

amount equal to one hundred twenty (120) percent of the City Engineer's approved estimate for the cost of completing a final one (1) inch asphalt overlay in accordance with the Development Guidelines. 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. Following the installation and acceptance of the overlay, 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. (12-19-18)

### **19.3.7 Dedication and Acceptance of Property**

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.

### **19.3.8 Licensed Contractors, Surveyors, and Engineers**

All applicants for development approval will use contractors, surveyors, and engineers licensed in the State of Utah to satisfy the regulations of this Title. Failure of applicants to use experienced and professional assistance to prepare the information required for development approval can lead to unnecessarily challenging and unproductive situations. All the improvements required herein shall be completed by a licensed contractor.

### **19.3.9 Utility Systems within Municipal Boundaries (4-1-20)**

A franchise agreement is required for any utility installation within Payson, Utah. Prior to the installation or repair of utility lines, pipes, structures, cabinets, and similar utility facilities, the utility company shall provide to Payson City engineered drawings that indicate the location of utility lines and facilities. A permit is required prior to the

installation, maintenance, and/or repair of utilities within the public right-of-way.

Utility systems and facilities shall be installed in the following manner:

1. Utilities must be consistent with the permitted and conditional uses of the underlying zone.
2. To minimize encroachment and impacts on real property, utility systems should be located within a public right-of-way or public utility easement. Utility companies authorized to provide services to residents within the municipal boundaries have priority in the public right-of-ways and public utility easements.
3. If the utility cannot be located within the public right-of-way or an existing public utility easement, it is the responsibility of the utility company to acquire an easement for the utility. Prior to obtaining the required easements, the proposed alignment shall be discussed with Payson City to ensure the alternate alignment will not limit any future maintenance or access needs. Proof of legal easement is required before installation of utility.
4. With the exception of high-voltage electrical transmission lines, electrical and telecommunication lines shall be located underground. If a site is developed, redeveloped, or subdivided, any existing overhead lines shall be placed underground.

**Chapter 19.6  
Establishment of Zoning Districts**

- 19.6.1 Purpose of Zoning Districts
- 19.6.2 Zoning Map
- 19.6.3 Relationship of Title to Other Ordinances and Plans (4-15-15)
- 19.6.4 A-5 Agricultural Zone
- 19.6.5 R-1-A Residential-Agriculture Zone
- 19.6.6 Conventional Residential Zones (2-19-14)
- 19.6.7 R-MF Multi-Family Residential Zone
- 19.6.8 RMO-1 Two-Family Residential Overlay ~~Zone~~
- 19.6.9 (Reserved)
- 19.6.10 PO-1 Professional Office Zone
- 19.6.11 CC-1 Central Commercial Zone
- 19.6.12 CAP Commercial, Arts and Parks (1-18-06)
- 19.6.13 GC-1 General Commercial Zone
- 19.6.14 S-1 Special Highway Service Zone
- 19.6.15 BPD Business Park Development (11-4-15)
- 19.6.16 I-1 Light Industrial Zone
- 19.6.17 I-2 Heavy Industrial Zone
- 19.6.18 R&D Research and Development Zone
- 19.6.19 NC-1 Neighborhood Commercial Zone (5-2-07)
- 19.6.20 CT Commercial Transition Zone
- 19.6.21 HD-O Historic District Overlay ~~Zone~~
- 19.6.22 HR-O Historic Residential Overlay ~~Zone~~
- 19.6.23 FP-O Floodplain Overlay ~~Zone~~ (Reserved)
- 19.6.24 AGP-O Agriculture Preservation Overlay ~~Zone~~
- 19.6.25 I-O In-fill Overlay ~~Zone~~
- 19.6.26 AD-O Accessory Dwelling Overlay ~~Zone~~ (7-5-06)
- 19.6.27 TS-O Transit Station Overlay ~~Zone~~ (10-1-08)
- 19.6.28 MH-1 Mountain and Hillside Zone (7-19-00)
- 19.6.29 MH-2 Mountain and Hillside Zone (2-16-05)
- 19.6.30 GCD Golf Course Development Zone (2-7-07)
- 19.6.31 P-C Planned Community Zone (8-17-11)
- 19.6.32 PRZ Planned Reclamation Zone (8-7-13)
- 19.6.33 Senior Housing Facility Overlay (9-18-19)
- 19.6.34 NC Neighborhood Commercial Overlay (12-18-19)

**19.6.1 Purpose of Zoning Districts**

In order to accomplish the purposes of this Title, the City Council has divided the City into various zoning districts in accordance with §10-9a-401 et. seq. Utah Code Annotated, 1953, as amended. After due and careful consideration of quantities of land needed for each use, suitability of land for various uses, and the probable future conditions of the City, zoning is established according to Sections 19.6.4 through 19.6.32 which are also indicated on the official Zoning Map adopted by the City Council. (1-18-06)

The uses listed as permitted, conditional, or accessory uses, respectively, and no others, are allowed in each zone. If a desired use is not listed in the zone, an applicant may attempt to amend the ordinance to allow the desired use. Any amendment to the Zoning Ordinance or the Zoning Map shall occur in accordance with Section 19.2.8 herein.

The uses listed in the A-5, PO-1, CC-1, GC-1, S-1, I-1, I-2 and R&D Zones are listed as major headings only. Specific land use categories in these zones can be identified by referring to the chart attached hereto as Appendix A – Non-Residential Land Use Categories. (1-18-06)

**19.6.2 Zoning Map**

The Zoning Map is a graphic representation of the zoning districts of Payson City. Any necessary interpretation of the map shall occur in accordance with Section 19.2.2 herein. The official Zoning Map can be found in the office of the City Recorder and in the Development Services Department. If the Zoning Map is amended in accordance with the requirements found in Section 19.2.8 herein, previous Zoning Maps are no longer in effect for the purpose of identifying zone district boundaries.

**19.6.3 Relationship of Title to Other Ordinances and Plans (4-15-15)**

- 19.6.3.1 Payson City General Plan
- 19.6.3.2 Appendix A – Non-Residential Land Use Categories
- 19.6.3.3 Planned Residential Development (PRD)
- 19.6.3.4 Specific Plans

**19.6.3.1 Payson City General Plan (4-15-15)**

The Payson City General Plan is the primary document the City uses to guide and regulate the use of land within its boundaries. Notwithstanding Section 19.1.8 and Section 19.2.9, the provisions of this Title are intended to implement the objectives and goals of the General Plan. All projects regulated by this Title will be reviewed for consistency with the General Plan.

**19.6.3.2 Appendix A – Non-Residential Land Use Categories**

Appendix A is a supplement to Title 19, Zoning Ordinance and identifies land uses allowed in the non-residential zones of Payson City. It is anticipated that Appendix A will be consistent with §10-9a, Land Use Development and Management

*19.6.4.8 Projections into Setbacks*

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

1. Fences and walls in conformance with all applicable City ordinances and resolutions.
2. Landscaping and irrigation systems.
3. Necessary appurtenances for utility service.
4. Cornices, eaves, sills, buttresses, awnings, planter boxes or other similar architectural features may project up to four (4) feet into any required front or rear setback or up to two (2) feet into a side setback.
5. Porches, decks, and other structures as specified in Section 19.9.23 herein. (6-1-11)

*19.6.4.9 Building Height Requirements*

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

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

1. Religious structures in accordance with the criteria listed in Chapter 19.13 herein
2. Cellular and low power towers in accordance with Chapter 19.17 and overhead utility facilities
3. Wind generating facilities (3-17-10)

*19.6.4.10 Distance Between Buildings*

The distance between any accessory building and any dwelling shall not be less than three (3) feet. Accessory buildings that house animals or poultry shall have a minimum side setback of fifty (50) feet and be located no less than one hundred (100) feet from any dwelling unit. (7-7-10)

*19.6.4.11 Permissible Lot Coverage*

The sum total of all buildings, structures, and impervious material on any parcel in the A-5 Zone shall not be greater than twenty (20) percent of the total area of the parcel. (4-15-15)

*19.6.4.12 Parking, Loading and Access*

Each lot or parcel in the A-5 Zone shall have on the lot or parcel two off-street parking spaces for each dwelling unit. The spaces shall be hard surfaced with asphalt or concrete and be accessed from a public road by a driveway designed and constructed consistent with the adopted fire code. (4-21-10)

*19.6.4.13 Project Plan Approval*

Any request for project plan approval in the A-5 Zone is subject to any and all applicable City resolutions and ordinances including the Subdivision Ordinance, Development Guidelines, and the Payson City General Plan. (12-19-18)

*19.6.4.14 Other Requirements*

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

1. Signs - The following signs, and no others, are allowed in the A-5 Zone:
  - a. Name plates not exceeding two (2) square feet in area to identify the name and address of the occupant.
  - b. One sign advertising the sale of agricultural products produced on the parcel not to exceed four (4) square feet in area.
2. Landscaping – Prior to issuance of a Certificate of Occupancy and thereafter, all areas within twenty-five (25) feet of the main building dwelling structure, except driveways, walkways, patios, porches, and other similar hard surfaced areas shall be maintained with suitable landscaping of plants, shrubs, trees, grass and similar landscaping materials. The remaining portions of the property must be maintained in accordance with Chapter 19.24 of this Title and the adopted fire code. (4-21-10)
  - a. For the purposes of this requirement, landscaping shall mean complete erosion control and elimination of noxious weeds. Xeriscape is acceptable landscaping provided weed barrier fabric is installed and complete erosion control and elimination of noxious weeds is accomplished. The installation of permanent sprinkler or irrigation systems is required when necessary to sustain planted areas. (8-17-11)
  - b. In the event of inclement weather, the landscaping cannot be completed prior to issuance of a Certificate of Occupancy the applicant may post a performance guarantee to ensure the completion of improvements. The guarantee shall be a sum, no less than the amount specified in the Payson City Fee Schedule, in the form of a cash bond or irrevocable letter of credit. The performance guarantee shall not have a duration that exceeds six (6) months. (8-17-11)

Landscaping requirements for lots and parcels in the A-5, Agriculture Zone and A-5-H, Annexation Holding Zone shall satisfy the provisions of this Section.

- a. The applicant shall provide a landscaping plan that indicates the proposed landscape treatments for all portions of the lot or parcel, including agricultural uses.
  - b. Prior to the issuance of a Certificate of Occupancy and thereafter, all areas within twenty-five (25) feet of the dwelling structure, except driveways, walkways, patios, porches, and other similar hard surfaced areas shall be maintained with suitable landscaping of plants, shrubs, trees, grass and similar landscaping materials. The remaining portions of the property must be planted in agricultural crops or maintained in accordance with Chapter 19.24 of this Title.
  - c. To promote crop production and to maintain Greenbelt status, the yard area surrounding the building structure may be planted with agricultural crops. The planting of agricultural crops surrounding the dwelling structure will satisfy the landscaping requirements of this Section.
  - d. Properties will be irrigated by irrigation systems connected to private water systems, including onsite wells and/or private irrigation companies (i.e. High Line Canal Company, Salem Irrigation and Canal Company). The yard area immediately surrounding the dwelling structure may be irrigated with the Payson City pressurized irrigation system, if available. The city pressurized irrigation system will not be used for irrigating agriculture crops.
  - e. When irrigation systems are shut off and the landscaping cannot be completed prior to issuance of a Certificate of Occupancy, the applicant must post a performance guarantee to ensure the completion of landscaping improvements. The guarantee shall be a sum, no less than the amount specified 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. (04-01-2020)
3. Trash, junk, and other debris - No trash, used materials, unsightly storage of any kind, or non-licensed or abandoned vehicles shall be stored in an open area. All such materials shall be enclosed in a building or, if deemed to not be injurious to adjacent properties and appropriate by the City, behind a sight obscuring fence. (7-19-00)

*19.6.4.15 Annexation Holding Zone (A-5-H)*

The provisions of this Section are a supplement to the zoning requirements of the A-5, Agriculture Zone. Development of property in the A-5-H Zone must be consistent with the regulations of Section 19.6.4 herein. Unlike the other zoning districts included in this Title, the A-5-H Holding Zone is not intended to establish the long-term land use pattern for properties included in the district. Rather, the purpose and intent of the A-5-H Zone is to provide zoning regulations to govern the use of land following annexation and prior to intensification of land use. (6-1-11)

In accordance with Chapter 19.12 of this Title, a specific plan and other studies may be required before annexation. In some instances, the City Council may determine it is appropriate to delay the preparation of these studies in order to expedite the annexation process or to broaden the master planning efforts of the City. In these instances, the City Council may choose to annex the property and designate all or a portion of the area as a Holding Zone until a specific plan and associated studies are completed.

The City Council has determined that the most effective method to realize the appropriate land development pattern is to maintain the existing characteristics generally associated with annexed areas until a specific plan is prepared that identifies the long term development pattern of a defined geographical area. Parcels designated as A-5-H Holding Zone are subject to the following:

1. Concurrent with approval of an annexation, the details of the A-5-H Zone and the responsibilities of all parties will be established by the City Council and included in an annexation agreement recorded against all properties included in the annexation. The agreement, among other items will include timing of installation of improvements, connection of existing structures to utilities, and satisfaction of the provisions of the agreement between Strawberry Electric Service District and Payson City in regards to electrical service.
2. Until a specific plan or development proposal is prepared and adopted by the City Council, development in the annexation area is limited to the following:
  - a. Each original parcel included in the annexation petition is entitled to a single (one-time) division into two separate parcels. Each parcel must satisfy the requirements of the A-5 Zone.

**19.6.6 Conventional Residential Zoning Districts (2-19-14)**

- 19.6.6.1 Purpose and Zone Characteristics
- 19.6.6.2 Permitted, Conditional and Accessory Uses
- 19.6.6.3 Lot Configuration
- 19.6.6.4 Lots Created Prior to Adoption of Ordinance
- 19.6.6.5 Setback Requirements
- 19.6.6.6 Projections into Setbacks
- 19.6.6.7 Building Height Requirements
- 19.6.6.8 Parking, Loading and Access
- 19.6.6.9 Project Plan Approval
- 19.6.6.10 Other Requirements

*19.6.6.1 Purpose and Zone Characteristics*

The residential zoning districts are established to preserve and enhance quality of living in residential neighborhoods, to regulate structures and uses which may affect the character or desirability of residential areas, to encourage a variety of dwelling types and locations and a range of population densities consistent with the Payson City General Plan, and to ensure adequate light, air, privacy and open space.

Because many of the characteristics of the single-family zones are similar and it is the intention of this Chapter to create a harmonious transition between adjacent zoning districts, the provisions of the primarily single family zoning districts have been combined in this Chapter. Proper implementation of this Chapter will result in a variety of lot sizes and housing options, while maintaining consistent qualities and amenities in the various zoning districts.

*19.6.6.2 Permitted, Conditional and Accessory Uses*

*Permitted and Conditional Uses*

The permitted and conditional uses in the residential zoning districts are identified in the chart below. Unless specifically listed, any other use is not a permitted use in the zone. Uses listed as conditional or accessory uses are allowed in the zone only in accordance with the criteria established in this ordinance.

LAND USE	ZONING DISTRICTS						
	R-1-20	R-1-15	R-1-12	R-1-10	R-1-9	R-1-75	R-2-75
Single family – detached	P	P	P	P	P	P	P
Two family dwellings – if approved as an RMO-1 Overlay Zone					P	P	P
Accessory apartment in accordance with Section 19.9.22	P	P	P	P	P	P	P
Residential facilities for the elderly or persons with a disability in accordance with Chapter 19.23	P	P	P	P	P	P	P
Religious buildings and structures	C	C	C	C	C	C	C
Schools (public, private and quasi-public)	C	C	C	C	C	C	C
Municipal government facilities	P	P	P	P	P	P	P
Parks and recreation facilities (public)	P	P	P	P	P	P	P
Parks and recreation facilities (private)	C	C	C	C	C	C	C
Water storage facilities, drinking or irrigation	C	C	C	C	C	C	C
Cemetery grounds and facilities	P	P	P				
Public or private utility rights-of-way	P	P	P	P	P	P	P
Public or private utility maintenance facilities	C	C	C	C	C	C	C
Subdivisions pursuant to Title 20	P	P	P	P	P	P	P

*Accessory Uses*

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

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

*19.6.6.3 Lot Configuration*

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

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

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

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

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

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

*19.6.6.4 Lots Created Prior to Adoption of Ordinance*

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

*19.6.6.5 Setback Requirements*

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

*19.6.7.11 Permissible Lot Coverage*

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

*19.6.7.12 Open Space*

Each project shall contain at least thirty (30) percent permanently maintained outdoor open space exclusive of buildings, parking, roadways, and other impervious surfaces. At least twenty-five (25) percent of the open space requirement must be sited and designed as usable open space for the residents of the project. Landscaped areas between the structures can only contribute up to five (5) percent of the open space requirement. In order to attain adequate open space, an applicant may consider higher structures, underground parking or parking structures. (4-1-20)

In general, the acreage set aside for storm water facilities should not be used toward the open space requirement. However, depending on the location, size, design, access and usability of the storm water facility, the City Council may, but is not obligated to, allow the acreage to be used to satisfy the open space requirement. At a minimum, the storm water basin must satisfy the following:

1. Placed in a centralized location within the project or reasonably connected to other project amenities.
2. The slope of the basin cannot be steeper than 5:1.
3. The size of the basin and adjacent landscaped area must consist of at least be at least ten (10) percent of the required open space requirement.
4. The landscaping treatments must be suitable for use by the residents of the projects and include amenities as deemed appropriate. (4-1-20)

*19.6.7.13 Landscaping*

Landscaping is an integral part of site development and all open areas not covered by residential buildings or structures, parking, or permitted accessory structures shall be attractively landscaped and maintained. Each multi-family project shall submit a complete landscaping plan, prepared by a licensed landscape architect or other qualified landscape professional, for review and approval. At a minimum, the landscaping plan shall include the following:

1. As a general rule, the landscape design shall address the following objectives:
  - a. Visual variety and interest to site and buildings;
  - b. Highlighting primary entry to a building and complex (vehicular and pedestrian);
  - c. Shading of gathering areas and buildings;

- d. Screening of parking areas, undesirable views, providing visual and noise buffer, and sheltering from wind.
2. Layered landscaping and a mix of deciduous and evergreen trees should be incorporated into the landscape design. As a guideline, the landscaping plan will need to indicate one (1) tree for every two (2) dwelling units, with the trees being a mixture of coniferous evergreen and deciduous trees. The coniferous trees shall be at least eight (8) feet in height and the deciduous trees shall be at least two (2) inches in caliper. Additionally, there shall be shrubs and other plantings included in the landscaping plan.
3. Landscaped areas must contain grass or other acceptable ground cover. Xeriscaping is encouraged, but shall not be used simply to reduce planting materials or overall project or maintenance costs.
4. All landscaped areas must be irrigated by an underground automatic sprinkling system connected to the pressurized irrigation system of Payson City.
5. Plant materials shall be selected and located to avoid conflicts with underground or above ground utilities.

*19.6.7.14 Parking, Loading and Access*

Each project in the RMF Zone shall provide adequate vehicular access to the site, internal circulation, and parking. Furthermore, pedestrian connections and networks will be integrated into the site and connect to adjoining public facilities. Each applicant must demonstrate the following:

1. Each unit shall have on the premises two (2) off-street parking spaces, one of which shall be covered. The spaces shall be hard surfaced with asphalt or concrete and be accessed from a public road by a hard surfaced, composed of asphalt or concrete, access.
2. Where possible, parking should be interior to the project and generally hidden from the public street. A build-to-line may be imposed to accomplish this design feature.
3. Site circulation will allow for and facilitate emergency access to the site and all buildings.
4. All required covered parking must be designed consistent with the roof pitch of the primary structures using the same roofing materials as the primary structures.
5. At a minimum, one (1) guest parking space for each four (4) dwelling units must be provided.
6. The off-street parking structures shall have architectural treatments that are consistent with the features of the primary structures including, but

Building design should enhance appearance of the buildings from public streets and other public view points. All sides of structures shall receive equal design consideration, particularly where they may be readily viewed by pedestrians and motorists, or from adjacent properties.

1. *Exterior Materials.* All buildings in the RMF Zone shall include brick, stucco, stone, or other decorative masonry products, including fiber-cement siding, as approved by the City Council upon recommendation by the Planning Commission. At least two different building materials shall be used on the front elevation and elevations viewable from the public street with at least ~~twenty five (25)~~ **forty (40)** percent of the vertical surface containing brick or stone. Garage doors, windows, and doors are not included in the vertical surface calculation. Vinyl and wood siding are not permitted; however, shake shingles may be permitted as an accent material as approved. The types of material will be complementary to the architectural design and heavier materials used lower on the building elevation to form the building base. **(4-1-20)**
2. *Colors.* Varied building colors are essential to a quality project. The use of different colors and materials helps to break up the massing of the building. A minimum of two colors per elevation, plus trim and roof color must be provided for consideration. Contrasting but complementary colors should be used for trim, windows, doors and ornamental features.
3. *Wall Plane.* There shall be a variation in wall plane on all facades visible from a public street or public view. It is expected that the highest level of articulation will occur on the front façade. However, some architectural detailing should be incorporated into all building elevations, as well as courtyards, play areas and similar common areas.
4. *Architectural Design.* Architectural elements, such as balconies, porches, overhangs, trellises, projections, awnings, insets, materials and textures should be used to create shadow patterns that contribute to a building's character and visual interest. Deep roof overhangs are encouraged to create shadows and add depth to façades, also helping to shade openings and windows.
5. *Massing.* Tall or large structures should emphasize horizontal planes through the use of trim, awnings, eaves, or a combination of complementary colors. The upper story of a multi-story building should be stepped to reduce the scale of façades facing streets or courtyards.
6. *Roofing Design.* Roof forms typical of residential buildings such as gable or hip roofs are

encouraged. For row-type townhouses, each unit should be varied in height and setback.

7. *Development Entrance Features.* Pedestrian and vehicular pavement designs will include material and/or color changes at entrances, walkways and crosswalks and other significant areas.

#### *19.6.7.17 Project Plan Approval*

Any request for project plan approval in the RMF Zone is subject to any and all applicable City resolutions and ordinances including the Subdivision Ordinance, Development Guidelines, and the Payson City General Plan. Specifically, project plans will be reviewed for consistency with the applicable regulations of Chapter 19.8 herein and Title 20, Subdivision Ordinance. (12-19-18)

1. Each applicant shall first submit a Concept Plan of the proposed development. Following review of the Concept Plan and after receiving staff comments, the applicant may prepare a Preliminary Development Plan and Construction Plans in accordance with this Title and the development standards of the Subdivision Ordinance.
2. Following review by staff, the Planning Commission will hold a public hearing to receive input about the Preliminary Development Plan. Notice of the public hearing will be in accordance with Section 19.2.7 herein.
3. Following a public hearing, the Planning Commission will forward a recommendation to approve, approve with conditions, or deny the Preliminary Development Plan.
4. After receiving a recommendation from the Planning Commission, the City Council may approve, amend and approve, approve with conditions, remand the proposed development back to the Planning Commission for further review, or deny the application for Preliminary Plan approval. (7-19-17)
5. Following approval of the Preliminary Development Plan by the City Council, the applicant may prepare the Final Development Plan. After their review, the City Council may approve, amend and approve, approve with conditions, or deny the application for Final Plat approval. The City Council, at their discretion, may approve the Preliminary Development Plan and the Final Plat concurrently. A copy of the Final Development Plan will be included in the Planning Commission packet for their review prior to final review by the City Council.
6. If the applicant and staff disagree on the architectural design, types of amenities, or

**19.6.8 RMO-1 Two-Family Residential Overlay Zone**

- 19.6.8.1 Purpose and Overlay Zone Characteristics
- 19.6.8.2 Permitted, Conditional and Accessory Uses
- 19.6.8.3 Lot Area
- 19.6.8.4 Lot Width
- 19.6.8.5 Lot Frontage
- 19.6.8.6 Setback Requirements
- 19.6.8.7 Projections into Setbacks
- 19.6.8.8 Building Height Requirements
- 19.6.8.9 Distance between Buildings
- 19.6.8.10 Permissible Lot Coverage
- 19.6.8.11 Parking, Loading and Access
- 19.6.8.12 Project Plan Approval
- 19.6.8.13 Other Requirements
- 19.6.8.14 Design Standards – Planned Residential Community (7-19-17)

*19.6.8.1 Purpose and Overlay Zone Characteristics*

The RMO-1 Two-Family Residential Overlay Zone is established to provide desirable and attractive neighborhoods by implementing infill principles to support efficient use of existing infrastructure, increase economic viability, improve neighborhood safety, and enhance neighborhood character. Application for use of the RMO-1 Overlay Zone should be carefully reviewed to ensure enhancement of existing development and neighborhoods. The RMO-1 Overlay Zone may be approved by the City Council in the R-1-9, R-1-75, and R-2-75 Zones. (7-19-17)

*19.6.8.2 Permitted, Conditional and Accessory Uses*

*Permitted Uses*

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

- 1. Single family dwellings
- 2. Two-family dwellings (duplex and twin homes)
- 3. Planned Residential Community (7-19-17)
- 4. Public or private utility rights-of-way
- 5. Parks and recreational facilities
- 6. Subdivisions pursuant to Title 20
- 7. Keeping of animals pursuant to Title 6 (8-7-02)

*Conditional Uses*

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

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

*Accessory Uses*

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

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

19.6.8.3 Lot Area

*Twin Home (separate ownership)*

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

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

*Duplex (single ownership)*

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

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

*Planned Residential Community (separate ownership with common area) (7-19-17)*

A Planned Residential Community shall have a minimum area of one (1) acre. The minimum average area per unit shall be sixty (60) percent of the area required in the underlying zone. If the overall Planned Residential Community meets the area per unit requirement as a whole, exclusive of roads, then individual units are not required to meet individual minimum lot sizes or widths. The area per unit shall meet the following area requirements:

Zone	Single Family Minimum Area Requirements	Planned Residential Community Area Requirements
R-1-9	9,000 square feet	5,400 sq. ft. per unit
R-1-75	7,500 square feet	4,500 sq. ft. per unit
R-2-75	7,500 square feet	4,500 sq. ft. per unit

19.6.8.4 Lot Width

*Twin Home (separate ownership)*

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

*Duplex (single ownership)*

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

19.6.8.5 Lot Frontage

*Twin Home (separate ownership)*

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

*Duplex (single ownership)*

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

*Planned Residential Community (separate ownership with common area)*

The Planned Residential Community shall abut a public street for a minimum total distance of two hundred (200) feet for the entire planned community. (7-19-17)

*19.6.8.6 Setback Requirements*

*Twin Home/Duplex*

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

- 1. Front setback - Each lot or parcel in the RMO-1 Zone shall have a minimum front setback of twenty-five (25) feet.
- 2. Side setback - Each lot or parcel in the RMO-1 Zone, unless otherwise noted below, shall have a minimum side setback of eight (8) feet.
  - a. Side setback for corner lot - Each corner lot or parcel in the RMO-1 Zone shall have a minimum setback on all areas of road frontage of twenty (20) feet. (12-7-16)
  - b. Side setback for driveway - Each side setback, when used for access to a garage, carport, or parking area shall have a minimum setback of twelve (12) feet and shall be hard surfaced.
  - c. Side setback for accessory building - The side setback for any permitted accessory building shall be a minimum of five (5) feet.
- 3. Rear setback - Each lot or parcel in the RMO-1 Zone shall have a minimum rear setback of twenty-five (25) feet, except as noted below.
  - a. Rear setback for corner lot – Each corner lot or parcel shall have a minimum setback of fifteen (15) feet. (12-7-16)
  - b. Rear setback for accessory building - An accessory building may not be located less than five (5) feet from the rear property line.

*Planned Residential Community (separate ownership with common area)*

The perimeter of a Planned Residential Community shall have a setback of no less than the required setback of any adjacent private property. If no adjacent private property, the perimeter setback may be reduced to twenty (20) feet. Internal setbacks within the community shall be appropriate for the neighborhood style and approved by the land use authority. (7-19-17)

*19.6.8.7 Projections into Setbacks*

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

- 1. Fences and walls in conformance with all applicable City ordinances and resolutions.
- 2. Landscaping and irrigation systems.
- 3. Necessary appurtenances for utility service.
- 4. Cornices, eaves, sills, buttresses, awnings, planter boxes or other similar architectural features may project up to four (4) feet into any required front or rear setback or up to two (2) feet into a side setback.
- 5. Patios, decks, and other structures as specified in Section 19.9.23 herein. (6-1-11)

*19.6.8.8 Building Height Requirements*

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

*19.6.8.9 Distance between Buildings*

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

*19.6.8.10 Permissible Lot Coverage*

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

*19.6.8.11 Parking, Loading and Access*

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

*19.6.8.12 Project Plan Approval*

Any request for project plan approval in the RMO-1 Overlay ~~Zone~~ is subject to any and all applicable City resolutions and ordinances including the Subdivision Ordinance, Development Guidelines, and the Payson City General Plan. (12-19-18)

Use of the RMO-1 Overlay ~~Zone~~ is a request for increased intensity in the permitted uses of the underlying zone. Therefore, any applicant for use of the RMO-1 understands and acknowledges that the development rights on the subject property are those found in the underlying zone until, and unless, approved to use the RMO-1 Overlay ~~Zone~~. The applicant further understands and acknowledges that denial for the use of the RMO-1 shall not constitute a takings claim in that the applicant shall not be denied the ability to use the property in accordance with the underlying zone.

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

In order to gain approval for the use of the RMO-1 Overlay ~~Zone~~, applicants should be willing to present a Concept Plan showing the proposed project. If the use of the RMO-1 Overlay ~~Zone~~ is approved, the applicant will be required to present complete project plans including infrastructure construction plans. Should the applicant choose, the project plans and approval for use of the RMO-1 Overlay ~~Zone~~ can be processed concurrently provided that the applicant acknowledges that all review fees must be paid in full, are non-refundable, and that approval of the RMO-1 Overlay ~~Zone~~ lies at the discretion of the City Council and may not be approved.

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

*19.6.8.13 Other Requirements*

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

1. Signs - The following signs, and no others, are allowed in the RMO-1 Overlay ~~Zone~~:
  - a. Name plates not exceeding two (2) square feet in area to identify the name and address of the occupant.
2. Landscaping - Each lot or parcel shall be completely landscaped except those areas used for buildings or parking. The landscaping shall be maintained using an automatic sprinkling system and shall be completed prior to issuance of a Certificate of Occupancy. (12-6-00)
3. Trash, junk, and other debris - No trash, used materials, unsightly storage of any kind, or non-licensed or abandoned vehicles shall be stored in an open area. All such materials shall be enclosed in a building or, if deemed to not be injurious to adjacent properties and appropriate by the City, behind a sight obscuring fence. (7-19-00)
4. Design Guidelines - Approval for the use of the RMO-1 Residential Overlay ~~Zone~~ indicates that the proposed use can be compatible with surrounding uses. Therefore, the City Council may require that certain design guidelines be employed in the project so that the project is compatible. The design guidelines may include, but are not limited to, architectural controls, colors, materials, building mass, innovative design of buildings and access, and any other features deemed appropriate by the City Council.
5. Underlying zoning - Unless otherwise allowed in this Chapter, all requirements of the underlying zone must be satisfied prior to project plan approval or issuance of a building permit.

**19.6.21 HD-O Historic District Overlay Zone**

- 19.6.21.1 Purpose and Objectives
- 19.6.21.2 Issuance of Licenses and Permits
- 19.6.21.3 Review of Applications for Compatibility
- 19.6.21.4 Relationship to Official Historical Sites
- 19.6.21.5 Guidelines for Historical Preservation and Code Compliance
- 19.6.21.6 Zone Area Requirements
- 19.6.21.7 Permitted, Conditional, and Accessory Uses

*19.6.21.1 Purpose and Objectives*

The purpose and objectives of the HD-O Historic District Overlay Zone include, but are not limited to, the following:

1. To preserve the historic and cultural heritage of the City.
2. To encourage reinvestment and maintenance of historic areas.
3. To stabilize and enhance property values.
4. To foster community pride.
5. To educate the public about the City’s past.
6. To promote new development that will enhance and protect the existing structures.
7. To promote tourism and economic development and redevelopment.
8. To strengthen the economy and improve the quality of life.

*19.6.21.2 Issuance of Licenses and Permits*

Licenses and permits shall not be issued for the construction or alteration of any building or structure, or the relocation of a building onto a lot, or for the change of the use in any land, building, or structure if the construction, alteration, moving, or change in use would be a violation of any of the provisions of this Chapter.

*19.6.21.3 Review of Applications for Compatibility*

Any proposed rezone to the HD-O Zone Overlay shall be reviewed by the Planning Commission and City Council for compatibility with the purposes and objectives of the zone. Using the zone to simply avoid compliance with any building code or any federal, state, county or local law, shall not be approved.

Approval for use of the HD-O Zone Overlay shall be completed in accordance with Section 19.2.8 herein. Likewise, repeal of the HD-O Zone Overlay shall be completed in accordance with Section 19.2.8 herein.

*19.6.21.4 Relationship to Official Historical Sites*

Properties located in the HD-O Zone Overlay are not necessarily listed as official historical sites by the City, State, or any Historical Society. Further, the buildings located in the HD-O Zone Overlay are not necessarily “historic” buildings as defined by age, but could be buildings constructed to simulate a “historic period” or building type.

*19.6.21.5 Guidelines for Historical Preservation and Code Compliance*

The guidelines found in this Section are in addition to, and do not necessarily take the place of any other adopted ordinance or resolution of Payson City, Utah County, the State of Utah, and the United States Government.

The Payson City Council may adopt any ordinance or resolution that will help property owners satisfy the provisions of this Section. The Council may also adopt the Uniform Conservation Code for areas that have been designated as an HD-O Zone Overlay.

*19.6.21.6 Zone Area Requirements*

Each HD-O Zone Overlay shall contain no less than one (1) full City block.

*19.6.21.7 Permitted, Conditional, and Accessory Uses*

Each HD-O Zone Overlay may be different in nature, focus and scope, and thus the permitted, conditional, and accessory uses shall be determined on a case-by-case basis by the City Council.

In order to determine the allowable uses, each application for a Historic District Overlay Zone shall include, at a minimum, the following information:

1. The area proposed to be included in the zone.
2. The reason for use of the zone in accordance with one or more of the criteria found in Section 19.6.23.1 herein.
3. Proposals for special requirements of the zone including architectural controls, materials, uses, themes, or other similar ideas.
4. Proposals for any boards, owners associations, review panels, or special approval procedures.
5. Any other information that will assist the Planning Commission and City Council to determine appropriate characteristics and controls leading to the success of the proposal.
6. Proposed setback, width, frontage, parcel size and other requirements of the zone.

**19.6.22 HR-O Historic Residential Overlay Zone**

- 19.6.22.1 Purpose and Objectives
- 19.6.22.2 Issuance of Licenses and Permits
- 19.6.22.3 Review of Applications for Compatibility
- 19.6.22.4 Relationship to Official Historical Sites
- 19.6.22.5 Guidelines for Historical Preservation
- 19.6.22.6 Zone Area Requirements
- 19.6.22.7 Permitted, Conditional, and Accessory Uses
- 19.6.22.8 Parcel Requirements

*19.6.22.1 Purpose and Objectives*

The purpose and objectives of the HR-O Historic Residential Overlay Zone include, but are not limited to, the following:

1. To preserve historic and cultural heritage.
2. To encourage reinvestment and maintenance of historic homes.
3. To stabilize and enhance property values.
4. To foster community pride.
5. To educate the public about the City’s past.

*19.6.22.2 Issuance of Licenses and Permits*

Licenses and permits shall not be issued for the alteration of any building or structure, or the relocation of a building onto a lot, or for the change of the use in any land, building, or structure if the alteration, moving, or change in use would be a violation of any of the provisions of this Chapter.

*19.6.22.3 Review of Applications for Compatibility*

Any proposed use of the HR-O Zone Overlay shall be reviewed by the Planning Commission and City Council for compatibility with the purposes and objectives of the zone. Applications for use of the zone to simply avoid compliance with any building code or any federal, state, county or local law shall not be approved.

Approval for use of the HR-O Zone Overlay shall be completed in accordance with Section 19.2.8 herein. Likewise, repeal of the HR-O Zone Overlay shall be completed in accordance with Section 19.2.8 herein.

*19.6.22.4 Relationship to Official Historical Sites*

Properties located in the HR-O Zone Overlay should be listed as official historical sites by the City, State, or Historical Society. Further, the buildings located in the HR-O Zone Overlay should be defined as “historic” buildings as defined by the following criteria:

1. It is at least fifty (50) years old.

2. It is virtually intact as originally constructed, except for appropriate maintenance and repairs, with limited alterations.
3. It is associated with events of historic nature in Payson City, Utah County, the State of Utah, the United States, or any Indian Nation.

*19.6.22.5 Guidelines for Historical Preservation*

The guidelines found in this Section are in addition to, and do not necessarily take the place of any other adopted ordinance or resolution of Payson City, Utah County, the State of Utah, and the United States Government.

The Payson City Council may adopt any ordinance or resolution that will help property owners satisfy the provisions of this Section. The Council may also adopt the Uniform Conservation Code for areas that have been designated as an HR-O Zone Overlay.

*19.6.22.6 Zone Area Requirements*

Each HR-O Zone Overlay may be as small as a single home, but may include several homes.

*19.6.22.7 Permitted, Conditional, and Accessory Uses Permitted Uses*

The following uses, and no others are permitted uses in the HR-O Zone Overlay:

1. Single family dwellings
2. Apartments, boarding houses, or condominium units (limited to the existing historic structures)
3. Bed and breakfast establishments
4. Museums

*Conditional Uses*

The following uses, and no others are conditional uses in the HR-O Zone Overlay:

1. Restaurants, provided there is ample parking and the use is compatible with surrounding uses.
2. Antique and other specialty shops.

*Accessory Uses*

The following uses, and no others are accessory uses in the HR-O Zone Overlay:

1. Enclosed storage facilities, only when implemented as an accessory use to a permitted or conditional use as defined in this Section.

*19.6.22.8 Parcel Requirements*

The parcel requirements are the same as those listed in the underlying zone, unless the parcel qualifies as an existing and legal non-conforming use.

(RESERVED)

**19.6.23 FP O Floodplain Overlay Zone**

- 19.6.23.1 Purpose and Intent
- 19.6.23.2 Permitted Uses
- 19.6.23.3 Official Floodplain Overlay Map
- 19.6.23.4 Disclaimer of Liability
- 19.6.23.5 Development Standards
- 19.6.23.6 Specific Definitions
- 19.6.23.7 Alteration of Watercourses
- 19.6.23.8 Variance Procedure
- 19.6.23.9 Provisions for Flood Hazard Reduction
- 19.6.23.10 Subdivision Proposals
- 19.6.23.11 Floodway

*19.6.23.1 Purpose and Intent*

In accordance with §10-9a-501 Utah Code Annotated, 1953, as amended, the FP O Floodplain Overlay Zone has been established to provide an environment in and around flood plains which will protect the natural environment, human life and minimize property losses. (1-18-06)

Regulations in this zone shall be in addition to the regulations established under the provisions of the underlying zone. Property within the FP O Zone shall be developed only in conformance with the provisions of this Section. The flood hazard areas of Payson City are subject to periodic inundation, which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

It is the purpose of this Section to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions. This Section shall apply to all areas of special flood hazards within the jurisdiction of Payson City and any areas of special flood hazard identified by the Federal Emergency Management Agency. (7-6-05)

This Section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this Section and any other law, ordinance, resolution, easement, covenant, or deed restriction conflict or overlap, the regulation that imposes the more stringent restrictions shall prevail. (7-6-05)

*19.6.23.2 Permitted Uses*

Uses permitted in the FP O Zone are those permitted in the underlying zone except that all uses involving construction of permanent buildings or structures, or placement of fill materials shall require the issuance of a Conditional Use Permit in accordance with Chapter 19.13 herein. All uses established in the FP O Zone shall meet the conditions and standards set forth in this Section using the following as criteria for any conditions:

1. The proposal conforms to the legislative intent of this Section. (7-6-05)
2. All proposals for new construction or for substantial improvements to existing structures in the FP O Zone must be adequately protected against flood damage, designed (or modified) and anchored to prevent floatation, collapse, or lateral movement of the structure. All construction methods and practices utilized will be designed to minimize potential flood damage. (7-6-05)
3. New construction or improvements to existing water supply systems will be designed to minimize or eliminate infiltration of floodwaters into the system and discharges from the system into floodwater. (7-6-05)
4. New construction or substantial improvements of existing structures in the area of special flood hazards shall have the lowest floor (including basements) elevated to, or above, the level of the one hundred (100) year flood. (7-6-05)
5. Fill or encroachments within the designated floodway will not impair ability to carry and discharge the water resulting from the one hundred (100) year flood, except where the effect on flood heights is fully offset by stream improvements. (7-6-05)
6. Any use, placement of any structure, or any other modification of the floodway shall be consistent with the regulations of the Federal Emergency Management Agency. (7-6-05)

*19.6.23.3 Official Flood Plain Overlay Map*

The FP O applies to all lands within the City that have been shown as being located within the boundaries of the floodplain on the Official Zone Map of the City or on the Flood Insurance Rate Map prepared by the Federal Emergency Management Agency. It is reasonable to assume that the precise location of the one hundred (100) year floodplain is subject to change overtime. Therefore, it is hereby stated that it is the intention of the City Council by enacting the regulations of this Section to protect the one hundred (100) year floodplain. The boundaries of the floodplain shall be determined by scaling distances on the Official Zone Map, which is subject to change upon the presentation of new or more accurate data. Where interpretation is needed as to the

exact location of the boundaries of the floodplain, the Planning Commission shall make the necessary interpretation. Any person contesting the location of the zone boundary shall be given a reasonable opportunity to present technical evidence. (7-6-05)

*19.6.23.4 Disclaimer of Liability*

The degree of flood protection required by this Section is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or flood heights may be increased by manmade or natural causes, such as bridge and culvert openings restricted by debris.

This Section does not imply that areas outside of the boundaries of the floodplain or land uses permitted within such zones will be free from flooding or flood damages. Further, this Section shall not create liability on the part of the City or any officer or employee for any flood damages that result from reliance on this Section or any administrative decision lawfully made hereunder. (7-6-05)

*19.6.23.5 Development Standards*

All construction within floodplain boundaries shall comply with City standards as established by the City Council. Any development in the FP-O Zone shall satisfy the following requirements: (7-6-05)

1. Uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities are prohibited.
2. Uses vulnerable to floods, including facilities which serve the uses, shall be protected against flood damage at the time of initial construction.
3. Alteration of the natural floodplain, stream channels, and natural protective barriers, which help accommodate or channel floodwaters, is not permitted.
4. The construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas are prohibited.

A development permit shall be obtained before construction or development begins within any area of special flood hazard. Application for a development permit shall be made on forms furnished by the Development Services Department and may include, but is not limited to:

1. Plans drawn to scale showing the nature, location, dimensions, and elevations of the area in question.
2. Existing and proposed structures, fill, storage of materials, and drainage facilities.

3. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures.
4. Certification by a registered professional engineer or architect that the flood-proofing methods for any non residential structure meet adequate flood criteria. (7-6-05)
5. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

When base flood elevation data has not been provided, staff shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from any Federal, State, or other source as criteria for requiring that new construction, substantial improvements, or other developments are reviewed properly.

*19.6.23.6 Specific Definitions*

The following definitions are specific to this Section:

1. Area of special flood hazard means the land in the floodplain subject to a one (1) percent or greater chance of flooding in any given year.
2. Base flood means the flood having a one (1) percent chance of being equaled or exceeded in any given year.
3. Development means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.
4. Flood insurance study means the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, and the water surface elevation of the base flood. (7-6-05)
5. Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor.
6. New construction means structures for which the start of construction commenced on or after the effective date of this Section.
7. Substantial improvement means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure.

*19.6.23.7 Alteration of Watercourses*

Prior to any alteration of a watercourse, the City shall, at the applicant's expense:

1. Notify the Federal Emergency Management Agency, adjacent communities and the Utah Office of Comprehensive Emergency Management Agency prior to any alteration or relocation of a watercourse. (7-6-05)
2. Require that maintenance is provided within the altered or relocated portion of the watercourse so that the flood capacity is not diminished. (7-6-05)

*19.6.23.8 Variance Procedure*

The Board of Adjustment shall hear and decide appeals and request for variances when it is alleged there is an error in any requirement, decision, or determination made by staff in the enforcement or administration of this Section.

The Board of Adjustment shall consider statutory regulations of variances listed the Utah Code Annotated, all technical evaluations, all relevant factors, standards specified in this Section, and: (7-6-05)

1. The danger that materials may be swept onto other lands to the injury of others.
2. The danger to life and property due to flooding or erosion damage.
3. The susceptibility of the proposed structure and its contents to flood damage and the effect of such damage on the individual owners.
4. The availability of alternative locations for the proposed use that are not subject to flooding or erosion damage.
5. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
6. The safety of access to the property in times of flood for ordinary and emergency vehicles.
7. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected on site.
8. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, streets and bridges.

Upon consideration of these factors and the purposes of this Section, the Board of Adjustment may attach conditions to the granting of variances, as it deems necessary to further the purposes of this Section. Staff shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Emergency Management Agency.

Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

Variances shall only be issued upon a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship to the applicant, and a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public.

*19.6.23.9 Provisions for Flood Hazard Reduction.*

In all areas of special flood hazards, the following standards are required:

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure and capable of resisting the hydrostatic and hydrodynamic loads.
2. All manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement and capable of resisting the hydrostatic and hydrodynamic loads. Methods of anchoring may include, but are not limited to use of over the top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
3. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
4. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.
7. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

*19.6.23.10 Subdivision Proposals*

All subdivision proposals shall be consistent with the need to minimize flood damage, have public utilities and facilities such as sewer, gas electrical, and water systems located and constructed to minimize flood damage, and base flood elevation data shall be provided for subdivision proposals and other proposed development that contain five (5) or more acres. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage. New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated to or above the base flood elevation.

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to the level of the base flood elevation.

*19.6.23.11 Floodways*

Located within areas of special flood hazard are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris, potential projectiles, and erosion potential, the following provision shall apply:

1. Encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge are prohibited.

### 19.6.24 AGP-O Agriculture Protection Overlay Zone

- 19.6.24.1 Purpose and Objectives
- 19.6.24.2 Issuance of Licenses and Permits
- 19.6.24.3 Review of Rezoning for Compatibility
- 19.6.24.4 Right to Farm Provisions
- 19.6.24.5 Zone Area Requirements
- 19.6.24.6 Permitted, Conditional, and Accessory Uses
- 19.6.24.7 Parcel Requirements

#### 19.6.24.1 Purpose and Objectives

The purpose and objectives of the AGP-O Agricultural Protection Overlay Zone include, but are not limited to, the following:

1. To preserve agricultural areas and uses
2. To protect agriculture from development
3. To maintain a rural atmosphere in the community

#### 19.6.24.2 Issuance of Licenses and Permits

Licenses and permits shall not be issued for the construction or alteration of any building or structure, or the relocation of a building onto a lot, or for the change of the use in any land, building, or structure if the construction, alteration, moving, or change in use would encroach upon, or inhibit agricultural pursuits.

#### 19.6.24.3 Review of Rezoning for Compatibility

Any proposed rezoning to the AGP-O Zone Overlay shall be reviewed by the Planning Commission and City Council for compatibility with the purposes and objectives of the zone.

Rezoning to the AGP-O Zone Overlay shall be completed in accordance with Section 19.2.8 herein. Likewise, repeal of the AGP-O Zone Overlay shall be completed in accordance with Section 19.2.8 herein.

#### 19.6.24.4 Right to Farm Provisions

Properties located in the AGP-O Zone Overlay are entitled to certain right to farm provisions. These provisions include the following:

1. Any property located within five hundred (500) feet of an AGP-O Zone Overlay proposed to be developed shall provide information about how the proposed development will affect existing agriculture.
2. It is hereby a policy of the City that complaints of normal smells, dust, hours of operation, and similar ordinary agricultural uses shall be discarded unless it can be shown that the agriculture in the area has become unusual since approval of the development.

3. Residential developments along the borders of the AGP-O Zone Overlay shall be discouraged.

#### 19.6.24.5 Zone Area Requirements

Each AGP-O Zone Overlay shall contain no less than ten (10) acres. (3-21-01)

#### 19.6.24.6 Permitted, Conditional, and Accessory Uses

The following uses, and no others, are permitted uses in the AGP-O Zone Overlay:

1. Agriculture and forestry
2. Keeping of animals pursuant to Title 6
3. Single family dwellings - detached
4. Public or private utility rights-of-way
5. Parks and recreational facilities (8-7-02)

#### Conditional Uses

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

1. Agricultural support facilities
2. Ranch or farm employee dwellings (limited to one unit per ten (10) acres of land area which must be reviewed and renewed every three (3) years)
3. Water storage facilities, drinking or irrigation
4. Public or private utility maintenance facilities

#### Accessory Uses

The following list of land use types are allowed as accessory uses in the AGP-O Zone Overlay. Unless specifically listed, any other use is not allowed as an accessory use in the zone. Any accessory use must be clearly incidental to a permitted or conditional use of the property.

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

#### 19.6.24.7 Parcel Requirements

The parcel requirements are the same as those listed in the underlying zone, unless the parcel qualifies as an existing and legal non-conforming use.

**19.6.25 I-O Infill Overlay Zone**

- 19.6.25.1 Purpose and Objectives
- 19.6.25.2 Review of Applications for Compatibility
- 19.6.25.3 Guidelines for Neighborhood Preservation
- 19.6.25.4 Zone Area Requirements
- 19.6.25.5 Permitted, Conditional, and Accessory Uses
- 19.6.25.6 Duration
- 19.6.25.7 Structure Placement
- 19.6.25.8 Special Considerations

*19.6.25.1 Purpose and Objectives*

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

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

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

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

*19.6.25.2 Review of Rezoning for Compatibility*

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

*19.6.25.3 Guidelines for Neighborhood Preservation*

Use of the I-O, Infill Overlay Zone to create a flag lot is highly discouraged. A flag lot shall not be permitted in any location where the use of a through street or cul-de-sac would result in a more efficient land use pattern, better emergency access, connectivity, proper installation of infrastructure, or increased harmony in the neighborhood. It is the responsibility of the applicant to demonstrate that a flag lot is preferable to all alternatives, including street alternatives, such as alleys, through streets, and cul-de-sacs; housing alternatives, such as clustered housing or other infill development housing types; and potential future redevelopment alternatives. In assessing redevelopment alternatives, the land use authority shall consider, at the very least, the impact of the flag lot on neighborhood redevelopment cycles, future redevelopment opportunities, and the redevelopment potential of adjoining properties. When alternative development potential exists, or will exist, and the flag lot is not preferable to every alternative, a flag lot shall not be permitted. (12-19-18)

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

*19.6.25.4 Zone Area Requirements*

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

*19.6.25.5 Permitted, Conditional, and Accessory Uses*

The permitted, conditional, and accessory uses are the same as the underlying zone. The overlay permits site modification, such as modified setbacks and a reduction in lot frontage and lot area requirements. (12-19-18)

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

1. The lots or parcels proposed to be included in the zone.
2. The reason for the overlay **zone** request and how the request relates to the purpose and objectives herein. (12-19-18)
3. Proposals for special requirements of the zone including architectural controls, materials, uses, massing, or other similar ideas.
4. A detailed explanation of how the proposed use will be compatible and consistent with the existing neighborhood.
5. Any other information that will assist the Planning Commission and City Council determine appropriate characteristics and controls leading to the success of the proposal.
6. Proposed setback, width, frontage, parcel size and other requirements of the zone.

*19.6.25.6 Duration*

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

*19.6.25.7 Structure Placement*

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

1. *Setbacks* – Each structure in the I-O Infill Overlay **Zone** shall satisfy the setback requirements of the underlying zone except when the land use authority determines a modified setback satisfies the land use goals of the city and is consistent with the neighborhood look and feel. The front setback for a flag lot shall be measured at the point where the access (flag pole) connects to the remaining area (flag portion) of the parcel. (12-19-18)
2. *Frontage* – The front of each residential structure approved for use of an I-O Infill Overlay **Zone** shall face the public right-of-way from which the access is obtained. When possible, each residential structure shall be situated in a manner as to be seen from the public right-of-way from which the access is obtained.
3. *Public Safety* – Access for flag lots shall be at least twenty (20) feet in width and shall be hard surfaced using asphalt or concrete and shall be unobstructed for use by public safety vehicles at all times. Each flag lot shall provide an adequate turn around for public safety vehicles. Each

residential structure will be identified at the entrance from the public right-of-way from which access is obtained by a carriage light that includes the address of the residential structure. Furthermore, the Fire Chief or Police Chief may impose additional requirements if deemed necessary to provide proper protection of a flag lot. (5-16-12)

4. *Public Utilities* – A public utility easement shall be recorded around the perimeter of the parcel. All utilities outside of the public right-of-way are the ownership and maintenance responsibility of the property owner. (9-1-04)

*19.6.25.8 Special Considerations*

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

1. Each applicant for the use of the I-O Infill Overlay **Zone** shall provide notice of the request to the owners of property within two hundred fifty (250) feet, in any direction of the proposed project, except when property is intended to be subdivided in accordance with Title 20, Subdivision Ordinance wherein the notification provisions of Title 20 shall apply. (2-7-07)
2. The land use authority may authorize a reduced lot width and/or size if the proposed width and/or size fulfills the land use goals of the city and is consistent with the neighborhood look and feel. (12-19-18)
3. Use of the overlay shall not apply to greenfield development. The overlay shall only apply to lots and parcels in an existing neighborhood. (12-19-18)
4. All structures must be compatible with surrounding development. Design requirements and other conditions, such as fencing and landscaping, may be placed upon any application to reduce the potential for adverse impact on the existing neighborhood. (12-19-18)
5. Access to any structure shall be approved by the Fire Chief. At a minimum, the access shall be at least twenty (20) feet in width and hard surfaced with concrete or asphalt. (12-19-18)

### 19.6.26 AD-O Accessory Dwelling Overlay ~~Zone~~ (7-5-06)

- 19.6.26.1 Purpose and Objectives
- 19.6.26.2 Legislative Deference
- 19.6.26.3 Review for Applicability
- 19.6.26.4 Zoning Regulations and Uses
- 19.6.26.5 Duration
- 19.6.26.6 Special Considerations

#### *19.6.26.1 Purpose and Objectives*

Payson City encourages the effective use of property in all commercial zones in the community. In some instances, due to accessibility, poor commercial space or the need for more consistent clientele there may be some limited opportunities for residential development in the commercial zones of the City. When an applicant is able to demonstrate the need for residential dwellings and that the dwellings will not inhibit the primary objectives of the commercial zone, use of the AD-O Overlay ~~Zone~~ may be granted by the City Council. The objectives of the AD-O Accessory Dwelling Overlay ~~Zone~~ include, but are not limited to, the following:

1. To allow the owners of existing commercial buildings with building space not conducive to commercial uses to use the space for residential purposes. (3-4-09)
2. To allow residential uses on second story or higher levels or in the basement areas of commercial structures where proper accessibility and exiting is a challenge.
3. To encourage reinvestment and maintenance of existing commercial structures which contain ineffective commercial space. (3-4-09)
4. To enhance commercial property values and broaden the market for existing commercial structures.
5. When an applicant is able to demonstrate that it is appropriate, it may be acceptable to locate accessory apartments in newly constructed buildings under certain circumstances. However, the residential uses must be ancillary to the commercial use of the structure. Furthermore, all residential uses in new commercial structures shall be located on second story or higher levels. (3-4-09)
6. Each applicant seeking approval for use of the overlay ~~zone~~ must demonstrate that the residential use will not inhibit or restrict potential or necessary redevelopment of the site. (3-4-09)
7. An accessory dwelling unit will not be allowed if it can be shown that a structure is not suitable for the construction of an accessory dwelling. (3-4-09)

Use of the AD-O Accessory Dwelling Overlay ~~Zone~~ is a request for increased intensity in the permitted uses of the underlying zone. Applicants for use of the AD-O Overlay ~~Zone~~ are hereby notified that the development rights on the subject property are those found in the underlying zone until, and unless, approval to use the AD-O Overlay ~~Zone~~ is granted by the City Council. Denial of a request to use the AD-O Overlay ~~Zone~~ will not constitute a takings claim because the applicant will not be denied the ability to use the property in accordance with the underlying zone.

The AD-O Accessory Dwelling Overlay ~~Zone~~ may be utilized in the commercial zones of Payson City including the GC-1, General Commercial Zone; S-1, Special Highway Services Zone; NC-1, Neighborhood Commercial, and the CAP, Commercial, Arts and Parks Zone. Approval for the use of the AD-O Overlay ~~Zone~~ shall be processed in the same manner as a zone change in accordance with Section 19.2.8 herein, with the exception that approval for the use of the AD-O Overlay ~~Zone~~ need not be shown on the Zoning Map. (8-2-07)

#### *19.6.26.2 Legislative Deference*

Use of the AD-O Overlay ~~Zone~~ is a legislative decision of the City Council. The City Council is under no obligation to approve the use of the overlay ~~zone~~ and may deny the request for any debatable reason. Furthermore, there is no precedent established by any decision of the City Council in relation to use of the AD-O Overlay ~~Zone~~.

#### *19.6.26.3 Review for Applicability*

In addition to the objectives identified in Section 19.6.28.1 above, each application for use of the AD-O Overlay ~~Zone~~ shall be reviewed by the Planning Commission and City Council for applicability with the purposes and objectives of the underlying zone to ensure that residential uses will not inhibit the primary land use goals of the zoning district. (3-4-09)

#### *19.6.26.4 Zoning Regulations and Uses*

The property in the commercial zones of the City is intended primarily for retail sales tax generation and to provide other commercial services. Therefore, any residential use must be clearly ancillary to the primary, or commercial, use of the building. Use of the AD-O Overlay ~~Zone~~ will not be allowed on any parcel that contains a non-conforming use of the underlying zone. Accessory dwellings that impede commercial purposes should not be approved.

If the City Council determines that an accessory dwelling will not negatively impact the primary objectives of the underlying zone, the City Council

may allow use of the AD-O Overlay ~~Zone~~. The guidelines found in this Section are in addition to, and do not necessarily take the place of any other adopted ordinance or resolution of Payson City, Utah County, the State of Utah, and the United States Government.

The uses allowed in the AD-O Overlay ~~Zone~~ include the following:

1. Second story or higher (above grade) or basement (below grade) residential dwelling units provided the residential use of the structure has a floor area ratio of 2:1 (two (2) square feet of commercial space for every square foot of residential space).
2. Each accessory dwelling must maintain a private kitchen area and a private bathroom facility that is separated from the commercial area. (3-4-09)
3. Incidental storage areas for residents must be located within the structure and will be included in the 2:1 commercial use/residential use ratio calculation. Outdoor storage is not permitted. (3-4-09)

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

1. The structures or parcels proposed to be included in the zone.
2. The reason for the zone change request in accordance with one or more of the criteria found in Section 19.6.28.1 herein.
3. Proposals for special requirements of the zone including architectural controls, materials, uses, massing, or other similar ideas.
4. A detailed explanation of how the proposed use will be compatible and consistent with the uses in the general vicinity. (3-4-09)
5. Any other information that will assist the Planning Commission and City Council in determining appropriate characteristics and controls leading to the success of the proposal. (3-4-09)
6. The applicant must demonstrate that the residential use is the only appropriate use for the space occupied by the accessory apartment.

#### 19.6.26.5 Duration

Unless otherwise specified by the City Council, approval of the overlay ~~zone~~ shall be valid for one year. The City Council may require the applicant to obtain approval on an annual basis, which the City Council is not obligated to approve. If substantial construction of the proposed accessory dwelling has not been completed within one year, the approval for use of the overlay ~~zone~~ shall be null and void.

Compliance with the regulations of the overlay ~~zone~~ and the conditions of the City Council will be monitored by review of a recorded Certificate of Present Condition in the office of the Utah County Recorder. The City maintains the right to enter the premises approved for use of the AD-O Overlay ~~Zone~~ to inspect and ensure that the provisions of the Certificate remain intact. (3-4-09)

#### 19.6.26.6 Special Considerations

The following issues must be appropriately addressed by each applicant for use of the AD-O Overlay ~~Zone~~:

1. Residential uses must be clearly incidental and ancillary to the commercial uses of the building. Therefore, in order to occupy the residential space in a commercial building, all of the following must apply:
  - a. The commercial space of the building must be completed and ready to occupy.
  - b. The residential space may not exceed the floor area ratio established in Section 19.6.28.4 herein.
  - c. The parking required in this Section shall not reduce the parking available or impede patron parking for the commercial portion of the structure.
2. Access to each dwelling unit is critical. The following access regulations must be satisfied:
  - a. All access to the residential units shall be kept unobstructed for use by public safety personnel at all times.
  - b. The access for the residential structure shall not be the same access as used for the commercial business, nor shall it be on the same side of the structure unless it can be shown that the residential access will have no detrimental effect on the current or future commercial business.
3. The owner of each residential unit shall obtain approval for an address and conform to any regulations of the United States Postal Service. The address shall be posted in a location approved by the public safety providers of Payson City.
4. Each residential unit shall have, at a minimum, private kitchen, bathroom and sleeping quarters.
5. All applicable local, state and federal habitation standards established for minimum size of living spaces must be satisfied. (3-4-09)
6. Each residential unit must be assigned parking spaces that do not interfere with the primary purposes of the zoning district. An applicant must be able to demonstrate or create adequate parking for both the commercial uses of the structure and each additional dwelling unit in accordance with Chapter 19.4 herein.

19.6.27 TS-O Transit Station Overlay Zone (10-1-08)

- 19.6.27.1 Purpose and Objectives
- 19.6.27.2 Establishment
- 19.6.27.3 Transit Station Boundaries
- 19.6.27.4 Use Regulations
- 19.6.27.5 Density
- 19.6.27.6 Street Standards
- 19.6.27.7 Streetscapes
- 19.6.27.8 Sidewalk and Pedestrian Circulation
- 19.6.27.9 Parking Requirements
- 19.6.27.10 Architectural, Building and Site Design Standards
- 19.6.27.11 Open Space Requirements
- 19.6.27.12 Landscaping Standards
- 19.6.27.13 Lighting Standards
- 19.6.27.14 Sign Regulation
- 19.6.27.15 Development Plan

19.6.27.1 Purpose and Objectives

The Transit Station Overlay Zone is established to promote transit-oriented development in areas that are generally located within an approximate 1/2 mile of transit stations or rapid transit stations.

The Transit Station Overlay Zone shall consist of a Transit Community Station located near an existing or future commuter rail transit stop, bus rapid transit, light rail, or other mass transit modes of transportation in the City as set forth on the General Plan map. The Transit Station Overlay Zone is intended to work as an incentive to create a high-density residential mixed-use and pedestrian friendly neighborhood with an effort to include freeway service and a unique transit service environment. The purposes and objectives of the overlay zone are as follows and these purposes and objectives shall be considered pursuant to any rezone request or use of the overlay zone:

1. Permit and support higher development densities to encourage the utilization of mass transit, and alternative modes of transportation other than the automobile.
2. Allow for mixed land uses that contain a flexible arrangement of residential, commercial and mixed-use developments, while adopting detailed urban development standards to ensure compatibility between the uses and pedestrian activity.
3. Minimize distances between destinations by providing for a number of conveniences and uses, which are compatible with one another and which are within an approximate 1/2-mile walking

- distance of each other, (i.e., home to office, home to retail service, or office to retail service).
4. Promote pedestrian-friendly design and architectural structuring that encourages walking and bicycling.
5. Reduce transportation spending and increase housing through the lessening of transportation development and maintenance costs.
6. Decrease auto dependency by providing alternative methods of transportation, and provide planning methods that take into consideration those who prefer not to drive or own an automobile.
7. Create and enhance cultural use areas that promote neighborhood and local social activities.
8. Integrate open spaces, plazas, courtyards and pocket parks and connect these areas to all other uses in the station Zone and continue on into the existing community of Payson.
9. Provide for a development plan that has economic viability, where the City will benefit from the project as a whole in the form of sales tax generation, private investment and the creation of new jobs by the extension of the rapid commuter rail line and potentially light rail lines, bus rapid transit lines or trolley service into the City.
10. Allow for greater flexibility in street and road infrastructure features that distinguish the area as unique and create a distinctive ambiance to the development.
11. Create a connection over I-15 to the established areas and areas of interest in Payson. Provide a visual and physical connection between East and West.

19.6.27.2 Establishment

The Transit Station Overlay Zone is a use designation applied in addition to the established underlying zoning Zone currently in place. However, it is unique to a specific area within the City. ~~The Transit Station Overlay Zone shall be designated on the official Zoning Map by affixing the suffix "TSOZ" in parenthesis after the underlying zoning in which the overlay is located, i.e., S-1 (TSOZ).~~ The regulations of the Transit Station Overlay Zone may modify or override the regulations of the underlying zone.

19.6.27.3 Transit Station Boundaries

The Payson City Commuter Rail Station Community located within the Transit Station Overlay Zone is a small area development. The Community Plan and project within an approximate 1/2-mile radius of the proposed transit station site shall contain a mix of compact but compatible uses. The multiple uses in this station community consist primarily of multi-family, commercial, retail, office, and mixed uses. The highest

development densities within the overlay **zone** area shall be allowed within this station community. All land uses are to be pedestrian oriented and well-connected to open spaces, parks, plazas and social gathering areas. A large multi-transit station hub will be located within the station community. This station is also intended to serve the light industrial and commercial work force in and around the City. Transit riders served by this transit station will primarily be going to, or coming from work. It will be necessary to serve the area with improved pedestrian network systems for safe walking, and it will be vital for this station to accommodate a park-and-ride lot and additional transportation opportunities. It may also benefit some of the large businesses in the area to serve their transit riders with shuttles.

*19.6.27.4 Use Regulations*

1. *Permitted principal uses.* Principal uses permitted in the Transit Station Overlay **Zone** are those permitted by the provisions of the underlying zone.
2. *Permitted accessory uses.* Accessory uses permitted in the Transit Station Overlay **Zone** shall be the same as for the underlying zone.
3. *Uses.* Uses allowed in the Transit Station Overlay **Zone** are listed below. Those uses identified as “permitted” are allowed by right provided that they comply with all other requirements of this Chapter, and all other requirements of the development ordinances of Payson City. Uses identified as “conditional” are to be approved by the Planning Commission and City Council pursuant to the standards and procedures for conditional uses set forth in Chapter 19.13, and shall comply with all other applicable requirements of this Title. Permitted and Conditional Uses in the Transit Station Overlay **Zone** are the same as those in the underlying zone, and in addition the uses shown in the applicable tables below. Uses not specifically listed in this Section or in the underlying zone shall not be allowed.

**Permitted Uses**

1. Permitted principal uses (see above)
2. Banks, credit unions without drive-up service windows integrated into a multi-tenant structure.
3. Bed and breakfast establishments
4. Farmers market
5. Retail establishments up to 30,000 square feet
6. Hotel and motel
7. Medical and dental offices

8. Mixed-use development, including high density residential
9. Municipal facilities and services
10. Office, professional and service businesses
11. Restaurants and outdoor dining
12. Park and Ride lots
13. Parking structures
14. Produce and flower stands
15. Transit station structures and facilities
16. Recreational facilities (indoor and outdoor)

**Conditional Uses (within ¼-mile radius)**

1. Auditorium or stadium
2. Club or service organization
3. Drive-up automated teller machines
4. Health & fitness facility
5. Liquor store
6. Off-site parking
7. Restaurant (drive-through)

*19.6.27.5 Density*

The following density requirements shall apply to all residential uses in the applicable Transit Station Overlay **Zone**. The Payson Transit Station Overlay **Zone** shall allow for a minimum of fifteen (15) units per acre of residential density with a maximum of twenty-five (25) units per acre on the gross acreage. The actual density allowed pursuant to any development application shall be subject to the approval of the development plan by the Planning Commission and City Council.

*19.6.27.6 Street Standards*

All streets developed and maintained within the Transit Station Overlay **Zone** development shall be developed to technical standards established by the City for the class of street being constructed. However, in instances where the developer can show that, due to severe topography, security requirements, or other special circumstances, that dedication or development to City standards is impractical or undesirable, the City Council, after receiving recommendation from the Planning Commission, may approve modified street standards as part of the final development plan, which may include a reduced street width to facilitate the walkable community.

*19.6.27.7 Streetscapes*

Building line frontages contribute to the public streetscape and therefore are subject to more regulation than the rest of the lot. Buildings shall be placed as close to the street space as possible with orientation to the pedestrian.

Park strips are required on all streets, except alleys, within each right-of-way. Within commercial areas, park strips shall serve the purpose of allowing for quick stops and shopping. In residential areas, park strips shall serve as buffers between pedestrian walkways and streets.

Alleys and interior block spaces are encouraged and may be allowed in residential areas. Alleys serve as alternate routes to garages and loading docks that are unseen by the public and therefore contribute to a pedestrian-friendly environment. The private, interior portions of the lots (toward the alley) allow commercial operators to utilize these spaces as efficient working environments unseen by the public and allow residents to have private and semi-private (for apartment and condominium buildings) gardens and courtyards. Alleys are to be the primary access to garages.

#### *19.6.27.8 Sidewalk and Pedestrian Circulation*

Convenient pedestrian circulation systems shall be provided to minimize pedestrian-auto conflicts, and shall be provided continuously throughout each use integrated into the development plan. Pedestrian walkways shall connect building entrances to each other and connect sidewalks and public streets to existing or planned transit stops. Pedestrian crosswalks shall be clearly discernable and have a different color and texture, and material from the adjacent pavement/concrete utilized for vehicular circulation.

#### *19.6.27.9 Parking Requirements*

In order to encourage transit-oriented development throughout the community, maximum-parking requirements should be reduced. Parking within the Transit Station Overlay **Zone** shall be shared parking areas or multi-level parking structures as necessary. The following requirements shall apply to all uses allowed in the Transit Station Overlay **Zone**:

1. Multi-family uses must provide one (1) parking space for every dwelling unit plus 0.5 parking space(s) for each additional bedroom after the first. A maximum of two (2) parking spaces is permitted for each multi-family unit.
2. A maximum of three (3) parking spaces per 1,000 square feet of office and retail space is permitted.
3. On-street parking is permitted and encouraged, and shall be included in the total development required parking calculations. On-street parking shall be included in the required parking calculations for a use or structure which fronts, and is adjacent to the on-street parking stall.

4. Ingress and egress for parking lots shall be from side streets for commercial uses, and from alleys for residential uses.
5. A parking lot or garage may not be adjacent to or opposite a street intersection, nor may any portion of a parking lot front an arterial street without specific City approval.
6. A developer may request a reduction in the number of parking spaces by City approval, providing that the developer submit information as to the forecasted trips generated in contrast to what is forecasted for transit ridership. Requests for a reduction in parking spaces shall be reviewed by the City Council.
7. Tandem parking spaces for all single-family residential attached, residential duplex, and residential townhouse units are permitted. Tandem parking may be used at feasible multi-family developments when the use of tandem parking spaces can be assigned to individual units, and can be under the control of single households.
8. Parking structures are encouraged as a way to maximize usable land as well as consolidate parking lots and surface lots. Structures should provide for shared parking. Parking structures should also be located away from the immediate streetscape. Options for placement include center of block, aboveground, below ground, and alley access sites.
9. Parking structures shall include pedestrian walkways and connections to continuous pedestrian paths/sidewalks.
10. Parking structures shall be architecturally integrated or designed in accordance with the same theme as the entire community or to adjacent main buildings.
11. Blank facades and solid walls at grade are not permitted.
12. In addition to the parking requirements listed above, the Planning Commission and City Council shall determine, based upon proximity to the transit facilities, site planning and other considerations any additional parking to be provided by the applicant based upon density, types of uses and appropriate exaction limits in order to ensure that the area covered by the Transit Station Overlay **Zone** provides an appropriate number of parking spaces required by the appropriate transit facility.

#### *19.6.27.10 Architectural, Building and Site Design Standards*

A variety of architectural features and building materials is encouraged to give each building or group of buildings a distinct character.

1. *Height.* New structures within the boundaries of a Transit Station Overlay ~~Zone~~ shall be no more than four (4) stories for all structures. An increase to the maximum height requirement for a structure may be granted by the City Council.
2. *Building Facades and Entry Ways.*
  - a. All buildings must provide a main entrance on the façade of a building nearest to and facing a street that connects to the transit station, a walkway to the transit station or the particular uses on the street.
  - b. Building facades must be aesthetically interesting and pleasing and should avoid a uniform building style.
  - c. Architectural style, colors and materials shall be compatible throughout the community and shall include varied window shapes and rooflines to provide for a varied and interesting architectural look.
  - d. The style and materials shall complement the surrounding environment and not detract from any visual corridor views.
  - e. The architectural features, materials and articulation shall be continuous along all sides visible from any street or pedestrian path including all alleyways. The following is a list of encouraged, but non-inclusive, architectural features:
    - i. Cornices
    - ii. Pediment entry
    - iii. Columns and pillars
    - iv. Overhang
    - v. Window molding and varied window sizes and shapes
    - vi. Recessed fenestration
    - vii. Portico
    - viii. Porte-cochere
    - ix. The use of varied building materials to offset the entryways to residential and commercial uses.
  - f. The front façade of all principle buildings shall face onto the street, and not be oriented toward a parking lot or parking structure.
  - g. Porches, roof overhangs, hooded front doors, and other architectural façade elements shall define the front entrance to all principle structures.
  - h. For commercial, retail, and office buildings, a minimum of fifty (50) percent of the front façade on the ground floor shall be transparent, consisting of true window or door opening allowing views into and out of the interior of the building.
  - i. Planters and window boxes for flowers and climbing vines are required as building façade enhancement features.
  - j. Rooflines with visible ornamental features are required. Features may include cornices and parapets. They should demonstrate a commonsense recognition of the climate by utilizing appropriate pitch, drainage, and materials in order to provide visual coherence to the Transit Station Overlay ~~Zone~~.
3. *Massing:* Buildings should have a visually distinct base that creates a welcoming environment for pedestrians. The lowest level of the building should have more mass and bulk in order to be clearly delineated and scaled.

#### 19.6.27.11 Open Space Requirements

The development plan shall provide at least fifteen percent (15%) of the total development area for usable open space purposes. Included, as part of the open space requirement can be pocket parks, mini parks, courtyards, and landscaped social gather areas. Non-landscaped gathering areas such as plazas and fountain areas shall count toward this open space requirement. Each open space shall provide for at least three (3) of the following six (6) conditions through its design, placement, or provisions:

1. Public art
2. Sitting areas (i.e. stairs, planter boxes, benches, or chairs)
3. Food (either through immediate restaurants, eateries, vendors, or stores)
4. Furniture
5. Water features
6. Natural light of at least 4-hours of exposure

Design of the open space shall be provided by the applicant and is subject to final review and approval by the Planning Commission and City Council.

#### 19.6.27.12 Landscaping Standards

Overall composition and location of landscaping shall complement the scale of the development and its surroundings. In general, larger, well-placed contiguous planting areas shall be preferred to smaller, disconnected areas. The following site landscaping standards shall apply to all new development and all landscaping shall be subject to review and final approval by the Planning Commission and City Council and any applicant for development shall provide a complete landscaping plan.

1. Street trees shall be provided on all street frontages, at a minimum of one (1) tree for every twenty (20) feet of public or private right-of-way. Street trees may be clustered and need not be evenly spaced. Trees should preferably be placed between the sidewalk and curb in a landscaped

strip, or in tree wells installed in paved pedestrian path, at least eight (8) feet in diameter.

2. A minimum of twenty (20) percent of a residential, office or public/semi-public development site shall be landscaped. Decorative pavement within a public plaza, excluding sidewalks, may account for one-third of the landscaping provided to meet this requirement. Outdoor play areas may be considered as open space up to one-half of the landscaping provided to meet this requirement.

#### 19.6.27.13 Lighting Standards

Street lighting shall be provided along all streets and alleys. Moreover, smaller pedestrian grade lights, as opposed to fewer high-intensity lights, shall be utilized. Streetlights shall be installed on both sides of the street with spacing no greater than seventy-five (75) feet per fixture. Street lighting design shall meet the minimum standards developed by the Illumination Engineering Society. Materials and equipment chosen for lighting fixtures should be durable and weather well. Appropriate lighting is desirable for nighttime visibility, crime deterrence, and decoration; however, lighting that is too bright or intense creates glare, hinders night vision, and creates light pollution is prohibited. Therefore, all lighting shall be shielded to prevent up-lighting and light escape. A standard list of approved lighting fixture choices will be available as approved by the City.

#### 19.6.27.14 Sign Regulation

A comprehensive sign program is required for any development in the Transit Station Overlay ~~Zone~~ that establishes a uniform sign theme. Signs shall share a common style (e.g., size, shape, material). In the mixed-use area, all signs shall be wall signs, cantilever signs, 'A' frames, or in the form of awnings. Cantilever signs shall be mounted perpendicular to the building face and shall not exceed eight (8) square feet. Billboards, banners, and pole signs are not permitted. Window signs will be allowed under the conditions that they only cover twenty-five (25) percent of the window area. Signage shall be subject to approval of the Planning Commission and City Council and shall be set forth in the site plan request.

#### 19.6.27.15 Development Plan

A development plan is to be prepared for the Transit Station Overlay ~~Zone~~ area at the time that the land is proposed for development or at the time of a zoning request whichever is appropriate. The plan may modify the boundaries of the overlay ~~Zone~~ as authorized by the City Council and shall provide for the physical design of the Transit Station Overlay ~~Zone~~ area relative to public improvements, development

standards, design criteria, and public incentives. The development plan shall consist of the following:

1. Existing land uses, property ownership, development character and the relative character of existing uses within ½ mile of the proposed transit station.
2. Analysis of potential impacts to existing infrastructure, including a traffic study.
3. A preliminary and final development plan for Planning Commission and City Council review and approval showing the station community and project boundaries, building placement, parking, pedestrian and bicycle paths, plazas, social gathering centers, and building elevations. Such preliminary site plan shall comply with all other sections of the City Code and is subject to approval by the Planning Commission and the City Council.
4. An implementation and phasing timetable.