

Chapter 19.6

Establishment of Zoning Districts

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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 19.6.37 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Zoning Map is amended in accordance with the requirements found in Section 19.2.8 herein, all previous Zoning Maps are no longer in effect for the purpose of identifying zone district boundaries.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

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

- 19.6.4.1 Purpose and Zone Characteristics
- 19.6.4.2 Permitted, Conditional and Accessory Uses
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- 19.6.4.5 Lot Frontage
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- 19.6.4.9 Building Height Requirements
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- 19.6.4.15 Annexation Holding Zone (A-5-H) (4-21-10)

19.6.4.1 Purpose and Zone Characteristics

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

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

19.6.4.2 Permitted, Conditional and Accessory Uses

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

Permitted Uses – Residential

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

1. Agriculture and horticulture (2-19-14)
2. Keeping of animals pursuant to Title 6
3. Single family dwellings – detached
4. Public or private utilities and rights-of-way
5. Parks and recreational facilities
6. Subdivisions pursuant to:
 - a. Section 19.6.4.15 herein
 - b. Title 20 of the Payson Municipal Code
 - c. §10-9a-605 of Utah Code Annotated (2-19-14)
7. Residential facilities for the elderly or persons with a disability in accordance with §10-9a-519 ~~516~~ et. seq. and §10-9a-520 et seq., respectively, of the Utah Code Annotated, 1953, as amended, and Chapter 19.23 herein provided that:
 - a. All structures comply with the building, safety, and health regulations applicable to similar structures including, but not limited to, the underlying density of the zoning district, landscaping, off street parking and setbacks. (2-19-14)
9. ~~Non residential uses as listed below~~

Conditional Uses – Residential

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

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

Accessory Uses – Residential

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

1. Agricultural buildings as defined in Chapter 19.28 (2-19-14)
2. Garages - detached
3. ~~Buildings used for the confinement or protection of animals used as a permitted or conditional use in the zone~~
4. Stands for selling goods and products produced on the premises as a permitted or conditional use in the zone
5. Home occupations in accordance with Title 4
6. ~~Non-residential uses as listed below~~

Non-Residential Uses

Specific non-residential uses in the A-5 Zone can be identified by referring to the chart attached hereto as Appendix A – Non-Residential Land Use Categories. The chart will specify whether each use is a permitted, conditional or accessory use. Unless specifically listed, any other use is not a permitted use in the zone. (10-1-08)

19.6.4.3 Lot Area

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

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

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

19.6.4.4 Lot Width

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

19.6.4.5 Lot Frontage

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

Parcels created for utility uses must maintain at least forty (40) feet of frontage along a public street or

approved private street. The City Council may reduce or waive the frontage requirement provided the applicant can demonstrate that perpetual access to the parcel and utility uses has been secured. (6-1-11)

19.6.4.6 Lots Created Prior to Adoption of Ordinance/Annexation

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

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

19.6.4.7 Setback Requirements

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

1. Front setback - Each lot or parcel in the A-5 Zone shall have a minimum front setback of twenty-five (25) feet.
2. Side setback - Each lot or parcel in the A-5 Zone, unless otherwise noted below, shall have a minimum side setback of eight (8) feet.
 - a. Side setback for corner lot – Each corner lot or parcel in the A-5 Zone shall have a minimum setback of twenty (20) feet along the public street on the side of the lot not being used as the front setback.
 - b. Side setback for driveway - Each side setback, when used for access to a garage, carport, or parking area shall have a minimum setback of twelve (12) feet and shall be hard surfaced.
 - c. Side setback for accessory building - The side setback for any permitted accessory building shall be five (5) feet except when:
 - d. The accessory building is located on a corner lot the structure shall satisfy (a) above.
 - e. The accessory building(s) houses animals or poultry then the structure shall have a minimum side setback of fifty (50) feet and be located no less than one hundred (100) feet from any dwelling unit.

to Payson City utility systems consistent with the regulations of the Design Guidelines and Standard Specifications of Payson City. Depending on the situation and location of the property, Payson City may allow the following exceptions until more development occurs in the annexed area:

- a. *Power Services.* Payson City reserves the right to provide electrical service to all properties within the boundaries of Payson. Therefore, the Payson power system will need to be expanded to allow connection of all existing and proposed structure(s). The Payson Power Department will determine the appropriate method to provide these services, which may include extension of overhead power lines to provide service on a temporary basis, installation of underground facilities to accommodate future growth in the area, or authorize other utility companies to provide electrical service.
- b. *Drinking Water.* The installation of a private drinking water well may or may not be allowed in the A-5-H Zone. A cost analysis will need to be prepared by a licensed engineer, at the expense of the property owner or applicant, that identifies the cost of extending the Payson City water system to the subject property in relation to the costs associated with drilling and installing a water well. Following review of the analysis, the Public Works Director will determine the appropriate means for provision of drinking water. If connection to the Payson City water system is required, the regulations of Title 10, Water Ordinance must be satisfied. The regulations of the Utah Division of Water Rights and the Utah County Health Department must be satisfied if the City determines the installation of a well is acceptable. (2-19-14) (A-5-H Zone)
- c. *Irrigation Water.* The property owner will need to provide information regarding the availability of irrigation water to maintain the property. If a secondary system is available, the applicant may not be required to extend the Payson City pressurized irrigation system until additional development occurs. If connection to the Payson City pressurized irrigation system is required, the regulations of Title 10, Water Ordinance must be satisfied.
- d. *Wastewater Service.* Septic tanks may be allowed if the Public Works Director determines that extension of wastewater

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

- e. *Roadway Improvements.* The installation of curb, gutter and sidewalk and connection to city utilities as required in association with lot of record development and the requirements of Section 19.3.1 may be modified and/or delayed unless the parcel is located near existing systems.
 - f. *Fees.* The connection and impact fees will need to be submitted prior to connection to the utility systems of Payson City.
 - g. *Timing of Connection.* The property owner will be responsible to connect to and utilize Payson City utility systems when the system(s) are within three hundred (300) feet of the property, unless otherwise indicated in an annexation agreement.
4. *Agricultural Uses and Buildings.* Agricultural activities must be conducted in accordance with sound agricultural practices and all agricultural buildings must satisfy the adopted building code, unless otherwise exempted by Utah State Code.
 5. Concurrent with the approval and adoption of a specific plan, the Payson City General Plan will be amended to indicate land uses consistent with the specific plan prepared for the annexation area.
 6. The A-5-H Zone classification may be removed from the annexed area following adoption of a specific plan, development proposal or assignment of the appropriate zoning. Once the holding zone classification is removed, the unique regulations of this Section no longer apply and all regulations of the adopted development ordinances must be satisfied.

19.6.5 R-1-A Residential-Agriculture Zone

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

19.6.5.1 Purpose and Zone Characteristics

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

19.6.5.2 Permitted, Conditional and Accessory Uses Permitted Uses

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

1. Agriculture and ~~forestry~~ horticulture (2-19-14)
2. Keeping of animals pursuant to Title 6
3. Single family dwellings – detached
4. Municipal governmental facilities (9-1-10)
5. Public or private utilities and rights-of-way
6. Parks and recreational facilities
7. Subdivisions pursuant to Title 20
8. Residential facilities for the elderly or persons with a disability in accordance with §10-9a-519 ~~516 and §10-9a-520 respectively, of Utah Code Annotated, 1953, as amended, and Chapter 19.23 herein provided that:~~
 - a. ~~All structures comply with the building, safety, and health regulations applicable to similar structures including, but not limited to, the underlying density of the zoning~~

~~district, landscaping, off street parking and setbacks. (1-18-06) (2-19-14)~~

Conditional Uses

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

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

Accessory Uses

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

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

19.6.5.3 Lot Area

Each dwelling in the Residential-Agriculture Zone shall be on a separate lot containing not less than one (1) acre, except that ranch or farm employee housing may be on a smaller parcel in conjunction with a bona

19.6.6 R-1-12 Residential Zone**19.6.6.1 Purpose and Zone Characteristics****19.6.6.2 Permitted, Conditional and Accessory Uses****19.6.6.3 Lot Area****19.6.6.4 Lot Width****19.6.6.5 Lot Frontage****19.6.6.6 Lots Created Prior to Adoption of Ordinance****19.6.6.7 Setback Requirements****19.6.6.8 Projections into Setbacks****19.6.6.9 Building Height Requirements****19.6.6.10 Distance Between Buildings****19.6.6.11 Permissible Lot Coverage****19.6.6.12 Parking, Loading and Access****19.6.6.13 Project Plan Approval****19.6.6.14 Other Requirements***19.6.6.1 Purpose and Zone Characteristics*

The R-1-12 Residential Zone is established to provide areas within the City for single family dwellings on relatively large lots with no or very limited commercial services. Higher density development is discouraged in this zone due to lack of infrastructure and services. This area often borders agricultural areas where traditional agricultural pursuits can be encouraged and supported. Rezoning of land in the R-1-12 Zone should be accomplished in an orderly manner to avoid undue and inefficient extension of City infrastructure, and "leap frog" development patterns.

19.6.6.2 Permitted, Conditional and Accessory Uses
Permitted Uses

The following land use types are permitted uses in the R-1-12 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. Single family dwellings—detached
2. Municipal governmental facilities (9-1-10)
3. Public or private utility rights of way
4. Parks and recreational facilities
5. Subdivisions pursuant to Title 20
6. Orchards and vineyards
7. Keeping of animals pursuant to Title 6
7. Residential facilities for the elderly or persons with a disability in accordance with §10-9a-519 and §10-9a-520 respectively, Utah Code Annotated, 1953, as amended, and Chapter 19.23 herein provided that:
 - a. All structures comply with the building, safety, and health regulations applicable to

similar structures including, but not limited to, the underlying density of the zoning district, landscaping, off street parking and setbacks. (1-18-06)

Conditional Uses

The following land use types are allowed as conditional uses in the R-1-12 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. Cemetery grounds and facilities
3. Religious buildings and structures
4. Educational facilities unless otherwise addressed in State Statute (2-7-07)
5. Resorts and group camps
6. Public and private schools, not daycare facilities
7. Golf courses
8. Public or private utility maintenance facilities (8-7-02)

Accessory Uses

The following land use types are allowed as accessory uses in the R-1-12 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. Garages—detached
2. Storage facilities for machinery and equipment as an accessory use to a permitted or conditional use in the zone
3. Buildings used for the confinement or protection of animals allowed in accordance with Title 6
4. Home occupations in accordance with Title 4

19.6.6.3 Lot Area

Each dwelling in the R-1-12 Residential Zone shall be on a separate lot containing not less than twelve thousand (12,000) square feet, unless otherwise approved as part of a Planned Residential Development (PRD) in accordance with Chapter 20.10.

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

19.6.6.4 Lot Width

Each lot in the R 1 12 Residential Zone shall have a minimum width of one hundred (100) feet for all of the area within the required front setback of the zone, unless otherwise approved as part of a Planned Residential Development (PRD) in accordance with Chapter 20.10.

If the lot or parcel is located on an approved curve radius or cul de sac, the width requirement may be reduced to eighty (80) feet, provided that the requirement is satisfied at the front setback line.

19.6.6.5 Lot Frontage

Each lot in the R 1 12 Residential Zone shall abut a public street, or private street if approved by the City Council, for a minimum distance of one hundred (100) feet, unless otherwise approved as part of a Planned Residential Development (PRD) in accordance with Chapter 20.10.

If the lot or parcel is located on an approved curve radius or cul de sac, the frontage requirement may be reduced to eighty (80) feet, provided that the width requirement is satisfied at the front setback line.

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

19.6.6.6 Lots Created Prior to Adoption of Ordinance

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

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

19.6.6.7 Setback Requirements

The following minimum setback requirements shall apply in the R 1 12 Residential Zone. Each setback is measured from the property line of the lot or parcel.

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

19.6.6.8 Projections into Setbacks

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

1. ~~Fences and walls in conformance with all applicable City ordinances and resolutions.~~
2. ~~Landscaping and irrigation systems.~~
3. ~~Necessary appurtenances for utility service.~~

4. Cornices, eaves, sills, buttresses, awnings, planter boxes or other similar architectural features may project up to four (4) feet into any required front or rear setback or up to two (2) feet into a side setback.
5. Patios, decks, and other structures as specified in Section 19.9.22 herein. (6-1-11)

19.6.6.9 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)

19.6.6.10 Distance between Buildings

The distance between any accessory building and any dwelling shall not be less than three (3) feet. (7-7-10)

19.6.6.11 Permissible Lot Coverage

The sum total of all buildings and structures on any parcel in the R-1-12 Zone shall not be greater than forty (40) percent of the total area of the parcel.

19.6.6.12 Parking, Loading and Access

Each lot or parcel in the R-1-12 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.

19.6.6.13 Project Plan Approval

Any request for project plan approval in the R-1-12 Zone is subject to any and all applicable City resolutions and ordinances including the Subdivision Ordinance, Design Guidelines and Standard Specifications, and the Payson City General Plan.

19.6.6.14 Other Requirements

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

1. Signs Signs are permitted in accordance with Chapter 19.15 herein.
2. Landscaping Prior to issuance of a Certificate of Occupancy and thereafter, all open areas between the public street, including the planter strip, and the front line of the main building, except driveways, walkways, patios, porches, and other similar hard surfaced areas shall be maintained with suitable landscaping of plants, shrubs, trees, grass and similar landscaping materials. (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)

19.6.7 R-1-10 Residential Zone

- 19.6.7.1 Purpose and Zone Characteristics
- 19.6.7.2 Permitted, Conditional and Accessory Uses
- 19.6.7.3 Lot Area
- 19.6.7.4 Lot Width
- 19.6.7.5 Lot Frontage
- 19.6.7.6 Lots Created Prior to Adoption of Ordinance
- 19.6.7.7 Setback Requirements
- 19.6.7.8 Projections into Setbacks
- 19.6.7.9 Building Height Requirements
- 19.6.7.10 Distance between Buildings
- 19.6.7.11 Permissible Lot Coverage
- 19.6.7.12 Parking, Loading and Access
- 19.6.7.13 Project Plan Approval
- 19.6.7.14 Other Requirements

19.6.7.1 Purpose and Zone Characteristics

The R-1-10 Residential Zone is established to provide areas within the City for single family dwellings on large lots with very limited commercial services such as home occupations. Rezoning to a higher density development should be carefully reviewed in this zone due to possible lack of infrastructure and services. The City encourages in-fill development, where appropriate, in accordance with Section 19.6.31, herein, in the R-1-10 Zone.

19.6.7.2 Permitted, Conditional and Accessory Uses
Permitted Uses

The following land use types are permitted uses in the R-1-10 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. Single family dwellings—detached
2. Municipal governmental facilities (9-1-10)
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
6. Residential facilities for the elderly or persons with a disability in accordance with §10-9a-519 and §10-9a-520 respectively, Utah Code Annotated, 1953, as amended, and Chapter 19.23 herein provided that:
 - a. All structures comply with the building, safety, and health regulations applicable to similar structures including, but not limited to, the underlying density of the zoning district, landscaping, off street parking and setbacks. (1-18-06)

Conditional Uses

The following land use types are allowed as conditional uses in the R-1-10 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. Cemetery grounds and facilities
3. Religious buildings and structures
4. Educational facilities unless otherwise addressed in State Statute (2-7-07)
5. Public and private schools, not daycare facilities
6. Golf courses
7. Public and private utility maintenance facilities

Accessory Uses

The following land use types are allowed as accessory uses in the R-1-10 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. Garages—detached
2. Storage facilities for machinery and equipment as an accessory use to a permitted or conditional use in the zone and only behind the dwelling unit. The accessory building shall not be larger than ten (10) percent of the total area of the lot or parcel and must meet all setback requirements
3. Buildings used for the confinement or protection of animals allowed in accordance with Title 6 to be located only behind the dwelling unit
4. 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
5. Home Occupations pursuant to Title 4

19.6.7.3 Lot Area

Each dwelling in the R-1-10 Residential Zone shall be on a separate lot containing not less than ten thousand (10,000) square feet, unless otherwise approved as part of a Planned Residential Development (PRD) in accordance with Chapter 20.10, or as part of an approved in-fill overlay zone in accordance with Section 19.6.31 herein.

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

19.6.7.4 Lot Width

Each lot in the R 1 10 Residential Zone shall have a minimum width of one hundred (100) feet for all of the area within the required front setback of the zone, unless otherwise approved as part of a Planned Residential Development (PRD) in accordance with Chapter 20.10, or as part of an approved in fill overlay zone in accordance with Section 19.6.31 herein.

If the lot or parcel is located on an approved curve radius or cul de sac, the width requirement may be reduced to eighty (80) feet, provided that the requirement is satisfied at the front setback line.

19.6.7.5 Lot Frontage

Each lot in the R 1 10 Residential Zone shall abut a public street, or private street if approved by the City Council, for a minimum distance of one hundred (100) feet, unless otherwise approved as part of a Planned Residential Development (PRD) in accordance with Chapter 20.10, or as part of an approved in fill overlay zone in accordance with Section 19.6.31 herein.

If the lot or parcel is located on an approved curve radius or cul de sac, the frontage requirement may be reduced to eighty (80) feet, provided that the width requirement is satisfied at the front setback line.

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

19.6.7.6 Lots Created Prior to Adoption of Ordinance

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

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

19.6.7.7 Setback Requirements

The following minimum setback requirements shall apply in the R 1 10 Residential Zone. Each setback is measured from the property line of the lot or parcel.

1. Front setback—Each lot or parcel in the R 1 10 Zone shall have a minimum front setback of twenty five (25) feet.
2. Side setback—Each lot or parcel in the R 1 10 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 R 1 10 Zone shall have a minimum setback of twenty (20) feet along the public street on the side of the lot not being used as the front setback.
 - b. Side setback for driveway—Each side setback, when used for access to a garage, carport, or parking area shall have a minimum setback of twelve (12) feet and shall be hard surfaced.
 - c. Side setback for accessory building—The side setback for any permitted accessory building shall be five (5) feet except when:
 - I. The accessory building is located on a corner lot the structure shall satisfy (2) (a) above.
 - II. The accessory building(s) houses animals or poultry then the structure shall have a minimum side setback of fifty (50) feet and be located no less than one hundred (100) feet from any dwelling unit.
3. Rear setback—Each lot or parcel in the R 1 10 Zone shall have a minimum rear setback of twenty five (25) feet.
 - a. Rear setback for accessory building—An accessory building shall be located at least five (5) feet from the rear property line provided it is not used to house animals or poultry, or the lot is not a double sided lot (a lot that has a street both in front and in rear). (3-5-03)
 - I. Accessory buildings that house animals or poultry shall have a minimum rear setback of fifty (50) feet and be located no less than one hundred (100) feet from any dwelling unit.
 - II. A double sided lot requires the full twenty five (25) foot rear setback.

19.6.7.8 Projections into Setbacks

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

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

19.6.7.9 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)

19.6.7.10 Distance between Buildings

The distance between any accessory building and any dwelling shall not be less than three (3) feet. (7-7-10)

19.6.7.11 Permissible Lot Coverage

The sum total of all buildings and structures on any parcel in the R 1 10 Zone shall not be greater than forty five (45) percent of the total area of the parcel.

19.6.7.12 Parking, Loading and Access

Each lot or parcel in the R 1 10 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.

19.6.7.13 Project Plan Approval

Any request for project plan approval in the R 1 10 Zone is subject to any and all applicable City resolutions and ordinances including the Subdivision Ordinance, Design Guidelines and Standard Specifications, and the Payson City General Plan.

19.6.7.14 Other Requirements

The following requirements are in addition to the requirements found in this Chapter, the General Provisions or Supplementary Provisions of this

ordinance, or any other applicable resolution or ordinance.

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

2. Landscaping Prior to issuance of a Certificate of Occupancy and thereafter, all open areas between the public street, including the planter strip, and the front line of the main building, except driveways, walkways, patios, porches, and other similar hard surfaced areas shall be maintained with suitable landscaping of plants, shrubs, trees, grass and similar landscaping materials. (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)

19.6.8 R-1-9 Residential Zone

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

19.6.8.1 Purpose and Zone Characteristics

The R-1-9 Residential Zone is established to provide areas within the City for single family dwellings on average sized lots and two family dwellings designed to be compatible with a single family environment. The R-1-9 Zone is intended to have very limited commercial services including home occupations. Rezoning to a higher density development should be carefully reviewed in this zone to ensure compatibility with existing development and neighborhoods. The City encourages in fill development, where appropriate, in accordance with Section 19.6.31, herein, in the R-1-9 Zone.

19.6.8.2 Permitted, Conditional and Accessory Uses Permitted Uses

The following land use types are permitted uses in the R-1-9 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. Single family dwellings detached
2. Two family dwellings if approved as an RMO-1 overlay zone
3. Municipal governmental facilities (9-1-10)
4. Public or private utilities rights-of-way
5. Parks and recreational facilities
6. Subdivisions pursuant to Title 20
7. Keeping of animals pursuant to Title 6
8. Residential facilities for the elderly or persons with a disability in accordance with §10-9a-519 and §10-9a-520 respectively, Utah Code Annotated, 1953, as amended, and Chapter 19.23 herein provided that:

- a. All structures comply with the building, safety, and health regulations applicable to similar structures including, but not limited to, the underlying density of the zoning district, landscaping, off street parking and setbacks.

Conditional Uses

The following land use types are allowed as conditional uses in the R-1-9 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. Public and private schools, not daycare facilities
5. Golf courses
6. Public and private utility maintenance facilities

Accessory Uses

The following land use types are allowed as accessory uses in the R-1-9 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. Garages detached
2. Storage facilities for machinery and equipment as an accessory use to a permitted or conditional use in the zone and only behind the dwelling unit. The accessory building shall not be larger than ten (10) percent of the total area of the lot or parcel and must meet all setback requirements.
3. Except as 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.
4. Home occupations pursuant to Title 4

19.6.8.3 Lot Area

Each dwelling in the R-1-9 Residential Zone shall be on a separate lot containing not less than nine thousand (9,000) square feet, unless otherwise approved as part of a Planned Residential Development (PRD) in accordance with Chapter 20.10, as part of an approved in fill overlay zone in accordance with Section 19.6.31 herein, or as an RMO-1 overlay zone.

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

~~19.6.8.4 Lot Width~~

Each lot in the R-1-9 Residential Zone shall have a minimum width of ninety (90) feet for all of the area within the required front setback of the zone, unless otherwise approved as part of a Planned Residential Development (PRD) in accordance with Chapter 20.10, as part of an approved in-fill overlay zone in accordance with Section 19.6.31 herein, or as an RMO-1 overlay zone.

If the lot or parcel is located on an approved curve radius or cul-de-sac, the width requirement may be reduced to eighty (80) feet, provided that the requirement is satisfied at the front setback line.

~~19.6.8.5 Lot Frontage~~

Each lot in the R-1-9 Residential Zone shall abut a public street, or private street if approved by the City Council, for a minimum distance of ninety (90) feet, unless otherwise approved as part of a Planned Residential Development (PRD) in accordance with Chapter 20.10, as part of an approved in-fill overlay zone in accordance with Section 19.6.31 herein, or as an RMO-1 overlay zone.

If the lot or parcel is located on an approved curve radius or cul-de-sac, the frontage requirement may be reduced to eighty (80) feet, provided that the width requirement is satisfied at the front setback line.

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

~~19.6.8.6 Lots Created Prior to Adoption of Ordinance~~

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

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

~~19.6.8.7 Setback Requirements~~

The following minimum setback requirements shall apply in the R-1-9 Residential Zone. Each setback is measured from the property line of the lot or parcel.

1. ~~Front setback~~ Each lot or parcel in the R-1-9 Zone shall have a minimum front setback of twenty five (25) feet.
2. ~~Side setback~~ Each lot or parcel in the R-1-9 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 R-1-9 Zone shall have a minimum setback of twenty (20) feet along the public street on the side of the lot not being used as the front setback.
 - b. ~~Side setback for driveway~~ Each side setback, when used for access to a garage, carport, or parking area shall have a minimum setback of twelve (12) feet and shall be hard surfaced.
 - c. ~~Side setback for accessory building~~ The side setback for any permitted accessory building shall be five (5) feet except when:
 - I. ~~The accessory building is located on a corner lot the structure shall satisfy (2) (a) above.~~
 - II. ~~The accessory building(s) houses animals or poultry then the structure shall have a minimum side setback of fifty (50) feet and be located no less than one hundred (100) feet from any dwelling unit.~~
3. ~~Rear setback~~ Each lot or parcel in the R-1-9 Zone shall have a minimum rear setback of twenty five (25) feet.
 - a. ~~Rear setback for accessory building~~ An accessory building shall be located at least five (5) feet from the rear property line provided it is not used to house animals or poultry, or the lot is not a double-sided lot (a lot that has a street both in front and in rear). (3-5-03)
 - I. ~~Accessory buildings that house animals or poultry shall have a minimum rear setback of fifty (50) feet and be located no less than one hundred (100) feet from any dwelling unit.~~
 - II. ~~A double-sided lot requires the full twenty five (25) foot rear setback.~~

~~19.6.8.8 Projections into Setbacks~~

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

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

19.6.8.9 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)

19.6.8.10 Distance between Buildings

The distance between any accessory building and any dwelling shall not be less than three (3) feet. (7-7-10)

19.6.8.11 Permissible Lot Coverage

The sum total of all buildings and structures on any parcel in the R-1-9 Zone shall not be greater than fifty (50) percent of the total area of the parcel.

19.6.8.12 Parking, Loading and Access

Each lot or parcel in the R-1-9 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.

19.6.8.13 Project Plan Approval

Any request for project plan approval in the R-1-9 Zone is subject to any and all applicable City resolutions and ordinances including the Subdivision Ordinance, Design Guidelines and Standard Specifications, and the Payson City General Plan.

19.6.8.14 Other Requirements

The following requirements are in addition to the requirements found in this Chapter, the General Provisions or Supplementary Provisions of this

ordinance, or any other applicable resolution or ordinance.

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

2. Landscaping Prior to issuance of a Certificate of Occupancy and thereafter, all open areas between the public street, including the planter strip, and the front line of the main building, except driveways, walkways, patios, porches, and other similar hard surfaced areas shall be maintained with suitable landscaping of plants, shrubs, trees, grass and similar landscaping materials. (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)

19.6.9 R-1-75 Residential Zone**19.6.9.1 Purpose and 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 Lots Created Prior to Adoption of Ordinance****19.6.9.7 Setback Requirements****19.6.9.8 Projections into Setbacks****19.6.9.9 Building Height Requirements****19.6.9.10 Distance Between Buildings****19.6.9.11 Permissible Lot Coverage****19.6.9.12 Parking, Loading and Access****19.6.9.13 Project Plan Approval****19.6.9.14 Other Requirements***19.6.9.1 Purpose and Zone Characteristics*

The R-1-75 Residential Zone is established to provide areas within the City for single family dwellings on smaller lots and limited multi-family dwellings designed to be compatible with a single family environment. The R-1-75 Zone is intended to have very limited commercial services including home occupations. Rezoning to a higher density development should be carefully reviewed in this zone to ensure compatibility with existing development and neighborhoods. The City encourages in-fill development, where appropriate, in accordance with Section 19.6.31, herein, in the R-1-75 Zone.

19.6.9.2 Permitted, Conditional and Accessory Uses Permitted Uses

The following land use types are permitted uses in the R-1-75 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. Single family dwellings - detached
2. Two family dwellings - if approved as an RMO-1 overlay zone
3. Multi family dwellings - if approved as an RMO-2 overlay zone
4. Municipal governmental facilities (9-1-10)
5. Public or private utility rights of way
6. Parks and recreational facilities
7. Subdivisions pursuant to Title 20
8. Keeping of animals pursuant to Title 6
9. Residential facilities for the elderly or persons with a disability in accordance with §10-9a-519 and §10-9a-520 respectively, Utah Code Annotated,

1953, as amended, and Chapter 19.23 herein provided that:

- a. All structures comply with the building, safety, and health regulations applicable to similar structures including, but not limited to, the underlying density of the zoning district, landscaping, off street parking and setbacks. (1-18-06)

Conditional Uses

The following land use types are allowed as conditional uses in the R-1-75 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. Public and private schools, not daycare facilities
5. Golf courses
6. Public and private utility maintenance facilities (8-7-02)

Accessory Uses

The following land use types are allowed as accessory uses in the R-1-75 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. Garages - detached
2. Storage facilities for machinery and equipment as an accessory use to a permitted or conditional use in the zone and only behind the dwelling unit. The accessory building shall not be larger than ten (10) percent of the total area of the lot or parcel and must meet all setback requirements.
3. Except as 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.
4. Home occupations pursuant to Title 4

19.6.9.3 Lot Area

Each dwelling in the R-1-75 Residential Zone shall be on a separate lot containing not less than seven thousand five hundred (7,500) square feet, unless otherwise approved as part of a Planned Residential Development (PRD) in accordance with Chapter 20.10, as part of an approved in-fill overlay zone in

accordance with Section 19.6.31 herein, or as an RMO-1 or RMO-2 overlay zone.

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

19.6.9.4 Lot Width

Each lot in the R-1-75 Residential Zone shall have a minimum width of seventy five (75) feet for all of the area within the required front setback of the zone, unless otherwise approved as part of a Planned Residential Development (PRD) in accordance with Chapter 20.10, as part of an approved in fill overlay zone in accordance with Section 19.6.31 herein, or as an RMO-1 or RMO-2 overlay zone.

If the lot or parcel is located on an approved curve radius or cul de sac, the width requirement may be reduced to sixty five (65) feet, provided that the requirement is satisfied at the front setback line.

19.6.9.5 Lot Frontage

Each lot in the R-1-75 Residential Zone shall abut a public street, or private street if approved by the City Council, for a minimum distance of seventy five (75) feet, unless otherwise approved as part of a Planned Residential Development (PRD) in accordance with Chapter 20.10, as part of an approved in fill overlay zone in accordance with Section 19.6.31 herein, or as an RMO-1 or RMO-2 overlay zone.

If the lot or parcel is located on an approved curve radius or cul de sac, the frontage requirement may be reduced to sixty five (65) feet, provided that the width requirement is satisfied at the front setback line.

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

19.6.9.6 Lots Created Prior to Adoption of Ordinance

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

It shall be the burden of the applicant to demonstrate that the parcel legally existed and was recorded in the

office of the Utah County Recorder prior to January of 1983.

19.6.9.7 Setback Requirements

The following minimum setback requirements shall apply in the R-1-75 Residential Zone. Each setback is measured from the property line of the lot or parcel.

1. ~~Front setback~~ Each lot or parcel in the R-1-75 Zone shall have a minimum front setback of twenty five (25) feet.
2. ~~Side setback~~ Each lot or parcel in the R-1-75 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 R-1-75 Zone shall have a minimum setback of twenty (20) feet along the public street on the side of the lot not being used as the front setback.
 - b. ~~Side setback for driveway~~ Each side setback, when used for access to a garage, carport, or parking area shall have a minimum setback of twelve (12) feet and shall be hard surfaced.
 - c. ~~Side setback for accessory building~~ The side setback for any permitted accessory building shall be five (5) feet except when:
 - I. ~~The accessory building is located on a corner lot the structure shall satisfy (2) (a) above.~~
 - II. ~~The accessory building(s) houses animals or poultry then the structure shall have a minimum side setback of fifty (50) feet and be located no less than one hundred (100) feet from any dwelling unit.~~
3. ~~Rear setback~~ Each lot or parcel in the R-1-75 Zone shall have a minimum rear setback of twenty-five (25) feet.
 - a. ~~Rear setback for accessory building~~ An accessory building shall be located at least five (5) feet from the rear property line provided it is not used to house animals or poultry, or the lot is not a double-sided lot (a lot that has a street both in front and in rear). (3-5-03)
 - I. ~~Accessory buildings that house animals or poultry shall have a minimum rear setback of fifty (50) feet and be located no less than one hundred (100) feet from any dwelling unit.~~
 - II. ~~A double sided lot requires the full twenty five (25) foot rear setback.~~
 - b. ~~Rear setback for corner lots~~ Each corner lot or parcel in the R-1-75 Zone shall have a minimum rear setback of fifteen (15) feet.

19.6.9.8 Projections into Setbacks

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

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

19.6.9.9 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)

19.6.9.10 Distance between Buildings

The distance between any accessory building and any dwelling shall not be less than three (3) feet. (7-7-10)

19.6.9.11 Permissible Lot Coverage

The sum total of all buildings and structures on any parcel in the R-1-75 Zone shall not be greater than fifty (50) percent of the total area of the parcel.

19.6.9.12 Parking, Loading and Access

Each lot or parcel in the R-1-75 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.

19.6.9.13 Project Plan Approval

Any request for project plan approval in the R-1-75 Zone is subject to any and all applicable City resolutions and ordinances including the Subdivision Ordinance, Design Guidelines and Standard Specifications, and the Payson City General Plan.

19.6.9.14 Other Requirements

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

1. Signs Signs are permitted in accordance with Chapter 19.15 herein.
2. Landscaping Prior to issuance of a Certificate of Occupancy and thereafter, all open areas between the public street, including the planter strip, and the front line of the main building, except driveways, walkways, patios, porches, and other similar hard surfaced areas shall be maintained with suitable landscaping of plants, shrubs, trees, grass and similar landscaping materials. (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)

19.6.10 R 2-75 Residential Zone**19.6.10.1 Purpose and Zone Characteristics****19.6.10.2 Permitted, Conditional and Accessory Uses****19.6.10.3 Lot Area****19.6.10.4 Lot Width****19.6.10.5 Lot Frontage****19.6.10.6 Lots Created Prior to Adoption of Ordinance****19.6.10.7 Setback Requirements****19.6.10.8 Projections into Setbacks****19.6.10.9 Building Height Requirements****19.6.10.10 Distance between Buildings****19.6.10.11 Permissible Lot Coverage****19.6.10.12 Parking, Loading and Access****19.6.10.13 Project Plan Approval****19.6.10.14 Other Requirements****19.6.10.1 Purpose and Zone Characteristics**

The R 2-75 Residential Zone is established to provide areas within the City for single family dwellings on smaller lots and multi family dwellings designed to be compatible with a single family environment. The R 2-75 Zone is intended to have very limited commercial services including home occupations. Rezoning to a higher density development should be carefully reviewed in this zone to ensure compatibility with existing development and neighborhoods. The City encourages in fill development, where appropriate, in accordance with Section 19.6.31, herein, 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 R 2-75 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. Single family dwellings detached
2. Two family dwellings if approved as an RMO 1 overlay zone
3. Multi family dwellings if approved as an RMO 2 or RMO 3 overlay zones
4. Municipal governmental facilities (9-1-10)
5. Public or private utility rights of way
6. Parks and recreational facilities
7. Subdivisions pursuant to Title 20
8. Keeping of animals pursuant to Title 6
9. Residential facilities for the elderly or persons with a disability in accordance with §10-9a-519 and §10-9a-520 respectively, Utah Code Annotated,

1953, as amended, and Chapter 19.23 herein provided that:

- a. All structures comply with the building, safety, and health regulations applicable to similar structures including, but not limited to, the underlying density of the zoning district, landscaping, off street parking and setbacks. (1-18-06)

Conditional Uses

The following land use types are allowed as conditional uses in the R 2-75 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. Public and private schools, not daycare facilities
5. Golf courses
6. Public or private utility maintenance facilities (8-7-02)

Accessory Uses

The following land use types are allowed as accessory uses in the R 2-75 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. Garages detached
2. Storage facilities for machinery and equipment as an accessory use to a permitted or conditional use in the zone and only behind the dwelling unit. The accessory building shall not be larger than ten (10) percent of the total area of the lot or parcel and must meet all setback requirements.
3. Except as 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.
4. Home occupations pursuant to Title 4

19.6.10.3 Lot Area

Each dwelling in the R 2-75 Residential Zone shall be on a separate lot containing not less than seven thousand five hundred (7,500) square feet, unless otherwise approved as part of a Planned Residential Development (PRD) in accordance with Chapter 20.10,

as part of an approved in fill overlay zone in accordance with Section 19.6.31 herein, or as an RMO-1, RMO-2, or RMO-3 overlay zone.

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

19.6.10.4 Lot Width

Each lot in the R-2-75 Residential Zone shall have a minimum width of seventy five (75) feet for all of the area within the required front setback of the zone, unless otherwise approved as part of a Planned Residential Development (PRD) in accordance with Chapter 20.10, as part of an approved in fill overlay zone in accordance with Section 19.6.31 herein, or as an RMO-1, RMO-2, or RMO-3 overlay zone.

If the lot or parcel is located on an approved curve radius or cul-de-sac, the width requirement may be reduced to sixty five (65) feet, provided that the requirement is satisfied at the front setback line.

19.6.10.5 Lot Frontage

Each lot in the R-2-75 Residential Zone shall abut a public street, or private street if approved by the City Council, for a minimum distance of seventy five (75) feet, unless otherwise approved as part of a Planned Residential Development (PRD) in accordance with Chapter 20.10, as part of an approved in fill overlay zone in accordance with Section 19.6.31 herein, or as an RMO-1, RMO-2, or RMO-3 overlay zone.

If the lot or parcel is located on an approved curve radius or cul-de-sac, the frontage requirement may be reduced to sixty five (65) feet, provided that the width requirement is satisfied at the front setback line.

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

19.6.10.6 Lots Created Prior to Adoption of Ordinance

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

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

19.6.10.7 Setback Requirements

The following minimum setback requirements shall apply in the R-2-75 Residential Zone. Each setback is measured from the property line of the lot or parcel.

1. Front setback—Each lot or parcel in the R-2-75 Zone shall have a minimum front setback of twenty five (25) feet.
2. Side setback—Each lot or parcel in the R-2-75 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 R-2-75 Zone shall have a minimum setback of twenty (20) feet along the public street on the side of the lot not being used as the front setback.
 - b. Side setback for driveway—Each side setback, when used for access to a garage, carport, or parking area shall have a minimum setback of twelve (12) feet and shall be hard surfaced.
 - c. Side setback for accessory building—The side setback for any permitted accessory building shall be five (5) feet except when:
 - I. The accessory building is located on a corner lot the structure shall satisfy (2) (a) above.
 - II. The accessory building(s) houses animals or poultry then the structure shall have a minimum side setback of fifty (50) feet and be located no less than one hundred (100) feet from any dwelling unit.
3. Rear setback—Each lot or parcel in the R-2-75 Zone shall have a minimum rear setback of twenty five (25) feet.
 - a. Rear setback for accessory building—An accessory building shall be located at least five (5) feet from the rear property line provided it is not used to house animals or poultry, or the lot is not a double sided lot (a lot that has a street both in front and in rear). (3-5-03)
 - I. Accessory buildings that house animals or poultry shall have a minimum rear setback of fifty (50) feet and be located no less than one hundred (100) feet from any dwelling unit.
 - II. A double sided lot requires the full twenty five (25) foot rear setback.

- b. Rear setback for corner lots—Each corner lot or parcel in the R 2 75 Zone shall have a minimum rear setback of fifteen (15) feet.

19.6.10.8 Projections into Setbacks

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

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

19.6.10.9 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)

19.6.10.10 Distance between Buildings

The distance between any accessory building and any dwelling shall not be less than three (3) feet. (7-7-10)

19.6.10.11 Permissible Lot Coverage

The sum total of all buildings and structures on any parcel in the R 2 75 Zone shall not be greater than fifty (50) percent of the total area of the parcel.

19.6.10.12 Parking, Loading and Access

Each lot or parcel in the R 2 75 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.

19.6.10.13 Project Plan Approval

Any request for project plan approval in the R 2 75 Zone is subject to any and all applicable City

resolutions and ordinances including the Subdivision Ordinance, Design Guidelines and Standard Specifications, and the Payson City General Plan.

19.6.10.14 Other Requirements

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

1. Signs—Signs are permitted in accordance with Chapter 19.15 herein.
2. Landscaping—Prior to issuance of a Certificate of Occupancy and thereafter, all open areas between the public street, including the planter strip, and the front line of the main building, except driveways, walkways, patios, porches, and other similar hard surfaced areas shall be maintained with suitable landscaping of plants, shrubs, trees, grass and similar landscaping materials. (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 following land use types are permitted or conditional uses in the residential zoning districts 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
Multi-family dwellings – if approved as an RMO-2 Overlay Zone						P	P
Multi-family dwellings – if approved as an RMO-3 Overlay Zone							P
Residential facilities for the elderly or persons with a disability in accordance with Chapter 19.23	P	P	P	P	P	P	P
Religious buildings and structures	C	C	C	C	C	C	C
Schools (public, private and quasi-public)	C	C	C	C	C	C	C
Municipal government facilities	P	P	P	P	P	P	P
Parks and recreation facilities (public)	P	P	P	P	P	P	P
Parks and recreation facilities (private)	C	C	C	C	C	C	C
Water storage facilities, drinking or irrigation	C	C	C	C	C	C	C
Cemetery grounds and facilities	P	P	P				
Public or private utility rights-of-way	P	P	P	P	P	P	P
Public or private utility maintenance facilities	C	C	C	C	C	C	C
Subdivisions pursuant to Title 20	P	P	P	P	P	P	P

Accessory Uses

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

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

19.6.6.3 Lot Configuration

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

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

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

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

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

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

19.6.6.4 Lots Created Prior to Adoption of Ordinance

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

19.6.6.5 Setback Requirements

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

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

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

19.6.6.6 Projections into Setbacks

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

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

19.6.6.7 Building Height Requirements

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

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

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

19.6.6.8 Parking, Loading and Access

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

19.6.6.9 Project Plan Approval

Any request for project plan approval in the residential zones is subject to any and all applicable City resolutions and ordinances including the Subdivision Ordinance, Design Guidelines and Standard Specifications, and the Payson City General Plan.

19.6.6.10 Other Requirements

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

2. Signs - Signs are permitted in accordance with Chapter 19.15 herein.
2. Landscaping – Prior to issuance of a Certificate of Occupancy and thereafter, all open areas between the public street, including the planter strip, and the front line of the main building, except driveways, walkways, patios, porches, and other similar hard surfaced areas shall be maintained with suitable landscaping of plants, shrubs, trees, grass and similar landscaping materials.
 - a. If a dwelling is located on a corner lot, all areas of the front and side setback areas between the public street, including the planter strip, and the dwelling shall be landscaped with suitable plants, shrubs, trees, grass and similar landscaping materials.
 - b. During the seasonal period, generally between November 1 through April 1, when the City pressurized irrigation system is shut off and the landscaping cannot be completed prior to issuance of a Certificate of Occupancy the applicant must post a performance guarantee to ensure completion of the landscaping. The guarantee shall be a sum, no less than the amount specified on the Payson City Fee Schedule as amended from time to time by resolution of the City Council, in the form of a cash bond or an irrevocable letter of credit. The performance guarantee shall not extend beyond June 1 following the seasonal period the guarantee is posted. Landscaping not completed by June 1 will be turned over to the City Attorney's Office for legal remedies, which may include the forfeit of all or a portion of the posted guarantee.
 - c. For the purposes of this requirement, landscaping shall mean complete erosion control, elimination of noxious weeds, and the installation of an automatic sprinkler system. Xeriscape is acceptable landscaping provided weed barrier fabric is installed and complete erosion control and elimination of noxious weeds is accomplished.
3. Trash, junk, and other debris - No trash, used materials, unsightly storage of any kind, or non-licensed or abandoned vehicles shall be stored in an open area. All such materials shall be enclosed in a building or, if deemed to not be injurious to adjacent properties and appropriate by the City, behind a sight obscuring fence.

19.6.11 R-MF Multi-Family Residential Zone

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

19.6.11.1 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)

19.6.11.2 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 ~~care~~ facilities for the elderly or ~~handicapped~~ 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

19.6.11.3 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.

19.6.11.4 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

19.6.12 RMO-1 Two-Family Residential Overlay Zone

- 19.6.12.1 Purpose and Overlay Zone Characteristics
- 19.6.12.2 Permitted, Conditional and Accessory Uses
- 19.6.12.3 Lot Area
- 19.6.12.4 Lot Width
- 19.6.12.5 Lot Frontage
- 19.6.12.6 Setback Requirements
- 19.6.12.7 Projections into Setbacks
- 19.6.12.8 Building Height Requirements
- 19.6.12.9 Distance between Buildings
- 19.6.12.10 Permissible Lot Coverage
- 19.6.12.11 Parking, Loading and Access
- 19.6.12.12 Project Plan Approval
- 19.6.12.13 Other Requirements

19.6.12.1 Purpose and Overlay Zone Characteristics

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

19.6.12.2 Permitted, Conditional and Accessory Uses Permitted Uses

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

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

Conditional Uses

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

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

Accessory Uses

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

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

19.6.12.3 Lot Area

Twin Home (separate ownership)

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

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

Duplex (single ownership)

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

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

19.6.13 RMO-2 Multi-Family Residential Overlay Zone

- 19.6.13.1 Purpose and Overlay 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 Requirements
- 19.6.13.7 Projections into Setbacks
- 19.6.13.8 Building Height Requirements
- 19.6.13.9 Distance between Buildings
- 19.6.13.10 Permissible Lot Coverage
- 19.6.13.11 Parking, Loading and Access
- 19.6.13.12 Project Plan Approval
- 19.6.13.13 Other Requirements

19.6.13.1 Purpose and Zone Characteristics

The 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.

19.6.13.2 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 ~~care~~ facilities for the elderly or ~~handicapped~~ 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.

19.6.13.3 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:

19.6.14 RMO-3 Multi-Family Residential Overlay Zone

- 19.6.14.1 Purpose and Overlay Zone Characteristics
- 19.6.14.2 Permitted, Conditional and Accessory Uses
- 19.6.14.3 Lot Area
- 19.6.14.4 Lot Width
- 19.6.14.5 Lot Frontage
- 19.6.14.6 Setback Requirements
- 19.6.14.7 Projections into Setbacks
- 19.6.14.8 Building Height Requirements
- 19.6.14.9 Distance between Buildings
- 19.6.14.10 Permissible Lot Coverage
- 19.6.14.11 Parking, Loading and Access
- 19.6.14.12 Project Plan Approval
- 19.6.14.13 Other Requirements

19.6.14.1 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.

19.6.14.2 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. ~~Residential care facilities for the elderly or handicapped in accordance with State law~~
5. Public or private utility rights-of-way
6. Parks and recreational facilities
7. Subdivisions pursuant to Title 20
8. 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.

19.6.14.3 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:

Chapter 19.9 Supplementary Provisions

- 19.9.1 Purpose and Intent
- 19.9.2 Requirements to be Met on One Lot or Parcel
- 19.9.3 Sale or Lease of Required Lot Space Prohibited
- 19.9.4 Each Dwelling or Building on a Zoned Lot
- 19.9.5 Clear View Areas
- 19.9.6 Drainage
- 19.9.7 Transfer of Adequate Water
- 19.9.8 Pollution Prevention
- 19.9.9 Concessions in Public Parks and Playgrounds
- 19.9.10 Lots to be Improved Prior to Issuance of Permit
- 19.9.11 Driveway Location
- 19.9.12 Public Benches on Public or Private Property
- 19.9.13 Fences and Walls
- 19.9.14 Ancillary Structures
- 19.9.15 Contact with the County Health Department
- 19.9.16 Detached Garages and Accessory Structures
- 19.9.17 Back-lit Addresses
- 19.9.18 Adequate Public Facilities (9-1-04)
- 19.9.19 Historical Locations (2-16-05)
- 19.9.20 Easements (2-16-05)
- 19.9.21 Casitas (2-7-07)

19.9.1 Purpose and Intent

The intent of this Chapter is to provide for several miscellaneous land development standards that are applicable in all zones. The requirements of this Chapter shall be in addition to development standards contained within the various zones. Where the provisions of this Chapter may be in conflict with other provisions of this ordinance the more stringent shall prevail.

19.9.2 Requirements to be met on One Lot or Parcel

All required yards, setbacks and other requirements shall be situated on the same lot as the building or structure to which it applies. No required yard, area, or other open space around a building or use which is needed to comply with the area, setback, or open space requirements of this ordinance shall be considered as providing the required area, yard, setback, or open space for any other building or use.

19.9.3 Sale or Lease of Required Lot Space Prohibited

The space needed to meet the area, frontage, width, coverage, off-street parking, frontage on a public street, or other requirement of this ordinance for a lot or building may not be sold or leased.

19.9.4 Each Dwelling or Building on a Zoned Lot

Only one single family dwelling shall be located and maintained on a zoning lot. Multi-family dwellings shall be located and maintained on a zoning lot in accordance with 19.6 herein.

Additionally, each dwelling for which a Certificate of Occupancy is required shall be constructed upon a permanent concrete foundation.

19.9.5 Clear View Areas

19.9.5.1 Clear View Area

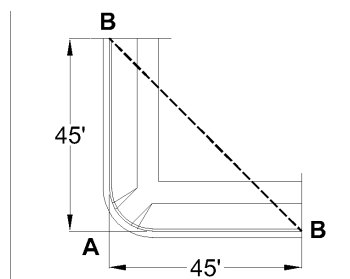
19.9.5.2 Special Concerns, Safety Concerns

In order to promote safe vehicular movement and improve pedestrian safety, clear view zones at all street intersections and railroad crossings are hereby established.

19.9.5.1 Clear View Area

The purpose of this Section is to establish minimum acceptable vision clearance standards for motorist and pedestrian safety at vehicular access points along streets. (2-19-14)

The clear view area is a triangular area formed by the perpendicular intersection (A) of the curb face at the corner, or property lines on parcels without curb, and two points (B) measuring forty-five (45) feet down each curb face, or property line on parcels without curb, as indicated in the diagram below. (2-19-14)



~~Lots adjacent to street intersections or which lie adjacent to railroad tracks, shall not obstruct the view of automobile drivers. Plants and shrubs, along with other sight obscuring structures including sight obscuring fencing, shall not exceed thirty six (36) inches in height, measured from the top back of curb. Likewise, trees shall be maintained so that the lowest branch is no lower than six (6) feet in height, measured from the top back of curb. These obstructions shall be restricted in a~~

1. On property at any corner formed by intersecting streets or which lie adjacent to railroad tracks, it shall be unlawful for the owner or occupant to install, set out, maintain or to permit the installation or maintenance of any sign, fence, hedge, tree, shrubbery, natural growth, building, construction or other obstructions in a clear view area, unless expressly allowed by this Title. (2-19-14)
2. Drive approaches providing access to a public street must be positioned to maintain visual clearance at the intersection. (2-19-14)
3. Planting of shrubs and landscaping materials is permitted in the clear view area, but shall not exceed thirty-six (36) inches in height, measured from the top back of curb. To maintain visual clearance at intersections, trees are not allowed in the clear view area. (2-19-14)
4. On-street parking is not allowed alongside the clear view area. (2-19-14)
5. Fencing within the clear view area must satisfy the regulations of Section 19.9.13 of this Title. (2-19-14)

If the road has a stop sign at the relevant intersection, the clear view area may be reduced by the City Engineer. The clear view area should not be less than twenty five (25) feet in residential zones. (12-6-00)

In the CC-1, Central Commercial Zone, due to the historic nature of the zone, the clear view area may be reduced, or eliminated, by the City Engineer if it can be shown that safe vehicular circulation can be accomplished. In order to provide safe vehicular circulation, the City Engineer may require remedies such as, but not limited to no parking zones, and appropriate road regulatory signs. (12-6-00)

19.9.5.2 Special Concerns, Safety Concerns

There may be unique circumstances, due to topography, road alignment, or other physical feature that could cause a safety hazard even if the requirements of this Section are satisfied. In those circumstances, the City Engineer may require additional provisions to eliminate the safety concern. These provisions could include, but are not limited to, removal of all trees, shrubs, fences, and other obstructions for a distance determined to create a safe intersection. Likewise, in unique situations, the City Engineer may determine that the intersection is safe with fewer restrictions than those required by this Section. The City Engineer may consult with other members of the staff such as the Police Chief, Street

Superintendent, and Fire Chief in making such a determination. (12-6-00)

19.9.6 Drainage

Surface water from rooftops shall not be allowed to drain onto adjacent lots or streets, except after written agreement between the two parties. In order to prevent impediment in the storm drain system, no alteration of the public right-of-way shall occur without the written consent of the Payson City Streets Superintendent including the placement of gravel, concrete or asphalt. (12-19-01)

19.9.7 Transfer of Adequate Water

No building permit shall be issued in any zone without first conveying to the City adequate water rights in accordance with Title 10, Water Ordinance, if applicable. (3-5-03)

19.9.8 Pollution Prevention

Any use shall be prohibited which emits or discharges gasses, fumes, or other pollutants into the atmosphere in amounts that exceed the standards as prescribed by the Utah State Air Conversation Board, the Board of Health, or such appropriate body as may be appointed by the City Council. Any use shall also be prohibited which emits or discharges liquids or solid material onto the soil or water in amounts which result in pollutants entering any water or drainage system in amounts exceeding the standards prescribed by the Utah State Water Pollution Control Board or the State Board of Health.

19.9.9 Concessions in Public Parks and Playgrounds

Concessions, including but not limited to, amusement devices, recreational buildings, and refreshment stands, may be permitted in a park or playground owned by a public agency when approved by the City Council. (3-5-03)

19.9.10 Lots to be Improved Prior to Issuance of Permit

No building permit shall be issued for the construction of a dwelling or commercial or industrial structure which is to be located on a lot or parcel outside of an approved subdivision or large scale development unless the lot or parcel is fully improved. If an extension of time is given to put in any of the improvements, the applicant shall post a performance guarantee in the form of a cash bond or an irrevocable line of credit. The performance guarantee shall be in an amount equal to one hundred and twenty (120) percent of the cost estimate approved by the City Engineer. (12-6-00)

- used for signs provided the thirty (30) percent of one face regulation is not exceeded.
- The individual letters, logos, or symbols shall not project beyond the face of the canopy more than eighteen (18) inches nor project above or below the canopy face.
 - Gas price signs are not allowed as canopy signs. Changeable copy is not allowed on canopy structures.
 - Signs painted on or affixed to canopies that are attached to a building shall be considered part of the total allowed area of wall signs for the walls from which the canopy projects.

Changeable Copy Sign – The following provisions shall apply to changeable copy signs:

- A changeable sign must be a portion of a freestanding, menu, or monument sign and satisfy the requirements of Section 19.15.3.3.7 herein.
- Changeable copy signs affixed to a building as a message board or menu sign shall be included in the calculation of a wall sign.

Directional Sign – Directional signs may be allowed as defined in Section 19.15.2 herein.

Freestanding Sign – The following provisions shall apply to freestanding signs:

- One (1) freestanding sign may be allowed for each parcel.
- The height of a freestanding sign shall be limited as follows: twenty (20) feet in height. (2-19-14)
 - ~~A sign that satisfies the requirements of this Section is limited to twenty (20) feet in height.~~
 - ~~A sign may be allowed to exceed twenty (20) feet upon submission of an improvement fee used to enhance the commercial corridors of Payson City equal to one thousand (1,000) dollars per foot or five (5) percent of the sign valuation per foot, whichever is greater. In no case shall the maximum height of a freestanding sign exceed thirty (30) feet. (this does not apply to signs in the I-1 Zone.)~~
- The sign face of a freestanding sign shall not exceed one hundred (100) square feet.
- All freestanding sign supports must be covered with material used in the construction of the primary structure; and the pole covering must be a total width of four (4) feet.

- Multi-tenant and condominium projects are limited to one (1) freestanding sign that must include advertising for all tenants. (8-7-13)
- Each tenant shall be allowed a permanent advertising space, not including reader board advertising. (8-7-13)
- If a freestanding sign is erected, no additional freestanding or monuments signs will be permitted on the parcel unless otherwise stated in this Chapter. See Section 19.15.3.3.4. (8-7-13)
- Each freestanding sign shall include a landscaping planter consistent with the requirements of Section 19.15.4.6 of this Chapter.

Menu Sign – Menu signs are not allowed in the Historic District. Outside of the Historic District, three (3) of the following types of menu signs may be allowed per parcel and the following provisions shall apply to menu signs:

- Freestanding menu sign, not noise emitting:
 - The sign shall not exceed twenty (20) square feet nor be more than six (6) feet in height.
- Freestanding menu sign, noise emitting:
 - The sign shall not exceed twenty (20) square feet nor be more than six (6) feet in height.
 - The sound device shall not violate the noise ordinance of the City.
 - The sound device shall be removed if it can be shown that the device has a negative impact on surrounding uses and the business has not taken steps to minimize negative impacts.
 - A sound device on a parcel adjacent to or facing a residential zone shall take precautions to minimize the noise effects on the residential neighbors.
- Wall mounted menu sign:
 - The sign shall not exceed twenty (20) square feet and the sign area shall be included in the calculation of the maximum area allowed for a wall sign.

Monument Sign – The following provisions shall apply to monument signs:

- Only one monument sign may be allowed per parcel except as allowed in section 19.15.3.3.4.
- The monument sign shall not exceed sixty four (64) square feet nor be more than six (6) feet in height.

Chapter 19.23 Special Needs Housing (7-5-06)

19.23.1 Purpose

19.23.2 Scope

19.23.3 Definitions

19.23.4 Residential Facilities for Persons with a Disability

19.23.5 Residential Facilities for Elderly Persons

19.23.6 Assisted Living Centers, Convalescent Centers, Nursing Homes or Rest Homes and Skilled Nursing Facilities

19.23.7 Continuing Care and Extended Care Facilities

19.23.8 Development Standards

19.23.9 Reasonable Accommodation

19.23.10 Zoning Considerations

19.23.11 Reasonable Accommodation

19.23.1 Purpose

The purpose of this Chapter is to comply with §10-9a-516, §10-9a-517, §10-9a-518, §10-9a-519, and §10-9a-520 of Utah Code Annotated, 1953, as amended, to avoid discrimination in housing against persons with disabilities pursuant to the Utah Fair Housing Act and the Federal Fair Housing Act, to provide housing opportunities for elderly persons in need of continuous care, and to provide housing opportunities for persons with unique medical needs. (7-5-06) (2-19-14)

19.23.2 Scope

This Chapter is intended to be in addition to and not replace any other zoning regulations of the Payson City Code. All applicable use, density and configuration requirements shall apply to special needs housing. If any facility, residence, congregate living or other housing arrangement satisfies the definition of Special Needs Housing as described in this Chapter, the requirements of this Chapter shall govern. The provision herein may be more stringent than the fundamental stipulations of Utah State statute and unless superseded by local, state or federal law shall apply to all Special Needs Housing. However, the regulations of this Chapter shall not be construed to prohibit or limit other applicable provisions of this Title, the Payson City Code, or other local, state or federal law. (7-5-06)

19.23.3 Definitions

The following definitions are unique to this Chapter and shall be limited to the provisions of this Chapter. If a word or phrase is not defined in this Section, the word or phrase shall have the meaning defined in Chapter 19.28 herein or the most common meaning listed in the latest version of the Webster's New World Dictionary.

1. Assisted Living Center – A long-term care facility licensed by the State that offers twenty four (24) hour room and board and health care services including basic nursing care, rehabilitation, and other similar therapies, treatments and programs.
2. Convalescent Center – A long-term care facility licensed by the State that offers twenty four (24) hour room and board and health care services including extensive medical care and other similar therapies, treatments and programs to elderly persons.
3. Continuing Care Facility – A facility intended to provide short-term medical assistance for a patient that may be discharged from a hospital, but is still in need of regular medical attention.
4. Extended Care Facility – A facility intended to provide long-term medical assistance for a patient that may be discharged from a hospital, but is in need ongoing medical attention. Extended care is not defined as permanent residence and a specific length of stay should be indicated by the medical provider.
5. Foster-Care Home – A dwelling unit wherein room, board, care and supervision are provided by the resident family under the approval and supervision of the State Division of Social Services or other placement agency licensed by the state to provide for children who are unrelated to the resident. (7-7-10)
6. Nursing Home or Rest Home – A long-term care facility licensed by the State that offers twenty four (24) hour room and board and health care services including intermediate and skilled nursing care, rehabilitation, and other similar therapies, treatments and programs. (7-7-10)
7. ~~Residential Facilities for Persons with a Disability – A strictly residential facility that conforms to all regulations of §10-9a-520 Utah Code Annotated, 1953, as amended.~~
8. ~~Residential Facilities for Elderly Persons – A strictly residential facility that conforms to all regulations of §10-9a-516, §10-9a-517, §10-9a-518 and §10-9a-519 Utah Code Annotated, 1953, as amended.~~
9. ~~Residential Facility for Elderly Persons - A single-family or multi-family dwelling unit that meets the requirements of §10-9a-516 of Utah Code Annotated, 1953, as amended and does not include a health care facility as defined by State Law. (2-19-14)~~
10. Residential Facility for Persons with a Disability - A dwelling unit or residence in which more than one person with a disability resides, conforms to the regulations of §10-9a-516 of Utah Code

~~Annotated, 1953, as amended, and is licensed or certified by:~~

- a. ~~The Utah Department of Human Services under Title 62A, Chapter 2, Licensure of Programs and Facilities; or~~
 - b. ~~The Utah Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act. (2-19-14)~~
11. Retired Person (elderly person) – A retired person (elderly person) is a person that is no longer receiving compensation for work completed in behalf of an employer. A retired person (elderly person) shall be a person of sixty (60) years of age or older as defined in §62A-3-101(2) Utah Code Annotated 1953, as amended.
12. Retirement Center – A generic term intended to encapsulate the following definitions included in this Section: Assisted Living Centers, Convalescent Centers, Nursing Homes or Rest Homes. While Skilled Nursing Facilities may be included in a Retirement Center, a Skilled Nursing Facility may be approved without a relationship with elderly persons.
13. Skilled Nursing Facility – An establishment that houses chronically ill (not to include mental illnesses) patients and provides long-term nursing care, rehabilitation, and other services. (7-5-06)

19.23.4 Residential Facilities for Persons with a Disability (2-19-14)

Residential facilities for persons with a disability are allowed only in the zoning districts listed in Section 19.23.10 herein. All residential facilities for persons with a disability shall satisfy all regulations of §10-9a-520 516 Utah Code Annotated, 1953, as amended and the following:

- ~~1. A residential facility for persons with a disability may not be occupied by more than five (5) persons excluding supervisory, security and counseling staff.~~
- ~~2. A residential facility for persons with a disability may not be located within one thousand (1,000) feet of another residential facility for persons with a disability or within five hundred (500) feet of a school except in accordance with the rules established by the Utah Department of Human Services in Title 62A, Chapter 2, Licensure of Programs and Facilities.~~
- ~~3. The Payson City Police Chief may require the owner of the facility to provide the following:~~
 - ~~a. A security plan consistent with local law enforcement policies.~~
 - ~~b. Twenty four (24) hour on site supervision for the residents.~~

~~e. Additional security measures as deemed appropriate for the type and location of the facility. (6-1-11)~~

4. Each residential facility for persons with a disability shall be required to obtain all permits, satisfy all building and fire codes and satisfy all health regulations as any other structure in the same zoning district.
5. The exterior appearance of a residential facility for persons with a disability will not be allowed if the structure is modified or constructed in a manner that alters the residential character of the neighborhood.
6. Each facility shall satisfy all regulations of the underlying zone and the development standards listed in Section 19.23.8 of this Chapter. (6-1-11)

19.23.5 Residential Facilities for Elderly Persons (2-19-14)

Residential facilities for elderly persons are allowed only in the zoning districts listed in Section 19.23.10 herein. All residential facilities for elderly persons shall satisfy all regulations of §10-9a-516, §10-9a-517, §10-9a-518 and §10-9a-519 of Utah Code Annotated, 1953, as amended and the following:

- ~~1. A residential facility for elderly persons may not be occupied by more than eight (8) persons excluding supervisory, security and nursing staff.~~
- ~~2. A residential facility for elderly persons may not be located within one thousand (1,000) feet of another residential facility for elderly persons.~~
3. Each residential facility for elderly persons shall be required to obtain all permits, satisfy all building and fire codes and satisfy all health regulations as any other structure in the same zoning district.
4. The exterior appearance of a residential facility for elderly persons will not be allowed if the structure is modified or constructed in a manner that alters the residential character of the neighborhood.
5. Each residential facility for elderly persons shall satisfy all regulations of the underlying zone and the development standards listed in Section 19.23.8 of this Chapter. (7-5-06)

19.23.6 Retirement Centers (Assisted Living Centers, Convalescent Centers, Nursing Homes or Rest Homes and Skilled Nursing Facilities)

- 19.23.6.1 Classification
- 19.23.6.2 Specific Regulations
- 19.23.6.3 Allowable Uses
- 19.23.6.4 Density Calculations

includes any supervisory, security or counseling staff that reside at the center.

Infrastructure Considerations

An applicant seeking approval of a Continuing Care or Extended Care Facility shall provide information about the utility service demands of the facility to the City Engineer for review. If it is determined that the Continuing Care or Extended Care Facility will place an inordinate demand on public infrastructure, the applicant shall be required to upgrade the infrastructure in a manner that will mitigate the impact and restore the service level consistent with the underlying zone. (7-5-06)

19.23.8 Development Standards

19.23.8.1 Building, Safety and Health Regulations

19.23.8.2 No Dangerous Persons Permitted

19.23.8.3 License and Certification

19.23.8.4 Design Criteria

The development standards set forth in this Section shall apply to special needs housing as described herein. (7-5-06)

19.23.8.1 Building, Safety and Health Regulations

All special needs housing shall comply with any building, fire, safety, and health regulations applicable to similar structures, specifically to include the following:

1. Each facility shall be subject to the same development standards applicable to similar structures located in the same zoning district in which the facility is located.
2. The minimum number of parking spaces required for a facility shall be the same as for similar structures located in the same zoning district in which the facility is located and consistent with Chapter 19.4 of the Payson City Zoning Ordinance. (7-5-06)

19.23.8.2 No Dangerous Persons Permitted

A facility permitted by this Chapter shall not be made available to an individual:

1. Who would constitute a direct threat to the health or safety of another individual.
2. Who has a history of physical damage to property or others.
3. Who is subject to incarceration, confinement, or placed in the facility on an involuntary basis. (7-5-06)

19.23.8.3 License and Certification

Prior to occupancy of any facility, the person or entity operating the facility shall:

1. Provide to Payson City a copy of any license or certification required by the Utah State Department of Health or the Utah Department of Human Services.
2. Certify in a sworn statement that the facility will be operated in a manner consistent with the request of the applicant.

19.23.8.4 Design Criteria

Each special needs housing facility shall be designed to be in harmony with surrounding uses. The following design criteria apply specifically to each facility:

1. A facility that is located in an area that includes primarily single story dwellings above grade, the center may be confined to a single story above grade.
2. The City may require specific design elements be incorporated into the project to maintain the fundamental character of the neighborhood. (6-1-11)
3. The massing of the facility shall be compatible with other structures in the vicinity. Therefore, in some instances the facility may designed to be a single large structure, and in other instances the center will need to be several smaller structures.
4. The kitchen and dining area of the facility shall not be less than twenty five (25) percent of the finished square footage or greater than fifty (50) percent of the finished square footage of the structure. (7-5-06)

19.23.9 Reasonable Accommodation

None of the requirements of this Chapter shall be interpreted to limit any reasonable accommodation necessary to allow the establishment or occupancy of a residential facility for elderly persons or persons with a disability. (7-5-06)

19.23.10 Zoning Considerations

The following list represents the zones where the land uses regulated by this Chapter are allowed. The type of approval required is also indicated in the list. Conditional uses will be processed in accordance with Chapter 19.13 herein. (8-5-09)

Use	Zone Allowed	Type of Approval
Assisted Living Center	PO-1, R-1-75, R-2-75	Conditional
Convalescence Center	PO-1	Conditional
Continuing Care Facility	PO-1 (only within ¼ mile of accredited hospital)	Conditional
Extended Care Facility	PO-1	Conditional
Nursing or Rest Home	PO-1, R-1-75, R-2-75	Conditional
Residential Care Facility for Persons with a Disability	All Residential Zones	Permitted
Residential Care Facility for Elderly Persons	All Residential Zones	Permitted
Skilled Nursing Center	PO-1, R-1-75, R-2-75	Conditional
	I-1 Zone	Permitted
Foster-Care Home	All Residential Zones	Permitted

(2-19-14)

Chapter 19.28**Definitions (2-19-14)**

19.28.1 Purpose and Intent

19.28.2 Definitions

19.28.1 Purpose and Intent

The purpose for including certain definitions as part of this ordinance is to clarify meaning specific to this ordinance. Words and phrases used in the present tense include the future, singular words include the plural as well as the singular.

19.28.2 Definitions

The following definitions are specific to this ordinance. If there is occasion to need interpretation of any word or phrase not listed below, the Board of Adjustment shall provide the interpretation.

1. Accessory Use or Structure - A use or structure that:
 - a. is clearly incidental to and customarily found in connection with a primary building or use;
 - b. is subordinate to and serves a primary building or use;
 - c. is subordinate in area, extent, or purpose to the primary building or principal use served;
 - d. contributes to the comfort, convenience, or necessity of occupants, business, or industry in the primary building or principal use served;
 - e. is located on the same lot as the primary building or principal use served.
2. Adult Day Care Facility - A facility that furnishes care, supervision and guidance for three (3) or more adults unaccompanied by a guardian for periods of less than twenty-four (24) hours per day.
3. Agriculture - Agriculture shall mean the growing of soil crops in the customary manner in the open. It shall not include livestock raising activities. Land used exclusively for a bona fide agricultural operation by the owner or tenant. The use of land for agricultural purposes including grazing or raising of livestock (except feed yards), sod production, orchards, plowing, tillage, cropping, seeding, cultivating, or harvesting for the production of food and the necessary accessory uses for packing, treating, or storing the produce, provided the operation of the accessory use is clearly incidental to the agricultural activity. The business of garbage feeding of hogs, fur farms, or the raising of animals for use in medical or other tests or experiments is excluded.
4. Agricultural Building - A structure on agricultural land designed, constructed, and used to house farm

implements, livestock, or agricultural produce or products used by the owner or lessee, or their employees, and persons engaged in the pick up or delivery of agricultural produce or products grown or raised on the premises. The term "agricultural building" shall not include dwellings.

5. Agricultural Support Facilities - Facilities, products or services including, but not limited to the following:
 - a. Storage of agricultural products
 - b. Meat cutting and packaging
 - c. Tree sales
 - d. Kennels
 - e. Fur Farms
 - f. Boarding of Animals
6. Apartment House - See dwelling - multi family.
7. Alternative Transportation Modes - Methods of travel other than by means of a low-occupant vehicle. Alternative modes may include carpooling or vanpooling, public transit, bicycling or walking.
8. Appeal Authority - The person, board, commission, agency or other body designated herein to decide an appeal of a decision of a land use application or a variance. (1-18-06)
9. Assisted Living Facility - A residential facility, licensed by the State of Utah, with a home like setting that provides an array of coordinated supportive personal and health care services, available twenty-four (24) hours per day, to residents who have been assessed under Utah Department of Health or Utah Department of Human Services rules to need any of these services. Each resident shall have a service plan based on the assessment, which may include:
 - a. Specified services of intermittent nursing care
 - b. Administration of medications
 - c. Support services promoting the resident's independence and self-sufficiency

An assisted living facility does not include:

 - a. A residential facility for persons with a disability
 - b. Adult day care provided in conjunction with a residential facility for elderly persons or a residential facility for persons with a disability
10. Automobile Repair - The repair of the mechanical functioning parts of an automobile. Automobile repair does not include the storage or impounding of vehicles with the exception of vehicles that will be repaired within forty eight (48) hours. (1-23-08)
11. Automobile Restoration - The external repair of automobiles including body work and painting. Automobile restoration does not include the storage or impounding of vehicles with the exception of vehicles that will be restored within

forty eight (48) hours. (1-23-08)

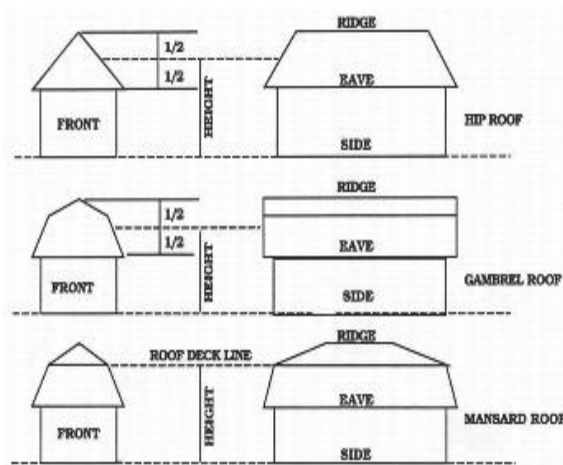
12. Automobile Impound - The secured storage of automobiles, with or without the permission of the owner, by a person licensed to hold the automobiles. (1-23-08)
- ~~13. Batching Apartment - A dwelling unit occupied by four (4) or more unrelated individuals.~~
14. Boarder - A person living in a rented room in a boarding house. The boarding house operator, or member of his or her immediate family who resides on the premises with the operator, shall not be deemed a boarder.
15. Boarding House - A building or portion thereof operated by a person residing on the premises where, for compensation, rooms are rented together with meals for not more than fifteen (15) boarders who generally do not utilize kitchen facilities. "Compensation" shall include money, services or any other thing of value.

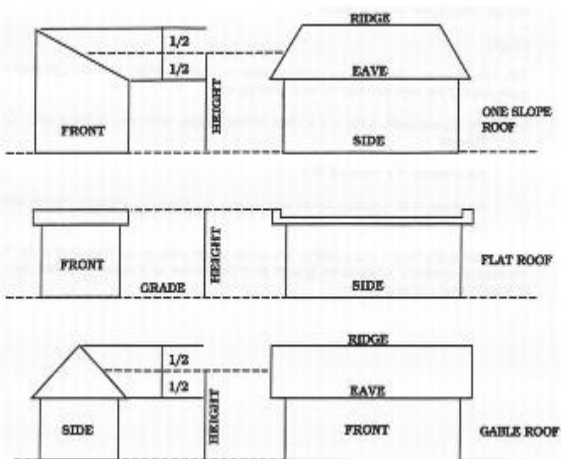
A boarding house does not include:

- a. A residential facility for the elderly or persons with a disability
 - b. Any non-residential facility, such as a rehabilitation/treatment facility, where the primary purpose of the facility is to deliver rehabilitation, treatment, counseling, medical, protective or other similar services to the occupants thereof
16. Boundary Line Adjustment - See Lot Line Adjustment. (1-18-06)
 17. 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.
 - i. Building, Accessory - A subordinate building, the use of which is incidental to that of the main building.
 - ii. Building, Primary or Main - One or more of the principal buildings upon a lot. Garages, carports, and other buildings which are attached to a dwelling or other main building. 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. (7-7-10)
 - iii. 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.
18. 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. (5-16-12)





19. Build-To Line - The minimum distance a primary structure must be constructed from a property line measured to the foundation wall of the structure.
20. Carport - A structure not completely enclosed by walls for the shelter of automobiles.
21. Casita - A casita is a temporary living quarter attached to a single family dwelling intended to provide visitors semi-private living space for a short period of time without establishing residency. Containing bedroom and bathroom areas, a casita essentially allows a separate sleeping and bathroom area that is attached to a single family dwelling with a separate entrance. (2-7-07)
22. Certificate of Occupancy - A permit issued prior to occupancy of a structure to ensure that the structure is ready for occupancy with all defects corrected and all construction debris removed and the site graded to final grade.
23. City Council - The legislative or governing board of Payson, Utah.
24. Common Area - ~~An area designated to serve two (2) or more dwelling units in separate ownership with convenient access to the area. Land in a development held in common or single ownership and not reserved for the exclusive use or benefit of an individual tenant or owner. Maintenance of such areas is not the responsibility of city government and shall be set forth by the development association in the form of restrictive covenants, which shall guarantee the maintenance of these areas.~~
25. Community Correctional Facility - A facility licensed by the State of Utah to provide temporary occupancy for previously incarcerated persons which assists such persons in making a transition from a correctional institution environment to independent living. The facility may also provide ancillary, temporary occupancy for individuals placed as part of, or in lieu of confinement

rehabilitation, or treatment in a correctional institution.

26. Complete Application - A determination by an appropriate staff member that an applicant has submitted the correct form together with all mandatory and supplementary information necessary to complete a review of the project, including the payment of the established fee.
27. Composting Facility - A facility providing an area for the accelerated biological decomposition of organic matter under managed aerobic conditions resulting in a stable, innocuous final product and specifically includes all related receiving, processing, production, curing, and storage areas, buildings equipment, facilities and other infrastructure located at the site. (8-7-13)
28. Conditional Use - A land use that, because of its unique characteristics or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts. (1-18-06)
29. Condominium - The ownership of a single unit in a multi-unit project together with an undivided interest in common in the common areas and facilities of the property.
30. Condominium Project - A plan or project whereby two or more units, together with an undivided interest in the common area or facility, are separately offered or proposed to be offered for sale. This definition shall apply to existing or proposed apartments, commercial or industrial buildings, or structures. Condominium project shall also mean the property when the context so requires.
31. Congregate Housing - Independent living designed to integrate the housing and nonmedical supportive services of elders. Increases self-sufficiency through the provision of supportive services (i.e. meals, transportation, housekeeping, social activities) in a residential setting. Congregate housing does not offer 24-hour care and supervision; however, home health services are often arranged. (7-7-10)
32. Correctional Facility - ~~A prison, jail, juvenile detention facility or juvenile secure facility.~~
33. Day Care Center - A building wherein ordinary care and supervision are provided during customary day-time periods by the resident family to non-related persons. To qualify, the building must be approved by the ~~State Division of Social Services~~ Utah Department of Health or other appropriate State agency.
34. Deck - An exterior floor system adjacent and

- accessible to a ~~principal~~ primary building ~~(6-1-11)~~
35. Density - The term density shall mean the number of dwelling units per acre of land.
- b. Gross Density – The ratio of dwelling units per acre utilizing the full acreage of the parcel(s) without subtracting areas dedicated to public or private roads, schools, parks, or similar public use and open space areas or hazard areas. ~~(10-1-08)~~
- c. Net Density – The total number of dwelling units divided by the project area after the acreage for all areas dedicated to public or private roads, schools, parks, or similar public use and open space areas or hazard areas have been removed. ~~(10-1-08)~~
36. Disability - A physical or mental impairment ~~which that~~ substantially limits one or more of a person's major life activities, including a person having a record of such ~~an~~ impairment or being regarded as having such an impairment. The following definitions are incorporated into the definition of disability:
- a. "Disability" does not include current illegal use of, or addiction to, any federally controlled substance, as defined in Section 102 of the Controlled Substances Act, Title 21 U.S.C. Section 802, or successor law or as defined under Title 58, Chapter 37, Utah Code Annotated, 1953, as amended: As used in this definition:
- b. "Physical or mental impairment" includes:
- Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, digestive, genitourinary, hemic and lymphatic, skin, and endocrine.
 - Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.
 - ~~The term physical or mental impairment includes, but is not limited to, s~~Such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, Human Immunodeficiency Virus infection, mental retardation, emotional illness, drug addiction (other than addiction caused by current, illegal use of a controlled substance) and alcoholism.
- c. "Major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing learning and working.
- d. "Has a record of such an impairment" means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.
- e. "Is regarded as having an impairment" means:
- Has a physical or mental impairment that does not substantially limit one or more major life activity but is treated by another person as constituting such a limitation.
 - Has a physical or mental impairment that substantially limits one or more major life activity only as a result of the attitudes of others toward such impairment
 - Has none of the impairments defined in paragraph (a) of this definition but is treated by another person as having such an impairment.
37. Documentation - The legal instruments required under the provisions of this ordinance and applicable State law for approval of a development.
38. Domestic Staff – Persons employed or residing on the premises of a dwelling or other residential facility to perform domestic services or to assist residents in performing daily life activities. In single family residential zones, separate apartments or dwelling units may not be created for domestic employees, whether attached, detached, or within the single family residence structure. In multiple family residential zones, any separate apartment or dwelling unit for domestic staff must satisfy the requirements applicable to any other dwelling unit in the zone.
39. Drive-in, Retail - Any form of merchandising, serving or dispensing of goods in which the customer is serviced while in ~~his~~ an automobile.
40. Dwelling - ~~Any building, or portion thereof, containing one or more dwelling units occupied as, or designed or intended for occupancy as, a residence by one or more families. A building or portion thereof designated or used exclusively for residential purposes, including one-family, two-family, multi-family, and apartment buildings; but shall not include boarding, rooming, or lodging houses, tents, trailers, mobile home parks, motels, motor courts, cottage camps, or similar structures designed or used primarily for transient residential uses. A dwelling consists of living, sleeping, housekeeping accommodations, and sanitary facilities for occupancy by an individual or family.~~

- a. Dwelling, Single Family - ~~A building arranged or designed to include only one (1) dwelling unit occupied by one (1) family. A detached dwelling unit arranged, designed for, and occupied by not more than one (1) family, and which has a kitchen and a bathroom.~~
 - b. Dwelling, Two Family (duplex/twin home) - ~~A building arranged or designed to include two (2) dwellings units, each to be occupied by one (1) family. A building arranged, designed for, and occupied by two (2) families living independently of each other and containing two (2) separate dwelling units.~~
 - c. Dwelling, Multi Family - ~~A building arranged, or designed to include three (3) or more dwelling units, each to be occupied by one (1) family. A building designed as a single structure, containing three (3) or more separate living and housekeeping units, each of which is designed to be occupied as a separate permanent residence for one (1) family.~~
 - d. Dwelling, Caretaker's - A dwelling which is occupied by an individual or family whose livelihood is derived primarily from watching or taking care of a farm, industry or other use which is located on the same premises as the dwelling.
41. Dwelling Unit - One or more rooms in a building or portion thereof designed for and, occupied or intended as a residence for a family with complete and independent facilities for living, sleeping, eating, cooking and sanitation provided within the unit, by one (1) family for living or sleeping purposes and having one (1), but not more than one (1) kitchen or set of fixed cooking facilities other than hot plates or other portable cooking units.
42. Educational Institution - A public elementary or secondary school, seminary, parochial school or private education institution having a curriculum similar to that ordinarily provided in grades one through twelve in a public school system. The term education institution for the purpose of this ordinance does not include post high school education facilities or education facilities which include residential facilities for its students.
43. ~~Educational Institution with Housing - A public or private educational institution with on-site residential facilities for its students and/or staff.~~
44. Elderly Housing - A general term for the different types of age restricted residential developments and facilities allowed under the Federal Fair Housing Act, which include: senior apartments, senior condominiums, active adult community, and retirement community where residents live independently and do not require assistance with day-to-day activities.
45. Elderly Person - A person who is sixty (60) years old or older, who desires or needs to live with other elderly persons in a group setting, but who is capable of living independently.
46. Equivalent Residential Unit (ERU) - A calculation to determine the impact of a development in comparison with single family residential units. An ERU is equal to one (1) single family unit. Each Payson City utility will have unique ERU calculations including, but not limited to, to the following:
- a. Impact on traffic: One ERU = 10 vehicle trips per day.
 - b. Impact on drinking water: One ERU = the gallons of water that can be obtained through a three quarter (¾) inch service lateral.
 - c. Impact on irrigation water: One ERU = the gallons of water that can be obtained through a one (1) inch service lateral.
 - d. Impact on power: One ERU = 4 Kw peak demand. (2-7-07)
47. Family - ~~One or more persons related by blood, marriage, adoption, or guardianship or a group of not more than five (5) unrelated persons living together as a single housekeeping unit, together with any incidental domestic or support staff who may or may not reside on the premises. "Family" does not exclude foster children. An individual, or two (2) or more persons related by blood, marriage, adoption, or guardianship or a group of not more than four (4) persons who are not related, living in a dwelling unit as a single housekeeping unit and using common cooking facilities and entrances.~~
48. Fence - A structure, solid or otherwise, intended to partition or enclose a property or portion of a property.
- a. Fence, Open - A fence that is at least seventy-five percent (75%) open which does not present a visual barrier/hazard for pedestrians or drivers.
 - b. Fence, Obscuring - A fence or wall whose vertical surface is covered by a solid or opaque material which permits vision through not more than ten percent (10%) of surface.
49. Fence, Sight Obscuring - ~~A fence having a height of at least six (6) feet above grade which permits vision through not more than ten percent (10%) of each square foot more than eight (8) inches above ground.~~
50. Final Decision - A successful motion by the City Council, Planning Commission, or other land use

- authority to approve or deny a land use application, effective the moment the vote is taken.
51. Final Plat - Record of Survey Map - A plat or plats of survey of land within a subdivision or other large scale development, which has been prepared in accordance with applicable city standards and/or state statutes for the purposes of recording in the office of the County Recorder.
 52. Flood, 100 year - A flood, the magnitude of which will probably occur only once in 100 years.
 53. Flood Channel - A natural or artificial watercourse with definite bed and banks to confine and conduct flood water.
 54. Floor Area - ~~The sum of the areas of the several floors of the building, including basements, mezzanines, and penthouses of headroom height (6 feet), as measured from the exterior walls or from the center line of walls separating buildings. The floor area does not include unoccupied features such as pipe trenches, exterior terraces or steps, chimneys, roof overhangs, etc. The sum of the horizontal areas of each floor of a building, measured from the interior faces of the exterior walls or from the centerline of walls separating two buildings. The floor area measurement does not include areas of unfinished basements, unfinished attics, attached garages or space used for off-street parking or loading, breezeways, enclosed and unenclosed porches, elevator or stair bulkheads, and accessory structures.~~
 55. Foster Care Home - A dwelling unit wherein room, board, care, and supervision are provided by the resident family under the approval and supervision of the ~~State Division of Social Department of Human~~ Services or other placement agency licensed by the State to provide for children who are unrelated to the resident.
 56. Fraternity or Sorority House - A building occupied by and maintained exclusively for students affiliated with an academic or professional college or university or other recognized institution of higher learning, who are associated together in a fraternity or sorority that is officially recognized by such institution and who receive lodging and/or meals on the premises for compensation.
 57. Frontage - The width of a parcel along a public or private road from which the parcel is accessed. The frontage shall be represented as the primary access to a structure (front or main door). In the case of a corner lot, frontage shall be calculated using the primary access to the structure. This definition also defines the front of a parcel for setback purposes. Therefore, the front setback shall be calculated using the side of the parcel determined to have frontage on a public or private street. ~~(9-1-04)~~
 58. Garage and/or Yard Sale – An occasional sale of miscellaneous items commonly associated with residential use conducted by a property owner at the owner's place of residence which offers personal possessions for sale but does not include items brought to the site for sale.
 59. General Plan (Master Plan) - ~~A coordinated plan which has been prepared and adopted for the purpose of guiding development, including but not limited to a plan or plans of land use, resources, circulation, housing, and public facilities and grounds. A comprehensive long-range plan intended to guide growth and development of a community or region and includes analysis, recommendation, and proposals for the community's population economy, housing, transportation, community facilities, and land use.~~
 60. Grade of Building
 - a. For buildings fronting one street only - the elevation of the sidewalk or center line of street, whichever is higher, at right angles to the midpoint of the fronting walls.
 - b. For buildings fronting on more than one street - the average of the elevations of the sidewalk or center line of surrounding streets, whichever is higher.
 61. Grade of Street and Driveways - Grade shall mean the ratio of vertical distance to horizontal distance along such a street or driveway expressed in either percentage or degree.
 62. Guest - ~~A person or persons staying or receiving services for compensation at a hotel, motel, boarding house, rooming house or rest home, or similar use temporarily within a dwelling unit without payment of compensation or remuneration to the owners, tenants, or full time inhabitants of said dwelling unit.~~
 63. Guest House - See Casita.
 64. Height, Walls and Fences - Such height shall be measured from the highest of the two grades adjacent to the wall or fence, except when the wall or fence is adjacent to a street right-of-way which has a higher grade than that on the adjacent site. For such conditions, the height of the wall or fence shall be measured from the top of the curb or the crown of the street where there is no curb.
 65. Home Occupation - ~~Any occupation conducted within a dwelling and carried on by persons residing in the dwelling. An occupation conducted entirely within the dwelling unit and carried on only by persons residing in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, does not change the residential character of the dwelling~~

- unit, and for which a home occupation business license has been issued by Payson City.
66. ~~Homeless Shelter~~ Charitable lodging or sleeping rooms provided on a daily or other temporary basis to persons lacking other safe, sanitary or affordable shelter. A homeless shelter may include a kitchen and cafeteria.
67. Hospital – An institution licensed by the State of Utah which provides diagnostic, therapeutic, and rehabilitative services to individuals on both an inpatient and outpatient basis by or under the supervision of one or more physicians. Any medical clinic or professional office which offers any inpatient or outpatient care, or operates on a twenty-four hour basis shall be considered to be a hospital. A hospital may include integral support service facilities such as laboratories, outpatient units and training and central services, together with staff offices necessary to the operation of the hospital.
68. Hotel and Motels – A facility offering transient lodging accommodations to the general public and which may provide additional services such as restaurants, meeting rooms, entertainment and recreational facilities.
69. Household Pets - Cats and dogs and other domestic animals which are housed in the residence in areas occupied by the family.
70. Impervious Surface - Any hard-surfaced area that does not allow for the natural percolation of water into the soil, including but not limited to building roofs, concrete patios, concrete or asphalt driveways, graveled areas, sidewalks, and paved recreation areas.
71. Industrial, Light – The manufacturing, compounding, processing, assembling, packaging, or testing of goods or equipment or research activities entirely within an enclosed structure, with limited outdoor storage, serviced by a modest volume (less than 12 trips in 24 hours) of small (¾ ton) trucks or vans and imposing a negligible impact upon the surrounding environment by noise, vibration, smoke, dust or pollutants. (9-1-04)
72. Industrial, Heavy – Uses that are generally involved in the processing of large volumes of raw materials into refined materials and/or have significant external impacts, with potential outdoor storage that is capable of being screened from neighboring properties. Environmental impacts such as air, water, vibration, smoke, dust, pollutants and noise shall satisfy all federal and state regulations and those of Payson City. (9-1-04)
73. ~~Information Brochure~~ A written statement setting forth the organizational structure of a Home Owners Association, and the rights and obligations
- ~~of the developers, Home Owners Association, lot owners and the city.~~
74. ~~Jail~~ A facility established and operated by the County, either directly or under a contract with a private provider, for confinement of persons in lawful custody.
75. Junk Yard-Salvage Yard - A place where scrap, waste unused, discarded salvaged materials are bought, sold, exchanged, baled, packed, disassembled, or handled or stored, including auto wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including places where such uses are conducted entirely within a completely enclosed building or where salvaged materials are kept incidental to manufacturing operations conducted on the premises.
76. ~~Juvenile Detention Facility~~ A facility established and operated by the State of Utah, either directly or under contract with a private provider, for temporary detention of delinquent juveniles.
77. ~~Juvenile Secure Facility~~ A facility established and operated by the State of Utah, either directly or under a contract by a private provider, for incarceration of delinquent juveniles.
78. Landscaping - ~~Landscaping shall mean~~ The use and integration of a combination of planted trees, shrubs, vines, groundcover, lawns, rocks, foundations, pools, art works, screens, walls, fences, benches, or surfaced walkways set into an aesthetically pleasing arrangement. However, the use of structures or surfaced walkways alone, in the absence of planted trees, lawns, etc., shall not meet the requirements of this ordinance.
- ~~For the purposes of this Ordinance, landscaping shall be complete erosion control and elimination of noxious weeds. (12-19-01)~~
79. Land Use Authority - A person, board, commission, agency, or other body designated by the Payson City Council to act upon a land use application. (1-18-06)
80. Land Use Ordinance - A planning, zoning, development or subdivision ordinance of Payson City, not to include the General Plan. (1-18-06)
81. ~~Land Use Plan~~ A plan adopted and maintained by the City Planning Commission, which shows how the land should be used — an element of the Comprehensive Plan.
82. Living Area - The interior habitable area of a dwelling unit, including the basement and attic, but excluding the garage or any accessory structure not intended for human habitation.
83. ~~Lodging House~~ A building containing sleeping

- ~~rooms that are rented to guests on a daily or weekly or monthly basis.~~
84. 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.
- Lot, Corner - A lot ~~abutting~~ situated on two intersecting or intercepting streets where the interior angle of intersection or interception does not exceed 135 degrees.
 - Lot, Interior - A lot other than a corner lot.
 - Lot, Zoning - A parcel of land which:
 - Complies with all existing area frontage, width, setback, and supplementary requirements of the zone in which it is located.
 - 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.
 - 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.
85. Lot Area - The total area measured on a horizontal plane included within the lot line of the lot or parcel of land.
86. Lot Line - The property line bounding the lot.
- Lot Line, Front - ~~The front boundary line of a lot bordering on the street. 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.~~
 - 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.
 - Lot Line, Side - Any lot boundary line not a front lot line or a rear lot line.
87. Lot Width - The horizontal distance between the side lot lines and measured at the required front yard setback line.
88. 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. ~~(1-18-06)~~
89. Master Plan - See General Plan.
90. 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. ~~(9-1-04)~~
91. 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.
92. 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. ~~(12-4-13)~~
93. 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.
94. 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.
95. Modular Home - See Manufactured Home.
96. Municipal Governmental Facility - A building or structure owned, operated, and occupied by Payson City to provide a governmental service to the public. ~~(9-1-10)~~
97. Noncomplying Structure - A structure or portion thereof that legally existed before its current land use designation and because of one or more subsequent land use ordinance changes, does not conform to the setback, height restrictions, or other

- regulations, excluding those regulations which govern the use of land. (1-18-06)
98. Nonconforming Lot of Record - A parcel of land which does not conform to the area, frontage, and/or width requirements for a zoning lot, but which was shown on the records of the County Recorder as an independent lot prior to the effective date of now controlling provision.
99. Nonconforming Use - A use of land that legally existed before its current land use designation, has been maintained continuously since the time the land use ordinance governing the land changed and because of one or more subsequent land use ordinance changes, does not conform to the regulations that now govern the use of the land. (1-18-06)
100. Nonresidential Treatment Facility - A facility wherein no persons will be housed on an overnight basis, and provides services including rehabilitation, treatment, counseling, or assessment and evaluation services related to delinquent behavior, alcohol abuse, drug abuse, sexual offenders, sexual abuse, or mental health.
- ~~101. Nursing Home, Convalescent Home, and Rest Home - An intermediate care/nursing facility or a skilled nursing facility, licensed by the State of Utah, for the care of individuals who due to illness, advanced age, disability, or impairment require assistance and/or supervision on a twenty-four hour basis. Such facility does not include an adult day care facility or adult day care provided in conjunction with a residential facility for elderly persons or a residential facility for persons with a disability.~~
102. Offsite - Shall mean of or pertaining to the territory outside of the boundaries of a particular project.
103. Onsite - Shall mean of or pertaining to the territory within the boundaries of a particular project.
104. Open Space - Land which is open from the ground upward and which is not covered by dwellings or other buildings, or by pavement or other impervious material.
- ~~105. Open Space Preservation Agreement - An agreement between the city and a property owner in which the property owner agrees for himself and his successors and assigns to refrain from constructing dwellings and other buildings on a specific parcel of land for a specific period of time.~~
106. Open Space Easement - The right or privilege to preserve a specific parcel of land in open space.
107. Outdoor Display - An outdoor arrangement of objects, items, products, or other materials, typically not in a fixed position and capable of rearrangement, designed and used for the purpose of advertising or identifying a business, or product for sale.
108. Parcel - See Lot.
109. Parking Lot - A hard surfaced, dust free, landscaped, illuminated open area other than a street, used to park four (4) or more automobiles. Storage of damaged, non-inspected, or unlicensed automobiles is prohibited except on lots approved for such purposes.
110. Parking Space - A space, not less than eighteen (18) feet in length and not less than eight and five tenths (8.5) feet in width for the parking of a mobile vehicle, exclusive of driveways and ramps. A permanently surfaced area, enclosed or unenclosed for the parking of one (1) motor vehicle having dimensions of eight and one half (8½) feet by eighteen (18) feet, exclusive of access or maneuvering area, ramps, or columns, to be used exclusively as temporary storage space for one private motor vehicle.
111. Patio - A leveled surface area directly adjacent to a principal building that is not more than eighteen (18) inches above finished grade. Typical materials include concrete, asphalt or other impervious cover. (6-1-11)
112. Pawn Broker - A person who owns and /or operates a pawnshop, and as further defined by State Law.
113. Pawnshop - An establishment that engages, in whole or in part, in the business of loaning money on the security of pledges of personal property, or deposits, or conditional sales of personal property, or the purchase or sale of personal property, and as further defined by State Law.
114. Pay-Day Loan Agency - An establishment providing loans to individuals in exchange for personal checks as collateral.
115. Performance Guarantee - Security accepted by a municipality as a guarantee that improvements required as part of an application for development are satisfactorily completed.
116. Permitted Use - A use of land, building, or structure that is allowed within a zone under the terms of this ordinance.
117. Person - An individual, corporation, partnership, association, trustee, or other legal entity. A corporation, company, association, firm, partnership, as well as any individuals, state, or political subdivision of a state or agency thereof.
118. Planned Unit/Residential Development - A tract of land that is planned and developed as a single entity and wherein part of the land facilities is held in common. An integrated design for

- development of residential, commercial or industrial uses, or combinations of such uses, in which the density and location regulations of the district in which the development is situated may be varied or waived to allow flexibility and initiative in site and building design and location, in accordance with an approved plan and imposed general requirements.
119. Planning Commission - A board of the local government consisting of such members whose functions include advisory or nontechnical aspects of planning and may also include such other powers and duties as may be assigned to it by the legislative body.
120. Planting/Landscaping Plan - A plan showing the location and dimensions of plants, irrigation equipment, curbs, and other protective features around the edge of the planting beds and the location and species of plants to be planted.
121. Porch - A raised platform with a roof structurally connected to the main wall of a building. (6-1-11)
122. Portable Carport - A roofed structure, located on a non-permanent foundation, typically made from non-combustible material, that is open on both ends and fifty (50) percent open on each side. (11-3-10)
123. Portable Storage Container - A container fabricated for the purpose of transporting freight or goods on a truck, railroad or ship, including cargo containers, shipping containers, storage units or other portable structures that are placed on private property and used for storage of items, including, but not limited to clothing, equipment, goods, household or office fixtures, or furnishings, materials and merchandise. (11-3-10)
124. Premises - A zoning lot together with buildings and structures located thereon.
125. Primary Use - The main use or structure on a parcel. Accessory uses are not to be defined as primary uses.
- ~~126. Prison - A facility for incarceration of persons convicted of crimes, established and operated by the State of Utah or by a private provider pursuant to the provisions of the Private Correctional Facilities Act, Chapter 13c, Title 64, Utah Code Annotated, as amended.~~
127. Project - A project in which one or more lots, tracts, or parcels of land are to be developed or redeveloped as a coordinated site for a complex of uses, units, or structures, including but not limited to planned development and/or cluster development for residential, commercial, institutional, recreational, open space, and/or mixed uses.
128. Protective Housing Facility - A facility operated, licensed or contracted by a governmental entity, or operated by a charitable, non-profit organization, where, for no compensation, temporary, protective housing is provided to:
- Abused or neglected children awaiting placement in foster care.
 - Pregnant or parenting teens.
 - Victims of sexual abuse.
 - Victims of domestic abuse.
129. Public - That which is owned or operated by the United States Government, the State of Utah or any subdivision thereof, Utah County, or the City of Payson (or any departments or agencies thereof).
130. Public Facilities - Transportation systems or facilities, water systems or facilities, wastewater systems or facilities, storm drainage systems or facilities, fire, police, and emergency systems or facilities, electric utilities, owned and operated by a government agency, including the City of Payson.
131. Public Parks and Playgrounds - Shall mean a tract of land which is owned by the public and which has been partially or totally developed or designated for recreational purposes.
132. Public Utility Easement - The area on a recorded plat map or other recorded document that is dedicated to the use, installation, and maintenance of public utility facilities.
133. Reasonable Accommodation - A change in a rule, policy, practice or service necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling. As used in this definition:
- “Reasonable” means a requested accommodation will not undermine the legitimate purpose of existing zoning regulations notwithstanding the benefit that the accommodation would provide to a person with a disability.
 - “Necessary” means the applicant must show that, but for the accommodation, one or more persons with a disability likely will be denied an equal opportunity to enjoy housing of their choice.
 - “Equal Opportunity” means achieving equal results as between a person with a disability and a non-disabled person.
134. Recreation Vehicle Court - An area or tract of land used to accommodate two or more vacation vehicles or camper units for a short period of time (less than 30 days).
135. Recycling facility - A facility that accepts recyclable materials and may perform some processing activities. The facility receives and processes trash and debris from recoverable

- resources, such as paper, glass, metal cans, and other products which can be returned to a condition in which they may again be used for production. The principal function is to separate and store materials that are ready for shipment to end-use markets, such as paper mills, aluminum smelters, or plastic remanufacturing plants. A recycling facility does not include salvage yards, scrap iron or other ferrous metals, or inoperable motor vehicles. (8-7-13)
136. Required Yard - The yard resulting from the application of the minimum setback requirements within the zone.
137. Residential Accessory Structure - ~~A building or other structure that is incidental to, and which is constructed on the same zoning lot, as the dwelling for the exclusive use of the residents of such dwelling. A residential accessory structure may include, but is not limited to, a detached garage or carport for not more than three automobiles, swimming pools, pergolas, tennis courts, and private green houses.~~
138. Rehabilitation/Treatment Facility - A facility licensed by or contracted by the State of Utah to provide temporary occupancy and supervision of adults or juveniles in order to provide rehabilitation, treatment, or counseling services. Without limitation, such services may include rehabilitation, treatment, counseling, or assessment and evaluation services related to delinquent behavior, alcohol and drug abuse, sex offenders, sexual abuse, or mental health. Associated education services may also be provided to juvenile occupants. A Rehabilitation/Treatment Facility does not include a residential facility for persons with a disability.
139. Residence - A place where an individual is actually living at a given point in time and not a place of temporary sojourn or transient visit.
140. Residential Facility for Elderly Persons - ~~A dwelling unit owned by a resident thereof or an immediate family member of a resident, or for which the title has been placed in trust for a resident; and is voluntarily occupied on a twenty-four hour per day basis by eight (8) or fewer elderly persons in a family-type arrangement. A "Residential Facility for Elderly Persons" does not include any facility: A single-family or multiple-family dwelling unit that meets the requirements of §10-9a-516 of Utah Code Annotated, 1953, as amended and does not include a health care facility as defined by State Law.~~
- a. ~~Operated as a business; provided, that such~~
- ~~facility shall not be considered to be necessary costs of operation and maintenance of the facility.~~
- b. ~~Where persons are placed for alcoholism or drug abuse treatment, or as part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility.~~
- c. ~~Which is a health care facility as defined by Section 26-21-2 of the Utah Code Annotated, as amended.~~
- d. ~~Which is a residential facility for persons with a disability.~~
141. Residential Facility for Persons with a Disability - A dwelling unit or other place residence in which more than one person with a disability resides, conforms to the regulations of §10-9a-516 of Utah Code Annotated, 1953, as amended, and, ~~if required by State Law,~~ is licensed or certified by:
- c. The Utah Department of Human Services under Title 62A, Chapter 2, ~~of the Utah Code Annotated, as amended,~~ Licensure of Programs and Facilities; ~~or~~
- d. The Utah Department of Health under Title ~~2326,~~ Chapter 21, ~~of the Utah Code Annotated, as amended,~~ Health Care Facility Licensing and Inspection Act.
142. Restaurant - A commercial establishment that provides food and drink for compensation. At a minimum, a restaurant shall include cooking facilities, and facilities for employees to sanitize hands during the preparation of food by consumption by others. Restaurants shall be required to obtain an appropriate business license and satisfy all health requirements of the State.
143. Salvage Yard - See Junk Yard.
144. Secondhand Merchandise - The purchase, exchange, or sale of used or previously owned personal property, including precious metals, and as further defined by State Law. Secondhand merchandise businesses are not permitted to have outdoor storage or outdoor display areas.
145. Secondhand Merchandise Dealer - An owner or operator of a business that deals in secondhand merchandise, and as further defined by State Law.
146. Setback - The shortest horizontal distance between the ~~lot property~~ line and the outside surface of the foundation, wall, or main frame of the building.
147. Sheltered Workshop - A non-residential facility providing supervised educational or vocational training to persons with a disability.
148. Short-Term Rental Housing - Any dwelling or portion thereof that is available for use or is used for accommodations or lodging of guests paying a fee or other compensation for a period of less than thirty (30) consecutive days; a short-term rental

shall not contain more than four (4) bedrooms.

149. Sign - Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public. Refer to Chapter 19.15 for specific definitions. Any device designed and intended to bring the subject thereof to the attention of the public, provided, however, that the following shall not be included in the application of the regulations herein:

- a. Flags or insignia of any government except when displayed in connection with a commercial promotion.
- b. Legal notices, curb (i.e., stop signs), and signs used for regulator, identification informational purposes erected by a governmental body.
- c. Signs directing and guiding traffic and parking on private property but bearing no advertising matter.
- d. Sign, Accessory - A sign which directs attention to a business or profession conducted on the premises.
- e. Sign, Area of - That area enclosed by one continuous line connecting the extreme points or edges of a sign, excluding the main supporting sign structure and all other ornamental attachments not part of the main support. Where the sign consists of open letters or symbols, the area shall be considered to be that of the smallest parallelogram or triangle which encompasses all the letters or symbols. The area shall be determined using the largest silhouette useable at any one time. Free standing or projecting signs having parallel planes not more than twenty four (24) inches apart shall be considered as a single sign both as to number and area.
- f. Sign, Non Accessory - Billboard - A sign which directs attention to a business, commodity, service, or entertainment conducted, sold or offered elsewhere than on the premises, and only incidentally on the premises, if at all.
- g. Sign, Free Standing - A sign which is not attached to or part of a building.
- h. Sign, Facia - A sign attached to or erected against a wall or building with the face parallel to the building wall.
- i. Sign, Moveable - A sign not permanently attached to the ground or building.
- j. Sign, Projecting - A sign attached to a

building or other structure and extending in whole or in part more than 15 inches away from the wall of the building or structure.

150. Site Plan - A schematic, scaled drawing of a building lot or location which indicates the placement and location of yards, property lines, adjacent parcels, utilities, topography, waterways, irrigation, drainage, landscaping, parking areas, driveways, buildings, trash containers, open storage, streets, sidewalks, curbs, gutter, signs, lighting, fences or other features of existing or proposed construction or land use.

151. Slope - The average grade of the surface of land expressed either in percentage or in degrees.

152. Special Exception - See Conditional Use.

153. Story - That portion of a building included between the surface of a floor and the ceiling next above it.

154. Street - A publicly dedicated thoroughfare which affords principal means of access to abutting property. The term shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare, or any other similar term.

- a. Street, Arterial - Major and Minor - A street providing for through traffic movement between areas and across the city, with moderate access to abutting property subject to necessary control of entrances, exits, and curb use.
- b. Street, Collector - Major and Minor - A street providing for traffic movement between major arterials and local streets, and limited access to abutting property.
- c. Street, Local - A street providing for direct access to abutting land, and for local traffic movements.
- d. Street, Private - A thoroughfare which is designated for private travel and is in private or public agency ownership over which access may be legally denied to the public.
- e. Street, Public - A thoroughfare which is in public ownership and designated for public travel.

155. Street, Major - A road which has been designated on the city's Master Plan as a collector, arterial, or other principal thoroughfare as distinguished from a minor street.

156. Street, Minor - Any dedicated street serving as the principal means of access to property, which street is not shown on the major street plan as a principal thoroughfare.

157. Street, Public - A roadway which has been designated as a federal or state highway or which has been designated as a city street.

158. Structure - Anything constructed or erected, the use

- of which requires location on the ground or attachment to something having location on the ground. A building is included in this definition.
159. Structural Alteration - Any change, addition, or modification in construction of a building or structure, or any change in the structural members of a building or structure, such as walls, partitions, columns, beams, girders, or exits.
160. Subdivision - ~~Subdivision means a~~Any land that is divided, re-subdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.
- Subdivision includes the division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat, or other recorded instrument.
 - Subdivision includes division of land for all residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.
161. Support Staff - Persons employed or residing on the premises of a dwelling or other residential facility to assist residents in performing daily life activities or to provide on-site treatment, rehabilitation, or habilitation services.
162. Temporary Uses - ~~Uses which are proposed to exist for a relatively short period of time. A use of land that is short term in nature and that does not involve the erection of a permanent structure or other permanent commitment of the land.~~
163. ~~Tender~~ - ~~An offer or proposal made for acceptance.~~
164. Trade or Vocational School - A post high school educational or vocational training facility.
165. Transitional Housing Facility - A facility owned, operated or contracted by a governmental entity or charitable, non-profit organization which provides free temporary housing to homeless persons for at least thirty (30) days while they obtain work, job skills, or otherwise take steps to stabilize their circumstances. A transitional housing facility does not include:
- A homeless shelter.
 - A dwelling unit provided to a family for its exclusive use as part of a transitional housing program for more than thirty (30) days.
 - A residential facility for persons with a disability.
166. Unbuildable Land - Any portion of a property that is encumbered by physical constraints, such as a flood plain, geologic fault, escarpment, or similar feature. In the Mountain and Hillside Zones, this definition shall also include any portion of a property that has thirty percent (30%) slope or greater.
167. Uninhabitable - A structure or property that is determined to be unfit, unsafe, or unhealthy to reside in or occupy due to dilapidation, structural damage, fire damage, exposed wires, sanitation issues, etc.
168. Unnecessary Hardship - A general restriction placed upon a lot with respect to setback or area where, by reason of exceptional narrowness, shallowness, shape or topography of such lot, a literal enforcement of the general restrictions would result in an unfairness to the owner compared to the owner of other lots in the same zone, and which literal enforcement would be unnecessary in order to achieve the intent of the zone.
169. Use - The purpose for which a parcel or building is designed, arranged or intended or for which it is occupied or maintained.
170. Variance - ~~A reduction of a frontage, setback, area, or improvement requirements to a level which is less than that which is specifically set forth in this ordinance. A waiver or modification of the requirements of a land use ordinance as applied to a parcel of property, as set forth in this Title and State Law.~~
171. Xeriscape - A type of landscaping that employs a mix of drought tolerant plants and organic materials. Asphalt, concrete, brick paving, and other impervious surfaces are not considered xeriscape.
172. Yard - The open space area on a lot or parcel, except for permitted protections and landscaping; encompassing the territory between the outer wall of the building and the closest opposite property line and extending the full width or depth, as appropriate, of the lot or parcel.
173. Recreation Vehicle Court - A vehicle used or maintained primarily as a temporary dwelling for travel, vacation, or recreation purposes; having a width of not more than eight (8) feet and a length of not more than forty (40) feet, and which can be driven or pulled upon the highways without a special permit.