ORDINANCE NO. 708

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING THE SECTION 15-02-004(D) TABLE OF RESIDENTIAL LOT DEVELOPMENT STANDARDS AND SECTION 15-11-002 OF CHAPTER 154 (THE UNIFIED DEVELOPMENT CODE) OF THE CODE OF THE TOWN OF PAYSON (ALLOWING 3000 SQUARE FOOT TOWNHOUSE LOTS IN R3 ZONES).

WHEREAS, the Development Standards for residential lots are set forth in the Section 15-04-004(D) Table of Residential Lot Development Standards; and

WHEREAS, on February 12, 2007, the Planning and Zoning Commission held a public hearing on a proposal to allow townhouse lots with a minimum square footage of 3000 square feet in R3 zones; and

WHEREAS, on February 12, 2007, the Planning and Zoning Commission considered the proposed allowance of townhouse lots and made recommendation to the Town Council; and

WHEREAS, the Town of Payson has found that the adoption of this Ordinance Number 708 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

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

Section 1. That the following definition of 'Townhouse' is hereby added to Section 15-11-002 (Definitions) of Chapter 154 (The Unified Development Code) of the Code of the Town of Payson and as added shall read as follows:

Townhouse: a dwelling unit on its own individual lot that shares one or more common abutting walls with one or more dwelling units.

Section 2. That the Section 15-02-004(D) Table of Residential Lot Development Standards of Chapter 154 (The Unified Development Code) of the Code of the Town of Payson is hereby amended to include footnote 8 (stating "Through the platting process, townhouse lots in R3 districts may be reduced to 3000 s.f, minimum width 30', minimum depth 80'") and as amended shall read as set forth in Exhibit A attached hereto.

Section 3. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance Number 708 are hereby repealed to the extent of such conflict.

Section 5. If any section, subsection, sentence, clause, phrase or portion of this Ordinance Number 708 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 708. The Mayor and Common Council of the Town of Payson declares that it would have adopted this Ordinance Number 708 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

1st Reading & Pub. Hrg. MAR 1 5 2007 G.9

2nd Reading & Public Hrg. APR 0 5 2007 G.12

unconstitutional.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON this _____ day of _____, 2007, 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

EXHIBIT A TO ORDINANCE 708

Table of Residential Lot Development Standards *5

Revised: 3-23-06

District (1)	Minimum Lot Size			Min. Lot Area per Dwelling Unit	Max Lot Cover	Minimum Yard Setbacks				Minimum Space Between Buildings	Public Water Sewer Required (5)
	Area sq. ft.	Width (2)	Depth (3)			Front	Rear (4)	Side	Strt Side		
R1-6	6,000	60'	90'	6,000	50%	20'	20'	5' (7)	10'	10'	YES
R1-8	8,000	70'	100'	8,000	40%	20'	20'	6' (7)	15'	10'	YES
R1-10	10,000	80'	110'	10,000	40%	20'	20'	7'	15'	10'	YES
R1-12	12,000	90'	120'	12,000	30%	25'	25'	8'	15'	10'	YES
R1-18	18,000	100'	140'	18,000	30%	30'	30'	10'	15'	10'	YES
R1-35	35,000	140'	180'	35,000	20%	35'	35'	20'	20'	10'	YES
R1-44	44,000	150'	190'	44,000	20%	40'	40'	20'	20'	10'	YES
R1-70	70,000	160'	240'	70,000	20%	50'	50'	25'	25'	10'	YES
R1-90	90,000	180'	270'	90,000	10%	55'	55'	25'	25'	10'	NO
R1-175	175,000	300'	300'	175,000	10%	60'	60'	30'	30'	10'	NO
R2	6,000	60'	90'	3,630*	50%	20'	10' (4)	5' (7)	15'	6'	YES
R3 (8)	6,000	60'	90'	2,420*	50%	20'	10' (4)	5' (7)	15'	6'	YES

*40

1. No building or structure shall exceed 35 feet in height above the grade level, except where provided for in a PAD overlay district.
2. For cul-de-sac and flag lots, the minimum width of the lot, at the street frontage, shall be 35' and the minimum lot width shall be obtained at the center point of the lot. For flag lots the front line is the line opposite the rear property line.
3. Flag lots shall have a maximum depth, from the street frontage to the area where the lot widens, of not more than 150'.
4. Where the rear property line is common with a single family residential district, the minimum rear yard setback shall be 18'.
5. Public sewer facilities shall be utilized: a) when the property is located within the Northern Gila County Sanitary District's boundaries and there is an adequate public sewer within 1000 feet of the nearest property line as measured along the usual or most feasible route of access. b) when property is not within the N.G.C.S. District's boundaries, but there is an adequate public sewer within 500 feet of the nearest property line, as measured along the usual or most feasible route of access, and the total cost of connecting to the sewer is less than two times the cost of installing an on-site disposal system. If facilities are unavailable within the parameters described in a) and b), then other suitable facilities are required to be approved by the Gila County Health Department. However, no new properties (less than 2 acres in size) shall be created by minor land divisions that would require septic or other alternate sanitary systems to be utilized. *41
6. Water facilities, if not Public, are required to be approved by the Arizona Department of Environmental Quality.
7. *Attached housing (zero lot line development) is allowed on contiguous lots within the same street frontage, provided both units are developed at the same time as a common project. All non-street setbacks which are opposite the common property line shall be increased by 2 feet over the minimum side yard setback for that district.* ***99**
8. Through the platting process, townhouse lots in R3 districts may be reduced to 3000 s.f.,minimum width 30', minimum depth 80'.

MEMO

TO: Mayor and Council

THROUGH: Fred Carpenter, Town Manager

FROM: Jerry Owen, Community Development Director

DATE: March 15, 2007

SUBJECT: UDC Amendments, 15-02-004 *Residential Districts, 15-11 Definitions* **P-334-07**

This proposed code amendment would establish the definition of a townhouse as well as provide minimum lot standards for townhouse construction. Without the proposed amendments the UDC inadvertently favors construction of apartment complexes and/or condominiums.

At the February 12, 2007 P&Z Commission Meeting Commissioner Jarrell moved, seconded by Hal Baas, to recommend to the Town Council approval of P-334-07, amendment to UDC Sections 15-02-004 and 15-11 as indicated in exhibits "A" and "B" of the staff report. The motion carried 7-0.

Staff report to the P&Z Commission and related exhibits are attached.

APR 05 2007 G.12

STAFF REPORT TO THE PLANNING & ZONING COMMISSION

I. INTRODUCTION

SUBJECT: **Proposed Unified Development Code (UDC) Amendment Sections:**
15-02-004 ***Residential Districts***
15-11 ***Definitions***

MEETING DATE: **February 12, 2007**

CASE NUMBER: **P-334-07**

LOCATION: All of Payson

APPLICANT: Community Development Department

II. BACKGROUND INFORMATION

UDC Section 15-02-004(A) *Purpose and Intent* states that the intent of R-2 and R-3 zoned multiple family residential districts is "to promote the development of residential areas conducive to multi-family living, allowing a variety of dwelling types, including apartments, townhouses, condominiums, and other housing of a more concentrated nature than found in the single-family districts; additionally the R-3 District provides for transitional uses that act as a buffer to protect the character of adjoining residential areas from nearby commercial uses."

III. ANALYSIS

During recent efforts to update and revise portions of the UDC staff has found that there are not definitions for each of the dwelling types listed as acceptable in a multi-family district. "Condominium" and "apartment" can be found in UDC Section 15-11 *Definitions,* however "townhouse" is not defined.

The chart entitled "Table of Residential Lot Development Standards", which establishes the minimum requirements for size of lot, area per dwelling unit, yard setbacks etc. lacks adequate provisions for the construction of townhouses. Townhouse subdivisions and construction of townhouses on existing lots has in effect been disallowed except within an approved Planned Area Development or a rental development where the entire site is under single ownership and the tenants are renters.

While there is a need for apartment rentals within the town, there is an equal need to encourage a variety of owner-occupied dwelling types. Unlike a condominium, a townhouse allows for ownership of lot area.

Currently, R3 zoned districts require 2,420 s.f. of lot area per dwelling unit. The minimum required lot depth is 90 feet, minimum lot width 60 feet, and minimum lot size is 6,000 s.f.. Because of these standards construction has primarily focused on condominiums and apartments.

Staff believes that by amending the Table of Residential Lot Development Standards to include an additional note (note 8) townhouse development could be made more feasible.

It is important to note that this change would not increase the density or number of units permitted on a particular piece of property. Rather, it would remove an obstacle that has limited the use of the townhouse form of ownership.

IV. RECOMMENDATION FOR P-334-07:

Staff suggests that the Planning & Zoning Commission recommend to the Town Council **Approval** of **P-334-07**, a Commission and Community Development Department request to amend the Unified Development Code by revising Sections 15-02-004 ***Residential Districts*** and 15-11 ***Definitions*** as indicated in Attachments "A" and "B" of this staff report.

* If a Commissioner agrees with the staff recommendation above, the following could be an appropriate motion:

"I move that the Planning & Zoning Commission recommend to the Town Council approval of P-334-07, amendment to UDC Sections 15-02-004 and 15-11 as indicated in exhibits "A" and "B" of the staff report."

Exhibit "A"

15-11-002 Definitions

Townhouse: a dwelling unit on its own individual lot that shares one or more common abutting walls with one or more dwelling units.

Exhibit "B"
Table of Residential Lot Development Standards *5

Revised: 3-23-06

District (1)	Minimum Lot Size			Min. Lot Area per Dwelling Unit	Max Lot Cover	Minimum Yard Setbacks				Minimum Space Between Buildings	Public Water Sewer Required (5)
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R1-12	12,000	90'	120'	12,000	30%	25'	25'	8'	15'	10'	YES
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8. Through the platting process, townhouse lots in R3 districts may be reduced to 3000 s.f.,minimum width 30', minimum depth 80'.

CASE NUMBER P. 334-07

TOWN OF PAYSON
PLANNING AND ZONING COMMISSION or
BOARD OF ADJUSTMENTS APPLICATION

The undersigned Applicant(s) hereby applies for:

- ☐ Abandonment Request
- ☐ Administrative Appeal
- ☒ Code Amendment
- ☐ Conditional Use Permit
- ☐ Development Master Plan
- ☐ Devel. Agreement, PAD & SPD
- ☐ Final Subdivision Plat
- ☐ General Plan or Land Use Plan Amendment
- ☐ Minor Land Division
- ☐ P & Z Commission Appeals
- ☐ Preliminary Subdivision Plat
- ☐ Temporary Use Permit
- ☐ Variance
- ☐ Zone Change

Project Address: Town of Payson Tax Parcel Number: N/A
Subdivision: N/A Lot Number:
Name of Applicant(s): Comm. Development Dept. Phone #: 928-474-5242
Mailing Address: 303 N. Beeline Hwy Town: Payson St: Az Zip: 85541
Name of Property Owner(s): N/A
Mailing Address: N/A Town: St: Zip:
Contact Person: Jerry Owen - Director Phone #: 474-5242 x267 Fax #: 472-7490
Payson Business License # N/A Sales Tax # N/A

Detailed Description of Request: Amend Section 15-02-004, Residential Districts & Section 15-11, Definitions, To Allow 3000 sq. ft. Lots in R-3 Zoning Districts & Define Town House.

(Note: Additional Description area can be included in an attachment)

Certification: I hereby certify that the data submitted on or with this application is true and correct, ~~that I am the Owner of the property at this address,~~ or that for the purpose of obtaining this approval I am an authorized agent on the owners behalf.

Jerry Owen		1.19.07
Print Name	Signature	Date

STAFF USE ONLY - PERTINENT DATA

APPLICATION	DATE	INITIALS	APPLICATION FEE: $
DATE FILED	1-19-07	RE	fee waived as Town Business
COMPLETED APPLICATION	1-24-07	RE	
NEWSPAPER PUBLICATION	1-26-07	RE	
300' NOTIFICATION MAILOUT	—	—	
POSTING DATE	1-26-07	RE	CHECK NUMBER: DATE:

RECOMMENDATION	DECISIONS
By: Date:	By: Date: