

RESOLUTION NO. 2221

**A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTIONS 15-09-008 AND 15-09-009 OF CHAPTER 154 (THE UNIFIED DEVELOPMENT CODE) OF THE CODE OF THE TOWN OF PAYSON, AMENDING THE PROCEDURES AND NOTICING REQUIREMENTS FOR ZONING MAP CHANGES, AND DECLARING SUCH AMENDMENTS TO BE A PUBLIC RECORD.**

**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 Sections 15-09-008 and 15-09-009 of Chapter 154 (the Unified Development Code) of the Code of the Town of Payson amending the procedures and noticing requirements zoning map changes; 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 15-09-008 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. Section 15-09-009 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 B attached hereto.
- Section 3. If any section, subsection, sentence, clause, phrase or portion of Resolution Number 2221 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 2221. The Town Council of Payson declares that it would have adopted Resolution Number 2221 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.

DEC 14 2006 G.4.a

**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

## EXHIBIT A TO RESOLUTION 2221

### 15-09-008 AMENDMENTS TO TEXT AND ZONING MAP

The Council may from time to time as public necessity, convenience, general welfare and good planning practice requires change the district boundaries or amend, change, repeal or supplement the regulations herein established. Such changes or amendments may be initiated by the Council, the Commission, staff or by application of one or more owners of real property within the area proposed to be changed.

#### A. Applications For Amendments.

Applications for change of district boundaries or for amendment of this code shall be filed with the Community Development Director or his/her designee. In the case of an application requesting a zoning district change, which includes other property in addition to that owned by the petitioner, the application shall include the signatures of the real property owners representing at least seventy-five (75) percent of the land in the area proposed to be changed. Applications shall be filed on a form provided for the purpose and shall include:

1. A detailed narrative justifying the application.
2. A map showing the particular property or properties for which the change of zone is requested and substantially the adjoining properties and the public streets and ways within a radius of three hundred (300) feet of the exterior boundaries thereof.
3. A Development Plan which shall show the following:
  - (a) Topographical description showing existing and proposed grades and drainage systems and natural and man made features with indication as to which one(s) are to be retained and which one(s) are to be removed or altered.
  - (b) Proposed street system.
  - (c) Proposed block layouts.
  - (d) Proposed reservation(s) for parks, parkways, playgrounds, recreation areas and other open spaces.
  - (e) Off-street parking space.
  - (f) Types and uses of structures.
  - (g) Locations of structures, garages and/or parking spaces.
  - (h) A tabulation of the total number of acres in the proposed project and a percentage thereof designated for the proposed structures.
  - (i) Preliminary plans and elevations of the structure types.

4. A true statement revealing any restrictions of record that would affect the requested uses of the property and the dates of expiration thereof.
5. Such photographs, drawings and other supporting documents, as the applicant may desire to present.
6. A Citizens Participation Report as required in Section 15-09-013.
7. Payment of a filing fee in an amount established by a schedule adopted by resolution of the Council and filed in the offices of the Town Clerk. No part of the filing fee shall be returnable. Payment of filing fee shall not be applicable when the applicant is the Council or Commission or when the Town, County, State or Federal Government initiates the change or amendment.
8. A legal description of the subject property.
9. The Community Development Director or his/her designee shall determine the format and quantities of all documents to be submitted.

**B. Commission Action.**

1. Upon receipt of any complete application for amendment, the Community Development Director or his/her designee on behalf of the Commission shall fix a reasonable time for the hearing of the proposed zone change or amendment and shall give notice in the manner as specified in Section 15-09-009. The Commission may continue such hearing to a date certain.
2. The Community Development Director or his/her designee shall submit a report and recommendation to the Commission prior to the scheduled public hearing.
3. The Commission shall review any application based on the Town of Payson General Plan, Unified Development Code, other applicable Town codes, ordinances and policies and sound land use planning principles.
4. Within thirty (30) days after the close of the hearing, the Commission shall render and forward its decision to the Council.
5. The Commission may vote to withdraw any Commission initiated amendment, prior to its submission to Council.

### C. Council Action.

1. Upon receipt of the Commission's recommendation, the Council shall hold at least one public hearing after providing notice as specified in Section 15-09-009.
2. The Council may require conditions as may be appropriate based on (1) the Town of Payson General Plan, Unified Development Code, other applicable Town codes, ordinances and policies and (2) sound land use planning principles.
3. The Council may approve a change of zone conditioned upon a schedule for development of the specific use or uses for which rezoning is requested. If at the expiration of this period the property has not been improved for the use for which it was conditionally approved, the Council, after notification by certified mail to the owner and applicant who requested the rezoning, shall schedule a public hearing to take administrative action to extend, remove, or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
4. 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.

## EXHIBIT B TO RESOLUTION 2221

### 15-09-009 PUBLIC HEARINGS

#### A. Public Hearings Required.

The Planning and Zoning Commission shall hold a public hearing as required by this code and state law.

#### B. Notice Content.

The notice shall include the time and place of the hearing, a general explanation of the matter to be considered and a general description of the area affected,

#### C. Manner Of Noticing.

Notice shall be given at least fifteen (15) days before the hearing in the following manner:

1. The notice shall be published at least once in a newspaper (as defined in Title 39, Chapter 2 of the Arizona Revised Statutes) of general circulation.
2. In proceedings involving rezoning of land that abuts other municipalities, unincorporated areas of the county or a combination thereof, copies of the notice shall be transmitted to the planning agency of the governmental unit abutting such land.
3. In any proceedings involving rezoning of land which may change the zoning classification, notice by first class mail shall be sent to each real property owner, if not the applicant, of the area to be rezoned and to all real property owners within three hundred (300) feet of the property to be rezoned, as shown on the last assessment of the property.
4. In proceedings involving one or more of the following proposed changes or related series of changes in the standards governing land uses, notice shall be provided in the manner prescribed by subsection 5.
  - (a) A ten percent (10%) or more increase or decrease in the number of square feet or units that may be developed.
  - (b) A ten percent (10%) or more increase or reduction in the allowable height of buildings.
  - (c) An increase or reduction in the allowable number of stories of buildings.
  - (d) A ten percent (10%) or more increase or decrease in setback or open space

requirements.

(e) An increase or reduction in permitted uses.

5. In proceedings governed by subsection 4 of this section, the Town shall provide notice to real property owners pursuant to at least one of the following notification procedures:
  - (a) Notice shall be sent by first class mail to each real property owner, as shown on the last assessment, whose real property is directly governed by the changes.
  - (b) If the Town issues utility bills or other mass mailings that periodically include notices or other informational or advertising materials, the Town shall include notice of such changes with such utility bills or other mailings.
  - (c) The Town shall publish such changes prior to the first hearing on such changes in a newspaper (as defined in Title 39, Chapter 2 of the Arizona Revised Statutes) of general circulation. The changes shall be published in a "display ad" covering not less than one-eighth (1/8) of a full page.
6. If notice is provided pursuant to subsection 5 (b) or (c) above, the Town shall also send notice by first class mail to persons who register their names and addresses with the Town as being interested in receiving such notice.
7. Posting on or near the subject site shall be required not less than fifteen (15) days prior to the hearing. The posting shall set forth the time and place of the hearing including a general explanation of the matter to be considered and a general description of the area affected.
8. Notice shall be posted in three public places.
9. In addition to the notification methods described above, the Town may give notice of the hearing in such other manner as it may deem necessary or desirable.