

Title 20 Development Standards and Subdivision Ordinance

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20.1 Title

These standards and regulations may be known, cited and referred to as the Development Standards and Subdivision Regulations, or the Subdivision Ordinance of Payson City, Utah.

20.2 Introduction and General Provisions

- 20.2.1 Burden of Proof
- 20.2.2 Assumption of Validity
- 20.2.3 Licensed Contractors, Surveyors, Engineers

Subdivisions Developments in Payson City shall be designed for building purposes without danger to health or peril from fire, flood, landslide, subsidence, geologic and natural hazards, or other menace. Land shall not be subdivided ~~and~~ ~~or~~ developed until available public facilities and improvements exist (or adequate guarantees are in place) and proper provision has been made for drainage, water, sewerage, and capital improvements such as schools, parks and recreation facilities, streets and transportation facilities, and related improvements. If necessary and required public facilities, infrastructure and safety protections are not in place or cannot be provided, the subdivision development will not be allowed. (12-19-18)

Proposed public improvements shall conform to the General Plan, Streets Master Plan, Official Zoning Map, Standard Specifications and Standard Plans and the capital improvement program of Payson City. It is intended that these regulations supplement and facilitate the enforcement of the provisions and standards contained in the building and housing codes adopted by the State of Utah and Payson City, the Zoning Ordinance and other development ordinances of the City, the General Plan, Official Zoning Map, and capital improvement program as they are adopted and may be amended. (11-5-14)

20.2.1 Burden of Proof

For all proceedings in regard to development approval under this Title or amendments to this Title, the burden of proof showing satisfaction of all requirements shall rest with the applicant or authorized agent of the proposed development or amendment. The requirements and standards set forth herein are the minimum acceptable standards for development applications within Payson City. (12-19-18)

20.2.2 Assumption of Validity

The City will assume that all information provided is accurate and valid. If any information provided to the City is found to be outdated, false, or in any way misleading, the application for development approval may be denied or revoked by the city council regardless of previous approvals. If it can be shown that the

applicant or authorized agent knowingly submitted false or misleading information during the approval process, the city council may charge the applicant or authorized agent with a Class C misdemeanor offense.

20.2.3 Licensed Contractors, Surveyors, and Engineers

All applicants for subdivision development approval will use licensed contractors, surveyors, and engineers to satisfy the regulations of this Title. Failure of applicants to use experienced and professional assistance to prepare the information required for subdivision development approval can lead to unnecessarily combative and unproductive situations. All improvements required herein shall be completed by a licensed contractor. ~~(2-16-05)~~ (12-19-18)

20.3 Purpose for Standards and Regulations

The Development Standards and Subdivision Regulations are adopted for the following purposes:

1. To protect and provide for the public health, safety, and general welfare.
2. To guide future growth and development in Payson City in accordance with the Payson City General Plan. (12-19-18)
3. To provide for adequate light, solar access, open space, air, privacy, to secure safety from fire, flood, landslides and other geologic and natural hazards, and other danger, and to prevent overcrowding of the land and undue congestion of population.
4. To protect and conserve the value of land throughout the municipality, the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.
5. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, streets, and other public facilities.
6. To provide a beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the municipality, having particular regard to the avoidance of congestion in the streets and the pedestrian facilities, and to provide for the proper location and width of streets and building setbacks.
7. To establish reasonable standards of design and procedures for subdivisions in order to further the orderly layout and use of land, to insure proper legal descriptions and monumentation of subdivided land, and facilitate the transfer of ownership. (12-19-18)
8. To insure that public facilities are available and will have a sufficient capacity to serve proposed development.
9. To prevent pollution or degradation of air, streams and ponds, assure the adequacy of drainage facilities,

protect subsurface water, minimize site disturbance and the removal of native vegetation and soil erosion, encourage the wise use and management of natural resources throughout the municipality, and preserve the integrity, stability, and beauty of the community and value of the land.

10. To provide open spaces through efficient design and layout of the land using appropriate development layout and flexible width and area of lots, while preserving the overall density of land as established in the Zoning Ordinance.

20.4 Authority

By authority of Municipal Ordinance and in accordance with §10-9a-501 et. seq. of Utah Code Annotated 1953, as amended, and any other applicable federal, state, county or municipal laws, statutes, ordinances, and regulations of the State of Utah, ~~the City Council~~ designated land use authorities hereby exercises the power and authority to review, approve, and disapprove plats for the subdivision of land use applications to subdivide or develop land within the corporate limits of Payson City. ~~(1-18-06)~~ (12-19-18)

By the same authority, ~~the City Council does also~~ designated land use authorities hereby exercise the power and authority to disapprove plats for the subdivision of land under the following conditions:

1. The plat or subdivision has been recorded in the office of the county recorder without prior approval by the City Council land use authority.
2. The plat or subdivision was approved by the City Council more than three (3) years prior and no building permits have been issued, and the zoning regulations, either bulk or use, for the district in which the subdivision is located, have been changed subsequent to the original subdivision approval.
3. The subdivision fails to satisfy the requirements of this Title or any other land use and development ordinances of Payson City including, but not limited to the Zoning Ordinance, Sensitive Lands Ordinance, the Standard Specifications and Standard Plans ~~of Payson City~~, and §10-9a-601 et. seq. of Utah Code Annotated 1953, as amended. (12-19-18)

20.5 Jurisdiction

20.5.1 Private Property Issues

These development standards and subdivision regulations shall apply to all land use applications to subdivide or develop subdivisions of land in accordance with §10-9a-

103(35)(a-d) Utah Code Annotated, 1953, as amended. (~~18-06~~) (12-19-18)

No land shall be subdivided ~~or developed~~ within Payson City until the applicant or agent submits a Concept Plan of the proposed subdivision ~~or development~~ to staff; obtains written approval of the ~~Preliminary Plan land use application~~ by the ~~City Council~~ following a ~~recommendation of the Planning Commission~~; obtains ~~written approval of the Final Plat by the City Council land use authority~~; and the approved plat is filed and recorded in the office of the Utah County Recorder, if applicable. (12-19-18)

No building permit or certificate of occupancy will be issued for any ~~lot or~~ parcel ~~or plat of land which that~~ was created by subdivision after the effective date of, and not in conformity with, the provisions of these ~~subdivision~~ regulations or approved under a prior subdivision ordinance adopted by the city council. No excavation of land or construction of any public or private improvements shall occur except in conformity with the applicable Payson City regulations. (12-19-18)

No owner, or agent, of any ~~lot or~~ parcel of land located in a ~~proposed~~ subdivision shall transfer or sell any ~~lot or~~ parcel before a Final Plat has been approved by the ~~City Council land use authority~~ in accordance with the provisions of these regulations, and filed in the office of the Utah County Recorder. The subdivision of any lot or ~~any~~ parcel of land, by the use of metes and bounds description for the purpose of sale, transfer, or lease with the intent of evading these regulations, shall not be permitted and shall be considered null and void. The City may approve metes and bounds descriptions for purposes of ~~lot boundary~~ line adjustments and resolving conflicting boundary descriptions. (12-19-18)

Any person, firm, or corporation who fails to comply with, or violates, any of these provisions shall be guilty of a Class C misdemeanor. Appropriate actions and proceedings may be taken in law or in equity to prevent violation of these regulations, unlawful construction, to recover damages, restrain, correct, or abate a violation, or prevent illegal occupancy of a building, structure or premises, and these remedies shall be in addition to a Class C misdemeanor.

20.5.1 Private Property Disputes

Payson City does not have jurisdiction to resolve the following private property issues during the ~~subdivision development~~ review process:

1. Property line location, property overlaps and gaps, or other survey or property line irregularities.
2. Negotiations or arrangements between non-City utility providers and developers. (8-7-02)

20.6 Interpretation, Conflict, and Severability

- 20.6.1 Interpretation
- 20.6.2 Conflict with Other Provisions
- 20.6.3 Equivalent Residential Units Defined
- 20.6.4 Severability

20.6.1 Interpretation

These regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. The burden of proof shall, in all proceedings pursuant to this Title, rest with the proponent of an application for development approval. Any dispute arising from the administration of this Title shall be forwarded to the city council for resolution.

20.6.2 Conflict with Other Provisions

This Title is intended to be consistent with all other laws, ordinances and resolutions of Payson City, specifically including the following:

1. The Payson City General Plan and General Plan Map.
2. Title 19 of the Payson City Code, also known as the Zoning Ordinance.
3. Title 21 of the Payson City Code, also known as the Sensitive Lands Ordinance.
4. The Payson City Standard Specifications and Standard Plans. (11-5-14)

These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or provision of law. Where any provision of these regulations imposes a restriction different from those imposed by any other provision or ordinance, rule or regulation, or law, whichever provision is more restrictive or imposes higher standards shall control. Further, these regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall control. Where the provisions of an easement, covenant, or private agreement or restriction impose duties and obligations more restrictive than these regulations, then the private provisions shall be operative and supplemental to these regulations and conditions imposed. Provided, however, that the City is under no obligation to enforce private restrictive covenants and conditions.

20.6.3 Equivalent Residential Units Defined

1. Equivalent Residential Unit (ERU) – A calculation to determine the impact of a development in comparison with single-family residential units. An ERU is equal to one (1) single-family unit. Each Payson City utility will have unique ERU calculations including, but not limited to, to the following:
 - a. Impact on traffic: One ERU = 10 vehicle trips per day.
 - b. Impact on drinking water: One ERU = the gallons of water that can be obtained through a three quarter (¾) inch service lateral.
 - c. Impact on irrigation water: One ERU = the gallons of water that can be obtained through a one (1) inch service lateral.
 - d. Impact on power: One ERU = 4 Kw peak demand. (2-7-07)

20.6.4 Severability

If any part or provision of these regulations or application thereof to any person or circumstance is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances.

20.7 Saving Provision, Relationship to Previous Ordinance

These regulations shall not be construed as abating any action under, or by virtue of, prior existing subdivision and development regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the municipality under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of the municipality except as shall be expressly provided for in these regulations. (12-19-18)

The procedures set forth in this Title are intended to supersede any inconsistent procedural provisions in the previous development ordinances. The substantive requirements of the application form and the review process shall remain unchanged, but all final actions under any previous ordinance are subject to the appeal processes set forth herein. All land use applications for subdivision approval are subject to termination as set forth herein. (8-7-02) (12-19-18)

20.8 Amendments to this Title

- 20.8.1 Amendments
- 20.8.2 Petition for Amendment
- 20.8.3 Hearing before Planning Commission
- 20.8.4 Action by Planning Commission
- 20.8.5 Action by City Council (7-19-17)
- ~~20.8.6 Joint Hearings~~
- 20.8.7 Notice Requirements

For the purpose of protecting the public health, safety, and general welfare, the city council may from time to time amend the provisions imposed by the development standards and subdivision regulations. A public hearing on all proposed amendments shall be held by the planning commission in accordance with §10-9a-503 Utah Code Annotated, 1953, as amended. The following amendment process is intended to be consistent with those provisions. (7-19-17)

This Title should be constantly reviewed and improved upon to stay viable and useful to the City. Any amendment to this Title or the zone map should be consistent with the direction of the General Plan. All amendments will be completed in the following manner:

20.8.1 Amendments

Amendments to the provisions of this Title may be initiated by the planning commission, city council, an applicant for development approval, member of the general public, or City staff. Amendments to this Title may require an amendment to the General Plan as well. If a petition would require changes to the General Plan, it should be so noted on the petition and the changes should be made concurrently.

20.8.2 Petition for Amendment

A petition to amend this Title shall be filed with the Development Services Department in a letter or on a form prescribed for that purpose. The form or letter shall contain a statement of the petitioner's interest in the amendment. The petition shall indicate the proposed amendment and indicate the reasoning for the change. A fee will be established for acting on a petition for an amendment that will be included in the Payson City Fee Resolution in effect at the time.

20.8.3 Hearing before Planning Commission

The planning commission shall hold a public hearing on all petitions for an amendment to this Title and receive comments from citizens or property owners affected by the change. Notice of all amendment the hearings before the Planning Commission shall be given as set forth in Section 20.8.7 of this Title. The notice shall generally state the nature of the proposed amendment,

the Section of the Title affected, and the time, place, and date of the public hearing. The notice shall also state that more detailed information is available for public inspection at the Development Services Department. All information shall be available prior to publication of the notice of public hearing. (12-19-18)

20.8.4 Action by Planning Commission

Following a public hearing, the planning commission shall prepare a formal recommendation to be presented to the city council regarding the petition. The recommendation shall be to approve, deny, or modify and approve the petition. The planning commission shall act on the petition at the time of the hearing or at its next regularly scheduled meeting following the hearing, unless the proponent or petitioner has requested the matter be tabled for further consideration, or the petition is withdrawn. If the planning commission fails to act within two (2) regularly scheduled meetings on the petition, the petition shall be deemed as a recommendation for denial by the planning commission and the petition shall be forwarded to the city council for their consideration with that recommendation.

20.8.5 Action by City Council

Following a review of the proposed amendments, and in consideration of the planning commission recommendation, the city council shall approve, deny, or modify and approve the proposed amendment. The recommendations of the planning commission are advisory only and the city council may or may not accept the recommendations of the planning commission. City council action on an amendment to this Title requires the affirmative vote of three or more city council members. (7-19-17)

~~20.8.6 Joint Hearings~~

~~At the option of the City Council, hearings before the Planning Commission and City Council may be consolidated into a single hearing, provided that separate votes are taken. The Planning Commission vote shall occur first followed by a vote of the City Council on the recommendation of the Planning Commission. Notice for any joint hearing shall comply with the notice requirements set forth in Section 20.8.7 of this Title. The City Council shall approve, deny, or modify and approve the recommendation of the Planning Commission.~~

20.8.7 Notice Requirements

Notice of hearings before the planning commission concerning amendments to this Title shall be provided in accordance with this Section. Notice of amendments to this Title shall be given at least fourteen (14) days before the date set for the hearing in accordance with state law. All notice required under this Section shall be given as follows:

20.8.7.1 Posted Notice

Staff shall post, or cause to be posted, notice of the proposed amendments to this Title in at least two public places within the City. At least one posted notice shall be located at a public place other than the City building, such as the Post Office. The notice shall state that an application for an amendment to Title 20, Subdivision Ordinance has been filed, give general information about the proposed amendment, and indicate that detailed information concerning the proposed amendment is available from the City. The notice shall state the time, place and date set for a public hearing. (7-19-17)

20.8.7.2 Published Notice

Published notice, at the applicant's expense, shall be given by publication in a newspaper having general circulation in Payson City. Published notice shall state that an application has been filed to amend Title 20, Subdivision Ordinance, give general information about the proposed amendment, and indicate that detailed information about the proposed amendment is available from the City. The notice shall state the time, place and date set for a public hearing. The published date of the notice, not the date of submittal to the newspaper, must satisfy the fourteen (14) day notification requirement of this Section. (12-19-18)

20.8.7.3 Proof of Notice

Proof that notice was given pursuant to either Section 20.8.7.1 or 20.8.7.2 above is prima facie evidence that notice was properly given. If notice given under authority of this Section is not challenged, as provided for under State law, within thirty (30) days from the date of the hearing for which the challenged notice was given, the notice is considered adequate and proper.

20.9 Vacation, Alteration or Amendment of Subdivision Plats and Other Parcel Modifications (5-16-12)

- 20.9.1 Vacation, Alteration or Amendment of Subdivision Plat
- 20.9.2 ~~Lot Boundary~~ Line Adjustment and Lot Combination

In some instances, it becomes necessary to vacate, alter or otherwise modify the dimensions of existing lot lines. When such alterations involve several lots or parcels, a plat amendment is appropriate; when easements or right-of-ways are involved, a vacation process is necessary; and in circumstances that only involve adjacent owners, a lot

line adjustment is adequate. The purpose of this Chapter is to clarify these processes.

20.9.1 Vacation, Alteration or Amendment of Subdivision Plat

The city council may, on its own motion, a recommendation of the planning commission, or pursuant to a petition, consider any proposed vacation, alteration or amendment of a subdivision plat, or any street, lot, alley or public use area contained in a subdivision plat, as provided in §10-9a-608 and §10-9a-609 of Utah Code, Annotated, 1953, as amended. If the city council is satisfied that neither the public nor any person will be materially injured by the proposed vacation, alteration, or amendment and there is good cause for such action, the city council may vacate, alter, or amend the plat, any portion of the plat, or any street or lot. (2-20-13)

The planning commission may act as the land use authority when the vacation, alteration, or plat amendment does not require the vacation, alteration or amendment of a street, right-of-way, or easement. (12-19-18)

20.9.2 ~~Lot~~ Boundary Line Adjustment and Lot Combination

The Development Services Director may, upon petition, consider and approve a ~~lot~~ boundary line adjustment or a lot combination of a metes and bounds parcel, under the provisions of this Section and Utah Code. Petitions to adjust lot lines between adjacent properties may be executed upon the recordation of an appropriate deed if:

1. No new dwelling lot or housing unit results from the adjustment;
2. The adjoining property owners consent, in writing, to the new lot lines;
3. The ~~lot~~ boundary line adjustment does not result in remnant land that did not previously exist; and
4. The adjustment does not result in violation of applicable zoning requirements.

A request to combine two (2) legally existing lots or parcels in a subdivision may be approved by the Development Services Director, unless the lot combination involves the vacation of a street, right-of-way, or easement. Following approval, the applicant shall prepare and record deeds removing the property line between the two (2) lots and eliminate the public utility easement between the two (2) building lots.

If the boundary line adjustment or combination involves the vacation of a street, right-of-way, or easement, the applicable requirements of Utah Code, including §10-9a-609.5, shall be satisfied. (12-19-18)

If public utilities exist in the public utility easement between the two (2) lots, the public utilities shall be relocated to an appropriate easement at the expense of the applicant for a ~~lot~~ boundary line adjustment. (12-19-18)

The boundary line proposed to be adjusted must be surveyed by a licensed surveyor and the existing property line(s) and the proposed property line(s) will need to be identified. This will allow City staff and representatives of the private utility companies to determine whether or not the proposed ~~lot~~ boundary line adjustment will impact the ability of the utility company to provide adequate service. In making a determination concerning a ~~lot~~ boundary line adjustment, the Development Services Director shall consider, at a minimum, the following:

1. Utility easements surrounding each parcel or through a parcel.
2. The impact on the ability of Payson City or any other utility provider to serve the properties.
3. The vacation of existing easements and the potential recording of new easements.

If the ~~lot~~ boundary line adjustment satisfies all applicable ordinances and resolutions of Payson City, a notice of approval shall be recorded in the office of the Utah County Recorder that satisfies the provisions of §10-9a-609 Utah Code, Annotated, 1953, as amended. The notice of approval does not convey title. In order to convey title, the adjoining property owner(s) will need to prepare and record a quit claim deed, warranty deed, or other acceptable instrument in the office of the Utah County Recorder.

A request for a ~~lot~~ boundary line adjustment to accommodate development may be denied by the Development Services Director if it is determined the application fails to meet the requirements of this Title or Title 19, Zoning Ordinance or it is more appropriate to complete the subdivision or plat amendment process. (12-19-18)

20.10 Planned Residential Development (PRD)

- 20.10.1 Development Description
- 20.10.2 Approval Process
- 20.10.3 Base Density
- 20.10.4 Open Space and Recreation Vehicle Parking
- 20.10.5 Density Bonus
- 20.10.6 Density Bonus Amenities for the R-1-20, R-1-15, R-1-12, R-1-10, R-1-9, R-1-75, and R-2-75 Residential Zones (3-5-14)

- 20.10.7 Density Bonus Amenities for the A-5, Agricultural Zone and the R-1-A, Residential-Agricultural Zone
- 20.10.8 Density Bonus Amenities for the MH-1, Mountain and Hillside Zone and the MH-2, Mountain and Hillside Zone
- 20.10.9 Total Project Density
- 20.10.10 Type of Units Allowed in Zoning Districts
- 20.10.11 Relationship of PRD to This Title and Other Development Ordinances of Payson City
- 20.10.12 Coordination of PRD Application with Subdivision Approval
- ~~20.10.13 Phasing~~
- 20.10.14 Sensitive Lands Review of PRD

Payson City supports development that is creative and serves a purpose beyond the division of land. Planned Residential Developments should be of benefit to the City as well as the residents of the development. The purpose of a Planned Residential Development is not to increase density, but to increase the quality of life in the community. In order to increase the quality of life in Payson City, the City is willing to allow additional dwelling units in exchange for amenities. (3-21-01)

When approval of a Planned Residential Development (PRD) is proposed and prior to any contract being made for the sale of any part thereof, and before any permit for the erection of a structure in a proposed Planned Residential Development shall be granted, the owner, or authorized agent, shall apply for and secure approval of the proposed Planned Residential Development in accordance with this Chapter. The PRD Chapter is intended to be in addition to the requirements of this Title, not to take the place of these regulations.

A Planned Residential Development may be allowed at the discretion of the city council following a recommendation of the planning commission in any agricultural or residential zone, except in the R-MF, Multi-Family Residential Zone. An application for approval of a PRD is a request by the applicant for additional density and flexibility than that allowed by the underlying zoning. An applicant will not be denied the right to develop property in the traditional manner by satisfying all of the requirements of Title 19 and all other sections of this Title. It is the sole responsibility and burden of the applicant to convince the planning commission and city council that the proposed alternative development layout is preferable to a traditional subdivision approved in accordance with Title 19 and all other requirements of this Title. Denial of a PRD shall not result in a takings claim against the City because no applicant shall be denied the right to develop property by satisfying all of the requirements of Title 19 and all other sections of this Title. The city council need not provide

detailed findings or reasons for denial of a PRD in light of their decision being clearly legislative and an assumption that denial of a PRD is in the best interest of the citizens of Payson City as a whole. (3-21-01)

The intention of this Chapter is to allow and encourage a flexible, efficient and imaginative development pattern. Planned Residential Developments can:

1. Provide flexible development options where a standard lot pattern is not practical or desirable due to physical constraints.
2. Promote attractive architectural design, creative lot configuration, provide open spaces, and ensure efficient delivery of services.
3. Promote usable public and private recreation areas, parks, trails and open space with assurance of maintenance.
4. Reduce development costs and ongoing maintenance costs.

Any development that satisfies the requirements of this Chapter may be considered for approval regardless of whether the requirements of Title 19, Zoning Ordinance, are satisfied. In the case of conflicting requirements of this Chapter and Title 19, Zoning Ordinance, this Chapter shall dictate.

20.10.1 Development Description

A Planned Residential Development (PRD) is a development containing residential lots or units with some or all of the parcels reduced below the minimum lot sizes required by the underlying zoning district. Projects are planned to achieve a coordinated, functional and unified development pattern. A PRD allows greater flexibility in project layout while assuring that the character of the underlying district is maintained and the requirements of the Standard Specifications and Standard Plans are satisfied. Applicants are eligible for a density bonus based on provision of additional amenities in the development. Planned Residential Developments are allowed in all residential zones of in Payson City, except in the R-MF, Multi-Family Residential Zone. (11-5-14)

Because the lot sizes in a PRD are flexible, a building footprint shall be indicated on each lot that identifies the buildable area of the lot and the required setback area for each lot. The city council may require the buildable area of the lots to be increased if it is determined that an average size dwelling, in comparison with other dwellings in the general vicinity, cannot be constructed on the proposed lots. (7-6-05)

Although flexibility in lot arrangement is a feature of a PRD, the lots in the development will be reviewed to

ensure that the lots can be used for their intended purpose. Each lot should accommodate a dwelling compatible with other dwellings in the development, access should be provided in a reasonable manner, and lots will have usable yard space. Lots in a PRD should not be designed in a manner that creates odd-shaped lots and in particular to simply obtain additional lots. (5-5-04)

20.10.2 Approval Process

The requirements of this Chapter are supplementary to the other requirements of this Title. Therefore, an application for a Planned Residential Development will be reviewed and approved or denied in accordance with Section 20.11, and other relevant sections herein.

20.10.3 Base Density

The Base Density for each Planned Residential Development is calculated by multiplying the units per acre allowed in the zone in which the proposed development is located by the total number of acres in the proposed project. The number of units allowed for the purpose of determining the base density of a proposed Planned Residential Development in each residential zone ~~of in~~ Payson ~~City~~ are as follows:

Zone	Units Per Acre Allowed
MH-1	.1 (one unit per ten acres) (net acreage)
MH-2	1 (net acreage)
A-5	.2 (one unit per five acres) (net acreage)
R-1-A	1 (net acreage)
GCD	10 (gross acreage)
R-1-20	2 (3-5-14)
R-1-15	2.25 (3-5-14)
R-1-12	2.5
R-1-10	3.0
R-1-9	3.5
R-1-7.5	4.0
R-2-7.5	4.0

An applicant may present a flexible project layout for consideration by the City based on the Base Density described above. However, applicants may be eligible for a density bonus as described in Section 20.10.5. (10-1-08)

20.10.4 Minimum Standards (7-6-05)

- 20.10.4.1 Open Space
- 20.10.4.2 Recreational Vehicle Parking
- 20.10.4.3 Covered Parking – Garages
- 20.10.4.4 Attractive Elevations – Variety
- 20.10.4.5 Exterior Materials
- 20.10.4.6 Connection with Trails Master Plan
- 20.10.4.7 Setback Requirements (2-20-13)

20.10.4.1 Open Space

Each Planned Residential Development is required to contain at least ten (10) percent open space that may contain recreation activity areas, picnic pavilions, gazebos, water features, playgrounds, or landscaped areas. However, land used to provide storm retention basins shall not be used to satisfy the ten (10) percent open space requirement nor be used to obtain a density bonus in accordance with Section 20.10.6.10 herein.

The open space may be held in common, administered by a homeowners association, dedicated to the City upon acceptance by the city council, or used to provide amenities in the development. Maintenance of the open space is the responsibility of the owner of the development, if held in single ownership, or a homeowners association, if the dwelling units are sold separately, unless dedicated to the City and accepted by the city council. (7-6-05)

Each applicant for a Planned Residential Development shall, as part of the application, submit a detailed improvement plan indicating the landscaping, trails, facilities, and other amenities proposed in the development. Upon approval of the amenities package by the city council in exchange for a density bonus, the applicant will be required to complete all improvements in accordance with the development approval. Furthermore, if any open space area is anticipated to be dedicated to Payson City, the landscaping materials, sprinkling system and other improvements shall be completed in accordance with any design or improvement standards adopted by Payson City. (7-6-05)

20.10.4.1.1 Open Space Transfer

The city council may consider an alternate open space plan for the development. For example, the open space requirement may be satisfied outside the development in exchange for payment by the applicant equal to the fair market value of the property and associated improvement costs to be used in the purchase or complete improvements of a larger regional open space facility. Furthermore, an applicant may be eligible for a density increase by providing additional funds for the purchase or complete improvements of a larger regional open space facility consistent with the density bonus amenities listed herein. (2-20-13)

20.10.4.2 Recreational Vehicle Parking

Any proposed Planned Residential Development that includes more than twenty (20) dwelling units shall provide parking for recreational vehicles. The

applicant must show that the parking area is large enough to accommodate one recreational vehicle for each five dwelling units in the proposed development. The recreational vehicle parking area shall be enclosed by a sight-obscuring fence in a less visible location in the proposed development.

The recreational vehicle parking shall be owned and maintained by the owners of the development by means of a homeowners association or other acceptable entity. Use of the recreational vehicle parking area shall be determined by the restrictive covenants of the development. (12-6-00)

The city council may waive or reduce the requirement for recreational vehicle parking if the following can be demonstrated by the applicant:

1. The development is considered infill development located in an established portion of the community.
2. The elimination of the recreation vehicle parking will result in more preferable lot arrangement and no additional units are created by the elimination or reduction of recreational vehicle parking.
3. The lots in the subdivision are large enough to accommodate recreational vehicle parking on each lot. (5-5-04)

20.10.4.3 Covered Parking – Garages

Each dwelling unit in a Planned Residential Development shall include at least a two (2) car garage that measures no less than twenty (20) feet by twenty (20) feet. (7-6-05)

20.10.4.4 Attractive Elevations – Variety

Each residential structure should include, at a minimum the following design elements:

1. A variety of elevations, roof types (i.e. mansard, hip, gabled, traditional), colors, materials, and other architectural features will be incorporated into the housing units eliminating or greatly reducing the impression of tract housing.
2. Garage doors should not be the most prominent feature of the structure. Side entry garages that do not face public streets, garage doors that are recessed from the front of the structure, or other creative solutions are highly encouraged.
3. Dwellings with the same or similar elevations will not be placed adjacent to each other or across the street from dwellings with the same or similar elevations except when the applicant is approved to have limited variation by the city council in a Planned Residential Development (2-7-07)

Failure to incorporate these minimum design standards

into the proposed structures in the development may result in denial of the request for a Planned Residential Development. (7-6-05)

20.10.4.5 Exterior Materials

The materials used to construct the structures in a Planned Residential Development will represent an upgrade from typical construction practices. At a minimum, all residential structures within a Planned Residential Development will include at least eighty (80) percent hard surface exterior materials defined as brick, stucco, stone, cementitious siding or approved equal products. (9-1-10)

Notwithstanding the provisions above, and by their legislative authority, the city council may allow exterior materials other than those listed above (i.e. vinyl siding, engineered simulated wood siding) to be used in the Planned Residential Development. It shall be the applicant’s responsibility to demonstrate that the use of alternative products will complement and enhance the architectural style and overall character of the development. The following criteria will be used to determine if the exterior materials will enhance and complement the development.

- The use of other materials should serve to increase the variety of housing options and reduce monotony of housing design.
- The amount of information provided by the applicant such as detailed renditions indicating colors, building materials, elevations and other architectural features.
- A percentage of dwellings that will be constructed in the project using specific elevations, colors and building materials.
- The anticipated durability and maintenance aspects of the proposed materials and any methods incorporated to ensure on-going maintenance. (9-1-10)

20.10.4.6 Connection with Trails Master Plan

Any Planned Residential Development that is traversed by a trail designated in the Trails Master Plan will be required to install the trail consistent with the improvement standards adopted by Payson City. (7-6-05)

20.10.4.7 Setback Requirements (2-20-13)

The setbacks for each lot in a Planned Residential Development must be consistent with the requirements outlined in the underlying zone, unless otherwise approved by the city council.

To achieve the desired layout, the applicant may

request the city council approve alternate setbacks for a Planned Residential Development. In no case will a reduction in a setback block a clear view area, encroach upon a recorded easement, or result in the blocking of pedestrian facilities by an automobile parked in the front yard area. The setbacks must be ratified in an agreement approved by the city council. The city council is not obligated to approve a request for alternate setbacks.

20.10.5 Density Bonus

An applicant for a Planned Residential Development is eligible for a density bonus based on additional amenities provided in the project approval. Density in excess of the base density may be considered for projects which satisfy the requirements of one or more of the density bonus amenities listed below or those listed in a Specific Plan and Annexation Agreement in accordance with Chapter 19.12 of the Zoning Ordinance. Each amenity is assigned a potential density bonus figured as a percentage increase in dwelling units. A density bonus shall not exceed twenty-five (25) percent above the base density. The maximum allowed density in each zone is indicated in the table below. (8-7-02)

Zone	Base Density (Units Per Acre)	Maximum Density with 25% Density Bonus
A-5	.2 (net)	.25 (net)
R-1-A	1 (net)	1.25 (net)
GCD	10 (gross)	No Bonus
R-1-20	2	2.5
R-1-15	2.25	2.81
R-1-12	2.5	3.13
R-1-10	3.0	3.75
R-1-9	3.5	4.38
R-1-75	4.0	5.0
R-2-75	4.0	5.0
MH-1	.1 (net)	.125 (net)
MH-2	1.0 (net)	1.25 (net)

(3-5-14)

20.10.5.1 Cash in Lieu

The city council may, but is not obligated to, consider a cash payment in lieu of the provision of amenities for a density bonus. The money obtained in lieu of the provision of amenities shall be used to provide amenities at another location. The city council may consider allowing an applicant to provide amenities off-site that will improve the community. (12-19-01)

20.10.6 Density Bonus Amenities for the R-1-20, R-1-15, R-1-12, R-1-10, R-1-9, R-1-75, and R-2-75 Residential Zones

An applicant for a Planned Residential Development in the R-1-20, R-1-15, R-1-12, R-1-10, R-1-9, R-1-75, and

R-2-75 Zones may include one or more of the following amenities in the design of the subdivision and be considered for a density bonus in accordance with this Section. Each amenity is followed by a percentage increase in total project density for providing the amenity. The maximum density bonus allowed is equal to a twenty-five (25) percent increase in dwelling units above the base density. If an applicant were to provide all of the density bonus amenities in a single project, the total would exceed a twenty-five (25) percent increase in dwelling units. Regardless, the maximum density bonus allowed is equal to a twenty-five (25) percent increase in dwelling units above the base density. (3-5-14)

The density increases listed represent the maximum allowed, and the city council is entitled to approve less than the maximum amount listed.

20.10.6.1 Active Recreation

Active recreational facilities which are provided for residents of the Planned Residential Development or the general public are entitled to a density bonus. Active recreation areas may include swimming pools, sports courts, spas, playground equipment, trails and walking paths, and other similar amenities. Amenities that cost more to provide or are intended for use by the general public may receive a higher density increase than amenities that are relatively lower in cost or are intended for use primarily for residents of the development. Developments that provide active recreation areas are eligible for up to a **ten (10) percent density increase.** (7-6-05)

20.10.6.2 Building Architecture and Design

Housing designs that incorporate the use of architectural features to beautify and create interest in the units on all sides of the units rather than just the façade are eligible for a density bonus. Such treatment may be referred to herein as 360° architecture. The applicant is eligible for up to a **ten (10) percent density increase.** (7-6-05)

20.10.6.3 Common Buildings or Facilities

Developments that contain buildings or facilities constructed for use by the residents of the project or citizens of the community for meetings, indoor recreation, receptions, classes, or other similar uses are eligible for up to a **ten (10) percent density increase.** Larger structures and those that provide a variety of potential uses may be granted a larger density bonus than smaller structures. (7-6-05)

20.10.6.4 Design Theme

Developments that incorporate design elements into the project consistent with an architectural style or

motif encouraged by the planning commission or city council in a manner compatible with surrounding or planned development are eligible for up to a **five (5) percent density increase**. The amount of the density bonus will be determined by the intensity and scope of the design theme. (7-6-05)

20.10.6.5 Environmental Preservation

Developments that are designed to preserve or protect sensitive environmental areas such as existing trees, floodplains, steep slopes, wetlands, or high ground water table areas are eligible for up to a **five (5) percent density increase**. Areas with a significant amount of protected sensitive lands, protection of high value environmental features, or considerable reduction of visual impact may receive a higher density increase in relation to developments that protect or preserve a smaller amount of these areas. (7-6-05)

20.10.6.6 Fencing

Unless otherwise regulated by the development ordinances of Payson City, developments which incorporate fencing throughout the project in harmony with the architectural features of the structures such as brick columns, vinyl, wood, or cinder block fencing, and have provisions for the perpetual maintenance of the fence are eligible for up to a **two (2) percent density increase**. (7-6-05)

20.10.6.7 Landscaping

Developments that provide a landscaped entry sign area are eligible for up to a **two (2) percent density increase**. Developments which exceed the minimum requirement of landscaped front yards by including at least three (3) one-gallon shrubs, and two shade trees with at least a two (2) inch caliper or evergreen trees at least six (6) feet in height are eligible for up to a **two (2) percent density increase**. Developments that require the completion of landscaping for the entire parcel prior to the issuance of a Certificate of Occupancy are eligible for up to a **two (2) percent density increase**. (7-6-05)

20.10.6.8 Upgraded Materials

Developments that incorporate brick, stone, wooden timbers, cementitious siding, or a mixture of these materials on at least eighty (80) percent of the exterior surface, except the doors and windows, of each dwelling in the project are eligible for up to a **ten (10) percent density increase**. The use of stucco or plaster will not be considered for a density bonus. (9-1-10)

To encourage a variety of exterior materials within the development, the applicant is eligible for an increase of **one (1) additional dwelling unit** for each six (6)

dwellings in the development that contains brick on at least eighty (80) percent of the exterior surface. (9-1-10)

20.10.6.9 Open Space in Addition to Ten (10) Percent Minimum

Developments that provide either active or passive open space, as defined in this Section, in addition to the ten (10) percent minimum requirement for a Planned Residential Development are eligible for a density increase. The density increase for additional open space shall be determined as indicated. Developments that provide an additional ten (10) to fourteen (14) percent open space (20-24 percent total) are eligible for up to a **two (2) percent density increase**. Developments that provide an additional fifteen (15) to nineteen (19) percent open space (25-29 percent total) are eligible for up to a **five (5) percent density increase**. Developments that provide more than an additional twenty (20) percent open space (30 percent or greater total) are eligible for up to a **ten (10) percent density increase**. All open space areas shall be maintained by the owner of the project if held in single ownership, a homeowners association if sold separately, or dedicated and accepted by the City for maintenance purposes. The city council will determine the need for additional open space in the specific location of the proposed subdivision. If additional open space is a priority in the vicinity, it is likely that a higher density bonus will be granted than in other areas. All open space areas must provide emergency vehicle access. (7-6-05)

20.10.6.10 Park Dedication

Dedication and acceptance of land for use as a public park, trail, or other recreational use that is equal to, or greater than ten (10) percent of the area of the development and not smaller than five (5) acres is eligible for up to a **ten (10) percent density increase**. The park dedication is in addition to the ten (10) percent minimum open space requirement. (7-6-05)

20.10.6.11 Passive Open Space

Developments which include passive open space areas such as large grass areas, (at least one half (½) acre in size), picnic areas, and water features are eligible for up to a **two (2) percent density increase**. The land used for passive open space is in addition to the (10) percent minimum open space requirement. (7-6-05)

20.10.6.12 Roof Materials

Developments that incorporate wood shake, tile, or slate shingle roofs into the construction of all dwellings are eligible for up to a **two (2) percent**

density increase.

20.10.6.13 Special Features

Developments that provide special features such as fountains, streams, landscaped medians, design themes, or other features that are used commonly and are highly visible in the project are eligible for up to a **ten (10) percent density increase**. The amount of density increase will vary depending on the overall effect the feature has on the appearance and desirability of the development. (7-6-05)

20.10.6.14 Theme Lighting

Developments which incorporate a lighting theme into the project such as lamp posts, lighting along walkways, entrance way lighting, and exterior building lighting in addition to the normal street lighting requirements of this Title are eligible for up to a **two (2) percent density increase**.

20.10.6.15 Storage Areas

Developments that incorporate common storage areas for inside storage of landscape maintenance equipment, bicycles, toys, or other personal goods are eligible for up to a **two (2) percent density increase**, unless the storage areas are otherwise required by the regulations of this Title. (7-6-05)

20.10.6.16 Xeriscape (Low water use landscaping)

Developments that incorporate limited water use landscaping into the development are eligible for up to a **two (2) percent density increase** (7-6-05)

20.10.6.17 Maintenance Endowment

Developments that provide a meaningful financial contribution to the perpetual maintenance of open space areas in the proposed subdivision or other open space areas in the community are eligible for up to a **ten (10) percent density increase**. The contribution shall be placed in the Payson City open space maintenance endowment fund. The amount of the density increase will be based on the amount of the endowment provided by the applicant. (7-6-05)

20.10.6.18 Three-Car Garages

Developments that require a third car garage are eligible for up to a **two (2) percent density increase**. The garage of the dwelling unit should not be the prominent feature of the structure and should be a side entry garage or recessed behind the front of the dwelling. (7-6-05)

20.10.6.19 Provision of Government Structures

Developments that include the provision of or provide property for necessary government structures such as

public safety stations, storage facilities, and other buildings deemed necessary by the city council are eligible for a density increase. The need for the facility and the size of the structure will be considered in the determination of the density increase. Project that include the provision of government structures are eligible for up to a **ten (10) percent density increase**. (7-6-05)

20.10.6.20 Provision or Rehabilitation of Affordable Housing

Developments that provide or participate in the rehabilitation of affordable housing are eligible for a density increase. If an applicant seeks a density bonus for providing affordable housing within the development, the affordable housing must be deed restricted in a manner acceptable to the City to ensure the units remain affordable units in perpetuity. Furthermore, the affordable dwelling units must maintain a similar appearance and size in comparison with the other dwelling units in the development. A development that includes affordable housing units is eligible for up to a **five (5) percent density increase**. (7-6-05)

An applicant may choose to rehabilitate existing affordable housing elsewhere in the community. In this case, the applicant will be expected to identify an older home in the City that is available for purchase and in need of rehabilitation, and purchase the property. The applicant will complete all necessary improvements and upgrades to completely refurbish the dwelling unit including curb, gutter, sidewalk, driveways, landscaping and other non-construction related improvements. The amount of density increase will be based on the amount of rehabilitation necessary or the number of units restored. An applicant that chooses to rehabilitate existing affordable housing is eligible for up to a **twenty (20) percent density increase**. (7-6-05)

20.10.7 Density Bonus Amenities for the A-5, Agricultural Zone and R-1-A Residential-Agricultural Zone

An applicant for a Planned Residential Development in the A-5, Agricultural Zone and R-1-A, Residential-Agricultural Zone may include one or more of the following amenities in the design of the subdivision and be considered for a density bonus in accordance with this Section. Each amenity is followed by a percentage increase in Total Project Density for providing the amenity. The maximum density bonus allowed is equal to a twenty-five (25) percent increase in dwelling units above the Base Density. If an applicant were to provide all of the density bonus amenities in a single project, the total may exceed a twenty-five (25) percent increase in

dwelling units. Regardless, the maximum density bonus allowed is equal to a twenty-five (25) percent increase in dwelling units above the Base Density. (7-6-05)

The density increases listed represent the maximum allowed, and the city council is entitled to approve less than the maximum amount listed. (12-19-01)

20.10.7.1 Upgraded Materials

Developments that incorporate brick, stone, wooden timbers, cementitious siding, or a mixture of these materials on at least eighty (80) percent of the exterior surface, except the doors and windows, of each dwelling in the project are eligible for up to a **ten (10) percent density increase**. The use of stucco or plaster will not be considered for a density bonus. (9-1-10)

To encourage a variety of exterior materials within the development, the applicant is eligible for an increase of **one (1) additional dwelling unit** for each six (6) dwellings in the development that contains brick on at least eighty (80) percent of the exterior surface. (9-1-10)

20.10.7.2 Split-rail Fence

Developments that include split rail or log-rail fencing in appropriate areas are eligible for up to a **two (2) percent density increase**. (7-6-05)

20.10.7.3 Agricultural Protection

Developments that incorporate agricultural protection areas are eligible for a density bonus. The agricultural area must be large enough to allow bona fide agricultural pursuits. The area designated for agricultural protection shall be placed in a conservation easement guaranteeing the perpetual use of the property for agricultural purposes or other uses acceptable to the City. It is a high priority of the City to preserve valuable agricultural areas. Therefore, developments that include agricultural protection of highly valuable areas are eligible for up to a **twenty-five (25) percent density increase**. In order to receive a full twenty-five (25) percent density increase, the entire premise of the development, including the contribution of a majority of the profits, must be based upon agricultural preservation. (7-6-05)

20.10.7.4 Open Space

Developments that provide open space, as defined in this Section, are eligible for a density bonus. For the purpose of this Section, open space is defined as leaving prominent features of the area such as wetlands, watercourses, hillsides, ridgelines, and other sensitive areas undisturbed. All open space areas shall be maintained by the owner of the project if held in single ownership, a homeowners association if sold separately, or dedicated and accepted by the City for

maintenance purposes. All open space areas must provide emergency vehicle access. Developments incorporating significant open space areas are eligible for up to a **five (5) percent density increase**. The provision of open space in highly visible areas, areas that can be used for public purposes and environmentally sensitive areas may receive a higher density increase. (7-6-05)

20.10.7.5 Equestrian Facilities

Developments that provide equestrian facilities are eligible for a density bonus. For the purpose of this Section, equestrian facilities include, but are not necessarily limited to, stables, bridle paths, and riding arenas. Developments that include equestrian facilities are eligible for up to a **fifteen (15) percent density increase**. The quality and size of the facilities in relation to the size of the development will impact the percentage of density increase. (7-6-05)

20.10.7.6 Design Motif

Developments that incorporate an acceptable design motif are eligible for a density bonus. Elements of the design motif include, but are not limited to, entrance signs, theme lighting, fencing, barns and outbuildings, road regulatory signs, country style elevations and other architectural features. Developments that include an acceptable design motif are eligible for up to a **ten (10) percent density increase**. The design motif should be fitting of the intention of the A-5 and R-1-A Zones and result in a rural or agrarian setting. (7-6-05)

20.10.7.7 Maintenance Endowment

Developments that provide a meaningful financial contribution to the perpetual maintenance of open space areas in the proposed subdivision or other open space areas in the community are eligible for up to a **ten (10) percent density increase**. The contribution shall be placed in the Payson City open space maintenance endowment fund. The amount of the density increase will be based on the amount of the endowment provided by the applicant. (7-6-05)

20.10.7.8 Provision of Government Structures

Developments that include the provision of or provide property for necessary government structures such as public safety stations, storage facilities, and other buildings deemed necessary by the city council are eligible for a density increase. The need for the facility and the size of the structure will be considered in the determination of the density increase. Projects that include the provision of government structures are eligible for up to a **ten (10) percent density increase**. (7-6-05)

20.10.7.9 Rehabilitation of Affordable Housing

Developments that participate in the rehabilitation of affordable housing are eligible for a density increase. An applicant may choose to rehabilitate existing affordable housing elsewhere in the community. The applicant will be expected to identify an older home in the City that is available for purchase and in need of rehabilitation, and purchase the property. The applicant will complete all necessary improvements and upgrades to completely refurbish the dwelling unit including curb, gutter, sidewalk, driveways, landscaping and other non-construction related improvements. The amount of density increase will be based on the amount of rehabilitation necessary or the number of units restored. An applicant that chooses to rehabilitate existing affordable housing in the community is eligible for up to a **twenty (20) percent density increase.** (7-6-05)

20.10.8 Density Bonus Amenities for the MH-1, Mountain and Hillside Zone and the MH-2, Mountain and Hillside Zone

An applicant for a Planned Residential Development in the MH-1, Mountain and Hillside Zone and the MH-2, Mountain and Hillside Zone may include one or more of the following amenities in the design of the subdivision in consideration of a density bonus in accordance with this Section. Each amenity is followed by a percentage increase in total project density for providing the amenity. The maximum density bonus allowed is equal to a twenty-five (25) percent increase in dwelling units above the base density. If an applicant were to provide all of the density bonus amenities in a single project, the total may exceed a twenty-five (25) percent increase in dwelling units. Regardless, the maximum density bonus allowed is equal to a twenty-five (25) percent increase in dwelling units above the base density. (7-6-05)

The density increases listed represent the maximum allowed, and the city council is entitled to approve less than the maximum amount listed. (7-6-05)

20.10.8.1 Active Recreation

Active recreational facilities that are provided for residents of the Planned Residential Development or the general public are entitled to a density bonus. Active recreation areas may include riding paths, horse loading and unloading facilities, commercial or private riding stables, biking trails or other pedestrian facilities, cross country skiing and snowmobiling areas, snow tubing hills with appropriate improvements, commercial or private fishing ponds and other similar amenities. Amenities that cost more to provide or are intended for use by the general public may receive a higher density increase than amenities

that are relatively lower in cost or are intended for use primarily for residents of the development. Developments that provide active recreation areas are eligible for up to a **fifteen (15) percent density increase.** (7-6-05)

20.10.8.2 Common Buildings or Facilities

Developments that contain buildings or facilities constructed for use by the residents of the project or citizens of the community for meetings, indoor recreation, receptions, classes, or other similar uses are eligible for up to a **ten (10) percent density increase.** Larger structures and those that provide a variety of potential uses may be granted a larger density bonus than smaller structures. (7-6-05)

20.10.8.3 Design Theme

Developments that incorporate design elements into the project consistent with an architectural style or motif encouraged by the planning commission or city council in a manner compatible with the surrounding environment and topography are eligible for up to a **five (5) percent density increase.** The amount of the density bonus will be determined by the intensity and scope of the design theme. (7-6-05)

20.10.8.4 Environmental Preservation

Developments that are designed to preserve or protect sensitive environmental areas such as existing trees, floodplains, steep slopes, wetlands, or high ground water table areas are eligible for up to a **ten (10) percent density increase.** Areas with a significant amount of protected sensitive lands, protection of high value environmental features, or considerable reduction of visual impact may receive a higher density increase in relation to developments that protect or preserve a smaller amount of these areas. (7-6-05)

20.10.8.5 Fencing

Developments that incorporate fencing throughout the project in harmony with the natural surroundings and architectural features of the structures that also have provisions for the perpetual maintenance of the fence are eligible for up to a two (2) percent density **increase.** It should be noted that not all developments in the Mountain and Hillside Zones should have fencing. (7-6-05)

20.10.8.6 Landscaping

Developments that include a landscaping plan intended to augment and improve or protect the natural and native plant life in the vicinity are eligible for up to a **five (5) percent density increase** in exchange for implementing the plan. (7-6-05)

20.10.8.7 Open Space in Addition to Ten (10)

Percent Minimum

Developments that provide either active or passive open space, as defined in this Section, in addition to the ten (10) percent minimum requirement for a Planned Residential Development are eligible for a density increase. The density increase for additional open space shall be determined as indicated. Developments that provide an additional ten (10) to fourteen (14) percent open space (20-24 percent total) are eligible for up to a **two (2) percent density increase**. Developments that provide an additional fifteen (15) to nineteen (19) percent open space (25-29 percent total) are eligible for up to a **five (5) percent density increase**. Developments that provide more than an additional twenty (20) percent open space (30 percent or greater total) are eligible for up to a **ten (10) percent density increase**. All open space areas shall be maintained by the owner of the project if held in single ownership, a homeowners association if sold separately, or dedicated and accepted by the City for maintenance purposes. The city council will determine the need for additional open space in the specific location of the proposed subdivision. If additional open space is a priority in the vicinity, it is likely that a higher density bonus will be granted. All open space areas must provide emergency vehicle access. (7-6-05)

20.10.8.8 Park Dedication

Dedication and acceptance of land for use as a public park, trail, or other recreational use that is equal to, or greater than ten (10) percent of the area of the development and not smaller than five (5) acres is eligible for up to a **ten (10) percent density increase**. The land used for park dedication is in addition to the ten (10) percent minimum open space requirement. (7-6-05)

20.10.8.9 Passive Open Space

Developments that provide open space, as defined in this Section, are eligible for a density bonus. For the purpose of this Section, open space is defined as leaving prominent features of the area such as wetlands, watercourses, hillsides, ridgelines, and other sensitive areas undisturbed. All open space areas shall be maintained by the owner of the project if held in single ownership, a homeowners association if sold separately, or dedicated and accepted by the City for maintenance purposes. All open space areas must provide emergency vehicle access. Developments that include passive open space areas such as large grass areas (at least one (1) acre in size complete with picnic areas and water features) are eligible for up to a **ten (10) percent density increase**. The provision of open space in highly visible areas, areas that can be used for public purposes and environmentally sensitive areas

may receive a higher percentage of density increase than areas isolated within the development. The land used for passive open space is in addition to the (10) percent minimum open space requirement. (7-6-05)

20.10.8.10 Storage Areas

Developments that incorporate common storage areas for inside storage of landscape maintenance equipment, bicycles, toys, or other personal goods are eligible for up to a **two (2) percent density increase**, unless the storage areas are otherwise required by the regulations of this Title. (7-6-05)

20.10.8.11 Maintenance Endowment

Developments that provide a meaningful financial contribution to the perpetual maintenance of open space areas in the proposed subdivision or other open space areas in the community are eligible for up to a **ten (10) percent density increase**. The contribution shall be placed in the Payson City open space maintenance endowment fund. The amount of the density increase will be based on the amount of the endowment provided by the applicant. (7-6-05)

20.10.8.12 Agricultural Protection

Developments that incorporate agricultural protection areas are eligible for a density bonus. The agricultural area must be large enough to allow bona fide agricultural pursuits. The area designated for agricultural protection shall be placed in a conservation easement guaranteeing the perpetual use of the property for agricultural purposes or other uses acceptable to the City. It is a high priority of the City to preserve valuable agricultural areas. Therefore, developments that include agricultural protection of highly valuable areas are eligible for up to a **twenty-five (25) percent density increase**. In order to receive a full twenty-five (25) percent density increase, the entire premise of the development, including the contribution of a majority of the profits, must be based upon agricultural preservation. (7-6-05)

20.10.8.13 Design Motif

Developments that incorporate an acceptable design motif are eligible for a density bonus. Elements of the design motif include, but are not limited to, entrance signs, theme lighting, fencing, barns and outbuildings, road regulatory signs, elevation styles that complement the surrounding environment and other architectural features. Developments that include an acceptable design motif are eligible for up to a **ten (10) percent density increase**. The design motif should be fitting of the intention of the Mountain and Hillside Zones and result in a mountainous setting. (7-6-05)

20.10.8.14 Provision of Government Structures

Developments that include the provision of or provide property for necessary government structures such as public safety stations, storage facilities, and other buildings deemed necessary by the city council are eligible for a density increase. The need for the facility and the size of the structure will be considered in the determination of the density increase. Projects that include the provision of government structures are eligible for up to a **ten (10) percent density increase.** (7-6-05)

20.10.8.15 Rehabilitation of Affordable Housing

Developments that participate in the rehabilitation of affordable housing are eligible for a density increase. An applicant may choose to rehabilitate existing affordable housing elsewhere in the community. The applicant will be expected to identify an older home in the City that is available for purchase and in need of rehabilitation, and purchase the property. The applicant will complete all necessary improvements and upgrades to completely refurbish the dwelling unit including curb, gutter, sidewalk, driveways, landscaping and other non-construction related improvements. The amount of density increase will be based on the amount of rehabilitation necessary or the number of units restored. An applicant that chooses to rehabilitate existing affordable housing in the community is eligible for up to a **twenty (20) percent density increase.** (7-6-05)

20.10.9 Total Project Density

Total project density is determined by multiplying the base density and the total percent of density increase earned. In no case will the total project density exceed twenty-five (25) percent above the base density. For example, if an applicant had a base density of one hundred (100) units and earned a fifteen (15) percent density increase, the applicant might be eligible for one hundred and fifteen (115) dwelling units. However, in no case would the applicant be eligible for more than a twenty-five (25) percent density increase or one hundred and twenty-five (125) dwelling units.

20.10.10 Types of Units Allowed in Zoning Districts

Although Planned Residential Developments (PRD) are allowed in all agricultural and residential zones of the City, the types of units are restricted in the following zones.

- A-5 Single family detached dwellings only
- R-1-A Single family detached dwellings only
- R-1-20 Single family detached dwellings only (3-5-14)
- R-1-15 Single family detached dwellings only (3-5-14)
- R-1-12 Single family detached and twin home dwellings

only

- R-1-10 Single family detached dwellings, twin home and townhome (separate ownership, not apartments) dwelling units only
- R-1-9 Single-family detached, twin home, duplex and townhome (separate ownership, not apartments) dwellings only
- R-1-75 Single-family detached, twin home, duplex, townhome, and apartment (rental) dwellings only
- R-2-75 All standard residential dwelling types
- R-MF All standard residential dwelling types
- MH-1 All standard residential dwelling types
- MH-2 All standard residential dwelling types
- GCD All standard residential dwelling types (10-1-08)

20.10.11 Relationship of PRD to This Title and Other Development Ordinances of Payson City

This Section is intended to be supplementary to the other provisions of this Title. Unless specifically indicated in this Section, all requirements of this Title and any and all other development ordinances of Payson City must be satisfied with the following exceptions:

1. The frontage and lot area requirements may be allowed to be modified for all lots or parcels within the Planned Residential Development except those located directly across a public street from a development that satisfies the frontage requirements of Title 19, Zoning Ordinance. (8-7-02)
2. The density of the development shall be equal to the total project density in accordance with Section 20.10.7 whether consistent with Title 19, Zoning Ordinance or not.

20.10.12 Coordination of PRD Application with Subdivision Approval

It is the intent of these regulations that subdivision review be carried out simultaneously with the review of Planned Residential Developments. Any project falling under the jurisdiction of Title 21, also known as the Sensitive Lands Ordinance, may be subject to additional requirements and regulations as outlined in that Title.

The city council may, upon finding that it is in the best interest of Payson City, require any subdivision or residential project that contains ten (10) or more lots or residential units be processed as a Planned Residential Development. PRD applications which permit uses of land, and density of buildings and structures different from those which are allowed as a right within the zone district in which the land is situated, or the application entails the division of the land, vacant or improved, into two (2) or more lots or parcels for the purpose of sale,

lease, or development whether residential or nonresidential, subdivision approval of the application shall be required by the city council. In such a case, at the time of final approval, the property within the PRD will be assigned the appropriate zone. If approved by the city council, a PRD with mixed uses will not be considered a spot zoning. (8-7-02)

20.10.12.1 PRD Submission and Approval Requirements

An application shall be submitted to the Development Services Department for any Planned Residential Development on forms available from the Development Services Department. Additionally, all Planned Residential Development projects will be required to submit applications and provide all information required by the Concept Plan, Preliminary Plan and Final Plat as set forth herein. After a meeting with the staff or, if deemed appropriate, the planning commission, the applicant may prepare and submit an application for Preliminary Plan approval.

20.10.13 Phasing

All residential subdivisions with more than ten (10) lots, parcels, or units shall include a phasing plan that specifies the timing of public improvements and residential construction. This plan must be submitted to the Planning Commission at or before the submission of the Preliminary Plan. The phasing plan shall include the number of units or parcels to be developed in each phase, the approximate timing of each phase, the timing on construction of public improvements and subdivision amenities to serve each phase whether on or off site, and the relationship between the public improvements in the current subdivision and contiguous land previously subdivided and yet to be subdivided. A developer may request a revision of the phasing plan due to conditions such as changing market conditions, inclement weather or other factors.

20.10.14 Sensitive Lands Review of PRD

If the proposed Planned Residential Development is located in an area under the jurisdiction of the Sensitive Lands Ordinance, additional requirements and regulations may apply. Please refer to the Sensitive Lands Development Ordinance in Title 21.

20.11 Approval and Appeals Processes

- 20.11.1 Application and Review Fees
- 20.11.2 Concept Plan
- 20.11.3 Preliminary Plan and Construction Plans
- 20.11.4 Final Plat
- 20.11.5 Development Agreements (12-19-18)

- 20.11.6 Traditional Subdivisions of Three Lots or Less Along an Existing Public Street
- 20.11.7 Phasing Plan Required
- 20.11.8 Written Findings Required
- 20.11.9 Pre-Construction Meeting
- 20.11.10 Appeals Process
- 20.11.11 Appeal of City Council Decisions
- 20.11.12 Termination of Projects
- 20.11.13 Reinstatement

No building permit(s) shall be issued for any subdivision development without Final Plat final approval by the land use authority. Subdivisions, including Planned Residential Developments, are initially reviewed by staff and the Planning Commission. Final Plat approval for subdivisions must be granted by the City Council. No planning Review shall not occur until all applicable planning application materials and review fees have been paid, and no Final Plat final approval by the City Council shall not be effective until all requirements and other fees assessed imposed by this Title or other the land use and development ordinances, including applicable staff review and engineering fees have been paid addressed. Upon final Plat approval, and recordation of the Final Plat (if applicable), the installation and acceptance of all required infrastructure and improvements including the placement of asphalt, and the satisfaction of any and all other applicable requirements of this Title, application may be made for building permit issuance under the provisions of the building code in effect at the time of subdivision approval may occur. (12-19-04) (12-19-18)

20.11.1 Application and Review Fees

For the purposes of this Title, a complete application shall be deemed to include, at a minimum, the following information:

1. A signed and completed subdivision land use application form together with payment of appropriate fees in accordance with the adopted Payson City Fee Resolution. The application must be signed by the applicant and property owner if other than the applicant. (3-5-03) (12-19-18)
2. All relevant information required by this Title in written form.
3. A complete description of the proposal and an indication of what approval(s) are necessary.
4. A complete Preliminary Plan or Final Plat, as the case may be, in accordance with Section 20.28 or 20.29 herein.
5. Any information necessary for the City Council land use authority to make reasonable conclusions and a well-informed decision. (8-7-02) (12-19-18)

20.11.2 Initial Assessment

- 20.11.2.1 Concept Plan

20.11.2.2 Investigative Process

20.11.2.1 Concept Plan

All applicants for subdivision development approval ~~shall may~~ first submit to the Development Services Department a Concept Plan in accordance to Section 20.16 herein. The Concept Plan will be reviewed by staff and, if deemed necessary, the Planning Commission land use authority. There is no approval of a Concept Plan required or given. The Concept Plan gives the applicant and staff an opportunity to discuss the project prior to the preparation of a Preliminary Plan. An applicant may request Concept Plan review by the Planning Commission. (12-18-19)

20.11.2.2 Investigative Process

Prior to the submission of a Concept Plan, an applicant may choose to meet with the planning commission and/or the city council to obtain guidance in relation to the potential development proposal. The investigative process is voluntary and is not required for development approval. Rather, the process is intended to allow the applicant to present development concepts prior to the expenditure of significant monies preparing Preliminary Plans and Construction Drawings.

The discussion will occur in an informal setting (work session) where no approvals or agreements will be provided to the applicant. The open exchange of ideas will allow the planning commission and city council to express the land use objectives of the City early in the process. It is the intention to streamline the development review process so that processes such as subdivision approval, zone changes, etc. can be coordinated and processed concurrently when appropriate.

In order for an applicant to initiate the process, the applicant will need to submit the following information:

1. A comprehensive explanation of the proposal with accompanying maps, reference materials, drawings and other graphic representation of the development idea.
2. Ownership information and acknowledgement from owner to review development idea.
3. Submission of the investigative review fee.

The investigative process does not take the place of Preliminary Plan or Final Plat approval and is not intended to vary or modify any development requirement or regulation. The process is not intended to be indefinite and following the initial discussion, the applicant is expected to either file a development application or abandon the project. (5-2-07)

20.11.3 Preliminary Plan & Construction Plans

Following review of the Concept Plan and after receiving staff comments, the applicant may prepare a Preliminary Plan and Construction Plans in accordance with Chapter 20.28 herein. The planning commission will hold a public hearing to receive input regarding the Preliminary Plan. Notice of the public hearing will be in accordance with Section 20.12.1 herein. Following a public hearing, the planning commission will forward a recommendation to approve, approve with conditions, or deny approval of the Preliminary Plan. (7-19-17)

After receiving a recommendation from the planning commission, the City Council land use authority may approve, amend and approve, approve with conditions, remand the subdivision land use application back to the planning commission for further review, or deny the application for Preliminary Plan approval. The City Council land use authority, at their discretion, may approve the Preliminary Plan and the Final Plat concurrently. (7-19-17) (12-19-18)

20.11.4 Final Plat

Following approval of the Preliminary Plan ~~by the City Council~~, the applicant may prepare the Final Plat in accordance with Chapter 20.29 herein. ~~A copy of the Final Plat will be included in the Planning Commission packet for their review prior to final review by the City Council. After their review, the city council may approve, amend and approve, approve with conditions, remand the subdivision back to the Planning Commission for further review, or deny the application for Final Plat approval. The city council, at their discretion, may approve the Preliminary Plan and the Final Plat concurrently.~~ (12-19-18)

20.11.5 Development Agreements

Payson City hereby reserves the right to require and enter into a development agreement with any applicant for development approval under the provisions of this Title. A Development Agreement may address specific details about issues that have yet to be completely resolved, issues regarding phasing of a project or project improvements and amenities, or any other requirement of the city council. (12-19-18)

20.11.6 Traditional Subdivisions of Three Lots or Less Along an Existing Public Street (2-7-07)

Following an initial review and a finding by staff that a traditional subdivision which does not require any legislative action, is consistent with the land use objectives of Payson City, and is likely to have minimal impact on surrounding properties, the planning commission is hereby authorized to take final administrative action on the application. The traditional

subdivision must consist of three lots or less along an existing street and satisfy all regulations of this Title and all other applicable requirements of the development ordinances of Payson City. The planning commission may grant Preliminary Plan and Final Plat approval and further approval from the city council is not necessary. Prior to consideration of the project the applicant shall provide notice as required by this Title and the planning commission shall hold a public hearing consistent with the procedures included herein.

If the planning commission determines that the subdivision could have a detrimental impact on surrounding properties or would impede the land use goals of Payson City, the planning commission may forward a recommendation to the city council for final action on the application. (7-19-17)

20.11.7 Phasing Plan Required

All subdivisions developments with more than ten (10) lots or units shall include a phasing plan that specifies the timing of public improvements and residential construction. At a minimum, the phasing plan shall include:

1. The number of units or parcels to be developed in each phase and the timing of each phase.
2. The timing of construction of public improvements and subdivision project amenities to serve each phase. (12-19-18)
3. The relationship between the public improvements in the current subdivision development and contiguous land previously subdivided developed and yet to be subdivided developed. (12-19-18)
4. Each phase shall provide two (2) points of ingress and egress. (12-19-18)
5. The proposed phasing plan ~~should~~ shall not be arranged to simply delay or avoid the installation of necessary and more extensive improvements. (12-19-18)

The proposed phasing plan shall be reviewed and approved by the City Engineer land use authority after consideration of access, circulation, and installation of infrastructure. ~~If the subdivision is in an area covered by an approved Planned Residential Development that has a phasing plan, the phasing plans shall be consistent.~~ An applicant may request a revision of the phasing plan due to such conditions as changing market conditions, inclement weather or other factors. (8-7-02) (12-19-18)

20.11.8 Written Findings Required

The ~~Planning Commission and City Council~~ land use authority shall prepare written findings ~~on~~ for any application ~~that is denied, amended or approved.~~ These findings shall state the reasons for the action and the provisions of this Title, other City ordinances and

guidelines, or applicable state or federal laws or regulations, the proposed conditions or action to be imposed and the reasons why those conditions were necessary. (12-19-18)

20.11.9 Pre-Construction Meeting

Following ~~recording of a Final Plat development approval~~ and prior to any excavation or construction ~~activity in the new subdivision,~~ the contractor shall arrange to meet with Payson City staff in a pre-construction meeting. At the meeting, the contractor and staff will discuss specific construction standards, timelines, and other relevant information. Failure to arrange a pre-construction meeting may result in a stop work order or Class C misdemeanor issued against the property owner.

20.11.10 Appeals Process

20.11.10.1 Appeal of Planning Commission Decision

Decisions by the planning commission regarding ~~subdivision approval land use applications~~ may be appealed to the city council. Any person(s) ~~within the City~~ who may be adversely affected by a decision of the planning commission regarding an application or decision based on this Title, or the owner of the subject property affected shall have standing to appeal a decision of the planning commission. Appeals of planning commission actions shall be by letter or petition and contain the name, address, and telephone number of the petitioner and agent, if any, the name of the project, relationship to the project or subject property, and the reasons for requesting review, including specific provisions of this Title, if known, that are violated by the action taken.

The petition must be filed in writing with the Development Services Department within ten (10) calendar days of final project action. The city council shall set a date for the appeal, which shall be no more than thirty (30) calendar days from the date the notice of appeal is filed with the City. The Development Services Director shall notify the petitioner and the owner of the project of the appeal date. The Development Services Director shall obtain the findings from the planning commission and all other pertinent information, and transmit them to the city council.

Upon the filing of a petition for appeal or review of a planning commission decision, all action on the application will be suspended until the city council has acted on the appeal. (8-7-02)

20.11.10.2 Action on Petitions

The city council may affirm, reverse, or affirm in part

or reverse in part any decision of the planning commission regarding ~~subdivision approval~~ the land use application. The city council may remand the matter back to the planning commission with directions for specific areas of review or clarification. City council review of petitions of appeal shall be limited to consideration of only those matters raised by the petition(s), unless the city council, by motion, enlarges the scope of the appeal to accept information on other matters it may legally hear. (12-19-18)

20.11.11 Appeal of City Council Decisions

The owner of any project, or any person aggrieved by a decision of the city council may appeal the final action by filing civil action in the district court as provided by State law. The decision of the city council shall stand, and those affected by the decision may act in reliance on it unless or until the court enters an interlocutory or final order stating the effectiveness of the decision.

20.11.12 Termination of Projects

It is the policy of the City to require applicants submitting projects to move their projects to either approval or denial in a reasonably expeditious manner. The time required in the planning review process will vary with the size and complexity of each proposal and the establishment of exact time requirements for review is impractical. It is the policy of the City to formally deny projects that remain inactive for long periods of time due to acts or omissions of the applicant.

When staff believes that a development proposal that has been formally submitted is not making normal progress toward final approval, the project shall be presented to the planning commission for consideration of termination. The project shall not be taken to the planning commission for termination based on inaction without giving thirty (30) days written notice to the applicant and any responsible agent by certified mail. Such notice shall state the intent of the City to have the project terminated because of inaction and the time, place, and date when the matter will be heard by the planning commission. A project shall be deemed inactive and subject to termination based on inactivity if, through the act or omission of the applicant and not the City:

1. More than three (3) months have passed since the last meeting of staff and the applicant.
2. More than three (3) months have passed since a request for additional information was made by staff, which request has not been complied with or reasons for non-compliance are not stated or indicated by the applicant.
3. The applicant is more than sixty (60) days in default of the payment of any fee assessed by ordinance, or has not paid the fee under protest.

4. The applicant has stated intent to abandon the project.
5. The project appears to have been abandoned.
6. The application appears to have been filed in bad faith for the purpose of attempting to vest rights prior to a zoning change or amendment without actual intent to construct any project.

Delays caused entirely by internal delays of the City or any Commission or Board shall not be cause for termination. If a project is terminated under this Section, all vesting of the project is null and void. If the applicant decides to apply at a later date for the approval of the project, or similar project, the applicant will be required to satisfy all of the requirements of the Subdivision Ordinance in effect at that time.

20.11.13 Reinstatement

An applicant may appeal the planning commission termination of a project for inactivity to the city council or the action may be called up by the city council. The city council may reinstate subject to payment of full or partial submission fees, reinstate subject to specific ordinance changes, or deny reinstatement. If reinstatement is denied, all interest in the application ends. If the applicant desires to proceed with the project, the applicant must submit a new application and start at the beginning of the process with a new submission and payment of new submission fees, and shall be subject to all ordinances then in effect.

20.12 Appearance Before Boards, Commissions and Councils

20.12.1 Public Notice

All persons speaking before any City agency, department, committee, commission, board or the city council on behalf of the owners of any project shall provide reasonable evidence of their agency relationship with the owner. This agency shall be presumed if the representative is associated with the architect or engineer whose name appears on the plans or if the owner is present. The ~~Planning Commission~~ land use authority or staff may request an agent to provide a statement signed by the owner indicating the nature of the relationship and the authority of the agent to make decisions or representations concerning the project. (12-19-18)

20.12.1 Public Notice

Notice of hearings before the planning commission ~~and City Council~~ concerning amendments to this Title, subdivision plat approval, conditional use permits, Planned Residential Development approvals, appeals, variances and other requests of actions of the Board of

Adjustment, and any other notice required by these regulations shall be provided in accordance with this Section. Notice shall be given at least fourteen (14) days before the date set for the hearing. Notice of amendments or vacation of subdivision plats, when required, shall be given in accordance with state law. All notice required under this Section shall be given as follows:

20.12.1.1 Posted Notice

The staff shall post notice in at least two public places within the City, stating that an application has been filed, a brief summary of the application, and that more detailed information concerning the application is available from the Development Services Department. At least one posted notice shall be located at a public place other than the City building, such as the Post Office.

20.12.1.2 Published Notice

Published notice, at the applicant’s expense, shall be given by publication in a newspaper having general circulation in Payson City. Published notice shall state that an application has been filed, the nature of the application or action, and the time, place and date set for a public hearing on the matter. The published date of the notice, not the date of submittal to the newspaper, must satisfy any notification timing requirements designated in this Title.

20.12.1.3 Courtesy Notice

20.12.1.3.1 Exception

As a courtesy to property owners, the applicant shall provide the City with stamped and pre-addressed envelopes for each owner of record of each parcel located entirely or partly within five hundred (500) feet from any boundary of the property subject to the application, including any owners of property in unincorporated Utah County, together with a mailing list for those owners. The addresses shall be as shown on the most recently available Utah County tax assessment rolls. The courtesy notice shall state that an application has been filed, the nature of the application or action, and the time, place and date set for a public hearing on the matter. Courtesy notice is not a legal requirement, and any defect in courtesy notice shall not affect or invalidate any hearing or action by the city council or any board or commission. (12-7-16)

If, at the request of the applicant, the planning commission, or city council, the public hearing is tabled, struck from the agenda, or otherwise canceled, the applicant may be required to provide the City with an additional set of stamped and pre-addressed envelopes to notify each owner of record of a rescheduled public hearing. (12-7-16)

20.12.1.3.1 Exceptions

A subdivision of three (3) lots or less, situated along an existing, improved right-of-way, shall only be required to provide courtesy notice to the owners of property within two hundred fifty (250) feet of the proposed subdivision. Furthermore, when a project is proposed within three hundred (300) feet of another municipality, the applicant shall provide notice to property owners within three hundred (300) feet of the proposed development. The applicant must satisfy all other notice requirements of this Title. (1-23-08)

20.13 Vesting of Zoning Rights

20.13.1 Exceptions

Upon payment of the required application fees and submission of a completed application, that includes all information requested by the city council, planning commission and staff in order to complete a reasonable review of the project, an applicant shall be entitled to have the application reviewed and acted upon pursuant to the terms of this Title. Vesting is usually indicated by approval of the Preliminary Plan by the city council and is subject to the exceptions set forth below. The applicant may take advantage of amendments to this Title that would permit greater density or more intense use of the land, provided however, that these changes may be deemed a modification of the plan and require the payment of additional planning review fees and loss of vesting.

For the purposes of this Title and in particular this Chapter, vesting of zoning rights entitles an applicant to only the use, density and general configuration of the Preliminary Plan approved by the city council. (5-5-04)

For the purposes of this Title, a complete application includes all documentation required by this Title, other relevant laws and ordinances of Payson City, relevant state and federal laws, and any other information deemed necessary by the ~~Planning Commission and City Council~~ land use authority to complete a thorough review of the proposed project and make a well-informed decision. Following review of the Concept Plan, staff will inform the applicant of any additional information required by the staff for their review. The ~~planning commission and city council~~ land use authority will complete a review of the Preliminary Plan to determine if any additional information is required in order to properly review the Preliminary Plan. The planning commission will review the Preliminary Plan and recommend approval, approval with conditions, or denial of the Preliminary Plan. ~~At that~~

~~time~~ The ~~City Council~~ land use authority will review the Preliminary Plan and make a finding of whether or not the applicant has completed the application process. If the ~~City Council~~ land use authority determines that an applicant has completed the application process, the applicant will be deemed vested under the development ordinances in effect on that date. (12-19-18)

An applicant may not appeal the need to provide information required by this Title or any other City ordinance, or any state or federal law. ~~However, any applicant may appeal the need to provide any additional information requested by the staff or Planning Commission to the City Council on the next available meeting of the City Council with adequate time to fully discuss the matter.~~

Non-subdivision related matters, including, but not limited to, site development standards, procedural requirements and building code requirements will not vest until complete building permit applications have been filed and required fees have been paid. Water and sewer connection availability, costs of water and sewer connection and water development fees, applicable impact fees and other charges will vest only upon payment of the building permit application fees and submission of all materials necessary for the issuance of a building permit.

20.13.1 Exceptions

Applicants shall not be entitled to project review and approval of applications pursuant to the terms of this Title, when revisions to this Title are pending that would prohibit or further condition the approval sought, or when there is a compelling reason for applying a new standard or requirement retroactively to the time of application.

20.14 Plat Approval

- 20.14.1 Owner's Execution
- 20.14.2 Contents of Plat
- 20.14.3 Submission
- 20.14.4 Recording
- 20.14.5 Effect of Approval

All projects requiring the recording of a subdivision plat or recording of a survey map under applicable City and State law shall conform to the following standards before approval will be granted by the City:

20.14.1 Owner's Execution

A subdivision plat must be signed by the owner of the property and all persons claiming an interest in the property within the plat including those holding a security interest in the property, but excluding mechanic liens and judgment liens. All signatures must be legally

acknowledged.

20.14.2 Contents of Plat

The plat must have signature blocks for the mayor, city engineer, city recorder, fire chief and county recorder. The survey data and accuracy of the plat must be certified by a licensed surveyor and the plat must bear the surveyor's official stamp. The Preliminary Plan and Final Plat must include all information required by this Title, specifically Sections 20.28 and 20.29.

20.14.3 Submission

The submission for plat approval must be accompanied by any covenants, declarations, easements, dedications of rights-of-way, or similar documents that are in addition to the contents of the plat. The submission must also be accompanied by a current title report showing the persons having an interest in the property and verifying the ownership is consistent with the ownership as indicated on the plat. The legal descriptions of the property must also be consistent among the plat, declarations or covenants and title report.

Each title report shall include all covenants, declarations, easements, dedications of rights-of-way, or similar encumbrances from the creation of the parcel or no less than twenty-five (25) years whichever is greater. (1-18-06)

If the title report for any property proposed to be subdivided is more than one (1) year old, the applicant may be required to submit an updated title report. Furthermore, if the ownership of any parcel proposed to be subdivided is changed, the applicant may be required to submit an updated title report regardless of the timeframe in which the change in ownership occurred. (1-18-06)

20.14.4 Recording

Upon granting of final approval by the City, the Development Services Director, or designated City staff, shall proceed to record the plat in the office of the county recorder. No plat shall be recorded until the city recorder has verified that all fees relative to the project have been paid, including the final engineering bills from the plat approval, if applicable.

20.14.5 Effect of Approval

In approving the plat, the City and its officers and agents are only certifying to substantial compliance with the statute and ordinances regarding the recording of plats and the prior approval of the project as complying with City ordinances. The City does not make any representation concerning the accuracy of the information in the plat drawn by the applicant, nor the value of the project.

20.15 Review and Regulations for Impact on Public Infrastructure

- 20.15.1 Adequate Public Facilities Requirements
- 20.15.2 Infrastructure Review
- 20.15.3 Appeal and Review
- 20.15.4 Transferability
- 20.15.5 Expiration
- 20.15.6 Standards for Review

20.15.1 Adequate Public Facilities Requirements

No request for development approval, and no development permit or license shall be granted, approved or issued unless the applicant has provided information necessary to establish that adequate public facilities in the area affected by the proposed development have been determined to have sufficient capacity available at the adopted level of service (LOS) standards to accommodate the proposed development within a reasonable period of time.

20.15.1.1 Essential Public Facilities

Essential public facilities to which this Adequate Public Facilities (APF) requirement applies include the following:

1. Culinary water system, including water quality, treatment, transmission and distribution system capacity, source, and storage capacity.
2. Secondary water (pressurized irrigation), including source, storage capacity, transmission and distribution system capacity.
3. Sanitary sewer system, including treatment facilities, outfall lines, lateral and collector lines.
4. Storm drainage facilities, including surface and subsurface transmission, and flood control facilities.
5. Transportation facilities, including streets, roads, highways and intersections.
6. Parks and related recreational facilities.

20.15.1.2 Procedures for Determination of Adequate Public Facilities

Applications for development approval shall include information necessary to demonstrate that adequate public facilities will be available at the specified levels of service (LOS) within a reasonable period of time following the issuance of a development permit for the proposed development. Such a determination may include the timing, phasing and sequencing of the proposed development. Compliance with level of service standards shall be measured in accordance with the adopted level of service standards set forth herein as may be amended from time to time. The staff,

planning commission, or city council may request additional information from the applicant to address the adequacy and availability of public facilities.

20.15.1.3 Level of Service (LOS) Standards

The level of service (LOS) standards by which the adequate public facilities requirement shall be measured are as follows:

1. **Culinary Water System.** Source, treatment, storage, transmission and distribution capacity and sizing to accommodate peak instantaneous flows with a minimum of twenty (20) pounds per square inch (psi) pressure existing in the system at all points.
2. **Secondary Water (Pressurized Irrigation).** Source, storage, transmission and distribution capacity, and sizing to accommodate peak instantaneous flows with a minimum of forty-five (45) pounds per square inch (psi) dynamic pressure.
3. **Sanitary Sewer System.** No surcharge shall result in the lines servicing the proposed development by the increased flows anticipated to be generated by the proposed new development.
4. **Storm Drainage and Flood Control Facilities.** Compliance with design standards for storm drainage, including surface and subsurface, and flood control facilities as required by the ~~Payson City~~ Standard Specifications and Standard Plans. (11-5-14)
5. **Transportation Facilities.** All existing roads adjacent to, or impacted by, the proposed development shall be capable of accommodating the anticipated traffic loads generated by the proposed development for a twenty (20) year design period. The City has adopted a Level of Service "C" for all City roads and streets.
6. **Parks and Related Recreational Facilities.** Parks and related recreational facilities shall be available at the adopted level of service.

20.15.1.4 Non-Compliance with Adequate Public Facilities Requirement

If it is determined that Adequate Public Facilities will not be available at the specified level of service (LOS) within a reasonable period of time of potential development approval, the city council may:

1. Deny development approval.
2. Defer final development approval and the issuance of building permits until all necessary public facilities are adequate and available.
3. Require timing, sequencing and phasing of the proposed development consistent with the available capacity of public facilities.
4. Allow the applicant to voluntarily advance the

costs necessary to provide those public facilities which are necessary to service the proposed development and satisfy applicable level of service (LOS) standards by entering into an appropriate form of agreement, which may include, as appropriate, provisions for credits or reimbursement of any expenses incurred above and beyond those reasonably necessary for or related to the need created by or benefit conferred upon the proposed development.

20.15.2 Infrastructure Review

Although the City endeavors to provide infrastructure that will adequately service subdivisions, developments and structures because of size, type of construction, or lot characteristics may present peculiar or excessive demands on City infrastructure. For these reasons, the developer is responsible to perform an impact analysis in a form and methodology acceptable to the City to determine the possible impacts on infrastructure.

In order for the City to determine whether existing infrastructure is adequate or what additional infrastructure is needed to satisfy the particular needs of certain developments, sizes of buildings and structures that are permitted uses in the zone, the following proposed developments, buildings and structures are subject to the review process for impact on existing infrastructure:

1. Commercial or multifamily buildings or structures previously classified under the International Building Code as Class III, IV or V construction, greater than 10,000 square feet.
2. Buildings or structures that are required to have fire-sprinkling systems under City ordinance or resolution.
3. Buildings or structures located on lots with an average slope of more than fifteen (15) percent.
4. Industrial or manufacturing facilities that deal with products or processing materials that are or could become explosive, flammable or toxic according to the adopted Fire Code.
5. Subdivision or Planned Residential Development projects with ten (10) or more dwelling units, or parcels.
6. Development projects that require the extension of any public infrastructure for a distance of one thousand (1000) feet.

20.15.2.1 Scope of Review

For proposed developments, buildings, structures or uses that are permitted or conditional uses in the zone in which the building or structure is proposed, the review shall include the determination of the ability of existing City infrastructure to provide adequate water

for culinary, irrigation and fire flow purposes, the proper handling of storm drainage, slope preservation, mitigation of impact on roads by construction and permanent traffic, impact on electrical facilities and ensuring safe access for users and emergency vehicles in accordance with City codes, standards, and all other adopted ordinances. For conditional uses or Planned Residential Developments in the zone in which the development, building, structure or use is proposed, the infrastructure review is a part of the regular conditional use or Planned Residential Development review process specified below and may involve additional regulations.

In addition to the developments listed in Section 20.15.2 above, developments, buildings and structures that are permitted or conditional uses in the zone proposed and not subject to zoning or use review, are subject to review for impact on existing infrastructure according to the standards described in this Section. The following review procedure shall be followed:

1. Upon making an application for development approval or a building permit, the applicant shall supply the City with plans and specifications sufficiently detailed to determine whether the proposed project, building(s), or structure(s) are subject to further infrastructure review. If, according to the standards found in this Section, any proposed development, building or structure triggers infrastructure impact review, then development approval or approval of a building permit shall not be issued until the impact of the proposed development, building or structure on existing City infrastructure is determined and what, if any, additional infrastructure is necessary.
2. For any application for a building permit that requires infrastructure impact review, the City may request from the applicant any additional studies, plans, surveys, specifications and information necessary to review the infrastructure impacts. The following types of information may be requested by staff to the extent relevant:

20.15.2.1.1 Impact on Drainage:

1. A map of the site showing the existing conditions prior to the demolition of any existing structures, any grading, and any known geologic or natural hazards.
2. Topography with contours shown at intervals of not more than two (2) feet of the site and as the site adjoins contiguous

- properties.
- 3. Vegetation type and location, and soil type and load carrying capacity information.
- 4. One Hundred (100) year flood plain and high ground water areas, known spring and seep areas and ditches or canals.
- 5. All existing roads and proposed road locations and other circulation features, fences, irrigation ditches, and drainage facilities.
- 6. Location and size of the nearest storm drain facilities the site could drain to, water lines and sewer lines, where the developer proposes to connect to the existing drains, and proposed drainage, drainage works, detention ponds, retaining walls, and erosion control plans.
- 7. Site plan of the proposed buildings and structures showing building locations and finished grades.

20.15.2.1.2 Impact on Water, Fire Flows and Sewage:

- 1. Location and size of the nearest water main and sanitary sewer lines to the project to which the project can drain or be supplied and how the applicant proposes to connect to the systems.
- 2. Site plan and floor elevations (including building height) of all proposed buildings and structures showing building locations, construction type and materials.
- 3. Proposed easements for new utility services or relocated utility services.
- 4. Fire hydrant locations, building sprinkling plans and water demand for fire flows. Estimated peak culinary and irrigation water demands.
- 5. Other specific information and technical data and opinions that, in the opinion of staff, are necessary for the meaningful review of the project.

20.15.2.1.3 Impact on Slope Retention:

- 1. Topography existing before construction and proposed finished grades, both on the site and as they relate to adjoining property.
- 2. Proposed drainage, drainage works, retaining walls, and erosion control plans including proposed landscaping.
- 3. Detailed construction drawings and supporting documentation of any and all structures sufficient to demonstrate compliance with applicable standards, codes and ordinances; or general architectural concept drawings of proposed buildings

showing cuts and fills.

- 4. Other specific information and scientific data that in the opinion of the staff is necessary for the meaningful review of the project.

20.15.2.1.4 Impact on Streets and Pedestrian Facilities:

- 1. A site plan that coordinates pedestrian connections, sidewalks, and bike paths if any such pedestrian facilities are shown on the Trails Master Plan or the Streets Master Plan as they are currently adopted.
- 2. Estimated truck traffic trip numbers for construction traffic.
- 3. If requested by the city engineer, the project applicant shall submit reproducible measurable pavement quality testing analyses for each street that will be utilized by any traffic generated by or relating to the proposed project, including but not limited to construction traffic. Such analyses will be submitted both before permit issuance and before building occupancy and shall use a nationally recognized pavement quality-testing machine as approved by the city engineer. Such analyses will be used to determine construction impacts on existing streets at the end of construction so that repairs can be made at the expense of the project proponents to return the pavement to its original quality prior to dedication to the City.

20.15.2.1.5 Impact on Electrical Facilities:

- 1. A site plan indicating the location of existing distribution lines both underground and overhead.
- 2. Capacities of current power facilities that will serve the proposed development. The applicant should indicate both line size and present utilization of the power facilities.
- 3. A site plan indicating all power line easements to and within the proposed development.
- 4. An estimate of the amount of electrical power needed for each proposed unit.

20.15.2.2 Department Action

Within thirty (30) working days from the receipt of the complete application including all requested information for infrastructure impact review, the staff shall review the project and determine whether existing infrastructure is sufficient to adequately

serve proposed buildings or structures. If the data is sent to an engineer or other consultant for determination of impacts, the applicant shall pay the costs associated with the professional review.

If the existing infrastructure is adequate to serve the proposed buildings or structures, then development approval or a building permit shall be issued in accordance with the building code in effect at the time of such issuance and City ordinances. If upon review, existing infrastructure is found to be inadequate to serve any proposed developments, buildings or structures, development approval or the building permit shall be withheld. At the option of the City, the applicant may either:

1. Change the type, scale or location of any proposed buildings or structures in such a manner that existing infrastructure may adequately serve the proposed development, buildings or structures.
2. Provide, at applicant's expense, the additional infrastructure necessary to adequately serve the proposed buildings or structures according to designs and specifications approved by the City.
3. Pay a proportionate share of a City project that would mitigate the impact as detailed by the city council or staff.
4. Upon submission of plans changing the type, scale or location of any or all proposed buildings or structures in such a manner that existing infrastructure is adequate to serve all proposed buildings or structures; or upon submitting plans for additional infrastructure and a letter of credit or escrow agreement to the City for the full cost of the additional infrastructure required as estimated by the city engineer, development approval or a building permit shall be issued in accordance with City codes and ordinances.

20.15.2.3 Appeal and Review

If the applicant does not agree with the determination of staff that existing infrastructure is inadequate or with the requirement for additional infrastructure, the applicant may request city council review. The city council is empowered to affirm, reverse or modify the determination of staff. All actions regarding infrastructure impacts and requirements of the planning commission or staff may be appealed to the city council.

If the staff has not acted on an application or has not indicated to the applicant what existing infrastructure is inadequate within thirty (30) working days after complete information submission, the application shall be forwarded to the planning commission for determination of adequacy of existing infrastructure.

20.15.2.4 Transferability

The infrastructure review and approval is transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site.

20.15.2.5 Expiration

If a building permit is not obtained within one (1) year from the date of approval, then the infrastructure review and approval process must be repeated prior to issuance of a building permit to determine whether off-site conditions or demands have changed the ability of the system to satisfy the demands of the project under review. If a building permit expires before actual construction of buildings or structures, the infrastructure review and approval process must be repeated prior to issuance of another building permit. The building permit requirements may be modified to adjust to the new capacity or demand.

20.15.2.6 Standards for Review

No approval will be given and no building permits shall be issued on buildings or structures subject to infrastructure review unless it is found by the City that there is sufficient infrastructure capacity according to the standards adopted by the City. Specific review items include: delivery of adequate water for culinary, irrigation and fire flow purposes; safe vehicular and pedestrian access for owners; users and emergency vehicles; and proper handling of storm drainage and slope preservation. The standards to be applied for review are as follows:

1. The standards for adequate delivery of water are: the Payson City Fire Flow Standards; the ~~Payson City~~ Standard Specifications and Standard Plans; Construction Specifications and Standard Drawings; and the County and/or State Department of Health Drinking Water Regulations as now constituted and as may be adopted or amended. (11-5-14)
2. The standards for adequate site drainage are the building code, as adopted by ordinance, and the ~~Payson City~~ Standard Specifications and Standard Plans as now constituted and as may be adopted or amended. (11-5-14)
3. The standards for access to the development, buildings or structures are the adopted Fire Code as adopted by ordinance; the Streets Master Plan or Land Use Map; the Trails Master Plan; the Standard Specifications and Standard Plans; and Construction Specifications and Standard Drawings as now constituted and as may be

- adopted or amended. (11-5-14)
4. The standards for slope retention are the building code, as adopted by ordinance, and the Standard Specifications and Standard Plans as now constituted and as may be adopted or amended. (11-5-14)

20.16 Concept Plan

- 20.16.1 Concept Plan Application Procedure and Requirements
- 20.16.2 Staff Review of Concept Plan
- 20.16.3 Planning Commission Review of Concept Plan
- 20.16.4 Staff Action on Concept Plan
- 20.16.5 Planning Commission Action on Concept Plan

A Concept Plan is not an application for development review or approval and will not be considered as any type of vesting under an existing development ordinance. The Concept Plan provides an opportunity for the applicant and staff, and if appropriate, the planning commission to meet and discuss the proposed project in the conceptual stage. The applicant can use the Concept Plan meeting to ask questions of the staff, and receive direction on project layout. At the Concept Plan meeting the staff will inform the applicant what zone the proposed project is located in and what uses are allowed in the zone. The staff may also discuss the procedure for approval of a subdivision plat and the specifications and requirements for layout of streets and for reservations of land, street improvements, drainage, water, sewerage, fire protection, mitigation of environmental impacts, and similar matters, and the availability of existing services. Concurrent review of PRD requirements, if applicable, may also be discussed at this time. (8-7-02)

The staff may also advise the applicant, where appropriate, to discuss the proposed subdivision or development with those agencies who must eventually approve those aspects of the subdivision plat coming within their jurisdiction, including but not limited to, the Fire Department, Nebo School District, and the various utility service providers. Neighbors of the proposed project should also be consulted to get their views and concerns. (12-19-18)

20.16.1 Concept Plan Application Procedure and Requirements

Prior to any process or procedure for subdividing or developing land as contained in this Title, an owner of the land or an authorized agent shall submit an application for a Concept Plan. The number of copies of the Concept Plan will be determined at the time of submission of the plan. The Concept Plan shall:

1. Include all contiguous holdings of the owner with an indication of the portion that is proposed to be subdivided or developed, accompanied by an

affidavit of ownership, which shall include the dates the respective holdings of land were acquired, together with the book and page of each conveyance to the present owner as recorded in the office of the county recorder. (12-19-18)

2. Be accompanied by a review fee in accordance with adopted fee resolution of Payson City.
3. Include ~~an address and telephone number of~~ contact information for the applicant. (12-19-18)
4. Be accompanied by a list of all property owners within five hundred (500) feet of the proposed subdivision or development boundary. (12-19-18)
5. Include a general written and graphic representation of the proposed project, all approvals being sought (rezone, subdivision, PRD, variance, etc.), and any other information the applicant believes is necessary to present to the staff or planning commission.

20.16.2 Staff Review of Concept Plan

The staff shall consider the Concept Plan and render a report to the planning commission concerning the plan. The staff shall transmit the Concept Plan for review to appropriate officials or agencies of the local government, adjoining counties or municipalities, Nebo School District, Fire Department, special service districts, and other official bodies as it deems necessary or as mandated by law, including any review required by metropolitan, regional, or state bodies under applicable state or federal law. Staff will consider all the reports submitted by the officials and agencies concerning the plan and shall submit a report for proposed action to the planning commission for the next available regular meetings.

The scale or complexity of a project or staff workload will dictate the processing period. The staff will advise the applicant when an application is filed as to the projected time frame. If the workload is too great for processing by available staff in a time frame acceptable to the applicant or additional expertise is required, the project review may be sent out to a consulting planner, engineer or architect approved by the City. The developer will typically be responsible for all fees incurred in any plan or development review process undertaken by an outside agency or consultant unless other arrangements or agreements are approved by the city council.

20.16.3 Planning Commission Review of Concept Plan

If deemed appropriate or necessary, staff will present the Concept Plan to the planning commission for review and comment. The planning commission will study the Concept Plan and staff report, taking into consideration the requirements of this Title and the General Plan. Particular attention will be given to the arrangement,

location and width of streets, location of water lines, sewerage disposal, drainage, utilities, erosion, location of natural or geologic hazards, lot sizes and arrangement, the further development of adjoining lands, and the requirements of the Official Zone Map, General Plan, land use map(s) and Streets Master Plan, as adopted by the city council. ~~For projects that are not reviewed by the Planning Commission, the staff will provide the Planning Commission with a written report. If, from the information found on the report, the Planning Commission would like to review a proposed Concept Plan, the Planning Commission may, by motion, ask for all materials related to the Concept Plan to be submitted to the Planning Commission for their review. (12-19-18)~~

20.16.4 Staff Action on Concept Plan

There is no approval of a Concept Plan required or given. After reviewing and discussing the Concept Plan and other reports submitted by invited agencies and officials, the staff will advise the applicant of the specific changes or additions, if any, it will require in the layout, and the character and extent of required improvements and reservations as a prerequisite to the approval of the Preliminary Plat. The staff, planning commission and/or city council may require additional changes as a result of further study of the subdivision in final form.

20.16.5 Planning Commission Action on Concept Plan

There is no approval of a Concept Plan required or given. For Concept Plans which have been submitted to the planning commission, after reviewing and discussing the Concept Plan, staff report and other reports as submitted by invited agencies and officials, the planning commission will advise the applicant of the specific changes or additions, if any, it will require in the layout, and the character and extent of required improvements and reservations as a prerequisite to the approval of the Preliminary Plat. The staff, planning commission and/or city council may require additional changes as a result of further study of the subdivision in final form.

~~Although approval is not required, the Planning Commission shall not review any Preliminary Plan prior to completion of a Concept Plan review by the staff or the Planning Commission.~~

20.17 Improvement, Design, and Layout Considerations

- 20.17.1 Plats near or Straddling Municipal Boundaries, Annexations (1-23-08)
- 20.17.2 Monuments
- 20.17.3 Unsuitability
- 20.17.4 Subdivision Name
- 20.17.5 Ridgeline, View Shed, and Hillside Development

- 20.17.6 Open Space
- 20.17.7 Drainage Ways and Irrigation Ditches
- 20.17.8 Trails and Sidewalks
- 20.17.9 Limits of Disturbance/Vegetation Protection
- 20.17.10 Architectural or Design Standards
- 20.17.11 Fire Hydrants
- 20.17.12 Fire Sprinkling
- 20.17.13 Landscaping Required
- 20.17.14 Mail Boxes
- 20.17.15 Addressing Required
- 20.17.16 Upgrades to Existing Utility Services
- 20.17.17 Adherence to Wildland Interface Zone

After an applicant has submitted a Concept Plan and been authorized to prepare a Preliminary Plan and subsequently the Final Plat, the applicant shall prepare a Preliminary Plan using the criteria in this section as a guide. The ~~Planning Commission~~ land use authority will also use this criteria in its consideration of ~~recommending~~ approval or denial of the Preliminary Plan and Final Plat.

~~In addition to the requirements established herein, subdivision plats developments shall comply with the following:~~

1. ~~Applicable statutory provisions of Utah Code~~
2. ~~Payson City General Plan and Area Specific Plans~~
3. ~~Payson City land use and development ordinances~~
4. ~~Capital improvements plan~~
5. ~~Utility master plans~~
6. ~~Payson City Standard Specifications and Standard Plans~~
7. ~~Adopted building, fire and related codes~~
8. ~~Payson City Fee Schedule~~
9. ~~Regulations of other government agencies having jurisdiction in the development (12-19-18)~~

~~In addition to the requirements established herein, subdivision plats shall comply with all applicable statutory provisions, Sensitive Lands Ordinance, adopted building, fire and related codes, the Payson City Standard Specifications and Standard Plans, the Official Streets Master Plan, the General Plan, the Official Zone Map, the Trails Master Plan, public utilities plans, capital improvements program of the City or any other government agency having jurisdiction in the development, including all streets, trails, drainage systems, and parks shown on the Official Map or General Plan as adopted or amended for the subdivision, and the rules of the Utah Department of Transportation if the subdivision or any lot contained therein abuts a state highway or connecting street. (11-5-14)~~

If the owner places restrictions on any of the land contained in the ~~subdivision development~~ greater than those required by this Title or any other City regulation or requirement, such restrictions or reference thereto may be

required to be indicated on the Final Plat, or the ~~City Council~~ land use authority may require that restrictive covenants be recorded with the county recorder in a form approved by the city attorney. (12-19-18)

20.17.1 Plats Near or Straddling Municipal Boundaries,

When a subdivision or development is proposed that is adjacent to or includes property under the jurisdiction of another entity, staff may recommend annexation of the property involved or recommend a utility service agreement for provision of utility services in coordination with the adjoining municipality. ~~(9-18-13)~~ (12-19-18)

If the area in the County or another municipality is not annexed, the City and the other entity may work together in a cooperative arrangement or through an interlocal agreement, if necessary, to insure that the portion of the subdivision or development located in the County or other municipality is as compatible as possible with the Payson City development regulations and General Plan. ~~(9-18-13)~~ (12-19-18)

Utility services for individual lots of record within the municipal boundaries may be provided by another entity, provided a utility service agreement or interlocal agreement is approved by the ~~City Council~~ land use authority. ~~(9-18-13)~~ (12-19-18)

Because of the high standard established by Payson City for the provision of municipal services to its residents, Payson City is under no obligation to grant development approval of any proposal that requires municipal services from another jurisdiction. Approval of a development proposed to the services of another jurisdiction is at the sole discretion of the Payson City Council who shall not need any reason to deny such a request. In making a determination of whether to allow another entity to provide municipal services, the city council will consider the following:

1. The use of an outside entity shall not be used to negotiate lower utility rates or service charges.
2. The use of an outside entity will not be allowed to provide service to properties within Payson ~~City~~ that are proposed for development that is not consistent with all adopted Payson City development ordinances including the General Plan, Annexation Agreements, Specific Plans, Development Agreements, the Zoning Ordinance, the Subdivision Ordinance and the Sensitive Lands Ordinance.
3. Because it is likely that the services will be assumed by Payson City at a future date, the services must be constructed in a manner that is consistent with the Standard Specifications and Standard Plans ~~of Payson City~~. The utility service agreement or interlocal agreement must include procedures to

complete the transfer of utilities to Payson City once the services are available. (11-5-14)

4. Payson City reserves the right to assess utility charges, franchise fees, and other assessments consistent with the adopted fee schedule ~~of Payson City~~.

All issues relating to the provision of municipal utility services by an entity other than Payson City shall be encompassed in a Utility Service Agreement with the entity providing the service. (1-23-08)

20.17.2 Monuments

The applicant shall place permanent reference monuments in the subdivision as required herein or as otherwise approved by the city engineer. Monuments shall be installed in accordance with the ~~Payson City~~ Standard Specifications and Standard Plans, construction specifications and standard drawings. The monuments shall be located on street right-of-way lines, at street intersections, and angle points of curve within the subdivision. They shall be spaced to be within sight of each other, with the sight lines being contained wholly within the street limits. (11-5-14)

All monuments shall be properly set in the ground and approved by a Registered Land Surveyor prior to the time the planning commission recommends approval of the Final Plat unless a performance guarantee is established in accordance with the provisions of this Title.

20.17.3 Unsuitability

If ~~the Planning Commission or City Council staff,~~ the planning commission, or the land use authority finds that a portion or all of the land proposed for subdivision or development unsuitable due to natural hazards, flooding, improper drainage, fire, steep slopes, rock formations, geologic hazards, potentially toxic wastes, adverse earth formations or topography, wetlands, utility easements, wildlife habitats that cannot be reasonably mitigated, or other natural features, including ridge lines and hilltops, which will be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision or surrounding areas, the land shall not be subdivided or developed. (12-19-18)

The development may be made suitable if adequate methods are formulated by the developer and approved by the City, upon recommendation of a qualified planner or engineer hired by the developer and approval of the city engineer, to solve or remedy the problems created by the unsuitable land conditions. The burden of the proof shall lie with the developer to establish the viability of development in these sensitive or unsuitable

areas. Unsuitable land shall be set aside or reserved for uses that do not involve such a danger or severe environmental impact. Land under the jurisdiction of the Sensitive Lands Ordinance may be further regulated by Title 21. Additionally, consideration must be given to soil conditions and ground water existence and may include appropriate setbacks and conservation requirements.

20.17.4 Subdivision Name

The proposed name of the subdivision and all roadways contained therein shall not duplicate, or too closely approximate phonetically, the name of any other subdivision or street in the area covered by these regulations or nearby communities. The City Council land use authority shall ~~have final authority to~~ designate the name of the subdivision and to select street names. (12-19-18)

20.17.5 Ridge Line, View Shed and Hillside Development

Protection of ridges from development that would be visible against the skyline from prominent areas or designated vantage points in Payson City will be maintained. Hillside development that may disturb agriculture may be prohibited unless it can be shown that the development and improvements will be constructed or clustered in a way to minimize impacts. All applicable Subdivisions approvals and developments in these areas must satisfy the requirements of Title 21, Sensitive Lands Ordinance. (12-19-18)

20.17.6 Open Space

Units may be clustered in the most suitable and least sensitive portions of the site with common open space corridors separating clusters. The open space corridors should be designed to coincide with significant vegetation and in many cases left natural. Open space areas will be the maintenance responsibility of a homeowners association, unless dedicated and accepted by the City. Open space conservation easements dedicated in perpetuity to a qualified land trust are encouraged to prevent future development.

If it is determined that landscaping should be required or is appropriate, the applicant shall complete a landscaping plan for the open space area. The landscaping plan shall contain information pertaining to type and size of plants, a maintenance plan, and a design for an irrigation system. At the applicant's expense, the City may require the landscaping plan to be reviewed by a competent landscape architect for suitability of plant types and sizes.

20.17.7 Drainage Ways and Irrigation Ditches

Existing natural drainage and irrigation ditches or

drainage right-of-ways shall be maintained and stabilized. ~~Notification and approval of~~ Written notice must be provided to irrigation companies, canal owners, or associated canal operators that have facilities within one hundred (100) feet of the for proposed subdivision or development, may be required in certain circumstances as determined by the City if the development impacts irrigation works or access. The notice shall comply with Section 10-9a-603 of Utah Code. (12-19-18)

~~An The~~ applicant ~~for subdivision approval~~ is required to identify and resolve all conflict with private irrigation lines that may traverse the area proposed for subdivision development. The subdivision development will need to accommodate upstream and downstream users of the private system. ~~(8-7-02)~~ (12-19-18)

20.17.7.1 Stabilization Specifications

The banks of any existing or proposed drainage channel, irrigation ditch, canal, creek, or other watercourse shall be stabilized in the following manner:

1. The applicant shall conduct, and provide to the city engineer, a complete engineering study and analysis that determines the proper riprap design to prevent channel erosion at the maximum volume flow of the watercourse.
2. Provide detailed construction drawings of the area to be stabilized including materials, size, weight, and method of installation.
3. Provide information pertaining to the effect on downstream flows following proposed channel stabilization.

20.17.8 Trails and Sidewalks

Any trail indicated on the Trails Master Plan of Payson City shall be incorporated into the development design and appropriate vehicular and pedestrian separations or crossing shall be provided. Trails and sidewalks shall allow efficient internal pedestrian and non-motorized circulation as well as links to adjacent trail systems on other properties. 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)

Existing trails should be maintained and incorporated into open space elements of the project. This may include trails for pedestrian, bicycle, or equestrian circulation. Construction of new trails will be required concurrently with the installation of other public

improvements. Although required trails may not link to adjacent trails immediately, each trail is a vital part of an overall circulation plan. In most cases, a homeowners association will be required to maintain the trails. Sidewalks, unless otherwise approved by the city council, shall be provided on each side of all public streets and shall satisfy the requirements of the Standard Specifications and Standard Plans. (11-5-14)

20.17.9 Limits of Disturbance/Vegetation Protection

A separate plan that addresses limits of disturbance and vegetation protection during construction and revegetation of disturbed areas will be required. This shall include construction necessary for all project improvements such as roads and utilities.

20.17.10 Architectural or Design Standards

Architectural or design standards may be required on large projects or developments that could have a significant effect on the character of the surrounding area. These standards will be developed on a case-by-case basis by the City and applicant. It is intended by this section to create a development that will result in compatible building design and materials within the development and the respective zone. Guidelines should include consistency of roof pitch, roofing materials, exterior materials, colors, porch details, window types and similar provisions. These guidelines should also be compatible with adjacent developments. Buildings should be designed to blend and harmonize with the existing environment.

20.17.11 Fire Hydrants

The type or brand of Fire hydrant shall be approved by the fire chief before being installed by the developer. The hydrants shall be spaced in accordance with the adopted Fire Code, ~~generally at roadway intersections in subdivisions.~~ (5-2-07) (12-19-18)

20.17.12 Fire Sprinkling

Fire sprinkler systems may be required in projects as determined by the Fire Department. This determination is based upon an analysis of the size of structures, vegetation surrounding the structures and location of the project as it relates to response time.

20.17.13 Landscaping Required

20.17.13.1 Landscaping Required for Lots with Slopes
20.17.13.2 Landscaping of Planter Strip along Arterial or Collector Status Roads in Traditional Subdivisions

Prior to issuance of a Certificate of Occupancy and thereafter, all open areas between the public street, including the planter strip, and the front line of the main building, except driveways, parking areas, walkways, utility areas, improved decks, patios, porches, etc., shall

be maintained with suitable landscaping of plants, shrubs, trees, grass and similar landscaping materials. If a dwelling is located on a corner lot, all areas of the front and side areas between the public street, including the planter strip, and the dwelling shall be appropriately landscaped. During the seasonal period, generally between November 1 and April 1, when the City pressurized irrigation system is shut off and the landscaping cannot be completed prior to issuance of a Certificate of Occupancy the applicant must post a performance guarantee. The guarantee shall be a sum, no less than the amount specified ~~on the Payson City in the adopted~~ fee schedule as amended from time to time by resolution of the city council, in the form of cash bond or an irrevocable letter of credit. (4-16-08) (12-19-18)

In a subdivision that has been approved with a Development Agreement, there may be additional landscaping requirements that the applicant is required to satisfy. If the applicant is unable to complete the landscaping due to inclement weather or other acceptable excuse, the amount of the performance guarantee will be calculated using the estimated costs needed to satisfy the landscaping requirements of the Development Agreement. (4-16-08)

The performance guarantee shall not extend beyond June 1 following the seasonal period the bond is posted. Landscaping not completed by June 1 will be turned over to the attorney's office for legal remedies, which may include the forfeit of all or a portion of the posted bond. (4-16-08)

In order to conserve water, required landscape areas for all new development whether commercial, industrial or residential shall be maintained using an automatic underground sprinkling system. In certain instances, large areas in the agricultural zones may be irrigated using more traditional systems where an inordinate demand would be placed on the pressurized irrigation system. (1-23-08)

For the purposes of this requirement, landscaping shall mean complete erosion control and elimination of noxious weeds. Xeriscape is acceptable landscaping provided that complete erosion control and elimination of noxious weeds is accomplished. (12-19-01)

20.17.13.1 Landscaping Required for Lots with Slopes

Lots that contain slopes that may cause erosion onto adjacent properties, public property or public rights-of-way shall be completely landscaped prior to issuance of a Certificate of Occupancy. Further, if it is determined by the city engineer that landscaping alone will not alleviate the potential drainage hazard,

retaining walls, drains, or other methods of erosion control will be required. (5-5-04)

20.17.13.2 Landscaping of Planter Strip along Arterial or Collector Status Roads in Traditional Subdivisions

Applicants granted approval of a traditional subdivision adjacent to an arterial or collector status road will be required to landscape the planter strip between the road and the required project fencing. The applicant shall submit a complete landscaping plan that includes appropriate planting materials that are consistent with other corridor landscaping and an irrigation plan that indicates a system that satisfies the Standard Specifications and Standard Plans of Payson City. The installation of the landscaping and irrigation system is the responsibility of the applicant for development approval. (11-5-14)

It is further anticipated that applicants for approval of Planned Residential Developments will be required to complete the landscaping of the planter strips between the project fencing and an arterial or collector status road. (2-7-07)

20.17.14 Mail Boxes

Each unit shall provide a mailbox. The applicant will be required to work with the Postmaster to determine the most desirable mail delivery system. If a community box unit (CBU) is required by the Postmaster, the location of the CBU shall be indicated on the Final Plat in a location approved by the City.

A community box unit (CBU) in the public right-of-way is highly discouraged and shall not be located adjacent to an arterial or collector status street. Each development should provide an area where the CBU can be located outside of the right-of-way on a separate parcel. The applicant will provide information about the proposed ownership and maintenance of the parcel.

If the mailbox unit is located within the public right-of-way the applicant, Postmaster and Payson City shall complete an agreement encompassing maintenance, access and location of the CBU unit. (5-5-04)

20.17.15 Addressing Required

The numbers or letters indicating the address of any unit must satisfy the requirements of the adopted building code and shall be clearly visible at all times including nighttime hours. The numbers or letters shall be backlit or of a reflective nature, contrast with the underlying color, and be readable from the public right-of-way at all times. (9-3-03)

20.17.16 Upgrades to Existing Utility Services

Prior to issuance of any building permit in an approved

~~subdivision development~~, the applicant may be required to upgrade some or all of the existing utility services and place any overhead power lines underground. Upgrades shall be required if the Superintendent of the Public Works Department determines:

1. The utility service is more than ten (10) years old.
2. The utility service is not sufficient to serve the proposed use.
3. The service is in poor condition.
4. It is likely that other improvements will damage the existing service.
5. That existing power service is provided overhead and the power lines need to be placed underground.
6. The existing power transformer will need to be upgraded to provide adequate power service.
7. The proposed ~~subdivision development~~ cannot be provided with adequate service from the existing fire hydrant(s). ~~(12-19-18)~~

The Superintendent of any Public Works Department may waive the required upgrade if:

1. It is determined that the existing service is sufficient to serve the proposed use.
2. The existing service is found to be in good condition.
3. It is determined that a planned construction project will cause the lateral to be replaced.
4. The power line cannot be provided underground in a practical manner.
5. The fire hydrant is found to have been insufficient prior to the approval of the ~~subdivision development~~. ~~(12-19-04)~~ (12-19-18)

20.17.17 Adherence to Wildland Interface Zone

If a ~~subdivision development~~, or any portion of a ~~subdivision development~~, is located within or adjacent to a Wildland Interface Zone designated for fire protection, the applicant shall be required to satisfy any additional requirements imposed by the adoption of the Wildland Interface Zone. ~~(12-19-04)~~ (12-19-18)

20.18 Lot Improvements and Arrangement

- 20.18.1 Square Footage
- 20.18.2 Staggered Front Setbacks
- 20.18.3 Lot Dimensions
- 20.18.4 Double Frontage Lots and Access to Lots
- 20.18.5 Grading, Drainage and Seeding
- 20.18.6 Debris and Waste
- 20.18.7 Fencing
- 20.18.8 Water Bodies and Water Courses
- 20.18.9 Performance Guarantee to Include Lot Improvements
- 20.18.10 Lot Area, Frontage and Setbacks

- 20.18.11 Nuisance Strips or Remnant Parcels of Land
- 20.18.12 Connection to Public Infrastructure
- 20.18.13 Preparation of Use Transition Plan

The lot arrangement should attempt to avoid difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the adopted building and fire codes, this Title, and in providing reasonable driveway access to buildings on such lots from an approved street. (8-7-02)

In areas that are determined by the fire chief to be in high fire danger areas, the building sites shall be located or situated in areas of the development that are less hazardous or are naturally clear of the hazardous vegetation.

If deemed necessary by the city council, limits of disturbance lines shall be designed which minimize disturbance of existing vegetation. If required, limits of disturbance lines shall be shown on the Final Plat. If required, all construction activity must be contained within the limits of disturbance line, with the balance of the parcel remaining undisturbed. Access to the limits of disturbance area should be along the planned driveway.

20.18.1 Square Footage

Maximum dwelling or unit square footage information may be required. Smaller parcels will be expected to limit building sizes so that structures relate to the parcels upon which they are built. Limited building heights may also be required in visually sensitive areas. Limitations, if required, of square footage and height shall be shown on the Final Plat.

20.18.2 Staggered Front Setbacks

In new subdivisions, front setbacks may be required to be staggered with consideration of existing site conditions. The minimum front setbacks shall be consistent with the zone in which the subdivision is proposed, unless otherwise approved as part of a Planned Residential Development in accordance with Chapter 20.10 herein. (12-19-18)

20.18.3 Lot Area, Frontage and Setbacks

All existing and new structures in a subdivision are required to satisfy the lot area, setback, and frontage requirements of the zone in which they are located, unless otherwise approved as part of a Planned Residential Development in accordance with Chapter 20.10 herein. Lot area requirements can be found in Section 19.6 of the Zoning Ordinance.

20.18.4 Lot Dimensions

Lot dimensions shall comply with the minimum standards for the appropriate zone found in Title 19 of the Payson City Code. Where lots are more than double the minimum required area for the zoning district, the

city council may require that such lots be arranged to allow future subdivision and the opening of future streets where they would be necessary to serve such potential lots, in compliance with this Title and these regulations. In general, side lot lines shall be at right angles to street lines (or radial to curving street lines) unless a variation from this rule will give a better street or lot plan. Dimensions of corner lots shall be large enough to allow for erection of buildings, observing the minimum setbacks from both streets.

20.18.5 Double Frontage Lots and Access to Lots

Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation. An exception to this Section may apply for two-family (duplex, twin home) developments so that creative access issues may be addressed.

Lots shall not, in general, derive access exclusively from an arterial or collector street. Where driveway access from an arterial or collector street may be necessary for several adjoining lots, the city council may require that such lots be served by a combined access drive in order to limit possible traffic hazard on the arterial or collector street. Where possible, driveways shall be designed and arranged to avoid requiring vehicles to back into traffic on arterial or collector streets. (8-7-02)

In all cases, driveways shall be located as far from the intersection of two roads as practicable. Any driveway in the clear view area must be approved by the city engineer after a determination that access cannot be derived in any other practical manner. (3-5-03)

20.18.6 Grading, Drainage and Seeding

In order to promote responsible development, Payson City requires a geotechnical report for all subdivisions developments, unless waived by the city engineer, that includes At a minimum, the geotechnical report shall address:

1. Seismic constraints
2. Soils analysis
3. Any required mitigation measures and special construction standards (3-5-03) (12-19-18)

20.18.6.1 Final Grading

A Certificate of Occupancy shall not be issued until final grading has been completed in accordance with the Final Plat. Topsoil should not be removed from residential lots or used as spoil, but should be redistributed to provide suitable soils for vegetation. Slope stabilization and erosion control, as determined

necessary by the city engineer, will also be required to be installed according to the approved specification. (1-18-06)

20.18.6.2 Lot Drainage

Lots shall be laid out to provide positive drainage away from all buildings in accordance with the building code in effect at the time of ~~subdivision~~ development approval. Individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed to avoid concentration of storm drainage water from any lot to adjacent lots. (12-19-18)

20.18.6.3 Lawn-Grass Seed and Sod

All lots should be revegetated to avoid erosion and improve the visual quality of the development. The city council may impose planting requirements if deemed necessary. If revegetation is required, all lots shall be seeded from the roadside edge of the right-of-way back to a distance of twenty (20) feet behind the principal residence on the lot. Sod may be used to comply with any requirement set forth herein.

20.18.7 Debris and Waste

~~Unless otherwise approved by the city engineer and Building Official, n~~No cut trees, timber, debris, earth, rocks, stones, soil, junk, trash, rubbish, or other waste materials of any kind shall be buried in any land, or left or deposited on any lot or street ~~at the time of issuance of a Certificate of Occupancy.~~ For new development, removal of these types of materials shall be required prior to issuance of any Certificate of Occupancy. No such items shall be left or deposited in any area of the subdivision or development at the time of expiration of the performance bond or dedication of public improvements, whichever is sooner. (12-19-18)

20.18.8 Fencing

Each applicant shall be required to furnish and install fences when the staff, ~~Planning Commission,~~ and/or ~~City Council~~ the land use authority determines that a hazardous condition may exist. The fences shall be constructed according to standards found in the zoning ordinance and shall be noted as to height and material on the ~~Final Plat project drawings.~~ The Fire Chief must approve the fence if the fence is erected within five (5) feet of a fire hydrant. No Certificate of Occupancy shall be issued until the fence improvements have been duly installed. (12-19-18)

20.18.9 Water Bodies and Water Courses

~~20.18.9.1 Special Considerations of Dry Creek also known as the High Water Drainage Ditch~~

If a tract being ~~subdivided~~ developed contains a water

body or course, or portion thereof, lot lines shall be drawn to distribute ownership of the water body among the adjacent lots. The city council may approve a plan whereby the ownership of and responsibility for safe maintenance of the water body will not become a City responsibility. No more than twenty-five (25) percent of the minimum area of a lot required in this Title may be satisfied by land that is under water. Where a watercourse separates the buildable area of a lot from the street by which it has access, provisions shall be made for installations of a culvert or other structure approved by the city engineer.

~~Lot arrangement adjacent to water bodies and water courses shall address the following:~~

- ~~1. There shall be no buildings, fencing, or other obstructions within twenty (20) feet of the bank or historic high water mark, unless otherwise approved by the city council.~~
- ~~2. Access must be provided for maintenance and public safety purposes.~~
- ~~3. The existing vegetation shall be maintain in accordance with the Utah Division of Water Rights, Stream Alteration Program.~~
- ~~4. In areas of instability, the applicant will stabilize the channel or corridor to the satisfaction of the Army Corps of Engineers, the Utah Division of Water Rights, Payson City Engineer, and any other agency having jurisdiction.~~
- ~~5. To protect the public health, safety, and general welfare of the citizens or public, the land use authority may require the corridor along the water body or water course to be removed from the lot area. The corridor will be dedicated to Payson City or included in a conservation easement. (12-19-18)~~

~~20.18.9.1 Special Considerations of Dry Creek also known as the High Water Drainage Ditch~~

~~Lot arrangement adjacent to Dry Creek, also known as the High Water Drainage Ditch, shall address the following concerns in a conservation easement recorded against the property unless dedicated to Payson City:~~

- ~~1. The existing vegetation shall be preserved within twenty (20) feet of the bank or historic high water mark in order to maintain the stability and integrity of the channel, unless otherwise approved by the city council. (11-3-10)~~
- ~~2. In areas of instability, the applicant will be required to stabilize the channel to the satisfaction of the Army Corps of Engineers, the Utah State Stream Alteration Division and the Payson City Engineer.~~
- ~~3. There shall be no construction, fencing,~~

~~accessory buildings, or other obstructions within twenty (20) feet of the bank or historic high water mark, unless otherwise approved by the city council. (11-3-10)~~

4. ~~The applicant shall indicate that the easement or dedicated area will be utilized by Payson City for maintenance of Dry Creek. (8-7-02)~~

20.18.10 Performance Guarantee to Include Lot Improvements

The performance guarantee shall include an amount to guarantee completion of all requirements contained in this Title including, but not limited to, final grading, lot drainage, landscaping, lawn-grass seeding, curb, gutter and sidewalk, removal of debris and waste, fencing, and all other lot improvements required by the ~~Planning Commission and City Council~~ land use authority. Whether or not a Certificate of Occupancy has been issued, at the expiration of the performance guarantee, the City may enforce the provisions of the guarantee where the provisions of this Section or other applicable law, ordinance, or regulation have not been complied. (12-19-18)

20.18.11 Nuisance Strips, Remnant Parcels of Land, and Odd Shaped Parcels

Nuisance strips or remnant parcels of land intended to restrict access from an adjacent parcel of land onto a public right-of-way included in a subdivision or development is prohibited. If a subdivision or development cannot be arranged in a manner to eliminate a potential nuisance strip, the nuisance strip will be presented to the city council for consideration of dedication of the nuisance strip to the City until development of the adjacent parcel. ~~(8-7-02)~~ (12-19-18)

The creation of odd shaped parcels intended to avoid compliance with the requirements of this Title, including an attempt to preserve non-conforming uses, may not be permitted. Cherry stem lots, islands, and other irregular parcels may not be approved by the city council. (5-5-04)

20.18.12 Connection to Public Infrastructure

Each subdivision development shall be connected to the drinking water, pressurized irrigation, electrical and wastewater systems of Payson City. Furthermore, a development shall not be design in a manner that creates a dead-end drinking water or pressurized irrigation main line except in the case of a temporary dead-end road or cul-de-sac approved by the ~~City Council~~ land use authority. ~~(5-5-04)~~ (12-19-18)

20.18.13 Preparation of Use Transition Plan

Subdivisions Developments will be designed to avoid the creation of nuisances, hazards and other potential impacts on adjoining properties, particularly residential properties.

Each development that borders, or is within five (500) hundred feet of, another zoning district shall be required to provide a use transition plan indicating the measures that will be incorporated to minimize potential impacts on the existing or anticipated future development pattern. At a minimum, the use transition plan will consider the following items:

1. Activities that may create noise, traffic or odors will be eliminated to the extent possible. Any of these activities that are imperative to the development proposal and allowed by this Title will be located in an area that will minimize the impact on surrounding properties and uses.
2. Commercial and industrial development adjacent to residential uses shall include masonry walls, landscaping, berms, building orientation and activity limitations (i.e. limited hours of operation, lighting, etc.) will need to be incorporated to maintain the existing residential environment. (5-5-04)
3. Trails and connective elements such as walkways may be appropriate in the use transition area. (9-1-04)

20.19 Roads and Streets

- 20.19.1 Grading and Improvement Plan
- 20.19.2 Topography and Arrangement
- 20.19.3 Ingress and Egress
- 20.19.4 Blocks
- 20.19.5 Access to Highway, Arterial, or Collector Streets
- 20.19.6 Road Names
- 20.19.7 Road Regulatory Signs
- 20.19.8 Street Lights
- 20.19.9 General Design Standards
- 20.19.10 Road Surfacing and Improvement
- 20.19.11 Excess Right-of-Way
- 20.19.12 Intersections
- 20.19.13 Bridges
- 20.19.14 Road Dedications and Reservations

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 the boundaries of the project development consistent with the Standard Specifications and Standard Plans ~~of Payson City~~ and the provisions of this Chapter. All subdivisions and developments shall have frontage on and access to an existing public street. ~~(11-5-14)~~ (12-19-18)

20.19.1 Grading and Improvement Plan

Streets shall be graded and improved in conformance with the Standard Specifications and Standard Plans and shall be approved as to design and specifications by the city engineer. All road construction plans are required to be submitted prior to Preliminary Plan approval. Prior to Final Plat approval, the City shall make the

determination as to whether each street is to be public or private. Such status shall be shown on the Final Plat. (11-5-14)

At present, it is the intention of the City for all ~~subdivision~~ streets to be dedicated public streets. However, if private streets are approved, they must be constructed to satisfy all requirements of public streets in case the City is required to maintain the streets in the future unless an alternative street cross section is approved by the ~~City Council~~ land use authority. However, the ~~City Council~~ land use authority is not obligated to approve an alternative street design. (12-19-18)

Each road, street, access way or other transportation facility shall include a concrete curb, or other border approved by the city engineer to ensure the life of the surface, appropriately direct storm water, and to limit the access to approved ingress and egress. (1-23-08)

20.19.2 Topography and Arrangement

~~Roads shall be related appropriately to the topography. Local roads may be curved to avoid conformity of lot appearance and to discourage through traffic.~~ All streets shall be arranged to obtain as many building sites at, or above, the grades of the streets as possible. Grades of streets shall conform as closely as possible to the original topography with all cut and fill sections adequately stabilized and revegetated. A combination of steep grades and curves as well as large cut and fill sections shall be avoided. All cuts and fills shall conform to the requirements found in Title 21, Sensitive Lands Ordinance, regardless of whether the ~~subdivision development~~ is located in the Sensitive Lands Overlay Zone or not. (12-19-18)

All streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated rights-of-way as established in the General Plan, Streets Master Plan and Zone Map. Streets shall be laid out to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property. However, the street layout should not be arranged in a manner that inhibits proper traffic circulation or access to adjacent properties. (8-7-02)

~~A rigid rectangular gridiron street pattern need not necessarily be adhered to, and the use of curvilinear streets or U shaped streets shall be encouraged where such use will result in a more desirable layout.~~

Proposed streets shall be extended to the boundary lines of the tract to be ~~subdivided developed~~, unless prevented by topography or other physical conditions, or unless ~~in the opinion of the Planning Commission and/or City~~

~~Council such as~~ the land use authority determines the extension is not necessary or desirable for the coordination of the layout of the ~~subdivision development~~ with the existing layout or the most advantageous future development of adjacent tracts. (12-19-18)

The arrangement of streets shall provide for the continuation of principal streets between adjacent properties when such continuation is necessary for convenient movement of traffic, effective safety protection, efficient provision of utilities, and where such continuation is in accordance with the Streets Master Plan. If the adjacent property is undeveloped and the street must be a dead-end street temporarily, the right-of-way shall be extended to the property line. A temporary turnabout shall be provided on all temporary dead-end streets, with the notation on the Final Plat that land outside the normal street right-of way shall revert to adjacent owners when the street is continued. The applicant shall be responsible for installing appropriate signage of the temporary dead-end street(s). The turnabout shall have at least a sixty (60) foot radius. The city council may limit the length of temporary dead-end streets in accordance with the Standard Specifications and Standard Plans or at the recommendation of the city engineer. (11-5-14)

Where a road does not extend to the boundary of the ~~subdivision development~~ and its continuation is not required by the ~~City Council~~ land use authority for access to adjoining property, its terminus shall normally not be nearer to such boundary than fifty (50) feet. However, the ~~City Council~~ land use authority may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, snow removal/storage or utilities. A cul-de-sac turnaround shall be provided at the end of a permanent dead-end street in accordance with the Standard Specifications and Standard Plans. At a minimum, the turnabout shall be large enough to accommodate all public safety vehicles and snow removal equipment to complete a three hundred and sixty (360) degree turn. For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall, in general, be limited in length to four hundred (400) feet. (11-5-14) (12-19-18)

20.19.2.1 Cul-De-Sacs

Cul-de-sacs should be limited in use to areas where impacts to emergency service provision, removal of snow, extension of utility services and circulation can be sufficiently mitigated. If these concerns cannot be mitigated, the city engineer may require the applicant to remove the cul-de-sac from the proposed development plan. All cul-de-sacs shall have at least

a sixty (60) foot radius of asphalt.

When a cul-de-sac is proposed ~~within one thousand (1000) feet of~~ adjacent to a church, school, park, or other public facility, pedestrian access should be addressed by a walkway easement, or other acceptable solution. (12-19-18)

20.19.2.2 Turn-Arounds

Permanent or temporary dead-end roads, whether public or private, must have an approved turn around in place before construction begins. Dead-end roads and private drives in excess of one hundred and fifty (150) feet in length shall provide provisions for the turning around of emergency apparatus in accordance with Fire Department specifications. The provisions of this Section apply to all public and private roads and driveways. (5-5-04)

20.19.3 Ingress and Egress

In order to provide proper circulation and adequate emergency access to and from the development, two points of ingress and egress will be required for all subdivisions, commercial developments, schools and churches with the following exceptions:

1. Any development, or portion of a development, which cannot provide two points of ingress and egress shall be limited to no more than ten (10) residential lots or units, or residential equivalents. Residential developments adjacent to limited access streets (i.e. arterial or collector) may be designed to accommodate a maximum of fifteen (15) lots or units. A commercial or industrial project, school, or church must provide a second point of ingress and egress if more than ten equivalent residential units or one hundred (100) vehicle trips per day, on any day of the week, will be generated from the site. (11-18-15)
2. A ~~subdivision development~~, or portion of a ~~subdivision development~~, which will be served by more than one point of ingress and egress in the future may receive approval for more than ten (10) lots if no more than ten (10) units are constructed until a second point of ingress and egress is provided, and so indicated on the Final Plat_or project drawings. (12-19-18)
3. Any ~~subdivision development~~ providing a temporary second point of ingress and egress shall be subject to the following conditions:
 - a. The second access shall be reviewed and approved in writing by the fire chief and city engineer.
 - b. The second point of access shall provide continuous and unobstructed access to and from the ~~subdivision development~~ until which time a

permanent access is completed. (12-19-18)

- c. The second point of access may cross private property, but must connect the ~~subdivision development~~ to an improved public right-of-way. (7-19-00) (12-19-18)
 - d. The second access shall be hard surfaced with at least one and one half (1½) inches of asphalt prior to October 1st of the year construction began. The asphalt must be a minimum of twenty (20) feet in width.
 - e. The second point of access may cross private property, but must connect to a public right-of-way.
4. Access to a parcel with slopes of greater than twenty (20) percent shall satisfy the access requirements of Title 21, Sensitive Lands Ordinance. (12-19-01)

The second point of ingress and egress shall be located in a future right-of-way unless it can be shown that the second point of access in another location is preferable to the satisfaction of the city engineer and fire chief.

The fire chief, in behalf of the City public safety officials must approve the street design in any subdivision, commercial development, school, or church with only one point of ingress and egress. (3-21-01)

20.19.4 Blocks

Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major streets, waterways, and for developments containing exclusively two family dwellings. The lengths, widths, and shapes of blocks shall be appropriate for the locality and the type of development contemplated. Block lengths in residential areas should not exceed one thousand (1,000) feet or ten (10) times the minimum lot width required in the zone district, whichever is greater, nor be less than four hundred (400) feet in length. When practicable, blocks along major arterial and collector streets shall be not less than one thousand (1,000) feet in length. In long blocks, the city council may require the reservation of an easement through the block to accommodate utilities, drainage facilities, or pedestrian traffic.

Pedestrian ways or crosswalks, not less than ten (10) feet wide, may be required by the city council through blocks more than eight hundred (800) feet long where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation, trails, or other community facilities.

20.19.5 Access to Freeway, Highway, Arterial or

Collector Streets

When a ~~subdivision~~ ~~development~~ borders on or contains an existing or proposed freeway, highway, arterial or collector, the city council may require that access to such streets be limited by one of the following means:

1. The ~~subdivision-lots~~ ~~development~~ back onto the freeway, highway, arterial or collector and front onto a parallel local street with no direct access to the primary arterial or collector. Screening shall be provided by a strip of land along the rear property line of such lots.
2. A series of cul-de-sacs, U-shaped streets, or short loops entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing onto the freeway, highway, arterial or collector roadway.

Any residential ~~subdivision~~ ~~development~~, or when deemed necessary for a commercial or industrial project, that contains a freeway, highway, arterial or collector status road must install fencing along the roadway. The fence shall be a minimum of six (6) feet in height and be constructed of decorative block or concrete, unless otherwise approved by the ~~City Council~~ ~~land use authority~~. The fence shall satisfy the clear view ~~zone-sight triangle~~ requirements of the City. The planter strip shall be landscaped and maintained by the property owner in a manner acceptable to the City, preferably using low maintenance vegetation and water conservation methods. The fence shall be placed on a concrete mow strip no less than one (1) foot in width and four (4) inches thick. (2-16-05)

It shall be unlawful for any property owner to remove the fence for any purpose other than repair or maintenance. Repair and maintenance of the fence is the responsibility of the property owner. In no case shall the fence be modified to allow vehicular access to any lot or parcel. (5-5-04)

20.19.6 Road Names

Staff shall inform the applicant of the preferred street names for all streets at the time of Preliminary Plan approval. The staff will consult with the local Postmaster prior to the planning commission providing a recommendation. Names shall be sufficiently different in sound and in spelling from other road names in Utah County or Payson ~~City~~ to eliminate confusion. A street that is or is planned as a continuation of an existing road shall bear the same name. North, south, east, and west coordinates will be maintained where possible.

20.19.7 Road Regulatory Signs

The applicant shall erect or post acceptable guarantees ensuring placement of each road and safety sign required in the Standard Specifications and Standard Plans or by the city engineer. All road signs shall be installed before

issuance of a Certificate of Occupancy for any residence on a new street. Street name signs are to be placed at all intersections within and abutting the ~~subdivision~~ ~~development~~. The type, design and location of the signs are to be approved by the city engineer. Street signs shall be designed according to the Standard Specifications and Standard Plans ~~document~~. ~~(11-5-14)~~ ~~(12-19-18)~~

20.19.8 Street Lights

Installation of streetlights shall be required in accordance with the Standard Specifications and Standard Plans or as designated and located by the Power Department and shall be approved by the city engineer. (11-5-14)

20.19.9 General Design Standards

In order to provide for roads in suitable locations with proper width and improvements to accommodate prospective traffic, afford satisfactory access to police, fire fighting, snow removal, sanitation, and road-maintenance equipment, coordination of roads to compose a convenient system, and avoid undue hardships to adjoining properties the roads are hereby required to be in compliance with the Standard Specifications and Standard Plans. All roads shall also be consistent with the Streets Master Plan, as adopted, or determined by the city engineer. (11-5-14)

If a ~~subdivision~~ ~~development~~ is proposed in a location that includes an arterial or collector status road in accordance with the Streets Master Plan, the applicant shall improve the road as follows:

1. Lots shall be arranged so that no direct access to the road will be allowed.
2. If the ~~subdivision~~ ~~development~~ fronts only one side of the road, one-half plus ten (10) feet of the road cross section will be improved in accordance with the Standard Specifications and Standard Plans ~~of Payson City~~. ~~(11-5-14)~~ ~~(12-19-18)~~
3. If the ~~subdivision~~ ~~development~~ fronts each side of the road, the entire road cross section will be improved in accordance with the Standard Specifications and Standard Plans ~~of Payson City~~. ~~(11-5-14)~~ ~~(12-19-18)~~
4. The transportation system ~~of Payson City~~ requires the installation of various road styles and widths. In some instances, a collector or arterial road will traverse a development. Regardless of development type (traditional ~~subdivision~~, ~~or~~ Planned Residential Development, ~~commercial project~~), the developer shall be responsible to cover the costs associated with the roadway improvements as defined herein for the type of facility indicated on the Streets Master Plan. If a road is not indicated, it

is anticipated to be a typical residential street. ~~(2-7-07)~~
(12-19-18)

20.19.10 Road Surfacing and Improvement

Prior to road construction, the applicant may be required to complete a soil test of the area proposed for roads to determine whether existing soils are considered adequate and safe for road construction by the city engineer. If the soil is considered inappropriate or unsafe, the engineer will indicate what action should occur in order to provide adequate and safe road base. After sewer, water, and other applicable utilities have been installed by the developer, the applicant shall construct curbs and gutters and shall surface roadways to the widths prescribed in the Standard Specifications and Standard Plans. (11-5-14)

Pavement design shall be proposed by the applicant and approved by the city engineer. Adequate provision shall be made for culverts, drains and bridges. All road pavement, shoulders, drainage improvements and structures, curbs, turnarounds, and sidewalks shall conform to all construction standards and specifications adopted by the City and shall be incorporated into the construction plans required to be submitted by the developer for plat approval.

20.19.11 Right-of-Way Alterations

20.19.11.1 Additional Right-of-Way

20.19.11.2 Excess Right-of-Way

20.19.11.1 Additional Right-of-Way

Right-of-way widths in excess of the standards referenced in these regulations shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Such slopes shall not be in excess of three to one, unless specifically approved by the city engineer. (3-5-03)

20.19.11.2 Excess Right-of-Way

When the approved layout of a subdivision results in excess right-of-way from an existing street or any other right-of-way, the city council may approve the vacation of the right-of-way in accordance with State statute. (3-5-03)

20.19.12 Intersections

Streets shall be laid out to intersect as near as possible at right angles. An angle within ten (10) degrees of perpendicular is required for a proposed intersection of two new streets. An oblique street should be curved approaching an intersection and should be approximately at right angles for at least one hundred (100) feet. Not more than two (2) streets shall intersect at any one point unless specifically approved by the city council and city engineer.

Proposed new intersections along one side of an existing street shall, where practical, coincide with any intersections on the opposite side of the street. Street jogs with centerline offsets of less than one hundred and fifty (150) feet are not permitted. Where streets intersect major streets, the alignment shall be continuous. Intersections of arterial and collector streets must be at least eight hundred (800) feet apart.

Minimum curb radius at the intersection of two (2) local streets shall be at least twenty (20) feet and minimum curb radius at an intersection involving a collector street shall be at least twenty-five (25) feet. Alley intersections and abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practice to permit safe vehicular movement.

Intersections shall be designed with a flat grade where practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having less than a two (2) percent slope for a distance of sixty (60) feet, measured from the nearest right-of-way line of the intersecting street.

Where any street intersection will involve earth banks or existing vegetation inside any lot corner that could create a traffic hazard by limiting visibility, the developer shall cut such ground or vegetation (including trees) in connection with the grading of the public right-of-way to the extent deemed necessary to provide an adequate sight distance. The cross-slopes on all streets, including intersections, shall be three (3) percent or less.

20.19.13 Bridges

Bridges of primary benefit to the applicant, as determined by the ~~Planning Commission and City Council~~ land use authority, shall be constructed at the full expense of the applicant without reimbursement from the City. The sharing of expense for the construction of bridges not of primary benefit to the applicant as determined by the ~~Planning Commission and City Council~~ land use authority will be fixed by special agreement between the city council and the applicant. (12-19-18)

20.19.14 Road Dedications and Reservations

Street systems in new ~~subdivisions~~ developments shall be laid out to eliminate or avoid new perimeter half-streets. The city engineer may authorize a new perimeter street, however the applicant may be required to improve half the street plus ten (10) feet and dedicate the entire required street right-of-way width. (12-19-18)

Where a ~~subdivision~~ development borders an existing

narrow road or when the General Plan, Streets Master Plan or Zone Map indicates plans for realignment or widening a road that would require use of some of the land in the subdivision development, the applicant may be required to improve and dedicate such areas for widening or realignment of such roads that are necessary and for the benefit of the subdivision development. Frontage roads and streets shall be improved and dedicated at the applicant's expense to the full width as required by this Title. (12-18-19)

20.19.15 Off Site Road Improvements

In instances where the vehicular demand of an approved development will result in additional traffic on an existing roadway facility that caused the road to drop below the adopted level of service (LOS), the applicant shall be required to complete all necessary roadway improvements to maintain an acceptable LOS. This may require improvements to the nearest arterial or collector status road facility capable of handling the anticipated volume of traffic.

Furthermore, the applicant will be required to complete any improvements necessary to accommodate all storm drainage generated by the development, construct linkages to pedestrian facilities and demonstrate connectivity to all other municipal systems.

If an applicant is unable to maintain an acceptable LOS or demonstrate connectivity, the city council may find that the development is inappropriate which may be ground for denial of the project. (1-23-08)

20.20 Storm Water System

- 20.20.1 Accommodation of Upstream Drainage Areas
- 20.20.2 Effect on Downstream Drainage Areas
- 20.20.3 Areas of Poor Drainage
- 20.20.4 Flood Plain Areas
- 20.20.5 Dedication of Drainage Easements
- 20.20.6 Lot to Lot Drainage

~~The Planning Commission shall not recommend approval of, and the City Council land use authority shall not approve, any Preliminary Plan development that does not make adequate provision for storm or floodwater runoff channels or catch basins. Plans shall be reviewed for compliance with the Standard Specifications and Standard Plans and other standards as may be adopted, and shall be adequate to handle a twenty-four (24) hour, one hundred (100) year storm event. The storm water drainage system shall be separate and independent of the sanitary sewer system. Storm sewers, where required, shall be designed by the Rational Method, or other methods as approved by the city engineer, and a copy of design computations shall be submitted along with construction plans. Inlets shall be~~

provided so that surface water is not carried across or around any intersection, nor for a distance of more than six hundred (600) feet in the gutter. When calculations indicate that curb capacities are exceeded, catch basins shall be used to intercept flow. Surface water drainage patterns shall be shown for every lot and block. (7-1-15)

The applicant may be required, upon the recommendation of the city engineer, to carry away by pipe or open channel any spring or surface water that may exist either previously to, or as a result of the subdivision development. Such drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with the Standard Specifications and Standard Plans. (11-5-14) (12-19-18)

Underground storm drainage systems shall be constructed throughout the subdivision development and be conducted directed to an approved out-fall. Inspection of facilities shall be conducted by the city engineer. If a connection to a public storm water system will be provided, the developer shall arrange for future storm water disposal by a public utility system at the time the plat receives final approval. Provision for such connection shall be incorporated by inclusion in the performance guarantee required for the subdivision plat development. (12-19-18)

No subdivision development shall be approved unless adequate drainage will be provided to an approved drainage watercourse or facility. Applicants are encouraged to place storm water in a storm retention basin rather than sumps due to the propensity of the sumps to fail over time. Furthermore, sumps shall not be used in areas protected by the Payson City ground water protection plan. (9-1-04) (12-19-18)

If a storm retention or detention basin is required in order to provide a system capable of handling the twenty-four (24) hour, one hundred (100) year storm event, the applicant shall completely landscape the facility. In order to control erosion and protect the basin, the landscaping shall consist of the placement of grass sod on all slopes and the bottom of the facility together with appropriate trees and shrubs. The applicant shall submit a complete landscaping plan including the provision of an underground automatic sprinkling system. (7-1-15)

20.20.1 Accommodation of Upstream Drainage Areas

Culverts or other drainage facilities shall be large enough to accommodate potential runoff from the entire upstream drainage area, whether inside or outside the subdivision development. The developer shall hire a qualified engineer to determine the necessary size of the facility, based on the provisions of the Standard Specifications and Standard Plans assuming conditions

of a one hundred (100) year storm event. The city engineer must review and approve the design. If the facility must be enlarged to accommodate upstream development, the City shall contribute the absolute difference between the facility needed for the subdivision development and the facility needed for upstream drainage. (11-5-14) (12-19-18)

20.20.2 Effect on Downstream Drainage Areas

The developer's engineer shall also study the effect of the subdivision development on existing downstream drainage facilities outside the area of the subdivision development. City storm drainage studies together with such other studies shall serve as a guide to needed improvements. Where it is anticipated that the additional runoff will overload an existing downstream drainage facility, the city council may require the applicant to improve the facility in order to serve the subdivision development. (12-19-18)

20.20.3 Areas of Poor Drainage

When a plat is submitted for an area which is subject to flooding, the city council upon recommendation of the city engineer, may approve the subdivision development provided the applicant fills the affected area of the subdivision development to an elevation sufficient to place the elevation of streets and lots at a minimum of two (2) feet above the elevation of the one hundred (100) year flood event, as determined by the city engineer. The plat shall provide for an overflow zone along the bank of any stream or watercourse, in a width that shall be sufficient in time of high water to contain or move the water, and no fill shall be placed in the overflow zone nor shall any structure be erected or placed therein. The boundaries of the overflow zone shall be subject to approval by the city engineer. Development in areas of extremely poor drainage will not be allowed. (12-19-18)

20.20.4 Flood Plain Areas

The city council may, upon recommendation of the city engineer and when it deems it necessary for the health, safety, or welfare of the present and future population of the area and necessary to the conservation of water, drainage, and sanitary facilities, prohibit the subdivision development of any portion of the property which lies within the one hundred (100) year flood plain of any stream or drainage course. These flood plain areas should be preserved from any and all destruction or damage resulting from clearing, grading, or dumping of earth, waste material, or stumps, except at the discretion of the city council. (12-19-18)

20.20.5 Dedication of Drainage Easements

Where a subdivision development is traversed by a watercourse, drainage way, channel, river or stream, there shall be provided a storm water easement or

drainage right-of-way conforming substantially to the lines of such watercourse, and of such width and construction adequate for the purpose. Where possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow. (12-19-18)

Where topography or other conditions make the inclusion of drainage facilities within road rights-of-way impractical, perpetual unobstructed easements at least twenty (20) feet in width for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Easements shall be indicated on the Final Plat. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities. When a proposed drainage system will carry water across private land outside the subdivision development, appropriate drainage rights must be secured and indicated on the plat. (7-19-00) (12-19-18)

The applicant shall dedicate to the City, either in fee or by drainage or conservation easement of land on both sides of existing watercourses, to a distance of fifty (50) feet, unless otherwise approved by the city council. (11-3-10)

20.20.6 Lot to Lot Drainage

The city engineer may require a complete drainage plan in any subdivision development that the city engineer considers to potentially have lot-to-lot drainage problems, or potential drainage onto publicly owned property or public rights-of-way. The drainage plan shall be reviewed, at the developer's expense, by a qualified third party engineering firm to ensure that the following objectives are met:

1. Under the conditions of a twenty-four (24) hour, one hundred (100) year storm event, each lot must drain properly without causing drainage unto a downhill lot, public property or a public right-of-way. (7-1-15)
2. All necessary drainage facilities, including interior lot facilities must be provided.
3. All lot drainage must be transported to an approved storm water facility. (5-5-04)

The grading plan shall be approved as part of the subdivision development and no building permit ~~in a development with a drainage plan~~ shall be issued unless the grading of the lot is completed in accordance with the grading plan and inspected and approved by the qualified third party engineering firm at the developer's expense. Specific lot-to-lot drainage requirements can be found in the Standard Specifications and Standard Plans of Payson City. (11-5-14) (12-19-18)

20.21 Water Facilities

- 20.21.1 Existing Systems
- 20.21.2 Pressurized Irrigation
- 20.21.3 Ownership of Facilities
- 20.21.4 Fire Hydrants
- 20.21.5 Proof of Water
- 20.21.6 Extension of Infrastructure

Necessary action shall be taken by the applicant to extend or create a safe water supply system for the purpose of providing a water supply capable of providing domestic water use and fire protection. All improvements, whether on-site or off-site, which provide direct benefit to the subdivision development shall be constructed and paid for by the applicant. All transfer and conveyance of water and water rights shall be consistent with all applicable Payson City Resolutions and Ordinances, in particular Title 10 of the Payson City Code. No approval of a The Final Plat will not be recorded or a building permit will be issued until sufficient water for the proposed project has been transferred into the name of Payson City. (12-19-18)

20.21.1 Drinking Water System (1-18-06)

Where a public water main is accessible, the applicant shall install adequate water facilities (including fire hydrants) subject to all relevant City and State specifications. All water mains shall be at least eight (8) inches in diameter. Water main extensions and water facility improvements shall be approved by the City Engineer and city council. If a new water main line is required to service the new development, the applicant will be required to replace the insufficient water main line with an eight (8) inch line and connect existing users to the water main line.

Where a subdivision development includes existing structures that are connected to City services, the applicant for subdivision approval shall be required to upgrade the existing connections from the main line to the meter, the meter itself, and from the meter to the dwelling structure to satisfy current standards. (2-7-07) (12-19-18)

20.21.2 Pressurized Irrigation

All new subdivisions Developments are required to install a pressurized irrigation system in accordance with City specifications, unless otherwise approved by the City Council land use authority upon finding that connection to the pressurized irrigation system is not in the best interest of the City as a whole. All water lines for the system shall be at least eight (8) inches in diameter. All facilities shall be approved by the City

Engineer. Private facilities will be required to be so noted on the Final Plat and will be the responsibility of the applicant or owners of the development. (1-18-06) (12-19-18)

20.21.3 Ownership of Facilities

Prior to approval of the Final Plat, a determination shall be made by the city council about the location and extent of facilities to be maintained and owned by Payson City.

20.21.4 Fire Hydrants

Fire hydrants shall be required in all subdivisions developments. Fire hydrants shall be inspected and approved by the fire chief prior to installation by the applicant. All existing hydrants within one thousand (1000) feet of the proposed subdivision development and all proposed hydrants shall be indicated on the plat. The hydrants shall be located no more than five hundred (500) feet apart and shall be approved by the fire chief and city engineer. (12-19-18)

In some instances, the fire chief may determine that due to wild land fire potential, hydrants will be required to be located no more than three hundred (300) feet apart. Additionally, hydrants in industrial and commercial areas shall be no more than three hundred (300) feet apart. To eliminate future street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves and all other water supply improvements shall be installed before any final paving of a street shown on the plat. (3-21-01)

Each fire hydrant shall be located on a concrete pad measuring six (6) feet by six (6) feet. The elevation of the concrete pad shall be equal to the top back of the curb. All main connections shall face the primary road. The size and shape of the concrete pad may be modified by the fire chief due to a physical constraint of the property. (3-21-01)

Fire hydrants located on cul-de-sacs shall be installed at the direction of the fire chief and city engineer. All dead-end lines located in cul-de-sacs shall have hydrants located at the end of the line for flushing purposes. The location of all fire hydrants and all water storage and supply improvements shall be shown on the Preliminary Plan.

All fire hydrants shall be located offset four (4) feet from a property line to eliminate interference from fences or other items that may be placed on the property line. The final location of the hydrant shall be approved by the fire chief. All fire hydrants need to be red, original factory finish, unless otherwise approved by the fire chief.

20.21.4.1 Items to be Shown on ~~Subdivision Plat~~ Project Drawings

The following items shall be included on ~~all~~
~~subdivision plats~~ project drawings for review by the fire chief:

1. Lot sizes
2. Culinary and secondary water mains and sizes
3. Proposed fire hydrants
4. Existing fire hydrants within one thousand (1000) feet of any portion of the proposed development
5. Street addresses
6. Road sizes and dimensions
7. Graphic scale showing increments of one hundred (100) feet

20.21.5 Proof of Water

If the applicant is dedicating or providing water rights to the project or the City, the city council may require adequate proof of ownership of “wet” water (as opposed to water rights or paper only) in a quantity, quality, annual duration or availability throughout the entire year. The proof must be provided in a legal form, opinion or title policy that is acceptable to the city attorney. All water transactions should be consistent with the policies found in Title 10.

20.21.6 Extension of Infrastructure

All water facilities shall be extended to the boundary lines of the tract to be ~~subdivided~~ developed, unless prevented by topography or other physical conditions, or unless the city council determines that the extension is not necessary or desirable for the coordination of the layout of the ~~subdivision~~ development with the existing layout or the most advantageous future development of adjacent tracts. ~~(11-6-02)~~ (12-19-18)

20.22 Sewer Facilities

20.22.1 Extension of Infrastructure

The applicant shall install sanitary sewer facilities in the manner prescribed in the City Standard Specifications and Standard Plans document. All plans shall be designed in accordance with current City, State and EPA rules, regulations, and standards. Necessary action shall be taken by the applicant to extend sanitary sewer service for the purpose of providing sewerage facilities to the ~~subdivision~~ development. Off site improvements necessary to satisfy impacts imposed by the development on the City Sewer Facilities are the responsibility of the applicant. ~~(11-5-14)~~ (12-19-18)

Sanitary sewerage facilities shall connect with the public sanitary sewer at sizes required by the Standard

Specifications and Standard Plans. Individual disposal systems or treatment plants (private or group disposal systems) shall not be permitted in an area of the City serviced by the sewer system and within one thousand (1000) feet or less of that system as measured from the ~~subdivision~~ development property line closest to the system lines. Sanitary sewerage facilities (including the installation of laterals in the right-of-way and dedication of easements) shall be subject to the Standard Specifications and Standard Plans. All sewer laterals shall include clean outs. ~~(11-5-14)~~ (12-19-18)

In order to properly maintain sewer lines, all sewer lines shall be installed at a five (5) percent slope or less. (3-21-01)

Where a ~~subdivision~~ development includes existing structures that are connected to City services, the applicant ~~for subdivision approval~~ shall be required to upgrade the existing connections to satisfy current standards. ~~(3-21-01)~~ (12-19-18)

20.22.1 Extension of Infrastructure

All sewer facilities shall be extended to the boundary lines of the tract to be ~~subdivided~~ developed, unless prevented by topography or other physical conditions, or unless the city council determines that the extension is not necessary or desirable for the coordination of the layout of the ~~subdivision~~ development with the existing layout or the most advantageous future development of adjacent tracts. ~~(11-6-02)~~ (12-19-18)

20.23 Sidewalks, Curbs, Trails, and Paths

- 20.23.1 Location
- 20.23.2 Improvements
- 20.23.3 Trails and Paths

20.23.1 Location

Sidewalks shall be located on private property within a public utility and sidewalk easement unless an alternate location has been specifically approved by the city council. In many cases pedestrian paths separate from the road right of way may be preferable. Concrete curbs are required for all roads where sidewalks are required by these regulations and run along roads or where required in the discretion of the city council. (5-5-04)

20.23.2 Improvements

Sidewalks shall be constructed of concrete at least four (4) inches thick and not less than five (5) feet wide, and shall be designed to best facilitate their assumed use and serve the public interest and safety. If existing curb, gutter and/or sidewalk is determined by the city engineer to be a public hazard or is in poor repair, the

applicant ~~for subdivision approval~~ shall restore and/or repair the curb, gutter or sidewalk in a manner consistent with the Standard Specifications and Standard Plans ~~of Payson City.~~ (11-5-14) (12-19-18)

20.23.3 Trails and Paths

Trails, pedestrian paths, and bike paths shall be related appropriately to topography, require a minimum of site disturbance, permit efficient drainage, and provide safe access. Walking and hiking trails, bike paths, and horse trails shall be provided by the developer in accordance with the Trails Master Plan and where otherwise necessary as determined by the city council. Trails should connect traffic generators such as schools, recreation facilities, commercial areas, parks, and other significant natural features. Trails shall be built to City specifications and easements shall be dedicated for trails. The trails shall be constructed at the time of road construction, unless the city council determines otherwise, in which case cash deposits shall be required. Unless otherwise approved, all trails and paths shall be hard surfaced with either asphalt or concrete. (3-21-01)

20.24 Electric Facilities

20.24.1 Strawberry Electric Service District Facilities

~~All new subdivisions~~ Developments in Payson ~~City~~ will be serviced by the Payson City Power Department. The layout and design of the electric system will be completed by a licensed electrical engineer at the expense of the applicant. All requirements and regulations regarding the installation of electrical facilities can be found in Title 13 of the Payson City Code. (5-5-04) (12-19-18)

Each electrical plan shall indicate the placement of an additional four (4) inch PVC conduit located adjacent to the conduit for the electrical system for future use by Payson City. (5-5-04)

Where a subdivision development includes existing structures that are connected to City services, the applicant ~~for subdivision approval~~ shall be required to upgrade the existing connections to satisfy current standards. (3-21-01) (12-19-18)

Following final ~~Plat~~ approval, the applicant will be required to submit a twenty-four (24) inch by thirty-six (36) inch copy of the subdivision plat identifying the approved electrical layout. The applicant will need to submit an electronic copy of the electrical layout in a format acceptable to the Power Superintendent. (3-5-03) (12-19-18)

20.24.1 Strawberry Electric Service District Facilities

All applicants for subdivision development approval will be required to satisfy the obligations of an agreement reached between Payson City and the Strawberry Electric Service District dated March 25, 1998. Any costs associated with the satisfaction of the obligations in the agreement will be the responsibility of the applicant for subdivision development approval. (8-7-02) (12-19-18)

20.25 Easements and Other Utilities

20.25.1 Easements

Utility facilities anticipated to provide service to structures that are not located on the property where the facilities are located or are anticipated to traverse a parcel of private property shall be located in an easement dedicated for the purpose of providing utility service. The easement shall grant ample access for maintenance and necessary upgrades to the facility.

Payson City is not obligated to provide, secure, purchase or otherwise ensure that easements across private property are obtained by an applicant for subdivision development approval. When an easement is recorded in favor of Payson City, the easement shall be recorded in the office of the Utah County Recorder and include access for maintenance and necessary upgrades of the City utility. (2-16-05) (12-19-18)

Utility facilities including but not limited to gas, telephone, and cable TV, shall be located underground ~~in new subdivisions~~ when underground location does not violate safety standards of the particular utility, and underground location does not impose any potential additional maintenance burden on City streets and water or sewer personnel in the opinion of the city council. Underground service connections for water and sewer shall be installed to the street property line of each platted lot at the expense of the applicant and shall be marked on the surface, as shall casings or conduits for all other underground utilities as determined by the city engineer.

In accordance with State statute, a subdivision plat may not be recorded until the applicant provides evidence to Payson City that a courtesy notice has been given to all utilities providers, at least fourteen (14) days prior to recordation, regarding the planned easements. (9-1-04)

20.25.1 Easements

Each lot ~~in a subdivision~~ or parcel shall include a ten (10) foot utility easement adjacent to any public road and maintain a five (5) foot utility easement around the remaining perimeter of the lot or parcel. Proper coordination shall be established by the applicant

between the applicable utility companies for the establishment of utility facilities and easements to adjoining properties. Existing lots, previously subdivided or sold in metes and bounds, shall provide a ten (10) foot utility easement adjacent to any public road and maintain a five (5) foot utility easement around the remaining perimeter of the lot when applying for a building permit. ~~(7-19-00)~~ (12-19-18)

The subdivision plat shall include any necessary easements, rights-of-way or other public access instrument to address the following:

1. Drainage easements
2. Public and private irrigation facilities
3. Public and private utilities
4. Trails and recreation areas or facilities
5. Private streets and access (3-5-03)

Where topographical or other conditions make it impractical to include utilities within these easements, perpetual unobstructed easements at least ten (10) feet in width shall be provided with satisfactory access to the road. All easements shall be indicated on the plat.

Where necessary to ensure proper access and maintenance, easement widths shall be increased as required by the city engineer.

20.26 Parks, Playgrounds, Recreation Areas, Historic Locations and Other Public Uses

- 20.26.1 Required Park Area
- 20.26.2 Minimum Size of Park and Playground Reservations
- 20.26.3 Recreation Sites
- 20.26.4 Open Space Created by Clustering Not Included in Calculations
- 20.26.5 Historic Locations (2-16-05)
- 20.26.6 Other Public Uses

The ~~Planning Commission land use authority~~, in its review of each ~~subdivision development~~, shall ensure that land be reserved and improvements installed for parks and playgrounds or other recreation purposes in locations designated in the General Plan Open Space Element, requirements of this Title, or other areas where such reservations would be appropriate and the park would benefit the ~~subdivision and its~~ residents. Each reservation shall be of suitable size, dimension, topography, and general character and have adequate access for the particular purposes of the City. These areas shall be shown on the Final Plat. The developer will also be required to install improvements to the recreation areas that directly benefit the ~~subdivision development~~. These improvements

will be installed at the expense of the applicant consistent with City specifications and in accordance with an approved landscaping plan as described below. ~~(2-7-07)~~ (12-19-18)

If it is determined that landscaping should be required or is appropriate, the applicant shall complete a landscaping plan for the open space area. The landscaping plan shall contain information pertaining to type and size of plants, a maintenance plan, and a design for an irrigation system. At the applicant's expense, the City may require the landscaping plan to be review by a competent landscape architect for suitability of plant types and sizes.

20.26.1 Required Park Area

Recreation areas shall be consistent with the Master Trails Plan and Open Space Element ~~unless the applicant desires to construct recreational facilities for the residents of the subdivision~~. If the applicant is ~~subdividing~~ developing an area that contains areas designated for public facilities according to the Master Trails Plan or Open Space Element, the applicant may donate land and construct facilities in place of impact fees, if not already approved as part of a development plan or Planned Residential Development. The city council shall determine the number of acres to be reserved using the adopted level of service found in the Impact Fee Ordinance. The city council may refer such proposed reservations to the appropriate staff members for any recommendations. The developer shall dedicate all such recreation areas and facilities to the City with the recordation of the Final Plat. If the applicant chooses to provide recreational facilities to the residents of the ~~subdivision development~~, the applicant may be entitled to a credit against the Parks Impact Fee. ~~(3-5-03)~~ (12-19-18)

20.26.2 Minimum Size of Park and Playground Reservations

In general, land reserved for recreation purposes shall have an area of at least one acre. When the proposed area would create less than one acre, the city council may require that the recreation area be located at a suitable place on the edge of the ~~subdivision development~~ so that additional land may be added at the time adjacent land is ~~subdivided~~ developed. In no case shall an area of less than one-quarter (1/4) acre be reserved for recreation purposes if it will be impractical or impossible to secure additional lands in order to increase its area. This smaller amount will be accepted only when it is on the edge of the ~~subdivision development~~ or when the staff feels that the reduced size will result in a functional and usable recreation site. (12-19-18)

20.26.3 Recreation Sites

Land reserved for recreation purposes shall be of a

character and location suitable for use as a playground, play field, or for other recreation purposes, and shall be relatively level and dry. The area shall be improved by the applicant to minimum City standards, including landscaping and an underground automatic sprinkling system, and include a performance guarantee. The city council may refer any ~~subdivision development~~ proposed to contain a dedicated park to the appropriate staff members for recommendations. All land to be reserved for dedication to the City for park purposes shall have prior approval of the city council and shall be shown on the Final Plat. ~~(3-5-03)~~ (12-19-18)

20.26.4 Open Space Created by Clustering Not Included in Calculations

Any open space created by clustering units shall not be included in the calculations for Impact Fee credits or recreation space required. The provisions of this Section are minimum standards. None of the paragraphs above shall be construed as prohibiting a developer from reserving other land for recreation purposes in addition to the requirements of this Section.

20.26.5 Historic Locations

When a ~~subdivision development~~ is proposed in a location that is determined by the city council to have historical significance, the city council may require that a monument be erected, at the expense of the applicant, indicating the historical significance of the site. The monument is expected to complement the other project details and should be constructed of quality materials. The faceplate should be engraved brass surrounded by masonry materials that either reflect the history of the site or are consistent with materials used in the construction of the primary structures in the ~~subdivision development~~. ~~(2-16-05)~~ (12-19-18)

20.26.6 Other Public Uses

Except when an applicant utilizes a Planned Residential Development concept in which land is set aside by the applicant as required by this Title, when a tract to be ~~subdivided developed~~ includes a school, recreation uses, or other public use the space shall be suitably incorporated by the applicant into the ~~Final Plat development design~~. (12-19-18)

~~The planning commission shall refer the Final Plat to the public body concerned with acquisition for its consideration and report. The planning commission may propose alternate areas for such acquisition and shall allow the public body or agency thirty (30) days for reply. The agency's recommendation, if affirmative, shall include a map showing the boundaries and area of the parcel to be acquired and an estimate of the time required to complete the acquisition. Upon receipt of an affirmative report, the planning commission shall notify~~

~~the property owner.~~

20.27 Preservation of Natural Features and Amenities

Existing features that add natural value or historical amenities to the community shall be retained. Buildings shall be sited in a manner that preserves significant views. Ridges should be protected from development that would be visible from prominent areas or vantage points. Attractive existing vegetation should also be retained where possible. Vegetation protection will be required during construction so that disturbance is limited.

Existing features such as watercourses, rivers, irrigation works, wetlands, historic sites, critical meadowlands, important vistas, and other irreplaceable assets shall be preserved and incorporated into the design of the ~~subdivision development~~. ~~Street layout and lot configuration shall be completed to allow these features to be visible to the public and accommodate access for maintenance and public safety purposes.~~ (12-19-18)

All trees ~~on the plat~~ required to be retained shall be preserved, and all trees where required shall be welled and protected against change of grade. The ~~Planning Commission and City Council land use authority~~ may require the applicant to indicate the general number, size, and location of existing trees and indicate all those marked for retention on the ~~Preliminary Plan project drawings~~. Any project falling within the Sensitive Lands Development Ordinance may be subject to additional requirements and regulations as outlined therein. ~~(12-19-01)~~ (12-19-18)

In order to preserve the natural environment and important view sheds, and improve the visual quality of a development, the city council may consider, but is not obligated to approve alteration(s) to the development standards found herein, requirements of the Zoning Ordinance, Standard Specifications and Standard Plans, and other development resolutions and ordinances of Payson City. However, the alterations shall not inhibit public safety and shall be limited to the following:

6. The use and length of cul-de-sacs may be altered if it can be shown by the applicant that the use and extension of a cul-de-sac will preserve a sensitive natural feature or significantly improve an important view shed. Extension of a cul-de-sac may include additional requirements such as, but not limited to, snow storage areas, designated garbage collection areas, and additional fire hydrants.
7. The width or location of a road may be modified if it can be shown by the applicant that the modification will preserve a sensitive natural feature or

- significantly improve an important view shed and still provide appropriate circulation and service provision.
- 8. Reduction in frontage requirements if it can be shown by the applicant that the reduction will enable the applicant to preserve a significantly improve an important view shed. The city council may also allow flag lot design to accomplish preservation of sensitive natural features or protection of important view sheds.
- 9. More than ten (10) dwellings may be constructed on one point of ingress and egress if it can be shown by the applicant that the extension of the cul-de-sac will enable the applicant to preserve a sensitive natural feature or significantly improve an important view shed. (12-19-01)

20.28 Preliminary Plan

- 20.28.1 General
- 20.28.2 Preliminary Layout Approval
- 20.28.3 Features to be Shown on Preliminary Plan
- 20.28.4 Construction Plans
- 20.28.5 Planning Commission Public Hearing
- 20.28.6 Planning Commission Recommendation of Preliminary and Construction Plans
- 20.28.7 Council Approval of Preliminary Plan and Construction Plans
- 20.28.8 Effective Period of Preliminary Approval
- 20.28.9 Zoning Regulations

Following presentation of a Concept Plan to the staff, and if necessary planning commission, to meet and discuss the proposed project in the conceptual stage and to give the applicant an opportunity to ask questions of the staff and receive direction on project layout, the staff will inform the applicant that an application for Preliminary Plan may be submitted and a plan may be prepared.

The staff may also discuss the procedure for approval of a subdivision plat and the specifications and requirements as to general layout of streets and for reservations of land, street improvements, drainage, water, sewerage, fire protection, mitigation of environmental impacts as determined, and similar matters, as well as the availability of existing services. Concurrent review of Planned Residential Development requirements, if applicable may also be discussed at this time.

There is no approval of a Concept Plan required or given. After reviewing and discussing the Concept Plan, staff report and other reports as submitted by invited agencies and officials, the staff or planning commission will advise the applicant of the specific changes or additions, if any, it will require in the layout, and the character and extent of required improvements and reservations which it will require as a prerequisite to the approval of the Preliminary

Plan. The planning commission may require additional changes as a result of further study of the subdivision in final form. Although approval is not required, the planning commission shall not review any Preliminary Plan prior to the applicant’s submission and staff review of a Concept Plan.

These Preliminary Plan requirements are minimum in nature and other information may be required by the staff planning commission, city council, or as the need dictates.

20.28.1 General

The Preliminary Plan shall be prepared by a licensed land surveyor at a scale of not more than one-inch equals one hundred (100) feet. The scale shall be shown graphically for purposes of reduction. The plan may be prepared in ink, or ink and pencil, and the sheets shall be numbered in sequence if more than one sheet is used and shall be of such size as is acceptable for filing in the office of the county recorder, typically twenty-four by thirty-six (24 x 36) inches. ~~It should be noted that the map prepared for the Preliminary Plan may also become the Final Plat and, therefore, should be drawn on tracing cloth or reproducible Mylar. The applicant shall supply the City with three (3) complete full size copies and sufficient reduced eleven by seventeen (11 x 17) copies of the Preliminary Plan for each City Council member, Planning Commissioner and relevant City staff members. The applicant shall also provide two (2) additional full size copies of the proposed electrical layout and one (1) additional full size copy of the fire hydrant layout. The number of copies needed will be determined following review of the Concept Plan. If the applicant is required to revise and resubmit the Preliminary Plan, the Development Services Director will determine the number of copies necessary to complete the review of the Preliminary Plan. (7-19-00) (12-19-18)~~

If an applicant desires, or is required, to correct and re-submit the Preliminary Plan or construction drawings, the plans shall be redlined with red ink and enclosed in a red box or bubble that will allow the corrections to be readily identified. (9-3-03)

20.28.2 Preliminary Layout Approval

At the discretion of the city council, typically for a large development with several phases and involving dozens of acres, an applicant may be granted Preliminary Layout approval prior to the submission of full construction drawings and engineering profiles. Because the city council is not obligated to consider or grant Preliminary Layout approval, the city council will determine what information must be submitted by the applicant and what project vesting, if any, will occur. These arrangements will be included in a Development

Agreement between the City and the applicant in accordance with Chapter 20.30.2 of this Title.

In the agreement, the approval of the city council will be clarified. Issues such as density, development obligations and the effect of future information will be included. For instance, if the city council is inclined to provide Preliminary Layout approval without complete construction drawings and engineering profiles and following the preparation of these documents it is discovered that fewer parcels can be created due to unforeseen circumstances, the city council is not obligated to allow the applicant to transfer or relocate density to other areas of the development to address the engineering constraints.

Denial of the request by an applicant for Preliminary Layout approval shall not result in a constitutional takings claim. If an applicant is not satisfied with the terms established by the city council in a Development Agreement, the applicant is eligible to satisfy the regulations of this Chapter for approval of a Preliminary Plan. Furthermore, denial of a request for Preliminary Layout approval shall not prejudice a request for Preliminary Plan approval in accordance with the regulations of this Title.

In order to offset the costs associated with the review of a Preliminary Layout, the applicant shall be required to submit fees in an amount equal to Preliminary Plan review in accordance with the adopted fee schedule of Payson City. Because the information must be reviewed again by staff when complete construction drawings and engineering profiles are submitted, the applicant shall be subject to payment of an additional Preliminary Plan review fee as well as Final Plat review fees. (2-7-07)

20.28.3 Features to be shown on Preliminary Plan

The following list of features is intended to be as complete as possible. However, the applicant is responsible to include all features required by this Title, the planning commission, city council or staff on the Preliminary Plan whether included in this list or not. Failure to show any required feature required by this Title, the Planning Commission, City Council or staff may result in denial of the plan. (12-19-18)

The Preliminary Plan shall, at a minimum, show the following:

1. The date of the map, approximate true north point, scale in graphic and numeric detail, and name of the subdivision.
2. A vicinity map indicating the location of property with respect to surrounding property and streets, the names of all adjoining property owners or the names

of adjoining developments, the location and dimensions of all boundary lines of the property expressed in feet and decimals of a foot tied to at least two section corners, and the legal description of the property complete with Township, Range and Section lines. The vicinity map may be reviewed at the time of submission of the Concept Plan. The vicinity map should indicate how the new infrastructure will tie into existing and future infrastructure. The map shall be at a scale not to exceed one inch equals two hundred (200) feet and shall cover an area no less than one thousand (1,000) feet from any perimeter of the proposed development.

3. The location of existing streets, easements, water bodies, rivers, streams, and other pertinent features such as swamps, buildings, parks, cemeteries, drainage or irrigation ditches, bridges, or other features as determined by the Planning Commission staff or the land use authority. (12-19-18)
4. The location and width of all existing and proposed streets and easements, alleys, trails, and other public ways and easements, and proposed street rights-of-way.
5. The location of all existing fire hydrants within one thousand (1,000) feet of the subdivision and all proposed fire hydrants. The city engineer will require a profile and cross section of all proposed streets.
6. The location, dimensions, and areas of all proposed or existing lots complete with utility easements, lot numbers, proposed addresses (corner lots should include two addresses), square footage of each lot or parcel, and building setback lines. All lots in each block shall be consecutively numbered. Outlots shall be lettered in alphabetical order.
7. The location and dimensions of all property proposed to be set aside for park or playground use, or other public or private reservations and open space dedications, with designation of the purpose thereof, types, and conditions, if any, of the dedication, preservation or reservation complete with an acreage tabulation of all open space areas.
8. The name and address of the owner or owners of land to be subdivided developed, the name and address of the applicant if other than the owner, and the name of the land surveyor and project engineer. (5-5-04) (12-19-18)
9. Sufficient data acceptable to the city engineer to determine readily the location, bearing, and length of all lines which would enable the city engineer to reproduce the lines upon the ground, and the location of all proposed monuments.
10. Names of all new streets.
11. Indication of the use of all lots or parcels whether

single family, two-family, multi-family, agricultural, commercial, open space as well as all uses other than those specified that are proposed by the applicant.

12. All information required by the planning commission or staff after review of the Concept Plan.
13. Explanation of drainage and site easements, if any.
14. Explanation of reservations and conservation easements, if any.
15. All utility facilities existing and proposed throughout the subdivision and details for connection to City infrastructure.
16. A plan designating limits of disturbance or building pads and utilities corridors and connections for each parcel and for subdivision improvements, such as utilities and roads.
17. If the plan does not include all contiguous property of the owner of the subdivision, an indication of future use of the additional property.
18. Indication of the nearest location of all public and private utilities.
19. Appropriate contour lines and an indication of all slopes greater than twenty (20) percent. (12-19-01)
20. A vegetation or revegetation plan as required by this Title.
21. The names and addresses of the property owners within one thousand (1,000) feet as shown on the County Assessor's tax files, together with a stamped, addressed envelope for each such owner. The mailing address information may be shown on a separate current tax map reproduction from the Assessor's Office showing the subdivision imposed thereon.
22. Complete construction plans containing the information required in Section 20.28.3 herein, and any other information required by the planning commission or staff.

The lack of information under any item specified herein, or improper information supplied by the applicant, shall be cause for denial of a Preliminary Plan.

20.28.4 Construction Plans

Construction plans shall be prepared for all required improvements. Plans shall be drawn at a scale of no more than one (1) inch equals fifty (50) feet, and map sheets shall be the same size as the Preliminary Plan. These are minimum requirements and other information may be required as the need dictates.

The following list of features is intended to be as complete as possible. However, the applicant is responsible to include all features required by this Title, the planning commission, city council or staff in the

construction plans whether included in this list or not. Failure to show any feature required by this Title, ~~the Planning Commission, City Council or staff~~ may result in denial of the plan. (12-19-18)

The following features, at a minimum, shall be shown on the Construction Plan:

1. Profiles showing existing and proposed elevations along centerlines of all roads. Where a proposed road intersects an existing road or roads, the elevation along the centerline of the existing road or roads within one hundred (100) feet of the intersection shall be shown. Approximate radii of all curves, lengths of tangents, and central angles on all streets.
2. ~~The Planning Commission may require, upon recommendation by the City Engineer, where steep slopes exist, that~~ Typical cross-sections of all proposed streets must be shown. (12-19-18)
3. Plans and profiles showing the locations of sidewalks, drainage easements, irrigation ditches, rights-of-way, manholes, and catch basins, street trees, street lights and signs, the location, size, and invert elevations of existing and proposed sanitary sewers, storm water drains, fire hydrants, connections to any existing or proposed utility systems, and exact location and size of all water, gas, or other underground utilities or structures. All street monuments shall be indicated on the Construction Plans.
4. Location, size, elevation, and other appropriate description of any existing facilities or utilities, including, but not limited to, existing streets, sewers, drains, water mains, easements, water bodies, streams, swamps, wetlands, buildings, features noted on the Official Zone Map, point of connection to proposed facilities and utilities within the subdivision development, and each tree or group of trees to be preserved. The water elevations of adjoining lakes or streams at the date of the survey, and the approximate high and low water elevations of such lakes or streams. All elevations shall be referred to the city engineer's or U.S.G.S. datum plane. If the subdivision borders a lake, river, or stream, the distances and bearings of a meander line established not less than twenty (20) feet back from the ordinary high-water mark of such waterways. (12-19-18)
5. Topography at the same scale as the Preliminary Plan with contour intervals of two (2) feet, referred to sea-level datum. All datum provided shall be the latest applicable U.S. Geodetic Survey datum and should be so noted on the plat.
6. All other specifications, details, and references required by the Standard Specifications and

Standard Plans, Construction Specifications, and Standard Drawings, including a site-grading plan for the entire ~~subdivision development.~~ ~~(11-5-14)~~ ~~(12-19-18)~~

7. Notation of approval by the owner, city engineer and all utility providers.
8. Title, name, address, signature, and seal of the professional engineer preparing the plans, and date, including revision dates.
9. A limits of disturbance and revegetation plan.

20.28.4.1 Format

The Construction Plans shall be prepared on a similar medium and be the same size as the Preliminary Plan. The applicant will provide three (3) complete copies of the Construction Plans to the City. The applicant shall also provide two (2) additional copies of the electrical layout and one (1) additional copy of the fire hydrant layout. The Construction Plans should provide signature blocks for and be signed by the mayor, city engineer, and the applicant’s engineer and surveyor. ~~(7-19-00)~~

20.28.4.2 Submission and Presentation

The Construction Plans shall be presented to the ~~Planning Department Development Review Committee~~ prior to the scheduled meeting of the planning commission for review of the Preliminary Plan. Preliminary Plans will be reviewed on a first come, first serve basis. Depending on the workload, preliminary plans may take several weeks to review. The planning commission may hold work sessions to review any recommendations or reports. ~~(12-19-18)~~

20.28.5 Planning Commission Public Hearing

The planning commission shall hold a public hearing on the Preliminary Plan to inform the public about the project and receive comment. The hearing shall be advertised in accordance with the requirements of Section 20.12.1 herein.

20.28.6 Planning Commission Recommendation of Preliminary and Construction Plans

After the planning commission has reviewed the Preliminary Plan, staff report, and any recommendations together with any testimony or exhibits submitted at the public hearing, the applicant shall be advised of any required conditions, changes or additions to gain a positive recommendation of the Preliminary Plan. ~~One copy of the proposed Preliminary Plan shall be returned to the developer with the date of recommendation for approval, conditional approval, or disapproval and the findings of the Planning Commission in writing.~~ Before the planning commission recommends approval of a Preliminary Plan showing land for public use (other than proposed public streets) proposed to be dedicated to the

City, the planning commission shall obtain preliminary approval of the park or land reservation from the city council. If the project involves a conservation easement, the planning commission must receive approval or comments from an approved Land Trust involved in the transaction. ~~(12-19-18)~~

The planning commission shall not recommend approval of any Preliminary Plan until all review fees have been paid in full according to the ~~adopted~~ fee schedule ~~found in Title 19 of the Payson City Code.~~ A recommendation of approval of the Preliminary Plan by the planning commission is in no way meant to be final approval. Until the Final Plat of a subdivision has been approved by the ~~City Council land use authority,~~ the ~~Council,~~ planning commission, and staff may continue to review the subdivision for compliance with this Title. After the planning commission has recommended approval, conditional approval, or disapproval of the Preliminary Plan and Construction Plans, their recommendation shall be forwarded to the city council ~~by the Development Services Director.~~ ~~(12-19-18)~~

20.28.7 Council Approval of Preliminary Plan and Construction Plans

The recommendation for approval, approval with conditions or denial of a Preliminary Plan and Construction Plans shall be ~~placed on the agenda of reviewed by the City Council land use authority.~~ ~~Following review the recommendation of the Planning Commission,~~ ~~The City Council land use authority~~ may approve, amend and approve, approve with conditions, remand the application back to ~~staff and/or~~ the planning commission for further discussion, or deny approval of the Preliminary Plan ~~and Construction Plans.~~ The ~~City Council land use authority~~ may review the minutes of the planning commission public hearing, if necessary, in order to become informed about any public comment. If the ~~City Council land use authority~~ approves, or approves with conditions, the recommendation of the planning commission, the applicant may prepare a Final Plat containing all the requirements found herein and any requirements of the ~~City Council land use authority,~~ planning commission, or staff. ~~(7-19-17)~~ ~~(12-19-18)~~

20.28.8 Effective Period of Preliminary Approval

The approval of a Preliminary Plan and Construction Plans shall be effective for a period of one (1) year. Any plat not receiving final approval within one (1) year shall be null and void, and the developer shall be required to resubmit a new application and Preliminary Plan subject to all new review requirements, zoning restrictions and subdivision regulations that may be in effect.

20.28.9 Zoning Regulations

Every plat shall conform to existing zoning regulations and subdivision regulations applicable at the time of final approval, except that any Preliminary Plan which has received approval shall be exempt from any subsequent amendments to this Title rendering the plan non-conforming as to bulk or use, provided the final approval is obtained within the one-year period. Planned Residential Developments may vary from certain zoning requirements if approved by the city council.

20.29 Final Plat

- 20.29.1 Revisions
- 20.29.2 Features to be Shown on Final Plat
- ~~20.29.3 Planning Commission Review of Final Plat~~
- 20.29.4 ~~City Council~~ Approval of Final Plat by Land Use Authority (12-19-18)
- 20.29.5 Dedications
- 20.29.6 Proof of Utility Service
- 20.29.7 Outstanding Obligations
- 20.29.8 Signing and Recording of Final Plat

Following the approval of the Preliminary Plan, the applicant may proceed in the approval process by filing an application for a Final Plat. The Final Plat shall be prepared by a registered land surveyor or engineer licensed by the State of Utah and certified on the plat. The Final Plat shall be prepared in india ink on tracing cloth or reproducible Mylar at the same scale and contain the same information as the Preliminary Plan, except for any conditions, changes or additions indicated in the approval of the Preliminary Plan. The Preliminary Plan may be used as the Final Plat if it satisfies these requirements and is revised in accordance with the Preliminary Plan approval. These are minimum requirements and other information may be required by the city council, planning commission, or staff as the need dictates. ~~The applicant shall provide the City with three (3) full size copies of the Final Plat with one of the copies being produced on tracing cloth or reproducible Mylar. The applicant shall also supply the City with sufficient reduced eleven by seventeen (11 x 17) copies of the Final Plat for each City Council member, Planning Commissioner and relevant City staff members. If the applicant is required to revise and resubmit a Final Plat, a determination of the necessary copies of the revised Final Plat will be made by the Development Services Director. Additionally, the City desires to have a disk copy of any Final Plat prepared in a computer in a format approved by the City Engineer. (7-19-00) (12-19-18)~~

20.29.1 Revisions

All revision dates must be shown as well as notation of any self-imposed restrictions. If any revision is included on the Final Plat that was not present on the Preliminary Plan or a requirement of approval by the ~~City Council~~

~~land use authority, it is the applicant's responsibility to inform the Planning Commission and City Council of the changes must be forwarded to the land use authority for consideration of amendment. Failure to inform the Planning Commission or City Council of revisions not present on the Preliminary Plan or a requirement of approval may result in revocation of any or all approvals. (12-19-18)~~

20.29.2 Features to be Shown on Final Plat

The following list of features is intended to be as complete as possible. However, the applicant is responsible to include all features required by this Title, the planning commission, city council or staff on the Final Plat whether included in this list or not. Failure to show any feature required by this Title, the planning commission, city council or staff may result in denial of the plat.

The Final Plat shall comply in all respects with the Preliminary Plan, as approved. The Final Plat shall be submitted to the Development Services Director at least four (4) weeks prior to the regular meeting of the city council at which the project will be addressed.

Following submission of a complete Final Plat application and payment of applicable review fees, staff shall review the plat for consistency with the provisions of this Chapter. The Final Plat shall, at a minimum, indicate the following:

1. All the requirements of the Preliminary Plan as approved or amended and approved. If approved by the city engineer, or required by the county recorder, certain details placed on the Preliminary Plat for review purposes may be eliminated from the Final Plat.
2. Any explanatory notes, special considerations, or other unique requirements applicable to the proposed development. (2-7-07)
3. Indication of the use of all lots or parcels. (2-7-07)
4. The number of culinary and irrigation water shares transferred into the name of Payson City for the proposed development. The Final Plat will not be recorded until sufficient water for the proposed project has been transferred into the name of Payson City. (2-7-07)
5. All monuments erected, corners, and other points established in the field in their proper places. The monuments shall be made of brass and the legend shall indicate the diameter, length, and weight of the monuments.
6. A summary statement of the proposed subdivision including total project acreage, total area of each lot or parcel, the total number of units, acreage of open space, sizes and lengths of utility piping, and

lane miles of road.

- 7. Owners dedication and consent to record as required by applicable State law. (3-21-01)
- 8. Signature blocks for endorsement by the mayor, planning commission chair, city attorney, city engineer, city recorder, fire chief and county recorder. (7-19-17)
- 9. Signature blocks for endorsement by any private utility provider, special district, or other entity having statutory authority acknowledging their interest in the development and agreement with the information included on the plat. (2-7-07)

20.29.3 Planning Commission Review of Final Plat

~~The Final Plat shall be included in the Planning Commission packet for review prior to the Final Plat review by the City Council. No action is required by the Planning Commission. Planning Commissioners may review the Final Plat to ensure that all conditions of the staff, Planning Commission, and City Council have been satisfied, for compliance with the Preliminary Plan approval and conditions, if any, and all other requirements of this Title. Staff will also include information pertaining to the Final Plat review by the City Council. Although the City Council is not required to hold a public hearing, they may receive comment on the Final Plat at their regularly scheduled meeting. (7-19-17)~~

20.29.4 City Council Approval of Final Plat by Land

Use Authority (12-19-18)

Following the preparation of a Final Plat, the ~~City Council~~ land use authority shall review the plat at a regular meeting ~~within four (4) weeks of submission to the Development Services Department.~~ The ~~City Council~~ land use authority shall review the Final Plat to ensure that all conditions of the staff, planning commission, and/or city council have been satisfied, for compliance with the Preliminary Plan approval and conditions, if any, and all other requirements of ~~this Title~~ land use and development ordinances. After review of the Final Plat and consideration of any testimony or exhibits presented at the public hearing of the Preliminary Plan, the city council shall approve, amend and approve, approve with conditions, remand the item back to staff and/or the planning commission for further discussion, or deny approval of the Final Plat. (12-19-18)

The city council shall not approve any Final Plat until all review fees have been paid in full according to the adopted fee schedule ~~adopted by the City Council.~~ (12-19-18)

20.29.5 Dedications

At the time of Final Plat approval, all dedications shall be completed accompanied by all formal irrevocable

offers of dedication to the public of all required streets, public uses, utilities, parks, and easements, in a form approved by the City Attorney.

Any dedication of property shall be first accepted by a motion of the city council at a regular meeting of the council. The conveyance of the property shall be completed by Warranty Deed indicating all liens, encumbrances and other stipulations.

Prior to the dedication of any property to Payson City and acceptance of the dedication by the city council, all assessments and taxes, including farmland assessments (also known as roll-back or greenbelt taxes), shall have been paid in full. This applies to the dedication of streets and other rights-of-way, parks and other open space, and any other dedication intended for use by the public. (9-1-04)

20.29.6 Proof of Utility Service

The Final Plat shall be accompanied by an inspection fee in an amount to be determined on the basis of the provisions of these regulations, as established by ordinance, and by written assurance from the public utility companies and improvement districts, if applicable or extended, that necessary utilities will be installed and proof that the applicant has submitted petitions in writing for the creation or extension of any improvement districts as required by the city council upon Preliminary Plan approval. In order to satisfy these provisions, a letter of recognition from the service provider on their letterhead shall be provided to the City. These utilities include, but are not limited to, Comcast, CenturyLink, Nebo School District, Qwestar Dominion Energy, and the United States Post Office. Where appropriate, the applicant will be required to obtain letters of recognition from the Strawberry Water Users Association, the Strawberry Electric Service District, the High Line Canal Company, the Oldfield Irrigation Company, and the Salem Canal Company. ~~(8-7-02)~~ (12-19-18)

20.29.7 Outstanding Obligations

At the time of Final Plat approval, the applicant shall provide evidence that all property taxes are current and that no other debts or obligations are outstanding and ~~no~~ all liens or encumbrances have been appropriately addressed. Each applicant shall provide a completed tax-exempt form for any property intended to be dedicated to Payson City. Any property dedicated to Payson City shall be completed by Warranty Deed or other instrument acceptable to the city attorney to ensure that all taxes, including Farm Land Assessment Act or "roll back" taxes have been paid and encumbrances satisfied on the property proposed for dedication. (2-7-07)

20.29.8 Signing and Recording of Final Plat

The mayor, city engineer, city recorder, fire chief, development services director and all owners of property within the subdivision shall endorse approval on the original reproducible Mylar after all improvement guarantees have been approved by the city council, and all conditions of approval imposed by the city council pertaining to the plat(s) have been satisfied. The plat shall also contain a signature block for the county recorder and any private utility provider, special district, or other entity having statutory authority. (2-7-07)

The City shall be responsible for recordation of the original Mylar plat in the office of the Utah County Recorder within ten (10) days of the date of the signature of the mayor. Simultaneous with the filing of the plat by the City, a licensed title company employed by the applicant shall record the agreement of dedication together with such legal documents as shall be required to be recorded by the city attorney. (2-7-07)

20.30 Assurance for Completion and Maintenance of Improvements (12-19-18)

- 20.30.1 Completion of Improvements
- 20.30.2 Improvement Completion Assurance
- 20.30.3 Completion of Improvements In-Lieu of Posting Improvement Completion Assurance
- 20.30.4 Change in Condition
- 20.30.5 Timeframe for Construction of Required Improvements—Extensions Permitted
- 20.30.6 Deferral Agreement
- 20.30.7 Temporary Improvements
- 20.30.8 Costs of Improvements
- 20.30.9 Acceptance of Dedication Offers

20.30.1 Completion of Improvements

Before the Final Plat is signed by the Mayor, all applicants shall be required to complete any and all improvements indicated by the City Engineer. The applicant shall dedicate all applicable public improvements to the City, including any water right transfers, conservation easements or dedications of public lands to Land Trusts, free and clear of all liens and encumbrances on the property and public improvements thus dedicated.

In accordance with the policies of the Development Services Department, the applicant shall submit payment consistent with the Payson City Fee Resolution for the inspection and approval of the required improvements. (8-7-02)

A developer/owner must complete to the City's satisfaction all required public and private improvements, as well as any required landscaping (the "Required Improvement"), associated with a particular subdivision before the corresponding subdivision plat can be recorded with the Utah County Recorder and before any development activity that requires a building permit takes place thereon. Prior to commencing work on the Required Improvements, the developer/owner must first demonstrate its practical and financial ability to complete all such Required Improvements, to the City's satisfaction. The developer/owner shall also pay all necessary inspection fees and any up-front supply costs required by the City for power supplies, water system supplies, public signs (stop signs, address signs, etc.) and any other associated costs so that the City can order all necessary supplies for the development. In the event the developer/owner begins the Required Improvements as contemplated by this section, but is unable to complete the same, any approvals, permits, licenses, and the like which are applicable to the unfinished development and which have been issued by the City, shall be revoked.

20.30.2 Development Agreements

The City Council hereby reserves the right to require and enter into a development agreement with any applicant for development approval under the provisions of this Title. A Development Agreement may address specific details about issues that have yet to be completely resolved, issues regarding phasing of a project or project improvements and amenities, or any other requirement of the City Council. (1-23-08)

20.30.2 Improvement Completion Assurance

In the event a developer/owner desires to record a subdivision plat with the Utah County Recorder before starting the Required Improvements, the developer/owner must first post an acceptable improvement completion assurance, which assurance shall guarantee the proper and timely completion of all such Required Improvements. The assurance must be provided to Payson City in the form of a cash bond or irrevocable letter of credit from a financial institution acceptable to the City.

The amount of the improvement completion assurance shall be in an amount equal to one hundred ten (110) percent of the estimated cost for construction of all required public improvements for the project, including: (1) cost of materials, (2) cost of installation, (3) contingency amount for the public improvements, (4) cost for clean-up of the site following completion of construction, (5) amount of reimbursement for public improvements constructed by previous developers, if any, and (6) estimated cost of testing and inspection.

administration, and enforcement by the city and their agents.

The amount of the improvement completion assurance shall be determined by the city engineer. The following procedure should be utilized by the city engineer to establish the amount:

1. Applicant shall provide to the city engineer a detailed cost estimate for construction of all required public improvements for the project, including all costs associated with the improvements listed above.
2. The city engineer shall review and accept or decline the proposed costs from the applicant. In the event the city engineer declines to accept the proposed cost estimate, staff shall provide notice to the applicant of which line items are not acceptable and the reason for the declination.
3. Applicant shall resolve the line items declined by the city engineer and re-submit a detailed cost estimate.
4. The city engineer shall review the re-submittal to determine the amount of the improvement completion assurance.

The approved engineer's estimate for a project shall be valid for a period of sixty (60) days. If a developer has not provided the improvement completion assurance to the City within sixty (60) days of submission of the estimate, the developer may be required to submit an updated engineer's estimate to the city engineer for consideration. If the estimate is a higher dollar value, the applicant shall be subject to the new estimate. Furthermore, if substantial construction has not commenced within ninety (90) days of final approval, the city engineer may choose to require the developer to submit an updated engineer's estimate to ensure that improvement completion assurance amount remains sufficient to cover the improvement costs of the project.

The assurance must be posted, and all inspection and supply fees must be paid prior to the developer/owner beginning any work on the Required Improvements, and before the recordation of any corresponding subdivision plat. Said assurance must also be in the form acceptable to the City, approved by the city attorney, and must be issued by a financial institution insured by the Federal Deposit Insurance Corporation (FDIC) or National Credit Union Association (NCUA).

The improvement completion assurance requirement is established to guarantee completion of the required improvements and the assurance is not to be used to satisfy contractor or mechanics liens or other unrelated obligations.

20.30.3 Completion of Improvements In-Lieu of Posting

Improvement Completion Assurance

As an alternative to posting financial assurance, the land use authority may authorize the actual construction of required public improvements in-lieu of posting a performance guarantee. All required public infrastructure and project landscaping shall be completed prior to any plat recordation or building permit issuance. Additionally, city and developer shall enter into a development agreement that includes the following:

1. Proof of developer's ownership of the land in question;
2. A commitment from the developer that construction of the required public improvements will commence immediately following approval;
3. A commitment from the developer that construction of the required public improvements and project landscaping will be diligently executed to completion within the timeframe authorized under Section 20.30.5; and
4. A schedule showing the expected timeframe for constructing the public infrastructure and landscaping improvements.
5. Submittal of a blanket easement over the entire project area authorizing the installation of required public improvements and project landscaping in the locations shown on the approved final plat and engineering drawings.
6. A finding by the land use authority that the developer has sufficient financial resources to accomplish the construction of the required public improvements within the timeframe outlined in the development agreement.

Further, the developer shall complete the following:

1. Actual payment of the portion of the improvement completion assurance amount attributable to costs of inspection, clean-up, reimbursement of prior constructed public improvements, and other city costs.
2. Actual payment of the improvement warranty.
3. An acknowledgment from the developer that failure to complete the required public improvements within the timeframe set forth herein, or to request and receive approval of an extension of time to complete the public improvement, shall constitute grounds for termination of all previous approvals.
4. Obtain a land disturbance permit.

20.30.3 Performance Guarantees

The City Council shall require the applicant to ~~shall~~ post an acceptable guarantee, prior to recordation of the Final Plat, in an amount sufficient to secure to the municipality the satisfactory construction, installation, and dedication of the required improvements. The

amount of the guarantee shall be in an amount or value equal to one hundred twenty (120) percent of the estimated cost of the required improvements as determined by the City Engineer. The City Engineer may require the performance guarantee to ~~shall include~~ all off site work as well as all on site work. These items include roadways, municipal infrastructure, required fencing, required landscaping, required project amenities, amenities provided by the applicant in exchange for a density bonus, and any other required improvements. (1 23 08)

20.30.4 Acceptable Forms of Guarantee

Assurance for subdivision improvements may be completed by providing to Payson City a cash bond or irrevocable letter of credit from a financial institution acceptable to the City in an amount equal to one hundred twenty (120) percent of the estimate approved by the City Engineer. Following installation and approval of all subdivision improvements, the City will retain twenty (20) of the estimate approved by the City Engineer as a warranty of workmanship for a period of one year. (2 20 13)

If the subdivision improvements have not been installed in the timeframe approved by the City Council and the applicant has not been granted an extension, the City, after a thirty (30) day notice, may draw upon the performance guarantee to complete the subdivision improvements. (2 20 13)

20.30.4 Change in Condition

If a developer/owner decides to begin work as contemplated by Section 20.30.3, then subsequently desires to record a subdivision plat by posting an improvement completion assurance for any remaining unfinished improvements, the developer/owner shall first:

1. Submit new plans and drawings from the project engineer and surveyor.
2. Submit as-built plans for any improvements already completed.
3. Submit a revised engineer's cost estimate for any remaining improvements to be completed.
4. Be subject to additional review by the Development Review Committee.
5. Shall obtain any necessary approvals and permits from the city.

20.30.5 Timeframe for Construction of Required Improvements—Extensions permitted

1. The maximum period of time for which the land use authority's approval action of a development project and requires recording at the office of the county recorder shall remain valid (delay-in-recording period) not more than two hundred seventy five

(275) days from the date of action by the land use authority. An extension of the time, not to exceed ninety (90) days may be granted by the land use authority provided:

- a. Application is made by the developer and submitted sixty (60) days prior to the end of the two hundred seventy five (275) day period; or
 - b. The land use authority finds the developer has been delayed by circumstances beyond the control of the developer.
2. At the end of the approved delay-in-recording period and any extensions that may have been granted, the city may declare the project inactive and proceed to terminate approval as provided in this Title.

20.30.6 Deferral Agreement

The performance guarantee improvement completion assurance must be provided prior to recordation of a Final Plat, except as provided herein. The City Council land use authority may approve a request to delay the submission of the performance guarantee improvement completion assurance provided the applicant satisfies the following:

1. The property included in the subdivision development is located along an existing public street containing required infrastructure.
2. A performance guarantee improvement completion assurance shall be provided prior to commencement of any construction, including excavation and grading.
3. A building permit will not be issued for new construction until the required improvements are installed by the applicant, and inspected and approved by Payson City.
4. A Deferral Agreement and Release shall be signed by the owner(s) of property and recorded in the office of the Utah County Recorder.
5. The deferral process does not waive or modify any other regulations of this Title, including the requirements of Chapter 19.8 herein. (7 7 10)

The posting of guarantees is in lieu of actual construction and are therefore established for the benefit of and to insure to the public at large and as such are not to be used for satisfying contractor or mechanics liens or other unrelated obligations. The performance guarantee shall also secure all lot improvements on the individual lots of the subdivision as may be required. The performance guarantee shall comply with all statutory requirements and shall be satisfactory to the City Attorney as to form, sufficiency, and manner of execution as set forth by the City Attorney.

~~The period within which required improvements must be completed shall be specified by the City Council in approving the Final Plat and shall be incorporated in the guarantee and shall not in any event exceed two (2) years from the date of final Plat approval. The guarantee shall be approved by the City Council with surety and conditions satisfactory to them. The City Council may, given a valid reason, extend the completion date set forth in such guarantee for a maximum period of one additional year if notice is given to the Development Services Department at least sixty (60) days prior to the expiration of the guarantee.~~

~~The approved engineer's estimate for a project shall be valid for a period of sixty (60) days. If a developer has not provided the performance guarantee to the City within sixty (60) days of submission of the estimate, the applicant may be required to submit an updated engineer's estimate to the City Engineer for consideration. If the estimate is a higher dollar value, the applicant shall be subject to the new estimate or the City Council may choose to rescind final approval. Furthermore, if substantial construction has not commenced within ninety (90) days of recordation of the final Plat, the City Engineer may choose to require the applicant to submit an updated engineer's estimate to ensure that performance guarantee amount remains sufficient to cover the improvement costs of the project. (10-1-08)~~

20.30.57 Temporary Improvements

The applicant shall build and pay for all costs of temporary improvements required by the city council, planning commission, or staff and shall maintain them for the period specified. Prior to construction of any temporary facility or improvement, the developer shall file with the City a separate suitable guarantee assurance, in accordance with this Title, for temporary facilities, which ensures that the temporary facilities will be properly constructed, maintained, and removed. (12-19-18)

20.30.68 Costs of Improvements

All required improvements shall be completed by the applicant, at their expense, without reimbursement by the City or any improvement district therein, and in accordance with related codes, fee schedules, and ordinances.

20.30.79 Acceptance of Dedication Offers

Acceptance of formal offers of dedication of streets, public areas, easements, and parks shall be under the direction of the city council. The recommendation for approval by the planning commission and approval by the City Council land use authority of a Preliminary Plan shall not be deemed to constitute or imply the acceptance by the city council of any street, easement, or park

shown on the Preliminary Plan. The planning commission may require the Preliminary Plan to be endorsed with appropriate notes to this effect. (5-5-04)

20.31 Commencement of Excavation and Installation of Improvements

20.31.1 Excavation Permit, Fees and Penalties

20.31.2 Issuance of Building Permits

Prior to commencement of excavation and installation of subdivision development improvements, the final Plat approval of the subdivision development shall have received approval from the City Council be obtained, all applicable fees shall have been paid in accordance with Chapter 19.27 of the Zoning Ordinance, including the payment of public works testing and inspection fees, assurance for completion and maintenance of improvements shall have been received by the City in accordance with Section 20.30, the Final Plat shall have been recorded in the office of the county recorder and the applicant shall have held a pre-construction meeting. (3-5-03) (12-19-18)

Each applicant shall submit in cash an amount equal to one hundred ~~twenty ten (120)~~ (110) percent of the city engineer's approved estimate for the cost of completing the final one (1) inch asphalt overlay a slurry seal in accordance with the Standard Specifications and Standard Plans prior to the recordation of the Final Plat. (11-5-14) (12-19-18)

Following the construction of at least ninety (90) percent of the structures in the development or a period of two years from the initial placement of asphalt, whichever occurs first, the applicant shall complete the one (1) inch asphalt overlay slurry seal. Following the installation of the overlay completion of the slurry seal, the cash bond will be released. If the applicant fails to complete the overlay within sixty (60) days after the issuance of a Certificate of Occupancy for more than ninety (90) percent of the structures in the development, the City shall use the cash bond to complete the overlay. (1-23-08) (12-19-18)

20.31.1 Excavation Permit and Fees

Once the requirements listed above have been satisfied, the city engineer shall issue an excavation permit and construction may begin. Commencement of excavation and installation of subdivision development improvements prior to completing the requirements of this Chapter and the issuance of an excavation permit by the city engineer is grounds for revocation of any or all approvals by the city council. Continuation of work after revocation of approval by the city council shall cause appropriate legal action by the City. (12-19-18)

20.31.2 Issuance of Building Permits

Once the required infrastructure, and all project amenities in the case of a Planned Residential Development approved in accordance with Chapter 20.10 herein, has been placed in a subdivision development, inspected and approved by the appropriate service providers, and the road, including asphalt has been completed, building permits for structures within the development may be issued. In no instance shall a building permit be issued prior to completion, inspection, and approval of all required infrastructure and completion of the road without the expressed written approval by the Development Services Director and the City Manager. ~~(3-21-01)~~ (12-19-18)

Building permits may be issued in advance of the completion of infrastructure, roadways and project amenities in the following instances:

1. In the case of a legal non-conforming lot of record, or a residential subdivision of three lots or less along an existing public street, improvements are not required to be completed until the footing and foundation of the dwelling is completed. No inspections beyond those required for footing and foundation will be completed until all improvements are installed, including, but not limited to utilities, meters, curb, gutter, sidewalk, and the asphalt tie-in. Applicants choosing not to complete all improvements required to service the structures shall post a cash bond with Payson City. The bond shall be an amount equal to one hundred and twenty (120) percent of a qualified estimate of the cost of the improvements. (12-6-00)
2. Commercial, industrial and high-density multi-family residential developments are not required to complete the roadway improvements until the footings and foundations of the project structures are completed. No inspections beyond those required for footings and foundations will be completed until all improvements are installed, including, but not limited to utilities, meters, curb, gutter, sidewalk, and the asphalt tie-in. Applicants choosing not to complete all improvements required to service the structures shall post a cash bond with Payson City. The bond shall be an amount equal to one hundred and twenty (120) percent of a qualified estimate of the cost of the improvements. (1-23-08)

Notwithstanding the provisions of this Section, a building permit may be issued by the Development Services Department for residential construction of a dwelling located in a subdivision of three lots or less on an existing public street if:

1. The asphalt batch plants have been closed for the winter season.
2. The applicant submits a cash bond equal to one hundred fifty (150) percent of the estimated cost, as approved by the city engineer, of the installation of curb, gutter, sidewalk, asphalt tie-in and proper filling of utility trenching.
 - a. If the applicant completes the improvements within six (6) weeks of the spring opening of the asphalt batch plants, the cash bond will be refunded to the applicant. The date of the opening of the batch plants will be posted in the Development Services Department.
 - b. If the applicant does not complete the improvements within six (6) weeks of the spring opening of the asphalt batch plants, the cash bond will be forfeited to Payson City and the City will complete the improvements.
3. All utilities to serve the dwelling have been extended to at least the private property line and the utility trenching has been filled with temporary asphalt (cold patch). (11-6-02)

No Certificate of Occupancy, either temporary or final, shall be granted until the required infrastructure has been placed in a subdivision development and approved by the appropriate service providers, and the access to the structure has been completed, inspected and approved including the placement of asphalt. (12-19-18)

20.32 Inspection of Improvements and Release of Guarantee

20.32.1 General Procedure and Fees

20.32.2 Release or Reduction of Performance Guarantee

20.32.3 Failure to Complete Improvements

20.32.1 General Procedure and Fees

The city engineer or designee shall provide inspection of required improvements during construction and insure their satisfactory completion. The applicant shall, in accordance with the City adopted fee schedule, pay to the City an inspection fee. The Final Plat shall not be signed by the mayor unless the fees have been paid. These fees shall be due and payable upon demand of the City and no building permits or certificates of occupancy shall be issued until all fees are paid. If the city engineer finds, upon inspection, that any of the required improvements have not been constructed in accordance with the Standard Specifications and Standard Plans, the applicant shall be responsible for completing the improvements. Wherever the cost of improvements is covered by a performance guarantee,

the applicant and the issuing company shall be jointly liable for completing the improvements according to specifications. ~~(11-5-14)~~ (12-19-18)

20.32.2 Release or Reduction of Performance Guarantee

Subject to the maintenance provisions contained in this Title, the City will not accept dedication of required improvements, or release or reduce a performance guarantee, until the city engineer has submitted a certificate stating that all required improvements have been satisfactorily completed and until the applicant's engineer or surveyor has certified to the city engineer, through submission of detailed "as-built" survey plats of the ~~subdivision~~ ~~development~~ indicating location, dimensions, materials, improvements and other information required by the city engineer, that the layout of the line and grade of all public improvements is in accordance with the approved construction plans for the ~~subdivision~~ ~~development~~. The "as-built" plans must be submitted at least two (2) weeks prior to any reduction in the performance guarantee. Further, a title insurance policy shall be furnished to the city attorney and city engineer indicating that the improvements have been completed, that they are ready for dedication to the local government, and are free and clear of any and all liens and encumbrances. Upon such approval and recommendation, the city council shall thereafter accept the improvements for dedication in accordance with the established policy and procedure. (12-19-18)

20.32.2.1 Reduction of Performance Guarantee

A performance guarantee may be reduced upon actual completion and acceptance of public improvements and then only to the ratio that the public improvement accepted bears to the total public improvements for the plat. In no event shall a performance guarantee be reduced below twenty-five (25) percent retainage of the principal amount until total completion of all improvements.

A partial bond release will only be made after the infrastructure item is completely installed, tested, and approved. For example, the drinking water mains and service laterals shall be completely installed, inspected, tested and approved, along with submitted as-built drawings before a portion of the bond will be released for the drinking water infrastructure item. In no event will bond releases be made for partially installed infrastructure of any type. (2-16-05)

Each partial bond release shall be accompanied by a fee consistent with the adopted ~~Payson City~~ fee schedule. (2-16-05)

Notwithstanding the provisions of this Section, a building permit may be issued by the Development Services Department for residential construction of a dwelling located on an existing public street if:

1. The asphalt batch plants have been closed for the winter season.
2. The applicant submits a payment equal to one hundred and twenty (120) percent of the estimated cost of the installation of curb, gutter, sidewalk, asphalt tie-in and proper filling of utility trenching. The installation of curb, gutter, sidewalk, asphalt tie-in and filling of utility trenching will be completed by the City at the earliest practical date.
3. All utilities to serve the dwelling have been extended to at least the private property line and the utility trenching has been filled with temporary asphalt (cold patch). (12-19-01)

20.32.3 Failure to Complete Improvements

In the event an applicant is unable to complete the required improvements due to incompetence, lack of financial security including bankruptcy, or any other justifiable reason, the financial institution providing the financial assurance or future owner of the development will be required to complete all of the required improvements. Any alteration to the ~~subdivision~~ ~~development~~ approval will be processed in accordance with Chapter 20.11 herein. ~~(8-7-02)~~ (12-19-18)

20.33 Escrow Deposits or Letters of Credit for Lot Improvements

When, by reason of the season of the year, any lot improvements required by the ~~subdivision~~ ~~development~~ regulations cannot be performed, the Building Official may, nevertheless, issue a temporary certificate of occupancy, provided there is no danger to health, safety, or general welfare, upon accepting a cash escrow deposit or letter of credit in an amount to be determined by the city engineer for the cost of improvements. The performance guarantee covering such lot improvements shall remain in full force and effect. (12-19-18)

The developer shall install all required improvements for which escrow or letters of credit have been accepted by the Building Official at the time of issuance of a certificate of occupancy within six (6) months from the date of deposit and issuance of the temporary certificate of occupancy. In the event that the improvements have not been properly installed, at the end of the time period the Building Official shall give two (2) weeks written notice to the developer requiring him to install the improvements. In the event that they are not installed

properly in the discretion of the Building Official, the Building Official may request the city council to authorize the City to proceed to contract out the work for the installation of the necessary improvements in a sum not to exceed the amount of the escrow deposit or letter of credit.

20.34 Maintenance of Improvements

20.34.1 Prior to Completion

20.34.2 Warranty After Acceptance and Dedication

20.34.1 Prior to Completion

The applicant shall be required to maintain all improvements on the individual ~~subdivided~~ lots and provide for snow removal on streets and sidewalks until acceptance of the improvements by the City. The City will not normally accept water improvements or street improvements or assume responsibility for either general maintenance or snow removal until over fifty (50) percent of the lots within the ~~subdivision~~ development are built upon. ~~(12-19-18)~~

20.34.2 Warranty after Acceptance and Dedication

The applicant shall be required to file a maintenance guarantee with the City, prior to acceptance, in an amount considered adequate by the city engineer and in a form satisfactory to the city attorney, in order to assure the satisfactory condition of the required improvements, including all lot improvements on the individual ~~subdivided~~ lots for a period of two (2) years after the date of their acceptance by the City and dedication to the City, or until twenty-five (25) percent of the structures in the ~~subdivision~~ development have been built whichever is the greater length of time. ~~(12-19-01)~~ ~~(12-19-18)~~

20.35 Issuance of Building Permits and Certificates of Occupancy

Where a performance guarantee has been required for a ~~subdivision~~ development, no certificate of occupancy, temporary or final, for any building in the ~~subdivision~~ development shall be issued prior to the completion of the improvements and dedication to the City, as required in the ~~City Council~~ final approval of the subdivision ~~plat~~. ~~(12-19-01)~~ ~~(12-19-18)~~

20.36 Consumer Protection Legislation and Conflicts of Interest Statutes

No building permit or certificate of occupancy shall be granted or issued if an applicant or authorized agent have violated any federal, state, or local law pertaining to consumer protection of real estate land sales, promotion, or

practices, or any applicable conflicts-of-interest legislation with respect to the lot or parcel of land which is the subject of the permit or certificate, until so ordered by a court of competent jurisdiction.

With respect to a lot or parcel of land, in the event a building permit or certificate of occupancy has been granted or issued, it shall be subject to revocation by the City until so ordered otherwise by a court of competent jurisdiction, provided that in no event shall the rights of intervening innocent third parties in possession of a certificate of occupancy be prejudiced by any such revocation.

Any violation of a federal, state, or local consumer protection law (including but not limited to: Postal Reorganization Act of 1970; the Federal Trade Commission Act of 1970; Interstate Land Sales Full Disclosure Act; the Truth in Lending Act; the Uniform Commercial Credit Code; State "Blue Sky" laws; State subdivision disclosure acts or conflicts of interest statute, law, or ordinance) shall be deemed a violation of these regulations and subject to all of the penalties and proceedings as set forth in this Title.

20.37 Penalties

In accordance with §10-9a-803 Utah Code Annotated, 1953, as amended, any applicant that violates this Title may be charged with a Class C misdemeanor or an appropriate civil penalty if indicated herein and subject to all fines and imprisonment associated with such penalty. ~~(1-18-06)~~

Because it is impractical to expect that all grading, infrastructure, and other improvement can be adequately inspected by Payson City, ~~Payson City expects~~ applicants are expected to complete all development improvements in accordance with the approved plans. If an applicant installs improvements that are inconsistent with the development approval granted by the city council, the improvements will be corrected to satisfy the approval granted by the city council at the applicant's expense even if discovery of the inconsistency occurs after an initial acceptance of development improvements. Failure to correct the inconsistencies may result in any legal action necessary to correct the inconsistencies. ~~(12-19-01)~~ ~~(12-19-18)~~