

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

- 19.3.1 Building Permits and Plats Required
- 19.3.2 Permits to Comply with Zoning Standards
- 19.3.3 Certificate of Occupancy & Zoning Compliance
- 19.3.4 Upgrades to Existing Utility Services
- 19.3.5 Assurance for Improvements
- 19.3.6 Public Works Inspections
- 19.3.7 Dedication and Acceptance of Property
- 19.3.8 Licensed Contractors, Surveyors, and Engineers (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. Furthermore, no building lot or parcel of ground shall be filled, excavated, or otherwise structurally altered without an excavation permit from the Engineering and Building departments.

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

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 applicant's expense, a legal description; professional survey; title report showing ownership, easements, right-of-ways, or similar encumbrances; contour map; and any other information deemed necessary to enforce the terms of this Ordinance Title (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 with the provisions of the Payson City development ordinances.~~
- ~~c. The owner(s) of property agree to install curb, gutter and sidewalk at such time the parcel is further developed or improvements are extended to within three hundred (300) feet of the parcel.~~
- ~~d. A Deferral Agreement shall be signed by the owner(s) of property and recorded in the office of the Utah County Recorder. (2-15-12)~~

~~The roadway improvements for all non-residential construction shall comply with the provisions of Chapter 19.8 of this Ordinance. (7-6-05)~~

### 19.3.2 Permits to Comply with Zoning Standards

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

### 19.3.3 Certificate of Occupancy & Zoning Compliance

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

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

~~Occupancy and Zoning Compliance includes, but is not limited to:~~

- ~~1. Residential buildings or structures.~~
  - ~~a. The number of residential units in each building.~~
  - ~~b. The number, if any, of potential tenants or renters anticipated in each building.~~
  - ~~c. The number of legal sized off street parking spaces being provided on the premises.~~
  - ~~d. A signature of the owner of the building stating that the information is accurate and will be maintained at all times unless otherwise approved. (7-6-05)~~
- ~~2. Commercial, Industrial and Institutional Certificates.~~
  - ~~a. The proposed number of employees.~~
  - ~~b. The number of legal sized off street parking spaces being provided on the premises for both employees and visitors.~~
  - ~~c. The square footage of each building and the type of occupancy or the percentage of the building used for each type of occupancy.~~
  - ~~d. A signature of the owner of the building stating that the information is accurate and will be maintained at all times unless otherwise approved.~~

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

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

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

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

(Text listed above was moved from Section 19.3.1)

For parcels upon which a residential structure already exists, Payson City will cover the costs associated with

the installation of asphalt tie-in from the existing roadway to the curb and gutter.

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

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

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

The roadway improvements for all non-residential construction shall comply with the provisions of Chapter 19.8 of this Ordinance Title. (7-6-05)

**(Subsequent paragraphs moved from Section 19.3.1)**

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

1. The parcel in question is more than three hundred (300) feet from any existing curb, gutter and

sidewalk and is not included in the original block system of the Townsite Survey of 1919, which is generally located between 700 North and 800 South and 700 East and 800 West. (8-6-14)

2. The parcel is at least one acre in size and capable of being subdivided in accordance with the provisions of the Payson City development ordinances.
3. The owner(s) of property agree to install curb, gutter and sidewalk at such time the parcel is further developed or improvements are extended to within three hundred (300) feet of the parcel.
4. A Deferral Agreement shall be signed by the owner(s) of property and recorded in the office of the Utah County Recorder. (2-15-12)

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

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

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

1. It is determined that the existing service is sufficient to serve the proposed use.
2. The existing service is found to be in good condition.
3. It is determined that a planned construction project will cause the lateral to be replaced.
4. The power line cannot be provided underground in a practical manner.
5. The fire hydrant is found to have been insufficient prior to the approval of the development project. In this circumstance the City will be required to upgrade the hydrant. (7-6-05)

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~~ **may** be forfeited to Payson City and the City will complete the improvements.
3. All utilities to serve the dwelling have been extended to at least the private property line and the utility trenching has been filled with temporary asphalt (cold patch). ~~(11-6-02)~~

### 19.3.5 Assurance for Improvements

The City Council shall require the applicant to post an acceptable guarantee at the time of development approval for any improvements regulated by this Title. The estimated amount, reviewed and approved by the City Engineer, shall be sufficient to assure to the municipality the satisfactory construction, installation, and dedication of the required improvements. The amount of the guarantee shall be equal to one hundred and twenty (120) percent of the estimated cost of the required improvements as determined by the City Engineer. ~~(3-17-10)~~

The posting of guarantees are in lieu of actual construction and are therefore established for the benefit of and to insure to the public at large and as

such are not to be used for satisfying contractor or mechanics liens or other unrelated obligations. The performance guarantee shall comply with all statutory requirements and shall be satisfactory to the City Attorney as to form, sufficiency, and manner of execution as set forth by the City Attorney.

The period within which required improvements must be completed shall be specified by the City Council upon development approval and shall be incorporated in the guarantee. The City Council may, given a valid reason, extend the completion date set forth in such guarantee for a maximum period of one additional year. The City Council may at any time during the period of such guarantee accept a substitution of principal or sureties. ~~(3-5-03)~~

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

1. The property included in the subdivision is located along an existing public street containing required infrastructure.
2. A performance guarantee shall be provided prior to commencement of any construction, including excavation and grading.
3. A building permit will not be issued for new construction until the required improvements are installed by the applicant, and inspected and approved by Payson City.
4. A Deferral Agreement and Release shall be signed by the owner(s) of property and recorded in the office of the Utah County Recorder.
5. The deferral process does not waive or modify any other regulations of this Title, including the requirements of Chapter 19.8 herein. ~~(7-7-10)~~

### 19.3.6 Public Works Inspections

Any improvements that require a performance guarantee in accordance with this ~~ordinance~~ **Title** are subject to payment of a public works inspection fee for the inspection and approval of the required improvements consistent with Chapter 19.27 herein. ~~(3-5-03)~~

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

ninety (90) percent of the structures in the development or a period of two years from the initial placement of asphalt, whichever occurs first, the applicant shall complete the one (1) inch asphalt overlay. Following the installation and acceptance of the overlay, the cash bond will be released. If the applicant fails to complete the overlay within sixty (60) days after the issuance of a Certificate of Occupancy for more than ninety (90) percent of the structures in the development, the City shall use the cash bond to complete the overlay. ~~(1-23-08)~~

### **19.3.7 Dedication and Acceptance of Property**

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

Prior to the dedication of any property to Payson City and acceptance of the dedication by the City Council, all assessments and taxes, including farmland assessments (also known as roll-back or greenbelt taxes), shall have been paid in full. This applies to the dedication of streets and other rights-of-way, parks and other open space, and any other dedication intended for use by the public. ~~(9-1-04)~~

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

All applicants for development approval will use contractors, surveyors, and engineers licensed in the State of Utah to satisfy the regulations of this Title. Failure of applicants to use experienced and professional assistance to prepare the information required for development approval can lead to unnecessarily ~~combative~~ challenging and unproductive situations. All the improvements required herein shall be completed by a licensed contractor. ~~(7-7-10)~~