

## Chapter 19.2 Administration and Procedures

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### 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Zoning Map is amended in accordance with the requirements found in Section 19.2.8 herein, all previous Zoning Maps are no longer in effect for the purpose of identifying zoning district boundaries.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 ~~development~~ land use applications. (~~1-18-06~~) (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-

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 Development Land Use Applications**

A development land use application shall be required for all proposed development reviewed under this Ordinance Title including additions to existing buildings and temporary uses. All development 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. ~~(2-7-07)~~ (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 Ordinance Title and all required fees have been paid by the applicant. ~~(2-7-07)~~ (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.

<u>Adjustment</u>	<u>of the property.</u>	<u>surveys recorded at County Recorder's Office within 12 months</u>
<u>Variance</u>	<u>No expiration. Valid for life of the property</u>	

<u>Land Use Approval</u>	<u>Expiration / Time Period Approval is Valid</u>	<u>Milestone for Completion</u>
<u>Preliminary Plan</u>	<u>18 months</u> (timeline begins day of Land Use Authority's approval)	<u>Engineered improvement plans approved by City.</u>
<u>Final Plat</u>	<u>12 months</u> (timeline begins day of Land Use Authority's approval)	<u>City approved plat is recorded in the Utah County Recorder's office.</u>
<u>Plat Amendment</u>	<u>Preliminary and Final – same as subdivision expirations &amp; milestones listed above</u>	
<u>Conditional Use Permit (CUP)</u>	<u>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.</u>	<u>Conditions of approval completed within 12 months of Land Use Authority's decision.</u>
<u>Site Plan</u>	<u>24 months</u> (timeline begins day the City Engineer stamps final plans)	<u>Building permit issued for construction.</u>
<u>Phased Site Plans</u>	<u>12 months</u> (timeline begins day of Land Use Authority's approval)	<u>Engineered improvement plans / site plan approved by City.</u>
<u>Alteration of Non-Conforming Use</u>	<u>Same as Site Plan expirations and milestones listed above.</u>	
<u>Property Line</u>	<u>Once approved and recorded, valid for life</u>	<u>City approved documents and/or</u>

**19.2.11 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, or reinstate the application 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)

#### **19.2.12 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.

#### **19.2.13 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

- 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 (2-16-05)

### 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.

If property boundaries are in any way uncertain, applications for building permits shall be accompanied by a plat, drawn to scale, showing the actual dimensions of the lot to be built on, the size and location of existing and proposed buildings, and any other information needed to make a well informed decision.

The staff, Planning Commission or City Council may require, at the applicants expense, a legal description; professional survey; title search report showing ownership, easements, right-of-ways, or similar encumbrances; contour map; and any other information deemed necessary to enforce the terms of this Ordinance. (4-15-15)

Except as noted below, 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. (3-21-01)

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 will 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). (11-6-02)

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.
4. Notwithstanding the provisions of this Section, a building permit may be issued prior to the installation of curb, gutter and sidewalk provided:
  - a. 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. (8-6-14)
  - b. The parcel is at least one acre in size and capable of being subdivided in accordance

## Chapter 19.6 Establishment of Zoning Districts

- 19.6.1 Purpose of Zoning Districts
- 19.6.2 Zoning Map
- 19.6.3 Relationship ~~to Planned Residential Development Ordinance (PRD), Chapter 20.10 of Zoning Ordinance 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-2 Multi-Family Residential Overlay Zone~~
- ~~19.6.10 RMO-3 Multi-Family Residential Overlay Zone~~
- 19.6.11 RMO-A Accessory Living Unit Overlay Zone
- 19.6.12 PO-1 Professional Office Zone
- 19.6.13 CC-1 Central Commercial Zone
- 19.6.14 CAP Commercial, Arts and Parks (1-18-06)
- 19.6.15 GC-1 General Commercial Zone
- 19.6.16 S-1 Special Highway Service Zone
- 19.6.17 BPD Business Park Development (1-18-06)
- 19.6.18 I-1 Light Industrial Zone
- 19.6.19 I-2 Heavy Industrial Zone
- 19.6.20 R&D Research and Development Zone
- 19.6.21 NC-1 Neighborhood Commercial Zone (5-2-07)
- 19.6.22 CT Commercial Transition Zone
- 19.6.23 HD-O Historic District Overlay Zone
- 19.6.24 HR-O Historic Residential Overlay Zone
- 19.6.25 FP-O Floodplain Overlay Zone
- 19.6.26 AGP-O Agriculture Preservation Overlay Zone
- 19.6.27 I-O In-fill Overlay Zone
- 19.6.28 AD-O Accessory Dwelling Overlay Zone (7-5-06)
- 19.6.29 TS-O Transit Station Overlay Zone (10-1-08)
- 19.6.30 MH-1 Mountain and Hillside Zone (7-19-00)
- 19.6.31 MH-2 Mountain and Hillside Zone (2-16-05)
- 19.6.32 GCD Golf Course Development Zone (2-7-07)
- 19.6.33 P-C Planned Community Zone (8-17-11)

### 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 19.6.33 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 ~~to Planned Residential Development Ordinance (PRD), Chapter 20.10 of Zoning Ordinance 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.

**19.6.4 Relationship to Appendix A – Non-Residential Land Use Categories (7-7-10)**

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.~~

**19.6.3.4 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.

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, ~~and~~ 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

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, ~~and~~ 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
<del>Multi family dwellings – if approved as an RMO 2 Overlay Zone</del>						<del>P</del>	<del>P</del>
<del>Multi family dwellings – if approved as an RMO 3 Overlay Zone</del>							<del>P</del>
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

### 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 ~~and a build to line of forty (40) 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, ~~and 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)

**19.6.9 RMO 2 Multi Family Residential Overlay Zone**

- 19.6.9.1 Purpose and Overlay Zone Characteristics
- 19.6.9.2 Permitted, Conditional and Accessory Uses
- 19.6.9.3 Lot Area
- 19.6.9.4 Lot Width
- 19.6.9.5 Lot Frontage
- 19.6.9.6 Setback Requirements
- 19.6.9.7 Projections into Setbacks
- 19.6.9.8 Building Height Requirements
- 19.6.9.9 Distance between Buildings
- 19.6.9.10 Permissible Lot Coverage
- 19.6.9.11 Parking, Loading and Access
- 19.6.9.12 Project Plan Approval
- 19.6.9.13 Other Requirements

*19.6.9.1 Purpose and Zone Characteristics*

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

*19.6.9.2 Permitted, Conditional and Accessory Uses Permitted Uses*

The following land use types are permitted uses in the RMO 2 Multi Family Residential Overlay 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. Single family dwellings
- 2. Two family dwellings (duplex and twin homes)
- 3. Multi Family dwellings (up to four units)
- 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 (8-7-02)

*Conditional Uses*

The following land use types are allowed as conditional uses in the RMO 2 Multi 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 2 Multi 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.

*19.6.9.3 Lot Area*

*Twin Home (separate ownership)*

Each twin home unit in the RMO 2 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.

*Three or Four Unit Residential Structures*

Each three or four unit residential structure shall be located on a parcel no smaller than fifteen thousand (15,000) square feet. Development on larger parcels that can provide open areas, yard space, adequate parking, and separation from existing uses will be encouraged. Proposed residential structures will be reviewed to ensure that building massing is compatible with surrounding buildings.

*19.6.9.4 Lot Width*

*Twin Home (separate ownership)*

Each twin home lot in the RMO 2 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 underlying zone.

*Duplex (single ownership)*

Each duplex lot in the RMO 2 Residential Overlay Zone shall have a minimum width equal to one hundred (100) feet within the required front setback of the underlying zone.

*Three or Four Unit Residential Structures*

Each parcel for a three or four unit residential structure shall have a minimum width of one hundred (100) feet for all of the area within the required front setback of the underlying zone.

*19.6.9.5 Lot Frontage*

*Twin Home (separate ownership)*

Each twin home lot in the RMO 2 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 2 Residential Overlay Zone shall abut a public street, or private street if approved by the City Council, for a minimum distance of one hundred (100) feet.

*Three or Four Unit Residential Structures*

Each parcel for a three or four unit residential structure in the RMO 2 Residential Overlay Zone shall abut a public street, or private street if approved by the City Council, for a minimum distance of one hundred and twenty (120) feet.

*19.6.9.6 Setback Requirements*

The following minimum setback requirements shall apply in the RMO 2 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 2 Overlay Zone shall have a minimum front setback of twenty five (25) feet.
2. Side setback — Each lot or parcel in the RMO 2 Overlay 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 2 Overlay 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 2 Overlay 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.

*19.6.9.7 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)

*19.6.9.8 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)

*19.6.9.9 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)

*19.6.9.10 Permissible Lot Coverage*

The sum total of all buildings and structures on any parcel in the RMO 2 Overlay Zone shall not be greater than fifty (50) percent of the total area of the parcel.

*19.6.9.11 Parking, Loading and Access*

Each unit in the RMO 2 Overlay Zone shall have on the premises two off street parking spaces, one of which shall be covered. Additionally, each three or four unit residential structure shall have at least one (1) guest parking space. 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.

*19.6.9.12 Project Plan Approval*

Any request for project plan approval in the RMO-2 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 2 Overlay Zone is a request for increased intensity in the permitted uses of the underlying zone. Therefore, any applicant for use of the RMO 2 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 2 Overlay Zone. The applicant further understands and acknowledges that denial for the use of the RMO-2 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 2 Residential Overlay Zone may be employed in the R-1-75 and R-2-75 zones. Approval for the use of the RMO 2 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 2 Residential Overlay Zone need not be shown on the Zoning Map.

In order to gain approval for the use of the RMO 2 Overlay Zone, applicants should be willing to present a Concept Plan showing the proposed project. If the use of the RMO 2 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 2 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 2 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.

*19.6.9.13 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 2 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.
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 2 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. Amenities — Each three or four unit residential structure approved in the RMO 2 Overlay 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 could 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. Projects with three (3) units shall, at a minimum, furnish picnic areas with tables and barbecue areas. Projects with four (4) units shall, at a minimum, furnish picnic areas with tables and barbecue areas and a playground complete with equipment.~~

6. ~~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.~~

**19.6.10 RMO 3 Multi-Family Residential Overlay Zone**

- 19.6.10.1 Purpose and Overlay 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

*19.6.10.1 Purpose and Zone Characteristics*

The RMO 3 Multi Family Residential Overlay Zone is established to provide areas within the City for multi-family dwellings, including retirement centers and assisted living centers, designed to be compatible with surrounding uses. The RMO 3 Overlay Zone is intended to have very limited commercial services including home occupations. Applications for use of the RMO 3 Zone should be carefully reviewed to ensure compatibility with existing development and neighborhoods. The RMO 3 Overlay Zone may be approved by the City Council in the R 2 75 Zone.

*19.6.10.2 Permitted, Conditional and Accessory Uses Permitted Uses*

The following land use types are permitted uses in the RMO 3 Multi 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 zone only in accordance with the criteria established in this ordinance.

1. Single family dwellings
2. Two family dwellings (duplex and twin homes)
3. Multi Family dwellings (up to eight units)
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 (5-5-04)

*Conditional Uses*

The following land use types are allowed as conditional uses in the RMO 3 Multi 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. Retirement centers and assisted living centers for elderly persons
6. Public or private utility maintenance facilities (5-5-04)

*Accessory Uses*

The following land use types are allowed as accessory uses in the RMO 3 Multi 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.

*19.6.10.3 Lot Area*

*Twin Home (separate ownership)*

Each twin home unit in the RMO 3 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.

*Three or Four Unit Residential Structures*

Each three or four unit residential structure shall be located on a parcel no smaller than fifteen thousand (15,000) square feet. Development on larger parcels that can provide open areas, yard space, adequate parking, and separation from existing uses will be encouraged. Proposed residential structures will be reviewed to ensure that building massing is compatible with surrounding buildings.

*Residential Structures with More Than Four Units (limited to eight dwelling units)*

Each residential structure with more than four (4) units shall be located on a parcel no smaller than twenty thousand (20,000) square feet. Development on larger parcels that can provide open areas, yard space, adequate parking, and separation from existing uses will be encouraged. Proposed residential structures will be reviewed to ensure that building massing is compatible with surrounding buildings.

*19.6.10.4 Lot Width*

*Twin Home (separate ownership)*

Each twin home lot in the RMO 3 Residential Overlay Zone shall have a minimum width of 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 3 Residential Overlay Zone shall have a minimum width equal to one hundred (100) feet within the required front setback of the zone.

*Three or Four Unit Residential Structures*

Each three or four unit residential structure shall have a minimum width of one hundred (100) feet for all of the area within the required front setback of the zone.

*Residential Structures with More Than Four Units (limited to eight dwelling units)*

Each residential structure with more than four (4) units shall have a minimum width of one hundred and twenty five (125) feet for all of the area within the required front setback of the zone.

*19.6.10.5 Lot Frontage*

*Twin Home (separate ownership)*

Each twin home lot in the RMO 3 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 3 Residential Overlay Zone shall abut a public street, or private street if approved by the City Council, for a minimum distance of one hundred (100) feet.

*Three or Four Unit Residential Structures*

Each three or four unit residential structure in the RMO 3 Residential Overlay Zone shall abut a public street, or private street if approved by the City Council, for a minimum distance of one hundred and twenty (120) feet.

*Residential Structures with More Than Four Units (limited to eight dwelling units)*

Each residential structure in the RMO 3 Residential Overlay Zone with more than four (4) units shall abut a public street, or private street if approved by the City Council, for a minimum distance of one hundred and forty (140) feet.

*19.6.10.6 Setback Requirements*

The following minimum setback requirements shall apply in the RMO 3 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 3 Overlay Zone shall have a minimum front setback of twenty five (25) feet.
2. Side setback—Each lot or parcel in the RMO 3 Overlay 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 3 Overlay 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.
  - e. 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 3 Overlay 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.

*19.6.10.7 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. 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)

*19.6.10.8 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, 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)

*19.6.10.9 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)

*19.6.10.10 Permissible Lot Coverage*

The sum total of all buildings and structures on any parcel in the RMO-3 Overlay Zone shall not be greater than sixty (60) percent of the total area of the parcel.

*19.6.10.11 Parking, Loading and Access*

Each unit in the RMO-3 Overlay Zone shall have on the premises two off street parking spaces, one of which shall be covered. Additionally, for every three dwelling units there shall be at least one (1) guest parking space. 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 RMO-3 Overlay Zone is subject to any and all applicable City resolutions and ordinances including the regulation of this Title, the Subdivision Ordinance, Standard Specifications and Standard Plans, and the Payson City General Plan. (11-5-14)

Use of the RMO-3 Overlay Zone is a request for increased intensity in the permitted uses of the underlying zone. Therefore, any applicant for use of

the RMO-3 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-3 Overlay Zone. The applicant further understands and acknowledges that denial for the use of the RMO-3 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-3 Residential Overlay Zone may be employed in the R-2-75 zone. Approval for the use of the RMO-3 Overlay Zone shall be processed as a zone change in accordance with Section 19.2.8 herein, with the exception that approval for the use of the RMO-3 Residential Overlay Zone need not be shown on the Zoning Map.

In order to gain approval for the use of the RMO-3 Overlay Zone, applicants should be willing to present a Concept Plan showing the proposed project. If the use of the RMO-3 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-3 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-3 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.

*19.6.10.13 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—The following signs, and no others, are allowed in the RMO-3 Overlay Zone:
  - a. Name plates not exceeding two (2) square feet in area to identify the name and address of the occupant.
  - b. A monument sign consistent with the requirements of Chapter 19.15 not to exceed thirty two (32) square feet for a retirement center or assisted living center. (5-5-04)
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.~~

~~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 3 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. Amenities — Each three or four unit residential structure approved in the RMO 3 Overlay 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 could 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.~~

~~Projects with three (3) units shall, at a minimum furnish picnic areas with tables and barbecue areas. Projects with four (4) units shall, at a minimum, furnish picnic areas with tables and barbecue areas and a playground complete with equipment. Projects with more than four (4) units shall, at a minimum, furnish picnic areas with tables and barbecue areas, a playground complete with equipment, and a sport court not less than five hundred (500) square feet.~~

~~6. 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.~~

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)

#### *19.6.12.8 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)

#### *19.6.12.9 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.

#### *19.6.12.10 Permissible Lot Coverage*

The sum total of all buildings, ~~and~~ 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.

#### *19.6.12.11 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.

#### *19.6.12.12 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.

#### *19.6.12.13 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.

#### *19.6.12.14 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

**19.6.13 CC-1 Central 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
- 19.6.13.14 Parcels Constricted by Land Constraints

*19.6.13.1 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.

*19.6.13.2 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)

*19.6.13.3 Lot Area*

There is no minimum lot area requirement in the CC-1 Zone.

*19.6.13.4 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.

*19.6.13.5 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.

*19.6.13.6 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 ~~City Council~~ land use authority may impose a build-to-line that represents the minimum distance from the property line that a structure may 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. ~~(9-3-03)~~ (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, 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, ~~and~~ 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)

#### 19.6.13.11 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,

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

- 19.6.14.1 Purpose and Zone Characteristics
- 19.6.14.2 Permitted, Conditional and Accessory Uses
- 19.6.14.3 Lot Area, Width and Frontage
- 19.6.14.4 Setback and Build-To-Line Requirements
- 19.6.14.5 Projections into Setbacks
- 19.6.14.6 Building Height Requirements
- 19.6.14.7 Distance between Buildings
- 19.6.14.8 Parking, Loading and Access
- 19.6.14.9 Project Plan Approval
- 19.6.14.10 Other Requirements
- 19.6.14.11 Parcels Constricted by Land Constraints
- 19.6.14.12 Building Renovation, Demolition and Reconstruction
- 19.6.14.13 Relationship with Main Street and other Historic Preservation Programs

*19.6.14.1 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.

*19.6.14.2 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)

*19.6.14.3 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).

*19.6.14.4 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)

*19.6.14.5 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

**19.6.15 GC-1 General Commercial Zone**

- 19.6.15.1 Purpose and Zone Characteristics
- 19.6.15.2 Permitted, Conditional and Accessory Uses
- 19.6.15.3 Lot Area
- 19.6.15.4 Lot Width
- 19.6.15.5 Lot Frontage
- 19.6.15.6 Setback and Build-To-Line Requirements
- 19.6.15.7 Projections into Setbacks
- 19.6.15.8 Building Height Requirements
- 19.6.15.9 Distance between Buildings
- 19.6.15.10 Permissible Lot Coverage
- 19.6.15.11 Parking, Loading and Access
- 19.6.15.12 Project Plan Approval
- 19.6.15.13 Other Requirements

*19.6.15.1 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.

*19.6.15.2 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)

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

*19.6.15.4 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.

*19.6.15.5 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.

*19.6.15.6 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 ~~City Council~~ land use authority may impose a build-to-line that represents the ~~minimum~~ distance from the property line that a structure ~~may 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. ~~(9-3-03)~~ (4-15-15)
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.

#### 19.6.15.7 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.

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)

#### 19.6.15.8 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)

#### 19.6.15.9 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.

#### 19.6.15.10 Permissible Lot Coverage

The sum total of all buildings, ~~and~~ 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)

#### 19.6.15.11 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.

#### 19.6.15.12 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,

**19.6.18 I-1 Light Industrial 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 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 Lot Coverage
- 19.6.18.11 Parking, Loading and Access
- 19.6.18.12 Project Plan Approval
- 19.6.18.13 Storage Units
- ~~19.6.18.14 Caretaker Facility~~
- 19.6.18.15 Other Requirements

*19.6.18.1 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.

*19.6.18.2 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)

*19.6.18.3 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.

*19.6.18.4 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.

*19.6.18.5 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)

*19.6.18.6 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)

#### *19.6.18.7 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, 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)

#### *19.6.18.9 Distance between Buildings*

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

#### *19.6.18.10 Lot Coverage*

The sum total of all buildings, structures and **parking 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)

#### *19.6.18.11 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.

#### *19.6.18.12 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.

#### *19.6.18.13 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 **proposal project** and each proposal 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. One (1) on site living quarter may be allowed as a conditional use when the City Council determines that the living quarter is necessary for security purposes and not used to simply obtain approval for a rental unit. 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. The caretaker unit(s) shall not be used to replace security devices such as automatic gates, security cameras, or site lighting. The unit(s) shall be attached to the storage unit structure or appear to be part of the development. (2-20-13)~~
- 4. In no case shall any storage unit be used for human habitation or the housing of animals.
  - 5. No business activity of any kind may be transacted from within a storage unit. (1-18-06)
  - 6. 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.

~~19.6.18.14 Caretaker Facility~~

~~A caretaker facility may only be allowed as a conditional use in the I-1, Light Industrial Zone when the City Council determines that the living quarter is necessary for security purposes and not used to simply obtain approval for a rental unit. The following requirements are conditions of approval in connection with Chapter 19.13 Conditional Use Permits of the Zoning Ordinance. Standards for on-site living quarters associated with storage units are found in Section 19.6.18.13. The caretaker facility shall be an accessory use only, i.e. incidental to and customarily found in conjunction with the principal use, and shall:~~

- ~~1. Be attached to or located within any structure of 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.~~
- ~~2. Be designed as a part of and in harmony with the architecture of the main structure(s) on the subject property.~~
- ~~3. Be limited to one (1) caretaker facility per lot or principal use.~~
- ~~4. Not be rented or leased, but may be considered part of compensation for caretaker services.~~
- ~~5. Only be a minor part of the principle use.~~

- ~~6. Be customarily associated with that particular industry or business in other cities throughout the United States.~~
- ~~7. Be occupied by only one (1) family.~~
- ~~8. Contain only one (1) kitchen.~~
- ~~9. Not be a manufactured dwelling unit.~~
- ~~10. Have a minimum of two (2) parking spaces dedicated for the caretaker facility.~~

~~Any person occupying a caretaker facility shall submit evidence of compliance with this section upon request of the City. (3-05-08)~~

*19.6.18.15 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 - 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)

*19.6.19.7 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 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)

*19.6.19.8 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)

*19.6.19.9 Distance between Buildings*

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

*19.6.19.10 Lot Coverage*

The sum total of all buildings, structures and parking 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)

*19.6.19.11 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.

*19.6.19.12 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.

*19.6.19.13 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

### 19.6.20 R&D Research and Development 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 Permissible Lot Coverage
- 19.6.20.11 Parking, Loading and Access
- 19.6.20.12 Project Plan Approval
- 19.6.20.13 Other Requirements

#### 19.6.20.1 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.

#### 19.6.20.2 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)

#### 19.6.20.3 Lot Area

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

#### 19.6.20.4 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.

#### 19.6.20.5 Lot Frontage

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

#### 19.6.20.6 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 and a build to line of fifty (50) 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)

#### 19.6.20.7 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. Accessory structures may not exceed eighteen (18) feet in total height as defined in Chapter 19.28 herein. (5-16-12)

#### *19.6.20.9 Distance between Buildings*

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

#### *19.6.20.10 Permissible Lot Coverage*

The sum total of all buildings, structures and parking 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)

#### *19.6.20.11 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.

#### *19.6.20.12 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.

#### *19.6.20.13 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)

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

- 19.6.21.1 Purpose and Zone Characteristics
- 19.6.21.2 Permitted, Conditional and Accessory Uses
- 19.6.21.3 Lot Area
- 19.6.21.4 Lot Width
- 19.6.21.5 Lot Frontage
- 19.6.21.6 Setback and Build-To-Line Requirements
- 19.6.21.7 Projections into Setbacks
- 19.6.21.8 Building Height Requirements
- 19.6.21.9 Permissible Lot Coverage
- 19.6.21.10 Parking, Loading and Access
- 19.6.21.11 Project Plan Approval
- 19.6.21.12 Other Requirements
- 19.6.21.13 Parcels Constricted by Land Constraints

*19.6.21.1 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.

*19.6.21.2 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

*19.6.21.3 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.

*19.6.21.4 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.

*19.6.21.5 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.

*19.6.21.6 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 City Council land use authority may impose a build-to-line that represents the minimum distance from the property line that a structure may 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)

*19.6.21.7 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.

*19.6.21.8 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)

*19.6.21.9 Permissible Lot Coverage*

The sum total of all buildings, structures, and parking areas 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)

*19.6.21.10 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.

*19.6.21.11 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)

*19.6.21.12 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

**19.6.22 CT Commercial Transition Zone**

- 19.6.22.1 Purpose and Zone Characteristics
- 19.6.22.2 Permitted, Conditional and Accessory Uses
- 19.6.22.3 Lot Area
- 19.6.22.4 Lot Width
- 19.6.22.5 Lot Frontage
- 19.6.22.6 Setback and Build-To-Line Requirements
- 19.6.22.7 Projections into Setbacks
- 19.6.22.8 Building Height Requirements
- 19.6.22.9 Distance between Buildings
- 19.6.22.10 Parking, Loading and Access
- 19.6.22.11 Project Plan Approval
- 19.6.22.12 Massing of buildings
- 19.6.22.13 Transition into Residential Areas
- 19.6.22.14 Design Guidelines and Motif
- 19.6.22.15 Landscaping of Freeway Frontage
- 19.6.22.16 Other Requirements

*19.6.22.1 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.

*19.6.22.2 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

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

*19.6.22.3 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.

*19.6.22.4 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.

*19.6.22.5 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.

*19.6.22.6 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 City Council land use authority may impose a build-to-line that represents the minimum distance from the property line that a structure may 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)

#### 19.6.22.7 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)

#### 19.6.22.8 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.

#### 19.6.22.9 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.

#### 19.6.22.10 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.

#### 19.6.22.11 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.

#### 19.6.22.12 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.

#### 19.6.22.13 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.

## 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 Issuance of a Building Permit or Business License; Development Agreements
- 19.8.8 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

#### 19.8.2.1 Relationship with 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 19.6.28 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.

#### 19.8.2.1 Relationship with Other Approvals

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 Complete Application and Review Fees
- 19.8.3.2 Submission of Business Statement
- 19.8.3.3 Administrative Site Plan Review
- 19.8.3.4 Planning Commission and City Council Review
- 19.8.3.5 Development Agreement (9-1-04)

#### 19.8.3.1 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)

#### 19.8.3.2 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)

#### 19.8.3.3 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.

#### **19.8.3.4 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)

#### **19.8.3.5 Development Agreement**

The City Council may choose to require the preparation of a development agreement to clarify the obligations of Payson City and the applicant for development approval in accordance with Chapter 19.22 herein. If a development agreement is required by the City Council, failure by the applicant to enter into a development agreement may be grounds for denial of the development proposal. (9-1-04)

### **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: listed below.

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

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 minimum 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

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.
- ~~c. An attempt is made to satisfy as many of the regulations of the Payson City development ordinances as possible.~~

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

## 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 development 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. ~~(4-18-06)~~ (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.

## **Chapter 19.20**

### **Vacation Vehicle Courts**

#### 19.20.1 Purpose and Intent

#### 19.20.2 Site Plan Approval Process

#### 19.20.3 Appeal Procedure

#### 19.20.4 Issuance of Permit

#### **19.20.1 Purpose and Intent**

Vacation vehicle courts may be constructed upon approval of the City Council subject to satisfaction of the following conditions and requirements:

1. Vacation vehicle courts are listed as a permitted or conditional use within the zone.
2. The proposed site contains an area of at least one (1) acre.
3. A plan showing the design and layout of the proposed court, shall have been submitted to and approved by the City Council in accordance with Chapter 19.8 herein.
4. All vacation vehicle courts shall provide adequate service facilities and shall comply with Section V 3 and Section II 7 of Code of Camp, Trailer Court, Hotel, Motel and Resort Sanitation Regulations of the Utah State Division of Health.
5. Adequate assurance shall be given that the vacation vehicle court will be constructed and operated in accordance with the approved plan and stipulations attached.
6. An annual license to operate shall be obtained from the City. It shall be unlawful to operate a vacation vehicle court without first obtaining a license from the City. The license shall be refused or revoked upon failure of the owner and/or operator to maintain the court in accordance with the standards and requirements as herein set forth at the time of approval.

#### **19.20.2 Site Plan Approval Process**

Each applicant for a vacation vehicle court shall submit a complete site plan including, at a minimum, the following information:

1. Application for the site plan approval shall be submitted on forms provided by the City and shall be accompanied by all maps and drawings, and a filing fee paid in accordance with the adopted fee schedule.
2. The location of all existing and proposed buildings and structures on the site, with full dimensions showing the distance between buildings and distances from buildings to adjacent property lines.

3. The location of all parking spaces, driveways, and points of vehicular ingress and egress.
4. A complete landscaping plan showing the location, types and initial sizes of all planting materials to be used and the location of fences, walls, hedges, and decorative materials. The landscaping plan shall also indicate the irrigation system proposed to be used for maintenance.
5. Preliminary elevations of main buildings showing the general appearance and types of external materials to be used.
6. The location and proposed connections to public and private utilities. (3-5-03)
7. The locations of solid waste receptacles and trash pick up areas.
8. Any other information that staff, the Planning Commission or City Council deems necessary to make a well informed decision. (3-5-03)

Upon receipt of the application, payment of the filing fee, and submission of the information listed above, the Planning Commission shall review the site plan and forward a recommendation to the City Council. The City Council shall hold a public hearing on the proposed site plan and approve, approve with conditions, remand the site plan back to the Planning Commission for further review, or deny the proposed site plan. The City Council may attach such modifications or conditions as may be deemed appropriate to improve the layout, to ensure that the project will not pose any detrimental effect to persons or property, or to protect the health, safety, and general welfare of the citizens of the City.

#### **19.20.3 Appeal Procedure**

Any person aggrieved by a determination of the City Council may request a hearing before the Board of Adjustment in accordance with the procedure in Chapter 19.26 herein.

#### **19.20.4 Issuance of Permit**

A building permit shall not be issued for any building or structure, or external alterations until the provisions of this Chapter have been complied with. Any construction not in conformance with an approved site plan shall be considered a violation of this ordinance. Any building permit issued shall ensure that development is undertaken and completed in conformity with the plans as approved.

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

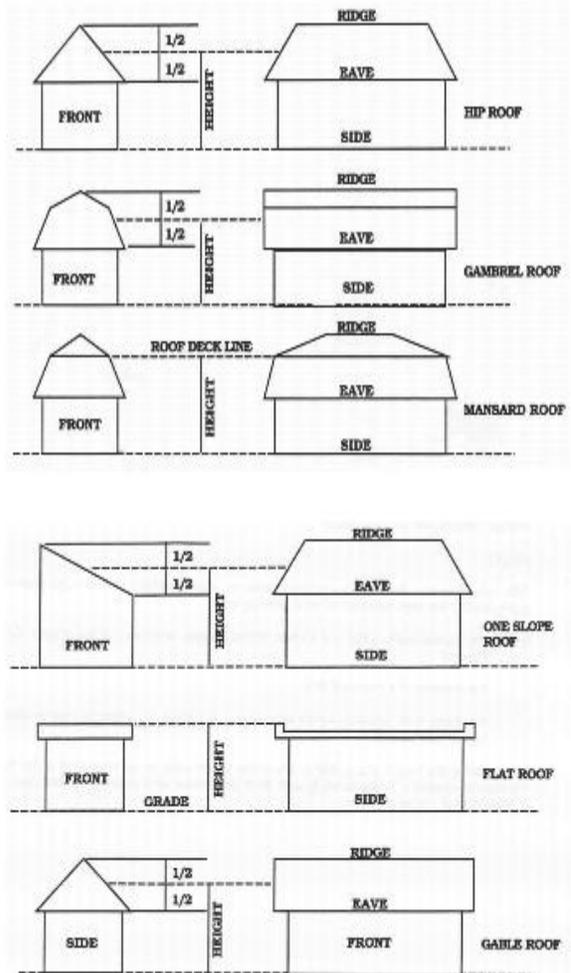
13. Boundary Line Adjustment – See Lot Line Adjustment.

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 - The minimum distance a primary structure must be constructed from a property line measured to the foundation wall of the structure. 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)

- 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.