

**19.4.4.3 Parking for Call Centers**

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

**19.4.5 Handicapped Parking Spaces Required**

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

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

The handicapped parking stalls shall be identified by typical handicap symbols and should be placed in areas that are most convenient to the entrance of the structure. Each parking stall shall satisfy the minimum size standards in accordance with Section 19.4.7 herein and shall provide an additional five (5) foot loading zone which is directly accessible to a hard surfaced walkway. One van accessible space with an eight (8) foot loading zone shall be required for each eight (8) handicapped spaces provided. The unloading zones shall be clearly marked by diagonal striping four (4) inches wide and six (6) inches apart. (7-6-05)

**19.4.6 General Provisions**

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

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

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

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

#### **19.4.7 Design and Construction Standards**

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

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

any property line, or in any clear view area required by this Ordinance. (3-5-03)

10. Parking areas shall be striped to identify parking stalls and circulation patterns. (3-5-03)

#### **19.4.8 Landscaping**

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

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

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

#### **19.4.9 Maintenance**

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

#### **19.4.10 Reduction in Parking Standards**

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

#### **19.4.11 Request for Further Reduction or Waiver**

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

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

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

## Chapter 19.12

### Annexation

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#### 19.12.1 Purpose and Intent

The purpose of this Chapter is to provide a process for extension of the Payson City corporate limits through annexation. The process will allow the City Council, staff and citizens of the community to carefully consider the effect of any proposed annexation and provide a method to mitigate potential negative impacts.

It is the intent of this ordinance to conduct annexation proceedings in accordance with Utah State law and in particular §10-2-401 et. seq. of the Utah Code, and any other applicable federal, state, or local laws governing municipal extension. If there is any conflict between this Chapter and the provisions of the Utah Code, the provisions of the Utah Code shall dictate. When amendments are made to the Utah Code they shall cause like amendments to this Chapter. The requirements of this Chapter are supplementary and in addition to those found in the Utah Code.

~~Annexations are legislative matters and applicants should be aware that the City is not required to approve any petition for annexation, regardless of location, even if the proponent of an annexation is prepared to comply with all provisions required for annexation. If the petition~~

~~for annexation is not accepted for further review, the proponent is eligible for a partial refund in accordance with the fee resolution of Payson City. If the petition is accepted for review and a staff review is completed, the proponent of an annexation is not eligible for any refund of the fees required by the City if the petition is denied. If a petition for annexation is denied by the City Council, the proponent of the annexation shall be required to submit a new application and pay all associated fees in order to have the petition reviewed again by the City Council and staff. (12-19-01)~~

~~Once an applicant has completed the requirements of this Chapter and has received final approval from the City Council, the staff shall prepare an annexation agreement that will describe the annexation in detail. Once the Mayor and applicant have signed the annexation agreement, and the plat and agreement have been recorded in the office of the Utah County Recorder, the annexation shall be considered complete. The annexation agreement runs in perpetuity with the area being annexed and all future owners of the land are subject to the agreement. Any violation of the agreement may result in disconnection from the City, denial of development applications, or appropriate legal action.~~

For the purposes of this Chapter, the proponent, petitioner, applicant, or developer shall be defined as those persons who have signed the annexation petition in favor of annexing their real property to Payson City. Reference to the singular shall include plural when appropriate.

#### 19.12.2 Consistency with General Plan

All annexations should be consistent with the Payson City General Plan. If the proponent of an annexation proposes an annexation that is inconsistent with the General Plan, the proponent may be required to submit an application for an amendment to the Payson City General Plan that would allow the proposed annexation to be consistent. The applicant will be required to pay all fees associated with a General Plan amendment in addition to the fees required for review of the proposed annexation. (9-1-10)

The process for a General Plan amendment may be completed concurrently with review of the proposed annexation provided that the requirements for each process are completely

satisfied. Public hearings on annexations and General Plan amendments shall be held separately with the General Plan amendment public hearing occurring prior to the hearing on the proposed annexation.

Consistency with the General Plan includes all elements of the plan including, but not limited to, the Land Use Element, Transportation Element, Trails Element, Open Space Element, and any other elements adopted as part of the General Plan. (9-18-13)

### 19.12.3 Application Procedure

The proponent for annexation shall make application on a form provided by the City and pay all applicable fees prior to any review by staff, the Planning Commission or the City Council. The application shall include, at a minimum, the following information:

1. An ownership plat map from the Utah County Recorder's Office showing all property owners in the City within five hundred (500) feet of the proposed annexation and ¼ mile of the annexation in the unincorporated area of Utah County. Except as required by Utah State statute, if the petition is accepted for further review, the applicant shall provide pre-addressed stamped envelopes with the names of all property owners in the City within five hundred (500) of the proposed annexation and property owners within ¼ mile of the annexation in the unincorporated area of Utah County. (9-1-10)
2. Signatures from the owners of real property located in the area proposed for annexation that covers a majority of the private land and is equal in value to at least one third 1/3 of the value of all private property, as shown by the latest tax assessment rolls of Utah County, in the proposed annexation.
3. An accurate map prepared by a licensed surveyor of the area proposed for annexation suitable for recordation in the office of the Utah County Recorder.
4. Documentation for conveyance of water rights, public rights-of-way, streets, and other dedications required by this Chapter or other federal, state, or local laws or ordinances.
5. An agreement to observe and obey all applicable laws, ordinances, and resolutions recognized by Payson City.

6. The ~~applicant shall indicate the~~ proposed zoning designation of the area to be annexed or an indication that prepare a Specific Plan will be prepared in accordance with Section 19.12.11.1 herein for the area proposed to be annexed. If a specific plan has not been adopted for the annexation petition area it may be zoned A-5-H, Annexation Holding Zone and allow a specific plan to be prepared prior to or at the time of development approval. (4-21-10)

### 19.12.4 Acceptance or Denial of Annexation Petition

Once an applicant has completed the application procedure in accordance with Section 19.12.3, the application petition will be reviewed by the City Council within fourteen (14) days. The fourteen (14) day notice period shall not begin until the petition has been deemed complete by the Development Services Director in accordance with Section 19.12.3 herein. An incomplete petition ~~shall~~ will not be presented to the City Council for ~~their~~ review. (4-21-10) (9-18-13)

At the time of petition review, the City Council shall determine if a specific plan and infrastructure study should be required prior to annexation or if the studies may be delayed and completed prior to development. (4-21-10)

After acceptance for further review by the City Council and if a specific plan is not in place for the annexation area, the Planning Commission may recommend the appropriateness of accepting the annexation with an A-5-H, Annexation Holding Zone designation and allow a specific plan to be completed after annexation or at the time of development. The Planning Commission may also recommend ~~that~~ the petitioner complete a specific plan for the area, prior to annexation. (4-21-10)

If the petition for annexation is not accepted for further review, the proponent is eligible for a partial refund in accordance with the fee resolution of Payson City. Denial of a petition for annexation will have the effect of ending any further review of the proposed annexation. In order to have the land annexed into Payson City, the applicant will need to re-submit the proposed annexation as a new petition and satisfy each of the requirements of this Chapter including the payment of all review fees. (9-18-13)

If a petitioner sells, transfers, or otherwise disposes of some or all of the property in an annexation petition, the City Council may choose to deny the annexation petition and require the new owner to submit a new petition including the payment of fees and preparation of a Specific Plan. (2-16-05)

Annexation is a municipal legislative decision. If the City Council takes action to deny a petition for annexation, there will be no appeal process.

#### 19.12.5 Approval Process for Accepted Petitions

All petitions accepted for future review shall comply with the following procedures:

1. Staff will review the petition and generate a list of items needed to complete the review of the proposed annexation. An applicant may appeal, to the City Council, the need for particular information at a regular meeting of the City Council. (9-1-10)
2. Once staff has received all of the information requested, staff shall prepare a recommendation to present to the Planning Commission. ~~Staff shall not begin review of the annexation until all of the information requested has been received. Staff shall prepare a~~ The recommendation should be based on the requirements of this Chapter and any other information that would mitigate negative impacts of the annexation. (9-18-13)
3. The Planning Commission shall determine whether the proposed annexation petition is consistent with the Payson City General Plan and review the proposed zoning designation or specific plan.
4. After reviewing the information provided by staff, the Planning Commission shall forward a recommendation to approve, approve with conditions or deny the proposed annexation petition.
5. The City Recorder shall schedule a public hearing before the City Council with at least fourteen (14) day notice. The notice requirements of Section 19.12.6 herein shall be satisfied prior to holding the public hearing. (9-1-10)
6. The City Council shall review the recommendation of the Planning Commission, along with the petition for annexation and any other relevant information. The City Council shall determine if the petition satisfies the

requirements of this Chapter and ensure that all review fees have been paid. The City Council shall also determine whether the proposed annexation petition is consistent with the Payson City General Plan and/or specific plan, if required. Following the review of the petition, the City Council shall approve the annexation petition, approve the petition based on the satisfaction of certain conditions, remand the petition back to the Planning Commission for further review, or deny the petition for annexation. (4-21-10)

~~The City Council is under no obligation to annex the area after a staff analysis and a recommendation from the Planning Commission for the area proposed for annexation. If the petition is accepted for further review, the applicant is eligible to satisfy the requirements of this Chapter in order to complete the annexation process. At any point in the approval process the City Council may deny the petition for annexation by notifying the applicant in writing. (4-21-10)~~

Annexations are legislative matters and the City is not required to approve any petition for annexation, regardless of location, even if the proponent of an annexation is prepared to comply with all provisions required for annexation. At any point in the approval process the City Council may deny the petition for annexation by notifying the applicant in writing. (9-18-13)

If a petition for annexation is denied by the City Council, the proponent of the annexation shall be required to submit a new application and pay all associated fees in order to have the petition reviewed again by the staff and the City Council. (9-18-13)

#### 19.12.6 Notification Requirements for Accepted Petitions

Following acceptance of an annexation petition by the City Council, notice will be provided The City, at the expense of the applicant, within ten (10) days of the annexation petition being accepted for further review by the City Council, shall provide notice to all affected entities within the annexation area. The notice shall inform all entities that their property is included in a recently filed annexation petition, and shall include the date of the filing, the names of the petitioners and a description of the area proposed

for annexation. The applicant shall provide pre-addressed stamped envelopes complete with the names of each property owner as shown on the latest Utah County tax assessment rolls for this notice. (4-21-10) (9-18-13)

Prior to the public hearing before the City Council, the City shall provide notice, in accordance with ~~State law specifically~~ §10-2-406 of ~~the~~ Utah Code. The notice shall appear in a newspaper having general circulation in Payson City prior to the hearing and the notice shall be posted at the City Center. (4-21-10) (9-18-13)

Courtesy notice of the public hearing shall be mailed to property owners in the City within five hundred (500) feet of the proposed annexation and those owners in the unincorporated area located within ¼ mile of the area to be annexed. The applicant shall provide pre-addressed stamped envelopes complete with the names of each property owner as shown on the latest Utah County tax assessment rolls. The City will prepare the letter and mail the notices to each property owner. (4-21-10)

The notice shall contain the place, time and date of the public hearing on the proposed annexation along with a general description of the area proposed to be annexed. The notice shall state that public input will be accepted at the hearing and how to contact the City to obtain additional information.

#### 19.12.7 General Annexation Guidelines

There are several annexation guidelines that applicants should be aware of prior to submission of a petition for annexation. Some of these guidelines are dictated by State statute and others are policy of Payson City. In any instance, the following guidelines shall be reviewed upon submission of each annexation petition.

1. An annexation that would create, or have the effect of creating, an unincorporated island or peninsula, as defined in State statute will not be approved. (12-19-01)
2. Existing uses, including animal rights, agricultural uses, and other land uses will may be allowed following annexation. unless the use is deemed inappropriate to the proposed zoning classification or the land use designation indicated on the specific plan. (4-21-10) (9-18-13)

3. The petitioner for an annexation shall be financially responsible to ensure that all existing structures are served by Payson City services, including solid waste removal, prior to any development approval. (3-5-03)
4. In order to complete a review that is meaningful and identifies the need for the entire area, each annexation should contain no less than one hundred (100) acres. Unless otherwise approved by the City Council, the specific plan shall encompass no less than one hundred (100) acres. If the City has prepared a specific plan that identifies the future development pattern and infrastructure needs of the area, or if Payson City deems the annexation area critical to achieve the land use and economic development goals of the City, the minimum acreage recommendation may be modified or waived. (4-21-10)

#### 19.12.8 Financial Review

~~Each applicant for annexation to Payson City will be required to enter into an annexation agreement with the City. The agreement will specify site specific requirements for each annexation which are appropriate as reviewed on a case by case basis. The following list includes several items that may be reviewed at the time of annexation. However, these are in no way intended to be the only items which will be reviewed at annexation and the City Council may include any conditions or requirements which, in their judgment, are necessary or desirable prior to approving the proposed annexation.~~

There are financial factors that should be considered with each annexation. For instance, following annexation, Payson City is responsible for maintaining roadways and providing services within the annexation area. To fully understand the financial impacts of a proposed annexation, the City may require the applicant to prepare a financial analysis of the annexation for consideration by the City Council. At a minimum, the financial analysis should include:

1. ~~Each proponent of an annexation shall complete~~ An analysis of the tax consequences to residents of the area proposed for annexation, current residents of Payson City, and Utah County. The analysis shall include sufficient information to determine the fiscal impact of the proposed

annexation taking into consideration City service provision. (9-18-13)

2. ~~Each proponent of an annexation shall~~ **Identification of** the anticipated demand on City provided facilities and services for the area to be annexed. These services include, but are not limited to, drinking water, pressurized irrigation, waste water, transportation facilities, drainage, emergency services provision, solid waste disposal, potential students and distances to public schools, and parks and recreation. (9-18-13)
3. ~~Each proponent of an annexation will need to provide~~ Information about the impact the annexation will have on the Capital Improvements Program (CIP). The information should indicate whether the proposed annexation will advance or inhibit the completion of the CIP. The proponent shall also indicate the proposed timing of capital improvements and how the services will be financed. (9-18-13)

#### 19.12.9 Water Requirements for Annexations

Each proponent of an annexation shall mitigate the water concerns prior to approval of the proposed annexation. The City Council reserves the right to evaluate any water rights proposed for transfer to the City, and refuse to accept any right, if it is determined that the quantity, quality or ability to transfer the water is in question.

1. Prior to development approval or connection to municipal services, each proponent of an annexation will be required to complete the transfer of adequate water, including changing the point of diversion for current and future use into the name of Payson City. The amount of water transferred shall be determined by zoning district and be consistent with the regulations of Title 10, Water Ordinance of the Payson City Code. (4-21-10)
2. ~~The City Council may accept payment to the City of an amount equal to the market value of the required water rights if it can be shown that the developer of the property has exhausted all possibilities of purchasing such rights. The market value shall be determined from time to time by the City. The City Council is under no obligation to accept money in lieu of water rights if it is determined that it would not be in the best interest of the City.~~ (4-21-10)

3. ~~When land is annexed without the consent of the owner, the proponent of the annexation shall be responsible to provide the amount of water rights required in this Section. If a future applicant seeks a zone change that would allow a higher density or is eligible for a Planned Residential Development density bonus, the applicant shall be required to provide any additional required water shares.~~
4. The City Council may waive or modify the water rights requirement, dependent upon proposed usage, for any land owned by federal, state, county, or local municipal governments.
5. Water may be used for agriculture, or any other appropriate use, upon the land being annexed provided that an agreement acceptable to the City Council has been reached between the proponent of an annexation and the City.
6. A petitioner for annexation is required to identify and resolve all conflict with private irrigation lines that may traverse the area proposed for annexation. (8-7-02)

#### 19.12.10 Electric Requirements, Consent to Serve

The proponent of an annexation will be required to mitigate, including payment of any fee or reimbursement, any concerns and issues brought forward by the Strawberry Electric ~~Special~~ Service District or other electric service provider. Evidence that these concerns have been addressed may be evidenced by a signed consent to serve agreement between Payson City and the Strawberry Electric ~~Special~~ Service District. The consent agreement must hold harmless Payson City from any future payment of fees or reimbursement.

All applicants seeking approval of an annexation petition will be required to satisfy the obligations of an agreement reached between Payson City and the Strawberry Electric Service District dated March 25, 1998. Any costs associated with the satisfaction of the obligations in the agreement will be the responsibility of the proponent of the proposed annexation. (8-7-02)

#### 19.12.11 Zoning Designation or Specific Plan

19.12.11.1 Specific Plan

19.12.11.2 Items to be Included in Specific Plan

When land is annexed into the City it shall be given a zoning designation and possibly included in a proposed specific plan. In general, zoning should be consistent with surrounding zoning that would allow uses similar to those already in existence prior to the annexation. In all cases, zoning should be consistent with the Payson City General Plan. Annexations may include more than one zoning district if appropriate. The City Council may assign zoning to the proposed annexation or accept the applicant's zoning proposal. (9-1-10)

Previous zoning designated by Utah County or another municipality will no longer be valid. All previous development approvals, ~~that are not consistent with the Payson City General Plan,~~ may be disregarded by the City Council to the extent allowed by law. It will be the responsibility of the petitioner for annexation to provide information about outstanding building permits, existing home occupations, and any other previous approvals that may inhibit ~~the goals of the Payson City General Plan and~~ an orderly development pattern. ~~(8-7-02)~~ (9-18-13)

#### 19.12.11.1 Specific Plan

The City Council may ~~adopt, as part of an Annexation Agreement, require~~ a specific plan for any area proposed for annexation. The specific plan shall be as detailed as deemed appropriate by the City Council given the size and scope of the proposed annexation. If the City Council adopts a specific plan ~~as part of an Annexation Agreement,~~ the density approved in the specific plan together with any other specific requirements of the City Council shall be followed in the development of the area annexed into Payson City. (9-18-13)

The zoning designation of the area shall be indicated on the Zoning Map as being a *Specific Plan* and shall reference the file number of the adopted specific plan. Unless expressly indicated in the specific plan or ~~an~~ annexation agreement, development of the area annexed shall satisfy all requirements of the development ordinances of Payson City including, but not limited to, the Zoning Ordinance, Subdivision Ordinance, Sensitive Lands Ordinance, and the Design Guidelines and Standard Specifications of Payson City. ~~(12-19-01)~~ (9-18-13)

Following ~~completion of the development implementation of a specific plan and~~ in order to eliminate the potential of non-conforming uses of property included in a specific plan ~~area,~~ the City Council may choose to require the applicant to obtain a zone change consistent with the requirements of Section 19.2.8 herein. The zone change will indicate the underlying zoning of each parcel included in the specific plan. ~~(9-1-04)~~ (9-18-13)

#### 19.12.11.2 Items to be Included in Specific Plan

If the City Council requires the preparation of a specific plan, the plan will need to include, at a minimum, the following information: (4-21-10)

1. The condition of existing infrastructure including water lines, sewer lines, power lines, roadway improvements, roadway surface condition, drainage facilities and other infrastructure providing municipal type services to the area proposed for annexation. The report should include information about the ownership of the facilities and the proposed future ownership and maintenance.
2. An infrastructure analysis indicating the ability of Payson City to provide municipal services to the area included in the specific plan or the upgrades to the infrastructure systems of Payson City necessary to provide municipal services.
3. Anticipated use of the property in the specific plan including the primary use, connection to trails, parks and public spaces, churches and schools, government facilities, open space, land use transition areas and other land use considerations.
4. A complete geotechnical report when deemed appropriate due to potential seismic activity, landslide potential, floodplain or risk of flooding, steep slopes, high water table, wetland areas, poor soil structure or other geologic hazard. (2-7-07)
5. If ~~a land use study and/or~~ infrastructure analysis has been completed ~~for the annexation area and~~ ~~or~~ paid for by ~~the Payson~~ City, the petitioner shall reimburse the City the proportionate share of the cost of the study. The proportionate share will be determined by the total acres of the study area and the total acres of the annexation petition. ~~(4-21-10)~~ (9-18-13)



**19.12.12 Staff Report and Recommendation**

Upon receipt of all information required by this Chapter and any additional information requested by the staff, Planning Commission, or City Council, staff will complete a review of the proposed annexation and render a report to the City Council. The report will include the findings of the staff in regard to the accuracy of the information provided by the applicant, consistency with the General Plan and other City ordinances, and provide recommendations that would be beneficial in the formation of ~~the annexation agreement between the City and applicant~~ a decision regarding the proposed annexation. ~~Staff analysis would include a determination of how City services would be affected by the proposed annexation. If necessary, The staff shall also will prepare the an annexation agreement for review by the City Council. The City Council may request changes in the annexation agreement prior to the public hearing formulating a decision regarding the proposed annexation.~~ If a change is proposed, the applicant will be contacted in regards to the proposed changes. (9-18-13)

~~The staff report shall be available to the City Council, applicant, and general public at least fourteen (14) days prior to the public hearing on the proposed annexation.~~

**19.12.13 Annexation Agreement**

~~Prior to final approval of any annexation, the proponent of an annexation and Payson City shall~~ The City Council may require the annexation petitioners to enter into an annexation agreement specifying the terms and conditions of the annexation. Each annexation agreement will be based on a site-specific basis and the elements of the agreement may, and probably will, differ on each annexation. Because each annexation agreement may differ, each annexation will be processed on a case by case basis with no precedent set by previous annexation agreements.

~~Each annexation agreement shall be signed by the Mayor of Payson City, upon ratification by the City Council, and the proponent(s) of the annexation. By signing the annexation agreement, both parties are agreeing to uphold the provisions of the agreement as written. Amendments to the annexation agreement may be completed only if agreed to in writing by the City Council and the applicant.~~ *\*Included below\**

~~Should the proponent of an annexation default on any provisions of the agreement, the City may pursue appropriate legal action to enforce the provisions of the agreement including revocation of the annexation and disconnection from the City.~~ *\*Included below\**

The items listed below are issues that may be addressed in the annexation agreement, but is not necessarily a complete list of items that may be addressed by the City Council or staff.

1. ~~Each annexation agreement shall include~~ A description of the property complete with a legal description and amount of acreage that shall be depicted on a plat drawn to scale in a manner and on a medium that can be recorded in the office of the Utah County Recorder. (9-18-13)
2. ~~Each annexation agreement shall include~~ The designated zoning district and the proposed project density. The City Council may require actual density to be indicated in the annexation agreement as well as proposed development layout and proposed provision of services. The circulation pattern for the area and alignment of other City services will be indicated to the approval of the City Council. However, approval of an annexation shall not be considered development approval. Following annexation approval, each applicant shall be required to complete the development approval process. (9-18-13)
3. ~~Each annexation agreement will~~ Indicate areas proposed for trails, open space and recreation areas. The agreement will specify ownership of these areas and proposed maintenance arrangements. If the annexation area includes an area that requires unusual fire prevention measures as an open space area, the agreement will indicate specific measures that will be taken to minimize potential fire hazard. (9-18-13)
4. ~~Each annexation agreement shall~~ Include the documentation for conveyance of water rights, public right-of-ways streets, and other dedications required by this Chapter or other federal, state, or local laws or ordinances. (4-21-10) (9-18-13)
5. ~~The City Council may require proposed building pads to be shown on the annexation plat and indicated in the annexation agreement. The City Council may also require limits of disturbance plans to be~~

- ~~indicated along water courses and bodies, steep slopes, wetlands, view sheds, and other environmentally sensitive areas.~~
6. Based on the land use inventory, ~~the City Council may authorize~~ specify which existing uses will be allowed to continue after annexation. ~~(4-21-10) (9-18-13)~~
  7. ~~The applicant and/or developer shall be financially responsible to ensure that all existing structures are served by Payson City services, including solid waste removal, prior to any development approval. (4-21-10)~~ Identify the responsibilities of applicant, petitioners, and property owners in providing municipal services for existing structures. ~~(9-18-13)~~
  8. The City Council may impose any other appropriate requirements in the annexation agreement that will mitigate potential impacts to Payson City.
  9. ~~The annexation agreement will~~ Ratify any outstanding obligations and coordination with other entities. ~~(4-21-10) (9-18-13)~~

These are in no way intended to be the only items that will be reviewed at annexation and the City Council may include any conditions or requirements which, in their judgment, are necessary or desirous prior to approving the proposed annexation. (9-18-13)

Each annexation agreement shall be signed by the Mayor of Payson City, upon ratification by the City Council, and the proponent(s) of the annexation. By signing the annexation agreement, all parties agree to uphold the provisions of the agreement as written. Amendments to the annexation agreement may be completed only if agreed to in writing by the parties of the agreement. (9-18-13)

Should the proponent of an annexation default on any provisions of the agreement, the City may pursue appropriate legal action to enforce the provisions of the agreement, including revocation of the annexation and disconnection from the City. (9-18-13)

In the event that an annexation agreement is not required, the following standards will apply to the properties included in the annexation:

1. The City Council will identify the zoning designation of the property at the time of annexation approval.

2. A specific plan, consistent with the requirements herein, shall be prepared prior to any zone change to accommodate more intense development within the annexation area. If consulting services are necessary, the property owners in the annexation area will be required to reimburse Payson City a proportionate share of the cost of the specific plan at the time each property owner develops its parcel(s).
3. Existing uses in the annexation area may continue, unless otherwise specified by the City Council at the time of annexation. Following annexation, all land uses, including the keeping of animals, must comply with the ordinances, resolutions and policies of Payson City. If a property owner can demonstrate that a use legally existed prior to annexation, the City Council may, but is not obligated to, allow the use to continue as a non-conforming use until the property is further developed.
4. Animals must be kept in accordance with Title 6, Animal Control Ordinance and the property owner is responsible to maintain the animals in a manner that does not create a nuisance as defined in the Payson Municipal Code.
5. Existing structures shall connect to municipal utility services when the utility service(s) are within three hundred (300) feet of the existing structure or when the parcel on which the structure is located is developed. (9-18-13)

#### **19.12.14 Recordation of Annexation**

If the proposed annexation is approved by the City Council, ~~a copy of the plat of the proposed annexation plat~~ and the annexation agreement shall be recorded in the office of the Utah County Recorder. Prior to recordation, the final local entity plat must be reviewed by the Utah County Surveyor. All Any review and/or recording fees shall be the responsibility of the proponent of the annexation. ~~(9-18-13)~~

#### **19.12.15 Appeals and Other Costs of Annexation**

The proponent of an annexation shall agree to pay any and all Payson City costs related to the annexation proceedings including appeals, reimbursement, special studies, recordation, and other annexation related expenses. Because each annexation is different, the costs associated with each particular annexation may vary.

**19.12.16 Review Fees**

The proponent of an annexation shall pay an annexation review fee as set forth in the Payson City Fee Schedule. Annexation review fees do not include other review fees including, but not limited to, development review fees, impact fees, building permit fees, and connection fees.

**19.12.17 Annexation Petitions Initiated by Payson City (4-21-10)**

Annexation of certain parcels of land located within the Payson City Annexation Policy Plan boundaries may be essential to accomplish the land use and economic development goals of the City. Payson City may initiate the annexation petition process to secure those parcels. When Payson City is the annexation sponsor, the following procedures and policies shall be incorporated in the annexation process.

1. The fees associated with processing the annexation request as defined in Section 19.12.3 shall be waived.
2. If a specific plan has not been adopted, the area being annexed may be zoned A-5-H, Annexation Holding Zone, and allow a specific plan to be prepared prior to or at the time of development approval.
3. If the City Council deems the annexation area vital to the land use and economic development goals of the City, the minimum acreage recommendation in Section 19.12.7.4 may be modified or waived.
4. ~~If Payson City is the annexation sponsor, The City Council may modify or waive the requirement to prepare a financial analysis as described in Section 19.12.8 will be prepared by staff herein. (9-18-13)~~