

ORDINANCE NO. 687

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 IN THE 1200 TO 1700 BLOCK OF EAST CEDAR LANE, BEING GILA COUNTY ASSESSOR'S PARCEL NUMBER 304-01-315G, AS MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM R1-175 TO R1-44PAD (FOREST EDGE).

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-317-05 to amend the Official Zoning Map and Official Zoning Code has been made by Terra-Payson 65 L.L.C., property owner (Mark Perry, 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-317-05 to the Town Council; and

WHEREAS, the Town Council held a public hearing on May 11, 2006, in regard to said Application No. P-317-05 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 R1-44PAD for that portion of the certain real property located in the 1200 to 1700 block of East Cedar Lane, Gila County Assessor's Parcel Number 304-01-315G, 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-317-05 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 fifteen (15) Equivalent Residential Units (ERU's) as calculated under Chapter 50 of the Code of the Town 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

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- B. The development on the Property shall be in substantial conformance with the Development plan dated April 10, 2006, as amended for the April 27, 2006 Town Council Meeting.
- C. A note be added to the final plat stating: Hillside preservation areas shall not be disturbed in any manner except for defensible space thinning/maintenance. Any accessory structures, including fences, shall be located within the designated building envelope. Driveway widths outside the building envelope on all lots shall be limited to a maximum of 14 feet wide unless a greater width is needed to meet Fire Department requirements.
- D. The developer shall provide adequate sanitary facilities, depicted in the Improvement Plans, which are acceptable to the Northern Gila County Sanitary District, and be properly annexed into the Northern Gila County Sanitary District prior to Final Plat approval.
- E. The 100-year flood plain depicted on the Forest Edge PAD and Master Development Plan shall be shown on the Final Subdivision Plat. The following note shall also be included on the Final Subdivision Plat: Construction within the 100-year flood plain shall be limited to driveway crossings on lots 2 and 16 in accordance with Federal Emergency Management Agency (FEMA) requirements.
- F. Storm water detention/retention shall be provided in accordance with the Town of Payson Requirements, or provide written confirmation that the down stream property owner has agreed to accept the increased peak runoff flows in accordance with the Town requirements.
- G. The area of the Metate Pocket Park and the Mud Springs Tank shall be dedicated to the Town of Payson on the final plat. The Trail (between lots 5 & 6, and 35 & 36) shall be dedicated as a non-motorized trail to the Town of Payson.
- H. A sign easement shall be created on Lot 22 for the subdivision sign.
- I. The preliminary and final plat shall designate a minimum of 20% of the project as perpetual common open space easement and by deed restriction for the benefit of the Forest Edge Home Owners Association.
- J. If any conditions (A through I 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 R1-44PAD rezoning may revert to the original R1-175 zoning, after appropriate Council hearings have been held. The portion of Condition A limiting development to fifteen (15) 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 687 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. 687

64.05 acres located in the 1200 to 1700 block of East Cedar Lane  
Gila County Tax Parcel Number 304-01-315G

## Forest Edge Legal Description

### PARCEL NO. 1

Lot 12, Section 11, Township 10 North, Range 10 East of the Gila and Salt River Base and Meridian, Gila County, Arizona;

EXCEPT Beginning at the West quarter corner of said Section 11 being common with the Southwest corner of said Lot 12 being a B.L.M. Brass Cap;  
THENCE North 00°03'56" West, along the West line of said Lot 12, a distance of 987.04 feet to the Northeast corner of Lot 4 located in the Northeast quarter of Section 10, being a B.L.M. Brass Cap;  
THENCE continuing along the West line of Lot 12, North 00°05'13" West a distance of 164.08 feet to the Northwest corner of said Lot 12;  
THENCE South 89°44'12" East along the North line of said Lot 12 a distance of 743.69 feet;  
THENCE South 00°04'08" East a distance of 1150.90 feet to a point lying on the South line of said Lot 12;  
THENCE North 89°45'14" West, along said South line, a distance of 743.70 feet to the Point of Beginning.

### PARCEL NO. 2

Lots 14, 15 and 17; and  
The Southeast quarter of the Northeast quarter of the Northeast quarter; and  
The South half of the North half of the Southwest quarter of the Northeast quarter; and  
The South half of the Southwest quarter of the Northeast quarter; and  
The East half of the Southeast quarter of the Northeast quarter; and  
The East half of the Northwest quarter of the Southeast quarter of the Northeast quarter; and  
The Southwest quarter of the Northwest quarter of the Southeast quarter of the Northeast quarter; and  
The Southwest quarter of the Southeast quarter of the Northeast quarter;  
All in Section 11, Township 10 North, Range 10 East of the Gila and Salt River Base and Meridian, Gila County, Arizona.