

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

1st Reading & Public Hearing NOV 16 2006 C-6
2nd Reading & Public Hearing DEC 14 2006 C-5-6

- 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