimbursement, special studies, recordation, and other annexation related expenses. Because each annexation is different, the costs associated with each particular annexation may vary.

**19.12.16 Review Fees**
The proponent of an annexation shall pay an annexation review fee as set forth in the Payson City Fee Schedule. Annexation review fees do not include other review fees including, but not limited to, development review fees, impact fees, building permit fees, and connection fees.

**19.12.17 Annexation Petitions Initiated by Payson City (4-21-10)**
Annexation of certain parcels of land located within the Payson City Annexation Policy Plan boundaries may be essential to accomplish the land use and economic development goals of the City. Payson City may initiate the annexation petition process to secure those parcels. When Payson City is the annexation sponsor, the following procedures and policies shall be incorporated in the annexation process.

1. The fees associated with processing the annexation request as defined in Section 19.12.3 shall be waived.
2. If a specific plan has not been adopted, the area being annexed may be zoned A-5-H, Annexation Holding Zone, and allow a specific plan to be prepared prior to or at the time of development approval.
3. If the City Council deems the annexation area vital to the land use and economic development goals of the City, the minimum acreage recommendation in Section 19.12.7.4 may be modified or waived.
4. The City Council may modify or waive the requirement to prepare a financial analysis as described in Section 19.12.8 herein. (9-18-13)

# Chapter 19.13
# Conditional Use Permits

19.13.1 Purpose
19.13.2 Permit Required
19.13.3 Approval Procedure
19.13.4 Planning Commission Review
19.13.5 City Council Approval
19.13.6 Criteria and Factors
19.13.7 Atypical Conditional Uses (?-?-05)
19.13.8 Duration
19.13.9 Fees
19.13.10 Other Requirements
19.13.11 Appeals
19.13.12 Implementation
19.13.13 Amendment, Suspension or Revocation
19.13.14 Violation

### 19.13.1 Purpose
Uses designated as conditional uses require special consideration from the City Council. These uses may or may not be appropriated for a specific piece of property. The purpose of this Chapter is to allow the City Council to evaluate the appropriateness of designated conditional uses on a case by case basis. The conditional use permit procedure allows the City Council to approve, deny, or conditionally approve any request for a conditional use permit.

### 19.13.2 Permit Required
Persons or entities shall not operate or conduct a use designated as a conditional use within the applicable zone without first obtaining a conditional use permit from the City. (5-2-07)

### 19.13.3 Application Procedure
The applicant for a conditional use permit shall submit a completed application form and a site plan with sufficient information to allow the Planning Commission and City Council to make a well informed decision. The application shall be accompanied by a written explanation of the specific activities associated with the proposed conditional use, elevations or building plans for any new structures, any modifications to existing structures, or any site improvements. The applicant shall also pay a fee in an amount established by resolution. (5-2-07)

### 19.13.4 Planning Commission Review
The Planning Commission shall review the proposed conditional use considering the criteria and factors set forth in Section 19.13.6. The Planning Commission shall recommend that the application for a conditional use permit be approved, approved with conditions or denied. The validity of the permit shall be conditioned upon strict compliance with applicable City ordinances, the approved project plan and any additional conditions or requirements imposed by the City Council.

### 19.13.5 City Council Review
Prior to granting a conditional use permit and after receipt of reports and recommendations of the Planning Commission, the City Council shall hold a public hearing to accept and consider public comment. Required public hearing notice and courtesy notices to landowners shall be in accordance with Section 19.2.7 herein, unless otherwise expressed herein. Courtesy notice is not a legal requirement and failure to do so shall not invalidate any decision made by the City Council if proper legal notice was given. (8-6-14)

Requests to install and maintain transmission lines, pipelines, utility right-of-ways, and other utility services that traverse multiple parcels are required to send courtesy notices to the owner(s) of the affected parcel and the parcels immediately adjacent to the affected parcel for a maximum distance of three hundred (300) feet from the centerline of the utility. (8-6-14)

The City Council shall be the final approving authority for all applications for conditional use permits. The City Council shall review the proposed project plan while considering the criteria and factors set forth in Section 19.13.6. The application for a conditional use permit shall be approved, approved with conditions, or denied. The validity of the permit shall be conditioned upon strict compliance with applicable City ordinances, the approved site plan, project plan and any additional conditions of the City Council. (5-2-07)

### 19.13.6 Criteria and Factors to be Considered
The following factors shall be weighed and considered when determining whether a conditional use permit application should be approved, approved with conditions or denied:

1. Harmony of the request with the general objectives of the General Plan, Zoning Ordinance, Subdivision Ordinance, any other City ordinance and the particular zone in which the request is located.
2. Harmony of the request with existing uses in the neighborhood.

3. Development or lack of development adjacent to the site.
4. Whether or not the request may be injurious to potential development in the vicinity.
5. Present and future requirements for transportation, traffic, water, sewer, and other utilities.
6. Suitability of the specific property for the proposed use.
7. Number of other similar conditional uses in the area and the public need for the conditional use.
8. Economic impact on the neighborhood.
9. Aesthetic impact on the neighborhood.
10. Safeguards to prevent noxious or offensive emissions such as noise, glare, dust, pollutants and odor.
11. Attempts by the applicant to minimize other adverse effects on people and property in the area.
12. Impact of the proposed use on the health, safety and welfare of the City, the area, and persons owning or leasing property in the area.

**19.13.7 Atypical Conditional Uses** (1-18-06)

19.13.7.1 Intent
19.13.7.2 Atypical Conditional Use Permits Defined
19.13.7.3 Atypical Conditional Uses
19.13.7.4 Basis for Denial

*19.13.7.1 Intent*
The City Council may issue a conditional use permit for the following atypical situations provided the regulations set forth in this Section have been satisfied. In the determination of whether or not to grant approval of an atypical conditional use permit, the City Council shall base their decision on the criteria listed for each specific atypical situation in this Section. Unless specifically listed in this Section and granted approval by the City Council, there shall be no atypical conditional use permits issued that do not conform to the remaining provisions of this Title.

*19.13.7.2 Atypical Conditional Use Defined*
For the purposes of this Section, an atypical conditional use permit is defined as a request to allow a distinctive use or structure that represents a unique circumstance that will not generally apply to other similarly located parcels or structures which require distinct consideration and individual approval from the City Council. An atypical conditional use is not considered to be a variance from or an amendment to the Zoning Ordinance, but rather a potentially acceptable use in a narrowly defined location, situation, or instance as provided herein.

Each atypical conditional use will be expected to satisfy the general criteria for a conditional use permit listed in Section 19.13.6 herein in addition to the specific criteria for the atypical conditional use. Any alteration or amendment of an atypical conditional use shall be processed as a new application for an atypical conditional use and satisfy the regulations of this Section.

*19.13.7.3 Atypical Conditional Uses*

19.13.7.3.1 Creation of Twinhome from Existing Duplex
19.13.7.3.2 Reduction of Off-Street Parking Stalls
19.13.7.3.3 Slaughterhouses

*19.13.7.3.1 Creation of Twinhome or Condominium Units from an Existing Duplex*

In an effort to encourage ownership, reinvestment, proper maintenance, and stability in a neighborhood, an applicant may request that a legally existing duplex be divided into separate ownership in a zone that does not allow two family dwellings provided all of the following criteria are satisfied:

1. The use of the structure as a duplex was allowed or approved, as the case may be, by Payson City at the time the structure was constructed. It shall be the burden of the applicant to provide evidence that the structure was constructed in accordance with the appropriate development ordinances of Payson City.
2. There is no violation of any other provision of any federal, state or Payson City ordinance, resolution, or law on the parcel or within the structure proposed for division including roadway improvements, beautification, off-street parking, improper business activity and other regulations.
3. Each unit shall have separate municipal utility service laterals, meters, and utility accounts established with Payson City.
4. Each unit shall satisfy all applicable regulations of the adopted building code and fire code.
5. Each unit shall provide adequate off-street parking in accordance with this Title.
6. If granted by the City Council, the applicant for an atypical conditional use shall subsequently apply for approval of a subdivision and satisfy all regulations of the development ordinances of Payson City, or in the case of the creation of condominium units, the regulations of Utah Code.

If the applicant is unable to satisfy all regulations of the development ordinances of Payson City or State statute as the case may be, approval of an atypical conditional use by the City Council shall be null and void.

7. Courtesy notice for the purpose of converting an existing duplex into a twinhome or condominium structure is hereby reduced to include property owners within two hundred fifty (250) feet. (5-2-07)

In accordance with Section 19.13.7.4 herein, the City Council may deny the creation of a twinhome from an existing duplex if the provisions of this Section cannot be satisfied. Because each application will be different and involve extenuating circumstances, each application will be viewed individually in accordance with the criteria listed in this Section.

If it is determined by the City Council that the applicant is unable to satisfy the criteria listed in this Section, the application will be denied. There shall be no appeal of the decision rendered by the City Council, except in a court of competent jurisdiction.

*19.13.7.3.2 Reduction of Off-Street Parking Stalls*
In the rare instance that an applicant is unable to provide the appropriate number of off-street parking stalls, the City Council may consider approval of an atypical conditional use to reduce the off-street parking requirements of Chapter 19.4 herein. The City Council will consider the specific request of the applicant and determine the appropriate number of off-street parking stalls.

The reduction in parking stalls should be the last option after an applicant has exhausted all other potential solutions to provide the appropriate number of off-street parking stalls including sharing a parking area with adjacent property owners and employing the twenty (20) percent reduction allowed in Chapter 19.4.

The City Council may deny the reduction in parking stalls if the applicant is unable to demonstrate that all other remedies have been exhausted. Because each application will be different and involve extenuating circumstances, each application will be viewed individually to determine if the appropriateness of the reduction. (5-2-07)

If it is determined by the City Council that a reduction in parking stalls is not in the best interest of Payson City or any property owner or resident of the community, the application will be denied. There shall be no appeal of the decision rendered by the City Council, except in a court of competent jurisdiction.

Courtesy notice for the purpose of reducing parking stalls is hereby reduced to include property owners within two hundred fifty (250) feet. (5-2-07)

*19.13.7.3.3 Slaughterhouses*
Slaughterhouses, or meat processing plants and related activities are typically not harmonious with other land uses. Due to the potential for adverse impacts on surrounding properties, slaughterhouses will only be allowed in strict compliance with the following provisions:

1. The keeping of animals or any facility used in the slaughtering of animals shall be no less than three hundred (300) feet from any adjacent parcel zoned for residential or commercial uses and no less than three hundred (300) feet from any existing or proposed residential dwelling or commercial business.
2. All slaughterhouses shall satisfy the requirements of the Payson City drinking water source protection plan.
3. Delivery of animals to be slaughtered shall not have a negative impact on existing or proposed residential or commercial uses.
4. Retail sales are not permitted on site. (5-2-07)

*19.13.7.3 Basis for Denial*
The City Council may deny any application for an atypical conditional use that does not satisfy all criteria listed in Section 19.13.6 and 19.13.7 herein. Each applicant must understand that application for an atypical conditional use is a request for a more intensive use of property than generally allowed under the remaining provisions of this Title. Denial of an atypical conditional use will not affect the ability of a property owner to use the property in accordance with the regulations of the remainder of this Title. Therefore, each applicant understands that no Constitutional, statutory or regulatory taking claim will be valid based on denial of a request for an atypical conditional use. (5-2-07)

**19.13.8 Duration**
Unless otherwise specified by the City Council, and subject to the provisions in this Section relating to the amendment, suspension or revocation of a conditional use permit, a conditional use permit shall be of indefinite duration and shall run with the land. The City Council may grant a conditional use permit for a limited period of time if it finds that a limited

permit is necessary to protect the health, safety or welfare of the community. (5-2-07)

**19.13.9 Fees**
Fees shall be established by the City Council by resolution, and shall be assessed as a condition of the submission of any conditional use permit application.

**19.13.10 Other Requirements**
An applicant or user of a conditional use permit shall be held to all of the requirements relating to project plan approval, improvement, bonding, maintenance and completion. The conditional use permit shall not be valid until a bond guaranteeing all required and proposed improvements has been posted. Nothing in this Chapter shall be interpreted to waive the bonding, licensing or permit requirements set forth in other City ordinances.

**19.13.11 Appeals**
Any person aggrieved by or affected by any decision of the City Council may appeal the decision to the Board of Adjustment.

**19.13.12 Implementation**
A conditional use permit shall expire and become null and void if the permit has not been implemented by the recipient within one year of the date of approval. The permit shall be considered implemented if the recipient either engages or participates in the conditional use or completes substantial construction on the project for which the permit was granted.

**19.13.13 Amendment, Suspension or Revocation**

19.13.13.1 Fee
19.13.13.2 Procedure to Amend
19.13.13.3 Procedure to Suspend or Revoke
19.13.13.4 Associated Actions

Any interested party may request formal action from the City Council to amend, suspend or revoke a conditional use permit. For purposes of this Section, "interested party" shall include the following persons or entities:

1. The owner or lessee of the property for which the conditional use was granted.
2. The Payson City Corporation.
3. Any owner or lessee of property that lies within two hundred feet (200') of the property for which the conditional use permit was granted.
4. Any person that can show that the conditional use has a direct impact upon his or her health, safety or welfare. (5-2-07)

*19.13.13.1 Fee*
Any person or entity, other than the City, seeking to amend, suspend or revoke a conditional use permit, shall pay a fee in an amount established by resolution of the City Council. (5-2-07)

*19.13.13.2 Procedure to Amend*
The procedure for amending a conditional use permit shall be the same as the original application procedure set forth in 19.13.3 herein.

1. The interested party shall submit an application to amend a conditional use permit and payment of the fee established by resolution. The application shall contain, at a minimum:
   a. An explanation of how the applicant is an interested party as defined in this Section.
   b. A detailed explanation of why the conditional use permit should be amended. The explanation must include information about how the amendment will serve to further mitigate potential negative impacts of the conditional use.
   c. Any evidence that supports the claim of the interested party that would allow the City Council to make a well-informed decision.
2. A conditional use permit may be amended at the request of any other interested party if the City Council finds one or more of the following:
   a. That the conditional use permit was obtained by misrepresentation or fraud.
   b. That the use for which the permit was granted has ceased or has been suspended for six months.
   c. That the holder or user of the conditional use permit has failed to comply with any of the conditions placed on the issuance of the permit.
   d. That the holder or user of permit has failed to comply with any federal, state, county or local regulation governing the conduct of the use.
   e. That the holder or user of the conditional use permit has failed to construct or maintain the site as shown on the approved site plan or conducted the use in a manner that is inconsistent with the approval granted by the City Council. (5-2-07)
   f. That the operation of the use or the character of the site has been found to be a nuisance or a public nuisance by a Court of competent jurisdiction in any civil or criminal proceeding.

3. In reaching a determination in relation to the proposed amendment, the Planning Commission and City Council may take the following action:
   a. Amend the conditional use permit in a manner that will further mitigate the potential negative impacts of the use.
   b. Suspend the conditional use permit until certain mitigating measures have been implemented by the applicant.
   c. Take no action, by denial of the request to amend, and the provisions of the conditional use permit shall remain intact. (5-2-07)

*19.13.13.3 Procedure to Suspend or Revoke*
The procedure for suspending or revoking a conditional use permit shall be as follows:

1. The interested party shall submit an application to suspend or revoke the conditional use permit and payment of the fee established by resolution. The application shall contain, at a minimum:
   a. An explanation of how the applicant is an interested party as defined in this Section.
   b. A detailed explanation of why the conditional use permit should be amended, suspended or revoked.
   c. Any evidence that supports the claim of the interested party that would allow the City Council to make a well-informed decision.
2. The City Council shall review the request of the interested party and determine if any additional information is necessary and establish a date for a public hearing.
   a. The City Council will determine the distance in which courtesy notice will be sent as an invitation to attend the public hearing based on the potential impact of the amendment, suspension or revocation of the conditional use permit.
   b. Staff will post notice of the public hearing in accordance with Section 19.2.7 herein and mail notice to all parties selected to receive a courtesy notice by the City Council.
3. The City Council will conduct a public hearing to determine if the conditional use permit should be suspended or revoked, or if the conditional use permit shall stand as previously approved.
4. A conditional use permit may be suspended or revoked at the request of any other interested party if the City Council finds one or more of the following:
   a. That the conditional use permit was obtained by misrepresentation or fraud.
   b. That the use for which the permit was granted has ceased or has been suspended for six months.
   c. That the holder or user of the conditional use permit has failed to comply with any of the conditions placed on the issuance of the permit.
   d. That the holder or user of permit has failed to comply with any federal, state, county or local regulation governing the conduct of the use.
   e. That the holder or user of the conditional use permit has failed to construct or maintain the approved site as shown on the approved site plan or conducted the use in a manner that is inconsistent with the approval granted by the City Council. (5-2-07)
   f. That the operation of the use or the character of the site has been found to be a nuisance or a public nuisance by a Court of competent jurisdiction in any civil or criminal proceeding.
5. In reaching a determination in relation to the proposed suspension or revocation, the City Council may take the following action:
   a. Suspend the conditional use permit until certain mitigating measures have been implemented by the applicant or; suspend the conditional use permit for a period of time as a punitive action against the permit holder for failing to conform to the provisions of the permit rather than revoking the permit.
   b. Revoke the permit if it can be demonstrated that the permit holder cannot, refuses to, or has shown a lack of ability to satisfy the provisions of the condition use permit.
   c. Take no action and the provisions of the conditional use permit shall remain intact. (5-2-07)

*19.13.13.4 Associated Actions*
If a conditional use permit is suspended or revoked, the business license issued for the conditional use permit is automatically suspended or revoked in kind. In order to subsequently conduct the conditional use permit, a business license must be reissued in accordance with the provisions of Title 4, Business License Ordinance. (5-2-07)

Conditional use permits shall not be amended, suspended or revoked against the wishes of the applicant for the permit without first giving the applicant an opportunity to appear before the City

Council and show cause as to why the permit should not be amended, suspended or revoked. Amendment, suspension or revocation of the permit shall not limit the City's ability to initiate or complete other legal proceedings against the holder or user of the permit. (5-2-07)

If a conditional use permit is amended, suspended or revoked, the City Council hereby grants the authority to the appropriate enforcement personnel to enter on and inspect the property where the conditional use is conducted to ensure compliance with the action taken by the City Council. (5-2-07)

**19.13.14 Violation**

A violation of any of the terms of this Chapter or any conditions imposed as part of a conditional use permit shall be unlawful, and may be remedied or punished as allowed by law.

# Chapter 19.14
# Non-Conforming Uses and Non-Complying Structures (1-18-06)

19.14.1 Non-Conforming Use Defined
19.14.2 Non-Complying Structure Defined (1-18-06)
19.14.3 Maintenance Permitted
19.14.4 Additions, Enlargements, and Moving
19.14.5 Restoration of Damaged Buildings
19.14.6 Reconstruction (1-18-06)
19.14.7 Pre-Existing Use May be Continued
19.14.8 Burden of Proof (1-18-06)
19.14.9 Amortization
19.14.10 Accessory or temporary structures (1-23-08)

### 19.14.1 Non-Conforming Use Defined
In accordance with §10-9a-103(21) Utah Code Annotated, 1953, as amended, a non-conforming use is a use of land that legally existed before its current land use designation, has been maintained continuously since the time the land use ordinance governing the land changed, and because of one or more subsequent land use ordinance changes, does not conform to the regulations that now govern the use of the land.

Once a non-conforming use has been brought into compliance with the regulations of the current Zoning Ordinance for any period of time, the non-conforming use status of the property is forfeited and the non-conforming use shall not be reestablished. From that time forward the use of the parcel shall comply with all regulations of the Zoning Ordinance. (1-18-06)

### 19.14.2 Non-Complying Structure Defined
In accordance with §10-9a-103(20) Utah Code Annotated, 1953, as amended, a non-complying structure is a structure that legally existed before its current land use designation, and because of one or more subsequent land use ordinance changes, does not conform to the setback, frontage, lot size, off-street parking, height restrictions, or other regulations, excluding those regulations which govern the use of land. (1-18-06)

### 19.14.3 Maintenance Permitted
A non-complying structure or a structure that houses a legal non-conforming use shall be maintained and kept in good repair. Basic repairs and cosmetic improvements may be completed to the structure provided the repairs or cosmetic improvements satisfy the regulations of the adopted building and fire codes. (1-18-06)

### 19.14.4 Additions, Enlargements, and Moving
In no case shall the owner of a parcel containing a non-conforming use be allowed to use the remedies of this Section to complete an addition, enlargement, expansion, or relocation of a non-conforming use or non-complying structure on the parcel.

A non-complying structure, as defined herein, may only be enlarged or expanded, or moved to another location on the lot as provided herein:

1. An addition, enlargement, expansion or relocation of a non-complying structure that will satisfy all established setback requirements of the zoning district may be allowed to the extent of the established setback requirements.
2. Except as noted in Section 19.14.4.1, a previous legal encroachment of a required setback may be horizontally continued, provided additional encroachment of the setback requirements does not occur. (5-16-12)

*19.14.4.1 General Requirements*
The following general requirements will apply to any addition, enlargement, expansion, and relocation of a non-complying structure:

1. At any time the non-complying attributes of a structure can be brought into compliance with the regulations of this Title, the alteration must be completed by the applicant.
2. In each case, a five (5) foot public utility easement will be provided and maintained around the perimeter of each parcel except along a public street where the public utility easement shall be ten (10) feet. If there is an existing structure located within the public utility easement, as much of the easement as possible shall be protected. (5-16-12)
3. Notwithstanding the provisions of this Chapter, a non-complying structure shall not be enlarged or expanded unless the applicant is able to demonstrate that the off-street parking requirements, clear view provisions, height regulations, compatibility issues, and other typical zoning requirements regulated by this Title have been satisfied. (1-18-06)

### 19.14.5 Restoration of Damaged Buildings
A non-complying structure or structure that houses a legal non-conforming use which is damaged or destroyed by fire, flood, wind, earthquake or other calamity or Act of God, or the public enemy, may be restored. The occupancy or use of such building, structure, or part thereof, which existed at the time of

such damage or destruction may be continued or resumed, provided that such restoration is started within a period of one (1) year and is completed in conformance with the ordinances of Payson City within two (2) years. (1-18-06)

Restoration of a non-complying structure or structure that houses a legal non-conforming use shall not exceed the building footprint and square footage of the structure prior to the damage except in accordance with Section 19.14.4 herein. However, if the restored structure is generally comparable with surrounding conforming structures in the district (i.e. square footage, width, depth, etc.) and can be situated on the parcel in a manner that satisfies the zoning requirements, the regulations of the Zoning Ordinance shall be satisfied upon restoration. (1-18-06)

*19.14.5.1 General Requirements*
The following general requirements will apply to any restoration of a non-complying structure:

1. At any time the non-complying attributes of a structure can be brought into compliance with the regulations of this Title, the alteration must be completed by the applicant.
2. In each case, a five (5) foot public utility easement will be maintained around the perimeter of each parcel except along a public street where the public utility easement shall be ten (10) feet. If there is an existing structure located within the public utility easement, as much of the easement as possible shall be protected.
3. Notwithstanding the provisions of this Chapter, a non-complying structure shall not be enlarged or expanded unless the applicant is able to demonstrate that the off-street parking requirements, clear view provisions, height regulations, compatibility issues, and other typical zoning requirements regulated by this Title have been satisfied. (1-18-06)

**19.14.6 Reconstruction**
In the event that an owner of a non-complying structure chooses to significantly alter or reconstruct a non-complying structure as defined herein, the following conditions shall apply:

1. If the use of the structure is determined to be a conforming use in the zoning district but the structure is non-complying, an applicant may reconstruct the structure in the same location applying the same building footprint and square footage if:
   a. The reconstruction will not result in further violation of the Zoning Ordinance.
   b. The applicant upgrades the utility laterals to the current improvement standards of Payson City.

The provisions of this Section apply to non-complying structures only. In no instance will the provisions of this Section be used to reconstruct or create a non-conforming use. (1-18-06)

*19.14.6.1 General Requirements*
The following general requirements will apply to any reconstruction of a non-complying structure:

1. At any time the non-complying attributes of a structure can be brought into compliance with the regulations of this Title, the alteration must be completed by the applicant.
2. In each case, a five (5) foot public utility easement will be maintained around the perimeter of each parcel except along a public street where the public utility easement shall be ten (10) feet. If there is an existing structure located within the public utility easement, as much of the easement as possible shall be protected.
3. Notwithstanding the provisions of this Chapter, a non-complying structure shall not be enlarged or expanded unless the applicant is able to demonstrate that the off-street parking requirements, clear view provisions, height regulations, compatibility issues, and other typical zoning requirements regulated by this Title have been satisfied. (1-18-06)

**19.14.7 Pre-Existing Use May be Continued**
Non-conforming uses that legally existed prior to a change in the land use ordinance that governs the use of land may continue to be utilized for a non-conforming use unless the structure is vacated or the use ceased for a continuous period in excess of one (1) year, provided however it does not constitute a safety or health hazard, is not a nuisance, and is not otherwise dangerous to life and property values. No such non-conforming use of land may in any way be expanded or extended except as allowed by this Chapter.

A previously authorized non-conforming use that has ceased for a period in excess of one (1) year shall not be allowed. The future use of the property shall conform to the provisions of this Title. (1-18-06)

Payson City will not authorize the continuation of a

non-conforming use through actions of the owner to conduct the non-conforming use on a short-term basis only to obtain an extension. The owner must be able to demonstrate that the use will be employed for at least three (3) months once the use has commenced. (2-7-07)

**19.14.8 Burden of Proof** (1-18-06)
An applicant seeking relief under the provisions of this Chapter shall have the burden of proof in demonstrating that the non-conforming use occurred within the one (1) year timeframe, or that the regulations of a previous version of a land use ordinance allowed the construction of a structure that is now non-complying due to changes in the land use ordinances. Failure to provide evidence of a non-conforming use or non-complying structure may result in denial of the remedies allowed in this Chapter. (1-18-06)

**19.14.9 Amortization of Non-Conforming Uses**
In accordance with §10-9a-511 (2)(b) Utah Code Annotated, 1953, as amended, the City Council may terminate or cause to bring into compliance, except billboards, a non-conforming use. In terminating a non-conforming use or bringing the non-conforming use into compliance, the City Council will address the following:

1. If the City Council intends to terminate a non-conforming use the City Council will provide a formula that will establish a reasonable time period during which the owner can recover or amortize the amount of the investment in the non-conforming use, if any.
2. The City Council may enter into a signed development agreement with the owner that establishes a reasonable time period to bring into compliance some or all of the requirements of the development ordinances of the City. The development agreement will be recorded against the property in the office of the Utah County Recorder. (1-18-06)

**19.14.10 Accessory or Temporary Structures**
One (1) accessory or temporary structure may be placed on a parcel that contains a non-conforming use provided the accessory or temporary structure is no larger than two hundred (200) square feet and is not placed on a permanent foundation. The property owner must be willing to sign a statement indicating that the accessory or temporary structure is a non-conforming use and subject to all provisions of this Chapter including setbacks, height and placement provisions. (1-23-08)

# Chapter 19.15
# Signs and Outdoor Advertising (2-20-13)

19.15.1 Purpose and Intent
19.15.2 Definitions Specific to this Chapter
19.15.3 General Provisions
19.15.4 Location and Safety Standards
19.15.5 Signs Permitted in Agricultural and Residential Zones
19.15.6 Signs Permitted in Commercial and Industrial Zones
19.15.7 Outdoor Advertising Structures (billboards)
19.15.8 Non-Conforming Signs

### 19.15.1 Purpose and Intent

The purpose of this Chapter is to encourage signs and outdoor advertising that complement proposed and existing structures and do not distract from the aesthetics or safety of the vicinity in which they are placed.

It is the intent of this Chapter to regulate signs and outdoor advertising in the community in a manner that creates an interesting and visually pleasing streetscape in the City. Signs are highly visible and are seen by residents and visitors alike. Signs and outdoor advertising are a reflection upon the community and the land use goals and objectives of the City.

Signs and outdoor advertising must be regulated to ensure the safety of the residents and visitors to the City. Signs and outdoor advertising that present a safety hazard as determined by the Development Services director or designee will not be allowed whether permitted by this Chapter or not.

### 19.15.2 Definitions Specific to this Chapter

The definitions in this Section are intended to be specific to this Chapter. If any word or phrase in this Chapter requires further definition, the word or phrase shall be defined in accordance with the definitions listed in Chapter 19.28 of this Title. Furthermore, if a word or phrase cannot be adequately defined by the definitions listed in this Chapter or Chapter 19.28 of this Title, the Development Services Director's interpretation will control.

The following words and phrases shall be defined as follows:

1. A-frame Sign – Any sign or structure composed of two (2) sign faces mounted or attached back-to-back and forms a vertical A and the base rests on the ground.
2. Affixed – A sign or sign support directly attached to the building face.
3. Abandoned Sign – A sign that no longer correctly directs or influences a person, advertises a bona fide business, lessor, owner, product or activity conducted or available on the premises where the sign is displayed.
4. Advertisement – Any copy, letters, logos, symbols, or other form of communication that attracts or directs attention to a use, product, or activity.
5. Advertising Bench – A bench for public use and convenience which is painted or otherwise covered with advertisement.
6. Advertising Sign – A sign that attracts or directs attention to a use, product, or activity.
7. Animated or Flashing Sign – A sign that includes motion or rotation of any part by mechanical or artificial means or a sign that displays flashing or intermittent lights.
8. Awning Sign – An awning having copy or a logo that attracts or directs attention to a use, product, or activity, or is backlit or externally illuminated.
9. Banner, Advertising – A flag or banner constructed of cloth, canvas, or light fabric that is used for promotional purposes and is temporary in nature.
10. Banner, Non-Advertising – A flag or banner constructed of cloth, canvas, or light fabric that is displayed for cultural events and special holidays or seasons. The flag or banner shall not contain commercial advertising except for the cultural event, special holiday or season.
11. Building Face – The visible outer surface of the main exterior wall of a building defined as the wall that contains the primary entrance to the structure. The area of the face of the building shall be the total area of such surface including the area of doors and windows that open into a surface.
12. Canopy or Marquee Sign – A sign on or attached to a canopy or marquee such as a canopy over gasoline islands or drive-up tellers.
13. Changeable Copy – A sign on which the copy is changed manually such as a message center or reader boards with changeable letters or changeable pictorial panels. This definition does not include poster panels or painted bulletins.
14. Community or Civic Event Sign – A sign used to promote community and civic events of interest

to the public at large, not to include events for particular civic groups or more focused group functions.

15. Development Sign – A sign used to advertise the sale of units or parcels within an approved development including:
    a. Directional Development Sign – A sign intended to direct potential buyers to a particular development or to navigate within a particular development.
    b. Development Promotional Sign – A sign intended to advertise the future sale of units or parcels in a development, contemplated improvements or announcing the name of the builder, owner, designer, or developer of the project.
    c. Entrance Sign – A permanent sign indicating the name of the development together with associated aesthetic improvements.
16. Directional or Guide Sign – An on premise sign that contains directional information to facilitate or control the efficient or safe movement of pedestrians or vehicles on or into a site. A directional or guide sign may include the name of the business but shall not be used for advertising purposes and shall not exceed six (6) square feet in area.
17. Erect – To build, construct, place, relocate, enlarge, substantially alter, attach, suspend, paint post, or display a sign. Normal maintenance, including refinishing, is not included in this definition provided the size of the sign copy is not changed or altered.
18. Freestanding or Pole Sign – A sign supported by one (1) or more poles or posts or similar uprights permanently affixed to the ground and not attached to any other structure.
19. Home Occupation Sign – A sign identifying a home occupation legally existing on the premises.
20. Interior Sign – A sign located in a building visible only within the building in which the sign is located.
21. Menu Sign – A sign used to advertise the product available at a fast food restaurant or convenience store.
    a. Freestanding Menu Sign – A sign located along the driveway to the drive-up window of a fast food restaurant or convenience store that does not contain a noise emitting device for communication.
    b. Freestanding Menu Noise Emitting Sign – A sign located along the driveway to the drive-up window of a fast food restaurant or convenience store that contains a noise emitting device for communication.
    c. Wall Mounted Menu Sign – A sign either attached or painted on a wall that displays the product available at a fast food restaurant or convenience store.
22. Monument Sign – A sign where the horizontal bottom of the sign surface is attached to the ground, a foundation in the ground, or where the horizontal bottom of the sign is no more than eighteen (18) inches from the ground and where there are no poles, braces, or other visible means of support other than attachment to the ground. A monument sign may be expanded to become part of a fence surrounding a project such as an entrance feature.
23. Movable or Portable Sign – A sign that is designed to be moved from place to place either by vehicle or manually and not permanently affixed to the ground. Handheld signs are considered movable or portable signs. For the purposes of this Chapter, trailers, automobiles, and other movable objects used for the purpose of advertising are not considered movable signs and are not an allowable means of advertising in Payson City. A-frame signs are not considered to be movable signs as defined herein.
24. Nameplate – A sign indicating the name of a person or persons residing on the premises or legally occupying the premises.
25. Necessity or Hazard – A sign informing the public of any danger or hazard existing on or adjacent to the premises, or the posting of private property against trespass.
26. Nonconforming Signs – A sign or sign structure that lawfully existed prior to the effective date of the modifications of this Chapter, February 18, 2004, that is no longer in compliance with the provisions of this Chapter due only to the modified provisions herein.
27. Off-premise or Non-Appurtenant Sign – A sign that advertises products, services, or business establishments that are not located, conducted, manufactured, or sold at the premises upon which the sign is erected.
28. On-Premise or Appurtenant Sign – A sign that advertises products, services, or business establishments located, conducted, manufactured, or sold at the premises upon which the sign is erected.
29. Permanent – An immovable structure, support, building or other feature anticipated to remain in place for ten (10) years or more without moving.
30. Poster panels or painted bulletins – An advertising device used as a promotional display

inside of a transparent faced container or painted on a transparent surface. Poster panels or painted bulletins include coming attraction displays and window advertising.

31. Project Sign – A sign approved by the City Council, or designee, as an amenity in a large multi-building commercial development used to advertise multitenant projects.
32. Projecting Sign – A sign attached to a building and extending in whole or in part more than eighteen (18) inches beyond any wall of the building.
33. Promotional Signs – Advertising devices including banners, inflatable displays, streamers, pennants, valance, spotlights, or other similar devices intended to draw attention to a building, use, product, or activity. Also to include displays constructed of paper, cloth, canvas, fabric, cardboard, wallboard or other materials with or without frames, intended to be displayed in or out of doors for a short period of time.
34. Public Information Sign – A sign intended to provide information or direction to the general public such as locations of parking lots and restrooms.
35. Reader Board (Message Center) – A portion of a sign used to electronically display lettering or other symbols upon which it is possible to change the copy or message.
36. Real Estate Sign – A temporary sign related to the sale or lease of the property upon which the sign is located.
37. Roof Sign – A sign erected on a portion of a pitched roof. Roof signs are not allowed on a flat roof building.
38. Sign – Every advertising message, announcement, declaration, demonstration, display, illustration, insignia, trade names, trademarks, surface or space erected or maintained in view of the observer thereof for identification, advertisement, or promotion of the interest of any person, entity, product, or service whether placed on the ground, rocks, trees, stumps, or other natural objects, or on a building, wall, roof frame, support, fence, or other man-made structure, visible from any adjoining parcel or public right-of-way. The definition of sign shall also include the sign structure, supports, lighting system and any attachments, ornaments or other features used to draw the attention of observers. For the purpose of this Title, the word "sign" does not include the flag, pennant, or insignia of any nation, state, city, or other political unit, or of a non-profit organization. Further, it shall not include any official notice issued by any court, public body or officer, directional warning or information sign or structure required or authorized by law.
39. Sign Area - The area of a sign that is used for display purposes, excluding the frame and supports. In computing sign area, only one (1) side of a back-to-back or double-face sign covering the same subject shall be computed when the sign faces are parallel or diverge from a common edge by an angle of not more than forty-five (45) degrees. In relation to signs that do not have a frame or a separate background or are of irregular shape, sign area shall be measured on the basis of the least rectangle, triangle, or circle large enough to frame the advertisement.
40. Sign Dimensions – The sign area shall be measured for compliance with this Chapter as follows:
    a. Height of Sign – The height of a sign is the vertical distance measured from the ground plane to the top uppermost portion of the sign including sign supports.
    b. Width of Sign – The width of a sign is the horizontal distance measured from the outermost edges of the sign on a vertical plane.
    c. Complete Sign Area – Signs that do not have a frame or a separate background shall be measured on the basis of the least rectangle, triangle, or circle large enough to frame the advertisement.
41. Sign Lighting – A sign made legible in the absence of daylight by devices which reflect or project light upon the sign including:
    a. Backlit – The lighting of a sign from behind, through a semi-transparent material, to make the sign copy visible.
    b. Illumination – The lighting of a sign from outside of the sign by directing light onto the sign face.
    c. Floodlighted – The display of an image or copy, by projection, upon a surface or building face.
42. Snipe Sign – A sign for which a permit is required and has not been obtained and which is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or other objects with advertising appearing thereon.
43. Special Purpose Sign – A sign used to promote the sale of land, the location of a church or quasigovernment entity, and other unique situations further defined herein.

44. Suspended Sign – A sign that is hung from the have of a roof, pole, canopy or other similar structure.
45. Temporary Sign – A movable sign, poles, posts, or other structure or apparatus intended to be erected for a short period of time and not fastened to a foundation or other permanent structure.
46. Wall Sign – A sign with messages or copy erected parallel to and attached to or painted on the outside wall of a building.
    a. Wall signs affixed to the building face shall not extend more than eighteen (18) inches from the building face with messages or copy on the face side only.
    b. A painted wall sign is defined as assign on the building face painted in a manner that gives the visual appearance of being painted on the building face by not having a frame or separation from the building face.
47. Window Sign – A sign or lettering either attached to a window or door, or located within a building that is visible through a window or door from outside the building.

**19.15.3 General Provisions**

19.15.3.1 Administration and Interpretation
19.15.3.2 Sign Permit and Fees
19.15.3.3 General Requirements
19.15.3.4 Classification of Signs
19.15.3.5 Signs not Regulated by this Chapter
19.15.3.6 Abandoned or Discarded Signs
19.15.3.7 Wall Art, Murals

*19.15.3.1 Administration and Interpretation*

The Development Services Director, or designee, is hereby authorized and directed to enforce all provisions of this Chapter. In applying the provisions of this Chapter, the Development Services Director, or designee, shall make a determination of whether an application is complete and the provisions of this Chapter have been satisfied. Furthermore, the Development Services Director, or designee, will ensure that any proposed sign has been reviewed and authorized by the appropriate staff members for compliance with the adopted building code, and the zoning and design guidelines of Payson City. The Development Services Director, or designee, is under no obligation to exercise the discretionary authority granted in this Chapter.

In relation to the interpretation of this Chapter, the Development Services Director shall make all decisions in behalf of staff. Any person who has been ordered to alter or remove any sign or any person whose application for a Sign Permit has been denied because of conflict with the regulations herein may appeal the decision of the Development Services Director to the Board of Adjustment within fifteen (15) working days of the order or denial.

*19.15.3.2 Sign Permit and Fees*

All signs, unless otherwise exempted by this Chapter, require the issuance of a Sign Permit from the Development Services Department. Construction activity for a sign shall not commence until a Sign Permit has been issued. All signs shall be inspected and approved by the City during reasonable times during or after construction. A Sign Permit issued by the Development Services Director shall be valid for a period of one hundred eighty (180) days at which time the Sign Permit shall become null and void if the sign has not been erected or significant construction completed.

The applicant for a Sign Permit shall submit payment of all appropriate fees in accordance with Chapter 19.27, Fee Schedule herein. Although all signs require a Sign Permit in order to ensure compliance with this Title, not all signs will necessarily require the payment of a fee. All prohibited or non-permitted signs may be removed at the discretion of the Development Services Director or designee.

*19.15.3.3 General Requirements*

Any sign not expressly allowed by this Chapter is prohibited. The following general requirements shall apply to signs and outdoor advertising structures erected within the City.

19.15.3.3.1 Promotional Signs
19.15.3.3.2 Special Purpose Signs
19.15.3.3.3 Community or Civic Events
19.15.3.3.4 Sign Placement
19.15.3.3.5 Streetscape and Design Criteria
19.15.3.3.6 Signage in Multi-Tenant Projects
19.15.3.3.7 Changeable Copy Signs
19.15.3.3.8 Reader Board or Message Center
19.15.3.3.9 Bench Signs
19.15.3.3.10 Prohibited Signs

*19.15.3.3.1 Promotional Signs*
The following devices, as defined in Section 19.15.2 of this Chapter, used to attract the attention of pedestrian or drivers of vehicles are allowed for a period not to exceed one hundred eighty (180) days

in the commercial and industrial zones of Payson City. It shall be the responsibility of the party erecting the promotional signs to obtain a sign permit each calendar year and keep a record of the promotional period. The City has the right to inspect the record at any time. All signs must be placed on site and may not be placed within a public right-of-way.

Promotional signs are limited to two (2) of the following categories of promotional advertising devices for each commercial or industrial business for each promotional period:

1. One (1) banner or combinations of two (2) banners when combined are no more than four (4) feet in height nor twenty (20) feet in length. The banner may be affixed to the business building and shall be temporary in nature.
2. One (1) inflatable display but shall not be placed on any structure.
3. Ten (10) or less strands of either streamers or pennants not to exceed five hundred (500) feet in the total length of all strands.
4. One (1) set of four spotlights or searchlights for no more than thirty (30) days during the promotional period.
5. Two (2) displays constructed of paper, cloth, cardboard etc. such as beverage advertising signs not to exceed nine (9) square feet of sign area.
6. One (1) temporary sign not to exceed twenty (20) square feet of sign area which may not be placed within a public right-of-way and may not be more than six (6) feet in height.
7. One (1) movable or portable sign is allowed as an advertising device for promotional purposes only in accordance with the following:
   a. The sign must be an on-premise sign.
   b. The movable or portable sign shall not be displayed, placed or held on public property or within a public right-of-way.
   c. The movable or portable sign shall not exceed thirty six (36) square feet and may not be more than six (6) feet in height.
   d. Electronic message centers cannot be used as promotional signs.

*19.15.3.3.2 Special Purpose Signs*

In addition to any other permitted sign(s), signs for special purposes set forth in this section shall be permitted as provided herein:

1. Signs associated with construction projects or the sale of units or parcels within an approved development:
   a. Temporary directional development signs may be allowed both on-premise and off premise. Six (6) directional signs may be located off-site and contain only the name and direction to any development. Each sign may have a maximum area of nine (9) square feet of sign area and shall satisfy the location and safety standards of this Chapter.
   b. Development promotional signs may be allowed on-premise for each development. One (1) development promotional sign may be allowed not to exceed sixty four (64) square feet of sign area. Two (2) additional development promotional signs may be allowed to show sponsorship/financing arrangements within the development not to exceed thirty two (32) square feet of sign area.
   c. During construction, two sixteen (16) square foot promotional signs may be constructed on the lot being built upon. Promotional signs shall be removed upon completion of the project. All development signs associated with construction projects shall be removed within thirty (30) days of the sale of all lots or dwelling units to individual buyers in the development, or approved phase of the development.
2. Permanent development entrance signs may be allowed provided the sign does not exceed thirty six (36) square feet in area or be more than six (6) feet in height. The sign materials used must be low maintenance and consist of hard surface materials such as masonry, brick, stucco, and stone and must be approved by the Development Services Director.
3. Permanent directional or guide signs may be erected on-premise for the purpose of facilitating or controlling the efficient or safe movement of pedestrians or vehicles on or into private property, and shall be located on the properties to which they pertain. No such sign shall exceed six (6) square feet of sign area.
4. In residential zones, churches and public or private schools may erect the following on premise signs:
   a. One (1) wall sign on each side of the building to identify the name of the organization and announce activities thereof. The sign shall not exceed sixty four (64) square feet of sign area.

b. One (1) monument sign provided: the sign is not more than six (6) feet high. The sign area shall not exceed sixty four (64) square feet of sign area per side. The monument sign shall include architectural features and materials similar to those used in the construction of the primary building.
c. One reader board, message center, or changeable copy sign is allowed. When the sign is located in a residential zone, it must be demonstrated that the level of illumination will not negatively impact the surrounding residential uses.
d. In residential zones, churches, and public or private schools in excess of 60,000 square feet may vary from the above requirements. The signs may be designed to be proportionate to the size of the building and may be approved as part of the site plan process and approved by the City Council.
e. School districts are exempt from the above regulations pursuant to state code. However, school districts must obtain a sign permit and pay applicable fees.

5. In all zones that allow temporary uses as a permitted or conditional use, the temporary use shall be permitted to install one (1) movable or portable on-premise sign to identify the business and indicate the type of business being conducted provided:
   a. The sign shall not project over a public way, sidewalk, or parking surface.
   b. The sign shall not exceed six (6) feet in height.
   c. The sign area shall not exceed sixteen (16) square feet of sign area.
   d. The sign may be illuminated, but shall not be an animated sign or contain any flashing lights or moving parts but may be illuminated.
6. One on-premise garage or yard sale sign is allowed provided the sign is not placed on or over a public way and the sign is removed the night the garage or yard sale ends. Up to four (4) off-premise signs to attract interest to the sale may be posted on private property, with written permission of the land owner, from dawn until dusk on the day of the sale. The address shall be indicated on the sign. Signs must be removed within twenty four (24) hours after completion of the yard sale.

*19.15.3.3.3 Public Purpose Signs: Promotional or Informational and Civic Events*

In order to promote a public service or event, or to provide public information, the City may place signage on City owned property, following approval by the City Council. Public purpose signs may include the following:

1. Wall signs attached to a publicly owned building or structure.
2. A monument sign that does not exceed sixty four (64) square feet and is no more than six (6) feet in height.
3. Directional signs necessary to direct vehicular and pedestrian traffic.
4. Reader board and message centers provided that the sign will not impact residential uses.

The City may erect promotional or informational signs, on or off premise, as defined in Section 19.15.2 of this Chapter, for the purpose of sponsorship of athletic events or informing the general public of community activities or civic events. The City shall satisfy the location and safety standards included herein.

1. Sponsorship signs of athletic events may be allowed provided:
   a. Sponsorship signs may be placed on fencing surrounding community athletic fields. The sponsorship signs must be facing the field of play and will not include sign copy facing away from the field of play.
   b. Sponsorship signs will only be allowed during the outdoor athletic season and must be kept in good condition. The sponsor must recognize, in writing that Payson City is not responsible to repair or replace signage that is damaged by acts of vandalism or weather conditions.
   c. A recreation sponsorship fee, consistent with the adopted fee schedule, will be assessed on each sign placed on a Payson City athletic field.
   d. The placement of signs on the fence of a Payson City athletic field shall be on a first come, first serve basis without prejudice.
   e. Sponsorship signs shall be limited to the name, address, logo, website and other general contact information and free from advertising.
2. Sponsorship and informational signs for community events held on public property may be allowed. The sponsor of the event must submit a signage plan that includes the date of the event, and the size and location of all signage. The signage plan may be approved by

the Development Service Director who may choose to forward the final decision to the City Council whose decision shall be final.

3. Banners for community or civic events and other non-profit gatherings may be approved by the Development Services Director who may choose to forward the final decision to the City Council whose decision shall be final. The banner will be suspended from the poles located at the Centennial Pioneer Plaza.

*19.15.3.3.4 Sign Placement*

All signs shall be erected in the location approved by the Development Services Director and consistent with the approved Sign Permit. The Development Services Director shall consider the following issues in the placement of signs:

1. Sign placement will not create an unsafe condition where the sign blocks the view of drivers, impedes the flow of pedestrians, or is distracting to a point where the attention of drivers is negatively impacted.
2. Signs shall complement the built environment by assisting patrons in identifying places of business, while limiting confusion of patrons not familiar with the area.
3. Signs will not be placed in a location that will have a negative impact on a residential zone.

Affixed signs shall be placed upon the primary structure of the business. Signs shall not be placed on any accessory structure, solid waste enclosure, fence, utility pole, or any other facility on site. Promotional signs and other signs that are temporary in nature shall not be attached to any utility pole, street light, or other publicly owned facility or public right-of-way.

The Development Services Director may approve the placement of a monument sign, in addition to other approved signs, on a corner lot or parcel with two entrances if it can be shown that the monument sign will allow better identification of the business and improve traffic circulation. In approving the monument sign, the applicant may be asked to reduce the size of the other approved signs. In no case shall two (2) freestanding signs be permitted. (8-7-13)

*19.15.3.3.5 Streetscape and Design Criteria*

The streetscape of the City is an important feature that is significantly influenced by signs and advertising devices. It is the intention of Payson City to create a streetscape that is safe, attractive and inviting.

The City Council may impose specific design guidelines in a project if it can be reasonably shown that the materials, colors or design of the sign could have a significant impact on the existing or future atmosphere of the area. The design criteria may include, but are not limited to, architectural controls, colors, material, size, theme or motif.

A project sign for a multi-tenant large scale commercial or industrial development shall incorporate the approved architectural motif into the sign through the placement of a sign cap or other appropriate feature. Payson City encourages signs to be used for more than a singular purpose. Under the right circumstances, benches (not used for advertising), lighting, landscaping and other features can be incorporated into the sign.

*19.15.3.3.6 Signage in Multi-Tenant Projects (non-residential)*

An applicant for a multi-tenant project will be required to submit a sign package for all signs proposed in the project, including directional signs, which must be approved by the Development Services Director. The sign package must indicate signs that complement the building and other signage in the project in terms of size, materials, lighting and other design features. As new tenants occupy the building, all new signage must be consistent with the initially approved sign package. A Sign Permit may be issued for the entire project and an additional Sign Permit is not required provided the additional sign(s) comply with the approved sign package.

Wall signs for multi-tenant buildings may be allowed on more than one face of a building under the following conditions:

1. Each unit in a multi-tenant building is allowed to have one wall sign on the front and back of the unit; end-cap units may be allowed to have an additional sign on the third wall face of the unit as calculated in accordance with the sign regulations of the zone provided the side and/or rear of the building does not abut residential structures.
2. If more than one (1) wall sign is requested, the size of the signs must be proportional and the additional sign(s) must be at least five (5) percent of the square footage requirement.
3. No other signs will be allowed on the parcel including, but not limited to, monument signs,

freestanding signs, and portable signs, except that a business may advertise on an approved project sign.
4. Reader boards are not permitted as wall signs in multi-tenant and condominium projects. (8-7-13)

Multi-tenant projects in the PO-1 Professional Office Zone are allowed to erect an on-premise directory sign displaying the names of occupants of a building. The signs shall be situated at least two (2) feet inside the property line and shall not exceed six (6) feet in height. The sign structure shall not exceed an area of one hundred (100) square feet and shall not be placed within a clear view area.

*19.15.3.3.7 Changeable Copy Signs*

Changeable signs may be allowed provided:
1. The changeable copy sign is part of a larger sign approved by the Development Services Director.
2. The sign face area of the changeable copy sign is less than the sign face area on the primary sign.
3. The sign face area of the changeable copy sign is included in the calculation of the total sign face area.

*19.15.3.3.10 Prohibited Signs*

The following devices, as defined in Section 19.15.2 of this Chapter, used to attract the attention of pedestrian or drivers of vehicles are prohibited in any zone of Payson City:

1. Animated or flashing signs. No sign shall be permitted which because of its intensity of light constitutes a nuisance or hazard to vehicular traffic, pedestrians or adjacent properties.
2. Signs mounted or painted upon vehicles or trailers, on-premise or off-premise, that are parked in a location for the purpose advertising. This section is not intended to apply to standard advertising or identification practices where such signs or advertising devices are painted on or permanently attached to a business or commercial vehicle which is operable, properly licensed and legitimately utilized in said operation or business.
3. Handbills, posters, advertisement or notice of any kind or sort fastened, placed, posted, painted, or attached in any way on any curbstone, lamp post, utility pole, hydrant, fence, tree, sidewalk, or right-of-way.
4. All off-premise or non-appurtenant signs are prohibited, except outdoor advertising (billboards) as allowed by state statute, directional signs erected by Payson City intended to provide off premise advertising opportunities, and project signs in accordance with this Chapter.
5. Snipe signs
6. Graffiti
7. Signs which are located on the roof of a building or structure, except as permitted in this Chapter.
8. Abandoned signs as defined in Section 19.15.3.6.

All prohibited signs may be removed at the discretion of the Development Services Director or designee.

*19.15.3.4 Classification of Signs*

Every sign erected or proposed to be erected in Payson City shall be classified by the Development Services Director or designee in accordance with the definitions contained in Section 19.15.2 of this Chapter. A sign that is not clearly defined herein shall be classified as the sign having the most similar characteristics of a sign defined herein in consideration of the design, location, and purpose of the sign as determined by the Development Services Director.

*19.15.3.5 Signs not Regulated by this Chapter*

This Chapter shall not apply to signs used exclusively for the following activities:

1. Directional, warning, or public information signs intended to inform the general public of potential hazard or danger relating to a public or private utility function containing no advertising.
2. Any sign of a non-commercial nature when used to protect the health, safety or welfare of the general public.
3. Any official flag, pennant, or insignia of any nation, state, city, or other political unit.
4. Campaign signs for the purpose of announcing the candidacy of any person or persons seeking public office, provided:
   a. Campaign signs shall not be erected more than forty five (45) days before the primary election and must be removed within seven (7) days following the primary/general election, as applicable.
   b. Campaign signs shall not be placed upon publicly owned property or in the public right-of-way.

c. Campaign signs shall not be placed within one hundred fifty (150) feet of the building where an official voting station is located.
d. Payson City reserves the right to remove any campaign sign that impedes traffic visibility or creates a safety hazard following notification of the candidate.
e. The person seeking office shall receive permission from the private property owner prior to placement of any campaign signs.

5. Signs notifying the general public of community or civic events.
6. Monuments approved by the City Council that signify an historic event or location important to the heritage of the City.
7. Signs erected by a unit of government for control of traffic and other regulatory purposes including street signs, danger and warning signs, railroad crossing signs, hospital signs, directional or warning signs for public service companies or signs erected by or on the order of a public officer in performance of public duty.
8. Real estate signs located on-premise that does not exceed nine (9) square feet in size and four (4) feet in height. Real estate signs are not allowed off premise.
9. Signs for children's entrepreneur projects such as the selling of lemonade and worms, which shall be on-premise signs.
10. Signs identifying public parks, trails and other public spaces and associated signs that notify the public of specific regulations.

*19.15.3.6 Abandoned or Discarded Signs*

An abandoned sign, discarded sign, a sign for a business that no longer exists, or a sign in disrepair shall be removed or repaired to satisfy the standards of this Chapter within fourteen (14) days of notification from the Development Service Department.

*19.15.3.7 Wall Art, Murals*

Wall art and murals may be allowed, but must be approved by the Development Services Director. Offensive or vulgar language or pictures will not be allowed. Furthermore, the Development Services Director may place restrictions on the size, color and lighting of wall art or murals.

**19.15.4 Location and Safety Standards**

19.15.4.1 Standards of Construction
19.15.4.2 Traffic Safety
19.15.4.3 Clear View Area
19.15.4.4 Specific Clearance and Location Requirements
19.15.4.5 Maintenance
19.15.4.6 Landscaping
19.15.4.7 Structural Covering
19.15.4.8 Lighting

*19.15.4.1 Standards of Construction*

The following construction standards shall apply to all signs in all zones of Payson City:

1. All signs shall comply with the provisions of the National Electric Code, adopted building code, and this Chapter in effect at the time the Sign Permit is issued.
2. All signs, fixtures or devices involving electrical wiring or connections shall be erected or installed by a licensed and bonded contractor.
3. All signs shall be engineered to demonstrate compliance with the applicable provisions of the adopted building codes. The Building Official may require the construction drawings to be stamped by a structural engineer licensed in the State of Utah attesting to the adequacy of the proposed construction of the sign and associated supports. Where applicable, signs shall be permanently mounted on foundations and footings which conform to the adopted building codes.

*19.15.4.2 Traffic Safety*

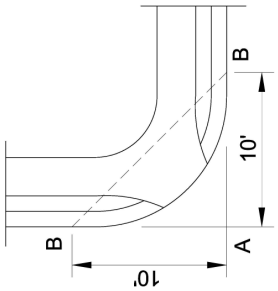
Signs or other advertising structures shall not be erected in a manner that may be confused with an official traffic sign or signal, or that includes words normally used in official traffic signs, such as stop, go slow, caution, danger, or warning. Signs or advertising structures shall not be erected which by reason of size, location, shape, content, coloring, or manner of illumination might be confused as a traffic control device. Signs shall not have lighting which impairs the vision of anyone traveling upon a public street or distracts any driver creating a public nuisance. In no case will a sign or sign structure be permitted that constitutes a safety hazard.

*19.15.4.3 Clear View Area*

In order to ensure the safety of pedestrians and patrons, and preserve the visual sightline necessary for vehicular traffic, signs shall not be erected in a clear view zone as defined in Section 19.9.5 herein.

Signs shall also not be erected in a clear view area of an intersection of a public or private right-of-way

and a driveway. The dimensions shall be determined by extending a line ten (10) feet from the intersection of the driveway and the public/private right-of-way boundary in toward the property along the edge of the driveway, and by extending a line ten (10) feet from the intersection of the driveway and the public/private right-of-way line away from the driveway along the right-of-way boundary. Then a line is drawn connecting the two points, creating a triangle.




*19.15.4.4 Specific Clearance and Location Requirements*

The following clearance and location requirements shall apply to all signs in all zones of Payson City:

1. Except signs located in the Historic District, signs shall not be erected in a manner that any portion of the sign or any support will extend over a public or private walkway, nor may any sign extend over an adjoining property line without permission of the adjoining owner.
2. Signs may not interfere with any fire escape, exit, required stairway, ventilation equipment, or window.
3. Signs may not encroach upon any public property, public right-of-way, or public easement except by permission of the authorized agency.
4. Except for an approved sign for a home occupation, when a sign is erected on a parcel adjacent to a residential zone, the sign shall not be positioned in a manner that the sign will face toward the residential zone. Furthermore, all sign lighting shall be directional and directed away from residential zones.
5. All signs are required to be placed upon the premise where the product, service, or business establishment is located, conducted, manufactured or sold. Off premise signs are not allowed, except outdoor advertising (billboards) as allowed by state statute and the requirements of Section 19.15.8 herein, directional signs erected by Payson City intended to provide off premise advertising opportunities, and project signs in accordance with this Chapter.

*19.15.4.5 Maintenance*

Every sign shall be kept in proper operating condition. Maintenance includes the repair of facades where signs have been removed, and the painting, cleaning, and repairing of the sign. Furthermore, all lighting fixtures shall be kept in operating condition and replaced when necessary.

Banners, pennants, streamers, and other advertising devices allowed by this Chapter shall be kept in good repair free from torn or frayed lines or pennants. Banners, pennants, streamers and other advertising devices in poor repair shall be removed within two (2) days of notification by the Development Services Department.

*19.15.4.6 Landscaping*

Landscaping is an integral part of sign design and streetscape of the commercial corridors. Each permanent non-affixed sign erected in Payson City must be landscaped. The landscaped area in which any sign is placed shall be kept free from weeds, garbage, and debris. The landscaping plan shall include:

1. Monument Sign – Each monument sign shall be enclosed in a landscaped planter of at least one hundred (100) square feet. The planter areas shall be surrounded by a concrete barrier to protect the vegetation and the sign. The planter shall be completely landscaped using appropriate vegetation such as plants, shrubs, flowers and low lying ground cover. The planter areas shall be surrounded by a concrete barrier to protect the vegetation and the sign.
2. Freestanding or Pole Sign – Each freestanding or pole sign shall be enclosed in a landscaped planter of at least fifty (50) square feet. The planter areas shall be surrounded by a concrete barrier to protect the vegetation and the sign. The planter shall be completely landscaped using appropriate vegetation such as plants, shrubs, flowers and low lying ground cover. The size of the planter may be modified to accommodate a more attractive landscape design surrounding the base of the planter.
3. Development Entrance Sign – A development entrance sign should be a predominant feature of the development. The landscaping should complement the project in scale and aesthetics and shall include appropriate vegetation such as

plants, shrubs, flowers and low lying ground cover.

*19.15.4.7 Structural Covering*

All freestanding or pole signs must have the structural supports covered or concealed with a material that is consistent with the materials used on the primary structure with the exception of a project sign as defined in Section 19.15.2 herein. The structural supports on a project sign shall incorporate materials or color scheme of the project.

*19.15.4.8 Lighting*

The light from the illumination of signs shall be carefully directed so that the light is not obtrusive or a nuisance to adjacent properties, particularly residential areas. All lighting fixtures shall be kept in proper operating condition and replaced when necessary.

All sign lighting must be approved as part of the Sign Permit process. Neon lighting and other colored lighting must be indicated on the application and reviewed for safety and aesthetic controls.

### 19.15.5 Signs Permitted in Agricultural and Residential Zones

Signs in agricultural and residential zones should be carefully reviewed to ensure that the residential, non-commercial characteristics of the
zones are protected. Signs should not have a negative impact on surrounding uses or be used to attract patrons and their associated traffic into residential areas.

Each sign in an agricultural or residential zone shall require a Sign Permit and satisfy the regulations of this Chapter. The following signs, and no others, are allowed in agricultural and residential zones:

1. One (1) name plate may be allowed for each dwelling unit to indicate the name of the person or persons residing in the dwelling unit. The nameplate shall not exceed two (2) square feet.
2. One (1) on-premise home occupation sign may be allowed to identify an approved home occupation and indicate the type of service conducted. The sign shall not be more than four (4) feet in height nor exceed nine (9) square feet in sign area.
3. Multi-family structures consisting of eight (8) or more dwelling units may include appropriate directional signs, not to exceed four (4) square feet, on each structure that will allow residents and visitors to identify the dwelling units.
4. Development Signs as a Special Purpose Sign in accordance with Section 19.15.3.3.2 herein.
5. Entrance Signs approved by the City Council as an amenity of the development.

### 19.15.6 Signs Permitted in Non-Residential Zones

19.15.6.1 Purpose and Intent of Signs in the Commercial and Industrial Zones
19.15.6.2 Specific Sign Regulations
19.15.6.3 CT, Commercial Transition Zones
19.15.6.4 NC-1, Neighborhood Commercial

Signs in the commercial zones are intended to allow businesses to be identified and to advertise products for sale in the commercial areas of the community. The commercial corridors are the most heavily traveled roadways in the City and signs should be attractive, inviting, and in scale with the commercial corridor. Signs should not dominate the streetscape, but rather be a component of a pleasing aesthetic environment.

The signs allowed shall be regulated by the following table:

| | CC-1 | GC-1 | S-1 | PO-1 | NC-1 | I-1 & I-2 |
|---|---|---|---|---|---|---|
| **A-Frame** | P | P | | | | |
| **Awning Sign** | P | P | P | P | P | |
| **Billboards** | | | | | | P |
| **Canopy** | P | P | P | | | |
| **Changeable Copy** | | P | | | | |
| **Directional** | P | P | P | P | P | P |
| **Freestanding** | P | P | | | | P |
| **Menu** | P | P | P | | | |
| **Monument** | P | P | P* | P | | P* |
| **Poster Panel** | P | P | P | | | |
| **Project** | | | P* | | | P* |
| **Projecting** | P | | | | | |
| **Reader Board** | P | P | P | P | | P |
| **Roof** | | P | | | | |
| **Suspended** | P | | | P | P | |
| **Wall** | P | P* | P | P* | P* | P |
| **Window** | P | P | P | P | P | P |

** Sign may have specific regulations above typical regulations*

*19.15.6.1 Purpose and Intent of the signs in the Commercial and Industrial Zones*

Signs in the CC-1, Central Commercial Zone should complement the buildings in the district. Signs erected to advertise businesses in historic buildings should reflect the time period of the building. Businesses located in the Historic District may have additional requirements imposed by the Main Street

program or other adopted historical preservation programs.

Signs in the GC-1, General Commercial Zone should complement the buildings in the district. Signs should enhance the built environment, improve traffic circulation, and allow business to effectively market their goods and services

Signs in the S-1, Special Highway Service Zone should be designed to serve the traveling public, complement the buildings in the district, enhance the built environment, improve traffic circulation, and allow business to effectively market their good and services.

Signs in the PO-1, Professional Office Zone should complement the buildings in the district, enhance the built environment, and identify the type of professional service offered.

Signs in the NC-1 Zone should complement the residential atmosphere and existing built environment of the district. The signs should be constructed of materials and colors consistent those used to construct residential dwellings and should not include backlit signage, neon signs and tubing, plastic facing, bright or Day-Glow colors, etc.

*19.15.6.2 Specific Sign Regulations*

***A-frame Sign*** – One A-frame sign per building or for a multi-tenant project one A-frame sign per fifty (50) feet of frontage on a public street is allowed provided:

1. The A-frame sign does not exceed sixteen (16) square feet on each of the two faces on the A-frame sign.
2. The A-frame sign shall satisfy the definition of an A-frame sign as defined in Section 19.15.2 herein.
3. The A-frame sign shall not block or partially block any public sidewalk, trail, fire escape, or any portion of a street or roadway, or road right of way except in the Historic Downtown Area. A-frame signs in the Historic Downtown Area shall be allowed if the sign can be placed in a safe manner that does not violate state or federal laws. The size of the A-frames in this zone may be reduced to accommodate the placement in the public right of way.
4. The A-frame sign shall not be backlit or contain lighting fixtures, or light emitting devices.
5. The A-frame sign shall be kept in good repair, protected from weather by an appropriate covering or lamination and free from graffiti.
6. The A-frame sign shall be placed in a safe location. Any A-frame sign determined by Payson City to create a safety hazard shall be removed or placed in a location approved by Payson City.
7. The owner of each A-frame sign shall obtain a sign permit from the Development Services Department. The approval of an A-frame sign shall have a duration of one (1) year at which time, the owner of an A-frame sign must apply for renewal of the sign permit. If the owner of an A-frame sign has violated any portion of this Section, the sign permit for an A-frame sign may not be renewed or may be revoked at any time and another permit may be denied for one (1) year.

***Awning Sign*** – Awning signs, in place of wall signs, must function as true awnings by being placed over a doorway or window to protect from weather elements. The following provisions shall apply to awning signs:

1. The awning sign may not extend more than eighteen (18) inches beyond each edge of a doorway or window.
2. The height of the awning sign shall not exceed thirty (30) inches. The awning sign must project at least eighteen (18) inches but shall not exceed 48 inches.
3. The sign copy may not exceed fifty (50) percent of the area of the front of the awning face.
4. Only one awning sign may be allowed for each building, except that in a multi-tenant building one awning sign may be allowed for each unit provided that the awnings are consistent with an approved sign theme.
5. An awning sign shall not project above the roof line, defined as the highest point of the vertical wall. Furthermore, the entire area of an awning sign shall be backed by the building face.
6. An awning sign will not be approved on a structure that contains or is proposed to contain a wall sign.

***Canopy sign*** – The following provisions apply to signs for canopies:

1. Sign copy and corporate logo signs shall not exceed thirty (30) percent of one face of the canopy. Two (2) sides of the canopy may be

used for signs provided the thirty (30) percent of one face regulation is not exceeded.
2. The individual letters, logos, or symbols shall not project beyond the face of the canopy more than eighteen (18) inches nor project above or below the canopy face.
3. Gas price signs are not allowed as canopy signs. Changeable copy is not allowed on canopy structures.
4. Signs painted on or affixed to canopies that are attached to a building shall be considered part of the total allowed area of wall signs for the walls from which the canopy projects.

***Changeable Copy Sign*** – The following provisions shall apply to changeable copy signs:

1. A changeable sign must be a portion of a freestanding, menu, or monument sign and satisfy the requirements of Section 19.15.3.3.7 herein.
2. Changeable copy signs affixed to a building as a message board or menu sign shall be included in the calculation of a wall sign.

***Directional Sign*** – Directional signs may be allowed as defined in Section 19.15.2 herein.

***Freestanding Sign*** – The following provisions shall apply to freestanding signs:

1. One (1) freestanding sign may be allowed for each parcel.
2. The height of a freestanding sign shall be limited twenty (20) feet in height. (2-19-14)
3. The sign face of a freestanding sign shall not exceed one hundred (100) square feet.
4. All freestanding sign supports must be covered with material used in the construction of the primary structure; and the pole covering must be a total width of four (4) feet.
5. Multi-tenant and condominium projects are limited to one (1) freestanding sign that must include advertising for all tenants. (8-7-13)
6. Each tenant shall be allowed a permanent advertising space, not including reader board advertising. (8-7-13)
7. If a freestanding sign is erected, no additional freestanding or monuments signs will be permitted on the parcel unless otherwise stated in this Chapter. See Section 19.15.3.3.4. (8-7-13)
8. Each freestanding sign shall include a landscaping planter consistent with the requirements of Section 19.15.4.6 of this Chapter.

***Menu Sign*** – Menu signs are not allowed in the Historic District. Outside of the Historic District, three (3) of the following types of menu signs may be allowed per parcel and the following provisions shall apply to menu signs:

1. Freestanding menu sign, not noise emitting:
   a. The sign shall not exceed twenty (20) square feet nor be more than six (6) feet in height.
2. Freestanding menu sign, noise emitting:
   a. The sign shall not exceed twenty (20) square feet nor be more than six (6) feet in height.
   b. The sound device shall not violate the noise ordinance of the City.
   c. The sound device shall be removed if it can be shown that the device has a negative impact on surrounding uses and the business has not taken steps to minimize negative impacts.
   d. A sound device on a parcel adjacent to or facing a residential zone shall take precautions to minimize the noise effects on the residential neighbors.
3. Wall mounted menu sign:
   a. The sign shall not exceed twenty (20) square feet and the sign area shall be included in the calculation of the maximum area allowed for a wall sign.

***Monument Sign*** – The following provisions shall apply to monument signs:

1. Only one monument sign may be allowed per parcel except as allowed in section 19.15.3.3.4.
2. The monument sign shall not exceed sixty four (64) square feet nor be more than six (6) feet in height.
3. In the S-1 Zone and the I-1 Zones the monument sign shall not exceed one hundred (100) square feet nor be more than ten (10) feet in height.
4. The monument sign shall include architectural features and materials similar to those used in the construction of the primary building on at least fifty (50) percent of the monument sign.
5. Multi-tenant and condominium projects are limited to one (1) monument sign that must include advertising for all tenants. (8-7-13)
6. Each tenant shall be allowed a permanent advertising space, not including reader board advertising. (8-7-13)
7. If a monument sign is erected, no additional monument or freestanding signs will be

permitted on the parcel unless otherwise stated in this Chapter. See Section 19.15.3.3.4. (8-7-13)

8. Each monument sign shall include a landscaping planter consistent with the requirements of Section 19.15.4.6 of this Chapter.

***Poster Panel Sign*** – Poster panel and painted bulletin signs may be allowed, as defined in Section 19.15.2 herein provided:

1. No more than two (2) poster panels may be allowed on any building and shall not exceed twelve (12) square feet per sign, except that motion picture theaters may have one (1) poster panel sign per theater screen, unless otherwise approved by the city council.

***Project Sign*** – A large scale industrial project consisting of more than 5 (five) acres may be allowed to erect one (1) project sign within the project area. Subdivision or phasing of an industrial project for the purpose of erecting an additional project sign(s) will not be approved by the City Council. The project sign will be reviewed and approved as part of the Site Plan approval process consistent with Chapter 19.8.and Section 19.6.18 herein. Project signs will include architectural features consistent with the approved design guidelines of the development.

Project signs shall not exceed thirty (30) feet in height and shall not contain more than two hundred fifty (250) square feet of sign face. The structural supports on a project sign shall incorporate materials and color schemes of the project. Any one entity may not exceed one hundred (100) square feet of sign face on the project sign.

The size of project signs in allowed commercial zones shall be governed by the following table:

| Project Size | Sign Face | Sign Height |
|---|---|---|
| 2 acres | 200 Sq Ft | 20 Feet |
| 3 acres | 300 Sq Ft | 30 feet |
| 4 acres | 400 Sq Ft | 40 feet |
| 5+ acres | 500 Sq Ft | 50 feet |

***Projecting Sign*** – Projecting signs may be allowed as defined in Section 19.15.2 herein provided:

1. The projecting sign may be allowed if it can be demonstrated to the Development Services Director that the sign is architecturally compatible with the building in terms of architectural period and consistent with the characteristics of the business.
2. Projection signs will vary in size and configuration, but must be designed in scale with the building. In no case shall the sign project more than thirty six (36) inches and the bottom of the sign shall be at least ten (10) feet above grade level.

***Reader Board Sign*** – Reader Boards and Message Centers are allowed in designated commercial zones provided:

1. The reader board or message center shall not exceed more than fifty (50) percent of the sign face area.
2. The reader board or message center shall not obstruct the view of, or be confused with any authorized traffic signs, signal or device, or which makes use of the words “stop,” “look,” “drive-in,” “danger” or other words, phrases, symbols, or characters in a manner that would interfere with, mislead or confuse traffic.
3. The area of the reader board or message center shall be included in the calculation of the allowable sign face for the business or project.
4. The reader board or message center shall not exceed seventy five (75) percent of the maximum wattage output of the reader board or message center.
5. In the PO-1 Zone reader boards and message centers are only allowed for a human health care facility greater than ten thousand (10,000) square feet in size
6. The interval between message changes on the reader board or message center shall not be more frequent than at least eight (8) seconds and the actual message rotation process shall be three (3) seconds or less in accordance with § 72-7-505(1)(d) of the Utah Code. (5-7-08)

***Roof Sign*** – The following provisions shall apply to roof signs:

1. One (1) roof sign, in place of all wall signs, may be allowed on a pitched-roof building provided the sign is placed on the pitch of the roof and below the peak as viewed from the public street in front of the building.
2. The sign shall not exceed one hundred (100) square feet.
3. The sign shall not project beyond the front line of the building.
4. The sign supports shall not be visible from a public street.

5. A roof sign will not be approved on a structure that contains or is proposed to contain a wall sign.
6. Roof signs are not allowed on a flat roofed building or a building with a parapet wall.

***Suspended Sign*** – Suspended signs, in place of wall signs, are allowed if the architecture of the building is appropriate to allow the proposed sign. The following provisions shall apply to suspended signs:

1. The sign area shall not exceed nine (9) square feet, nor be greater than twenty four (24) inches in vertical height. Furthermore, the sign shall be at least eight (8) feet above grade level.
2. The sign shall not project beyond the outermost edge of the building, roof, pole, canopy or other structure from which the sign is hung.
3. The sign area shall be included in the calculation of the maximum area allowed for a wall sign.

***Wall Sign*** - The following provisions shall apply to wall signs:

1. The number of wall signs allowed per building will be calculated according to the following:
   a. The sign(s) shall not be more than fifteen (15) percent of building face not to exceed five hundred (500) square feet, whichever is less. If wall signs are implemented, a wall sign must be placed near the primary entrance to the structure. Additional wall signs may be placed in other locations on the structure but shall not exceed the square footage as calculated above. The wall sign placed at the primary entrance shall be equal to or larger than any other sign placed on the structure
   b. The following provisions shall apply to wall signs in the *GC-1 Zone*: The sign(s) shall not be more than twenty (20) percent of building face not to exceed five hundred (500) square feet, whichever is less. If wall signs are implemented, a wall sign must be placed near the primary entrance to the structure. Additional wall signs may be placed in other locations on the structure but shall not exceed the square footage as calculated above. The wall sign placed at the primary entrance shall be equal to or larger than any other sign placed on the structure.
   c. The following provisions shall apply to wall signs in the *S-1 Zone*: The sign(s) shall not be more than twenty five (25) percent of building face not to exceed five hundred (500) square feet, whichever is less an no one sign shall exceed fifteen (15) percent. If wall signs are implemented, a wall sign must be placed near the primary entrance to the structure. Additional wall signs may be placed in other locations on the structure but shall not exceed the square footage as calculated above. The wall sign placed at the primary entrance shall be equal to or larger than any other sign placed on the structure.
   d. The following provisions shall apply to wall signs in the *PO-1 Zone:* One (1) wall sign, not to exceed thirty six (36) square feet, may be allowed per building. Multi-tenant buildings are limited to one (1) wall sign that indicates the location of each tenant. Buildings in excess of 50,000 square feet are allowed fifteen percent (15%) or five hundred (500) square feet whichever is less.
2. The sign shall be proportionate to the scale of the building.
3. Advertising painted on the wall of a building shall be considered a wall sign and must satisfy the provisions of this Chapter.
4. A wall sign may contain changeable copy provided that the changeable copy sign be part of the calculation in subsection 2 above and not exceed thirty six (36) square feet.
5. The sign shall not extend above the top of a wall or the eve of a building.
6. Multi-tenant buildings: see section 19.15.3.3.6.
7. A commercial structure may contain a wall sign on the side and/or rear wall of the building provided the side and/or rear of the building does not abut residential structures and are limited to one sign per wall face.

***Window Sign*** - The following provisions shall apply to window signs:

1. Window signs shall be used to identify the business, hours of operation, phone number, address, advertising of weekly specials and services and other general information about the business. Signs must be located on the interior of a window and shall not obstruct more than fifty percent (50%) of the window surface and are allowed without a permit.

***19.15.6.3 CT, Commercial Transition Zones***

Because there are several transition zones, signs in the CT-1 Zone shall be consistent with the requirements of the S-1 Zone, the signs in the CT-2,

Zone shall be consistent with the requirements of the I-1, Zone and only signs allowed in residential zones shall be allowed in the CT-3 Zone. (2-16-05)

*19.15.6.4 NC-1, Neighborhood Commercial*
Signs in the NC-1 Zone should complement the residential atmosphere and existing built environment of the district. The signs should be constructed of materials and colors consistent those used to construct residential dwellings and should not include backlit signage, neon signs and tubing, plastic facing, bright or day-glo colors, etc.
The following regulations apply to signs in the NC-1 Zone:

1. One wall sign will be allowed not to exceed thirty six (36) square feet may be placed on a wall facing a public street. Changeable copy is not allowed on a wall sign in the NC-1 Zone.
2. The sign shall be proportionate to the scale of the building and surrounding structures.
3. Advertising painted on the wall of a building shall be considered a wall sign and must satisfy the provisions of this Chapter.
4. The sign shall not extend above the top of a wall or the eve of a building.

**19.15.7 Outdoor Advertising Structures (Billboards)**

Outdoor advertising structures (billboards) shall be permitted only along Interstate I-15 and only in the I-1, Light Industrial Zone and the I-2, Heavy Industrial Zone. Outdoor advertising structures shall be erected and maintained in conformance with the following provisions and must, at a minimum, satisfy state statute and the provisions of the Utah Department of Transportation. Each outdoor advertising structure shall:

1. Have a maximum area of six hundred seventy-five (675) square feet per face.
2. Advertising structures shall have a maximum height of thirty-five (35) feet, provided however, that for every foot in height above twenty (20) feet, the applicant shall submit payment of one thousand (1,000) dollars or five (5) percent of the valuation of the sign, whichever is greater that will be used to enhance the commercial corridors of Payson City.
3. All outdoor advertising structures shall be located behind the line of the required front yard setback of the zone in which the sign is located and a minimum of four hundred (400) feet from the nearest residential zone.
4. Advertising structures shall be spaced with a minimum of one thousand (1,000) feet maintained between each outdoor advertising structure measured in any direction.
5. Each outdoor advertising structure shall be limited to one (1) sign face, except when:
   a. Two (2) sign faces are mounted back-to-back with faces in parallel planes at a distance not to exceed four (4) feet.
   b. Two (2) sign faces are mounted in a "V" configuration and the faces are attached on one end with a maximum distance of thirty (30) feet at the other end.
   c. Two (2) sign faces may be allowed if the total area of the sign faces is not greater than the maximum area for one (1) face, if both faces were originally erected together.
   d. Outdoor advertising structures must be issued a building permit prior to construction and satisfy all requirements of the adopted building codes.
   e. The owner or person in control of any sign shall be responsible for maintaining the sign including border, trims, faces, weight-bearing and bracing structures, and surrounding grounds or environment in a clean and safe manner. Signs shall not be allowed to deteriorate, and must be kept in good repair or removed.

**19.15.8 Non-Conforming Signs**

19.15.8.1 Non-Conforming Business Signs
All signs that have become non-conforming by the adoption of provisions contained within this Chapter, but were erected in conformance with a previous version of this Chapter shall be subject to the following regulations:

1. Any sign or portion thereof declared unsafe by the City must be restored to a safe condition or removed within thirty (30) days of written notice of the unsafe condition.
2. A non-conforming sign shall not be reconstructed, raised, moved, placed, extended, or enlarged unless the sign is changed to conform or more closely conform to all provisions of this Chapter. Alterations shall, among other things, mean:
   b. A change in the size of the sign face.
   c. Alterations shall not be interpreted to include changing the text or copy on outdoor advertising signs, theater signs, bulletins, other similar signs that are designed to accommodate changeable copy.
   d. Alterations shall not be interpreted to include cosmetic repairs.

3. Non-conforming signs which have been allowed to deteriorate or which have been damaged by fire, explosion, acts of God, acts of the public enemy, or damaged by any other cause to the extent of more than sixty (60) percent of its assessed value shall, if repaired or rebuilt, be repaired or built in conformity with the regulations of this Chapter or shall be removed.
4. Payson City will accept proof provided by the owner of a sign indicating that the sign was erected in conformance with a previous version of this Chapter, if the City is unable to locate a permit or development file.

*19.15.8.1 Non-Conforming Business Signs*

Non-conforming businesses that are properly licensed in the City may install directory signs and one monument sign provided:

a. The sign area of a monument sign shall not exceed thirty two (32) square feet.
b. There may not be more than one (1) monument sign for each parcel of property.
c. The sign shall not exceed six (6) feet in height.
d. The sign shall not project over a property line.
e. The sign shall not be an off-premise sign.

# Chapter 19.16
# Home Occupations

19.16.1 Purpose and Intent
19.16.2 Permitted Home Occupations
19.16.3 Application and Approval Required
19.16.4 Continuing Obligation

### 19.16.1 Purpose and Intent

The following regulations have been established to provide minimum standards for the establishment and operation of home occupations within a residence. An applicant for a home occupation shall satisfy the requirements of this Chapter and all applicable requirements of this Title together with the regulations of Title 4, Business License Ordinance. (6-5-13)

1. The purpose and intent of this Chapter is to support business activities within a residence on a limited basis, if such activities comply with the standards of this Chapter. All home occupations shall be secondary and incidental to the residential use. The use should be conducted so that neighbors, under normal conditions, would not be aware of its existence. Home occupations are a privilege which can be revoked if disruption of the residential neighborhood occurs. (2-20-13)
2. No home occupation shall be conducted without first obtaining a home occupation business license pursuant to this Chapter and other applicable provisions of the Payson City Code regulating businesses. (2-20-13)
3. The Business License Specialist may grant a home occupation business license, provided the use applied for satisfies all of the standards set forth in this Chapter. (6-5-13)
4. Home occupation business licenses are reviewable upon written complaint to the Business License Specialist. The Business License Specialist in reviewing such complaints shall have the authority to attach conditions to a home occupation to make it compatible with the surrounding neighborhood. If the Business License Specialist makes a finding that the home occupation is not compatible with the surrounding neighborhood they shall have the authority to take it to the City Council for further review or go through the revocation process described in Title 4 of the Payson City Ordinance. (11-19-08)
5. As a matter of public policy, the City believes that commercial and industrial activities should be conducted in zones where such activities are specifically permitted. However, business activities may be conducted within residences located in any zone in the City if the business activity strictly complies with all of the following requirements. (11-19-08)

### 19.16.2 Specific use Considerations

Permitted uses for a home occupation will be determined based on the satisfaction of all general requirements found in Section 19.16.3. (2-20-13)

Some permitted home occupations require additional criteria to be met along with the general requirements found in Section 19.16.3. The following information is additional criteria based on use: (11-19-08)

1. Barber and beauty shops provided:
   a. The home occupation is limited to two service chairs that may be used only for hair or nail services, and not to include any other uses.
   b. That, if a tanning bed is requested, the home occupation be limited to one (1) tanning bed and provided:
      i. All applicable Utah City/County Health Department regulations are satisfied and documentation is provided to the City annually.
      ii. The licensed operator is responsible to be on premise at all times to administer the proper use of the tanning bed in accordance with Utah City/County Health Department regulations and the manufactures instructions.
      iii. Tanning beds for home occupation purposes may only be used between the hours of 7:00 a.m. and 9:00 p.m. (9-3-03)
2. Contractors, provided all outside storage of vehicles and equipment is contained within a building, except that one company vehicle may be parked outside of a building on premise. (12-19-01)
3. Home child care centers **-** Any person conducting child care services in a residential zone is required to obtain a certificate or license from the Utah Department of Health. The number of children allowed at each location may not exceed eight (8) for a single caregiver and sixteen (16) for two caregivers. Child care facilities with three (3) or fewer children, excluding the provider's own children, are exempt from these regulations. (3-3-10)
   a. All child care facilities must satisfy all federal, state and county requirements. These regulations shall not apply to those non-income producing child care activities (i.e.

babysitting cooperatives, babysitting exchanges. (3-3-10)

b. All child care facilities shall be allowed to provide outdoor play time as required by federal, state, county and/or local laws governing such business activity. (3-3-10)

c. All caregivers are required to complete a criminal background check. A business license will not be issued prior to receiving a certificate and/or report from the Bureau of Criminal Investigation and approval from the Utah Department of Health. (3-3-10)

4. Instructional studios - Any dwelling unit in which instruction is offered for piano, gymnastics, voice, art, dance, or similar activities provided that instruction is offered for no more than eight (8) students on the premises at the same time, excluding the instructor's own participating family members. (12-19-01)

5. Preschool instruction – All preschool establishments must obtain a license and satisfy all federal, state and county requirements. Each establishment is limited to eight (8) children, excluding the provider's own preschool aged children, on the premises at the same time. Preschool facilities with three (3) or fewer children, excluding the provider's own preschool aged children, are exempt from these regulations. (3-3-10)

   a. These regulations shall not apply to non-income producing preschool activities (i.e. informal instructional activities for preschool aged children). (3-3-10)

   b. All preschool facilities shall be allowed to provide outdoor play time as required by federal, state, county and/or local laws governing such business activity. (3-3-10)

   c. All preschool providers are required to complete a criminal background check. A business license will not be issued prior to receiving a certificate and/or report from the Bureau of Criminal Investigation and approval from the Payson Police Department. (3-3-10)

6. Pet grooming provided:

   a. The home occupation is limited to two (2) large or medium tables and one (1) portable table that may be used only for grooming services, and not to include any other uses.

   b. A portion of the backyard must be fenced and designated as an area to allow for safe, brief outdoor time to relieve dogs.

   c. Appropriate assurances must be provided that animal waste will be properly removed and will not negatively impact adjacent properties. The proposed waste disposal system must be reviewed and approved by the wastewater department.

   d. Kenneling of pets is not allowed on the premises. (7-2-08)

### 19.16.3 Application and Approval Required

Home occupations may be permitted in the appropriate zones and are subject to the following conditions:

1. General Requirements

   a. Each applicant for a home occupation shall submit a complete application form provided by the Business License Specialist together with a site plan indicating the portion of the home that will be used for the home occupation that includes any significant features of the request. (2-20-13)

   b. The applicant for a home occupation shall reside in the residence for which the permit is being sought.

   c. The home occupation shall not cause a demand for municipal or utility services or community facilities in excess of those customarily provided for residential uses.

   d. The home occupation shall be registered with the City. No more than one home occupation shall be approved per residence unless the applicant can demonstrate to the Business License Specialist that the additional home occupation(s) will not impact the residential nature of the area and does not create any additional stress or impact on the neighborhood. The Business License Specialist has the discretion to approve, deny, or require the request to be taken to the City Council for consideration. (2-20-13)

   e. If the applicant for a home occupation is not the legal owner of the residence, the applicant shall present to the Business License Specialist, in writing, permission from the legal owner of the residence to conduct the activities proposed. (2-20-13)

   f. Inspection during reasonable hours by City Officials may occur as necessary to assure compliance with these regulations.

   g. The home occupation shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes.

   h. The home occupation shall not require alterations to the exterior of the residence or to enclose the garage or carport area. The residence shall maintain the general character and appearance of a residential dwelling and

shall not unreasonably disturb the peace and quiet, including radio and television reception, of the neighborhood by reason of color, design, materials, construction, lighting, sounds, or vibrations.

i. The home occupation shall be conducted entirely within a dwelling and shall not be conducted in an accessory structure, or an enclosed garage or carport.

j. Interior alterations for the purpose of accommodating the home occupation are prohibited if such alteration eliminates any of the following; the kitchen, dining area, bathrooms, living room or all of the bedrooms.

k. The area used for the home occupation shall not exceed twenty five (25) percent of the dwelling or five hundred (500) square feet, whichever is less. (6-5-13)

l. Incidental storage related to the home occupation may be located in the dwelling unit, but shall not be located in any yard space, covered patios or carports. Storage may be allowed in an attached or detached garage, or in a fully enclosed accessory building, but such storage area shall not exceed four hundred (400) square feet. Required parking must be maintained in accordance with Chapter 19.4 herein. (6-5-13)

m. The home occupation shall not contain facilities for the display of goods. The sale of commodities shall be limited to items produced on the premises, or items that are incidental to the service provided, (i.e. a beautician selling hair care products to clientele). Direct retail sales may be allowed in a legal non-conforming residential dwelling in a commercial zone, provided the requirements of this Chapter are satisfied, including the provision of off-street parking and compliance with the delivery limitations of this Chapter. (6-5-13)

n. Signs shall satisfy the requirements found in Chapter 19.15 herein.

o. Entrance to the home occupation from outside shall be the same entrance normally used by the residing family except when required otherwise by regulation of the State Health Department or other public agency or to satisfy the International Building Code, as may be amended, and ANSI standard 117 A. (2-20-13)

p. The physical appearance, traffic, and other activities in connection with the home occupation are not contrary to the intent of the zone in which the home occupation is located.

q. Garage, yard or other similar sales do not constitute a home occupation and are exempt from these provisions. (9-3-03)

2. Patrons

a. Visitors, customers, or vehicular traffic shall not exceed that normally and reasonably occurring for a residence in the neighborhood where the home occupation is located and shall be conducted so that the neighborhood will not be significantly impacted by its existence.

b. No visitors in conjunction with the home occupation (clients, patrons, students, pupils, etc.) shall be permitted between the hours of 10:00 p.m. and 7:00 a.m.

c. Promotional meetings for the purpose of selling merchandise, taking orders, or training shall not be held more than once per month. (9-3-03)

3. Employees

a. Family members living in the dwelling for which a home occupation has been approved may be employed in such residence without constraint.

b. Recognizing that for the purposes of some home occupation activities additional employees may be necessary or practical. As a conditional use in accordance with Chapter 19.13 herein, the City Council may allow one (1) employee not residing on the premises during appropriate daytime business hours to work at the location of a home occupation. (9-3-03)

4. Vehicles and Parking

a. Vehicles or equipment may not be used primarily for the purposes of advertising the home occupation at the site of the home occupation.

b. Only one vehicle may be used in association with the home occupation. The vehicle used for the home occupation shall be limited to a maximum size of one-ton gross vehicle weight. A business shall not be permitted that requires receipt or delivery of merchandise, goods, or equipment by other than a passenger motor vehicle or by parcel or letter carrier mail service using vehicles typically employed in residential deliveries. No deliveries by semi-tractor\trailer truck are permitted. There shall be no storage or parking of tractor trailers, semi-trucks, or other heavy equipment on the premises or on the streets in the vicinity

of the premises of a home occupation, except that not more than one truck of one-ton capacity or less may be parked during off hours.

In the case of contractors, there shall be no outside storage of vehicles or equipment on or off site that is not contained within a building, except that one company vehicle may be parked outside of a building on premise. (12-19-01)

c. All vehicles, including customer, client and employee vehicles must be provided off-street parking at the location wherein the home occupation is being conducted. (3-5-03)

**19.16.4 Continuing Obligation**

All home occupations shall be operated in compliance with the conditions herein. Upon approval of a home occupation, a license to operate shall be obtained from the City. It shall be unlawful to operate a home occupation without first obtaining a license from the City. The license shall be refused or revoked upon failure of the owner or operator to maintain the home occupation in accordance with the standards and requirements as herein set forth at the time of approval.

**19.16.5 Compliance with Federal, State and Local Laws**

Home occupations shall satisfy all applicable federal, state and local laws, adopted building (including plumbing, electrical and mechanical) and fire codes, specifically including the Americans with Disabilities Act. Any home occupation that requires approval from another governing agency shall obtain approval from the agency and provide written documentation to the City. (1-18-06)

Payson City encourages the majority of business activities to be conducted in appropriate commercial zones. The provisions of this Chapter shall not be used to avoid compliance with other regulations of this Title. (6-5-13)

**19.16.6 Prohibited Uses** (6-5-15)

Home occupations must be conducted in a manner that will not negatively affect the character, health, safety or general welfare of the zoning district. The following business activities or practices are not allowed as home occupations:

1. Medical, dental, and other healthcare services that general medical waste or present sanitation risks.
2. Auto-body repair and painting.
3. Storage or sale of fireworks.
4. Hazardous materials as defined by local, state and federal guidelines and substances that could have a negative impact on public utility systems.
5. Any use determined by the Business License Specialist to jeopardize the health and safety of city residents. The decision of the Business License Specialist to deny an application may be appealed to the City Council in accordance with Chapter 19.26 herein.

# Chapter 19.17
# Cellular and Low Power Towers

19.17.1 Purpose and General Provisions
19.17.2 Specific Definitions
19.17.3 Approval Process
19.17.4 Types of Structures
19.17.5 Location and Criteria for Conditional Use
19.17.6 Landscaping and Color
19.17a Alternate Electric Generation Systems

## 19.17.1 Purpose and General Provisions

The purpose of this Chapter is to provide standards and regulations for the height, location and general design of low power communication towers in Payson City. The requirements of this Chapter apply to both commercial and private low power radio systems such as cellular or Personal Communication Systems (PCS), and paging systems. All facilities approved under this Chapter shall comply with these regulations and all other ordinances of Payson City and any pertinent state or federal regulations.

Each facility shall be considered as a separate use and an annual business license shall be required for each such facility. Uses exempted by the regulations of the Federal Communications Commission shall still be required to obtain a business license to operate a facility, however no fee shall be charged for such uses. (1-18-06)

The staff will review each application for approval to ensure that the proposed facility is compatible with the height and mass of existing buildings and utility structures and that co-location of antennas or other structures is possible without significantly altering the existing facility. The facility shall blend with existing vegetation, topography and buildings. The location of a facility may not create a detrimental impact to adjoining property owners.

## 19.17.2 Specific Definitions

The following list of definitions is provided to add clarification to the terms used in this Chapter. If further clarification of these terms is required, it will be given by the Payson City Board of Adjustment.

1. Antenna - A transmitting or receiving device used in telecommunications that radiates or captures radio signals.
2. Guyed Wire Tower - An open steel frame supported by guyed wires which extend 80% of the height of the structure away from the structure.
3. Lattice Tower - A self-supporting, multiple sided, open steel frame structure used to support telecommunications equipment.
4. Low Power Radio Services Facility - An unmanned structure which consists of equipment used primarily for the transmission, reception or transfer of voice or data through radio wave or wireless transmissions. Such sites typically require the construction of transmission support structures to which antenna equipment is attached.
5. Monopole - A single cylindrical steel or wood pole that acts as the support structure for antennas.
6. Roof Mounted Antenna - An antenna or series of antennas mounted on an existing roof, mechanical room or penthouse of a building.
7. Wall Mounted Antenna - An antenna or series of antennas mounted against the vertical wall of a building or structure.
8. Whip Antenna - An antenna that is cylindrical in shape that can be directional or omnidirectional and vary in size depending upon the frequency and gain for which they are designed.

## 19.17.3 Approval Process

All applications for approval of a low power tower or cellular or PCS facility will be reviewed by the staff. Staff will review the size, height, color, accessory facilities, and general nature of the proposed tower. Staff may recommend conditions on any tower to address the items detailed above and any other appropriate conditions.

If the proposed tower is a permitted use in the zone, the application may be approved administratively by staff. The staff may require the applicant for installation of any tower to obtain approval by the City Council if deemed necessary. All applications that require a Conditional Use Permit for approval of a low power radio tower or cellular or PCS facility, if approved, shall be in writing by the City Council following a recommendation by the Planning Commission. The Council shall hold a public hearing after a minimum of fourteen (14) day notice consistent with other land use applications administered under Titles 19 and 20 of the Payson City Code. Staff shall prepare a concise report indicating any inconsistencies with requirements of this Chapter along with options for approval, approval with conditions, or denial of the application. (4-15-15)

Any interested party, including the applicant may appeal the action of the Council to the Payson City Board of Adjustment provided that such appeal is submitted to the Board within ten (10) days of the Council decision. If the decision has not been appealed within ten (10) days of the decision, the action shall be final.

**19.17.4 Types of Structures**

Low power radio tower or cellular or PCS facilities are characterized by the type or location of the antenna structure. The five general types of such antenna structures include wall mounted, roof mounted, monopoles less than two feet in diameter, monopoles greater than two feet in diameter, and lattice towers. Standards for installation and construction of each type of structure are listed below:

1. Wall Mounted Antenna - An antenna or series of antennas mounted against the vertical wall of a building or structure. Structures include, but are not limited to, buildings, smoke stacks, water tanks, and grain elevators. Wall mounted antennas are a permitted use in the industrial zones of Payson City and on City owned property, and a conditional use in the agriculture and commercial zones of Payson City (see Chart 1). Any wall mounted antenna shall comply with the following standards:
   a. Wall mounted antennas shall not extend above the wall line of the structure more than four (4) feet, nor shall it protrude more than four (4) feet from the wall.
   b. Wall mounted antennas and associated equipment shall be painted to match the color of the predominant background against which they are most commonly seen. All support structures and antennas should be architecturally compatible with the building or structure. Whip antennas are not allowed on a wall mounted antenna structure.
   c. If any associated equipment is located on the ground, it shall be enclosed by a sight obscuring fence and landscaped to match the surrounding landscaping or to the satisfaction of the Planning Commission.
   d. The owner of any structure on which a wall mounted antenna is located must, in person or in writing, agree to all conditions of approval including the removal of a vacated antenna.
2. Roof Mounted Antenna - An antenna or series of antennas mounted on the roof, mechanical room, or penthouse of a building or structure. Roof mounted antennas are a permitted use on City owned property and a conditional use in the industrial and commercial zones of Payson City (see Chart 1). Any roof mounted antenna shall comply with the following standards:
   a. Roof mounted antennas may only be erected on buildings or structures with a flat roof and shall be screened, constructed and/or colored to match the structure on which they are located.
   b. Antennas must be setback from the edge of the structure no less than one (1) foot for every one (1) foot of vertical antenna height to a maximum height of ten (10) feet. In no case shall a roof mounted antenna be located closer than five (5) feet from the edge of the structure on which it is erected.
   c. If any associated equipment is located on the ground, it shall be enclosed by a sight obscuring fence and landscaped to match the surrounding landscaping or to the satisfaction of the Planning Commission.
   d. The owner of any structure on which a roof mounted antenna is located must, in person or in writing, agree to all conditions of approval including the removal of a vacated antenna.
3. Monopole Structures Less Than Two (2) Feet in Width - A single cylindrical steel or wooden pole that acts as the support structure for an antenna or series of antennas. Monopole structures less than two (2) feet in width are a permitted use in the industrial zones of Payson City and on City owned property, and a conditional use in the commercial and agriculture zones of Payson City (see Chart 1). These types of structures are intended to be placed on light poles, light standards, flagpoles and other existing or planned vertical structures. The following requirements must be satisfied prior to construction of a monopole less than two (2) feet in width:
   a. The total antenna structure mounted on a monopole shall not exceed two (2) feet in width or diameter nor exceed ten (10) feet in height. The entire monopole itself shall not exceed sixty (60) feet in height.
   b. No monopole antenna shall be placed in or within two hundred (200) feet of a residential zone.
4. Monopole Structures Greater Than Two (2) Feet in Width - A single cylindrical steel or wooden pole that acts as the support structure for an antenna or series of antennas. Monopole structures Greater than two (2) feet in width are a permitted use in the industrial zones of Payson City and on City owned property, and a conditional use in the commercial and agriculture zones of Payson City (see Chart 1). The following requirements must be satisfied prior to construction of a monopole greater than two (2) feet in width:
   a. The actual antennas and antenna support structure on a monopole shall not exceed thirteen (13) feet in width and eight (8) feet in height.
   b. No monopole shall be erected within two hundred (200) feet of a residential zone or

within a one half mile radius to another monopole tower unless grid documentation is supplied by an independent consultant stating that co-location will create an unreasonable hardship.

c. All monopoles shall be less than sixty (60) feet in height unless the tower is designed for co-location of antenna structures. In the case of co-location, the height of the tower may be increased by twenty (20) feet for each potential co-location not to exceed three (3) potential co-locations or one hundred (100) feet in total monopole height.
d. Co-location of more than one antenna structure is a permitted use on all approved monopoles and is approved administratively by the staff.
e. The applicant must supply the city with a letter indicating that if technology renders the tower obsolete or the tower is vacated the applicant will remove the tower and all associated equipment within ninety (90) days of the vacation of the tower.
f. Monopole towers may not be constructed in the required setback, landscape buffer area, or required parking area of any zone.
g. All associated equipment located on the ground, shall be enclosed by a sight obscuring fence and landscaped similar to surrounding landscaping or to the satisfaction of the City Council.
h. The owner of any property on which a monopole tower mounted antenna is located must, in person or in writing, agree to all conditions of approval including the removal of a vacated antenna.

**19.17.5 Location and Criteria for Conditional Use**

Payson City strongly supports the placement of facilities on existing structures and co-location of two or more towers. The staff, Planning Commission, and City Council may use the following criteria for determining necessary conditions to ensure:

1. The proposed facility is compatible with the height and mass of existing buildings and utility structures.
2. That co-location of antennas or other structures is possible without significantly altering the existing facility.
3. That the facility blends with existing vegetation, topography and buildings including color and screening.
4. That location of a facility will not create a detrimental impact to adjoining property owners.
5. That sufficient guarantees for removal of a vacated facility are in place.

The chart below indicates where low power radio communication towers, facilities, and antennas may be located in Payson City and what type of approval is required.

| Type of Facility | Residential Zones | Commercial Zones | Industrial Zones | Agricultural Zones | City Owned Property | Payson High School |
|---|---|---|---|---|---|---|
| Lattice Tower | Not Permitted | Not Permitted | Not Permitted | Not Permitted | Not Permitted | Not Permitted |
| Monopole Tower | Not Permitted | Conditional Use | Permitted Use | Conditional Use | Permitted Use | Permitted on Athletic Field Light Poles Only |
| Roof Mounted Facility | Not Permitted | Conditional Use | Conditional Use | Not Permitted | Permitted Use | Not Permitted |
| Wall Mounted Facility | Not Permitted | Conditional Use | Permitted Use | Conditional Use | Permitted Use | Not Permitted |
| Mounted on Existing Structure | Not Permitted | Conditional Use | Conditional Use | Conditional Use | Conditional Use | Not Permitted |

(1-18-06)

**19.17.6 Landscaping and Color**

The applicant for a tower facility shall submit a landscaping plan consistent with the requirements of this Title. Applicants are encouraged to provide attractive and appropriate landscaping that is consistent and compatible with surrounding uses. At a minimum, landscaping shall consist of complete erosion control and the elimination of noxious weeds. The applicant for a tower facility shall submit a color scheme for the proposed tower. The City may require the tower to be a specific color if it can be shown that a specific color will aide in an attempt to have the tower better blend into the background. (12-19-01)

**19.17a Alternate Electric Generation Systems**

*19.17a.1 Purpose and Objectives*

The purpose of this chapter is to oversee the permitting of alternative electric generating facilities and to establish rules for determining the terms and conditions governing the interconnection of alternative electric generating facilities with a nameplate generating capacity of not more than 5 kilowatts to the electric system of Payson City.

*19.17a.2 Definitions*

"Electric system" means all electrical wires, equipment, and other facilities owned or provided by the utility that are used to transmit electricity to customers.

"Alternative Electric Generating facility" means a source of electricity owned by the applicant or generator that is located on the applicant's side of the point of common coupling, and all facilities ancillary and appurtenant thereto, including interconnection

facilities, which the applicant requests to interconnect to the utility's electric system.

"Generator" means the entity that owns and/or operates the alternative electrical generating facility interconnected to the utility's electric system.

"Interconnection" means the physical connection of an alternative electric generating facility to the electric system so that parallel operation may occur.

"Interconnection agreement" means the standardized terms and conditions that govern the interconnection of generating facilities pursuant to these rules. The model interconnection agreement may be modified to accommodate terms and conditions specific to individual interconnections, subject to the conditions set forth in this Chapter.

"Interconnection facilities" means the electrical wires, switches and other equipment used to interconnect a generating facility to the electric system.

"Net metering" means measuring the difference between the electricity supplied by the utility and the electricity generated by an alternative electric generating facility that is fed back to the utility over the applicable billing period.

"Parallel operation" or "operating in parallel" means the synchronous operation of a generating facility while interconnected with the utility's electric system.

"Utility" means Payson City that owns and operates the electrical distribution system, or the electrical distribution system itself, onto which the applicant seeks to interconnect a generating facility.

*19.17a.3 Permitted and Prohibited Uses*

1. Pole mounted towers are permitted in all zones upon issuance of a building permit and compliance with all applicable regulations. No more than one (1) tower shall be permitted per parcel.
2. Roof mounted systems shall be permitted for solar power only. No wind energy systems shall be permitted on the roof of a structure.
3. Commercial wind power generating facilities (wind farms) shall not be permitted. Commercial solar power generating facilities may be permitted as approved by the City Council.

*19.17a.4 Site and Design Requirements*

A permit must be obtained prior to the installation of an alternative electric generating facility. The application must be accompanied by stamped plans from a structural engineer licensed in the State of Utah. (3-16-11)

1. The following minimum setback requirements shall apply to all alternative electric generating facilities. Each setback is measured from the property line of the lot or parcel, unless otherwise noted herein. (3-16-11)
   a. Alternative electric generating facilities shall be set back a distance equal to one hundred ten (110) percent of the tower height, including blade length, from any neighboring habitable structures, overhead utility lines, and public roads or public right-of-ways. The setback shall accommodate the potential buildable area of an adjoining parcel. (3-16-11)
   b. The alternative electric generating facility shall not be located in the area between the front of a structure and the front property line. (3-16-11)
   c. At least five (5) feet shall be maintained between the tower and any structure on the subject parcel.
2. Facilities associated with alternative electric generating facilities shall not be located within an easement or right-of-way.
3. Alternative electric generating facility towers shall be non-reflective and maintain a galvanized steel finish or painted to conform the tower to the surrounding environment. (3-16-11)
4. Towers shall not have any sign, writing, or picture that may be construed as advertising or be used for any purpose other than support of the associated equipment.
5. All access doors, climbing apparatuses, or access ways to towers and electrical equipment shall remain locked and inaccessible by the public. (3-16-11)
6. Alternative electric generating facilities shall not exceed sixty (60) decibels, as measured at the closest property line.
7. Each facility is required to contain an electronic data collection system that records information such as daily data acquisition, wind conditions, and power generation of the alternative electric generating facilities.
8. The permit holder must adhere to the requirements of any agency having legal authority to regulate electric generating facilities, including, but not limited to, the Federal Aviation Administration (FAA) and the Federal Communications Commission (FCC). (3-16-11)

*19.17a.5 Height Requirements*

1. The height of the tower shall not exceed fifty-five (55) feet, including the turbine and rotor blades for small wind systems. (3-16-11)

2. The minimum distance between the ground and any part of the rotor blade system shall be twenty (20) feet.

*19.17a.6 General Interconnection Requirements and Safety Measures*

1. General interconnection requirements.
   a. The generator shall comply with the requirements of subsection (a)(*i*), (a)(*ii*), and (a)(*iii*). However, at its sole discretion, the utility may approve alternatives that satisfy the intent of, and/or may excuse compliance with, any specific elements of these requirements.
      (i) Code and Standards. Applicant shall conform to all applicable codes and standards for safe and reliable operation. Among these are the National Electric Code (NEC), National Electric Safety Code (NESC), the Institute of Electrical and Electronic Engineers (IEEE), American National Standard Institute (ANSI), and Underwriters Laboratories (UL) standards, and local, state and federal building codes. The generator shall be responsible to obtain all applicable permit(s) for the equipment installations on its property.
      (ii) Safety. All safety and operating procedures for joint use equipment shall be in compliance with the Occupational Safety and Health Administration (OSHA) Standard 29, CFR 1910.269, the NEC, Utah Administrative Code (UAC) rules, the Utah Industrial Safety and Health Administration (UISHA) Standard, and equipment manufacturer's safety and operating manuals.
      (iii) Power Quality. Installations will be in compliance with all applicable standards including IEEE Standard 519-1992 Harmonic Limits.
2. Specific interconnection requirements.
   a. Applicant shall furnish and install on applicant's side of the meter, a UL- approved safety disconnect switch which shall be capable of fully disconnecting the applicant's generating facility from the utility's electric system. The disconnect switch shall be located adjacent to utility meters and shall be of the visible break type in a metal enclosure which can be secured by a padlock. The disconnect switch shall be accessible to utility personnel at all times.
   b. The requirement in subsection (2)(a) above may be waived by the utility if: (*i*) applicant provides interconnection equipment that applicant can demonstrate, to the satisfaction of the utility, performs physical disconnection of the generating equipment supply internally: and (*ii*) applicant agrees that its service may be disconnected entirely if generating equipment must be physically disconnected for any reason.
   c. The utility shall have the right to disconnect the generating facility at the disconnect switch under the following circumstances: when necessary to maintain safe electrical operating conditions; if the generating facility does not meet required standards; if the generating facility at any time adversely affects or endangers any person, the property of any person, the utility's operation of its electric system or the quality of the utility's service to other customers; or failure of the owner of record, as filed with the utility, to notify the utility of a sale or transfer of the generator, interconnection facilities or the premises on which the generator is located.
   d. Nominal voltage and phase configuration of applicant's generating facility must be compatible to the utility system at the point of common coupling.
   e. Applicant must provide evidence that its generation will never result in reverse current flow through the utility's network protectors. All instances of interconnection to secondary spot distribution networks shall require review and written pre-approval by the utility. Interconnection to distribution secondary grid networks is not allowed. Closed transition transfer switches are not allowed in secondary network distribution systems.
3. Requirements applicable to all inverter-based interconnections. Any inverter-based generating facility desiring to interconnect with the utility's electric system or modify an existing interconnection must meet the technical specifications, in their most current approved version, as set forth below.
   a. IEEE Standard 1547-2003, Standard for Interconnecting Distributed Resources with Electric Power Systems.
   b. UL Standard 1741, Inverters, Converters, and Controllers for use in Independent Power systems, Equipment must be UL listed.
   c. IEEE Standard 929-2000, IEEE Recommended Practice for Utility Interface of Photovoltaic (PV) Systems.
4. Requirements applicable to all non-inverter- based interconnections. Non-inverter based

interconnection requests may require more detailed review, testing, and approval by the utility, at applicant cost, of the equipment proposed to be installed to ensure compliance with applicable technical specifications, in their most current approved version, including:

a. IEEE Standard 1547-2003, Standard for Interconnecting Distributed Resources with Electric Power Systems.
b. ANSI Standard C37.90, IEEE Standard for Relays and Relay Systems Associated with Electric Power Apparatus.
c. Applicants proposing such interconnection may also be required to submit a power factor mitigation plan for utility review and approval.

5. The owner shall obtain a building permit and certification by a professional engineer licensed in the State of Utah as to the safety of equipment and installation.
6. Sufficient safety measures to prevent the tower from becoming a climbing hazard shall be implemented.
7. Procedures for emergency shutdown of power generation units shall be established and posted prominently and permanently within three (3) feet of the meter panel.

*19.17a.7Application for Interconnection*

1. When an applicant requests interconnection from the utility, the applicant shall be responsible for conforming to the rules and regulations that are in effect. The applicant seeking to interconnect an alternate electric generating facility under these rules must fill out and submit a signed application form. Information must be accurate, complete and approved by the utility prior to installing the generating facility.
2. Application fees. The utility requires a non-refundable interconnection application fee of $100.00, with a $5.00 monthly service fee. The applicant shall also pay for the cost of the net meter.
3. Application evaluation. All generating interconnection requests pursuant to this chapter will be reviewed by the utility for compliance with these rules. If the utility in its sole discretion find that the application does not comply with this chapter, the utility may reject the application. If the utility rejects the application it shall provide the applicant with written notification stating its reasons for rejecting the application.

*19.17a.8 Generation Limitation*

Towers connected to the Payson City power grid are limited to the generation of five (5) kilowatts (kW). Wind conversion systems shall not be connected to the power grid until authorization to install an interconnected customer-owned turbine has been granted by the Payson Power Department. All wind conversion systems connected to the utility grid shall satisfy all applicable codes and standards.

*19.17a.9 Special Conditions*

1. The customer shall pay for the net energy used in accordance with the following formula:
   a. The customer shall pay for all electric energy supplied by the city to the customer in any billing period in excess of the amount of electric energy produced by the customer on the premises which is fed back into the city's electric distribution system during that same billing period.
   b. The customer shall receive a credit for all electrical energy produced by the customer on the premises which is fed back into the city's electrical distribution system during a billing period in excess of the amount of electric energy supplied by the city during that billing period, with such credit applied to the customer's future bills, except that any electric energy credit balance remaining in favor of the customer under the provisions of this subsection at the time of their April billing each year shall be zeroed out with no further liability to the city and no credit to the customer for said balance.
   c. In the event the customer terminates service under this electric service schedule, any electric energy credit balance in favor of the customer under the provisions of this subsection of this section shall be forfeited. The city will not make cash payment to customers based on their participation in the Net Metering Program for energy produced by the customer which is fed into the city's electric distribution system.
2. The price for electric energy provided to, or credited to, a customer participating in the Net Metering Program shall be the price charged by the city under the provisions of the electric service schedule for which the customer receives service absent this electric service Net Metering Program.
3. The Net Metering Program billing adjustment only applies to charges for energy. Participating customers are subject to all other charges, rates, terms and conditions of the electric service schedule under which the customer receives

service except as expressly altered by this electric service Net Metering Program.

4. The customer will release to City all renewable energy credits (RECs), solar renewable-energy credits (S-RECs), or other renewable attributes as appropriate based on actual on-site electric generation from the Renewable Resource.

The customer shall be responsible for any damage caused by the customer-generating facility to the City's distribution system and/or neighboring services. The customer shall be responsible for the installation and maintenance of applicable protection equipment, and for any damage caused by improper application, maintenance of faulty equipment. Payson City shall not be liable directly or indirectly for permitting or continuing to allow an attachment of a net metering facility or for the acts or omissions of the customer-generator that cause loss or injury, including death, to any third party.

If an alternative electric generating facility is not functional, operational, or maintained for a period of one (1) year, it shall be deemed abandoned. The owner, upon notification, shall immediately dismantle and remove the wind tower and associated appurtenances and restore the site. (3-16-11)

# Chapter 19.18
# Condominiums

19.18.1 Purpose and Intent
19.18.2 Permitted Uses
19.18.3 Approval Process and Documentation
19.18.4 Layout and Improvement
19.18.5 Utility and Facility Requirements

### 19.18.1 Purpose and Intent

The intent of this Section is to establish guidelines dealing specifically with design, construction and operation of condominium projects. Each condominium project must satisfy the requirements of State statute (UCA §57-8 et. al.), the requirements found in this Chapter, and all other zoning, site development, health, building or other ordinances which may be applicable to the particular condominium project. (10-1-08)

### 19.18.2 Permitted Uses

Uses permitted within a condominium project shall be limited to those uses specifically permitted within the zone that underlies the area of the project, and shall be subject to all conditions and restrictions required within the zone for the use.

If it is determined that there are violations of applicable zoning ordinances or other requirements, the City Council may deny the condominium project until such violations have been corrected, or grant preliminary approval subject to correction of the violations. Preliminary approval will only be granted provided an adequate performance guarantee in the form of an irrevocable letter of credit or cash is provided by the applicant. The amount of the guarantee shall be proposed by the applicant and approved by the City Council. All violations shall be corrected prior to final approval. (10-1-08)

### 19.18.3 Approval Process and Documentation

Because condominium projects include the division of ownership, the procedure leading to approval of a condominium project shall be the same as set forth in Chapter 20.11 of the Subdivision Ordinance. At a minimum, the following documents shall be prepared and submitted by the developer for each condominium project:

1. A record-of-survey map accurately drawn to scale as required by Section 57-8-13, Utah Code Annotated 1953, as amended, must be submitted for review. The map shall be prepared by a registered land surveyor using a scale no smaller than one inch to equal 100 feet.
2. The articles of incorporation, corporation by-laws, and declaration of covenants, conditions, restrictions and management policies/declaration of condominium management agreement.
3. Open space easements.
4. Documents transferring adequate water to the City.
5. Record of survey map/final subdivision plat (when applicable).
6. The waiver of all animal rights in accordance with City standards that may result from a non-conforming use upon the adoption of this ordinance. (10-1-08)

Where, in the opinion of the City Council, a particular document as required under this Chapter is inapplicable for the particular condominium project proposed, the City may waive the requirement for submitting the document.

It shall be unlawful to record any survey map or declaration of a condominium project in the office of the County Recorder, unless the same shall bear thereon final approval of the City Council as required by the terms of this ordinance. Any owner, or agent of any owner, of land or units located within a purported condominium project, who transfers or sells any land, structure, or condominium unit in a purported condominium project, before obtaining final approval from the City Council shall be guilty of a misdemeanor for each lot, parcel of land, structure or condominium unit so transferred or sold.

### 19.18.4 Layout and Improvement

Each proposed condominium project shall conform to the following minimum standards:

*Residential Projects*

1. All off-street parking shall be regulated pursuant to Chapter 19.4.
2. Common storage area in an amount of not less than 100 square feet per dwelling unit shall be provided for the storage of recreation vehicles, boats, and enclosed in a sight-obscuring fence or wall.
3. Each unit within the project shall have an appurtenant private patio, deck, balcony, atrium, or solarium with a minimum area of 130 square feet. The space shall be designed for the sole enjoyment of the unit owner, and shall have a shape and size that would allow for optimal usable space.
4. Provision of an area containing not less than ten (10) percent of the total area of the project shall be set aside as common open space for the use and enjoyment of the residents. The area shall be landscaped in accordance with City standards. The location and design shall be such that the area is

easily accessible to all residents. Land used for parking, driveways, vehicle storage and similar uses, and the areas required to meet the front setback or the area devoted to peripheral planting, shall not be included in meeting this requirement.

5. Upon receipt of an application for approval of a condominium project, the Building Inspector, and potentially the Fire Chief, must review the proposed building plans for consistency with the adopted building and fire codes and the regulations of State statute. (10-1-08)

*Commercial Projects*

1. Each commercial condominium project shall satisfy the parking off-street requirements of Chapter 19.4 herein.
2. Each use in a commercial condominium project shall be a permitted use in the zone where the project is located, or, if the proposed use is allowed as a conditional use in the zone, obtain a Conditional Use Permit prior to approval of the project.
3. Each commercial condominium project shall provide an area containing not less than ten (10) percent of the total area of the project set aside as common open space. The common area shall be completely landscaped and include appropriate facilities and amenities such as benches, tables, garbage cans and other features that will be used for the enjoyment of the employees utilizing the designated common areas. (9-3-03)
4. Upon receipt of an application for approval of a condominium project, the Building Inspector and the Fire Chief must review the proposed building plans for consistency with the adopted building and fire codes and the regulations of State statute. (10-1-08)

**19.18.5 Utility and Facility Requirements**

All units shall be separately metered for water, gas, electricity, and sewer, unless the covenants, conditions and restrictions provide for an Owner's Association to pay the costs of services. Each unit shall be provided with readily accessible individual shut-off valves. All storage and solid waste receptacles outside of units must be approved by Payson City.

**19.18.6 Conversions**

The requirements of this Chapter shall apply to the approval of condominium projects involving new construction, as well as projects involving the conversion of existing structures. Any request to convert an existing building into areas of separate ownership shall satisfy the regulations of this Chapter, the provisions of Section 19.13.7.3.1 of this Title, and the following:

1. A property report and plan of improvement repairs must be prepared for review by the Building Inspector and Fire Chief to determine if such plans comply with the applicable building and fire codes. The City shall conduct an inspection of the property and may require supplementation, revision, and resubmission of the property report should it be determined that substantial discrepancies exist or inspections indicate report statements are not supported by facts, requirements, or sound construction practices.
2. Upon preliminary review, the Building Inspector shall note corrections, repairs, and replacements which must be made to bring the structure into Code compliance, together with a list of renovation improvements proposed by the developer but not required by the Code. The Building Inspector may recommend denial until such time as existing violations of Code are corrected or may recommend preliminary approval of the project and building report, subject to the condition that violations be corrected prior to final approval.
3. Preliminary approval will only be granted provided an adequate performance guarantee in the form of an irrevocable letter of credit or cash is provided by the applicant. The amount of the guarantee shall be proposed by the applicant and approved by the City Council. All violations shall be corrected prior to final approval. (10-1-08)

# Chapter 19.19
# Manufactured Housing

Payson City allows manufactured housing in accordance with Utah State law and specifically §10-9a-514 Utah Code Annotated, 1953, as amended. (1-18-06)

In all cases, manufactured housing shall be consistent with, and satisfy all of the requirements of the zone in which the unit is proposed to be located.

# Chapter 19.20
# (Reserved)

# Chapter 19.21
# Relocation of Buildings, Placement of Manufactured Housing

19.21.1 Purpose and Intent
19.21.2 Standards and Procedures

## 19.21.1 Purpose and Intent

Since moved buildings have often been constructed in a time period prior to the adoption of a building code, and are frequently left in an unsafe and unattractive condition, extra precautions shall be taken to insure that the buildings meet the code and that the appearance of the premises is in keeping with buildings in the surrounding area.

## 19.21.2 Standards and Procedures

A permit shall not be issued for the moving of any building which has had prior use, from one site within the city to another site within the City or from a site outside of the City to a site within the City without a pre-inspection being made of the building by the Building Official prior to moving. The fee for conducting a pre-inspection shall be established by resolution of the City Council. The following information shall be filed with the Building Official at the time the application is made:

1. Location and address of the old and new site.
2. Plan of the new location, showing adjacent lots on all sides of the property and indicating all structures and improvements on the lots.
3. Plans and specifications for the proposed improvements at the new location, including plans for landscaping.
4. Photographs of the buildings to be moved.

Before a permit to move a building may be granted, the applicant shall post a bond sufficient to cover costs of improvements as set forth in the city ordinances.

Moved buildings must comply in every way with this ordinance and the requirements of the adopted building codes.

# Chapter 19.22
# Development Agreements

The City Council hereby reserves the right to require and enter into a development agreement with any applicant for development approval under the provisions of this ordinance, the Subdivision Ordinance, or any other ordinance or resolution of the City.

The development agreement may address specific details about issues that have yet to be completely resolved, issues regarding phasing of a project, or any other requirement of the City Council.

## Chapter 19.23 Special Needs Housing (7-5-06)

19.23.1 Purpose
19.23.2 Scope
19.23.3 Definitions
19.23.4 Residential Facilities for Persons with a Disability
19.23.5 Residential Facilities for Elderly Persons
19.23.6 Assisted Living Centers, Convalescent Centers, Nursing Homes or Rest Homes and Skilled Nursing Facilities
19.23.7 Continuing Care and Extended Care Facilities
19.23.8 Development Standards
19.23.9 Reasonable Accommodation
19.23.10 Zoning Considerations
19.23.11 Reasonable Accommodation

### 19.23.1 Purpose

The purpose of this Chapter is to comply with §10-9a-516 of Utah Code Annotated, 1953, as amended, to avoid discrimination in housing against persons with disabilities pursuant to the Utah Fair Housing Act and the Federal Fair Housing Act, to provide housing opportunities for elderly persons in need of continuous care, and to provide housing opportunities for persons with unique medical needs. (2-19-14)

### 19.23.2 Scope

This Chapter is intended to be in addition to and not replace any other zoning regulations of the Payson City Code. All applicable use, density and configuration requirements shall apply to special needs housing. If any facility, residence, congregate living or other housing arrangement satisfies the definition of Special Needs Housing as described in this Chapter, the requirements of this Chapter shall govern. The provision herein may be more stringent than the fundamental stipulations of Utah Code and unless superseded by local, state or federal law shall apply to all Special Needs Housing. However, the regulations of this Chapter shall not be construed to prohibit or limit other applicable provisions of this Title, the Payson City Code, or other local, state or federal law. (7-5-06)

### 19.23.3 Definitions

The following definitions are unique to this Chapter and shall be limited to the provisions of this Chapter. If a word or phrase is not defined in this Section, the word or phrase shall have the meaning defined in Chapter 19.28 herein or the most common meaning listed in the latest version of the Webster's New World Dictionary.

1. Assisted Living Center – A long-term care facility licensed by the State that offers twenty four (24) hour room and board and health care services including basic nursing care, rehabilitation, and other similar therapies, treatments and programs.
2. Convalescent Center – A long-term care facility licensed by the State that offers twenty four (24) hour room and board and health care services including extensive medical care and other similar therapies, treatments and programs to elderly persons.
3. Continuing Care Facility – A facility intended to provide short-term medical assistance for a patient that may be discharged from a hospital, but is still in need of regular medical attention.
4. Extended Care Facility – A facility intended to provide long-term medical assistance for a patient that may be discharged from a hospital, but is in need ongoing medical attention. Extended care is not defined as permanent residence and a specific length of stay should be indicated by the medical provider.
5. Foster-Care Home – A dwelling unit wherein room, board, care and supervision are provided by the resident family under the approval and supervision of the State Division of Social Services or other placement agency licensed by the state to provide for children who are unrelated to the resident. (7-7-10)
6. Nursing Home or Rest Home – A long-term care facility licensed by the State that offers twenty four (24) hour room and board and health care services including intermediate and skilled nursing care, rehabilitation, and other similar therapies, treatments and programs. (7-7-10)
7. Residential Facility for Elderly Persons - A single-family or multi-family dwelling unit that meets the requirements of §10-9a-516 of Utah Code Annotated, 1953, as amended and does not include a health care facility as defined by State Law. (2-19-14)
8. Residential Facility for Persons with a Disability - A dwelling unit or residence in which more than one person with a disability resides, conforms to the regulations of §10-9a-516 of Utah Code Annotated, 1953, as amended, and is licensed or certified by:
   a. The Utah Department of Human Services under Title 62A, Chapter 2, Licensure of Programs and Facilities; or
   b. The Utah Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act. (2-19-14)
9. Retired Person (elderly person) – A retired person (elderly person) is a person that is no longer receiving compensation for work completed in behalf of an employer. A retired person (elderly

person) shall be a person of sixty (60) years of age or older as defined in §62A-3-101(2) Utah Code Annotated 1953, as amended.

10. Retirement Center – A generic term intended to encapsulate the following definitions included in this Section: Assisted Living Centers, Convalescent Centers, Nursing Homes or Rest Homes. While Skilled Nursing Facilities may be included in a Retirement Center, a Skilled Nursing Facility may be approved without a relationship with elderly persons.
11. Skilled Nursing Facility – An establishment that houses chronically ill (not to include mental illnesses) patients and provides long-term nursing care, rehabilitation, and other services. (7-5-06)

**19.23.4 Residential Facilities for Persons with a Disability (2-19-14)**

Residential facilities for persons with a disability are allowed only in the zoning districts listed in Section 19.23.10 herein. All residential facilities for persons with a disability shall satisfy all regulations of §10-9a-516 Utah Code Annotated, 1953, as amended and the following:

1. Each residential facility for persons with a disability shall be required to obtain all permits, satisfy all building and fire codes and satisfy all health regulations as any other structure in the same zoning district.
2. The exterior appearance of a residential facility for persons with a disability will not be allowed if the structure is modified or constructed in a manner that alters the residential character of the neighborhood.
3. Each facility shall satisfy all regulations of the underlying zone and the development standards listed in Section 19.23.8 of this Chapter.

**19.23.5 Residential Facilities for Elderly Persons (2-19-14)**

Residential facilities for elderly persons are allowed only in the zoning districts listed in Section 19.23.10 herein. All residential facilities for elderly persons shall satisfy all regulations of §10-9a-516 of Utah Code Annotated, 1953, as amended and the following:

1. Each residential facility for elderly persons shall be required to obtain all permits, satisfy all building and fire codes and satisfy all health regulations as any other structure in the same zoning district.
2. The exterior appearance of a residential facility for elderly persons will not be allowed if the structure is modified or constructed in a manner that alters the residential character of the neighborhood.
3. Each residential facility for elderly persons shall satisfy all regulations of the underlying zone and the development standards listed in Section 19.23.8 of this Chapter.

**19.23.6 Retirement Centers (Assisted Living Centers, Convalescent Centers, Nursing Homes or Rest Homes and Skilled Nursing Facilities)**

19.23.6.1 Classification
19.23.6.2 Specific Regulations
19.23.6.3 Allowable Uses
19.23.6.4 Density Calculations

For the purposes of this Section, a Retirement Center is a generic term intended to encapsulate the definitions found in Section 19.23.3 of the following: Assisted Living Centers, Convalescent Centers, Nursing Homes or Rest Homes and Skilled Nursing Facilities.

*19.23.6.1 Classification*

Each Retirement Center shall be classified in accordance with the definitions included in Section 19.23.3 herein. It is the responsibility of the applicant to demonstrate the type of facility, assurances that the classification will not be altered and to produce and maintain all licenses and permits to operate the facility.

*19.23.6.2 Specific Regulations*

Retirement Centers are allowed only in the zoning districts listed in Section 19.23.10 herein. All Retirement Centers shall satisfy all regulations of the underlying zone, Section 19.23.8 herein and the following:

1. All patrons shall satisfy the definition of a retired or elderly person found in Section 19.23.3 herein.
2. Requests for approval of a Retirement Center shall be processed as a conditional use and comply with the provisions of this Section, Section 19.23.8 and any other applicable regulation found in the development ordinances of Payson City, specifically Chapter 19.13 of the Zoning Ordinance. The provisions of this Section, Section 19.23.8 and Chapter 19.13 of this Title are hereby established as the criteria for the imposition of conditions by the City Council.
3. An applicant may seek approval to operate more than one type of Retirement Center in a single location (i.e. a combination of one or more of the following: Assisted Living Centers, Convalescent Centers, Nursing Homes or Rest Homes and Skilled Nursing Facilities). The City Council is under no obligation to approve the operation of

more than one type of Retirement Center in a single location. (7-5-06)

4. The minimum setback, lot area, and frontage requirements of the underlying zone may be modified to accommodate the allowable density. Furthermore, multiple structures may be allowed on a single parcel of land. (8-17-11)

*19.23.6.3 Allowable Uses*
The following uses, and no others, are allowed in conjunction with Retirement Centers:

1. Lodging accommodations for residents, supervisory, security and counseling staff
2. Areas for preparation and serving of meals
3. Areas to satisfy the recreational needs of the residents
4. Office space for supervisory, security and counseling staff
5. Medical and therapy equipment, supplies and facilities consistent with the licensure of the applicant

Any use of a Retirement Center for a purpose other than defined herein may result in revocation of the Conditional Use Permit needed to operate a Retirement Center. (7-5-06)

*19.23.6.4 Density Calculations*
Retirement Centers shall be calculated as Equivalent Residential Units (ERU's). The number of ERU's shall be calculated using the following criteria:

*Number of Beds Allowed in Non-Residential Zones*
The number of beds allowed in a Retirement Center in non-residential zones is calculated by multiplying twenty (20) beds by the number of acres in the project. For instance, if there are three (3) acres in the project, the applicant may be allowed to have sixty (60) beds in the Retirement Center. For the purposes of this Section, the number of units per acre shall be calculated using net acreage exclusive of roadway improvements. The calculation is completed for each bed, not each bedroom because there may be more than one bed in a bedroom. The number of beds allowed includes any supervisory, security or counseling staff that reside at the center.

*Infrastructure Considerations*
An applicant seeking approval of a Retirement Center shall provide information about the utility service demands of the facility to the City Engineer for review. If it is determined that the Retirement Center will place inordinate demand on public infrastructure, the applicant will be required to upgrade the infrastructure to mitigate the impact and restore the service level consistent with the underlying zone. (1-6-16)

### 19.23.7 Continuing Care and Extended Care Facilities

19.23.7.1 Classification
19.23.7.2 Specific Regulations
19.23.7.3 Allowable Uses
19.23.7.4 Density Calculations

*19.23.7.1 Classification*
Each Continuing Care and Extended Care Facility shall be classified in accordance with the definitions included in Section 19.23.3 herein. It is the responsibility of the applicant to demonstrate the type of facility, assurances that the classification will not be altered and to produce and maintain all licenses and permits to operate the facility.

*19.23.7.2 Specific Regulations*
Continuing Care and Extended Care Facilities are allowed only in the zoning districts listed in Section 19.23.10 herein. All Continuing Care and Extended Care Facilities shall satisfy all regulations of the underlying zone, Section 19.23.8 herein and the following:

1. All patrons shall be under the care of a licensed physician and residing at the Continuing Care or Extended Care Facility in order to receive continuing medical treatment.
2. Treatment for drug and/or alcohol abuse, mental illness, or anger management is not allowed in a Continuing Care or Extended Care Facility.
3. Requests for approval of a Continuing Care or Extended Care Facility shall be processed as a conditional use and comply with the provisions of this Section, Section 19.23.8 and any other applicable regulation found in the development ordinances of Payson City, specifically Chapter 19.13 of the Zoning Ordinance. The provisions of this Section, Section 19.23.8 and Chapter 19.13 of this Title are hereby established as the criteria for the imposition of conditions by the City Council.

*19.23.7.3 Allowable Uses*
The following uses, and no others, are allowed in conjunction with a Continuing Care or Extended Care Facility:

1. Lodging accommodations for patrons, nursing and medical staff
2. Areas for preparation and serving of meals

3. Areas to satisfy the rehabilitation needs of the patrons
4. Office space for nursing and medical staff
5. Medical and therapy equipment, supplies and facilities consistent with the licensure of the applicant

Any use of a Continuing Care or Extended Care Facility for a purpose other than defined herein may result in revocation of the Conditional Use Permit needed to operate a Continuing Care or Extended Care Facility. (7-5-06)

*19.23.7.4 Density Calculations*
Each Continuing Care or Extended Care Facility shall satisfy the density provisions of the underlying zone. Due to the nature of Continuing Care and Extended Care Facilities, density shall be calculated as Equivalent Residential Units (ERU's). The number of ERU's shall be calculated using the two following (2) criteria:

*Number of Beds Allowed in Residential Zones*
With the supposition that there are approximately three (3) bedrooms per household the number of beds allowed in a Continuing Care or Extended Care Facility is calculated by multiplying the number of units allowed per acres in the underlying zone by three (3). For instance, if there are three (3) units per acre allowed in the underlying zone, the Continuing Care or Extended Care Facility would be allowed nine (9) beds per acre. For the purposes of this Section, the number of units per acre shall be calculated using net acreage exclusive of roadway improvements. The calculation is completed for each bed, not each bedroom because there may be more than one bed in a bedroom. The number of beds allowed includes any nursing or medical staff that reside at the facility.

*Number of Beds Allowed in Non-Residential Zones*
The number of beds allowed in a Continuing Care or Extended Care Facility in non-residential zones is calculated by multiplying twenty (20) beds by the number of acres in the project. For instance, if there are three (3) acres in the project, the applicant may be allowed to have sixty (60) beds in the Continuing Care or Extended Care Facility. For the purposes of this Section, the number of units per acre shall be calculated using net acreage exclusive of roadway improvements. The calculation is completed for each bed, not each bedroom because there may be more than one bed in a bedroom. The number of beds allowed includes any supervisory, security or counseling staff that reside at the center.

*Infrastructure Considerations*
An applicant seeking approval of a Continuing Care or Extended Care Facility shall provide information about the utility service demands of the facility to the City Engineer for review. If it is determined that the Continuing Care or Extended Care Facility will place an inordinate demand on public infrastructure, the applicant shall be required to upgrade the infrastructure in a manner that will mitigate the impact and restore the service level consistent with the underlying zone. (7-5-06)

**19.23.8 Development Standards**

19.23.8.1 Building, Safety and Health Regulations
19.23.8.2 No Dangerous Persons Permitted
19.23.8.3 License and Certification
19.23.8.4 Design Criteria

The development standards set forth in this Section shall apply to special needs housing as described herein. (7-5-06)

*19.23.8.1 Building, Safety and Health Regulations*
All special needs housing shall comply with any building, fire, safety, and health regulations applicable to similar structures, specifically to include the following:

1. Each facility shall be subject to the same development standards applicable to similar structures located in the same zoning district in which the facility is located.
2. The minimum number of parking spaces required for a facility shall be the same as for similar structures located in the same zoning district in which the facility is located and consistent with Chapter 19.4 of the Payson City Zoning Ordinance. (7-5-06)

*19.23.8.2 No Dangerous Persons Permitted*
A facility permitted by this Chapter shall not be made available to an individual:
1. Who would constitute a direct threat to the health or safety of another individual.
2. Who has a history of physical damage to property or others.
3. Who is subject to incarceration, confinement, or placed in the facility on an involuntary basis. (7-5-06)

*19.23.8.3 License and Certification*
Prior to occupancy of any facility, the person or entity operating the facility shall:
1. Provide to Payson City a copy of any license or certification required by the Utah State Department

of Health or the Utah Department of Human Services.
2. Certify in a sworn statement that the facility will be operated in a manner consistent with the request of the applicant.

*19.23.8.4 Design Criteria*
Each special needs housing facility shall be designed to be in harmony with surrounding uses. The following design criteria apply specifically to each facility:

1. A facility that is located in an area that includes primarily single story dwellings above grade, the center may be confined to a single story above grade.
2. The City may require specific design elements be incorporated into the project to maintain the fundamental character of the neighborhood. (6-1-11)
3. The massing of the facility shall be compatible with other structures in the vicinity. Therefore, in some instances the facility may designed to be a single large structure, and in other instances the center will need to be several smaller structures.
4. The kitchen and dining area of the facility shall not be less than twenty five (25) percent of the finished square footage or greater than fifty (50) percent of the finished square footage of the structure. (7-5-06)

**19.23.9 Reasonable Accommodation**
None of the requirements of this Chapter shall be interpreted to limit any reasonable accommodation necessary to allow the establishment or occupancy of a residential facility for elderly persons or persons with a disability. (7-5-06)

**19.23.10 Zoning Considerations**
The following list represents the zones where the land uses regulated by this Chapter are allowed. The type of approval required is also indicated in the list. Conditional uses will be processed in accordance with Chapter 19.13 herein. (8-5-09)

| Use | Zone Allowed | Type of Approval |
|---|---|---|
| Assisted Living Center | PO-1, R-1-75, R-2-75 | Conditional |
| Convalescence Center | PO-1 | Conditional |
| Continuing Care Facility | PO-1 (only within ¼ mile of accredited hospital) | Conditional |
| Extended Care Facility | PO-1 | Conditional |
| Nursing or Rest Home | PO-1, R-1-75, R-2-75 | Conditional |
| Residential Care Facility for Persons with a Disability | All Residential Zones | Permitted |
| Residential Care Facility for Elderly Persons | All Residential Zones | Permitted |
| Skilled Nursing Center | PO-1, R-1-75. R-2-75 | Conditional |
| Foster-Care Home | All Residential Zones | Permitted |

(2-19-14)

# Chapter 19.24
# City Beautification

19.24.1 Authority
19.24.2 Definitions Unique to This Chapter
19.24.3 Public Nuisance (9-1-04)
19.24.4 Dangerous Buildings
19.24.5 Maintenance of Landscaping
19.24.6 Maintenance of Vacant Parcels
19.24.7 Maintenance of Structures
19.24.8 Pest and Rodent Control
19.24.9 Maintenance of Parking Lots
19.24.10 Sale of Private Vehicles on Public Property (2-7-07)
19.24.11 Yard Sales and Temporary Events
19.24.12 Compliance with Sign Ordinance, Chapter 19.15
19.24.13 Yard Sale and Other Temporary Signs
19.24.14 Replacement of Sidewalks
19.24.15 General Appearance of Property
19.24.16 Enforcement
19.24.17 Appeal Procedures
19.24.18 Legal Action
19.24.19 Penalty for Failure to Correct a Violation

**19.24.1 Authority**
In accordance with §10-9a-101 et. seq. Utah Code Annotated, the City Council has adopted this Chapter in order to provide for the health, safety and general welfare of the citizens of Payson City. Further, this Chapter is adopted to promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics of the City and its present and future inhabitants and businesses. It is the intent of the City Council to protect the tax base, property values, light and air, and air quality. Adherence to this Chapter will secure economy in governmental expenditures, maximize energy efficiency, foster agricultural and other industries, improve transportation and transportation alternatives, reduce costs of infrastructure and public facilities, and encourage appropriate vegetation, trees and landscaping. (1-18-06)

The City Council also hereby incorporates as though fully set forth herein, the provisions of Utah Code Annotated §76-10-801 et seq. to define, control, eliminate, and set the punishment for any nuisance offense occurring within the city.

*19.24.1.1 Application*
The provisions of this Chapter apply to all land use types including, but not limited to, residential, commercial and industrial uses whether specifically stated or not.

**19.24.2 Definitions Unique to This Chapter**
The following definitions are unique to this Chapter and are in addition to those found in Chapter 19.28 herein. If any further definition is required to interpret the meaning or objective of any section of this Chapter, the definition or interpretation shall be offered by the Payson City Board of Adjustment.

1. Dangerous Buildings are structures that are defined by the building code adopted by Payson City as such, or structures that are found by the City Council to present a danger to the health, safety, or general welfare of any resident of Payson City.
2. Parking Lots are areas used primarily for the temporary parking of vehicles in commercial projects. Parking lots are further defined in Chapter 19.4 herein.
3. Permitted Signs are those outdoor advertising devises specifically permitted in accordance with Chapter 19.15 herein.
4. Prohibited Signs are those outdoor advertising devises that are not specifically permitted in accordance with Chapter 19.15 herein.
5. A Public Nuisance is a crime against the health, safety, or general welfare of any citizen of the City as defined in Section 19.24.3.
6. Residential Landscaping for the purposes of this Chapter is defined as complete erosion control and the elimination of all noxious weeds. (12-19-01)
7. Commercial and Industrial Landscaping for the purposes of this Chapter is defined as complete erosion control, elimination of noxious weeds, and enhancement of commercial and industrial areas in compliance with all landscaping standards of this Title. (9-1-04)
8. A Structure is any improvement upon the property including dwellings, barns, sheds, kennels, and any other manmade improvement to the property.
9. Temporary Events are activities of a temporary nature that are not seeking approval of permanent structures or uses. Temporary Events are further defined in Chapter 19.11 herein.
10. Temporary Signs are those outdoor advertising devises allowed on a temporary basis in accordance with Chapter 19.15 herein.
11. Vacant Parcels are legally separated, unimproved parcels of property that do not contain a primary structure. A vacant lot may contain accessory structures such as barns, sheds, fences, corrals, etc.
12. Yard sales are activities by landowners for the sale or trade of household or other private goods.

**19.24.3 Public Nuisance** (9-1-04)

19.24.3.1 Purpose
19.24.3.2 Definitions
19.24.3.3 Nuisance - Definition
19.24.3.4 Exceptions
19.24.3.5 Responsibility for Nuisances
19.24.3.6 Finding of Nuisance
19.24.3.7 Voluntary Compliance
19.24.3.8 Citation
19.24.3.9 Other Remedies
19.24.3.10 Inspection
19.24.3.11 Penalty

*19.24.3.1 Purpose*
The purpose of this ordinance is to provide a means for the City and individuals to identify nuisances within the City and to provide a means for correcting or abating the nuisances. The City needs the ability to abate nuisances in order to protect the health and safety of the public, to foster neighborhood stability, to preserve the appearance, character and beauty of neighborhoods, to encourage community pride, to preserve the value of property, and to protect the general welfare of the City and its citizens, businesses and visitors. This ordinance provides for progressive enforcement measures to abate nuisances.

*19.24.3.2 Definitions*
1. "Abate" means to repair, replace, remove, destroy, correct or otherwise remedy a condition which constitutes a nuisance by such means, in such a manner and to such an extent as the community officer determines is necessary in the interest of the general health, safety and welfare of the community.
2. "Community Officer" means an employee hired by the City to enforce this ordinance.
3. "Completion Date" means the date by which the responsible person must abate a nuisance. The completion date is originally set by the community officer in the voluntary compliance agreement.
4. "Emergency" means a situation which, in the opinion of the community officer, requires immediate action to prevent or eliminate an immediate threat to the health or safety of a person or property.
5. "Owner" means any person who, alone or with others, has title or interest in any building or premise(s), with or without accompanying actual possession thereof. For the purpose of giving notice, the term "Owner" also includes any person in physical possession.
6. "Premise(s)" means a plot of ground, whether occupied or not.
7. "Property" means a building or structure, or the premise(s) on which the building or structure is located, or undeveloped land.
8. "Public Place" means an area generally visible to public view and includes alleys, bridges, driveways, parking lots, parks, plazas, sidewalks, streets, and buildings open to the general public, including those that serve food or drink or provide entertainment, and the doorways and entrances to buildings or dwellings and the grounds enclosing them.
9. "Responsible Person" means the person(s) responsible for correcting or abating a nuisance pursuant to this ordinance. The responsible person includes the property owner and/or any person who causes or permits a nuisance to occur or remain upon property in the City, and includes but is not limited to the owner(s), lessor(s), lessee(s), or other person(s) entitled to control, use and/or occupy property where a nuisance occurs. In cases where there is more than one responsible person, the City may proceed against one, some or all of them.

*19.24.3.3 Nuisance - Definition*
This Section defines "nuisance" by providing five general definitions of what constitutes a nuisance (subsection A), and then providing specific examples of situations, conduct or activities that constitute nuisances (subsection B). The purpose of the general definitions is to allow the City to classify an offending situation, conduct or activity as a nuisance, even though the situation, conduct or activity may not be listed as a nuisance in the specific examples. The first three general definitions are taken directly from Utah State law. The purpose of listing the specific examples is to identify some of the specific situations, conduct and activities that the City intends to abate as nuisances.

A. **General Definitions of Nuisance.** Any activity that meets any one or more of the five definitions set forth below shall constitute a "nuisance" if it occurs within the City of Payson:
   1. *Nuisance as defined in U.C.A. §78-38-1(1).* Anything which is injurious to health, indecent, offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.
   2. *Nuisance as defined in U.C.A. §76-10-801.* Any item, thing, manner, or condition whatsoever that is dangerous to human life or health or renders soil, air, water, or food impure or unwholesome.

3. *Nuisance as defined in U.C.A. §76-10-803.* Unlawfully doing any act or omitting to perform any duty, which act or omission:
   a. annoys, injures, or endangers the comfort, repose, health, or safety of three or more persons;
   b. offends public decency;
   c. unlawfully interferes with, obstructs, or tends to obstruct, or renders dangerous for passage, any lake, stream, canal, or basin, or any public park, square, street, or highway; or
   d. in any way renders three or more persons insecure in life or the use of property. An act which affects three or more persons in any of the ways specified in this subsection is still a nuisance regardless of the extent to which the annoyance or damage inflicted on individuals is unequal.
4. *Nuisance.* A condition which:
   a. wrongfully annoys, injures, or endangers the comfort, repose, health or safety of others; or
   b. unlawfully interferes with, obstructs or tends to obstruct, or render dangerous for passage, any public park, square, street or highway, or any other public place; or
   c. in any way renders other persons insecure in life, or in the use of property, and which affects the rights of an entire community or neighborhood, although the extent of the damage may be unequal.
5. *Specific Nuisances Listed in Subsection B.* Anything specifically listed as a nuisance in subsection (B), below.

B. **Nuisances Enumerated.** Every situation, conduct or activity listed below constitutes a nuisance and may be abated pursuant to this ordinance. The listed examples are not exhaustive; a situation, conduct or activity not listed below, but coming within one of the general definitions of nuisance listed above, shall also constitute a nuisance. The first six listed nuisances are also listed as nuisances pursuant to U.C.A. §78-38-9:
   1. *Drug Houses.* Every building or premise(s) where the unlawful sale, manufacture, service, storage, distribution, dispensing, or acquisition of any controlled substance, precursor, or analog specified in Title 57, Chapter 37 of the Utah Code (Utah Controlled Substances Act) occurs.
   2. *Gambling.* Every building or premise(s) where gambling is permitted to be played, conducted, or dealt upon as prohibited in Title 76, Chapter 10, Part 11 of the Utah Code (Gambling) which creates the conditions of a nuisance as defined in Section 12-2-13(A)(1) of this ordinance.
   3. *Gangs.* Every building or premise(s) wherein criminal activity is committed in concert with two or more persons as provided in Section 76-3-203.1 of the Utah Code.
   4. *Party Houses.* Every building or premise(s) where parties occur frequently which create the conditions of a nuisance as defined in Section 12-2-13(A)(1) of this ordinance.
   5. *Prostitution.* Every building or premise(s) where prostitution or the promotion of prostitution is regularly carried on by one or more persons as provided in Title 76, Chapter 10, Part 13 (Prostitution) of the Utah Code.
   6. *Weapons.* Every building or premise(s) where a violation of Title 76, Chapter 10, Part 5 (Weapons) of the Utah Code occurs on the premise(s).
   7. *Unsafe Condition.* A condition that unreasonably or unlawfully affects the health or safety of one or more persons.
   8. *Fire Hazard.* A fire hazard.
   9. *Noxious Emanations.* Emanation of noxious or unreasonable odors, fumes, gas, smoke, soot or cinders.
   10. *Noxious Weeds.* Noxious weeds located on vacant lots or other property, along public sidewalks or the outer edge of any public street, or weeds in any other location which constitute a fire hazard or are unsightly. Undeveloped lots which have weeds, grass or other growth which constitute an existing or potential fire hazard shall be abated by the owner of the property. Weed abatement compliance shall be accomplished by pulling, discing, plowing or mowing weeds as to not exceed six inches from the ground. The City shall survey properties within the City and identify those needing abatement and then serve notice in writing upon the owner or occupant of such land in person or by mailing notice, postage prepaid, addressed to the owner or occupant at the last known post office address as indicated by the records of the County Assessor. The notice shall require the owner or occupant as the case may be to abate the weeds by a specific time, which shall not be less than ten (10) days from the date of service of such notice. One notice shall be deemed sufficient on any lot or parcel of property for the entire season of weed growth during that year.

11. *Refuse.* Keeping or storing of any refuse or waste matter which interferes with the reasonable enjoyment of nearby property.
12. *Stagnant Water.* Polluted or stagnant water which constitutes an unhealthy or unsafe condition.
13. *Improper Accumulations.* Accumulation of soil, litter, debris, plant trimmings, or trash, visible from the street or an adjoining property.
14. *Accumulation of Junk.* Accumulation of used or damaged lumber; junk; salvage materials; abandoned, discarded or unused furniture; stoves, sinks, toilets, cabinets, or other fixtures or equipment stored so as to be visible from a public street, alley, or adjoining property. However, nothing herein shall preclude the placement of stacked firewood for personal non-commercial use on the premise(s).
15. *Attractive Nuisances.* Any attractive nuisance dangerous to children and other persons including, but not limited to, abandoned, broken, or neglected household appliances, equipment and machinery, abandoned foundations or excavations, or improperly maintained or secured pools.
16. *Vegetation.* Dead, decayed, diseased, or hazardous trees, weeds, hedges, and overgrown or uncultivated vegetation which is in a hazardous condition, is an obstruction to pedestrian or vehicular traffic, or which is likely to harbor rats, vermin or other pests.
17. *Dust.* Any premise(s) which causes excessive dust due to lack of landscaping, non-maintenance or other cause.
18. *Improper Storage.* The keeping, storing, depositing or accumulating on the premise(s) or in the public right-of-way for an unreasonable period of time dirt, sand, gravel, concrete, or other similar materials, or maintenance of such material on public rights-of-way. Material stored as part of an active construction project shall not be considered a nuisance.
19. *Garbage Can.* The leaving of any garbage can or refuse container in the street, other than on collection day, for more than 24 hours after the collection day.
20. *Construction Equipment.* Construction equipment or machinery of any type or description parked or stored on property when it is readily visible from a public street, alley or adjoining property, except while excavation, construction or demolition operations covered by an active building permit are in progress on the subject property or an adjoining property, or where the property is zoned for the storage of construction equipment and/or machinery.
21. *Improper Sign.* Improper maintenance of a sign; or signs which advertise a business that is no longer extant on the property.
22. *Improper Parking or Storage.*
    a. It shall be unlawful to park, store or leave or permit the parking, storage, or leaving of any licensed or unlicensed motor vehicle of any kind, including boats, trailers or vehicle parts, and recreational vehicles, or a part or parts thereof which is in a wrecked, junked, partially dismantled, dismantled, or inoperative condition, whether attended or not, upon any property in the City for a period of time in excess of 72 hours, except that 2 or less vehicles or part or parts thereof may be stored within a building, or placed behind an opaque screening fence six feet in height, and except that such vehicles and part or parts thereof may be within a junk yard or automobile wrecking yard or motor vehicle repair establishment lawfully established and licensed pursuant to this code.
    b. For purposes of this Section, a motor vehicle shall be deemed to be inoperative if any of the following conditions exist:
        i. The engine, transmission, or other mechanical part has been removed so that the motor vehicle may not be operated under its own power.
        ii. The vehicle is stored or parked other than on its wheels.
        iii. More than one tire is flat.
        iv. It has not been registered under the Utah Motor Vehicle Act for a period in excess of 18 months.
        v. It has not been operated under its own power for a period in excess of 18 months.
23. *Hazardous Conditions.* Any wall, sign, fence, gate, hedge, or structure maintained in such condition of deterioration or disrepair as to constitute a hazard to persons or property.
24. *Graffiti.* Graffiti which remains on the exterior of any building, fence, sign, or other structure and is visible from a public street.
25. *Improper Maintenance.* Maintenance of buildings and/or structures in such condition as to be deemed defective or in a condition of

deterioration or disrepair including, but not limited to:

a. Any building or structure which is unfit for human habitation, or which is an unreasonable hazard to the health of people residing in the vicinity thereof, or which presents an unreasonable fire hazard in the vicinity where it is located; or
b. Any building or structure set up, erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of City ordinances, or any use of land, buildings or premise(s) in violation of City ordinances; or
c. Buildings which are abandoned, partially destroyed, or left in an unreasonable state of partial construction for a period of six (6) months or longer. An unreasonable state of partial construction. is defined as any unfinished building or structure where the appearance or condition of the building or structure does not meet the requirements for finished buildings or structures as required by applicable City ordinances or building codes. The building or structure shall not be considered to be a nuisance if it is under active construction; or
d. Buildings having dry rot, warping, termite infestation, decay, excessive cracking, peeling, or chalking, as to render the building unsightly and/or in a state of disrepair; or
e. Buildings with missing doors and/or windows containing broken glass and/or no glass at all where the window is of a type which normally contains glass; or
f. Building exteriors, walls, fences, gates, driveways, sidewalks, walkways, signs or ornamentation, or alleys maintained in such condition as to render them unsightly and/or in a state of disrepair; or
g. Buildings or conditions that violate any building, electrical, plumbing, fire, housing or other code adopted by the City.

26. *City Code Nuisances.* Any violation of a Payson City Code section that expressly declares a specific situation, conduct or activity to be a nuisance.
27. *Alcohol.* Every property or premise(s) not licensed under applicable State law or City ordinance where any intoxicating liquors or alcohol is kept for unlawful use, sale or distribution.
28. *Inappropriate Conduct.* Every property or premise(s) where there exists an environment which causes, encourages or allows individuals or groups of individuals to commit one or more of the following acts on the property, premise(s) or adjacent public place, including but not limited to:
    a. Illegally consuming intoxicating liquor or alcohol;
    b. Publicly urinating or defecating;
    c. By physical action, intentionally causing or attempting to cause another person to reasonably fear imminent bodily injury or the commission of a criminal act upon their person or upon property in their immediate possession;
    d. Engaging in acts of violence, including fighting amongst themselves;
    e. Discharging a firearm or explosive in violation of City ordinance or State law;
    f. Creating unreasonable noise which disturbs others;
    g. Intentionally obstructing pedestrian or vehicular traffic; or
    h. Soliciting acts of prostitution.
29. *Dangerous Conditions.* Any fence, wall, shed, deck, house, garage, building, structure or any part of any of the aforesaid; or any tree, pole, smokestack; or any excavation, hole, pit, basement, cellar, sidewalk, subspace, dock, or loading dock; or any lot, land, yard, roadway, premise(s) or location which in its entirety, or in any part thereof, by reason of the condition in which the same is found or permitted to be or remain, shall or may endanger the health, safety, life, limb or property, or cause any hurt, harm, inconvenience, discomfort, damage or injury to any one or more individuals in the City, in any one or more of the following particulars:
    a. By reason of being a menace, threat and/or hazard to the general health and safety of the community.
    b. By reason of being a fire hazard.
    c. By reason of being unsafe for occupancy, or use on, in, upon, about or around the aforesaid property.
    d. By reason of lack of sufficient or adequate maintenance of the property, and/or being vacant, any of which depreciates the enjoyment and use of the property in the immediate vicinity to such an extent that it is harmful to the

community in which such property is situated or such condition exists.

30. *Illegal Accessory Apartments.* Any violation of the City's accessory apartment ordinance.
31. *Single Family Residence Violation.* Keeping or allowing people at a premise(s) in violation of the City's single family residence requirements.
32. *Parking on Landscaping.* Parking in an area required to be landscaped by City ordinance.
33. *Banner Signs.* Keeping or allowing banner signs in violation of City ordinance.
34. *Required Landscaping.* Failure to install or maintain landscaping required by City ordinance.
35. *Hazardous Materials.* The actual or threatened discharge of hazardous materials.

*19.24.3.4 Exceptions*

No act which is done or maintained under the express authority of an authoritative statute, ordinance or court ruling shall be declared a nuisance.

*19.24.3.5 Responsibility for Nuisances*

The responsible person(s) is responsible for abating nuisances pursuant to this ordinance. Any person, whether as owner, agent, or occupant, who creates, aids in creating, or contributes to a nuisance, or who supports, continues, or retains a nuisance, is responsible for the nuisance and is therefore a responsible person pursuant to this ordinance. Every successive owner or tenant of a property or premise(s) who fails to abate a continuing nuisance upon or in the use of such property or premise(s) caused by a former owner or tenant is responsible therefore in the same manner as the one who first created it.

*19.24.3.6 Finding of Nuisance*

If a community officer finds that a nuisance exists, the community officer shall attempt to have the responsible person abate the nuisance. Although the community officer's first step in correcting or abating the nuisance will always be to obtain voluntary compliance, the community officer may pursue any remedy or combination of remedies available pursuant to this ordinance, State law or common law in order to abate the nuisance. Nothing in this section shall be interpreted to prohibit the City from engaging in its standard prosecution practices. Therefore, the City may prosecute violators of City ordinances or State laws without first having to comply with the provisions of this ordinance, even though the activity or conduct prosecuted may also constitute a nuisance under this ordinance. Nothing in this ordinance shall be interpreted to prevent the City from enforcing applicable City ordinances or building codes without first treating the offending conduct, situation or activity as a nuisance pursuant to this ordinance.

*19.24.3.7 Voluntary Compliance*

This Section applies whenever the community officer determines that a nuisance exists.

1. *Contact.* Before taking other steps to abate the nuisance, the community officer shall make a reasonable attempt to secure voluntary correction or abatement of the nuisance by:
   a. Contacting the responsible person, where possible;
   b. Explaining the nuisance;
   c. Requesting the responsible person to abate the nuisance; and
   d. Agreeing to terms with the responsible person to abate the nuisance.
2. *No Agreement.* If the community officer and the responsible person cannot agree to terms for correcting or abating the nuisance, the community officer may still abate the nuisance using one or more of the procedures set forth in this ordinance, State law, or common law.
3. *Voluntary Compliance Agreement.* If the community officer and the responsible person agree to terms for abating the nuisance, they shall enter into and sign a voluntary compliance agreement. The voluntary compliance agreement is a contract between the City and the responsible person in which the responsible person agrees to abate the nuisance within a specified time and according to specified conditions. The voluntary compliance agreement shall include the following terms:
   a. The name and address of the responsible person;
   b. The street address of the nuisance, or a description sufficient to identify the building, structure, premise(s), or land upon or within which the nuisance is occurring;
   c. A description of the nuisance;
   d. The necessary corrective action to be taken, and a date or time by which correction must be completed;
   e. An agreement by the responsible person that the City may inspect the premise(s) as may be necessary to determine compliance with the voluntary compliance agreement;
   f. An agreement by the responsible person that the City may abate the nuisance and recover its costs and expenses to abate the nuisance, as well as a monetary fine pursuant to this ordinance from the responsible person, if

terms of the voluntary compliance agreement are not met;

g. An agreement by the responsible person acknowledging that he/she waives the right to appeal the community officer's finding that a nuisance exists and waives the right to appeal the specific corrective action required in the voluntary compliance agreement; and

h. An agreement by the responsible person that failure to comply with the voluntary compliance agreement may be grounds for criminal prosecution. The community officer may grant an extension of the time limit for correcting or abating the nuisance if the responsible person has shown due diligence and/or substantial progress in correcting or abating the nuisance but unforeseen circumstances render abatement under the original conditions unattainable. If the responsible person complies with the terms of the voluntary compliance agreement, the City shall take no further action against the responsible person related to the nuisance described in the voluntary compliance agreement unless the nuisance recurs.

*19.24.3.8 Citation*

When the community officer determines that a nuisance exists, and is unable to secure voluntary correction pursuant to Section 19.24.3.7, the community officer may issue a citation to the responsible person. The community officer may issue a citation without having attempted to secure voluntary correction as provided in Section 19.24.3.7 under the following circumstances:

1. When an emergency exists; or
2. When the community officer is unable to locate or determine the identity of the responsible person.

*19.24.3.9 Other Remedies*

The City may take one or more of the following actions against any responsible person who fails to comply with the terms of a voluntary compliance agreement, or a citation:

1. Abatement by the City.
   a. The City may abate a nuisance when:
      i. The terms of a voluntary compliance agreement have not been met; or
      ii. The requirements of a citation and subsequent Court Order have not been complied with, or;
      iii. The condition is subject to summary abatement as provided for in subsection (b), below.
   b. Whenever a nuisance is occurring which constitutes an immediate and emergent threat to the public health, safety or welfare or to the environment, the City may summarily and without prior notice abate the condition. Notice of such abatement, including the reason for it, shall be given to the responsible person as soon as reasonably possible after the abatement.
   c. Using any lawful means, the City may enter upon the subject property and may remove or correct the condition which is subject to abatement. The City may seek, but is not required to seek, such judicial process as it deems necessary to effect the removal or correction of such condition.
   d. The costs, including incidental expenses, of correcting or abating the violation shall be billed to the responsible person and/or the owner, lessor, tenant or other person entitled to control, use and/or occupy the property and shall become due and payable to the City within ten (10) days of actual receipt of the bill (within fifteen days of the mailing date if the bill is mailed). The term "incidental expenses" includes but is not limited to:
      i. Personnel costs, both direct and indirect, including attorneys' fees and costs;
      ii. Costs incurred in documenting the violation;
      iii. Hauling, storage and disposal expenses;
      iv. Actual expenses and costs for the City in preparing notices, specifications and contracts, and in accomplishing and/or contracting and inspecting the work; and
      v. The costs of any required printing and mailing.
2. *Civil Actions.* Either the City or any private person directly affected by a nuisance may bring a civil action to abate or enjoin the nuisance, or for damages for causing or maintaining the nuisance (including the cost, if any, of cleaning the subject property). The civil action may be brought pursuant to this ordinance or pursuant to State law.
3. *Abatement by Eviction.* Whenever there is reason to believe that a nuisance under section 19.24.3.3(B)(1 - 6) is kept, maintained, or exists in the City, the City Attorney or any citizen(s) residing in the City, or any person or entity doing business in the City, in his or their own names, may maintain an action in a court of competent jurisdiction to abate the nuisance and obtain an order for the automatic eviction of the tenant of the property harboring the nuisance. The eviction shall take place as specified in Utah law.
4. *Lien for Costs.* If a person fails to pay any fines or costs related to nuisance abatement when due, the

City may record a lien on the property or premise(s) for the full amount of the unpaid fines and costs.

5. *Criminal Action.* It shall be unlawful for any person to maintain or assist in maintaining a nuisance after receiving notice to abate the nuisance. Notice to abate a nuisance shall be given as a prerequisite to prosecution by delivering a copy of the notice to abate to the offender by personal service in the manner described in the Utah Rules of Civil Procedure, or by mailing a copy of the notice to abate to the offending party by certified mail, return receipt requested. The notice to abate shall reasonably describe the nuisance and the steps necessary to abate the nuisance.

   Any violation of this Chapter shall initially be prosecuted as deemed appropriate by the City Attorney. The City reserves the right to pursue any legal means to ensure compliance with this ordinance.

   Any owner, occupant or person having an interest in the property subject to this Chapter who shall fail to comply with the notice or order given pursuant to this chapter shall be guilty of a class C misdemeanor as defined by Utah State statutes.

6. *Non-exclusive Remedies.* The City may take any or all of these remedies (administrative, civil or criminal) to abate a nuisance and/or to punish any person or entity that creates, causes or allows a nuisance to exist. The abatement of a nuisance does not prejudice the right of the City or any person to recover damages or penalties for its past existence.

*19.24.3.10 Inspection*

The responsible person may contact the Payson Police Department at any time after a voluntary compliance agreement is signed or citation is issued to request an inspection of the abated nuisance. The community officer will inspect the property and include in the report the time and date that the nuisance has been deemed abated. A request for inspection must be made by the responsible person in order to stop any penalty from continuing to accrue.

*19.24.3.11 Penalty*

1. *Monetary Fine.* The responsible person shall pay the City a monetary fine for each day the nuisance continues after the completion date or after the citation date, whichever occurs first. The nuisance shall be considered to continue until the community officer approves the responsible person's actions to correct or abate the nuisance. The amount of the monetary fine shall be as follows:
   a. One hundred dollars ($100.00) per day for each day during the first week that the nuisance remains uncorrected or unabated after the completion date or citation date;
   b. Two hundred dollars ($200.00) per day for each day thereafter until the nuisance is corrected or abated;
   c. The monetary fine shall be cumulative and may not be waived by the community officer. Payment of a monetary fine pursuant to this section does not relieve the responsible person from the duty to abate the nuisance as required by the voluntary compliance agreement or the citation. The monetary fine constitutes a personal obligation of the responsible person. The City Attorney or his/her designee is authorized to take appropriate action to collect the monetary fine, plus reasonable attorneys' fees and costs incurred in collecting said monetary fine.
2. *Imprisonment.* The responsible person may be imprisoned for failure to abate a nuisance as set forth herein for a term not to exceed six months.
3. *Either Penalty.* The Court may issue either a fine or imprisonment or both.

**19.24.4 Dangerous Buildings**

The "Uniform Code for the Abatement of Dangerous Buildings," 1997 edition, as may be amended from time to time, printed as a code in book form by the International Conference of Building Officials (providing for a just, equitable and practicable method whereby buildings or structures which from any cause endanger the life, limb, health, morals, property, safety or welfare of the general public or their occupants, may be required to be repaired, vacated, or demolished), three copies of which have been filed for use and examination by the public in the office of the clerk of Payson City, is hereby approved and adopted as the Abatement of Dangerous Buildings Code.

The provisions of the Abatement of Dangerous Buildings Code shall apply to all dangerous buildings as therein defined, which now exist or which may exist or hereafter be constructed in the City. All buildings or portions thereof which are determined, after inspection by the building inspector, to be dangerous as defined in the Abatement of Dangerous Building Code, or found to be dangerous by the Payson City Council, are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal.

**19.24.5 Maintenance of Landscaping**

19.24.5.1 General Maintenance of Landscaping
19.24.5.2 Maintenance of Planter Strips
19.24.5.3 Restrictions of Types of Plants
19.24.5.4 Declaration of Nuisance

*19.24.5.1 General Maintenance of Landscaping*
All property shall be kept in good order and repair. Likewise, all landscaping shall be maintained in a manner consistent with the definition found in Sections 19.24.2 (6) and (7) herein. It is not the intent, nor is it practical for the City to dictate uniform landscaping standards. However, the Payson City Council finds the following guidelines to be held as the minimum acceptable landscape maintenance standards. (9-1-04)

1. Lawn, grasses, and other acceptable ground cover shall be maintained in an attractive manner. Watering shall be sufficient to maintain healthy plant life. Lawn, grasses and other acceptable ground cover shall not exceed six (6) inches in height.
2. Trees shall be trimmed and kept in an attractive manner. All tree limbs and branches shall be kept clear of above ground utility lines, light poles, and other utility apparatus. Trees located within clear view areas of street intersections, as defined in Section 19.9.5 herein, shall be trimmed so that the lowest branch is no less than six (6) feet in height, measured from the top of the curb, or in the case of no curb, the average elevation of the road. Fruit trees and other trees that require pesticides for the control of unwanted pests shall be appropriately treated on a regular basis. Leaves shall be removed from the curb and gutter on a regular basis to avoid interference with the flow of water.
3. Bushes and shrubs shall be maintained in an attractive manner. Bushes and shrubs located within clear view areas of street intersections, as defined in Section 19.9.5 herein, shall be trimmed so that the highest branch is no more than thirty-six (36) inches in height, measured from the top of the curb, or in the case of no curb, the average elevation of the road. Bushes and shrubs shall not be planted in a manner that has the effect of hiding or making it difficult to identify a fire hydrant. Leaves shall be removed from the curb and gutter on a regular basis to avoid interference with the flow of water.
4. Rocks, stones, fountains, planter beds, and other landscaping features shall be attractive and appropriate for their location. Where rocks or other non-vegetative landscaping is used, the area shall be kept free of weeds and debris. Landscaping features located within clear view areas of street intersections, as defined in Section 19.9.5 herein, shall be placed so that the feature is no more than thirty-six (36) inches in height. Landscaping features shall not be placed in a manner that has the effect of hiding or making it difficult to identify a fire hydrant. (9-1-04)

*19.24.5.2 Maintenance of Planter Strips*
Property located between the curb and gutter and a detached pedestrian sidewalk shall be properly maintained. Because utilities are often located within these areas, no planter strip shall be filled with concrete, asphalt, or any other hard surface without written approval from Payson City.

The planter strip area shall be kept free from weeds and debris and shall be attractively landscaped consistent with the landscaping standards found in Section 19.24.5.1 herein.

It is important to plant the proper type of trees within the planter strip area to avoid damage to the sidewalk. A list of appropriate trees can be obtained from the Development Services Department. Damage to sidewalks, due to improper planting of trees, shall be corrected by the owner of the property in a timely manner.

*19.24.5.3 Restrictions on Types of Plants*
Payson City reserves the right to restrict the types of plants located within the City if it can be shown that the plants will have an adverse effect on the health, safety, or general welfare of City residents. It shall be unlawful to maintain any plant that is illegal in the State of Utah or the United States. It shall be unlawful to maintain any plant that could pose a threat to fruit trees or other production crops by means of pests or disease. If it is suggested that a plant could endanger the health, safety, or general welfare of any citizen of Payson City, it is the burden of the landowner to prove otherwise prior to planting or maintenance of the plant.

*19.24.5.4 Declaration of Nuisance*
The Code Enforcement Officer may declare any property a public nuisance in accordance with Section 19.24.2 herein based on inappropriate maintenance of landscaping.

**19.24.6 Maintenance of Vacant Parcels**

19.24.6.1 General Maintenance Standards
19.24.6.2 Declaration of Nuisance

*19.24.6.1 General Maintenance Standards*
Vacant lots shall be maintained to minimize fire and other safety hazard, control rodent populations, and improve the aesthetics of undeveloped areas.

Large vacant lots may be used for gardening or the production of crops if allowed in the underlying zone in accordance with Chapter 19.6 herein. However, gardens and fields shall be kept in good repair and free from weeds and debris.

Vacant lots that are not used for gardening or the production of crops shall keep the vegetation on the lot to a height of less than six (6) inches.

The Payson City Fire Chief may require the removal of vegetation in order to prevent wildfire or arson. Vegetation on the vacant lot shall not have the effect of hiding or making a fire hydrant difficult to find or identify.

Trees and shrubs, whether wild or not, shall be maintained in accordance with Section 19.24.5.1 herein.

*19.24.6.2 Declaration of Nuisance*
The Code Enforcement Officer may declare any property a public nuisance in accordance with Section 19.24.2 herein based on inappropriate maintenance or safety hazard of a vacant parcel.

**19.24.7 Maintenance of Structures**
All structures regardless of type shall, at a minimum, satisfy the appropriate sections of the Uniform Building and Fire Codes. In addition to the standards found therein, all structures shall be maintained in a manner that will prevent loss of property or life through fire, flood, freeze, wind, or other disaster.

The Payson City Fire Chief may require appropriate actions to protect homes from the threat of fire through actions including, but not limited to, removal of vegetation, placement or replacement of fire retardant shingles, and sprinkling of the structure either internally or externally.

The City Council, on a case by case basis, may require improvements to structures determined to have a detrimental effect on property values of surrounding property owners. However, it is the burden of the surrounding property owners to provide substantial evidence to the City Council that there has been a devaluation of property value. At a minimum, the City Council shall be presented with no less than two appraisals indicating devaluation.

**19.24.8 Pest and Rodent Control**
All property in Payson City shall be maintained in a manner that will discourage pests and rodents. Any situation determined by the Code Enforcement Officer to encourage or support pests or rodents shall be classified as a public nuisance. Situations include, but are in no way limited to, piles of discarded fruit, inappropriate storage of hay or straw, and abandoned or run down structures.

Knowingly introducing pests or rodents to Payson City by individuals is prohibited. If by accident, domestic animals including, but not limited to, mice, ants, snakes, raccoons, hamsters, cockroaches, etc. are released into the City, the owner shall notify Payson City as soon as practical.

**19.24.9 Maintenance of Parking Lots**
Parking lots shall be maintained and kept in good repair. Markings for vehicular movement and parking stalls shall be clearly marked to avoid unnecessary accidents. Potholes, alligator cracking, and settling areas shall be repaired, especially when located at entrances and exits to parking areas. Parking lots shall be kept free of weeds and debris.

In winter months, special attention must be given to entrances and exits to avoid unnecessary accidents. Entrance and exit areas within twenty (20) feet of a public road shall be kept free of snow and ice.

Parking lots shall be kept free from an accumulation of automobiles for sale, broken down automobiles, and other unsightly activities.

**19.24.10 Sale of Private Vehicles on Public Property**
It shall be unlawful for any person or entity to sell, offer to sell, or park a vehicle on public property with the intention of selling a privately owned vehicle on public property, including any roadway, parking lot or any other public property. Any violation of this Section is subject to the remedies and penalties of Chapter 19.25 herein. The penalties herein are for zoning violations only and are in addition to any other penalty in accordance with federal, state or local law. (2-7-07)

**19.24.11 Yard Sales and Temporary Events**
Yard sales and other temporary events are permitted under the following conditions:

1. Yard sales and other temporary events may not be conducted within a public right of way.
2. On premise signs for yard sales and other temporary events may not be located within the clear view area described in Section 19.9.5 herein.

Off premise signs are allowed only in areas designated for such purpose by the Payson City Council. Signs displayed upon utility poles, public property, or in an unsafe manner are subject to a fine in accordance with Section 19.24.15 herein.
3. Yard sales may not be held for longer than forty-eight (48) hours in duration.
4. Temporary events must satisfy the zoning requirements of Chapter 19.11 herein.
5. Advertising for temporary events must be in accordance with Chapter 19.15 herein.
6. Temporary events shall be kept neat, clean, and free of debris at all times. It shall be the responsibility of the applicant to inform the City of the need for solid waste receptacles and pay the appropriate fee for solid waste hauling.
7. All yard sales and temporary events are responsible for the appropriate sales taxes in accordance with State and Federal law.

**19.24.12 Compliance with Sign Ordinance, Chapter 19.15**

All signs and outdoor advertising devices shall be consistent with the requirements of Chapter 19.15 herein. Signs that do not satisfy the requirements of Chapter 19.15 may be removed under the direction of the Code Enforcement Officer and the owner of the sign may be subject to a Class C misdemeanor in accordance with Chapter 19.25 herein.

All signs shall be kept in good repair. No sign may be placed within the clear view area of a street intersection, as defined in Section 19.9.5 herein.

**19.24.13 Yard Sale and other Temporary Signs**

All advertising for yard sales and other temporary events shall be in accordance with Chapter 19.15 herein. Off premise signs, other than signs in areas expressly permitted by the City Council, are prohibited.

**19.24.14 Maintenance of Curb, Gutter and Sidewalks**

19.24.14.1 General Maintenance
19.24.14.2 Removal of Snow and Ice
19.24.14.3 Minor Repairs
19.24.14.4 Major Repairs
19.24.14.5 Excavation Permit
19.24.14.6 Replacement of Sidewalk

*19.24.14.1 General Maintenance*

Property owners are responsible for general maintenance of curb, gutter and sidewalk along all public rights of way for the entire frontage of the property. For the purposes of this Chapter, general maintenance shall include, but is not limited to, the following:
1. The Curb and Gutter shall be kept free of weeds, dirt, and debris to allow the free flow of water and prevent flooding. Any blockage of the free flow of water shall be removed.
2. Weeds shall not be permitted to grow in the joints between concrete or in cracks in the concrete of the curb, gutter, or sidewalk in order to discourage further decay of the concrete.
3. Sidewalks shall be kept free of weeds, dirt, gravel, sand, salt, oils, grease, and other debris to prevent undue tripping or slipping.

*19.24.14.2 Removal of Snow and Ice*

Property owners are responsible for removal of all snow and ice from sidewalks in order to prevent slipping. Additionally, property owners are responsible to remove snow and ice from the curb and gutter when the accumulation of snow and ice may result in the lack of free flow of water and could produce flooding of adjacent properties.

*19.24.14.3 Minor Repairs*

Landowners may complete minor repairs to curbs, gutters, and sidewalks. Minor repairs include the replacement of up to ten (10) feet of sidewalk. Any repairs of greater than ten (10) feet shall be approved by Payson City. After the repairs have been completed, landowners shall contact the Street Department to schedule an inspection to ensure that the curb, gutter and sidewalk have been repaired in accordance with the Standard Specifications and Standard Plans of Payson City. (11-5-14)

*19.24.14.4 Major Repairs*

In general, major repairs include the repair or replacement of ten or more feet of curb, gutter, or sidewalk. However, any replacement of curb, gutter, or sidewalk for installation of a driveway approach, regardless of length, shall be considered a major repair and will require written approval from Payson City.

All major repairs shall be required to comply with the Americans with Disabilities Act regulations. Major repairs shall be approved by the City Engineer who shall have authority to set the elevation and grading requirements for the project.

Prior to commencement of a major repair, the applicant must obtain an excavation permit from the City and post appropriate assurance equal to one hundred and twenty (120) percent of the engineer's estimate of project cost. Upon completion of the project, one hundred (100) percent of the assurance shall be returned to the applicant and twenty (20) percent shall

be kept for a period acceptable to the City Engineer for warranty of workmanship, not to exceed one (1) year.

*19.24.14.5 Excavation Permit*
Prior to the commencement of any major repair of a curb, gutter, or sidewalk, the applicant must obtain an excavation permit from the Payson City Development Services Department. The applicant will be required to submit payment of a fee consistent with the Payson City Fee Resolution available at the Development Services Department.

Failure to obtain an excavation permit may require additional testing and approval by the City Engineer to assure that the work was completed satisfactorily. Any additional testing or other requirements shall be the financial burden of the applicant.

*19.24.14.6 Replacement of Sidewalk*

19.24.14.6.1 Replacement of Sidewalk in Disrepair
19.24.14.6.2 Replacement of Sidewalk Broken by City
19.24.14.6.3 Replacement of Sidewalk Broken by Owner or Resident

*19.24.14.6.1 Replacement of Sidewalk in Disrepair*
Payson City may, at its own discretion, construct, repair, or replace sidewalks in disrepair from age, weathering, settling, broken panels, deteriorated surface, or other situation deemed to be hazardous to users. The City shall have sole discretion to determine what sidewalks shall be repaired. It is impractical for the City to constantly repair all sidewalks, however, an effort will be made through the budgetary process to repair the most dangerous sections based on condition of the sidewalk, number of users, location in relationship to schools, churches and other gathering places, and other logical criteria.

If a property owner desires to repair the sidewalk adjacent to the subject property, the owner may suggest an agreement with the City. In general, such agreement will allow the City to complete the work at a sooner date if the applicant is willing to pay for at least fifty (50) percent of the project. It should be noted that the City is under no obligation to approve such an agreement.

*19.24.14.6.2 Replacement of Sidewalk Broken by City*
Sidewalks damaged by the City will be replaced or repaired by the City in a timely manner.

*19.24.14.6.3 Replacement of Sidewalk Broken by Owner or Resident*
Sidewalks that are determined to have been broken by the owner or resident shall be replaced or repaired by the owner of the property in a timely manner. At the time the sidewalk is discovered to be in disrepair, the City may require the property owner to secure financial assurance, acceptable to the City Attorney, for the replacement or repair of the sidewalk.

### 19.24.15 Restrictions on Parking of Large Trucks and Trailers, and other Vehicles, and Storage of Hazardous Materials

19.24.15.1 Trailers
19.24.15.2 Tank Vehicles, Parking and Garaging
19.24.15.3 Storage of Hazardous Materials
19.24.15.4 Parking of Vehicles for Sale
19.24.15.5 Applicability

Parking of large trucks, trailers or other large vehicles is not allowed in the public right of way of any local or collector road as defined by the Payson City Streets Master Plan if the truck, trailer or other vehicle:

1. Is more than twenty (20) feet in length or any combination of vehicles and trailers exceeds twenty (20) feet.
2. Has a gross tare weight of twelve thousand (12,000) pounds or more.

It is the intention of this Section that vehicles or trailers including, but not limited to, boats, delivery vans, construction trucks or trailers, recreational vehicles and similar vehicles not be permitted to park in the public right of way. No semi-truck tractor or trailer shall be parked in the public right of way of any local or collector road as defined by the Payson City Street Master Plan.

Exceptions to the parking restrictions include the following situations only:

1. When the vehicle is a school bus and is parked solely for the purpose of loading or unloading passengers.
2. When the vehicle is being used to deliver or remove household furniture or accessories to or from a specific residence or building.
3. When the vehicle is actively involved in permitted construction, landscaping, or other work on a specific residence or building.
4. When the vehicle is a trailer being loaded or unloaded.
5. When there is an emergency requiring the parking of a vehicle at a particular location.

*19.24.15.1 Trailers*
It shall be unlawful to park or keep any trailer, unattached camper or boat on a public street for a period of time exceeding seventy-two (72) hours.

*19.24.15.2 Tank Vehicles, Parking and Garaging*
A tank vehicle is any motor vehicle, trailer or semi-trailer transporting as cargo, or part of a cargo, any explosive, flammable or corrosive liquid in quantities in excess of one hundred (100) gallons, or as defined in the Uniform Fire Code as containing hazardous materials. (See § 41-6-154 of the Utah Traffic Code)

A tank vehicle:
1. Shall not be left unattended on any residential street.
2. Shall not be parked or garaged within three hundred (300) feet of any residential dwelling, apartment, hotel or motel room, educational facility, hospital or medical building, or any other place that in the opinion of the Fire Chief presents a life hazard.

The owner of a tank vehicle that has been identified as leaking, pouring, discharging or in any other way releasing hazardous materials shall be solely responsible for the mitigation required to repair any environmental or property damage due to the release of the hazardous material.

*19.24.15.3 Storage of Hazardous Materials*
Any structure used for the temporary or long term storage of hazardous materials is not allowed in any residential zone or within three (300) feet of any residence, including hotel or motel rooms.

Trucks, trailers, tanks or other structures required to carry placards for the storage or transport of hazardous materials is not allowed in any residential zone or within three (300) feet of any residence, including hotel or motel rooms, except when unloading cargo.

*19.24.15.4 Parking of Vehicles for Sale*
In accordance with Ordinance number 08-20-97 of Payson City, it shall be unlawful to for the owner of a motor vehicle, camper, trailer, boat or other type of vehicle to park it or allow it to be parked on a vacant lot or parking lot owned by another person for the purpose of displaying it for sale, unless the owner or lessee of the property on which it is parked has a City business license to engage in the business of selling motor vehicles, campers, trailers, boats, or other vehicles at that location. (12-19-01)

*19.24.15.5 Applicability*
The requirements of this Section are intended to be consistent with the Uniform Fire Code adopted by Payson City. If there is conflict between this Section and the Uniform Fire Code, the stricter of the two shall apply.

# Chapter 19.25
# Enforcement and Penalties

The City Council hereby declares that:

1. It shall be unlawful to erect, construct, reconstruct, alter, or change the use of any building or other structure within the City covered by these regulations without obtaining a building permit from the City.
2. The City shall not issue any permit unless the plans for the proposed erection, construction, or use fully conforms to the regulations then in effect.
3. The penalty for violation of this ordinance shall be a Class C misdemeanor.

# Chapter 19.26
# Appeal of Zoning Decisions

19.26.1 Appeal Procedure
19.26.2 Eligible Matters
19.26.3 Time Limitation

### 19.26.1 Appeal Procedure

In accordance with §10-9a-701 et. seq. Utah Code Annotated, 1953, as amended, any person or organization adversely affected by a decision administering or interpreting the Zoning Ordinance may appeal the decision to the appropriate appeal authority. Unless otherwise specified in this Title, the Board of Adjustment shall hear appeals and make decisions consistent with Section 10-9a-701 et. seq. Utah Code Annotated 1953, as amended. (2-20-13)

The appellant, or agent, shall file a notice of appeal and all appeals shall be made as follows.

1. Specify the grounds for the appeal and circumstances related thereto. The notice shall allege that there was error in the order, requirement, decision, or determination made by an official or officials in the administration or interpretation of the Zoning Ordinance. A notice failing to allege error or specify the grounds for appeal may be summarily dismissed by the appeal authority with or without prejudice. Response to the above requirements shall be set forth in detail in the notice of appeal.
2. All papers constituting the record upon which the action appealed from was made shall be transmitted to the appeal authority.
3. The appeal authority shall set the appeal for hearing to be held within a reasonable time from the date the appeal is received. Written notice of the date set for hearing the appeal shall be mailed to the appellant at least seven days before the appeal hearing date. After hearing the appeal, the appeal authority may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer or body from which the appeal is made.
4. The filing of an appeal shall stay all proceedings and actions in furtherance of the matter appealed, pending a decision of the Board of Adjustment. The stay shall exist unless the Planning Commission or Zoning Administrator certifies to the Board of Adjustment, after the notice of appeal shall have been filed, that by reason of facts stated in the certificate, the stay would cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by restraining order which may be granted by the Board of Adjustment or by District Court on application, notice and due cause shown.
5. The concurring vote of three (3) members of the appeal authority shall be necessary to reverse any order, requirement, decision, or determination of any administrative official, planning commission, city council, or other public official or to decide in favor of the appellant.
6. The City, or any person adversely affected by any decision of the appeal authority, may petition the district court for a review of the decision, provided the petition is filed with the Court within thirty (30) days after the appeal authority's decision if final. In the petition, the appealing party may only allege that the Board's decision was arbitrary, capricious, or illegal. The appeal authority may, after finding it is in the best interest of the City to do so, stay its decision pending district court review. (2-20-13)

In all matters before the appeal authority, the burden of proof to overturn a decision administering or interpreting the Zoning Ordinance shall rest with the appellant. (2-20-13)

### 19.26.2 Eligible Matters

No person or organization is eligible to appeal a decision administering or interpreting the Zoning Ordinance until all other administrative remedies have been exhausted and a final decision has been made by the appropriate authority. Appeals of staff or Planning Commission decisions shall be heard by the City Council. (2-20-13)

### 19.26.3 Time Limitation

An appeal of a decision administering or interpreting the Zoning Ordinance shall be submitted to the Development Services Department within fourteen (14) days from the date of the final decision.

# Chapter 19.27
# Fee Schedule

Any reference to fees imposed by the regulations of this Title is subject to the fee schedule adopted by resolution by the City Council which may be amended from time to time. If a conflict arises between a fee listed herein and the fee schedule, the provisions of the fee schedule shall take precedence. (10-1-08)

The purpose for the collection of review fees is to cover, at least partially, the cost of development review. It is the intention of the City Council to require applicants to pay the cost of the review and not expend General Fund revenues for this purpose. In accordance with the policies of the Development Services Department, any project that requires public works inspections will be required to submit payment of a public works inspection and testing fee consistent with the Payson City Fee Resolution for the inspection and approval of the required improvements. These fees are adopted by resolution of the City Council and may be amended from time to time and are available from the Development Services Department. (11-6-02)

The public works inspection fee will be submitted to Payson City to be placed in an interest bearing account. Payson City will draw from the account the amount necessary to complete the inspections. Payson City will keep an accurate record of withdrawals and provide such record to the applicant upon request and following the completion of the tests and inspections. Any amount not used to complete public works testing and inspections shall be refunded, with accrued interest, to the applicant. (3-5-03)

# Chapter 19.28
# Definitions (2-19-14)

19.28.1 Purpose and Intent
19.28.2 Definitions

### 19.28.1 Purpose and Intent

The purpose for including certain definitions as part of this ordinance is to clarify meaning specific to this ordinance. Words and phrases used in the present tense include the future, singular words include the plural as well as the singular.

### 19.28.2 Definitions

The following definitions are specific to this ordinance. If there is occasion to need interpretation of any word or phrase not listed below, the Board of Adjustment shall provide the interpretation.

1. Accessory Use or Structure - A use or structure that:
   a. is clearly incidental to and customarily found in connection with a primary building or use;
   b. is subordinate to and serves a primary building or use;
   c. is subordinate in area, extent, or purpose to the primary building or principal use served;
   d. contributes to the comfort, convenience, or necessity of occupants, business, or industry in the primary building or principal use served;
   e. is located on the same lot as the primary building or principal use served.
2. Adult Day Care Facility - A facility that furnishes care, supervision and guidance for three (3) or more adults unaccompanied by a guardian for periods of less than twenty-four (24) hours per day.
3. Agriculture - Land used exclusively for a bona fide agricultural operation by the owner or tenant. The use of land for agricultural purposes including grazing or raising of livestock (except feed yards), sod production, orchards, plowing, tillage, cropping, seeding, cultivating, or harvesting for the production of food and the necessary accessory uses for packing, treating, or storing the produce, provided the operation of the accessory use is clearly incidental to the agricultural activity. The business of garbage feeding of hogs, fur farms, or the raising of animals for use in medical or other tests or experiments is excluded.
4. Agricultural Building – A structure on agricultural land designed, constructed, and used to house farm implements, livestock, or agricultural produce or products used by the owner or lessee, or their employees, and persons engaged in the pick up or delivery of agricultural produce or products grown or raised on the premises. The term "agricultural building" shall not include dwellings.
5. Alternative Transportation Modes - Methods of travel other than by means of a low-occupant vehicle. Alternative modes may include carpooling or vanpooling, public transit, bicycling or walking.
6. Appeal Authority - The person, board, commission, agency or other body designated herein to decide an appeal of a decision of a land use application or a variance.
7. Assisted Living Facility - A residential facility, licensed by the State of Utah, with a home like setting that provides an array of coordinated supportive personal and health care services, available twenty-four (24) hours per day, to residents who have been assessed under Utah Department of Health or Utah Department of Human Services rules to need any of these services. Each resident shall have a service plan based on the assessment, which may include:
   a. Specified services of intermittent nursing care
   b. Administration of medications
   c. Support services promoting the resident's independence and self-sufficiency

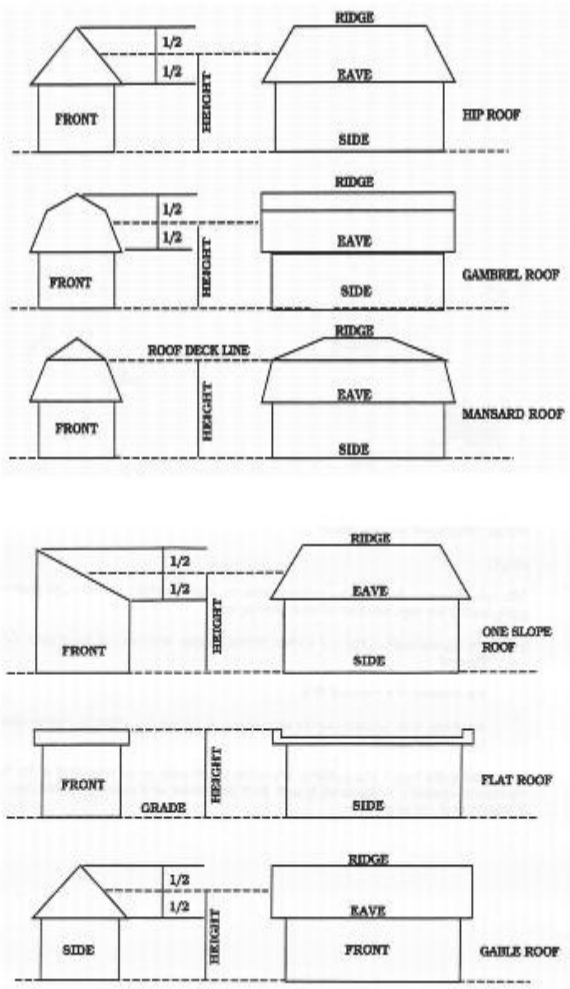
   An assisted living facility does not include:
   a. A residential facility for persons with a disability
   b. Adult day care provided in conjunction with a residential facility for elderly persons or a residential facility for persons with a disability
8. Automobile Repair - The repair of the mechanical functioning parts of an automobile. Automobile repair does not include the storage or impounding of vehicles with the exception of vehicles that will be repaired within forty eight (48) hours.
9. Automobile Restoration - The external repair of automobiles including body work and painting. Automobile restoration does not include the storage or impounding of vehicles with the exception of vehicles that will be restored within forty eight (48) hours.
10. Automobile Impound - The secured storage of automobiles, with or without the permission of the owner, by a person licensed to hold the automobiles.
11. Boarder – A person living in a rented room in a boarding house. The boarding house operator, or member of his or her immediate family who resides on the premises with the operator, shall not be deemed a boarder.
12. Boarding House – A building or portion thereof operated by a person residing on the premises where, for compensation, rooms are rented

together with meals for not more than fifteen (15) boarders who generally do not utilize kitchen facilities. "Compensation" shall include money, services or any other thing of value.

A boarding house does not include:

a. A residential facility for the elderly or persons with a disability
b. Any non-residential facility, such as a rehabilitation/treatment facility, where the primary purpose of the facility is to deliver rehabilitation, treatment, counseling, medical, protective or other similar services to the occupants thereof

13. Boundary Line Adjustment – See Lot Line Adjustment.
14. Building – Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind. When any portion thereof is completely separated from every other portion thereof by a division wall or fire wall, without openings, each such portion shall be considered a separate unit.
    a. Building, Accessory - A subordinate building, the use of which is incidental to that of the main building.
    b. Building, Primary or Main - A building, or buildings, in which is conducted the principal use of the lot in which it is situated. In any residential district, any dwelling shall be deemed to be the primary building of the lot on which the same is situated.
    c. Building, Public - A building owned and operated or owned and intended to be operated by a public agency of the United States of America, of the State of Utah, or any of its subdivisions. The use of the public building, with immunity, is nontransferable and terminates if the structure is devoted to a use other than as a public building with immunity. A public building referred to as with immunity under the provisions of this Title includes:
        i. Properties owned by the state of Utah or the United States government which are outside the jurisdiction of the city zoning authority as provided under Title 10, Chapter 9a, Section 304, Utah Code Annotated, 1953, as amended; and
        ii. The ownership or use of a building which is immune from the city zoning authority under the supremacy clause of the United States constitution.
15. Building Height – The vertical distance from the average finished grade surface at the building wall to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or the mean height level between eaves and ridge for gable, hip, or gambrel roofs. Exclusions: Structures not used for human occupancy, including, but not limited to, chimneys, flag poles, television antennas, church towers, architectural features, and similar structures are excluded in determining height.




16. Build-To-Line - A line parallel to the street along which the primary mass of the front façade should be set. It is measured as a perpendicular distance from the street line to the nearest point of the building façade. The build-to-line identifies the precise horizontal distance, or range of distances, from a street that the front of all primary structures must be built in order to create a uniform line of buildings along a street. (4-15-15)
17. Carport - A structure not completely enclosed by walls for the shelter of automobiles.
18. Casita - A casita is a temporary living quarter attached to a single family dwelling intended to

provide visitors semi-private living space for a short period of time without establishing residency. Containing bedroom and bathroom areas, a casita essentially allows a separate sleeping and bathroom area that is attached to a single family dwelling with a separate entrance.

19. Certificate of Occupancy - A permit issued prior to occupancy of a structure to ensure that the structure is ready for occupancy with all defects corrected and all construction debris removed and the site graded to final grade.
20. City Council - The legislative or governing board of Payson, Utah.
21. Common Area - Land in a development held in common or single ownership and not reserved for the exclusive use or benefit of an individual tenant or owner. Maintenance of such areas is not the responsibility of city government and shall be set forth by the development association in the form of restrictive covenants, which shall guarantee the maintenance of these areas.
22. Community Correctional Facility - A facility licensed by the State of Utah to provide temporary occupancy for previously incarcerated persons which assists such persons in making a transition from a correctional institution environment to independent living. The facility may also provide ancillary, temporary occupancy for individuals placed as part of, or in lieu of confinement rehabilitation, or treatment in a correctional institution.
23. Complete Application - A determination by an appropriate staff member that an applicant has submitted the correct form together with all mandatory and supplementary information necessary to complete a review of the project, including the payment of the established fee.
24. Composting Facility - A facility providing an area for the accelerated biological decomposition of organic matter under managed aerobic conditions resulting in a stable, innocuous final product and specifically includes all related receiving, processing, production, curing, and storage areas, buildings equipment, facilities and other infrastructure located at the site.
25. Conditional Use - A land use that, because of its unique characteristics or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.
26. Condominium - The ownership of a single unit in a multi-unit project together with an undivided interest in common in the common areas and facilities of the property.
27. Condominium Project - A plan or project whereby two or more units, together with an undivided interest in the common area or facility, are separately offered or proposed to be offered for sale. This definition shall apply to existing or proposed apartments, commercial or industrial buildings, or structures. Condominium project shall also mean the property when the context so requires.
28. Congregate Housing - Independent living designed to integrate the housing and nonmedical supportive services of elders. Increases self-sufficiency through the provision of supportive services (i.e. meals, transportation, housekeeping, social activities) in a residential setting. Congregate housing does not offer 24-hour care and supervision; however, home health services are often arranged.
29. Day Care Center - A building wherein ordinary care and supervision are provided during customary day-time periods by the resident family to non-related persons. To qualify, the building must be approved by the Utah Department of Health or other appropriate State agency.
30. Deck - An exterior floor system adjacent and accessible to a primary building.
31. Density - The term density shall mean the number of dwelling units per acre of land.
    b. Gross Density – The ratio of dwelling units per acre utilizing the full acreage of the parcel(s) without subtracting areas dedicated to public or private roads, schools, parks, or similar public use and open space areas or hazard areas.
    c. Net Density – The total number of dwelling units divided by the project area after the acreage for all areas dedicated to public or private roads, schools, parks, or similar public use and open space areas or hazard areas have been removed.
32. Disability - A physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such impairment or being regarded as having such an impairment. The following definitions are incorporated into the definition of disability:
    a. "Disability" does not include current illegal use of, or addiction to, any federally controlled substance, as defined in Section 102 of the Controlled Substances Act, Title 21 U.S.C. Section 802, or as defined under Title 58, Chapter 37, Utah Code Annotated, 1953, as amended:

b. "Physical or mental impairment" includes:
   i. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, digestive, genitourinary, hemic and lymphatic, skin, and endocrine.
   ii. Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.
   iii. Such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, Human Immunodeficiency Virus infection, mental retardation, emotional illness, drug addiction (other than addiction caused by current, illegal use of a controlled substance) and alcoholism.

c. "Major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

d. "Has a record of such an impairment" means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

e. "Is regarded as having an impairment" means:
   i. Has a physical or mental impairment that does not substantially limit one or more major life activity but is treated by another person as constituting such a limitation.
   ii. Has a physical or mental impairment that substantially limits one or more major life activity only as a result of the attitudes of others toward such impairment
   iii. Has none of the impairments defined in paragraph (a) of this definition but is treated by another person as having such an impairment.

33. Documentation - The legal instruments required under the provisions of this ordinance and applicable State law for approval of a development.

34. Domestic Staff – Persons employed or residing on the premises of a dwelling or other residential facility to perform domestic services or to assist residents in performing daily life activities. In single family residential zones, separate apartments or dwelling units may not be created for domestic employees, whether attached, detached, or within the single family residence structure. In multiple family residential zones, any separate apartment or dwelling unit for domestic staff must satisfy the requirements applicable to any other dwelling unit in the zone.

35. Drive-in, Retail - Any form of merchandising, serving or dispensing of goods in which the customer is serviced while in an automobile.

36. Dwelling - A building or portion thereof designated or used exclusively for residential purposes, including one-family, two-family, multi-family, and apartment buildings; but shall not include boarding, rooming, or lodging houses, tents, trailers, mobile home parks, motels, motor courts, cottage camps, or similar structures designed or used primarily for transient residential uses. A dwelling consists of living, sleeping, housekeeping accommodations, and sanitary facilities for occupancy by an individual or family.
   a. Dwelling, Single Family - A detached dwelling unit arranged, designed for, and occupied by not more than one (1) family, and which has a kitchen and a bathroom.
   b. Dwelling, Two Family (duplex/twin home) - A building arranged, designed for, and occupied by two (2) families living independently of each other and containing two (2) separate dwelling units.
   c. Dwelling, Multi Family - A building designed as a single structure, containing three (3) or more separate living and housekeeping units, each of which is designed to be occupied as a separate permanent residence for one (1) family.
   d. Dwelling, Caretaker's - A dwelling which is occupied by an individual or family whose livelihood is derived primarily from watching or taking care of a farm, industry or other use which is located on the same premises as the dwelling.

37. Dwelling Unit - One or more rooms in a building or portion thereof designed for and occupied by one (1) family for living or sleeping purposes and having one (1), but not more than one (1) kitchen or set of fixed cooking facilities other than hot plates or other portable cooking units.

38. Educational Institution - A public elementary or secondary school, seminary, parochial school or private education institution having a curriculum similar to that ordinarily provided in grades one through twelve in a public school system. The term education institution for the purpose of this ordinance does not include post high school education facilities or education facilities which include residential facilities for its students.

39. Elderly Housing - A general term for the different types of age restricted residential developments and facilities allowed under the Federal Fair Housing Act, which include: senior apartments, senior condominiums, active adult community, and retirement community where residents live independently and do not require assistance with day-to-day activities.
40. Elderly Person - A person who is sixty (60) years old or older, who desires or needs to live with other elderly persons in a group setting, but who is capable of living independently.
41. Equivalent Residential Unit (ERU) - A calculation to determine the impact of a development in comparison with single family residential units. An ERU is equal to one (1) single family unit. Each Payson City utility will have unique ERU calculations including, but not limited to, to the following:
    a. Impact on traffic: One ERU = 10 vehicle trips per day.
    b. Impact on drinking water: One ERU = the gallons of water that can be obtained through a three quarter (¾) inch service lateral.
    c. Impact on irrigation water: One ERU = the gallons of water that can be obtained through a one (1) inch service lateral.
    d. Impact on power: One ERU = 4 Kw peak demand.
42. Family - An individual, or two (2) or more persons related by blood, marriage, adoption, or guardianship or a group of not more than four (4) persons who are not related, living in a dwelling unit as a single housekeeping unit and using common cooking facilities and entrances.
43. Fence - A structure, solid or otherwise, intended to partition or enclose a property or portion of a property.
    a. Fence, Open - A fence that is at least seventy-five percent (75%) open which does not present a visual barrier/hazard for pedestrians or drivers.
    b. Fence, Obscuring - A fence or wall whose vertical surface is covered by a solid or opaque material which permits vision through not more than ten percent (10%) of surface.
44. Final Decision - A successful motion by the City Council, Planning Commission, or other land use authority to approve or deny a land use application, effective the moment the vote is taken.
45. Final Plat - Record of Survey Map - A plat or plats of survey of land within a subdivision or other large scale development, which has been prepared in accordance with applicable city standards and/or state statutes for the purposes of recording in the office of the County Recorder.
46. Flood, 100 year - A flood, the magnitude of which will probably occur only once in 100 years.
47. Flood Channel - A natural or artificial watercourse with definite bed and banks to confine and conduct flood water.
48. Floor Area - The sum of the horizontal areas of each floor of a building, measured from the interior faces of the exterior walls or from the centerline of walls separating two buildings. The floor area measurement does not include areas of unfinished basements, unfinished attics, attached garages or space used for off-street parking or loading, breezeways, enclosed and unenclosed porches, elevator or stair bulkheads, and accessory structures.
49. Foster Care Home - A dwelling unit wherein room, board, care, and supervision are provided by the resident family under the approval and supervision of the Department of Human Services or other placement agency licensed by the State to provide for children who are unrelated to the resident.
50. Fraternity or Sorority House - A building occupied by and maintained exclusively for students affiliated with an academic or professional college or university or other recognized institution of higher learning, who are associated together in a fraternity or sorority that is officially recognized by such institution and who receive lodging and/or meals on the premises for compensation.
51. Frontage - The width of a parcel along a public or private road from which the parcel is accessed. The frontage shall be represented as the primary access to a structure (front or main door). In the case of a corner lot, frontage shall be calculated using the primary access to the structure. This definition also defines the front of a parcel for setback purposes. Therefore, the front setback shall be calculated using the side of the parcel determined to have frontage on a public or private street.
52. Garage and/or Yard Sale – An occasional sale of miscellaneous items commonly associated with residential use conducted by a property owner at the owner's place of residence which offers personal possessions for sale but does not include items brought to the site for sale.
53. General Plan (Master Plan) - A comprehensive long-range plan intended to guide growth and development of a community or region and includes analysis, recommendation, and proposals for the community's population economy, housing, transportation, community facilities, and land use.
54. Grade of Building
    a. For buildings fronting one street only - the

elevation of the sidewalk or center line of street, whichever is higher, at right angles to the midpoint of the fronting walls.

b. For buildings fronting on more than one street - the average of the elevations of the sidewalk or center line of surrounding streets, whichever is higher.

55. Grade of Street and Driveways - Grade shall mean the ratio of vertical distance to horizontal distance along such a street or driveway expressed in either percentage or degree.
56. Guest - A person or persons staying temporarily within a dwelling unit without payment of compensation or remuneration to the owners, tenants, or full time inhabitants of said dwelling unit.
57. Guest House - See Casita.
58. Height, Walls and Fences - Such height shall be measured from the highest of the two grades adjacent to the wall or fence, except when the wall or fence is adjacent to a street right-of-way which has a higher grade than that on the adjacent site. For such conditions, the height of the wall or fence shall be measured from the top of the curb or the crown of the street where there is no curb.
59. Home Occupation - An occupation conducted entirely within the dwelling unit and carried on only by persons residing in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, does not change the residential character of the dwelling unit, and for which a home occupation business license has been issued by Payson City.
60. Hospital – An institution licensed by the State of Utah which provides diagnostic, therapeutic, and rehabilitative services to individuals on both an inpatient and outpatient basis by or under the supervision of one or more physicians. Any medical clinic or professional office which offers any inpatient or outpatient care, or operates on a twenty-four hour basis shall be considered to be a hospital. A hospital may include integral support service facilities such as laboratories, outpatient units and training and central services, together with staff offices necessary to the operation of the hospital.
61. Hotel and Motels – A facility offering transient lodging accommodations to the general public and which may provide additional services such as restaurants, meeting rooms, entertainment and recreational facilities.
62. Household Pets - Cats and dogs and other domestic animals which are housed in the residence in areas occupied by the family.
63. Impervious Surface - Any hard-surfaced area that does not allow for the natural percolation of water into the soil, including but not limited to building roofs, concrete patios, concrete or asphalt driveways, graveled areas, sidewalks, and paved recreation areas.
64. Industrial, Light – The manufacturing, compounding, processing, assembling, packaging, or testing of goods or equipment or research activities entirely within an enclosed structure, with limited outdoor storage, serviced by a modest volume (less than 12 trips in 24 hours) of small (¾ ton) trucks or vans and imposing a negligible impact upon the surrounding environment by noise, vibration, smoke, dust or pollutants.
65. Industrial, Heavy – Uses that are generally involved in the processing of large volumes of raw materials into refined materials and/or have significant external impacts, with potential outdoor storage that is capable of being screened from neighboring properties. Environmental impacts such as air, water, vibration, smoke, dust, pollutants and noise shall satisfy all federal and state regulations and those of Payson City.
66. Junk Yard-Salvage Yard - A place where scrap, unused, discarded salvaged materials are bought, sold, exchanged, baled, packed, disassembled, or handled or stored, including auto wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including places where such uses are conducted entirely within a completely enclosed building or where salvaged materials are kept incidental to manufacturing operations conducted on the premises.
67. Landscaping - The use and integration of a combination of planted trees, shrubs, vines, groundcover, lawns, rocks, foundations, pools, art works, screens, walls, fences, benches, or surfaced walkways set into an aesthetically pleasing arrangement. However, the use of structures or surfaced walkways alone, in the absence of planted trees, lawns, etc., shall not meet the requirements of this ordinance.
68. Land Use Authority - A person, board, commission, agency, or other body designated by the Payson City Council to act upon a land use application.
69. Land Use Ordinance - A planning, zoning, development or subdivision ordinance of Payson City, not to include the General Plan.
70. Living Area - The interior habitable area of a dwelling unit, including the basement and attic, but excluding the garage or any accessory structure not intended for human habitation.
71. Lot - A parcel of real property shown as a

delineated parcel of land with a number and designation on the final plat of a recorded subdivision; or a parcel of real property defined by metes and bounds, containing not less than the minimum area and width required in the zone in which it is located.

a. Lot, Corner - A lot situated on two intersecting or intercepting streets where the interior angle of intersection or interception does not exceed 135 degrees.
b. Lot, Interior - A lot other than a corner lot.
c. Lot, Zoning - A parcel of land which:
   i. Complies with all existing area frontage, width, setback, and supplementary requirements of the zone in which it is located.
   ii. Has frontage on a city street, which street has (a) been accepted by the City Council and has been improved in accordance with city standards and is in use by the public, or (b) has frontage on a private right-of-way within an approved large scale development.
   iii. Is shown as a separate lot in an approved subdivision plat or large scale development plan, which plat or plan has been approved in accordance with the applicable ordinances or which is exempted from compliance with said ordinances.

72. Lot Area - The total area measured on a horizontal plane included within the lot line of the lot or parcel of land.
73. Lot Coverage - The portion of the lot or parcel that is covered by any part of a building, structure, or impervious material (i.e. concrete, asphalt) on or above the surface of the lot. The percentage is determined by dividing (a) the area of the lot or parcel covered by the total (in square feet) of: (1) the footprint of the main building; and (2) the footprints of accessory buildings; and (3) parking pads, driveways and other impervious cover; by (b) the gross area of the lot or parcel. (4-15-15)
74. Lot Line - The property line bounding the lot.
    a. Lot Line, Front - A line separating an interior lot from a street. For corner lots, the lot owner may elect any street lot line as the front lot line unless otherwise established by a plat or covenant.
    b. Lot Line, Rear - A lot line which is opposite and most distant from the front lot line. In the case of an irregular, triangular, or gore-shaped lot, the rear lot line shall be a line within the lot, parallel to and at the maximum distance from the front lot line, having a length of at least ten (10) feet.
    c. Lot Line, Side - Any lot boundary line not a front lot line or a rear lot line.
75. Lot Width - The horizontal distance between the side lot lines and measured at the required front yard setback line.
76. Lot Line Adjustment - The relocation of a property boundary line between two adjoining parcels with the consent of the owners of record and consistent with the minimum requirements established in this Title.
77. Master Plan - See General Plan.
78. Maintenance Facilities – Facilities used for provision of public or private utilities such as: electrical substations, gas regulator stations, telephone transmission equipment buildings, sewage lift stations, water pumping stations, water reservoirs, and public safety buildings and training facilities.
79. Manufactured Home - A home or other building of new construction which has been assembled fully or in substantial part, upon another site or in a factory and moved to the site where it is to be placed upon a permanent foundation in compliance with the provisions of the International Building Code.
80. Mixed Martial Arts – A full-contact sport allowing a wide range of unarmed combat techniques such as striking and grappling. This term includes karate, wrestling, boxing, kickboxing and Jiu Jitsu forms of martial arts. Training facilities for mixed martial arts instruction are permitted in certain zoning districts. Contests, exhibitions, and club fighting are not allowed.
81. Mobile Home - A dwelling unit which complies with the Mobile Home Building Code as adopted by the State of Utah and which is designed to be transported, after fabrication, on its own wheels, or on detachable wheels, and which is ready for occupancy as an independent dwelling unit except for connection to utilities. The term "Mobile Home" shall also include any vehicle meeting the above description that is used for an office, classroom, laboratory, processing, manufacturing, retail sales, or other such use. “Mobile Home” shall not include a recreation vehicle or a house appearing to be mobile that complies with the City's adopted Building, Mechanical, Electrical, and Plumbing Codes.
82. Mobile Home Park - An area or tract of land used to accommodate two or more mobile homes for permanent dwelling purposes, whether or not a charge is made for such accommodation.
83. Modular Home - See Manufactured Home.
84. Municipal Governmental Facility - A building or structure owned, operated, and occupied by Payson City to provide a governmental service to

the public.

85. Noncomplying Structure - A structure or portion thereof that legally existed before its current land use designation and because of one or more subsequent land use ordinance changes, does not conform to the setback, height restrictions, or other regulations, excluding those regulations which govern the use of land.
86. Nonconforming Lot - A parcel of land which does not conform to the area, frontage, and/or width requirements for a zoning lot, but which was shown on the records of the County Recorder as an independent lot prior to the effective date of now controlling provision.
87. Nonconforming Use - A use of land that legally existed before its current land use designation, has been maintained continuously since the time the land use ordinance governing the land changed and because of one or more subsequent land use ordinance changes, does not conform to the regulations that now govern the use of the land.
88. Nonresidential Treatment Facility - A facility wherein no persons will be housed on an overnight basis, and provides services including rehabilitation, treatment, counseling, or assessment and evaluation services related to delinquent behavior, alcohol abuse, drug abuse, sexual offenders, sexual abuse, or mental health.
89. Offsite - Shall mean of or pertaining to the territory outside of the boundaries of a particular project.
90. Onsite - Shall mean of or pertaining to the territory within the boundaries of a particular project.
91. Open Space - Land which is open from the ground upward and which is not covered by dwellings or other buildings, or by pavement or other impervious material.
92. Open Space Easement - The right or privilege to preserve a specific parcel of land in open space.
93. Outdoor Display - An outdoor arrangement of objects, items, products, or other materials, typically not in a fixed position and capable of rearrangement, designed and used for the purposed of advertising or identifying a business, or product for sale.
94. Parcel - See Lot.
95. Parking Lot - A hard surfaced, dust free, landscaped, illuminated open area other than a street, used to park four (4) or more automobiles. Storage of damaged, non-inspected, or unlicensed automobiles is prohibited except on lots approved for such purposes.
96. Parking Space - A permanently surfaced area, enclosed or unenclosed for the parking of one (1) motor vehicle having dimensions of eight and one half (8½) feet by eighteen (18) feet, exclusive of access or maneuvering area, ramps, or columns, to be used exclusively as temporary storage space for one private motor vehicle.
97. Patio - A leveled surface area directly adjacent to a principal building that is not more than eighteen (18) inches above finished grade. Typical materials include concrete, asphalt or other impervious cover.
98. Pawn Broker - A person who owns and /or operates a pawnshop, and as further defined by State Law.
99. Pawnshop - An establishment that engages, in whole or in part, in the business of loaning money on the security of pledges of personal property, or deposits, or conditional sales of personal property, or the purchase or sale of personal property, and as further defined by State Law.
100. Pay-Day Loan Agency - An establishment providing loans to individuals in exchange for personal checks as collateral.
101. Performance Guarantee - Security accepted by a municipality as a guarantee that improvements required as part of an application for development are satisfactorily completed.
102. Permitted Use - A use of land, building, or structure that is allowed within a zone under the terms of this ordinance.
103. Person - A corporation, company, association, firm, partnership, as well as any individuals, state, or political subdivision of a state or agency thereof.
104. Planned Unit/Residential Development - An integrated design for development of residential, commercial or industrial uses, or combinations of such uses, in which the density and location regulations of the district in which the development is situated may be varied or waived to allow flexibility and initiative in site and building design and location, in accordance with an approved plan and imposed general requirements.
105. Planning Commission - A board of the local government consisting of such members whose functions include advisory or nontechnical aspects of planning and may also include such other powers and duties as may be assigned to it by the legislative body.
106. Planting/Landscaping Plan - A plan showing the location and dimensions of plants, irrigation equipment, curbs, and other protective features around the edge of the planting beds and the location and species of plants to be planted.
107. Porch - A raised platform with a roof structurally connected to the main wall of a building.
108. Portable Carport - A roofed structure, located on

a non-permanent foundation, typically made from non-combustible material, that is open on both ends and fifty (50) percent open on each side.

109. Portable Storage Container - A container fabricated for the purpose of transporting freight or goods on a truck, railroad or ship, including cargo containers, shipping containers, storage units or other portable structures that are placed on private property and used for storage of items, including, but not limited to clothing, equipment, goods, household or office fixtures, or furnishings, materials and merchandise.
110. Premises - A zoning lot together with buildings and structures located thereon.
111. Primary Use - The main use or structure on a parcel. Accessory uses are not to be defined as primary uses.
112. Project - A project in which one or more lots, tracts, or parcels of land are to be developed or redeveloped as a coordinated site for a complex of uses, units, or structures, including but not limited to planned development and/or cluster development for residential, commercial, institutional, recreational, open space, and/or mixed uses.
113. Protective Housing Facility - A facility operated, licensed or contracted by a governmental entity, or operated by a charitable, non-profit organization, where, for no compensation, temporary, protective housing is provided to:
    a. Abused or neglected children awaiting placement in foster care.
    b. Pregnant or parenting teens.
    c. Victims of sexual abuse.
    d. Victims of domestic abuse.
114. Public - That which is owned or operated by the United States Government, the State of Utah or any subdivision thereof, Utah County, or the City of Payson (or any departments or agencies thereof).
115. Public Facilities - Transportation systems or facilities, water systems or facilities, wastewater systems or facilities, storm drainage systems or facilities, fire, police, and emergency systems or facilities, electric utilities, owned and operated by a government agency, including the City of Payson.
116. Public Parks and Playgrounds - Shall mean a tract of land which is owned by the public and which has been partially or totally developed or designated for recreational purposes.
117. Public Utility Easement - The area on a recorded plat map or other recorded document that is dedicated to the use, installation, and maintenance of public utility facilities.
118. Reasonable Accommodation - A change in a rule, policy, practice or service necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling. As used in this definition:
    a. "Reasonable" means a requested accommodation will not undermine the legitimate purpose of existing zoning regulations notwithstanding the benefit that the accommodation would provide to a person with a disability.
    b. "Necessary" means the applicant must show that, but for the accommodation, one or more persons with a disability likely will be denied an equal opportunity to enjoy housing of their choice.
    c. "Equal Opportunity" means achieving equal results as between a person with a disability and a non-disabled person.
119. Recreation Vehicle Court - An area or tract of land used to accommodate two or more vacation vehicles or camper units for a short period of time (less than 30 days).
120. Recycling facility - A facility that accepts recyclable materials and may perform some processing activities. The facility receives and processes trash and debris from recoverable resources, such as paper, glass, metal cans, and other products which can be returned to a condition in which they may again be used for production. The principal function is to separate and store materials that are ready for shipment to end-use markets, such as paper mills, aluminum smelters, or plastic remanufacturing plants. A recycling facility does not include salvage yards, scrap iron or other ferrous metals, or inoperable motor vehicles.
121. Required Yard - The yard resulting from the application of the minimum setback requirements within the zone.
122. Rehabilitation/Treatment Facility - A facility licensed by or contracted by the State of Utah to provide temporary occupancy and supervision of adults or juveniles in order to provide rehabilitation, treatment, or counseling services. Without limitation, such services may include rehabilitation, treatment, counseling, or assessment and evaluation services related to delinquent behavior, alcohol and drug abuse, sex offenders, sexual abuse, or mental health. Associated education services may also be provided to juvenile occupants. A Rehabilitation/Treatment Facility does not include a residential facility for persons with a disability.
123. Residence - A place where an individual is

actually living at a given point in time and not a place of temporary sojourn or transient visit.

124. Residential Facility for Elderly Persons - A single-family or multiple-family dwelling unit that meets the requirements of §10-9a-516 of Utah Code Annotated, 1953, as amended and does not include a health care facility as defined by State Law.
125. Residential Facility for Persons with a Disability - A dwelling unit or residence in which more than one person with a disability resides, conforms to the regulations of §10-9a-516 of Utah Code Annotated, 1953, as amended, and is licensed or certified by:
    c. The Utah Department of Human Services under Title 62A, Chapter 2, Licensure of Programs and Facilities; or
    d. The Utah Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act.
126. Restaurant – A commercial establishment that provides food and drink for compensation. At a minimum, a restaurant shall include cooking facilities, and facilities for employees to sanitize hands during the preparation of food by consumption by others. Restaurants shall be required to obtain an appropriate business license and satisfy all health requirements of the State.
127. Salvage Yard - See Junk Yard.
128. Secondhand Merchandise - The purchase, exchange, or sale of used or previously owned personal property, including precious metals, and as further defined by State Law. Secondhand merchandise businesses are not permitted to have outdoor storage or outdoor display areas.
129. Secondhand Merchandise Dealer - An owner or operator of a business that deals in secondhand merchandise, and as further defined by State Law.
130. Setback - The shortest horizontal distance between the property line and the outside surface of the foundation, wall, or main frame of the building.
131. Sheltered Workshop - A non-residential facility providing supervised educational or vocational training to persons with a disability.
132. Short-Term Rental Housing - Any dwelling or portion thereof that is available for use or is used for accommodations or lodging of guests paying a fee or other compensation for a period of less than thirty (30) consecutive days; a short-term rental shall not contain more than four (4) bedrooms.
133. Sign - Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public. Refer to Chapter 19.15 for specific definitions.
134. Site Plan - A schematic, scaled drawing of a building lot or location which indicates the placement and location of yards, property lines, adjacent parcels, utilities, topography, waterways, irrigation, drainage, landscaping, parking areas, driveways, buildings, trash containers, open storage, streets, sidewalks, curbs, gutter, signs, lighting, fences or other features of existing or proposed construction or land use.
135. Slope - The average grade of the surface of land expressed either in percentage or in degrees.
136. Story - That portion of a building included between the surface of a floor and the ceiling next above it.
137. Street - A publicly dedicated thoroughfare which affords principal means of access to abutting property. The term shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare, or any other similar term.
    a. Street, Arterial – Major and Minor – A street providing for through traffic movement between areas and across the city, with moderate access to abutting property subject to necessary control of entrances, exits, and curb use.
    b. Street, Collector - Major and Minor - A street providing for traffic movement between major arterials and local streets, and limited access to abutting property.
    c. Street, Local - A street providing for direct access to abutting land, and for local traffic movements.
    d. Street, Private - A thoroughfare which is designated for private travel and is in private or public agency ownership over which access may be legally denied to the public.
    e. Street, Public - A thoroughfare which is in public ownership and designated for public travel.
138. Structure - Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. A building is included in this definition.
139. Structural Alteration - Any change, addition, or modification in construction of a building or structure, or any change in the structural members of a building or structure, such as walls, partitions, columns, beams, girders, or exits.
140. Subdivision - Any land that is divided, re-subdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether

immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.

a. Subdivision includes the division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat, or other recorded instrument.
b. Subdivision includes division of land for all residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

141. Support Staff - Persons employed or residing on the premises of a dwelling or other residential facility to assist residents in performing daily life activities or to provide on-site treatment, rehabilitation, or habilitation services.
142. Temporary Uses - A use of land that is short term in nature and that does not involve the erection of a permanent structure or other permanent commitment of the land.
143. Trade or Vocational School - A post high school educational or vocational training facility.
144. Transitional Housing Facility – A facility owned, operated or contracted by a governmental entity or charitable, non-profit organization which provides free temporary housing to homeless persons for at least thirty (30) days while they obtain work, job skills, or otherwise take steps to stabilize their circumstances. A transitional housing facility does not include:
    a. A homeless shelter.
    b. A dwelling unit provided to a family for its exclusive use as part of a transitional housing program for more than thirty (30) days.
    c. A residential facility for persons with a disability.
145. Unbuildable Land - Any portion of a property that is encumbered by physical constraints, such as a flood plain, geologic fault, escarpment, or similar feature. In the Mountain and Hillside Zones, this definition shall also include any portion of a property that has thirty percent (30%) slope or greater.
146. Uninhabitable - A structure or property that is determined to be unfit, unsafe, or unhealthy to reside in or occupy due to dilapidation, structural damage, fire damage, exposed wires, sanitation issues, etc.
147. Use - The purpose for which a parcel or building is designed, arranged or intended, or for which it is occupied or maintained.
    a. Use, Change of:
        i. A change from category in the land use table to another or the addition of a new category of use to an existing use;
        ii. Any change in the use, purpose, or level of activity within any building, or portion thereof that merits a change in application of the requirements of the present building code. (1-6-16)
    b. Use, Intensification of:
        i. A change in the use of a structure or site, whereas the new use or a change in the operating characteristics of a use (i.e. hours of operation, parking), which generates more activity on the site may require additional improvements. (1-6-16)
148. Variance - A waiver or modification of the requirements of a land use ordinance as applied to a parcel of property, as set forth in this Title and State Law.
149. Xeriscape - A type of landscaping that employs a mix of drought tolerant plants and organic materials. Asphalt, concrete, brick paving, and other impervious surfaces are not considered xeriscape.
150. Yard - The open space area on a lot or parcel, except for permitted protections and landscaping; encompassing the territory between the outer wall of the building and the closest opposite property line and extending the full width or depth, as appropriate, of the lot or parcel.