

Subdivision Plat

20.9.2 Lot Line Adjustment and Lot Combination

In some instances, it becomes necessary to vacate, alter or otherwise modify the dimensions of existing lot lines. When such alterations involve several lots or parcels, a plat amendment is appropriate; when easements or right-of-ways are involved, a vacation process is necessary; and in circumstances that only involve adjacent owners, a lot line adjustment is adequate. The purpose of this Chapter is to clarify these processes.

20.9.1 Vacation, Alteration or Amendment of Subdivision Plat

The City Council may, on its own motion, a recommendation of the Planning Commission, or pursuant to a petition, consider any proposed vacation, alteration or amendment of a subdivision plat, or any street, lot, alley or public use area contained in a subdivision plat, as provided in §10-9a-608 and §10-9a-609 of Utah Code, Annotated, 1953, as amended. If the City Council is satisfied that neither the public nor any person will be materially injured by the proposed vacation, alteration, or amendment and there is good cause for such action, the City Council may vacate, alter, or amend the plat, any portion of the plat, or any street or lot. (2-20-13)

20.9.2 Lot Line Adjustment and Lot Combination

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

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

A request to combine two (2) legally existing lots in a subdivision may be approved by the Development Services Director. Following approval, the applicant shall prepare and record deeds removing the property line between the two (2) lots and eliminate the public utility easement between the two (2) building lots. If public utilities exist in the public utility easement between the two (2) lots, the public utilities shall be relocated to an appropriate easement at the expense of the applicant for a lot line adjustment.

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

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

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

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

20.10 Planned Residential Development (PRD)

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

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

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

The intention of this Chapter is to allow and encourage a flexible, efficient and imaginative development pattern.

Planned Residential Developments can:

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

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

20.10.1 Development Description

A Planned Residential Development (PRD) is a development containing residential lots or units with some or all of the parcels reduced below the minimum lot sizes required by the underlying zoning district. Projects are planned to achieve a coordinated, functional and unified development pattern. A PRD allows greater flexibility in project layout while assuring that the character of the underlying district is maintained and the requirements of the Design Guidelines and Standard Specifications are satisfied. Applicants are eligible for a density bonus based on provision of additional amenities in the development. Planned Residential Developments are allowed in all residential zones of Payson City, except in the R-MF, Multi-Family Residential Zone. (2-20-13)

Because the lot sizes in a PRD are flexible, a building footprint shall be indicated on each lot that identifies the buildable area of the lot and the required setback area for each lot. The City Council may require the buildable area of the lots to be increased if it is determined that an average size dwelling, in comparison with other dwellings in the general vicinity, cannot be constructed on the proposed lots. (7-6-05)

Although flexibility in lot arrangement is a feature of a PRD, the lots in the development will be reviewed to ensure that the lots can be used for their intended purpose. Each lot should accommodate a dwelling compatible with other dwellings in the development, access should be provided in a reasonable manner, and lots will have usable yard space. Lots in a PRD should not be designed in a manner that creates odd-shaped lots and in particular to simply obtain additional lots. (5-5-04)

20.10.2 Approval Process

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

20.10.3 Base Density

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

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

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

20.10.4 Minimum Standards (7-6-05)**20.10.4.1 Open Space****20.10.4.2 Recreational Vehicle Parking****20.10.4.3 Covered Parking – Garages****20.10.4.4 Attractive Elevations – Variety****20.10.4.5 Upgraded Materials****20.10.4.1 Open Space**

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

The open space may be held in common, administered by a homeowners association, dedicated to the City upon acceptance by the City Council, or used to provide amenities in the development. Maintenance of the open space is the responsibility of the owner of the development, if held in single ownership, or a homeowners association, if the dwelling units are sold separately, unless dedicated to the City and accepted by the City Council. (7-6-05)

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

20.10.4.1.1 Open Space Transfer

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

20.10.4.2 Recreational Vehicle Parking

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

The recreational vehicle parking shall be owned and maintained by the owners of the development by means of a homeowner's association or other acceptable entity. Use of the recreational vehicle

parking area shall be determined by the restrictive covenants of the development. (12-6-00)

The City Council may waive or reduce the requirement for recreational vehicle parking if the following can be demonstrated by the applicant:

1. The development is considered to be infill development located in an established portion of the community.
2. The elimination of the recreation vehicle parking will result in more preferable lot arrangement and no additional units are created by the elimination or reduction of recreational vehicle parking.
3. The lots in the subdivision are large enough to accommodate recreational vehicle parking on each lot. (5-5-04)

20.10.4.3 Covered Parking – Garages

Each dwelling unit in a Planned Residential Development shall include at least a two (2) car garage that measures no less than twenty (20) feet by twenty (20) feet. (7-6-05)

20.10.4.4 Attractive Elevations – Variety

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

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

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

20.10.4.5 Materials

The materials used to construct the structures in a Planned Residential Development will represent an upgrade from typical construction practices. At a minimum, all residential structures within a Planned Residential Development will include at least eighty

(80) percent hard surface exterior materials defined as brick, stucco, stone, cementitious siding or approved equal products. (9-1-10)

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

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

20.10.4.6 Connection with Trails Master Plan

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

20.10.4.7 Setback Requirements (2-20-13)

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

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

20.10.5 Density Bonus

An applicant for a Planned Residential Development is eligible for a density bonus based on additional amenities provided in the project approval. Density in excess of the base density may be considered for projects which satisfy the requirements of one or more of the density bonus amenities listed below or those listed in a Specific Plan and Annexation Agreement in accordance with Chapter 19.12 of the Zoning Ordinance. Each amenity is assigned a potential density bonus figured as a percentage increase in dwelling units. A density bonus shall not exceed twenty-five (25) percent above the base density. The maximum allowed density in each zone is indicated in the table below. (8-7-02)

Zone	Base Density (Units Per Acre)	Maximum Density with 25% Density Bonus
A-5	.2 (net)	.25 (net)
R-1-A	1 (net)	1.25 (net)
GCD	10 (gross)	No Bonus
R-1-20	2	2.5 (3-5-14)
R-1-15	2.25	2.81 (3-5-14)
R-1-12	2.5	3.13
R-1-10	3.0	3.75
R-1-9	3.5	4.38
R-1-75	4.0	5.0
R-2-75	4.0	5.0
MH-1	.1 (net)	.125 (net)
MH-2	1.0 (net)	1.25 (net)

(10-1-08)

20.10.5.1 Cash in Lieu

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

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

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

total would exceed a twenty-five (25) percent increase in dwelling units. Regardless, the maximum density bonus allowed is equal to a twenty-five (25) percent increase in dwelling units above the base density. ~~(3-21-04)~~ **(3-5-14)**

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

20.10.6.1 Active Recreation

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

20.10.6.2 Building Architecture and Design

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

20.10.6.3 Common Buildings or Facilities

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

20.10.6.4 Design Theme

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

20.10.6.5 Environmental Preservation

Developments that are designed to preserve or protect sensitive environmental areas such as existing trees, floodplains, steep slopes, wetlands, or high ground water table areas are eligible for up to a **five (5) percent density increase**. Areas with a significant amount of protected sensitive lands, protection of high value environmental features, or considerable reduction of visual impact may receive a higher density increase in relation to developments that protect or preserve a smaller amount of these areas. (7-6-05)

20.10.6.6 Fencing

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

20.10.6.7 Landscaping

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

20.10.6.8 Upgraded Materials

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

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

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

Developments that provide either active or passive open space, as defined in this Section, in addition to the ten (10) percent minimum requirement for a

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

20.10.6.10 Park Dedication

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

20.10.6.11 Passive Open Space

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

20.10.6.12 Roof Materials

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

20.10.6.13 Special Features

Developments which provide special features such as fountains, streams, landscaped medians, design themes, or other features that are used commonly and are highly visible in the project are eligible for up to a **ten (10) percent density increase**. The amount of

density increase will vary depending on the overall effect the feature has on the appearance and desirability of the development. (7-6-05)

20.10.6.14 Theme Lighting

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

20.10.6.15 Storage Areas

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

20.10.6.16 Xeriscape (Low water use landscaping)

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

20.10.6.17 Maintenance Endowment

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

20.10.6.18 Three-Car Garages

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

20.10.6.19 Provision of Government Structures

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

20.10.6.20 Provision or Rehabilitation of Affordable Housing

Developments that provide or participate in the rehabilitation of affordable housing are eligible for a density increase. If an applicant seeks a density bonus for providing affordable housing within the development, the affordable housing must be deed restricted in a manner acceptable to the City to ensure the units remain affordable units in perpetuity. Furthermore, the affordable dwelling units must maintain a similar appearance and size in comparison with the other dwelling units in the development. A development that includes affordable housing units is eligible for up to a **five (5) percent density increase**. (7-6-05)

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

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

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

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

20.10.7.1 Upgraded Materials

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

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

20.10.7.2 Split-rail Fence

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

20.10.7.3 Agricultural Protection

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

20.10.7.4 Open Space

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

density increase. (7-6-05)

20.10.7.5 Equestrian Facilities

Developments that provide equestrian facilities are eligible for a density bonus. For the purpose of this Section, equestrian facilities include, but are not necessarily limited to, stables, bridle paths, and riding arenas. Developments that include equestrian facilities are eligible for up to a **fifteen (15) percent density increase**. The quality and size of the facilities in relation to the size of the development will impact the percentage of density increase. (7-6-05)

20.10.7.6 Design Motif

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

20.10.7.7 Maintenance Endowment

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

20.10.7.8 Provision of Government Structures

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

20.10.7.9 Rehabilitation of Affordable Housing

Developments that participate in the rehabilitation of affordable housing are eligible for a density increase. An applicant may choose to rehabilitate existing affordable housing elsewhere in the community. The applicant will be expected to identify an older home

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

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

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

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

20.10.8.1 Active Recreation

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

20.10.8.2 Common Buildings or Facilities

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

20.10.8.3 Design Theme

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

20.10.8.4 Environmental Preservation

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

20.10.8.5 Fencing

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

20.10.8.6 Landscaping

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

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

Developments that provide either active or passive open space, as defined in this Section, in addition to the ten (10) percent minimum requirement for a Planned Residential Development are eligible for a

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

20.10.8.8 Park Dedication

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

20.10.8.9 Passive Open Space

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

6-05)

20.10.8.10 Storage Areas

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

20.10.8.11 Maintenance Endowment

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

20.10.8.12 Agricultural Protection

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

20.10.8.13 Design Motif

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

20.10.8.14 Provision of Government Structures

Developments that include the provision of or provide

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

20.10.8.15 Rehabilitation of Affordable Housing

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

20.10.9 Total Project Density

Total project density is determined by multiplying the base density and the total percent of density increase earned. In no case will the total project density exceed twenty-five (25) percent above the base density. For example, if an applicant had a base density of one hundred (100) units and earned a fifteen (15) percent density increase, the applicant might be eligible for one hundred and fifteen (115) dwelling units. However, in no case would the applicant be eligible for more than a twenty-five (25) percent density increase or one hundred and twenty-five (125) dwelling units.

20.10.10 Types of Units Allowed in Zoning Districts

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

- A-5 Single family detached dwellings only
- R-1-A Single family detached dwellings only
- R-1-20 Single family detached dwellings only (3-5-14)
- R-1-15 Single family detached dwellings only (3-5-14)
- R-1-12 Single family detached and twin home dwellings only
- R-1-10 Single family detached dwellings, twin home and

townhome (separate ownership, not apartments) dwelling units only

R-1-9 Single family detached, twin home, duplex and townhome (separate ownership, not apartments) dwellings only

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

R-2-75 All standard residential dwelling types

R-MF All standard residential dwelling types

MH-1 All standard residential dwelling types

MH-2 All standard residential dwelling types

GCD All standard residential dwelling types (10-1-08)

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

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

1. The frontage and lot area requirements may be allowed to be modified for all lots or parcels within the Planned Residential Development except those located directly across a public street from a development that satisfies the frontage requirements of Title 19, Zoning Ordinance. (8-7-02)
2. The density of the development shall be equal to the total project density in accordance with Section 20.10.7 whether consistent with Title 19, Zoning Ordinance or not.

20.10.12 Coordination of PRD Application with Subdivision Approval

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

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

shall be required by the City Council. In such a case, at the time of final approval, the property within the PRD will be assigned the appropriate zone. If approved by the City Council, a PRD with mixed uses will not be considered a spot zoning. (8-7-02)

20.10.12.1 PRD Submission and Approval Requirements

An application shall be submitted to the Development Services Department for any Planned Residential Development on forms available from the Development Services Department. Additionally, all Planned Residential Development projects will be required to submit applications and provide all information required by the Concept Plan, Preliminary Plan and Final Plat as set forth herein. After a meeting with the staff or, if deemed appropriate, the Planning Commission, the applicant may prepare and submit an application for Preliminary Plan approval.

20.10.13 Phasing

All residential subdivisions with more than ten (10) lots, parcels, or units shall include a phasing plan that specifies the timing of public improvements and residential construction. This plan must be submitted to the Planning Commission at or before the submission of the Preliminary Plan.

The phasing plan shall include the number of units or parcels to be developed in each phase, the approximate timing of each phase, the timing on construction of public improvements and subdivision amenities to serve each phase whether on or off site, and the relationship between the public improvements in the current subdivision and contiguous land previously subdivided and yet to be subdivided. A developer may request a revision of the phasing plan which may be necessary due to conditions such as changing market conditions, inclement weather or other factors.

20.10.14 Sensitive Lands Review of PRD

If the proposed Planned Residential Development is located in an area under the jurisdiction of the Sensitive Lands Ordinance, additional requirements and regulations may apply. Please refer to the Sensitive Lands Development Ordinance in Title 21.

20.11 Approval and Appeals Processes

- 20.11.1 Application and Review Fees
- 20.11.2 Concept Plan
- 20.11.3 Preliminary Plan and Construction Plans
- 20.11.4 Final Plat
- 20.11.5 Traditional Subdivisions of Three Lots or Less

Along an Existing Public Street

- 20.11.6 Phasing Plan Required
- 20.11.7 Written Findings Required
- 20.11.8 Pre-Construction Meeting
- 20.11.9 Appeals Process
- 20.11.10 Appeal of City Council Decisions
- 20.11.11 Termination of Projects
- 20.11.12 Reinstatement

No building permit(s) shall be issued for any subdivision without Final Plat approval. Subdivisions, including Planned Residential Developments, are initially reviewed by staff and the Planning Commission. Final Plat approval for subdivisions must be granted by the City Council. No planning review shall occur until all applicable planning application fees have been paid, and no Final Plat approval by the City Council shall be effective until all other fees assessed by this Title or other ordinance, including applicable staff review and engineering fees have been paid. Upon Final Plat approval, recordation of the Final Plat, the installation and acceptance of all required infrastructure including the placement of asphalt, and the satisfaction of any and all other applicable requirements of this Title, application may be made for building permit issuance under the provisions of the building code in effect at the time of subdivision approval. (12-19-01)

20.11.1 Application and Review Fees

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 subdivision application form together with payment of appropriate fees in accordance with the adopted Payson City Fee Resolution. The application must be signed by the applicant and property owner if other than the applicant. (3-5-03)
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. A complete Preliminary Plan or Final Plat, as the case may be, in accordance with Section 20.28 or 20.29 herein.
5. Any information necessary for the City Council to make reasonable conclusions and a well-informed decision. (8-7-02)

20.11.2 Initial Assessment

- 20.11.2.1 Concept Plan
- 20.11.2.2 Investigative Process