

**ORDINANCE NO. 05-18-2022-A**

**AN ORDINANCE AMENDING, REPEALING, AND ENACTING PORTIONS OF THE PAYSON CITY MUNICIPAL CODE, TITLE 19, ZONING.**

**WHEREAS**, Payson City has previously adopted Title 19, Zoning of the Revised Ordinances of the Payson City; and

**WHEREAS**, the Payson City Council desires to update and amend Title 19, Zoning; and

**WHEREAS**, the Payson City Council desires to amend the requirements of the Business Park Zone (BPD) by increasing the allowable lot coverage, providing clarification on design requirements and provide additional guidance on required landscaped areas; and

**WHEREAS**, the Payson City Council desires to amend Title 19 as to the I-O Overlay by removing the 250 foot notice requirement to be consistent with Utah Code; and

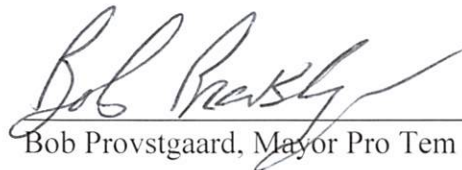
**WHEREAS**, the Payson City Council desires to amend Title 19 as to annexation notice requirements to make the requirements consistent with Utah Code; and

**NOW, THEREFORE**, be it ordained by the City Council of Payson, Utah, that Title 19, Zoning, is hereby amended as follows.

(SEE ATTACHED)

This Ordinance shall take effect immediately upon passage by the City Council and subsequent publication according to State Law and city ordinance.

Passed and ordained this 18th day of May, 2022.

  
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Bob Provstgaard, Mayor Pro Tem

Attest:

  
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Kim E. Holindrake, City Recorder



**Chapter 19.2  
Administration and Procedures**

- 19.2.1 Preparation and Adoption
- 19.2.2 Zoning Map
- 19.2.3 Role of City Council
- 19.2.4 Establishment of Planning Commission
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- 19.2.6 Payson City Staff
- 19.2.7 Notice Requirements and Public Hearings
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- 19.2.12 Termination of Application
- 19.2.13 Vested Rights & Constitutional Takings Issues
- 19.2.14 Temporary Regulations

**19.2.1 Preparation and Adoption**

This Ordinance has been prepared and adopted in accordance with the provisions of §10-9a-501 et. seq. Utah Code Annotated 1953, as amended. This Ordinance was prepared under the direction of the Planning Commission who held a public hearing and ~~following provided a recommendation, from the Planning Commission, and adopted by the City Council following a public hearing.~~ (1-18-09) (5-18-2022)

**19.2.2 Zoning Map**

The Planning Commission ~~has held a public hearing, and prepared and recommended provided a recommendation,~~ and the City Council, ~~following a public hearing,~~ has adopted the official Payson City Zoning Map that identifies the zoning districts within the City. (7-6-05) (5-18-2022)

Where uncertainty exists with respect to the boundaries of various zoning districts, an interpretation of the zoning district boundary shall be determined using the following criteria:

1. Where indicated boundaries on the Zoning Map are approximately street centerlines, the street centerline shall be construed to be the zone boundary.
2. Where the indicated boundaries are approximately lot lines, the lot lines shall be construed to be the zone boundary.
3. Where land has not been subdivided into lots and blocks, the zone boundaries shall be determined by use of the scale of measurement shown on the map.

4. Where the indicated boundaries are approximately canals, watercourses or bodies, or other clearly defined natural boundaries, the centerlines of the canal or watercourse, or the edge of other clearly defined natural boundaries shall be construed to be the zone boundary.
5. Where other uncertainty exists, the Planning Commission shall provide interpretation of the map. The interpretation of the Planning Commission may be appealed in writing to the City Council for a zone boundary interpretation. (7-6-05)

The official Zoning Map can be found in the office of the City Recorder and in the Development Services Department. If the Zoning Map is amended in accordance with the requirements found in Section 19.2.8 herein, all previous Zoning Maps are no longer in effect for the purpose of identifying zoning district boundaries.

**19.2.3 Role of City Council**

The Payson City Council shall adopt the Zoning Ordinance in accordance with §10-9a-501 et. seq. Utah Code Annotated 1953, as amended. Unless otherwise delegated herein, or by another Payson City ordinance or resolution, all final decisions regarding this Ordinance shall be by a majority vote of the City Council. As it relates to this Ordinance, the City Council shall have the following powers and duties:

1. To adopt the Zoning Ordinance and Zoning Map.
2. To initiate amendments to the text of the Zoning Ordinance and alteration of the Zoning Map.
3. To render, or appoint a hearing officer to render, a determination, pursuant to the provisions of Section 2.14.010 et. seq. of the Payson City Code, if an applicant asserts a deprivation of, or has been subject to, a taking of property without just compensation or asserts some other invalidity by the passage of this Ordinance.
4. To establish a fee schedule by resolution for applications for development approval, zoning district amendments and all other approvals, permits and licenses required by this Ordinance.
5. To approve, approve with conditions, remand back to the Planning Commission for further review, or deny land use applications. (4-15-15)

**19.2.4 Establishment of Planning Commission** (6-1-11)

There is hereby established a Payson City Planning Commission hereinafter referred to as the Planning Commission or Commission. The organization of the Planning Commission shall be consistent with §10-

Annotated 1953, as amended. The Board of 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 a~~ Notice of public hearings and public meetings requirements and public hearing notice requirements shall be consistent with satisfy State law Utah Code 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 for a land use application, 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~~

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on the latest tax assessment roles of Utah County. (2-3-24)

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.

As a courtesy, city staff will send notice to owners of record for parcels located entirely or partly within five hundred (500) feet from any boundary of the property subject to the application, including any owners of property in unincorporated Utah County. The courtesy notice may include that an application has been filed, the nature of the application or proposed action, and the time, place and date set for a public hearing on the matter. Courtesy notice is not a legal requirement, and any defect in courtesy notice shall not affect or invalidate any hearing or action by the city council or any board or commission.

**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. Notice of the public hearing shall be consistent with §10-9a-205 Utah Code Annotated 1953, as amended.

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:

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All setbacks are subject to the regulations of the adopted building and fire codes. (9-18-19)

*19.6.15.8 Projections into Setbacks*

The following structures and features may project into a required setback upon the completion of a survey to accurately determine the property line:

1. Fences and walls in conformance with all applicable City ordinances and resolutions.
2. Landscaping and irrigation systems.
3. Necessary appurtenances for utility service.
4. Cornices, caves, sills, buttresses, awnings, fire escapes, uncovered stairways and landings, 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.

*19.6.15.9 Building Height Requirements*

A primary building or structure may not exceed thirty-five (35) feet in height, unless reviewed and approved by the Building Inspector and Fire Chief in accordance with the adopted building and fire codes. Accessory structures may not exceed twenty-five (25) feet in height nor be taller than the primary building.

*19.6.15.10 Distance between Buildings*

The distance between any building or structure and any other building or structure shall be at least twenty (20) feet.

*19.6.15.11 Lot Coverage*

The sum total of all buildings, structures and parking on any parcel in the BPD Zone shall not exceed ~~sixty (60)~~ eighty (80) percent of the total area of the parcel, provided all landscaping requirements are met.

*19.6.15.12 Parking, Loading and Access*

Each project in the BPD Zone shall satisfy the off-street parking requirements found in Chapter 19.4 herein. For parking design and standards refer to the Payson City Development Guidelines. (11-18-20)

Loading areas shall be located at the rear or side of the building and shall not occur on a public street. Loading areas shall be recessed, screened, or otherwise designed to buffer this use from public view and adjacent properties. Additional screening methods shall be implemented for projects visible from major transportation facilities, including freeways, highways, and transit corridors.

*19.6.15.13 Building Placement and Design*

In addition to the architectural requirements outlined in the Design Guidelines, the location and design of all buildings shall provide the following:

1. Architectural features on at least forty (40) percent of the front of the building and include features that accentuate public entrances to the building.
2. A balance of building proportion and scale, recognizing all structures on the development site and adjacent properties.
3. Building design shall be clean and simple. Continuous building wall surfaces shall be relieved with variations of wall planes, materials, textures, and colors.
4. Exterior building materials, including all accessory structures, shall be high quality for suitability, permanence, and durability. Acceptable materials include:
  - a. Architecturally treated tilt-up concrete
  - b. Split face and scored block
  - c. Brick and glazed brick (12-7-16)
  - d. Stone, cast stone, marble or similar material (12-7-16)
  - e. Fiber cement (12-7-16)
  - f. Stucco or synthetic stucco (12-7-16)
  - g. Metal wall panels, provided:
    - i. The design and materials used on the front façade shall satisfy the requirements of this section.
    - ii. A non-metal base, consisting of acceptable masonry materials, is established which wraps around the sides and rear of the building. The non-metal base must be at least six (6) feet in height or 1/3 of the surface wall area, whichever is greater.
    - iii. Architectural features must be incorporated into all sides of the structure to avoid large blank, flat walls without articulation, windows, and design elements. Acceptable architectural features include windows, dormers, awnings, and repeating architectural patterns consisting of color change, texture change, material change, and wall articulation change. (12-7-16)
  - h. Architectural metal panels
    - i. Glass
5. Office buildings should contain multiple stories, where possible.
6. The primary color of each building will be complementary to surrounding buildings and not create a visually distracting environment.
7. Buildings along Interstate 15 and other major transportation facilities (i.e. commuter rail) must incorporate architectural features on the exterior walls facing these facilities to avoid the back of the building appearance.
8. Cooling towers, mechanical equipment, propane tanks, and other unsightly items which could have

an adverse effect upon the aesthetics of the building and adjacent properties will be allowed only if adequately enclosed or screened so as to be an integral part of the architectural design of the building.

*19.6.15.14 Storage Areas and Fencing*

All business activities shall be conducted entirely within a building, except for loading and unloading and vehicle parking. Materials, supplies, equipment, finished or unfinished products, personal items such as boats and recreational vehicles, or similar articles shall not be stored in any area on a site except inside an enclosed building to screen such areas from the view of the public and adjoining properties. Storage of discarded, second-hand or salvage material outside any building or visual barrier is prohibited. (11-18-20)

In order to establish a park-like setting, fences are highly discouraged. When an applicant can demonstrate that a fence is absolutely necessary, the quality and materials used for the fence shall complement the design of the primary structure and amenities on the site. All fences shall be constructed with masonry or wrought iron materials. Use of vinyl, chain-link, or other similar fencing materials is prohibited in the BPD Zone. (11-18-20)

*19.6.15.15 Landscaping*

Appropriate landscaping shall be implemented to create and maintain a park-like setting. In addition to the landscaping requirements of Chapter 19.8 herein, the following standards must be incorporated into the landscape design of the site.

1. A bermed landscaped area in width of at least twelve (12) feet shall be provided and maintained along the right-of-way line of dedicated streets. The landscaping area should include a combination of shrubs, grasses, perennials, and trees. Planting materials shall be suitable for the site conditions and irrigated with an automatic underground sprinkling system. Use of drought tolerant vegetation is encouraged.
2. The site shall consist of not less than twenty (20) percent landscaping and/or developed open space, which open space may consist of [streetscape requirements](#), [parking lot landscaping](#), [foundation planters](#), undisturbed native vegetation or water features.
3. At least five (5) percent of the site must be in formal developed landscaping with no less than 2,000 square feet in area and oriented towards the main entrance and public right-of-way. Xeriscape design and water conservation materials are encouraged.

4. All uses which adjoin a public street will also provide a landscape corridor of trees, planted no more than thirty (30) feet on center. Such landscaping shall not obscure the clear view area for traffic and pedestrians at the intersection of streets or driveways.

4.5. [Appropriate use of entryway, corner and foundation planters must be incorporated into the landscaping design.](#)

5.6. Undeveloped portions of the property set aside for future expansion or additional development shall be maintained in accordance with Chapter 19.24 herein.

*19.6.15.16 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 are allowed in the BPD Zone in accordance with Chapter 19.15 herein.
2. No trash, garbage or waste material, used materials, unsightly storage of any kind, or non-licensed or abandoned vehicles or equipment shall be kept, stored, or allowed to accumulate on any portion of the site except in an approved bin or contained within an enclosed structure appropriately screened from view.
3. Projects may be required to provide landscaped passive or active open space areas for use by employees. These areas may contain picnic tables, pavilions, athletic equipment for use during work breaks, and other appropriate amenities. The type of amenities and amount of open space will be proportionate to the size of the project and determined using factors such as number of employees and hours of operation.

2. The reason for the overlay request and how the request relates to the purpose and objectives herein. (12-19-18)
3. Proposals for special requirements of the zone including architectural controls, materials, uses, massing, or other similar ideas.
4. A detailed explanation of how the proposed use will be compatible and consistent with the existing neighborhood.
5. Any other information that will assist the Planning Commission and City Council determine appropriate characteristics and controls leading to the success of the proposal.
6. Proposed setback, width, frontage, parcel size and other requirements of the zone.

*19.6.25.6 Duration*

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.

*19.6.25.7 Structure Placement*

Because each request for use of the I-O Infill Overlay is unique, the placement of structures will need to be reviewed on a case-by-case basis. However, there are several placement issues that need to be adhered to in the placement of any structure in the I-O Infill Overlay:

1. *Setbacks* – Each structure in the I-O Infill Overlay shall satisfy the setback requirements of the underlying zone except when the land use authority determines a modified setback satisfies the land use goals of the city and is consistent with the neighborhood look and feel. The front setback for a flag lot shall be measured at the point where the access (flag pole) connects to the remaining area (flag portion) of the parcel. (12-19-18)
2. *Frontage* – The front of each residential structure approved for use of an I-O Infill Overlay shall face the public right-of-way from which the access is obtained. When possible, each residential structure shall be situated in a manner as to be seen from the public right-of-way from which the access is obtained.
3. *Public Safety* – Access for flag lots shall be at least twenty (20) feet in width and shall be hard surfaced as described in the Payson City Development Guidelines and shall be unobstructed for use by public safety vehicles at all times. Each flag lot shall provide an adequate turn around for public safety vehicles. Each residential structure will be identified at the entrance from the public right-of-way from which access is obtained by a carriage light that includes the address of the

residential structure. Furthermore, the Fire Chief or Police Chief may impose additional requirements if deemed necessary to provide proper protection of a flag lot. (11-18-20)

4. *Public Utilities* – A public utility easement shall be recorded around the perimeter of the parcel. All utilities outside of the public right-of-way are the ownership and maintenance responsibility of the property owner. (9-1-04)

*19.6.25.8 Special Considerations*

Due to the unique circumstances in the established areas of the community, the following considerations are applicable only in the I-O Infill Overlay:

- ~~1.~~ Each applicant for the use of the I-O Infill Overlay shall provide notice of the request to the owners of property within two hundred fifty (250) feet, in any direction of the proposed project, except when property is intended to be subdivided in accordance with Title 20, Subdivision Ordinance wherein the notification provisions of Title 20 shall apply. (2-7-07)
- ~~2.1.~~ The land use authority may authorize a reduced lot width and/or size if the proposed width and/or size fulfills the land use goals of the city and is consistent with the neighborhood look and feel. (12-19-18)
- ~~3.2.~~ Use of the overlay shall not apply to greenfield development. The overlay shall only apply to lots and parcels in an existing neighborhood. (12-19-18)
- ~~4.3.~~ All structures must be compatible with surrounding development. Design requirements and other conditions, such as fencing and landscaping, may be placed upon any application to reduce the potential for adverse impact on the existing neighborhood. (12-19-18)
- ~~5.4.~~ Access to any structure shall be approved by the Fire Chief. At a minimum, the access shall be at least twenty (20) feet in width and hard surfaced with concrete or asphalt. (12-19-18)

**Chapter 19.12  
Annexation**

- 19.12.1 Purpose and Intent
- 19.12.2 Consistency with General Plan
- 19.12.3 Application Procedure
- 19.12.4 Acceptance or Denial of Annexation Petition
- 19.12.5 Approval Process for Accepted Petitions
- 19.12.6 Notification Requirements for Accepted Petitions
- 19.12.7 General Annexation Guidelines
- 19.12.8 Financial Review
- 19.12.9 Water Requirements for Annexations
- 19.12.10 Electric Requirements, Consent to Serve
- 19.12.11 Zoning Designation or Specific Plan
- 19.12.12 Staff Report and Recommendation
- 19.12.13 Annexation Agreement
- 19.12.14 Recordation of Annexation
- 19.12.15 Appeals and Other Costs of Annexation
- 19.12.16 Review Fees
- 19.12.17 Annexation Petitions Initiated by Payson City (4-21-10)

**19.12.1 Purpose and Intent**

The purpose of this Chapter is to provide a process for extension of the Payson City corporate limits through annexation. The process will allow the City Council, staff and citizens of the community to carefully consider the effect of any proposed annexation and provide a method to mitigate potential negative impacts.

It is the intent of this ordinance to conduct annexation proceedings in accordance with Utah Code and in particular §10-2-401 et. seq. of the Utah Code, and any other applicable federal, state, or local laws governing municipal extension. If there is any conflict between this Chapter and the provisions of the Utah Code, the provisions of the Utah Code shall dictate. When amendments are made to the Utah Code they shall cause like amendments to this Chapter. The requirements of this Chapter are supplementary and in addition to those found in the Utah Code.

For the purposes of this Chapter, the proponent, petitioner, applicant, or developer shall be defined as those persons who have signed the annexation petition in favor of annexing their real property to Payson City. Reference to the singular shall include plural when appropriate.

**19.12.2 Consistency with General Plan**

All annexations should be consistent with the Payson City General Plan. If the proponent of an annexation proposes an annexation that is inconsistent with the General Plan, the proponent may be required to submit an application for an amendment to the Payson City General Plan that would allow the proposed annexation to be consistent. The applicant will be required to pay all fees associated with a General Plan amendment in addition to the fees required for review of the proposed annexation. (9-1-10)

The process for a General Plan amendment may be completed concurrently with review of the proposed annexation if the requirements for each process are completely satisfied. Public hearings on annexations and General Plan amendments shall be held separately with the General Plan amendment public hearing occurring prior to the hearing on the proposed annexation.

Consistency with the General Plan includes all elements of the plan including, but not limited to, the Land Use Element, Transportation Element, Trails Element, Open Space Element, and any other element adopted as part of the General Plan. (9-18-13)

**19.12.3 Application Procedure**

The proponent for annexation shall make application on a form provided by the City and pay all applicable fees prior to any review by staff, the Planning Commission or the City Council. The application shall include, at a minimum, the following information:

1. An ownership plat map from the Utah County Recorder's Office showing all property owners in the City within five hundred (500) feet of the proposed annexation and ~~1/4~~ <sup>1/2</sup> mile of the annexation in the unincorporated area of Utah County. ~~Except as required by Utah State statute, if the petition is accepted for further review, the applicant shall provide pre-addressed stamped envelopes with the names of all property owners in the City within five hundred (500) of the proposed annexation and property owners within 1/4 mile of the annexation in the unincorporated area of Utah County. (9-1-10) (5-18-2022)~~
2. Signatures from the owners of real property located in the area proposed for annexation that covers a majority of the private land and is equal in value to at least one-third 1/3 of the value of all private property, as shown by the latest tax assessment rolls of Utah County, in the proposed annexation.

conditions, remand the petition back to the Planning Commission for further review, or deny the petition for annexation. (6-17-20)

Annexations are legislative matters and the City is not required to approve any petition for annexation, regardless of location, even if the proponent of an annexation is prepared to comply with all provisions required for annexation. At any point in the approval process, the City Council may deny the petition for annexation by notifying the applicant in writing. (9-18-13)

If a petition for annexation is denied by the City Council, the proponent of the annexation shall be required to submit a new application and pay all associated fees in order to have the petition reviewed again by the staff and the City Council. (9-18-13)

#### 19.12.6 Notification Requirements for Accepted Petitions

Following acceptance of an annexation petition by the City Council, notice will be provided to all affected entities within the annexation area. The notice shall inform all entities that their property is included in a recently filed annexation petition, and shall include the date of the filing, the names of the petitioners and a description of the area proposed for annexation. The applicant shall provide pre-addressed stamped envelopes complete with the names of each property owner as shown on the latest Utah County tax assessment rolls for this notice. (9-18-13)

The City shall provide notice in accordance with §10-2-406 of Utah Code. (6-17-20)

Courtesy notice of the public hearing shall be mailed to property owners in the City within five hundred (500) feet of the proposed annexation and those owners in the unincorporated area located within  $\frac{1}{2}$  mile of the area to be annexed. The applicant shall provide pre-addressed stamped envelopes complete with the names of each property owner as shown on the latest Utah County tax assessment rolls. The City will prepare the letter and mail the notices to each property owner. ~~(4-21-10)~~ (5-18-2022)

The notice shall contain the place, time and date of the public hearing on the proposed annexation along with a general description of the area proposed to be annexed. The notice shall state that public input will be accepted at the hearing and how to contact the City to obtain additional information.

#### 19.12.7 General Annexation Guidelines

There are several annexation guidelines that applicants should be aware of prior to submission of a petition for annexation. Some of these guidelines are dictated by State statute and others are policy of Payson City. In any instance, the following guidelines shall be reviewed upon submission of each annexation petition.

1. An annexation that would create, or have the effect of creating, an unincorporated island or peninsula, as defined in State statute will not be approved. (12-19-01)
2. Existing uses, including animal rights, agricultural uses, and other land uses may be allowed following annexation, unless the use is deemed inappropriate to the proposed zoning classification or the land use designation indicated on the specific plan. (9-18-13)
3. The petitioner for an annexation must demonstrate how all existing dwellings in the proposed annexation will be connected to Payson City utilities and other municipal services, including solid waste removal. The City Council may require the petitioner(s) to participate financially in the provision of City services. (4-5-17)
4. For annexations in an area where the city has not adopted a specific plan, the annexation area shall include no less than one hundred (100) acres, unless the Payson City Council determines the annexation area is critical to achieve the land use and economic development goals of the city. (6-17-20)

#### 19.12.8 Financial Review

There are financial factors that should be considered with each annexation. For instance, following annexation, Payson City is responsible for maintaining roadways and providing services within the annexation area. To fully understand the financial impacts of a proposed annexation, the City may require the applicant to prepare a financial analysis of the annexation for consideration by the City Council. At a minimum, the financial analysis should include:

1. An analysis of the tax consequences to residents of the area proposed for annexation, current residents of Payson City, and Utah County. The analysis shall include sufficient information to determine the fiscal impact of the proposed annexation taking into consideration City service provision. (9-18-13)
2. Identification of the anticipated demand on City provided facilities and services for the area to be annexed. These services include, but are not

PAYSON CITY  
LEGAL NOTICE

Summary of Ordinance(s)


The Payson City Council passed the following ordinance(s) on May 18, 2022. A full and complete copy of the ordinance(s) are available at the office of the Payson City Recorder, 439 West Utah Avenue, Payson, Utah, during regular office hours, Monday through Thursday between the hours of 7:30 a.m. and 6:00 p.m. and at 801-465-5205.

**ORDINANCE NO. 05-18-2022-A: AN ORDINANCE AMENDING, REPEALING, AND ENACTING PORTIONS OF THE PAYSON CITY MUNICIPAL CODE, TITLE 19, ZONING.**

**ORDINANCE NO. 05-18-2022-B: AN ORDINANCE AMENDING, REPEALING, AND ENACTING PORTIONS OF THE PAYSON CITY MUNICIPAL CODE, TITLE 20, SUBDIVISION.**

**ORDINANCE NO. 05-18-2022-C: AN ORDINANCE AMENDING, REPEALING, AND ENACTING PORTIONS OF THE PAYSON CITY MUNICIPAL CODE, PAYSON CITY DEVELOPMENT GUIDELINES.**

**ORDINANCE NO. 05-18-2022-D: AN ORDINANCE AMENDING, REPEALING, AND ENACTING THE PAYSON CITY MUNICIPAL CODE.**

  
Kim E. Holindrake, City Recorder

# NOTICING CERTIFICATE

STATE OF UTAH     )  
  ) §  
COUNTY OF UTAH   )

I, Kim E. Holindrake, do hereby certify that I am the duly appointed, qualified and acting Recorder for the Payson City, Utah. I do further certify that a true and correct copy of the Summary of Ordinance(s) for the meeting held on Wednesday, May 18, 2022, was properly published and noticed as follows:

- E-mailed to the Payson Chronicle for publication.
- Posted on the Utah Public Notice Website.
- Posted at the Payson City Offices at 439 W Utah Avenue (not required).

DATED this 19th day of May, 2022.



*Kim E. Holindrake*  
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Kim E. Holindrake, MMC  
City Recorder