



Administrative Policy
RIGHT OF WAY – COMM/IND ZONED
Public Works – A102

Effective Date:

October 2010

Revised Date:

RIGHT OF WAYS ADJACENT TO COMMERICALLY OR INDUSTRIALLY ZONED PROPERTIES

Summary

Public rights of way are intended to be used for roadways, public utility corridors, property access, and vehicular parking. This policy defines additional activities, public and private, that may be appropriate within Town of Payson adjacent to commercially (C-1, C-2, or C-3) or industrially (M-1 or M-2) with the possession of a valid right of way permit and a landscape maintenance agreement. Public rights of way within the Town of Payson shall not be used for private utilities or private improvements except as allowed in this policy.

Additional right of way activities that may be allowed with a permit include, but are not limited to, drainage improvements, commercial signage, landscaping and beautification, and commercial ventures.

Process

A. General Requirements:

1. A right of way permit shall be obtained from the Public Works Department prior to any work being done on Town of Payson right of way.
2. Prior to receiving a right of way permit to begin construction, except for Temporary Signage addressed in Section F, the adjacent property owner must execute an agreement with the Town concerning the improvements and maintenance required in order to use public property for a private purpose.
3. All private improvements on Town of Payson right of way shall be temporary and are subject to removal with 30 days notice when such removal is needed for a public purpose.
4. Any improvements in the right of way shall not be allowed to conflict or obstruct the installation, maintenance or repair of public utilities.
5. Any private improvements in the right of way damaged during maintenance or repair of public utilities shall be repaired at the owners expense.



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6. An Application to use the Town right of way, submittal checklist, and the signage general design parameters are included in Exhibit 'A' of this document.

B. Drainage Improvements – Additional Requirements:

1. All drainage improvements shall be constructed to MAG Standard Specifications and Details.
2. Drainage improvements can not adversely affect upstream or downstream properties.

C. Commercial Signage – Additional Requirements:

1. All signs shall be in conformance with the Town of Payson Unified Development Code and approved and permitted by the Town's Community Development Department. The general appearance of the sign shall conform to the guidelines approved by the Town Council.
2. The surface area of any signage allowed on the right of way shall be directly proportional to the width of usable Town of Payson right of way adjacent to the private property measured perpendicular to the back of curb. Commercial signage copy area shall not exceed twelve (12) square feet if placed within 12 feet of the back of curb. The copy area may be increased by one (1) square foot for each additional foot of perpendicular separation between the back of curb and the sign up to a maximum of 32 square feet, unless the copy area is further restricted by the UDC.
3. New signage shall not block any existing legal signage.
4. New signage shall not create an unsafe condition by blocking the site distance while exiting a driveway.
5. No part of the sign structure or base may be within 2 feet horizontally of any existing or proposed waterline, or within 3 of the back of the sidewalk. Additionally, no part of the sign copy may be within 3 feet of the back of the sidewalk.
6. The sign owner shall provide and maintain landscaping and irrigation in the right of way adjacent to the property that the signage serves. The landscaping plan must be approved by the Community Development Department and Public Works Department.



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7. The landscape plan shall generally conform to the following requirements:
 - a. There shall be no less than 1-36" box tree for each 30 linear feet, or portion thereof, of right of way adjacent to the property.
 - b. There shall be 5 shrubs for each 200 square foot, or portion thereof, of right of way adjacent to the property.
 - c. The plan shall include other landscape elements as desired by the adjacent property owner.
 - d. No trees may be planted within 2 feet horizontally of any existing or proposed waterline.
 - e. All landscaping materials shall comply with the Town's low water use requirements.
 - f. The plan shall include a drip irrigation system design that shall be connected to a water source provided by the adjacent property owner.
8. The Town may revoke the Right of Way permit and require the removal of all private improvements if there is a conflict with an existing or future utility.
9. Prior to receiving a signage and landscaping right of way permit, the adjacent property owner must execute an agreement with the Town concerning the improvements and maintenance required in order to use public property for a private purpose.
10. The agreement shall be recorded with the Gila County Recorder as an encumbrance against the property, and shall run with the property until it is cancelled by either party.
11. The form of the agreement is attached to this policy.

D. Landscaping and Beautification - Additional Requirements:

1. The landscaping plan must be approved by the Community Development Department and Public Works Department.
2. All landscaping shall meet the requirements of Section C of this policy.

E. Temporary Commercial Ventures – Additional Requirements:

1. All temporary commercial ventures on public right of way shall obtain a right of way permit from the Public Works Department prior to set up.
2. Temporary Commercial ventures cannot be permanently located on public right of way.



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3. The maximum time a commercial venture can be located in a set location within public right of way is 48 hours. A new location shall be considered the same location if it is within ¼ mile of the previous location.
4. The maximum time a commercial venture can be located on public right of way is 10 days in any 12 month period.

F. Temporary Banner or Signage – Additional Requirements:

1. The temporary banner or sign on Town right of way shall only be used for short term while the adjacent property owner/business is diligently pursuing the installation of a long term commercial sign in accordance with this policy.
2. The location of the sign shall be approved by the Community Development Department and Public Works Department.
3. The copy area of the sign or banner shall not exceed 8 feet in length and no more than 24 square feet.
4. A right of way permit for a temporary sign or banner is good for a maximum of 60 calendar days. This time frame can only be extended under extenuating circumstances and then only for a maximum of 15 calendar days.

G. Town of Payson Entry Signs – Additional Requirements:

1. The preferred locations and general design parameters for any Town of Payson Entry Signs are included in Exhibit 'B' of this document.