

#### 20.9.2 Boundary Line Adjustment and Lot Combination

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

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

A request to combine two (2) legally existing parcels may be approved by the Development Services Director, unless the lot combination involves the vacation of a street, right-of-way, or easement. Following approval, the applicant shall prepare and record deeds removing the property line between the two (2) lots. (12-19-18)

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

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

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

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

If the boundary line adjustment satisfies all applicable ordinances and resolutions of Payson City, a notice of approval shall be recorded in the office of the Utah County Recorder that satisfies the provisions of §10-9a-609 Utah Code, Annotated, 1953, as amended. The notice of approval does not convey title. In order to convey title, the adjoining property owner(s) will need to prepare and record a quit claim deed, warranty deed, or other acceptable instrument in the office of the Utah County Recorder. (12-19-18)

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

#### 20.10 Planned Residential Development (PRD)

20.10.1 Development Description

20.10.2 Approval Process

20.10.3 Base Density

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~~20.10.12~~ 20.10.8 Coordination of PRD Application with Subdivision Approval

~~20.10.13~~ 20.10.9 Sensitive Lands Review of PRD

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

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

A Planned Residential Development may be allowed at the discretion of the city council following a recommendation of the planning commission in any agricultural or residential zone, except in the R-MF, Multi-Family Residential Zone. An application for approval of a PRD is a request by the applicant for ~~additional density and flexibility~~ more flexibility in lot layout than that allowed by the underlying zoning. An applicant will not be denied the right to develop property in the traditional manner by satisfying all of the requirements of Title 19 and all other sections of this Title. It is the sole responsibility and burden of the applicant to convince the planning commission and city council that the proposed alternative development layout is preferable to a traditional subdivision approved in accordance with Title 19 and all other requirements of this Title. Denial of a PRD shall not result in a takings claim against the City because no applicant shall be denied the right to develop property by satisfying all of the requirements of Title 19 and all other sections of this Title. The city council need not provide detailed findings or reasons for denial of a PRD in light of their decision being clearly legislative and an assumption that denial of a PRD is in the best interest of the citizens of Payson as a whole. (3-21-01)

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

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

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

Chapter and Title 19, Zoning Ordinance, this Chapter shall dictate.

#### 20.10.1 Development Description

A Planned Residential Development (PRD) is a development containing residential lots or units with some ~~or all~~ of the parcels reduced below the minimum lot sizes required by the underlying zoning district. Projects are planned to achieve a coordinated, functional and unified development pattern. A PRD allows greater flexibility in project layout while assuring that the character of the underlying district is maintained and the requirements of the Development Guidelines are satisfied. ~~Applicants are eligible for a density bonus based on provision of additional amenities in the development.~~ Planned Residential Developments are allowed in all residential zones in Payson, except in the R-MF, Multi-Family Residential Zone, MH-1 and MH-2 Mountain and Hillside Zones, and the GCD, Golf Course Development Zone. ~~(12-19-18)~~

Because the lot sizes in a PRD are flexible, a building footprint shall be indicated on each lot that identifies the buildable area of the lot and the required setback area for each lot. The city council may require the buildable area of the lots to be increased if it is determined that an average size dwelling, in comparison with other dwellings in the general vicinity, cannot be constructed on the proposed lots. No lot in a PRD shall be smaller than 6,500 square feet and each lot shall have at least sixty-five (65) feet of frontage along the public street. (7-6-05)

Although flexibility in lot arrangement is a feature of a PRD, the lots in the development will be reviewed to ensure that the lots can be used for their intended purpose. Each lot should accommodate a dwelling compatible with other dwellings in the development, access should be provided in a reasonable manner, and lots ~~will shall~~ have usable yard space. Lots in a PRD should not be designed in a manner that creates ~~odd-shaped lots and in particular to simply obtain additional lots~~ lots where building a full-scale single-family home would be a challenge, or any other lot layout that is impractical. (5-5-04)

#### 20.10.2 Approval Process

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

#### 20.10.3 Base Density

The Base Density for each Planned Residential

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

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

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

#### 20.10.4 Minimum Standards (7-6-05)

##### 20.10.4.1 Open Space

##### ~~20.10.4.2 Recreational Vehicle Parking~~

##### ~~20.10.4.3 Covered Parking—Garages~~

##### ~~20.10.4.4~~ ~~20.10.4.2~~ Attractive Elevations – Variety

##### ~~20.10.4.5~~ ~~20.10.4.3~~ Exterior Materials

##### ~~20.10.4.6 Connection with Trails Master Plan~~

##### ~~20.10.4.7 Setback Requirements (2-20-13)~~

##### 20.10.4.1 Open Space

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

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

separately, unless dedicated to the City and accepted by the city council. ~~(7-6-05)~~

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

##### 20.10.4.1.1 Open Space Transfer

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

##### 20.10.4.2 Recreational Vehicle Parking

~~Any proposed Planned Residential Development that includes more than twenty (20) dwelling units shall provide parking for recreational vehicles. The applicant must show that the parking area is large enough to accommodate one recreational vehicle for each five dwelling units in the proposed development. The recreational vehicle parking area shall be enclosed by a sight obscuring fence in a less visible location in the proposed development.~~

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

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

~~1. The development is considered infill~~

~~development located in an established portion of the community.~~

- ~~2. The elimination of the recreation vehicle parking will result in more preferable lot arrangement and no additional units are created by the elimination or reduction of recreational vehicle parking.~~
- ~~3. The lots in the subdivision are large enough to accommodate recreational vehicle parking on each lot. (5-5-04)~~

#### ~~20.10.4.3 Covered Parking – Garages~~

~~Each dwelling unit in a Planned Residential Development shall include at least a two (2) car garage that measures no less than twenty (20) feet by twenty (20) feet. All drive approaches shall meet the dimensions outlined in the Payson City Design Guidelines. (7-6-05)~~

#### 20.10.4.4 Attractive Elevations – Variety

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

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

Failure to incorporate these minimum design standards into the proposed structures in the development may result in denial of the request for a Planned Residential Development. (7-6-05)

#### 20.10.4.5 Exterior Materials

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

Notwithstanding the provisions above, and by their

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

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

#### ~~20.10.4.6 Connection with Trails Master Plan~~

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

#### ~~20.10.4.7 Setback Requirements (2-20-13)~~

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

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

#### ~~20.10.5 Density Bonus~~

~~An applicant for a Planned Residential Development is eligible for a density bonus based on additional amenities provided in the project approval. Density in excess of the base density may be considered for~~

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projects which satisfy the requirements of one or more of the density bonus amenities listed below or those listed in a Specific Plan and Annexation Agreement in accordance with Chapter 19.12 of the Zoning Ordinance. Each amenity is assigned a potential density bonus figured as a percentage increase in dwelling units. A density bonus shall not exceed twenty-five (25) percent above the base density. The maximum allowed density in each zone is indicated in the table below. (8-7-02)

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

(3-5-14)

#### 20.10.5.1 Cash-in-Lieu

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

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

An applicant for a Planned Residential Development in the R-1-20, R-1-15, R-1-12, R-1-10, R-1-9, R-1-75, and R-2-75 Zones may include one or more of the following amenities in the design of the subdivision and be considered for a density bonus in accordance with this Section. Each amenity is followed by a percentage increase in total project density for providing the amenity. The maximum density bonus allowed is equal to a twenty-five (25) percent increase in dwelling units above the base density. If an applicant were to provide all of the density bonus amenities in a single project, the total would exceed a twenty-five (25) percent increase in dwelling units. Regardless, the maximum density bonus

allowed is equal to a twenty-five (25) percent increase in dwelling units above the base density. (3-5-14)

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

##### 20.10.6.1 Active Recreation

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

##### 20.10.6.2 Building Architecture and Design

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

##### 20.10.6.3 Common Buildings or Facilities

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

##### 20.10.6.4 Design Theme

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

##### 20.10.6.5 Environmental Preservation

Developments that are designed to preserve or protect sensitive environmental areas such as existing trees, floodplains, steep slopes, wetlands, or high ground water table areas are eligible for up to a **five (5)**

~~percent density increase.~~ Areas with a significant amount of protected sensitive lands, protection of high value environmental features, or considerable reduction of visual impact may receive a higher density increase in relation to developments that protect or preserve a smaller amount of these areas. (7-6-05)

#### 20.10.6.6 Fencing

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

#### 20.10.6.7 Landscaping

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

#### 20.10.6.8 Upgraded Materials

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

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

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

Developments that provide either active or passive open space, as defined in this Section, in addition to the ten (10) percent minimum requirement for a Planned Residential Development are eligible for a density increase. The density increase for additional open space shall be determined as indicated. Developments that provide an additional ten (10) to

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

#### 20.10.6.10 Park Dedication

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

#### 20.10.6.11 Passive Open Space

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

#### 20.10.6.12 Roof Materials

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

#### 20.10.6.13 Special Features

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

#### 20.10.6.14 Theme Lighting



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

#### **20.10.6.15 Storage Areas**

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

#### **20.10.6.16 Xeriscape (Low water use landscaping)**

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

#### **20.10.6.17 Maintenance Endowment**

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

#### **20.10.6.18 Three-Car Garages**

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

#### **20.10.6.19 Provision of Government Structures**

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

#### **20.10.6.20 Provision or Rehabilitation of Affordable Housing**

~~Developments that provide or participate in the rehabilitation of affordable housing are eligible for a density increase. If an applicant seeks a density bonus~~

~~for providing affordable housing within the development, the affordable housing must be deed restricted in a manner acceptable to the City to ensure the units remain affordable units in perpetuity. Furthermore, the affordable dwelling units must maintain a similar appearance and size in comparison with the other dwelling units in the development. A development that includes affordable housing units is eligible for up to a five (5) percent density increase. (7-6-05)~~

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

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

~~An applicant for a Planned Residential Development in the A-5, Agricultural Zone and R-1-A, Residential-Agricultural Zone may include one or more of the following amenities in the design of the subdivision and be considered for a density bonus in accordance with this Section. Each amenity is followed by a percentage increase in Total Project Density for providing the amenity. The maximum density bonus allowed is equal to a twenty-five (25) percent increase in dwelling units above the Base Density. If an applicant were to provide all of the density bonus amenities in a single project, the total may exceed a twenty-five (25) percent increase in dwelling units. Regardless, the maximum density bonus allowed is equal to a twenty-five (25) percent increase in dwelling units above the Base Density. (7-6-05)~~

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

##### **20.10.7.1 Upgraded Materials**

~~Developments that incorporate brick, stone, wooden timbers, cementitious siding, or a mixture of these materials on at least eighty (80) percent of the exterior surface, except the doors and windows, of each dwelling in the project are eligible for up to a~~

~~ten (10) percent density increase.~~ The use of stucco or plaster will not be considered for a density bonus. (9-1-10)

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

#### 20.10.7.2 Split-rail Fence

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

#### 20.10.7.3 Agricultural Protection

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

#### 20.10.7.4 Open Space

Developments that provide open space, as defined in this Section, are eligible for a density bonus. For the purpose of this Section, open space is defined as leaving prominent features of the area such as wetlands, watercourses, hillsides, ridgelines, and other sensitive areas undisturbed. All open space areas shall be maintained by the owner of the project if held in single ownership, a homeowners association if sold separately, or dedicated and accepted by the City for maintenance purposes. All open space areas must provide emergency vehicle access. Developments incorporating significant open space areas are eligible for up to a ~~five (5) percent density increase.~~ The provision of open space in highly visible areas, areas that can be used for public purposes and environmentally sensitive areas may receive a higher density increase. (7-6-05)

#### 20.10.7.5 Equestrian Facilities

Developments that provide equestrian facilities are eligible for a density bonus. For the purpose of this Section, equestrian facilities include, but are not necessarily limited to, stables, bridle paths, and riding

arenas. Developments that include equestrian facilities are eligible for up to a ~~fifteen (15) percent density increase.~~ The quality and size of the facilities in relation to the size of the development will impact the percentage of density increase. (7-6-05)

#### 20.10.7.6 Design Motif

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

#### 20.10.7.7 Maintenance Endowment

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

#### 20.10.7.8 Provision of Government Structures

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

#### 20.10.7.9 Rehabilitation of Affordable Housing

Developments that participate in the rehabilitation of affordable housing are eligible for a density increase. An applicant may choose to rehabilitate existing affordable housing elsewhere in the community. The applicant will be expected to identify an older home in the City that is available for purchase and in need of rehabilitation, and purchase the property. The applicant will complete all necessary improvements and upgrades to completely refurbish the dwelling unit including curb, gutter, sidewalk, driveways, landscaping and other non-construction related improvements. The amount of density increase will



~~be based on the amount of rehabilitation necessary or the number of units restored. An applicant that chooses to rehabilitate existing affordable housing in the community is eligible for up to a **twenty (20) percent density increase.** (7-6-05)~~

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

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

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

##### ~~20.10.8.1 Active Recreation~~

~~Active recreational facilities that are provided for residents of the Planned Residential Development or the general public are entitled to a density bonus. Active recreation areas may include riding paths, horse loading and unloading facilities, commercial or private riding stables, biking trails or other pedestrian facilities, cross country skiing and snowmobiling areas, snow tubing hills with appropriate improvements, commercial or private fishing ponds and other similar amenities. Amenities that cost more to provide or are intended for use by the general public may receive a higher density increase than amenities that are relatively lower in cost or are intended for use primarily for residents of the development. Developments that provide active recreation areas are eligible for up to a **fifteen (15) percent density increase.** (7-6-05)~~

##### ~~20.10.8.2 Common Buildings or Facilities~~

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

~~than smaller structures. (7-6-05)~~

##### ~~20.10.8.3 Design Theme~~

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

##### ~~20.10.8.4 Environmental Preservation~~

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

##### ~~20.10.8.5 Fencing~~

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

##### ~~20.10.8.6 Landscaping~~

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

##### ~~20.10.8.7 Open Space in Addition to Ten (10) Percent Minimum~~

~~Developments that provide either active or passive open space, as defined in this Section, in addition to the ten (10) percent minimum requirement for a Planned Residential Development are eligible for a density increase. The density increase for additional open space shall be determined as indicated. Developments that provide an additional ten (10) to fourteen (14) percent open space (20-24 percent total) are eligible for up to a **two (2) percent density increase.** Developments that provide an additional fifteen (15) to nineteen (19) percent open space (25-29 percent total) are eligible for up to a **five (5)**~~

~~percent density increase.~~ Developments that provide more than an additional twenty (20) percent open space (30 percent or greater total) are eligible for up to a ~~ten (10) percent density increase~~. All open space areas shall be maintained by the owner of the project if held in single ownership, a homeowners association if sold separately, or dedicated and accepted by the City for maintenance purposes. The city council will determine the need for additional open space in the specific location of the proposed subdivision. If additional open space is a priority in the vicinity, it is likely that a higher density bonus will be granted. All open space areas must provide emergency vehicle access. (7-6-05)

#### **20.10.8.8 Park Dedication**

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

#### **20.10.8.9 Passive Open Space**

Developments that provide open space, as defined in this Section, are eligible for a density bonus. For the purpose of this Section, open space is defined as leaving prominent features of the area such as wetlands, watercourses, hillsides, ridgelines, and other sensitive areas undisturbed. All open space areas shall be maintained by the owner of the project if held in single ownership, a homeowners association if sold separately, or dedicated and accepted by the City for maintenance purposes. All open space areas must provide emergency vehicle access. Developments that include passive open space areas such as large grass areas (at least one (1) acre in size complete with picnic areas and water features) are eligible for up to a ~~ten (10) percent density increase~~. The provision of open space in highly visible areas, areas that can be used for public purposes and environmentally sensitive areas may receive a higher percentage of density increase than areas isolated within the development. The land used for passive open space is in addition to the (10) percent minimum open space requirement. (7-6-05)

#### **20.10.8.10 Storage Areas**

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

#### **20.10.8.11 Maintenance Endowment**

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

#### **20.10.8.12 Agricultural Protection**

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

#### **20.10.8.13 Design Motif**

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

#### **20.10.8.14 Provision of Government Structures**

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

#### 20.10.8.15 Rehabilitation of Affordable Housing

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

#### 20.10.9 Total Project Density

Total project density ~~is determined by multiplying the base density and the total percent of density increase earned. In no case will the total project density exceed twenty-five (25) percent above the base density. For example, if an applicant had a base density of one hundred (100) units and earned a fifteen (15) percent density increase, the applicant might be eligible for one hundred and fifteen (115) dwelling units. However, in no case would the applicant be eligible for more than a twenty-five (25) percent density increase or one hundred and twenty-five (125) dwelling units shall not exceed the base densities outlined in Section 20.10.3. However, individual lots may be smaller than those typically permitted in the underlying zone, provided the average density of the total number of lots in the PRD does not exceed the base density of the corresponding zone.~~

#### 20.10.10 Types of Units Allowed in Zoning Districts

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

- A-5 Single family detached dwellings only
- R-1-A Single family detached dwellings only
- R-1-20 Single family detached dwellings only (3-5-14)
- R-1-15 Single family detached dwellings only (3-5-14)
- R-1-12 Single family detached and twin home dwellings only
- R-1-10 Single family detached dwellings, twin home and townhome (separate ownership, not apartments) dwelling units only
- R-1-9 Single-family detached, twin home, duplex and townhome (separate ownership, not apartments)

dwellings only

R-1-75 Single-family detached, twin home, duplex, townhome, and apartment (rental) dwellings only

R-2-75 All standard residential dwelling types

~~R-MF All standard residential dwelling types~~

~~MH-1 All standard residential dwelling types~~

~~MH-2 All standard residential dwelling types~~

~~GCD All standard residential dwelling types~~

~~(10-1-08)~~

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

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

1. The frontage and lot area requirements may be allowed to be modified for all lots or parcels within the Planned Residential Development except those located directly across a public street from a development that satisfies the frontage requirements of Title 19, Zoning Ordinance.  
~~1- Each single-family lot shall have a minimum lot frontage of sixty-five (65) feet. Under no circumstances shall a single-family lot be smaller than 6,500 square feet. (§ 7-02)~~
2. The density of the development shall be equal to the total project density in accordance with Section 20.10.7 whether consistent with Title 19, Zoning Ordinance or not.

#### 20.10.12 Coordination of PRD Application with Subdivision Approval

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

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

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Developments will be designed to avoid the creation of nuisances, hazards and other potential impacts on adjoining properties, particularly residential properties. Each development that borders, or is within five (500) hundred feet of, another zoning district shall be required to provide a use transition plan indicating the measures that will be incorporated to minimize potential impacts on the existing or anticipated future development pattern. At a minimum, the use transition plan will consider the following items:

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

## 20.19 Roads and Streets

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

The layout and design of all roads and streets is subject to approval of the city engineer. It is the responsibility of the applicant to construct all roads within the boundaries of the development consistent with the Development Guidelines and the provisions of this Chapter. All subdivisions and developments shall have frontage on and access to an existing public street. (12-19-18)

### 20.19.1 Grading and Improvement Plan

Streets shall be graded and improved in conformance with the Development Guidelines and shall be approved as to design and specifications by the city engineer. All

road construction plans are required to be submitted prior to Preliminary Plan approval. ~~Prior to Final Plat approval, the City shall make the determination as to whether each street is to be public or private. Such status shall be shown on the Final Plat. (12-19-18)~~

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

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

### 20.19.2 Topography and Arrangement

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

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

Proposed streets shall be extended to the boundary lines of the tract to be developed, unless prevented by topography or other physical conditions, or unless the planning commission and city council determines the extension is not necessary or desirable for the coordination of the layout of the development with the existing layout or the most advantageous future development of adjacent tracts. (12-19-18)

The arrangement of streets shall provide for the continuation of principal streets between adjacent

properties when such continuation is necessary for convenient movement of traffic, effective safety protection, efficient provision of utilities, and where such continuation is in accordance with the Streets Master Plan. If the adjacent property is undeveloped and the street must be a dead-end street temporarily, the right-of-way shall be extended to the property line. A temporary turnabout shall be provided on all temporary dead-end streets, with the notation on the Final Plat that land outside the normal street right-of way shall revert to adjacent owners when the street is continued. The applicant shall be responsible for installing appropriate signage of the temporary dead-end street(s). The turnabout shall have at least a sixty (60) foot radius. The city council may limit the length of temporary dead-end streets in accordance with the Development Guidelines or at the recommendation of the city engineer. (12-19-18)

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

#### 20.19.2.1 Cul-De-Sacs

Cul-de-sacs should be limited in use to areas where impacts to emergency service provision, removal of snow, extension of utility services and circulation can be sufficiently mitigated. If these concerns cannot be mitigated, the city engineer may require the applicant to remove the cul-de-sac from the proposed development plan. All cul-de-sacs shall have at least a sixty (60) foot radius of asphalt.

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

#### 20.19.2.2 Turn-Arounds

Permanent or temporary dead-end roads, whether public or private, must have an approved turn around in place before construction begins. Dead-end roads

and private drives in excess of one hundred and fifty (150) feet in length shall provide provisions for the turning around of emergency apparatus in accordance with Fire Department specifications. The provisions of this Section apply to all ~~public and private~~ roads and driveways. (5-5-04)

#### 20.19.3 Ingress and Egress (7-1-20)

Payson City has determined that maintaining emergency access to all parcels is an important governmental interest. To provide circulation and emergency access to and from the development, Payson City's objective is to develop on a vehicular grid network. However, there are times when topography and/or development timing may reduce the ability to provide this connection in a timely manner. At all times, two points of ingress and egress will be required for all projects, subdivisions, commercial developments, schools and churches with the following exceptions:

1. Any development, or portion of a development, which literally cannot provide two points of ingress and egress due to topography, such as hillsides, waterways, or wetlands, shall be limited to no more than fifteen (15) residential lots or units, or residential equivalents. The configuration shall adhere to all applicable fire regulations. If possible, a pedestrian access to the wetlands, waterway, or hillside shall be created to break up the block length and the street design shall avoid a situation that "walls off" the wetlands, waterway, or hillside.
2. A development, or portion of a development, which will be served by more than one point of ingress and egress in the future may receive approval for multiple homes on one access provided that the following is met:
  - a. the arrangement meets all applicable fire code requirements at all times,
  - b. the streets layout for future development will bring the project to a grid with multiple points of access for all units, except as outlined in paragraph (1),
  - c. the streets layout for future development is reviewed and approved by the city, and
  - d. the contemporary layout accommodates the connection points into the future streets and trails network.
3. Any midblock or inner-block development, i.e. one that is contained inside on street block of no more than approximately five hundred (500) feet in length, may have multiple units per access provided that all applicable fire regulations are met and the street blocks are maintained in compliance with Section 20.19.4 and any applicable street master plans.
4. A commercial or industrial project, school, or

is or is planned as a continuation of an existing road shall bear the same name. North, south, east, and west coordinates will be maintained where possible.

#### **20.19.7 Road Regulatory Signs**

The applicant shall erect or post acceptable guarantees ensuring placement of each road and safety sign required in the Development Guidelines or by the city engineer. All road signs shall be installed before issuance of a Certificate of Occupancy for any residence on a new street. Street name signs are to be placed at all intersections within and abutting the development. The type, design and location of the signs are to be approved by the city engineer. Street signs shall be designed according to the Development Guidelines. (12-19-18)

#### **20.19.8 Street Lights**

Installation of streetlights shall be required in accordance with the Development Guidelines or as designated and located by the Power Department and shall be approved by the city engineer. (12-19-18)

#### **20.19.9 General Design Standards**

In order to provide for roads in suitable locations with proper width and improvements to accommodate prospective traffic, afford satisfactory access to police, fire fighting, snow removal, sanitation, and road-maintenance equipment, coordination of roads to compose a convenient system, and avoid undue hardships to adjoining properties the roads are hereby required to be in compliance with the Development Guidelines. All roads shall also be consistent with the Streets Master Plan, as adopted, or determined by the city engineer. (12-19-18)

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

1. Lots shall be arranged so that no direct access to the road will be allowed.
2. If the development fronts only one side of the road, one-half plus ten (10) feet of the road cross section will be improved in accordance with the Development Guidelines. (12-19-18)
3. If the development fronts each side of the road, the entire road cross section will be improved in accordance with the Development Guidelines. (12-19-18)
4. The transportation system requires the installation of various road styles and widths. In some instances, a collector or arterial road will traverse a development. Regardless of development type (traditional subdivision, Planned Residential Development, commercial project), the developer

shall be responsible to cover the costs associated with the roadway improvements as defined herein for the type of facility indicated on the Streets Master Plan. If a road is not indicated, it is anticipated to be a typical residential street. (12-19-18)

#### **20.19.10 Road Surfacing and Improvement**

Prior to road construction, the applicant may be required to complete a soil test of the area proposed for roads to determine whether existing soils are considered adequate and safe for road construction by the city engineer. If the soil is considered inappropriate or unsafe, the engineer will indicate what action should occur in order to provide adequate and safe road base. After sewer, water, and other applicable utilities have been installed by the developer, the applicant shall construct curbs and gutters and shall surface roadways to the widths prescribed in the Development Guidelines. (12-19-18)

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

#### **20.19.11 Right-of-Way Alterations**

20.19.11.1 Additional Right-of-Way

20.19.11.2 Excess Right-of-Way

##### **20.19.11.1 Additional Right-of-Way**

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

##### **20.19.11.2 Excess Right-of-Way**

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

#### **20.19.12 Intersections**

Streets shall be laid out to intersect as near as possible at right angles. An angle within ten (10) degrees of perpendicular is required for a proposed intersection of two new streets. An oblique street should be curved



approaching an intersection and should be approximately at right angles for at least one hundred (100) feet. Not more than two (2) streets shall intersect at any one point unless specifically approved by the city council and city engineer.

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

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

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

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

#### **20.19.13 Bridges**

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

#### **20.19.14 Road Dedications and Reservations**

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

right-of-way width. (12-19-18)

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

#### **20.19.15 Off Site Road Improvements**

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

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

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

#### **20.20 Storm Water System**

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

The planning commission shall not recommend approval of, and the city council shall not approve any development that does not make adequate provision for storm or floodwater runoff channels or catch basins. Plans shall be reviewed for compliance with the Development Guidelines and other standards as may be adopted, and shall be adequate to handle a twenty-four (24) hour, one hundred (100) year storm event. The storm water drainage system shall be separate and independent of the sanitary

Development Guidelines. All sewer laterals shall include clean outs. (12-19-18)

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

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

#### 20.22.1 Extension of Infrastructure

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

### 20.23 Sidewalks, Curbs, Trails, and Paths

- 20.23.1 Location
- 20.23.2 Improvements
- 20.23.3 Trails and Paths

#### 20.23.1 Location

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

#### 20.23.2 Improvements

Sidewalks shall be constructed of concrete at least four (4) inches thick and not less than five (5) feet wide, and shall be designed to best facilitate their assumed use and serve the public interest and safety. If existing curb, gutter and/or sidewalk is determined by the city engineer to be a public hazard or is in poor repair, the applicant shall restore and/or repair the curb, gutter or sidewalk in a manner consistent with the Development Guidelines. (12-19-18)

#### 20.23.3 Trails and Paths

Trails, pedestrian paths, and bike paths shall be related appropriately to topography, require a minimum of site disturbance, permit efficient drainage, and provide safe access. Walking and hiking trails, bike paths, and horse trails shall be provided by the developer in accordance

with the Trails Master Plan and where otherwise necessary as determined by the city council. Trails should connect traffic generators such as schools, recreation facilities, commercial areas, parks, and other significant natural features. Trails shall be built to City specifications and easements shall be dedicated for trails. The trails shall be constructed at the time of road construction, unless the city council determines otherwise, in which case cash deposits shall be required. Unless otherwise approved, all trails and paths shall be hard surfaced with either asphalt or concrete. (3-21-01)

### 20.24 Electric Facilities

#### 20.24.1 Strawberry Electric Service District Facilities

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

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

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

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

#### 20.24.1 Strawberry Electric Service District Facilities

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

### 20.25 Easements and Other Utilities

#### 20.25.1 Easements

**Title 20 Subdivision Ordinance  
2020**

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

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

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

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

**20.25.1 Easements**

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

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

1. Drainage easements
2. Public and private irrigation facilities
3. Public and private utilities

As Proposed March 3, 2021-Adopted November 18,

4. Trails and recreation areas or facilities
5. ~~Private-s~~Streets and access (3-5-03)

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

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

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

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

The planning commission and city council, in its review of each development, shall ensure that land be reserved and improvements installed for parks and playgrounds or other recreation purposes in locations designated in the General Plan Open Space Element, requirements of this Title, or other areas where such reservations would be appropriate and the park would benefit the residents. Each reservation shall be of suitable size, dimension, topography, and general character and have adequate access for the particular purposes of the City. These areas shall be shown on the Final Plat. The developer will also be required to install improvements to the recreation areas that directly benefit the development. These improvements will be installed at the expense of the applicant consistent with City specifications and in accordance with an approved landscaping plan as described below. (12-19-18)

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

approval by the planning commission and approval by the city council of a Preliminary Plan shall not be deemed to constitute or imply the acceptance by the city council of any street, easement, or park shown on the Preliminary Plan. (12-19-18)

### **20.31 Commencement of Excavation and Installation of Improvements**

#### **20.31.1 Excavation Permit, Fees and Penalties 20.31.2 Issuance of Building Permits**

Prior to commencement of excavation and installation of development improvements, the applicant shall complete the following:

1. Obtain the necessary land use approvals from Payson City.
2. Submit applicable fees in accordance with Chapter 19.27 herein.
3. Submit payment of public works testing and inspection fees.
4. Provide financial assurance for completion and maintenance of improvements in accordance with Chapter 20.30 herein.
5. Record the Final Plat and associated documents with the Utah County Recorder, if applicable.
6. Apply for and attend a pre-construction meeting with the Development Review Committee. (12-19-18)

Each applicant shall submit in cash an amount equal to one hundred ten (110) percent of the city engineer's approved estimate for the cost of completing a slurry seal in accordance with the Development Guidelines. (12-19-18)

Following the construction of ~~at least ninety (90) percent~~ one hundred (100) percent of the structures in the development or a period of ~~two years~~one year from the initial placement of asphalt, whichever occurs first, the applicant shall complete the slurry seal. Following the completion of the slurry seal, the cash bond will be released. (12-19-18)

#### **20.31.1 Excavation Permit and Fees**

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

#### **20.31.2 Issuance of Building Permits**

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

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

1. In the case of a legal non-conforming lot of record, or a residential subdivision of three lots or less along an existing public street, improvements are not required to be completed until the footing and foundation of the dwelling is completed. No inspections beyond those required for footing and foundation will be completed until all improvements are installed, including, but not limited to utilities, meters, curb, gutter, sidewalk, and the asphalt tie-in. Applicants choosing not to complete all improvements required to service the structures shall post a cash bond with Payson City. The bond shall be an amount equal to one hundred and ~~twenty-(120)~~ten (110) percent of a qualified estimate of the cost of the improvements. (12-6-00)
2. Commercial, industrial and high-density multi-family residential developments are not required to complete the roadway improvements until the footings and foundations of the project structures are completed. No inspections beyond those required for footings and foundations will be completed until all improvements are installed, including, but not limited to utilities, meters, curb, gutter, sidewalk, and the asphalt tie-in. Applicants choosing not to complete all improvements required to service the structures shall post a cash bond with Payson City. The bond shall be an amount equal to one hundred and ~~twenty-(120)~~ten (110) percent of a qualified estimate of the cost of the improvements. (1-23-08)

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

1. The asphalt batch plants have been closed for the winter season.
2. The applicant submits a cash bond equal to one hundred ~~forty (40)~~ ten (10) percent of the estimated cost, as approved by the city engineer, of the installation of curb, gutter, sidewalk, asphalt tie-in and proper filling of utility trenching.
  - a. If the applicant completes the improvements within six (6) weeks of the spring opening of the asphalt batch plants, the cash bond will be refunded to the applicant. The date of the opening of the batch plants will be posted in the Development Services Department.
  - b. If the applicant does not complete the improvements within six (6) weeks of the spring opening of the asphalt batch plants, the cash bond will be forfeited to Payson City and the City will complete the improvements.
3. All utilities to serve the dwelling have been extended to at least the private property line and the utility trenching has been filled with temporary asphalt (cold patch). (11-6-02)

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

## **20.32 Inspection of Improvements and Release of Guarantee**

- 20.32.1 General Procedure and Fees
- 20.32.2 Release or Reduction of Performance Guarantee
- 20.32.3 Failure to Complete Improvements

### **20.32.1 General Procedure and Fees**

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

guarantee, the applicant and the issuing company shall be jointly liable for completing the improvements according to specifications. (12-19-18)

### **20.32.2 Release or Reduction of Performance Guarantee**

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

#### **20.32.2.1 Reduction of Performance Guarantee**

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

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

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

Notwithstanding the provisions of this Section, a building permit may be issued by the Development Services

Department for residential construction of a dwelling located on an existing public street if:

1. The asphalt batch plants have been closed for the winter season.
2. The applicant submits a payment equal to one hundred and ~~twenty~~ ~~(120)~~ ~~ten~~ (110) percent of the estimated cost of the installation of curb, gutter, sidewalk, asphalt tie-in and proper filling of utility trenching. The installation of curb, gutter, sidewalk, asphalt tie-in and filling of utility trenching will be completed by the City at the earliest practical date.
3. All utilities to serve the dwelling have been extended to at least the private property line and the utility trenching has been filled with temporary asphalt (cold patch). (12-19-01)

#### **20.32.3 Failure to Complete Improvements**

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

#### **20.33 Escrow Deposits or Letters of Credit for Lot Improvements**

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

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

the work for the installation of the necessary improvements in a sum not to exceed the amount of the escrow deposit or letter of credit.

#### **20.34 Maintenance of Improvements**

20.34.1 Prior to Completion

20.34.2 Warranty After Acceptance and Dedication

##### **20.34.1 Prior to Completion**

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

##### **20.34.2 Warranty after Acceptance and Dedication**

The applicant shall be required to file a maintenance guarantee with the City, prior to acceptance, in an amount considered adequate by the city engineer and in a form satisfactory to the city attorney, in order to assure the satisfactory condition of the required improvements, including all lot improvements on the individual lots for one year after the date of their acceptance by the City and dedication to the City. (4-01-2020)

#### **20.35 Issuance of Building Permits and Certificates of Occupancy**

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

#### **20.36 Consumer Protection Legislation and Conflicts of Interest Statutes**

No building permit or certificate of occupancy shall be granted or issued if an applicant or authorized agent have violated any federal, state, or local law pertaining to consumer protection of real estate land sales, promotion, or practices, or any applicable conflicts-of-interest legislation with respect to the lot or parcel of land which is the subject of the permit or certificate, until so ordered by a court of competent jurisdiction.