ORDINANCE NO. 683

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADOPTING AMENDMENTS TO THE TABLE OF RESIDENTIAL LOT DEVELOPMENT STANDARDS CONTAINED IN SECTION 15-02-004(D) OF THE PAYSON UNIFIED DEVELOPMENT CODE TO ALLOW ZERO LOT LINE DEVELOPMENT IN CERTAIN ZONING DISTRICTS.

WHEREAS, the Town of Payson has adopted a Unified Development Code ("UDC") to regulate development within the Town; and

WHEREAS, on February 6, 2006, following a public hearing, the Payson Planning and Zoning Commission reviewed certain proposed amendments to the Table of Residential Lot Development Standards contained in Section 15-02-004(D) of the Payson UDC and recommended that the Town Council adopt such amendments; and

WHEREAS, on February 23, 2006, The Payson Town Council conducted a public hearing on such proposed amendments; and

WHEREAS, the Town of Payson has found that the adoption of this Ordinance Number 683 is necessary and appropriate to protect the health, safety, and welfare of the citizens of the Town of Payson as a lawful exercise of police power vested in the Town by the State of Arizona; and

WHEREAS, it is the desire of the Mayor and Common Council to amend the Unified Development Code of the Town of Payson by amending the Table of Residential Lot Standards contained in Section 15-02-004(D) of the UDC and other conforming amendments to allow zero lot line development in certain zoning districts,

NOW, THEREFORE, THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, DO HEREBY ORDAIN AS FOLLOWS:

Section 1. That footnote 7 shall be added to the Table of Residential Lot Standards contained in Section 15-02-004(D) of the UDC and as added shall read as follows:

> Attached housing (zero lot line development) is allowed on contiguous lots with the same street frontage, provided both units are developed at the same time as a common project. All non street-side setbacks which are opposite the common property line shall be increased by 2 feet over the minimum side yard setback for that district.

Section 2. That footnote 7 of the Table of Residential Lot Standards shall only be applicable to the side yard minimum setback for R1-6, R1-8, R2, and R3 Districts.

Section 3. That all instances of the term *single family dwelling unit, site built and detached* used in the Table of Residential District Uses contained in Section 15-12-001 of the UDC and the Table of Commercial District Uses contained in Section 15-12-002 of the UDC are hereby replaced by the term *single family dwelling unit, site built.*

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Section 4. That the residential use description *Two-family dwelling unit* (an undefined term) used in the Table of Residential District Uses contained in Section 15-12-001 of the UDC and the Table of Commercial District Uses contained in Section 15-12-002 of the UDC is hereby deleted.

Section 5. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance Number 683 are hereby repealed to the extent of such conflict.

Section 6. If any section, subsection, sentence, clause, phrase or portion of this Ordinance Number 683 is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance Number 683. The Mayor and Common Council of the Town of Payson declares that it would have adopted this Ordinance Number 683 and each section, subsection, sentence, clause, phrase or portion thereof despite the fact that any one or more sections, subsections, sentences, clauses, phrases or portions would be declared invalid or unconstitutional.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON this _____ day of _____, 2006, by the following vote:

AYES _____ NOES _____ ABSTENTIONS _____ ABSENT _____

_____
Barbara G. Brewer, Mayor

ATTEST:

_____
Silvia Smith, Town Clerk

APPROVED AS TO FORM:

_____
Samuel I. Streichman, Town Attorney