

19.6.25 I-O Infill Overlay Zone

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19.6.25.1 Purpose and Objectives

Payson City encourages infill development that is compatible and consistent with existing uses, provided that adequate infrastructure is in place to serve any proposed development. The purpose and objectives of the I-O Infill Overlay Zone include, but are not limited to, the following:

1. To allow the orderly development of the established areas of the community.
2. To encourage reinvestment and maintenance of existing neighborhoods.
3. To stabilize and enhance property values.
4. To foster community pride.
5. To promote new development that will enhance and protect the existing structures.
6. To strengthen the economy and improve the quality of life. (9-1-04)

Use of the I-O Infill Overlay Zone is a request for increased intensity in the permitted uses of the underlying zone. Therefore, any applicant for use of the I-O Infill Overlay Zone understands and acknowledges that the development rights on the subject property are those found in the underlying zone until, and unless, approved to use the I-O Infill Overlay Zone, at which time the regulations found in this Chapter may be applied. The applicant further understands and acknowledges that denial for the use of the I-O Infill Overlay Zone shall not constitute a takings claim in that the applicant shall not be denied the ability to use the property in accordance with the underlying zone.

The I-O Infill Overlay Zone may be utilized in the R-1-10, R-1-9, R-1-75, and R-2-75 zones. Approval for the use of the I-O Infill Overlay Zone shall be processed in the same manner as a zone change in accordance with Section 19.2.8 herein, with the exception that approval for the use of the I-O Infill Overlay Zone need not be shown on the Zoning Map.

19.6.25.2 Review of Rezoning for Compatibility

Any application for use of the I-O Infill Overlay Zone shall be reviewed by the Planning Commission and City Council for compatibility with the purposes and objectives of the overlay zone. ***Applications for the purpose of using the overlay zone to simply avoid compliance with this ordinance, or any building code or any federal, state, county or local law, shall not be approved.***

19.6.25.3 Guidelines for Neighborhood Preservation

Use of the I-O, Infill Overlay Zone to create a flag lot is highly discouraged in any location where the use of a cul-de-sac would result in a more efficient land use pattern, better emergency access, connectivity, proper installation of infrastructure, and increased harmony in the neighborhood. It is the responsibility of the applicant to demonstrate that a flag lot is preferable to a cul-de-sac. (1-18-06)

The guidelines found in this Section are in addition to, and do not necessarily take the place of any other adopted ordinance or resolution of Payson City, Utah County, the State of Utah, and the United States Government. Each request for the use of the I-O Infill Overlay Zone shall be reviewed separately and judged on its own merits. ***The intention of the zone is to allow for infill development that is compatible with existing uses.***

19.6.25.4 Zone Area Requirements

Each I-O Infill Overlay Zone will differ in size from a single lot or parcel, to several lots or parcels.

19.6.25.5 Permitted, Conditional, and Accessory Uses

Each I-O Infill Overlay Zone may be different in nature, focus and scope, and thus the permitted, conditional, and accessory uses shall be determined on a case by case basis by the City Council. ***However, residential development is limited to single family homes in the I-O Infill Overlay Zone except as noted in Section 19.6.25.8 herein.***

Each application for an I-O Infill Overlay Zone shall include, at a minimum, the following information:

1. The lots or parcels proposed to be included in the zone.
2. The reason for the zone change request in accordance with one or more of the criteria found in Section 19.6.25.1 herein.
3. Proposals for special requirements of the zone including architectural controls, materials, uses, massing, or other similar ideas.
4. A detailed explanation of how the proposed use will be compatible and consistent with the existing neighborhood.

5. Any other information that will assist the Planning Commission and City Council determine appropriate characteristics and controls leading to the success of the proposal.
6. Proposed setback, width, frontage, parcel size and other requirements of the zone.

19.6.25.6 Duration

Unless otherwise specified by the City Council, approval of the overlay zone shall be valid for one year. If substantial construction of the proposed structure has not been completed, the approval for use of the overlay zone shall be null and void.

19.6.25.7 Structure Placement

Because each request for use of the I-O Infill Overlay Zone is unique, the placement of structures will need to be reviewed on a case by case basis. However, there are several placement issues that need to be adhered to in the placement of any structure in the I-O Infill Overlay Zone:

1. *Setbacks* – Each structure in the I-O Infill Overlay Zone shall satisfy the setback requirements of the underlying zone except that the front setback for a flag lot shall be measured at the point where the access (flag pole) connects to the remaining area (flag portion) of the parcel.
2. *Frontage* – The front of each residential structure approved for use of an I-O Infill Overlay Zone shall face the public right-of-way from which the access is obtained. When possible, each residential structure shall be situated in a manner as to be seen from the public right-of-way from which the access is obtained.
3. *Public Safety* – Access for flag lots shall be at least twenty (20) feet in width and shall be hard surfaced using asphalt or concrete and shall be unobstructed for use by public safety vehicles at all times. Each flag lot shall provide an adequate turn around for public safety vehicles. Each residential structure will be identified at the entrance from the public right-of-way from which access is obtained by a carriage light that includes the address of the residential structure. Furthermore, the Fire Chief or Police Chief may impose additional requirements if deemed necessary to provide proper protection of a flag lot. (5-16-12)
4. *Public Utilities* – A public utility easement shall be recorded around the perimeter of the parcel. All utilities outside of the public right-of-way are the ownership and maintenance responsibility of the property owner. (9-1-04)

19.6.25.8 Special Considerations

Due to the unique circumstances in the established areas of the community, the following considerations are applicable only in the I-O Infill Overlay Zone:

1. Each applicant for the use of the I-O Infill Overlay Zone shall provide notice of the request to the owners of property within two hundred fifty (250) feet, in any direction of the proposed project, except when property is intended to be subdivided in accordance with Title 20, Subdivision Ordinance wherein the notification provisions of Title 20 shall apply. (2-7-07)
2. Parcel improvements including curb, gutter and sidewalk and infrastructure upgrades may be reduced or waived by the City Council following a recommendation from the City Engineer. The City Council is under no obligation to reduce or waive the infrastructure requirements of the City.
3. If it can be shown that a parcel is not suitable for the construction of additional dwellings that are compatible with surrounding uses, and the parcel could have beneficial use, an acceptable accessory structure other than a single-family dwelling may be allowed by the Planning Commission and City Council. All structures in the I-O Infill Overlay Zone must be compatible with surrounding development. Design requirements and other conditions may be placed upon any application to reduce the potential for adverse impact on the existing neighborhood. (3-21-01)
4. Access to any structure within an I-O, Infill Overlay Zone shall be approved by the Fire Chief. At a minimum, the access shall be at least twenty (20) feet in width and hard surfaced with concrete or asphalt. (11-5-14)
5. In order to encourage infill development the City Council may, but is not obligated to, utilize the following incentives for applicants that have received approval for the use of the I-O, Infill Overlay Zone:
 - a. Modification of timing requirements for the installation of curb, gutter, and sidewalk to allow access to the parcel prior to the installation of curb, gutter and sidewalk. The City Council shall determine when the improvements shall be installed, but in no case shall the applicant be issued a Certificate of Occupancy until all improvements are completed.
 - b. Increase the number of dwelling units, including the allowance of multi-family units to offset the additional costs associated with infill development if:
 - i. The proposed development includes the updating of existing structures and

facilities through significant exterior and interior renovation, provision of off-street parking, or general improvement of neighborhood appearance (on-site or off-site). (1-18-06)

- ii. The increase would allow reinvestment in the established areas of the community and would be compatible with surrounding uses.
- iii. The existing infrastructure is capable of handling the proposed increase in density. (9-1-04)