

19.6.35 MU-1 Mixed Use Overlay (12-16-20)

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19.6.35.1 Purpose and Objectives

The MU-1 Mixed-Use Overlay is established to provide and encourage a compatible mix of commercial and residential uses, rather than a separation of uses, on a single parcel or contiguous parcels that are consistent with the objectives of the Payson City General Plan. Effective growth in a mixed use center is accomplished by providing a diversity of uses in a pedestrian friendly and vibrant commercial environment. This is done through pedestrian connectivity, access to transit, establishment of places that allow people to visit and socialize, architecture that connects and encourages an active street life, and the creation of a walkable urban core with uses in close proximity. Mixing housing in tenant-friendly ways among retail, office and services uses provides for a lively atmosphere and will contribute to a vibrant urban center and create healthy, thriving neighborhoods.

19.6.35.2 Compatibility and Review

All uses and structures shall be placed and designed to be compatible with other structures and amenities in the project as well as surrounding uses. To determine compatibility, a review, including, but not limited to, the following characteristics of the uses and structures shall be conducted relative to other affected uses and structures: location, orientation, operation, massing, scale and visual and sound privacy. Rules and regulations relating to the compatibility of uses and structures based upon the above listed characteristics may be required by the city. The plan review processes set forth herein and the associated rules and regulations will assure that adjacent uses are compatible and consistent to the extent feasible. Flexibility shall be allowed in the compatibility review process, provided that adherence with the intents and purposes of the mixed use overlay and associated rules and regulations are met.

The MU-1 Overlay may only be applied in the S-1, Special Highway Service Zone. The applicant must demonstrate the proposed layout is preferable to the development pattern anticipated in the underlying zone. A request for use of the overlay shall be processed in the same manner as a zone change in accordance with Section 19.2.8 herein, with the exception that the use of the overlay need not be shown on the Zoning Map.

19.6.35.3 Allowable Land Uses

The project will include an appropriate mix of land uses, including retail, service, office and residential. The allowable uses, and those not permitted, are listed below. Uses allowed in the underlying zone, but not listed herein may be

allowed by the Development Services Director if the applicant can adequately demonstrate the use is consistent with other permitted uses in the project.

Permitted Uses

1. Art galleries and museums
2. Banks and credit unions
3. Bed and breakfast establishments
4. Business, professional offices, outpatient medical facilities
5. Farmers market
6. Fitness and recreation facilities
7. High density residential – condominium and apartment style
8. Hotel and motels
9. Live/work residential
10. Municipal facilities and services
11. Parking structures
12. Produce and flower stands
13. Restaurants and outdoor dining
14. Retail establishments under 20,000 square feet
15. Transit facilities, including park and ride lots
16. Universities and colleges

Not Permitted

1. Accessory buildings
2. Amusement parks
3. Automobile, recreational vehicles, marine sales
4. Construction materials, yards, storage
5. Drive-up service windows
6. Fuel centers and vehicle service/repair
7. Hospitals, inpatient medical facilities
8. Sexually oriented businesses
9. Single-family detached homes, townhomes, duplexes, triplexes, fourplexes, etc.

19.6.35.4 Density Calculations

In a mixed-use project, there are no residential density calculations. Rather, the allowable number of units will be identified through the design of the project. If the number of residential units is too high, the project will be denied because of the lack of balance between commercial and residential uses in the project. Calculating the number of allowable units will require the applicant to:

1. Demonstrate that the structures in the project can be effectively served by the public safety providers in the city including the fire, police, and ambulance departments.
2. Demonstrate that the project can be served by existing or upgraded infrastructure without placing a burden on existing infrastructure. The applicant for development approval is responsible for all upgrades to city utility and infrastructure systems to support the more intense use of the property.
3. Demonstrate that the mixture of uses will create a desirable project with proper balance between residential and non-residential uses, amenities, transportation facilities and access, open space and other appropriate uses. To the extent possible, the non-residential uses should provide specific services for the residents of the project.
4. Demonstrate that there is adequate parking for residents, employees, patrons and visitors of the project.
5. Demonstrate that the project will be compatible with surrounding uses even if that requires design modifications at the edges of the project adjacent to other development patterns.
6. Demonstrate that the units are designed to serve the anticipated residents in terms of size, amenities and features. For instance, student housing will include smaller bedrooms with adequate restrooms, storage, gathering area, laundry facilities, etc. As another example, senior housing will include smaller units, fewer stairs or inclusion of elevators, nursing facilities, etc.

7. Demonstrate compliance with height, setback, parking, open space and other regulations of the development ordinances of the city.
8. At least fifty percent (50%) of the ground floor area, or the equivalent, along the primary arterial corridor shall be dedicated to non-residential uses excluding parking.

19.6.35.5 Lot Area, Lot Width, Lot Frontage

There is no minimum lot area, except that any new parcel smaller in lot area of the parcels on the block shall be reviewed and approved by the city council. If the city council finds the lot or parcel is not consistent with the nature of the urban center environment, the city council may impose requirements to ensure uses, building mass and scale, and the design characteristics of all development on the parcel are compatible and consistent with surrounding buildings and uses.

Lot width and lot frontage must be at least one hundred fifty (150) feet along the primary arterial corridor. Flag lots or lots without street frontage are not permitted. Projects along other streets within the development must have at least one hundred (100) feet of frontage.

19.6.35.6 Setback Requirements

The following setback requirements shall apply. Each setback is measured from the property line of the lot or parcel. All buildings shall satisfy the adopted building and fire code requirements.

1. Front setback - Buildings shall have a minimum front setback of zero (0) feet and a maximum of ten (10) feet from the property line. The city council may grant a front setback addition if it is determined the property is located along a pedestrian corridor and the greater setback enhances the pedestrian experience. Refer to design guidelines for examples of how pedestrian experiences can be enhanced with greater setbacks such as sidewalk cafes, etc.
2. Side setback - There is no minimum side setback, except as follows:
 - a. Side setback for structures adjacent to residentially zoned areas - Minimum of twenty (20) feet with a maximum of fifty (50) feet.
 - b. Side setback for corner lot - Minimum setback on all areas of road frontage of zero (0) feet and a maximum setback of ten (10) feet. The city council may grant or require an increased setback if it is determined the property is located along a pedestrian corridor and the greater setback enhances the pedestrian experience or if the increased setback is necessary to protect clear view areas.
3. Rear setback - Buildings shall have a minimum rear setback of ten (10) feet. If lot or parcel is adjacent to a residentially zoned lot, the building shall have a minimum setback of twenty (20) feet.

Nothing in this section is intended to alter or waive the requirements of the adopted building and fire codes. Furthermore, adjustments to the setback requirements may be necessary to protect clear view areas and enhance pedestrian and vehicular safety at intersections.

19.6.35.7 Projections into Setbacks

The following structures may project into a required setback:

1. Fences and decorative walls
2. Landscaping
3. Porches, patios and balconies
4. Cornices, eaves, sills, awnings, planter boxes and other similar architectural features
5. Bay windows and cantilevers cannot exceed 20% of the wall from which they project

Aesthetic improvements similar to those listed above may be allowed to encroach into the front setback or public right-of-way at the discretion of the Development Services Director, and after written approval based on, but not necessarily limited to, the following conditions:

1. No permanent structure may be erected in the public right-of-way.
2. The aesthetic improvement does not impede pedestrian or vehicular safety.

3. The building owner is willing to accept all liability in relation to the aesthetic improvement.
4. If the improvement is adjacent to a roadway owned by an entity other than Payson City, the applicant will need to obtain approval from that entity.

19.6.35.8 Building Height Requirements

The primary building or structure may not exceed four (4) stories. Furthermore, the interior ceiling height of a structure shall not exceed forty-eight (48) feet to allow for taller retail ceilings on the first level (retail/commercial only). Decorative architectural elements, parapet walls, trusses, and other sloped roofs may exceed forty-eight (48) feet. Portions of the structure within thirty (30) feet of a residential zone shall be limited to one story greater than the maximum allowed in the abutting residential zone.

Accessory buildings are limited to the following: pool equipment and restroom buildings, gazebos, or other amenity buildings as approved by the Development Services Director. The style, colors, and materials shall relate to the primary building. Accessory building height shall not exceed ten (10) feet in height.

19.6.35.9 Distance between Buildings

The distance between any building or structure shall satisfy the requirements of the adopted building and fire codes. This is in no way meant to eliminate the use of zero lot line development.

19.6.35.10 Permissible Lot Coverage

The sum total of all buildings, structures and impervious material on any parcel shall not be greater than eighty percent (80%) of the total area of the parcel. However, the city council can increase permissible lot coverage to ninety percent (90%) if the City determines the increased cover enhances the urban center environment and the amount of and type of landscaping is adequate and appropriate for the site. Areas not used for building or parking shall be landscaped. Planting materials shall be limited to those that will not damage sidewalks, buildings, utilities, and infrastructure.

19.6.35.11 Parking, Loading and Access

Because the number of parking stalls will vary based on project size, land uses, number and size of units, and other site-specific factors, a parking study will be prepared by a professional planner or engineer for review by staff and consideration by the city council. The parties may agree to complete more than one study to ensure the parking ratios are ample to accommodate enough off-street parking for the project. Ultimately, the amount of parking is the decision of the city council.

Each project 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. Project layout and design must incorporate the following:

1. Where possible, the orientation of the parking should be interior to the project with primary structures along the outside edges of the project.
2. Site circulation will allow for and facilitate emergency access to the site and all buildings.
3. Parking beneath buildings and parking structures are encouraged. Parking structures shall have architectural treatments that are consistent with the features of the primary structures.
4. Pedestrian circulation walks and bicycle racks are required and must be in highly visible and convenient areas.
5. Loading and unloading areas shall be located in an area that can be secured and screened from public access. Further, loading and unloading shall not occur on a public street.

19.6.35.12 Project Plan Approval

Any request for project plan approval is subject to any and all applicable regulations of the Payson City Code. Use of the MU-1 Overlay is a request for increased intensity in the permitted uses of the underlying zone. Therefore, any applicant for use of the MU-1 Overlay 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 overlay. The applicant further

understands and acknowledges that denial for the use of the overlay 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.

Entitlements will occur at different stages of the development process. The applicant must first obtain approval of the MU-1 Overlay to define the planning framework for the mixed-use project (project master plan) and establish additional standards or regulations to achieve the goals of the general plan. Overlay approval is intended to establish the vision of the project, uses and potential densities, the transportation and pedestrian network, design guidelines, parking requirements, and open space for the project. Technical issues including, but not limited to, engineering, utilities and infrastructure, and amenity details will be addressed during the Preliminary and Final Development Plan review process. Approval of the overlay does not waive or modify any requirements of the Payson City Code. If the technical review of the project identifies inconsistencies between the project master plan and the adopted regulations, the project master plan must be amended.

The intent of the project master plan is to establish a framework for the development of large or phased projects. If project phasing is proposed, an overall plan must be approved prior to approval of any phase of the project. Each phase shall include an appropriate mixture of uses to ensure the use of the overlay does not simply allow an applicant to avoid satisfying the regulations of the City Code.

The issues that relate to the following areas shall be identified with the overlay request:

1. Map and written narrative of project master plan area and sub-projects, or phases;
2. Land use and the mixture of residential and nonresidential uses, including market analysis;
3. Parking lots and structures;
4. Transportation, mobility and connectivity;
5. Pedestrian facilities, including drop off locations, walkways, sidewalks, bike racks, etc.;
6. Open space and wetlands;
7. Major utilities; and
8. Storm water management, drainage and grading.

The Preliminary and Final Development Plan will include details regarding land use, utility and infrastructure systems, engineering design, public safety, and other similar development related items required by the Payson City Code. The Development Plan will be processed as follows:

1. 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.
2. Following a public hearing, the planning commission will forward a recommendation to approve, approve with conditions, or deny the Preliminary Development Plan.
3. 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.
4. Following approval of the Preliminary Development Plan, 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. The city council, at their discretion, may approve the Preliminary Development Plan and the Final Development Plan concurrently.

19.6.35.13 Duration

Unless otherwise specified by the city council, approval of the overlay shall be valid for one year. If the applicant does not obtain and maintain a current building permit within one year of any development plan approval, the overlay approval shall be null and void. This time period may be extended for additional six (6) month periods by the Development Services Director if it is determined the extension is in the best interest of the city and there are compelling reasons to do so. In any case, the extension shall not be unreasonably withheld. The applicant must petition for an extension, prior to the expiration of the original six (6) months, or an extension previously granted. An extension may be granted only if it is determined that it will not be detrimental to the city.

19.6.35.14 Special Considerations

1. A market analysis must be prepared to provide details and justification for the proposed balance of land uses, number of residential units, and specifies the number of studio, 1-bedroom, 2-bedroom, and 3-bedroom units. The findings of this analysis will be used to determine an adequate amount of parking in the project (i.e. parking study).
2. Fencing is discouraged in mixed-use projects. The following guidance is provided for fencing within and surrounding mixed-use projects:
 - a. Internal fencing to protect against apparent safety hazards such as a swimming pool or other body of water is allowed.
 - b. Fencing between sub-projects is not allowed.
 - c. Perimeter fencing may be required to transition to an adjacent residential zone.
 - d. Any proposed fencing will need to be compatible with the surrounding area and requires approval by the city council.

19.6.35.15 Design Standards

Design is a vital component of mixed-use development and specific design standards will be created for each mixed-use project. Because project design will have the effect of creating interesting and unique spaces, building and site design, open space, and streetscapes must be considered as part of the overlay request. Design details and the design standards booklet with graphic illustrations are requirements of overlay approval. A written description of the architectural standards will be submitted with the overlay submittal for consideration by the planning commission and city council. In no case will Preliminary Development Plan approval be granted without a completed booklet.

The design standards 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 land use authority. The design standards apply to all structures in the project. All buildings shall be oriented toward and facing public streets. This includes doors and large windows oriented toward public streets. Buildings on corner lots shall face both streets. Unless proven impractical, parking shall be located behind, or under, buildings, and buildings shall be located close to public streets, plazas, courtyards, or other gathering areas. Building design shall enhance the pedestrian experience. Upper floors shall engage with street life through balconies, windows, and architectural features that provide a pleasant pedestrian environment.

Adherence to the design standards will personify development of the mixed use project and facilitate the creation of vibrant areas and pedestrian friendly neighborhoods where the private development frames the public space of the streets and, along with integrated streetscape and landscaping elements, will help to create a cohesive community. Public amenities such as streets with detached sidewalks and park strips, parkways, parks, creek corridors, connected open spaces and direct access to permanent and future mass transit facilities should also be used to organize private development in mixed use areas.

19.6.35.16 Open Space and Landscaping

The following site landscaping standards shall apply to all new development:

1. Required Percentage: At least twenty percent (20%) of any development site shall be devoted to landscaping, exclusive of required park strips and walks. Wetlands may count toward one-third (1/3) of such landscape requirement. Additional landscaping should be provided where needed to buffer and achieve compatibility between different adjoining uses.
2. Approved Landscaping Plan: All areas of a developed site not occupied by buildings, required parking, driveways, walkways or service areas shall be landscaped according to an approved landscaping plan. These areas may also incorporate hardscape for patios, plazas and courtyards, which areas shall be credited against the required landscaping percentage.
3. Street Trees: Street trees shall be provided on all street frontages at a maximum spacing of thirty (30) feet on center. Street trees shall be planted within a landscape strip of at least six (6) feet in width, between the

roadway and sidewalk where feasible. Street trees shall be planted no closer than twenty five (25) feet to light standards.

4. **Parking Areas:** Parking areas shall be shaded by large broadleaf canopied trees placed at a rate of one tree for each twelve (12) parking spaces. Parking shall be adequately screened and buffered from adjacent uses.
5. **Open Space.** Open space should be an integral part of the development project. The open space within a project should be integral to the site design, not small, leftover pieces of land. Open space may also be used as a buffer between adjacent properties and uses.
6. **Outdoor Lighting:** Outdoor lighting should provide for the illumination of buildings and grounds for safety purposes, but in an aesthetically pleasing manner. Lighting should be focused downward, and placed and screened to limit the emission of light beyond the development boundaries. A condition of approval may be the certain lighting be extinguished after certain hours.

19.6.35.17 Project Amenities

Project amenities in a mixed-use setting will vary based on land use, proximity to employment centers and public open space, and business amenities and activities. The amenity package shall be provided by the applicant and is subject to final review and approval by the city council.

As an alternative to individual project amenities, mixed-use projects may be organized into a Master Project and sub-projects. A Master Project shall be at least ten (10) acres and shall be divided into two or more sub-projects. Each sub-project shall have a minimum area of one-half (1/2) acre. The intent is to allow different kinds of unit type groupings with small amenities while sharing some larger common amenities that are governed by a Master Project Owners Alliance (OA). A sub-project, for example, could be a retail center in one sub-project; in another, there could be a multistory apartment with office spaces. Each sub-project shall have a sub-project OA to provide limited control and maintenance of its defined area only.

Master Project shall have amenities which shall be available for use by all sub-projects, and include, at a minimum, the following:

1. Clubhouse which is a minimum of ten (10) square feet per unit;
2. Swimming pool and/or hot tub of at least one (1) square feet of water surface area per unit;

The size of these amenities shall be based on a minimum project size of at least 150 units, regardless of the actual number of units. The clubhouse/pool size requirement may be met with the combined areas of amenities in more than one location. Where two or more Master Projects are adjacent, they may jointly fulfill their amenity requirements in combined facilities. The Master Projects Owners Alliance shall enter into agreements for the operation and maintenance of the shared facilities. All Master Projects shall be organized as non-profit organizations with a master OA and sub-project OA. Each OA shall have the responsibility to own and maintain facilities as required above.

At a minimum, sub-projects are required to have amenities as follows:

1. Up to 30 units: See 19.6.7.15.1
2. 31 to 60 units See 19.6.7.15.2
3. 61 units and above See 19.6.7.15.3 Exception: clubhouse shall not be required when part of a Master Project.
4. Sub-projects shall meet the requirements of 19.6.35.14. 1-4 except when fulfilled the common amenities

Each Master Project shall abut a public street, or private street, if approved by the city council, for a minimum distance of four hundred (400) feet. Sub-projects shall have no minimum width at the public street set-back line. Each sub-project shall be completely enclosed within the Master Project boundaries.

19.6.35.18 Transition to Transit Oriented Development

Integrating heavy- or light-rail transit stations or bus rapid transit stations into a mixed use development can considerably reduce vehicle miles traveled as residents and workers have more transit mode options. This could also allow for further reduction in required parking stalls. Applicants requesting use of the MU-1 Overlay are encouraged

to integrate transit facilities, acceptable to the local transit authority, within mixed use projects. Once a fixed transit stop has been constructed, the applicant may apply for use of the TS-O, Transit Station Overlay to potentially increase the amount of building square footage and decrease the amount of required parking stalls. Any request to transition from a mixed use project to a transit oriented development must include qualified studies that demonstrate the proposed land use mix, increased square footage, and parking reduction will benefit the overall development and the transit network.