ORDINANCE NO. 694

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADDING SECTION 3 TO SECTION 15-09-008(G) OF THE TOWN OF PAYSON UNIFIED DEVELOPMENT CODE, TO ESTABLISH A REQUIREMENT FOR A TWO-THIRDS VOTE OF THE TOWN COUNCIL FOR APPROVAL OF A CHANGE IN THE TOWN ZONING MAP.

WHEREAS, the process for zoning map changes within the Town of Payson is set forth in Section 15-09-008 of the Town of Payson Unified Development Code; and

WHEREAS, such process allows for the Town Council to approve zone changes by majority vote; and

WHEREAS, on August 3, 2006, the Town Council directed Town staff to draft an ordinance to require an affirmative vote of two-thirds (2/3) of the Town Council for any zone change to become effective; and

~~**WHEREAS**, on September 11, 2006, the Planning and Zoning Commission held a public hearing on such proposed change, among other changes to Sections 15-09-008 and 15-09-009 of the Town of Payson Unified Development Code; and~~

~~**WHEREAS**, on September 25, 2006, the Planning and Zoning Commission considered such proposed change and made recommendation to the Town Council; and~~

WHEREAS, the Town of Payson has found that the adoption of this Ordinance Number 694 is necessary and appropriate to provide for and promote the health, safety, and welfare of the citizens of the Town of Payson and is a lawful exercise of police power vested in the Town,

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

Section 1. Subsection 3 is hereby added to Section 15-09-008(G) of the Town of Payson Unified Development Code and, as amended, Section G shall read as follows:

G. COUNCIL ACTION

1. If the owners of 20% or more either of the area of the lots included in a proposed change, or of those immediately adjacent in the rear or any side of the lot extending 150 feet, or of those directly opposite of the lot extending 150 feet from the street frontage of the opposite lots, file a protest in writing against a proposed amendment, it shall not become effective except by the favorable vote of three-fourths of the members of the Council. If members of the Council are unable to vote on the issue because of conflict of interest, then the required number of votes for passage of the question shall be three-fourths of the remaining membership of the governing body, provided that such required number of votes shall in no event be less than a majority of the full membership of the Council.

2nd Reading & Public Hrg. NOV 0 2 2006 G.4

2. Upon receipt of the Commission's recommendation, the Council shall hold at least one public hearing, within a reasonable time thereafter, after first noticing in the same manner as is required of the commission, and may thereupon take appropriate action. It shall not be the responsibility of the Town to maintain the posting once erected.
3. **Except as provided in Subsection 1 above, no zone change, and no change to the Town's zoning map shall become effective unless such change is approved by the favorable vote of two-thirds (2/3) of all seven members of the Payson Town Council. If members of the Town Council are unable to vote on the issue because of a conflict of interest, then the required number of votes for passage of the question shall be two-thirds (2/3) of the remaining membership of the Town Council, provided that such number of votes shall in no event be less than a majority of the full membership of the Town Council.**

Section 2. The provisions of this Ordinance Number 694 shall expire on December 31, 2007, unless renewed by the Mayor and Common Council.

Section 3. 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 _____

_____
F. Robert Edwards, Mayor

ATTEST:

_____
Silvia Smith, Town Clerk

APPROVED AS TO FORM:

_____
Samuel I. Streichman, Town Attorney