SUMMARY OF AGENDA ITEM

DATE: **July 18, 2007**

TO: **Mayor and Council**

FROM: **Jerry Owen**
Community Development Director

SUBJECT: **Building Height Revisions - Unified Development Code (UDC)**

PURPOSE:
This amendment to the Unified Development Code would modify regulations for building heights and will be recommended for approval by the Planning and Zoning Commission at their July 9, 2007 meeting.

SUMMARY:
The Unified Development Code (UDC) limits building heights to 32 feet in the Green Valley Redevelopment Design Review Area and 35 feet for the rest of Town. Historically, the height restriction for Payson and many other communities was based on the limitations of standard fire fighting equipment. The GVRA height restriction was adopted in 2004 as part of the GVRA design review to encourage the "boomtown" look on Main Street.

Since the adoption of the UDC, the Payson Fire Department has added a 100 foot ladder truck to its inventory to extend their fire fighting and rescue capabilities. Land costs have risen dramatically. In some cases, lodging facilities are seeking three-story – 35 foot tall buildings but the height limit makes it difficult to achieve good design. In many cases, the portion of the building exceeding 35 feet is not "occupied" but atrium areas designed to bring proportion to the building.

Staff proposes the height requirement be raised to 35 feet of habitable space (3 story maximum) above grade level and 45' above grade level for non-habitable space in C-1, C-2 and C-3 zoning districts along Beeline Highway and Highway 260 to facilitate development while maintaining the 35 foot requirement in residential areas. Building heights in R2, R3, M1 or M2 may be up to 35 feet of habitable space (3 story maximum) above grade level and 45' above grade level for non-habitable space with a conditional use permit (CUP). In addition, staff also proposes to restrict the Green Valley Redevelopment Area (GVRA) Design Review requirement of 32 feet to properties fronting on Main Street within the historic district study area. Staff notes that the GVRA board has adopted a motion in support of this proposed change. The Fire Department has also been consulted and concurs with these proposals.

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ORDINANCE NO. 724

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTIONS 15-02-003(A)(1)(b) AND 15-02-013(F)(7)(f)(4) OF CHAPTER 154 (THE UNIFIED DEVELOPMENT CODE) OF THE CODE OF THE TOWN OF PAYSON (ALLOWING 45 FOOT HEIGHT LIMIT IN CERTAIN ZONING DISTRICTS).

WHEREAS, the height limitations for buildings within the the Town of Payson and also specifically within the Green Valley Redevelopment Area are set forth in the Sections 15-02-003(A)(1)(b) and 15-02-013(F)(7)(f)(4) respectively; and

WHEREAS, on July 9, 2007, the Planning and Zoning Commission held a public hearing on a proposal to amend the building height limitations, considered the proposed amendment, and made recommendation to the Town Council; and

WHEREAS, the Town of Payson has found that the adoption of this Ordinance Number 724 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;

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

Section 1. That the Section 15-02-003(A)(1)(b) of Chapter 154 (The Unified Development Code) of the Code of the Town of Payson is hereby amended and as amended shall read as follows:

15-02-003 General Development Standards and Zoning Provisions

The following shall apply to all zoning districts, unless otherwise specifically stated in this Code:

A. General Development Standards

1. Structures and Uses - All structures shall be used only for purposes compatible with the district in which they are located, and shall meet the following requirements:

~~b. No building or other structure shall exceed 35 feet in height above the grade level, except where otherwise provided for in this Code (i.e. PAD district).~~

b. Buildings shall not exceed 35 feet in height above grade except as provided for below:

(1) Buildings in C1, C2, C3 and PAD zoning districts may be up to 45 feet above grade so long as the building has no more than 3 stories and has no more than a height of 35 feet of habitable or occupiable space.

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(2) Buildings in R2, R3, M-1 and M-2 zoning districts, including those having a PAD Overlay, may be up to 45 feet above grade so long as the building has no more than 3 stories and has no more than a height of 35 feet of habitable or occupiable space with a conditional use permit (CUP).

Section 2. That the Section 15-02-013(F)(7)(f)(4) of Chapter 154 (The Unified Development Code) of the Code of the Town of Payson is hereby amended and as amended shall read as follows:

15-02-013 Special Plan District - Green Valley Redevelopment Area
F. Design Review
7. Development Standards
f. Structural Design
(4) Building Height:
a. Buildings fronting on Main Street within the historic district study area shall not exceed two stories nor a height of thirty-two (32) feet above grade.
b. All other buildings shall be subject to the restrictions as set forth in section 15-02-003A.1.b.

Section 3. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance Number 724 are hereby repealed to the extent of such conflict.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance Number 724 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 724. The Mayor and Common Council of the Town of Payson declares that it would have adopted this Ordinance Number 724 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 _____, 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