

Chapter 19.5

Street Master Plan

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19.5.1 Preparation of Street Master Plan and Map

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

19.5.2 Permits to Conform with Street Master Plan

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

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

19.5.3 Relationship to Development Approval

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

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

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

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

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

19.5.4 Relationship to Trails Master Plan

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

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

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

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

19.5.5 Road and Street Standards (11-16-16)

The layout of roads and streets in any development must be consistent with the major and local streets included in the Street Master Plan and specific area plans adopted by the Payson City Council. Developments that encompass or are located adjacent to a collector or arterial status street shall be designed and developed so the public street is improved in an efficient and safe manner.

The layout and design of all roads and streets is subject to approval of the City Engineer. It is the responsibility of the applicant for development approval to construct all roads within and adjacent to the project consistent with the Street Master Plan, Title 20, Subdivision Ordinance, and the Standard Specifications and Standard Plans. The right-of-way width for roads and streets shall be as follows:

1. A local street shall have a minimum width of fifty-six (56) feet.
2. A collector street shall have a minimum width of sixty-six (66) feet.
3. An arterial street shall have a minimum width of seventy-six (76) feet.
4. Developments located within the boundaries of a defined planning area shall accommodate the road and street cross-sections included in the specific area plan adopted by the City Council.

Roads and streets shall be designed and constructed with the proper sub-base, base, asphalt, curb and gutters, sidewalks and planter areas. The applicant is responsible for the costs associated with the proper construction of all roads and streets in the development, including the additional thickness of asphalt for collector and arterial status streets. At a minimum, the roadways must be improved consistent with the Payson City Standard Street Cross-Section Detail. If geotechnical studies recommend additional sub-base, base, or asphalt thickness, the additional improvements will be required at the cost of the applicant.

19.6.7 R-MF Multi-Family Residential Zone

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19.6.7.1 Purpose and Zone Characteristics

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

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

19.6.7.2 Permitted, Conditional and Accessory Uses *Permitted Uses*

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

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

Conditional Uses

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

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

Accessory Uses

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

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

19.6.7.3 Minimum Project Area

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

19.6.7.4 Project Density Calculation

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

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

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

19.6.7.5 Open Space

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

19.6.7.6 Project Width

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

19.6.7.7 Project Frontage

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

19.6.7.8 Setback and Build-To-Line Requirements

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

1. Front setback - Each building or structure in the R-MF Zone shall have a minimum front setback of thirty (30) feet. (4-15-15)
2. Side setback - Each building or structure in the R-MF Zone, unless otherwise noted below, shall have a minimum side setback of twenty (20) feet.
 - a. Side setback for corner lot - Each corner lot or parcel in the R-MF Zone shall have a minimum setback of twenty-five (25) feet along the public street on the side of the lot not being used as the front setback.
 - b. Side setback for driveway - Each side setback, when used for access to a garage, carport, or parking area shall have a minimum setback of twenty (20) feet and shall be hard surfaced.
 - c. Side setback for accessory building - The side setback for any permitted accessory building shall have a minimum side setback of twenty (20) feet.

3. Rear setback - Each building or structure in the R-MF Zone shall have a minimum rear setback of thirty (30) feet.
 - a. Rear setback for accessory building - An accessory building shall be at least twenty (20) feet from the rear property line. (3-5-03)
4. The land use authority may impose a build-to-line that represents the distance from the property line that a structure will be constructed. The build-to-line may be imposed on any side of the structure. The build-to-line may be imposed in order to reduce the parking adjacent to the street, improve aesthetics of the site, or for circulation purposes. The imposition of a build-to-line does not reduce the amount of required off-street parking or landscaping. (4-15-15)

19.6.7.9 Projections into Setbacks

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

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

19.6.7.10 Building Height Requirements

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

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

19.6.7.11 Distance between Buildings

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

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

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

19.6.7.12 Permissible Lot Coverage

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

19.6.7.13 Parking, Loading and Access

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

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

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

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

19.6.7.14 Project Plan Approval

Any request for project plan approval in the R-MF Zone is subject to any and all applicable City resolutions and ordinances including the Subdivision Ordinance, Standard Specifications and Standard Plans, and the Payson City General Plan. Specifically, project plans will be reviewed for consistency with the

applicable regulations of Chapter 19.8 herein and Title 20, Subdivision Ordinance. (11-5-14)

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

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

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

19.6.7.15 Other Requirements

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

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

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

*19.6.8.4 Lot Width**Twin Home (separate ownership)*

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

Duplex (single ownership)

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

*19.6.8.5 Lot Frontage**Twin Home (separate ownership)*

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

Duplex (single ownership)

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

19.6.8.6 Setback Requirements

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

1. Front setback - Each lot or parcel in the RMO-1 Zone shall have a minimum front setback of twenty-five (25) feet.
2. Side setback - Each lot or parcel in the RMO-1 Zone, unless otherwise noted below, shall have a minimum side setback of eight (8) feet.
 - a. Side setback for corner lot - Each corner lot or parcel in the RMO-1 Zone shall have a minimum setback on all areas of road frontage of twenty-five (25) (20) feet. (11-16-16)
 - b. Side setback for driveway - Each side setback, when used for access to a garage, carport, or parking area shall have a minimum setback of twelve (12) feet and shall be hard surfaced.
 - c. Side setback for accessory building - The side setback for any permitted accessory building shall be a minimum of five (5) feet.
3. Rear setback - Each lot or parcel in the RMO-1 Zone shall have a minimum rear setback of twenty-five (25) feet.
 - a. Rear setback for accessory building - An accessory building may not be located less than five (5) feet from the rear property line.

19.6.8.7 Projections into Setbacks

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

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

19.6.8.8 Building Height Requirements

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

19.6.8.9 Distance between Buildings

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

19.6.8.10 Permissible Lot Coverage

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

19.6.8.11 Parking, Loading and Access

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

19.6.8.12 Project Plan Approval

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

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

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

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

19.6.14.7 Projections into Setbacks

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

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

19.6.14.8 Building Height Requirements

A primary building or structure may not exceed thirty-five (35) feet in height, nor be lower than ten (10) feet

in height, unless reviewed and approved by the Fire Chief, in accordance with the adopted building and fire codes. (3-5-03)

19.6.14.9 Distance between Buildings

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

19.6.14.10 Minimum Lot Coverage

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

19.6.14.11 Parking, Loading and Access

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

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

19.6.14.12 Project Plan Approval

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

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

19.6.14.13 Massing of Buildings

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

19.6.14.14 Transition into Residential Areas

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

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

Permitted Uses

1. Professional and business services as defined in Appendix A in single story above grade buildings no greater than six thousand (6,000) square feet in size (10-1-08)
2. Commercial ~~day care~~ child care centers and pre-school facilities (11-16-16)
3. Restaurants with no drive through facilities
4. Financial, insurance and real estate services, not to include banks, credit unions, bonding companies, pawn shops or lending (cash) stores (2-16-05)

Conditional Uses

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

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

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

19.6.14.15 Design Guidelines and Motif

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

19.6.14.16 Landscaping of Freeway Frontage

Parcels located adjacent to Interstate 15 shall work with the Utah Department of Transportation to provide attractive and appropriate landscaping of the frontage

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

19.6.14.17 Other Requirements

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

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

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

Parking areas shall contain landscaping space equal to no less than ten (10) percent of the total parking area. The landscaping space shall be enclosed by a protective curb and shall be properly maintained.

3. Trash, junk, and other debris - No trash, used materials, unsightly storage of any kind, or non-licensed or abandoned vehicles shall be stored in an open area. All such materials shall be enclosed in a building or, if deemed appropriate by the City, behind a sight obscuring fence.
4. Design Guidelines - In addition to the design guideline booklet for the S-1 Zone, the City Council may require specific design guidelines be employed in the project. The design guidelines may include, but are not limited to, architectural controls, colors, materials, building mass,

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

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

19.6.15.1 Purpose and Zone Characteristics

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

19.6.15.2 Permitted, Conditional, Accessory, and Prohibited Uses

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

Permitted Uses

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

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

Conditional Uses

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

1. Restaurants, food courts, and cafes when planned as part of a project to provide service to workers
2. Indoor equipment storage and rental businesses accessory to a permitted use located on the premises
3. Dining, ~~daycare~~ child care centers, and recreational facilities, as well as professional services such as copying centers, shipping offices, and computer services (11-16-16)
4. Public transit stations
5. Public or private utility maintenance facilities

Accessory Uses

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

19.6.20 CT Commercial Transition Zone

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

19.6.20.1 Purpose and Zone Characteristics

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

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

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

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

1. The property proposed for rezoning must be included in the S-1, Special Highway Service Zone prior to the rezone request.
2. The applicant for a zone change to any CT Zone will be required to indicate the proposed use of the property proposed for rezoning. The applicant will be required to sign a development agreement that

solidifies the anticipated use of the property proposed to be rezoned, design guidelines, densities and any other appropriate items. Failure to develop the property as agreed upon in the development agreement may result in rezoning the property to the S-1 Zone at the discretion of the City Council.

3. The applicant must be able to demonstrate how the proposed use of the parcel will promote a transition from the intensive commercial uses in the S-1 Zone to the surrounding zones, existing development and proposed development.
4. The City Council may require rezoning to be consistent with the land use designation of the General Plan.
5. A parcel may be rezoned into more than one of the Commercial Transition Zones if the arrangement would create a better transition area between the S-1 Zone and surrounding zones.

19.6.20.2 Permitted, Conditional and Accessory Uses

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

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

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

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

*CT-1 Commercial Transition**Permitted Commercial Uses*

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

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

1. General commercial retail sales and services including:
 - a. Antique and art shops
 - b. Clothing, shoes and other apparel shops
 - c. Computer sales and services
 - d. Floral and gift shops
 - e. Office supplies
 - f. Recreational vehicle sales
 - g. Sporting goods
2. Restaurants and fast food
3. Hotels and motels
4. Automobile dealerships
5. Recreational or amusement commercial businesses including but not to allow sexually oriented businesses:
 - a. Bowling alleys
 - b. Indoor shooting ranges
 - c. Miniature golf courses
 - d. Sports bars (limited to alcoholic distribution of beer only and in accordance state regulations)
 - e. Tennis courts and racquet clubs
 - f. Roller skating rinks
 - g. Gymnasiums and recreation centers
 - h. Dance halls
6. Personal and professional services including:
 - a. Beauty and barber services
 - b. Engineering or architectural offices
 - c. Laundromats and dry cleaning
 - d. Reception centers and mortuaries
 - e. Travel agencies
 - f. Medical and health care offices
 - g. Legal offices
 - h. Financial, insurance and real estate offices
7. Educational facilities and services including ~~day care businesses~~ child care centers and pre-school facilities (11-16-16)
8. Uses allowed in Section 19.6.16.14 as transitional uses
9. Public or private utility rights-of-way

Conditional Commercial Uses

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

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

Accessory Commercial Uses

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

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

CT-2 Industrial Transition

Permitted Industrial Uses

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

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

Conditional Industrial Uses

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

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

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

19.6.20.7 Projections into Setbacks

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

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

the structure shall satisfy all setback requirements. (2-7-07)

19.6.20.8 Building Height Requirements

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

19.6.20.9 Distance between Buildings

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

19.6.20.10 Parking, Loading and Access

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

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

19.6.20.11 Project Plan Approval

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

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

19.6.20.12 Massing of Buildings

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

19.6.20.13 Transition into Residential Areas

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

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

Permitted Uses

1. Professional office buildings no greater than two thousand five hundred (2,500) square feet in size
2. ~~Day care~~ Commercial child care centers and pre-school facilities (11-16-16)
3. Restaurants with no drive through facilities
4. Personal and professional services including, or determined by the City Council to be closely similar to:
 - a. Beauty and barber services
 - b. Engineering or architectural offices
 - c. Laundromats and dry cleaning
 - d. Reception centers and mortuaries
 - e. Travel agencies
 - f. Medical and health care offices
 - g. Legal offices
5. Financial, insurance and real estate offices

Conditional Uses

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

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

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

19.6.20.14 Design Guidelines and Motif

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

19.6.20.15 Landscaping of Freeway Frontage

Parcels located adjacent to Interstate 15 shall work with the Utah Department of Transportation to provide attractive and appropriate landscaping of the frontage area. The applicant shall provide a complete landscaping plan approved by the Utah Department of

Transportation prior to project approval. The Utah Department of Transportation approval shall include information about perpetual maintenance of the landscaping. The landscaping shall be installed prior to issuance of a Certificate of Occupancy and a Payson City business license.

19.6.20.16 Other Requirements

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

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

The landscaping plan shall be prepared using trees, shrubs, turf, and ground cover appropriate for the climatic zone of Payson City. There shall be a minimum of one tree with no less than a two (2) inch caliper for every five hundred (500) square feet of landscaped area. Parking areas shall contain landscaping space equal to no less than ten (10) percent of the total parking area. The landscaping space shall be enclosed by a protective curb and shall be properly maintained.

3. Trash, junk, and other debris - No trash, used materials, unsightly storage of any kind, or non-licensed or abandoned vehicles shall be stored in an open area. All such materials shall be enclosed in a building or, if deemed appropriate by the City, behind a sight obscuring fence.
4. Design Guidelines – The City Council may require that specific design guidelines be employed in the project if it can be reasonably shown that the materials, colors, or elevations of the buildings could have a significant impact on the existing or future atmosphere of the area, and to improve

19.6.29.10 Project Lighting

Project lighting in the MH-2 Zone shall complement the development through the use of appropriate materials and colors. Streetlights should be hooded and direct light toward the ground to avoid light spillage into sensitive areas. Light poles should be no higher than is necessary to provide safety and should be a color that will blend into the surrounding environment. All undue lighting shall be eliminated from the development.

19.6.29.11 Height Requirements, Fire Issues

No structure in the MH-2 Zone shall exceed thirty-five (35) feet unless approved by the Fire Chief. The Fire Chief shall also be hereby empowered to regulate the height or location of any structure in order to provide adequate fire protection. Furthermore, structures shall not be constructed where the roofline extends above the natural ridgeline as defined in Title 21, Sensitive Lands Ordinance and the regulations of this Chapter.

Each development or individual structure in the MH-2 Zone shall satisfy the regulations of the Payson City Wildland Interface Zone administered by the Payson City Fire Department. Any special considerations will be included in a development agreement approved by the City Council.

19.6.29.12 Wildlife Considerations

Each development in the MH-2 Zone shall provide evidence, approved by the Utah Department of Natural Resources, that the proposed development will not be detrimental to wildlife in the area proposed for development. If wildlife mitigation is required, it shall be the sole responsibility of the applicant. Payson City will require that all suggestions of the Department of Natural Resources be satisfied.

19.6.29.13 Ridgeline Protection

Developments in the MH-2 Zone are not permitted to encroach upon any prominent ridgeline. For the purposes of this Chapter, ridgeline protection areas shall consist of prominent ridgelines that are highly visible from any major roadway classified as collector or greater in intensity. A ridgeline shall also include the crest of any ridgeline and the land located within one hundred (100) feet horizontally (map distance) on either side of the crest.

19.6.29.14 Viewshed Protection

Developments in the MH-2 Zone are not permitted to encroach upon any viewshed area. Because the area covered by the MH-2 Zone is diverse, the viewshed area shall be determined by the staff and the applicant on a case by case basis. Once the viewshed area has

been determined, the applicant will propose ways to protect the viewshed through the placement of structures, the use of color and materials, enhancement through vegetation, clustering, screening, or other appropriate methods. If the applicant and staff are unable to agree upon the viewshed area, the applicant may request that the City Council make a final determination.

19.6.29.15 Clustering and Placement of Structures

Clustering of development through the use of a Planned Residential Development (PRD) as allowed in Title 20, Subdivision Ordinance is generally recommended and may be required by the City Council to achieve the objectives of this Chapter. The base density for any PRD within the MH-2 Zone shall be in accordance with the density requirements of Section 19.6.29.4 of this Chapter. An applicant for development approval may be granted up to a twenty-five (25) percent density bonus above the base density in a manner consistent with Chapter 20.10 of the Subdivision Ordinance. Whether proposed by the applicant or required by the City Council, clustering of development shall lead to satisfaction of the following objectives in addition to the objectives required by Title 20:

1. Clustering will further the policies and objectives of this Chapter, such as providing more open space, preserving existing trees and vegetation coverage, and preserving sensitive environmental areas such as stream corridors, slide areas, wetlands, wildlife habitat, and steep slopes.
2. The architecture, height, building materials, building colors, and other design features of the development blend with the surrounding natural landscape.

The placement of structures on any lot must be approved by Payson City. Staff shall determine the location of each structure concentrating on the issues cited in this Chapter, the geotechnical report prepared for the development, the visual impact of the structure, and other general site considerations. If an applicant is in disagreement with the location determined by staff, the applicant may appeal the decision to the City Council whose decision shall be final.

19.6.29.16 Provision of Utilities (11-16-16)

Each project in the MH-2 Zone shall be required to connect to all Payson City public utility services ~~with the exception of pressurized irrigation~~. Connection to public utility services shall be consistent with the requirements of Title 19, Zoning Ordinance, ~~and Title 20, Subdivision Ordinance, and the Standard Specifications and Standards Plans~~. Individual wells,

water tanks, septic tanks, privies, and other internal or project specific utility services are not allowed for subdivisions and new developments.

Private on-site utility systems may be allowed by the City Engineer, or designee, for a single family dwelling constructed on a legal lot of record, provided the following requirements and standards are properly addressed.

1. The parcel shall have frontage on and access to an existing public street.
2. The parcel must be at least 1000 feet from the existing public utility system (i.e. drinking water, irrigation water, power, sewer, storm drainage). Each utility connection will be evaluated independently and connections are required for any system within 1000 feet. For instance, if a drinking water line is located within 1000 feet, but an irrigation line is not, the drinking water line must be extended along the frontage of the parcel and the new dwelling connected to the utility system.
3. Private drinking water wells and septic tank sewage disposal systems will require approval from other agencies. The owner must satisfy the requirements of the Utah Division of Water Rights; Utah Department of Environmental Quality; the Utah County Health Department; and any other agency having authority to regulate private on-site utility systems. Written documentation must be provided certifying that the proposed on-site system conforms to the pertinent state and county health regulations. A building permit will not be issued until the required approvals have been granted.
4. The owner will need to provide a public safety plan consistent with the regulations of the adopted fire code. At a minimum, the plan must demonstrate compliance with fire flow requirements, fire suppression, ingress/egress, and other general fire protection standards.
5. The applicant is required to submit payment of impact fees at the time of issuance of a building permit. Receipt of payment will be documented in a Deferral Agreement.
6. Utility services may be provided by another entity, provided a utility service agreement or interlocal agreement is approved by the City Council.
7. A Deferral Agreement shall be signed by the owner(s) of property and recorded in the office of the Utah County Recorder. At a minimum, the agreement will include the following:
 - a. Details regarding the future connection to public utility systems and disconnection of on-site systems. The timing of connection will be

included in the agreement. At a minimum, the owner shall be required to connect to the public utility system(s) when the utility is adjacent to the property line or within the right-of-way that fronts the parcel. The connection shall occur within the timeframe identified in the agreement regardless of the age or condition of the on-site system(s).

- b. The transfer of adequate water for indoor and outdoor use consistent with the regulations of Title 10, Water Ordinance.
- c. The installation of curb, gutter, and sidewalk and asphalt along the frontage of the parcel.
- d. Completion of other improvements to satisfy the requirements of the Payson Municipal Code.
- e. Documentation and proof of payment of impact fees provided to Payson City.

The regulations outlined in this section are limited to the provision of utilities for new construction. The owner or applicant must satisfy all applicable requirements of the Payson Municipal Code, including, but not limited to:

1. Zoning requirements, such as setbacks, off-street parking, and access.
2. The conditions outlined on the Lot of Record checklist.
3. Slope stabilization and erosion control.
4. Accommodation of right-of-way to satisfy roadway requirements.

19.6.29.17 Protection of Dedicated Open Space or Preservation Areas

Development in accordance with the provisions of this Chapter will result in the dedication of open space or undeveloped preservation areas. It is the objective of the Section to ensure that these areas remain unaltered and as intended in the establishment of this Chapter and the creation of the open space or preservation area in perpetuity. Therefore, prior to the approval of any development in accordance with the provisions of this Chapter, the applicant for development approval shall prepare an open space conservation plan. The open space conservation plan shall be submitted prior to approval of any development proposal and shall be in addition to any other requirements of any development ordinance of Payson City. At a minimum, the open space conservation plan shall include the following:

1. A legal description of each parcel proposed to be preserved as open space, park land, or otherwise left in its natural state.

freestanding signs, and portable signs, except that a business may advertise on an approved project sign.

4. Reader boards are not permitted as wall signs in multi-tenant and condominium projects. (8-7-13)

Multi-tenant projects in the PO-1 Professional Office Zone are allowed to erect an on-premise directory sign displaying the names of occupants of a building. The signs shall be situated at least two (2) feet inside the property line and shall not exceed six (6) feet in height. The sign structure shall not exceed an area of one hundred (100) square feet and shall not be placed within a clear view area.

19.15.3.3.7 Changeable Copy Signs

Changeable signs may be allowed provided:

1. The changeable copy sign is part of a larger sign approved by the Development Services Director.
2. The sign face area of the changeable copy sign is less than the sign face area on the primary sign.
3. The sign face area of the changeable copy sign is included in the calculation of the total sign face area.

19.15.3.3.10 Prohibited Signs

The following devices, as defined in Section 19.15.2 of this Chapter, used to attract the attention of pedestrian or drivers of vehicles are prohibited in any zone of Payson City:

1. Animated or flashing signs. No sign shall be permitted which because of its intensity of light constitutes a nuisance or hazard to vehicular traffic, pedestrians or adjacent properties.
2. Signs mounted or painted upon vehicles or trailers, on-premise or off-premise, that are parked in a location for the purpose advertising. This section is not intended to apply to standard advertising or identification practices where such signs or advertising devices are painted on or permanently attached to a business or commercial vehicle which is operable, properly licensed and legitimately utilized in said operation or business.
3. Handbills, posters, advertisement or notice of any kind or sort fastened, placed, posted, painted, or attached in any way on any curbstone, lamp post, utility pole, hydrant, fence, tree, sidewalk, or right-of-way.
4. All off-premise or non-appurtenant signs are prohibited, except outdoor advertising (billboards) as allowed by state statute,

directional signs erected by Payson City intended to provide off premise advertising opportunities, and project signs in accordance with this Chapter.

5. Snipe signs
6. Graffiti
7. Signs which are located on the roof of a building or structure, except as permitted in this Chapter.
8. Abandoned signs as defined in Section 19.15.3.6.

All prohibited signs may be removed at the discretion of the Development Services Director or designee.

19.15.3.4 Classification of Signs

Every sign erected or proposed to be erected in Payson City shall be classified by the Development Services Director or designee in accordance with the definitions contained in Section 19.15.2 of this Chapter. A sign that is not clearly defined herein shall be classified as the sign having the most similar characteristics of a sign defined herein in consideration of the design, location, and purpose of the sign as determined by the Development Services Director.

19.15.3.5 Signs not Regulated by this Chapter

This Chapter shall not apply to signs used exclusively for the following activities:

1. Directional, warning, or public information signs intended to inform the general public of potential hazard or danger relating to a public or private utility function containing no advertising.
2. Any sign of a non-commercial nature when used to protect the health, safety or welfare of the general public.
3. Any official flag, pennant, or insignia of any nation, state, city, or other political unit.
4. Campaign signs for the purpose of announcing the candidacy of any person or persons seeking public office, provided:
 - a. Campaign signs shall not be erected more than forty five (45) days before the primary election and must be removed within seven (7) days following the primary/general election, as applicable.
 - b. Campaign signs shall not be placed upon publicly owned property or in the public right-of-way.

- c. Campaign signs shall not be placed within one hundred fifty (150) feet of the building where an official voting station is located.
 - d. Payson City reserves the right to remove any campaign sign that impedes traffic visibility or creates a safety hazard following notification of the candidate.
 - e. The person seeking office shall receive permission from the private property owner prior to placement of any campaign signs.
5. Signs notifying the general public of community or civic events.
 6. Monuments approved by the City Council that signify an historic event or location important to the heritage of the City.
 7. Signs erected by a unit of government for control of traffic and other regulatory purposes including street signs, danger and warning signs, railroad crossing signs, hospital signs, directional or warning signs for public service companies or signs erected by or on the order of a public officer in performance of public duty.
 8. Real estate signs located on-premise that does not exceed nine (9) square feet in size ~~and four (4) feet in height.~~ Real estate signs for large master planned commercial projects must be approved by the Development Services Director and shall not exceed one hundred twenty (120) square feet in size and eight (8) feet in height. Real estate signs are not allowed off premise. ~~(11-16-16)~~
 9. Signs for children's entrepreneur projects such as the selling of lemonade and worms, which shall be on-premise signs.
 10. Signs identifying public parks, trails and other public spaces and associated signs that notify the public of specific regulations.

19.15.3.6 Abandoned or Discarded Signs

An abandoned sign, discarded sign, a sign for a business that no longer exists, or a sign in disrepair shall be removed or repaired to satisfy the standards of this Chapter within fourteen (14) days of notification from the Development Service Department.

19.15.3.7 Wall Art, Murals

Wall art and murals may be allowed, but must be approved by the Development Services Director. Offensive or vulgar language or pictures will not be allowed. Furthermore, the Development Services Director may place restrictions on the size, color and lighting of wall art or murals.

19.15.4 Location and Safety Standards

- 19.15.4.1 Standards of Construction
- 19.15.4.2 Traffic Safety
- 19.15.4.3 Clear View Area
- 19.15.4.4 Specific Clearance and Location Requirements
- 19.15.4.5 Maintenance
- 19.15.4.6 Landscaping
- 19.15.4.7 Structural Covering
- 19.15.4.8 Lighting

19.15.4.1 Standards of Construction

The following construction standards shall apply to all signs in all zones of Payson City:

1. All signs shall comply with the provisions of the National Electric Code, adopted building code, and this Chapter in effect at the time the Sign Permit is issued.
2. All signs, fixtures or devices involving electrical wiring or connections shall be erected or installed by a licensed and bonded contractor.
3. All signs shall be engineered to demonstrate compliance with the applicable provisions of the adopted building codes. The Building Official may require the construction drawings to be stamped by a structural engineer licensed in the State of Utah attesting to the adequacy of the proposed construction of the sign and associated supports. Where applicable, signs shall be permanently mounted on foundations and footings which conform to the adopted building codes.

19.15.4.2 Traffic Safety

Signs or other advertising structures shall not be erected in a manner that may be confused with an official traffic sign or signal, or that includes words normally used in official traffic signs, such as stop, go slow, caution, danger, or warning. Signs or advertising structures shall not be erected which by reason of size, location, shape, content, coloring, or manner of illumination might be confused as a traffic control device. Signs shall not have lighting which impairs the vision of anyone traveling upon a public street or distracts any driver creating a public nuisance. In no case will a sign or sign structure be permitted that constitutes a safety hazard.

19.15.4.3 Clear View Area

In order to ensure the safety of pedestrians and patrons, and preserve the visual sightline necessary

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 continuous care, supervision, and guidance for three (3) or more adults unaccompanied by a guardian for periods of at least four (4) hours, but less than twenty-four (24) hours per day. (11-16-16)
3. Agriculture - Land used exclusively for a bona fide agricultural operation by the owner or tenant. The use of land for agricultural purposes including grazing or raising of livestock (except feed yards), sod production, orchards, plowing, tillage, cropping, seeding, cultivating, or harvesting for the production of food and the necessary accessory uses for packing, treating, or storing the produce, provided the operation of the accessory use is clearly incidental to the agricultural activity. The business of garbage feeding of hogs, fur farms, or the raising of animals for use in medical or other tests or experiments is excluded.
4. Agricultural Building - A structure on agricultural land designed, constructed, and used to house farm implements, livestock, or agricultural produce or products used by the owner or lessee, or their employees, and persons engaged in the pick up or

delivery of agricultural produce or products grown or raised on the premises. The term "agricultural building" shall not include dwellings.

5. Alternative Transportation Modes - Methods of travel other than by means of a low-occupant vehicle. Alternative modes may include carpooling or vanpooling, public transit, bicycling or walking.
6. Appeal Authority - The person, board, commission, agency or other body designated herein to decide an appeal of a decision of a land use application or a variance.
7. Assisted Living Facility - A residential facility, licensed by the State of Utah, with a home like setting that provides an array of coordinated supportive personal and health care services, available twenty-four (24) hours per day, to residents who have been assessed under Utah Department of Health or Utah Department of Human Services rules to need any of these services. Each resident shall have a service plan based on the assessment, which may include:
 - a. Specified services of intermittent nursing care
 - b. Administration of medications
 - c. Support services promoting the resident's independence and self-sufficiency

An assisted living facility does not include:

- a. A residential facility for persons with a disability
- b. Adult day care provided in conjunction with a residential facility for elderly persons or a residential facility for persons with a disability
8. Automobile Repair - The repair of the mechanical functioning parts of an automobile. Automobile repair does not include the storage or impounding of vehicles with the exception of vehicles that will be repaired within forty eight (48) hours.
9. Automobile Restoration - The external repair of automobiles including body work and painting. Automobile restoration does not include the storage or impounding of vehicles with the exception of vehicles that will be restored within forty eight (48) hours.
10. Automobile Impound - The secured storage of automobiles, with or without the permission of the owner, by a person licensed to hold the automobiles.
11. Boarder - A person living in a rented room in a boarding house. The boarding house operator, or member of his or her immediate family who resides on the premises with the operator, shall not be deemed a boarder.
12. Boarding House - A building or portion thereof operated by a person residing on the premises where, for compensation, rooms are rented

- provide visitors semi-private living space for a short period of time without establishing residency. Containing bedroom and bathroom areas, a casita essentially allows a separate sleeping and bathroom area that is attached to a single family dwelling with a separate entrance.
19. Certificate of Occupancy - A permit issued prior to occupancy of a structure to ensure that the structure is ready for occupancy with all defects corrected and all construction debris removed and the site graded to final grade.
 20. Child Care Center - A building wherein ordinary care and supervision are provided during customary day-time periods by the resident family to non-related persons. To qualify, the building must be approved by the Utah Department of Health or other appropriate State agency. (11-16-16)
 21. City Council - The legislative or governing board of Payson, Utah.
 22. Common Area - Land in a development held in common or single ownership and not reserved for the exclusive use or benefit of an individual tenant or owner. Maintenance of such areas is not the responsibility of city government and shall be set forth by the development association in the form of restrictive covenants, which shall guarantee the maintenance of these areas.
 23. 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.
 24. 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.
 25. 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.
 26. 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.
 27. 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.
 28. 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.
 29. 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.
 - ~~30. Day Care Center - A building wherein ordinary care and supervision are provided during customary day time periods by the resident family to non-related persons. To qualify, the building must be approved by the Utah Department of Health or other appropriate State agency.~~
 31. Deck - An exterior floor system adjacent and accessible to a primary building.
 32. Density - The term density shall mean the number of dwelling units per acre of land.
 - b. Gross Density - The ratio of dwelling units per acre utilizing the full acreage of the parcel(s) without subtracting areas dedicated to public or private roads, schools, parks, or similar public use and open space areas or hazard areas.
 - c. Net Density - The total number of dwelling units divided by the project area after the acreage for all areas dedicated to public or private roads, schools, parks, or similar public use and open space areas or hazard areas have been removed.
 33. Disability - A physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such impairment or being regarded as having such an impairment. The following definitions are incorporated into the definition of disability:
 - a. "Disability" does not include current illegal