

ORDINANCE NO. 685

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 2009 NORTH MCLANE ROAD, BEING GILA COUNTY ASSESSOR'S PARCEL NUMBER 302-35-007A, AS MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM R1-175 TO R1-6 (MOGOLLON 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-310-05 to amend the Official Zoning Map and Official Zoning Code has been made by Payson Development Group L.L.C., property owner (G. Michael Horton, representative) to the Planning and Zoning Commission and the Town Council; and

WHEREAS, the Planning and Zoning Commission held a public hearing on November 14, 2005, considered the issues, and made recommendation on Application No. P-310-05 to the Town Council; and

WHEREAS, the Town Council held a public hearing on April 27, 2006, in regard to said Application No. P-310-05 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 R1-6 for that portion of the certain real property located at 2009 North McLane Road, Gila County Assessor's Parcel Number 302-35-007A, 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-310-05 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:

- A. Development on the property shall be limited to two (2) 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.

First Reading & Pub. Hrg. MAY 11 2006 G.4
Second Reading & Pub. Hearing MAY 24 2006 G.12*

- B. The development shall be in substantial conformance with the site plan as submitted in the staff report.
- C. 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.
- D. A lot line adjustment creating the parcel requested for the zoning change shall be recorded prior to submittal of the preliminary plat.
- E. If any conditions (A through D above) cannot be met or the applicant does not have an approved Final Plat within two (2) years of the approval date of the zoning change, then the R1-6 rezoning may revert to the original R1-175 zoning, after appropriate Council hearings have been held. The portion of Condition A limiting development to two 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 685 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. 685

2009 North McLane Road, Payson, Arizona

LEGAL DESCRIPTION MOGOLLON RIDGE PHASE 1

A portion of Parcel 1 of Government Lot 1 of Section 27 as shown on Map 2680 Gila County Records, and a portion of Government Lot 5 of Section 28, all in Township 11 North, Range 10 East of the Gila and Salt River Meridian, Gila County, Arizona, being more particularly described as follows:

Commencing at the northeast corner of Parcel 1 of said Government Lot 1;

Thence: N 89°58'51" W along the north line of said Parcel 1, 116.49 feet to the TRUE POINT OF BEGINNING;

Thence: Along a tangent curve to the left, concave to the southeast, having a radius of 12.00 feet, and a central angle of 90°00'00" for a curve length of 18.85 feet;

Thence: S 00°01'09" W, 30.56 feet;

Thence: Along a tangent curve to the right, concave to the west, having a radius of 180.00 feet and a central angle of 15°00'00" for a curve length of 47.12 feet;

Thence: S 15°01'09" W, 338.01 feet;

Thence: Along a tangent curve to the left, concave to the east, having a radius of 120.00 feet and a central angle of 15°01'16" for a curve length of 31.46 feet;

Thence: S 00°00'07" E, 71.41 feet;

Thence: Along a tangent curve to the left, concave to the northeast, having a radius of 12.00 feet and a central angle of 80°24'21" for a curve length of 16.84 feet;

Thence: S 00°00'07" E, 50.17 feet;

Thence: S 89°59'53" W, 199.30 feet;

Thence: Along a tangent curve to the right, concave to the north, having a radius of 135.00 feet, and a central angle of 22°38'40" for a curve length of 53.35 feet;