

Adjustment is organized to provide for just and fair treatment in the administration of the Zoning Ordinance, and to ensure that substantial justice is done. Unless otherwise noted herein, the Board of Adjustment shall hear all appeals to the provisions of this Title. The Board of Adjustment shall have the powers and duties expressly granted in §10-9a-701 et. seq. Utah Code Annotated 1953, as amended. (1-18-06)

The members of the Board shall be appointed by the Mayor of Payson City with the advice and consent of the City Council. In organizing the Board of Adjustment, the Mayor and City Council shall ensure:

1. That the Board is composed of five (5) members assigned to terms of five (5) years so the term of one member expires each year. Existing Board Members may be re-appointed by the City Council.
2. Appointment of the Board of Adjustment members shall occur annually at the first meeting of the City Council in April, or as soon thereafter as deemed necessary by the City Council to appoint qualified applicants.
3. That the Board elects a Chair person and a Vice Chairperson at the first meeting of the Board following the April appointment who shall be in charge of all proceedings necessary to preserve the order and integrity of Board meetings.
4. If a Board Member is unable to complete a term, the Mayor, with the advice and consent of the City Council, shall appoint a replacement to serve the remainder of the unexpired term of the Board Member whose office is vacant.
5. The Board of Adjustment shall establish rules by which the Board shall be governed. None of the rules of the Board of Adjustment shall be in conflict with State or City statute.

Following a showing of just cause such as conflict of interest, lack of attendance, or misuse of information, the Mayor with the advice and consent of the City Council may remove any Board Member. The City Council may take action to remove a member of the Board for just cause if the Mayor is unwilling to remove the Board Member. (7-6-05)

19.2.5.1 Standard of Review

The Payson City Council hereby ordains that the Standard of Review for the Payson Board of Adjustment shall be on the established record rather than a de novo review. The Board of Adjustment shall have access to all minutes,

recordings, staff reports and other information in order to establish such record. (2-7-07)

19.2.6 Payson City Staff

The Development Services Department is the primary staff to the City Council, Planning Commission and Board of Adjustment in regard to the Zoning Ordinance. The Development Services Director shall be the director of the department and shall ensure all administrative duties of this Ordinance are completed. The director may assign other department staff to aid the City Council, Planning Commission and Board of Adjustment as appropriate. The department secretary shall act as the secretary to the Planning Commission and Board of Adjustment including such duties as preparing agendas and taking minutes of their meetings.

The City Council, Planning Commission, and Board of Adjustment may also request the assistance of other appropriate City staff such as the City Engineer, department superintendents and others as deemed necessary.

19.2.7 Notice Requirements and Public Hearings

All notice requirements and public hearing notice requirements shall satisfy State law and Payson City ordinances and resolutions. The public notice shall contain ample information to allow the general public to determine what action is being proposed, a short description of the proposal, the time, date, and location of the public hearing, and where additional information, if any, may be obtained. Any action which requires a public hearing by State law, Payson City resolution or ordinance, or the provisions of this ordinance shall be noticed in the following manner:

1. The notice shall be posted in at least three (3) public places within Payson City or on the official Payson City website at least fourteen (14) days prior to the date of the public hearing. (7-6-05)
2. The notice shall be published in a newspaper having general circulation within Payson City at least fourteen (14) days prior to the date of the public hearing. The publication date, not the date of submission to the newspaper, must satisfy the fourteen (14) day notice requirement. (7-6-05)
3. For any notice required by State law or Payson City ordinance or resolution, the applicant shall be responsible to prepare and provide stamped addressed envelopes to be mailed to owners of property within five hundred (500) feet, unless otherwise indicated herein or in another land use ordinance of Payson City, as listed on the latest

tax assessment roles of Utah County, ~~no less than seven (7) days prior to the public hearing.~~
(3-17-10)

Any costs associated with the provision of the notice requirements herein shall be the responsibility of the proponent of the request. If notice given under authority of this Section is not challenged as provided by State law, notice is considered adequate and proper.

19.2.8 Amendments to Zoning Ordinance and Map

The City Council may amend the number, shape, boundary, or area of any zoning district. The City Council may also amend any regulation or other provisions of a zoning district. The amendments may only occur in accordance with the following procedure.

Any person, including staff, the Planning Commission or City Council, seeking an amendment to the Zoning Ordinance or Zoning Map shall submit to the Planning Commission, on forms provided by Payson City, the following:

1. A description of the specific amendment to the Zoning Ordinance or Zoning Map. In the case of an amendment to the Zoning Map, the applicant shall submit a legal description of the property included in the proposed amendment. (11-6-02)
2. The reason and justification for the proposed amendment and how the proposed amendment would further the purpose and intent of the Zoning Ordinance, and how the proposed amendment is consistent with the Payson City General Plan.
3. Supporting documentation, maps, studies and any other information that would allow the City Council to make a well-informed decision.
4. The payment of the appropriate fee in accordance with the Payson City fee schedule.

Upon receipt by the Planning Commission of the proposed amendment, the Planning Commission shall hold a public hearing in accordance with Section 19.2.7 herein. Following the public hearing, the Planning Commission shall forward a recommendation to the City Council on the proposed amendment.

The City Council may approve, amend and approve, remand the proposed amendment back to the Planning Commission for further review, or deny the proposed amendment. (7-19-17)

19.2.9 Relationship to other Ordinances and Agreements

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

1. The Payson City General Plan and General Plan Map.
2. Title 20 of the Payson City Code, also known as the Subdivision Ordinance.
3. Title 21 of the Payson City Code, also known as the Sensitive Lands Ordinance.
4. The Payson City Development Guidelines. (12-19-18)
5. Annexation and Development Agreements approved by the City Council
6. Specific project guidelines or restrictive covenants. (9-3-03)

19.2.10 Land Use Applications

A land use application shall be required for all proposed development reviewed under this Title including additions to existing buildings and temporary uses. All land use applications are available from the Development Services Department. The City is not obligated to act on any application that is not complete or does not contain all of the information required herein. (4-15-15)

Any application for a subdivision shall also satisfy the applicable requirements of Title 20, Subdivision Ordinance. Review of zoning requirements and subdivision approval may be completed concurrently.

The use or development of property may not commence until all necessary approvals, permits, and licenses have been issued in accordance with the provisions of this Title and the applicant has paid all required fees. (4-15-15)

A concept plan shall not be considered an application for development approval. For the purposes of this Title, a complete application shall be deemed to include, at a minimum, the following information:

1. A signed and completed application(s) form(s) together with payment of appropriate fees in accordance with Chapter 19.27 herein.
2. All relevant information required by this Title in written form.
3. A complete description of the proposal and an indication of what approval(s) are necessary.
4. Any information necessary for the City Council to make reasonable conclusions and a well-informed decision. (8-7-02)

development project. In this circumstance, the City will be required to upgrade the hydrant.

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.

In the case of inclement weather, an additional building permit may be issued by the Development Services Department to continue 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 cash bond equal to one hundred ~~fifty (150)~~ ten (110) 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 may 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).

19.3.5 Assurance for Improvements

The City Council shall require the applicant to post an acceptable guarantee at the time of development approval for any improvements regulated by this Title. The estimated amount, reviewed and approved by the City Engineer, shall be sufficient to assure to the municipality the satisfactory construction, installation, and dedication of the required improvements. The amount of the guarantee shall be equal to one hundred and ~~twenty (120)~~ ten (110)

percent of the estimated cost of the required improvements as determined by the City Engineer.

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

The period within which required improvements must be completed shall be specified by the City Council upon development approval and shall be incorporated in the guarantee. The City Council may, given a valid reason, extend the completion date set forth in such guarantee for a maximum period of one additional year. The City Council may at any time during the period of such guarantee accept a substitution of principal or sureties.

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

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

19.3.6 Public Works Inspections

Any improvements that require a performance guarantee in accordance with this Title are subject to payment of a public works inspection fee for the inspection and approval of the required improvements consistent with Chapter 19.27 herein.

Each applicant for development approval required by this Title to construct, reconstruct, or complete major

resurfacing of any roadway shall submit in cash an amount equal to one hundred ~~twenty (120)~~ ten (110) percent of the City Engineer's approved estimate for the cost of completing ~~a final one (1) inch asphalt overlay~~ an asphalt slurry seal in accordance with the Development Guidelines. The asphalt slurry seal must be completed ~~Following the construction of at least ninety (90)~~ one hundred (100) percent of the ~~structures dwellings~~ 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 one (1) inch asphalt overlay~~. Following the installation and acceptance of the ~~overlays~~ slurry seal, the cash bond will be released. If the applicant fails to complete the overlay slurry seal within sixty (60) days after the issuance of a final Certificate of Occupancy ~~for more than ninety (90) percent of the structures in the development or the one year timeline~~, the City shall use the cash bond to complete the slurry seal overlay. ~~(12-19-18)~~

19.3.7 Dedication and Acceptance of Property

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

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

19.3.8 Licensed Contractors, Surveyors, and Engineers

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

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

It is unlawful for any public or private utility provider to install, upgrade or replace any facilities in the city limits without obtaining a franchise agreement. Prior to any installation or repair of utility

lines, pipes, structures, cabinets, and similar utility facilities, the utility company shall provide to Payson City engineered drawings that indicate the location of utility lines and facilities. A permit is required prior to the installation, maintenance, and/or repair of utilities within the public right-of-way.

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

1. Utilities must be consistent with the permitted and conditional uses of the underlying zone.
2. To minimize encroachment and impacts on real property, utility systems shall be located in a public utility easement, where available, or property owned by the utility. If no public utility easement is available, the utility facilities shall be located in a public right-of-way. Utility companies authorized to provide services to customers within the municipal limits of Payson, Utah shall have priority in the public right-of-ways or public utility easements.
3. If the utility cannot be located within the public right-of-way, or public utility easement, it shall be the responsibility of the utility company to acquire an easement and provide proof, in the form of a recorded easement before performing any work.
4. With the exception of high-voltage electrical transmission lines, electrical and telecommunication lines shall be located underground. If a site is developed, redeveloped, or subdivided, any existing overhead lines shall be placed underground.

Chapter 19.5

Street Transportation Master Plan (3-3-21)

19.5.1 Preparation of ~~Street Transportation~~ Master Plan and Map

19.5.2 Permits to Conform with Street Transportation Master Plan

19.5.3 Relationship to Subdivision Plat Approval

19.5.4 Relationship to Trails Master Plan

19.5.5 Road and Street Standards (12-7-16)

19.5.1 Preparation and adoption of a Street Transportation Master Plan and Map

The Planning Commission ~~and City Council~~, shall prepare, adopt, and maintain, with assistance from the City Engineer, ~~and Streets Superintendent, and public safety officials~~, a Street Transportation Master Plan ~~for Payson City~~ indicating the proposed location of all arterial and collector streets ~~as defined in the Development Guidelines~~, along with any other local street deemed necessary or appropriate by staff, the Planning Commission and the City Council. The City Council shall review and approve the Street Transportation Master Plan and construction of any streets shall be in conformance with the Street Master Plan and the Development Guidelines to the extent allowed by law. (12-19-18)

19.5.2 Permits to Conform with Street Transportation Master Plan

Permits for ~~any building or structure, utilities or improvements or any part thereof~~ shall not be issued on any land located within ~~the~~ proposed street right-of-way ~~shown on~~ contemplated in the Street Transportation Master Plan unless each of the following can be shown:

1. The applicant will be denied a substantial property right observed by other property owners within the same district.
- ~~2. The applicant can show an alternative street pattern that will satisfy, in every way, the original intent of the Street Master Plan including, but not limited to, circulation, safety, service provision, and access to adjacent properties.~~
- ~~3-2.~~ The interests of the property owner outweigh the need of the City and the citizens at large to have the road constructed in the planned location through an engineering study performed by a professional licensed traffic engineer.

19.5.3 Relationship to Development Approval

A development layout may not be filed with the City nor recorded in the office of the Utah County Recorder

until it has been submitted and reviewed by appropriate City staff and, if deemed necessary by the City Council, for consistency with the Street Transportation Master Plan.

~~All~~ applicants for development approval shall ~~be able to~~ demonstrate how traffic from the proposed development will circulate into the traffic pattern of the City. The City ~~may will~~ require, at the applicant's expense, a detailed traffic analysis in order to justify any assumptions made by an applicant for subdivision development approval, if the City Engineer, or designee, determines the development is large enough to have an impact to the surrounding area. (1-23-08)

At a minimum, each applicant for development approval will be required to construct or extend a road network that will:

1. Provide a safe, efficient and convenient traffic circulation pattern.
2. Provide adequate access to all adjacent properties and eliminate the potential for landlocked parcels.
3. Extend adequate utilities and infrastructure to provide municipal services.
4. Create a circulation system that will provide adequate public safety and emergency access to protect both human life and the built environment.

The roadway network must be provided regardless of whether the proposed development is classified as commercial, industrial or residential development. Failure to demonstrate that the provisions above have been satisfied may result in the denial of development approval. (1-23-08)

19.5.4 Relationship to Trails Transportation Master Plan for Trails

In all zones, permits for any building or structure, or any part thereof shall not be issued on any land proposed to be set aside for a public trail unless the trail is constructed by the applicant or each of the following can be shown:

1. The applicant will be denied a substantial property right enjoyed by other property owners within the same district.
2. The applicant can show an alternative solution for the proposed trail that will allow in every way, the original intent of the Trails portion of the Transportation Master Plan including, but not limited to, circulation, safety, service provision, and access to adjacent properties.
3. The interests of the property owner outweigh the need of the City and the citizens at large to have

the trail constructed in the planned location. ~~(12-19-01)~~

All trails intended to be dedicated to Payson City in accordance with the ~~Trails Element of the Payson City General Plan~~ Transportation Master Plan and applicable adopted area specific plans shall be constructed in a manner consistent with the Payson City Development Guidelines of the City. Any development located near a public trail may be required to provide a concrete or asphalt neighborhood connection to the trail system in the most practical location. ~~(12-19-18)~~

When a connection to a public trail is required, the connection area shall be wide enough to provide appropriate fencing, attractive landscaping, and any necessary utilities. At a minimum, the trail connection area shall be twenty (20) feet wide and dedicated to Payson City in the form of an easement of public right-of-way as determined by the City Engineer. ~~(1-23-08)~~

19.5.5 Road and Street Standards (12-7-16)

The layout of roads and streets in all developments must be consistent with the major and local streets included in the ~~Street~~ Transportation Master Plan and specific area plans adopted by the Payson City Council. Developments that encompass or are located adjacent to a collector or arterial status street shall be designed and developed so the public street is improved in an efficient and safe manner.

The layout and design of all roads and streets is subject to approval of the City Engineer. It is the responsibility of the applicant for development approval to construct all roads within and adjacent to the project consistent with the ~~Street~~ Transportation Master Plan, Title 20, Subdivision Ordinance, and the Payson City Development Guidelines. The right-of-way width for roads and streets shall be as follows:

1. A local street shall have a minimum ~~width-right-of-way~~ of ~~sixtyfive-six~~ (560) feet.
2. A collector street shall have a minimum ~~width~~ right-of-way of ~~sixtyseveny-six~~ (766) feet.
3. An arterial street shall have a minimum width of ~~seventy-six~~ ninety-eight (7698) feet.
4. Developments located within the boundaries of a defined planning area shall accommodate the road and street cross-sections included in the specific area plan adopted by the City Council.

Roads and streets shall be designed and constructed with the proper sub-base, base, asphalt, curb and

gutters, sidewalks and planter areas. The applicant is responsible for the costs associated with the proper construction of all roads and streets in the development, including the additional thickness of asphalt for collector and arterial status streets. At a minimum, the roadways must be improved consistent with the Payson City Development Guidelines ~~Standard Street Cross-Section Detail~~. If geotechnical studies recommend additional sub-base, base, or asphalt thickness, the additional improvements will be required at the cost of the applicant.

19.6.5 R-1-A Residential-Agriculture Zone

- 19.6.5.1 Purpose and Zone Characteristics
- 19.6.5.2 Permitted, Conditional and Accessory Uses
- 19.6.5.3 Lot Area
- 19.6.5.4 Lot Width
- 19.6.5.5 Lot Frontage
- 19.6.5.6 Lots Created Prior to Adoption of Ordinance
- 19.6.5.7 Setback Requirements
- 19.6.5.8 Projections into Setbacks
- 19.6.5.9 Building Height Requirements
- 19.6.5.10 Distance Between Buildings
- 19.6.5.11 Permissible Lot Coverage
- 19.6.5.12 Project Plan Approval
- 19.6.5.13 Other Requirements

19.6.5.1 Purpose and Zone Characteristics

The R-1-A Residential-Agriculture Zone is established to provide areas within the City where agricultural pursuits can be encouraged and supported. Uses permitted in the zone, in addition to agriculture, should be incidental thereto and should not change or inhibit the basic agricultural character of the zone. Rezoning of land in the R-1-A Zone should be accomplished in an orderly manner to avoid undue and inefficient extension of City infrastructure, and “leap-frog” development patterns.

19.6.5.2 Permitted, Conditional and Accessory Uses *Permitted Uses*

The following land use types are permitted uses in the Residential-Agriculture 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 horticulture (2-19-14)
2. Keeping of animals pursuant to Title 6
3. Single family dwellings – detached
4. Accessory apartment in accordance with Section 19.9.22 (7-19-17)
5. Municipal governmental facilities (9-1-10)
6. Public or private utilities and rights-of-way
7. Parks and recreational facilities
8. Subdivisions pursuant to Title 20
9. Residential facilities for the elderly or persons with a disability in accordance with §10-9a-516 of Utah Code Annotated, 1953, as amended. (2-19-14)

Conditional Uses

The following land use types are allowed as conditional uses in the Residential-Agriculture Zone. Unless specifically listed, any other use is not allowed

as a conditional use in the zone. Each conditional use must be reviewed and approved in accordance with Chapter 19.13 of this ordinance.

1. Cellular and low power towers pursuant to Chapter 19.17 herein
2. ~~Ranch or farm employee dwellings (limited to one unit per ten (10) acres of land area which must be reviewed and renewed every three (3) years)~~
3. Water storage facilities, drinking or irrigation
4. Cemetery grounds and facilities
5. Religious buildings and structures
6. Educational facilities unless otherwise addressed in State Statute (2-7-07)
7. Resorts and group camps
8. Golf courses
9. Public or private utility maintenance facilities (9-1-04)

Accessory Uses

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

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

19.6.5.3 Lot Area

Each dwelling in the Residential-Agriculture Zone shall be on a separate lot containing not less than one (1) acre, ~~except that ranch or farm employee housing may be on a smaller parcel in conjunction with a bona fide agricultural use at a ratio of one (1) unit per ten (10) acres that must be reviewed and approved every three (3) years, or~~ unless otherwise approved as part of a Planned Residential Development (PRD) in accordance with Chapter 20.10.

The minimum lot area requirement for utility uses, as allowed by this Title, is three thousand five hundred (3,500) square feet. (6-1-11)

RMF-20: Up to 20 units/gross acre
In calculating the maximum number of units for a proposed development/project, the assigned density will be multiplied by the gross acreage and rounded to the nearest whole number. Regardless of which density classification is assigned to a project, all of the requirements of this Chapter including, but not limited to, lot coverage, setback, parking, open space, and project amenities must be satisfied.

19.6.7.5 Project Width

Each project in the RMF Multi-Family Residential Zone shall have a minimum width of two hundred (200) feet for all of the area within the required front setback of the zone.

19.6.7.6 Project Frontage

Each project in the RMF Multi-Family Residential Zone shall abut a public street, ~~or private street if approved by the City Council~~, for a minimum distance of two hundred (200) feet.

19.6.7.7 Single-Family Frontage and Lot Area

Each single-family unit within a multi-family development in this zone shall have a minimum lot frontage of sixty-five (65) feet. Under no circumstances shall a single-family lot in the RMF Multi-Family Residential Zone be smaller than 6,500 square feet.

19.6.7.~~87~~ Setback and Build-To-Line Requirements

The following minimum setback and build-to-line requirements shall apply in the RMF Multi-Family Residential Zone. Each setback or build-to-line is measured from the property line of the lot or parcel.

1. Front setback - Each building or structure shall have a minimum front setback of twenty (20) feet.
2. Side setback - Each building or structure shall have a minimum side setback of ten (10) feet, unless otherwise noted herein.
 - a. Side setback for corner lot - Each corner lot or parcel shall have a minimum setback of fifteen (15) feet along the public street on the side of the lot not being used as the front setback.
 - b. Side setback for accessory building - The side setback for any permitted accessory building shall have a minimum side setback of five (5) feet.
3. Rear setback - Each building or structure shall have a minimum rear setback of fifteen (15) feet.
 - a. Rear setback for accessory building - An accessory building shall be at least five (5) feet from the rear property line.

4. The land use authority may impose a build-to-line that represents the distance from the property line that a structure will be constructed. The build-to-line may be imposed on any side of the structure. The build-to-line may be imposed in order to reduce the parking adjacent to the street, improve aesthetics of the site, or for circulation purposes. The imposition of a build-to-line does not reduce the amount of required off-street parking or landscaping.
5. When a multi-family housing project is proposed adjacent to a non-multi-family residential zone, the setback requirements of the adjacent residential zone shall be implemented along the perimeter of the development.

19.6.7.~~89~~ Projections into Setbacks

The following structures may project into a required setback, but not beyond the property line, except as noted herein:

1. Fences and walls in conformance with all applicable City ordinances and resolutions.
2. Landscaping and irrigation systems that shall be extended to the sidewalk or back of curb.
3. Necessary appurtenances for utility service.
4. Cornices, eaves, sills, buttresses, awnings, planter boxes or other similar architectural features may project up to four (4) feet into any required front or rear setback or up to two (2) feet into a side setback.

19.6.7.~~910~~ Building Height Requirements

The allowable building height is a function of the density allowed in the RMF Zone, the regulations of the adopted fire code, and the ability of the Fire Department to provide effective fire protection as determined by the Fire Chief. Regardless of height, each structure must satisfy the regulations of the adopted fire code, which may require an appropriate internal and external fire sprinkler system. In no case shall the height of the structure exceed four (4) stories. Furthermore, the interior ceiling height of a structure shall not exceed forty-three (43) feet (ten feet per story with one foot between floors for joists). Dormers, trusses, and other sloped roofs may exceed forty-three (43) feet. The Fire Chief may reduce building height or roof slope to ensure the ability to protect the structure on a case-by-case basis, if necessary.

An accessory structure in the RMF Zone may not exceed eighteen (18) feet in total height as defined in Chapter 19.28 herein.

19.6.7.~~1011~~ Distance between Buildings

19.6.8.11 Parking, Loading and Access

Each project shall satisfy the off-street parking requirements found in Chapter 19.4 herein. Parking spaces shall be accessed from a public road by a hard surfaced, composed of asphalt or concrete, drive approach. (11-18-20)

19.6.8.12 Project Plan Approval

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

Use of the RMO-1 Overlay is a request for increased intensity in the permitted uses of the underlying zone. Therefore, any applicant for use of the RMO-1 understands and acknowledges that the development rights on the subject property are those found in the underlying zone until, and unless, approved to use the RMO-1 Overlay. The applicant further understands and acknowledges that denial for the use of the RMO-1 shall not constitute a takings claim in that the applicant shall not be denied the ability to use the property in accordance with the underlying zone. The density figures shown in the tables in Section 19.6.8.3 are maximum density figures. The applicant understands and acknowledges that the City Council can require the applicant to reduce the number of units or otherwise change the project proposal in order for legislative approval to be granted.

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

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

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

19.6.8.13 Other Requirements

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

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

- c. The following provisions shall apply to wall signs in the *S-1 Zone*: The sign(s) shall not be more than twenty-five (25) percent of building face not to exceed five hundred (500) square feet, whichever is less and no one sign shall exceed fifteen (15) percent. If wall signs are implemented, a wall sign must be placed near the primary entrance to the structure. Additional wall signs may be placed in other locations on the structure but shall not exceed the square footage as calculated above. The wall sign placed at the primary entrance shall be equal to or larger than any other sign placed on the structure.
- d. The following provisions shall apply to wall signs in the *PO-1 Zone*: One (1) wall sign, not to exceed thirty-six (36) square feet, may be allowed per building. Multi-tenant buildings are limited to one (1) wall sign that indicates the location of each tenant. Buildings in excess of 50,000 square feet are allowed fifteen percent (15%) or five hundred (500) square feet whichever is less.
2. The sign shall be proportionate to the scale of the building.
3. Advertising painted on the wall of a building shall be considered a wall sign and must satisfy the provisions of this Chapter.
4. A wall sign may contain changeable copy provided that the changeable copy sign be part of the calculation in subsection 2 above and not exceed thirty-six (36) square feet.
5. The sign shall not extend above the top of a wall or the eve of a building.
6. Multi-tenant buildings: see section 19.15.3.3.6.
7. A commercial structure may contain a wall sign on the side and/or rear wall of the building provided the side and/or rear of the building does not abut residential structures and are limited to one sign per wall face.

Window Sign - The following provisions shall apply to window signs:

1. Window signs shall be used to identify the business, hours of operation, phone number, address, advertising of weekly specials and services and other general information about the business. Signs must be located on the interior of a window and shall not obstruct more than fifty percent (50%) of the window surface and are allowed without a permit.

19.15.6.3 CT, Commercial Transition Zones

Because there are several transition zones, signs in the CT-1 Zone shall be consistent with the requirements of the S-1 Zone, the signs in the CT-2, Zone shall be consistent with the requirements of the I-1, Zone and only signs allowed in residential zones shall be allowed in the CT-3 Zone. (2-16-05)

19.15.6.4 NC-1, Neighborhood Commercial

Signs in the NC-1 Zone should complement the residential atmosphere and existing built environment of the district. The signs should be constructed of materials and colors consistent those used to construct residential dwellings and should not include backlit signage, neon signs and tubing, plastic facing, bright or day-glo colors, etc. The following regulations apply to signs in the NC-1 Zone:

1. One wall sign will be allowed not to exceed thirty-six (36) square feet may be placed on a wall facing a public street. Changeable copy is not allowed on a wall sign in the NC-1 Zone.
2. The sign shall be proportionate to the scale of the building and surrounding structures.
3. Advertising painted on the wall of a building shall be considered a wall sign and must satisfy the provisions of this Chapter.
4. The sign shall not extend above the top of a wall or the eve of a building.

19.15.7 Outdoor Advertising Structures (Billboards)

Outdoor advertising structures (billboards) shall be permitted only along Interstate I-15 and only in the P-C, Planned Community Zone, the I-1, Light Industrial Zone, and the I-2, Heavy Industrial Zone. Outdoor advertising structures shall be erected and maintained in conformance with the following provisions and must, at a minimum, satisfy state statute and the provisions of the Utah Department of Transportation. Each outdoor advertising structure shall:

1. Have a maximum area of six hundred seventy-five (675) square feet per face.
2. Advertising structures shall have a maximum height of ~~thirty five forty (3540) feet, provided however, that for every foot in height above twenty (20) feet, the applicant shall submit payment of one thousand (1,000) dollars or five (5) percent of the valuation of the sign, whichever is greater that will be used to enhance the commercial corridors of Payson City.~~ thirty five (35) feet, provided however, that for every foot in height above twenty (20) feet, the applicant shall submit payment of one thousand (1,000) dollars or five (5) percent of the valuation of the sign, whichever is greater that will be used to enhance the commercial corridors of Payson City.
3. All outdoor advertising structures shall be located behind the line of the required front yard

4. Temporary events must satisfy the zoning requirements of Chapter 19.11 herein.
5. Advertising for temporary events must be in accordance with Chapter 19.15 herein.
6. Temporary events shall be kept neat, clean, and free of debris at all times. It shall be the responsibility of the applicant to inform the City of the need for solid waste receptacles and pay the appropriate fee for solid waste hauling.
7. All yard sales and temporary events are responsible for the appropriate sales taxes in accordance with State and Federal law.
2. Weeds shall not be permitted to grow in the joints between concrete or in cracks in the concrete of the curb, gutter, or sidewalk in order to discourage further decay of the concrete.
3. Sidewalks shall be kept free of weeds, dirt, gravel, sand, salt, oils, grease, and other debris to prevent undue tripping or slipping.

19.24.12 Compliance with Sign Ordinance, Chapter 19.15

All signs and outdoor advertising devices shall be consistent with the requirements of Chapter 19.15 herein. Signs that do not satisfy the requirements of Chapter 19.15 may be removed under the direction of the Code Enforcement Officer and the owner of the sign may be subject to a Class C misdemeanor in accordance with Chapter 19.25 herein.

All signs shall be kept in good repair. No sign may be placed within the clear view area of a street intersection, as defined in Section 19.9.5 herein.

19.24.13 Yard Sale and other Temporary Signs

All advertising for yard sales and other temporary events shall be in accordance with Chapter 19.15 herein. Off premise signs, other than signs in areas expressly permitted by the City Council, are prohibited.

19.24.14 Maintenance of Curb, Gutter and Sidewalks

- 19.24.14.1 General Maintenance
- 19.24.14.2 Removal of Snow and Ice
- 19.24.14.3 Minor Repairs
- 19.24.14.4 Major Repairs
- 19.24.14.5 Excavation Permit
- 19.24.14.6 Replacement of Sidewalk

19.24.14.1 General Maintenance

Property owners are responsible for general maintenance of curb, gutter and sidewalk along all public rights of way for the entire frontage of the property. For the purposes of this Chapter, general maintenance shall include, but is not limited to, the following:

1. The Curb and Gutter shall be kept free of weeds, dirt, and debris to allow the free flow of water and prevent flooding. Any blockage of the free flow of water shall be removed.

19.24.14.2 Removal of Snow and Ice

Property owners are responsible for removal of all snow and ice from sidewalks in order to prevent slipping. Additionally, property owners are responsible to remove snow and ice from the curb and gutter when the accumulation of snow and ice may result in the lack of free flow of water and could produce flooding of adjacent properties.

19.24.14.3 Minor Repairs

Landowners may complete minor repairs to curbs, gutters, and sidewalks. Minor repairs include the replacement of up to ten (10) feet of sidewalk. Any repairs of greater than ten (10) feet shall be approved by Payson City. After the repairs have been completed, landowners shall contact the Street Department to schedule an inspection to ensure that the curb, gutter and sidewalk have been repaired in accordance with the Development Guidelines of Payson City. (12-19-18)

19.24.14.4 Major Repairs

In general, major repairs include the repair or replacement of ten or more feet of curb, gutter, or sidewalk. However, any replacement of curb, gutter, or sidewalk for installation of a driveway approach, regardless of length, shall be considered a major repair and will require written approval from Payson City.

All major repairs shall be required to comply with the Americans with Disabilities Act regulations. Major repairs shall be approved by the City Engineer who shall have authority to set the elevation and grading requirements for the project.

Prior to commencement of a major repair, the applicant must obtain an excavation permit from the City and post appropriate assurance equal to one hundred and ~~twenty (20)~~ ten (10) percent of the engineer's estimate of project cost. Upon completion of the project, one hundred (100) percent of the assurance shall be returned to the applicant and ~~twenty (20)~~ ten (10) percent shall be kept for a period acceptable to the City Engineer for warranty of workmanship, not to exceed one (1) year.

19.24.14.5 Excavation Permit

Prior to the commencement of any major repair of a curb, gutter, or sidewalk, the applicant must obtain an