

ORDINANCE NO. 686

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING THE OFFICIAL ZONING MAP FOR THE TOWN OF PAYSON, AMENDING ORDINANCE NO. 466 AND AMENDING THE ZONING CODE FOR THE TOWN OF PAYSON BY REZONING CERTAIN REAL PROPERTY GENERALLY LOCATED AT 400 NORTH TYLER PARKWAY, BEING GILA COUNTY ASSESSOR'S PARCEL NUMBER 302-23-036V, AS MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM R1-175 TO R1-6PAD (BOULDER RIDGE).

WHEREAS, the Town of Payson from time to time amends its Official Zoning Map and Official Zoning Code for the purpose of accommodating zoning changes; and

WHEREAS, Application No. P-323-06 to amend the Official Zoning Map and Official Zoning Code has been made by KDS Construction L.L.C., property owner (Kevin Sokol, representative) to the Planning and Zoning Commission and the Town Council; and

WHEREAS, the Planning and Zoning Commission held a public hearing on April 10, 2006, considered the issues, and made recommendation on Application No. P-323-06 to the Town Council; and

WHEREAS, the Town Council held a public hearing on April 27, 2006, in regard to said Application No. P-323-06 and has considered the issues relating thereto,

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AS FOLLOWS:

Section 1. Ordinance No. 466 of the Town of Payson, the Official Zoning Map for the Town of Payson and the Zoning Code for the Town of Payson be and each is hereby amended to establish a zoning district of R1-6PAD for that portion of the certain real property located at 400 North Tyler Parkway, Gila County Assessor's Parcel Number 302-23-036V, more particularly described on Exhibit "A" attached hereto and made a part hereof by this reference (the "Property").

Section 2. That the requested rezoning and the use and density of the Property as proposed by Application No. P-323-06 and made contingent upon those conditions set forth in Section 3 below, is consistent with the General Plan of the Town of Payson, as required by A.R.S. § 9-462.01(F).

Section 3. The foregoing change in zoning shall be and is hereby specifically made contingent upon and conditional upon each of the following:

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- A. Development on the property shall be limited to four (4) Equivalent Residential Units (ERU's) as calculated under Chapter 50 of the Code of Payson and Ordinances 480, 528, and 537 as amended, unless the owner/developer of the property provides the Town with a new, adequate water supply for additional development.
- B. The development shall be in substantial conformance with the Development Plan dated April 10, 2006 as amended for the April 27, 2006 Town Council Meeting.
- C. The preliminary and final plats shall designate actual building envelopes, preserving natural terrain and vegetation to the fullest extent possible. Any accessory structures, including fences, shall be located within the designated building envelope.
- D. The developer shall provide pro rata funding to the Town in lieu of construction for an 8' wide asphalt pathway along the North Tyler Parkway frontage as part of the planned pedestrian way prior to the approval of the final plat.
- E. Plans to accept the voluntary donation of workforce housing and funds toward a proposed basketball facility shall be formalized with the applicant and Town staff, prior to Council consideration of the final plat.
- F. The developer shall provide adequate sanitary facilities, depicted in the Improvement Plans, which are acceptable to the Northern Gila County Sanitary District, prior to Final Plat approval.
- G. The preliminary and final plat shall designate a minimum of 20% of the project as common open space to be owned by the project's HOA. Up to 10% of the 20% may be private open space.
- H. If any conditions (A through G above) cannot be met or the applicant does not have an approved Final Plat within two (2) years of the approval date of the effective date of this Ordinance 686, then the R1-6-PAD rezoning may revert to the original R1-175 zoning, after appropriate Council hearings have been held. The portion of Condition A limiting development to four ERU's shall survive any reversion of zoning to R1-175.

Section 4. The Mayor and Common Council find and declare that the provisions in this Ordinance Number 686 first and finally embody and constitute the legislative act of rezoning the real property described herein and set forth on Exhibit "A" attached hereto and supercede any prior acts of the Mayor and Common Council.

Section 5. Pursuant to A.R.S. §19-142 and §30.54 of the Code of the Town of Payson, this ordinance shall not become operative until 30 days after its passage.

Section 6. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

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:

APPROVED AS TO FORM:

\_\_\_\_\_  
Silvia Smith, Town Clerk

\_\_\_\_\_  
Samuel I. Streichman, Town Attorney

# EXHIBIT "A"

*to Ordinance No. 686*

400 North Tyler Parkway, Payson, Arizona  
Gila County Tax Parcel Number 302-23-036V

## Legal Description -

POR NW4 SE4 SEC 35 T11N R10E; BEING SW OF SWLY R/W DEDICATED RD N TYLER PKW; EXC BEG CNTR SEC 35; TH S0D0'32 E 164.59'; TH N89D59'51 E 380.05'; TH N35D33'34 W 202.38'; TH S89D56'27 W 262.19' POB; EXC COMM CNTR SEC 35; TH S0D0'32 E 164.59' POB; TH N89D59'51 E 21.76'; TH S0D0'47 W 494.13'; TH S89D57'19 W 21.76'; TH N0D0'47 E 494.14' POB; =16.70 AC M/L (OUT OF 302-23-036S)