

Title 19 Zoning Ordinance

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Chapter 19.1

Title, Authority and Purpose

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19.1.1 Title

This land use ordinance shall be known as Title 19, Zoning Ordinance and may be so cited and pleaded. This land use ordinance may also be referred to herein as the Zoning Ordinance, Ordinance or Title. (1-18-06)

19.1.2 Authority

This ordinance has been prepared and adopted in accordance with and through the authority of §10-9a-501 et. seq. Utah Code Annotated 1953, as amended. The Payson City Council hereby exercises all authority granted by the Utah Code for zoning purposes. (1-18-06)

By authority of these police powers and as the entity enabled to govern the use of land within the municipality, Payson City is hereby authorized to issue any legal documentation, notice, certificates of present condition, notice of compliance and non-compliance, building permits, development approval and any other provisions necessary to carry out the regulations of this Title. This includes the ability to record any appropriate documentation against the property to ensure compliance with the requirements herein. (2-7-07)

19.1.3 Purpose and Intent

The purpose of this Ordinance is to promote the health, safety, morals, convenience, order, prosperity, and general welfare of the citizens of Payson City. It is the intent of this ordinance to:

1. Encourage and facilitate the orderly growth and development of Payson City.
2. Secure economy in municipal expenditures, and to facilitate adequate provision of transportation, water, sewerage, parks, schools, and other public services.
3. Lessen congestion on the streets, prevent overcrowding of the land, and provide adequate light and air.
4. Secure safety from fires, floods, and other natural hazards and dangers.
5. Protect and improve property values.
6. Protect and stabilize the tax base of the City.
7. Promote attractive, planned and well-managed development.
8. Create conditions favorable to prosperity, civic activities, and recreational, educational, and cultural opportunities. (7-6-05)

19.1.4 Conflicting Provisions Repealed

All ordinances, resolutions, or parts thereof in conflict with the provisions of this Ordinance are hereby repealed insofar as they conflict with the provisions set forth in this Ordinance, with the exception that a Planned Residential Development approved in accordance with Chapter 20.10 of the Payson City Subdivision Ordinance need not be consistent with the density and configuration requirements of this Ordinance.

9a-301 et. seq. Utah Code Annotated 1953, as amended, and the provisions of this Section. The Planning Commission shall be an advisory body to the City Council in making decisions pertaining to land use and development. To carry out these duties, the Planning Commission shall have the authorities granted by §10-9a of Utah Code Annotated and this Title. As it relates to this Title, the Planning Commission shall have the following powers and duties:

1. To prepare, or cause to be prepared, the Zoning Ordinance and Zoning Map, and all proposed amendments to the Zoning Ordinance or Zoning Map, and issue a recommendation to the City Council regarding this Ordinance or Zoning Map, or amendments to this Ordinance or Zoning Map.
2. To review and make recommendations to the City Council on applications for development approval, conditional use permits, site plans, signs, or other proposals subject to this Ordinance.
3. To adopt bylaws, policies, procedures and regulations for the conduct of Planning Commission duties, meetings, voting, and review of applications, provided that they are approved by the City Council before taking effect.

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

1. The Planning Commission is composed of seven (7) members assigned to terms of four (4) years staggered so that no more than two (2) Planning Commissioners shall be appointed in a single year due to the expiration of terms. Existing Planning Commissioners may be re-appointed by the Mayor with the advice and consent of the City Council.
2. The Mayor shall place, or cause to be placed, an advertisement in the Payson Chronicle and the Payson City newsletter mailed with the utility bill indicating the number of Planning Commission positions open and the qualifications desired and required for Planning Commissioners. The advertisement shall be placed in the newspaper no later than March 1 of each year and give Payson residents no less than two (2) weeks to submit applications.

3. Members of the Governing Body will review the applications for Planning Commissioners and give advice to the interview panel as to who should be selected to be interviewed. The Mayor, the City Councilmember assigned to the Development Services Department, the City Manager and the Development Services Director shall constitute the interview panel for Planning Commission applicants. Following the interview process, the Mayor shall present the name or names of potential Planning Commissioners to the City Council for their advice and consent.

Unless a Planning Commissioner notifies the City of their intention to continue serving on the Planning Commission by submitting an application, existing Planning Commissioners will not be interviewed for reappointment. The City Council reserves the right to reject any and all applications and to have the Planning Commission positions re-advertised.

4. Appointment of Planning Commission members shall occur 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.
5. The Planning Commission shall elect a Chair and a Vice Chair at the first meeting of April who shall be in charge of all proceedings necessary to preserve the order and integrity of Planning Commission meetings. (8-6-14)

Members of the Planning Commission are required to complete training annually to assist them in their duties. Refer to State Code for specific guidelines on the required amount and type of training.

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If a Planning Commissioner is unable to complete a term, the Mayor, with the advice and consent of the City Council, shall appoint a replacement to serve until the first meeting in April of the City Council. At the first meeting in April of the City Council, the Planning Commissioner shall be replaced in accordance the provisions of this Section.

Following a showing of just cause such as conflict of interest, lack of attendance, or misuse of information, an individual may be removed from the Planning Commission by a majority vote of the City Council.

19.2.5 Establishment of Board of Adjustment

19.2.5.1 Standard of Review

17	Movie Theaters	1 space / 4 seats
18	Nursing Home or Convalescent Center	1 stall / employee and 1 stall / 5 beds
19	Personal Services, Barber Shops, Beauty Shops, Travel Agencies	1 stall / 200 sq. ft.
20	Professional Offices, Medical and Dental Offices	1 stall / 200 sq. ft.
21	Residential – Single Family (Lots of Record)	2 covered parking spaces
22	Residential – Single Family (platted subdivisions)	2 car garage
23	Residential – Multi-Family	2 stalls / unit + 0.25 stalls / unit visitor parking
24	Restaurants	1 stall / 4 seats plus ~~8 six~~ stacking spaces for drive-thrus
25	Retail Sales, Furniture, Appliances, Hardware	1 stall / 600 feet
26	Senior Housing Overlay	1.4 stalls / dwelling unit
27	Schools; Elementary	2 stalls / classroom
28	Schools; Secondary – Middle / Junior	3 stalls / classroom
29	Schools; Secondary – High	1 stall / employee & 7 stalls / classroom
30	Schools; College / University / Vocational / Technical	1 stall / employee & 1 stall / 4 students calculated on occupancy of facility
31	Warehousing	1 stall / 1,000 sq. ft. plus parking for any other uses such as manufacturing and office space as calculated herein.

If a proposed use is not indicated above, a parking study should be completed by a licensed transportation engineer to provide a recommendation for the required amount of off-street parking. The study and final parking requirement are to be reviewed and approved by the City Engineer or designee.

19.4.5 Parking Spaces Required – Unique Situations

19.4.5.1 Parking for Multi-Tenant Commercial Buildings

19.4.5.2 Parking for Automobile Sales

19.4.5.3 Parking for Call Centers

19.4.5.1 Parking for Multi-Tenant Commercial Buildings

It will be the responsibility of the applicant for development approval to provide adequate off-street parking for the project. Due to the unique nature of multi-tenant buildings, the off-street parking requirements will be determined as follows:

1. Parking must be identified for each portion of the structure that could be used for business activities prior to occupancy by any business; and
2. The number of stalls required by the most intensive parking requirement of the uses allowed in the zoning district that could be accommodated in the structure; or
3. If the tenants have been identified, the number of parking stalls required by 19.4.3 herein; or
4. The applicant has obtained written approval to use adjacent parking areas where patrons are not required to cross a public street;

As tenants fill various spaces, the requirements of 19.4.3 can be satisfied using any parking spaces available on the site provided the use of these spaces will not result in a violation of the off-street parking requirements when the building is full. If the building owner allows one tenant to use more space than initially intended, it may limit the potential users in the remainder of the structure. Therefore, the building owner should choose tenants in consideration of the building as a whole. In order to ensure adequate parking and reduce friction between business owners, the City may require the owner of a multi-tenant building to identify and reserve space for a particular business.

19.4.5.2 Parking for Automobile Sales

The applicant must demonstrate that ample employee and patron parking is available without parking on the public street or on adjacent property. The vehicle display area for the parking of automobiles for sale will be limited to ensure that employee and patron parking is provided first. The applicant shall submit a parking plan that indicates the following:

1. There shall be one (1) employee parking stall for each two hundred (200) square feet of indoor floor area; and
2. There shall be one (1) employee parking stall for each twenty (20) outdoor vehicle display spaces; and

Chapter 19.9 Supplementary Provisions

- 19.9.1 Purpose and Intent
- 19.9.2 Requirements to be Met on One Lot or Parcel
- 19.9.3 Sale or Lease of Required Lot Space Prohibited
- 19.9.4 Dwelling Requirement on a Lot or Parcel
- 19.9.5 Clear View Areas
- 19.9.6 Drainage
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- 19.9.8 Pollution Prevention
- 19.9.9 Concessions in Public Parks and Playgrounds
- 19.9.10 Lots to be Improved Prior to Issuance of Permit
- 19.9.11 Driveway Location
- 19.9.12 Public Benches on Public or Private Property
- 19.9.13 Fences and Walls
- 19.9.14 Ancillary Structures
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- 19.9.16 Detached Garages and Accessory Structures
- 19.9.17 Back-lit Addresses
- 19.9.18 Adequate Public Facilities (9-1-04)
- 19.9.19 Historical Locations (2-16-05)
- 19.9.20 Easements (2-16-05)
- 19.9.21 Second Kitchens (7-19-17)
- 19.9.22 Accessory Apartment (7-19-17)
- 19.9.23 Projections into Setbacks (6-1-11)
- 19.9.24 Flagpoles (8-1-18)
- 19.9.25 Automatic Teller Machines (ATM's)
- 19.9.24-19.9.26 Tobacco, Electronic Cigarette, and Nicotine Product Retail Licenses and Regulations

19.9.1 Purpose and Intent

The intent of this Chapter is to provide for several miscellaneous land development standards that are applicable in all zones. The requirements of this Chapter shall be in addition to development standards contained within the various zones. Where the provisions of this Chapter may be in conflict with other provisions of this ordinance the more stringent shall prevail.

19.9.2 Requirements to be met on One Lot or Parcel

All required yards, setbacks and other requirements shall be situated on the same lot as the building or structure to which it applies. No required yard, area, or other open space around a building or use, which is needed to comply with the area, setback, or open space requirements of this ordinance, shall be considered as providing the required area, yard, setback, or open space for any other building or use.

19.9.3 Sale or Lease of Required Lot Space Prohibited

The space needed to meet the area, frontage, width, coverage, off-street parking, frontage on a public street, or other requirement of this ordinance for a lot or building may not be sold or leased.

19.9.4 Dwelling Requirement on a Lot or Parcel

Only one single-family dwelling shall be located and maintained on a single-family residential lot or parcel. The dwelling shall be constructed on a permanent foundation. Human habitation is limited to the living area in any dwelling. (12-19-18)

19.9.5 Clear View Areas

19.9.5.1 Clear View Area

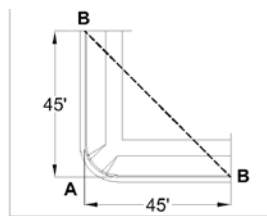
19.9.5.2 Special Concerns, Safety Concerns

In order to promote safe vehicular movement and improve pedestrian safety, clear view zones at all street intersections and railroad crossings are hereby established.

19.9.5.1 Clear View Area

The purpose of this Section is to establish minimum acceptable vision clearance standards for motorist and pedestrian safety at vehicular access points along streets. (2-19-14)

The clear view area is a triangular area formed by the perpendicular intersection (A) of the curb face at the corner, or property lines on parcels without curb, and two points (B) measuring forty-five (45) feet down each curb face, or property line on parcels without curb, as indicated in the diagram below. (2-19-14)



1. On property at any corner formed by intersecting streets or which lie adjacent to railroad tracks, it shall be unlawful for the owner or occupant to install, set out, maintain or to permit the installation or maintenance of any sign, fence, hedge, tree, shrubbery, natural growth, building,

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owner has the burden of proof that the property was both legally established and has been maintained as an accessory apartment since the date of establishment. The inquiry to determine legal establishment shall be met by the preponderance of the evidence based on information such as: the zoning designation and any overlays at the time of establishment, the applicable zoning ordinance, building permits, any rental records, affidavits, utility records, city and county records, tax records, and any other information indicating prior use and/or legal establishment.

19.9.22.7 Determination of Owner Occupancy Status

A determination of owner occupancy may be rebutted by documentation submitted to Development Services that shows the individual(s) claiming homeowner occupancy is (are) an owner occupant. An owner occupant possesses at least 50% ownership and has a bona fide intent to establish and maintain primary residency in the dwelling. Documentation may include loan documents, title, tax returns, residency status, driver's license, insurance statements, rental agreements, and any other documentation indicating proof of ownership and primary residency. Once staff has made a final determination of owner occupancy status, an applicant may appeal to the Board of Adjustment.

19.9.22.8 Violation

Any violation of this section may result in a Class C Misdemeanor.

19.9.23 Projections into Setbacks (5-6-20)

The following structures may project into the setback area, provided the structure is outside of all public utility easements, meets all impervious surface lot coverage, and the following requirements are satisfied.

1. Decks, as defined in Chapter 19.28 herein, may extend five (5) feet into the front setback or project to fifteen (15) feet from the rear property line.
2. Patios, as defined in Chapter 19.28 herein, may extend into a side or rear setback area but must be at least five (5) feet from the property line.
3. Patio covers may be extended into a rear or side setback area but must be at least ten (10) feet from rear property line and five (5) feet from a side property line. If a patio cover is enclosed, the structure shall satisfy all standard setback requirements. Any patio cover projecting into the setback area shall not exceed twelve (12) feet in height.
4. Porches, as defined in Chapter 19.28 herein, may extend five (5) feet into the front or rear setback area, except as follows:

To encourage preservation of existing dwellings and promote reinvestment in established neighborhoods, the City may reduce the front setback to fifteen (15) feet to accommodate a porch as defined herein. The request must satisfy the following requirements:

1. The porch must be part of the overall house design and extend at least one-third (1/3) of the width of the dwelling or twelve (12) feet whichever is less.
2. The porch must be elevated above the sidewalk grade a minimum of eighteen (18) inches.
3. The new portion of the dwelling shall be architecturally compatible with the primary structure, using similar exterior materials and colors.
4. Covered parking areas (i.e. garages, carports) must be clearly secondary to front porches, setting back further than the porch.

The City is not obligated to approve the request to reduce the front setback for lots that must maintain a coving line, and for projections that may reduce the visibility of driveways and other clear view areas. Furthermore, a survey may be required to accurately determine property lines and setback compliance.

19.9.24 Flagpoles (8-1-18)

A flagpole solely to display state, national, university, school, non-profit, or other civic flags, is permitted in all zones.

1. The maximum height of a flagpole shall be thirty-five (35) feet in all zones, except the I-1, I-2, S-1, and BPD zones and any school or public facility located in any zone.
2. A permit is required for installation of any flagpole. There is no permit fee for flagpoles thirty-five (35) feet in height and under. Flagpoles over thirty-five (35) feet in height require stamped engineered design.
3. A flagpole shall not be located in a manner that may cause a safety hazard. The flag may not extend beyond the property line of the lot on which the flagpole is located.
4. A "flag" is a fabric, banner, or bunting containing colors, patterns, emblems, or symbols.
5. Lighting and display shall adhere to all applicable state and national regulations, with any lights shielded away from adjacent properties.

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19.9.25 Automatic Teller Machines (ATM's)

An automated teller machine (ATM) is an electronic banking outlet that allows customers to complete basic transactions without the aid of a branch representative or teller.

All ATMs within Payson city must located on the same lot and be within 50 feet of the primary financial institution, unless the ATM is contained within another licensed commercial business or is of a temporary nature for an approved city event.

19.9.26 Tobacco, Electronic Cigarette, and Nicotine Product Retail Licenses and Regulations

19.9.26.1	Statutory Authority and Definitions
19.9.26.2	License Required
19.9.26.3	Tobacco Categories
19.9.26.4	Duties
19.9.26.5	Restrictions

19.9.26.1 Statutory Authority and Definitions

The provisions of the Tobacco, Electronic Cigarette, and Nicotine Product Retail Permit, as cited in Title 10.8; Title 26.57 and Title 26.62 of the Utah Code and this Chapter shall govern the selling and dispensing of Tobacco, Electronic Cigarette, and Nicotine Product within Payson City. The words and phrases used in this Chapter shall be consistent with the meanings specified in the Utah Code Title 10.8; Title 26.57 and Title 26.62 and are adopted and incorporated by reference unless a different meaning is clearly evident.

19.9.26.2 License Required

It shall be unlawful for any person to sell, offer to sell, or provide to the public any type of tobacco, electronic cigarette, and/or nicotine product without first obtaining the appropriate license from Payson City, the State of Utah and the local health department, where applicable. All licensees shall comply with the Electronic Cigarette and Nicotine Product Regulation Act, as cited in Title 10.8; Title 26.57 and Title 26.62 of the Utah State Code.

A tobacco license shall be obtained in addition to the business license required pursuant to Chapter 4.1 of this Title. Each applicant for a license in accordance with this Chapter shall submit a complete application form together with the payment of all applicable fees in accordance with Section 4.1.6 herein.

19.9.26.3 Retail Tobacco Categories

1. Retail tobacco specialty business as defined in Utah State Code Title 10.8.41.6.1.h.
2. General retail tobacco business as defined in Utah State Code Title 26.62.102.5.

19.9.26.4 Duties

Each person or entity granted a license in accordance with the provisions of this chapter shall comply with all provisions of the Electronic Cigarette and Nicotine Product Regulation Act.

19.9.26.5 Restrictions

1. Retail tobacco specialty businesses allowed with in Payson City is one (1) business per every 20,000 residents, as per the current census data and in accordance to the provisions in Utah State Code Title 10.8.1.6.a.ii.
5. The location of any business that chooses to obtain a tobacco, electronic cigarette, and/or nicotine product retail permit shall satisfy the distance and location requirements of Utah State code Title 10.8.

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Monument Sign – The following provisions shall apply to monument signs:

1. Only one monument sign may be allowed per parcel except as allowed in section 19.15.3.3.4.
2. The monument sign shall not exceed sixty-four (64) square feet nor be more than six (6) feet in height.
3. In the S-1 Zone and the I-1 Zones the monument sign shall not exceed one hundred (100) square feet nor be more than ten (10) feet in height.
4. The monument sign shall include architectural features and materials similar to those used in the construction of the primary building on at least fifty (50) percent of the monument sign.
5. Multi-tenant and condominium projects are limited to one (1) monument sign that must include advertising for all tenants. (8-7-13)
6. Each tenant shall be allowed a permanent advertising space, not including reader board advertising. (8-7-13)
7. If a monument sign is erected, no additional monument or freestanding signs will be permitted on the parcel unless otherwise stated in this Chapter. See Section 19.15.3.3.4. (8-7-13)
8. Each monument sign shall include a landscaping planter consistent with the requirements of Section 19.15.4.6 of this Chapter.

Poster Panel Sign – Poster panel and painted bulletin signs may be allowed, as defined in Section 19.15.2 herein provided:

1. No more than two (2) poster panels may be allowed on any building and shall not exceed twelve (12) square feet per sign, except that motion picture theaters may have one (1) poster panel sign per theater screen, unless otherwise approved by the city council.

Project Sign – Project signs are allowed in the zones indicated below. All project signs shall include architectural features consistent with the approved design guidelines of the development to which the project sign belongs.

In the I-1 and I-2 Zones, aA large-scale industrial project consisting of more than five (5) acres may be allowed to erect one (1) project sign within the project area. Subdivision or phasing of an industrial project for the purpose of erecting an additional project sign(s) will not be approved by the City Council. The project sign will be reviewed and approved as part of the Site Plan approval process consistent with Chapter 19.8 and Section 19.6.18

herein. ~~Project signs will include architectural features consistent with the approved design guidelines of the development.~~

Project signs shall not exceed thirty (30) feet in height and shall not contain more than two hundred fifty (250) square feet of sign face. The structural supports on a project sign shall incorporate materials and color schemes of the project. Any one entity may not exceed one hundred (100) square feet of sign face on the project sign.

A project sign in the PO-1 Zone shall only be allowed for project areas of larger than five (5) acres, with one (1) sign allowed per project area. The project sign shall be no more than twenty (20) feet in height nor have a sign face larger than two hundred (200) square feet and shall have a base consisting of masonry material. (4-1-20)

The size of project signs in ~~allowed commercial zones~~ the GC-1 and S-1 Zones on projects below twenty-five (25) acres in size shall be governed by the following table:

Project Size	Sign Face	Sign Height
2 acres	200 Sq Ft	20 Feet
3 acres	300 Sq Ft	30 feet
4 acres	400 Sq Ft	40 feet
~~5-25+~~ 5+ acres	500 Sq Ft	50 feet

For projects larger than twenty-five (25) acres in the S-1 Zone, the City Council may approve exemptions to project sign height and square footage if the following conditions are met:

1. The parcel where the sign is constructed abuts Interstate 15.
2. The sign is located within three hundred (300) feet of the Interstate 15 centerline.
3. The applicant can demonstrate that an increase in sign height and square footage will not have a negative impact on adjacent properties.

If an exemption is granted by the City Council that meets the criteria outlined above, the sign shall not exceed seventy (70) feet in height and shall not exceed seven hundred and fifty (750) total square feet of sign face. Signs that are granted an exemption may be used to advertise a single business. (5-19-21)