

19.6.11 CC-1 Central Commercial Zone

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19.6.11.1 Purpose and Zone Characteristics

The CC-1 Central Commercial Zone is established to provide areas within the City where retail and service uses can be established. The CC-1 Central Commercial Zone is the heart of the commercial industry for the City. The zone allows for a variety of commercial and retail uses and limited residential uses. Rezoning to the CC-1 Zone should be carefully reviewed to ensure protection of the existing zone and business district.

19.6.11.2 Permitted, Conditional and Accessory Uses

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

A commercial presence must be provided along the public right-of-ways. When it can be demonstrated that a commercial business will benefit from the partial use of the building for non-commercial activities (i.e. light manufacturing, distribution, assembly), no more than seventy five (75) percent of the overall building space may be used for non-commercial uses. (7-7-10)

Second story and higher or basement residential units are allowed in commercial buildings as a permitted use. All residential units shall satisfy the regulations of the adopted building code and fire code and the applicable regulations of the AD-O, Accessory Dwelling Overlay Zone herein. Residential units may be limited by the amount of parking available. (7-7-10)

19.6.11.3 Lot Area

There is no minimum lot area requirement in the CC-1 Zone.

19.6.11.4 Lot Width

There shall be no minimum width requirement in the CC-1 Zone, except that any parcel smaller in width than the average of the parcels on that block shall be reviewed and approved by the City Council. If the Council finds that the width is inefficient or undesirable, the Council may require that the massing, uses, and other design characteristics be compatible with surrounding uses.

19.6.11.5 Lot Frontage

There shall be no frontage requirement in the CC-1 Zone, except that any parcel with less frontage than the average of the parcels on that block shall be reviewed and approved by the City Council. If the Council finds that the frontage is inefficient or undesirable, the Council may require that the massing, uses, and other design characteristics be compatible with surrounding uses.

19.6.11.6 Setback and Build-To-Line Requirements

The following minimum setback requirements and build-to-line requirements shall apply in the CC-1 Zone. Each setback is measured from the property line of the lot or parcel. (4-15-15)

1. Front setback - Each lot or parcel in the CC-1 Zone shall have a minimum front setback of ten (10) feet.
2. Side setback - There is no side setback in the CC-1 Zone provided that each building satisfies the building and fire codes in effect at the time of approval and issuance of a Certificate of Occupancy, except as follows:
 - a. Side setback for structures constructed adjacent to residentially zoned areas - The side setback for structures constructed adjacent to residentially zoned areas shall be a minimum of ten (10) feet.
 - b. Side setback for corner lot - Each corner lot or parcel in the CC-1 Zone shall have a minimum setback on all areas of road frontage of ten (10) feet.
 - c. 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.
 - d. Side setback for accessory building - The side setback for any permitted accessory building shall have a minimum side setback of fifteen (15) feet.
3. Rear setback - Each lot or parcel in the CC-1 Zone shall have a minimum rear setback of twenty (20) 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)

19.6.11.7 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)

Following review of any proposed project that contains an existing structure, aesthetic improvements similar to those listed in subsections 1 and 2 immediately listed above may be allowed to encroach into the front setback area or public right-of-way at the discretion of the Development Services Director, and after written approval based on, but not necessarily limited to, the following conditions:

1. No permanent structure may be erected in the public right-of-way.
2. The aesthetic improvement may not impede pedestrian or vehicular safety.
3. The property owner is willing to accept all liability in relation to the aesthetic improvement.
4. The aesthetic improvement does not have the effect of enlarging the enclosed area of the building.
5. The request shall be reviewed by all appropriate staff members and the alteration shall satisfy all conditions of staff.
6. If the improvement is adjacent to a roadway owned by an entity other than Payson City, the applicant will need to obtain approval from that entity.

The Development Services Director is under no obligation to approve the request upon review of the proposed aesthetic improvement and no precedent is set by any approval or denial of such a request. (9-3-03)

19.6.11.8 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. Accessory structures may not exceed eighteen (18) feet in total height as defined in Chapter 19.28 herein. (5-16-12)

19.6.11.9 Distance between Buildings

The distance between any building or structure shall satisfy the requirements of the building and fire codes 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.

19.6.11.10 Permissible Lot Coverage

The sum total of all buildings, structures, and impervious material on any parcel in the CC-1 Zone shall not be greater than eighty (80) percent of the total area of the parcel. (4-15-15)

19.6.11.11 Parking, Loading and Access

Each project in the CC-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.

19.6.11.12 Project Plan Approval

Any request for project plan approval in the CC-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 CC-1 Zone will be reviewed and approved in accordance with Chapter 19.8, Commercial Development, Site Plans, herein.

19.6.11.13 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 CC-1 Zone in accordance with Chapter 19.15 herein. Signs in specific areas of the CC-1 Zone may be subject to additional review as determined by the City Council. (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.
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 specific design guidelines be employed in the project. The design guidelines may include, but are not limited to, architectural controls, colors, materials, building mass, innovative design of buildings and access, and any other features deemed appropriate by the City Council. The design guidelines apply to all structures in a development including accessory structures. (2-16-05)
5. No dust, odor, smoke, vibration, intermittent light, glare, or noise shall be emitted which is discernible beyond the premises, except for normal traffic movements.

19.6.11.14 Parcels Constricted by Land Constraints

In order to effectively utilize existing infrastructure and promote commercial use on existing parcels within the CC-1 Zone, any project that cannot comply with the requirements on this Section concerning parking, access, landscaping or other constraints based on lot size, location, or configuration will be reviewed on a case by case basis. If the applicant can show that the project will be consistent and compatible with surrounding uses and will not negatively impact the purposes and objectives of the CC-1 Zone or adjacent property owners, the Fire Chief and Development Services Director will review and may approve the project. There shall be a two (2) week review period to receive input from the Planning Commission and City Council prior to a determination being made by the Fire Chief and Development Services Director. The Fire Chief and Development Services Director are under no obligation to approve the request to modify the regulations herein and no precedent is set by any approval or denial of such a request. (3-5-03)

This Section is not intended to relieve the applicant from complying with any and all other requirements of this ordinance or any law, code, ordinance or resolution of Payson City. (8-16-00)