

ORDINANCE NO. 697

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTION 15-02-001, RENUMBERING SECTION 15-02-008, AND ADDING NEW SECTION 15-02-008 ALL OF CHAPTER 154 (THE UNIFIED DEVELOPMENT CODE) OF THE CODE OF THE TOWN OF PAYSON, AND ADOPTING SUCH AMENDMENTS AND ADDITIONS BY REFERENCE. (CREATION OF A NATIONAL FOREST ZONING DISTRICT)

WHEREAS, the Town's Unified Development Code currently contains three zoning districts (Residential, Commercial, and Industrial); and

WHEREAS, none of these current zoning districts adequately addresses land uses on Tonto National Forest lands within the Town limits; and

WHEREAS, on August 3, 2006, the Town Council directed Town staff to determine the proper land use designation for the areas within the Town that are held by the Forest Service; and

WHEREAS, on September 25, 2006, the Planning and Zoning Commission held a public hearing on the proposed creation of a National Forest Zoning District and made recommendation to the Town Council; and

WHEREAS, the Town of Payson has found that the adoption of this Ordinance Number 697 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; and

WHEREAS, amendments to Section 15-02-001 of chapter 154 (The Unified Development Code) of the Code of the Town of Payson were declared to be a public record by Resolution 2222; and

WHEREAS, new Section 15-02-008 of chapter 154 (The Unified Development Code) of the Code of the Town of Payson was declared to be a public record by Resolution 2222; and

WHEREAS, it is the desire of the Mayor and Common Council to amend the Code of the Town of Payson by amending Section 15-02-001 and to add new Section 15-09-008 by reference pursuant to A.R.S. § 9-802,

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

- Section 1. That Section 15-02-008 of Chapter 154 (The Unified Development Code) of the Code of the Town of Payson (Airport Overlay District) is hereby renumbered to 15-02-015.
- Section 2. That amended Section 15-02-001 of Chapter 154 (The Unified Development Code) of the Code of the Town of Payson set forth in Resolution 2222 was heretofore declared to be a public record by such Resolution, and all the provisions thereof are hereby referred to and added to the Code of the Town of Payson and adopted by this reference as though all the provisions thereof were set forth in full in this Ordinance Number 697

- Section 3. That new Section 15-02-008 of Chapter 154 (The Unified Development Code) of the Code of the Town of Payson (National Forest District) set forth in Resolution 2222 was heretofore declared to be a public record by such Resolution, and all the provisions thereof are hereby referred to and added to the Code of the Town of Payson and adopted by this reference as though all the provisions thereof were set forth in full in this Ordinance Number 697.
- Section 4. That at least three copies of the amended Section 15-02-001 and new Section 15-02-008 of chapter 154 (The Unified Development Code) of the Code of the Town of Payson, as adopted by this Ordinance Number 697 shall be filed in the Office of the Town Clerk of the Town of Payson and the same shall be maintained and kept available for public use and inspection.
- Section 5. That the Town of Payson be and is hereby authorized to take and perform such other and future actions as are necessary or appropriate to carrying out the terms of this Ordinance.
- Section 6. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance Number 697 are hereby repealed to the extent of such conflict.
- Section 7. If any section, subsection, sentence, clause, phrase or portion of this Ordinance Number 697 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 697. The Mayor and Common Council of the Town of Payson declares that it would have adopted this Ordinance Number 697 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 \_\_\_\_\_

\_\_\_\_\_  
F. Robert Edwards, Mayor

ATTEST:

APPROVED AS TO FORM:

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

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

**RESOLUTION NO. 2222 IS  
PROVIDED FOR INFORMATION  
ONLY  
AT THE 11/16/06 COUNCIL MEETING.**

**RESOLUTION NO. 2222 WILL  
BE AGENDIZED AS AN ACTION ITEM  
AT THE 12/4/06 COUNCIL MEETING.**

**RESOLUTION NO. 2222**

**A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTION 15-02-001 AND ADDING SECTION 15-02-008 TO CHAPTER 154 (THE UNIFIED DEVELOPMENT CODE) OF THE CODE OF THE TOWN OF PAYSON , AND DECLARING SUCH AMENDMENTS TO BE A PUBLIC RECORD. (CREATING A NATIONAL FOREST ZONING DISTRICT)**

**WHEREAS**, the Code of the Town of Payson was declared to be a public record by Resolution Number 1536 of the Town of Payson; and

**WHEREAS**, the Code of the Town of Payson was adopted as a public record by Ordinance Number 588 of the Town of Payson; and

**WHEREAS**, it is the intention of the Town of Payson to amend Section 15-02-001 and to add new Section 15-02-008 to Chapter 154 (the Unified Development Code) of the Code of the Town of Payson to create a National Forest Zoning District; and

**WHEREAS**, such amendment may be enacted by reference, pursuant to A.R.S. § 9-802,

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

- Section 1. Section 15-02-001 of Chapter 154 of the Code of the Town of Payson is hereby amended, is declared to be a public record, and as amended shall read as set forth in Exhibit A attached hereto.
- Section 2. New Section 15-02-008 of Chapter 154 of the Code of the Town of Payson is hereby added, is declared to be a public record, and shall read as set forth in Exhibit B attached hereto.
- Section 3. If any section, subsection, sentence, clause, phrase or portion of Resolution Number 2222 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 Resolution Number 2222. The Town Council of Payson declares that it would have adopted Resolution Number 2222 and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses, phrases, or portions may 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 \_\_\_\_\_

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F. Robert Edwards, Mayor

ATTEST:

APPROVED AS TO FORM:

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Silvia Smith, Town Clerk

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Samuel I. Streichman, Town Attorney

# Exhibit A

## 15-02-001 Establishment of Zoning Districts

In conformity with the intent and purpose of this Code and the Payson Master Plan, zoning districts are adopted pursuant to Section 9-400 et seq. of the Arizona Revised Statutes, in order to classify, regulate, restrict and separate uses of land and structures, and to establish minimum standards for lot dimensions and areas, setback widths and depths, percent of lot coverage and open spaces, lot area required for dwelling units and other structures, as follows:

- A. SINGLE FAMILY RESIDENCE DISTRICTS**
  - R1-6 6,000 square foot minimum lot size
  - R1-8 8,000 square foot minimum lot size
  - R1-10 10,000 square foot minimum lot size
  - R1-12 12,000 square foot minimum lot size
  - R1-18 18,000 square foot minimum lot size
  - R1-35 35,000 square foot minimum lot size
  - R1-44 44,000 square foot minimum lot size
  - R1-70 70,000 square foot minimum lot size
  - R1-90 90,000 square foot minimum lot size
  - R1-175 175,000 square foot minimum lot size
  
- B. MULTIPLE FAMILY RESIDENCE DISTRICTS**
  - R2 General Multi-Family
  - R3 Transitional Multi-Family
  
- C. COMMERCIAL DISTRICTS**
  - C-1 Neighborhood Service
  - C-2 General Commercial
  - C-3 Roadway Frontage
  
- D. INDUSTRIAL/MANUFACTURING DISTRICTS**
  - M-1 Light Industrial
  - M-2 General Industrial
  
- E. NATIONAL FOREST DISTRICT (NF)**
  
- F. SPECIAL USE AND OVERLAY ZONING DISTRICTS**
  - PAD Planned Area Development Overlay
  - AO Airport Overlay
  - MH Manufactured Home District Overlay

MHP	Manufactured Home Park
SPD	Special Plan District
OS	Open Space
GVRA	Green Valley Redevelopment Area
DRO	Design Review Overlay

# Exhibit B

15-02-008 National Forest District (NF)

- A. Purpose and Intent: The National Forest Service District is intended to prescribe permissible uses for the Tonto National Forest lands currently subject to the jurisdiction of the United States Forest Service ("USFS") that are located within the corporate boundaries of the Town.
- B. National Forest District Stipulations and Provisions:
  - 1. Before the construction of any physical improvements, approval of the USFS shall be obtained.
  - 2. In the event that any lands zoned National Forest are transferred into private ownership, only those developments, uses or physical improvements in existence at the time of transfer and approved by the USFS shall be allowed to continue until such time as the property is rezoned. Prior to any such rezoning, minor repairs and routine maintenance of existing structures are permitted, however:
    - (1) An existing structure may not be enlarged or extended; and
    - (2) No use may be enlarged or extended.
- C. National Forest District Permitted Uses: All uses are subject to the provisions of the "Tonto National Forest Land Use and Resource Management Plan" and other applicable USFS policies, approvals and/or management provisions.
- D. National Forest Development Standards: Property development standards prescribed by the USFS shall apply to all land and buildings.