

ORDINANCE NO. 712

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING THE OFFICIAL ZONING MAP FOR THE TOWN OF PAYSON, AMENDING ORDINANCE NO. 466 AND AMENDING THE ZONING CODE FOR THE TOWN OF PAYSON BY REZONING CERTAIN REAL PROPERTY GENERALLY LOCATED AT 401 SOUTH RIM CLUB PARKWAY, BEING GILA COUNTY ASSESSOR'S PARCEL NUMBER 304-01-330, AS MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM R1-175 to R1-18 (401 SOUTH RIM CLUB PARKWAY).

WHEREAS, the Town of Payson from time to time amends its Official Zoning Map and Official Zoning Code for the purpose of accommodating zoning changes; and

WHEREAS, Application No. P-335-07 to amend the Official Zoning Map and Official Zoning Code has been made by Mark Voss, property owner to the Planning and Zoning Commission and the Town Council; and

WHEREAS, the Planning and Zoning Commission held a public hearing on March 12, 2007, considered the issues, and made recommendation on Application No. P-335-07 to the Town Council; and

WHEREAS, the Town Council held a public hearing on April 5, 2007, in regard to said Application No. P-335-07 and has considered the issues relating thereto,

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AS FOLLOWS:

Section 1. Ordinance No. 466 of the Town of Payson, the Official Zoning Map for the Town of Payson and the Zoning Code for the Town of Payson be and each is hereby amended to establish a zoning district of R1-18 for that portion of the certain real property located at 401 South Rim Club Parkway, Gila County Assessor's Parcel Number 304-01-330, more particularly described on Exhibit "A" attached hereto and made a part hereof by this reference (the "Property").

Section 2. That the requested rezoning and the use and density of the Property as proposed by Application No. P-335-07 are hereby made contingent upon those conditions set forth in Section 3 below, and are found to be consistent with the General Plan of the Town of Payson, as required by A.R.S. § 9-462.01(F).

Section 3. The foregoing changes in zoning shall be and are hereby specifically made contingent upon and conditional upon each of the following:

- A. The development shall be in substantial conformance with the Rezoning Site Plan, sealed February 28, 2007 and shall not exceed a total of 13 lots.

1st Reading & Public Hg. APR 05 2007 G. 14
2nd Reading & Public Hearing APR 19 2007 G. 11

- B. A note shall be added to the final plat stating: "Areas outside platted building envelopes shall not be disturbed in any manner except for defensible space thinning/maintenance. Any accessory structures, including fences, shall be located within the platted building envelope. Driveway widths outside the building envelope on all lots shall be limited to a maximum of 14 feet wide unless a greater width is needed to meet Fire Department requirements."
- C. The site shall be annexed into the Northern Gila County Sanitary District. Adequate sanitary facilities shall be designed in accordance with Northern Gila County Sanitary District standards prior to submittal of the Final Plat.
- D. Storm water detention/retention shall be provided in accordance with the then existing Town of Payson Requirements.
- E. If a subdivision sign is planned, a sign easement shall be created on the lot where the subdivision sign will be placed.
- F. An 8' wide compacted ABC path/trail will be constructed along the east side of South Rim Club Parkway as well as the two proposed cul-de-sacs, in accordance with the Community Trails criteria.
- G. The east side of South Rim Club Parkway fronting on this property must include a 2' ribbon curb to meet the Town standard.
- H. All applicable Town standards for development shall be met.
- I. The developer shall comply with the affordable/workforce housing contribution outlined in its letter dated February 5, 2007 attached as exhibit B.
- J. If any conditions listed in this Section 3 are not met or the applicant does not have an approved Final Plat within two (2) years of the approval date of the zoning change, then the R1-18 rezoning may revert to the original R1-175 zoning, pending Council action.

Section 4. This Ordinance 712 shall be treated as having been adopted and the 30-day referendum period established by Arizona Revised Statutes section ("A.R.S. §") 19-142(D) and §30.54 of the Code of the Town of Payson shall begin when the Town files with the Gila County Recorder an instrument (in a form acceptable to the Town Attorney), executed by the Mark Voss and any other party having any title interest in the Property, that waives any potential claims against the Town under the Arizona Property Rights Protection Act (A.R.S. § 12-1131 et seq., and specifically A.R.S. § 12-1134) resulting from changes in the land use laws that apply to the Property as a result of the Town's adoption of this Ordinance 712. If this waiver instrument is not recorded within 15 calendar days after the motion approving this Ordinance 712, this Ordinance 712 shall be void and of no force and effect.

Section 5. 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 _____, 2007, 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

LEGAL DESCRIPTION
401 S. Rim Club Parkway

PCL LYING E OF THE E R/W LINE OF LOOP RD PER DKT 742/534 IN N2 SE4
NE4; N2 N2 N2 S2 SE4 NE4 SEC 2 T10N R10E APPROX 7.6 AC M/L

EXHIBIT A TO ORDINANCE 712

EXHIBIT B TO ORDINANCE 712

February 5th, 2007

To the Town of Payson:

I, Mark Voss hereby submit the following proposal as my affordable housing contribution in the development of 401 S. Rim Club Parkway.

Upon final approval by the Town of Payson of rezoning to RI-18 from RI-175, preliminary plat, and final plat of a 13 lot subdivision located on the above stated property, Mark Voss will commit to contribute a cash sum of \$50,000.00 to either Payson area Habitat for Humanity or the to be established Town of Payson Affordable Housing Fund.



Mark Voss
P.O. Box 1943
Scottsdale, AZ 85252