

Act of Utah Code Annotated and other applicable statutes and laws.

In the event a use is proposed that is not specifically listed therein, an applicant may request a review of the proposed use by the land use committee. It is the applicant's responsibility to demonstrate the use is consistent with the purpose and zone characteristics and other land uses allowed in the zoning district.

The land use committee must conclude that the use is consistent with the purpose and characteristics of the zone and provide written findings to the City Council. If the proposed use is found to be consistent, staff will process the application as a permitted use. Staff will complete the amendment process as soon thereafter as practicable to include the use in Appendix A to ensure compliance with State and local regulations. The land use committee is not obligated to approve the request and no precedent is set by other approvals. The land use committee comprises of the Mayor, a member of the Planning Commission, City Manager, a member of the Development Services Department, and a representative of the Chamber of Commerce.

19.6.3.3 Planned Residential Development (PRD)

A project approved in accordance with Chapter 20.10 of Title 20, Subdivision Ordinance shall take precedence over the requirements of this Chapter. A Planned Residential Development (PRD) may have smaller lot sizes, lot widths, lot frontage, and/or lot coverage, ~~or other exceptions pursuant to a density bonus approved by the City Council~~. A PRD is allowed at the discretion of the City Council if the 26 applicant can demonstrate that an alternative development layout is preferable to a traditional development layout. If approved, a PRD and the approved lot arrangement, whether consistent with this Chapter or not, will take precedence over the requirements found herein.

Any requirements of this Title not specifically waived by the City Council shall remain in full effect as found herein.

19.6.3.4 Specific Plans (4-15-15)

A specific plan is a document designed to implement the goals and policies of the General Plan. Specific plans may contain detailed development standards, distribution of land uses, infrastructure requirements, and implementation measures for the development of a specific geographic area. Although it is the intention of the City Council for specific plans to maintain consistency with the provisions of this

Title, there may be occasions when amendments to this Title create inconsistencies between a Specific Plan and this Title. In such an instance, the Specific Plan shall prevail unless adherence to the specific plan would be illegal or result in an unsafe condition.

3. Parcels located higher in elevation than the “P” on “P” Mountain.
4. Inaccessible parcels of property that would require significant road cut and fill practices, extensive utility extension, slopes visible from great distances, areas of faulting and poor soils, and other highly sensitive visual and environmental areas. (2-16-05)

It is the intention of the City Council that the requirements of this Chapter be consistent with the provisions of Title 20 Subdivision Ordinance and Title 21 Sensitive Lands Ordinance. However, if inconsistencies between this Chapter and either/both Title 20 or Title 21 are found, the requirement applying the stricter standard shall apply.

19.6.28.3 Permitted, Conditional, and Accessory Uses Permitted Uses

The following land use types are permitted uses in the MH-1, Mountain and Hillside Zone. Unless specifically listed, any other use is not a permitted use in the zone. Uses listed as conditional or accessory uses are allowed in the zone only in accordance with the criteria established in this ordinance.

1. Agriculture and forestry
2. Single family dwellings – detached
3. Single family dwellings – attached
4. Public or private utility rights-of-way
5. Parks and recreational facilities
6. Subdivisions pursuant to Title 20
7. Keeping of animals pursuant to Title 6
8. Residential care facilities for the elderly and persons with a disability in accordance with Chapter 19.23 herein. (8-7-02)

Conditional Uses

The following land use types are conditional uses in the MH-1, Mountain and Hillside Zone. Unless specifically listed, any other use is not a conditional use in the zone. Uses listed as conditional uses must be reviewed and approved in accordance with the criteria established in Chapter 19.13 of this ordinance.

1. Water storage facilities either drinking or irrigation
2. Resorts and group camps
3. Golf courses
4. Public or private utility maintenance facilities (7-6-05)

Accessory Uses

Given the nature of the area included in the MH-1 Zone, it is possible that some property owners will desire to have an accessory structure without the

construction of a primary structure or in conjunction with a permitted use. However, an accessory structure will not be allowed without the construction of a primary structure or in conjunction with a permitted use. Each accessory structure shall be constructed in a manner that satisfies all regulations of this Chapter including the use of materials and colors, access, fencing, and other requirements. (2-16-05)

The following land use types are accessory uses in the MH-1, Mountain and Hillside Zone. Unless specifically listed, any other use is not an accessory use in the zone. An accessory use must be clearly incidental to a permitted or conditional use of the property. Accessory uses are not allowed without the approval of a permitted or conditional use of the parcel unless otherwise noted in this Section.

1. Storage facilities (non-commercial) for machinery and equipment as an accessory use to a permitted or conditional use in the zone, not to include storage units.

19.6.28.4 Permitted Density, Width and Frontage

Residential development in the MH-1 Zone is strictly limited to avoid overcrowding of land in sensitive areas. In general, development is discouraged in these areas. Developments in the MH-1 Zone shall not exceed one (1) unit per ten (10) acres ~~unless a density bonus in conjunction with a Planned Residential Development is approved by the City Council.~~ Each development in the zone will be unique to protect or take advantage of the unique characteristics of the site. There are no lot size requirements except that all provisions of the adopted development ordinances must be satisfied including those that may limit lot sizes. ~~Planned Residential Developments (PRD) are encouraged in accordance with Chapter 20.10 of the Subdivision Ordinance. However, the amenities for a density bonus only include the following:~~

- ~~1. Attempts to minimize the visual and environmental impact of the proposed development.~~
- ~~2. Attempts to use appropriate development features such as wooden street signs, screening of development structures, satellite public safety facilities, and the like.~~
- ~~3. Incorporation of trails, recreational facilities, and other publicly available features.~~
- ~~4.1. Other development features found by the City Council to enhance the natural features adjacent to or included in the development project. (2-16-05)~~

The width of individual lots may vary according to the development layout and design. Regulations for

not stand out or be obvious. Primary pitch lines of the structure must be parallel to the primary slope of the surrounding mountains and hills. The use of reflective materials, such as glass, should be kept to a minimum in the design of the structure. (2-16-05)

19.6.28.9.3 Engineered Plans

The topography, soils, snow load, and other building considerations vary greatly in the areas designated as MH-1. Therefore, the foundation, snow load and other structural details for all structures built in the MH-1 Zone shall be designed by a registered engineer and include the stamp of the engineer. (2-16-05)

19.6.28.10 Project Lighting

Project lighting in the MH-1 Zone shall complement the development through the use of appropriate materials and colors. Streetlights should be hooded and direct light toward the ground to avoid light spillage into sensitive areas. Light poles should be no higher than is necessary to provide safety and should be a color that will blend into the surrounding environment. All undue lighting shall be eliminated from the development. (2-16-05)

19.6.28.11 Height Requirements, Fire Issues

No structure in the MH-1 Zone shall exceed thirty-five (35) feet unless approved by the Fire Chief. The Fire Chief shall also be hereby empowered to regulate the height or location of any structure in order to provide adequate fire protection. Furthermore, structures shall not be constructed where the roofline extends above the natural ridgeline as defined in Title 21, Sensitive Lands Ordinance and the regulations of this Chapter. (2-16-05)

Each development or individual structure in the MH-1 Zone shall satisfy the regulations of the Payson City Wildland Interface Zone administered by the Payson City Fire Department. Any special considerations will be included in a development agreement approved by the City Council. (2-16-05)

19.6.28.12 Wildlife Considerations

Each development in the MH-1 Zone shall provide evidence, approved by the Utah Department of Natural Resources, that the proposed development will not be detrimental to wildlife in the area proposed for development. If wildlife mitigation is required, it shall be the sole responsibility of the applicant. Payson City will require that all suggestions of the Department of Natural Resources be satisfied.

19.6.28.13 Ridgeline Protection

Developments in the MH-1 Zone are not permitted to encroach upon any prominent ridgeline. For the

purposes of this Chapter, ridgeline protection areas shall consist of prominent ridgelines that are highly visible from any major roadway classified as collector or greater in intensity. A ridgeline shall also include the crest of any ridgeline and the land located within one hundred (100) feet horizontally (map distance) on either side of the crest.

19.6.28.14 Viewshed Protection

Developments in the MH-1 Zone are not permitted to encroach upon any viewshed area. Because the area covered by the MH-1 Zone is diverse, the viewshed area shall be determined by the staff and the applicant on a case-by-case basis. Once the viewshed area has been determined, the applicant will propose ways to protect the viewshed through the placement of structures, the use of color and materials, enhancement through vegetation, clustering, screening, or other appropriate methods. If the applicant and staff are unable to agree upon the viewshed area, the applicant may request that the City Council make a final determination.

19.6.28.15 Clustering and Placement of Structures

Clustering of development through the use of a Planned Residential Development (PRD) as allowed in Title 20, Subdivision Ordinance is generally recommended and may be required by the City Council to achieve the objectives of this Chapter. The base density for any PRD within the MH-1 Zone shall be in accordance with the density requirements of Section 19.6.28.4 of this Chapter. ~~An applicant for development approval may be granted up to a twenty-five (25) percent density bonus above the base density in a manner consistent with Chapter 20.10 of the Subdivision Ordinance.~~ Whether proposed by the applicant or required by the City Council, clustering of development shall lead to satisfaction of the following objectives in addition to the objectives required by Title 20:

1. Clustering will further the policies and objectives of this Chapter, such as providing more open space, preserving existing trees and vegetation coverage, and preserving sensitive environmental areas such as stream corridors, slide areas, wetlands, wildlife habitat, and steep slopes.
2. The architecture, height, building materials, building colors, and other design features of the development blend with the surrounding natural landscape.

The placement of structures on any lot must be approved by Payson City. Staff shall determine the location of each structure concentrating on the issues cited in this Chapter, the geotechnical report prepared

in the zone. An accessory use must be clearly incidental to a permitted or conditional use of the property. Accessory uses are not allowed without the approval of a permitted or conditional use of the parcel unless otherwise noted in this Section.

1. Garages – detached
2. Storage facilities (non-commercial) for machinery and equipment as an accessory use to a permitted or conditional use in the zone, not to include commercial storage units.

19.6.29.4 Permitted Density, Width and Frontage

19.6.29.4.1 Residential Density

19.6.29.4.2 Allowable Units for Nightly Rental Establishments

19.6.29.4.3 Size Limitations for Non-Residential Structures other than Nightly Rental Establishments

19.6.29.4.1 Residential Density

Residential developments in the MH-2 Zone shall not exceed one (1) unit per acre ~~unless a density bonus in conjunction with a Planned Residential Development is approved by the City Council.~~ Each development in the zone will be unique to protect or take advantage of the unique characteristics of the site. A great deal of flexibility will be given to an applicant for development approval in relation to individual parcel size provided that the applicant is able to demonstrate that the size of the parcels are compatible with the natural features and topography of the property, undue crowding of any portion of the property will not occur, the visual impact of the development is appropriately addressed, and all provisions of the adopted development ordinances are satisfied including those that may limit lot sizes. ~~Planned Residential Developments (PRD) are encouraged in accordance with Chapter 20.10 of the Subdivision Ordinance. However, the amenities for a density bonus only include the following:~~

- ~~1. Attempts to minimize the visual and environmental impact of the proposed development.~~
- ~~2. Attempts to use appropriate development features such as wooden street signs, screening of development structures, satellite public safety facilities, and other amenities fitting of the specific development site. (7-6-05)~~
- ~~3. Incorporation of trails, recreational facilities, and other publicly available features.~~
- ~~4.1. Other development features found by the City Council to enhance the natural features adjacent to or included in the development project.~~

The width of individual lots may vary according to the development layout and design. Regulations for adequate fire protection, access, environmental protection and other layout considerations will be considered in the determination of lot width. (7-6-05)

19.6.29.4.2 Allowable Units for Nightly Rental Establishments

With the exception of a bed and breakfast business which is further regulated by this Chapter, the number of nightly rental units allowed in the MH-2 Zone shall be calculated by multiplying the total number of acres in the proposed development by three (3). For instance, if a nightly rental establishment is situated on a ten (10) acre parcel, the applicant for development approval may be allowed to construct a structure with up to thirty (30) rental units. All design requirements of this Chapter shall apply to the construction of any nightly rental establishment. (7-6-05)

19.6.29.4.3 Size Limitations for Non-Residential Structures other than Nightly Rental Establishments

Non-residential structures other than nightly rental establishments shall be limited to no more than ten thousand (10,000) square feet per acre. Each story of a multi-story structure shall be included in the size limitation of the structure. (7-6-05)

19.6.29.5 Setback Requirements

Setbacks may vary in individual developments, however, the following setback standards must be satisfied by each proposed development in the MH-2 Zone.

1. Setback from the Nebo Loop Scenic Byway – A structure shall not be located less than one hundred (100) feet from the Nebo Loop National Scenic Byway except traffic regulatory signs and development entrance features.
2. Setback from streets – A structure shall not be located less than twenty-five (25) feet from any publicly maintained street.
3. Setback from other structures - Each structure shall be a minimum of twenty (20) feet from any other structure.
4. Setback from river, stream, spring, well or other watercourse – A structure shall not be located less than two hundred (200) feet or the minimum distance indicated in a source protection plan from any river, stream, spring, well or other watercourse.
5. Setback from geologic hazard – A structure shall not be located in any area deemed to present a geologic hazard.

Zone shall be designed by a registered engineer and include the stamp of the engineer.

19.6.29.10 Project Lighting

Project lighting in the MH-2 Zone shall complement the development through the use of appropriate materials and colors. Streetlights should be hooded and direct light toward the ground to avoid light spillage into sensitive areas. Light poles should be no higher than is necessary to provide safety and should be a color that will blend into the surrounding environment. All undue lighting shall be eliminated from the development.

19.6.29.11 Height Requirements, Fire Issues

No structure in the MH-2 Zone shall exceed thirty-five (35) feet unless approved by the Fire Chief. The Fire Chief shall also be hereby empowered to regulate the height or location of any structure in order to provide adequate fire protection. Furthermore, structures shall not be constructed where the roofline extends above the natural ridgeline as defined in Title 21, Sensitive Lands Ordinance and the regulations of this Chapter.

Each development or individual structure in the MH-2 Zone shall satisfy the regulations of the Payson City Wildland Interface Zone administered by the Payson City Fire Department. Any special considerations will be included in a development agreement approved by the City Council.

19.6.29.12 Wildlife Considerations

Each development in the MH-2 Zone shall provide evidence, approved by the Utah Department of Natural Resources, that the proposed development will not be detrimental to wildlife in the area proposed for development. If wildlife mitigation is required, it shall be the sole responsibility of the applicant. Payson City will require that all suggestions of the Department of Natural Resources be satisfied.

19.6.29.13 Ridgeline Protection

Developments in the MH-2 Zone are not permitted to encroach upon any prominent ridgeline. For the purposes of this Chapter, ridgeline protection areas shall consist of prominent ridgelines that are highly visible from any major roadway classified as collector or greater in intensity. A ridgeline shall also include the crest of any ridgeline and the land located within one hundred (100) feet horizontally (map distance) on either side of the crest.

19.6.29.14 Viewshed Protection

Developments in the MH-2 Zone are not permitted to encroach upon any viewshed area. Because the area covered by the MH-2 Zone is diverse, the viewshed area shall be determined by the staff and the applicant on a case-by-case basis. Once the viewshed area has been determined, the applicant will propose ways to protect the viewshed through the placement of structures, the use of color and materials, enhancement through vegetation, clustering, screening, or other appropriate methods. If the applicant and staff are unable to agree upon the viewshed area, the applicant may request that the City Council make a final determination.

19.6.29.15 Clustering and Placement of Structures

Clustering of development through the use of a Planned Residential Development (PRD) as allowed in Title 20, Subdivision Ordinance is generally recommended and may be required by the City Council to achieve the objectives of this Chapter. The base density for any PRD within the MH-2 Zone shall be in accordance with the density requirements of Section 19.6.29.4 of this Chapter. ~~An applicant for development approval may be granted up to a twenty-five (25) percent density bonus above the base density in a manner consistent with Chapter 20.10 of the Subdivision Ordinance.~~ Whether proposed by the applicant or required by the City Council, clustering of development shall lead to satisfaction of the following objectives in addition to the objectives required by Title 20:

1. Clustering will further the policies and objectives of this Chapter, such as providing more open space, preserving existing trees and vegetation coverage, and preserving sensitive environmental areas such as stream corridors, slide areas, wetlands, wildlife habitat, and steep slopes.
2. The architecture, height, building materials, building colors, and other design features of the development blend with the surrounding natural landscape.

The placement of structures on any lot must be approved by Payson City. Staff shall determine the location of each structure concentrating on the issues cited in this Chapter, the geotechnical report prepared for the development, the visual impact of the structure, and other general site considerations. If an applicant is in disagreement with the location determined by staff, the applicant may appeal the decision to the City Council whose decision shall be final.

19.6.29.16 Provision of Utilities (12-7-16)

Each project in the MH-2 Zone shall be required to connect to all Payson City public utility services

Permitted Uses

The following land use types are permitted uses in the GCD, Golf Course Development Zone. Unless specifically listed, any other use is not a permitted use in the zone. Uses listed as conditional or accessory uses are allowed in the zone only in accordance with the criteria established in this Title.

1. Single family dwellings – detached
2. Two, three and four family dwellings – attached
3. Public or private utility rights-of-way
4. Accessory recreational amenities
5. Subdivisions pursuant to Title 20
6. Animals pursuant to Title 6 – indoor only

Conditional Uses

The following land use types are conditional uses in the GCD Zone. Unless specifically listed, any other use is not a conditional use in the zone. Uses listed as conditional uses must be reviewed and approved in accordance with the criteria established in Chapter 19.13 of this ordinance.

1. Water storage facilities either drinking or irrigation
2. Private recreational facilities
3. Public or private utility maintenance facilities

Accessory Uses

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

1. Storage facilities (non-commercial) for machinery and equipment as an accessory use to a permitted or conditional use in the zone, not to include storage units.

19.6.30.4 Permitted Density, Width and Frontage

Residential development in the GCD Zone is strictly limited to areas where development can enhance the golf course without interfering with play. Each development in the zone will be designed to complement the golf course and take advantage of the unique characteristics of the site.

Each development in the GCD Zone may be allowed, but is not required, to have up to ten (10) units per acre ~~unless a density bonus is granted by the City Council in accordance with Chapter 20.10 of the Subdivision Ordinance. The amenities allowed for a density bonus shall be limited to the following:~~

- ~~1. Significant attempts to minimize the visual and environmental impact of the proposed development on the views of the natural surroundings as well as the visual character of the golf course.~~
- ~~2. Significant attempts to minimize the potential impact on the operation of the golf course or the golf experience of the patrons.~~
- ~~3. Attempts to use appropriate development features that will complement the golf course such as wrought iron fencing, consistent landscaping themes and screening of development structures.~~
- ~~4. Incorporation of recreational facilities for residents of the development.~~
- ~~5.1. Voluntary improvements to Gladstan Golf Course that are listed on the capital improvements plan of the golf course.~~

Individual ownership of residential units is highly encouraged. The width of individual lots may vary according to the development layout and design. Regulations for adequate fire protection, access, environmental protection and other layout considerations will determine lot width.

Each development in the GCD Zone shall obtain primary access from a publicly owned and maintained street. Specific frontage requirements on the public street shall be determined on an individual case-by-case basis. Multiple development proposals shall not obtain access from a single private access from a publicly owned and maintained street.

19.6.30.5 Setback Requirements

Setbacks may vary in individual developments, however, the following setback standards must be satisfied by each proposed development in the GCD Zone.

1. Setback from the Gladstan Golf Course – Structures shall not be located less than fifty (50) feet from any area in play of the golf course.
2. Setback from publicly maintained street – Structures shall not be located less than twenty-five (25) feet from any publicly maintained street ~~or less than twenty (20) feet of a private street.~~
3. Setback from other structures - Each structure shall be a minimum of twenty (20) feet from any other structure.
4. Setback from river, stream, spring, or well – Structures shall not be located less than two hundred (200) feet or the minimum distance indicated in a source protection plan from any river, stream, spring, or well.

Chapter 19.10 Planned Residential Developments

19.10.1 Subdivision Ordinance to Dictate

19.10.2 Planned Unit Developments

19.10.1 Subdivision Ordinance to Dictate

The City Council may, following a recommendation from the Planning Commission, approve a Planned Residential Development (PRD). In many cases, the development pattern of the PRD will not be consistent with the requirements of the Zoning Ordinance. In such a case, the Subdivision Ordinance shall dictate.

Furthermore, a PRD allows a flexible development layout ~~and density bonuses~~ in return for desirable amenities. If a PRD is approved by the City Council, it shall not be considered a spot zone, nor be required to obtain a zone change.

19.10.2 Planned Unit Developments

Planned Unit Developments are similar in nature to Planned Residential Developments and shall take precedence of this ordinance as well. Any requirements of this Title not specifically waived by the City Council shall remain in full effect as found herein. (1-18-06)